

THIS AGENDA IS POSTED IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54950 ET. SEQ.
DATE POSTED: December 24, 2011 TIME POSTED: 4:00 P.M.



CITY OF EAST PALO ALTO
SPECIAL PLANNING COMMISSION MEETING
TUESDAY, December 27, 2011

7:00 P.M.

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

Chairperson: Robert Sherrard

Vice Chairperson: Alex Quezada

Commissioners: Robert Allen, Renee Glover Chantler, Bernardo Huerta, Jorge Prado, Court Skinner, Melvin Gains

Staff: Brent A. Butler, AICP, CFM, Planning Manager
Neelam Naidu, Deputy City Attorney

1. Roll Call
2. Approval of Agenda
3. Open Forum (Address Any Item Not on the Agenda)
4. Items Removed from Consent Calendar
5. **Appeal (A11-002):** Preschool in Light Industrial Zone (*Continued from 12/12 Meeting*)
Location: 1836-1848 Bay Road, APN 063-231-260
Owner/Application: Action Associates/Project We Hope
Proposal: To receive a written determination from the Planning Commission if a proposed preschool in the M1 (Light Industrial) Zoning District is consistent with the intent of the East Palo Alto Zoning Ordinance.
Staff Recommendation: Sustain the Planning Director's interpretation that the proposed use in M-1 is not consistent with the Zoning Ordinance.
Project Planner: Brent A. Butler; TEL 650 853-3121
6. Adjournment

Upcoming Meetings	
January 9, 2011	Public Hearing on 1877 Bay Road for College Track's Use Permit Renewal Public Hearing on 432 Bell Street for a Church's Use Permit Renewal Public Hearing on Renewal of Use Permit for Infinity Auto Salvage Public Hearing on Design Review for four new homes at 1160 Weeks Street Public Hearing on Special Use Permit at 2520 Pulgas Avenue Study Session on Healthy Community Plan Public Hearing on Subdivision Regulations

<i>January 23, 2011</i>	Public Hearing on Residential Design Guidelines Public Hearing on Special Use Permits at 1848 Bay Road Public Hearing on Special Use Permits at 2470 Pulgas Avenue Public Hearing on Design Review for new single family home at 833 Green Street Public Hearing on Design Review Application at 755/765 Runnymede Street
<i>February 13, 2012</i>	Public Hearing on Five Year Capital Improvement Program

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. 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) 853-3189 three days before the hearing date. Additionally, those wishing to include an electronic media presentation must furnish/provide their own equipment. For further information regarding these items, you may contact the City of East Palo Alto Planning Division at 1960 Tate Street, or call (650) 853-3189.

Nota: Una apelación ante la corte acerca de los asuntos arriba mencionados, únicamente pueden incluir asuntos que fueron discutidos en la audiencia pública, o que fueron comunicados por correspondencia escrita a la ciudad de East Palo Alto, durante, o antes de la audiencia pública. Por lo tanto, para que sus comentarios sean considerados usted debe de (1) asistir a la reunión y discutir el asunto que usted considere pertinente, (2) o someter comentarios por escritos a la División de Planeación, (3) o someter comentarios por escritos a la Comisión de Planeación antes de que la Comisión de Planeación tome acción en el asunto arriba mencionado. El Acta de Americanos Deshabilitados (ADA) requiere proveer acomodación y acceso razonables a individuos con dificultades físicas. Las personas que soliciten tal acomodaciones deben ponerse en contacto con la oficina de la División de Planeación al (650) 853-3185 tres días antes de la fecha de la audiencia. Además, éstos que deseen incluir medios electrónicos en la presentación, deben equipar/o proporcionar su propio equipo. Para obtener información adicional con respecto a los asuntos arriba mencionados, usted puede contactarse con la División de Planeación de la ciudad de East Palo Alto, en el 1960 de la Calle Tate, (1960 Tate St.) o llamar al: (650) 853-3185.



City of East Palo Alto
Community Development Department

APPEAL

Date: December 27, 2011
To: Honorable Chair and Planning Commissioners
From: Respondent Agency, Planning Division
Brent A. Butler, AICP, CFM, Planning Manager
Re: Appeal of Zoning Code Interpretation (A11-002)

I. *APPEAL DETAILS*

Appellate Body: Planning Commission
Appellant/Petitioner: Pastor Paul Bains and Mrs. Cheryl Bains
Project We Hope
Respondent Agency: Community Development Department
Planning Division
DATE OF APPEAL **December 1, 2011** (A11-002)

Appeal- The appellant is requesting the Planning Commission to override the Director's determination that the Zoning Code does not authorize a Preschool serving 3 to 4 years old in the Light Industrial Zone (M-1)

Zoning: M-1 Zone
General Plan: General Industrial
FIRM: X-zone - 500 year floodplain
APN: 063-231-260
Notice: A public hearing notice was published December 2, 2011 in the Daily News
Recommendation: Planning Division staff recommends that the Planning Commission:
1. Sustain the Planning Director's determination that the use is not one of the 165 permitted or 8 conditional uses allowed in the M-1 Zone; and
2. That the use is inconsistent with the General Plan

II. Background

The applicant consulted with City staff on July 28, August 4 and 10 and September 13, 2011 about their intent to open a preschool in the Light Industrial zone, and underlying code compliance issues related to an existing gym at the site. By letter on October 6, 2011, the Planning Division notified the applicant that the Planning Commission would provide staff an administrative interpretation of § 6271 of the Code pertaining to establishing a preschool in the Light Industrial Zoning District. This review is consistent with § 6104 of the Zoning Ordinance, which states:

The Director of Planning [Manager] may refer any matter directly to the Planning Commission when, in his or her opinion, such action will be in the public interest.

The Planning Commission discussed the project particulars with the applicant during the regularly scheduled Planning Commission meeting on October 24, 2011. After careful consideration of the record identified below (including Planning Commission input), the Planning Division issued a letter dated December 1, 2011 indicating that the proposed use is not consistent with the M-1 (Light Industrial) zoning district nor is it consistent with the General Plan.

Planning Commission's December 12, 2011 Regular Meeting

The originally scheduled *December 12, 2011 Appeal Hearing* was continued to December 27, 2011. With the exception of continuing the hearing, no action was taken.

Public Notice

Notice was mailed to all property owners within 300 feet 10 days prior to the December 12 hearing, since the applicant expressed an interest in establishing a preschool in one of the buildings associated with People's Plaza (1836-1848 Bay Road)., This mailing is consistent with the City Council strategic priority number 5 'to improve communication and enhance community engagement'. As of December 20, 2011, no application has been filed with the Planning Department to actually establish the preschool use (*See Attachment 1 – Record of Appeal*). The appeal is focused on the Planning Division interpretation that a preschool is not an appropriate use in the M-1 Zone.

During the December 12, 2011 Planning Commission hearing, it was determined that the newspaper notice required by Section 6584 of the Zoning Ordinance was deficient due to a publication error by the newspaper. Neither the date nor time was published as requested by City staff. As a result, presentation of the item ceased, and because the applicant stated that he would not be available for the Planning Commission's next regular meeting on January 9, 2012, the Planning Commission continued the appeal hearing to a Special Meeting of the Planning Commission on December 27, 2011 at 7PM. Corrected newspaper notice has been published on December 14, 2011 (*See Attachment 1 – Record of Appeal*)

III. Appeal

In response to the Planning Division's December 1, 2011 letter, the applicant submitted an appeal letter and fee on December 1, 2011, which raises six issues. The Planning Division Manager certifies that the appeal is consistent with the provisions of the code, fees have been properly paid for by the applicant, and that this matter is therefore properly before the reviewing body, the Planning Commission.

The Planning Division response corresponds to the issues raised by the applicant in each of the six areas outlined and relies both on the Planning Division and Commission, ("Planning Agency") interpretation of the code.

The appeal record includes the following:

- 1) Draft minutes of the October 24, 2011 (scheduled for adoption December 12, 2011),
- 2) The applicant's submittal, and
- 3) All correspondence, including the Planning Director's administrative determination and letter received from Ravenswood Shores LLC. (*See Attachment 1- Record of Appeal*).

ISSUES ON APPEAL

Issue 1 –Prior Planning Commission approvals

The applicant concludes that the '*East Palo Alto Community would be safe from any questionable industrial hindrance*' which would be detrimental to the health of sensitive receptors¹ since the code states that 'no use should be carried on in a manner that is in the opinion of the Planning Commission objectionable from the standpoint of odor, dust, smoke, gas, noise, vibration, or community health and safety' (See Section 6271a).

Recommended Finding 1

The record does not support the applicant's conclusion for several reasons. Based on the General Plan designation 'General Industrial,' as implemented by Zoning Code § 6271 relating to Light Industrial (M-1), and the October 24, 2011 record of the Planning Commission meeting, the code does not expressly authorize preschools either as a permitted or conditional use. Commissioner Skinner provided this interpretation of the code; Commissioner Glover-Chantler found that the proposed use does not appear consistent with the Ravenswood Specific Plan visioning process.

Standard of prior review – Light Industrial

The Planning Commission reviews a project for consistency with the standards in the zoning district for which the use is proposed. Approved uses in the Light Industrial Zone typically allow greater environmental impacts than residential uses. . Federal, state and local regulations recognize this difference by establishing regulations for noise, among other elements of

¹ See Bay Area Air Quality Management District Guidelines, page 10, available online, http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Plans/CEQA%20Guide/ceqa_guide.ashx

environmental review. Pursuant to the California Environmental Quality Act (CEQA), and based on receiver characteristics, the Planning Commission historically has permitted uses in M-1 that, while objectionable to residences, would not be to industry. Furthermore, the Commissioners' questions on October 24, 2011, and the existing local guidance provided by the Bay Area Air Quality Management District suggest that the proposed preschool will require an even greater level of review, and possible protection, than a typical residential use. Commissioner Huerta stated concerns about the impact of contaminated soil on preschoolers; Vice-Chair Quezada stated he is in support of more schools, but this location is a difficult one for the Planning Commission to potentially approve.

Scientific evidence argues for lower thresholds for preschoolers

There is scientific evidence that in addition to airborne contaminants, noise could potentially be a problem for the preschool based on the proximity to an official truck route, as well as the types of uses historically allowed in the Light Industrial zoning district. High noise exposure can induce hearing impairment, hypertension and ischemic heart disease, and result in annoyance, sleep disturbance, and decreased school performance; placing a preschool in a zone where higher noise levels are permitted could have serious implications.² Schools with sensitive receptors (children between 4 and 5 years) are more susceptible and therefore would have even lower noise thresholds. Table 1, the Federal Highway Administration (FHWA) Noise Abatement Standards, which are incorporated in local zoning through East Palo Alto Municipal Code § 8.52, illustrate this last point. Activity B and C shows that not all schools or school type uses are assessed equally. Older youth could receive higher impacts than a preschool. ***This is especially relevant since the same level of noise that is not objectionable for users of the College Track facility, which caters to adolescents and is located across the street, may be beyond the threshold for the younger children who would use the preschool.***

Table 1 Noise Abatement Criteria (NAC) Hourly A Weighted Sound Level in Decibels (dBA)*

Activity Category	L _{eq} (h)	L ₁₀ (h)	Description of Activity Category
A	57 (Exterior)	60 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (Exterior)	70 (Exterior)	Picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (Exterior)	75 (Exterior)	Developed lands, properties, or activities not included in Categories A or B above.
E	52 (Interior)	55 (Interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

Source: 23 Code of Federal Regulations (CFR), Part 772,* Either L_{eq}(h) or L₁₀(h) (but not both) may be used on a project. Available online December 8, 2011, http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/faq_nols.cfm EPA §8.52.010 says: "certain noise levels are detrimental to the public health, welfare, and safety, and are contrary to public interest."

East Palo Alto incorporates a version of this concept in its Municipal Code Section 8.52.320. The City authorizes a maximum noise level of 55db for residences.

² See California Health and Safety Code, Division 28 Noise Control Act, Chapter 1, 46000; also see, Noise and Public Health, available 12-8- 2011, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1637786/>

What does this mean for local business?

Noise levels between 55 dbl and 75dbl, which are currently allowed, may be prohibited in the future because the East Palo Alto noise ordinance could restrict businesses that create noise greater than 55dbl but less than the 75 dbl, even though currently permitted by State and Federal law. **Planning Commission approval of a preschool could have negative economic consequences for businesses, as expressed in the letter from Ravenswood Shores LLC.** A review of the 173 uses outlined in § 6271 demonstrates that this could impact roughly 2/3 of the businesses, and would potentially establish a new threshold for future uses in the zone.

Issue 2 – Comparison with other allowed uses

The applicant states that ‘comparable aged activities i.e., (12) Baseball Park, (29) Carnivals, commercial or otherwise; (38) Circus; and (142) Skating rinks, as well as Section 6271 (b) Golf driving ranges are allowed. These activities include the potential for affecting the same protected group(s) or sensitive receptors the school would serve.

Recommended Finding 2

First and foremost, the uses identified as “similar” in nature are substantially different. None of the uses involve solely young (3-4 years old children), nor do they involve typically all day exposure/use.

The Planning Division research on this topic illustrates that exposure is a key determinant in risk analysis. E. M. Faustman who writes extensively on the topic of children and toxicity provides some guidance. In numerous articles that she co-authored, including one entitled *Mechanisms Underlying Children’s Susceptibility to Environmental Toxicants*, she clearly identifies that the dose-response relationship is an essential characteristic of risk assessment.³ Short term exposure to environmental toxicants or impacts, as expected if a child participates in a sports event or goes to a noisy location such as a carnival once a year, is significantly different than recurring exposure, such as returning to the same site daily. For this reason alone, the short term nature of the uses referenced by the applicant are wholly and entirely different than a preschool.

³ Available online December 8, 2011, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1637781/?page=2>

Issue 3 - Mixed Use Pulgas Project and Consistency

The applicant states that ‘the adjoining property next to 1849 has been zoned for Planned Unit Development...Any industrial radius issues posed for the school would also be applicable to this site which will surely house the same sensitive receptors, such as children and the elderly.’

Recommended Finding 3

The referenced project is designed so that a transitional buffer exists to mitigate the impacts between the Weeks neighborhood and the industrial uses north of Bay Road. For this reason, even the Ravenswood 4Corner/TOD Specific Plan includes transitions to the industrial uses to the north.

It is better to avoid exposure of sensitive receptors to toxic air contaminants or noise. Nevertheless, it is recognized that incidental exposure is practically impossible to avoid and it does occur. Thus, some children will transit, or most likely already live in some proximity to the industrial area, for example, the few incidents of children or elders that in the future may live in the referenced 51 residential units project or that already live on Illinois Street. However, approving this request would purposely gather, children from other locations, to create a very high concentration of some of the most sensitive receptors there can be, preschool children, to be exposed for a sustained period of time to the potential toxic air contaminants and noise of an industrial area. As mentioned earlier, the existing guidance provided by the Bay Area Air Quality Management District suggests that the proposed preschool will require an even greater level of review, and possible protection, than a typical residential use.

Issue 4 – This area is classified as the “City’s Official trucking route” that will increase risk...will not apply to the children since ‘they already affect the community’s air quality control which could be said to affect all children that live in those residential buildings and attend schools.’

Recommended Finding 4

If children are exposed to toxins where they live this would be a persuasive argument to locate the preschool in a zone that reduces exposures during the day. From a toxicity standpoint, you would try to reduce the children’s length of exposure to environmental toxins, not increase it by bringing them to a potentially hazardous zone. A preschool in a M-1 zone could increase the dose of toxic air contaminants and noise that sensitive receptors receive. Conversely, by locating the preschool near open space and parks which filter the air, a preschool could potentially improve the positive health outcome of our youth by reducing the number of hours that children would be exposed to unhealthful airborne contaminants, if present.

Issue 5 – Neighboring communities, such as Palo Alto, have multiple schools including preschools in the Office Park building areas on West Bayshore, which parallels the freeway.

Recommended Finding 5

A review of Palo Alto schools is beyond the scope of this review. Given that any use near a freeway surpassing a certain number of trips has to adhere to the new Bay Area Air Quality Management District’s May 2010 guidelines⁴, staff cannot comment upon how and if these schools are complaint. Perhaps many of these schools were developed prior to current standards. No information about these schools is a part of the record, such as when they were approved, the ages they serve, or what type of air filtration systems or noise abatement systems were installed to reduce classrooms impacts from noise, and airborne particulates.

Issue 6 – Other approved uses are comparable

Recommended Finding 6

The applicant is proposing a school that services children younger than 6 years of age, which are classified as sensitive receptors. There is no evidence in the record that any of the surrounding uses serve a population that is this young.

OTHER ISSUES:

The Planning Commission raised the issue of whether this use would be temporary. Given the statements entered into the record by the applicant during the October 24, 2011 hearing, Commissioner Glover Chantler assessment that this use will not be temporary is relevant, and establishes additional issues that need analysis. It is not recommended by staff that the Commission consider the use as a ‘temporary’ use.

IV. ATTACHMENTS

ATTACHMENT 1: Record of APPEAL

⁴ See Bay Area Air Quality Management District’s (BAAQMD) “Recommended Methods for Screening and Modeling Local Risks and Hazards” (May 2011, version 2.0)

ATTACHMENT 1 - RECORD OF APPEAL

CHRONOLOGICAL ORDER

- 1) PUBLIC NOTICE, DECEMBER 14, 2011**
- 2) 300 FOOT MAILING, POSTAGE PREPAID**
- 3) APPEAL FORM**
- 4) DECEMBER 1, 2011 – LETTER OF APPEAL**
- 5) PROOF OF PAYMENT OF APPEAL FEE**
- 6) DETERMINATION LETTER**
- 7) OCTOBER 24, 2011 PLANNING COMMISSION MINUTES**
- 8) OCTOBER 24, 2011 LETTER FROM RAVENSWOOD SHORES BUSINESS DISTRICT, LLC**
- 9) OCTOBER 21, 2011 – POSTED PLANNING COMMISSION AGENDA**
- 10) OCTOBER 6, 2011 – PLANNING MANAGER’S LETTER TO APPLICANT**
- 11) AUGUST 18, 2011 – MEMO WITH PRELIMINARY ASSESSMENT**
- 12) AUGUST 16, 2011 – REQUEST FOR EDUCATION USE PERMIT IN INDUSTRIAL ZONE**
- 13) AUGUST 16, 2011 – OPERATIONAL LETTER**



east palo alto.
• SEARCH RESULTS:
• ADVANCED SEARCH:



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Fusion

We 12/14/2011

Classifieds

<p>Scan This With your Smart Phone</p>	<p>LEGAL NOTICE</p> <p>NOTICE IS HEREBY GIVEN that on Tuesday, December 27, 2011, at the hour of 7:00 p.m. in the City Council Chambers at 2415 University Avenue, East Palo Alto, the City of East Palo Alto Planning Commission will conduct a hearing on the following item:</p> <p>1. Public Hearing: Preschool in Light Industrial Zone (A11-002) Location: 1835-1848 Bay Road</p> <p>Owner/Applications: Act on Associates/Project We Hope</p> <p>Proposals: Consider an Appeal of the Planning Director's Determination that a preschool in the M1 (Light Industrial) Zoning District is not consistent with the intent of the East Palo Alto Zoning Ordinance.</p> <p>General Plan: General</p>
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<p>Legals</p> <p>Fictitious Business</p> <p>FICTITIOUS BUSINESS NAME STATEMENT #247791</p> <p>The following persons are going business as: Alternative Heating and Air Conditioning Solutions-Alternative HVAC Solutions. Located at 104 Constitution Dr. Menlo Park Ca 94025, is hereby registered by the following owners: Jilka Mikala. The business is conducted by an individual. Registrant has begun to transact business under the fictitious business name or names listed here. This statement was filed with the Assessor-County Clerk-Recorder of San Mateo County on 12/29/2011. (Pub: Redwood City Daily News 12/7, 12/14, 12/21, 12/28</p>	<p>Legals</p> <p>Other Legal</p> <p>NOTICE IS HEREBY GIVEN that on Tuesday, December 27, 2011, at the hour of 7:00 p.m. in the City Council Chambers at 2415 University Avenue, East Palo Alto, the City of East Palo Alto Planning Commission will conduct a hearing on the following item:</p> <p>1. Public Hearing: Preschool in Light Industrial Zone (A11-002) Location: 1835-1848 Bay Road</p> <p>Owner/Applications: Act on Associates/Project We Hope</p> <p>Proposals: Consider an Appeal of the Planning Director's Determination that a preschool in the M1 (Light Industrial) Zoning District is not consistent with the intent of the East Palo Alto Zoning Ordinance.</p> <p>General Plan: General</p>
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Classifieds

Category	Text	Text	Text	Text	Text	Text	Text
Real Estate
Business
Legal
Services
Jobs

Graphic	SIZE +	SIZE -	RECALL	TEXT
Other Legal				
<p>al Industrial Zoning/APN: M1 (Light Industrial)/063-231-260</p> <p>NOTICE IS HEREBY GIVEN that on Monday, January 9, 2012, at the hour of 7:00 p.m. in the City Council Chambers at 2415 University Avenue, East Palo Alto, the City of East Palo Alto Planning Commission will conduct hearings on the following items:</p> <p>2. Public Hearing: Special Use Permit (SUP 06-08) Location: 1577 Bay Road Proposal: Renewal of Special Use Permit (SUP 06-05) to operate College Track, a college preparatory tutoring and academic counseling services program with associated offices. Owner/Applicant: Richard and Ladon Detro/Sharifa Wilson Zoning/APN: M1 (Light Industrial)/063-131-260</p> <p>3. Public Hearing: Special Use</p>				
Other Legal				
<p>natory and/or retaliatory evictions pursuant to Section 13 of the Ordinance; Ensuring residential tenants a clean, safe and habitable dwelling pursuant to the Warranty of Habitability; Quasi-Judicial Role includes sitting as an Appeals Board to hear and decide Tenant and Landlord Petitions for Individual Rent Adjustments and/or hearings on a Individual Rent Adjustments or Net Operating Income Adjustments; Attend Landlord and Tenant Outreach and Education events; and Assuring Landlords both a fair and equitable return on their investment sufficient to cover costs of maintenance, operating expenses and the costs of capital improvements.</p> <p>PUBLIC WORKS AND TRANSPORTATION COMMISSION - Total Number of Seats: 8 (7 Full time Members, 1 Alternate. VACANCIES: 1 REGULAR SEAT The Commission meets the 1st and 3rd Wednesdays of each month.</p>				

APN	OWNER	ADDRESS	CITY	STATE	ZIP
063232090	1001 1003 Weeks Lic	333 Willowbrook Dr	Portola Valley	CA	94028-
063231260	Action Associates Inc	Po Box 50219	Palo Alto	CA	94303-0219
063131220	Bay Business Park Llc	2228 Union St Ph	San Francisco	CA	94123-3909
063231250	City Of East Palo Alto	1798 Bay Rd	East Palo Alto	CA	94303-1716
063231220	Clemons Lee V Tr	1800 Bay Rd	East Palo Alto	CA	94303-
063131250	Community Legal Services In East Palo Al	2117 B University Ave	East Palo Alto	CA	94303-
063231230	Cornello Hector J Tr	94 Cebalo Ln	Atherton	CA	94027-
063131290	Demeter Properties Llc	160 Demeter St	E Palo Alto	CA	94303-
063131260	Detro Richard G Tr	351 Demeter St	East Palo Alto	CA	94303-
063730050	Dkb Homes Lic	225 W Julian St Ste 200	San Jose	CA	95110-2406
063231270	Lopez Felipe D & Ana Maria	21802 N Hwy 99	Acampo	CA	95220-
063232260	Prado Jose Tr	867 Anamor Street	Redwood City	CA	94061-
063131340	Pulgas Avenue Investors	418 Willow Rd	Menlo Park	CA	94025-
063131330	Sevy Christopher	232 Echo Lane	Portola Valley	CA	94028-
063231240	South County Community Health Ctr Inc	1798 A Bay Rd	East Palo Alto	CA	94303-1311
063231210	Tongan Wesleyan Church Of America	2493 Pulgas Ave	East Palo Alto	CA	94303-
063133130	Wang Philip H J & Louise L	4198 Farrell Way	Santa Clara	CA	95054-
063231280	Williams Randall Keith Tr	1896 Bay Rd	East Palo Alto	CA	94303-

+ Preschool written determination -1

12/2/11 - Guido 300 FEET



Community Development Department-
Planning Division
1960 Tate Street
East Palo Alto, CA 94303

«OWNER»

«ADDRESS»

«CITY» «STATE» «ZIP»



CITY OF EAST PALO ALTO

Planning Division

1960 Tate Street · East Palo Alto, CA 94303

Tel: (650) 853-3185 · Fax: (650) 853-3179

Date: December 2, 2011

To: Property Owners within 300 Feet of 1836-1848 Bay (People's Plaza)

NOTICE IS HEREBY GIVEN that on Monday, December 12, 2011, at the hour of 7:30 p.m. in the City Council Chambers at 2415 University Avenue, East Palo Alto, the City of East Palo Alto Planning Commission will conduct a hearing on the following item:

Public Hearing: Preschool in Light Industrial Zone

Location: 1836-1848 Bay Road (People's Plaza)

Owner/Application: Action Associates/Project We Hope

Proposal: Consider an Appeal of the Planning Director's Determination that a preschool in the M1 (Light Industrial) Zoning District is not consistent with the intent of the East Palo Alto General Plan and Zoning Ordinance.

General Plan: General Industrial

Zoning/APN: M1 (Light Industrial)/063-231-260

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 City Council before action is taken on the item. For further information regarding this item, visit 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 at (650) 853-3185 three days before the hearing date.

Brent Butler
Planning Division Manager



(We Help Other People Excel)

A 501c3 nonprofit community family Intervention agency

December 1, 2011

City of East Palo Alto Planning Committee

Dear Planning Committee,

Thank you for this opportunity to appeal the determination letter pursuant Section 6581.1 of the Zoning Ordinance, dated December 1, 2011 from Planning Manager, Brent Butler. I truly believe even though he and I don't agree on this determination, Mr. Butler and the Project WeHOPE organization strive to do what is right to develop and enhance this community.

In reviewing the 165 permitted uses listed in the Section 6271(a) of the "M-1" District Zoning Ordinances and cross referencing it with the Proposed Zoning Redevelopment plan, we see that precedence has been made for this type of use Project WeHOPE is requesting and disagree with Mr. Butler's interpretation of policies 3:1 & 3:2. Additionally, Bay Area Air Quality Management District materials support decline in emissions from on-road vehicles.

1) The established caveat for all "M-1" Light Industrial uses according to section 6271(a) is documented and states *"The following uses, provided that no use shall be carried on in a manner that is in the opinion of the Planning Commission objectionable from the standpoint of odor, dust, smoke, gas, noise, vibration, or community health and safety."*

With this in mind, the safety and health of the East Palo Alto Community would be safe from any questionable industrial hindrance for these classified sensitive receptors or any of the residence affected by this M-1 zoning. As stated by Mr. Butler, "although nearly two-thirds of the 165 uses permitted by right in the surrounding zone are likely to produce emissions, which are harmful to sensitive receptors" and non sensitive receptors, the Planning Commission would weigh the objectionable nature of those organizations to minimize exposure since the surrounding zoning includes an approved housing development.

2) According to Section 6271(a), regulations allow for comparable aged activities, i.e., (12) Baseball Park; (29) Carnivals, commercial or otherwise; (38) Circus; and (142) Skating rinks, as well as Section 6271(b), (4) Golf driving ranges. These listed activities include the potential for the same protected group(s) or sensitive receptors the school would serve.

3) The adjoining property next to 1840 has been zoned for Planned Unit Development for the Pulgas Mixed Use Project. Any industrial radius issues posed for the school would also be applicable to this site which will surely house the same sensitive receptors, such as children and the elderly. Since this is an approved part of the City of East Palo Alto Redevelopment Plan, the consistency of consideration

Paul Hains
President/Founder

Cheryl Hains
President
Executive Director

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www.projectwehope.org

should be applied since indeed, the same population would have the same exposure concerns. Consequently, any industrial business approved by the Planning Commission within the danger radius will be scrutinized by the established caveat for approval which means no questionable or objectionable entity will be approved. Therefore, the school does not affect the potential of industrial business recruitment outside of the affects already existing in the Redevelopment approval plan for the Pulgas Mixed Use Project as expressed by the Ravenswood Shores LLC letter nor is it incompatible with the Redevelopment plan of the surrounding zone.

4) This area, as stated, is classified as the "City's official trucking route", that "will increase risk for higher morbidity due to susceptibility of the sensitive receptor class", will not apply to the children at this school nor the current and approved residence that live less than 15 yards away. Since Pulgas and University Avenue (consisting of residential buildings and schools) and Bay Road, are considered a high traffic area due to commuting travel to and from the Dumbarton Bridge, they already affect the community's air quality control which could be said to affect all the children that live in those residential buildings and attend those schools. Commute traffic begins at 7:00 a.m. to 9:00 a.m. and then again from 3:00 p.m. to 6:30 p.m. None of those timeframes would the children of Premier school be outside of the building to be exposed to those added fumes. According to literature from the Bay Area Air Quality Management District, on-road motor vehicle emissions have declined due to fleet turnover, introduction to Reformulate Gasoline Phase II in 1996, and the introduction to Enhanced Inspection and Maintenance Program (Smog Check II) in October 2004. On-road emissions are expected to decline 1.6% per year until 2020.

5) Neighboring communities, such as Palo Alto, have multiple schools including preschools in the Office Park building areas on West Bayshore which parallels the freeway. This is an example of a general precedence established.

6) Current and past precedence has been set with the permitting of the previous tenant in the same space, i.e., Aspire Schools and College Track. Currently, College Track is still housed directly across the street in the same zoning area. Rebuilding Futures Now is a current tenant in the space which we plan to share with them. They are a youth organization servicing children under the 6th grade.

Thanks for your consideration in this matter. For more information, I can be reached at (650) 207-1998, pbains7@projectwehope.com.

Working for the betterment of our community,

Pastor Paul J. Bains
President and Program Director
Project WeHOPE

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MAILING ADDRESS

PROJECT WEHOPE

6000 COLLEGE TRACK

EMERYVILLE, CA 94608

TEL: (650) 207-1998

Web:

www.projectwehope.com





RECEIPT

The City of East Palo Alto
2nd Floor - 2415 University Ave
East Palo Alto, CA 94303
Phone: (650) 853-3100

1836 Bay Rd
East Palo Alto, CA 94303
APPEALS/ADMIN APPEAL

Project No: A11-002
Receipt No: R002046

Fee Description	Account	Fee Amount
APPEALS		
APPEAL TO CC BY EPA RESIDENT	010-43300-4333	\$ 33.00

Total Fees Paid: \$ 33.00
Date Paid: 12/01/2011
Paid By: Bains Family c/o Project We Ho
Pay Method: CHECK 1943
Received By: Guido Persicone

Finance



CITY OF EAST PALO ALTO
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1960 Tate Street • East Palo Alto, CA 94303

[VIA U.S. MAIL]

December 1, 2011

Pastor Paul Bains
c/o Project WE HOPE
P.O. Box 50624
East Palo Alto, CA 94303

RE: 1836 - 1848 Bay Road (APN 063-231-260)

Dear Pastor Bains:

On October 24, 2011, as expressly provided for under Section 6104 of the Zoning Ordinance, the Planning Commission reviewed provisions of the M-1 Light Industrial Zoning District and provided guidance to the Planning Division on the following question: Is the proposed preschool in the M-1 Zoning District consistent with the intent of the East Palo Alto General Plan and Zoning Ordinance?

After a review of the General Plan, the Planning Manager determines Policies 3.1 or 3.2 are relevant. They read:

Policy 3.1: Preserve and enhance the quality of East Palo Alto neighborhoods by avoiding or abating the intrusion of disruptive, nonconforming buildings and uses.

Policy 3.2: Ensure that new development is compatible with the physical characteristics of its site, surrounding land uses, and available public infrastructure.

After a careful review, the Planning Division Manager finds that the Zoning Ordinance does not expressly authorize a preschool as one of the 165 permitted uses listed in Section 6271(a). The Planning Manager further concludes that Section 6271(b) does not expressly authorize a preschool as one of eight uses for which a use permit could be secured.


The Planning Division received a letter from the Ravenswood Shores LLC, which expressed concern that the surrounding uses are incompatible with the proposed preschool. Comments provided by the Planning Commission also support this finding, as does a review of the surrounding site. The proposed site also is located adjacent to the City's official truck route (See Figure C-6 of the Circulation Element). Nearly two-thirds of the 165 uses permitted by right in the surrounding zone are likely to produce emissions, which are harmful to sensitive receptors. According to the literature on the topic, including material from the Bay Area Air Quality Management District and

numerous environmental impact reports such as Presidio Water Recycling Project, sensitive receptors, such as children and the elderly, would be at an increased risk of higher morbidity because children, elderly people and the infirm are more susceptible to respiratory infections and other air quality-related health problems than the general public.

For the reasons enumerated above, the Planning Manager hereby denies your request to locate a preschool in the M-1 Zoning District. Pursuant to Section 6581.1 of the Zoning Ordinance, you are hereby advised that you have the right to APPEAL, and that to exercise this right you must file a notice of appeal within (15) fifteen calendar days from the date of this letter. For your convenience the appeal provisions and form are included for your review..

Please feel free to contact me at (650)853-3121 to discuss this further.

Very truly yours,



Brent A. Butler, AICP, CFM

Planning Division Manager

cc: Frank Rainone, Chief Building Official
Jon Johnson, Inspector, Menlo Park Fire Protection District
Carlos Martinez, Provisional Deputy Community Development Director
Property Owner of Record
ML Gordon, City Manager

Enclosure1 -- Section 6271

Enclosure 2 -- Section 6581.1 and Appeal Form

Enclosure1 – Section 6271

CHAPTER 17. "M-1" DISTRICTS
(LIGHT INDUSTRIAL DISTRICTS)

SECTION 6270. REGULATIONS FOR "M-1" DISTRICTS

The following regulations shall apply in all "M-1 " Districts and shall be subject to the provisions of Chapter 22 of this Part.

SECTION 6271. USES PERMITTED

- (a) The following uses, provided that no use shall be carried on in a manner that is in the opinion of the Planning Commission objectionable from the standpoint of odor, dust, smoke, gas, noise, vibration, or community health and safety.
- (1) Acetylene. The storage of oxygen and acetylene in tanks if oxygen is stored in a room separate from acetylene, and such rooms are separated by a not less than one-hour fire resistant wall.
 - (2) Administrative, research and professional offices, excluding doctors and dentists.
 - (3) Agricultural contractor equipment, sale, or rental, or both.
 - (4) Aircraft assembly plants.
 - (5) Animal experimental research institute.
 - (6) Animal hospitals.
 - (7) Automobile assembly plants.
 - (8) Automotive repair shops and garages.
 - (9) Aquaculture development.
 - (10) Bags, paper, manufacture of.
 - (11) Barrels, storage of empty barrels.
 - (12) Baseball park.
 - (13) Batteries, the manufacture and rebuilding of batteries.
 - (14) Billboards, the manufacture of billboards.

- (15) Blacksmith shops.
- (16) Boat building.
- (17) Bone products, the manufacture of bone products.
- (18) Book bindery.
- (19) Bottling plant.
- (20) Box, paper, factory.
- (21) Breweries.
- (22) Brushes, the manufacture of.
- (23) Building materials, storage of.
- (24) Bus storage.
- (25) Cabinet making.
- (26) Candles, the manufacture of.
- (27) Canvas products, manufacture of.
- (28) Car barns for buses and street cars.
- (29) Carnivals, commercial or otherwise.
- (30) Carpenter shop.
- (31) Carpet cleaning.
- (32) Cellophane, the manufacture of cellophane products.
- (33) Ceramics, the manufacture of ceramics.
- (34) Cesspool pumping, cleaning, and drainage.
- (35) Christmas trees, the temporary seasonal retail sales of.
- (36) Cigars, the manufacture of.

- (37) Cigarettes, the manufacture of.
- (38) Circus.
- (39) Clay products, the manufacture or storage, or both, of clay products, including clay statuary.
- (40) Cleaning and dyeing establishments, wholesale.
- (41) Clocks, manufacture of.
- (42) Clothing, the manufacture of cloth products, including clothing of all kinds but not tanning.
- (43) Coffee roasting.
- (44) Coffins, the manufacture of.
- (45) Cold storage plant.
- (46) Communication centers.
- (47) Contractor's equipment yard, including farm equipment and all equipment used in building trades.
- (48) Cork, the manufacture of cork products.
- (49) Cosmetics, the packaging and distribution of pharmaceutical and cosmetic items.
- (50) Cotton storage.
- (51) Curtain cleaning plants.
- (52) Dairy products depot and manufacture of dairy products.
- (53) Distributing plants, including bulk petroleum plants.
- (54) Dogs:
 - (a) Dog breeding.
 - (b) Commercial dog kennels.

- (c) Dog training schools.
- (55) Draying yard or terminal.
- (56) Drugs, the manufacture of, and sale at wholesale, of drugs.
- (57) Dry goods, the manufacture of and sale at wholesale of, and storage of, dry goods.
- (58) Dyeing and cleaning, wholesale.
- (59) Electric appliance assembly.
- (60) Electrical parts, the manufacture of, the sale at wholesale of, or the storage of, small electrical parts.
- (61) Electrical signs, the manufacture of.
- (62) Electrical substations.
- (63) Engines, the manufacture of steam engines. This paragraph does not permit a foundry.
- (64) Engraving, machine metal engraving.
- (65) Extraction of chemicals from sea water by natural evaporation.
- (66) Fabricating, other than snap riveting or any process used in bending or shaping which produces any annoying or disagreeable noises.
- (67) Ferris wheels.
- (68) Fiber products, the manufacture of.
- (69) Fireworks, the temporary seasonal retail sales of.
- (70) Fixtures, the manufacture of gas or electrical fixtures, or both.
- (71) Fox farms.
- (72) Frozen food process plants.
- (73) Fruit packing plant.
- (74) Fuel yard.

- (75) Fumigating contractor.
- (76) Fur products, the manufacture of.
- (77) Fur warehouse.
- (78) Furniture, the manufacture of.
- (79) Generators, the manufacture of electrical generators.
- (80) Glass, the production by hand of crystal glass art novelties within a closed building of fire resistant construction.
- (81) Glass, the storage of.
- (82) Gloves, the manufacture of.
- (83) Granite, the grinding, cutting, and dressing of granite.
- (84) Harness, the manufacture of.
- (85) Heating equipment, the manufacture of.
- (86) Hemp storage.
- (87) Humane societies.
- (88) Ice, the manufacture, distribution and storage of.
- (89) Incinerators, the manufacture of.
- (90) Ink, the manufacture of.
- (91) Iron, ornamental iron works, but not including a foundry.
- (92) Jewelry, the manufacture of.
- (93) Laboratories for testing experimental motion picture film.
- (94) Leather products, the manufacture of, but not including tanning.
- (95) Light bulbs, the manufacture of.

- (96) Linen and towel supply.
- (97) Lubricating oil, the canning and packaging of lubricating oil if not more than one hundred barrels are stored above ground at any one time.
- (98) Lumber yards, including incidental retail sales of supplies used in home construction.
- (99) Machine shops.
- (100) Machinery storage yard.
- (101) Machinery, the repair of farm machinery.
- (102) Malt products, the manufacture of.
- (103) Marble, the grinding, cutting, and dressing of.
- (104) Marine oil service station.
- (105) Mattresses, the manufacture and renovation of.
- (106) Medicines, the manufacture of.
- (107) Metals:
 - (a) Manufacture of products of precious metals.
 - (b) Manufacture of metal, steel, and brass stamps.
 - (c) Including hand and machine engraving.
 - (d) Metal fabricating.
 - (e) Metal spinning.
 - (f) Metal storage.
 - (g) Metal working shop.
- (108) Motors, the manufacture of electric motors.
- (109) Moving van storage or operating yard.

- (110) Musical instruments, the manufacture of.
- (111) Novelties, the manufacture of.
- (112) Nurseries and greenhouses.
- (113) Oil, the manufacture of vegetable oil.
- (114) Oleomargarine, the manufacture of.
- (115) Optical goods, the manufacture of.
- (116) Outdoor advertising structures or signs as defined in Sections 5202 and 5203 of the Business and Professions Code of the State of California.
- (117) Paint mixing except the mixing of lacquers and synthetic enamels.
- (118) Paper mache statuary, the manufacture of.
- (119) Paper products, the manufacture of, but not including the manufacture of paper itself.
- (120) Perfume, the manufacture of.
- (121) Pest control service, including residential termite control.
- (122) Pharmaceuticals, the manufacture and packaging of.
- (123) Phonographs, the assembly of.
- (124) Planing mill.
- (125) Plaster, the storage of.
- (126) Pottery, the manufacture of.
- (127) Poultry and rabbits, the wholesale and retail sale of poultry and rabbits, including slaughtering and dressing within a building.
- (128) Presses, hydraulic presses for the molding of plastics.
- (129) Produce yard, or terminal.
- (130) Radios, the assembly of.

- (131) Refrigeration plant.
- (132) Roofing contractor's establishment.
- (133) Rug cleaning plant.
- (134) Rugs, the manufacture of.
- (135) Saddles, the manufacture of.
- (136) Sand, the blasting of sand to be used in sand-blasting.
- (137) Sash and door manufacturing.
- (138) Shell products, the manufacture of.
- (139) Shoes, the manufacture of.
- (140) Shooting gallery.
- (141) Signs, the manufacture of.
- (142) Skating rinks.
- (143) Soft drinks, the manufacture and bottling of.
- (144) Stables.
- (145) Starch, the mixing and bottling of starch.
- (146) Statuary, the manufacture of clay, paper mache and stone statuary and monuments.
- (147) Stencils, the manufacture of.
- (148) Stone, marble, and granite, grinding, dressing and cutting.
- (149) Storage and rental of plows, tractors, buses, contractor's equipment and cement mixers, not within a building.
- (150) Tire re-treading.
- (151) Tools, the manufacture of.

- (152) Toys, the manufacture of.
 - (153) Trailers, the manufacture of.
 - (154) Truck storage or rental.
 - (155) Type, the manufacture of printer's type.
 - (156) Ventilating ducts, the manufacture of.
 - (157) Veterinary, the consulting office and hospital of veterinary.
 - (158) Vitamin tablets, the manufacture of.
 - (159) Warehouse, storage warehouse.
 - (160) Watches, the manufacture of.
 - (161) Welding.
 - (162) Wine storage and manufacture.
 - (163) Wood, the manufacture of wood products.
 - (164) Wood yard.
 - (165) Yarn, the dyeing of yarn and manufacture of yarn products.
- (b) The following uses subject to the securing of a use permit in each case as provided in Chapter 24 of this Part.
- (1) Automotive and cycling racing.
 - (2) Gun clubs.
 - (3) Restaurants and automobile service stations for the sale of gasoline, oil and new accessories when such facilities are determined by the Planning Commission to be accessory to and to be needed by established industries in the zone employing a total of more than 500 employees. Such use permit shall be granted only in the event that property is not available in other zones within the immediate area in which such uses would be normally permitted by this Ordinance.
 - (4) Golf driving ranges.

Chapter 30 of Ordinance No. 197 is hereby repealed in its entirety and a new chapter 30 is hereby enacted as follows:

CHAPTER 30. FORM OF PETITIONS, APPLICATIONS, AND APPEALS

SECTION 6580. PLANNING COMMISSION TO ADOPT RULES

The Planning Commission shall, in its rules, prescribe the form and scope of all petitions, applications, and appeals provided for in this Part and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for a permanent record. Any petition for a variance, as provided in Chapter 25 of this Part, or for a use permit as provided in Chapter 24 of this Part, or for an amendment as provided in Chapter 27 of this Part, shall include a verification by at least one of the petitioners attesting to the truth and correctness of all facts and maps presented with said petition. Such verification shall be signed before a notary public or other officer authorized to administer oaths.

SECTION 6581. APPEAL PROCEDURE

The appellant shall be limited to raise only those matters that have been entered into the record, and where a public hearing has been held on a matter, including the record of items which were raised during the public hearing or provided in writing during or before the close of the public hearing on the matter that is being appealed. The record consists of all reports, transcripts, minutes, correspondence, written and oral testimony at the public hearing, and any other document or evidence considered or relied upon by the Director of Planning, Planning Commission or the City Council in the decision-making process.

SECTION 6581.1. APPEAL OF DECISION ON WHICH ADMINISTRATIVE REVIEW AND APPROVAL IS SOUGHT.

In the event of dissatisfaction with a decision of the Director of Planning on any entitlement for which administrative review is sought, be it Administrative Design Review or otherwise, any interested party, within fifteen (15) calendar days after rendition of such decision, may appeal in writing to the Planning Commission. The appeal shall be accompanied by a form provided by the Director of Planning. The appellant shall state on the form or an attachment thereto specifically wherein it is claimed there was an error or abuse of discretion by the Director of Planning or wherein the decision is not supported by substantial evidence in the record. The appellant shall be limited to raise only those matters that have been entered into the record, and where a public hearing has been held on a matter, including the record of items which were raised during the public hearing or provided in writing during or before the close of the public hearing on the matter that is being appealed. The record consists of all reports, transcripts, minutes, correspondence, written and oral testimony at the public hearing,

and any other document or evidence considered or relied upon by the Director of Planning, Planning Commission or the City Council in the decision-making process.

The Planning Commission on its own motion, made at either of the next two regular meetings of the Planning Commission from the date that the Director of Planning took action on the matter which is the subject of the appeal, may consider the action of the Director of Planning on a discretionary application the same as if an appeal had been taken. The Planning Commission shall have wide discretion on the review of the action of the Director of Planning on a discretionary application.

The Planning Commission shall render its decision within forty five (45) calendar days after the conclusion of said hearing on the appeal. The Planning Commission in its decision, may reverse, affirm, or modify the action of the Director of Planning or it may remand such a matter to the Director of Planning for further study or action. Failure of the Planning Commission to render its decision within said period shall be deemed to be an affirmance of the action of the Director of Planning. The decision of the Planning Commission on an appeal shall be a final determination on the matter.

SECTION 6581.2 APPEALS OF DECISION ON WHICH PLANNING COMMISSION REVIEW AND APPROVAL IS SOUGHT

In the event of dissatisfaction with the decision of the Planning Commission on any entitlement for which Planning Commission review is sought, be it a Use Permit, Variance, Design Review, or other such entitlement, any interested party, within fifteen (15) calendar days after rendition of such decision, may appeal in writing to the City Council. The appeal shall be accompanied by a form provided by the City Clerk. The appellant shall state on the form or an attachment thereto specifically wherein it is claimed there was an error or abuse of discretion by the Planning Commission or wherein the decision is not supported by substantial evidence in the record. The appellant shall be limited to raise only those matters that have been entered into the record which were raised during the public hearing or provided in writing during or before the close of the public hearing on the matter that is being appealed. The record consists of all reports, transcripts, minutes, correspondence, written and oral testimony at the public hearing, and any other document or evidence considered or relied upon by the Director of Planning, Planning Commission or the City Council in the decision-making process.

The City Council on its own motion, made at either of the next two regular meetings of the City Council from the date that the Planning Commission took action on the matter which is the subject of the appeal, may consider the action of the Planning Commission the same as if an appeal had been taken. The City Council shall have wide discretion on the review of the action of the Planning Commission.

The City Council shall render its decision within forty five (45) calendar days after the conclusion of said hearing of the appeal. The City Council in its decision, may reverse,

affirm, or modify the action of the Planning Commission or it may remand such a matter to either the Director of Planning or Planning Commission for further study or action. Failure of the City Council to render its decision with said period shall be deemed to be an affirmance of the action of the Planning Commission.

Each member of the City Council may file an appeal of an action of the Planning Commission within seven (7) calendar days after the City Council meeting on which the Council considered the action of the Planning Commission. The member of the City Council filing such an appeal shall be an appellant and may address the City Council on the matter when the appeal is heard but may not vote on the appeal. The appeal shall be accompanied by a form provided by the City Clerk and the appeal fee. The appellant shall state on the form or an attachment thereto specifically wherein it is claimed there was an error or abuse of discretion by the Planning Commission or wherein the decision is not supported by substantial evidence in the record. The appellant shall be limited to raise only those matters that have been entered into the record, and where a public hearing has been held on a matter, including the record of items which were raised during the public hearing or provided in writing during or before the close of the public hearing on the matter that is being appealed.

SECTION 6582. APPLICATION TO BE ACCOMPANIED BY FEE

Appeals to the Planning Commission or the City Council shall be accompanied by a fee set by resolution of the City Council to cover the cost of such of the following items as are required for the particular case: Field investigation; preparation of necessary reports; preparation of site maps; mailing notices; printing and posting notices and legal publications. These fees, no part of which shall be returnable, shall be paid to the Director of Planning, who shall deposit them with the Department of Finance.

SECTION 6583. FEES

The fees provided for in Section 6582 hereof as set by resolution of the City Council.

SECTION 6584. PUBLIC HEARING

A public hearing of an appeal under this Article shall be required. Notice of the public hearing shall be given not less than ten (10) calendar days nor more than thirty (30) calendar days prior to the date of the hearing by mailing, postage prepaid, a notice of the time and place of the hearing to the applicant, appellant, to all persons who spoke at the public hearing on the matter being appealed, to all persons who submitted written evidence prior to or during the public hearing on the matter being appealed, and to all persons whose names appear on the latest available assessment roll of the County as owning property within three hundred (300) feet of the exterior boundaries of the property which is the subject of the appeal. Notice of the public hearing shall also be

published once in a newspaper having general circulation in the City not later than ten (10) calendar days prior to the date of the hearing.

(Sections 6581, 6581.1, 6581.2 and 6582 - Amended by Ordinance No. 284 March 2, 2004)

Exemptions 15301-15304 of the CEQA Guidelines. Vote: 5-0-1 (Sherrard abstained). Motion approved.

11. **Presentation: Preschool in Light Industrial Zone**
Location: 1836-1848 Bay Road
Owner/Application: Action Associates/Project We Hope
Proposal: To receive a written determination from the Planning Commission if a proposed preschool in the M1 (Light Industrial) Zoning District is consistent with the intent of the East Palo Alto General Plan and Zoning Ordinance.
General Plan: General Industrial
Zoning/APN: M1 (Light Industrial)/063-231-260
Project Planner: Brent A. Butler

No Formal Action Was Taken by the Planning Commission on This Item.

The Planning Manager entered the report into the record.

Commissioner Allen inquired about length of the permit for Aspire Charter School.

The Planning Manager stated he would have to research this issue and get back to the Commission.

Commissioner Glover-Chantler inquired if this project would be considered a sub-lease of the Aspire Charter School area or a new application.

The Planning Manager stated his interpretation was this was a new application.

Pastor Paul Bains and Cheryl Bains, spoke about the administrative determination.

Commission Prado inquired about the grade levels for this school.

The applicant stated they eventually would like a school that goes from kindergarten to sixth grade.

Commissioner Allen inquired how the preschool differed from a day care.

The applicant stated it was different because the school has a regimented curriculum.

Commissioner Skinner stated the proposed use is not one of the permitted or conditional uses in the M1 (Light Industrial) zoning district.

Planning Commission Meeting Minutes
October 24, 2011
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Commissioner Glover-Chantler stated this proposed use doesn't coincide with the Ravenswood Business District visioning process in terms of how the area would be developed in five years.

The applicant stated they would like to be at their location for three to four years.

Commissioner Glover-Chantler stated even going above a one year use permit does not coincide with the Specific Plan.

Commissioner Allen stated the Planning Commission has, by approving Aspire Charter School, by default, allowed a school in the M1 (Light Industrial) zoning district.

The Planning Manager expressed reservation about the air quality impacts upon children for this land use. He stated the reason why this item was appearing before the Commission is because it is unclear if the intent of the M1 (Light Industrial) zoning district allows the proposed use.

The Planning Manager entered a letter from the Jeff Poetsch, President of the Ravenswood Business District LLC into the record.

Commissioner Glover-Chantler stated she did not think this project was consistent with the intent of the Zoning Ordinance.

The applicant stated that the sensitive receptor issues raised do not apply to the propose use since the preschool kids would not be affected by Bay Road.

Commissioner Huerta expressed concern that this use is near the Byrd/Brock DKB development which has contaminated soil.

Vice-Chair Quezada stated he is in support of more schools, but this location is a difficult one for the Planning Commission to potentially approve.

The Deputy Director of Community Development provided the history of allowing a daycare facility at 1960 Tate Street and the contaminated water plume at the DKB Development.

The applicant encouraged the Commission to allow a use that will invest in East Palo Alto residents.

Commissioner Allen asked for the next steps by the Planning Manager.

Planning Commission Meeting Minutes
October 24, 2011
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The Planning Manager stated there were several policy options for the applicant, one of which is a formal written determination from the Planning Division, which is appealable by the applicant to the Commission.

12. **Continued Public Hearing: Parking Exception (PX 10-001)**
Location: 2245 Ralmar Avenue
Owner/Applicant: Takis Kyriakopoulos/James Lindsey
Proposal: Consideration of a Parking Exception to permit the use of a driveway as the second of two required parking spaces
General Plan Land Use Designation: Low-Medium Density Residential (1-8 du/ac)
Zoning/APN: R-1-5000 (Single-Family Residential) / 063-162-370
Project Planner: Wayland Li

The Planning Manager stated the applicant is working with Associate Planner Li and request a continuance to the November 14, 2011 meeting.

Commissioner Glover Chantler requested that staff investigate the use of the property prior to November 14, 2011.

Action: Motion to continue the item -- Allen; Second - Glover-Chantler. Vote: 6-0. Motion approved.

13. **Presentation:** Consideration of amendments to the Rules of the Planning Commission
Project Planner: Brent A. Butler

No motion for this item. The item was tabled to the November 14, 2011 meeting.

14. **Adjournment-10:05PM**

The RAVENSWOOD SHORES BUSINESS DISTRICT, LLC – RSBD, LLC
P.O. Box 51862
Palo Alto, CA 94303

October 24, 2011

Mr. Robert Sherrard, Chairperson
City of East Palo Alto Planning Commission
2415 University Avenue
East Palo Alto, CA 94303

Dear Chairperson Sherrard and Members of the Planning Commission:

I note that on tonight's agenda under Item 11 you have been asked to provide "*written determination from the Planning Commission if a proposed preschool in the MI (Light Industrial) Zoning District is consistent with the intent of the East Palo Alto General Plan and Zoning Ordinance.*" As you are aware, for the last several years the City of East Palo Alto has been engaged in a Specific Planning process for this area. The Community, the Planning Commission and the City Council have embraced a plan that provides for land uses on the north of Bay Road that include light industrial, research and development and industrial. While the vision for Bay Road itself is a vibrant "mixed use" pedestrian friendly downtown, we believe that incorporating a "preschool" into this plan in this area would significantly limit the potential for light industrial, research and development and industrial development in an specific plan area visioned for these uses. As you may know, CEQA places significant restrictions on activities within ¼ mile of any preschool. As such, we believe that the current specific planning effort, would specifically exclude the preschool use at this location as this would place undesired restrictions on the development of the light industrial, research and development and industrial areas to the north of Bay Road. We hope you agree that the proposed preschool is "inconsistent" with the intent of the current General Plan and Zoning Ordinance and inconsistent with the intent of the Specific Plan for this area currently under development.

Thank you for your consideration and please do not hesitate to contact me with any questions or comments you may have.

Sincerely,

Jeff Poetsch
President, RSBD, LLC
(650) 369-2599

cc: Brent Butler
Carlos Martinez
Sean Charpentier

THIS AGENDA IS POSTED IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54950 ET. SEQ.
DATE POSTED: October 21, 2011 TIME POSTED: 5:00 P.M.



CITY OF EAST PALO ALTO
PLANNING COMMISSION MEETING
Monday, October 24, 2011, 7:00 P.M.

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

Chairperson: Robert Sherrard

Vice Chairperson: Alex Quezada

Commissioners: Robert Allen, Renee Glover Chantler, Bernardo Huerta, Jorge Prado, Court Skinner

Staff: Brent A. Butler, AICP, CFM, Planning Manager
Wayland Li, AICP, Associate Planner
Neelam Naidu, Deputy City Attorney

1. Roll Call
2. Approval of Agenda
3. Consent Calendar
 - (a) September 26, 2011 Minutes
4. Open Forum (Address Any Item Not on the Agenda)
5. Communication Items
 - (a) Menlo Park Fire Protection District Traffic Calming Measures Informational Item
 - (b) City/County Association of Government for San Mateo County -- Notice of three vacant seats for public members on the Bicycle and Pedestrian Advisory Committee
 - (c) Notice of New Stormwater Regulations
6. Planning Commission Subcommittee Updates
 - (a) Ad Hoc Bicycle Committee
 - (b) Ad Hoc Rules Committee
 - (c) General Plan Subcommittee
7. Presentation: Code Enforcement Update
8. Study Session: Recommendation to adopt California Environmental Quality Act (CEQA) thresholds of significance (Planning Division will provide a PowerPoint)
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 (continued from 7/25/2011)
Owner/Applicant: City of East Palo Alto
Project Planner: Brent Butler
NO FORMAL ACTION SHALL BE TAKEN BY THE PLANNING COMMISSION

9. **Study Session: Community Rating System Higher Regulatory Standards**
Location: Citywide
Proposal: To consider activities to reduce flood risk, including higher regulatory standards pursuant to the National Flood Insurance Community Rating System Program.
Owner/Applicant: City of East Palo Alto
Project Planner: Brent A. Butler

10. **Public Hearing: Revisions to Flood Damage Prevention Ordinance**
Location: Citywide
Proposal: To consider recommendations to the City of East Palo Alto Municipal Code Title 15, Section 52 entitled Flood Damage Prevention and Zoning Ordinance Chapter 35 entitled Flood Hazard Areas repealing Chapter 35 and amending Title 15, as identified in City Council Agenda Item No. 25, Tuesday, April 6, 2010
Owner/Applicant: City of East Palo Alto
Project Planner: Brent A. Butler

11. **Presentation: Preschool in Light Industrial Zone**
Location: 1836-1848 Bay Road
Owner/Application: Action Associates/Project We Hope
Proposal: To receive a written determination from the Planning Commission if a proposed preschool in the M1 (Light Industrial) Zoning District is consistent with the intent of the East Palo Alto General Plan and Zoning Ordinance.
General Plan: General Industrial
Zoning/APN: M1 (Light Industrial)/063-231-260
Project Planner: Brent A. Butler
NO FORMAL ACTION SHALL BE TAKEN BY THE PLANNING COMMISSION

12. **Continued Public Hearing: Parking Exception (PX 10-001)**
Location: 2245 Ralmar Avenue
Owner/Applicant: Takis Kyriakopoulos/James Lindsey
Proposal: Consideration of a Parking Exception to permit the use of a driveway as the second of two required parking spaces
General Plan Land Use Designation: Low-Medium Density Residential (1-8 du/ac)
Zoning/APN: R-1-5000 (Single-Family Residential) / 063-162-370
Project Planner: Wayland Li
STAFF REQUESTS A CONTINUANCE TO THE NEXT REGULAR PLANNING COMMISSION MEETING

13. **Presentation: Consideration of amendments to the Rules of the Planning Commission**
Project Planner: Brent A. Butler

14. **Adjournment**

Planning Commission Meeting
October 24, 2011
Page 3

Upcoming Meetings	
<i>November 14, 2011</i>	Healthy Community Plan 2387 University Avenue (La Estrellita Alcohol License Renewal) Special Use Permit Fee Discussion 432 Bell Street Use Permit Renewal Below Market Rate Ordinance Discussion Local Hazard Mitigation Plan
<i>November 28, 2011</i>	Specific Plan Transit Oriented Development Review

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. 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. 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.



CITY OF EAST PALO ALTO
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1960 Tate Street • East Palo Alto, CA 94303

[VIA U.S. MAIL]

October 6, 2011

Pastor Paul Bains
c/o Project WE HOPE
P.O. Box 50624
East Palo Alto, CA 94303

RE: 1836 - 1848 Bay Road (APN 063-231-260)

Dear Pastor Bains:

I am writing to provide you a summary of the issues, the deliverables expected and timelines discussed at the September 13, 2011 meeting regarding 1836 – 1848 Bay Road in East Palo Alto (APN 063-231-260).

The issues include:

- A. Your intent to open a Pre-school for 30 children in ages ranging from 3 to 4 years old
- B. Lord's Gym requires a Special Use Permit, and,
- C. Numerous code violations identified at the facility, 1836-1848 Bay Road.

The status of the issues, deliverables expected and timelines discussed are as follows:

- 1) An administrative determination of whether the proposed Pre-School use is consistent with the Light Industrial District (M1) and permitted under Section 6271 of the East Palo Alto Zoning Ordinance will be scheduled for the October 24, 2011 Planning Commission meeting. Based on Section 6271, the Planning Division staff has made the determination that a Special Use Permit is required for each use at the facility.
- 2) According to the FY09-10 Planning Division Fee Schedule, the cost for a Special Use Permit is \$3,857.
- 3) The 45-day renewal extension for Lord's Gym's use permit that you were provided by letter dated May 24, 2011 lapsed as a result of your not submitting the requested occupancy information until September 30, 2011.
- 4) The City identified numerous outstanding code violations at the facility. Neither Building Services nor Menlo Park Fire Protection District (MPFPD) have approved plans, issued permits or allowed occupancy. Based on the foregoing, the Planning Division informed you that the outstanding code violations at Lord's Gym need to be corrected before a use permit can be obtained.
- 5) The Chief Building Official stated that no further use of the temporary warming shelter would be permissible unless the Lords Gym is legally operating by way of approved plans, permits, inspections and occupancy permit issued by both Building Services and Menlo Park Fire District.

Please feel free to contact me at (650)853-3121 to discuss this further. For your convenience, I have also attached a more in depth summary.

The City recognizes the important role that you play in the community and wishes to ensure that you can continue to operate and this letter attempts to provide you guidance to achieve that goal.

Very truly yours,



Brent A. Butler

Planning Division Manager

cc: Frank Rainone, Chief Building Official
Jon Johnson, Inspector, Menlo Park Fire Protection District
Carlos Martinez, Provisional Deputy Community Development Director
Property Owner of Record
ML Gordon, City Manager

ATTACHMENT 1 – Summary
ATTACHMENT 2 – Section 6271

A longer chronological explanation follows below:

At the meeting on September 13, 2011, you were accompanied by Cheryl Bains and Patrick Brock. The City was represented by Planning Division staff, including Planning Division Manager Brent Butler and the assigned Planner, Guido Persicone, Chief Building Official Frank Rainone, and the Menlo Park Fire Protection District (MPFPD) Inspector Jon Johnston. As an outcome of this meeting, the Planning Division said that it would schedule determination by the Commission whether the use is permitted under Section 6271 of the East Palo Alto Zoning Code upon your submission of the requested occupancy information highlighted in bold and underlined on page 2 of this attachment to the letter, (See Attachment – Section 6271).

Proposed Use

You expressed your intent to open a Pre-school for 30 children in ages ranging from 3 to 4 years old. You were interested in opening the Pre-school in September 2011, with the hours running from 7:00 a.m. to 6:00 p.m. for five days per week, presumably Monday through Friday. You stated that you had a letter from the Aspire School principal supporting use of this site as a pre-school, but did not provide a copy of this letter. You also stated you were interested in allowing the Pre-school to use Lord's Gym, which also served as a Warming Shelter for the City's homeless in the winter of 2010/11. Since you are considering use of Lord's Gym, a brief overview of outstanding issues related to that use is provided.

Lord's Gym: Planning Division's Determination – Special Use Permit Required

In a May 24, 2011 letter, the City requested that you provide **the occupancy type and ... occupancy features per Chapter 3-5 of the 2007 California Building Code.** You responded by e-mail on September 30, 2011. Based on Zoning Ordinance Section 6507.2, the Planning Division has made the determination that a Special Use Permit is required for each use at the facility. Section 6507.2 reads:

"In each of the following cases, a special use permit pursuant to this Chapter shall be required for the interim uses upon any site located within a Project Area:

- (a) Any establishment of a new business or activity on the site, including resumption of any business or activity within a structure which has been vacant or abandoned for a period in excess of 90 consecutive days;"

At the September 13, 2011 meeting, you were informed that Lord's Gym's use permit had lapsed. After reviewing the file since that meeting, the Planning Division notes that

in a May 24, 2011 letter, you were provided a 45-day renewal extension to respond with the requested occupancy information (underlined above). The extension lapsed as a result of your not submitting the requested information until September 30, 2011. Additionally, the City identified numerous outstanding code violations at the Lord's Gym facility. Neither City Building Services nor Menlo Park Fire Protection District (MPFPD) have approved plans, issued permits or allowed occupancy. Based on the foregoing, the Planning Division informed you on September 13, 2011 that the outstanding code violations at Lord's Gym need to be corrected, a Special Use Permit obtained and that to expedite the opening of the Pre-School, you may wish to decouple the Pre-School use from that of Lord's Gym to focus on bringing one of the uses in compliance. Furthermore, the Chief Building Official stated that no further use of the temporary warming shelter would be permissible unless Lord's Gym is legally operating by way of approved plans, permits, inspections and occupancy permit issued by Building Services and MPFPD.

Pre-School Timeline and Deliverables

The Planning Division notified you that in order to process your permit request for an administrative determination of whether this use is allowed in the M1 Light Industrial District by the Planning Commission, the City and MPFPD need copies of the floor plans which clearly identify the tenants and the number of occupants for each tenancy. This information appears to have been provided in a September 30, 2011 e-mail. For this reason, **the Planning Division will schedule an administrative determination of whether the proposed Pre-school use is allowed in M1 before the Planning Commission on October 24, 2011 unless you contact us in advance to request a later date.** Staff recommends that you identify any concerns that the community may have in advance of a public hearing (e.g. how to ensure that the homeless are kept separate from the preschoolers). The MPFPD indicated that they typically do not support schools in industrial zones for they see it as incompatible to have associated hazardous materials and heavy trucks, etc. in close proximity to youth or children.

Cost to Process

You also asked us to provide you a cost to process the permit. According to the FY09-10 Planning Division Fee Schedule, the cost for a Special Use Permit is \$3,857. A link to all of the fees is below.

<http://www.ci.east-palo-alto.ca.us/planningdiv/pdf/PlanningDivisionFeeSchedule.pdf>

Summary of Discussions Surrounding the Pre-School

July 28, 2011-Cheryl Bains inquires about the day care/school. The Planner informs her a daycare/school is not an allowed use in the M1 zone.

August 4, 2011-after the monthly code enforcement hearing cases to discuss the property at 1848 Bay Road, the Planner spoke with Pastor Bains about the potential day care/school and at a meeting the following week, the Planner informed Pastor Bains that the proposed day care/school is not an allowed use and that Aspire was classified as a non-profit charitable use by the Interim Planning Manager in 2007. In response to Pastor Bains inquiry about College Track, the Planner informed him that this use was classified as an office use by the Planning Commission in 2006. Pastor Bains requested a meeting with the Planner and his wife to discuss the project.

August 10, 2011-At a meeting located at 1848 Bay Road with the assigned Planner, Pastor Bains, Cheryl Bains, the Planner explained the land use issues and that a Written Determination from the Planning Manager would be necessary, as well as a comprehensive review of the entire site needs to be done, and a Development Review Committee meeting in September would occur to facilitate this review.

August 17, 2011-written determination request submitted by Pastor Bains.

August 18, 2011-memo prepared about Pastor Bains' written determination.

August 24, 2011-Building and Fire provide preliminary comments about overall issues with the property.

September 7, 2011- Building Official states there are no building or fire permits on file for the warming shelter, gym and ABC marble.

September 7, 2011- Planning Division Manager sends an e-mail notice that the request for a written determination will be reviewed by the Planning Commission.

September 13, 2011-meeting to take place with Pastor Bains, the subject of this letter, and the following requests were made, and direction provided.

1. Provide a site plan showing all the tenants on the property.
2. Fees will be charged at an hourly rate, for an undetermined number of hours. The Planning Manager needs to determine the initial deposit charge.
3. The Planning Commission will be consulted with regards to the determination.
4. At the point that the application is complete, the Redevelopment Agency will determine if the proposed use is consistent with the Redevelopment Plan.

September 30, 2011 – Patrick Brock sent a letter identifying occupancies along with a floor plan that shows locations for each use.

October 6, 2011 – Planning Division Manager responds by regular mail, and e-mail.



CITY OF EAST PALO ALTO

Planning Division

1960 Tate Street, East Palo Alto, CA 94303

Tel. No. 650.853.3185, Fax. No. 650.853.3179

DATE: August 18, 2011

TO: Brent Butler, Planning Division Manager

FROM: Guido F. Persicone, Associate Planner

SUBJECT: Written Determination By the Planning Manager
Day Care Facility-1848 Bay Road.

Summary: Please make a determination if you think a daycare facility is a use allowed in the M1 zoning district, specifically at 1836-1848 Bay Road, commonly known as People's Plaza.

Background:

Last week, Pastor Bains and his wife spoke with me about opening a day care facility in a portion of the building at 1836-1848 Bay Road currently being used by Aspire Charter School. Pastor Bains informed me that they have already submitted their paperwork to the State to open the facility in October. I informed them that opening a facility prior to City approval is not allowed.

Aspire was given a temporary use permit by Brad Tarr, Interim Planning Manager in August of 2007 and then a Special Use Permit by the Planning Commission in June of 2008. Aspire School is moving to their new location, but will be maintaining a portion of their old school as an office use until May of 2012.

I informed them that a day care facility is not a principally permitted use in the M1 zoning district and that it would be difficult for Planning Commission to approve this type of use. They felt strongly about opening the facility, which is why I informed them I would have to get direction from my supervisor in the form of a Written Determination to ascertain if this would be an allowed use in the M1 zoning district.

Argument Against A Day Care Facility

-A day care facility is not a permitted or conditional use in the M1 zoning district and therefore the use should not be allowed. Additionally, per Table LU-2 of the General Plan a day care facility is not a land use envisioned for this General Plan designation.

Argument In Favor of Allowing a Day Care Facility

-Aspire Charter School was allowed to open at this facility as was College Track across the street. Both are in the M1 zoning district as educational facilities, a land use not enumerated in the Zoning Ordinance.



(We Help Other People Excel)

A 501c3 nonprofit community family intervention agency

August 16, 2011

Guido F. Persicone, AICP
Assoc. Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

Letter of Written Determination: Request for Educational Use Permit in a M1 Industrial Zone, Premier Christian Academy

Dear Mr. Persicone:

As founder of Premier Christian Academy, I am writing for submission to the Planning Manager for review, to request for an educational use permit in a M1 Industrial Zone of East Palo Alto. Enclosed is \$144.00 for the letter of determination fee.

We are requesting the use of currently converted school space located on 1836 Bay Road, East Palo Alto, CA. (1840 Bay Road is the official address) be used for another school.

The current school outfitted space would house Premier Christian Academy at the same location that previously housed and was school equipped by the Aspire School, locally known as Phoenix Academy.

Several other non-profit and educational organizations such as College Track and others have occupied this very same space. College Track is now relocated across the street, however, is still within the M1 industrial zone as well as other non-profit organizations.

We are requesting that a concession be made on behalf of Premier Christian Academy to utilize a portion of the building located on 1836 Bay Road under the premise that our organization will be involved in philanthropic and charitable activities, and the location was approved for and recently occupied by a school.

Paul Bains
President/Founder

Cheryl Bains
Program Director/Founder

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MAIN OFFICE

1836 Bay Road

East Palo Alto, CA 94303

Phone: 650-749-0000

Fax: 650-730-0010

Web:

www.projectwehope.org

Page – TWO –

The building location supports an abundant amount of parking for the number of students expected to attend the preschool.

We are expecting 10-30 three and four-year-old children to attend our inaugural class, and the parents of the children would have ample space to drop off and pick up their children in a safe environment. In addition to the safe environment provided outside of the facility, all City code requirements will be adhered to inside the facility, as well.

Our vision is to provide children an opportunity to receive an exceptional education in an environment that teaches them self-confidence and expands their educational opportunities in the future. The school will be directed by trained professionals who have achieved the mastery level in the field of early education.

If you have any questions, please feel free to contact me at Pbains7@projectwehope.com or (650)207-1998 or Cheryl Bains at (650)465-1659 for more information.

Please feel free to visit our website: www.premierchristianacademy.org.

Thank you for all the work you do in our community, and we count it a privilege to work with you.

Sincerely,



Pastor Paul J. Bains
President and Founder
Project WeHOPE

Enclosure



(We Help Other People Excel)

A 501c3 nonprofit community family intervention agency

August 16, 2011

Guido F. Persicone, AICP
Assoc. Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

Operational Letter

Dear Mr. Persicone:

Per your request, this operational letter explains the proposed site use of 1840 Bay Road for Premier Christian Academy.

- 1) We will service 10-30 preschool children in our inaugural class.
- 2) The staff members will consist of 5-7 depending on the number of children,
- 3) Hours of operation will be 7:00 a.m. to 6:00 p.m.

Should you need additional information, please feel free to contact me at Pbains7@projectwehope.com or (650)207-1998 or Cheryl Bains at (650)465-1659 for more information.

Please feel free to visit our website: www.premierchristianacademy.org.

Thank you for all the work you do in our community, and we count it a privilege to work with you.

Sincerely,

Pastor Paul J. Bains
President and Founder
Project WeHOPE

Paul Bains
President/Founder

Cheryl Bains
Program Director/Founder

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