



City of East Palo Alto
Community and Economic Development Department
Planning Division
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December 01, 2023

Diego Terreros Arroyo
22645 Grand Street, Hayward, CA 94541
Project number: ZCP23-047
CC: Andrea Osgood

RE: Streamlined conformance to the East Palo Alto Municipal Code (EPAMC) objective development and design standards for a proposal to construct a six-story, 79-unit 100% affordable senior housing apartment building with 30 parking spaces on a vacant 0.654-acre property with an APN 063-221-240 under the planning permit number ZCP23-047

Dear Mr. Arroyo,

Thank you for your diligence in working through the various phases of this development proposal including the pre-application pursuant to (Senate Bill (SB) 330, the Notice of Intent pursuant to SB 35, and the Enforceable Agreement (Attachment 1) regarding potential impacts on tribal cultural resources pursuant to Assembly Bill (AB) 168.

Upon review of the revised plans and application material dated August 29, 2023, the Planning Division has determined that the project has **successfully conformed** to all required objective development and design standards of the EPAMC. This project has therefore been streamlined to the Building Division under the provisions of SB 35.

As this project is utilizing the SB35 streamlining provisions, it is considered ministerial by statute and not subject to the California Environmental Quality Act (CEQA). SB 35 also includes a specific exemption from CEQA for eligible (Section 65913.4 (c)(2).

The project is deemed eligible for SB 35 ministerial approval pursuant to Assembly Bill 168 (AB 168) in that tribal consultation with the Tamien Nation identified potential impacts to tribal cultural resources and the parties committed to a documented, enforceable agreement regarding the treatment of potential resources in keeping with Government Code Section 65913.4(b)(3)(D).

PROJECT DESCRIPTION

The proposed project seeks to develop a six-story, 79-unit senior housing apartment building with 30 automobile parking spaces and 33 class I and II bicycle parking spaces on a vacant 0.654-acre property with an APN 063-221-240

The subject site (851 Weeks Street) is located within the Ravenswood Specific Plan area and is zoned Urban Residential with a maximum development density of up to 40 dwelling units per acre (du/acre). The General Plan land use designation is High Density Residential at 22-43 du/acre, allowing up to 26 dwelling units without density bonus. However, because the proposed project is a 100% affordable housing project, California Government Code Sections 65915(b)(1)(G) and (f)(3)(D)(ii) prohibit maximum controls on density because the project site is within one-half mile of a major transit stop. Therefore, this project is granted unlimited density enabling it to accomplish the proposed 79 units.

Additionally, the proposed project is eligible for a height increase of up to three additional stories, or 33 feet per Government Code Section 65915(d)(2)(D) (Density Bonus Law). The property's Urban Residential zoning allows three (3)-story buildings or 42-foot-tall buildings with 14-foot floor to floor heights for a total of 42 feet for properties, including the subject site, that are located south of the former Rail Spur. With this allowance the proposed project qualifies to erect buildings that are up to six (6)-stories or 75-feet (base 42 feet plus 33 eligible feet) tall.

The Planning Division has carefully reviewed the proposed project in detail and arrived at the following conclusions:

- X The proposed project for planning review is deemed complete.
- X The project complies with the objective development and design standards of the EPAMC.
- X The project is not in a High-Risk Flood Zone
- X The project is eligible for streamlining to Building Division for a building permit.
- X The project is required to apply to the Engineering Division, prior to Building permit approval, for various permits including grading, encroachment, and public/off-site improvements.
- X The project is required to comply with all applicable SB 35 provisions upon receiving this conformance letter.
- X The project is required to comply with the requirements of the Enforceable Agreement ("Enforceable Agreement regarding potential impacts on tribal cultural resources at 851 Weeks Street in the City of East Palo Alto") resulting from Tribal Consultations between the City of East Palo Alto, the Tamien Nation and Eden Housing and signed by the Chief Real Estate Development Officer of Eden Housing and the Planning Manager of the City of East Palo Alto on August 22, 2023 and September 7, 2023 respectively.

PROJECT CONFORMANCE

1. The project has been reviewed to ensure conformance with the City's objective development and design standards (Attachment 2 – Datasheet)
2. The project has been reviewed to ensure conformance with the provisions of SB 35 (Attachment 3 - SB 35 Checklist and Attachment 4 – Prevailing Wage Certification).
3. Prior to approval of Building Permits, applicant is responsible to obtain the following:
 - a. A will-serve letter from Recology, the City's garbage collection service.
 - b. A will-serve letter from the East Palo Alto Sanitary District.
 - c. A will-serve letter from Veolia, the City of East Palo Alto's portable water purveyor.
 - d. Executed Inclusionary Housing Agreement with the City of East Palo Alto.
 - e. An approval letter from Menlo Fire district
 - f. All required permits from the City's Engineering Division.
4. Prior to issuance of Building permit, all applicable fees must be paid in full. These fees include, and are not limited to, development impact fees, inclusionary housing fees, storm drainage fees, public infrastructure fees, etc.
5. **Concessions and Incentives:** SB 35 streamlined ministerial review projects must conform with the with codified objective development, design, and subdivision standards. SB 35 projects can also utilize density bonuses pursuant to Government Code Section 65915 (Density Bonus Law) and benefit from associated concessions, incentives and waivers. The proposal, a 100% affordable housing project, is eligible for up to four (4) concessions and incentives that must be granted upon request and potentially unlimited waivers.
 - a. Concession 1: The EPAMC allows applicants to congregate common and private open spaces. As each unit is required to provide 50-square feet each for Common and Private Open Spaces, the cumulative amount for the 79-unit project is 7,900 square feet. The project proposes a combined open space of 5, 993 square feet, which is about 1,900 square feet short of the required standard. The applicant insists that it is not financially and physically feasible to achieve the desired density of development for 79 units if the required 7,900 square feet of open space is provided. The proposed project therefore requested, and was granted by staff, a concession to relieve the common open space obligation by providing 5,993 square feet of combined common and private open space.
6. At the time of Building Permit application, applicant will be required to pull all necessary permits including, but not limited to, tree removal permit, Address Assignment permit, etc.

7. The project has been successfully streamlined to conform to the city's objective development and design standards per the submitted plans in Attachment 5. You can now contact the following divisions below to pull necessary permits and agreements to make progress on to the next phase of the project.

ADDITIONAL REQUIREMENTS FOR THE OWNER/APPLICANT:

PLANNING DIVISION

1. The project shall be constructed in conformance with the objective development standards pursuant to Title 18 of the East Palo Alto Municipal Code (EPAMC) and in compliance with the drawings and application materials submitted and dated August 29, 2023 under ZCP23-047 and attached hereto and incorporated by reference.
2. Modifications to the development standards reviewed under ZCP23-047 shall be subject to the approval of the Planning Manager.
3. The applicant shall enter into an inclusionary housing agreement with the City's Housing Division prior to final Certificate of Occupancy.
4. Prior to the issuance of the first building permit, applicable development impact fees shall be paid in full on the fee schedule in effect at the time of building permit issuance. Where construction of a project is phased, fees can be paid for each residential unit or building when the applicable building permit is issued.
5. The applicant is responsible for obtaining new addresses for the proposed buildings with the Building Division.
6. The project shall implement the Transportation Demand Management (TDM) measures and strategies per Attachment 6 and consistent with the EPAMC Chapter 10.32.

BUILDING DIVISION

AT PERMIT SUBMITTAL

7. A digital copy of the plans must be submitted for building review; to include the digital submittal of all relevant supporting documents; structural calculations, energy compliance forms, soils report etc.
8. Plans submitted for building review must be designed to the 2021 California Building Codes. Projects submitted after January 1, 2021, will have to be designed to the 2022 California Building Codes.
9. Please imprint the Requirements on the plans submitted for building permits.

10. A soils investigation report shall be submitted containing design recommendations. Additionally, submit a letter from the Geotechnical Engineer or Civil Engineer who prepared the soil investigation stating the following (signed and stamped):
 - a. The plans and specifications substantially conform to the recommendations in the soil investigation.
 - b. The Geotechnical Engineer or Civil Engineer who prepare the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the City of East Palo Alto.
11. Prior to final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading and associated site work substantially conform to the approved plans, specifications and investigations.
12. Please imprint, on the submitted plans, the Construction Best Management Practices. To access the standard plan, please visit:
<http://www.flowstobay.org/construction>.
13. The applicant shall properly complete and incorporate the 2019 CAL Green Residential Mandatory Measures on the plans submitted for building permits. The link to access the form: <http://www.ci.east-palo-alto.ca.us/ArchiveCenter/ViewFile/Item/443>
14. The applicant shall properly complete and incorporate the 2019 CAL Green Non-Residential Mandatory Measures on the plans submitted for building permits. The link to access the form: <http://www.ci.east-palo-alto.ca.us/ArchiveCenter/ViewFile/Item/441>
15. Provide a note on the plans submitted for building permits: "At a minimum, 65% of the project waste stream shall be recycled; prior to final project approval, a receipt shall be provided to the building inspector to verify 65% recycling has occurred. Self-hauling is prohibited in the City of East Palo Alto; an authorized hauler shall be utilized.
16. All construction and demolition debris shall be contained on-site (not in the public right-of-way) in constantly covered bins, which include adequate service.
17. Please note on plan: The City of East Palo Alto Municipal Code Section 15.04.125 limits construction activity to the following hours:
 - a. Monday through Friday: 7:00 AM to 6:00 PM
 - b. Saturday: 9:00 AM to 5:00 PM
 - c. Sundays and national holidays: No activity allowed.

PRIOR TO THE ISSUANCE OF THE PERMIT

18. The installation of site construction trailers will require a separate building permit issued by the Building Division. Plans and specifications must be submitted for review and approval prior to the installation of such structure. Please contact the Building Division for additional information.
19. Approval of this Project does not relieve the Applicant from the applicable requirements of subsequent permits and approvals, including but not limited to the following as may be applicable:
 - a. Grading Permit and Improvement Plan
 - b. Fire Permit
 - c. School District Development Impact fee requirements
20. Prior to the issuance of building permits, the applicant/developer shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 65 percent of the total job site construction waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit.

PRIOR TO THE FINAL/OCCUPANCY

21. A minimum of 10 Days prior to anticipated occupancy, the applicant shall have scheduled final inspections by all Departments requiring conditions of approval.

ENGINEERING DEPARTMENT /PUBLIC WORKS /ENVIRONMENTAL

GENERAL COMMENTS

22. A geotechnical study is needed. The study should confirm that the site is generally suitable for the proposed development and identify any measures needed to allow construction. The report shall include details on soil borings throughout the site, and include recommendations on compaction, pavement sections, slabs, and foundations.
23. The grading/ drainage utility plan should show all solid waste enclosures, and any covered or subterranean parking, tied to the sanitary sewer system, not the storm drain system
24. A preliminary fire-flow analysis is needed, confirming adequate pressure and flow to serve the Project. The study will need review and approval by the Menlo Park Fire District. The study should identify any offsite water system improvement needed to provide adequate flow and pressure.
25. A domestic water service demand analysis is needed, showing the ongoing

water needs by the Project, and confirming that adequate water supplies are available to the City to serve the development.

26. All proposed water mains, main extensions, and services shall be installed to the standards of California American Water Service. All existing water mains shall be repaired and tested to the satisfaction of the Water Dater Department, and City Engineer.
27. The developer shall grind 2" and overlay 2" AC the entire width of the street of the entire length of the Project frontage up to and including the intersection of Weeks Street and Cooley. The improvements shall include any signage and striping needed. Class III bike lanes must be added per the bike master plan.
28. The developer shall have a traffic analysis performed by a third party to determine the appropriate measures that should be taken to mitigate the traffic impacts and safety risks. The project must comply with the City's TDM requirements.
29. The Menlo Park Fire District should confirm adequate access for emergency vehicles, including the parking garage.

STANDARD REQUIREMENTS

30. ENGINEERING FEES:

All review and inspection fees per the City's Master Fee Schedule shall be paid prior to the issuance of any permits.

31. DEVELOPMENT IMPACT AND WATER CAPACITY FEES:

All Development Impact Fees and Water Capacity Fees shall be paid prior to the issuance of any building permits per East Palo Alto Municipal Code (EPAMC) 13.28, and Resolutions No. 5004 and No. 5093

32. GRADING PERMIT:

Prior to building permit approval, a grading permit shall be obtained from the Engineering Division with payment of fees per EPAMC 15.48. See the following link for an application.

<https://www.cityofepa.org/publicworks/page/grading-permit>

33. ENCROACHMENT PERMIT:

The developer shall obtain an encroachment permit from the Engineering Division prior to performing any work in the public right-of-way. See the link below for an application.

<https://www.cityofepa.org/publicworks/page/encroachment-permit>

34. PUBLIC IMPROVEMENTS:

The developer shall provide public street improvements along the project frontage where existing streets (vehicle and/or pedestrian paths) do not meet current City

standards. These improvements may include sidewalk, curb and gutter, driveway approach, curb ramp, and any right-of-way dedication. See EPAMC 15.04.040

35. CONSTRUCTION VEHICLES, EQUIPMENT, AND MATERIALS:

All construction related vehicles, equipment, and materials shall be managed on-site. At no time shall such items be parked or stored in the public right-of-way without an encroachment permit or written approval by the City Engineer.

36. TRAFFIC CONTROL:

Activities that require temporary closures of sidewalks, vehicle and/or bike lanes, or other public paths shall require review and approval by the Engineering Division through an encroachment permit.

37. STORMWATER DRAINAGE:

The project shall not create any negative impacts to adjacent properties such as cross-lot drainage. The project shall also mitigate any impacts to the public stormwater system through the installation of rain gardens, bubblers or other infiltration devices, swales, increasing of pervious areas, or other methods. Any excess stormwater beyond a 10-year storm event or the site's retention capacity may be drained to the public right-of-way via sheetflow. Install onsite retention devices such as swales, rain gardens, bubblers, etc to reduce the impact of the 10-year storm. Please demonstrate on the drainage plan how storm water will be retained onsite.

38. CONSTRUCTION BEST MANAGEMENT PRACTICES:

This project is required to implement stormwater best management practices (BMP) as described by the San Mateo Countywide Water Pollution Prevention Program.

The following sheet in the link below shall be included in the plans.

<https://www.flowstobay.org/wp-content/uploads/2020/04/Countywide-Program-BMP-Plan-Sheet-June-2014-Update.pdf>

39. FENCES/WALLS:

No new or existing fence and/or wall shall be permitted outside of the property boundary lines. No new or existing concrete (or similar) wall and/or fence is permitted where there is a public easement. The removal of such existing structures shall be required prior to the issuance of any permits.

40. WATER METER:

This project shall use one public water meter provided by the City's water operator. Any additional water meters shall be purchased by the developer, maintained privately, and stored onsite.

41. SEWER CLEANOUT

If one does not already exist, the developer shall install a sanitary sewer cleanout at the front property line per East Palo Alto Sanitary District standards.

POLICE DEPARTMENT

The Police Department has reviewed the plans that were submitted on August 29, 2023, for a proposed 79-unit senior rental housing and the security plan.

CRITICAL REQUIREMENTS:

In addition to our standard requirements and CPTED recommendations, we would like to emphasize the following at this time.

Address:

An address monument and complex maps should be erected which incorporates an elevated view of the complex buildings and addresses. It would be illuminated during the hours of darkness and positioned to be readily readable from main vehicular or pedestrian access points.

Parking Lot:

- No trespassing/Loitering signs should be posted at all entrances of parking lots and other appropriate places. Signs should be at least 2'by1' in overall size, with white background and black 2" lettering.
 - §9.08.010 of the East Palo Alto Municipal Code should be included as a reference on the no loitering signs.
- All entrances to parking areas should be posted with appropriate signs per section 22658(a) of the California Vehicle Code to assist management with removal of unwanted vehicles per the manager's request.

Security Plan:

The police department has reviewed the proposed security plan and in addition to the security hardware and security systems mentioned in our standards, we would like to suggest (not require) implementing a lease addendum such as the attached Crime Free Lease addendum. This has been an effective means for other apartment management within our jurisdiction to evict tenants engaged in criminal activity.

The police department would like to retain the ability to require a review for recommended changes to the plan if deemed necessary. Reasons for review would include, however would not be limited to, the following:

1. Excessive and/or unexplainable increase in calls for service.
2. Excessive and/or preventable crimes committed at the residence and/or commercial space.
3. Numerous complaints of a valid nature.
4. As a precautionary measure for crimes occurring in the area.
5. To make recommendations based on newer prevention measures available that might be helpful to the staff and /or patrons.

STANDARD CPTED REQUIREMENTS

The standard plan review for the police Crime Prevention through Environmental Design (CPTED) specialist includes several variables that may alter what the police department will recommend to the builder/project coordinator. These variables include, however are not limited to the kinds of crimes in the area; the perception of crime in the area; the natural built environment both day and night; and projected problems regarding displacement of problem subjects/criminal hangouts the new development / new structure(s) might create.

CPTED strategies seek to deter crime by utilizing intelligence garnered from criminal psychology to implement cost effective alterations in building design, landscaping and utilizes cost effective target hardening techniques in order to reduce the opportunity for criminal activity. This is usually done by promoting natural surveillance, natural access control, natural territorial reinforcement, and promoting maintenance and activity support. CPTED recommendations are geared toward preventing crime and improving the quality of life for both residential and industrial locations within the City. Below are common recommendations that could be considered the standard conditions for approval.

Residential: Single and Multiple Family Structures

Addressing:

- When there are multiple structures, an address monument and/or complex map should be erected which incorporates an elevated view of the complex buildings and addresses. It would be illuminated during the hours of darkness and positioned to be readily readable from main vehicular or pedestrian access points.
- Each individual building and unit should be clearly marked with the appropriate building number and address and should be positioned to be easily viewed from vehicular and pedestrian pathways throughout the complex. Main building numbers should be a minimum height of 12”.

Lighting:

- Adequate lighting of parking lots and associated car ports, driveways, circulation areas, aisles, passageways, recesses and grounds contiguous to buildings should have enough lighting with sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and to provide a safe and secure environment for all persons, property and vehicles on site.

Landscaping:

- Landscaping should be situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along the fence and property lines and under vulnerable windows.

Garage and Parking Lot:

- “No Trespassing/Loitering” signs are recommended to be posted at the entrances

of parking lots and located in other appropriate places. Signs should be at least 2'by1' in overall size, with white background and black 2" lettering.

- §9.08.010 of the East Palo Alto Municipal Code should be included as a reference on the no loitering signs.
- All entrances to parking areas should be posted with the appropriate signs per 22658(a) of the California Vehicle Code to assist in the removal of vehicles at the owner/manager's request.

Fencing/Access Control:

- Access control should be implemented to the parking structure. Adequate pedestrian and vehicular access control to the development can mitigate many potentially problematic safety issues about surveillance and unwanted entry. It can also help alleviate the need for full-time security in larger developments, notwithstanding factors such as, site location, projected growth contiguous to the development, prior crimes in the area, etc. a slightly recessed access control gate should be utilized at all parking garage openings. It can be recessed enough so
- the development will not take on the appearance of a "fortress" but not so far away from the opening that a possible entrapment/ambush area is created. To further enhance safety a digital keypad entry system is recommended for apartment residence access, (over keycards, scanners, etc). This type of entry provides quick and unhampered emergency personnel access to the interior of the development in the event of a critical incident or medical emergency. This is because emergency personnel in route to an event can confidentially access the entry code via a mobile computer.
- When applicable, perimeter fencing of open design, such as wrought iron, tubular steel, or densely meshed and heavy-posted chain link, should be installed to establish territoriality and defensible space, while maintaining natural surveillance.

Line of Sight/Natural Surveillance:

- If they exist, common use facility rooms such as conference, laundry, TV rooms, etc. should have doors that contain transparent material for surveillance.
- Designing a window contiguous to the door would serve the same purpose. Designing doors to these types of rooms so that they can be locked open during hours of use is another recommendation.
- Wide angled peepholes should be incorporated into all dwelling front doors and to all solid doors where visual scrutiny to the door from public or private space is compromised.
- Stairwells and elevator lobbies should be of open design whenever structurally possible.
- It is highly recommended to have the elevator shaft and can be transparent, making occupants of the cab visible from the outside.
- Convex mirrors should be installed in elevator cabs and at stairwell landings. Trash enclosures should not hinder needed surveillance.
- Other line of sight obstructions including recessed doorways, alcoves, etc. should be avoided on building exterior walls and interior hallways.

Parking Structures:

- The interior structure should be painted a light, highly reflective color.
- Metal halide or other bright white light sources should be utilized. No dark areas should exist inside the structure.
- All storage, maintenance, and trash rooms within the parking garage should have doors which cannot be locked from the inside, and that close and lock quickly and automatically upon exit.
- Alcoves and other visual obstructions that might constitute a hiding place should be eliminated whenever structurally possible. Pillars, columns and other open construction should be utilized over a solid wall design.
- Whenever possible, stairwells should be of open design. When, by necessity, a stairwell is enclosed, convex mirrors should be placed at each stairwell landing, and the stairwell doors should employ as much transparent material as fire code allows.
- Convex mirrors should be placed inside elevator cabs.
- Access control should be utilized for vehicular and pedestrian traffic.
- A clearly marked, hands-free emergency phone or panic alarm should be placed centrally in the structure.
- No trespassing/loitering signs should be placed at all entrances and other appropriate locations.

Miscellaneous:

- Stairwell landings should allow for a sixty-inch turning radius for use by the police.

MENLO FIRE

Contact Jon Johnston at www.menlofire.org to receive feedback on the project.

This conformance determination does not expire pursuant to the provisions of SB 35 as the proposed project includes more than 50% of the 79 proposed units for households earning 80% of the Area Median Income (AMI) or less.

If you have any questions or concerns regarding the contents of this letter, please contact **Salifu Yakubu** by telephone at **(650) 853-3151** or by email at syakubu@cityofepa.org Alternative email: planning@cityofepa.org

Sincerely,

Salifu Yakubu

Salifu Yakubu
Senior Planner

ATTACHMENTS

1. Enforceable Agreement
2. Project conformance datasheet
3. SB 35 Checklist
4. Prevailing Wage Certification
5. Architectural plan set.
6. TDM measures.