



# EAST PALO ALTO DIRECTOR'S LEVEL READING REGULAR SESSION AGENDA

Thursday, July 18, 2024, 4:00 PM  
Virtually via Zoom

## THIS MEETING WILL BE VIRTUALLY CONDUCTED

This Director's Hearing on July 18, 2024 at 4:00 PM will be conducted virtually via video conference with no physical meeting location available to the public.

Members of the public may participate in the Director's Hearing with this link <http://eastpaloalto.iqm2.com/Citizen/Calendar.aspx> and provide comments by attending the meeting live via Zoom and using the "**RAISE HAND**" feature when the Director calls for public comment. Community members may provide comments by emailing [ajen@cityofepa.com](mailto:ajen@cityofepa.com).

Please click this URL to join

[https://us06web.zoom.us/j/85145638826?  
pwd=Qtf4xzylgLydN5eegRuJw7TSxiEFOf.1](https://us06web.zoom.us/j/85145638826?pwd=Qtf4xzylgLydN5eegRuJw7TSxiEFOf.1)

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or

+ 1 346 248 7799 or

+ 1 253 205 0468 or

+ 1 312 626 6799 or

+ 1 929 205 6099 or

+ 1 301 715 8592

Meeting ID: 851 4563 8826

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

### 1. CALL TO ORDER AND ROLL CALL

## 2. PUBLIC HEARINGS

### 2.1 **Renewal of Major Temporary Use Permit to Allow for Testing of Automated Vehicles for One Year at 1190 Bay Road/1175 Weeks Street (TUP24-012)**

#### **Recommendation:**

1. Approve Major Temporary Use Permit to Allow for Testing of Automated Vehicles for One Year at 1190 Bay Road/1175 Weeks Street
2. Find that the project is Categorical Exempt from the California Environmental Quality Act (CEQA) under Section 15301 - Existing Facilities and 15304 (e) - Minor Temporary Use of Land

## 3. ADJOURNMENT

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*This AGENDA is posted in accordance with Government Code Section 54954.2(a)*

***This Notice of Availability of Public Records: All public records relating to an open session item which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to the majority of the City Council will be available for public inspection at the City Clerk's Office, 2415 University Avenue, East Palo Alto, CA at the same time that the public records are distributed or made available to the City Council. Such documents may also be available on the East Palo Alto website [www.cityofepa.org](http://www.cityofepa.org) subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (650) 853-3100.***

*The City Council meeting packet may be reviewed by the public in the Library or the City Clerk's Office. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection at the front counter at the City Clerk's Office, 2ND Floor, City Hall, 2415 University Avenue, East Palo Alto, California 94303 during normal business hours. Information distributed to the Council at the Council meeting becomes part of the public record. A copy of written material, pictures, etc. should be provided for this purpose.*

*East Palo Alto City Council Chambers is ADA compliant. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office at (650) 853-3127 no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.*

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#### **DECLARATION OF POSTING**

This Notice is posted in accordance with Government Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the City website. Under penalty of perjury, this Agenda was posted to the public at least 72 hours prior to the meeting.

POSTED: Monday, July 15, 2024

ATTEST:

*Alvin Jen*

Alvin Jen  
Associate Planner



# CITY OF EAST PALO ALTO

## Planning Division

1960 Tate Street • East Palo Alto, CA 94303

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

### Temporary Use Permit

**Application #:** TUP 24-012  
**Date:** July 18, 2024  
**Issued By:** Planning Division  
**Project Planner:** Alvin Jen

#### I. Property Information:

<b>Applicant/Owner:</b>	JC Poetsch Advisors, Inc./HPI ASVRF 1175 Weeks, LLC / HPI ASVRF 1990 Bay, LLC
<b>Location/ APN:</b>	063-122-040 (1990 Bay Road) & 063-240- 420 (1175 Weeks Street)
<b>General Plan Designation:</b>	Office (1990 Bay Road) and General Industrial (1175 Weeks Street)
<b>Zoning:</b>	Waterfront Office (1990 Bay Road) and Ravenswood Employment Center (1175 Weeks Street)
<b>Flood Zone:</b>	AE (1990 Bay Road); AE (1175 Weeks Street)
<b>Existing Use:</b>	Temporary use - Automated testing of vehicles (TUP23-013)
<b>CEQA Status:</b>	Exempt, CEQA Categorical Exemption Section 15301 - Existing Facilities and 15304 (e) - Minor Temporary Use of Land
<b>Public Notification:</b>	Provided a radius mailing of owners within 300 feet of the subject sites on 7/8/2024

#### II. Project Description:

The applicant is proposing a Temporary Use Permit to allow the continued use related to automated vehicles for a period of one year or 365 days under the same operator. The proposal is for the testing and research of various technologies related to automated driving at the 1175 Weeks Street and the 1990 Bay Road sites and undertaking the necessary research and development to improve this emerging technology.

A temporary use permit has been approved for the request since 2019, and most recently was approved last year (TUP 23-013) to allow this use for up to 365 days and expires on

August 3, 2024. This permit would allow this activity to be continued for another year or up to 365 days.

In 2019, Lyft, Inc. (NYSE: LYFT) (“Lyft”) entered into lease agreements with the owners of 1175 Weeks Street and 1990 Bay Road, to use these sites to undertake research and development activities related to automated driving pursuant to the City of East Palo Alto approvals as obtained with TUP 19-018, TUP 19-023, TUP 19-023 Extension, TUP 21-011, TUP22-005, and most recently TUP 23-013. On July 13, 2021, Lyft’s autonomous division was acquired by Woven by Toyota, US, Inc., a subsidiary of Toyota Motor Corporation.

### **III. Findings and Decisions for Temporary Use:**

According to the City of East Palo Alto Municipal Code (EPAMC) Section 18.94.070 (3), a Major Temporary Use Permit may be approved after notice to adjacent property owners and hearing by the Director.

The EPAMC Section 18.94.080 requires the following findings to be made for a Temporary Use Permit:

**1. The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;**

The proposed operation would utilize the properties and building, located at 1990 Bay Road and 1175 Weeks Street to test automated vehicles. The properties proposed for temporary use by Woven by Toyota, US, Inc. to test six to ten automated vehicles and related technologies are surrounded by vacant land, natural preserve open space, and existing commercial/industrial sites. Low-speed testing (0-25 mph) is proposed on-site from 7:00 AM to 6:00 PM, Monday through Friday.

The testing, consisting primarily of self-driving vehicles, would not generate any significant noise above current background levels. No high-noise generation vehicles have been used or proposed to be used on site (e.g., no heavy diesel trucks).

The current sites are monitored by the California Regional Water Quality Control Board (RWQCB) due to contamination from the operation of the previous business. Per an email received on June 26, 2024, the RWQCB has no concerns regarding the continued temporary use and no further mitigation measures are required.

The conditions of operation and approvals, required by the City of East Palo Alto Planning, Building, Environmental Programs, and Public Works Engineering Divisions, Menlo Fire Protection District, and City of East Palo Alto Police Department will ensure that the proposed operation will not jeopardize the public convenience, health, safety, or general welfare.

**2. The operation of the requested temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics.**

The subject site would be used for the testing and research of automated vehicles and technology. Testing would be performed on a paved area and would be conducted at a low speed, with a maximum of 25 miles per hour. The low-speed driving test is not expected to generate significant noise that would impact on the surrounding area. The subject site would be used during normal business hours and on land zoned for office and industrial uses. The average operational noise generated during the operational hours from the 1175 Weeks Street and 1990 Bay Road sites will be in full compliance with the City of East Palo Alto noise ordinances pursuant to Chapter 8.52 Noise Control of the City of East Palo Alto Municipal Code.

After hours testing that would require lighting is NOT proposed, consistent with the previous permit, TUP23-013.

The operation of the requested temporary use would not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable impacts. No activity involving lighting or ground disturbance is proposed.

**3. The proposed parcel is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;**

The subject site is adequate in size and shape to accommodate the temporary use as it is large enough for vehicles to be driven on. In addition, most of the site has been paved and no excavation would be performed. As such, the project would not be detrimental to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel.

**4. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;**

The subject site, served by Bay Road and Weeks Street, was improved to support the temporary use. Approximately six to ten vehicles would be brought to the site and returned each day to other facilities located around the Bay Area.

In addition, on average, no more than ten standard passenger cars, trucks, or multipurpose vehicles (e.g. sedans, SUVs, minivans) with a gross vehicle weight rating (GVWR) less than 4,536 KG (10,000 pounds), one mobile trailer/recreation vehicle (RV) with a gross weight of 26,000 pounds would access the site daily, which would be considered limited impact on the City's public right-of-way. As such, the proposed sites are adequate to accommodate the kind and quantity of traffic from the proposed project.

The proposed parcels or sites are adequate to accommodate the kind and quantity of traffic from the continuation of the proposed temporary use. All testing and operations would be conducted on the larger parcel at 1175 Weeks Street, which is more than sufficient to accommodate the proposed use and its functions. The Building on Bay Road would serve an administrative and storage function.

**5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director;**

All parking required for the temporary use would be accommodated on the proposed sites and not spill over to the public right-of-way. The applicant would provide six parking spaces including one ADA space, and a loading space at the 1175 Weeks Street site. In addition, the applicant would continue to provide 11 standard parking spaces including one for ADA van parking at the 1990 Bay Road site.

**6. The applicant agrees in writing to comply with any and all of the conditions imposed by the Review Authority in the approval of the Temporary Use Permit.**

As a condition of approval, the applicant is required to provide, in writing, an acknowledgment of the conditions for this temporary use permit.

**IV. Director's Hearing:**

As required by the City of East Palo Alto Municipal Code Section 18.94.070, a public hearing was held for this item on July 18, 2024. Notices were mailed and posted in compliance with the Municipal Code.

**V. Conditions of Approval:**

**PLANNING DIVISION:**

1. This temporary use permit approval is valid for a period of one (1) year or 365 days and will lapse on August 2, 2025.
2. Approval of TUP 24-012 (hereinafter "this permit") is granted for approved plans dated June 17, 2024, in Attachment-B "Use and operations plans" on file with the Planning Division. Operations of the project shall conform to the plans, except as otherwise specified in these conditions. Any future adjustment or modification to the plans shall be considered by the Planning Manager, may require separate discretionary approval, and shall conform to all City, State, and Federal requirements, including subsequent City Code requirements or policies adopted by City Council.
3. Minor modifications to the approved plans or proposed uses may be approved administratively by the Planning Manager. Any major changes, as determined

by the Planning Manager, shall require review and approval from the Planning Manager at a new public hearing.

4. Failure to appeal this decision in a timely manner, or commencement of any activity related to the project, is understood to clarify the Developer's acceptance of all conditions and obligations imposed by this permit and waiving any challenge to the validity of the conditions and obligations stated therein.
5. If the Developer fails to comply with any of the conditions of this permit, the Developer, owner, or tenant shall be subject to permit revocation or enforcement actions pursuant to the City Code. All costs associated with any such actions shall be the responsibility of the Developer, owner, or tenant.
6. Developer shall obtain necessary permits prior to initiating any new construction or modifications authorized under this approval, including but not limited to encroachment permits and clearances from any State or local environmental agencies. Developer shall pay all requisite fees in effect at the time of plan submittal and/or issuance, as applicable.
7. Developer will be solely responsible to maintain and provide copies of a valid Flood Insurance certificate to the City during the tenure of this TUP.
8. This approval is valid for a period of 365 consecutive days and will lapse on August 2, 2025. No operations shall be performed on the subject site after August 2, 2025, unless this permit is renewed, extended or a separate permit is approved by Planning Division. All costs associated with the renewed, extended, or new permit shall be the responsibility of Developer.
9. Graffiti from any building or wall surface visible from the public street shall be removed within 72 hours of discovery in a manner which retains the existing color and texture of the building or wall surface as most practically feasible. Building materials and finishes amenable to graffiti removal shall be used to the extent feasible.
10. Developer shall defend, indemnify, and hold harmless the city, its officers, agents, and employees from any liability or claims for damages due to the injury of any person, loss of life, or damage to property caused by, or arising out of activities permitted by Temporary Use Permit TUP24-012.
11. Developer shall comply with the requirements of the East Palo Alto Building Division, East Palo Alto Engineering Division, the Menlo Park Fire Protection District, and the East Palo Alto Police Department.

12. Developer shall acknowledge in writing all of the conditions of approval and must accept these conditions with full awareness of the responsibilities associated with each requirement prior to site usage.
13. The operational hours shall be from 7:00 AM to 6:00 PM, Monday through Friday.
14. The average operational noise during the operational hours originating from the 1175 Weeks Street and 1990 Bay Road sites will be in full compliance with the City of EPA noise ordinances pursuant to Chapter 8.52-Noise Control of the City of East Palo Alto Municipal Code
15. The temporary use shall be performed on the subject site. In no event shall the automated driving test be performed within the public right-of-way.
16. No permanent construction or lighting installation is allowed for the temporary use. Any modifications to the approved plans shall be approved by the Planning Division under subsequent permits with associated permit fees.
17. The site shall have adequate trash and recycling service bins. Trash storage areas (including recycling or similar areas), wash areas, loading docks, repair/maintenance bays, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Litter and waste must be collected on-site daily.
18. A sign shall be posted on-site indicating a designated contact person and with contact information to address any neighbor complaints related to the operation of the Temporary Use Permit.
19. In the event of any type of emergency event impacting the site, the Developer shall cease operation immediately and may only continue operation after an assessment of the site has deemed safe for site usage by the Community Development Director or his/ her designee.
20. The site shall be cleaned up within sixty (60) days of the permit issuance and maintained for the life of the project including but not limited to the removal of on-site debris, weeds, and graffiti.
21. All K-Rail barriers, trash, debris, portal-potties, etc. placed for the temporary use shall be removed within fifteen (15) days after the site's operation is concluded. The site shall be cleaned up and restored back to the original condition in conformance with the Waterfront Office and Ravenswood Employment Center Zoning District standards.

**BUILDING DIVISION:**



22. If applicable, a digital copy of the plans must be submitted for building review; including the digital submittal of all relevant supporting documents; structural calculations, energy compliance forms, soils report, etc.
23. If applicable, plans submitted for building review must be designed to the 2022 California Building Codes.
24. If applicable, please imprint the Conditions of Approval on the plans submitted for building permits.
25. If applicable, 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 prepared the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the City of East Palo Alto. Prior to the final inspection of 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.
26. If applicable, please imprint on the submitted plans, the Construction Best Management Practices. To access the standard plan, please visit: <http://www.flowstobay.org/construction>.
27. If applicable, the applicant shall properly complete and incorporate the 2022 CAL Green Non-Residential Mandatory Measures on the plans submitted for building permits. The link to access the form: <https://www.dgs.ca.gov/-/media/Divisions/BSC/CALGreen/BSC-TP132a-2022-CALGreen-Mandatory-Checklist.docx?la=en&hash=4ED8385A163E3C750B07F39666123C19448916A6h>
28. 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.
29. 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." Community Economic Development Department Building Services Division. Please note on plan: The City of East Palo Alto Municipal Code Section 15.04.125 limits construction activity to the following hours:

Monday through Friday: 7:00 AM to 6:00 PM  
Saturday: 9:00 AM to 5:00 PM  
Sundays and national holidays: No activity allowed

### **PRIOR TO THE ISSUANCE OF BUILDING PERMIT**

30. If applicable, 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.
31. 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:
  - c. Grading Permit and Improvement Plan
  - d. Fire Permit
  - e. School District Development Impact fee requirements
32. If applicable, 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 FINAL/OCCUPANCY**

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

### **ENGINEERING DIVISION:**

34. ENCROACHMENT PERMIT: If applicable, the property owner or representative 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/sites/default/files/fileattachments/public\\_works/page/3171/encroachment\\_permit\\_application\\_201902011229167360\\_201903251407548161.pdf](https://www.cityofepa.org/sites/default/files/fileattachments/public_works/page/3171/encroachment_permit_application_201902011229167360_201903251407548161.pdf).

**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. 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/preventing-stormwater-pollution/with-new-redevelopment/construction-best-practices/>.

**EAST PALO ALTO POLICE DEPARTMENT:**

37. There should be uniform lighting without glare during all hours of darkness to enable good observation by neighbors and patrol units after hours.

38. Landscaping shall be well maintained and trimmed so that visual observation is not hindered:

- Shrubs should be kept less than three feet in height and trees should be pruned to a height of 10 feet.
- Walkways should be direct, follow natural pathways, and avoid blind corners.
- Walkways and access points to open space should be illuminated and visible.
- Graffiti should be removed in a timely manner.

39. The security company needs to have city business license and police permit in addition to a state license.

40. The applicant should submit a security plan to the police department that can be reviewed and require changes should there be:

- a. Excessive and/or unexplainable increase in calls for service
- b. Excessive and/or preventable crimes committed at the residence and/or commercial space.
- c. Numerous complaints of a valid nature

41. Signage: The Applicant shall:

- a. Post “No trespassing/Loitering” signs at entrances of parking lots and other appropriate places. Signs should be at least 2’ by 1’ in overall size, with white background and black 2” lettering. Section 9.08.010 of the East Palo Alto Municipal Code should be included as a reference for the no loitering signs.
- b. Post signs at all entrances to the parking area pursuant to section 22658(a) of the California Vehicle Code to assist management with removal of unwanted vehicles per the parking manager’s request.

**MENLO FIRE PROTECTION DISTRICT:**

42. Alterations to the building that impact the Fire Alarm and/or Fire Suppression Systems shall require a deferred submittal with a minimum of two sets of plans and with specifications provided to the MPFD for review and approval prior to initiating work that would impact those systems. Only a qualified C-16 contractor working on a fire suppression system or C-10 licensed contractor working on a fire detection system can complete necessary work on those systems.
43. Address markers. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. Permanent addresses on new construction and substantial remodels shall be internally or externally illuminated from dusk to dawn. Addresses shall be posted at the beginning of construction and shall be maintained thereafter. The address shall be visible and legible from the road on which the address is located. Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.
44. The building Fire Sprinkler System shall be maintained operational at all times during alteration. When the renovation requires modification of a portion of a fire protection system, the remainder of the system shall be kept in service. CFC Section 3304.5, & NFPA 241 Section 10.8.
45. Sprinkler system to comply with NFPA 13 (2016 edition). Fire alarm system to comply with NFPA 72 (2016 edition). As amended by MPFPD.
46. A 2A10BC (minimum) Fire Extinguisher shall be located at or near exits and shall be placed so that the travel distance to a fire extinguisher shall not to exceed 75 feet. Verify with Fire Inspector at time of rough inspection to assist with placement of extinguisher(s).
47. Exit signs, emergency lighting, address posting, fire lane, marking, fire extinguishers and Knox Box location to be field verified by Fire Inspector.
48. A final inspection by the Fire Prevention Division is required.
49. Approved plans, approval letter and permit must be on site at the time of inspection.
50. Upon completion of work and prior to closing ceiling, contact Fire Inspector Bob Blach of the Menlo Park Fire Protection District at 650-688-8430 to schedule a final inspection. 48 HOURS NOTICE IS REQUIRED FOR ALL INSPECTIONS.

51. Nothing in this review is intended to authorize or approve any aspects of the design or installation which do not strictly comply with all applicable codes and standards. Menlo Park Fire Protection District is not responsible for inadvertent errors or omissions pertaining to his review and/or subsequent field inspection(s) i.e., additional comments may be added during subsequent drawing review or field inspection. Please call with any questions.

APPROVED   X  

DENIED           

By:

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Alvin Jen  
Associate Planner

cc'd  
Elena Lee  
Planning Manager