STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

August 28, 2026

John D. Lê
City Attorney
City of East Palo Alto
2415 University Avenue, 2nd Floor
East Palo Alto, CA 94303

Re: Your Request for Advice
Our File No. A-26-083

Dear Mr. Lê:

This letter responds to your request for advice on behalf of the City of East Palo Alto ("City") Mayor Webster Lincoln, regarding the conflict of interest provisions of the Political Reform Act (the "Act").[1]

Please note that we are only providing advice under the conflict of interest provisions of the Act and not under other general conflict of interest prohibitions such as common law conflict of interest or Section 1090.

Also note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

Does the Act prohibit Mayor Lincoln from making, participating in making, or otherwise using his official position to influence the City Council's decisions on the Euclid Avenue Mixed-Use project (the "Project"), given that he owns real property located approximately 425 feet from the Project?

CONCLUSION

No. Based on the facts provided, Mayor Lincoln may take part in the relevant decisions involving the Project because clear and convincing evidence indicates that the decisions would

[1] The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

have no measurable impact on his property, which is physically separated from the Project location by a major, eight-lane freeway.

FACTS AS PRESENTED BY REQUESTER

Mayor Lincoln is an elected member of the East Palo Alto City Council. The City Council will be asked to act on the Project, located at the 2100 block of Euclid Avenue, East Palo Alto.

The Project is a 100 percent affordable, State Density Bonus residential development of approximately 430 dwelling units in two six-story buildings, with ground-floor retail, on land currently owned by the Ravenswood City School District. Project-related documents show that the 4.09-acre parcel is currently occupied by several single-story school buildings and will be replaced by two mixed-use six-story buildings.

The Project requires discretionary City action. In addition to the planning entitlements, City staff have advised that the proposed emergency-vehicle-access easement over, and physical improvements within, City-owned Bell Park require separate approval by the City Council and cannot be authorized through the planning entitlement process.

Mayor Lincoln, therefore, expects to make or participate in one or more governmental decisions on the Project, including the consideration of an inclusionary housing alternative compliance option, and the granting of emergency-vehicle-access easement, which is required for Euclid Avenue to move forward with its project approvals.

Mayor Lincoln holds a financial interest in real property, a condominium unit located on E. O'Keefe Street. On the City's "East Palo Alto City Council Recusal Map (RSD) (June 2026)," Mayor Lincoln's E. O'Keefe Street property lies within the inner (500-foot) buffer. City Staff measured the precise straight-line distance from the Mayor's property to the Project parcel boundary. The direct unit to parcel measurement from the Mayor's property on E. O'Keefe Street to the nearest point of the Ravenswood City School District parcel is approximately 425 feet ± 20 feet. However, most of the other units in the complex, including those near the E. O'Keefe Street entrance, are more than 500 feet from the project. You also noted that U.S. Route 101 interrupts the direct line-of-sight between the two parcels.

Although E. O'Keefe Street intersects Euclid Avenue, a review of a map of the relevant area shows that the eight-lane Bayshore Freeway/Highway 101 bisects Euclid Avenue, so that there would be no through traffic between these locations. We note that there are sound walls separating the property from the Bayshore Freeway/Highway 101. Travel from the Mayor's property to the Project location would require passing several blocks of residential development though before crossing over U.S Route 101 at University Avenue, a through street with an overpass, located more than 1,000 feet away from the Mayor's property. This geographic separation makes it highly unlikely that the Project would result in any change in vehicle or pedestrian traffic in the vicinity of the Mayor's condominium. We also note that the Project is adjacent to the Donohoe Street 101 northbound on-ramp, so that vehicles would not need to use University Ave to access northbound 101.

In a follow-up email, you stated that, according to the traffic study conducted by the City, the Project would not add any traffic to E. O'Keefe Street or any other streets in that neighborhood. Project traffic would use University Avenue, Donahoe Street, and the US 101/University Avenue interchange, with the nearest intersections further than 1,000 feet from the Mayor's property. Mayor Lincoln is not the applicant, he does not own the Project site, and has no business, ownership, or financial relationship with the applicant, the property owner, or the Project.

ANALYSIS

Under Section 87100 of the Act, "[a] public official at any level of state or local government shall not make, participate in making or in any way attempt to use the official's position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest."

A public official makes a decision if the official "authorizes or directs any action, votes, appoints a person, obligates or commits the official's agency to any course of action, or enters into any contractual agreement on behalf of the official's agency." (Regulation 18704(a).) A public official participates in a governmental decision when "the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review." (Regulation 18704(b).) Under Regulation 18704(c), a public official uses their official position to influence a governmental decision when the official "contacts or appears before any official in the official's agency or in an agency subject to the authority or budgetary control of the official's agency for the purpose of affecting a decision."

"A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of the official's immediate family," or on certain specified economic interests. (Section 87103.) Specified economic interests include any real property in which the public official has a direct or indirect interest worth $2,000 or more. (Section 87103(b).) Here, Mayor Lincoln has a financial interest in the real property located on E O'Keefe Street.[2] Additionally, an official always has an interest in their personal finances.[3]

Foreseeability and Materiality

Foreseeability standards vary depending on whether an interest is explicitly involved in a governmental decision. A financial effect is presumed to be reasonably foreseeable when an

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[2] Per Regulation 18702.2(e)(4), any interest in the complex's common areas does not constitute an economic interest for purposes of the Act's conflict of interest provisions. Accordingly, we only need to analyze whether the City Council's decisions on the Project would have a reasonably foreseeable, material financial effect on his real property interest in his individual condominium unit within the complex.

[3] If the decision would have a reasonably foreseeable financial effect on the official's financial interest in real property, any related effect on the official's personal finances is not considered separately. (Regulation 18702.5(c).)

interest is explicitly involved in a decision. Financial interests that are explicitly involved in a decision include an interest that is a named party in, or the subject of, a government decision. An interest in real property is the subject of, and explicitly involved, in the decision anytime the decision affects the property as described in Regulation 18702.2(a)(1)-(6). (Regulation 18701(a).)

Where, as here, an official's financial interest is not explicitly involved in the governmental decision, the applicable standard for determining the foreseeability of a financial effect on the financial interest is found in Regulation 18701(b). That regulation provides, "[a] financial effect need not be likely to be considered reasonably foreseeable. In general, if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable. If the financial result cannot be expected absent extraordinary circumstances not subject to the public official's control, it is not reasonably foreseeable."

For a financial interest in real property not explicitly involved in the decision, the reasonably foreseeable financial effect of a governmental decision is material whenever the governmental decision involves property located 500 feet or less from the property line of the parcel unless there is clear and convincing evidence that the decision will not have any measurable impact on the official's property. (Regulation 18702.2(a)(7).)

Based on the facts provided, it is evident that the proposed decision would not change the development potential or highest and best use, market value, or income-producing potential of Mayor Lincoln's property. With regard to the property's character, the distance and physical barriers created by the aforementioned eight-lane Bayshore Freeway/Highway 101 and associated sound walls, which separate his property and the Project site, as well as the location of his condominium complex in a residential area more than 1,000 feet from the University Avenue interchange, indicate that the proposed decisions would not impact traffic levels, intensity of use, parking, view, or privacy.

The Project is adjacent to the Donohoe Street 101 northbound on-ramp, so that vehicles resulting from the project would not need to use University Ave to access northbound 101. The traffic study indicates that the Project would not add any traffic to E. O'Keefe Street or any other streets in that neighborhood. Project traffic would use University Avenue, Donahoe Street, and the US 101/University Avenue interchange, with the nearest intersection more than 1,000 feet from the Mayor's property. Moreover, there is no indication that the increase in vehicle traffic resulting from the project will have significant effects on US 101/University Avenue which are already heavily transversed throughways.

Accordingly, we conclude that the facts establish clear and convincing evidence that the decisions concerning an inclusionary housing alternative compliance option, and the granting of emergency-vehicle-access easement for the Project would not have a measurable impact on Mayor Lincoln's property. Therefore, Mayor Lincoln's real property financial interest does not present a disqualifying conflict of interest under the Act, and he may take part in the decisions.

If you have other questions on this matter, please contact me at znorton@fppc.ca.gov.

Sincerely,

Dave Bainbridge
General Counsel

Zachary W. Norton

By: Zachary W. Norton
Senior Counsel, Legal Division

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