



CITY COUNCIL SPECIAL MEETING AGENDA

**Tuesday, December 11, 2012
6:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers**

**Councilmember Mueller will participate by telephone from:
225 S. Olive Street, Apt. 2003
Los Angeles, CA 90012
(650) 776-8995**

6:00 P.M. STUDY SESSION

SS1. Discussion of a Metropolitan Transportation Commission Complete Streets Policy
(Staff report #12-197)

7:00 P.M. REGULAR SESSION

ROLL CALL – Carlton, Cline, Keith, Mueller, Ohtaki

PLEDGE OF ALLEGIANCE

A. PRESENTATIONS AND PROCLAMATIONS

A1. Proclamation honoring Code Enforcement Officer Elizabeth Fambrini

A2. Proclamation honoring Commander Lacey Burt

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

B1. Transportation Commission 2-year Work Plan update

C. PUBLIC COMMENT #1 (Limited to 30 minutes)

Under “Public Comment #1”, the public may address the Council on any subject not listed on the agenda and items listed under the Consent Calendar. Each speaker may address the Council once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The Council cannot act on items not listed on the agenda and, therefore, the Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

D. CONSENT CALENDAR

D1. Notify the City Council of the Local Appointment List (Commonly known as The Maddy Act) (Staff report #12-185)

D2. Adopt a resolution electing to participate in the Bay Area Water Supply and Conservation Agency (BAWSCA) bond issuance to prepay capital debt owed to San Francisco
(Staff report #12-189)

- D3. Review of the annual report on the status of the Transportation Impact, Storm Drainage, Recreation in-lieu and Building Construction Road Impact fees collected as of June 30, 2012 according Government Code § 66000 et seq. (*Staff report #12-190*)
- D4. Approve the Annual Report on the Below Market Rate (BMR) Housing Program and the status of the BMR in-lieu fees collected as of June 30, 2012, in accordance with Government Code § 66000 et seq. (*Staff report #12-193*)
- D5. Adopt a resolution requesting the Board of Administration of the Public Employees' Retirement System to approve an extension of allowed employment for a retired employee pursuant to California Government Code Section 21221(h) (*Staff report #12-198*)
- D6. Waive the second reading and adopt an ordinance rezoning the property located at 1 and 20 Kelly Court from M-2 (General Industrial) to M-2(X) (General Industrial, Conditional Development) (*Staff report #12-194*)
- D7. Adopt a resolution authorizing the joint filing of an application with the Town of Atherton for the One Bay Area Grant (OBAG) First Funding Cycle Funds and committing the necessary matching funds and stating the assurance to complete bicycle and pedestrian improvement projects (*Staff report #12-195*)
- D8. Adopt a Resolution to a) Determine that Apex Engineering & Construction (Apex) has Abandoned the Contract for the Alpine Road Bike Improvement Project and Rescind the Award of Contract to Apex from Resolution No. 6106; b) Reject the Second Lowest Bid from Wickman Development and Construction as Non-responsive; c) Award a Contract to the Third Lowest Bidder, Interstate Grading & Paving, Inc., in the Amount of \$152,994.75 for Construction of the Alpine Road Bike Improvement Project; d) Authorize a budget increase of \$8,340 for a Total Budget of \$210,000 for Construction, Contingencies, Testing, Inspection, Engineering and Construction Administration (*Staff report #12-196*)
- D9. Authorize the City Manager to submit Errata to the Draft Housing Element of the General Plan to the State Department of Housing and Community Development and approve an updated project schedule for the Housing Element and General Plan Consistency updates (*Staff report #12-199*)

E. PUBLIC HEARING – None

F. REGULAR BUSINESS

- F1. Provide feedback on the Commonwealth Corporate Center Project located at 151 Commonwealth Drive and 164 Jefferson Drive and authorize the City Manager to approve an augment to a contract with Atkins North America, Inc. in the amount of \$194,457 (for a total contract of \$236,769) and future augments as may be necessary to complete the environmental review for the project (*Staff report #12-192*)
- F2. Appoint City Council representatives and alternates to various regional agencies; liaisons to City advisory bodies and Council sub-committees and consider a letter of interest from Former Mayor Fergusson regarding the Bay Trail Gap Project (*Staff report #12-186*)

- F3.** City Council discussion and possible recommendation on various seats for determination at the next City Selection Committee meeting scheduled for December 14, 2012
(Staff report #12-187)
- F4.** Council review and approval of the City Council meeting schedule for 2013
(Staff report #12-188)
- F5.** Approve extension of an existing agreement with Capital Advocates to provide legislative and regulatory advocacy on rail related issues (Staff report #12-200)
- F6.** Consider state and federal legislative items, including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Item: None
- G. CITY MANAGER'S REPORT – None**
- H. WRITTEN COMMUNICATION – None**
- I. INFORMATIONAL ITEMS – None**
- J. COUNCILMEMBER REPORTS**
- K. PUBLIC COMMENT #2: (Limited to 30 minutes)**
Under "Public Comment #2", the public if unable to address the Council on non-agenda items during Public Comment #1, may do so at this time. Each person is limited to three minutes. Please clearly state your name and address or jurisdiction in which you live.
- L. ADJOURNMENT**

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at <http://www.menlopark.org> and can receive e-mail notification of agenda and staff report postings by subscribing to the "Home Delivery" service on the City's homepage. Agendas and staff reports may also be obtained by contacting the City Clerk at (650) 330-6620. Copies of the entire packet are available at the library for viewing and copying. (Posted: 12/06/2012)

At every Regular Meeting of the City Council, in addition to the Public Comment period where the public shall have the right to address the City Council on the Consent Calendar and any matters of public interest not listed on the agenda, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Mayor, either before or during the Council's consideration of the item.

At every Special Meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Mayor, either before or during consideration of the item.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the Office of the City Clerk, Menlo Park City Hall, 701 Laurel Street, Menlo Park, CA 94025 during regular business hours. Members of the public may send communications to members of the City Council via the City Council's e-mail address at city.council@menlopark.org. These communications are public records and can be viewed by anyone by clicking on the following link: <http://ccin.menlopark.org>

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PUBLIC WORKS DEPARTMENT

Council Meeting Date: December 11, 2012
Staff Report #: 12- 197

Agenda Item #: SS-1

**STUDY SESSION: Discussion of a Metropolitan Transportation Commission
Complete Streets Policy**

The purpose of this Study Session is to receive feedback from the City Council regarding the approach to a Metropolitan Transportation Commission (MTC) Complete Streets Policy for Menlo Park.

BACKGROUND

Created by the state Legislature in 1970 (California Government Code § 66500 et seq.), the Metropolitan Transportation Commission (MTC) functions as both the regional transportation planning agency — a state designation — and, for federal purposes, as the region's metropolitan planning organization (MPO) for the nine-county San Francisco Bay Area. As such, it is responsible for regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle and pedestrian facilities. MTC also screens requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan

In 2012, MTC created the One Bay Area Grant (OBAG) Program as a new funding approach that better integrates the region's federal transportation program with California's climate law (Senate Bill 375, Steinberg, 2008) and the associated Sustainable Communities Strategy. \$800 million in funding through this program is shifted from the broad regional level to a more local level, with the cities in San Mateo County expected to obtain approximately \$26 million over the four year cycle (2014-2017). Priority is given to promoting transportation investments in Priority Development Areas (PDAs), and allowing investments in bicycle and pedestrian improvements, local streets and roads preservation, and planning and outreach activities. Menlo Park's PDA is along El Camino Real and Downtown.

To receive funding through the OBAG program, by January 31, 2013 a jurisdiction must have: 1) either updated its General Plan to comply with the "Complete Streets" Act of 2008 or adopted a "Complete Streets" Resolution; and, 2) have a certified Housing Element. The City is expected to begin the General Plan update next year, but won't be completed for a number of years. The Housing Element is expected to be completed during this fiscal year.

In the past five years, the City of Menlo Park has received approximately \$3.8 million in grant funds for projects, which in future cycles would require the City to have a "Complete Streets" resolution and a certified Housing Element. See attachment D for

the list of projects. Failure by the City to have a Complete Streets resolution adopted would disqualify the City from these essential funds.

Complete Street Policy

A “Complete Street” is defined as streets that are safe, comfortable, and convenient for all users of the roadway, regardless of age and ability; all pedestrians, bicyclists, motorists, and public transportation users. A “complete street” is the result of comprehensive planning, programming, design, construction, operation, and maintenance, and should be appropriate to the function and context of the street.

A “Complete Streets” resolution must incorporate the following elements listed in Attachment A (Elements Required of a Complete Streets Resolution to Comply with OBAG) and summarized below:

- A. **Principles.** The policy requires all transportation improvements: 1) to be planned, designed, constructed, operated, and maintained to support safe and convenient access for all users; and, 2) to include input from residents and businesses.
- B. **Implementation.** The policy requires all transportation improvements to: 1) be evaluated for consistency with all local bicycle, pedestrian and transportation plans; 2) provide a connected network of facilities accommodating all modes of travel, between popular destinations and; 3) be reviewed by local bicycle and pedestrian advisory committees (BPACs) or similar public advisory group in an early project development phase to verify bicycling and pedestrian needs for projects.
- C. **Exemptions.** The policy requires for plans/projects that seek exemptions from the complete streets approach, to have documentation on why all modes were not included in the project, to be signed off by the Public Works Director or equivalent.

MTC has developed a sample resolution for cities to use for adoption shown in Attachment B.

In addition to making jurisdictions eligible to receive OBAG funding, adopting a city-wide “Complete Streets” policy will enable a city to:

- Update practices, integrating the needs of all street users into all phases of a project
- Ensure every project becomes an opportunity to help create a complete street
- Bring an overarching vision and consistency to disparate departmental approaches
- Improve departmental efficiency and streamlining

Commission Review

In October and November 2012, staff presented the sample MTC Complete Streets resolution to the following commissions and received the following comments:

- Bicycle Commission – Supportive of the policy with no comments.
- Transportation Commission – Requested to bring the item back at its December meeting so it can provide comments on the policy for Council consideration.
- Environmental Quality Commission – Discussed consideration of a stricter policy, but were more focused on providing an easy way for the public to view projects that have received an exemption to the policy on the web with the understanding that this topic will be discussed at a more granular level during the General Plan update.
- Planning Commission – Expressed concern regarding the lack of flexibility in the policy and how one mode of travel could be improved at the expense of another mode of travel even though it has a lower use. (e.g. the potential of a required bus rapid lane on El Camino that removes a lane of vehicular travel.)

In an effort to balance the input from the Commissions, and staff's concerns regarding implementation, a proposed redlined version of the MTC sample resolution is included as Attachment C. The MTC sample resolution has been modified as follows:

- To provide more local control and flexibility in the policy by replacing several instances of "shall" with "should."
- The policy was modified to bring the appropriate projects through the Bicycle and Transportation Commissions with a focus on the larger transportation projects.
- The evaluation section was left more generic, such that the City can determine the appropriate way to measure the effect of the policy. Since this is a new policy, the evaluation may change over time and can be further discussed and solidified during the City's General Plan update.
- The exemption section was modified to clarify that the Director of Public Works will make the determination as to whether a project is exempt and make it available for the public. The public would then have the opportunity to request further review.

A recent concern that could be affected by this resolution relates to the petition from the Allied Arts neighborhood. The petition, in part, relates to the construction of frontage improvements (sidewalk and curb and gutter) along the frontage of houses that are undergoing a remodel. The petition raises the concern of the required construction of small segments of sidewalk that are isolated along one property frontage, due to lack of sidewalk along other frontages on the street. This petition has not been discussed by

Council, but the proposed modifications to the MTC sample resolution would continue to provide Council and staff with the flexibility as to whether the frontage improvements should be installed or not based on the context of the street and neighborhood.

In order to be eligible for the OBAG grant funds, the Complete Streets resolution needs to be approved by Council no later than January 31, 2013. Staff would like to receive any comments and feedback from Council and bring back a final resolution for approval in January.

Signature on File

Charles Taylor
Public Works Director

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

- A. Elements Required of a Complete Streets Resolution to Comply with the One Bay Area Grant
- B. Draft Resolution of the City Council of the City of Menlo Park Adopting a Complete Streets Policy based on the MTC sample resolution
- C. Proposed Modifications to the MTC sample Complete Streets Resolution
- D. List of Projects that received grant funds that would require a "Complete Streets" resolution

Elements Required of a Complete Streets Resolution to Comply with the One Bay Area Grant (Revised July 1, 2012)

To receive funding through the OneBayArea Grant (OBAG) program, a jurisdiction must have either updated its General Plan to comply with the Complete Streets Act of 2008 or adopted a complete streets Resolution that incorporates all nine of the following elements.

Complete Streets Principles

1. **Serve all Users** - All transportation improvements will be planned, designed, constructed, operated and maintained to support safe and convenient access for all users, and increase mobility for walking, bicycling and transit use.
2. **Context Sensitivity** – The planning and implementation of transportation projects will reflect conditions within and surrounding the project area, whether the area is a residential or business district or urban, suburban or rural. Project planning, design and construction of complete streets projects should include working with residents and ~~merchants~~ businesses to ensure that a strong sense of place is maintained.
3. **Complete Streets in all Departments** – All departments in the jurisdiction *and outside agencies* whose work affects the roadway must incorporate a complete streets approach into the review and implementation of their projects and activities. Potential complete streets opportunities could apply to projects such as, transportation projects, road rehabilitation, new development, utilities, etc.
4. **All Projects/Phases** - The policy will apply to all roadway projects including those involving new construction, reconstruction, retrofits, repaving, rehabilitation, or changes in the allocation of pavement space on an existing roadway, as well as those that involve new privately built roads and easements intended for public use.

Implementation

5. **Plan Consultation** –Any proposed improvements should be evaluated for consistency with all local bicycle, pedestrian and transportation plans and any other plans that affect the right of way should be consulted for consistency with any proposed improvements.
6. **Street Network/Connectivity** - The transportation system should provide a connected network of facilities accommodating all modes of travel. This includes looking for opportunities for repurposing rights-of-ways to enhance connectivity for cyclists, pedestrians and transit users. A well connected network should include non-motorized connectivity to schools, parks, commercial areas, civic destinations and regional non-motorized networks on both publically owned roads/land and private developments (or redevelopment areas).
7. **BPAC Consultation** - Input shall be solicited from local bicycle and pedestrian advisory committees (BPACs) or similar *public* advisory group in an early project development phase to verify bicycling and pedestrian needs for projects. (MTC Resolution 875 requires that cities of 10,000 or more create and maintain a BPAC or rely on the county BPAC to receive TDA-3 funds.)
8. **Evaluation** – *City and county* will establish a means to collect data and indicate how the jurisdiction is evaluating their implementation of complete streets policies. For example tracking the number of miles of bike lanes and sidewalks, numbers of street crossings, signage etc.

Exceptions

9. **Process**– Plans or projects that seek exemptions from the complete streets approach outlined in prior sections must provide written finding of why accommodations for all modes were not included in the project. The memorandum should be signed off by the Public Works Director or equivalent high level staff person. Plans or projects that are granted exceptions must be made publically available for review.

Federal guidance on exceptions can be found from the Federal Highway Administration (FHWA)
Accommodating Bicycle and Pedestrian

Travel http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_guidance/design.cfm

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO
PARK ADOPTING A COMPLETE STREETS POLICY**

WHEREAS, the term “Complete Streets” describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families , emergency vehicles, and freight; and

WHEREAS, the City of Menlo Park acknowledges the benefits and value for the public health and welfare of reducing vehicle miles traveled and increasing transportation by walking, bicycling, and public transportation; and

WHEREAS, the City of Menlo Park recognizes that the planning and coordinated development of Complete Streets infrastructure provides benefits for local governments in the areas of infrastructure cost savings; public health; and environmental sustainability; and

WHEREAS, the State of California has emphasized the importance of Complete Streets by enacting the California Complete Streets Act of 2008 (also known as AB 1358), which requires that when cities or counties revise general plans, they identify how they will provide for the mobility needs of all users of the roadways, as well as through Deputy Directive 64, in which the California Department of Transportation explained that it “views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system”; and

WHEREAS, the California Global Warming Solutions Act of 2006 (known as AB 32) sets a mandate for the reduction of greenhouse gas emissions in California, and the Sustainable Communities and Climate Protection Act of 2008 (known as SB 375) requires emissions reductions through coordinated regional planning that integrates transportation, housing, and land-use policy, and achieving the goals of these laws will require significant increases in travel by public transit, bicycling, and walking; and

WHEREAS, numerous California counties, cities, and agencies have adopted Complete Streets policies and legislation in order to further the health, safety, welfare, economic vitality, and environmental well-being of their communities; and

WHEREAS, the City of Menlo Park therefore, in light of the foregoing benefits and considerations, wishes to improve its commitment to Complete Streets and desires that its streets form a comprehensive and integrated transportation network promoting safe, equitable, and convenient travel for all users while preserving flexibility, recognizing community context, and using the latest and best design guidelines and standards.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Menlo Park, as follows:

1. That the City of Menlo Park adopts the Complete Streets Policy attached hereto as Exhibit A, and made part of this Resolution, and that said exhibit is hereby approved and adopted.

2. That the next substantial revision of the City of Menlo Park General Plan Circulation Element shall incorporate Complete Streets policies and principles consistent with the California Complete Streets Act of 2008 (AB 1358) and with the Complete Streets Policy adopted by this resolution.

I, Margaret S. Roberts, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the eleventh day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Menlo Park on this eleventh of December, 2012.

Margaret S. Roberts, MMC
City Clerk

EXHIBIT A

This Complete Streets Policy was adopted by Resolution No. XXXX by the City Council of the City of Menlo Park on XXX, 2012.

COMPLETE STREETS POLICY OF CITY OF MENLO PARK

A. Complete Streets Principles

1. **Complete Streets Serving All Users.** City of Menlo Park expresses its commitment to creating and maintaining Complete Streets that provide safe, comfortable, and convenient travel along and across streets (including streets, roads, highways, bridges, and other portions of the transportation system) through a comprehensive, integrated transportation network that serves all categories of users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families, emergency vehicles and freight.
2. **Context Sensitivity.** In planning and implementing street projects, departments and agencies of the City of Menlo Park shall maintain sensitivity to local conditions in both residential and business districts, and shall work with residents, merchants, and other stakeholders to ensure that a strong sense of place ensues. Improvements that will be considered include sidewalks, shared use paths, bicycle lanes, bicycle routes, paved shoulders, street trees and landscaping, planting strips, accessible curb ramps, crosswalks, refuge islands, pedestrian signals, signs, street furniture, bicycle parking facilities, public transportation stops and facilities, transit priority signalization, and other features assisting in the provision of safe travel for all users, including those features identified in the *El Camino Real/Downtown Specific Plan* and the *City of Menlo Park Comprehensive Bicycle Development Plan*.
3. **Complete Streets Routinely Addressed by All Departments.** All relevant departments and agencies of the City of Menlo Park shall work towards making Complete Streets practices a routine part of everyday operations, approach every relevant project, program, and practice as an opportunity to improve streets and the transportation network for all categories of users, and work in coordination with other departments, agencies, and jurisdictions to maximize opportunities for Complete Streets, connectivity, and cooperation. The following projects provide opportunities: pavement resurfacing, restriping, accessing above and underground utilities, signalization operations or modifications, and maintenance of landscaping/related features.

4. **All Projects and Phases.** Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way for each category of users shall be incorporated into all planning, funding, design, approval, and implementation processes for any construction, reconstruction, retrofit, maintenance, operations, alteration, or repair of streets (including streets, roads, highways, bridges, and other portions of the transportation system), except that specific infrastructure for a given category of users may be excluded if an exemption is approved via the process set forth in section C. 1 of this policy.

B. Implementation

1. **Plan Consultation and Consistency.** Maintenance, planning, and design of projects affecting the transportation system shall be consistent with local bicycle, pedestrian, transit, multimodal, and other relevant plans, except that where such consistency cannot be achieved without negative consequences. Consistency shall not be required if the Public Works Director provides written approval explaining the basis of such deviation, such deviations shall be presented to the Bicycle and Transportation Commission early in the planning and design stage, to ensure the Bicycle and Transportation Commission has an opportunity to provide comments and recommendations.
2. **Street Network/Connectivity.** As feasible, the City of Menlo Park shall incorporate Complete Streets infrastructure into existing streets to improve the safety and convenience of users and to create employment, with the particular goal of creating a connected network of facilities accommodating each category of users, and increasing connectivity across jurisdictional boundaries and for existing and anticipated future areas of travel origination or destination.
3. **Bicycle and Transportation Commission Consultation.** Transportation projects shall be reviewed by the Bicycle and Transportation Commissions early in the planning and design stage, to provide the Bicycle and Transportation Commissions an opportunity to provide comments and recommendations regarding Complete Streets features to be incorporated into the project, as deemed appropriate.
4. **Evaluation.** The Department of Public Works and Police shall perform evaluations of how well the streets and transportation network of the City of Menlo Park are serving each category of users by collecting baseline data and collecting follow-up data on a regular basis. The City will evaluate this Complete Streets Policy using the following performance measures:
 - i. Total Miles of on-street bikeways defined by streets with clearly marked or signed bicycle accommodation
 - ii. Total Miles of streets with pedestrian accommodation

- iii. Number of missing or non-compliant curb ramps along City Streets
- iv. Number of new street trees planted along City streets
- v. Percentage of new street projects that are multi-modal
- vi. Number and severity of pedestrian-vehicle and bicycle-vehicle crashes
- vii. Number of pedestrian-vehicle and bicycle-vehicle fatalities

C. Exemptions

Complete Streets principles and practices will be included in street construction, reconstruction, paving, and rehabilitation projects, as well as other plans and manuals, except under one or more of the following conditions:

- A) A project involves only ordinary or emergency maintenance activities designed to keep assets in serviceable condition such as mowing, cleaning, sweeping, spot repair, concrete joint repair, or pothole filling, or when interim measures are implemented on temporary detour or haul routes.
- B) The City Council exempts a project due to excessive and disproportionate cost of establishing a bikeway, walkway, or transit enhancement as part of a project.
- C) The respective department, Director of Public Works or the Community Development Director, determines the construction is not practically feasible or cost effective because of significant or adverse environmental impacts to waterways, flood plains, remnants of native vegetation, wetlands, or other critical areas, or due to impacts on neighboring land uses, including impact from right of way acquisitions.
- D) Unless otherwise determined by the City Council, respective department, the Director of Public Works or the Community Development Director jointly determine it is not practically feasible or cost effective to implement the provisions of this policy through public or private project design or manuals or other plans.

Exceptions described in B and C above will be documented and made available for public access at least 21 days prior to decision. Exceptions described in A and D above will be documented.

Redline Version

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO
PARK ADOPTING A COMPLETE STREETS POLICY**

WHEREAS, the term “Complete Streets” describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families , emergency vehicles, and freight; and

WHEREAS, the City of Menlo Park acknowledges the benefits and value for the public health and welfare of reducing vehicle miles traveled and increasing transportation by walking, bicycling, and public transportation; and

WHEREAS, the City of Menlo Park recognizes that the planning and coordinated development of Complete Streets infrastructure provides benefits for local governments in the areas of infrastructure cost savings; public health; and environmental sustainability; and

WHEREAS, the State of California has emphasized the importance of Complete Streets by enacting the California Complete Streets Act of 2008 (also known as AB 1358), which requires that when cities or counties revise general plans, they identify how they will provide for the mobility needs of all users of the roadways, as well as through Deputy Directive 64, in which the California Department of Transportation explained that it “views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system”; and

WHEREAS, the California Global Warming Solutions Act of 2006 (known as AB 32) sets a mandate for the reduction of greenhouse gas emissions in California, and the Sustainable Communities and Climate Protection Act of 2008 (known as SB 375) requires emissions reductions through coordinated regional planning that integrates transportation, housing, and land-use policy, and achieving the goals of these laws will require significant increases in travel by public transit, bicycling, and walking; and

WHEREAS, numerous California counties, cities, and agencies have adopted Complete Streets policies and legislation in order to further the health, safety, welfare, economic vitality, and environmental well-being of their communities; and

WHEREAS, the City of Menlo Park therefore, in light of the foregoing benefits and considerations, wishes to improve its commitment to Complete Streets and desires that its streets form a comprehensive and integrated transportation network promoting safe,

equitable, and convenient travel for all users while preserving flexibility, recognizing community context, and using the latest and best design guidelines and standards.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Menlo Park, as follows:

1. That the City of Menlo Park adopts the Complete Streets Policy attached hereto as Exhibit A, and made part of this Resolution, and that said exhibit is hereby approved and adopted.

2. That the next substantial revision of the City of Menlo Park General Plan Circulation Element ~~shall~~ **should** incorporate Complete Streets policies and principles consistent with the California Complete Streets Act of 2008 (AB 1358) and with the Complete Streets Policy adopted by this resolution.

I, Margaret S. Roberts, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the eleventh day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Menlo Park on this eleventh of December, 2012.

Margaret S. Roberts, MMC
City Clerk

EXHIBIT A

This Complete Streets Policy was adopted by Resolution No. XXXX by the City Council of the City of Menlo Park on XXX, 2012.

COMPLETE STREETS POLICY OF CITY OF MENLO PARK

A. Complete Streets Principles

1. **Complete Streets Serving All Users.** City of Menlo Park expresses its commitment to creating and maintaining Complete Streets that provide safe, comfortable, and convenient travel along and across streets (including streets, roads, highways, bridges, and other portions of the transportation system) through a comprehensive, integrated transportation network that serves all categories of users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families, emergency vehicles and freight.
2. **Context Sensitivity.** In planning and implementing street projects, departments and agencies of the City of Menlo Park shall maintain sensitivity to local conditions in both residential and business districts, and shall work with residents, merchants, and other stakeholders to ensure that a strong sense of place ensues. Improvements that ~~will~~ **should** be considered include sidewalks, shared use paths, bicycle lanes, bicycle routes, paved shoulders, street trees and landscaping, planting strips, accessible curb ramps, crosswalks, refuge islands, pedestrian signals, signs, street furniture, bicycle parking facilities, public transportation stops and facilities, transit priority signalization, and other features assisting in the provision of safe travel for all users, including those features identified in the *El Camino Real/Downtown Specific Plan* and the *City of Menlo Park Comprehensive Bicycle Development Plan*.
3. **Complete Streets Routinely Addressed by All Departments.** All relevant departments and agencies of the City of Menlo Park ~~shall~~ **should** work towards making Complete Streets practices a routine part of everyday operations, approach every relevant project, program, and practice as an opportunity to improve streets and the transportation network for all categories of users, and work in coordination with other departments, agencies, and jurisdictions to maximize opportunities for Complete Streets, connectivity, and cooperation. The following projects provide opportunities: pavement resurfacing, restriping, accessing above and underground utilities, signalization operations or modifications, and maintenance of landscaping/related features.

4. **All Projects and Phases.** Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way for each category of users ~~shall be~~ **should be considered for** incorporation into all planning, funding, design, approval, and implementation processes for any construction, reconstruction, retrofit, maintenance, operations, alteration, or repair of streets (including streets, roads, highways, bridges, and other portions of the transportation system), except that specific infrastructure for a given category of users may be excluded if an exemption is approved via the process set forth in section C. 1 of this policy.

B. Implementation

1. **Plan Consultation and Consistency.** Maintenance, planning, and design of projects affecting the transportation system shall be consistent with local bicycle, pedestrian, transit, multimodal, and other relevant plans, except that where such consistency cannot be achieved without negative consequences. Consistency shall not be required if the Public Works Director provides written approval explaining the basis of such deviation, such deviations shall be presented to the Bicycle and Transportation Commission early in the planning and design stage, to ensure the Bicycle and Transportation Commission has an opportunity to provide comments and recommendations.
 2. **Street Network/Connectivity.** As feasible, the City of Menlo Park ~~shall~~ **should** incorporate Complete Streets infrastructure into existing streets to improve the safety and convenience of users and to create employment, with the particular goal of creating a connected network of facilities accommodating each category of users, and increasing connectivity across jurisdictional boundaries and for existing and anticipated future areas of travel origination or destination.
 3. **Bicycle and Transportation Commission Consultation.** ~~Large~~ **Transportation** projects, ~~as deemed by the Public Works Director,~~ shall be reviewed by the Bicycle and Transportation Commissions early in the planning and design stage, to provide the Bicycle and Transportation Commissions an opportunity to provide comments and recommendations regarding Complete Streets features to be incorporated into the project, as deemed appropriate.
- C. **Evaluation.** The Menlo Park Public Works and Planning Departments shall perform evaluations of how well the streets and transportation network of Menlo Park are serving each category of users by collecting baseline data and collecting follow-up data on a regular basis.
- ~~4. The Department of Public Works and Police shall perform evaluations of how well the streets and transportation network of the City of Menlo Park are serving each category of users by collecting baseline data and collecting follow-up data~~

~~on a regular basis. The City will evaluate this Complete Streets Policy using the following performance measures:~~

- ~~5.—~~
- ~~6. Total Miles of on-street bikeways defined by streets with clearly marked or signed bicycle accommodation~~
- ~~7.—~~
- ~~8. Total Miles of streets with pedestrian accommodation~~
- ~~9.—~~
- ~~10. Number of missing or non-compliant curb ramps along City Streets~~
- ~~11.—~~
- ~~12. Number of new street trees planted along City streets~~
- ~~13.—~~
- ~~14. Percentage of new street projects that are multi-modal~~
- ~~15.—~~
- ~~16. Number and severity of pedestrian vehicle and bicycle vehicle crashes~~
- ~~17.—~~
- ~~18. Number of pedestrian vehicle and bicycle vehicle fatalities~~

D. Exemptions

1. Leadership Approval for Exemptions. A project seeking Complete Streets exemption must provide written finding of why accommodations for all modes was not incorporated into the project. Exemptions shall be reviewed and approved by the Director of Public Works and made available to the public. ~~Complete Streets principles and practices will be included in street construction, reconstruction, paving, and rehabilitation projects, as well as other plans and manuals, except under one or more of the following conditions:~~

- ~~A) A project involves only ordinary or emergency maintenance activities designed to keep assets in serviceable condition such as mowing, cleaning, sweeping, spot repair, concrete joint repair, or pothole filling, or when interim measures are implemented on temporary detour or haul routes.~~
- ~~B) The City Council exempts a project due to excessive and disproportionate cost of establishing a bikeway, walkway, or transit enhancement as part of a project.~~
- ~~C) The respective department, Director of Public Works or the Community Development Director, determines the construction is not practically feasible or cost effective because of significant or adverse environmental impacts to waterways, flood plains, remnants of native vegetation, wetlands, or other critical areas, or due to impacts on neighboring land uses, including impact from right of way acquisitions.~~
- ~~D) Unless otherwise determined by the City Council, respective department, the Director of Public Works or the Community Development Director jointly~~

~~determine it is not practically feasible or cost effective to implement the provisions of this policy through public or private project design or manuals or other plans.~~

~~Exceptions described in B and C above will be documented and made available for public access at least 21 days prior to decision. Exceptions described in A and D above will be documented.~~

**LIST OF FEDERAL AND STATE TRANSPORTATION GRANTS
RECEIVED BY THE CITY OF MENLO PARK FROM 2006-2012**

TYPE OF GRANT	PROJECT	AMOUNT OF GRANT RECEIVED	YEAR GRANT RECEIVED
Surface Transportation Program (Federal)	Sand Hill Road and Oak Grove Avenue Resurfacing	\$816,000	2006
Safe Routes to School-SRTS (Federal)	Hillview Middle School Project	\$143,000	2007
Transportation Development Act Art. 3 (State)	Video Detection Systems for Bicycles	\$110,000	2007
SAFETEA (Federal)	Willow Road Signal Interconnect	\$240,000	2007
Safe Routes to School-SRTS (Federal)	Laurel Elementary School Project	\$441,100	2008
American Recovery and Reinvestment Act (Federal)	Haven Avenue, Live Oak Avenue, and Monte Rosa Drive Resurface	\$885,000	2009
Transportation Development Act Art. 3 (State)	Alpine Road Bicycle Lane Project	\$78,000	2010
Highway Safety Improvement Program (Federal)	Oak Grove Merrill Street In-Pavement Lighted Crosswalk Project	\$49,500	2010
MTC Program For Arterial System Synchronization (State)	Willow Road Traffic Signal Synchronization	\$50,000	2011
MTC Program For Arterial System Synchronization (State)	Sand Hill Road and Marsh Road Traffic Signal Synchronization	\$50,000	2012
Proposition 1 B (State)	2011-12 Resurfacing Project	\$463,027	2012
MTC Lifeline Shuttle Grant (State)	Menlo Park Shuttle Program	\$134,000	2012
State Transportation Local Program (State)	Resurfacing of Sand Hill Road and Marsh Road	\$385,000	2012

Total: \$3,844,627

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ADMINISTRATIVE SERVICES DEPARTMENT

Council Meeting Date: December 11, 2012

Staff Report #: 12-185

Agenda Item #: D-1

**CONSENT CALENDAR: Notify the City Council of the Local Appointments List
(Commonly referred to as the Maddy Act)**

RECOMMENDATION

No official action by the City Council is required.

BACKGROUND

Government Code Section 54972 requires the legislative body to annually, on or before December 31, prepare and post a list of "...all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency...with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position." The list is attached for your information.

The list of local appointments has been posted and remains posted for one year. The current Chairs and Vice-Chairs are designated for each Commission by a single (Chair) or double (Vice-Chair) asterisk. Typically Commission Chairs and Vice-Chairs are selected by each Commission in April, so the designations as shown on the attached list will change during the year. Throughout the year, and as changes occur in the various bodies, the list is updated and posted for the benefit of the public. Posting places include locations around City Hall and on the City's website.

By bringing this before the Council, staff is ensuring that Menlo Park is complying with state law (Government Code Section 54972).

In 2013, there will be 20 positions that the City will be recruiting for, in addition to the three current vacancies; One for the Dumbarton Rail Citizen Advisory Panel and two for the Housing Commission.

IMPACT ON CITY RESOURCES

There is no impact on City resources associated with this action.

POLICY ISSUES

The proposed action is consistent with state law and existing City Policy.

ENVIRONMENTAL REVIEW

The proposed action does not require environmental review.

Signature on File
Margaret S. Roberts, MMC
City Clerk

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

A: List of local appointments (Maddy Act)

CITY OF MENLO PARK COMMISSION APPOINTMENT LIST

BICYCLE COMMISSION	ENVIRONMENTAL QUALITY COMMISSION	FINANCE AND AUDIT COMMITTEE
Meet the 2 nd Monday of every month at 7:00 p.m., in the Council Conference Room Staff: Rich Angulo – 330-6770	Meet the 1 st Wednesday of every month at 6:30 p.m., in the Arrillaga Family Gymnasium Staff: Rebecca Fotu – 330-6765	The Committee meets as needed in the Administration Conference Room Staff: Stephen Green – 330-6640
Maynard Harding Appointed 03/24/2009 04/2013	Allan Bedwell Appointed 09/18/2012 04/2016	Jeffrey Child Appointed 01/08/2008 Reappointed 12/15/2009 01/2012
Gregory K. Klingsporn* Appointed 03/24/2009 Reappointed 04/26/2011 04/2014	Chris DeCardy Appointed 01/24/2012 04/2014	Honor Huntington Appointed 01/08/2008 Reappointed 01/25/2011 04/2013
Mary Ann Levenson Appointed 04/03/2007 Reappointed 04/26/2011 04/2015	Kristin Kuntz-Duriseti Appointed 08/26/2008 Reappointed 09/18/2012 04/2016	Stuart Soffer Appointed 01/08/2008 Reappointed 12/15/2009 01/2012
Watson "Scott" Lohmann** Appointed 03/24/2009 04/2013	Adina Levin Appointed 07/19/2011 04/2013	Kirsten Keith – Council Member Appointed 01/10/2012 12/2013
Michael Meyer Appointed 09/18/2012 04/2014	Scott Marshall Appointed 01/24/2012 04/2015	Peter Ohtaki – Council Member Appointed 12/14/2010 12/2012
Jim Rowe Appointed 08/26/2008 Reappointed 03/24/2009 04/2013	Mitchel Slomiak* Appointed 10/02/2007 04/2015 Reappointed 01/24/12	
Robert Steele Appointed 01/10/2006 Reappointed 03/24/2009 04/2013	Christina Smolke** Appointed 12/14/2010 04/2014	

HOUSING COMMISSION	LIBRARY COMMISSION	PARKS & RECREATION COMMISSION
Meet the 1 st Wednesday of every month at 5:30 p.m., in the Council Conference Room Staff: Pat Carson – 330-6610	Meet the 2 nd Monday of every month at 6:30 p.m. in the Library, Lower Level Conference Room Staff: Susan Holmer – 330-2510	Meet the 4 th Wednesday of every month at 6:30 p.m., in the Arrillaga Family Recreation Center Staff: Katrina Whiteaker and Derek Schweigart – 330-2200
Sally Cadigan Appointed 08/31/2010 04/2014	Jacqueline Cebrian* Appointed 05/24/2011 04/2014	Kelly Blythe Appointed 09/12/2006 Reappointed 09/28/2010 04/2014
Carolyn Clarke Appointed 10/06/2009 10/2013	Amy Hamilton Appointed 10/06/2009 10/2013	James Cebrian* Appointed 10/06/2009 10/2013
Julianna Dodick Appointed 02/14/2012 04/2015	Deepa Rich Appointed 09/18/2012 04/2016	Thomas Cecil Appointed 07/19/2011 04/2015
Anne Moser Appointed 07/20/2004 Reappointed 08/26/2008 Term Extended thru 10/2012	Vin Sharma Appointed 05/24/2011 04/2014	Nick Naclerio Appointed 09/12/2006 Reappointed 09/28/2010 04/2014
Yvonne Murray* Appointed 08/31/2010 04/2013	Alaina Sloo* Appointed 10/02/2007 Reappointed 05/24/2011 04/2015	Jim Tooley Appointed 01/23/2007 Reappointed 10/06/2009 10/2013
Brigid Van Randall** Appointed 12/15/2009 Reappointed 02/14/2012 04/2015	Amita Vasudeva Appointed 10/06/2009 10/2013	Vacant Appointed 04/2015
Vacant Appointed 04/2013	Michelle Wangberg** Appointed 10/06/2009 10/2013	Vacant Appointed 09/2012

PLANNING COMMISSION	TRANSPORTATION COMMISSION	
Meets twice a month on Mondays at 7:00 p.m. in the Council Chambers Staff: Thomas Rogers – 330-6702	Meet the 2 nd Wednesday of every month at 7:00 p.m., in the Council Chambers Staff: Rene Baile – 330-6770	
Vincent Bressler Appointed 04/03/2007 04/2015 Reappointed 04/05/11	Charlie Bourne Appointed 01/23/2007 Reappointed 10/06/2009 10/2013	
Ben Eiref Appointed 05/04/2010 04/2014	Nathan Hodges Appointed 11/15/2011 04/2015	
Katie Ferrick* Appointed 08/26/2008 Reappointed 10/09/2012 04/2016	Penelope Huang Appointed 10/09/2007 Reappointed 01/27/2009 07/2013	
John Kadvany** Appointed 08/26/2008 Reappointed 10/09/2012 04/2016	Maurice Shiu Appointed 10/06/2009 10/2013	
John O'Malley Appointed 04/04/2006 Reappointed 05/04/2010 04/2013	Katherine Strehl Reappointed 07/20/2010 04/2014	
John Onken Appointed 10/9/2012 04/2015	Bianca Walser** Appointed 11/15/2011 04/2015	
Henry Riggs Appointed 01/11/2005 Reappointed 05/09/2006 Reappointed 05/04/2010 04/2014	Vacant Appointed 04/2014	

APPOINTMENTS THE CITY COUNCIL MAKES TO OUTSIDE AGENCIES

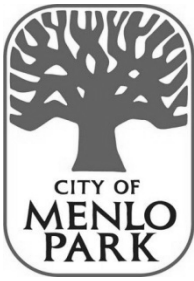
BAY AREA WATER SUPPLY AND CONSERVATION AGENCY (BAWSCA) AND SAN FRANCISCO REGIONAL WATER SYSTEM FINANCING AUTHORITY (SFA)	DUMBARTON RAIL CITIZEN ADVISORY PANEL	SM COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT
Third Thursday of every other month at 7:00 p.m. (Location central to the three-county district, and not necessarily the same location each month)	Meetings are not set or scheduled by the City; they are set by the Dumbarton Rail Corridor Policy Advisory Committee	Meetings are not set or scheduled by the City; they are set by the County of San Mateo
Kelly Fergusson Appointed 05/19/2009 06/2013	Hong-Loan Nguyen (Alternate) Appointed 08/28/2007 Reappointed 04/06/2010 04/2012	Valentina Cogoni Appointed 01/13/2004 Reappointed 04/24/2012 12/2013
	Thaddeus Norman Appointed 04/06/2010 04/2012	
	Vacant Appointed 04/2012	

In compliance with the requirements of the Maddy Act, Government Code 54970, the following commission, board and committee appointment list is posted on an annual basis by December 31. It shows all current members of commissions, boards and committees and the dates of their terms of office as of the time of this posting. Commissioners must be 18 years of age or older and residents of the City unless otherwise stated.

NOTE: The names on this list are subject to change based on term expirations and resignations that occur during the year. For a current list of members, please refer to the Commission Pages on the City's website: http://www.menlopark.org/city_commissions.html or call the City Clerk's Office at 330-6620.

* Chair

**Vice Chair



ADMINISTRATIVE SERVICES DEPARTMENT

Council Meeting Date: December 11, 2012

Staff Report #: 12-189

Agenda Item #: D-2

CONSENT CALENDAR: Adopt a Resolution Electing to Participate in the Bay Area Water Supply and Conservation Agency (BAWSCA) Bond Issuance to Prepay Capital Debt Owed to San Francisco

RECOMMENDATION

Adopt the attached resolution which documents that the City of Menlo Park elects to participate in the prepayment of capital debt, owed by the Bay Area Water Supply and Conservation Agency (BAWSCA) to the City and County of San Francisco; directs staff to assist BAWSCA in completing the issuance of bonds; and agrees to make wholesale water purchase surcharge payments to BAWSCA in order to repay the City's share of bonds.

BACKGROUND

The City of Menlo Park contracts with the City and County of San Francisco to purchase water pursuant to the Water Supply Agreement (WSA) dated July 2009. The City is also a member of the Bay Area Water Supply and Conservation Agency (BAWSCA), which represents the interests of all 24 cities and water districts, and two private utilities, that purchase water wholesale from the San Francisco regional water system. The WSA provides that the Wholesale Customers, acting through BAWSCA, may prepay capital debt payments due to San Francisco on existing regional assets. BAWSCA is authorized by statute to issue bonds in order to make this prepayment.

In August 2012, BAWSCA's financing team concluded that members could realize net present value ("NPV") debt service savings of at least 6% of the prior debt and possibly as much as 9% (between \$20 and \$34 million) by issuing bonds in order to prepay the amount owed to San Francisco. The Government Finance Officers Association has adopted a minimum NPV savings target of 3% of the par amount of refunding bonds as a "best practices" standard. Total NPV savings are expected to equal or exceed this best practices standard.

ANALYSIS

It is not necessary to amend the WSA between the agencies and San Francisco to prepay the capital debt. However, each agency participating in the prepayment is asked to adopt a Participant Resolution. The purpose of the Participant Resolution is to document that the agency is electing to participate in the prepayment and to direct agency staff to assist BAWSCA in completing the issuance of bonds.

BAWSCA intends to issue bonds in an amount sufficient to prepay the prior debt and to impose a wholesale water purchase surcharge on participating members, to be collected by San Francisco as part of its monthly water bill, to repay their respective shares of the bonds. The water purchase surcharges will be forwarded to a bond trustee that will use this revenue to pay debt service on the bonds. The bonds will be secured solely by the water purchase surcharges and a stabilization fund initially funded with bond proceeds, and not by the water enterprise revenues of the members or of San Francisco.

The following table shows the projected sources and uses of bond issue funds.

Projected Sources of Funds

Bonds	\$348,200,000
Original Issue Premium	<u>34,800,000</u>
Total Sources	383,000,000

Projected Uses of Funds

Prior Debt Prepayment	367,700,000
Stabilization Fund	13,100,000
Issuance Expenses	<u>2,200,000</u>
Total Uses	\$383,000,000

IMPACT ON CITY RESOURCES

Currently, the wholesale customers collectively pay level payments to San Francisco at 5.13 percent interest in order to pay off the outstanding capital recovery amount of \$367 million. Based on the current bond structure and current market conditions, the bond transaction could generate between \$20 and \$34 million in present value savings for all participants. For the City, the present value savings estimate is approximately \$445,115 to \$756,695 over the bond term of 21.5 years, depending on the interest rate realized at sale of the bonds. This equates to \$20,700 to \$35,200 per year. The savings will also vary depending on the relative volume of water purchased by the City in comparison to the other Wholesale Customers, as the savings will be spread over total water purchases during the debt repayment period. For the City of Menlo Park, this

represents between 0.5 and 0.8 percent of annual water purchases, based on fiscal 2012's actual water purchases of \$4.3 million.

POLICY ISSUES

BAWSCA bonds will not be debt obligations of any Member, and BAWSCA's failure to pay its bonds will not constitute a default by any Member. Should any Member fail to pay its water purchase surcharge, BAWSCA will rely on a stabilization fund (which will be funded from bond proceeds at 50% of maximum annual debt service) that will serve as a debt service reserve fund and be used to make debt service payments in the year of the shortfall, and will collect the shortfall in the subsequent year from Members by adjusting the water purchase surcharge. This risk of bearing the debt service expense of a defaulting Member is no different than the risk each Member assumes under the WSA. Therefore, participation in this method to prepay the capital debt payments due to San Francisco does not represent a change in policy for the City of Menlo Park.

ENVIRONMENTAL REVIEW

This report is not subject to the California Environmental Quality Act.

Signature on File

Carol Augustine
Finance Director

ATTACHMENT:

A. Participant Resolution

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE MAKING OF A PREPAYMENT UNDER A WATER SUPPLY
AGREEMENT WITH THE CITY AND COUNTY OF SAN FRANCISCO AND RELATED
MATTERS**

WHEREAS, the City and County of San Francisco ("San Francisco") and wholesale water customers of San Francisco in Alameda County, San Mateo County and Santa Clara County (the "Wholesale Customers"), including the City of Menlo Park (the "City"), have entered into a Water Supply Agreement, dated July 2009 (the "WSA"), providing for the sale of water by San Francisco to the Wholesale Customers; and

WHEREAS, the City and other Wholesale Customers are members of the Bay Area Water Supply and Conservation Agency ("BAWSCA"); and

WHEREAS, pursuant to the terms of the WSA, the cost of water paid by the Wholesale Customers (including the City) includes a component designed to provide San Francisco capital cost recovery for existing regional assets ("ERA Payments"); and

WHEREAS, the WSA provides that the Wholesale Customers, acting through BAWSCA, may prepay the remaining principal balance of the ERA Payments, in whole or in part; and

WHEREAS, substantial savings over the term of the WSA may be achievable through the prepayment through BAWSCA (the "Prepayment") of the ERA Payments to be made by Wholesale Customers participating in such Prepayment (the "Prepayment Participants"); and

WHEREAS, BAWSCA proposes to finance the Prepayment through an issuance of revenue bonds (the "Bonds") by BAWSCA; and

WHEREAS, to pay debt service on the Bonds, to maintain required reserves and to satisfy BAWSCA's other obligations related to the Bonds, BAWSCA will impose charges on Prepayment Participants, which may be in the form of surcharges on water sold by San Francisco to Prepayment Participants under the WSA (the "Surcharge"); and

WHEREAS, the Surcharge is expected to be payable by the Prepayment Participants to San Francisco (for delivery to BAWSCA) together with the Prepayment Participants' other payments to San Francisco under the WSA; and

WHEREAS, the issuance of the Bonds and the making of the Prepayment are subject to a variety of conditions, including a determination by BAWSCA that savings for Prepayment Participants can be achieved thereby; and

WHEREAS, this City Council has determined that it is in the best interests of the City for the City to be a Prepayment Participant; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park as follows:

Section 1. The City hereby elects to be a Prepayment Participant and hereby authorizes BAWSCA to make the Prepayment on behalf of the City.

Section 2. The City Manager of the City and any such other officers, employees, or agents of the City as may be authorized by the City Manager are each, acting individually, hereby authorized and directed to take, for and on behalf of the City, all such actions by the City as shall be necessary to enable BAWSCA to issue and sell the Bonds and make the Prepayment, including, without limitation, the following:

- (A) Certify that the Prepayment has been duly authorized by the City and will not violate any law or agreement (including agreements respecting obligations providing for the issuance of debt secured by the revenues of the City's water enterprise);
- [(B) Certify that payment of the Surcharge by the City will constitute an operation and maintenance expense of the City's water enterprise payable from the revenues of the City's water enterprise prior to the payment of obligations payable from the net revenues of the City's water enterprise]¹;
- (C) Certify that any information respecting the City and the City's water enterprise and the financial and operating data respecting the City's water enterprise included or incorporated by reference in the Official Statement delivered by BAWSCA in connection with the sale and issuance of the Bonds is true and correct; and
- (D) Execute and deliver any continuing disclosure undertaking, or agreement to assist BAWSCA in connection with any BAWSCA continuing disclosure undertaking, required in connection with the sale of the Bonds.

Section 3. All actions heretofore taken by any officers, employees, or agents of the City with respect to the Prepayment and the Bonds are hereby approved, confirmed and ratified; and the City Manager and any such other officers, employees, or agents of the City as may be authorized by the City Manager are hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions, which they, or any of them, may deem necessary or desirable to carry out, give effect to and comply with the terms and intent of this Resolution.

Section 4. This Resolution shall take effect immediately upon its adoption.

I, Margaret S. Roberts, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on this eleventh day of December, 2012, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this eleventh day of December, 2012.

Margaret S. Roberts, MMC
City Clerk

[¹ If City can't make this certification, a pledge of revenues and a rate covenant may be required]

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ADMINISTRATIVE SERVICES DIVISION

Council Meeting Date: December 11, 2012

Staff Report #: 12-190

Agenda Item #: D-3

CONSENT CALENDAR: Review of the Annual Report on the Status of the Transportation Impact, Storm Drainage, Recreation in-Lieu and Building Construction Road Impact Fees Collected as of June 30, 2012 According to Government Code Section 66000 et seq.

RECOMMENDATION

The City Council is required to review the report, which has been posted in accordance with applicable state law. Since all impact fee funds have been expended or committed within 5 years of their receipt, no Mitigation Fee Act findings regarding the need, purpose or intentions of the available funds are required.

BACKGROUND

Cities and counties often charge fees on new development to fund public improvements, public amenities and public services. For example, transportation mitigation fees are used to fund transit facilities, streets, bike lanes and sidewalks. These fees are commonly known as development impact fees. In 1989 the State Legislature passed Assembly Bill 1600 (AB1600), which added Sections 66000 et seq. to the California Government Code, commonly known as the Mitigation Fee Act. The Mitigation Fee Act sets forth a number of requirements that local agencies must follow if they are to collect and retain fees from developers to defray the cost of the construction of public facilities related to development projects.

1. In establishing, increasing or imposing a fee, the local agency must make certain determinations regarding the purpose and use of the fees and to establish a “nexus” or connection between a development project or class of project and the public improvement being financed with the fee.
2. The fee revenue must be segregated from the General Fund in order to avoid commingling of public improvement fees and the General Fund.
3. For the fifth year following the first deposit of a fee and every five years thereafter, the local agency shall make the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

- A. identify the purpose to which the fee is to be put;
 - B. demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
 - C. identify all sources and amounts of funding anticipated to complete financing of incomplete improvements; and
 - D. designate approximate dates on which the funding identified in (C) is expected to be deposited into the appropriate account or fund. These findings need only be made for money in possession of the local agency.
4. If a local agency does not make the required findings, then the city must go through a refund procedure.

The storm drainage fees, transportation improvement fees, recreation in-lieu fees and the building construction road impact fees that the City of Menlo Park collects qualify as development impact fees and therefore, must comply with the Mitigation Fee Act. As required by law, these fees are segregated and accounted for as Special Revenue Funds. Government Code Section 66006 requires the City to make available to the public the following information regarding development impact fees for each fund within 180 days after the end of each fiscal year:

- A. a brief description of the type of fee in the account or fund;
- B. the amount of the fee;
- C. the beginning and ending balance of the account or fund;
- D. the amount of the fees collected and the interest earned;
- E. an identification of each public improvement on which the fees were expended and the amount of the expenditure on each improvement, including the total percentage of the cost of the public improvement that was funded with the fees;
- F. an identification of the approximate date by which the construction of the public improvement will commence if the local agency determined that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete; and
- G. a description of each inter-fund transfer or loan made from an account or fund. In accordance with the Mitigation Fee Act, this report is presented to the City Council for review. Fees collected as part of the City's Below Market Rate (BMR) Program are reviewed in a separate report.

ANALYSIS

Transportation Impact Fees

The transportation impact fee is levied to fund improvements or programs to mitigate City traffic problems that result either directly or indirectly from development projects. In 1991, a draft interim Traffic Mitigation Fee Study (nexus study) was prepared on the basis of growth projections and transportation improvement measures in the draft General Plan, which was adopted in 1994. From that nexus study, the following fees were used on new discretionary projects through conditions placed on development projects starting in 1995:

- Commercial Development: \$1.60 per square foot

- Residential Development: \$708 per dwelling unit
-

Early in fiscal year 2009-10, the City concluded a Transportation Impact Fee Study which enabled staff to recommend an update to the existing fees and create a more systematic way for applying the fees. As a result, a new fee structure was put in place for these fees effective December 6, 2009. As no fees were assessed that fiscal year under the new structure, the fund remained entitled Traffic Impact Fee Fund for financial reporting purposes. Beginning in fiscal year 2010-11, the fund name was changed to Transportation Impact Fee Fund, retaining the same AB1600 time limits and reporting requirements.

The following table summarizes the activity for the Transportation Impact Fee Fund beginning FY 2007-08 through FY 2011-12.

	2007-08	2008-09	2009-10	2010-11	2011-12
Funds that do not qualify for AB 1600 Calculation:					
Beginning balance	310,001	336,490	349,484	247,278	130,270
Interest earnings	26,489	12,994	4,312	9,465	178
Developer Fees					1,233,000
Expenditures					(84,874)
Total	336,490	349,484	247,278	130,270	1,278,574
Citywide Impact Fees:					
Beginning balance	391,094	633,535	319,345	334,822	1,720,127
Developer Fees	404,887		51,520	1,419,010	57,256
Interest earnings	33,419	16,881	4,645	12,395	81,935
Expenditures	(207,015)	(265,880)	(116,269)	(72,753)	(164,759)
Encumbrances - prior year	50,764	39,614	104,805	29,224	2,571
Encumbrances - current year	(39,614)	(104,805)	(29,224)	(2,571)	(148,921)
Ending Balance	633,535	319,345	334,822	1,720,127	1,548,219
Total Unencumbered Fund Balance					
	\$970,025	\$668,829	\$582,100	\$1,850,397	\$2,826,793

As shown above, there are two fee categories within the Transportation Impact Fee Fund's balance:

1. **Funds that do not qualify for Code Section 66001 Calculation:** This portion of the fund balance reflects funds that were collected prior to the 1989 effective date of the Mitigation Fee Act and are, therefore, not subject to the Mitigation Fee Act. In addition, fees negotiated as part of a development outside of Menlo Park's jurisdiction (but still creating transportation impacts) are not subject to the Act. These funds will be used for traffic improvement programs citywide. The corresponding interest income is allocated on the basis of the fund balance.

2. **Citywide:** The citywide impact fees collected after the enactment of Code Section 66001 will be used for improvements and/or to mitigate traffic issues citywide.

The high level of transportation impact fees collected during the most recent fiscal year was due to the receipt of over \$1.2 million for fees from Stanford University for traffic mitigation of its Medical Center expansion in Palo Alto. Expenditures and commitments of the fund during the year included the installation of a new traffic signal at the intersection of Elder Avenue with Santa Cruz Avenue. The new signal will minimize traffic congestion at that crossing and provide safer street crossings to Hillview School students. The project to provide an in-pavement lighted crosswalk system at the crossing of Middlefield Road at Linfield Drive was concluded in this fiscal year. The grand total of the Transportation Impact Fee Fund balance available at the end of fiscal year 2011-12 is \$2,826,793.

Storm Drainage Fees

The Storm Drainage Fee is levied to mitigate City storm drainage impacts either directly or indirectly resulting from development projects. The fees are charged for property development as shown in the City's Master Fee Schedule:

Storm drainage connection fees

- Single family - per lot \$450.00
- Multiple family – per unit \$150.00
- Industrial and Commercial – per square foot of impervious area \$ 0.24

The following table captures the activities associated with storm drainage fees from FY 2007-08 through FY 2011-12 for AB1600 purposes:

	2007-08	2008-09	2009-10	2010-11	2011-12
Citywide Impact Fees:					
Beginning balance	182,778	234,247	253,843	258,670	184,451
Developer Fees	38,180	9,964	900	23,235	2,594
Interest Income/(Expense)	13,289	9,632	3,927	2,546	970
Expenditures				100,000	0
Encumbrances - current year					27,507
Ending Balance	234,247	253,843	258,670	184,451	160,508
Grand Total -Fund Balance	\$234,247	\$253,843	\$258,670	\$184,451	\$160,508

Storm drainage fees of \$2,594 were collected in 2011-12 from developers. The Storm Drainage Fee Fund has in recent years provided for improvements that were identified in the Storm Drain Master Plan as high priority, as well as the annual cleaning to existing storm drains. Once the preliminary design of a storm drainage system to address flooding on Middlefield Road from San Francisquito Creek to Ravenswood Avenue is complete (\$86,924 has recently been encumbered for this work), this fee revenue will contribute to the construction of that project, which is scheduled for fiscal year 2015-16.

Recreation In-Lieu Fees

The Recreation In-Lieu fee is collected from developers to improve and expand recreation facilities in lieu of providing new on-site facilities. The fee is charged on new residential development as shown in the City's Master Fee Schedule:

<u>RECREATION FEES</u>	
Single Family (RE and R-1):	0.013 X number of units X market value of acreage to be subdivided
Multiple Family Development (R-2, R-3, RC, RLU and PD):	0.008 X number of units X market value of acreage to be subdivided

The following table captures the activities associated with recreation in lieu fees from FY 2007-08 through FY 2011-12.

	2007-08	2008-09	2009-10	2010-11	2011-12
Citywide Impact Fees:					
Beginning balance	1,881,039	3,391,983	3,585,116	3,905,058	557,893
Developer Fees	1,361,000	64,000	256,000	89,847	212,000
Interest Income/(Expense)	192,193	136,476	61,379	28,151	(6,026)
Expenditures	(28,037)	(11,396)	(1,457)	(439,951)	(3,325,127)
Encumbrances – prior year		14,212	10,159	6,139	3,031,351
Encumbrances – current year	(14,212)	(10,159)	(6,139)	(3,031,351)	(250,000)
Ending Balance	\$3,391,983	\$3,585,116	\$3,905,058	\$557,893	\$220,091

The amount of recreation in-lieu fees collected in 2011-12 totaled \$212,000 from five small residential developments. The outstanding available balance in the Recreation In Lieu Fee Fund at the end of FY 2011-12 is \$220,091 after spending \$3,075,127 on the Burgess Gymnastics Center project and the first half of the City's obligation toward the Hillview School Fields Renovation project. \$250,000 of the available balance has been budgeted for the remainder of the school's field renovation.

Building Construction Road Impact Fees

The Building Construction Impact fee that took effect in November 2005 was adopted to recover the cost of repairing damage to streets caused by construction-related vehicle traffic. On August 5, 2008, Council adopted a resolution extending this fee beyond the three-year sunset provision initially established. The fee amounts to 0.58 percent of a construction project's value. Residential alteration and repairs as well as all projects under \$10,000 are exempt from the fee.

As of June 30, 2012, \$4,059,758 has been collected for this fee. The \$680,152 collected in the most recent fiscal year was assessed on nearly 400 construction projects.

	2007-08	2008-09	2009-10	2010-11	2011-12
Citywide Impact Fees:					
Beginning balance	1,410,213	2,158,579	2,455,467	2,836,121	1,419,552
Developer Fees	646,958	436,732	357,162	534,041	682,952
Interest Income/(Expense)	101,408	94,110	46,918	21,275	15,921
Expenditures		(231,532)	(23,426)	(1,255,643)	(217,521)
Encumbrances - prior year			2,422	2,422	718,664
Encumbrances - current year		(2,422)	(2,422)	(718,664)	(1,314,899)
Ending Balance	\$2,158,579	\$2,455,467	\$2,836,121	\$1,419,552	\$1,304,669

Fiscal year 2011-12 was the fourth year that expenditures were made from this source of funds. The City's 2011-12 Street Resurfacing project, just recently completed was partially (\$1.7 million) funded from the Building Construction Impact Fee Fund. Major street resurfacing is undertaken every other year.

IMPACT ON CITY RESOURCES

There is no impact on City resources since all qualified impact fees held by the City for over five years are either spent or committed as appropriate.

POLICY ISSUES

The report does not represent any change to existing City policy.

ENVIRONMENTAL REVIEW

This report is not subject to the California Environmental Quality Act.

Signature on File

Carol Augustine
Finance Director

PUBLIC NOTICE: Public notification was achieved by posting the availability of the report 15 days prior to the meeting.

ATTACHMENTS: None



COMMUNITY SERVICES DEPARTMENT

Council Meeting Date: December 11, 2012

Staff Report #: 12-193

Agenda Item #: D-4

CONSENT CALENDAR: Approve the Annual Report on the Below Market Rate (BMR) Housing Program and the Status of the BMR In-Lieu Fees Collected as of June 30, 2012, in Accordance with Government Code Section 66000 et.seq.

RECOMMENDATION

Staff recommends that the City Council approve the Below Market Rate (BMR) Housing Program Annual Report for fiscal year 2011-12, and make the following findings regarding the unexpended BMR fees:

1. The City has unexpended funds held for more than five years to programs/projects to provide affordable housing through the BMR Housing Program;
2. The purpose of the BMR Housing Fund is to develop BMR housing for persons who live and/or work in the City of Menlo Park and have very low, low or moderate incomes;
3. There is a reasonable relationship between the BMR Housing Program fee and its purpose;
4. Housing and new commercial developments are anticipated to provide housing or financing of approved uses of the BMR Fund within a reasonable time.

Staff also recommends, given the elimination of the Housing Division and the availability of programs with better terms, that the Housing Commission discuss elimination of the City's Purchase Assistance Loan (PAL) program and the allocation of these funds to the development of additional affordable housing units beginning in the 2013-14 calendar year.

BACKGROUND

The BMR Housing Program requires preparation of an annual report on the City's activities to produce affordable housing. The annual report is prepared in conjunction with the annual audit of the BMR Housing Fund. This year's annual report addresses activities during the 2011-12 fiscal year.

Additionally, the BMR in-lieu fees qualify as development impact fees under California

Government Code Sections 66000 through 66003. As required by law, these fees are segregated from the General Fund and accounted for as Special Revenue Funds. Government Code Section 66001 requires the City to make available to the public information regarding development impact fees for each fund within 180 days after the end of each fiscal year. This report serves to meet that requirement.

Government Code Section 66000 et. seq. also requires that findings describing the continuing need for the BMR in-lieu fees be made annually if a local jurisdiction has had possession of a developer fee for five or more years and has not expended the money. If the findings are not made, the City must refund the fees collected. As described in the *Analysis* section of this report, the City has committed the fees held for five or more years but has not yet fully expended the money, therefore the required findings must be made in order to retain the fees.

ANALYSIS

BMR Housing Program

The BMR Housing Program was established in 1987 to increase the housing supply for people who live and/or work in Menlo Park and have very low, low, or moderate incomes as defined by income limits set by San Mateo County. The primary objective of the program is to create actual housing units rather than generate a capital fund. The program currently applies to residential developments of five or more units which are required to provide a BMR unit. If that is not feasible, developers of five to nine unit projects are required to pay an in-lieu fee that is deposited into the BMR Housing Fund. For residential developments of 10 to 19 units, the developer is required to provide 10 percent of the housing at below market rates. For development projects of 20 units or more, the developer is required to provide 15 percent of the housing at below market rates. If the number of BMR units required includes a fraction of a unit, the developer must either provide a whole BMR housing unit or make a prorata in-lieu payment.

The BMR Housing Program also applies to new commercial developments of 10,000 square feet or more that generate employment opportunities. The 2011-12 in-lieu fees to mitigate the demand for affordable housing were \$14.50 per square foot of net new gross floor area for most commercial uses and \$7.87 per square foot of net new gross floor area for defined uses that generate fewer employees. Collected in-lieu fees are deposited into the BMR Housing Fund. The fee is adjusted annually on July 1.

BMR Housing Fund

Approved BMR Fund Use

On April 26, 2005, the City Council approved a resolution reserving \$3.5 million of the BMR Housing Fund for use in the Purchase Assistance Loan (PAL) program, which would supplement the \$982,000 already dedicated to the program. This brought the total amount dedicated to the PAL program to \$4.482 million as a beginning loan fund.

Additionally, at that time, the City Council established a list of uses that could potentially utilize the unreserved portion of the BMR Fund if and when specific opportunities arise, subject to a recommendation by the Housing Commission and approval by the Council. The City Council approved the following list of uses for the unreserved portion of the BMR Fund:

1. Funding the purchase and rehabilitation of existing apartment buildings for low-income tenants.
2. Funding the purchase of existing housing units to resell as BMR units to moderate-income households.
3. Funding the purchase of BMR units until the units can be sold.
4. Funding loans to BMR unit owners to cover costs arising from repairs in the common areas of condominium projects.

In FY 2008-09, City Council approved funding of \$500,000 for Habitat for Humanity's Neighborhood Revitalization Program (NRP), providing \$100,000 per home for up to five foreclosure purchases. These homes were rehabilitated and sold to buyers selected from the City's BMR wait list and the entire fund has been disbursed. On February 10, 2010, Council approved funding of an additional \$625,000 to Habitat for five homes at \$125,000 per home. Habitat closed on the fifth home in this second allocation in early February, 2012 and on February 13, 2012, Council approved a third allocation of \$650,000 for five more homes (\$130,000 each), bringing the total allocated to Habitat to \$1,775,000.

Habitat has acquired ten homes through the NRP, utilizing the first \$1,125,000 grant through two allocations. The first family occupied their home in November 2009. There are currently two homes in construction and almost complete.

ADDRESS	Purchase price	Household Size	Acquisition Date	Rehab Cost	Sales price	Completion Date
Market	\$225,000	3	6/30/2009	\$75,000	300,000	11/18/2009
Madera	\$243,000	3	7/17/2009	\$56,568	300,000	1/15/2010
Hollyburne	\$249,000	3	8/19/2009	\$53,023	325,000	3/16/2010
Ivy	\$224,910	3	11/11/2009	\$81,278	260,000	7/23/2010
Hollyburne	\$224,410	3	1/27/2010	\$60,590	285,000	9/28/2010
Modoc	\$257,301	2	1/17/2011	\$42,690	300,000	8/11/2011
Market	\$212,699	TBD	9/15/2011	\$83,000	\$292,000	11/17/2012
Almanor	\$268,000	TBD	12/28/2011	\$49,339	\$314,000	11/17/2012
Carlton	\$288,000	TBD	1/19/2012	TBD	TBD	TBD
Windermere	\$288,000	TBD	2/6/2012	TBD	TBD	TBD

The purpose of the original Habitat allocation was to assist the City in reducing the number of vacant foreclosure properties in the Belle Haven neighborhood of Menlo Park. At the time the program was approved, realtytrac.com reported 90 properties either in default or foreclosed in Menlo Park. The inventory of REO homes for the calendar year 2012 has been extremely low. There have been more short sale transactions and the foreclosure process takes a longer timeframe due to government regulations on financial institutions. Habitat continues to prospect for vacant, blighted, REO properties in Menlo Park; however, they have been unable to acquire any new properties in the last eleven months.

Council also approved funding of \$2 million in FY 2008-09 for the City-run Neighborhood Stabilization Program (NSP) to purchase and rehabilitate foreclosed homes for resale to BMR wait list households. Two homes have been purchased through the NSP and have been rehabilitated for resale through the BMR program. These homes were completed in the spring of 2012 and are currently being marketed to eligible families on the BMR waiting list. Resale is expected early in 2013. Approximately \$984,822 was expended by the end of FY 2011-12 for these two NSP homes as follows:

- 1382 Hollyburne – purchased for \$251,652; rehab costs \$232,926 (total cost \$484,579)
- 1441 Almanor – purchased for \$350,471; rehab costs \$149,771 (total cost \$500,243).

This leaves a balance of \$1,015,178 allocated to the NSP. However, since this program was originally designed to eliminate long vacant blighting influences in the Belle Haven area where the private market currently appears healthy, and given the elimination of the Housing Division, this program has been suspended indefinitely. The funds are now available for reallocation to projects to be identified as a result of the current Housing Element update and settlement agreement.

A third program to address foreclosure issues, the Foreclosure Prevention Program (FPP), was approved by Council on August 25, 2009, allocating \$1,000,000 to assist homeowners in avoiding foreclosure. As of the end of FY 2011-12, no funds had been expended from the FPP, though staff from the former Housing Division had participated in yearly foreclosure prevention workshops in partnership with the County and local non-profit organizations. The requirements placed on the program, especially the requirement that applicants be current on all debt other than their mortgage, now appear to be unreasonable and no families have been found that qualify. On April 24, 2012, Council approved a resolution to provide a \$1,849,047 loan from the City's BMR Fund to HIP Housing for the purchase of a 12-unit apartment complex located at 1157 and 1161 Willow Road for low- and very low- income rental housing opportunities. Council supported the staff recommendation that this transaction be funded from the \$1,000,000 allocated to the FPP along with \$849,047 from uncommitted funds. The Foreclosure Prevention Program has been suspended indefinitely as a result.

Current BMR Fund Balance

At the end of fiscal year 2011-12, the BMR Housing Fund had total assets of \$10,954,802 including \$2,279,031 in PAL loans receivable, \$14,024 in interest receivable, and \$7,017,750 in cash. Real Estate Held for Resale (\$1,643,404) represents the actual costs associated with the two NSP homes the City is currently marketing to families on the BMR wait list and the value of a BMR home that the City purchased from the bank in order to maintain it in the BMR program following foreclosure. This home will also be marketed and sold to a family on the BMR wait list once repairs are made. A Below Market Rate Housing Fund Balance Sheet is included in this report as Attachment A.

Similarly, at the end of fiscal year 2011-12, the BMR Housing Fund had a total fund balance of \$10,954,802. This includes \$4,482,000 designated for PAL loans (of which \$2,202,969 is available for new loans), \$1,015,178 for the Neighborhood Stabilization Program (NSP), and \$650,000 for Habitat for Humanity's Neighborhood Revitalization Program (NRP), and \$2,757,438 not currently designated to a particular project or program. Total liabilities included an accounts payable balance of \$7,549.

Attachments B, C, and D illustrate that the City of Menlo Park has dedicated sufficient BMR Funds for development of low- and moderate-income housing to meet the State requirement for collection of BMR fees. The State requires that BMR funds held for five years or more (excluding interest earned) must be designated to affordable housing programs or projects. In fiscal year 2011-12, the City of Menlo Park met this State requirement. At the end of fiscal year 2011-12, the City had collected a total of \$9,234,551 in fees paid, excluding interest earned. Of this, \$5,675,401 had been held for five years or more. At this same time, the City had committed a total of \$8,107,000 for the development of low- and moderate-income housing through the PAL, NSP, FPP, and Habitat NRP, satisfying the State requirement. Attachments B and C show a spike in total funds held five or more years reflecting the point at which the Rosewood Sandhill Resort in-lieu contributions will reach the five-year period. It is anticipated that those funds will be committed or expended within that timeframe given the pending Housing Element as the City will need to pursue the following as stipulated in the Settlement Agreement:

Sec. 8.2. As part of the update to the Housing Element, the City shall include a program to establish a clear policy and criteria for the allocation of funds from the City's BMR housing fund that prioritizes non-profit development of workforce rental housing affordable to low and very-low income households on sites the City has determined to be viable for Low-Income Housing Tax Credit (LIHTC) funding by setting aside a substantial portion of the uncommitted BMR fund balance and future BMR fees received by the City for such development.

Sec. 8.4. Within 60 days of adopting the updated Housing Element, the City shall issue a notice of availability of funds to non-profit developers of housing affordable to EXTREMELY-LOW, VERY-LOW and LOW INCOME households

and not less frequently than every two years thereafter, provided there is an uncommitted balance of at least \$1 million on deposit in the City's BMR fund, with a goal of developing a substantial number of deed-restricted affordable units within three years.

Subsequent to the adoption of the Housing Element, staff anticipates development of a policy for the allocation of BMR funds and advertising the availability of the funds as required above that would ensure use of any remaining BMR funds for development of affordable housing units.

Although the funds have been committed, but not been fully expended, the Agency Board is required to make a finding that the City continues to need the BMR fund to further BMR development for persons who live and/or work in Menlo Park and that these funds are necessary for that purpose. Without this finding, the fees would need to be returned to the developers.

BMR Residential Program

City staff maintains a waiting list of persons who are interested in and eligible to occupy BMR housing units. To be eligible for the BMR Waiting List, persons must have low or moderate household incomes and must currently live or work in Menlo Park. The City's BMR Waiting List currently shows 277 households. Several dozen BMR Waiting List applications are received every year both for rental and purchase of BMR units. Although the City does not currently have BMR rental units available, a rental policy is in place for projects where the City has financial participation and an agreement with the developer to contribute units to the program. Attachment E provides additional details about the BMR Waiting List. Due to the elimination of the Housing Division, the City currently contracts with Palo Alto Housing Corporation to manage the BMR wait list process as well as purchase and resale activities. This contract, which began on September 1, 2012, will be funded from the BMR Fund.

At the end of the reporting period, the program had 61 BMR housing units located throughout the city and all occupied units (59) were owner-occupied. As shown in Attachment G, two new units were completed in this reporting period but not yet occupied. There were no resales during this reporting period.

Developers who build five or more housing units enter into BMR Agreements with the City concerning the BMR units' location, size and other details, including deed restrictions to preserve the BMR units' affordability. There were no BMR units approved in FY2011-12, but there were the following commercial linkage fees paid:

Commercial Development	Total Fee Paid
1460 O'Brien Dr.	\$ 68,077.94
2484 Sand Hill Rd.	\$ 129,180.50
1706 ECR	\$ 93,030.75
4085 Campbell	\$ 195,195.58
TOTAL	\$ 485,484.77

Attachment G provides a list of all BMR units generated through the history of the program.

First-Time Homebuyer Loan Program (PAL)

Under the first-time homebuyer loan program, also called the PAL program, purchase assistance may be given to qualifying low- and moderate-income first-time homebuyers purchasing homes in the City of Menlo Park. The maximum loan is \$75,000, or 20 percent of the home purchase price, whichever is less. Currently, the program imposes a 3.5% interest rate. There have been 89 PAL loans made since its inception in fiscal year 1990-91 (Attachment H). In the current reporting period, one new PAL loan was made.

When the PAL program was created, interest rates were extremely high. In today's economy, however, loans are available through traditional sources at a lower interest rate. Given the lack of staff capacity to originate PAL loans due to the elimination of the Housing staff and the availability of other first-time buyer programs provided through the County and private lenders, staff recommends eliminating the City's PAL program and allocating those funds to the development of more affordable units through the notice of availability of funds process mentioned above.

The City's existing PAL loans will be managed through a contract with HELLO Housing, a housing non-profit created in 2005 with experience in a range of housing services in partnership with local governments across the Bay area. This contract will also be funded from the BMR program.

IMPACT ON CITY RESOURCES

The BMR Housing Fund is a separate reserve fund from the General Fund. Activities funded in the BMR Housing Program are independent of, but may be used with, other funds, such as State, Federal or private funding sources. There is no impact on City resources resulting from this Annual Report.

State law requires that all BMR in-lieu fees be committed to affordable housing development within five years of collection. In fiscal year 2011-12, this requirement has been met for the City of Menlo Park's BMR Housing Fund. At the end of fiscal year 2011-12, \$8,189,815 in BMR funds had been committed to affordable housing development. This amount includes funding committed to the PAL Program for first-time homebuyers (\$4,482,000), the Neighborhood Stabilization Program (\$1,015,178),

and the Habitat for Humanity Neighborhood Revitalization Program (\$650,000) as shown in Attachments A, B, C and D. Although the funds collected have been committed, because the funds have not been fully expended, adoption of findings describing the continuing need for the funds will eliminate the need to refund fees to developers.

POLICY ISSUES

The BMR Annual Report was prepared as required in accordance with the BMR Housing Program Guidelines and State requirements related to developer impact fees.

ENVIRONMENTAL REVIEW

The BMR Housing Program Annual Report is not a project under current California Environmental Quality Act Guidelines.

Signature on File
Carol Augustine
Finance Director

Signature on File
Cherise Brandell
Community Services Director

PUBLIC NOTICE: Public notification was achieved by posting the availability of the report 15 days prior to the meeting.

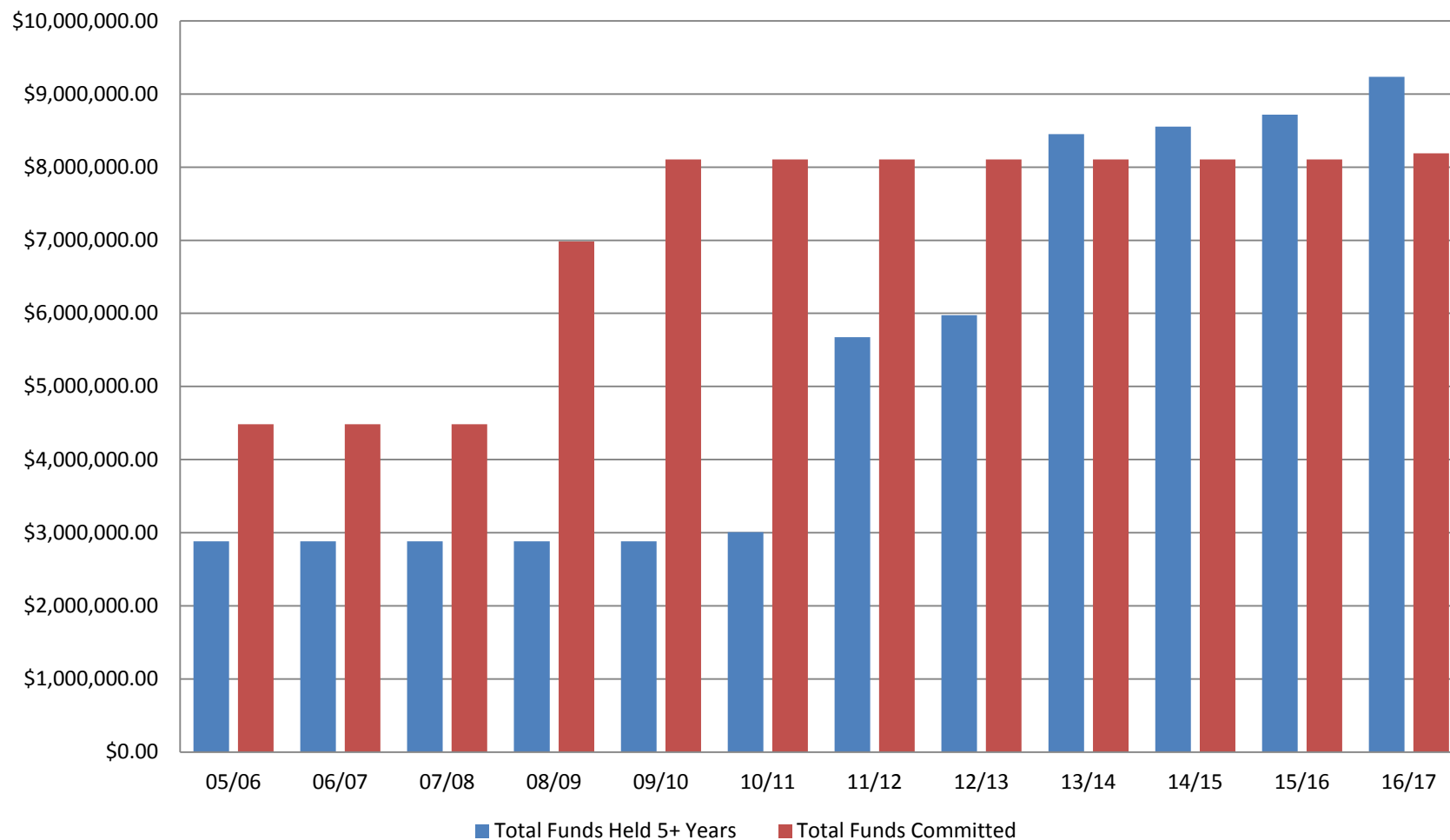
ATTACHMENTS

- A. Below Market Rate Housing Fund Balance Sheet
- B. Total BMR Funds Held 5+ Years vs. Total BMR Funds Committed to Projects and Programs Per Fiscal Year 02/03 – 14/15
- C. BMR Reserve Fees and Fund Commitment Summary
- D. BMR Reserve Fees and Fund Commitment
- E. Status Report-BMR Housing Program Waiting List
- F. BMR Housing Agreements
- G. Inventory of Occupied BMR Units
- H. PAL Accounting

**BELOW MARKET RATE HOUSING RESERVE
BALANCE SHEET
6/30/11 AND 6/30/12**

	6/30/2011	6/30/2012
ASSETS		
BMR Housing Reserve Cash	8,216,172	7,017,750
BMR Accounts Receivable	0	593
BMR Interest Receivable	34,954	14,024
PAL Loans Receivable	2,213,049	2,279,031
Real Estate Held for Resale	0	1,643,404
TOTAL ASSETS	10,464,175	10,954,802
LIABILITIES		
Accounts Payable	18,025	7,549
TOTAL LIABILITIES	18,025	7,549
FUND BALANCE		
Designated for PAL Loans	4,482,000	4,482,000
Designated for Neighborhood Stabilization Program	2,000,000	2,000,000
Designated for Habitat for Humanity Neighborhood Revitalization Program	500,000	650,000
Designated for Foreclosure Prevention Program	1,000,000	1,000,000
Designated for Housing Project	0	57,815
Designated for Unrealized Investment Gain	0	0
Undesignated	2,464,150	2,757,438
TOTAL FUND BALANCE	10,446,150	10,947,253
TOTAL LIABILITIES AND FUND BALANCE	10,464,175	10,954,802

**Total BMR Funds Held 5+ Years vs. Total BMR Funds Committed
Per Fiscal Year 05/06 - 16/17**



BMR Reserve Fees and Fund Commitment Summary
Fiscal Year 2011-2012

I. Fees Paid to Date

Total Fees Held 5 or More Years as of Fiscal Year 2011-2012: **\$5,675,401.69**

Fees paid (per annum)	6/12-6/13	\$300,050
Reaching 5+ years in:	6/13-6/14	\$2,476,212
	6/14-6/15	\$102,000
	6/15-6/16	\$165,168
	6/16-6/17	\$515,720

Fees Paid Through 6/30/12: **\$9,234,551**

Interest Earned Through 6/30/12 on Paid Fees: \$3,208,304

Total Fees Paid + Interest Earned Through 6/30/12 = **\$12,442,855**

Total Expenditures Through 6/30/12: -\$1,495,602

Total BMR Fund Balance (rounded) as of 6/30/12 = **\$10,947,253**

II. Committed and Designated Funds in FY 2011-2012

PAL Loan Funds (Committed): \$4,482,000

Neighborhood Stabilization Program (Committed): \$2,000,000

Habitat for Humanity Neighborhood Revitalization Program (Committed): \$650,000

Foreclosure Prevention Program (Committed): \$1,000,000

Affordable Housing Development (Committed): \$0

Total Funds Committed as of 6/30/12 = **\$8,189,815**

Accounts Payable/Liabilities \$7,549

Undesignated Funds: \$2,757,438

Total BMR Fund Balance as of 6/30/12 = **\$10,947,253**

Total Liabilities and BMR Fund Balance as of 6/30/12 = **\$10,954,802**

Note: Fees paid and fees held include miscellaneous fee payments for years 1989-1999. Total miscellaneous fee payments equal \$3,826.97. Miscellaneous fees are not required to be included in the Fees Held 5+ Years vs. Funds Committed requirement and are included in this report for accounting purposes only.

**BMR Reserve Fees and Fund Commitment
Annual Report 2011-2012**

Fee Payments and Interest Earned per Year					Total Funds Held 5 or More Years vs. Total Funds Committed		
Fiscal Year	Fees Paid Per Year	Total Fees Paid To Date	Interest Earned Per Year	Fees + Interest To Date	5 Year Commitment Date for Fees Paid	*Total Funds Held 5 or More Years as of Commitment Date	Total Funds Committed as of Commitment Date
Balance Carryover 88/89-89/90	441,430.89	441,430.89	51,705.70	493,136.59			
1990-1991	9,004.26	450,435.15	35,735.22	537,876.07	1995-1996	450,435.15	832,000
1991-1992	5,180.00	455,615.15	29,846.88	572,902.95	1996-1997	455,615.15	832,000
1992-1993	-	455,615.15	-	572,902.95	1997-1998	455,615.15	2,782,000
1993-1994	662,448.40	1,118,063.55	59,522.30	1,294,873.65	1998-1999	1,118,063.55	2,932,000
1994-1995	872,076.80	1,990,140.35	115,252.86	2,282,203.31	1999-2000	1,990,140.35	2,932,000
1995-1996	14,265.00	2,004,405.35	120,352.23	2,416,820.54	2000-2001	2,004,405.35	3,482,000
1996-1997	227,977.66	2,232,383.01	138,744.83	2,783,543.03	2001-2002	2,232,383.01	3,782,000
1997-1998	308,157.01	2,540,540.02	169,307.66	3,261,007.70	2002-2003	2,540,540.02	3,782,000
1998-1999	164,573.25	2,705,113.27	170,809.00	3,596,389.95	2003-2004	2,705,113.27	3,785,061
1999-2000	89,300.04	2,794,413.31	192,902.01	3,878,592.00	2004-2005	2,794,413.31	4,482,000
2000-2001	89,112.36	2,883,525.67	267,906.54	4,235,610.90	2005-2006	2,883,525.67	4,482,000
2001-2002	-	2,883,525.67	185,907.22	4,421,518.12	2006-2007	2,883,525.67	4,482,000
2002-2003	-	2,883,525.67	129,772.02	4,551,290.14	2007-2008	2,883,525.67	4,482,000
2003-2004	-	2,883,525.67	47,072.18	4,598,362.32	2008-2009	2,883,525.67	6,983,909
2004-2005	-	2,883,525.67	94,648.47	4,693,010.79	2009-2010	2,883,525.67	8,107,000
2005-2006	123,705.52	3,007,231.19	144,410.00	4,961,126.31	2010-2011	3,007,231.19	8,107,000
2006-2007	2,668,170.50	5,675,401.69	253,842.00	7,883,138.81	2011-2012	5,675,401.69	8,107,000
2007-2008	300,050.00	5,975,451.69	395,933.30	8,579,122.11	2012-2013	5,975,451.69	8,107,000
2008-2009	2,476,211.80	8,451,663.49	348,457.00	11,403,790.91	2013-2014	8,451,663.49	8,107,000
2009-2010	102,000.00	8,553,663.49	123,558.00	11,629,348.91	2014-2015	8,553,663.49	8,107,000
2010-2011	165,168.00	8,718,831.49	79,220.00	11,873,736.91	2015-2016	8,718,831.49	8,107,000
2011-2012	515,720.00	9,234,551.49	53,399.00	12,442,855.91	2016-2017	9,234,551.49	8,189,815
Total (all years)	9,234,551.49	9,234,551.49	3,208,304.42	12,442,855.91			
*Includes only fees paid. Interest earned is not required to be included in the Funds Held 5+ Years vs. Funds Committed requirement.							
Notes regarding the "Fees Paid" columns and the column "Total Funds Held 5 or More Years as of Commitment Date":							
"Fees Paid" columns include miscellaneous fee payments for years 1989-1999. Total miscellaneous fee payments equal \$3,826.97							
"Total Funds Held 5 or More Years..." reflects/includes these miscellaneous fee payments. Miscellaneous fees are not required to be included in the Funds Held 5+ Years vs. Funds Committed requirement and are included in this report for accounting purposes only.							
Note regarding "Fees + Interest To Date" for 2011-2012: The total of \$12,442,855.91 minus total expenditures equals a final fund balance of \$10,947,253.							

STATUS REPORT
CITY OF MENLO PARK
BELOW MARKET RATE HOUSING PROGRAM WAITING LIST
NOVEMBER 21, 2012

Total households on BMR Waiting List	277
>Total households on list that <u>only</u> want to OWN	96
>Total households on list that <u>only</u> want to RENT	17
>Total households on list that want to OWN or RENT	164

Cities of Residence

Menlo Park	185
East Palo Alto	16
Redwood City	13
Mountain View	10
Palo Alto, San Mateo	7 each
San Jose, Sunnyvale	5 each
San Francisco	4
Hayward, San Carlos	3 each
Fremont, Newark, San Bruno, Union City, Woodside	2 each
Atherton, Belmont, Burlingame, Campbell, Castro Valley, Daly City, Oakland, Portola Valley, Santa Clara	1 each

Places of Work

92 households have a worker/workers in Menlo Park.
48 households live and have a worker/workers in Menlo Park.
137 households live in Menlo Park but work elsewhere.

Household Size Information

Household Size	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8+</u>
Number of Households	58	54	64	58	20	15	6	2

Households with Children

Children	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
Number of Households	107	75	59	24	10	2	0

Number of Workers in the Household

Workers	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>
Number of Households	15	182	80	0

Single Heads of Household (One Adult with Dependent Child/Children) = 35

Households with a Person Confined to a Wheelchair = 7

City of Menlo Park
BMR Agreements Approved by City Council for Residential Developments
Since Inception of the BMR Program in 1987
Through June 30, 2012

Development	Date Agreement Approved by City Council	Number of BMR Units Approved and Occupied	Number of BMR Units Approved But <u>Not Yet</u> Occupied
2160 Santa Cruz (Pacific Hill)	June 22, 1995	2	
600 Willow Rd. (Pacific Parc)	September 18, 1996	2	
Vintage Oaks	Phase I – May 15, 1996 Phase II – Dec. 24, 1996 Phase III – Dec. 24, 1996	14	
Classics Communities	May 19, 1998	3	
20 Willow Rd. (Park Lane)	June 28, 1998	4	
Menlo Square	December 7, 2000	3	
1050-60 Pine St.	August 30, 2005	1	
966-1002 Willow	September 20, 2005	2	
507-555 Hamilton (Hamilton Park)	October 25, 2005	20	
1944-48 Menalto	March 13, 2006		1
110-175 Linfield (Morgan Lane)	March 21, 2006	8	
1460 El Camino Real (Beltramo's)	August 1, 2006* (for 3 BMR units) *Amended on January 11, 2011 (for 1 BMR unit + in lieu fees + profit sharing of revenues)	0	1
75 Willow Road (Lane Woods)	November 14, 2006	2	
1382 Hollyburne (NSP Program)	January 12, 2010		1
1441 Almanor (NSP Program)	September 14, 2010		1
TOTALS =		61	4

City of Menlo Park
Below Market Rate Housing Program
Inventory of Occupied BMR Units
As of June 30, 2012

<u>Development</u>	<u>Location (Street Only)</u>	<u>Initial Date of Sale</u>	<u>Initial Sale Price</u>	<u># BR/BA</u>
Pacific Hill	BMR #1 Santa Cruz Ave	5/29/96	\$150,820	2/1.0
Pacific Hill	BMR #2 Santa Cruz Ave*	1/23/96	\$135,490	1/1.0
Pacific Parc	BMR #1 Willow Road	4/2/1996	\$192,780	3/2.5
Pacific Parc	BMR #2 Willow Road	8/27/96	\$182,888	2/2.5
Vintage Oaks	BMR #1 Gloria Circle	12/18/96	\$217,895	3/2.5
Vintage Oaks	BMR #2 Gloria Circle	1/28/97	\$217,895	3/2.5
Vintage Oaks	BMR #3 Gloria Circle*	4/11/97	\$217,895	3/2.5
Vintage Oaks	BMR #4 Gloria Circle	3/21/97	\$217,895	3/2.5
Vintage Oaks	BMR #5 Seminary Drive	9/26/97	\$232,630	3/2.5
Vintage Oaks	BMR #6 Seminary Drive	9/26/97	\$232,630	3/2.5
Vintage Oaks	BMR #7 Seminary Drive	11/26/97	\$232,630	3/2.5
Vintage Oaks	BMR #8 Seminary Drive*	11/25/97	\$232,630	3/2.5
Vintage Oaks	BMR #9 Santa Monica*	12/10/97	\$232,630	3/2.5
Vintage Oaks	BMR #10 Santa Monica	12/9/97	\$232,630	3/2.5
Vintage Oaks	BMR #11 Hanna Way	7/22/98	\$251,990	3/2.5
Vintage Oaks	BMR #12 Hanna Way	7/22/98	\$251,990	3/2.5
Vintage Oaks	BMR #13 Riordan Place	8/28/98	\$251,990	3/2.5
Vintage Oaks	BMR #14 Riordan Place*	8/28/98	\$251,990	3/2.5
Park Lane	BMR #1 Willow Road	1/6/99	\$205,630	1/1.0
Park Lane	BMR #2 Willow Road*	2/12/99	\$253,500	3/2.0
Park Lane	BMR #3 Willow Road	2/24/99	\$234,390	2/2.0
Park Lane	BMR #4 Willow Road*	3/16/99	\$234,390	2/2.0
Classics at Burgess Park	BMR #1 Barron Street	3/1/99	\$264,900	3/2.5
Classics at Burgess Park	BMR #2 Barron Street	4/6/99	\$264,900	3/2.5
Classics at Burgess Park	BMR #3 Hopkins Street	4/22/99	\$286,530	4/2.5
Menlo Square	BMR #1 Merrill Street	9/4/02	\$257,290	3/2.0
Menlo Square	BMR #2 Merrill Street	1/23/03	\$223,520	2/2.0
Menlo Square	BMR #3 Merrill Street*	3/2/04	\$190,540	1/1.0
Hamilton Avenue Park	BMR #1 Sandlewood Street*	5/11/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #2 Sandlewood Street	5/11/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #3 Sandlewood Street	5/18/07	\$375,270	4/2.5
Hamilton Avenue Park	BMR #4 Sandlewood Street	5/17/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #5 Sandlewood Street	5/22/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #6 Sandlewood Street	5/25/07	\$375,270	4/2.5
Hamilton Avenue Park	BMR #7 Sandlewood Street	5/31/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #8 Sandlewood Street	6/12/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #9 Sandlewood Street	7/17/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #10 Sandlewood Street	9/28/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #11 Rosemary Street	7/17/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #12 Rosemary Street	7/17/07	\$375,270	4/2.5
Hamilton Avenue Park	BMR #13 Rosemary Street	7/27/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #14 Rosemary Street	8/14/07	\$375,270	4/2.5

City of Menlo Park
Below Market Rate Housing Program
Inventory of Occupied BMR Units
As of June 30, 2012

<u>Development</u>	<u>Location (Street Only)</u>	<u>Initial Date of Sale</u>	<u>Initial Sale Price</u>	<u># BR/BA</u>
Hamilton Avenue Park	BMR #15 Rosemary Street	8/17/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #16 Sage Street	9/11/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #17 Sage Street	9/11/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #18 Hamilton Avenue	9/28/07	\$375,270	4/2.5
Hamilton Avenue Park	BMR #19 Hamilton Avenue	10/4/07	\$331,150	3/2.5
Hamilton Avenue Park	BMR #20 Ginger Street	10/4/07	\$331,150	3/2.5
Morgan Lane	BMR #1 Linfield Drive	4/29/08	\$273,600	3/2.5
Morgan Lane	BMR #2 Linfield Drive	4/29/08	\$273,600	3/2.5
Willow Road	BMR #1 Heritage Place	5/9/08	\$277,084	3/2.5
Willow Road	BMR #2 Heritage Place	5/15/08	\$277,084	3/2.5
Morgan Lane	BMR #3 Morgan Lane	9/12/08	\$273,600	3/2.5
Morgan Lane	BMR #4 Morgan Lane	12/16/08	\$273,600	3/2.5
Morgan Lane	BMR #5 Ballard Lane	12/18/08	\$273,600	3/2.5
Lane Woods	BMR #1 Paulson Circle	10/21/08	\$272,000	3/2.5
Lane Woods	BMR #2 Paulson Circle	3/27/09	\$313,000	4/2.5
Morgan Lane	BMR #6 Morandi Lane	7/29/09	\$273,600	3/2.5
Pine Court	BMR #1 Pine Street	9/3/09	\$270,058	2/1.5
Morgan Lane	BMR #7 Homewood Place	5/12/11	\$273,600	3/2.5
Morgan Lane	BMR #8 Linfield Drive	6/9/11	\$273,600	3/2.5

****Unit was later resold (see Resales, below)***

RESALES

Vintage Oaks	BMR #9 Santa Monica	1/28/99	\$239,353	3/2.5
Vintage Oaks	BMR #8 Seminary Drive	12/24/99	\$243,642	3/2.5
Vintage Oaks	BMR #3 Gloria Circle	6/29/00	\$252,000	3/2.5
Pacific Hill	BMR #2 Santa Cruz Ave	4/1/04	\$151,685	1/1.0
Park Lane	BMR #2 Willow Road (Note 1)	12/16/05	\$280,570	3/2.0
Park Lane	BMR #4 Willow Rd.	10/10/06	\$258,100	2/2.0
Park Lane	BMR #2 Willow Road	10/12/06	\$283,640	3/2.0
Vintage Oaks	BMR #14 Riordan Place	12/8/09	\$281,810	3/2.5
Menlo Square	BMR #3 Merrill Street	7/16/10	\$190,540	1/1.0
Hamilton Avenue Park	BMR #1 Sandlewood Street	7/16/10	\$335,460	3/2.5
Pacific Hill	BMR #2 Santa Cruz Ave	10/14/10	\$158,764	1/1.0

Note 1: Unit was purchased by City and resold to someone on the BMR Waiting List

Total Number of Occupied BMR Units = 61

Total Number of BMR Units Resold = 11

CITY OF MENLO PARK - PAL ACCOUNTING				
PAL LOAN ACTIVITY				
DATE	SOURCE	CASH	LOANS	HSG 832-199
1999-2000	New Loans #41, #42	(\$75,225.00)	\$75,225.00	
1999-2000	Loan Principal Paid	\$23,891.39	(\$23,891.39)	
6/30/2000	PAL BALANCE	\$170,160.71	\$811,839.29	
2000-2001	Loan Principal Paid	\$24,902.43	(\$24,902.43)	24904.55
2000-2001	Paidoff Loan #6, #11, #16, #20, #24, #33	\$138,576.33	(\$138,576.33)	138573.63
6/30/2001	PAL BALANCE	\$333,639.47	\$648,360.53	\$333,638.89
				(\$0.58)
2001-2002	Loan Principal Paid	\$21,622.27	(\$21,622.27)	
2001-2002	Paidoff Loan #10, #14, #22, #26	\$86,853.04	(\$86,853.04)	
6/30/2002	PAL BALANCE	\$442,114.78	\$539,885.22	\$539,885.22
				\$0.00
2002-2003	New Loans #43, #44, #46, #45, #47	(\$308,290.00)	\$308,290.00	
2002-2003	Loans Principal Paid	\$17,246.44	(\$17,246.44)	
2002-2003	Paidoff Loans #27, #37, #9, #7, #38, #4, #35	\$157,646.23	(\$157,646.23)	
6/30/2003		\$308,717.45	\$673,282.55	\$673,282.55
				\$0.00
2003-2004	New Loans #48, #49, #50, #51, #52, #53	(\$368,445.00)	\$368,445.00	
2003-2004	Loans Principal Paid	\$25,496.16	(\$25,496.16)	
2003-2004	Paidoff Loans #42, #34, #46	\$126,974.20	(\$126,974.20)	
6/30/2004		\$92,742.81	\$889,257.19	\$889,257.19
				\$0.00
6/30/2005	PAL Ln Allocation-transf fr BMR reserve	\$3,500,000.00		
2004-2005	New Loans	\$0.00	\$0.00	
2004-2005	Loans Principal Paid	\$8,881.91	(\$8,881.91)	
2004-2005	Paid Off Loans	\$0.00	\$0.00	
6/30/2005		\$3,601,624.72	\$880,375.28	\$880,375.28
				\$0.00
9/30/2005	PAL Ln Allocation-transf fr BMR reserve	\$0.00		
2005-2006	New Loans #36A	(\$52,270.00)	\$52,270.00	
2005-2006	Loans Principal Paid	\$9,516.86	(\$9,516.86)	
2005-2006	Paid Off Loans #53, #12, #48, #36	\$204,218.13	(\$204,218.13)	
6/30/2006		\$3,763,089.71	\$718,910.29	\$718,910.29
				\$0.00
2006-2007	New Loans #54, 55, 57, 59, 62, 65, 66, 67	(\$532,770.00)	\$532,770.00	
2006-2007	Loans Principal Paid	\$11,236.49	(\$11,236.49)	
2006-2007	Paid Off Loans #40, #47, #52	\$180,217.18	(\$180,217.18)	
6/30/2007		\$3,421,773.38	\$1,060,226.62	\$1,060,226.62
				\$0.00
2007-2008	New Loans #56, 58, 60, 61, 63, 64, 68, 69, 70, 71, 72, 73, 74	(\$825,080.00)	\$825,080.00	
2007-2008	Loans Principal Paid	\$9,975.20	(\$9,975.20)	
2007-2008	Paid Off Loans #28 & #43	\$51,600.42	(\$51,600.42)	
6/30/2008		\$2,658,269.00	\$1,823,731.00	\$1,823,731.00
				\$0.00
2008-2009	New Loans #75, 76, 77, 78 & 79	(\$281,160.00)	\$281,160.00	
2008-2009	Loans Principal Paid	\$6,272.75	(\$6,272.75)	
2008-2009	Paid Off Loans #30 & #32	\$52,058.97	(\$52,058.97)	
6/30/2009		\$2,435,440.72	\$2,046,559.28	\$2,046,559.28
				\$0.00
2009-2010	New Loans #80, 81, 82 Plus Modification to Loan #56	(\$187,989.80)	\$187,989.80	
2009-2010	Loans Principal Paid	\$6,734.41	(\$6,734.41)	
2009-2010	Paid Off Loan #44	\$71,818.96	(\$71,818.96)	
6/30/2010		\$2,326,004.29	\$2,155,995.71	\$2,155,995.71
				\$0.00
2010-2011	New Loans #83, #84, #85, #86, #87, #88	(\$303,392.00)	\$303,392.00	
2010-2011	Loans Principal Paid	\$4,364.78	(\$4,364.78)	
2010-2011	Paid Off Loans #17, #31, #49, #50, #51, #66	\$241,974.31	(\$241,974.31)	
6/30/2011		\$2,268,951.38	\$2,213,048.62	\$2,213,048.62
2011-2012	New Loans #89	(\$71,800.00)	\$71,800.00	
2011-2012	Loans Principal Paid	\$5,817.97	(\$5,817.97)	
2011-2012	Paid Off Loans	\$0.00	\$0.00	
6/30/2012		\$2,202,969.35	\$2,279,030.65	\$2,279,030.65
SUMMARY				
	Total PAL Loan Allocation:	\$4,482,000.00		
	Total Loans Funded:		\$4,134,986.80	
	Loans Paid Off:		(\$1,580,293.93)	
	Total Monthly Loan Principal Paid:		(\$275,662.22)	
	Total Loans Receivable:	(\$2,279,030.65)	\$2,279,030.65	
	Funds Available for Loans:	\$2,202,969.35		

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ADMINISTRATIVE SERVICES

Council Meeting Date: December 11, 2012
Staff Report #: 12-198

Agenda Item #: D-5

CONSENT CALENDAR: Adopt a Resolution Requesting the Board of Administration of the Public Employees' Retirement System to Approve an Extension of Allowed Employment for a Retired Employee Pursuant to California Government Code Section 21221(h)

RECOMMENDATION

Staff recommends adopting a Resolution requesting the Board of Administration of the California Public Employees' Retirement System (CalPERS) to approve an extension of allowed employment for a retired employee, pursuant to California Government Code 21221(h).

BACKGROUND

The Menlo Park Chief of Police position became vacant in early August 2012. Lee Violetta was sworn in to serve as Interim Police Chief on August 6, 2012, and the City began the process to recruit a permanent replacement for the Chief of Police position. Chief Violetta is a CalPERS annuitant through years of service provided to another CalPERS agency. California Government Code 21221(h) allows a City to hire a person who has retired under the CalPERS system on a temporary basis, if the position requires specialized skills. Under such circumstances the retired person's service is limited to 960 hours in a fiscal year. However, CalPERS may grant an extension of up to one (1) year, if the public agency employer adopts an appropriate resolution requesting an extension prior to the expiration of the 960 hour limitation.

ANALYSIS

It is anticipated that upon completion of the recruitment process currently underway, a permanent Chief of Police will be appointed in late January/early February 2013. It is also anticipated that Chief Violetta will reach the 960 hour fiscal year limit in early to mid-January 2013. In order to provide for a smooth transition in leadership and the completion of projects already underway, it is recommended that Interim Police Chief Violetta continue his employment past January 2013. Thus, it is recommended that the Council adopt the proposed resolution that will allow for the continued employment of Chief Violetta in excess of the 960 hour limitation for the current fiscal year.

IMPACT ON CITY RESOURCES

The City's Adopted Budget for Fiscal Year 2012-2013 includes funding for the permanent Chief of Police position. The permanent Chief of Police position was vacated in early August 2012. The ongoing salary savings attributable to the vacancy are being utilized for the employment of the Interim Police Chief and provide sufficient funds to cover expenses.

POLICY ISSUES

The recommended action herein is consistent with City policy.

ENVIRONMENTAL REVIEW

The proposed action does not require environmental review.

Signature on File
Gina Donnelly
Human Resources Director

Signature on File
Alex D. McIntyre
City Manager

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

A: Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK REQUESTING THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO APPROVE AN EXTENSION OF ALLOWED EMPLOYMENT FOR A RETIRED EMPLOYEE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 21221(h)

RECITALS

- A. The position of Chief of Police of the City of Menlo Park was rendered vacate by the separation from City service of the former Chief:
- B. To assure the efficient continued operation of the City's Police Department, the City hired Lee Violettt to serve as Interim Police Chief, a position deemed to be of limited duration and requiring specialized skills, effective August XX, 2012;
- C. Interim Chief Violettt retired from the City of San Bruno in the position of Chief of Police in 2005;
- D. California Government Code Section 21221(h) allows a City to hire a retired person to a position that requires specialized skills on a temporary basis. Under such circumstances the retired person will not be subject to reinstatement from retirement or loss of benefits, so long as the employment does not exceed 960 hours in a fiscal year. Board of Administration of the Public Employees' Retirement System ("Board") may grant an extension not to exceed one (1) year on a request by resolution of the public entity if presented prior to the expiration of the 960 hour limitation. California Government Code Section 21221(h) requires the City to present a resolution to the Board requesting action to allow or disallow the employment extension. The resolution must be presented prior to the expiration of the 960 hour maximum for the fiscal year. The appointment shall continue until notification to the Board's decision is received by the governing body. The appointment shall be deemed approved if the Board fails to take action within sixty (60) days of receiving the request. Appointments under this subdivision may not exceed a total of 12 months.
- E. This City Council has determined that it is in the best interests of the City to continue the temporary employment of Interim Chief Violettt to provide for a smooth transition of leadership to the permanent Chief of Police expected to be appointed in late January/early February 2013, and the completion of special projects currently underway.
- F. As of December 11, 2012, Interim Chief Violettt's service to the City of Menlo Park has not exceeded the 960 hour limitation set forth in the California Government Code Section 21221(h).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park as follows:

- Section 1. That all facts set forth in the Recitals are true and correct.
- Section 2. Pursuant to the requirements of California Government Code Section 21221(h), the City Council requests that the Board of Administration of the Public Employees' Retirement System allow Lee Violet to exceed the 960 hour limitation of Section 21221(h) for a total period not to exceed one (1) year.
- Section 3. The City Clerk shall certify to the adoption of this Resolution and shall transmit a copy to the Board of Administration of the Public Employees' Retirement System.
- Section 4. This Resolution shall take effect immediately upon its adoption.

I, Margaret S. Roberts, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on this eleventh day of December, 2012, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this eleventh day of December, 2012.

Margaret S. Roberts, MMC
City Clerk



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: December 11, 2012

Staff Report #: 12-194

Agenda Item #: D-6

CONSENT CALENDAR: Waive the Second Reading and Adopt an Ordinance Rezoning the Property Located at 1 and 20 Kelly Court from M-2 (General Industrial) to M-2(X) (General Industrial, Conditional Development)

RECOMMENDATION

Staff recommends that the City Council waive the full reading of and adopt an ordinance rezoning the property from M-2 (General Industrial) to M-2(X) (General Industrial, Conditional Development).

BACKGROUND

At the November 27, 2012 City Council meeting, the Council voted 4-0-1, with Councilmember Cline absent, to conditionally approve the proposed project by taking the following actions:

1. Adopting a finding that the redevelopment of the site is categorically exempt under Class 32 (Section 15332, "In-Fill Development Projects") of the current State CEQA Guidelines;
2. Introducing an Ordinance rezoning the property from M-2 (General Industrial) to M-2(X) (General Industrial, Conditional Development);
3. Adopting a Resolution approving the Conditional Development Permit for the construction of a 37,428-square-foot office/R&D and manufacturing/assembly building subject to the requirements of the Conditional Development Permit;
4. Adopting a Resolution approving the heritage tree removal permit;
5. Approving the Below Market Rate Housing In-Lieu Fee Agreement, recommended by the Housing Commission on September 5, 2012, and recommended by the Planning Commission on November 5, 2012.

As a part of the Council's action to approve the project, the Council directed that one additional condition related to the notification of adjacent sensitive users in the case of a hazardous materials emergency be included. Staff has modified the Conditional Development Permit to include the following condition as Condition 3.3.1.4 in the Permit:

The Emergency Response and Contingency Plan, contained within the Hazardous Materials Business Plan (HMBP) shall include contact information for the Mid-Peninsula High School, Job Train, and Casa Dei Bambini, and the applicant shall notify each entity in the event of an emergency/incident.

ANALYSIS

Staff has prepared the final ordinance rezoning the properties located at 1 and 20 Kelly Court from M-2 to M-2(X) (Attachment A) in accordance with the Council's action at the November 27, 2012 meeting. With the exception of modifying the dates, the ordinance is the same as reviewed on November 27. If the Council takes action to adopt the ordinance, it will become effective 30 days later, or on January 11, 2013.

IMPACT ON CITY RESOURCES

There is no direct impact on City resources associated with adoption of the ordinance rezoning the properties.

POLICY ISSUES

The recommended action is consistent with the City Council's actions and approvals on the project at its meeting of November 27, 2012 and would serve to complete the land use entitlements for the project.

ENVIRONMENTAL REVIEW

On November 27, 2012, the City Council adopted findings in accordance with the California Environmental Quality Act for the Project, determining that the redevelopment of the site is categorically exempt under Class 32 ("In-Fill Development Projects") of the current State CEQA Guidelines.

Signature on File
Kyle Perata
Assistant Planner

Signature on File
Arlinda Heineck
Community Development Director

PUBLIC NOTICE: Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS

A. Ordinance Rezoning the Property

ORDINANCE NO. 988

**AN ORDINANCE OF THE CITY OF MENLO PARK REZONING
PROPERTIES LOCATED AT 1 KELLY COURT AND 20 KELLY COURT**

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The zoning map of the City of Menlo Park is hereby amended such that certain real properties with the addresses of 1 Kelly Court and 20 Kelly Court (Assessor's Parcel Numbers 055-433-240 and 055-433-130) are rezoned from M-2 (General Industrial District) to M-2(X) (General Industrial, Conditional Development District) as more particularly described and shown in Exhibit "A." This rezoning is consistent with the existing General Plan land use designation of Limited Industry for the property.

SECTION 2. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the twenty-seventh day of November, 2012.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the eleventh day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Peter I. Ohtaki
Mayor, City of Menlo Park

ATTEST:

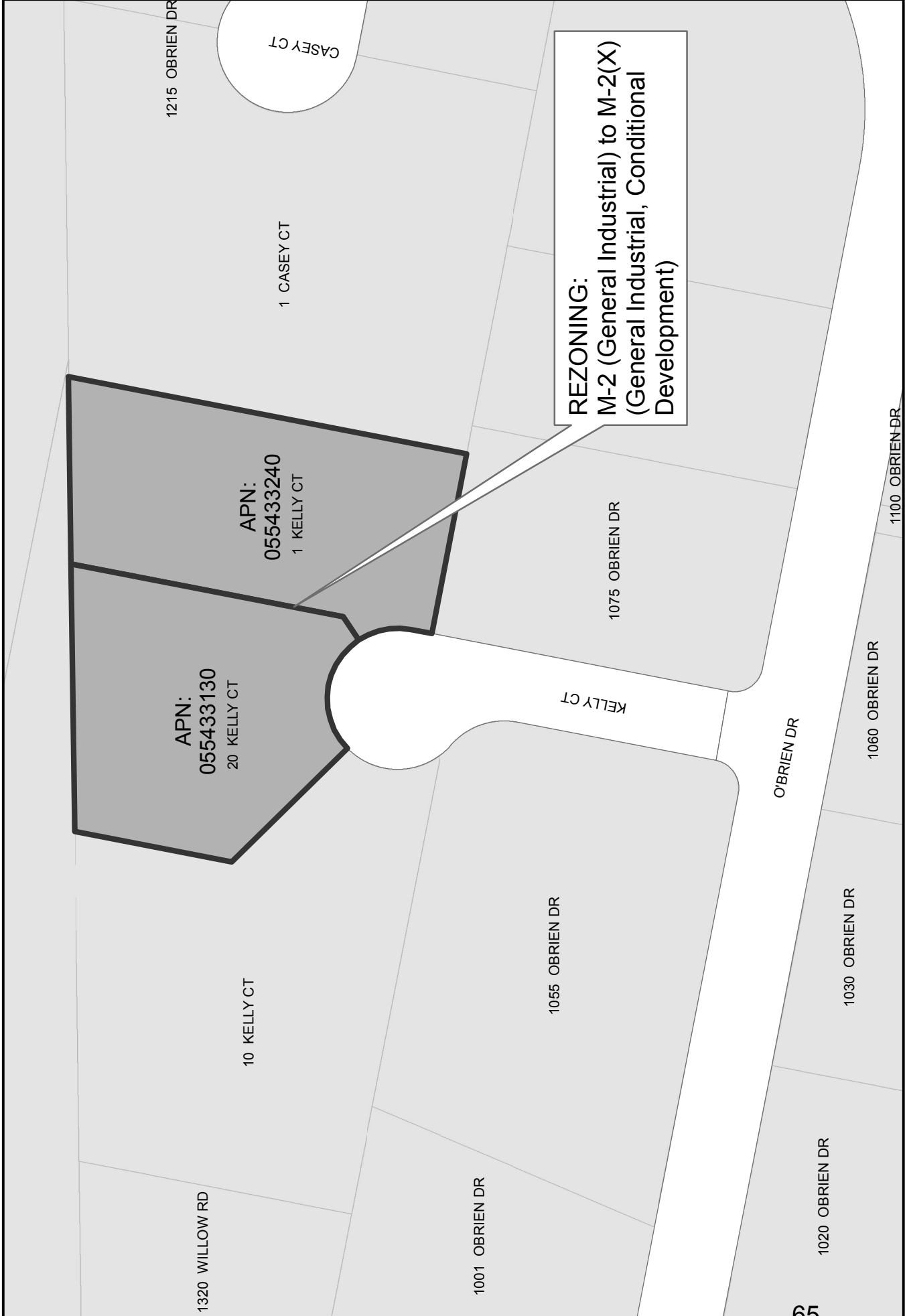
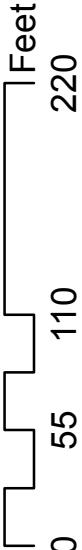
Margaret S. Roberts, MMC
City Clerk

Exhibit A

Rezoning – 1 and 20 Kelly Court

CITY OF MENLO PARK

1 - 20 Kelly Court - Rezoning Exhibit A



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PUBLIC WORKS DEPARTMENT

Council Meeting Date: December 11, 2012

Staff Report #: 12-195

Agenda Item #: D-7

CONSENT CALENDAR: **Adopt a Resolution Authorizing the Joint Filing of an Application with the Town of Atherton for the One Bay Area Grant (OBAG) First Funding Cycle Funds and Committing the Necessary Matching Funds and Stating the Assurance to Complete Bicycle and Pedestrian Improvement Projects**

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the joint filing of an application with the Town of Atherton for the One Bay Area Grant (OBAG) First Funding Cycle funds, committing the necessary matching funds and stating the assurance to complete Bicycle and Pedestrian Improvement Projects.

BACKGROUND

On October 15, 2012, the City/County Association Governments (C/CAG) of San Mateo County announced a call for Transportation for Livable Communities (TLC) and Bicycle and Pedestrian Improvement projects under the Metropolitan Transportation Commission (MTC) OBAG Program. The TLC Program and Bicycle and Pedestrian Improvement Program are components of OBAG. The deadline for submitting the OBAG grant application to C/CAG is December 14, 2012.

The TLC Program is a transportation funding program that aims to improve the built environment to promote alternative transportation as well as create inviting public spaces. The program is intended to fund capital projects that support community-based transportation projects that bring new vibrancy into downtown areas, commercial cores, high-density neighborhoods and transit corridors, enhancing their amenities and ambiance while creating places where people want to live, work and visit.

The Bicycle and Pedestrian Improvement Program supports bicycle and pedestrian projects in San Mateo County. This program is designed to build upon and enhance the San Mateo County bicycle network and pedestrian environment to encourage the use of active transportation such as walking or bicycling. The goal of this program is to continue to build out bicycle and pedestrian improvements to better connect San Mateo County to local destinations and the multimodal transportation network. This program aims to improve air quality by reducing vehicle trips. Projects should be commute oriented which is a condition of eligibility for federal Congestion Mitigation and Air Quality Improvement (CMAQ) Program funds.

For the Fiscal Year 2012/2013 - 2015/2016 cycles, there is a total of approximately \$11,000,000 of Congestion Mitigation and Air Quality Improvement (CMAQ) Program funds available on a competitive basis under OBAG, approximately \$4,500,000 available through the TLC Program and approximately \$6,500,000 available through the Bicycle

and Pedestrian Improvement Program. The minimum grant amount is set at \$250,000. The maximum amount that can be allocated per agency is \$1,000,000, for both the TLC Program and the Bicycle and Pedestrian Improvement Program combined. Project applicants are limited to Local Public Agencies (LPAs) such as cities/towns in San Mateo County, the County of San Mateo, the San Mateo County Transit District (SamTrans), the Peninsula Corridor Joint Powers Board (JPB) or the San Mateo County Transportation Authority (SMCTA).

The OBAG Program is a new funding approach that better integrates the region's federal transportation program with California's climate law (Senate Bill 375, Steinberg, 2008) and the Sustainable Communities Strategy. Subsequently, MTC requires that a minimum of 70% of all OBAG funds be invested in Priority Development Areas (PDAs). Priority Development Areas (PDAs) are locally-identified, infill development opportunity areas within existing communities. El Camino Real and Downtown were identified for Menlo Park, as its PDAs.

A project lying outside the limits of a PDA may count towards the minimum if it directly connects to or provides proximate access to a PDA. The following definition of "proximate access to a PDA" for OBAG was approved by the C/CAG Board of Directors on September 13, 2012:

1. Project provides direct access to a PDA...example, a road, sidewalk, or bike lane that leads directly into a PDA; or
2. Project is within ½ mile of a PDA boundary; or
3. Project is located on a street that hosts a transit route, which directly leads to a PDA; or
4. Project is located within ½ mile of one or more stops for two or more public or shuttle bus lines, or within ½ mile of a rail station or regional transit station, that is connected to a PDA; or
5. Project provides a connection between a Transit Oriented Development (TOD), as defined by C/CAG, and a PDA. (A C/CAG TOD is defined as permanent high-density residential housing with a minimum density of 40 units per net acre, located within one third (1/3) of a mile from a Caltrain or BART station or on a frontage parcel of the El Camino Real/Mission Street in San Mateo County.); or
6. Project is a bicycle/ pedestrian facility that is included in an adopted bicycle/pedestrian plan within San Mateo County and is a part of a network that leads to a PDA.

Selected projects will be subject to federal, state, and regional delivery requirements as noted in MTC Resolution No. 3606. For the OBAG funds, jurisdiction must provide a minimum Federal Highway Administration (FHWA) required local match of 11.47 %.

ANALYSIS

The project that staff is proposing for the OBAG First Funding Cycle funds consists of Bicycle and Pedestrian Improvements on El Camino Real, Valparaiso Avenue/Glenwood Avenue, and Middlefield Road. El Camino Real is identified as a PDA for Menlo Park. Valparaiso Avenue/Glenwood Avenue meets the definition of "proximate access to a PDA" as described above because it is within ½ mile of a PDA boundary and also, is a bicycle/pedestrian facility that is included in the San Mateo County adopted bicycle/pedestrian plan and part of a network that leads to El Camino

Real. Middlefield Road is a bicycle/pedestrian facility that is included in the San Mateo County adopted bicycle/pedestrian plan and part of a network that leads to El Camino Real. The project is described in the subsequent sections.

El Camino Real: Installation of accessible pedestrian signal systems at the intersections of El Camino Real with Valparaiso Avenue, Oak Grove Avenue, Ravenswood Avenue, Roble Avenue, Middle Avenue, and Cambridge Avenue. An accessible pedestrian signal system is a vital component of any pedestrian safety program for people who are blind or have low vision. Accessible pedestrian signals, commonly referred to as APS, provide both an audible and a vibrotactile method of informing pedestrians when the visual WALK signal is displayed. Attachment B1 shows the project map and location of proposed improvements. Estimated Cost: \$180,000

Valparaiso Avenue/Glenwood Avenue: Improvements were proposed on Valparaiso Avenue and Glenwood Avenue in conjunction with the Valparaiso Safe Routes to School Plan. These improvements were reviewed and recommended for City Council approval by the Transportation and Bicycle Commissions. Since the Town of Atherton owns and maintains the northern half of Valparaiso Avenue, these proposed improvements on Valparaiso Avenue were also reviewed by the Town's Transportation Committee and found to be acceptable. Attachment B2 shows the project map and location of improvements.

- **Installation of “green” bike lanes on Valparaiso Avenue and Glenwood Avenue from Elder Avenue to Laurel Street.** This treatment comprises of painting the area between the white bike lane stripes with green textured paint to reinforce the biking zone and to provide a better cycling surface during winter rainy months. A recent study in Oregon noted that the green bike lanes increase compliance with traffic regulations. For example, 92% of motorists yielded to bicyclists (72% before), and 87% of drivers slowed down (71% before). Locally, the following cities have installed green bike lanes: San Francisco (Fell & Market); Santa Clara (Stevens Creek); San Jose (San Fernando St), Pleasanton; Oakland; Berkeley; and, San Mateo. Estimated Cost: \$300,000

- **Installation of Speed Feedback signs on Valparaiso Avenue.** A speed feedback sign is an interactive sign, generally constructed of a series of LEDs that displays vehicle speed as motorists approach to slow cars down by making drivers aware when they are driving at unsafe speeds. (The proposed locations are: 1) along the frontage of Menlo School approximately 100 feet west of the east entry driveway to the Menlo School parking lot for westbound traffic; and, 2) near the southwest corner of the Valparaiso Avenue/Roberts Drive intersection for eastbound traffic.) Estimated Cost: \$30,000

- **Installation of In-Pavement Lighted Crosswalk Systems on Valparaiso Avenue.** An in-pavement lighted crosswalk system is a series of high-intensity LED lights placed in the pavement on both sides of a crosswalk, directing light along the road towards on-coming traffic. An in-pavement lighted crosswalk system is installed to increase the visibility of the crosswalk and moderate drivers' behavior when approaching the crosswalk. The proposed locations are: 1) on the Valparaiso Avenue intersection at Emilie Avenue; and, 2) on the Valparaiso Avenue intersection at Elder Avenue. Estimated Cost: \$100,000

- **Installation a Pedestrian Path on South Side of Valparaiso Avenue.**

Currently, the south side of the roadway includes some walking areas but they are inconsistent, , ranging from concrete sidewalks east of University Avenue to a mixture of asphalt pads, gravel, and dirt west of University Avenue. Therefore, it is proposed that a dedicated walking area be complete on the south side of Valparaiso from Elder Avenue to Johnson Street. The proposed alternative is for asphalt pads to fill in the missing gap locations, balancing the cost of installation with limited work required to fix tree uprooting, landscaping treatments, and more. Estimated Cost: \$50,000.

Middlefield Road: This improvement on Middlefield Road was recommended in conjunction with the Encinal School Safe Routes to School Plan, which was approved by Council on March 24, 2009. This portion of Middlefield Road is owned and maintained by the Town of Atherton.

- **Restriping of Portions of Bike Lanes on Middlefield Road.** Currently, there are portions of bike lanes on Middlefield Road that do not meet the California Manual on Uniform Traffic Control Devices (MUTCD) requirements for minimum lane width of 4 feet. Therefore, it is proposed that these bike lanes be re-striped to comply with the California MUTCD minimum width requirements. Attachment B3 shows the project map and location and improvements. Estimated Cost: \$70,000

IMPACT ON CITY RESOURCES

The total cost of the project is estimated as follows:

Preliminary Engineering	\$ 36,500
Construction	\$730,000
Contingencies	\$ 73,000
Construction Engineering	\$ <u>60,500</u>
Total Project Cost	\$900,000

The OBAG funding program requires a local match of 11.47% of the project costs amounting to \$103,230, which can be funded by the City's Measure A Fund Program. City staff will initiate a dialogue with the Town of Atherton to determine how much the Town is willing to participate in the local match. The remainder of the project costs will be reimbursed upon receipt of the OBAG funds.

POLICY ISSUES

There are no policy issues associated with this staff report.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Class I of the current State of California Environmental Quality Act (CEQA) Guidelines.

Signature of File

Rene Baile

Transportation Engineer

Signature of File

Charles Taylor

Director of Public Works

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

- A. Resolution
- B1. El Camino Real Pedestrian Improvement Location Map
- B2. Valparaiso Avenue/Glenwood Avenue Bicycle and Pedestrian Improvements Location Map
- B3. Middlefield Road Bicycle Improvement Location Map

RESOLUTION NO.**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING ASSIGNED
TO MTC AND COMMITTING ANY NECESSARY MATCHING FUNDS AND
STATING THE ASSURANCE TO COMPLETE THE PROJECT**

WHEREAS, the City of Menlo Park and Town of Atherton (herein referred to as APPLICANT) are submitting an application to the Metropolitan Transportation Commission (MTC) for \$796,770 in funding assigned MTC for programming discretion, including by not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Bicycle and Pedestrian Improvements on El Camino Real, Valparaiso Avenue/Glenwood Avenue, and Middlefield Road (herein referred to as PROJECT) for the One Bay Area Grant Program, herein referred to as PROGRAM); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code 182.6 and 182.7 provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal funds for a project shall submit an application first with the appropriate MPO for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of federal funds; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. the commitment of any required matching funds of at least 11.47%; and
2. that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING;

- and
3. that the project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
 4. the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
 5. that the project will comply with all project-specific requirements as set forth in the PROGRAM; and
 6. that the project (transit only) will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under MAP-21 for continued funding; and

BE IT FURTHER RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide \$103,230 in matching funds; and
2. APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, and will maintain a single point of contact for all FHWA-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA-funded transportation projects implemented by APPLICANT; and
4. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount approved by MTC and programmed in the federal TIP; and
5. APPLICANT and the PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and
6. APPLICANT (for a transit project only) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866, revised; and therefore be it further

THEREFORE, BE IT FURTHER RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and

BE IT FURTHER RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

BE IT FURTHER RESOLVED that APPLICANT authorizes its City Manager to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's federal TIP.

I, Margaret S. Roberts, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the eleventh day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

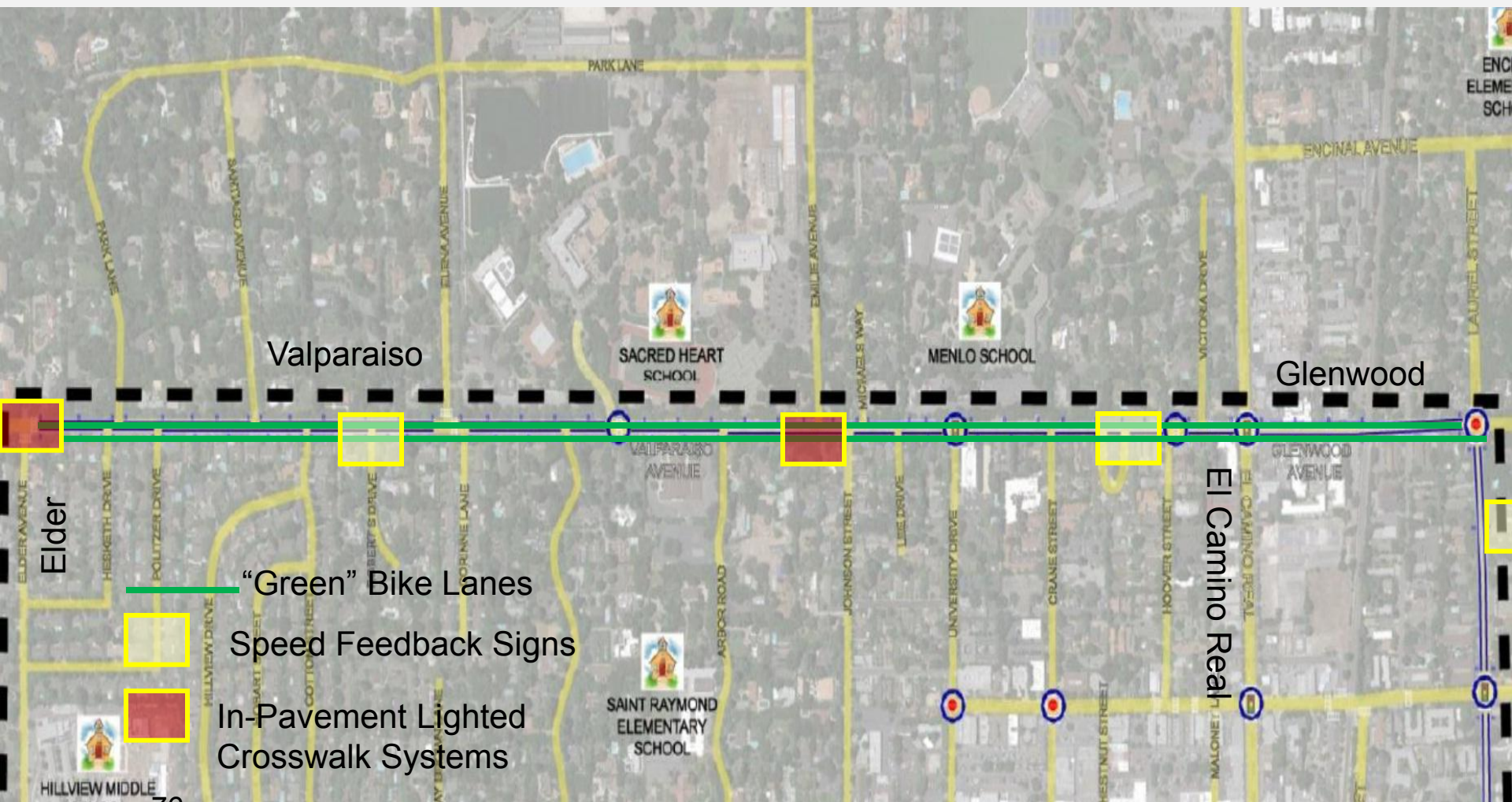
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this eleventh day of December, 2012.

Margaret S. Roberts, MMC
City Clerk

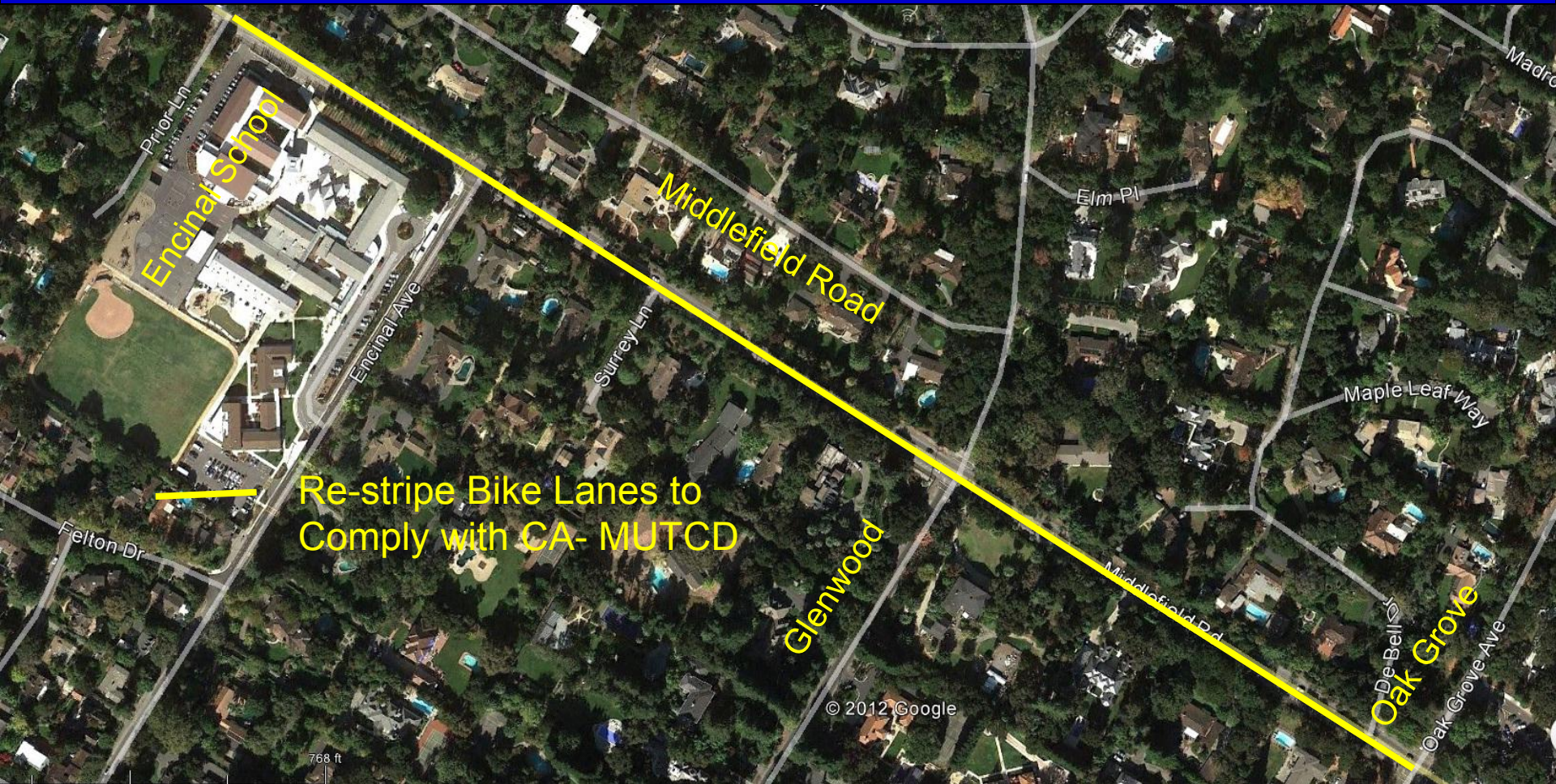
Attachment B1: El Camino Real Pedestrian Improvement Location Map



Attachment B2: Valparaiso Avenue/Glenwood Avenue Bicycle and Pedestrian Improvements Location Map



Attachment B3: Middlefield Road Bicycle Improvement Location Map



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PUBLIC WORKS DEPARTMENT

Council Meeting Date: December 11, 2012

Staff Report #: 12-196

Agenda Item #: D-8

CONSENT CALENDAR: Adopt a Resolution to a) Determine that Apex Engineering & Construction (Apex) has Abandoned the Contract for the Alpine Road Bike Improvement Project and Rescind the Award of Contract to Apex from Resolution No. 6106; b) Reject the Second Lowest Bid from Wickman Development and Construction as Non-responsive; c) Award a Contract to the Third Lowest Bidder, Interstate Grading & Paving, Inc., in the Amount of \$152,994.75 for Construction of the Alpine Road Bike Improvement Project; d) Authorize a budget increase of \$8,340 for a Total Budget of \$210,000 for Construction, Contingencies, Testing, Inspection, Engineering and Construction Administration

RECOMMENDATION

Staff recommends that the City Council adopt a resolution:

- a) Determine that Apex Engineering & Construction has abandoned the Contract for the Alpine Road Bike Improvement Project and Rescind the Award of Contract to Apex from Resolution No. 6106 (Attachment E);
- b) Reject the second lowest bid from Wickman Development and Construction as Non-Responsive;
- c) Award a contract to Interstate Grading & Paving, Inc. in the amount of \$152,994.75 for construction of the Alpine Road Bike Improvement Project;
- d) Authorize a budget increase of \$8,340 for a Total Budget of \$210,000 for construction, testing, inspection, engineering and construction administration.

BACKGROUND

The City submitted an application for Transportation Development Act (TDA) Article 3, Pedestrian and Bicycle funding, for Alpine Road Bike Lane Improvements from the County limits to 250 feet east. This is a portion of Alpine road that lies within the City limits (Attachment C).

Alpine Road is classified as a Class II bikeway (striped bike lanes in both directions) in the Menlo Park Comprehensive Bicycle and Pedestrian Plan dated January 2005, and

is used to connect cities on the west side of I-280 to Stanford University and Menlo Park. The bikeway is also used by bicycle enthusiasts for recreational purposes.

The City/County Association of Governments (C/CAG) notified the City of award of the funding on August 8, 2011. Seven (7) projects were recommended for TDA Article 3 funds in the County, one of which was the Alpine Road Bike Lane Improvement Project in the City for an amount of \$78,000.

The project would improve the safety of bicyclists along this stretch of roadway by restriping the 4-foot wide bicycle lanes, installing curb and gutter on both sides of the roadway, improving the drainage outfall by providing a bicycle friendly inlet, and resurfacing the width of the roadway within the 250 feet segment. The roadway is also in disrepair in this section of the City and needs resurfacing.

On September 18, 2012, the City advertised the project for bids from qualified contractors. The bids for the project were opened on October 9, 2012. Eleven bids were received (Attachment B).

The bid proposal from the lowest bidder, Apex met all City requirements and staff reviewed and was satisfied with their recent project related references. At the October 23, 2012 City Council meeting, Council adopted a resolution awarding the contract for the Alpine Road Bike Lane Improvement Project to Apex. Since the project award, Apex failed to provide contract documents and bonds to execute the contract. Attachment D contains for more information regarding the letters sent to both Apex and Wickman indicating that their bids were rejected.

ANALYSIS

Abandoned Contract

On October 17, 2012, staff notified Apex that the City Council would accept their bid proposal and award them the contract for the project at the October 23, 2012 City Council Meeting but, to date, staff has not received the signed agreement or the two bonds required by the special provisions. Apex informed staff that they were having difficulty obtaining the required bonds because their bonding company was affected by the recent flooding in New York caused by Hurricane Sandy.

According to the agreement in the bid documents, the contractor must enter into contract and furnish the required bonds within 10 business days or the City may, at its option, determine that the bidder has abandoned the contract, thus making the proposal and the acceptance thereof null and void. The initial deadline to submit the original signed copies of the contract and Performance and Payment Bonds was November 6, 2012. Based on the unexpected weather events, staff extended the deadline to allow Apex additional time to obtain the bonds, either through the original bonding company or a new company. Staff contacted Apex several times in the course of 3-weeks but it appeared that no progress was made. On November 27, 2012, the contractor was notified by certified mail that the City would consider the contract abandoned and proceed to the next lowest responsive bid.

If the contractor fails to enter into contract, the agreement in the bid documents states that the Bid Deposit that accompanied the bid proposal shall become property of the City. Staff is recommending that in this case the bid deposit be returned to the contractor because of the extenuating circumstances involved.

Reject Second Lowest Bid

When the lowest bid must be rejected, or if the lowest bidding contractor fails to enter into contract, the two options outlined in the Public Contract Code are to either reject all bids and put the contract out to bid again or proceed with the next lowest responsive bid. Since there is no guarantee that rebidding will result in the same pricing, and the time and expense of rebidding the project would offset some of the potential savings, staff recommends proceeding to the next responsive bid.

The second lowest bid was submitted by Wickman Development and Construction. Upon review of the information provided in the bid proposal, staff determined that the contractor would not self-perform at least 50% of the work as required by the bid documents in Section 8-1.01, Paragraph 3 of the 2006 Caltrans Standard Specifications. For this reason, staff has rejected the bid proposal as non-responsive to the requirements of the bid documents and will return the bid bond to the contractor.

Award to Third Lowest Bidder

The third lowest bidder, Interstate Paving and Grading, Inc., from San Francisco, met all requirements of the bid documents. Staff has checked the references and is satisfied with their past performance and recommends that the City Council award them the contract. Since 11 bids were received for the project, staff believes that the third lowest bid is still a fair and competitive amount for this project.

Impact to Total Budget

The TDA Article 3 Funds shown on the previous staff report was accidentally written incorrectly. The previous staff report indicated that the TDA funds were \$51,660. This grant amount has been clarified and is \$78,000. The City will be reimbursed the \$78,000 as agreed upon with Metropolitan Transportation Commission (MTC).

In addition, the bid from Interstate Paving and Grading contract is slightly higher than the original lowest bidder (Apex). The higher construction contract amount and contingencies will be paid with the funds appropriated from Transportation Impact Fee Fund or the TDA Article 3 Fund.

IMPACT ON CITY RESOURCES

The previous funding breakdown for the construction project was as follows:

TDA Article 3 Funds:	\$	51,660
City Match (Transportation Impact Fee Funds):	\$	150,000
Total	\$	201,660

The current funding breakdown for the construction project is as follows:

TDA Article 3 Funds:	\$ 78,000
City Match (Transportation Impact Fee Funds):	<u>\$ 132,000</u>
Total	\$ 210,000

The following is a breakdown of estimated construction costs:

Construction Contract	\$ 152,994.75
Construction Contingency (20%)	\$ 30,600.00
Testing, Inspection, and Construction Administration	<u>\$ 26,405.25</u>
Total Construction Budget	\$ 210,000.00

There is currently \$2,918,467 available in the Transportation Impact Fee fund balance.

POLICY ISSUES

The construction project is consistent with the City of Menlo Park General Plan, Sections II-A-12 and II-D, and the contracting recommendations are consistent with State Public Contract Code requirements.

ENVIRONMENTAL REVIEW

The project has CEQA environmental clearance approved on March 10, 2011, and is categorically exempt per Section 15301 Existing Facilities.

Signature on File
Nathan Scribner
Associate Civil Engineer

Signature on File
Fernando Bravo
Engineering Services Manager

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

- A. Resolution
- B. Bid Summary
- C. Site Location Map
- D. Letters to Apex and Wickman
- E. Resolution No. 6106

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK DETERMINING THAT APEX ENGINEERING & CONSTRUCTION (APEX) HAS ABANDONED THE CONTRACT FOR THE ALPINE ROAD BIKE IMPROVEMENT PROJECT AND RESCINDING THE AWARD OF CONTRACT TO APEX FROM RESOLUTION NO. 6106; REJECTING THE SECOND LOWEST BID FROM WICKMAN DEVELOPMENT AND CONSTRUCTION AS NON-RESPONSIVE; AWARDING A CONTRACT TO THE THIRD LOWEST BIDDER, INTERSTATE GRADING & PAVING, INC., IN THE AMOUNT OF \$152,994.75 FOR CONSTRUCTION OF THE ALPINE ROAD BIKE IMPROVEMENT PROJECT; AUTHORIZE A BUDGET INCREASE OF \$8,340 FOR A TOTAL BUDGET OF \$210,000 FOR CONTINGENCIES, INSPECTION, TESTING, AND PROJECT MANAGEMENT

WHEREAS, plans and specifications, dated September 12, 2012 were prepared and approved by the Assistant Director of Public Works for the Alpine Road Bicycle Improvements Project described above and on file in the office of the Engineering Services Manager; and

WHEREAS, a schedule of prevailing wage scales for each craft or type of workman needed to execute these plans and specifications in the locality in which said work is to be performed has been established by the Department of Industrial Relations and has been referred to in said plans and specifications; and

WHEREAS, the Transportation Division did issue a call for sealed proposals to be received at the office of the Transportation Division, City of Menlo Park Administration Building, 701 Laurel Street, Menlo Park, CA, until the hour of 2:00 p.m., Tuesday, October 9, 2012; and

WHEREAS, the Transportation Division did cause the notice inviting sealed proposals to be published three (3) times in *The Daily News*, a newspaper printed and published in this County; and

WHEREAS, said bids were then publicly opened and declared in the Transportation Division Office; and

WHEREAS, the Transportation Division has caused an analysis of said sealed proposals to be made by the Engineering Services Manager for the City of Menlo Park, and has, in open session, fully reviewed and considered said proposals and the analysis thereof; and

WHEREAS, the lowest responsive bid was submitted by Apex Engineering and Construction, Inc. in the amount of one hundred forty-nine thousand, three hundred fifty-five dollars (\$149,355) based on an estimate of the amount of work to be done, but they

failed to execute the contract after award and have therefore abandoned the contract;
and

WHEREAS, the second lowest bid was submitted by Wickman Development and Construction, but the bid was deemed non-responsive since the contractor would not self-perform 50% of the work as required; and

WHEREAS, the third lowest bid was submitted by Interstate Grading and Paving, Inc., in the amount of one hundred fifty-two thousand, nine hundred ninety-four dollars and seventy-five cents (\$152,994.75) based on an estimate of the work to be done.

NOW, THEREFORE, BE IT RESOLVED, that said Council does hereby approve the project plans and specifications and award the project to Interstate Grading and Paving, Inc. and authorize the City Manager to execute the necessary construction agreements for the Alpine Road Bike Improvement Project in an amount not to exceed \$152,994.75 and authorize a budget increase of \$8,340 for a total budget of \$210,000 for contingencies, inspection, testing, and project management.

I, Margaret S. Roberts, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the eleventh day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this eleventh day of December, 2012.

Margaret S. Roberts, MMC
City Clerk

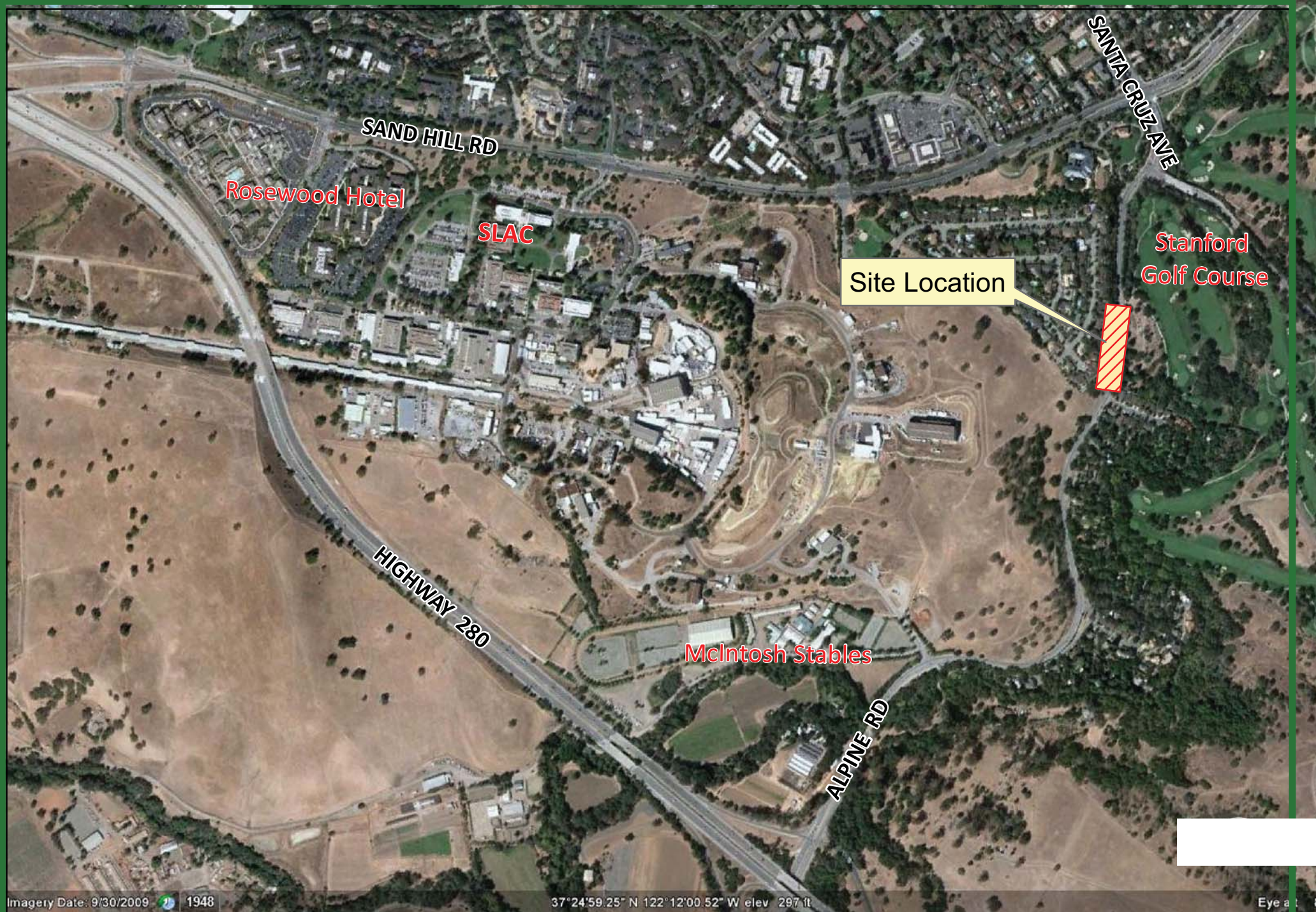
BID SUMMARY

ALPINE ROAD BIKE IMPROVEMENT PROJECT

BID OPENING DATE: Tuesday, October 09, 2012

	CONTRACTOR	BID AMOUNT
1.	Apex Engineering and Construction	\$149,355.60
2.	Wickman Development and Construction	\$149,993.00
3.	Interstate Grading & Paving Inc.	\$152,994.75
4.	Redgwick Construction Co.	\$154,749.00
5.	Granite Rock Co. DBA Pavex Construction Division	\$158,686.75
6.	C.F. Archibald Paving, Inc.	\$160,166.40
7.	Caggiano General Engineering, Inc.	\$168,007.32
8.	O'Grady Paving Inc.	\$168,759.00
9.	Redwood Engineering Construction	\$169,790.00
10.	Synergy Project Management, Inc.	\$174,434.00
11.	G. Bortolotto & Company, Inc.	\$222,222.22

*** Pending City Council Approval**



KIRSTEN KEITH
MAYOR

PETER OHTAKI
MAYOR PRO TEM

RICHARD CLINE
COUNCIL MEMBER

ANDY COHEN
COUNCIL MEMBER

KELLY FERGUSSON
COUNCIL MEMBER

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FAX 650.327.5403

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FAX 650.328.7935

City Council
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FAX 650.328.7935

City Manager's Office
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FAX 650.328.7935

Community Services
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FAX 650.324.1721

Engineering
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FAX 650.327.5497

Environmental
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**Housing &
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Police
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FAX 650.327.4314

Transportation
TEL 650.330.6770
FAX 650.327.5497



701 LAUREL STREET, MENLO PARK, CA 94025-3483
www.menlopark.org

Via: Certified Mail

December 3, 2012

Jonathan Wickman
Wickman Development and Construction
815 Fairfield Road
Burlingame, CA 94010

Subject: Alpine Road Bike Improvement Project Bid

Dear Mr. Wickman,

Thank you for speaking with me last week about your bid for the Alpine Road Bike Improvements Project.

As I mentioned, the lowest bidder has failed to provide the required bonds and signed agreement within the specified time so the City has determined that they have abandoned the contract.

Although your bid was the second lowest, the information provided in the bid documents indicates that your company will not self-perform at least 50% of the work as required by Section 8-1.01, paragraph 3 of the 2006 Caltrans Standard Specifications. For this reason we will dismiss your bid and will recommend that the City Council award the contract to the third lowest bidder at their meeting on December 11, 2012.

Your bid bond will be returned to you once this project is under contract.

Please contact me if you have any questions.

Sincerely,

Nathan Scribner, P.E.
Associate Engineer

cc: Fernando Bravo, Michel Jeremias, Ruben Nino

KIRSTEN KEITH
MAYOR

PETER OHTAKI
MAYOR PRO TEM

ANDY COHEN
COUNCIL MEMBER

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701 LAUREL STREET, MENLO PARK, CA 94025-3483
www.menlopark.org

November 27, 2012

Hamid Ghazanfari
Apex Engineering and Construction
180 Golf Club Road #128
Pleasant Hill, CA 94523

Dear Mr. Ghazanfari:

This is a follow up to our phone conversation earlier today and as you mutually agreed upon via phone with me and again with the Engineering Services Manager. Since you have failed to execute the contract as specified in Section 3-1.03 of the 2006 Standard Specifications, within the past month, we have determined Apex Engineering and Construction's bid as non-responsive. The Performance and Payment Bonds along with the signed original copies of the Contract were due by November 6, 2012, based on the terms of the contract. We contacted you a number of times during the past month requesting the proper documentation needed to execute the contract. Please refer back to emails from the City dated November 8, 13, 15, 19, 20 and 27 as examples. To date, the City has not received the bonds and signed contract copies.

We understand that your bonding company was affected by the storm in the New York, and this has caused a delay in obtaining those bonds. Nevertheless, these bonds are required as part of the Contract and without them the City cannot authorize you to perform the work.

Therefore, the City has decided to take the next steps to award the contract to the next lowest responsible bidder. A new contract will be awarded to the next lowest responsible bidder on December 11, 2012. During this hearing we will also reject Apex Engineering and Construction proposal.

As discussed and per your inquiry yesterday, the cashier's check will be returned back to you, based on your compelling circumstances stated above.

Sincerely,

Michel Jeremias, PE
Senior Civil Engineer

C: Fernando G. Bravo, Ruben Nino, Leigh Prince



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: December 11, 2012

Staff Report #: 12-199

Agenda Item #: D9

CONSENT CALENDAR: Authorize the City Manager to Submit Errata to the Draft Housing Element of the General Plan to the State Department of Housing and Community Development and Approve an Updated Project Schedule for the Housing Element and General Plan Consistency Updates

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to submit Errata to Draft Housing Element of the General Plan to the State Department of Housing and Community Development as shown in Attachment A and approve the Updated Project Schedule for the Housing Element and General Plan Consistency Updates as shown in Attachment B.

BACKGROUND

Housing Element Update

On October 31, 2012, the City of Menlo Park submitted its Draft Housing Element to the State Department of Housing and Community Development (HCD). This commences a 60-day review period by the State. The draft is available on the Housing Element [project page](#) and hard copies are available for review at various City facilities. An executive summary of the Draft Housing Element is included as Attachment C.

Members of the public are welcome to submit comments in writing with a deadline of Friday, December 21, 2012 at 5:00 p.m. Comments may be submitted by email (athome@menlopark.org), letter (Community Development Department, 701 Laurel Street, Menlo Park CA 94025), or fax (650-327-1653). Based on this feedback, staff will prepare a Final Draft of the Housing Element for consideration by the Housing Commission, Planning Commission and ultimately the City Council in the Spring of 2013.

General Plan Consistency Update

In addition to the Housing Element Update, the City is also pursuing a consistency update of the rest of the General Plan. The Housing Element must be internally consistent with other parts of the General Plan; this is critical to having a legally

adequate General Plan. Consistency among all the General Plan Elements is also critical to Housing Element certification, as this is a required analysis and finding that must be contained in the City's Housing Element. The General Plan is a legal document, required by State law, which serves as the City of Menlo Park's "constitution" for development and the use of its land. It is a comprehensive, long-term document, detailing proposals for the physical development of the City, and of any land outside its boundaries but within its designated "sphere of influence." The California Government Code defines specific purposes and content requirements for General Plans. A General Plan must cover the following elements (or topics) in addition to housing: land use, circulation, conservation, open space, noise and safety.

Menlo Park's current General Plan elements, available on the City [website](#), have been adopted at various times as follows:

- Land Use and Circulation Elements, adopted in 1994 with amendments through June 2012;
- Noise Element, adopted in 1978 with no amendments;
- Seismic Safety and Safety Element, adopted in 1976 with no amendments; and
- Open Space and Conservation Element, adopted in 1973 with no amendments.

Many of the goals and policies in these documents remain relevant today, but the three elements from the 1970s are outdated and do not comply with current State law requirements, which have been updated multiple times over the past 35 to 40 years. Therefore, these three elements may receive slightly more extensive updates to reflect current City practices without pursuing new policy initiatives, whereas the updates to the Land Use and Circulation Element will be limited to items specifically necessitated for consistency with the Housing Element update. Because the focus of the updates to these elements is directly driven by the need for consistency with the Housing Element and current State law, it is helpful to think of the work as an "Interim" General Plan Update.

The work associated with the General Plan Consistency Update (or Interim General Plan) will better prepare the City to conduct the Comprehensive Update of the General Plan, which is scheduled to commence in Fiscal Year 2013-14 based on the City's 5-Year Capital Improvements Plan. The project would involve multiple phases including data gathering, visioning and the preparation of an Environmental Impact Report, a Fiscal Impact Analysis, and a Greenhouse Gas Reduction Strategy.

December Commission Meetings

Staff will be making presentations to the following Commissions to provide an overview and to answer questions about the Draft Housing Element and the associated General Plan Consistency Update:

- **Housing Commission:** Wednesday, December 5 at 5:30 p.m.
- **Environmental Quality Commission:** Wednesday, December 5 at 6:30 p.m.

- **Bicycle Commission:** Monday, December 10 at 7:00 p.m.
- **Transportation Commission,** Wednesday, December 12 at 7:00 p.m.
- **Planning Commission:** Monday, December 17 at 7:00 p.m.
- **Parks & Recreation Commission:** Wednesday, December 19 at 6:30 p.m.

These sessions are informational in nature in order to provide staff with general feedback. Subsequent to the commission meetings, Commissioners and members of the public are encouraged to submit individual correspondence by December 21, 2012 at the latest so that staff can provide a comprehensive set of responses to questions and additional information that should be helpful as this planning effort moves forward.

Housing Element Steering Committee

The Housing Element Steering Committee is scheduled to have at least one more meeting in January 2013 (tentatively scheduled for January 10, 2013). Housing Commission Chair Murray has filled one of the vacancies on the Committee. Through a separate agenda item on December 11, 2012, the Council is scheduled to make a selection to fill the final vacancy on the Steering Committee. As of today, the Steering Committee is comprised of the following members:

- Peter Ohtaki, City Council (co-chair)
- *vacant*, City Council (co-chair) (formerly Andy Cohen)
- Carolyn Clarke, Housing Commission
- Yvonne Murray, Housing Commission (formerly Anne Moser)
- Katie Ferrick, Planning Commission
- Jack O'Malley, Planning Commission

ANALYSIS

Errata

Since the submittal of the Draft Housing Element, staff has been in communication with State HCD and has received some constructive feedback about additional information that is necessary to meet the statutes of California Government Code in order to achieve State certification. As such, staff has prepared an Errata to the Draft Housing Element to serve as a supplement to the October 31, 2012 submittal. HCD has indicated that if the City submits the errata no later than December 14, 2012, then HCD would consider this material as part of its formal comment letter that it will provide to the City by early January 2013. By addressing some of these more technical aspects at this stage, it will enable the City to better focus on the larger policy issues related to rezoning sites. In addition, staff is using this opportunity to include changes to the document to clarify the intent of the Draft Housing Element and/or make the document more user friendly.

The Errata (Attachment A) include 18 topic areas and lists the page number and the extent of the changes to the document. As noted above, the changes provide additional technical detail, clarify the intent of the document, and improve the readability, but do not affect the general policy direction. The errata does include one concept related to homelessness referred to as “Housing First” that was presented to the Steering Committee, but inadvertently omitted from versions of the Housing Element reviewed by the Housing Commission, Planning Commission and City Council.

Schedule

The City has met all of the milestones in the Settlement Agreement to date, but additional time is needed in order to complete the environmental assessment and fiscal impact analysis. These two documents are critical to informing the decision making process on which sites to rezone. As such, staff has prepared an update of the project schedule (Attachment B). The schedule is dependent upon the release of the environment assessment and fiscal impact analysis at the end of February. The basic steps are comparable to the previously approved work program, except that additional City Council meetings have been slotted in at critical junctures. Here is a summary of the key meetings and milestones as represented on the schedule:

- **1/10/13:** Housing Element Steering Committee
- **1/30/13 & 1/31/13:** Community Open Houses
- **2/27/13:** Release of environmental assessment, fiscal impact analysis, draft General Plan Consistency Update, and draft Zoning Ordinance Text Amendments
- **3/5/13:** Council study session
- **3/12/13:** Council direction on rezoning
- **3/27/13:** Release of revised Draft Housing Element and draft Zoning Text and Map Amendments
- **4/3/13:** Housing Commission recommendation
- **4/8/13:** Planning Commission recommendation
- **4/16/13:** Council study session
- **4/30/13:** Council action on the environmental assessment, Housing Element, General Plan Consistency Update, and introduction of Zoning Ordinance and Map Amendments
- **5/7/13:** Council action to adopt Zoning Ordinance and Map Amendments

The City Attorney has advised the petitioners of the adjusted schedule and is communicating with them.

IMPACT ON CITY RESOURCES

The impacts of the Housing Element Update and the General Plan Consistency Update will be evaluated in a fiscal impact analysis that will be prepared concurrent with the environmental assessment. The fiscal impact analysis will identify potential revenue and cost impacts to the City and other districts, such as schools and fire. Work on the analysis has commenced and is expected to be completed in late February 2013.

POLICY ISSUES

The Housing Element update process will consider a number of policy issues including issues related to the rezoning of properties and increasing of residential densities in the city.

ENVIRONMENTAL REVIEW

Government Code Section 65759 provides that the California Environmental Quality Act (CEQA) does not apply to any action necessary to bring a city's general plan or relevant mandatory elements of the plan into compliance with any court order or judgment under State Housing Element law, but a more truncated environmental assessment is required. The content of the environmental assessment will substantially conform to the required content for a draft environmental impact report. Work on the analysis has commenced and is expected to be completed in late February 2013.

Signature on File
Justin Murphy
Development Services Manager

Signature on File
Arlinda Heineck
Community Development Director

PUBLIC NOTICE:

Public notification was achieved by posting the agenda, at least 72 hours prior to the meeting, with this agenda item being listed. In addition, the City sent an email update to subscribers to the project page for the proposal, which is available at the following address: <http://www.menlopark.org/athome>. This page provides up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated or meetings are scheduled.

ATTACHMENTS

- A. Errata to the Draft Housing Element
- B. Remaining Schedule of Meetings and Other Activities
- C. Executive Summary of the Draft Housing Element



ERRATA

City of Menlo Park Draft Housing Element (Dated October 31, 2012)

Errata prepared for the December 11, 2012 City Council meeting

Page 10

Topic: Add a definition of “Housing First.”

Add the following definition after the definition for “Housing Density”:

“Housing First: “Housing First” is an approach that centers on providing homeless people with housing quickly and then providing services as needed. What differentiates a “Housing First” approach from other strategies is that there is an immediate and primary focus on helping individuals and families quickly access and sustain permanent housing. This approach has the benefit of being consistent with what most people experiencing homelessness want and seek help to achieve. The “Housing First” model offers an alternative to emergency shelter or transitional housing for homeless individuals, but does not eliminate the City’s need to zone for such uses.”

Page 12

Topic: Add acronyms on page 12 following the definitions contained in Section I, Subsection C, Definitions of Key Housing Terms.

Add the following on page 12:

“Acronyms

In addition to the definitions above, the following acronyms are used throughout this Housing Element.

<u>ABAG</u>	<u>Association of Bay Area Governments</u>
<u>AHO</u>	<u>Affordable Housing Overlay Zone</u>
<u>BMR</u>	<u>Below Market Rate housing</u>
<u>CHAS</u>	<u>Comprehensive Housing Affordability Strategy</u>
<u>CCRH</u>	<u>California Coalition for Rural Housing</u>
<u>CAP</u>	<u>Climate Action Plan</u>
<u>DOF</u>	<u>California Department of Finance</u>

DOH	<u>San Mateo County Department of Housing</u>
ECHO	<u>Eden Council for Hope and Opportunity</u>
ECR/DSP	<u>El Camino Real/Downtown Specific Plan</u>
ELI	<u>Extremely Low Income households</u>
HCD	<u>California Department of Housing and Community Development</u>
HEART	<u>The Housing Endowment and Regional Trust</u>
HIP	<u>Human Investment Project</u>
HOPE	<u>Housing Our People Effectively (HOPE): Ending Homelessness in San Mateo County</u>
HUD	<u>U.S. Department of Housing and Urban Development</u>
LIHTC	<u>Low Income Housing Tax Credit Program</u>
LTIRC	<u>Landlord and Tenant Information and Referral Collaborative</u>
NPH	<u>Non-Profit Housing of Northern California</u>
PCRC	<u>Peninsula Conflict Resolution Center</u>
R-L-U	<u>Retirement Living Units (Menlo Park zoning for senior housing)</u>
RHNA	<u>Regional Housing Needs Allocation</u>
SRO	<u>Single-Room Occupancy unit</u>
VA	<u>Veteran's Administration</u>

Page 33

Topic: Add City support for a “housing first” or “rapid re-housing” approach to addressing homeless needs in San Mateo County, consistent with the HOPE Plan — “Housing Our People Effectively (HOPE): Ending Homelessness in San Mateo County.”

Modify Policy H3.9 on page 33 as follows:

“H3.9 **Local Approach to Housing for the Homeless.** The City of Menlo Park supports a “housing first” approach to addressing homeless needs, consistent with the Countywide HOPE Plan. “Housing first” is intended to provide homeless people with housing quickly and then provide other services as needed, with a primary focus on helping individuals and families quickly access and sustain permanent housing. The City also recognizes the need for and desirability of emergency shelter housing for the homeless and will allow a year-round emergency shelter as a permitted use in specific locations to be established in the Zoning Ordinance. Designated site(s) must be located within one-quarter mile of a bus stop that provides service 7 days a week, since this could be considered a reasonable distance for a person to walk to/from a bus stop. In addition, the following would apply:

- a. The City will encourage a dispersion of facilities to avoid an over-concentration of shelters for the homeless in any given area. An over-concentration of such facilities may negatively impact the neighborhood in which they are located and interfere with the “normalization process” for clients residing in such facilities.
- b. The City will encourage positive relations between neighborhoods and providers of permanent or temporary emergency shelters. Providers or sponsors of emergency shelters, transitional housing programs and community care facilities shall be

- encouraged to establish outreach programs within their neighborhoods and, when necessary, work with the City or a designated agency to resolve disputes.
- c. It is recommended that a staff person from the provider agency be designated as a contact person with the community to review questions or comments from the neighborhood. Outreach programs may also designate a member of the local neighborhood to their Board of Directors. Neighbors of emergency shelters shall be encouraged to provide a neighborly and hospitable environment for such facilities and their residents.
 - d. Development standards for emergency shelters for the homeless located in Menlo Park will ensure that shelters would be developed in a manner which protects the health, safety and general welfare of nearby residents and businesses, while providing for the needs of a segment of the population as required by State law. Shelters shall be subject only to development, design review and management standards that apply to residential or commercial development in the same zone, except for the specific written and objective standards as allowed in State law.”

Page 34

Topic: Describe the capacity of the sites/zones of Program H3.A’s proposed overlay zone and include analysis demonstrating the sites/zones will have sufficient capacity to accommodate the need for emergency shelters.

Modify Program H3.A on page 34 as follows:

- “H3.A **Zone for Emergency Shelter for the Homeless.** The City will establish an overlay zone to allow emergency shelters for the homeless ~~through overlay zoning~~ to address the City’s need for providing 72 beds ~~to address homeless needs in the community~~. Appropriate locations for the overlay zoning will be evaluated based on land availability, physical or environmental constraints (e.g., flooding, chemical contamination, slope instability), and location (proximity to services and transit, job centers, and public and community services), available acreage (vacant or non-vacant sites), compatibility with surrounding uses and the realistic capacity for emergency shelters. In reviewing potential non-vacant sites, the potential for reuse or conversion of existing buildings to emergency shelters will be considered. Based on review of other facilities in the Bay Area, it is estimated that about one-quarter to one-half acre of land would be needed to address Menlo Park’s homeless needs. The overlay zone designation will cover between 5 to 10 acres of land to provide a choice of potential sites if and when a facility or multiple, smaller facilities are proposed. The City will also investigate the use of local churches providing temporary shelter for the homeless. In addition, the City will establish written and objective standards in the Zoning Ordinance covering:
- a. Maximum number of beds;
 - b. Off-street parking based upon demonstrated need;
 - c. Size and location of on-site waiting and intake areas;
 - d. Provision of on-site management;
 - e. Proximity to other shelters;
 - f. Length of stay;
 - g. Lighting; and
 - h. Security during hours when the shelter is open.

Responsibility: Planning Division; City Attorney; City Commissions; City Council
Financing: General Fund
Objectives: Zoning Ordinance amendment
Timeframe: 2014"

Page 35

Topic: Modify program for transitional and supportive housing to be more consistent with State law requirements.

Modify Program H3.B, as follows:

"H3.B **Zone for Transitional and Supportive Housing.** Amend ~~residential~~ zones to specifically allow residential care facilities, transitional and supportive housing as required by State law. Transitional and supportive housing shall be considered a residential use so they are treated as a residential use and subject only to those restrictions that apply to other residential ~~uses~~ dwellings of the same type in the same zone.

Responsibility: City Commissions; Planning Division; City Attorney; City Council
Financing: General Fund
Objectives: Zoning Ordinance amendment
Timeframe: 2014"

Page 46

Topic: Modify Program H4.I to create design review guidelines to reduce possible constraints. To inform the program, page 100 (added as part of the errata of the Draft Housing Element) includes a description of design guidelines and approval procedures and their impact on housing costs and approval certainty.

Modify Program H4.I as follows:

"H4.I **~~Refine~~ Create Multi-Family and Residential Mixed Use Design Guidelines.** Provide more specific guidance in the appropriate design of multiple family and mixed-use housing development outside of the El Camino Real/Downtown Specific Plan boundary area. The intent would be to more clearly establish City expectations to make the design review process as efficient as possible.

Responsibility: City Commissions; Planning Division; City Attorney; City Council
Financing: General Fund
Objectives: Development of better design guidance for housing
Timeframe: ~~2013~~2014"

Pages 46 and 47

Topic: Modify Program H4.K related to the Fire Code.

Modify Program H4.K as follows:

"H4.I **~~Work with the Fire District to Remove Constraints to Housing.~~** Work with the Fire District on local amendments to the State Fire Code to pursue alternatives to standard requirements

that ~~would~~ could otherwise be a potential constraint to housing development and achievement of the City's housing goals."

Page 48

Topic: Program H4.O to be revised to reference candidate sites for rezoning and a minimum acreage to accommodate the identified shortfall of sites to accommodate the RHNA. In addition to other rezoning requirements, the program must clarify multifamily housing development is permitted and at least 50% of identified shortfall must be accommodated on residential only zoned sites. As noted in the Draft Housing Element on page 87, the site inventory requirements were not included in the Draft Housing Element and will be addressed following completion of the Environmental Assessment. Site inventory requirements include residential capacity analysis, non-residential zoning, non-vacant sites, and environmental and infrastructure constraints to housing development.

Modify Program H4.O on page 48 as follows:

- H4.O Implement Actions in Support of High Potential Housing Opportunity Sites.** Undertake actions, including rezoning of adequate sites at 30 units or more per acre and the use of the Affordable Housing Overlay Zone (see Program H4.B) in support of affordable housing opportunities on high potential housing opportunity sites. To facilitate the development of multifamily housing affordable to lower-income households, the City will identify and rezone sufficient sites to accommodate at least 500 units with the R4 zoning district or comparable designation, allowing multifamily housing development, primarily residential uses with possible ancillary commercial uses, and a minimum of 30 units per acre. Rezoned sites will be selected as part of the Housing Element update process and will be suitable for residential development, have the capacity for at least 16 units, and will be available for development in the planning period where water and sewer can be provided. Specific actions include:
- Rezoning sites and modify the Zoning Ordinance to accommodate the City's Regional Housing Need Allocation (RHNA).
 - Develop incentives for affordable housing as part of the Affordable Housing Overlay Zone (see Program H4.C).
 - Develop internal City review procedures for affordable projects sponsored by non-profits to enable the processing of affordable housing development proposals to, as best as possible, fit with the varied financing requirements for the affordable units.

<i>Responsibility:</i>	Planning Division; City Attorney; City Commissions; City Council
<i>Financing:</i>	General Fund
<i>Objectives:</i>	Construction of affordable housing and capacity to achieve the City's RHNA
<i>Timeframe:</i>	Rezoning and Zoning Ordinance modifications concurrent with adoption of the Housing Element

Page 54

Topic: Add quantified objectives estimating the number of housing units, by income category, including Extremely Low Income (ELI) housing that can be constructed, rehabilitated and conserved during the planning period.

Modify the text and table on page 54 as follows:

“The table below summarizes the City’s quantified objectives for housing during the 2007-2014 planning period. The objectives below should be viewed in light of potential program resources, historical development trends and market conditions. Due to these considerations, they are less than the City’s Regional Housing Needs (RHNA) but represent an anticipated summary of what the City is striving to achieve during this Housing Element planning period.”

“New Construction” units include second units, infill housing, housing within the El Camino Real/Downtown Specific Plan Area, potential higher density housing sites, BMR units and market rate housing. “Rehabilitation” units include rehabilitation loan programs and energy weatherization loan programs. “Conservation and Preservation” units include programs to preserve existing “at risk” affordable housing and continuation of rental housing assistance programs (Section 8) at current program levels.

Menlo Park Quantified Objectives Summary (2007-2014)

Income Category	New Construction	Rehabilitation	Conservation and Preservation
Extremely Low Income	<u>10</u>	<u>5</u>	<u>150</u>
Very Low Income	<u>30</u>	<u>15</u>	<u>200</u>
Low Income	<u>40</u>	<u>15</u>	<u>100</u>
Moderate Income	<u>80</u>	<u>10</u>	<u>50</u>
Above Moderate Income	<u>140</u>	<u>0</u>	<u>0</u>
Total	<u>300</u>	<u>45</u>	<u>500</u>

Page 68

Topic: Quantify both total households and lower income households overpaying for housing by tenure, as well as the number of existing extremely low income households by tenure.

Add the following paragraph after the last paragraph on page 68:

“Based on 2000 Comprehensive Housing Affordability Strategy (CHAS) data, there were 2,074 renter households and 1,997 owner households (total of 4,071 households) overpaying for housing in Menlo Park in 2000. Of those overpaying households, 2,559 were lower income (1,732 renter and 827 homeowner lower-income households overpaying). Further, of the lower income households overpaying for housing, there were 701 renter and 428 homeowner extremely low-income (ELI) households.”

Page 75

Topic: Quantify the number of female-headed households and analyze their special housing needs.

Modify the sub-section on Large Families beginning after the first paragraph on page 75 as follows:

“Large Families and Female-Headed Households

In 2010, eleven percent of owners and seven percent of renters were large families. Large families were significantly more likely to be poor than smaller families. Over 40 percent of large families had lower incomes in 2010. In 2010, there were a total of 1,039 households headed by a female head of household in Menlo Park. Of those, there were 545 owner households headed by women and 494 renter households headed by women. Of the 545 owner households, 22 were ages 15-34, 334 were ages 35-64 and 189 with the householder over age 65. Of the 494 renter households, 115 were ages 15-34, 346 were ages 35-64 and 33 with the householder over age 65.

Additional multifamily housing including child care facilities can allow single mothers to secure gainful employment outside the home to address both the housing needs and the supportive service needs of female-headed households. In addition, as identified through workshops on the Menlo Park Housing Element, providing private or nearby open space and recreation assists in the quality of life for families.

In addition, the creation of innovative housing for female heads of household could include co-housing developments where child care and meal preparation responsibilities can be shared. The economies of scale available in this type of housing would be advantageous to this special needs group as well as all other low-income households. Limited equity cooperatives sponsored by non-profit housing developers are another financing structure that could be considered for the benefit of all special needs groups.”

Page 80

Topic: Add table and modify the text for potential “at risk” developments in Menlo Park.

Modify last paragraph and insert a new table on page 80:

Approximately 287 affordable rental units that received subsidies have been developed ~~in the last 25 years~~ in the City of Menlo Park. ~~Also, 2 Habitat for Humanity homes, one transitional home, and 23 units of shelter housing have been developed in Menlo Park.~~ At this time, there are no units at-risk of conversion to market rate. The following table shows assisted projects located in Menlo Park.

Assisted Affordable Housing Developments in Menlo Park (2012)

Name of Development	Address	Year Built	Tenure	Sponsor	Number of Units	Target Group(s)	Waiting List	Expiration
Crane Place	1331 Crane Street	1979	Rental	Peninsula Volunteers	93	Low and Moderate Income Seniors and Disabled	1-3 years (List is closed)	Affordability through 100% non-profit ownership
Partridge Kennedy Apartments	817 Partridge Avenue	1961	Rental	Peninsula Volunteers	30	Seniors	9 years (List is closed)	Affordability through 100% non-profit ownership
Gateway Apartments	1200-1300 Willow Road	1988	Rental	MidPen Housing	130	Very Low Income Families	5 years (List is closed)	2034
Willow Court	1105 and 1141 Willow Road	1992	Rental	MidPen Housing	6	Very Low and Low Income Families	2 years (List is closed)	2047
Willow Terrace	1115, 1121, 1123, 1125 and 1139 Willow Road	1995	Rental	MidPen Housing	23	Very Low Income Families	1 year (List is closed)	2050
1143 Willow Road (managed as part of Willow Terrace)	1143 Willow Road	2000	Rental	MidPen Housing	5	Very Low Income Families	1 year (List is closed)	2050

Source: City of Menlo Park, Mid-Pen Housing and Peninsula Volunteers, Inc., 2012

Page 85

Topic: Quantify the number of extremely low-income (ELI) households and analyze their housing needs as part of the City's RHNA discussion.

Modify the first paragraph at the top of page 85 as follows:

In addition, it is estimated that 50% of the City's Very Low Income housing need for the 2007-2014 planning period will be for households earning less than 30% of median income (considered "Extremely Low Income" per the definitions). The area median income for Menlo Park is \$103,000. For ELI households, this results in an income of \$30,900 or less for a four-person household. ELI Households have a variety of housing situations and needs. For example, most families and individuals receiving public assistance, such as social security insurance (SSI) or disability insurance are considered ELI households. The information below is from 2000 CHAS data for Menlo Park. Thus, the number of extremely low-income households needing housing for the 2007-2014 planning period, is estimated at about 200 units. Housing types available and suitable for Extremely Low Income households include affordable rentals, second units, emergency shelters, supportive housing and transitional housing.

Housing Needs for Extremely Low-Income Households

	Renters	Owners	Total
Total Number of ELI Households	701	428	1,129
Percent with Any Housing Problems	85.3%	71%	79.9%
Percent with Cost Burden (30% or > of Income)	83.3%	71%	79.9%
Percent with Cost Burden (50% or > of Income)	63.5%	59.3%	61.9%
Total Number of Households	5,346	7,064	12,410

Source: HUD Comprehensive Housing Affordability Strategy (CHAS) 2000

In 2000, approximately 1,129 ELI households resided in the City, representing approximately 10 percent of the total households. Nearly two thirds of ELI households are renters and most experience housing problems (defined as cost burden greater than 30 percent of income and/or overcrowding without complete kitchen or plumbing facilities). For example, 83.3 percent of ELI renter households were in overpayment situations. Even further, 61.9 percent of all ELI households paid more than 50 percent of their income toward housing costs, compared to 10.9 percent for all households.

To calculate the projected housing needs, it is assumed 50 percent of the City's 226-unit RHNA for very low-income households are ELI households. As a result, the City has a projected need of 113 units for ELI households. Many ELI households will be seeking rental housing and most likely facing overpayment, overcrowding or substandard housing conditions. Some ELI households could include persons with disabilities as well. Housing types available and suitable for ELI households include affordable rentals, second units, emergency shelters, supportive housing and transitional housing. Based on this range of need, the City will include ELI households as it develops programs related to the affordable housing overlay zoning (Program H4.C) and housing opportunity sites (Programs H4.H and H4.O)."

Page 90

Topic: The element must analyze permitted uses of zoning districts (page 90) and processing and permitting procedures for their impacts on the cost and supply of housing as potential constraints. In regard to processing and permitting, the element needs to identify and analyze the impacts of approval bodies and findings on approval certainty. In addition, the element needs to describe and analyze the typical processing and permitting of a typical multifamily housing development outside of the El Camino Real/Downtown Specific Plan area.

Modify the last paragraph on page 90 as follows:

"The Land Use Control Table identifies a Conditional Use Permit (CUP) requirement for multifamily housing, which is a potential constraint, and prohibits residential care facilities and group facilities in certain zones that permit single family homes, which is contrary to state law. Implementation of the El Camino Real/Downtown Specific Plan and Housing Element Programs H4.A (Modify Development Standards to Encourage Additional Infill Housing) and H3.B (Zone for Transitional and Supportive Housing) are intended to address these identified potential constraints. In addition, the City allows the siting and processing of mobile homes/manufactured homes in the same manner as a conventional or stick-build dwelling. Zoning standards, including building site requirements (lot area, coverage, FAR, landscaping, etc.), setbacks and height limits under Menlo Park zoning are summarized on the next page."

Page 92

Topic: Analyze the impact of various residential development standards on the cost and supply of housing, as well as the ability to achieve maximum densities, as potential constraints, particularly parking requirements.

Insert a new paragraph following the second paragraph on page 92 as follows:

“Implementation of the El Camino Real/Downtown Specific Plan and Housing Element Programs H4.A (Modify Development Standards to Encourage Additional Infill Housing), H4.B (Modify R-2 Zoning to Maximize Unit Potential) and H4.C (Adopt Standards for an “Affordable Housing Overlay Zone”) are intended to address these identified potential constraints. Rezoning of sites for higher density housing will also eliminate the conditional use permit requirement for the specific sites rezoned as part of this Housing Element update. In addition, Program H4.E addresses potential constraints and compliance with State law for second units, which can potential provide a significant source of affordable housing in Menlo Park in the long-term.”

Page 94-96

Topic: Analyze the impact of various fees on the cost and supply of housing as potential constraints.

Modify the last paragraph on page 94 as follows:

“Fees and Exactions

Processing fees are required for all property improvement and development applications, pursuant to City Council policy to recover processing costs of development review. Local fees add to the cost of development, however, all cities are concerned with the need to recover processing costs. High planning and site development fees can impact property owners’ ability to make improvements or repairs, especially for lower-income households. However, line item fees related to processing, inspections and installation services are limited by California law to the cost to the agencies of performing these services. The Housing Element contains several programs offering incentives for affordable housing as a way to reduce project costs and address potential constraints fees and exactions my pose, including Housing Element Programs H4.C (Adopt Standards for an “Affordable Housing Overlay Zone”) and H4.D (Implement Inclusionary Housing Regulations and Adopt State Density Bonus Law).

The fees for Menlo Park are summarized below for two developments: (1) a single-family unit (3-bedrooms, 2,000 square feet on a 10,000 square foot lot at a density of 4 units per acre and building permit value of \$800,000); and, (2) a ten unit condominium project (2-bedrooms, 1200 square feet on 0.5 acres to be sold at an average of \$500,000 each). The fees shown are for the entire project, not on a per unit basis.”

Pages 98-99

Topic: Add an explanation regarding the project review process timelines and process.

“The processing times identified above for the El Camino Real/Downtown Specific Plan are the same as for other multi-family developments. The typical multifamily process includes meetings with staff, submittal, preliminary review, preliminary environmental review under CEQA, project completeness and then action before the Planning Commission. Processing times are summarized below.”

Page 100

Topic: Add discussion of the design review process.

Insert a new paragraph after the table at the top of page 100 as follows:

“Except for the El Camino Real/Downtown Specific Plan, the City currently has no formal design guidelines to assist in project review, although findings related to project compatibility are required for project approval under Section 16.68.020 (Architectural control) in the Zoning Ordinance. Currently, when an application is made for a building permit for the construction, alteration or remodeling of any building other than a single-family dwelling, duplex and accessory building, or a historic landmark site, it must be accompanied by architectural drawings. The Planning Commission or Community Development Director (depending on the permit) must make the following findings: (1) that the general appearance of the structures is in keeping with character of the neighborhood; (2) that the development will not be detrimental to the harmonious and orderly growth of the city; (3) that the development will not impair the desirability of investment or occupation in the neighborhood; (4) that the development provides adequate parking as required in all applicable city ordinances and has made adequate provisions for access to such parking; and, (5) that the development is consistent with any applicable specific plan.

Program H4.I (Create Multi-Family and Residential Mixed Use Design Guidelines) is included in the Housing Element to provide more specific direction and guidance in the design of multi-family and mixed use housing development. The intent is to provide more clarity as to City standards related to compatibility with the setting and adjacent uses and clarity as to City expectations. Rezoning for the higher density housing sites (Program H4.O) will also include development of more specific design criteria and policy for housing opportunity sites.

While added design criteria and scrutiny may require slightly more processing time and impose some additional requirements, it is not considered a constraint because it is important that new projects blend with the community, becoming a natural and integral part of the existing neighborhood fabric, both visually and structurally. Design review requirements generally provide an opportunity for design issues to be raised early in the review process, thus helping to assure community acceptance of a project proposal, which can reduce delay due to project appeals and other forms of community objections.”

Page 102

Topic: Describe the inclusionary process and requirements more fully, including incentives and options. Program H4.D proposes to revise the BMR program to reduce costs and also update the BMR nexus study. The element should describe and analyze the impact on the cost and supply of housing of the BMR program requirements as set forth in Municipal Code Section 16.96, including the levels of mandated affordability and a description of the options and incentives offered to comply with the inclusionary requirements.

Add the following discussion on page 102 following the chart showing inclusionary requirements for the various jurisdictions in San Mateo County:

The City's BMR Guidelines apply to both residential for-sale projects and to commercial projects in the form of an in-lieu or impact fee. All residential for-sale projects of 5 or more units are subject to the City's inclusionary requirements. The City's BMR Guidelines require the BMR units to be for moderate-income first time homebuyers at 110% of median income. For projects of 5-9 units the requirement is generally 1 unit; for projects of 10-19 units there is a 10% requirement; and for projects of 20 or more units the requirement is 15% of the units being BMR units. An in-lieu fee is required for fractional units.

The City offers one bonus unit for each BMR unit up to a maximum of a 15% bonus above the allowable density. The City also offers increased FAR. In addition, there are requirements that the BMR units be comparable to the market rate units in a development, but they need not be of luxury quality and can contain standard, but not luxury, appliances. If lower income units are proposed, they may be a smaller size, duet-style and/or attached but with architecturally consistent exterior. The City requires construction of the units on-site, although construction of units off-site or payment of in-lieu fee is allowed, but at the City's discretion.

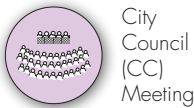
The City's BMR requirements have not been a constraint to housing development as projects have been proposed and built under these requirements. However, BMR Guidelines are targeted to a distinct affordability level and housing tenure (moderate income for-sale housing) and other development incentives and density bonus allowances are proposed under programs contained in the Housing Element (State Density Bonus law and Affordable Housing Overlay Zoning). The El Camino Real/Downtown Specific Plan also contains density bonus provisions for projects providing a "public benefit." The Housing Element contains program language to define the "public benefit" as it would relate to projects with affordable housing units."



Prepared for December 11, 2012
City Council Meeting

Remaining Schedule of Meetings and Other Activities

Revision of the City of Menlo Park Housing Element and Consistency Update to the City of Menlo Park General Plan



Commission Meetings The primary City commissions reviewing the Housing Element are the Planning Commission (PC) and the Housing Commission (HC). City Commissions reviewing the Consistency Update to the City's General Plan include the PC and the HC plus the Environmental Quality Commission (EQC), Transportation Commission (TC), Bicycle Commission (BC), and the Parks and Recreation Commission (PRC).

Meetings and Activities Occurring Between May 2012 and November 2012 Related to the Revision of the City of Menlo Park Housing Element and General Plan Consistency Update

Summary of Activities to Date:

May 22, 2012 City Council Meeting to approve the Settlement Agreement, GP/HE Work Program and membership of the Housing Element Steering Committee

Five (5) Housing Element Steering Committee meetings conducted between June and September 2012

Stakeholder outreach interviews and meetings and public comments received through the City's website

Two Community Workshops conducted in August 2012

Work initiated on the Environmental Assessment and Fiscal Impact Analysis

Public work sessions to review the Preliminary Draft Housing Element (HC, PC and CC)

Submittal of the Draft Housing Element to the CA Department of Housing and Community Development (HCD) on October 31, 2012

60-Day HCD Review of Draft Housing Element

Nov and Dec 2012



Modifications to the Draft Housing Element Based on HCD Comments

Meetings and Activities Expected to Occur from December 2012 Through May 2013

Meeting Type and Date	Commission Meetings Dec 2012	Steering Comm Meeting #6 Jan 10 2013	Community Open House Jan 30 & 31 2013	Release of Documents Feb 27 2012	CC Study Session Mar 5 2013	CC Direction Mar 12 2013	Release of Documents Mar 27 2012	HC Meeting April 3 2013	PC Public Hearing April 8 2013	CC Study Session April 16 2013	CC Public Hearing April 30 2013	CC Public Hearing May 7 2013
Meeting Location	Meetings at Menlo Park Civic Center	Arrillaga Family Gymnastics Center	Meetings at Arrillaga Family Recreation Center and Senior Center	Announce the Availability of Documents	City Council Chambers	City Council Chambers	Announce the Availability of Documents	Menlo Park City Hall	City Council Chambers	City Council Chambers	City Council Chambers	City Council Chambers
Meeting Purposes	<div><div>EQC, TC, BC, PRC, HC and PC Review of the Consistency update to the Menlo Park General Plan at Public Work Sessions</div><div>Provide Feedback to Staff</div></div>	<div><div>Review Public Comments and Provide Direction Based on HCD Review of the Draft Housing Element</div><div>Provide Direction on the Approach for the Community Open House, Feedback from the Community and Noticing for Future Activities</div></div>	<div><div>Review Comments from HCD</div><div>Present Preliminary Direction on Housing Element Implementation and Bundles of Properties for Possible Rezoning to Higher Density Housing</div><div>Provide Opportunity for Q&A and Feedback</div></div>	<div><div>Documents Available for Public and Stakeholder Review:</div><div>Environmental Assessment (EA)</div><div>Fiscal Impact Analysis (FIA)</div><div>Draft General Plan Consistency Update (GPU)</div><div>Draft Zoning Ordinance Text Amendments (ZO)</div></div>	<div><div>Review Comments and Directions from the Community Outreach</div><div>Review HCD Comments</div></div>	<div><div>Provide Direction on the Specific Sites to be Rezoned for Higher Density Housing</div></div>	<div><div>Documents Available for Public and Stakeholder Review:</div><div>Revised Draft Housing Element (changes based on HCD comments and additional discussion on Available Sites based on March 12 City Council direction)</div><div>Draft Zoning Text and Map Amendments</div></div>	<div><div>Review Input from Community Outreach, the EA and the FIA</div><div>Provide Feedback on the Revised Draft Housing Element and Zoning Changes for Consideration by the Planning Commission and the City Council</div></div>	<div><div>Review Input from Community Meetings and Outreach</div><div>Consider the EA, FIA and other Material</div><div>Recommend General Plan Consistency Amendments, Revised Draft Housing Element and Zoning Text and Map Amendments to the City Council</div></div>	<div><div>Review Input from Commission Meetings and Community Outreach</div><div>Review General Plan Amendments, Revised Draft Housing Element and Zoning Text and Map Amendments</div><div>Recommend Findings on the EA</div></div>	<div><div>Adopt the General Plan Consistency Amendments, Revised Draft Housing Element and Introduce Zoning Text and Map Amendments</div><div>Adopt Findings Related to the EA</div></div>	<div><div>Final Adoption of Zoning Text Amendments and Rezoning</div></div>

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Menlo Park Draft Housing Element Executive Summary

November 2012

For more information, please visit the City's Housing Element Update website at www.menlopark.org/athome

Background on the Housing Element Update

This year, three housing advocacy groups threatened litigation against the City of Menlo Park, citing the City's failure to comply in a timely fashion with the state-mandated Housing Element Update requirements. The City negotiated a settlement with the advocacy groups contemporaneous with the filing of the lawsuit. Pursuant to the lawsuit settlement, the City must create an updated Housing Element by March 2013 or face serious consequences. Those consequences could include a moratorium on the issuance of non-residential building permits and the loss of state transportation funds to build and maintain City streets, resulting in negative impacts to our daily commutes and local economy.

The State of California requires that every city make its regional fair share of land available for residential development. By state law, cities must identify how and where its housing needs will be met by completing what's known as a Housing Element. A Housing Element is a housing plan, which is a chapter of the City's General Plan, and it is an opportunity for Menlo Park to figure out how to address the City's housing needs today and in the future.

The City's Housing Element must provide opportunities, through zoning or other means, to accommodate the City's portion of its regional housing needs, including housing for moderate, low and very low income households. Since the City's previous Housing Element was adopted in 1992, there is much that needs to be done to address past unmet needs and to provide for future housing opportunities. The Draft Housing Element contains a variety of programs to meet our local needs while addressing our regional responsibilities.

Approach to the Community Involvement Process to Date

The City cares about potential impacts and is committed to listening to the voices of all who choose to participate in creating an Update that meets the needs of our own, distinct community. To date, the process for the Housing Element update has included the following approach:

- **Provide Information to the Community.** Provision of information on the City's website (see link above); distribution of information in City-wide mailings; preparation of a Housing Element newsletter and other FAQ materials; noticing for community workshops in English and Spanish; press releases; noticing and

information to people signing up on the Housing Element list-serve; and other handouts. Documentation of community comments and summaries of Housing Element Steering Committee meetings are also available on the City's website.

- **Conduct Initial Community Workshops.** Two community workshops were conducted to provide participants with information, answer questions and to solicit feedback on housing needs in Menlo Park, factors to consider in evaluating the appropriateness of potential sites for housing and to identify directions and policy considerations related to specific housing sites. The workshops were held in two different locations to enhance outreach to all economic segments of the community — Arrillaga Family Recreation Center located at 700 Alma Street (August 16, 2012) and the Menlo Park Senior Center located at 100 Terminal Avenue (August 23, 2012). Noticing for the workshops was also extensive in an effort to involve the community.
- **Undertake Fact-Finding Interviews and Stakeholder Meetings.** Fact-finding meetings have been conducted by City staff with major property owners, school districts, other service providers, representatives of various interest groups, affordable housing providers and others to identify possible housing opportunities and program actions the City might pursue to address the housing needs.
- **Undertake Housing Element Steering Committee Meetings.** The Housing Element Update Steering Committee, comprised of representatives of the Housing Commission (2 members), Planning Commission (2 members) and City Council (2 members), has conducted five meetings to date to review background materials and provide direction for the Preliminary Draft Housing Element. All meetings were publicly noticed and included opportunities for community participants to ask questions and provide comments to enhance the Steering Committee's discussion.
- **Tour Material Available on the City's Website.** Materials available on the City's website allow interested members of the community to tour possible sites for higher density housing. In addition, the local affordable housing representatives, including the Non-Profit Housing Association, Housing Leadership Council, Habitat for Humanity, Mid-Pen Housing and the Silicon Valley Community Foundation partnered with the City to host an affordable housing bus tour on Saturday, September, 8th that was open to the public. About 45 people participated in the tour that visited sites in Palo Alto and Mountain View.
- **Undertake Housing Element Steering Committee Meetings.** The Housing Element Update Steering Committee, made up of representatives of the Housing Commission (2 members), Planning Commission (2 members) and City Council

(2 members), has conducted five meetings to date to review background materials and provide direction for the Draft Housing Element. All meetings were publicly noticed and included opportunities for community participants to ask questions and provide comments to enhance the Steering Committee's discussion.

- **How Public Involvement Was Considered in the Draft Housing Element.** Modifications and directions as a result of the community involvement process have included strong program actions to encourage infill housing and second units (both new second units and an amnesty program for illegal second units). Other community comments have helped to identify the list of potential sites for possible rezoning for higher density housing and helped shape policies and programs related to affordable housing, special needs, potential constraints and other issues. Summaries of community workshop comments and all meeting comments are available on the City's website.

Community outreach activities also included community meetings to review the Preliminary Draft Housing Element — Menlo Park Housing Commission (October 3, 2012), Menlo Park Planning Commission (October 15, 2012) and Menlo Park City Council (October 22 and 23, 2012). Following review and direction on the Preliminary Draft Housing Element, a Draft Housing Element was prepared and forwarded to the California Department of Housing and Community Development (HCD) on October 31, 2012 for their review and comment as required by State law. Community workshops on the Draft Housing Element will be conducted in early 2013, with the dates, locations and times to be determined. Concurrently, the Environmental Assessment will be prepared on the Draft Housing Element so that potential impacts and mitigation measures can be incorporated into the Housing Element update process.

The Environmental Assessment, community comments and HCD comments will be considered at public hearings of the Menlo Park Housing Commission, Planning Commission and the City Council prior to adoption of the Housing Element as part of the City of Menlo Park General Plan in Spring of 2013.

Overall Approach to Menlo Park's Housing Strategies

The following have been considered in developing the overall approach to address the City's housing needs, within the parameters of complying with State law requirements:

- **Recognize that Land Resources are Limited.** Recognize the limitations of available land resources and use remaining available land resources as efficiently as possible in addressing local housing needs and the City's fair share of regional housing needs in Menlo Park.

- **Focus on Housing Affordability Opportunities and Less on Market Rate Housing.** Focus City housing policies and programs on affordable and special needs housing in the community (housing for seniors, affordable workforce housing, housing for persons with disabilities, single person households, shelter for the homeless and affordable family housing opportunities) and avoid the inefficient use of the community's fixed land resources on more low density, market rate single family homes other than those already allowed under current zoning.
- **Provide a Variety of Housing Choices Throughout the Community.** Provide a multi-pronged City policy and program approach to meeting housing needs in Menlo Park that: (1) distributes affordable housing opportunities throughout the community; (2) locates new housing near to transit and services when possible; (3) assures that new housing fits with the desired design character of Menlo Park; and (4) supports the provision of high quality services, well-planned infrastructure and the efficient use and protection of environmental resources.
- **Assure the City's Housing Strategies and Consider Future Housing Needs.** Develop a comprehensive set of housing policies and programs to maintain a certified Housing Element (approved by HCD) and that consider the City's fair share regional housing needs for the 2007-2014 and 2014-2022 Housing Element planning periods.

Regional Housing Needs Allocation (RHNA)

Within each Housing Element, the State mandates that local governments plan for their share of the region's housing need for all income categories. In the case of the San Francisco Bay Area, the Association of Bay Area Governments (ABAG) and the State Housing and Community Development Department (HCD) determine the number of housing units that should be produced in the region. This determination of need is primarily based on estimated job growth. ABAG then allocates that need for each jurisdiction.

State law regarding Housing Elements was changed in 2004 to allow cities within a county to join together to form a "sub-region," which would administer the State mandated RHNA process at the local level. This law allows the sub-region to receive the sub-regional collective housing allocation from ABAG and then decide on and implement its own methodology to apportion the allocation among the member cities and county. In turn, the sub-regional RHNA process was used to establish the housing need numbers for each jurisdiction's Housing Element update for the 2007-2014 planning period.

For the current Housing Element update, the County of San Mateo, in partnership with all twenty cities in the County including Menlo Park, formed a sub-region responsible for completing its own RHNA process for the 2007-2014 Housing Element planning period. The jurisdictions in San Mateo County have agreed to continue the sub-region process for the 2014-2022 Housing Element planning period.

Since the City has not adopted a Housing Element since 1992, its RHNA must cover the City's RHNA for the current Housing Element planning period (2007-2014) and the City's RHNA for the previous Housing Element planning period (1999-2006). The table below shows the City's RHNA for 1999-2006 and 2007-2014.

City of Menlo Park Regional Housing Needs Allocation (1999-2006 and 2007-2014)

Income Level	1999-2006		2007-2014	
	Units	Percent	Units	Percent
Very Low	184	19%	226	23%
Low	90	9%	163	16%
Moderate	245	25%	192	19%
Above Moderate	463	47%	412	41%
Total	982	100%	993	100%

Source: Association of Bay Area Governments

The City's *starting point* for providing the capacity to address its RNHA for the last two Housing Element planning periods is 1,975 units. The table below shows the City's "adjusted" RHNA that accounts for units that can be credited to the City based on past construction activity, current zoning and the expectations from implementation of the programs contained in the Housing Element. The table shows the number of units required on sites rezoned to higher density residential use.¹ This analysis concludes the City must rezone sites to accommodate 500 units at 30 or more units per acre. There are sufficient sites for housing at moderate and above moderate-income affordability levels.

¹ To provide local governments with greater certainty and clarity in evaluating and determining what densities facilitate the development of housing that is affordable to lower-income households, the statute provides two options — the City can either: (1) conduct an analysis of market demand and trends, financial feasibility and residential project experience to demonstrate the lower densities can facilitate lower income housing development; or, (2) apply Government Code Section 65583.2(c)(3)(B), which allows local governments to utilize "default" density standards deemed adequate to meet the "appropriate zoning" test, which in Menlo Park's case are sites designated at 30 units per acre or more given Menlo Park's size and location.

City of Menlo Park's Ability to Address Its Regional Housing Needs Allocation (RHNA for 1999-2006 and 2007-2014)

Units Built/Approved, Provided Through Housing Element Programs or Existing Zoning, and Remaining Need that Must be Made Available Through Rezoning of Sites to Higher Density Residential Use						
Category	Very Low Income	Low Income	Available for Lower Income SUBTOTAL*	Available for Moderate Income	Available for Above Moderate Income	Total
1999-2006 RHNA	184	90	274	245	463	982
Units Built (1999-2006)	0	0	0	11	82	93
Second Units Built (1999-2006)	1	1	2	0	0	2
Available Sites Under Existing Zoning (1999-2006)	0	0	0	117	261	378
<i>Subtotal</i>	<i>1</i>	<i>1</i>	<i>2</i>	<i>128</i>	<i>343</i>	<i>473</i>
Carryover Need from 1999-2006 RHNA	183	89	272	117	120	509
2007-2014 RHNA	226	163	389	192	412	993
Units Built or Approved (2007-2012)	0	3	3	25	174	202
Second Units Built or Approved (2007-2012)	2	2	4	2	0	6
El Camino Real/Downtown Specific Plan Zoning	0	0	200	230	250	680
Available Sites Under Existing Zoning (2007-2014)	0	0	0	95	127	222
<i>Subtotal</i>			<i>207</i>	<i>352</i>	<i>551</i>	<i>1,110</i>
Residual Need from 2007-2014 RHNA			182	-160	-139	-117
Adjusted 2007-2014 RHNA with 1999-2006 RHNA Carryover	183	89	454	-43	-19	392
New Housing on Infill Sites**	0	0	0	50	20	70
New Second Units (through July 2014)**	3	4	7	3	0	10
Second Unit Amnesty Program (Prior to July 2014)**	10	15	25	10	0	35
<i>Subtotal</i>			<i>32</i>	<i>63</i>	<i>20</i>	<i>115</i>
Remaining Adjusted RHNA			422	-106	-39	277
Need for Sites to be Rezoned						
Sites to be Rezoned at 30+ Units/Acre	0	0	500	0	0	500
Sites to be Rezoned at 12-29 Units/Acre	0	0	0	0	0	0
Amount Over the Remaining Adjusted RHNA			+78	+106	+39	+223

*The "Lower Income Subtotal" adds together the very low and low income units

**Assumes full implementation of Housing Element programs

In addition, it is estimated that 50% of the City's Very Low Income housing need for the 2007-2014 planning period will be for households earning less than 30% of median income (considered "Extremely Low Income" per the definitions). Thus, the number of extremely low-income households needing housing for the 2007-2014 planning period, is estimated at about 200 units. Housing types available and suitable for Extremely Low Income households include affordable rentals, second units, emergency shelters, supportive housing and transitional housing.

Key Recommendations Contained in the Draft Housing Element

The focus of this Housing Element is to provide a multi-pronged City policy and program approach to meeting housing needs in Menlo Park that: (1) distributes affordable housing opportunities throughout the community; (2) locates new housing near to transit and services when possible; (3) assures that new housing fits with the desired design character of Menlo Park; and (4) supports the provision of high quality services, well-planned infrastructure and the efficient use and protection of environmental resources.

The City's multi-pronged approach to address housing needs focuses on the following policies and programs (see map on the following page):

- ❖ Create More Opportunities for New Second Units
- ❖ Undertake an Amnesty Program to Legalize Existing Illegal Second Units
- ❖ Provide Opportunities for a Mix of Housing and Commercial Uses to be Combined in Selected Locations
- ❖ Continue to Implement Existing Zoning for Market Rate Housing
- ❖ Implement the Recently Adopted El Camino Real/Downtown Specific Plan
- ❖ Provide Infill Housing Opportunities Around Downtown
- ❖ Rezone Sites for Multi-Family Housing at Higher Densities
- ❖ Create Incentives and Opportunities for Affordable Housing

Opportunities to Create New Housing Without Land Use Changes and Rezoning

The opportunities below require modifications to existing standards and procedures to enable construction of new units, but do not require a major change in land use.

- **Create More Opportunities for Second Units.** Program H4.E identifies incentives for new second units to be built. Proposed modifications to the City's existing regulations for second units include reduction in minimum parcel size, allowances for larger second units, flexibility in height limits, reduced fees (possible reduction in both Planning/Building fees and impact fees as a result of the small size of the units), flexibility in how parking is provided on site and a greater City role in publicizing and providing guidance for the approval of second units. Specifics would be developed as part of program implementation. Based on studies conducted in San Mateo County and elsewhere in the Bay Area, it is anticipated that two-thirds to three-quarters of second units built are affordable to lower income households due to their small size and use as housing for family members at very low to no rent. With the modifications proposed in the Housing Element, it is anticipated that 10 additional second units could be built by 2014.
- **Undertake an Amnesty Program to Legalize Existing Illegal Second Units.** Program H4.F is an amnesty program to legalize existing illegal second units. Additional study and refinement of specific incentives, standards, timing, penalties and requirements for legalizing a unit would be developed as part of program implementation. Coordination with Program H4.E would also occur. Similar to new second units and based on program implementation, it is anticipated that 35 second units not counted in the 2010 U.S. Census could be legalized by 2014.

- **Implement the Recently Adopted El Camino Real/Downtown Specific Plan.** The recently adopted El Camino Real/Downtown Specific Plan contains opportunities for 680 units to be built. Based on current zoning, densities of over 30 units per acre are permitted on the majority of the sites. While the sites could theoretically accommodate a maximum of 699 units at those densities, the EIR prepared examined approximately 553 units. There is also the opportunity for a significant number of affordable units to be built. The Affordable Housing Overlay Zone (Housing Element Program H4.C) would be applicable to the entire Specific Plan area and would be a tool to achieve the public benefit densities for affordable housing.
- **Provide Infill Housing Opportunities Around Downtown.** Program H4.A focuses on lots 10,000 square feet or greater around the El Camino Real/Downtown Specific Plan area. The program also calls for possible expansion to smaller lots at a later date. Based on program implementation, it is anticipated that 50 moderate-income units and 20 above moderate-income units could be built by 2014. The affordability of the units would be due to their generally smaller size.
- **Create Incentives and Opportunities for Affordable Housing.** There are a number of programs offering incentives for affordable and special needs housing. Program H4.C (Affordable Housing Overlay Zone) is tied to housing opportunity sites in the El Camino Real/Downtown Specific Plan area and other key sites that could be designated under this zoning.

Sites Being Studied for Potential Rezoning to Higher Density Housing

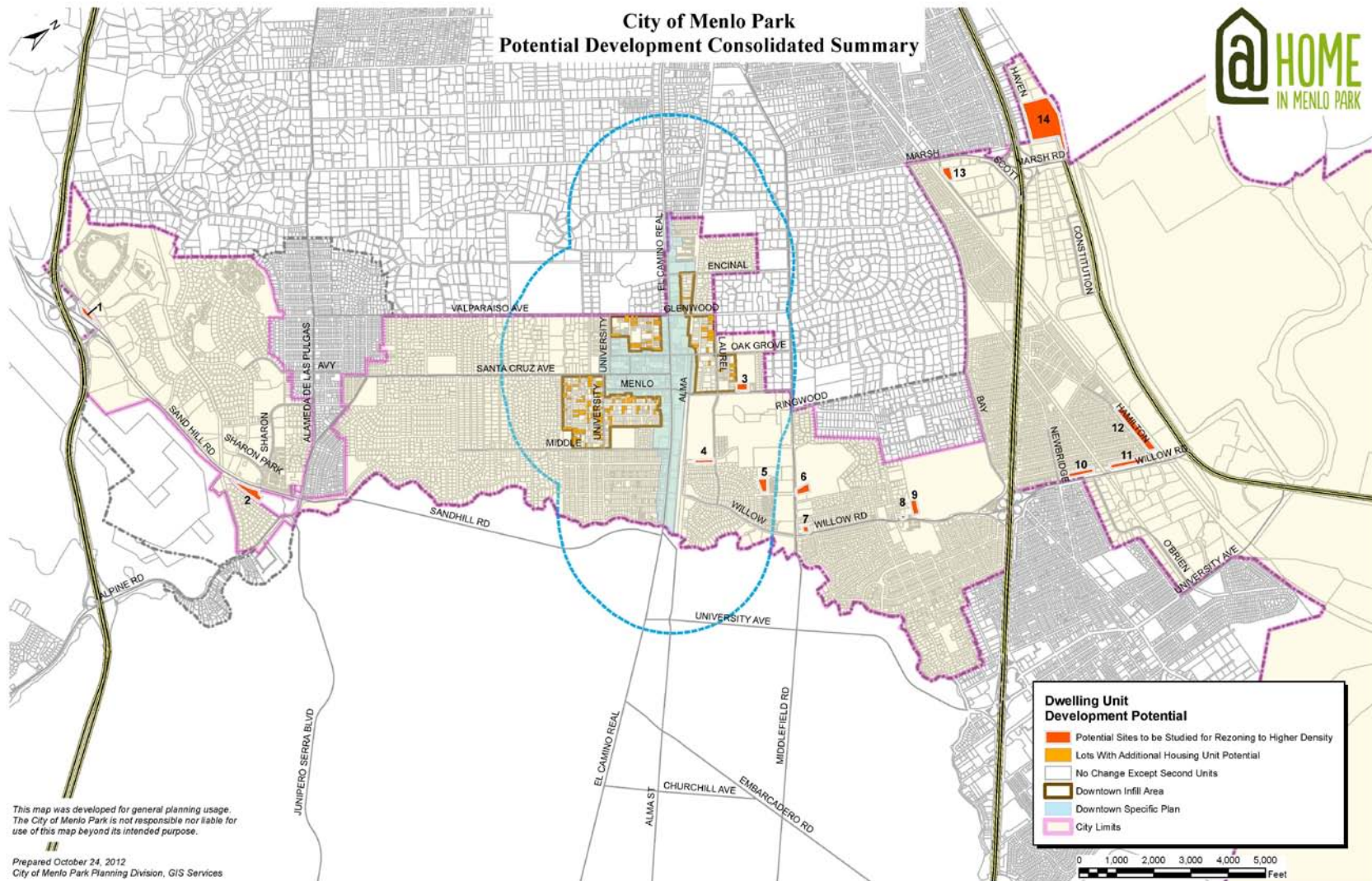
The sites listed below have been identified for additional study in the Environmental Assessment for their appropriateness for higher density housing. Based on the Environmental Assessment, sites that can best accommodate an additional 500 housing units at 30 or more units per acre will be identified for rezoning. Special conditions related to site development will also be identified.

As part of the Housing Element update process and the Environmental Assessment being conducted as part of the update, additional information will be included in a later Draft Housing Element covering — (1) an assessment of the appropriateness of the sites identified below for higher density housing; (2) identification of site-specific conditions of development; and (3) an evaluation of infrastructure and services constraints and mitigation. There will be consistency modifications made to the Menlo Park General Plan to ensure that any potential impediments to implementation of the Housing Element, including development of potential sites for higher density housing, are addressed in the other elements of the General Plan.

Programs being implemented CONCURRENTLY with review and adoption of the Updated Housing Element (Zoning Ordinance amendments) include:

- H3.I Establish Density Bonus and Other Incentives for Special Needs Housing
- H4.A Modify Development Standards to Encourage Infill Housing
- H4.B Modify R-2 Zoning to Maximize Unit Potential
- H4.C Adopt Standards for an “Affordable Housing Overlay Zone”
- H4.D Implement Inclusionary Housing Regulations and Adopt Standards to Implement State Density Bonus Law
- H4.E Modify Second Dwelling Unit Development Standards and Permit Process
- H4.O Implement Actions in Support of High Potential Housing Opportunity Sites

Sites for Potential Rezoning for Higher Density Housing



Map Index Number	APN	Site Name	Address	Existing Zoning	Existing General Plan Designation	Existing Use	Lot Area (Sq. Ft.)	Lot Area (Acres)	Proposed Dwelling Units per Acre	Proposed Dwelling Units	Existing Dwelling Units	Net Potential Dwelling
1	074481010	I-280 and Sand Hill (Banana Site)	2900 block Sand Hill Rd	R-E/S-11	San Mateo County	Vacant Land	75,794	1.74	30	52	0	52
2	074450030	Hewlett Foundation	2111-2121 Sand Hill Rd	R-E/S-9	San Mateo County	Vacant Land	142,441	3.27	30	98	0	98
3	061382170	Corpus Christi	300 block Ravenswood Ave	R2	Medium Density Residential	Vacant Portion of Church Grounds	67,274	1.54	20	30	0	30
4	062390170	401-445 Burgess Dr	401-445 Burgess Dr	C1A	Professional and Administrative Offices	Office: Multi-Story	59,830	1.37	12	41	0	16
5	062421010	8 Homewood Pl	8 Homewood Pl	C1	Professional and Administrative Offices	Office: Single-Story	87,417	2.01	30	60	0	60
6	062460060	St. Patrick's Seminary	300 block Middlefield Rd	R1S	Low Density Residential	Vacant Portion of Educational Facility	87,984	2.02	30	61	0	
7	062272640	125-135 Willow Rd	125-135 Willow Rd	C1A	Professional and Administrative Offices	Office: Multi-Story	33,333	0.77	30	22	0	
8	062285300	555 Willow	555 Willow Rd	R3	Medium Density Residential	Restaurant	18,237	0.42	20	8	0	8
9	062470050	Veterans Affairs Clinic	700 block Willow Rd	PF	Public Facilities	Vacant Portion of Campus	81,239	1.87	32	60	0	60
10	062103610	MidPen's Gateway Apts	1200 block Willow Rd	R3	Medium Density Residential	Multifamily Residential	98,686	2.27	40	90	48	42
11	055383560	MidPen's Gateway Apts	1300 block Willow Rd	R3	Medium Density Residential	Multifamily Residential	129,427	2.97	40	118	82	36
12	055398110	Hamilton Ave East	700-800 blocks Hamilton Ave	M1	Limited Industry	Light Industrial and Vacant	313,505	7.20	30	216	0	216
13	055251120	Main Post Office	3875 Bohannon Dr	M2	Limited Industry	Post Office Slated for Closure	82,257	1.89	40	76	0	76
14	055170350	Haven Ave	3600 block Haven Ave	M2	Limited Industry	Light Manufacturing, Storage, and Vacant	674,999	15.50	30	464	0	464
Total												1,158



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: December 11, 2012

Staff Report #: 12-192

Agenda Item #: F-1

REGULAR BUSINESS: Provide Feedback on the Commonwealth Corporate Center Project Located at 151 Commonwealth Drive and 164 Jefferson Drive and Authorize the City Manager to Approve an Augment to a Contract with Atkins North America, Inc. in the Amount of \$194,457 (for a total contract of \$236,769) and Future Augments as may be Necessary to Complete the Environmental Review for the Project

This item was scheduled to be reviewed by the City Council at its regular meeting on September 18, 2012. A staff report was published for this item on September 13, 2012 and is included as Attachment A. Subsequent to the release of the staff report, the applicant requested a continuance of the item. Since that time, the applicant has conducted additional analysis and seeks to move forward with the project proposal as originally discussed in Attachment A. The only refinement to the discussion of the project proposal that should be noted is that the applicant requested that the Environmental Impact Report include a conservative analysis of an employee density of one employee per 200 square feet, rather than the original employee density of one employee per 300 square feet, in order to allow for flexibility in building utilization given the speculative nature of the development (a tenant has not yet been identified). The staff recommendation contained within the September 18, 2012 staff report has been refined to reflect this change. The revised recommendation is provided below:

RECOMMENDATION

Staff recommends that the City Council provide feedback on the Commonwealth Corporate Center Project related to the fiscal implications of the project and whether the Council supports the redevelopment of the subject project site with a use that is consistent with current Floor Area Ratio (FAR) requirements that would likely result in limited revenue generation to the City, and authorize the City Manager to approve an augment to a contract with Atkins North America, Inc. in the amount of \$194,457 (for a total contract amount of \$236,769) and future augments as may be necessary to complete the environmental review for the Commonwealth Corporate Center Project based on the proposal included as Attachment A.

Signature on File
Rachel Grossman
Associate Planner

Signature on File
Justin Murphy
Development Services Manager

PUBLIC NOTICE: Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting. In addition, the City has prepared a project page for the proposal, which is available at the following address: http://www.menlopark.org/projects/comdev_fb.htm. This page provides up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated.

ATTACHMENTS

- A. City Council Staff Report dated September 18, 2012



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: September 18, 2012
Staff Report #: 12-142

Agenda Item #: F-3

REGULAR BUSINESS: Provide Feedback on the Commonwealth Corporate Center Project Located at 151 Commonwealth Drive and 164 Jefferson Drive and Authorize the City Manager to Approve an Augment to a Contract with Atkins North America, Inc. in the Amount of \$194,457 (for a total contract of \$236,769) and Future Augments as may be Necessary to Complete the Environmental Review for the Project

RECOMMENDATION

Staff recommends that the City Council provide feedback on the Commonwealth Corporate Center Project related to the fiscal implications of the project and whether the Council supports the redevelopment of the subject project site with a use that is consistent with current Floor Area Ratio (FAR) requirements and standard employee densities that would likely result in limited revenue generation to the City, and authorize the City Manager to approve an augment to a contract with Atkins North America, Inc. in the amount of \$194,457 (for a total contract amount of \$236,769) and future augments as may be necessary to complete the environmental review for the Commonwealth Corporate Center Project based on the proposal included as Attachment A.

BACKGROUND

On March 7, 2012, the City received an application from The Sobrato Organization to redevelop the properties located at 151 Commonwealth Drive and 164 Jefferson Drive. Proposed redevelopment of the properties would include demolition of all structures and associated improvements on both sites and subsequent construction of two four-story non-medical office/research and development buildings totaling approximately 259,919 square feet. The proposed height of the buildings would exceed the 35-foot maximum height limit in the M-2 (General Industrial) zoning district, and rezoning to M-2-X (General Industrial, Conditional Development District) plus approval of a Conditional Development Permit (CDP) would be required to exceed the height limit. Select project plan sheets are included as Attachment B. The entitlement process for the Commonwealth Corporate Center Project includes the following review and permit approvals:

- **Rezone from M-2 to M-2-X and Conditional Development Permit:** to permit the structures to exceed the 35-foot building height maximum in the M-2 zone;
- **Heritage Tree Removal Permits:** to permit the removal of heritage trees that are located within the development envelope of the proposed project;
- **Below Market Rate Housing Agreement:** per the requirements of the City's Municipal Code, a Below Market Rate (BMR) Housing Agreement is required, which would help increase the affordable housing supply by requiring the applicant to provide monies for the BMR fund;
- **Lot Merger:** to combine the two legal lots that make up the project site;
- **Fiscal Impact Analysis:** a Fiscal Impact Analysis (FIA) is required to analyze the project's revenue and cost effects on the City and applicable outside agencies; and
- **Environmental Review:** an Environmental Impact Report (EIR) is required to analyze the potential physical environmental impacts resulting from the project.

The City has retained consultants under the City Manager's authority to begin the environmental review process and to prepare a FIA. Staff has determined that an EIR is required to analyze the potential physical environmental impacts of the project. A Notice of Preparation (NOP), included as Attachment C, was prepared and released for public review on August 6, 2012 with comments due by September 5, 2012. An EIR scoping session and a study session were held by the Planning Commission at its meeting on August 20, 2012. The excerpt action agenda from this meeting summarizing the Commission's comments is included as Attachment D. The approved FIA scope is included as Attachment E.

All comments raised by the Planning Commission regarding the scope of the environmental review are addressed in the phase two scope of work prepared by Atkins, North America, Inc., which is included as Attachment A. The study session comments are all items that the applicant should consider as they move forward and refine their project design.

One key policy issue raised by the Planning Commission during the study session relates to the fiscal implications of the project, which is discussed further in the analysis section of this report. A number of Commissioners inquired about a Development Agreement and staff confirmed that the applicant has not applied for a Development Agreement. A Development Agreement is a contract between an applicant and the City that results in the provision of overall benefits to the City and adequate development controls in exchange for vested rights in project approvals. This is not something that the City can require an applicant to apply for, and it is not currently a part of the project proposal. Development Agreements were included in the Menlo Gateway project, which sought an increase to the maximum allowed office Floor Area Ratio (FAR) from 45 percent to 100 percent office with a total FAR of 137.5 percent, and the Facebook East Campus project, which included a doubling of the standard employee density of one employee per every 300 square feet of gross floor area to approximately one employee per every 150 square feet of gross floor area. Over the coming months, the project

design will be refined, including, but not limited to revisions to the site plan to address parking requirements, and a Draft EIR and Draft FIA will be prepared. Although the review of the proposed project is ongoing, the focus of this agenda item is to provide an overview of the project proposal, request feedback on the project proposal and to seek authorization of a proposal for a consultant to complete the environmental review for the project. All previous reports and related items for this project are available on the City maintained project page at the following website address:

http://www.menlopark.org/projects/comdev_commonwealth.htm

ANALYSIS

What follows is a discussion of the project proposal, as well as information about the phase two scope of work for the required environmental review.

Project Proposal

As discussed previously, the project proposal includes redevelopment of the properties located at 151 Commonwealth Drive and 164 Jefferson Drive. The Commonwealth Drive site was previously occupied by Diageo North America and was used as a spirits distilling, bottling, and distribution bottling plant. Facility operations were discontinued on July 29, 2011 and the site has remained unoccupied since that time. The site is approximately 12.1 acres (527,289 square feet) in size and currently developed with a single-story warehouse/manufacturing/office building, a tank farm, storage areas, and associated parking and landscaping areas. The buildings total approximately 217,396 square feet. The Jefferson Drive site is located directly north of the Commonwealth Drive site and is approximately 1.17 acres (51,183 square feet) in size. The site is currently developed with surface parking and a 20,462 square foot warehouse/office building currently utilized for storage and light industrial uses. As part of the proposed redevelopment of the project site, all structures and site improvements would be removed on both the Commonwealth Drive site and the Jefferson Drive site.

Subsequent to the removal of all on-site improvements, the project site would be redeveloped with two four-story non-medical office buildings with surface parking and landscaping. The proposed buildings would consist of approximately 259,919 square feet total (approximately 129,960 square feet each) and would be designed to allow for flexibility of use inclusive of non-medical office, biotech, and/or research and development uses. The proposed land uses are consistent with neighboring development and permissible in the M-2 and M-2-X zoning districts. The proposed buildings would comply with Zoning Ordinance requirements pertinent to setbacks, lot coverage, and FAR for office uses, and employee density is proposed to be consistent with the industry standard of one employee per every 300 square feet of gross floor area. The proposed height of the buildings would exceed the 35-foot maximum height limit in the M-2 district. However, such height increases may be permitted by approval of a CDP and associated rezoning to the M-2-X (General Industrial, Conditional Development District). In the M-2 zone, the construction of a new structure to house a

permitted use requires use permit approval. In this case, the CDP takes the place of the required use permit. Select plan sheets from the project plans received on July 23, 2012 are included as Attachment B.

In addition to the proposed structures, the project site would include Zoning Ordinance compliant parking, a landscaped courtyard, water features, outside dining areas, signage, stormwater treatment areas and an internal pedestrian boulevard. Vehicular access would be provided from both Commonwealth Drive and Jefferson Drive, with Jefferson Drive considered the secondary vehicular and pedestrian access point. The portion of the project site next to Jefferson Drive would also provide an amenity area designed to serve employees and guests, which would include a lawn area, bocce courts, picnic tables, stormwater treatment area and landscaping.

As part of the redevelopment of the project site, the applicant is seeking removal of 23 heritage trees (12 trees on the Commonwealth Drive site and 11 trees on the Jefferson Drive site), which range in health from poor to fair. The removals are being requested due to conflicts with the proposed site improvements, as well as the health of the trees. The City Arborist has reviewed this request and granted preliminary approval to remove all 23 trees requested for removal.

City staff believes that the proposed mix of uses and structures are generally consistent with Zoning Ordinance requirements and neighboring development. As discussed previously, the proposed structures comply with the underlying M-2 Zoning Ordinance requirements related to setbacks, lot coverage, and FAR. The only exception the applicant is seeking from the underlying M-2 Zoning Ordinance requirements is an increase in height above the M-2 maximum height of 35 feet, which is permissible with approval of a CDP and an associated rezoning from M-2 to M-2-X. This increase in height would allow for better site design and improved visibility from Highway 101. As reflected in the action agenda included as Attachment D, the Planning Commission was generally supportive of the proposed site design and building heights.

City staff evaluated the project proposal for conformance with the most recent version of the land use element of the City's General Plan, which was adopted by the City Council in 1994. Since that time, the economic and development climate within the City and throughout the Bay Area region has significantly evolved and changed. This is evident in the changing development patterns, development types and uses present Citywide. To reflect these changes, the City's General Plan will need to be comprehensively updated, which City staff targets commencing after completion of the Housing Element update as is reflected in the City's current 5-Year Capital Improvement Project (CIP) Plan.

The General Plan designation for the subject project site is Limited Industry. The industrial goals and policies contained in the General Plan clearly reflect the fact that when the General Plan was written nearly 20 years ago, the majority of uses on properties with an industrial land use designation were industrial in nature. Since that time, the industrial zone has evolved to include a large breadth of office uses, in

addition to industrial uses such as manufacturing and warehousing. This is evident within proximity of the project site, where numerous office developments currently co-exist with warehouse and manufacturing uses. Applicable industrial goals and policies from the land use element of the General Plan are provided below:

Goal I-F: To promote the retention, development, and expansion of industrial uses which provide significant revenue to the City, are well designed, and have low environmental and traffic impacts.

Policy I-F-2: Establishment and expansion of industrial uses that generate sales and use tax revenues to the City shall be encouraged.

Policy I-F-4: The City shall consider attaching performance standards to projects requiring conditional use permits.

Policy I-F-7: All new industrial development shall be evaluated for its fiscal impact on the City.

Policy I-F-4 relates to the consideration of the use of performance standards for projects requiring use permits (they are no longer referred to as conditional use permits), and in this case, conditional development permits. Appropriate performance standards for this project could be a vehicular trip cap or employee cap. At this time, staff is not recommending inclusion of such a performance standard; however, inclusion of a performance standard may be included as a condition of project approval.

Goal I-F, and policies I-F-2 and I-F-7 are all directly associated with the fiscal implications related to development on properties with an industrial land use designation. As indicated previously, a FIA will be prepared to analyze the project's revenue and cost effects on the City and applicable outside agencies, and an approved scope of work for this FIA is included as Attachment E. The FIA will provide information to help evaluate the project's consistency with these policies, but based upon the current project proposal, staff and the Planning Commission believe that the project may have limited revenue generation opportunities, specific to the generation of sales tax depending on the specific tenant(s) that occupy the buildings. Although the FIA will provide more detailed information necessary to fully evaluate the fiscal implications of the project, if the City Council is concerned about the potential for limited revenue generation by the project, it would be beneficial to raise this concern now, in advance of preparation of the Draft EIR and Draft FIA, both of which are costly investments by the applicant.

Phase Two Environmental Review

Upon receipt of the development application, the City retained the services of Atkins North America, Inc. an environmental consulting firm, to commence work on developing the scope of the environmental review. This work included preparation of a NOP and an associated EIR scoping session. With the consent of the applicant, the City retained

Atkins North America, Inc. due to the firm's experience preparing environmental impact reports, particularly for the Facebook Campus project and the Menlo Gateway project, which are both proximate to the project site. The cost of phase one of the environmental review for the Commonwealth Corporate Center Project was less than \$50,000, and therefore, within the City Manager's authority.

Phase two of the environmental review includes preparation of an EIR. Atkins' proposal is included as Attachment A. The following is a summary of the tasks for the proposed scope of work:

- Preparation of Draft EIR;
- Preparation of responses to all public comment on the Draft EIR;
- Preparation of Final EIR;
- Evaluation of project plans;
- Preparation of Mitigation Monitoring and Reporting Program; and
- Attendance at public hearings and meetings as needed.

The proposed budget for the augment is \$194,457, the cost of which would be borne by the applicant, although the applicant would have no control or direction over the work of the consultant. The applicant is in agreement with the scope and is prepared to pay the contract amount. With this augmentation plus \$42,312 for the initial work, the total cost for preparation of the EIR and associated activities will be \$236,769.

Staff also recommends that the Council provide the City Manager with the authority to approve future augments to the contract, if required. Any future augments would be done only with the consent of the project applicant and at the applicant's cost.

IMPACT ON CITY RESOURCES

The applicant is required to pay planning permit fees, based on the Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project. The applicant is also required to bear the cost of the associated environmental review and FIA preparation. For the environmental review and FIA, the applicant deposits money with the City and the City pays the consultants.

POLICY ISSUES

The proposed project will ultimately require the Council to consider certain land use entitlements. At this time, policy issues requiring evaluation by the Council are specific to the fiscal implications of the project, and whether the Council supports the redevelopment of the subject project site with a use that is consistent with the current maximum FAR of 45 percent and standard employee densities of one employee per every 300 square feet of gross floor area that would likely result in limited revenue generation to the City.

ENVIRONMENTAL REVIEW

An EIR will be prepared for the project.

Signature on file
Rachel Grossman
Associate Planner

Signature on file
Justin Murphy
Development Services Manager

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting. In addition, the City has prepared a project page for the proposal, which is available at the following address: http://www.menlopark.org/projects/comdev_fb.htm. This page provides up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated.

ATTACHMENTS

- A. Atkins North America, Inc. Phase II Proposal for preparation of an Environmental Impact Report for the Commonwealth Corporate Center Project, dated September 6, 2012
- B. Select Plan Sheets, received July 23, 2012
- C. Notice of Preparation of an Environmental Impact Report for the Commonwealth Corporate Center Project, dated August 6, 2012
- D. Excerpt Planning Commission Action Agenda, August 20, 2012 meeting
- E. Bay Area Economics, Approved Scope of Work for a Fiscal Impact Analysis for the Commonwealth Corporate Center Project, dated April 9, 2012



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September 6, 2012

Rachel Grossman
City of Menlo Park
Community Development Department
701 Laurel Street
Menlo Park, CA 94025

Subject: Commonwealth Corporate Center Project
Environmental Impact Report (EIR) Scope of Work - Phase 2

Dear Rachel,

Atkins North America (Atkins) is pleased to present this scope and budget to prepare an EIR under the California Environmental Quality Act (CEQA) for the proposed Commonwealth Corporate Center Project in the City of Menlo Park. This scope of work reflects the proposed project information provided to Atkins by Menlo Park staff, knowledge of the area, a site visit, and prior experience with similar projects within Menlo Park and throughout the State.

This scope, as included in Attachment A, focuses on Phase 2 of the EIR. Phase 1 was submitted by Atkins and executed on June 4, 2012 in order to begin work on the proposed project. Phase 2 includes the bulk of the EIR work and the tasks to be conducted during this phase are summarized in this scope. Phase 2 starts with Task 4, as Tasks 1, 2, and 3 were included in Phase 1. Our total requested budget is included as Attachment B.

The scope of work addresses those tasks, activities, and deliverables that are to be performed by Atkins and DKS Associates (transportation analysis). We will work closely with City staff to coordinate, direct, and review the work and deliverables performed by other consultants contributing to the EIR as appropriate; e.g., Bay Area Economics (fiscal impact analysis). In addition, Atkins will be working with PreVision Design (formerly Adam Phillips Digital) to conduct visual simulations; however, this scope and budget was included in Phase 1.

Please note that our attached budget includes a cost estimate for printing. However, due to the uncertainty regarding the size of the document and the potential volumes, we request that the printing budget be used as only an estimate and that, if the estimated budget is exceeded, additional printing can be done without requiring a formal budget amendment.

We look forward to working with you on this project.

Cordially,

A handwritten signature in blue ink, appearing to read "Efner", with a stylized flourish at the end.

Erin Efner
Senior Project Manager

Attachments: A – Scope of Work; B – Total EIR Budget; C – DKS Scope of Work and Budget; D – Detailed Air Quality and Greenhouse Gas Scope of Work; E – Preliminary Air Quality Screening Analysis

Scope of Work

Phase 2

Task 4. Administrative Draft EIR I (Existing Setting, Significant Impacts, Mitigation Measures)

Purpose: Synthesize background information for use in the existing setting, and evaluate changes to those baseline conditions resulting from adoption of the proposed project. Identify mitigation measures for any changes considered to be significant effects. Prepare Administrative Draft EIR I.

Discussion: For this task, there are four principal activities:

- Determine, by individual resource topic, significance criteria to be used in the analysis
- Perform the analysis and make determinations of impact significance
- Recommend mitigation measures to reduce impacts, if needed

The Atkins team will collect the information necessary to define baseline conditions in the project area. Based on communication with City staff, it is our understanding that the environmental baseline will assume a vacant project site. Based on our understanding of the project vicinity, particular emphasis will be placed on the project's effect on air quality, traffic and circulation, and visual quality. In addition, for a description of existing conditions, Atkins will use information presented in the approved Menlo Gateway Project EIR and the ongoing Menlo Park Facebook Campus EIR.

For each environmental topic, significance thresholds or criteria will be defined in consultation with the City so that it is clear how the EIR classifies an impact. These criteria will be based on CEQA Guidelines, Appendix G; standards used by the City; and Atkins' experience in developing performance standards and planning guidelines to minimize impacts.

As stated by the Project Sponsor, the proposed project could either include office, Research and Development (R&D), or biotech uses. It is recommended that the Draft EIR analyze a conservative scenario for each environmental topic, which may involve assuming different land uses for various environmental topics. For example, office uses can accommodate more employees in the floor plan than R&D; therefore, population-driven topics (such as transportation, air quality, climate change, population and housing, public services, and utilities) will be based on office uses. However, life-science and R&D uses generally require more mechanical equipment on the roof than with office uses, which could result in greater noise impacts. Additionally, the laboratories would use and store chemicals and hazardous materials, which would affect the discussion regarding hazardous material use and disposal. Topics that focus on footprint and site design impacts (e.g., visual quality, hydrology, and geology) would not be impacted by the type of use that would occupy the proposed buildings. As such, depending on the environmental topic, the conservative scenario (office, R&D, or biotech uses) will be analyzed.

The analysis will be based on standard methodologies and techniques, and will focus on the net changes anticipated at the project site. The text will clearly link measures to impacts and indicate their effectiveness (i.e., ability to reduce an impact to a less-than-significant level), identify the responsible agency or party, and distinguish whether measures are proposed as part of the project, are already being implemented (such as existing regulations), or are to be considered. This approach facilitates preparation of the Mitigation Monitoring and Reporting Program (MMRP) that follows certification of an EIR.

The first Administrative Draft EIR will incorporate the baseline conditions data as well as impact analysis and mitigation measures, plus the alternatives and other CEQA considerations described in Task 5 (below). It is envisioned that the City's initial review of the document will consider content, accuracy, validity of assumptions, classification of impacts, feasibility of mitigation measures, and alternatives analyses. Because the impacts and mitigations are subject to revision based on staff review of the Administrative Draft 1, the Summary section will be prepared only for the Screencheck Draft. The following task descriptions summarize the data to be collected, impact assessment methodologies to be used, and types of mitigation measures to consider, by environmental issue.

Impacts Found to be Less Than Significant

To streamline the EIR process, Atkins will "scope out" several environmental topics that do not require detailed discussion in the EIR. These topics will not be evaluated at the level of detail specified for the issues below, but at a level adequate to fully assess the potential effects, and, if necessary, to identify appropriate mitigation measures to reduce any potential impact to a level of non significance. This discussion will be presented in the Impacts Found to be Less Than Significant chapter of the EIR.

Based on our preliminary review, the following environmental topics may be scoped out from detailed analysis in the EIR. It may be determined following the site visit, upon receipt of additional information, or in response to NOP comments that one or more of the following topics should instead be analyzed in detail in the EIR.

- **Agricultural and Forestry Resources.** Atkins will describe existing conditions at the project site, identify General Plan designation and zoning districts, and indicate lack of agricultural and forestry uses at the project site.
- **Biological Resources.** Atkins will conduct the following tasks:
 - Conduct background research to determine the biological resources that could be affected by the proposed project such as special-status species or protected trees. This research will include review of Menlo Park's tree ordinance, the use of the California Department of Fish and Game's Natural Diversity Data Base (CNDDDB), the U.S. Fish and Wildlife Service's Special-Status Species Online Database, and the California Native Plant Society's online inventory. An aerial photograph of the project site will be reviewed to identify areas of habitat types that can later be confirmed through field verification.
 - Conduct a site visit to characterize potential special-status plant and wildlife habitats that may be present, and determine if potential wetlands are present on the sites (included in Task 1). A list of plant and wildlife species observed during the survey will be collected and presented in the analysis. Given the developed nature of the project site, it is not expected that wetlands or special-status species will be present; however a site visit will be required to make this determination. Although no species

specific surveys are proposed for this scope, if any incidental sightings of special-status species occur during the survey, they will be recorded.

- Evaluate the proposed project's effects on the identified biological resources, and recommend mitigation as warranted. Based on prior experience in the region, and the disturbed nature of the site, Atkins anticipates that the prominent issues for the proposed project will be limited to migratory birds, roosting bats (within the abandoned buildings), and protected trees.
- **Land Use.** Land use and planning generally considers the compatibility of a proposed project with neighboring areas, change to, or displacement of existing uses, compliance with zoning regulations, and consistency of a proposed project with relevant local land use policies that have been adopted with the intent to mitigate or avoid an environmental effect. With respect to land use conflicts or compatibility issues, the magnitude of these impacts depends on how a proposed project affects the existing development pattern, development intensity, traffic circulation, noise, and visual setting in the immediately surrounding area, which are generally discussed in the respective sections. The project would require a Conditional Development Permit and zoning amendment to allow for an increase in height but is otherwise consistent with land use designations.

Atkins will conduct the following tasks and, where appropriate, will rely on previously prepared EIRs for the City of Menlo Park for both content and impact methodology:

- Describe existing land uses, intensities, and patterns in the vicinity of the project site and the compatibility of the proposed land uses and zoning with current development.
- Describe the proposed project's potential to divide an established community.
- Evaluate any potential conflicts between the proposed and current land uses that would result in environmental impacts. These conflicts could include a use that would create a nuisance for adjacent properties or result in incompatibility with surrounding land uses, such as differences in the physical scale of development, noise levels, traffic levels, or hours of operation.
- Evaluate the extent to which adopted City development standards or proposed design standards would eliminate or minimize potential conflicts within the proposed project site, resulting in environmental impacts. The Menlo Park General Plan, Zoning Ordinance and other applicable plans will be examined and the proposed project's consistency with applicable portions of these plans will be described.
- **Mineral Resources.** Atkins will describe existing conditions at the project site and identify the mineral resources zone classification for soils at the site. It is anticipated that the site does not contain significant mineral resources.

Aesthetics

Data needs to complete section include landscape plans, lighting plans, and building architectural styles and exterior finishings. Atkins will prepare the Aesthetics section of the EIR based on the visual simulations prepared by Adam Phillips Digital (scope and budget included in Phase 1) and will also conduct the following tasks:

- Visit the project site and surroundings, to identify and photodocument existing visual character and quality conditions, views to and from the project site, and other urban design features.
- Coordinate with City staff in selecting viewpoints from which Adam Phillips Digital will prepare visual simulations.

- Based on scenic resources and views identified in the Menlo Park General Plan (see below) and visual simulations, analyze potential adverse aesthetic effects resulting from the proposed project. The surrounding sensitive viewer locations that could be affected by the proposed development include Joseph P. Kelly Park.
- Review existing General Plan goals and policies related to visual quality to determine conflicts with any relevant plans and policies.
- Using the visual simulations and field observations, analyze whether the proposed project would substantially degrade the existing visual character or quality of the project area and its surroundings due to grading, height, bulk, massing, architectural style, and building materials, and other site alterations.
- Analyze potential degradation of views from roadways, US 101, adjacent uses, and other sensitive viewer locations.
- Analyze lighting and glare impacts created by the proposed buildings, focusing on motorists on US 101.

Shadows from the proposed buildings would increase over existing conditions due to the increase in building height. Shadows could reach sensitive surrounding uses, including Joseph P. Kelly Park. If, based on further discussions with the City and Project Sponsor as well as a thorough site reconnaissance, it is determined that shadow impacts should be evaluated in the EIR, Atkins can prepare shadow diagrams.

Transportation/Traffic

Due to the level of technical detail in the transportation scope, the full text has been included as Attachment B. In summary, DKS has identified 29 study intersections and 12 roadway segments that will be considered in the analysis. Due to comments received during the NOP scoping period, DKS has added additional study intersections and roadway segments to their analysis and will conduct a Transportation Impact Analysis. The original tasks were previously included in Phase 1 of the scope. Although Phase 1 has been revised due to NOP comments (as included in Attachment B), all costs for the additional tasks performed by DKS have been included in the Phase 2 budget (Attachment A).

DKS will also prepare the analysis in the format of a chapter to the EIR. All technical data will be appended to the EIR. The analysis will be prepared consistent with the City of Menlo Park and San Mateo County Congestion Management Program (CMP) requirements.

Air Quality

Due to the level of technical detail required to articulate the Air Quality scope, it is provided as Attachment C. The following presents a summary of the tasks to be performed. This section will analyze construction-related and operational criteria pollutants using the 2011 Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, in consultation with the City. In addition, Atkins will evaluate the potential for adverse health effects associated with toxic air contaminant (TAC) exposures to residential and school site receptors in the vicinity of the project site. A screening level analysis, as included in Attachment D of this document, was performed to identify all existing sources and potential receptors within 1,000 feet of the proposed project boundaries. Attachment D also details the required level of analysis in accordance with the 2011 BAAQMD Guidelines.

Greenhouse Gas Emissions

Please refer to Attachment C of for a detailed description of the Greenhouse Gas Emissions analysis. The climate change analysis will discuss the potential impacts on the study areas from climate change as well as the projects anticipated emissions of greenhouse gases. This section will examine potential impacts to the study area, construction-related emissions and operational emissions.

Noise

Primary noise sources in the project vicinity include local and regional roadway traffic. Noise-sensitive receptors in the project vicinity include recreational uses at Joseph P. Kelly Park and residential uses in the Belle Haven neighborhood to the southeast. Atkins will complete the following tasks:

- Summarize the existing noise environment for the project area and related environmental noise impacts. The analysis will provide existing conditions information and relevant background information, including noise fundamentals, descriptors, and applicable federal, state, and City of Menlo Park General Plan Noise Element. Federal Transit Administration (FTA) standards do not apply to this project and will not be discussed, nor will the project be evaluated using FTA noise criteria.
- Existing noise conditions will be quantified through ambient noise measurements consisting of a maximum of two site visits and the measurement of on-site and off-site ambient noise levels (up to four short-term [i.e., 15-minute] with vehicle counts and one long-term [i.e., 24-hour]). All monitoring locations will be approved by the City.
- Based on comments received from the Menlo Park Planning Commission during the NOP scoping session on August 20, 2012, Atkins will conduct additional noise measurements in the residential neighborhood to the south of US 101 and the project site. Atkins will analyze the impact of the proposed new buildings and if they would create bounce-back noise from the traffic on US 101 to the residential neighborhood. An analysis of noise reflection will be included.
- Assess the potential short-term, construction-related exterior and interior noise impacts (e.g., on-site heavy-duty equipment) with respect to nearby noise-sensitive receivers. Project-generated noise levels at these receivers will be quantified using the reference noise measurement data along with standard noise modeling practices (e.g., combined construction noise level, acceptable assumptions regarding exterior-to-interior noise reduction due to building façade).
- Quantify potential transportation noise source increases (e.g., increased traffic Jefferson Drive) generated by the proposed project. Traffic noise modeling will be based on average daily traffic (ADT) volumes obtained from the transportation impact study that will be prepared for this project.¹ A Federal Highway Administration-approved traffic noise prediction model (e.g., RD-77-108) will be used to determine roadway traffic noise levels with adjustments to account for California Vehicle Noise Emission (CALVENO) factors for standard automobiles, medium trucks, and heavy trucks. Traffic noise levels will be quantified for affected roadway segments under existing, existing-plus-project, cumulative, and cumulative-plus-project scenarios. The EIR will determine if modeled increases to roadway noise levels would considerably affect existing noise-sensitive land

¹ ADT may instead be generated using the CalEEMod model that will be used for the Air Quality analysis.

uses. Modeled cumulative-plus-project traffic noise levels will be used to determine future interior and exterior noise levels on the project site.

- Assess stationary noise sources (e.g., HVAC, parking) associated with implementation of the proposed project. Long-term impacts will be determined from existing documentation, standard attenuation rates and modeling techniques. Impacts will be determined at adjacent noise-sensitive receivers and compared to applicable noise regulations.
- Assess land use compatibility in terms of exterior noise levels with existing and future predicted noise environments (e.g., transportation and stationary) based on applicable regulations and local agency guidance. Stationary sources of noise that currently exist in the project area will be discussed based on site visit observations, aerial photographs, and existing documentation. Atkins will discuss the types of existing stationary noise sources that are present. Stationary sources that dominate the project area noise environment will be measured and levels associated with such sources will be included in the EIR.
- Include a discussion of the potential exposure of sensitive receivers to excessive groundborne vibration attributable to project implementation (e.g., use of heavy-duty construction equipment). This discussion will include a description of existing vibration sensitive receivers (sensitive land uses, and structures). Atkins will conduct a reconnaissance level survey of surrounding land uses, sensitive receivers, and historical/architectural structures considered to be potentially sensitive to groundborne vibration levels. Typical short-term and long-term groundborne vibration levels will be predicted based on documented source-specific vibration levels and standard modeling procedures as recommended by federal and state agency guidance. In addition, based on comments received from Exponent during the NOP scoping period, Atkins will evaluate vibration impacts on this specific sensitive receptor. A list of sensitive equipment used by Exponent may be required.
- Evaluate noise and vibration impacts based on compliance or exceedance of applicable regulations and guidance provided by local, state, and federal agencies. Additionally, the EIR will assess noise and vibration significance based on the generation or exposure to substantial permanent or temporary increases in ambient levels. Mitigation measures and their relative effectiveness will be provided for noise and vibration impacts that are found to be significant.

Cultural Resources

The existing buildings on the site were originally constructed in 1956. Based on a preliminary site reconnaissance, we do not anticipate these structures to be considered historic. However, due to their age, it is important that a historian visit the site, conduct background research, and make a determination as to eligibility. Due to the disturbed nature of the site, impacts to archaeological or paleontological resources are not anticipated. Atkins will conduct the following tasks:

- Conduct records search of the Northwest Information Center (NWIC) to identify any previously recorded cultural resources and cultural resource investigations within 0.25 miles of the project site.
- Conduct records search of the Native American Heritage Commission (NAHC) sacred lands database to determine if any Native American cultural resources are present in the vicinity of the project site. Local Native American organizations and individuals identified by NAHC will also be contracted regarding information on potential Native American

resources in the project vicinity. The EIR will summarize any responses related to this effort. We assume that no issues will arise.

- Site visit by architectural historian to evaluate existing structures (included under Task 1, Phase 1).
- Conduct archival research on history of site.
- Prepare brief memo summarizing the historical determination of significance in accordance with the CEQA Guidelines.
- Standard mitigation measures for archaeological or paleontological resources will be identified.

Geology/Soils

Atkins will prepare the Geology/Soils section of the EIR and will conduct the following tasks:

- Review the Geotechnical Report to be provided by the Project Sponsor.
- Report the type and magnitude of seismic activity typical in the San Francisco Bay Area, the standards to be met by proposed structures to resist damage during seismic events, and design features to be incorporated in the proposed project to comply with those standards.
- Evaluate the geohazard risks from development at the project site, using available geologic and/or soils maps, published literature, and other information, reports, and/or plans. The main issue that will be analyzed is the seismic and geotechnical safety of the proposed buildings.
- Assess potential project geohazard impacts in light of existing regulations and policies that would serve to minimize potential impacts. Pertinent regulatory requirements will be explicitly identified so that the nexus between regulations and minimized impacts is apparent. In general, construction of development similar to the proposed project has little or no effect on the geology of an area, but is still subject to seismic groundshaking and local soil conditions, including ground oscillation and long-term and differential settlement. Standard design and construction techniques and compliance with City standards (including applicable portions of the California Building Code and the National Pollutant Discharge Elimination System [NPDES]) typically eliminate or minimize seismic and geotechnical hazards.

Hydrology/Water Quality

Atkins will prepare the Hydrology/Water Quality section of the EIR and will conduct the following tasks:

- Describe the existing regulatory environment, including, but not limited to, the Construction General Permit, Municipal Regional Permit for stormwater discharges (including how the project relates to C.3 requirements), the City of Menlo Park Municipal Code, and the California Building Code. These regulations require specific measures for reducing potential impacts on hydrology and water quality as well as from flooding.
- Assess potential project hydrology and water quality impacts in light of existing regulations and policies that would serve to minimize potential impacts. Pertinent regulatory requirements will be explicitly identified so that the nexus between regulations and minimized impacts is apparent.
- Identify mitigation measures, where feasible, to minimize potentially significant or significant proposed project impacts.

Hazards and Hazardous Materials

Based on technical information received for the project site, Atkins will prepare the Hazards and Hazardous Materials section of the EIR. According to the Phase I Environmental Site Assessment (ESA) prepared for the project, the project site is listed on several databases including: RCRA-SQG, HAZET, Historical UST, LUST, National Pollutant Discharge Elimination System (NPDES), California Hazardous Material Incident Reporting System (CHMIRS), Waste Discharge System (WDS), Emission Inventory System (EMI), ERNS, and San Mateo County Business Inventory (BI). Based on information provided in the Phase I ESA, Atkins will conduct the following tasks:

- Identify potential exposure to hazardous materials or waste during construction activities and during long-term operation at the project site.
- Describe applicable federal, State, and local regulations and how these regulations apply to the proposed project and reduce the potential for impact.
- Evaluate potential public health risks at the site from groundwater and soil contamination from prior land uses. In addition, the analysis will focus on any potentially poor hazardous materials “housekeeping” practices at the site or from nearby uses. This information will be augmented by previously prepared Phase I ESA.
- Include a discussion of the potential hazardous materials that could be used during the operation of the proposed project and any potential releases of these materials, focusing on the conservative scenario of R&D or life science uses.
- Include a discussion of the potential public health risk from exposure to hazardous building components in the structures to be demolished at the project site (e.g., asbestos, PCBs, etc.).

Population/Housing

This section will examine the project’s effect on population and housing in the City and, to a lesser extent, in the region. Since the project involves neither residential development nor displacement of housing, the project’s effects are indirect and will focus on the housing needed to accommodate the increased employment that would result from the project. Atkins will undertake the following tasks:

- Discuss qualitatively the indirect housing effect resulting from the project and in the context of Association of Bay Area Governments (ABAG) regional household forecasts and fair share housing allocations and discuss whether the City can accommodate the demand.
- Estimate the indirect employment growth in the region from the “multiplier effect” due to increased employment, using ABAG’s regional input-output factors.

Public Services

Based on information received from various service providers, Atkins will prepare the Public Services section of the EIR and will conduct the following tasks:

- As necessary, conduct phone/email interviews with the City’s police, fire, and park and recreation departments, the school district, and the library to determine current service levels and capacity to serve increased demand.

- Estimate project-generated demand for public services based on existing operational standards obtained from the service providers. Other measures of demand will also be considered, such as the projected increase in the calls for service and the projected demand of recreational facilities and library services.
- In accordance with CEQA, evaluate the extent to which project demands would trigger the need for new public facilities whose construction might result in physical environmental effects.

Utilities/Service Systems

The Utilities/Services Systems section of the EIR will examine the proposed project's effect on water supply, wastewater treatment, solid waste disposal, and energy generation and transmission. Atkins will describe the existing conditions (capacity and current consumption levels), the impacts (the effects of the demand calculations against infrastructure capacity), and work with the City and the utility providers to identify reasonable mitigation measures. This scope of work assumes that the Project Sponsor will provide the water demand calculations, wastewater generation estimates, and energy calculations. If these are not readily available, Atkins can assist with these calculations. As part of its Greenhouse Gas emissions, Atkins will estimate solid waste generation resulting from construction and operation of the project. Our scope of work assumes that a Water Supply Assessment (WSA) will not be prepared.

Based on technical information for the project site and information received from the utility providers, Atkins will prepare the Utilities/Service Systems section of the EIR and will conduct the following tasks:

- Describe existing utility providers, system capacity, and improvement plans.
- Peer review the utility demand calculations by Project Sponsor (if appropriate).
- Evaluate the net change in the demand for water, wastewater, solid waste, and energy, relative to existing and planned capacity for the utilities.
- Discuss whether implications of the project triggering the expansion or construction of new infrastructure or facilities.

Deliverables:

- Five hard copies of Administrative Draft 1
- One electronic copy of Administrative Draft 1 in MS Word
- One electronic copy of Administrative Draft 1 in Adobe PDF format

City Involvement: Review and comment on the document.

Task 5. Project Alternatives and Other CEQA Considerations

Purpose: To complete drafts of the remaining sections (Alternatives and Other CEQA Considerations) of the EIR for City staff review.

Discussion: This task involves preparation of other required sections examining particular aspects of the project's effects and the identification and comparison of project alternatives.

Other CEQA Considerations

This task involves documenting unavoidable adverse impacts, growth-inducing effects, and cumulative effects of the revised project:

- The unavoidable effects will be summarized from the analyses performed in Task 4.
- Growth-inducing effects will be based on economic multipliers for the proposed uses (these multipliers provide information on direct and induced growth and were developed by the Association of Bay Area Governments for the regional input-output model), as well as comparisons with ABAG 2009 projections for the City. Growth inducement will be discussed in the context of population increases, utility and public services demands, infrastructure, and land use.
- Cumulative effects where relevant will be addressed in Task 4 and summarized as part of this section of the EIR. The future projects in the vicinity of the proposed project would be considered as they relate to potential cumulative impacts.

Alternatives

The alternatives to the proposed project must serve to substantially reduce impacts identified for the proposed project while feasibly attaining most of the project objectives. Atkins assumes that one reduced project alternative will be quantitatively analyzed and will be based on a sensitivity analysis to reduce identified impacts. Up to two additional alternatives will be defined and evaluated qualitatively.

Deliverables:

- Other CEQA Considerations chapter to be submitted with Administrative Draft 1
- Alternatives chapter to be submitted with Administrative Draft 1

City Involvement: Participate in discussions to review and augment project alternatives.

Task 6. Screencheck Draft

Purpose: Prepare Screencheck Draft for City staff review.

Discussion: Atkins will prepare a Screencheck Draft EIR to respond to the City's and Project Sponsor's comments on Administrative Draft 1. The Screencheck Draft EIR will include a summary section, which will summarize the project description, impacts and mitigations, and alternatives. Impacts and mitigations will be presented in a table that identifies each impact, its significance, and proposed mitigation as well as the level of significance following adoption for the mitigation measures.

Deliverables:

- Five hard copies of Screencheck Draft
- One electronic copy of Screencheck Draft in MS Word
- One electronic copy of Screencheck Draft in PDF format

City Involvement: Review and comment on the documents.

Task 7. Draft EIR

Purpose: To prepare and submit the Draft EIR to the City for distribution to the public.

Discussion: Atkins will revise the Screencheck Draft to incorporate modifications identified by the City and Project Sponsor. The revised document will be a Draft EIR, fully in compliance with State CEQA Guidelines and City guidelines, and will be circulated among the public agencies and the general public as well as specific individuals, organizations, and agencies expressing an

interest in receiving the document. During this task, Atkins will also compile the appendices that will be distributed with the Draft EIR and produce a version of the full document that can be uploaded onto the City's website. Atkins will also prepare a Notice of Completion (NOC) to accompany the copies that must be sent to the State Clearinghouse. This scope of work and budget assumes that Atkins will send the required documents to the State Clearinghouse and that the City will distribute the Draft EIRs to all other recipients.

Deliverables:

- Thirty five hard copies of the Draft EIR
- Two unbound hard copies of the Draft EIR
- One electronic copy of the Draft EIR in MS Word
- One electronic copy of the Draft EIR in PDF format
- Notice of Completion
- Fifteen electronic copies of the Draft EIR to the State Clearinghouse

City Involvement: Review the Notice of Completion and, outside of the State Clearinghouse, handle noticing and distribution of the Draft EIRs.

Task 8. Public Review and Hearing

Purpose: To participate in a public hearing providing an opportunity for interested community members and agencies to review and comment on the Draft EIR.

Discussion: The City will provide for a 45-day period during which the public will have an opportunity to review, digest, and comment on the Draft EIR. During the 45-day review period, the City will hold a public hearing to receive comments on the Draft EIR. Atkins key team members will attend and participate as requested. Preparation of meeting materials such as PowerPoint presentations and additional handouts will be billed on a time and materials basis.

City Involvement: Distribute documents, accept comments, and hold public meeting.

Task 9. Draft Responses to Comments

Purpose: To prepare responses to the comments received on the Draft EIR, and incorporate these responses into an Administrative Final EIR for City review.

Discussion: All substantive comments for each written and oral comment will be reviewed, bracketed, and coded for a response. Prior to preparing responses, Atkins will meet with staff to review the comments and suggest strategies for preparing responses. This step is desirable to ensure that all substantive comments are being addressed and that the appropriate level of response will be prepared. This scope of work and budget assumes Atkins will prepare responses for up to 100 substantive discrete, non-repeating comments (comments on project merits or repetitive comments are not considered discrete comments) and will coordinate integrating the responses prepared by other consultants. However, the number and content of public comments is unknown at this time. Therefore, following the close of the Draft EIR public review period and receipt of all public comments, Atkins will meet with the City to revisit the budget associated with this effort to determine if additional hours are needed.

Frequently raised comments of a substantive nature may be responded to in a Master Response, which allows for a comprehensive response to be presented upfront for all interested

commentors. Atkins will identify and recommend possible Master Responses for City consideration during the initial meeting to discuss strategies for preparing responses.

Following the strategy session, Atkins will prepare Master Responses (as appropriate) and individual responses to the bracketed and coded comments. Individual responses to each comment letter will be placed immediately after the comment letter. As necessary, responses may indicate text revisions, in addition to clarifications and explanations. All text changes stemming from the responses to the comments, as well as those suggested by City staff, will be compiled into a section of the Responses to Comments document.

Following City's review of the Draft Response to Comments document, Atkins will address all comments received and prepare a Screencheck Response to Comments document. The City will review the Screencheck Response to Comments document to ensure that all comments on the Draft were adequately addressed. The product of this task will be a Responses to Comments document that:

- Lists the commentors
- Presents responses to substantive comments
- Revises the Draft EIR as necessary in response to comments
- Reproduces the comment letters and transcripts/minutes of the public hearing.

Deliverable:

- Five copies of the Draft Responses to Comments document in Word format.
- Five copies of the Screencheck Responses to Comments document in Word format

City Involvement: Review and comment on draft responses; assist with response to comments on process, procedures, and City policy. Participate in strategy session to provide guidance on the responses to comments.

Task 10. Final EIR

Purpose: To prepare a Final Responses to Comments document for City Council certification.

Discussion: Based on comments received from City staff, the Screencheck Responses to Comments will be revised and appropriate revisions to the Draft EIR will be noted. The Final EIR will then consist of the Draft EIR and the Responses to Comments document. Revisions to the Draft EIR will be presented as a separate chapter in the Final EIR. The revised Responses to Comments document will be submitted to the City for discussion by the Planning Commission and subsequent certification by the City Council.

Deliverables:

- Twenty hard copies of the Final EIR
- One electronic copy of the Final EIR in MS Word
- One electronic copy of the Final EIR in PDF format

Task 11. Certification Hearings and MMRP

Purpose: Attend meetings to certify the EIR.

Discussion: Team members will attend and participate in up to three meetings to certify the EIR. If requested by City staff, Atkins will present the conclusions of the EIR and a summary of the comments and responses.

In addition, as part of this task, Atkins will prepare a draft and final Mitigation and Monitoring and Reporting Program for the project, as required by Section 15097 of the State CEQA Guidelines. Key components of the program will be identified in a tabular format:

- The mitigation measures to be implemented
- The entity responsible for implementing a particular measure
- The entity responsible for verifying that a particular measure has been completed
- A monitoring milestone(s) or action(s) to mark implementation/completion of the mitigation measure

Deliverables:

- Five hard copies of the Draft Mitigation Monitoring and Reporting Program in Word format.
- Five hard copies of the Final Mitigation Monitoring and Reporting Program in Word format.
- One electronic copy of the Final Mitigation Monitoring and Reporting Program in MS Word
- One electronic copy of the Final Mitigation Monitoring and Reporting Program in PDF format

City Involvement: Organize, announce, and conduct meetings; and review and comment on the draft Mitigation and Monitoring and Reporting Program.

Task 12. Meetings

Purpose: To attend meetings to accomplish the above tasks.

Discussion: Team members will attend and participate in meetings on an as-needed basis. For purposes of the cost estimates, Atkins has assumed four staff and/or Project Sponsor face-to-face meetings, up to three public hearings, and 10 phone conference calls. Additional meetings may be appropriate during the course of this effort, and will be invoiced on a time-and-materials basis. The estimated cost for additional meetings is included in the discussion of the project budget.

City Involvement: Organize, announce, and conduct meetings; prepare materials; follow-up.

Task 13. Project Management

Purpose: Effectively manage the above tasks, and maintain communication with City staff.

Discussion: Atkins project management will be responsible for project coordination activities and will maintain QA/QC requirements for document preparation, and will monitor schedule and performance for all EIR work tasks. Project management subtasks also include maintaining internal communications among Atkins staff and subconsultants and with City staff and other team members through emails and frequent phone contact, as well as the preparation of all

correspondence. The project manager will coordinate internal staff, project guidance, and analysis criteria.

Also included in this Project Management task is the resubmittal of the revised site plans by the applicant on July 23, 2012. As included in Phase 1 of this scope/budget, Atkins reviewed the original site plans and provided comments and a data needs list. In addition, Atkins had started on a draft of the NOP and the Project Description. With submittal of the revised plans, Atkins will review the plans, compare them with the previously-submitted data needs list, revise the NOP, and edit the Project Description.

City Involvement: Coordination with Atkins Project Manager.

Commonwealth Corporate Center EIR Budget - Phase 2



	Project Director	Project Manager	Deputy Project Manager	Environmental Planner	Senior Scientist - Geology/Hazards/Hydrology	Senior Scientist - Cultural/Noise & GIS Analyst - Shadows	Senior Scientist - AQ/GHG	Administrative/Word Proc./Accounting	Hours Per Task	Atkins Labor Per Subtask	Atkins Labor Per Task
PHASE 2											
Task 4 Administrative Draft I											\$ 58,625
Introduction		1		2					3	\$ 320	
Environmental Analysis		1		2					3	\$ 320	
Impacts Found to be Less Than Significant	1	3	4	8		4			20	\$ 2,185	
Aesthetics	1	4	28						33	\$ 3,415	
Transportation/Traffic	1	5	16						22	\$ 2,505	
Air Quality	1	4					60		65	\$ 7,795	
Greenhouse Gas Emissions	1	3					40		44	\$ 5,325	
Noise	1	4		12		40			57	\$ 6,795	
Cultural Resources	1	3				30			34	\$ 4,475	
Geology and Soils		3			21				24	\$ 3,555	
Hydrology/Flood Impacts		3			24				27	\$ 3,990	
Hazardous Materials	1	3			24				28	\$ 4,205	
Population and Housing	1	3		24					28	\$ 2,525	
Public Services	1	3	4	24					32	\$ 2,885	
Utilities	1	3	4	28					36	\$ 3,185	
Production	1	2	12	2				32	49	\$ 5,145	
Project Alternatives and Other CEQA Considerations											
Other CEQA Statutory Considerations		4		8					12	\$ 1,280	\$ 6,760
Alternatives	1	6	28	4	4	4	3		50	\$ 5,480	
Screencheck Draft EIR	2	16	32	16	21	12	16	18	133	\$ 15,505	\$ 15,505
Prepare Draft EIR	1	4	7	10	2	2	2	8	36	\$ 3,885	\$ 3,885
Public Review and Hearings	1	5	5						11	\$ 1,515	\$ 1,515
Prepare Draft Responses to Comments	2	24	32	20	24	16	24	20	162	\$ 19,230	\$ 27,425
Prepare Screencheck Responses to Comments	1	12	18	12	8	4	8	8	71	\$ 8,195	
Prepare Final EIR	1	4	8	8				8	29	\$ 3,055	\$ 3,055
Certification Hearings	1	5	5						11	\$ 1,515	\$ 2,260
MMRP		2		4				1	7	\$ 745	
Meetings	2	14	14						30	\$ 4,070	\$ 4,070
Project Management		34	26						60	\$ 8,120	\$ 8,120
Total Hours (Phase 2)	24	178	243	184	128	112	153	95	1117		
Hourly Rate	\$ 215	\$ 170	\$ 90	\$ 75	\$ 145	\$ 125	\$ 115	\$ 105			
Total Labor Cost (Phase 2)	\$ 5,160	\$ 30,260	\$ 21,870	\$ 13,800	\$ 18,560	\$ 14,000	\$ 17,595	\$ 9,975		\$ 131,220	\$ 131,220
Other Direct Costs (Printing, Mileage, Records Search, etc.)											\$ 7,000
10% Administration Fee											\$ 700
Total Phase 2 Atkins EIR Cost											\$ 138,920
DKS Associates Phase 2											\$ 50,488
10% Administration Fee											\$ 5,049
Total Phase 2											\$ 194,457

Scope of Work – Phase 1

The following tasks will provide a transportation impact analysis report that meets current City of Menlo Park and San Mateo County Congestion Management Program (CMP) requirements, and provide focused information on the proposed project.

Task 1: Data Collection and Field Reconnaissance

There are 29 study intersections and 12 roadway segments assumed in this analysis and are shown in Figure 1. These are:

Intersections:

1. Marsh Road and Bayfront Expressway
2. Marsh Road and Independence Drive
3. Marsh Road and US 101 NB Off-Ramp
4. Marsh Road and US 101 SB Off-Ramp
5. Marsh Road and Scott Drive
6. Marsh Road and Bay Road
7. Marsh Road and Middlefield Road
8. Independence Road and Constitution Drive
9. Chrysler Drive and Bayfront Expressway
10. Chrysler Drive and Constitution Drive
11. Chrysler Drive and Jefferson Drive
12. Chrysler Drive and Independence Drive
13. Jefferson Drive and Constitution Drive
14. Chilco Street and Bayfront Expressway
15. Chilco Street and Constitution Drive
16. Chilco Street and Terminal Avenue
17. Willow Road and Bayfront Expressway
18. Willow Road and Hamilton Avenue
19. Willow Road and Ivy Drive
20. Willow Road and O'Brien Drive
21. Willow Road and Newbridge Street
22. Willow Road and Bay Road
23. Willow Road and Durham Street
24. Willow Road and Coleman Avenue
25. Willow Road and Gilbert Avenue
26. Willow Road and Middlefield Road
27. University Avenue and Bayfront Expressway
28. Middlefield Road and Ravenswood Avenue
29. Middlefield Road and Ringwood Avenue

Residential and Non-Residential Roadway Segments:

1. Marsh Road between Bohannon Drive and Scott Drive
2. Marsh Road between Bohannon Drive and Bay Road
3. Chrysler Drive between Constitution Drive and Bayfront Expressway
4. Chrysler Drive between Jefferson Drive and Constitution Drive
5. Chilco Street between Constitution Drive and Bayfront Expressway
6. Constitution Drive between Independence Drive and Chrysler Drive
7. Constitution Drive between Chrysler Drive and Jefferson Drive
8. Constitution Drive between Jefferson Drive and Chilco Street
9. Jefferson Drive between Chrysler Drive and driveway
10. Jefferson Drive between driveway and Constitution Drive
11. Independence Drive between Constitution Drive and Chrysler Drive
12. Commonwealth Drive between Chrysler Drive and end of public roadway section of Commonwealth Drive

Field Reconnaissance

DKS staff will conduct field visits during the AM and PM peak periods on a typical weekday (Tuesday, Wednesday or Thursday). DKS will observe:

- Traffic patterns and circulation in the site vicinity
- Study intersection lane geometrics
- Traffic control
- Pedestrian circulation and facilities/amenities
- Proximity of public transit service
- Sight distance issues at study intersections
- Potential access issues

Task 2a: Transportation Impact Analysis

Task 2 will be distributed between Task 2a (Phase 1) and Task 2b (Phase 2). Task 2a will include the initial tasks for the Transportation Impact Analysis, which could include a combination of the following:

Background Trip Generation and Distribution

Background related traffic will be based on planned and approved projects based on the most current list provided by the City of Menlo Park. Several projects on the City's most current list may not be included in the most recent CSA, and may need to be added to the background scenario. DKS will use standard trip generation rates published in the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The distribution and assignment of the background trips will be based on the City's TIA Guidelines and CSA documents.

Project Trip Generation and Distribution

DKS will estimate trip generation rates for the proposed project based standard trip

generation rates published in the most recent edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*.

The distribution and assignment of the project trips will be based on the assumptions used in the City of Menlo Park's TIA Guidelines as well as recently conducted traffic studies, the prevailing travel patterns on the adjacent roadway network, abutting land uses, travel time characteristics and our knowledge of the study area.

Study Intersection Traffic Analysis

The AM and PM peak hour operational Levels of Service (LOS) will be analyzed at the study intersections. The analysis will include the following scenarios:

- Existing Condition
- Near Term Condition
- Near Term Plus Project Condition
- Long Term Condition
- Long Term Plus Project Condition

All study intersections will be evaluated during the AM and PM peak hours using the TRAFFIX software and the 2000 Highway Capacity Manual methodology. This traffic analysis will permit estimates of average vehicle delays on approaches that experience LOS "F" conditions. For any impact found to be significant, we will determine the traffic contribution from the proposed project.

The exact scenarios will be determined in conjunction with City staff after the close of the comment period of the Notice of Preparation of the EIR. This proposal assumes a maximum of 5 scenarios (see attached). Additionally, the analysis will include Menlo Gateway-related project trips and suggested mitigation measures as detailed in the EIR and the mitigation measures suggested in the Facebook EIR.

Project Alternatives

DKS will quantitatively analyze up to two project alternatives. The assessment will include a comparison of trip generation potential and a narrative regarding the potential for differences in project-generated near term and long term impacts.

Arterial and Collector Streets Assessment

DKS will estimate the daily traffic on nearby minor arterials and collector streets and estimate whether the proposed project will result in a significant impact under the City's significance criteria. There are 11 roadway segments assumed to be included in the daily traffic analysis (as listed above).

For any study intersections or roadway segments not in Menlo Park, DKS will apply the local agency's adopted analysis methods and significance criteria.

Site Plan and Parking Evaluation

To the extent that the site plan has been developed, DKS will review the site plans for the project site, and access locations with respect to on-site traffic circulation, proposed site access and operational safety conditions. Particular attention will be given to the spacing of traffic signals and access intersections, parking structure layout, on-site queuing along drive aisles and at parking access locations, and queuing at the main project access points from Bayfront Expressway and Marsh Road.

We will also review the proposed parking supply in light of the anticipated demand, and compare these figures to the requirements of the City of Menlo Park Parking Code. Feasible traffic and parking modifications will be evaluated and suggested in the study report.

Circulation Element Conformance

DKS will review the proposed project with respect to the existing General Plan Circulation Element policies.

Pedestrian Conditions, Bicycle Access and Transit Impacts Analysis

DKS will review the proposed project with respect to the potential effects on pedestrian and bicyclist facilities. This includes sidewalks, bicycle lanes, and amenities to promote the safe use of alternate modes of transportation, and connections to the existing bicycle and pedestrian network and Bay Trail. The analysis will consider the project's proposed elements with respect to the City's Bicycle Plan and Sidewalk Master Plan.

DKS will estimate the potential number of additional transit riders that may be generated by the proposed project, and qualitatively assess whether they would constitute an impact on transit load factors.

San Mateo County CMP Analysis

The proposed project will be subject to review by the San Mateo County Congestion Management Program (CMP) and its requirements. As such, DKS will evaluate the following Routes of Regional Significance as shown in Figure 1:

1. SR 84: US 101 to Willow Road (NB)
2. SR 84: Willow Road to University Avenue (NB)
3. SR 84: University Avenue to County Line (SB)
4. SR 109: US 101 to Bayfront Expressway (EB)
5. SR 114: US 101 to Bayfront Expressway (EB)
6. US 101: North of Marsh Road (NB)
7. US 101: Marsh Road to Willow Road (SB)
8. US 101: Willow Road to University Avenue (NB)
9. US 101: South of University Avenue (SB)

The identification of the potential impacts of adding project-generated trips to these routes will be examined. This will include the volume of project-generated traffic added to the

US 101/Willow Avenue and US 101/Marsh Road interchange ramps and adjacent freeway segments. Evaluation of the CMP routes will be based on the most recently approved CMP Traffic Impact Analysis guidelines in the Land Use section of the CMP.

Planned Transportation Improvements

DKS will incorporate any planned transportation improvements as part of the EIR analysis. We will consider the timing and funding for any improvements prior to its inclusion in the analysis.

Development of Mitigation Measures

DKS will discuss specific mitigation measures to address project traffic impacts. We will provide a table comparing analysis results before and after mitigation, and follow the TIA guidelines for mitigation measure preparation. While a TDM program may be recommended as a mitigation measure, a detailed TDM program is not part of the EIR report.

Should significant impacts be identified, DKS will recommend the mitigation measures needed to alleviate such impacts and improve operational conditions. Potential impacts may include those to intersections, roadways, on-site circulation and access, as well as parking, bicyclist, pedestrian and transit operations. The analysis shall first concentrate on short-term strategies that can be implemented by the applicant, and then longer-term joint effort strategies.

Mitigation measures identification and selection process will be coordinated with City staff. As part of this task, DKS will provide conceptual drawings and corresponding construction cost estimates for recommended improvement measures, up to the budget resources available.

Task 6: Meetings (1)

This work scope for Phase 1 includes up to one meeting related to this project.

BUDGET

The estimated not-to-exceed budget for the Phase 1 proposed work scope is \$24,992, which includes all data collection, overhead/expenses. A spreadsheet showing the key project personnel, their hourly rates and expected time to be spent on the project is included with this proposal (Exhibit 1). Present workload of all assigned DKS personnel will allow them to complete the planned work within the identified project schedule.

Following review of this work scope by City staff, DKS will make any necessary changes and prepare a revised work scope and budget estimate.

Scope of Work – Phase 2

The following tasks will be conducted in Phase 2 to meet current City of Menlo Park and San Mateo county Congestion Management Program (CMP) requirements and provide focused information on the proposed project.

Task 2: Transportation Impact Analysis

Background Trip Generation and Distribution

Background related traffic will be based on planned and approved projects based on the most current list provided by the City of Menlo Park. Several projects on the City's most current list may not be included in the most recent CSA, and may need to be added to the background scenario. DKS will use standard trip generation rates published in the most recent edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*. The distribution and assignment of the background trips will be based on the City's TIA Guidelines and CSA documents.

Project Trip Generation and Distribution

DKS will estimate trip generation rates for the proposed project based standard trip generation rates published in the most recent edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*.

The distribution and assignment of the project trips will be based on the assumptions used in the City of Menlo Park's TIA Guidelines and C/CAG travel demand model as well as recently conducted traffic studies, the prevailing travel patterns on the adjacent roadway network, abutting land uses, travel time characteristics and our knowledge of the study area. The C/CAG travel demand model will be used to determine the vehicle trip path choice by running a future year analysis with and without the project increment. The running of the model will be performed by the VTA and DKS will analyze the model outputs to determine the likely vehicle trip path choice.

Study Intersection Traffic Analysis

The AM and PM peak hour operational Levels of Service (LOS) will be analyzed at the study intersections. The analysis will include the following scenarios:

- Existing Condition
- Near Term Condition
- Near Term Plus Project Condition
- Long Term Condition
- Long Term Plus Project Condition

All study intersections will be evaluated during the AM and PM peak hours using the TRAFFIX software and the 2000 Highway Capacity Manual methodology. This traffic analysis will permit estimates of average vehicle delays on approaches that experience LOS "F" conditions. For any impact found to be significant, we will determine the traffic contribution from the proposed project.

The exact scenarios will be determined in conjunction with City staff after the close of the comment period of the Notice of Preparation of the EIR. This proposal assumes a maximum of 5 scenarios (see attached). Additionally, the analysis will include Menlo

Gateway-related project trips and suggested mitigation measures as detailed in the EIR and the mitigation measures suggested in the Facebook EIR.

Project Alternatives

DKS will quantitatively analyze up to two project alternatives. The assessment will include a comparison of trip generation potential and a narrative regarding the potential for differences in project-generated near term and long term impacts.

Arterial and Collector Streets Assessment

DKS will estimate the daily traffic on nearby minor arterials and collector streets and estimate whether the proposed project will result in a significant impact under the City's significance criteria. There are 12 roadway segments assumed to be included in the daily traffic analysis (as listed above).

For any study intersections or roadway segments not in Menlo Park, DKS will apply the local agency's adopted analysis methods and significance criteria.

Site Plan and Parking Evaluation

To the extent that the site plan has been developed, DKS will review the site plans for the project site, and access locations with respect to on-site traffic circulation, proposed site access and operational safety conditions. Particular attention will be given to the spacing of traffic signals and access intersections, parking structure layout, on-site queuing along drive aisles and at parking access locations, and queuing at the main project access points from Bayfront Expressway and Marsh Road.

We will also review the proposed parking supply in light of the anticipated demand, and compare these figures to the requirements of the City of Menlo Park Parking Code. Feasible traffic and parking modifications will be evaluated and suggested in the study report.

Circulation Element Conformance

DKS will review the proposed project with respect to the existing General Plan Circulation Element policies.

Pedestrian Conditions, Bicycle Access and Transit Impacts Analysis

DKS will review the proposed project with respect to the potential effects on pedestrian and bicyclist facilities. This includes sidewalks, bicycle lanes, and amenities to promote the safe use of alternate modes of transportation, and connections to the existing bicycle and pedestrian network and Bay Trail. The analysis will consider the project's proposed elements with respect to the City's Bicycle Plan and Sidewalk Master Plan.

DKS will estimate the potential number of additional transit riders that may be generated by the proposed project, and qualitatively assess whether they would constitute an impact on transit load factors.

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The proposed project will be subject to review by the San Mateo County Congestion Management Program (CMP) and its requirements. As such, DKS will evaluate the following Routes of Regional Significance as shown in Figure 1:

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6. US 101: North of Marsh Road (NB)
7. US 101: Marsh Road to Willow Road (SB)
8. US 101: Willow Road to University Avenue (NB)
9. US 101: South of University Avenue (SB)

The identification of the potential impacts of adding project-generated trips to these routes will be examined. This will include the volume of project-generated traffic added to the US 101/Willow Avenue and US 101/Marsh Road interchange ramps and adjacent freeway segments. Evaluation of the CMP routes will be based on the most recently approved CMP Traffic Impact Analysis guidelines in the Land Use section of the CMP.

Planned Transportation Improvements

DKS will incorporate any planned transportation improvements as part of the EIR analysis. We will consider the timing and funding for any improvements prior to its inclusion in the analysis.

Development of Mitigation Measures

DKS will discuss specific mitigation measures to address project traffic impacts. We will provide a table comparing analysis results before and after mitigation, and follow the TIA guidelines for mitigation measure preparation. While a TDM program may be recommended as a mitigation measure, a detailed TDM program is not part of the EIR report.

Should significant impacts be identified, DKS will recommend the mitigation measures needed to alleviate such impacts and improve operational conditions. Potential impacts may include those to intersections, roadways, on-site circulation and access, as well as parking, bicyclist, pedestrian and transit operations. The analysis shall first concentrate on short-term strategies that can be implemented by the applicant, and then longer-term joint-effort strategies.

Mitigation measures identification and selection process will be coordinated with City staff. As part of this task, DKS will provide conceptual drawings and corresponding construction cost estimates for recommended improvement measures, up to the budget resources available.

Task 3: Two (2) Administrative Draft EIR Chapters

DKS Associates will document all work assumptions, analysis procedures, findings, graphics, impacts and recommendations in an Administrative Draft EIR Chapter for review and comments by City staff and the environmental consultant, Atkins. The Chapter will also include:

- Description of new or planned changes to the street system serving the site, including changes in driveway location and traffic control, if any
- Future Project Condition Volumes (ADTs, AM peak hour, PM peak hour)

- Project trip generation rates
- Project trip distribution
- Discussion of impact of project trips on study intersections
- Levels of service discussion and table for each study scenario
- Comparison table of Project Condition and Existing LOS along with average delay and percent increases at intersections
- Impacts of additional traffic volumes on city streets
- Intersection level of service calculation sheets (electronic and hard copy format)

We have assumed a total of two Administrative Drafts of the EIR Transportation Chapter. DKS will respond to one set of consolidated comments on the first Administrative Draft. The text, graphics and analysis will be modified as needed. The second Administrative Draft will then be prepared.

DKS will coordinate with the environmental consultant (Atkins) and provide pdf and WORD versions of the EIR Transportation Chapter to the environmental consultant, as well as intersection and roadway segment traffic data for use in air and noise analysis. Atkins will provide DKS with an outline of the format to be used for the EIR Transportation Chapter.

To support the EIR Transportation Chapter, DKS will provide a technical appendix. The appendix may include more detailed transportation analysis such as level of service calculations, technical memoranda that were developed as part of this proposal, and other supporting materials.

To expedite the review process, and if requested, DKS will provide a separate copy of the EIR Transportation Chapter with its appendix to City staff for their review.

Deliverable: Electronic Copy of Administrative Draft EIR Transportation Chapter (pdf, WORD)

Task 4: Draft EIR Transportation Chapter

DKS will respond to one set of consolidated comments on the second Administrative Draft EIR Transportation Chapter. The text, graphics and analysis will be modified as needed. The Draft EIR Transportation Chapter will then be prepared.

Deliverable: Electronic Copy of Draft EIR Transportation Chapter (pdf, WORD)

Task 5: Final EIR - Response to Comments

DKS will respond in writing to comments received on the Draft EIR Transportation Chapter. We have assumed preparation of comment responses as well as revisions to the responses based on City staff review.

Deliverable: Electronic Copy of Comments and Responses Memo [and Comments and Responses Matrix if requested] (pdf, WORD)

Task 6: Meetings (3)

This work scope includes up to 3 meetings related to this project. This includes two (2) project meetings and one (1) public hearings. Additional meetings beyond these two will be considered additional work.

BUDGET

The estimated not-to-exceed budget for this proposed work scope is \$50,488, which includes meetings and overhead/expenses. A spreadsheet showing the key project personnel, their hourly rates and expected time to be spent on the project is included with this proposal. Present workload of all assigned DKS personnel will allow them to complete the planned work within the identified project schedule.

Following review of this work scope by City staff, DKS will make any necessary changes and prepare a revised work scope and budget estimate.

Exhibit 1
EIR TRANSPORTATION REPORT -151 COMMONWEALTH DRIVE PROJECT
City of Menlo Park, CA

Fee Estimate Phase 2

Personnel & Hourly Billing Rates

Work Tasks	DKS Principal William Loudon \$245	Project Manager Paul Stanis \$120	Associate Engineer \$110	Admin/ Graphics \$100	Other Direct Costs	Total Hours	Total Fee
0 Project Administration	10	4		8	\$50		\$3,780
2b Transportation Impact Analysis	2	129	12		\$2,350	143	\$19,640
3 Admin Draft EIR Traffic Chapters (2)	4	80	8	30	\$100	122	\$14,560
4 Draft EIR Traffic Chapter	4	30	4	4	\$100	42	\$5,520
5 Response to Comments on DEIR (Final EIR Comment Responses)	2	24	2	2	\$100	30	\$3,890
6 Meetings (4)	6	12			\$188	18	\$3,098
Subtotal	28	279	26	44	\$2,888	355	\$50,488
<p>Other Direct Costs include printing, mileage, deliveries, etc.</p> <p style="text-align: right;">Total Budget: \$50,488</p>							



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Scope of Work – Air Quality and Greenhouse Gas Analyses

This presents the proposed scope of work for the preparation of an Air Quality EIR section for the 151 Commonwealth Drive, Menlo Park Project, as required by the 2011 Bay Area Air Quality Management District (BAAQMD) California Environmental Quality Act (CEQA) Guidelines.

In January 2012, the Superior Court for the Court of Alameda County issued a minute order granting a petition for writ of mandate and determined that BAAQMD failed to comply with CEQA in adopting its revised Guidelines. A writ of mandate vacating BAAQMD's adoption of the revised Guidelines was granted on February 14, 2012. BAAQMD has not issued additional guidance in light of the Court's decision. Under CEQA, it is ultimately up to the Lead Agency to determine which thresholds of significance and methodology to apply. Atkins believes that the use of the BAAQMD's 2011 Guidelines provide conservative thresholds and, therefore, unless the City has other significance thresholds, recommends the continued use of these thresholds until such time as revised thresholds are developed by the BAAQMD. It is Atkins' belief that should new thresholds be developed by the BAAQMD as a result of this lawsuit, the current thresholds will be more stringent. Therefore, any project held to the current BAAQMD thresholds would, at the minimum, maintain their significance findings.

Air Quality Analysis - Criteria Pollutants

Construction-related Emissions. Criteria pollutants are emitted from project-related construction and operational activities. Emissions are produced from both equipment and dust during construction and renovation activities. Operational emissions generated by project implementation are primarily associated with mobile sources; however natural gas usage, landscaping, maintenance, and stationary sources such as emergency generators and boilers also contribute to the emission of criteria air pollutants.

Emissions from construction typically result from material handling, traffic on unpaved or unimproved surfaces, demolition of structures, removal of debris, use of paving materials and architectural coatings, exhaust from construction worker vehicle trips, and exhaust from diesel-powered construction equipment. The project proposes to construct 237,000 square feet of general office building which is below the 277,000 square feet construction screening level for development projects within the BAAQMD. However, the details of the construction activities are unknown at this time and therefore may exceed some of the criteria anticipated in the screening analysis such as no overlap of any construction phases, extensive site preparation, or extensive material transport. Further the BAAQMD recommends the quantification of construction related emissions for GHG quantification and for the Health Risk Analysis (as discussed in their respective sections below) emissions from construction activities will be included in the emissions inventory for the proposed project. Criteria pollutant emissions associated with the construction activities will be estimated using the CalEEMod model and will be compared to the 2011 BAAQMD-adopted CEQA thresholds of significance. The modeling will include, at a minimum, reductions from the Basic Construction Mitigation Measures that are recommended for all construction activities. Should the project's operational activities exceed

thresholds, mitigation measures will be proposed to reduce emissions to below the thresholds or to the extent practicable.

Operational Emissions. The project proposes to construct 237,000 square feet of general office building. While this is below the 346,000 square feet operational screening level for development projects within the BAAQMD, the development may include research and development or biotech facilities and, therefore, do not qualify as normal office use. A full air quality analysis for operational activities must be quantified.¹ The total criteria pollutant emissions will be estimated using the CalEEMod model and will be compared to the 2011 BAAQMD-adopted CEQA thresholds of significance for daily and annual operational activities. This comparison will serve as the basis for determining if the project would result in a significant adverse impact when compared to the BAAQMD-adopted significance criteria. Should the project's operational activities exceed thresholds, mitigation measures will be proposed to reduce emissions to below the thresholds or to the extent practicable. Area source emissions from individual buildings will be determined based on the land use anticipated. Mobile emissions associated with project-related vehicle operations will use trip rates, vehicle trips, and vehicle trip lengths as identified in the project-specific transportation analysis if available or will use the modeling default assumptions.

According to BAAQMD CEQA Guidelines only net new emissions associated with a project are subject to CEQA. In order to accurately account for emission increases from the project, the net difference between existing (pre-project) and project emissions will be calculated. Further, unless accurate trip rates can be determined, all previous land use will assume no traffic thereby providing a conservative estimate of net project level emissions.

Air Quality Analysis - Health Risk Assessment

Atkins will evaluate the potential for adverse health effects associated with toxic air contaminant (TAC) exposures to residential and school site receptors in the vicinity of the project site. A preliminary evaluation TAC sources expected to contribute to local exposures include motor vehicles traveling on local roadways, trucks associated with local commercial facilities, and potential future onsite features operating under Air District permits. BAAQMD methodology suggests that cancer risk be evaluated with respect to diesel particulate matter (DPM) and total organic gases (TOG). Where applicable, cancer risk from TOGs will be derived using a weighted toxicity value developed through the speciation of TOG. The weighted toxicity value will incorporate the individual toxicity of each compound that makes up TOGs.

Construction-related Emissions. The determination of health risks from project-related construction is based predominantly on construction equipment exhaust. Typically construction activities considered in HRA assessments include project-related demolition, grading, excavation, infrastructure installation and foundation and structure construction. Construction emissions for diesel related exhaust as determined from the CalEEMod model above will be used to determine the concentration at nearby sensitive receptors. The ISTSC3 model will be used to determine concentrations of DPM and PM_{2.5} at the nearby receptors. These concentrations will be used to develop specific health risk and PM_{2.5} concentrations at the nearby receptors. These will be compared to the BAAQMD's thresholds of significance to determine project level impacts for

TAC Emissions Associated with the Operation of Existing/Proposed Local Sources. The BAAQMD recommends that TAC exposure from existing sources be evaluated to determine health risks associated

¹ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011, p. 3-2.

with locating sensitive receptors within 1,000 feet of existing sources or locating a potential source within 1,000 feet of an existing sensitive receptor. A screening level analysis, as included in Appendix D, was performed to identify all existing sources and potential receptors within 1,000 feet of the proposed project boundaries.

It is unknown if the project will implement stationary sources. If the project design includes a back-up generator, then a refined analysis will need to be conducted to determine the risk from the back-up generator. If the project does not include a back-up generator, an operational level analysis will not need to be considered. However, because the project is being designed to accommodate biotech or research and development uses, a caveat will be included in the analysis to determine maximum emissions that can be accommodated onsite before the cumulative threshold is reached, and that future tenants will need to provide permits or individual health risk assessments to prove that operations will not exceed cumulative levels. Should known onsite impacts exceed regulatory thresholds for acceptable levels of risk or PM concentrations, mitigation measures will be proposed to reduce anticipated risk. Airborne concentrations will be estimated for sources using the ISTSC3 dispersion model as recommended by BAAQMD in Recommended Methods for Screening and Modeling Local Risks and Hazards (BAAQMD May 2011). For each of the sources where emissions are exceeded Cancer Risk and PM_{2.5} emissions will be further modeled in order to show more accurate emissions of both risk categories.

The screening analysis identified 4 stationary sources, and 1 mobile source of TACs within the 1,000 foot radius. Of the 4 stationary sources, one is listed as being at the project site. Assuming this is still active as of the Notice of Preparation, the project will remove this risk from the area and therefore this source will count as a decrease in risk/concentration for the project area. None of these sources have estimated risk available from the BAAQMD screening tools and therefore a stationary source information request has been submitted.

Cumulative Emissions. Based on the results of the screening level analysis for stationary and mobile sources, quantitative estimates will be determined for cumulative excess lifetime cancer risks, non-cancer HIs, and PM_{2.5} concentrations associated with potential exposure for on-site and off-site receptors as applicable for each study area.

Where applicable, for off-site receptors, the project's contribution to cumulative cancer risk will be addressed both quantitatively and qualitatively. Based on the analysis of risk from the operation of the onsite stationary sources, a representative off-site receptor will be chosen. This receptor will be the one associated with the highest potential risk resulting from the project operation. In order to determine the cumulative risk, the potential risk from all sources within 1,000 feet of the proposed project will be evaluated and compared to the significance thresholds.

Greenhouse Gas Emissions Analysis

Climate change is defined as any significant change in the climate such as temperature, wind, precipitation, that lasts for decades or longer. Climate change is influenced by natural factors, natural process, and human activities which increase the level of greenhouse gases present in the atmosphere. Since the type and size of the proposed project precludes the use of the BAAQMD's screening levels (screening level is 53,000 square feet), greenhouse gas emissions from the project must be quantified. BAAQMD guidelines recommend that emissions from construction as well as all of the direct and indirect emissions from operational activities be quantified.

Climate change is considered a cumulative analysis in that impacts from one project, although not singularly able to directly influence climate change, will combine with the impacts from existing as well as other future projects to influence the levels of greenhouse gases in the atmosphere. Therefore, the climate change analysis will discuss the potential impacts on the study areas from climate change as well as the projects anticipated emissions of greenhouse gases.

Potential Impacts to Study Area. Climate change could have a number of adverse effects. Although these effects would have global consequences, in most cases they would not disproportionately affect any one site or activity. In other words, many of the effects of climate change are not site-specific except for sea level rise. Emission of greenhouse gases would contribute to the changes in the global climate, which would in turn, have a number of physical and environmental effects. However, the extent of these effects is unknown due to the unknown severity of climate change that will occur. The following potential effects which will be addressed qualitatively in the analysis: sea level rise and flooding; water supply; water quality; ecosystems and biodiversity; and human health impacts.

Construction-related Emissions. Emissions of carbon dioxide associated with the construction activities will be estimated using CalEEMod, in accordance with the BAAQMD's 2011 Guidelines as outlined under the criteria pollutant construction emissions.

Operational Emissions. Emissions of carbon dioxide equivalents (CO₂e) for operational emissions will be estimated using the CalEEMod model. The model will use default energy consumption and waste generation assumptions unless project specific data is provided by the project applicant. The total greenhouse gas emissions estimates will be compared to the 2011 BAAQMD-adopted CEQA thresholds of significance for greenhouse gas emissions. This comparison will serve as the basis for determining if the project would result in a significant adverse impact and whether features of project design are adequate to reduce emissions or if additional mitigation measures would be required to reduce impacts to below significance thresholds. Project design features or mitigation will be applied to reduce GHG emissions to the BAAQMD threshold or to the furthest extent possible.



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Air Quality Screening Analysis

A. GENERAL PROJECT INFORMATION:

Date: March 16, 2012

Project name: 151 Commonwealth Drive

Project address: 151 Commonwealth Drive, Menlo Park, CA

Cross streets: Commonwealth Drive & Independence Drive

Brief Project description: [Please be sure to include known construction information and any information on nearby non-permitted sources (truck distribution facilities, rail yards, ports, airports, etc.)]

The 151 Commonwealth Project will demolish the existing 190,000 square foot building and replace the building with 237,000 square feet of office type buildings. These two buildings will be 4-stories and will allow for flexible design for office, biotech, research and development uses.

Proposed project includes:

☐ New receptors¹ Type: (Residence, day care, hospital, etc.)

☒ New source² Type: (On-site back-up generator): Unknown back-up generator, laboratory type land use.

Location of closest sensitive receptor: School southeast across the adjacent rail spur (approximately 48 meters from edge of site to tennis courts on school property. Residential land uses southwest across the 101 Freeway (approximately 70 meters from edge of site to back yard of single family residential properties).

¹ Sensitive receptors are defined by BAAQMD as: children, adults or seniors occupying or residing in: 1) Residential dwellings, including apartments, houses, condominiums, 2) schools, colleges and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. On-site and off-site workers should not be considered receptors for this analysis, as significance thresholds for worker exposures have not been developed at this time. Exposures to off-site workers are evaluated in the permitting process. BAAQMD, *Recommended Methods for Screening and Modeling Local Risks and Hazards*, May 2011, page 12.

² Sources include projects that generate more than 10,000 vehicles/day or more than 1,000 trucks/day and projects that include stationary sources (common stationary sources include emergency back up generators, boilers, dry cleaning facilities, etc.). If a project includes a stationary source, you must also provide the estimated number of daily vehicle trips.

Estimated daily vehicles trips: N/A

☒ Construction and/or demolition activities or use of diesel equipment

Location of closest sensitive receptor: School southeast across the adjacent rail spur (approximately 48 meters from edge of site to tennis courts on school property. Residential land uses southwest across the 101 Freeway (approximately 70 meters from edge of site to back yard of single family residential properties).

Please use the space below to provide additional information regarding the project's use, stationary and mobile sources proposed by the project and intensity of construction and/or demolition activities.

The building owner is proposing to demolish the existing building, surface parking and landscaping on the property located on the east end of Commonwealth Drive. Two new four-story office buildings with new surface parking and new landscaping will be constructed on the site.

The existing building totaling 190,000 square feet will be demolished and replaced with two (2) new four-story office buildings totaling 237,000 square feet. The building floor plates and clear height allow a flexible design for office, biotech, research and development uses. The floor to floor heights are 16' on the 1st floor and 15' on all others, allowing for a minimum of 10' ceiling height to accommodate lab or office space on each floor. Key building / pedestrian features are a beautifully landscaped courtyard with abundant water features and outside dining areas and an internalized boulevard allowing significant individual building identity.

The building façade will utilize aluminum panels and high performance glass set in aluminum frames. This façade will provide energy saving benefits to the occupants while at the same time provide a striking look from Highway 101 and surrounding uses. A new parking lot layout will provide 864 parking stalls on-site for a parking ratio of 3.6 stalls per 1,000 square feet of building area. New landscaping of approximately 165,000 SF or ±31.25% of the site will enhance the property and the surrounding uses in the business park.

B. CRITERIA AIR POLLUTANTS

1) Preliminary Operational Criteria Air Pollutant Screening Analysis

Refer to Table 3-1 of the Bay Area Air Quality Management District's (BAAQMD) CEQA Air Quality Guidelines (Guidelines) for operational criteria air pollutant screening analysis. When screening criteria air pollutants, keep in mind the following:

- a) If the proposed project includes emissions from stationary sources, the screening tables should not be used.
 - b) If screening criteria are met, operational criteria air pollutant emissions will not result in a significant impact to air quality.
- ☐ The proposed project meets the operational criteria air pollutant screening criteria
- ☒ The proposed project **does not** meet the operational criteria air pollutant screening criteria
- ☐ Unknown whether the proposed project meets the operational criteria air pollutant screening criteria

If screening criteria are not met, emissions from area, mobile, and stationary sources must be quantified in an Air Quality Technical Report.

The project proposes to construct 237,000 square feet of general office building. While this is below the 346 ksf operational screening level for development projects within the BAAQMD, the development may include research and development or biotech facilities and therefore do not qualify as normal office use. Therefore a full air quality analysis for operational activities must be completed.³

2) Preliminary Construction Criteria Air Pollutant Screening Analysis

Refer to Table 3-1 of the BAAQMD CEQA Air Quality Guidelines for construction criteria air pollutant screening analysis. When screening criteria air pollutants, keep in mind the following:

- a) All Basic Construction Mitigation Measures identified in BAAQMD's CEQA Air Quality Guidelines (2011) would be included in the project design and implemented during construction; and
- b) Construction related activities would not include any of the following:
 - i) Demolition activities inconsistent with District Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing;
 - ii) Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);
 - iii) Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site-however, not applicable to high-density infill development);

³ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011, p. 3-2.

- iv) Extensive site preparation (i.e., greater than default assumptions used by URBEMIS for grading, cut/fill, or earth movement); or
- v) Extensive material transport (greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

- ☐ The proposed project meets the construction criteria air pollutant screening criteria
- ☐ The proposed project **does not** meet the construction criteria air pollutant screening criteria
- ☒ Unknown whether the proposed project meets the construction criteria air pollutant screening criteria

If the screening criteria are not met, average daily emissions from construction activities must be quantified in an Air Quality Technical Report.

The project proposes to construct 237,000 square feet of general office building which is below the 277,000 square feet construction screening level for development projects within the BAAQMD. However, the details of the construction activities are unknown at this time and therefore may exceed some of the criteria listed above, specifically b-ii, b-iv, and b-v.

C. HEALTH RISKS

1) Preliminary Single Source Health Risk Screening Analysis for New Receptors

This section should be completed for projects that include new sensitive receptors, or as indicated in Sections C.2 or C.3, below.

a. Stationary Sources within 1,000 ft Buffer of Project Site

[Identify all stationary sources of TACs within 1,000 feet of the project site and provide a graphic showing the project site, 1,000 ft buffer, and all stationary sources and roadways with traffic greater than 10,000 vehicles/day or 1,000 trucks/day (see C.2, below) within the buffer. If refined screening was conducted either through verification of source information with the BAAQMD or by applying appropriate distance adjustment factors, provide both the database information and the revised/adjusted information based on either correspondence with BAAQMD or supporting calculations. Table 1, included as must be appended to this form.]

☒ 1. Source Information is from BAAQMD database (GIS files) dated: [Include date of database information used]

☐ 2. Source Information has been verified by BAAQMD

Stationary Source Comments: [Discuss any additional information here. Additional information may include a discussion of whether risks were adjusted for distance or confirmation of when the source information was verified by BAAQMD and any differences between the database source information and verified source information.]

The list of stationary sources within 1,000 feet of the project site has been submitted to the BAAQMD for completion. While the project site itself is not considered a sensitive receptor, this information will be needed to determine the cumulative impacts to adjacent sensitive receptors from construction activities and potential onsite operations. No impacts from these sources are anticipated for the project site. The Stationary Source Information Form was submitted to the BAAQMD on 3/19/2012.

b. High Volume Roadways

[List all roadways within 1,000 feet of the project site with $\geq 10,000$ vehicles/day or with $\geq 1,000$ trucks/day in Table 1. To determine risks from highways, use BAAQMD's Highway Screening Analysis tool. Using these tools, provide the estimated cancer risk and PM_{2.5} risk.]

Specify Roadway Volume tool used: [Sources of traffic volumes include the Traffic Data Branch of the California Department of Transportation (Caltrans). Traffic Volumes (AADT) for all vehicles on CA state highways and truck traffic (AADTT) on CA state highways. <http://traffic-counts.dot.ca.gov/>]

Roadway Source Comments: [Discuss any additional information here.]

While the project site itself is not considered a sensitive receptor, impacts from roadways with greater than 10,000 ADT will be needed to determine the cumulative impacts to adjacent sensitive receptors with the inclusion construction activities and potential operational activities. No impacts from these sources are anticipated for the project site. Only the 101 Freeway is located within the 1,000 foot zone

of influence for the project site. Therefore, the only roadway source that will be considered with respect to cumulative impacts is the 101 Freeway.

c. Non Permitted Sources

Discuss whether there exist any non-permitted sources⁴ within 1,000 feet of the project site:

There are no non-permitted sources identified within the project site or the 1,000 foot zone of influence. Non-permitted sources are considered to be those facilities that generate significant emissions from on-road and off-road mobile sources such as distribution centers, rail yards, and bus terminals. Identification of the existence or lack of potential non-permitted sources was made through the use of Google Earth. While a rail spur exists adjacent to the site it is not considered a non-permitted source because the level of activity on the spur is not equivalent to that of a rail yard.

2) Preliminary Operational Health Risk Screening Analysis

This section should be completed for projects that include mobile or stationary sources.

- i. Would the project generate more than 10,000 vehicles/day or more than 1,000 truck trips/day?**

☐ Yes

☒ No

- ii. Would the project include any stationary sources, including backup generator(s) and boiler(s)?**

☒ Yes (unknown)

☐ No

If the answer to any of the questions in Section C.2 is yes, then an operational health risk assessment is required. To determine cumulative health risk impacts, complete Section C.1 and Section C.4.

3) Preliminary Construction Health Risk Screening Analysis

Use the construction screening table (Table 2 of *Screening Table for Air Toxics Evaluation During Construction*) to determine if the risk and hazard impacts from construction may exceed the screening criteria.

The screening table should not be used if the project in consideration has substantially different characteristics than those used to create the screening levels.⁵

⁴ Examples of non-permitted sources include: major ports, rail yards, distribution centers and truck-related businesses, airports, etc.

To compare the minimum offset distance from the project fenceline use the following:

- a. Project site acres if available.
- b. If the project site acreage is not available, use the number of units (residential) or square feet (commercial/industrial) of the project.
- c. If the project falls between two project sizes, use the larger of the two to be conservative. Do not interpolate between two project sizes.

☐ The proposed project meets the construction health risk screening buffer

☒ The proposed project **does not** meet the construction health risk screening buffer

If the project's nearest sensitive receptor is less than the minimum distance noted in Table 2 of *Screening Table for Air Toxics Evaluation During Construction*, a refined modeling analysis is required. To determine cumulative construction health risk impacts complete Section C.1 and Section C.4.

Construction Health Risk Screening Comments: [Discuss any additional information here.]

The project would involve demolition and then construction of a new structure. As determined by BAAQMD's Screening Tables for Air Toxics Evaluation During Construction based on the project site acreage the minimum distance required between the fence line of the construction site and a nearby sensitive receptor to ensure that cancer and non-cancer risks associated with the project are less than significant is 200 meters.⁶ The proposed project is across the 101 from single-family residential uses and across a rail road spur from a school site, therefore it would not meet the BAAQMD's screening methodology and will require refined modeling to accurately assess risk to nearby sensitive receptors during construction.

4) CUMULATIVE HEALTH RISKS

[Sum the results of all stationary sources, roadways with $\geq 10,000$ vehicles/day or 1,000 trucks/day, and any non-permitted sources in Table 1]

i. **The following cumulative health risk thresholds may be exceeded, requiring refined modeling:**

☒ Cancer Risk (100/million threshold)

☒ Hazard Index (10.0 threshold)

☒ Annual Average PM_{2.5} (0.8 $\mu\text{g}/\text{m}^3$)

5) SUMMARY OF HEALTH RISK ANALYSIS

⁵ In particular, the screening table should not be used if the project has overlapping construction phases. Longer phases or more extensive construction equipment use are additional examples of different project characteristics than traditional residential, commercial or industrial projects.

⁶ Bay Area Air Quality Management District, *Screening Tables for Air Toxics Evaluation During Construction*, May 2011, p 9.

- i. **The screening-level analysis found that the proposed project includes sensitive receptors and that at least one source exceeds the single source health risk thresholds, requiring refined modeling:**

☐ Yes
☒ No
☐ Unknown

- ii. **The screening-level analysis found that the proposed project includes sources that could affect nearby sensitive receptors**

☒ Yes (unknown)
☐ No
☐ Unknown

These sources include (or may include) the following: Unknown.

Notes: Need more detailed information on project operations before this can be determined.

- iii. **The screening-level analysis found that the proposed project includes construction activities that could affect nearby sensitive receptors**

☒ Yes
☐ No
☐ Unknown

Notes: [Use this space to include additional details.] It is within the screening distance established by the BAAQMD screening tables.

- iv. **The screening-level analysis found that cumulative health risks may be exceeded**

☐ Yes
☐ No
☒ Unknown –

Based on a screening-level analysis, the following cumulative health risk thresholds are exceeded:

☐ Cumulative Cancer Risk Thresholds Exceeded
☐ Cumulative PM_{2.5} Thresholds Exceeded
☐ Cumulative Non Cancer Thresholds Exceeded

Notes: [Use this space to include additional details.] Because the 101 freeway is less than the thresholds at the nearest sensitive receptors, and the emissions concentrations and screening level risk are not known yet for the nearby stationary sources or onsite construction or operational activities, it cannot be determined if potential cumulative health risks exist.

D. FINDINGS OF PRELIMINARY AIR QUALITY SCREENING ANALYSIS

1) Criteria Air Pollutants

A screening-level analysis found that the proposed project does not meet the following criteria air pollutant screening criteria and requires additional analysis:

- ☐ Project Operations
- ☐ Project Construction

2) Health Risks

A screening-level analysis found that the proposed project does not meet the following health risk screening criteria and requires additional analysis:

- ☐ Project would site new sensitive receptors that may be exposed to substantial pollutant concentrations [identify the health risk threshold potentially exceeded (e.g., cancer, PM_{2.5} or non-cancer risks)]
- ☒ Project includes operational sources of health risks
- ☒ Project would result in construction activities that may expose nearby sensitive receptors to substantial pollutant concentrations
- ☒ Cumulative health risk thresholds may be exceeded [identify health risk threshold potentially exceeded (e.g., cancer, PM_{2.5} or non-cancer risks)]

Considerations for Health Risk Assessment: [Please include a discussion regarding what sources should be included in the health risk assessment.]

The health risk assessment will include the following sources:

For project specific construction impacts to adjacent sensitive receptors sources will include all DPM and PM_{2.5} emissions from onsite equipment used during construction.

For project specific operational impacts to adjacent sensitive receptors, if an on-site source is identified.

For cumulative construction impacts to adjacent sensitive receptors sources would include the project specific construction impacts as well as the existing stationary sources and mobile sources identified for the project's zone of influence.

For cumulative operational impacts to adjacent sensitive receptors sources would include the project specific operational impacts as well as the existing stationary sources and mobile sources identified for the project's zone of influence.

Table 1. Stationary Sources, Roadways, and Non-permitted Sources within 1,000 feet of Project Site

Stationary Sources							
Plant ID	Plant Name	Address	Distance to Project Site	Cancer Risk	Annual Average PM2.5	Non-Cancer Risk	Exceeds Indiv. Threshold?
18855	Tyco Thermal Controls	307 Constitution Avenue	230	Contact District Staff	Contact District Staff	Contact District Staff	
3121	Tyco Thermal Controls	307 Constitution Avenue	230	Contact District Staff	Contact District Staff	Contact District Staff	
9573	Diageo North America	151 Commonwealth Drive	121	Contact District Staff	Contact District Staff	Contact District Staff	
1279	Caltrans	Rt 101	?	Contact District Staff	Contact District Staff	Contact District Staff	
Roadways with Traffic > 10,000 vehicles/day							
Roadway	Direction	Volume	Distance to Project Site	Cancer Risk	Annual Average PM2.5	Non-Cancer Risk	Exceeds Indiv. Threshold?
101 Freeway	N/S	211,000	50 ft	63.746	0.0610	0.062	Y
Non-Permitted Sources							
Facility Name	Facility Address	Source Type	Distance to Project Site	Description of Site Activities			
Cumulative Health Risk Impacts				UNK	UNK	UNK	
Cumulative Health Risk Thresholds				100	0.8	10.0	
Cumulative Health Risk Thresholds Exceeded				Y/N	Y/N	Y/N	

A Planning Department Submittal For:
Commonwealth Corporate Center
 151 Commonwealth Drive and 164 Jefferson Drive
 Menlo Park, CA 94025

REINFORCE BUILDING DEVELOPMENT

```

2010 CA1 FORM BUILDING CODE (CCJ TITLE 24 PART 1)
2011 CA1 FORM ELEC E CODE (CCJ TITLE 24 PART 1)
2012 CA1 FORM MECHANICAL CODE (CAJ TITLE 24 PART 1)
2013 CA1 FORM BUILDING CODE (CCJ TITLE 24 PART 1)
2014 CA1 FORM ELEC E CODE (CCJ TITLE 24 PART 1)
2015 CA1 FORM MECHANICAL CODE (CCJ TITLE 24 PART 1)
2016 CA1 FORM GREEN BUILDING STANDARDS CODE (CCJ TITLE 68 A 2 (1))

```

1 THE PROPOSED DEVELOPMENT WILL EXCEED THE REQUIREMENTS FOR THE APPLICABLE
2 (SINGLE- AND MULTIFAMILY) CHAPTERS OF THE 2011 CALIFORNIA BUILDING CODE (CBC).
3 BUILDINGS WERE MOVED FROM BASES ON SECTION 506 OF THE 2010 CBC.
4 BUILDINGS ARE TO BE CONSIDERED WITH AUTOMATIC FIRE (EMERGENCY)
5 ALERTS AND NOTIFICATION OF FRAMES SHALL BE DEEMED AS COMPLIANT WITH SECTION
6 1010 OF THE 2010 CBC.
7 THE EXISTING EQUIPMENT (EQUIPMENT) SHALL EXCEED THE THIRD-LEVEL (ELEVATION) ESTABLISHED IN
8 THE 2010 CBC (ELEVATION) BEYOND THE (ELEVATION) OF THE (ELEVATION) MUNICIPAL CODE.
9 THE EXISTING EQUIPMENT WILL EXCEED THE CALIFORNIA GREEN BUILDING STANDARD CODE IN
10 AFFECTION AT THE TIME OF BUILDING PERMIT SUBMITTAL ALONG WITH LOCAL AMENDMENT #
11 APPLICABLE.

THE SOBRAT ORGANIZATION

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VICINITY MAP

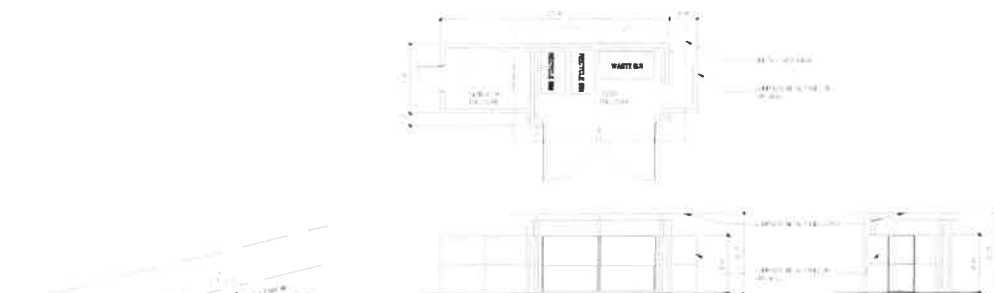
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• MODIFICATION SINCE PREVIOUS ISSUE	1
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COVER SHEET

LANDSCAPE

ARCHITECTURAL

CIVIL



3 TRASH/GENERATOR ENCLOSURE PLAN AND ELEVATION

NO.	DESCRIPTION	QTY	UNIT
1	TRASH/GENERATOR ENCLOSURE	1	SQ. FT.
2	WASTE	1	SQ. FT.
3	GENERATOR	1	SQ. FT.
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100	WASTE	1	SQ. FT.

KEY NOTES

1. TRASH/GENERATOR ENCLOSURE
2. WASTE
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100. WASTE

164 JEFFERSON DR PROJECT DATA

151 COMMONWEALTH DR PROJECT DATA

COMBINED SITE PROJECT DATA

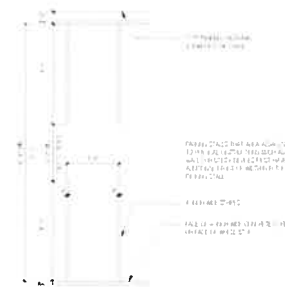
PARKING ANALYSIS

NO.	DESCRIPTION	QTY	UNIT
1	PARKING STALLS	1	SQ. FT.
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1 SITE PLAN

2 TYPICAL ONE SIZE FITS ALL PARKING STALL



3 TYPICAL ONE SIZE FITS ALL PARKING STALL



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A Planning Department Submittal for
COMMONWEALTH CORPORATE CENTER
151 Commonwealth Drive and 164 Jefferson Drive
Mentor Park, California 94025

SOBRATO

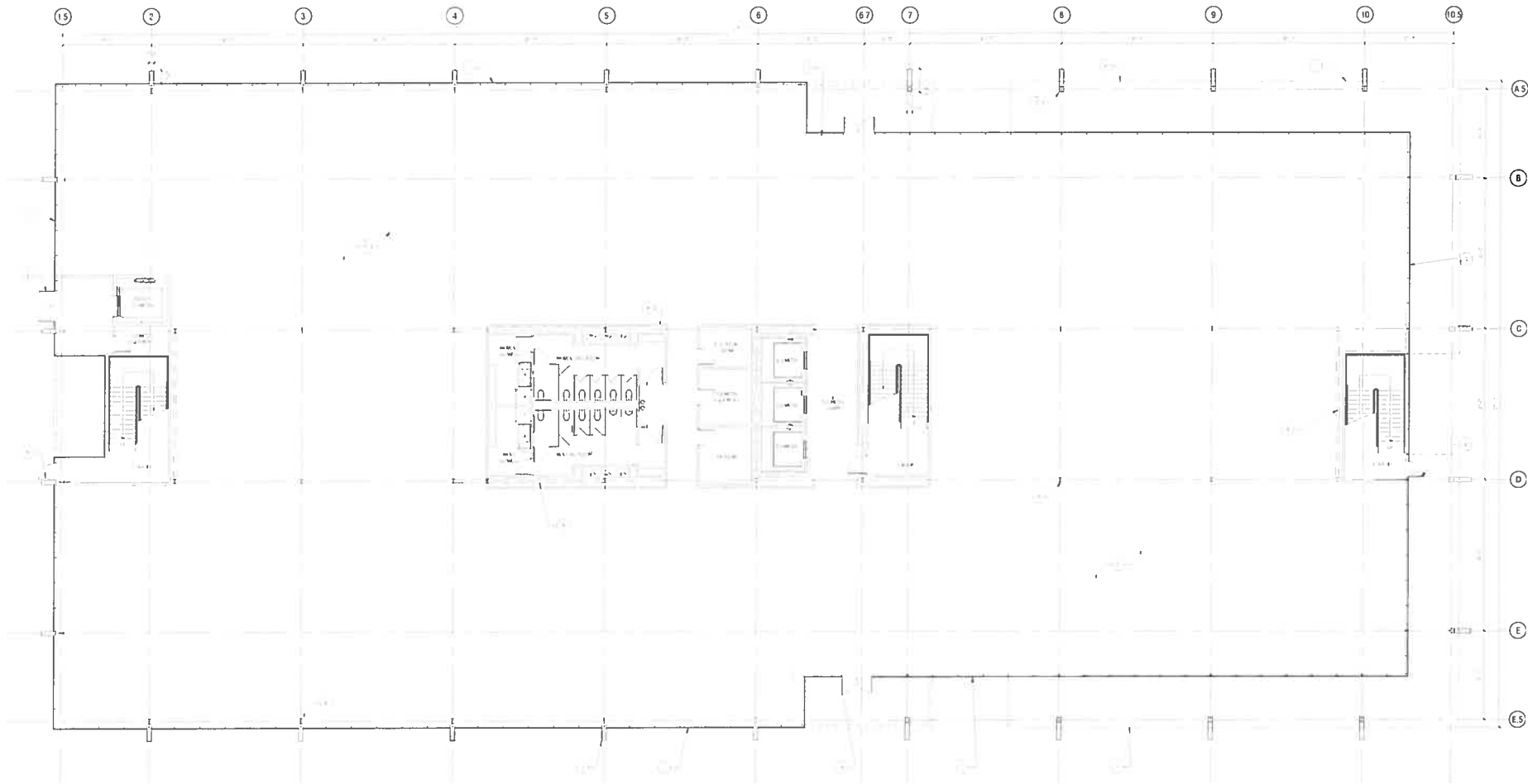
DATE	DESCRIPTION
2/1/2000	PRELIMINARY



SITE PLAN

A1.01

PROJECT NO. 10000



1 OFFICE BUILDING FIRST LEVEL FLOOR PLAN

KEY NOTES

1. FINISH FLOOR (CEILING) TO FINISH FLOOR (CEILING) - 10'0" (3.05M)
2. FINISH FLOOR (CEILING) TO FINISH FLOOR (CEILING) - 10'0" (3.05M)
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10. FINISH FLOOR (CEILING) TO FINISH FLOOR (CEILING) - 10'0" (3.05M)

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Beverly Hills, California 90210
405 476 2075 • 405 476 2111
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151 Commonwealth Drive and 164 Jefferson Drive
Menlo Park, California 94025

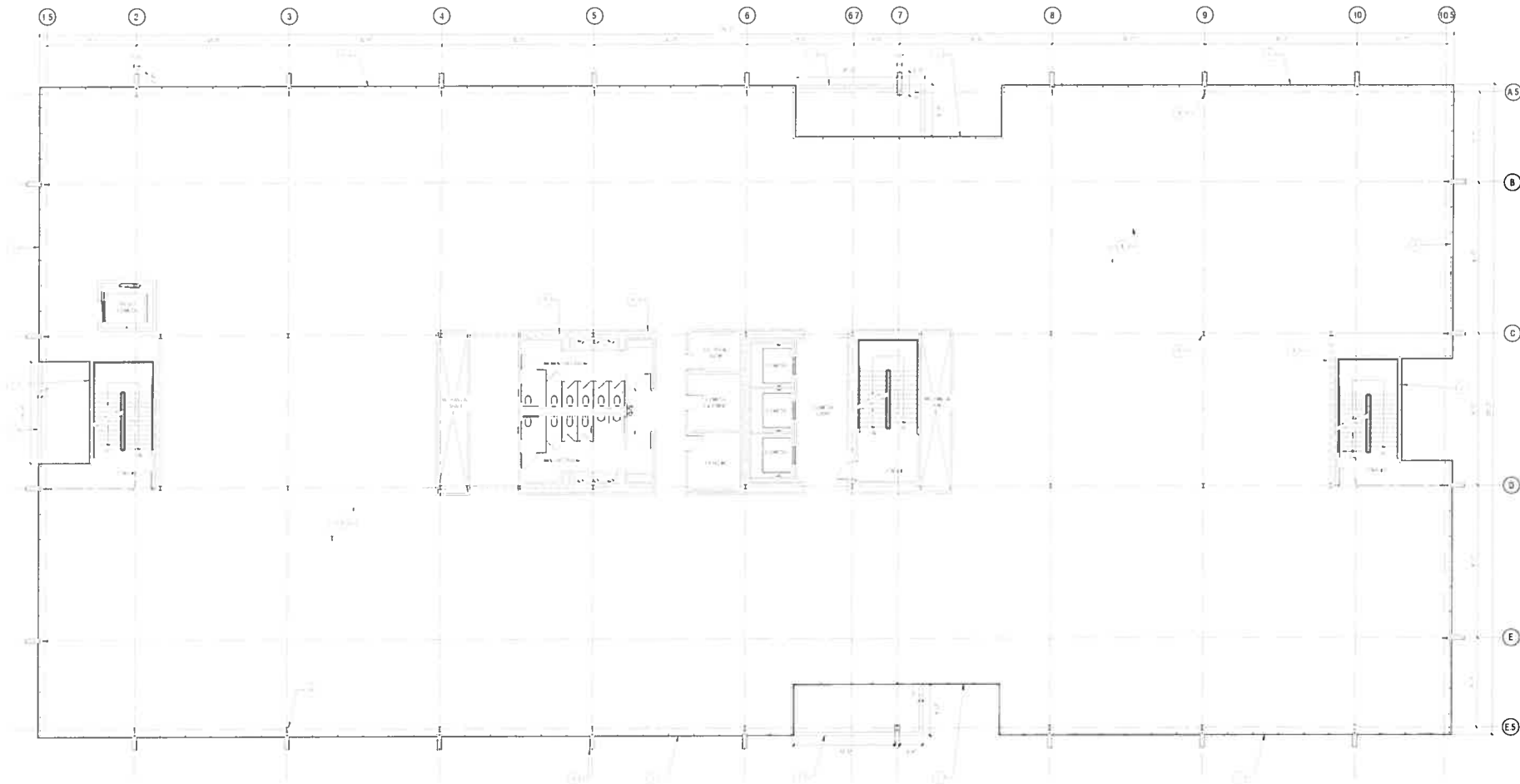
SOBRATO

DATE	DESCRIPTION
11/11/11	REVISIONS TO SUBMIT

OFFICE BUILDING
FIRST LEVEL FLOOR PLAN

A2.11

PROJECT NO. 1111111111



1 OFFICE BUILDING - TYPICAL UPPER FLOOR PLAN

KEY NOTES

1. FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.
2. FLOOR FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.
3. WALL FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.
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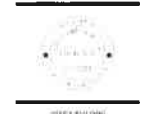
A Planning Department Submittal for
COMMONWEALTH CORPORATE CENTER
 151 Commonwealth Drive and 164 Jefferson Drive
 Menlo Park, California 94025



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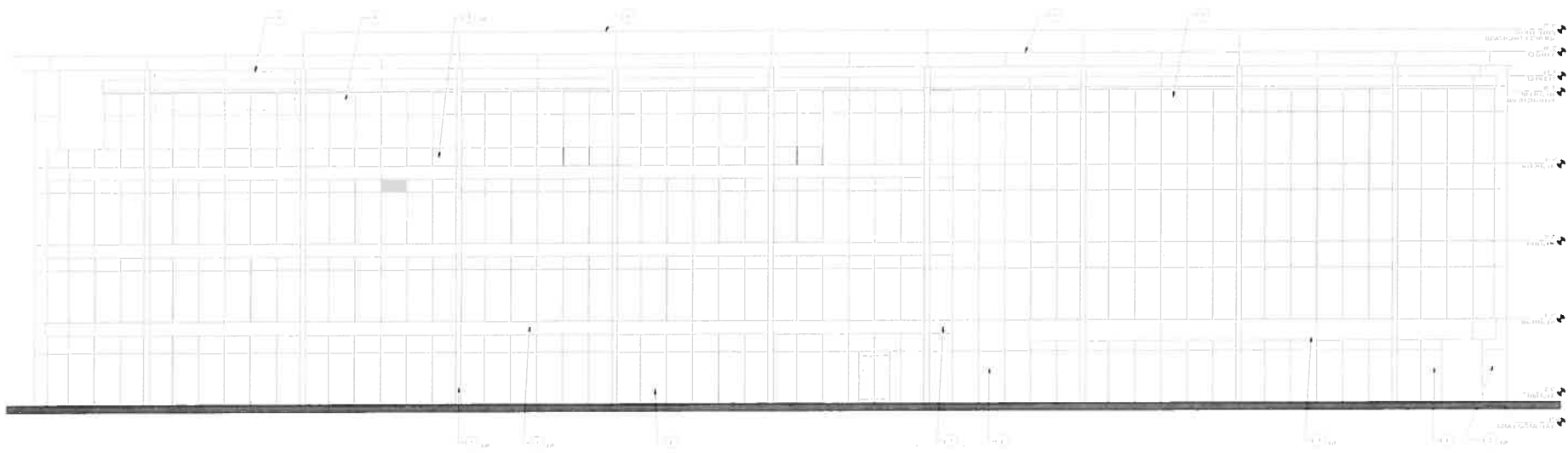
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11/25/2010

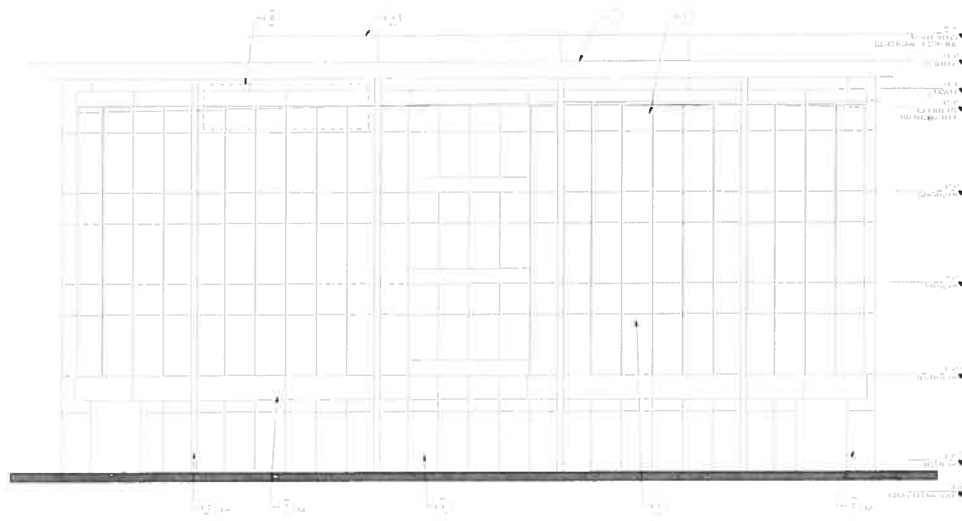


A2.12

PROJECT NO. 112540



① BUILDING '1' SOUTH ELEVATION / BUILDING '2' WEST ELEVATION



② BUILDING '1' EAST ELEVATION / BUILDING '2' SOUTH ELEVATION

KEY NOTES

1. 1/4" = 1'-0" SCALE FOR ALL ELEVATIONS UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN METERS.
3. CURBS AND WALKWAYS ARE TO BE CONCRETE.
4. 1/4" = 1'-0" SCALE FOR ALL ELEVATIONS UNLESS OTHERWISE NOTED.
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10. 1/4" = 1'-0" SCALE FOR ALL ELEVATIONS UNLESS OTHERWISE NOTED.



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A Planning Department Submittal for
COMMONWEALTH CORPORATE CENTER
151 Commonwealth Drive and 164 Jefferson Drive
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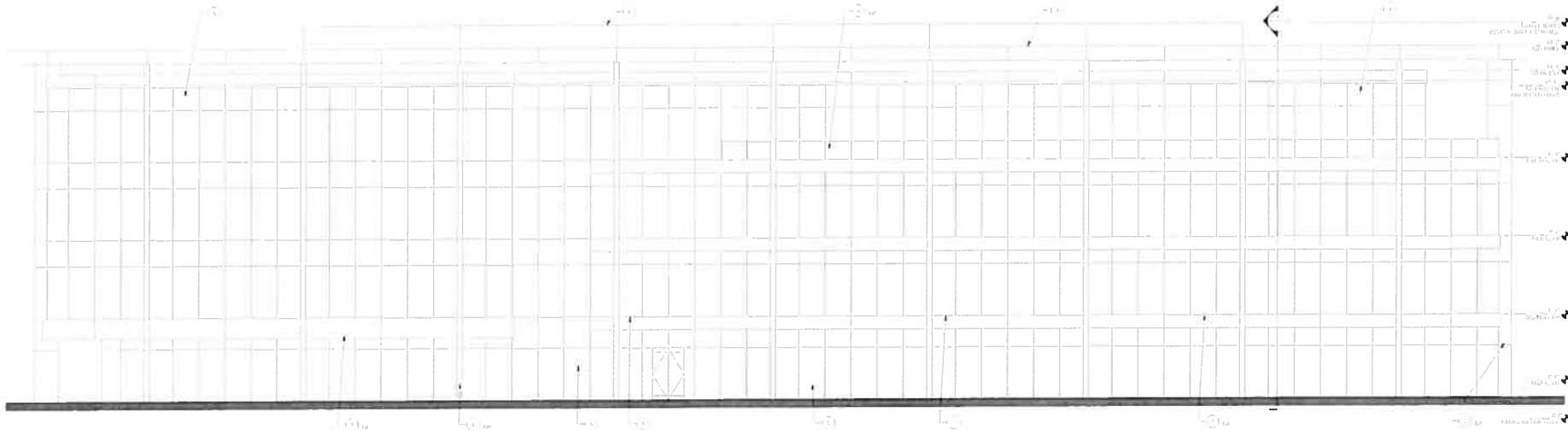
DATE	DESCRIPTION
1/1/2000	ISSUED FOR REVIEW



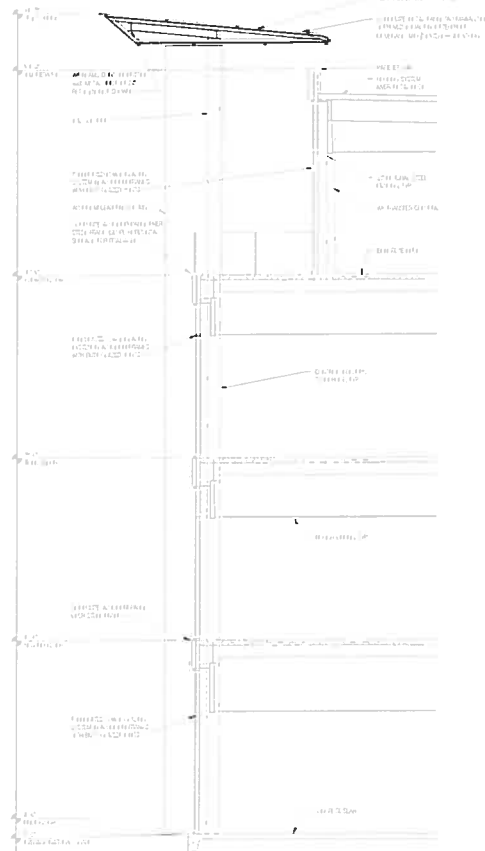
OFFICE BUILDING
EXTERIOR ELEVATIONS

A3.01

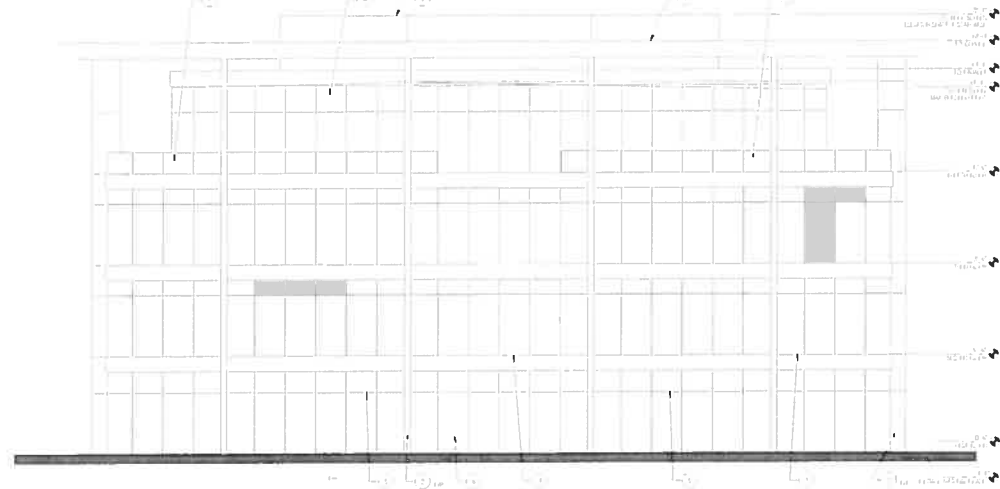
PROJECT NO. 152000



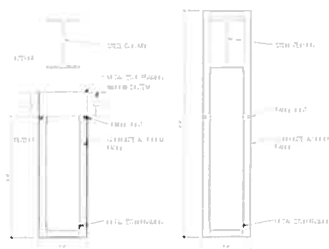
1 BUILDING '1' NORTH ELEVATION / BUILDING '2' EAST ELEVATION
SCALE: 1/8" = 1'-0"



3 WALL SECTION
SCALE: 1/8" = 1'-0"



2 BUILDING '1' WEST ELEVATION / BUILDING '2' NORTH ELEVATION
SCALE: 1/8" = 1'-0"



4 FIN DETAIL
SCALE: 1/8" = 1'-0"

KEY NOTES

1. GLASS CURTAIN WALL SYSTEM, SEE PLAN
2. FINISH: 1/2" Gypsum Board, 5/8" Mineral Wool Insulation
3. FINISH: 1/2" Gypsum Board, 5/8" Mineral Wool Insulation
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9. FINISH: 1/2" Gypsum Board, 5/8" Mineral Wool Insulation
10. FINISH: 1/2" Gypsum Board, 5/8" Mineral Wool Insulation



**NOTICE OF PREPARATION
OF AN
ENVIRONMENTAL IMPACT REPORT
FOR THE
COMMONWEALTH CORPORATE CENTER PROJECT
CITY OF MENLO PARK
August 6, 2012**

Notice is hereby given that the City of Menlo Park will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the Commonwealth Corporate Center Project. The EIR will address the potential physical, environmental effects for each of the environmental topics outlined in the California Environmental Quality Act (CEQA). The City of Menlo Park is requesting comments on the scope and content of this EIR.

A Scoping Session will be held as part of the Planning Commission meeting on August 20, 2012 starting at 7:00 p.m. at the Menlo Park City Council Chambers located at 701 Laurel Street, Menlo Park, 94025. The Scoping Session is part of the EIR scoping process during which the City solicits input from the public and other agencies on specific topics that they believe should be addressed in the environmental analysis. Written comments on the scope of the EIR may also be sent to:

**Rachel Grossman, Associate Planner
City of Menlo Park
Community Development Department, Planning Division
701 Laurel Street
Menlo Park, CA 94025
rmgrossman@menlopark.org
Phone: 650.330.6737
Fax: 650.327.1653**

Due to the time limits mandated by State law, comments must be received no later than 5:30 p.m. September 5, 2012.

PROJECT LOCATION: The project site is located north of US 101 in the City of Menlo Park and zoned M-2 (General Industrial District). The project site consists of two parcels: the Commonwealth Site and the Jefferson Site. The Commonwealth Site, at 151 Commonwealth Drive (APN: 055-243-240), is approximately 12.1 acres. The Jefferson Site, at 164 Jefferson Drive (APN: 055-243-250), is directly adjacent to the Commonwealth Site to the north and is approximately 1.17 acres. The project site is bound to the north and west by commercial buildings, to the south by US 101, and to the southeast by the Dumbarton Rail Corridor.¹ To the east of the Dumbarton Rail Corridor is Joseph P. Kelly Park. The area is mainly urban, mixed with industrial, commercial, and residential uses. Figure 1 depicts the location of the proposed project.

¹ For the purposes of this analysis, true northeast is project north and US 101 runs in an east-west direction.

PROJECT DESCRIPTION: The Sobrato Organization (Project Sponsor) is proposing to demolish the existing buildings, surface parking, and landscaping on the Commonwealth Site and the Jefferson Site. The Commonwealth Site, which is in the southern portion of the project site, was formerly occupied by Diageo North America and was used as a spirits distilling, bottling, and distribution plant. Facility operations were discontinued on July 29, 2011 and the Commonwealth Site has remained unoccupied since. The Commonwealth Site consists of one single-story warehouse/manufacturing building, a tank farm, processing equipment areas, a 500,000-gallon fire suppression water tank, storage areas and warehouses, and associated parking and landscaped areas. The buildings at the Commonwealth Site total approximately 217,396 sf. The Jefferson Site, which is in the northern portion of the project site, consists of surface parking and a 20,462-square-foot warehouse/office building currently utilized for storage and light industrial uses.

The Commonwealth Site would accommodate the proposed buildings and amenities, while the Jefferson Site would provide secondary access for the Commonwealth Site as well as amenities space. The proposed project would demolish the existing buildings and associated improvements at the Commonwealth Site and the Jefferson Site and would construct two four-story office buildings with surfacing parking and landscaping. The proposed buildings, which would consist of approximately 259,919 square feet total (approximately 129,960 square feet each), would provide a flexible design for office, biotech, and/or research and development (R&D) uses.

As depicted in Figure 2, the Commonwealth Site would include a landscaped courtyard, water features, outside dining areas, signage, stormwater treatment areas, and an internalized pedestrian boulevard. The Jefferson Site would include an entrance and driveway from Jefferson Drive, a lawn area, bocce courts, picnic tables, stormwater treatment areas, and landscaping. New landscaping at the project site would make up approximately 35.6 percent of the project site. As part of the development proposal, the applicant is requesting approval to remove 12 heritage trees on the Commonwealth Site and 11 heritage trees on the Jefferson Site. The trees requested to be removed range in health from poor to fair.

The parking lot, which would be at the Commonwealth Site, would provide 866 parking stalls with a parking ratio of one stall per 300 square feet of building area. The proposed buildings would be located in the southern portion of the project site, adjacent to the main entrance off of Commonwealth Drive and would be visible from US 101. The proposed building façade would incorporate aluminum panels and high-performance glass set in aluminum frames. This façade would provide energy saving benefits for the buildings.

The proposed height of the buildings would exceed the 35-foot maximum height limit in the M-2 zone and a rezone to M-2-X (General Industrial, Conditional Development District) plus approval of a Conditional Development Permit would be required to exceed the height limit. In addition, a lot merger would be required to merge the Commonwealth Site and the Jefferson Site. The proposed structures would comply with zoning ordinance requirements pertinent to setbacks, floor area ratio and lot coverage.

PROJECT APPROVALS: The following approvals would be required by the City under the proposed project:

- Conditional Development Permit (CDP)
- Rezoning from M-2 (General Industrial District) to M-2-X (General Industrial, Conditional Development District)
- Heritage Tree Removal Permits
- Lot merger
- Environmental Review

RESPONSIBLE AGENCIES: The below agencies are expected to review the Draft EIR to evaluate the proposed project:

- Bay Area Air Quality Management District (BAAQMD)
- California Department of Transportation (Caltrans)
- California Regional Water Quality Control Board (RWQCB)/San Mateo Countywide Water Pollution Prevention Program
- City/County Association of Governments (C/CAG)
- Menlo Park Fire Protection District
- San Mateo County Transportation Authority (SMCTA)
- San Mateo County Environmental Health Division
- Town of Atherton
- West Bay Sanitary District

INTRODUCTION TO EIR: The purpose of an EIR is to inform decision-makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential to cause significant effects on the environment; examine methods of reducing adverse environmental impacts; and identify alternatives to the proposed project. The Commonwealth Corporate Center Project EIR will be prepared and processed in accordance with CEQA and the State CEQA Guidelines. The EIR will include the following:

- Summary of the proposed project and its potential environmental effects;
- Description of the proposed project;
- Description of the existing environmental setting, potential environmental impacts of the proposed project, and mitigation measures to reduce significant environmental effects of the proposed project;
- Alternatives to the proposed project;
- Cumulative impacts; and
- CEQA conclusions.

PROBABLE ENVIRONMENTAL EFFECTS: The EIR will analyze whether the proposed project would have significant environmental impacts in the following areas:

- | | |
|-----------------------------------|---------------------------------|
| • Aesthetics | • Hydrology and Water Quality |
| • Air Quality | • Noise |
| • Cultural Resources | • Population and Housing |
| • Geology and Soils | • Public Services and Utilities |
| • Greenhouse Gas Emissions | • Recreation |
| • Hazards and Hazardous Materials | • Transportation |

In order to prepare these sections and analyze the impacts, a Transportation Impact Analysis (TIA) will be prepared. The TIA will focus on intersections, residential and non-residential roadway segments, and Routes of Regional Significance, as shown in Figure 3. The following 27 intersections will be included in the TIA:

- | | |
|---|---|
| 1. Marsh Road/Bayfront Expressway | 15. Willow Road/Bayfront Expressway |
| 2. Marsh Road/Independence Drive | 16. Willow Road/Hamilton Avenue |
| 3. Marsh Road/US 101 NB Off-Ramp | 17. Willow Road/Ivy Drive |
| 4. Marsh Road/US 101 SB Off-Ramp | 18. Willow Road/O'Brien Drive |
| 5. Marsh Road/Scott Drive | 19. Willow Road/Newbridge Street |
| 6. Marsh Road/Bay Road | 20. Willow Road/Bay Road |
| 7. Marsh Road/Middlefield Road | 21. Willow Road/Durham Street |
| 8. Independence Road/Constitution Drive | 22. Willow Road/Coleman Avenue |
| 9. Chrysler Drive/Bayfront Expressway | 23. Willow Road/Gilbert Avenue |
| 10. Chrysler Drive/Constitution Drive | 24. Willow Road/Middlefield Road |
| 11. Chrysler Drive/Jefferson Drive | 25. University Avenue/Bayfront Expressway |
| 12. Chrysler Drive/Independence Drive | 26. Middlefield Road/Ravenswood Avenue |
| 13. Chilco Street/Bayfront Expressway | 27. Middlefield Road/Ringwood Avenue |
| 14. Chilco Street/Constitution Drive | |

In addition, 11 residential and non-residential roadway segments will be analyzed:

1. Marsh Road between Bohannon Drive and Scott Drive
2. Marsh Road between Bohannon Drive and Bay Road
3. Chrysler Drive between Constitution Drive and Bayfront Expressway
4. Chrysler Drive between Jefferson Drive and Constitution Drive
5. Chilco Street between Constitution Drive and Bayfront Expressway
6. Constitution Drive between Independence Drive and Chrysler Drive
7. Constitution Drive between Chrysler Drive and Jefferson Drive
8. Constitution Drive between Jefferson Drive and Chilco Street
9. Jefferson Drive between Chrysler Drive and driveway
10. Jefferson Drive between driveway and Constitution Drive
11. Independence Drive between Constitution Drive and Chrysler Drive

As listed above, the proposed project would be subject to review by the San Mateo County Congestion Management Program (CMP) and its requirements. As such, the following nine Routes of Regional Significance will also be evaluated:

1. SR 84: US 101 to Willow Road (NB)
2. SR 84: Willow Road to University Avenue (NB)
3. SR 84: University Avenue to County Line (SB)
4. SR 109: US 101 to Bayfront Expressway (EB)
5. SR 114: US 101 to Bayfront Expressway (EB)
6. US 101: North of Marsh Road (NB)
7. US 101: Marsh Road to Willow Road (SB)
8. US 101: Willow Road to University Avenue (NB)
9. US 101: South of University Avenue (SB)

The environmental impacts of the proposed project will be measured as the change that results from the project against “baseline” environmental conditions. The baseline environmental conditions for the proposed project include existing conditions at the release of this NOP.

ENVIRONMENTAL EFFECTS NOT LIKELY TO REQUIRE FURTHER ANALYSIS: The proposed project is not anticipated to result in significant environmental effects in the following areas:

- Agricultural or Forestry Resources
- Biological Resources
- Land Use
- Mineral Resources

The project site is fully developed in an urbanized area and located adjacent to US 101 and the Dumbarton rail corridor. As such, agricultural, forestry, biological, and mineral resources do not exist on the sites. In addition, the proposed project would require a CDP and zoning amendment to allow for an increase in height, but is otherwise consistent with land use designations. Therefore, a detailed analysis of these topics will not be included in the EIR.

ALTERNATIVES: Based on the significance conclusions determined in the EIR, alternatives to the proposed project will be analyzed that might reduce identified impacts. Section 15126.6(e) of the CEQA Guidelines requires the evaluation of a No Project Alternative. In addition to the No Project Alternative, the EIR will examine an Alternate Location Alternative and a Reduced Project Alternative. Other alternatives may be considered during preparation of the EIR and will comply with the CEQA Guidelines that call for a “range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.”

EIR PROCESS: Following the close of the Notice of Preparation (NOP) comment period, a Draft EIR will be prepared that will consider all NOP comments. In accordance with CEQA Guidelines Section 15105(a), the Draft EIR will be released for public review and comment for the required 45-day review period. Following the close of the 45-day public review period, the City will prepare a Final EIR which will include responses to all substantive comments received on the Draft EIR. The Draft EIR and Final EIR and will be considered by the Planning Commission and City Council in making the decision to certify the EIR and to approve or deny the project.

Rachel Grossman, Associate Planner
City of Menlo Park

August 6, 2012

Date



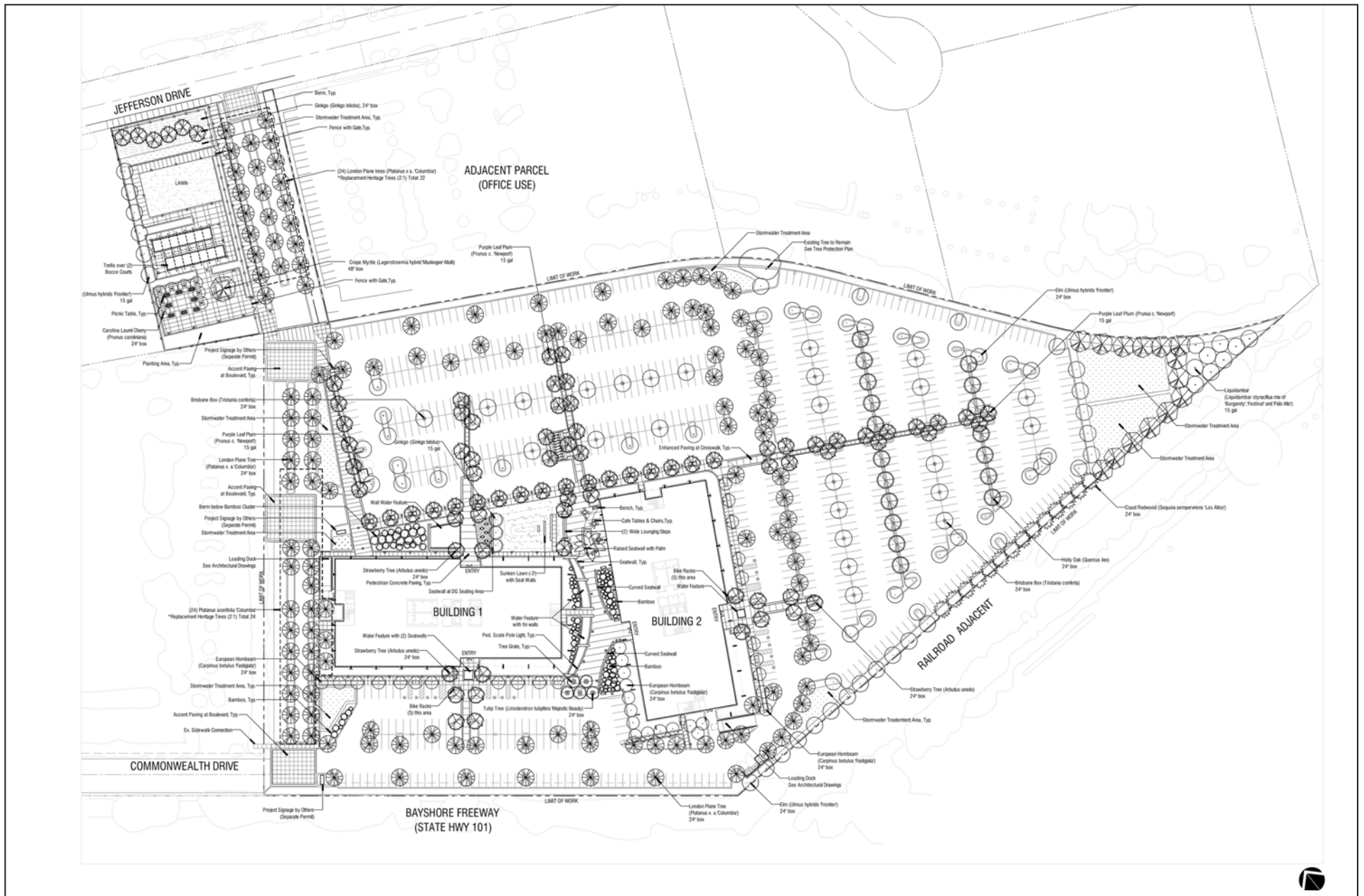
FIGURE 1
Project Location

Source: Google Earth; Atkins, 2012.

ATKINS

100028837

Commonwealth Corporate Center Project



ATKINS

FIGURE 2

Site Plan

100028837

Source: ARC TEC, 2012.

Commonwealth Corporate Center Project

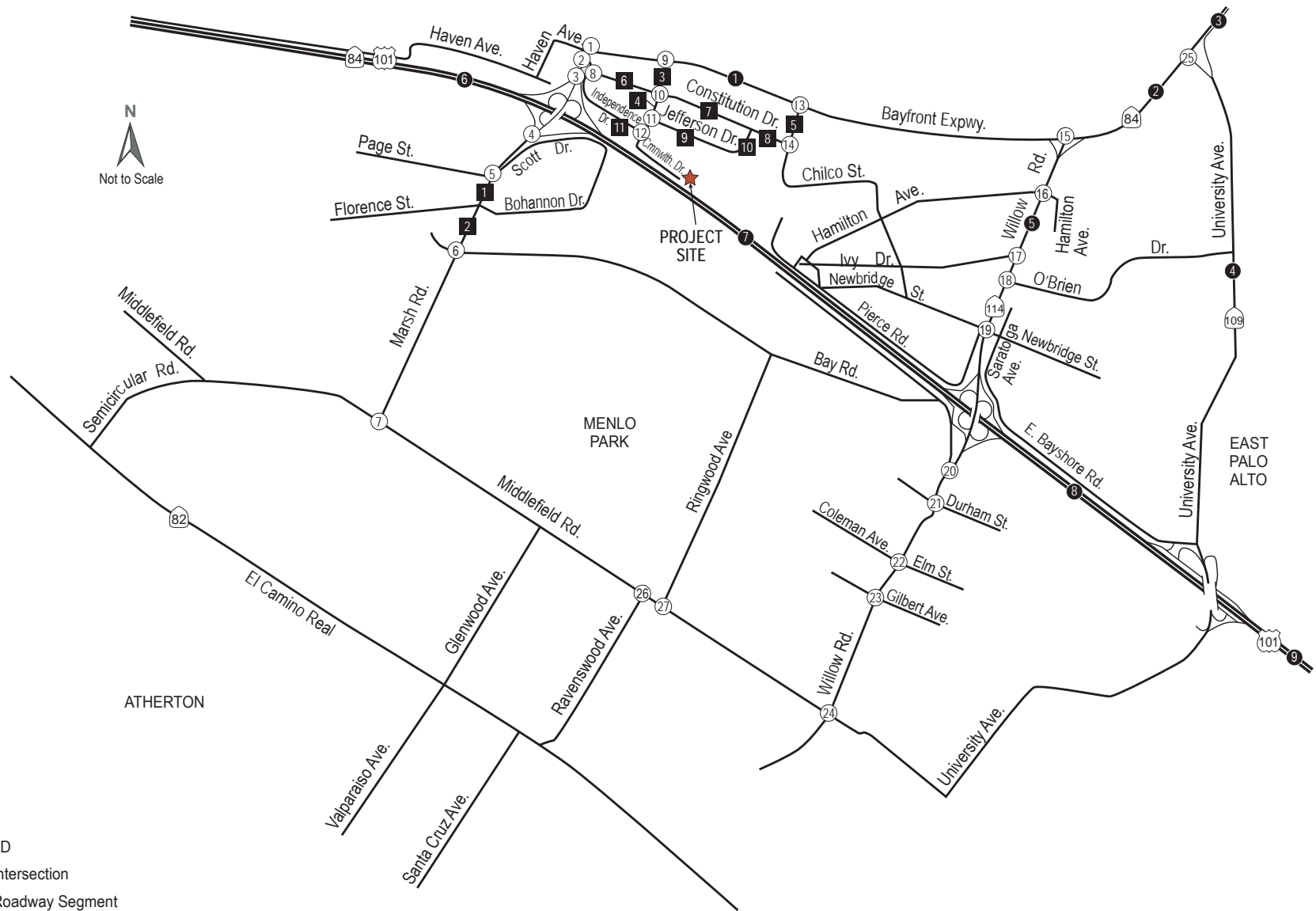


FIGURE 3
Study Intersections, Roadway Segments, and Routes of Regional Significance

Source: DKS, 2012.



PLANNING COMMISSION EXCERPT ACTIONS

Regular Meeting
 August 20, 2012 at 7:00 p.m.
 City Council Chambers
 701 Laurel Street, Menlo Park, CA 94025

Teleconference with participation by Commissioner Kadvany from:
 3334 E 1st Street
 Long Beach 90893
 (Posted: August 15, 2012)

CALL TO ORDER – 7:04 p.m.

ROLL CALL – Bressler, Eiref, Ferrick (Chair), Kadvany (Vice Chair – [via teleconference](#)), O'Malley, Riggs, Yu

INTRODUCTION OF STAFF – Rachel Grossman, Associate Planner; Kyle Perata, Assistant Planner; Thomas Rogers, Senior Planner

E. ENVIRONMENTAL IMPACT REPORT SCOPING SESSION

1. Review and comment on the Notice of Preparation (NOP) to identify the content of the Environmental Impact Report (EIR) to be prepared for the following project:

[Conditional Development Permit, Rezoning, Lot Merger, Heritage Tree Removal Permits, Below Market Rate Housing Agreement, and Environmental Review/The Sobrato Organization/151 Commonwealth Drive and 164 Jefferson Drive](#): Request for a Conditional Development Permit and Rezoning from M-2 (General Industrial) to M-2(X) (General Industrial Conditional Development) to demolish one single-story industrial building and associated structures totaling approximately 217,396 square feet, and subsequently construct two four-story office/research and development buildings totaling approximately 259,919 square feet in excess of the M-2 maximum height of 35-feet. Access to the site would be from Commonwealth Drive, as well as from Jefferson Drive via 164 Jefferson Drive. Development on the 164 Jefferson Drive site would include demolition of the existing structure totaling approximately 20,462 square feet and associated improvements, and redevelopment of the site to provide access to the 151 Commonwealth Drive site and for use as an amenity space to serve the proposed structures on the 151 Commonwealth Drive site. As part of the development proposal, the applicant is requesting approval to remove 12 heritage trees on the 151 Commonwealth Drive site and 11 heritage trees on the 164 Jefferson site. The trees range in health from poor to fair. Project review includes preparation of an Environmental Impact Report per the requirements of the California Environmental Quality Act (CEQA) and preparation of a fiscal impact analysis.

[As a scoping item, the Commission did not take action on the item. Commissioners provided comments including the following:](#)

- [Housing](#)
 - [Provide information related to the impact of the project on housing](#)
 - [Consider inclusion of housing mitigation measures in EIR](#)
- [Alternatives](#)

- Consider an alternative that complies with the M-2 maximum height requirement of 35-feet
- Consider an alternative that contemplates re-occupation of the existing buildings
- Baseline
 - Explain logic for baseline of a vacant site
- Transportation
 - Confirmed that recently approved projects would be included in traffic background
 - Analyze the impact at Chilco Street and Bayfront Expressway
 - Analyze the impact at Chilco Street and Terminal Avenue
 - Analyze if there will be impact to the site immediately north of 151 Commonwealth Drive (149 Commonwealth Drive, Exponent)
 - Consider impacts to at Marsh/Highway 101 on-ramp
- Hydrology
 - Analyze how stormwater runoff will be managed
- Greenhouse Gas Emissions
 - Consider impacts related to heat island effect resulting from extensive parking lots
- Biological Resources
 - Consider impacts related to birds resulting from use of glass in the building design
- Hazards and Hazardous Materials
 - Analyze if there are still on-site contaminants resulting from the previous site use
- Noise
 - Consider potential for bounce-back noise from vehicles traveling on Highway 101 that could impact proximate residences

F. STUDY SESSION

1. Review and comment on the following project, which will include the preparation of a Fiscal Impact Analysis (FIA):

Conditional Development Permit, Rezoning, Lot Merger, Heritage Tree Removal Permits, Below Market Rate Housing Agreement, and Environmental Review/The Sobrato Organization/151 Commonwealth Drive and 164 Jefferson Drive: Request for a Conditional Development Permit and Rezoning from M-2 (General Industrial) to M-2(X) (General Industrial Conditional Development) to demolish one single-story industrial building and associated structures totaling approximately 217,396 square feet, and subsequently construct two four-story office/research and development buildings totaling approximately 259,919 square feet in excess of the M-2 maximum height of 35-feet. Access to the site would be from Commonwealth Drive, as well as from Jefferson Drive via 164 Jefferson Drive. Development on the 164 Jefferson Drive site would include demolition of the existing structure totaling approximately 20,462 square feet and associated improvements, and redevelopment of the site to provide access to the 151 Commonwealth Drive site and for use as an amenity space to serve the proposed structures on the 151 Commonwealth Drive site. As part of the development proposal, the applicant is requesting approval to remove 12 heritage trees on the 151 Commonwealth Drive site and 11 heritage trees on the 164 Jefferson site. The trees range in health from poor to fair. Project review includes preparation of an Environmental Impact Report per the requirements of the California Environmental Quality Act (CEQA) and preparation of a fiscal impact analysis.

As a study session item, the Commission did not take action on the item. Commissioners provided comments including the following:

- Amenity space
 - Bocce ball does not seem like the most appropriate amenity to provide, consider something more active

- Consider a walking/running path around the perimeter of the site
 - Amenity spaces is not well connected and concerns were raised that it would not be used by employees
 - Suggestion to move amenity space closer to buildings
- Parking/Transportation
 - Consider reducing parking through provision of some of the required parking spaces in landscape reserve
 - Reduced parking would minimize heat island effect
 - Transportation Demand Management Program should be provided
- Fiscal Implications
 - Consideration should be given to the types of uses that would provide best financial benefit to the City
 - A Development Agreement should be considered by the applicant
- Landscaping
 - Canopy trees should be provided
- Building Design
 - Height increase request was generally supported by the Commission
 - Building siting was generally supported by Commission

ADJOURNMENT

bae urban economics

April 9, 2012

Ms. Rachel Grossman, Associate Planner
Community Development Department
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Dear Rachel:

We appreciate the opportunity to submit this revised proposal to prepare a Fiscal Impact Analysis for the 151 Commonwealth Drive Project. The revised proposal incorporates the changes recommended by the City. Our understanding is that the Project would entail the demolition of an existing industrial building (a former Diageo North America facility) and its replacement with two new four-story office/R&D/lab buildings that would total approximately 237,000 square feet. The City of Menlo Park requires a Fiscal Impact Analysis study that would address impacts to the City's General Fund, as well as Special Districts, including the Menlo Park Fire Protection District. Impacts from potential sales tax generation from future tenants in the project would also need to be evaluated.

BAE is an award-winning real estate economics and development advisory firm with a distinguished record of achievement over its 20-year history. Headquartered in Emeryville, CA, BAE also has branch offices in Los Angeles, Sacramento, New York City, and Washington DC, enabling our 20 staff to contribute to and learn from best practices in urban sustainable development around the U.S. Our practice spans national and state policy studies to local strategic plans and public-private development projects. BAE has extensive experience assessing the fiscal impacts and economic impacts of proposed new development, including our previous work for the City of Menlo Park, as well as assisting local governments to negotiate for community benefits from proposed new development.

The following pages detail our proposed work program, schedule, and budget. This proposal remains effective for 90 days from the date of submittal of this letter. Please feel free to call me at 510.547.9380 for additional information regarding our submittal.

Sincerely,



Ron Golem
Principal

San Francisco
1285 66th Street
Second Floor
Emeryville, CA 94608
510.547.9380

Sacramento
803 2nd Street
Suite A
Davis, CA 95616
530.750.2195

Los Angeles
5405 Wilshire Blvd.
Suite 291
Los Angeles, CA 90036
213.471.2666

Washington DC
1346 U Street NW
Suite 403
Washington, DC 20009
202.588.8945

New York City
121 West 27th Street
Suite 705
New York, NY 10001
212.683.4486

SCOPE OF SERVICES

This section outlines BAE’s proposed work program, including deliverables.

Task 1: Meet with City Staff and Review Background Materials

Task 1A: Meet with City staff and tour project sites. BAE will meet with City staff to review the scope of services, proposed schedule, and deliverables. BAE will also tour the site and area.

Task 1B: Review key financial, planning, and environmental documents. This task will include a review of relevant documents and plans pertaining to the proposed project including the General Plan, the Zoning Ordinance, the project Environmental Impact Report, and City staff reports. BAE will also review the City budget, the Comprehensive Annual Financial Report, City fee ordinances, and other financial documents from the City and affected special districts including fire, sanitation, and school districts.

Task 2: Analyze Fiscal Impacts

This analysis will consider revenue and cost implications for City, Menlo Park Fire Protection District, and affected special districts and school districts of the proposed project and alternative land use programs as identified in the EIR.

Revenue items considered will include sales tax, property tax, property transfer tax, transient occupancy tax, business license revenue, franchise fees, and any other applicable taxes. Also considered will be one-time revenue sources including impact fees, and construction period sales taxes. For key revenues, (e.g., property taxes) BAE will estimate revenues within an expected low to high range as appropriate.

Cost items considered will include police, fire, public works, recreation and library services, and general government services. The cost analysis will, whenever feasible, study the marginal cost of providing additional service. As part of this process, BAE will contact local public service providers including the police department and Fire Protection District to assess existing service capacity and the potential impact of the proposed project. For police, BAE will work with the local department to examine the current beat structure and determine how this may need to be altered to serve the new development. Any new patrol officers and/or equipment would also be analyzed on a marginal basis. For fire, BAE will study existing capacity at the station that would serve the proposed project and assess any additional labor or equipment costs that the station would incur. Cost impacts for other city departments and school districts would also be analyzed.

Fiscal impacts will be presented in current dollars on a net annual and cumulative basis over a 20-year period present in constant 2012 dollars. This will be done both for the Project and the Alternatives as identified in the future Notice of Preparation, assuming no more than three Alternatives (in addition to the “No Project” alternative). The analysis will be structured to allow direct comparison between the Project and the Alternatives. To

determine an appropriate absorption rate for the various proposed land uses, BAE will review the project applicant's anticipated absorption schedule and refine it based on a review of market conditions.

During the preparation of the FIA, all communication with the project sponsor would be with or through City staff.

Task 3: Prepare Specialized Supplementary Analyses

Task 3A: Analysis of Sales Tax Generation Potential from Alternate Uses. This task involves analysis of potential business-to-business sales tax generation from various alternative mix of tenants in the Project. The analysis will involve review of updated Menlo Park confidential sales tax data and business license data provided by the City to assess typical sales tax generation in Menlo Park from non-retail sales by various types of high-tech firms. This will be compared with previous analysis by BAE of State Board of Equalization (BOE) data on taxable sales generation per employee in high tech firms in San Mateo and Santa Clara County. Information provided by the Project applicant regarding its anticipated marketing strategy and targeted tenant mix will also be evaluated. BAE will use the information generated from these sources to project, to the extent possible based on available data, the potential mix of sales-tax paying vs. non-sales tax paying tenants in the Project and Alternatives, accounting for the potential mix of tenant types and tenant size, in order to estimate how the range of sales tax revenue might vary based on the development program for the Alternatives, as well as the tenant mix in the Project.

Task 4: Prepare Fiscal and Economic Impact Report

Task 4A: Prepare Administrative Draft Fiscal and Economic Impact Analysis report. BAE will prepare and submit an Administrative Draft Fiscal Impact Analysis report to City staff. The report will include a concise and highly-accessible executive summary, including a summary of the methodology and key findings from Tasks 1 and 2.

Task 4B: Prepare Public Review and Final Draft report. Staff will provide written comments to BAE regarding the Administrative Draft. BAE will address all comments with staff and make modifications as needed. BAE will then submit a Screen Check Draft for staff to review. Staff will note any minor corrections and BAE will submit a Public Review Draft.

Task 4C: Prepare Presentation, Attend Two Meetings. This task includes preparation of a PowerPoint presentation for use by staff, BAE, and posting to the City's website. BAE will attend up to two meetings to present its findings during the public comment period, anticipated to be a Planning Commission and City Council meeting.

After closure of the public review period, Staff will provide BAE with a written record of comments regarding the Public Review Draft. BAE will discuss comments with City staff and make changes as necessary. BAE will then submit a Final Draft.

DATA NEEDS

In order to complete this analysis BAE will require access to various City and special district staff to conduct brief interviews and confirm methodologies and assumptions. In particular, BAE would intend to speak with most department/district heads, or their designees, as well as the City finance director. BAE would work with the finance department to obtain electronic copies of relevant budget files.

From the project sponsor, BAE will need development pro formas, market studies, and marketing plans, including pricing assumption. BAE will also require updated information from the EIR consultant, including information on the alternative land uses being considered under the EIR.

In addition to data from the City and project sponsor, BAE will need to acquire market, demographic, and other data from vendors. A budget for these materials is included below.

BUDGET AND FEES

BAE would complete all work identified in the Scope of Services, including expense reimbursement, for the not-to-exceed amount of \$41,910. Please note that attendance at public meetings/hearings is calculated at the rate of \$1,500 for up to three hours of meeting time, with hourly rates for all meeting time over three hours, as well as additional meetings beyond those set forth in the scope. All hours will be billed according to the following rates as listed below.

Principal	\$250/hour
Associate	\$110/hour
Analyst	\$90/hour

Shown below is a project staffing plan and estimated cost per task. Ron Golem will serve as Principal in Charge and Project Manager for this assignment, assisted by Stephanie Hagar, Associate, and Mikayla Weissman, Analyst.

Budget - 151 Commonwealth Dr. Fiscal Impact Analysis

Task	Hours by Person			Budget (a)
	Principal Golem	Associate Hagar	Analyst Weissman	
Task 1: Start-Up Meeting and Review of Background Materials				
Task 1A: Meet with City Staff, Project Team, Tour Project Site	4	4	4	\$1,800
Task 1B: Review Key Financial, Planning, and Environmental Documents	8	16	0	\$3,760
Task 2: Fiscal Impact Analysis for Project, Alternatives				
Task 2: Analyze the Fiscal Impact of the Proposed Project/Alternatives	16	60	40	\$14,200
Task 3: Prepare Specialized Supplementary Analyses				
Task 3A: Analysis of Sales Tax Generation Potential from Alternate Uses	8	16	8	\$4,480
Task 4: Prepare Fiscal Impact Analysis Report				
Task 4A: Prepare Administrative Draft Report.	16	40	8	\$9,120
Task 4B: Prepare Screen Check, Public Review, and Final Draft Report	8	16	8	\$4,480
Task 4C: Prepare Presentation, Attend Two Meetings	14	2	0	\$3,720
Subtotal Labor	74	154	68	\$41,560
Expenses (data, travel, etc.) (b)				\$350
Total				\$41,910

Attendance at Public Meetings/Hearings - per meeting, up to a maximum of 3 hours meeting time for each meeting. \$1,500
Hourly rates would apply for additional time over that amount, or additional meetings.

Notes:	Principal	Associate	Analyst
(a) Based on BAE 2012 hourly rates:	\$250	\$110	\$90
(b) Includes travel to Menlo Park for Kick-Off Meeting and data purchase from vendors.			

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ADMINISTRATIVE SERVICES DEPARTMENT

Council Meeting Date: December 11, 2012

Staff Report #: 12-186

Agenda Item #: F-2

REGULAR BUSINESS: Appoint City Council representatives and alternates to various regional agencies; liaisons to City advisory bodies and Council sub-committees and consider a letter of interest from Former Mayor Fergusson regarding the Bay Trail Gap Project

RECOMMENDATION

Staff recommends that the City Council make its appointments to the various regional agencies, liaison assignments to each of the City advisory bodies and Council Sub-Committees and consider a letter of interest from Former Council Member Fergusson regarding the Bay Trail Gap Project.

BACKGROUND

Each year, after the reorganization of the City Council, the Council appoints its various members to represent the city on certain committees with outside agencies. A list of those agencies, including a brief description of each agency's purpose and respective meeting schedule, is included in Attachment A.

On December 14, 2010, the Council determined that the assignments to the Finance and Audit Committee, for consistency, would be two (2) years. Council Member Ohtaki is completing a two-year term and Council Member Keith is completing the first year of her term. Assignments to all other committees/commissions are one-year appointments.

Also included for your review is a current list of all of the Council Sub-Committees with the date the current appointments were made or reaffirmed. With two new members on the Council, the Council should discuss and make the appointments.

Staff recommends that the Business Development sub-committee be suspended for the time being in order for the new Business Development Manager to familiarize and update the Business Development Plan for Council consideration. The Mayor and Vice Mayor can continue to do outreach with local businesses with staff support. A Business Development Council sub-committee can be discussed for appointment next year if it is determined the need exists.

Members of the Council are assigned to serve in a liaison capacity with one or more city commissions. The purpose of the liaison assignment is to facilitate communication

between the City Council and the advisory body. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, members may elect to attend commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis.

The San Mateo Council of Cities bylaws requires the Mayor to be the voting member. The Mayor is usually also the representative for the Association of Bay Area Governments (ABAG). Typically the Mayor and Mayor Pro Tempore have been assigned to the Menlo Park School District sub-committee.

Staff received a letter of interest from Former Mayor Kelly Fergusson (Attachment E), to continue to serve on an informal basis to “shepherd” or facilitate the completion of the Bay Trail Gap by meeting with key stakeholders and staff members of interested agencies.

IMPACT ON CITY RESOURCES

There is no impact on City resources associated with this action outside of any associated membership dues, meeting related expenses, and/or staff assistance required and budgeted.

POLICY ISSUES

The proposed action is consistent with City Policy, although the suspension of the Business Development sub-committee would reduce the number of sub-committees. If the Business Development sub-committee is not suspended, the City Attorney has advised that it should be treated as a Brown Act body requiring agendas, noticing and minutes.

ENVIRONMENTAL REVIEW

The proposed action does not require environmental review.

Signature on File
Margaret S. Roberts, MMC
City Clerk

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

- A – Outside agency appointments
- B – City Council liaisons to the City’s advisory bodies
- C – City Council Sub-Committee appointments
- D – Form with all of the vacancies
- E – Letter of Interest from Former Mayor Kelly Fergusson

- A – Outside agency appointments
- B – City Council liaisons to the City's advisory bodies
- C – City Council Sub-Committee appointments
- D – Form with all of the vacancies
- E – Letter of Interest from Former Mayor Kelly Fergusson

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES
(Approved on)

Name: **Airport Community Roundtable**

Description: Eighteen cities, the operator of San Francisco International Airport (SFO) the City and County of San Francisco and the County of San Mateo comprise the Roundtable, a voluntary public forum established in 1981 for the discussion and implementation of noise mitigation strategies at SFO.

Current Representative and Alternate

Frequency of meetings

First Wednesday of February, May, September and November at 7:00 p.m.

Membership Cost: \$1,500

Website: www.sforoundtable.org

Name: **Association of Bay Area Governments (ABAG)**

Description: The Association of Bay Area Governments is comprised of the 100 cities in the nine counties and is one of the more than 560 regional planning agencies across the nation working in areas such as land use, housing, environmental quality and economic development.

Current Representative and Alternate (Usually the Mayor)

Peter Ohtaki, Representative

Frequency of meetings

Generally, the General Assembly meets twice a year, usually in April and October.

Membership Cost: \$5,014

Website: www.abag.ca.gov

Name: **Caltrain Modernization Local Policy Group**

Description:

Current Representative and Alternate

Richard Cline, Representative

Kirsten Keith, Alternate

Frequency of meetings

Monthly

Membership Cost: \$0

Appointments made 11/13/2012 Council Meeting

Name: County of Santa Clara Community Resources Group for Stanford University

Description: The Stanford University Community Resource Group (CRG) is composed of 8-12 members. This group serves as a mechanism for information exchange and perspectives on Stanford development issues. Members are appointed by the County Planning Director in consultation with the District 5 Supervisor.

Current Representative and Alternate

Frequency of meetings

March, June, September and December

Membership Cost: \$0

Name: Dumbarton Rail Policy Committee

Description: The Dumbarton Rail Corridor Project will extend commuter rail service cross the South Bay between the Peninsula and the East Bay. When the service starts in 2012, the rail corridor will link Caltrain, the Altamont Express, Amtrak's Capitol Corridor and BART, as well as East Bay bus systems, at a multi-modal transit center in Union City.

Current Representative and Alternate

Frequency of meetings

Approximately every quarter on Tuesday afternoons

Membership Cost: \$0

Website: www.smcta.com/Dumbarton_Rail/information.asp

Name: Emergency Services Council (San Mateo County Joint Powers Authority)

Description: Oversees the emergency planning, training and exercises in the various cities and reviews and recommends policies, programs and plans for adoption.

Current Representative and Alternate

Frequency of meetings

Meets on a quarterly basis on Thursdays from 5:00 – 7:00 p.m.

Membership Cost: \$0

Name: **Grand Boulevard Task Force**

Description: The Grand Boulevard is a collaboration of 29 cities, counties, local and regional agencies united to improve the performance, safety and aesthetics of El Camino Real. Starting at the northern Daly City city limit (Where it is names Mission Street) and ending near the Diridon Caltrain Station in central San Jose (Where it is named The Alameda), the initiative brings together for the first time all of the agencies having responsibility for the condition, use and performance of the street.

Current Representative and Alternate

Frequency of meetings
Quarterly

Membership Cost: \$0 **Website:** www.elcaminoreborn.com

Name: **League of California Cities (Peninsula Division)**

Description: Comprised of the 36 San Francisco to Gilroy, division members work together through the League to identify priorities on issues that impact on the quality of life in our communities, our region and our state.

Current Representative and Alternate

Frequency of meetings
The Peninsula Division holds four (4) meetings a year, with an occasional special meeting as warranted. Division dinners are open to all division members.

Membership Cost: \$100 **Website:**

Name: **Menlo Park Chamber of Commerce / City Liaison Position**

Description: The purpose of the Menlo Park Chamber of Commerce is to create an atmosphere in which business prospers and the community thrives.

Current Representative and Alternate

Frequency of meetings
Third Thursday of the month from 7:30 – 9:30 a.m. The exceptions are the July and November meetings – July is the last Thursday and November is a planning session meeting on a Friday from 8:00 a.m. – 5:00 p.m.

Membership Cost: \$1,843

Name: Peninsula Cities Consortium

Description: Cities along the Peninsula have joined together to provide input into the process of reviewing and constructing the high speed rail project between San Francisco and San Jose. Although each city faces unique and specific location challenges, all Peninsula cities share many similar concerns and the strong underlying belief that particular care must be taken to integrate high speed rail into the living fabric of the Peninsula.

Current Representatives

Frequency of meetings

Every two weeks

Membership Cost: \$0

Website: peninsularail.com

Name: 2020 Peninsula Gateway Corridor Study Policy Committee

Description: The City/County Association of Governments (C/CAG), together with the Santa Clara Valley Transportation Authority (VTA), and the San Mateo County Transportation Authority (SMCTA), are sponsoring a study to identify potential roadway-related solutions that can reduce traffic congestion in the study area.

Current Representative and Alternate

Frequency of meetings

Approximately every two months at Menlo Park City Hall at 2:00 p.m.

Membership Cost: \$0

Name: County of San Mateo – Sub-Regional Housing Needs Assessment (RHNA) Policy Advisory Committee (PAC)

Description: The 20 cities of San Mateo County and the County of San Mateo have become a member of a countywide "sub-region," an ad hoc joint powers authority formed specifically to locally administer ABAG's Regional Housing Needs Allocation (RHNA) process. A Policy Advisory Committee (PAC) comprising of one representative from each of the 21 jurisdictions is the governing body of the sub-region.

Current Representative and Alternate

Frequency of meetings

Once a month on Thursdays from 4:30 to 6:00 p.m. in San Carlos through early 2013

Membership Cost: \$0

Name: San Francisquito Creek Joint Powers Authority (JPA)

Description: The San Francisquito Creek JPA is an agency empowered to protect and maintain the 14-mile San Francisquito Creek and its 45 square-mile watershed and address concerns regarding flooding and environmental preservation.

Current Representative and Alternate

Frequency of meetings

Fourth Thursday of each month at 6:00 p.m. in the Menlo Park Council Chambers.

Membership Cost: \$98,664

Website: <http://sfcjpa.org/>

Name: San Mateo Council of Cities

Description: The San Mateo County elected officials meet once a month to discuss issues of interest and usually a speaker is part of the program.

Current Representative and Alternate (Bylaws require the Mayor to be the voting member however, all Councilmembers are welcome to attend)

Peter Ohtaki, Representative

Frequency of meetings

Usually meets on a Friday towards the end of the month.

Membership Cost: \$0

City Council Liaisons to the City's Advisory Bodies

(Approved at the 01/10/2012 Council Meeting)

- **Bicycle Commission – Richard Cline**
Meeting schedule: Meetings are the 2nd Monday of every month at 7:00 p.m. in the Administration Conference Room.
- **Environmental Quality Commission – Kelly Fergusson**
Meeting schedule: Meetings are the 1st Wednesdays of every month at 6:30 p.m. in room 112 of the Recreation Center.
- **Finance and Audit Committee – Peter Ohtaki and Kirsten Keith**
The Council Members are considered members of the Commission and not liaisons.
Meeting schedule: Quarterly and as needed.
- **Housing Commission – Andrew Cohen**
Meeting schedule: Meetings are the first Wednesday of every month at 5:30 p.m. in the Administration Conference Room.
- **Library Commission – Kirsten Keith**
Meeting schedule: Meets the 2nd Monday of every month at 6:30 p.m. in the Menlo Park Library, lower level conference room, 800 Alma Street (on the corner of Alma and Ravenswood).
- **Parks and Recreation Commission – Richard Cline**
Meeting schedule: Meetings are held the 3rd Wednesday of every month at 6:30 p.m. at the Menlo Park Recreation Center. Note: This meeting is held quarterly at the Onetta Harris Community Center.
- **Planning Commission – Andrew Cohen**
Meeting schedule: The Planning Commission's regular meetings are scheduled twice a month on Mondays at 7:00 p.m. The Planning Commission Study Meetings are scheduled as needed and can be added to a regular meeting date or on an additional Monday.
- **Transportation Commission – Peter Ohtaki**
Meeting schedule: Meetings are held the 2nd Wednesday of every month at 7:00 p.m. in the Menlo Park Council Chamber.

CITY COUNCIL SUB-COMMITTEE APPOINTMENTS

(Approved at the 01/10/2012 Council Meeting)

Name: **Business Development**

Current Representatives
Richard Cline and Kelly Fergusson

Name: **Community Grant Funding**

Current Representatives
Kelly Fergusson and Kirsten Keith

Name: **Emergency Operations**

Current Representatives
Peter Ohtaki and Richard Cline

Name: **Facebook**

Current Representatives
Richard Cline and Kirsten Keith

Name: **Facebook Community Fund** ***This appointment is made by the Mayor**

Current Representatives

Name: **Oversight Board** ***This appointment is made by the Mayor**

Current Representatives
Kirsten Keith and Starla Jerome-Robinson

Name: **Rail (Formerly High Speed Rail)**

Current Representatives

Richard Cline and Kelly Fergusson

Name: **Housing Element Steering Committee**

Current Representatives

Andy Cohen and Peter Ohtaki

Appointed at the May 22, 2012 Council meeting – To be discontinued by June 2013

Name: **Menlo Park Fire District**

Current Representatives

Richard Cline and Peter Ohtaki

Name: **Menlo Park School Districts (Liaisons)**

- Menlo Park City of Menlo Park School District
- Sequoia Union High School District
- Los Lomas Elementary School District
- Ravenswood City School District

Current Representatives

Richard Cline and Kirsten Keith

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

ATTACHMENT D

NAME OF REGIONAL COMMITTEE	REGULAR	ALTERNATE
Airport Community Roundtable		
Association of Bay Area Governments (ABAG)		
Caltrain Modernization Local Policy Group	Rich Cline	Kirsten Keith
City/County Association of Governments of San Mateo County (C/CAG)		
City/County Association of Governments of San Mateo County (C/CAG) Legislative Committee		Not Needed
County of Santa Clara Community Resources Group for Stanford University		
County of San Mateo - Regional Housing Needs Assessment (RHNA) Policy Advisory Committee (PAC)		
Dumbarton Rail Policy Committee		
Emergency Services Council (San Mateo County JPA)		
Grand Boulevard Task Force		
League of California Cities (Peninsula Division)		
Menlo Park Chamber of Commerce / City Liaison Position		
Peninsula Cities Consortium (PCC)		
2020 Peninsula Gateway Corridor Study Policy Committee		
San Francisquito Joint Powers Authority		
San Mateo Council of Cities	Mayor	Votes by order of Council seniority

CITY COUNCIL LIAISONS TO THE CITY'S ADVISORY BODIES

Bicycle Commission		Not Needed
Environmental Quality Commission		Not Needed
Finance and Audit Committee	Kirsten Keith (1 YEAR)	
Housing Commission		Not Needed
Library Commission		Not Needed
Parks and Recreation Commission		Not Needed
Planning Commission		Not Needed
Transportation Commission		Not Needed

COUNCIL SUB-COMMITTEES

Business Development		
Community Grant Funding - typically meet in October and in November if needed		
Emergency Operations		
Facebook		
High Speed Rail - Usually the first and third Monday of the month (1st Monday is public meeting)		
Menlo Park Fire district		
Menlo Park School Districts (Liaisons)		

*Kelly Fergusson
168 Oak Court
Menlo Park, CA
(650) 704-5608*

December 6, 2012

Menlo Park City Council
701 Laurel Street
Menlo Park, CA 94025

Dear City Council,

As you are aware, I have been acting on an informal basis to “shepherd” or facilitate the completion of the Bay Trail Gap by meeting with key stakeholders and staff members of interested agencies on an approximately monthly basis over the past year or more.

Working with Mid-peninsula Regional Open Space District and Supervisor Liz Kniss, Menlo Park recently was successful in helping to secure a grant of \$400,000 to fund the detailed design phase of the project.

With the consent of the City Council, I would be happy to continue in this informal role, reporting to Council on progress on a quarterly or as-needed basis. Please consider this at your December 11 City Council meeting as you decide on the assignment of city councilmembers to regional bodies and council subcommittees.

Thank you for your consideration,

Kelly Fergusson
Former City Councilmember



ADMINISTRATIVE SERVICES

Council Meeting: December 11, 2012

Staff Report #: 12-187

Agenda Item #: F-3

REGULAR BUSINESS: Council discussion and possible recommendation on various seats for determination at the next City Selection Committee meeting scheduled for December 14, 2012

RECOMMENDATION

Staff recommends City Council discuss the applicants to provide guidance to the Mayor on the various seats that will be selected at the next City Selection Committee meeting scheduled for December 14, 2012 (Attachment A).

BACKGROUND

There are six regional seats that have vacancies through the San Mateo County Council of Cities. Two of the vacancies have multiple applicants and will require a vote by the Council of Cities representatives to determine the formal appointment.

The Association of Bay Area Governments, Bay Conservation and Development Commission (ABAG/BCDC) appointment does not require letters of intent, only nominations from the floor are taken.

The City Selection Committee meeting will take place on December 14, 2012. According to the bylaws for Council of Cities, the Mayor is the voting member for each city.

This item is on the agenda for the Council to provide input to the Mayor for voting purposes at the December 14 City Selection Committee meeting.

IMPACT ON CITY RESOURCES

There is no cost associated with this item.

POLICY ISSUES

The proposed action is consistent with existing policy and Council's direction to staff.

Signature on File
Margaret S. Roberts, MMC
City Clerk

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

- A. List of appointments with applicants listed
- B. San Mateo County City Selection Committee agenda packet

CITY SELECTION COMMITTEE
Council Meeting: December 11, 2012

Housing and Community Development Committee

Helen Fisicaro

Colma

Metropolitan Transportation Commission (MTC)

Clifford Lentz

Brisbane

Alicia Aguirre

Redwood City

Rick Kowalczyk

Half Moon Bay

Gina Papan

Millbrae

Jerry Deal

Burlingame

San Mateo County Transit District (SamTrans) representing Southern Judicial Cities

Jeffrey Gee

Redwood City

San Mateo Transportation Authority (SMCTA) representing Central Judicial Cities

Terry Nagel

Burlingame

San Mateo Transportation Authority (SMCTA) representing Southern Judicial Cities

Rosanne Foust

Redwood City

Election of a Chairperson to the City Selection Committee for 2013

Marina Fraser

Half Moon Bay

Mary Ann Nihart

Pacifica

Election of a Vice Chairperson to the City Selection Committee for 2013

Marie Chuang

Hillsborough

Mary Ann Nihart

Pacifica

SAN MATEO COUNTY CITY SELECTION COMMITTEE

*Maryann Moise Derwin , Chairperson
Kelly Fergusson, Vice Chairperson*

*Becky Romero, Secretary
400 County Center
Redwood City, 94063
650-363-1802*

TO: MAYORS OF SAN MATEO COUNTY
FROM: REBECCA ROMERO, SECRETARY
SUBJECT: MEETING OF THE CITY SELECTION COMMITTEE
DATE: DECEMBER 14, 2012

Mayor Maryann Moise Derwin, Chairperson of the San Mateo County City Selection Committee, has called for a meeting of the Committee at 6:15 p.m. on December 14, 2012, at the Colma Fire Station, 50 Reiner Street, Colma, 94014.

Please arrive on time.

- 1) Roll Call
- 2) Approval of the Minutes for the meetings of August 24 and October 26, 2012
- 3) Selection of two (2) Council Members to serve on the Housing & Community Development Committee representing Cities for a term of 4 years beginning January 1, 2013
 - i. Council Member Helen Fisicaro, Colma, is seeking reappointment*
- 4) Selection of one (1) Council Member to serve on the Metropolitan Transportation Commission (MTC) representing Cities to fulfill a term that expires February 9, 2015
 - i. Mayor Cliff Lentz, City of Brisbane, is seeking appointment*
 - ii. Mayor Alicia Aguirre, City of Redwood City, is seeking appointment*
 - iii. Vice Mayor Rick Kowalczyk, City of Half Moon Bay, is seeking appointment*
 - iv. Vice Mayor Gina Papan, City of Millbrae, is seeking appointment*
 - v. Council Member Jerry Deal, City of Burlingame, is seeking appointment*
- 5) Selection of one (1) Council Member to serve on the San Mateo County Transit District (SamTrans) representing Southern Judicial Cities (***Cities eligible to nominate: Atherton, East Palo Alto, Menlo Park, Portola Valley, Redwood City, San Carlos and Woodside***) for a term of 4 years beginning January 1, 2013
 - i. Vice Mayor Jeffrey Gee, City of Redwood City, is seeking reappointment*

- 6) Selection of one (1) Council Member to serve on the San Mateo County Transportation Authority (SMCTA) Board representing Central Judicial Cities (*Cities eligible to nominate: Belmont, Burlingame, Foster City, Half Moon Bay, Hillsborough, Millbrae and San Mateo*) for a term of 4 years beginning January 1, 2013

i. Council Member Terry Nagel, City of Burlingame, is seeking reappointment

- 7) Selection of one (1) Council Member to serve on the San Mateo County Transportation Authority (SMCTA) Board representing Southern Judicial Cities (*Cities eligible to nominate: Atherton, East Palo Alto, Menlo Park, Portola Valley, Redwood City, San Carlos and Woodside*) for a term of 4 years beginning January 1, 2013

i. Council Member Rosanne Foust, City of Redwood City, is seeking reappointment

- 8) Election of a Chairperson to the City Selection Committee for 2013
(Note: Candidates must be a current Mayor or Council Member)

i. Council Member Marina Fraser, City of Half Moon Bay, is seeking appointment
ii. Council Member Mary Ann Nihart, City of Pacifica, is seeking appointment

- 9) Election of a Vice Chairperson to the City Selection Committee for 2013
(Note: Candidates must be a current Mayor or Council Member)

i. Council Member Marie Chuang, Town of Hillsborough, is seeking appointment
ii. Council Member Mary Ann Nihart, City of Pacifica, is seeking appointment

10) Oral Communications

(Any subject not on the agenda may be presented at this time. These topics cannot be acted upon or discussed, but may be agendaized for a later meeting date.)

If you have any questions or require additional information, contact Becky Romero at (650) 363-1802.

SAN MATEO COUNTY CITY SELECTION COMMITTEE

*Maryann Moise Derwin, Chairperson
Kelly Fergusson, Vice Chairperson*

*Rebecca Romero, Secretary
400 County Center
Redwood City, 94063
650-363-1802*

TO: MAYORS OF SAN MATEO COUNTY
FROM: REBECCA ROMERO, SECRETARY
SUBJECT: MEETING OF THE CITY SELECTION COMMITTEE
DATE: AUGUST 24, 2012

Mayor, Maryann Moise Derwin, Chairperson of the San Mateo County City Selection Committee, has called for a meeting of the Committee at 6:15 p.m. on Friday, August 24, 2012, at The Ritz Carlton Half Moon Bay, 1 Miramontes Point Road, Half Moon Bay, CA 94019 (650) 712-7000

DRAFT MINUTES

- 1) Roll Call - The following cities were present: Atherton, Belmont, Brisbane, Burlingame, Foster City, Half Moon Bay, Hillsborough, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, and Woodside
- 2) Approval of the Minutes of February 24, 2012

Motion: South San Francisco / Second: San Bruno

- 3) Selection of one Council Member to serve on the Housing Endowment and Regional Trust (HEART) representing Cities (*Cities eligible to nominate: Atherton, Belmont, Brisbane, Burlingame, Colma, East Palo Alto, Foster City, Half Moon Bay, Hillsborough, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco and Woodside*) to fulfill Daly City Council Member, David Canepa's term that expires February 28, 2013.

Mayor Cliff Lentz, Brisbane	Motion: Hillsborough	Second: Redwood City	Appointed
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- 4) Oral Communications – **None**

The meeting was adjourned at 6:45 p.m.

SAN MATEO COUNTY CITY SELECTION COMMITTEE

*Maryann Moise Derwin, Chairperson
Kelly Fergusson, Vice Chairperson*

*Rebecca Romero, Secretary
400 County Center
Redwood City, 94063
650-363-1802*

TO: MAYORS OF SAN MATEO COUNTY
FROM: REBECCA ROMERO, SECRETARY
SUBJECT: MEETING OF THE CITY SELECTION COMMITTEE
DATE: OCTOBER 4, 2012

Mayor, Maryann Moise Derwin, Chairperson of the San Mateo County City Selection Committee, has called for a meeting of the Committee at 6:00 p.m. on Friday, October 26, 2012, at Viva La Vita Restaurant, 788 Laurel Avenue, San Carlos, CA 94070 (650) 637-8859

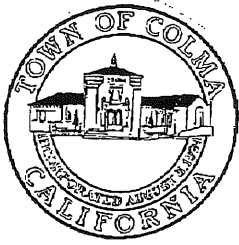
DRAFT MINUTES

- 1) Roll Call – The following cities were present: Atherton, Brisbane, Burlingame, East Palo Alto, Foster City, Half Moon Bay, Hillsborough, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Carlos, San Mateo, South San Francisco, and Woodside
- 2) Approval of the Minutes of August 24, 2012 – **Continued to the meeting of December 14, 2012**
- 3) Nominations of Council Members to be considered for the California Coastal Commission; the appointment commences December 4, 2012, fulfilling a term that expires May 20, 2013

Nominees:	Motion:	Second:
Supervisor Carole Groom	Brisbane	Millbrae
San Mateo County Board of Supervisors		
	In Favor: All	Those Against: None
Mayor Allan Alifano	Pacifica	Brisbane
City of Half Moon Bay		
	In Favor: All	Those Against: None

- 4) Oral Communications - **None**

The meeting was adjourned at 6:40 p.m.



TOWN OF COLMA

1198 El Camino Real • Colma, California • 94014-3212

Tel 650-997-8300 • Fax 650-997-8308

City Council

Raquel Gonzalez
Mayor

Joanne F. del Rosario
Vice Mayor

Joseph Silva
Council Member

Diana Colvin
Council Member

Helen Fisicaro
Council Member

City Treasurer

Laura Walsh

City Officials

Laura Allen
City Manager

Jon Read
Chief of Police

Roger Peters
City Attorney

Cyrus Kianpour
Acting City Engineer

Brad Donohue
Acting Public
Works Director

Michael Laughlin, AICP
Acting City Planner

Brian Dossey
Director of Recreation
Services

Lori Burns
Human Resources Manager

November 21, 2012

Honorable Mayors and Designees:

I am writing to express my interest in continuing to serve on the Housing and Community Development Committee.

I am extremely passionate about housing issues and am honored to have been able to serve on this committee for several years. I feel confident that I am a valuable asset and would be able to help the community by making informed and thoughtful decisions. The issue of affordable housing is a long time interest of mine; I have served on the HIP Housing Board of Directors for nine years and am extremely committed to their mission of improving the community by ensuring that critical housing needs are met. In addition, I've been involved in San Mateo County's Sub Regional Housing Need Allocation (RHNA) Policy Advisory Committee, as well as the Housing Endowment and Regional Trust (HEART) Member Agency Committee. The issue of affordable housing is so vital to the health of our community and as public officials, I feel that we can make a huge impact through committees like the HCDC.

I believe that the experience and commitment I have regarding this issue will help me continue to serve on the Housing and Community Development Committee and I hope that you agree. Thank you for your consideration and, hopefully, your support.

Sincerely,

Helen Fisicaro



CITY OF BRISBANE

50 Park Place
Brisbane, California 94005-1310
(415) 508-2100
Fax (415) 467-4989

Cliff Lentz, Mayor, City of Brisbane

November 30, 2012

To: Honorable Mayors, Vice Mayors and Councilmembers

I hope this letter finds you well. I am writing to express my interest in serving as your representative on the Metropolitan Transportation Commission.

I am currently the Mayor of Brisbane and have been on the Brisbane City Council for three years. Prior to that, I served eight years on the Brisbane Planning Commission.

I'm also the Chair of the Baylands Sustainability Committee, where our goal is to take a 660-acre contaminated site and transform it into a sustainable development that is safe and vibrant. In working toward achieving this, I've come to understand how transportation, through the lens of sustainability, will be the system that binds the development together. By focusing on mobility that doesn't degrade the environment, allows for greater accessibility and efficiency through all modes of transportation while seeking out ways to enhance the economy, we have an opportunity to create a model of positive development within San Mateo County.

All cities have the potential to create sustainable developments that would be greatly enhanced through financial support from MTC. The competition to receive financial grants for transportation development is stiff. With your support, I will utilize my understanding of how sustainability is tied to transportation funding, and work toward establishing better lines of education and communication between MTC and the cities of San Mateo County. I will send out periodic emails to update you with what is happening at MTC, and coordinate meetings to help guide cities with projects that would benefit from MTC funding.

I would be honored to represent you and your city on the Metropolitan Transportation Commission.

Please do not hesitate to contact me: cliffrentz@sbcglobal.net or via cell 650-219-0293.

Best regards,

Clifford R. Lentz, Mayor
City of Brisbane



Mayor Alicia C. Aguirre
Vice Mayor Jeffrey Gee
Council Members
Ian Bain
Rosanne S. Foust
Jeff Ira
Barbara Pierce
John D. Seybert



City Hall
1017 Middlefield Road
Redwood City, CA 94063
Voice: (650) 780-7220
fax: (650) 261-9102
mail@redwoodcity.org
www.redwoodcity.org

December 3, 2012
(sent via email)

Subject: Request for Your Support – Metropolitan Transportation Commission Seat

Honorable San Mateo County Mayors and Council Members:

I would like to ask for your vote to be appointed to the Metropolitan Transportation Commission to fill an unexpired seat. I wanted to let you know of my great interest in serving on the Commission, and to ask for your support.

Since becoming Mayor of Redwood City, and during my entire tenure on the City Council since 2005, I have been committed to our region's transportation issues, and have been supportive of various initiatives that relate to the role of this Commission. As a member of the City Council, I have extended my support to many initiatives like the Zipcar, the Shuttle Service Redwood City offers, Smart Corridor, and other initiatives.

I have served in various capacities in local and regional entities and subcommittees, including C/CAG, ABAG, and the Redwood City Utilities Committee (as both member and Chair) to name just a few. In addition, I have been an integral member of the Redwood City San Mateo County Chamber of Commerce and the League of California Cities, and am currently the Vice President of the Latino Caucus of the League. My efforts always include bringing in diverse viewpoints, considering the needs of the people throughout San Mateo County, and approaching my decisions with a regional perspective.

Based on my continuing experience, my dedication to serving, and my life-long passion for making a real difference in the lives of the people in our local and regional communities, I am requesting your support for my appointment to a seat on the Metropolitan Transportation Commission. With your support and encouragement, I'm certain that I can offer a substantial contribution to addressing the region's transportation needs and issues.

Your support is very important to me and I respectfully ask for your vote.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, reading "Alicia C. Aguirre". The signature is written in a cursive, flowing style.

Alicia C. Aguirre
Mayor, City of Redwood City

C: City Council

City of Half Moon Bay



**501 Main Street
Half Moon Bay, CA 94019
650-726-8270**

November 29, 2012

Dear San Mateo County Mayors and Councilmembers,

I seek appointment to the vacant Metropolitan Transportation Commission (MTC) seat, and request your support. I bring important skills and experience to the MTC needed for effective oversight: consensus building, budget management, strategic planning, and an inclusive communication approach.

My priorities will emphasize both transparency and inclusiveness to ensure that San Mateo County and its cities big and small are well represented, from the Township of Broadmoor to the City of Menlo Park.

I am most interested to serve on the Regional Planning Committee within the MTC, which is responsible for developing the Regional Transportation Plan (RTP) and Corridor Studies. The RTP is the strategic plan that guides transportation development over the next 25 years, and I have the skills necessary to help ensure an effective and practical approach.

Please support my candidacy for appointment to MTC.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Kowalczyk", written over the printed name.

Rick Kowalczyk
Vice Mayor



City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

Phone (650) 259-2334 Fax (650) 259-2415

E-Mail: gpapan@ci.millbrae.ca.us

GINA PAPAN

Vice Mayor

November 27, 2012

Dear Mayor, Vice-Mayor, and Council Members,

I respectfully ask for your support of my candidacy for San Mateo County's open seat on the Metropolitan Transportation Commission (MTC).

As a member of the board of directors of the MTC, I vow to be a passionate and committed advocate for our cities and county. I will work with you to be a strong representative who listens to your concerns, builds consensus, keeps you informed, and fights for our fair share.

EXPERIENCE AND VISION

For the past seven years as Millbrae's **City Councilmember and Mayor**, I have focused on efficiency, economic development, and revenue enhancement, working both within our city and looking outward from a county and regional perspective. Millbrae is a key part of the San Mateo County transportation network because it serves as the intermodal center of our county—the only city that connects the SFO, BART, Caltrain, SamTrans, and multiple shuttle services. Given Millbrae's unique position, I believe one of our greatest resources is to bring communities together. I have developed positive relationships with cities and agencies in the county, as well as neighboring counties. Working together we have shared services with the county, merged services with four other cities, promoted strategic, transit-oriented developments with BART, pursued mutually beneficial property uses with the San Francisco Public Utilities Commission and its land within Millbrae, and continue to explore a multitude of innovative projects with the Silicon Valley Leadership Group. I feel strongly that cultivating these relationships has promoted efficiencies, saved money, and help our local economy grow.

On the MTC, I will work hard for the following specific goals:

1. **Secure our fair share of funding.** I will work to ensure we get our fair share of state and federal funding for ready-to-go projects suited to meet our region's needs. I will work so we can leverage funds for mixed-transportation projects that would enhance community vitality, promote pedestrian, bicycle, and public transit use, encourage transit-oriented development, and help rehabilitate local streets and roads.
2. **Reduce congestion.** I will work to reduce congestion in commute corridors, pursuing new transportation technologies to smooth commutes, and promote convenient and reliable public transportation.
3. **Modernize Caltrain.** I will work with other cities to ensure that the electrification of Caltrain along the existing right-of-way has acceptable and minimal impact on individual cities. Electrification, if done right, will reduce operating costs by half and increase service from 45,000 to 70,000 riders per day.

MY REPRESENTATIVE SERVICE

- San Mateo County Council of Cities
- City/County Association of Governments (C/CAG) Board of Directors
- C/CAG Legislative Committee
- Congestion Management Program and Environmental Quality Committee (CMEQ)
- San Mateo County Housing Endowment and Regional Trust
- Grand Boulevard Task Force
- San Mateo County Emergency Services Council
- High Speed Rail Policymakers Working Group
- Airport Land Use Committee
- Peninsula Congestion Relief Alliance

MY PROFESSIONAL SERVICE

- **Deputy Attorney General for the State of California** Proudly representing the people of the State of California for over 17 years.
- As the **Deputy Director** of a state agency with a \$400 million budget, I managed 150 employees. I helped to implement the Amber Alert program, served on the School Violence Prevention and Response Task Force, the Child Abduction Task Force, and served as a legislative advisor to the High Technology Crime Advisory Committee.

WHAT IS THE MTC?

The MTC is the regional transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area. MTC is three agencies in one with a wide range of duties and shared mission: to keep the Bay Area moving. It oversees \$4.7 billion in public funds for transportation. The Bay Area includes 101 municipalities, 7,179 square miles of land, and by the year 2030 a population of 8.7 million people and 5.1 million jobs. The transportation network is 1,420 miles of freeways and highways, 19,400 miles of local streets and roads, 470 miles of rail transit, five commuter ferries, eight toll bridges, five public ports, three major commercial airports, and 750 miles of bikeways.

YOUR SUPPORT

I respectfully ask for your vote on December 14, 2012, when the City Selection Committee votes to fill San Mateo County's open seat for the MTC. I have a proven record of fighting for our collective needs and I will continue to do so on the MTC Board.

Please feel free to contact me should you need any additional information at 415-710-5820.

Thank you,



Gina Papan
Vice Mayor
City of Millbrae



City of Burlingame

501 Primrose Rd
Burlingame, CA 94010

Jerry Deal, Councilmember, City of Burlingame

11-28-2012

To: Hon. Mayors, Vice-Mayors and Councilmembers

Hopefully you have received the information letters I wrote asking for your vote to be the San Mateo County representative to the Metropolitan Transportation Commission, completing the term now available because our current representative, Kevin Mullin, has been elected to the state Assembly.

The vote by the Council of Cities now is scheduled for December 14th at the Colma fire station and so I want to use the intervening time to reiterate and expand upon my interest in the position.

I am reminded of the line allegedly uttered by the infamous bank robber Willie Sutton when asked why he robs banks. "That's where the money is," he is said to have replied.

MTC is the bank. I don't want to rob it, but I do want to make sure that San Mateo County gets its share of the regional, state and federal funds that flow through this entity. To make that happen, we need a strong, well-informed and passionate voice for our interests and I believe I have the experience and the passion to be that voice.

I am fortunate to have been elected by your colleagues on the Council of Cities to represent you on the SamTrans and Caltrain boards of directors. With that experience, I can bring to the MTC an understanding of our county's needs for the programs and projects we all want – programs and projects that will get cars off the road, clean up our air and create an effective and meaningful transit network.

In my current role as your representative, I have had the opportunity to learn first-hand how essential it is that we keep Caltrain moving forward as a modernized and electrified system with a financial future that is assured and not in doubt.

On the SamTrans board, I have fought against service cuts and advocated for a range of pilot programs focused on the “last mile” of the commute through shuttles, bike sharing, car sharing and other alternatives. I understand how critical our bus system is for our community’s neediest – the working poor, students and the disabled.

As has been the case in my role on the SamTrans and Caltrain boards, serving on MTC will be an opportunity to speak for all of our county. That will be my only agenda – to serve all of our cities and the county and to be the person who speaks up for us, in public and behind the scenes, to make sure we get the attention and resources we need.

I have enhanced my transportation experience at American Public Transportation Association Conferences which has allowed me to network with transportation experts, board members, vendors and users across the United States.

It is imperative that we elect someone who can “hit the ground running” instead of waiting for a learning curve. For all of these reasons, I ask for your vote.

I would welcome the chance to speak to you personally about this upcoming vote and to answer your questions. You can contact me on my cell phone: 650-922-6975.

Best Regards

Jerry Deal

Jerry Deal
Councilmember, City of Burlingame
Board Chair, SamTrans
Board Member, JPB (Caltrain)

Mayor Alicia C. Aguirre
Vice Mayor Jeffrey Gee
Council Members
Ian Bain
Rosanne S. Foust
Jeff Ira
Barbara Pierce
John D. Seybert



City Hall
1017 Middlefield Road
Redwood City, CA 94063
Voice: (650) 780-7220
fax: (650) 261-9102
mail@redwoodcity.org
www.redwoodcity.org

November 20, 2012

Re: City Selection Committee
SamTrans – Southern Judicial District Appointment

Honorable Mayors, Council Members and Designees:

It has been my honor to serve these past few months on SamTrans Board of Directors fulfilling the remainder of the term left vacant with the tragic loss of our friend Omar Ahmad.

I am writing to express my interest in being reappointed to the Southern Judicial District seat at SamTrans at the December 14, 2012 Council of Cities meeting in Colma.

SamTrans is an integral part of our community, providing transportation and mobility for many of our county's most vulnerable and geographically constrained residents. Along with the District's sister transit agencies, the vitality and well-being of public transportation has a direct impact on the quality of life for all our residents.

During my few months on the Board, I have served on the Finance and Legislative Committees, and I am currently serving as the Chair of the Finance Committee. In addition, I serve on the SamTrans Service Plan (SSP) Committee, working with colleagues and staff to optimize our current service in the County, and to provide these services within our existing financial resources.

The major goals and challenges facing SamTrans in the next few years include:

- Optimizing mobility services within San Mateo County;
- Ensuring adequate service is provided to every community;
- Becoming a financially sustainable organization;
- Preparing for the transit needs of the future.

These goals and challenges are intricately woven together and will require common sense solutions, careful oversight, firm decision-making, partnering with our communities, leveraging programs with other transit agencies, and hard work.

Only through regional cooperation and respect for the similarities and differences of each community, will we be able to collectively continue to provide vital transportation services for all San Mateo County residents.

I believe I have successfully hit the ground running these past few months to become a valuable board member. My demonstrated participation as a board member, combined with my elected and professional experience, capabilities, focus and work ethic will enable me to address the issues at hand, and continue to make a difference for our future.

Thank you for your consideration and for your support.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeffrey Gee', with a stylized, cursive script.

Jeffrey Gee, Vice Mayor
City of Redwood City

C: Alicia Aguirre, Mayor
Members, City Council, City of Redwood City
Becky Romero, Secretary, City Selection Committee



The City of Burlingame

501 PRIMROSE ROAD, BURLINGAME, CA 94010-3997
www.burlingame.org

JERRY DEAL, MAYOR
ANN KEIGHRAN, VICE MAYOR
MICHAEL BROWNRIGG, COUNCILMEMBER
CATHY BAYLOCK, COUNCILMEMBER
TERRY NAGEL, COUNCILMEMBER

TEL: (650) 558-7203
FAX: (650) 342-8386
EMAIL: council@burlingame.org

November 12, 2012

Dear Colleague:

I am writing to seek your support for my re-election as the Central Cities representative to the San Mateo County Transportation Authority (TA) at the December 14 meeting of the San Mateo Council of Cities.

Like you, I believe that transportation is one of the most critical issues facing our county. I am committed to continue working with local cities to create the best transportation plan possible for the Peninsula – not just trains running north and south but also the east-west connections that are badly needed in order to make public transit convenient. As Caltrain becomes electrified, I firmly believe we must work together to make sure this enhanced service integrates seamlessly into the fabric of our communities.

As a member of the TA since January 2010, I have focused on expanding current transportation options in our county, making sure our finances are prudently invested and inviting sustainable solutions for transit issues. I have consistently asked the TA staff to notify all cities of funding opportunities and worked with the Peninsula Traffic Congestion Relief Alliance to create a handout for employers to give their employees, which lists commuter incentives such as “Try Transit” free passes, emergency rides home and gas cards for carpoolers. (See attached.) I have advocated for more bike and pedestrian trails, electric charging stations, pre-tax benefits for commuters taking public transportation, and aggregate purchasing of electric vehicles and LED streetlights among cities throughout San Mateo County (in partnership with the Bay Area Climate Collaborative).

I would greatly appreciate your support for my re-election to the Transportation Authority at the meeting on December 14. Thank you for your consideration.

Best regards,

Terry Nagel
Burlingame City Council
tnagel@burlingame.org
(650) 347-3576

DRIVE LESS. WASTE LESS. STRESS LESS.

Other than solo driving, do your employees know of other ways to get around town, to work or other destinations?

As a first step, the Peninsula Traffic Congestion Relief Alliance has some easy to implement programs to get your employees started, including free transit passes, free gas cards for people who carpool together, and cash incentives for vanpools, to name a few.



Incentives and Programs for your Employees.

Public Transportation ~ Free transit passes through the “Try Transit” program.

- * Receive a \$9 BART ticket, Up to 3 roundtrip Caltrain tickets, or Up to 6 one-way SamTrans tickets. (Other transit options available to choose from.)
- * Pre-Tax Commuter Benefits Employer Incentive: Earn up to \$1000 by setting up a ‘Pre-Tax Commuter Benefits’ program for your employees. We can help.

Carpool ~ \$60 gas card per person

- * Carpool must have at least two adults, be newly-established (six to twelve months old), and must occur at least two times per week for two months.
- * Part of the commute must be within San Mateo County borders.

Vanpool

For Drivers: Drive six months and receive a \$500 check.

For Riders: Reimbursement for half the cost – up to \$100 per month – for the 1st three months.

A vanpool is comprised of seven or more people riding in a leased vehicle, with the driver and the riders sharing the costs. To find vanpool partners, visit www.commute.org and click on “Find a Carpool Partner.”

Biking

- * Bike Safety Workshops: We can coordinate a 90-minute free workshop for your employees.
- * Bicycle Parking Incentive: We provide a rebate for newly-installed bike racks and lockers, up to \$500 per bike rack.
- * Bike to Work Day: occurs annually in May.

Emergency Ride Home Program

- * When your employee chooses a commute alternative, the Alliance could partner with you to pay for your ride home, in case of an emergency.
- * This program utilizes Yellow Cab (or local permitted taxicabs), or Enterprise Rent-A-Car, if outside 25 miles.



For more information about these one-time incentives, transit resources and other commute options, visit the Alliance website at www.commute.org. Transit brochure racks, employer and employee presentations are also available upon request. Contact the Alliance Office: (650) 588-8170, or by email: alliance@commute.org.



Mayor Alicia C. Aguirre
Vice Mayor Jeffrey Gee

Council Members
Ian Bain
Rosanne S. Foust
Jeff Ira
Barbara Pierce
John D. Seybert



1017 MIDDLEFIELD ROAD
Redwood City, California 94063
Telephone (650) 780-7220
FAX (650) 261-9102
www.redwoodcity.org

November 16, 2012

Subject: Seeking Re-appointment to the South County Seat for the Transportation Authority (TA)

Honorable Mayors and Council Members,

Serving on the Transportation Authority (TA) has meant the privilege of working directly on addressing the entire county's transportation and transit needs, looking for ways to improve the network, expand on services, continue to support other critical services and to try new, innovative approaches. My goal has been to serve the whole county with fairness and equity.

One hallmark of the TA is the leveraging of the county's tax revenues to obtain matches in federal and state funds that more than double the financial reach of the Authority.

In the past two years, the following has been accomplished:

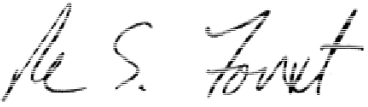
- Approved more than \$82 million for 23 highway projects that address, big and small, the most pressing traffic congestion bottlenecks in the county, including the Highway 101/Broadway interchange.
- Address other traffic issues on our most critical highway, the Bayshore, through an auxiliary lane program that shortly will extend the length of the county and is a proven method for reducing congestion and by undertaking and expanding a ramp metering program.
- A critical source of operating and capital funds for Caltrain – more than \$10 million in operating funds over two years, and an equivalent amount in capital funds.
- Approved \$4.5 million in bike and pedestrian programs throughout the county.

- Further leveraging Measure A funds in essential partnerships with C/CAG, which is frequently a funding partner in many of the key projects, providing an exponential increase in the impact of the funds; and as a major funding source for the programs of the Peninsula Congestion Relief Alliance and that organization's innovative programs, including implementation of an employer and community outreach program, direct marketing and communication with commuters, emergency ride home programs, vanpool and carpool formation/incentive programs, and Bike to Work Day programs.
- A funding partner in the historic regional agreement to fund Caltrain modernization and electrification, helping to assure that this service is alive and thriving for future generations, while also providing a significant measure of local oversight and control.
- Approved a \$4.5 million program to fund community and employer shuttles, enhancing the network of transit.
- Looking ahead, we have issued a call for letters of intent from communities that will want Caltrain grade separations, a means by which to influence the future look and feel of our county.
- Approved funding for a series of pilot projects, including Senior Mobility, bike-sharing, car-sharing and other innovative transit options.

The TA is where we put into motion our hopes and desires for a transportation and transit network that builds for the future, where new ideas can be tried, and our infrastructure is sustained and improved. Bridges are being rebuilt, roads improved and traffic congestion reduced.

I respectfully ask for your vote to be re-appointed to the South County Seat of the Transportation Authority to continue serving with expertise, dedication, and commitment.

Sincerely,



Rosanne Foust,
Council Member, Redwood City

C: City Council, Redwood City



Scenic Pacifica

CITY MANAGER'S OFFICE

TEL. (650) 738-7301

FAX (650) 359-6038

CITY ATTORNEY

TEL. (650) 738-7409

FAX (650) 359-8947

CITY CLERK

TEL. (650) 738-7307

FAX (650) 359-6038

CITY COUNCIL

TEL. (650) 738-7301

FAX (650) 359-6038

FINANCE

TEL. (650) 738-7392

FAX (650) 738-7411

FIRE ADMINISTRATION

TEL. (650) 991-8138

FAX (650) 991-8090

HUMAN RESOURCES

TEL. (650) 738-7303

FAX (650) 359-6038

**PARKS, BEACHES &
RECREATION**

TEL. (650) 738-7381

FAX (650) 738-2165

PLANNING

TEL. (650) 738-7341

FAX (650) 359-5807

• **Building**

TEL. (650) 738-7344

• **Code Enforcement**

TEL. (650) 738-7341

POLICE DEPARTMENT

TEL. (650) 738-7314

FAX (650) 355-1172

PUBLIC WORKS

TEL. (650) 738-3760

FAX (650) 738-9747

• **Engineering**

TEL. (650) 738-3767

FAX (650) 738-3003

• **Field Services**

TEL. (650) 738-3760

FAX (650) 738-9747

CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506

www.cityofpacifica.org

MAYOR

Peter DeJarnatt

MAYOR PRO TEM

Len Stone

COUNCIL

Sue Digre

Mary Ann Nihart

Ginny Jaquith

Mary Ann Nihart
Pacifica City Council
City Hall
170 Santa Maria Avenue
Pacifica, CA 94044

December 3, 2012

Chairperson, Maryann Moise Derwin, Mayors, and Council Members
Rebecca Romero
City Selection Secretary, San Mateo County
400 County Center
Redwood City, 94063

Dear Fellow Council Members,

I am writing to express my interest in becoming either Chair or Vice Chairperson of the City Selection Committee/Council of Cities. When Pacifica hosted the Council of Cities last month, I once again realized how important hosting this meeting is to all of our council members countywide. Helping to bring our communities closer and stimulating council development with interesting programs are both goals I would very much like to accomplish for San Mateo County. Efficient, well-managed business meetings provide an opportunity to focus on the program and I would like to continue that tradition.

I will be beginning my second term of service on the Pacifica City Council this December. Over the next four years, I wish to become more involved throughout the county, connecting with other council members and learning how we can best represent each other. San Mateo County has a long history of working collaboratively which I have witnessed serving on the Legislative Committee for C/CAG for three years and the Council of Cities for two years. Council of Cities provides an excellent mechanism to share our mutual interests and select those among us who can best represent those interests.

Thanks you for your consideration of my nomination.

Sincerely,

Mary Ann Nihart

<electronic signature>

Mary Ann Nihart
Council member, City of Pacifica



TOWN OF HILLSBOROUGH
1600 FLORIBUNDA AVENUE
HILLSBOROUGH
CALIFORNIA
94010-6418

December 1, 2012

Dear Mayors, Vice Mayors and Councilmembers,

I am writing to express my interest in serving as Vice Chair for the Council of Cities and also as Vice Chair for the City Selection Committee (as you know, these roles traditionally co-exist).

I have been on the Hillsborough City Council since 2010, where I serve as Fire Commissioner and Vice Chair of the Central County Fire Department Board, Co-Commissioner of Communications, and Co-Chair of Hillsborough Neighborhood Network.

In years that I have served on Council, I have attended almost every one of the Council of Cities meetings. I enjoy learning the history of each different city and meeting my fellow councilmembers. I know that these events are invaluable opportunities for each of us to get to know each other better, and to receive information that assists us with our public service.

I would appreciate the opportunity to serve as Vice Chair to help with coordinating speakers and assist in planning the monthly events in our various cities, and I ask for your support.

Please feel free to contact me at mariechuang@yahoo.com or 650 348-8106 if you need any more information or want to discuss this further.

With warm regards,

Marie Chuang
Councilmember, Town of Hillsborough

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ADMINISTRATIVE SERVICES

Council Meeting: December 11, 2012

Staff Report #: 12-188

Agenda Item#: F-4

REGULAR BUSINESS: Council review and approval of the City Council Meeting Schedule for 2013

RECOMMENDATION

Staff recommends Council review, discuss, and approve an annual meeting schedule for 2013 (Attachment A).

BACKGROUND

The purpose of the annual City Council meeting schedule is to provide Council, staff and the public advance notice of meeting dates. The meeting schedule has typically been approved at the second meeting in December.

In the past, the City Council has cancelled meetings during the summer as well as on Tuesdays that occur during school breaks. The dates for school breaks through June are included in Attachment B for your reference.

ANALYSIS

Staff is proposing a meeting schedule for 2013 similar to that approved for 2012 holding meetings on the first and third Tuesdays. The exceptions to the schedule are included as Attachment C.

A condensed meeting schedule could provide more time for Council members to schedule committee or other community meetings, save staff costs for those staff members who must attend the meetings and require overtime, provide more time between meetings for Council and the public to review lengthier reports, and facilitate more efficient use of time at meetings that must accommodate an additional number of items as seen in the chart below. A condensed schedule might, however, create longer meetings as more items must be accommodated at each meeting.

Once a meeting schedule is approved by the City Council, the schedule will be used to create a Tentative Calendar to identify when items will likely be considered by the Council. It is important to note that the Tentative Calendar is a tool that serves as an ongoing reference guide, and that items are frequently moved and meetings are sometimes cancelled or added. The Tentative Calendar is posted on the City's website showing the upcoming meetings with updates made every week.

This year the meeting schedule is being provided in two formats. The first format is a yearly calendar, showing regular meetings in lavender, holidays in red and closed Fridays in blue. The second format shows just Tuesdays, coded for either a regular meeting or no meeting as provided in previous years.

The calendar does not currently include study sessions. Typically study sessions are used for single topic issues of great community interest. In order to provide opportunities for study sessions, the Council is requested to keep Tuesday evenings free, so that meetings, including study sessions, can be scheduled as the need arises.

This more structured schedule may also require scheduling closed sessions before the next regularly scheduled Council meeting. Such closed sessions will comply with all noticing requirements and will be dependent on the availability of the full City Council.

IMPACT ON CITY RESOURCES

There is no cost associated with this item.

POLICY ISSUES

The proposed action is consistent with the existing policy of setting an annual meeting schedule.

Signature on File
Margaret S. Roberts, MMC
City Clerk

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

- A – Proposed 2013 City Council Meeting Schedule
- B – List of school holiday / vacation dates
- C – Exceptions to Meeting Schedule

2013 CITY COUNCIL MEETING SCHEDULE

Pending Approval

January

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

March

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

COUNCIL MEETINGS

CITY HALL CLOSED

STAFF HOLIDAYS

AB 1234 & BROWN ACT TRAINING

**STUDY SESSIONS WILL BE SCHEDULED AS
NEEDED**

DRAFT 2013 SCHEDULE OF COUNCIL MEETINGS

Approval Pending

236

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
1 (N)	5 (R)	5 (R)	2 (R)	7 (R)	4 (R)
8 (R)	12 (N)	12 (R)	9 (N)	14 (N)	11 (R)
15 (N)	19 (R)	19 (N)	16 (R)	21 (R)	18 (N)
22 (R)	26 (N)	26 (N)	23 (N)	28 (N)	25 (N)
29 (T)			30 (PC)		
CITY OBSERVED HOLIDAYS					
01/21– MLK Day	02/18 – Washington’s Birthday			05/27 – Memorial Day	

JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2 (N)	6 (N)	3 (R)	1 (R)	5 (N)	3 (R)
9 (N)	13 (N)	10 (N)	8 (N)	Election Night	10 (N)
16 (R)	20 (R)	17 (N)	15 (R)	12 (R)	17 (R)
23 (N)	27 (R)	LCC Annual Conf.	22 (N)	26 (N)	24 (N)
30 (R)		24 (R)	29 (N)	Thanksgiving week	31 (N)
CITY OBSERVED HOLIDAYS					
07/04 – Independence Day		09/02 – Labor Day		11/11 – Veterans Day 11/28-29 – Thanksgiving	12/24-25 – Christmas

R – Regular S – Study Session N – No Meeting G – Goal Setting PC – Planning Commission Interviews T – Training

City Observed Holidays: Jan 21– MLK Day; Feb 18– Washington’s Birthday; May 27 – Memorial Day; July 4 – Independence Day; Sept. 2 – Labor Day; Nov. 11 – Veteran’s Day; Nov. 28 - 29 – Thanksgiving; Dec. 24-25 – Christmas

**SCHOOL HOLIDAY / VACATION DATES
Through June 2013**

January:

- 2-7 Ravenswood City School District
- 2-4 Las Lomas Elementary School District, Menlo Park City School District,
Sequoia Union High School District
- 21 Las Lomas Elementary School District, Menlo Park City School District,
Ravenswood City School District, Sequoia Union High School District

February:

- 11 Ravenswood City School District
- 15 & 18 Ravenswood City School District, Menlo Park City School District, Sequoia
Union High School District
- 18 – 22 Las Lomas Elementary School District

March:

- 25 – 29 Las Lomas Elementary School District, Ravenswood City School District
Menlo Park City School District, Sequoia Union High School District

April:

- 1 Ravenswood City School District, Sequoia Union High School District

May:

- 17 & 20 Ravenswood City School District
- 27 Las Lomas Elementary School District, Menlo Park City School District,
Ravenswood City School District, Sequoia Union High School District

June:

- 13 Menlo Park City School District (Last day of school)
- 7 Ravenswood City School District, Sequoia Union High School District
(Last day of school)
- 11 Las Lomas Elementary School District (Last day of school)

2013 Meeting Schedule

The idea is the 1st and 3rd Tuesday of each month. Below are the exceptions:

January

First Tuesday is a City Holiday so meetings on 2nd and 4th Tuesdays

AB1234 & Brown Act Training

February

Meet on 2nd Tuesday versus 3rd Tuesday – To accommodate the Housing Element

April

Fifth Friday set for Planning Commission Interviews

June

Meet on 2nd Tuesday versus 3rd Tuesday – The last 2 years this has been the choice of the Council

July

The last 2 years the Council has met either the 3rd and 5th Tuesday or the last 2 Tuesdays of the month

August

Meet the last two weeks in August – The last 2 years this has been the choice of the Council

September

Meet the 4th Tuesday versus 3rd Tuesday due to the Annual League of California Cities conference

November

The Council does not meet on Election night or the week of Thanksgiving (1st & 3rd Tuesdays)



ADMINISTRATIVE SERVICES DEPARTMENT

Council Meeting Date: December 11, 2012

Staff Report #: 12-200

Agenda Item #: F-5

REGULAR BUSINESS: Approve Extension of an Existing Agreement with Capital Advocates to provide Legislative and Regulatory Advocacy on Rail Related Issues

RECOMMENDATION

The Council Rail subcommittee recommends an extension of the current agreement with Capitol Advocates in an amount not to exceed \$40,000 from December 1, 2012 through June 30, 2013 to provide legislative advocacy on Rail issues.

BACKGROUND

Previously the City Council established a budget in the Capital Improvement Fund in 2009-10, 2010-11 and 2011-12 for assistance with High Speed Rail (HSR) issues. The budget has been used primarily for Legislative Advocacy purposes, although funds were also used for engineering technical expertise, and other miscellaneous expenses.

In June 2011, the City Council approved a Capital Improvement Project (CIP) for expenses related to High Speed Rail. During the budget discussions, the proposed budget amount for the 2011-12 CIP was reduced by the City Council from \$100,000 to \$50,000.

The City of Menlo Park has been utilizing the services of Capitol Advocates to assist with issues related to High Speed Rail since the Spring of 2010. Initially, the City of Palo Alto, and the Town of Atherton, were also using the services of Capitol Advocates. Neither the City of Palo Alto City Council nor the Town of Atherton are currently utilizing Capitol Advocates.

A Request for Proposals was issued to five agencies last winter, with five responses. The Council directed continuation of the agreement with Capital Advocates through November 30, 2012. The Rail subcommittee recently met regarding the agreement, recommending continuation of the existing contract through June 30, 2013.

ANALYSIS

The Council's subcommittee experience to date with Capitol Advocates has been useful, and therefore recommends continuing the agreement. The current agreement includes modification approved through the approval process:

1. The Consultant report directly to the City Manager or his designee;
2. Focus of work should be on tasks and responsibilities that are a value add to the outcome. As an example, it may not be necessary for the Legislative Advocate to attend all of the Legislative Committee meetings.
3. The Consultant should present quarterly updates at Council meetings.
4. The Consultant should provide written legislative and activity updates once a month.
5. The City should be broadly represented with the Legislature including legislative, regulatory related issues for Rail and High Speed Rail.
6. The Consultant will represent the City within the parameters of the Council adopted Guiding Principles and Mission Statement.
7. The agreement provides for a monthly retainer of \$5,000 plus expenses. Hours in excess of those covered by the retainer are charged at \$325 per hour. Any unused hours roll over from month to month and that no additional hours are worked except at the explicit direction of the City.

There have been indications that the effort to exempt HSR from CEQA is still under consideration. The subcommittee noted that the remainder of the fiscal year could be a period of intense change for High Speed Rail, creating a need for nimble representation in Sacramento.

IMPACT ON CITY RESOURCES

The City Council approved a Project budget of \$50,000 for 2012-2013, but there are residual funds remaining in the project from prior years which will provide a sufficient budget.

POLICY ISSUES

High Speed Rail is a complex and highly politicized policy area, with many key meetings held outside of the City. It is not feasible for individual Council members or staff to be available to represent the City at each of these legislative and/or technical meetings, particularly out of the City. The use of a legislative advocate increases the City's visibility, and provides knowledgeable insight to the political process.

ENVIRONMENTAL REVIEW

Approval of the project and budget are not deemed a project under the California Environmental Quality Act.

Signature on File
Starla Jerome-Robinson
Assistant City Manager

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS