



## SPECIAL AND REGULAR MEETING AGENDA – AMENDED

**Date:** 11/5/2019  
**Time:** 5:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

This amended agenda includes items G4 and I1 and updates to SS1, SS2, F5, and G2.

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

### 5:00 p.m. Study Session

- SS1. Overview of recent State housing legislation and 2022 housing element update  
([Staff Report #19-239-CC](#))
- SS2. Discussion of proposed ordinance banning sale of flavored tobacco and e-cigarette devices  
([Staff Report #19-238-CC](#))

### 7:00 p.m. Regular Meeting

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Public Comment

Under “Public Comment,” the public may address the City Council on any subject not listed on the agenda. Each speaker may address the City 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 City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under public comment other than to provide general information.

### E. Consent Calendar

- E1. Accept the City Council meeting minutes for October 15, 2019 ([Attachment](#))
- E2. Adopt Resolution No. 6524 authorizing the submittal of a grant application for the Senate Bill 2 planning grant program; authorize the city manager to execute required application documents; and amend the fiscal year 2019-20 budget to include grant revenues and corresponding expenditures  
([Staff Report #19-232-CC](#))

- E3. Approve response to San Mateo County grand jury's report regarding "Electric Vehicle Adoption in the Cities and County of San Mateo" ([Staff Report #19-231-CC](#))
- E4. Adopt Resolution No. 6525 proposing to abandon public right-of-way along the 600 block of Woodland Avenue ([Staff Report #19-233-CC](#))
- E5. Adopt Resolution No. 6526 to authorize a loan to MidPen Housing Corporation up to \$635,502 for the renovation of affordable housing properties at 1105 and 1141 Willow Road and authorize the city manager to execute any and all related agreements and loan documents ([Staff Report #19-234-CC](#))

## **F. Regular Business**

- F1. Direct City staff to work with Menlo Park Public Art nonprofit to develop a pilot public art project proposal to present to the Parks and Recreation Commission for their consideration and recommendation to City Council ([Staff Report #19-226-CC](#))
- F2. Accept the transportation impact fee nexus study and review draft resolution and ordinance to update the transportation impact fee program ([Staff Report #19-235-CC](#))
- F3. Direct staff to bring Youth Advisory Committee proposal to the Parks and Recreation Commission for its consideration and recommendation ([Staff Report #19-227-CC](#))
- F4. Provide direction on the 2019 holiday lighting efforts ([Staff Report #19-236-CC](#))
- F5. Discuss triennial state building code update process and provide direction on local code amendments ([Staff Report #19-229-CC](#))

## **G. Informational Items**

- G1. City Council agenda topics: November 2019 to January 2020 ([Staff Report #19-218-CC](#))
- G2. Update on annexation application for West Menlo Triangle and potential creation of an annexation policy/procedure ([Staff Report #19-230-CC](#))
- G3. Update on small business roundtable and economic development consultant services ([Staff Report #19-237-CC](#))
- G4. Downtown street café program update ([Staff Report #19-224-CC](#))

## **H. City Manager's Report**

## **I. City Councilmember Reports**

- I1. Direct staff to negotiate an agreement with local entrepreneur and professional triathlete, Mr. Max Fennell, to provide a 12-week swim instruction program at Belle Haven pool ([Staff Report #19-241-CC](#))

## **J. Adjournment**

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 any matters of public interest not listed on the agenda, members of the public have the right to directly address the Council on any item listed on the agenda at a time designated by the chair, either before or during the City 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 chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

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 city clerk's office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

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 [menlopark.org/agenda](http://menlopark.org/agenda) and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at [menlopark.org/notifyme](http://menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 10/31/2019)



**SPECIAL AND REGULAR MEETING AGENDA**

**Date:** 11/05/2019  
**Time:** 5:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**STAFF REPORT RELEASE NOTICE**

The Staff Report No. 19-238 study session on proposed ordinance banning sale of flavored tobacco and e-cigarette devices will be available by 5 p.m. on October 31, 2019.

Members of the public can view electronic agendas and staff reports by accessing the City website at [menlopark.org/agenda](http://menlopark.org/agenda) and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at [menlopark.org/notifyme](http://menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting the City Clerk's Office at 650-330-6620. (Posted 10/24/2019.)



**SPECIAL AND REGULAR MEETING MINUTES – DRAFT**

**Date:** 10/15/2019  
**Time:** 6:30 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**A. Call To Order**

Mayor Mueller called the meeting to order at 6:40 p.m.

**B. Roll Call**

**Present:** Carlton, Combs, Nash, Mueller (excused at 10:05 p.m.), Taylor  
**Absent:** None  
**Staff:** City Manager Starla Jerome-Robinson, City Attorney William McClure, City Clerk Judi A. Herren

**C. Pledge of Allegiance**

The fifth grade La Entrada Girl Scout troop lead the Pledge of Allegiance.

**Study Session**

SS1. Report from City Council subcommittees on planning and zoning ([Staff Report #19-212-CC](#))

Assistant City Attorney made the presentation.

- Diane Baily spoke in support on of the subcommittees.

The City Council received clarification on the ability, requirements, and restrictions when considering downzoning areas. The City Council discussed possible implications from pending State legislation and how to maximize current housing structures. Assistant City Attorney Cara Silver informed the City Council that the November 5 City Council meeting will go into greater detail on the housing element and State laws.

**Regular Meeting**

**D. Public Comment**

- Sheryl Bims, with donated time from Pam Jones, spoke in support of the Facebook offer regarding the funding of a new community center in Belle Haven.
- Max Fenell spoke in support for a Belle Haven pool program and offered his proposal for a program.
- Elyse Stein, President of the Menlo Park Library Foundation, spoke in support of the Belle Haven library.
- Adam Nielander, with donated time from Daniel Torelli, spoke in opposition of the parking

restrictions on Alma Street and East Creek Drive.

## **E. Presentations and Proclamations**

### **E1. Proclamation: Anti-Bully month of October**

Mayor Mueller read the proclamation and Recreation Coordinator Allan Bruce and owner of Kuk Sool Won Richard Quintana accepted

Mayor Mueller reordered the agenda.

### **K1. Public art installation proposal**

Owner of Art Ventures Gallery Katharina Powers made a presentation.

The City Council directed staff to return this as an action item.

### **E2. Police traffic strategic plan**

Chief Dave Bertini made the presentation.

- Adina Levin had questions on the data and the availability of the information given in the report.

The City Council received clarification on crosswalk violations and confirmation that the data is available on the City website.

## **F. Commissioner Reports**

### **F1. Consider applicants and make appointments to fill unexpected vacancies on the various city commissions ([Staff Report #19-183-CC](#))**

- Peter Diepenbrock spoke on his interest on serving on the Park and Recreation Commission.
- Joyce Friedrichs spoke on her interest on serving on the Park and Recreation Commission.

City Clerk Judi Herren took nominations and administered the ballot voting process ([Attachment](#)).

The City Council made an appointment to fill the following vacancies:

Park and Recreation Commission:  
Peter Diepenbrock – term expiring April 30, 2023

Planning Commission:  
Larry Kahle – term expiring April 30, 2021

## **G. Consent Calendar**

### **G1. Accept the City Council meeting minutes for September 3 and 10, 2019 ([Attachment](#))**

- G2. Waive the second reading and adopt Ordinance No. 1059 repealing Chapter 2.58 (Safe City) of Title 2 (Administration and Personnel) ([Staff Report #19-213-CC](#))

**ACTION:** Motion and second (Nash/ Carlton) to approve the consent calendar, passed unanimously.

## H. Regular Business

- H1. Accept the parks and recreation facilities master plan and provide direction on implementation ([Staff Report #19-215-CC](#))

Community Services Director Derek Schweigart introduced the item.

Gail Godleson Gates+Associates and Mindy Craige Blue Point Planning made the presentation (Attachment).

- Jennifer Johnson spoke in support of the park and recreation master plan.
- Director of Campus Development for Facebook Fergus O'Shea spoke in support of the park and recreation master plan and commented on the Facebook proposal for the Belle Haven community center.

The City Council discussed dog stations, food vendor options in District 1, Belle Haven pool, and lights at the Burgess skate park. City Council directed staff to include the Belle Haven pool to the master plan.

**ACTION:** Motion and second (Mueller/ Carlton) to accept the parks and recreation facilities master plan, passed unanimously.

City Council took a recess at 9:15 p.m.

City Council reconvened at 9:28 p.m.

**ACTION:** Motion and second (Nash/ Taylor) to authorize staff (city manager and city attorney) to work with Facebook to prepare an agreement for City Council approval outlining the parameters, process, including community engagement, etc. of Facebook's offer to build a multigenerational community center and library in Belle Haven, passed 4-0-1 (Combs recused).

- H2. Reconsideration of Resolution No. 6512 establishing a process for notifying the City Council and public of final Planning Commission actions to facilitate City Council review of large or impactful development projects ([Staff Report #19-214-CC](#))

Assistant City Attorney Cara Silver made the presentation (Attachment).

The City Council received clarification on the process and end result of the three options available. The City Council directed staff to review the effectiveness of the resolution in November 2020 and to add notification of notices of preparation are being prepared and if there is a statement of overriding considerations.

**ACTION:** Motion and second (Nash/ Carlton) to reconfirm Resolution No. 6512 establishing a process for notifying the City Council and public of final Planning Commission actions to facilitate City Council review of large or impactful development projects and add notifications for preparation of notices of preparation and statement of overriding considerations, passed 4-1 (Combs dissenting).

Mayor Mueller reordered the agenda.

**I. Informational Items**

- I1. City Council agenda topics: October to December 2019 ([Staff Report #19-204-CC](#))

**J. City Manager's Report**

None.

**K. City Councilmember Reports**

Mayor Mueller reported on the upcoming Jerry Rice toy drive in downtown Menlo Park.

City Councilmember Carlton provided a climate crisis resolution approved by San Mateo County (Attachment).

The City Council directed staff to add a flavored tobacco and vaping device prohibition ordinance to a future City Council agenda.

Mayor Mueller was recused and exited the building at 10:05 p.m.

- H3. Authorize the City Council subcommittee on the 2018 Stanford University general use permit application to submit a letter to the County of Santa Clara Board of Supervisors ([Staff Report #19-211-CC](#))

The City Council discussed the proposed letter and directed staff to work with the subcommittee on the letter and amend the signature allowing Mayor Pro Tem Taylor to sign.

**ACTION:** Motion and second (Nash/ Carlton) to authorize the City Council subcommittee on the 2018 Stanford University general use permit application to submit a letter to the County of Santa Clara Board of Supervisors, passed 4-0-1 (Mueller recused/ absent).

**L. Adjournment**

Mayor Pro Tem Taylor adjourned the meeting at 10:14 p.m.

Judi A. Herren, City Clerk





## STAFF REPORT

### City Council

Meeting Date:

11/5/2019

Staff Report Number:

19-232-CC

Consent Calendar:

**Adopt Resolution No. 6524 authorizing the submittal of a grant application for the Senate Bill 2 planning grant program; authorize the city manager to execute required application documents; and amend the fiscal year 2019-20 budget to include grant revenues and corresponding expenditures**

### Recommendation

Staff recommends the City Council adopt Resolution No. 6524 (Attachment A) authorizing the submittal of a grant application to the State of California Housing and Community Development Department (HCD) for the Senate Bill 2 (SB 2) planning grant program; authorize the city manager or city manager's designee to execute required application submittal documents and funding agreement; and amend the fiscal year 2019–20 budget to include any awarded grant revenues and corresponding expenditures.

### Policy Issues

The housing element adopted by City Council in 2014 includes policies and programs to help increase the production of housing. New state laws have recently been adopted that require the City to evaluate and amend local policies and programs to ensure they directly contribute to an acceleration in the production of housing.

### Background

#### SB 2

In 2017, then Governor Brown signed a 15-bill housing package aimed at addressing California's housing shortage and high housing costs. SB 2, Building Homes and Jobs Act, was one of these bills, which established a \$75 recording fee on real estate documents to be used to increase the supply of affordable homes in the state. SB 2 became effective January 1, 2018 and requires each County to impose a fee of \$75 (not to exceed \$225) to each parcel of real property for the recordation of each real estate document. The fee is projected to generate \$200 million in annual revenue statewide to be used as a permanent funding source dedicated to the production of affordable housing.

The law prescribes that the revenue collected for the 2018 calendar year be deposited into two funds: a) 50 percent of the revenue is to be placed in a fund made available to local governments for planning grants and b) 50 percent of the revenue is to be placed in a fund made available to HCD to assist persons experiencing or at risk of homelessness. The local government share of this revenue is to be dispersed through a grant program administered by HCD. Revenues collected after January 1 shall be used to implement planning policies and more directly facilitate the production of affordable housing throughout California.

### SB 2 planning grants program

HCD released a notice of funding availability (NOFA) March 28 for \$123 million available to local governments under the planning grants program (PGP.) Funding for each locality is based on population estimates published by the department of finance. The City of Menlo Park is defined as a small locality, with a population between equal to or less than 60,000 people, thus the maximum award the City can receive is \$160,000. The purpose of the PGP is to provide financial and technical assistance to local governments to update planning documents to:

- Accelerate housing production;
- Streamline the approval of housing development;
- Facilitate housing affordability;
- Promote the development of housing; and
- Ensure geographic equity in the distribution and expenditure of allocated funds.

Additional details and information on the SB 2 PGP can be found on the HCD website (Attachment B.) The administration of this PGP is governed by guidelines provided by HCD.

HCD will distribute the grant funds through a noncompetitive, over the counter application process to local governments (cities and counties) who have met the following threshold requirements including: a) have an HCD-compliant housing element; and b) have submitted the required annual progress report (APR.) The City of Menlo Park has a current HCD compliant and certified Housing Element and has submitted timely APRs annually.

### Eligible grant activities

The application must demonstrate a significant positive effect on accelerating housing production through timing, cost, approval certainty, entitlement streamlining, feasibility, infrastructure capacity, or impact on housing supply and affordability. To be eligible for a planning grant, the City's proposed projects must demonstrate a nexus to housing production acceleration or meet the HCD's proposed priority policy area (PPA) categories. Applicants proposing PPA activities do not require a nexus demonstration and are automatically deemed to accelerate housing production and do not need to demonstrate further benefits or provide further documentation in the application. PPA means any of the following categories:

- Rezone to permit by-right
- Objective design and development standards
- Specific plans or form based codes coupled with California Environmental Quality Act (CEQA) streamlining
- Accessory dwelling units (ADU) or other low-cost building strategies
- Expedited processing
- Housing related infrastructure financing and fee reduction strategies

As part of the grant application process, HCD requires that the City Council adopt a resolution authorizing application for, and receipt of, PGP funds and the execution of HCD's standard agreement.

### **Analysis**

Staff proposes the City request the full \$160,000 to fund up to three (3) projects including:

1. ADU – Encourage ADUs and other low-cost building types such as junior ADUs through actions above state law such as, outreach, fee waivers, pre-approved plans, website zoning clearance assistance, and other homeowner tools or finance tools. This activity would also include amendments to the local secondary dwelling (SDU) zoning ordinance for compliance with recently adopted state legislation. This would implement the City Council Subcommittee for Districts 2-5 recommendation for an “ADU Reach Code.” The development and approval of ADUs, which are the same as SDUs, help the City meet its regional housing need assessment (RHNA) affordability and housing production goals.
2. Zoning regulations amendment - Amend existing regulations in the El Camino Real/Downtown specific plan area that could be barriers to maximizing density and development. This is expected to facilitate housing production and increase geographic equity in the distribution of development. This activity is not a PPA and requires a nexus to demonstrate how this will promote the development of housing. Currently, many development applications received by the City do not maximize the allowable density, so sites are not utilized to their best and highest use. By evaluating, amending or eliminating development barriers it is expected that housing production will increase. This work would be consistent with recommendations made by the City Council Subcommittee for Districts 2 to 5.
3. Expedited processing – Streamlining the permit process, including instituting programs and tools to improve documentation and accessibility or consolidation of the review process for review of SDU. This would be accomplished in phased enhancements to the City’s new Accela permitting software.

The grant monies can be used to fund a portion or all these projects at the discretion of the City as long as they result in encouraging or streamlining housing production. As these projects meet the criteria for the SB 2 grant funding, the grant request would cover the cost of hiring consultants to develop and execute these activities, tools and documents. As a condition of accepting the grant, the City must adopt or execute the identified activities by the end of the grant term, June 30, 2022. Per HCD guidelines, grant funds may be subject to repayment if the plan or process improvement developed with grant funds is not ultimately adopted.

#### Timeline

With City Council approval of the resolution, staff will submit the SB 2 application to HCD by or before the deadline of November 30. HCD anticipates review of applications to take 45-60 days, after which HCD will notify the City of acceptance. Once the City is notified, HCD requires the City to execute a grant agreement within 30 days. Staff recommends that the City Council authorize the city manager or his/her designee to sign the HCD’s standard agreement. City Council adoption of the attached resolution (Attachment A) would enable the city manager to execute the agreement without returning to City Council. If all three projects are supported by HCD as projects to execute, staff would report out to City Council with updated timelines and next steps in early 2020.

#### **Impact on City Resources**

The SB 2 planning grant will be used to fund the projects identified in this staff report. Grant funds are intended to be used to contract with consultants to carry out proposed activities. Staff resources would also be required to manage and implement the programs, which could affect the ability to work on other projects. Up to five percent of the grant can be used for grant administration. If approved, this action includes a budget amendment for revenues and expenditures equal to the grant amount awarded to the City up to the maximum of \$160,000.

### **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment

### **Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

### **Attachments**

- A. SB 2 Resolution No. 6524
- B. Hyperlink – HCD SB 2 planning grant program information: [hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml](http://hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml)

### **Report prepared by:**

Rhonda Coffman, Deputy Community Development Director – Housing

### **Reviewed by:**

Deanna Chow, Interim Community Development Director

**RESOLUTION NO. 6524****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING  
GRANTS PROGRAM FUNDS**

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a notice of funding availability (NOFA) dated March 28, 2019, for its planning grants program (PGP); and

WHEREAS, the City Council of the City of Menlo Park desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 PGP grant application as described in the planning grants program NOFA and SB 2 planning grants program guidelines released by the Department for the PGP program; and

WHEREAS, the Department is authorized to provide up to \$123 million under the SB 2 planning grants program from the building homes and jobs trust fund for assistance to counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)) related to the PGP Program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK RESOLVES AS FOLLOWS:

SECTION 1. The city manager is hereby authorized and directed to apply for and submit to the Department the 2019 planning grants program application in the amount of \$160,000.

SECTION 2. In connection with the PGP grant, if the application is approved by the Department, the city manager or his/her designee is authorized to enter into, execute, and deliver a State of California agreement (standard agreement) for the amount of \$160,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the City's obligations related thereto, and all amendments thereto (collectively, the "PGP grant documents").

SECTION 3. The City shall be subject to the terms and conditions as specified in the Standard Agreement, the SB 2 planning grants program guidelines, and any applicable PGP guidelines published by the Department. Funds are to be used for allowable expenditures as specifically identified in the standard agreement. The application in full is incorporated as part of the standard agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The City Council hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by the Department and in accordance with the planning grants NOFA, the planning grants program guidelines, and 2019 planning grants program application.

SECTION 4. The city manager or his/her designee is authorized to execute the City of Menlo Park planning grants program application, the PGP grant documents, and any amendments thereto, on behalf of the City as required by the Department for receipt of the PGP grant.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fifth day of November, 2019, 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 fifth day of November, 2019.

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Judi A. Herren, City Clerk



## STAFF REPORT

### City Council

Meeting Date:

11/5/2019

Staff Report Number:

19-231-CC

Consent Calendar:

Approve response to San Mateo County grand jury's report regarding "Electric Vehicle Adoption in the Cities and County of San Mateo"

## Recommendation

Staff recommends that the City Council authorize the Mayor to sign the attached response to the San Mateo County grand jury report, "Electric Vehicle Adoption in the Cities and County of San Mateo" dated August 12.

## Policy Issues

The City is required to provide a City Council approved response within 90 days of report filing, no later than November 12.

## Background

On August 15, the City received the San Mateo County grand jury report titled "Electric Vehicle Adoption in the Cities and County of San Mateo" dated August 12 (Attachment A.) The report provided background, findings, and recommendations on the present and future adoption of electric vehicles used for government operations in San Mateo county and cities.

The grand jury report includes 11 findings and four recommendations. Each city (including Menlo Park) is required to respond to the findings and recommendations contained in the report on or before November 12. Staff has drafted a response letter enclosed in Attachment B for City Council consideration and approval.

## Analysis

### Current state of municipal green fleet

The City of Menlo Park's vehicle fleet consists of 105 vehicles, seven are electric (four battery electric vehicles and three plug-in hybrid electric vehicles) and six are partial emission reducing vehicles (hybrids.)

To power the existing seven electric vehicles (EVs,) the City has two dedicated charging stations with four ports. The current best practice ratio is two vehicles to one charger (2:1.) Thus, the city is short two chargers to meet best practice standards for its existing EVs in the fleet. In addition, the city electrical capacity will need to be upgraded in order to support additional charging stations.

The City is in the initial stages of developing an electric vehicle fleet transition plan that includes an infrastructure, emergency storage and electrical capacity analysis. Even without the recommended charging station infrastructure, City staff still closely tracks and finds opportunities to consider purchasing EVs based on market trends, technology/performance advancement, and availability. EVs are valuable due to their significant fuel savings and reduced maintenance costs. These are then balanced with performance,

emergency, and infrastructure needs for city operations.

### Response letter overview

The City is required to review each finding and indicated whether it agrees, disagrees or partially agrees/disagrees with each finding. If the City disagrees, the City's response must specify the portion of the finding that is disputed and provide an explanation. For each recommendation, the City is required to indicate whether the recommendation has been implemented, will be implemented in the future, requires further analysis or will not be implemented.

The grand jury report contains 11 findings. Three findings apply to Menlo Park, and staff recommends partial agreement as responses. The report also contains four recommendations. Two recommendations have been implemented and two recommendations are currently in the process of being implemented. More details on the findings and recommendations are summarized in Table 1 and Table 2 below. Complete responses are enclosed in Attachment B.

**Table 1: Civil grand jury findings applicable to Menlo Park**

Finding	Summary of City's response
F5. Approximately 10 percent of the City's fleets are EVs.	The City partially agrees with this finding. Only seven percent of the City of Menlo Park's fleet are EVs as defined by the grand jury.
F6. The City has a climate action plan that discuss adoption of sustainable purchasing policies for converting their fleets to fuel efficient vehicles (hybrid, electric, alternative fuel)	The City of Menlo Park partially agrees with this finding. The sustainable purchasing policy is currently being piloted and treated as guidance, and requires adoption by City Council for full implementation.
F9. Verify San Mateo office of sustainability released the "Green Municipal Fleet Toolkit" in March 2019 to assist the City in reducing greenhouse gas emissions from fleet vehicles.	The City of Menlo Park partially agrees with this finding. The City has reviewed the toolkit, but cannot verify if it was released in March 2019.

**Table 2: Civil grand jury recommendations status**

Finding	Status
R1. Evaluation of government fleet procurement policy	Currently being implemented. Described further below, complete response in Attachment B.
R2. Analyze obstacles to electric fleet procurement	Currently being implemented. Described further below, complete response in Attachment B.
R3. Review San Mateo office of sustainability "Roadmap for Municipal Green Fleets" toolkit	Completed. Staff has reviewed "Green Municipal Fleet Toolkit" and submitted a letter of interest. Described further below, complete response in Attachment B.
R4. Investigate joining the Climate Mayors EV Purchasing Collaborative	Completed. Staff has reviewed this resource and determined it is not necessary to join at this time. Described further below, complete response in Attachment B.

Recommendations No.1 and No.2 (evaluation of government fleet procurement policy and analysis of



### obstacles to electric fleet vehicle procurement)

These recommendations are currently being implemented. As a matter of protocol, city staff reviews electric, hybrid and conventional (internal combustion engine) options for each vehicle as it reaches retirement and requires replacement. Staff then evaluates options based on cost, environmental benefits, greenhouse gas reductions, performance, market availability, and current access to charging infrastructure.

As a result, over the last year, the city has placed orders for 12 low emission hybrid police vehicles. These vehicles are the lowest emission vehicles currently available on the market for police rated pursuit vehicles. However, manufacturing of all 12 vehicles has been delayed due to manufacture material and production issues. They are now expected to be produced in November 2019. These delays make it difficult to meet current operational needs, and diminish confidence in transitioning to EVs when demand is not met with supply assurance.

The City is also reviewing the replacement of some gasoline light duty trucks with all-electric sedans as a short-term strategy to transition the vehicle fleet faster. This strategy will allow the electric vehicle market for trucks to catch up to the City's demand/fleet needs without continuing investments in internal combustion engine vehicles. Staff anticipates bringing the next vehicle fleet purchase to the City Council in late 2019 or early 2020.

The City will continue to evaluate vehicle replacements in this manner, while simultaneously developing a transition plan and policy relating to EV purchasing. The results of these analyses will be presented to the City Council at a public meeting on or before March 31, 2020, as required by the grand jury report.

### Recommendations No.3 and No. 4 (review "Roadmap for Municipal Green Fleets" toolkit and investigate joining the Climate Mayors EV Purchasing Collaborative)

These recommendations have been completed. While staff was not able to locate the San Mateo Office of Sustainability's "Roadmap for Municipal Green Fleets" toolkit, staff has reviewed its "Green Municipal Fleet Toolkit." The City understands this is a flexible toolkit which can be customized to a jurisdiction's needs and staff submitted a letter of interest in September but has yet to receive a response.

Staff also investigated joining the Climate Mayors EV Purchasing Collaborative, and determined this would be a duplicative purchasing source for fleet vehicles. The City is currently a member of Sourcewell that offers the same services and analyses, and is a partner with EV Purchasing Collaborative.

If City wishes to join the Climate Mayors EV Purchasing Collaborative in the future, there is no formal membership process. The only requirement is a nomination letter submitted by email from a responsible authority within the City (typically the mayor's office, city manager or sustainability manager) to the Climate Mayors organization.

### **Impact on City Resources**

Approving and submitting a response to the grand jury report has no direct impact on City resources. However, future purchases of EVs as part of the City fleet may or may not increase costs depending on infrastructure costs, retrofit cost for some vehicles, cost increases compared to gasoline vehicles, fuel savings and maintenance savings.

### **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

## Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

## Attachments

- A. Hyperlink – Grand jury report: “Electric Vehicle Adoption in the Cities and County of San Mateo”:  
[menlopark.org/DocumentCenter/View/23277/E3-Att-A-Grand-Jury-Report-Electric-Vehicle-Adoption-in-the-Cities-and-County-of-San-Mateo](https://menlopark.org/DocumentCenter/View/23277/E3-Att-A-Grand-Jury-Report-Electric-Vehicle-Adoption-in-the-Cities-and-County-of-San-Mateo)
- B. City of Menlo Park response letter

Report prepared by:  
Candise Almendral, Sustainability Contractor  
Craig Robertson, Equipment Mechanic

Report reviewed by:  
Rebecca Lucky, Sustainability Manager  
Brian Henry, Assistant Public Works Director  
Nicole Nagaya, Interim Public Works Director



November 5, 2019

Honorable Donald J. Ayoob  
Judge of the Superior Court  
c/o Charlene Kresevich  
Hall of Justice  
400 County Center; 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1655

**Response to Grand Jury Report: Electric Vehicle Adoption in the Cities and County of San Mateo**

Dear Honorable Judge Ayoob,

The City of Menlo Park City Council voted at its November 5, 2019 public meeting to authorize this response to the San Mateo County Civil Grand Jury Report titled “Electric Vehicle Adoption in the Cities and County of San Mateo” released on August 12, 2019.

Response to Grand Jury Findings

**F1.** As of December 2018, eleven of the twenty cities in San Mateo County have no electric vehicles in their government fleets. These are:

- Atherton
- Belmont
- Colma
- Daly City
- East Palo Alto
- Half Moon Bay
- Hillsborough
- San Bruno
- San Carlos
- South San Francisco
- Woodside

**Response:** *This finding is not applicable to the City of Menlo Park.*

**F2.** As of December 2018, in two of the twenty cities in San Mateo County approximately one percent of the city fleets are electric vehicles. These are:

- Burlingame

- Foster City

**Response:** This finding is not applicable to the City of Menlo Park.

**F3.** As of December 2018, in three of the twenty cities in San Mateo County approximately three percent of the city fleets are electric vehicles. These are:

- Pacifica
- Redwood City
- San Mateo

**Response:** *This finding is not applicable to the City of Menlo Park.*

**F4.** As of December 2018, in the City of Millbrae approximately seven percent of the city fleets are electric vehicles.

**Response:** This finding is not applicable to the City of Menlo Park.

**F5.** As of December 2018, in two of the twenty cities in San Mateo County approximately ten percent of the city fleets are electric vehicles. These are:

- Brisbane
- Menlo Park

**Response:** *The City of Menlo Park does not agree with this finding. The City of Menlo Park's total fleet is 105 vehicles and includes thirteen partial or zero emissions vehicles. Of these thirteen vehicles, only seven are considered electric vehicles as defined by the Grand Jury Report. The remaining six vehicles are Advanced Technology Partial Zero Emission Vehicles (AT PEV), non-plug-in hybrids. Therefore, only seven percent of the City of Menlo Park's fleet are electric vehicles as defined by the Grand Jury.*

**F6.** As of December 2018, the Town of Portola Valley has converted two of its six city vehicles to electric vehicles, or approximately 33 percent.

**Response:** *This finding is not applicable to the City of Menlo Park.*

**F7.** San Mateo County has 709 fleet vehicles. Of those, 218 are Enhanced AT PZEVs and two are ZEVs (approximately 31 percent).

**Response:** *This finding is not applicable to the City of Menlo Park.*

**F8.** The County and eleven of the cities in the county have Climate Action Plans that discuss adoption of sustainable purchasing policies for converting their fleets to fuel efficient vehicles (hybrid, electric, alternative fuel). The cities are:

- Atherton

- Belmont
- Brisbane
- Burlingame
- East Palo Alto
- Foster City
- Menlo Park
- Pacifica
- Redwood City
- San Carlos
- San Mateo

**Response:** *The City of Menlo Park partially agrees with this finding. Menlo Park’s Climate Action Plan does include a strategy to adopt an Environmental Purchasing Policy, and the Environmentally Preferable Purchasing Procedures which includes procedures for vehicle purchasing, was signed by the City Manager in July 2014. However, this policy is currently being piloted and treated as guidance. The policy will need to be formally adopted by City Council for full implementation.*

**F9.** San Mateo Office of Sustainability released a “Green Municipal Fleet Toolkit” in March of 2019. The purpose of this Toolkit is to assist jurisdictions on how to reduce greenhouse gas emissions from their municipal fleets.

**Response:** *The City of Menlo Park partially agrees with this finding. The City understands the “Green Municipal Fleet Toolkit” is designed to assist jurisdictions in the reduction of greenhouse emissions from their municipal fleets and has submitted a letter of interest to the San Mateo Office of Sustainability, but is still awaiting a response. Furthermore, the City cannot verify the San Mateo Office of Sustainability released this tool in March of 2019.*

**F10.** The San Mateo County Office of Sustainability technical support pilot program for municipal fleets, which is funded to assist up to four cities in converting their fleets to ZEVs, runs through December 2019.

**Response:** *This finding is not applicable to the City of Menlo Park.*

**F11.** The Climate Mayors EV Purchasing Collaborative is available to assist the cities and the County in conversion of fleet vehicles to ZEVs through aggregate purchasing.

**Response:** *The City of Menlo Park agrees with this finding.*

#### Recommendations

**R1.** By March 31, 2020, the County of San Mateo and each city within the county should conduct a review of its government fleet procurement policy relating to electric

vehicles and present a report at a public meeting. At a minimum, the review should be based on an analysis that includes up-to-date life-cycle costs of commercially available electric vehicles and an up-to-date assessment of whether electric vehicles can meet the performance needs of local jurisdictions for power, range, battery life, and other relevant factors. If an agency has completed such a review within the last three years, then such review should be presented to its governing body at a public meeting on or before December 31, 2019.

**Response:** *This recommendation is currently in the process of being implemented. The City performs ad hoc life-cycle cost analysis when fleet vehicles have reached retirement and an electric or low emission (hybrid) vehicle is available on the market, can meet performance needs, and is cost effective. In response to community interest and guidance outlined in the Environmentally Preferable Purchasing Policy, the City is in the initial stages of developing a long-term electric vehicle (EV) fleet transition plan to replace the fleet with electric vehicles based on performance, market availability, and infrastructure needs. This will be presented to the City Council at public meeting on or before March 31, 2020.*

**R2.** By March 31, 2020, the County of San Mateo and each city within the county should conduct an analysis of the obstacles, if any, to the implementation of an EV government fleet procurement policy and present a report at a public meeting. This could include, for example, the availability of electric vehicle charging stations to serve the vehicle fleet and training of vehicle maintenance staff. If an agency has completed such an analysis within the last three years, then such analysis should be presented to its governing body at a public meeting on or before December 31, 2019.

**Response:** *This recommendation is currently in the process of being implemented. The results of this analysis will be presented to the City Council at public meeting on or before March 31, 2020.*

*Some obstacles identified thus far are; lack of charging infrastructure, electrical load capacity at city facilities, and gaps in the heavy duty and emergency electric vehicle market.*

*The absence of an appropriate amount of EV chargers is the first obstacle for transitioning to an EV fleet. Within the City's fleet are four electric vehicles, two electric parking enforcement vehicles, and two electric motorcycles. The City currently has four electric vehicle chargers, however only two stations (four ports) are dedicated to charging fleet vehicles. Current best practices describe 2:1 as the ideal ratio for vehicle to charger. Thus, the City's charger to vehicle ratio is adequate to service current vehicle charging needs, but limits the procurement of additional electric vehicles.*

*When exploring the expansion of charging stations for the fleet, another obstacle*

*identified is the electrical capacity at city facilities. City facilities are currently operating at or near electrical capacity and cannot currently handle the increased load of additional charging infrastructure to meet the needs of an all-electric fleet. A load capacity study of City's main municipal campus and corporation yard (two main locations of fleet vehicles) is currently being scoped.*

*Lastly, gaps in the electric vehicle market for a pursuit rated police vehicle and trucks of all vehicle classes are a major obstacle as these vehicles represent approximately 60 percent of the city fleet.*

*Considering current market trends and consumer demand, availability of trucks in the medium to heavy class are predicted to be available in the next five years. However, this does not align with current vehicle replacement protocol and will result in the delay of replacement of aging vehicles which will increase maintenance costs. Currently, no known manufacturers have publicized the exploration or introduction of pursuit rated electric vehicles to market.*

*The City may consider piloting vehicles which require conversions (e.g. installation of aftermarket or non-manufacturer parts) to make these vehicle classes electric. It should be noted, no conversion or retrofit exists in the market to convert an internal combustion engine vehicle to a fully electric, pursuit rated vehicle. The only battery electric retrofit technology that currently exists is for medium to heavy class trucks (8,500 gross vehicle weight rating and larger). Additionally, this process often more than doubles vehicle costs and can delay scheduled maintenance and repairs, or increase maintenance costs.*

*It should also be noted this market is still expanding. Over the last year, the City has placed orders for 12 pursuit rated low emission (hybrid) pursuit rated vehicles for the Police. The City has been tracking the electric and low emission market closely and ordered these vehicles as soon as they were made available with the understanding that production would take at least six months. These orders have been further delayed due to a material hold and have yet to be fulfilled.*

**R3.** By September 30, 2019, the County of San Mateo Department of Public Works and each city within the county should review the "Roadmap for Municipal Green Fleets" toolkit from the San Mateo County Office of Sustainability, including the information on the possibility of adopting an EV First Policy.

**Response:** *This recommendation has been completed. The City of Menlo Park was not able to locate the "Roadmap for Municipal Green Fleets" toolkit but has reviewed the Green Municipal Fleet Toolkit. The City understands this is a flexible toolkit that can be customized to Menlo Park's specific needs. This program offers San Mateo Office of Sustainability staff time and expertise to develop a fleet transition plan. The City has submitted a letter of interest to received customized support and toolkit from*



the County.

**R4.** By September 30, 2019, the County of San Mateo and each city within the county, if they have not already initiated such a process, should investigate joining the Climate Mayors EV Purchasing Collaborative to take advantage of aggregate purchasing.

**Response:** *This recommendation has been completed. The City of Menlo Park has investigated joining the Climate Mayors EV Purchasing Collaborative and has decided not to do so at this time.*

*The Climate Mayors EV Purchasing Collaborative is a one-stop shop to support electric vehicle transitions for public fleets. The primary resource of the Collaborative is access to competitively solicited cooperative contracts for electric vehicles and charging infrastructure. This resource is provided in partnership with Sourcewell. The City of Menlo Park currently has membership with Sourcewell and uses its contract with National Auto Fleet Group to competitively price electric vehicle options for fleet vehicle replacement. Since the City's Sourcewell membership provides the same access to the competitive contracts available to the Climate Mayor EV Purchasing Collaborative, the City does not intend to take part in the Collaborative at this time.*

Thank you for the opportunity to respond to this report. The Civil Grand Jury should also note, the use of an overall percentage of electric vehicles in a jurisdiction's fleet is not representative of the various vehicle types Menlo Park uses to serve the community. While there have been great advances in the passenger vehicle market, the pursuit rated and truck markets (approximately 60 percent of Menlo Park's fleet) continue to lag. Using the overall percentage of electric vehicles does not fully represent Menlo Park's efforts to reduce greenhouse gas emissions from its fleet.

Sincerely,

Ray Mueller  
Mayor, City of Menlo Park





## STAFF REPORT

### City Council

**Meeting Date:**

**11/5/2019**

**Staff Report Number:**

**19-233-CC**

**Consent Calendar:**

**Adopt Resolution No. 6525 proposing to abandon public right-of-way along the 600 block of Woodland Avenue**

## Recommendation

Staff recommends that the City Council adopt Resolution No. 6525 (Attachment A) to abandon public right-of-way on Woodland Avenue adjacent to properties at 100 Baywood Avenue, 605 Woodland Avenue, 609 Woodland Avenue and 611 Woodland Avenue.

## Policy Issues

The City is legally required by the State of California Streets and Highways Code, Section 8300, to go through a multistep process in order to abandon public right-of-way.

## Background

The City has received an application for vacation of a portion of public right-of-way on Woodland Avenue. The proposed abandonment is approximately 300-feet in length and includes approximately 5,432-squarefeet of land abutting four residential properties. The right-of-way line along the bend in Woodland Avenue extends beyond the edge of pavement into private improvements including, fences, walls and front lawns. In particular, the lots at 605 and 609 Woodland Avenue, appear to have generously landscaped yards between the existing homes and the edges of street pavement, however a recent property survey revealed that much of the land that the property owners have been maintaining for 50+ years is within the right-of-way. The most extreme case is at 609 Woodland Avenue for which the legal parcel is less than half of the size of the land that has been landscaped and maintained for many years. The limits of proposed vacation are shown on Attachment B.

The following Table 1 summarizes the existing land use and square footage of the area proposed to be vacated.

Table 1				
	100 Baywood Ave.	605 Woodland Ave.	609 Woodland Ave.	611 Woodland Ave.
Existing use	Paved shoulder, wooden fence, carport	Front lawn, landscaping, brick wall	Wood fence, landscaping, front lawn	Trees and bushes (vacant lot)
Abandonment area (square-feet)	175 sf	883 sf	4,131 sf	243 sf

The portion of right-of-way proposed to be abandoned was dedicated to the City in March 1946 on the map entitled "The Willows," recorded in book 228, page 336, in the San Mateo County official records (Attachment C.) The dedication granted the City easement rights to use the property as a roadway, however, the underlying ownership of Woodland Avenue belongs to the adjacent lot owners. This portion of Woodland Avenue has not been used as a public road in at least 50+ years, according to the current property owners and City records. Were the City Council to approve the proposed vacation, the City would relinquish its easement rights to use the property as a roadway, effectively releasing the property to the owner for his/her private use.

Formal applications for developments at 611 and 615 Woodland Avenue were received by the City March 5. The projects received use permits August 12, and are currently in review for building permits. 611 Woodland Avenue would receive approximately 243-squarefeet if the abandonment were approved as proposed. The proposed residence at 611 Woodland Avenue is based on the existing lot size. If the property owners wanted to increase the square footage of the new home, they would be required to undergo the use permit process again. The proposed abandonment does not extend along 615 Woodland Avenue; therefore, lot size would not change and nor would the residence size.

## Analysis

The existing Woodland Avenue travel way is approximately 20-feet wide with one lane in each direction. The south side is bounded by a guardrail and the San Francisquito Creek, and the pavement edge varies on the north (residential) side. There are no sidewalks or designated walkways. The area to be vacated is comprised of asphalt and private improvements including fences, walls, a driveway and lawns (Attachment D.) Staff has determined that the ideal street section for this portion of Woodland Avenue would include two 11-foot wide lanes, a three-foot valley gutter, a seven-foot asphalt parking strip/walking path, and six-feet of landscaping. Staff is also recommending that an additional 12-feet be retained at the curve (609 Woodland Avenue) to ensure adequate sight distance around the curve. Beyond this preferred section, any additional street right-of-way would be considered excess. The property line at 100 Baywood Avenue is within a few feet of the existing edge of pavement, and to accommodate the proposed cross section described above, the City is requesting dedication of a sliver of right-of-way (total of 40-squarefeet) at the west end. This would allow for a consistent street section up to the parking strip/walkway (six-feet of landscaping is not proposed in this area).

By conducting a feasibility study and determining the preferred future street cross section, staff has determined that no adverse effects would result from the vacation, as the vacation would still provide flexibility for public improvements in the future. There are no planned public improvements at the subject location at this time, however, the projects at 611 and 615 Woodland Avenue are required to install the frontage improvements as part of the conditions of approval. As a condition of the abandonment, the City will require the applicants to construct the frontage improvements within an agreed upon timeframe (likely one year.) An executed improvement agreement will be included when the abandonment returns to City Council for the public hearing, planned for early 2020. It is anticipated that the limits of the proposed vacation may change slightly with the negotiation of the frontage improvement agreement.

The proposed abandonment could provide a way to expedite installation of much needed frontage improvements along this stretch of Woodland Avenue. A dedicated walking surface with a clear delineation between the vehicular travel way would increase safety and would tie into existing sidewalks on Baywood Avenue and Blackburn Avenue. Additionally, the proposed vacation would relieve the City of liability and maintenance responsibility for the excess right-of-way.

The applicant received "no objection" letters from all relevant public utility agencies, provided a sanitary

sewer easement is reserved over an existing six-inch sewer line.

#### Abandonment procedure

The applicable abandonment procedure is a three-step process that first requires that City Council adopt a resolution of intent (resolution) to abandon public right-of-way and easements. The resolution forward the abandonment request to the Planning Commission for consideration at its November 18 meeting, and sets the time and date for the City Council public hearing as January 28, 2020 at 7 p.m. The Planning Commission would review the abandonment to determine if it is compatible with the City's general plan, and forward its recommendation to the City Council for consideration at the public hearing. Staff would advertise notices of the public hearing in the newspaper and at the site in accordance with the requirements of the Streets and Highways Code. An affidavit of posting would then be filed with the city clerk. Should the utility agencies, affected parties, Planning Commission, and City Council consider the abandonment favorably, a resolution ordering the vacation and abandonment of public right-of-way along Woodland Avenue adjacent to properties at 100 Baywood Avenue, 605 Woodland Avenue, 609 Woodland Avenue, and 611 Woodland Avenue would be recorded. The dedication at 100 Baywood Avenue would be recorded concurrently.

#### **Impact on City Resources**

There is no direct impact on City resources associated with the actions in this staff report. The fee for staff time to review and process the abandonment has been paid by the applicant.

#### **Environmental Review**

Vacations are Categorically Exempt under Class 5, Section 15305 (Minor Alterations in Land Use Limitations) of the current California Environmental Quality Act (CEQA) guidelines.

#### **Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

#### **Attachments**

- A. Resolution No. 6525
- B. Abandonment exhibit
- C. Subdivision map
- D. Site photos

Report prepared by:  
Theresa Avedian, Senior Civil Engineer

Report reviewed by:  
Chris Lamm, Assistant Public Works Director

## RESOLUTION NO. 6525

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MENLO PARK DECLARING THE INTENTION OF SAID CITY TO  
ABANDON PUBLIC RIGHT-OF-WAY ALONG WOODLAND  
AVENUE**

WHEREAS, the City Council of the City of Menlo Park has considered the abandonment of public right-of-way along Woodland Avenue adjacent to properties at 100 Baywood Avenue, 605 Woodland Avenue, 609 Woodland Avenue, and 611 Woodland Avenue, as shown in Attachment B, which is attached and made apart thereto; and

WHEREAS, the Planning Commission is scheduled to review the proposed abandonment for consistency with the City's general plan at its meeting on November 18, 2019; and

WHEREAS, the City Council will hold a public hearing on January 28, 2020 at approximately 7:00 p.m. as required by law to determine whether said Public right-of-way shall be abandoned.

NOW, THEREFORE, BE IT RESOLVED, that a resolution of intention of the City Council of the City of Menlo Park does hereby propose the abandonment of public right-of-way along Woodland Avenue adjacent to properties at 100 Baywood Avenue, 605 Woodland Avenue, 609 Woodland Avenue, and 611 Woodland Avenue.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fifth day of November, 2019, 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 fifth day of November, 2019.

---

Judi A. Herren, City Clerk



CHRIS KUMMERER & ASSOCIATES

P 650.233.0342  
2089 AVE AVENUE, MENLO PARK CA 94025  
CHRIS@CKA-ARCHITECTS.COM  
CKA-ARCHITECTS.COM

REVISIONS:  
JULY 9, 2019  
OCT. 9, 2019

RIGHT-OF-WAY ADJUSTMENTS AT:  
**WOODLAND AVENUE**

APN 062-303-180, APN 062-303-170, APN 062-303-160 & APN 062-303-230

CONSULTANTS:

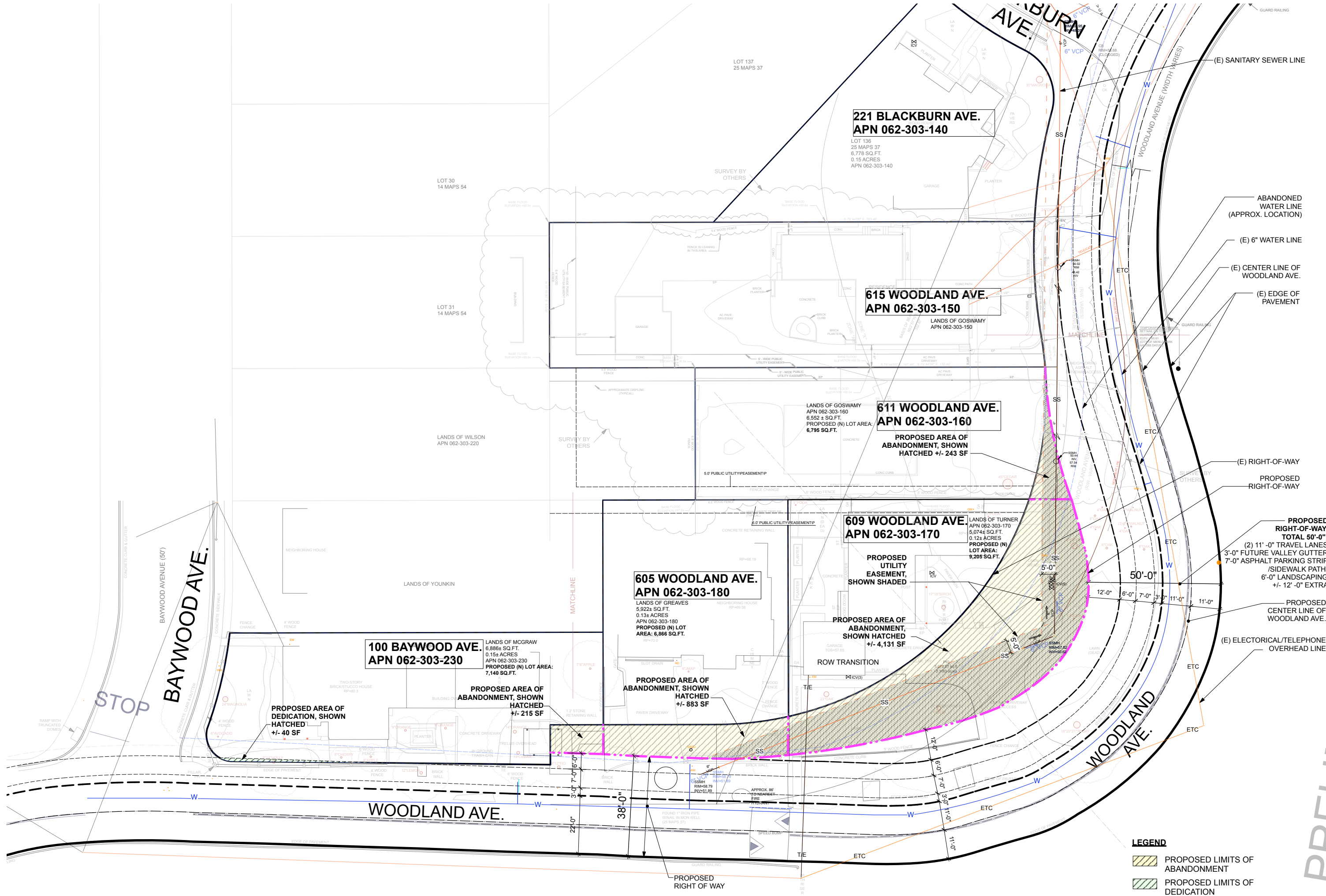
STAMP:



PAGE NUMBER:

**A1.0**

SITE PLAN



**1 RIGHT-OF-WAY PLAN**  
Scale: 1/16" = 1'-0"

PRELIMINARY

THIS DOCUMENT IS THE PROPERTY OF CHRIS KUMMERER & ASSOCIATES AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CHRIS KUMMERER & ASSOCIATES.



TRACT NO. 552  
SUBDIVISION OF A PORTION OF 34.33 ACRE TRACT CONVEYED  
BY DEED RECORDED IN BOOK 228 OF OFFICIAL RECORDS  
OF SAN MATEO COUNTY AT PAGE 336.  
**THE WILLOWS**  
MAP NO. 5  
SAN MATEO COUNTY, CALIFORNIA  
MARCH 1946 SCALE 1" = 100'  
EDWIN H. SMITH CIVIL ENGINEER

OWNER'S CERTIFICATE

We hereby certify that we are the owners of, or have some right, title or interest in and to, the real property included within the subdivision shown upon this map, and that we are the only persons whose consent is necessary to pass a clear title to said property, and we consent to the making of said map and subdivision.  
The undersigned hereby further certify that they do hereby offer for dedication for public use all Avenues, Roads, Drives, ways, pedestrian ways, courts and public utilities easements (P.U.E.) within said subdivision as shown, designated and named upon this map.

Floyd Lowe Alice Lowe  
Floyd Lowe Alice Lowe  
William R. Lawson Helen Lawson  
William R. Lawson Helen Lawson  
Parker Maddux E.T. Kruse  
Parker Maddux E.T. Kruse (as trustees)  
By Albert Fritzsche By H. Herzer  
Albert Fritzsche, Vice President H. Herzer, Secretary  
THE SAN FRANCISCO BANK, a corporation

ACKNOWLEDGMENT  
STATE OF CALIFORNIA } s.s.  
COUNTY OF SANTA CLARA

On this 21 day of April, 1946, before me, Joseph Lee Crist  
a Notary Public in and for the County of Santa Clara, State of California, residing therein, duly commissioned and sworn, personally appeared Floyd Lowe, Alice Lowe, William R. Lawson  
and Helen Lawson, known to me to be the persons whose names are subscribed to the within instrument and they acknowledged to me that they executed the same.  
In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.  
My Commission Expires: Oct 18, 1948  
Joseph Lee Crist  
Notary Public in and for the County of Santa Clara, State of California.

ACKNOWLEDGMENT

STATE OF CALIFORNIA } s.s.  
CITY COUNTY OF SAN FRANCISCO  
On this 11 day of April, 1946, before me, Emily K. McCorry  
a Notary Public in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Parker Maddux and E.T. Kruse, known to me to be the trustees under a deed of trust executed by the owners of the land hereby subdivided, and personally appeared Albert Fritzsche and H. Herzer, known to me to be the Vice President and Secretary respectively of the San Francisco Bank, a corporation, the corporation that executed the within instrument and acknowledged to me that they executed the same on behalf of the said corporation.  
In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.  
My Commission Expires: November 21, 1946  
Emily K. McCorry  
Notary Public in and for the City and County of San Francisco, State of California.

CERTIFICATE OF CLERK OF BOARD OF SUPERVISORS

I, hereby certify that the Board of Supervisors of the County of San Mateo, State of California by a resolution unanimously adopted at a regular meeting of said Board, duly convened and held on the 16 day of April, 1946, did approve the within map and did accept on behalf of the public all of the parcels of land shown and designated upon the within map as being offered for dedication for public use in conformity with the terms of said offer of dedication.  
Dated April 16, 1946  
W. Augustus  
County Clerk and ex-officio clerk of the Board of Supervisors, County of San Mateo.

BASIS OF BEARINGS

The bearing of Marmona Drive as shown on "Tract No. 544, The Willows, Map No. 4, San Mateo County, California" recorded in Map Book 24 at page 54, San Mateo County Records, was taken as the basis of bearings shown upon this map.  
All distances and dimensions are shown in feet and decimals thereof.  
The blue border indicates the boundaries of the land subdivided by this map.  
• Indicates 1" bolt in pavement.

CERTIFICATE OF ENGINEER

I, Edwin H. Smith, hereby certify that I am a Registered Civil Engineer of the State of California; that this map, consisting of two sheets correctly represents a survey made under my supervision during the month of February, 1946; that the survey is true and complete as shown; that all of the monuments shown thereon actually exist and their positions are correctly shown and that said monuments are sufficient to enable the survey to be retraced.  
Dated April 15, 1946  
Edwin H. Smith  
Registered Civil Engineer No. 5476

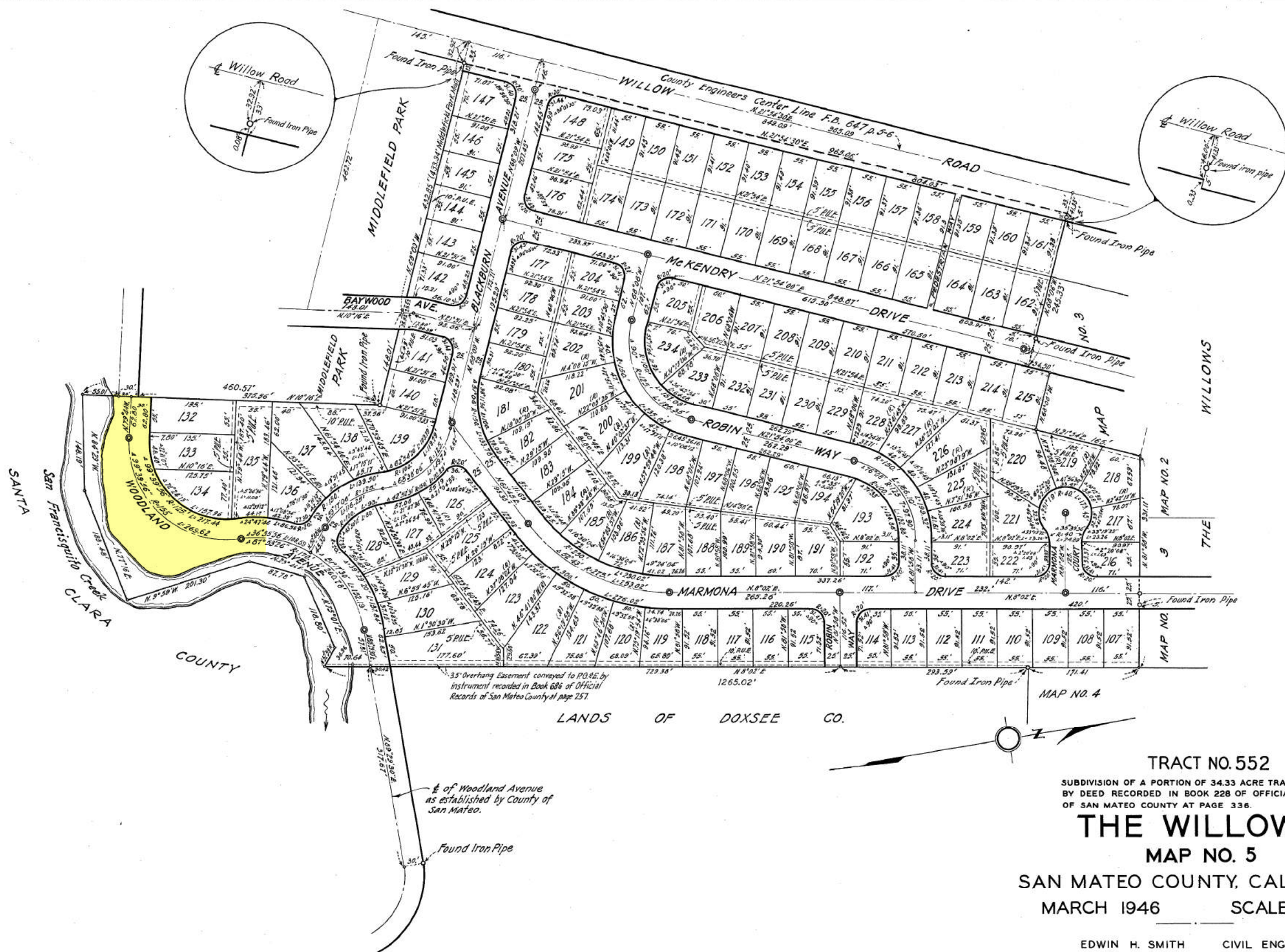
CERTIFICATE OF COUNTY ENGINEER

I, M.A. Grant, County Engineer of the County of San Mateo, State of California, do hereby certify that I have examined this map; that the subdivision as shown thereon is substantially the same as appeared on the tentative map and any approved alterations thereof as approved by the San Mateo County Planning Commission on March 1<sup>st</sup>, 1946; that all provisions of the California "Subdivision Map Act" as amended and of San Mateo County Ordinance No. 595 applicable at the time of the approval of said tentative map, have been complied with; and that this map is technically correct.  
Dated April 16<sup>th</sup>, 1946  
M.A. Grant  
County Engineer of San Mateo County

RECORDER'S CERTIFICATE

File No. 99609F  
Accepted for record and recorded in Book 25 of Maps, at pages 216 in the office of the County of San Mateo this 20<sup>th</sup> day of April, 1946 at 11:23 A.M.  
R. Pine  
County Recorder of the County of San Mateo











100 Baywood





605 Woodland





609 Woodland





609 Woodland





609 Woodland





611 Woodland







## STAFF REPORT

### City Council

Meeting Date:

11/5/2019

Staff Report Number:

19-234-CC

Consent Calendar:

**Adopt Resolution No. 6526 to authorize a loan to MidPen Housing Corporation up to \$635,502 for the renovation of affordable housing properties at 1105 and 1141 Willow Road and authorize the city manager to execute any and all related agreements and loan documents**

## Recommendation

Staff recommends City Council:

1. Adopt a resolution (Attachment A) to authorize a loan from the below market rate (BMR) housing fund up to \$635,502 to MidPen Housing Corporation (MidPen) for the renovation of an affordable housing development at 1105 and 1141 Willow Road.
2. Authorize the city manager to execute any and all subordination agreements and loan documents necessary to issue the loan and fee payments on behalf of the City of Menlo Park.

## Policy Issues

The City Council retains sole discretion to award available BMR housing funds collected in accordance with Menlo Park Municipal Code Chapter 16.96. As an impact fee, the City's use of the BMR housing in-lieu fee funds is subject to state laws governing impact fees, California Government Code §§ 66000- 66025 (the "Mitigation Fee Act,") as amended by Assembly Bill (AB) 518 and Senate Bill (SB) 1693, which require that impact fees be expended or encumbered within five years of collection.

## Background

On October 23, 2018, the City Council approved the release of a notice of funding availability (NOFA) (Attachment B.) Approximately \$11.5 million in BMR housing funds were outlined in the NOFA release to support the preservation, acquisition, rehabilitation or new construction of permanent housing that will provide long-term affordability. Commencing October 24 and closing January 31, qualified developers of affordable housing were permitted to submit proposals. The City received two applications during that time, both from MidPen. One of the submissions was formally withdrawn by the applicant; the other, for property located at 1105 and 1141 Willow Road (Willow Court,) requests funds to support rehabilitation of existing affordable housing, also known as a "renovation loan for older units" activity. This specific use of BMR housing funds is allowed under section 13.3 of the City of Menlo Park BMR housing program guidelines.

Willow Court was constructed in 1992, consisting of six (6) residential units on two (2) separate parcels. A project description letter (Attachment C) from MidPen to the City provides additional details about the proposed renovations to Willow Court. The properties include a total of four (4) four-bedroom units and two (2) two-bedroom units, all of which are restricted to low and very low income households. Four (4) of the six

(6) units are reserved for low income households, supporting residents up to 60 percent of the area median income (AMI.) Low income for similar affordable projects without Housing and Urban Development (HUD) funding may allow up to 80 percent AMI; however, this property does not due to initial funding source requirements. The remaining two (2) units are reserved for very low income households up to 50 percent AMI. As required and outlined above for Willow Court, all households must fall within the very low to low income categories, also defined as between 30 percent to 60 percent AMI. The following chart is provided to reflect the current 2019 California State income limits for San Mateo County according to household size and AMI for the applicable income ranges.

2019 California State income limits for San Mateo County		
Household size	30% AMI	60% AMI
2-Persons	\$38,700	\$81,340
3-Persons	\$43,550	\$91,502
4-Persons	\$48,350	\$101,629
5-Persons	\$52,250	\$109,833

## Analysis

Although MidPen has maintained the Willow Court properties to ensure safe living conditions for residents, the buildings are in need of more significant and costly renovation. The aging structures have many features that are reaching the end of their life span or in need of replacement. An analysis of the items in need of replacement and/or major maintenance are included in MidPen's NOFA application dated January 31 (Attachment D.) Additionally, a summary of the renovation projects are listed here:

- Window replacement with new energy efficient dual glazed vinyl windows
- Repair of dry rot and replacement of exterior building siding
- New entry doors and locks
- Exterior paint
- Roof overlay and gutter replacement
- New LED energy efficient lighting exterior and interior
- Energy efficient refrigerators
- Installation of low-flow toilets
- Landscape improvements and drip irrigation system

The above-mentioned capital improvements will support MidPen to ensure the buildings and six affordable units remain habitable and safe to the residents for years to come. The property operates on a very nominal cash flow due to the rental subsidies and uses its replacement reserve funds to support ongoing property maintenance. MidPen obtained a cost estimate from a licensed general contractor for these renovation items based on prevailing wages. The use of prevailing wages is required and typically increase the cost of construction by approximately 25 percent. MidPen provided an internal cost estimate that was within a similar range of the general contractor estimate (Attachment E.) If awarded funds, MidPen will place the project out for competitive bidding and will select the lowest, responsible bidder.

As an asset within MidPen's portfolio, Willow Court has existing deed restrictions and is monitored by the California Tax Credit Allocation committee for 55 years (2047,) county of San Mateo for 40 years (2032) and



California Department of Housing and Community Development for 55 years (2047.) MidPen utilized these funding sources during the development of the Willow Court properties in 1992 and the deed restrictions and regulatory agreements ensure the units will remain affordable to low income households for the periods of affordability. The City's new loan will be subordinate to this existing financing and will have a new deed restriction term of 55 years, which would commence upon execution of the loan agreement and promissory note.

On July 10, the Menlo Park Housing Commission approved the recommendation for a loan from the BMR housing fund for rehabilitation of affordable rental housing at 1105 and 1141 Willow Road (Attachment F.) As described in the Willow Court NOFA application, annual cash flow for Willow Court is very low due to the small size of the property and the rent restrictions. Therefore, MidPen is unable to set aside adequate funds in replacement reserves for capital improvement projects. Based on the City's review of financial statements submitted by MidPen (Attachment G,) the project generally has residual receipts of less than \$15,000, which are required to be distributed on a pro rata basis to service existing loans.

MidPen has contacted the Housing Authority of San Mateo County seeking an operational subsidy through Section 8 project based vouchers; however, renovation projects are not currently eligible to receive vouchers at this time. As previously described, MidPen's improvements and renovation projects to the property will be solely supported by the City's BMR housing fund loan, if approved. Without the City's funding, the property would be at high risk of deferred maintenance with potential for causing unsafe living conditions, which could ultimately lead to a loss of these six affordable housing units within the City should the units be deemed uninhabitable.

The City's proposed loan terms are as follows:

Loan amount: Up to \$635,502

Interest rate: 3.0 percent simple

Term: 55 years

This will be a deferred payment loan with monthly principal and interest payments deferred until the maturity date of the promissory note, at which time the outstanding principal loan balance and all accrued interest is due and payable. There is no loan prepayment penalty or fee for prepayment. Collateral will be comprised of a subordinate deed of trust against the properties (1105 and 1141 Willow Road,) with non-recourse to the borrower.

If approved for funding, MidPen's renovation of Willow Court will ensure safe living conditions for residents moving forward. During the installation and renovation phase of the outlined projects, MidPen will work to minimize impacts to residents. They have stated in their NOFA application that the relocation of current residents will not be necessary. The improvements MidPen has outlined in their application meet the City's BMR housing program requirements and the project priorities outlined in the NOFA application. These enhancements to Willow Court will increase the sustainability and longevity of the property while continuing to provide a safe environment for residents.

### **Impact on City Resources**

There is no impact on the City's general fund. The loan up to \$635,502 from the BMR housing fund will support the renovation of affordable housing in accordance with the requirements of the NOFA and the City's BMR housing program guidelines. A summary of the current balance for the BMR housing fund is included as Attachment H.

## Environmental Review

This project and the funding of the project are exempt from the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

## Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

## Attachments

- A. Resolution No. 6526
- B. Hyperlink – NOFA application: [menlopark.org/DocumentCenter/View/23280/E5-ATTACHMENT-B---2018-NOFA-Application-Packet-updated\\_201812101850393810](https://menlopark.org/DocumentCenter/View/23280/E5-ATTACHMENT-B---2018-NOFA-Application-Packet-updated_201812101850393810)
- C. Project description letter
- D. Hyperlink – MidPen NOFA application dated January 31: [menlopark.org/DocumentCenter/View/23278/E5-ATTACHMENT-D---NOFA-Proposal-MidPen-1105-1141-Willow-Road-final\\_2019-01-31](https://menlopark.org/DocumentCenter/View/23278/E5-ATTACHMENT-D---NOFA-Proposal-MidPen-1105-1141-Willow-Road-final_2019-01-31)
- E. Construction estimates
- F. Hyperlink – Staff report #19-004-HC: [menlopark.org/DocumentCenter/View/22112/Staff-Report-19-004-HC---PACKET---NOFA-Proposal-MidPen-1105-1141-Willow-Road-final](https://menlopark.org/DocumentCenter/View/22112/Staff-Report-19-004-HC---PACKET---NOFA-Proposal-MidPen-1105-1141-Willow-Road-final)
- G. Hyperlink – Property operating budget: [menlopark.org/DocumentCenter/View/23279/E5-Attachment-G---Willow\\_Court\\_Annual\\_Operating\\_Budget\\_FYE\\_DEC\\_2019](https://menlopark.org/DocumentCenter/View/23279/E5-Attachment-G---Willow_Court_Annual_Operating_Budget_FYE_DEC_2019)
- H. BMR housing fund financial report

## Report prepared by:

Michael Noce, Management Analyst II

## Reviewed by:

Rhonda Coffman, Deputy Community Development Director – Housing  
Deanna Chow, Interim Community Development Director

## RESOLUTION NO. 6529

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AUTHORIZING A LOAN IN THE AMOUNT OF UP TO \$635,502.00 FROM THE  
BELOW MARKET RATE (BMR) FUND TO MIDPEN HOUSING FOR  
REHABILITATION FINANCING OF TWO AFFORDABLE RENTAL HOUSING  
PROPERTIES LOCATED AT 1105 AND 1141 WILLOW ROAD**

WHEREAS, the opportunity to rehabilitate existing BMR housing remains a need in Menlo Park; and

WHEREAS, the BMR fund allows the rehabilitation of units for inclusion in the BMR program as an eligible use; and

WHEREAS, MidPen Housing will continue to responsibly manage these units located at 1105 and 1141 Willow Road in Menlo Park; and

WHEREAS, the City of Menlo Park affirms the City's commitment to rehabilitate existing BMR housing units.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Menlo Park hereby (a) approves a funding commitment for the rehabilitation of six units on two affordable rental housing parcels and a total loan of \$635,502 (b) all loan proceeds shall be funded from the City's BMR fund with the loan documents and affordability restrictions to be subject to review and approval of the city attorney and city manager consistent with the terms of other loans from the BMR fund; and (c) the city manager is authorized to execute any and all documents necessary to consummate such loan and fee payments on behalf of the City of Menlo Park.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council resolution was duly and regularly passed and adopted at a meeting by said City Council on the fifth day of October, 2019, by the following votes:

YES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this fifth day of November, 2019.

---

Judi A. Herren, City Clerk



January 31, 2019

Clay Curtin  
Interim Housing and Economic Development Manager  
City of Menlo Park  
701 Laurel St  
Menlo Park, CA 94025

Re: Willow Court- City of Menlo Park Below Market Rate (BMR) Housing funds Application

Dear Mr. Curtin,

MidPen Housing is proposing to rehabilitate Willow Court, an existing 6-unit property serving low income families. The property is located at 1105, 1141 Willow Road within the Belle Haven Neighborhood. The owner of the property is EPA Woodlands Associates, A California Limited Partnership. Mid-Peninsula Woodlands Corporation, Inc., a California nonprofit public benefit corporation is the general partner under the control of board of directors of MidPen.

Willow Court was originally constructed in 1992. While the units currently offer clean, safe and sanitary living conditions to the tenants, the property is in need of rehabilitation in order to retain the units in the long term inventory of affordable family housing in the City of Menlo Park. MidPen Housing's objective is to invest in Willow Court, with an aim to provide safe affordable housing and a place to ensure healthy lifestyle to the residents we serve.

MidPen Housing is requesting a total of \$635,502 to rehabilitate Willow Court. The City of Menlo Park's BMR funding will be invested to address the aging building. MidPen Housing proposes to use the funds to make much needed improvements by installing energy efficient windows, overlaying roofs, installing new gutters, repairing dry rot and siding, apply exterior paint, installing energy efficient lighting, providing energy star fridges, installing low-flow toilets and water saving lawn drip system. A time-line for completing the project and the budget is included in the application.

MidPen has a good understanding of the City's need to improve and rehabilitate existing housing stock. By maintaining the existing affordable housing units and affordable rents at Willow Court, MidPen Housing is continuing to support the health and welfare of the residents in the City.

We believe our proposal to rehabilitate Willow Court aligns strongly with the Housing Priorities addressed in the NOFA. Following are some examples:

- The units will remain affordable through deed restrictions for at least 55 years.
- The project will allow the City to spend housing funds expeditiously.
- The proposal provides dual benefits by preserving affordable housing and creating a substantial improvement of a blighted property and/or neighborhood.
- The rehabilitation incorporates green building practices and materials.

- The project incorporates appropriate community spaces, amenities and services for the target population.
- The project site is within walking distance of transit, services and amenities and is convenient for the target population.
- The project will attempt to implement a Local Hire program for Menlo Park residents.
- The rental housing targets low income households earning 60 percent or less of the median income for San Mateo County.
- The project contains larger units and targets families.
- The project's management plan promotes a healthy living environment for tenants and a compatible relationship with neighbors.

#### DEVELOPER EXPERIENCE

For forty-nine years, MidPen Housing ("MidPen") has been one of the largest, most trusted developers and owners of high-quality affordable rental housing in Northern California. We have played a leading role in the growth of the affordable housing industry in California, consistently setting new standards for best practices in development, property management, and resident services. MidPen operates through three distinct non-profit companies that work closely together to manage corporate activities and partnerships, while furthering its mission to provide safe, affordable housing of high quality. MidPen has extensive experience in the development of affordable housing. Since our founding in 1970, MidPen has developed over 7,200 affordable homes. Given our deep roots on the Peninsula and in Silicon Valley, the majority of these units are located in San Mateo and Santa Clara counties. In addition to developing housing, MidPen Property Management Corporation provides professional property management for our own developments, and MidPen Resident Service Corporation provides and coordinates onsite services programs for all MidPen residents. Together, MidPen Development, Property Management, and Services have won over 100 industry awards for excellence including two ULI Global Excellence awards.

#### MANAGEMENT EXPERIENCE

In the mid-1980's, MidPen formed an in-house Property Management Company, MidPen Property Management. Our management company includes a well-seasoned team with extensive experience in all aspects critical to property management including compliance, operations, training, facility maintenance, and community relations. We take great pride in keeping our communities safe, beautiful, and well maintained. Our properties range from single-family homes, to large multi-family complexes in urban areas. All fit nicely into the community.

#### SERVICE PROVIDER EXPERIENCE

Resident services will be delivered by MidPen Resident Services Corporation (MidPen Services), a 501c3 non-profit affiliate of MidPen Housing. MidPen Services has an overarching goal of helping individuals and families meet needs that go beyond basic shelter by assisting them in achieving self-sufficiency and a higher quality of life. MidPen Services has extensive experience providing services at family, senior citizen, special needs, and single room occupancy properties. Service coordination and programs are tailored to meet the specific needs of residents and usually include

after school and summer educational programs, computer learning, financial education, health and wellness, and literacy programs for both adults and children.

Thank you for your consideration of our application. We very much look forward to working with the City of Menlo Park to maintain and rehabilitate existing affordable units at Willow Court.

If you have any questions, please do not hesitate to call me at (650) 235-7680 or email me at [amahmud@midpen-housing.org](mailto:amahmud@midpen-housing.org).

Sincerely,



Aditi Mahmud  
Project Asset Manager

WILLOW COURT  
 MidPen Construction Management Rehab Estimate (Prevailing wage job)

Scope	Quantity	Cost per Quantity	Regular Job Cost	With Prevailing Wage (25% additional cost)
Window Replacement	80 windows	\$ 750.00	\$ 60,000.00	\$ 75,000.00
Repair dry-rot in framing	80 windows	\$ 400.00	\$ 32,000.00	\$ 40,000.00
Re-side over old Siding	6 units	\$ 20,000.00	\$ 120,000.00	\$ 150,000.00
New Entry doors/locks	14 doors/locks	\$ 1,200.00	\$ 16,800.00	\$ 21,000.00
Exterior paint	2 buildings	\$ 7,500.00	\$ 15,000.00	\$ 18,750.00
Staging/scaffolding	2 buildings	\$ 4,000.00	\$ 8,000.00	\$ 16,000.25
Roof overlay and gutters	2 buildings	\$ 27,000.00	\$ 54,000.00	\$ 67,500.00
New LED lighting (Exterior & Interior)	20 lights	\$ 320.00	\$ 6,400.00	\$ 8,000.00
New energy efficient fridge	6	\$ 780.00	\$ 4,680.00	\$ 5,850.00
New drip system lawn area (remove existing system)		\$ 26,250.00	\$ 26,250.00	\$ 32,812.50
Low-flow toilets	10	\$ 350.00	\$ 3,500.00	\$ 4,375.00
			Total	\$ 431,287.75
Overhead and profit (8%)				\$ 34,503.02
Bond/Insurance (3%)				\$ 12,938.63
General Conditions (5%)				\$ 21,564.39
		GRAND TOTAL		\$ 509,573.79



James P Silva Construction, Inc  
 4235 Krolop Road, Castro Valley, California 94546  
 510-755-3008



WILLOW COURT ESTIMATE  
 1105 & 1141 WILLOW ROAD

	QUAN	COST	TOTAL
REPLACE WINDOWS W/NEW DUAL GLAZED VINYL	80	1000	\$ 80,000.00
REPAIR DRYROT IN FRAMING			\$ 50,000.00
RE-SIDE OVER OLD SIDING	2 BLDS	75000	\$ 150,000.00
NEW ENTRY DOORS / LOCKS	14	1500	\$ 21,000.00
EXTERIOR PAINT	2 BLDS	15000	\$ 30,000.00
STAGING / SCAFFOLD	2 BLDS	8000	\$ 16,000.00
ROOF OVERLAY AND GUTTERS	2 BLDS	35000	\$ 70,000.00
NEW LED LIGHTING EXTERIOR / INTERIOR	20	400	\$ 8,000.00
NEW ENERGY EFFICIENT FRIDGE	8	1000	\$ 8,000.00
Low-flow Toilets	10	600	\$ 6,000.00
REMOVE LAWN AREAS / NEW DRIP SYSTEM	MISC	35000	\$ 35,000.00
			<u>\$ 474,000.00</u>
TOTAL ESTIMATE			
Overhead and Profit (8%)			\$ 37,920.00
Bond/Insurance (3%)			\$ 14,220.00
General Condition (5%)			\$ 23,700.00



**City of Menlo Park**  
**Below Market Rate Housing Financial Report**

<b>Below Market Rate Housing Special Fund</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
<b>Beginning balance</b>	<b>\$10,629,904</b>	<b>\$11,751,144</b>	<b>\$14,135,309</b>	<b>\$16,884,108</b>	<b>\$18,652,660</b>	<b>\$24,669,686</b>
Fiscal Year Activity						
Charges for Services	81,277	2,388,210	3,788,681	1,824,526	6,109,892	354,517
Use of Money and Property	114,817	178,194	149,505	125,374	125,117	691,341
Expenditures	(155,522)	(182,238)	(97,368)	(181,348)	(217,983)	(316,267)
Proceeds from the Sale of Assets	1,080,667	0	0	0	0	0
Prior period adjustment	0	0	(1,092,019)	0	0	0
<b>Ending balance</b>	<b>\$11,751,143</b>	<b>\$14,135,310</b>	<b>\$16,884,108</b>	<b>\$18,652,660</b>	<b>\$24,669,686</b>	<b>\$25,399,277</b>
Adjustment for notes and interest receivable	(\$3,747,401)	(\$6,170,550)	(\$9,106,832)	(\$8,823,986)	(\$8,861,591)	(\$8,980,996)
<b>Adjusted available balance</b>	<b>\$8,003,743</b>	<b>\$7,964,759</b>	<b>\$7,777,276</b>	<b>\$9,828,674</b>	<b>\$15,808,095</b>	<b>\$16,418,281</b>

<b>Below Market Rate Housing Special Fund</b>	<b>2018-19</b>
<b>Project Expenditures:</b>	
Other expenditures	\$316,267
<b>Total Expenditures:</b>	<b>\$316,267</b>

<b>Notes Payable</b>	<b>2019-20</b>	<b>2020-23</b>	<b>Total</b>
1317-1385 Willow Road (approved)	\$6,700,000	0	\$6,700,000
1105 & 1141 Willow Road (pending)	\$635,502	0	\$635,502
Estimated funds available for 2020 NOFA	0	\$9,000,000	\$9,000,000
			<b>\$16,335,502</b>



## STAFF REPORT

### City Council

Meeting Date:

11/5/2019

Staff Report Number:

19-226-CC

### Regular Business:

**Direct City staff to work with Menlo Park Public Art nonprofit to develop a pilot public art project proposal to present to the Parks and Recreation Commission for their consideration and recommendation to City Council**

## Recommendation

Staff recommends that City Council provide direction on developing a pilot public art project, authorizing staff to negotiate the details of a proposal project with the Menlo Park Public Art (MPPA) nonprofit organization to present to the Parks and Recreation Commission for their consideration and recommendation to the City Council.

## Policy Issues

The addition of public art in city parks is consistent with Parks and Recreation facilities master plan recommendations that City Council accepted October 15. City Council authorization is required to allow the city manager to negotiate an agreement with MPPA for the permanent and/or temporary placement of private artwork in and/or on City property with the agreement to be returned to the City Council for final approval.

## Background

On October 15, local art gallerist Katharina Powers on behalf of MPPA addressed the City Council regarding her group's interest in advancing a public art program in the City of Menlo Park. As a pilot program, she has identified an abstract sculpture by East Palo Alto artist Oleg Lobynkin called "Talking Heads" for a six-month loan to the City. The piece which made its debut at Burning Man has a seven-by-seven foot base and stands 18-feet tall, weighing 2,000 pounds (Attachment A.) MPPA is recommending exhibiting the art piece on land owned by the City such as in a public park.

MPPA's mission as indicated on their website (Attachment B:) "It is the ambition of MPPA to develop, support and maintain public art that serves the community. The mission includes to educate the public about the importance of public art at its highest level, and to create artwork that deepens the human experience by inspiring the imagination and evoking emotion, as well as providing enjoyment to Menlo Park public spaces.

Public art can be expressed through a wide variety of means. It can be thought-provoking with meaningful and relevant themes. It can be whimsical, bold or fragile. Art addresses societal challenges, connecting our shared present, past and future. Art may be a single element or multiple objects; it is unlimited in its forms. Art can transform a city infrastructure in a multitude of inventive ways: artist-designed play equipment, street furniture, planter boxes, lighting, water features, landscape treatment and bike stands, to name a few.

Integral to our goal is a desire to educate members of our community about the inspirational value of public art and to physically represent a clear reflection of Menlo Park as an active, international community that is at the crucible of technology, finance, and invention in the heart of Silicon Valley.”

## **Analysis**

The Commission’s workplan goals for May 2018 – May 2020, which were approved by City Council August 6, 2018 state:

- Improve class and program offerings, venues, partnerships and sponsorships to increase the quality and accessibility of educational, recreational, sporting, artistic, and cultural programs in the City of Menlo Park;
- Support initiatives partnerships and projects that intersect with the City’s parks and community services resulting in well-coordinated efforts to meet the needs of residents

While many municipalities have a public art program, there are a number of ways in which they are administered. Some cities retain a public art consultant to manage the program, while others may work with an outside nonprofit such as an art council or MPPA to bring public art to their communities. Considerations would include managing a public art budget, developing a strategy for the community’s public art program, site selection and selecting the optimal pieces for those locations. In most cases there is a dedicated staff person to manage the collection registry, outline terms of an agreement – including transportation, installation, exhibition (lighting, signage, marketing,) de-installation, maintenance, insurance, grant of artist license and intellectual property rights.

In working with the Parks and Recreation Commission to identify the key terms in the agreement, staff would be able to bring a more finalized and thorough proposal to City Council for their review. The Commission could also serve in an advisory role in evaluating the pilot project.

If City Council wishes to pursue the development of a pilot public art project with MPPA, the proposal and terms of the agreement will need to address the above considerations. A pilot project will provide the opportunity to develop and evaluate the full scope of the potential of a public art program and help inform future recommendations to City Council.

## **Impact on City Resources**

If directed by the City Council, staff from community services, city attorney, and public works will work with MPPA to develop a proposal and negotiate terms of an agreement for the pilot project. Staff anticipates there will be costs associated with the acquisition, transportation, installation, maintenance and de-installation of the artwork, which will be also require a budget authorization in the proposal to City Council.

## **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

### **Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

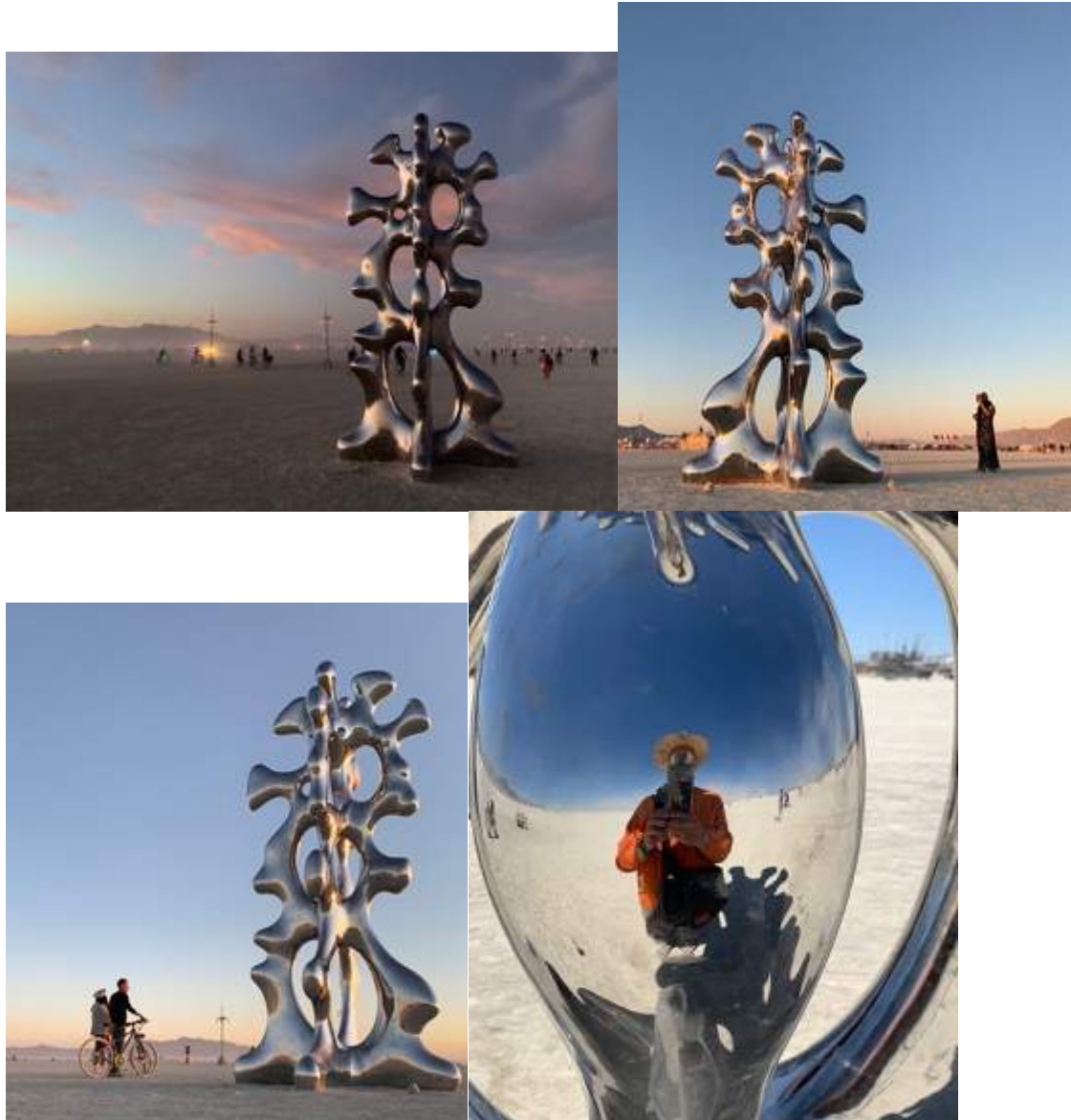
### **Attachments**

- A. Images of Talking Heads by Oleg Lobynkin
- B. Hyperlink – MPPA's mission: [menloparkpublicart.org/](http://menloparkpublicart.org/)

Report prepared by:  
Adriane Lee Bird, Assistant Community Services Director

Report reviewed by:  
Derek Schweigart, Community Services Director

Talking Heads is an 18-ft high abstract sculpture, a spatial composition based on a balance between negative and positive space in conjunction with a line that can create an image or point of reference to spark imagination. Oleg Lobykin, [www.lobykin.com](http://www.lobykin.com)







## STAFF REPORT

### City Council

Meeting Date:

11/5/2019

Staff Report Number:

19-235-CC

### Regular Business:

**Accept the transportation impact fee nexus study and review draft resolution and ordinance to update the transportation impact fee program**

## Recommendation

Staff recommends that the City Council:

- Accept the transportation impact fee nexus study
- Review draft resolution (Attachment A) and ordinance (Attachment B) to update Chapter 13.26 of the Municipal Code, which defines the transportation impact fee program

## Policy Issues

Development of a transportation master plan (TMP) and update of the transportation impact fee (TIF) program was included as one of the top six priority projects in the City Council's adopted 2018 workplan and was included again as one of the top five priorities in the 2019 workplan. Updating the TIF was also a program (Program CIRC-6.C) identified in the 2016 circulation element of the general plan to "require new and expanded development to pay a TIF, and update the fee periodically to ensure that development is paying its fair share of circulation system improvement costs for all modes of transportation." Further, updating the TIF program was identified as a mitigation measure (Mitigation Measures TRANS-1b and TRANS-6a,) in the certified environmental impact report for the general plan update.

The TIF program is defined in Section 13.26 of the Municipal Code. The fees are updated by the City Council's adoption of a resolution identifying the new fees. Since the last fee program update in 2009, staff has also identified the need for minor revisions to the ordinance language to be consistent with the 2016 circulation element. City Council adoption of the updated ordinance language is required through introduction (first reading) and adoption (a second reading) of the ordinance.

## Background

State Government Code Sections 66000 through 66008 (also known as AB1600 or the Mitigation Fee Act) set requirements for establishing and using impact fees for funding public improvements, amenities and services. The City must follow a prescribed process and make certain determinations regarding the purpose and use of the fees and establish a "nexus" or connection between a development project or class of projects and the public improvement being financed with the fee. In addition, the fee revenue must be segregated from the general fund in order to avoid the commingling of public improvement fees. Other impact fees imposed by the City include storm drainage fees and recreation-in-lieu fees, which must also comply with the above-referenced Government Code sections. Staff issues an annual report in December for City Council review on the revenues, expenditures, and balances of each of these funds. According to the latest report dated December 4, 2018, the City received a total revenue of \$1,562,050 during the 2017-18 fiscal year from TIFs and interest income.

On May 14 City Council held a study session on the TIF program and provided guidance to staff regarding items to consider in developing the updated fee, including the proportion of the cost of regional projects to include in the program and incentives for certain land uses (retail, restaurant, child care and certain housing projects.)

## Analysis

The City currently charges a citywide TIF for new development as shown in Table 1. This fee is based on the type and size of new development. In addition, the City charges a supplemental TIF for those developments located in the El Camino Real and Downtown specific plan area; the current rate for projects located in this area is \$404.06 per PM peak hour trip. Both fees are subject to change each year July 1 according to the engineering news record construction price index for the San Francisco Bay Area. After adoption, the new proposed fee would replace the two current fees.

The environmental impact report (EIR) completed and certified in November 2016 for the City's general plan update evaluated the development of approximately 5,500 new residential units and the creation of approximately 18,070 new jobs by 2040. The EIR identified several mitigation measures that would be required to accommodate that development. In addition, the circulation element of the general plan identified a program to develop a citywide TMP that includes multimodal transportation infrastructure improvements to enhance the transportation network and support planned future development. Development of the TMP has been ongoing since 2017 and is expected to be adopted in early 2020. Consulting firm W-Trans, is leading the consultant team, and was also tasked with updating the TIF program. The TIF nexus study prepared by W-Trans establishes a link between the trips associated with new development projects, their impacts on the transportation system, and the cost to build the infrastructure projects identified both in the TMP and the EIR for the general plan update. Further information related to the methodology and details about the fee are included in the TIF nexus study (Attachment C) and the May 14 study session staff report (Attachment D.)

### Maximum allowable fee

The TIF nexus study calculated the maximum allowable fee that the City is able to charge new development to pay for the transportation infrastructure improvements. State law only allows cities to collect fees from developers for their fair share contribution to the associated transportation improvements and not to fund existing deficiencies. As described in the TIF nexus study, this proportional amount is 17 percent based on the anticipated growth in vehicular trips compared to 2014 existing conditions. Table 1 summarizes the maximum allowable fee that the City would be allowed to charge by land use.



Table 1: Current and maximum allowable TIF

Land use	Unit	2019 current fee	Maximum allowable fee
Office	Sq. Ft.	\$5.01	\$17.60
Restaurant <sup>1</sup>	Sq. Ft.	\$5.01	\$152.16
Retail <sup>1</sup>	Sq. Ft.	\$5.01	\$58.32
Research and development	Sq. Ft.	\$3.60	\$7.50
Manufacturing	Sq. Ft.	\$2.46	\$10.26
Land use	Unit	2019 current fee	Maximum allowable fee
Warehousing	Sq. Ft.	\$1.08	\$2.91
Medical office	Sq. Ft.	\$11.62	\$52.97
Single family	Dwelling units	\$3,393.74	\$15,155.24
Multifamily	Dwelling units	\$2,083.08	\$8,572.66
Hotel	Room	\$1,982.23	\$9,184.99
Childcare <sup>1</sup>	Sq. Ft.	\$5.01	\$170.23
Secondary dwelling unit	Units	\$772.43	\$3,449.40
Does not fall in one of the above land uses	PM peak hour trips	\$3,359.56	\$15,308.32

<sup>1</sup> Fees for restaurant, retail and child care land use categories are currently tied to the office fees.

As shown in Table 1, the maximum allowable fees that the City could charge range between two and four and a half times the current rates. The City has the discretion to charge lower fees than the maximum allowable fee in order to incentivize and encourage certain types of land uses, but not to charge more than the maximum allowable fee. Currently, the TIF program provides fee reductions for several land uses including retail, restaurant and child care uses. At the May 14 study session, City Council confirmed their desire to continue with these reduced rates. In addition, the City Council provided direction to also consider fee reductions for affordable housing and/or secondary dwelling units.

The City's current TIF program also provides two other credits. New development receives a credit toward the TIF based on prior uses on the site. If the existing uses are still active, then a credit is to be applied for the current active use. If the development site is vacant, but still contains the existing buildings, the development receives credit for the last occupied use. In addition, some of the transportation projects in the current TIF have been constructed as part of a development project. The developer may have been required to construct the improvement as a mitigation measure or condition of the project. When a developer constructs a project identified in the TIF program, they are given credit on their TIF for construction of all or portions of improvements that are included in the TIF program.

#### Comparison of fees from other cities

Many communities in the area have completed similar nexus studies related to TIFs. Other communities include similar improvements measures with a variety of direct and indirect improvements. These range from improvements to intersections, bicycle facilities, sidewalks, transit and freeway interchanges. The following table provides a summary of TIF charged by other communities for several different uses. Note

these fees are ones that have been adopted by their respective cities and may not be the maximum allowable fees that could be charged.

Table 2: Other cities TIFs				
City	Residential (per dwelling unit)	Office (per sq. ft.)	Retail (per sq. ft.)	Last updated
Redwood City, downtown area	\$1,212.00	\$1.79	\$2.96	2012
Redwood City, non-downtown	\$1,615.00	\$2.38	\$3.94	2012
San Carlos	\$3,052.00	\$4.55	\$11.32	2015
Sunnyvale, South of Route 237	\$3,114.00	\$4.64	\$5.78	2017
Sunnyvale, Moffett park area <sup>1</sup>	n/a	\$6.38	\$5.53	2017
San Mateo	\$3,422.00	\$3.14	\$5.89	2014
Mountain View	\$4,671.00	\$4.99	\$12.83	2018
East Palo Alto	\$2,358.00	\$7.33	\$7.33	2019
Palo Alto	\$7,886.00	\$11.75	\$29.26	2019
Menlo Park maximum allowable	\$15,155.24	\$17.60	\$58.32	2019

<sup>1</sup> Moffett Park area of Sunnyvale does not have any residential or office rates and separates retail into destination and neighborhood retail. The rate for research and development uses is shown under office and the rate for neighborhood retail is shown under retail.

As shown in Table 2, the maximum allowable fee that the City of Menlo Park could assess is considerably higher than the fee charged by neighboring jurisdictions. Staff recommends that the City Council consider lowering the fees for the residential uses to encourage more housing, similar to the reductions applied for retail, restaurant and child care uses. This policy direction would align with recent state legislation (to be discussed separately on the November 5 City Council agenda) that streamlines cities' review of housing and developments that are at least two-thirds housing. Three recommended strategies include:

- Reduce the maximum allowable fees for single family and multifamily residential units by 50 percent. This would result in fees in line with the City of Palo Alto which recently adopted a fee program update.
- Waive the fee for secondary dwelling units.
- Waive the fee for affordable housing developments by considering the fee as part of the City's contribution for affordable housing.

In addition to residential uses, fees for child care uses in the 2009 TIF program were benchmarked to office fees. Therefore, fees for child care uses would go up considerably with the new rates. Staff recommends that the child care fee be benchmarked to the warehousing use fee instead to continue to encourage this type of use. The City Council had previously given direction to incentivize child care uses February 9, 2016. Table 3 summarizes the proposed new fees by land use incorporating these recommendations.

Table 3: Proposed TIF		
Land use	Unit	2019 fee amount
Office	Sq. Ft.	\$17.60
Restaurant <sup>1</sup>	Sq. Ft.	\$17.60
Retail <sup>1</sup>	Sq. Ft.	\$17.60
Research and development	Sq. Ft.	\$7.50
Manufacturing	Sq. Ft.	\$10.26
Warehousing	Sq. Ft.	\$2.91
Medical office	Sq. Ft.	\$52.97
Single family <sup>1</sup>	Dwelling units	\$7,577.62
Multifamily <sup>1</sup>	Dwelling units	\$4,286.33
Hotel	Room	\$9,184.99
Childcare <sup>1</sup>	Sq. Ft.	\$2.91
Secondary dwelling unit	Units	\$0

<sup>1</sup> Fees for restaurant, retail, child care, and residential land use categories include the direction from City Council received May 14 to provide incentives for these uses as described above.

With these fee reductions and/or waivers, the amount anticipated to be collected in the TIF program fund would be reduced. The difference between the lower fee set by City Council and the maximum allowable fee determined in the TIF nexus study would not need to be directly backfilled during consideration of each pending development project, but in the future, the City would need to find other funding sources to implement all of the projects in the TIF program. Also, the difference would not be required to come from the general fund and could be derived from a variety of sources including countywide transportation sales tax measures (Measures A and W,) grants, or other funding sources. The City Council could also consider a future policy to revisit TIF program incentives on a regular basis (for example, bi-annually when reviewing the City's general plan,) as the policy direction desired could change over time as the TIF is updated, development projects are considered, and traffic conditions change.

#### Grandfathering of previously approved projects

Payment of TIF is typically due before issuance of a building permit. There are nine development projects that have been granted entitlement approvals, but have not paid their TIF nor received a building permit. As shown in Table 4, four of those projects are either residential or two-thirds residential developments, which would define them as projects to be considered under recent state housing legislation. Staff is recommending that those residential projects be grandfathered in under the current fee structure subject to any construction cost index adjustments in future years. In addition, one hotel project (301 Constitution Drive) is under a development agreement that allows it to remain under the current fee program. The remaining four projects are either office only or less than half residential, and staff recommends that they be subject to the new fee rates. City staff is hosting an informational session on the update to the TIF program October 29 and is also reaching out to property owners that currently have planning applications submitted to let them know about the upcoming changes to the fee program.

Table 4: Projects with entitlements but have not yet paid TIF

Address	Type of use	Size
840 Menlo Ave.	Residential/office	3 du, 6.6 ksf
40 Middlefield Road	office	3.6 ksf
1540 El Camino Real	Residential/office	27 du, 40.8 ksf
250 Middlefield Road	Office	3.9 ksf
409 Glenwood Avenue <sup>1</sup>	Residential	5 du
1345 Willow Road <sup>1</sup>	Residential	58 du
975 Florence Lane <sup>1</sup>	Residential	2 du
115 El Camino Real <sup>1</sup>	Residential/retail	4 du, 1.5 ksf
301 Constitution Drive <sup>2</sup>	Hotel	200 rooms

du= dwelling units, ksf = 1,000 square feet

<sup>1</sup>Residential only or two-thirds residential projects (based on square footage)

<sup>2</sup>As outlined under the terms of the development agreement, this project will remain under the current fee program.

#### East Palo Alto projects

A few locations in the City of East Palo Alto were identified for mitigation measures in the certified EIR for the General Plan update and recommended to be included in the City's TIF program. The cost estimates for these locations were added into the City of Menlo Park's TIF program. Following adoption of the TIF program, staff will work to develop guidelines to determine how and when the fees are collected and distributed to the City of East Palo Alto for use to build those specific improvements.

#### Ordinance changes

Chapter 13.26 of the Municipal Code defines the TIF program but contains outdated references to the previous General Plan policies. Staff recommends the changes shown in Attachment B to revise those references and to make other minor revisions such as updating the ordinance to reflect current staff titles. No change in staff's overall authority level is proposed with these revisions.

#### City Council action and next steps

Staff is requesting City Council to accept the TIF nexus study and to review and provide feedback on the resolution for the adjusted TIF rates and ordinance language. Staff will return to the City Council November 19 for a public hearing on the first reading of the draft ordinance. A second reading of the ordinance and adoption of the updated fees would be scheduled for the December 10 City Council meeting. If the City Council adopts the resolution and ordinance at their December meeting, the fees would go into effect 60 days later.

#### **Impact on City Resources**

The cost to complete the TIF program update is included in the city budget as part of the TMP project. No additional resources are being requested at this time. The study establishes the TIF for the City to receive revenue dedicated to transportation improvements within the City from new developments. The new fee would not cover the full cost of the improvements and some improvements would require additional funding to implement. This funding could include other City funding sources, regional funds, federal sources and

grants. Fees in the program would need to accumulate before construction of the projects and therefore, may be constructed after developments are occupied. Community input on projects would be needed on individual projects, before implementation. The new fee does not require that all the improvements in the plan be constructed and the program will need to be evaluated on a regular basis to assess changes in growth projections, improvements modifications and cost information.

### **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment. Individual improvements identified in the study will be required to undergo the applicable environmental review process before implementation.

### **Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Early release of the agenda and this staff report allowed for posting 12 days prior to the meeting. In addition, an informational session on the TIF update will be held October 29. Notification as required by Government Code sections § 66018 and § 6062a will be provided prior to the public hearing scheduled for November 19.

### **Attachments**

- A. Resolution No. 6527
- B. Draft Ordinance No. 1061
- C. Hyperlink – W-Trans, City of Menlo Park TIF Nexus study, October 22:  
[menlopark.org/DocumentCenter/View/23281/F2-Att-C-Draft-City-of-Menlo-Park-Transportation-Impact-Fee-Nexus-Study](http://menlopark.org/DocumentCenter/View/23281/F2-Att-C-Draft-City-of-Menlo-Park-Transportation-Impact-Fee-Nexus-Study)
- D. Hyperlink - TIF study session SR, May 14, 2019: [menlopark.org/DocumentCenter/View/21529/SS1-20190514-Transportation-impact-fee-CC](http://menlopark.org/DocumentCenter/View/21529/SS1-20190514-Transportation-impact-fee-CC)

Report prepared by:  
Kristiann Choy, Acting Transportation Manager

Report reviewed by:  
Nicole H. Nagaya, Interim Public Works Director



**RESOLUTION NO. 6527****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
ADOPTING UPDATED TRANSPORTATION IMPACT FEE RATES**

WHEREAS, the City Council of the City of Menlo Park carefully reviewed and considered and received public comment regarding the transportation impact fee Nexus study by the professional transportation consulting firm, Whitlock & Weinberger Traffic Engineering Consultants, at the November 5, 2019 City Council meeting; and,

WHEREAS, pursuant to Section 13.26.050 of the Menlo Park Municipal Code, the amount of the transportation impact fee shall be established by resolution of the City Council; and

WHEREAS, the updated transportation impact fee rates will rescind and replace the supplemental transportation impact fees adopted in Resolution No. 6257; and

WHEREAS, in determining the transportation impact fee rates, the City Council of the City of Menlo Park considered that: (a) developments should pay fair-share cost of transportation improvements described in the transportation impact fee Nexus study; (b) each type of development should contribute to the needed improvements as described in the transportation impact fee Nexus study; and (c) that certain types of developments as described in the attachment, should be incentivized through a further reduction or waiver in fees.

NOW, THEREFORE BE IT RESOLVED, the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefor do hereby accept the transportation impact fee Nexus study, rescind Resolution No. 6257 and adopt the transportation impact fee rates attached hereto and shall increase annually pursuant to Section 13.26.120 in accordance with the engineering news record construction cost index for the San Francisco Bay Area without further action by the City Council, and shall be effective 60 days from the adoption of this resolution.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the nineteenth day of November, 2019, 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 nineteenth day of November, 2019.

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Judi A. Herren, City Clerk

## Transportation Impact Fee Rates (10-23-19)\*

Office	\$17.60	per sq. ft.
Research and Development	\$7.50	per sq. ft.
Manufacturing	\$10.26	per sq. ft.
Warehousing	\$2.91	per sq. ft.
Restaurant	\$17.60	per sq. ft.
Retail	\$17.60	per sq. ft.
Single-Family	\$7,577.62	per unit
Multi-Family	\$4,286.33	per unit
Hotel	\$9,184.99	per room
Medical Office	\$52.97	per sq. ft.
Childcare	\$2.91	per sq. ft.
Secondary Dwelling Unit	\$0.00	per unit

\* Fee will be updated July 1st of each year based on Municipal Code Section 13.26.12C

### Fee Waivers and Reductions

Land Use	Waiver or Reduction
Restaurant	Tied to office fee
Retail	Tied to office fee
Single-Family	Reduced to 50 percent of maximum allo
Multi-Family	Reduced to 50 percent of maximum allo
Childcare	Tied to warehousing fee
Secondary Dwelling Unit	Waived

## ORDINANCE NO. 1061

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING  
CHAPTER 13.26 [TRANSPORTATION IMPACT FEE] OF TITLE 13 [STREETS,  
SIDEWALKS AND UTILITIES] OF THE MENLO PARK MUNICIPAL CODE**

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

SECTION 1. The City Council of the City of Menlo Park hereby finds and determines that:

A. On behalf of the City, Whitlock & Weinberger Traffic Engineering Consultants, conducted a Transportation Impact Fee Study, gathering and analyzing information to update the Transportation Impact Fee for development projects.

B. The Transportation Impact Fee Study establishes a nexus among the trips associated with development projects, their impacts on the transportation system, and the cost to improve the City's impacted transportation system.

C. Based on the Transportation Impact Fee Study, the City is updating its Transportation Impact Fee. Updating the Transportation Impact Fee fulfills General Plan Circulation Element Program CIRC-6.C that require the City to update the fee to ensure that new and expanded development is paying its fair share of circulation improvement costs for all modes of transportation. Further, updating the City's Transportation Impact Fee also complies with Mitigation Measure TRANS-1b from the certified Environmental Impact Report for the 2016 General Plan Update that requires the City to update the Transportation Impact Fee Program to mitigate impacts from future development projects.

SECTION 2. Chapter 13.26 [Transportation Impact Fee] of Title 13 [Streets, Sidewalks and Utilities] of the Menlo Park Municipal Code is hereby amended, to read, as follows with additions shown in underline and deletions in strikeout:

Chapter 13.26

TRANSPORTATION IMPACT FEE

13.26.010	Authority
13.26.020	Application
13.26.030	Intent and purpose
13.26.040	Definitions
13.26.050	Fee requirement
13.26.060	Fee payment
13.26.070	Authority for additional mitigation
13.26.080	Fee credit
13.26.090	Appeal
13.26.100	Refund of fee
13.26.110	Accumulation and use of funds
13.26.120	Adjustment of fee

**13.26.010 Authority**

This chapter is enacted pursuant to the Mitigation Fee Act contained in Government Code Sections 66000 et seq.

**13.26.020 Application**

This chapter applies to fees charged as a requirement of development approval to defray the cost of certain transportation improvements required to serve development within the City of Menlo Park. This chapter does not replace normal subdivision map exactions or other measures required to mitigate site specific impacts of a development project including, but not limited to, mitigations pursuant to the California Environmental Quality Act; regulatory and processing fees; fees required pursuant to a development agreement; funds collected pursuant to a reimbursement agreement that exceed the developer's share of public improvement costs; or assessment district proceedings, benefit assessments, or taxes.

### **13.26.030 Intent and purpose**

The City Council of the City of Menlo Park declares that:

A. Adequate transportation improvements are needed to protect the health, safety, and general welfare of the citizens to facilitate transportation and to promote economic well being within the City;

B. The City of Menlo Park provides transportation improvements and services for residents, businesses, and employees within the City;

C. Individual transportation improvements are part of an integrated system serving and providing benefits to the entire City;

D. Improvements to the existing transportation systems in the City are needed to mitigate the cumulative impacts of developments;

E. All types of development require and use the transportation system;

F. ~~It is the stated goal of the General Plan~~ Circulation Element Policy CIRC-3.4 states that the city should strive to maintain Level of Service D or better shall be maintained at all City-controlled signalized intersections during peak hours, except at the intersection of Ravenswood Avenue and Middlefield Road and at intersections along Willow Road from Middlefield Road to US 101, ~~as defined in the City of Menlo Park General Plan~~ and the City should work with Caltrans to ensure that average stopped delay on local approaches to State-controlled signalized intersections does not exceed LOS E;

G. There are not adequate public funds available to maintain the Level of Service as ~~defined~~ identified in the General Plan in the City;

H. In order to ensure that the Level of Service as stated in the General Plan is maintained, and to promote the health, safety, and general welfare of the community, it is necessary that development pay a fee representing its share of costs of the necessary improvements;

I. The transportation~~traffic~~ impact fee is based upon the evidence that development generates additional residents, employees, and customers, which in turn place an additional cumulative burden upon the local transportation system and should be expected to pay a share of the new facilities, as more fully described in the City of Menlo Park Transportation Impact Fee Study;

J. The purpose of this fee is to help provide adequate transportation improvements to serve cumulative development within the City. However, the fee does not replace the need for all site-specific transportation improvements that may be needed to mitigate the impact of specific projects upon the City's transportation system;

K. The transportation improvements for which the fee will be used are identified in the Transportation Impact Fee Study, as modified from time to time. Nothing in this chapter commits the City to construct all of the transportation improvements identified in the Transportation Impact Fee Study, as modified from time to time.

#### **13.26.040 Definitions**

The following definitions apply to this chapter:

A. Transportation improvements include all street and intersection improvements and related facilities and equipment identified in the Transportation Impact Fee Study, as modified from time to time.

B. Gross floor area shall be calculated in accordance with the definition of gross floor area in the most recent version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

C. Land use categories included in the Transportation Impact Fee Study are as defined in the most recent version of the ITE Trip Generation Manual.

D. Other Uses. The Public Works Director or designee ~~Transportation Manager~~ shall determine the appropriate land use category for any use not included in the Transportation Impact Fee Study, based on a similarity of use and peak hour trip characteristics of the use as indicated in the most recent version of the ITE Trip Generation Manual or calculate the fee based on the per trip fee in the Transportation Impact Fee Study, as modified from time to time.

#### **13.26.050 Fee requirement**

A. General. The amount of the proposed fee shall be established by resolution of the City Council and shall be based upon the following considerations:

1. Development will pay fair-share cost of transportation improvements described in the Transportation Impact Fee Study.

2. Each type of development shall contribute to the needed improvements as described in the Transportation Impact Fee Study.

B. Types of Development Subject to the Fee. The fee shall be applicable to new development in all land use categories identified in the City's zoning ordinance, any construction adding additional floor area to a lot with an existing building, new single-family and multi-family dwelling units, and changes of use from one land use category to a different land use category.

C. Amount. The amount of the fee shall be determined by the methodology set forth in the Transportation Impact Fee Study and more particularly shown on the table of rates attached to the resolution approving the fee, as modified from time to time. Any use that does not fit into the identified rates will be determined based on Section 13.26.040(D), Other Uses.

D. The Public Works Director or designee ~~Transportation Manager~~ shall have authority to render final determinations regarding the appropriate classification of land use and the correct calculation of gross floor area for a particular development project as it relates to the calculation of the traffic impact fee.

**13.26.060**

**Fee payment**

The transportation impact fee shall be paid in full to the City of Menlo Park before a building permit is issued. The fee shall not apply to any project that has received discretionary planning review approval prior to the effective date of this ordinance, except for any project that is subject to an existing development agreement that requires the payment of fees.

**13.26.070**

**Authority for additional mitigation**

Fees collected pursuant to this chapter are not intended to replace or limit requirements to provide mitigation of traffic impacts not mitigated by the transportation impact fee and created by a specific project, and imposed upon development projects as part of the development review process.

**13.26.080**

**Fee credit**

A. The Public Works Director or designee Transportation Manager may adjust the fee imposed pursuant to this chapter in consideration for certain facilities or improvements constructed or paid for by the developer. A developer is entitled to credit for the reasonable cost of the improvements, as determined by the Public Works Director or designee Transportation Manager, if the improvement is identified in the Transportation Impact Fee Study.

B. For new construction, a developer shall receive credit toward the fee based on the gross floor area of existing buildings and/or the number of residential units which are being demolished and the predominant historical use as determined by the Public Works Director or designee Transportation Manager.

C. For a change of use, a developer shall receive credit toward the fee based on the gross floor area of existing buildings and/or number of residential units for which there is a change of use based on the predominant historical use as determined by the Public Works Director or designee Transportation Manager.

**13.26.090**

**Appeal**

A. The developer of a project subject to this chapter may appeal the imposition and/or calculation of the fee at any time after the final determination of the fee by the Public Works Director or designee Transportation Manager and before payment of the fee without protest to the City Council.

B. The appellant shall state in detail the factual basis for the appeal and shall bear the burden of proof in presenting substantial evidence to support the appeal.

C. The City Council shall uphold the fee and deny the appeal if it finds that there is a reasonable relationship between the development project's impact on transportation facilities and the amount of the fee. The City Council shall consider the land use category determination, and the substance and nature of the evidence, including the fee calculation method, supporting technical documentation, and the appellant's technical data. Based on the evidence, the City Council may also modify the fee.

**13.26.100**

**Refund of fee**



A. If a building permit or use permit expires, is canceled, or is voided and any fees paid pursuant to this chapter have not been expended, no construction has taken place, and the use has never occupied the site, the Public Works Director or designee Transportation Manager may, upon the written request of the applicant, order the return of the fee, less administrative costs.

B. The City Council shall make a finding with respect to any fee revenue not expended or committed five years or more after it was paid. If the City Council finds that the fee revenue is not committed, it shall authorize a refund to the then owner of the property for which the fee was paid, pursuant to Government Code Section 66001 or successor legislation.

### **13.26.110 Accumulation and use of funds**

A. Transportation Impact Fee Fund. The City shall deposit the fees collected under this chapter in a special fund, the Transportation Impact Fee fund, designated solely for transportation improvements.

B. Use of Funds. The fees and interest earned on accumulated funds shall be used only to complete the transportation improvement projects specified in the Transportation Impact Fee Study, as modified from time to time, or to reimburse the City for such construction if funds were advanced by the City from other sources.

### **13.26.120 Adjustment of fee**

The transportation impact fee authorized by this chapter, implementing Council resolutions, and supporting documentation, including the Transportation Impact Fee Study, as modified from time to time, may be reviewed from time to time in order to make any findings required by State law, and to make any adjustments in the amount of the fee. The fee shall automatically increase annually on July 1<sup>st</sup> based upon the Engineering News Record Construction Cost Index for the San Francisco Bay Area.

SECTION 3. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or enforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 4. The City Council hereby finds that this ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, because there is no possibility of significant environmental effects occurring as a result of the adoption of this ordinance.

SECTION 5. This ordinance shall take effect thirty (30) days after its passage and adoption. Within fifteen (15) days of its adoption this 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 this \_\_\_\_ day of \_\_\_\_, 2019.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on this \_\_\_\_ day of \_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Ray Mueller, Mayor

ATTEST:

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Judi A. Herren, City Clerk



## STAFF REPORT

### City Council

Meeting Date:

11/5/2019

Staff Report Number:

19-227-CC

### Regular Business:

**Direct staff to bring Youth Advisory Committee proposal to the Parks and Recreation Commission for its consideration and recommendation**

## Recommendation

City staff recommend that the City Council review, provide feedback and direct staff to bring the draft Youth Advisory Committee (YAC) proposal to the Parks and Recreation Commission for its consideration and recommendation.

## Policy Issues

The City Council approved "Commission/ Committee Policies and Procedures, Roles and Responsibility" CC#19-004 (Attachment A) to define the policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees. This policy details relationships, roles, meetings and officers, schedules, memberships, individual commission/ committee responsibilities, and special advisory bodies.

## Background

On May 2, two Menlo School students approached Mayor Ray Mueller regarding their interest in forming a youth advisory committee. One of the students participated in the police chief's youth advisory group which was held February 7 and the other noted that a number of their peers from surrounding cities participated in their cities' youth advisory committees. Both of the students are active members of their service learning club at Menlo School and expressed interest in ways that youth like them could get involved with the City and learn from other agencies. City staff met with the students to review their proposal and discuss their vision for a youth advisory group. Additionally, staff surveyed 12 cities on the peninsula to learn how other cities operated their youth advisory groups and gain knowledge on best practices. Findings from neighboring cities and their respective models for youth committees can be found in the table below.

Youth Advisory Committees in neighboring cities				
Agency	Department	Membership	Meetings/term	Projects
City of Belmont Youth Advisory Committee (YAC)	Parks and Recreation	7 <sup>th</sup> -12 <sup>th</sup> Grade 21 max.	Twice per month 1-2 years	Help with YAC events, solicit feedback from peers in order to advise City staff of new trends, participate in the development and promotion of YAC.
City of Burlingame Youth Advisory Committee (YAC)	Parks and Recreation	7 <sup>th</sup> -12 <sup>th</sup> Grade 12 max.	Second Tuesday 6-8 p.m. 2 years	Help coordinate activities for teens, assist with community events, take action on community issues, and help with fundraising.

Foster City Youth Advisory Committee (YAC)	Parks and Recreation	6 <sup>th</sup> -12 <sup>th</sup> Grade No limit	First Wednesday of each month 1 year	Discuss current youth trends and plan positive events that better the community.
City of Los Altos Youth Commission	Recreation and Community Services	6 <sup>th</sup> -12 <sup>th</sup> Grade 11 max.	First Monday of each month 2 years or 1 year (if joined as senior)	Address issues relating to teens in the community; assist in the planning, promoting, and implementing of programs and services for teens; and plan and participate in community service activities.
City of Millbrae Youth Advisory Committee (YAC)	City Council	6 <sup>th</sup> -12 <sup>th</sup> Grade 5 max.	First Tuesday of each month 1 year	To provide a forum discussion for issues affecting youth and facilitate communication between youth and City Government, advise City Council on matters affecting youth, act as a liaison with City organizations by providing input.
City of Mountain View Youth Advisory Committee (YAC)	Community Services	6 <sup>th</sup> -12 <sup>th</sup> Grade 24 max.	Twice per month 1 year	Advise City Council and staff on youth and teen issues; support the teen center through the sharing of resources and new program ideas and plan fun events and programs for the teen population.
City of Pacifica Youth Advisory Board (YAB)	Parks, Beaches and Recreation	9 <sup>th</sup> -12 <sup>th</sup> Grade 15 max.	Twice per month 2 years or 1 year (if member has joined as a senior)	Help with YAC events, solicit feedback from peers in order to advise City staff on new trends, participate in the development and promotion of YAC events via social media.
City of Palo Alto The Palo Alto Youth Council (PAYC)	Community Services	9 <sup>th</sup> -12 <sup>th</sup> Grade 25 max.	Weekly meeting for one (1) hour. 1 year	Some of the projects and events they executed included a finals study cram slam, a survey on teen vaping, and an end of school year unity concert event called Palapalooza.
Redwood City Youth & Teen Advisory Board (TAB)	Parks, Recreation and Community Services	YAB – 6 <sup>th</sup> -8 <sup>th</sup> Grade TAB – 9 <sup>th</sup> -12 <sup>th</sup> Grade 9-13 max.	First Wednesday of each month (Sept. - May) YAB: 7-8 p.m. TAB: 6:30 -8 p.m. 1 year	Address issues relating to youth in the community, assist in planning, promoting and implementing programs for youth, involvement of youth in municipal government and affairs, and act as an advocate for youth and teens.
City of San Carlos Youth Advisory Council (YAC)	Parks and Recreation	6 <sup>th</sup> -12 <sup>th</sup> Grade 9 max.	Second Wednesday of each month at 7 p.m. 2 years	Help put on middle school dances each month, volunteer with citywide events and other volunteer opportunities.
City of San Mateo Youth Activities Council (YAC)	Parks and Recreation	9 <sup>th</sup> -12 <sup>th</sup> Grade Unlimited	Second Wednesdays of each month 1 school year	Look for ways to improve city facilities, help the community, plan activities, events and trips.
City of South San Francisco Youth Advisory Council (pilot)	City Manager's Office	14-21 years 18 max.	Once per month 1 school year	Educated on local government, toured each department and volunteered at events.

## **Analysis**

After reviewing best practices, and consulting with the two students who brought forth the initial proposal, staff outlined a draft plan for a Menlo Park YAC (Attachment B.) The purpose of the YAC is to engage the future leaders of Menlo Park by encouraging youth to take an active leadership role in the community. It aims to foster a greater involvement of youth in municipal government and civic affairs. The Committee will review those municipal matters referred to it by the Parks and Recreation Commission and City staff, and as appropriate, make recommendations on those matters. Housed in the community services department, the committee will advise staff on the changing needs and interests of teens as it relates to current and potential programming. Additionally, the committee will solicit the input of their peers within the community as they study issues of concern to youth as related to municipal programs or projects for the City of Menlo Park.

Youth committees are a resource that provide youth a voice in the political process and community input for local government. Menlo Park's interest in creating a youth advisory committee demonstrates an investment in a new generation of public employees, change agents and engaged civic leaders. Currently, teens age 14-18 (grades ninth through 12) are an underserved population in terms of City services. The California Parks and Recreation Society (CPRS) have organized a cohort of statewide advisory groups and host a leadership conference each year called Youth Advisory Council Attack. In addition, CPRS District 4, which the City of Menlo Park is an agency member, operates youth and teen recreation services (YTRS) which would be a valuable resource for collaboration with other city youth committees.

Youth committees vary in terms of their adherence to rules and procedures. While some of the groups serve as formal advisers to the City Council, others provide recommendations to city commissions and staff. The charters and bylaws for the various youth committees vary greatly including whether or not the committee is subject to the Brown Act or not. Whatever model is developed, it should serve as a safe place for youth to share their ideas and help organize and promote events for their peers. It should be flexible and sustainable taking into account the busy schedules of Menlo Park's youth.

### **Next steps**

If the City Council directs, City staff will present the draft proposal for YAC to the Parks and Recreation Commission for its consideration and recommendation to the City Council for their approval. Staff will research various youth committee charters and bylaws and recommend a governance model as part of that proposal.

## **Impact on City Resources**

Staff estimate that the YAC proposal will require 0.125 full-time equivalent (FTE) recreation coordinator or approximately 20-hours per month to support committee work. The cost estimate for staff time is approximately \$14,415. The other expenses would be for training, materials and supplies which we estimate would be approximately \$3,000. The annual cost to the City's general fund is approximately \$17,415. Under the draft proposal, staff do not anticipate the need for an additional FTE, as the committee liaison duties will be assigned to an existing employee. Staff will bring back a budget proposal for the YAC to be included in the city manager's proposed operating budget for fiscal year 2020-21.

## **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

**Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

- A. City Council Procedure #CC-19-004 Commissions and Committees
- B. Draft proposal for Menlo Park YAC

Report prepared by:  
Adriane Lee Bird, Assistant Community Services Director

Report reviewed by:  
Derek Schweigart, Community Services Director



# COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Procedure #CC-19-004

Effective 6/5/2019

Resolution No. 6477

ATTACHMENT A



<b>Purpose</b>
To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.
<b>Authority</b>
Upon its original adoption, this policy replaced the document known as "Organization of Advisory Commissions of the City of Menlo Park."
<b>Background</b>
<p>The City of Menlo Park currently has eight active Commissions and Committees. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, and the Sister City Committee. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Seven of the eight commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel and Expense Policy (CC-91-002), which are also applicable to all advisory bodies.</p>
<b>Policies and Procedures</b>
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"><li>• Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study.</li><li>• Upon its own initiative, the commission/committee shall identify and raise issues to the City Council's attention and from time to time explore pertinent matters and make recommendations to the City Council.</li><li>• At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council.</li><li>• Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council's adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq., 65300-65401).</li><li>• Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of</li></ul>

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004  
Effective 6/5/2019

2

department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City's duly elected representatives, the City Council.

- Additional or other staff support may be provided upon a formal request to the City Council.
- The staff liaison shall act as the commission/committee's lead representative to the media concerning matters before the commission/committee. Commission/Committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that his or her statements do not represent the position of the City Council.
- Commission/Committee members will have mandatory training every two years regarding the Brown Act and parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.
- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete, must be directed by the City Council.

### Role of City Council commission/committee liaison

City Councilmembers are assigned to serve in a liaison capacity with one or more city commission/committee. 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 City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, City Councilmembers may elect to attend commission/committee meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission/committee chair on a regular basis.

City Councilmembers should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committee, City Councilmembers are to reflect the views of the City Council as a body. Being a commission/committee liaison bestows no special right with respect to commission/committee business.

Typically, assignments to commission/committee liaison positions are made at the beginning of a City Council term in December. The Mayor will ask City Councilmembers which liaison assignments they desire and will submit recommendations to the full City Council regarding the various committees, boards, and commissions which City Councilmembers will represent as a liaison. In the rare instance where more than one City Councilmember wishes to be the appointed liaison to a particular commission, a vote of the City Council will be taken to confirm appointments.

### City Staff Liaison

The City has designated staff to act as a liaison between the commission/committee and the City Council. The City shall provide staff services to the commission/committee which will include:

- Developing a rapport with the Chair and commission/committee members.
- Providing a schedule of meetings to the City Clerk's Office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.
- Ensuring the City Clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004  
Effective 6/5/2019

3

- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with City policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes).
- Maintain a minute book with signed minutes.

### Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Commission/Committee Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

### City Council referrals

The City Clerk shall transmit to the designated staff liaison all referrals and requests from the City Council for advice and recommendations. The commissions/committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

### Public appearance of commission/committee members

When a commission/committee member appears in a non-official, non-representative capacity before the public, for example, at a City Council meeting, the member shall indicate that he or she is speaking only as an individual. This also applies when interacting with the media and on social media. If the commission/committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a commission/committee member's appearance inappropriate. Conversely, when a member who is present at a City Council meeting is asked to address the City Council on a matter, the member should represent the viewpoint of the particular commission/committee as a whole (not a personal opinion).

### Disbanding of advisory body

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

### Meetings and officers

#### 1. Agendas/notices/minutes

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, City Manager, City Attorney, City Clerk and other

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004  
Effective 6/5/2019

4

appropriate staff, as requested.

- Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.

### 2. *Conduct and parliamentary procedures*

- Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
- A majority of commission/committee members shall constitute a quorum and a quorum must be seated before official action is taken.
- The chair of each commission/committee shall preside at all meetings and the vice chair shall assume the duties of the chair when the chair is absent.
- The role of the commission/committee chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if s/he thinks it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by his/her signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

### 3. *Lack of a quorum*

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
- The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

### 4. *Meeting locations and dates*

- Meetings shall be held in designated City facilities, as noticed.
- All commissions/committees with the exception of the Planning Commission, Finance and Audit Committee and Sister City Committee shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month. The Finance and Audit Committee and Sister City Committee shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the commission/committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004  
Effective 6/5/2019

5

The schedule of Commission/Committee meetings is as follows:

- Complete Streets Commission – Every second Wednesday at 7 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:00 p.m.
- Finance and Audit Committee – Third Wednesday of every quarter at 5:30 p.m.,
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month at 7 p.m.
- Sister City Committee – Quarterly; Date and time to be determined

Each commission/committee may establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council.

### 5. *Off-premises meeting participation*

While technology allows commission/committee members to participate in meetings from a location other than the meeting location (referred to as “off-premises”), off-premises participation is discouraged given the logistics required to ensure compliance with the Brown Act and experience with technological failures disrupting the meeting. In the event that a commission/committee member believes that his or her participation is essential to a meeting, the following shall apply:.

- Any commission/committee member intending to participate from an off-premise location shall inform the staff liaison at least two weeks in advance of the meeting.
- The off-premise location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at the off-premise location.
- The off-premise location must be accessible to the public and be ADA compliant.
- The commission/committee member participating at a duly noticed off-premises location does not count toward the quorum necessary to convene a meeting of the commission/committee.
- For any one meeting, no more than one commission/committee member may participate from an off-premise location.
- All votes must be by roll call.

### 6. *Selection of chair and vice chair*

- The chair and vice chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each commission/committee shall annually rotate its chair and vice chair.

## G. Memberships

### *Appointments/Oaths*

- The City Council is the appointing body for all commissions/committees. All members serve at the pleasure of the City Council for designated terms.
- All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.
- Before taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the City Clerk or his/her designee.
- Appointments made during the middle of the term are for the unexpired portion of that term.

### *Application and selection process*

- The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
- The application period will normally run for a period of four weeks from the date the vacancy occurs.



## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004  
Effective 6/5/2019

6

If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the City Clerk's office and on the City's website.

- The City Clerk shall notify members whose terms are about to expire whether or not they would be eligible for reappointment. If reappointment is sought, an updated application will be required.
- Applicants are required to complete and return the application form for each commission/committee they desire to serve on, along with any additional information they would like to transmit, by the established deadline. Applications sent by email are accepted; however, the form submitted must be signed.
- After the deadline of receipt of applications, the City Clerk shall schedule the matter at the next available regular City Council meeting. All applications received will be submitted and made a part of the City Council agenda packet for their review and consideration. If there are no applications received by the deadline, the City Clerk will extend the application period for an indefinite period of time until sufficient applications are received.
- Upon review of the applications received, the City Council reserves the right to schedule or waive interviews, or to extend the application process in the event insufficient applications are received. In either case, the City Clerk will provide notification to the applicants of the decision of the City Council.
- If an interview is requested, the date and time will be designated by the City Council. Interviews are open to the public.
- The selection/appointment process by the City Council shall be conducted open to the public. Nominations will be made and a vote will be called for each nomination. Applicants receiving the highest number of affirmative votes from a majority of the City Council present shall be appointed.
- Following a City Council appointment, the City Clerk shall notify successful and unsuccessful applicants accordingly, in writing. Appointees will receive copies of the City's Non-Discrimination and Sexual Harassment policies, and disclosure statements for those members who are required to file under State law as designated in the City's Conflict of Interest Code. Copies of the notification will also be distributed to support staff and the commission/committee chair.
- An orientation will be scheduled by the City Clerk following an appointment (but before taking office) and a copy of this policy document will be provided at that time.

### *Attendance*

- An Attendance Policy (CC-91-001), shall apply to all advisory bodies. Provisions of this policy are listed below.
- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- Absences, which result in attendance at less than two-thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the City Council.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that he/she will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

### *Compensation*

- Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-91-002).

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004  
Effective 6/5/2019

7

### *Conflict of interest and disclosure requirements*

- A Conflict of Interest Code has been updated and adopted by the City Council and the Community Development Agency pursuant to Government Code §87300 et seq. Copies of this Code are filed with the City Clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Planning Commission are required to file a Statement of Economic Interest with the City Clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
- If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. Questions in this regard may be directed to the City Attorney.

### *Qualifications, compositions, number*

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
- Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
- There shall be seven (7) members on each commission/committee with the exception of:
  - Complete Streets Commission – nine (9) members

### *Reappointments, resignations, removals*

- Incumbents seeking a reappointment are required to complete and file an application with the City Clerk by the application deadline. No person shall be reappointed to a commission/committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that commission/committee (the one year period is flexible subject to City Council's discretion).
- Resignations must be submitted in writing to the City Clerk, who will distribute copies to City Council and appropriate staff.
- The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.

### *Term of office*

- Unless specified otherwise, the term of office for all commission/committee shall be four (4) years unless a resignation or a removal has taken place.
- If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
- Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
- If a member resigns before the end of his/her term, a replacement serves out the remainder of that term.

### *Vacancies*

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are listed on the City Council agenda and posted by the City Clerk in the City Council Chambers bulletin board and on the city website.
- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004  
Effective 6/5/2019

8

10 working days after posting of the notice (Government Code 54974).

- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the City Clerk and posted in the City Council Chambers bulletin board and on the City's website. This list is also available to the public (Government Code 54972, Maddy Act).

### **Roles and Responsibilities**

#### Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on multi-modal transportation issues according to the goals and policies of the City's general plan. This includes strategies to encourage safe travel, improve accessibility, and maintaining a functional and efficient transportation network for all modes and persons traveling within and around the City. The Complete Streets Commission's responsibilities would include:

- Coordination of multi-modal (motor vehicle, bicycle, transit and pedestrian) transportation facilities
- Advising City Council on ways to encourage vehicle, multi-modal, pedestrian and bicycle safety and accessibility for the City supporting the goals of the General Plan
- Coordination on providing a citywide safe routes to school plan
- Coordination with regional transportation systems
- Establishing parking restrictions and requirements according to Municipal Code sections 11.24.026 through 11.24.028

#### Environmental Quality Commission

The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, improvement and sustainability. Specific focus areas include:

- Preserving heritage trees
- Using best practices to maintain city trees
- Preserving and expanding the urban canopy
- Making determinations on appeals of heritage tree removal permits
- Administering annual Environmental Quality Awards program
- Organizing annual Arbor Day Event; typically a tree planting event
- Advising on programs and policies related to protection of natural areas, recycling and waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation.

#### Finance and Audit Committee

The Finance and Audit Committee is charged primarily to support delivery of timely, clear and comprehensive reporting of the City's fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City's external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

#### Housing Commission

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City
- Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004  
Effective 6/5/2019

9

- Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program
- Review and recommend to the City Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the City
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan
- The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals Board (City Resolution 4290, adopted June 25, 1991).

### Library Commission

The Library Commission is charged primarily with advising the City Council on matters related to the maintenance and operation of the City's libraries and library systems. Specific focus areas include:

- The scope and degree of library activities
- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and ESL programs

### Parks and Recreation Commission

The Parks and Recreation Commission is charged primarily with advising the City Council on matters related to City programs and facilities dedicated to recreation. Specific focus areas include:

- Those programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment
- Adequacy, operation and staffing of recreation programs
- Modification of existing programs and facilities to meet developing community needs
- Long range planning and regional coordination concerning park and recreational facilities

### Planning Commission

The Planning Commission is organized according to State Statute.

- The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.
- The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council.
- The Commission serves as a recommending body to the City Council for major subdivisions, rezoning's, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with those projects.
- The Commission works on special projects as assigned by the City Council.

### Sister City Committee

The Sister City Committee is primary charged with promoting goodwill, respect and cooperation by facilitating cultural, educational and economic exchanges

- Develop a mission statement and program plan consisting of projects, exhibits, contacts and exchanges of all types to foster and promote the objectives of the mission statement
- Implement the approved program plan upon request of the City Council
- Keep the community informed concerning the Sister City program
- Advise the City Council on matters pertaining to any sister city affairs

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004

Effective 6/5/2019

10

- Perform other duties as may be assigned to the committee by the City Council

### **Special Advisory Bodies**

The City Council has the authority to create standing committees, task forces or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the City Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the City Council.

Any requests of city commissions or committees to create such ad hoc advisory bodies shall be submitted in writing to the City Clerk for City Council consideration and approval.



### **City of Menlo Park Youth Advisory Committee (YAC)**

#### **Role**

The Menlo Park YAC exists as a citizens' group to advise and respond in all matters related to the needs of youth in Menlo Park or those referred to it by the Parks and Recreation Commission or City staff and, as appropriate, make recommendations on those matters.

#### **Purpose**

The YAC's purpose is to engage the future leaders of Menlo Park by encouraging youth to take an active leadership role in the community. It aims to foster a greater involvement of youth in municipal government and civic affairs. The YAC will advise the Parks and Recreation Commission and City staff on activities, events and programs to meet the needs of youth and teens in the community. The following is a summary of YAC charge:

- Act as an advocate for youth and teens
- Act as a liaison for teen issues to governmental and private organizations
- Empower youth to have a voice in their local government, get involved and make a difference in their community
- Foster a greater involvement of youth in municipal government and city affairs
- Advise and inform City staff and the Parks and Recreation Commission on the various issues relating to the teens, outlining the needs of the population.
- Advise the Parks and Recreation Commission and City staff on activities, events, programs and with current youth trends to meet the needs of youth in Menlo Park
- Assist in planning, promoting and implementing programs and services for youth
- Plan and participate in community services activities which benefit the Menlo Park community
- Promoting leadership skills through service learning experiences and volunteerism
- Identify problems of teen services and recommend appropriate solutions

#### **Eligibility**

- Must be a City of Menlo Park resident or attending a high school in Menlo Park
- Be entering grades ninth through 12 for the upcoming academic year and committee term
- Be willing to commit time and energy (about XX hours per month for meetings and events)
- Must commit to a one-year term (September to May)

#### **Application and membership**

- Applicants must submit a YAC application form and supplemental questionnaire
- Applications are accepted April through August for the committee year that starts in September
- The Committee will run with no fewer than 10 and a maximum of 18 members
- A term is one-year, from September through May. Committee members may stay on for up to four terms, however a new application must be submitted each year

**Meetings**

There will be approximately two to three meetings per month. Regular meetings are on the first Wednesday of the month from 6:30 p.m. – 8 p.m. at Arrillaga Family Recreation Center. Additionally there will be various committee and event meetings dependent on assignment. Committee members must attend at least 75 percent of the meetings or may risk dismissal from the committee.

**Activities**

The YAC will learn first-hand about the various aspects of Menlo Park's local government. It will develop, promote and host a number of youth specific events throughout the year, as well as have a presence at a number of the citywide annual events. The YAC will have the opportunity to provide an advisory role to the Parks and Recreation Commission and City staff on youth-related projects. Lastly, as a group, the YAC will identify its yearlong focus, which will culminate in a special project, event or initiative.



## STAFF REPORT

### City Council

**Meeting Date:**

**11/5/2019**

**Staff Report Number:**

**19-236-CC**

**Regular Business:**

**Provide direction on the 2019 holiday lighting efforts**

### Recommendation

Staff recommends that the City Council provide direction on the 2019 holiday lighting efforts among the following options:

- Option 1: Lights at the Fremont Park Douglas fir tree for the tree lighting event December 6
- Option 2: Lights at multiple locations (see detailed list below,) except for two redwood trees at the corner of El Camino Real and Ravenswood Avenue
- Option 3: Lights at multiple locations (see detailed list below,) including two redwood trees at the corner of El Camino Real and Ravenswood Avenue

As described further below, options 1 and 2 can be completed within the existing budget and city manager's contracting authority. Option 3 would require a budget appropriation and authorization for the city manager to enter into a professional services agreement with HLS.

### Policy Issues

Staff is requesting City Council direction as the options 1 and 2 for 2019 holiday lighting represent a change in practice from recent past years. Further, option 3 would require City Council appropriation of additional budget for the services and authorization for the city manager to execute an agreement for the services.

### Background

Since 2013, the City has used a contractor to install holiday lights during the holiday season. The first installation was on the 80-foot Douglas fir tree in Fremont Park for the holiday tree lighting event. The scope of the event, in collaboration with the Menlo Park Chamber of Commerce, has expanded since 2013 to include carolers, a movie showing, an appearance by Santa Claus, and reading of "A Christmas Carol."

In 2014 the scope-of-work (scope) for holiday lighting expanded to include additional lights in Fremont Park. Since 2014, the scope has grown to include additional locations throughout the City.

In 2018, the scope for the holiday light installation included the following locations:

- One 80-foot tall Douglas fir tree in Fremont Park
- One clock tower at the Caltrain Station
- One 20-foot tall redwood tree at City Hall
- Two snowflake skylines hung across Santa Cruz Avenue in downtown
- Two redwood trees (90-feet and 70-feet tall) at the corner of El Camino Real and Ravenswood Avenue
- Two liquidambar trees (both 40-feet tall) at the Onetta Harris Community Center

Approximately 500 attendees participated in the holiday tree lighting event in December 2018. The annual budget to host the event is \$10,000.

### Analysis

Three contractors were contacted to provide an estimate for the installation of holiday lights at the six locations, in response the City has received one proposal from HLS. The 2019 proposal includes the cost of replacement lights for the Fremont Park tree dating back to 2013 and 2014.

The City has partnered with HLS since 2013. The installation of holiday lights on the 80-foot tall Douglas fir tree in Fremont Park and the two redwood trees (90-feet and 70-feet) on the corner of El Camino Real and Ravenswood Avenue require specialized equipment and technical skill to safely complete the work. HLS incorporates the use of 60 feet tall boom lifts and trained climbers. Based in Menlo Park, HLS is able to respond 24 hours per day, seven days a week for maintenance issues. HLS is familiar with the requirements for each location and has the proper permit and certifications to decorate the clock tower within Caltrain right of way.

### Impact on City Resources

The itemized estimated cost for holiday lighting services 2019 is provided in Table 1 below.

Table 1: Itemized estimated cost	
Location	2019 Cost
One 80-foot tall Douglas fir tree in Fremont Park	\$41,120
One clock tower at the Caltrain Station	\$5,210
One 20-foot tall redwood tree at City Hall	\$4,922
Two snowflake skylines hung across Santa Cruz Ave. in downtown	\$5,957
Two redwood trees (90-feet and 70-feet tall) on the corner of El Camino and Ravenswood Ave.	\$31,011
Two liquidambar trees (both 40-feet tall) at the Onetta Harris Community Center	\$11,723
<b>Total estimated cost</b>	<b>\$99,943</b>

The available budget for 2019 holiday lighting services is \$85,000, which was based on the cost to provide the services in 2018.

Staff is requesting the City Council provide direction on the following options for holiday lighting services, as summarized in Table 2 below. Depending on the option chosen, City Council may provide staff general direction, or authorize an appropriation and execution of a professional services agreement. Direction is requested at the November 5 meeting in order to allow sufficient time to install the lights before the Thanksgiving holiday and December 6 holiday tree lighting event at Fremont Park.

Table 2		
Option	Cost	Next Steps
Option 1: Fremont Park Douglas fir tree for the tree lighting event December 6	\$41,120	<ul style="list-style-type: none"> <li>City Council to provide staff direction to pursue this option</li> <li>No further action needed from City Council since cost is within budget and agreement amount is within City Manager's contracting authority</li> </ul>
Option 2: Lights at multiple locations (see detailed list above,) except for two redwood trees at the corner of El Camino Real and Ravenswood Avenue	\$68,392	<ul style="list-style-type: none"> <li>City Council to provide staff direction to pursue this option</li> <li>No further action needed from City Council since cost is within budget and agreement amount is within City Manager's contracting authority</li> </ul>
Option 3: Lights at multiple locations (see detailed list below,) including two redwood trees at the corner of El Camino Real and Ravenswood Avenue	\$99,943	<ul style="list-style-type: none"> <li>City Council to provide staff direction to pursue this option</li> <li>City Council to appropriate \$15,000 from the unreserved general fund and authorize the City Manager to enter into a professional services agreement with HLS up to \$100,000</li> </ul>

### Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

### Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

### Attachments

None.

Report prepared by:

Brian Henry, Assistant Public Works Director  
Derek Schweigart, Community Services Director

Report reviewed by:

Nikki Nagaya, Interim Public Works Director





**SPECIAL AND REGULAR MEETING AGENDA**

**Date:** 11/05/2019  
**Time:** 5:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**STAFF REPORT RELEASE NOTICE**

The Staff Report No. 19-229 for Introduction of an ordinance to adopt local amendments to the 2019 California Building Standards Code amending Menlo Park Municipal Code Chapters 12.04 [Adoption of Codes]; 12.06 [CBC Amendments]; 12.08 [California Residential Code]; 12.28 [Numbering of Buildings]; 12.32 [Moving Buildings]; 12.36 [Swimming Pools]; 12.40 [Auto Courts and Motor Courts]; 12.42 [Flood Damage Prevention]; 12.48 [Recycling and Salvaging of Construction Debris] and Adding Chapter 12.19 [Fire Code] of Title 12 [Buildings and Construction] will be available by 5 p.m. on October 31, 2019.

Members of the public can view electronic agendas and staff reports by accessing the City website at [menlopark.org/agenda](http://menlopark.org/agenda) and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at [menlopark.org/notifyme](http://menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting the City Clerk's Office at 650-330-6620. (Posted 10/24/2019.)



## STAFF REPORT

### City Council

Meeting Date:

11/5/2019

Staff Report Number:

19-218-CC

Informational Item:

City Council agenda topics: November 2019 to January 2020

### Recommendation

The purpose of this informational item is to provide the City Council and members of the public access to the anticipated agenda items that will be presented to the City Council. The mayor and city manager set the City Council agenda so there is no action required of the City Council as a result of this informational item.

### Policy Issues

In accordance with the City Council procedures manual, the mayor and city manager set the agenda for City Council meetings.

### Analysis

In an effort to provide greater access to the City Council's future agenda items, staff has compiled a listing of anticipated agenda items, Attachment A, through January 21, 2020. The topics are arranged by department to help identify the work group most impacted by the agenda item.

Specific dates are not provided in the attachment due to a number of factors that influence the City Council agenda preparation process. In their agenda management, the mayor and city manager strive to compile an agenda that is most responsive to the City Council's adopted priorities and work plan while also balancing the business needs of the organization. Certain agenda items, such as appeals or State mandated reporting, must be scheduled by a certain date to ensure compliance. In addition, the meeting agendas are managed to allow the greatest opportunity for public input while also allowing the meeting to conclude around 11 p.m. Every effort is made to avoid scheduling two matters that may be contentious to allow the City Council sufficient time to fully discuss the matter before the City Council.

### Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

### Attachments

A. City Council agenda topics: November 2019 to January 2020

Report prepared by:

Judi A. Herren, City Clerk

## Tentative City Council Agenda

Through January 14, 2020

#	Title	Department	Item type
1	Appoint a new representative to the mosquito vector control district	CMO	City Council Report
2	Finance and Audit Committee update	ASD	Committee Report
3	Sister City Committee update	CMO	Committee Report
4	Adopt resolution for parking time restrictions Alma St/Creek Dr	PW	Consent
5	Approve amendment to CDE Contract for Child Care Services at BHCDC Fiscal Year 2019-20	CSD	Consent
6	Authorize the City Manager to enter into an agreement with E-Ikon, LLC for IT project management services	ASD	Consent
7	Authorize the City Manager to Enter into an Agreement with Roberts & Brune Company to Provide Water Parts and Supplies up to the Budgeted Amount Each Year and Authorize the Option to Renew the Contract Annually for up to Three Years	PW	Consent
8	Authorize the city manager to enter into funding agreements with C/CAG and Caltrans and authorize a design-build approach for the project	PW	Consent
9	Award of a construction contract for the Oak Grove Ave Green Infrastructure & Sidewalk Project to XXX, in the amount of \$XXX; approve a construction contingency in the amount of \$XXX	PW	Consent
10	Facebook agreement and Noll and Tam amendment - Belle Haven branch library project	LIB	Consent
11	Minutes: 10/29	CMO	Consent
12	Minutes: 11/19	CMO	Consent
13	Minutes: 11/5	CMO	Consent
14	Monte Rosa water main bid award	PW	Consent
15	Receive and file quarterly update on the 2019-20 City Council workplan	CMO	Consent
16	Review of the annual report on the status of the transportation impact, storm drainage, recreation-in-lieu, below market rate housing in-lieu and building construction road impact fees collected as of June 30, 2019, and make findings regarding funds	ASD	Consent
17	Second reading and adoption of transportation impact fee ordinance	PW	Consent
18	Second Reading of Updates to the Heritage Tree Ord	CMO	Consent
19	Sister City Committee recommendation to upgrade Bizen, Japan to full Sister City status	CMO	Consent
20	City Council agenda topics: December 2019 – February 2020	CMO	Informational
21	City Council agenda topics: December 2019 – February 2020	CMO	Informational
22	City Council agenda topics: January 2020 – March 2020	CMO	Informational
23	Short Term Rental Regulation - Community Outreach Overview	CDD	Informational
24	Update on new wireless facility regulations	PW	Informational
25	Mayor and Sister City Committee honor boy scouts for assistance with the Bizen delegation	CMO	Presentation
26	Mayor's state of the city reception	CMO	Presentation
27	Amend master fee schedule: Public Electric Vehicle Charging Station Fee and Zero Waste Implementation Development Fee	CMO	Public Hearing

## Tentative City Council Agenda

#	Title	Department	Item type
28	Subdivision Ordinance front setback variance for 180 Elliot Drive	CDD	Public Hearing
29	Adopt a resolution approving the City Council Subcommittee recommendations regarding the 2019-20 community funding allocation	ASD	Regular
30	City Council appointments to regional boards, commissions and committees	CMO	Regular
31	Direction from study session - form a housing element subcommittee	CA	Regular
32	First reading of vaping ordinance	CA	Regular
33	Provide direction to the City's voting delegate regarding regional vacancies for the City Selection Committee's December meeting	CMO	Regular
34	Receive the comprehensive annual financial report for the fiscal year ended June 30, 2019	ASD	Regular
35	Recognition of the outgoing Mayor	CMO	Regular
36	Selection of the 2020 Mayor and Vice Mayor	CMO	Regular
37	Willows turn restrictions	PW	Regular
38	City Drone Program	PD	Study Session
39	TIA Guidelines	PW	Study Session
40	Goal setting		



## STAFF REPORT

### City Council

Meeting Date:

11/5/2019

Staff Report Number:

19-230-CC

Informational Item:

**Update on annexation application for West Menlo Triangle and potential creation of an annexation policy/procedure**

### Recommendation

This is an information item and does not require City Council action.

### Policy Issues

The City's general plan policy "LU-1.3 Land Annexation" states "Work with interested neighborhood groups to establish steps and conditions under which unincorporated lands within the City's sphere of influence may be annexed." As part of the 2019 workplan, the City Council expressed an interest in exploring a more detailed annexation policy/procedure for all of unincorporated Menlo Park.

### Background

In 2015, a group of San Mateo County residents approached the City with a desire to annex their neighborhood into the City of Menlo Park. Members of the community development and public works departments worked with local residents and met with representatives of the County in 2015 and 2016. In 2017, the City Council held a study session about the request. A copy of the staff report is included as Attachment A. Given other priorities, the project has been delayed and nothing has moved forward.

Separately, area residents have also brought their concerns about traffic conditions and potential safety improvements on the roads within the proposed annexation area to San Mateo County. The County department of public works has undertaken a study, the Santa Cruz Avenue/Alameda de las Pulgas corridor improvement study, and City staff have participated on the Task Force. More information regarding this study is available through Attachment B, and a community meeting tentatively scheduled for early 2020. The results of the study could change the way the roadways are used and may result in sidewalk improvements, which could have a bearing on the proposed annexation.

The City of Menlo Park has also fielded inquiries from a group of residents of the Menlo Oaks neighborhood in unincorporated area about potential annexation.

### Analysis

The primary purpose this staff report is to provide a additional background about the unincorporated areas of Menlo Park and its sphere of influence, and the potential for establishing a more detailed annexation policy/procedure to better define the decision making process for annexations, especially related to the fiscal impacts and the property tax exchange negotiations.





## STAFF REPORT

### City Council

Meeting Date:

11/5/2019

Staff Report Number:

19-237-CC

Informational Item:

**Update on small business roundtable and economic development consultant services**

### Recommendation

This is an informational item and does not require City Council action.

### Policy Issues

The City Council accepted the economic development plan July 21, 2015, in an effort to make Menlo Park more competitive in the regional and global economy. The plan focused on the City's current efforts to support the business community, while also recommending opportunities for improvement. As part of the implementation, some of the strategies have been incorporated into long range planning efforts while others will be stand-alone policy initiatives.

### Background

In response to one of the City Council's goals in 2014, staff worked with Up Urban Inc. to take a comprehensive look at the City's economic situation and develop a strategy to take advantage of strengths and fortify weaknesses. Up Urban Inc. relied on a comparative economic advantage study (CEAS) to develop the plan. The CEAS analyzed Menlo Park's existing economic conditions in comparison to other Bay Area cities, characterized the role Menlo Park plays in the regional economy, identified areas where Menlo Park could improve in order to become more competitive, and examined how other cities are attempting to capture the value of development in their community. The City Council first approved economic development goals in January 2015 followed by approval of an economic development plan in July 2015.

In order to fulfill goals of the economic development plan, staff explored the services of a number of consultants that could assist with developing a comprehensive retail plan. Staff identified Buxton Co. due to their unique ability to both develop and help execute a comprehensive retail plan. On December 6, 2016, staff asked the City Council for authorization to execute a contract with Buxton and appropriate \$60,000 from reserves for that purpose. That motion passed 3-0 with two members absent. However, the contract with Buxton was never executed.

This update is in response to direction staff received at the September 24 City Council meeting. In the process of passing a local minimum wage ordinance in Menlo Park, the City Council directed staff to examine how the City could help small businesses in the face of rising labor costs, commercial rents, and the pricing and convenience of online shopping.

## **Analysis**

In response to City Council direction, staff intends to explore a two-pronged approach. Staff proposes to conduct a small business roundtable with the goal of identifying the issues most important to small businesses in the City. This will inform and direct future programs intended to support small businesses. Additionally, to encourage vibrancy and fill downtown vacancies, staff will re-engage with Buxton to explore services associated with retail retention, attraction and support services.

### *Small business roundtable*

The purpose of a small business roundtable would be to provide staff with a greater understanding of the needs of small businesses throughout the City and the issues affecting them. Staff will target employers in the City with 50 or less employees for this meeting. Flyers will be sent out using data from business licenses and a door-to-door ground campaign will be utilized to ensure broad knowledge of the roundtable. The City will also work closely with the Menlo Park Chamber of Commerce in coordinating these efforts. The focus will be on the retail, restaurant and service sectors. Staff is targeting early 2020 to conduct the roundtable. Ultimately, staff plans to use this discussion to develop more effective economic development programs. Depending on the reception and success of the roundtable, there is the possibility that it could continue to meet on a regular basis. Staff will provide an update to the City Council following the roundtable meeting.

### *Buxton report*

The economic development plan is built on 11 goals that were developed through a community input process and approved by the City Council. Specifically, working with Buxton would be consistent with economic development plan goals No. 1 (diversify and grow city revenue sources,) No. 4 (activate downtown) and No. 6 (capture the economic potential of “pass-through” traffic,) which relate to the need to improve the retail environment in the City. The economic development plan’s CEAS identifies significant retail leakage from Menlo Park and our need to increase the opportunities for retail development as well as proactive retail recruitment activities. Capturing a larger portion of the City’s significant pass-through traffic by getting them out of their cars and walking Santa Cruz Avenue and other shopping centers is a positive for all parties. The data and strategies from the Buxton study would assist the City with enhancing the vibrancy of downtown through new retail offerings and is important to recruit additional retail to the Belle Haven Neighborhood and throughout the City.

Buxton offers a variety of add-on services to their base package that staff will explore. Potential add-on services include the visitor insights package and the LSMx licenses. The Visitor Insights package analyzes 12 months of Visa expenditures to give the City detailed information that may help address our retail leakage issue and capture the economic benefits of pass-through traffic. LSMx licenses are a business retention tool that can give our smaller retailers access to the same high-tech and focused marketing tools that online and larger retailers already use. While staff is committed to exploring these potential add-on services, the goal would be to both ensure that these services provide value to our businesses and keeping the cost of the services at or under \$60,000, which was the previously approved appropriation by City Council for the study. The small business roundtable could present an ideal venue to vet the value of these services to the small business community.

## **Impact on City Resources**

The small business roundtable will utilize staff time and resources to organize the discussion and follow up on the issues raised by participants.

Staff will re-engage with Buxton to get an updated scope of services as well as to explore the add-on services. The original bid was for \$60,000 (Attachment A,) and staff intends to keep the cost of services at

approximately that level.

### **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

### **Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

### **Attachments**

- A. Buxton Contract – 2016
- B. Hyperlink – Economic development plan: [menlopark.org/DocumentCenter/View/11977/Final-Menlo-Park-Economic-Development-Plan](http://menlopark.org/DocumentCenter/View/11977/Final-Menlo-Park-Economic-Development-Plan)

Report prepared by:  
John Passmann, Management Analyst II

Report reviewed by:  
Deanna Chow, Interim Community Development Director



Proposal

# RETAIL RECRUITMENT SOLUTION

Prepared by: Lisa McCay  
Expiration: December 15, 2016



# OUR VALUE PROPOSITION

Since our founding in 1994, Buxton® has been a leading force in retail site and development. We are recognized for creating solutions that provide results. Buxton began as a service to help retailers make informed site selection decisions by understanding their customers and precisely determining their markets. Buxton soon realized that the company's expertise in retail site and market analysis could also be leveraged to benefit communities desiring retail expansion.



More than simply providing data, Buxton supplies custom marketing materials and strategies targeting the unique site requirements of retailers, developers, and commercial real estate brokers. Buxton clients achieve outstanding success using our tools for retail identification, selection, and recruitment. Clients benefit from Buxton's unique understanding of site selection from the retailer's point of view.

- **Grow Your Community.** Create new, permanent jobs that will satisfy your citizens desire to shop at home; retain dollars currently spent outside of your community and maximize revenue growth to fund city services
- **Leverage Buxton's Retail Industry Expertise.** Establish credibility with decision makers by providing factual evidence to support your site and gain a competitive position by leveraging our experience:
  - 3500+ total clients from the retail, restaurant, healthcare, and public sector industries
  - 700+ public sector clients nationwide
  - 35+ million square feet of retail space
  - 500+ cumulative years of retail management and economic development experience
- **Access Your Buxton Solution with Ease.** Utilize your best-in-class retail recruitment solution via SCOUT™ with the touch of a button from any mobile device; gain answers to your retail recruitment and site analysis questions and have the big picture in the palm of your hand
- **Develop a Long-Term Partnership.** Receive personal guidance and ongoing insight into key industry topics



# SCOPE OF SERVICES

Buxton is pleased to present this proposal to Menlo Park, CA. The purpose of this proposal is to outline and review your community development objectives and how Buxton's solutions will enhance your ability to effectively meet those objectives.

## Menlo Park, CA's Objectives:

1. Recruit new retailers and restaurants
2. Retain existing retailers and restaurants
3. Understand current retail and restaurant economic condition

## Retail Recruitment and Retention Solution: Your Community Profile

Our solution is a total marketing strategy that enables community leaders to understand the consumer profile of their residents and to identify specific retailers and restaurants who seek a market with household purchasing habits just like yours. This solution provides you with the ability to actively pursue identified retailers, making a compelling case for their expansion to Menlo Park, CA by utilizing custom marketing packages that Buxton will create for you. You will have access to the same analytical information and insights retailers depend on today to make site selection decisions. This knowledge will provide you with instant credibility and the ability to differentiate your community.

### Step 1 – Research Your Community

Buxton uses over 250 consumer and business databases that are updated regularly and compares your potential sites to the universe of all competing sites operating in the U.S. We define your current retail situation and those in any neighboring communities that impact your retail environment.

### Step 2 – Define and Evaluate Your Trade Area

Customers shop by convenience, measuring distance based on time, not mileage. We will conduct a custom drive-time analysis to determine your trade area using our proprietary methodology and knowledge of individual retail clients' actual trade areas. Your drive-time trade area will be provided to you as a map that accurately depicts your consumer shopping patterns.

### Step 3 – Profile Your Trade Area's Residential Customers

Your community profile will analyze every household in your drive-time trade area. Based on more than 7,500 categories of lifestyles, purchase behaviors, and media reading and viewing habits (psychographics), the households in your trade area are assessed to gain an understanding of the types of retailers that would be attracted to your site.

### Step 4 – We Match Retailers and Restaurants to Market Potential

Buxton will match the consumer profile of your community's trade area against the customer profiles of 5,000+ retailers in our proprietary database. We will identify the similarity between the two profiles analyzed using Buxton's proprietary retail matching algorithm to determine if your site presents an attractive opportunity for each retailer. We then qualify the list of matched results to verify that a retailer is currently operating or expanding, that they operate in similar sites, and that your site affords adequate buffer from competition and cannibalization to be realistically considered.

### **Step 5 – We Create Marketing Packages**

Buxton will assemble individualized marketing packages for up to twenty (20) targeted retailers. We will notify each retailer's key real estate decision maker by letter, informing them that they have been qualified by Buxton as a potential viable fit for your site and should expect to be contacted by a representative of the city.

Your marketing packages will be delivered to you in SCOUT and include a:

1. Map of the retail site and trade area
2. Map of the retailer's potential customers
3. Retailer match report that compares the site's trade area characteristics and consumer profile with the retailer's sites in similar trade areas

#### **Solution Deliverables:**

- SCOUT Touch access
- Drive time trade area maps
- Retail site assessment
- Retailer specific marketing packages (for up to twenty (20) retailers)
- Mobile tablet device at completion with pre-loaded findings

#### **Multi Year Deliverables:**

Years 2 and 3 of this agreement will include a Retail Recruitment model refresh, retail marketing packages, and full access to SCOUT and SCOUT Touch.

## Access and Use Your Retail Recruitment Solution via SCOUT Touch

Buxton's Retail Recruitment solution will allow you to actively recruit retailers to your community and support existing businesses with the push of a button in SCOUT Touch, providing you with crucial information about your community, your trade areas, your residents, and much more. SCOUT is a web-based platform that is accessible on any Windows or iOS enabled device with an Internet connection. It is designed to give decision-makers in your community access to the data and solutions that will assist them in making better business decisions. The Retail Recruitment solution includes one (1) mobile tablet device that will be provided at completion and pre-loaded with all key findings. This mobile tablet device, possession of Menlo Park, CA, enables four (4) SCOUT users with the ability to **run demographic and trade area profile reports**, and view maps and other data elements.

**Identifying and quantifying key variables that impact your community**, you will acquire insights from these findings that will provide you with a strong understanding of retail recruitment and business retention efforts. In Buxton's SCOUT Touch you will be able to:

- Identify retail matches
- Run variable reports
- View city limit maps
- Run healthcare reports
- Run demographic & consumer propensity reports
- See aerial view
- View physician intelligence
- Run comparable reports
- Run retail leakage/surplus reports



# SUPPORT

## SCOUT Technical Requirements

SCOUT can be accessed at the following URL: [www.buxtonco.com](http://www.buxtonco.com)

SCOUT is a web-based platform accessible on any desktop, laptop, or mobile tablet device that has an Internet connection. An iPad Air 2 is suggested by Buxton to give you the best user experience. Android tablets are not supported by Buxton's Helpdesk. Minimum browser requirements are Internet Explorer 10, Safari 5, Chrome 21, or Firefox 14.

## Buxton's Helpdesk

(1-817-332-3681) is available during normal office hours (8:00 AM-5:30 PM CST, excluding weekends and public holidays). Buxton's Helpdesk team will be available to support all educational, functional, and technical inquiries and will respond to all requests within twenty-four (24) hours of submission.

Buxton's Helpdesk

Monday – Friday: 8:00 am – 5:30 pm CST

**1-817-332-3681**

# TERM, FEES, AND DELIVERY

## Annual Fees

## Agreement Terms

<b>Year 1 Fee</b> (50% invoiced upon execution of this agreement; 50% invoiced upon targeted retailer identification)	\$60,000
<b>Year 2 Fee</b> (Invoiced 1 <sup>st</sup> anniversary of this agreement)	\$50,000
<b>Year 3 Fee</b> (Invoiced 2 <sup>nd</sup> anniversary of this agreement)	\$50,000

<b>Delivery</b>	<b>Menlo Park, CA will have access to retail match lists and marketing packages within sixty (60) business days of execution.</b>
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Your SCOUT access will be enabled within ten (10) business days of the execution of this agreement. Menlo Park, CA will have access to retail match lists and marketing packages within sixty (60) business days of execution. The initial term of this agreement is for three (3) years with services invoiced annually. However, at any time during this initial 3-year term, Menlo Park, CA may cancel services for the following year by providing written notice to Buxton at least sixty (60) days in advance of a yearly renewal. If Menlo Park, CA cancels services prior to the expiration of the initial term, Menlo Park will be invoiced 10% of the total remaining balance. All service fees associated with this agreement are due in net (10) days of the date of the invoice. Execution of this agreement will act as full consent that Buxton may include Menlo Park, CA on its client list and in presentations and public relations efforts. Additionally, Buxton may issue a press release announcing Menlo Park, CA as a client. When doing so, Buxton will not reveal information that is confidential and proprietary to Menlo Park, CA.

Buxton	Menlo Park, CA
<div>Signature</div> <div>Printed Name</div> <div>TitleDate</div>	<div>Signature</div> <div>Printed Name</div> <div>TitleDate</div>
<div>Please provide us with a primary point of contact for invoice receipt.</div> <div>Name:</div> <div>Phone:</div> <div>Email:</div> <div>Preferred Method of Receipt:    Email OR U.S. Mail</div>	<div>Please provide us with a primary point of contact.</div> <div>Name:</div> <div>Phone:</div> <div>Email:</div>

## ADDITIONAL RECOMMENDED SOLUTIONS



Visitor Insights - \$10,000

Buxton can develop unique profiles of your visitors by analyzing all Visa expenditures for a recent twelve (12) month period where the cardholder's originating address is located outside the designated regions. Expenditures are consolidated at the ZIP+4 level so as to de-identify individual cardholder information and respect card-holder privacy laws while still providing Buxton with a way to develop an accurate visitor profile of the visitors to Menlo Park, CA. This solution will provide you with insights into more than 7,500 categories of lifestyles, purchase behaviors, and media reading and viewing habits of your visitors.

Next Page: Project Schedule



## PROJECT TIMELINE

