



REGULAR MEETING AGENDA

Date: 8/29/2023
Time: 6:00 p.m.
Locations: [Zoom.us/join](https://zoom.us/join) – ID# 814 7839 7160 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

Members of the public can listen to the meeting and participate using the following methods. If you have issues viewing the meeting, please email the city clerk at jaherren@menlopark.gov.

How to participate in the meeting

- Submit a written comment online up to one-hour before the meeting start time:
 - city.council@menlopark.gov
- Access the meeting real-time online at:
[Zoom.us/join](https://zoom.us/join) – Meeting ID 814 7839 7160
- Access the meeting real-time via telephone at:
(669) 900-6833
Meeting ID 814 7839 7160
Press *9 to raise hand to speak

Watch meeting:

- Cable television subscriber in Menlo Park, East Palo Alto, Atherton and Palo Alto:
Channel 26
- City Council Chambers

Subject to Change: The format of this meeting may be altered or the meeting may be cancelled. You may check on the status of the meeting by visiting the city website menlopark.gov. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.gov/agendas)

Regular Session

- Call To Order**
- Roll Call**
- Agenda Review**
- Public Comment**

Under “Public Comment,” the public may address the Commission on any subject not listed on the agenda. Each speaker may address the Commission once under Public Comment for a limit of three minutes. The Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

E. Presentations and Proclamations

- E1. Presentation: Midpeninsula Regional Open Space District (Midpen) update ([Presentation](#))
Not a California Environmental Quality Act (CEQA) project.

F. Advisory Body Vacancies and Appointments

- F1. Consider applicants and make an appointment to fill a vacancy on the Parks and Recreation Commission ([Staff Report #23-187-CC](#))
Not a CEQA project.

G. Consent Calendar

- G1. Approve the update to the preferred concept for the Middle Avenue Caltrain crossing design ([Staff Report #23-188-CC](#))
Not a CEQA project.
- G2. Authorize the city manager to execute a memorandum of understanding with the San Mateo County Transportation Authority to complete the landscaping phase of the Willow Road and U.S. Highway 101 project ([Staff Report #23-189-CC](#))
Not a CEQA project.
- G3. Authorize the city manager to execute an amendment to the professional services agreement with West Coast Code Consultants (WC3) for improvement plan review services for the Willow Village project ([Staff Report #23-190-CC](#))
Not a CEQA project.
- G4. Authorize the Mayor to sign the City's response to the San Mateo County Civil Grand Jury Report: "Accessory Dwelling Units: Affordable Housing's Panacea of Prevarication?" ([Staff Report #23-191-CC](#))
Not a CEQA project.
- G5. Waive the second reading and adopt an ordinance for streetaries outdoor dining areas ([Staff Report #23-192-CC](#))
Determine the adoption of the proposed ordinance is exempt from the provisions of the CEQA pursuant to §§15301 (Class 1), 15304 (Class 4) and 15305 (Class 5).

H. Regular Business

- H1. Adopt resolutions to approve streetary design standards and streetary fees ([Staff Report #23-193-CC](#))
Determine the adoption of the proposed ordinance is exempt from the provisions of the CEQA pursuant to §§15301 (Class 1), 15304 (Class 4) and 15305 (Class 5).
- H2. Consider and adopt a resolution to close the eastbound travel lane of Santa Cruz Avenue from Curtis Street to Doyle Street to vehicles to allow for expanded outdoor dining opportunities, enhanced public space, and related bicycle infrastructure improvements

([Staff Report #23-194-CC](#)) ([Presentation](#))
Not a CEQA project.

I. Informational Items

- I1. City Council agenda topics: September 2023 ([Staff Report #23-195-CC](#))
Not a CEQA project.
- I2. Update on City Council procedures ([Staff Report #23-196-CC](#))
Not a CEQA project.

J. City Manager Report's

K. City Councilmember Reports

- K1. Confirm voting delegate for the League of California Cities annual conference ([Attachment](#))

L. Closed Session

- L1. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding labor negotiations with the American Federation of State, County, and Municipal Employees Local 829 (AFSCME)

Agency designated representatives: City Manager Justin I.C. Murphy, Administrative Services Director Brittany Mello, Assistant City Manager Stephen Stolte, City Attorney Nira Doherty, Special Counsel Charles Sakai
Not a CEQA project.

- L2. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding labor negotiations with unrepresented management

Agency designated representatives: City Manager Justin I.C. Murphy, City Attorney Nira Doherty, Special Counsel Charles Sakai
Not a CEQA project.

- L3. Conference with legal counsel – anticipated litigation
(Paragraph (2) of subdivision (d) of Gov. Code § 54956.9)
Significant exposure to litigation: One case
Not a CEQA project.

M. Adjournment

At every regular meeting of the commission, in addition to the public comment period where the public shall have the right to address the commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the commission on any item listed on the agenda at a time designated by the chair, either before or during the commission's consideration of the item.

At every special meeting of the commission, members of the public have the right to directly address the commission 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 before, the public hearing.

Any writing that is distributed to a majority of the commission 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 by request by emailing the city clerk at jaherren@menlopark.gov. Persons with disabilities, who require auxiliary aids or services in attending or participating in commission meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with California Government Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the city website at menlopark.gov/agendas and can receive email notification of agendas by subscribing at menlopark.gov/subscribe. Agendas and staff reports may also be obtained by contacting the city clerk at 650-330-6620. (Posted: 8/24/2023)



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District Introduction and Update

Karen Holman, Board Member, Ward 5

Margaret MacNiven, Board Member, Ward 6

August 29, 2023

North Ridge Trail, Purisima Creek Redwoods (Eric Gouldsberry)

Midpen's Mission(s)



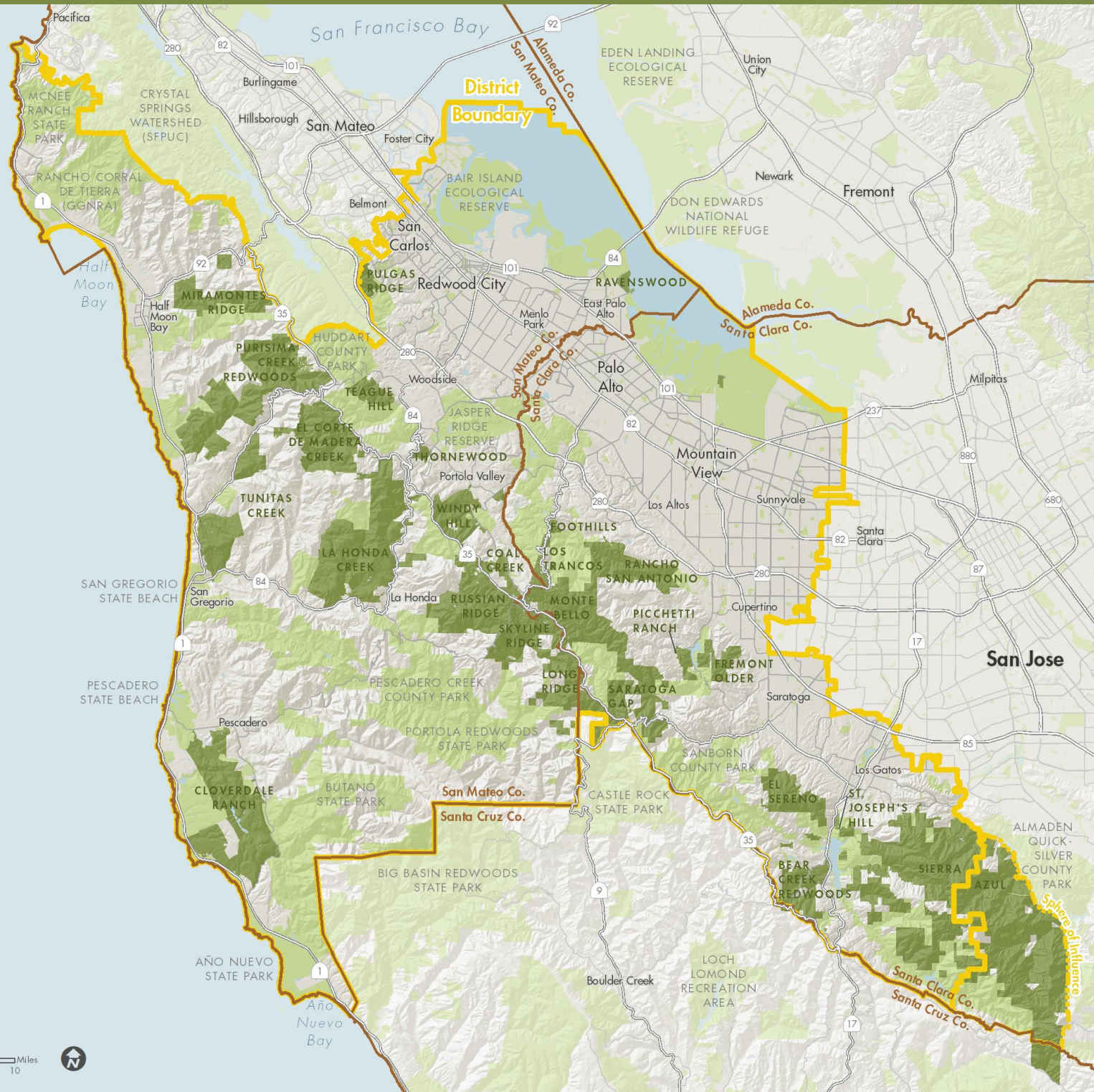
Midpen's mission: to acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.

On the Coast, Midpen has an expanded mission to acquire and preserve agricultural land of regional significance, preserve rural character and encourage viable agricultural uses of land resources.



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Midpen's Lands



- Midpen preserve
- District boundary
- Sphere of influence
- Other protected land
- County boundary



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Some Midpen Facts

- Public agency, created in 1972 by a grassroots voter initiative
- 763,000 constituents (2020)
- Elected board: seven directors
- Funded primarily through property tax
- 27 Preserves in Santa Clara, San Mateo and Santa Cruz counties
- Preserved over 70,000 acres, 250+ miles of trails
- Preserves are free and open to the public
- Main office in Los Altos + field offices
- 200 employees, ~1000 volunteers
- \$300 million voter-approved general obligation bond passed in 2014 to support public priorities



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Windy Hill Open Space Preserve



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Photo: Eric Morhenn

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Ravenswood Open Space Preserve



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Ravenswood Open Space Preserve



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Ravenswood Open Space Preserve



Photo: Galli Basson



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La Honda Creek Open Space Preserve



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Photo: Randy Weber

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Monte Bello Open Space Preserve



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Russian Ridge Open Space Preserve



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Photo: Chris Toomey

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Daniels Nature Center



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Photo: Karl Gohl

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Ohlone Grinding Stones



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Thornewood Open Space Preserve



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Photo: Marcia Hakanson

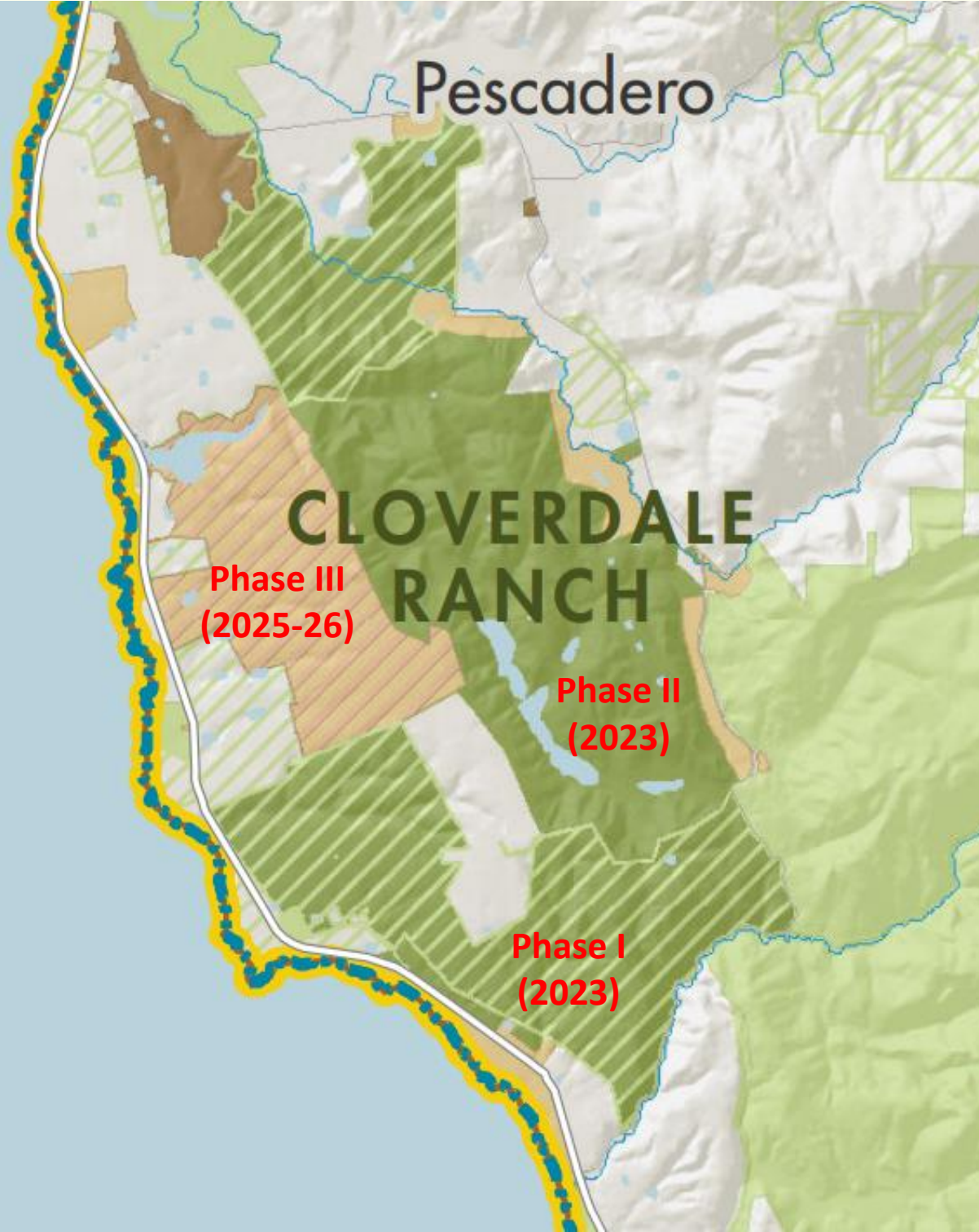
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Project Updates



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Cloverdale Ranch Acquisitions



- Phase I (2023)
 - 1,800 acres
 - Includes the Wilbur's Watch trail
- Phase II (2023)
 - 3,300 acres
 - POST retaining farms
- Phase III (2025/26)
 - 1,200 acres
 - Contains Lake Lucerne Mutual Water Company



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Cloverdale Ranch Open Space Preserve



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Photo: Teddy Miller

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Wildland Fire Resiliency Program Implementation

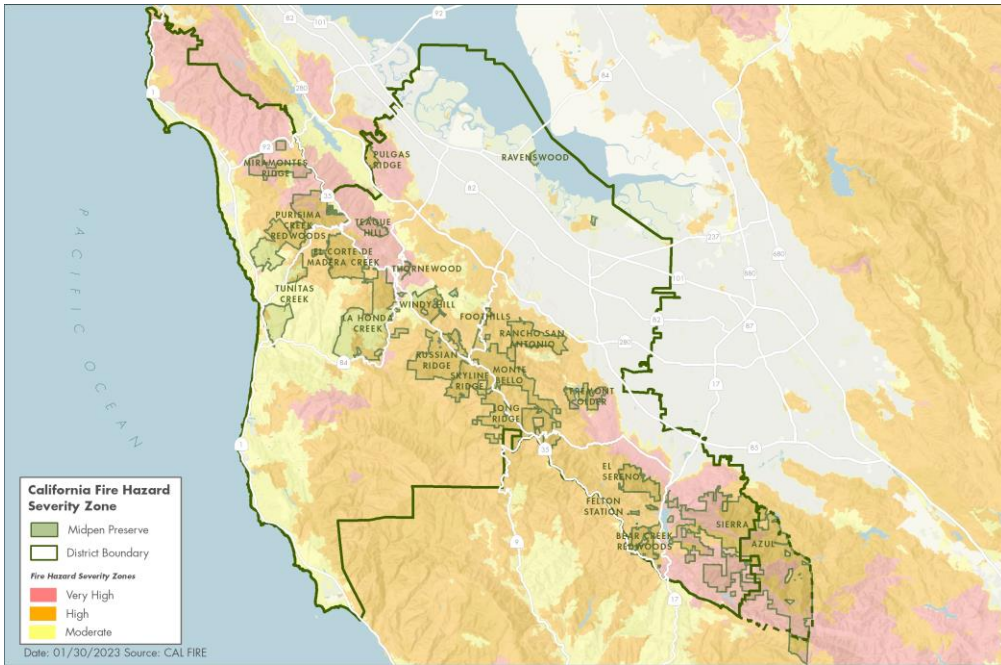


CZU Lightning Complex Fire, 2020
Photo: Brad Pennington



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Wildland Fire Resiliency Program



For more information visit openspace.org/what-we-do/projects/wildland-fire-resiliency

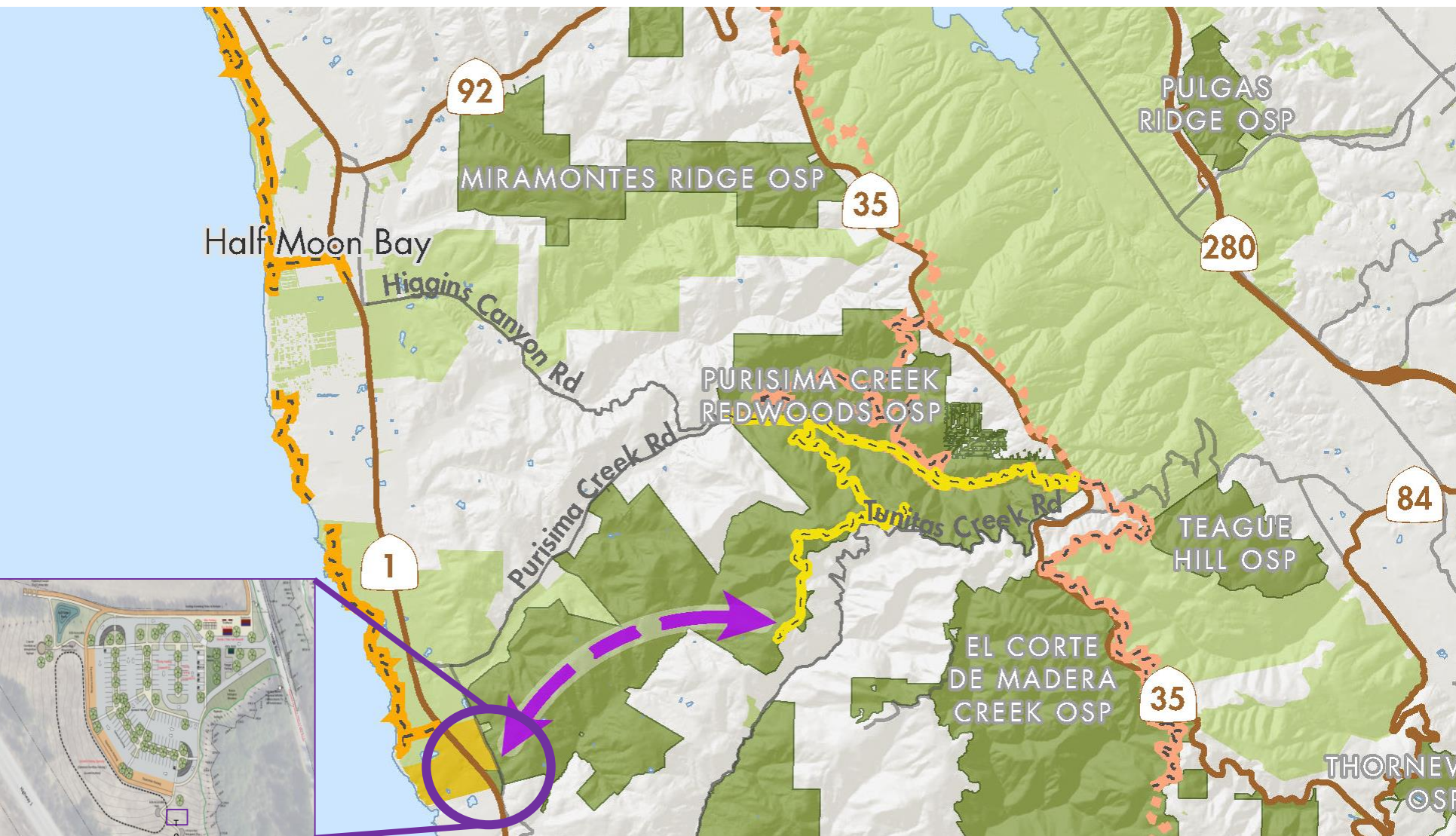


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Purissima-to-the-Sea Trail

- Project Description

New parking area and trails connecting the Coastal Trail on Highway 1 to the Bay Area Ridge Trail on Highway 35.

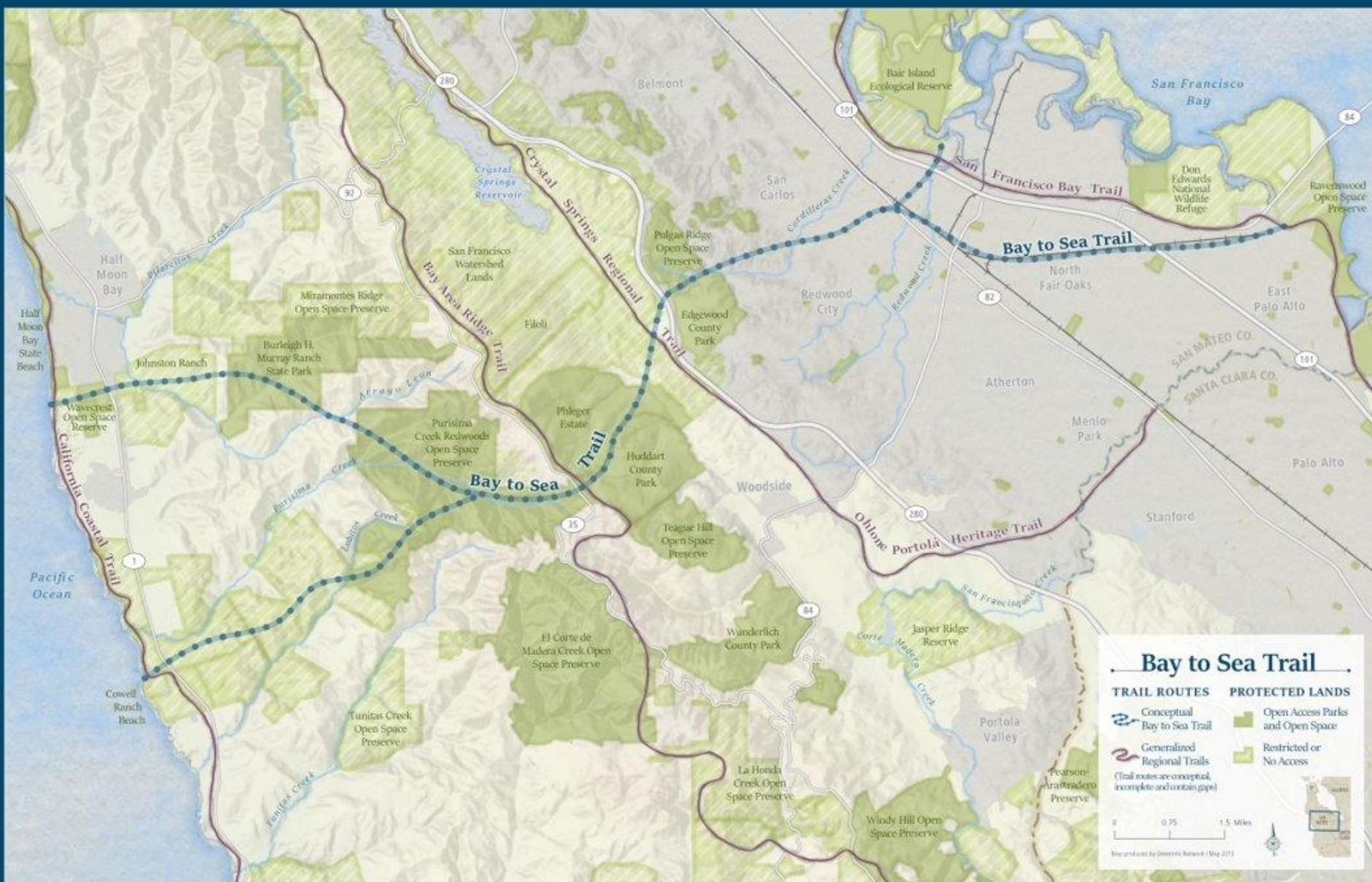


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Bay-to-the-Sea Trail



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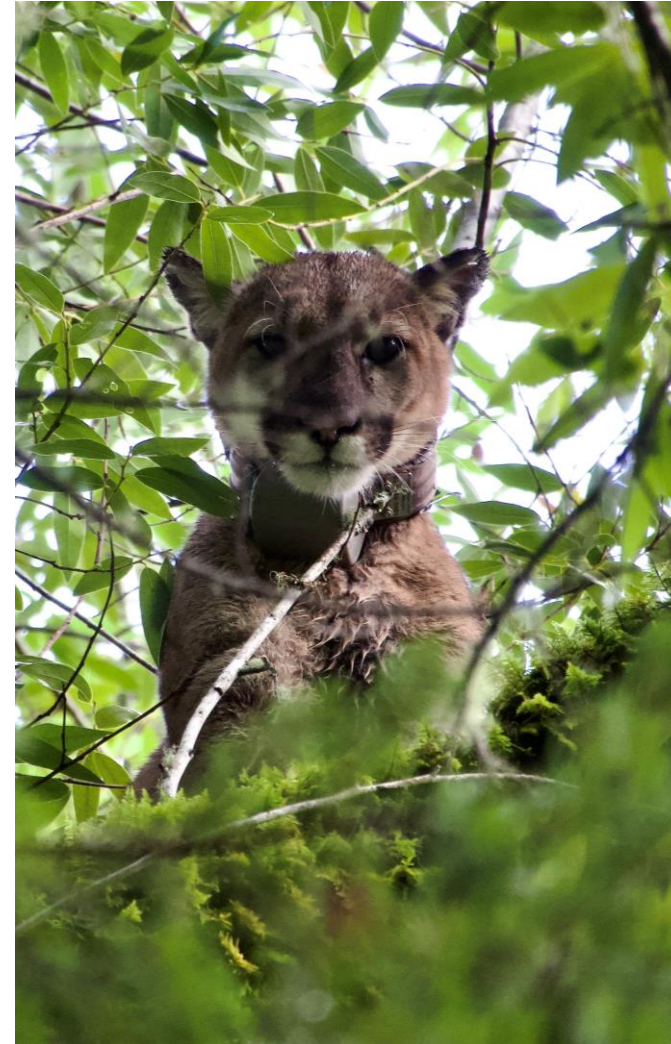
Mountain Lion – Human Interaction Study

- **Project Description**

Track mountain lion use of Santa Cruz Mountain Preserves to inform wildlife management and public use decisions that are protective of wildlife and reduce potential conflicts.

- **Status**

- Collared 23 mountain lions over the past 3 years
- The Puma Project is utilizing spatial data from the collars to analyze factors influencing human/mountain lion interactions
- Behavioral modification used techniques on 5 lions to determine if they can be encouraged to avoid high use trails when humans are present.



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For more information visit
openspace.org/what-we-do/projects/mountain-lion-conservation-research

Questions?

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STAFF REPORT

City Council

Meeting Date: 8/29/2023
Staff Report Number: 23-187-CC

Advisory Body Vacancies: Consider applicants and make an appointment to fill a vacancy on the Parks and Recreation Commission

Recommendation

Staff recommends the City Council consider applicants for an appointment to a vacant seat on Parks and Recreation Commission (PRC).

Policy Issues

City Council Policy CC-23-004 (Attachment A) establishes the policies, procedures, roles and responsibilities for the City's appointed advisory bodies, including the manner in which members are selected.

Background

The PRC has an unexpected vacancy which should be filled before the annual recruitment in April 2024.

This recruitment involved a four-week period of advertisements and announcements from July 25 – Aug. 18.

The city clerk's office will provide onboarding and orientation for the new members. This includes the oath of office, commissioner handbook, introduction of advisory body liaison staff, and Brown Act training.

The city clerk's office regularly reviews all agendas and minutes, tracks attendance (Attachment B) and serves as the principal staff contact for all advisory body members. The City has designated staff to act as a subject matter expert and serves as a liaison between the advisory body and the City Council

Analysis

Pursuant to City Council Policy CC-23-004, members must be residents of the City of Menlo Park and serve for the designated term at the time of appointment.

Residency for all applicants has been verified by the city clerk's office. In addition, the City Council's policy states the selection/appointment process by the City Council shall be conducted open to the public.

Note, all applications will be provided to the City Council under separate cover and are also available for public viewing at the city clerk's office during regular business hours or by request (Attachment C). The city clerk will ask each City Councilmember for their nominations; the number of nominations is limited to the number of vacancies. The candidate that receives a majority of nominations will be appointed. If there is a tie, multiple rounds of voting will occur.

Attachment D lists all applicants including their residency District and Attachment E lists currently seated members and their residency District. These appointments can be made by the City Council at this meeting.

The City received the following applications, listed in alphabetical order by last name:

Parks and Recreation Commission – one vacancy:

- Kathleen O'Connell – District 4
- Shani Podell – District 2
- Kate Wessel – District 4
- Brian Westcott – District 5

Impact on City Resources

Staff support for advisory bodies and funds for recruitment advertising are provided in the annual budget.

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 Policy CC-23-004
- B. Hyperlink – March 28 City Council attendance Staff Report #23-080-CC:
menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2023-meetings/agendas/20230328-city-council-agenda-packet.pdf#page=96
- C. Applications
- D. Applications by District
- E. Current advisory body members by District

Report prepared by:

Judi A. Herren, Assistant to the City Manager/ City Clerk

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004
 Adopted June 27, 2023
 Resolution No. 6840



<p>Purpose</p>
<p>To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.</p>
<p>Authority</p>
<p>Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park.”</p>
<p>Background</p>
<p>The City of Menlo Park currently has seven active Commissions. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Commission, Housing Commission, Library Commission, Parks and Recreation Commission, and Planning Commission. 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 No. 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>Six of the seven commissions 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-21-0022), and a Travel, Meal, and Lodging Policy (CC-19-002), which are also applicable to all advisory bodies.</p>
<p>Policies and Procedures</p>
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • 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. • 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. • 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. • 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 annual work plan. 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). • 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 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 their 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

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted June 27, 2023

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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.
- 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 "Advisory Body 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

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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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 they are 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 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 they think 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 their signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted June 27, 2023

Resolution No. 6840

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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, and Finance and Audit Commission 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 and the Finance and Audit Commission 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.

The schedule of Commission meetings is as follows:

- Complete Streets Commission – Every second Wednesday at 6:30 p.m.
- Environmental Quality Commission – Every third Wednesday at 6 p.m.
- Finance and Audit Commission – Third Thursday 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 on a Monday at 7 p.m.

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 their 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.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted June 27, 2023

Resolution No. 6840

5

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 their 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. 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.
- 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 at a City Council meeting. The city clerk will ask each City Councilmember for their nominations; the number of nominations is limited to the number of vacancies. The candidate that receives a majority of nominations will be appointed. If there is a tie, multiple rounds of voting will occur.
- 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

- 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 they will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted June 27, 2023

Resolution No. 6840

6

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-19-002).

Conflict of interest and disclosure requirements

- A Conflict of Interest Code has been updated and adopted by the City pursuant to Government Code §87300 et seq. Copies of the conflict of interest code are filed with the city clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Complete Streets Commission, Housing Commission, and 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 themselves from making or participating in a governmental decision, or using their 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.

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/committees 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 their term, a replacement serves out the remainder of that term.

Vacancies

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are 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 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).

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted June 27, 2023

Resolution No. 6840

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Roles and Responsibilities

Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on realizing the City's adopted goals for complete streets, vision zero, climate action plan, and provide input on major land use and development projects as it relates to transportation. The Complete Streets Commission's responsibilities include:

- To advance the goals of the city's newly adopted climate action plan by making alternatives to driving safer and more attractive
- Advise City Council on the implementation of the transportation master plan.
- Continue to advocate for and advise the City Council on planning and installing pedestrian and bicycle rail crossing and safe cycling/pedestrian infrastructure.
- Continue to support City Council in ongoing initiatives to improve access to Downtown and support downtown businesses.
- Continue to support the implementation of the Safe Routes to School strategy and advocate for community engagement, program continuity and engineering implementation.
- Continue to support City Council's role as a stakeholder with regard to regional multi-modal and transportation demand management programs projects to increase

Environmental Quality Commission

The Environmental Quality Commission is committed to helping the City of Menlo Park to be a leading sustainable city that inspires institutions and individuals and that is well positioned to manage present and future environmental impacts, including the grave threat of climate change. The Environmental Quality Commission is charged primarily with advising the City Council on matters involving climate change, environmental protection, and sustainability.. Specific focus areas include:

- Climate Action Plan - Advise and recommend on the implementation of the climate action plan.
- Climate Resilience and Adaptation - Ensure that our most vulnerable communities have a voice in policies and programs to protect their communities from environmental impacts.
- Urban Canopy - Leverage best practices to advise/recommend on the preservation of heritage trees, city trees and expansion of the urban canopy; and make determinations on appeals of heritage tree removal permits.
- Green and Sustainable Initiatives – Support sustainability initiatives, as needs arise, which may include city-led events, habitat protection, healthy ecology, environmental health protection, healthy air, surface water runoff quality, water conservation and waste reduction.

Finance and Audit Commission

The Finance and Audit Commission 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
- 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

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted June 27, 2023

Resolution No. 6840

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.

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.

Procedure history

Action	Date	Notes
Procedure adoption	1991	Resolution No. 3261
Procedure adoption	2001	
Procedure adoption	2011	
Procedure adoption	2013	Resolution No. 6169
Procedure adoption	2017	Resolution No. 6377
Procedure adoption	6/8/2021	Resolution No. 6631

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted June 27, 2023

Resolution No. 6840

Procedure adoption	3/1/2022	Resolution No. 6706
Procedure adoption	3/8/2022	Resolution No. 6718
Procedure adoption	9/20/2022	Resolution No. 6776
Procedure adoption	1/10/2023	Resolution No. 6803
Procedure adoption	6/27/2023	Resolution No. 6840

Advisory body application



Submitted on date: **26 July 2023, 9:01 AM**

Receipt number:

Related form versions on:

Applicant's full name (first and last)	Kathleen O'Connell
Desired advisory body (check all that apply)	Parks and Recreation Commission

Applicant interest, experience and qualifications

Education	BS, Finance - San Jose State University MBA Finance and Marketing - Santa Clara University
Civic affiliations and community activities, including service on other advisory bodies, commissions or committees	Parent volunteer at Oak Knoll, Hillview Middle and Menlo Atherton High School 2005 to present. Girl Scout Leader 2008 - 2018.
Describe your understanding of the responsibilities of the advisory body that you are applying for and how your personal community or professional experience relate to these responsibilities	Helps provide input regarding Menlo Park's procedures, policies, and recommendations.
Describe why you want to serve on this advisory body and what you hope to accomplish as a member	I have been a renter in Menlo Park for 25-plus years and with my experience, I feel I can provide some valuable insight into what current and future renter's needs are / will be.

Contact and residency information

Email	[REDACTED]
Cell phone	[REDACTED]
Home phone	
Business phone	
Address 1	[REDACTED]
Address 2	[REDACTED]
City	Menlo Park
State	CA
Zip code	94025
Business address	
Number of years as a Menlo Park resident	25
Current City Council district	District 4
How did you hear about this opportunity (check all that apply)	Other: Betsy Nash

If I am appointed, the City is authorized to post the following information on the city website (please select at least one):

Cellphone: **No**

Business phone: **No**

Home phone: **No**

Email: **Yes**

Application acknowledgement and submittal

I certify that the answers given here are true and complete to the best of my knowledge. **I agree**

Signature

A handwritten signature in black ink, appearing to be 'KOR', followed by a long horizontal line extending to the right.

[Link to signature](#)

Advisory body application



Submitted on	16 August 2023, 2:19PM
Receipt number	82
Related form version	8

Applicant's full name (first and last)	Shani Podell
Desired advisory body (check all that apply)	Parks and Recreation Commission
Advisory body preference	Parks and Recreation Commission

Applicant interest, experience and qualifications

Education	BA UC San Diego 1999
Civic affiliations and community activities, including service on other advisory bodies, commissions or committees	Hillview Tennis Coach 2022 & 2023 Art in Action Docent 2013 2022 Art in Action Fundraising Board 2013 2018 Bay Area Women s Sports initiative Volunteer 2023 present

Describe your understanding of the responsibilities of the advisory body that you are applying for and how your personal community or professional experience relate to these responsibilities

Enhance the quality of life for people in my community of Menlo Park. Create opportunities for them to enjoy recreational facilities and open space. Be an advocate for everyone who lives here. take responsibility for being well informed and properly weigh the opportunity costs when we are making decisions. Be a thoughtful and collaborative member of the commission. and do my best to provide value in each meeting.

In my professional career, I create technology partnerships. It starts with finding creative solutions to everyday problems that would help our customers, and then bringing the right people together to solve them. Often this takes research and education, digging deep to understand the nuances and decide which direction might be best. The ideation process can take time to get right and needs input from many stakeholders. I also have to bring people to the table who may not see the benefit in executing, and it's my responsibility to articulate it to them and help them see the common interest and how it benefits them too. I think this experience could be an asset to the commission.

Additionally, I have been intimately involved in trying to resolve some of the ongoing conflict between the tennis and pickleball communities to find space for everyone and make that equitable. I have worked hard to build relationships with both communities and encouraged them to come together to work towards compromise. This seems like a topic where my partnership experience and my creative problem solving skills could be helpful.

Describe why you want to serve on this advisory body and what you hope to accomplish as a member

I love to be of service in my community. I visit our parks and public spaces every day. I did a lot of community outreach while researching the pickle/tennis situation and got an appreciation for the complexities of meeting the needs of a broad community. The concerns (and wants) vary tremendously. I also attended P&R meetings, as well as City Council. I would prefer to get involved rather than sit on the sidelines. I want to help and give back.

Contact and residency information

Email



Cell phone [REDACTED]

Home phone

Business phone

Address 1 [REDACTED]

Address 2

City Menlo Park

State CA

Zip code 94025

Business address

Number of years as a Menlo Park resident 16 Years

Current City Council district District 2

How did you hear about this opportunity (check all that apply) City website
Other Multiple community members contacted me and suggested join

If I am appointed, the City is authorized to post the following information on the city website (please select at least one):

Cellphone: No
Business phone: No
Home phone: No
Email: Yes

Application acknowledgement and submittal

I certify that the answers given herein are true and complete to the best of my knowledge. agree

Signature



[Link to signature](#)

Advisory body application



Submitted on	18 August 2023, 4:33PM
Receipt number	83
Related form version	8

Applicant's full name (first and last)	Kate K. Wessel
Desired advisory body (check all that apply)	Parks and Recreation Commission
Advisory body preference	Parks and Recreation Commission

Applicant interest, experience and qualifications

Education	Juris Doctor The George Washington University Law School (2011) Bachelor of Arts Northwestern University (2007)
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Civic affiliations and community activities, including service on other advisory bodies, commissions or committees	Board Member Menlo Park Atherton Education Foundation
--------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------

Describe your understanding of the responsibilities of the advisory body that you are applying for and how your personal community or professional experience relate to these responsibilities

The Parks and Recreation Commission of Menlo Park is responsible for advising the Menlo Park City Council on issues pertaining to the City's recreation programs and facilities. Its focus is ensuring that these recreation programs and buildings are effectively maintained for sufficient community enjoyment and access. The Commission also helps determine needed adjustments based on community needs and engages in long term regional planning.

My professional background has provided me with a broad experience in public service and policy, specifically at the local city level. For four years, I worked for the DC Council and the DC Mayor where I conducted policy research, advised the Councilmember and other electeds on legislative and regulatory issues, and drafting memos, talking points, and questions for oversight and investigative hearings. I also regularly engaged with community stakeholders, including at evening community and commission meetings, to address complex policy and regulatory matters. After moving from Washington, DC to the Bay Area in 2015, I joined Salesforce's ethics and compliance team as an in-house counsel, where I worked closely with the Government Affairs team to ensure that the company's government interactions (including at local city levels) were compliant.

On a personal community level, I frequent Menlo Park's recreation programs and facilities on a daily basis and would welcome the opportunity to play an active role in helping maintain and shape the future of the City's programs.

Describe why you want to serve on this advisory body and what you hope to accomplish as a member

I am strongly interested in serving on the Parks and Recreation Commission because I have a strong commitment to and background in public service and community development. Additionally, as a Menlo Park parent with young children, we heavily rely on and utilize Menlo Park's parks and recreation related programming and facilities, whether it's visiting a different playground every day, attending gymnastics classes at Arillaga, listening to live music at Fremont Park through the summer concert series, or reading the City's various weekly digests to see how we can get more involved.

As a Commissioner, I would hope to continue to build on all the wonderful developments from the Commission and City, make sure the programs are running smoothly, as well as determine how we can improve and expand moving forward. In short, with my background in local government legislation/policy, cross-functional relationship building (including listening to and actioning constituent concerns), and avid love of the Menlo Park's recreation programming, it would be a great honor to serve on this Commission.

I hope to accomplish active listening and also actioning feedback.

Contact and residency information

Email	[REDACTED]
Cell phone	[REDACTED]
Home phone	[REDACTED]
Business phone	[REDACTED]
Address 1	[REDACTED]
Address 2	
City	Menlo Park
State	CA
Zip code	94025
Business address	
Number of years as a Menlo Park resident	15
Current City Council district	District 4
How did you hear about this opportunity (check all that apply)	Email
If I am appointed, the City is authorized to post the following information on the city website (please select at least one):	Cellphone: No Business phone: No Home phone: No Email: Yes

Application acknowledgement and submittal

I certify that the answers given herein are true and complete to the best of my knowledge. agree

Signature



[Link to signature](#)

COMMISSION & COMMITTEE APPLICATION

City Clerk
 701 Laurel Street, Menlo Park, CA 94025
 tel 650-330-6620 fax 650-328-7935



Please type or print clearly. You may attach additional pages, if necessary. This is a public document.

Date: April 4, 2019

Commission or Committee of Interest: **Environmental Quality Commission and Parks and Recreation Commission**

Name: [Redacted] **Environmental Quality Commission and Parks and Recreation Commission**

Education: BS. ME / MS ME / PhD Management Science / Post Doc Fellow Business Strategy- Policy (see attached resume)

Civic affiliations and community activities, including service on other commissions or committees:

- Past : Menlo Park Economic Vitality Task Force
- Stanford University : Graduate student housing planning commission
- Sacred Heart Preparatory – Team Parent
- Lehigh University President's Leadership Council
- Menlo Park Economic Vitality Task Force
- Board Member and Youth Coach – Pop Warner Football, AYSO Soccer, Little League Baseball, ASA Softball
- Local Business Owner And CEO

Describe your understanding of the responsibilities of the commission or committee that you are applying for and how your personal community or professional experience relate to these responsibilities:

The Planning Commission supports decisions and makes recommendations to the City Council on a broad range of issues such as land use, environmental, and the changing needs of the city in relationship to the general plan. As a long time resident and business owner in Menlo Park I feel I have benefited from living in Menlo Park. My recent professional work in developing SMART Cities can be applied to the changing needs of Menlo Park and support preparing it for the future. I am also concerned about the opportunities provided to our citizens in the various neighborhoods in the city and how we can create better support for each neighborhood and continue to develop Menlo Park as a model total SMART city for the future. (see attached resume)

Describe why you want to serve on this commission or committee and what you hope to accomplish as a member:

I have had the privilege to live, work, raise a family and create long lasting friendships in Menlo Park over the last 30 years and feel I both want and should contribute back to this city. As a member of the Planning Commission I would like to support decisions that will allow Menlo Park to continue to be the type of city that people want to live and feel it is a privilege to be a citizen. I believe there is work to be done to prepare Menlo Park for the changes that are happening in society and technology. I hope to contribute to the present and future plans for this development.

Brian J Westcott
 Signature

April 4, 2019
 Date

OFFICE USE ONLY:	
Application Received: [Redacted] 2/8/2023	Address Verified in City Limits: <input checked="" type="checkbox"/> By: JAH (Initials)
Considered by City Council: _____	Appointed: <input type="checkbox"/> Yes <input type="checkbox"/> No
Considered by City Council: _____	Appointed: <input type="checkbox"/> Yes <input type="checkbox"/> No
Considered by City Council: _____	Appointed: <input type="checkbox"/> Yes <input type="checkbox"/> No
If Appointed Term ends: [Redacted] 4/30/2027	

Personal Information:			
Name: Brian J. Westcott		Number of years as a Menlo Park resident: 31	
Resident Address: [REDACTED]	City: Menlo Park	State: CA	Zip: 94025
Mailing Address (if different):	City:	State:	Zip:
Phone: [REDACTED]	Email: [REDACTED]		
Business Address: [REDACTED]	City: Menlo Park	State: CA	Zip: 94025
Business Phone: [REDACTED]			
Registered Voter: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
How did you hear about this opportunity:			
<input type="checkbox"/> Newspaper <input type="checkbox"/> Email <input checked="" type="checkbox"/> City's Website <input type="checkbox"/> Nextdoor.com <input type="checkbox"/> Patch.com <input type="checkbox"/> Other _____			
If I am appointed, the City is authorized to post the following information on the City's website:		Cell Phone:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		Business Phone:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		Home Phone:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		Email:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

PROFESSIONAL PROFILE

Executive leader with over twenty five years of global experience in corporate management and governance, business strategy, innovation, marketing, and strategic management of technology, ranging from Board level policy and management for Fortune 500 companies to CEO of venture backed start-ups. Creative ability to develop high performing businesses by increasing innovation, improving productivity and providing better leadership, management and business processes.

EXPERIENCE

- 2016 – Present** **Intelligent Structures, Inc.** **Founder/ CEO/ Board of Directors**
- Founded Intelligent Structures Inc. an Enterprise Infrastructure Performance Asset Management Platform a sensor to enterprise Cloud SAAS implementation based on an IoT or Industrial Internet platform.
- Created business strategy and successfully executed the development of technology and organization of an enterprise software company
 - IntelliStruct – market introduction and commercial sales
- 2011 – 2015** **PFI Acquisition – Purfresh / IntelliFleet DBA.** **President/ CEO/ Board of Directors**
- CEO of Purfresh / IntelliFleet a venture backed company that provided an enterprise information and control solution for perishable supply chain management through a Cloud SAAS implementation based on an IoT or Industrial Internet platform.
- Created business strategy and successfully executed the transition from a chemical company to an enterprise software company
 - IntelliFleet – market introduction and development of first integrated perishable supply chain enterprise and control software system
 - Improved operating margins, increased revenue (4x) and market share Introduced and closed grower customer contracts,
 - Raised \$8 million venture financing Award: 2014 - Top 20 Most Promising Enterprise Software companies by CIO Review
- 2009 – 2011** **Xecuritas Business Unit / Marsys, Inc.** **President BU / Sr. Vice President**
- President of the Xecuritas Business Unit - a security software and business service company delivering a SAAS based solution.
- Responsible for P&L. Increased market growth rate while improving EBITDA.
 - Developed and upgraded two product lines and a hosted exchange partnership on a cloud based infrastructure.
 - Introduced WEB marketing and improved business processes.
- 2007– 2009** **JDS Uniphase, Inc.** **Vice President / Sr. Director**
- Created business and acquisition strategy for growth of the Advanced Optical Technology Group.
- Negotiated and acquired ABNH (public company/ \$140 million) and managed the post merger integration.
 - Planned and formed the Security System Group of JDSU.
- Developed company wide growth initiative for high performance and continuous improvement through a focus on creating greater innovation, higher organic market share growth, and return on invested capital.
- 2005 - 2007** **Inogen, Inc.** **Chief Operating Officer**
- Chief Operating Officer of Inogen, Inc. a venture backed medical equipment technology company that produces portable oxygen concentrators for the home health care market. On the executive management team and managed software engineering, product engineering, supply chain management, manufacturing, distributors, customer care, quality and regulatory and information technology. Developed a new technology and supply chain strategy for the company and implemented a complete design and start-up of a new product. Public offering 2014
- 1992 to 2005** **WESTT, Inc.** **President /CEO / Chairman /Founder**
- A venture backed company that developed and implemented advanced enterprise and industrial information and control software systems. WESTT was a pioneer in the development of custom electro –mechanical automation subsystems serving the industrial equipment industry. Markets included services to customers in the medical products, food processing, flat-panel and semiconductor equipment industries. High rate of sales growth resulted in being awarded the position of #34 in the Inc. 500 (1997) and #68 the Deloitte and Touche Tech 500 (1997)
- 2000 to 2005** **elnnovate – A WESTT business** an integrated cloud based innovation business process site for product development and supply chain management. Cited in Fortune magazine.
- 1990 to 1992** **A.T. Kearney** **Principal**
- International management consultant for Fortune 500 clients in the area of strategic planning for new technology and innovation, managing the new product development process and integrated supply chain management. Completed projects in corporate transformation and change specifically related to use of information systems, product marketing strategy, managing research and

development, and managing product development and manufacturing. Worked on new client development, marketing and sales for A.T. Kearney developing programs in strategic management of technology.

1980 – 1990

General Electric, Inc.

Management and Engineering

Program Manager at General Electric Corporate Management Development and managed the Integrated New Product and Process Development Program. Worked with Jack Welch (CEO) to develop a corporate program for improved productivity of the innovation and technology delivery process. Led adoption of this program into the Appliance, Power Systems, Medical Product, and Electronics Divisions.

Control Systems Engineer in the Research Development Program at General Electric's Corporate Research and Development Center in the Thermo-Fluids Group. Developed jointly with the Electric Power Research Institute a real-time multivariable digital control system for operation and control of an Advanced Integrated Combined Cycle Coal Gasification System. Project resulted in the first digital multivariate control system for power production with an increase in performance and decrease in potential cost.

Obtained a PhD in Management Science and was a Post Doctoral Research Fellow at the Stanford Graduate School of Business. Encouraged by management of GE to pursue this higher education.

Combustion Engineering - Control System Engineer – Critical Function Monitoring and Control System for Nuclear Power Systems
Bechtel Power Corporation- Resident Control Engineer – Control System Integration on Grand Gulf Nuclear Power Plant

EDUCATION

Stanford Graduate School of Business

Post Doctoral Fellow Business Strategy and Policy

Became the first Post Doctoral Fellow in the Business School specializing in technology and new product business strategy focusing on managing technical innovation in manufacturing and product development. Published numerous case studies through Harvard and Stanford and related articles.

Stanford University

PhD in Management Science

Focused on the areas of technology strategy, business transformation, organizational behavior, production systems, decision analysis and economics and finance. Teaching assistant for the course Engineering Economics. Received an EPRI Fellowship for 4 years to research the economics of innovation related to electric power production. Dissertation focused on *Innovation: Organizational and Technical Factors that Influence Success*

Stanford University

Masters of Science -- Mechanical Engineering / Information Control Systems

Specialized in the areas of Control Systems and Thermo-fluid systems

Lehigh University

Bachelors of Science -- Mechanical Engineering

Graduated with Honors – Award Best Senior Project and Union Carbide Award for Outstanding Engineer

OTHER

2014- Present – Industrial Internet Consortium

Marketing Committee and Director Thought Leadership Council –

2005-2011 Global Fresh Foods

Board Director

Involved with formation and strategy for a technology company developing a solution for the preservation of fresh protein using advanced environmental control. Supported raise of a \$5.3 million venture equity investment.

Awards

- CIO Magazine 2018 – Top 10 SMART City Enterprise Software Platforms - IntelliStruct
- CIO Review 2014 - Top 20 Most Promising Enterprise Software companies
- Tech Inc. 500 Award - 28th Fastest Growing U.S. Technical Company in 1996 (WESTT, Inc)
- Inc. 500 Award - #34 (1996) and Tech 500 #68 in 1997 (WESTT, Inc.)
- Tech Inc. 500 Award for Fastest Growing U.S. Technical Company (1997 and 1998)
- Business Times largest private companies in Bay Area 2000 (WESTT, Inc.)
- Selected as Hero of Manufacturing – Fortune Magazine 1997
- Who's Who in America, The World and Industry and Finance (Marquis -- since 1991)
- A.T. Kearney – Global Management Award (1990)
- General Electric Corporate – Selected as a High Potential Leader (1989)
- General Electric Company Award to Inventors – Three U.S. Patents (1983)

Community Service

- Sacred Heart Preparatory – Team Parent
- Lehigh University President’s Leadership Council
- Menlo Park Economic Vitality Task Force
- Board Member and Youth Coach – Pop Warner Football, AYSO Soccer, Little League Baseball, ASA Softball

INTELLIGENT STRUCTURES MAKING BRIDGES TALK - DIGITALLY

By Karan Kariappa



Intelligent Structures combines advanced sensor technology with highly customizable edge computing and cloud-based enterprise software to deliver the critical information owners need to optimize the management of bridges

Brian Westcott,
CEO

For years, bridge managers have dreamt of “smart bridges” – bridges that can tell them exactly what is needed to minimize risk, maximize mobility, and stay within budget. But expensive technology and expertise have made smart bridges an elusive dream. Until now.

Intelligent Structures (IS) is changing the game. “We make bridges talk – digitally,” explains Brian Westcott, CEO of Intelligent Structures. Taking an enterprise IT approach, IS’s innovative platform, IntelliStruct, is designed from the ground up to be both technically advanced and radically economical. With this decision support solution, bridge managers will know the detailed state of their bridges in real time and are able to prescribe precision maintenance, rather than teardown and rebuild. IS’s goal is to extend the useful life of bridges from 50 to over 100 years. This is digital disruption for bridge management, essential to keeping smart cities moving.

Our Bridges are in Trouble

In the US, there are over 600,000 bridges, and a quarter of those bridges are in trouble. US bridges are aging, becoming riskier and more costly. About 10 percent are posted for reduced loads, about 10 percent are classified as structurally deficient, and another 10-12 percent are classified as functionally obsolete, according to the Federal Bridge database.

Traditional methods of bridge management are sorely outdated and inefficient. In 1968, in response to the collapse of the Silver Bridge in West Virginia causing 46 deaths, bridge inspection became mandated by federal act. It has been required that all bridges have biennial (every two years) inspection. The majority of inspections use a visual procedure which is highly variable. For example, in a Federal Study of Inspection reliability 2003, visual inspection ratings varied by up to five points, on a total scale of 10 for the same bridge. Our bridges, and thus our mobility, are at risk. With today’s technology that has so clearly revolutionized other aspects of business and our personal lives; we can and must do better. This is where Intelligent Structures comes in.

The Solution: IS's Enterprise Bridge Performance Management Platform

A confluence of innovations and events has come to the rescue of aging bridges. IS has developed a bridge performance management platform based on Internet of Things (IoT) technology and enterprise cloud architecture: IntelliStruct TM. It gives bridge managers the power to precisely measure bridge performance and manage bridge life cycles to minimize risk and maximize mobility, all within limited budgets. IS expertly leverages technologies such as low-cost sensors, IoT, edge computing, wireless communication, mesh networks, big data analytics, and machine learning to enable "smart bridges".

Smart bridges offer the opportunity to drastically improve the real-time knowledge of the health of a bridge, and precisely manage the bridge for safety, efficiency, and longevity. Managers can prevent bridge restrictions and closures, and direct budgets for maximum impact. This is imperative as our traffic loads increase, while our infrastructure deteriorates.

"Intelligent Structures combines advanced sensor technology with highly customizable edge computing and cloud-based enterprise software to deliver the critical information owners need to optimize the management of bridges," says Doug Thomson, CTO, Intelligent Structures.



Our bridge monitoring systems help with both real time data on structural behavior, as well as identifying trends and changes over time

Fact-Based Decision Support for Bridge Managers

Intelligent Structures is on the forefront of delivering smart bridge solutions. Leveraging advanced information technology, IS's bridge performance monitoring and decision support platform enables bridge managers make highly informed, fact-based decisions.

Here's how it works:

- Sensors are installed on bridges - measuring strain, acceleration, displacement, temperature, cracks, water height, and/or tilt, depending on the bridge.
- Two-Level Edge Computing: Component level sensor data is collected and analyzed in a set of IS's proprietary I-Bridge wireless modules, then sent through a mesh network to IS's I-Bridge controller that performs additional bridge level analytics. This enables economic wireless transmission to the cloud.
- Cloud-based Analysis is performed by IS's expert analysis engine, creating a dashboard of key metrics and trends for bridge managers, as well as red flag alerts and alarms.
- The Management Dashboard is transmitted to bridge

managers in real time. Managers can easily monitor a single bridge, or a fleet, and see where problems are brewing. This enables decisions to prioritize bridge issues, precision maintenance plans, and provides fact-based support for the ever-critical repair/rehabilitate/rebuild decisions. The benefit is enormous - bridge managers can more effectively use their limited budgets to keep their bridges safe and open, for longer.

- Machine Learning and big data analytics update and adapt predictive models to anticipate bridge life cycle performance. Future scenarios are assessed to guide optimal bridge operating strategies, thus maximizing life cycle performance.

Everyone Benefits

With smart bridges, everyone benefits: safety and mobility for people and users, and economy for budgets.

With IS, bridge owners have the ability to track key data on the performance of their bridges including a periodic digital signature (performance snapshot), component defect monitoring (for critical components), live load testing, and continuous monitoring. This gives owners the data to enable real-time management, as well as critical optimization of fleet planning and management over a 10-20 year horizon. Bridge owners see returns on implementation of IntelliStruct of over 50 percent IRR for individual bridges as well as application to strategic operations management of their entire fleet of bridges.

"Intelligent Structures has developed a new approach to providing decision support for the management of bridge assets. Their monitoring system for bridges collects real-time data that provides us with information on the structural behavior and is also able to detect any changes in the performance of the structure over time," explains Russ Andruschuk, Executive Director - Structures, Manitoba Infrastructure.

Architect engineers, responsible for bridge design and engineering, leverage IntelliStruct for key data and analysis to support their assessment of bridge performance, and exactly what management actions are required. Growing databases of bridge performance and issues will influence future designs. Bridge inspectors combine the visual inspection information with a measured indicator of bridge state to provide a significantly more accurate assessment of bridge health. Their expertise allows for better assessment of bridge condition. TransSystems, an architect engineering firm and Intelligent Structures partner with a focus on transportation systems, states that measured performance provided by IntelliStruct is the future of the industry.

"Historically, acceptance of Bridge Health Monitoring solutions was limited due to challenges related to installation, durability, data transfer, power supply, and data processing. Intelligent Structures' smart bridge approach provides cost-effective solutions for each of these challenges. Owners now

have a cost-effective option to customize a solution that supports their bridge management decisions. They have real-time access to their bridge monitoring installations through the web. The system provides trend analysis, alerts, and other measures of how their bridge inventory is performing.

Going forward, as more owners recognize the value in real-time monitoring of their bridge inventory to their maintenance and rehabilitation decision making, the industry will expand rapidly," says Lawrence Kirchner, P.E., S.E., Vice President and Senior Associate, TransSystems.

Early Success

IS is already seeing success. A province in Canada that manages over 2000 bridges wanted to incorporate measured bridge performance into their operations. IS implemented their solution on a few bridges as proof of concept, resulting in identification of a key issue with a bridge not functioning as anticipated with overweight vehicles. The return from this information is over 50 percent annually. The customer was impressed with the results and has begun scaling the system to monitor their fleet of bridges. The capability applies equally to bridges owned at the city, state, or national level, and to private operators including railroads.



Changing Management Strategies for Changing Times

Recently, the Federal Highway Administration has issued new requirements for highway and bridge asset management that go into full effect in June 2019. These new requirements involve development and implementation of risk-based asset management plans, minimum standards for bridge and pavement management systems, and periodic evaluations to determine if reasonable alternatives exist to roads, highways or bridges that repeatedly require repair and reconstruction activities. IS's smart bridge platform delivers the measured performance and economic analysis to support these DOT requirements and become the global platform for bridge management. This is the path to a new generation of bridge management strategies.

Smart Bridges: Essential for Smart Cities

"Cities are becoming 'smart cities' by leveraging technology for improved infrastructure efficiency. There are many dimensions of the smart city vision, but a key

element is always mobility. And, bridges are the critical bottleneck in traffic mobility," adds Westcott.

As IS creates smart bridges to improve our existing infrastructure, the technology and data are primed to integrate into a consolidated community infrastructure. This will strengthen a smart city data foundation and offer the next level of benefit: from a smart bridge, to a smart fleet of bridges, to an integrated smart city.

In addition to improving the day-to-day operational efficiency of cities, the smart city vision includes strengthening the resilience of a city to recover from catastrophic events such as earthquakes, tsunamis, and hurricanes. Smart bridges will be stronger, thus better able to withstand a major shock, and the measured performance information will provide critical information to evaluate damage and aid in rapid recovery. Smart bridges will help a city quickly regain mobility after an extreme shock.

Governments and infrastructure managers are reviewing the use of information technology to increase the productivity of their assets. In many cases, this will require an increase in IT budgets. In the case of smart bridges, this IT investment will be offset with high returns from improvements in bridge life

cycles and saving 30-50 percent in the bridge annual budget.

Looking to the future, IS is developing advanced analytics using the data collected to build a database of how different bridges perform. They will apply machine learning to this data to help all bridge designers and managers become more efficient. Even more exciting, this technology has the potential to be applied to other structures such as buildings, parking garages, and dams all over the world.

The Imperative for Change

The industry must change. Bridges are failing, and there is not enough budget to keep up with the current bridge management processes. Innovation is required to do more with less. IS delivers the solution with IntelliStruct. With smart bridge technology, the life of bridges can be extended, and the lifetime cost of operating a bridge can be reduced by 30-50 percent.

"If we don't innovate, in 10 years we'll have autonomous vehicles traveling over crumbling bridges inspected by people using hammers and chains," concludes Westcott. ☐

Table 1: Parks and Recreation Commission applicants by District		
Advisory body	Applicant	District
Parks and Recreation Commission	Kathleen O'Connell	4
Parks and Recreation Commission	Shani Podell	2
Parks and Recreation Commission	Kate Wessel	4
Parks and Recreation Commission	Brian Westcott	5

Member	Last appointment date	Expiration date	District
Aurora Brosnan	6/8/2021	4/30/2025	4
Mayrin Bunyagidj	5/10/2022	4/30/2024	1
Jessica Gilmartin	4/25/2023	4/30/2027	3
Peter Joshua	5/25/2021	4/30/2025	2
Wonman Lee	4/25/2023	4/30/2027	1
Kelsey Theriault	4/26/2022	4/30/2026	1



STAFF REPORT

City Council

Meeting Date:

8/29/2023

Staff Report Number:

23-188-CC

Consent Calendar:

Approve the update to the preferred concept for the Middle Avenue Caltrain crossing design

Recommendation

Staff recommends that the City Council approve the updated preferred concept for the Middle Avenue Caltrain undercrossing project that addresses Caltrain requirements for the crossing.

Policy Issues

The Middle Avenue Caltrain crossing project (project) is consistent with policies stated in the 2016 general plan circulation element, the El Camino Real and Downtown specific plan and is included in the City's capital improvement program (CIP). These policies seek to maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe and active community and quality of life throughout Menlo Park.

In 2021, the City Council identified the Middle Avenue Caltrain crossing project (project) and the Middle Avenue complete streets project as a combined priority. On March 18, the City Council established goals for fiscal year 2023-24. This project supports the safe streets and activating downtown goals.

Background

On July 20, 2016, the San Mateo County Transportation Authority (SMCTA) programmed \$490,000 from the Measure A Pedestrian and Bicycle Program for the preliminary engineering and environmental clearance phases of the project. The City hired AECOM Technical Services, Inc. (AECOM) to conduct community engagement, prepare 30% design documents, and complete required environmental analysis. Staff coordinated with Caltrain on design criteria and the electrification of the corridor.

On Aug. 27, 2019, the City Council unanimously passed a motion to select Concept 3 (Attachment A) as the preferred alternative for the crossing. The preferred concept included an undercrossing approximately 10 to 12 feet below the street/plaza elevation generally aligned with Middle Avenue as it extends into 500 El Camino Real (Stanford's Middle Plaza development) and connecting to Burgess Park across Alma Street.

On Jan. 28, 2020, the City Council certified the project environmental document, an addendum to the El Camino Real and Downtown specific plan environmental impact report (EIR), and approved the 30% project plans. Since approval of the design and environmental review, staff have been working with Caltrain to advance the project into final design and construction. The City executed an agreement with Caltrain in December 2021 to conduct preliminary review of the preferred design.

On Jan. 11, 2022, the City Council adopted Resolution No. 6690 authorizing the city manager to execute a purchase and sale agreement (PSA) with Menlo Station Development, LLC, for a portion of 700-800 El Camino Real (APN 071-333-200) to support implementation of the Middle Avenue pedestrian and bicycle

rail crossing. The ramps that connect the undercrossing to Middle Plaza will be located on this property. On May 1, the Planning Commission recommended approval of a planned development permit revision for 700-800 El Camino Real to reduce the amount of required parking, which was subsequently approved by City Council May 23. The closing of the real estate transaction is scheduled to occur in April 2024.

On April 4, the City Council approved a service agreement with Caltrain to advance into final design, including identifying the appropriate contracting method for construction, developing requests for proposal for final design, and developing a memorandum of understanding about the execution of final design and construction.

Analysis

On July 11, the City Council held a study session to review the updated design and provided feedback. Attachment B provides a hyperlink to the staff report for the July 11 meeting.

As part of a design review initiated in December 2021, Caltrain identified two constraints to the design of the project. The first requirement from Caltrain was to require use of a construction method that does not disrupt train service. The initial design proposed to use a 'cut and cover' method of construction, which would have removed a section of track, placed the tunnel and restored the track. Cut and cover construction would have required taking trains out of service over one or more weekends. Removing and replacing the high voltage electrical wires and related infrastructure would add significant cost and could lead to more extensive disruption of rail service. Alternative construction methods, such as pushing a preformed tunnel segment under the tracks (called 'jack and bore'), requires more space between the railroad tracks and the top of the tunnel. The final construction method will be selected as part of the contracting process.

The second requirement is for ramps to access the tunnel to be located outside the Caltrain right of way. Caltrain has an approximately 90-foot wide corridor in the location of the project, widening to 100 feet just south of the property the City is purchasing. Caltrain's Rail Corridor and Use Policy (RCUP) policy defines how Caltrain-owned right-of-way may be used (Attachment C). The RCUP classifies the land Caltrain owns adjacent to the tracks between San Francisquito Creek and Ravenswood Avenue as "Non-operating with Service Vision", which means the right-of-way is not used for railroad tracks, but is preserved for potential future service expansion. This right-of-way cannot be used for any permanent purpose, including ramps or stairs to access a crossing, without approval of the Caltrain Board.

At the July 11 City Council meeting, the City Council directed staff to move forward with the new design while coordinating with Caltrain on leaving a portion of the tunnel on the Alma Street side uncovered. At that meeting, and in correspondence with staff, Caltrain staff committed to exploring this option as part of final design. The tunnel would be designed to allow a cover to be placed on top of the tunnel if and when the right-of-way is required for rail needs.

Table 1 summarizes the differences between the City Council adopted and updated designs (this table is unchanged from the July 11 report to City Council except for the reference to the potential for an uncovered tunnel segment). Attachment A provides a concept design for the updated design, including key differences from the 2020 design.

Item	City Council adopted design	Updated design
Tunnel location	Near the northern edge of the 800 El Camino Real property	~50 feet south
Tunnel length	64 feet	90 feet*
Top of tunnel (under rail)	Two feet**	Five feet
Tunnel width	20 feet	20 feet
Ramp width (Alma side)	14 feet	13 feet
Sidewalk width (Alma side)	10 feet	7 ½ feet, 10 feet by ramp/stair entrances
Ramp width (Middle Plaza side)	14 feet	14 feet
Utility relocations	Two fiber lines	Two fiber lines, portions of Cal Water line, portions of West Bay sewer line
Tree removals***	20 total	29 total
Alma side	11	14
El Camino Real side	Nine	15
Heritage	Six	11

* Between 10 to 25 feet of the tunnel on the Alma Street side may be left uncovered unless needed for rail needs.

* The initial 30% design showed two feet between the rail and the tunnel, but Caltrain’s design guidelines at the time required three feet of cover. Staff had planned to request an exception, but is no longer considering one.

** The use of the City right-of-way for ramps and stairs may also limit where replacement tree plantings are possible

To help the community understand the physical changes proposed, staff installed ‘story poles’ to designate the end of the tunnel on the Alma Street side. Staff also placed an outreach board at the location to help residents understand the project. A picture is included as Attachment D.

Impact on City Resources

The 2020 design plans were estimated to have a total cost of \$21.5 million. Staff are updating cost estimates, which will likely be at least \$3 to \$4 million higher than the current estimate. The City has secured \$21.8 million in funding to date for the project from all sources (Table 2).

Funding	Source	Amount	Phase
Measure A/W Pedestrian/Bicycle Program	SMCTA	\$1,130,000	Design
Middle Plaza development agreement contribution	Private, Stanford University	\$5,000,000	Construction
Transportation impact fees	City of Menlo Park	\$5,658,334	Design, construction, right-of-way
Stanford University recreational mitigation grant	Santa Clara County	\$1,000,000	Construction
One Bay Area Grant – Third Cycle (OBAG-3)	Metropolitan Transportation Commission	\$5,000,000	Construction
Federal omnibus budget bill	USDOT	\$4,000,000	Construction
Total		\$21,788,334	

The City continues to pursue grants to fill the expected funding gap, including a potential additional \$870,000 in funding from the SMCTA Measure A Pedestrian and Bicycle Program. The project has already received \$1,130,000 from this source and can receive a maximum of \$2 million for one project. Other potential sources could include potential federal, state, and regional grants or additional funding from City transportation funds including Measure A or W sales tax funds or other sources.

Environmental Review

The construction of the project is within the scope of the El Camino Real and Downtown specific plan EIR, State Clearinghouse No. 2009122048 (Specific Plan EIR), certified by City Council June 5, 2012, consistent with California Environmental Quality Act (CEQA) Guidelines §15168. The City prepared an addendum to the Specific Plan EIR because changes and additions to the document were necessary, but none of the conditions described in §15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR occurred. On Jan. 28, 2020, the City Council certified an addendum to the Specific Plan EIR, which analyzed potential impacts from the implementation of the Middle Avenue pedestrian and bicycle rail crossing project as provided for under §15164 of the CEQA Guidelines. The design updates do not impact the City's environmental review determination.

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. Updated concept design
- B. Hyperlink – July 11 study session staff report: menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2023-meetings/agendas/20230711city-council-regular-agenda-packet_w-presv2.pdf#page=7
- C. Hyperlink – Caltrain RCUP: caltrain.com/projects/rail-corridor-use-policy-rcup
- D. Picture of tunnel exit location with display board

Report prepared by:

Hugh Louch, Assistant Public Works Director – Transportation

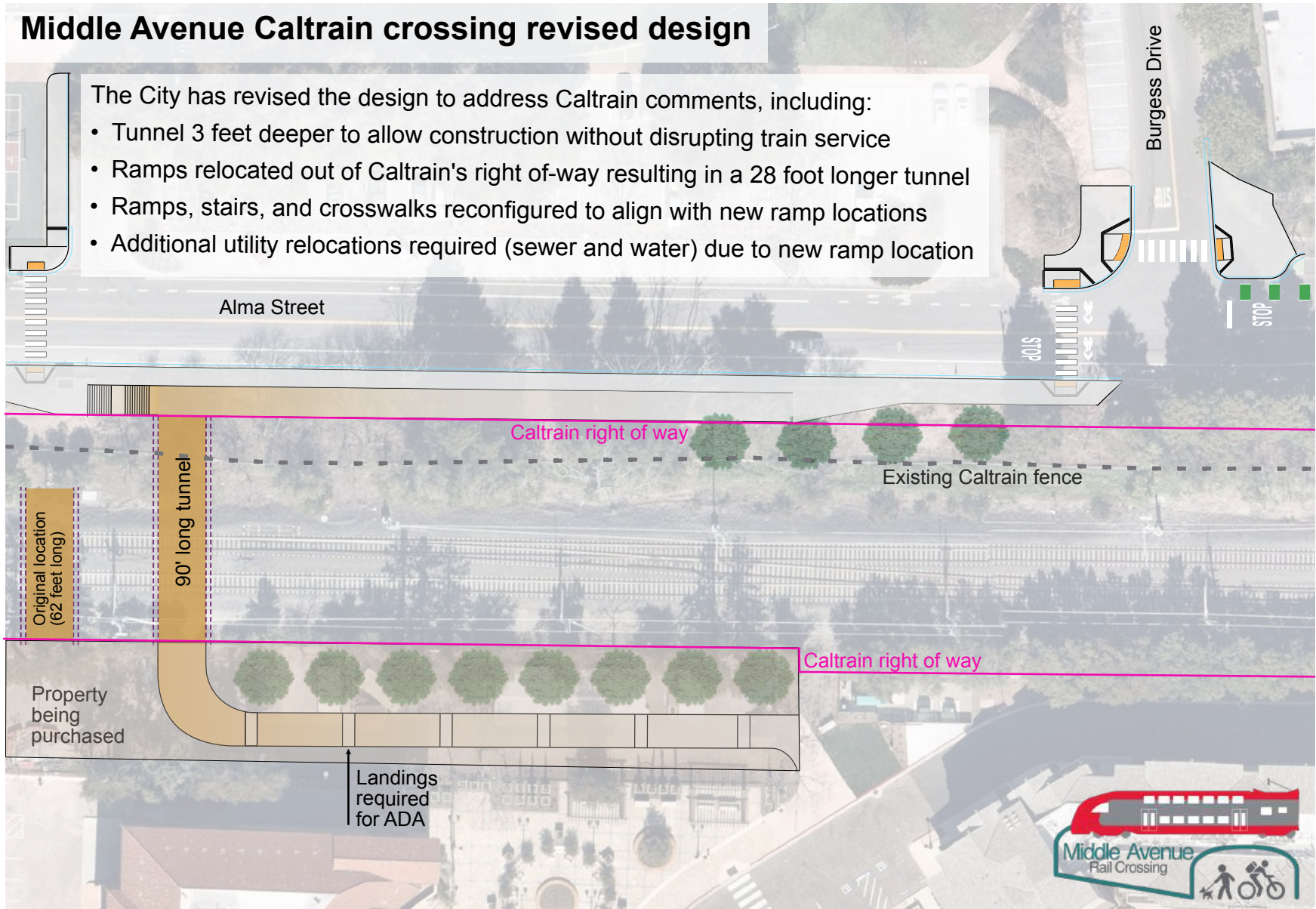
Report reviewed by:

Nikki Nagaya, Deputy City Manager

Middle Avenue Caltrain crossing revised design

The City has revised the design to address Caltrain comments, including:

- Tunnel 3 feet deeper to allow construction without disrupting train service
- Ramps relocated out of Caltrain's right of way resulting in a 28 foot longer tunnel
- Ramps, stairs, and crosswalks reconfigured to align with new ramp locations
- Additional utility relocations required (sewer and water) due to new ramp location



Photos of approximate tunnel exit location near Alma Street (looking west)





STAFF REPORT

City Council

Meeting Date:

8/29/2023

Staff Report Number:

23-189-CC

Consent Calendar:

Authorize the city manager to execute a memorandum of understanding with the San Mateo County Transportation Authority to complete the landscaping phase of the Willow Road and U.S. Highway 101 project

Recommendation

Staff requests that the City Council authorize the city manager to execute a memorandum of understanding (MOU) with the San Mateo County Transportation Authority (SMCTA) to complete the landscaping phase of the Willow Road and U.S. Highway 101 project (Attachment A).

Policy Issues

The City Council provides direction to the city manager regarding services to the community; authorizes the city manager to execute agreements; and sets prioritization for the use of City resources to serve the community. The Willow Road and U.S. Highway 101 interchange improvements project (Project) was first included in the fiscal year 2012-13 capital improvement plan.

Background

In 2019, Caltrans completed modification of the interchange at Willow Road and U.S. Highway 101 from its former “full cloverleaf” style to a “partial cloverleaf” style similar to the Marsh Road and Highway U.S. 101 interchange. This eliminated the short weaves on Willow Road and the freeway. The project replaced the existing interchange with a new, wider bridge; adding sidewalks, striped bicycle lanes and separated bicycle lanes on both sides of Willow Road; and added two signalized intersections. Caltrans began construction in May 2017, and the project was completed in June 2019.

As is typical for a Caltrans construction process, the interchange construction included only the infrastructure portion of the project. The landscaping design and landscaping construction phases are being performed as a separate follow-up project. The landscaping phase was also required to be scheduled after the completion of the San Mateo U.S. Highway 101 Express Lanes project, which recently began operation.

The City Council held a study session July 12, 2022, on the landscaping phase of the interchange project and provided direction to staff to pursue a Caltrans-standard landscaping plan for the interchange with more trees that can be designed and installed within the budget available from the SMCTA for this project.

On May 9, staff transmitted an informational update to the City Council on the status of the project, which had been requested by Vice Mayor Taylor and City Councilmember Combs at the March 28 meeting. Attachment B provides the current concept design, which was also shared at the May 9 meeting. This concept design reflects Caltrans and other stakeholder reviews and adds approximately 120 more trees than were in place before the interchange reconstruction.

Analysis

Over the last several months, staff has been working with Caltrans, SMCTA, and the City of East Palo Alto to advance the landscaping project within the Caltrans right-of-way into final design and construction. About half of the intersection is within the City of East Palo Alto, though the City of Menlo Park has been the local agency lead on the interchange project from the outset.

The MOU (Attachment A) identifies the roles of SMCTA and the City as it relates to this project and provides funding to the City to complete the next phase of work. The specific roles in the MOU include:

- Prepare construction documents, led by the City.
- Install landscaping, led by SMCTA.
- Oversee plant establishment, included as part of the landscape installation contract, with inspection provided by the City.

The MOU funds 100% of City of Menlo Park costs from Measure A sales tax funds to develop final construction documents and provide oversight and inspection of plant establishment.

In addition to the MOU, Caltrans, the City and SMCTA will execute a cooperative agreement that defines roles for Caltrans, the City and SMCTA. Caltrans role on the project going forward will be review and coordination, with all work led by the City and SMCTA. Execution of this agreement is in process.

Schedule

Once this MOU is approved, there are several remaining steps for this project:

- Develop construction documents. This will take nine to 12 months, including reviews by the City staff and Caltrans.
- Finalize plans and bidding. SMCTA and Caltrans will need several months to complete necessary supporting documentation, prepare the project for bidding, and award a contract.
- Construction. This will take approximately one year, followed by a three-year plant establishment period.

In addition to landscaping in the Caltrans right-of-way, there are two areas under the City's jurisdiction where future landscaping will be added, near Pierce Road/Willow Road and Van Buren Road/Bay Road. Staff anticipates exploring landscaping options for these areas in parallel to the work in the Caltrans right-of-way. Tree planting within the City right-of-way typically happens in the winter and early spring, depending on weather, which provides the best establishment opportunity for new trees.

Impact on City Resources

The SMCTA has \$3.5 million remaining in funds from the Willow and U.S. Highway 101 interchange replacement project. Staff anticipates this funding will be sufficient to complete construction documents, install, and maintain the landscaping for the plant establishment period. The City's work under the MOU will be fully funded by SMCTA. The 2023-27 five-year capital improvement plan added \$400,000 of this funding in fiscal year 2023-24 to support development of construction documents for the project. Approximately an additional \$170,000 remains in the CIP from prior phases of work that would be used for complementary landscaping design or implementation within City right-of-way.

Environmental Review

Environmental clearance for the project, including landscaping, was obtained by Caltrans November 25,

2013.

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. Memorandum of understanding
- B. Approved concept

Report prepared by:
Hugh Louch, Assistant Public Works Director – Transportation

Report reviewed by:
Nikki Nagaya, Deputy City Manager

Memorandum of Understanding (MOU)
San Mateo County Transportation Authority
and
City of Menlo Park
for the Implementation of
US 101 / Willow Road Interchange Improvements

This memorandum of understanding (MOU) is entered into as of _____ (Execution Date) by and between the San Mateo County Transportation Authority (TA) and the City of Menlo Park (Sponsor), each of which is referred to herein individually as "Party" and jointly as "Parties."

RECITALS

WHEREAS, on November 2, 2004, the voters of San Mateo County approved the continuation of the collection and distribution by the TA of the Measure A half cent transaction and use tax for an additional 25 years to implement the 2004 Transportation Expenditure Plan, beginning January 1, 2009 (New Measure A);

WHEREAS, on May 8, 2015, the TA issued a call for projects for its Measure A Highway Program; and

WHEREAS, in response to the call for projects, Sponsor requested that the TA provide \$64 million in funds for the US 101/Willow Interchange Improvements (Project); and

WHEREAS, the Project meets the intent of the 2004 Transportation Expenditure Plan; and

WHEREAS, on October 1, 2015, the TA's Board of Directors programmed and allocated up to \$56,400,000 from the New Measure A Highway Program Category for the Construction phase of the Project through Resolution No. 2015-19; and

WHEREAS, as part of the allocated \$56,400,000, up to \$400,000 may be provided in the form of TA staff or consultant support for the Project; and

WHEREAS, the Parties secured \$10,400,000 in State Transportation Improvement Program funds from the State of California Department of Transportation (Caltrans) to fully fund the Project's Construction phase scope of work budget of \$66,800,000; and

WHEREAS, construction to replace the interchange was completed in August 2019 and resulted in the removal of trees surrounding the interchange and leaving \$3,500,000 of funds allocated by the TA for Project Construction available in the Project budget; and

WHEREAS, the Parties agree that landscaping activities are considered part of the overall Construction phase, as required by the project’s environmental clearance documents, such that up to \$3,500,000 of the allocated funds may be provided for the Project’s remaining landscaping activities (Scope of Work); and

WHEREAS, the Sponsor gathered public input on landscaping concept design through a community meeting and Environmental Quality Commission meeting in 2019 and presentations to City Council in 2021, 2022, and 2023 that led to the selection of a preferred landscaping design; and

WHEREAS, the Sponsor will implement the landscaping design activities within the Scope of Work; and

WHEREAS, at the Sponsor’s request, the TA will implement the landscaping construction activities within the Scope of Work as described in Section A-2, below; and

WHEREAS, the landscaping construction activities will include a three year landscape establishment requirement as part of the construction contract; and

WHEREAS, at the TA’s request, Sponsor will provide oversight of the construction contractor and provide periodic inspection of plant establishment efforts.

Now, THEREFORE, the Parties to this MOU agree as follows:

A. Project Scope and Description

1. Project Definition. This Project is the US 101/Willow Road Interchange Improvements (Exhibit 1).
2. Scope of Work. The Scope of Work is the implementation of the Project’s landscaping design and construction activities.
3. Limited to Scope of Work. This MOU is intended to cover only the Scope of Work. Further roles and responsibilities for any other work on, or other tasks related to, the Project have been and/or will be determined by negotiations between the Parties and the right-of-way owners.

B. Funding and Payment

1. Funding Commitment. The TA will provide up to \$3,500,000 of New Measure A Highway Program funds already allocated for the Project under Resolution 2015-19 for the following tasks in the amounts specified below:
 - a. Landscaping Design & Right of Way (R/W): Estimated at \$430,000
 - b. Landscaping Construction: Estimated at \$3,070,000

Total for Landscaping Activities: \$3,500,000

2. Use of Funds. Measure A Funds shall be used only for direct eligible costs to complete the Scope of Work. The Sponsor is responsible for demonstrating to the TA that the expenses incurred as specified under Section E: Sponsor Responsibilities were necessary to deliver the Scope of Work.
 - a. The following costs are not eligible for New Measure A Highway Funds reimbursement:
 - i. Sponsor’s costs which are unrelated to the Scope of Work;
 - ii. Costs for entering into this Agreement;
 - iii. Maintenance (unless expressly required during the required 3-year landscaping establishment period), rehabilitation, routine operations of the Project or other facilities or programs; and
 - iv. Development of proposals, applications or agreements for Measure A, Measure W, or other funding programs.
 - b. The Parties agree that funds provided pursuant to this Agreement will be used to supplement existing revenue. The Parties will not use Measure A Funds to replace other local taxes or revenues already programmed and available for use for the same purpose. The Parties will use funds provided pursuant to this Agreement only for the Scope of Work.
 - c. If the TA determines that Sponsor has used Measure A Funds other than for the approved Scope of Work, the TA will notify Sponsor of its determination. Within thirty (30) days of notification Sponsor will either (a) repay such funds to the TA, or (b) explain in writing how the funds in question were spent for the approved Scope of Work. The TA will respond to Sponsor's written explanation within thirty (30) days of receipt. Unless otherwise stated in the response, the TA's response will be final, and Sponsor will repay any funds used other than for the approved Scope of Work within thirty (30) days.

3. Reimbursement Basis. Sponsor may seek pro rata reimbursement for Scope of Work costs incurred on or after the Execution Date. Scope of Work costs must be incurred and paid by Sponsor prior to requesting pro rata reimbursement from the TA. Sufficient documentation must accompany all requests for pro rata reimbursement, including the submittal of all due monthly progress reports.

4. Accounting and Request for Reimbursement Procedures. Sponsor, in coordination with and to the satisfaction of the TA, will establish procedures for accounting and requests for reimbursement related to delivery of the Scope of Work as specified under Section E: Sponsor Responsibilities. These procedures will track and reflect the accumulation of the TA’s pro rata share of Scope of Work Costs. Sponsor will detail the TA’s pro rata share of Scope of Work costs for all work funded under this Agreement with each “Reimbursement Claim Form,” which is attached to this Agreement as Exhibit A and incorporated herein. Sponsor will maintain all necessary books and records in accordance with generally accepted accounting principles.

5. Invoices; Payments. Sponsor must prepare and submit billing statements consistent with the Reimbursement Claim Form with all required supporting documentation.

Supporting documentation may include, but is not limited to, copies of vendor invoices, timesheets, backup documentation, checks, and payment advice, and must include an accounting of the TA's share of costs for the Scope of Work as contemplated by this Agreement. Sponsor must detail the tasks performed, associated costs, and pro rata share of Scope of Work Costs to be borne by the TA with each reimbursement request. The TA will endeavor to disburse reimbursements for approved Scope of Work Costs within thirty (30) days after the TA's approval of each claim, subject to the limits on the TA's maximum contribution as established in Section B.1. The TA's obligation to reimburse Scope of Work costs to Sponsor as provided in this section is conditioned upon the TA's prompt receipt of monthly progress reports from Sponsor pursuant to Section B.4 above.

Invoices may be submitted, no more frequently than once a quarter, by mail to:

Accounts Payable
San Mateo County Transportation Authority
1250 San Carlos Avenue
San Carlos, CA 94070

Or by e-mail to: accountspayable@samtrans.com, invoices@smcta.com and the designated TA Project Manager at mamaradloc@samtrans.com

6. Cost Savings. Any cost savings of the New Measure A funds allocated for the Scope of Work will revert to the New Measure A Highway Program for the TA to reallocate to any eligible project through its usual fund programming and allocation activities.
7. Insufficient Funding. In the event that additional funding is needed to complete the Scope of Work, the TA will identify the additional amounts needed and review those estimates with the Sponsor. The Parties will work together to identify potential sources of funding, as well as obtain the necessary funds to complete the Scope of Work. If additional funding is needed due to a change in the Scope of Work, as requested by the Sponsor, the TA will identify the additional amounts needed and review those estimates with the Sponsor. In such case, it is the responsibility of the Sponsor to identify the potential sources of funding, as well as obtain the necessary funds to complete the changed Scope of Work. The TA may consider requests for additional funding, but is under no obligation to grant such requests.

C. Term

1. Term of Agreement. This MOU is effective upon the Execution Date, and will terminate upon the earliest of: (a) 6 months after written acceptance/endorsement of the Sponsor of the completion of the Scope of Work, (b) termination by Sponsor or the TA pursuant to section C-3 or C-4 or C-5, or (c) five (5) years and six (6) months after the Execution Date of this agreement.

2. Time of Performance. This Project Scope of Work must be completed no later than five (5) years after the Execution Date of this agreement.
3. Termination by Sponsor. The Sponsor may at any time terminate the MOU by giving ten (10) days' written notice to the TA. Sponsor will reimburse the TA for all funds expended by the TA in connection with the Scope of Work, and for all costs incurred by the TA in connection with the termination, within ninety (90) days of the TA's submission to Sponsor of a detailed statement of such payments and costs.
4. Termination by the TA. The TA may at any time terminate the MOU, with or without cause, by giving ten (10) days' written notice of such termination. If the TA terminates the MOU for Sponsor's default, Sponsor will reimburse the TA for all funds expended by the TA in connection with performance of this MOU. If the TA terminates the MOU for convenience, the TA will reimburse Sponsor all costs and expenses incurred by Sponsor as a result of such termination.
5. Termination by the Parties. If it is mutually agreed by the Parties that it would be in their mutual best interests to terminate or suspend work on the Project, neither Party may seek nor be entitled to receive further reimbursement for any costs or expenses incurred in connection with the Scope of Work nor termination of this MOU.
6. Expiration of TA Financial Obligations. Any and all financial obligations of the TA pursuant to this MOU will expire upon the expenditure of the TA's maximum contribution to the Project as established in Section B-1 above or upon termination of this MOU under Section C-1 above, whichever occurs first.

D. TA Responsibilities

1. The TA will perform and complete the Project landscaping construction, either through its own forces or the use of one or more third-party consultants or contractors.
2. The TA will make available to the Project up to \$3,500,000 of New Measure A funds already allocated for the Project under Resolution 2015-19 for the Scope of Work.
3. For purposes of delivering the Scope of Work, the TA agrees to:
 - a. Manage the Project landscaping construction, including developing and carrying out the Project landscaping construction on schedule and within budget;
 - b. Provide technical oversight for performance of the Project landscaping construction;
 - c. Lead coordination with Caltrans and other permitting agencies as necessary for the Project landscaping construction;
 - d. Obtain the necessary permits and approvals required for the Project landscaping construction;

- e. Procure and administer the consultant/contractor services to complete the Project landscaping construction; including the advertisement, award, and administration of the contract for landscaping construction, as well as for construction management.
 - f. Organize and facilitate regular meetings of a Project Development Team (PDT) comprised of various Caltrans functional units, the Sponsor and representatives from involved local and regional entities to provide input and guidance on the Project landscaping;
 - g. Keep Sponsor apprised of developments, such as award of contracts or potential changes that may affect the scope, schedule, or budget of the Project or Scope of Work; and
 - h. Consult with Sponsor where necessary/appropriate and if requested, participate in public meetings.
4. The TA will actively monitor the Sponsor's progress during the 3-year landscaping establishment period.
 5. The TA, will execute a three-party cooperative agreement with the Sponsor and Caltrans for oversight services associated with the Scope of Work.
 6. The TA will prepare and provide to Sponsor quarterly status reports including anticipated and expended costs and Scope of Work delivery milestones and schedule forecasts.
 7. The TA will review, process, and audit (at its discretion) invoices and other documentation of expenditures for work performed under this MOU. The TA will also track the accumulation and expenditure of Measure A funds allocated for the Scope of Work, and process other documentation of expenditures in compliance with TA accounting and budgeting requirements.

E. Sponsor Responsibilities

1. The Sponsor will perform and complete the Project landscaping design and R/W, either through its own forces or the use of one or more third-party consultants or contractors.
2. For purposes of delivering the Scope of Work, the Sponsor agrees to:
 - a. Manage the Project landscaping design, including developing and carrying out the Project landscaping design on schedule and within budget;
 - b. Lead coordination with Caltrans and other permitting agencies as necessary for the Project landscaping design;

- c. Obtain the necessary permits and approvals required for the Project landscaping design;
 - d. Procure and administer the consultant/contractor services to complete the Project landscaping design;
 - e. Organize and facilitate regular meetings of a Project Development Team (PDT) comprised of various Caltrans functional units, the Sponsor and representatives from involved local and regional entities to provide input and guidance on the Project landscaping design;
 - f. Provide oversight of the construction contractor and periodic inspection during the 3-year plant establishment period for the Project and ensure the successful establishment of highway plantings provided by the Project landscaping construction;
 - g. Keep TA apprised of developments, such as award of contracts or potential changes that may affect the scope, schedule, or budget of the Project or Scope of Work; and
 - h. Consult with TA where necessary/appropriate.
3. The Sponsor will execute a three-party cooperative agreement with the TA and Caltrans for oversight services associated with the Scope of Work.
 4. The Sponsor will prepare and provide to TA monthly status reports including anticipated and expended costs and Project landscaping design delivery milestones and schedule forecasts.
 5. The Sponsor will prepare and provide to TA (monthly status reports including anticipated and expended costs and activities during the 3-year plant establishment period.
 6. The Sponsor will provide invoices and other documentation of expenditures for work performed under this MOU to be reviewed by the TA.
 7. The Sponsor will be responsible for championing the effort of obtaining political and public support for the Project.
 8. The Sponsor will be the public face of the Project for purposes of leading outreach efforts to local stakeholders and community members, including coordination of public meetings and solicitation of public comment.
 9. The Sponsor will provide input and oversight based on local policies and desires regarding the outcome of and deliverables of the Project.

10. The Sponsor will actively participate in the PDT meetings related to the Scope of Work.
11. The Sponsor may, at its discretion, review any professional services agreements, change orders and any other agreements that the TA has entered into for the performance of the Scope of Work; however the TA retains ultimate authority over contracting and related decisions for landscaping construction.
12. The Sponsor may, at its discretion, review the work products and deliverables produced by the TA and/or its contractors/consultants for the landscaping construction Scope of Work, including reports, designs, drawings, plans, specifications, schedules and other materials; however, the TA retains authority to accept or reject associated contractor/consultant work.
13. The Sponsor will approve or endorse, in writing, the final deliverables or work products produced by the TA and/or its contractors/consultants for the Scope of Work.
14. The Sponsor will review progress reports prepared and provided by the TA.
15. The Sponsor may, at its discretion, review and audit invoices and other documentation of the expenditure of New Measure A funds allocated for the Scope of Work, however the TA retains ultimate authority for expenditure of New Measure A funds on the Project.

F. Third Party Roles

1. Third Party Roles. Caltrans as owner operator of the facility proposed for modification is responsible for reviewing and approving the landscaping design and construction documents for the Project.

G. Indemnification

1. Each of the Parties will indemnify, hold harmless and defend the other Party and its directors/councilmembers, officers, employees and agents (collectively, "Indemnitees") against all liability, claims, suits, actions, costs or expenses related to performance of the Scope of Work or the Project, including but not limited to those arising from loss of or damage to property, and injuries to or death of any person (including but not limited to the property or employees of each Party) when arising out of or resulting from any act or omission by the indemnifying Party, its agents, employees, contractors or subcontractors in connection with any aspect of the Project, including Project design, construction and/or maintenance.
2. Each of the Parties will also fully release, indemnify, hold harmless and defend the other Party and Indemnitees from and against any and all claims or suits that may be brought

by any of the indemnifying Party's contractors or subcontractors performing work in connection with or related to the Project.

3. The indemnifying Party's obligation to defend includes the payment of all reasonable attorneys' fees and all other costs and expenses of suit, and if any judgment is rendered, or settlement entered, against any Indemnitee, the indemnifying Party must, at its expense, satisfy and discharge the same. Indemnitees may require the indemnifying Party to obtain counsel satisfactory to the Indemnitees.
4. This indemnification will survive termination or expiration of this MOU.

H. Miscellaneous

1. Ownership of Work. All reports, designs, drawings, plans, specifications, schedules, studies, memoranda, and other documents assembled for or prepared by or for; in the process of being assembled or prepared by or for; or furnished to the TA or the Sponsor under this MOU, are the joint property of the TA and the Sponsor. Each Party is entitled to copies and access to these materials during the progress of the Project and upon completion of the Scope of Work or termination of this MOU. Both Parties may retain a copy of all material produced under this MOU for use in their general activities.
2. Attribution to the TA. Sponsor must include attribution that indicates work was funded by New Measure A funds from the TA. This provision applies to any project, or publication, that was funded in part or in whole by New Measure A funds. Acceptable forms of attribution include TA branding on Project-related documents, construction signs, public information materials, and any other applicable documents.
3. No Waiver. No waiver of any default or breach of any covenant of this MOU by either Party will be implied from any omission by either Party to take action on account of such default if such default persists or is repeated. Express waivers are limited in scope and duration to their express provisions. Consent to one action does not imply consent to any future action.
4. Assignment. No Party can assign, transfer or otherwise substitute its interest or obligations under this MOU without the written consent of the other Party.
5. Governing Law. This MOU is governed by the laws of the State of California as applied to contracts that are made and performed entirely in California.
6. Modifications. This MOU may only be modified in a writing executed by both Parties.
7. Disputes. If a question arises regarding interpretation of this MOU or its performance, or the alleged failure of a Party to perform, the Party raising the question or making the allegation must give written notice thereof to the other Party. The Parties will promptly meet in an effort to resolve the issues raised. If the Parties fail to resolve the issues raised, alternative forms of dispute resolution, including mediation or binding

arbitration, may be pursued by mutual agreement. It is the intent of the Parties to the extent possible that litigation be avoided as a method of dispute resolution.

8. Attorneys' Fees. In the event legal proceedings are instituted to enforce any provision of this MOU, the prevailing Party in said proceedings will be entitled to its costs, including reasonable attorneys' fees, in addition to such other remedies to which it may be entitled.
9. Relationship of the Parties. It is understood that this is an MOU by and between independent contractors and is not intended to and does not create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of independent contractor.
10. Warranty of Authority to Execute MOU. Each Party to this MOU represents and warrants that each person whose signature appears hereon is duly authorized and has the full authority to execute this MOU on behalf of the entity that is a Party to this MOU.
11. Severability. If any portion of this Agreement, or the application thereof, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining portions of this Agreement, or the application thereof, will remain in full force and effect.
12. Counterparts. This MOU may be executed in counterparts.
13. Entire MOU. This MOU constitutes the entire agreement between the Parties pertaining to its subject matter and supersedes any prior or contemporaneous written or oral agreement between the Parties on the same subject.
14. Notices. All notices affecting any of the clauses of this MOU must be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or by personal delivery or overnight courier, to the appropriate address indicated below or at such other place(s) that either Party may designate in written notice to the other. Notices will be deemed received upon delivery if personally served, one (1) day after mailing if delivered via overnight courier, or two (2) days after mailing if mailed as provided above.

To TA: San Mateo County Transportation Authority
 1250 San Carlos Avenue
 P.O. Box 3006
 San Carlos, CA 94070-1306
 Attn: Dora Seamans
 District/TA Secretary

To Sponsor: City of Menlo Park
 701 Laurel Street
 Menlo Park, CA 94025
 Attn: Hugh Louch, Assistant Public Works Director

IN WITNESS WHEREOF, the Parties have hereunder subscribed their names the day and year indicated below.

City of Menlo Park

By: _____
Name: _____
Its: _____

Approved as to Form:

Attorney for the City of Menlo Park

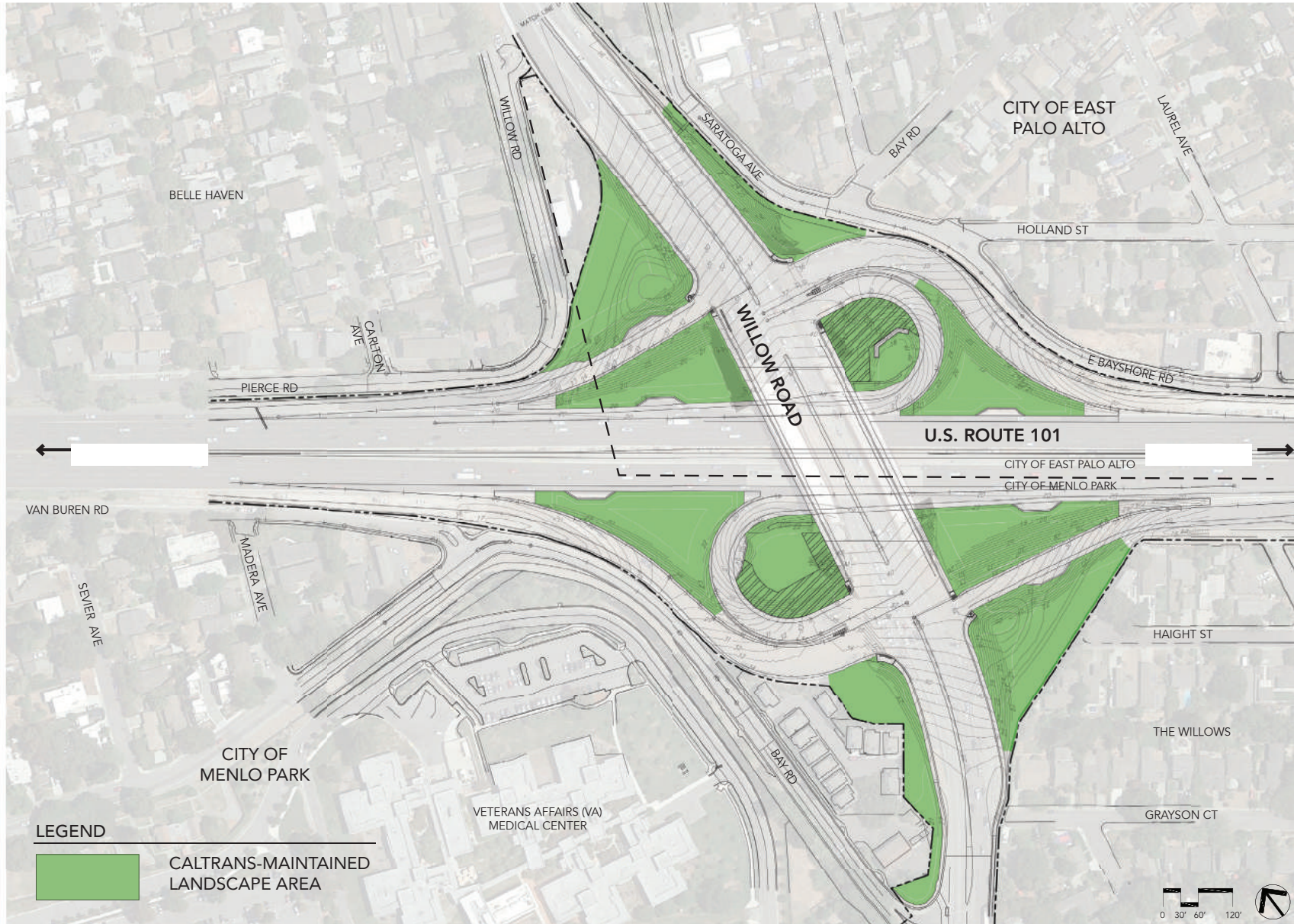
SAN MATEO COUNTY TRANSPORTATION AUTHORITY

By: _____
Name: _____
Its: _____

Approved as to Form:

Legal Counsel for the TA

Attachment A: Exhibit D – Measure A/W Reimbursement Claim Form



LEGEND

-  EXISTING TREE TO REMAIN
-  CITY LIMITS
-  STATE RIGHT OF WAY
-  CALTRANS REQUIRED TREE PLANTING SETBACK, TYP.
-  IRRIGATED LOW-GROWING, SPREADING GROUNDCOVER
-  IRRIGATED STORMWATER-TOLERANT PLANTING
-  IRRIGATED ACCENT PLANTING
-  NON-IRRIGATED HYDROSEED
-  MULCH
-  LANDSCAPE SCREEN
-  "NO TREE" ZONE
-  TREES, SEE PLANT LIST






ual Landscape Plan

Willow Road / Highway 101 Interchange Landscaping
Menlo Park, CA




May 26, 2023
19026_ConceptPlan.indd


PLANT LIST

	<u>Scientific Name</u>	<u>Common Name</u>	<u>Size</u>	<u>Spacing*</u>
TREES				
	CONICAL TREES			
	Calocedrus decurrens	Incense cedar**	24" box	30' O.C.
	Cedrus atlantica	Atlas cedar**	24" box	
	Cedrus deodara	Deodar cedar**	24" box	
	CANOPY TREES			
	Aesculus californica	California buckeye	15 gal	20' to 25' O.C.
	Lyonothamnus floribundus ssp. aspleniifolius	Santa Cruz Island ironwood	15 gal	
	Quercus agrifolia	Coast live oak	24" box	
	Quercus wislizeni	Interior live oak	24" box	
	Umbellularia californica	California bay laurel	15 gal	
	ACCENT TREES			
	Arctostaphylos manzanita 'Dr. Hurd'	Dr. Hurd manzanita	15 gal	10' O.C.
	Cercis occidentalis	Western redbud	15 gal	
	Chilopsis linearis	Desert willow	15 gal	
	Garrya elliptica	Coast silk tassel	15 gal	
	Prunus ilicifolia	Hollyleaf Cherry	15 gal	

SHRUBS, GROUND COVER, AND VINES

	Acacia redolens 'Low Boy'	Prostrate acacia	1 gal	12' O.C.
	Arctostaphylos uva-ursi 'Point Reyes'	Point Reyes manzanita	1 gal	12' O.C.
	Artemisia californica	California sagebrush	5 gal	6' O.C.
	Baccharis pilularis	Coyote brush	5 gal	6' O.C.
	Ceanothus griseus horizontalis 'Yankee Point'	Yankee Point ceanothus	1 gal	15' O.C.
	Cistus pulverulentus	Rockrose	5 gal	6' O.C.
	Eriogonum fasciculatum foliolosum	Leafy California buckwheat	5 gal	6' O.C.
	Salvia 'Bee's Bliss'	Bee's Bliss sage	5 gal	8' O.C.
	Muhlenbergia rigens	Deer grass	5 gal	6' O.C.
	Ficus pumila	Creeping fig	1 gal	8' O.C.
	Gelsemium sempervirens	Yellow jessamine	1 gal	8' O.C.
	Vitis californica	California wild grape	1 gal	8' O.C.

NON-IRRIGATED HYDROSEED MIX

	Clarkia purpurea	Winecup clarkia
	Eschscholzia caespitosa	Dwarf California poppy
	Festuca idahoensis	Idaho fescue
	Gazania splendens	Mixed color gazania
	Lasthenia californica	Goldfields
	Lupinus bicolor	Miniature lupine
	Lupinus nanus	Sky lupine
	Nemophila menziesii	Baby blue eyes
	Poa secunda	Native pine bluegrass

* Tree spacing shown on plan is diagrammatic. Design refinements will need to be made in a future phase to ensure adequate spacing for each species.

** Standard form, prune up lower branches.

Conceptual Plant List

Willow Road / Highway 101 Interchange Landscaping
Menlo Park, CA



May 26, 2023
19026_ConceptPlan.indd



STAFF REPORT

City Council Meeting Date: 8/29/2023
Staff Report Number: 23-190-CC

Consent Calendar: **Authorize the city manager to execute an amendment to the professional services agreement with West Coast Code Consultants (WC3) for improvement plan review services for the Willow Village project**

Recommendation

Staff recommends that the City Council authorize the city manager to execute an amendment to the professional services agreement (Attachment A) with WC3 for improvement plan review services for the Willow Village project in the amount of \$220,000.

Policy Issues

This recommendation is consistent with the City's purchasing policies. Use of professional service agreements assists with the timely delivery of public works services and improvement plan reviews. It also serves as a risk management tool to quickly address shifting priorities and staff vacancies.

Background

The City of Menlo Park has a history of effectively utilizing professional contract services to augment its operations. These agreements ensure service continuity by engaging experienced consultants who are well-versed in the regulations and policies of the City and leads to increased efficiency for staff.

Signature Development Group and Peninsula Innovation Partners, on behalf of Meta Platforms, Inc., plan to redevelop 1350-1390 Willow Rd., 925-1098 Hamilton Ave., 1005-1275 Hamilton Ct., 1399, 1401 Willow Rd. and 871-883 Hamilton Ave. into an industrial, office, warehouse, and research and development site using a mixed-use master plan known as the Willow Village project. The project involves demolishing existing on-site buildings and constructing new ones, including a town square district, a residential/shopping district, and a campus district. The project encompasses the installation of necessary utilities, constructing public and private streets, and other related infrastructure. The City Council approved resolutions and ordinances pertaining to the project entitlements during its meetings Dec. 6 and 13, 2022. The Willow Village development agreement (DA) has designated this project review as a priority.

The Willow Village project developer has submitted comprehensive improvement plans and other engineering documents for the construction of both public and private streets. The engineering division team will conduct initial and comprehensive assessments of improvement plans, along with reviewing all engineering-related documents. Additionally, they will manage this phase of the project, consultant and coordinate with external agencies when necessary. Given the existing workload, vacant positions, priority of the Willow Village project, and required timelines, the team necessitates the expertise of a qualified consultant to perform an in-depth evaluation of the improvement plans and engineering documents. Attachment B contains the scope of services and proposal for WC3.

Analysis

WC3 currently has a master agreement with the community development department for building projects and has been selected to perform plan check for Willow Village project. Furthermore, recognizing WC3's proficiency in reviewing engineering plans, the public works engineering team has enlisted their assistance for the off-site improvement plan review. Staff recommends continued collaboration with WC3 for engineering review of the project's public and private streets. This will leverage WC3's comprehensive understanding of the project.

The original agreement with WC3, which amounted to \$80,000, was allocated to cover only a portion of the development review services required for public works. This initial amount was needed to start plan review services, with the intention of amending the agreement once staff verified that the quality of plan checking from WC3 met City standards. There is a need to amend the agreement to facilitate a comprehensive and thorough engineering review that aligns with the project's scale and complexity.

In light of the above considerations, staff recommends increasing the total amount allocated for WC3 to \$300,000, which will be fully paid by the developer, reimbursing the city. This amendment will enable WC3 to continue their in-depth engineering plan review that encompasses all necessary aspects of the project for public works engineering.

Impact on City Resources

The proposed agreement amendment with WC3 will not exceed \$220,000, and the total agreement will be \$300,000. The project will be a 100% cost recovery effort, with the developer reimbursing the City for any all expenses incurred for the review of the project.

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. Agreement amendment
- B. WC3 scope of services and proposal

Report prepared by:
Ebby Sohrabi, Senior Civil Engineer

Report reviewed by:
Tanisha Werner, Assistant Public Works Director – Engineering

AGREEMENT AMENDMENT

City Manager's Office
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620



Amendment #:

AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND WEST COAST CODE CONSULTANTS, INC.

THIS FIRST AMENDMENT is made and entered into this _____, by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY," and WEST COAST CODE CONSULTANTS, INC., hereinafter referred to as "FIRST PARTY."

1. Section 4. COMPENSATION AND PAYMENT of Agreement No. 4127, ("Agreement"), Section 4. COMPENSATION AND PAYMENT [amendment to section] is hereby amended to read as follows:

"A. CITY shall pay FIRST PARTY an all-inclusive fee that shall not exceed \$300,000 as described in Exhibit "A, A-1, and A-2," Scope of Services. All payments shall be inclusive of all indirect and direct charges to the Project incurred by FIRST PARTY. The CITY reserves the right to withhold payment if the City determines that the quantity or quality of the work performed is unacceptable."

2. Section 24. TERM OF AGREEMENT of Agreement No. 4127, ("Agreement"), Section 24. TERM OF AGREEMENT [amendment to section] is hereby amended to read as follows:

"This agreement shall remain in effect for the period of May 1, 2023 through August 31, 2024 unless extended, amended, or terminated in writing by CITY.

Except as modified by this Amendment, all other terms and conditions of Agreement No. 4127 remain the same.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

SIGNATURE PAGE TO FOLLOW

FOR FIRST PARTY:

Signature

Date

Printed name

Title

Tax ID#

APPROVED AS TO FORM:

Nira F. Doherty, City Attorney

Date

FOR CITY OF MENLO PARK:

Justin I. C. Murphy, City Manager

Date

ATTEST:

Judi A. Herren, City Clerk

Date

City of Menlo Park – Willow Village Project
Improvement Plan Review
Scope of Services and Fee Estimate

The City of Menlo Park Engineering Division has requested that West Coast Code Consultants (WC³) provide **Improvement Plan Review Services for Meta Platform, Inc.’s Willow Village Project**. WC³’s civil engineering team has the knowledge and expertise to assist the City of Menlo Park with Improvement Plan Review Services.

Scope of Services ~ Improvement Plan Review Services.

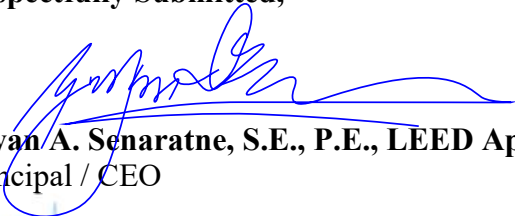
- WC³ will review the following documents submitted for review on July 10,2023:
 - Willow Village Improvement Plans
 - Specifications
 - SWPPP
 - Check List for Engineering Submittals
 - Engineers Estimates
 - SWMP
 - Hydrology Report

- WC³’s scope of review will follow the guidelines outlined in the agreement (Agreement # 4127) between the City of Menlo Park and WC³ dated June 13, 2023.

Fee Estimate:

Based on the volume of plan documents, we estimate our total fee for the first review to be One Hundred Thirty-Two Thousand Dollars (\$132,000.00). For projects of this size, there is typically a second and third review but are at a reduced cost. We are estimating the second and third review fees to be One Hundred Sixty-Eight Thousand Dollars (\$168,000.00). The total estimated review fee would be Three Hundred Thousand Dollars (\$300,000.00). Proposed fees are on a Time and Material basis.

Respectfully Submitted,

-- 
Giyan A. Senaratne, S.E., P.E., LEED Ap.
 Principal / CEO



West Coast Code Consultants, Inc. - WC³
 5000 Executive Parkway, Suite #510
 San Ramon, CA – 94583;
 Phone #(925) 275-1700
 Cel # (925) 766-5600
 Email: giyan@wc-3.com

Ebby Sohrabi, PE
Senior Civil Engineer
City of Menlo Park
City Hall - 1st Floor
701 Laurel St.
P: 650-330-6743
E: ebsohrabi@menlopark.gov

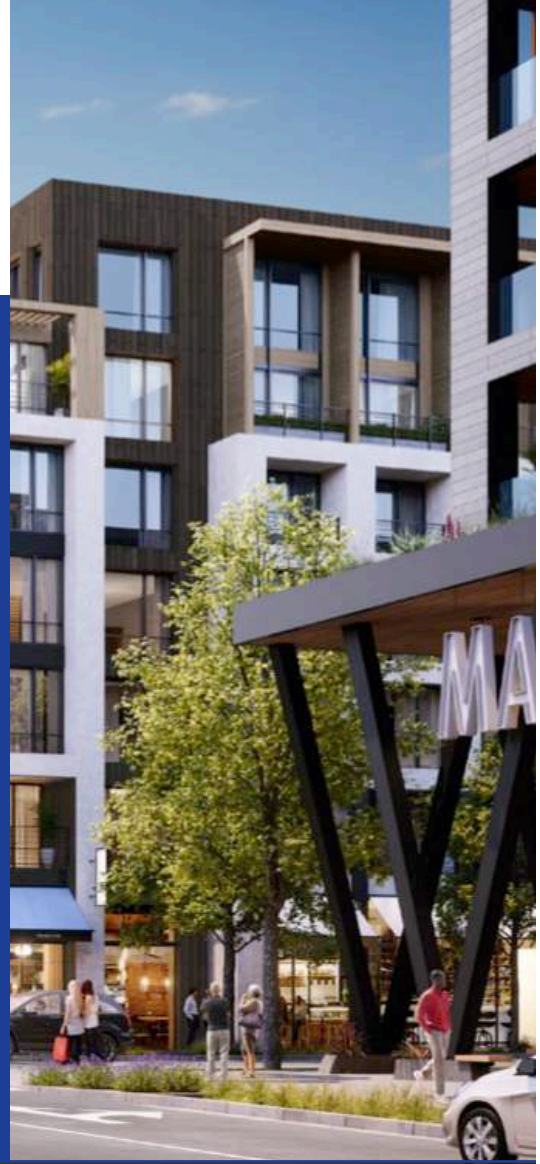
PROPOSAL

Prepared for: City of Menlo Park, CA
Engineering Division
Submitted by: Tuesday, April 18, 2023

Improvement Plan Review Services for the Willow Village Project

West Coast Code Consultants, Inc.
417 Grand Avenue, Suite 201
South San Francisco, CA 94080

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Teaming with Your Community to Make a Difference

PROJECT CONTACT:

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www.WC-3.com



West Coast Code Consultants, Inc.

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West Coast Code Consultants, Inc.

May 22, 2023

Ebby Sohrabi, PE
Senior Civil Engineer
City of Menlo Park
City Hall - 1st Floor
701 Laurel St.

RE: Proposal to Provide Improvement Plan Review Services for the Willow Village Project

Attn: Ebby Sohrabi

West Coast Code Consultants, Inc. (WC³) is thrilled to present our proposal to the Engineering Division of the City of Menlo Park. We are offering our services to provide Improvement Plan Review services for Meta Platform, Inc.'s Willow Village Project.

WC³ has a proven track record of providing reliable support and excellent service for plan checking throughout California. We are confident in our ability to provide these important services to your City.

Our team of professionals includes licensed civil engineers, structural engineers, fire protection engineers, land surveyors, ICC-certified building officials, fire marshals, plans examiners, building and public works inspectors, permit technicians, and other experts. Our vast experience working on various civil, engineering, architectural, structural, mechanical, electrical, plumbing, solar, fire, and energy projects has provided WC³ with unparalleled knowledge of local codes and ordinances, State Codes, Federal Codes, and Standards.

Our combined experience, knowledge, and customer service are key to our performance. We are fully capable of meeting the plan check needs for your projects. Our prime strategies for serving your agency are as follows:

- ▶ Provide accurate and responsive plan review services to ensure compliance with applicable codes and standards.
- ▶ Provide the highest level of customer service and perform plan reviews that meet or beat standard turnaround times.
- ▶ Balance the need to ensure conformance to standards and regulations with the need for predictability, uniformity, and efficiency.

Improvement plan review work associated with the Willow Village Project will primarily be undertaken within WC³'s local offices. However, we propose to work with West Yost as a third party sub-consultant to aid WC³'s team regarding the scope of work associated with the review of water lines. While we are fully capable of providing assistance in this area, depending on the specific scope of work, we believe that their expertise could prove valuable in ensuring a comprehensive and effective review.

We thank you for your consideration and look forward to an opportunity of working together. We are confident in our ability to meet the needs of the City of Menlo Park and eager to deliver professional, thorough service with our diverse, experienced team. If you have any questions or require further information, please feel free to contact me, or our Civil Division Manager, Mr. Maurice Kaufman, PE, LS, at anytime.

Maurice Kaufman, PE, LS - Civil Division Manager
West Coast Code Consultants, Inc. | Oakland Regional Office
1144 65th Street | Oakland, CA 94608 | C: (925) 548-2648 | E: MauriceK@WC-3.com

Sincerely,

Donald Zhao, PE, MCP, CBO | Vice President, Regional Manager
Donald@WC-3.com | (650) 754-6353

Scope of Work

West Coast Code Consultants, Inc. (WC³) will provide **Improvement Plan Review Services** for the following Scope of Work as related to the following project(s):

Meta Platforms Menlo Park Willow Village Project - Signature Development Group and Peninsula Innovation Partners, on behalf of Meta Platforms, Inc. (formerly Facebook) plan to redevelop an industrial, office, warehouse, and research and development site with a mixed-use master plan. The project includes an increase in height, density, and floor area ratio under the bonus level development allowance in exchange for community amenities. The project will demolish existing on-site buildings and landscaping and construct new buildings within three sub districts: A town square district; a residential/shopping district; and a campus district. Key project components include a 1.6M square feet of office and accessory uses in the campus district, including meeting/collaboration space. Up to 200K square feet of retail/non-office commercial uses, including a grocery store, pharmacy services, entertainment and restaurant uses. Up to 1,730 multi-family housing units, including 312 below market rate units of which 119 will be age-restricted senior housing units. The project also includes a 193 room hotel with associated retail and dining with publicly accessible open space that includes a 3.5-acre park, 1.5-acre town square, a dog park and 2-acre elevated linear park. A publicly-accessible, below grade tunnel for Meta intercampus trams, bicyclists and pedestrians is tentatively planned to connect the project with the West and East campuses.

WC³'s civil engineering team has the knowledge and expertise to assist the City of Menlo Park with **Improvement Plan Review Services**, and as a general guideline, will follow the protocol and standards as outlined below:

Improvement Plan Review

- ▶ Review conceptual development/improvement plans, traffic studies, hydrology studies, sewer studies and tentative maps during the entitlement phase and develop Conditions of Approval (COAs). Attend monthly technical advisory group, planning commission, and/or city council meetings as requested. Once COAs have been completed, copies will be emailed to City staff or uploaded onto preferred systems of the City.
- ▶ Review of improvement plans for conformance to approved tentative map, specific plans, and conditions of approval. Confirm that plans conform to City standard design criteria and infrastructure or other master plans. Coordinate plan review with other City departments. Confirm that developer has obtained necessary permits or approvals from other public agencies as needed.
- ▶ Review engineering bond estimates and subdivision guarantees. Assist staff in preparing subdivision improvement agreements, other agreements, and staff reports.
- ▶ Review hydrology/hydraulic reports, stormwater management reports, geotechnical reports, title reports, traffic impact reports, and other support documents for developments.
- ▶ Assist the City's utility team with review of the water lines.
- ▶ Review stormwater control plans and improvement plans for conformance to the Municipal Regional Stormwater Permit, including City green infrastructure and trash capture requirements.
- ▶ Review developments to determine possible impacts from flooding and/ or encroachment into FEMA floodplains. Review Conditional Letters of Map Revision (CLOMRs), Letters of Map Revision (LOMRs). Ensure designs meet requirements of the City's Flood Damage Prevention Ordinance and FEMA regulations.
- ▶ Review subdivision maps, lot line adjustments, lot mergers, easement plats, legal descriptions, and documents.
- ▶ Prepare staff reports and resolutions for City Council or Planning Commission approval as requested. Attend City Council or Planning Commission meetings as requested.
- ▶ Attend meetings with staff, developers, consultants, or other agencies as needed.
- ▶ Provide support as needed for permitting, construction, project closeout, and acceptance of improvements.

Rate and Service Structure

WC³ PROPOSED RATE SCHEDULE OF PUBLIC/PRIVATE IMPROVEMENT PLAN REVIEW

**Additional notes and details to follow below or on subsequent page(s).*

HOURLY RATES*	
Principal	\$247.00 / Hour
CASp Plans Examiner	\$237.00 / Hour
Project Manager	\$216.00 / Hour
Land Surveyor	\$206.00 / Hour
Traffic Engineer	\$206.00 / Hour
Structural Engineer	\$206.00 / Hour
Senior Civil Engineer	\$206.00 / Hour
Associate Civil Engineer	\$180.00 / Hour
Assistant Engineer and Plan Reviewer	\$155.00 / Hour
Public Works Inspector (Prevailing Wage - Daytime Hours)	\$184.00 / Hour
Public Works Inspector (Prevailing Wage - Evening Hours)	\$201.00 / Hour
Administrative Assistant / Permit Technician	\$90.00 / Hour
MISCELLANEOUS RATES*	
Courier / Delivery Expenses	Included
Reimbursable Expenses	At Cost + 10%
Mileage Expenses	Staff Hourly Rate + IRS Standard Rate
SUB-CONSULTANT RATES**	
West Yost	Per West Yost Rate Schedule

* **Annual Hourly Rate Adjustment** - WC³'s proposed hourly rates are applicable through June 30, 2024. Hourly rates are subject to an annual increase based on a minimum 3% cost-of-living, the Engineering News Record's (ENR) Construction Cost Index (CCI), or the Consumer Price Index - Urban (CPI-U); whichever is greater.

Consulting Services and Meetings - Consulting services and meetings between plan review staff, applicants, and/or City staff will be billed on an hourly basis, subject to prior approval by the City.

(Continued on the next page.)

Preliminary, Revisions and Deferred Submittals - For building plan review services, any preliminary plan reviews, review of revisions after a project has been approved, review of shop drawings, and review of deferred submittals, etc., will be completed on an hourly basis with a minimum charge of 2-hours and a mutually acceptable not-to-exceed amount.

Electronic Plan Review - Electronic plan review services will be performed for plan review services facilitated off-site at WC³ office locations. WC³ will automatically coordinate all processes.

Prevailing Wage Assignments - If, or when services are necessary, proposed hourly rates for Public Works Inspections are applicable to prevailing wage assignments. Proposed hourly rates for As-Needed Building Inspection Services are not applicable to prevailing wage assignments. Any prevailing wage assignment rates submitted to the jurisdiction will comply with State of California's Department of Industrial Relations (DIR) regulations.

Public Works Inspection Services - If, or when services are necessary, a four (4) hour minimum is required for all requested Public Works Inspections.

Overtime - Inspection services more than forty (40) hours a week, overtime work, holiday work, weekend work, etc. will be invoiced as follows:

- **Overtime** – One hundred fifty percent (150%) of regular rates. Overtime is defined as working more than forty (40) hours a week, more than eight (8) hours a day or more than six (6) consecutive days in a week
- **Double Overtime** – Two hundred percent (200%) of regular rates. Double overtime is defined as working more than twelve (12) hours a day or working more than eight (8) hours on the seventh consecutive day of work.
- **Holidays and Weekends** – Two hundred percent (200%) of regular rates.

Reimbursable Expenses - Reimbursable expenses (i.e., specialized equipment rental or printing costs) will be authorized prior to charge and billed at actual cost + 10% mark up.

Courier / Delivery Expenses - Should the need arise, WC³ will use our established shipping service to pick up documents for courier/delivery to and from our WC³ office(s) at no additional cost.

Mileage Expenses - When applicable, reimbursements for mileage are for the use of personal automobiles within the City's limits, typically Inspectors. Reimbursements for mileage are applicable to the staff hourly rate plus the Internal Revenue Service's (IRS) standard mileage rate.

Invoicing Procedures - At the beginning of each month, WC³ will furnish the City an invoice and a statement of work performed for compensation during the preceding month.

** **Sub-Consultant Expenses** - Invoices from sub-consultant will be marked-up as a Reimbursable Expense + 10%. When invoicing for sub-consultant, WC³ will also invoice reasonable time for the WC³ Project Manager to coordinate sub-consultant and provide quality control between the various disciplines. WC³ will also invoice for clerical time for processing sub-consultant invoices.

Rate and Service Structure

(Continued)



2023 Billing Rate Schedule

(Effective January 1, 2023 through December 31, 2023)*

POSITIONS	LABOR CHARGES (DOLLARS PER HOUR)
ENGINEERING	
Principal/Vice President	\$338
Engineer/Scientist/Geologist Manager I / II	\$319 / \$334
Principal Engineer/Scientist/Geologist I / II	\$288 / \$307
Senior Engineer/Scientist/Geologist I / II	\$259 / \$272
Associate Engineer/Scientist/Geologist I / II	\$215 / \$231
Engineer/Scientist/Geologist I / II	\$173 / \$201
Engineering Aide	\$101
Field Monitoring Services	\$125
Administrative I / II / III / IV	\$92 / \$115 / \$138 / \$152
ENGINEERING TECHNOLOGY	
Engineering Tech Manager I / II	\$332 / \$334
Principal Tech Specialist I / II	\$305 / \$315
Senior Tech Specialist I / II	\$279 / \$291
Senior GIS Analyst	\$252
GIS Analyst	\$239
Technical Specialist I / II / III / IV	\$178 / \$203 / \$228 / \$254
Technical Analyst I / II	\$128 / \$152
Technical Analyst Intern	\$103
Cross-Connection Control Specialist I / II / III / IV	\$133 / \$144 / \$162 / \$180
CAD Manager	\$201
CAD Designer I / II	\$156 / \$176
CONSTRUCTION MANAGEMENT	
Senior Construction Manager	\$322
Construction Manager I / II / III / IV	\$197 / \$211 / \$224 / \$283
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	\$172 / \$191 / \$213 / \$221
Apprentice Inspector	\$156
CM Administrative I / II	\$83 / \$112
Field Services	\$221

- Hourly rates include Technology and Communication charges such as general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses.
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, etc. will be billed at actual cost plus 15%.
- The Federal Mileage Rate will be used for mileage charges and will be based on the Federal Mileage Rate applicable to when the mileage costs were incurred. Travel other than mileage will be billed at cost.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.

* This schedule is updated annually

Page 1 of 2



2023 Billing Rate Schedule

(Effective January 1, 2023 through December 31, 2023)*

Equipment Charges

EQUIPMENT	BILLING RATES
2" Purge Pump & Control Box	\$300 / day
Aquacalc / Pygmy or AA Flow Meter	\$28 / day
Emergency SCADA System	\$35 / day
Field Vehicles (Groundwater)	\$1 / mile
Gas Detector	\$80 / day
Generator	\$60 / day
Hydrant Pressure Gauge	\$10 / day
Hydrant Pressure Recorder, Impulse (Transient)	\$55 / day
Hydrant Pressure Recorder, Standard	\$40 / day
Low Flow Pump Back Pack	\$135 / day
Low Flow Pump Controller	\$200 / day
Powers Water Level Meter	\$32 / day
Precision Water Level Meter 300ft	\$30 / day
Precision Water Level Meter 500ft	\$40 / day
Precision Water Level Meter 700ft	\$45 / day
QED Sample Pro Bladder Pump	\$65 / day
Stainless Steel Wire per foot	\$0 / day
Storage Tank	\$20 / day
Sump Pump	\$24 / day
Transducer Components (per installation)	\$23 / day
Trimble GPS – Geo 7x	\$220 / day
Tube Length Counter	\$22 / day
Turbidity Meter	\$30 / day
Vehicle (Construction Management)	\$10 / hour
Water Flow Probe Meter	\$20 / day
Water Quality Meter	\$50 / day
Water Quality Multimeter	\$185 / day
Well Sounder	\$30 / day

* This schedule is updated annually



STAFF REPORT

City Council Meeting Date: 8/29/2023
Staff Report Number: 23-191-CC

Consent Calendar: Authorize the Mayor to sign the City’s response to the San Mateo County Civil Grand Jury Report: “Accessory Dwelling Units: Affordable Housing’s Panacea of Prevarication?”

Recommendation

Staff recommends that the City Council approve the City’s response to the San Mateo County Civil Grand Jury Report: “Accessory Dwelling Units: Affordable Housing’s Panacea or Prevarication?” and authorize the Mayor to sign the letter (Attachment A).

Policy Issues

There are no immediate policy implications as a result of the City responding to the grand jury report regarding accessory dwelling units (ADUs). The City is committed to implementing its Housing Element policies and programs.

Background

Empowered by the state judicial system, the San Mateo County Grand Jury is a fact-finding body that makes specific recommendations on a wide range of topics to help improve local government operations.

On June 12, the 2022-23 San Mateo County Civil Grand Jury issued a report titled “Accessory Dwelling Units: Affordable Housing’s Panacea or Prevarication?” (Attachment B). The City of Menlo Park, like all 20 jurisdictions in the County and the County of San Mateo, itself, is required to submit responses to the findings and recommendations included in the report pertaining to the matters over which it has some decision-making authority. The City Council’s response to the report is due no later than 90 days from the date the report is issued or Sept. 11. The governing body of each jurisdiction must approve the response at a public meeting.

Analysis

Each jurisdiction in San Mateo County and the County of San Mateo are required to adopt a Housing Element, which creates the foundation for policies and programs related to housing and demonstrates how a jurisdiction plans to accommodate its Regional Housing Needs Allocation (RHNA). The City Council adopted Menlo Park’s Housing Element for the 2023-2031 planning period on Jan. 31. The Housing Element includes programs to help produce and incentivize housing at all income areas, with an emphasis on affordable housing and opportunities primarily focused in high resource areas.

The 2022-23 San Mateo Grand Jury Report questions whether some San Mateo County communities are misusing ADUs to avoid the construction of multifamily low-income housing over the next eight years. The

report includes seven findings and six recommendations related to ADUs. The City's responses to the findings and recommendations are included in Attachment A. In the City of Menlo Park, the use of ADUs is one source of affordable housing, but represents less than 5% of the City's proposed affordable units in the Housing Element during the 2023-2031 planning period.

The City is committed to implementing its Housing Element policies and programs, including supporting the production of ADUs and collaborating with 21 Elements to seek ways to monitor the affordability of units and streamline the ADU process. The 21 Elements effort allows the 20 jurisdictions plus the County to partner on a regular basis to collectively address the region's housing needs through shared learning, collaboration and coordinated action. Housing remains a top priority of the City Council, and staff will continue to collaborate with 21 Elements on housing topics.

Impact on City Resources

Approving and submitting a response to the Civil Grand Jury has no direct impact on City resources. Implementation of future Housing Element programs would require additional staffing and/or consulting services and may require future City Council review and action.

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 of Menlo Park response letter to San Mateo Civil Grand Jury Report
- B. San Mateo County Civil Grand Jury Report: "Accessory Dwelling Units: Affordable Housing's Panacea or Prevarication?"

Report prepared by:
Deanna Chow, Assistant Community Development Director



August 29, 2023

The Honorable Nancy L. Fineman
Judge of the Superior Court
c/o Bianca Fasuescu
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

RE: Civil Grand Jury Report: “Accessory Dwelling Units: Affordable Housing’s Panacea or Prevarication?”

Dear Honorable Judge Fineman:

Thank you for the opportunity to review and respond on the above-referenced Grand Jury Report filed on June 12, 2023. The City Council of the City of Menlo Park (City) voted at its public meeting on August 29, 2023 to authorize this response to the findings and recommendations of the report.

Response to Grand Jury Findings

- F1.** Due to recent changes in California ADU-related laws, local governments cannot condition ADU permits in San Mateo County on complying with affordability monitoring and verification.

City Response: *The City agrees with finding F1.*

- F2.** San Mateo County and most of its municipalities rely on ADUs to meet their affordable housing commitments in their RHNA-6 plans.

City Response: *The City of Menlo Park disagrees with finding F2. The use of ADUs is one way to help meet a jurisdiction’s affordable housing requirements. The City of Menlo Park’s Housing Element for the 6th cycle (2023-2031) meets its RHNA requirement plus a 30% buffer through different strategies to provide a variety of housing types at all income levels, primarily focused in high resources areas of the City. The use of ADUs is just one strategy for meeting the City’s RHNA. The Housing Element identifies 85 ADUs, including 51 affordable to lower income households, and accounts for less than three percent of the overall number of units and less than five percent of affordable units to lower income households. If no ADUs are built during this planning period, the City could still meet its required housing allocation.*

- F3.** Atherton, Hillsborough, Portola Valley, and Woodside rely on ADUs to meet as much as 80 percent of their affordable housing commitments in their RHNA-6 plans.

City Response: The City of Menlo Park is not the subject of finding F3 and therefore cannot respond to this finding.

- F4.** HCD has instructed San Mateo County jurisdictions to monitor and verify future ADU production and affordability every two years but has yet to specify how to verify whether very low-, low- or moderate-income households occupying the ADUs as planned.

City Response: The City of Menlo Park disagrees partially with finding F4. As part of the City's Annual Progress Report on housing submitted to HCD, the City documents all housing production, including ADUs, and their affordability level, for the prior calendar year. The City does not believe HCD has instructed the City to monitor and verify future ADU production and affordability every two years. However, the City of Menlo Park is exploring a regional ADU monitoring effort through ABAG or 21 Elements, a long-standing collaboration amongst the County of San Mateo and the 20 jurisdictions in the County. The City does not expect HCD to specify how to verify income levels of ADU occupants.

- F5.** Other than Brisbane and Redwood City, San Mateo County and its jurisdiction have yet to articulate how they will monitor and verify ADU production or affordability.

City Response: The City of Menlo Park disagrees partially with finding F5. The City of Menlo Park monitors annual ADU production through building permit data and assesses affordability generally using the recommended distribution of 30/30/30/10 (30% very low income/30% low income/30% moderate income/10% above moderate income) based on a UC Berkeley study. The City cannot respond to this finding for San Mateo County and its other jurisdictions.

San Mateo County jurisdictions met on June 20, 2023 to discuss potential strategies for monitoring ADU affordability levels. The City of Menlo Park is committed to providing reasonable ADU monitoring and reporting, and is exploring a regional ADU monitoring effort through ABAG or 21 Elements. This monitoring effort is expected to begin no later than January 2025.

- F6.** Without effective ADU monitoring and verification, it will be impossible to evaluate whether the jurisdictions are meeting their RHNA-6 obligations for low-, very low, and moderate-income housing units.

City Response: The City of Menlo Park disagrees partially with finding F6. As noted in response to finding F2, the City of Menlo Park does not rely solely on ADUs to meet the City's RHNA obligation for lower income households, and theoretically could still fully meet its RHNA obligation in the absence of any ADU production during the planning period. The City of Menlo Park agrees that effective monitoring and verification can help evaluate compliance in meeting a jurisdiction's RHNA.

- F7.** ADU affordability and occupancy could be monitored by agencies such as HIP Housing which has proven systems and processes to verify occupancy of deed-restricted rental properties in San Mateo County.

City Response: The City of Menlo Park disagrees partially with finding F7. The City of Menlo Park does not have direct experience with HIP Housing providing ADU affordability and occupancy monitoring and therefore, cannot respond to the finding in F7. Theoretically, ADU

affordability and occupancy could be monitored by an outside agency, but this has not been verified by the City.

Response to Grand Jury Recommendations

- R1.** San Mateo County and each City should immediately stop using ADUs to meet their State-mandated very low-, low- and moderate-income housing targets in their Housing Element submissions until they have also proposed an effective monitoring system that verifies how newly developed ADUs will be used.

City Response: *The recommendation will not be implemented because it is not warranted or is not reasonable.* *The City of Menlo Park's Housing Element was adopted by the City Council on January 31, 2023 and developed through a multi-year process. It is unreasonable to revise the City's adopted Housing Element to eliminate the use of ADUs to meet the City's affordable housing goals. Per HCD's Accessory Dwelling Unit Handbook (updated July 2022), ADUs and junior accessory dwelling units (JADUs) may be utilized towards meeting a jurisdiction's RHNA and included in the Annual Progress Report (APR). As mentioned in response to finding F2, however, the City of Menlo Park could still meet its RHNA without ADU production. The City of Menlo Park is committed to following state housing law and to providing a variety of housing types for all income levels in the City.*

- R2.** By February 1, 2024, San Mateo County and each City should develop, adopt, and implement a verification system capable of monitoring and verifying how newly developed ADUs are being used.

City Response: *The recommendation will not be fully implemented because it is not warranted or reasonable.* *The City will continue to explore with 21 Elements on its or ABAG's ADU monitoring program. The monitoring program is projected to launch in January 2025 and will likely survey applicants about their ADU plans at the time building permits are issued. Due to homeowner privacy concerns and the cost of engaging with potentially thousands of applicants every year, it would not be practical to have an ongoing system that verifies the income of every ADU resident in the County.*

- R3.** By February 1, 2024, San Mateo County and each City should develop and adopt incentives for ADU owners which could be offered in exchange for deed restrictions that would include requirements for ADU tenants to participate in independent monitoring.

City Response: *The recommendation has not yet been implemented, but may be implemented in the future.* *The City of Menlo Park's Housing Element contains programs to support the production and affordability of ADUs. Program H3.I of the City's Housing Element directs the City to evaluate and adopt incentives to encourage accessible ADUs and rent restricted units. The timeline to implement the program is within two years of Housing Element adoption.*

The City is also involved with 21 Elements, who is evaluating on behalf of the jurisdictions in San Mateo County the creation of an ADU nonprofit to serve San Mateo County jurisdictions. The draft work plan for the nonprofit includes programs to incentivize the production of affordable ADUs and support homeowners in constructing ADUs in exchange for agreement to rent at affordable levels. The nonprofit is projected to launch in July 2024 and would be financially supported by San Mateo County jurisdictions and private philanthropy, if possible.

- R4. By February 1, 2024, San Mateo County and each City should track the intended use of ADUs – rented or non-rented – during the permitting process and offer incentives in exchange for deed restrictions that require ADUs to be used as rentals.

City Response: The recommendation has not yet been implemented, but may be implemented in the future. As part of Program H4.F of the Housing Element, the City is planning to request information on projected ADU rents as part of the development application by the end of 2024. As part of Program H3.I, the City will be exploring potential incentives for ADUs in exchange for renting the units at affordable levels within two years of Housing Element adoption.

- R5. By April 1, 2024, San Mateo County and each City should develop and adopt a new ADU affordability distribution formula specific to each jurisdiction to the extent they are used for meeting the very low-, low-, and moderate-income housing requirements in their RHNA housing elements.

City Response: The recommendation will not be implemented because it is not warranted or is not reasonable. The City of Menlo Park's ADU affordability distribution is based on a UC Berkeley study, which surveyed thousands of homeowners statewide. The collected data was aggregated to reduce the margin of error, which could be large if only surveying a small sample size. There is also no evidence in the data to suggest significant variation from city to city. The recommendation for an affordability distribution of 30/30/30/10 (30% very low income/30% low income/30% moderate income/10% above moderate income) has a significant cushion built in to minimize underproduction of housing. HCD did not question the City's use of this methodology for determining the affordability levels of the anticipated ADU production to meet the City's RHNA for the planning period. Since ADUs are a relative small portion of the City's total units for meeting its RHNA, the development of a new distribution formula is not warranted or reasonable to implement. As more data becomes available for ADUs in San Mateo County through work with ABAG or 21 Elements, the distribution formula could be modified for future use.

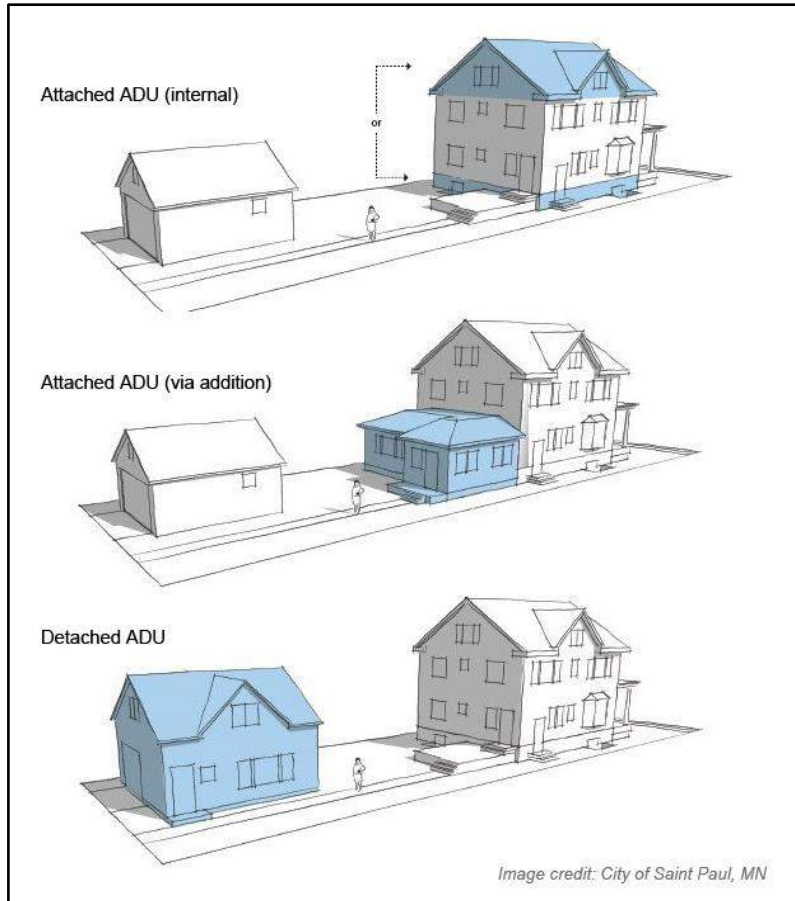
- R6. San Mateo County and each jurisdiction should consider working together to address Recommendations 2 and 3.

City Response: This recommendation has been implemented. San Mateo County jurisdictions work collaboratively through 21 Elements to develop, adopt, and implement a range of policies and programs in the County. The City of Menlo Park has partnered with 21 Elements on number of items and will continue to work with 21 Elements to explore collaborative efforts to address issues raised in the Grand Jury's Recommendations 2 and 3.

If you have further questions, please contact Deanna Chow, Assistant Community Development Director, at dmchow@menlopark.gov or 650-330-6733.

Sincerely,

Jen Wolosin
Mayor



Accessory Dwelling Units: Affordable Housing's Panacea or Prevarication?

Release Date: June 12, 2023
2022-2023 San Mateo County Grand Jury

“You can always count on Americans to do the right thing – after they’ve tried everything else.” Winston Churchill

“Every man must decide whether he will walk in the light of creative altruism or in the darkness of destructive selfishness.” Martin Luther King, Jr.

ISSUE

Are some San Mateo County communities misusing Accessory Dwelling Units (ADUs) to avoid the construction of multifamily low-income housing over the next eight years?

SUMMARY

Anointed the “epicenter of America’s housing dysfunction” by Harvard Business Review this year, the San Francisco Bay Area has faced an acute housing shortage at all levels for decades, especially for those who have the least.

And it is no longer news that many of the workers that San Mateo County communities depend upon daily – first responders, teachers, nurses, city employees, gardeners, and housekeepers, to name just a few – cannot afford a decent place to live and raise their families close to their jobs.

To address the issue, the State Legislature in 1969 passed the Housing Element Law, which says all California cities, towns, and counties, every eight years, must plan for the housing needs of all their residents regardless of income, which effectively requires development of affordable housing. Many changes and additions have been made to the law over the years, most recently eliminating zoning restrictions governing ADUs – small homes or apartments that share a single-family lot of a larger primary residence – and allowing communities to count them as affordable housing in their Regional Housing Needs Allocation (RHNA) plans.

At issue:

- Although their intentions have been good, the State has neglected to include any form of regulation to ensure low-income tenants ultimately use these ADUs as planned.
- Because owners often rent their ADUs to family and friends, they can exacerbate patterns of segregation and exclusion.¹
- And perhaps most importantly – counting ADUs as affordable housing will likely result in cities issuing permits for fewer deed-restricted low-, very low-, and moderate-income apartments and homes.

Without accountability through oversight and regulations, low-, very low-, and moderate-income housing now planned in some San Mateo County jurisdictions may end up existing solely on paper and never in operation.

¹ Association of Bay Area Governments, “Final Regional Housing Needs Allocation (RHNA) Plan, San Francisco Bay Area, 2023-2031”, accessed May 27, 2023, https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf

This problem is most acute in Atherton, Hillsborough, Portola Valley, and Woodside, where some residents are up in arms over the State-mandated housing requirements, and the city governments, trying to appease them, are proposing counting on ADUs to meet as much as 80 percent of their affordable housing targets.

Assembly Bill 72 (2017) gives the California Department of Housing and Community Development (HCD) enforcement capability on local government's land use, planning, and zoning requirements. In the current RHNA-6 (2023-2031) planning cycle, HCD demands that San Mateo County jurisdictions monitor and verify ADU affordability every two years. However, HCD has not specified how to prove the ADUs are rented to very low-, low- or moderate-income households, leaving it to the communities to find a solution.

So far, jurisdictions have yet to do so, even though local independent agencies such as HIP Housing have systems and services in place, which they use to verify affordability of deed-restricted affordable housing, and that could be adapted Countywide to monitor and verify ADUs' affordability and occupancy in a manner that adheres to fair housing guidelines.

California needs to build 2.5 million homes by 2030 to meet current housing demands, according to the HCD. But the State averages only about 125,000 new homes annually – a shortfall by nearly two-thirds.

ADUs can, indeed, provide affordable housing. And to many citizens of affluent communities, they are an appealing alternative to multi-family, deed-restricted affordable housing projects. However, just because the law makes it possible to count ADUs as affordable housing, it does not exempt cities and towns from credibly planning for badly needed affordable housing.

BACKGROUND

One of the State's long-standing priorities has been to increase the availability of affordable housing for all economic segments.

HCD – the California Department of Housing and Community Development – focuses on making this happen by working with local jurisdictions to create rental and homeownership opportunities for all Californians, including individuals and families who are experiencing homelessness.

Beginning in 1969, the State mandated that all California cities, towns, and counties must plan for the housing needs of all Californians, regardless of income. They meet this mandate by developing and updating a Housing Element, part of a local jurisdiction's General Plan, which shows where they will allow new housing and describes the policies and strategies necessary to support building new housing.

The process of updating the Housing Element involves HCD working with various Councils of Governments (COG) to develop a RHNA plan that includes the Regional Housing Needs Determination (RHND), which assigns the number of housing units that each county and city are expected to facilitate being built in the subsequent eight years to accommodate projected growth.

In the case of the Bay Area, this Council of Governments is the Association of Bay Area Governments (ABAG), which represents all nine Bay Area counties, including San Mateo County and its 20 cities and towns. Components that ABAG considers in determining each Bay Area county's and city's allocation of housing units include population, employment potential, proximity to transportation centers, open space,

inclusivity, and diversification, all of which are becoming increasingly important to the State, according to ABAG reports.

Multiple bills in both houses of the State Legislature have been proposed over the years to change the process and increase the amount of State control over housing development. Particularly significant changes occurred during the 2017 legislative session when senators and assembly members proposed approximately 150 housing bills. That year the Governor ultimately signed a package of 15 bills related to funding for housing, streamlining development approvals, and increasing accountability for meeting the requirements of the Housing Element Law. These included bills that significantly changed the RHNA process, requiring additional outreach and reporting, modifying how to calculate the RHND to reflect unmet housing needs better, increasing the number of topics to be considered in the allocation methodology, and giving HCD, on behalf of the State, the ability to sue individual counties or cities for not meeting requirements.

Updating the Housing Element every eight years is an iterative process involving HCD, the regional COGs, the State Department of Finance (DOF), and local jurisdictions. (See Appendix D.) But the ultimate authority for approval of the RHNA, the RHND, and the associated Housing Elements resides with HCD.

The current approved RHNA plan developed by ABAG is known as RHNA-6, which spans 2023 to 2031.

HCD requires each jurisdiction to submit its completed Housing Element for review and approval by a specific date. For RHNA-6, the due date for San Mateo County and its cities was January 31, 2023. Before the due date, the jurisdictions were able to send their draft Housing Elements to HCD for preliminary review and comments and make necessary modifications that HCD highlights. Any jurisdiction which fails to meet the deadline for submission of their completed Housing Element is subject to a potential “builders remedy” action that forces a city to allow building projects regardless of whether they meet most of the local zoning restrictions.

Once Housing Elements are approved, HCD monitors the progress of approved RHNA plans by requiring each jurisdiction to report its building permit activities annually. If progress is below expectations, the jurisdiction must develop alternative strategies for review and approval by HCD.

During the RHNA-5 (2015-2023) progress reviews submissions, cities began including ADUs as part of the overall housing inventory in their annual reports because State legislation (Government Code section 65852.150) that became effective in January 2017 stated that ADUs are a valuable form of housing in California, which also "provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods."

Numerous Senate and Assembly bills were enacted in 2018 and 2020, requiring local jurisdictions to streamline and allow for ease of ADU production to increase housing for all income categories. With these encouragements, ADUs being deemed a viable housing option, and facing stringent RHNA-6 requirements of approximately three times more housing units than in the RHNA-5 cycle, a few affluent San Mateo cities have proposed using ADUs to satisfy most of their plans to meet the required number of housing units in the various income categories.

“ADUs are not a panacea, but they’re a good tool in the toolbox,” said a planning consultant working for a San Mateo County city. “Most land on The Peninsula is single-family homes. ADUs are opening land that was not open before. But higher density housing near transit is better.”

Added a city manager: “I think they (ADUs) are a piece of the solution, but not all of it. I think ADUs are an important way to provide opportunities for other things – where people want multigenerational living on-site, for caretakers, or other folks – they can reside in an ADU even if they’re not paying rent.”

DISCUSSION

While HCD-approved RHNA Housing Elements do not require the cities and counties to build affordable housing, the jurisdictions must adjust zoning ordinances, issue permits to allow construction of affordable housing, and initiate programs that incentivize such construction.

However, as shown in Chart 1 below, significant portions of San Mateo County's affordable housing in RHNA-5 (2015-2023) plans did not materialize – most likely due to a lack of permit applications.

With RHNA-5's significantly lower targets, the less-than-expected performance during the RHNA-5 cycle foreshadows the enormous challenge the County's cities and towns now face in meeting the RHNA-6 goals for the next eight years, which are approximately three times larger, as shown in Chart 2 below.

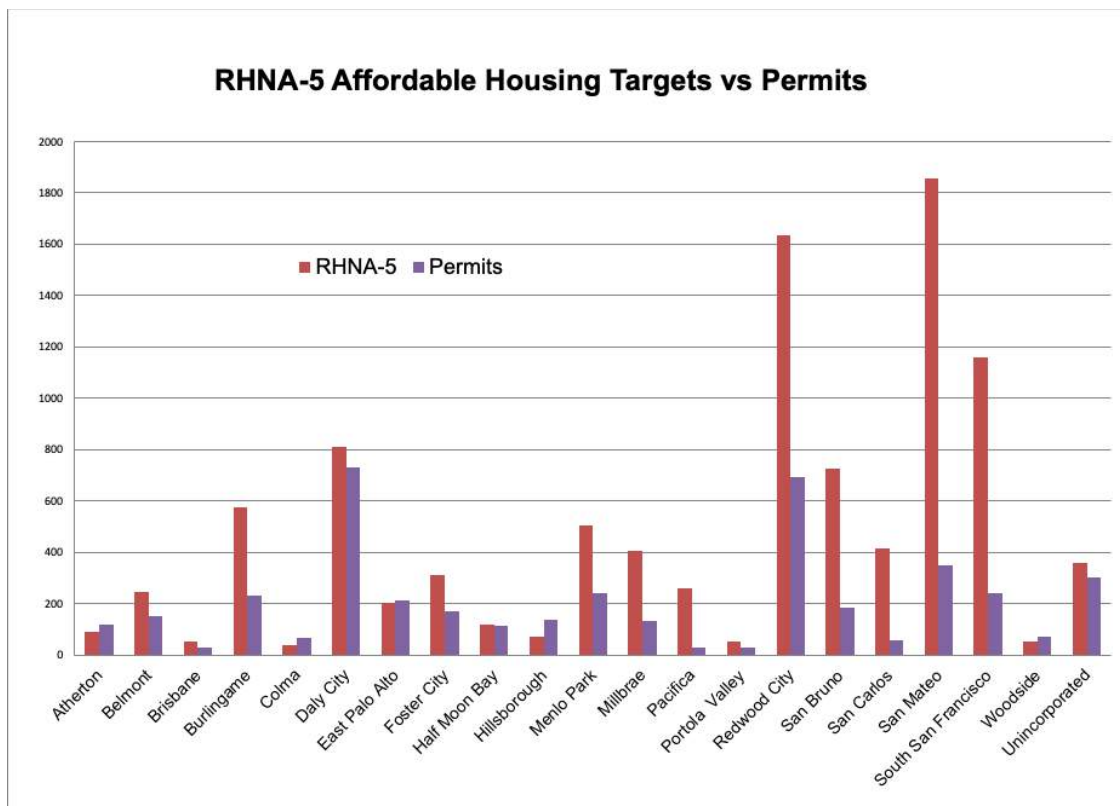


Chart 1: RHNA-5 Affordable Housing Required vs. Permitted

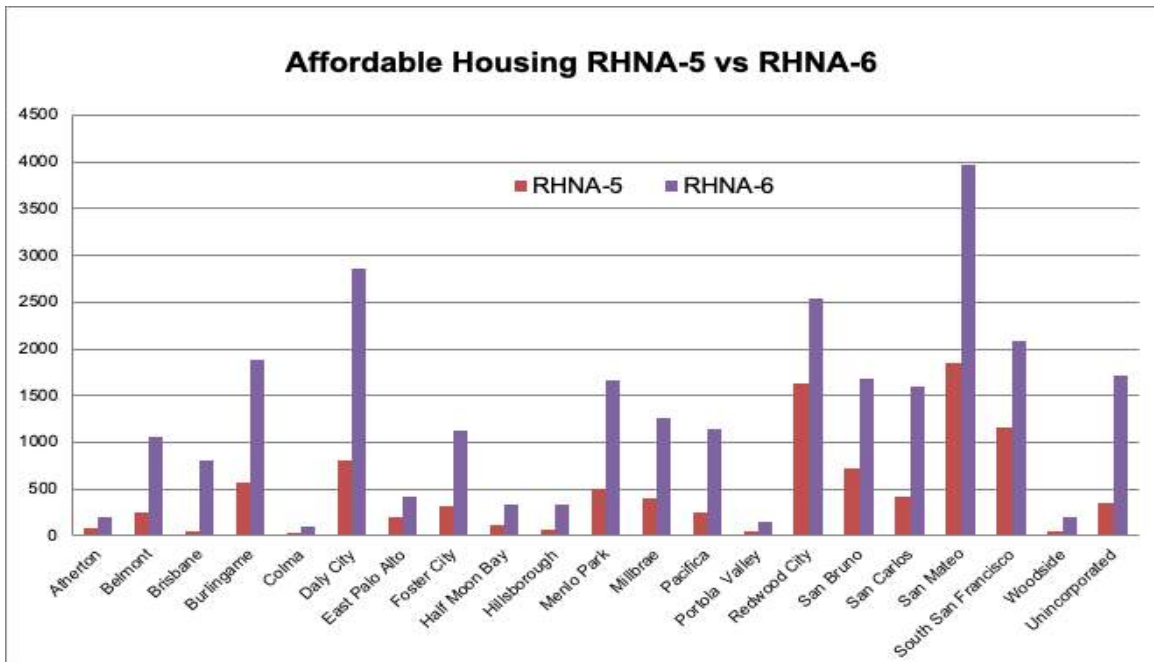


Chart 2: RHNA-5 Affordable Housing Allocations vs RHNA-6

Besides increasing affordable housing targets by nearly 300 percent, the State has made other significant changes in the ADU laws to address the current housing crunch.

Law	Year	Impact
AB671	2019	Through Housing Elements, HCD to promote ADUs for affordable rent
AB670	2019	Any local covenants and restrictions on new housing are void
AB587	2019	Deed-restricted sale of ADU is allowed separately from the main house
AB 68	2019	Removes local restrictions on minimum size, requirement of owner occupancy, parking requirements for garage conversion, and any impact fee.
AB 3182	2020	Permitting process within 60 days
SB9	2021	Facilitates lot split and allows more than 1 ADU per property
AB 345	2021	Allows owners to sell ADUs separately
AB 2221	2023	Pre-specific time permit frame for approval of ADU applications
SB 897	2023	Increases the ADU height limit to 18' and allows retro permitting of previous unauthorized ADUs.

The net effect of these changes was to minimize municipal-level regulations on ADUs – such as parking requirements, property line setbacks, height limits, or the number of ADUs on one property – and make

ADUs an acceptable means to meet affordable housing obligations. Given these changes, namely high mandatory targets for affordable housing, enthusiastic support by the State of ADUs as affordable housing, and requiring zero land use rezoning for ADUs, nearly all San Mateo County cities and towns include ADUs in their RHNA-6 Housing Elements.

The issue, however, is that for every ADU included in a Housing Element – regardless of whether the ADU is built and rented to very low-, low-, or moderate-income tenants – one verifiable, deed-restricted affordable housing unit will not be built in that jurisdiction by a developer.

So, How Did We Get Here?

California cities and counties can now use ADUs to help satisfy their RHNA requirements. But calculating how many ADUs to put into a Housing Element and how to distribute them into each income category, differ from other housing options.

ABAG instructs San Mateo County jurisdictions that the standard method is first to estimate the number of ADUs that homeowners will build in a planning period, which is 2023 through 2031 for RHNA-6.

In its technical memo “Using ADUs to Satisfy RHNA,” ABAG advises members that the estimate should be based on the average number of ADU building permits issued each year, multiplied by eight, because there are eight years in a housing element cycle.

“Most cities base their determination of annual ADU permits by averaging the building permits approved each year since 2019 when State law made it easier to construct the units,” the technical memo explains:

“There is a small amount of flexibility in the calculations,” the memo continues. “If numbers were low in 2019 but were high in 2020, 2021, and 2022, a jurisdiction could potentially use 2020-2022 as the baseline. This rationale would be bolstered if there was a logical explanation for the change, e.g., the jurisdiction further loosened regulations in 2020. Projecting a higher number of ADUs than what has been demonstrated through permit approvals in recent years may be possible, but more challenging. A slightly larger number may be warranted if a robust, funded, and clear plan to increase production has been put in place. However, you are strongly encouraged to coordinate with HCD before deviating from the standard methodology.”

Once cities complete their estimate, they must distribute those units into each income category.

To help its members, ABAG analyzed ADU affordability. Using data from a 2020 statewide survey of homeowners who had constructed ADUs in 2018 or 2019, ABAG concluded that the assumptions in the chart below are generally applicable in most jurisdictions. Many Bay Area jurisdictions chose to use these numbers instead of conducting their own affordability analysis.

Percent	Income Category
30%	Very Low Income
30%	Low Income
30%	Moderate Income
10%	Above Moderate

“UC Berkeley Turner Center did a statewide survey of ADU affordability, and they worked with ABAG to adjust it for the Bay Area specifically,” said a San Mateo County planner. “So those (numbers) are based on surveys and data analysis of actual ADUs that have been produced, and the rents that are being offered to tenants. We are just accepting their analysis as is.”

San Mateo County jurisdictions have almost unanimously adopted ABAG’s 30-30-30-10 formula.

However, a 2021 report and recommendations for RHNA-6 prepared by ABAG’s Housing Technical Assistance Team, titled “DRAFT Affordability of Accessory Dwelling Units,” says that although ADUs are often affordable, jurisdictions should be cautious about relying on them too heavily because of fair housing concerns:

“Many ADUs are affordable to lower and moderate-income households because they are rented to family and friends of the homeowners,” the report states. “If minorities are underrepresented among homeowners, the families and potentially friends of the homeowners will be primarily white. Therefore, relying too heavily on ADUs could inadvertently exacerbate patterns of segregation and exclusion.”

The report also acknowledges that ADUs often do not serve large families, another critical fair housing concern.

And while ADUs accomplish an essential fair housing goal by adding new homes in parts of the municipality that are more likely to be areas of opportunity, the report recommends that jurisdictions with fair housing concerns “may want to use more conservative assumptions based on open market rentals, excluding units made available to family and friends,” as summarized below:

Percent	Income Category
5%	Very Low Income
30%	Low Income
50%	Moderate Income
15%	Above Moderate

So far, 16 San Mateo County cities have chosen the 30-30-30-10 formula, implying there are no fair housing concerns in their jurisdictions.

Only two cities – San Carlos and San Mateo – use ABAG’s more conservative formula of 5-30-50-15 in their plans. One city – Belmont – used its own judgment.² And one – Colma – does not use ADUs in their plans at all to meet State requirements.

But in all cases, these statistical estimates may not reflect the actual usage of constructed ADUs. Determining that would require actual verification by each local jurisdiction.

² City of Belmont, “General Housing Element Draft 2023-2031”, p. 25, accessed May 27, 2023, <https://www.belmont.gov/home/showpublisheddocument/21721/637968613354630000>

**ADUs planned in RHNA-6
(May 11, 2023)**

City	Very Low	Low	Moderate	Above Moderate	Total ADUs	Total RHNA-6 Requirement
Atherton	56	56	56	112	280	348
Belmont	0	0	80	0	80	1785
Brisbane	12	12	12	4	40	1588
Burlingame	50	50	50	17	167	3257
Colma	-	-	-	-	0	202
Daly City	151	151	151	50	503	4838
East Palo Alto	35	34	34	12	115	829
Foster City	7	7	7	3	24	1896
Hillsborough	84	84	84	28	280	554
Menlo Park	26	25	26	8	85	2946
Millbrae	34	34	33	11	112	2199
Pacifica	56	56	56	19	187	1892
Portola Valley	28	28	28	8	92	253
Redwood City	152	152	152	50	506	4588
San Bruno	72	72	72	24	240	3165
San Carlos	10	61	102	30	203	2735
San Mateo	22	132	220	66	440	7015
South San Francisco	113	113	113	38	377	3956
Unincorporated San Mateo	107	107	107	36	357	2833
Woodside	36	36	36	12	120	328

(This table includes all San Mateo County jurisdictions that have submitted Housing Element plans to HCD for review. As of June 1, 2023, Half Moon Bay and Daly City have not submitted RHNA-6 plans for HCD review.)

Accordingly, if HCD approves cities and towns' current Housing Elements, San Mateo County may end up with many affordable housing units that exist only on paper because they are counted as affordable units by the State but never made available or occupied by people who need affordable housing:

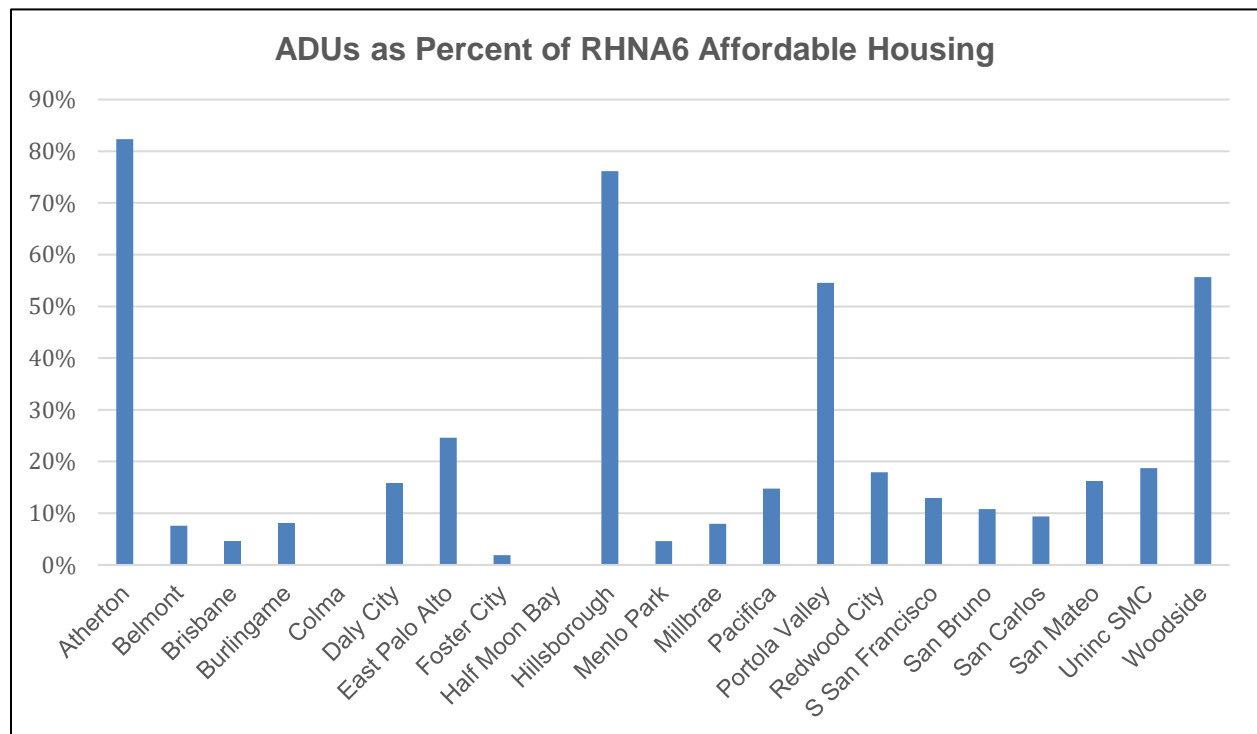
“BMR (below market rate) unit displacement is a legitimate issue,” said a city planning consultant. “RHNA looks at (the number of) units, not the number of people being housed. For the State, they’re all counted the same – an ADU or three-bedroom apartment, five vs. one or two people. In the eyes of the State, they’re all the same.”

Finally, the cities and towns relying primarily on ADUs to meet their RHNA-6 housing targets do not meet the overall objectives required by HCD and RHNA of:

- Increasing the housing supply and mix of housing types, tenure, and affordability
- Promoting infill development and socioeconomic equity, protecting environmental and agricultural resources, and encouraging efficient development patterns
- Promoting an improved intraregional relationship between jobs and housing
- Balancing disproportionate household income distributions
- Affirmatively furthering fair housing

Housing and Community Development Pushes Back

Four San Mateo County municipalities – Atherton, Hillsborough, Portola Valley, and Woodside – rely heavily on ADUs to meet low-income housing requirements in their RHNA-6 Housing Elements.



May 17, 2023

While HCD does not single out those four cities for their heavy reliance on ADUs to meet their affordable housing needs, throughout the process of submission and review of draft RHNA-6 plans, HCD consistently instructed San Mateo County cities and towns that they must monitor and verify ADU production and affordability at least every two years but has not specified an acceptable process for verifying the affordability level of ADUs as planned.

Should San Mateo County and its cities seek outside help on this issue, there are a handful of independent non-profit agencies and for-profit real estate management companies operating today in the Bay Area that have established systems and processes for monitoring and verifying rented occupied housing for continued affordability and adherence to fair housing guidelines while maintaining tenant and owner privacy – which was an issue continually raised by City Managers and other officials during Grand Jury interviews.

ADU Affordability Monitoring Emphasized in HCD Review Letters to Jurisdictions

Atherton (4-4-23)

Program 3.812 (New Construction of Affordable Accessory Dwelling Units): While the element was revised to include timing of each action, it is unclear how affordability will be established. The program should be revised to clarify actions to establish and track affordability.

East Palo Alto (4-25-23)

Accessory Dwelling Units (ADU): As noted in the prior review, the element should include a program that commits to frequent monitoring (every other year) for production and affordability, and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., six months) as needed.

Foster City (4-24-23)

Program H-D-4-h (ADU Monitoring): While the program commits to evaluating alternative actions by the end of 2026, it must commit to specific alternative actions and monitor production and affordability of ADUs more than once in the planning period (e.g., every two years).

Hillsborough (1-10-23)

This analysis should specifically address whether the ADU strategy to accommodate lower-income households contributes to continued exclusion and disparities in access to opportunity and how the strategy promotes housing choice for a variety of households including lower-income households, and large families.

To support assumptions for ADUs in the planning period, the element should reduce the number of ADUs assumed per year and reconcile trends with HCD records, including additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors, and modify policies and programs as appropriate. Further, programs should commit to additional incentives and strategies, frequent monitoring (every other year), and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., six months) if ADU production assumptions are not being achieved.

Millbrae (1-24-23)

Accessory Dwelling Units (ADU): To support assumptions for ADUs in the planning period, programs should commit to additional incentives and strategies, frequent monitoring (every other year) of production and affordability and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if needed.

Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the planning period and implement additional actions if not meeting target numbers within a specified time period (e.g., within six months).

Redwood City (7-8-22)

Programs must be expanded to include incentives to promote the creation and affordability of Accessory Dwelling Units (ADUs).

Examples include exploring and pursuing funding, modifying development standards and reducing fees beyond State law, increasing awareness, pre-approved plans and homeowner/applicant assistance tools. In addition, given the city's assumptions for ADUs, the element should include a program to monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time period (e.g., 6 months).

San Bruno (3-29-23)

Accessory Dwelling Units (ADU): While the element revised the ADU assumptions, Program 4-P must be revised to commit to additional incentives and strategies, frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if needed. The element must also address affordability assumptions for ADU projections.

San Mateo (3-27-23)

Accessory Dwelling Units (ADU): Program 1.4 must commit to also monitoring affordability of the ADU units that are permitted as well as provide additional incentives or identify additional sites if production and affordability assumptions are not met.

County of San Mateo (4-20-23)

Accessory Dwelling Units (ADU): Further, programs should commit to additional incentives and strategies, frequent monitoring for production and affordability (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if needed. The element must also address affordability assumptions for ADU projections, by clarifying what ABAG assumptions are utilized.

South San Francisco (3-30-23)

The element should include a commitment to reconcile trends with reported units within the Cities submitted annual progress report. Further, as Stated in the previous review, programs should commit to additional incentives and strategies, frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., six months) if number and affordability assumptions are not met.

Woodside (10-14-22)

Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the planning period and implement additional actions if not meeting target numbers within a specified time period (e.g., within six months).

In their HCD approved housing plans, Brisbane and Redwood City aren't definitive about how they will monitor ADU affordability but imply they will use surveys to comply with HCD instructions.

Redwood City plans to collect ADU rental data during its permitting process. And Brisbane says, if available, it will participate in a regional forgivable ADU construction loan program in exchange for limiting rentals of the ADUs to extremely low-income households for 15 years. Brisbane said it is also exploring a possible city forgivable loan program if the regional program doesn't materialize.

"We can't force people to report to us or to be honest with us," said one jurisdiction's planner.

Another city's chief planner concluded that a deed restriction – any limitation on a property that affects the ability of the property owner to utilize the property as they wish, such as a requirement to verify a tenant's income and rent charged – "is the best way to (enforce) affordability." Alternatively, one city planning official suggested the formation of a Countywide nonprofit to income-qualify and match renters to available ADUs, thereby monitoring and enforcing affordability because the smaller towns and cities don't have the resources to perform that function on their own.

Finally, a fourth city planner offered an alternative view: "We're not a city hiding behind ADUs. ABAG gave us a formula. We plopped it in. If the State said you can't count ADUs at all, that would be fine."

A Long, Long Way to Go

The Superior Court of California requires all San Mateo County Civil Grand Jury investigation reports to be completed and published by June 30 annually.

And although the law required San Mateo County cities and towns to submit their housing plans by January 31, 2023, as of June 1, Daly City has yet to adopt and submit a draft plan to HCD for review and approval.

Meanwhile, plans from Foster City, Half Moon Bay, Millbrae and Pacifica are now under HCD review.

So far, HCD has reviewed and rejected plans from 14 jurisdictions: Atherton, Belmont, Burlingame, Colma, East Palo Alto, Hillsborough, Menlo Park, Portola Valley, San Bruno, San Carlos, San Mateo, South San Francisco, Woodside, and San Mateo County, which is responsible for unincorporated areas.

As of the publication of this report, only Redwood City and Brisbane had completed the process and received the green light from HCD to proceed.

One reason cited for the delay is most San Mateo County cities and towns don't have a large enough staff to manage the workload that RHNA planning represents, so they outsource. And many could not find timely help because the consultants were busy preparing RHNA-6 plans for Southern California cities, which were due before San Mateo County municipalities. That caused many communities here to fall behind and are now out of compliance with the timing of their Housing Element submissions.

These delays, coupled with citizen objections to multifamily housing in their communities, almost guarantee RHNA-6 disputes will end up in the courts and remain unresolved for many years to come and postpone the building of sorely needed affordable housing indefinitely.

FINDINGS

- F1. Due to recent changes in California ADU-related laws, local governments cannot condition ADU permits in San Mateo County on complying with affordability monitoring and verification.
- F2. San Mateo County and most of its municipalities rely on ADUs to meet their affordable housing commitments in their RHNA-6 plans.
- F3. Atherton, Hillsborough, Portola Valley, and Woodside rely on ADUs to meet as much as 80 percent of their affordable housing commitments in their RHNA-6 plans.
- F4. HCD has instructed San Mateo County jurisdictions to monitor and verify future ADU production and affordability every two years but has yet to specify how to verify whether very low-, low- or moderate-income households are occupying the ADUs as planned.
- F5. Other than Brisbane and Redwood City, San Mateo County and its jurisdictions have yet to articulate how they will monitor and verify ADU production or affordability.
- F6. Without effective ADU monitoring and verification, it will be impossible to evaluate whether the jurisdictions are meeting their RHNA-6 obligations for low-, very-low, and moderate-income housing units.
- F7. ADU affordability and occupancy could be monitored by agencies such as HIP Housing which has proven systems and processes to verify occupancy of deed-restricted rental properties in San Mateo County.

RECOMMENDATIONS

- R1. San Mateo County and each City should immediately stop using ADUs to meet their State-mandated very low-, low-, and moderate-income housing targets in their Housing Element submissions until they have also proposed an effective monitoring system that verifies how newly developed ADU's will be used.
- R2. By February 1, 2024, San Mateo County and each City should develop, adopt, and implement a verification system capable of monitoring and verifying how newly developed ADU's are being used.
- R3. By February 1, 2024, San Mateo County and each City should develop and adopt incentives for ADU owners which could be offered in exchange for deed restrictions that would include requirements for ADU tenants to participate in independent monitoring.
- R4. By February 1, 2024, San Mateo County and each City should track the intended use of ADUs – rented or non-rented – during the permitting process and offer incentives in exchange for deed restrictions that require ADUs to be used as rentals.
- R5. By April 1, 2024, San Mateo County and each City should develop and adopt a new ADU affordability distribution formula specific to each jurisdiction to the extent they are used for meeting the very low-, low-, and moderate-income housing requirements in their RHNA housing elements.
- R6. San Mateo County and each City should consider working together to address Recommendations 2 and 3.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Civil Grand Jury requests responses from San Mateo County and all 20 cities' governing bodies for each and every Finding and Recommendation.

The governing bodies should be aware that their comments or responses must be conducted subject to the Brown Act's notice, agenda, and open meeting requirements.

RESPONSE REQUIREMENTS

California Penal Code Section 933.05 provides: For purposes of subdivision of Section 933, as to each Grand Jury finding, the responding person or entity shall report one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the disputed finding and shall include an explanation of the reasons.

For purposes of subdivision of Section 933, as to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has yet to be implemented but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall be at most six months from the Grand Jury report's publication date.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

METHODOLOGY

The San Mateo County Civil Grand Jury used numerous approaches to develop this report.

- **Preliminary Research**

The Grand Jury studied RHNA-5 historical information and RHNA-6 Housing Elements submitted to HCD by the cities and towns in San Mateo County as they became available.

Before conducting in-depth research, the Grand Jury studied ABAG's reports on RHNA-6 housing allocations, introducing numerous issues and a means to understand how jurisdictions establish housing allocations. Additionally, the Grand Jury reviewed a 2021 ABAG report on ADU affordability for RHNA-6 and RHNA-5 annual progress reports to understand history.

The Grand Jury also reviewed a report on ADUs titled “A Solution on the Ground: Assessing the Feasibility of Second Units in Unincorporated San Mateo County, Implementing the Backyard Revolution: Perspectives of California’s ADU Owners,” April 22, 2021, Karen Chapple, Dori Ganetsos, Emmanuel Lopez, UC Berkeley Center for Community Innovation.

An additional resource for Preliminary Research has been the press. Particularly following the January 31, 2023 deadline for RHNA-6 submissions, nearly 60 articles provided insights and analysis the Grand Jury could not find elsewhere.

For a complete list of sources, see the Bibliography below.

- **Survey**

After conducting its Preliminary Research, the Grand Jury sent an eight-question survey in October 2022 to the city managers of the 20 San Mateo County cities and towns and the San Mateo County planning and building department responsible for the County's unincorporated areas.

See Appendix A for survey results.

- **Interviews**

Much of the time spent by the Grand Jury on this investigation was in more than 30 interviews with 21 city managers and planning managers, five heads of nonprofit housing entities in San Mateo County, and executives at ABAG, HCD, and several other government bodies.

- **Continued Research**

Because RHNA-6 submissions and HCD replies are ongoing, the Grand Jury has continued to monitor the status of RHNA-6 submissions and HCD responses.

This report reflects submissions received prior to the report's due date of June 30, 2023.

GLOSSARY

Accessory Dwelling Units (ADUs)

An accessory dwelling unit (ADU) is a legal and regulatory term for a secondary house or apartment that shares the building lot of a larger primary home. The unit is often used to provide additional income through rent or to house a family member. For example, an elderly parent could live in a small unit and avoid having to move to an assisted living facility. (Source: [Investopedia](#))

Affordable Housing: Very Low Income; Low Income; Moderate Income; Above Moderate Income

Affordable housing is generally defined as housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities. (Source: www.hud.gov)

Income Category Definitions	
Acutely Low	0 – 15% of area median income
Extremely Low	15% - 30% of area median income
Very Low	30%-50% of area median income
Lower ²	50%-80% of area median income
Moderate	80%-120% of area median income
Above Moderate	Above 120% of area median income

San Mateo County Annual Income Limits (2021)					
Income Category	Number of Persons Per Household (Maximum Income)				
	1	2	3	4	5
Extremely Low	\$38,400	\$43,850	\$49,350	\$54,800	\$59,200
Very Low	\$63,950	\$73,100	\$82,250	\$91,350	\$98,700
Low Income	\$102,450	\$117,100	\$131,750	\$146,350	\$158,100
Median Income	\$104,700	\$119,700	\$134,650	\$149,600	\$161,550
Moderate Income	\$125,650	\$143,600	\$161,550	\$179,500	\$193,850

Association of Bay Area Governments (ABAG)

The Association of Bay Area Governments (ABAG) is the Council of Governments (COG) for the nine-county Bay Area. One of California’s earliest COGs, ABAG was founded to protect regional assets from State control. ABAG continues to serve the Bay Area by providing a regional venue for collaboration and problem-solving. ABAG’s work program includes management over key regional assets, such as the San Francisco Estuary and the Bay Trail Project. It also offers a variety of cost-effective member services programs such as Pooled Liability Assurance Network (PLAN) Corporation (offering affordable liability, property insurance, claims management, risk management, and bond coverage to 30 municipalities) and financial services (offering tax-exempt capital financing for the acquisition, construction, and rehabilitation of affordable multifamily housing, health care facilities, schools, and other community facilities). ABAG POWER Natural Gas Pool conducts pooled purchasing of natural gas on behalf of 38 local governments and special districts. ABAG is also the COG that allocates the regional housing needs assessment (RHNA). (Source: [CALCOG](#))

Below Market Rate (BMR)

A BMR unit is a housing unit that is priced to be affordable to households that are of moderate income or below. These housing units are often built by local government, nonprofits, or as a requirement of the developer (Inclusionary Affordable Housing Ordinance). As a result, these homes have certain deed restrictions recorded on the property, ensuring the home remains affordable for future generations. (Source: [County of San Mateo](#))

California Department of Finance (DOF)

The California Department of Finance is a state cabinet-level agency within the government of California. The Department of Finance is responsible for preparing, explaining, and administering the state's annual financial plan, which the Governor of California is required under the California Constitution to present by January 10 of each year to the public. The Department of Finance's other duties include analyzing the budgets of proposed laws in the California State Legislature, creating, and monitoring current and future economic forecasts of the state, estimating population demographics and enrollment projections, and maintaining the state's accounting and financial reporting systems.

California Department of Housing and Community Development (HCD)

The California Department of Housing and Community Development (HCD) develops housing policy and building codes (i.e., the California Building Standards Code), regulates manufactured homes and mobile home parks, and administers housing finance, economic development, and community development programs. (Source: <https://www.hcd.ca.gov/about-hcd>)

Council of Governments (COG)

Councils of Governments (COGs) are voluntary associations representing member local governments, mainly cities, and counties, that seek to provide cooperative planning, coordination, and technical assistance on issues of mutual concern that cross jurisdictional lines. (Source: [WRCOG](#))

Deed Restrictions

A deed restriction is a term widely used in real estate to refer to any limitation on a property that limits the ability of the property owner to utilize the property as they wish. (Source: [CA Realty Training](#))

General Plan

State law requires every city and county in California to prepare a General Plan for its future growth and development. A General Plan covers land use, transportation, housing, open space, natural resources, and public services. Local General Plans have been mandatory in California since the 1950s. State law also requires the cities and counties to periodically update their General Plans in response to changing conditions. Each General Plan includes maps expressing the community's vision of how and where it will grow and change. The General Plan typically has a time horizon of about 20 years. Once a General Plan is adopted, it is used by the City Council, local commissions, and City Staff as they make day-to-day decisions about the community's future. (Source: [City of San Rafael](#))

Housing Element

Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California's local governments meet this requirement by adopting housing plans as part of their General Plan (also required by the State). General Plans serve as the local government's blueprint for how the city or county will grow and develop and include eight elements: land use, transportation, conservation, noise, open space, safety, environmental justice, and housing. California's Housing Element Law acknowledges that, for the private market to address Californians' housing needs and demand, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development. As a result, housing policy in California rests mainly on the effective implementation of local General Plans and, in particular, local Housing Elements. (Source: [California Department of Housing and Community Development](#))

Jurisdiction (city, town, or county)

- 1: the power, right, or authority to interpret and apply the law; a matter that falls within the court's jurisdiction
- 2: a: the authority of a sovereign power to govern or legislate
b: the power or right to exercise authority: CONTROL
- 3: the limits or territory within which authority may be exercised (Source: [Merriam-Webster](#))

Regional Housing Needs Allocation (RHNA)

Every eight years, ABAG develops the Regional Housing Needs Allocation (RHNA) plan approved by HCD and used to assign each city and county in the Bay Area their fair share of new housing units to build. These housing units are intended to accommodate existing needs and projected growth in the region. The RHNA process is critical because it requires all cities and counties to plan for the region's housing needs, regardless of income, to prepare for future growth and ease the California's acute housing crisis. (Source: [ABAG](#))

Regional Housing Needs Determination (RHND)

The California Department of Housing and Community Development (HCD) identifies the total number of homes each region in California must plan to meet the housing needs of people at all income levels. They base the number on population projections produced by the California Department of Finance and adjustments incorporating the region's current housing needs. The jurisdictions separate the total number of housing units from HCD into four income categories that cover everything from housing for very low-income households to market-rate housing. ABAG is responsible for developing a methodology to allocate a portion of this housing need to every local government in the Bay Area. (Source: [ABAG](#))

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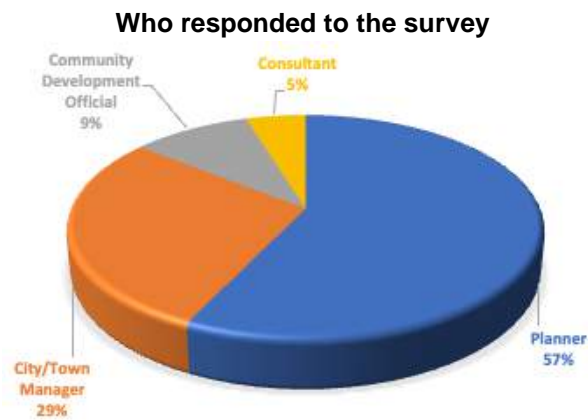
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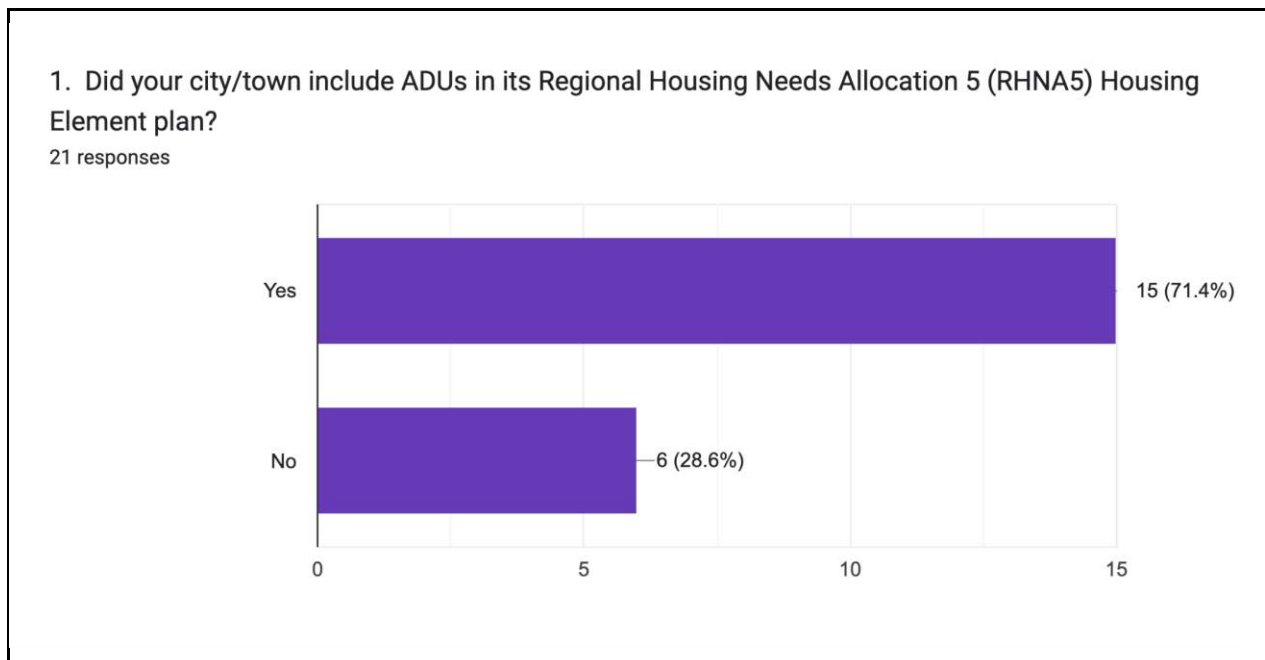
APPENDICES

- **A: Survey Results**
- **B: Timeline of Important Legislative Events**
- **C: ADUs: An American Tradition**
- **D: Housing Elements Are an Iterative Process**

APPENDIX A Survey Results

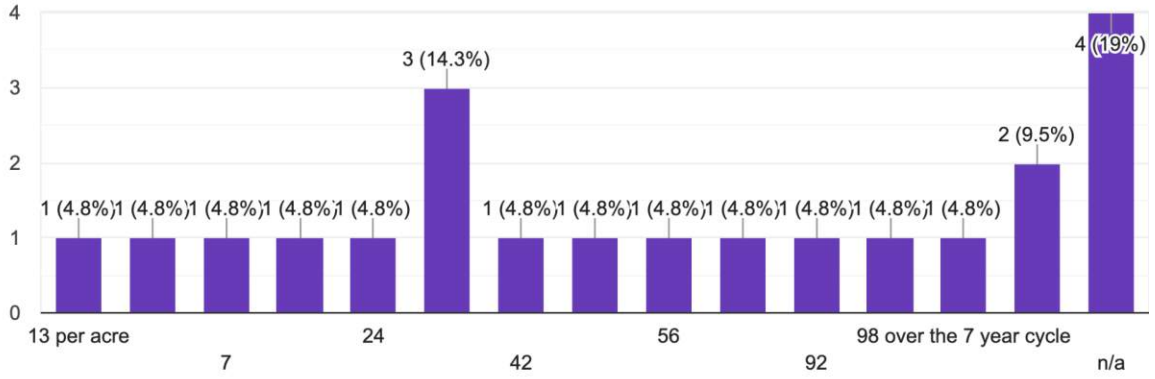


Survey responses



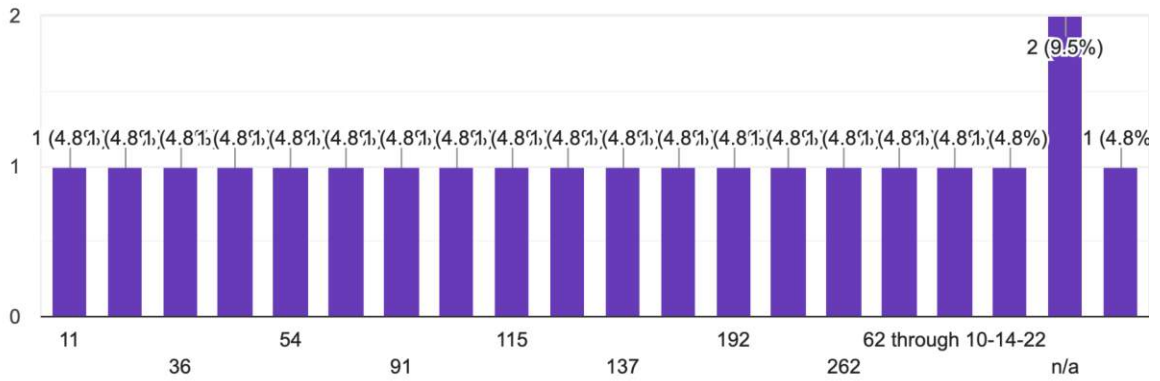
1A. If response was yes (indicate n/a if no): a. How many were planned?

21 responses



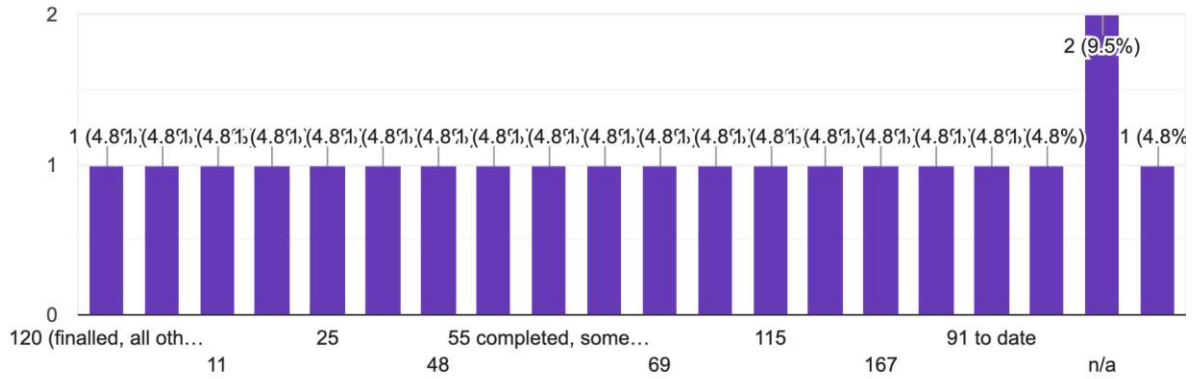
b. How many were permitted?

21 responses



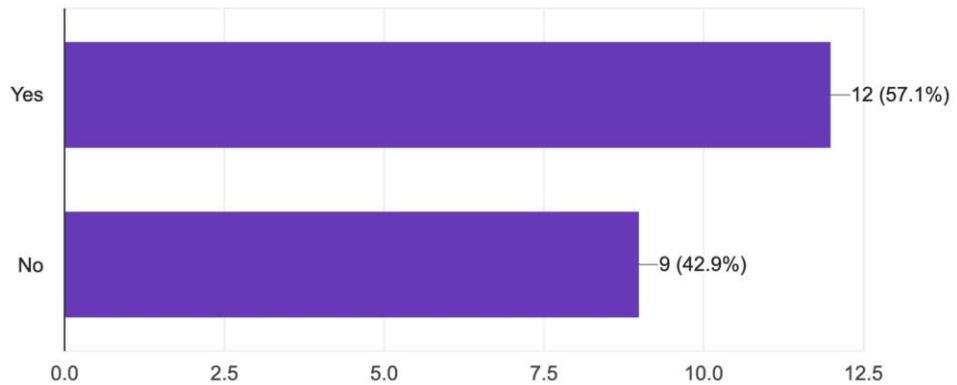
c. How many were built and completed?

21 responses



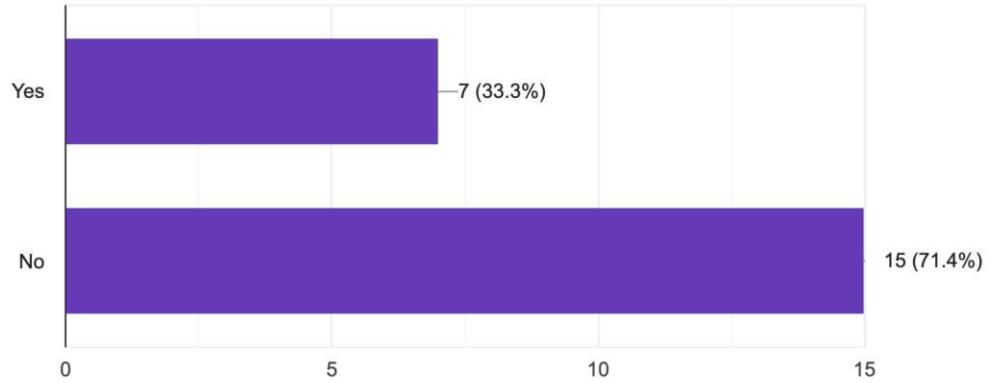
2. Were any of your city/town's RHNA5 ADUs designated to provide low, very low, and moderate income housing?

21 responses



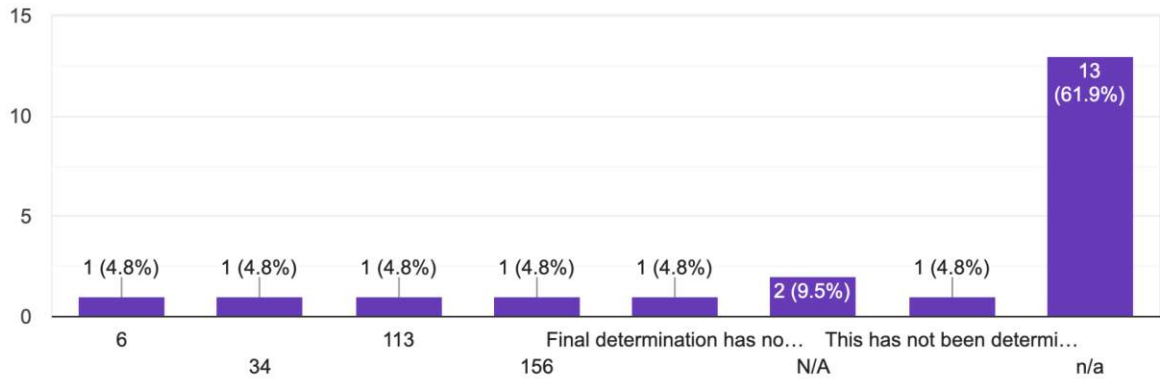
3. Is your city/town counting ADUs in RHNA6 Housing Element towards partial fulfillment of RHNA5 housing needs?

21 responses



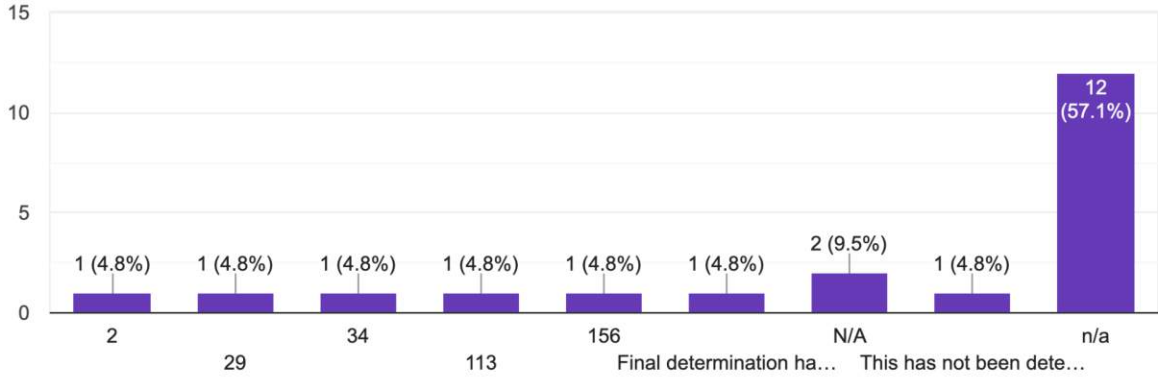
3A. If response was yes (indicate n/a if no): a. How many ADUs for very low-income housing?

21 responses



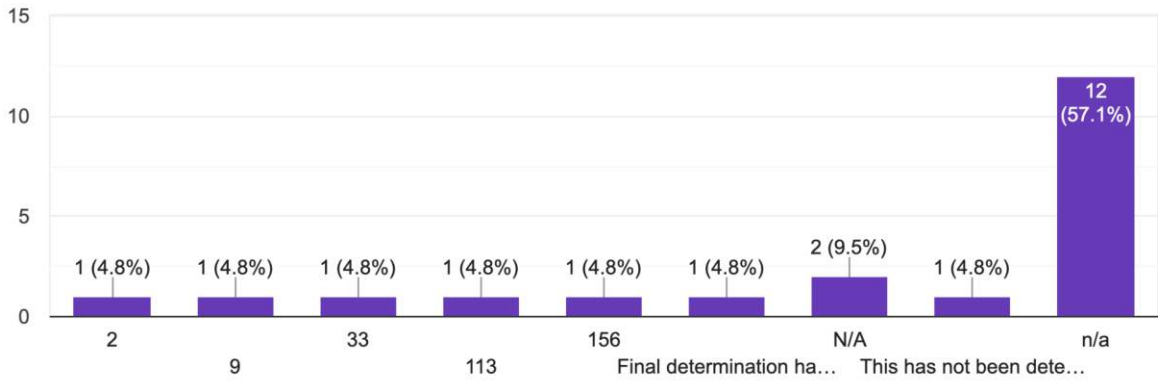
b. How many ADUs for low-income housing?

21 responses



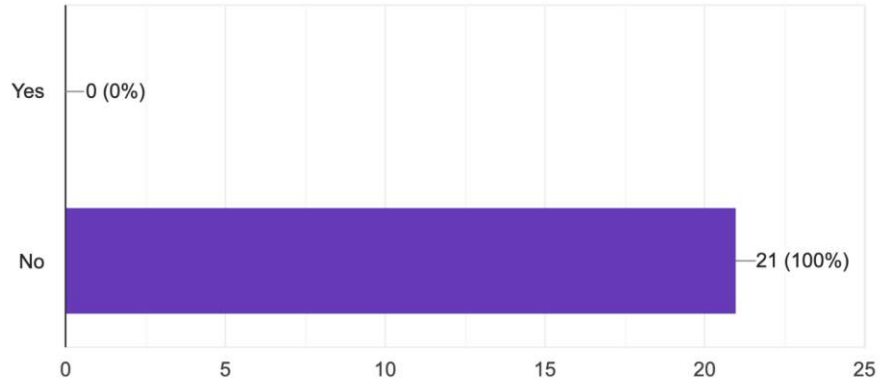
c. How many ADUs for moderate-income housing?

21 responses



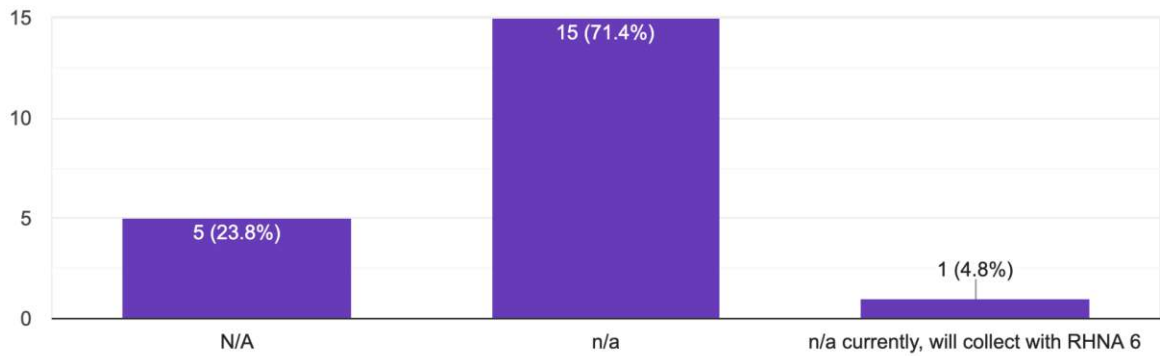
4. Does your city/town collect race and income data on who is renting or occupying ADUs in your city/town?

21 responses



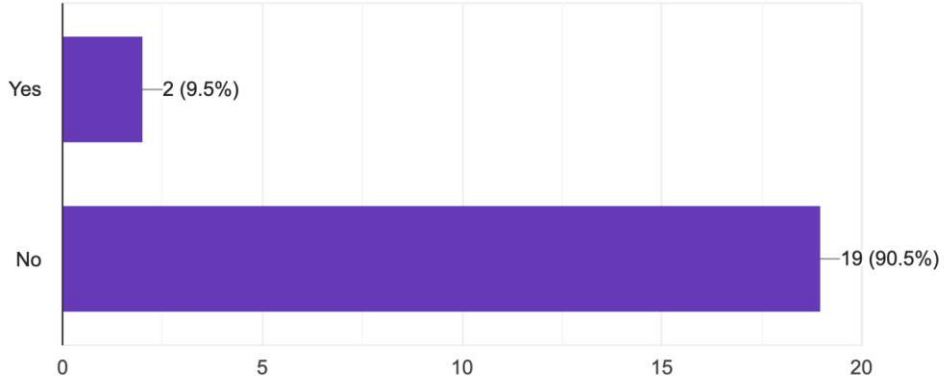
4A. If response was yes, when did you start collecting such data? (indicate n/a if no)

21 responses



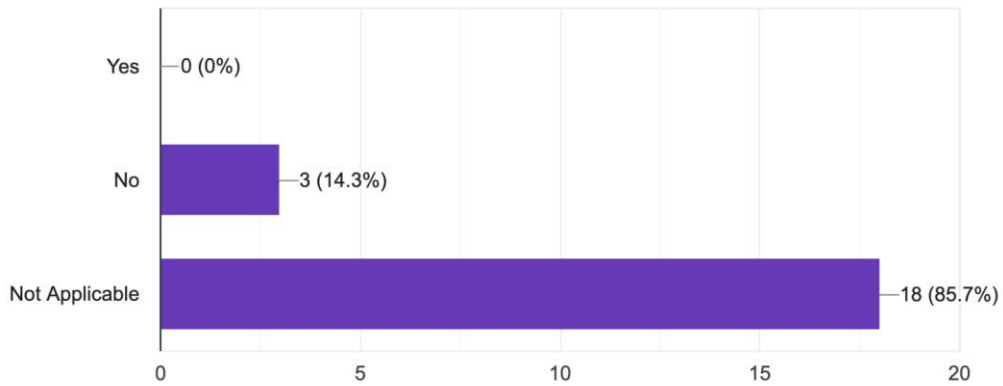
5. Does your city/town collect data on the range of the rents charged today for ADUs in your city/town?

21 responses



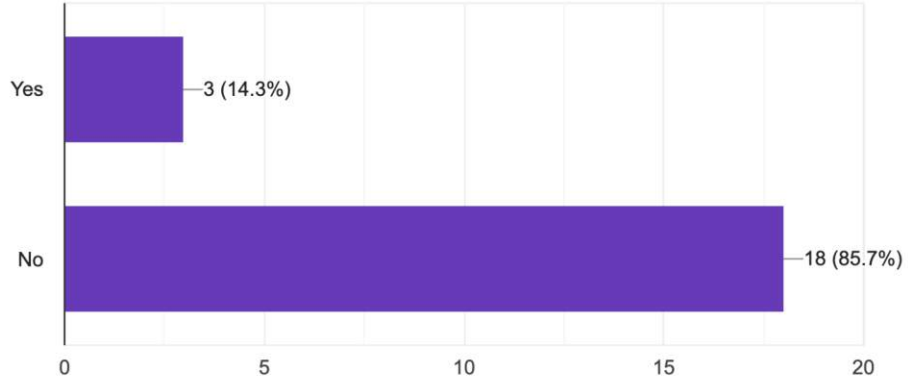
5A. If response was yes, does the data include details such as in-lieu services provided by the renter to the owner (i.e., landscaping, housekeeping, childcare services)?

21 responses



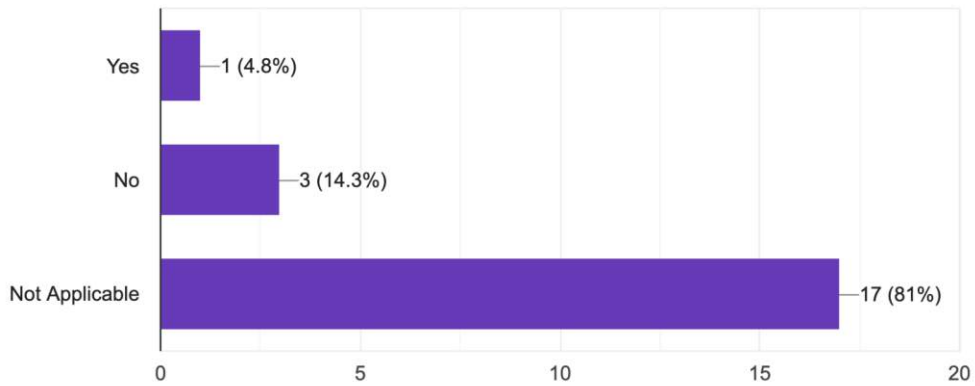
6. Are there any regulations or oversight systems in place in your city/town to monitor the status of very low-, low-, and moderate-income affordable ADUs?

21 responses



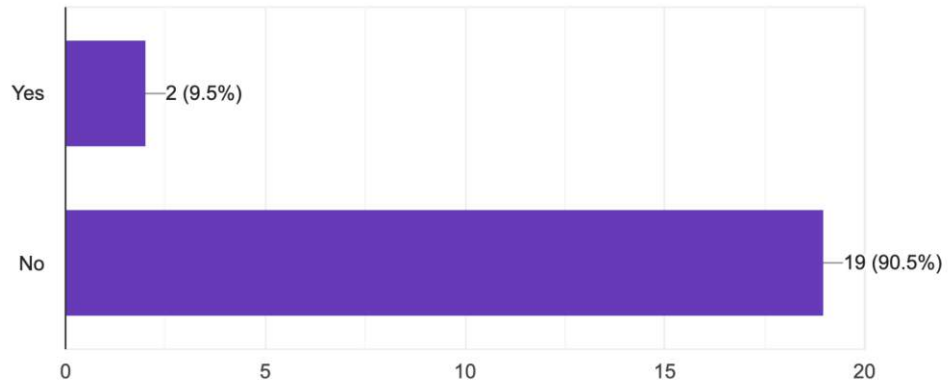
6A. If yes, does your city/town have regulations or oversight systems in place to monitor usage for ADUs over time, especially for ADUs in homes that are sold or remodeled or rebuilt?

21 responses



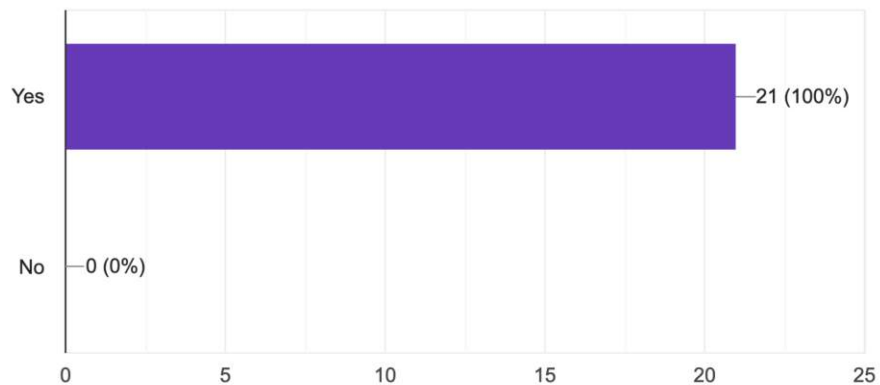
7. Does your city/town have long-term covenants for ADUs like those that regulate conventional low and very low-income housing units (e.g., tax-credits, voucher subsidized, or other)?

21 responses



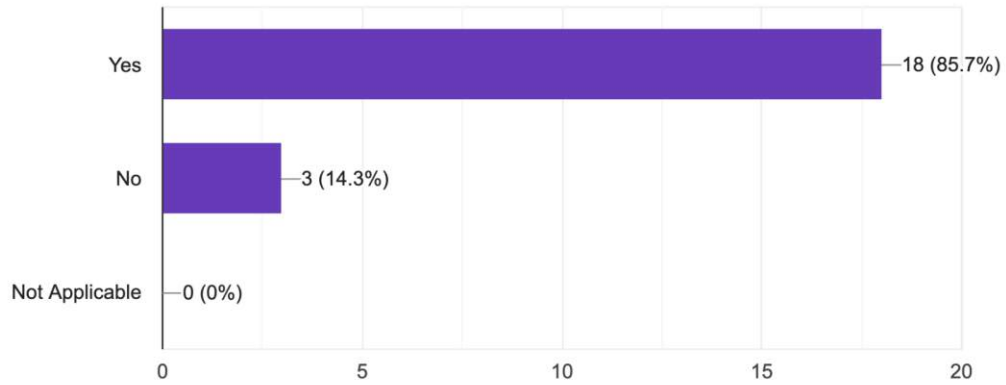
8. Does your city/town plan to include ADUs in its RHNA6 Housing Element submission?

21 responses



8A. If yes, will any of those ADUs be designated for very-low, low and moderate income, as defined by the U.S. Housing and Urban Development?

21 responses



APPENDIX B

Timeline of Important Legislative Events

1. 1970 — the Legislature directed HCD to develop guidelines for housing element preparation on one and five year cycles. SB 1489 (Moscone), emphasized housing need, passed in 1971, and ABX 1 of 1971 established more standards. The California Housing Finance Agency (CalHFA), which also assisted communities in providing affordable housing, was created in 1975. The legislation authorized HCD to review local housing elements for conformity to its guidelines.
2. 1976 — Fair-share was added to the guidelines by HCD. The COGs are now given the responsibility by HCD to distribute shares of low-income and moderate-income housing. The local housing element had to include these income requirements — whether or not communities wanted them. HCD also was given responsibility to review local housing elements. Statewide hearings in 1977 brought out a number of positions on housing elements and HCD requirements.
3. Mid 1980's — AB 2853 (Roos), provided for faster permit processing and higher densities, and allowed the housing element to meet State goals and be reviewed by HCD. COGs would continue to formulate the fair share for each community, but HCD had final approval of the numbers and each community was to revise its Housing Element every five years.
4. 1990s — Cities and counties looked at housing elements, if certified, as providing protection against lawsuits. In addition, this decade also created the concept of regional allocation “sharing burdens of lower- income households among geographic areas,” without mandated goals.
5. 1993 — The Senate Committee on Local Government held hearings on housing element progress and heard concerns that communities were not doing enough and that housing elements were despised by local governments. Bills changed the cycle timeframe, including AB 2172 (Hauser), SB 1703 (Costa) and SC 320 (Committee). Main topics for discussion by the Committee on Housing and Land Use hearings in 1995 were the housing allocations and the Department of Finance (DoF) projections. A common complaint was that the DoF projections were not complete enough for communities to develop appropriate allocations. The COGs projections also were criticized.
6. 1998 — AB 438 (Torlakson), allowing for the creation of sub-RHNA areas, looked at how housing units were counted. 2001 — SB 910 (Dunn) would have included imposing fines on jurisdictions not complying; and would have tied RHNA to transportation planning on a six year cycle. However, this bill did not pass. 2002 — SB 423 (Torlakson) created a jobs and housing balance incentive program, also known as Workforce Housing Incentive Program. In 2003, at HCD's request, a working group of stakeholders met to make recommendations, which included:
 - Develop more transparency in determining fair shares
 - Clarify land inventories of building sites
 - Ensure inventories were buildable
 - Increase HCD review consistency of local elements
 - Explore city self-certification
 - Devise better housing element enforcement that would penalize non-compliance.
7. 2004 — AB 2348 (Mullin) clarified the relationship between the land inventory and adequate sites requirement, provided guidance on the content of adequate land inventory, and provided greater development certainty. AB 2158 (Lowenthal) revised the process for determining allocation from just

DoF to include transportation planning numbers and created a review process.

8. 2005 — AB 1233 (Jones) assured that unmet need from previous RHNA cycles was added into the next cycle.
9. 2017 Housing Legislative Package
Approximately 150 housing bills were submitted in 2017. Fifteen relating to funding, streamlining and accountability, were signed by the governor. These bills significantly changed how RHNA is conducted, requiring additional outreach and reporting, increasing the number of factors included, and the ability of HCD to sue individual cities for not meeting requirements.

SB 2 (Atkins) Building Homes and Jobs Act is projected to generate hundreds of millions of dollars annually for affordable housing, supportive housing, emergency shelters, transitional housing, and other housing needs via a \$75 to \$225 recording fee on specified real estate documents.

SB 3 (Beall) Veterans and Affordable Housing Bond Act of 2018 places a \$4 billion general obligation bond on the November 2018 ballot to fund affordable housing programs and the veterans homeownership program (CalVet).

SB 35 (Wiener) streamlines multifamily housing project approvals, at the request of a developer, in a city that fails to issue building permits for its share of the regional housing need by income category.

SB 35 city approval of a qualifying housing development on a qualifying site is a ministerial act, without need for CEQA review or public hearings.

AB 73 (Chiu) streamlines the housing approval process by allowing jurisdictions to create a housing sustainability district to complete upfront zoning and environmental review in order to receive incentive payments for development projects that are consistent with the ordinance.

SB 167 (Skinner), AB 678 (Bocanegra), and AB 1515 (Daly) are three measures that were amended late in the 2017 legislative session to incorporate changes to the Housing Accountability Act (HAA). The HAA significantly limits the ability of a jurisdiction to deny an affordable or market-rate housing project that is consistent with existing planning and zoning requirements.

AB 1505 (Bloom) allows a jurisdiction to adopt an ordinance that requires a housing development to include a certain percentage of rental units affordable to and occupied by households with extremely low, very low, low or moderate income.

AB 879 (Grayson) expands upon existing law that requires, by April 1 of each year, general law cities and charter cities to send an annual report to their respective city councils, the State Office of Planning and Research (OPR) and HCD that includes information related to implementation of the General Plan.

AB 1397 (Low) makes numerous changes to how a jurisdiction establishes its housing element site inventory.

AB 72 (Santiago) provides HCD broad new authority to find a jurisdiction's housing element out of substantial compliance if it determines that REGIONAL the jurisdiction fails to act in compliance with

its housing element and allows HCD to refer violations of law to the attorney general.

10. 2018 — SB 828 (Wiener) changed the way HCD determines each region's RHND, adding a number of new factors for consideration and accounting for "unmet need" in the existing housing stock by applying "adjustment factors" to a region's total projected households, not just the incremental housing growth.
11. 2018 — AB 1771 (Bloom) and AB 686 (Santiago) strengthened the mandate for regions and local governments to combat discrimination, overcome historic patterns of segregation, and create equal access to opportunity through housing planning and decision-making, in other words, to "affirmatively further fair housing." AB 1771 (Bloom) added to RHNA an enhanced focus on racial equity with an explicit mandate that COGs' housing distribution plans affirmatively further fair housing and required COGs to survey jurisdictions on their fair housing activities, to identify regional barriers to furthering fair housing, and to recommend strategies or actions to overcome those barriers. AB 686 (Santiago) created a mandate that local jurisdictions plan and administer housing and community development programs and activities in a manner that affirmatively further fair housing.
12. 2019 — AB 1486 (Ting) strengthened the Surplus Lands Act (SLA), which requires that local agencies provide right of first refusal to affordable housing developers when disposing of surplus land by expanding the scope of land subject to the right of first refusal requirement, updating the mechanics of the surplus land disposal process, extending HCD's enforcement mandate to include the SLA and establishing financial penalties for violation of the act.

AB 1487 (Chiu), authorized ABAG and MTC to place on the ballot regional housing measures to help fund affordable housing and established 3 REGIONAL HOUSING NEEDS ALLOCATION the Bay Area Regional Housing Authority. The 2019-20 State Budget also included significant new resources to support housing planning, including \$250 million for local governments and COGs for planning activities. The Bay Area is receiving approximately \$50 million in combined funds, split between ABAG and local jurisdictions.

SB 330 (Skinner) made further revisions to the HAA, establishing new criteria for housing approvals at the local level, including prohibiting a local agency from subjecting a project to new ordinances, rules or fees after an application is submitted and limiting the number of hearings on a project to five. The bill also prohibits a local agency from lowering the allowed residential density below that level in effect on January 1, 2018 in high rent, low-vacancy areas, as defined. The bill's provisions sunset in five years.

AB-881, "Accessory dwelling units," and AB-68, "Land use: accessory dwelling units": Makes many of the current restrictions that cities place on ADUs obsolete. It also provides for a streamlined process for approvals.

These bills require permits for ADUs added to single-family and multifamily homes to be approved or denied faster. Current law permits these decisions to take 120 days, but this new law requires decisions within 60 days. These approvals or denials must be issued ministerially, so that way, there are fewer potential issues to encounter. Cities and counties may establish minimum and maximum ADU size requirements, but the maximum size cannot be less than 850 square feet for a one-bedroom ADU or 1,000 square feet for more than one bedroom.

Most importantly, these bills prohibit any lot coverage, minimum lot size, etc. requirements that municipalities have. Cities have enacted these laws to have the effect of making it impossible to build an ADU. Cities cannot require the correction of nonconforming zoning conditions as part of the approval process.

SB-13 Accessory dwelling units are similar to AB-881 and AB-68 with a couple of significant differences. Before this bill, local agencies could require that the person applying for the ADU occupy either the primary residence or the proposed new structure. This bill exempts from these requirements all proposed ADUs until Jan. 1, 2025. Additionally, this bill removes the impact fee for ADUs smaller than 750 square feet. Even for ADUs larger than that, the impact fees assessed must correlate with the square footage of the primary residence.

SB-13 makes building ADUs cheaper and also removes an essential regulation. Now, landlords who rent their properties out can apply for an ADU for their rental properties.

AB-670, "Common interest developments: accessory dwelling units," makes it easier for people within HOA complexes to construct ADUs. Specifically, it prevents banning or unreasonably restricting on single-family lots on the construction of these units. Presently, many HOAs have CCRs ("conditions, covenants and restrictions") that prevent people from building ADUs. HOAs may worry about the uniformity of the properties if one has an ADU on it, or they might be concerned that they don't know who is and who isn't renting from an ADU. Regardless, HOAs now need to have a way for people to construct ADUs if they so choose.

HOAs will likely challenge this bill, at least to some degree, in court, but for now, if you live in an HOA complex with single-family homes, you can construct an ADU.

AB-671, "Accessory dwelling units: incentives," requires that general plans incentivize homeowners in some way to construct these ADUs and make them available for low-to-moderate-income households to rent. While it doesn't specify what these incentives will be, it does require local agencies to think about financial incentives and construct a plan.

APPENDIX C

ADUs: An American Tradition

Accessory dwelling units have been around for centuries, going by dozens of names over time, such as in-law apartment, guest house, granny flat, and carriage house.

The American Association of Retired Persons (AARP) traces the tradition of ADUs in the U.S. to early settlers who built small homes to live in while constructing their larger, primary house nearby. When farming was a source of survival for most of the nation's households, families commonly built additional homes on their property to live in during planting or harvesting seasons. Wealthy people with large lots frequently built secondary homes and other independent structures for household staff and guests.

Until the 20th century, there were few or no zoning rules restricting people with land from building as many homes as they wished on their land.

According to AARP a historic precedent for the modern ADU is the carriage house, or coach house, intended for horse-drawn carriages, and often large enough to include living quarters for workers.

Many years later, in response to housing shortages and economic needs, carriage houses were converted into rental homes. Garages have a similar history, and over time, many have been converted – often illegally – into small living spaces.

During World War II, for example, the Bay Area experienced a defense boom that created a high demand for workforce housing, resulting in many illegally constructed second units. By 1960, San Francisco counted between 20,000 to 30,000 secondary units, of which 90 percent were built illegally, according to the San Francisco Planning and Urban Research Association.

With the rise of suburban single-family home developments in the 1950s and 1960s ADUs practically stopped being built legally because zoning codes typically allowed only one home per lot.

Since then, some cities have grandfathered in pre-existing ADUs if the residences remained consistently occupied. But even today, many communities still don't allow new ADUs.

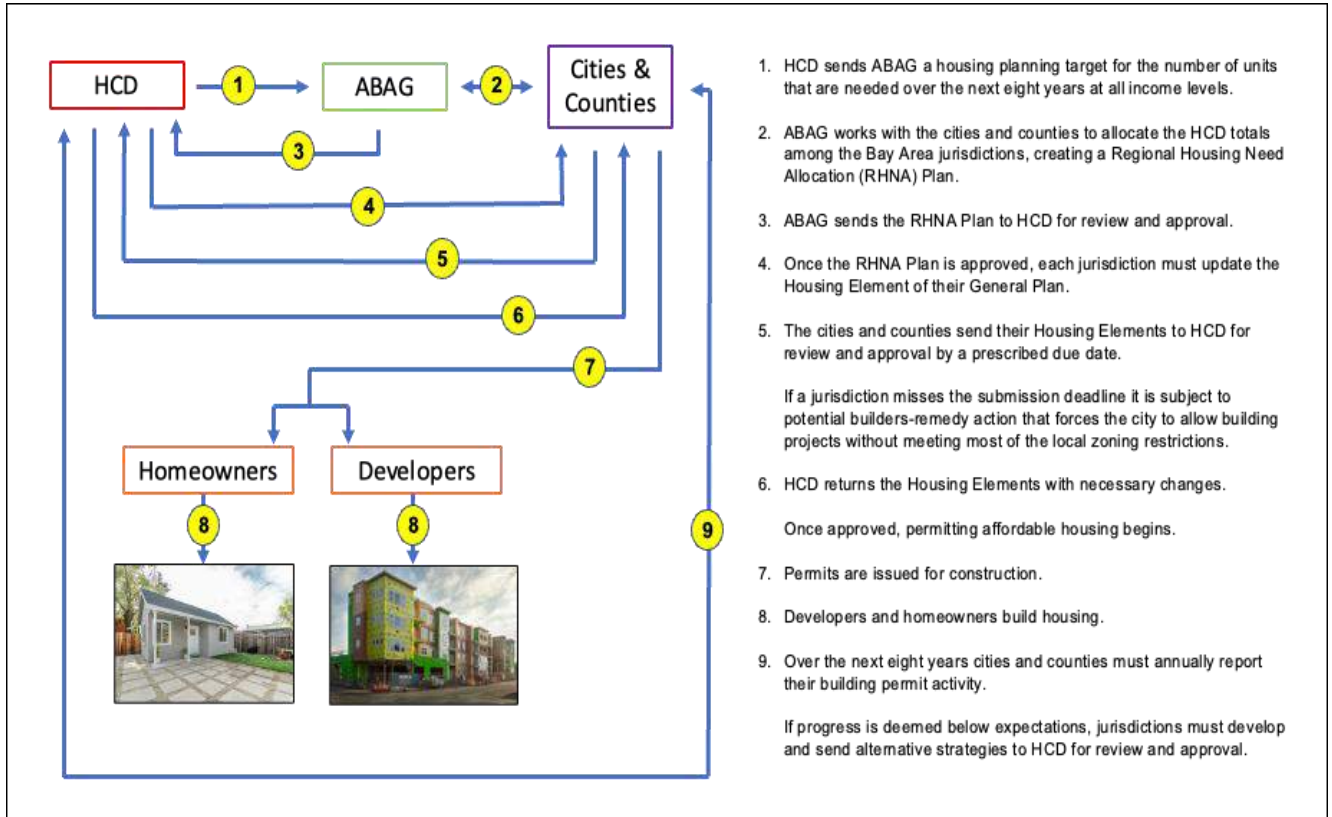
ADUs became popular again in the 1980s as cities looked for new sources of smaller and more affordable housing. And most recently, there's been increasing interest at the state and local levels in legalizing and encouraging the construction of ADUs, driven by the high cost of housing.

What is an ADU?

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling.
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area. An ADU can be located within, attached to or detached from the main residence.
- An ADU can be converted from an existing structure (such as a garage) or built anew.
- ADUs can be found in cities, in suburbs and in rural areas, yet are often invisible from view because they're positioned behind or are indistinct from the main house.
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately.
- An ADU can provide rental income to homeowners and an affordable way for renters to live in single-family neighborhoods.
- An ADU can enable family members to live on the same property while having their own living spaces — or provide housing for a hired caregiver.
- Unlike tiny houses, ADUs are compact but not teeny, so they're a more practical option for individuals, couples and families seeking small, affordable housing.
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if older, an age-restricted community.
- ADUs can help older residents remain in their community and age in place.

Source: AARP, 2019

APPENDIX D Housing Elements Are an Iterative Process





STAFF REPORT

City Council Meeting Date: 8/29/2023
Staff Report Number: 23-192-CC

Consent Calendar: Waive the second reading and adopt an ordinance for streetaries outdoor dining areas

Recommendation

Staff recommend that the City Council waive the second reading and adopt an ordinance adding Chapter 13.30 Streetaries Outdoor Dining Areas to Title 13 (Streets, Sidewalks and Utilities) and amending Sections 13.18.10 and 13.18.20 of Chapter 13.18 (Use of Public Right of Way) (Attachment A).

Policy Issues

In June 2020, the City Council adopted an urgency ordinance to establish a temporary outdoor use permit (TOUP) program as well as to close portions of Santa Cruz Avenue and Ryans Lane for pedestrian use. This ordinance expired in February 2023 with the end of the California COVID-19 State of Emergency Order. The decision to establish the TOUP program was exempt from California Environmental Quality Act (CEQA) due to the temporary emergency nature of the decision.

The addition of Chapter 13.30 Streetaries Outdoor Dining Areas to Title 13 of the Menlo Park Municipal Code and amendments to corresponding sections of Title 13 of the Menlo Park Municipal Code relating to outdoor dining in the public right-of-way through Streetary encroachment permits establishes a long-term policy including permitting, operational and maintenance regulations for outdoor dining in the public right-of-way.

Streetary outdoor dining design standards and fees will be established by separate resolutions on the Aug. 29 City Council agenda.

Background

The City Council voted unanimously to introduce the streetary outdoor dining areas ordinance at the Aug. 15 City Council meeting. The staff report and materials are available in Attachment B, and include a history of outdoor dining regulations in Menlo Park, existing outdoor uses, and an overview of business outreach activities.

Analysis

“Streetary” or “Streetaries” are defined in the proposed ordinance as an outdoor eating area that operates within and uses the public right-of-way directly adjacent to the food service establishment street frontage. The Streetary outdoor dining program, which includes the proposed ordinance as well as design and development standards, establishes guidelines, requirements, and operational regulations for outdoor dining in the public right-of-way, including on sidewalks and in public parking spaces on the side of the street or in public parking lots.

The proposed Streetary program intends to:

1. Activate the public realm in Downtown Menlo Park and other commercial areas.
2. Maintain physical and visual access to Menlo Park businesses.
3. Provide safe, attractive, and accessible spaces for outdoor use.
4. Provide accessible amenity areas for private businesses during operating hours.
5. Support the economic vitality and growth of businesses and the City.

Alignment with Specific Plan

In alignment with the El Camino Real and Downtown Specific Plan Section D – Public Space, the proposed Streetary outdoor dining program standards use the functional zones of the sidewalk and parking / travel lane identified in the Specific Plan to help establish locations for parklets and sidewalk cafes. The El Camino Real and Downtown Specific Plan identifies a need to improve the pedestrian realm on Santa Cruz Avenue, which includes sitting and outdoor dining options in functional sidewalk zones. The plan establishes sidewalk functional zones, ensuring a pedestrian clear zone and more pleasant and functional sidewalks. It redistributes the right-of-way between traffic lanes, on-street parking, and sidewalks in order to focus on an enhanced pedestrian experience while still accommodating vehicular circulation and on-street parking. Per the Santa Cruz Avenue Sidewalks section (D10) of the Specific Plan, Activities outside the building, such as outdoor dining, can enliven adjacent sidewalks. These are desirable attributes in areas with high levels of activity such as the downtown and station area.

Impact on City Resources

Implementation of the Streetaries program will largely be handled by staff. The City of Menlo Park provides services and infrastructure that contribute to quality-of-life for all Menlo Park residents. Rates for Streetary permit fees would be subsidized at a midlevel of cost recovery in acknowledgement that the program benefits participating businesses, activates the public realm, and supports economic vitality of businesses and Menlo Park as a whole. Note: Information on City resources required for proposed fee waivers is included in another agenda item on the Aug. 29 City Council agenda.

Environmental Review

The Streetary outdoor dining areas ordinance is exempt from the provisions of the CEQA pursuant to §§15301 (Class 1), 15304 (Class 4) and 15305 (Class 5).

Class 1 categorical exemptions (Existing Facilities) consist of minor alterations or private facilities involving negligible or no expansion of existing uses. This ordinance will allow for minor alterations to private dining facilities to allow for negligible expansion of use into the public right of way.

Class 4 Categorical exemptions (Minor Alterations to Land) consist of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes, including “minor temporary uses of land having negligible or no permanent effects on the environment . . .” (CEQA Guideline §15304(e).) This ordinance will involve the temporary, non-permanent use of land; all uses authorized pursuant to this ordinance would involve temporary, non-permanent improvements in the public right of way including temporary structures, tables and seating.

Class 5 categorical exemptions (Minor Alterations in Land Use Limitations) covers projects that consist of minor alterations in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density including but not limited to issuance of minor encroachment permits. This ordinance will result in the issuance of licenses and/or permits for use and encroachment into the

public right of way.

The proposed project is consistent with these exemptions because the requested action will not result in a direct or reasonably foreseeable change in the environment and because there is no possibility that the activity in question may have a significant effect on 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. Ordinance adding Chapter 13.30 Streetaries Outdoor Dining Areas to Title 13 (Streets, Sidewalks and Utilities) and draft ordinance Amending Sections 13.18.10 and 13.18.20 of Chapter 13.18 (Use of Public Right of Way)
- B. Hyperlink – Aug. 15 City Council staff report: <https://menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2023-meetings/agendas/20230815-city-council-agenda-packet-w-pres.pdf#page=244>

Report prepared by:

Kirstin Hinds, Senior Advisor, HdL Companies

Report reviewed by:

Stephen Stolte, Assistant City Manager

ORDINANCE NO. XXXX**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADDING CHAPTER 13.30 (“STREETARIES” OUTDOOR DINING AREAS) TO
TITLE 13 (STREETS, SIDEWALKS AND UTILITIES) OF THE MENLO PARK
MUNICIPAL CODE; AND AMENDING SECTIONS 13.18.10 and 13.18.20 OF
CHAPTER 13.18 (USE OF PUBLIC RIGHT OF WAY), OF THE MENLO PARK
MUNICIPAL CODE RELATING TO OUTDOOR DINING AREAS IN THE PUBLIC
RIGHT-OF-WAY**

WHEREAS, the City Council has determined that outdoor eating areas within certain of the City’s rights-of-way provide economic vitality to the City and businesses, create community gathering spaces, contribute to the enjoyment of public spaces, and increase opportunities for more enjoyable pedestrian travel in the City; and

WHEREAS, the City Council desires to permit outdoor eating areas within parking spaces and sidewalks of the public right-of-way – known as “Streetaries” – through Streetary Encroachment Permits; and

WHEREAS, in May 2016 the City Council approved outdoor dining in the public right-of-way as part of the Santa Cruz Street Café Pilot Program; and

WHEREAS, seven merchants currently operate outdoor dining facilities authorized by the Santa Cruz Street Café Pilot Program;

WHEREAS, between June 19, 2020 and February 23, 2021, in response to the COVID-19 Pandemic and the California COVID-19 State of Emergency Order, the City Council approved Urgency Ordinances No. 1070, 1071, 1072, 1073, and 1085 establishing a Temporary Outdoor Use Permit Program and closing portions of Santa Cruz Avenue and Ryans Lane for pedestrian use; and

WHEREAS, twelve total merchants currently operate outdoor dining facilities authorized by the Santa Cruz Street Café Pilot Program or the Temporary Outdoor Use Permit Program; and

WHEREAS, the City Council desires to transition pre-existing outdoor dining established into longer term facilities once current permits expire; and

WHEREAS, on February 28 and August 15, 2023, staff presented Draft Streetary Guidelines to the City Council setting forth staff’s recommendations for design and development standards, operational standards, fees, and other related requirements for new Streetary Encroachment Permits that would apply after current permits expire; and

WHEREAS, the City Council has determined that the Public Works Director should be the City’s designated representative to issue Streetary Encroachment Permits because of their locations within sidewalks and right of way currently used for vehicular parking; and

WHEREAS, the City Council aims to balance the desire for outdoor dining in the public right-of-way with adequate public parking and pedestrian and bicycle access; and

WHEREAS, pursuant to Vehicle Code section 22507(a), cities may, by ordinance or resolution, restrict or otherwise remove parking from city streets during all or certain hours of the day; and

WHEREAS, the proposed Ordinance to add Chapter 13.30 (“Streetaries” Outdoor Dining Areas) to Title 13 and amend corresponding sections of Title 13 of the Menlo Park Municipal Code relating to outdoor dining in the public right-of-way through Streetary Encroachment Permits qualifies for the exemptions set forth in CEQA Guidelines Sections 15304 and 15305 and statutory exemption 15183; and

WHEREAS, the City Council held a duly noticed public hearing, considered all public comments on the revisions and related CEQA exemptions, and determined that the amendments are consistent with the General Plan and that the revisions would be internally consistent with all other provisions of the Menlo Park Municipal Code.

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

Division 1. The above findings are adopted and incorporated herein.

Division 2. Addition of Chapter 13.30 to the Menlo Park Municipal Code.

Chapter 13.30 – “Streetaries” Outdoor Dining Areas is hereby adopted and made a part of Title 13 (Streets, Sidewalks and Utilities) of the Menlo Park Municipal Code as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Division 3. Amendments of Section 13.18.10 of Chapter 13.18 (USE OF PUBLIC RIGHTS-OF-WAY) of the Menlo Park of Menlo Park Municipal Code.

Section 13.18.10 (DEFINITIONS) of Chapter 13.18 (USE OF PUBLIC RIGHTS-OF-WAY) of Title 13 (STREETS, SIDEWALKS, AND UTILITIES) of the Menlo Park Municipal Code is hereby amended to add subsection (10) to section 13.18.010 as set forth below. Deletions are in ~~strike through~~, and additions are in underline.

13.18.010 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section.

(10) “Streetary” or “streetaries” shall mean an outdoor eating area that operates within and uses parking spaces and/or sidewalks within the public right-of-way directly adjacent to the food service establishment street frontage and/or operates within and uses public right-of-way on streets or portions thereof that have been closed to vehicular traffic.

Division 4. Amendments of Section 13.18.20 of Chapter 13.18 (USE OF PUBLIC RIGHTS-OF-WAY) of the Menlo Park of Menlo Park Municipal Code.

Section 13.18.20 (PERMIT REQUIRED) of Chapter 13.18 (USE OF PUBLIC RIGHTS-OF-WAY) of Title 13 (STREETS, SIDEWALKS, AND UTILITIES) of the Menlo Park Municipal Code is hereby amended to add subsection (d) to section 13.18.20 as set forth below. Deletions are in ~~strike through~~, and additions are in underline.

13.18.020 Permit required.

(d) Notwithstanding subsections (a) and (b), above, an encroachment permit shall not be required for streetaries that have obtained and maintain a streetary encroachment permit pursuant to section 13.30.020.

Division 5. Amendments of Section 16.82.440 of Chapter 16.82 (PERMITS) of the Menlo Park Municipal Code.

Section 16.82.440 (GRANTING) of Chapter 16.82 (PERMITS) of Title 16 (ZONING) of the Menlo Park Municipal Code is hereby amended to add subsection (A) to section 16.82.440(2) as set forth below. Deletions are in ~~strike through~~, and additions are in underline.

16.82.440 Granting.

(2) Outdoor Seating. That the outdoor seating would maintain unimpeded pedestrian access on the public right-of-way.

(A) Notwithstanding subsection (2), above, a zoning permit shall not be required for streetaries that have obtained and maintain a streetary encroachment permit pursuant to section 13.30.020.

Division 6. Compliance with California Environmental Quality Act (CEQA).

The City Council finds that this Ordinance is exempt from the provisions of the CEQA pursuant to Sections 15301 (Class 1), 15304 (Class 4) and 15305 (Class 5).

Class 1 categorical exemptions (Existing Facilities) consist of minor alterations or private facilities involving negligible or no expansion of existing uses. This ordinance will allow for minor alterations to private dining facilities to allow for negligible expansion of use into the public right of way.

Class 4 Categorical exemptions (Minor Alterations to Land) *consist* of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes, including “minor temporary uses of land having negligible or no permanent effects on the environment . . .” (CEQA Guideline § 15304(e).) This ordinance will involve the temporary, non-permanent use of land; all uses authorized pursuant to this ordinance would involve temporary, non-permanent improvements in the public right of way including temporary structures, tables and seating.

Class 5 categorical exemptions (Minor Alterations in Land Use Limitations) covers projects that consist of minor alterations in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density including but not limited to issuance of minor encroachment permits. This ordinance will result in the issuance of licenses and/or permits for use and encroachment into the public right of way.

The proposed project is consistent with these exemptions, because the requested action will not result in a direct or reasonably foreseeable change in the environment and because there is no possibility that the activity in question may have a significant effect on the environment.

A. Additionally, the City prepared an Addendum to the General Plan Program EIR and subsequent EIR (SEIR) (Attachment D) and an Addendum to the Specific Plan Program EIR

(Attachment E) in compliance with the California Environmental Quality Act (CEQA) that examined potential environmental impacts of (1) amendments to the General Plan Circulation Element to allow the City Council to consider street closures within the Main Street and Alley classifications, and (2) amendments to the Specific Plan to allow street closures on Santa Cruz Avenue in additional locations. The City found no substantial evidence to support requiring additional environmental review, in part given that the General Plan and Specific Plan amendments would not increase the development potential identified in the plans or lead to any activity that might cause new or increased environmental effects, as discussed in more detail in the Addenda. Additionally, notifications of the proposed General Plan and Specific Plan amendments were sent to California Native American tribes of the opportunity to conduct consultations on the proposed amendments, per the State of California Senate Bill 18 requirements, and there were no requests to consult on the proposed amendments.

Division 7. Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Division 8. Publication; Effective Date.

This Ordinance shall be published once, in full or in summary form, after its final passage, in a newspaper of general circulation, published, and circulated in the City of Menlo Park, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those City Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of Menlo Park, County of San Mateo, State of California.

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INTRODUCED on the fifteenth day of August, 2023.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the twenty-ninth day of August, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jen Wolosin, Mayor

ATTEST:

Judi A. Herren, City Clerk

Exhibits:

- A. "Streetaries" Outdoor Dining Areas is hereby adopted and made a part of Title 13 (Streets, Sidewalks and Utilities)

Chapter 13.30 – “STREETARIES” OUTDOOR EATING AREAS**13.30.010 - Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning set forth below. Unless in direct conflict with terms defined herein, other words and phrases shall be interpreted as defined in the Streets and Highways Code:

- A. “Director” shall mean the Public Works Director or their designee.
- B. “Food service establishment” shall mean businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.
- C. “Parking spaces within the public right-of-way” shall mean the designated on-street or off-street area where parking of vehicles does not violate any posted parking restriction and the use of the space does not interfere with the safety or the passage of persons and vehicles.
- D. “Permittee” shall mean the permit holder of a valid streetary encroachment permit issued by the city.
- E. “Sidewalk” shall mean any public right-of-way designated for pedestrian access.
- F. “Streetary” or “streetaries” shall mean an outdoor eating area that operates within and uses parking spaces and/or sidewalks within the public right-of-way directly adjacent to the food service establishment street frontage and/or operates within and uses public right-of-way on streets or portions thereof that have been closed to vehicular travel

13.30.020 - Permit required.

Any person desiring to erect, construct, place or maintain an encroachment upon any City sidewalk and/or existing parking spaces within the public right-of-way for a streetary must first obtain an annual streetary encroachment permit pursuant to this chapter. No other permits shall be required in order to operate a streetary. Each applicant for an annual streetary encroachment permit shall comply with the requirements of this chapter, any other applicable laws, and any regulations and policies adopted pursuant to this chapter.

Permits shall only be issued to applicants with a valid business license issued by the city to operate a food service establishment which is directly adjacent to the right-of-way within which a streetary encroachment permit is sought.

All persons operating and/or maintaining streetaries as of the effective date of this ordinance shall be required to (1) submit a complete streetary encroachment permit application and pay applicable fees no later than December 31, 2023 and (2) obtain final inspection approval of the streetary encroachment permit by June 30, 2024. Failure to submit a complete application within this timeframe, or to meet the regulations required to obtain a streetary encroachment permit, while continuing to operate the existing outdoor dining facility within the public right of way shall constitute a violation of this chapter and may subject the current streetary operator to closure and/or enforcement pursuant to this chapter.

13.30.030 - Permit application.

The director of public works (the “director”) shall establish an application form for an annual streetary encroachment permit, including any application materials, and application and permit issuance procedures and timelines.

The application shall be valid for an initial term of three years, and then accompanied by an annual fee, in an amount set forth by separate resolution of the City Council.

The director shall transmit a copy of each application and renewal application for a streetary encroachment permit to the director of community development (the "planning director"). The planning director shall review the application for compliance with all applicable design and development standards.

13.30.040 - Fees.

Each permit application shall be accompanied by a permit application fee. Prior to permit issuance, the permittee shall pay an annual encroachment lease fee and a one-time, refundable deposit. Fees shall be in amounts set forth by separate resolution of the City Council.

13.30.050 - Where permitted.

- A. Streetaries are permitted in existing parking spaces within the right-of-way. The stopping, parking and/or standing of vehicles shall be prohibited in all locations and existing parking spaces within the City where a streetary encroachment permit has been issued.
- B. Streetaries are permitted on sidewalks within the right-of-way.
- C. Streetaries are permitted within the right-of-way on streets or portions thereof that have been closed to vehicular access, where, in the determination of the Director, use of such right-of-way will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons or adjacent businesses.

13.30.060 - Location criteria.

- A. Notwithstanding section 13.30.050 subsections A and B, above, streetaries shall not be permitted along streets with (1) peak hour parking restrictions or (2) speed limits greater than 25 miles per hour.
- B. Notwithstanding subsection B, above, streetaries shall not be permitted in parking spaces that (1) are Americans with Disabilities Act (ADA) designated, (2) are designated for no parking (red curb), passenger loading zones (white curb), commercial loading zones (yellow curb), limited parking zones (green) and/or any other colored curb zones with restrictions on driveways, ADA ramps, or entrances to parking lots or city-owned parking facilities, (3) would block or obstruct any fire hydrant, fire sprinkler or standpipe hose, or other public safety infrastructure, (4) would obstruct utility access panels, manhole covers, storm drains, valves, or any other type of utility assets, or (5) would obstruct any bicycle facility, or (6) provide bicycle parking, unless the bicycle parking can be reasonably relocated within 300 feet.
- C. Maximum parking stalls. A maximum of three parking spaces shall be used for each streetary.
- D. Adjacency to storefront. Streetaries may only be permitted in parking spaces and on sidewalks within the right-of-way that are directly in front of and adjacent to the permittee's food service establishment. If a food service establishment fronts more than one but less than two parking spaces and fronts more than fifty percent (50%) of the second parking space, the permittee is eligible to apply for two parking spaces for use as a streetary.
- E. Notwithstanding subsection D, above, the Director at their sole discretion may consider an exception to the adjacency to storefront requirement if: (1) the proposed Streetary was in operation as an outdoor food service establishment for six months prior to the effective date of this ordinance, (2) the proposed Streetary had obtained and at all times maintained all

required permits and licenses to operate as an outdoor food service establishment, and (3) the Director determines that the location of the proposed Streetary will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons or adjacent businesses as evidenced by the permittee obtaining written consent from the establishments fronting the proposed location and providing to the City.

- F. Travel lane setback. Streetaries shall have an eighteen inch (18") minimum setback from the travel lane measured from the parking striping adjacent to the travel lane. In cases where no striping exists, the maximum length of the streetary measured from the face of the curb shall be determined by the director or their designee.
- G. Side setback. Streetaries shall have a two-foot minimum side setback to each wheel stop located at each end of the parking space.
- H. Utilities. A minimum clearance of four feet (4') from either side of utility access panels, manhole covers, storm drains, street valves, or any other type of utility assets will be required to allow for maintenance access. Streetaries proposed under overhead utility lines shall meet the minimum vertical distance requirements as established by the California Public Utility Commission. Streetaries that block the outlet of a sidewalk underdrain shall ensure the outlet is functional and flowing. Permittees shall take a thorough inventory of utility access covers in the proposed streetary area by checking under parked cars. Permittees shall provide for access to any city or public utility company that may have underground conduits beneath the constructed streetary. Access to utilities may require that a permittee temporarily remove all or a portion of the constructed streetary. Permittees shall be responsible for the cost of removing, re-installing and restoring any damage to the streetary.

13.30.070 - Design and development standards.

The City Council shall, by separate resolution, adopt design and development standards regulating the form, design, safety, and maintenance of streetaries. The director may, from time to time, make minor modifications to the design and development standards.

13.30.080 - Criteria for issuance.

- A. The director, in acting upon any application for a streetary encroachment permit, shall either approve, approve with conditions, or deny the issuance of a permit based on the following principles and standards:
 - a. That the proposed use of the parking spaces and/or sidewalks within the public right-of-way is in compliance with all applicable provisions of this chapter;
 - b. That the proposed use of the parking spaces and/or sidewalks within the public right is so arranged as to ensure the protection of public health, safety and general welfare, and prevent interference with users of the sidewalks, streets and holders of other permits; and
 - c. That the proposed use will properly comply with the provisions and development standards prescribed in this chapter, or as prescribed by the director and/or planning director.
- B. The streetary encroachment permit may be subject to additional conditions where the city has documented any violation of this chapter, other applicable laws and regulations, or the streetary is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood.
- C. Deviations from Adopted Standards. Where the director determines that (1) a strict application of standards set forth in this ordinance cannot be met by a proposed streetary,

and (2) the streetary, as proposed, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood, the director may grant exceptions or minor modifications to the standards set forth in this ordinance.

13.30.090 - Limited to food service establishments.

All permits issued pursuant to this chapter shall be limited to streetaries established in conjunction with food service establishments.

13.30.100 - Operational standards.

- A. No live entertainment or amplified music. No live entertainment or amplified music shall be permitted in streetaries established pursuant to this chapter without first obtaining all required permits including but not limited to those issued pursuant to Chapter 8.06 (Noise).
- B. No outdoor food preparation, flames, heating. Outdoor food preparation, food heating mechanisms, cooking and open flames, hotpots, candles, open flames, and barbecues shall not be permitted in streetaries.
- C. Alcohol service. Alcohol service shall be permitted subject to the acquisition of all required local and State permits and licenses.
- D. Noise and disruptive behavior. Permittees shall be responsible for ensuring their patrons minimize noise and disruptive behavior while using their streetary space.
- E. Site maintenance. Streetaries shall be maintained free of litter, refuse and debris. The area shall be scrubbed and mopped daily by the permittee to remove any food or drink stains. Such cleaning shall be in accordance with the City's Storm Water Management Program per Chapter 7.42 of the Menlo Park Municipal Code, which prohibits any discharge other than rainwater into the storm water drainage system.
- F. Streetaries shall adhere the following site maintenance requirements:
 - a. The permittee is required to keep the streetary area safe, free of debris, grime, and graffiti, and to keep any plants in good health.
 - b. Outdoor seating shall be scrubbed and mopped to remove any food or drink stains on a daily basis and the sidewalk shall be power washed quarterly by the permittee. Such cleaning shall be in accordance with the City's Storm Water Management and Discharge Control Program, which prohibits any discharge other than storm water into the storm water drainage system.
 - c. Streetaries and enclosures shall be designed in a manner that does not negatively impact existing drainage patterns. Features shall be incorporated into the design that allows water to flow freely off the street surface and along any existing gutter.
 - d. The permittee shall be required to clean tree grates, the gutter, and drainage inlets. Business and/or property owners shall be required to remove any debris that accumulates against their streetary. The areas on, under, and around the streetary must be clear of leaves and debris, which may require the restaurant operator or property owner to blow underneath the streetary or enclosure. The permittee shall also provide cleanout access upon request.
 - e. The permittee is required to maintain the pedestrian access clearances in sidewalk café and curb extension area and keep these areas safe, clean, and free of debris.
 - f. Streetaries shall not block access necessary to maintain the canopy of City maintained street trees.

- g. Failure to maintain the cleanliness, safety, and accessibility of a streetary or café may subject the permittee to violations and fines. If maintenance issues are not resolved, a streetary permittee may be required by the City to remove the streetary at the permittee's expense.
- G. Sidewalk Cleaning. The permittee shall comply with all State and local regulations related to waste disposal including the National Pollutant Discharge Elimination System (NPDES) and the California Storm Water Quality Association (CASQA) as follows:
 - a. Pollution Prevention (visit www.cabmphandbooks.com for more information)
 - i. Use dry cleaning methods whenever practical for surface cleaning activities.
 - ii. Use the least toxic materials available (e.g. water-based paints, gels or sprays for graffiti removal).
 - b. Surface Cleaning
 - i. Regular broom (dry) sweep the streetary, sidewalk, plaza, and parking areas to minimize cleaning with water.
 - ii. Dry cleanup first (sweep, collect, and dispose of debris and trash) when cleaning sidewalks or plazas, then wash with or without soap.
 - iii. Block the storm drain or contain runoff when cleaning with product
- H. ADA compliance. Streetary seating areas must, at all times, comply with all requirements of the ADA and provide sufficient clearance and walkway space to allow safe access and egress. For multi-level streetaries, a minimum of one level of ADA access shall be required.
- I. Hours of operation. The streetary shall adhere to the same approved hours of operation as the associated food service establishment business, with the following limitations:
 - a. For streetaries that are within 150-foot horizontal or vertical distance from residences: Streetaries shall not commence operations prior to 7 a.m. on Saturdays, Sundays, and holidays; Streetaries shall not commence operations prior to 6 a.m. Monday through Friday; Streetaries shall not operate after 10 p.m. on Fridays and Saturdays; Streetaries shall not operate after 9 p.m. Sunday through Thursday and holidays. For purposes of this section, "holidays" shall have the same meaning as set forth in chapter 8.13 (Noise) of title 8.
- J. Insufficient usage. Streetaries must demonstrate adequate usage in order to contribute to the economic vitality of the city. The city requires these streetaries to be set up and readily available for use during the operational hours of the food service establishment associated with the streetary, except in inclement weather and subject to the hours of operation limitations under subsection G. The city has the right to notify any streetary in writing of insufficient usage and invoke the enforcement procedures set forth in this chapter.

13.30.110 - Indemnification and insurance.

As a condition of the issuance of an annual streetary encroachment permit, the permittee shall defend, indemnify and hold harmless the City of Menlo Park and shall present, along with each application or renewal application for an annual permit, evidence of liability insurance in a form acceptable to the director.

13.30.120 – Enforcement.

- A. Any person who violates this chapter shall be guilty of a misdemeanor and may be subject to any and all enforcement proceedings or remedies, including the imposition of penalties as authorized by law. The provisions of this chapter are cumulative to any other remedies authorized by law. Any streetary may be subject to inspection by the city on an annual basis or as needed to ensure compliance with this chapter and permits issued pursuant to this chapter.

- B. The city retains the right to revoke a streetary encroachment permit at any time where a violation of this chapter has occurred and/or revocation is necessary to protect the public interest, health, safety and/or welfare of the community. If the director believes that a permittee is in violation of this chapter, the director may issue a notice of violation to the permittee. The notice of violation shall be served on the permittee, either in person or by first class mail. The notice shall indicate that the permit is subject to termination unless, within 30 days of service of the notice of violation, the violation is corrected or a hearing pursuant to this chapter is requested in writing.
- C. If the director or their designee determines that a permittee will not be able to continue to meet the requirements of this chapter because of a proposed public highway right-of-way improvement, the director or their designate shall notify the permittee, either in person or by first class mail, that the permit will be terminated within 30 days of service of the notice of termination.

13.30.130 – Appeals

Any person aggrieved by the director's action on a streetary encroachment permit application or revocation may appeal by submitting a written appeal to the city manager, along with any applicable appeal fee as provided in the city's master fee schedule, within fifteen (15) days of the date on which the permit was issued or on which the application was denied or on which the permit was revoked. The city manager, or their designee, shall hold a hearing on the appeal within thirty (30) days of receipt of the appeal, and shall give the applicant and the appellant at least ten (10) days' written notice of the time of the hearing. The decision by the city manager or their designee on the appeal shall be final.



STAFF REPORT

City Council

Meeting Date:

8/29/2023

Staff Report Number:

23-193-CC

Regular Business:

Adopt resolutions to approve streetary design standards and streetary fees

Recommendation

Staff recommend that the City Council:

1. Adopt resolution to approve streetary outdoor dining design standards (Attachment A)
2. Adopt resolution to approve streetary outdoor dining fees (Attachment B)

Policy Issues

The addition of Chapter 13.30 Streetaries Outdoor Dining Areas to Title 13 of the Menlo Park Municipal Code and amendments to corresponding sections of Title 13 of the Menlo Park Municipal Code relating to outdoor dining in the public right-of-way through streetary encroachment permits establishes a long-term policy including permitting, operational and maintenance regulations for outdoor dining in the public right-of-way.

Streetary outdoor dining design standards establish streetary encroachment permit application submittal guidelines and detailed standards for design elements, furnishings and fixtures, and operations and maintenance. Streetary outdoor dining fees set both initial and annual renewal permit and use of space fees that account for the City's administration of the program and use of the public right-of-way for private business purposes.

Background

The City Council voted unanimously to introduce the streetary outdoor dining areas ordinance at the Aug. 15 City Council meeting. The staff report and materials are available in Attachment C, and include a history of outdoor dining regulations in Menlo Park, existing outdoor uses, and an overview of business outreach activities. At that meeting, the City Council requested staff review visibility and height requirements outlined within the streetary design standards (Attachment A, Exhibit A) and adjust requirements that do not impact safety. For the streetary fee structure, the City Council requested staff provide additional data on unsubsidized fees and information on expanding a fee waiver program to new streetary applicants without prior outdoor uses. Updates to streetary design standards and additional information on fees are described in the Analysis section below.

Analysis

Streetary outdoor dining design standards

The streetary ordinance section 13.30.070 states that the City Council will adopt design and development standards regulating the form, design, safety, and maintenance of streetaries by resolution (Attachment A).

Staff prepared the streetary outdoor dining design standards to establish the streetary encroachment permit application submittal guidelines for parklets and sidewalk cafes, as well as detailed standards for design elements (location and setbacks, platforms, barriers/enclosures, and overhead structures), furnishings and fixtures, and general safety, operations and maintenance. The streetary design standards were created through a collaborative effort that was facilitated by HdL Companies and involved the expertise of City staff from planning, building, public works, transportation and economic development, as well as the Menlo Park Fire District.

As noted above, staff reviewed and updated visibility and height requirements outlined within the streetary design standards (Attachment A, Exhibit A).

- Wind barriers: The maximum height of wind barriers was increased from six feet to 10 feet above the platform floor to align with the maximum height for overhead structures and provide for more flexibility. The requirement for wind barriers above 36 inches to be transparent was removed to allow more discretion of streetary owners in their designs and to promote privacy for diners. However, a condition was added that wind barriers must not conflict with the sight distance triangle and the 20 feet clearance zone.
- Overhead structures: The minimum height of overhead structures was updated to align with California Building Code standards, which stipulate heights of overhead structures must be no less than seven feet and six inches from the finished floor. While the building code does not establish a height maximum, the streetary design standards limit overhead structures to a maximum height of 10 feet with some increased height allowances for situations where it will not conflict with safety or visibility standards.
- Tables, seating and chairs: The recommended table size within the furnishings and fixture section was removed. The section now focuses on accessibility for tables, seating and chairs.
- Lighting: The minimum height of lighting was reduced from 10 feet to seven feet and six inches to align with the minimum height of overhead structures. Through a review of current outdoor dining, SZFM Design Studios, Inc. indicated the previously proposed minimum height of 10' for string lights would make them seem both too far away for providing useful light as well as harder to properly maintain. The design standards do not include a maximum height for lighting to accommodate situations where lights need to be greater than seven feet and six inches in height to work around trees and other existing features around the streetary.
- Plants and Planters: Maximum height of plants in planters was increased from six inches to between 12 inches and 18 inches total depending on the allowable planter height range from 30 inches to 36 inches. Note: Existing cement planter barriers are 30 inches in height. The updated combined total maximum height for planters and plants is 48 inches to ensure visibility and sightline of the surrounding retail tenant establishments both into and out of the parklet. There is an exception for planters at intersections or midblock crosswalks that prohibits combined planters and plants heights greater than 36 inches so as not to block vehicular, bicycle, and/or pedestrian visibility.

Streetary outdoor dining fees

The streetary ordinance section 13.30.040 states that the City Council will establish fee amounts for permit applications by resolution (Attachment B). The streetary fees include initial fees for both a streetary permit, including permit review and program administration, and use of public space at a per square foot (SF) cost. The initial streetary permit term will be three years, after which annual fees will be required to cover minor administrative costs and use of space within the public right-of-way. The proposed streetary encroachment permit fee structure is outlined in Table 1.

Table 1: Proposed streetary encroachment permit fees			
	First year	Annual renewal (begins after initial 3 year term)	Notes
Streetary Permit - parklets (plus sidewalk cafes where applicable)	\$1,725	\$250	First year permit fee is the same as the administrative permit fee for outdoor dining on private properties. Applicants may be subject to a surcharge for a structural review. Renewal fee covers administration.
Streetary Permit - sidewalk cafes (standalone)	\$810	\$250	First year permit application same as a major encroachment permit fee. Renewal fee covers administration.
Streetary use of space fee	\$4.24/SF	\$4.24/SF	Total would vary based on the actual area proposed in the streetary application.

In determining fee options, staff considered comparable outdoor dining program fee structures adopted by cities within the region as shown in Table 2. The proposed rate for the Menlo Park streetary program would be the third highest rate, below Redwood City and Burlingame, respectively. Current average initial permit and use fees among cities with outdoor dining are \$2,641 and average annual fees are \$1,915. Median initial permit fees are \$1,914 and median annual fees are \$997.

Table 2: Comparable outdoor dining program fees			
City	First year permit and use fees	Annual fees	Notes
Redwood City	\$2,226 permit fee \$10.16/SF Use fee (\$3,657.60 for 360SF space) = \$5,883.60	\$10.16/SF Use fee (\$3,657.60 for 360 SF space) \$583 renewal fee = \$4,240.60	Annual use fee waived for first year for businesses who obtained a permit by Oct. 31, 2022.
Burlingame	\$431 permit fee + \$1/ every SF over 200-SF over max \$5,100 for first year use of space = \$5,531.00	\$1,500 use fee \$3,000 cleaning fee = \$4,500.00	
Menlo Park (Proposed rate)	\$1,725 permit fee \$4.24/SF per year (\$1,526.40 for 360SF) =\$3,251.40	\$250 permit renewal \$4.24/SF per year (\$1,526.40 for 360SF) =\$1,776.40	Permit + use fees. Annual (after 3-year term) renewal + use.
Mountain View (Downtown Castro St)	\$769 permit fee \$2,400 for first year use of space = \$3,169	\$205 use fee \$180 cleaning fee = \$385	
San Rafael	\$2,000 permit fee (\$2,000 one-time deposit) = \$2,000	\$3,600 use fee	Permit fee waived through 2023 and annual use fee waived until June 1. 50% fee discount applies between June 1 and May 30, 2024. 25% fee discount applies June 1, 2024 and May 31, 2025. No discounts or waiver beginning June 1, 2025.
San Carlos	\$539 permit fee \$1,289 for first year = \$1,828	\$289 use fee \$705 cleaning fee = \$994	
San Mateo	\$500 permit fee \$1,000 for first year use fee = \$1,500	\$500 use fee	\$500 encroachment permit application + 250/stall first year Annual renewal of \$250/stall
Morgan Hill	\$716.10 permit fee (\$1,000 security deposit) = \$716.10	\$1,000 use fee	Fees waived until Jan. 1. Permit fee is paid every seven-years. Annual use fee is only charged for parklets in the public right-of-way
Los Altos	\$500 permit fee	\$100 use fee	
Average	\$2,641	\$1,915	(Does not include proposed Menlo Park fees)
Median	\$1,914	\$997	

At the Aug. 15 City Council meeting, the City Council requested additional information on the potential streetary fee structure. Table 3 outlines the amounts for streetary encroachment permits, use fees, and annual renewals across three rate options and two comparable cities in San Mateo County. Data is based on average streetary size of 360 SF. Total fee amounts will vary based on actual SF of a streetary. Three

rate options for use fees are included: (1) a monthly \$4.24 per SF rate based on the full average annual retail rent per SF in Menlo Park (\$50.88 per SF per year), (2) the proposed \$4.24 per SF rate (discounted rate), and (3) an \$8.50 per SF rate (discounted rate) that is closer to the rate in neighboring Redwood City.

Table 3: Example of streetary encroachment permit fees first year					
Fees	Rate options			Comparable cities	
	\$4.24/SF per month (Full average retail rent per SF)	\$4.24/SF per year (Proposed rate)	\$8.50/SF per year (Additional increased rate option)	Redwood City	Burlingame
Streetary encroachment permit fee	\$1,725	\$1,725	\$1,725	\$2,226	\$591
Use fee (360 SF)	\$18,316.80	\$1,526.40	\$3,060	\$3,657.60	\$5,100
Total initial streetary permit + use fee	\$20,041.80	\$3,251.40	\$4,785	\$5,883.60	\$5,691
Annual permit renewal fee	\$250	\$250	\$250	\$583	\$3,000*
Annual use fee (360 SF)	\$18,316.80	\$1,526.40	\$3,060	\$3,657.60	\$1,500
Total annual fee	\$18,566.80	\$1,776.40	\$3,310	\$4,240.60	\$4,500

*Cleaning fee. Proposed streetary ordinance in Menlo Park places cleaning responsibility on streetary owner.

Two use fee options would be significantly subsidized by the City compared to average retail rent rates in Menlo Park:

- For the proposed rate of \$4.24/SF, use fees would be discounted by \$16,790.40 compared to the average annual retail rent per SF.
- For the additional increased rate option of \$8.50/SF, use fees would be \$1,533.60 higher than the proposed rate and discounted by \$15,256.80 compared to the average annual retail rent per SF.

Business assistance for transitioning to streetary program

The streetary program contains multiple elements aimed to assist businesses to comply with new streetary standards and provide financial support. First, the City engaged SZFM Design Studios, Inc. (SZFM), a California based design firm, to review existing outdoor dining uses for compliance with proposed streetary design standards. SZFM provided recommendations to help existing outdoor dining facility owners more easily implement improvements (Attachment C).

Staff also recommend fees be waived until Jan. 1, 2025, for food-service establishments with existing outdoor dining areas that submit a completed streetary encroachment permit application by Dec. 31 and for any new food-service establishments that apply for a streetary permit. On and after Jan. 1, 2025, first year permit fees will apply to new streetary applicants, and the annual renewal fees will apply to existing streetaries once their initial three-year term is reached. This delayed effective date for fees provides financial support for businesses that invested in creating outdoor use spaces and provides other businesses an opportunity to create outdoor dining with subsidy. Table 4 outlines the City subsidy through fee waivers.

Table 4: Estimated fee waiver			
Fee	Price	Existing outdoor dining areas	Estimated fee waivers
Initial permit fee			\$20,700
Initial use of space fee	\$4.24/SF per year		\$22,896
Annual renewal year 1			\$25,896
Annual renewal year 2	\$250 + \$4.24/SF		\$25,896
Total estimated cost of streetary encroachment permits for 12 existing uses			\$95,388

Table 4: Estimated fee waiver			
Fee	Price	New outdoor dining areas	Estimated fee waivers
Initial permit fee	\$1,725 (one-time)		\$8,625
Initial use of space fee	\$4.24/SF per year	Five streetaries	\$7,632
Annual renewal year 1	\$250 + \$4.24/SF	(Assuming use of two-parking spaces per streetary (360 SF) or 1,800 SF total)	\$8,882
Annual renewal year 2	\$250 + \$4.24/SF		\$8,882
Total estimated cost of streetary encroachment permits for 5 new areas			\$34,021

Estimated fee waivers are provided as an example in Table 4. Estimates are based on proposed fees and two assumptions: (1) all 12 existing outdoor dining uses apply for streetaries permits and (2) potentially five new businesses apply for streetaries permits in year one. Total City subsidy of fee waivers in the initial three-year period would be \$95,388 for existing outdoor dining uses and \$34,021 for potentially new Streetaries, for a total of \$129,409.

Alignment with Specific Plan

In alignment with the El Camino Real and Downtown Specific Plan Section D – Public Space, the proposed streetary outdoor dining program standards use the functional zones of the sidewalk and parking / travel lane identified in the Specific Plan to help establish locations for parklets and sidewalk cafes. The El Camino Real and Downtown Specific Plan identifies a need to improve the pedestrian realm on Santa Cruz Avenue, which includes sitting and outdoor dining options in functional sidewalk zones. The plan establishes sidewalk functional zones, ensuring a pedestrian clear zone and more pleasant and functional sidewalks. It redistributes the right-of-way between traffic lanes, on-street parking, and sidewalks in order to focus on an enhanced pedestrian experience while still accommodating vehicular circulation and on-street parking. Per the Santa Cruz Avenue sidewalks section (D10) of the Specific Plan, Activities outside the building, such as outdoor dining, can enliven adjacent sidewalks. These are desirable attributes in areas with high levels of activity such as the downtown and station area.

Impact on City Resources

Total fee waivers from the start of the streetary program to January 2025 would require an estimated City subsidy of \$129,409 if all 12 existing outdoor uses and potentially five new food-service establishments apply for Streetary permits. Total subsidy would vary based on actual square footage of streetaries.

The City of Menlo Park provides services and infrastructure that contribute to quality-of-life for all Menlo

Park residents. Rates for streetary permit fees would be subsidized at a midlevel of cost recovery in acknowledgement that the program benefits participating businesses, activates the public realm, and supports economic vitality of businesses and Menlo Park as a whole.

Environmental Review

The streetary outdoor dining areas ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Class 1), 15304 (Class 4) and 15305 (Class 5).

Class 1 categorical exemptions (Existing Facilities) consist of minor alterations or private facilities involving negligible or no expansion of existing uses. This ordinance will allow for minor alterations to private dining facilities to allow for negligible expansion of use into the public right of way.

Class 4 Categorical exemptions (Minor Alterations to Land) consist of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes, including “minor temporary uses of land having negligible or no permanent effects on the environment . . .” (CEQA Guideline § 15304(e).) This ordinance will involve the temporary, non-permanent use of land; all uses authorized pursuant to this ordinance would involve temporary, non-permanent improvements in the public right of way including temporary structures, tables and seating.

Class 5 categorical exemptions (Minor Alterations in Land Use Limitations) covers projects that consist of minor alterations in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density including but not limited to issuance of minor encroachment permits. This ordinance will result in the issuance of licenses and/or permits for use and encroachment into the public right of way.

The proposed project is consistent with these exemptions because the requested action will not result in a direct or reasonably foreseeable change in the environment and because there is no possibility that the activity in question may have a significant effect on 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 to approve streetaries outdoor dining design standards
- B. Resolution to approve streetary outdoor dining fees
- C. Hyperlink – Aug. 15 City Council staff report: menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2023-meetings/agendas/20230815-city-council-agenda-packet-w-pres.pdf#page=244

Report prepared by:
Kirstin Hinds, Senior Advisor, HdL Companies

Report reviewed by:
Stephen Stolte, Assistant City Manager

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
PURSUANT TO CHAPTER 13.30 (“STREETARIES” OUTDOOR DINING
AREAS) OF THE MENLO PARK MUNICIPAL CODE ADOPTING DESIGN
STANDARDS FOR THE STREETARY OUTDOOR DINING PERMIT FEES FOR
PARKLETS AND SIDEWALK CAFES**

WHEREAS, at its August 15, 2023, regular meeting, the City Council introduced an ordinance to add Chapter 13.30 (“Streetaries” Outdoor Dining Areas) to Title 13 of the Menlo Park Municipal Code (MPMC), which establishes permit requirements, location and operational criteria and standards, and enforcement of the Streetary Outdoor Dining program; and

WHEREAS, Section 13.30.070 of the Ordinance states that the City Council shall establish by resolution design and development standards regulating the form, design, safety and maintenance of Streetaries; and

WHEREAS, the Public Works Director may, from time to time, make minor modifications to the design and development standards.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Incorporation of recitals.

The City Council hereby finds the recitals set forth above to be true and correct.

Section 2. Streetary Outdoor Dining Design Standards Adopted.

The Streetary Outdoor Dining Design Standards, attached hereto and incorporated herein by this reference as Exhibit A, are hereby adopted. The Public Works Director may, from time to time, make minor modifications to the design and development standards.

Section 3: Environmental Review.

This Resolution is not a project within the meaning of section 15378 of the California Environmental Quality Act (“CEQA”) Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

Section 4: Effective Date.

This resolution shall become effective on the same date the ordinance adopting Chapter 13.30 becomes effective.

Section 5: Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this resolution is severable. If any section, paragraph, sentence, clause, or phrase of this resolution

is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

Section 6: Certification.

The City Clerk shall attest to and certify the vote adopting 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 twenty-ninth day of August, 2023, by the following votes:

AYES:

NOES:

ABSENT:

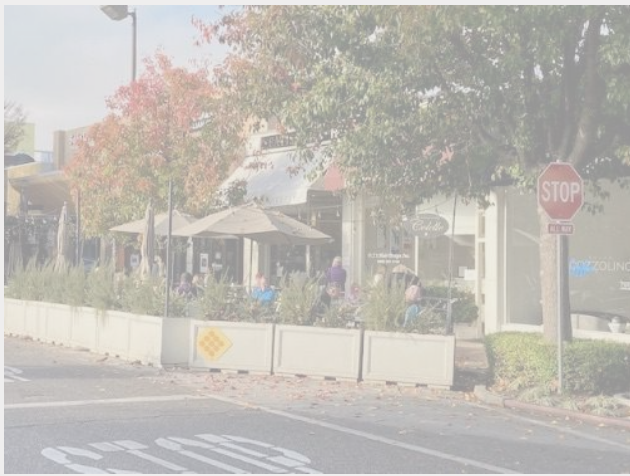
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ____ day of August, 2023.

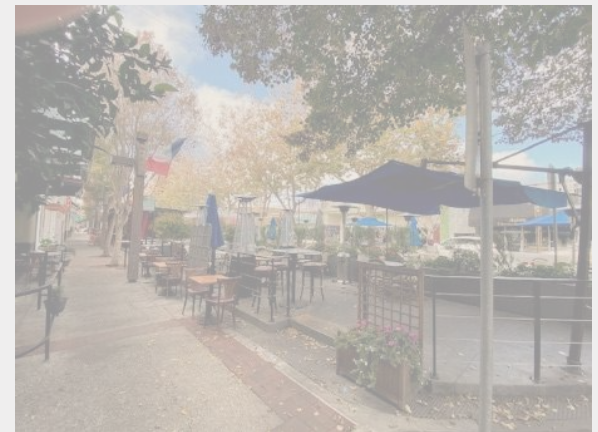
Judi A. Herren, City Clerk

Exhibits:

A. Streetary design standards



City of Menlo Park “Streetaries” Outdoor Dining Areas Design Standards



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STREETARY PROGRAM

STREETARY OUTDOOR DINING AREAS PROGRAM OVERVIEW

In 2015, the City of Menlo Park approved the Santa Cruz Street Café Program and assisted seven businesses in building semi-permanent parklets. The initial terms of the Santa Cruz Street Café program agreements expired in 2021 and the agreement holders were able to continue operating in the parklets on a month to month basis. The City’s Temporary Outdoor Use Permit (TOUP) program began in 2020 in response to the COVID-19 Pandemic and California State of Emergency order. The TOUP Program was tied to duration of the COVID-19 California State of Emergency Order, which expired February 28, 2023.

To continue outdoor dining operations, the Menlo Park City Council adopted the Streetaries Outdoor Dining Areas Ordinance to add Chapter 13.30 –Streetary Outdoor Dining Areas to the Menlo Park Municipal Code. The Streetaries outdoor dining areas program is an expansion of past outdoor use and parklet programs with improved design standards for the operation of outdoor dining installations in the Downtown Business District and other commercial areas of the City in the form of parklets and sidewalk cafes. Allowing for Streetaries provides an opportunity for businesses to expand their operations outdoors onto public streets or private spaces.

A “Streetary” refers to an outdoor eating area that operates within and uses public parking spaces and/or sidewalks within the public right of way directly adjacent to a restaurant or café or other food service establishment’s street frontage. Streetaries are generally allowed within two areas of the right-of-way: (1) the sidewalk area between the curb and the building or parcel frontage and (2) parking areas, generally the parking spaces between the curb and travel lane, as well as parking stalls in public or private parking lots.

Streetaries are generally permitted in the El Camino Real and Downtown Specific Plan / Downtown Business District area and most other commercially zoned areas for restaurant and dining space uses where the speed limit is 25 miles per hour or less. However, Streetaries are not allowed where bike/pedestrian safety and vehicle travel would be impacted, as well as along El Camino Real because it is a State-controlled roadway and is not under the City’s jurisdiction.

STREETARY GOALS

1. Activate the public realm in Downtown Menlo Park and other commercial areas.
2. Maintain physical and visual access to Menlo Park businesses.
3. Provide safe, attractive, and accessible spaces for outdoor uses.
4. Provide accessible amenity areas for private businesses during operating hours.
5. Support the economic vitality and growth of businesses and the City.

SECTION 1. STREETARY PARKLETS

STREETARY OUTDOOR DINING AREA – PARKLETS

PURPOSE

The purpose of the Streetary parklet standards is to ease the approval process for parklets by establishing parklet template design solutions for an applicant to meet the design, locational, and permitting requirements of the City.

GUIDELINES

The Streetary parklet design standards provide design guidelines and requirements for Menlo Park businesses to use in the preparation of an application to construct a parklet on a public parking space under City control in any commercial district where outdoor uses are permitted. A parklet is a sidewalk extension, typically installed on public parking spaces, that provides more space and amenities for outdoor dining (such as seating or greenery area) operated and maintained by the business establishment operating the Streetary.

RELATION TO SIDEWALK CAFÉ STREETARIES

The Streetary Program includes parklets and sidewalk cafes to facilitate additional outdoor dining and social gathering spaces in the public realm. Businesses that will only implement a sidewalk cafe should refer to the sidewalk café Streetary overview and may proceed to sidewalk café Streetary section of this document on page 21. Businesses that desire to implement a parklet should follow the parklet Streetary guidelines contained in this section. Where both a parklet and an adjoining sidewalk cafe are planned, both sections should be consulted.

PERMIT REQUIREMENTS

An Streetary encroachment permit is required for all parklet installations and sidewalk cafes, including those that were in place prior to the creation of these guidelines. **Streetary Permit application packets, as described below, must be submitted prior to the construction of any new parklet or the modification of an existing parklet previously permitted under the Santa Cruz Street Café or Temporary Outdoor Use Permit pilot programs.**

All permits will be reviewed by the Planning and Engineering Divisions and other relevant City departments, prior to approval. Permits for use of sidewalk and public parking plazas shall be revocable upon 72-hour notice if the City determines the sidewalk space or public parking plazas are needed for other non-emergency uses, such as expanded walking space on sidewalks for events or additional parking in public parking plazas.

STREETARY PARKLET SUBMITTAL REQUIREMENTS CHECKLIST

STREETARY ENROACHMENT PERMIT SUBMITTAL REQUIREMENTS FOR PARKLETS

The following shall be submitted to the **City of Menlo Park Public Works Department** as part of the Streetary Encroachment Permit:

- Permit fee payment (as defined in the Streetary Fee Structure)
- Site Plan (scaled - I.e., 1/8" = 1'10" | dimensioned - I.e., 5'0" clearance path) (refer to site plan checklist)
- Elevation drawing (refer to elevation drawing checklist)
- Identification of Parklet Design Components (refer to Design Components Checklist)
- Photograph of proposed design components
- Photograph of proposed Streetary location (showing the front and side views along the business frontage)
- Required insurance forms (see below)
- Traffic control plan (for installation/construction)

INSURANCE REQUIREMENTS

- Completed Hold Harmless Agreement (review requirements listed)
- Insurance Endorsement Form
- Insurance Certificate (must name City as additional insured, see Hold Harmless Form)

Insurance Category	Minimum Limits
Worker's compensation	Statutory Minimum
Employer's Liability	\$1,000,000.00 per accident for bodily injury or disease
Commercial General Liability	\$1,000,000.00 (\$2,000,000.00 for parklets) per occurrence for bodily injury, personal injury, and property damage

Streetary permit(s) are revocable. Compliance with Streetaries (Chapter 13.30) and the design / program guidelines in this document is required.

STREETARY PARKLET SITE PLAN CHECKLIST

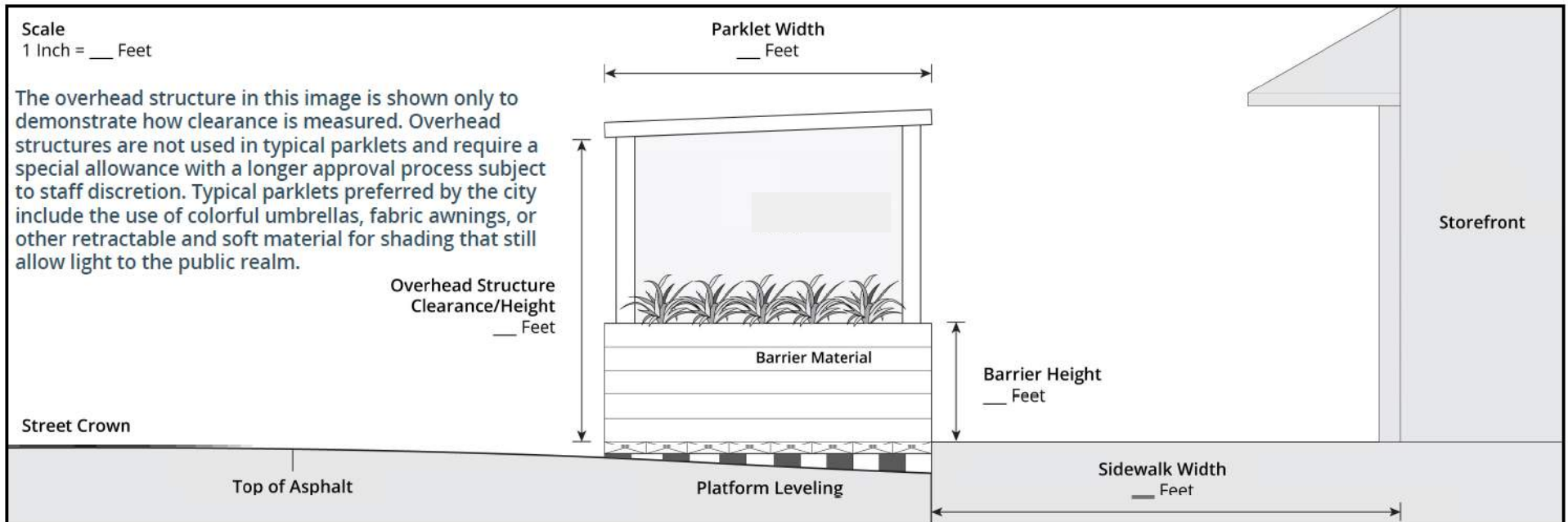
The Site Plan Checklist provides information required to be shown on the applicant’s submitted site plan. The Checklist includes information for the existing site conditions for the desired parking space and parklet location requirements to verify that the proposal is suitable along the business frontage. Example site plans that include the Checklist items are provided in the following section for each parklet template.

EXISTING SITE CONDITIONS	PROPOSED PARKLET STREETARY INFORMATION
Applicant building and adjacent businesses (with entry doors shown) <input type="checkbox"/>	Proposed parklet footprint and dimensions <input type="checkbox"/>
Existing sidewalk width(s) <input type="checkbox"/>	Egress plan and accessibility compliance <input type="checkbox"/>
Existing curb cuts and driveways <input type="checkbox"/>	Number of parking spaces that the parklet will occupy <input type="checkbox"/>
Adjacent bicycle lane or auto traffic lane <input type="checkbox"/>	Parklet setbacks: <ul style="list-style-type: none"> - Minimum 3-feet from adjacent parking spaces <input type="checkbox"/> - Minimum 2-foot from adjacent bicycle lane or auto traffic lane <input type="checkbox"/> - Minimum 2-feet from fronting driveways (if applicable) <input type="checkbox"/>
Existing parking spaces, ADA spaces, accessible routes and loading zones with dimensions <input type="checkbox"/>	
Other existing sidewalk features (e.g., fire hydrants, streetlights, planters, bike racks, bus stops, outdoor dining, trees, signs, trash cans, etc.) <input type="checkbox"/>	
All color curb zones (red, yellow, green, white, blue) <input type="checkbox"/>	Location, height, impact rating, and materials of barriers, railings, and/or enclosures <input type="checkbox"/>
Scale <input type="checkbox"/>	Location and spacing of parklet tables, chairs, umbrellas/fabric sails, and other furnishings <input type="checkbox"/>
North arrow <input type="checkbox"/>	Additional bike racks adjacent to the parklet (if applicable) <input type="checkbox"/>
Name and location of adjoining streets or alleys <input type="checkbox"/>	Lighting (if applicable) <i>no new foundations are allowed</i> <input type="checkbox"/>
Adjacent existing parklets <input type="checkbox"/>	Portable heaters and power source (if applicable) <input type="checkbox"/>
Height of building at proposed location and adjacent buildings <input type="checkbox"/>	Café counter: a long flat-topped fixture for dining (if applicable) <input type="checkbox"/>
	Benches (if applicable) <input type="checkbox"/>

STREETARY PARKLET ELEVATION CHECKLIST

The Parklet Elevation Checklist provides information required to be shown on the Parklet Applicant's submitted parklet elevation drawing.

PROPOSED PARKLET BARRIER AND STRUCTURE INFORMATION	PROPOSED PARKLET PLATFORM AND OTHER INFORMATION
Parklet width <input type="checkbox"/>	Platform Support <input type="checkbox"/>
Barrier Height <input type="checkbox"/>	Platform Leveling (i.e., pedestal or other means) <input type="checkbox"/>
Barrier Materials (including planters, railings, and soft posts (if applicable)) <input type="checkbox"/>	Platform Anchorage <input type="checkbox"/>
Overhead Structure (if approved as a special allowance) <input type="checkbox"/>	Drainage Clearance <input type="checkbox"/>
Overhead Structure minimum 7' 6" clearance <input type="checkbox"/>	Existing Asphalt and street crown <input type="checkbox"/>
Overhead Structure Height <input type="checkbox"/>	Sidewalk Width <input type="checkbox"/>
	Storefront <input type="checkbox"/>



OUTDOOR PARKLET STREETARY DESIGN STANDARDS

SELECT A PARKLET STREETARY TEMPLATES

Each template reflects conditions that generally exist for on-street parking spaces in commercial areas: parallel parking spaces, diagonal parking spaces, and special condition parklets. The applicant shall select a parklet template based on the existing conditions along the site frontage.

Special condition parklets allow for unique or site-specific conditions. Each special condition template has a unique icon that is used throughout these guidelines to indicate where a program requirement is specific to that special condition parklet.

Once the applicant has selected a parklet template, the applicant may then select an option for each of the design components listed on page 12. These include enclosure or platform materials, seating options, and other considerations. Parklets shall meet all additional design requirements starting on page 13. Please see the Appendix for additional parklet template renderings and site plans.

A-1 PARALLEL SPACE PARKLET (1 PARKING SPACE)

- The Parallel Parklet template occupying one parking space is a compact parklet that provides an intimate outdoor dining setting.
- This template limits the maximum parklet area to one parking space and can be utilized in areas where available on-street parking spaces are limited.
- Parklets proposed for perpendicular parking spaces can use a modified version of this template.

Parklet Streetary Template Options

- A. Parklet in parallel parking space(s):
 1. A-1 One Space
 2. A-2 Two Space
- B. Parklet in a diagonal parking space
- C. Special Condition Parklets:
 1. C-1 Parklet/Sidewalk Café Combination
 2. C-2 Parklet/Sidewalk Café Curb Extension
 3. C-3 Parklet/Pedestrian Street Combination



A-2 PARALLEL SPACE PARKLET (2 PARKING SITES)

- The Parallel Parklet template occupying two parking spaces provides a larger outdoor dining setting.
- This template limits the maximum parklet area to two parallel parking spaces.
- Parklets proposed for perpendicular parking spaces can also use a modified version of this template.



B-DIAGONAL SPACE PARKLET

- The Diagonal Space Parklet template provides a larger outdoor dining setting.
- When including the necessary setbacks, this template would need three spaces.



C-1 PARKLET/SIDEWALK CAFÉ COMBINATION

- The Parklet/Sidewalk Cafe Combination template is for conditions where an applicant has the opportunity to incorporate both a sidewalk cafe and a parklet for a combined space.
- This Special Condition template can be used in either a parallel parking or diagonal parking site.
- The combined space should be designed as a comprehensively planned singular space.



C-2 PARKLET/SIDEWALK CAFÉ CURB EXTENSION COMBINATION

- The Parklet/Sidewalk Cafe Curb Extension Combination template is provided for sites where a business would like to incorporate a sidewalk cafe on an adjacent curb extension with a parklet.
- This Special Condition template can be used in either a parallel or diagonal parking site adjacent to an intersection.
- The combined space should be designed as a comprehensively planned singular space.



C-3 PARKLET/PEDESTRIAN STREET COMBINATION

- The Parklet/Pedestrian Street Combination template is designed with flexibility for parklets that are proposed on streets the City has permanently closed to vehicular through-traffic to enable pedestrian access and circulation.
- This template shall not be used where streets are only temporarily closed.
- Expanded seating areas would not be allowed unless the supplementary seating is specifically reflected in plans submitted and approved by the City.



SELECT PARKLET DESIGN COMPONENTS

Each of the Parklet templates can be constructed with a series of components of a variety of materials to ensure quality design and an enhancement of the public realm. The applicant shall select one or more of the appropriate features from the Required Design Components, below, and then select additional, Optional Design Components. The design should be compatible with the façade of the adjacent building/restaurant. The applicant may propose to use an alternative material that may be approved upon review by City staff.

REQUIRED DESIGN COMPONENTS		OPTIONAL DESIGN COMPONENTS**	
Platform <i>Select one:</i>		Shading <i>Select one:</i>	
Brick pavers _____	Concrete Pavers _____	Umbrella (Fire resistant) _____	Fabric sail shade (Fire resistant) _____
Wood boards _____	Other: _____		
Platform Support <i>Select one:</i>		Lighting	
Wood platform support _____	Steel-frame platform support _____	String Lights _____	Light post _____ <i>(No new foundations allowed)</i>
Barriers <i>Select one:</i>		Overhead Structures as a Special Condition <i>Select one of the following:</i>	
Wood planter* _____	Concrete Planter* _____	Pergola _____	Solid Roof _____
Steel planter _____	Perforated steel Railing _____	Tent/Membrane Structure _____	Other: _____
Tables and Seating		Other	
Movable café tables and chairs _____	Metal benches _____	Additional planters _____	Bike rack _____
Wooden benches _____	Café counter _____	Portable heaters _____	Other: _____

*Wood and Concrete Planters must be painted or finished, and colors should be compatible with the façade of the adjacent building.

**Fuel fired heating devices are prohibited inside of cloths, umbrellas, tents, canopies, and membrane structures (electric is okay). Heating devices must be CSFM rated.

DETAILED DESIGN STANDARDS

This section provides detailed requirements and standards that are applicable to all parklet templates. Parklet design elements and materials consist of the following elements, generally: (A) Location and Setback; (B) Platforms; (C) Railings or enclosures; and (D) Overhead Structures as a Special Allowance. Furnishing & Fixture Design Standards and General Operation & Maintenance Requirements for parklets and sidewalk cafes are at the end of the document. These requirements are established to maintain safety, accessibility, and an enhanced design that connects the public realm. The applicant's compliance with these requirements shall be shown on the applicant's site plan, submitted as part of the parklet permit application.

A. LOCATION AND SETBACK CRITERIA

Streetaries are generally allowed in most commercial districts along the curbside on public streets where on-street parking spaces exist. However, parklets are not allowed along El Camino Real because it is a State-controlled roadway and is not under the City's jurisdiction.

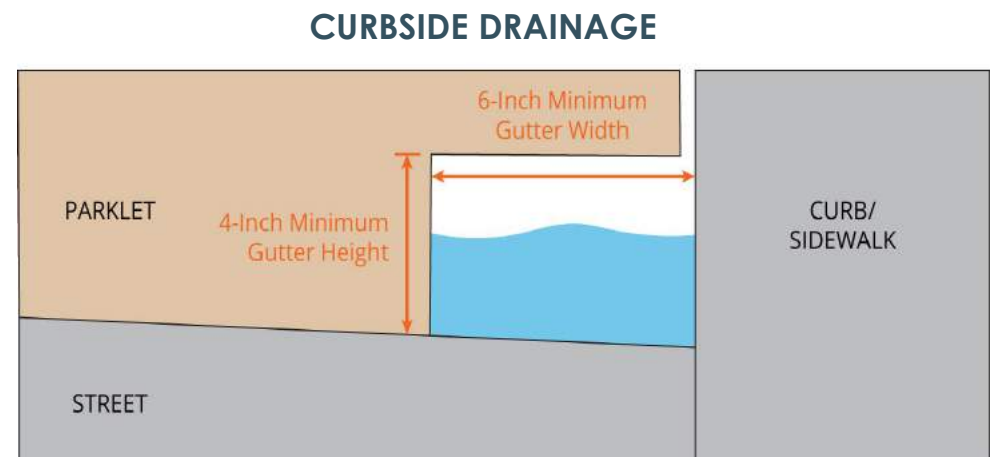
1. **Permitted areas within City:** Streetaries are intended for outdoor dining in the El Camino Real and Downtown Specific Plan /Downtown Business District, as well as other commercially zoned areas where outdoor uses are permitted. Streetaries are only permitted on roads with speed limits less than 25mph. Parklets are not allowed in ADA/handicap parking spaces or red curb zones.
2. **Parklet Size**
 - A maximum of three parking spaces shall be used for each Streetary. A typical parklet occupies approximately 360 square feet (equivalent to about 2 parallel parking spaces). Parklets that occupy more space may be approved at the City's discretion.
 - A parklet located in an angled space shall occupy a minimum of 3 diagonal spaces to allow for sufficient buffering to vehicles parking in adjacent parking spaces. This may be reduced to 2 diagonal parking spaces where a parklet is proposed in combination with a curb extension.
3. **Parklet Setback Requirements**
 - 2.5-feet from driveway flare
 - 2-feet from the travel lane (1-foot from the travel lane may be acceptable where the travel lane is 11 or 12-feet in width), measured from the parking striping adjacent to the travel lane. Where the parking striping does not exist, the applicant shall confirm with City staff the width of the travel lane measured from the street centerline and provided the setback from the identified travel lane edge. The 2-foot setback must be kept clear at all times, unless occupied by reflective delineator posts or their equal
 - 2-feet from a bike lane
 - 3-feet from the side to the adjacent parking space, parallel or diagonal. Where parking striping does not exist, the applicant shall confirm with City staff the width and location of each parking space and shall measure the setback from the identified parking space location
4. **Crosswalk & Bulb-out Setback:** When located near an intersection or mid-block crosswalk, parklets must be located at least 20-feet from the nearest boundary (edge of the crosswalk that is closest to the parklet) of a crosswalk at the nearest intersection or street corner. A curb extension (commonly referred to as a "bulb-out"), some other physical barrier that would protect the parklet in a corner location, or other specific site condition may allow the City to consider variations from the 20-foot minimum requirement.

5. Other Location Criteria:

- **Utilities:** Parklets may not be constructed over or obstruct utility access panels, manhole covers, storm drains, survey monuments, or fire hydrants. A minimum clearance of 4-feet from either side of said utilities will be required for maintenance access.
 - Be sure to take a thorough inventory of utility access covers in your proposed parklet area by working with city staff to determine utility locations, surveying your proposed parklet area, and checking under parked cars.
 - A minimum clearance of 4-feet from either side of storm drains and manhole covers will be required to allow for maintenance access.
 - Parklets proposed under overhead utility lines will be required to meet the minimum distance requirements as established by the CPUC.
 - Parklets that block the outlet of a sidewalk underdrain will be required to ensure the outlet is functional and flowing.
 - Parklet sponsors must provide for access to any City or utility company that may have underground conduits beneath the constructed parklet at all times, or immediately following a request for access. No notice can be guaranteed for emergency access to underground utilities. For planned access, 72-hour notice will be issued to the parklet sponsor. Access to utilities may require that a parklet sponsor temporarily remove all or a portion of the constructed parklet at the parklet sponsor/owner's expense.
- **Fire Hydrants:** Fire hydrants shall not be blocked and parklet owners must maintain a 3-foot radius clearance around the physical hydrant and 15 feet access to hydrant in each direction linear along street.
- **Fire District Connections (FDCs):** to maintain access to FDCs, five-foot wide openings should be provided between every two adjacent parklets (and no more than 75-feet apart).

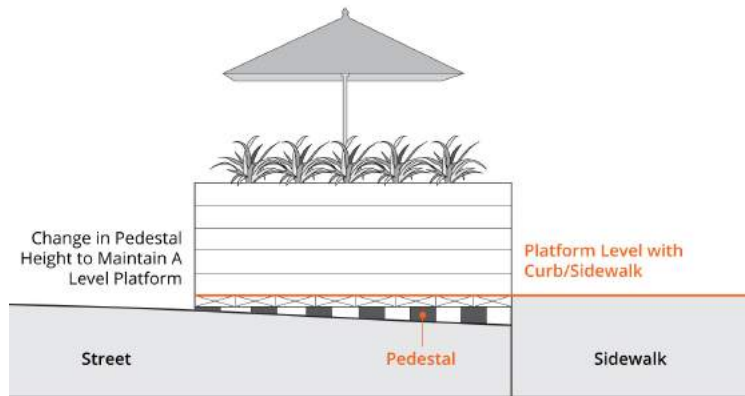
B. PARKLET PLATFORM DESIGN CRITERIA

1. **Materials:** Platforms must be constructed with durable, fire resistant materials and be able to withstand the effects of the outdoor environment. **Examples:** naturally durable wood, preservative-treated wood, or other engineered material suitable for exterior conditions.
 - Concrete platforms are **not** permitted; however, you may use concrete pavers on a platform structure.
 - Surface materials must be textured or treated with a non-skid coating to ensure a safe walking surface. Loose particles, such as sand and loose stone, are **not** permitted.

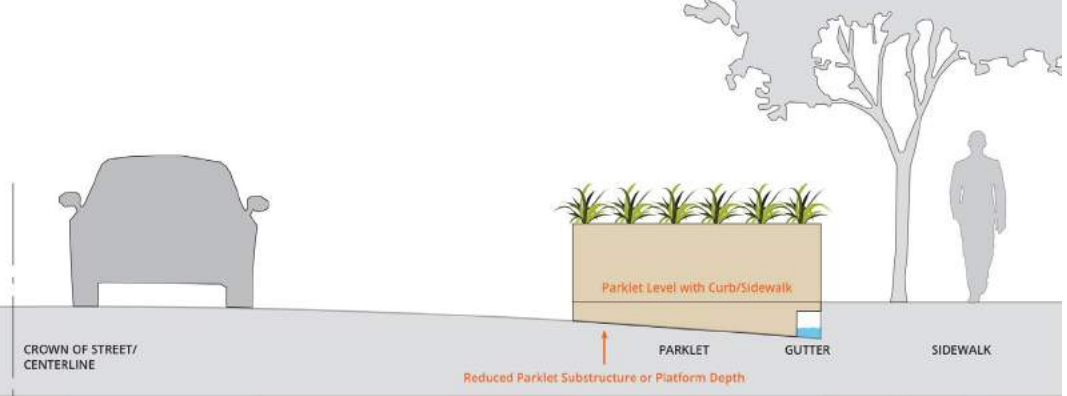


- Applicants interested in utilizing fabric sails or other architectural features which may “catch” wind, must provide proof of wind loads.
2. **Maintain access to utilities:** Parklets must be designed to provide access to site-specific utilities, such as storm sewer covers, utility cabinets, and underground vaults, by employing in their design and construction access panels or removable pavers.
 - A minimum 15-foot clearance shall be maintained from a fire hydrant and all other fire appurtenances.
 3. **Flush to sidewalk:** Platforms must be flush and even with the sidewalk and must not leave a gap greater than one-half (1/2) an inch, nor a vertical separation greater than one-quarter (1/4) inch.
 4. **No wheel mounts:** A parklet platform or its enclosure shall not be mounted on wheels.
 5. **Drainage, Ventilation and Rodent Proofing:** Platforms shall allow curbside draining flow with the following:
 - A four-inch (4”) height by six-inch (6”) width minimum clear gutter space shall be provided along the entire length of the proposed platform.
 - Openings under the platform shall be screened with corrosion-resistant material with a maximum of 1/4-inch (one-fourth inch) mesh to prevent rodent access and debris buildup beneath the platform and in the gutter.
 - The parklet permittee shall clean covers or screens regularly to prevent any blockage of flow in the gutter.
 - All parklets shall provide access through the parklet platform or threshold to the gutter adjacent to the curb. Access may be provided through removable panels, pavers, or other means.
 6. **Bolting Not Allowed:** At no time may structures be bolted or affixed in any way to the roadway or any structure (including but not limited to buildings, fire hydrants, street trees, streetlight, parking meters, or traffic poles, etc.).
 - An exception to this is that wheel stops for traffic protection must be bolted to the roadway as described in the Traffic Protection section of these Guidelines. However, in case of removal, the establishment shall be responsible for repairing the pavement holes at the permit holder’s expense.
 7. **Sub-structure:** Designs for the sub-structure of a parklet vary and depend on the slope of the street and overall design for the structure. The sub-structure must accommodate the crown of the road and provide a level surface for the parklet.
 - “Bison pedestals” spaced under the surface and of different heights are a common application. Another method is to provide steel sub-structure and angled beams.

PEDESTAL SYSTEM LEVELING

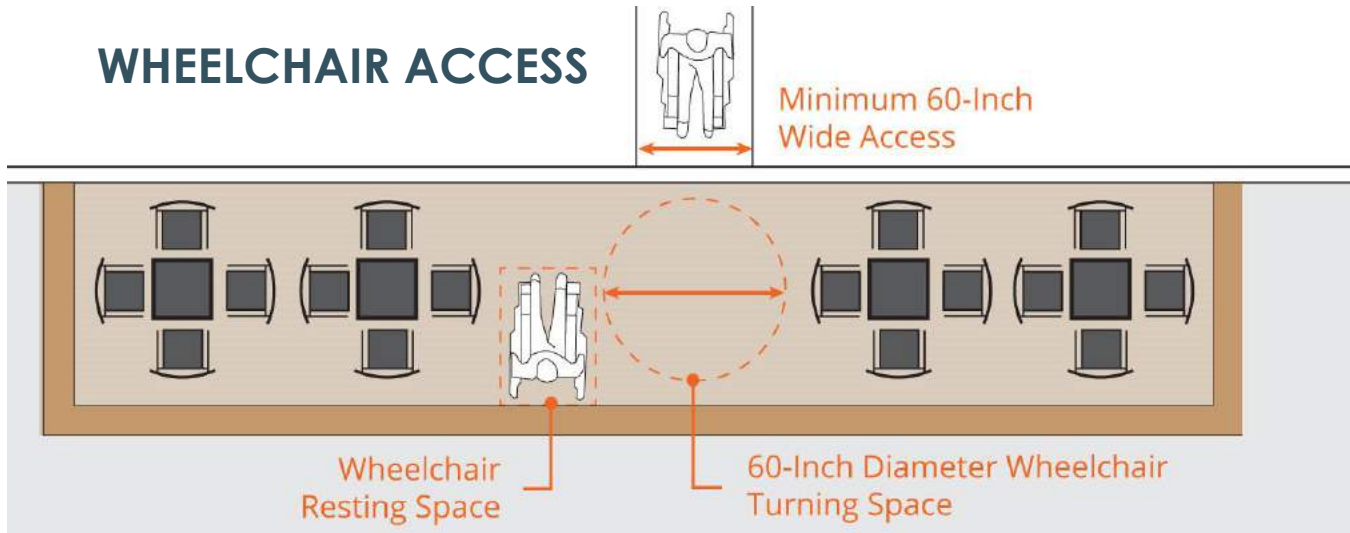


SUBSTRUCTURE OR PLATFORM LEVELING



8. **ADA Accessibility:** All accessibility elements of the proposed platform shall be designed, constructed and/or conform to the applicable provisions, rules, regulations and guidelines of the California Building Code and Americans with Disabilities Act.
- **Accessible Platform Surface:** The portion of the parklet platform connected by the accessible path of travel to the wheelchair turning space and wheelchair resting space must be level. The accessible platform surface maximum cross slope (perpendicular to the sidewalk or curb) and running slope (parallel to the curb) cannot exceed 2%. The maximum elevation difference between the sidewalk and the Streetary platform shall be either ¼-inch (one-fourth inch) vertical change in level, or ½-inch (one-half inch) beveled change in level. Platform surface shall be made of slip resistant material.
 - **Accessible entry:** Shall be a minimum of 48 inches wide.
 - **Accessible path of travel:** It must connect the sidewalk to the accessible entry, platform surface, wheelchair turning space and wheelchair resting space.
 - **Wheelchair turning space:** Shall be 60 inches in diameter and located entirely within the platform; a 12-inch maximum overlap on the curb and sidewalk is acceptable.
 - **Wheelchair landing:** A 30- by 48-inch clear floor area. It's permitted to overlap with the Wheelchair Turning Space by 24-inches maximum in any orientation.

WHEELCHAIR ACCESS

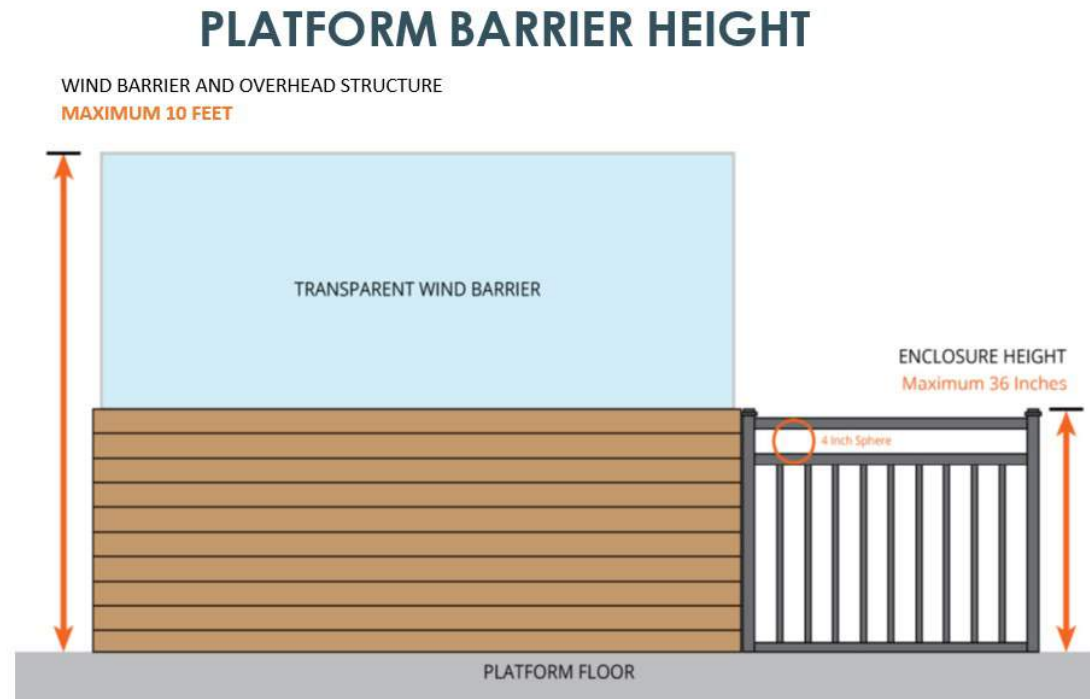


9. **Platforms within closed streets:** Variations from the requirement to have a platform may be permitted within the travel way of closed streets, provided that the applicant can show that accessibility, setback, visibility, maintenance and other safety requirements outlined here are met.

C. BARRIERS, RAILINGS, OR ENCLOSURES

The parklet railing or enclosure marks the boundary between the parklet and the street or sidewalk. Traffic barriers are required to surround the parklet on three sides to protect from oncoming traffic and patrons inadvertently entering the vehicular way. It should serve as a safe edge while also being visually appealing, permeable, and inviting. The following standards and guidelines should inform your design:

1. **Force / Impact Rating:** Barriers, Railings or Enclosures must be stable and sturdy enough not to fall over or be pushed over (must withstand 250-lbs of force).
2. **Height:** The height of the enclosure shall be between 30 to 36-inches from the parklet platform floor to the top of the railing.
 - A combination of planter barriers plus plants shall not exceed 48-inches. When located at an intersection or mid-block crosswalk, the combined total maximum height of planters and plants is 36-inches.
 - Wind barriers shall be installed and engineered to withstand expected wind loads, in conformance with any necessary building permits. Wind barriers above the height of the 36-inch enclosure shall not create a conflict with the sight distance triangle and the 20-foot clearance zone at intersections and mid-block crosswalks.
 - The total height of the enclosure plus wind barrier, lighting and/or overhead structures, should not extend more than 10-feet from the floor platform. Overhead structures must be designed per requirements for overhead structures.
 - Openings in rails must prevent passage of 4-inch sphere.



3. **Visibility:** The enclosure should not block the view of conflicting movements of traffic, including pedestrian traffic, nor block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices.
 - Property addresses need to remain visible. If needed, post reflective visible addresses on structures if blocking from street view on building.
4. **Reflectors:** All railings/enclosures must have retro-reflective reflectors or retro-reflective tape on the corners of the parklet facing the travel lane such that they are visible by vehicle traffic at night.
5. **Posts or Bollards:** Parklets shall have vertical elements that make them visible to traffic, such as flexible posts or bollards both with retroreflective tape. One possible measure are safe hits posts (as shown in the picture below). These vertical elements shall be placed 2 feet from the edge of the parklet on both sides of the parklet not adjacent to the travel lane. Structural bollards may be required if deemed necessary by the city.



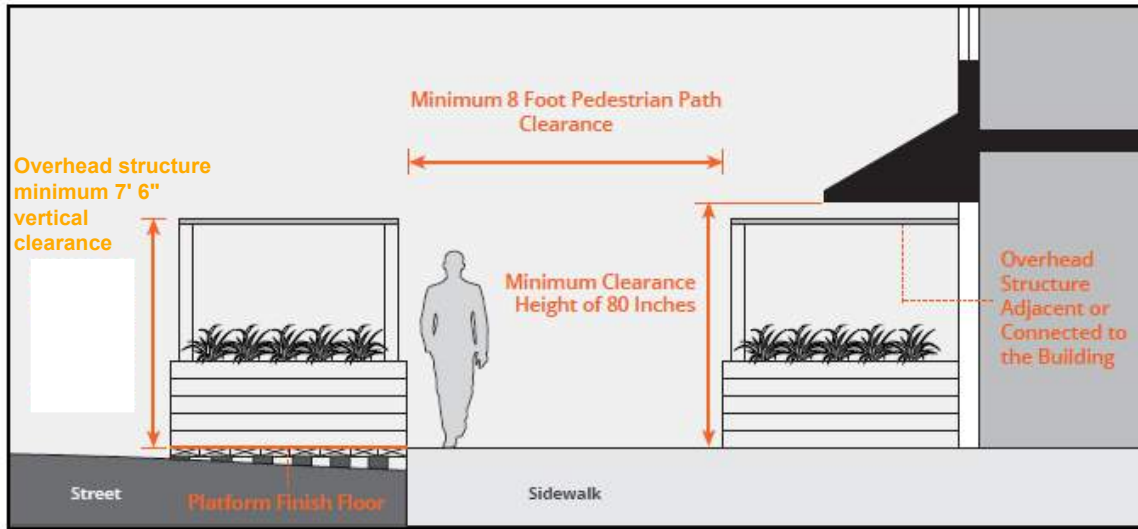
6. **Design:** Barriers may be made up of or encased by one of the following materials: (1) wood planters, (2) concrete planters, (3) steel planter, or (4) perforated steel railings.
 - Wood and concrete planters must be finished or painted.
 - The colors and materials should be compatible with the design, materials, and colors of the façade of the adjacent building/restaurant frontage.
7. To accommodate seasonal conditions, the applicant may propose alternative platform and wind barrier materials and designs for review and approval by City.

D. OVERHEAD STRUCTURES

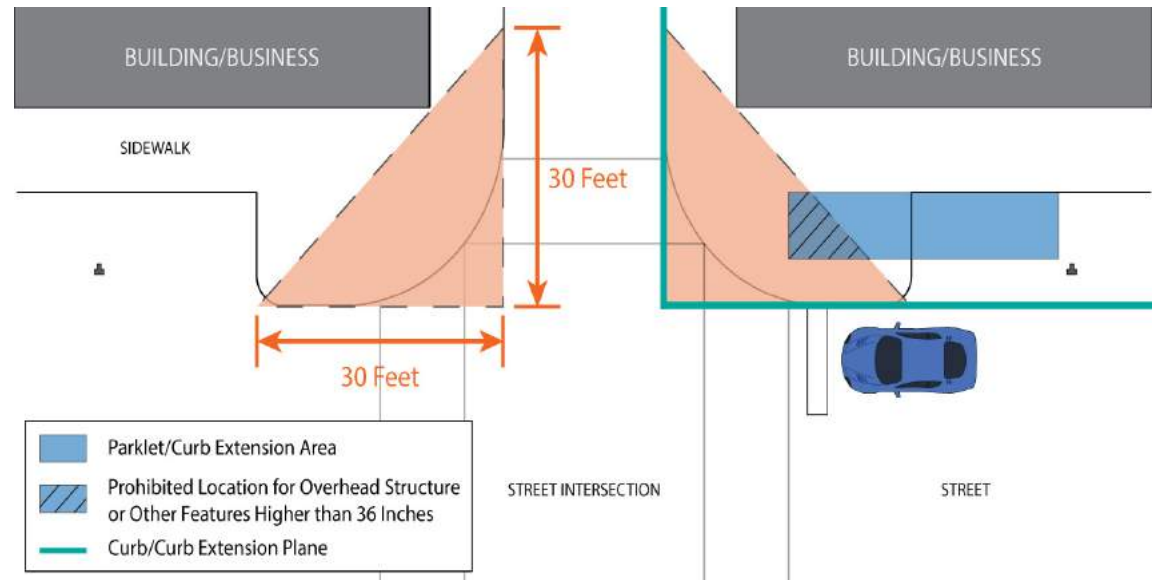
Overhead structures may require a longer review and approval process subject to staff discretion. Typical parklets preferred by the city include the use of umbrellas, fabric awnings, or other retractable and soft material for shading that still allow light to the public realm in colors that are compatible with the façade of the adjacent building/restaurant.

1. Construction of overhead structures must be done in accordance with the California Building Standards Code as adopted by the City of Menlo Park.
2. **Inspection:** Installation of any roof or overhead structure is subject to review by the city.
3. **Site plan requirements for overhead structures:** A site plan and elevation drawing of the parklet shall be provided with a structural engineer or architect's stamp if the applicant proposes to include an overhead structure, such as a pergola or other affixed roof structure.
 - Umbrellas or fabric sail shades are not considered overhead structures. However, umbrellas and fabric sail shades must be identified in the site plan for the city to review for compliance with standards such as sight lines, height, wind/fire resistance, etc.
4. **Visibility and clearance:** The City will review any proposed overhead structures to ensure that sufficient visibility for pedestrians, traffic, businesses, and other site-specific conditions, are properly maintained. The city may require modifications or deny the proposed overhead structure. Other visibility and clearance requirements for overhead structures include:
 - The minimum vertical clearance for an overhead structure within the parklet footprint, a sidewalk cafe, or curb extension is 7'6" (seven feet and six inches) above the finished floor level and the maximum vertical height is 10-feet or the height of the first floor top of plate height of restaurant, whichever is shorter in height.
 - In order to ensure motorist sight lines at street intersections, overhead structures or other parklet features higher than 36 inches are prohibited within a 30-foot vision triangle measured from the intersection of the curb or curb extension line.
 - Parklets with overhead structures may only be placed where a minimum 8-foot pedestrian clearance is provided along the pedestrian path. No portion of the structure may encroach within this clearance.
 - Shading materials should be soft to reduce prominence and retractable so it can be pulled back when not in use or when more light is desired in the space.
5. Any fabric, membrane shade, or other weather protection, including umbrellas and tents of any size, must be CSFM listed and constructed of fire-resistant treated material as per the California Code of Regulations, Title 19, Division 1, Section 315(a).
 - Heating devices within overhead structures shall meet the requirements on page 26.

OVERHEAD STRUCTURE CLEARANCES



VISION TRIANGLE



SECTION 2. SIDEWALK CAFÉ STREETARY PROGRAM

STREETARY OUTDOOR DINING AREA – SIDEWALK CAFÉS

PURPOSE

The purpose of these guidelines is to help clarify and provide standards for sidewalk cafes uses in order to enhance the quality and safety of the pedestrian experience and reinforce a sense of place and economic vitality. These guidelines and requirements are established to achieve the Streetary goals by maintaining safety, accessibility, and an enhanced design that connects the public realm. Compliance with all applicable sections of these guidelines is required at all times.

DEFINITION OF A SIDEWALK CAFÉ

An outdoor area located on the public right-of-way within the sidewalk area which is used to provide more space and amenities for outdoor dining operated and maintained by the business establishment conducting the outdoor dining.

SIDEWALK CAFÉ AREA

The sidewalk cafe area can be defined as one or a combination of:

1. The space delineated by the facade of the building to the adjacent street, perpendicular to the public right-of-way.
2. The recessed entries immediately adjacent to the outdoor sidewalk cafes.
3. Certain alleys determined by the city that are adjacent to the operating business.

SIDEWALK CAFÉ AREA CLEARANCE REQUIREMENTS

The cafe operators are required to maintain all minimum distances and clearance requirements at all times: *Minimum 5-foot pedestrian path clearance; min. 5-foot entrance clearance radius; and min. 5-foot pedestrian path at crosswalks from edge of curb at all times.* City staff will perform compliance inspections. Application submittals are required to comply with all Americans with Disabilities Act (ADA) requirements.

MOVEABLE IMPROVEMENTS

The sidewalk cafe area contains various sidewalk patterns which affect the placement of improvements such as tables and chairs in the public right-of-way. The installation of these improvements is considered temporary in nature. The operator shall locate moveable flower boxes or planters adjacent to the street in such a way as to visually define and contain the sidewalk cafe area. The sidewalk cafe improvements shall be set up during the applicable hours of operation.

PERMANENT IMPROVEMENTS

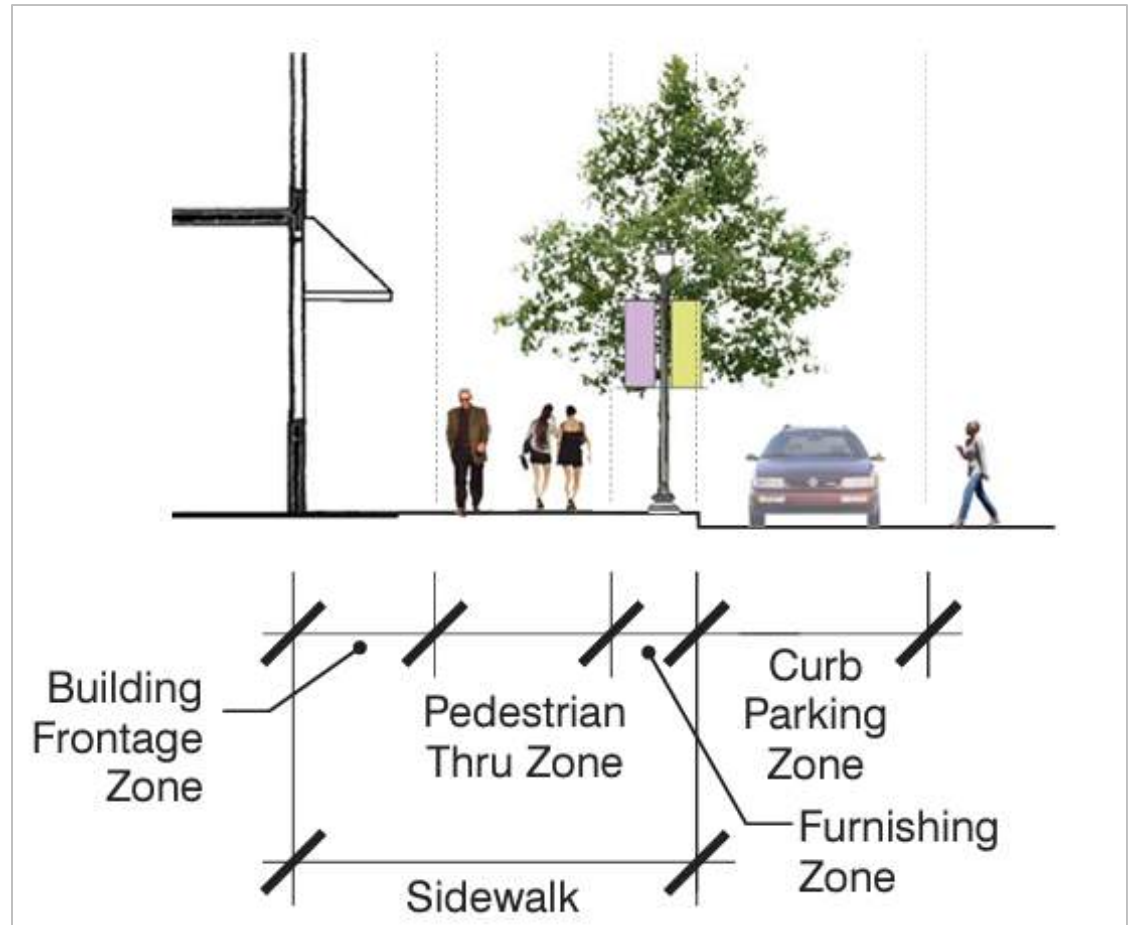
Unless the applicant obtains a building permit, the operator shall not make any permanent changes, such as building structures or bolting tables to the ground. Permanent improvements within sidewalk areas must be in conformance with the applicable provisions and guidelines of the California Building Code and the Americans with Disabilities Act (ADA) accessibility requirements, and all other life, health, and safety requirements.

SIDEWALK CAFÉ ZONES

Any sidewalk cafe area may be viewed as containing several functional zones which must be respected at all times. The El Camino Real and Downtown Specific Plan* establishes sidewalk functional zones, ensuring a pedestrian clear zone and more pleasant and functional sidewalks. Understanding these zones will assist the applicant in determining the best layout for their sidewalk cafe area. These zones include:

- **Sidewalks:** The area dedicated to pedestrian activity made up of the building frontage, pedestrian thru, and furnishing zones, and adjacent to the curb parking or street traffic zone.
- **Building Frontage Zone:** The area of a public sidewalk located between the pedestrian thru zone and adjacent building or property line, assuming the sidewalk dimension allows for it. Depending on the location of the building, a frontage zone may accommodate outdoor seating and planting
- **Pedestrian Thru Zone:** Allows for unimpeded pedestrian circulation, free of all obstruction, including utility boxes and fences for outdoor dining.
- **Furnishing Zone:** The buffer between the pedestrian thru zone and curb parking/street traffic. The furnishings zone accommodates public amenities such as street trees, streetlamps, benches, bike racks, kiosks, news racks, mailboxes, transit shelters, public art, plantings, utility poles and utility boxes. In some cases, the furnishings zone is also used for outdoor seating and dining by shops, cafes, and restaurants.
- **Curb Parking Zone:** The interface between the roadway and sidewalk and accommodates vehicular parking, and in most cases parklets.

**Please note that not all sidewalks within the Specific Plan are wide enough to incorporate each of the aforementioned zones. Sidewalk cafes should be planned according to the sidewalk zones and width in front of the building / restaurant.*



SIDEWALK CAFÉ SUBMITTAL REQUIREMENTS CHECKLIST

PERMIT SUBMITTAL REQUIREMENTS

The following shall be submitted to the **City of Menlo Park Public Works Department** as part of the Streetary Permit Application, submitted through Menlo Park's online permitting platform, Accela:

- Permit fee payment
- Site Plan (scaled - i.e., 1/8" = 1'10" | dimensioned - i.e., 5'0" clearance path) (refer to site plan checklist)
- Identification of Parklet Design Components (refer to Design Components Checklist)
- Photograph of proposed design components
- Photograph of proposed Streetary location (showing the front and side views along the business frontage)
- Required insurance forms (see below)
- Traffic control plan (for installation/construction)

INSURANCE REQUIREMENTS

- Completed Hold Harmless Agreement (review requirements listed)
- Insurance Endorsement Form
- Insurance Certificate (must name City as additional insured, see Hold Harmless Form)

Insurance Category	Minimum Limits
Worker's compensation	Statutory Minimum
Employer's Liability	\$1,000,000.00 per accident for bodily injury or disease
Commercial General Liability	\$1,000,000.00 (\$2,000,000.00 for parklets) per occurrence for bodily injury, personal injury, and property damage

Streetary permit(s) are revocable. Compliance with Streetaries (Chapter 13.30) and the design / program guidelines in this document is required.

FURNISHINGS & FIXTURE DESIGN STANDARDS

STREETARY FURNISHINGS & FIXTURE DESIGN STANDARDS

FURNISHINGS AND FIXTURES DESIGN STANDARDS

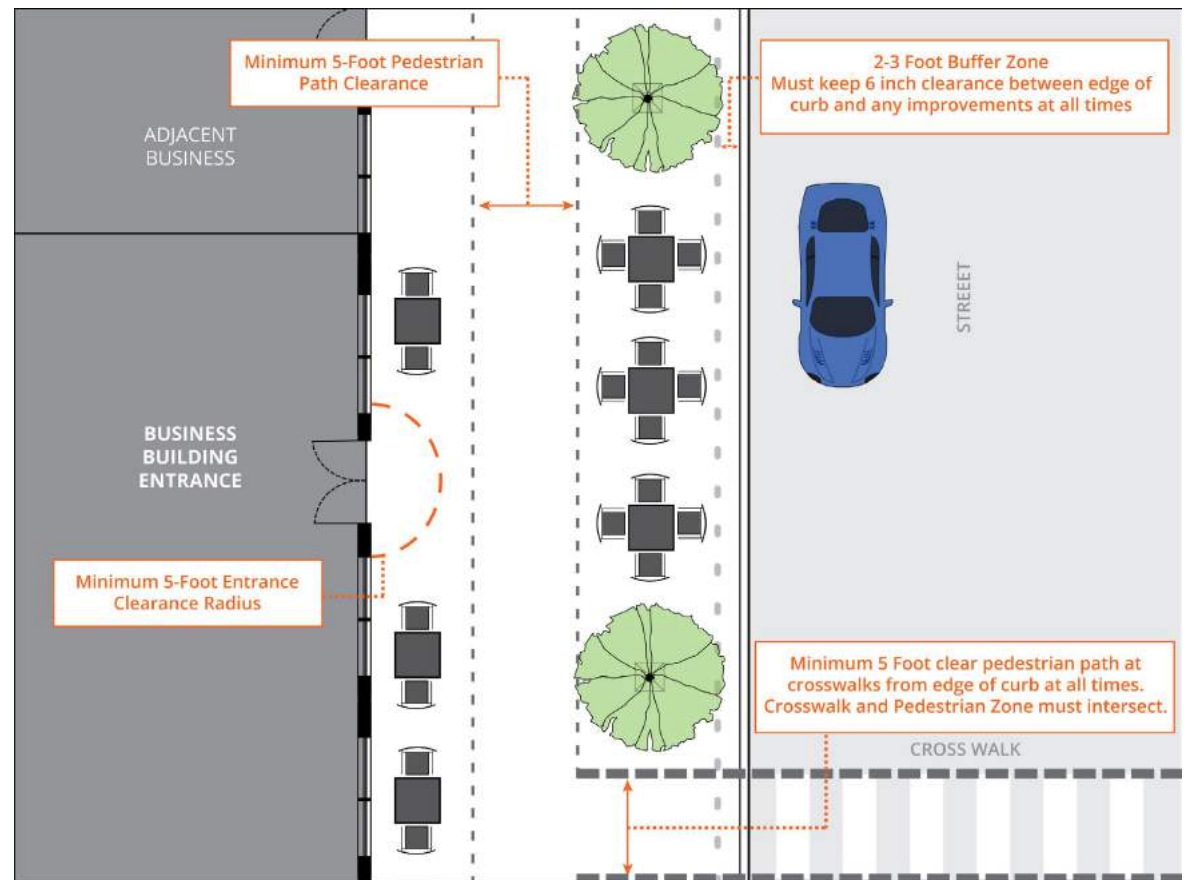
All furnishings and fixtures in Streetaries shall comply with the California Building Code, California Fire Code, and the Americans with Disabilities Act accessibility requirements.

- 1. TABLES, CHAIRS, AND SEATING.** Tables and chairs shall match and be made of safe, sturdy, and durable material, such as wood, steel, plastic, and wrought iron. All furniture shall be commercial grade and manufactured for outdoor commercial use.

- Tables shall meet clearance requirements for parklets and sidewalk cafes.
- Accessible seating shall be provided and comply with the following California Building Code Sections:
 - i. 11B-305 Clear floor space of 30" by 48" at 5% of seating
 - ii. 11B-306 Minimum knee and toe clearances

- **Seating in Sidewalk Cafes:** Small round or square tables shall seat no more than four people unless otherwise approved by the City, subject to compliance with any required pedestrian clearance. Use of larger tables may be granted by the City provided that all clearance requirements are met.

- 2. FURNISHINGS.** Furnishings and fixtures must be designed to be weighted down (or fixed to parklet) for wind protection. Items may need to be stored inside the business during periods of high winds. Please ensure that the weights used do not create tripping hazards for pedestrians. No furniture or any parts of a parklet or sidewalk café shall be attached, chained, or in any manner affixed to any tree, post,

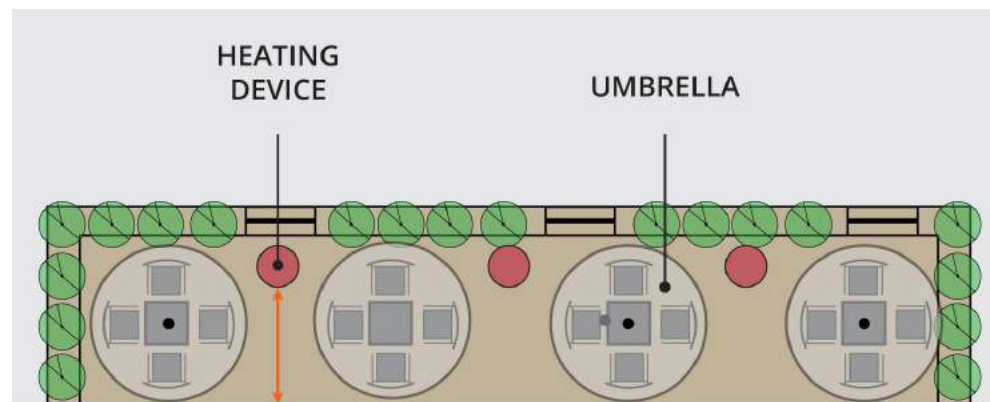


signs, sidewalk, streetlight, fire hydrant, or other public fixture within or near the licensed area. Applicant must demonstrate that required egress/door swing, etc., from occupancies is protected for occupant load to public way.

3. **FIRE RESISTANT MATERIALS.** Any fabric, membrane shade, or other weather protection, including umbrellas and tents of any size, needs to be constructed of fire-resistant treated material as per the California Code of Regulations, Title 19, Division 1, Section 315(a). Fire-resistant materials must have documentation of a California State Marshal’s Seal on all panels, or meet NFPA 702 testing requirements by a NRTL, or meet CPAI 84 standards.

4. **PORTABLE HEATERS & OTHER HEATING DEVICES.** Heating devices may be electric, propane, or natural gas powered, and shall meet the following requirements:

- Heating devices are prohibited inside of tents, canopies, and membrane structures.
- A minimum 5-foot clearance shall be provided between the building and the heating device.
- A minimum 5-foot clearance shall be provided between combustible materials and a heating device.
- A minimum 5-foot clearance shall be provided between exits or exit discharges and a heating device.
- Propane or natural gas heating devices shall have a tip over switch that shuts off the flow of gas.
- Propane or natural gas heating devices shall have a maximum of 20 pounds’ capacity gas container.
- Propane storage shall remain outside in approved area; propane storage is not allowed inside.
- **Gas heating appliances are NOT permitted on wood-based parklets, nor are gas heating appliances permitted under structures made of combustible materials (such as common construction materials like wood and wood-plastic composite and plastic products).**



Minimum 5-Foot Heating Device Setback from Parklet Entrances

5. **SHADING & UMBRELLAS.**

- Individual canvas or other non-vinyl umbrellas of a compatible design may be permitted in the right-of-way and shall not extend over the Pedestrian Zone.
- Umbrellas shall be made for outdoor commercial use subject to City approval.
- Any fabric, membrane shade, or other weather protection, including umbrellas and tents of any size, needs to be constructed of fire-resistant treated material as per the California Code of Regulations, Title 19, Division 1, Section 315(a). Fire-resistant materials must have documentation of a California State Marshal’s Seal on all panels, or meet NFPA 702 testing requirements by a NRTL, or meet CPAI 84 standards.

- Umbrellas must be at least 80-inches above the parklet platform or sidewalk.
 - Umbrellas and shading must not block sight lines for traffic or pedestrians in crosswalks.
6. **ELECTRICAL CONNECTIONS.** Electrical service to any parklet requires a permit. All wiring and electrical cords must be exterior rated, GFCI protected, and UL listed. Electrical extension cords between buildings and a parklet are not allowed.
- Cords within the parklet must not create tripping hazards on the sidewalk.
 - The use of adapters is prohibited.
 - Businesses are not allowed to tap into existing City electrical connections such as twinkle light outlets or streetlight poles.
 - Generators are not allowed in association with parklets.
7. **LIGHTING.** Lighting is encouraged and may be provided through separately permitted electrical connections to the building. Solar powered (small scale) or battery powered lighting is encouraged.
- Lighting shall not be directed towards the roadway to unintentionally cause glare for vehicles, bicyclists, or pedestrians.
 - Light strings must be hung to allow for a minimum clearance of 7'6" (seven feet and six inches) above the sidewalk and the platform of the parklet.
 - Candles and open flames are prohibited within a parklet.
 - No new foundations are permitted for light poles.
8. **SIGNAGE.** All signage must comply with the City's Sign Design Guidelines. Non-illuminated signs are allowed provided the sign area does not exceed 6 square feet (this is in addition to the sign ordinance maximum sign area limitations). For Streetaries/parklets on a corner, two signs not exceeding 9 total square feet may be permitted. Sign copy is limited to business identification, except that if the parklet is meant to serve the general public, signage should reflect such. If the parklet is meant to serve as restaurant seating, signage should correlate in design with the signage on the primary building. Menu boards, both portable and on walls, shall be subject to sign permit approval and shall comply with the Menlo Park Sign Ordinance.
9. **LANDSCAPING AND PLANTERS.** All planters and planting areas must contain live plants year-round. The sidewalk café and/or parklet owner shall be responsible for the prompt removal of all empty or poorly maintained planting areas. Landscaping and planters must be maintained, kept healthy and free of litter/debris at all times. Plants that are drought resistant and/or native are encouraged.
- Neither the planter nor plant material shall impede or hinder pedestrian and vehicular visibility.
 - Landscaping or planter options include planter boxes within the setback area or serving as the parklet platform enclosure; hanging planters; or raised planter beds.
 - Plants that have thorns, spikes, or sharp edges, or that are poisonous or invasive, are not permitted.
 - ***Parklet Landscaping & Planters Standards:***
 - i. Planters are allowed within the parklet setback area.
 - ii. The height of the planter shall be between 30 and 36-inches in height, not including the height of plants.
 - iii. Total height of the combination of plants within planters shall not exceed 48" in height to ensure visibility and sightline of the surrounding retail tenant establishments both into and out of the parklet.

iv. For parklets located at intersections and/or crosswalks, the total height of planters and plants shall not exceed 36" in height so as not to block vehicular, bicycle, and/or pedestrian visibility.

- **Sidewalk Café Landscaping & Planters Standards:**

- i. The cafe owner may use flower boxes or planters to define the boundaries of the cafe seating area.
- ii. The boxes or planters in Sidewalk Cafes shall be no greater in height than 3-feet and no wider than 2 feet at the base.
- iii. The flower boxes, planters, and storage bins shall be portable and be made of safe, durable, and attractive material such as wood or steel.

10. BARRIERS/FENCES

- **Parklet Barriers/Fences:** Refer to Parklet Design Standard Section C. "Platform barriers, railings, or enclosures"
- **Sidewalk Café Barriers/Fences:** Barriers should provide visual and physical connections with the surrounding public realm. Barriers should have a low height that allow views into and out of the space with at least one opening between barriers for an area of passage. The use of barriers should be limited and only occur where needed. All in-ground improvements require a building permit which is subject to approval by the Engineering Department. All barriers and fences shall be shown on the application site plan and are subject to approval by the City.

11. **TRASH RECEPTACLES.** The number, type, and location of trash receptacles shall be determined by the City and shall comply with the public right-of-way access code. Trash receptacles shall be made of durable material to match the existing facade and shall be commercial grade as determined by the City.

GENERAL OPERATION & MAINTENANCE

OPERATION AND MAINTENANCE FOR STREETARIES

- A. LIVE ENTERTAINMENT.** No live entertainment or amplified music shall be permitted in streetaries established pursuant to this chapter without first obtaining all required permits including but not limited to those issued pursuant to Chapter 8.06 (Noise).
- B. NO OUTDOOR FOOD PREPARATION.** Outdoor food preparation is not permitted. No heating, cooking or open flames are permitted in a parklet. Hotpots, barbecues, or other heating of food in the public right of way is not allowed.
- C. NO OPEN FLAMES.** Candles and open flames are not allowed on the parklets.
- D. ALCOHOL SERVICE.** Restaurants and food establishments licensed by the State of California will be permitted to sell and allow on premise consumption of alcoholic beverages. Establishments that serve alcoholic beverages in the parklet area shall be required to meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.
- E. NOISE & DISRUPTIVE BEHAVIOR.** Streetary owners are responsible for ensuring their patrons minimize noise and disruptive behavior while using their Streetary space.
- F. SEMI-PERMANENT CONSTRUCTION.**
 - 1. Noise generated by construction activities is regulated in the City of Menlo Park. Semi-permanent construction activities in a parklet or sidewalk café must adhere to the city's [noise ordinance and allowable construction hours](#).
 - 2. Traffic Control Plans are required for construction in the right-of-way. Traffic control plans must be completed in accordance with the latest edition of the "Manual of Uniform Traffic Control Devices for Construction and Maintenance Work Zones" issued by the State of California, Department of Transportation and as required in the City of Menlo Park's Guidelines for [traffic control plans](#).
- G. SITE MAINTENANCE.** All Streetaries must be maintained at all times by the Streetary owner, including the space leading to and from the parklets and sidewalk cafes.
 - 1. The permittee is required to keep the parklet or café area safe, free of debris, grime, and graffiti, and to keep any plants in good health.
 - 2. Outdoor seating shall be scrubbed and mopped to remove any food or drink stains on a daily basis and the sidewalk shall be power washed quarterly by the permittee. Such cleaning shall be in accordance with the City's [Storm Water Management and Discharge Control Program](#), which prohibits any discharge other than storm water into the storm water drainage system.
 - 3. Parklets and enclosures shall be designed in a manner that does not negatively impact existing drainage patterns. Features shall be incorporated into the design that allows water to flow freely off the street surface and along any existing gutter.
 - 4. The permittee shall be required to clean tree grates, the gutter, and drainage inlets. Business and/or property owners shall be required to remove any debris that accumulates against their parklet. The areas on, under, and around the parklets must be clear of leaves and debris, which may require the restaurant operator or property owner to blow underneath the parklet or enclosure. The permittee shall also provide cleanout access upon request.

5. The permittee is required to maintain the pedestrian access clearances in sidewalk café and curb extension area and keep these areas safe, clean, and free of debris.
6. Parklets shall not block access necessary to maintain the canopy of City maintained street trees.
7. Failure to maintain the cleanliness, safety, and accessibility of a parklet or café may subject the permittee to violations and fines. If maintenance issues are not resolved, a parklet permittee may be required by the City to remove the parklet at the permittee's expense.

H. SIDEWALK CLEANING

The permittee shall comply with all State and local regulations related to waste disposal including the National Pollutant Discharge Elimination System (NPDES) and the California Storm Water Quality Association (CASQA) as follows:

1. **Pollution Prevention** (visit www.cabmphandbooks.com for more information)
 - Use dry cleaning methods whenever practical for surface cleaning activities.
 - Use the least toxic materials available (e.g. water-based paints, gels or sprays for graffiti removal).
2. **Surface Cleaning**
 - Regular broom (dry) sweep sidewalk, plaza, parklet, and parking areas to minimize cleaning with water.
 - Dry cleanup first (sweep, collect, and dispose of debris and trash) when cleaning sidewalks or plazas, then wash with or without soap.
 - Block the storm drain or contain runoff when cleaning with product

I. ADA COMPLIANCE. Streetary seating areas must, at all times, comply with all requirements of the Americans with Disabilities Act (ADA) and provide sufficient clearance and walkway space to allow safe access and egress. For multi-level Streetaries, a minimum of one level of ADA access shall be required.

J. HOURS OF OPERATION. Streetaries shall adhere to the same approved hours of operation as the associated business, with the following limitations:

1. *For Streetaries that are within 150-foot horizontal or vertical distance from residences:* Streetaries shall not commence operations prior to 7 a.m. on Saturdays, Sundays, and holidays; Streetaries shall not commence operations prior to 6 a.m. Monday through Friday; Streetaries shall not operate after 10 p.m. on Fridays and Saturdays; Streetaries shall not operate after 9 p.m. Sunday through Thursday and holidays (as defined in the Menlo Park Municipal Code chapter 8.13 "Noise" of title 8).

K. USAGE OF STREETARY SPACE. Streetaries must demonstrate adequate usage in order to contribute to the economic vitality of the city. The city requires these Streetaries to be set up and readily available for use during the operational hours of the food service establishment associated with the Streetary, except in inclement weather and subject to the hours of operation.

L. FURNITURE & STORAGE.

1. Applicants may store parklet or sidewalk café tables, chairs, portable heaters, umbrellas, and other furnishings within the business, parklet, or café area. No storage containers shall be allowed in the parklet or café area, except for propane storage with approval by city

staff. Restaurants and cafes may use minimal storage space (i.e., waiter stations for storage of utensils, linens, and menus) during operating business hours to store.

2. Storage of furnishings shall not be allowed along the sidewalk or any required pedestrian clearances.
3. Furnishings shall not be secured to lampposts, streetlights, trees, or any other public street furniture/infrastructure.
4. All approved furnishings shall be properly maintained and cleaned regularly.
5. Propane storage shall remain outside in approved area; propane storage is not allowed inside.

M. LANDSCAPING.

The café operator shall maintain flower boxes and planting areas unless otherwise determined by the City. All boxes, planters and planting areas shall be planted with seasonal blooming or ornamental evergreen live plants year round.

N. PUBLIC SAFETY EMERGENCIES AND REMOVAL.

1. Because a parklet may be installed above underground utilities, there may be occasions in which a parklet may need to be removed with little or no notice. In the event of a utility failure, such as a gas leak or similar threat to public safety, the city or a utility provider may remove a parklet with little or no notice. Sidewalk cafes may also be removed with little or no notice where there is a threat to public safety. The parklet or sidewalk cafe permittee is responsible for the cost of re-installing and restoring any damage to the parklet or sidewalk cafe.
2. When the permittee removes their parklet or sidewalk cafe, the permittee shall be responsible for notifying the City and removing the parklet at the permittee's expense.
3. If the business associated with a parklet or sidewalk café ceases operation, changes its business name or type of use permit, or decides to no longer maintain its parklet or sidewalk cafe for more than 30 days, the City may remove and dispose of the parklet or sidewalk cafe at the permittee's expense.
4. The permittee shall be responsible for any surface restoration required after the parklet or sidewalk cafe removal. A separate [Encroachment Permit](#) shall be required for any restoration or other work performed in the public right-of-way. Restoration of the public right-of-way shall be done by a licensed contractor, to City of Menlo Park standards and shall be completed to the satisfaction of the City Engineer.

OUTDOOR PARKLET TEMPLATES

SELECT A PARKLET TEMPLATES

- Parklet in parallel parking space (s)
 - A-1 One Space
 - A-2 Two Space
- Parklet in a diagonal parking space
- Special Condition Parklet, which includes three alternative conditions
 - C-1 Parklet/Sidewalk Café Combination
 - C-2 Parklet/Sidewalk Café Curb Extension
 - C-3 Parklet/Pedestrian Street Combination

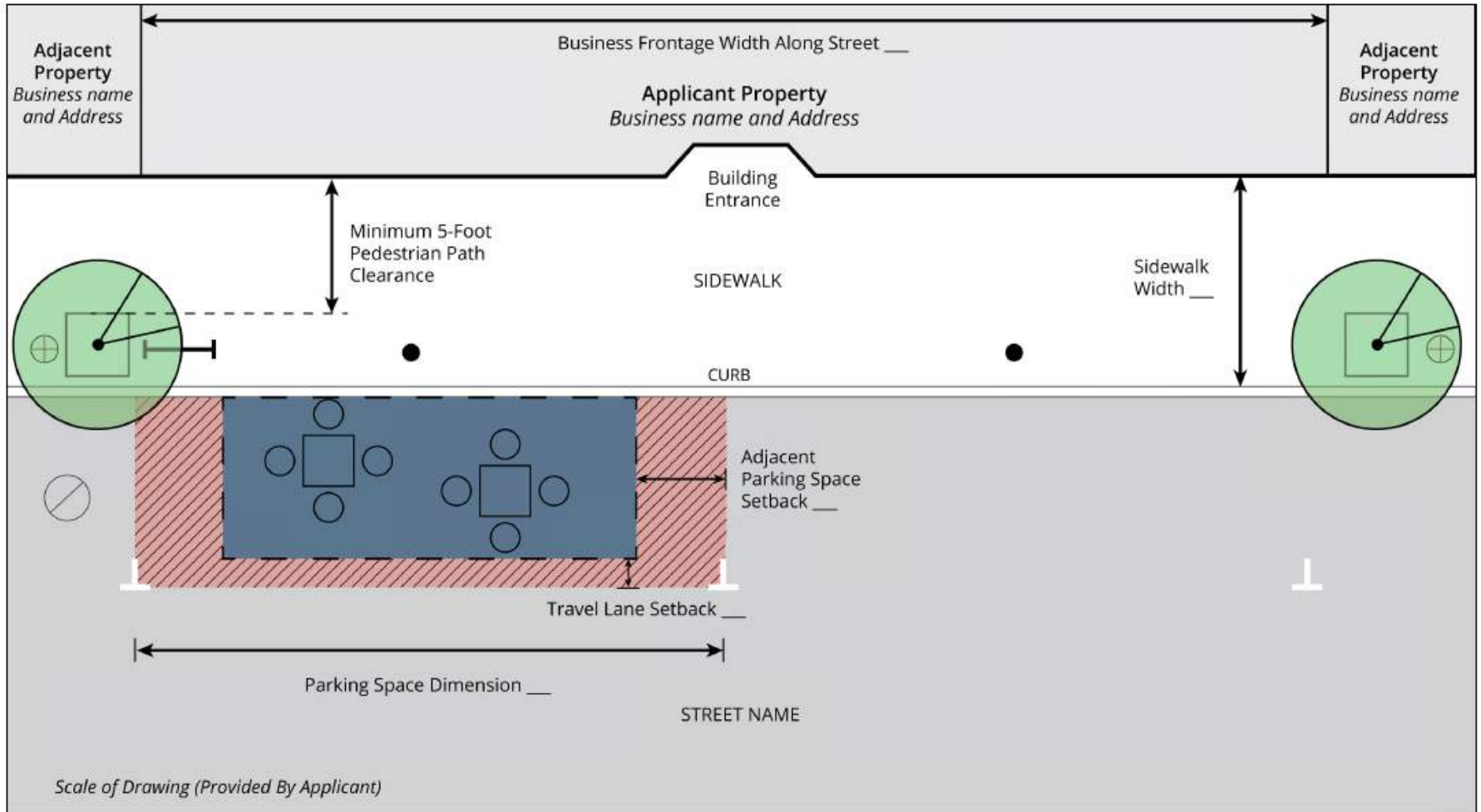
A-1 PARALLEL SPACE PARKLET

1 PARKING SPACE

- The Parallel Parklet template occupying one parking space is a compact parklet that provides an intimate outdoor dining setting.
- This template limits the maximum parklet area to one parking space and can be utilized in areas where available on-street parking spaces are limited.
- Parklets proposed for perpendicular parking spaces can use a modified version of this template.



SAMPLE SITE PLAN | A-1 PARALLEL SPACE PARKLET (1 Parking Space)



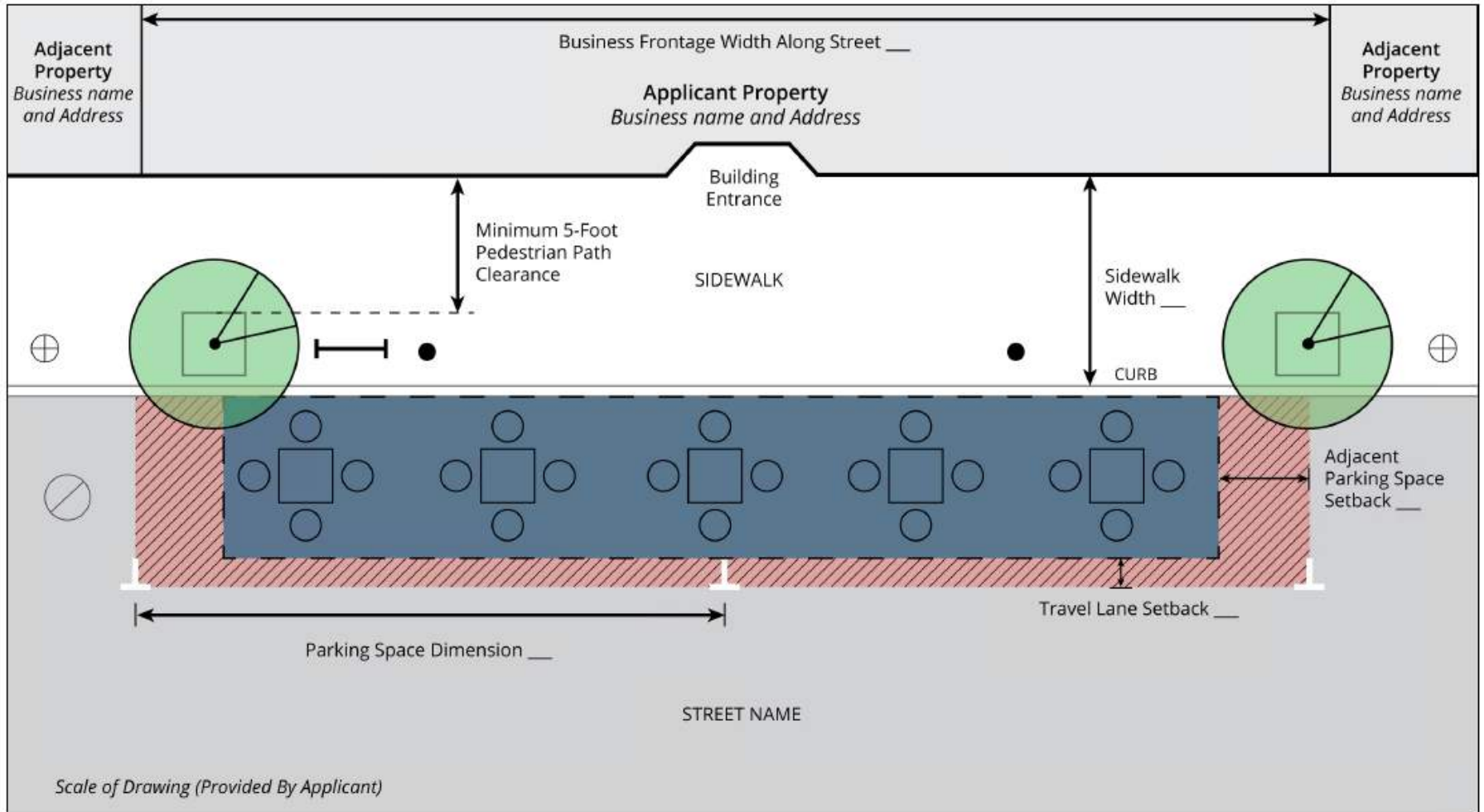
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|--|-----------------------|--|------------------------|--|-----------------------|--|------------------------------------------|
| | Existing Street Light | | Existing Utilities | | Parking Space Marking | | Proposed Parklet Location and Dimensions |
| | Existing Street Tree | | Existing Parking Meter | | Bike Rack | | Required setbacks |
| | Parklet Table | | Parklet Chair | | Fence/Barrier | | |

A-2 PARALLEL SPACE PARKLET 2 PARKING SPACES

- The Parallel Parklet template occupying two parking spaces provides a larger outdoor dining setting.
- This template limits the maximum parklet area to two parallel parking spaces.
- Parklets proposed for perpendicular parking spaces can also use a modified version of this template.



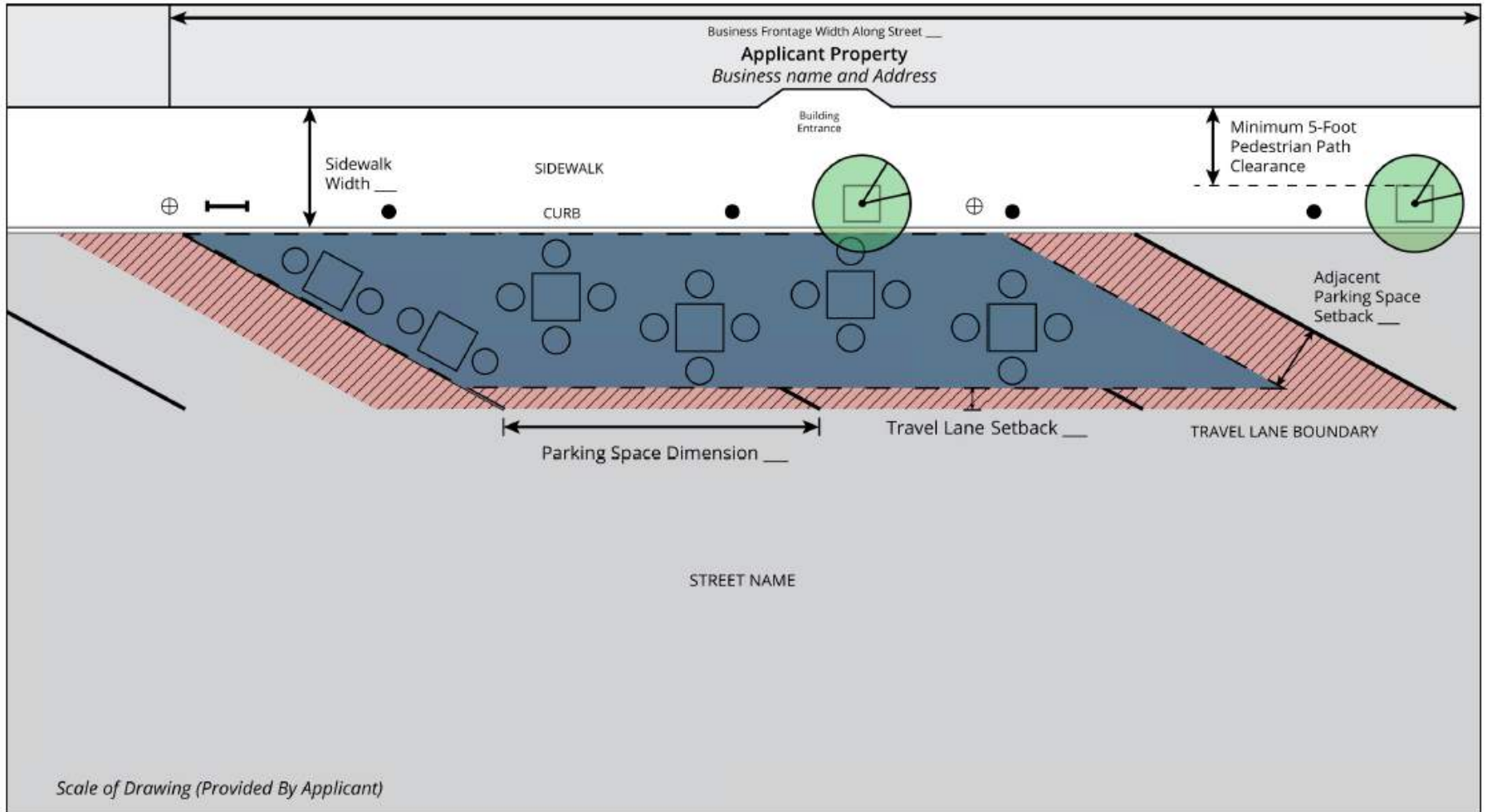
SAMPLE SITE PLAN | A-2 PARALLEL SPACE PARKLET (2 Parking Spaces)



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|--|-----------------------|--|------------------------|--|-----------------------|--|------------------------------------------|
| | Existing Street Light | | Existing Utilities | | Parking Space Marking | | Proposed Parklet Location and Dimensions |
| | Existing Street Tree | | Existing Parking Meter | | Bike Rack | | Required setbacks |
| | Parklet Table | | Parklet Chair | | | | |



SAMPLE SITE PLAN | B-DIAGONAL SPACE PARKLET



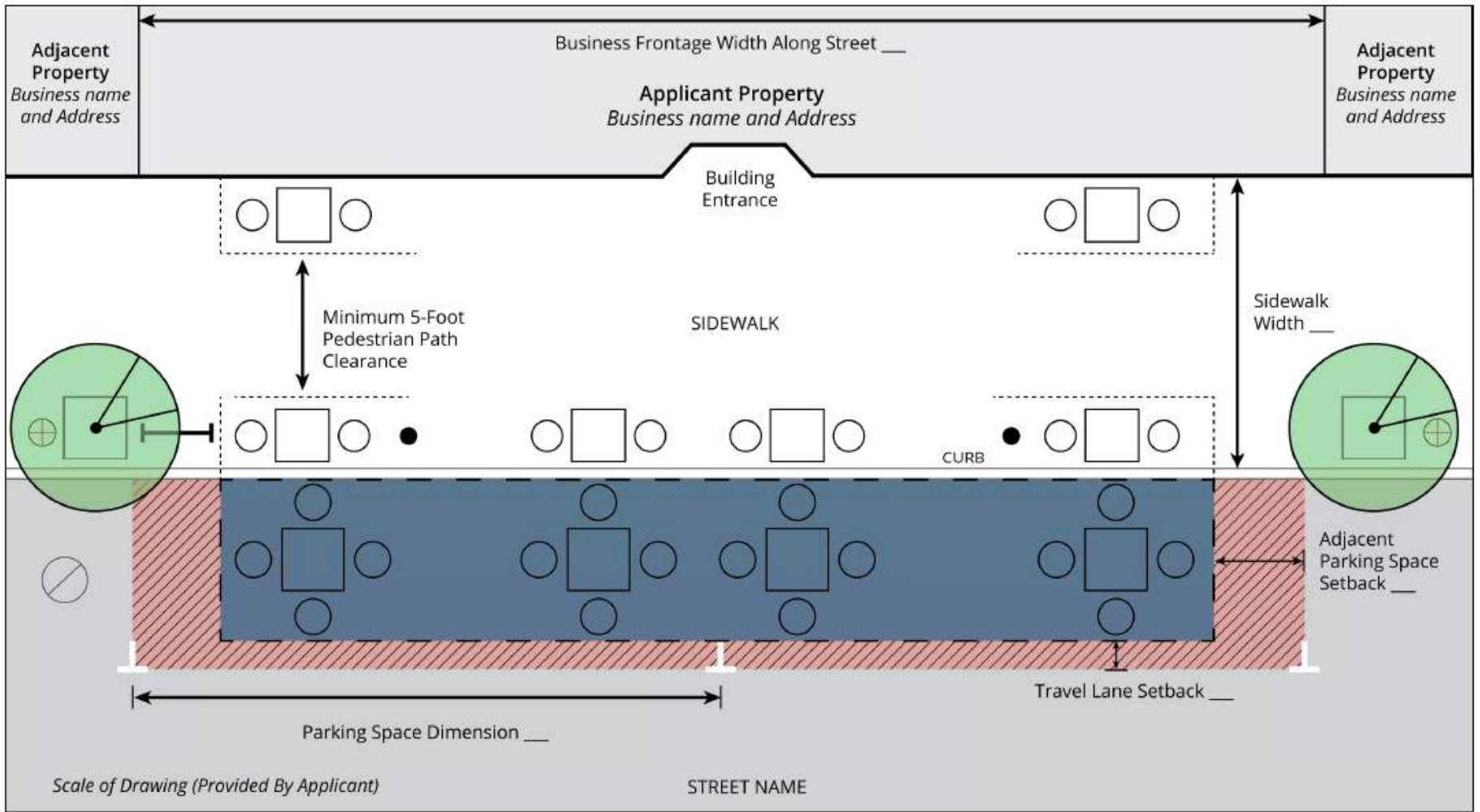
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|--|-----------------------|--|------------------------|--|-----------------------|--|------------------------------------------|
| | Existing Street Light | | Existing Utilities | | Parking Space Marking | | Proposed Parklet Location and Dimensions |
| | Existing Street Tree | | Existing Parking Meter | | Bike Rack | | Required setbacks |
| | Parklet Table | | Parklet Chair | | Fence/Barrier | | |

C-1 PARKLET/SIDEWALK CAFÉ COMBINATION

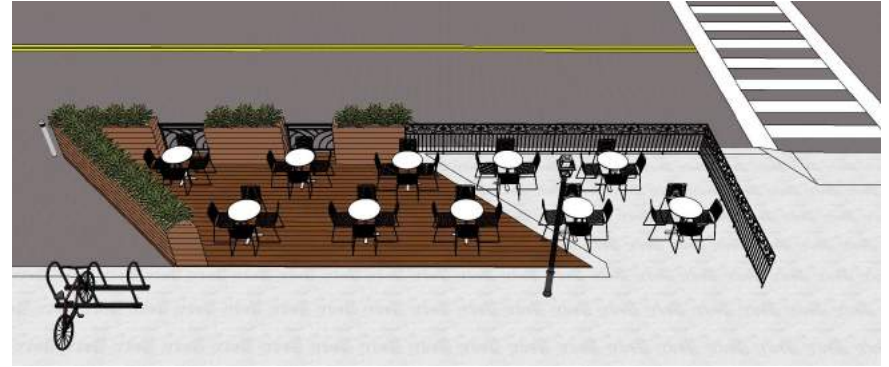
- The Parklet/Sidewalk Cafe Combination template is for conditions where an applicant can incorporate both a sidewalk cafe and a parklet for a combined space.
- This Special Condition template can be used in either a parallel parking or diagonal parking site.
- The combined space should be designed as a comprehensively planned singular space.



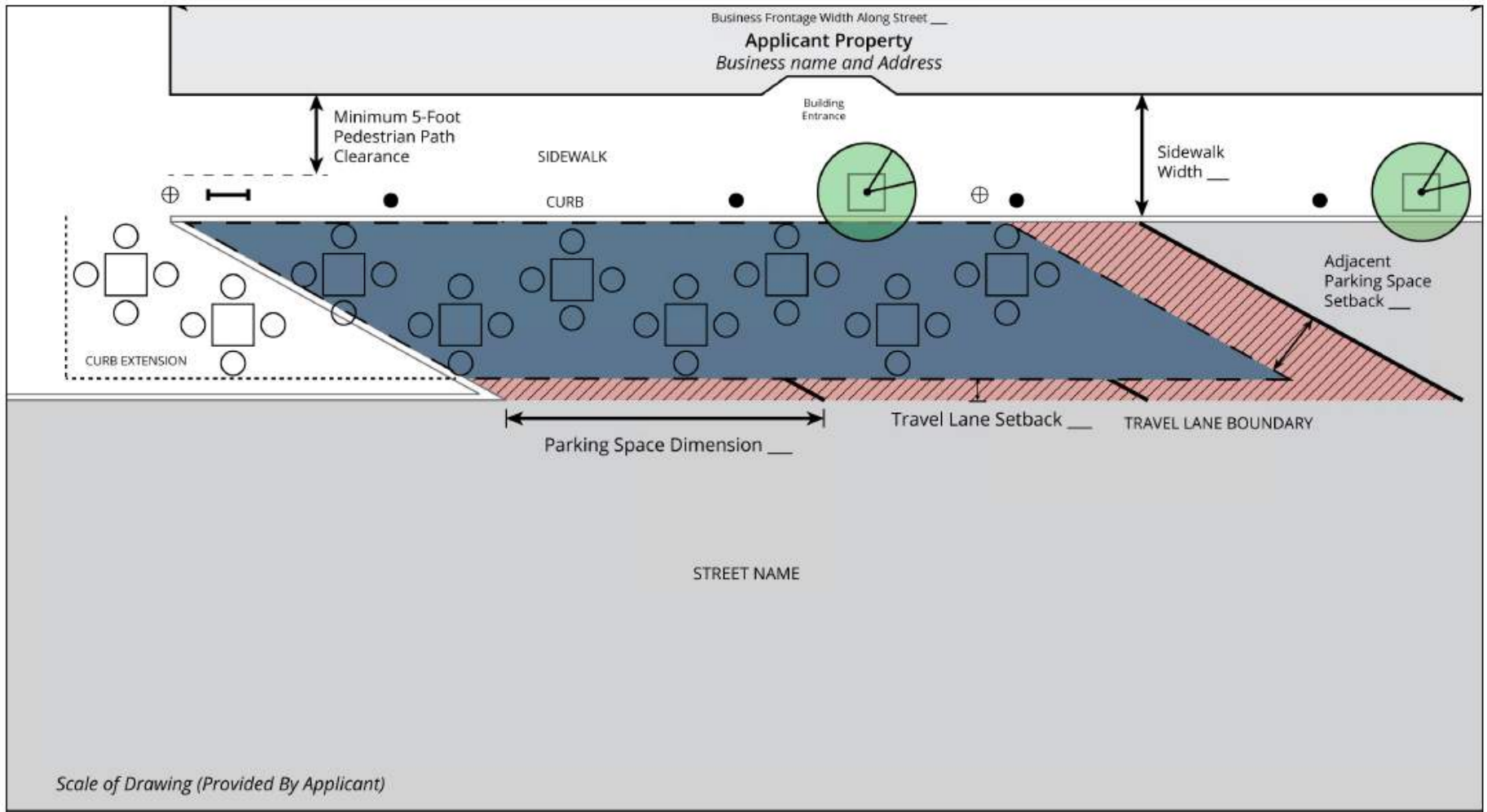
SAMPLE SITE PLAN | C-1 PARKLET/SIDEWALK CAFE COMBINATION



- | | | | | | | | |
|--|-----------------------|--|------------------------|--|-----------------------|--|------------------------------------------|
| | Existing Street Light | | Existing Utilities | | Parking Space Marking | | Proposed Parklet Location and Dimensions |
| | Existing Street Tree | | Existing Parking Meter | | Bike Rack | | Required setbacks |
| | Parklet Table | | Parklet Chair | | Fence/Barrier | | |



SAMPLE SITE PLAN | C-2 PARKLET/SIDEWALK CAFE CURB EXTENSION COMBINATION



Scale of Drawing (Provided By Applicant)

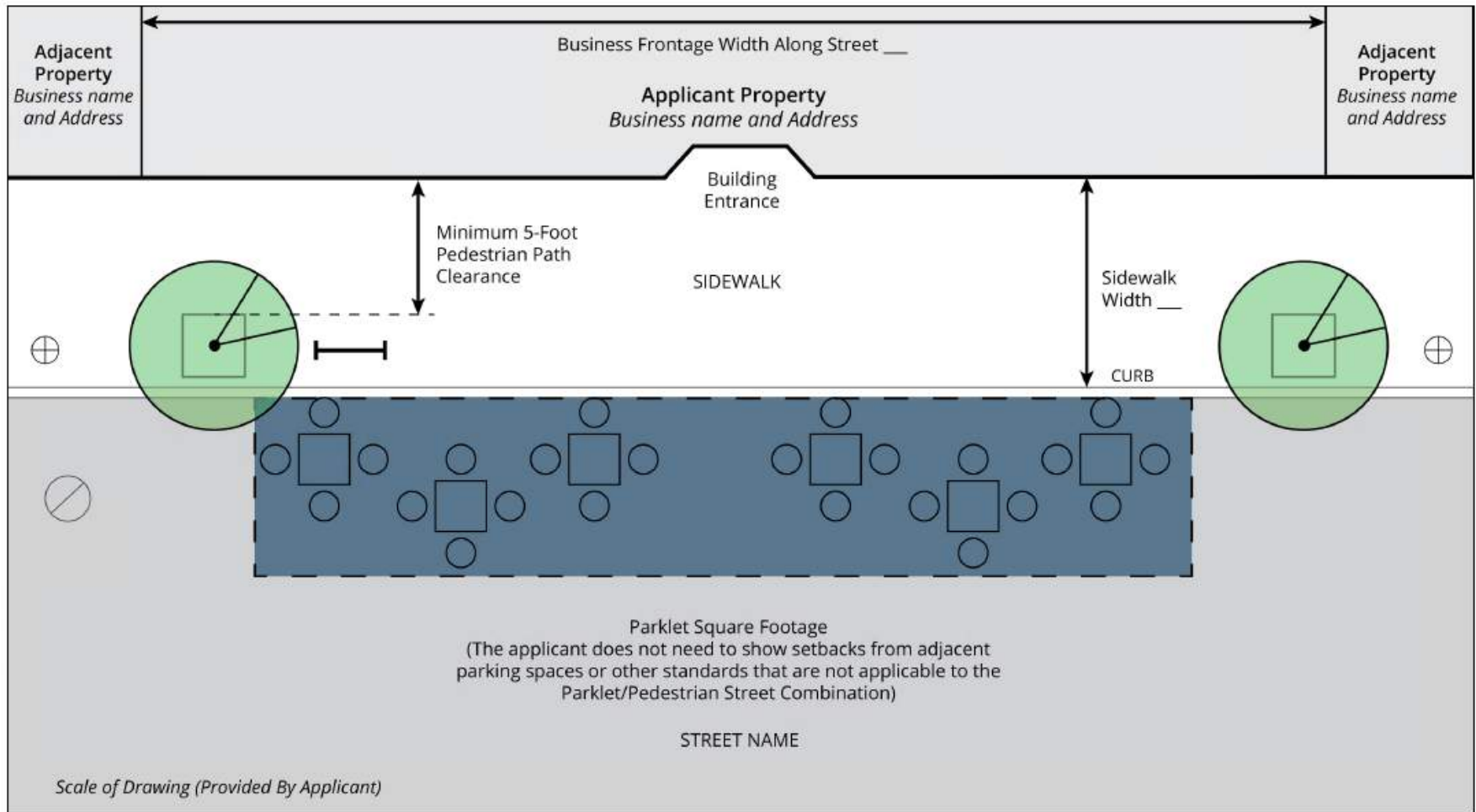
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|--|-----------------------|--|------------------------|--|-----------------------|--|------------------------------------------|
| | Existing Street Light | | Existing Utilities | | Parking Space Marking | | Proposed Parklet Location and Dimensions |
| | Existing Street Tree | | Existing Parking Meter | | Bike Rack | | Required setbacks |
| | Parklet Table | | Parklet Chair | | Fence/Barrier | | |

C-3 PARKLET/PEDESTRIAN STREET COMBINATION

- The Parklet/Pedestrian Street Combination template is designed with flexibility for parklets that are proposed on streets the City has permanently closed to vehicular through-traffic to enable pedestrian access and circulation.
- This template shall not be used where streets are only temporarily closed.
- Expanded seating areas would not be allowed unless the supplementary seating is specifically reflected in plans submitted and approved by the City.



SAMPLE SITE PLAN | C-3 PARKLET/PEDESTRIAN STREET COMBINATION



- | | | | | | | | |
|--|-----------------------|--|--------------------|--|-----------------------|--|------------------------------------------|
| | Existing Street Light | | Existing Utilities | | Parking Space Marking | | Proposed Parklet Location and Dimensions |
| | Existing Street Tree | | Parklet Chair | | Bike Rack | | |
| | Parklet Table | | | | | | |

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
PURSUANT TO CHAPTER 13.30 (“STREETARIES” OUTDOOR DINING
AREAS) OF THE MENLO PARK MUNICIPAL CODE ESTABLISHING
STREETARY OUTDOOR DINING PERMIT FEES FOR PARKLETS AND
SIDEWALK CAFES**

WHEREAS, the City has the authority to impose fees, charges, and rates to offset the costs for municipal services and regulatory programs under its police powers under California Constitution Article XI section 7; and

WHEREAS, at its August 15, 2023, regular meeting, the City Council introduced an ordinance to add Chapter 13.30 (“Streetaries” Outdoor Dining Areas) to Title 13 of the Menlo Park Municipal Code (MPMC), which establishes permit requirements, location and operational criteria and standards, and enforcement of the Streetary Outdoor Dining program; and

WHEREAS, Section 13.30.040 of the Ordinance states that the City Council shall establish by resolution the amount of fees for Streetary permit applications, including an annual encroachment lease fee and a one-time refundable deposit.

WHEREAS, the proposed user and regulatory fees (“Proposed Fees”) comply with Article XIII-C of the California Constitution because they are either (1) charges imposed for a specific government service or product that are not imposed on those not receiving the service or product and do not exceed the City’s reasonable costs of providing the service or product; or (2) charges imposed for the reasonable regulatory costs to the City for issuing licenses and permits, performing investigations, inspections, and audits, and administrative enforcement and adjudication thereof; and

WHEREAS, it is the general policy of the City to charge for the full costs of services provided by City Staff when such services benefit individual users rather than members of the community as a whole; and

WHEREAS, to better achieve the City’s cost recovery goals, the City Council deems it advisable and in the best interests of the City to adopt and update certain fees, included in the City’s Master Fee Schedule; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Incorporation of recitals.

The City Council hereby finds the recitals set forth above to be true and correct.

Section 2: Fees Adopted. The Proposed Fees, set forth in Exhibit A, which is attached hereto and incorporated herein by reference, are hereby approved and adopted.

Section 3: Effective Date. Pursuant to Government Code section 66017, the Proposed Fees adopted in this Resolution shall go into effect on January 1, 2025. Once effective, the Proposed Fees shall be incorporated into the City’s Master Fee Schedule.

Section 4: Environmental Review.

This Resolution is not a project within the meaning of section 15378 of the California Environmental Quality Act (“CEQA”) Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

Section 5: Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this resolution is severable. If any section, paragraph, sentence, clause, or phrase of this resolution is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

Section 6: Certification.

The City Clerk shall attest to and certify the vote adopting 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 twenty-ninth day of August, 2023, 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 ___ day of August, 2023.

Judi A. Herren, City Clerk

Exhibits:

A. Streetary fee structure

Streetary fee structure			
	1st year	Annual renewal (begins after initial three year permit term)	Notes
Streetary permit - parklets (plus sidewalk cafes where applicable)	\$1,725	\$250	Applicants may be subject to a surcharge for a structural review. Renewal fees cover administration.
Streetary permit - sidewalk cafes (standalone)	\$810	\$250	
Streetary use of space fee	\$4.24 per square foot	\$4.24 per square foot	Total would vary based on the actual area proposed in the Streetary application.



STAFF REPORT

City Council

Meeting Date:

8/29/2023

Staff Report Number:

23-194-CC

Regular Business:

Consider and adopt a resolution to close the eastbound travel lane of Santa Cruz Avenue from Curtis Street to Doyle Street to vehicles to allow for expanded outdoor dining opportunities, enhanced public space, and related bicycle infrastructure improvements

Recommendation

Staff recommends that the City Council adopt a resolution approving the long-term street closure of the eastbound direction of Santa Cruz Avenue from Curtis Street to Doyle Street to vehicles and install a new bicycle lane in the eastbound direction that would allow for the expansion of the outdoor seating associated with the existing parklets/outdoor dining along Santa Cruz Avenue and the continued communal seating area within Santa Cruz Avenue (Attachment A).

Policy Issues

The City Council recently amended the City's General Plan Circulation Element to allow for the City Council to consider street closures within the Main Street and Local Access "Alley" street classifications. The City Council will need to consider the merits of the proposed street closure of the eastbound 600 block of Santa Cruz Avenue (i.e. Main Street). The City Council should consider the proposed street closure for consistency with General Plan Goal-LU-5 (Strengthen Downtown and El Camino Real Corridor) and more specifically Policy LU-5.1 (El Camino Real/Downtown Specific Plan). The proposed street closure and related bicycle infrastructure improvements should also be considered in relation to General Plan Goal CIRC-1 (Safe Transportation System) and more specifically Policies CIRC-1.6 (Emergency Response Routes) in relation to ensuring emergency response routes are maintained in the citywide circulation network with the proposed street closure, CIRC-1.7 (Bicycle Safety), and CIRC-1.8 (Pedestrian Safety) and Programs CIRC-1.A (Pedestrian and Bicyclist Safety), CIRC-1.E (Emergency Response Routes Map), and CIRC-1.F (Coordination with Emergency Services). Consistency with the Specific Plan should be considered in relation to the guiding principles to enhance public space and generate vibrancy, as well as the urban design framework for the Specific Plan that includes an "integrated corridor" and a "walking and connected community."

The street closure supports the City Council's permanent outdoor dining program ("streetary" program) introduced at its Aug. 15 meeting. The streetary program is independent of the proposed street closure; however, the street closure would allow for expanded streetary and outdoor dining opportunities. Staff believes that the proposed street closure would advance the City Council fiscal year 2023-24 priority of activating Downtown.

Background

The City Council's actions to mitigate the economic impacts of COVID-19 on the local economy helped

many businesses remain viable during the pandemic. The City Council adopted a number of urgency ordinances since the start of the COVID-19 pandemic to implement street closures and outdoor dining programs to allow for businesses to operate in a safe manner. Below is a summary of the City Council's actions in the past three years:

- 2020 – Urgency Ordinances Nos. 1070, 1071, 1072 were adopted to allow staff to implement a temporary outdoor use permit (TOUP) program for outdoor dining and to close portions of Santa Cruz Avenue and a portion of Ryans Lane between Crane Street and Escondido Lane to vehicle travel.
- 2021 – Ordinance No. 1085 was adopted by the City Council to extend the TOUP program and street closure through January 2022.
- 2022 – The City Council approved an extension of the outdoor dining pilot program and street closures to remain on a month-to-month basis, set to expire with the COVID-19 State of Emergency Order (Feb. 28).

Since the beginning of 2023, the City Council has taken the following actions related to outdoor dining and the existing street closures downtown:

- Jan. 10 staff prepared a City Council informational item to share draft design standards for a longer-term outdoor dining program (referred to as the streetary program).
- Feb. 28 the City Council held a study session on a draft ordinance to amend the City of Menlo Park Municipal Code to add Chapter 13.10 (Streetaries Outdoor Dining Areas) to Title 13 (Streets, Sidewalks and Utilities) of the Municipal Code and amendments to sections 13.18.10 and 13.18.20 of Chapter 13.18 (Use of Public Right of Way) to enable the proposed streetary program, as well as draft design standards and fees associated with the program. During the study session, the City Council also expressed an interest in continuing the street closures for portions of Santa Cruz Avenue (between Curtis and Doyle Streets) in the eastbound direction and Ryans Lane at the intersection of Crane Street (specifically between Crane Street and Escondido Lane) and to allow for bicycle and pedestrian circulation while restricting vehicle access.
- Aug. 15 the City Council amended the Circulation Element of the General Plan and Specific Plan to allow the City Council to be able to consider temporary, long-term, or permanent closures of streets with the Main Street and Local Access “Alley” classification. The City Council staff report, and supporting materials are included in Attachment B.
- Aug. 15 the City Council introduced an ordinance adding the “Streetaries” Outdoor Dining Areas to Title 13 of the Menlo Park Municipal Code. The staff report and ordinance are available in Attachment C.

City staff is separately evaluating the possibility of a long-term street closure of Ryans Lane at Crane Street, per the City Council's direction at its Feb. 28 study session. Staff is coordinating with the neighboring restaurant uses on a potential street closure plan.

Analysis

Pursuant to Vehicle Code §21101(f), cities may prohibit entry to, or exit from, or both entry to and exit from, any street by means of islands, curbs, traffic barriers, or other roadway design features to implement the circulation element of the General Plan. The recently amended General Plan Circulation Element allows the City Council to consider whether to partially or fully close streets to vehicles, while potentially maintaining access for bicyclists and pedestrians within streets that are designated Main Street (i.e. Santa Cruz Avenue) and Local Access “Alley” (e.g. Ryans Lane). Figure 2 of the General Plan Circulation Element identifies street classifications city-wide (Attachment D).

Santa Cruz Avenue street closure

Santa Cruz Avenue is the City's main street and is identified appropriately as a Main Street in the City's Circulation Element. The El Camino Real/Downtown Specific Plan aims to foster a retail and restaurant emphasis on Santa Cruz Avenue. During the COVID-19 pandemic, the City closed the eastbound portion of Santa Cruz Avenue, between Curtis Street and Doyle Streets, to allow for enhanced outdoor dining opportunities and to create a communal outdoor space for patrons of downtown.

Street design, outdoor dining, and bicyclists

The proposed street closure (Exhibit A to Attachment A) would continue to restrict eastbound vehicle travel within the 600 block of Santa Cruz Avenue, between Curtis and Doyle Streets. The continued street closure would require limited modifications to the existing conditions. As part of the proposed long-term street closure, a striped bike lane to serve eastbound bicyclists, would be incorporated adjacent to the center median, and any outdoor seating within the street would be shifted away from the median toward the existing parklets. As with the current conditions, k-rail or a similar barrier would be located at the street centerline where there is no physical median. The bike lane would be six feet wide and cyclists traveling eastbound on Santa Cruz Avenue would be able to enter the bike lane after traversing the intersection at Curtis Street, which is stop sign controlled. A new bicycle-oriented stop sign would be installed at Doyle Street, which is already stop controlled.

Restaurants with existing outdoor dining parklets (Left Bank and Bistro Vida) would be able to continue to use the former vehicle travel way between the existing parklets and the proposed bike lane for outdoor dining, with a slightly reduced footprint from the prior three years. The businesses would be required to provide appropriate barriers/planters between the outdoor seating area and the bike lane. City staff and the businesses have been discussing options. The specific barriers would be reviewed and approved by the City's Public Works Director through streetary permit applications. The businesses would be required to maintain their streetaries per the permit requirements.

The amount of space currently used for communal open seating by downtown patrons and the weekly Bon Marché farmers' market would be somewhat reduced to accommodate the proposed bike lane; however, the open plaza area would still provide ample space for these uses to continue. The seating area would be partially separated from the bike lane by planters and/or other appropriate barriers. The existing overhead lighting is currently proposed to be maintained.

Street closure duration

The proposed street closure would modify an existing street closure that has been in effect since 2020 as part of the City's COVID-19 pandemic response. Since the street closure would allow for at least two restaurants to further invest in their outdoor dining streetaries and require the City to expend resources on new striping and barriers for the bike lane, as well as ongoing maintenance of the communal seating area, staff recommends that the long term street closure not include a defined end date. The City Council may direct staff at any time to bring the street closure to the City Council for discussion to determine whether to reopen the 600 block of Santa Cruz Avenue to vehicle travel.

Emergency services and response routes

Santa Cruz Avenue is identified as an emergency response route in Figure 1 of the General Plan Circulation Element (Attachment E). The figure also identifies Oak Grove Avenue as an east to west emergency response route in the downtown area. The proposed long-term street closure would extend a temporary street closure that has been in place for three years and has not resulted in impacts to the Menlo Park Police Department or Menlo Park Fire Protection District's emergency response times. Further, Fire Station #6 is located on Oak Grove Avenue and Oak Grove Avenue provides direct access across El Camino Real as well as logical access to Valparaiso Avenue and Santa Cruz Avenue via University Drive. Regardless of

the proposed street closure, Santa Cruz Avenue, between the Caltrain Station and University Drive, is a pedestrian focused street with generally slower travel speeds due to on-street parking and intense pedestrian activity. The City's Public Works department has coordinated with the Menlo Park Fire Protection District and Menlo Park Police Department on the proposed long-term street closure.

Additional Santa Cruz Avenue bicycle improvements

Staff identified additional bicycle infrastructure improvements within Santa Cruz Avenue outside of the proposed street closure to increase connectivity and safety for bicyclists. Attachment F identifies the City's approach to the segment of Santa Cruz Avenue between Doyle Street and El Camino Real. This includes additional Class III bicycle markings (sharrows) in both directions, consolidating the eastbound automobile lanes into a combined left turn and through lane and a right turn lane, adding a bike pocket at the intersection of Santa Cruz Avenue and El Camino Real, and adding a painted median at the intersection of Santa Cruz and Doyle Street to better define the space and reduce conflicts between different users given the significant reduction in vehicles using eastbound Santa Cruz Avenue between Doyle Street and El Camino Real. Since the street closure, only about 50 vehicles use the last block of Santa Cruz Avenue between Doyle Street and El Camino Real in the peak hour. The Main Street classification provides access to all travel modes in support of downtown. The classification prioritizes pedestrians and identifies vehicles and bicycles as medium priority.

The City also intends to install Class III bike route markings (sharrows) on Santa Cruz Ave between University Drive and Merrill Street in both directions, to provide a more complete bicycle network between University Drive and the Caltrain Station. West of University Drive, Santa Cruz Avenue contains Class II bike lanes. While bicycle improvements are not identified within this segment of Santa Cruz Avenue in the City's Transportation Master Plan, the improvements support the street closure, are consistent with the Circulation Element street classification for Santa Cruz Avenue, are consistent with how bicyclists use these streets today, and would be consistent with the City Council fiscal year 2023-2024 goals of Safe Streets, and Activating Downtown.

Ryans Lane street closure

Consistent with Santa Cruz Avenue, the City Council closed Ryans Lane in 2020 to allow for outdoor dining for the neighboring restaurant (Carpaccio's). The current outdoor dining on Ryans Lane is located near Crane Street and extends approximately halfway toward Escondido Lane. Ryans Lane is considered a Local Access "Alley" within the street classifications of the City's General Plan Circulation Element. The street provides secondary access to a proposed restaurant (Clark's) at 772-780 Santa Cruz Avenue that would occupy the former Ann's Coffee Shop and Menlo Park Gift Bazaar.

Staff is evaluating a possible long-term closure of Ryans Lane to through traffic between Crane Street and Escondido Lane, with modifications to the extent of the closure and any outdoor dining permitted through the streetary program. Staff is discussing the possible street closure with the adjacent restaurant uses to outline a possible plan for a long-term street closure and streetary that balances the desire for additional outdoor dining opportunities with the access needs of adjacent businesses (e.g. deliveries, trash/recycling, and temporarily for construction to the tenants in the 772-780 Santa Cruz Avenue building).

While staff evaluates a possible street closure, the current temporary street closure and outdoor dining would need to be removed. Staff will work with Carpaccio's to reopen the street, which would allow for construction deliveries and staging for the proposed Clark's restaurant at 772 Santa Cruz Avenue. If feasible, staff intends to bring the street closure of Ryans Lane to the City Council in the fall.

Correspondence

Staff received one email on the proposed street closures (Attachment G).

Conclusion and next steps

The proposed street closure on Santa Cruz Avenue would continue to activate the downtown with enhanced outdoor dining options. The proposed street closure would help to promote the goals and policies of the General Plan Land Use and Circulation Elements and would also promote the guiding principles and be consistent with the urban design framework of the Specific Plan by providing additional areas for outdoor dining options to generate vibrancy, enhance public space by creating areas for outdoor dining and outdoor gatherings with appropriate bicycle and pedestrian facilities, and create “distinct and connected areas” through the proposed street closures. The proposed street closure would not disrupt emergency response routes and has been coordinated with the Menlo Park Fire Protection District and Menlo Park Police Department.

Impact on City Resources

Staff and city attorney time spent on preparing the amendments to the General Plan Circulation Element and Specific Plan are not reimbursable and are being accommodated within the existing budgets of the planning division, city manager’s office, and city attorney. The work to install the proposed bike lanes and other street treatments will be drawn from the existing City operational budget for signage and striping and will be performed by one of the City’s on-call contractors.

Environmental Review

The proposed long-term street closure on Santa Cruz Avenue and related improvements are categorically exempt under the California Environmental Quality Act (CEQA) Article 19, §15301 Existing Facilities - Class I since the street closures involve minor construction on a public street. No additional vehicle miles traveled or roadway capacity will be added as a result of implementation of the long-term street closures, bicycle lanes, and related circulation changes.

Additionally, the City previously prepared and certified the ConnectMenlo Program Environmental Impact Report (“ConnectMenlo EIR”) in November 2016 and certified the Housing Element Update Subsequent EIR (“SEIR”) in January 2023. Additionally, the City previously prepared and certified the Program Environmental Impact Report for adoption of the El Camino Real/Downtown Specific Plan (“Program EIR”) in June 2012.

The City has prepared an Addendum to the ConnectMenlo Program EIR and subsequent EIR (SEIR) (Attachment H) and an Addendum to the El Camino Real/Downtown Specific Plan Program EIR (Attachment I) in compliance with the CEQA that examined potential environmental impacts of the amendments to the General Plan and El Camino Real/Downtown Specific Plan that enable the City Council to consider street closures within specific street classifications, and found no substantial evidence to support requiring additional environmental review, in part given that the amendments would not increase the development potential identified in the plans or lead to any activity that might cause new or increased environmental effects, as discussed in more detail in the Addenda. Additionally, notifications of the proposed General Plan and El Camino Real/Downtown Specific Plan amendments were sent to California Native American tribes of the opportunity to conduct consultations on the proposed amendments, per the State of California Senate Bill 18 requirements, and there were no requests to consult on the proposed amendments.

The proposed street closure is consistent with the recently adopted amendments to the General Plan and Specific Plan.

Public Notice

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

Attachments

- A. Resolution closing Santa Cruz Avenue to eastbound vehicle travel between Curtis Street and Doyle Street
- B. Hyperlink – Aug. 15 General Plan and Specific Plan amendments staff report:
menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2023-meetings/agendas/20230815-city-council-agenda-packet-w-pres.pdf#page=195
- C. Hyperlink – Aug. 15 Introduction of streetary ordinance:
menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2023-meetings/agendas/20230815-city-council-agenda-packet-w-pres.pdf#page=244
- D. General Plan Circulation Element Excerpt – Figure 2
- E. General Plan Circulation Element Excerpt – Figure 1
- F. Santa Cruz Avenue bicycle improvements concept plan (Doyle Street to El Camino Real)
- G. Correspondence
- H. Addendum to the ConnectMenlo certified program EIR and the Housing Element update certified subsequent EIR for the General Plan
- I. Addendum to the El Camino Real/Downtown Specific Plan certified program EIR

Report prepared by:
Kyle Perata, Planning Manager

Report reviewed by:
Hugh Louch, Assistant Public Works Director

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
APPROVING A STREET CLOSURE OF SANTA CRUZ AVENUE, BETWEEN
CURTIS AND DOYLE STREETS, TO EASTBOUND VEHICLE TRAFFIC TO
ALLOW FOR ENHANCED OUTDOOR COMMUNAL SPACE AND OUTDOOR
DINING OPPORTUNITIES FOR RESTAURANTS ADJACENT TO THE STREET
CLOSURE**

WHEREAS, the City of Menlo Park adopted the El Camino Real/Downtown Specific Plan (“Specific Plan”) in June 2012 to guide development in the downtown and El Camino Real corridors, including parameters for circulation, public space, and parking; and

WHEREAS, in 2015, the City Council approved the Santa Cruz Street Café pilot program to allow merchants to convert street parking to parklets for outdoor uses; and

WHEREAS, during the COVID-19 pandemic, the City Council created the temporary outdoor use permit (TOUP) program and closed portions of Santa Cruz Avenue and Ryans Lane to facilitate expanded outdoor dining and outdoor sales for businesses impacted by the COVID-19 pandemic; and

WHEREAS, the TOUP program expired on February 28, 2023 and the City desires to create a permanent outdoor dining program; and

WHEREAS, the City Council held a study session on February 28, 2023 to discuss the proposed Streetaries Outdoor Dining (formerly TOUP) Program (“Streetaries”) and existing temporary street closures on the eastbound 600-Block of Santa Cruz Avenue (between Curtis Street and Doyle Street) and a portion of Ryans Lane (between Crane Street and Chestnut Street); and

WHEREAS, on February 28, 2023, the City Council determined that the closure of streets to vehicular traffic within certain City’s rights-of-way provides economic vitality to the City and businesses, creates community gathering spaces, contributes to the enjoyment of public spaces, and increases opportunity for more enjoyable pedestrian travel in the City; and

WHEREAS, the City Council desires to change the temporary closure of the eastbound travel lane of Santa Cruz Avenue to vehicle traffic into a closure to allow for expanded outdoor dining opportunities for adjacent restaurants and continued use of the communal seating area by patrons of downtown (Exhibit A); and

WHEREAS, in conjunction with the street closure, the City intends to install a new bike lane within the street closure to allow for a travel path for cyclists, and the City intends to install striping and signage for bicyclists outside of the street closure within Santa Cruz Avenue; and

WHEREAS, the California Vehicle Code section 21101(f), identifies that cities may prohibit entry to, or exit from, or both entry to and exit from, any street by means of islands, curbs, traffic barriers, or other roadway design features to implement the circulation element of the General Plan; and

WHEREAS, the City’s General Plan Circulation Element allows for the City Council to consider whether to close streets designed as “Main Street” or “Local Access (Alley)” within the City’s

circulation network on a temporary, long-term, or permanent basis, provided the street closures are consistent with the goals and policies of the General Plan; and

WHEREAS, the El Camino Real/Downtown Specific Plan allows the City Council to consider whether to close streets, on a temporary, long-term, or permanent basis, within the Downtown Specific Plan boundaries and to consider public space enhancements that are in line with the guiding principles and the urban design framework of the Specific Plan; and

WHEREAS, the proposed street closure of Santa Cruz Avenue is consistent with the General Plan Circulation Element and El Camino Real/Downtown Specific Plan; and

WHEREAS, the City, as lead agency, pursuant to the California Environmental Quality Act and the CEQA Guidelines (“CEQA”) had previously prepared and certified the Program Environmental Impact Report for adoption of the Specific Plan (“Program EIR”) in June 2012; and

WHEREAS, the City, as the lead agency, pursuant to the CEQA Guidelines previously prepared and certified the ConnectMenlo Program Environmental Impact Report (“ConnectMenlo EIR”) in November 2016 and certified the Housing Element Update Subsequent EIR (“SEIR”) in January 2023; and

WHEREAS, the City prepared Addenda to the ConnectMenlo EIR and to the Specific Plan Program EIR in compliance with CEQA that examined the environmental impacts of amendments to the General Plan Circulation Element and Specific Plan that were adopted by the City Council on August 15, 2023 and allow the City Council to consider temporary, long-term, and permanent street closures within the Local Access “Alley” and Main Street classifications, and found no substantial evidence to support requiring additional environmental review, in part given that the General Plan Circulation Element and Specific Plan amendments would not increase the development potential identified in the Specific Plan or lead to any activity that might cause new or increased environmental effects, as discussed in more detail in the Addendums; and

WHEREAS, the street closure of a portion of Santa Cruz Avenue is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current California Environmental Quality Act (CEQA) Guidelines, as the street closures involve minor construction on a public street. No additional vehicle miles traveled or roadway capacity will be added as a result of implementation of the street closures, bicycle lanes, and related circulation changes; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, at a duly and properly noticed public meeting held on August 29, 2023, the City Council fully reviewed, considered, and evaluated the whole of the record including all public and written comments, pertinent information, documents, the updated appraisal instructions, and community amenity implementing regulations, prior to taking action.

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

Section 1: Recitals. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, public testimony, and other materials

and evidence submitted or provided, and finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. CEQA Findings. The City Council of the City of Menlo Park does hereby make the following findings and recommendation:

1. The City Council finds that the street closure of a portion of Santa Cruz Avenue is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines, as the street closure involves minor construction on a public street. No additional vehicle miles traveled or roadway capacity will be added as a result of implementation of the street closures, bicycle lanes, and related circulation changes

Section 3. Findings. The City Council of the City of Menlo Park does hereby make the following findings regarding a street closure of Santa Cruz Avenue between Curtis Street and Doyle Street to vehicle traffic in the eastbound direction, which closure is more particularly depicted in Exhibit A:

1. The street closure of Santa Cruz Avenue to vehicles in the eastbound direction will allow for continued expanded outdoor dining opportunities for existing restaurants adjacent to the closure and will allow for continued communal seating for patrons of the downtown area.
2. The street closure is consistent with the General Plan Circulation Element.
3. The street closure is consistent with the El Camino Real/Downtown Specific Plan, including the guiding principles and the urban design framework.
4. The street closure is consistent with California Vehicle Code section 21101(f).
5. The street closure is designed to include safe bicycle access through the street closure.
6. The street closure is consistent with the City Council fiscal year 2023-2024 priority of Activating Downtown/Economic Development.
7. The street closure may be revisited at the discretion of the City Council in the future.

Section 4. Closure of Santa Cruz Avenue between Curtis Street and Doyle Street to Vehicle Traffic in the Eastbound Direction.

Pursuant to California Vehicle Code section 21101(f) and in order to implement the Circulation Element of the City's General Plan, the City Council of the City of Menlo Park does hereby direct the City Manager to close, and prohibit entry to and exit from the eastbound lane of traffic on Santa Cruz Avenue between Curtis Street and Doyle Street, which portion of the street is more specifically depicted in Exhibit A, attached hereto.

SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project Revisions, shall continue in full force and effect unless amended or modified by the City.

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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 twenty-ninth day of August, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

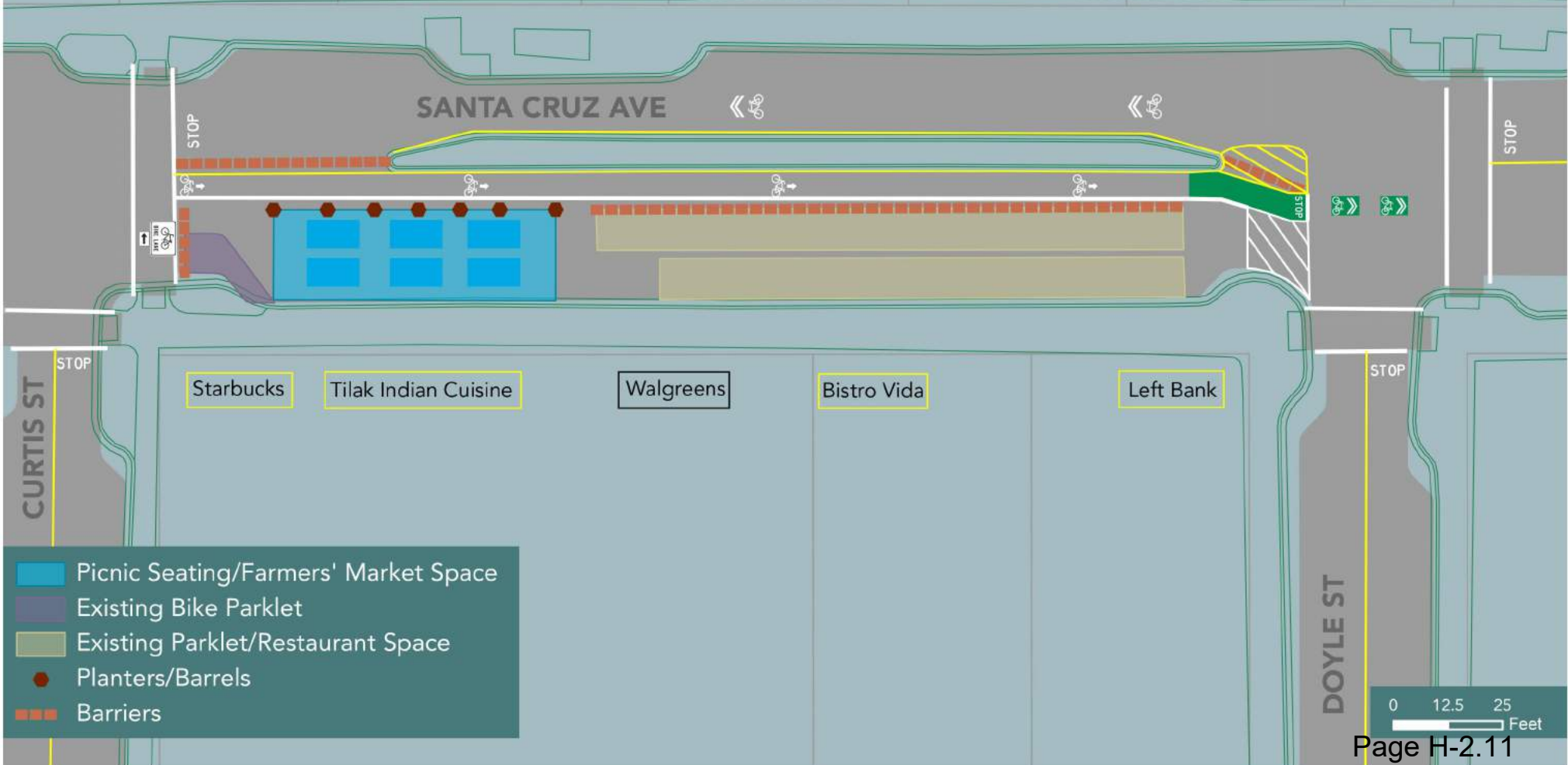
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this __ day of August, 2023.

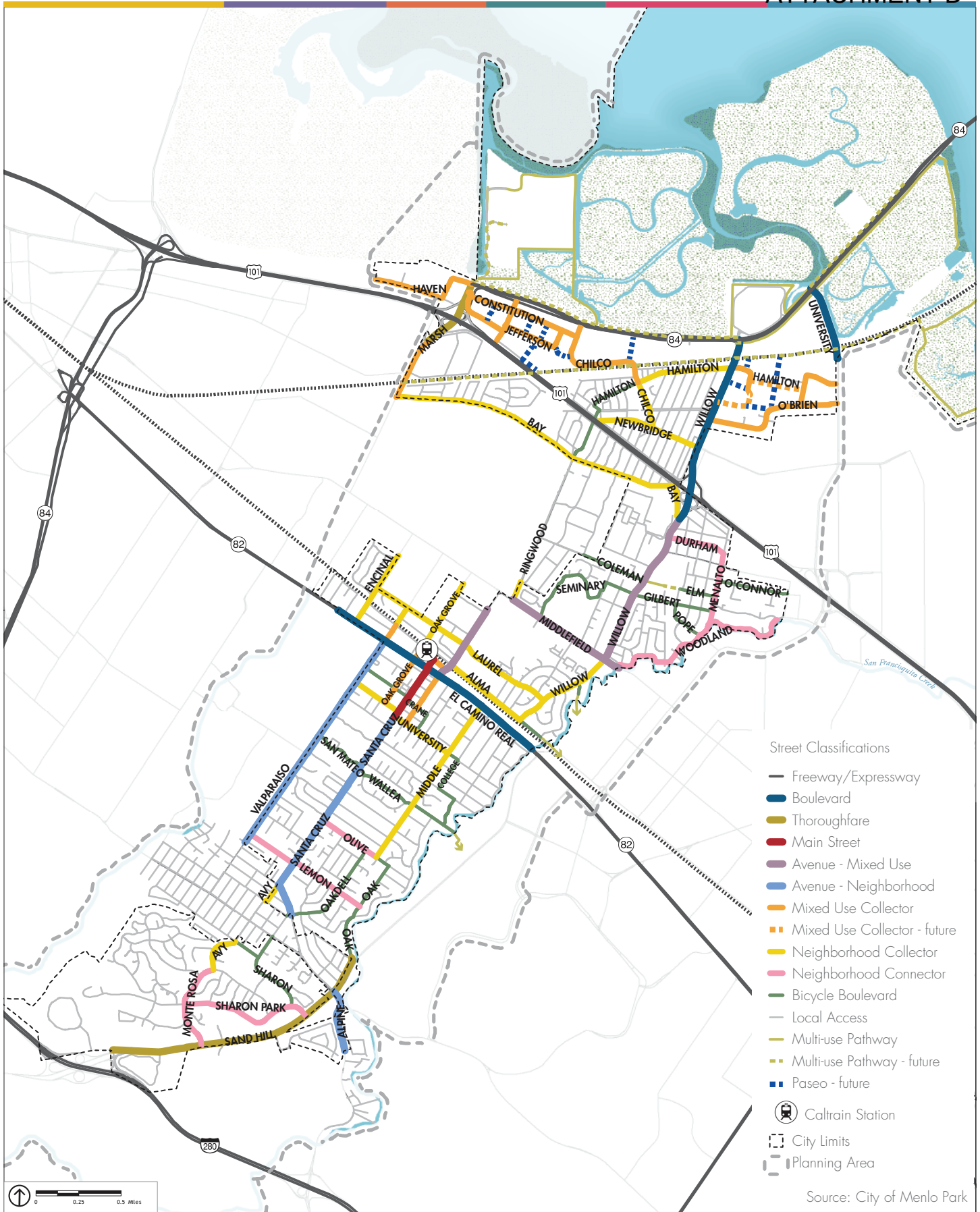
Judi A. Herren, City Clerk

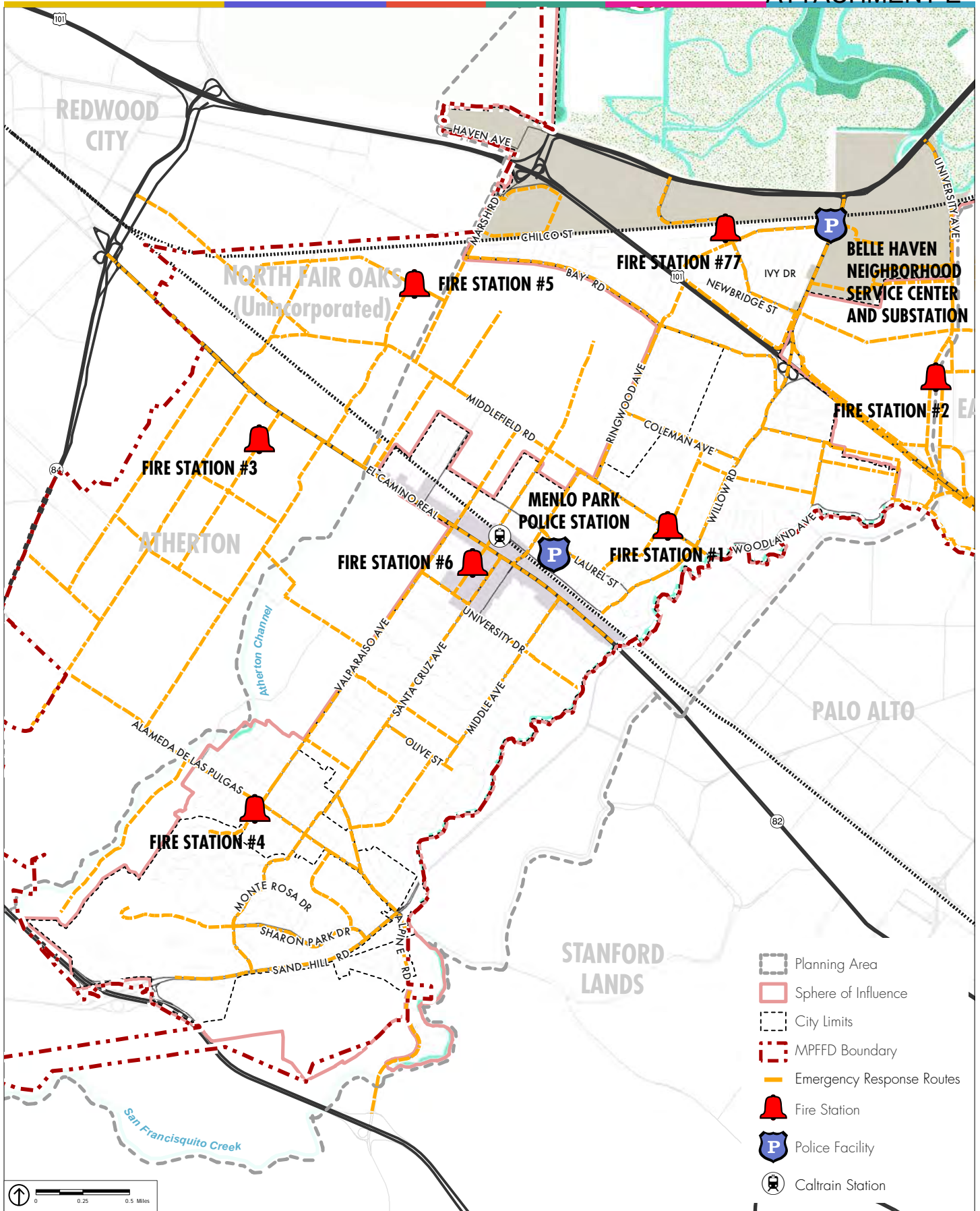
Exhibits

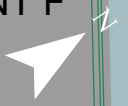
A. Santa Cruz Avenue Street closure plan

Santa Cruz Ave Bike Improvements: Curtis St to Doyle St

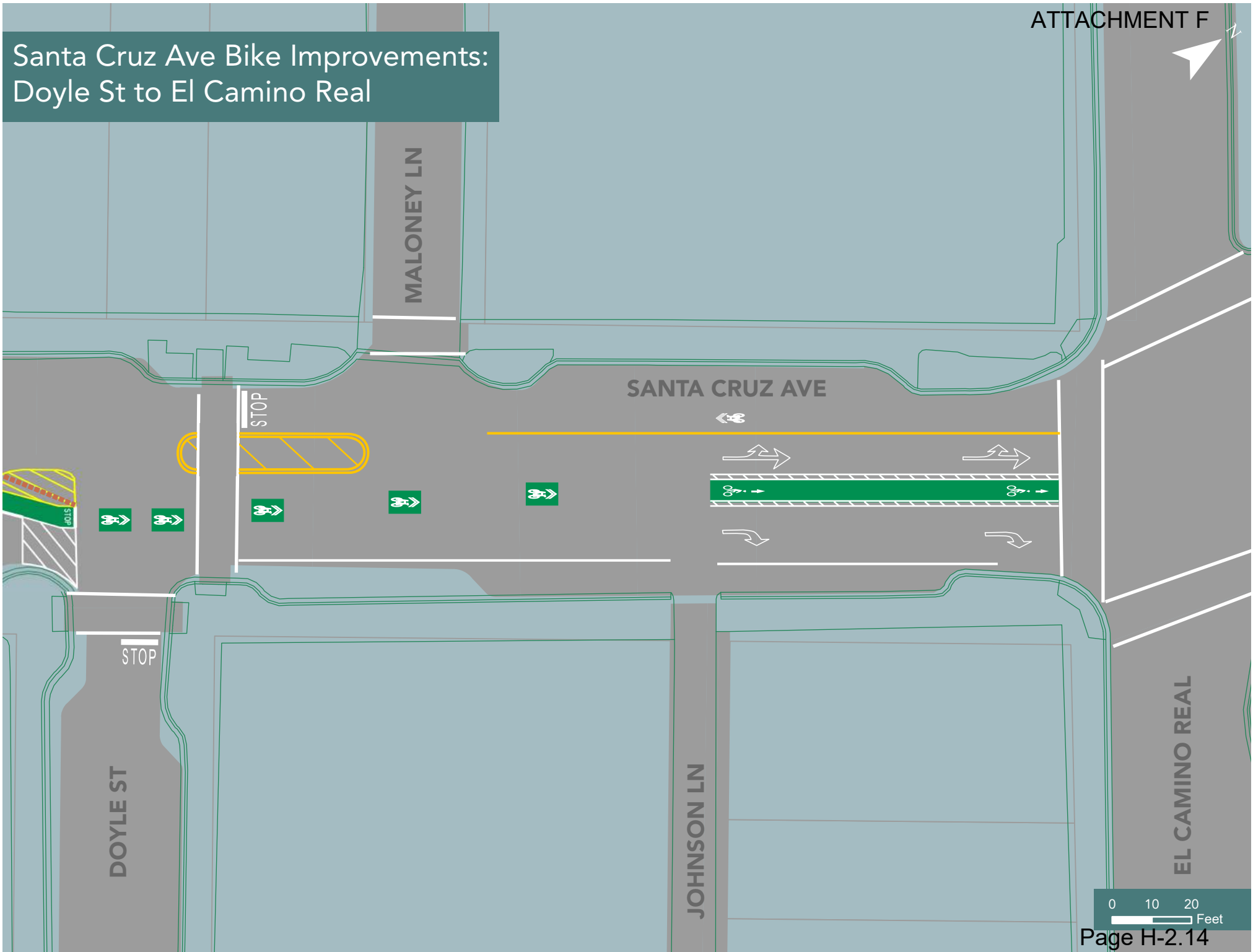








Santa Cruz Ave Bike Improvements: Doyle St to El Camino Real



From: [Alex Beltramo](#)
To: [Stolte, Stephen W](#)
Cc: [Wolosin, Jen](#); [Fran Dehn](#)
Subject: a compromise on the 600 block?
Date: Friday, August 18, 2023 11:18:08 AM

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Hi, Stephen.

For the upcoming meeting about making the 600-block closure permanent, would it be possible to also present to Council a compromise approach, like this:

1. Convert the parking spaces west of the Bistro Vida streetary into a large, permanent, community parklet.
2. Open the road to cars and bikes, but add removable bollards so that it can be easily closed for events, like the weekly market.

This approach keeps a community gathering place, with the ability to expand it for events , while removing the many problems associated with diverting cars and bicycles.

Thank you,
Alex

Addendum to ConnectMenlo General Plan Update Certified Final Environmental Impact Report and Housing Element Subsequent Environmental Impact Report

Lead Agency: City of Menlo Park

Telephone: (650) 330- 6702

Contact Person: Kyle Perata, Planning Manager

Project Title: General Plan Circulation Element Amendments

Project Location: City of Menlo Park, San Mateo County

ConnectMenlo General Plan Update

The City of Menlo Park (City) adopted an update to the Land Use and Circulation Elements of the General Plan in November 2016, referred to as ConnectMenlo (General Plan Update). The General Plan Update was the result of a multi-year comprehensive process with robust outreach. The General Plan Update focused land use changes in the Bayfront Area to foster a new mixed-use district that includes multi-family residential, mixed-use residential and commercial developments, office uses, and life sciences uses. The land use changes could result in net new development potential of up to 2.3 million square feet of non-residential uses, up to 4,500 residential units, and up to 400 hotel rooms. While land use changes were focused on the Bayfront Area, the associated Circulation Element Update was comprehensively updated city-wide. The General Plan serves as the City's comprehensive and long range guide to land use and infrastructure development in the City and includes goals, policies, and programs applicable to private and public development and improvements within the City.

ConnectMenlo General Plan Update Program Environmental Impact Report

On November 29, 2016, the City Council certified the ConnectMenlo Environmental Impact Report (Program EIR). According to the Program EIR, the General Plan does not propose specific private developments, but identified a total development potential throughout the entire city of approximately 4 million square feet of net new nonresidential development, up to 5,350 additional residential units, and up to 400 hotel rooms. The Bayfront Area includes the majority of that development potential with approximately 3.66 million square feet of non-residential development, 4,500 residential units (3,000 unrestricted residential units and 1,500 corporate-style residential units), and 400 hotel rooms. The General Plan Update includes public open space, bicycle and pedestrian improvements, and other circulation improvements. On January 31, 2023 the City Council

adopted the City of Menlo Park 6th Cycle Housing Element (Housing Element Update). The City Council certified a Subsequent EIR (SEIR) to the Program EIR that evaluated the increased housing development across the City to meet the City's 6th cycle regional housing needs allocation.

Proposed Project

At its meeting on February 28, 2023 the City Council held a study session on a draft ordinance to amend the City of Menlo Park Municipal Code to add Chapter 13.30 (Streetaries Outdoor Dining Areas) to Title 13 of the Municipal Code and Amendments to Sections 13.18.10 and 13.18.20 of Chapter 13.18 (Use of Public Right of Way) to enable the proposed streetary program. The City Council also reviewed and provided feedback on draft design standards and fees associated with the proposed streetary program. During the study session, the City Council also expressed an interest in making the temporary street closures for portions of Santa Cruz Avenue (between Curtis Street and Doyle Street) in the eastbound direction and Ryans Lane, between Crane Street and Escondido Lane, permanent. These closures currently restrict vehicle access. The conversion of the temporary street closures to permanent street closures would involve limited new construction as the temporary barriers are already in place. Additional street closures, as authorized by the proposed Circulation Element Amendments ("Amendments"), could require additional barricades, modifications to the existing outdoor dining parklets and streeteries, striping for bicycle/pedestrian movements, and additional wayfinding signage. The street closures would not involve substantial construction activities, ground disturbing activities, an increase in density (dwelling units), intensity (square footage), or building heights.

To allow for the proposed permanent closure of a portion of Santa Cruz Avenue and a portion of Ryans Lane and to allow for the City Council to more broadly consider additional street closures, Amendments to the General Plan Circulation Element attached hereto as Exhibit A and incorporated herein by this reference, are proposed. The proposed Amendments are generally as follows:

- Modify the text of the Main Street classification to allow for the City Council to consider partial or full street closures on a temporary, long term, or permanent basis.
- Add a Local Access Alley street classification to the Circulation Element that would also allow for the City Council to consider street closures of low volume local access public streets.

The City Council would consider potential street closures separately and each potential street closure would be considered for consistency with the General Plan Circulation Element Amendments.

These Amendments would allow the City Council discretion to review and determine whether to approve long-term or permanent closures of portions of Santa Cruz Avenue (in addition to the Central Plaza concept of the Specific Plan), and close public alleys (such as a portion of Ryans Lane) when it determines the alleys are not needed for

circulation purposes. The Planning Commission will review these Amendments to the General Plan Circulation Element and make a recommendation to the City Council, which can adopt the Amendments by resolution.

Potential Environmental Impacts

This is the first addendum to the certified Program EIR and certified SEIR prepared by the City. The Addendum evaluates whether the proposed General Plan Amendments require additional environmental review or can be considered for approval based on the certified Program EIR and certified SEIR prepared for the City's ConnectMenlo General Plan Update and Housing Element Update.

The proposed Amendments require only minor modifications to the Circulation Element which will allow the City Council to consider modifications to the City's circulation network (e.g. partial or full street closures) along Santa Cruz Avenue (classified as a Main Street) and Ryan's Lane (under proposed new Local Access "Alley" classification). The Amendments would be limited to circulation and would not allow any additional development potential (e.g. gross floor area, density) than was previously analyzed by the Program EIR and SEIR since no changes to the General Plan land use standards are proposed. The circulation Amendments would be limited to Santa Cruz Avenue (Main Street) and potentially all newly classified public Local Access (Alleys). The applicable alleys are located throughout the City; however, few of the existing Local Access streets meet the proposed Local Access (Alley) designation. Additionally, the Amendments will not increase the maximum allowable development capacity of the General Plan.

Amending the General Plan to allow the City Council to consider street closures could result in minor modifications to the City's circulation network. Santa Cruz Avenue is considered the City's "Main Street." However, within the downtown area parallel streets to the north and south of Santa Cruz Avenue (Oak Grove Avenue and Menlo Avenue) provide additional east-to-west connectivity through downtown, so that possible partial or full street closure of a portion of Santa Cruz Avenue, will not negatively affect the vehicle circulation network. The adjacent alternate routes can accommodate any minor increase in traffic, and no substantial increase in traffic noise or localized air pollution from intersection congestion on those roadways is expected that might affect commercial and residential uses along those streets. The alternate routes have been designed following "complete streets" policies supporting use by bicyclists, pedestrians, and vehicles. The potential limited increase in traffic would also not be expected to impact emergency responders (e.g. police and fire) response time. The potential closure of portions of Santa Cruz Avenue would not affect transit routes differently than the existing temporary closure, which SamTrans has been able to accommodate.

The proposed Local Access (Alley) street classification would also allow for the City Council to consider street closures of public alleys that meet the Local Access (Alley) classification criteria. Street closures on alleys could be allowed, subject to generally maintaining access to abutting properties for operations (e.g. deliveries, trash collection, etc.). Potential street closures within the Main Street or Local Access (Alley) street

classifications would be coordinated with the Menlo Park Police Department and Menlo Park Fire Protection District to ensure adequate access is maintained. Ryans Lane and the portion of Santa Cruz Avenue have been closed on a temporary basis since October 2020 and June 2020, respectively, and no negative effects have been observed, supporting these conclusions.

At the time of adoption of the General Plan Update and certification of the Program EIR, the transportation analysis considered level of service (LOS) in the impact analysis. The California Environmental Quality Act (CEQA) no longer utilizes LOS as the metric for identifying impacts in the transportation impact analysis and now uses vehicle miles traveled (VMT) as the metric for assessing impacts. The proposed Amendments to allow for street closures within the Main Street and Alley street classifications would not be expected to increase VMT, as use of the alternate routes to travel in and out or through the downtown will not add a measurable distance to the trip. Most street closures would be expected to be located in the downtown area of Menlo Park and most vehicle trips to downtown would be accommodated in the parking along other downtown streets or in parking plazas. While it is possible that any street closures could be designed to allow for partial vehicle circulation, this analysis assumes complete closure to vehicles.

The decision to amend the General Plan Circulation Element to allow for potential street closures within the Main Street (i.e. Santa Cruz Avenue) and Local Access (Alley) street classifications would not result in an increase in potential environmental effects related to transportation, circulation, or parking. The proposed Amendments are not expected to result in much if any demolition, ground disturbing, construction activities, or operation activities not contemplated in the General Plan Update and Housing Element Update and studied in the Program EIR and SEIR. No increase in potential environmental effects to air quality, biological resources, cultural resources (including tribal cultural resources), geology, soils, or seismicity, greenhouse gases emissions, hazards and hazardous materials, hydrology and water quality, noise, population and housing, and public services and recreation, utilities and service systems would result from implementation of the proposed General Plan Circulation Element Amendments. Additionally, the City, in compliance with Senate Bill 18, notified Native American Tribal Nations, identified by the Native American Heritage Commission, of the proposed Amendments to allow for the tribes to consult with the City on the proposed Amendments. The City did not receive any requests for consultation.

The decision to amend the General Plan would not result in aesthetic impacts or land use and planning effects not contemplated in the Program EIR and SEIR. The proposed Amendments are consistent with the guiding principles of the General Plan and consistent with components of the General Plan studied in the certified Program EIR and the certified SEIR for the Housing Element Update.

Thus, the Program EIR and the SEIR examined essentially the same project that is now being considered by the City through the plan Amendments. As a result, the Amendments would have no new impacts or more severe impacts than previously discussed and analyzed in the certified Program EIR and certified SEIR.

Findings: The proposed changes to the Circulation Element of the General Plan are considered minor and will have little or no new environmental effect. No new or more severe impacts have been identified beyond those examined in the previously certified Program EIR and SEIR. CEQA Guidelines Section 15162 provides that no subsequent environmental review document is needed after an EIR has been certified for a project unless the City determines on the basis of factual evidence that one of the following has occurred:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

There have been no substantial changes in the General Plan or its circumstances since certification of the Program EIR and the SEIR. Similarly, there is no substantial new information that could not have been known when the Program EIR and the SEIR were certified. Therefore, there are no grounds for requiring additional review under CEQA Guidelines section 15162 or for the City to undertake a subsequent EIR or negative declaration.

An addendum is the appropriate documentation for these Amendments because the changes are not substantial changes and do not require major revisions to the certified Program EIR or certified SEIR (CEQA Guidelines Section 15164). An addendum does not need to be circulated for public review. This addendum will be considered by the City

Council in conjunction with the Program EIR and SEIR when taking action on the proposed General Plan Amendments.

Third Addendum to El Camino Real/Downtown Specific Plan Certified Final Environmental Impact Report

Lead Agency: City of Menlo Park

Telephone: (650) 330- 6702

Contact Person: Kyle Perata, Planning Manager

Project Title: El Camino Real/Downtown Specific Plan Amendments

Project Location: City of Menlo Park, San Mateo County

El Camino Real/Downtown Specific Plan

The City of Menlo Park (City) developed the El Camino Real/Downtown Specific Plan (Specific Plan) to establish a framework for private and public improvements in the Specific Plan area (Figure 1). The Specific Plan addresses approximately 130 acres and focuses on the character and density of private infill development, the character and extent of enhanced public spaces, and circulation and connectivity improvements. The primary goal of the Specific Plan is to “enhance the community life, character and vitality through mixed use infill Projects sensitive to the small-town character of Menlo Park, an expanded public realm, and improved connections across El Camino Real.” The Specific Plan includes objectives, policies, development standards, and design guidelines intended to guide new private development and public space and transportation improvements in the Specific Plan area.

Specific Plan Program Environmental Impact Report

On June 5, 2012, the City Council certified the Menlo Park El Camino Real and Downtown Specific Plan Program Environmental Impact Report (Program EIR). According to the Program EIR, the Specific Plan does not propose specific private developments, but establishes a maximum development capacity of 474,000 square feet of non-residential development (inclusive of retail, hotel, and commercial development), and 680 new residential units. The Specific Plan includes public open space and streetscape improvements throughout the plan area.

Proposed Project

On February 28, 2023, the City Council held a study session on a draft ordinance to amend the City of Menlo Park Municipal Code to add Chapter 13.30 (Streetaries Outdoor Dining Areas) to Title 13 of the Municipal Code and Amendments to Sections 13.18.10

and 13.18.20 of Chapter 13.18 (Use of Public Right of Way) to enable the proposed streetary program. The City Council also reviewed and provided feedback on draft design standards and fees associated with the proposed streetary program. During the Study Session, the City Council also expressed an interest in making the temporary street closures for portions of Santa Cruz Avenue (between Curtis Street and Doyle Street) in the eastbound direction and Ryans Lane, between Crane Street and Escondido Lane, permanent. These closures currently restrict vehicle access while allowing for bicycle and pedestrian circulation. The conversion of the temporary street closures to permanent street closures would involve limited new construction as the temporary barriers are already in place. Additional street closures, as authorized by the proposed Specific Plan Amendments could require additional barricades, modifications to the existing outdoor dining parklets and streetaries, striping for bicycle/pedestrian movements, and additional wayfinding signage. The street closures would not involve substantial construction activities, ground disturbing activities, or an increase in density (dwelling units), intensity (square footage), or building heights.

To allow for the proposed permanent closure of a portion of Santa Cruz Avenue and a portion of Ryans Lane and to allow for the City Council to more broadly consider additional street closures downtown (in addition to the Central Plaza concept of the Specific Plan), Amendments to the Specific Plan attached hereto as Exhibit A and incorporated herein by this reference are proposed. The proposed Amendments are generally as follows:

- In Chapter C (Plan Principles, Framework and Program), incorporate text identifying that the City Council may also consider additional street closures, provided specific criteria are met.
- In Chapter D (Public Space), include text identifying that the City Council may also consider additional public improvements (e.g. street closures).
- In Chapter F (Circulation), add text clarifying that the City Council may consider additional public improvements, including modifications to the vehicle, pedestrian, and bicycle circulation network, provided specific criteria are met. Also clarify that parking reductions identified in the Specific Plan were estimates and may change based on public improvements.

The Planning Commission will review these Amendments to the Specific Plan and make a recommendation to the City Council, which can adopt the Amendments by resolution.

Potential Environmental Impacts

This is the third addendum to the certified Program EIR prepared by the City. Previously the City adopted the first Addendum to the Program EIR to enable Specific Plan changes associated with the Guild Theatre, and adopted a second Amendment to enable changes associated with the Springline Mixed-Use Development project (1300 El Camino Real). Both of those projects included increases in allowed gross floor area and floor area ratio in the Specific Plan's respective sub-districts, while maintaining the total development cap within the Specific Plan Area. The City prepared addendums to the certified Program EIR for each of the previous Specific Plan amendments. This addendum evaluates whether the proposed Specific Plan Amendments require additional environmental review or can

be considered for approval based on the Program EIR prepared for the City's Specific Plan.

The proposed Amendments require only minor modifications to the Specific Plan which will allow the City Council to consider modifications to the City's circulation network to allow for temporary, long-term, or permanent street closures on Santa Cruz Avenue and other locations within the Specific Plan area (in addition to the Central Plaza and other street closures already identified in the Specific Plan). The Amendments are limited to circulation and public space and would not allow any additional development potential (e.g., gross floor area, density) than was previously analyzed by the Program EIR since no changes to the Specific Plan land use standards are proposed. The Amendments would be limited to the Specific Plan Area and focused on the Downtown sub-area. Amendments to the General Plan Circulation Element are proposed that will be considered separately by the City Council to ensure consistency between the Specific Plan and General Plan. Additionally, the Amendments will not increase the maximum allowable development capacity under the Specific Plan.

Amending the Specific Plan to allow the City Council to consider street closures could result in minor modifications to the City's downtown circulation network. Santa Cruz Avenue is considered the City's "Main Street." However, within the downtown area parallel streets to the north and south of Santa Cruz Avenue (Oak Grove Avenue and Menlo Avenue) provide additional east-to-west connectivity through downtown, so that possible partial or full street closure of a portion of Santa Cruz Avenue will not negatively affect the vehicle circulation network. The adjacent alternate routes can accommodate any minor increase in traffic, and no substantially increase in traffic noise or localized air pollution from intersection congestion on those roadways is expected that might affect commercial and residential uses along those streets. The alternate routes have been designed following "complete streets" policies supporting use by bicyclists, pedestrians, and vehicles. The potential limited increase in traffic would also not be expected to impact emergency responders (e.g. police and fire) response time. The potential closure of portions of Santa Cruz Avenue would not affect transit routes differently than the existing temporary closure, which SamTrans has been able to accommodate. The proposed Specific Plan text Amendments would also allow for the City Council to consider other street closures within the Specific Plan Area. Any potential street closures downtown would be allowed, subject to maintaining access to abutting properties for operations (e.g. deliveries, trash collection) and would be coordinated with the Menlo Park Police Department and Menlo Park Fire Protection District to ensure adequate emergency access is maintained. The closure of Ryans Lane would not restrict access to the neighboring businesses for deliveries, trash collection, etc., nor would the closure restrict vehicle access to the nearby public parking plaza. Ryans Lane is also not a critical emergency response route. Ryans Lane and the portion of Santa Cruz Avenue have been closed on a temporary basis since June 2020 and October 2020, respectively, and no negative effects have been observed, supporting these conclusions.

At the time of adoption of the Specific Plan and certification of the Program EIR, the transportation analysis considered level of service (LOS) in the impact analysis. The California Environmental Quality Act (CEQA) no longer utilizes LOS as the metric for identifying impacts in the transportation impact analysis and now uses vehicle miles traveled (VMT) as the metric for assessing impacts. The proposed Amendments to allow for permanent street closures would not be expected to increase VMT, as use of the alternate routes to travel in and out or through the downtown will not add a measurable distance to the trip. Most vehicle trips to downtown would be accommodated in the parking along other downtown streets or in parking plazas. While it is possible that street closures could be designed to allow for partial vehicle circulation, this analysis assumes complete closure to vehicles.

There would be no increase in potential environmental effects related to transportation, circulation, or parking. The proposed Amendments are not expected to result in much if any demolition, ground disturbing, construction activities, or other construction or operation activities not contemplated in the Specific Plan and studied by the Program EIR. No increase in potential environmental effects to air quality, biological resources, cultural resources (including tribal cultural resources), geology, soils, or seismicity, greenhouse gases and climate change, hazardous materials and hazards, hydrology and water quality, noise, population and housing, and public services and utilities would result from implementation of the proposed plan Amendments. Additionally, the City, in compliance with Senate Bill 18, notified Native American Tribal Nations identified by the Native American Heritage Commission, of the proposed Amendments to allow for the tribes to consult with the City on the proposed Amendments. The City did not receive any requests for consultation.

The decision to amend the Specific Plan would not result in aesthetic impacts or land use and planning effects not contemplated in the Program EIR. The proposed Amendments are consistent with the vision and guiding principles of the Specific Plan and consistent with components of the Specific Plan studied in the certified Program EIR.

Thus, the Program EIR examined essentially the same project that is now being considered by the City through the plan Amendments. As a result, the Amendments would have no new impacts or more severe impacts than previously discussed and analyzed in the certified EIR.


Findings: The proposed changes to the Specific Plan are considered minor and will have little or no new environmental effect. No new or more severe impacts have been identified beyond those examined in the previously certified Program EIR. CEQA Guidelines Section 15162 provides that no subsequent environmental review document is needed after an EIR has been certified for a project unless the City determines on the basis of factual evidence that one of the following has occurred:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement

- of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

There have been no substantial changes in the Specific Plan or its circumstances since certification of the Program EIR. Similarly, there is no substantial new information that could not have been known when the Program EIR was certified. Therefore, there are no grounds for requiring additional review under CEQA Guidelines section 15162 or for the City to undertake a subsequent EIR or negative declaration.

An addendum is the appropriate documentation for these Amendments because the changes are not substantial changes and do not require major revisions to the certified Program EIR (CEQA Guidelines Section 15164). An addendum does not need to be circulated for public review. This addendum will be considered by the City in conjunction with the Program EIR when taking action on the proposed Specific Plan Amendments.



PROPOSED PARTIAL SANTA CRUZ AVENUE STREET CLOSURE

August 29, 2023 City Council Meeting
Staff Presentation

OVERVIEW

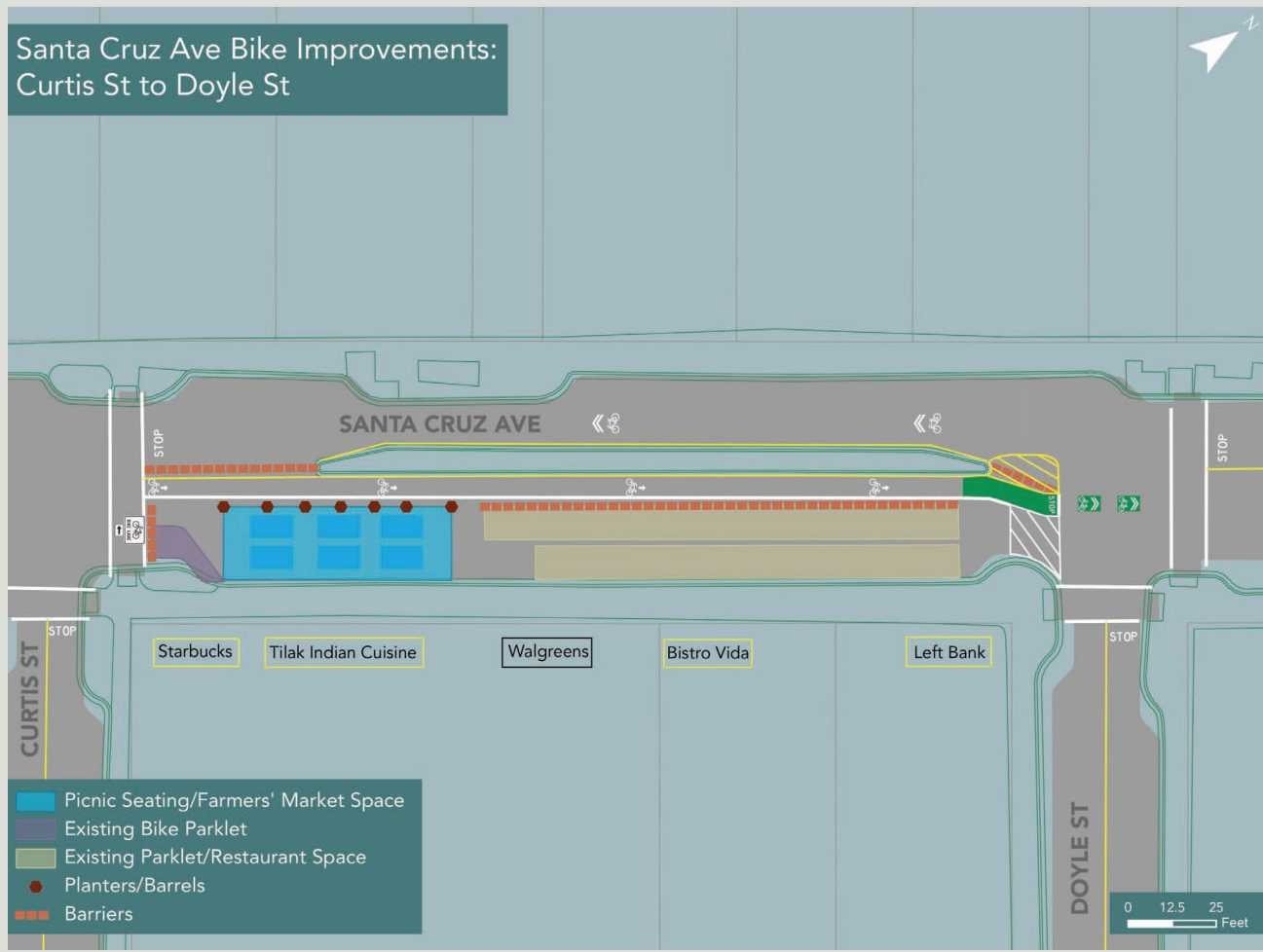
- Outdoor dining “streetary” program
- Recently amended Circulation Element and El Camino Real Downtown Specific Plan allow City Council to consider street closures
 - Amendments adopted on August 15
 - Allow consideration of street closures in Main Street and Local Access “Alley” classifications
- Additional correspondence

STREET CLOSURES

- Santa Cruz Avenue (continued closure)
 - Continue current street closure
 - Modify space to incorporate bike lane
 - Modifications and continued street closure consistent with Main Street classification
- Ryans Lane (temporarily re-open)
 - Allow staff to coordinate with adjacent restaurants on Ryans Lane
 - Staff could bring a possible street closure to a future Council meeting

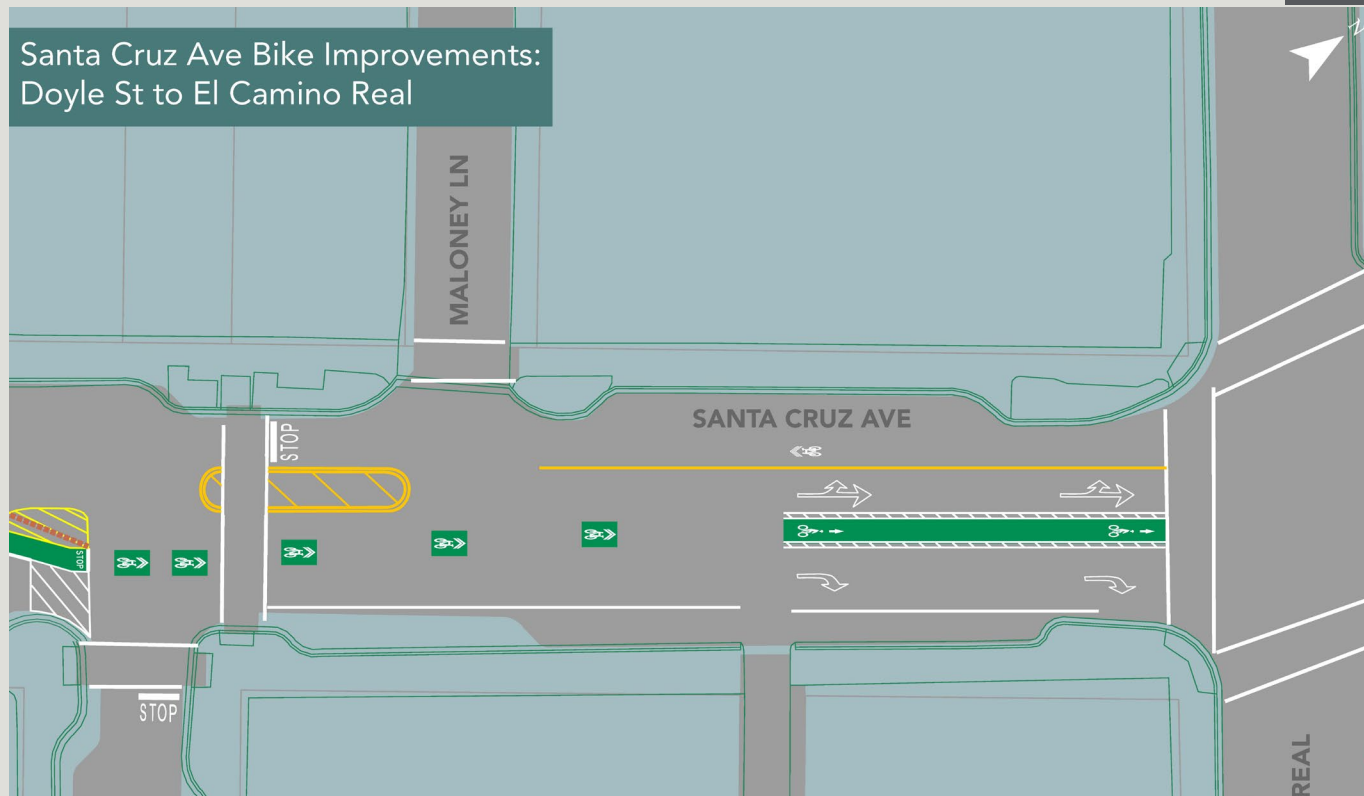


Santa Cruz Ave Bike Improvements: Curtis St to Doyle St



ADDITIONAL BICYCLE IMPROVEMENTS

Santa Cruz Ave Bike Improvements:
Doyle St to El Camino Real



RECOMMENDED ACTIONS

- Adopt a resolution approving:
 - Long-term street closure of eastbound direction of Santa Cruz Avenue (between Curtis and Doyle Streets) to vehicles
 - Install a new bicycle lane in the eastbound direction of Santa Cruz Avenue
- Draft resolution included in Attachment A



THANK YOU



STAFF REPORT

City Council

Meeting Date: 8/29/2023

Staff Report Number: 23-195-CC

Informational Item: City Council agenda topics: September 2023

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 Sept. 26. 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: September 2023

Report prepared by:

Judi A. Herren, Assistant to the City Manager/City Clerk

Tentative City Council Agenda

#	Title	Department	Item type	City Council action
1	Accela five year agreement	ASD	Consent	Contract award or amend
2	Labor Negotiations with SEIU Temporary Employees	ASD	Regular	Receive and file
3	Closed session: existing litigation	CA	Closed Session	No action
4	Closed session: Labor	CA	Closed Session	No action
5	Agreement to appropriate housing below market rate funds related to notice of funding availability proposals	CDD	Regular	Contract award or amend
6	Consider Planning Commission's recommendation on a vesting tentative map and below market rate housing agreement for 123 Independence Drive project	CDD	Public Hearing	Adopt resolution, Approve
7	City Council work plan update	CMO	Informational	No action
8	Communitywide electrification program with California Energy Commission (CEC) funding	CMO	Study Session	Direction to staff
9	Finance and Audit Commission appointment	CMO	Advisory Body Vacancies and Appointments	Decide
10	Presentation: San Mateo County Mosquito and Vector Control District annual update	CMO	Presentation	No action
11	Proclamation: National Preparedness Month	CMO	Proclamation	No action
12	Proclamation: National Service Dog Month	CMO	Proclamation	No action
13	Proclamation: Recovery Happens Month	CMO	Proclamation	No action
14	Proclamation: Suicide Prevention Month	CMO	Proclamation	No action
15	Transmittal of city attorney billing (July 2023)	CMO	Informational	No action
16	Approve advisory body annual work plans: Library, Parks and Recreation, Housing, Complete Streets, and Environmental Quality Commissions	CMO, CDD, PW, LCS	Consent	Approve
17	Staffing considerations to support Menlo Park Community Campus (MPCC) operations	LCS	Regular	Adopt resolution
18	Aquatics operator agreement with Team Sheeper, Inc.	LCS	Regular	Contract award or amend
19	Purchase library materials for Menlo Park Community Campus (MPCC)	LCS	Consent	Approve
20	Flock ALPR, gunshot detection, and video camera	PD	Study Session	Direction to staff
21	Police department quarterly update – Q2 April 2023 - June 2023	PD	Informational	Receive and file
22	Agreement for the Menlo Park Community Campus (MPCC) furniture procurement	PW	Consent	Contract award or amend
23	Approve vehicle contracts up to the approved replacement vehicle budget	PW	Regular	Approve
24	Agreement for railroad gate design services to support quiet zone implementation	PW	Consent	Contract award or amend
25	Left turn restrictions from Oak Grove Avenue to Garwood Way and Merrill Street	PW	Consent	Adopt resolution
26	Resolution designating public works director and assist public works director as authorized agents for Cal OES and FEMA	PW	Consent	Adopt resolution
27	Resolution to abandon a stormwater easement at 1585 Bay Laurel Dr.	PW	Public Hearing	Adopt resolution
28	Restarting the Neighborhood Traffic Management Program (NTMP)	PW	Study Session	Direction to staff

Tentative City Council Agenda

<i>#</i>	<i>Title</i>	<i>Department</i>	<i>Item type</i>	<i>City Council action</i>
29	Stormwater Master Plan	PW	Study Session	No action
30	Grand Jury Report response Bike Safety in San Mateo County	PW, PD	Consent	Approve



STAFF REPORT

City Council Meeting Date: 8/29/2023
Staff Report Number: 23-196-CC

Informational Item: Update on City Council procedures

Recommendation

This report transmits current City Council adopted governance procedures (Attachment A) in preparation for future agenda items related to a comprehensive update to the City Council procedures manual (Attachment B).

Policy Issues

City Council establishes procedures to document expectations of elected and appointed officials in the conduct of City business. Clear, accessible, and relevant procedures promote transparency and efficiency in operations. City Council retains sole discretion to adopt and amend its procedures.

Background

The City Council's 2019-20 adopted work plan included a project to update City Council procedures previously compiled in the City Council procedures manual. In March 2020, the City Council disbanded the subcommittee appointed to assist with the updates and directed staff to return with revisions. From 2020 – 2021, staff returned new and updated procedures to the City Council in an effort to transition from a single City Council procedures manual to individual procedures.

Analysis

Staff believes a comprehensive update of the City Council procedures manual and associated policies and procedures would enable the City Council, staff, and the public to more clearly understand and adhere to various policies. To this end, staff will recommend repealing individual policies and procedures related to governance and incorporating revised content into the manual.

City staff have worked to identify proposed revisions to City Council adopted procedures, reformat procedures to match the current template, and propose new procedures based on new operational needs or requests. This report transmits the procedures in advance of City Council consideration at a future date. At that time, City Council may direct staff to continue creating individual procedures (in-lieu of a manual) or revert to the manual style for procedures. The City Council can also direct other alterations.

Table 1 provides a list of City Council policies and procedures related to governance, including number and title, most recent date of City Council adoption or amendment, and the City Council procedure manual section it replaced after last revision.

Table 1: City Council procedures history		
Procedure	Adoption date	Replaced manual section
#CC-91-0003 - "City Council Meeting Procedures"	1/7/1997	n/a
#CC-16-0001 - "Selection of Mayor"	2/23/2016	Appendix C to manual
#CC-19-010 - "City Council powers and responsibilities"	11/12/2019	Chapter 2
#CC-20-013 - "City Councilmember requests"	8/25/2020	Chapter 3

Impact on City Resources

For this informational item there is no impact on City resources.

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. Current City Council procedures
- B. 2018 City Council procedures manual

Report prepared by:

Judi Herren, Assistant to the City Manager/City Clerk

City of Menlo Park		City Council Policy
Department City Council	Page 1 of 7	Effective Date 01/07/1997
Subject City Council Meeting Procedures	Approved by City Council Adopted 06/25/1991 Amended 01/12/1993 Amended 01/07/1997	Procedure # CC-91-0003

PURPOSE

To establish procedures for the orderly conduct of City Council meetings.

BACKGROUND

Chapter 9 of Title 5 of the Government Code of the State of California provides regulation regarding the conduct of open meetings. Menlo Park Municipal Code Section 2.04.070 also addresses City Council meeting requirements. The City generally follows Robert's Rules of Order for the conduct of City Council meetings.

GENERAL

The City supports the rights of the public to be informed about meetings and to participate in the business of the City.

It is the City Council's objective to work toward consensus, wherever possible, in making policy decisions. The City Council encourages open-ended discussion and the use of study sessions to thoroughly analyze and explore issues.

REGULAR MEETING

Pursuant to Section 54954 of the Government Code of the State of California the City has, in Chapter 2.04 of the Municipal Code set the regular meetings of the City Council as every Tuesday of each month, at seven-thirty p.m. Cancellation of regular meetings must be properly noticed. The Mayor may set a different starting time for a regular meeting to accommodate closed sessions, study sessions, scheduling conflicts of City Council Members, or the desire to ensure adequate time for public testimony on particular items.

All regular meetings of the City Council will end no later than 12:00 midnight unless there is a three-fourths vote taken by 11:00 p.m. to extend. The motion to extend must include the titles of the Agenda items to be considered after 11:00 p.m. and a new ending time of the meeting; this will be determined after due consultation with the staff.

SPECIAL MEETING

A special meeting may be called by the Mayor or a majority of the City Council in accordance with Section 54956 of the Government Code of the State of California.

City of Menlo Park

City Council Policy

Department City Council	Page 2 of 7	Effective Date 01/07/1997
Subject City Council Meeting Procedures	Approved by City Council Adopted 06/25/1991 Amended 01/12/1993 Amended 01/07/1997	Procedure # CC-91-0003

PUBLIC TESTIMONY

Members of the public may directly address the City Council on items of interest to the public that are within

SELECTION OF MAYOR

City Council Procedure #CC-16-0001

Effective 2/23/2016

Ordinance No. 1016



Purpose		
To establish a procedure for the annual selection of the Mayor.		
Policies and procedures		
City Council policy shall be to rotate the mayor annually. The City Council shall select as mayor an elected member of the City Council who has served a minimum of one year and who has not served as mayor. If all eligible members have served as mayor, then the member with the longest elapsed time since serving as mayor shall be selected as mayor. In the event there are two or more eligible members having equal seniority, the City Council may select any eligible member as mayor.		
Procedure history		
Action	Date	Notes
Proposed and approved by City Council	February 23, 2016	Ordinance No. 1016

CITY COUNCIL POWERS AND RESPONSIBILITIES

City Council Policy #CC-19-010
Adopted November 12, 2019



Purpose

The powers of the City Council to establish policy are quite broad. Essentially, the City Council may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the City Council has the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and for the general welfare of its inhabitants which are not specifically forbidden by the Constitution and laws of the State of California.

It is important to note that the City Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Vice Mayor have some additional ceremonial and administrative responsibilities as described below, in the establishment execution of policies and procedures, all city councilmembers are equal.

It is also important to note that policy is established by at least a majority vote of the City Council. While individual city councilmembers may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the City Council is upheld. Actions of staff to pursue the policy direction established by a majority of the City Council do not reflect any bias against city councilmembers who held a minority opinion on an issue.

Appointment of City Council officers and City Council subcommittees

Selection of Mayor and Vice Mayor

The City Council shall meet in December of each year to choose one of its members as Mayor and one as Mayor Pro Tempore.¹ The City Council has determined that for the purpose of this policy, the "Mayor Pro Tempore" title shall be replaced with "Vice Mayor" beginning with the annual rotation in December 2019.

Mayor

The Mayor presides at all meetings of the City Council and performs such other duties consistent with the office as may be imposed by the City Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the City Council, the Mayor is to faithfully communicate the will of the City Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the city manager has been authorized by City Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor's signature may be used.

The Mayor also consults and coordinates with the city manager and Vice Mayor in the development of agendas for meetings of the City Council. The Mayor shall appoint members of the Planning Commission, with the approval of the City Council², and the Mayor has additional roles and responsibilities in the event of a declared disaster including serving as chairperson of the Disaster Council³.

Vice Mayor

The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence, at the pleasure of the City Council.

Appointment of City Council subcommittees

City Council subcommittees, when used, are to help the City Council do its job. Subcommittees ordinarily will assist the City Council by preparing policy alternatives and implications for City Council deliberation. City Council subcommittees may not speak or act for the City Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by City Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee is deemed to be ad hoc and ceases to exist as soon as its task is complete. Standing subcommittees are City Council subcommittees with regular responsibilities as assigned by the City Council generally spanning more than a single year or project. Standing subcommittees are subject to the Open Meetings Act (Brown Act.) Ad hoc subcommittees are not listed below considering their limited nature.

¹ MPMC Section [2.04.120](#)

² MPMC Section [2.12.020](#)

³ MPMC Section [2.44.040](#)

CITY COUNCIL POWERS AND RESPONSIBILITIES

City Council Policy #CC-19-010

Adopted November 12, 2019

Standing City Council subcommittees	
Community grant funding	
Rail	

Appointment of City Councilmembers to outside boards and organizations

Typically, appointments to outside boards and organizations are made at the beginning of a City Council term in December. The Mayor will ask city councilmembers which appointments they desire and will submit recommendations to the full City Council regarding the various outside appointments. Certain appointments are reserved for the incumbent Mayor and Vice Mayor as primary and alternate members, respectively. Alternates shall also be appointed to ensure participation in the decision making processes of outside boards and organizations. In the instance where more than one city councilmember wishes to be appointed to an outside board or organization, a vote of the City Council will be taken to confirm appointment of the primary and alternate appointees. Outside boards and organization appointments are as follows:

Outside boards	Notes
Association of Bay Area Government (ABAG)	Incumbent Mayor and Vice Mayor
Bay Area Water Conservation Agency (BAWSCA)	4-year appointment
City/County Association of Governments (C/CAG)	
Emergency Services Council	
Peninsula Clean Energy Authority (PCE)	
San Francisquito Creek Joint Powers Authority	
South Bayside Waste Management Authority	

Outside organizations	Notes
Airport Community Roundtable	
Caltrain Modernization Local Policy Maker Group	Same members as the Rail Subcommittee
County of Santa Clara Community Resources Group for Stanford University	Same members as subcommittees pertaining to Stanford University
Facebook Local Community Fund	
Grand Boulevard Initiative Taskforce	
League of California Cities (League/LCC), including LCC Peninsula Division	Incumbent Mayor and Vice Mayor
Menlo Park Chamber of Commerce	Incumbent Mayor and Vice Mayor
San Mateo County Council of Cities City Selection Committee	Incumbent Mayor and Vice Mayor

As a City Council appointee to an outside board or organization, the appointee shall represent the policy set by the majority of the City Council at a public meeting. If the appointee is unclear as to the position of the City Council on a particular business item scheduled for vote at the outside board or organization, the appointee shall consult the full City Council under “City Councilmember Reports” section of the public meeting agenda or, if sufficient time is not available, consult the city manager.

Appointees to an outside board or organization shall report to the City Council under “City Councilmember Reports” following each meeting.

As a member of an outside board or organization, appointees must attend all regular scheduled meetings of the outside board or organization to ensure that Menlo Park has a voice on matters of significance to the community. If an appointee is not available, s/he shall coordinate with the alternate to ensure Menlo Park representation.

Appointment of advisory bodies and advisory body liaisons

Advisory bodies
 The City Council has formed several commissions, committees, and taskforces, collectively referred to as “advisory bodies”. The City Council shall adopt a City Council procedure to provide guidelines on the appointment, roles, and responsibilities⁴ of the various advisory bodies excluding the Planning Commission which is established by Municipal Code⁵ and is vested with statutory duties.

⁴ MPMC Section [2.04.200](#)

⁵ MPMC Section [2.12.040](#)

CITY COUNCIL POWERS AND RESPONSIBILITIES

City Council Policy #CC-19-010

Adopted November 12, 2019

2019 Commissions	2019 Committees/Taskforces⁶
Complete Streets Commission	Belle Haven Neighborhood Library Advisory Committee
Environmental Quality Commission	Finance and Audit Committee
Housing Commission	Sister City Committee
Library Commission	Transportation Master Plan Oversight and Outreach Committee
Parks & Recreation Commission	
Planning Commission	

Liaisons to City Council advisory bodies

City councilmembers are assigned to serve in a liaison capacity with one or more City Council advisory bodies. The purpose of the liaison assignments 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 advisory body meetings periodically to observe the activities of the advisory body or simply maintain communication with the advisory body Chair on a regular basis.

Assignment of liaisons

Typically, advisory body liaison assignments 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 assignments. In the instance where more than one city councilmembers wish to be the appointed liaison to a City Council advisory body, a vote of the City Council will be taken to confirm assignments.

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

City Council relationship with advisory bodies

The City Council has determined that city councilmembers should not lobby advisory body members for particular votes. However, city councilmembers may attend meetings as residents and request that advisory body members consider certain issues during their deliberations or in unusual instances as city councilmembers to reflect the views of the City Council as a body.

City Councilmembers choosing to attend advisory body meetings should be sensitive to the fact that they are not participating members of the body. City Councilmembers have the rights, and only the rights, of ordinary citizens with respect to advisory bodies – including the right to write to and speak to the advisory body during public comment periods.

Appointment of city attorney and city manager

The City Council appoints two positions within the city organization: the city manager and city attorney. Both positions serve at the will of the City Council and have employment agreements that specify certain terms of employment including an annual evaluation by the City Council.

Appointment of city attorney

The city attorney is the legal adviser for the City Council, city manager and departments. The general legal responsibilities of the city attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the city's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the city attorney does not represent individual city councilmembers, but the City Council as a whole.

Appointment of city manager

The city manager shall be appointed by the City Council solely on the basis of his or her executive and administrative qualifications and ability. He or she shall hold office at and during the pleasure of the City Council⁷. The city manager shall receive such compensation as the City Council from time to time determines and fixes by resolution and such compensation shall be a proper charge against such funds of the city that the City Council designates⁸.

⁶ 2019 Committees and taskforces all have City Councilmembers serving as voting members and no liaison is required.

⁷ MPMC Section [2.08.010](#)

⁸ MPMC Section [2.08.060](#)

CITY COUNCIL POWERS AND RESPONSIBILITIES

City Council Policy #CC-19-010

Adopted November 12, 2019

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The city manager shall be the administrative head of the city government under the direction and control of the city council, except as otherwise provided in the Municipal Code. He or she shall be responsible for the efficient administration of all the affairs of the city, which are under his or her control. In addition to his or her general powers as administrative head, and not as a limitation thereon, it shall be his or her duty and he or she shall have the power⁹:

1. Enforcement of laws. To see that all laws and ordinances of the city are duly enforced, and that all franchises, permits and privileges granted by the city are faithfully observed;
2. To direct, etc., officers and employees. To control, order and give directions to all heads of departments, subordinate officers, and employees of the city, except the city attorney; and to transfer employees from one (1) department to another, and to consolidate or combine offices, positions, departments or units under his or her direction;
3. Appointment and removal of officers and employees. To appoint and remove any officers and employees of the city except the city attorney, subject to the rules relating to personnel management;
4. Control of departments and officers and employees. To exercise control over all departments of the city government and over all appointive officers and employees thereof, except the city attorney;
5. Attendance at City Council meetings. To attend all meetings of the city council unless excused therefrom by the city council, except when his or her removal is under consideration by the city council;
6. Recommendation of ordinances. To recommend to the city council for adoption such measures and ordinances as he or she deems necessary or expedient;
7. Fiscal advice. To keep the City Council at all times fully advised as to the financial conditions and needs of the city;
8. Preparation of budget. To prepare and submit to the City Council the annual budget;
9. Purchases and expenditures. To purchase all supplies for all of the departments or divisions of the city. No expenditure shall be submitted or recommended to the City Council, except on report or approval of the city manager;
10. Investigation of city affairs. To make investigations into the affairs of the city, and any department or division thereof, and any contract, or the proper performance of any obligations running to the city;
11. Investigation of complaints. To investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city, and to see that all franchises, permits and privileges granted by the city are faithfully performed and observed;
12. Supervision of public buildings. To exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the City Council and not specifically delegated to a particular board or officer;
13. Approval of plans and designs. To exercise directly or through his or her designee discretionary approval of plans, designs and any design amendments or addenda for public improvement projects for which the city council has delegated authority to the city manager or which are within the city manager's discretionary authority. The city manager or his or her designee shall sign the plans and designs indicating approval;
14. Devotion of entire time to duties. To devote his or her entire time to the duties of his or her office and the interests of the city;
15. Leadership in civic movements. To provide leadership for civic movements designed to benefit the residents of the city when so authorized by the City Council;
16. Additional duties. To perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution of the City Council.

⁹ MPMC Section [2.08.080](#)

CITY COUNCIL POWERS AND RESPONSIBILITIES

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The City Council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the City Council nor any members thereof shall give orders to any subordinates of the city manager¹⁰.

City manager code of ethics

The city manager is subject to the International City/County Management Association (ICMA) professional code of ethics that binds the city manager to certain practices that are designed to ensure his or her actions are in support of the city's best interests. Violations of such standards can result in censure.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by ICMA Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
4. Serve the best interests of the people.
5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.
9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.
12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

¹⁰ MPMC Section [2.08.100](#)

CITY COUNCIL POWERS AND RESPONSIBILITIES

City Council Policy #CC-19-010

Adopted November 12, 2019

Appointment to vacancies on the City Council		
<p>If a vacancy occurs in the office of a member of the City Council, an election shall be held to fill the vacancy. The person elected shall hold office for the unexpired term of the former incumbent. The election shall be held at the next regularly scheduled election held at least eighty-nine days after the vacancy is created.¹¹</p> <p>The city councilmember elected to represent a district must reside in that district and be a registered voter in that district. Termination of residency in a district by a city councilmember shall create an immediate vacancy for that City Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.¹²</p>		
Procedure history		
Action	Date	Notes
Draft procedure presented	October 1, 2019	City Council directed edits
Procedure adoption	November 12, 2019	

¹¹ MPMC Section [2.04.190](#)

¹² MPMC Section [2.04.220](#)

CITY COUNCILMEMBER REQUESTS

City Council Policy #CC-20-013
Adopted August 25, 2020



Purpose

The purpose of this procedure is to provide transparency into requests by individual City Councilmembers that result in the use of staff time. The policy applies to all City Councilmembers equally and allows the full City Council to determine how to use limited city resources.

For this procedure, a “City Councilmember request” is defined as a request to use city resources in a manner that exceeds the City Council approved budget, priorities, or work plan. This includes requests directed to the city manager, city attorney, and all city staff members. This procedure also applies to City Council appointed commissions and committees.

Requests to add items to a future agenda

To make a request

To request consideration of an item at future City Council meetings, City Councilmembers may send the request via email to the city manager, with a copy to the Mayor and Vice Mayor, or via email to city.council@menlopark.org. The request must be received no later than two (2) business days prior to publication of the meeting agenda. The request will automatically appear under “City Council initiated items” at the end of the City Council’s regular agenda.

Initial City Council consideration of request

As an agenda item under “City Council initiated items” the City Council may discuss the item and ask staff questions regarding preliminary scope, analysis, and resource requirements. After discussion, with a motion and second, the City Council may take one of the following actions:

- Direct the city manager to prioritize staff resources to prepare a formal staff report for further City Council consideration and/or action, or
- Direct the item to an advisory body for preparation of a formal staff report with no additional staff support required, or
- Direct the city manager to prepare a formal staff report for further City Council consideration as resources are available, or
- Defer action to the City Council’s annual goal setting process.

If the request does not receive sufficient City Council support, the item is not considered further.

City Council action

When the staff report is available, the report will be placed under “City Council initiated items” for City Council discussion and action at the next City Council meeting, regardless of agenda load management exercised by the Mayor, Vice Mayor, and city manager.

Request to modify operations or for special projects

To make a request

To request consideration of a change in operations or for a special project, a City Councilmember may send the request via email to the city manager, with a copy to the Mayor and Vice Mayor, or via email to city.council@menlopark.org. The request must be received no later than two (2) business days prior to publication of the meeting agenda. The request will automatically appear under “City Council initiated items” at the end of the City Council’s regular agenda.

Initial City Council consideration of request

As an agenda item under “City Council initiated items” the City Council may discuss the item and ask the city manager the preliminary assessment of the scope, analysis, and resource requirements of the request. After discussion, with a motion and second, the City Council may take one of the following actions:

- Direct the city manager to prioritize staff resources to prepare a formal staff report for further City Council consideration and/or action, or
- Direct the city manager to prepare a formal staff report for further City Council consideration as resources are available, or
- Defer action to the City Council’s annual budget process.

If the request does not receive sufficient City Council support, the item is not considered further.

City Council action

When the staff report is available, the report will be placed under “City Council initiated items” for City Council discussion and action at the next City Council meeting, regardless of agenda load management exercised by the Mayor, Vice Mayor, and city manager.

CITY COUNCILMEMBER REQUESTS

City Council Policy #CC-20-013

Adopted August 25, 2020

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and action at the next City Council meeting, regardless of agenda load management exercised by the Mayor, Vice Mayor, and city manager.

Emergency and non-agendized items

Emergency and non-agendized items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. An item that the City Council would like to act on after agenda posting is considered a non-agendized item.

Non-agendized items may be added to the agenda only if the City Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

Emergency and non-agendized items are not be used to bypass the City Councilmember request process above.

Procedure history

Action	Date	Notes
Draft procedure presented	July 18, 2020	City Council continued item to August 25, 2020
Procedure adoption	August 25, 2020	Draft procedure amended at City Council direction. Staff edit to clarify definition of a "non-agendized item"

Procedures Manual Menlo Park City Council

CITY OF MENLO PARK

Mission Statement

It is the mission of the City government to ensure that Menlo Park is a desirable and vibrant community in which to live and do business, and to respond to the values and priorities of the residents so as to provide for the community's current and future needs.

Explicitly, the City fulfills its function by:

- Addressing the needs of the residents through the City Council, the appointed commissions and the City staff.
- Providing easy and open access to information and encouraging dialogue, enabling residents to actively engage in civic life.
- Providing for the safety of its residents, businesses and visitors.
- Providing timely and responsive service.
- Providing special assistance to those in need.
- Functioning effectively, efficiently and with accountability.
- Creating a positive and desirable workplace environment for City employees.
- Managing change for the betterment of the City.
- Creating and maintaining a viable revenue stream and providing for the unpredictable nature of our economy.
- Implementing and maintaining City infrastructure, facilities and programs.
- Formulating sound environmental policies.
- Recognizing and supporting the City's diverse neighborhoods and population.
- Acting as a responsible member of the greater region.

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Introduction

The Menlo Park City Council establishes policies and priorities for the community and is responsible for the fiscal health of the public corporation.

Purpose of the Procedures Manual

City of Menlo Park staff prepared a procedures manual to assist the City Council by documenting currently accepted practices. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide councilmembers in their actions. It is anticipated that this Procedures Manual will be reviewed and revised from time to time.

Overview of city documents

This procedures manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction is provided below.

Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the Municipal Code addresses the role of the City Council, Mayor and Mayor Pro Tempore. It also describes the organization of City Council meetings and responsibilities as well as the appointment of certain city staff positions and advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws. The Municipal Code is available on the City's website.

California Government Code: The California Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the Municipal Code to ensure there is broad awareness of such requirements. Menlo Park is a "General Law" city, which means it is organized in accordance with provisions of the Government Code. Also described within the Government Code is the Council-City Manager form of government. This form of government prescribes that the City Council's role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of the city government.

Annual Budget: The City's annual budget provides a description of city services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by lead department. The City operates on a July 1 through June 30 fiscal year.

General Plan:

The General Plan is a legal document, required by the California Government Code, which serves as the City of Menlo Park's "constitution" for the development and the use of its land. It is a comprehensive, long-term document, detailing proposals for the physical development of the city, and of any land outside its boundaries but within its designated "sphere of influence."

Orientation of new councilmembers

It is important that councilmembers have an understanding of the full range of services and programs provided by the organization. As new members join the City Council, the City Clerk coordinates with department heads to provide tours of City facilities and meetings with key staff.

City Council: Powers and Responsibilities

City Council generally

The powers of the City Council to establish policy are quite broad. Essentially, the City Council may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the City Council has the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and for the general welfare of its inhabitants which are not specifically forbidden by the Constitution and laws of the State of California.

It is important to note that the City Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all councilmembers are equal. It is also important to note that policy is established by at least a majority vote of the City Council. While individual councilmembers may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the City Council is upheld. Actions of staff to pursue the policy direction established by a majority of the City Council do not reflect any bias against councilmembers who held a minority opinion on an issue.

The City Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal functions. Historically, Menlo Park's city councils have chosen to not take positions on issues outside of their immediate authority to effect, such as issues of international concern. The propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the councilmembers who make up the two-year City Council sessions.

A councilmember may not simultaneously hold two public offices that are incompatible. Offices are incompatible, if any significant clash of duties exists between the two offices, if the dual office holdings would be improper for reasons of public policy, or if either officer exercises a supervisory, auditory or removal power over the other. Councilmembers are encouraged to and often participate and provide leadership in regional and state programs and meetings. Councilmembers are strongly encouraged to report to the City Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

Role of Mayor and Mayor Pro Tempore

Mayor: As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the City Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the City Council, the Mayor is to faithfully communicate the will of the City Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by City Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the City Council or the introduction of new items not otherwise part of the City Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council. The staff maintains a "tentative" City Council agenda item calendar that programs when matters will likely be considered at future meetings.

Mayor Pro Tempore: The City Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council.

Appointment of City Manager, City Attorney

The City Council appoints two positions within the city organization: the City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City. The current City Attorney is a part-time employee, and a partner in a local law firm that has served the City for many years.

Role during a disaster

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the City Council may be directed by the City Manager/ Emergency Services Director to assemble in the City's Emergency Operations Center (EOC), located within the Police Department, to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council. The most likely scenario is that the County board of supervisors would serve in the place of the City Council. When necessary, the Incident Commander of the City EOC or Disaster Coordinator may request the activation of a MAC (Multi-Agency Coordination Center). One possible location of a MAC could be the Menlo Park Fire District's USAR Building located in Menlo Park.

The City Council also has the responsibility to declare a local emergency. Emergency proclamations are normally made when there is an actual incident or threat of disaster or extreme peril to the safety of persons and property caused by natural or man-made situations. The local proclamation is the first step toward a State and Federal declaration which would then activate eligible State and Federal disaster relief programs to provide financial relief to both local government and the public.

Appointment of advisory bodies

The city has a number of standing advisory bodies. City Council Policy #CC-01-004, Commissions/Committees Policies and Procedures and Role, contains guidelines on the appointment, roles and responsibilities of the various commissions. These procedures apply to all appointments and reappointments to standing advisory bodies.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by the City Council for a specific task. City Council subcommittees, when used, are to help the City Council do its job. Committees ordinarily will assist the City Council by preparing policy alternatives and implications for City Council deliberation. City Council subcommittees will normally not have direct dealings with staff operations. City Council subcommittees may not speak or act for the City Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by City Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee ceases to exist as soon as its task is complete. The City Council may assign, and specify the role of, one or two councilmembers to the task force (if more, it becomes a defacto City Council meeting). Unless otherwise specified, councilmembers have all the rights, and only the rights, of ordinary citizens with respect to task forces and other ad hoc bodies.

Note that both appointed advisory bodies and ad hoc committees are usually subject to the open meetings laws commonly known as the Brown Act.

City Council relationship with advisory bodies

The City Council has determined that councilmembers should not lobby commissioners for particular votes. However, councilmembers may attend meetings as residents and request that commissioners consider certain issues during their deliberations or in unusual instances as councilmembers to reflect the views of the City Council as a body.

Councilmembers choosing to attend commission or committee meetings should be sensitive to the fact that they are not participating members of the body. Councilmembers have the rights, and only the rights, of ordinary citizens with respect to commissions – including the right to write to and speak to the commission during public comment periods.

Role of commission liaisons

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

Councilmembers should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and commission. In interacting with commissions, councilmembers are to reflect the views of

the City Council as a body. Being a Commission liaison bestows no special right with respect to Commission business.

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

City Council Meetings

General procedures

By resolution, the City Council has adopted a modified version of Roberts Rules of Order.

Presiding officer: The Mayor is the presiding officer and acts as chair at City Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

Seating arrangement of the City Council: The Mayor Pro Tempore is seated immediately next to the Mayor. The Mayor, with the approval of individual councilmembers, shall establish the seating arrangement for regular City Council meetings.

Quorum: Three-fifths of the councilmembers constitute a quorum for the transaction of business.

Meeting schedule

The City Council approves and follows an annual calendar that reflects its priorities and coincides with the budgeting process, beginning at the start of the calendar year. A Capital Improvement Plan is reviewed in February for the following fiscal year, in order to reflect the commitment of resources required. Other City Council priorities are overlaid on the calendar as time permits.

Regular meetings are usually held in the City Council Chambers, 701 Laurel St., on Tuesdays at 7 p.m., with study sessions and closed sessions generally being convened earlier, as needed, or at the end of the meeting at the conclusion of public business.

On occasion, the City Council meeting will be held in alternative locations such as the Senior Center. No City Council meeting will typically be held in the event that a regular meeting of the City Council falls on a legal holiday or the day after a holiday. Other meetings throughout the year may be canceled as well. Councilmembers should inform the City Manager's assistant as soon as possible if they intend to be out of town on a set meeting date. In recognition of the personal and professional obligations which may conflict with attending City Council meetings, Councilmembers are not compelled to participate in routine Council meetings remotely as it can present a hardship due to technological limitations, noticing compliance and time zone differences.

Special meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours before a special meeting. No business other than that officially noticed may be discussed.

Public Comment: At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the City Council.

Meeting notices and minutes: Notice requirements of the Brown Act are complied with for all meetings; action minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

Agenda development

The City Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid councilmembers and staff with planning and scheduling. A medium-range “tentative” City Council calendar that reflects an estimate of when various items will be scheduled over the next few weeks is available on the City’s website. A copy of the draft agenda is transmitted to the Mayor for review on the Monday one-week before the meeting. Staff is required to submit reports for a Tuesday City Council meeting to the City Clerk by noon on the Thursday of the week preceding the meeting. All agenda materials are available Thursday evening before the Tuesday City Council meeting. Website posting includes a tentative City Council calendar that shows City Council meeting dates and planned agenda items 3-5 weeks in advance.

Given this agenda development schedule, it is usually extremely difficult when councilmembers request at a Tuesday meeting that a report be prepared for consideration the following meeting. For this reason, it will usually require at least one week for the preparation of a report requested by the City Council. Complex reports will require more time to prepare, and an estimated time of completion can be provided to the City Council. The ability to schedule new agenda items depends on the nature of the item itself, other agenda subjects that are already scheduled and the amount of time available.

Placing items on the agenda

City Council: A councilmember may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Councilmembers may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full City Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.

Members of the public: A member of the public may request that an item be placed on a future agenda during public comment or through other communication with councilmembers. Upon approval of a majority of the City Council, the item will be agenda item and a staff report may be prepared. The City Manager will inform the City Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate.

Emergency and Non-Agenda items: Emergency and non-agenda items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other

severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the City Council would like to act on. Non-agendized items may be added to the agenda only if the City Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

Notification and advertising

The City attempts to well publicize matters of significant neighborhood or community public interest that appear on a City Council agenda, as well as all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested individuals.

Order of Business

The City Council established the order of business for meetings through the adoption of a policy on meeting procedures. Technically, the order of the agenda is as follows: roll call; special business; proclamations; council, committee and staff reports; public comment #1; appointments to boards/commissions/committees; consent calendar; public hearings; regular business; written communications; information items; adjournment. The following section describes the various types of meeting components.

- 1. Closed Sessions** (closed to the public): The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a city council may meet without the public in attendance. Such circumstances include:

Real Property: The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session before the closed session (Cal Govt Code 54956.8).

Litigation: Pending or a significant exposure to litigation or the decision to initiate litigation; the litigation title must be identified in open session before the closed session unless the City Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process.

Compensation: Salaries and benefits of employees; City Council meets in closed session to review its position and instruct designated representatives (Cal Govt Code §54957.6).

Personnel: A closed session is held to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear a complaint against the employee unless the employee requests a public hearing (Cal Govt Code §54957.6).

It is critical to stress that there shall be no disclosure of closed session confidential information. Councilmembers, employees of the City, or anyone else present shall

not disclose to any person, including affected/opposing parties, the press or anyone else, the content or substance of any discussion which takes place in a closed session without City Council direction and concurrence. Whenever possible, written reports received for closed session items will be turned in at the end of the meeting.

Typically, closed sessions will be scheduled before the public portions of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On occasion, during the course of a regular meeting, an issue arises that requires the City Council to adjourn to a closed session on the advice of the City Attorney.

2. **Study Session:** From time to time, the City Council will hold study sessions. These meetings are normally scheduled before the regular session. The purpose of study sessions is to give the City Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Meetings are open to the public and are broadcast and videotaped when held in the City Council Chambers and at the direction of the City Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the City Council is taken in a study session.
3. **Public Comment:** The City Council receives general public comment about issues not on the agenda. Comments on agenda items should not be heard until the appropriate item is called. Individuals desiring to speak are to address the City Council from the speaker podium after giving their name and place of residence. Speaker cards may be required and should be filled out, including the speaker's actual jurisdiction of residence, and given to the City Clerk before Public Comment.

Comments should focus on a specific matter within the City Council's jurisdiction. Members of the public are encouraged to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agenda or non-agenda items. When written materials are presented, they should be submitted to the City Clerk for distribution and record keeping ahead of time. Comments are typically limited to three minutes per speaker so that all have an opportunity to address the City Council.

Videos, PowerPoint presentations or similar display requests may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is strongly encouraged and the Mayor reserves the privilege to limit such requests as necessary for the effective conduct of the meeting. Speakers are to address their comments to the City Council from the podium.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from councilmembers and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. The City Council will then hear public comment.

4. **Commission Reports:** Commission reports provide an opportunity for designated members of appointed boards to address the City Council on matters of importance or to update the City Council and community on studies that are underway.
5. **Consent Calendar:** Those items on the City Council agenda that are considered to be of a routine and noncontroversial nature by the City Manager are placed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc., by one motion of the City Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

Councilmembers may request that any item listed under "Consent Calendar" be removed from the Consent Calendar, and the City Council will then take action separately on this item. A member of the public may request that an item listed under "Consent Calendar" be removed and City Council action taken separately on the item; the City Council must concur with such a request. Items that are removed ("pulled") by councilmembers for discussion will typically be heard after other Consent Calendar items are approved unless the majority of the City Council chooses an earlier or later time.

Councilmembers are encouraged to contact the City Manager's office before Noon on the day of a City Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff that may need to be present to respond to removed items. Equally important, it also allows the Manager to inform staff who do not need to be present at the meeting. Unless contacted in advance of the meeting with sufficient time, the presumption is that staff will not be present.

6. **Public Hearing:** In the case of public hearings, once the City Council has voted to close the hearing, no member of the public shall be permitted to address the City Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).
7. **Regular Business Items:** Regular items are shown on the agenda and are normally taken in the order listed.
8. **Informational Items:** Informational items may contain a status update, background report or a preview of a larger item coming before the City Council at a future meeting.
9. **Councilmember Reports:** Provides councilmembers an opportunity to introduce matters not currently before the City Council, including brief announcements, to pose questions of staff and make requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public, requests to agenda future items, or announcements of interest to the public.

State law provides that the City Council can take action only on such matters that have been noticed at least three days (72 hours) in advance of the regular meeting,

or 24 hours in the case of a special meeting, unless special circumstances are found to exist (as mentioned above). Formal action or approval on non-agendized items is not allowed, and such items should be placed on the agenda of the next available regular meeting.

10. Written Communications: The City Council has established a practice of placing written communication between councilmembers requesting items to be agendized and select letters sent by agencies to councilmembers on the meeting agenda so that this correspondence receives wide distribution. If letters or emails from the public are received on the day of or just before a meeting, copies will be placed at the councilmembers' positions on the dais.

Discussion Rules

To assist the City Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of City Council meetings.

- 1. Obtaining the floor:** A councilmember or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the chair and limited to the issue before the City Council. Cross-exchange between councilmembers and public should be avoided.
- 2. Questions to staff:** A councilmember shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff time to research a response for the meeting.
- 3. Interruptions:**
 - a. Once recognized, a councilmember is considered to have the floor, and another councilmember may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the councilmember holding the floor shall cease speaking until the point of order or privilege is resolved.
 - b. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.
- 4. Discussion:** A councilmember should not speak more than once on a particular subject until every other councilmember has had the opportunity to speak. Councilmembers are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.
- 5. Tabling procedure:** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to "continue" an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.
- 6. Right of protest:** A councilmember is not required to state reasons for a dissenting vote.

- 7. Calling for the question:** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A councilmember may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.
- 8. Conducting business at a late hour.** According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a two-thirds, three-fourths, or four-fifths (based on the number of Councilmembers present) vote taken by 11:00 p.m. to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 p.m. and a new ending time for the meeting. The City Clerk will alert the City Council at or before 11:00 p.m. New items of business will not be discussed after 11:00 p.m. unless the motion to consider such item(s) was passed

Voting procedures

When present, all councilmembers are to vote (affirmative, dissenting, abstention). Failure of a seated councilmember to express a vote constitutes an affirmative vote.

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote by the majority with a quorum present.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected councilmember will step down from the dais and leave the City Council Chambers.

Councilmembers may declare general consensus at the discretion of the presiding officer, if there are no negative votes or objections.

Tie vote: A tie vote is equivalent to a motion that has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Motions: There are a number of types of motions, each of which must meet certain requirements before a vote can be taken. A reference guide to motions is provided in chart form in Appendix A of this manual.

Reconsideration: Reconsideration of an item shall be allowed in accordance with the following City Council guideline: A councilmember of the prevailing majority when the previous vote was taken must make a motion for reconsideration. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. No motion for reconsideration will be entertained after this time unless the City Council determines significant new information has arisen which warrants such action.

Other guidelines

Other guidelines have been developed to ensure that meetings of the City Council are conducted in a civil and professional manner. Councilmembers and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.

3. Inform the Mayor before departing from a meeting.
4. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the City Council Chambers, adjourn the meeting, or take such other appropriate action. The City Council has a policy to discourage applause, booing or other similar behaviors from the public during meetings.
5. Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the City Council or staff tables.
6. Limit breaks of the City Council to 5-10 minutes. The City Council has authorized the Mayor to resume the meeting if a quorum exists and other members have not returned from the break within the announced time period.
7. Impose time limits on speakers. While the City Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times, be limited. Therefore, the City Council authorizes the Mayor, as presiding officer, to poll the audience for an indication of the number of people wishing to speak, and to impose time limits per speaker. Typically, speakers are limited to three minutes but a shorter time limit may be established as deemed necessary. When a member of the public is to speak on behalf of others in attendance, a maximum time limit of nine minutes is usually imposed or as otherwise allowed in the discretion of the presiding officer. After the time limit, the City Council may ask questions of the speaker for clarification, if needed. Each speaker will be thanked for his or her participation.

Values of respect: The City Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the City Council include:

1. Discussion should focus on policy matters
2. Personal criticism of members is inappropriate
3. Proper decorum should be displayed as other members express their views
4. Treat members of the public equally, applying rules in a fair and consistent manner
5. Members of the public are advised to treat all public speakers with due respect and to refrain from verbal expressions in support of or opposition to (such as clapping or booing) any public speakers' comments.

Enforcement of order: The Police Chief or his designee acts as the Sergeant-At-Arms. Any councilmember may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

Open meeting laws ("The Brown Act")

Operations and procedures of the City and City Council incorporate requirements of the state's open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

Applicability and penalties: The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code §54950 et seq. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

A. Applicability: The Act applies to the City Council and all commissions, boards and City Council-appointed subcommittees (except if comprised entirely of two councilmembers) and task forces that advise the City Council. Staff cannot promote actions that would violate the Act.

B. Meetings: All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of City Council contacts more than one other member of the City Council or any city staff member contacts more than two councilmembers for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact all councilmembers. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City councilmembers immediately after their election and before their swearing-in ceremony.

C. Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.

D. Actions: No action can be taken on any item not appearing on the posted agenda.

Exceptions:

1. An emergency exists (determined by a majority of the City Council).
2. The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by a two-thirds vote of the City Council; or if less than two-thirds are present, by unanimous vote).
3. The item was continued to another meeting that was scheduled and posted within five days of the original agenda.

E. Public input: The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases either shorter or longer periods may be established by the Mayor or the City Council.

F. Public disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.

G. Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.

H. Special meetings: Special meetings may be called by the Mayor or a majority of the City Council with strict notification requirements for delivery to the media and the City Council 24 hours before the time of the meeting.

I. Emergency meetings: Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.

J. Other provisions: The Brown Act provides many other restrictions and requirements; this chapter is intended merely as a City Council summary and overview, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information.

City Council Communications

Overview

Perhaps the most fundamental role of a councilmember is communication—communication with the public to assess community opinions and needs—communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a councilmember. Equally important, when members are expressing personal views and not those of the City Council, the public should be so advised.

Councilmember correspondence

Members of the City Council may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the City Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of the City Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized councilmember letterhead can be made available for this purpose, and staff can assist in the preparation of such correspondence. Councilmembers are required to provide copies of any correspondence on City letterhead to every councilmember and the City Manager.

On occasion, members may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, members should use their personalized letterhead and clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of the City Council.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official City Council title, and staff support should not be utilized in order to avoid confusion. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

councilmembers may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual councilmembers to utilize City letterhead and their City Council titles for such letters. No review by the full City Council is required, however, copies will be kept on file.

Speaking for “the City”

Similar to written correspondence, when members are requested to speak to groups or are asked the City Council's position on an issue, the response should reflect the

position of the City Council as a whole. Of course, a councilmember may clarify their vote on a matter by stating, for example, “While I voted against “X,” the City Council voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council’s position rather than that of an individual councilmember.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. When the City Manager or Department Heads are contacted, they too will refer the media first to the Mayor for comment. Similarly, when the City issues a Press Release, the Mayor is consulted in terms of any councilmember quotes or references. The City Manager decides whether staff are available to respond to media requests directly or not.

Local ballot measures

At times, measures that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions a City Council or individual councilmembers may take on ballot measures. Guidelines as to what is permissible are available from the City Clerk or City Attorney upon request.

State legislation, propositions

The City has been a member of the League of California Cities for many years. In addition, the City has a representative on the City/County Association of Governments (C/CAG). Both of these groups actively track legislation at the state level. Either through the advisories received from these two organizations or as a result of City staff following key legislative bills of importance to the City, the Council is at times requested to take a position or an action on pending state legislation. Unless Council has previously acted on a similar bill in the recent past, in which the City’s position is clear, the Council has a practice of requiring analysis and discussion of bills before taking an official position. The analysis includes a summary of the legislation’s purpose and a listing of those entities both in support of and against the proposed legislation. As a framework for screening bills that are pending to determine if the City should weigh in, Appendix B serves as a Legislative Policy Guide, with the explicit understanding that the City will express itself on legislation dealing with issues that will directly effect its financial stability or effective operation, and that the City may enter into alliances with other entities to promote common goals.

Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the city can make special recognition of an event (e.g., Recycling Week) or individual. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual councilmembers do not issue proclamations. Proclamations can be sent to the requester or presented at a City Council meeting as arranged with the requesting body and at the Mayor’s discretion.

Interactions with City Staff

Overview

City Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully. The City of Menlo Park has a long tradition of positive relationships between councilmembers and city staff. To maintain these effective relationships it is important that roles are clearly recognized.

Council-Manager form of government

Like most California cities, Menlo Park has adopted a City Council-City Manager form of government. The Council appoints a City Manager to implement policy, enforce laws, direct the daily operations of city government, and prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that councilmembers work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual councilmembers.

Council-Manager relationship

The employment relationship between the City Council and the City Manager reflects the fact that the City Manager is the chief executive officer of the City. The City Manager has an employment agreement with the City Council. Regular communication between the City Council and City Manager is important in maintaining effective interpersonal relations. All dealings with the City Manager, whether in public or private, should be consistent with the authority of the City Manager in administrative and personnel matters. Councilmembers should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more councilmembers. Further, councilmembers should avoid involving themselves in matters regarding individual City employees or related affairs.

The City Council evaluates the City Manager's performance on a regular basis to ensure that both the City Council and City Manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various ways. In addition to the formal City Council meetings, there are periodic briefing meetings with individual councilmembers and written memoranda and email. Communication must be undertaken in such a way that all councilmembers are treated similarly and kept equally informed. It is also important that the City Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback in a timely manner.

City Manager code of ethics

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure his or her actions are in support of the City's best interests. Violations of such standards can result in censure. Appendix D is a copy of the City Manager's Code of Ethics.

City Council-City Attorney relationship

The City Attorney is the legal adviser for the City Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

Roles and information flow

Objectives: It is the intent of staff to ensure councilmembers have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual councilmembers, and to allow staff to execute the priorities given by management and the City Council as a whole without fear of reprisal.

City Council roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. Councilmembers who wish to influence the actions, decisions, recommendations, workloads, work schedule and priorities of staff, must receive support from a majority of the City Council to do so as a matter of City Council policy.

Should a councilmember become dissatisfied about a department, he/she should always talk it over with the City Manager. Concerns about a department head must be taken to the City Manager only.

Access to information: Individual councilmembers as well as the City Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email. And to ensure proper responsiveness, councilmembers are asked to "cc" both the department head and the City Manager on all correspondence with staff.

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by city management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to councilmembers. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to councilmembers.

Councilmembers have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Councilmembers should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff members time to research a response for the meeting.

Staff roles: The City Council recognizes the primary functions of staff as serving the community, executing City Council policy and actions and in keeping the City Council informed. Staff is obligated to take guidance and direction only from the City Council as a whole or from the appropriate management supervisors through the City Manager. Staff is directed to report to the City Manager any attempts by individual councilmembers to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual councilmembers for information or assistance; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council. Requests from an individual councilmember determined by the City Manager to take one hour or more of staff time to complete, may be included on the formal City Council agenda for full City Council discussion.

Information distribution

In cases where a staff response to an individual councilmember request involves written materials that may be of interest to other councilmembers, the City Manager will provide copies of the material to all other councilmembers. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the City Council or of interest to the City Council.

Magnitude of information requests

Any information, service-related request, or revised policy position perceived as necessary by individual councilmembers, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual councilmember in writing to the City Council as a whole. When raised at a City Council meeting, the full City Council can decide whether and when to agendaize the request for further consideration. The City Manager will seek necessary clarification as to whether the City Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

Staff relationship with advisory bodies

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and the City Council. The members of the commission/ board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies and practices as outlined in the Commission Handbook.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may take minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved City Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done. Each Commission establishes a 2-year work plan that is in line with the City Council's goals, which guides the commissions' activities and projects.

Restrictions on political involvement by staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with City Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fundraisers or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A councilmember asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all councilmembers. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

Support provided to City Council

Staff support

General administrative support to councilmembers is provided through the City Manager's Office. Administrative services including scheduling of appointments and receipt of telephone messages are available as needed. Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.

Office equipment/technology

To enhance councilmembers' ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones with voicemail. The City Council can also receive and send email and faxes.

Councilmembers may be connected from their home to the City's computer network. Information Technology staff will provide initial assistance in setting up necessary software and hardware. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Each councilmember is provided the use of a tablet device. When individual councilmembers have completed their term of office, any technology must be returned to the City.

These technologies facilitate efficient communication by councilmembers. However, their use also raises important legal issues to which councilmembers must pay special attention. First, the Brown Act prohibits elected officials from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the legislative body. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Councilmembers should not use email, faxes or phones for communicating with other councilmembers in order to develop a majority position on any particular issue that may come before the full City Council. Particular caution is advised when using or responding to email received via the "CCIN" feature on the City's website and email directory. Correspondence sent using CCIN automatically goes to all five councilmembers, certain staff and to the local newspapers.

Second, be aware that most emails sent by councilmembers probably are public records under the Public Records Act. Even though it does not create paper, sending email is more similar to mailing a letter than placing a telephone call. The information in the email is stored on the computer network until deleted, and may continue to exist on the network's backup systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act.

Finally, the City's email system is intended for the conduct of official business, and not for political reasons. See CHAPTER 8 for a detailed discussion on the prohibition against using City property and funds for personal or political purposes.

Meeting rooms

An office is available adjacent to the City Manager's Office for shared use by councilmembers. Councilmembers can also reserve larger meeting space for use by contacting the City Manager's Office staff.

Mail and deliveries

Councilmembers receive a large volume of mail and other materials from the public, private interests and staff. The City Manager's Office staff maintains a mailbox for each councilmember. Meeting agenda materials are available for pick up Thursday evenings and are posted on the City's website. Councilmembers are encouraged to return unwanted binders, reports and documents to staff.

Financial Matters

City Council compensation

State law and the Municipal Code provide for modest compensation to councilmembers. State law limits an increase in City Council salaries to 5 percent per year, effective only following the next election after adoption. Currently, councilmembers receive a stipend of \$640 per month. Councilmembers are also eligible for participation in group insurance benefits including retirement, medical, dental, vision, and life insurance plans available at the level provided to management employees.

Expenditure allowance

The annual city budget includes limited funding for members to undertake official City business. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol. Donations to organizations are not eligible nor are meals for individuals other than councilmembers. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year. City Council Policy #CC-91-0002 pertains to travel and meeting expenses.

Expenditure guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager's Office monthly with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor.

Conflicts and Liability

Conflict of interest

State laws are in place to prevent an action by a councilmember that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a councilmember believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a councilmember's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California - the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year councilmembers and certain staff are required to file statements of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. A councilmember having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a councilmember believes that he or she may have any financial interest in a contract that will be before the City Council, the councilmember should immediately seek advice from the City Attorney or the councilmember's personal attorney.

There are a number of other restrictions placed on City Council actions that are highlighted in the League of California Cities' Guide. Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual councilmembers.

City Attorney advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only authority that can provide

binding interpretations on such matters is the State Fair Political Practices Commission (FPPC). Individual councilmembers or the full City Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

Conflict of interest forms

Annual disclosure statements are required of all councilmembers, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Councilmembers and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

Liability

The City is a large institution offering a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to an agency with other governments to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual councilmembers may result in that councilmember being personally liable for damages that would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.

Additional Training and Resource Materials

League of California Cities

The League is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of cities before the state Legislature and federal government and supports committees having local officials as members that are organized to address issues as they arise. The City of Menlo Park participates in League activities through the Peninsula Division.

The League of California Cities produces a number of publications on substantive issues in city and local government. These publications are available for purchase from the League.

Local Government Commission

The Commission is a California-based organization that focuses largely on planning and resource conservation issues. It conducts workshops, offers periodic seminars and publishes newsletters.

International City/County Management Association (ICMA)

ICMA is a professional association of local government chief executives/city managers. The association has an extensive list of publications to assist local officials.

Institute for Local Government (ILG)

The Institute for Local Government also produces publications. For ILG publications please go to www.ca-ilg.org/publications.

APPENDIX A – Reference Guide to Motions

Type of Motion	Second Required	Debatable	Amendable	Priority Over Pending Motion	Reconsider	Interrupt Speaker
Adjourn	Y	n/a	n/a	Y	n/a	n/a
Amend or Substitute ¹	Y	Y	Y	Y	Y	n/a
Appeal	Y	Y	n/a	n/a	Y	Y
Call the Question ⁷	Y	n/a	n/a	Y	n/a	n/a
Take Up New Business Past 12 pm ⁸	Y	Y	n/a	Y	n/a	n/a
Limit Debate	Y	n/a	Y	Y Except “table”	Y	n/a
Main Motion	Y	Y	Y	n/a	Y	n/a
Nominations	n/a	Y	n/a	n/a	n/a	n/a
Personal Privilege or Point or Order	n/a	n/a	n/a	Y	Y	Y
Postpone to Time Certain	Y	Y	Y	Y	Y	n/a
Previous Question	Y	n/a	n/a	Y	Y	n/a
Recess or Adjourn to Time Certain	Y	Y	Y	n/a	n/a	n/a
Reconsider	Y ²	Y ³	n/a	n/a	n/a	⁴
Table or Take From Table	Y	n/a	n/a	Y ⁵	n/a	n/a
Take up Out of Order	Y	n/a	n/a	n/a	n/a	n/a
Withdraw a Motion ⁶	n/a	n/a	n/a	Y	Y	Y

“Y” indicates that this action can be taken, is necessary, is required, is permitted or is applicable

“n/a” indicates that this action cannot be taken, is unnecessary or is inapplicable

- 1 Limit of three substitute motions.
- 2 May only be made by a person who voted on prevailing side; not applicable to “table” motions. Must be made within two meetings of original action.
- 3 If prior motion was debatable.
- 4 Except for request for later action.
- 5 Highest subsidiary motion – takes precedence over all motions except adjourn and privilege.
- 6 Must be voted unless there is no objection.
- 7 Requires 4/5 vote.
- 8 Requires ¾ vote taken by 11:00 p.m. to extend beyond midnight.

LEGISLATIVE POLICY GUIDE

The City Council of Menlo Park believes:

- In conducting the business of government with openness, respect, and civility, and including the involvement of all stakeholders in establishing goals and in solving problems.
- The vitality of cities is dependent upon their fiscal stability and local autonomy, and that local self-governance is the cornerstone of democracy.

Therefore:

- The City supports legislation that reflects the need to conduct the public's business in public.
- The City opposes legislation that mandates costly and unnecessary procedures.
- The City supports the use of the general plan as a guide to meeting community planning needs, and opposes mandatory review or approval by another level of government and legislation that restricts the land use authority of cities.
- The City emphasizes efficiency and effectiveness to achieve the best possible use of city resources and believes the state should implement fiscal and legislative reforms in order to allow local government to adequately finance its service responsibilities, with accountability to the taxpayers for its programs.
- The City supports additional funding for local transportation and other critical unmet infrastructure needs and enhanced autonomy for local transportation decision-making.
- The City supports strategic alliances with counties, schools, other cities and local agencies, nonprofit and civic organizations and business and professional associations.

September 2005

City Council Policies

CC 86	Naming and/or Changing the Name of Facilities
CC 90-001	Tenant/Landlord & Dispute Resolution Service
CC 91-0001	Board and Commission Attendance Policy
CC 91-0002	Travel, Meeting, Conference, Training and Meal Expenses
CC 91-0003	City Council Meeting Procedures
CC 92-0001	Commuter Check Program
CC 92-0002	Transportation Allowance Program
CC 92-004	Award Authority for Purchases and Professional Services
CC 93-001	Selection of Mayor
CC 95-001	Anti-Harassment and Non-Discrimination Policy
CC 01-0004	Commission/Committees Policies and Procedures and Roles and Responsibilities
CC 02-0003	Veteran's Preference Policy



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in October 2019. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2019.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. We believe professional management is essential to efficient and democratic local government by elected officials.

Tenet 2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include

refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Conduct Unbecoming. Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

Tenet 4. Serve the best interests of the people.

GUIDELINES

Impacts of Decisions. Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

Inclusion. To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, program, and services.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member’s responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member’s decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members’ personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term “Gift” includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member’s official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member’s official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

Council Action Advised by August 28, 2023

DATE: Wednesday, June 21, 2023

TO: Mayors, Council Members, City Clerks, and City Managers

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference and Expo, Sept. 20-22, 2023,
Sacramento SAFE Credit Union Convention Center**

Every year, the League of California Cities convenes a member-driven General Assembly at the [Cal Cities Annual Conference and Expo](#). The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Sept. 22, the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

Please complete the attached voting delegate form and email it to Cal Cities office no later than Monday, August 28.

New this year, we will host a pre-conference information session for voting delegates to explain their role. Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Please view Cal Cities' [event and meeting policy](#) in advance of the conference.

Action by Council Required. Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council.

Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.



Conference Registration Required. The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration is open on the [Cal Cities](#) website.

For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

Transferring Voting Card to Non-Designated Individuals Not Allowed. The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

Seating Protocol during General Assembly. At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the SAFE Credit Union Convention Center in Sacramento, will be open at the following times: Wednesday, Sept. 20, 8:00 a.m.- 6:00 p.m. and Thursday, Sept. 21, 7:30 a.m.- 4:00 p.m. On Friday, Sept. 22, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to Cal Cities office by Monday, Aug. 28. If you have questions, please contact Zach Seals at zseals@calcities.org.

Attachments:

- General Assembly Voting Guidelines
- Voting Delegate/Alternate Form
- Information Sheet: Cal Cities Resolutions and the General Assembly

General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.
6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.
7. **Resolving Disputes.** In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.



CITY: _____

**2023 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to Cal Cities office by Monday, August 28, 2023. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

To vote at the General Assembly, voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the General Assembly. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the voting delegate desk.

1. VOTING DELEGATE

Name: _____ Email: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

Email: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

Email: _____

ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ Email: _____

Mayor or City Clerk: _____ Date: _____ Phone: _____
(circle one) (signature)

Please complete and email this form to votingdelegates@calcities.org by Monday, August 28, 2023.

How it works: Cal Cities Resolutions and the General Assembly

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure that we are representing California cities with one voice. These policies directly guide Cal Cities advocacy to promote local decision-making, and lobby against statewide policy that erodes local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how Resolutions and the General Assembly works.

Prior to the Annual Conference and Expo

General Resolutions



Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance to cities. The resolution must have the concurrence of at least five additional member cities or individual members.



Policy Committees



The Cal Cities President assigns general resolutions to policy committees where members review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.



During the Annual Conference and Expo

Petitioned Resolutions



The petitioned resolution is an alternate method to introduce policy proposals during the annual conference. The petition must be signed by



voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.

Resolutions Committee



The Resolutions Committee considers all resolutions. General Resolutions approved¹ by either a policy committee or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.²



General Assembly



During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, policy committee, as well as individuals appointed by the Cal Cities president.

Voting delegates are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates — one from every member city.

Seven **Policy Committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, municipal department, as well as individuals appointed by the Cal Cities president.

What's new in 2023?



- Voting delegates will receive increased communications to prepare them for their role during the General Assembly.
- The General Assembly will take place earlier to allow more time for debate and discussion.
- Improvements to the General Assembly process will make it easier for voting delegates to discuss and debate resolutions.

¹ The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.

² Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).