



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY AGENDA

Tuesday, May 20, 2003
7:30 p.m.
The Menlo Park Council Chambers
801 Laurel Street
Menlo Park, CA 94025

A Study Session starts at 6:00 pm followed by a Closed Session. The Study Session and the Closed Sessions will be held in the Administration Building First Floor Conference Room.

6:00 p.m. STUDY SESSION (First Floor Conference Room - Administration Building)

1. Discussion of project selection for the San Francisquito Creek Joint Powers Authority continuing assistance program.

CLOSED SESSIONS

1. **PUBLIC COMMENT** - Under "Public Comment", the public may speak to the Closed Session items at this time.
2. Adjourn to Closed Sessions
3. Closed Session pursuant to Government Code Section §54956.9(c) regarding pending litigation Allied Arts Neighbors, et al v. City of Menlo Park, San Mateo County Superior Court Case Number CIV430714; and, Johnson v. City of Menlo Park, United States District Court, Case number C-98-2858-VRW. Parties present: David Boesch, City Manager; Bill McClure, City Attorney.
4. Closed Session pursuant to Government Code Section §54957 regarding annual performance evaluation of City Manager. Parties present David Boesch, City Manager; Bill McClure, City Attorney.

RECONVENE IN OPEN SESSION and REPORT ON AFOREMENTIONED CLOSED SESSIONS

7:30 pm REGULAR MEETING (Menlo Park City Council Chamber)

ROLL CALL – Jellins, Duboc, Collacchi, Kinney, Winkler

PLEDGE OF ALLEGIANCE

A. PRESENTATIONS AND PROCLAMATIONS - None

B. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. Library Commission vacancy for an un-expired term, ending September 2003 the deadline for applications is June 20, 2003.
2. Councilmember Reports.

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

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

D. CONSENT CALENDAR

1. Adoption of a Resolution giving preliminary approval of the Engineer's Report for the Landscape Assessment District for Fiscal Year 2003-04, adoption of a Resolution of Intention to order the levy and collection of assessment for the 2003-04 Landscape Assessment District, authorization of the City Manager to approve a request from the County of San Mateo to modify the compensation schedule for the Landscape Assessment District for the Fiscal Year beginning July 1, 2003. *(Staff Report # 03-087)*
2. Award of contract for the traffic signal installation at Valparaiso Avenue and University Drive to Pacific Electric Company in the amount of \$120,000; and authorization of a budget of \$150,000 for construction, contingencies, testing, engineering, inspection, and construction administration. *(Staff Report # 03-084)*
3. Award of contract to O'Grady Paving, Inc. for the Marsh Road, Oak Grove Avenue, Sand Hill Road, and University Avenue resurfacing project in the amount of \$408,101 and authorization of a project budget in the amount of \$551,317 to cover construction, contingencies, material testing and construction administration. *(Staff Report # 03-088)*
4. Community Development Agency approval of a one-year extension to the Exclusive Negotiating Rights Agreement (ENRA) with Peninsula Habitat for Humanity for the property located at 297 Terminal Avenue, and authorization of the Executive Director to execute the extension agreement. *(Staff Report # 03-085)*
5. Authorization for staff to execute an agreement with Standard Insurance Company of Portland, Oregon, to provide group term life insurance, accidental death and dismemberment, dependent life insurance and long term disability coverage for City employees for the period beginning June 1, 2003 and ending April 30, 2005. *(Staff Report # 03-089)*
6. Preliminary approval of a regulatory fee to implement the local City of Menlo Park Storm Water Management Program (SWMP) for Fiscal Year 2003-04, and setting a public hearing on the adoption of the fee for June 24, 2003; and 2) authorization of the City Manager to approve a request from the County of San Mateo to modify the compensation schedule for the Storm Water Management Program Regulatory Fee for the Fiscal Year beginning July 1, 2003. *(Staff Report # 03-092)*
7. Approval of the City Council Minutes of April 29, 2003 and May 6, 2003.

E. PUBLIC HEARING

1. Consideration of a Zoning Ordinance Amendment, Use Permit, Architectural Control, Sign Review, and Negative Declaration for the Chevron service station located at 1200 El Camino Real. *(Staff Report # 03-086)*

F. REGULAR BUSINESS

1. Consideration of a request from Woodside Atherton Auxiliary to rescind the following approvals granted to the Allied Arts Guild property located at 75 Arbor Road: a) Resolution No. 5433 amending the General Plan to modify the public and quasi-public land use designation and change the land use designation for certain property located at 75 Arbor Road; b) Ordinance No. 919 amending Title 16 of the Menlo Park Municipal Code, adding Chapter 16.55 AAGP Allied Arts Guild Preservation District, and amending 16.08 Districts Established - General Regulations; c) Ordinance No. 920 rezoning property located at 75 Arbor Road; d) Allied Arts Guild Preservation Permit, dated April 8, 2003 e) architectural control for the renovation of the Allied Arts Guild facility located at 75 Arbor Road; and f) revised Mitigated Negative Declaration prepared for the project.
2. Community Development Agency discussion about Agency owned property at 735, 777, 787, 791, 801, 811 and 821 Hamilton Avenue and authorization to proceed with soliciting bids for the Hamilton Avenue Streetscape Project. *(Staff Report # 03-091)*
3. Consideration of state and federal legislative items or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative, written communication or information item.

G. WRITTEN COMMUNICATIONS

1. Email from Bob Stevens with recommendations on how to engage the public and City on decision-making practices on City projects and enhance the democratic process.
2. Correspondence from Patti Fry regarding Study Sessions and decision-making practices.
3. Memorandum from Councilmember Kinney regarding an American Institute of Architects Charrette for Menlo Park.
4. Request from CCAG for letter of support for AB1546 that authorizes CCAG to assess up to \$4 in motor vehicle fees.

H. INFORMATION ITEMS - None

I. PUBLIC COMMENT #2 (Limited to 30 minutes)

Under "Public Comment #2", the public if unable to address the Council on non-agenda items during Public Comment #1, may do so at this time. Each person is limited to three minutes. Please clearly state your name and address or jurisdiction in which you live, e.g. Menlo Park, Woodside, and San Mateo County.

J. ADJOURNMENT

This Agenda is posted in accordance with Government Code Section 54954.2(a) or Section 54956. (Posted 5/15/03) Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at (650) 330-6620.

City Council meetings are televised live on Government Access Television Cable TV Channel 26. A re-broadcast of each meeting airs on Channel 26 on Thursdays between 11:00 am and 5:00 pm. A VHS videotape of each meeting is available for check out at the Menlo Park Library. Agendas and staff reports may be accessed on the City website at www.menlopark.org.





PUBLIC WORKS DEPARTMENT

Council Meeting Date: May 20, 2003

Staff Report # 03-087

Agenda Item # D1

CONSENT CALENDAR: 1) Adoption of a Resolution Giving Preliminary Approval of the Engineer's Report for the Landscape Assessment District for Fiscal Year 2003-04, 2) Adoption of a Resolution of Intention to Order the Levy and Collection of Assessment for the 2003-04 Landscape Assessment District, 3) Authorization of the City Manager to Approve a Request from the County of San Mateo to Modify the Compensation Schedule for the Collection of the Landscape Assessment for the Fiscal Year Beginning July 1, 2003.

RECOMMENDATION

Staff recommends that the City Council:

1. Adopt a Resolution giving preliminary approval of the Engineer's Report for the Landscape Assessment District for Fiscal Year 2003-04;
2. Adopt a Resolution of Intention to Order the Levy and Collection of Assessments for the 2003-04 Landscape Assessment District; and
3. Authorize the City Manager to approve a request from the County of San Mateo to modify the compensation schedule for the collection of the Landscape Assessment for the fiscal year beginning July 1, 2003; and

BACKGROUND

Trees

Between 1960 and 1982, the City had one three-person tree crew to care for City park, median and street trees. At that time, the tree crew trimmed trees as requested by citizens. There was no specific, long-term plan to address tree maintenance. As the trees grew, it took considerably more time per tree to provide proper care. Consequently, one tree crew was unable to maintain all City trees in proper condition.

In 1982, the City Council decided to put two measures on the ballot, Measure M and Measure N. Measure M would have adopted Ordinance 679 authorizing the City to levy a Special Tax for Care of Trees Located on Public Property. Measure M did not pass by the required two-thirds vote so it was not adopted. Measure N was an advisory vote on whether the City Council should form the City of Menlo Park Landscape Assessment District to provide proper street tree maintenance. This Measure was approved by a majority vote. In 1983, the City Council formed the Menlo Park Landscape Assessment District.

Sidewalks

Prior to 1990, property owners and the City split the cost of repairing sidewalks damaged by City trees. The City previously entered into agreements with approximately 200 individual property owners each year to conduct such repairs. The one-time cost was a financial burden to some residents on fixed incomes. An assessment for repair of sidewalks/parking strips was established in 1990 to make the program more cost-effective and less of a financial burden for property owners.

Engineering Report Requirements

In each subsequent year for which the assessments will be levied, the City Council must direct the preparation of an Engineer's Report, budgets and proposed assessments for the upcoming fiscal year. On January 28, 2003, the City Council adopted a resolution describing the improvements and directing preparation of an Engineer's Report for the Landscape Assessment District for fiscal year 2003-04. In addition, the Council approved an agreement with Shilts Consultants, Inc. to prepare this report.

ANALYSIS

San Mateo County Fee Increase

Recently, the City was notified of a proposed fee increase by the County for collection of special assessments. On March 25, 2003, the County Board of Supervisors unanimously approved the proposed fee increase. The new fee schedule becomes effective for the fiscal year commencing July 1, 2003 and is based on the comparable rates charged by other counties. Additional details on this new fee increase are provided in attachment "D". The City has previously paid an annual fee of \$3,000 to the County for collection of the landscape assessments. This year, the City will pay a total estimated fee of \$15,000, which is included in the budget for the Landscape Assessment District.

Tree Trimming Contract Increase

On May 7, 2002, Council authorized staff to enter into an agreement with West Coast Arborist (WCA) to provide annual tree maintenance services at a cost not to exceed \$80,000 per year for up to three years with the option to extend for an additional three years. WCA has been doing an excellent job supplementing existing staff in trimming trees, removal of trees and the planting of new trees.

The City has six tree trimmer positions budgeted, of which there are currently three vacancies. Staff has recommended as part of the FY 2003-04 budget proposal to eliminate the unfilled three person tree trimming crew and utilize WCA to fill the gap in tree maintenance service. WCA charges a flat \$49 per tree when performing routine grid tree maintenance. Staff will include in the budget an increase to the WCA contract from \$80,000 to \$160,000 per year. This increase is needed to pay for the cost of WCA's services in performing the supplementary tree maintenance previously performed by the City's tree trimming crew and in accordance with established performance standards.

Approval of Engineer's Report

Shilts Consultants, Inc. has completed the preliminary Engineer's Report for the Landscape Assessment District. This report includes the proposed 2003-04 budget for the Landscaping Assessment District in the amount of \$951,431. It describes the method used for apportioning the total assessment to properties within the landscape district. This method involves the identification of special versus general benefits and determining the relative special benefit received by each property in relation to a single-family home (Single Family Equivalent). This method is described in detail in the attached Engineer's Report (Attachment C). The proposed 2003-04 tree and sidewalk assessment rate is proposed to remain the same. Staff is recommending no assessment increase for next fiscal year.

The following is a summary of the proposed assessments:

Proposed Tree Maintenance Assessments

Property Type	Proposed 2003-04 Annual Assessment Rates
Parcels with Trees	
Single-family	\$51.69 (per Parcel)
R-2 Zone, in use as single-family	\$51.69 (per Parcel)
Condominium/Townhouse	\$46.52 (per Unit, \$232.590 max.)
Other Multi-family	\$41.35 (per Unit, \$206.76 max.)
Commercial	\$51.69 (per 1/5 acre, \$258.450 max.)
Industrial	\$51.69 (per 1/5 acre, \$258.450 max.)
Parks, Educational	\$51.69 (per Parcel)
Miscellaneous, Other	\$0.00 (per Parcel)
Parcels without Trees	
Single-family	\$25.84 (per Parcel)
R-2 Zone, in use as single-family	\$25.84 (per Parcel)
Condominium/Townhouse	\$23.26 (per Unit, \$116.26 max.)
Other Multi-family	\$20.69 (per Unit, \$103.34 max.)
Commercial	\$25.84 (per 1/5 acre, \$129.180 max.)
Industrial	\$25.84 (per 1/5 acre, \$129.180 max.)
Parks, Educational	\$25.84 (per Parcel)
Miscellaneous, Other	\$0.00 (per Parcel)

Proposed Sidewalk, Curb, Gutter, Parking Strip Assessments

Property Type	Proposed 2003-04 Annual Assessment Rates
Parcels with Trees	
Sidewalks, curbs, gutters	\$28.70 (per Parcel)
Parking strips and gutters	\$28.70 (per Parcel)
Curbs and/or gutters only	\$19.12 (per Parcel)
No improvements	\$9.56 (per Parcel)
Miscellaneous, Other	\$0.00 (per Parcel)
Parcels without Trees	
Parcels with or without improvements	\$9.56 (per Parcel)
Miscellaneous, Other	\$0.00 (per Parcel)

* All assessment amounts are rounded to the even penny.

ASSESSMENT PROCESS

If the Council approves the attached Resolutions, a legal notice of the assessment public hearing would be placed in the paper at least 10 days prior to the date of the public hearing. This hearing is currently scheduled for June 24, 2003.

If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller for inclusion on the property tax roll for fiscal year 2003-04.

IMPACT ON CITY RESOURCES

The total Landscape Assessment District budget is \$951,431. Contributions from the Tree Maintenance Fund, the General Fund, the Sidewalk Fund balance and the Gas Tax Fund towards the Landscape Assessment District budget reduce the amount required to be raised by the annual tax assessment to \$614,067. As a result, the impact on City resources will be \$614,067 if Council does not adopt the attached resolutions approving the Engineer's Report and ordering the levy and collection of assessments.

The \$12,000 increase in County collection fees will have a small effect on the amount of work that can be completed. Using the County to add the assessments to property tax statements is still considered the most cost effective way to collect this revenue.

POLICY ISSUES

The proposed action is consistent with City policy.

ENVIRONMENTAL REVIEW

An environmental review is not required.



Pat Stone
Supervising Engineer



Ruben R. Niño
Director of Engineering Services

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

ATTACHMENT:

- A. Resolution - Preliminary Approval of Engineer's Report
- B. Resolution - Intention to Order the Levy and Collection of Assessment
- C. Engineer's Report
- D. Letter from the County increasing the Landscape Assessment District Assessment Fee and Agreement

ATTACHMENT A
RESOLUTION No. _____

A RESOLUTION OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT
CITY OF MENLO PARK LANDSCAPING DISTRICT
FISCAL YEAR 2003-2004

RESOLVED, by the City Council of the City of Menlo Park, California, that

WHEREAS, on the 28th day of January, 2003, said Council did adopt its Resolution No. 5423, Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 2003-2004 pursuant to the Landscaping and Lighting Act of 1972, for the City of Menlo Park Landscaping District in said City and did refer the proposed improvements to Shilts Consultants and did therein direct Shilts Consultants to prepare and file with the Clerk of said City a report, in writing, all as therein more particularly described, under and pursuant to the Landscaping and Lighting Act of 1972;

WHEREAS, said Shilts Consultants prepared and filed with the Clerk of said City a report in writing as called for in said Resolution No. 5423 and under and pursuant to said Act, which report has been presented to this Council for consideration; and

WHEREAS, said council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report, nor any part thereof should be modified in any respect;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED, as follows:

1. That the plans and specifications for the existing improvements and the proposed new improvements to be made within the assessment district or within any zone thereof, contained in said report, be, and they are hereby, preliminary approved.
2. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and each of them are hereby, preliminarily approved.
3. That the diagram showing the exterior boundaries of the assessment district referred to and described in said Resolution No. 5423 and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land within said district as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each or which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it is hereby, preliminarily approved.
4. That the proposed assessment of the total amount of the estimated costs and expenses of the proposed improvements upon the several lots or parcels of land in said district in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto, as contained in said report, be, and they are hereby, preliminarily approved.
5. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had pursuant to said Resolution No. 5423.

A-1

I, SYLVIA PONTE, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting by said Council on this 20th day of May 2003, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City, this _____ day of _____, 2003.

SYLVIA PONTE, City Clerk

A-2

ATTACHMENT B

RESOLUTION No. _____

A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972

FISCAL YEAR 2003-2004

CITY OF MENLO PARK LANDSCAPING DISTRICT

RESOLVED, by the City Council of the City of Menlo Park, California, as follows:

WHEREAS, pursuant to Resolution No. 5423, Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 2003-2004 for the City of Menlo Park Landscaping District, adopted on January 28, 2003, by the City Council of said City, pursuant to the Landscaping and Lighting Act of 1972, the Shilts Consultants of said City has prepared and filed with the Clerk of this City the written report called for under said Act and by said Resolution No. 5423, which said report has been submitted and preliminarily approved by this Council in accordance with said Act;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED, as follows:

1. In its opinion the public interest and convenience require and it is the intention of this Council to order the levy and collection of assessments for Fiscal Year 2003-2004 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in Exhibit "A" hereto attached and by reference incorporated herein.

2. The cost and expense of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the assessment district designated as "City of Menlo Park Landscaping District", the exterior boundaries of which district are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Clerk of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the district and of any zone thereof and the general location of said district.

3. Said Engineer's Report prepared by Shilts Consultants, preliminarily approved by this Council, and on file with the Clerk of this City, is hereby referred to for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district, which assessments are proposed to be the same or lesser amounts than the assessments levied in fiscal year 2002-2003.

4. Notice is hereby given that Tuesday, the 24th day of June, 2003, at the hour of 7:30 o'clock p.m. in the regular meeting place of said Council, Council Chambers, Civic Center, 701 Laurel Street, Menlo Park, California, be, and the same are hereby appointed and fixed as the time and place for a public hearing by this Council on the question of the levy and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written protests made or filed by any interested person at or before the conclusion of said hearing, against said improvements, the boundaries of the assessment district and any zone therein, the proposed diagram or the proposed assessment, to the Engineer's estimate of the cost thereof, and when and where it will consider and finally act upon the Engineer's Report.

B-1

5. The Clerk of said City be, and is hereby, directed to give notice of said public hearing by causing a copy of this Resolution to be published once in the Menlo-Atherton Recorder, a newspaper published and circulated in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of public hearing specified herein.

6. The Office of the Director of Engineering Services of said City be, and is hereby designated as the office to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at the Civic Center, 701 Laurel Street, Menlo Park, California 94025 or by calling (650) 330-6740.

* * * * *

I, SYLVIA PONTE, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting by said Council on this 20th day of May 2003, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City, this _____ of _____, 2003.

SYLVIA PONTE, City Clerk

(b-2)

City of Menlo Park Landscaping District

Maintaining and servicing of street trees, including the cost of repair, removal or replacement of all or any part thereof, providing for the life, growth, health and beauty of landscaping, including cultivation, trimming, spraying, fertilizing or treating for disease or injury, the removal of trimmings, rubbish, debris and other solid waste, and water for the irrigation thereof, and the installation or construction, including the maintenance and servicing thereof, of curbs, gutters, sidewalks and parking strips.

B-3

CITY OF MENLO PARK
Landscaping Assessment District
ENGINEER'S REPORT

Fiscal Year 2003-04

May 2003

(Pursuant to the Landscaping and Lighting Act of 1972
and Article XIID of the California Constitution)

Engineer of Work
Shilts Consultants, Inc.
2300 Boynton Avenue, Suite 201
Fairfield, CA 94533
(707) 426-5016

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CITY OF MENLO PARK
Landscaping Assessment District

ENGINEER'S REPORT

(Pursuant to the Landscaping and Lighting Act of 1972
and Article XIID of the California Constitution)

CONTENTS

Section	Page
A. Introduction.....	1
B. Certificates.....	3
C. Plans & Specifications.....	4
D. Assessment.....	5
E. Cost Estimate.....	7
F. Method of Assessment.....	9
G. Assessment Diagram.....	15
H. Assessment Roll.....	17

02

CITY OF MENLO PARK
Landscaping Assessment District
INTRODUCTION

Between 1960 and 1982, the City of Menlo Park had one three-person crew to care for approximately 9,000 City trees. As the trees grew, it took considerably more time per tree to provide proper care. Consequently one tree crew was unable to perform the necessary work to maintain all of the street trees in proper condition. The Landscape Assessment District was originally formed in 1983 for the purpose of levying annual special assessments in order to properly maintain street trees in the City of Menlo Park. Currently, there are approximately 11,000 street trees that are maintained by the assessments.

Prior to 1990, property owners and the City would split the cost of repairing sidewalks damaged by City trees. The City would annually enter into an agreement with approximately 200 individual property owners. The one-time cost was a financial burden to some residents on fixed incomes. In order to make the program more cost-effective and less of a financial burden for property owners, an assessment for repair of sidewalks/parking strips was established in 1990.

The increased cost of the necessary work has made the assessment amounts levied in Fiscal Year 1997-98 insufficient for adequately maintaining the City's street trees, curbs, gutters and sidewalks. An increase in the assessments was required to provide funding for continued tree maintenance and sidewalk repairs. However, with the passage of Proposition 218 on November 6, 1996, assessments can only be raised after the City conducts an assessment ballot proceeding and the ballots submitted in opposition to the assessments do not exceed the ballots in favor of the assessments. (Each ballot is weighted by the amount of assessment for the property it represents.)

In 1998, the City conducted an assessment ballot proceeding for increased tree maintenance and sidewalk repair assessments pursuant to the requirements of Article XIID of the California Constitution (Proposition 218) and the Landscaping and Lighting Act of 1972. The proposed tree maintenance assessments for fiscal year 1998-99 were \$64.28 per single family equivalent unit and the proposed sidewalk repair assessments were \$28.70 per single family equivalent. The proposed maximum assessments also included an annual assessment cost escalator tied to the annual change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area ("ENR Index"). These proposed assessments were supported by 73% of assessment ballots received from property owners (with each ballot weighted by the amount of assessments it represented). Therefore, on June 16, 1998 by its Resolution Number 4840-D, the City Council levied the new assessments.

In each subsequent year for which the assessments will be levied, the City Council must direct the preparation of an Engineer's Report, budgets and proposed assessments for the upcoming fiscal year. After the Engineer's Report is completed, the City Council may preliminarily approve the Engineer's Report and proposed assessments and establish the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the Council.

Due to sufficient reserve funds carried forward from fiscal year 2002-03 for tree and sidewalk maintenance, the proposed assessments for tree and sidewalk maintenance for

fiscal year 2003-04 are not proposed to increase from fiscal year 2002-03. The proposed rates are \$51.69 per SFE for tree maintenance and \$28.70 per SFE for sidewalk repairs. In comparison, the maximum authorized rates, including authorized cost escalator adjustments, are \$70.83 per SFE for tree maintenance and \$32.34 per SFE for sidewalk repairs.

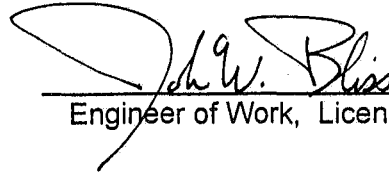
If the Council approves this Engineer's Report and the proposed assessments by resolution, a notice of assessment levies must be published in a local paper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10 day time period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 24, 2003. At this hearing, the Council would consider approval of a resolution confirming the assessments for fiscal year 2003-04. If so confirmed and approved, the assessments would be submitted to the County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2003-04.

CITY OF MENLO PARK
Landscaping Assessment District

CERTIFICATES

1. The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment and Assessment Diagram herein, have been prepared by me in accordance with the order of the City Council of the City of Menlo Park, adopted on March 4, 2003.



Engineer of Work, License No. C52091

2. I, the Clerk of the City Council, City of Menlo Park, County of San Mateo, California, hereby certify that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was filed and recorded with me on _____, 2003.

Clerk of the City Council

3. I, the Clerk of the City Council, City of Menlo Park, County of San Mateo, California, hereby certify that the Assessment in this Engineer's Report was approved and confirmed by the City Council on _____, 2003, by Resolution No. _____.

Clerk of the City Council

4. I, the Clerk of the City Council of the City of Menlo Park, County of San Mateo, California, hereby certify that a Copy of the Assessment and Assessment Diagram was filed in the office of the County Auditor of the County of San Mateo, California, on _____, 2003.

Clerk of the City Council

5. I, the County Auditor of the County of San Mateo, California, hereby certify that Assessment Roll and Assessment Diagram for fiscal year 2003-04 was filed with me on _____, 2003.

County Auditor, County of San Mateo

**CITY OF MENLO PARK
Landscaping Assessment District**

PLANS & SPECIFICATIONS

The City of Menlo Park maintains street trees, sidewalks, curbs, gutters, and parking strips throughout the City.

The proposed improvements to be undertaken by the City of Menlo Park and financed by the levy of the annual assessment provide special benefit to Assessor Parcels within the District as defined in the Method of Assessment herein. The said improvements consist of maintaining, trimming, disease treatment, and replacement of street trees; street sweeping to remove debris; and the repair and replacement of damaged sidewalks, curbs, gutters, and parking strips damaged by street trees throughout the City of Menlo Park.

**CITY OF MENLO PARK
Landscaping Assessment District**

ASSESSMENT

WHEREAS, on March 4, 2003 the City Council of the City of Menlo Park, County of San Mateo, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively "the Act"), adopted its Resolution Initiating Proceedings for the Levy of Assessments within the Landscaping Assessment District;

WHEREAS, said Resolution directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the assessment district and an assessment of the estimated costs of the improvements upon all assessable parcels within the assessment district, to which Resolution and the description of said proposed improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of said City of Menlo Park, hereby make the following assessment to cover the portion of the estimated cost of said improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amount to be paid for said improvements and the expense incidental thereto, to be paid by the Landscaping Assessment District for the fiscal year 2003-04 is generally as follows:

SUMMARY COST ESTIMATE

	<i>F. Y. 2003-04</i> <u>Budget</u>
Street Tree Program	\$386,700
Sidewalk Program	\$275,500
Street Sweeping	\$85,500
Incidental Expenses	\$108,500
Contingency	\$95,231
TOTAL BUDGET	<u>\$951,431</u>
Less:	
City Contribution for General Benefits	\$(261,000)
Contribution from Reserve Funds	\$(76,364)
NET AMOUNT TO ASSESSMENTS	<u>\$614,067</u>

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Landscaping Assessment District. The distinctive number of each parcel or lot of land in the said Landscaping Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion said net amount of the cost and expenses of said improvements, including the costs and expenses incidental thereto, upon the parcels and lots of

(07)

land within said Landscaping Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is made upon the parcels or lots of land within the Landscaping Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from said improvements.

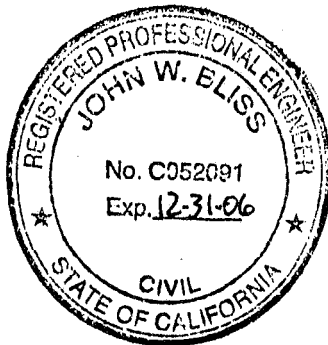
The assessment is subject to an annual adjustment tied to the Engineering News Record Construction Cost Index for the San Francisco Bay Area as of January of each succeeding year. In the event that the annual change in the ENR Index exceeds 3%, any percentage change in excess of 3% can be cumulatively reserved and can be added to the annual change in the ENR Index for years in which the ENR Index change is less than 3%. Including the authorized annual adjustment, the maximum, authorized fiscal year 2003-04 assessment rate per single family equivalent is \$53.09 for tree maintenance and \$30.36 per single family home for sidewalk maintenance. However, the City of Menlo Park does not propose to increase the assessment rates above those levied for fiscal year 2002-03, which are \$51.69 per single family home for tree maintenance and \$28.70 per single family home for sidewalk maintenance.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of San Mateo for the fiscal year 2003-04. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2003-04 for each parcel or lot of land within the said Landscaping Assessment District.

Dated: May 13, 2003

Engineer of Work



By John W. Bliss
John W. Bliss, License No. C52091

2003-04
CITY OF MENLO PARK LANDSCAPING ASSESSMENT DISTRICT
ENGINEER'S COST ESTIMATE

A. Tree Maintenance

Salaries & Benefits	\$ 212,100	
Operating Expense	\$ 10,600	
Fixed Assets & Capital Outlay	\$ 5,000	
Vehicle & Equipment Maintenance	\$ 10,000	
Professional Services (Tree Spraying, Tree Trimming, Misc.)	\$ 149,000	
Subtotal - Tree Maintenance	<u> </u>	\$ 386,700

B. Debris Removal

Street Sweeping Contract	\$ 85,500	
Subtotal - Debris Removal	<u> </u>	\$ 85,500

C. Sidewalk, Curb, Gutter, Parking Strip Repair/Replacement

Construction Costs	\$ 230,000	
Supplies	\$ 500	
Design & Inspection	\$ 45,000	
Subtotal - S/W,C,G, & PS Repair/Replace	<u> </u>	\$ 275,500

Subtotal Tree/Debris/Sidewalk \$ 747,700

D. Incidentals

Indirect Costs & Administration	\$	93,500	
County Collection Fees	\$	15,000	
Subtotal - Incidentals			\$ 108,500
Contingency			\$ 95,231
Total Cost			\$ 951,431
Less Carryover - Tree Maintenance Fund			\$ (55,940)
Less General Fund Contribution - Tree Maint. Fund			\$ (141,000)
Less Carryover - Sidewalk Fund			\$ (20,424)
Less Gas Tax Contribution to Sidewalk Fund			\$ (120,000)
Net to Assessment			\$ 614,067

Revenue

Single Family Equivalent Benefit Units - Trees	8,529.77
Single Family Equivalent Benefit Units - Sidewalks	6,033.27

	2003/04	2002/03
Assessment Rate for Tree Fund/ SFE	\$ 51.69	\$ 51.69
Assessment Rate for Sidewalk Fund/ SFE	\$ 28.70	\$ 28.70

Revenue for Tree Fund	\$ 440,904
Revenue for Sidewalk Fund	\$ 173,155

Total Revenue * \$ **614,059**

* Total revenue is slightly less than SFEs times the assessment rate because all assessments are rounded down to the even penny.



**CITY OF MENLO PARK
Landscaping Assessment District**

METHOD OF ASSESSMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the maintenance, repair, and replacement of street trees, sidewalks, curbs, gutters, and parking strips throughout the City, and the methodology used to apportion the total assessment to properties within the Landscaping Assessment District.

The Landscaping Assessment District consists of all Assessor Parcels within the boundaries of the City of Menlo Park as defined by the County of San Mateo tax code areas. The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the Landscaping Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process: the first step is to identify the types of special benefit arising from the improvements and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to properties. This benefit is received by property over and above any general benefits and such benefit is not based on any one property owner's use of the amenities or a property owner's specific demographic status. With reference to the requirements for assessment, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

Article XIID, Section 4 of the California Constitution has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

In order to allocate the proposed assessments, the Engineer begins by identifying the types of special benefit arising from the maintenance, repair, and replacement of the aforementioned facilities and that would be provided to property within the District. These types of special benefit are as follows:

- Enhanced environment because of the vigorous street tree program for owners of property in the Landscaping Assessment District.

Residential properties benefit from the enhanced environment provided by a vigorous program to install and maintain the street trees at a level beyond that followed by other cities throughout the County. The increased use of street trees provides an atmosphere of beauty beyond the norm. The improvements to the trees will be available to residents and guests of properties within the District.

Non-residential properties also will benefit from these improvements in many ways. The use of street trees softens the environment making it more pleasant for employees during commute time and at breaks from their work. These improvements, therefore, enhance an employer's ability to attract and keep quality employees. The benefits to employers ultimately flow to the property because better employees improve the employment prospects for companies and enhanced economic conditions benefit the property by making it more valuable.

- Protection of views, scenery and other resources and environmental benefits enjoyed by residents, employees, customers and guests and preservation of public assets maintained by the City.

The proposed Landscaping Assessment District will provide funding to maintain and protect these public resources and facilities of the City. For example, the assessments will provide funding to trim and maintain the street trees to maintain them in a healthy condition. This benefits properties by maintaining and improving the public resources in the community.

- Increased safety.

An aggressive inspection program identifies hazardous conditions in sidewalks, curbs and gutters caused by street trees and allows for these conditions to be repaired on a timely basis. Timely repair of hazardous conditions greatly improves the overall safety of the environment, thereby enhancing the quality of life, which is a benefit ultimately to property.

- Enhanced quality of life and desirability of the area.

The assessments will provide funding to improve the City's street tree program, raising the quality to a more desired level, and to ensure that the sidewalks, curbs, and gutters remain operable, safe, clean and well maintained. Such improved and well-maintained facilities enhance the overall quality of life and desirability of the area. This is a benefit to residential, commercial and industrial properties.

- Specific enhancement of property values.

The above benefit factors, when applied to property in the District, create specific enhancement of property values. Well-maintained and improved street trees and sidewalk facilities are a true enhancement to any neighborhood. Values of commercial and industrial property increase based on the economic activity and the quality of public resources in the area.

GENERAL VERSUS SPECIAL BENEFIT

Article XIII D of the Constitution specifies that only special benefits are assessable and that the City must separate the general benefits from the special benefits conferred on any parcel. The complete analysis of special benefits and their allocation are found elsewhere in this report. For the Landscaping Assessment District, the City has identified a general benefit and has separated it from the special assessments.

The City's maintenance of street trees and sidewalk facilities provides a general benefit to the community and to the general public to some degree. The measure of this general benefit is the enhancement of the environment and safety provided to the greater public at large. This general benefit can be measured by the proportionate amount of time that the City's sidewalks and street trees are used and enjoyed by the greater public at large¹. It is reasonable to assume that approximately 1/4 or 25% of the usage and enjoyment of the improvements is by the greater public. Therefore, approximately 25% of the benefits conferred by the improvements are general in nature.

The City's total budget for maintenance and improvement of its trees and sidewalk facilities is \$951,431. Of this total budget amount, the City will contribute \$120,000 from sources other than the assessments for sidewalk repair and \$141,000 for street tree maintenance. This contribution by the City equates to approximately 27% of the total budget for maintenance, and when combined with the substantially larger reserve funds carried forward from Fiscal Year 2002-03, more than offsets the cost of the general benefits resulting from the improvements.

METHOD OF ASSESSMENT

The second step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalents (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated a SFE value, which is each property's relative benefit in relation to a single family home on one parcel. The "benchmark" property is the single family detached dwelling which is one Single Family Equivalent, or one SFE.

As stated previously, the special benefits derived from the assessments are conferred on property and are not based on a specific property owner's use of the improvements, on a specific property owner's occupancy of property, or the property owner's demographic status such as age or number of dependents. However, it is ultimately people who enjoy the special benefits described above, use and enjoy the City's trees and sidewalks, and control property values by placing a value on the special benefits to be provided by the improvements. In other words, the benefits derived to property are related the average number of people who could potentially live on, work at or otherwise could use a property, not how the property is currently used by the present owner. Therefore, the number of people who could or potentially live on, work at or otherwise use a property is an indicator of the relative level of benefit received by the property.

Benefit Factors - Street Trees

Properties with Street Trees

All improved residential properties that represent a single residential dwelling unit and have a street tree on or fronting the property are assigned 1.0 SFE. All single-family houses with tree(s) and those units in R-2 zones that are being used as single family dwellings (with trees) are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property and the relative number of people who reside in multi-family residential units compared to the average number of people who reside in a single-family home. The population density factors for the County of San Mateo are depicted below. The SFE

¹. The greater public at large is generally defined as those who are not residents, property owners, customers or employees within the City.

factors for condominium, townhouse, and multi-family parcels, as derived from relative dwelling unit population density, are also shown below.

Residential Assessment Factors

<i>Total Population</i>	<i>Occupied Households</i>	<i>Persons per Household</i>	<i>SFE Factor- Single Family Residential</i>	<i>SFE Factor- Condominium/ Townhouse</i>	<i>SFE Factor- Multi-Family Residential</i>
717,006	256,480	2.76	1.0	0.9	0.8

Source: 2000 Census, San Mateo County

The SFE factor for condominium, townhouse, and multi-family parcels is based on the ratio of average persons per household for the property type versus the average persons per household for a single family residential home. Multi-family units are assessed at 0.80 per unit up to a maximum of 4.0 SFE per parcel (maximum of 5 units multiplied by 0.80). Condominium and townhouse parcels are assessed at 0.90 per unit, up to a maximum of 4.5 SFEs per development (maximum of 5 units multiplied by 0.80).

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single-family residential property and the average commercial/industrial property. The average size of a parcel for a single-family home in the District is approximately 0.18 acres, and such single-family property has an SFE value of 1.0. Using the equivalence of benefit on a land area basis, improved commercial and industrial parcels of approximately 0.20 acres or less would also receive an SFE benefit factor of 1.0. Commercial and industrial parcels in excess of a fifth of an acre in size are assigned 1.0 SFE per 0.20 acre or portion thereof, and the maximum benefit factor for any commercial/industrial parcel is 5.0 SFE.

Vacant parcels are also benefited from the street tree improvement and maintenance program. An example of a benefit is enhancement of the visual appeal that will accrue to a vacant parcel from the presence or proximity of the community's street trees based on its future potential use. Undeveloped property also benefits from the installation and maintenance of street trees, because if the property is developed during the year, the street trees will be available to the developed property. The relative benefit to vacant property is determined to be generally equal to the benefit to a single-family home property. Therefore, vacant property with street tree(s) are assessed 1 SFE.

Properties without Street Trees

The special benefit factors are conferred on property can be defined by the benefits conferred to properties with and without street trees. The types of benefits conferred to all property in the community include protection of views, screening, and resource values and enhanced desirability of the area. A higher level of special benefits is conferred directly on parcels with street trees because these parcels obtain additional benefits from well-maintained, healthy trees fronting the property. The types of special benefits that are increased for properties with street trees include enhanced levels of safety and improved property appearance from healthy trees on the property. It is reasonable to assume that 50% of the benefits from maintaining and improving street trees in the community are conferred on all properties in the community. The other 50% of benefits are conferred directly on parcels with street trees. Therefore, parcels that do not have street trees on or fronting them are assigned an SFE benefit factor that is 50% of that for a similar property with street trees, since their special benefits are lower than similar parcels with street trees.

Benefit Factors - Sidewalk Program

The benefit factors for sidewalks, curbs, gutters and parking strips are closely related to a parcel's proximity to these improvements and the parcel's proximity to street trees. Street trees are the most common cause of sidewalk problems. Therefore, the highest benefit from the proposed sidewalk improvements is to properties with street trees and sidewalks, curbs and gutters, or street trees and parking strips and gutters, because without the maintenance work, these improvements would degrade more quickly, which would affect the parcel's appearance and safety. It is estimated that 1/3 of the special benefits are conferred to property with street trees and sidewalks or parking strips. Another 1/3 of the special benefits are conferred to property with street trees and curbs and gutters. Special benefit factors are also conferred on property without street trees or adjoining sidewalk, curb, gutter and/or parking strip improvements because residents, customers, employees and property owners of such parcels still benefit from these improvements in the community. It is estimated that the remaining 1/3 of the special benefit factors from the Sidewalk Program are conferred to all parcels in the community.

Consequently, properties with street trees and sidewalks or parking strips and curbs and gutters or valley gutters are assigned a benefit factor of 1 SFE. Properties with street trees, curbs and gutters are assigned a benefit factor of 0.67 SFE. If there are street trees but no improvements along the frontage of a parcel, or no street trees on a parcel, its benefit is 1/3 or 0.33 SFE.

Benefits - Other Properties

Improved, publicly owned parcels that are used for residential, commercial or industrial purposes are assessed at the rates specified previously. Other improved public property; institutional property and properties used for educational purposes, typically generate employees on a less consistent basis than other non-residential parcels. Moreover, many of these parcels provide some degree of on-site amenities that serve to offset some of the benefits from the District. Therefore, these parcels, with or without street trees, receive minimal benefit and are assessed an SFE factor of 1 for street tree assessments and an SFE factor of 1 for sidewalks, curbs and gutter assessments.

All properties that are specially benefited have been assessed. Agricultural parcels without living units, public right-of-way parcels, well, reservoir or other water rights parcels, unimproved open space parcels, watershed parcels and common area parcels generally provide recreational, open space and/or scenic benefits to the community. As such, they tend to provide similar benefits as provided by the improvements in the District. Any benefits they would receive from the landscaping maintenance are generally offset by the equivalent benefits they provide. Moreover, these parcels typically do not generate employees, residents or customers. Such parcels are, therefore, not specially benefited and are not assessed.

Appeals and Interpretation

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Director of Engineering Services of the City of Menlo Park or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Director of Engineering Services or his or her designee will promptly review the appeal and any information provided by the property owner. If the Director of Engineering Services or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County of San Mateo for collection, the Director of Engineering Services or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Director of Engineering Services or his or her designee shall be

referred to the City Council of the City of Menlo Park and the decision of the City Council of the City of Menlo Park shall be final.

TREE MAINTENANCE ASSESSMENTS

<i>Property Type</i>	<i>2003-04 Assessment Rates</i>
<i>Parcels with Trees</i>	
Single Family	\$51.69 (per Parcel)
R-2 Zone, in use as single family	\$51.69 (per Parcel)
Condominium/Townhouse	\$46.52 (per Unit, \$232.590 max. per Project)
Other Multi-family	\$41.35 (per Unit, \$206.76 max. per Project)
Commercial	\$51.69 (per 1/5 acre, \$258.450 max. per Project)
Industrial	\$51.69 (per 1/5 acre, \$258.450 max. per Project)
Parks, Educational	\$51.69 (per Parcel)
Miscellaneous, Other	\$0.00 (per Parcel)
<i>Parcels without Trees</i>	
Single Family	\$25.84 (per Parcel)
R-2 Zone, in use as single family	\$25.84 (per Parcel)
Condominium/Townhouse	\$23.26 (per Unit, \$116.26 max. per Project)
Other Multi-family	\$20.69 (per Unit, \$103.34 max. per Project)
Commercial	\$25.84 (per 1/5 acre, \$129.180 max.)
Industrial	\$25.84 (per 1/5 acre, \$129.180 max.)
Parks, Educational	\$25.84 (per Parcel)
Miscellaneous, Other	\$0.00 (per Parcel)

SIDEWALK, CURB, GUTTER, PARKING STRIP ASSESSMENTS

<i>Parcels with Trees</i>	<i>Prelim. Approved</i>
Sidewalks, curbs, gutters	\$28.70 (per Parcel)
Parking strips and gutters	\$28.70 (per Parcel)
Curbs and/or gutters only	\$19.12 (per Parcel)
No improvements	\$9.56 (per Parcel)
Miscellaneous, Other	\$0.00 (per Parcel)
<i>Parcels without Trees</i>	
Parcels with or without improvements	\$9.56 (per Parcel)
Miscellaneous, Other	\$0.00 (per Parcel)

* All total combined tree and sidewalk assessment amounts are rounded to the lower even penny.

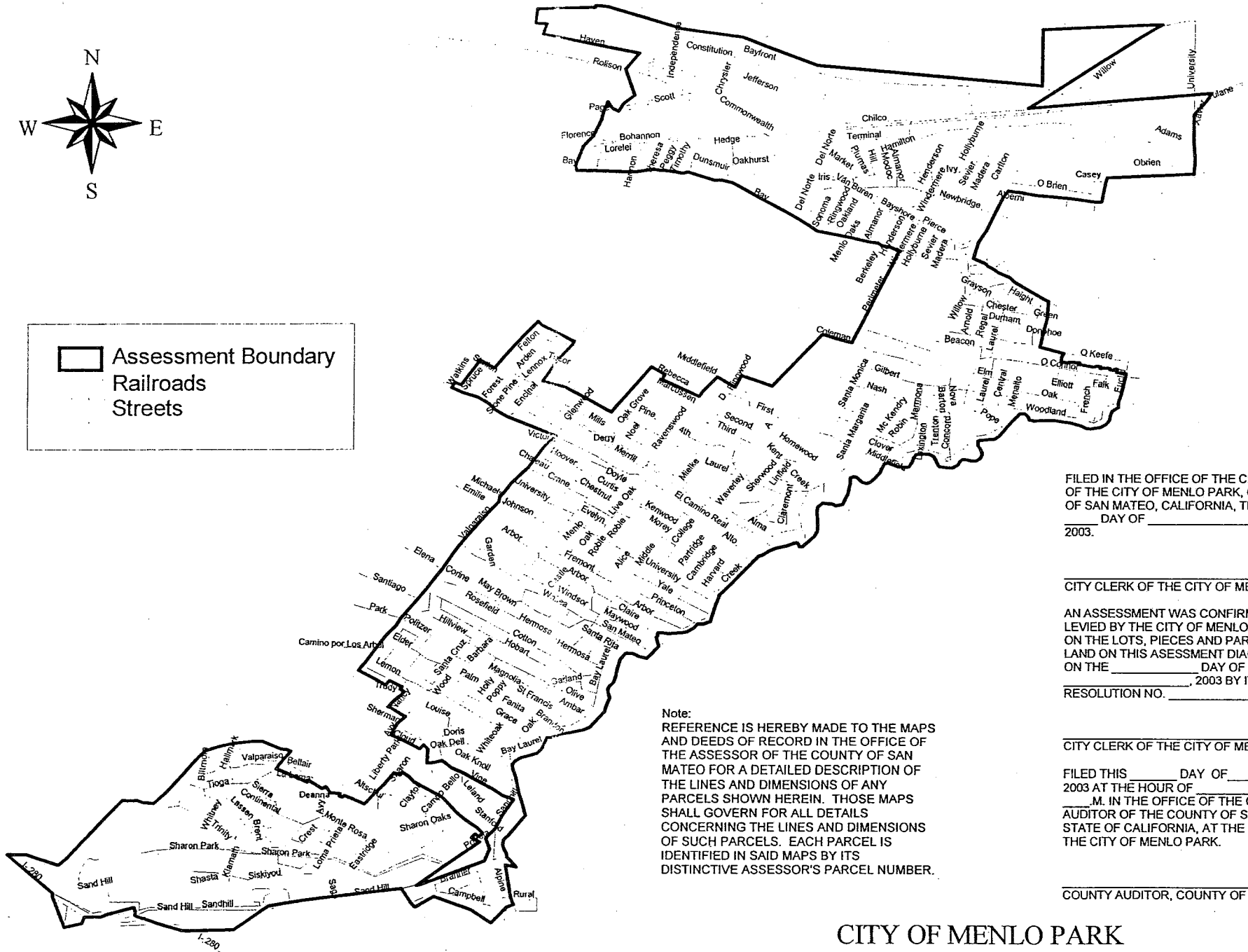
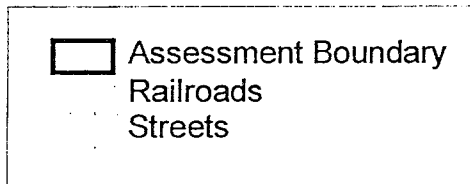
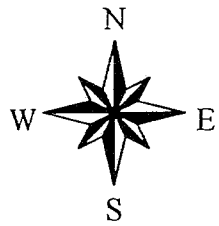


**CITY OF MENLO PARK
Landscaping Assessment District**

Assessment Diagram

The Landscaping Assessment District includes all properties within the boundaries of the City of Menlo Park.

The boundaries of the Landscaping Assessment District are displayed on the following Assessment Diagram.



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MENLO PARK, COUNTY OF SAN MATEO, CALIFORNIA, THIS _____ DAY OF _____ 2003.

CITY CLERK OF THE CITY OF MENLO PARK

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE CITY OF MENLO PARK ON THE LOTS, PIECES AND PARCELS OF LAND ON THIS ASSESSMENT DIAGRAM ON THE _____ DAY OF _____, 2003 BY ITS RESOLUTION NO. _____

CITY CLERK OF THE CITY OF MENLO PARK

FILED THIS _____ DAY OF _____ 2003 AT THE HOUR OF _____ O'CLOCK _____ M. IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AT THE REQUEST OF THE CITY OF MENLO PARK.

COUNTY AUDITOR, COUNTY OF SAN MATEO

Note:
 REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF SAN MATEO FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER.

Shilts Consultants, Inc.
 2300 Boynton Ave., Suite 201
 Fairfield, CA 94533

C18

**CITY OF MENLO PARK
 LANDSCAPING ASSESSMENT DISTRICT
 ASSESSMENT DIAGRAM**

**CITY OF MENLO PARK
Landscaping Assessment District**

ASSESSMENT ROLL

Fiscal Year 2003-04

Reference is hereby made to the Assessment Roll in and for said assessment proceedings on file in the office of the City Clerk of the City of Menlo Park, as said Assessment Roll is too voluminous to be bound with this Engineer's Report.

Office of Controller



TOM HUENING
CONTROLLER

COUNTY OF SAN MATEO

555 COUNTY CENTER, 4TH FLOOR • REDWOOD CITY • CALIFORNIA 94065

ROBERT G. ADLER
ASSISTANT CONTROLLER

KANCHAN K. CHARAN
DEPUTY CONTROLLER

TELEPHONE: (650) 363-4777

FAX: (650) 363-7888

www.co.sanmateo.ca.us/controller

March 28, 2003

City Of Menlo Park
Attn: Pat Stone, Public Works
701 Laurel Street
Menlo Park, CA 94025

RE: Menlo Park Tree Maintenance Charges

Dear Pat Stone:

As the State's fiscal crisis has become the problem of local government, all County departments have been asked to review fees, charge for services, and consolidate services where possible. Last week, a courtesy notice was faxed to your agency advising of the items on the March 25, 2003 Board of Supervisors agenda that, if approved, would increase the fees for the collection of Special Assessment Charges placed on the countywide property tax bill for cities and special districts. The Board unanimously approved the proposed increase of these fees.

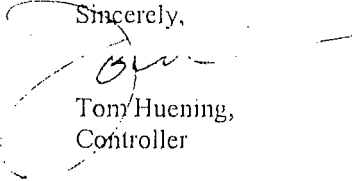
The current fee schedule was established in 1980; rates have not changed in the past twenty-three years. The current rates are 30 cents per electronic transaction and 50 cents per manual transaction. The County charges \$4.50 per transaction for changes submitted after the secured roll has been extended.

The new fee schedule, approved by the Board of Supervisors and effective for the fiscal year commencing July 1, 2003, is based on the comparable rates charged by other counties. Rates for adding special assessment transactions to the secured property tax bill will be \$1.25 if submitted electronically and \$1.75 if submitted manually. If our total charges, calculated based on these rates, exceed 5% of the gross charges submitted by an agency, we will reduce our rate to 30 cents per transaction. We will charge \$25 per transaction for changes made after the secured roll has been extended. Starting fiscal year 2004-05, we will no longer accept transactions submitted manually.

Enclosed is the Notice and Request to Modify Compensation Schedule for Special Assessments for the fiscal year commencing July 1, 2003. If you agree to have the County collect your special assessments on the countywide property tax bill for the compensation set forth in this notice, please have an authorized person from your city or special district sign and return the attached notice by June 15, 2003. **In order to process FY03-04 charges, we will need your authorization and acceptance of the modified compensation schedule.**

I understand that all local government agencies are under great financial pressure these days. Please note that your agency may be authorized to increase assessments by an amount equal to that charged by the County per government code section 29304. Please consult your legal counsel.

Sincerely,


Tom Huening,
Controller

Enclosure: Notice and Request to Modify Compensation Schedule for Special Assessments

DI

**NOTICE AND REQUEST TO MODIFY
COMPENSATION SCHEDULE FOR SPECIAL ASSESSMENTS**

THE CITY OF MENLO PARK IS HEREBY NOTIFIED that the County of San Mateo (the "County") will not renew its Agreement for Compensation to County of San Mateo for Collection of Special Assessment Charges (the "Agreement") between the County and City Of Menlo Park for Menlo Park Tree Maintenance Charges on the same terms and conditions for fiscal year 2003-04. The County hereby proposes to modify the compensation schedule set forth in paragraph (6) of the Agreement as follows:

- (a) \$1.25 per transaction if submitted in electronic format (diskette, CD, magnetic tape, or electronic mail), unless fees collected are 5% or more of total charges, in which case the rate will remain at \$.30 per transaction.
- (b) \$1.75 per transaction if submitted in hardcopy. Beginning fiscal year 2003-04, all transactions from cities and special districts will be required to be submitted in electronic format.
- (c) \$25 per transaction for each correction after the tax roll has been prepared.
- (d) Any city or special district, whose fees amount to \$10.00 or less, will be waived due to its immaterial fiscal impact.

Modification of the compensation schedule is subject to mutual agreement of the parties. If you agree to have the County collect your special assessment charges on the countywide property tax bill for the compensation set forth above, please have an authorized person from your city or special district sign where indicated below, returning the signed original to Kanchan Charan, Deputy Controller, Controller's Office, County of San Mateo, 555 County Center, 4th Floor, Redwood City, CA 94063 no later than June 15, 2003.

* * * * *

The County of San Mateo and City Of Menlo Park hereby agree to modify the compensation schedule for the collection of the Menlo Park Tree Maintenance Charges as set forth herein commencing with the 2003-04 fiscal year. All other terms and conditions of the Agreement shall remain the same.

COUNTY OF SAN MATEO

CITY OF MENLO PARK

By: _____
President, Board of Supervisors

By: _____

Its: _____

Dated: _____

Dated: _____

D2



TRANSPORTATION DIVISION

Council Meeting Date: May 20, 2003

Staff Report # 03-084

Agenda Item: # D2

CONSENT CALENDAR: (1) Award of Contract for the Traffic Signal Installation at Valparaiso Avenue and University Drive to Pacific Electric Company in the Amount of \$120,000; and (2) Authorization of a Budget of \$150,000 for Construction, Contingencies, Testing, Engineering, Inspection, and Construction Administration.

RECOMMENDATION

Staff recommends that the City Council:

1. Award a contract for the Traffic Signal Installation at Valparaiso Avenue and University Drive to Pacific Electric Company in the amount of \$120,000; and,
2. Authorize a budget in the amount of \$150,000 for construction, contingencies, testing, engineering, inspection and construction administration.

BACKGROUND

On January 14, 2003, the City Council approved the design for the following improvements for the Valparaiso Corridor Project:

1. Install a traffic signal at the intersection of Valparaiso Avenue and El Camino Real.
2. Modify signal timing at the intersection of El Camino Real and Valparaiso Avenue for the purpose of reducing current congestion and queuing on Valparaiso Avenue.
3. Restrict left turn access on Valparaiso Avenue to and from the private parking lot near the southwest corner of the intersection of Valparaiso Avenue and El Camino Real.
4. Install chatter bars and modify the median island on Valparaiso Avenue at Victoria Drive.

The City Council approved the appropriation of \$180,000 from the Measure "A" Account to implement the abovementioned Improvements and authorized the City Manager to negotiate and enter into an agreement with the Town of Atherton to share the cost of implementation and maintenance of the improvements.

On March 11, 2003, the City of Menlo Park and the Town of Atherton entered into an agreement to share equally the cost of implementation of the improvements.

ANALYSIS

Traffic Signal Installation at Valparaiso Avenue and University Drive Scope of Work

The work to be done consists of; 1) installing a new traffic signal and highway lighting system including traffic signal controller and controller cabinet, traffic signal standards, vehicle and pedestrian signal heads, and video detectors; 2) removing existing traffic striping; 3) and installing new traffic striping and marking and pavement markers at the intersection of Valparaiso Avenue and University Drive.

Bid Result

A request for bids for the installation of the traffic signal at the intersection of Valparaiso Avenue and University Drive was advertised on March 26, 2003. On April 23, 2003, the following bids were received and opened:

Contractor	Bid Amount
1. Pacific Electric Company	\$120,000.00
2. Columbia Electric, Inc.	\$138,150.00
3. Brown & Fesler, Inc.	\$140,516.00
4. W. Bradley Construction	\$145,000.00
5. Richard A. Heaps Electrical Contractor, Inc.	\$145,209.00
6. Mike Brown Electric Co.	\$159,514.00
7. Steiny & Company, Inc.	\$166,472.00
8. Giacalone Electrical Services, Inc.	\$169,000.00
9. Rosendin Electric, Inc.	\$172,244.10
10. Tennyson Electric, Inc.	\$177,943.00

Pacific Electric Company's bid of \$120,000.00 is 17 percent lower than the Engineer's Estimate of \$145,000.00.

Staff has reviewed Pacific Electric Company's references and is satisfied with the firm's qualifications. The City has also received the Town of Atherton's consent to award the contract for this project to Pacific Electric Company.

Construction Schedule

Contingent on the availability and delivery schedule of the traffic signal poles and equipment, the City plans to send the Notice to Proceed to Pacific Electric Company in the beginning of July 2003. The work under this contract is required to be completed in 40 working days. Staff projects that the construction will be completed in August 2003, before school starts.

Status of Other Improvements

The City's contractor, Transcore, is currently modifying the traffic signal timing of the signalized intersections along the El Camino Real corridor within the City of Menlo Park, including the intersection of El Camino Real and Valparaiso Avenue. Staff anticipates the completion of this signal timing modification by the end of May 2003.

The City recently hired Chrisp Company to install the chatter bars and modify the median island on Valparaiso Avenue at Victoria Drive and install the left-turn restriction signs on Valparaiso Avenue to and from the private parking lot near the southwest corner of the intersection of Valparaiso Avenue and El Camino Real. Staff expects the completion of this project by the end of May 2003.

IMPACT ON CITY RESOURCES

The total construction cost for the traffic signal installation at Valparaiso Avenue and University Drive consists of the following:

Construction Contract Amount	\$ 120,000
Contingencies (10%)	<u>12,000</u>
Total Contract	\$ 132,000
City Engineering/Inspection/Testing/Admin	<u>18,000</u>
Total Construction Cost	\$ 150,000

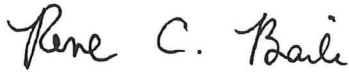
This amount is included in the \$180,000 that the City Council appropriated from Measure "A" account to fund the implementation of improvements for the Valparaiso Corridor. Upon completion of the project, the Town of Atherton will reimburse the City 50 percent of the project costs or up to \$75,000.

POLICY ISSUES

This project is in line with several policies in the 1994 General Plan Circulation and Transportation Element. Policies II-A-2, II-A-14 and II-E-3 seek to maintain a circulation system using the Roadway Classification System that will provide for the safe and efficient movement of people and goods throughout Menlo Park for residential and commercial purposes.

ENVIRONMENTAL REVIEW

The project is exempt under Class 1 of the current State California Environmental Quality Act Guidelines. Class 1 allows for minor alterations of existing facilities, including existing highways and streets, sidewalks, gutters, bicycle, and pedestrian access and similar facilities, as long as there is negligible or no expansion of use.



Rene C. Baile
Transportation Engineer
Report Author



Jamal Rahimi
Transportation Manager

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



PUBLIC WORKS DEPARTMENT

Council Meeting Date: May 20, 2003

Staff Report #: 03-088

Agenda Item #: D3

CONSENT CALENDAR: 1) Award of Contract to O'Grady Paving, Inc. for the Marsh Road, Oak Grove Avenue, Sand Hill Road, and University Drive Resurfacing Project in the Amount of \$408,101; and 2) Authorization of a Project Budget in the Amount of \$551,317 to Cover Construction, Contingencies, Material Testing and Construction Administration.

RECOMMENDATION

Staff recommends that the City Council award the contract for the Marsh Road, Oak Grove Avenue, Sand Hill Road, and University Drive Resurfacing Project to O'Grady Paving, Inc. in the amount of \$408,101, and authorize a budget in the amount of \$551,317 for construction, contingencies, material testing and construction administration.

BACKGROUND

At its meeting of February 29, 2000, the City Council adopted a resolution authorizing the City Manager to submit an application for Federal transportation funds from the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) Program for pavement rehabilitation and resurfacing. The application was approved with the following federal funding limits:

1. Marsh Road:	\$ 89,000
2. Oak Grove Avenue:	\$ 35,000
3. University Drive:	\$ 87,000
4. Sand Hill Road:	<u>\$139,000</u>
Total Federal Funding:	\$350,000

As part of the grant approval, the City was required to undertake certain state and federal program requirements. These requirements included site condition surveys, data collection and field reviews with the State Department of Transportation (Caltrans) acting as agent for the Federal government. Also required as part of the grant was the implementation of a Disadvantage Business Enterprise Program (DBE) specifically tailored to Menlo Park. It has taken staff over two years to complete the Federal requirements and set up the complex programs required by the grant in addition to completing the plans, specifications, estimates, and the advertising and bidding required by the grant.

This project will repair damaged pavement sections and resurface Sand Hill Road from Branner Avenue to Monte Rosa Drive; University Drive from Millie Avenue to Oak Lane; Oak Grove Avenue from El Camino Real to Chestnut Street; and Marsh Road from Bay Road to Bohannon Drive.

On Marsh Road, a new sidewalk will be installed on the eastern side of the road from Bay Road to 990 Marsh Road. As a site development condition of approval, the developer of 990 Marsh Road deposited \$30,000 to cover the cost for the sidewalk installation.

ANALYSIS

On April 24, 2003, bids were opened for the project. Eight bids were received. The apparent lowest responsible bidder was O'Grady Paving, Inc. of Mountain View with a bid in the amount of \$408,101. Attached is the bid summary.

Staff has checked O'Grady's references and is satisfied with the contractor's past performance.

IMPACT ON CITY RESOURCES

Proposed Project Budget:

Contract Amount	\$408,101
Contingencies (15%)	\$ 61,216
City Engineering/Inspection/Testing	<u>\$ 82,000</u>
Total Project Cost	\$551,317
Total Federal Reimbursement:	<u>\$350,000</u>
Net Budget Impact:	\$201,317

Project Funding:

Funding is available in the FY 2002-03 budget. The total project budget consists of :


Highway Users Tax fund:	\$350,000
Total Federal Reimbursement:	<u>\$350,000</u>
Budget:	\$700,000

POLICY ISSUES

There are no policy issues associated with this staff report.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Class I of the current State of California Environmental Quality Act (CEQA) Guidelines and the City of Menlo Park's Environmental Review and Implementing Procedures.



Yaw Owusu
Supervising Engineer



Rodolfo Ordoñez
Senior Technician

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

ATTACHMENTS: A. Bid Summary

**PROJECT:
MARSH ROAD, OAK GROVE AVENUE,
SAND HILL ROAD, AND UNIVERSITY
AVENUE RESURFACING PROJECT**

**BID OPENING DATE:
APRIL 24, 2003**

Engineer's Estimate
\$565,500

CONTRACTOR	BID AMOUNT
O'Grady Paving, Inc.	\$408,101
Interstate Grading & Paving Co.	\$425,427
DeSilva Gates Construction	\$427,386
G. Bortolotto & Co.	\$430,975
El Camino Paving, Inc.	\$452,691
O.C. Jones & Sons	\$456,640
Granite Rock Company DBA	\$496,420
C.F. Archibald	\$498,277

11





HOUSING AND REDEVELOPMENT

Agency/Council Meeting Date: May 20, 2003

Staff Report #: 03-085

Agenda Item #: D-4

CONSENT CALENDAR: Community Development Agency Approval of a One Year Extension to the Exclusive Negotiating Rights Agreement (ENRA) with Peninsula Habitat for Humanity for the Property Located at 297 Terminal Avenue, and Authorization of the Executive Director to Execute the Extension Agreement.

RECOMMENDATION

Staff recommends that the Community Development Agency approve a one year extension to the Exclusive Negotiating Rights Agreement (ENRA) with Peninsula Habitat for Humanity (Habitat) for the property located at 297 Terminal Avenue, and authorize the Executive Director to execute the Extension Agreement.

BACKGROUND

Peninsula Habitat for Humanity proposes to develop 22 for-sale, single-family homes for families earning up to 50% of the median income in San Mateo County. The Community Development Agency of the City of Menlo Park (Agency) entered into an Exclusive Negotiation Rights Agreement (ENRA) with Habitat on November 27, 2001. The ENRA establishes a framework for the Agency and Habitat to negotiate, over a stipulated period of time, the terms of a Disposition and Development Agreement (DDA) for the acquisition and development of the property by Habitat. In anticipation of development of the property, Habitat purchased 297 Terminal Avenue as a means of access to the property. The ENRA states that if the process terminates without resulting in an executed DDA, the Agency agrees to purchase 297 Terminal Avenue from Habitat for \$481,590.

ANALYSIS

Two six-month extensions to the ENRA have been executed, resulting in an extension of the ENRA period to May 28, 2003. An additional one-year extension is proposed, with the option for a further six-month extension. The earlier extensions have been required for Habitat to prepare a development application, and for Habitat to initiate and the Agency to extend the environmental investigation. The proposed extension would allow time for review of the application, to complete the environmental investigation and

to undertake any required remediation. These activities are expected to require at least one year to accomplish.

Progress Toward Development

Habitat held two neighborhood meetings regarding the proposal and attended a Planning Commission study session. All of the meetings were held at the Senior Center in Belle Haven. The first neighborhood meeting was held on November 20, 2001 and the second neighborhood meeting was held on July 18, 2002. The Planning Commission Study Meeting was held on August 5, 2002. Attendees raised concerns related to traffic, site access and drainage, asked questions about the anticipated sales prices of the houses and expressed preferences for local residents to be given priority.

On October 9, 2002, Habitat submitted an application for development with the City to rezone the site from Unclassified and R-1-U to R-3-X, a Conditional Development Permit, and a Major Subdivision. The City-owned property has a General Plan land use designation of Medium Density Residential, which is consistent with the proposed project. The proposed project would also require a General Plan amendment for this property to change the designation of the remaining portions of the site from Low Density Residential to Medium Density Residential. It will also require environmental review.

Traffic analysis conducted by staff determined that an Environmental Impact Report (EIR) will be required to address significant traffic impacts on Terminal Avenue and possibly on Almanor Avenue. To accomplish the preparation of the required EIR, the City Council directed, at its April 29, 2003 meeting, that the Habitat site be included in the EIR that is being prepared for the Housing Element. The draft EIR for the Housing Element will be released in late July 2003 at the earliest. Depending on Council direction, the earliest that a Final EIR would be available for Agency Board action would be January 2004.

Soil contamination and potential impacts of a planned commuter rail service adjacent to the site will require a Mitigated Negative Declaration. If adequate mitigations cannot be identified for either the soil contamination or the impacts of the planned rail line, then an EIR will be required to address the unmitigatable impacts. If final approval of the application is delayed as a result of the environmental study and review, approval of the DDA could take a year or more. If more time is needed and the applicant has made a good faith effort, the Executive Director of the Agency shall have the authority to approve up to an additional six-month extension as provided for in the proposed Extension Agreement.

IMPACT ON CITY RESOURCES

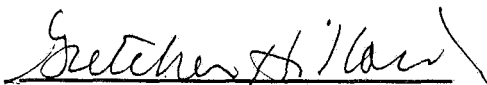
In the event that the Exclusive Negotiating Rights Agreement does not result in a recorded DDA, under the terms of ENRA, the Agency agreed to acquire 297 Terminal Avenue for \$481,590. The funds would be taken from the Redevelopment Tax Increment Housing Fund.

POLICY ISSUES

The recommendation does not represent any change to City policies.

ENVIRONMENTAL REVIEW

An extension to an Exclusive Negotiating Rights Agreement is not a project under current California Environmental Quality Act Guidelines.



Gretchen Hillard
Housing and Redevelopment Manager
Report Author



Don de la Pena
Director of Housing and Redevelopment

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

ATTACHMENTS

- A. Letter of Agreement Between Peninsula Habitat for Humanity, Inc. and the Community Development Agency of the City of Menlo Park
- B. Exclusive Negotiating Rights Agreement between the Community Development Agency of the City of Menlo Park and Peninsula Habitat for Humanity
- C. Letter of Agreement dated May 6, 2002
- D. Letter of Agreement dated November 27, 2002
- E. Map of the property

ATTACHMENT A

TERMINAL AVENUE DEVELOPMENT

LETTER OF AGREEMENT
BETWEEN PENINSULA HABITAT FOR HUMANITY, INC.
AND THE COMMUNITY DEVELOPMENT AGENCY OF
THE CITY OF MENLO PARK

Pursuant to the discussions between Peninsula Habitat for Humanity, Inc. and the Community Development Agency of the City of Menlo, this agreement is to modify the Exclusive Negotiating Rights Agreement entered into on November 27, 2001 and amended on May 6, 2002.

The agreement is modified as follows:

- The Community Development Agency of the City of Menlo Park (a public body) and Peninsula Habitat for Humanity (a non-profit corporation) agree to extend the term of the ENRA agreement for one year, to expire May 29, 2004.
- The Community Development Agency of the City of Menlo Park shall have authority to approve a further extension of not to exceed six months from May 28, 2004. In the event, due to no fault of Peninsula Habitat for Humanity, the parties have not executed a Disposition and Development Agreement by May 28, 2004, the Executive Director of the Community Development Agency of the City of Menlo Park shall have authority to extend the Exclusive Negotiating Rights Agreement for a period of not to exceed six months from May 29, 2004.
- All other terms and conditions remain the same.

Agreed:

Community Development Agency
of the City of Menlo Park.
Executive Director

Peninsula Habitat for Humanity, Inc
Executive Director

Date: -----

Date: -----

ATTACHMENT B

EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT

This EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT ("Agreement") is entered into this 28TH day of NOVEMBER, 2001 by and between the COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MENLO PARK, a public body, ("Agency"), and HABITAT FOR HUMANITY, INC., a non-profit corporation ("Habitat") (collectively, the "Parties") with reference to the following:

A. The Agency intends to acquire from the City of Menlo Park ("City"), land consisting of approximately 65,000 square feet, located behind the single family residential properties along Terminal Avenue, along the Joint Powers rail tracks between the land leased by the City to Beechwood School and the land leased by the City to the Menlo Park Fire Protection District on Chilco Ave., all as more particularly shown in Exhibit A, hereto ("Property") for the development of affordable housing.

B. The Agency and Habitat desire to cooperate for an exclusive period for the purpose of negotiating the terms of a disposition and development agreement ("DDA") for the acquisition and development by Habitat of the Property. Habitat intends to develop an owner-occupied affordable housing on the Property.

C. In anticipation of the development of the Property, Habitat has purchased that certain property commonly known as 297 Terminal Avenue, as more particularly described in Exhibit B, hereto, ("Terminal Property") in order to have a means for accessing the Property.

D. The Agency and Habitat desire to set forth in this Agreement their understanding of the general terms and conditions which will be included in any DDA by and between the Agency and Habitat.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. EXCLUSIVE NEGOTIATIONS. Subject to all the terms and conditions of this Agreement, the Parties agree for the time period set forth below to negotiate diligently and in good faith the terms and conditions of a DDA, providing for the development of owner-occupied affordable housing for low income persons on the Property.

1.1 Term. This Agreement shall be effective for a period of six (6) months from the date of final execution by the Parties unless earlier terminated or extended as provided herein. ("Termination Date").

1.2 Termination. If, on the Termination Date, the Parties have not executed a DDA for the sale and development of the Property to Habitat, this

1

(B1)

Agreement shall terminate and the Agency shall be released from all obligations and liabilities arising from this Agreement, except that the Agency shall be obligated to purchase from Habitat the Terminal Property for the price of Four Hundred Eighty One thousand Five Hundred and Ninety Dollars (\$481,590.00).

1.3 Major Provisions of DDA. The DDA shall provide for the following terms:

1.3.1 Affordable Housing. Habitat acknowledges that the sole reason for the Agency to enter into this Agreement and a DDA with Habitat is the desire to place affordable housing on the Property. As such, the DDA shall specify that Habitat shall build owner-occupied affordable housing for low income persons living and/or working in the City of Menlo Park and that the sale or transfer of the completed housing shall be subject to recorded resale restrictions to ensure that such housing remains affordable to low income persons living and/or working in the City of Menlo Park. The restrictions shall be subject to review and approval of the parties hereto.

1.3.2 Project Review and Approval. The number and types of housing units which Habitat will build on the Property shall be subject to the normal City review and approval process and may include but shall not be limited to a General Plan Amendment, Zoning Amendment, Use Permit and/or Final Subdivision Map approval.

1.3.3 Mitigation Measures. Habitat shall be responsible for paying to the City or the Agency, as applicable, the costs of any mitigation measures required pursuant to any required environmental review.

1.3.4 Building, Planning and Engineering Fees. Habitat shall pay planning, engineering and building fees based on the City's adopted fee schedule in effect at the time of the DDA approval, provided that the fees imposed on Habitat apply throughout the City.

2. DUE DILIGENCE ACTIVITIES. During the term of this Agreement Habitat and the Agency shall undertake the following activities designed to determine the feasibility of Habitat's proposed development on the Property.

2.1 Environmental Review. The California Environment Quality Act (CEQA) is applicable to the project contemplated by this Agreement. Habitat shall develop data and information to determine the environmental impact of any proposed development in order to obtain environmental clearance. Agency may provide assistance to Habitat in working with the City to obtain the necessary environmental clearance, but all costs shall be the responsibility of Habitat.

2.2 Due Diligence.

2.2.1 The Agency and Habitat acknowledge that Habitat may perform certain due diligence prior to the execution of the DDA and shall make reasonable efforts to perform as much due diligence as is reasonably possible beginning on and continuing from the date of this Agreement. Within ten (10) days of

B2

the date of this Agreement, the Agency will provide Habitat with all reports, studies and documents which it has relating to the condition of the Property and its suitability and requirements for development. Habitat shall be responsible for obtaining, at its sole expense, any and all additional documents related to the Property, such as title reports, surveys or feasibility studies which Habitat deems necessary to conduct due diligence prior to entering into a DDA.

2.2.2 During the term of this Agreement, Habitat, in its sole and absolute discretion, shall have determined that the Property is preliminarily acceptable to Habitat. Habitat shall determine the same from review of information furnished by the Agency pursuant to this Agreement, market studies, inspections, and any other inquiries or other examinations, studies or evaluations, if any, which Habitat elects to perform or to have performed, and by taking into consideration such facts as Habitat deems relevant. If Habitat determines that such condition is not satisfied, Habitat may terminate this Agreement and Habitat and the Agency shall thereafter be released from any liability or obligation hereunder, except as provided in Section 1.2 hereof.

2.2.3 The Agency and the City shall provide Habitat with rights to enter any portion of the Property currently owned by the Agency or the City in order to conduct its due diligence. Habitat shall indemnify, defend and hold harmless the Agency, the City, their board members, employees, and agents from any claims that may arise as a result of Habitat's entry on the Property. Habitat shall be responsible for restoring the Property to its original condition after conducting any tests.

3. DEVELOPMENT COSTS; COOPERATION.

3.1 Preconstruction Development Costs. Habitat shall fund all pre-development costs associated the project contemplated by this Agreement, including but not limited to preparation of the necessary studies, reports and analyses, design drawings, toxic studies, environmental studies and traffic studies, if any, that may be required.

3.2 Cooperation. This Agreement requires a high degree of cooperation, mutual trust, candor and sharing of technical, economic and legal expertise between the parties hereto. The Parties hereby covenant to use their best efforts in good faith to identify, cooperate regarding, and attain mutually fair solutions to all issues which arise incident to implementing this Agreement.

4. LIMITATION ON EFFECT OF AGREEMENT. It is expressly understood and agreed by the Parties hereto that this is a contract regarding working with the Agency and the preparation of possible alternatives for environmental review, and does not convey any interest in the Property nor create the terms of a potential DDA or other agreement or project whatsoever. It is further agreed and understood that by the execution of this Agreement, Agency is not committing itself to, approving or agreeing to undertake: (a) the acquisition of any property; (b) any disposition of land to Habitat; or (c) any other acts or activities requiring the subsequent independent exercise of discretion by the Agency or any agency or department thereof. This Agreement does not constitute approval of a project, the desire to approve a project, a disposition of

property or exercise of control over property by the Agency, and does not require a public hearing.

5. REAL ESTATE COMMISSIONS. Agency shall not be liable for any real estate commission or brokerage fee which may arise herefrom. Agency represents that it has engaged no broker, agent or finder in connection with the project contemplated by this Agreement and Habitat agrees to hold Agency harmless from any claim by any broker agent or finder with regard to the Property.

6. BREACH AND TERMINATION. This Agreement may only be terminated by either party in writing in accordance with this Section.

6.1 Failure of any party to perform any material term of this Agreement shall constitute a breach or default hereof. The breaching party immediately shall begin to cure, correct or remedy the breach upon notice of the breach from the nonbreaching party, and shall commence the remedy or cure with reasonable diligence within a reasonable time. The injured party shall give written notice of the breach to the breaching party, specifying the condition of breach. Except as necessary to prevent further damage, the injured party shall not commence any legal proceeding against the breaching party or terminate this Agreement until thirty (30) days after giving written notice of the breach if a cure has not commenced. Delay in giving notice of breach shall not comprise a waiver of any breach. Failure to cure a breach as provided herein shall entitle the injured party, at its election, to terminate this Agreement.

6.2 Subject to the provisions of Section 6.1, above, Agency may terminate this Agreement if Habitat breaches any material term of this Agreement and fails in a timely manner to cure the breach or condition of default. Subject to the provisions of Section 6.1, above, Habitat may, at its election, terminate this Agreement if Agency breaches any material term of this Agreement and fails in a timely manner to cure the breach or condition of default. In the event of a termination pursuant to this Section 6.2, the Agency's sole remedy shall be the payment of Agency costs and the Agency shall have no further remedies against Habitat. In the event of a termination by Habitat pursuant to this section 6.2., Habitat's sole remedy shall be repayment to Habitat of the funds expended for the purchase of the Terminal Property in accordance with Section 1.2.

7. INDEMNIFICATION. Habitat shall defend, indemnify and hold harmless Agency, the City and its officers, employees and agents against any claim, loss or liability arising out of or resulting in any way from work performed under this Agreement by Habitat and/or Habitat's principles, officers or agents. This indemnification shall survive the expiration or other termination of this Agreement.

8. MISCELLANEOUS PROVISIONS

8.1 No Binding Contract. This Agreement shall be for the purpose of the Parties to negotiate in good faith towards the execution of a DDA or similar

34

agreement between the Parties. Upon termination of this Agreement no party shall have any rights, legal or equitable, against the other parties, except for the right to repayment provided for in Sections 1.2 (Termination) and 6 (Breach and Termination) of this Agreement.

8.2 Assignment. Habitat's rights under this Agreement shall not be assigned without the Agency's written consent, and any assignment which is in violation of this section shall be void.

8.3 No Partnership. Neither the terms of this Agreement nor any acts of the Parties implied by its terms shall be deemed or construed to create the relationship of a partnership or joint venture between the Agency and Habitat.

8.4 Notices. Notices shall be in writing and shall be served either personally or delivered by first class or express U.S. mail with postage prepaid, return receipt requested pursuant to registered or certified mail, or by nationally recognized overnight commercial courier service with charges prepaid. Notices may also be given effectively by transmittal by facsimile or other electronic transmitting device if the party to whom the notice is being sent has a receiving device in its office and provided that a complete copy of the notice shall also be serviced either personally or in the same manner as required for a mailed notice. Notices shall be deemed received at the earlier of actual receipt or (a) in the case of delivery by courier service with guarantees same-day or next-day delivery the day designated for delivery, (b) in the case of certified United States mail, three (3) days following deposit in the U.S. mail with postage prepaid or (c) in the case of telecopy, the date upon which the transmitting party received confirmation of receipt by telecopy, telephone or otherwise. Notices shall be directed as follows:

If to Agency: Community Development Agency of the City of
Menlo Park
701 Laurel Street
Menlo Park, California 94025
Attn: Don de la Pena

If to Habitat: Habitat for Humanity, Inc.
1010 Doyle Street, Suite 7
Menlo Park, California 94025
Attn: Mark Moulton

8.5 Non-Liability of Officials, Employees and Agents. No member, official, employee or agent of the Agency shall be personally liable to Habitat in the event of any default or breach of this Agreement by the Agency, or for any amount which may become due to Habitat or any of its successors in interest.

B5

8.6 Waiver. Habitat agrees that a waiver by Agency of any breach or violation of any term or condition of this Agreement shall not be deemed to be a waiver of any other term or condition contained herein or a waiver of any subsequent breach or violation of the same or any other term or condition.

8.7 Prior Agreements and Amendments. This Agreement, including all Exhibits hereto represent the entire understanding of the Parties as to those matter contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may only be modified by a written amendment duly executed by the Parties.

8.8 Governing Law. This Agreement shall be governed by and interpreted under the laws of the State of California.

8.9 Title of Parts and Sections. Any titles of the Sections or Subsections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any part of this Agreement.

8.10 Authority. The undersigned hereby represent and warrant that they are authorized by the parties to execute this Agreement.

IN WITNESS WHEREOF, the Parties have executed the Agreement as of the date first written above.

AGENCY:


COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF MENLO PARK, a public
body corporate and politic

By: 

Its: _____

HABITAT:

HABITAT FOR HUMANITY, INC., a non-
profit corporation

By: 

Its: EXECUTIVE DIRECTOR

(B6)

EXHIBIT A

The Property Located Behind Properties Fronting on the North Side of Terminal Avenue, Between the Beechwood School and Menlo Park Fire Protection District Station No. 77, and South of the Joint Powers Authority Owned Railroad Right of Way, Including 297 Terminal Avenue.

MAP OF PROPERTY

(B7)

EXHIBIT B

TERMINAL PROPERTY

Lot 26 in Block 33, as shown on that certain map entitled "TRACT NO. 1, BLOCKS 18 TO 35, BELLE HAVEN CITY, IN THE COUNTY OF SAN MATEO," filed in the office of the County Recorder of San Mateo County, State of California, on May 28, 1932 in Book 20 of Maps at pages(s) 5, 6 and 7.

38

ATTACHMENT C

TERMINAL AVENUE DEVELOPMENT

LETTER OF AGREEMENT
BETWEEN PENINSULA HABITAT FOR HUMANITY, INC.
AND THE CITY OF MENLO PARK

Pursuant to the discussions between Peninsula Habitat for Humanity, Inc. and the City of Menlo Park, this agreement is to modify the Exclusive Negotiating Rights Agreement entered into on the 28th of November 2001.

The agreement is modified as follows:

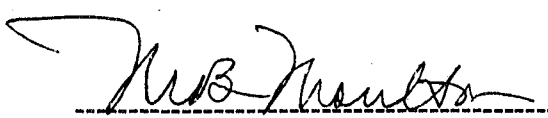
- The Community Development Agency of the City of Menlo Park (a public body) and Peninsula Habitat for Humanity (a non-profit corporation) agree to extend the term of the ENRA agreement for an additional six (6) months beyond the time specified. The termination date would be one (1) year from the final execution date.
- Additionally both parties upon written agreement would have the option to extend the agreement another six(6) months beyond the one(1) year period .
- All other terms and conditions remain the same.

Agreed:



City of Menlo Park
City Manager

Date: 5/6/02



Peninsula Habitat for Humanity, Inc.
Executive Director

Date: 5/1/02



ATTACHMENT D

TERMINAL AVENUE DEVELOPMENT

LETTER OF AGREEMENT
BETWEEN PENINSULA HABITAT FOR HUMANITY, INC.
AND THE CITY OF MENLO PARK

Pursuant to the discussions between Peninsula Habitat for Humanity, Inc. and the City of Menlo Park, this agreement is to modify the Exclusive Negotiating Rights Agreement entered into on the 28th of November 2001 and amended on May 6, 2002.

The agreement is modified as follows:

- The Community Development Agency of the City of Menlo Park (a public body) and Peninsula Habitat for Humanity (a non-profit corporation) agree to extend the term of the ENRA agreement for an additional six (6) months beyond the time specified. The termination date would be May 28, 2003. All other terms and conditions remain the same.

Agreed:

Andrey Seymour, Acting

City of Menlo Park
City Manager

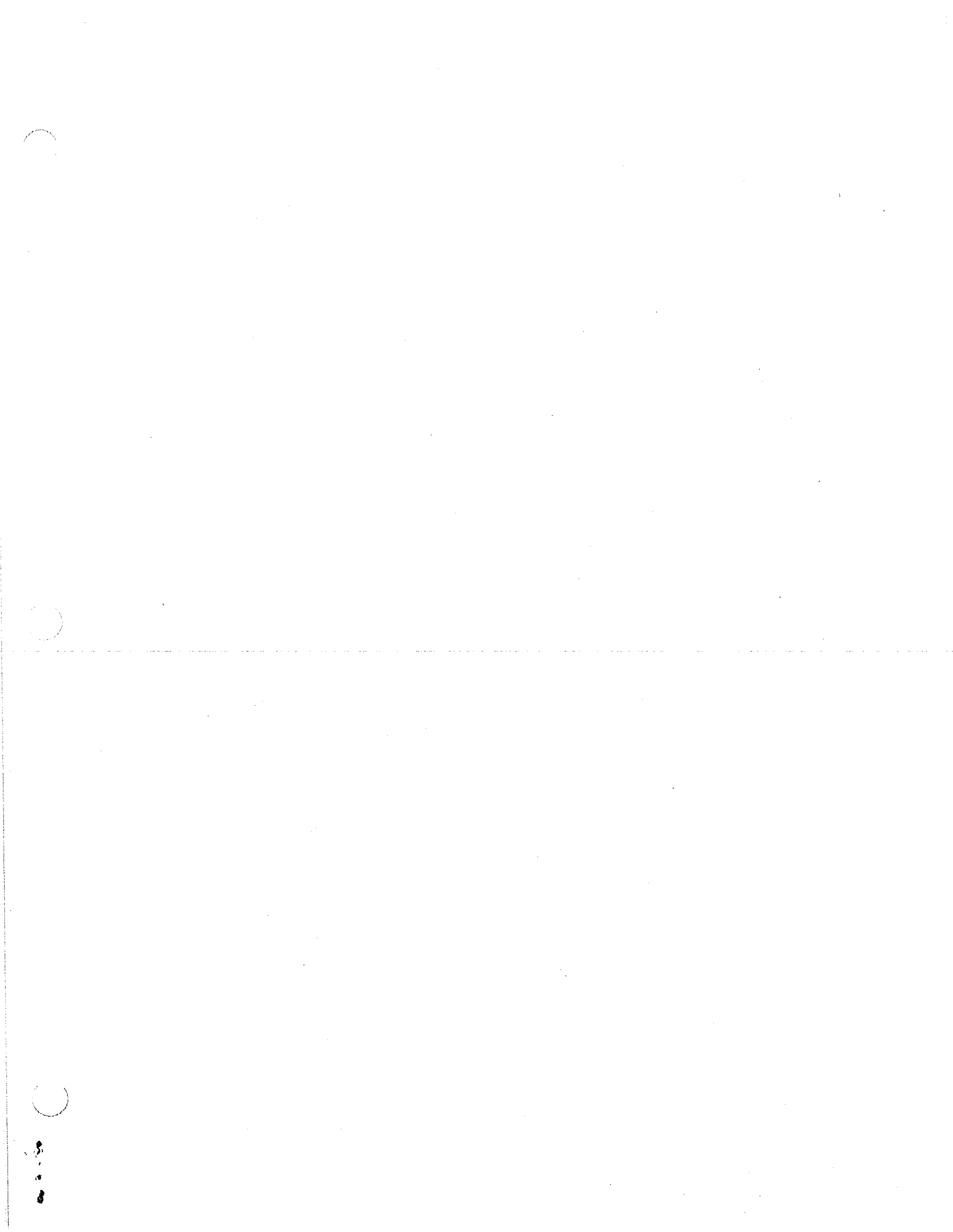
MB Marshall

Peninsula Habitat for Humanity, Inc.
Executive Director

Date: *11/27/02*

Date: *11/27/02*

(D)





ADMINISTRATIVE SERVICES/ PERSONNEL

City Council Meeting Date: May 20, 2003

Staff Report #: 03-089

Agenda Item #: D-5

CONSENT: Authorization for Staff to Execute an Agreement with Standard Insurance Company of Portland, Oregon, to Provide Group Term Life Insurance, Accidental Death and Dismemberment, Dependent Life Insurance and Long Term Disability Coverage to City employees for the Period Beginning June 1, 2003 and Ending April 30, 2005.

RECOMMENDATION

Staff recommends that Council authorize staff to execute an agreement with Standard Insurance Company of Portland, Oregon, to provide group term life insurance, accidental death and dismemberment, dependent life insurance and long term disability coverage to City employees for the period beginning June 1, 2003 and ending April 30, 2005.

BACKGROUND

Group term life insurance, accidental death and dismemberment (AD&D), dependent life and long term disability (LTD) coverage is currently provided to all permanent employees as part of an overall benefit package detailed in the Memoranda of Understanding between the City and the various bargaining units. The City is currently under contract with Standard Insurance. The policy is commonly purchased for a two year period to preserve a fixed, stable pricing structure and is now up for renewal. The City uses ABD Insurance and Financial Services of Redwood City to acquire the best rates for the City. As a vendor providing service to the City, Standard Insurance has provided excellent and responsive service.

ANALYSIS

The two largest components of this package are group term life insurance and long term disability coverage. While the City's experience regarding group term life insurance remains favorable, long term disability activity was high during a six month period in 2002 that resulted in a loss ratio of 135%. ABD Insurance has indicated this would ordinarily translate to a 30% increase at renewal. However, given the City's size and credibility factor, ABD was able to negotiate the increase down to 11.8%.

Staff discussed the possibility of obtaining quotations from other vendors. ABD Insurance advised that, given the City's recent experience, marketing this package to other carriers would not be in the best interests of the City as ABD would be required to share the experience information with the other carriers. Staff is also concerned that two recent term life insurance claims made during the current period, when even having one is unusual for the City, would be factored into the life experience and affect the term life rate. ABD explains that disability carriers look at long term, stable relationships with their customers because disability claims remain with the prior carrier after the customer has moved on to someone else. Attempting to move to another carrier to get a more favorable rate, given a history of poor experience, could create a long-lasting detrimental reputation within the marketplace.

In the years that the City has provided this benefit, the rates have fluctuated between \$0.79 and \$1.00 per hundred dollars of payroll. While the rate proposed will increase LTD from \$0.858 to \$0.960, staff believes that, given the current experience, the rate increase is reasonable. The rates for term life, AD&D and dependent life will not change. These rates are guaranteed for two years.

On average, the City pays \$8,500 each two week pay period on group term life, AD&D, dependent life and long term disability. The total approximate annual increased cost is \$17,274 (11.8%). All costs are summarized below:

<i>Benefit</i>	<i>Current Rate</i>	<i>Annualized Costs Current Rates</i>	<i>Proposed Rate</i>	<i>Annualized Costs Proposed Rates</i>	<i>Change</i>
Group Term Life	\$0.23/\$1000	\$ 70,605	\$0.23/\$1000	\$ 70,605	
AD&D	\$0.04/\$1000	12,276	\$0.04/\$1000	12,276	
Dependent Life	\$0.44/member	1,378	\$0.44/member	1,378	
Long Term Disability	\$0.858/\$100	145,302	\$0.960/\$100	162,576	17,274
TOTAL		\$ 229,561		\$ 246,835	\$17,274

If Council approves the staff recommendation, staff will process the renewal, effective June 1, 2003.

IMPACT ON CITY RESOURCES

Approval of the staff recommendation will result in an approximate additional annual cost of \$17,274 for employee benefits. The increased cost is nominal for the one month remaining in the current fiscal year, and has been incorporated into benefit projections for the 2003-04 fiscal year.

POLICY ISSUES

This item represents no change in current policy.

ENVIRONMENTAL REVIEW

There is no environmental review required for this item.



Glen Kramer
Personnel and Information Services Director
Report Author

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



PUBLIC WORKS DEPARTMENT

Council Meeting Date: May 20, 2003
Staff Report #: 03-092
Agenda Item #: D6

CONSENT CALENDAR: 1) Preliminary Approval of a Regulatory Fee to Implement the Local City of Menlo Park Storm Water Management Program (SWMP) for Fiscal Year 2003-04, and Setting a Public Hearing on the Adoption of the Fee for June 24, 2003; and 2) Authorization of the City Manager to Approve a Request from the County of San Mateo to Modify the Compensation Schedule for the Collection of the Storm Water Management Program Regulatory Fee for the Fiscal Year Beginning July 1, 2003.

RECOMMENDATION

Staff recommends that the City Council:

- 1) Preliminarily approve a regulatory fee to implement the local City of Menlo Park Storm Water Management Program for Fiscal Year 2003-04, and set a public hearing on the adoption of the fee for June 24, 2003; and
- 2) Authorize the City Manager to approve a request from the County of San Mateo to modify the compensation schedule for the collection of the Storm Water Management Program Regulatory Fee for the fiscal year beginning July 1, 2003.

BACKGROUND

Regulatory Fee

In July 1991, the San Francisco Bay Regional Water Quality Control Board (Regional Board) notified San Mateo County and all incorporated cities within the County of the requirement to submit a National Pollution Discharge Elimination System (NPDES) storm water permit application and to implement a Storm Water Management Plan (SWMP). Failure to implement such a plan would result in significant penalties that can be levied against a jurisdiction by the Regional Board.

The City's current SWMP is a five-year plan outlining the goals, tasks and completion schedules of activities that each municipality must complete for its Stormwater Program to be compliant with the NPDES permit. The five major components of the 1999-04 Storm Water Management Plan are described in Attachment A.

Another requirement of the NPDES Permit is for the City to demonstrate that it has a stable source of funding for the various program activities, regardless of the availability of State or Federal funds. In July 1994, the City Council adopted Ordinance 859, "Storm Water Management Program." Article V of the Ordinance established a regulatory fee to address the need for a separate local funding mechanism to fund the City's Storm Water Management Program. In July 1998, the City Council adopted Resolution No. 5018, which implemented the local regulatory fee calculated by using the impervious area of each parcel. The City is required by Ordinance 859 to implement the Storm Water Management Program fee on an annual basis. In the Analysis section below the Program's proposed budget and fee structure for 2003-04 is outlined.

Recent Modifications to the NPDES Permit

On February 19, 2003, the Regional Board modified the NPDES Permit. See attachment "D" for amendment to NPDES permit. Staff is still evaluating the full effect of the new amendments to our NPDES permit and will need to meet with staff from the regional board to develop work plans to implement the new requirements. Some of the highlights of the new requirements include:

1. Incorporating the new provisions in new/redevelopment and capital projects;
2. A program to verify on-site treatment systems;
3. A Hydrographic Modification Plan which mitigates peak and total flows;
4. Identifying alternative projects developers could fund in-lieu of on-site treatment systems;
5. Developing new standards to comply with the new provisions; and
6. Developing a master list of all new development/ redevelopment projects with treatment measures and all other required information.

These new requirements are to be implemented by the City on a phased basis over the next three years as part of the 1999-04 Storm Water Management Plan.

San Mateo County Fee Increase

Recently the City was notified of the proposed fee increase by the County for collection of Special Assessments (see Attachment "B"). On March 25, 2003 the County Board of Supervisors approved the proposed fee increase.

The City has previously paid a total fee of \$3,000 to the County for collection of the Annual Storm Water Management Fee. After the fee hike, effective July 1, 2003, the City will pay an estimated total annual fee of \$15,000.

ANALYSIS

Budget for the Storm Water Management Program

The proposed program expenditure for 2003-04 is outlined in the following chart:

Program Items	2003-2004 Proposed Expenditures
San Francisquito Creek CIP/ Joint Projects with San Francisquito Creek Joint Power Authority (JPA). This is for joint projects with the JPA, which annually applies for grant funds. The actual project is to be determined.	\$25,000
Street Sweeping. This is estimated to pay a portion of the street sweeping costs.	\$80,000
Storm Drain/Creek Cleaning. This is set aside to fund the maintenance programs that clean storm drain inlets, San Francisquito Creek and Atherton Channel.	\$25,000
Watershed Council. This represents the City's share in funding the San Francisquito Creek Watershed Council whose purpose is to provide a stakeholder forum for coordinating educational, maintenance, watershed planning, and other issues.	\$20,000
JPA staffing and operation (City's share). This represents the City's share in funding the San Francisquito Creek Joint Powers Authority staff and operation costs. (no in-kind included).	\$63,000
Staff Administration and Operating Cost. This is set aside for staff administration and operating costs. This pays for City staff time in attending 5 monthly program meetings, preparing biannual reports, attending JPA meetings and subcommittee meetings, administering the annual regulatory fee and implementing the requirements of the NPDES permit.	\$184,500
Misc. Professional Services. This is for stenciling of storm drains, updating mapping and general public outreach etc.	\$25,000
Loan Payment to General Fund. This amount is budgeted to transfer to the General Fund for the annual cost of the loan for the Storm Water	\$23,020

Management Program. The General Fund loaned the Program \$179,498 to pay for the master plan for San Francisco Creek. This is the sixth year of the loan, which is over a 10-year period at an interest rate of 5.5 percent.	
West Bay Sanitary District. These monies are set aside for payment to West Bay Sanitary District to monitor storm drain outfalls and illicit discharge inspection and representation at monthly meetings.	\$5,000
Total	\$450,520

Fee Structure

The current fee is based upon a multiplier of \$0.00525 per square foot of impervious area for each property in the community. The fee for single-family residents varies depending on the amount of impervious area and the size of the lot. As described below, staff proposes to make no change to the fee structure in 2003-04. The average annual fee in the Belle Haven neighborhood will continue to be \$16, \$18 in the Willows, and \$20 in Central Menlo Park and \$26 in Sharon Heights. The fee for a typical commercial property in Downtown along Santa Cruz Avenue with a 5,000 square foot lot remains at \$27.

Credit

As an incentive to property owners, staff is recommending to continue providing a credit of up to 25 percent of the regulatory fee if the property meets certain Best Management Practices (BMPs). Most BMPs are required with new construction, but implementation of BMPs to existing properties is voluntary. The BMPs focus on larger properties because of the larger impervious areas. However, any type of property can implement BMPs. Examples of BMPs for the 1999-2004 Storm Water Management Program are as shown on Attachment C.

Sites will continue to be inspected by staff to determine the appropriate fee reduction credit based on the type of BMP utilized by the property and the level of effort involved. For example, labeling a storm drain does not have the same benefit as placing an oil sand filter in the storm drain and would therefore result in a smaller credit. Inspections are performed on an annual basis or as requested by the property owner to determine whether any additional BMPs have been implemented and to verify that earlier BMPs are being maintained.

This year, the City inspected 51 commercial/industrial properties in the City. Staff received applications from many commercial industrial properties that will be implementing BMP's. Among them are SRI International, Sunset Publishing Corp., Bohannon Development Company, Stanford Park Hotel, Sharon Heights Shopping Center, Designco, Tyco Electronics, Dura-Spray Foam Inc., Allen Equipment Co., Inc., All Aboard Mini Storage, Bay Packaging and Goodman Ball Inc. The property owners have installed "Drains to the Bay" logos on their storm drain inlets, vacuum swept their parking lots, conducted training with their employees on correct disposal of potential pollutants and implemented landscape and

pollution control practices. The typical amount of credit received for these types of activities is approximately 15 percent.

Schedule

This is the first step in providing approximately \$315,000 in funding to pay for storm water management requirements of the Regional Water Quality Control Board.

If the City Council preliminarily approves the regulatory fee, a public hearing to approve the fee would be set for June 24, 2003.

IMPACT ON CITY RESOURCES


There will be an estimated \$568,082 carryover in the Storm Water Program Fund from 2002-2003. Consequently, the current fee structure, which generates approximately \$315,000 in revenue, will be adequate to fund the proposed 2003-04 expenditures of \$450,520, which will result in an estimated fund balance of \$432,562 at the end of 2003-04. It is important to note that the cost of implementing the Storm Water Management Program is exceeding the revenues generated by the fee and it will be necessary in the future to discuss funding options. The increase in County collection fees of \$12,000 will have a small effect on the amount of work that can be completed. Using the County to add the assessments to property tax statements is still considered the most cost effective way to collect this revenue.

POLICY ISSUES


This action is consistent with existing City policy.

ENVIRONMENTAL REVIEW

Environmental review is not required.



Patrick J. Stone
Supervising Engineer



Ruben R. Nino,
Director of Engineering Services

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

ATTACHMENTS:

- A. Major Components of the 1999-04 Storm Water Management Plan
- B. Letter from the County and Agreement
- C. Best Management Practices (BMP)
- D. Amendments to NPDES Permit

ATTACHMENT A
Major Components of the 1999-04 Storm Water Management Plan

Municipal Government Maintenance Activities

The primary goal of this component is to optimize the removal of pollutants and minimize discharges during routine maintenance activities. This is achieved through routine street sweeping, cleaning the storm drains and adhering to construction Best Management Practices (BMPs) for all maintenance activities. Maintenance staff education is important to accomplish the Plan's goals.

Industrial and Commercial Discharge Controls

The goal of this Plan component is to minimize potential stormwater pollution sources at commercial and industrial facilities and prohibit illicit discharges to the City storm drain system. This is accomplished through site inspections and educational outreach activities to commercial and industrial business. San Mateo County Department of Health is under contract to inspect all commercial and industrial sites throughout the City and provide educational literature to site operators. The County has a revolving inspection schedule, so sites are continually re-inspected. Additionally, the City has a contract with the West Bay Sanitary District to monitor the city for illicit discharges into the storm drains. Upon discovery of such a discharge, West Bay contacts the Engineering Division so that the City can take action to mitigate the pollution and educate the responsible party to prevent further discharges.

Public Information and Participation

The purpose of this component is to educate the public about the difference between the sanitary sewer and the storm sewer, and about the causes of stormwater pollution. By performing public outreach and education, residents are encouraged to implement less polluting and more environmentally beneficial practices. Public Information and Participation goals are met by mailing educational fliers to residents, stenciling storm drain inlets with the "No Dumping-Drains to Bay" logo and working with the San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP) in public education outreach events.

New Development and Construction Controls

The primary goal of this component is to minimize the water quality impacts of land development, both during and after construction. Specifically this component of the plan seeks to reduce to the maximum extent practical non-stormwater discharges from construction sites through detailed grading and erosion control plans for all major new and redevelopment construction projects. Additionally, proposed developments that have the potential to impact stormwater quality must install BMPs to mitigate the effects of the development on stormwater. Projects that have large impervious areas are required to have some type of water filtering device on-site to remove sediment and oil from the generated runoff. In addition, BMP pamphlets are attached to encroachment and building permits to educate applicants on ways to reduce pollutants.

Watershed Monitoring

The primary goals of the component are to identify effective BMPs and use a watershed management approach to help solve water quality problems that are specific to creek

A-1

drainage basins. The City participates in various watershed groups that prepare and distribute watershed management plans that are incorporated into construction plan review and City policies. Staff participates in the San Francisquito Creek Watershed Council (formerly Coordinated Resource Management Planning (CRMP)) process, as an example, to manage the San Francisquito Creek basin.

A-2

Office of Controller



TOM HUENING
CONTROLLER

COUNTY OF SAN MATEO

555 COUNTY CENTER, 4TH FLOOR • REDWOOD CITY • CALIFORNIA 94063

ROBERT G. ADLER
ASSISTANT CONTROLLER

KANCHAN K. CHARAN
DEPUTY CONTROLLER

TELEPHONE: (650) 363-4777

FAX: (650) 363-7888

www.co.sanmateo.ca.us/controller/

March 28, 2003

City Of Menlo Park
Attn: Pat Stone, Public Works
701 Laurel Street
Menlo Park, CA 94025

RE: Menlo Park Storm Water Fee

Dear Pat Stone:

As the State's fiscal crisis has become the problem of local government, all County departments have been asked to review fees, charge for services, and consolidate services where possible. Last week, a courtesy notice was faxed to your agency advising of the items on the March 25, 2003 Board of Supervisors agenda that, if approved, would increase the fees for the collection of Special Assessment Charges placed on the countywide property tax bill for cities and special districts. The Board unanimously approved the proposed increase of these fees.

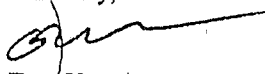
The current fee schedule was established in 1980; rates have not changed in the past twenty-three years. The current rates are 30 cents per electronic transaction and 50 cents per manual transaction. The County charges \$4.50 per transaction for changes submitted after the secured roll has been extended.

The new fee schedule, approved by the Board of Supervisors and effective for the fiscal year commencing July 1, 2003, is based on the comparable rates charged by other counties. Rates for adding special assessment transactions to the secured property tax bill will be \$1.25 if submitted electronically and \$1.75 if submitted manually. If our total charges, calculated based on these rates, exceed 5% of the gross charges submitted by an agency, we will reduce our rate to 30 cents per transaction. We will charge \$25 per transaction for changes made after the secured roll has been extended. Starting fiscal year 2004-05, we will no longer accept transactions submitted manually.

Enclosed is the Notice and Request to Modify Compensation Schedule for Special Assessments for the fiscal year commencing July 1, 2003. If you agree to have the County collect your special assessments on the countywide property tax bill for the compensation set forth in this notice, please have an authorized person from your city or special district sign and return the attached notice by June 15, 2003. **In order to process FY03-04 charges, we will need your authorization and acceptance of the modified compensation schedule.**

I understand that all local government agencies are under great financial pressure these days. Please note that your agency may be authorized to increase assessments by an amount equal to that charged by the County per government code section 29304. Please consult your legal counsel.

Sincerely,


Tom Huening,
Controller

Enclosure: Notice and Request to Modify Compensation Schedule for Special Assessments

17-1

**NOTICE AND REQUEST TO MODIFY
COMPENSATION SCHEDULE FOR SPECIAL ASSESSMENTS**

THE CITY OF MENLO PARK IS HEREBY NOTIFIED that the County of San Mateo (the "County") will not renew its Agreement for Compensation to County of San Mateo for Collection of Special Assessment Charges (the "Agreement") between the County and City Of Menlo Park for Menlo Park Storm Water Fee on the same terms and conditions for fiscal year 2003-04. The County hereby proposes to modify the compensation schedule set forth in paragraph (6) of the Agreement as follows:

- (a) \$1.25 per transaction if submitted in electronic format (diskette, CD, magnetic tape, or electronic mail), unless fees collected are 5% or more of total charges, in which case the rate will remain at \$.30 per transaction.
- (b) \$1.75 per transaction if submitted in hardcopy. Beginning fiscal year 2003-04, all transactions from cities and special districts will be required to be submitted in electronic format.
- (c) \$25 per transaction for each correction after the tax roll has been prepared.
- (d) Any city or special district, whose fees amount to \$10.00 or less, will be waived due to its immaterial fiscal impact.

Modification of the compensation schedule is subject to mutual agreement of the parties. If you agree to have the County collect your special assessment charges on the countywide property tax bill for the compensation set forth above, please have an authorized person from your city or special district sign where indicated below, returning the signed original to Kanchan Charan, Deputy Controller, Controller's Office, County of San Mateo, 555 County Center, 4th Floor, Redwood City, CA 94063 no later than June 15, 2003.

* * * * *

The County of San Mateo and City Of Menlo Park hereby agree to modify the compensation schedule for the collection of the Menlo Park Storm Water Fee as set forth herein commencing with the 2003-04 fiscal year. All other terms and conditions of the Agreement shall remain the same.

COUNTY OF SAN MATEO

CITY OF MENLO PARK

By: _____
President, Board of Supervisors

By: _____

Its: _____

Dated: _____

Dated: _____

B-2

ATTACHMENT C

NPDES PERMIT COMPLIANCE FOR CONSTRUCTION AND NEW DEVELOPMENT CHART FOR IDENTIFYING REQUIRED PERMANENT STORMWATER CONTROL

Best Management Practice (BMP) Required	Res. less than 1 acre DCIA	Res. between 1-5 acres DCIA	Res. greater than 5 acres DCIA	Res. Sensitive Areas DCIA	Ind. less than 1 acre DCIA	Ind. between 1-5 acres DCIA	Ind. greater than 5 acres DCIA	Ind. Sensitive Areas* DCIA	Comm. less than 1 acre DCIA	Comm. between 1-5 acres DCIA	Comm. greater than 5 acres DCIA	Comm. Sensitive Acres
Education/Training	✓	✓	✓	✓								
Landscape Control	✓	✓	✓	✓								
Litter Control	✓	✓	✓	✓								
Labeling Storm Drain Fac.	✓	✓	✓	✓								
Runoff Control	✓	✓	✓	✓	✓	✓	✓	✓				
Site Planning		✓	✓	✓*		✓	✓	✓*		✓	✓	✓*
Swales or Sand Filters		✓	✓	✓*		✓	✓	✓*		✓	✓	✓*
Street Sweeping		✓	✓	✓*		✓	✓	✓*		✓	✓	✓*
Labeling/Maintenance of Storm Drain Facilities		✓	✓	✓*		✓	✓	✓*		✓	✓	✓*
Common Car Wash Area		✓	✓	✓*								
Treatment Control Designed To meet Performance Goal			✓	✓**			✓	✓**			✓	✓**
Roof Downspout System				✓				✓				✓
Swales				✓				✓				✓
Vegetated Filter Strip				✓				✓				✓
Stream Erosion Control				✓				✓				✓
Water Quality Monitoring				✓**				✓**				✓**
Grease Controls					✓	✓	✓	✓	✓	✓	✓	✓
Trash Controls					✓	✓	✓	✓	✓	✓	✓	✓
Cleaning, Maintenance And Processing Controls					✓	✓	✓	✓	✓	✓	✓	✓
Fuel Dispensing Controls					✓	✓	✓	✓	✓	✓	✓	✓
Outdoor Storage Controls					✓	✓	✓	✓	✓	✓	✓	✓
Loading Dock Controls					✓	✓	✓	✓	✓	✓	✓	✓
Landscape Controls					✓	✓	✓	✓	✓	✓	✓	✓
Public Agency Project Controls					✓	✓	✓	✓	✓	✓	✓	✓
Coverage by and Compliance with an Industrial NPDES Storm Water Discharge Permit					✓	✓	✓	✓				

* For projects between 1-5 acres only.

** For projects greater than five acres only.

The above chart applies to numeric thresholds of directly connected impervious area (DCIA) proposed for residential (Res.), industrial (Ind.), and commercial (Comm.) projects. In addition to the above requirements, all projects must meet minimum construction BMPs required for all development projects, which are listed on the STOPPP "Checklist for Construction Requirements." These requirements are based on the RWQCB Recommendations and are indicated on the STOPPP Construction Requirements checklist. Additional BMPs may be obtained from your local Planning Department or through the "California Storm Water Construction Activity BMP Handbook."



California Regional Water Quality Control Board San Francisco Bay Region



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 □ FAX (510) 622-2460

Date:
File No. 1538.07(HTK)

Mr. Robert Davidson
STOPPP Coordinator
310 Capstan Court
Redwood City, CA 94064

**SUBJECT: ADOPTED ORDER AMENDING THE SAN MATEO COUNTY
MUNICIPAL STORMWATER PERMIT, NEW AND REDEVELOPMENT
PROVISION, SAN MATEO COUNTY**

Dear Mr. Davidson:

On February 19, 2003, the Regional Water Quality Control Board, San Francisco Bay Region, adopted an amendment to the San Mateo Countywide Stormwater Pollution Prevention Program NPDES Permit, Order NO. 99-059. We thank you, the Program, and the permittee staff for all the work toward improving the enclosed Order and making it something we can all support. We intend to continue the dialogue on how to best make this Order work, and will keep you posted on when we will hold our next open public meeting on new and redevelopment controls.

If you have any questions, please contact Habte Kifle of my staff at (510) 622-2371 or e-mail hk@rb2.swrcb.ca.gov.

Sincerely,

Loretta K. Barsamian
Executive Officer

Enclosure: Adopted NPDES Permit Amendment, Order R2-2003-0023

cc (with enclosures): Mailing List

11-1

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
SAN MATEO COUNTYWIDE NPDES MUNICIPAL STORMWATER PERMIT
AMENDMENT**

**ORDER NO. R2-2003-0023
AMENDING ORDER No. 99-059
NPDES PERMIT No. CAS0029921**

FOR THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) OF SAN MATEO COUNTY, SAN MATEO COUNTY, TOWN OF ATHERTON, CITY OF BELMONT, CITY OF BRISBANE, CITY OF BURLINGAME, TOWN OF COLMA, CITY OF DALY CITY, CITY OF EAST PALO ALTO, CITY OF FOSTER CITY, CITY OF HALF MOON BAY, TOWN OF HILLSBOROUGH, CITY OF MENLO PARK, CITY OF MILLBRAE, CITY OF PACIFICA, TOWN OF PORTOLA VALLEY, CITY OF REDWOOD CITY, CITY OF SAN BRUNO, CITY OF SAN CARLOS, CITY OF SAN MATEO, CITY OF SOUTH SAN FRANCISCO, AND THE TOWN OF WOODSIDE, WHICH HAVE JOINED TOGETHER TO FORM THE SAN MATEO COUNTYWIDE STORMWATER POLLUTION PREVENTION PROGRAM

P-2

TABLE OF CONTENTS

Finding 1: Incorporation of Fact Sheet	1
Findings 2-3: Existing Permit	1
Finding 4: Basis for Reopening the Permit for Amendment	2
Finding 5: Applicable Federal, State and Regional Regulations	2
Findings 6-18: Nature of Discharges and Sources of Pollutants.....	2
Findings 19 - 20: Notification to Dischargers and Interested Public Parties	6
Provision C.3. New Development and Redevelopment Performance Standards	7
a. New Development and Redevelopment Performance Standard Implementation:	7
b. Development Project Approval Process:	8
c. Applicable Projects – New and Redevelopment Project Categories:.....	8
i. Group 1 Projects:	8
ii. Group 2 Projects:	9
d. Numeric Sizing Criteria For Pollutant Removal Treatment Systems:	10
e. Operation and Maintenance of Treatment Measures:	11
f. Limitation on Increase of Peak Stormwater Runoff Discharge Rates:	12
g. Alternative Compliance Based on Impracticability and Requiring Compensatory Mitigation:.....	14
h. Alternative Certification of Adherence to Design Criteria for Stormwater Treatment Measures:.....	16
i. Limitations on Use of Infiltration Treatment Measures - Infiltration and Groundwater Protection:	16
j. Site Design Measures Guidance and Standards Development:	17
k. Source Control Measures Guidance Development:	18
l. Update General Plans:	19
m. Water Quality Review Processes:	20
n. Reporting:	20
o. Implementation Schedule:.....	21

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

**ORDER – R2-2003-0023
NPDES PERMIT NO. CAS0029921**

AMENDMENT REVISING PROVISION C.3 OF ORDER NO. 99-059 FOR:

CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) OF SAN MATEO COUNTY, SAN MATEO COUNTY, TOWN OF ATHERTON, CITY OF BELMONT, CITY OF BRISBANE, CITY OF BURLINGAME, TOWN OF COLMA, CITY OF DALY CITY, CITY OF EAST PALO ALTO, CITY OF FOSTER CITY, CITY OF HALF MOON BAY, TOWN OF HILLSBOROUGH, CITY OF MENLO PARK, CITY OF MILLBRAE, CITY OF PACIFICA, TOWN OF PORTOLA VALLEY, CITY OF REDWOOD CITY, CITY OF SAN BRUNO, CITY OF SAN CARLOS, CITY OF SAN MATEO, CITY OF SOUTH SAN FRANCISCO, AND THE TOWN OF WOODSIDE, which have joined together to form the SAN MATEO COUNTYWIDE STORMWATER POLLUTION PREVENTION PROGRAM.

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter referred to as the Regional Board) finds that:

FINDINGS

Finding 1: Incorporation of Fact Sheet

1. The Fact Sheet for the San Mateo Countywide Stormwater Pollution Prevention Program NPDES Permit Amendment includes cited references and additional explanatory information in support of the requirements of this Amendment. This information, including any supplements thereto, and any future response to comments on the Revised Tentative Order, is hereby incorporated by reference.

Findings 2-3: Existing Permit

2. The Regional Board adopted Order No. 99-059 on July 21, 1999, reissuing waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES) permit for the City and County Association of San Mateo County, San Mateo County, and the twenty cities and towns in the County, as named above; hereinafter referred to collectively as the Dischargers and individually as the Discharger.
3. Order No. 99-059 recognizes the San Mateo Countywide Stormwater Pollution Prevention Program's (hereinafter STOPPP) Stormwater Management Plan (Management Plan) as the Dischargers' comprehensive control program and requires implementation of the Management Plan, which describes a framework for management of stormwater discharges. The 1999 Management Plan describes the Program's goals and objectives and contains Performance Standards, which represent the baseline level of effort required of each of the Dischargers. The Management Plan contains Performance Standards for five different stormwater management components, including new development and significant redevelopment activities.

Finding 4: Basis for Reopening the Permit for Amendment

4. This Order amends existing Order No. 99-059 for Waste Discharge Requirements, NPDES Permit No. CAS0029921 (the "Existing Permit"), to require additional treatment controls to limit stormwater pollutant discharges associated with certain new development and significant redevelopment projects. Pursuant to applicable state and federal law, including without limitation Water Code § 13263 and 40 CFR § 123.25(a), the Board may modify the Existing Permit to require additional and more stringent controls during the term of the Existing Permit. Provision C.13 of Order No. 99-059 anticipated that amendments, revisions and modifications to the Management Plan and Existing Permit would be necessary from time to time, and provided direction that changes requiring major revisions of the Management Plan shall be brought before the Regional Board as permit amendments. This Order is consistent with Provision C.13 of Order No. 99-059.

The additional treatment controls are appropriate to impose now to better reflect, and be consistent with, the current level of protection being instituted elsewhere in the Region, State and country to satisfy the Clean Water Act's requirement to control discharges of pollutants to the maximum extent practicable. For instance, other states and regions require that stormwater treatment measures are sized to treat an optimal volume or flow rate of stormwater runoff based on local precipitation, that the treatment measures be adequately maintained, and that the damaging effects of increased runoff peak flows and durations also be addressed, in addition to runoff pollutant impacts.

Finding 5: Applicable Federal, State and Regional Regulations

5. This action to modify an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Division 13 of the Public Resources Code, Chapter 3, Section 21100, et. seq.) in accordance with Section 13389 of the California Water Code.

Findings 6-18: Nature of Discharges and Sources of Pollutants

6. Urban Development Increases Pollutant Load, Volume, and Velocity of Runoff: During urban development two important changes occur. First, natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural vegetated soil can both absorb rainwater and remove pollutants providing a very effective natural purification process. Because pavement and concrete can neither absorb water nor remove pollutants, the natural purification characteristics of the land are lost. Secondly, urban development creates new pollution sources as human population density increases and brings with it proportionately higher levels of car emissions, car maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, trash, etc., which can be washed into the municipal separate storm sewer system. As a result of these two changes, the runoff leaving the developed urban area is significantly greater in volume, velocity and pollutant load than the pre-development runoff from the same area.
7. Certain pollutants present in stormwater and/or urban runoff may be derived from extraneous sources that the Dischargers have limited or no direct jurisdiction over. Examples of such pollutants and their respective sources are: PAHs which are products of internal combustion engine operation and other sources; heavy metals, such as copper from brake pad wear and zinc from tire wear; dioxins as products of combustion; mercury resulting from atmospheric deposition; and natural-occurring minerals from local geology. All of these pollutants, and

others, may be deposited on paved surfaces and roof-tops as fine airborne particles, thus yielding stormwater runoff pollution that is unrelated to the particular activity or use associated with a given new or redevelopment project. However, Dischargers can implement treatment control measures, or require developers to implement treatment control measures, to reduce entry of these pollutants into stormwater and their discharge to receiving waters.

8. Retail gasoline outlets (RGOs), commonly referred to as “gas stations,” are hot spots for pollutants of concern in stormwater and have been widely documented as such. The most common pollutants of concern in stormwater runoff from RGOs are heavy metals, petroleum hydrocarbons (such as Polycyclic Aromatic Hydrocarbons (PAHs)), and oil and grease.¹ RGOs fall within the new development and significant redevelopment projects subject to Provision C.3 of this Order, when they meet the impervious surface thresholds within that Provision. Pursuant to Provision C.3, as with any other project meeting the thresholds of that Provision, RGOs are required to incorporate appropriate source controls and design measures, and to appropriately treat stormwater runoff prior to discharge to the storm drain or local water. As with any commercial and/or industrial activity within the Dischargers’ jurisdictions that has the potential to discharge pollutants in stormwater runoff, RGOs may also be subject to regulation under other sections of the Existing Permit and incorporated Management Plan, including the Illicit Discharge Control and Industrial and Commercial Discharge Control sections.
9. The pollutants found in urban runoff can have damaging effects on both human health and aquatic ecosystems. In addition, the increased flows and volumes of stormwater discharged from new impervious surfaces resulting from new development and redevelopment can significantly impact beneficial uses of aquatic ecosystems due to physical modifications of watercourses, such as bank erosion and widening of channels.
10. Water Quality Degradation Increases with Percent Imperviousness: The increased volume and velocity of runoff from developed urban areas can greatly accelerate the erosion of downstream natural channels. A number of studies have demonstrated a direct correlation between the degree of imperviousness of an area and the degradation of beneficial uses of downstream receiving waters. Significant declines in the biological integrity and physical habitat of streams and other receiving waters have been found to occur with as little as a 10% conversion from natural to impervious surfaces. Typical medium-density single-family home projects range between 25 to 60% impervious. Even at very low densities, such as 1-2 housing units per acre, standard subdivision designs can exceed the 10% imperviousness threshold that, as noted above, is theorized to be the threshold for degradation of streams and other waters with increasing imperviousness.² Studies on the impacts of imperviousness on beneficial uses of waters include “Urbanization of aquatic systems: Degradation thresholds, stormwater detection, and the limits of mitigation,” Derek B. Booth and C. Rhett Jackson, *Journal of the American Water Resources Association* 33(5), Oct. 1997, pp. 1077-1089;

¹ *Retail Gasoline Outlets: New Development Design Standards for Mitigation of Stormwater Impacts* – California Water Quality Control Board, Los Angeles Region, and California Water Quality Control Board, San Diego Region, Technical Report, prepared by Radulescu, Swamikannu, and Hammer, 2001.

² A discussion of imperviousness based on type of development and time of construction is provided in Heaney, J.B., Pitt, R, and Field, R. *Innovative Urban Wet-Weather Flow Management Systems*, 1999. USEPA Doc. No. EPA/600/R-99/029 (Chapter 2).



“Urbanization and Stream Quality Impairment,” Richard D. Klein, *Water Resources Bulletin* 15(4), Aug. 1979, pp. 948-963; “Stream channel enlargement due to urbanization,” Thomas R. Hammer, *Water Resources Research* 8(6), Dec. 1972, pp. 1530- 1540; and, summaries of work on the impacts of imperviousness, including “The Importance of Imperviousness,” in *Watershed Protection Techniques* 1(3), Fall 1994, pp. 100-111, and “Impervious surface coverage: The emergence of a key environmental indicator,” Chester L. Arnold et al., *Journal of the American Planning Association* 62(2), Spring 1996, pp. 243-259.

11. The Dischargers have encouraged developers to minimize increases in impervious surfaces through a number of techniques such as those described in the Bay Area Stormwater Management Agencies Association’s (BASMAA’s) “Start at the Source Design Guidance Manual for Stormwater Quality Protection,” 1999 edition (Start at the Source). One of the techniques recommended by Start at the Source is to use permeable pavements to infiltrate stormwater while still providing a stable load-bearing surface. For purposes of this Order, STOPPP may submit guidelines for use of these techniques for minimizing increases in impervious surfaces described in Start at the Source, implementation of which will provide that such areas will not count toward the creation or replacement of impervious surfaces, or may be modeled differently for the purposes of sizing post-construction stormwater treatment controls, for approval by the Executive Officer.
12. Because land use planning is where urban development begins, it is the phase in which the greatest and most cost-effective opportunities to protect water quality in new and redevelopment exist. When a Discharger incorporates policies and principles designed to safeguard water resources into its General Plan and development project approval processes, it has taken a far-reaching step towards the preservation of local water resources for future generations.
13. The revised Provision C.3 is written with the assumption that the Dischargers are responsible for considering potential stormwater impacts when making planning and land use decisions. The goal of these requirements is to address pollutant discharges and changes in runoff flows from new development and significant redevelopment projects, through implementation of post-construction and treatment measures, source control, and site design measures, to the maximum extent practicable. Neither Provision C.3 nor any of its requirements are intended to restrict or control local land use decision-making authority.
14. For the purposes of this Order, the term “Redevelopment” is defined as a project on a previously developed site that results in the addition or replacement of impervious surfaces, and the term “brownfield site” means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
15. Opportunities to address stormwater pollution and hydrograph modification can be limited by current local design standards and guidance. For example, such standards and guidance may reduce or prohibit opportunities to minimize impervious surfaces, minimize directly connected impervious area, provide for small-scale detention, and implement other management measures. Revision of current standards and guidance can result in a significantly increased ability for project designers to minimize project impacts and can also enhance local property values, neighborhood character, and overall quality of life. Further,

revision of standards and guidance can allow implementation of site design measures in projects to meet or help meet the numeric sizing criteria in Provision C.3.d and/or the hydrograph modification limitation in Provision C.3.f.

16. Certain control measures implemented or required by the Dischargers for urban runoff management may create a habitat for vectors (e.g., mosquitoes and rodents) if not properly designed or maintained. Close collaboration and cooperative effort between Dischargers, local vector control agencies, Regional Board staff, and the State Department of Health Services is necessary to minimize potential nuisances and public health impacts resulting from vector breeding.
17. Provision C.3.f requires the Dischargers to prepare a Hydrograph Modification Management Plan (HMP), for approval by the Regional Board, to manage impacts from changes to the volume and velocity of stormwater runoff from new development and significant redevelopment projects, where these changes can cause excessive erosion damage to downstream watercourses. Transit village type developments within $\frac{1}{4}$ to within $\frac{1}{2}$ mile of transit stations and/or intermodal facilities, and projects within "Redevelopment Project Areas" (as defined by Health and Safety Code Section 33000, et. seq.) that redevelop an existing brownfield site or create housing units affordable to persons of low or moderate income as defined by Health and Safety Code Section 50093, are excepted from the requirements of C.3.f. and the HMP. Significant change in impervious surface or significant change in stormwater runoff volume or timing is unlikely in these redevelopment circumstances, because the development would be within a largely paved catchment, and on a site that is largely paved or otherwise impervious.

Similarly, as specified in Provision C.3.g.v, an exemption without the requirement for alternate, equivalent offsite treatment is allowed for the following redevelopment projects after impracticability of including onsite treatment measures is established, where such projects are built as redevelopment projects as defined in Finding 14, and it is clearly demonstrated that cost of participation in alternate, equivalent offsite treatment through a regional treatment or other equivalent water quality benefit project fund will unduly burden the project: creation of housing units affordable to persons of low or moderate income as defined by Health and Safety Code Section 50093, brownfield sites, and/or transit village type developments within $\frac{1}{4}$ mile of transit stations and/or intermodal facilities. Not only is significant change in impervious surface or significant change in stormwater runoff volume or timing unlikely in these redevelopment circumstances, but these development projects are also likely to provide reduced water quality impacts and/or other environmental benefits in their own right.

18. The Regional Board recognized, in its "Policy on the Use of Constructed Wetlands for Urban Runoff Pollution Control" (Resolution No. 94-102), that urban runoff treatment wetlands that are constructed and operated pursuant to that Resolution and are constructed outside of a creek or other receiving water, are stormwater treatment systems and, as such, are not waters of the United States subject to regulation pursuant to Sections 401 or 404 of the federal Clean Water Act. Regional Board staff is working with the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS) to identify how maintenance for stormwater treatment controls required under permits such as this Permit can be

appropriately streamlined, given CDFG and USFWS requirements, and particularly those that address special status species. The Dischargers are expected to work diligently and in good faith with the appropriate agencies to obtain any approvals necessary to complete maintenance activities for stormwater treatment and runoff controls. If the Dischargers have done so, where necessary and maintenance approvals are not granted, the Dischargers shall be deemed by the Regional Board to be in compliance with Provision C.3.e of this Order.

Findings 19 - 20: Notification to Dischargers and Interested Public Parties

19. The Dischargers and interested agencies and persons have been notified of the Regional Board's intent to modify waste discharge requirements for the existing discharge and have been provided opportunities for public meetings and the opportunity to submit their written views and recommendations. The following is a brief summary of public meetings and comment periods on versions of the Tentative Order:

Public Meetings and Outreach Events:

The Dischargers and Regional Board staff together conducted an outreach workshop on the Tentative Order and the updated new development and redevelopment requirements. This workshop was held on March 29, 2002, and was attended by Discharger staff and other interested parties. The Executive Officer and Regional Board staff also met with the San Mateo County City Managers' Association on May 17, 2002, to advise them of the updated new development and redevelopment requirements. Regional Board staff also met on dates including April 23, May 22, and October 30, 2002, with representatives of the Coastal Region Vector Control Agencies, which includes San Mateo County. On September 12, 2002, the Assistant Executive Officer spoke to City/County Association of Governments of San Mateo County representatives and elective officials at their regular monthly meeting, about the status of the updated new development and redevelopment requirements and addressed questions raised by the officials.

Other public outreach activities also have included:

- On March 8, 2001, the Association of Bay Area Governments (ABAG) hosted a seminar for elected officials, municipal planning directors and public works directors, and other public on upcoming regulatory approaches to controlling stormwater pollution from new and redevelopment projects;
- On January 10, 2002, ABAG, the Regional Board, BASMAA, BCDC, and the City of Oakland hosted a seminar for local and regional government officials, city managers, county administrators, municipal planning directors and public works directors, and other public on stormwater pollution control measures and successful redevelopment strategies to ensure clean runoff from development projects;
- On March 21, 2002, the Executive Officer spoke to ABAG's Executive Board, which included elected officials from San Mateo County, about the status of updated regulations for stormwater control measures for new and redevelopment projects; and
- On June 5, 2002, the Regional Board's South Bay Watershed Management Division Chief spoke to ABAG's Regional Planning Committee, which included elected officials from San Mateo County, about the status of updated regulations for stormwater control

10-9

measures for new and redevelopment projects, and addressed questions raised by officials at the March 21, 2002, presentation to ABAG's Executive Board.

- On December 18, 2002, and January 22, 2003, the Regional Board heard testimony from the Dischargers and interested public on the Revised Tentative Order.
- On January 17 and 31, and February 7 and 14, 2003, Regional Board staff conducted public meetings on the Revised Tentative Order.

Review and Comment Periods:

- June 13, 2002 – July 26, 2002: Administrative Draft circulated to the Dischargers for comments.
- August 22, 2002 – October 9, 2002: Tentative Order circulated to the Dischargers, the general public and interested parties for comments.
- December 20, 2002 – January 10, 2003: Comment period reopened by the Regional Board to allow additional submittals relative to projected cost of the amendment of Order No. 99-059 to both the Dischargers and the development community.

20. The Regional Board, through public testimony in public meetings and in written form, has received and considered all comments pertaining to the amendment of Order No. 99-059.

Finding 21: Renumbering of Existing Provisions within Order No. 99-059

21. Provision C.3 of Order No. 99-059 stipulates Stormwater Management Plan requirements. Upon adoption of this Order, Provision C.3 will address New Development and Redevelopment Performance Standards, and existing provisions C.3 – C.17 will be renumbered C.4 – C.18 in the Existing Permit.

IT IS HEREBY ORDERED that the Dischargers, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted hereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted hereunder, shall comply with the following:

Provision C.3. New Development and Redevelopment Performance Standards

The Dischargers will continue to implement the new development and redevelopment Performance Standards contained in the Management Plan and improve them to achieve the control of stormwater pollutants to the maximum extent practicable in accordance with the following sections:

a. New Development and Redevelopment Performance Standard Implementation:

The Dischargers shall continue to implement and improve, as necessary and appropriate, the Performance Standards for new development and redevelopment controls detailed on Pages

D-10

B-ND-1 through B-ND-4 of the July 1999 Management Plan. In addition, the Dischargers shall implement the following Performance Standards:

- i. Each Discharger shall ensure access to treatment measures to San Mateo Mosquito and Vector Control District staff; and
- ii. Each Discharger shall provide educational materials to municipal staff, developers, contractors, construction site operators, and owner/builders, early in the planning process and as appropriate.

b. Development Project Approval Process:

The Dischargers shall modify their project review processes as needed to incorporate the requirements of Provision C.3. Each Discharger shall include conditions of approval in permits for applicable projects, as defined in Provision C.3.c, to ensure that stormwater pollutant discharges are reduced by incorporation of treatment measures and other appropriate source control and site design measures, and increases in runoff flows are managed in accordance with Provision C.3.f, to the maximum extent practicable. Such conditions shall, at a minimum, address the following goals:

- i. Require a project proponent to implement site design/landscape characteristics where feasible which maximize infiltration (where appropriate), provide retention or detention, slow runoff, and minimize impervious land coverage, so that post-development pollutant loads from a site have been reduced to the maximum extent practicable; and
- ii. For new and redevelopment projects that discharge directly (not mixed with runoff from other developed sites) to water bodies listed as impaired by a pollutant(s) pursuant to Clean Water Act Section 303(d), ensure that post-project runoff does not exceed pre-project levels for such pollutant(s), through implementation of the control measures addressed in this provision, to the maximum extent practicable, in conformance with Provision C.1.

Modification of project review processes shall be completed by **February 15, 2005**.

c. Applicable Projects – New and Redevelopment Project Categories:

New development and significant redevelopment projects that are subject to Provision C.3. are grouped into two categories based on project size. While all projects regardless of size should consider incorporating appropriate source control and site design measures that minimize stormwater pollutant discharges to the maximum extent practicable, new and redevelopment projects that do not fall into Group 1 or Group 2 are not subject to the requirements of Provision C.3. Provision C.3. shall also not apply to projects for which a privately sponsored development application has been deemed complete by a Discharger or, with respect to public projects, for which funding has been committed and for which construction is scheduled by **February 15, 2005**.

i. Group 1 Projects:

Dischargers shall require Group 1 Projects to implement appropriate source control and site design measures and to design and implement stormwater treatment measures, to reduce the discharge of stormwater pollutants to the maximum extent practicable. Implementation of

D-11

this requirement shall begin **February 15, 2005**. Group 1 Projects consist of all public and private projects in the following categories:

1. *Commercial, industrial, or residential developments that create one acre (43,560 square feet) or more of impervious surface, including roof area, streets and sidewalks.* This category includes any development of any type on public or private land, which falls under the planning and building authority of the Dischargers, where one acre or more of new impervious surface, collectively over the entire project site, will be created. Construction of one single-family home, which is not part of a larger common plan of development, with the incorporation of appropriate pollutant source control and design measures, and using landscaping to appropriately treat runoff from roof and house-associated impervious surfaces (e.g., runoff from roofs, patios, driveways, sidewalks, and similar surfaces), would be in substantial compliance with Provision C.3.
2. *Streets, roads, highways, and freeways that are under the Dischargers' jurisdiction and that create one acre (43,560 square feet) or more of new impervious surface.* This category includes any newly constructed paved surface used primarily for the transportation of automobiles, trucks, motorcycles, and other motorized vehicles. Excluded from this category are sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features.
3. *Significant Redevelopment projects.* This category is defined as a project on a previously developed site that results in addition or replacement, which combined total 43,560 ft² or more of impervious surface on such an already developed site ("Significant Redevelopment"). Where a Significant Redevelopment project results in an increase of, or replacement of, more than fifty percent of the impervious surface of a previously existing development, and the existing development was not subject to stormwater treatment measures, the entire project must be included in the treatment measure design. Conversely, where a Significant Redevelopment project results in an increase of, or replacement of, less than fifty percent of the impervious surface of a previously existing development, and the existing development was not subject to stormwater treatment measures, only that affected portion must be included in treatment measure design. Excluded from this category are interior remodels and routine maintenance or repair. Excluded routine maintenance and repair include roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed.

ii. Group 2 Projects:

The Group 2 Project definition is in all ways the same as the Group 1 Project definition above, except that the size threshold of impervious area for new and Significant Redevelopment projects is reduced from one acre (43,560 ft²) of impervious surface to 10,000 square feet. Dischargers shall require Group 2 Projects to implement appropriate source control and site design measures and to design and implement appropriate stormwater treatment measures, to reduce stormwater pollution to the maximum extent practicable. Projects consisting of one single family home not part of a larger common plan of development are excluded from the Group 2 Project definition, and therefore excluded from

D-12

the requirement to implement appropriate stormwater treatment measures. Implementation of this requirement shall begin by **August 15, 2006**, at which time the definition of Group 1 Project is changed to include all Group 2 Projects.

iii. Proposal for Alternative Group 2 Project Definition: The Program and/or any Discharger may propose, for approval by the Regional Board, an Alternative Group 2 Project definition, with the goal that any such alternative definition aim to ensure that the maximum created impervious surface area is treated for the minimum number of projects subject to Discharger review. Any such proposal shall contain supporting information about the Dischargers' development patterns, and sizes and numbers of proposed projects for several years, that demonstrates that the proposed definition would be substantially as effective as the Group 2 Project definition in Provision C.3.c.ii. Proposals may include differentiating projects subject to the Alternative Group 2 Project definition by land use, by focusing solely on the techniques recommended by Start at the Source for documented low pollutant loading land uses, and/or by optimum use of landscape areas required by Dischargers under existing codes as treatment measures. Proposals may be submitted anytime, with the understanding that the Group 2 Project definition, as described in Provision C.3.c.ii will be upheld as the default in the absence of an approved Alternative Group 2 Project definition.

d. Numeric Sizing Criteria For Pollutant Removal Treatment Systems:

All Dischargers shall require that treatment measures be constructed for applicable projects, as defined in Provision C.3.c, that incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff. As appropriate for each criterion, the Dischargers shall use or appropriately analyze local rainfall data to be used for that criterion.

- i. Volume Hydraulic Design Basis:** Treatment measures whose primary mode of action depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:
1. The maximized stormwater capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998)*, pages 175-178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or
 2. The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the *California Stormwater Best Management Practices Handbook, (1993)*, using local rainfall data.
- ii. Flow Hydraulic Design Basis:** Treatment measures whose primary mode of action depends on flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:
1. 10% of the 50-year peak flow rate; or
 2. the flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or
 3. the flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity.

0-13

e. Operation and Maintenance of Treatment Measures:

All treatment measures must be adequately operated and maintained by complying with the process described below. Beginning July 1, 2004, each Discharger shall implement a treatment measures operation and maintenance (O&M) verification program (O&M Program), which shall include the following:

- i. Compiling a list of properties (public and private) and responsible operators for, at a minimum, all treatment measures implemented from the date of adoption of this Order. Information on the location of all stormwater treatment measures shall be sent to the local vector control district. In addition, the Dischargers shall inspect a subset of prioritized treatment measures for appropriate O&M, on an annual basis, with appropriate follow-up and correction.
- ii. **Verification and access assurance shall at a minimum include:** Where a private entity is responsible for O&M, the entity's signed statement accepting responsibility for maintenance until the responsibility is legally transferred to another entity; and access permission for representatives of the Discharger, local vector control district, and Regional Board staff strictly for the purpose of O&M verification for the specific stormwater treatment system to the extent allowable by law; and, for all entities, either:
 1. A signed statement from the public entity assuming post-construction responsibility for treatment measure maintenance and that the treatment measure meets all local agency design standards; or
 2. Written conditions in the sales or lease agreement requiring the buyer or lessee to assume responsibility for O&M consistent with this provision, which conditions, in the case of purchase and sale agreements, shall be written to survive beyond the close of escrow; or
 3. Written text in project conditions, covenants and restrictions (CCRs) for residential properties assigning O&M responsibilities to the home owners association for O&M of the treatment measures; or
 4. Any other legally enforceable agreement or mechanism that assigns responsibility for the maintenance of post-construction treatment measures.
- iii. **O&M Reporting:** The Dischargers shall report on their O&M Program in each Annual Report, starting with the Annual Report to be submitted **September, 2005**. The Annual Report shall contain: a description of the organizational structure of the Discharger's O&M Program; an evaluation of that O&M Program's effectiveness; summary of any planned improvements to the O&M Program; and a list or summary of treatment measures that have been inspected that year with inspection results.
- iv. The program shall submit by **June 1, 2004**, a vector control plan for Executive Officer approval, after consultation with the appropriate vector control agencies. The plan shall include design guidance for treatment measures to prevent the production of vectors, particularly mosquitoes, and provide guidance on including vector abatement concerns in O&M and verification inspection activities.
- v. The Dischargers are expected to work diligently and in good faith with the appropriate state and federal agencies to obtain any approvals necessary to complete maintenance activities for

Q-14

stormwater treatment measures. If the Dischargers have done so, and maintenance approvals are not granted, where necessary, the Dischargers shall be deemed by the Regional Board to be in compliance with this Provision.

f. Limitation on Increase of Peak Stormwater Runoff Discharge Rates:

- i. The Dischargers shall manage increases in peak runoff flow and increased runoff volume, for all Group 1 Projects, where such increased flow and/or volume is likely to cause increased erosion of creek beds and banks, silt pollutant generation, or other waterbody impacts to beneficial uses due to increased erosive force. Such management shall be through implementation of a Hydrograph Modification Management Plan (HMP). The HMP, once approved by the Regional Board, shall be implemented so that post-project runoff shall not exceed estimated pre-project rates and/or durations, where the increased stormwater discharge rates and/or durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in the amount and timing of runoff. The term duration in this Provision is defined as the period that flows are above a threshold that causes significant sediment transport and may cause excessive erosion damage to creeks and streams.
- ii. Provision C.3.f.i does not apply to new development and significant redevelopment projects where the project discharges stormwater runoff into creeks or storm drains where the potential for erosion or other impacts to beneficial uses, is minimal. Such situations may include discharges into creeks that are concrete-lined or significantly hardened (e.g., with rip-rap, sackrete, etc.) downstream to their outfall in San Francisco Bay or the Pacific Ocean, underground storm drains discharging to the Bay or Ocean, and construction of infill projects in highly developed watersheds, where the potential for single-project and/or cumulative impacts is minimal. Guidelines for identification of such situations shall be included as a part of the HMP. However, plans to restore a creek reach may re-introduce the applicability of HMP controls, and would need to be addressed in the HMP.
- iii. The HMP may identify conditions under which some increases in runoff may not have a potential for increased erosion or other impacts to beneficial uses. Reduced controls or no controls on peak stormwater runoff discharge rates and/or durations may be appropriate in those cases, subject to the conditions in the HMP. In the absence of information demonstrating that changes in post-development runoff discharge rates and durations will not result in increased potential for erosion or other adverse impacts to beneficial uses, the HMP requirements shall apply.
- iv. The HMP proposal, at a minimum, shall include:
 1. A review of pertinent literature;
 2. A protocol to evaluate potential hydrograph change impacts to downstream watercourses from proposed projects;
 3. An identification of the rainfall event below which these standards and management requirements apply, or range of rainfall events to which these requirements apply;
 4. A description of how the Dischargers will incorporate these requirements into their local approval processes, or the equivalent; and,

1-15

5. Guidance on management practices and measures to address identified impacts.

The Dischargers may prioritize which individual watersheds the HMP would initially apply to, if it is demonstrated in the HMP that such prioritization is appropriate.

The Dischargers may work appropriately with the Santa Clara Valley Urban Runoff Pollution Prevention Program and other Bay Area storm water programs as part of completing these requirements. For example, the Dischargers may wish to expand on the literature review being completed by the Santa Clara Valley Urban Runoff Program under its Permit, rather than authoring their own literature review from scratch. While such cooperation is encouraged, it shall not be grounds for delaying compliance beyond the schedule set forth herein.

- v. The identified maximum rainfall event or rainfall event range may be different for specific watersheds, streams, or stream reaches. Individual Dischargers may utilize the protocol to determine a site- or area-specific rainfall event or event range standard.
- vi. The HMP's evaluation protocols, management measures, and other information may include the following:
 - 1. Evaluation of the cumulative impacts of urbanization of a watershed on stormwater discharge and stream morphology in the watershed;
 - 2. Evaluation of stream form and condition, including slope, discharge, vegetation, underlying geology, and other information, as appropriate;
 - 3. Implementation of measures to minimize impervious surfaces and directly connected impervious area in new development and redevelopment projects;
 - 4. Implementation of measures including stormwater detention, retention, and infiltration;
 - 5. Implementation of land use planning measures (e.g., stream buffers and stream restoration activities, including restoration-in-advance of floodplains, revegetation, use of less-impacting facilities at the point(s) of discharge, etc.) to allow expected changes in stream channel cross sections, stream vegetation, and discharge rates, velocities, and/or durations without adverse impacts to stream beneficial uses;
 - 6. A mechanism for pre- vs. post-project assessment to determine the effectiveness of the HMP and to allow amendment of the HMP, as appropriate; and,
 - 7. Other measures, as appropriate.
- vii. **Equivalent limitation of peak flow impacts:** The Dischargers may develop an equivalent limitation protocol, as part of the HMP, to address impacts from changes in the volumes, velocities, and/or durations of peak flows through measures other than control of those volumes and/or durations. The protocol may allow increases in peak flow and/or durations, subject to the implementation of specified design, source control, and/or treatment measures and land planning practices that take into account expected stream change (e.g., increases in the cross-sectional area of stream channel) resulting from changes in discharge rates and/or durations, while maintaining or improving beneficial uses of waters.
- viii. The Dischargers as a group shall complete the HMP according to the schedule below. All required documents shall be submitted for approval by the Executive Officer, based on the

D-16

criteria set forth in this Order, except the HMP, which shall be submitted for approval by the Regional Board. Development and implementation status shall be reported in the Dischargers' Annual Reports, which shall also provide a summary of projects incorporating measures to address this Provision and the measures used.

1. **February 15, 2004:** Submit a detailed workplan and schedule for completion of the literature review, development of a protocol to identify an appropriate limiting storm, development of guidance materials, and other required information;
2. **February 15, 2004:** Submit literature review;
3. **November 15, 2004:** Submit a draft HMP, including the analysis that identifies the appropriate limiting storm and the identified limiting storm event(s) or event range(s);
4. **May 15, 2005:** Submit the HMP for Regional Board approval; and,
5. Upon approval by the Regional Board, implement the approved HMP, which shall include the requirements of this Provision. Prior to approval of the HMP by the Regional Board, the early implementation of measures likely to be included in the HMP shall be encouraged by the Dischargers.

g. Alternative Compliance Based on Impracticability and Requiring Compensatory Mitigation:

- i. The Dischargers may establish a program under which a project proponent may request alternative compliance with the requirement in Provision C.3.c to install treatment measures onsite for a given project, upon an appropriate showing of impracticability, and with provision to treat offsite an equivalent surface area, pollutant loading or quantity of stormwater runoff, or provide other equivalent water quality benefit, such as stream restoration or other activities that limit or mitigate impacts from excessive erosion or sedimentation. The offsite location of this equivalent stormwater treatment, or water quality benefit, shall be where no other requirement in Provision C.3.c. for treatment exists, and within the same stormwater runoff drainage basin and treating runoff discharging to the same receiving water, where feasible. Under this Provision, enhancements of existing mitigation projects are acceptable. The Dischargers should specifically define the basis for impracticability or infeasibility, which may include situations where onsite treatment is technically feasible, but excessively costly, as determined by set criteria.
- ii. Regional Solutions: The alternative compliance program may allow a project proponent to participate in a regional or watershed-based stormwater treatment facility, without a showing of impracticability on the individual project site, if the regional or watershed-based stormwater treatment facility discharges into the same receiving water, where feasible.
- iii. The Program is encouraged to propose a model alternative compliance program on behalf of the Dischargers, for approval by the Regional Board, and for potential adoption and implementation by the Dischargers.
- iv. The alternative compliance program proposal should state the criteria for granting alternatives from the requirement to install treatment measures onsite; criteria for determining impracticability or infeasibility; and criteria for use of regional or watershed-based stormwater treatment facilities. The proposal should also describe how the project

0-17

sponsor will provide equivalent water quality benefits or credit to an alternative project or to a regional or watershed-based treatment facility and tracking mechanisms to support the reporting requirements set forth in Provision C.3.g.v below.

- v. An exemption without the requirement for alternate, equivalent offsite treatment is allowed for the following redevelopment projects after impracticability of including onsite treatment measures is established, where such projects are built as redevelopment projects as defined in Finding 14, and it is clearly demonstrated that cost of participation in alternate, equivalent offsite treatment through a regional treatment or other equivalent water quality benefit project fund will unduly burden the project: creation of housing units affordable to persons of low or moderate income as defined by Health and Safety Code Section 50093, brownfield sites, and/or transit village type developments within ¼ mile of transit stations and/or intermodal facilities.
- vi. Reporting: Each year, as part of its Annual Report, each Discharger shall provide a list of the alternative projects and exemptions it granted. For each project and exemption, the following information shall be provided:
 - 1. Name and location of the project for which the alternative project or exemption was granted;
 - 2. Project type (e.g., restaurant, residence, shopping center) and size;
 - 3. Area or percent of impervious surface in the project's final design;
 - 4. Reason for granting the alternative project or exemption, including, for those projects granted an exemption without the requirement for alternate, equivalent offsite treatment, a demonstration that cost of such equivalent offsite treatment unduly burdened the project;
 - 5. Terms of the alternative project or exemption; and,
 - 6. The offsite stormwater treatment project receiving the benefit, and the date of completion of the project.
- vii. Interim Alternative Compliance Program: In the event that an alternative compliance program has not been proposed by the Program and/or a Discharger, approved by the Regional Board, or implemented by a particular Discharger by the date of implementation of Group 1 Projects, provision for an interim alternative to the requirement to install treatment measures onsite may be granted by a Discharger. An interim alternative compliance project may be granted if the project proponent (1) demonstrates onsite impracticability due to extreme limitations of space for treatment and lack of below grade surface treatment options, and (2) presents sufficient assurance of providing equivalent offsite stormwater pollutant and/or volume treatment at another location within the drainage basin, for which construction of stormwater treatment measures is not otherwise required, discharging into the same receiving water, where feasible. The Discharger shall be responsible for assuring that equivalent offsite treatment has occurred for any use of this interim alternative compliance program, within six months of project construction, and shall report the basis of onsite impracticability and the nature of equivalent offsite treatment for each project in its Annual Report. Any equivalent offsite treatment that does not include construction of stormwater

D-18

treatment measures must be approved by the Executive Officer based on the criteria set forth in this Order. This interim alternative compliance clause will be void when the Regional Board approves the alternative compliance program described in Provision C.3.g.i-vi, above.

h. Alternative Certification of Adherence to Design Criteria for Stormwater Treatment Measures:

In lieu of conducting detailed review to verify the adequacy of measures required pursuant to Provisions C.3.d, a Discharger may elect to accept a signed certification from a Civil Engineer or a Licensed Architect or Landscape Architect registered in the State of California, or another Discharger that has overlapping jurisdictional project permitting authority, that the plan meets the criteria established herein. The Discharger should verify that each certifying person has been trained on treatment measures design for water quality not more than three years prior to the signature date, and that each certifying person understands the groundwater protection principles applicable to the project site (see Provision C.3.i, Limitations on Use of Infiltration Treatment Measures). Training conducted by an organization with stormwater treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association) may be considered qualifying.

i. Limitations on Use of Infiltration Treatment Measures - Infiltration and Groundwater Protection:

In order to protect groundwater from pollutants that may be present in urban runoff, treatment measures that function primarily as infiltration devices (such as infiltration basins and infiltration trenches not deeper than their maximum width) shall meet, at a minimum, the following conditions:

- i. Pollution prevention and source control measures shall be implemented at a level appropriate to protect groundwater quality at sites where infiltration devices are to be used;
- ii. Use of infiltration devices shall not cause or contribute to degradation of groundwater water quality objectives;
- iii. Infiltration devices shall be adequately maintained to maximize pollutant removal capabilities;
- iv. The vertical distance from the base of any infiltration device to the seasonal high groundwater mark shall be at least 10 feet. Note that some locations within the Dischargers' jurisdiction are characterized by highly porous soils and/or a high groundwater table; in these areas, treatment measures approvals should be subject to a higher level of analysis (e.g., considering the potential for pollutants such as on-site chemical use, the level of pretreatment to be achieved, and similar factors);
- v. Unless stormwater is first treated by a means other than infiltration, infiltration devices shall not be recommended as treatment measures for areas of industrial or light industrial activity; areas subject to high vehicular traffic (25,000 or greater average daily traffic on main roadway or 15,000 or more average daily traffic on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (bus, truck, etc.); nurseries; and other high threat to water quality land uses and activities as designated by each Discharger; and,

D-14

- vi. Infiltration devices shall be located a minimum of 100 feet horizontally from any known water supply wells.

j. Site Design Measures Guidance and Standards Development:

- i. The Dischargers shall review their local design standards and guidance for opportunities to make revisions that would result in reduced impacts to water quality and beneficial uses of waters. In this event, the Dischargers shall make any such revisions and implement the updated standards and guidance, as necessary.

Areas of site design that may be appropriate to address include the following, which are offered as examples:

1. Minimize land disturbance;
2. Minimize impervious surfaces (e.g., roadway width, driveway area, and parking lot area), especially directly connected impervious areas;
3. Minimum-impact street design standards for new development and redevelopment, including typical specifications (e.g., neo-traditional street design standards and/or street standards recently revised in other cities, including Portland, Oregon, and Vancouver, British Columbia);
4. Minimum-impact parking lot design standards, including parking space maximization within a given area, use of landscaping as a stormwater drainage feature, use of pervious pavements, and parking maxima;
5. Clustering of structures and pavement;
6. Typical specifications or "acceptable design" guidelines for lot-level design measures, including:
 - Disconnected roof downspouts to splash blocks or "bubble-ups;"
 - Alternate driveway standards (e.g., wheelways, unit pavers, or other pervious pavements); and,
 - Microdetention, including landscape detention and use of cisterns (may also be considered treatment measures);
7. Preservation of high-quality open space;
8. Maintenance and/or restoration of riparian areas and wetlands as project amenities, including establishing vegetated buffer zones to reduce runoff into waterways, allow for stream channel change as a stream's contributing watershed urbanizes, and otherwise mitigate the effects of urban runoff on waters and beneficial uses of waters (may also be considered treatment measures); and,
9. Incorporation of supplemental controls to minimize changes in the volume, flow rate, timing, and duration of runoff, for a given precipitation event or events. These changes include cumulative hydromodification caused by site development. Measures may include landscape-based measures or other features to reduce the velocity of, detain, and/or infiltrate stormwater runoff (may also be considered treatment measures).

D-20

ii. The standards and guidance review shall be completed according to the schedule below. A summary of review, revision, and implementation status shall be submitted for acceptance by the Executive Officer and reported in the Dischargers' Annual Reports, beginning with the Annual Report due September 15, 2005.

1. No later than **August 15, 2003**: The Dischargers shall submit a detailed workplan and schedule for completion of the review of standards and guidelines, any proposed revisions thereto and any implementation of revised standards and guidance;
2. No later than **November 15, 2004**: The Dischargers shall submit a draft review and analysis of local standards and guidance, opportunities for revision, and any proposed revised standards and guidance; and,
3. No later than **November 15, 2005**: The Dischargers shall incorporate any revised standards and guidance into their local approval processes and shall fully implement the revised standards and guidance.

k. Source Control Measures Guidance Development:

The Dischargers shall, as part of their continuous improvement process, submit enhanced new development and significant redevelopment Performance Standards that summarize source control requirements for such projects to limit pollutant generation, discharge, and runoff, to the maximum extent practicable.

Examples of source control measures may include the following, which are offered as examples:

- i. Indoor mat/equipment wash racks for restaurants, or covered outdoor wash racks plumbed to the sanitary sewer;
- ii. Covered trash and food compactor enclosures with a sanitary sewer connection for dumpster drips and designed such that run-on to trash enclosure areas is avoided;
- iii. Sanitary sewer drains for swimming pools;
- iv. Sanitary drained outdoor covered wash areas for vehicles, equipment, and accessories;
- v. Sanitary sewer drain connections to take fire sprinkler test water;
- vi. Storm drain system stenciling;
- vii. Landscaping that minimizes irrigation and runoff, promotes surface infiltration where appropriate, minimizes the use of pesticides and fertilizers, and where feasible removes pollutants from stormwater runoff; and,
- viii. Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.

A model enhanced new development and significant redevelopment source control Performance Standard and proposed workplan for its implementation shall be submitted by **August 15, 2004**. Implementation shall begin no later than **February 15, 2005**, and the status shall thereafter be reported in the Dischargers' Annual Reports, beginning with the Annual Report due **September 15, 2005**, which shall also provide appropriate detail on projects reflecting the application of the enhanced Performance Standards consistent with Provision C.3.b, above.

I. Update General Plans:

If necessary (and only to the extent which is necessary) in order to be able to require implementation of the measures required by Provision C.3 for applicable development projects, at the next scheduled update/revision of its General Plan, each Discharger shall confirm that it has incorporated water quality and watershed protection principles and policies into its General Plan or equivalent plan. These principles and policies shall be designed to protect natural water bodies, reduce impervious land coverage, slow runoff, and where feasible, maximize opportunities for infiltration of rainwater into soil. Such water quality and watershed protection principles and policies may include the following, which are offered as examples:

- i. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment and where feasible maximize on-site infiltration of runoff;
- ii. Implement pollution prevention methods supplemented by pollutant source controls and treatment. Use small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system;
- iii. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones. Encourage land acquisition and/or conservation easement acquisition of such areas;
- iv. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways, and bridges;
- v. Prior to making land use decisions, utilize methods available to estimate increases in pollutant loads and flows resulting from projected future development. Require incorporation of structural and non-structural treatment measures to mitigate the projected increases in pollutant loads and flows;
- vi. Avoid development of areas that are particularly susceptible to erosion and sediment loss; or establish development guidance that identifies these areas and protects them from erosion and sediment loss; and,
- vii. Reduce pollutants associated with vehicles and increased traffic resulting from development.

If amendments of General Plans are determined to be legally necessary to allow for implementation of any aspect of Provision C.3, such amendments shall occur by the implementation date of the corresponding component of the Provision. If legally necessary General Plan amendments cannot occur by the implementation date because of CEQA requirements or other constraints imposed by the laws applicable to amending General Plans, the Dischargers shall report this to the Executive Officer as soon as possible, and no later than in the Annual Report due more than six months in advance of the implementation date. Should changes to implementation dates to enable a Discharger to comply with CEQA and General Plan legal requirements be necessary, the Dischargers shall recommend a new implementation date for approval by the Regional Board.

m. Water Quality Review Processes:

When Dischargers conduct environmental review of projects in their jurisdictions, the Dischargers shall evaluate water quality effects and identify appropriate mitigation measures. This requirement shall be implemented by **May 15, 2004**. Questions that evaluate increased pollutants and flows from the proposed project include the following, which are offered as examples:

- i. Would the proposed project result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).
- ii. Would the proposed project result in significant alteration of receiving water quality during or following construction?
- iii. Would the proposed project result in increased impervious surfaces and associated increased runoff?
- iv. Would the proposed project create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?
- v. Would the proposed project result in increased erosion in its watershed?
- vi. Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, will it result in an increase in any pollutant for which the water body is already impaired?
- vii. Would the proposed project have a potentially significant environmental impact on surface water quality, to marine, fresh, or wetland waters?
- viii. Would the proposed project have a potentially significant adverse impact on ground water quality?
- ix. Will the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?
- x. Will the project impact aquatic, wetland, or riparian habitat?

n. Reporting:

The Dischargers shall demonstrate compliance with the requirements of Provision C.3 by providing in their Annual Reports the information described in Table 1, beginning with the dates shown in Table 1 and continuing thereafter. In addition, the following information shall be collected for annual report submittal, beginning upon the date of adoption of this Order, unless otherwise specified below.

- i. For all new development and Significant Redevelopment projects which meet the Group 1 or Group 2 definitions in Provision C.3.c, collect and report the name or other identifier, type of project (using the categories in Provision C.3.c), site acreage or square footage, and square footage of new impervious surface.
- ii. For projects that must implement treatment measures, report which treatment measures were used and numeric-sizing criteria employed, the O&M responsibility mechanism

D-23

including responsible party, site design measures used, and source control measures required. This reporting shall begin in the Annual Report following the implementation date specified in Provision C.3.c. This information shall also be reported to the appropriate local vector control district, with additional information of access provisions for vector control district staff.

The Dischargers may utilize their Annual Reports to highlight their budget constraints and suggest reprioritization of any Program activities in order to achieve the most cost effective overall Program.

o. Implementation Schedule:

The Dischargers shall implement the requirements of Provisions C.3.b through C.3.n according to the schedule in Table 2.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on February 19, 2003.

Loretta K. Barsamian
Executive Officer

ATTACHMENTS - Table 1: Summary of Annual and One-Time Reporting Requirements
Table 2: Implementation Schedule
Location and Political Jurisdiction Map
Basin Watersheds Map

D-24





CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY MEETING MINUTES

Tuesday, April 29, 2003

7:30 p.m.

The Menlo Park Senior Center
110 Terminal Avenue
Menlo Park, CA 94025

6:00 p.m. STUDY SESSION (Senior Center in Belle Haven)

1. Council feedback on a proposed process to identify and address community needs in the Belle Haven neighborhood.

Mayor Pro Tem Duboc started the Study Session at 6:11 p.m. and Audrey Seymour, Assistant City Manager, presented the report. Council ensued in some discussion stating that there is a need to hear from underrepresented community groups. It was suggested that placing signs in the community promoting positive values, e.g. "We Believe in Keeping our Community Clean", might be a good starting point. After some dialogue the Council invited Public Comment.

Subsequent to the open forum, and the public comment, Council's inclination and feedback was to agree on the issues/needs listed in the staff report with the exception of the following two items: neighborhood serving businesses and housing, which would be addressed through existing and augmented public processes associated with redevelopment area and land use. Additionally it was Council's preference to support the creation of an advisory group composed of five to seven members, and to conduct a community "mini needs assessment".

7:30 p.m. REGULAR MEETING (Senior Center in Belle Haven)

Mayor Jellins called the meeting to order at 7:32 p.m.

ROLL CALL - Jellins, Duboc, Collacchi, Kinney, Winkler

STAFF PRESENT - David Boesch, City Manager; William McClure, City Attorney; Audrey Seymour, Assistant City Manager; Silvia Ponte, City Clerk. Various department heads and other staff present.

Mayor Jellins announced that a Study Session took place to address community needs in the Belle Haven area.

PLEDGE OF ALLEGIANCE

A. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation recognizing Fair Housing Month.

Mayor Jellins presented Margie Rocha, Executive Director of the Midpeninsula Citizens for Fair Housing, with a Proclamation designating April as Fair Housing Month. Ms. Rocha thanked the City Council of Menlo Park for affirming Fair Housing Month.

B. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. Council Member Reports.

Mayor Pro Tem Duboc reported on the following items:

- i) Attending the first Childcare meeting of the Task Force, and recognized Audrey Seymour, Assistant City Manager, for her leadership and guidance.
- ii) Being present at a meeting related to the Belle Haven Clean up day, and thanked the Fire District, the Police Department and BFI for all their work in supporting this endeavor. The Clean Up Day will be held on June 7th, 2003, and the Mayor Pro Tem invited residents to attend.
- iii) Acting on behalf of Council Member Kinney, Mayor Pro Tem Duboc planted a tree on Arbor Day to commemorate this special day.
- iv) Participating in the Belle Haven job fair, and thanked all the employers who attended it as well as the public who showed up.

Mayor Jellins reported on the following items:

- i) Attending the bi-annual ABAG (Association of Bay Area Government) summit in San Francisco, where a Work Plan for 03-04 was approved.
- ii) Being present at the League of California Cities dinner in San Mateo (Peninsula Division).
- iii) Attending the Council of Cities meeting as the representative from Menlo Park.

C. PUBLIC COMMENT #1

Nancy Cash, with the Mount Olive Church and the Crime Prevention Narcotics Drugs Educational Center, thanked the Council for hosting the meeting in Belle Haven as previously promised. Ms. Cash shared concerns about issues such as Code Enforcement, and Traffic Calming Measures in Belle Haven. In her opinion the Code Enforcement process should stimulate compliance and should not be punitive. The City should also take a look at its own property in that area.

Kelly Fergusson, supports the choice of Clarum Homes for the Hamilton Avenue project, but alerts the Council to concerns related to this developer not using generally accepted accounting principles. Ms. Fergusson pointed out that the Selection Committee had many productive meetings.

D. CONSENT CALENDAR

1. City Council approval of a Citywide Traffic Signal Bicycle Detection Enhancement Project and appropriation of \$19,500 from the Measure A account to fund the implementation of the project. (*Staff Report # 03-069*)

Item pulled

2. Community Development Agency 1) Adoption of a Resolution No. 264 approving a budget amendment to the Agency Tax Increment Funds in the amount of \$36,895 for the Menlo Park Senior Center Re-roofing Project; 2) award of contract to Waterproofing Associates in the amount of \$110,814; 3) authorization of a budget of \$148,895 for construction, contingencies, engineering, testing, and construction administration. (*Staff Report # 03-070*)

Item pulled

3. City Council appropriation of \$80,000 from the Measure "A" account for implementation of proposed immediate Traffic Control Measures for Woodland Avenue and other potential improvements in the Willows neighborhood. (*Staff Report # 03-071*)

Item pulled

4. Approval of a two-year lease agreement with Williams Scotsman, Inc. in the amount of \$95,760 for a two-year period for the use of the Menlo Children's Center temporary modular building and authorization of the City Manager to execute the lease agreement. (*Staff Report # 03-072*)
5. Approval of audited bills for periods 40 and 41 ending April 4 and 11, 2003.

6. Approval of the Minutes for the City Council Meeting of April 22, 2003.

Council Member Kinney pulled items D2 and D3 from the Consent Calendar. Staff requested that item D4 be pulled from the Consent Calendar.

M/S Winkler/Duboc to approve consent items D1, D5, and D6. Motion passes with Council Member Kinney abstaining on item D6 because of his absence on the date of the minutes in question.

Discussion on items D2 and D3 (pulled from the Consent Calendar)

Council Member Kinney asked questions of staff relating to the longevity of the roof on item D2. Kent Steffens, Public Works Director responded to the questions, and offered to verify the life expectancy of the roof, as well as other roof specifications such as the warranty.

M/S Kinney/Jellins to approve item D2 with the understanding that where it reads ten years it should be 20 years, and if there is a problem then staff to return the item to Council. Motion passes unanimously.

Council Member Kinney asked questions about item D3 namely if it includes Chester Avenue. Jamal Rahimi, Transportation Manager confirmed that Chester Avenue is included.

M/S Kinney/Jellins to approve item D3 of the Consent Calendar. Motion passes unanimously.

Discussion on item D4 (pulled from the Consent Calendar)

Audrey Seymour, Assistant City Manager stated that the item was pulled to rectify the term of the lease, and change it from two years to one year. An addendum was presented to Council at the dais, with the revised recommendation, and copies available were available for the public review.

M/S Duboc/Kinney to approve item D4. Motion carries unanimously.

E. PUBLIC HEARINGS - None

F. REGULAR BUSINESS

1. Agency Board ratification of the selection of Clarum Homes as the Developer of properties at the Belle Haven Park and Housing site on Hamilton Avenue. (*Staff Report # 03-073*)

Gretchen Hillard, Housing and Redevelopment Manager, provided the staff report and clarified the process used to arrive at the selection of Clarum Homes as the developer. There were several meetings, and the majority of the committee voted to recommend Clarum Homes for this project. Five proposals were received, and three developers were invited for interviews in late March. Similarly, staff reviewed the developers' financial standing, and is satisfied with Clarum's standards and ability to deliver the project.

Two representatives from Clarum Homes were present to provide background information on the project and shared details about like sites in other areas of Northern California. Zero energy approaches were shared as options in contemporary plans such as this one.

M/S Winkler/Collacchi to have the Agency Board ratify the selection of Clarum Homes as the developer of properties at the Belle Haven Park and Housing site on Hamilton Avenue. Motion carries unanimously.

2. Consideration of a request by Peninsula Habitat for Humanity that the Community Development Agency pay the cost of the Environmental Impact Report required for the proposed development at 297 Terminal Avenue. (*Staff Report # 03-074*)

Arlinda Heineck, Director of Community Development presented the staff report and analysis showing that an EIR (Environmental Impact Report) will be necessary for this particular site, due to site contamination, traffic impacts and train noise. Council ensued in some discussion and asked questions of staff. After further discussion, staff reiterated its recommendation that the EIR be a supplemental portion of the Housing Element versus an independent EIR.

David Boesch, City Manager, clarified certain issues, and upcoming deadlines related to this project.

Mayor Jellins opened Public Comment

Stuart Soffer, speaking as an individual and not as a Planning Commissioner, commented on the fact that this project deserves a full EIR due to the fact that there are unclear areas such as traffic, soil contamination, and noise.

Sheryl Bims, representing herself, thanked the City Council for the Code Enforcement brochures that were mailed to residents. Ms. Bims stressed that the children and education are primary concerns for the Belle Haven community.

M/S Duboc/Winkler to adopt the staff recommendation. Motion passes unanimously.

3. City Council approval of Phase II Traffic Calming Measures for the Bay Road/Flood Triangle Neighborhood. (*Staff Report # 03-054*)

Jamal Rahimi, Transportation Manager, presented an overview of the project, and explained the recommendations of staff and the Transportation Commission. Rene Baile, Transportation Engineer, presented a PowerPoint presentation and responded to questions from Council. One area that the City Council discussed was the 51% neighborhood threshold of acceptance. Council requested that a copy of the unofficial guidelines be provided at a later time.

Mayor Jellins asked for Public Comment.

Allan Zesch, is disappointed at the staff recommendation because the problem is the five-way intersection and the drive through traffic. Mr. Zesch believes that blocking off Sonoma is the answer as well as installing more speed bumps in the area.

Douglas Bui, supports the recommendation from the Transportation Commission and does not believe in redistributing the traffic and diverting the problem to other areas. Mr. Bui believes the best approach is to get the Police Department to ticket those speeding in that area.

Elizabeth Andersen, requested a stop sign on Oakwood Place because of the danger, to all those who use that street, including children. She asked that Council seriously consider a stop sign.

Mayor Jellins asked for input from a representative of the Transportation Commission.

Max Crittenden stated that to his recollection the Commission reviewed the information given by staff. The Transportation Commission varied in their opinions so it was challenging to get consensus. Additionally, he stated that if residents can't respond to surveys maybe it means that people don't worry too much about certain issues.

Council ensued in some more discussion and asked questions of staff. Mr. Rahimi responded to more questions related to staff's proposal.

M/S Collacchi/Duboc accepting option B. subsection b. of the staff recommendation, and use 60% (of respondents) as a threshold for further surveys. Motion also includes taking this item to the Transportation Commission for refinement of the project, but de-emphasizing its importance. Council agreed that outreach will be needed, and it should include determining if a stop bar might become a stop sign at the intersection of Oakwood Place and Del Norte. Motion carries with Council Member Kinney dissenting.

Council Member Kinney stated that his dissent was due to the fact that the motion was not solving the problems or concerns that were first identified by the community, and that Council's approach with this motion was too timid.

4. City Council approval of a proposed striping plan for Santa Cruz Avenue and appropriation of \$15,000 from the Measure "A" account to fund implementation of the Plan. (*Staff Report # 03-076*)

Mr. Boesch, City Manager, excused himself from the room and the discussion on item F4 because Mr. Boesch owns property in Santa Cruz Avenue, and this poses an implied conflict of interest.

Kent Steffens, Public Works Director presented the report through a PowerPoint presentation.

Council asked questions of staff and ensued in some discussion. Certain Council Members suggested decreasing the center island in the area close to University Avenue, to facilitate the right turn. The materials that are going to be utilized for the sidewalks were discussed, and staff assured Council that the rubberized material won't be slippery.

Mayor asked for Public Comment.

None.

M/S Duboc/Kinney to approve the staff recommendation including adding merging center lane pocket on Santa Cruz at Olive Street for westbound traffic to accommodate vehicles turning left onto Santa Cruz from North Olive. Motion to expedite the public bidding process, and looking into the suggestion of changing the striping in the middle of the road (close to University Avenue) to facilitate right turns. Motion carries unanimously.

Council Member Kinney left for the evening, and City Manager Boesch returned.

5. Consideration of state and federal legislative items or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative, written communication or information item.
 - i) Council noted that a request had been received from the City and County Association of Governments (C/CAG) to support AB 1546, a proposal to increase vehicle registration fees \$4 in San Mateo County. This item will come to the City Council on May 20, 2003.

G. WRITTEN COMMUNICATIONS

1. Memorandum from Transportation regarding the Proposed Bulb-out at the corner of Avy and Alameda de las Pulgas.

Council discussed the situation, and issues related to the radius of the bulb out. Mr. Rahimi, responded to particular issues related to the curb and gutter, providing information on radii used by the City of Menlo Park in its plans.

Council Member Collacchi suggested that Council write a letter to the County of San Mateo, asking for the augmentation of the curb radius to 15 feet. Council consensus was to follow Council Member Collacchi's suggestion.

Mayor Jellins to work with staff to produce the letter.

H. INFORMATION ITEMS

1. Review of the City's Investment Portfolio as of March 31, 2003.

No discussion.

I. PUBLIC COMMENT #2 (Limited to 30 minutes)

Betty White, spoke about a particular speed hump in front of the Belle Haven School that needs to be lowered. Ms. White stated that parking for teachers on Ivy Drive is unavailable, and also suggested a crosswalk in that area. In her opinion, the school needs a traffic person to monitor traffic.

J. ADJOURNMENT – Mayor Jellins adjourned the meeting at 11:15 p.m.

Respectfully submitted,



Silvia M. Ponte, City Clerk

Re-submitted for approval to the City Council of Menlo Park on May 20, 2003.

—



CITY COUNCIL SPECIAL MEETING MINUTES

Tuesday, May 6, 2003 6:30 p.m.
City of Menlo Park - Burgess Recreation Center
Room 112 located at 700 Alma Street, Menlo Park

A. ROLL CALL - Jellins, Duboc, Collacchi, Kinney, Winkler, Fry, Halleck, Bims, Fergusson, Pagee, Sinnott, and Soffer; David Boesch, City Manager; William McClure, City Attorney; Audrey Seymour, Assistant City Manager; Silvia Ponte, City Clerk; and other City staff were present

B. PUBLIC COMMENT

C. CLOSED SESSION

1. Pursuant to Government Code Section §54956.9 Conference with Legal Counsel to consider Pending Litigation - Allied Arts Neighbors, et al versus City of Menlo Park Case Number CIV430714.

RECONVENE IN OPEN SESSION

REPORT ON AFOREMENTIONED CLOSED SESSION

D. CITY COUNCIL AND COMMISSION BUSINESS

1. Discussion regarding the process, roles and communication.

At 7:40 p.m. Mayor Jellins, the Council Members, and all the Planning Commissioners initiated a dialogue on roles, communication and goals. Mayor Pro Tem Duboc offered to write down some of the ideas expressed, and such notes are attached to this document.

Two members of the public expressed their views on the relationship between the Council and the Planning Commission hoping that it becomes more harmonious. Mayor Jellins then started the open forum by welcoming comments from the Commissioners and addressing various general issues.

E. ADJOURNMENT – Mayor Jellins adjourned the Joint Study Session at 9:35 p.m.

Respectfully submitted,

Silvia M. Ponte, City Clerk

Submitted for approval to the City Council of Menlo Park on May 20, 2003.



Flipchart Notes from the Joint Study Session on 05/06/03

Planning Commissioner's role in Planning:

- More structural method to work with other communities – other Planning Commissions;
- Be more pro-active; not reactive;
- Highlight certain issues in minutes for Council's attention;
- Keep the reactive role (that is the mandate);

Possible Planning Roles:

- Housing Element;
- The General Plan;
- Belle Haven/Redevelopment and Land Use;
- Creek JPA;
- Look at how other cities (Planning Commissions) work;
- Burlingame: Study one meeting, make decision at the next one;

Visioning:

- Use Planning Commission sensibilities to the community;
- Dealing with regional issues;
- Dealing with sections of our City: El Camino; downtown; neighborhoods; Fire District;
- Use what is produced (move past the political process);
- Articulate the issues:
 - streamline processes
 - need the staff and need support of Council to make this possible
- * Annual Commission Evaluation; *

Communication Between City Council and Planning Commission:

- Have two Commissioners report to Council when split votes – have Council ask this, in most cases;
- Commission would like feedback from Council when Commission decisions are reversed.
- Commission wants a “better” way to communicate – written? verbal?
- During written communication during regular Council meetings.
- Sharing of information; Council benefits from Planning Commission experience;
- Council should give the Planning Commission a “mandate”; Council should learn if projects are possible, i.e. staff time.
- Have an “appointed” Commission spokesperson (Mayor's idea);
- Difficult to do this (Chairperson Fry); many differing viewpoints;
- Thus, highlighting of minutes;
- Have Planning Commissioners present during interviews of prospective new Commissioners;

- Ask Planning Commissioners about staff and all that entails;
- Planning Commission involved in Priority/Goal-Setting (this was different this year because of budget situation) – Commissions do this in January;
- Planning Commission should support Council but also give diverging thoughts, ideas, views, etc.

How to Define Policy?

- Act as individuals;
- Divide up as sub-committees when dealing with Planning issues;
- Council “delegates” to the Planning Commission (that is the role as the elected representatives);
- Planning Commission appointments match the City Council rotation better?

Recruitment of Commissioners with specific expertise.

- Or train Commissioners with certain skills;
- Got to League of California Cities. Seminars.
- How to run meetings, CEQA, etc.
- Mentoring of new Commissioners;
- Try to get at least one architect on the Commission;
- Go to former Commissioners for history, and when a Commissioner doesn't have enough information (this will be a good way to find out additional information);

Action Items:

- Prepare Memo on topics discussed.
- Replace nameplates.
- Have Commissioners be on certain Regional Boards.
- Possible Commissioners interacting with other communities' commissions – East Palo Alto?
- Need protocols in place – staff will get back to both bodies on this;
- Work together;



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: May 20, 2003
Staff Report #: 03-086

Agenda Item E-1

PUBLIC HEARING: **Consideration of a Zoning Ordinance Amendment, Use Permit, Architectural Control, Sign Review, and Negative Declaration for the Chevron Service Station Located at 1200 El Camino Real.**

RECOMMENDATION

The City Council should consider a proposal by John Conway, owner and operator of the Chevron service station located at 1200 El Camino Real, for approval of the following requests:

1. A Zoning Ordinance Amendment to allow for the reconstruction of nonconforming service stations in the C-4 El Camino Real Zoning District;
2. Use Permit and Architectural Control for the reconstruction of the existing service station located at 1200 El Camino Real; and
3. Sign review for a canopy sign containing the color red.

In addition to the requests listed above, a Negative Declaration has been prepared for the proposal.

The proposal is subject to review and recommendations by the Planning Commission and final action by the City Council.

Planning Commission Review and Action

The proposal first appeared before the Planning Commission on April 21, 2003 as a study session item. The applicant had requested the study session in order to obtain Planning Commission feedback on the proposed Zoning Ordinance Amendment, as well as on the proposed site layout and architectural design of the proposal.

At the April 21, 2003 study session, the Planning Commission provided input regarding the proposal, indicating general support for the Zoning Ordinance Amendment and the project itself. The Commission expressed support for the idea of allowing the existing

service stations on El Camino Real to redevelop in the future. The Commission also expressed general support for the architectural design of the project. Several Commissioners expressed concerns over how parking would be supplied on the site and that they would discuss parking at greater depth at the upcoming Planning Commission public hearing on this item on May 5, 2003. In addition, a concern was raised as to whether mitigation measures would be required for the control of hazardous materials. Draft excerpts of the minutes from this study meeting have been included as Attachment D.

The Planning Commission reviewed this application at a second meeting on May 5, 2003. At this meeting, the applicant described several changes to the plans that had been attached to the Planning Commission staff report. The design changes included adding a stucco exterior and stone veneer to the canopy support columns to tie the design of the canopy to the design of the proposed building. In addition, the plans attached to the Planning Commission staff report indicated a reduction in the number of driveway curb cuts from two curb cuts each on El Camino Real and Oak Grove Avenue to only one curb cut on each of these two sides. At the May 5, 2003 Planning Commission meeting, the applicant indicated that, due to operational considerations at the site, the plans needed to be modified to retain both existing curb cuts on El Camino Real, which would also result in a reduction in size of the landscape planter proposed at the corner of El Camino Real and Oak Grove Avenue.

The Planning Commission expressed support for both the project design and the proposed Zoning Ordinance Amendment. The Commission voted unanimously to recommend that the City Council approve the Negative Declaration, Zoning Ordinance Amendment, use permit, architectural control, and sign review. As part of this recommendation, the Planning Commission stated that the applicant may reduce the size of the proposed planter located closest to the intersection of El Camino Real and Oak Grove Avenue in order to retain the El Camino Real curb cut located closest to Oak Grove Avenue provided that the applicant maximizes the amount of landscaping on the site. Draft excerpts of the minutes from this public hearing have been included as Attachment E, and the Planning Commission's recommendations for findings and conditions of approval have been included as Attachment F. Since the May 5, 2003 meeting, the applicant has prepared revised plans to incorporate this change in landscaping, and these revised plans have been attached to this staff report.

ANALYSIS

John Conway, the property owner and operator of the Chevron station at 1200 El Camino Real, has stated that the goals of his proposal are to comply with new State regulations concerning secondary on-site containment of fuel and to update the site to make it more attractive and state-of-the-art. The property owner is proposing to accomplish both of these goals by demolishing the existing structures and rebuilding the facilities on the site.

Zoning Ordinance Amendment

There are currently 11 service stations in Menlo Park. A chart listing these 11 stations by address has been included as Attachment G. Five of these stations are on El Camino Real within the C-4 (General Commercial, Applicable to El Camino Real) zoning district. Service stations are neither permitted nor conditionally permitted uses in the C-4 zoning district and are therefore considered nonconforming uses. Under the existing Zoning Ordinance regulations, the existing legal, nonconforming service stations on El Camino Real can be repaired and altered according to the regulations covering nonconforming uses and structures, but they cannot be demolished and reconstructed.

The applicant is proposing a Zoning Ordinance Amendment that would specifically allow for the demolition and reconstruction of nonconforming service stations and their related incidental facilities, such as snack shops, auto service bays, and car wash facilities. Such a text amendment would apply specifically to the five existing service stations on El Camino Real, and would not allow for the construction of new service stations on parcels that are not already developed with such a use. The Zoning Ordinance Amendment would also allow existing nonconforming parking and landscaping conditions to continue, subject to approval of a use permit. The draft Zoning Ordinance Amendment has been included as Attachment C.

Existing Development

The project site at 1200 El Camino Real is located on the northeast corner of El Camino Real and Oak Grove Avenue. Since the Oak Grove Avenue side of the property is the shorter side facing a street, this property line is considered the front of the property for zoning purposes. The site is developed with a service station containing two pump islands beneath a 1,164-square-foot canopy, and a 1,111-square-foot building containing a snack shop (145 square feet), two service bays (754 square feet), and a restroom and storage facilities (212 square feet). The existing pumps beneath the canopy are closely spaced, and it is difficult to use two adjacent pumps simultaneously due to the short distance between the pumps. The majority of the site is paved with a small amount of landscaping along the periphery of the site, including three non-heritage trees along the side property line. There are eight parking spaces on the site. In addition, the property owner has submitted a letter (Attachment J) that indicates that he possesses a lease agreement with the owner of the Foster's Freeze located at 580 Oak Grove Avenue (immediately adjacent to the project site) for the lease of five parking spaces at 580 Oak Grove Avenue.

Access to the site is from two curb cuts on the Oak Grove frontage of the site, and two curb cuts on the El Camino Real frontage of the site. In addition, vehicle traffic can also access the site via the rear corner of the property onto Derry Lane. This curb cut is used primarily as an exit by the fueling trucks that bring gasoline to the project site, but is also occasionally used by other motorists accessing the site.

The uses surrounding the site include Brix BBQ Restaurant to the north, Foster's Freeze to the east, The Back Store and Kinko's across Oak Grove Avenue to the south, Mattress Discounters to the southwest across the intersection of El Camino Real and Oak Grove Avenue, and First Republic Bank to the west.

Proposed Development

The applicant's letter (Attachment I) describes some of the proposed changes to the site, as well as the owner's intent to give the facility a more contemporary appearance and functionality. As described above, the applicant proposes to demolish all the aboveground facilities on the site (with the exception of the monument sign at the corner of El Camino Real and Oak Grove Avenue), and build a new canopy, pump islands, snack shop, and auto service bays to replace those that would be demolished. The proposed canopy would be 1,595 square feet in size (an increase of 431 square feet), and the two pump islands would be enlarged so that the pumps would be spaced farther apart, providing adequate distance to safely and easily use two adjacent pumps simultaneously. The proposed snack shop and service bay building would be approximately 2,194 square feet in area, which would be an increase of 1,083 square feet, nearly doubling the size of the existing building. The enlarged building would accommodate a larger snack shop and a third auto service bay, as well as additional storage and utility space. The snack shop, restrooms, and storage area would be approximately one-third of the new building at 820 square feet in size, while the service bays and customer service area would be approximately two-thirds of the building at 1,374 square feet in size. The applicant also proposes to construct a new covered trash and recycling enclosure. The applicant proposes to provide 10 striped parking spaces on the site, and proposes to convert one of the parking spaces to a handicapped accessible space, as required by the Americans with Disabilities Act (ADA).

The applicant also proposes to modify the access to the site. Currently there are two curbs cuts on both the Oak Grove Avenue and El Camino Real frontages of the site. The applicant proposes to eliminate the curb cut on Oak Grove Avenue that is farthest from the intersection of Oak Grove Avenue and El Camino Real, and relocate the remaining curb cut on Oak Grove Avenue farther away from the intersection, consolidating the two existing curb cuts on Oak Grove Avenue to one curb cut. The two existing curb cuts on El Camino Real would remain unchanged. In addition, the applicant is proposing to eliminate the access from the site onto Derry Lane. The elimination of the access from Derry Lane is a new change since the Planning Commission meeting on May 5, 2003. The property owner has stated that this egress is not necessary for the function and on-site circulation of the site, and that the fueling trucks can enter from Oak Grove Avenue, drop off fuel, and then exit onto El Camino Real.

The proposal would comply with all regulations regarding Floor Area Ratio (FAR) and building height. The maximum FAR for the site is 55 percent, or up to 75 percent with a use permit, and the applicant is proposing a FAR of 17.9 percent. The proposal would

also improve the overall landscaping on the site, increasing the on-site landscaping from 3.3 percent of the lot area to 8.1 percent of the lot area. The new landscaping would include four new London plane trees along the western and northern sides of the property, and the planting of star jasmine as a ground cover. In addition, seasonal flowers would be placed in the small planter areas proposed directly in front of the new building. The applicant is also proposing to plant a new street tree on the Oak Grove Avenue side of the property. Staff has added a condition of approval requiring that a detailed landscaping plan be submitted for the review and approval of Planning Division staff prior to building permit issuance.

Parking

In regard to parking, the Zoning Ordinance requires a ratio of six parking spaces per 1,000 square feet of gross floor area. In this case, since the proposed building would be approximately 2,194 square feet in size, the on-site parking requirement would be 14 parking spaces. The applicant is proposing to provide ten striped parking spaces on site, including seven spaces on the western side of the property and three parking spaces on the northern side of the property. The parking space to the immediate left of the proposed new building would be a handicapped-accessible space. Staff would note that the plans reviewed by the Planning Commission on May 5, 2003 showed eight striped parking spaces on site, but since the applicant is now proposing to close the access onto Derry Lane, this access closure is providing the opportunity for the applicant to add two more striped parking spaces to the site for a total of ten striped parking spaces. This reconfiguration of the parking was described in the May 5, 2003 Planning Commission staff report, and has since met with support by both the Planning Commission and the applicant.

Staff believes that, due to the unique nature and function of service stations, the City Council may wish to consider the areas adjacent to the pump islands as parking spaces for determining whether the site meets the minimum parking requirement. The applicant is proposing eight fuel dispensers at the pump islands. Combined with the ten striped parking spaces proposed for the site, the proposal could be considered to be providing a total of 18 on-site parking spaces, exceeding the 14-parking-space requirement.

The applicant also currently possesses a lease agreement with the owner of Foster's Freeze to the right of the property for an additional five parking spaces. However, staff would note that the properties along Derry Lane, including the Foster's Freeze, have the potential to be redeveloped in the future, and that the possibility for leasing parking spaces off-site could disappear.

Architectural Design

The design of the redeveloped service station would be more contemporary and updated than the existing station. The proposed snack shop/auto service building would have a contemporary commercial design with a stucco exterior, glass storefront

windows, and aluminum and glass roll-up doors for the three auto service bays. Other details would include a band of accent tiles on all four elevations, a stone veneer along the base of portions of the building, flat overhangs over the main entrance and the entrances to the three auto service bays, downward pointing sconce lighting on the south elevation facing El Camino Real, a cornice running along the top of the parapet wall, and a steel trellis on the north elevation facing Foster's Freeze, as well as on the east elevation facing Oak Grove Avenue, for the planting of climbing vegetation. The new building would have a height of 18 feet, six inches. The building colors would involve soft earth tones with the accent tiles in various shades of blue. A colored rendering of the south elevation will be available at the meeting on this item.

In addition, the applicant proposes to increase the size of the canopy over the pump islands. The canopy design would involve four steel columns supporting a metal-framed canopy structure. The columns would be coated in a stucco to match the earth tones of the proposed building, and would have a stone veneer base to match the base of the proposed building and to help tie the design of the two structures together. The canopy would have a white face toward El Camino Real, and a blue face toward Oak Grove Avenue. The applicant has explained that these blue and white bands on a canopy are part of the corporate identity of the Chevron Corporation. The existing canopy has a height of 16.5 feet to the bottom of the canopy and 19 feet to the top of the canopy, and covers an area of 1,164 square feet. The applicant proposes to increase the canopy area to 1,595 square feet, and the new canopy height would be 16.5 feet to the bottom of the canopy, and 20 feet to the top of the canopy.

The applicant has proposed placing three light standards along the periphery of the property. Each of these light standards would be 20 feet tall. In addition to the three new light standards, the applicant is proposing to place downward pointing lights on the underside of the new canopy and light sconces on the south wall of the new building. Staff has added a condition of approval requiring that the applicant submit a photometric plan for the site for the review and approval of Planning Division staff prior to issuance of a building permit. The photometric plan would be required to show that light and glare are not bleeding off the site onto adjacent City streets or adjacent parcels.

Sign Review

The applicant proposes to place new signage on the canopy fascia, pump islands, and over the entrance to the snack shop, while maintaining the existing monument sign at the corner of El Camino Real and Oak Grove Avenue. Most of the new signs, including the proposed signs on the new building, would include blue or white colors, and may therefore be approved administratively by City staff. However, some of the new signs on the new canopy would feature the Chevron corporate logo, which includes black, blue, red, and white colors.

Although all of the proposed signs would comply with all Zoning Ordinance regulations, the corporate logo signs would not be consistent with the Design Guidelines for Signs.

A copy of the proposed Chevron logo sign to be placed on the canopy has been included as part of the project plans in Attachment B-11. Specifically, these signs would not comply with item B.7, a section of the guidelines that addresses the use of bright colors in signage. Excerpts from the Design Guidelines for Signs have been included as Attachment H.

Correspondence

To date, staff has received two letters of support regarding this proposal. The first letter (Attachment L) is from Howard Crittenden, owner of the property at 1275 El Camino Real, and states his support for the proposal, including the proposed building height and sign colors. The second letter (Attachment M) is from the Menlo Park Chamber of Commerce, which also expresses its support for the proposal.

IMPACT ON CITY RESOURCES

There would be a direct impact on City resources associated with the action recommended in this staff report. This impact would be the form of added sales tax revenues for sales of snacks and car parts associated with the expansion of snack shop and auto service bays. Staff time spent on the development review for this project is fully recoverable through fees charged to the applicant.

POLICY ISSUES

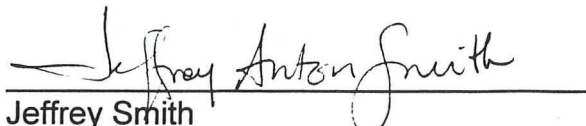
The proposed project does not meet parking requirement unless the pump stations are counted as part of the onsite parking. Thus, approval of the project represents an interpretation of the parking requirements for service stations. The desire to operate a successful business for repeat customers will assist in ensuring that the proposed parking arrangement is appropriate for the site. The project also involves an amendment to the Zoning Ordinance described earlier in this staff report.

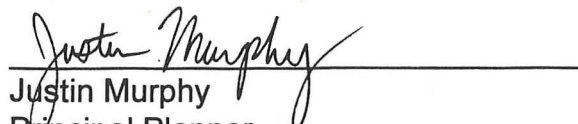
ENVIRONMENTAL REVIEW

A Negative Declaration has been prepared for this proposed project. The review period for this Negative Declaration shall be from April 17, 2003 through May 20, 2003. To date, one comment letter (Attachment N) has been received regarding this proposal. This comment letter is from the West Bay Sanitary District (WBSD), and lists conditions of approval that WBSD will require for the proposed reconstruction of the service station and ancillary uses at 1200 El Camino Real.

In response to a comment at the April 21, 2003 Planning Commission study session on this item, staff researched the regulations regarding how the underground storage tanks would be protected during project demolition and construction in order to prevent spills or leaks of hazardous materials. Section 7902.1.7.2.2 of the 2001 California Fire Code requires that underground tanks that are out of service for 90 days or more must be emptied of all flammable or combustible liquids, all associated piping must be capped or

plugged and secured from tampering, and all vent lines shall remain open according to regulations. The property owner has submitted a letter (Attachment K) indicating that he intends to comply with these regulations, and staff is including a condition of approval to ensure that the property owner follows through on the requirement.


Jeffrey Smith
Associate Planner
Report Author


Justin Murphy
Principal Planner

PUBLIC NOTIFICATION

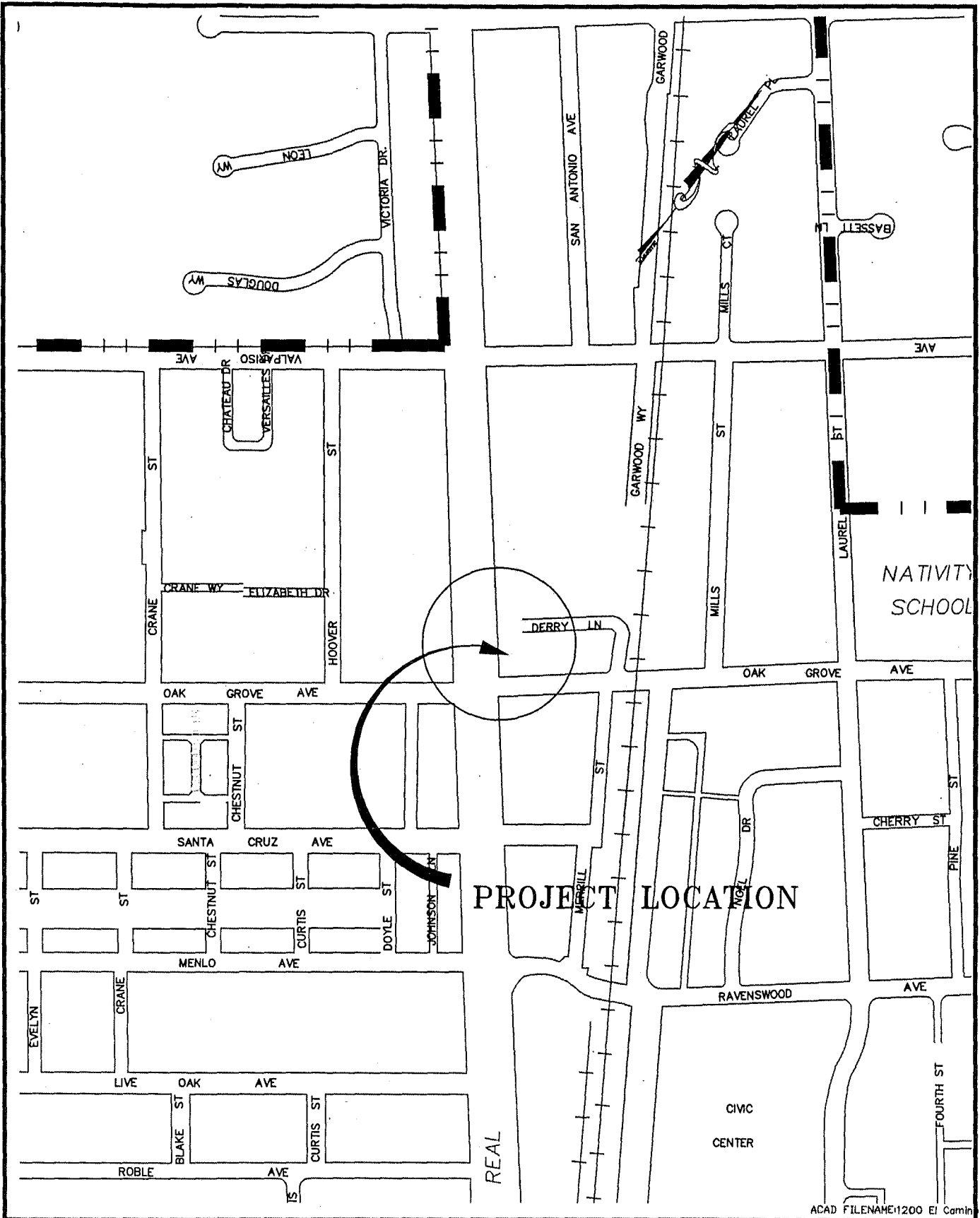
Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and residents within a 300-foot radius of each of the five existing service stations located on El Camino Real.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Draft Zoning Ordinance Amendment
- D. Draft excerpts of the minutes from the April 21, 2003 Planning Commission study session
- E. Draft excerpts of the minutes from the May 5, 2003 Planning Commission public hearing
- F. Planning Commission Recommended Findings and Actions for Approval, May 5, 2003
- G. List of service stations in the City of Menlo Park
- H. Excerpts from the Design Guidelines for Signs
- I. Letter from Jody Malone, dated received March 12, 2003
- J. Letter from Greg Lee, dated January 6, 2003
- K. Letter from John Conway, dated April 30, 2003
- L. Letter of support from Howard Crittenden, dated April 21, 2003
- M. Letter of support from the Menlo Park Chamber of Commerce, dated May 2, 2003
- N. Letter from the West Bay Sanitary District, dated May 2, 2003
- O. Negative Declaration, dated April 17, 2003 (separately distributed, and available upon request)

EXHIBITS TO BE PROVIDED AT MEETING

Colored renderings of the project
Colored plan showing the proposed Chevron logo sign



ACAD FILENAME:1200 El Camino Real.dwg

CITY OF MENLO PARK

LOCATION MAP

1200 EL CAMINO REAL



NO.	REVISIONS	DATE

DRAWN JAS CHECKED JAS

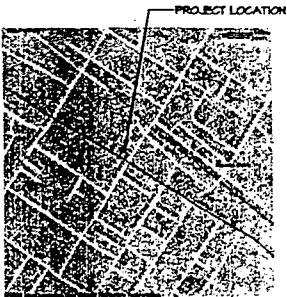
DATE 05-20-03

SCALE NTS

SHEET

A-1

VICINITY MAP



MENLO CHEVRON

1200 El Camino Real
Menlo Park, CA 94025
Planning Commission Hearing - May 05, 2003

SHEET INDEX

ADMINISTRATIVE	AD	COVER SHEET
CIVIL	1 OF 1	GRADING & DRAINAGE PLAN
LANDSCAPE	LA-1	LANDSCAPE & IRRIGATION PLAN
SITE	SD1 & SD1	EXISTING SITE PLAN SITE DEVELOPMENT PLAN
ARCHITECTURE	AL1	FLOOR PLAN
	AL2 & AL3	EXISTING EXTERIOR ELEVATIONS
	AL3	EXTERIOR ELEVATIONS
	AL1	STREET ELEVATIONS & BUILDING SECTION
	A7	PARKING CANOPY PLAN & ELEVATION

ABBREVIATIONS

(This section contains a list of abbreviations used in the drawings, which is mostly illegible due to the image quality.)

PROJECT NOTES

B-1

GENERAL NOTES

1. THE CONTRACTOR SHALL NOTIFY CHANGEMASTER IMMEDIATELY IF THE SITE CONDITIONS OR DIMENSIONS DIFFER FROM THE INFORMATION SHOWN ON THE DRAWINGS, SPECIFICATIONS, OR SCOPE OF WORK. WORK SHALL NOT BE PROCEED UNTIL SUCH DIFFERENCES ARE RESOLVED.
2. THE CONTRACTOR IS RESPONSIBLE TO SEE THAT WORK IN THE FIELD IS DONE IN ACCORDANCE WITH CURRENT APPLICABLE NATIONAL, STATE, LOCAL ORDINANCES, REQUIREMENTS ARE SPECIFICALLY SHOWN ON DRAWINGS AND OR CALLED FOR IN SPECIFICATIONS OR BLENDED WITH REQUIREMENTS ARE NECESSARY FOR THE SAFETY OF THE PROJECT.
3. THE CONTRACTOR SHALL PROTECT ALL EXISTING ITEMS AND FACILITIES TO REMAIN UNLESS OTHERWISE NOTED. CONTRACTOR SHALL REPAIR AND OR REPLACE AT CONTRACTOR'S EXPENSE ANY EXISTING ITEM AND FACILITIES TO REMAIN THAT ARE DAMAGED BY THE CONTRACTOR'S OPERATION TO SATISFACTION OF THE OWNER.
4. PRIOR TO EXCAVATION, DETERMINE AND VERIFY LOCATION OF UTILITY SERVICES IN ALL AREAS TO BE EXCAVATED.
5. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO THE START OF THE WORK AND AT THE COMPLETION OF WORK.
6. DRAWINGS SHOULD NOT BE SCALED. DIMENSIONS INDICATED "NOT TO SCALE" AND THE LISTED DIMENSION SHALL GOVERN.
7. SUCH CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF DEBRIS TO THE HOME OR OTHER TRUCKS CARRIED BY HIS OPERATIONS. THE NATURE OF SUCH WORK SHALL RECEIVE THE APPROVAL OF THE OWNER.
8. ALL BUILDING ORNAMENT (SILL, CORNER, POINT, VENT, AND SIMILAR ELEMENTS) LOCATED ON THE EXTERIOR WALLS SHALL BE COMPLETELY CONCEALED FROM VIEW OR SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE EXTERIOR BUILDING DESIGN AND COLOR.

PROJECT TEAM

ARCHITECTURAL
 BROWNE CONSULTING INC.
 3732 Mt. Diablo Blvd., Suite 375
 Lafayette, CA 94509-3837
 TEL: (925) 299-1563
 FAX: (925) 293-4876

MR. JEFF ADAMS, Project Architect
 MR. MURPHY TORON, Project Manager

CIVIL ENGINEER
 CIBOLA ENGINEERING, INC.
 701 Baywood Way, Suite A
 Menlo Park, CA 94025
 TEL: (650) 741-8200
 FAX: (650) 741-8202

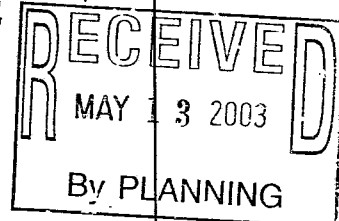
MR. VICTOR CURRAN, PRC/CD

LANDSCAPE ARCHITECT
 CALIBRELLA ASSOCIATES
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 TEL: (650) 544-2548
 FAX: (650) 523-8704

MR. RICHARD CLARKE

OWNER
 MENLO CHEVRON
 1200 El Camino Real
 Menlo Park, CA 94025
 TEL: (650) 488-1837
 FAX: (650) 327-0233

MR. JOHN J. CARNEY



AGENCIES

CITY OF MENLO PARK COMMUNITY DEVELOPMENT DEPARTMENT 701 LOUNG STREET MENLO PARK, CA 94025 TEL: (650) 598-3400 FAX: (650) 327-3400	WEST BAY SANITARY DISTRICT 323 LOUNG STREET MENLO PARK, CA 94025 TEL: (650) 321-0264 FAX: (650) 321-0263	CALIFORNIA WATER SERVICE SEAR (MUNICIPAL) DISTRICT 2331 EL CAMINO REAL, SUITE 110 AMHERST, CA 94003 TEL: (415) 347-4800 FAX: (415) 347-4800
CITY OF MENLO PARK ENGINEERING DIVISION 701 LOUNG STREET MENLO PARK, CA 94025 TEL: (650) 598-3400 FAX: (650) 327-3400	MENLO PARK FIRE DISTRICT FIRE DISTRICT 323 LOUNG STREET MENLO PARK, CA 94025 TEL: (650) 488-9400 FAX: (650) 488-9400	

PARKING CALCULATIONS

SEE SHEET SD1 FOR PARKING CALCULATIONS

SCOPE OF WORK

- CONSTRUCT A 2,174 S.F., BUILDING W/ 726 S.F., SNACK SHOP & 1,468 S.F., AUTO SERVICE BAYS
 - CONSTRUCT A 1,575 S.F., PUBLISHING CANOPY
 - CONSTRUCT (1) 20' BY 10' BY 8' BY 8' MASONRY TRASH ENCLOSURE W/ METAL GATES & STANDING SEAM METAL ROOF
 - INSTALL (4) SINGLE HOSE, AUXILIARY PRODUCT FUEL DISPENSERS
 - INSTALL PARKING STALLS PER THE CITY OF MENLO PARK PARKING REQUIREMENTS
 - INSTALL LANDSCAPING PER THE CITY OF MENLO PARK LANDSCAPE REQUIREMENTS
 - INSTALL EXTERIOR YARD LIGHTING
- ALL SIGNAGE SHALL BE BY SEPARATE PERMIT

CODE ANALYSIS

OCCUPANCY CLASSIFICATIONS
 MIXED USE BUILDING M (79A S.F.) / S (50) (1,468 S.F.)
 FUELING CANOPY S (3)

OCCUPANCY SEPARATION REQUIRED: ONE (1) HOUR

PROJECT INFORMATION

APPROXIMATE AREA: FUELING CANOPY: NONE SIDE SETBACK: NONE REAR SETBACK: NONE	CITY OF MENLO PARK 041-020-070 C-4 (APPLICABLE TO EL CAMINO REAL)	TYPE OF CONSTRUCTION BUILDING: FUELING CANOPY STRUCTURE YAM SH
----------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------	--------------------------------------------------------------------------------

SEE AREA:	12,223 S.F.	(100%)
LANDSCAPING AREA:	966 S.F.	(8.1%)
BUILDING AREA:	3,789 S.F.	(31.2%)
OPEN SPACE:	7,444 S.F.	(60.7%)

DESIGNERS

Architectural and Project Management
 1729 El Dorado Blvd., Suite 100
 Menlo Park, CA 94025
 TEL: (650) 327-0233
 FAX: (650) 327-0233
 www.designerscollective.com



PLANNING

MENLO CHEVRON
 Gas Station, Auto Service & Snack Shop
 1200 El Camino Real
 Menlo Park, California

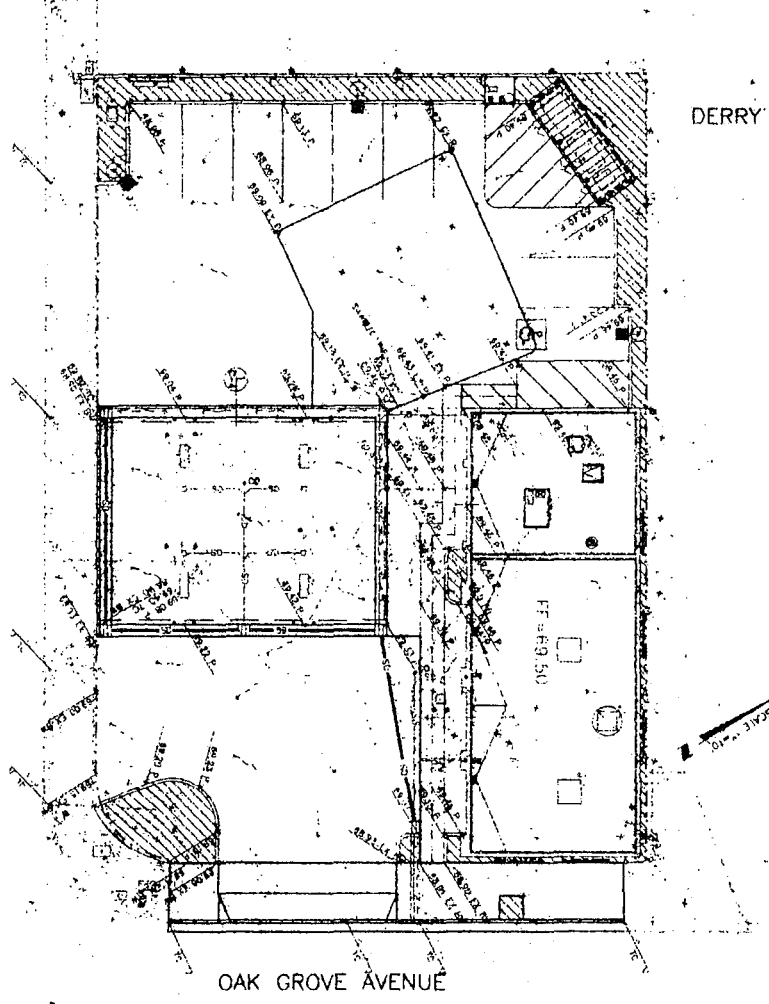
NO PROJECT NUMBER: A0-021E
 DATE: 05/05/03
 SCALE: AS SHOWN

A0.

B-2

EL CAMINO REAL

DERRY LANE



OAK GROVE AVENUE

THIS SURFACE WAS PREPARED BY THE ENGINEER AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT HIS CONSENT.

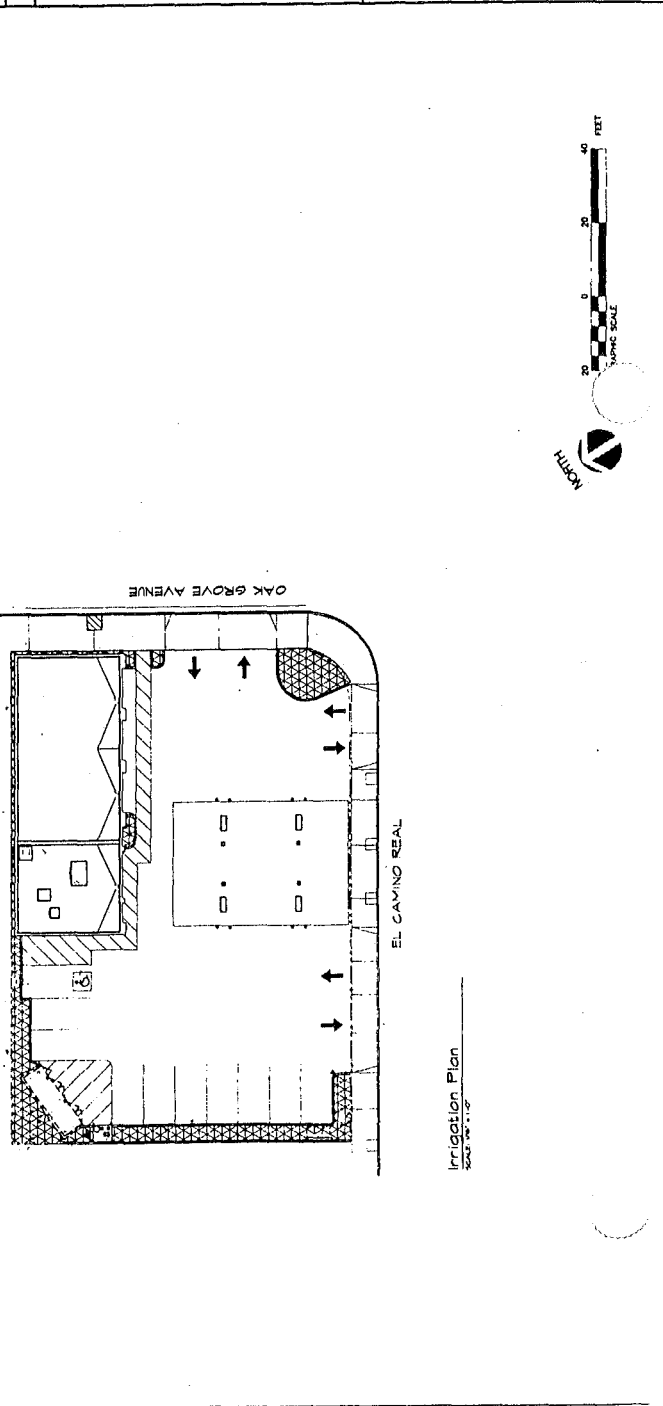
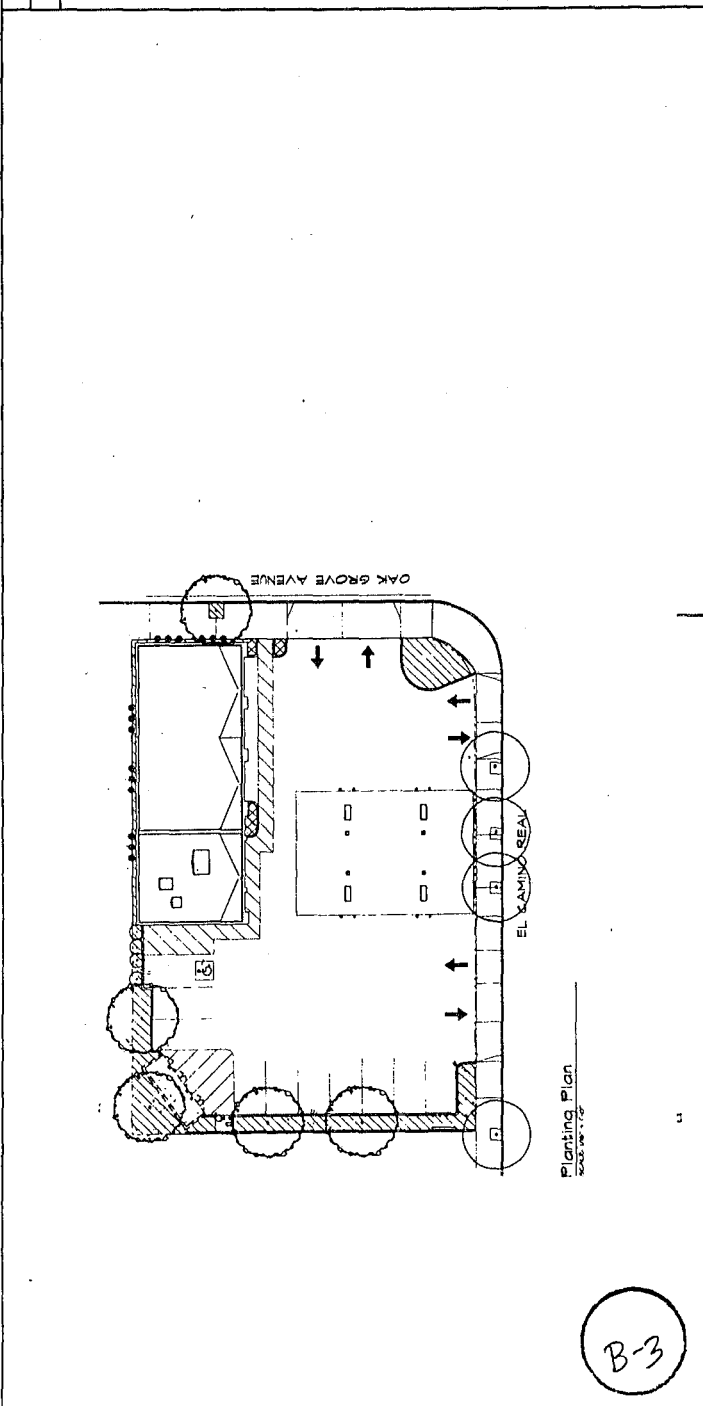
SHEET NUMBER OF 1 SHEETS DRAWING NO. 2015-001	PRELIMINARY GRADING PLAN CHEVRON GAS STATION EL CAMINO REAL AT OAK GROVE AVE.	CUNHA ENGINEERING INC. 701 BELMONT WAY, STE. A PALO ALTO, CALIFORNIA 94304 (510) 741-8290	DESIGNED BY V.M.C. DRAWN BY C.M. CHECKED BY V.M.C.	SCALE 1" = 10' N UTM ZONE 10A	DATE 11/15/10	APPROVED BY [Signature]	DATE 11/15/10
	MENLO PARK CALIFORNIA	APPROVED BY [Signature]	DATE 11/15/10	DESCRIPTION PRELIMINARY GRADING PLAN	SHEET NO. OF TOTAL	1 OF 1	11/15/10

PLANT AND IRRIGATION LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
[Symbol]	PLA ACE	Platanus acerifolia	15 gallon
[Symbol]	SHRUBS	London Plane Tree	5 gallon
[Symbol]	PIT UND	Pittosporum undulatum	5 gallon
GROUND COVERS			
[Symbol]	TRA JAS	Trachypogon juncea	1 gallon @ 24" oc
VINES			
[Symbol]	PLA PAM	Platanus acerifolia	1 gallon
[Symbol]	MAE VIO	Moroneja violacea	1 gallon
[Symbol]	LOR JAP	Lonicera japonica	1 gallon
[Symbol]	PLA LEM	Platanus acerifolia	1 gallon
[Symbol]	PLA ACE	Platanus acerifolia	1 gallon
[Symbol]	EXISTING STREET TREE	Existing Street Tree	
[Symbol]	PIT UND	Pittosporum undulatum	
[Symbol]	VINES	Vines	
[Symbol]	EXISTING TREES TO BE REMOVED	Existing Trees to be Removed	
[Symbol]	IRRIGATED PLANTING	Irrigated Planting	
[Symbol]	REDUCED PREPARE'S SOULTION DEVICE	Reduced Prepare's Solution Device	
[Symbol]	AUTOMATIC IRRIGATION CONTROLLER	Automatic Irrigation Controller	

PLANTING AND IRRIGATION NOTES

- Minimum quality of all plant material shall conform to prevailing published standards of the California Association of Nurserymen and the American Nursery Association.
- All plant material shall be maintained in a healthy growing condition prior to and during planting operations.
- All planting areas to receive a six inch layer of native/imported topsoil per specifications.
- Contractor to submit soil samples to an approved soil and plant laboratory for analysis of soil and plant material. Soil to be amended on recommendation by soil and plant laboratory and prescription note of the laboratory shall not exceed infiltration rate of soil.
- Protect all existing plant material to remain with a fence erected three feet from the existing plant material.
- All planted areas shall be automatically irrigated to conform to Landscape Water Efficiency Standards for the City of Menlo Park. Prior to building permit a full set of planting and irrigation construction drawings along with water use calculations shall be submitted and reviewed/approved by the city's water agency.



B-3



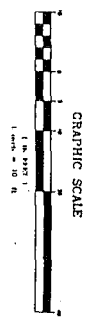
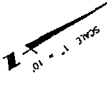
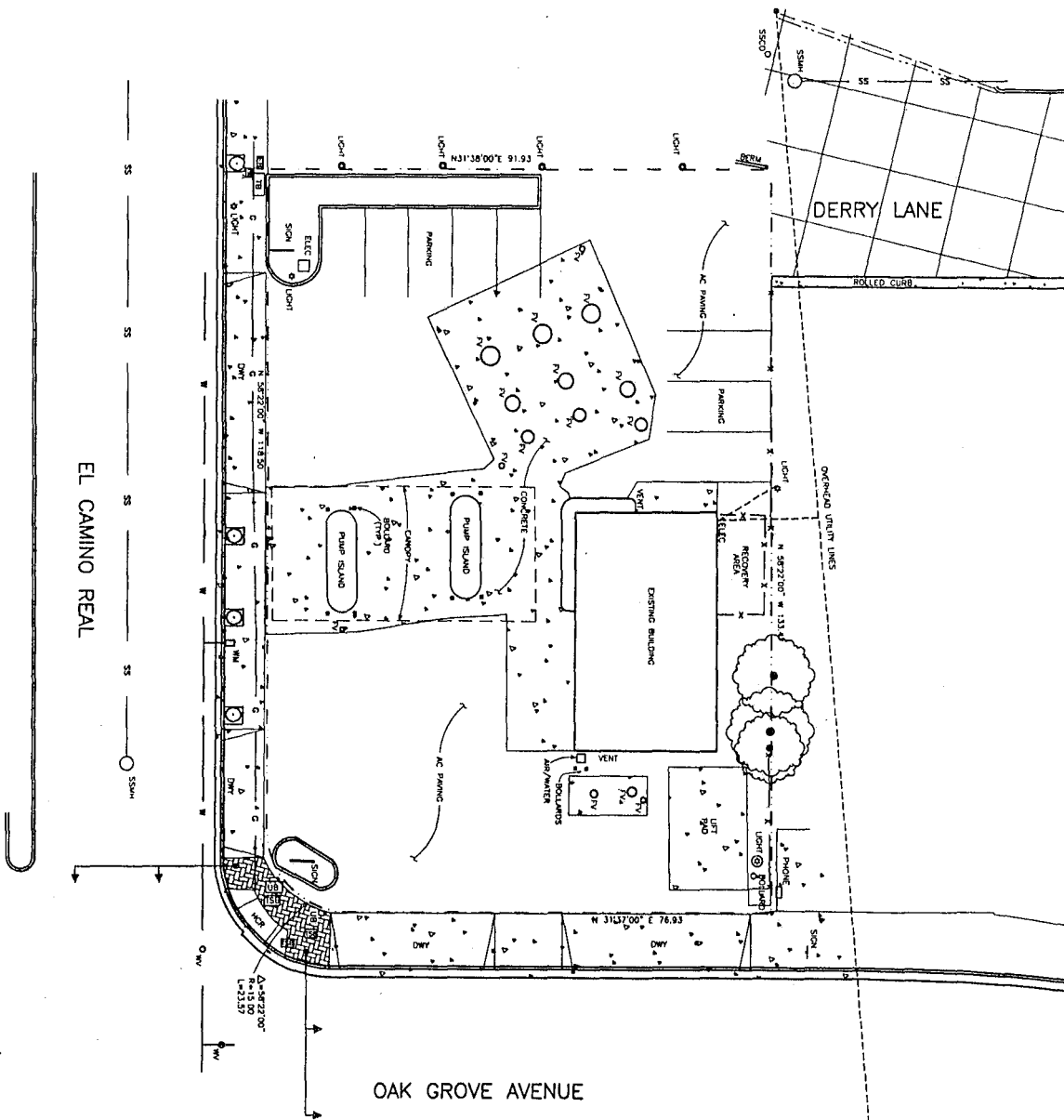
DESIGNERS
Petersen Collective Incorporated
Architects and Project Management
1732 N. Duane Ave. Suite 200
San Mateo, CA 94403
Tel: 650-595-5353 Fax: 650-595-0878
www.petersencollective.com

COLLECTIVE
Cargella
12111 El Camino Real
Suite 100
San Diego, CA 92121
Tel: 619-594-1111
www.cargella.com

MENLO PARK CHEVRON STATION
Gas Station, Auto Service & Snack Shop
1200 El Camino Real
Menlo Park, California

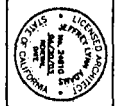
LA-1
PROJECT NUMBER: 00001
DATE: 08/11/09
SCALE: AS SHOWN
DRAWN BY: J. W. WILSON
CHECKED BY: J. W. WILSON
DATE: 08/11/09

B-4



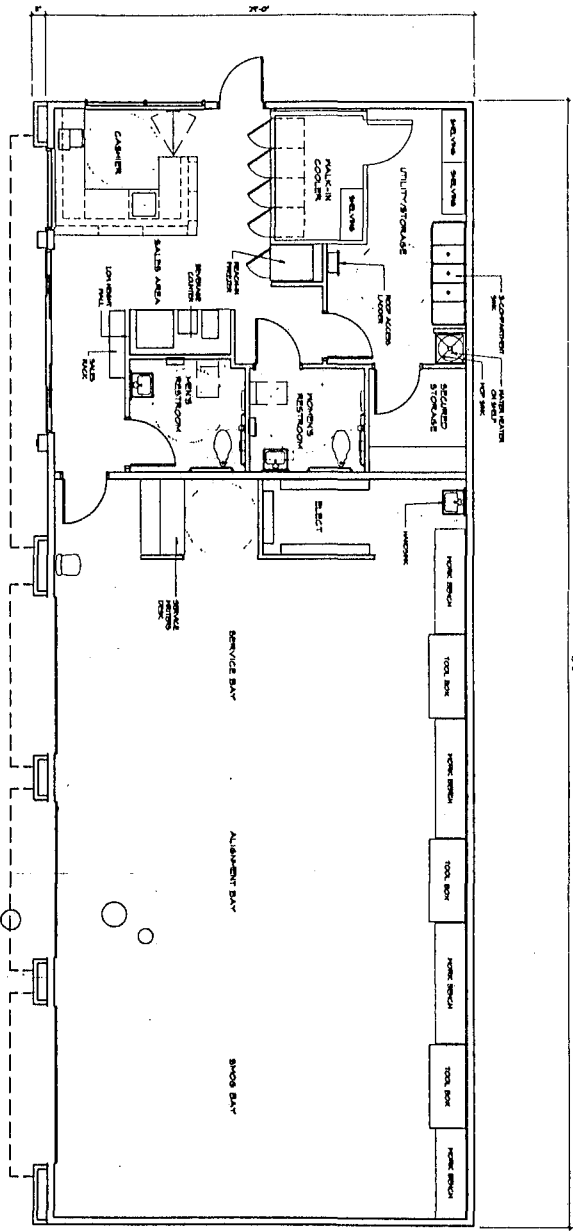
SD1-E

MENLO CHEVRON
 Gas Station, Auto Service & Snack Shop
 1200 El Camino Real
 Menlo Park, California



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 925-296-5363 925-263-6878 Fax
 www.designerscollective.com

B-6



A1.1

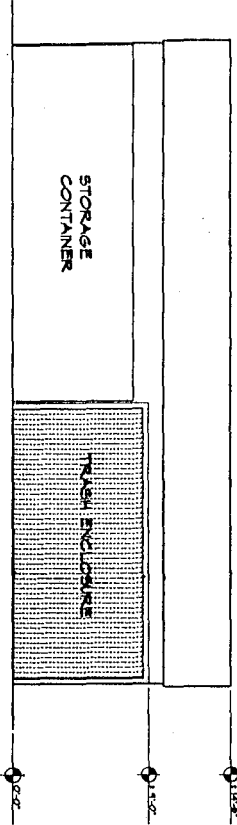
MENLO CHEVRON
 Gas Station, Auto Service & Snack Shop
 1200 El Camino Real
 Menlo Park, California



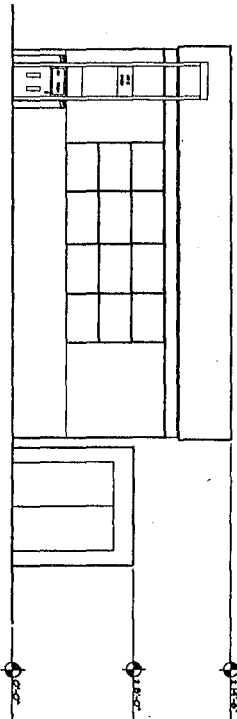
Designers Collective Incorporated
 Architecture and Project Management
 3752 Ar. Diablo Blvd. Suite 305
 Lafayette, CA 94515-5637
 925-298-0363 925-293-8878 Fax
 www.designerscollective.com

B-7

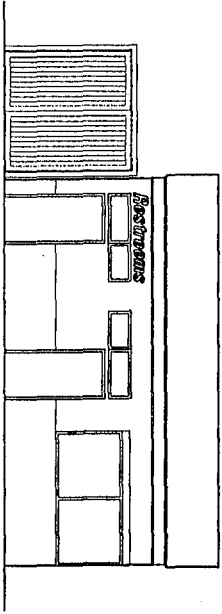
A- NORTH ELEVATION
SCALE: 1/8" = 1'-0"



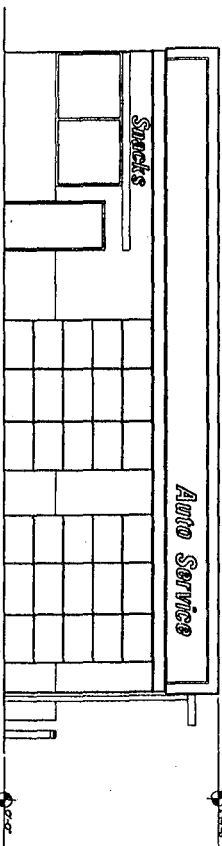
C- EAST ELEVATION
SCALE: 1/8" = 1'-0"



B- WEST ELEVATION
SCALE: 1/8" = 1'-0"

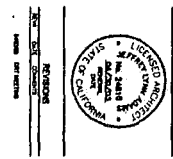


D- SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

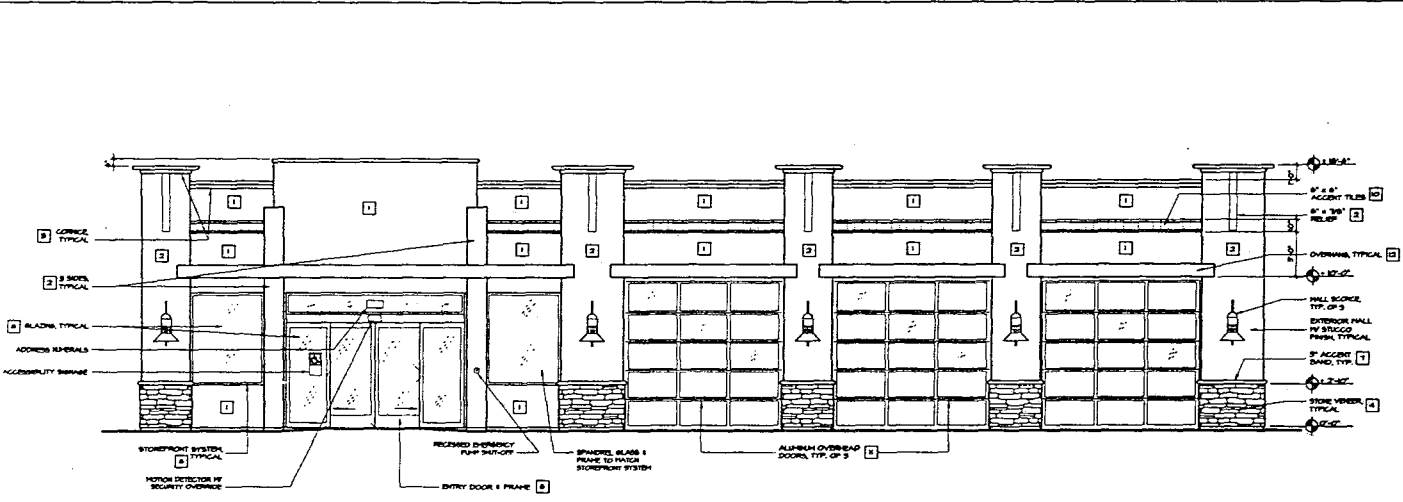


MENLO PARK CHEVRON STATION
Gas Station, Auto Service & Snack Shop
1200 El Camino Real
Menlo Park, California

A2.1-E

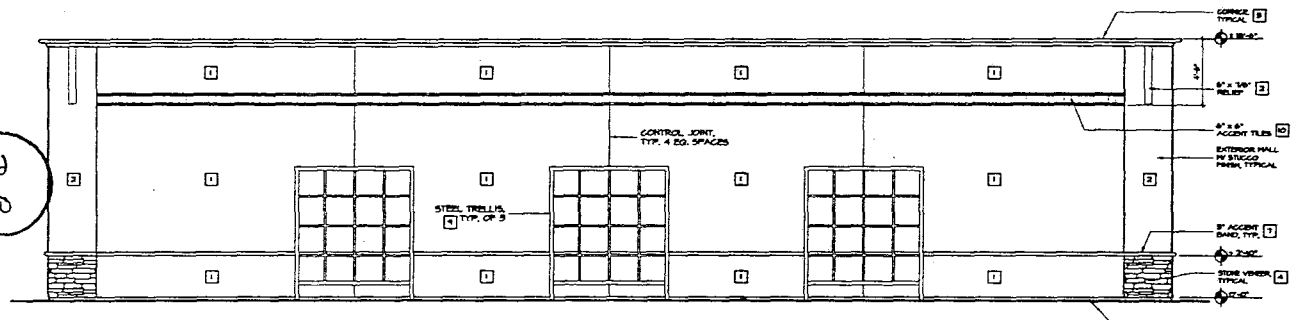


DESIGNERS COLLECTIVE
Designers Collective Incorporated
Architecture and Project Management
3732 14th, Diablo Blvd., Suite 300
Lafayette, CA 94548-3637
925-298-6363 925-263-8876 Fax
www.designerscollective.com

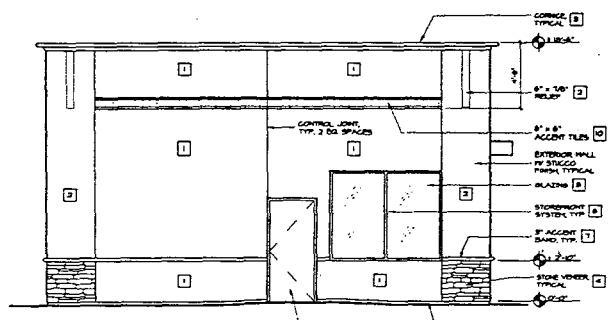


A- SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

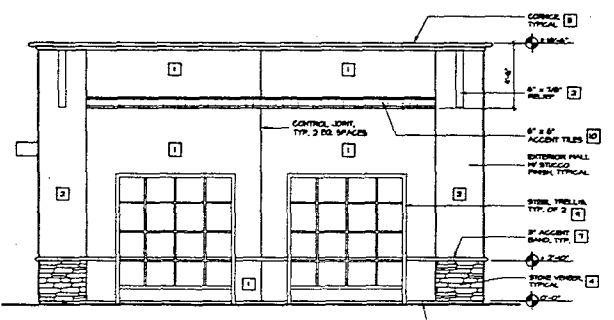
3-B



B- NORTH ELEVATION
SCALE: 1/4" = 1'-0"



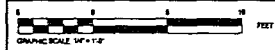
C- WEST ELEVATION
SCALE: 1/4" = 1'-0"



D- EAST ELEVATION
SCALE: 1/4" = 1'-0"

COLOR & MATERIAL LEGEND

MARK	MATERIAL	MANUFACTURER & COLOR
1	1/8" STUCCO (MEDIUM DASH)	LA HABRA, FRENCH VANILLA FX-35
2	1/8" STUCCO (MEDIUM DASH)	LA HABRA, ADOBE FX-72
3	1/8" STUCCO & CORNICHE W/ STUCCO FINISH (SMOOTH)	LA HABRA, ESSEXHELL FX-75
4	STONE VENEER	CORONADO, LEDGE STONE STYLE, COMBINATION OF STONES
5	KEEP SCREED, PAINTED	(COLOR TO MATCH 'FRENCH VANILLA')
6	ALUMINUM DOORS & WINDOW FRAMES	VISTAMALL, BRONZE ANODIZED
7	3" ACCENT BAND, 1/8" STUCCO FINISH (SMOOTH)	(COLOR TO MATCH 'ESSEXHELL')
8	GLAZING	CLEAR, THERMAL INSULATED, LOW-E TEMPERED
9	STEEL TRELLIS, PAINTED	BRONZE
10	6" x 6" ACCENT TILES W/ SEMI-GLOSS FINISH	(COLOR TO MATCH BLUE, (PP64 BL-570-S))
11	ALUMINUM ROLL-UP DOOR W/ GLASS VISION PANELS	BRONZE ANODIZED
12	ALUMINUM LOVERED OVERHANG	TO MATCH LA HABRA, ESSEXHELL FX-75



DESIGNERS
MENLO CHEVRON COLLECTIVE
 ARCHITECTS
 3732 Jd. Oaks Blvd. Suite 305
 Lafayette, CA 94504-8037
 925-296-0300 925-292-8879 Fax
 www.designcollective.com



REVISIONS

NO.	DATE	CONTRACT
1		
2		
3		

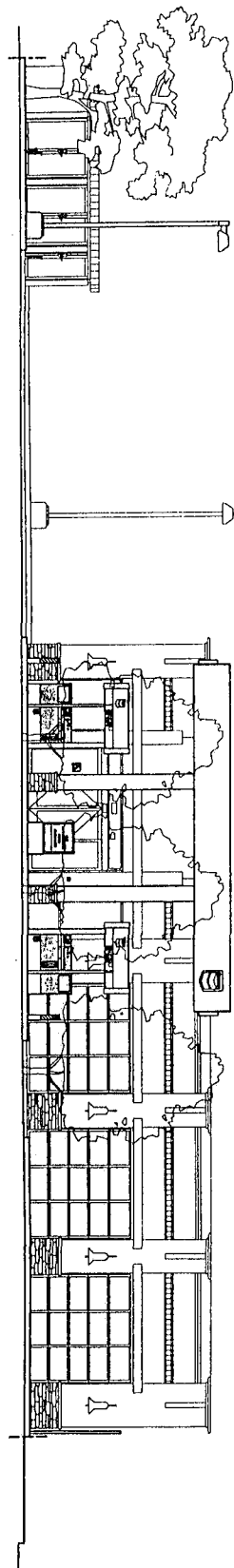
MENLO CHEVRON
 Gas Station, Auto Service & Snack Shop
 1200 El Camino Real
 Menlo Park, California

PROPOSED ELEVATIONS

NO.	PROJECT NUMBER	DATE
1	202-011-02	08/20/12
2	202-011-02	08/20/12
3	202-011-02	08/20/12

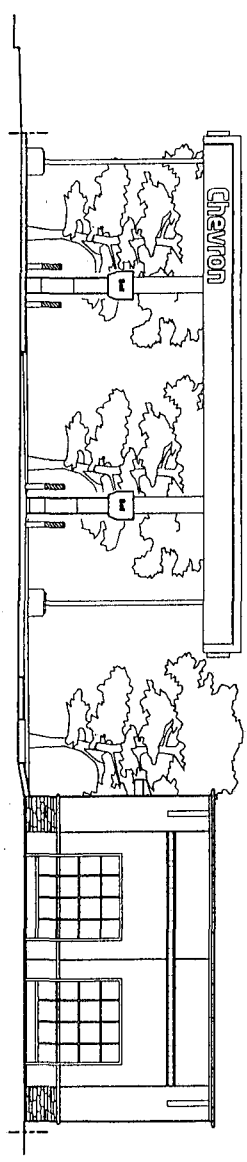
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A2.1

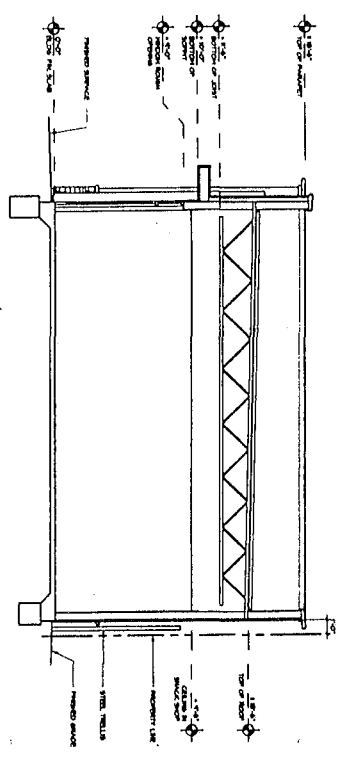


A- STREET ELEVATION (EL CAMINO REAL)
SCALE: 3/8" = 1'-0"

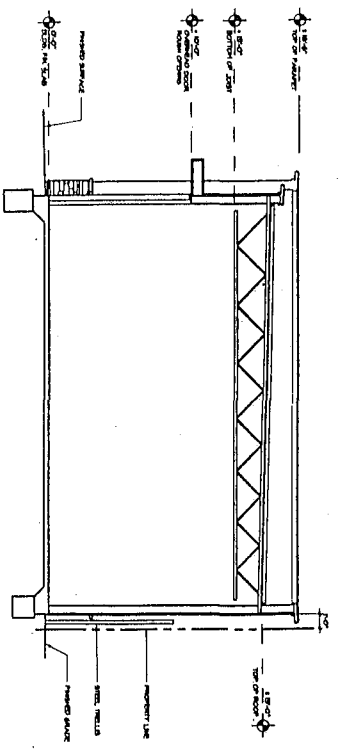
8-9



B- STREET ELEVATION (OAK GROVE AVE)
SCALE: 3/8" = 1'-0"



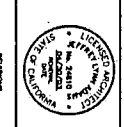
C- BUILDING SECTION THRU SNACK SHOP
SCALE: 1/4" = 1'-0"



D- BUILDING SECTION THRU SERVICE BAYS
SCALE: 1/4" = 1'-0"

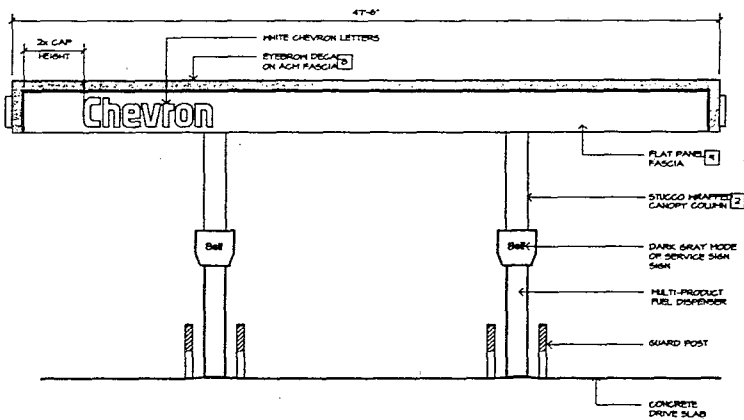
MENLO CHEVRON
Gas Station, Auto Service & Snack Shop
1200 El Camino Real
Menlo Park, California

A3.1

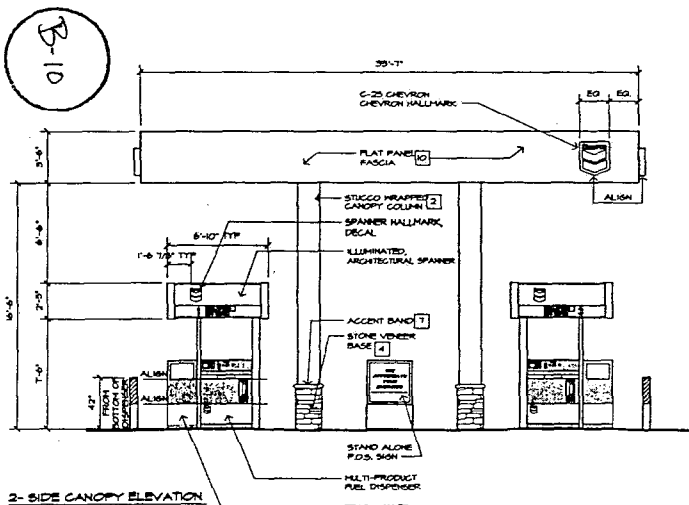


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Designers Collective Incorporated
Architecture and Project Management
3752 Ar. Diablo Blvd. Suite 206
Lafayette, CA 94509-2637
925-798-0363 925-282-8878 Fax
www.designerscollective.com

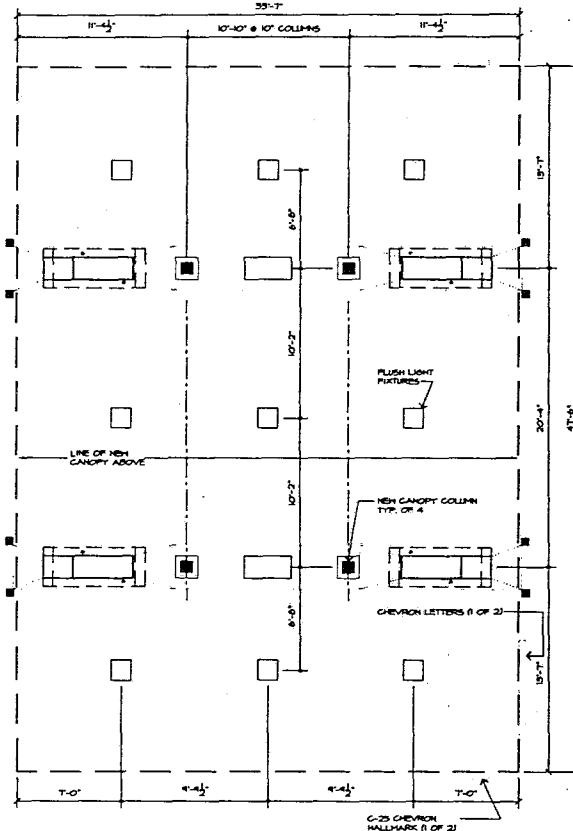
REVISIONS
DATE
BY
CHECKED
DATE
BY



1- FRONT CANOPY ELEVATION



2- SIDE CANOPY ELEVATION

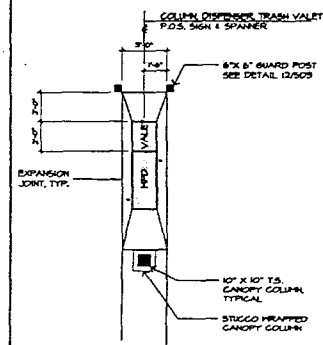


GENERAL NOTES

1. THIS CANOPY IS CONSTRUCTED OF LIGHT-GAUGE, PRE-FINISHED STEEL DECKING, WITH ACH FASCIA PANELS AND PIPED STRUCTURAL STEEL MEMBERS.
2. CANOPY FUTURE LOCATIONS MAY BE ADJUSTED WITHIN SPECIFIED TOLERANCES (±.37) TO CENTER THE CUT-OUTS IN THE DECK PANEL.
3. VSAT ANTENNA IS ON ROOF OF SNACK SHOP BUILDING.
4. THE REFERENCE LINE FOR HALLMARK-21 FACILITIES WILL BE THE BASE OF THE HFD DISPENSER FRAME. AN ADJUSTABLE BASE TRIM PANEL WILL ACCOMMODATE FRESH GRADE VARIATIONS OF 3 INCHES. IT IS CRITICAL TO THE FRAME THAT A ROW OF DISPENSERS BE SET AT THE SAME ELEVATION IF GRADES WILL PERMIT. IT IS DESIRABLE FOR ALL DISPENSERS UNDER THE CANOPY TO BE AT THE SAME ELEVATION. IF THIS IS NOT POSSIBLE, THEN THE FIELD MUST SPECIFY THE ELEVATION OF EACH ROW OF DISPENSERS PRIOR TO ORDERING THE CANOPY SO THE CANOPY COLLING CAN BE PROPERLY FABRICATED.

COLOR & MATERIAL LEGEND

MARK	MATERIAL	MANUFACTURER & COLOR
1	1/8\"/>	



NOTES

- REPRESENTS LEVEL AREA

SEE CANOPY FABRICATION DRAWINGS FOR COLUMN SIZE (BY OTHERS)

Design Collective Incorporated
Architectural and Project Management
3722 U.S. Shady Side, Suite 200
La Habra, CA 91748-3021
951-998-6360 951-763-5878 Fax
www.designcollective.com

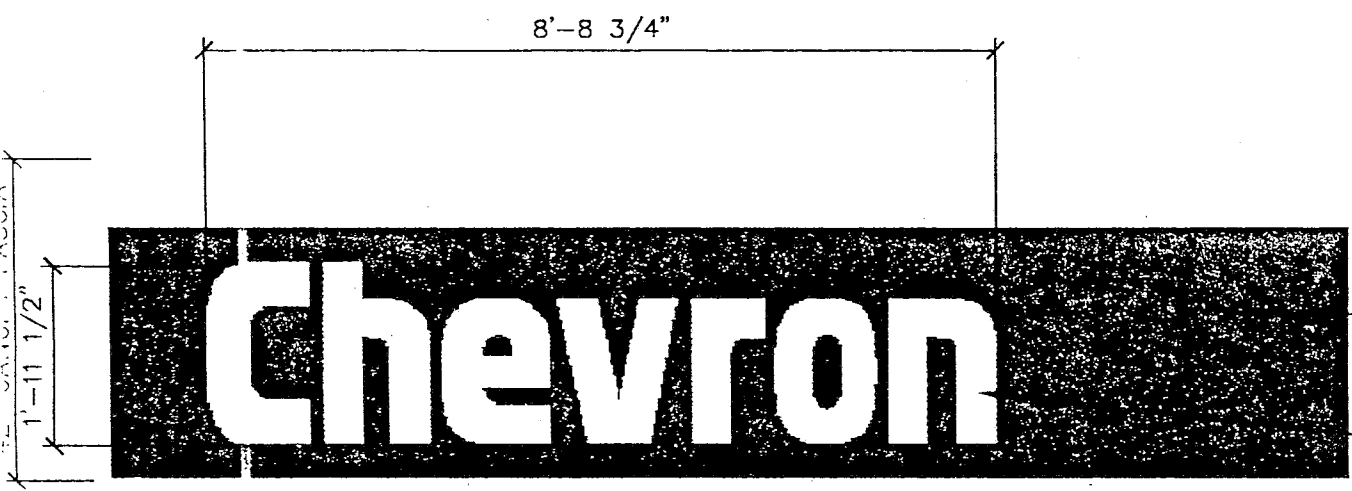


REV	DATE	DESCRIPTION

MENLO CHEVRON
Gas Station, Auto Service & Snack Shop
1200 El Camino Real
Menlo Park, California

SCALE 1/4"=1'-0"
DATE 07/10 CHECKED BY
APPROVED BY

A7



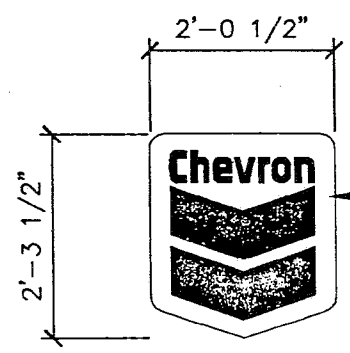
8" LIGHT GRAY (GY-450)
 & 1-1/2" WHITE (WH-835-S)
 IN-LINE EYEBROW DECAL
 ON 42" PRE-FINISHED FASCIA

42" HIGH PRE-FINISHED
 ACM FASCIA,
 BLUE (BL-370-S)

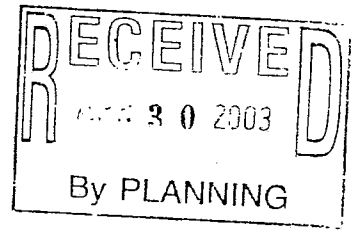
DIMENSIONAL, INTERNALLY
 ILLUMINATED, INDIVIDUALLY
 MOUNTED, "Chevron" LETTERS
 W/ WHITE ACRYLIC FACES
 & BLUE METAL RETURNS

CANOPY SIGN

3-11



DIMENSIONAL, INTERNALLY ILLUMINATED,
 CHEVRON LOGO W/ WHITE (WH-835-S)
 BACKGROUND, BLACK (BL-10-S)
 "Chevron" LETTERS & (1) STRIPE EACH
 BLUE (BL-370-S) & RED (RE-360-S)



CANOPY SIGN

DESIGNERS
COLLECTIVE

Designers Collective Incorporated
 Architecture and Project Management

3732 Mt. Diablo Blvd. Suite 395
 Lafayette, CA 94549-3637
 925-299-5366
 925-283-6871 Fax
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MENLO PARK CHEVRON
1200 EL CAMINO REAL
MENLO PARK, CALIFORNIA

DATE: APRIL 29, 2003

**DRAFT
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY OF MENLO PARK,
AMENDING TITLE 16 OF THE MENLO PARK MUNICIPAL CODE,
AMENDING CHAPTER 16.80 NONCONFORMING USES AND
STRUCTURES, AND AMENDING CHAPTER 16.04 DEFINITIONS**

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

SECTION 1. Title 16, Zoning, Chapter 16.04, *Definitions*, of the Menlo Park Municipal Code is hereby amended to add Section 16.04.597 as follows:

16.04.597 Service station. "Service station" means a facility that sells automotive fuel and provides ancillary services such as automotive repair, car wash, and/or mini mart.

SECTION 2. Title 16, Zoning, Chapter 16.80, *Nonconforming Uses and Structures*, of the Menlo Park Municipal Code is hereby amended to add Section 16.80.035 as follows:

16.80.035 Reconstruction of service stations. Nonconforming structures and structures housing nonconforming uses for service stations in the C-4 El Camino Real zoning district may be reconstructed and expanded if destroyed or demolished provided the new development is done in accordance with applicable zoning development regulations, building codes and a use permit is obtained therefore. Existing, nonconforming parking and landscaping conditions may continue to exist if approved by the use permit.

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

INTRODUCED on the ____ day of ____, 2003.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ____ day of ____, 2003, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

APPROVED:

Nicholas Jellins
Mayor of the City of Menlo Park

ATTEST:

City Clerk



MENLO PARK PLANNING COMMISSION EXCERPTS FROM DRAFT MINUTES

Regular/Study Meeting

April 21, 2003

7:00 p.m.

City Council Chambers

801 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims, Fergusson, Fry (Chair), Halleck (Vice-Chair), Pagee, Sinnott, Soffer,

STAFF– Heineck, Murphy, Siegel, Smith, Thompson

E. STUDY MEETING

- 1. Use Permit, Architectural Control, Zoning Ordinance Amendment, and Negative Declaration/John Conway/1200 El Camino Real** Request for a Zoning Ordinance Amendment to allow for the reconstruction of existing, nonconforming service stations in the C-4 El Camino Real zoning district, and use permit and architectural control approval for the demolition of the existing station facilities and the construction of a new snack shop/auto service building, pump islands, and pump island canopy at 1200 El Camino Real. The proposal also requires review and approval of a Negative Declaration.

Staff Comment: Planner Smith presented the staff report. The applicant proposes to redevelop the existing Chevron Service Station at 1200 El Camino Real. All aboveground structures, except for the existing monument sign, would be demolished, with a reconstruction and expansion of the canopy and pump islands, the existing snack shop and auto service bays. The project site is located in the C-4 zoning district, for which service stations are not listed as either a permitted or conditional use. Under the existing Zoning Ordinance regulations, the City cannot approve the proposed reconstruction of the site. Thus, the applicant is proposing a Zoning Ordinance Amendment that would modify the chapter of the Zoning Ordinance regulating non-conforming uses and structures to allow for the demolition and reconstruction of service stations and related incidental facilities subject to approval of a use permit. The proposed amendment would also allow existing non-conforming parking and landscaping conditions to continue to exist if approved by the use permit. As such an amendment requires the approval of the City Council, the applicant asked that the Planning Commission study the proposal.

The applicant has also submitted an application for a use permit and architectural control review for the construction of the new canopy, pump islands, snack shop, and auto service bays. Finally, the applicant is proposing to install new signage on the site to replace the signage that would be torn down during the demolition phase of the project.



The sign includes the Chevron corporate logo, which contains the color red. As the color is discouraged by the Design Guidelines for Signs, the applicant has also submitted a request for approval of a sign review application by the Planning Commission and is scheduled to be heard at the regular May 5, 2003 meeting. Planner Smith noted that since the publication of this agenda's materials, staff received a letter of approval for the proposed sign color and canopy height from Howard Crittendon, owner of 1275 El Camino Real. Also, this evening, the applicant brought color renderings of the project design for the Commissioners use.

Questions of Staff: Commissioner Fergusson suggested that another option would be to change the definition of C-4 to allow for future service stations. Staff indicated that this was not desirable in light of the environmental review concerns involved in service station operations. Commissioner Soffer asked if there were other non-conforming uses in the C-4 zoning district and mentioned the palm-reading business. Staff indicated that such a use is conforming within the C-4 zoning district. Commissioner Pagee questioned whether it was technically correct to call the property a demolition as the underground tanks would remain. Staff indicated that the extent of the reconstruction could not be considered as either a remodel or alteration. In response to a question from Commissioner Fergusson, the applicant John Conway indicated the service station hours are currently 7 a.m. to 10 p.m.

Public Comment: Mr. Conway, the applicant, indicated that the proposed project is the result of a State mandate that by the end of 2003 the service station must be upgraded to meet current environmental regulations. This would require the replacement of the pumps and the addition of secondary containment with spill buckets under the pumps. Since the work is necessary, he felt it was an opportune time to replace the existing facility built in 1948, which is suffering some construction faultiness. He also noted it would benefit the public as the station is very busy and a third bay expansion would increase their level of service.

Mr. Muthana Ibrahim, Designers Collective, noted that they plan to replace the canopy and pump islands; eliminate one driveway closest to the intersection at Oak Grove Avenue and El Camino Real; eliminate both driveways on Oak Grove Avenue, and have just one driveway to serve the site. They are proposing a stucco building with overhangs and pilasters, and wraparound stone vermeer base, and a third service bay with overhead doors of aluminum and glass.

Mr. Conway noted that the accessibility to the pump islands would be significantly improved by the redesign and expansion.

In reply to Commissioner Halleck's question, Mr. Ibrahim noted that there would be a one-foot height increase to the canopy, which would meet code requirements.

Commissioner Pagee asked about the exit onto Derry Lane as the potential grade separation proceeds for the railroad crossing and what constraints that would place on fuel delivery. Mr. Conway noted that he has been attending the grade separation meetings and it appears that the work is going to close Oak Grove Avenue at El Camino Real. Regarding fuel delivery, there will be access either from El Camino Real or Oak Grove Avenue. Mr. Conway indicated that the business would be able to handle closure of Derry Lane.

Responding to a question from Commissioner Fergusson, Mr. Conway indicated that the business might be expanded to 24-hour service in the future.

In response to Commissioner Bims, Planner Smith indicated that currently there are five total service stations in this El Camino area. Commissioner Bims asked if the C-4 zoning district was specifically created to prevent the reconstruction of service stations once demolished. Planner Murphy indicated that some research might be needed, as there were two C-4 zoning districts created as he recalls in the 1970s and that there were previously more service stations along El Camino Real. Mr. Conway named five to six service stations along El Camino Real that no longer exist.

In response to Commissioner Soffer, Mr. Conway said that he has owned the site since 1968 and owns just one service station.

Commissioner Bims asked whether changing the Zoning Ordinance would encourage the construction of more service stations along El Camino Real. Planner Smith indicated that the amendment was worded to only allow the five existing service stations to reconstruct on their sites. Commissioner Bims noted his understanding of the amendment but wondered if the Zoning Ordinance was changed to allow conditional use of service stations would that create a situation that there would be an increase of service stations. Planner Smith indicated that if service stations were made a conditional use again that would create the potential for more service stations. Each application would have to come before the Planning Commission for a use permit and architectural control review.

Commissioner Halleck expressed his concern that a checkbox under the *Hazardous Materials* section of the Negative Declaration was checked with "no significant findings" and asked about mitigation for potential environmental impact. Mr. Conway noted that the existing tanks are double-walled fiber glass installed in 1986; the tanks would be pumped out and existing lines purged before installation of the new pumps, secondary containment, spill buckets and new lines occurred, all of which would happen under County inspection. In response to Commissioner Halleck, Planner Murphy noted that the Negative Declaration for the project was circulated on April 17, 2003 and that a public hearing to receive comments on the environmental document would be held. Commissioner Halleck confirmed with Planner Murphy that he might direct other environmental questions to Director Arlinda Heineck.

In response to questions from Commissioner Soffer, Mr. Conway indicated that the County would analyze soil samples during the construction project. Mr. Conway also stated that the project's completion is expected to be three months.

Commissioner Fergusson indicated her approval of the concept of the Zoning Ordinance Amendment and the proposal as designed. She noted that it appears the site would be better utilized than it is presently. In response to her questions, Planner Murphy noted that the proposed language for the amendment could be found in Attachment D. He noted that through the use permit process, the applicant can request that existing levels of parking and landscaping be retained. Commissioner Fergusson commented that the Zoning Ordinance had accomplished a reduction in the number of service stations but

that she felt a certain level of service was needed at this time to serve the citizens of West Menlo Park.

Commissioner Bims indicated his support of the plan and the proposed amendment; he suggested that there be further consideration of a long-term vision as to the public's need of service stations in the area.

Commissioner Pagee concurred and indicated that it is important for current business owners to be able to renovate their businesses along the commercial corridor. She expressed her appreciation to Mr. Conway for choosing to upgrade beyond the mandatory State requirements. She expressed her hope that the railroad crossing would enhance the business. She asked that her support of the project be forwarded to the City Council.

Chair Fry addressed the question of parking and suggested that if there is an intensification of use with existing parking that there might be a need for validation of long term use of parking at a future review. She expressed her support of the project.

Commissioner Sinnott offered her general support for the project and indicated that parking may be an issue.

In response to a question from Commissioner Fergusson, Planner Murphy noted that any comments or questions of the Commissioners regarding the Zoning Ordinance Amendment, the Negative Declaration, the use permit application and the architectural control review may be directed to staff or the applicant. Comments received within the preparation time of the May 5, 2003 public hearing agenda item could be included in the staff report; comments received prior to the meeting could be reported at the meeting; and Commissioners may comment during the public hearing.



MENLO PARK PLANNING COMMISSION EXCERPTS FROM DRAFT MINUTES

Regular Meeting

May 5, 2003

7:00 p.m.

City Council Chambers

801 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims, Fergusson, Fry (Chair), Halleck (Vice-chair), Pagee, Sinnott, Soffer,

STAFF – Cramer, Murphy, O'Connell, Siegel, Smith

D. Public Hearing

1. **Zoning Ordinance Amendment, Use Permit, Architectural Control, Sign Review, and Negative Declaration/John Conway/1200 El Camino Real:** Request for a Zoning Ordinance Amendment to allow for the reconstruction of existing, nonconforming service stations in the C-4 El Camino Real zoning district, and use permit and architectural control approval for the demolition of the existing station facilities and the construction of a new snack shop/auto service building, pump islands, and pump island canopy at 1200 El Camino Real. The proposal also requires sign review for new canopy signs that contain the color red, as well as review and approval of a Negative Declaration that was prepared for this project.

Staff Report: Planner Smith presented the staff report and noted that because the application involves a Zoning Ordinance Amendment that requires ultimate approval by the City Council, the Planning Commission will act as a recommending body on the Zoning Ordinance Amendment, Negative Declaration, use permit, architectural control, and sign review applications. He noted that prior to the meeting staff received a letter of support for the project from the Menlo Park Chamber of Commerce.

Questions of Staff: Chair Fry confirmed with Planner Smith that only the proposed signage having the Chevron logo on the canopy was to be reviewed and that parking indicated on page 1 of the staff report did not include the additional parking at the Foster Freeze historically used by the service station.

Public Comment: Applicant Muthana Ibrahim, Designers Collective, distributed revised street elevations of both frontages for the Commissioners' review. Chair Fry confirmed with the applicant that the sign on the canopy would be the same. In response to Commissioner Pagee's question regarding the change on page A3.1, Mr. Ibrahim said that they are wrapping the canopy columns with stucco pilaster and stone veneer base to match the building. Commissioner Halleck questioned the safety of the parking space closest to the street shown on LA 1. Mr. Ibrahim indicated that the space is conforming in its 16 ½ ft. and there is no wheel

block. Mr. Rick Ciardella, landscape architect for the project, indicated that the trees would also be repositioned. Mr. Ciardella asked the Commission to look at page B-4 regarding ingress and egress. The corner island planter needs to be reduced to allow for cars coming in from El Camino Real. That island will have to be reduced by one-half of what is shown on the plans in order to retain a curb cut that was labeled for removal.

Commission Action: M/S Pagee/Fergusson to allow meeting to continue until after 11:30 p.m.

Motion carried unanimously, 7-0.

Mr. Ciardella, Menlo Park of Chamber of Commerce, indicated the Chamber's strong support of the project.

Commission Action: M/S Fry/Soffer to close the public hearing.

Motion carried unanimously, 7-0.

Commission Action: Commissioner Sinnott made a motion and Commissioner Soffer seconded it to recommend as stated in the staff report.

Commissioner Pagee asked for a friendly amendment to the motion to allow staff to make recommendations on landscaping. Chair Fry asked for clarification on the additional curb cut. Planner Murphy said that the additional curb cut was a new item. The Commission could give staff and the applicant flexibility in resolving the issues prior to the City Council meeting. Regarding additional landscaping, Mr. Ciardelli indicated that the limited space would make additional landscaping difficult and he also clarified that they are not redesigning the curb cuts and they are staying the same. He indicated that he would maximize the landscaping on that corner as much as possible and take a look at expanding landscaping.

Commission Action: M/S Sinnott/Soffer to recommend approval as recommended in the staff report with the following consideration:

The applicant may reduce the size of the proposed planter located closest to the intersection of El Camino Real and Oak Grove Avenue in order to retain the El Camino Real curb cut located closest to Oak Grove Avenue provided that the applicant maximizes the amount of landscaping on the site. (The applicant is preparing revised plans to present to the City Council).

The Planning Commission recommends the following action to the City Council:

1. Adopt the following findings relative to the environmental review of the proposal:
 - a. A Negative Declaration was prepared and circulated for public review pursuant to the current State CEQA Guidelines;
 - b. The Planning Commission has considered the Negative Declaration prepared for the proposal and any comments received during the public review period; and
 - c. Based on the Negative Declaration and any comments received, there is no substantial evidence that the project will have a significant effect on the environment.

2. Adopt a finding that the proposed Zoning Ordinance Amendment is consistent with the adopted General Plan land use designation of El Camino Real Professional/Retail Commercial.
3. Adopt Ordinance No. _____ amending the Zoning Ordinance allow for the reconstruction of existing non conforming service stations in the C-4 El Camino Real zoning district.
4. Adopt findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
5. Adopt findings, as per Section 16.68.020 of the Zoning Ordinance, regarding architectural control approval:
 - a. The general appearance and scale of the project is in keeping with the character of the existing development on the site;
 - b. The development will not be detrimental to the harmonious and orderly growth of the City;
 - c. The development will not impair the desirability of investment or occupation in the neighborhood; and
 - d. The development provides adequate parking as required in all applicable City ordinances, and has made adequate provisions for access to such parking.
6. Adopt a finding that the proposed signs are appropriate and compatible with the downtown, and consistent with the Design Guidelines for Signs.
7. Approve the use permit, architectural control, and sign review requests subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Designers Collective, consisting of 10 plan sheets dated received March 12, 2003, and approved by the City Council on May 20, 2003, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility company regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

- d. Prior to issuance of a demolition permit or building permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The Building Official may waive this requirement on a case-by-case basis. The fences shall be installed according to the plan prior to commencing construction.
- e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering, and Building Divisions. All utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- f. Prior to demolition permit issuance, the applicant shall submit a plan for the control of dust for the duration of the project. The plan shall list specific measures, including but not limited to routine watering of the site. The plan shall also specifically address how dust would be controlled during weekends and other off-work periods. Finally, the plan shall include a contact name and phone number to receive and address any complaints. This plan shall be submitted for the review and approval of the Planning Division.
- g. Prior to issuance of a demolition permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- h. Prior to issuance of a building permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- i. Prior to building permit issuance, the applicant shall submit details of the trash enclosure for review and approval of the Engineering Division and Planning Division. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. If water cannot be diverted from the areas, a self-contained drainage system that discharges to the sanitary sewer (with approval from West Bay Sanitary District) or to the storm drain through an appropriately designed sand filter shall be installed. Sand filters must be inspected and cleaned by a contractor at appropriate intervals.
- j. Prior to issuance of building permits, plans for on-site recycling and garbage facilities shall be submitted for review and approval by the City Environmental Program Coordinator.
- k. Prior to issuance of building permits, a detailed landscape and irrigation plan shall be submitted and approved by the Planning Division. The landscape plan shall comply with the Water Efficient Landscaping Ordinance. All landscaping shall be in place prior to final inspection. Landscape controls shall be incorporated into the plans to ensure efficient irrigation, appropriate landscape design, and proper maintenance.

- l. Prior to issuance of building permits, the applicant shall submit a plan showing site improvement details, including but not limited to lighting and perimeter fencing, for review and approval by the Planning and Engineering Divisions. Prior to installation of outdoor lighting, a photometric lighting plan shall be submitted for on-site lighting; the plans shall show that on-site lighting does not create offensive glare and light. The plan shall be reviewed and approved by the Planning and Engineering Divisions.
- m. Prior to issuance of a grading, demolition or building permit, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division.
- n. The applicant shall comply with the Best Management Practices (BMP) requirements in order to ensure project compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
- o. Prior to building permit issuance, the applicant shall submit a plan for off-site frontage improvements subject to review and approval by the Engineering Division. Off-site improvement could include, but are not limited to, repairs to curb, gutter, sidewalks, driveway aprons, and paving, and may include the planting of one street tree on Oak Grove Avenue. Proposed improvements in the El Camino Real right-of-way shall comply with Caltrans standards and requirements.
- p. Prior to installation of any additional signage beyond the signs that have been specifically approved by the Planning Commission, the applicant shall submit plans of the signs for review and approval by the Planning Division.
- q. Should the access to the property through Derry Lane be closed in the future, the applicant shall have the option of converting that access to drive to two landscape reserve parking spaces. This action to create two landscape reserve parking spaces shall require review and approval by the Planning Division, but shall not require Planning Commission review and approval.
- r. The applicant shall comply with Section 7902.1.7.2.2 of the 2001 California Fire Code.

Motion carried unanimously, 7-0.



**Planning Commission Recommended Findings and Actions for Approval
May 5, 2003**

On May 5, 2003, the Planning Commission reviewed the proposal for 1200 El Camino Real and recommended the following action to the City Council:

1. Adopt of the following findings relative to the environmental review of the proposal:
 - a. A Negative Declaration was prepared and circulated for public review pursuant to the current State CEQA Guidelines;
 - b. The Planning Commission has considered the Negative Declaration prepared for the proposal and any comments received during the public review period; and
 - c. Based on the Negative Declaration and any comments received, there is no substantial evidence that the project will have a significant effect on the environment.
2. Adopt a finding that the proposed Zoning Ordinance Amendment is consistent with the adopted General Plan land use designation of El Camino Real Professional/Retail Commercial.
3. Adopt Ordinance No. ____ amending the Zoning Ordinance allow for the reconstruction of existing non conforming service stations in the C-4 El Camino Real zoning district.
4. Adopt findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
5. Adopt findings, as per Section 16.68.020 of the Zoning Ordinance, regarding architectural control approval:
 - a. The general appearance and scale of the project is in keeping with the character of the existing development on the site;
 - b. The development will not be detrimental to the harmonious and orderly growth of the City;
 - c. The development will not impair the desirability of investment or occupation in the neighborhood; and

F1

- d. The development provides adequate parking as required in all applicable City ordinances, and has made adequate provisions for access to such parking.
6. Adopt a finding that the proposed signs are appropriate and compatible with the downtown, and consistent with the Design Guidelines for Signs.
 7. Approve the use permit, architectural control, and sign review requests subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Designers Collective, consisting of 11 plan sheets dated received May 13, 2003, and approved by the City Council on May 20, 2003, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility company regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to issuance of a demolition permit or building permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The Building Official may waive this requirement on a case-by-case basis. The fences shall be installed according to the plan prior to commencing construction.
 - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering, and Building Divisions. All utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - f. Prior to demolition permit issuance, the applicant shall submit a plan for the control of dust for the duration of the project. The plan shall list specific measures, including but not limited to routine watering of the site. The plan shall also specifically address how dust would be controlled during weekends and other off-work periods. Finally, the plan shall include a contact name and phone number to receive and address any

complaints. This plan shall be submitted for the review and approval of the Planning Division.

- g. Prior to issuance of a demolition permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- h. Prior to issuance of a building permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- i. Prior to building permit issuance, the applicant shall submit details of the trash enclosure for review and approval of the Engineering Division and Planning Division. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. If water cannot be diverted from the areas, a self-contained drainage system that discharges to the sanitary sewer (with approval from West Bay Sanitary District) or to the storm drain through an appropriately designed sand filter shall be installed. Sand filters must be inspected and cleaned by a contractor at appropriate intervals.
- j. Prior to issuance of building permits, plans for on-site recycling and garbage facilities shall be submitted for review and approval by the City Environmental Program Coordinator
- k. Prior to issuance of building permits, a detailed landscape and irrigation plan shall be submitted and approved by the Planning Division. The landscape plan shall comply with the Water Efficient Landscaping Ordinance. All landscaping shall be in place prior to final inspection. Landscape controls shall be incorporated into the plans to ensure efficient irrigation, appropriate landscape design, and proper maintenance.
- l. Prior to issuance of building permits, the applicant shall submit a plan showing site improvement details, including but not limited to lighting and perimeter fencing, for review and approval by the Planning and Engineering Divisions. Prior to installation of outdoor lighting, a photometric lighting plan shall be submitted for on-site lighting; the plans shall show that on-site lighting does not create offensive glare and light. The plan shall be reviewed and approved by the Planning and Engineering Divisions.
- m. Prior to issuance of a grading, demolition or building permit, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division.

- n. The applicant shall comply with the Best Management Practices (BMP) requirements in order to ensure project compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
- o. Prior to building permit issuance, the applicant shall submit a plan for off-site frontage improvements subject to review and approval by the Engineering Division. Off-site improvement could include, but are not limited to, repairs to curb, gutter, sidewalks, driveway aprons, and paving, and may include the planting of one street tree on Oak Grove Avenue. Proposed improvements in the El Camino Real right-of-way shall comply with Caltrans standards and requirements.
- p. Prior to installation of any additional signage beyond the signs that have been specifically approved by the Planning Commission, the applicant shall submit plans of the signs for review and approval by the Planning Division.
- q. The applicant shall comply with Section 7902.1.7.2.2 of the 2001 California Fire Code.
- r. The applicant may reduce the size of the proposed planter located closest to the intersection of El Camino Real and Oak Grove Avenue in order to retain the El Camino Real curb cut located closest to Oak Grove Avenue provided that the applicant maximizes the amount of landscaping on the site.

INVENTORY OF SERVICE STATIONS IN MENLO PARK

Corridor	Brand	Address	Zoning	Non-conforming Use	Auto Repair	Car Wash	Mini Mart*
El Camino	Menlo Park Gas & Diesel	275 El Camino Real	C-4 (ECR)	Yes	No	No	Yes
	Shell	495 El Camino Real	C-4 (ECR)	Yes	Yes (4 bays)	No	Yes
	Chevron	1200 El Camino Real	C-4 (ECR)	Yes	Yes (2 bays)	No	Yes
	Unocal 76	1380 El Camino Real	C-4 (ECR)	Yes	Yes (3 bays)	No	No
	Shell	1400 El Camino Real	C-4 (ECR)	Yes	Yes (3 bays)	No	Yes
Willow	Chevron	100 Middlefield Road	C-4 (Other than ECR)	No	Yes (3 bays)	No	Yes
	Willow Gas	500 Willow Road	C-4 (Other than ECR)	No	No	Yes (hand)	No
	Unocal 76	716 Willow Road	C-4 (Other than ECR)	No	Yes (2 bays)	No	Yes
	Chevron	1399 Willow Road	C-2-S	No	No	Yes (automatic)	Yes
Marsh	Chevron	1110 Marsh Road	C-4 (Other than ECR)	No	Yes (3 bays, but inactive?)	No	Yes
Sand Hill	Shell	125 Sharon Park Drive	C-2	No	Yes (3 bays)	No	Yes

*Note: Mini-mart includes a range of uses from snack shop to convenience store.

G-1



**DEPARTMENT OF
DEVELOPMENT
SERVICES**

DESIGN GUIDELINES FOR SIGNS

- A. INTRODUCTION
- B. GENERAL CRITERIA
- C. MULTI-TENANT BUILDINGS
- D. FREESTANDING SIGNS
- E. DIRECTIONS FOR SUBMITTAL
- F. SIGN RESTRICTIONS
- G. AWNING AND AWNING SIGN REGULATIONS
- H. PERMIT ISSUANCE
- I. EXEMPT SIGNS
- J. PROHIBITED SIGNS
- K. TEMPORARY SIGN PERMITS

A. INTRODUCTION

Well-designed signs can add to the attractiveness of an area, while signage that is cluttered or overbearing detracts from the beauty of the streetscape. Signs also serve as a symbol for businesses and can help merchants build a positive business image. The intent of these guidelines is to encourage signage that helps maintain the positive image of the area enjoyed by the residents and businesses of Menlo Park.

It is important to remember that these guidelines must be used in conjunction with the Zoning Ordinance. The Zoning Ordinance contains precise rules with respect to size and types of signs. These guidelines address visual and design issues that are not found in the Zoning Ordinance.

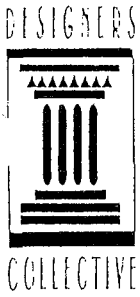
B. GENERAL CRITERIA

1. Signs should be integrated to the facade of the building, and their design should be consistent with the building architecture in terms of style, materials, colors, proportions, etc.
2. Signs should be proportionate to the size of the building and the size of the site. The size of signs should also be compatible with other signs in the surrounding area.
3. Sign dimensions as specified in the Zoning Ordinance are maximum dimensions. In reviewing sign applications for consistency with these guidelines, the outcome may result in signs that are smaller than the maximum permitted by the Zoning Ordinance.
4. Use of individual letters and symbols are encouraged rather than cabinet or box signs (existing cabinet signs may be refaced but not enlarged). In general, lettering between 8 inches and 18 inches is considered acceptable. Lettering larger than 24 inches may be considered for buildings with large setbacks from the street.
5. Signs lit with an external source are recommended over internally lit signs. External light sources should not be visible and should be concealed in shrubbery or in decorative structures. Another acceptable method of illumination is a "halo" type sign, which uses solid letters with a

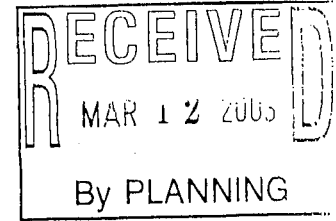
B. GENERAL CRITERIA (cont'd.)

light source behind them, illuminating the wall around the letters. If internally illuminated signs must be used, illumination of letters and graphics is preferred over the illumination of the background. In all cases, lighting should not cause glare on surrounding streets or property nor distract from the surrounding environment.

6. Awning signs are allowed. Graphics on awnings should be confined to vertical surfaces.
7. Colors, materials, and design of the sign should be compatible and harmonious with the colors, materials, and design of the building and the surrounding area. Signs with bright colors (e.g., bright red, orange, or yellow) are not encouraged.
8. Building signs should be mounted flush against a building, and may not project above the eave of the roof or the top of a parapet.
9. Signage should be used for the purpose of identifying the business and should not be used to list products or other information. Logos or graphics consistent with the nature of the business, such as a clock for a clock store, may be considered.
10. Sign text should avoid needless repetition.
11. Each business or tenant should be limited to one building-mounted sign on each street frontage of a parcel. In addition, each business is allowed one suspended or blade sign to be placed under awnings or canopies. These blade signs can be up to three (3) square feet in size, and are not counted toward the maximum square footage of signage allowed for each parcel. Blade signs shall have a minimum clearance of eight (8) feet above the ground.
12. Exposed-tube neon signs are not encouraged.



Menlo Chevron
1200 El Camino Real
Menlo Park, California



Architecture
& Project
Management

3732
Mt. Diablo Blvd.
Suite 395
Lafayette
California
94549-3637

925-299-5363
925-283-6876 Fax

Project Overview:

The property owner's objective is to provide a service to the community that will allow the customer to enter into a Chevron facility that is a clean, safe, state of the art environment.

Site Objectives:

Because our customers are working longer hours and commuting longer distances, our goal is to use our customers' objectives as a key element in designing a Chevron Facility that will offer easy on and offsite accessibility to both pedestrians and vehicular traffic.

Exterior Lighting Design: Our customers will appreciate a facility that makes them feel welcome and secure. Our exterior yard lighting is designed to cover all areas where customers walk while not affecting surrounding properties and public right of ways. Our building lighting is designed to improve our nighttime appearance by minimizing shadows or dark areas on the building. Our canopy lighting is designed using recessed canopy lights with drop lenses that will provide a well-lit canopy and a bright, even, safe appearing fueling area.

Site Landscaping: Healthy, seasonal colorful plants provide a bright touch to the overall appearance of our Facility. Shade trees, lawn, shrubs and colorful groundcover plantings, that are consistent with the surrounding area, will be used throughout the property. Low level landscaping near driveways will be used to improve our customer's ability to safely and efficiently enter and exit the facility.

Building Architecture:

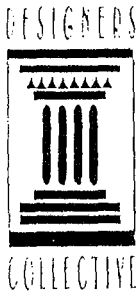
All of the proposed buildings for this facility incorporate Chevron's retail-oriented "Grand Entrance" style of architecture. The front elevation incorporates a proscenium arch, which is pierced by a portico tower feature at the building entrance and floor to ceiling glass, which is used to create a safe feeling to our pedestrian customers because it improves visibility in and out of the market. This architecture design creates a unique image and dramatic change from other similar facilities.

The building exterior wall finishes include:

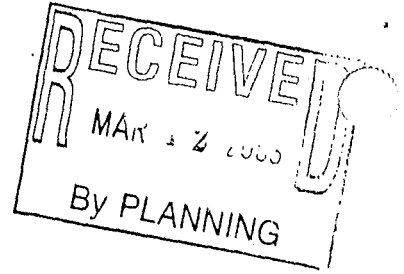
Soft earth tone colored stucco w/ 2" horizontal reveals, standing seam metal roof treatments, floor to ceiling clear glazing set in clear anodized aluminum frames, varied wall surfaces and metal trellis are also being used to enhance the building's exterior walls.

Canopy & Pump Island Design:

The overhead canopy is made up of (4) steel columns, which support the 33'-7" x 47'-6" metal framed canopy structure. The gasoline pumps are flush mounted and the increased space between the *Fast Pay* pumps eliminates the potential hazard of tripping over a pump island as customers pump gasoline or walk between the dispensers.



Menlo Chevron
1200 El Camino Real
Menlo Park, California



Architecture
& Project
Management

PROJECT DESCRIPTION

3732
Mt. Diablo Blvd.
Suite 395
Lafayette
California
94549-3637
925-299-5363
925-283-6876 Fax

- All Site & Building Signage Shall be By Separate Permit
- Project is being submitted for Architectural Control, Conditional Use Permit & Zoning Ordinance – Text Amendment

Demolish Existing:

- 1,111 sf. Auto Service Building
- Fuel Dispensers
- Overhead Canopy
- Site & Building Signage
- Landscape Planters
- Area Lights

Existing To Remain:

- Three (3) Underground Fuel Storage Tanks (existing tanks shall be upgraded to current state and federal standards).

Proposed Work:

- 2,194 sf.- Building w/ 726 s.f. Snack Shop & 1,468 s.f. Auto Service Bays
- 1,595 sf.- Metal Framed Canopy over Four (4) new multi-product, single-hose fuel dispensers.
- 20'-8" Wide x 6'-8" Deep x 6'-0" High Masonry Trash Enclosure w/ metal gates & standing seam metal roof treatment, for One (1) 3 cy. Garbage Container, One (1) 2 cy. Recycling Container for paper and cardboard & One (1) 95 gallon cart for bottles and cans.
- Parking Stalls per the City of Menlo Park Parking Requirements
- Landscaping per the City of Menlo Park Landscape Requirements
- Exterior Yard Lighting

I-2

DESIGNERS



COLLECTIVE

Architecture
& Project
Management

3732

Mt. Diablo Blvd.

Suite 395

Lafayette

California

94549-3637

925-299-5363

925-283-6876 Fax



March 24th, 2003

Mr. Jeffrey Smith
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Sent via email, One Page
jasmith@menlopark.org

Regarding: **Menlo Chevron**

Dear Mr. Smith

As you requested, shown below is a breakdown between the existing & proposed building square footages.

<u>Area:</u>	<u>Existing:</u>	<u>Proposed:</u>	<u>Change:</u>
Service Bays:	754 s.f.	1,296 s.f.	542 s.f.
Storage/Utility:	90 s.f.	286 s.f.	196 s.f.
Restrooms:	122 s.f.	116 s.f.	(6 s.f.)
Snack Shop:	145 s.f.	418 s.f.	273 s.f.
Customer Service:	<u>n/a</u>	<u>78 s.f.</u>	<u>78 s.f.</u>
Total Main Building:	1,111 s.f.	2,194 s.f.	1,083 s.f.
Fueling Canopy:	<u>1,164 s.f.</u>	<u>1,595 s.f.</u>	<u>431 s.f.</u>
Total Buildings:	2,275 s.f.	3,789 s.f.	1,514 s.f.

Give me a call if you have any questions.

Sincerely,
Designers Collective

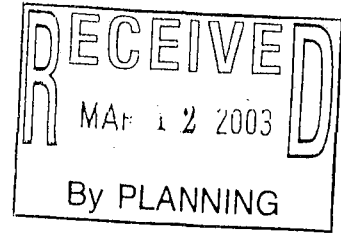
Jody Malone

Jody Malone
(925) 299-5363 x24
(925) 283-6876 Fax
jody@designerscollective.com

(Foster's Freeze)

John Conway
1200 El Camino Real
Menlo Park Ca. 94025

January 6, 2003



Mr Lee,

This is to confirm that Menlo Chevron does have an agreement to rent 5 parking stalls each month, and you are compensated each month for such agreement.

Regards,

A handwritten signature in cursive script, appearing to read "John Conway".

J-1

Menlo Park Chevron
1200 El Camino Real
Menlo Park Ca 94025

April 30, 2003

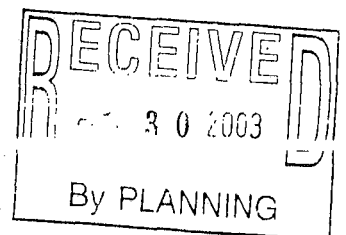
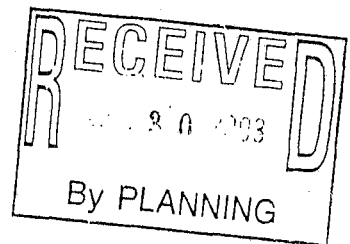
To Whom it may concern,

Please be reassured that the disposal of fuel in the tanks and the product lines will be disposed of properly per the fire regulation code. I have contacted my contractor he has been informed as per the situation and the safety issues involved handling a hazardous material. Feel free to call me if you have any questions with this project.

Best Regards,



John Conway
Cell -868-1837



K-1

SECTION 7902 — STORAGE

7902.1 General.

7902.1.1 Applicability. Storage of flammable and combustible liquids in containers, cylinders and tanks shall be in accordance with Sections 7901 and 7902.

For motor vehicle fuel-dispensing stations, see Article 52.

7902.1.2 Change of tank contents. Tanks subject to change in contents shall be in accordance with Section 7902.1.8. Prior to a change in contents, the chief is authorized to require testing of a tank.

7902.1.3 Labeling and signs.

7902.1.3.1 Smoking and open flames. Signs shall be posted in storage areas prohibiting open flames and smoking. See also Section 7901.9.

7902.1.3.2 Label or placard. Tanks over 100 gallons (378.5 L) in capacity permanently installed or mounted and used for the storage of Class I, II or III-A liquids shall bear a label or placard identifying the material therein in accordance with UFC Standard 79-3.

EXCEPTIONS: 1. Tanks of 300 gallons (1135.5 L) capacity or less located on private property and used for heating and cooking fuels in single-family dwellings.

2. Tanks located underground.

7902.1.4 Sources of ignition. Smoking and open flames are prohibited in storage areas. See also Section 7901.10.

7902.1.5 Explosion control. Explosion control, equivalent protection devices or suppression systems, or a barricade shall be provided in accordance with the Building Code when Class I liquids are stored inside buildings in excess of the exempt amounts, or where explosive vapor-air mixtures could develop under normal operating conditions.

EXCEPTION: Class I-B and I-C liquids when provided with continuous ventilation at the rate set forth in Section 8003.1.4.

See also Sections 7902.5.11.7, 7902.5.12.7, 7903.2.3.4.3 and 7903.2.3.5.3.

7902.1.6 Separation from incompatible materials and accumulation of combustibles. Storage of flammable and combustible liquids shall be separated from incompatible hazardous materials in accordance with Section 8001.11.8.

Grass; weeds; combustible materials; and waste Class I, II and III-A liquids shall not be accumulated in an unsafe manner at a storage site.

7902.1.7 Abandonment and status of tanks.

7902.1.7.1 General. Notwithstanding the time schedules stipulated, tanks taken out of service shall be removed or safeguarded in accordance with Section 7902.1.7 and nationally recognized standards. See Section 9003, Standard a.3.9.

In other cases, tanks taken out of service shall be safeguarded or removed in accordance with Section 7902.1.7.

7902.1.7.2 Underground tanks.

7902.1.7.2.1 Temporarily out of service. Underground tanks temporarily out of service shall have the fill line, gage opening, vapor return and pump connection secure against tampering. Vent lines shall remain open and be maintained in accordance with Sections 7902.1.13 and 7902.2.6.

7902.1.7.2.2 Out of service 90 days. Underground tanks used for a period of 90 days shall be safeguarded in accordance with the following or removed in accordance with Section 7902.1.7.4:

1. Flammable or combustible liquids shall be removed from the tank,
2. All piping, including fill line, gage opening, vapor return and pump connection, shall be capped or plugged and secured from tampering, and
3. Vent lines shall remain open and be maintained in accordance with Sections 7902.1.13 and 7902.2.6.

7902.1.7.2.3 Underground tanks out of service for one year. Underground tanks which have been out of service for a period of one year shall be removed from the ground in accordance with Section 7902.1.7.4 and the site shall be restored in an approved manner. When the chief determines that the removal of the tank is not necessary, abandonment in place is allowed.

7902.1.7.2.4 Tanks abandoned in place. Tanks abandoned in place shall be abandoned as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping,
2. The suction, inlet, gage, vapor return and vapor lines shall be disconnected,
3. The tank shall be filled completely with an approved, inert solid material,
4. Remaining underground piping shall be capped or plugged, and
5. A record of tank size, location and date of abandonment shall be retained.

7902.1.7.2.5 Reinstallation of underground tanks. Tanks which are to be reinstalled for flammable or combustible liquid service shall comply with all of the provisions of Article 79 and shall be tested in an approved manner.

7902.1.7.3 Aboveground tanks.

7902.1.7.3.1 Temporarily out of service. Aboveground tanks temporarily out of service shall have all connecting lines isolated from the tank and secured against tampering.

7902.1.7.3.2 Out of service 90 days. Aboveground tanks not used for a period of 90 days shall be safeguarded in accordance with Section 7902.1.7.2.2 or removed in accordance with Section 7902.1.7.4.

7902.1.7.3.3 Aboveground tanks out of service one year. Aboveground tanks which have been out of service for a period of one year shall be removed in accordance with Section 7902.1.7.4.

EXCEPTION: Tanks located at refineries, bulk plants and terminals that are in operation.

7902.1.7.4 Removing tanks.

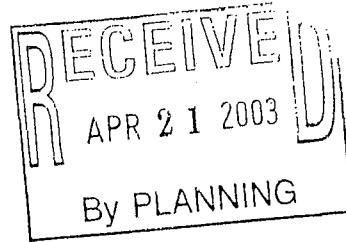
7902.1.7.4.1 General. Removal of aboveground and underground tanks shall be in accordance with all of the following:

1. Flammable and combustible liquids shall be removed from the tank and connecting piping,
2. Piping at tank openings which is not to be used further shall be disconnected,
3. Piping shall be removed from the ground,

EXCEPTION: Piping is allowed to be abandoned in place when the chief determines that removal is not practical. Abandoned piping shall be capped and safeguarded as required by the chief.

K-2

Howard Crittenden
117 Heather Dr
Atherton CA 94027-2119
(650) 321-7343
Fax: (650) 321-2583



Monday, April 21, 2003

Planning Commission
City of Menlo Park
701 Laurel St.
Menlo Park CA 94025
FAX 327-5403

Re: 1200 El Camino Real

Dear Planning Commissioners:

As a nearby property owner, I support your unqualified approval of the proposed project. I see no need for any changes to the proposed application including the sign color, red, and the canopy height.

Thank for your consideration.

Sincerely yours,

Howard Crittenden

L-1



May 2, 2003

Ms. Patti Fry, Chair
Menlo Park Planning Commission
701 Laurel Street
Menlo Park, Ca 94025

Dear Ms Fry:

The Menlo Park Chamber of Commerce is writing on behalf of our member, John Conway owner of Menlo Chevron, who has submitted a proposal to redevelop his existing service station at 1200 El Camino Real, Menlo Park.

The Chamber supports his request for a use permit, zoning ordinance amendment, and architectural control review for the construction of a new canopy, pump islands, snack shop and auto service bays. Mr. Conway is a longtime business owner in Menlo Park and active member of the community. His plans to upgrade his business would further enhance the appearance of this very busy intersection in the Menlo Park community.

Sincerely,

Menlo Park Chamber of Commerce
Board of Directors

CC: David Boesch
City Manager





In reply, please refer to our
File No. 1550.1

May 2, 2003

Mr. Jeffrey Smith
City of Menlo Park Planning Division
701 Laurel Street
Menlo Park, CA 94025



**RE: 1200 EL CAMINO REAL – SERVICE STATION
NEGATIVE DECLARATION**

Dear Mr. Smith:

As requested, the District has reviewed the project description for the above referenced project. The proposed project consists of the demolition of all above ground structures on the site including the existing 1,111 square feet service station and the reconstruction of a 2,194 square feet service station building. The District has the following comments/concerns regarding this project:

- A conforming property line cleanout within 5' of the property line will be required. A six-inch lateral will be required from the property line cleanout to the main and must maintain a minimum 2% slope.
- The existing lateral **must** be capped off at the sewer main and inspected by District staff. The applicant must obtain a Class 4 permit from the District prior to disconnection.
- The District will require that prior to final acceptance, that a site inspection of the completed non-residential facilities be scheduled with a District Inspector.
- The lateral shall meet the current requirements of the District standard details. The applicant shall note the pipe material, backfill and trace wire requirements.
- No pool drains, roof gutters, surface drainage, and groundwater sump pumps are allowed to connect to the sanitary sewer.
- Must comply with all current District's Regulations and Standards.

N-1

The service station use will need to apply for a Class 4 Sewer Permit (\$100) for the application and inspection of the disconnection and apply for a new Class 2 Sewer Permit (\$100) for the application and inspection of the re-connection and/or new lateral installation. Note that after connection of the facility to the sewer, the District will require additional connection fees should the actual use exceed the estimated wastewater discharge entitlement. There are also annual sewer service charges. The Class 2, and 4 Sewer Permits are applied for at the District office.

If you have any questions, please feel free to call me at 321-0384.

Very truly yours,

WEST BAY SANITARY DISTRICT

Bill Kitajima
Projects Manager

cc: TC, DLA, SAH

N:\billk\mento\1200ecr.doc

N-2



MEMORANDUM

Agenda Item #: F-1

DATE: May 20, 2003

TO: Mayor and City Council

FROM: Community Development Department, Planning Division

RE: Regular Business: Consideration of a Request from Woodside Atherton Auxiliary to Rescind the Following Approvals Granted to the Allied Arts Guild Property Located at 75 Arbor Road:

- a) Resolution No. 5433 Amending the General Plan to Modify the Public and Quasi-Public Land Use Designation and Change the Land Use Designation for Certain Property Located at 75 Arbor Road;
- b) Ordinance No. 919 Amending Title 16 of the Menlo Park Municipal Code, Adding Chapter 16.55 AAGP Allied Arts Guild Preservation District, and Amending 16.08 Districts Established - General Regulations;
- c) Ordinance No. 920 Rezoning property Located at 75 Arbor Road;
- d) Allied Arts Guild Preservation Permit, dated April 8, 2003
- e) Architectural Control for the Renovation of the Allied Arts Guild Facility Located at 75 Arbor Road; and
- f) Revised Mitigated Negative Declaration Prepared for the Project.

The City Council approved a General Plan Amendment, architectural control and a Mitigated Negative Declaration on March 18, 2003 and a Zoning Ordinance and Map Amendment, rezoning, and the Allied Arts Guild Preservation Permit (Permit) on April 8, 2003.

In a letter dated April 26, 2003, Robin H. Liston, President of the Woodside Atherton Auxiliary to The Lucile Salter Packard Children's Hospital, requested that City Council consider rescission of the approvals at its May 20, 2003 meeting. The letter is provided as Attachment A.

Attachment A

April 26, 2003

Dear Mayor Jellins;

As you know, a group of neighbors of the Allied Arts Guild has filed a suit to overturn the unanimous action by the Menlo Park City Council that allows the preservation and continued operations of the Allied Arts Guild. Throughout the required process with the City over these many months, we cautioned that protracted proceedings or unworkable limitations on our operations might result in our having to abandon the project altogether. Accordingly, we sought and received, in the approved legislation, a 45-day effective date to allow us to evaluate our limitations and determine whether progress would be further encumbered and delayed by actions of the neighbors.

Already, the limitations imposed by the City Council will make operations cumbersome. Our ability to adhere to our by-laws: that the Auxiliary is organized exclusively for the purpose of acquiring charitable contributions for the benefit of the children at the Lucile Salter Packard Children's Hospital, is more challenging than ever. The filing of the lawsuit by the neighbors, however, might be the proverbial "last straw." Unless this suit is promptly dismissed, the Woodside Atherton Auxiliary must visit the question of abandoning the project altogether and selling the property.

Since the sale of the property would be hampered by the preservation, development and use restrictions under the Council's actions, we must ask that you place on the agenda for May 20, 2003, the item of rescission of the Council's action on the Allied Arts Guild. We will have determined by that time whether the suit has been dropped and whether the preservation of the Guild can proceed.

On behalf of the Woodside Atherton Auxiliary, I would like to express our sincere gratitude for the hard work of the sub-committee and the entire City Council. We regret deeply that the Woodside Atherton and the Palo Alto Auxiliaries to the Lucile Salter Packard Children's Hospital may now lose their source of donation income, and that the community of Menlo Park may, at the same time, lose their unique architectural treasure.

Respectfully yours,

Robin H. Liston
President, Woodside Atherton Auxiliary to
The Lucile Salter Packard Children's Hospital

HOUSING – REDEVELOPMENT



Council Meeting Date: May 20, 2003
Staff Report #: 03-091
Agenda item #F-2

REGULAR BUSINESS: Community Development Agency Board Discussion and Direction Concerning Agency Owned Property at 735, 777, 787, 791, 801, 811 and 821 Hamilton Avenue and Authorization to Proceed with Soliciting Bids for the Hamilton Avenue Streetscape Project.

RECOMMENDATION

Staff recommends that the Community Development Agency Board discuss and provide direction to staff for the Agency owned property at 735, 777, 787, 791, 801, 811 and 821 Hamilton Avenue, and authorize staff to proceed with soliciting bids for the Hamilton Avenue Streetscape Project.

BACKGROUND

For several years staff has worked with the Belle Haven residential neighborhood to develop plans for the Hamilton Avenue industrial area. Early work resulted in the development of the Belle Haven Retail Center at Hamilton Avenue and Willow Road. In the middle and late 1990s, significant planning work was done with the neighborhood to establish land use plans for the north side of Hamilton Avenue. The Hamilton Avenue Park/Housing development, and the Hamilton Avenue East site were defined during this time. In addition, an improvement plan, or a "streetscape" plan, for Hamilton Avenue was developed. See Attachment 1.

Belle Haven Retail Center

Since the 1980s, Belle Haven residents have expressed the need for local-serving retail uses, especially a grocery store, gas station and restaurant. Efforts in the late 1980s and early 1990s to establish these uses were not successful. In the mid 1990s, an economic feasibility study determined that a full scale grocery store was not feasible at this location because the site was not large enough, and because existing and planned markets in the region at that time would not leave enough "market area" for an additional grocery store. Work started in the mid 1990s resulted in the Belle Haven Retail Center at Hamilton Avenue and Willow Road. Attracting tenants was difficult at the start because this was not an established or proven retail site. Ultimately a gas station was secured along with

several restaurants. At the current time, the Belle Haven Retail Center is fully occupied and operating. The grocery store remains an unfulfilled desire for the neighborhood.

Hamilton Avenue Area Study

Although Hamilton Avenue is in a residential neighborhood, the north side, between Carlton Avenue and Chilco Street, has had primarily industrial uses. In the City General Plan this area was designated for residential use. Yet it was zoned for industrial use and the uses have been primarily industrial, except for four churches and a small residential development operated by one of the churches. The General Plan and Zoning needed to be made consistent with each other.

Planning on Hamilton Avenue since the mid 1990s and has resulted in three projects: 1) the western portion generally between Windermere Avenue and Chilco Street became the Hamilton Avenue Park/Housing site; 2) the eastern portion generally between Windermere Avenue and Carlton Avenue was rezoned to light industrial uses and the Hamilton Avenue East site was acquired in this area; and 3) Hamilton Avenue itself was studied for overall aesthetic, pedestrian and vehicle improvements resulting in the Hamilton Avenue Streetscape project. See Attachment 1.

Hamilton Avenue Park/Housing Development

Study of the western portion of Hamilton Avenue between Windermere Avenue and Chilco Street resulted in neighborhood support for retaining the residential designation in the General Plan and rezoning the area from M-2 industrial to R-3 residential use. This was done to accommodate the proposed park/housing development.

For several years, the neighborhood had expressed the desire to have a full size passive use neighborhood park with picnic and play areas but without active programmed sports areas. Staff studied existing park areas and potential locations for such a park and concluded that at least an acre was needed to satisfy the neighborhood park concept. Kelly Park was ruled out because it is programmed for active sports, and is located at the far edge of the neighborhood. Other parks in the neighborhood were less than an acre. Since eminent domain would likely be required to acquire residential lots around the existing park sites, and since the Agency cannot acquire owner-occupied residential lots through eminent domain, expansion of existing park sites or acquisition of land in the residential area was ruled out. The conclusion was to acquire some industrial properties along Hamilton Avenue toward the center of the neighborhood.

After considerable study and neighborhood involvement, an industrial area of about six acres, between Windermere Avenue and Chilco Street, was designated for residential use and a park. The Council/Agency Board directed staff to plan for the park and residential use and to acquire the property. The concept was to have a park of about 2.5 acres with housing on about 2.5 acres and the remaining land available for streets to serve the development.

The entire park/housing site has now been acquired. On April 29, 2003, the Council/Agency designated a developer for the project. The developer will work with staff and the neighborhood to refine the plan for the area and process an appropriate development application through the City's development approval process.

The Belle Haven Retail Center and the Hamilton Avenue Area Study have been completed and the Hamilton Avenue Park/Housing development is well underway. At this point, two projects need Council/Agency Board discussion and direction: the Hamilton Avenue East project, and the Hamilton Avenue Streetscape project. This staff report provides additional background information and analysis on these two projects in order to help the Council/Agency formulate its direction.

ANALYSIS

Hamilton Avenue East Project

Study of the area between Windermere Avenue and Carlton Avenue considered a mix of uses. Initially the neighborhood seemed to support residential use for this area. Later the neighborhood expressed a desire to retain non-residential uses that would provide employment opportunities for local residents. Ultimately a new M-1 light industrial zone was established and the General Plan was amended to accommodate the industrial uses. This new zoning designation contains design guidelines to help make the allowed industrial uses more compatible with the residential uses across the street and throughout the neighborhood.

As the study work for this portion of Hamilton Avenue progressed, an area of about 2.2 acres on part of the land between Sevier and Carlton Avenues was acquired by the Agency. This site is now called the Hamilton Avenue East site and is available for planning and development (see Attachment 2). Acquisition in this area had been favored for some time to eliminate a small market that sold alcohol and was considered a significant nuisance by the neighborhood. This market and several adjacent parcels became available about the same time and were acquired by the Agency. This land was held in reserve during the time that the more substantial businesses were being acquired at the western end of Hamilton Avenue, in case any of those businesses wanted to relocate to the eastern part of Hamilton Avenue. The new M-1 zoning adopted for the eastern part of Hamilton Avenue had special regulations to accommodate businesses from the west end of the street if they wished to move to the M-1 area. Ultimately, none of the businesses acquired at the west end of Hamilton Avenue chose to move to the eastern portion of the street. Thus, the Hamilton Avenue East site can now be re-examined to determine a best use for the area.

General Description of Hamilton Avenue East Site

The Hamilton Avenue East site consists of about 2.2 acres on part of the land between Sevier and Carlton Avenues on the north side of Hamilton Avenue. The site is not quite rectangular, about 220 feet deep and about 439 feet long (see Attachment 2). The acquisition cost was about \$5.7 million and included land, buildings and improvements, building demolition and goodwill. The site is zoned M-1 light industrial. It is well located with good access from Willow Road. The proposed Dumbarton Commuter Rail line runs along the rear of the property. Two or more feet of fill will be needed on the property to bring the finished floor level of any new construction above the base flood elevation.

On each side of the site there are industrial uses. To the east there are a few small industrial buildings and light industrial uses. To the west there is a larger building with a woodworking business. Across Hamilton Avenue there are single-family detached homes on 5,500 square foot lots. Behind the site and across the railroad tracks is the 80+ acre Tyco site.

Development Potential

When considering the potential for development of the Hamilton Avenue East site, several factors need to be kept in mind:

- What kind of use and development would provide benefits to the Belle Haven Neighborhood without creating negative impacts on the neighborhood?
- Could this site help satisfy neighborhood retail needs?
- What use would be compatible with the single family residential use on the south side of Hamilton Avenue?
- How would potential future uses and development on the Tyco site relate to uses and development on this site?
- How would use and development of this site relate to other businesses on Hamilton Avenue and to the nearby retail center?
- How would the future commuter rail service at the rear of the property relate to a use on this site?
- What uses seem most appropriate, and would economic conditions and the market support these uses?

The Council/Agency Board may have additional factors to consider. Staff seeks Council/Agency Board feedback regarding important factors and the kind of uses that the Council/Agency Board thinks should be considered for the site.

It is clear that complex local and neighborhood conditions, as well as complex economic and market conditions, will be involved in choosing a best use for the Hamilton Avenue East site. Staff believes that a planning study with some consultant assistance would be very helpful to the Council/Agency, neighborhood and staff in clarifying and analyzing the options and the economic and market factors involved in determining best options for the site.

Requested Direction

Staff requests Council/Agency Board direction on the following:

- Should staff prepare a study to determine the best use to consider for the Hamilton Avenue East site? This study proposal would include work steps, timeline and cost.
- What uses would the Council/Agency Board like to be considered in a study?

Hamilton Avenue Streetscape Project

The Agency has developed plans for the Hamilton Avenue Streetscape Project. The plans provide a significant improvement for this major entry to the neighborhood, connecting the new retail center to the Hamilton Avenue East site and the Hamilton Avenue Park/Housing development.

In November 2000, the Council/Agency Board acted to establish a list of priority projects for funding from the Series 2000 Bond Financing for the Las Pulgas Community Development Project Area. On February 13, 2001, the Agency Board adopted a resolution appropriating Community Development Agency Series 2000 Bond Proceeds for the study, design, and staff administration of Phase I Redevelopment Agency Projects. The Hamilton Avenue Streetscape project is part of the Phase I project list.

On March 6, 2001, the Agency Board provided direction to staff regarding Hamilton Avenue Streetscape plan components. At this meeting, the Agency Board established priorities for the streetscape plan in conjunction with the General Plan Amendment, Rezoning and Design Guidelines establishment for the Hamilton Avenue corridor.

On September 18, 2001, the Agency Board was presented with alternate cross sections for consideration. The alternate cross sections incorporated previously established priorities of the Agency Board. The Agency Board's preferred option included wider sidewalks, planter strips on both sides of the street, street trees, wider travel lanes and the under grounding of utilities (see Attachment 3A). Residential fences and walls currently within the City- right-of-way were not impacted. On-street parking is to be eliminated on the industrial side of Hamilton Avenue between Carlton Avenue and Chilco Street.

On November 8, 2002 and February 28, 2003, community meetings were held to give the public an opportunity to review the proposed project and provide input. The overall response to the project was positive.

Through numerous coordination meetings, City staff and consultants have developed the plans and specifications for the project. The under grounding of utilities required extensive input from PG&E, AT&T and SBC (Pacific Bell). Detailed utility connection plans for each residential and industrial property were developed as part of the plans. Individual property owners were contacted and informed of under grounding work on their property. Input from West Bay Sanitary District and the Menlo Park Fire District was also incorporated in the plans.

Project Description

New Sidewalk, Curb and Gutter

New sidewalk, curb and gutter will be constructed on both sides of Hamilton Avenue between Carlton Avenue and Chilco Street. The new sidewalk will be six-feet wide. See Attachment 3-A for typical street cross section.

Planter Strip

A four foot wide planter strip will be provided on both sides of the street between Carlton Avenue and Chilco Street. The planter strip consists of decorative concrete paving with planter areas for tree and shrubs.

Trees and Landscaping

New trees will be provided on both sides of the street between Carlton Avenue and Chilco Street. The trees will be located in the planter areas along with low maintenance shrubs.

Street Reconstruction and Pavement Overlay

The entire length of the project area, between Willow Road and Chilco Street, will receive a new roadway surface. The street will receive a pavement overlay where the existing roadway section could be utilized. In some areas, the street will be totally reconstructed.

Streetlights

New streetlights will be placed on both sides of the street between Carlton Avenue and Chilco Street. The streetlights will be shoe box type and the illumination will be consistent with the street lighting upgrade recently completed in the neighborhood.

Traffic Calming and Pedestrian Safety

The project will incorporate traffic calming and pedestrian safety features at all intersections in the project area. Brick pavers will be provided at all crosswalks. Curb extensions (bulb-outs) on the residential side of all intersections will demarcate the on-street parking areas and serve to reduce crosswalk travel distance across the street. The curb extensions extend five feet out into the parking area provided on the residential side. The curb extensions are designed to not interfere with drainage or bicycle travel. A 28-foot wide roadway is maintained through the narrowed intersection. Attachment 3-B shows a typical intersection plan.

Under grounding of Utilities

Utility mainlines and service connections to existing electrical meters will be placed underground as part of this project. Utilities involved include power, telephone, and cable television. See Attachment 3-C for a photo of existing conditions compared to proposed future conditions.

Relocation of Waterlines

Waterlines will be relocated and upgraded as part of the project. The relocation is necessary to accommodate the placement of street trees from Carlton Avenue to Henderson Avenue.

Relation to Recent Rezoning and Industrial Use Upgrade

As discussed earlier in this report, study of the Hamilton Avenue corridor resulted in rezoning of the industrial portion of the eastern half of Hamilton Avenue to a new M-1 industrial zone, which includes design guidelines and a use permit process to upgrade the aesthetics of industrial uses. Existing businesses were required to go through a use permit process at the Planning Commission to create plans for improving the aesthetics of their buildings and sites and making them more compatible with a residential neighborhood. Five businesses submitted applications for use permits to comply with the requirements of the zoning district and design guidelines approved by the Agency Board in 2001 for the Hamilton Avenue corridor. As part of the requirements, a landscaping plan was submitted by industrial users and coordinated with the upcoming streetscape project. Implementation of the improvements by industrial users is tied to the completion of the Hamilton Avenue Streetscape project.

Relation to Sun Microsystems Electrical Upgrade

Sun Microsystems has postponed an upgrade of its electrical service until completion of the Hamilton Avenue Streetscape project. The main line for the service upgrade is along Hamilton Avenue. By postponing the service upgrade until after the project, the Agency saves the cost of moving the new service from overhead to underground facilities. Postponing the Hamilton Avenue Streetscape project may result in Sun moving forward with the service upgrade on the overhead facilities. In the future this would result in an additional cost to the Agency to relocate these lines with the under grounding project.

Relation to Park/Housing Development and Hamilton Avenue East Project

The streetscape project will improve the 800 foot long Hamilton Avenue edge of the park/housing site and the 440 foot long Hamilton Avenue edge of the Hamilton Avenue East site. The streetscape project will also provide some utility connections for future development on the park/housing site and the Hamilton Avenue East site. Providing the points of connection for utilities will minimize future impacts to newly constructed street improvements.

Project Cost

The estimated construction cost for the project is \$5,000,000, which includes payment to utility companies for relocation of their facilities. A cost breakdown of the total project budget is given below:

Spent to date for design and preparation of contract drawings (estimated)	\$1,020,000
Additional encumbered money for consultant services	\$130,000
Estimated construction cost	\$4,400,000
Construction contingency	\$400,000
Payment to utilities for relocation of their facilities	\$600,000
Construction administration	\$350,000
Staff Administration	\$60,000
Professional Services/Testing	\$40,000
Total:	\$7,000,000

Of the \$7,000,000 project budget, \$5,980,000 is currently budgeted but uncommitted.

Schedule

The construction of the project is expected to take approximately 18 months assuming an average winter period. If put out to bid in early June 2003, the construction would commence in August 2003.

Requested Direction

Staff requests direction for the Hamilton Avenue Streetscape project. The following options can be considered.

- Complete the bidding process, return to the Agency Board for approval of the construction contract and proceed with construction.
- Modify plans before proceeding to bid and construction. One possible modification could be to delete the under grounding of utilities. This could lower the construction cost by about \$2 million, but it would greatly decrease the aesthetic improvement of the project.
- Put the project on hold and possibly use the plans developed thus far as a guide to require properties to implement as they are developed

When considering the direction for the Hamilton Avenue Streetscape project there are several factors to keep in mind. Upon completion, the streetscape project will achieve three goals: (1) calm traffic, (2) upgrade infrastructure, and (3) improve the appearance of the corridor. A cohesive and attractive streetscape design will be key to the future appearance and functioning of the Hamilton Avenue corridor. See Attachment 3-C which depicts a before and after rendering of the project area. In addition to these goals, there are three practical considerations: (1) relation to existing industrial use upgrade, (2)

relation to Sun Microsystems electrical upgrade, (3) relation to the Hamilton Avenue Park/Housing development.

IMPACT ON AGENCY RESOURCES

The Hamilton Avenue Streetscape project will be funded by the Redevelopment Agency (RDA) 2000 Bond proceeds. The current projects with budgeted funds from the RDA 2000 Bond proceeds are listed below along with the amount of funds that are not yet committed.

Hamilton Avenue Streetscape	\$5,980,000
Police Substation/City Hall Annex	\$1,475,000
Ivy Drive Plaza, Entry and Endpoint	\$1,500,000
Belle Haven Neighborhood Park and Housing (Park Component)	\$3,066,000
Market Place Park	\$ 250,000

If these projects are completed and the entire budgets spent, there would be approximately \$5,000,000 remaining from RDA 2000 Bond proceeds for additional capital projects in the Community Development Area. A summary of potential future projects in the Community Development Area is provided in Attachment 4.

In addition to the remaining RDA 2000 bond funds there is a balance of at least \$5,000,000 in the tax increment fund. These funds can be considered for additional capital improvements in the Community Development Area. The amount of future tax increment revenues that may be available for projects is unknown until the State budget is adopted.

POLICY ISSUES

As discussed in this report, the Hamilton Avenue East site provides additional opportunity to improve the Belle Haven neighborhood. Likewise the Hamilton Avenue Streetscape project will improve the neighborhood, and it is ready to submit to bid.

For the Hamilton Avenue East project, staff requests Council/Agency Board direction on the following:

- Should staff prepare a study to determine the best use to consider for the Hamilton Avenue East site? This study proposal would include work steps, timeline and cost.
- What uses would the Council/Agency Board like to be considered in a study?

For the Hamilton Avenue Streetscape project staff requests direction regarding the options below:

- Complete the bidding process, return to the Agency Board for approval of the construction contract and proceed with construction.
- Modify plans before proceeding to bid and construction. One possible modification could be to delete the under grounding of utilities. This could lower the construction cost by about \$2 million, but it would greatly decrease the aesthetic improvement of the project.

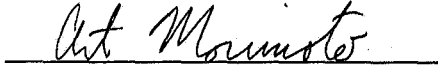
- Put the project on hold and possibly use the plans developed thus far as a guide to require properties to implement as they are developed.

ENVIRONMENTAL REVIEW

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



Don de la Pena
Housing/Redevelopment Director



Art Morimoto
Supervising Engineer

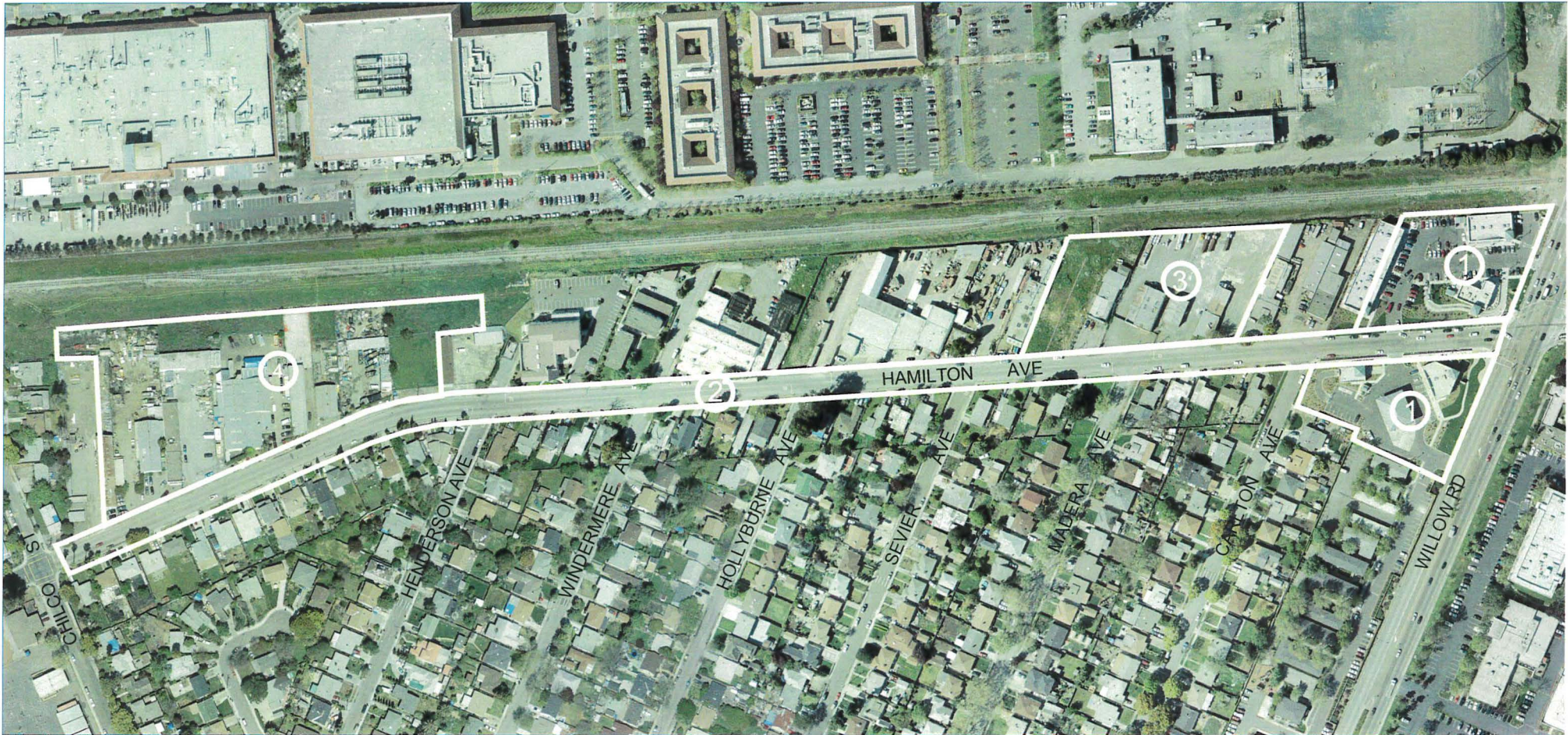


Ruben R. Niño
Director of Engineering Services

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

ATTACHMENTS

- Attachment 1. Hamilton Avenue Improvements
- Attachment 2. Hamilton Avenue East Project Area
- Attachment 3A. Hamilton Avenue Streetscape - Typical Section
- Attachment 3B. Hamilton Avenue Streetscape - Typical Intersection Plan
- Attachment 3C. Hamilton Avenue Streetscape - Visual Simulation
- Attachment 4. Summary of Potential Future Agency Projects

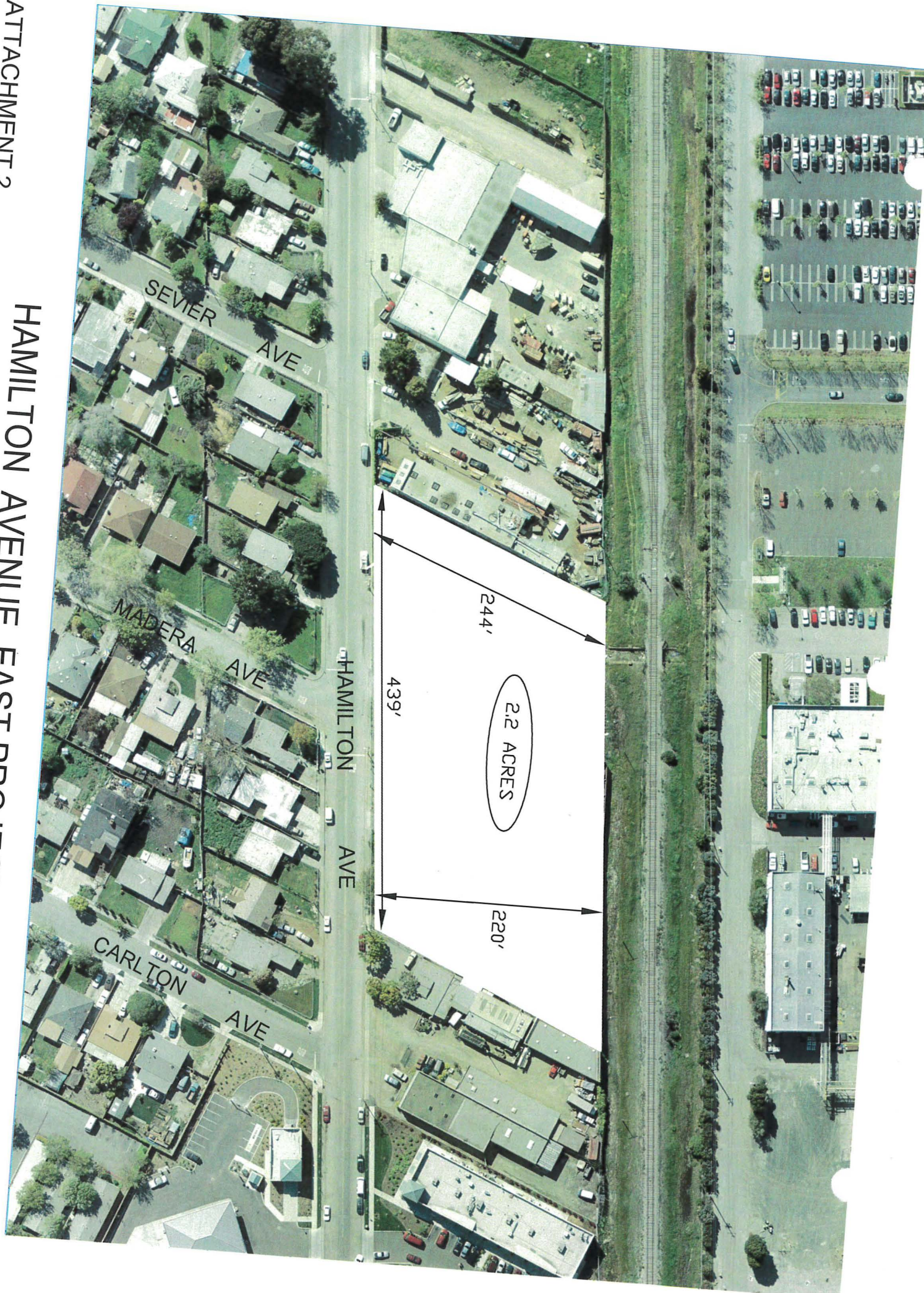


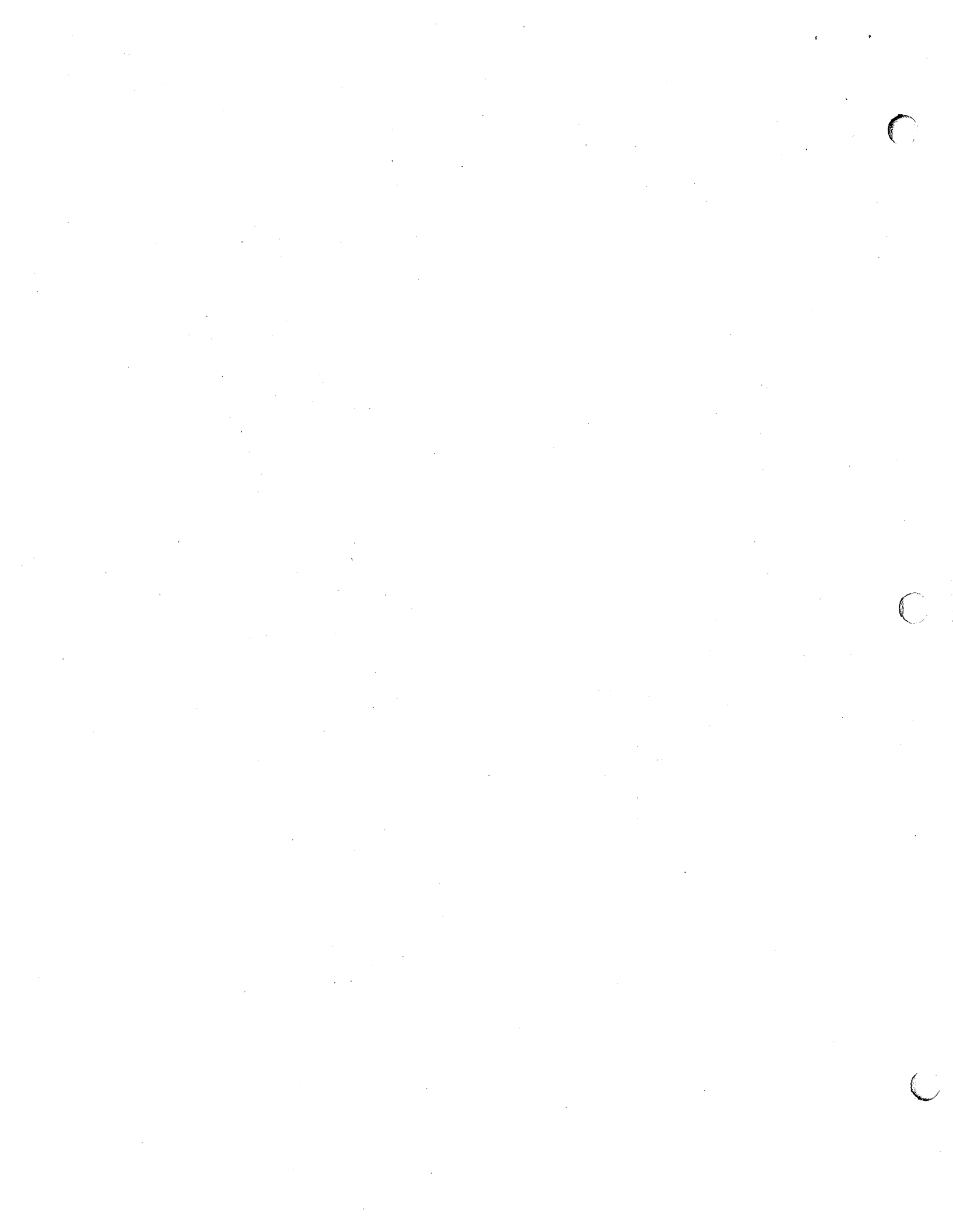
HAMILTON AVENUE IMPROVEMENTS

1. Belle Haven Retail Center (Existing)
2. Hamilton Avenue Streetscape (Proposed)
3. Hamilton Avenue East Site (To be Determined)
4. Hamilton Avenue Park and Housing Development (Developer Selected)

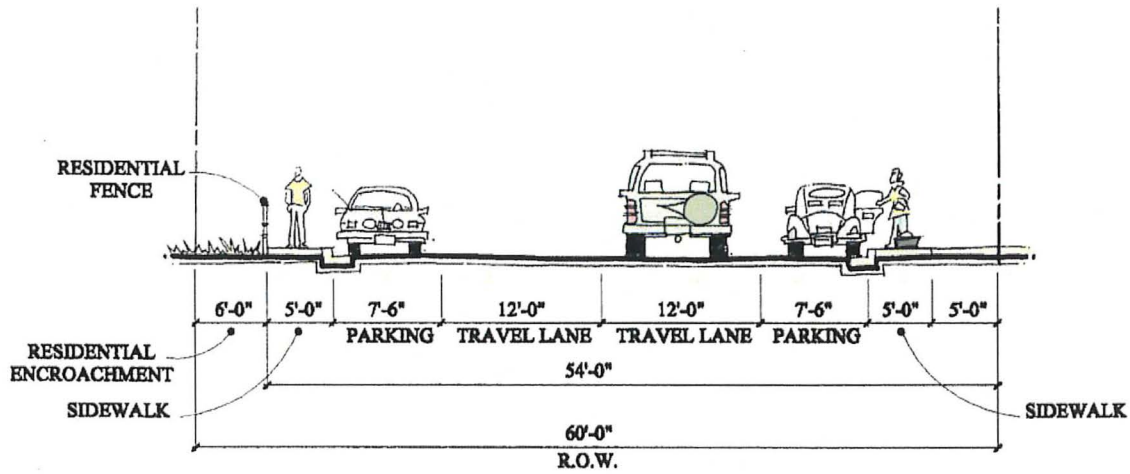


HAMILTON AVENUE EAST PROJECT AREA

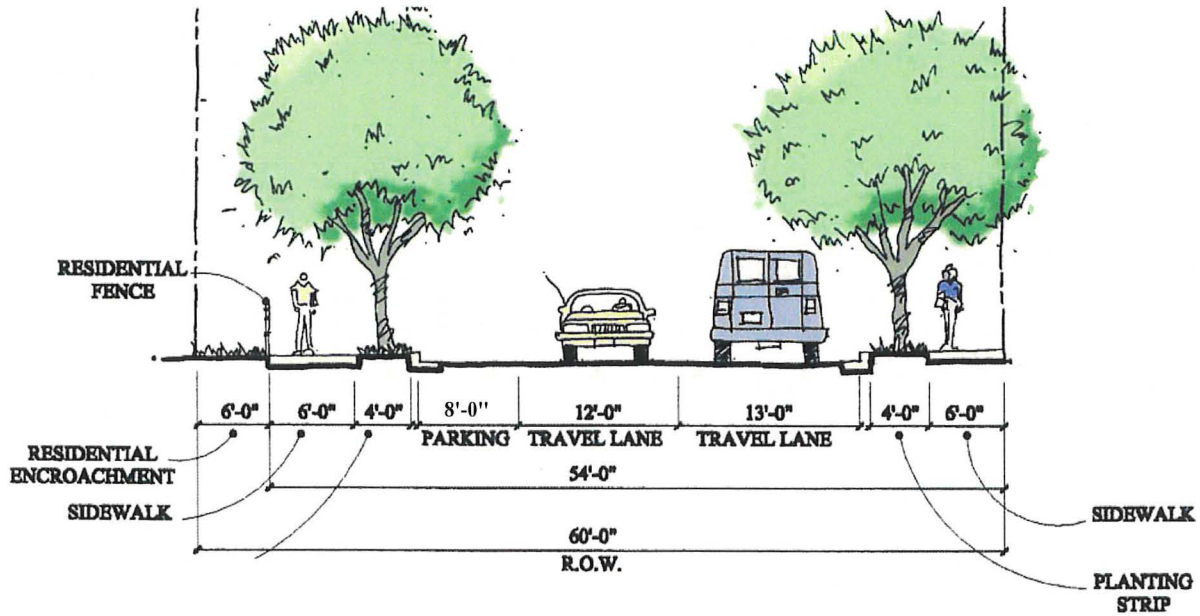




Attachment 3A - Typical Section



Existing Conditions



Proposed Improvements



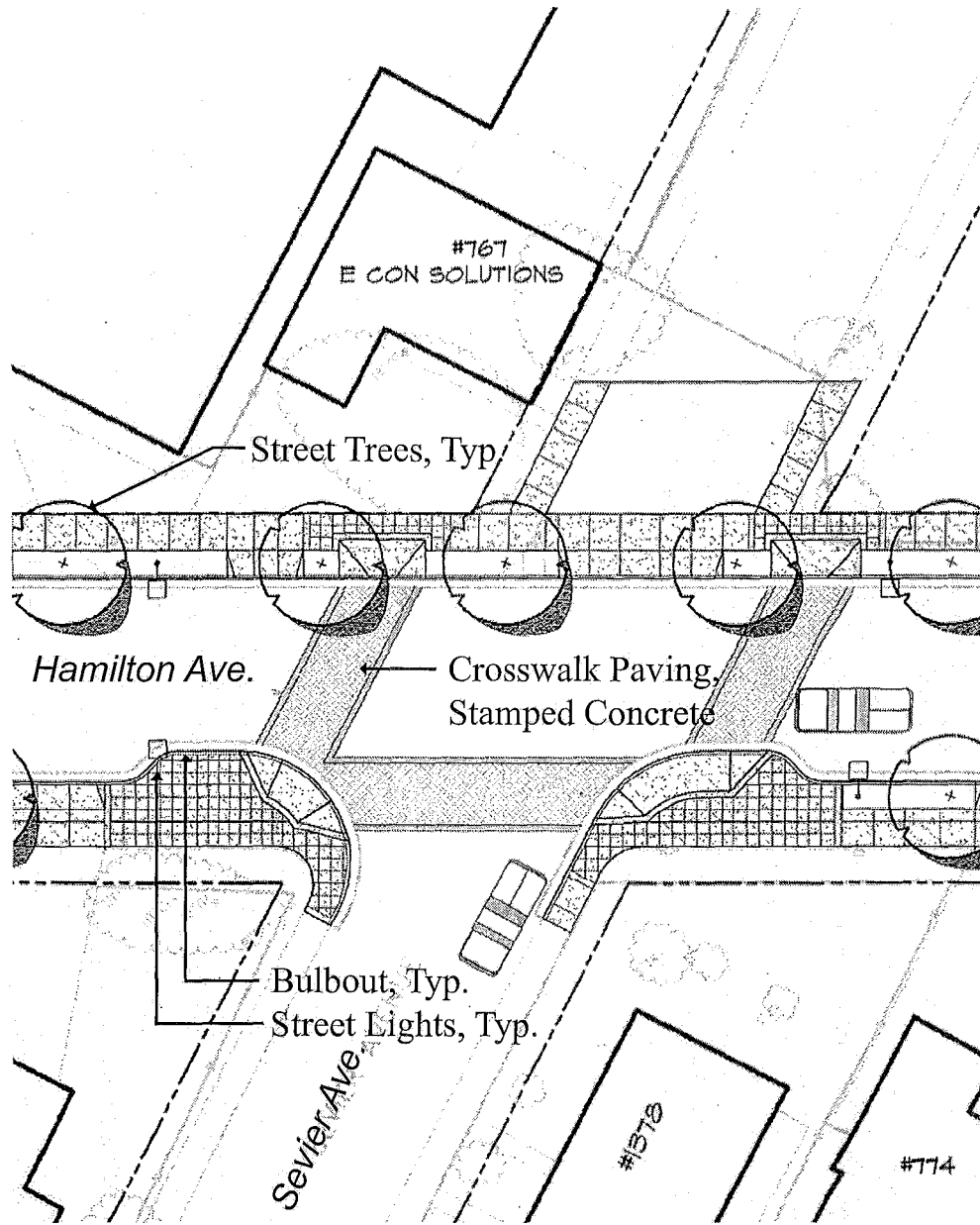
City of Menlo Park

Rajappan & Meyer Consulting Engineers, Inc.
Callander Associates, Landscape Architecture
Moore Iacofano Goltsman

Hamilton Avenue
Streetscape Improvements



Attachment 3B - Typical Intersection Plan



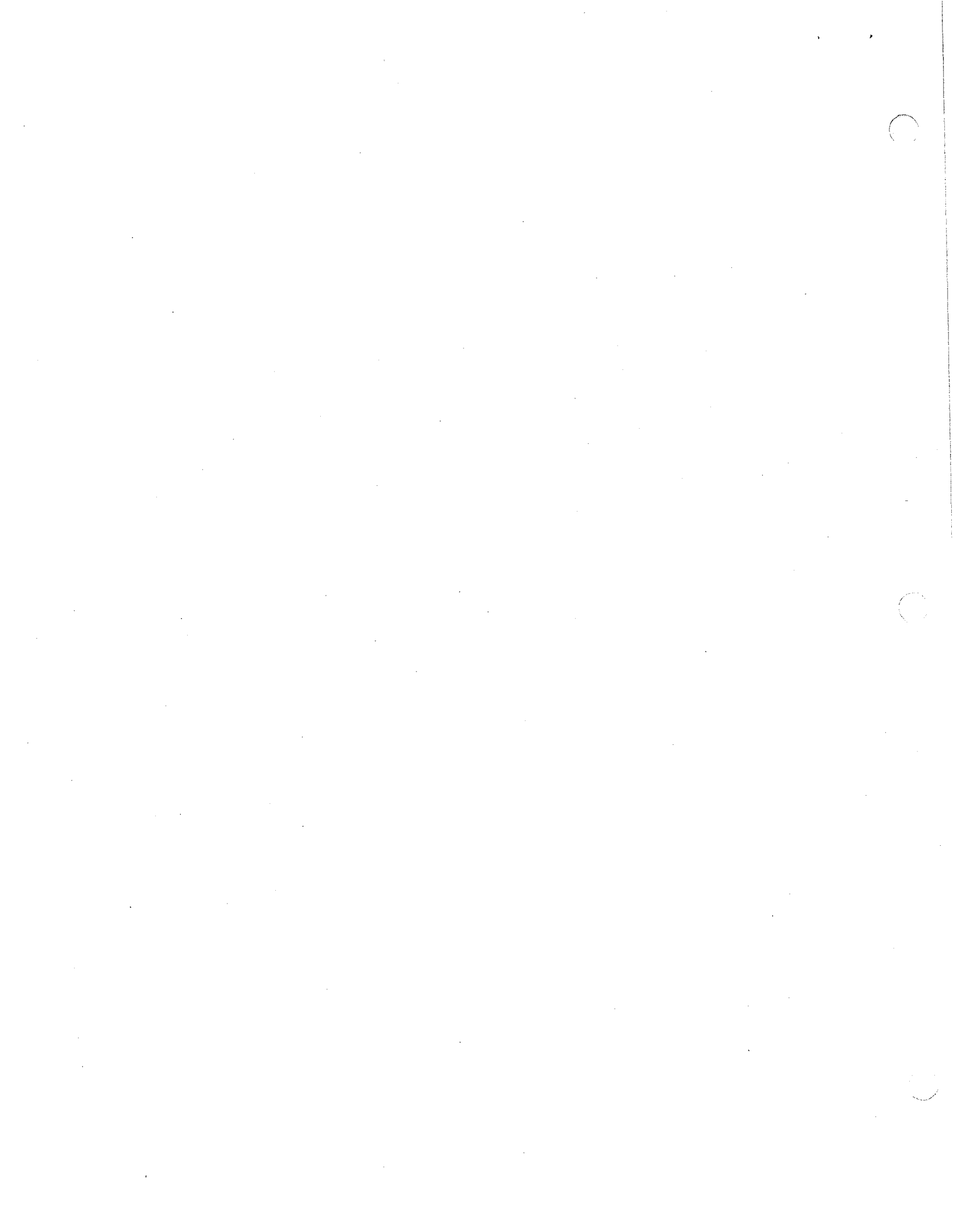
Typical Intersection



City of Menlo Park

Hamilton Avenue
Streetscape Improvements

Rajappan & Meyer Consulting Engineers, Inc.
Callander Associates, Landscape Architecture
Moore Iacofano Goltsman



Attachment 3C - Visual Simulation



Proposed Improvements



Existing Conditions



City of Menlo Park

Rajappan & Meyer Consulting Engineers, Inc.
Callander Associates, Landscape Architecture
Moore Iacofano Goltsman

**Hamilton Avenue
Streetscape Improvements**

Attachment 4 – Summary of Potential Future Agency Projects

- 1. Willow Road Commercial (Durham – Highway 101)**
- 2. Pierce Road Area Improvement**
 - Code enforcement
 - Rehabilitation loans
 - Streetscape
- 3. Habitat for Humanity – Housing on Terminal Avenue**
 - Potential acquisition of site from City
- 4. Hamilton Avenue East**
 - Implementation cost for new development
- 5. Market/supermarket**
- 6. Haven Industrial Area**
 - Study needs and options
- 7. Atherton Channel Improvement**
- 8. Residential Streetscape**
 - (Remainder of residential streets, curb, sidewalk, etc. improvements:
Henderson 1100, 1200; Madera 1300)
- 9. Newbridge/Willow Commercial**
- 10. Ivy Drive Streetscape Improvement**
 - Between plaza & end points
- 11. Emergency Water Storage Tank**



From: Bob Stevens [bobstevens180@hotmail.com]
Sent: Friday, April 25, 2003 11:25 AM
To: dsboesch@menlopark.org
Cc: city.council@menlopark.org
Subject: Enhancing the democratic process in Menlo Park

Mr. Boesch & City Council members,
I have been a resident of Menlo Park since 1973 and my wife and I currently reside at 180 Pineview Lane. When we received the spring newsletter in the mail a few weeks ago it led to my thinking about some ideas on how our city could increase the level of citizen involvement and interaction and at the same time reduce cost.

We are generally satisfied with how our city is being run and have been over the years, but that doesn't mean things cannot improve. Having observed periodic heated issues come and go such as the Sand Hill Rd extension and the unfortunate Santa Cruz street "improvements", it strikes me that our traditional way of conducting public affairs has inherent inefficiencies in communication, public input and feedback and participation. Given my years in starting and running private businesses in various industries (e.g. internet service, educational software and nonprofit work), I have been struck by how our access to information has profoundly changed in so many ways, and yet the way we conduct business in our city has not for the most part.

Hot issues still and will always attract minority interest groups with a particular point of view leading to grass roots outreach with varying success, pressing for council action. While that public and outspoken activity goes on the majority in our city observes, many too busy to get involved, many with strong opinions but not heated in their views and not inclined to actively voice their opinions, and policies are written, actions taken that do not necessarily reflect the best interest of or even the opinion of the majority. In my reflection about how things might be improved I go to what could lead to better communication, both from and to city management and citizens, what could lead to a more informed citizenry and what could lead to efficiencies which could improve performance and reduce cost.

Although I don't profess to have the answers I do have some ideas and some suggestions on a process that could lead to positive change for our city. The question of how to enlarge and extend the democratic process and increase participation of citizens is at the heart of the matter. My strong belief is that use of the internet and email in innovative ways can be part of the answer to the question.

One step to improving communication would be to have the electronic means to reach citizens and that means email. I would encourage you to consider an ongoing program where citizens could sign up to receive confidential html email communications from the City, communications which could replace the newsletter I received in the mail, but could lead to many other ways to inform and obtain useful feedback. I suggest the city explore use of citizen responses and suggestions to new and emerging issues through electronic means. Citizens who wish to participate could electronically review policy points on an issue (say on a monthly basis) and give feedback by completing a form, once again electronically. The results could be systematically compiled to create a sense of the community on emerging issues. My guess is that within a year or two you could have emails addresses from 1/3 or more of the citizens with many hundreds participating regularly in electronic responses on issues. When signing up for communications from the City citizens could provide some demographics including location, particular issues of concern, age, etc. which would be useful in issues which appeal only to a certain area of type of citizen. I

believe you would be surprised at how interested citizens are and how involved citizens would become if it was easier to participate, and if there were a better way for us to know about what is going on and how we might help.

By being in email contact with citizens, emergency issues could be rapidly addressed and calls for volunteers or other action could be easily opened up and mobilized. My guess is that as more citizens become involved in local issues through these electronic communications, there will be increased face-to-face involvement at council meetings and in gathering together neighbors to further discuss emerging issues. Rather than reducing the amount of direct give and take with each other, I believe it will enhance and extend citizen involvement in the democratic process of our city.

Useful volunteer efforts and initiatives going on by our citizens and the city could be communicated much more efficiently and effectively than exists today through posting on the city's website and periodically including a connection to these services and initiatives in emails to citizens. One small example, I have recently joined with two other retired Menlo Park business executives to create a free mentoring/consulting service to assist start-ups and nonprofits in how to successfully build an enterprise. How does this get communicated to those in need of help? I have no doubt that dozens of such efforts are underway only needing to be communicated to improve our community economically and socially.

My recommendation is that an advisory committee be formed including staff and outsiders to explore whether and how this general area of electronic communication could and should be adopted. A review of what other cities are doing locally and nationally would be useful to see what is working and what the results have been thus far. In the future the creation of citizen advisory committees on issues dealing with our youth, education, our seniors, etc. will be very easy to come by when you have a way to connect to people.

Thanks for your consideration.

Bob Stevens
180 Pineview Lane, Menlo Park
650-776-5389 (w)
650-327-6809 (h)

Protect your PC - get McAfee.com VirusScan Online
<http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3963>



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



May 8, 2003

Bob Stevens
180 Pineview Lane
Menlo Park, CA 94025

Dear Mr. Stevens:

Thank you for your recent email regarding "electronic" methods for residents to communicate with City government. We strongly agree with your views and we are happy to inform you that actions currently underway will result in our adoption of several of the suggestions you make.

Currently, we use electronic methods to receive public views on various subjects. We use "Public comment emails" for many of our high profile projects such as Santa Cruz Avenue and the Willows Traffic Study. In addition, we also promote and regularly receive email views from residents at our City Council email address regarding many of the critical issues before the council such as Allied Arts.

In 2002, we redesigned the City web site to make it more user friendly by establishing a "two click" standard for how residents access needed information. The site has been very well received and we continue to improve it.

In 2003, we will be adding new functionality to the site that will permit residents to sign-up or "subscribe" to subject areas of interest. For example, residents will be able to request and receive the City Council agenda, notices to upcoming community meetings or special events. Once signed up, residents will immediately receive newly posted information through an email at their personal computer. Residents will not need to remember to go to the City web site to find the information.

As you suggest, we intend to use this subscription feature for forwarding specific public information, which we currently mail, such as our 48-page Activity Guide of recreation classes. This new feature will also help us communicate during emergency conditions. When our Police Department posts emergency information at the web site, it will send emails directly to all who have signed up for emergency notification.

NICHOLAS P. JELLINS
MAYOR

LEE B. DUBOC
MAYOR PRO TEM

PAUL J. COLLACCHI
COUNCILMEMBER

CHARLES M. KINNEY
COUNCILMEMBER

MICKIE WINKLER
COUNCILMEMBER

Page 2
Bob Stevens

This new functionality will also include a "content management" feature that will permit our individual departments to directly change or add information to the web site without going through our central information technology process. This will permit information to go to interested residents in real time and reduce the possibility that information will become stale before residents can view it.

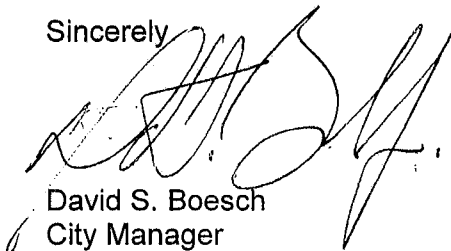
Also as you suggest, we plan to explore further how we can most effectively survey residents regarding "emerging" issues or subjects. What form this takes is yet to be worked out, but we view it is another potential tool for communicating with and receiving views from the public. This may be of particular help in areas such as budget, the general plan or proposed strategies to traffic issues.

While we agree that increasing the opportunities for residents to communicate electronically with the City is desirable, it is also true that for different reasons, many residents may not choose electronic methods to communicate with their government. They will need other ways to receive information and give feedback. Therefore, we will continue to communicate in traditional non-electronic methods. Where the electronic method is more efficient we plan to use it. Also since we are well underway on these projects, we will politely suggest a wait and see approach on whether we need a subcommittee for this subject.

We are very excited at the prospect of adding this new subscription feature to our web site. Given your interest in this area, we invite you to review these upcoming web site additions and to give us your opinions. We hope this summary positively responds to your observations. If you have any questions, please call J. Michael Gonzales, Public Information Manager, 650.330.6618.

Once again thank you for your thoughtful views in your recent email.

Sincerely

A handwritten signature in black ink, appearing to read "David S. Boesch", written over a white background.

David S. Boesch
City Manager

cc. City Council

April 25, 2003

Dear City Council and City Manager,

I am writing as a resident with growing concerns about our City practices for making policy decisions. Of particular concern is the extent of policy decision-making that appears increasingly to be occurring outside of scheduled Regular Council meetings. I am hopeful that the City will take a hard look at its processes and practices and return to a higher standard of "open government." To me, "open government" means accessible, inclusive, and accountable policy decision-making processes with:

- Full public access to information used by decision-makers when formulating their decisions,
- Timely public notification of scheduled Study Sessions and other informal work sessions that form the foundation for policy decisions,
- Decision-making that occurs through formal votes taken on motions made during Regular meetings of a Council quorum,
- Active solicitation of input from a variety of stakeholders so decisions can meet the expressed needs of as many residents and businesses as possible, particularly those likely to be affected by decisions,
- Respectful review of public input *before* decisions are made,
- Formal and easily accessible records of Council direction provided to staff.

Benefits of "open government"

Such processes and practices allow the public to:

- Inform themselves about issues, potential remedies and impacts, and alternatives at the same time the Council is being informed,
- Participate in decision-making that may affect them,
- Hold elected City officials accountable for their decisions,
- Monitor whether City staff implements the Council's direction accurately and in a timely manner,
- Remain confident that their interests are being served in a balanced and financially responsible way.

Unfortunately, the increasing and evolving use of "Study Sessions" over the past several years seems to be taking us further away from the ideals of "open government."

Study Sessions

To be sure, the informal nature of Study Sessions can be extremely useful for the Council and public to receive and explore background information regarding complex issues before decisions are made in subsequent formal Regular sessions. For example, staff can provide historical information, details of relevant City policies (e.g., General Plan, Municipal Code), comparative information of how other cities have addressed similar issues, analyses of potential impacts of alternatives the Council may wish to consider. In addition, such Sessions can be helpful for staff or project applicants to gain *general* feedback from the Council (e.g., of potential questions or concerns that may be expressed more specifically during subsequent formal deliberations regarding potentially controversial or complex matters.) However, it appears that the Council is not just "studying" issues during these sessions. Rather, the Council appears to be deliberating on City business and making associated decisions -- including directing staff to perform work -- with limited public input and virtually no public record. In addition, follow-on Regular meetings are not being scheduled to formalize such informal decisions if they inadvertently occur.

It is my understanding that a governing body cannot (by law) make decisions during Study Sessions -- that it must make its decisions during Regular meetings using formal processes (e.g., with motions and voting) and that the public must have an opportunity to comment *before* the decisions are made. Such public participation is fostered by a legal requirement to provide formal advance public notice to affected parties. Study Sessions do not have similar requirements.

Current Troubling City Practices

The Attachment to this letter outlines some specific recent examples that illustrate City decision-making that seems to have occurred:

- a) During Study Sessions and other informal sessions rather than during formal, Regular Council meetings, or
- b) "Under the radar" by unknown City officials with no visibility to the public at all.

I believe these examples illustrate serious problems such as lack of visible and accountable decision-making, insufficient information available to the public, and inadequate opportunity for full participation by interested members of the public.

Regardless of whether some of the current practices or processes are technically legal or whether the resulting decisions are sound or even popular, they don't stand up well to the standards that many members of the public implicitly apply. In old-fashioned terminology, these standards include "How would this process look with sunshine on it?" and "Does this decision pass a sniff test?"

Recommendation

The City can reverse this trend by modifying its practices and processes such as:

- Making Study Sessions truly focus on "study" rather than on informal decision-making,
- Establishing a clear objective for each Study Session,
- Publishing Session agendas that more accurately reflect Session purpose and the information to be studied,
- Formalizing direction to staff -- during Regular sessions -- through votes taken after public comment and the Council's formal deliberations,
- Identifying a broader variety of potential stakeholders and encouraging their participation in decisions that may affect them,
- Providing and publishing better and more complete information for the public, including *all* materials reviewed during Study Sessions or other informal sessions,
- Conducting informal Sessions in settings that are conducive to public participation (e.g., use the Council Chambers but utilize less formal meeting procedures than Roberts Rules),
- Recording all sessions (e.g., with minutes and an electronic record of the discussion).

We are blessed to live in a city of highly intelligent, creative, and caring residents and business owners who are actively involved in civic issues when given the opportunity. I realize this letter is lengthy and may appear harsh, but I believe these details are important to consider. I am confident we can do better as a City, and offer my assistance if that would be helpful.

Please accept that I personally hold considerable respect for the good intentions and talents of our City officials and express these concerns in the spirit of constructive criticism. The practice of "open government" can be slow and sometimes messy, but it works. I would be pleased to discuss these thoughts further at any time. Thanks for your consideration.

Sincerely and respectfully yours,

sent via email

Patti Fry 322-7054
1045 Wallea Drive

ATTACHMENT

**MENLO PARK "DECISION-MAKING" PRACTICES
OUTSIDE OF REGULAR MEETINGS
RECENT EXAMPLES**

4/24/03 BUSINESS ROUNDTABLE – this *informal meeting* (or set of meetings, if one is to believe what was reported in this week's Almanac), was developed "behind the scenes":

- Minutes of a Council *study session* on 2/11/03 report discussion of the concept of a business roundtable and Council concurrence "to form a business roundtable to meet with local business leaders to develop targeted strategies for business development in Menlo Park."
- No subsequent formal decisions made during Regular meetings about next steps.
- Decisions about 4/24 Roundtable details made by unknown City officials, resulting in:
 - Invitations sent by City to limited number of selected "business leaders". No public visibility into selection criteria used or the objectives of the meeting.
 - Invitations indicate "city representatives" will attend. No formal Council selection of City representatives. When asked, City staff state that Duboc and Jellins will represent Council.
 - No opportunity for full Council to discuss whether topic is of sufficient interest and value for entire Council to participate.
 - Interested but uninvited local business owners and residents initially informed by City staff that this is not a public meeting and they are discouraged from attending.
 - Local newspapers report the meeting has been made "public" because Winkler desires to attend.
- No advance notice of the meeting on the City website.
- No information posted on the City website after the meeting (the City Manager did promise to provide notes, so this may be forthcoming)

The concept of a Business Roundtable seems to be welcomed broadly by businesses and residents alike. However, this sort of decision-making (and the limited public participation initially planned) has invited speculation about the agenda, potential hidden motivations regarding the invited attendees, and the City's subsequent use of information gleaned from this meeting.

4/1/03 RESIDENTIAL ZONING ORDINANCE Study Session - According to published minutes of the 12/10/02 Regular City Council meeting during which the new Council rescinded the previously approved Ordinance changes, the Council agreed "to convene a study session with staff to provide direction for modifications" to the Ordinance. No objectives for making modifications were determined.

- No subsequent Regular meeting decisions regarding a future Study Session.
- According to Council minutes of 1/14 and 1/28 a Council "Subcommittee" of Winkler and Kinney reports they are working on *proposed changes* to the Zoning Ordinance.
- The agenda for the 4/1 Study Session states that there would be a "*report* from the Council subcommittee on proposed single-family residential ordinance".
- No staff report or Subcommittee report posted on City website prior to the Study Session.
- During Study Session, Winkler and Kinney present a two-page "*Proposed Single-Family Residential Zoning Ordinance; Prepared for the City Council Study Session... by [Winkler and Kinney] with help from Arlinda Heineck and attorney Bill McClure.*"
- The Council does not review or study any background information on the problem(s) being solved or the rationale for changing the objectives from those previously established by the Council.

Letter to Menlo Park City Council and City Manager
April 25, 2003

- Staff does not present -- and the Council does not review -- comparative information from other cities or discuss potential negative impacts of the proposed changes.
- During the study session, several Council members (including proposal co-author Winkler) modify the new Proposal by changing values of "objective" measurements and by moving some concepts from one project review tier to another -- seemingly on the fly with no criteria for these changes discussed.
- The Council does not review the process by which the subcommittee arrived at its proposal (inexplicably, Winkler mentions input from local developer/architect Sam Sinnott and from Jose Fernandez, an architect and former Planning Commissioner who now lives in Iowa).
- At conclusion of Council discussion, the next step is to be a formal discussion in a Council meeting scheduled for April 22nd
- Public comment is taken AFTER the Council discussion, not at a point when the Council could review the input.
- Insufficient quantity of handouts of the draft proposal available for the public, and certain handouts (i.e., a stapled set of documents including some photos from Winkler and a document written by Sinnott) are not available from the City (still).
- No minutes or recording of this meeting for the public to understand how these decisions were made or what direction was provided to staff, by whom.
- As of 4/2, "next step" is changed. Planning Commission meeting now is next step - to review a *draft Ordinance*. Decision to bypass a formal Council session reportedly made in "*executive session*":
 - No public record of which "executives" made the decision or why
 - No public record of the specific changes to be drafted
 - No formal vote by the full Council to authorize staff to proceed with preparation of a new draft Ordinance

In contrast to the 4/1 Council Study Session, Mayor Jellins and Winkler review the Winkler/Kinney proposal earlier that same day in an *interactive* session with members of the Silicon Valley Association of Realtors (SILVAR). Several members of the public make inquiries of city staff regarding this meeting because the SILVAR invitation indicated that the entire Council would be speaking with the group [the presence of more than two Council members triggers a state requirement that the meeting be publicly noticed and open]. They are informed that it is NOT a public meeting. It is not for me to determine whether the Brown Act was violated serially at that point when, clearly, three Council members (co-presenter Jellins and co-authors Winkler and Kinney) have discussed the proposal *prior* to a Council meeting. However, the fact that members of the Council held this sort of meeting with members of a PAC that contributed large sums of money to the 2002 election of a majority of Council members (Duboc, Jellins, Winkler) simply invites speculation about which interests are of primary concern to the City and to our elected officials.

As Planning Commission Chair, I have requested a copy of the notes taken by staff during the study session -- or even a marked-up version of the Winkler/Kinney draft -- to provide the discussed revisions to the Planning Commission in preparation for the Commission's upcoming meeting. I have been informed by several City staff that there are no such notes. This begs the questions of who has told staff to change the schedule, how is costly staff time being assigned to this without formal direction by the Council, and how does staff know what to prepare?

Rescheduling of the Council meeting from 4/22 would seem appropriate because the formal discussion of this extremely controversial topic would have occurred two days after Easter during a time many families celebrate holidays and spring break. A highly controversial topic like this should be scheduled at a time when it is likely to allow full public participation so the Council can benefit from that input as it establishes a course towards a change in public policy.

As we are all well aware, any change to a Zoning Ordinance will affect someone's real or perceived property rights. Over the past several years, the City has held an extensive set of

meetings that included a 20+ citizen task force, several dozen study sessions and formal Commission and Council meetings to discuss issues, alternatives, proposed changes and potential impacts – all addressing the particular issue of “monster houses”. This latest proposal is addressing different issues and different proposed changes than have been discussed previously (as evidenced by the City Attorney’s advice that the proposal needs to go back through the Planning Commission). Given the likely controversy surrounding *any* changes, it would seem appropriate for the City to follow a similar process of scheduling a number of well-noticed public meetings that include study sessions as well as formal meetings, starting with policy direction established during a Regular Council meeting.

4/1/03 BAYFRONT PARK Study Session – staff provides a report (which is available on the City website) seeking “feedback on the scope and process to explore recreation uses at Bayfront Park.” The report provides a brief history and outlines questions that are of interest to staff.

- No staff presentation of alternative uses, comparative information from other cities, or impacts for Council to study.
- Council provides direction to staff without a vote.
- Public comment comes AFTER the Council’s discussion and direction to staff.
- No minutes or recording of this meeting for the public to understand how these decisions were made or what direction was provided to staff by which Councilmember(s).

2/4/03 PLANNING COMMISSION ROLES AND RESPONSIBILITIES Study Session – this meeting was requested by Jellins at a January Council meeting. The objective is not identified prior to the meeting or during the meeting.

- Staff provides a brief report of City and State definitions of the role and responsibilities.
- The Planning Commission, despite a formal request by that body via email and in person, is not invited to attend or to participate.
- Minutes of the *two-hour*, far-ranging discussion state only that the Council “discussed roles and responsibilities of the Planning Commission... [and the] Council concurred to hold a Joint Study Session with the Planning Commission to discuss the role of the Commission.” Details of certain portions of the discussion have become available to the public only through newspaper articles.
- Public comment comes AFTER the Council discussion.

1/28/03 ALLIED ARTS Study Session – Minutes from formal Council meeting of 11/19/02 state the Council “concurred to form a Council subcommittee and a *mediation structure* that would allow work to continue. Council members Collacchi and Jellins agreed to represent the City Council. Representatives of the Woodside-Atherton Auxiliary and representatives from the Allied Arts Neighborhood would be chosen and will meet with the Council subcommittee, *along with a neutral facilitator*, to consider the Auxiliary’s current proposal.” Published 1/28 agenda states “status report by the City Council Subcommittee regarding the Allied Arts proposal,” suggesting that the public could expect that the Session would review status of a *mediation effort*.

- Study session minutes indicate Jellins and Collacchi “presented *their proposal* regarding the use of the Allied Arts property for events throughout the year.”
- No public record of the Council decision to request a *proposal* from the Subcommittee.
- No report or published copy of Jellins/Collacchi proposal available on City website prior to meeting (still).
- No public record of informally-made City decision not to require facilitated mediation (when decision made, which decision makers were involved, what factors caused the decision to be made.)
- Minutes do not indicate whether *any* public comment is allowed during Study Session.

Letter to Menlo Park City Council and City Manager
April 25, 2003

- No public record of Council vote to direct to staff to proceed with preparation of a revised draft Ordinance as a result of the Study Session or any subsequent Regular session.
- Next Regular Council meeting with this topic is 3/11 presentation of a revised Ordinance and related documentation (first of two required readings).

One can only wonder whether the pending Allied Arts Neighborhood lawsuit could have been avoided if the Council had not modified informally its formal decision of 11/19/02 to require mediation between the parties involved (Woodside-Atherton Auxiliary and the Allied Arts Neighborhood).

1/14/04 EMERGENCY PREPAREDNESS *Study Session* – Agenda states “Information to the Council regarding Emergency Preparedness.”

- Meeting held in Menlo Park Police Department Conference Room.
- Minutes state only “Police Commander Rothaus reviewed the status of the City’s Emergency Preparedness Program and provided information regarding the role of the City Council *and citizens* during an emergency.”
- No materials available on City website before or after meeting.

With heightened local and national awareness of the need for emergency preparedness, it is disappointing that there is no additional record of what was discussed so that citizens can understand what to expect from the City and what they need to prepare for themselves.

1/11/03 GOAL-SETTING WORKSHOP – this *special informal session* of the Council with the City Manager and City Attorney includes a general discussion of some priorities the City should plan for the upcoming year, as well as of the present and projected City budget and its impact on the City.

- No information available on City website prior to meeting or afterwards (still).
- No minutes or recording of the discussion.
- Public comment taken *AFTER* the Council discussion.

No formal Council meeting subsequent to that Study Session has been held to further detail and formalize the City’s priorities, which presumably guide the City’s use of its resources. Nevertheless, the Council has subsequently discussed aspects of the City budget and certain planned projects (e.g., the Children’s Center) in a Regular meeting.



MEMORANDUM

April 28, 2003

To: Menlo Park City Council
David Boesch,

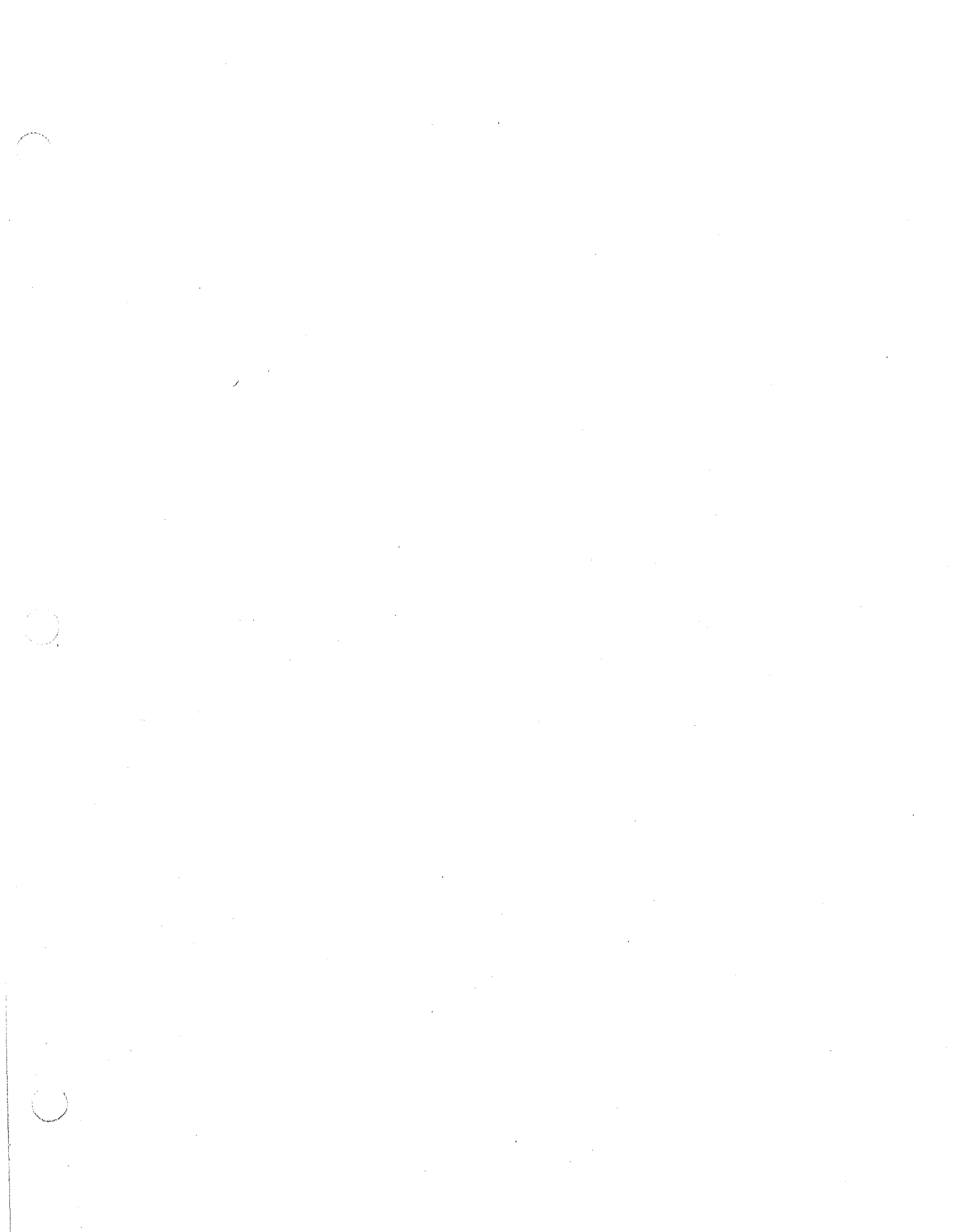
From: Chuck Kinney

Subject: A.I.A. Charrette for Menlo Park

Recently I was approached by Mr. Lee Lippert, past president of the San Mateo County Chapter of the American Institute of Architects to see if Menlo Park would be interested in undertaking an all day "charrette" by up to 12 A.I.A. architects to study and come up with design solutions, ideas and concepts for land use issues in our community. The A.I. A. would charge a fee of \$ 12,000 for the "charrette". Lee met with David Boesch and presented ideas and left two CD cassettes that witness past "charrette's" in the communities of East Palo Alto and Redwood City. Please let me know if you wish to review these materials. I have spoken with several business owners who have expressed interest to participate financially but would wish also to have a hand in deciding the scope of the undertaking. Kevin Lanigan, general manager of the Stanford Park Hotel, has volunteered the use of a conference room and catering at his hotel. Before going further with this idea, David Boesch, recommended I receive buy in and direction from the Council. Selecting a date, confirming outside funding sources and selecting a land use topic/s are some of the key elements that need to be further defined. City of Menlo Park funding participation is not anticipated but input regarding land use areas of study surely would be welcomed and desired. I believe this may have a mutually beneficial tie in with the current interest in improving relationships with the business community

There are any number of ways we could proceed should you wish to go further with this idea, i.e. Conduct a Council study session or go forward and raise the \$12,000 and come back with a program of land use issues for our blessing or go forward and here are some ideas concerning land use issues that need resolution or forget the idea.

With this memo I am alerting you to this potential and definitely seek your support and or decision in this matter. This memo will be listed on the May 20 agenda as written communication and I will bring this topic up and ask for your input. Please contact me if you have any questions and/or if you wish to view the CD mentioned above.



C/CAG**CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY**

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Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

March 12, 2003

To: City/ County Manager

From: Richard Napier, Executive Director - C/CAG

RE: LETTER OF SUPPORT OF C/CAG SPONSORED ASSEMBLY BILL 1546

C/CAG has sponsored AB 1546 that would authorize C/CAG to assess up to \$4 in motor vehicle fees. Assemblyman Joe Simitian has agreed to sponsor the Bill. The purpose of the fee is to establish a pilot program that would fund Congestion Management Activities to reduce traffic to the benefit of the driving motorist. It would also provide funding for motor vehicle related programs of the state mandated (unfunded) Countywide Stormwater Pollution Prevention Program (STOPPP).

The first objective of AB 1546 is to maximize the capacity of the current transportation infrastructure through transportation system measures. These measures include but are not limited to ramp metering, employer and local shuttles, Intelligent Transportation Systems, Real Time Information Systems on the freeway, park and ride lots, and advanced accident removal systems with automatic rerouting of traffic.

The second objective is to address the storm water pollution that flows to the creeks, streams, San Francisco Bay, and ocean as a result of the debris from motor vehicles and its infrastructure. The stormwater program is an unfunded State mandate. Some of the programs it will support include but are not limited to Countywide public education, grants to Cities/ County, Countywide monitoring and studies, and training for City and County staffs to meet permit requirements. This will provide an on-going source of funding for capital and operating expenses for the storm water pollution prevention programs that are mandated under the Clean Water Act but not funded by the State.

AB 1546 will be financially beneficial to all the Cities and the County. It will provide a source of revenue for four years to fund some of these required programs. Assemblyman Simitian would like letters of support from the Cities and the County for AB 1546. Background material on AB 1546 and a sample letter of support is provided. **Please adopt support positions on AB 1546 and transmit a support letter to Assemblyman Joe Simitian with a copy to C/CAG at 650 361-8227 (fax).** Your support will be helpful to gain passage of this piece of legislation. Please feel free to contact me at 650 599-1420 if you have any questions.

Sincerely,



Richard Napier
Executive Director

C/CAG

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March 14, 2003

The Honorable Joe Simitian
State Capitol - Room 5119
Sacramento, CA 95814

RE: SUPPORT OF C/CAG SPONSORED ASSEMBLY BILL 1546

Dear Assemblyman Simitian:

The [City/County] supports the C/CAG sponsored Bill AB 1546 that would authorize C/CAG to assess up to \$4 in motor vehicle fees. The purpose of the fee is to establish a pilot program that would fund Congestion Management Activities to reduce congestion to the benefit of the driving motorist. It would also provide funding for motor vehicle related programs of the state mandated (unfunded) Countywide Stormwater Pollution Prevention Program (STOPPP).

The first objective of AB 1546 is to maximize the capacity of the current transportation infrastructure through transportation system measures. These measures include but are not limited to ramp metering, employer and local shuttles, Intelligent Transportation Systems, Real Time Information Systems on the freeway, park and ride lots, and advanced accident removal systems with automatic rerouting of traffic.

The second objective is to address the storm water pollution that flows to San Francisco Bay as a result of the debris from motor vehicles and its infrastructure. The stormwater program is an unfunded State mandate. Some of the programs it will support include but are not limited to Countywide public education, grants to local jurisdictions, Countywide monitoring and studies, and training for City and County staffs to meet permit requirements. This will provide an on-going source of funding for capital and operating expenses for the storm water pollution prevention programs that are mandated under the Clean Water Act but not funded by the State.

AB 1546 will be financial beneficial to all the Cities and the County. Your carrying this bill is appreciated and we look forward to working with you to gain passage of this piece of legislation. Please feel free to contact our [Title], [Name], at [Tel No] if you have any questions.

Sincerely,

[Name]
[Mayor/ President]

CONGESTION RELIEF PILOT PROGRAM

Objective: To establish a pilot program in San Mateo County to fund Congestion Management Activities to reduce congestion to the benefit of the driving motorist; and to provide funding for the Federal and State mandated National Pollutant Discharge System (NPDES) Storm Water Pollution (STOPP) Program to address the impacts that motor vehicles are creating on waterways. This Federal and State program is an UNFUNDED MANDATE to local jurisdictions from the Clean Water Act.

Congestion Management

Activities: The activities funded by the program should be beneficial to the motor vehicles paying the fee. The activities may include both the capital and operating expenses. The activities may include but not be limited to:

- a- Intelligent Transportation Systems.
- b- Shuttle Systems.
- c- Real Time Information Systems on the freeway.
- d- Advanced accident removal systems and automatic diversion of traffic around the accident site.
- e- Bicycle and Pedestrian facilities.
- f- Park and ride lots.

NPDES

Activities: A key source of pollutants in storm drains that ultimately flow to the San Francisco Bay and other waterways is the result of motor vehicles and particularly the residue from the braking system of motor vehicles. The activities funded by this program will specifically address the polluting impacts that motor vehicles are creating on waterways. The activities may include both the capital and operating expenses. The funds will be used for any activity required by the NPDES STOPP Permit.

Funding: Authorize the City/County Association of Governments of San Mateo County to assess a fee of up to \$4 to be added to the Motor Vehicle Fees for all registered vehicles in San Mateo County.

Approval: Requires a 2/3 vote of the City/County Association of Governments of San Mateo County Board to be approved. (Alternate Vote: Members of the City/County Association of Governments of San Mateo County Board representing a majority of the Cities/ County with a majority of the population.)

Sunset: The fee approved by the City/County Association of Governments of San Mateo County is good for four years. A performance report and independent audit should be provided to the City/County Association of Governments of San Mateo County for evaluation. Based on these reports

the City/County Association of Governments of San Mateo County may renew the fee for another four years.

Performance

Measures:

Prior to the assessment of the fee by the City/County Association of Governments of San Mateo County, a specific program with performance measures and budget must be developed and approved by the City/County Association of Governments of San Mateo County Board.

Public

Hearing:

A noticed public hearing shall be held for the adoption of the Performance Measures and approval of the fee assessment. Should be noticed in newspapers of broad circulation in San Mateo County.