



## CITY COUNCIL SPECIAL AND REGULAR MEETING AGENDA

Tuesday, February 14, 2012  
6:00 p.m.  
701 Laurel Street, Menlo Park, CA 94025  
City Council Chambers

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### 6:00 P.M. CLOSED SESSION (Council Conference Room, 1<sup>st</sup> floor City Hall)

Public Comment on Closed Session item will be taken prior to adjourning to Closed Session

- CL1. Pursuant to Government Code Section 54957.6 to conference with labor negotiators regarding labor negotiations with the Service Employees International Union (SEIU)  
Attendees: Starla Jerome-Robinson, Interim City Manager, Bill McClure, City Attorney and Glen Kramer

### 7:00 P.M. REGULAR SESSION

ROLL CALL – Cline, Cohen, Fergusson, Keith, Ohtaki

PLEDGE OF ALLEGIANCE

REPORT FROM CLOSED SESSION

### ANNOUNCEMENTS

#### A. PRESENTATIONS AND PROCLAMATIONS

- A1. Presentation: Honoring the Youth of the Year nominees and winner for the Boys and Girls Club Awards ([Attachment](#))
- A2. Presentation: Police Department Operations Update

#### B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

- B1. Environmental Quality Commission quarterly report on the status of the 2-Year Work Plan
- B2. Consider applicants for appointment to fill two vacancies on the Housing Commission ([Staff report #12-023](#))

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

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

**D. CONSENT CALENDAR**

- D1. Authorize the City Manager to enter into an agreement with D&G Sports, Inc. to deliver and install equipment for the Arrillaga Family Gymnastics Center, in an amount not to exceed \$200,000, including contingency ([Staff report #12-024](#))
- D2. Approve a comment letter on the Draft Bay Area to Central Valley High Speed Train partially revised Draft Program Environmental Impact Report ([Staff report #12-025](#))
- D3. Consider a Resolution authorizing an additional \$650,000 from the BMR Fund for the Habitat for Humanity Neighborhood Revitalization Program ([Staff report #12-022](#))
- D4. Accept Council minutes for meetings of January 24, 30, and 31, 2012 ([Attachment](#))

**E. PUBLIC HEARINGS**

- E1. Consider an Appeal of a Planning Commission determination regarding the use of a portion of an existing accessory structure as a secondary dwelling unit on a property located at 116 O'Connor Street ([Staff report #12-026](#))  
*Note: This public hearing was continued from the January 24, 2011 City Council meeting*
- E2. Approve the use permit and architectural control for the Sharon Heights Pump Station Replacement Project consisting of the demolition of the existing equipment and construction of a new 810-square-foot pump house in the same location for the three pumps and emergency diesel generator and removal of one heritage tree subject to the conditions of approval; and authorize the Interim City Manager to increase the existing rental agreement with DW Pumps to an amount not to exceed \$90,000  
([Staff report #12-028](#))

**F. REGULAR BUSINESS**

- F1. Direction on the parameters for negotiating the Development Agreement for the Facebook East Campus located at 1601 Willow Road ([Staff report #12-029](#))
- F2. Council discussion and possible recommendation on four seats on the HEART Board that will be decided on at the City Selection Committee meeting scheduled for February 24, 2012 ([Staff report #12-027](#))
- F3. Consider state and federal legislative items, including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Item

**G. CITY MANAGER'S REPORT – None**

**H. WRITTEN COMMUNICATION – None**

**I. INFORMATIONAL ITEMS**

- I1. Quarterly financial review of General Fund operations as of December 31, 2011  
([Staff report #12-020](#))
- I2. Review of the City's Investment Portfolio as of December 31, 2011 ([Staff report #12-021](#))

**J. COUNCILMEMBER REPORTS**

**K. PUBLIC COMMENT #2 (*Limited to 30 minutes*)**

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

**L. ADJOURNMENT**

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at <http://www.menlopark.org> and can receive e-mail notification of agenda and staff report postings by subscribing to the “Home Delivery” service on the City’s homepage. Agendas and staff reports may also be obtained by contacting the City Clerk at (650) 330-6620. Copies of the entire packet are available at the library for viewing and copying. (Posted: 02/09/2012)

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

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

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

City Council meetings are televised live on Government Access Television Cable TV Channel 26. Meetings are re-broadcast on Channel 26 on Thursdays and Saturdays at 11:00 a.m. A DVD of each meeting is available for check out at the Menlo Park Library. Live and archived video stream of Council meetings can be accessed at [http://menlopark.granicus.com/ViewPublisher.php?view\\_id=2](http://menlopark.granicus.com/ViewPublisher.php?view_id=2)

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.



### **YOUTH OF THE YEAR PROGRAM OVERVIEW**

The Youth of the Year program is an awards initiative administered by Boys & Girls Clubs of America (BGCA). The program recognizes outstanding contributions by a Clubs member to their family, school, community and Boys & Girls Club. It also acknowledges youth for overcoming personal challenges and/or obstacles.

#### **Youth of the Year Characteristics**

- A positive role model for younger Club members
- Active in the Club; ideally has been a member for at least 2 years and has benefited greatly from the Club's programs and staff
- Resilient, able to overcome personal obstacles
- Empathetic, having demonstrated empathy by helping others and his/her community
- A leader and independent thinker
- Planning to attend post-high school training or education
- Goal oriented
- Preferably a high school senior or junior
- On track to graduate from high school, having passed all graduation requirements

#### **Who is eligible?**

- Candidates should be at least 14 and no more than 18 years of age by January 31 of the year in which they are entered in the state program.
- Candidates for state and regional levels must have a record of active and continuing service in their Club for at least two years prior to January 31 of the year in which they are nominated.
- Each Club organization may nominate only one candidate for state-level consideration. Each nominee must have the endorsement of the chief professional officer of the Club organization. Nominees who come from Club units also must have the endorsement of their unit directors.
- Previous regional Youth of the Year winners are not eligible to compete in subsequent years.
- Committees organized by regional staff will select the state Youth of the Year.

#### **Schedule**

- BGCP selects its Youth of the Year in January
- The Youth of the Year for BGCP will move onto to represent BGCP in the Boys & Girls Clubs of America national competition beginning in February

**Tajianna Robinson is a Junior at Sacred Heart Preparatory High School. She is currently a Teen Staff member at the Menlo Park Boys & Girls Club and exemplifies strength, courage, and endurance to excel.**

**Mark Johnson is a Senior at Menlo-Atherton High School. He grew up as a member of the Belle Haven Community and the Menlo Park Boys & Girls Club. He has learned some hard lessons of life but has changed for the better to become a role model for his younger brothers and club members.**

**Diante Davenport is a Senior at Menlo-Atherton High School. Diante has a personality that makes everyone smile. His respectful ways and positive attitude always brings calm to the members of the Menlo Park Boys & Girls Club.**



# ADMINISTRATIVE SERVICES DEPARTMENT

Council Meeting Date: February 14, 2012  
Staff Report #: 12-023

Agenda Item #: B-2

**COMMISSION APPOINTMENTS: Consider applicants for appointment to fill two vacancies on the Housing Commission**

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## RECOMMENDATION

Staff recommends voting for and appointing applicants to fill two (2) vacancies on the Housing Commission.

## BACKGROUND

Staff has been recruiting for the vacant positions by publishing press releases in the Almanac and notices being posted on the City's website, City bulletin board and sending out letters to random residents seeking interested parties to apply for the commissions and committees.

There are two vacancies on the Housing Commission due to the expiring terms of Patricia Boyle (termed out) and Brigid Van Randall (requesting reappointment). The applicants selected will serve through April 30, 2015.

Applicants for the vacancy:

- Patrick DeWitt
- Julianna Dodick
- Justin H. Parkhurst
- Stuart Soffer
- Brigid VanRandall (requesting reappointment)

## ANALYSIS

Pursuant to City Council Policy CC-01-0004 (Attachment A), commission members must be residents of the City of Menlo Park and serve for designated terms of four years, or through the completion of an unexpired term.

In addition, the Council's policy states that the selection/appointment process shall be conducted before the public at a regularly scheduled meeting of the City Council. Nominations will be made and a vote will be called for each nomination. Applicants receiving the highest number of affirmative votes from a majority of the Council present shall be appointed.

## **IMPACT ON CITY RESOURCES**

Staff support for selection of commissioners is included in the FY 2011-12 Budget.

## **POLICY ISSUES**

Council Policy CC-01-0004 establishes the policies, procedures, roles and responsibilities for the City's appointed commissions and committees.

Currently the budget metrics set a goal of two applications for each appointment.

## **ENVIRONMENTAL REVIEW**

The proposed action does not require environmental review.

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Margaret S. Roberts, City Clerk

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

## **ATTACHMENTS:**

- A – Excerpt from Council Policy CC-01-0004, pages 4-5
- B – Applications for the Housing Commission

Attachment B will not be available on-line, but are available for review at City Hall in the City Clerk's Office during standard City operating hours.

## **IMPACT ON CITY RESOURCES**

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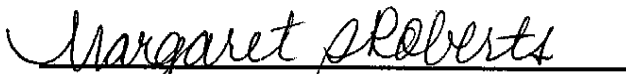
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Margaret S. Roberts, MMC  
City Clerk  
Report Author

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<b>City of Menlo Park</b>		City Council Policy
<b>Department</b> City Council	<b>Page 4 of 10</b>	<b>Effective Date</b> 3-13-01
<b>Subject</b> Commissions/Committees Policies and Procedures and Roles and Responsibilities	<b>Approved by:</b> Motion by the City Council on 03-13-2001; Amended 09-18-2001; Amended 04-05-2011	<b>Procedure #</b> CC-01-0004

Commission/Committee is waiting for additional members to arrive.

- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

#### 4. Meeting Locations and Dates

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

#### 5. Selection of Chair and Vice Chair

- The Chair and Vice Chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each Commission/Committee shall annually rotate its Chair and Vice Chair.

### G. Memberships

#### Appointments/Oaths

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

<b>City of Menlo Park</b>		City Council Policy
<b>Department</b> City Council  <b>Subject</b> Commissions/Committees Policies and Procedures and Roles and Responsibilities	<b>Page 5 of 10</b>	<b>Effective Date</b> 3-13-01
	<b>Approved by:</b> Motion by the City Council on 03-13-2001; Amended 09-18-2001; Amended 04-05-2011	<b>Procedure #</b> CC-01-0004

Application/Selection Process

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



## COMMISSION APPLICATION

OFFICE USE ONLY  
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**RECEIVED**

JAN 10 2012

City Clerk's Office  
City of Menlo Park

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

Date: December 15, 2011

Commission/Committee of Interest: Housing Commission

Name: Patrick DeWitt

Education: B.S. Genetics and Minor in Technology Management - University of California, Davis 2009  
Saint Francis High School 2005; St. Raymond's Elementary School

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

I have been actively involved in the Menlo Park and Davis communities in the past. Currently, I am part of a volunteer group that cooks dinner for the families at the Ronald McDonald House at Stanford. In addition to my studies at UC Davis, I participated in Club Baseball and I was a Teaching Assistant for Plant Biology at the University. These experiences taught me how to work as a team member but also as a leader in the classroom whom would help teach students about biological science. As a student at St. Francis High School, I volunteered at multiple organizations throughout the Bay Area, including the Encinal School Special Education Program, Sacred Heart Convalescent Home, and the Boys and Girls Club of East Palo Alto. Although I do not have any public service experience, I hope that being a part of the Housing Commission will change that.

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

I believe in the democratic process and the ability of government to produce beneficial public policy that positively affects and influences public behavior. Therefore it is imperative that our policy leaders have the correct information at hand when making decisions that will affect the public. By identifying the issue and then analyzing the facts and current policy, you will be able to develop a policy which is more aptly suited to the goals at hand. This is why the City Commission appointment is invaluable to the City Council. As a City Commissioner, it is our job to help provide, analyze, and interpret certain information which shall affect legislation.

I believe if you have been involved in any team, whether it be sports, business, or volunteering, you will have responsibilities whose ultimate aim is to accomplish a goal. Throughout my life, I have been involved in numerous situations where I had distinct responsibilities which contributed to our team's success. I currently work at a small biotechnology start-up in Palo Alto, Ca where I am part of the Sales and Commercial Operations teams. As part of a small company, I have responsibilities in many different parts of the commercial side of the business, but one aspect of the work I do is in analytics. The data I run for our company is increasingly important as we see how our customers are using the product and how to strategically place our product within the healthcare industry. Since our product is proprietary and one of the first products in this particular industry, I am actively participating in the ultimate goal of creating a new market in the biotechnology and personalize medicine industry.

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

The Housing Commission plays an important role in the future development of Menlo Park. I believe that the City of Menlo Park is constantly evolving because of the unique business conditions that are present in the city and the greater Silicon Valley area as a whole. With large technology companies, such as Intuit, Pacific Biosciences, and Facebook in the near future, it is important that Menlo Park develop the most efficient housing and business plan for the city while trying to balance socio-economic differences, population density, and maintenance of current housing around the city.

With an influx of money coming into Menlo Park via the large technology companies and private equity firms, it is important to keep housing affordable throughout the city. Affordable housing is important for the attraction of younger people and families into Menlo Park. This not only creates the vibrant culture which makes Menlo Park desirable, but it also will help with demographics and housing turnover as the city population ages. Without affordable housing, the city demographics will be skewed older. Housing vacancies will be filled by older people who can afford high-end households. Eventually, this will create a situation where there will be more households being vacated and unable to be filled, since property values will be high and the once vibrant culture will have been replaced.

Since the time I was a child in Menlo Park, there are visible differences in businesses that once lined El Camino Real. If the past is any prediction of the future, I believe that the empty lots which once used to house multiple car dealerships will be turned into condominium housing. This is going to be an important transition for Menlo Park since condominium housing will create a mini-population boom in a concentrated part of the city. As these areas become developed, there will be a major impact on traffic on El Camino Real, Menlo Park's main thoroughfare. Population impact studies will need to be completed to see the effects of developing these areas. It will also be necessary to look at the effect of many new housing units being unloaded onto the market. If these units are not priced properly, this will create a market distortion where the condominiums will either be in either too high or low demand based on low or high pricing respectively. This in turn would have a ripple effect of changing housing market values throughout the city.

Maintenance of current housing standards throughout the city is important for all city residents to help create a sense of community pride, a desirable community, and positive relations between neighbors. Housing maintenance is a safety issue that the city and its residents need to take seriously. Maintenance and safety standards need to be maintained for all households both new and old. Also, there is no arguing that a neighborhood with homes and yards that are well cared for creates a desirable community. This is excellent for both housing market values and neighbor relations, since negative externalities can create low standards and conflict.

These are just a few examples of decisions and the systems thinking required about housing issues, which can affect the community as a whole. As a member of the Housing Commission, it will be my responsibility to convey timely and accurate information to the City Council. By delivering accurate information and recommendations, the Menlo Park City Council will be able to make the best informed decisions on issues that will have effects on the city and its residents.

**Terms**

Terms for most commissions/committees are for a period of four years. Members are limited to two consecutive full terms\*. If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.

**Specific Information**

Serving on a commission or committee may require one or two night meetings per month, with each meeting averaging three to four hours. You may also be asked to serve on additional subcommittees. Members are expected to attend all meetings. Attendance at less than two-thirds of scheduled meetings may result in removal by the Council. Commissioners are not paid for their volunteer service. General information related to the charge of the commissions and committees and their schedules are shown on the attachment. More specific information may be obtained by viewing the City's website at [http://www.menlopark.org/city\\_commissions.html](http://www.menlopark.org/city_commissions.html) and by contacting the staff liaison.

**Information about the Appointment Process**

The application process may take from six weeks to two months. Vacancies are advertised for approximately 30 days with a specific filing deadline. Deadlines may be extended. Please return your application, along with any attachments, to the City Clerk, at the address listed below. Applications are kept on file for one year. The City Council will review all applications, may contact you individually or may decide to hold interviews. All appointments will be made by nomination and vote of the City Council at a Council meeting. Questions about the application process should be directed to Margaret S. Roberts, City Clerk, at (650) 330-6620 or by e-mail at [MSRoberts@menlopark.org](mailto:MSRoberts@menlopark.org).

  
 \_\_\_\_\_  
 Applicant's Signature

**Return to the City Clerk, City of Menlo Park,  
 701 Laurel Street, Menlo Park, CA 94025  
 (Phone: (650) 330-6620 or e-mail at [MSRoberts@menlopark.org](mailto:MSRoberts@menlopark.org))**

<b>OFFICE USE ONLY</b>	
Application Received: _____	Address Verified in City Limits: <input type="checkbox"/> By: _____ Initials
Considered by City Council: _____	Appointed: Yes <input type="checkbox"/> No <input type="checkbox"/>
Considered by City Council: _____	Appointed: Yes <input type="checkbox"/> No <input type="checkbox"/>
Considered by City Council: _____	Appointed: Yes <input type="checkbox"/> No <input type="checkbox"/>
If Appointed Term ends: _____	

**PERSONAL INFORMATION**Name: Patrick DeWittResidence Address: 1020 Florence Lane, Menlo Park, Ca 94025

(Note: Residency within the City limits is required)

Telephone No: 650-380-2079 Number of years as a Menlo Park resident: 20Occupation: Biotechnology – Sales/OperationsEmail address: patrickgdewitt@gmail.comBusiness Address/Telephone No: CardioDx, Inc. 2500 Faber Place, Palo Alto, CaPhone: 650-475-2764**Internet Posting**

If I am appointed, the City is authorized to post the following information on the City's website:

	YES	NO
Home Address:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Home Phone:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mailing Address (if not home address):	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Business Address:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Business Phone:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E-mail:	<input checked="" type="checkbox"/>	<input type="checkbox"/>



# COMMISSION APPLICATION

ATTACHMENT B  
 OFFICE USE ONLY  
 RECEIVED  
**RECEIVED**  
 DEC 29 2011  
 City Clerk's Office  
 City of Menlo Park

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

Date: December 27, 2011

Commission/Committee of Interest: Housing Commission

Name: Julianna Dodick

Education: J.D. University of Oregon, B.A. University of California, Berkeley

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

- 2005-present, Junior League of San Francisco
- 2011-12, Co-Chair Community Emerging Issues Ad Hoc Committee
- 2010-11, Board of Directors, Public Affairs/SPAC Council
- 2009-11, JLSF SPAC Representative, State Public Affairs Committee, Junior Leagues of California
- 2008-09, Co-Chair, Advocacy Committee
- 2006-08, Assistant Treasurer, Finance Committee
- 1999-2005, Junior League of Palo Alto Mid Peninsula
- 1995-1998, Mediator, Peninsula Conflict Resolution Center

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

As a member of the Menlo Park Housing Commission, I will work with other commission members and City Council representatives to review, evaluate, and aid with implementing City housing programs and policies. As a long-time member of the Junior League I have had the opportunity to actively participate in Advocacy and public policy related issues. As a delegate to the State Public Affairs Committee for the Junior Leagues of California, I met with state and local legislators, reviewed bills, and advocated for policy issues for the Junior Leagues. As a recent, first time homebuyer, I also have personal experience with the challenges that homebuyers face.

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

I hope to be an active member of our community and to improve and support programs in the City of Menlo Park.

**Terms**

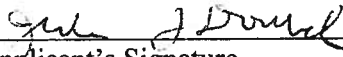
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**OFFICE USE ONLY**

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<b>Considered by City Council:</b> _____	<b>Appointed:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
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<b>Considered by City Council:</b> _____	<b>Appointed:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If Appointed Term ends:</b> _____	



**PERSONAL INFORMATION**Name: Julianna DodickResidence Address: 150 Alma Street, #218, Menlo Park, CA 94025

(Note: Residency within the City limits is required)

Telephone No: 650-255-1753 Number of years as a Menlo Park resident: 4 monthsOccupation: Director, Information Development, OracleEmail address: Julianna\_H\_L@yahoo.comBusiness Address/Telephone No: 500 Oracle Parkway, MS 3op8, Redwood Shores, CA 94065**Internet Posting**

If I am appointed, the City is authorized to post the following information on the City's website:

	YES	NO
Home Address:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Home Phone:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing Address (if not home address):	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Business Address:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Business Phone:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E-mail:	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## COMMISSION APPLICATION

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

Date: Monday, December 12<sup>th</sup>, 2011

Commission/Committee of Interest: Housing Commission

Name: Justin H. Parkhurst

Education: *Bachelor of Arts – Philosophy – UC Berkeley*  
*Master of Arts – Education – UC Berkeley*

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

I am not currently on or have experience with being on a commission. I do volunteer in the Menlo Park City School District, as well as volunteer through my company's outreach program(s). My goal is to become involved in the civic process for the City of Menlo Park and participate in the advising process.

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

I believe my extensive experience in Capital Markets and Real Estate could bring additional support to the commission. My understanding of the housing and commercial real estate market, my hands on experience in loan underwriting, as well as real estate appraising, could be a valuable asset to the commission and the City of Menlo Park.

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

I am looking for an opportunity to give back to the City of Menlo Park. I would like to become more involved in the civic/community process; and I believe serving on a City of Menlo Park commission can be both rewarding and successful to me and the community. With no commission experience; it would be important to begin with the Housing Commission because I can bring professional experience prior to having any commission or civic experience.

**Terms**

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\_\_\_\_\_  
Applicant's Signature

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701 Laurel Street, Menlo Park, CA 94025  
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	Initials
<b>Considered by City Council:</b> _____	<b>Appointed:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Considered by City Council:</b> _____	<b>Appointed:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Considered by City Council:</b> _____	<b>Appointed:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If Appointed Term ends:</b> _____	

**PERSONAL INFORMATION**Name: **Justin H Parkhurst**Residence Address: **908 Harmon Drive – Menlo Park, CA 94025**

(Note: Residency within the City limits is required)

Telephone No: **650-521-0423**Number of years as a Menlo Park resident: **2 Years**Occupation: **Financial Advisor – Morgan Stanley Smith Barney**Email address: **justin.parkhurst@gmail.com**

Business Address/Telephone No: Morgan Stanley Smith Barney  
 1001 Page Mill Road  
 Building 4, Suite 101  
 Palo Alto, CA 94304  
 Phone: 650-496-4249

**Internet Posting**

If I am appointed, the City is authorized to post the following information on the City's website:

	YES	NO
Home Address:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Home Phone:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing Address (if not home address):	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Business Address:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Business Phone:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E-mail:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# JUSTIN H PARKHURST

908 Harmon Drive • Menlo Park, CA • 510.708.9212 – cellular • 650.521.0423 – home • justin.parkhurst@gmail.com

## PROFESSIONAL INTEREST

I am a passionate result-orientated professional with exceptional leadership and communication skills. I have an extensive background in Capital Markets and Real Estate and manage +\$500 Million in private client assets.

## AREAS OF EXPERTISE

### Professional

- Sales and the management of sales professionals
- Prospecting of lead sources to establish referral based business
- Develop market place strategies: Business to Business, Professionals, and Customer Direct
- Build referral networks through community relations with local partners
- Streamline operations and process
- Recruit, hire, train, and develop sales staff
- Client service focused on “Customer First” philosophy

### Personal

- Develop and maintain rapport with internal and external customers
- High level of interpersonal skills to work with current and prospective customers
- Excellent organization abilities as a manager and individual contributor
- Detail oriented management resulting in an increase of production
- Extensive communication skills: seminars, presentations, business to business, and interoffice training

## PROFESSIONAL EXPERIENCE

**Morgan Stanley Smith Barney – The Galindo/Brown Group** – Palo Alto, CA *2006 - Present*  
**Second Vice President – Investment Management Specialist – Financial Advisor**

Our mission is to strive with the utmost integrity, to deliver the highest level of professional service to our clients, those individuals who have entrusted us with their financial future. We believe that helping clients achieve their financial goals begins with completely understanding their needs. Only then can we provide the comprehensive guidance that seeks to answer their most fundamental questions.

### Duties and Responsibilities:

- Assist clients in investment policy formulation
- Outline tactical and strategic allocations and overseeing execution to plan
- Work with clients on financial planning and asset allocation
- Engage in proactive strategic discussion
- Train, monitor, and mentor client service associates and intern staff

**World Savings Bank/Wachovia Mortgage** – Salinas, Monterey, & Hollister, CA *2005 - 2006*  
**Area Sales Manager/Mortgage Broker Division (Retail)**

As an ASM, responsible for 3 Loan Branches, 1 Asst. Sales Manager, 15 Loan Officers, and 6 Support Staff. Implemented individual business plans, as well as marketing and networking plans to increase market share and loan production. Developed intense training program for loan reps and support staff. Produced industry relevant seminars for Realtors, Professionals, and Direct Customers. Created new and unique flow to streamline loan processing for all staff.

### Duties and Responsibilities:

- Represent Home Loan Experts/World Savings in the Community
- Increase visibility and market share of new division/product by networking and relationship building
- Research market area and develop new arenas of customers and leads
- Set and reset expectations for all employees to insure results and professionalism
- Train, monitor, and mentor loan reps and support staff
- Evaluate staff, Branch progress, and successes pertaining to sales goals
- Provide training on Bank regulatory policies and procedures

# JUSTIN H PARKHURST

908 Harmon Drive • Menlo Park, CA • 510.708.9212 – cellular • 650.521.0423 – home • justin.parkhurst@gmail.com

**World Savings Bank** – Salinas & Monterey, CA

2003 - 2005

**District Loan Origination Manager/Wholesale Division** – w/Personal Production

Selected to the Leadership Development Program that focused on Sales Management, Sales Process, Underwriting, Appraisal, and Loan Processing. As a DLOM, responsible for sales, customer service, training, and administration to support Wholesale Customers (Brokers), Loan Officers, and Support Staff. The DLOM partners with Wholesale Customers and Loan Officers to aid them in identifying potential clients as well as prepare them for client calls. Maintained 150% of loan funding plan in 2004 and 185% of plan in 2005. As an individual contributor, averaged \$2 million/month in 2004 and \$3.5 million/month in 2005.

**Duties and Responsibilities:**

- Monitor and regulate workflow to significantly shorten closing of loan process
- Mastering of products, programs, and guidelines to train Loan Officers and Wholesale Customers
- Pre-underwriting analysis for submission of loan applications
- Increase Wholesale Market Share through training, sales activities, and field calls
- Field support for Loan Officers and Wholesale Customers
- Evaluate staff, Loan Center progress, and success pertaining to sales goals

**University of California Intercollegiate Athletics** – Berkeley, CA

2002 - 2003

**Revenue & Olympic Sports Operations Assistant**

Implemented new activities intended to enhance the performance of the athletic department. Recognized needs for student athletes and staff by creating strategies to meet those needs. Designed engaging and innovative training programs that increased the effectiveness of the department.

**Duties and Responsibilities:**

- Staffing, scheduling, budgeting, and evaluation of all support personnel in the athletic department
- Negotiation, securing, and implementation of all business and athletic team contracts
- Coordination of various fundraising events
- Administration and operational assistance to oversee athletic programs
- Scheduling and management of all athletic department game-day and practice facilities
- Administration, budgeting, and management of all post-season play

**University of California Strength & Conditioning** – Berkeley, CA

2000 - 2002

**Assistant Strength & Conditioning Coach**

Organized and directed strength and conditioning programs to directly result in an individual athlete's personal success. Coached and evaluated student athletes in proper lifting and running techniques, while training each athlete in sport specific activities to aid them in increased athletic performance. Implemented the Head Strength and Conditioning Coach's strength and speed program for all Intercollegiate Programs. Created the philosophy of the 5 Principles for individual athletes and overall team concept.

**The 5 Principles:**

- Professionalism
- Preparation/Training
- Focus/Goals
- Accountability/Ownership
- Attitude

## EDUCATION

**University of California, Berkeley**

May 2003

*Master of Arts – Education*

**University of California, Berkeley**

August 2001

*Bachelor of Arts – Philosophy*

**United States Navy**

1993 – 1997

*Electrician's Mate*

## AWARDS AND RECOGNITION

*Pacesetter's Club (2010)* – Morgan Stanley Smith Barney

*President's Club (2005)* – World Savings Bank

*Rugby All-American (2001, 2002)* – USA Rugby

*Blue Chip Council (2007, 2008, 2009)* – Smith Barney

*Production Recognition (2005)* – World Savings Bank

*Rugby National Champion (2000, 2001, 2002)* – Cal Rugby

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# COMMISSION APPLICATION

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

Date: \_\_\_\_\_7-26-22\_\_\_\_\_

Commission/Committee of Interest: Housing Commission\_\_\_\_\_

Name: Brigid Van Randall\_\_\_\_\_

Education: University of California, San Diego – BA Political Science, BA Sociology 1979\_\_\_\_\_

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

Boys and Girls Club

NAACP

Shelter Network

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

renewing commissioner

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

I am interested personally and professionally in housing needs for the community. I am also a realtor in the Coldwell Banker Menlo Park office.

**Terms**

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\_\_\_\_\_  
Applicant’s Signature

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**OFFICE USE ONLY**

<b>Application Received:</b> _____	<b>Address Verified in City Limits:</b> <input type="checkbox"/> <b>By:</b> _____
	Initials
<b>Considered by City Council:</b> _____	<b>Appointed:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Considered by City Council:</b> _____	<b>Appointed:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Considered by City Council:</b> _____	<b>Appointed:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If Appointed Term ends:</b> _____	

\_\_\_\_\_



**PERSONAL INFORMATION**

Name: Brigid Van Randal \_\_\_\_\_

Residence Address: 445 Oak Grove Ave., #7, Menlo Park 94025 \_\_\_\_\_

(Note: Residency within the City limits is required)

Telephone No: 650-325-5161 \_\_\_\_\_ Number of years as a Menlo Park resident: 5 years \_\_\_\_\_

Occupation: realtor \_\_\_\_\_

Email address: brigid@vanrandall.com \_\_\_\_\_

Business Address/Telephone No: 800 El Camino Real, Ste. 300, Menlo Park 94025  
650-566-5348 \_\_\_\_\_**Internet Posting**

If I am appointed, the City is authorized to post the following information on the City's website:

	YES	NO
Home Address:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Home Phone:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing Address (if not home address):	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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E-mail:	<input type="checkbox"/>	<input type="checkbox"/>



# COMMISSION APPLICATION

ATTACHMENT B  
 OFFICE USE ONLY  
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**RECEIVED**  
 JAN 17 2012  
 City Clerk's Office  
 City of Menlo Park

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

Date: January 15, 2012

Commission/Committee of Interest: Housing Commission

Name: Stuart Soffer

Education: B.S. Computer Science, University of Wisconsin

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

MP Finance / Audit Committee 2008 - 2012

MP Chamber of Commerce Board of Directors 2005 – 2010

MP Planning Commission 1999-2004

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

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

- *Community attitudes about housing (range, distribution, racial, social-economic problems)*
- *Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City*
- *Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974*
- *Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program*
- *Review and make recommendations to the Council regarding the Below Market Rate (BMR) program*
- *Initiate, review and make recommendations on housing policies and programs for the City*

- *Review and make recommendations on housing related impacts for environmental impact reports*
- *Review and make recommendations on State and regional housing issues*
- *Review and make recommendations on the Housing Element of the General Plan*

*My experience as Planning Commissioner and member of the Finance Audit Committee would provide context, as well as historical recall, which would enrich discussions related to housing for Menlo Park.*

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

*I desire to improve the quality and mix of housing.*

---

**Terms**

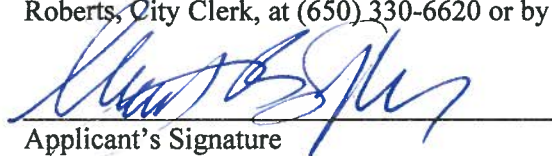
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Applicant's Signature

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(Phone: (650) 330-6620 or e-mail at [MSRoberts@menlopark.org](mailto:MSRoberts@menlopark.org))**

**OFFICE USE ONLY**

Application Received: <u>01/1/2012</u>	Address Verified in City Limits: <input checked="" type="checkbox"/> By: <u>MSR</u> Initials
Considered by City Council: _____	Appointed: Yes <input type="checkbox"/> No <input type="checkbox"/>
Considered by City Council: _____	Appointed: Yes <input type="checkbox"/> No <input type="checkbox"/>
Considered by City Council: _____	Appointed: Yes <input type="checkbox"/> No <input type="checkbox"/>
If Appointed Term ends: _____	

**PERSONAL INFORMATION**

Name: Stuart Soffer\_\_\_\_\_

Residence Address: 280 Linfield Drive, MP\_\_\_\_\_

(Note: Residency within the City limits is required)

Telephone No: 473-0100\_\_\_\_\_ Number of years as a Menlo Park resident: &gt; 17\_\_\_\_\_

Occupation: Consultant on Intellectual Property\_\_\_\_\_

Email address: soffer@ipriori.com\_\_\_\_\_

Business Address/Telephone No: \_\_\_\_\_

125 University Avenue, Suite 175, Palo Alto 94301 / 650-566-0300**Internet Posting**

If I am appointed, the City is authorized to post the following information on the City's website:

	YES	NO
Home Address:	<input type="checkbox"/>	<input type="checkbox"/>
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Business Address:	<input type="checkbox"/>	<input type="checkbox"/>
Business Phone:	<input type="checkbox"/>	<input type="checkbox"/>
E-mail:	<input type="checkbox"/>	<input type="checkbox"/>



## PUBLIC WORKS DEPARTMENT

Council Meeting Date: February 14, 2012

Staff Report #: 12-024

Agenda Item #: D1

**CONSENT: Authorize the Interim City Manager to Enter into an Agreement with D&G Sports, Inc. to Deliver and Install Gymnastics Equipment for the Arrillaga Family Gymnastics Center, in an Amount Not to Exceed \$200,000, Including Contingency**

---

### RECOMMENDATION

Staff recommends that the City Council authorize the Interim City Manager to enter into an agreement with D&G Sports, Inc. to deliver and install gymnastics equipment for the Arrillaga Family Gymnastics Center, in an amount not to exceed \$200,000, including contingency.

### BACKGROUND

In July of 2011, the City began construction of the Arrillaga Family Gymnastics Center, a 19,400 square foot facility that is being constructed adjacent to the Burgess Pool, in place of the now removed Burgess Gymnasium. The Gymnastics Center is the latest result of a philanthropic partnership between the John Arrillaga Family and the City of Menlo Park that has been focused on developing world class recreational facilities at the Menlo Park Civic Center Campus. The partnership began with the construction of the Arrillaga Family Gymnasium, which was followed by the Arrillaga Family Recreation Center and the current Gymnastics Center project.

Council adopted the project as part of the FY 2010/11 budget, with a total funding amount of \$6.2 million (\$4.15 million from Measure T and \$2.05 million from Rec-In-Lieu). The City has budgeted \$5.8 million toward the estimated \$12 million building construction cost (included in the \$6.2 million budget), with the donor funding the remaining design and construction expense.

### ANALYSIS

As part of the design process for the Arrillaga Family Gymnastics Center, staff collaborated with internal and external gymnastics experts to develop a floorplan that would best utilize the space provided for the gymnastics activity. This plan resulted in the addition of several pieces of new equipment and pads to both augment and replace existing equipment. The plan also includes the installation of "carpet bonded foam" across the entire floor space, which provides an appropriate base material for gymnastics activity and increases the flexibility of the space. The project budget includes adequate contingency to add any additional equipment that may be necessary.

The City's Gymnastics program has utilized American Athletic, Inc. (AAI) gymnastics equipment since its inception, and the proposed equipment has been selected in order to maintain consistency with the existing equipment, parts and maintenance requirements.

## IMPACT ON CITY RESOURCES

### Proposed Budget:

Contract Amount	\$187,973
Contingency	<u>\$ 12,027</u>
<b>Total Equipment Budget</b>	<b>\$200,000</b>

The Burgess Gymnastics Center project was budgeted for the 2010-11 fiscal year using Measure T and Rec-in-Lieu funds totaling \$6.2 million (\$4.15 million and \$2.05 million, respectively). Additionally, in 2010-11 fiscal year, the City budgeted \$54,000 of Measure T funds for Gymnastics Equipment to expand the program's offerings and replace a portion of the program's older equipment. As a result of the current construction project, staff has not yet purchased the new equipment for the temporary facility in Burgess Park.

The City has a construction agreement in place with Vance Brown, Inc. with a not to exceed amount of \$5.8 million toward the estimated \$12 million building construction cost (included in the \$6.2 million budget). The remaining design and construction expenses have been paid for by the project donor. Staff has budgeted approximately \$146,000 out of the remaining \$400,000 in the project budget for equipment and furnishings, which combined with the \$54,000 Gymnastics Equipment Budget provides adequate funds to fully furnish the gymnastics floor area with new equipment.

## POLICY ISSUES

In order to maintain the consistency with the existing gymnastics equipment in the new facility, staff proposed purchasing and installing AAI Gymnastics Equipment. In our region (northern California), D&G Sports, Inc. is the only authorized supplier and installer for AAI Gymnastics Equipment. Both engineering and gymnastics staff evaluated European brands, but these products did not provide any cost benefit due to international shipping. Additionally, AAI Gymnastics Equipment is the equipment manufacture of choice in the United States gymnastics programs and the NCAA, and by providing our program with this equipment brand, staff will better prepare students for regional and international competition. D&G Sports, Inc. has been providing and servicing the Menlo Park Gymnastics Program's equipment since the program started.

## ENVIRONMENTAL REVIEW

The proposed contract is to provide and install static equipment, and no environmental review is required under CEQA.

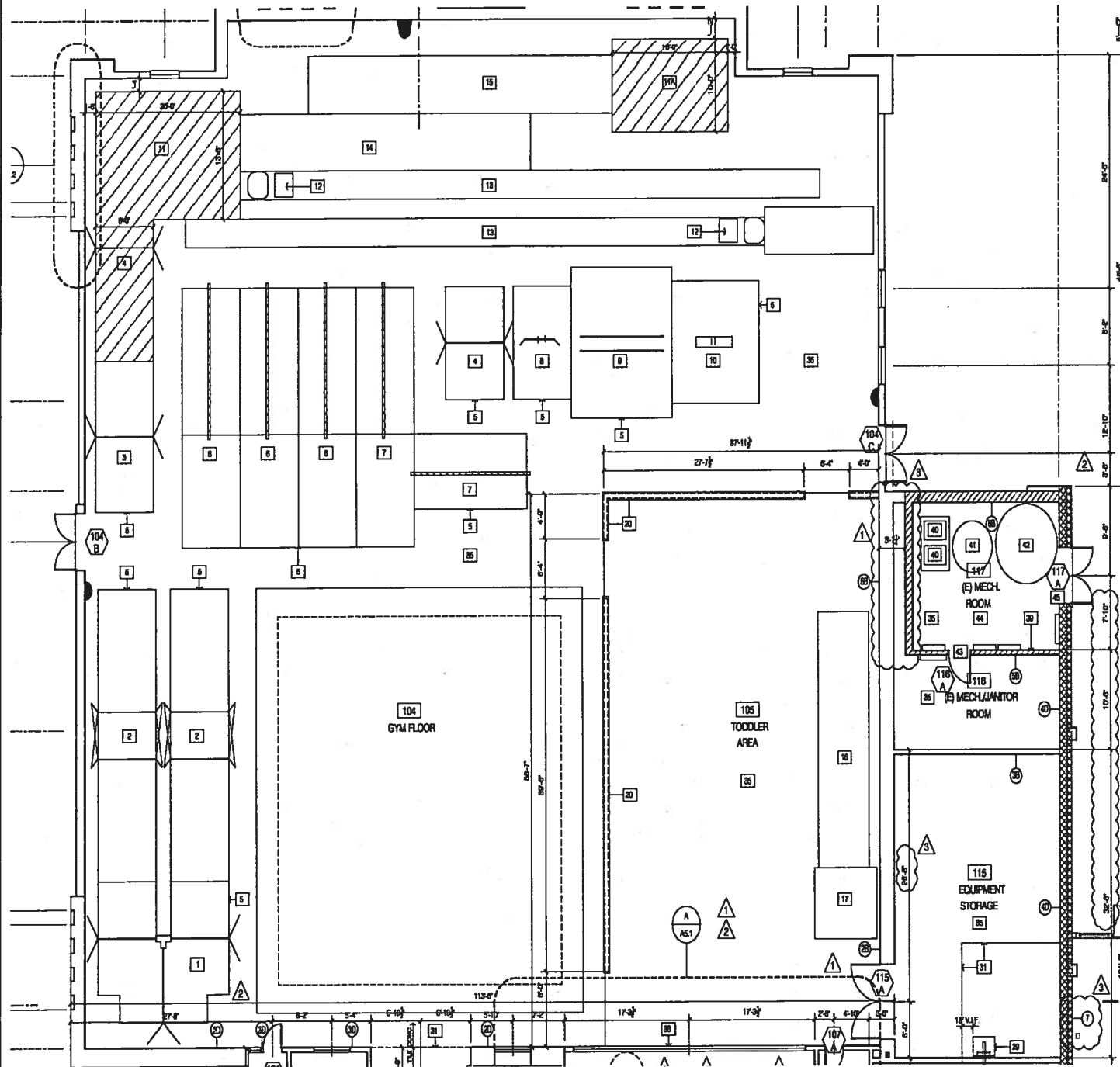
  
Matheu Oscamou  
Engineering Services Manager

  
Charles Taylor, P.E.  
Public Works Director

**ATTACHMENTS:** A. Gymnastics Equipment Layout

# Gymnastics Equipment Layout

## ATTACHMENT A



### FLR. PLAN DESCRIPTION NOTES

#### GYM EQUIPMENT

1. TRIPLE TRAINING BAR
2. UNEVEN BARS
3. ADJUSTABLE TRAINING BAR
4. HIGH BAR
5. APPARATUS MATS
6. RAISED BEAMS
7. LOW BEAMS
8. RINGS
9. PARALLEL BARS
10. POMMEL HORSE
11. FOAM PIT (8'-0" DEEP)
- 11A. FOAM PIT (4'-0" DEEP)
12. VAULT
13. VAULT RUNWAY
14. ROOF FLOOR
15. SPRING FLOOR
16. TUMBLE TRACK (@ FFE)
17. RESH-FLOOR (@ FFE)

#### FLOOR PLAN NOTES

18. 34" BASE CABINET
19. 12" DEEP UPPER CABINET
20. 42" HIGH PONY WALL W/ WOOD CAP
21. 34" HIGH BUILT-IN DESK
22. 42" HIGH COUNTER
23. BUILT-IN BENCH
24. KITCHEN SINK W/GARBAGE DISPOSAL
26. 36"-42" WIDE REFRIGERATOR
28. BUILT-IN SEATING
27. DRINKING FOUNTAINS, SEE DTL. 5/GO.3
28. DISHWASHER UNDER CABINET W/ DRAIN TO GARBAGE DISPOSAL
29. 24"x36" ROOF HATCH
30. JANITOR'S SINK
31. LINE OF ROOF OR WALL ABOVE
32. SOFFIT
33. 12"x12"x18" CUBBIES
34. LOCKERS
35. SEALED CONC. FLR. FINISH W/ MATS ON TOP
36. RECESSED PAPER TOWEL & WASTE DISPENSER
37. WASTE BIN ALCOVE
38. TEMPERED GLASS WALL. SEE DTL. 3/A8.1
39. EXISTING 1 HOUR RATED WALL
40. BOILER
41. WATER TANK
42. SUMP PUMP
43. 1 HOUR RATED DOOR & ASSEMBLY
44. 1 HOUR RATED CEILING IN THIS AREA
45. 1.5 HOUR RATED DOOR & ASSEMBLY

#### LEGEND

- REFER TO PARTITION TYPE AND SEE A8.1 FOR CONSTRUCTION.
- ONE HOUR RATED WALL
- TWO HOUR RATED WALL
- INTERIOR GLAZING. SEE DTL. 9/A8.1
- FIRE EXTINGUISHER SEE DTL. 7/A8.1 FOR SEMI-RECESSED, TYP. SURFACE MOUNTED AT PENTHOUSE AND MECH./NICAL ROOMS.





# PUBLIC WORKS DEPARTMENT

Council Meeting Date: February 14, 2012

Staff Report #: 12-025

Agenda Item #: D2

**CONSENT: Approve a Comment Letter on the Draft Bay Area to Central Valley High Speed Train Partially Revised Draft Program Environmental Impact Report**

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## RECOMMENDATION

Staff recommends that the City Council approve a comment letter on the Draft Bay Area to Central Valley High Speed Train Partially Revised Draft Program Environmental Impact Report (EIR).

## BACKGROUND

Established in 1996, the California High Speed Rail Authority (CHSRA) is charged with planning, designing, constructing, and operating a state-of-the-art high speed train system. The High Speed Rail system as a whole would serve San Diego to Sacramento, including other major cities in-between. A branch of the system would separate and run from the Central Valley to the San Francisco Bay Area. The system is planned to access San Jose as well as San Francisco along the Peninsula within the Caltrain right-of-way, with other local stops.

In Menlo Park, the High Speed Rail Project is anticipated to expand the Caltrain mainline to four sets of tracks. Trains could run in this segment at estimated speeds of up to 125 miles per hour. The project would electrify the line (if Caltrain has not done that already) and grade-separate all crossings. The trains would be express through Menlo Park, with the nearest station stop being in Mountain View, Palo Alto or Redwood City. Only one of these three cities would ultimately be selected or potentially none. Mountain View and Palo Alto have already taken a position that they do not want a high speed rail station.

The CHSRA circulated a Draft Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) on the proposed Central Valley to Bay Area segment of the California High Speed Rail Project in 2007. The EIR/EIS analyzed many different routes from the Central Valley to the Bay Area, including the Pacheco Pass near Highway 152 and the Altamont Pass near I-580 in the East Bay.

The City provided comments on the original Draft EIR in 2007. Based on concerns related to the Program EIR, the City entered into a lawsuit with other entities, including the Town of Atherton, to challenge the adequacy of the EIR. The verdict for the lawsuit was in favor of the plaintiffs and required the CHSRA to decertify and modify several aspects of the EIR. The required modifications are mainly related to an inadequate description and analysis of the segment of the rail between Gilroy and San Jose.

Procedurally, the EIR/EIS fulfills both the National Environmental Protection Act (NEPA) and California Environmental Quality Act (CEQA) requirements. A Program EIR/EIS is

one that considers broad-scale impacts of a very large project. In this case, the Program EIR/EIS looks at the implications of corridor/alignment selection, general station locations, generalized system-wide impacts, and the relative consequences of the project compared to other scenarios dealing with long-range inter-urban travel in the State over the short-range to 50-year future.

The Partially Revised Draft Program EIR is being circulated for public and agency comment to address the areas identified in the court rulings as requiring additional analysis. Context for this document is contained in the 2008 Bay Area to Central Valley High Speed Train (HST) Final Program EIR/EIS and the 2010 Bay Area to Central Valley HST Revised Final Program EIR. These documents can be obtained from the CHSRA website at [http://www.cahighspeedrail.ca.gov/ba\\_cv\\_program\\_eir.aspx](http://www.cahighspeedrail.ca.gov/ba_cv_program_eir.aspx).

The CHSRA had previously decertified the Program Level EIR for the Central Valley to Bay Area segment and recently issued a Partially Revised Draft EIR on January 6, 2012. Comments on the Revised EIR are required to be submitted to the CHSRA no later than February 21, 2012. The CHSRA has requested that comments should be limited to the new material included in the revised EIR.

A project level Environmental Impact Report (EIR) is currently on hold along the Peninsula and would provide more detailed analyses for the segments and station locations of the proposed high speed rail system. The CHSRA recently announced that the project EIR would be delayed to a date uncertain to focus efforts on completing the environmental documents for rail segments in the Central Valley that were selected for funding by the Federal government.

As part of the Project Level EIR process the CHSRA prepared a Preliminary Alternatives Analysis (AA). The Preliminary AA report provided conceptual information related to track alignments. The CHSRA has revised the Preliminary AA report and issued a Supplemental AA report. The Supplemental AA report essentially narrowed the number of alternatives under consideration in the pending Project EIR for the Peninsula. In Menlo Park, the remaining alternatives consist of either an elevated system or a trench with some variations where the tracks cross San Francisquito Creek.

Menlo Park formally commented on the Supplemental AA in September 2010 and urged the CHSRA to consider additional alternatives such as tunnels or fewer sets of tracks. The CHSRA has indicated that it will evaluate a phased implementation utilizing the existing Caltrain right-of-way.

Menlo Park formally commented on the Revised Draft Central Valley to Bay Area High Speed Rail Program EIR/EIS in April, 2010 (Attachment A) and listed concerns relating to compliance with CEQA requirements, ridership estimates, financial analysis and business plan, route alternatives, vertical alignment, noise and vibration mitigation, electrification, freight, and funding concerns.

As stated in the introduction section of the Partially Revised Draft Program EIR, This Partially Revised Draft Program EIR is being circulated to address specific topics identified by the Sacramento Superior Court as part of two California Environmental Quality Act (CEQA) challenges. The original case, *Atherton 1* (Sacramento Superior Court No. 34-2008-800022), challenged the CHSRA's

July 2008 certification of the Bay Area to Central Valley HST Final Program EIR (2008 Final Program EIR) for compliance with CEQA and its selection of the Pacheco Pass Network Alternative for further analysis in second-tier EIRs. This case resulted in a final judgment in November 2009, requiring the CHSRA to undertake additional analysis in specified areas. In response to the *Atherton 1* final judgment, the CHSRA prepared a Revised Draft Program EIR, circulated it for public comment, and issued a Revised Final Program EIR in August 2010. In September 2010, the CHSRA made a new decision to certify the Revised Final Program EIR for compliance with CEQA. The CHSRA also made a new decision to approve the Pacheco Pass Network Alternative, as well as approved CEQA findings, a mitigation plan, and a statement of overriding considerations.

In October 2010, the petitioners in the *Atherton 1* case challenged the adequacy of the CHSRA's actions under CEQA and the *Atherton 1* final judgment. An additional lawsuit was filed on the same day, called *Atherton 2* (Sacramento Superior Court No. 34-2010-8000679), also challenging the CHSRA's action as not complying with CEQA. The court considered the two cases together and on November 10, 2011, issued a ruling in each case. In the rulings, the Court held as follows:

- Recirculation is required to address noise, vibration, and construction impacts of shifting Monterey Highway.
- Recirculation is required to address traffic impacts on surrounding local roads due to narrowing Monterey Highway.
- Recirculation is required to address the impacts of potentially moving freight tracks closer to adjacent land uses along the San Francisco Peninsula.
- Recirculation is required to address impacts of reduced access to surface streets from potential lane closure along the San Francisco Peninsula. In addition, the Court concluded that the CHSRA's CEQA finding on traffic impacts associated with narrowing Monterey Highway were not supported by substantial evidence.

The remainder of the 2010 Revised Final Program EIR either was not challenged in litigation and is presumed adequate, or was challenged in litigation and determined by the Court to comply with CEQA. The complete text of the 2009 ruling in *Atherton 1*, and the 2011 rulings in *Atherton 1* and *Atherton 2*, can be reviewed on the CHSRA's website at [http://www.cahighspeedrail.ca.gov/ba\\_cv\\_program\\_eir.aspx](http://www.cahighspeedrail.ca.gov/ba_cv_program_eir.aspx).  
[http://www.cahighspeedrail.ca.gov/ba\\_cv\\_program\\_eir.aspx](http://www.cahighspeedrail.ca.gov/ba_cv_program_eir.aspx).”

## ANALYSIS

The CHSRA has requested comments on the Partially Revised Draft EIR be limited to focus on the new material. The new material is specifically related to the segment of the project between Gilroy and San Jose as well as additional analysis along portions of the Peninsula. The revised material in the Partially Revised Draft EIR will likely have a direct effect within Menlo Park relating to traffic impacts due to the closure of one lane along Alma Street between Oak Grove Avenue and Ravenswood Avenue. CEQA is unclear as to whether the entire EIR is available for comment due to the decertification or whether only the new material would require a response from the CHSRA.

The Partially Revised Draft Program EIR for the Bay Area to Central Valley segment analyzes traffic impacts resulting from lane closures on adjacent parallel streets in some locations along the San Francisco Peninsula where the current Caltrain right-of-way would be expanded to accommodate the high-speed train project. Based on the traffic analysis in the report, there would be a significant and unavoidable impact due to the closure of one lane along Alma Street, between Oak Grove Avenue and Ravenswood Avenue. The report has identified that “Diverted traffic from Alma Street would likely use El Camino Real and intersection impacts could occur if the shift in traffic caused intersections along El Camino Real to operate at conditions approaching or exceeding capacity.”

Laurel Street is also likely to be impacted as a diverter route for traffic approaching/departing Alma from the east. This is not noted in the EIR. It is likely that diverted traffic would impact other perpendicular and parallel arterials and collectors to Alma, such as Laurel, Oak Grove, Ravenswood, and Middlefield Road. One mitigation measure proposed in the report is converting Alma into a one-way roadway, which would seriously impact the traffic patterns on El Camino as well as Laurel, Oak Grove, Ravenswood, and Middlefield.

It also appears that the previous comments submitted in the April, 2010 letter (Attachment B) were not addressed in the Partially Revised Draft Program EIR.

Staff has provided a draft letter that comments on the entire EIR included as Attachment A. The draft letter retains many of the items included in the City’s letter on the first draft EIR for the High Speed Rail Central Valley to Bay Area segment (See Attachment B) plus other issues that have emerged since 2010. The draft letter was not limited to the new materials in the EIR. The City Council needs to consider whether or not to comment on the entire EIR instead of the more narrow response requested by the CHSRA, due to the additional concerns that have been determined.

The following items are still areas of concern and should be addressed by the CHSRA. These issues include, but are not limited to the following:

- Consideration of additional alternatives that would integrate High Speed Rail (HSR) service with Caltrain in San Jose;
- Construction of HST underground;
- Additional analysis of grade separation and its impacts on the City;
- Noise and vibration impacts;
- Concern related to the impacts of additional freight traffic due to the enhanced rail corridor;
- Concern related to the funding of the system with the current economic issues without additional funding sources identified;
- Further evaluation of the impacts to properties within a larger distance from the HST system;
- Request for analysis related to the number of tracks required along the Peninsula and the potential impacts on Caltrain’s level of service if HST and Caltrain cannot share tracks; and

- Other potentially significant impacts on aesthetics, noise, trees, and safety.

Because the Program EIR/EIS is so general, it does not address these issues in enough detail to make the appropriate decisions. Menlo Park's comment letters state for the record that these are issues of significant public interest and that these matters require further careful design consideration, extensive public involvement, and in-depth evaluation in a Project Level EIR/EIS.

The final comment letter from City of Menlo Park's Mayor will be sent to the CHSRA as a comment letter on the EIR/EIS.

The CHSRA has not set a date to respond to comments on the draft EIR or approve the final EIR.

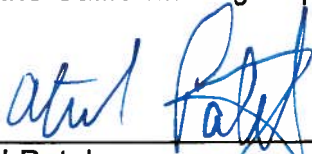
### **IMPACT ON CITY RESOURCES**


The High Speed Rail Project involves no direct commitments of City resources. The project has, however, three major implications for City resources:

- 1) The City could get grade separations of all four of its roadway crossings without any City financial contribution of local funds or its discretionary share of County transportation sales tax (Measure A) funds.
- 2) As currently planned, construction would be partially funded by bonds paid off by direct draw-downs on the State general fund. Since cities, counties, schools, and many special districts, as well as many aspects of State government, compete for State funding when resources are limited, this funding mechanism could place the High Speed Rail Project in competition for a share of the funding that Menlo Park receives.
- 3) Although design and construction of the added tracks and grade separations through Menlo Park would be the High Speed Rail project's costs, Menlo Park would incur staff costs in coordinating the planning, design, and construction activities of the project.

### **POLICY ISSUES**

Comments contained in the draft letter are consistent with prior actions taken by the City on the California High Speed Rail Project.

  
\_\_\_\_\_  
Atul Patel  
Senior Transportation Engineer

  
\_\_\_\_\_  
Charles Taylor, P.E.  
Public Works Director

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

**ATTACHMENTS:** A. Draft letter to the California High Speed Rail Authority  
B. April 22, 2010 letter to the California High Speed Rail Authority

KIRSTEN KEITH  
MAYOR

PETER OHTAKI  
MAYOR PRO TEM

ANDREW COHEN  
COUNCIL MEMBER

RICHARD CLINE  
COUNCIL MEMBER

KELLY FERGUSSON  
COUNCIL MEMBER



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February 14, 2012

California High Speed Rail Authority  
Attn: California High Speed Train  
Central Valley to Bay Area High Speed Rail Program EIR/EIS  
925 L Street, Suite 1425  
Sacramento, CA 95814

**Subject: City of Menlo Park Comments on the Revised Draft Central Valley to Bay Area High Speed Rail Program EIR/EIS**

Members of the Authority:

The City of Menlo Park has continued concerns that the revised EIR doesn't have sufficient information to fully evaluate and reach a conclusion regarding the optimal route into the Bay Area. The Authority should continue to make all efforts to analyze alternate routes and/or methods in order to avoid significant adverse impacts to the Peninsula area from the alignment of the High Speed Train (HST).

The Authority has indicated in the notice for comments on the EIR that responses are only required for those portions of the DEIR/EIS that it has modified since the prior circulation period. The City disagrees that this requirement fits within CEQA. Rather, the standard is that set in *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112. Under that standard, public comment must be allowed if there is new information or changed circumstances that have arisen since the EIR was last circulated, and that information/circumstances indicates that the project will have new or substantially increased impacts, or "if the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." There have been several circumstances that justify comments beyond the changes the Authority has explicitly made in the EIR. These include, but are not limited to, new ridership information, updated Business Plan, and the potential issues related to the Union Pacific railroad and their rights to use the tracks.

The City of Menlo Park would continue to be directly affected by the project and several of the alternatives, whether through the Caltrain mainline or the Dumbarton Rail Corridor. Menlo Park has previously expressed its concerns related to the project and new rail activity on either of the two rail lines.

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The City's letter on the 2010 draft EIR for this segment is included as an attachment to this letter and should be considered by the Authority as part of the City's official comments on the current draft program EIR. In addition to the City's previous letter the City reiterates here that the following new and unresolved issues that need to be addressed when determining the most appropriate route:

1. Traffic Analysis - The partially revised draft Program EIR for the Bay Area to Central Valley segment analyzes traffic impacts resulting from lane closures on adjacent parallel streets in some locations along the San Francisco Peninsula where the current Caltrain right of way would be expanded to accommodate the high speed train project. Based on the traffic analysis in the report, there would be a significant and unavoidable impact due to the closure of one lane along Alma Street, between Oak Grove Avenue and Ravenswood Avenue. The report has identified that "Diverted traffic from Alma Street would likely use El Camino Real and intersection impacts could occur if the shift in traffic caused intersections along El Camino Real to operate at conditions approaching or exceeding capacity."

Laurel Street is also likely to be impacted as a diverter route for traffic approaching/departing Alma from the east. This is not noted in the EIR. It is likely that diverted traffic would divert to other perpendicular and parallel arterials and collectors to Alma, such as Laurel, Oak Grove, Ravenswood, and Middlefield Road. One mitigation measure proposed in the report is converting Alma into a one-way roadway, which would seriously impact the traffic patterns on El Camino as well as Laurel, Oak Grove, Ravenswood, and Middlefield.

2. Ridership Estimates – The Authority should require that the Program level studies use a new demand model that is developed by an independent group managed by the Legislative Analyst's Office (LAO) or the Independent Peer Review Group before moving forward with the project.

The report issued November 18, 2010 by Will Kempton, Chairman of the California High-Speed Rail Peer Review Group, stated: **"The issues identified by the Institute for Transportation Studies at the University of California at Berkeley, the Legislative Analyst's Office and the State Auditor's office have raised sufficient concerns with the demand model so as to call into question the project's fundamental basis for going forward. The group recommends that the Authority work with UC Berkeley, the Legislative Analyst's Office and the State Auditor to complete an analysis of any issues regarding the demand models so that a mutually agreed estimate can be reached along with ranges of uncertainty."**

Two members of the five person ridership review panel, Frank Koppelman and Billy Charlton were part of previous review team in July 2006 on the existing Cambridge model therefore they cannot be considered unbiased since any substantial criticism would reflect poorly on themselves.

We recommend a new demand model be developed by an independent group managed by the LAO or the Independent Peer Review Group before moving forward with the project.

Ridership is the foundation for rail infrastructure planning which drives key decisions and system costs. It is critically important for determining the appropriate route for the system and the overall revenue associated with the system. What is the revenue potential for the system if a more accepted ridership model is used? This question should be examined within the context of reliable ridership projections. Unfortunately, the planning, engineering, and environmental studies that are currently in progress for the San Francisco to San Jose segment continue to be based on the faulty ridership study conclusions.

Menlo Park fully supports the recommendations of the Independent Peer Review Group. However, there is no evidence to date that the Authority intends to follow their recommendations to update the ridership demand model.

3. Private funding until after the first segment – The initial construction section has secured \$5.2 Billion in federal and state funding for construction of this segment. However, the remaining portion of the initial operating segment north (\$19.4-26.4 Billion) or south (\$21.4-25.8 Billion) of this construction section would still require state and federal funding, both of which do not have secured funding sources. The Business Plan assumes capital investment after the first initial operating system is in place and generating revenue. Given that the federal government has eliminated future funding in high speed rail, and the state government has not secured future funding for the system either, the likelihood that the remaining segment north or south of the initial constructed section can be built small without private funding.
4. Disconnect with Congresswoman Eshoo/State Senator Simitian/State Assemblyman Gordon Plan– The business plan depicts on Exhibit ES-1-Capital Costs for phased sections, a Phase 1 Blended section and a Full Phase 1 section from San Francisco to Los Angeles/Anaheim. This is in conflict with Congresswoman Eshoo/State Assemblyman Gordon/ State Senator Simitian’s Plan. The statement from Congresswoman Eshoo/State Senator Simitian/State Assemblyman Gordon Plan called for a “blended” section on the current Caltrain right of way, without expansion to a 4-track system in the future. This full phased system should be removed from the Business Plan, especially while lacking ridership data that would support a four track system. The “blended” approach meets the goals of the High Speed Rail system, while minimizing the impacts to Menlo Park’s downtown area and to the overall character of the downtown.
5. Route Alternatives – The Authority should analyze a broad spectrum of alternatives for connectivity from San Jose to San Francisco to fully understand the impacts. One specific alternative should be the continued analysis of terminating the HST project in either San Jose or Union City and connecting to an expanded, local transit network with time-coordinated connections. This analysis should include the possibility of sending some HSTs all the way to San Francisco on shared tracks with Caltrain, so that HST passengers would not have to change trains in San Jose or Union City. These trains sets could run at speeds similar to the current trains run by Caltrain. The analysis should also include potential upgrades to the Caltrain line such as additional grade separations, track improvements (including widening to three and four tracks at strategic locations), station improvements, electrification, positive train control, etc. These types



of alternatives would significantly reduce the impacts to the Peninsula and reduce project costs by avoiding duplication of train services, while still providing a way to serve High Speed Rail and meeting Proposition 1A's requirement to build a High Speed Rail line between San Francisco and Los Angeles. Congresswoman Eshoo/State Senator Simitian/State Assemblyman Gordon Plan for a "blended" section on the current Caltrain right-of-way achieves the goals of the High Speed Rail system, while minimizing construction costs and reducing the impacts along the Peninsula.

6. Vertical Alignment –Additional alternatives for construction of the High Speed Rail system underground through the peninsula should be carefully studied and included in the document. This alternative would significantly reduce and/or eliminate many of the impacts associated with the system. The underground option could also be constructed in specific areas of greatest impact such as Menlo Park with narrow right-of-way and impacts to the overall character of the downtown. This alternative would also meet the goals of the High Speed Rail system by providing connectivity to San Francisco in a timely manner. The option of undergrounding both Caltrain and HST should be analyzed. The analysis should consider the positive environmental impacts of having all tracks underground, including effects on noise, vibration, aesthetics, property values, etc. With respect to financial feasibility, the air rights above a completely underground system could be sold to help offset the cost of the system with this alternative. Such uses could include linear parks, pedestrian and bicycle paths, bus rapid transit corridors, multi-unit housing, commercial development, etc. The EIR is lacking because it did not consider alternatives for vertical alignments. The EIR only included a slightly elevated track alignment. This lack of analysis does not provide a good understanding of the various alternatives that could be implemented to minimize the impacts created by the HST. A trench or tunnel alternative would lessen the impacts in the City, similar to the undergrounding alternative described above, but has not been evaluated.

The Supplemental AA removes alternatives from further analysis without providing sufficient detail for their removal from consideration. The City of Menlo Park is deeply concerned with the elimination of the tunneling options. These options clearly reduce impacts on the community and potentially reduce the amount of right-of-way required by HST. The Supplemental AA does not provide any details of the properties affected by each option or how another option may reduce that impact. The Supplemental AA is also silent on how each option will be constructed and whether shoofly tracks would be necessary. The temporary construction impacts can have wide reaching implications. A tunneling option would significantly reduce the impacts to properties or eliminate them entirely. These options should be added back to the Alternatives Analysis and be included in the Project Environmental Impact Report for a full analysis.

7. Grade Separation – The different potential routes from the Central Valley to the Bay Area would result in different locations for grade separations, which would likely have different levels of impact. The Program EIR/EIS provided little information regarding grade separations within Menlo Park. More thorough analysis of the potential impacts at each roadway crossing should have been included. Grade separations on the Caltrain mainline will create impacts because of the constrained nature of the development in Menlo Park as well as the presence of a historical structure. One likely alternative for

grade separation would include raising the tracks. This particular alternative has another unique issue of creating a “wall effect” within the community and dividing the City.

8. Historic Structure – The City of Menlo Park Caltrain station has been listed on the National Register of Historic Places since 1974. The impacts to the existing train station has not been analyzed in the EIR or fully discussed. The EIR should clearly analyze the impacts to this structure along with any other historic structure that may be impacted by the HST system.
9. Electrification –The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulations, is a matter of significant concern. Also, the electrification system should be compatible with the proposed Caltrain electrification such that two systems do not need to be constructed and maintained. The EIR needs to analyze the impacts associated with electrification of the system for all vertical and horizontal alignments including visual, tree impacts, etc. If the system becomes completely electrified, the EIR should consider the relative impacts of diesel VS. hybrid VS. all electric engines for freight trains running on the corridor.
10. Noise and vibration mitigation – The revised EIR does not include any additional vibration analysis as requested in the Court’s verdict. The impacts of vibration cannot be clearly understood without the required information. The additional noise and vibration caused by the HST needs to be clearly stated and addressed. Any noise and/or vibration impacts need to be mitigated as part of the project. Such measures should be included as integral components of the project. These measures should not create other impacts such as construction of a sound wall that might divide the City and adversely affect the residential character of the community.
11. Freight – Menlo Park is concerned about freight traffic using either the Caltrain mainline or the Dumbarton Rail line and its impact on residents and traffic in the area. Since the rail lines will be grade separated, which allows for faster trains times and reduced vehicular and pedestrian conflicts, the lines would be more easily suited for freight traffic. This may lead to increased freight traffic on rail lines that currently have minimal freight traffic. The potential increase in freight is not only related to Caltrain’s discussions with freight, but a function of the HST project due to amenities proposed as part of the HST project. A new San Francisco Bay crossing along the Dumbarton alignment may open this corridor up to freight traffic, which could substantially increase noise and vibration impacts to adjacent residential neighborhoods in Menlo Park. These potential impacts should have been studied so that mitigation measures could be developed.
12. Funding – The project intends to use State General Obligation bonds to fund the project. This funding method would create a long-term financial obligation that could impact existing State programs. The current information related to cost/benefit and fiscal impact analysis needs to be revised to provide a very accurate picture of the project. The current Business Plan for the project outlines several funding sources including federal grants and private investment. The federal funds have not been secured and a funding source for the private investment has not been identified. The private

investment indicates that a guaranteed ridership would need to be included. This is contradictory to the Proposition 1A language that does not allow a public subsidy of the operation for the project.

The construction costs have escalated from the initial estimate of \$30 billion to almost \$100 billion. The Authority has planned to partially fund segments of the HST system, while not funding the entire system. This funding arrangement does not fit within the requirement of Proposition 1A. A full funding plan with identified dedicated funding needs to be included in the EIR.

13. Property Impacts – The EIR only analyzes the impacts to properties within 50 feet of the HST corridor. The impact due to the HST system such as noise, vibration, and aesthetics will have a much wider reach and affect on properties further from the system. The EIR should clearly analyze the impacts to properties much further from the HST system. A minimum distance of 500’ should be used in the analysis. But, the specific distance should be based on the increased impacts and how far they may reach and could vary based on terrain and the specifics of the area.
14. Caltrain Service Levels – The EIR assumes two tracks for the HST that would be shared with Caltrain express service and two tracks for Caltrain local service and freight. A recent study on another section of the HST project indicated that the HST tracks could not be shared by another train service. If this is ultimately determined to be true for the Peninsula corridor, Caltrain service would be directly affected and its level of service would be diminished. The current number of tracks for the Peninsula has not been clearly analyzed including the level of service for Caltrain. A study that clearly identifies the required number of tracks for each system and whether the HST system can share tracks with Caltrain, given safety consideration and other factors, needs to be included in the report.

The CAHSRA is considering a Phase 1 “blended” section along the Peninsula. The “blended” system approach would provide shared use of the Caltrain tracks with the HST system. However, Caltrain’s blended system recommendations are missing in the business plan. The business plan does not include any of the recommendations from the capacity analysis study that Caltrain’s staff conducted for operating the high speed rail’s trains and Caltrain’s trains on the same tracks and they must be included.

15. Construction Impacts – The construction of the project would create many impacts within the City of Menlo Park. The construction of a shoofly tracks, traffic diversion, construction noise, etc. should all be analyzed and included in the EIR. The construction impacts and duration should be considered as part of the selection of the alternatives, since the construction will be of much longer duration than typical construction projects. These are not temporary impacts, but impacts that will affect residents and business for an extended period. The impact of the shoofly tracks on adjacent properties needs to be clearly analyzed and stated in the document including any mitigation measures. The shoofly tracks will likely affect traffic patterns, create additional noise for many residents and require acquisition of property. The affect of the construction on businesses needs to be clearly analyzed, both physical and financial. Many businesses cannot remain

closed for extended periods and be viable. The affect on the businesses could create an economic impact on the City that needs to be clearly addressed in the EIR.

16. Eminent Domain – The project will require additional right-of-way for the various construction options as described in the more recent Alternatives Analysis. The Alternatives Analysis clearly indicates that the right-of-way requirements in Menlo Park for most of the alternatives that would reduce impacts will be greater than the available right-of-way. The acquisition of additional right-of-way by the Authority would likely require eminent domain in many cases. A clear analysis of the properties that will be affected by the need for additional right-of-way needs to be included in the EIR. Also, the EIR needs to include mitigation measures to eliminate the need for additional right-of-way or ways to preserve the full use of the properties and eliminating other environment impacts. These impacts are essential at the Program Level EIR stage to make an informed decision on the appropriate route for the system.
17. Union Pacific Trackage Rights – The Union Pacific Railroad currently has the contractual rights to intercity rail along the Caltrain corridor. An agreement with Union Pacific has not been reached for High Speed Rail to utilize the tracks for intercity rail. This information should be clearly analyzed and considered in the EIR for a determination on the route choice for this segment of HST.
18. Grade Separation Costs – The EIR is unclear as to how the costs for the grade separations along the system were estimated. The cost estimates should not only include crossings that are being converted from at-grade to grade separated (new grade separations), but also modifications to current grade separations and what costs and modifications are required. The total financial picture for the HST project is essential in effectively evaluating routing alternatives in the EIR.
19. Existing Crossings – The current pedestrian, bicycle and vehicular crossing of the current Caltrain tracks are essential for the movement of people and goods. The Authority needs to commit to maintaining all of the current crossings completely open with no closures. At a minimum, the crossings need to continue to operate with the same level and types of traffic as they do today. Beyond the current crossings, the Authority should resolve to increase connectivity across the railroad tracks with better crossings, and more pedestrian and bicycle crossings.
20. Other Environmental Impacts – The HST project will require the removal of trees, affect view corridors and grade separation will significantly impact local traffic circulation. The HST would also change the quiet residential neighborhood character of Menlo Park by introducing a train system that would not fit within the community. These issues need to be clearly understood prior to making a final decision on the best alignment for the project. The current program level EIR/EIS is not sufficiently detailed to allow those affected to understand the potential impacts before a final route is selected.

Finally, the City of Menlo Park would reiterate the concerns raised above and the fact that further information is necessary in order to make an informed decision on the appropriate route for HST to the Bay Area. While we understand that the nature of a “program” environmental document on a statewide project is inherently general, we wish

to bring to your attention specific concerns of the City of Menlo Park that are still not adequately addressed in the revised Draft EIR. The Authority has made it clear that it is unwilling to consider alternative routes in its project level EIR for the Peninsula Segment. Therefore, it is incumbent on the Authority to complete a more comprehensive analysis of the impacts with the Program EIR.

The City continues to be perplexed by the lack of cooperation by the HSR Authority to address these items. The City expects to have these items addressed as part of the revised Final High Speed Rail Program EIR/EIS. The City will continue to participating in the EIR/EIS process to review any impacts and proposed mitigation measures within Menlo Park.

Sincerely,

Kirsten Keith  
Mayor

Attachment: City of Menlo Park comment letter on the Central Valley to Bay Area High Speed Rail Program EIR/EIS dated April 22, 2010

Cc: Members of the City Council  
City Attorney  
Public Works Director  
Dan Richard, High Speed Rail Authority Board Chairperson  
Lynn Schenk, High Speed Rail Authority Board  
Thomas Richards High Speed Rail Authority Board  
Russ Burns High Speed Rail Authority Board  
Robert Balgenorth High Speed Rail Authority Board  
Jim Hartnett High Speed Rail Authority Board  
Michael Rossi High Speed Rail Authority Board  
Assistant City Manager  
Congresswoman Anna Eshoo  
Assemblymember Rich Gordon  
State Senator Joe Simitian

RICHARD CLINE  
MAYOR

JOHN BOYLE  
VICE MAYOR

ANDREW COHEN  
COUNCIL MEMBER

HEYWARD ROBINSON  
COUNCIL MEMBER

KELLY FERGUSSON  
COUNCIL MEMBER



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

April 22, 2010

California High Speed Rail Authority  
Attn: California High Speed Train  
Central Valley to Bay Area High Speed Rail Program EIR/EIS  
925 L Street, Suite 1425  
Sacramento, CA 95814

Subject: City of Menlo Park Comments on the Revised Draft Central  
Valley to Bay Area High Speed Rail Program EIR/EIS

Members of the Authority:

The City of Menlo Park has continued concerns that the revised EIR doesn't have sufficient information to fully evaluate and reach a conclusion regarding the optimal route into the Bay Area. The Authority should continue to make all efforts to analyze alternate routes and/or methods in order to avoid significant adverse impacts to the Peninsula area from the alignment of the High Speed Train (HST).

The Authority has indicated in the notice for comments on the EIR that responses are only required for those portions of the DEIR/EIS that it has modified since the prior circulation period. The City disagrees that this requirement fits within CEQA. Rather, the standard is that set in *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112. Under that standard, public comment must be allowed if there is new information or changed circumstances that have arisen since the EIR was last circulated, and that information/circumstances indicates that the project will have new or substantially increased impacts, or "if the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." There have been several circumstances that justify comments beyond the changes the Authority has explicitly made in the EIR. These include, but are not limited to, new ridership information, updated Business Plan, and the potential issues related to the Union Pacific railroad and their rights to use the tracks.

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FAX 650.328.7935

**City Council**  
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FAX 650.328.7935

**City Manager's Office**  
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**Community Services**  
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**Planning**  
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**Police**  
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FAX 650.327.4314

**Transportation**  
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FAX 650.327.5497

The City of Menlo Park would continue to be directly affected by the project and several of the alternatives, whether through the Caltrain mainline or the Dumbarton Rail Corridor. Menlo Park has previously expressed its concerns related to the project and new rail activity on either of the two rail lines. The City's letter on the 2007 draft EIR for this segment is included as an attachment to this letter and should be considered by the Authority as part of the City's official comments on the current draft program EIR. In addition to the City's previous letter the City reiterates here that the following new and unresolved issues that need to be addressed when determining the most appropriate route:

1. **Ridership Estimates** – The Authority should ensure that the Program level studies use accurate, publicly available, peer reviewed models, coefficients, datasets, etc. in all ridership simulations and analyses. The effect of recent questionable coefficients within the business plan related to the ridership model should be clearly explained. Menlo Park asserts that the data used to drive the route and preferred alternate decisions was based upon older ridership data which may or may not have altered the outcome and thereby influenced one route over another. The EIR should explain in clear detail the data used to determine the routes and alternatives and how the recent ridership numbers impact the routes analyzed in the EIR.
2. **Financial analysis and Business Plan** - The Authority should ensure that the Program level studies use accurate, publicly-available, peer-reviewed models, coefficients, datasets, etc. in its Business Plan and financial analyses.
3. **Route Alternatives** – The Authority should analyze a broad spectrum of alternatives for connectivity from San Jose to San Francisco to fully understand the impacts. One specific alternative should be the continued analysis of terminating the HST project in either San Jose or Union City and connecting to an expanded, local transit network with time-coordinated connections. This analysis should include the possibility of sending some HSTs all the way to San Francisco on shared tracks with Caltrain, so that HST passengers would not have to change trains in San Jose or Union City. These train sets could run at speeds similar to the current Caltrain trains. The analysis should also include potential upgrades to the Caltrain line such as additional grade separations, track improvements (including widening to three and four tracks at strategic locations), station improvements, electrification, positive train control, etc. These types of alternatives would significantly reduce the impacts to the Peninsula and reduce project costs by avoiding duplication of

train services, while still providing a way to serve High Speed Rail and meeting the Proposition 1A's requirement to build a High Speed Rail line between San Francisco and Los Angeles.

4. **Vertical Alignment** –Additional alternatives for construction of the HST underground through the Peninsula should be carefully studied and included in the document. This alternative would significantly reduce and/or eliminate many of the impacts associated with the system. The underground alternative could also be constructed in specific areas of greatest impact such as Menlo Park with narrow right-of-way and impacts to the overall character of the downtown. This alternative would also meet the goals of the HST by providing connectivity to San Francisco in a timely manner. The option of undergrounding both Caltrain and HST should be analyzed. The analysis should consider the positive environmental impacts of having all tracks underground, including effects on noise, vibration, aesthetics, property values, etc. With respect to financial feasibility, the air rights above a completely underground system could be sold to help offset the cost of the system with this alternative. Such uses could include linear parks, pedestrian and bicycle paths, bus rapid transit corridors, multi-unit housing, commercial development, etc.

The EIR is lacking because it did not consider alternatives for vertical alignments. The EIR only included a slightly elevated track alignment. This lack of analysis does not provide a good understanding of the various alternatives that could be implemented to minimize the impacts created by the HST. A trench or tunnel alternative would lessen the impacts in the City, similar to the undergrounding alternative described in item # 1 above, but has not been evaluated.

5. **Grade Separation** – The different potential routes from the Central Valley to the Bay Area would result in different locations for grade separations, which would likely have different levels of impact. The Program EIR/EIS provided little information regarding grade separations within Menlo Park and along the Peninsula. The EIR must analyze the need for new grade separations as it does, but also analyze the potential reconstruction or modification of current grade separations in Menlo Park and along the entire Peninsula that may not be suitable for HST. More thorough analysis of the potential impacts at each roadway crossing should have been included. Grade separations on the Caltrain mainline will create impacts because of the constrained nature of the development in Menlo Park as well as the presence of a historical structure. One likely alternative for grade separation would include raising the tracks.



This particular alternative has another unique issue of creating a “wall effect” within the community and dividing the City.

Grade separations are not identified in the EIR. The EIR should indicate which crossings are expected to be separated, and define whether each intersection is to be separated by underpasses or overpasses (presumably the vehicular and pedestrian traffic and not HST). Grade separations cause substantially more construction, surface disturbance, noise, air quality, aesthetics, and transportation conflicts. An elevated railway would be a significant change from the existing landscape, and could have significant impacts on neighboring communities. Project construction could have significant impacts, such as disruption of existing rail service and disruption of local business; these issues are not addressed in the EIR. These impacts must be analyzed for the CEQA document to be adequate.

6. **Historic Structure** – The City of Menlo Park Caltrain station has been listed on the National Register of Historic Places since 1974. The impacts to the existing train station has not been analyzed in the EIR or fully discussed. The EIR should clearly analyze the impacts to this structure along with any other historic structure that may be impacted by the HST system.
7. **Electrification** –The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulations, is a matter of significant concern. Also, the electrification system should be compatible with the proposed Caltrain electrification such that two systems do not need to be constructed and maintained. The EIR needs to analyze the impacts associated with electrification of the system for all vertical and horizontal alignments including visual, tree impacts, etc. If the system becomes completely electrified, the EIR should consider the relative impacts of diesel VS. hybrid VS. all electric engines for freight trains running on the corridor.
8. **Noise and vibration mitigation** – The revised EIR does not include any additional vibration analysis as requested in the Court’s verdict. The impacts of vibration cannot be clearly understood without the required information. The additional noise and vibration caused by the HST needs to be clearly stated and addressed. Any noise and/or vibration impacts need to be mitigated as part of the project. Such measures should be included as integral components of the project. These measures should not create other impacts such as construction of a sound wall that might divide the City and adversely affect the residential character of the community.

9. Freight – Menlo Park is concerned about freight traffic using either the Caltrain mainline or the Dumbarton Rail line and its impact on residents and traffic in the area. Since the rail lines will be grade separated, which allows for faster train times and reduced vehicular and pedestrian conflicts, the lines would be more easily suited for freight traffic. This may lead to increased freight traffic on rail lines that currently have minimal freight traffic. The potential increase in freight is not only related to Caltrain's discussions with freight, but a function of the HST project due to amenities proposed as part of the HST project. A new San Francisco Bay crossing along the Dumbarton alignment may open this corridor up to freight traffic, which could substantially increase noise and vibration impacts to adjacent residential neighborhoods in Menlo Park. These potential impacts should have been studied so that mitigation measures could be developed.

10. Funding – The project intends to use State General Obligation bonds to fund the project. This funding method would create a long-term financial obligation that could impact existing State programs. The current information related to cost/benefit and fiscal impact analysis needs to be revised to provide a very accurate picture of the project. The current Business Plan for the project outlines several funding sources including federal grants and private investment. The federal funds have not been secured and a funding source for the private investment has not been identified. The private investment indicates that a guaranteed ridership would need to be included. This is contradictory to the Proposition 1A language that does not allow a public subsidy of the operation for the project. The Program EIR indicated that an annual ridership number of 88 million passengers was included for cost/benefit purposes. The current Business Plan indicates that the initial phase of the HST system would include 41 million passengers. Both of these estimates appear to be for the Bay Area segment. The apparent reduction in ridership indicated in the Business Plan should be utilized for the Program Level EIR to better understand the funding requirements of the project. The Authority has planned to partially fund segments of the HST system, while not funding the entire system. This funding arrangement does not fit within the requirement of Proposition 1A. A full funding plan with identified dedicated funding needs to be included in the EIR.

11. Property Impacts – The EIR only analyzes the impacts to properties within 50 feet of the HST corridor. The impact due to the HST system such as noise, vibration, and aesthetics will

have a much wider reach and affect on properties further from the system. The EIR should clearly analyze the impacts to properties much further from the HST system. A minimum distance of 500' should be used in the analysis. But, the specific distance should be based on the increased impacts and how far they may reach and could vary based on terrain and the specifics of the area.

12. **Caltrain Service Levels** – The EIR assumes two tracks for the HST that would be shared with Caltrain express service and two tracks for Caltrain local service and freight. A recent study on another section of the HST project indicated that the HST tracks could not be shared by another train service. If this is ultimately determined to be true for the Peninsula corridor, Caltrain service would be directly affected and its level of service would be diminished. The current number of tracks for the Peninsula has not been clearly analyzed including the level of service for Caltrain. A study that clearly identifies the required number of tracks for each system and whether the HST system can share tracks with Caltrain, given safety consideration and other factors, needs to be included in the report.
13. **Construction Impacts** – The construction of the project would create many impacts within the City of Menlo Park. The construction of a shoofly tracks, traffic diversion, construction noise, etc. should all be analyzed and included in the EIR. The construction impacts and duration should be considered as part of the selection of the alternatives, since the construction will be of much longer duration than typical construction projects. These are not temporary impacts, but impacts that will affect residents and business for an extended period. The impact of the shoofly tracks on adjacent properties needs to be clearly analyzed and stated in the document including any mitigation measures. The shoofly tracks will likely affect traffic patterns, create additional noise for many residents and require acquisition of property. The affect of the construction on businesses needs to be clearly analyzed, both physical and financial. Many businesses cannot remain closed for extended periods and be viable. The affect on the businesses could create an economic impact on the City that needs to be clearly addressed in the EIR.
14. **Eminent Domain** – The project will require additional right-of-way for the various construction options as described in the more recent Alternatives Analysis. The Alternatives Analysis clearly indicates that the right-of-way requirements in Menlo Park for most of the alternatives that would reduce impacts will be greater than the available right-of-way. The acquisition of additional right-

of-way by the Authority would likely require eminent domain in many cases. A clear analysis of the properties that will be affected by the need for additional right-of-way needs to be included in the EIR. Also, the EIR needs to include mitigation measures to eliminate the need for additional right-of-way or ways to preserve the full use of the properties and eliminating other environment impacts. These impacts are essential at the Program Level EIR stage to make an informed decision on the appropriate route for the system.

15. **Union Pacific Trackage Rights** – The Union Pacific Railroad currently has the contractual rights to intercity rail along the Caltrain corridor. An agreement with Union Pacific has not been reached for High Speed Rail to utilize the tracks for intercity rail. This information should be clearly analyzed and considered in the EIR for a determination on the route choice for this segment of HST.
16. **Grade Separation Costs** – The EIR is unclear as to how the costs for the grade separations along the system were estimated. The cost estimates should not only include crossings that are being converted from at-grade to grade separated (new grade separations), but also modifications to current grade separations and what costs and modifications are required. The total financial picture for the HST project is essential in effectively evaluating routing alternatives in the EIR.
17. **Existing Crossings** – The current pedestrian, bicycle and vehicular crossing of the current Caltrain tracks are essential for the movement of people and goods. The Authority needs to commit to maintaining all of the current crossings completely open with no closures. At a minimum, the crossings need to continue to operate with the same level and types of traffic as they do today. Beyond the current crossings, the Authority should resolve to increase connectivity across the railroad tracks with better crossings, and more pedestrian and bicycle crossings.
18. **Additional Facilities** – The project description is essentially limited to the alignment of the track corridors and possible stations, but does not mention the additional support facilities, other than the maintenance facility, that would be needed. These additional support facilities would include layover facilities, turnouts, bridges, and tunnels, advanced signaling and communications systems, electrification facilities, station automobile parking structures, and the public open spaces needed to support the pedestrian traffic generated by the hub


stations. The EIR is inadequate because they are not identified or analyzed in the document. If the potential environmental impacts of these supporting facilities are not going to be addressed in the EIR, they should be identified, the typical effects explained, and should be addressed in detail in the forthcoming project-level engineering and environmental reviews.

19. Other Environmental Impacts – The HST project will require the removal of trees, affect view corridors and grade separation will significantly impact local traffic circulation. The HST would also change the quiet residential neighborhood character of Menlo Park by introducing a train system that would not fit within the community. These issues need to be clearly understood prior to making a final decision on the best alignment for the project. The current program level EIR/EIS is not sufficiently detailed to allow those affected to understand the potential impacts before a final route is selected.

Finally, the City of Menlo Park would reiterate the concerns raised above and the fact that further information is necessary in order to make an informed decision on the appropriate route for HST to the Bay Area. While we understand that the nature of a “program” environmental document on a statewide project is inherently general, we wish to bring to your attention specific concerns of the City of Menlo Park that are not adequately addressed in the revised Draft EIR. The Authority has made it clear that it is unwilling to consider alternative routes in its project level EIR for the Peninsula Segment. Therefore, it is incumbent on the Authority to complete a more comprehensive analysis of the impacts with the Program EIR.

The City expects to have these items addressed as part of the revised Final High Speed Rail Program EIR/EIS. The City will continue to participating in the EIR/EIS process to review any impacts and proposed mitigation measures within Menlo Park.

Sincerely,



Richard Cline  
Mayor

Attachment: City of Menlo Park comment letter on the Central Valley to Bay Area High Speed Rail Program EIR/EIS dated September 25, 2007

Cc: Members of the City Council  
Curt Pringle, High Speed Rail Authority Board Chairperson

**Tom Umberg, High Speed Rail Authority Board Vice-Chairperson**  
**Quentin Kopp, High Speed Rail Authority Board Member**  
**Fran Florez, High Speed Rail Authority Board Member**  
**David Crane, High Speed Rail Authority Board Member**  
**Rod Diridon, High Speed Rail Authority Board Member**  
**Lynn Schenk, High Speed Rail Authority Board Member**  
**Russ Burns, High Speed Rail Authority Board Member**  
**Richard Katz, High Speed Rail Authority Board Member**  
**City Attorney**  
**Deputy City Manager**



# COMMUNITY SERVICES DEPARTMENT

Council Meeting Date: February 13, 2012

Staff Report #: 12-022

Agenda item #: D-3

**REGULAR BUSINESS:** Consider a Resolution Authorizing an Additional \$650,000 from the BMR Fund for the Habitat for Humanity Neighborhood Revitalization Program

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## RECOMMENDATION

The Housing Commission recommends approval of an additional \$650,000 from the Below Market Rate (BMR) Housing Fund to assist Habitat for Humanity with the purchase of five foreclosed properties at \$130,000 per home purchased.

## BACKGROUND

On May 5, 2009, City Council approved use of \$500,000 from the BMR Housing Fund to assist Habitat for Humanity in the purchase of five foreclosed homes. These homes were to be purchased, rehabilitated with Habitat's volunteer labor force, and resold to buyers from the City's BMR wait list. All five homes have been purchased, expending the entire amount from the first allocation.

When the program was proposed in May 2009, staff suggested that if the program was successful, an additional \$500,000 could be designated from the same fund to purchase an additional five homes. On March 2, 2010, Council authorized an additional \$625,000 for the program to purchase an additional five homes with \$125,000 in City contribution per home. Habitat closed on the fifth home from the second allocation in early February, 2012, bringing the total number of Habitat homes purchased with City funding to 10.

## ANALYSIS

### **Below Market Rate (BMR) Housing Program, Guidelines, and Fund**

The primary purpose of the BMR Housing Program, Guidelines, and Fund is to increase the supply and assist in the development of housing that is affordable to very low-, low-, and moderate-income households. The BMR Housing Program is contained within Chapter 16.96 of the Zoning Ordinance. The BMR Housing Program Guidelines

provide direction on the implementation of the program and use of the BMR Fund. Section 10.3 of the Guidelines lists the following uses of the Fund:

- Provision of below market rate financing for homebuyers;
- Purchase of land or air rights for resale to developers at a reduced cost to facilitate housing development for very low-, low- or moderate-income households;
- Reduction of interest rates for construction loans or permanent financing, or assistance with other costs associated with development or purchase of very low-, low- or moderate-income housing;
- Rehabilitation of uninhabitable structures for very low-, low- or moderate-income housing;
- On-site and off-site improvement costs for production of affordable housing;
- Reduction of purchase price to provide units that are very low-, low- or moderate-cost; and
- Rent subsidies to reduce the cost of rent for households with limited incomes.

In addition to these approved uses listed in the Guidelines, City Council approved additional uses on April 26, 2005, subject to review by the Housing Commission and approval by the Council for specific proposals. They include:

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

The BMR Housing Fund is comprised of commercial development in-lieu fees and had a fund balance of approximately \$10.45 million as of June 30, 2011. A summary of the fund balance as of the end of fiscal year 2010-2011 is included as Attachment B. During the 2010-2011 Fiscal Year, additional contributions to the fund totaled \$165,168, plus interest earnings and loan repayments of \$79,220.

A total of \$4,482,000 in BMR funding is currently committed to the Purchase Assistance Loan (PAL) Program, a first time home buyer loan program that provides down payment assistance to households earning less than 110 percent of the Area Median Income (AMI). Loans are deferred for five years and then carry a three percent interest rate. Participants are eligible for 20 percent of the purchase price of the home or \$75,000, whichever is lower. A two million dollar allocation was designated for the City's Neighborhood Stabilization Program (NSP) on May 5, 2009, along with the original \$500,000 designation for the Habitat program. One million dollars was designated to the Foreclosure Prevention Program (FPP) on October 6, 2009. The current balance of undesignated funds is \$2,339,150.



### Habitat's Successes

Habitat has acquired ten homes through the Neighborhood Revitalization Program (NRP), utilizing the first \$1,125,000 grant through two allocations. The first family occupied their home in November 2009. There are currently four homes under development.

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

Work accomplished at these homes include:

- Removal of a number of non-conforming units;
- Gut and rehab of all kitchens and bathrooms;
- Roofing repairs and replacements;
- New electrical and plumbing to meet updated code requirements;
- New windows, doors, lighting and fixtures throughout homes; and
- New sheetrock, stucco, landscaping and painting to improve overall appearance.

**Homeowner Family Selection Data:** The Habitat NRP program has achieved success with its homeowner outreach and selection:

- The first six Habitat NRP families have verified incomes between 40% - 60% area median income
- On average, 12 applications are received for each available NRP home
- 45 families attended the last orientation session to learn about the program.

**Volunteer Support from the Community:** Volunteer support for the NRP in Menlo Park has been phenomenal. From local residents, to Menlo Park corporate and faith groups, Habitat has an abundance of quality volunteers. A surplus of volunteer labor has resulted in completion of construction on schedule, or sooner. Since their first construction day with volunteers in Menlo Park began on May 29, 2009, Habitat has had:

- 1,368 total community volunteers representing 42 unique organizations; and
- A total of over 8,618 volunteer hours worked.

Habitat's volunteer services department now has to turn away volunteers who want to come out in the spring and summer because there are not enough NRP homes to work on. If more NRP homes are made available, Habitat is confident they would have no difficulty filling volunteer spots.

### **Current Market Conditions**

The purpose of the original Habitat allocation was to assist the City in reducing the number of vacant, foreclosure properties in the Belle Haven neighborhood of Menlo Park. At the time the program was approved, realtytrac.com reported 90 properties either in default or foreclosed in Menlo Park. A recent search on realtytrac.com reports that 230 properties in Menlo Park are in default (74), at trustee sale (89), or owned by mortgage companies after foreclosure procedures (67). Some of these properties are in unincorporated areas of the county, but most are in the Belle Haven neighborhood. Media reports indicate that foreclosures in the Bay area will continue in the near term.

### **IMPACT ON CITY RESOURCES**

The funding request for the program is \$650,000. The BMR fund, as of the end of the 2010-2011 fiscal year, had a total fund balance of \$10.45 million, including \$4,482,000 in funds designated to the PAL first time homebuyer loan program; \$2 million for the City's NSP; \$625,000 for the Habitat program; and \$2,339,150 in undesignated funds (when including interest earned, but only \$611,831 remain undesignated from developer contributions).

State regulations require that BMR funds held for five years or more (excluding interest earned) must be dedicated to affordable housing programs or projects. If funds are not dedicated during this time frame, the funds would need to be returned to project developers. A total of \$8,107,000 million in BMR funds have been designated to date of a total of \$8,718,831 in developer payments. This \$650,000 would complete designation of funding for all contributions to date. Interest earned from the BMR account does not have the same designation requirement as the developer payments (designated within five years of receipt).

### **POLICY ISSUES**

The Habitat Neighborhood Revitalization Program is consistent with the purposes of the BMR Program as stated within the BMR Guidelines and as further refined by City Council in 2005. Specifically, the BMR Guidelines and subsequent clarification by Council allow for the use of BMR funds for the rehabilitation of uninhabited structures

and the purchase and rehabilitation of housing for resale as BMR units. The Habitat program would help to implement these broad purposes of the BMR Program. The designation of BMR funds to the acquisition and rehabilitation programs acknowledges the need to address a pressing concern in the community which has been hard hit by foreclosures. Their request for a higher subsidy level (\$130,000 per home rather than the previous \$125,000 per home made available to them in the previous allocation) reflects changes in the market where the additional flexibility to make a higher offer on a property will increase their chances of success in the purchase process. Habitat's success to date in taking ten vacant, foreclosed homes and providing well rehabilitated BMR units for the City's wait list households has been of benefit to both the community and to the families who are or will be living in those homes.

## **ENVIRONMENTAL REVIEW**

The foreclosure program activities are not projects under the current California Environmental Quality Act Guidelines.

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Douglas Frederick  
Housing Manager  
Report Author

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Cherise Brandell  
Community Services Director

## **PUBLIC NOTICE**

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

## **ATTACHMENTS**

- A. [Resolution](#)
- B. [Summary of BMR Fund](#)
- C. [January 24, 2012 Funding Request from Habitat for Humanity](#)

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AUTHORIZING THE DEDICATION OF AN ADDITIONAL \$650,000 FROM THE BMR HOUSING FUND FOR THE HABITAT FOR HUMANITY NEIGHBORHOOD REVITALIZATION PROGRAM**

WHEREAS, the foreclosure crisis that has had an impact on communities across the country continues to be felt in Menlo Park; and

WHEREAS, the City of Menlo Park wishes to prevent the crisis from causing deterioration in Menlo Park neighborhoods through the continuation of the Habitat for Humanity Neighborhood Revitalization Program, an acquisition and rehabilitation program that turns foreclosed homes into homeownership opportunities for low-income households on the BMR wait list.

NOW, THEREFORE, BE IT RESOLVED that the City of Menlo Park is hereby authorizing the dedication of \$650,000 from the BMR Housing Fund for the Habitat for Humanity Acquisition and Rehabilitation Program and to continue with the operation of that program.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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Margaret S. Roberts, MMC  
City Clerk

## Attachment B

### BMR Reserve Fees and Fund Commitment Summary Fiscal Year 2010-2011

#### I. Fees Paid to Date

<b>Total Fees Held 5 or More Years as of Fiscal Year 2010-2011:</b>		<b>\$3,007,231.19</b>
Fees paid (per annum)	6/11-6/12	\$2,668,171
Reaching 5+ years in:	6/12-6/13	\$300,050
	6/13-6/14	\$2,476,212
	6/14-6/15	\$102,000
	6/15-6/16	\$165,168
<b>Fees Paid Through 6/30/11:</b>		<b>\$8,718,831</b>
Interest Earned Through 6/30/11 on Paid Fees:		\$3,154,905
<b>Total Fees Paid + Interest Earned Through 6/30/11 =</b>		<b>\$11,873,736</b>
Total Expenditures Through 6/30/11:		-\$1,427,586
<b>Total BMR Fund Balance (rounded) as of 6/30/11 =</b>		<b>\$10,446,150</b>

#### II. Committed and Designated Funds in FY 2010-2011

PAL Loan Funds (Committed):		\$4,482,000
Neighborhood Stabilization Program (Committed):		\$2,000,000
Habitat for Humanity Neighborhood Revitalization Program (Committed):		\$625,000
Foreclosure Prevention Program (Committed):		\$1,000,000
Affordable Housing Development (Committed):		\$0
<b>Total Funds Committed as of 6/30/11 =</b>		<b>\$8,107,000</b>
Accounts Payable/Liabilities		\$18,025
Undesignated Funds:		\$2,339,150
<b>Total BMR Fund Balance as of 6/30/11 =</b>		<b>\$10,446,150</b>
<b>Total Liabilities and BMR Fund Balance as of 6/30/11 =</b>		<b>\$10,464,175</b>

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



**To: Doug Frederick, Housing Manager**

**Re: Revitalizing Menlo Park Neighborhoods through Foreclosure Recovery Request for Funding, Project Description and Financial Information**

**From: Harper Zielonko, Red Estate Development Grants Manager** *HZ*

**Date: January 24, 2012**

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**Executive Summary**

In 2009 Habitat Greater San Francisco started looking into the foreclosure market and purchased the first home at 230 Market Place in Menlo Park. Since then Habitat has completed the rehabilitation of 6 homes, is currently in construction on 3 additional homes and in escrow to acquire the tenth home. Habitat will continue to acquire vacant and neglected properties, renovate them with volunteer labor and partner with families to become stable additions to the community through its Neighborhood Revitalization Program (NRP). The program name underscores the greater impact of reclaiming neighborhoods from blight, one home at a time.

The Habitat for Humanity homeownership approach encourages self-help by providing a "hand up, not a hand out." In order to partner with Habitat, families must meet income guidelines, have the ability to repay a mortgage, demonstrate a need for housing and complete at least 500 hours of "sweat equity" to build their own home. Habitat homeowners and volunteers have already completed thousands of hours in the NRP program.

Habitat now hopes to continue using the NRP successes and purchase an additional five homes in Menlo Park. Habitat seeks \$130,000 per house assistance for a total \$650,000 grant from the City of Menlo Park to continue fighting the foreclosure crisis in the San Mateo County community.

Habitat Greater San Francisco has committed \$300,000 matching funds for this specific Menlo Park initiative. Habitat has already received \$100,000 from private community sources and has put into motion a plan to fund the remaining costs. A funding allocation

from the City of Menlo Park will enable additional leveraging and encouragement of the local community. Please help Habitat continue fighting the foreclosure crisis and bring more families home to Menlo Park.

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## Project Description

Habitat Greater San Francisco's Neighborhood Revitalization Program is modeled after its new home construction program, but accelerates the pace to rapidly produce results—eight months to completion compared to several years for new construction. With the right funding and partnership structure, Habitat could easily scale up. Habitat plans to establish more partnerships in the community to bring in additional funding sources, and is especially eager to see banks and lending institutions lead by example. Local governments looking to keep working families in their communities will find that Habitat Greater San Francisco is well positioned to serve the deepest levels of affordability.

### Property criteria preferences:

- Single-family residence and/or small condominium buildings or townhomes
- 2-4 bedrooms, 1+ bath
- Vacant and bank-owned
- Location: Menlo Park (94025, 94026)

## Outcomes and Impacts

Habitat Greater San Francisco believes this is the most viable opportunity to bring additional affordable homeownership to Menlo Park. The reason for this position include: 1) It's sustainable - adapting and reusing existing homes and infrastructure is an attractive proposition for a community that does not always embrace new development; 2) It's wise - at no other time has it been this affordable to acquire property and produce affordable homeownership in Menlo Park; the time may soon pass; And 3) It's timely - it fills a gap to house working families at levels of affordability no other developer can, especially as household incomes fall. Habitat's NRP program also assists the county in fulfilling their Regional Housing Needs Assessment numbers (RHNA). As of January 2011, AB 1103 (Huffman) came into effect and Habitat NRP homes will now count towards the city's RHNA numbers. Habitat Greater San Francisco also hopes this initiative will pave the way for new home construction in Menlo Park.



*First Menlo Park home in the Neighborhood Revitalization Program*



- Project-specific work includes:
- Remove non-conforming structures
  - Restore garage
  - Remodel bathroom and kitchen
  - Install new double-paned windows
  - Install new high-efficiency furnace
  - Install EnergySTAR appliances
  - Install new roof, gutter, downspouts
  - And more...

***Why Menlo Park?***

Over the past four years, foreclosure signs have become an all too common sight, causing families to be displaced and, in some cases, to leave their communities for good. Yet San Mateo County has maintained a relatively low number of foreclosures. However, the county's foreclosure rate obscures the magnitude of the problem in smaller pockets. The cities of Daly City, South San Francisco San Mateo, East Palo Alto and Menlo Park combined carry 80 percent of all the foreclosures in the entire county. Additionally, homes that meet Habitat's model for the NRP program exist within the city of Menlo Park. (See *Table 1 - Foreclosures in San Mateo County*, page 3.)

The crippling effects on San Mateo County communities could have ramifications for the entire region. The damage could creep into more Menlo Park neighborhoods, outside of the Bellehaven, unless the root of the program is addressed. While available inventory stays on the market for 90 days or less, the purchaser is very likely an out-of-town investor who will rent the property—not making the lasting changes that Habitat and its homeownership program will make.

*Table 1 - Foreclosures in San Mateo County and Menlo Park*

Area	All foreclosures*	Bank-owned foreclosures	Fit with Habitat model*
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<b>San Mateo County</b>	939	315	25
<b>Menlo Park</b>	31	9	4

Source: Trulia, 1/24/12

\*Foreclosure defined as bank owned or auction, not including notice of defaults

\* Habitat model: 2+BR, single family, bank-owned, \$300,000 maximum for acquisition

## Financial Information

### Project Pro Forma

Category of Expense	Habitat for Humanity NRP Program	Habitat for Humanity NRP Program 5 homes
Acquisition	270,000	1,350,000
Permits & Approvals	1,500	7,500
Site Development	1,500	7,500
Site Supervision / Volunteer Management	16,750	83,750
Construction Materials	16,000	80,000
Greening / Energy Efficiency (windows, appliances, HVAC, native landscaping)	12,000	60,000
Architects / Engineers	1,000	5,000
RE Taxes during Construction (6 mos. @ 1.1%)	1,595	7,975
<b>Hard Costs Subtotal</b>	<b>320,345</b>	<b>1,601,725</b>
Contingency – 5% of hard costs	17,017	85,085
Closing	3,000	15,000
Legal	2,000	10,000
Admin. Overhead	5,000	25,000
Developer's Fee	5,000	25,000
Sales Commission @ 3% - refundable	0	0
Debt Service	0	0
Construction Interest	0	0
<b>Soft Costs Subtotal</b>	<b>32,017</b>	<b>160,085</b>
<b>Total Projected Expenditures</b>	<b>352,362</b>	<b>1,761,810</b>

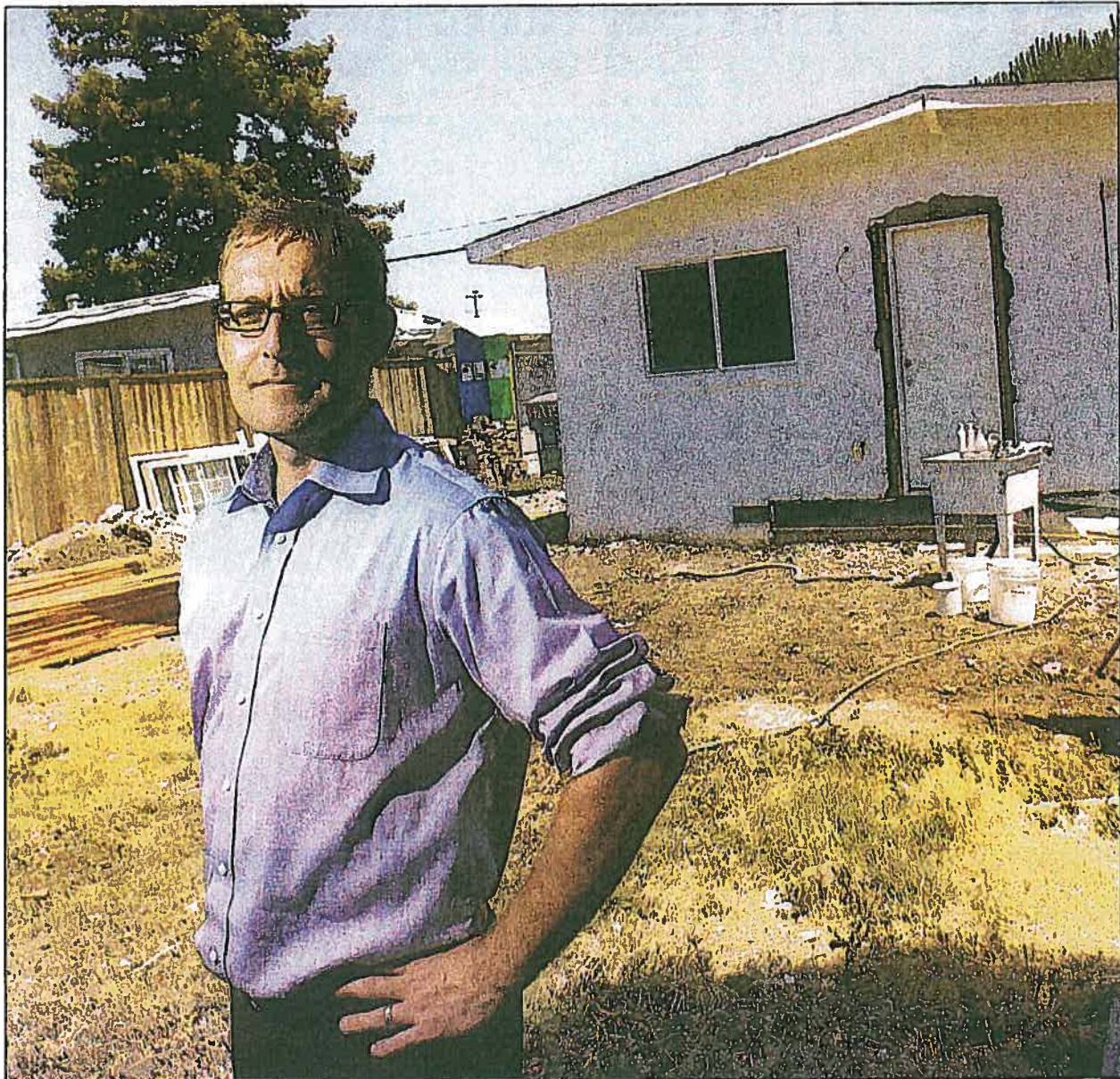


CONTRIBUTIONS		Habitat for Humanity NRP 5 home proposal
<b>Sobrato Family Foundation</b>		50,000
<b>Sand Hill Foundation</b>		50,000
<b>Habitat Allocation</b>		500,000
	<b>Total</b>	<b>550,000</b>

Habitat's Neighborhood Revitalization Program represents a unique public-private initiative drawing support from many sectors of the community to step in and fill the gap. Habitat for Humanity Greater San Francisco looks forward to a partnership with the City of Menlo Park and the opportunity to make a real and lasting difference in our communities.

Please also see the attached new clipping on the NRP work Habitat has completed in the Belle Haven Neighborhood in Menlo Park.





"For under \$300,000 we will have an effectively new single-family home on a 5,000-square-foot lot with no HOA expense," say Kilbridge of Habitat.

HABITAT FOR HUMANITY

# Nonprofit to fix up, resell foreclosed homes

## Coalition chases \$8.9M in federal funds for effort

BY J.K. DINEEN  
San Francisco Business Times

**T**he real estate bust is creating a new and unexpected model for affordable housing developers on the Peninsula: the single family suburban ranch home.

With 2,500 homes on the Peninsula either bank-owned or in the process of being foreclosed on, Habitat For Humanity is swooping in to grab modest ranchers for one-third what they sold for two or three years ago. The trend is in stark contrast to the longstanding acceptance that multi-story condo developments are the only solution to the Peninsula housing shortage.

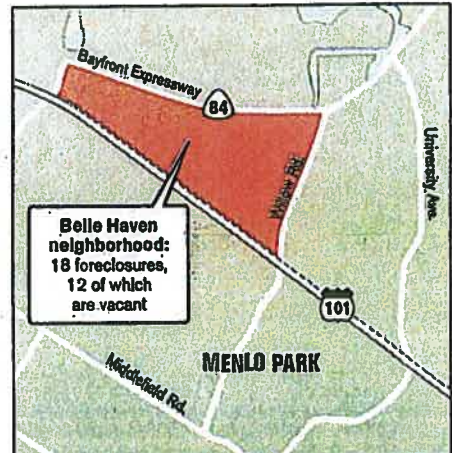
Habitat for Humanity of Greater San Francisco has targeted Menlo Park's blue-collar enclave Belle Haven,

East of Highway 101, where small homes doubled or tripled in price to \$700,000 or more during the housing bubble. Habitat has bought two homes there — one for \$225,000 and one for \$243,000 — and is renovating them for \$50,000 a pop. A third is under contract.

Meanwhile, the housing group is joining forces with six cities and nonprofits like the Housing Endowment and Regional Trust (known as HEART) to apply for a \$8.9 million Department of Housing and Urban Development federal neighborhood stabilization program grant that would fund the rehabilitation of 108 run-down foreclosure specials in the 11 poorest census tracts in San Mateo County. Menlo Park, East Palo Alto, South San Francisco and San Mateo County have pledged another \$5 million.

### The Belle Haven model

Habitat for Humanity Executive Director Phillip Kilbridge said he received a call a year ago from someone asking if they were interested in looking at vacant



SEE AFFORDABLE, 9

## AFFORDABLE, CONTINUED FROM PAGE 8

foreclosed homes, but it didn't pencil. A year later, with housing values under \$250,000, the math is very different.

"For under \$300,000 we will have an effectively new single-family home on a 5,000-square-foot lot with no HOA (home owners association) expense that raises the cost of owning a home," said Kilbridge.

Belle Haven is a neighborhood of about 1,500 homes that borders East Palo Alto. While far poorer than the rest of leafy Menlo Park, the neighborhood has a new park, charter school and Boys and Girls Club. But over the past year the neighborhood has been hard hit by the housing bust.

Between 6 and 8 percent of its housing stock is either bank owned or somewhere in the foreclosure process. Many blocks are marred by multiple vacant homes, boarded up and overgrown with weeds. Ramshackle sheds, shabby additions and converted garages are rented out by overstretched homeowners desperate to make mortgage payments.

A house at 118 Madera Ave. was boarded up for 18 months before Habitat bought it for \$243,000. Another Habitat house at 230 Market Place was full of possums. Habitat for Humanity only buys vacant homes that are in poor shape and unlikely to attract other first-time homebuyers.

"We hope the market turns around quickly because it's better for everybody, but as long as it exists we are going to continue to do this in addition to our new construction," said Kilbridge.

Menlo Park Councilmember Andy Cohen, who originally reached out to Habitat for Humanity about the idea, said he was initially concerned about public safety of "homes being ... turned into squat houses." But then he realized that this was a chance to create affordable housing. Ash Vasudeva, president of the Belle Haven Neighborhood Association, said "a number of the properties were becoming eye sores and health hazards."

### The rehab

The price of buying a bank-owned home and rehabbing it is similar to the cost of a new development. Habitat recently finished an eight-town-home development in Daly City that cost \$296,000 per unit. But the development cycle with single-family rehabs is much quicker and easier, versus 3 to



Work on foreclosed homes, including 230 Market Place in Menlo Park, is fast, says Adams of Habitat.

5 years to entitle and build a multi-unit affordable housing project, said Kilbridge.

"You can have a family get in in three months if they do their sweat equity quickly," said Kilbridge.

Jim Murray, director of government and legal affairs for Habitat, hopes the work will inspire other homeowners to buy neighborhood properties.

"When people see groups like Habitat, what kind of catalyst will our work be? Maybe other first-time home buyers will come in," he said.

jkineen@blzjournals.com / (415) 288-4971

## Process cheaper and faster than building new

On a recent Thursday, Habitat for Humanity's home at 230 Market Place in Menlo Park was swarming with Habitat volunteers. Workers were nailing into a new wooden fence, while others drywalled the interior. When complete, the 900-square-foot home will have new appliances, cabinets, laminate flooring, heating systems and a new kitchen and bathrooms. The vinyl siding was ripped off and the stucco restored. Workers ripped out illegal bedrooms that were built in the garage, as well as a shoddy addition and a structure in the backyard.

A single mom who works as a personal trainer and has two teenage sons will move in come September. Under the Habitat for Humanity model, the family picked for the home must put in 500 hours of "sweat equity" on the building they are moving into or another one.

Dawn Adams, construction manager for Habitat, said the more homes the nonprofit is able to start working on, the more efficient the construction process will be.

"It's very fast," said Adams. "It's a great way to help more families faster. It's an amazing way for us to do our mission faster and cheaper. And these homeowners are going to have a way bigger yard than anything we would ever build. We would have three houses here if we had just gotten the land."

—J.K. Dineen

C7



**CITY COUNCIL  
COMMUNITY DEVELOPMENT AGENCY  
SPECIAL AND REGULAR MEETING **DRAFT** MINUTES**

Tuesday, January 24, 2012 at 6:00 p.m.  
701 Laurel Street, Menlo Park, CA 94025  
City Council Chambers

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Mayor Keith called the Closed Session to order at 6:00 with all members present.

**CL1.** Pursuant to Government Code Section 54956.9 to conference with legal counsel regarding existing litigation; 1 case: Schuler v. City of Menlo Park  
*Superior Court of California, County of San Mateo Case No. CIV500463*

There were no members of the public present to comment on the Closed Session item.

Mayor Keith called the Regular Session to order at 7:06 p.m. with all members present.

The pledge of allegiance was led by Mayor Keith.

**REPORT FROM CLOSED SESSIONS**

There was no reportable action from Closed Session.

**ANNOUNCEMENTS:** None

**A. PRESENTATIONS AND PROCLAMATIONS**

**A1.** Proclamation recognizing Carl Clark ([Proclamation](#))

Mayor Keith presented Mr. Carl Clark with a proclamation honoring his heroism to our county.

Public Comment

Hank Lawrence read a letter regarding Mr. Carl Clark. ([Letter](#))

Matt Henry spoke regarding the proclamation.

**B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS**

**B1.** Library Commission quarterly report on the status of the 2-Year Work Plan

Commission report by Commissioner Jacqueline Cebrian

**B2.** Park and Recreation Commission quarterly report on the status of the 2-Year Work Plan

Commission report by Vice Chair James Cebrian ([Report](#))

**B3.** Consider applicants for appointment to fill three vacancies on the Environmental Quality Commission ([Staff report #12-012](#))

Staff presentation by Margaret Roberts, City Clerk

Public Comment

Scott Marshall and Chris DeCardy, applicants for the Environmental Quality Commission, introduced themselves to the Council.

For the one vacancy with a term ending April 30, 2014

**ACTION:** Chris DeCardy nominated by Ohtaki, and Scott Marshall nominated by Fergusson.

Votes for Chris DeCardy from Cohen, Ohtaki and Cline and will serve through 2014.

For the 2 vacancies with terms ending April 30, 2015

**ACTION:** Scott Marshall nominated by Fergusson and Mitchel Slomiak nominated by Cline. With no other nominations, Marshall and Slomiak were appointed by acclamation.

**C. PUBLIC COMMENT #1**

- Mark Moulton spoke regarding the Joint Powers Authority of HEART and their mission.
- Omar Chatty spoke regarding Caltrain debts and the outdated track system and bringing BART to the Peninsula.
- Elias Blawie spoke regarding public input on the Facebook project.
- Lia Gracey Maniar spoke in support of keeping the narcotics enforcement taskforce.

**D. CONSENT CALENDAR**

**ACTION:** Motion and second (Fergusson/Ohtaki) to approve Consent Calendar as submitted passes unanimously.

**D1.** Initiate the Menlo Park Landscape Assessment District proceedings for fiscal year 2012-13 and adopt **Resolution No. 6045** describing the improvements and directing the preparation of the Engineer's Report ([Staff Report #12-011](#))

**D2.** Accept minutes for January 5, January 6, January 10 and January 17, 2012 ([Attachment](#))

**E. PUBLIC HEARINGS**

**E1.** Appeal of a Planning Commission determination regarding the use of a portion of an existing accessory structure as a secondary dwelling unit on a property located in the R-1-U (Single-Family Urban Residential) zoning district at 116 O'Connor Street (**will be continued to February 14**) ([Attachment](#))

The Public Hearing was opened at 7:53 p.m.

**ACTION:** Motion and Second (Fergusson/Ohtaki) to continue the Public Hearing to February 14, 2012 passes unanimously.

**F. REGULAR BUSINESS**

**F1.** Implications on the 2011-12 City Budget from the dissolution of the Menlo Park Community Development Agency ([Staff Report #12-015](#)) ([PowerPoint](#))

Staff presentation by Carol Augustine, Finance Director

Public Comments

- Marjorie Rocha representing ECHO Housing, requested the Council to considering continuing funding to ECHO Housing through the end of the year.
- Elias Blawie spoke in favor of the elimination of redevelopment agencies and suggested reductions in staff and focus on the must do items.
- Stu Soffer stated the Redevelopment Agency has been dysfunctional and requested the Successor Agency operate differently.

**ACTION:** The Council took no formal action on the item.

**F2.** Consider options for operation of the Housing Division given the dissolution of the Redevelopment Agency and loss of funding for housing activities ([Staff Report #12-009](#)) ([PowerPoint](#))

Staff presentation by Cherise Brandell, Community Services Director and Carol Augustine, Finance Director

Public Comments

- Kate Comfort Harr, HIP Housing, requested a continued partnership for funding.
- Diana Ready requested the Council keep affordable housing.
- Joshua Hugg spoke in support of housing and pointed out that housing has many aspects of a person's life including health and urged the Council to keep as much of the housing program in tact as possible.
- Anne Moser strongly supports option 1 in the staff report as housing is critical and not easily understood.
- Lillian Lew-Hailer encouraged the Council to maintain some housing functions as it is critical to Menlo Park.
- Sam Sinnott spoke in support of the Below Market Rate (BMR) housing program and option 2 in the staff report.
- Duane Bay, San Mateo County Housing Director, spoke regarding housing programs in the County.

**ACTION:** The Council took no formal action on the item but gave general direction to pursue Option 3 in the staff report.

**F3.** Approve and adopt the first amended Enforceable Obligation Payment Schedule  
([Staff Report #12-014](#))

Staff presentation by Carol Augustine, Finance Director

**ACTION:** Motion and second (Cline/Fergusson) to approve **CDA Resolution No. 322** approving and adopting a First Amended Enforceable Obligations Payment Schedule passes unanimously.

**F4.** Approve a framework for a draft agreement to be used as a starting point in negotiations with San Mateo County to ensure continued operation of Flood Park for FY 2012 – 13 for \$150,000 ([Staff Report #12-010](#)) ([PowerPoint](#))

Staff presentation by Cherise Brandell, Community Services Director (PowerPoint)

Public Comments

- Matt Henry stated he hopes that the Council is not willing to take over Flood Park if it is at the expense of eliminating programs in the Belle Haven neighborhood.
- Henry Riggs stated that paying other agency's bills is not the way to start and urged the Council to support contacting the County Board of Supervisors to keep open and maintain Flood Park.

**ACTION:** Motion and second (Cline/Cohen) to authorize staff to continue negotiating with San Mateo County, without a financial commitment by the City and not at the expense of by giving up services in another part of town passes unanimously.

**F5.** Consider the adoption of a Resolution approving an employment agreement with Alexander D. McIntyre ([Staff report #12-013](#))

Staff presentation by Bill McClure, City Attorney

**ACTION:** Motion and second (Fergusson/Cline) to approve **Resolution No. 6046** approving an employment agreement with Alexander D. McIntyre passes 4-1 (Cohen dissented).

**F6.** Consider state and federal legislative items, including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Item:

**F6-A:** Update on Senate Bill 654 – An act to amend sections of the Health and Safety Code relating to redevelopment ([Attachment](#))

**G. CITY MANAGER’S REPORT:** None

**H. WRITTEN COMMUNICATION:** None

**I. INFORMATIONAL ITEMS:** None

**J. COUNCILMEMBER REPORTS**

Council Members reported on meetings attended in compliance with AB1234 reporting requirements.

Fergusson requested that a resolution be placed on a future agenda regarding supporting progress toward completion of Bay Trail gap.

Cline requested that presentations be placed on a future agenda regarding the Boys & Girls Club awards.

**K. PUBLIC COMMENT #2:** None

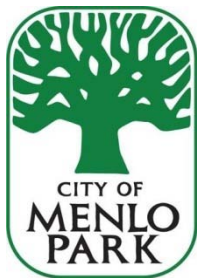
**L. ADJOURNMENT**

The meeting was adjourned at 12:04 a.m. on Wednesday, January 25, 2012.

Margaret S. Roberts, MMC  
City Clerk

Minutes accepted at the Council meeting of





## CITY COUNCIL SPECIAL MEETING **DRAFT** MINUTES

Monday, January 30, 2012, at 5:30 p.m.  
701 Laurel Street, Menlo Park, CA 94025  
City Council Chambers

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Mayor Keith called the Special Session to order at 5:36 p.m. with all members present.

The pledge of allegiance was led by Mayor Keith.

### A. SPECIAL SESSION

**A1.** Provide general direction on preferred approaches for addressing the loss of RDA funding for the next fiscal year in preparation for the 2012-13 operations and capital budgets ([Staff Report #12-016](#)) ([PowerPoint](#))

Staff presentation by Carol Augustine, Finance Director

#### Public Comments

- Tom Huggett, Sol-Training, requested the Council continue with the two projects that are started in the Belle Haven neighborhood.
- Matt Henry spoke regarding a community meeting held in the Belle Haven neighborhood. This is a city-wide problem and the potential cuts should not be concentrated in Belle Haven.
- Elias Blawie spoke against staff recommendations except for increasing the Transient Occupancy Tax (TOT) and to include staff reductions in mid and upper management.
- Nancy Cash, Mt. Olive Church of God, spoke against the elimination of programs in the Belle Haven neighborhood.
- Edmund Harris stated that there should be some analysis done prior to cutting any services, a needs assessment and best practices should be completed.
- Linda Bruce spoke against closing the Onetta Harris Community Center.
- Bishop T.L. Bostic spoke against cuts to programs in the east side of Menlo Park as they would have a negative impact on the Belle Haven neighborhood and any cuts should be across the entire city.
- Greg Goodwin spoke against any cuts in the east part of the community.
- Barrett Moore spoke about the great condition of amenities and the west side of town has enough; it is time to give to the east side of town.
- Omar Chatty suggested elimination of the Dumbarton Rail Project.

**ACTION:** The Council took no formal action on the item but provided individual input regarding the items included in Attachment C of the staff report.

**A2.** Approve a transition plan and tentative budget for elimination of the Housing Division ([Staff Report #12-017](#)) (PowerPoint)

Staff presentation by Cherise Brandell, Community Services Director

Public Comments

- Yvonne Murray spoke regarding the work of the Housing Division and requested the City keep at least one housing staff member. She stated the Housing Commission could be utilized in a different manner to assist the City Council.
- Maggie Creighton requested no decrease to police services in the Belle Haven neighborhood.

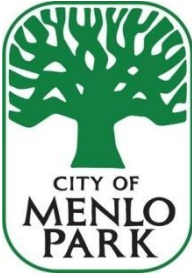
**ACTION:** Motion and second (Fergusson/Ohtaki) to approve the transition plan and tentative budget for elimination of the Housing Division, retooling of the current Housing Manager and the Housing Commission remain in existence with a potentially redefined charge passes 4-1 (Cohen dissenting).

**ADJOURNMENT**

The meeting was adjourned at 9:36 p.m.

Margaret S. Roberts, MMC  
City Clerk

Minutes accepted at the Council meeting of



**CITY COUNCIL  
SPECIAL MEETING **DRAFT** MINUTES  
GOAL SETTING**

**Tuesday, January 31, 2012, at 3:30 p.m.  
700 Alma Street, Menlo Park, CA 94025  
Arrillaga Family Recreation Center, Elm Room**

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**3:30 P.M. SPECIAL SESSION**

Mayor Keith called the special meeting to order at 3:36 p.m. Councilmember Fergusson arrived at 4:06 p.m.

Mayor Keith made opening remarks and introduced new City Manager Alex McIntyre.

Public Comment:

Fran Dehn, Chamber of Commerce, encouraged the Council to collaborate with the Chamber on business development efforts.

**A. GOAL SETTING**

A1. Brainstorm, prioritize and discuss high level goals for the 2012 calendar year including review of current Council goals:

1. A vibrant and resilient economy supporting a sustainable budget.
2. Future focused planning and visioning supporting a high quality of life
3. A regional focus creating synergy of efforts on issues of mutual interest  
([Staff Report #12-018](#))

a. Environmental Scan

Council reviewed and discussed responses from the National Citizen Survey regarding various aspects of the City of Menlo Park including safety, services, and quality of life.

b. Brainstorming, Sorting and Prioritizing Goals and Deliverables

Council participated in brainstorming exercises to identify their long term vision for the City as well as their top five deliverables for the next 11 months, including outcomes, results or achievements that are most important and can be accomplished by December 31, 2012. The responses were sorted into nine groups according to subject area and then collapsed into three top categories.

c. Next Steps

Within the next 30 days, staff will prepare and bring back to Council a document capturing the top three priorities, including specific deliverables, for review and approval.

The meeting was adjourned at 5:20 p.m.

Pamela Aguilar  
Deputy City Clerk

Minutes accepted at the Council meeting of



# COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: February 14, 2012  
Staff Report #: 12-026

Agenda Item #: E1

**PUBLIC HEARING: Consider an Appeal of a Planning Commission Determination Regarding the Use of a Portion of an Existing Accessory Structure as a Secondary Dwelling Unit on a Property Located at 116 O'Connor Street**

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## RECOMMENDATION

Staff recommends that the City Council uphold the determination of the Planning Commission to find that there is no legal basis to determine that a portion of an existing accessory structure is a legal, nonconforming secondary dwelling unit on a property located at 116 O'Connor Street. The findings and actions for denial, which are consistent with the Planning Commission's action, are provided as Attachment A.

## BACKGROUND

### Previous and Existing Site Conditions

The subject site is located at 116 O'Connor Street in the R-1-U (Single-Family Urban) residential zoning district. The original parcel was annexed into the City in 1959, and was originally part of the Charles Weeks Poultry Colony established in 1920. In 1976, the subject parcel was created as part of a four lot subdivision from an approximate 0.94-acre parcel, creating two lots fronting O'Connor Street (116 and 130 O'Connor Street) and two flag lots (120 and 124 O'Connor Street). The property is a standard size lot, meeting the minimum lot depth, width and area per the R-1-U zoning district standards. The County of San Mateo Assessor's Office maintains records that indicate the house was built in approximately 1921.

The existing residence (except for a converted attic, which is being rectified through a separate use permit process) is considered a legal, nonconforming structure because the house encroaches approximately 10 feet into the required 20-foot front setback. In addition, the detached garage/accessory structure is also a legal, nonconforming structure because it encroaches approximately one foot into the required three-foot side setback and seven inches into the required three-foot rear setback. The garage portion contains clear space for one vehicle. The garage also includes several cooking facilities, such as a hot plate and microwave oven. Located behind the garage is a separate room and bathroom, which can be accessed through the garage or via a separate entrance at the rear of the accessory structure.

## **Issues**

In discussing proposed modifications to the main structure at 116 O'Connor Street with the applicant, staff made determinations on four items related to the property, including the following:

- 1) The house is a legal, non-conforming structure with regard to the front setback for a property located in the R-1-U zoning district;
- 2) The accessory structure attached to the garage is not a legal, nonconforming secondary dwelling unit and therefore, it cannot be used for living or sleeping purposes;
- 3) The previously constructed bathroom in the accessory structure needs to obtain the proper building permits and inspections to legalize the addition; and
- 4) The garage cannot be used for cooking facilities.

The determination on these items affects how the property could be used and the process that would be required for modifications to the residence and the garage/accessory structure.

## **Planning Commission Determination**

On December 12, 2011, the Planning Commission reviewed the applicant's appeal of staff's determination on the four items. The staff report and minutes for this meeting are included as Attachments B and C, respectively. At the meeting, the Planning Commission considered the comments made by the applicant and one public comment made by a tenant of 116 O'Connor Street.

The Planning Commission determined that there was not a legal basis to grant the appeal, and acted to uphold staff's determination; 6-1 (Commissioner Yu opposed). The Commission generally agreed the case was complex and was sympathetic to the situation, but wanted to separate two of the key issues. Specifically, the Commission agreed that the legalization of the accessory structure as a secondary dwelling unit should be separated from any process for modifications to the house. In the Commission's discussion, it determined the existing garage is not considered a kitchen, and therefore the structure is not a secondary dwelling unit. The two uses (garage and secondary dwelling unit) cannot co-exist. By making this determination, the applicant could pursue the use permit for the main structure (scope of work would remedy the attic conversion and allow first and second floor additions to an existing nonconforming, one-story residence) because the required covered parking for the house would be maintained in the garage. Since the Planning Commission hearing, the applicant formally applied for a use permit on December 19, 2011, and the item is tentatively scheduled for the February 27, 2012 Planning Commission meeting.

The Planning Commission also made a separate action related to the existing bathroom in the accessory structure. In response to the applicant's willingness to obtain permits for the work done to the bathroom under her ownership, the Commission encouraged staff to require that the building permit for the bathroom be limited to the applicant's work only and not the entire bathroom. The intent of the recommendation was to

alleviate the burden of deconstructing the bathroom, if needed for inspections. The Commission unanimously supported this suggestion. Since the Planning Commission hearing, the applicant received a building permit to legalize the bathroom addition on January 11, 2012 and the permit was finalized on January 17, 2012.

### **Appeal of Planning Commission's Determination**

On December 19, 2011, Shannon Thoke, the owner of 116 O'Connor Street, filed an appeal of the Planning Commission's decision regarding the legality of the secondary dwelling unit. The appeal letter is included as Attachment D and is discussed in more detail in the Analysis section. In this case, the burden of proof is on the applicant to prove that her structure existed as a legal secondary dwelling unit.

### **ANALYSIS**

The applicant is appealing the Planning Commission's determination that a portion of the existing accessory structure is not a secondary dwelling unit. The applicant states that the Planning Commission determined that they could not hear the matter because they "lacked the authority" to do so, and is requesting that the City Council determine that the structure is a legal, rentable unit. Staff would clarify that the Planning Commission believed that it did not have the legal basis to determine that the existing structure is a legal, nonconforming secondary dwelling unit based on the evidence presented, rather than they did not have the "authority" to make such a decision. Based upon the evidence provided by the applicant, the City's records, and documents from the County of San Mateo Assessor's Office, the City Attorney had advised Planning staff that the City does not have the legal basis to determine that the existing accessory structure is a legal, non-conforming secondary dwelling unit.

In the appeal letter, the applicant states that historical property information is extremely relevant in determining that the accessory structure is a legal secondary dwelling unit. The appellant references several documents, including records from the San Mateo County Assessor's Office and letters from the previous property owner and broker who sold the subject property to Ms. Thoke. Staff has also reviewed these items, and each is further discussed below.

### **Review of Historical Documents and References**

The appellant references records from 1952 from the San Mateo County Assessor's Office (Attachment D3), which indicate that the house was built in approximately 1921. The appellant also has provided a letter from the former property owner between 1976 and 2004 (Attachment D5) that states that her family did not add square footage to the garage and rental unit during their ownership, and these items existed when they purchased the house in 1976. Furthermore, the applicant received a third party opinion, included as Attachment D7, that states the fixtures in the bathroom (at the time she moved in) were dated from either the 1950s or 1960s. Therefore, the applicant believes the bathroom was added at some time between 1952 and 1976, but most likely in the 1950s.

Staff has also reviewed the County Assessor's information from 1952, as well as the Sanborn Maps from 1968 (Attachment E) and tentative map approval from 1976 (Attachment B26). The County's record and the tentative map show the footprint of the accessory structure (but not a floor plan), which is rectangular shaped and labeled as "garage" on each of the plans. The Sanborn Map also shows a rectangular structure that is labeled with an "A", meaning auto house or private garage. The existing accessory structure, however, is inconsistent with the footprints shown on the aforementioned documents. The existing structure includes a bump out, which houses the bathroom, at the rear left corner of the building. The general rectangular shape of the structure, with dimensions of approximately 14 feet by 32 feet, however, has been maintained. Although the shape of the accessory building could have been simplified for the various drawings, staff also reviewed the building permit records and was unable to find a building permit to establish that the bathroom addition was legally created. More importantly, however, staff believes the labeling of how these structures were identified is a key factor for consideration. A garage or an accessory structure, as the building was labeled, is distinctly different than a residence or dwelling unit. Staff understands that the actual use of the building may differ from its intended purpose, but non-permitted usage of a building does not legalize its use.

#### Use as a Secondary Dwelling Unit

The applicant states that the property at 116 O'Connor Street was part of the Charles Weeks Poultry Colony, which was a sustainable farming community, and the home at 116 O'Connor Street was one of the original homes in the area. The applicant states when she purchased the home, she was told that farmhands used the back room of the accessory structure as their living quarters. The applicant has submitted correspondence by her realtor to this effect (Attachment F). In addition, the applicant states that the unit had been rented by the previous owners from 1976 to 2004, and has been rented since her ownership in 2004. Therefore, the applicant states that there is a clear history of consistent rental by previous homeowners, and that the structure should be considered grandfathered, and therefore exempt from the development guidelines for secondary dwelling units.

Although the applicant indicates that the secondary dwelling unit existed prior to 1976, staff is unable to make the same determination. While staff agrees that the structure is a legal, nonconforming accessory structure, and can be used for ancillary purposes, but not living or sleeping quarters, the requirements for an accessory structure are different than a secondary dwelling unit. A secondary dwelling unit, as defined by Section 16.04.295 of the Zoning Ordinance, is the following:

"a dwelling unit on a residential lot which provides complete independent living facilities for one or more persons, and shall include permanent provisions for living, sleeping, eating, cooking and sanitation independent of the main dwelling on the residential lot."

In addition to reviewing the historic documentation, staff also took into consideration the physical components of the structure. Although the interior has been updated, staff does not believe there is sufficient evidence to show that sleeping, eating, cooking and

sanitation facilities legally existed in the accessory structure. Based upon the information received and reviewed, none of the documents included a floor plan or notations to help verify such information. Staff recognizes that sleeping quarters may have informally existed and sanitation facilities, such as an outhouse, could have been used during the poultry farm period, but there is no evidence that these items were legally recognized as part of a secondary dwelling unit. Any legal nonconforming status for sanitation facilities that may have existed with the outhouse would have been lost with its demolition or lack of permits for new construction of a bathroom attached to the accessory structure. As mentioned earlier, however, the previously constructed bathroom has now received the proper permits. Yet, legalization of the bathroom does not create a legal secondary dwelling unit.

The current accessory structure layout includes an oversized one-car garage and a separate room and bathroom. Within the garage portion of the structure, a microwave, and mini refrigerator are located against the rear and left side walls, leaving sufficient space to meet the provisions for a one-car covered parking space. While it is possible to plug in items such as a microwave or refrigerator in a garage for convenience, a kitchen and garage cannot co-exist. The Planning Commission agreed that the space could not be used for both purposes, and determined that the space was a garage. The conversion from a garage to living space would create a noncompliant parking situation for the main structure and also raises concerns about compliance with the building code. Staff does not believe there is adequate evidence that independent eating and cooking facilities legally existed or currently exist in the structure, and therefore, the structure does not contain all the required elements to meet the definition of a secondary dwelling unit.

Prior to 1983, only one dwelling unit was permitted on a single-family zoned lot within the City of Menlo Park. In 1983, the City's Zoning Ordinance was amended to allow secondary dwelling units attached to the main structure on a property. In 2003, the Zoning Ordinance was amended again to permit detached secondary dwelling units, subject to obtaining a use permit. Prior to annexation in 1959, the property was under the jurisdiction of the County of San Mateo. Since the County's first Zoning Ordinance in 1933, the R-1 district (which the property was zoned) did not permit "servants quarters or guest houses," as they would have been classified at the time. In January 1984, the County of San Mateo adopted a secondary dwelling unit ordinance, which now permits secondary dwelling units in the R-1 zoning district. If a dwelling unit legally existed in the County prior to annexation into the City, the dwelling unit would be considered a legal, nonconforming use. The use could remain and compliance with today's Zoning Ordinance development standards would not be required for an existing use. However, there is not sufficient evidence that the accessory structure was approved to be used as a separate dwelling unit. Both the County records (which date to when the property was under the County's jurisdiction) and the Sanborn Map (last updated when the subject site was part of the City) that were reviewed indicate that the accessory building was a garage. Therefore, staff does not believe the structure is a legal, nonconforming secondary dwelling unit.

Occupancy of the detached accessory structure as a rental unit, where such use was not permitted, does not convert it to a legal use. However, staff believes the existing



use of the structure as a garage/accessory structure is legal, non-conforming and can remain. Staff believes that there is no legal basis to grant the appeal and determine that the existing structure is a secondary dwelling unit based upon the historical records presented and the physical attributes of the structure.

The City Attorney is concerned that granting an appeal without sufficient facts to establish a legal nonconforming use would establish a bad precedent and could be used by other property owners seeking to convert long term, illegal uses to legal nonconforming uses.

### **Correspondence**

Staff has not received any correspondence regarding the appeal.

### **IMPACT ON CITY RESOURCES**

The applicant paid a flat fee of \$110 to appeal staff's determination to the Planning Commission. The applicant also paid a separate fee of \$110 to appeal the Planning Commission's determination. Staff time spent on the review of the appeals to the Planning Commission and City Council is not recoverable beyond the amounts of the flat fees.

### **POLICY ISSUES**

No changes to the General Plan or Zoning Ordinance are required for the project. However, the City Council does not have the ability to implement development standards differently on an ad hoc basis. This is true regardless of the age of the structure. Reversing staff's and the Planning Commission's determination on the legality of the secondary dwelling unit absent any substantial new evidence opens the door for other interpretations where there is no ambiguity in the Zoning Ordinance and could be used as a precedent to argue that other long term, illegal uses should be permitted to continue.

### **ENVIRONMENTAL REVIEW**

The determination on these items is not considered a project and therefore, not subject to the California Environmental Quality Act (CEQA). However, a future use permit would require CEQA review.

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Deanna Chow  
Senior Planner  
Report Author

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Justin Murphy  
Development Services Manager

## **PUBLIC NOTICE**

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property.

## **ATTACHMENTS**

- A. [Draft Findings, Actions, and Conditions for Approval](#)
- B. [Staff Report for the December 12, 2011 Planning Commission Meeting](#)
- C. [Approved Excerpt Minutes from the December 12, 2011 Planning Commission Meeting](#)
- D. [Letter of Appeal Submitted by Shannon Thoke, 116 O'Connor Street, received December 19, 2011](#)
- E. [Sanborn Map for 116 O'Connor Street, 1968](#)
- F. [Letter from Dan Morgan, Cashin Company, dated December 26, 2011](#)

**Note:** Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps and drawings are available for public viewing at the Community Development Department.

**Attachment A**  
**116 O'Connor Street**  
**Draft Findings and Actions for Denial**  
**February 14, 2012**

The City Council should deny the appeal and uphold the administrative and Planning Commission determination of the following item:

1. The accessory structure cannot be defined as a secondary dwelling unit given the lack of physical attributes and historical evidence as provided in the County of San Mateo Assessor's Records, Sanborn Map, and Subdivision Map that the use was legally created as a secondary dwelling unit. However, the one-car garage and attached accessory structure is a legal, nonconforming detached accessory building (due to non-compliance with the required three-foot right side and rear required setbacks) that can be maintained, but not used for living or sleeping quarters per the definition of "building and/or structure, accessory" in the Zoning Ordinance.



# PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION  
MEETING OF DECEMBER 12, 2011  
AGENDA ITEM E1

**LOCATION:** 116 O'Connor Street      **APPLICANT & PROPERTY OWNER:** Shannon Thoke

**EXISTING USE:** Single-Family Residence and Detached Garage/ Accessory Building

**PROPOSED USE:** Single-Family Residence and Detached Garage/ Secondary Dwelling Unit      **APPLICATION:** Appeal of Staff Determination

**ZONING:** R-1-U (Single-Family Urban Residential)

## PROPOSAL

The applicant is appealing a staff determination regarding 1) the legal non-conforming status of the main structure with regard to the front setback for a property located in the R-1-U (Single-Family Urban Residential) zoning district, 2) the use of a portion of an existing accessory structure as a secondary dwelling unit, 3) the need to obtain a building permit for a previously constructed addition to the accessory structure, and 4) the use of a portion of an existing one-car garage for cooking facilities. The applicant has a right to appeal an administrative determination regardless of whether or not there is a legal basis for the appeal.

## ANALYSIS

### Site Location

The subject site is located at 116 O'Connor Street between Menalto Avenue and Elliott Drive in the Willows neighborhood. Like the neighboring properties, the subject site is zoned R-1-U (Single-Family Urban Residential) and contains a single-family residential unit with a detached garage/accessory structure. The subject lot was created in 1976 when the Planning Commission approved a four lot subdivision from an approximate 0.94-acre parcel, creating two lots fronting O'Connor Street (116 and 130 O'Connor

Street) and two flag lots (120 and 124 O'Connor Street). The original parcel was annexed into the City in 1959.

### Existing Site Conditions

The subject property is considered a standard lot, meeting the minimum lot depth, width and lot area for the R-1-U zoning district. However, the existing residence (except for the converted attic which is discussed later in the report) is considered a legal, nonconforming structure because the existing residence encroaches approximately 10 feet into the required 20-foot front setback. In addition, the detached garage/accessory structure (except for the bathroom which is discussed later in the report) is also a legal, nonconforming structure because it encroaches approximately one foot into the required three-foot side setback and seven inches into the required three-foot rear setback. The garage portion provides clear space for one vehicle, but also contains several cooking facilities such as a hot plate and microwave oven. A room with a bathroom is located at the rear of the garage and is accessed either through a door that connects to the garage or a separate entry at the rear of the garage. The garage/accessory structure is further discussed in the Appeal section below.

The County of San Mateo Assessor's Office contains records that indicate the residence was built in 1921. A County appraisal from 1952 indicates the property contained an approximately 1,092 square-foot, single-story residence with a 448-square-foot detached garage and a 384-square-foot barn. A County appraisal from 1971 also contains similar information about the size of the residence and the accessory structures, and indicates that the residence contains two bedrooms, one bathroom, a kitchen and living room. As part of the 1976 subdivision, all of the existing structures were to be demolished except for the main residence and the detached garage/accessory structure, which does not appear to have included a bathroom. These structures were retained on the parcel that is now 116 O'Connor Street. A new single-family residence was constructed on each of the other three lots. The approval of the subdivision map also required a 10-foot wide dedication along the entire length of the property frontage (116 and 130 O'Connor Street). The land is reserved for right-of-way purposes, which is typically for a sidewalk, on-street parking, or other roadway improvements. Currently, the property frontage consists of a valley gutter and parking strip, which is shared with pedestrian access.

### Appeal

The applicant is appealing staff's determination on several items related to the property located at 116 O'Connor Street. The appellant's letter is included as Attachment B. The determination on these items would affect how the property is used and the process that would be required for modifications to the residence and the garage/accessory structure. The four items of appeal are the following and are further discussed in its respective section below:

1. The legal nonconforming status of the main structure with regard to the front setback;

2. The use of a portion of an existing accessory structure as a secondary dwelling unit;
3. The need to obtain a building permit for a previously constructed addition to the accessory structure; and
4. The use of a portion of an existing one-car garage for cooking facilities.

### Nonconforming Status of the Residence

The appellant originally visited the Planning Division to discuss the requirements and process to expand the residence at 116 O'Conner Street. As indicated earlier, the lot is conforming, but the structure is considered nonconforming due to the front setback. Section 16.80.030 of the Zoning Ordinance states that nonconforming structures may continue to be maintained, repaired, altered and expanded, provided that no increase in the nonconformity results, all other applicable regulations are met, and the cost of such maintenance, repair, alteration, and/or expansion, when expressed as a percent of replacement cost of the existing structure is not exceeded in a 12 month period. In the R-1-U zoning district, the threshold for a single-story residence is 75 percent of the replacement cost and decreases to 50 percent for a two-story residence.

Upon review of the appellant's proposed plans, staff questioned the legality of the existing second story and requested additional information because staff was unable to verify a building permit for an attic conversion or addition of a second floor to the residence. Subsequently, the applicant and staff were able to obtain information from the County Assessor's Office that indicated the structure was a single-story, two bedroom, one bathroom residence, according to appraisals done in the 1950s and 1970s. Without documentation for the second floor, staff was unable to provide credit for the second floor square footage. The reduction in square footage changed the base value of the residence, resulting in the proposed scope of work exceeding the 50 percent threshold, and triggering use permit review by the Planning Commission. Should the applicant proceed with the proposed plan for the residence, which involves a renovation of the attic space and second floor addition, the proposal would rectify the unpermitted attic conversion. However, if the proposal or similar project is not completed, building permits for the conversion would need to be obtained (if permitted by Building Code) or the space would need to be returned to non-living space.

The applicant believes the front setback should be measured from the pre-subdivision front property line. The appeal letter indicates that the residence was conforming until 1976 when a 10-foot deep dedication along the property frontage was required as part of the subdivision. The appellant also states that Menlo Park has never utilized the front ten feet of the lot and has no current plans for the property. In addition, the appellant indicates that the City does not own the first ten feet of several nearby properties, which would make it difficult for the City to use the land for any reasonable purpose. As a result, the appellant requested that the City use the original front property line (pre-dedication) to measure the front setback to the main residence, which appears to make the main residence a conforming structure.

Staff reviewed the tentative parcel map and the parcel map approvals from 1976. As previously stated, a condition of approval of the subdivision was the dedication of a 10-

foot wide swath of land across the property frontage. The City's records do not indicate that a front setback variance was granted to maintain a conforming residence; thereby the residence is considered a legal, nonconforming structure. Although desired by the applicant, a variance cannot be granted today to establish the measurement from the original property line. This would require an amendment to the Zoning Ordinance. Once the dedication has been granted by the property owner and accepted by the City, the dedicated piece of land becomes part of the City's public right-of-way. The land is not used to calculate lot dimensions or lot area, nor can it be used to determine setbacks. A setback is measured from the lot line, and the front lot line in this case (interior lot facing a public street), is the line separating the lot from the public street (right-of-way). Alternatively, the applicant could request a variance to allow the residence to encroach into the front setback, but the findings for a variance are more challenging to meet than the use permit findings for a nonconforming structure. Either request would require Planning Commission review and approval. The applicant could also request an abandonment of the right-of-way, but this has implications for potential improvements to the street. Staff would not be supportive of the right-of-way abandonment due to the street's proximity to a school, but the final decision-making body is the City Council. Staff continues to maintain that the main residence is a legal, nonconforming structure due to noncompliance with the front 20-foot setback as measured from the legal property line. This determination does not prevent the applicant from moving forward with the proposal, but the proposal would require a use permit.

### Secondary Dwelling Unit Classification

During the pre-application review process of the proposed plans with the appellant, staff discovered that the existing property has an active code violation at the property. The issue is with use of a portion of the accessory structure as a secondary dwelling unit. The applicant states that the garage, attached room, bathroom and covered porch existed as part of the 1952 documents from the San Mateo County Assessor's Office, and that through the subdivision process in 1976, the City legalized this structure. The appellant also states that the previous two owners, who purchased the property in 1976 and 2003, before the applicant purchased the property in 2004, verified that they did not add square footage to the garage and rental unit during their ownership. This statement by the previous owners and the deeds of trust from the sale of the property in 1978 (not 1976) and 2004 are provided in the appellant's letter (Attachment B).

Staff has reviewed the County Assessor's information from 1952 as well as the 1976 tentative map approval. Both of these documents show the footprint of the accessory structure (but not a floor plan), which are labeled as "garage" on each of the plans. Each of the plans show a rectangular shaped structure. The 1952 document labels the structure as 14 feet by 32 feet. The applicant's current site plan (Attachment C) shows the accessory structure, generally consistent with the dimensions shown on the Assessor's drawing. However, the current structure includes a bump out (approximately eight feet, four inches by eight feet, eight inches or 72 square feet) at the rear left corner of the structure, which is used as a bathroom, that was not shown on prior historical documents. The addition of this bathroom is further discussed in the bathroom section below.

Although the applicant indicates that the secondary dwelling unit existed prior to 1976, staff is unable to make that same determination. A secondary dwelling unit, as defined by Section 16.04.295 of the Zoning Ordinance, is “a dwelling unit on a residential lot which provides complete independent living facilities for one or more persons, and shall include permanent provisions for living, sleeping, eating, cooking and sanitation independent of the main dwelling existing on the residential lot.” None of the historical records provided include a floor plan or notations to help verify that such facilities existed prior to 1976. The documents only identify the structure as a garage. In addition, the County’s 1952 and 1971 appraisals do not indicate that there is a secondary dwelling unit on the property, which would likely have increased the assessed value of the property. Furthermore, staff reviewed the Sanborn map from 1968, and the structure is labeled as an accessory building. Therefore, staff has determined that a portion of the garage/accessory structure is not considered a legal, nonconforming secondary dwelling unit.

Staff also reviewed with the applicant the possibility of creating a legal secondary dwelling unit. Chapter 16.79.040 of the Zoning Ordinance defines the development regulations for creating a secondary dwelling unit. The appellant’s letter describes how she believes the existing structure complies with the regulations. Staff agrees with the applicant in that the existing structure could comply with the size, aesthetics, parking and tenancy requirements. However, there are two main issues which conflict with the development regulations, including the need for independent, permanent cooking facilities and the setbacks. The first item is the kitchen, with regard to its amenities and its location in the garage. The kitchen is currently located in a portion of the garage and contains several appliances, including a microwave oven, mini refrigerator, and hot plate. To be a permanent cooking facility, however, the kitchen would need to be serviced by its own stove and not a hot plate. Also, the kitchen area would need to be located separately from the garage. A garage cannot contain a kitchen as this would make it a secondary dwelling unit and result in the loss of required parking for the main dwelling unit. In addition, the area of the garage would result in a structure that exceeds the allowed square footage for a secondary dwelling unit on this lot. The topic is discussed further in the garage section below.

The second issue, and the more challenging to meet, is compliance with the setback requirements. The location of the existing structure encroaches into the required rear and right side setbacks, having a setback of approximately two feet, five inches (as measured to the covered porch) at the rear and two feet on the right side, where the requirement is 10 feet and six feet, six inches, respectively. Unfortunately, variances cannot be requested to legalize the conversion because a variance cannot be granted to permit relief in excess of 50 percent of any requirement of the Zoning Ordinance, and the existing encroachments are greater than 50 percent. However, the room can remain and the bathroom can remain (subject to obtaining permits as discussed below) as part of an accessory structure, which can be used as a bonus room, office or other ancillary use to the main building. An accessory structure has different setback requirements from a secondary dwelling unit. The minimum setback requirement for an accessory structure is three feet for both the side and rear yards. Although the existing garage/accessory structure does not meet these setback requirements, staff believes the existing structure is legal, nonconforming and can remain. Any new additions,



however, would need to comply with the current development standards. Although not necessarily financially feasible or practical for the applicant, a secondary dwelling unit could potentially be achieved on the property either through modifications to the existing structure or the construction of a new secondary dwelling unit. However, the existing garage/accessory structure could not be converted to a secondary dwelling unit.

#### Bathroom Addition to the Accessory Structure

The appeal letter states that the bathroom attached to the accessory structure was added at some point between 1952 and 1976. Therefore, through the subdivision process in 1976, the City was aware and approved the structure on the property. The applicant also states that the owner who purchased the property in 1976 indicated that the bathroom existed when she bought the property. The tentative map from 1976 contained the footprints of the residence, the detached garage, and a coop and shed, both of which were noted to be removed. The footprint of the garage is rectangular and does not include the bump out from the structure, which is the bathroom that currently exists. Staff has additionally reviewed building permit records and was unable to find a building permit for a bathroom addition at this property to establish that the addition was legally created. Absent any additional information, the bathroom in the accessory structure would need to obtain the proper building permits and inspections. The addition appears to comply with the accessory structure regulations, but would be reviewed with a detailed set of plans.

#### Use of the Detached Garage

The applicant would like to move forward with modifications to the main dwelling unit. However, due to the appeal regarding the status of the secondary dwelling unit and the use/ placement of a kitchen in the garage, staff informed the applicant that the use permit could not be processed until the issue was resolved. The existing detached accessory structure currently provides space for a one-car garage and a separate bedroom with an attached bathroom. A "kitchen" as desired by the applicant is currently located in the area that provides the required covered parking space for the property. Although the cooking facility does not impede on the interior clear space of 10 feet by 20 feet for a one-car covered parking space, staff believes the placement of a cooking facility would change the use of the structure from a garage, and create a living space. The conversion of required parking without replacement raises a question about parking compliance for the main dwelling unit, and therefore, staff would not be able to process the proposed building or use permit for the main dwelling unit.

A habitable space, as defined by the 2010 California Residential Code (CRC) Section R202, is a space in a building for living, sleeping, eating or cooking, and per Section R303.8 of the CRC, must be heated. The CRC clearly stipulates that bathrooms, closets, storage and other utility spaces are not considered habitable spaces. Likewise, a garage is defined as a utility space by virtue of its occupancy group and is required to be separated by a one hour wall from a residential occupancy group. In addition, for a garage to be heated, there would be considerable challenges to meeting the California Energy Code standards, and therefore a kitchen cannot coexist in a garage because a habitable space needs to be heated. The existing one-car garage and the remainder

of the accessory building (except the bathroom) is a legal, nonconforming structure on the property and can remain to serve those uses.

### Correspondence

Staff has not received any correspondence on this project.

### Conclusion

The item before the Planning Commission is a set of four issues that can be categorized into two main topics. The first item relates to the main structure and its determination of whether the structure is conforming or nonconforming due to its front setback. Given the location of the structure, the location of the front property line, and the definition of the front lot line, staff has determined that the existing main structure is a legal nonconforming structure (except for the attic conversion). The structure can be maintained and improved, provided that any new work complies with the development regulations of the R-1-U zoning district, and any substantial improvement over 50 percent of the replacement value receives use permit approval. In addition, should the applicant proceed with the proposed modifications or similar changes to the attic and second floor addition, the proposal would rectify the unpermitted attic conversion. However, if the proposal or similar project is not completed, building permits for the conversion would need to be obtained (if permitted by Building Code) or the space would need to revert to non-living space.

The remaining three items that the applicant is appealing is in regard to staff's determination on the accessory structure and its use as a secondary dwelling unit. In reviewing the City's historical files, documents from the County of San Mateo's Assessor's Office, and information provided by the applicant, staff has determined that the existing detached accessory building (except the bathroom) is a legal, nonconforming structure that can remain as a one-car garage with an attached accessory structure that can be used for ancillary uses, but not as a secondary dwelling unit due to the lack of proper cooking facilities and the nonconforming setbacks. Unfortunately, the location of the structure exceeds the allowable encroachment for a variance request, and therefore, the conversion of the accessory structure to a secondary dwelling unit is not possible. The existing bathroom appears to have been constructed without the benefit of a building permit, and the applicant would need to apply for a building permit (meeting today's building code), receive inspections, and finally the permit to legalize the addition. Finally, a garage and a kitchen cannot co-exist, and the garage would take precedence.

To summarize, staff has determined the existing residence and the detached garage/accessory structure are both considered legal, nonconforming structures. As the buildings currently exist, the residence has an unpermitted conversion of the attic to habitable space and the detached garage/accessory building has an unpermitted bathroom addition. Each of these items needs to be remedied through obtaining the applicable building permits and inspections, unless a building permit cannot be issued due to non-compliance with the Building Code or Zoning Ordinance. If a building permit cannot be issued, the space in the attic would need to revert to an attic use and the

bathroom addition would need to be removed. The attic space conversion may be addressed through the applicant's proposed addition, which triggers the need for a use permit. Staff recommends that the Planning Commission support staff's determinations.


## ENVIRONMENTAL REVIEW

The determination on these items is not considered a project and therefore, not subject to the California Environmental Quality Act (CEQA). However, a future use permit would require CEQA review.

## RECOMMENDATION

As noted previously, the applicant has a right to appeal an administrative determination whether or not there is a legal basis for granting the appeal. The appeal has been reviewed by the City Attorney and it is the opinion of staff and the City Attorney that there is no legal basis on which to grant the appeal. Given the lack of a legal basis, the Planning Commission should deny the appeal and uphold the administrative determination of the following items:

1. The existing main structure is a legal, nonconforming building due to non-compliance with the required 20-foot front setback. Additionally, if not addressed through an expansion or renovation of the main structure, building permits, inspections and building permit final must be obtained for the existing second floor.
2. The one-car garage and attached accessory structure is a legal, nonconforming building due to non-compliance with the required three-foot right side and rear required setbacks. The accessory structure cannot be defined or used as a secondary dwelling unit due to non-compliance with the required 10 foot rear setback and 6.5 foot side setback for a secondary dwelling unit.
3. The existing bathroom was an addition constructed without building permits, and building permits are required for the addition to remain.
4. The existing detached garage provides one covered parking space that needs to be maintained or replaced with one covered parking space for compliance with the Zoning Ordinance.



---

Deanna Chow  
Senior Planner  
Report Author



---

Justin Murphy  
Development Services Manager

## **PUBLIC NOTICE & APPEAL PERIOD**

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property. Planning Commission action will be effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

## **ATTACHMENTS**

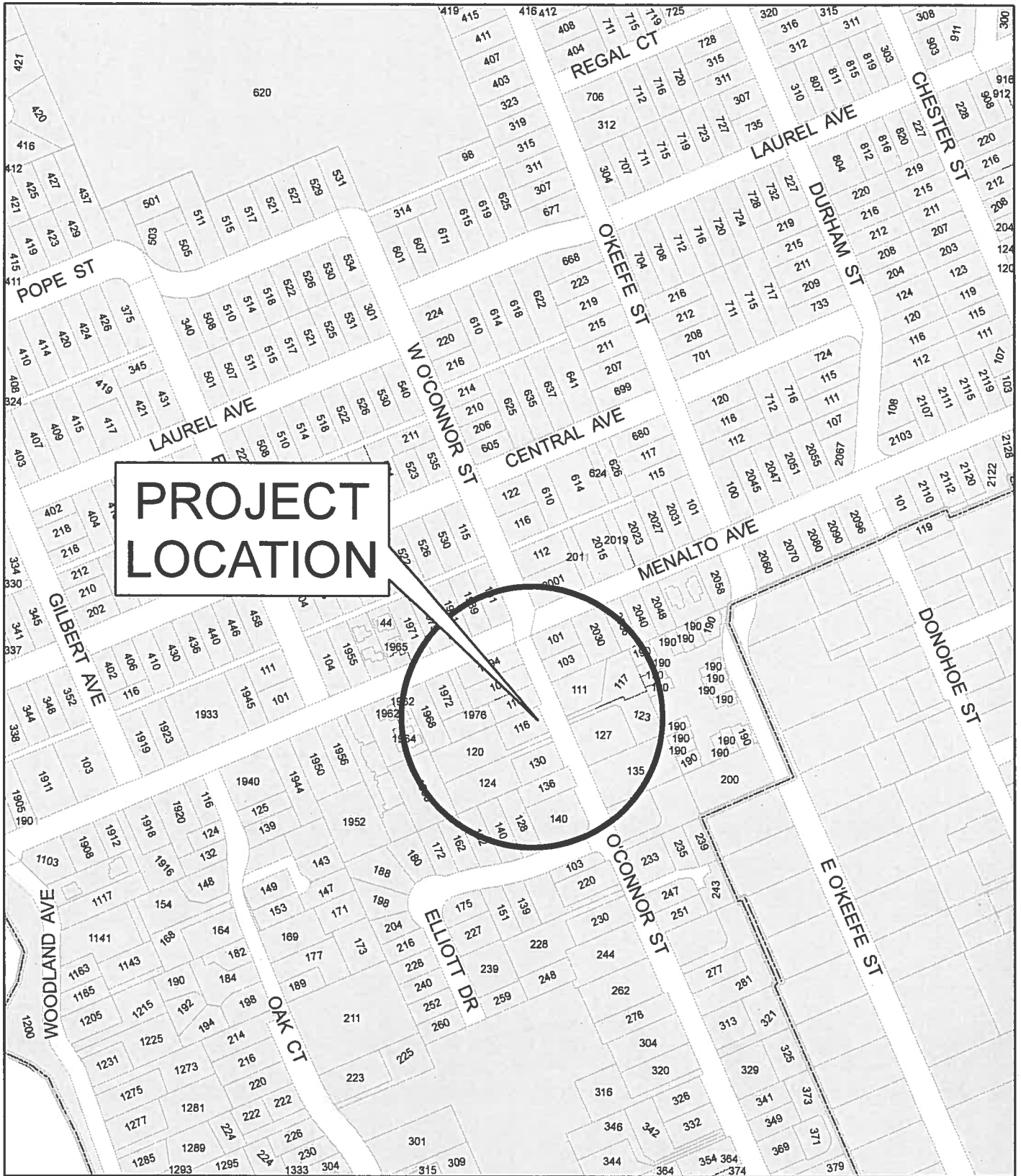
- A. Location Map
- B. Appeal Letter
- C. County of San Mateo Appraisal, 1971

## **EXHIBIT TO BE PROVIDED AT MEETING**

None

**Note:** Attached are reduced versions of maps and diagrams submitted by the applicant. The accuracy of the information in these drawings is the responsibility of the applicant, and verification of the accuracy by City Staff is not always possible. The original full-scale maps and drawings are available for public viewing at the Community Development Department.

V:\STAFFRPT\PC\2011\121211 - 116 O'Connor Street.doc



**PROJECT  
LOCATION**

# CITY OF MENLO PARK

LOCATION MAP  
116 O'CONNOR STREET

**A1**



DRAWN: KTP CHECKED: KTP DATE: 12/07/11 SCALE: 1" = 300' SHEET: 1

Shannon Thoke  
116 O'Connor Street  
Menlo Park, CA 94025

RECEIVED

NOV 22 2011

CITY OF MENLO PARK  
BUILDING

November 11, 2011

Menlo Park Planning Commission  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

**RE: 116 O'Connor Street**

Dear Members of the Planning Commission:

I am writing to formally appeal the decisions by Menlo Park Planning ("Planning") related to a proposed addition to my house (primary structure) and also to appeal their determination that the secondary structure on my property does not qualify for classification as a secondary dwelling unit. During the process of applying for the necessary permits for my proposed addition, a series of potential issues and concerns were raised by Planning. It is my belief the conclusions and decisions presented by Planning are based upon incorrect and unfair analysis that are not supported by the Menlo Park zoning ordinances and also defy common sense. Under the authority granted to this Commission by California Government Code sections 65103, 65401, 65402, et seq., and by the Menlo Park City Council, I ask this Commission to reverse the decisions rendered by Planning such that I may proceed obtaining the necessary building permits for my addition, as proposed, and further ask this Commission to declare the classification for the secondary structure on my property to be a secondary dwelling unit.

By way of background, in June 2011, I began the process of planning and applying for the necessary permits for an addition to my house. I visited Planning on four separate occasions during their office hours to research and discuss the plans for my proposed addition. During these visits to Planning, I met with Kyle Pereta and Deanna Chow. Upon discussion and initial review of my objectives, Ms. Chow and Mr. Pereta indicated that they saw no issues with my plans or my existing square footage calculations. However, despite no prior indication there were any potential problems whatsoever, upon a final review of the plans with my designer, Michelle Miner, Ms. Chow raised an issue with the existing square footage calculations. After lengthy correspondence and meetings with Planning officials, it was determined that the finished attic space (currently used as a spare bedroom in my main house) would not count towards the square footage for purposes of Planning's permit calculations. Due to this revised existing square footage calculation; Ms. Chow indicated that my proposed addition would now require a use permit in addition to a building permit. She also explained that according to their determination, my lot is conforming however; my house (primary structure) is a non-conforming structure. Ms. Chow indicated my use permit would easily pass, but would cost between \$1,500 and \$5,000 in addition to my building permits which are estimated to be \$6,000. The use permit process would also add another three to nine months of time to what is already becoming a very lengthy process. Based upon my initial work in June 2011, my original planned construction date was November 2011, which unfortunately will not happen.

Both structures on my property were originally conforming until 1976 when a larger main lot was subdivided into four separate lots. At this time, the City of Menlo Park was deeded the front ten feet of my current lot for future use as a public right of way. Additionally, it was stated on multiple planning documents in 1976 that the structures on the property were to remain as standing. I am able to show that the secondary structure on my

property including the garage, attached room, bathroom, and covered porch existed prior to 1976. Therefore, through the process of plot subdivision, the City of Menlo Park legalized and approved of both structures in 1976.

To date, the City of Menlo Park has never utilized the front ten feet of the lot. There are no current records or plans in the General Plan for use of this property by the city. Further, the City does not own the first ten feet of several other surrounding lots (including my next door neighbor), making it difficult if not impossible for the city to use the land for any reasonable purpose. During my residency at 116 O'Connor Street, I have made substantial improvements to this area, including landscaping, irrigation and maintenance of a picket fence. As a result, I requested Planning, for the purposes of their calculations for permitting my proposed addition, to measure their offsets from the original pre-1976 property line. Despite it being a modern common practice to include a variance for such subdivisions (which unfortunately did not occur in 1976), Planning rejected this request which would have changed the status of my primary structure from a non-conforming to a conforming structure and would have allowed me to count my (also non-conforming) secondary structure (presently used as a garage and rental property) as existing square footage. This was the basis of Planning's determination that I would require a use permit to proceed with my planned addition.

During this process, it was also determined by Planning that there was an existing open zoning violation regarding my detached rental property. I received notice of this zoning violation in 2010 and worked promptly with Code Enforcement Officer Elizabeth Fambrini and Mr. Pereta to effectively resolve these issues. To address Ms. Chow's concerns regarding the alleged zoning violation, I provided all verbal and written correspondence with Planning and Code Enforcement that occurred on October 28, 2010. Based upon my correspondence with these officials, I believed this case was satisfactorily resolved and closed. However, despite no notice to the contrary until I began the permitting process, the case was never closed and I was told by Ms. Chow that I would not be issued a building permit through the use permit process until I resolved the zoning issue. It is my understanding that if the secondary structure is declared to be a secondary dwelling unit, this will resolve the outstanding zoning issue.

In this particular case, historical property information is extremely relevant, and has been largely overlooked and ignored by Planning in making their decisions regarding my proposed addition and requests regarding the secondary dwelling unit. As part of my research, I visited the County of San Mateo Assessment Office. I also spoke with the previous two home owners. As stated in the historical county records dated 1952, the original construction dates for both the house (primary structure) and garage/attached room (secondary structure) was 1921. As stated in the attached letter dated November 2, 2011 from Dr. Sallie Tasto (formerly Keuny and Reid), Dr. Tasto purchased the property in 1976. Her daughter, Elizabeth Fong became the owner in 2003 and sold the property to me in 2004. They were the only two owners between 1976 and 2004. In her letter, Dr. Tasto verifies that her family never added any square footage to the garage and rental unit during their ownership of the property. Further, she verifies the garage, rental unit, bathroom, and covered porch existed when they purchased the house in 1976. Based upon the County's 1952 property records and the statement from Dr. Tasto, one can reasonably determine the bathroom and covered porch were added to the secondary structure at some point between 1952 and 1976. As such, the City of Menlo Park, through the process of lot subdivision in 1976, was aware and approved of both structures on my property, as they currently exist.

Based upon this information, I immediately worked with Planning to classify my secondary structure as a secondary dwelling unit. Upon review of the Menlo Park Zoning Code and additional research of Planning records, I found several similar situations (properties with secondary dwelling units as rental property) in Menlo Park. After extensive research, personal visits from Ms. Chow to my property, and correspondence, Planning informed me that I would not be eligible to classify my secondary structure as a secondary dwelling unit since it did not meet their required variance allowances. Even though the current setback and variance allowances with respect to the two structures on my property were created by the City of Menlo Park through the acceptance and subdivision of the lot in 1976, Ms. Chow's solution to the problem was for me to physically pick up the secondary structure and move it to

another location on my property to legalize the structure as a secondary dwelling unit. This is neither a reasonable nor a practical solution. Ms. Chow also verified that Planning has determined my secondary structure (including the garage and additional room) to be a non-conforming legal structure. I disagree with this assessment. Despite my offer to show these additions were built between 1952 and 1976, Planning did not accept the bathroom or the covered porch as legal additions to the structure and suggested I get an additional building permit to classify it as a non-rentable accessory structure if I was not willing to move the structure. Unfortunately, this does not solve the zoning compliance issue.

From my research, the original Menlo Park secondary dwelling unit ordinance was enacted in 1983 and was revised in 2003. It is referenced in the Menlo Park Zoning Code as 16.04.295 and 16.79. It is important to note that all structures on my property including all existing components existed prior to the ordinance's existence. As a reference, here is the ordinance definition and a link to the current ordinance:

<http://www.menlopark.org/departments/pln/secdwellunits.pdf>.

**16.04.295 Dwelling unit, secondary<sup>i</sup>.**

A "secondary dwelling unit" means a dwelling unit on a residential lot which provides complete independent living facilities for one (1) or more persons, and shall include permanent provisions for living, sleeping, eating, cooking and sanitation independent of the main dwelling existing on the residential lot. (Ord. 923 § 2, 2003; Ord. 688 § 2 (part), 1983).

Below, is an explanation of how my property adheres to the current secondary dwelling unit ordinance has the following development regulations:

**16.79.040 Development regulations<sup>ii</sup>.** Development regulations for a secondary dwelling unit are as follows:

(1) Minimum lot area: 7,000 square feet; **116 O'Connor Street's lot size is 7,006 square feet (65.45 feet wide by 107.04 feet long).**

(2) Density: No more than one (1) secondary dwelling unit may be allowed on any one (1) lot; **There is only one secondary dwelling unit being requested at 116 O'Connor Street.**

(3) Subdivision: A lot having a secondary dwelling unit may not be subdivided in a manner that would allow for the main dwelling and secondary dwelling unit to be located on separate lots or that would result in a lot of less than 7,000 square feet of area or less width and/or depth than required by the single-family zoning district in which the lot is located; **This is not an issue at 116 O'Connor Street.**

(4) Minimum yards:

(a) Structurally attached secondary dwelling units: Secondary dwelling units developed within the main dwelling or structurally attached to the main dwelling as defined in Section 16.04.145 Buildings, structurally attached, shall comply with all minimum yard requirements for the main dwelling established by the single-family zoning district in which the lot is located; **I am applying for a detached secondary dwelling unit so this is not applicable.**

(b) Detached secondary dwelling units: Detached secondary dwelling units shall comply with all minimum yard requirements for the main dwelling established by the single-family zoning district in which the lot is located, with the exception that the minimum rear yard is 10 feet; **116 O'Connor Street's lot size is 65.45 feet wide by 107.04 feet long. Therefore, the right and left setback are 6.5 feet, the back setback is 10 feet, and the front setback is 20 feet. In order to apply for a variance, the structure must not be less than 50 percent of the setback rule. Therefore, the back setback would have to be 5 feet or greater and the side setback would have to be 3.25 feet or greater. However, my back setback which is required to be measured from the covered porch and not the structure is 2 feet 5 inches and my side setback is 2 feet. If we were to measure from the structure and not the covered porch, I would meet the required 50 calculation on the rear setback.**

(5) Unit size:



- (a) The habitable square footage of all levels of the secondary dwelling unit shall not exceed five percent of the lot area or 640 square feet, whichever is less; **116 O'Connor Streets rental unit does not exceed five percent of the lot area or 640 square feet.**
- (b) Secondary dwelling units shall be limited to studio or one-bedroom units; **116 O'Connor Streets rental unit is a studio.**
- (6) Height: The maximum wall height of a detached secondary dwelling unit is nine (9) feet and the maximum total height is 14 feet; **116 O'Connor Street's rental unit wall height is 7'9" and the maximum height is below 14 feet.**
- (7) Parking: One (1) covered or uncovered off-street parking space that may be provided in the following configurations and areas in addition to the areas allowed for the main dwelling:
- (a) In tandem, meaning one car located directly behind another car; **116 O'Connor Street's garage fits one car and I have three additional tandem parking spots located behind the garage. There is a fifth tandem parking spot in the city deeded property.**
- (b) Within minimum required yards subject to obtaining a use permit in accordance with Chapter 16.82 Permits. **This is not applicable.**
- (8) Consistency: All secondary dwelling units shall comply with all applicable development regulations for the single-family zoning district in which the lot is located and building code requirements set forth in Title 12 Building and Construction of the Municipal Code unless otherwise provided for in this section; **The rental unit and bathroom are existing and would not need to meet building code requirements. However, I have reviewed these requirements and I would only need to make a few adjustments to meet code requirements.**
- (9) Aesthetics: The secondary dwelling unit shall have colors, materials, textures and architecture similar to the main dwelling; **The structure was originally built in 1921 in the same character as the original house.**
- (10) Tenancy: Either the main dwelling or the secondary dwelling unit shall be occupied by the property owner. **Shannon Thoke occupies the main dwelling on 116 O'Connor Street.**

Planning has also raised some questions as to whether the kitchenette in the secondary structure meets the code requirements. My kitchenette includes the following items: a two-burner hot plate including two pots, a toaster oven, a microwave, a mini refrigerator, a coffee maker, and an electric water heater. However, there is no specific definition in the zoning ordinances of what constitutes cooking facilities. Ms. Chow stated that the kitchenette included in my secondary structure did not qualify since it did not have a stove. I told her I could install an electric stove, but that there was no needed for this in my facility. In fact, when I moved into the property, there was a stove installed by the previous owners in the area, but I removed it. Ms. Chow also stated that the kitchenette could not be in the same space as the garage. However, the space in this room is 14 feet wide by 22 feet long. The code requirements for a one car garage are 10 feet wide by 20 feet long. Therefore, it would stand to reason that I can use the remaining square footage of this structure for any purpose. This is not prohibited by code. Finally, after speaking to Ms. Chow again, I was told I could not apply for a building permit for my main structure since I had a kitchen in my garage. This is extremely perplexing and frustrating since she already stated, in the context of me trying to classify the secondary structure as a secondary dwelling unit, that this was not a kitchen. Unfortunately, as this example illustrates, I feel as though Ms. Chow and Planning are applying an arbitrary and capricious standard of review with respect to my application.

In terms of the variance rules, the applicant must demonstrate<sup>iii</sup>:

- That a hardship peculiar to the property, and not created by any act of the owner, exists.
- That it is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and would not constitute a special privilege of the recipient not enjoyed by their neighbors

- That it will not be materially detrimental to the public health, safety or welfare and will not impair an adequate supply of light and air to an adjacent property
- That the conditions of the property are specific to that property and would not be applicable to other property within the same zoning classification

It would be a significant and extreme hardship for me to move the secondary structure in order to meet the setback requirements since I would have to tear down and essentially destroy the existing structure. Further, the dwelling component of the secondary structure is already attached to a one-car garage (thereby meeting the requirement for a covered parking facility on the property) – detaching the secondary dwelling unit from the garage would create an additional hardship (and likely destroy and/or significantly damage both resulting structures). Since the garage is an existing structure, this would not exacerbate the setback situation as it would not change the right or rear side setbacks. Additionally, all windows on the right or rear side are already obscured by fencing. Therefore, the windows should have no additional impact on the neighboring properties.

As a home owner, the right to rent my property as a secondary dwelling unit is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and would not constitute a special privilege of the recipient that is not enjoyed by their neighbors. Further, none of my neighbors have stated any objections to the existing structure or the rental of a secondary structure. In fact, there are a number of similar rental units on O'Connor Street. During my original correspondence with Planning, I was told this was very common throughout my neighborhood and would not be an issue in my application process.

Since the secondary structure already exists and no construction would be required, there is no impact to public health, safety, or welfare and there is no impact upon the supply of light and air to any adjacent property. The conditions of this request were caused by the subdivision of my lot by prior owners and the City in 1976, creating unique circumstances with respect to setbacks that would not apply to other properties in the same zoning classification.

I have attached the following documentation in support of my case to classify my secondary structure as a secondary dwelling unit and to consider the original pre-1976 property line for purposes of conformity of my main structure:

- Thoke Residence Plans which include the existing structure, planned addition, one-car garage, and secondary dwelling unit including kitchenette.
- Letter from Dr. Sallie Tasto (formerly Keuny and Reid), former owner of 116 O'Connor Street dated November 2, 2011.
- County of San Mateo 1952 Appraisal Report
- Pictures of the garage, secondary structure, kitchenette, and covered porch
- 1976 records relating to the sub-division of 116 O'Connor Street including the acceptance of the structure to "remain" (5)
- Relevant deeds relating to the property at 116 O'Connor Street
- O'Connor Street Map showing 10 foot dedication inconsistencies

I implore this Commission to rule on the following items:

1. Classify and thereby legalize my secondary structure as a secondary dwelling unit; based on the fact that the variance issues are not applicable as the entire unit existed before the secondary dwelling unit ordinance; and the fact that the structure existed prior to the 1976 subdivision (and thereby was approved); or by any other measures deemed appropriate.

2. Verify that no development code changes need to be made to my secondary structure in order to classify and thereby legalize the structure as a secondary dwelling unit since it is grandfathered by virtue of construction in 1921 with all additions completed between 1952 and 1976.
3. Verify that I have a legal one-car garage in addition to a legal secondary dwelling unit so that I can pursue a building permit for an addition to my house.
4. Confirm that the measurement of my front property line is from the original pre-1976 subdivision property line. This would make my main home a conforming structure.

Sincerely,



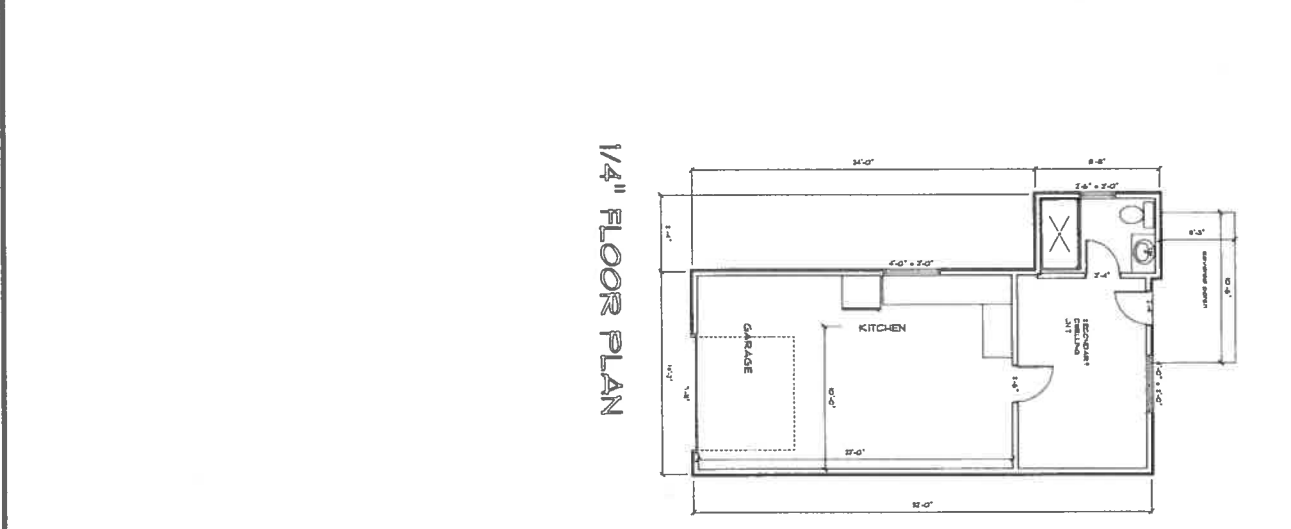
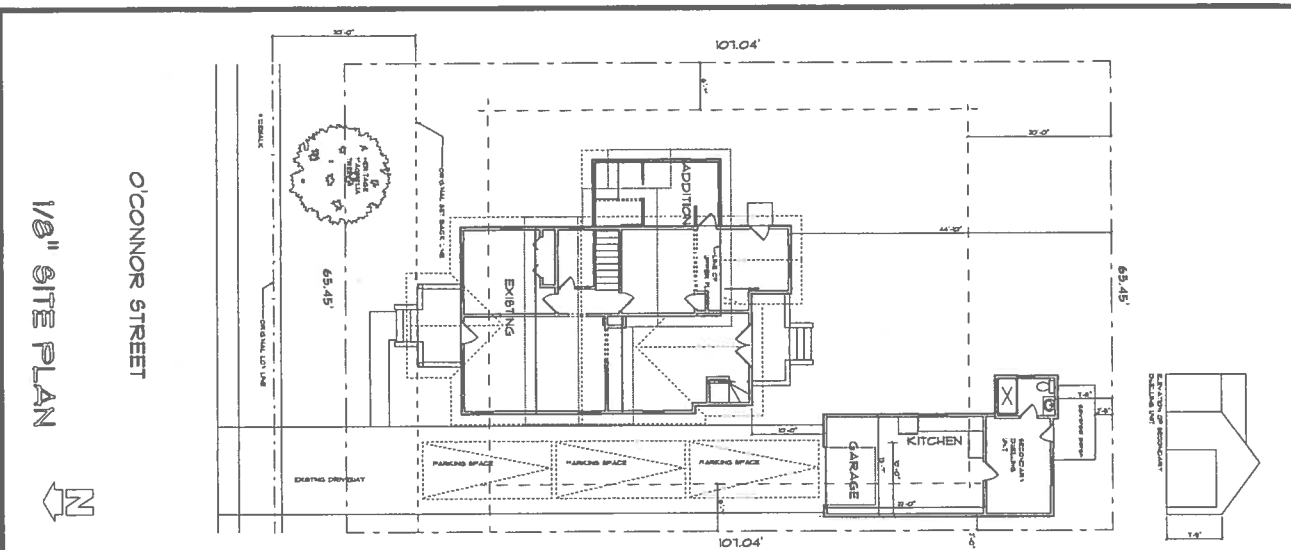
Shannon Thoke  
(617) 304-7312

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<sup>i</sup> <http://www.codepublishing.com/ca/menlopark/html/MenloPark16/MenloPark1604.html#16.04.295>

<sup>ii</sup> <http://www.menlopark.org/departments/pln/secdwellunits.pdf>

<sup>iii</sup> <http://www.menlopark.org/departments/pln/hardship.pdf>



# THOKE RESIDENCE

## ANALYSIS

ASSESSOR'S PARCEL #	033 430 660
LOT AREA	100811 S.F.
ZONING	R-14U
TYPE OF CONSTRUCTION	V-14
OCCUPANCY STATUS	R3, U
EXISTING USE	SINGLE FAMILY RES.
PROPOSED USE	BUILT IN NEW FLAT LOT
EXISTING	
EXISTING LOWER FLOOR	1050 S.F.
EXISTING GARAGE/SECONDARY LIVING UNIT	458 S.F.
NEW LIVING	1598 S.F.
NEW LOBBY	149 S.F.
NEW JEFFER	584 S.F.
TOTAL SQUARE FOOTAGE	3780 S.F.
COVERED FRONT PORCH	45 S.F.
COVERED REAR PORCH	55 S.F.
H.P.A.	2801 S.F.
MAX LOT COVERAGE 38%	3842 S.F.
ACTUAL LOT COVERAGE 34%	374 S.F.

## INDEX

1	INDEX - VICINITY MAP - ANALYSIS - SITE PLAN
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### GENERAL NOTES:

ALL UTILITIES SHOWN SHALL HAVE PERMISSIONS FROM CALIFORNIA WATER SUPPLY AND SEWERAGE AGENCY (CWSA) AND CITY OF MENLO PARK. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPROPRIATE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPROPRIATE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPROPRIATE AGENCIES AND AUTHORITIES.

BT

### NOTES

- ALL CONSTRUCTION SHALL COMPLY WITH:
  - A1 CALIF. FIRE CODE
  - 2010 EDITION
  - C1 CALIF. BUILDING CODE
  - 2007 EDITION
  - D1 CALIF. MECHANICAL CODE
  - 2007 EDITION
  - E1 CALIF. PLUMBING CODE
  - 2007 EDITION
  - F1 CALIF. ELECTRICAL CODE
  - 2007 EDITION
  - G1 ANY OTHER APPLICABLE LOCAL, STATE, FEDERAL, OR NATIONAL CODES.

## PERSONNEL

**OWNER**  
 SHANNON THOKE  
 116 O'CONNOR ST.  
 MENLO PARK, CA 94025

**DESIGNER**  
 MICHELLE MINER DESIGN  
 5095 BOBBIE AVE.  
 SAN JOSE, CA 95130

## VICINITY MAP



An Addition and Remodel for:

**Shannon Thoke**

116 O'Connor St. Menlo Park, Ca 94025

**michelle miner**  
design

5095 Bobbie Ave San Jose, Ca 95130  
 408.396.0984 Shelminer@aol.com

DATE	DRAWN BY

4/8/14 31

SALLIE REID TASTO, PH.D.  
550 HAMILTON AVENUE, SUITE 201  
PALO ALTO, CALIFORNIA 94301  
TELEPHONE (650) 324-1826

Menlo Park Planning Commission

701 Laurel Street

Menlo Park, CA 94025

November 2, 2011

Dear Commissioners:

I am providing the following information at the behest of Shannon Thoke, present owner of the property at 116 O'Connor St., Menlo Park, CA, 94025

In the fall of 1976, I purchased the above property. At the time of my purchase, there existed a detached one car garage which was divided as follows: approximately the front two-thirds comprised open space for either storage or car shelter. The back one-third was a separate unit with a complete wall and door separating it from the front area. It had its own bathroom, with toilet, sink and shower, and a separate outside door entrance. Just outside the door was an overhanging roof and a small patio area. During the years I lived at the property, and afterward when I rented it, I used the back area as a bedroom.

In or around 2003, my daughter and son-in-law, Elizabeth and Eric Fong, took title to the property. They, in turn, sold it to Shannon Thoke. At no time, from 1976 until the sale to Ms. Thoke in 2004, was there an addition to the existing footprint of the garage.

Sincerely,



Sallie Tasto (formerly Reid and Kueny)





BID



B11



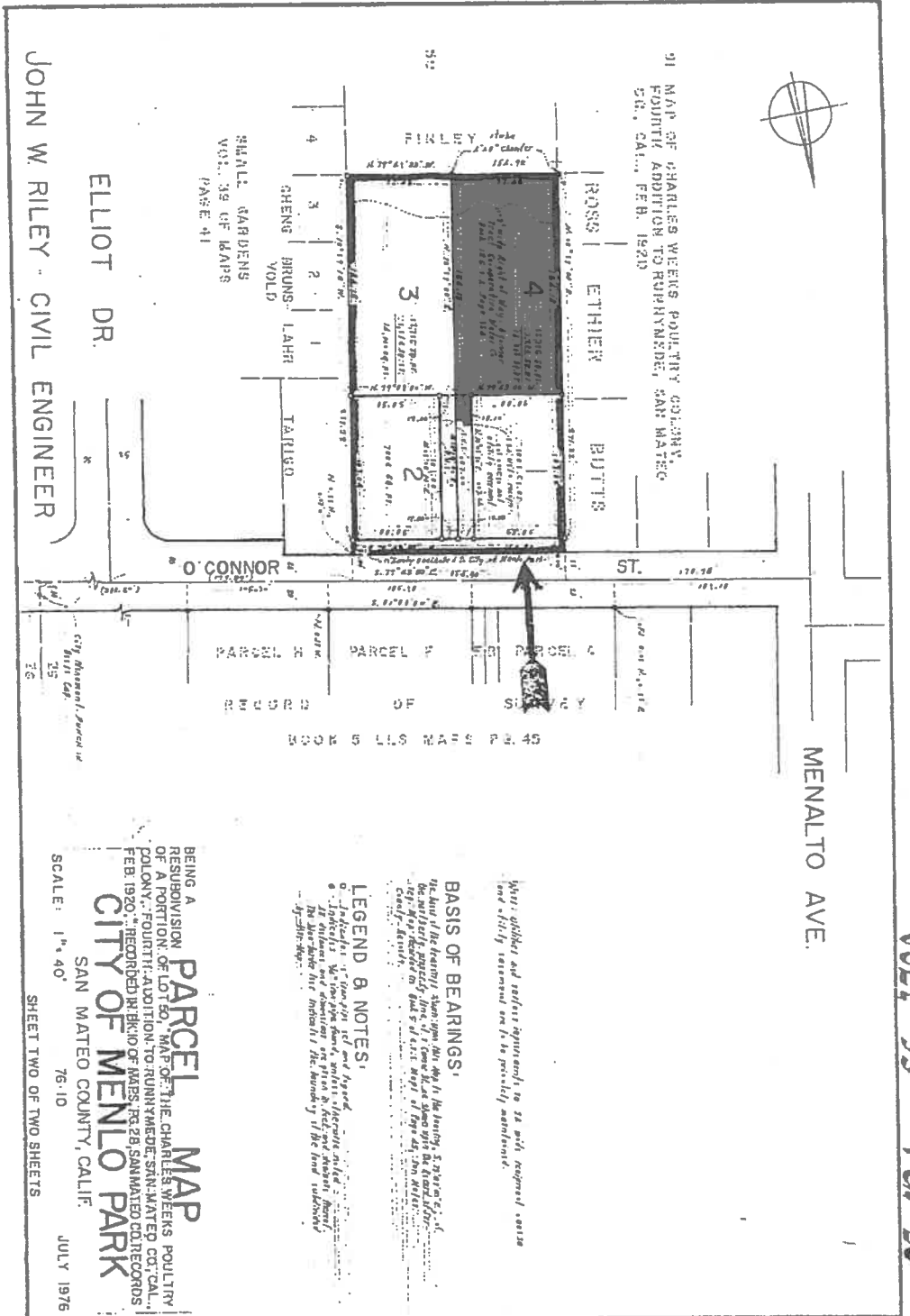


B12



B13

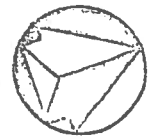




VOL. 33 PG. 26

B15

116 O'CONNOR STREET



SCALE 1" = 50'  
6-2-76

MENALTO

AVENUE

PROPOSAL TO  
RESUBDIVIDE  
ONE PARCEL INTO  
FOUR LOTS.

3' UTILITY EASEMENT

EXIST. GARAGE  
TO REMAIN

10' DEDICATION TO  
CITY OF MENALTO PARK

164.18'

107.44'

EXIST. STRUCTURES  
TO BE REMOVED

EXIST. 10' DRIVE

EXIST.  
RES. TO  
REMAIN

LOT 4  
12,716 SQ. FT.

LOT 1  
7,006 SQ. FT.

65.45'

16' DRIVEWAY

LOT 3  
12,716 SQ. FT.

PROPOSED 24"  
ACCESS P.U.E.

LOT 2  
7,006 SQ. FT.

65.45'

107.44'

77.45'

77.45'

164.18'

3' UTILITY EASEMENTS

O'CONNOR STREET

O'CONNOR STREET

B16

WATER CO.

12,716 SQ. FT.

4

SP  
AS REMOVED

- 10. All private improvements. No dedications proposed. Title report supplied.
- 11. Parcel Map to be filed.
- 12. Sanitary sewer service by East Palo Alto Sanitary District.
- 13. Water service by O'Connor Tract Cooperative Water Co. 574-0740
- 14. Power and telephones: Pacific Gas & Electric Co. and Pacific Telephone Co.

Strip

Garage  
(to remain)

INSTALL 1" WATER SERV.

Single Storey  
wood frame residence  
1160 CONNOR ST.  
ZIMMERMAN  
(TO REMAIN)

EXISTING DRIVEWAY

7,006 SQ. FT.  
(NET)

BUTTS

10' DEDICATION

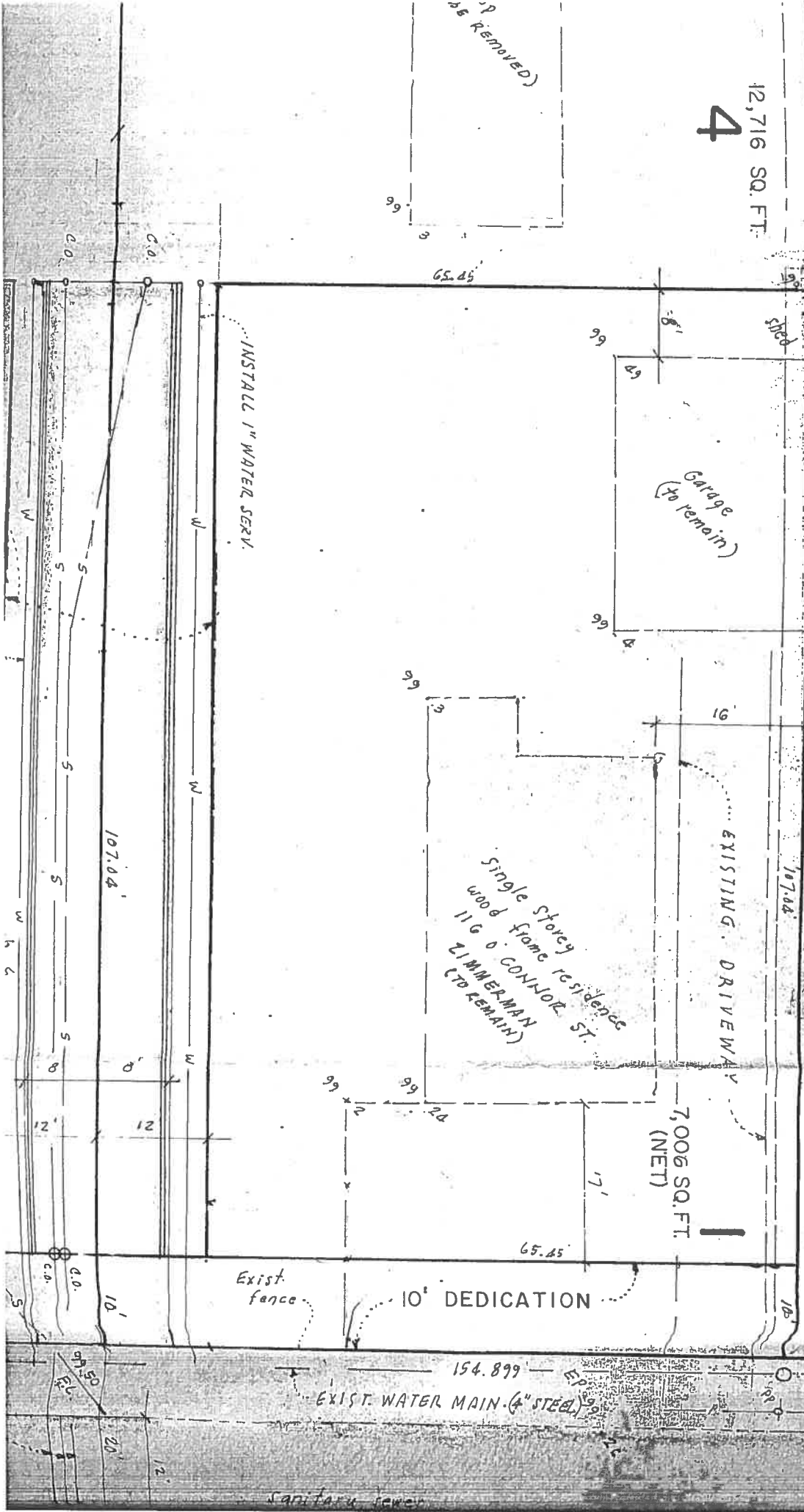
Exist fence

180 to MENALTO

154.899 EP  
EXIST. WATER MAIN (4" STEEL)

RISER (water)

B17



County Government Center, Redwood City, Calif.

CONDITIONS TO BE MET FOR SEGREGATION OF TAX BILL PURSUANT TO STATE TAX LAWS

Section 2821.

Any person filing an affidavit of interest may apply to the Tax Collector to have any parcel separately valued on the current roll FOR THE PURPOSE OF PAYING TAXES. The application shall be made during the current fiscal year EXCEPT during the periods of December 1 through December 10, April 1 through April 10 and June 20 through June 30 and shall set forth the fact that a duly executed and RECORDED deed, purchase contract, deed of trust, mortgage, or final decree of court DESCRIBES THE PARCEL SOUGHT TO BE SEPARATELY VALUED. The applicant must also execute a bond, signature and furnish a seal thereof if either a 1911 or 1915 bond lien is on the property. Any separately valued property is for tax paying purposes only and is not intended to create a legal building site or to supersede equipment pursuant to zoning, building, lot split or subdivision ordinances. The Tax Collector shall notify the Planning Commission of the jurisdiction in which the property is situated of all applications for separate valuations.

Section 2823.

A separate valuation shall not be made of any parcel covered by a subdivision map applied for, recorded, or next proceeding hereto. A separate valuation shall not be made of any piece of property separately assessed in the original assessment into more than four parcels.

APPLICATION FOR SEGREGATED VALUATION OF THE FOLLOWING DESCRIBED REAL PROPERTY:

RECORDER'S SERIES NO. 29963-AK 7 YEAR 1976-77 PARCEL NO. 34806-AK 8 34803-AK 7 PARCEL NO. 63-430-140 VOLUME NO. 285  
(Shown on Current Tax Roll) (Shown on Current Tax Roll) 4th Add Runnymede

Parcels 1, 2, 3 & 4 of Parcel Map being Rosub of Parcel Lot 50 Chas Weeks Poultry Col. 4th Add Runnymede  
(or Assessor's Description) (Nly 1/2 of Lot 50, 4th Add Runnymede C/D)

ASSESSED VALUES: (Shown on Current Tax Roll)  
Land \$ 11250 Improvements \$ 4050 Personal Property \$ Exemptions \$

DESIGNATE PARCEL ON WHICH IMPROVEMENTS, PERSONAL PROPERTY, OR EXEMPTIONS ARE LOCATED ON FIRST DAY OF MARCH.  
Copy of recorded document must be attached:  
THE IMPROVEMENTS ARE ON PARCEL A DESCRIBED BELOW

The land herein referred to is situated in the State of California, County of San Mateo, City of Menlo Park, and is described as follows:

PARCEL A:

Parcel 1 as shown on that certain map entitled "PARCEL MAP, BEING A RESUBDIVISION OF A PORTION OF LOT 50 'MAP OF THE CHARLES WEEKS POULTRY COLONY, FOURTH ADDITION TO RUNNYMEDE, SAN MATEO CO. CAL. FEB. 1920' FILED IN BOOK 10 OF MAPS, PG. 28, SAN MATEO CO. RECORDS CITY OF MENLO PARK, SAN MATEO COUNTY, CALIF.", filed in the office of the County Recorder of San Mateo County, State of California on September 29, 1976 in Book 33 of Parcel Maps at pages 25 and 26.

PARCEL B:

Parcel 2 as shown on that certain map entitled "PARCEL MAP, BEING A RESUBDIVISION OF A PORTION OF LOT 50 'MAP OF THE CHARLES WEEKS POULTRY COLONY, FOURTH ADDITION TO RUNNYMEDE, SAN MATEO CO. CAL. FEB. 1920' FILED IN BOOK 10 OF MAPS, PG. 28, SAN MATEO CO. RECORDS CITY OF MENLO PARK, SAN MATEO COUNTY, CALIF.", filed in the office of the County Recorder of San Mateo County, State of California on September 29, 1976 in Book 33 of Parcel Maps at pages 25 and 26.

PARCEL C:

Parcel 3 as shown on that certain map entitled "PARCEL MAP, BEING A RESUBDIVISION OF A PORTION OF LOT 50 'MAP OF THE CHARLES WEEKS POULTRY COLONY, FOURTH ADDITION TO RUNNYMEDE, SAN MATEO CO. CAL. FEB. 1920' FILED IN BOOK 10 OF MAPS, PG. 28, SAN MATEO CO. RECORDS CITY OF MENLO PARK, SAN MATEO COUNTY, CALIF.", filed in the office of the County Recorder of San Mateo County, State of California on September 29, 1976 in Book 33 of Parcel Maps at pages 25 and 26.

PARCEL D:

Parcel 4 as shown on that certain map entitled "PARCEL MAP, BEING A RESUBDIVISION OF A PORTION OF LOT 50 'MAP OF THE CHARLES WEEKS POULTRY COLONY, FOURTH ADDITION TO RUNNYMEDE, SAN MATEO CO. CAL. FEB. 1920' FILED IN BOOK 10 OF MAPS, PG. 28, SAN MATEO CO. RECORDS CITY OF MENLO PARK, SAN MATEO COUNTY, CALIF.", filed in the office of the County Recorder of San Mateo County, State of California on September 29, 1976 in Book 33 of Parcel Maps at pages 25 and 26.

PARCEL B ABOVE IS THE REMAINING PROPERTY

Received by Tax Collector  
To Assessor  
To Controller

11-9-76

Returned to Tax Collector  
Separate bills made  
Bills mailed

B18

Escrow No.  
Loan No.

REQUEST VI  
*Robert and Lita Reid*

WHEN RECORDED MAIL TO:

Oct 16 3 17 PM 1978

Richard and Sallie Kueny  
116 O'Connor St.  
Menlo Park, Calif. 94025

MARVIN CHURCH, RECORDER  
SAN MATEO COUNTY  
OFFICIAL RECORDS

*300  
7/1*

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

same as above

DOCUMENTARY TRANSFER TAX \$ -0-  
..... Computed on the consideration or value of property conveyed: OR  
..... Computed on the consideration or value less lien or encumbrances  
remaining at time of sale  
*Robert Reid*  
Signature of Declarant or Agent determining tax - Firm Name

### GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Robert and Lita Reid who are husband and wife, in joint tenancy

hereby GRANT(S) to

Richard S. and Sallie R. Kueny who are husband and wife, in joint tenancy

the real property in the City of Menlo Park  
County of San Mateo

State of California, described as

Parcel 1 as shown on that certain map entitled "PARCEL MAP, Being a Resubdivision of a Portion of Lot 50, "Map of The Charles Weeks Poultry Colony, Fourth Addition to Runnymede, San Mateo Co., Cal., Feb. 1920," recorded in Bk. 10 of Maps, Pg. 28, San Mateo Co., Records, CITY OF MENLO PARK, San Mateo County, Calif.", filed in the office of the County Recorder of San Mateo County on September 29, 1976, in Book 33 of Parcel Maps at pages 25 and 26.

AP #63-430-140

2735 JAN

Dated Oct 12, 1978

STATE OF ~~MINNESOTA~~ Minnesota  
COUNTY OF Hennepin ss.

*Robert L. Reid*  
*Lita M. Reid*

On Oct 12, 1978

before me, the undersigned, a Notary Public in and for said State, personally appeared  
Robert and Lita Reid

known to me to be the person(s) whose name(s) subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature *Evelyn L. Wicklander*

EVELYN L. WICKLANDER  
NOTARY PUBLIC - MINNESOTA  
HENNEPIN COUNTY  
My commission expires Apr. 25, 1980

REF 7723 IMG 202

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1002 (10/69)

B19

RECORDER'S OFFICE SAN MATEO COUNTY



PA-121523-KLK RWC# 239340  
RECORDING REQUESTED BY  
CHICAGO TITLE COMPANY  
AND WHEN RECORDED MAIL TO

Thomas Krazit and  
Shannon Thoke  
116 O'Connor Street  
Menlo Park, Ca. 94025

2004-216757

CHICAGO TITLE INSURANCE COMPANY  
08:00am 11/02/04 DE Fee: 13.00  
Count of pages 3 non-dis  
Recorded in Official Records  
County of San Mateo  
Warren Slocum  
Assessor-County Clerk-Recorder



Escrow No. 121523 - KLK  
Order No. 121523 -

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Assessor's Parcel No: 063-430-680

30

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS

- unincorporated area
- City of Menlo Park
- computed on the full value of the interest or property conveyed, or is
- computed on the full value less the value of liens or encumbrances remaining at time of sale, and

CARTR code 11932

Trans. ... ed and Paid Pursuant to  
Sect. 28210 ... 1887 amended by Ord. 1886

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Eric A. Fong and Elizabeth R. Fong, Husband and Wife

hereby GRANT(S) to  
Thomas Krazit and Shannon Thoke, Husband and Wife as Community Property with  
Right of Survivorship

the following described real property in the City of Menlo Park  
County of SAN MATEO, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Dated October 26, 2004

STATE OF CALIFORNIA

COUNTY OF Santa Clara

On October 27 2004 ) SS.  
before me,

KATHRYN L. KELLY

a Notary Public in and for said County and State, personally appeared  
Eric A. Fong and Elizabeth R. Fong

Eric A. Fong  
Eric A. Fong  
Elizabeth R. Fong  
Elizabeth R. Fong

~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]  
Signature of Notary

5/19/08  
Date My Commission Expires

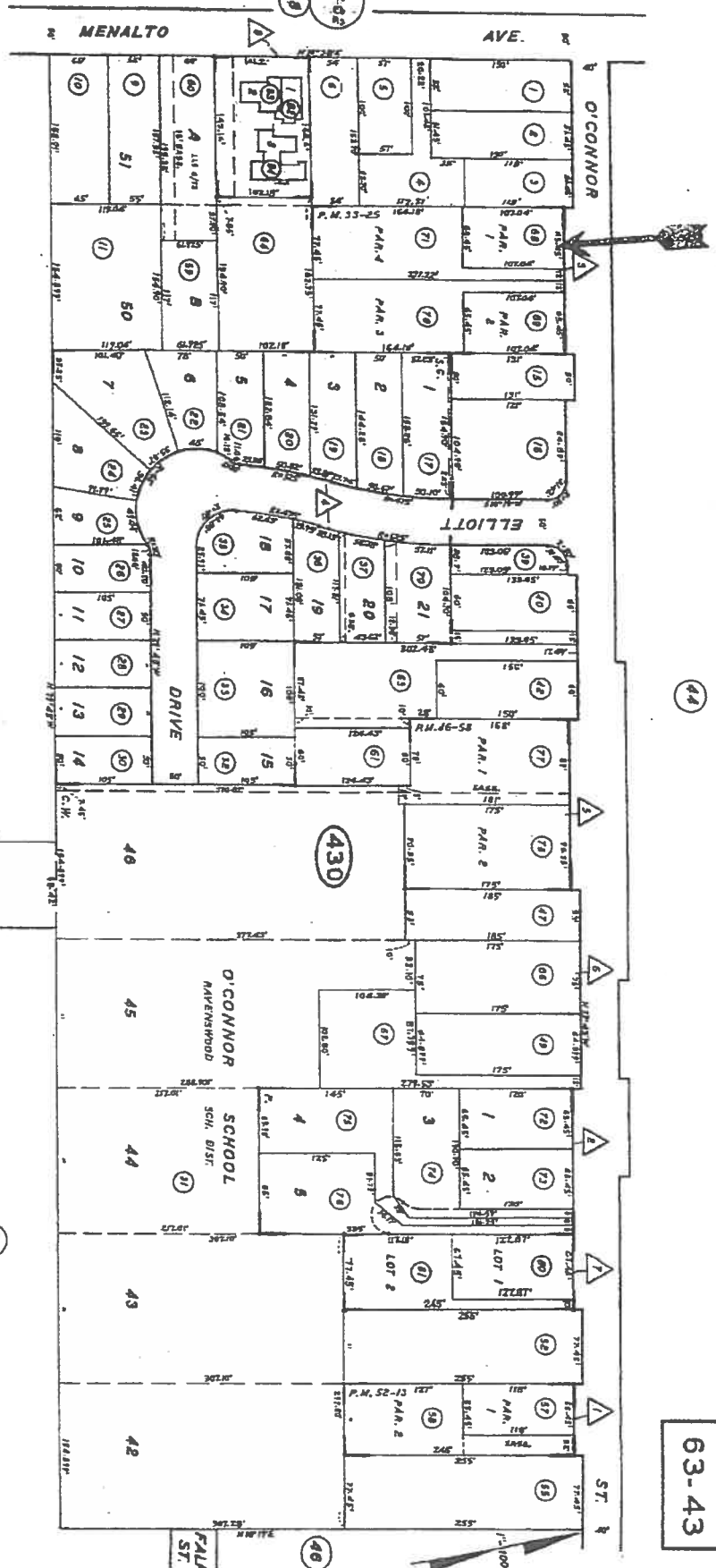


FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name \_\_\_\_\_ Street Address \_\_\_\_\_ City, State & Zip \_\_\_\_\_

B20



63-43

TAX CODE AREA

01

PARCEL MAP VOL 03/03

ASSASSOR'S MAP COUNTY OF SAN MATEO CA.

4-03

- ▲ PARCEL MAP VOL 52/13
- ▲ PALMDALE RSM 96/10
- ▲ PARCEL MAP VOL. 33/25-26
- ▲ SMALL GARDENS RSM RSM 39/41
- ▲ PARCEL MAP VOL. 46/58
- ▲ CHARLES WEEKS POULTRY COLONY 4TH ADDITION TO RUNNYMEDE RSM 10/28
- ▲ PARCEL MAP VOL 60/42-43

San Mateo County Assessor's Office  
 6300 Serrano Avenue, San Mateo, CA 94403  
 (650) 350-1000  
 www.sanmateoassessor.com

B21

1-4916

RESIDENTIAL UNIT APPRAISAL RECORD  
 ASSESSORS OFFICE                                      SAN MATEO COUNTY, CALIFORNIA

24 - LAND VALUE COMPUTATIONS					
Year	Base Lot Size	Base Lot Value	Adjustments	Land Value	%
72	50' x 120'	17500	+ 21000	31500	85.0
77-78	50' x 120'	20000	- 3000	17000	55.0

25 - TOTAL PROPERTY SUMMARY				
ASSESSMENT YEAR	1977	1978	1977-78	1979
Appraiser				
Date				
R.C.N.				
R.C.N.L.D.				
Land Value				
Summation				
Date of Sale				
Indicated Sale Price				
Net Sales Price				
Market Data Indicator				
Gross Annual Income				
Gross Income Date				
G.I. Multiplier				
G.I. Value Indicator				
<b>TOTAL PROPERTY</b>				
Total Property Value			44000	
Land Value	19960	31500	17000	
Improvement Value	6100		27000	
Personal Property Value				

26 - COMPARABLE SALES			27 - LAND ADJUSTMENT SUMMARY		
Comparability	A.P.N.	Adjusted Sales Price	Adjustments	Plus	Minus
			Size	+27000	
			Loc		-1500
			Dev		-4500
			Sub. Total		
			Net Adj.	+27000	-6000
			Adj. Land Value		\$ +21000
			Adj. Value ÷ Base Value =		31500
			Enter % in Sec. 24 & Entry 133		300.0%

REMARKS

SP 17 E.L. 1977

V.D. # 063-430-140

28 - SWIMMING POOL			29 - OTHER SALES		
Yr. Built	Date	Amount	Yr. Built	Date	Amount
Size	x	or	□	\$	
Heat				\$	
Ladder				\$	
Diving Board				\$	
Slide				\$	
Filter House				\$	
Total Swimming Pool			\$		

30 - CONSTRUCTION RECORD				
Bldg. Permit	Date	Amount	Description	

SIDE 1 OF 2  
 FIELD INSPECT. DATE 8-20-71

LAND ATTRIBUTES	
101	ZONING R-1-02
102	WIDTH 65
103	DEPTH 107
104	SQ. FT. ACTUAL 6955
105	SQ. FT. USABLE 6955

106	ACRES	
107	REPRESENTATIVE	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
108	IRREGULAR	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
109	CUL-DE-SAC	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
110	CORNER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
111	ALLEY	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
112	NON-ST. FRONT	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
113	COMMON GREEN	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
114	COMMON RECREATION	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
115	UNIT CONFORMITY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
116	WATER FRONT	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
117	DOCKING RIGHTS	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
118	ZONING CONFORMITY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
119	MISLOCATED IMP.	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
120	HIGHEST & BEST USE	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
121	NUISANCE INFLUENCE	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
122	EXCESSIVE TRAFFIC	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
123	ELEC.	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
124	WATER	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
125	SEWER	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
126	VIEW	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
127	VIEW QUALITY	F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
128	ARCH. ATTRACT.	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>
129	LAND DEVELOPMENT	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>
130	LOT USABILITY	Inf. <input type="checkbox"/> Typ. <input checked="" type="checkbox"/> Sup. <input type="checkbox"/>
131	IMPROVEMENT	Und. <input type="checkbox"/> Typ. <input checked="" type="checkbox"/> Ov. <input type="checkbox"/>
132		
133	LAND VAL. % OF BASE	85.0
134		

TOPOGRAPHY		
135	GRADE	Even <input checked="" type="checkbox"/> Ab. <input type="checkbox"/> Bel. <input type="checkbox"/>
136	CONTOUR	Lev. <input checked="" type="checkbox"/> Hill <input type="checkbox"/> Bnk. <input type="checkbox"/> Shel. <input type="checkbox"/>
137	SLOPE	Mod. <input type="checkbox"/> Str. <input type="checkbox"/> Steep <input type="checkbox"/>

NEIGHBORHOOD		
139	NEIGHBORHOOD NO.	3/F
140	SINGLE FAMILY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
141	MULTI-FAMILY	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
142	OWNER OCCUPIED	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
143	CLUSTER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
144	DATE OF IMPS.	53
145		
146	TREND	Decl <input type="checkbox"/> Sta. <input checked="" type="checkbox"/> Dev <input type="checkbox"/>
147	PLANNING	P <input type="checkbox"/> F <input checked="" type="checkbox"/> Adq <input type="checkbox"/>
148	MARKET DEMAND	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>
149	CITY SERVICES	F <input type="checkbox"/> A <input type="checkbox"/> G <input checked="" type="checkbox"/>

CONCLUSION	
152	TOTAL PROP. VALUE \$ 44000
153	LAND VALUE \$ 17000 x
154	IMP. VALUE \$ 27000 x
155	PERS. PROP. CODE
156	PERS. PROP. VALUE
157	

GROSS INCOME	
158	G.I. DATE
159	GROSS ANNUAL INC.
160	G.I. MULTIPLE
161	G.I. VALUE IND.
162	
163	TEMP. VALUE N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
164	EMPLOYEE NO. 271
165	APPRAISAL DATE 12-23-75
166	
167	
168	APPRAISE FOR

APN 063-430-680 7

C1

ADDRESS 116 O'CONNOR ST TRACT 444 Add. Runnymede C. Weeks Phtry Glax  
 CITY \_\_\_\_\_ ACREAGE \_\_\_\_\_  
 LOT Nly 1/2 of 50 BLK \_\_\_\_\_

DESCRIPTION OF IMPROVEMENTS

BUILDING DATA

-CLASS <u>4.50</u>	7-EXTERIOR	11-FL. COVER	1	2	B	15-HEAT - AC		19-KIT. CAB. S.	201	A.P.N. <u>063-430-680</u>
-DESIGN TYPE	Wd. Fr. <input checked="" type="checkbox"/> Conc. Blk.	Hdw. Pine	<input checked="" type="checkbox"/>			CFHA	Grav	Paint	202	SIDE <u>2</u> OF <u>5</u>
Attach <input checked="" type="checkbox"/> Semi-Detach	Stc. <u>BUS (Skip lap)</u>	Carpet				Wall	Fl	Ven.	203	FLD. INSP. DATE
Architect	Wd. Shg.	Lin.				Rod	Bsb	Tile	204	EMPLOYEE NO.
Ad. Invent.	Wood	Vin.				Gas	<input checked="" type="checkbox"/> Elec.	Taps	205	YR. BLT. <u>1921</u>
-STORIES	Shg.	Asp. Tile						Splash	206	DESIGN TYPE <u>OTD</u>
umber	Br. Ven.	Conc.				16-BATHS	No.	Full	207	USE CODE <u>01</u>
Qual. Qual.	Stn. Ven.					Tub Bath		Drop In R&O	208	EFFECTIVE YEAR <u>1921</u>
awn	Wd. Trim					S.S. Bath		Sl. In R&O	209	DEPR. TABLE
ttic						1/2 Bath		Rng Tap	210	FUNC. PLAN. F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
-FOUNDATION						Total		Oven	211	CONDITION F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
aised Conc. <input checked="" type="checkbox"/> Conc. Slab	8-ROOF					S.S. Extra		Double Oven	212	WORKMANSHIP F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
	Flat <input type="checkbox"/> 1/2 Pit	St. Open				Powder Room		Hd & Fan	213	LIVING ROOM
Garage	Wd. Shg. <input checked="" type="checkbox"/>	Chimney				Finish	Tile	Disposal	214	DINING ROOM
ft. <input type="checkbox"/> Det. <input checked="" type="checkbox"/>	M. Shk. <input checked="" type="checkbox"/> H. Shk. <input checked="" type="checkbox"/>	1 Story No.				Wain	<input checked="" type="checkbox"/>	Dishwash.	215	KITCHEN
smt. <input type="checkbox"/>	T&G <input checked="" type="checkbox"/>	2 Story No.				Shower		Intercam	216	FAMILY ROOM
alls No. <input type="checkbox"/>	9-INTERIOR					Floor	<input checked="" type="checkbox"/>	Cent. Vac.	217	NO. OF BDR. <u>2</u>
inish	S.R. <input type="checkbox"/> Pl. <input checked="" type="checkbox"/>	13-ELEC. FIX.				Item	Cost	Sun Room	218	DEN LIBRARY
lar. Area	Acau. Tile	Fair <input type="checkbox"/> Avg. <input type="checkbox"/>				Excav.		Ldry. Room	219	SUPP. ROOMS <u>1</u>
im. Over	Exp. Beam	Gd. <input type="checkbox"/> Exc. <input type="checkbox"/>				Fin. Rm.		Breakfast	220	TOTAL ROOMS <u>5</u>
arpart		Apt.						Sleep. Parch	221	NO. OF BATHS <u>1.00</u>

22-MISC. STRUCTURES AND GARAGE DESCRIPTION

Structure	Area	Class	Fndn	Exterior	Roof	Floor	Interior	Baths	Heat
Garage	450	D5		BUS	C. Shg	CONC			
BARN	380			BUS	Shg	DIRT			

COST FACTORS

227	QUALITY CLASS	<u>D4.50</u>
228	PATTERN	
229	BASE AREA	<u>1090</u>
230	1ST FL. AREA	<u>1290</u>
231	2ND FL. AREA	
232	2ND FL. FACTOR	%
233	3RD FL. AREA	
234	3RD FL. FACTOR	%
235	ATTIC AREA	
236	ATTIC FACTOR	%
237	FIN. BSMT. AREA	
238	FIN. BSMT. FACTOR	%
239	BSMT. AREA	
240	BSMT. FACTOR	%
241	ADDITION AREA	
242	ADDITION FACTOR	%

ADDITIVES

243	COST YEAR	<u>79</u>
244	HEAT & A/C COST	
245	F.P. COST	
246	EXT. PLBG. COST	
247	APPLIANCE COST	
248	POR-DK-BAL. COST	
249	MISC. ITEMS COST	
250	GAR. CLASS ATT.	
251	GAR. CLASS DET.	<u>D5</u>
252	GAR. AREA	<u>450</u>
253	FLT. WK. EXC. AREA	
254	FLT. WK. COST	
255	FENCE COST	
256	MISC. STR. COST	<u>2000</u>
257	DOCK IMP. COST	
258	DOCK YEAR	
259	POOL COST	
260	POOL YEAR	
261	SPEC. IMPS. COST	
262	P.C. COST	
263	PERMIT DATE	
264	PERMIT APPD.	
291	STORIES	<u>1</u>

MODEL:

Area Computations	Story	Area	Factor	%	Cost	% Good	R.C.N.L.D.
	1						
	2						
	Basement						
	Fin. Basement						
	Additives Total						
RESIDENCE TOTAL							
	Item	Area	Factor				
	Garage						
	Flatwork						
	Fence						
	Misc. Struct.						
	Spec. Imps.						
	Paal						
	Dock						
	Sub Total						
	TOTAL IMP. VALUE						

089 063-430-680

C2

2190



## PLANNING COMMISSION EXCERPT MINUTES

December 12, 2011

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

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**CALL TO ORDER** – 7:00 p.m.

**ROLL CALL** – Bressler (Chair), Eiref, Ferrick (Vice Chair), Kadvany, O'Malley, Riggs, Yu

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Justin Murphy, Development Services Manager; Kyle Perata, Assistant Planner

### **E. REGULAR BUSINESS**

1. **Appeal of Staff Determination/Shannon Thoke/116 O'Connor Street:** Appeal of a staff determination regarding 1) the use of a portion of an existing accessory structure as a secondary dwelling unit, 2) the need to obtain a building permit for a previously constructed addition to the accessory structure, 3) the use of a portion of an existing one-car garage for cooking facilities and 4) the legal non-conforming status of the main structure with regard to the front setback for a property located in the R-1-U (Single-Family Urban Residential) zoning district.

Staff Comment: Planner Chow said that the item before the Commission was an appeal of staff's determination of four items that could be categorized into two main topics. She said staff had worked with the City's Attorney on a review of these items and the City Attorney had met with the appellant and Council Member Cohen to discuss these items, staff's position and to explore options. She said the first topic was whether the main structure was considered a conforming or legal nonconforming structure depending on the front setback measurement. She said staff had determined that it was a legal nonconforming structure due to the noncompliance with the 20-foot front setback requirement measured from the current front property line. She said the Zoning Ordinance was clear on the definition of a front property line and neither the Planning Commission nor City Council had the ability to implement development standards differently on an ad hoc basis. She said there was no discretion on this topic in the Zoning Ordinance. She said the second, third and fourth items of appeal related to whether the existing detached garage/accessory structure contained a legal nonconforming secondary dwelling unit. She said staff had determined that the existing structure was legal nonconforming. She said although the right and rear setbacks were nonconforming, the structure could be maintained as a one-car garage and for use ancillary to the main structure but not for the purpose of a secondary dwelling unit. She said by definition of an accessory structure/accessory building, the space could not be used for living or sleeping quarters. She said unfortunately the existing encroachment

of the right and rear setbacks of the detached garage/accessory structure were greater than 50 percent of the required setbacks and the variance to convert the accessory structure into a secondary dwelling unit was not possible without modifications to the existing footprint of the building or a Zoning Ordinance amendment. She said the requirements for a secondary dwelling unit and the criteria for a variance request were clearly stated in the Zoning Ordinance. She said neither the Planning Commission nor the City Council had the discretion to grant a variance in excess of 50% of the requirement regardless of the age of the structure. She said prior to 1993 when the City adopted its secondary dwelling unit ordinance, secondary dwelling units were not permitted in single family residential zoning districts and that a non-permitted conversion was not considered legal nonconforming. She said reversing staff's determination on the legality of a secondary dwelling unit absent any new substantial evidence would open the door for other interpretations where there was clearly no ambiguity in the Zoning Ordinance. She said staff recommended that the Planning Commission uphold the determination that staff had outlined in the staff report.

Commissioner O'Malley said the City Attorney had indicated that there was no legal basis to grant the appeal but yet the Commission was being asked to consider the appeal. He said Commissioners did not have legal training so he questioned them being asked to make such a determination. Planner Chow said it was complex. She said the City Attorney had indicated the appellant could make an appeal of staff's decision but there was not a legal basis for the Planning Commission to overturn staff's decision noting the comments she had made previously on the Zoning Ordinance. Commissioner O'Malley asked if the Commission denied the appeal whether the appellant could take it to the City Council. Planner Chow said that was correct but restated that there would be no legal basis for the City Council to uphold the appeal as it was not possible to change the Zoning Ordinance on an ad hoc basis.

Commissioner Yu asked what the impact had been on the appellant that was driving her to appeal and what could be done to resolve. Planner Chow said she was not sure what Commissioner Yu meant by the impact on the applicant. Commissioner Yu said there were a number of rules coming into play for the appellant. She asked if those rules prohibited the applicant from being able to remodel her residence, prevented her renting out the other space, or subjected her to fines. Planner Chow said there were a couple of issues that the appellant had been dealing with in that there were several potential issues related to the proposed remodel and expansion of the existing residence. She said the first was an attic that had been converted into second floor living space, which would need to be remedied either through building permits, if permissible under current building code, or through a use permit process for the second story expansion remodel. She said the planned expansion would trigger a use permit review because it would exceed the 50% threshold for a nonconforming structure, which nonconformity was encroachment into the front setback. She said the next question was whether there was a secondary dwelling unit or an accessory building/one car garage. She said staff did not think there was a secondary dwelling unit. She said the structure might have been used for living purposes, but historical use did not set precedent for legally converting a use from a one car garage. Commissioner Yu said

that meant the applicant would lose her rental income ability for the garage. Planner Chow said the space could be used as an extra room.

Commissioner Riggs asked what the extent of the non-permitted modifications to the attic was. Planner Chow said she had seen photos that showed it was a bedroom space with a stair well. Commissioner Riggs asked what the City's objection was to using the attic space. Planner Chow said staff had determined through the review of records and appraisals that this has been a two-bedroom single-story house.

Development Services Manager Murphy said the modified attic became an issue because of the use permit requirements. He said the applicant's submittals were showing the attic as existing improved space. He said when it came to staff's attention that the second story improvements had been made without a building permit it was staff's duty to the City and the public it serves to put the applicant on notice that she would need to go through the proper process for approval. He said the preferred approach to resolving the issue would be for the applicant to decide to go through the use permit process.

Commissioner Kadvany said the 1976 subdivision map showed a bumpout. Planner Chow said the appellant had photos to show the Commission. She said page B9 showed a garage on a 1952 appraiser's report that did not show a bumpout and the tentative map excerpt on B17 did not show a bumpout. Commissioner Kadvany said there was a letter from the previous owner indicating they had not made any substantial improvements like that so either they were mistaken or the site map was wrong about the bumpout. He asked how it was proven that the accessory structure was not a secondary dwelling unit. Development Services Manager Murphy said part of that was there would have been an increase in in-lieu park and recreation fees per residential unit. He noted a subdivision on Fremont Street that resulted in four townhomes and other locations in the City where people had to go through a process to provide evidence that accessory structures were considered legally established secondary dwelling units. He said staff went through that process with this applicant and reviewed carefully to make the case for the applicant but ultimately staff's determination was that this was not a legally established use. Commissioner Kadvany asked what a real estate agent might tell a client about such a property. Development Services Manager Murphy said this was beyond the City staff's expertise but there were definitely stricter disclosure requirements for real estate transactions.

Public Comment: Ms. Shannon Thoke, property owner, said in May 2011 she began the process to add to her house. She said she visited the Planning Division on four different occasions to ensure she would be ready to apply for a building permit. She said Planning staff found no issues with her plans for an addition. She said however her designer was told on her second visit that the finished attic would not be included in the existing square footage as per Ms. Thoke's original conversation with staff. She said since that reduced her existing square footage she was then required to apply for a use permit and was told by staff it would sail through the process. She said on her next visit she was told she would not be able to apply for a use permit as there was an existing violation on file in regards to a detached rental property. She said that situation

had been brought to her attention in October 2010 and she had worked with Code Enforcement and Planning staff to alleviate any concerns. She said that despite satisfactorily resolving staff's concerns, the closure was never noted in the file. She said during the subdivision in 1976, the City had produced several documents that indicated the garage was to remain. She said at that time the 15 by 42 foot garage with bedroom, bathroom, and covered porch existed as it does today. She said on page B-8 there was a letter from the property owner in 1976 indicating that the structure had been rented for living space and had in the 1920s been used for farm workers when this property was a chicken farm. She said a photo from 2004 showed a stove in the garage area which she had distributed to the Commission. She said the photo showed what the garage looked like when she purchased the property in 2004. She said the fixtures in the bathroom were common in the 1950s. She said she had a toilet expert look at the photo and he had written the attached note that the fixtures for the toilet and sink were from the 1950s or the 1960s at the latest, which would suggest that the bathroom existed during that time frame. She said the Planning Division approved the structure as it exists today in 1976 as part of the subdivision process. She said Planning would only accept evidence from the County's Assessor's Office dated in 1952 showing the garage at 14 by 22 feet with the bedroom area attached. She said the Assessor's report was labeled B9. She said Planning staff's argument was that this structure had never been labeled other than a garage or accessory structure. She said the law governing secondary dwelling units did not become enacted until 1993 and that definition did not yet exist to describe the structure other than as a garage or accessory structure. She said Planning staff had determined that the kitchenette that shared space with her office and the covered parking space was not sufficient as it did not have an oven. She said however in 2004 when she purchased the property it had had an oven and parquet floors. She said in the Zoning Ordinance there was no mention as to what the requirement was for a cooking facility. She said now she has a hot plate and a microwave which for her was the definition of a cooking facility. She said the City Attorney had indicated that this could be interpreted either way as this was not strictly prohibited by ordinance. She said her garage was 14 by 22 feet and only 10 by 20 feet was required for a parking spot so she used the remaining space for whatever she deemed necessary. She said Planning had indicated that if there was a legal kitchen the garage would not meet the legal requirement for size and she would not be able to add to the main residence as she would not have the required one parking space. She said Planning's determination that the kitchen facilities were inadequate was arbitrary and capricious as they changed definitions depending upon what they wanted to do and prove. She said she researched her options and tried to convert the structure into a secondary dwelling unit. She said while she met most of the secondary dwelling unit classifications there were two things noted in the classification process related to setbacks and the kitchen that prevented that classification. She said the required setback on the right hand side was 6.5-feet and 10 feet in the rear. She said she has a 2.5-foot rear setback which includes a covered porch of 7-foot 8-inches that most likely was constructed in the 1950s. She said in 1976 the rear setback was established by the subdivision process of the City and therefore Planning created the setback issue for the rear structure. She said the structure would meet the setback requirement without the covered porch. She said all of the City and County documents lacked any description or drawings of the covered porches even on the main house and it had a



covered porch in 1921. She said there was a 2-foot right hand side setback which everyone agreed was established in 1921 prior to the house being annexed into Menlo Park. She said the County's Assessor's Office told her that these drawings were not accurate representations of the property and were only rough sketches as shown by the lack of covered porches and the buildings being drawn in the wrong location. She said the Planning Division was depending upon historical data that was not intended to be taken verbatim but ignored witnesses to the property as existed in 1976. She said they were arguing about a setback issue that occurred 60 to 90 years ago. She said in 1976 10 feet of her property was deeded to the City for a public right of way in the front of the house. She said this created a nonconforming structure on a conforming lot whereas previously it was a conforming structure on a conforming lot. She said on her first visit to Planning, staff had indicated that a variance should have been granted in 1976 to alleviate this issue. She said if she were to convert the garage into a secondary dwelling unit the staff report indicated it would exceed the maximum square footage allowed by ordinance. She said she found two relevant examples in Menlo Park where secondary dwelling units exceeded the maximum square footage allowed and that supported her statements that the Planning Division has various issues of interpreting the Zoning Ordinance in the past. She said she could distribute that information to the Commission.

Ms. Thoke said the application process had been very frustrating but hoped it would be resolved by the Planning Commission. She said the key issue was to grandfather setbacks that were established between 60 to 90 years ago and front and rear setbacks that had been determined by Planning in 1976. She said Planning was trying to apply modern laws to a historical situation. She said she had also highlighted cases in which the Planning Commission and City Council had changed rules in the past. She said she was hopeful that the Commission could rule similarly in this issue while taking into account her unique situation based on historical circumstances. She said the City Attorney had indicated that if the structure had always been used as a secondary dwelling unit then it could be converted to such.

Commissioner Riggs asked if there was historical basis for the second floor use. Ms. Thoke said in talking with the previous owner it was indicated that the second floor did not go back as far and that conversion she understood occurred sometime in the 1970s. She said she was trying to get a permit to fix that issue. She said she originally thought it was existing square footage which was why it was included. She said if her structure was conforming, which it would have been if the City had not taken the 10 foot in the 1970s, then she would not need a use permit as she could count the main house and the secondary dwelling unit as existing square footage and just need a building permit. She said she understood that the attic bedroom probably was not permitted and she would like to rectify that.

Commissioner Eiref said it sounded like she wanted to modify the main house. Ms. Thoke said she wanted to do two things: she wanted to legally rent the secondary space and she wanted an addition to her main house. She was told she could not do that because there was a zoning issue. She said the City Attorney had indicated yesterday they would have to allow it but she was unclear as to whether she could get a

permit. She said staff said the attic was an issue but she could not get a permit to fix the attic. She said she was open to legalizing the secondary unit and the only option given was to pick the structure up and move it. She said staff gave her options that were not viable.

Commissioner Kadwany asked if the applicant had done any improvements to either structure. Ms. Thoke said she had done what she thought were cosmetic improvements to the bathroom in the garage. She said she had spoken with Building staff that day and was told she could get the improvements in the bathroom permitted. Commissioner Kadwany asked about improvements made by the previous owners. He said his concern was that the improvements in the rear building were made without permitting prior to her owning the property. He said it appeared that she thought the property should be found to be historically as a rental. Ms. Thoke said the City Attorney had indicated that if she could prove the structure had been historically a rental that it could be found to be so. Commissioner Kadwany asked about the bumpout and whether she thought there was an error on the map. Ms. Thoke said she definitely thought there was an error on the map. She said in 1976 there was no law regarding secondary dwelling units. She said the previous owner was willing to speak about the property by phone.

Planner Chow said regarding the grandfathering of secondary dwelling units that prior to 1993 when the City adopted the secondary dwelling unit ordinance secondary dwelling units had been prohibited. Development Services Manager Murphy said zoning was permissive and if something was not specifically allowed it was prohibited and that was consistent with City and San Mateo County ordinances. He said the County had not allowed secondary dwelling units before 1959. Chair Bressler asked about the City Attorney's comments. Development Services Manager Murphy said the City Attorney had said that if the applicant could provide evidence that the accessory structure had been in use as a rental since 1921 than a finding could be made that there had been a use and it had legally been created. Ms. Thoke said there was no way for the structure to be legalized but the space had been used continuously for living space since 1921.

Commissioner Ferrick said she had visited the property. She asked about the picture provided which indicated Ms. Thoke had made some improvements to the bathroom in the garage. Ms. Thoke said she had made improvements and if those were considered more than cosmetic then she was willing to get a permit. Commissioner Ferrick asked if the property would have paid property taxes for multiple residential units. Ms. Thoke deferred to staff. Planner Chow indicated that the property taxes would be higher as a secondary dwelling unit would increase the property value. Commissioner Ferrick asked her about the review process when she bought the property. Ms. Thoke said she wanted to live in Menlo Park and had a certain budget so she might have had to accept some things with the property because of the price.

Commissioner Ferrick asked what the best way was for Ms. Thoke to legalize her property. Development Services Manager Murphy said the best path to accomplish most of what Ms. Thoke was seeking would be to apply for a use permit for the main structure. He said the Planning Commission reviews use permits on a regular basis. He said the stair issue could be dealt with through the use permit process. He said the

property owner was indicating she was looking to legalize the bathroom in the garage. He said not resolved were the issues of the cooking facilities in the garage and the question of it being a secondary dwelling unit. He said through the use permit process for the main residence, staff would look for compliance to maintain the minimum requirement for one covered off street parking space and the conflict was having cooking facilities and a garage in the same location because of functionality. He said the secondary dwelling unit was most problematic. He said there was possibility of moving the structure or reconfiguring the space which would take a great amount of work and that with variances could accomplish this designation for the accessory structure. He said the least desirable path would be a Zoning Ordinance amendment to address the conversion of accessory buildings to secondary dwelling units where the setbacks do not meet the requirements to allow that to happen through a use permit. He said if the applicant would need to pay all costs if she proposed the Zoning Ordinance amendment.

Commissioner Ferrick asked if the applicant could just remodel the main residence and put aside the potential to legalize the accessory building as a secondary dwelling unit. Development Services Manager Murphy said things could be broken into smaller steps. He said with the use permit process that the cooking facilities in the accessory structure would need to be removed so the space met the parking requirement. He said action could be taken to legalize the bathroom could be legalized and efforts to create a secondary dwelling unit could occur on a completely different track.

Commissioner Ferrick asked if Ms. Thoke pursued the secondary dwelling unit what the owner should have done in 1993 to get the structure established as a secondary dwelling unit. Development Services Manager Murphy said in 1993 when the secondary dwelling unit ordinance was established the secondary unit had to be part of the main residence. He said it was not until about 2004 that the City changed its requirements to allow detached separate structures as secondary dwelling units. Chair Bressler said it was also possible the applicant could prove that the structure had been used in this capacity since 1921 but that seemed arbitrary. Ms. Thoke said that was the year the property structures were built. Chair Bressler asked how far back the applicant would have to go to provide evidence that the accessory structure had been used as a residence. Development Services Manager Murphy said they would need documentation for the years between 1921 and the 1950s.

Commissioner Eiref asked if the City knew that this was a secondary dwelling unit in 1958 the year before it was annexed to the City whether that was sufficient. Development Services Manager Murphy said it was not. He said another data point mentioned in the staff report was the Sanborn maps. He said the Sanborn maps were created for insurance purposes and were comparable to the Assessor's drawings. He said looking at that map and other comparable properties in the neighborhood there was evidenced a slight popout of six feet. He said staff had not been able to piece anything together to corroborate the applicant's case but they tried. Commissioner Eiref asked whether there was a way to allow the applicant to make improvements to the main house and do the rear work separately. Development Services Manager Murphy said a fundamental item of the use permit was maintaining the required covered parking

space and the cooking facilities interfered with that. Ms. Thoke said the City Attorney had said the day before that she did not have a secondary dwelling unit but had a garage and there should be no issue for her to get a use permit. She said she would build a carport in front if the City would allow her the secondary dwelling unit.

Commissioner Yu said the appellant had said that staff had indicated a variance should have been granted for the 10-foot of space taken by the City in 1976 for a public right of way. She asked if the City could now grant that variance and remove the nonconformity. Development Services Manager Murphy said the basic way to clear the property was through a use permit. He said the applicant could apply for a variance but the findings for a variance were more difficult than those for a use permit. He said the Planning Commission could not just avoid that requirement. He said none of them had been involved with this property in 1976. He said the best option was to apply for a use permit. Commissioner Yu asked about the cost of applying for a variance. Development Services Manager Murphy said the deposit for a use permit application was \$1,500 and for a variance application was \$3,000. Commissioner Yu said the appellant had indicated the garage was 14 by 22 feet and the code required a space of 10 by 20 feet for a one car garage. She asked if the appellant could put a wall between the garage and the kitchen and legalize the bathroom. Development Services Manager Murphy said that was what he had explained but variances would have to be requested for that work.

Mr. Jason Watson said he was a resident of the subject property. He said there was no ordinance stating you could not have a garage with cooking facilities. He said regarding the structures from 1921 that this had been a farm and these had been residences on the farm.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner O'Malley said it seemed all were trying to help the appellant solve the issue but there was no legal basis to grant the appeal. He moved to deny the appeal and uphold staff's determination. Commissioner Kadvany seconded the motion.

Commissioner Ferrick said there were several choices for the appellant to make. She said the garage was currently a garage/accessory structure. She said if the appellant was to pursue a use permit for the main residence that choice was to find the accessory structure as a garage and not as a secondary dwelling unit. She said the Commission did not have right to overturn the rules despite having sympathy for the appellant.

Commissioner Kadvany said he was supportive of the modifications to the main residence but the issue of the accessory building was a separate consideration. He said he thought staff had provided the appellant with the best options.

Commissioner Riggs said there was a great deal of information to review. He noted regarding the question about whether the tax rate would have been different because there were two buildings rather than one building that property tax was based on the

sales price. He said he agreed if it was appropriate to detach the presumably illegal accessory structure from the use permit process. He said people avoid permitting because of the process. He said although it was all circumstantial evidence the appellant had made a good case that the secondary unit had been occupied since at least the 1950s and possibly the 1920s. He said the City's process was based on the presumption of illegal use. He said it was difficult to find lease receipts back to the 1920s. He said continuous use in civil law did establish rights. He said the secondary dwelling was relieved by not having a tenant and the nonconforming setbacks for the accessory structure were not in conflict with the Assessor's maps. He said that was another reason to separate the issues. He said much as the City Attorney had noted this was not a secondary dwelling unit because there was not a legal kitchen neither was this a two story home as it did not have a second floor that was legal or illegal just a finished attic. He said the appeal item numbered 1 was simply a matter of law and that this was a decision the property owner willingly made in 1976 and altered the lot description.

Commissioner Riggs said he would make a friendly amendment for the Commission to ask staff to separate the concerns between the secondary dwelling unit question, which was a code enforcement issue from the application for a use permit for improvements and addition for a second floor. Commissioner Kadvany said these appeared to be separate. Commissioner Riggs said staff did not want to begin the process for a use permit while there was someone living in the accessory structure. Planner Chow said there was an open Code Enforcement case on this property but she understood there was no tenant in the accessory structure now. She said that the appellant could apply for a use permit now that there had been a determination about the garage space. She said it sounded like these two could be separated by identifying the accessory structure as a garage and removing the kitchen facilities. Commissioner Riggs said there seemed to be concern having a microwave and a mini-refrigerator in the garage. He said he knows other people who have similar appliances in their garages or family rooms and did not have to remove them. He said there had to be permanent cooking facilities to establish a kitchen. Planner Chow said it could be stated that there was not a secondary dwelling unit.

Commissioner Yu said this was a very complex issue and noted that many who lived in Menlo Park lived in older houses. She said the appellant wanted to make a life in Menlo Park and wanted to make the accessory structure legal for extra income and to upgrade her residence. She said she was concerned about all the different elements and was not comfortable refusing the appellant and noted Chair Bressler had suggested a study session to look at appropriate solutions, with which she agreed.

Responding to Commissioner Eiref's request for clarification as to how the deficiencies on the property had come to staff's notice, Planner Chow said there had been a code violation case on this property in October 2010 and the file had not been closed out when the applicant came in to apply for a building permit in June 2011. Commissioner Eiref asked how the code violation had arisen. Ms. Thoke said that for three years the County of San Mateo had inspected the property as an apartment to see if there was smoke detector and fire extinguisher but after the three years the County indicated they

were turning the inspection over to the City of Menlo Park. Commissioner Eiref said he agreed that the two projects should be separated and that Ms. Thoke had the right to improve the main house and not be encumbered with the questions related to the accessory structure.

Commissioner Riggs asked for confirmation that the use permit could proceed for the main structure. Planner Chow said that if the accessory building was a garage with an ancillary room the use permit process could move forward for the main residence. Commissioner Riggs retracted his friendly amendment.

Recognized by the Chair, Ms. Thoke said she wanted to make the improvements legally and earn rent from the rear structure and the process had been made extremely difficult for her. She said she would continue to appeal as she thought there was a legal basis to find the accessory structure as a secondary dwelling unit. She said the two should be separated. She said she asked the City Attorney whether the Commission could approve a secondary dwelling unit and he said he did not know. She said she was willing to add a carport to meet the covered space requirement and to add a stove to the garage and convert the entire space to a secondary dwelling unit and permit the bathroom.

Commissioner Riggs noted that the City Attorney was not present and had not written a report. He said what was clear was the 1976 voluntary subdivision. Commissioner O'Malley said the City Attorney had written that there was no legal basis to uphold the appeal. He called for the vote. Commissioner Riggs said a use permit would cover the attic modifications but wanted to confirm that a building permit for the bathroom in the spare room with the garage would only apply to the work done by the appellant and not for work previously done.

Development Services Manager Murphy said staff had not gotten to that level of specificity and there was clearly work done after the appellant had bought the property. He said most likely that would be the focus but he did not know that for sure. He said the Commission could make an advisory statement about that.

Commissioner Kadvany said it was clear a large lot in the 1976 subdivision had been separated into four lots and if there was to have been a secondary dwelling unit there should have been space made for it. He said this was a very constrained site and there was not sufficient evidence to grandfather in the use for a secondary dwelling unit.

Commission Action: M/S O'Malley/Kadvany to deny the appeal and uphold staff's determination.

Motion carried 6-1 with Commissioner Yu opposed.

Commission Action: M/S Riggs/Bressler to encourage staff to require building permits for the bathroom limited to the appellant's bathroom improvements and not the entire bathroom.

Development Services Manager Murphy said staff was not disputing whether the bathroom existed but whether it was legal.

Motion carried 7-0.

## **F. COMMISSION BUSINESS**

There was none.

## **ADJOURNMENT**

The meeting adjourned at 10:21 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 6, 2012

Menlo Park City Council  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

\$110<sup>00</sup> paid  
**RECEIVED**

DEC 19 2011

City Clerk's Office  
City of Menlo Park

December 19, 2011

**Re: 116 O'Connor Street Rentable Unit Planning Commission Appeal**

I have appealed the Planning's Staff's determination that my legal accessory structure is not a secondary dwelling unit. The Planning Commission determined they could not hear the matter because they felt they lacked the authority to do so. I am asking City Council to determine that this structure is a legal rentable unit as it has always existed.

In this particular case, historical property information is extremely relevant. I visited the County of San Mateo's Assessor's Office and spoke to the previous two home owners. From the historical county records dated 1952, it states that the house and garage/attached room were built in 1921 when the house was originally constructed. In 1976 Dr. Sallie Tasto (formerly Keuny and Reid) purchased the house. Her daughter Elizabeth Fong sold me the house in 2004. They were the only owners between 1976 and 2004. Dr. Tasto verified that her family never added any square footage to the garage and rental unit during their ownership. She also verified that the garage, rental unit, bathroom, and covered porch existed when they purchased the house in 1976. Therefore, it can reasonably be ascertained that the bathroom and covered porch were added between 1952 and 1976. This information is verified in the attached letter from Dr. Tasto dated November 2, 2011.

The Planning Staff agrees that the garage and accessory structure with the exception of the bathroom existed when the house was built in 1921. Originally, there was some question as to when the bathroom was added to the structure. Based on the expert opinion of Gary Tjader of *This Old Toliat*, he believes that the original fixtures in the bathroom were from either the 1950's or 1960's. During the Planning Commission hearing, Ben Eiref, stated that he believed the fixtures were from the 1950's as he had very similar fixtures in his house. Therefore, it is a reasonable and likely conclusion that the entire structure, in its current footprint, existed in the early 1950's. Please see the picture of the bathroom as it existed in 2004 at the time I purchased the property.

In 1921, 116 O'Connor Street was part of the Charles Weeks Poultry Colony, which was a sustainable chicken farming community. My house was one of the original homes in the area. I was told when I purchased the property that the farmhands used the back room of the accessory structure as their living quarters. In addition, we were explicitly told that the unit had been rented by both Dr. Tasto and her daughter, Elizabeth Fong who owned the property from 1976 through 2004. Please see the picture of the kitchen as it existed in 2004 at the time I purchased the property. Please note the sink, stove, and parquet floor that existed in the garage for the tenant. There exists a clear history of consistent rental by the previous homeowners. In addition, since my purchase of the house, this unit has been rented.

The secondary dwelling unit ordinance allowed for detached secondary dwelling units began in 2004. Prior to 2004, only attached dwelling unit were allowed by ordinance. As the evidence provided shows, this structure has

DI



historically been rented by previous owners as well as used as a living facility for the farmhands. Therefore, this structure should be considered to be grandfathered and therefore exempt from the development guidelines of the secondary dwelling unit zoning ordinance. As such, I ask that the Council declares this legal accessory structure is a legal rental unit.

Thank you for your time and consideration to this matter.

Sincerely,

Shannon Thoke



116 O'Connor Street

Menlo Park CA 94025

(617) 304-7312

APPRAISAL REPORT—ASSESSOR'S OFFICE—SAN MATEO COUNTY, CALIFORNIA

VOL. 91 CODE NO. 8-26 APRAISER 66-1 DATE APPRAISED 11/14/52 OCCUPIED OWNER

OWNER Wm. & Edith F. Richards  
 TRACT 424 ADDING RICHMOND  
 CHAS. WHEELS RANCH CO. INC.  
 LOT 1  
 TOTALLY 1/2 OF 50 BLOCK  
 ACREAGE  
 LOCATION OF IMPROVEMENTS ON PROPERTY 63-430-14  
 AS SHOWN  
 STORIES 1 USE RES.  
 NO. OF ROOMS 5 CONDITION GOOD  
 EXTERIOR WALL FINISH RUSTIC (SHINGLES)  
 ROOF COMPO. SHINGLES PITCH 14° CONDITION  
 FOUNDATION CONCRETE  
 CONSTRUCTION WOOD FRAME  
 BASEMENT EXCAVATED GRADE LEVEL   
14 x 14 x 3 W/ST FLOOR & WALLS  
 GARAGE 14 x 32 DOORS  
 WALLS RUSTIC ROOF SHINGLES FLOOR CONCRETE  
 YEAR BUILT 1921  NEW  GOOD  MEDIUM  POOR   
 FUNCTIONAL AND ECONOMIC DEFECTS  
 OUTBUILDINGS 16 x 24 RUSTIC BARN  
SHINGLES ROOF, DIRT FLOOR.

NO.	SQ. FT.	EST.	DATE	AMOUNT \$	FOR
1092	1092	1092	11/14/52	3335	VALUATION
BASMENT					
GARAGE					
BARN					
ST.					
NO. 116	0	CONVOR			
APRAISER'S OPINION OF MARKET PRICE OBTAINABLE FOR PROPERTY					
TOTAL				12458	49
APRAISER'S OPINION OF MARKET PRICE OBTAINABLE FOR PROPERTY					
				6219	681
ADDITIONS					
B. P. No.					
DATE					
AMOUNT \$					
FOR					

LAND VALUE	\$
IMPROVEMENTS (15-850)	\$ 3990
PERSONAL PROPERTY	\$ 6100-65
ASSESSED LAND IMPROVEMENTS PERSONAL PROPERTY VALUE	4970-65
	15-850
	15-25-65
	\$ 240
	\$ 240

TRIM	INTERIOR	CONDITION
PINE		
FLOORS		
HARDWOOD	PINE	GOOD
WALLS	PLASTER	GOOD
CEILING	PLASTER	GOOD
BATHS		
WAINSCOTING		
PLUMBING FIXTURES		
SHOWERS		
LIGHTING FIXTURES		
HEATING		
WATER HEATER		
FIREPLACES		
BUILT IN FEATURES		
RENTALS		

DATE 11/14/52  
 APRAISER'S SIGNATURE [Signature]  
 TITLE Appraiser

REMARKS  
 THERE ARE SOME CHICKEN SHEDS NOT SHOWN ON DRAWING. THESE SHEDS ARE OF NO VALUE AND OWNER INTENDS TO DEMOLISH.  
 271 SR

Escrow No.  
Loan No.

*Robert and Lita Reid*

OCT 16 3 17 PM 1978

WHEN RECORDED MAIL TO:

MARVIN CHURCH, RECORDER  
SAN MATEO COUNTY  
OFFICIAL RECORDS

Richard and Sallie Kueny  
116 O'Connor St.  
Menlo Park, Calif. 94025

300/7M

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

DOCUMENTARY TRANSFER TAX \$ -0-

same as above

..... Computed on the consideration or value of property conveyed; OR  
..... Computed on the consideration or value less liens or encumbrances  
remaining at time of sale

*Robert and Lita Reid*  
Signature of Declarant or Agent Determining tax - Firm Name

### GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

Robert and Lita Reid who are husband and wife, in joint tenancy

hereby GRANT(S) to

Richard S. and Sallie R. Kueny who are husband and wife, in joint  
tenancy

the real property in the City of Menlo Park  
County of San Mateo

State of California, described as

Parcel 1 as shown on that certain map entitled "PARCEL MAP,  
Being a Resubdivision of a Portion of Lot 50, "Map of The  
Charles Weeks Poultry Colony, Fourth Addition to Runnymede,  
San Mateo Co., Cal., Feb. 1920," recorded in Bk. 10 of Maps,  
Pg. 28, San Mateo Co., Records, CITY OF MENLO PARK, San Mateo  
County, Calif.", filed in the office of the County Recorder  
of San Mateo County on September 29, 1976, in Book 33 of  
Parcel Maps at pages 25 and 26.

AP #63-430-140

273333JAN

Dated Oct 12, 1978

*Robert L. Reid*  
*Lita M. Reid*

STATE OF ~~CALIFORNIA~~ Minnesota  
COUNTY OF Hennepin

On Oct 12, 1978

before me, the undersigned, a Notary Public in and for said  
State, personally appeared  
Robert and Lita Reid

known to me to be the person S whose name S  
subscribed to the within instrument and acknowledged that  
they executed the same.

WITNESS my hand and official seal.

Signature *Evelyn L. Wicklander*

EVELYN L. WICKLANDER  
NOTARY PUBLIC - MINNESOTA  
HENNEPIN COUNTY  
My commission expires Apr. 25, 1980

REEL 7703 IMG 202

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1002 (10/69)

B4

SALLIE REID TASTO, PH.D.  
550 HAMILTON AVENUE, SUITE 201  
PALO ALTO, CALIFORNIA 94301  
TELEPHONE (650) 324-1826

Menlo Park Planning Commission

701 Laurel Street

Menlo Park, CA 94025

November 2, 2011

Dear Commissioners:

I am providing the following information at the behest of Shannon Thoke, present owner of the property at 116 O'Connor St., Menlo Park, CA, 94025

In the fall of 1976, I purchased the above property. At the time of my purchase, there existed a detached one car garage which was divided as follows: approximately the front two-thirds comprised open space for either storage or car shelter. The back one-third was a separate unit with a complete wall and door separating it from the front area. It had its own bathroom, with toilet, sink and shower, and a separate outside door entrance. Just outside the door was an overhanging roof and a small patio area. During the years I lived at the property, and afterward when I rented it, I used the back area as a bedroom.

In or around 2003, my daughter and son-in-law, Elizabeth and Eric Fong, took title to the property. They, in turn, sold it to Shannon Thoke. At no time, from 1976 until the sale to Ms. Thoke in 2004, was there an addition to the existing footprint of the garage.

Sincerely,

*Sallie Tasto*

Sallie Tasto (formerly Reid and Kueny)

DS



Picture 015 Properties

General Security Details Previous Versions

Picture 015

Type of file: JPEG image (.jpg)

Opens with: Windows Photo Viewer Change...

Location: C:\Users\sthoke\Pictures\116 O'Connor Street

Size: 20.1 KB (20,639 bytes)

Size on disk: 24.0 KB (24,576 bytes)

Created: Thursday, September 22, 2011, 8:13:36 AM

Modified: Wednesday, November 17, 2004, 8:51:16 PM

Accessed: Thursday, September 22, 2011, 8:13:36 AM

Attributes:  Read-only  Hidden Advanced...

Security: This file came from another computer and might be blocked to help protect this computer. Unblock

OK Cancel Apply



Picture 026 Properties

General Security Details Previous Versions

Picture 026

Type of file: JPEG image (.jpg)

Opens with: Windows Photo Viewer Change...

Location: C:\Users\sthoke\Pictures\116 O'Connor Street

Size: 538 KB (551,577 bytes)

Size on disk: 540 KB (552,960 bytes)

Created: Thursday, September 22, 2011, 8:13:37 AM

Modified: Monday, January 17, 2005, 6:13:32 PM

Accessed: Thursday, September 22, 2011, 8:13:37 AM

Attributes:  Read-only  Hidden Advanced...

OK Cancel Apply

D6

## Shannon Thoke

---

**From:** "Gary Tjader" <gary@tjader.com>  
**Date:** Monday, December 12, 2011 6:07 PM  
**To:** "Shannon Thoke" <sthoke@hotmail.com>  
**Subject:** Re: Can You Identify This Toliet?  
Guess = 1950s - 1960s.

Regards,

Gary Tjader  
*This Old Toilet®*  
948 Dolores Avenue  
Los Altos CA 94024  
650-483-1139 *Pacific Standard Time*  
[www.ThisOldToilet.com](http://www.ThisOldToilet.com)

On Sun, Dec 11, 2011 at 5:32 PM, Shannon Thoke <[sthoke@hotmail.com](mailto:sthoke@hotmail.com)> wrote:

Hi Gary,

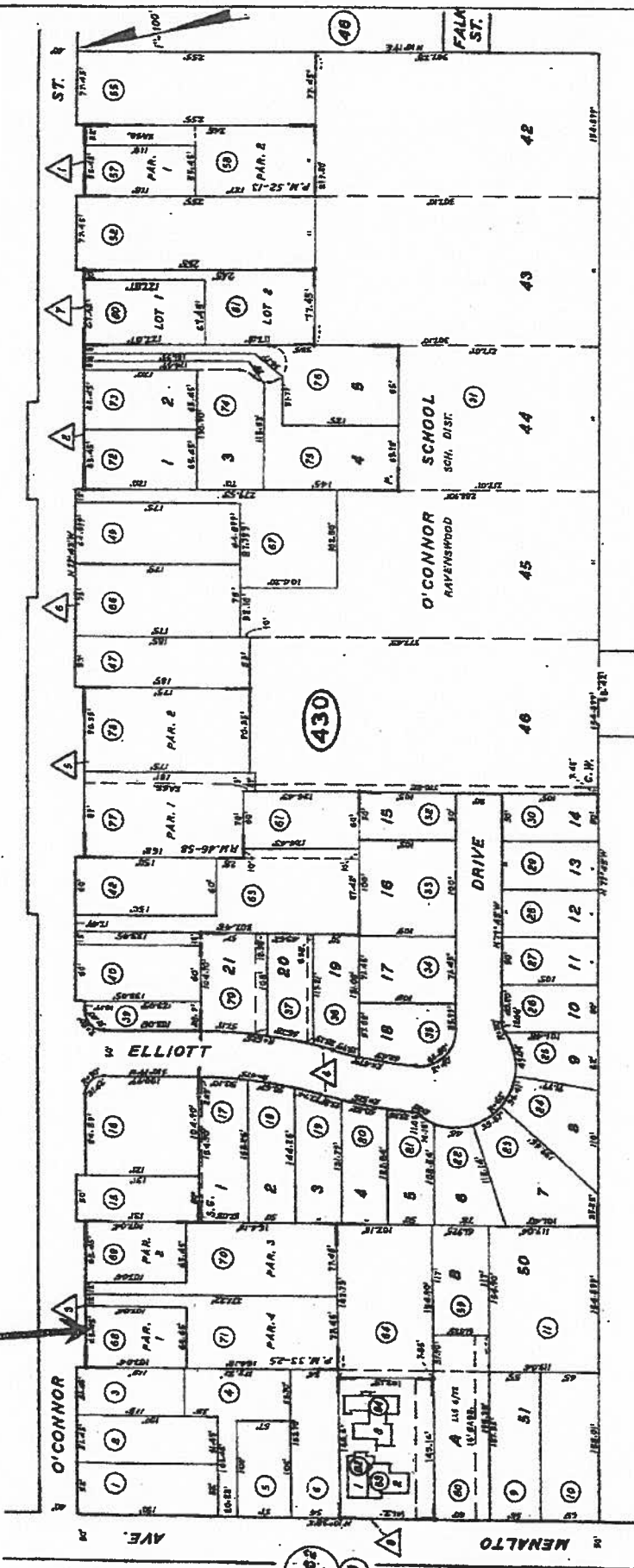
By chance, can you identify an approximately manufacturing date for this toliet? A range of dates would work fine too. Any information would be great and much appreciated since I don't have the toliet itself to work with.

Thanks,  
Shannon

D7

63-43

TAX CODE AREA



- 1 PARCEL MAP VOL 52/19
- 2 PALMDALE RSM 96/19
- 3 PARCEL MAP VOL. 33/25-26
- 4 SMALL GARDENS RSM RSM 39/41
- 5 PARCEL MAP VOL. 46/58
- 6 CHARLES WEEK'S POULTRY COLONY 4TH ADDITION TO RUNNYMEDE RSM 10/28
- 7 PARCEL MAP VOL 60/42-43

PARCEL MAP VOL 63/83

ASSESSOR'S MAP COUNTY OF SAN MATEO CA.

Map prepared by the County Assessor's Office, San Mateo, California, on the basis of the information furnished by the applicant. The Assessor's Office is not responsible for the accuracy of the information furnished by the applicant. The Assessor's Office is not responsible for the accuracy of the information furnished by the applicant.

D8

MENLO PARK, CAL.  
8" W.P. FEB. 1925

15  
"A"  
APR. 1951

EAST PALO ALTO  
UNINCORPORATED

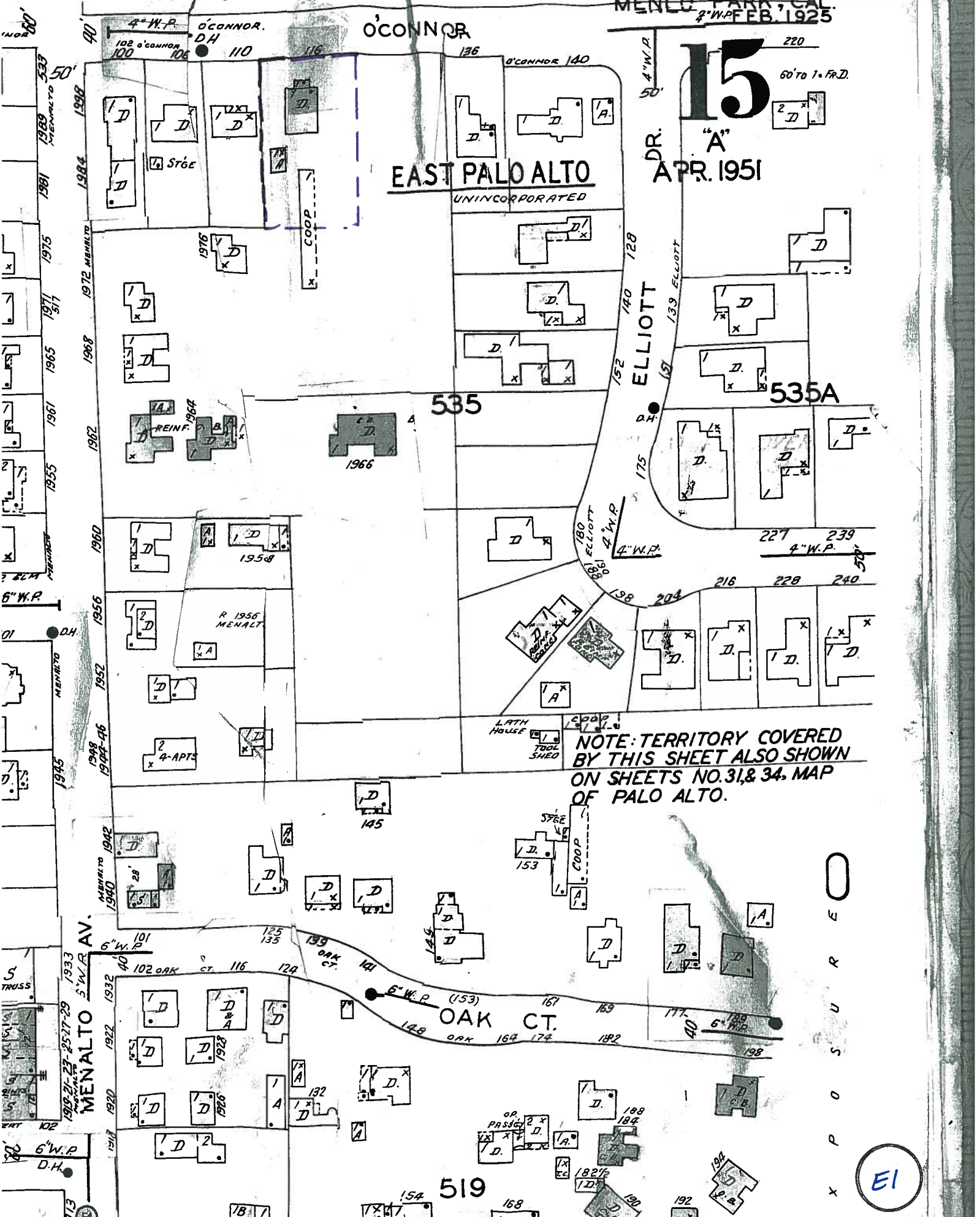
535

535A

NOTE: TERRITORY COVERED  
BY THIS SHEET ALSO SHOWN  
ON SHEETS NO. 31, & 34. MAP  
OF PALO ALTO.

E  
R  
U  
S  
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P  
X

EI





Menlo Park City Council

City of Menlo Park

701 Laurel Street

Menlo Park, CA 94025

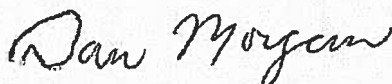
December 26, 2011

**116 O'Connor Street Historical Rental Information**

In November 2004, I was the buyer's agent for Shannon Thoke when she purchased 116 O'Connor Street in Menlo Park. We were told by the seller's agent and the homeowner that the unit behind the accessory structure was rented by the two previous owners, Elizabeth Fong and her mother Sallie Tasto. The unit consisted of a bedroom, a bathroom, a kitchen, and a covered porch. It was also mentioned that this unit was living quarters for the farmhands of the Charles Weeks Poultry Colony.

Sincerely,

Dan Morgan



Realtor

Cashin Company

611 Santa Cruz Avenue

Menlo Park, CA 94025



**DAN MORGAN**  
Sales Associate

650.614.3500 PHONE  
650.614.3501 FAX  
650.400.3266 CELL  
DMorgan@cashin.com

1377 El Camino Real  
Menlo Park, CA 94025  
DRE # 00922898

Owned and Operated by RRT LLC.

F1



## **PUBLIC WORKS DEPARTMENT**

Council Meeting Date: February 14, 2012

Staff Report #: 12-028

Agenda Item #: E2

**PUBLIC HEARING: Approve the Use Permit and Architectural Control for the Sharon Heights Pump Station Replacement Project Consisting of the Demolition of the Existing Equipment and Construction of a New 810-Square-Foot Pump House in the Same Location for the Three Pumps and Emergency Diesel Generator and Removal of One Heritage Tree Subject to the Conditions of Approval; and Authorize the Interim City Manager to Increase the Existing Rental Agreement with DW Pumps to an Amount not to Exceed \$90,000**

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### **RECOMMENDATION**

Staff recommends that the City Council make the following actions:

- 1) Approve the use permit and architectural control for the Sharon Heights Pump Station Replacement Project consisting of the demolition of the existing equipment and construction of a new 810-square-foot pump house in the same location for the three pumps and emergency diesel generator, subject to the Conditions of Approval contained in Attachment A;
- 2) Approve the removal of one heritage tree subject to the Conditions of Approval, contained in Attachment A, except for Condition 4 as discussed below; and
- 3) Authorize the Interim City Manager to increase the existing rental agreement with DW Pumps to an amount not to exceed \$90,000.

### **BACKGROUND**

The City of Menlo Park Municipal Water District serves just under half of the City's population in the Sharon Heights Neighborhood, including Stanford Linear Accelerator (SLAC), and portions of the City north and east of El Camino Real. The Sharon Heights pump station is a critical component of the City's water distribution system. Constructed in 1962, the pump station delivers potable water from the San Francisco Public Utilities Commission (SFPUC) water system aqueducts to Sharon Heights and to the City's two reservoirs. The function of the pump station is to increase the water pressure from 40 pounds per square inch (psi) at the SFPUC turnout to an operating pressure of 120 psi in order to deliver water to the neighborhood and to fill the reservoirs. The existing Sharon Heights Pump Station consists of three outdoor pumps, a portable emergency diesel generator, and electrical switchgear. Two of the three pumps have ceased to operate and have reached the stage where no further repair is possible, and as a result have been replaced by two rented, temporary pumps.

Funding for the construction of a new pump station was budgeted in FY 2009-10. Since then, the City has been working with its consultant (Carollo Engineers) to identify

possible replacement options and conducting outreach with the nearby neighbors to consider design options, discuss construction impacts and receive comment on the proposal.

### Planning Commission Review and Action

The Planning Commission held a public hearing on January 23, 2012 and is the recommending body to the City Council on the proposed project. The Planning Commission staff report is included as Attachment B and the excerpt minutes are included as Attachment C. The City Council is the final decision-making authority since it is a City-sponsored project.

At the Public Hearing, Engineering staff presented the project and one neighbor also spoke. The Planning Commission unanimously voted to recommend that the City Council approve the use permit and architectural control subject to the findings and conditions of approval outlined in the January 23 staff report (Attachment B) and one additional Condition of Approval regarding the heritage Monterey pine tree. The recommended Condition of Approval, which is further discussed in the analysis section below, is the following:

Prior to submittal of a complete building permit application, the applicant shall explore options for rerouting the new utility lines in an effort to preserve the existing heritage Monterey pine tree (tree #1). The tree shall be preserved if the cost of preservation does not increase the overall cost of the project by one percent or cause undue delay to the project. Simultaneous with the submittal of a complete building permit application, the applicant shall update the plans to show the preservation of the tree if deemed feasible or provide documentation why it is not feasible, subject to review of the Planning Division and City Arborist.

## **ANALYSIS**

### Site Location

The pump station site is located in the Sharon Heights neighborhood, near the intersection of Sharon Park Drive and Lassen Drive as shown in the location map, included as Attachment D. The lot is L-shaped, approximately 3,960 square feet, and zoned R-1-S (Single-Family Suburban). Using Sharon Park Drive in the east/west orientation, the site is surrounded by single-family residential uses to the north, east and west. Sharon Park is located to the south across Sharon Park Drive. The area immediately to the west of the lot belongs to the 1000 Sharon Park Home-Owners Association (HOA) and contains their landscaping and wood lattice fence.

### Project Description

The City proposes to demolish the existing outdoor Sharon Heights Pump Station and construct an approximate 810-square-foot, unstaffed building that would house a new pump station and emergency diesel generator. Because replacement parts for the existing pump station are no longer readily available, the proposal is to replace the entire pump system. The City would like to complete this work in a manner that minimizes the impacts to the neighbors, and results in a facility that is more efficient, reliable, easier to maintain, and compatible with the neighborhood.

A project description, included as Attachment E, discusses the planning and design process and the components of the project which are summarized below.

Per Section 16.76.030 of the Zoning Ordinance, a pump station may be located in any district, subject to obtaining a use permit, which shall be approved if it is found that the facility is necessary and designed in a manner compatible with the neighborhood in which it is located. The use and storage of diesel fuel in conjunction with the generator is also subject to use permit review. The proposed project is subject to use permit and architectural control review and approval.

### *Preferred Pump Station Alternative*

The City considered various alternative designs, including 1) replacing the outdoor equipment with new outdoor equipment, 2) housing the equipment in a below grade vault, and 3) constructing an at-grade building that incorporates the pump station equipment.

The City is proposing option 3 – to construct an at-grade building that houses the pump station and generator. This option is an attractive solution because the building design is compatible with the surrounding residential uses, provides security for the equipment, protection from the elements, and serves as a means of sound attenuation for the noise generated by the station. In addition, the minimization of excavation reduces impacts to nearby trees and shrubs, and is more cost-effective to construct and maintain.

The pump station building is proposed for the rear of the lot, approximately 93.5 feet from Sharon Park Drive and 33 feet from Lassen Drive as shown on the project plans, included as Attachment F. Access to the building would be via a paved 10.6-foot driveway from Sharon Park Drive, similar to the current access to the site. Views of the building would be minimized due to the distance from the street and existing and proposed trees on the site and neighboring properties.

The R-1-S zoning district setback requirements are 20 feet from the front and rear property lines and 10 feet on each side property line. However, for non-residential projects such as a public facility, these standards are used only as a guideline. The use permit process defines the appropriate development standards on a case-by-case basis. The pump building would have setbacks (as viewed from Sharon Park Drive) of 5 feet from the left property line, 5.1 feet from the rear, and 10 feet from the right side. Residential uses are located on the right and rear sides, however, the residential uses at the rear are situated uphill from the site and located approximately 50 feet from the structure. The building would be approximately 36 feet from the nearest residential structure located at 910 Sharon Park Drive.

The floor area limit (FAL) is the maximum amount of building gross square footage allowed on a property and for lots less than 5,000 square feet the FAL is determined through the use permit process. The FAL of the project would be approximately 810 square feet. The maximum building coverage ratio or building footprint allowed for a one-story building on a lot of less than 7,000 square feet is 40 percent. The building coverage ratio for this project is 12.8 percent.

### *Temporary Pump Station*

Construction of the new pump station is expected to take 18 months. In order to maintain service while it is under construction, the current temporary, two-pump station would be moved to the adjacent parcel to the west, or to the left of the parcel (as viewed from Sharon Park Drive), between the driveway and Lassen Drive. A third temporary pump will be added. The adjacent parcel is part of the 1000 Sharon Park HOA common property. The temporary pump station would occupy an area approximately 20 feet wide by 16 feet long, as shown on Attachment F, page 4. The City has worked closely with the neighboring HOA on the terms for use of the area for the temporary pump station, replacement plantings, and resurfacing of a private sidewalk on the property. Their existing wood lattice fencing that provides screening for the existing pump station, and the chain link fence behind it, will be removed as construction activities warrant. The chain link fence is intended to be re-secured at the end of each day. The wood lattice would be reinstalled at the completion of the project. The HOA's letter of terms and support for the project is included as Attachment G.

A PG&E control box will be installed to supply power and new piping will be installed to serve the temporary pump station. Once all the equipment has been installed, the temporary pump station will be enclosed with a chain link fence with either dark green or brown privacy netting.

### Design and Materials

The proposed design of the pump station building is intended to reflect the residential characteristics of the surrounding neighborhood. The height of the building would be 16.5 feet to the peak of the gabled roof and 18.7 feet to the top of the exhaust fan, but the structure would be setback from the street to minimize its appearance. The maximum height in the R-1-S zoning district is 28 feet.

The colors and materials have been selected with input from the neighbors, and for compatibility with nearby residences, sustainability, durability, and quality. The building would be constructed of structural masonry and clad in Hardi-shingle siding and the roof would be concrete tile for a residential appearance. The shingles and trim would be painted in medium to dark shades of brown for a neutral appearance and to blend with the canopies of the existing trees. The proposed metal louvers as well as the skylight trim would also be painted in similar brown tones. The design incorporates three skylights for natural light into the space, and to provide a second means of access. On rare occasions when the equipment needs to be replaced, the skylights can be removed to allow the equipment to be lifted out of the building. However, all routine maintenance would occur within the building. The building would not house permanent staff. As maintenance is required, staff would park along the driveway.

To maintain sufficient air circulation for the equipment, metal louvers on each of the building elevations and an exhaust outlet from the roof are proposed. The vents have been sized for the proposed equipment, but may need to be slightly adjusted as more detailed building calculations are done during the building permit plan check phase. The City has had an acoustical engineer analyze the building for sound attenuation and propose measures to ensure that the equipment does not exceed the 60 dBA daytime and 50 dBA nighttime noise thresholds at the residential property lines.

## Emergency Diesel Generator

The proposed project includes a back-up diesel generator to continue operations in the event of a power outage. The existing site contains a portable 120 gallon back-up diesel generator. The generator was typically brought to the site during times of power outages, but has remained on-site for the past five years to eliminate transport time in cases of emergency. The generator unit would be stored within the proposed building and will be able to operate two pumps for six hours or one pump for 12 hours. Its fuel tank will have the same storage capacity and will be located directly beneath the generator. It would be double contained which means it would be engineered with special fittings and a continuously monitored data system to provide protection from diesel fuel leaks and spills. The Hazardous Materials Business Plan (HMBP), included as Attachment H, provides information about the diesel fuel that would be used and stored, and includes an emergency response plan, an employee-training plan, and a record keeping plan.

Although the proposed generator would be used only in cases of emergency, it would need to be tested periodically. The City anticipates that testing would occur on a quarterly basis, and would take one-half hour to two hours and occur between the hours of 8 a.m. and 4 p.m. Refueling would occur on a limited, as-needed basis, and would be via a fuel fill station on the exterior of the front of the building.

### *Agency Review*

The Menlo Park Fire Protection District, City of Menlo Park Building Division, West Bay Sanitary District, and San Mateo County Environmental Health Services Division were contacted regarding the proposed use and storage of diesel on the project site. Their correspondence has been included as Attachment I. Each entity found the proposal to be in compliance with all applicable standards and has approved the proposal. Although the subject parcel is located in close proximity to residences, there would be no unique requirements for the proposed use, based on the specific types and amounts of chemicals that are proposed.

## Heritage Trees and Landscaping

The subject site contains seven trees, four of which are heritage size. Two of the heritage trees are Monterey pine, one is a Coast live oak and one is a Valley oak. The City has provided an arborist report, included as Attachment J, which describes the size, species, and condition of the trees in the vicinity of the project, as well as tree protection measures to limit impacts to the remaining trees.

The proposed project would require the removal of one 32.1-inch Monterey pine in fair condition located at the front of the property. This tree is labeled "H1" on the plans included as Attachment F, page 5.

Prior to the Planning Commission meeting, the City Arborist had approved the removal of the Monterey pine, subject to approval of the proposed project. After the Planning Commission meeting, engineering staff reviewed the feasibility of rerouting utilities to preserve the tree. Unfortunately, the concentration of utilities is located along the driveway, which is only 10.6 feet wide and must accommodate two 18" diameter water

pipes and two 4" electrical conduits. Each of these utilities requires certain separations that, combined with the narrow driveway, cannot be routed in a way that would save the tree's roots. Staff also investigated the possibility of routing the PG&E conduit to the right of the tree but determined that it would then interfere with the roots of two healthier, taller trees and it would be too close to the foundations of the neighbor's fence.

Between tree #1's trunk and the edge of the driveway to the left, there are 68 inches. A 14" water pipe is also located within the space and electrical conduits need to be at least three feet away from water pipes. This leaves just 18" for a minimum 12" wide trench which is required for two new four-inch diameter electrical conduits. PG&E will also require that the existing electrical conduit between the tree and the driveway be exposed and removed. This existing conduit runs at an angle, from the south side of the tree to its west side. To locate the conduit, the contractor may need to dig up the entire area between the trunk and the driveway.

In addition to the Engineering staff's evaluation, staff requested a specific comment from the City Arborist on the advisability of preserving tree #1 given the needs of PG&E and the water pipes. The City Arborist provided a detailed statement, included as Attachment K, which supports removal of the tree for several reasons. First, the tree is overcrowded by two taller Monterey pines on the site that are behind and to the right of it when viewed from Sharon Park Drive. Second, the tree's canopy is unbalanced and has only developed on the street (or southern) side of the trunk. Excavation and installation of the PG&E conduit is planned for this southern and for the western side of the tree which will cause significant damage to roots beneath the majority of the canopy. The combination of the limited canopy and the condition of the roots "greatly reduces this tree's tolerance for construction disturbance within the root zone."

Given the critical nature of this project, meeting and even exceeding current utility industry standards is vitally important to ensure the safety, seismic reliability, and longevity of this essential water pumping station. Preserving tree #1 appears to be infeasible.

A non-heritage multi-trunk Coast Live Oak in poor condition with a heavy lean that is located at the rear left of the property is also slated for removal. It is growing very close to the existing chain link fence that will need to be removed temporarily during construction. This tree is labeled "10" on the plans included as Attachment F, page 5.

The City is proposing to replace the two trees with two 15-gallon Coast Live Oak trees. The trees would be placed in the vicinity of the trees to be removed. However, one of the oak trees will be placed on the adjacent left parcel in the landscape common area of the 1000 Sharon Park HOA, at the request of the HOA. The location of the new trees will provide screening from both Lassen Drive and Sharon Park Drive.

### **Extended Pump Rental**

In August 2011, two of the three existing pumps at the Sharron Heights Pump Station failed, resulting in the immediate need for new equipment to be delivered to the site. In lieu of replacing the two pumps with new systems, staff opted to enter into a rental agreement with DW Pumps in order to install a temporary system that would fit with the

existing infrastructure while the new facility was under design. The original monthly agreement with DW Pumps had a not to exceed amount of \$39,942 and was expected to last until summer of 2012. However, since the project is expected to go into construction in late 2012, staff is recommending that the Council authorize the Interim City Manager to extend the agreement to a not-to-exceed amount of \$90,000 in order to guarantee continuous operation through the start of construction. Funding for this contract extension is available in the Sharon Heights Pump Station Project budget.

### **IMPACT ON CITY RESOURCES**

In FY 2008-09 \$275,000 was budgeted from the Water Capital Fund to design this project. On March 31, 2009, Council authorized the City Manager to enter into an agreement with Carollo Engineers in the amount of \$250,000 to design the pump station. A portion has been used to complete the architectural control review and approval process. The remaining funds will be used for final design. In FY 2009-10 \$2,330,000 was budgeted from the Water Capital Fund for construction. The rental agreement extension for DW Pumps will be funded out of the construction project.

### **POLICY ISSUES**

At the January 23, 2012 Planning Commission meeting, the Commission found that the project's proposed use would 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. This is consistent with the policy that the Council has final decision-making authority for use permits and architectural control for City-sponsored projects.

### **ENVIRONMENTAL REVIEW**

The project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.



Virginia Parks  
Associate Civil Engineer



Matheu Oscamou  
Engineering Services Manager

**PUBLIC NOTICE:** Public notice for the Planning Commission Public Hearing consisted of publishing a legal notice in the local newspaper and notification by mail to owners and occupants within a 1320-foot (quarter mile) radius of the subject property. City Council action on the use permit and architectural control will be final.

In addition, the Sharon Heights pump station project page, which is available at the following web address <http://www.menlopark.org/departments/pwk/sharonpumpstation.html> has been updated with this staff report. The web page provides up-to-date information about the project, allowing interested parties to



stay informed of its progress. The page also allows users to sign up for automatic email bulletins, notifying them when content is updated.

- ATTACHMENTS:**
- A. [Planning Commission Recommendation Conditions of Approval](#)
  - B. [January 23, 2012, Planning Commission Staff Report](#)
  - C. [January 23, 2012, Planning Commission Draft Excerpt Minutes](#)
  - D. [Location Map](#)
  - E. [Project Description](#)
  - F. [Project Plans](#)
  - G. [1000 Sharon Park Drive HOA Letter](#)
  - H. [Hazardous Materials Business Plan](#)
  - I. [Hazardous Materials Agency Referral Forms](#)
  - J. [Arborist Report by Mayne Tree Expert Company, Inc., dated March 17, 2010](#)
  - K. [January 26, 2012, City Arborist's statement](#)

**EXHIBITS TO BE PROVIDED AT THE MEETING:**

- A. Colors and Materials Board
- B. Shingle Siding Sample

**920 Sharon Park Drive – Sharon Heights Pump Station  
PLANNING COMMISSION RECOMMENDATION  
CONDITIONS OF APPROVAL**

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make 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.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - 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.
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
4. Prior to submittal of a complete building permit application, the applicant shall explore options for rerouting the new utility lines in an effort to preserve the existing heritage Monterey pine tree (tree #1). The tree shall be preserved if the cost of preservation does not increase the overall cost of the project by one percent or cause undue delay to the project. Simultaneous with the submittal of a complete building permit application, the applicant shall update the plans to show the preservation of the tree if deemed feasible or provide documentation why it is not feasible, subject to review of the Planning Division and City Arborist.
5. Approve the use permit and architectural control request subject to the following **standard** conditions of approval:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Corrollo, dated received January 11, 2011, consisting of 10 plan sheets and approved by the City Council on February 14, 2012, except as modified

by the conditions contained herein, subject to review and approval of the Planning Division.

- b. The applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies 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 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
- f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection and preservation measures identified in the arborist report.
- g. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.

# PLANNING COMMISSION STAFF REPORT



FOR THE PLANNING COMMISSION  
MEETING OF JANUARY 23, 2012  
AGENDA ITEM D3

<b>LOCATION:</b>	920 Sharon Park Drive	<b>APPLICANT:</b>	City of Menlo Park Municipal Water District
<b>EXISTING USE:</b>	Water Pump Station with Portable Emergency Diesel Generator	<b>PROPERTY OWNER:</b>	City of Menlo Park
<b>PROPOSED USE:</b>	Water Pump Station with Permanent Emergency Diesel Generator	<b>APPLICATION:</b>	Use Permit and Architectural Control
<b>ZONING:</b>	R-1-S (Single-Family Suburban) Residential		

## PROPOSAL

The applicant is requesting a use permit and architectural control for replacement of the Sharon Heights water pump station. The proposed pump station consists of three pumps and a diesel generator, similar to the existing pump station facility, but would be fully enclosed within an approximate 810-square-foot building at 920 Sharon Park Drive in the R-1-S (Single-family suburban) residential zoning district. The development of the pump station would be in conjunction with the construction of a temporary pump station located on the adjacent left parcel (as viewed from Sharon Park Drive) until construction is completed. The proposal includes the removal of one heritage tree Monterey pine and one non-heritage coast live oak. For this proposal, the Planning Commission will serve as a recommending body and the City Council will be the final decision-making body.

## BACKGROUND

The Sharon Heights pump station is a critical component of the City's water distribution system. The City of Menlo Park Municipal Water District serves approximately half of the City's population, primarily in the areas of Sharon Heights, including SLAC, and portions of the City north and east of El Camino Real. Constructed in 1962, the Sharon Heights

pump station delivers potable water from the San Francisco Public Utilities Commission (SFPUC) water system aqueducts to Sharon Heights and to the City's two reservoirs. The function of the pump station is to increase the water pressure from 40 pounds per square inch (psi) at the SFPUC turnout to an operating pressure of 120 psi in order to deliver water to the neighborhood and to fill the reservoirs.

The existing pump station consists of three outdoor pumps, a portable emergency diesel generator, and electrical switchgear. The normal pump station operation is to have up to two pumps running, with the third in reserve. However, the pump station has ceased to operate, and currently has been replaced with a temporary pump station at the subject location. Funding for the construction of a new pump station was identified as a City Council project priority in the FY2009-10 year. Since then, the applicant has been working with its consultant (Carollo Engineers) to identify possible replacement options and conducting outreach with the nearby neighbors to consider design options, discuss construction impacts and receive comment on the proposal.

## **ANALYSIS**

### Site Location

The subject site is located in the Sharon Heights neighborhood, near the intersection of Sharon Park Drive and Lassen Drive in the western part of the City. The lot is L-shaped, approximately 3,960 square feet, and zoned R-1-S (Single-Family Suburban). Using Sharon Park Drive in the east/west orientation, the site is surrounded by single-family residential uses to the north (zoned R-1-S (X) – Single-Family Suburban, Conditional Development), west (zoned R-1-S (X)), and south (zoned R-1-S). Sharon Park (zoned OSC – Open Space Conservation) is located to the south across Sharon Park Drive. The area immediately to the west, at the corner of Sharon Park Drive and Lassen Drive, is a landscaped area that is part of the 1000 Sharon Park residential development to the north.

### Project Description

The applicant is requesting to demolish the existing Sharon Heights pump station and construct an approximate 810-square-foot, unstaffed building that would house a new pump station and emergency diesel generator. In order to maintain service while the pump station is under construction, the applicant is also requesting to construct a temporary pump station on the adjacent parcel to the west. Per Section 16.76.030 of the Zoning Ordinance, a pump station may be located in any district, subject to obtaining a use permit, which shall be approved if it is found that the facility is necessary and designed in a manner compatible with the neighborhood in which it is located. The use and storage of diesel fuel in conjunction with the generator is also subject to use permit review. The proposed project is subject to use permit and architectural control review and approval, with the Planning Commission serving as a recommending body to the City Council and the City Council as the final decision-making body since it is a City-sponsored project. The City Council is anticipated to review the proposal at its February 14 meeting.

Because replacement parts for the existing pump station are no longer readily available, the applicant is pursuing to replace the entire pump system. The applicant would like to

complete this work in a manner that minimizes the impacts to the neighbors, and results in a facility that is more efficient, reliable, easier to maintain, and compatible with the neighborhood. With these goals, the applicant considered various alternative designs, including 1) replacing the outdoor equipment with new outdoor equipment, 2) housing the equipment in a below grade vault, and 3) constructing an at-grade building that incorporates the pump station equipment. The applicant has provided a project description letter, included as Attachment C, to provide a summary of the planning and design process and the components of the project, which are further discussed below.

### *Preferred Pump Station Alternative*

The applicant is proposing option 3 – to construct an at-grade building that houses the pump station and generator. This option is an attractive solution because the building design is compatible with the surrounding residential uses, and provides security for the equipment, protection from the elements, and serves as a means of sound attenuation for the noise generated by the station. In addition, the minimization of excavation reduces impacts to nearby trees and shrubs, and is more cost-effective to maintain and construct.

The pump station building is proposed to be constructed at the rear of the lot, approximately 93.5 feet from Sharon Park Drive and 33 feet from Lassen Drive. Access to the building would be via a paved 10.6-foot driveway from Sharon Park Drive, similar to the current access to the site. Views of the building would be minimized due to the distance from the street as well as existing and proposed trees on the site and neighboring properties. The building would have setbacks (as viewed from Sharon Park Drive) of 5 feet from the left property line, 5.1 from the rear, and 10 feet from the right side, where the R-1-S zoning district setback requirements are 20 feet from the front and rear property lines and 10 feet on each side property line. Residential uses are located on the right and rear sides, however, the residential uses at the rear are situated uphill from the site and located approximately 50 feet from the structure. The building would be approximately 36 feet from the nearest residential structure located at 910 Sharon Park Drive. The floor area limit (FAL) would be approximately 810 square feet and the building coverage would also be the same or 12.8 percent. On a lot of less than 5,000 square feet in the R-1-S zoning district, the FAL is typically determined through the use permit process. The maximum building coverage ratio is set at 40 percent for a one-story building on a lot of less than 7,000 square feet. While the site is located in the R-1-S zoning district, the development standards are used as a guideline for non-residential projects such as a public facility. The use permit would define the appropriate development standards on a case-by-case basis.

### *Temporary Pump Station*

Construction of the new pump station is expected to take 18 months. During this time, a temporary pump station would operate in its in place to minimize disruption in service. The proposed temporary pump station would be located on the adjacent left parcel (as viewed from Sharon Park Drive), between the driveway to the proposed pump station and Lassen Drive. The parcel is part of the 1000 Sharon Park Homeowners Association (HOA)

common property. The temporary pump station would occupy an area approximately 20 feet wide by 16 feet long, as shown on Attachment B5.

The two temporary pumps that are currently being used at the subject site will be relocated to the temporary location, and a third pump will be added. Each pump is eight feet long by four feet tall by four feet wide and is covered with dark plastic. The temporary pump station will also involve the installation of a control box by PG&E to provide power, through a above ground wiring, and new piping from the existing water mains in the driveway to the temporary location. Once all the equipment has been installed, the temporary pump station will be enclosed with a chain link fence with either dark green or brown privacy netting. The proposed temporary fencing as well as the existing wood lattice fencing that provides screening will be removed as construction activities warrant, but the temporary fencing is intended to be re-secured at the end of each day. The wood lattice would be reinstalled at the completion of the project.

The applicant has worked closely with the neighboring HOA on the terms for use of the area for the temporary pump station, including construction easements for access and use of the site, replacement plantings, and resurfacing of a private sidewalk on the property. The HOA's letter of terms and support for the project is included as Attachment D.

### Design and Materials

The proposed design of the pump station building is intended to be conceived as an accessory structure and reflect the residential characteristics of the surrounding neighborhood. The structure would be approximately 810 square feet. The height of the building would be 16.5 feet to the peak of the gabled roof and 18.7 feet to the top of the exhaust fan, but the structure would be setback from the street to minimize its appearance. The maximum height in the R-1-S zoning district is 28 feet.

The colors and materials have been selected with input from the neighbors, and for compatibility with nearby residences, sustainability, durability, and quality. The building would be constructed of structural masonry and clad in hardi-shingle siding and the roof would be concrete tile for a residential appearance. The shingles and trims would be painted in medium to dark shades of brown for a neutral appearance and to blend with the canopies of the existing trees. The proposed metal louvers as well the skylight trim would also be painted in similar brown tones. The design incorporates three skylights for natural light into the space, but also to provide a second means of access. On rare occasions when the equipment needs to be replaced, the skylights can be removed to allow the equipment to be lifted out of the building. All routine maintenance would occur within the building. The building would not house permanent staff. As maintenance is required, staff would park along the driveway.

To maintain sufficient air circulation for the equipment, metal louvers on each of the building elevations and an exhaust outlet from the roof are proposed. The vents have been sized for the proposed equipment, but may need to be slightly adjusted as more detailed building calculations are done during the building permit plan check phase. The applicant is working with an acoustical engineer to implement sound attenuation measures

to help ensure that the proposed equipment does not exceed the daytime and nighttime noise thresholds of 60 dBA and 50 dBA, respectively, at the residential property lines.

### Emergency Diesel Generator

The proposed project includes a back-up diesel generator to continue operations in the event of a power outage. The existing site contains a portable 120 gallon back-up diesel generator. The generator was typically brought to the site during times of power outages, but has remained on-site for the past five years to eliminate its transport in cases of emergency. The fuel tank of the proposed generator would be similar in size as the existing, containing a 120 gallon capacity, that can operate for six hours if both pumps are operating and 12 hours if one pump is on. The fuel tank would be double contained and is continuously monitored through a data system. The generator unit would be stored within the proposed building. The Hazardous Materials Business Plan (HMBP), included as Attachment E, provides the types and quantities of chemicals that would be used and stored, and includes an emergency response plan, an employee-training plan, and a record keeping plan.

Although the proposed generator would be used only in cases of emergency, the generator would need to be tested periodically. The applicant anticipates that testing would occur on a quarterly basis for a duration between one-half hour to two hours between the hours of 8 a.m. and 4 p.m. Refueling would occur on a limited, as-needed basis, and would be pumped through an access point (fuel fill station) on the exterior of the front of the building.

### *Agency Review*

The Menlo Park Fire Protection District, City of Menlo Park Building Division, West Bay Sanitary District, and San Mateo County Environmental Health Services Division were contacted regarding the proposed use and storage of diesel on the project site. Their correspondence has been included as Attachment F. Each entity found the proposal to be in compliance with all applicable standards and has approved the proposal. Although the subject parcel is located in close proximity to residences, there would be no unique requirements for the proposed use, based on the specific types and amounts of chemicals that are proposed.

### Heritage Trees and Landscaping

The subject site contains seven trees, four of which are heritage size. Two of the trees are Monterey pine, and one each is a coast live oak and a valley oak. The proposed project would require the removal one 32.1-inch Monterey pine in fair condition located at the front of the property and non-heritage multi-trunk coast live oak in poor condition located at the rear left of the property. The Monterey pine is proposed to be removed due to trenching for installation of PG&E equipment while the coast live oak is in poor health and has a heavy lean. The applicant has provided an arborist report that describes the size, species, and condition of the heritage-size trees in the vicinity of the proposed



project, as well as tree protection measures to limit impacts to the remaining trees (Attachment G).

The applicant is proposing to replace the two trees with two 15-gallon coast live oak trees. The trees would be placed in the vicinity of where the trees would be removed. However, one of the oak trees is being placed on the adjacent left parcel in the landscape common area of the 1000 Sharon Park HOA, at the request of the HOA. The location of the trees would help provide screening from both of the street views. The City Arborist has tentatively approved the removal of the Monterey pine, subject to approval of the proposed project.

## **ENVIRONMENTAL REVIEW**

The project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.

## **CORRESPONDENCE**

Staff has not received any correspondence on this project.

## **CONCLUSION**

The Sharon Heights pump station no longer functions effectively and needs to be replaced. The facility is a critical component of the City's water supply system. Staff believes the applicant is proposing a plan that is respectful of the site and the surrounding uses by designing a modest building to screen the equipment and provide sound attenuation, and is compatible with the colors and materials of the nearby residences. The project would also allow for minimal disruption in service with the construction of a temporary pump station in the interim and a back-up generator in states of emergency. Staff believes that the proposed project is appropriate for the site and recommends that the Planning Commission recommend that the City Council approve the use permit and architectural control.

## **RECOMMENDATION**

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make 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.

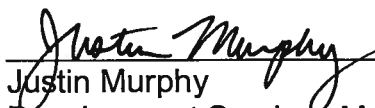
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City.
  - c. The development will not impair the desirability of investment or occupation in the neighborhood.
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
  
4. Approve the use permit and architectural control request subject to the following **standard** conditions of approval:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Corollo, dated received January 11, 2011, consisting of 10 plan sheets and approved by the City Council on February 14, 2012, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. The applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies 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 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
  - f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant

shall implement the tree protection and preservation measures identified in the arborist report.

- g. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.



Deanna Chow  
Senior Planner  
Report Author



Justin Murphy  
Development Services Manager

### **PUBLIC NOTICE & APPEAL PERIOD**

Public notice consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property. Planning Commission action will be in the form of a recommendation to the City Council.

In addition, the Sharon Heights pump station project page, which is available at the following web address <http://www.menlopark.org/departments/pwk/sharonpumpstation.html> has been updated with the staff report. This page provides up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated.

### **ATTACHMENTS**

- A. Location Map
- B. Project Plans
- C. Project Description Letter
- D. 1000 Sharon Park Drive HOA Letter
- E. Hazardous Materials Business Plan
- F. Hazardous Materials Agency Referral Forms
  - Menlo Park Fire Protection District
  - San Mateo County Environmental Health Department
  - West Bay Sanitary District
  - Menlo Park Building Division
- G. Arborist Report prepared by Mayne Tree Expert Company, Inc., dated March 17, 2010

**Note:** Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

**EXHIBITS TO BE PROVIDED AT THE MEETING**

**A. Colors and Materials Board**

V:\STAFFRPT\PC\2012\012312\_SH pump station.doc



## PLANNING COMMISSION EXCERPT MINUTES

**Regular Meeting**  
**January 23, 2012 at 7:00 p.m.**  
**City Council Chambers**  
**701 Laurel Street, Menlo Park, CA 94025**

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Teleconference with participation by Commissioner Kadwany from:  
3334 E 1<sup>st</sup> Street  
Long Beach, CA 90803  
(Posted January 19, 2012)

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**CALL TO ORDER** – 7:02 p.m.

**ROLL CALL** – Bressler (Chair), Eiref, Ferrick (Vice Chair), Kadwany (departed meeting at 8:47 p.m.), O'Malley (absent), Riggs, Yu

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Thomas Rogers, Associate Planner; Rachel Grossman, Associate Planner; Kyle Perata, Assistant Planner

### **D. PUBLIC HEARING**

- 3. Use Permit and Architectural Control/City of Menlo Park Municipal Water District/920 Sharon Park Drive:** Request for a use permit and architectural control for the removal of the existing Sharon Heights water pump station and construction of a new pump station, consisting of three pumps and an emergency diesel generator. The equipment would be enclosed within an approximately 810-square-foot building located at the rear of the site, which is located in the R-1-S (Single-Family Suburban) zoning district. A temporary pump station would be located on the adjacent left parcel (as viewed from Sharon Park Drive) until construction is completed. As part of the proposed project, one 32-inch, heritage size Monterey pine tree in fair condition would be removed.

Staff Comment: Planner Chow said staff had no additional comments and was distributing a colors and materials board for the Commission's review of finishes, the exterior siding, and paint colors.

Questions of Staff: Commissioner Kadwany asked for information on the PG&E installation that would cause the removal of the Monterey pine tree. Planner Chow said page L-2 of the Utility Plans the transformer was shown behind the tree. She said trenching for various utility lines would have to occur and as a result one tree would

have to be removed but the other would be preserved. She said there would be no trees removed for the construction of the temporary pump station.

Commissioner Riggs asked if the PG&E installation could be rerouted so the tree did not have to be removed. Planner Chow said that might be a better question of the applicant.

Ms. Virginia Parks, Associate Engineer, the City of Menlo Park, said the pump station replacement project would replace aging infrastructure and was a mission critical project. She said two of the three pump units in the station were no longer repairable. She said temporary pumps were being used. She noted that this station served all of the western part of Menlo Park including Sharon Heights, the Golf Course, and SLAC. She said if the pumps failed there would be no water for customers or for fire suppression. She said currently the facility had large above ground pipes, industrial looking valves, gray electrical cabinets, and a big, orange mobile generator. She said the replacement facility would be a one-story unobtrusive shingle-sided building painted to coordinate and match with neighborhood town homes. She said the building would provide noise abatement and security for the essential pumping equipment. She said the station would be unstaffed but staff would inspect and maintain the facility regularly and sample and monitor for regulatory compliance.

Ms. Parks said that under Sharon Park Drive were two large diameter pipes that carry water from the Hetch-Hetchy Reservoir. She said at the corner of Lassen Drive there was a turnout that fed the water to the pump station where the water pressure was increased to create uphill water flow to serve customers on Hallmark Circle and also travel across Highway 280 to the City's reservoirs.

Ms. Parks said they originally contacted the neighbors in 2009 to inform them of the need for the project. She said since then she has attended and presented at two annual homeowners association meetings and discussed time tables and designs. She said the homeowners association was very helpful and had suggested the siding and color that would go well with their neighborhood. She said the color was timber bark and was midway between the color of the uphill garage on Carter Drive and the homes on Lassen Drive. She said they had worked out a process with the homeowners association's landscaper to assure the plants and the wood lattice adjacent to the project site would be preserved and returned to their original condition after the project was completed. She noted that the pumps in the existing station had been in place for 50 years, and the facility had reached the end of its useful life.

Ms. Parks said regarding the tree removal that the lot was very narrow. She noted that under the driveway there were already two 14-inch diameter pipes – one bringing water into the station and the other bringing water out of the station. She said those would be replaced with two 18-inch diameter pipe. She said construction staging would be very tight. She said the PG&E line would not fit in the driveway and would have to go to the side in the landscaped area. She said there was an existing PG&E cabinet to the right

of the front of the driveway and wiring would have to come from that cabinet to the transformer pad. She said they tried to move the line to the right side to go behind some of the trees but it was not desirable to have it that close to the property line. She said they could not go to the other side of the driveway with it because that was homeowners association's property.

Commissioner Kadvany asked if it was drawn where the PG&E line would go. Ms. Parks said the line would have to go from the transformer to the new transformer pad behind. Commissioner Kadvany said he would like to have seen that on the plans. Ms. Parks said that the project was in preliminary design and the City had hired an outside contractor to do this part of the design. She said when the project was approved to move forward there would be more specific utility plans. Commissioner Kadvany said the Commission was being asked to approve the removal of a significant tree and that it would help if there was more visual information provided to show the necessity for doing so.

Mr. Matt Oscamou, Engineering Services Manager, said although it was not desirable to remove a heritage tree there were two significantly sized pipelines and with the needed electrical lines they would need to trench right underneath the canopy of the tree. He said with the size of the pipelines needed there was really no room for adjustment. He said because of the proximity of the tree to the pipelines the potential for root damage was a significant issue and led to the decision to remove the one tree.

Public Comment: Mr. Ferenc Zele, said his home was to the right of the project. He said there were two Monterey pine trees but on the drawing he only saw one tree. Ms. Parks showed the neighbor on page L2 that the tree near the front (H-1) was the one to be removed. Mr. Zele said he had been concerned that the other tree would be removed. He asked about the chain link fence. Ms. Parks said parts of the chain link fence would be removed during construction and currently the plan was to return the chain link fence to that location. She said however in many instances where an exteriorly placed pump station was moved inside a building then the chain link fence was removed as the pump station was secure and the fence was not needed. She said however the homeowners association wanted the chain link fence to remain. Mr. Zele said the chain link fence was obtrusive and he would prefer it removed since there would be a building.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Ferrick moved to recommend to the City Council approval of the use permit and architectural control for the removal of the existing Sharon Heights water pump station and construction of a new pump station, consisting of three pumps and an emergency diesel generator.

Commissioner Riggs said he would second the motion to recommend approval to the City Council but wished one modification. He said he was concerned with the removal

of a heritage tree. He noted that three trees grew in a cluster and removal of one in this case would be awkward. He said that one-third of the roots could be removed and a tree could be preserved. He said on other projects applicants were asked to run lines over or under major roots. He said there was not enough information to make a determination as to whether there was a way to preserve the tree or not, and he would like an effort made to preserve the tree. Commissioner Kadvany said he agreed with the suggestion. He said if there was additional cost to adjust the design to protect the tree the Council should approve that if modest. He said the tree was valuable. Commissioner Yu said it was unclear why the tree needed to be removed. Commissioner Ferrick said her concern was this project would ensure water service for the west side of town and she did not want it delay. She said behind the tree planned for removal were two other exact kinds of trees. She noted on page C-6 of the staff report that the homeowners' association had approved removing this pine tree and replacing it with two live oaks.

Chair Bressler noted that the maker of the motion rejected Commissioner Riggs' amendment. Commissioner Ferrick said she did not want the project delayed.

Recognized by the Chair, Ms. Parks said regarding the tree proposed for removal that the design contractor and City arborist had done due diligence but they could review further. She said once the project design was developed they could again look to see if the tree could be preserved.

Chair Bressler suggested making an amendment to look at taking measures to save the tree as long as it would not increase the cost of the project significantly. He asked what the cost of the project was. Ms. Parks said it was a \$2 million project. Chair Bressler suggested making an amendment to look at measures to save the tree as long as it would not increase the cost of the project by 2 percent to redesign to preserve the tree. Commissioner Yu suggested 1 percent and to include that it would not create undue delay on the project. Commissioner Ferrick said she could accept that modification.

Recognized by the Chair, Planner Chow said the motion was to recommend to the City Council approval of the use permit and architectural control with the modification to look at the status of tree H-1 to determine whether it could be preserved without increasing the overall cost of the project more than 1 percent and causing undue delay. She noted that if one third of the tree's roots were removed a heritage tree removal permit would be required.

Commission Action: M/S Ferrick/Bressler to recommend to the City Council to approve the use permit and architectural control for the project with the following modification.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.



2. Make 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.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - 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.
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
4. Approve the use permit and architectural control request subject to the following **standard** conditions of approval:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Corollo, dated received January 11, 2011, consisting of 10 plan sheets and approved by the City Council on February 14, 2012, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. The applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies 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 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
  - f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection and preservation measures identified in the arborist report.
  - g. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
- 5. Approve the use permit and architectural control request subject to the following specific condition of approval:**
- a. **Prior to submittal of a complete building permit application, the applicant shall explore options for rerouting the new utility lines in an effort to preserve the existing heritage Monterey pine tree (tree #1). The tree shall be preserved if the cost of preservation does not increase the overall cost of the project by one percent or cause undue delay to the project. Simultaneous with the submittal of a complete building permit application, the applicant shall update the plans to show the preservation of the tree if deemed feasible or provide documentation why it is not feasible, subject to review of the Planning Division and City Arborist.**

Motion carried 6-0 with Commissioner O'Malley absent.

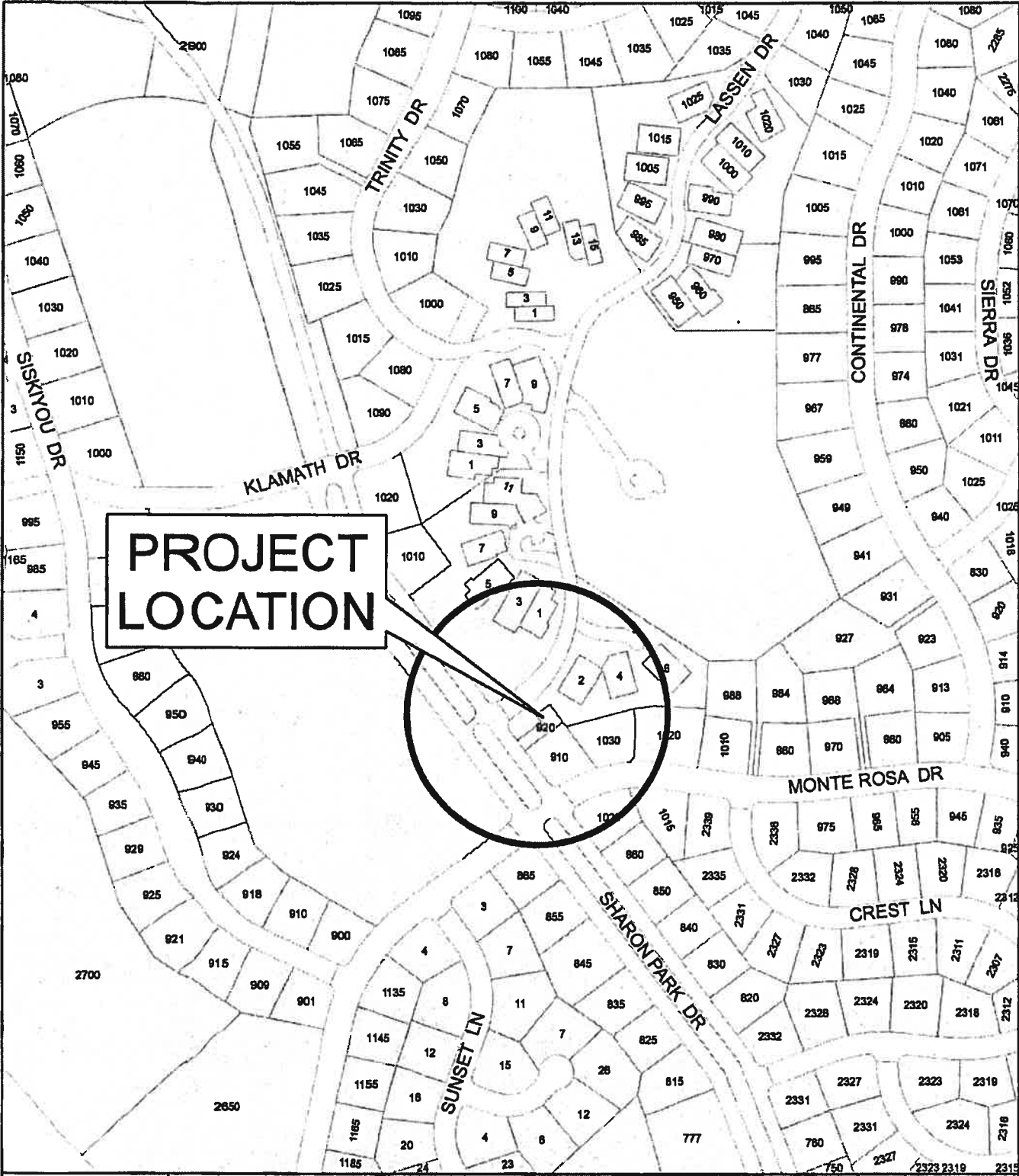
**ADJOURNMENT –**

The meeting adjourned at 8:58 p.m.

Staff Liaison: Thomas Roger, Associate Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 6, 2012



**PROJECT  
LOCATION**

**CITY OF MENLO PARK**  
 LOCATION MAP  
 920 SHARON PARK DR

D1



DRAWN: KTP CHECKED: KTP DATE: 1/18/12 SCALE: 1" = 300' SHEET: 1

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**PROJECT DESCRIPTION****1.0 BACKGROUND**

Constructed in 1962, the Sharon Heights Pump Station delivers water from the San Francisco Public Utilities Commission water system aqueducts to the Sharon Heights pressure zone and to the Sand Hill Reservoirs. As the only means of supplying water for consumption, irrigation, fire protection, and for refilling the reservoirs (especially during high demand periods), the Sharon Heights Pump Station is a critical component of the City's distribution system.

The pump station has reached the end of its design life and the age of the mechanical equipment presents an increased risk of substantial problems. Due to the age of the pumps, replacement parts are no longer readily available. To address this significant challenge to the water system reliability, the City is planning to replace the pump station. The City wants to complete this work in a manner that minimizes the impact to the neighbors and results in a facility that is more efficient, reliable, easier to maintain, and blends better with the surrounding community.

**2.0 EXISTING FACILITY**

The existing pump station consists of three outdoor pumps, an emergency generator, and electrical switchgear. The generator powers the pumps during power failures. Normal pump station operation is to have up to two pumps running, with the third pump in reserve. The station is designed to deliver up to 3 million gallons of water a day.

The station is located on a flag lot at the corner of Sharon Park Drive and Lassen Drive. The buildable portion of the lot consists of a 50-foot by 40-foot area, and is well secluded from the street and neighbors by the vegetation, specifically large trees and shrubs.

**3.0 ALTERNATIVES CONSIDERED**

In order to provide a more reliable water supply facility for Sharon Heights, the City has considered several options including; 1) replacing it with new outdoor equipment arranged similar to the existing facility, 2) housing the equipment below grade in a subterranean vault, and 3) constructing an at-grade building for the new pump station equipment.

Placing the new equipment outdoors has three main drawbacks: aesthetics, maintenance, and noise. Replacing the three major components (pumping equipment, electrical power equipment, and the standby generator) with similar outdoor equipment would be less visually appealing than the other options, is less secure, and is not consistent with current urban planning practices. Equipment that is in an outdoor environment is more difficult to

maintain and has more wear and tear due to being exposed to the elements. The noise generated by the station, especially when the generator is running or during regular maintenance, is higher than that of indoor equipment.

Building a subterranean vault for the station would require a major construction effort and would substantially increase the cost. This option would require an excavation of approximately 20-feet deep with the sides measuring 30-feet by 40-feet. Expensive vertical shoring would be required to protect adjacent properties from settlement during construction. The excavation would require hauling off approximately 900 cubic yards of soil and would be time-consuming giving the tight site constraints. It would also have a higher impact to the trees and shrubs on and around the site. Furthermore, this option would be more difficult to maintain as accessing a below-grade vault presents safety (confined-space) concerns, and potential for flooding damage of the equipment in the vault during storms.

#### **4.0 PREFERRED NEW PUMP STATION ALTERNATIVE**

The most viable option for replacing the pump station is to construct a building that is at-grade and that would house all the equipment in a quiet, protected environment. The new pump station building will be located in the northwestern corner of the site. Its distance from adjacent streets and the existing vegetation will limit the building exposure to passers-by. This location is also away from the large live oak tree in the southeastern corner of the property, which helps to minimize impact to it during construction and pump station operation. Access to the pump station will remain by the small driveway from Sharon Park Drive.

The pump station building is conceived as a gardener's working house in a park and as an asset for the community. Towards that goal, the use of materials that have the following characteristics is of fundamental importance:

- Sustainable
- High-quality and long-lasting
- Complimentary to each other and to the surrounding site context
- Attractive

Thus, a cement based shingle siding was selected for it's residential scale appearance, weather resistance and that it is non-combustible. The building's base is structural masonry with a shingle-siding exterior surface reflecting neighboring home finishes, textures and colors. The roof is hip shaped and is low-sloped with shingles similar in character to the surrounding homes (a flat-top roof was considered to reduce the structure's vertical scale, but was rejected since it would require undesirable and expensive maintenance efforts due to the adjacent tall leafy trees). Building colors are in medium to dark tones designed to

take advantage of the site's extensive tree canopy that shades most of the area throughout the year. This will minimize the building's visual impact from outside the site.

## 5.0 Other Design Considerations

**Dark Brown Cement Shingle Siding:** At the HOA's request the City chose to use a concrete shingle siding to match the color and texture of the street-side wall of the uphill townhomes. Other cladding options that were considered, but ultimately not utilized, include stucco, board and baton and horizontal siding. The stucco would match the rear siding of the townhomes uphill from the site. The board and baton would match the townhome fencing uphill from the site. The horizontal siding would match the neighboring home on Sharon Park Drive.

**Vents and Skylights:** To maintain sufficient air circulation at all times the pump house has been designed with several vents, which will be colored to match proposed siding. A large vent on the front wall will serve as an air intake for the emergency generator. Side-wall mounted fans at each end of the pump house will release heat caused by the operation of the machinery. They will operate only when temperatures in the pump house exceed 90 degrees Fahrenheit and will be hidden behind acoustical louvers. Acoustical intake louvers will also be placed on the north and east sides of the pump house to provide air-flow. Skylights, which were shaded to match the roof color at the request of the HOA, will allow machinery to be lifted out on the rare occasion when it becomes necessary to replace the pump/motor units or carry out major repairs. Routine maintenance will occur within the pump house.

**Diesel-fueled Generator:** The Sharon Heights Pump Station Replacement Project will require a backup generator to continue operation in the event of a power outage. Diesel and propane fuel were both evaluated as options to power the generator. The full technical memorandum is summarized below.

**Propane** fuel burns cleaner than diesel fuel and lasts longer in a storage tank. However, selection of a propane generator would increase initial project costs for the generator itself (\$226,000 versus \$78,000). Maintenance of a propane generator requires specialized diagnostic equipment and staff training. The City would either train its own staff or develop a maintenance agreement with an outside company.

The neighboring home owners prefer that the completed project look as similar as possible to adjacent homes. A propane generator would increase the height of the building and, given allowable setbacks, the propane tank would have to be placed outside. Both would create a more industrial look and detract from the residential aesthetic of the neighborhood.

In an emergency, propane would need to be obtained from an outside supplier and may be difficult to acquire if demand is high. Transport of propane requires specialized training. If a pressurized propane tank leaks, it presents a higher flammability risk than that of diesel fuel.

**Diesel**-fueled generators are already in operation at the City and staff is familiar with how to maintain them. A survey of five other water districts showed that diesel generators are most commonly used. New technology has been developed that extends the life of the stored fuel by reducing water vapor in the tank.

Diesel generators are 30% more efficient than propane which means a smaller, non-pressurized tank can be installed that would fit inside the pump building, beneath the generator itself.

E4



In an emergency situation, the City can draw diesel fuel from its own underground tank and can transport it to the generator in drums which are on-hand at the city's Corporation Yard. Diesel generators can run for longer periods at a time and with proper maintenance last for many decades. Propane generators burn hotter and have a more limited lifespan.

Given the pros and cons of these two different fuels, City engineers and the hired design Consultant decided that a diesel-fuel was the best option for the backup generator.

**Emergency Generator Specifications:** The emergency generator specification will be 250 kW, 1800 rpm, 60Hz to run two pumps in the event of a power outage. It will meet Tier 3 air quality standards and, if construction is delayed, it may be required to meet Tier 4 standards. If a Tier 4 generator is required building height will not be affected. The generator will be equipped with hospital grade mufflers for sound attenuation. Silencers will be installed for the air intake system. A *Noise Technical Analysis* is included with this application.

**Hydrology:** The new pump house will not increase site runoff. There will be some concentration of rainfall from the roof which will be collected and directed to the front, southwest corner of the pump house. At that location a bubbler has been designed to retain and infiltrate this flow.

## 6.0 Construction Process

Construction is expected to take approximately 18 months. A rough construction "schedule" is included below.

**PG&E:** The first step in the construction process will involve PG&E work to locate a new control box midway between the street and the pump station on the east side of the driveway. New, aboveground wiring will be installed between this box and the temporary pump station (TPS) across the driveway.

**Temporary Pump Station:** Next, the city's contractor will set up the TPS adjacent to the site, across the driveway from the new PG&E control box. The TPS will be located on property belonging to the adjacent home owners' association between the driveway and Lassen drive. The HOA has already provided permission for the City to locate the TPS on their property (letter attached). Due to existing pump station failures, two temporary pumps are already in place on the City's site, within its chain link fence. They are each 8' long by four feet tall by four feet wide and covered with dark plastic as shown in the photo below. These existing temporary pumps will simply be relocated to the HOA property at the appropriate time.

E5



A third temporary pump will join the other two and be placed side by side with some space in between for maintenance access. The TPS will cover an area about 20' wide by 16' long. They will be about 18' from the existing sidewalk adjacent to Lassen Drive. Two 14" pipes will be plumbed into the existing water mains under the driveway and will come above ground just west of the driveway. Temporary manifold piping will be installed between the driveway and the TPS.

**Screening and Fencing:** Once installed, the TSP will be surrounded by a chain link fence with dark green or brown privacy netting. Currently, a chain link fence is already located on the property line that surrounds the "flag" portion of the lot, the existing outdoor pump equipment, the transformer and the electrical control cabinets. Dark green or brown privacy netting will be attached to it as soon as possible after the TPS is in place and operational. This fence will remain in place, as much as possible, during construction. Portions of the fence will need to be removed temporarily during various activities such as debris removal and delivery of materials and equipment. Whenever portions of the fence are removed the site will be re-secured by the end of each work day. The existing wood lattice fence is on the HOA property and belongs to them. When it needs to be removed for construction the City will notify their landscaper. The landscaper will do remove it, store the fence materials during construction and re-install it as soon as there is no further need to access the site via Lassen Drive.

**Access:** Demolition of the existing remaining pump equipment will take place after the TPS and piping are operational. During the demolition and construction stages of the project access to the site will be via the driveway from Sharon Park Drive. However, the contractor may need access to the site from Lassen Drive via the HOA property. The City will include in the construction specifications a requirement that the contractor arrange these access dates, times and durations well ahead of time, directly with the HOA.

**Tree and Landscaping Removal:** One Monterey Pine heritage tree at the front of the project site will need to be removed. The Tree Disposition Plan (page L-2) shows that it will be replaced with two coast live oaks; one in the same vicinity at the front of the lot and the other, approved by the HOA, on their property adjacent to the wood lattice fence. The contractor will also remove landscaping in front of the HOA's wood lattice fence adjacent to Lassen Drive. When construction is complete, or when there is no longer a need to access the site from Lassen Drive, the City will provided replacement plants to the HOA's landscaper who will install the replacements. The HOA's landscaper has also agreed to provide a map of the irrigation system in the vicinity so that it can be avoided during construction.

E6

**Traffic Control:** The contractor will be required to submit a traffic control plan for approval by the City Engineer. The plan will comply with State Caltrans standards. Whenever a lane is temporarily closed, flaggers will be available to direct traffic.

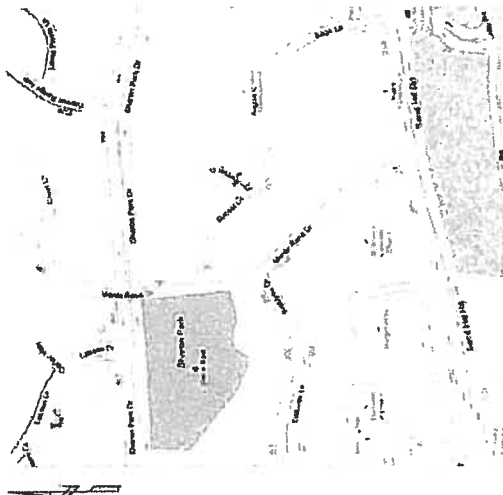
**Staging, Storage and Worker Parking:** The City owns Sharon Park which is across Sharon Park Drive from the pump station location. The Park has approximately 35 parking spaces. Three to ten stalls will be used for the contractor's office trailer and storage of heavy construction equipment and materials. Others will be used for worker parking. The number of workers on site will vary throughout the construction period and, to the extent possible, the City will require that they use the parking stalls in the Park. However, occasional overflow parking will be allowed along Sharon Park Drive which has a 7'-wide asphalt parking strip and 3' valley gutter within the public right-of-way. The contractor will be encouraged to use carpooling or to have the laborers park in commercial lots farther away and be shuttled to the site.

**Driveway Demolition:** The 70' long driveway into the pump station lot will be excavated so that two new 18' diameter water mains and electrical wiring can be installed. The two existing 14" mains in the driveway will be abandoned. During this time the driveway will not be available for parking or for storage of materials and heavy construction equipment.

**Installation of Equipment and Pump House:** Once all existing facilities have been demolished and the debris removed, PG&E will return to complete their underground work. Then the contractor will excavate to install the underground portions of the new pumps. Motors, electrical instrumentation, system controls and the emergency generator will be put into place and then the pump house will be built around them.

E7

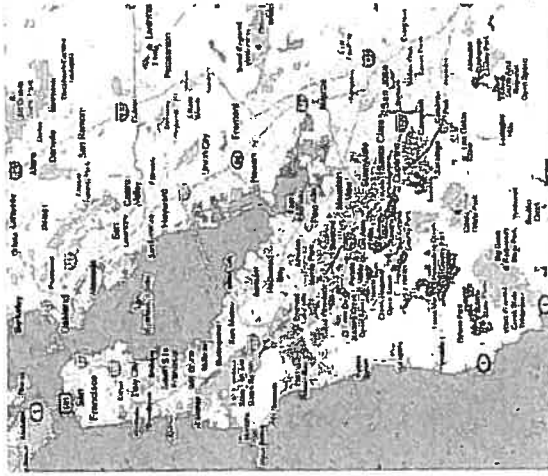
SHARON HEIGHTS PUMP STATION  
CITY OF  
MENLO PARK  
SANTA MATEO COUNTY, CALIFORNIA



PROJECT LOCATION MAP



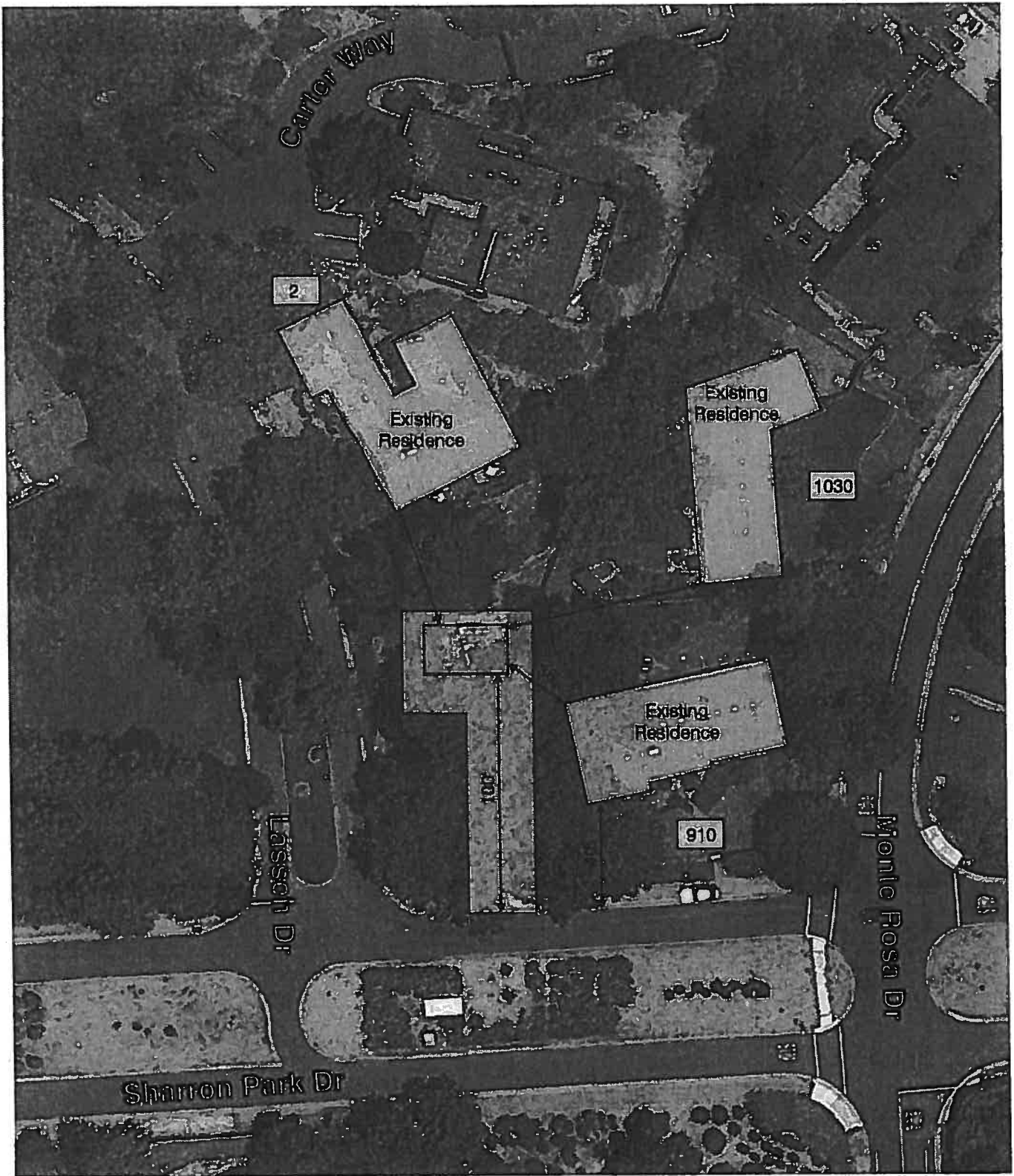
- G-1 C V II LOCATION & VICINITY MAP
- A/E/F PLAN - 100 SHARON PARK DRIVE
- G-1 SITE PLAN - EXISTING FACILITIES
- G-2 SITE PLAN - PROPOSED FACILITIES
- L-2 TREE DISPOSITION PLAN
- A-1 FLOOD PLAN / RFD / ROP PLAN
- M-1 PUMP STATION PLAN
- M-2 PUMP STATION LOSSES SECTION
- M-3 SURVEY PLAN



VICINITY MAP

JOB NO.	ENCLOSURE
DRAWING NO.	G-1
SHEET NO.	01

TI

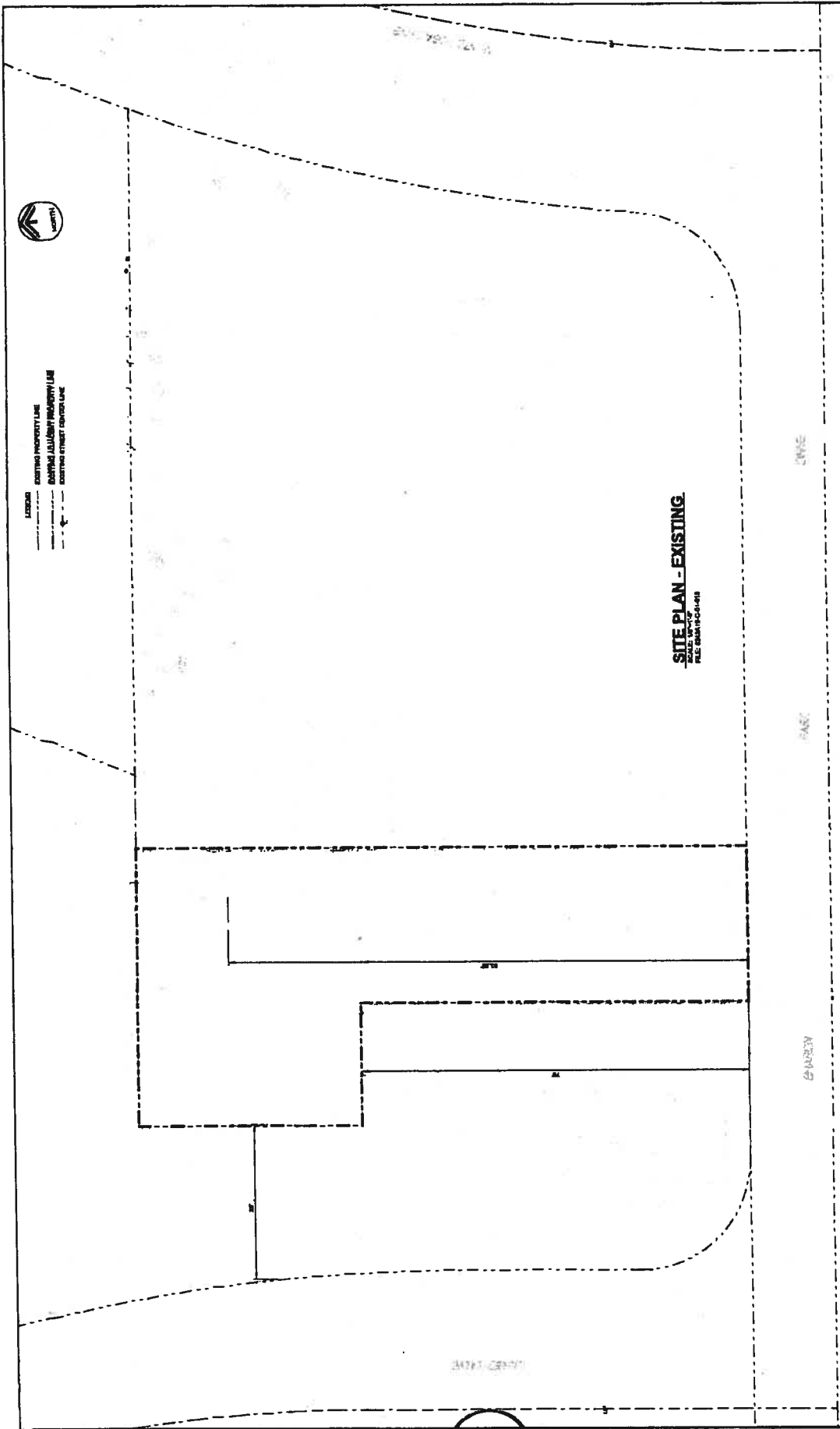


Approximate Scale  
0' 22.5' 45'

**AREA PLAN: 920 SHARON PARK DRIVE  
SHARON HEIGHTS PUMP STATION  
CITY OF MENLO PARK**

mp1011f1-8242.ai



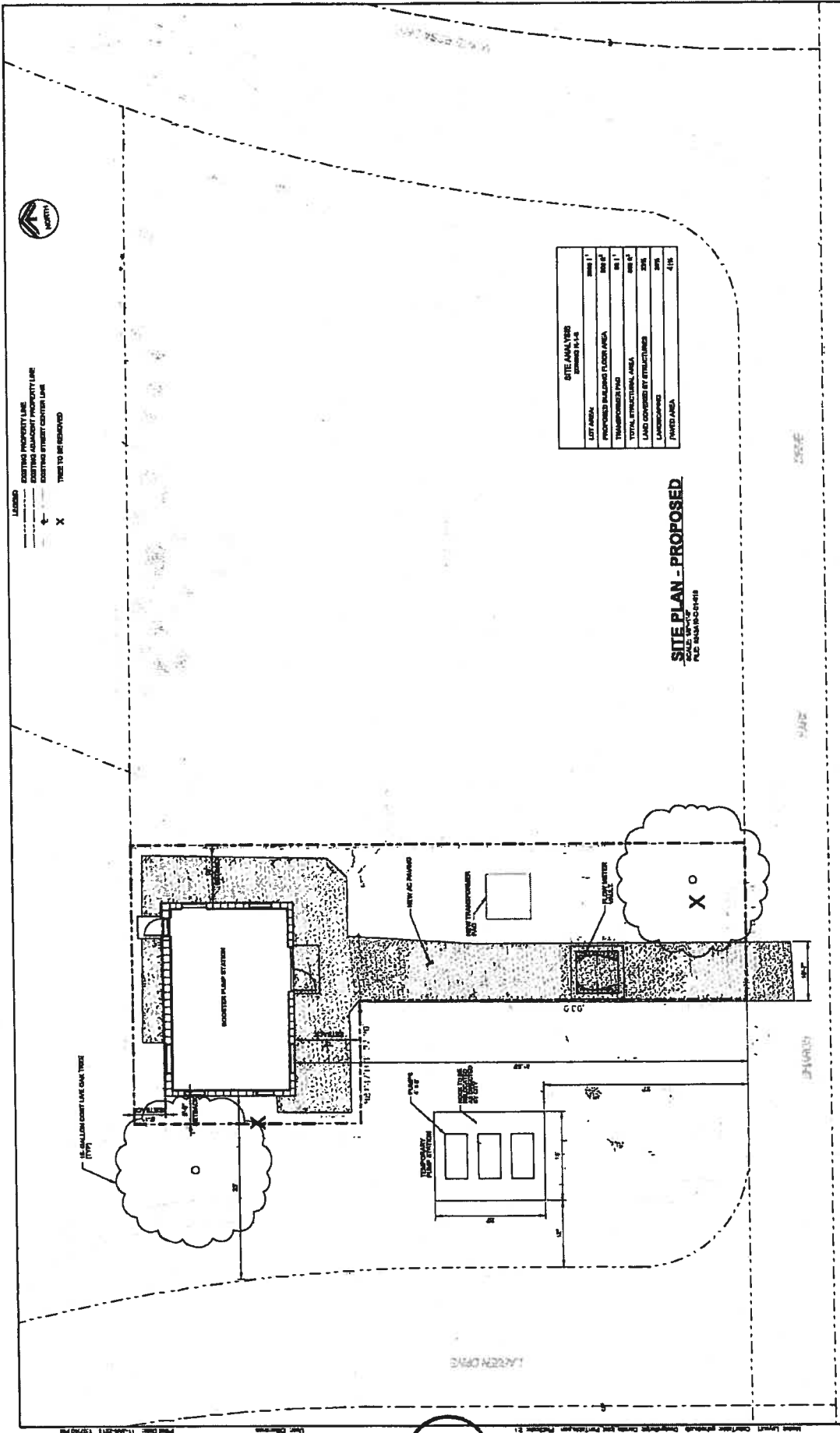


LEGEND  
 - - - - - EXISTING PROPERTY LINE  
 - - - - - EXISTING EASEMENT BOUNDARY LINE  
 - - - - - EXISTING STREET FRONTAGE LINE

**SITE PLAN - EXISTING**  
 PLEASE SEE ALL NOTES ON FILE 2014-01-04

VERIFY SCALER THIS IS ONE SCALE FOR THE ENTIRE DRAWING. NO PARTIAL SCALES.		DRAWING NO. <b>C-1</b>	SHEET NO. OF 11
CITY OF MENLO PARK SHARON HEIGHTS PUMP STATION		SITE PLAN - EXISTING	
		PROJECT NO. 2014-01-04	
PRELIMINARY NOT FOR CONSTRUCTION	DESIGNED BY DRAWN BY CHECKED BY DATE JANUARY 2014	PROJECT NO. 2014-01-04	PROJECT NO. 2014-01-04

F3



LEGEND  
 --- EXISTING PROPERTY LINE  
 --- EXISTING ALLEYWAY PROPERTY LINE  
 --- EXISTING STREET CENTER LINE  
 --- TREE TO BE REMOVED  
 X

SITE ANALYSIS	
LOT AREA	20811'²
PROPOSED BUILDING FLOOR AREA	20811'²
TRANSFORMER PAD	20811'²
TOTAL IMPROVEMENT AREA	20811'²
LAND COVERED BY STRUCTURES	20%
LANDSCAPING	10%
PAVED AREA	41%

**SITE PLAN - PROPOSED**  
 SCALE: 1/8" = 1'-0"  
 PLS. SUBMIT TO THE CITY ENGINEER

VERIFY SCALES HAS ALL SCALES BEING USED IN THIS DRAWING BEEN CHECKED? YES _____ NO _____ VERIFY THE CORRECT SCALES FOR EACH SHEET HAVE BEEN USED?		SHEET NO. 11-000-2113-107-000-P04
CITY OF MENLO PARK SHARON HEIGHTS PUMP STATION		DRAWING NO. C-2
PROJECT NO. 11-000-2113-107-000-P04		SHEET NO. OF 11
<b>carollo</b> ENGINEERS ARCHITECTS PLANNERS		
PRELIMINARY NOT FOR CONSTRUCTION		
DESIGNED BY	DATE	DATE
DRAWN BY	DATE	DATE
CHECKED BY	DATE	DATE
APPROVED BY	DATE	DATE
PROJECT NO. 11-000-2113-107-000-P04	DESCRIPTION	DATE
	CONSTRUCTION	JANUARY 2012

F4

**TREE DISPOSITION LEGEND**

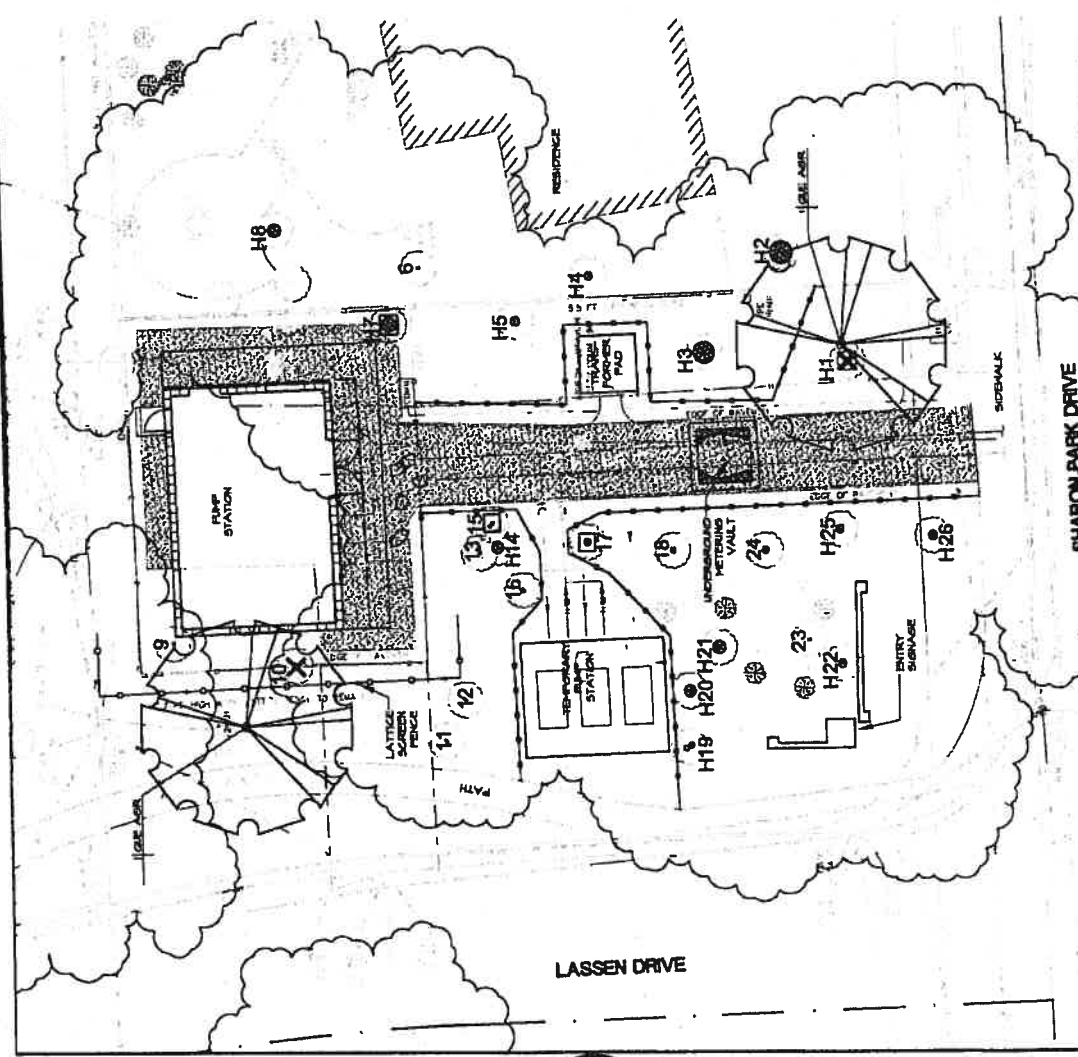
- EXISTING TREE TRUNK DIAMETER SHOWN TREE TO REMAIN PROTECT IN PLACE
- EXISTING SHRUB TO REMAIN PROTECT IN PLACE
- ⊗ TREE TO BE REMOVED
- (with 'R') NON-TREE, SEE PRELIMINARY LANDSCAPE PLAN
- 1 TREE NUMBER - CORRESPONDS TO ARBORIST REPORT; SEE TREE SURVEY BELOW
- H INDICATES TREE IS A HERITAGE TREE PER CITY OF MENLO PARK GUIDELINES
- APPROXIMATE EXTENT OF EXISTING TREE CANOPY
- TREE PROTECTION FENCING
- TREE TRUNK PROTECTION - HOOD INSTALLED

**TREE PROTECTION REQUIREMENTS**

To avoid impacts to the trees from tree removal, protect all trees with appropriate and/or canopy hoods. To comply with the City of Menlo Park, 1997 Ordinance, Section 16.01, all trees with a trunk diameter greater than 4 inches at 4.5 feet above the ground must be protected with a tree trunk protection hood. The hood must be made of a material that is at least 1/2 inch thick and must be installed around the trunk of the tree. The hood must be installed around the trunk of the tree and must be maintained throughout the project. The hood must be installed around the trunk of the tree and must be maintained throughout the project. The hood must be installed around the trunk of the tree and must be maintained throughout the project. The hood must be installed around the trunk of the tree and must be maintained throughout the project.

**TREE SURVEY**

Tree Number	DBH	Species	Comments
1	21"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
2	18"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
3	18"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
4	14"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
5	11.8"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
6	11"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
7	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
8	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
9	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
10	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
11	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
12	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
13	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
14	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
15	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
16	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
17	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
18	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
19	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
20	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
21	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
22	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
23	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
24	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
25	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.
26	10.5"	Madroño	Protect and install tree trunk hood. Prune to remove dead limbs. No other work to be done.



**Collander Associates**  
Landscape Architecture  
311 Seventh Ave.  
San Francisco, CA 94103  
415.774.1811

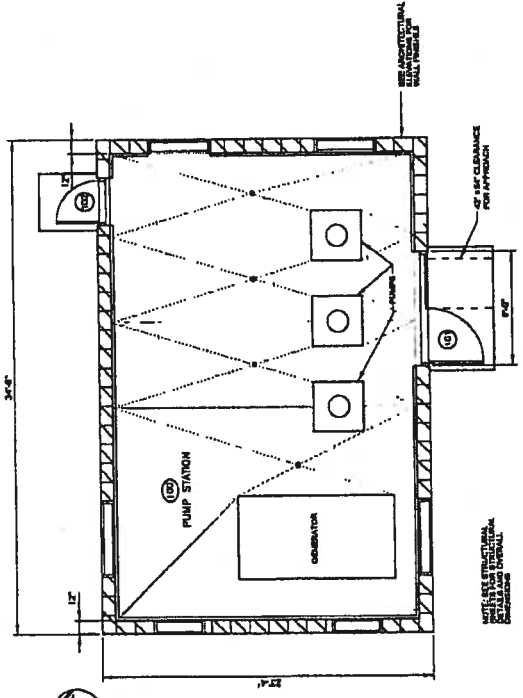


<b>PRELIMINARY</b> NOT FOR CONSTRUCTION	PREPARED BY DATE OCTOBER 2011	CITY OF MENLO PARK SHARON HEIGHTS PUMP STATION TREE DISPOSITION PLAN	SHEET NO. L2
	PROJECT NO. DATE		SHEET NO. OF 14

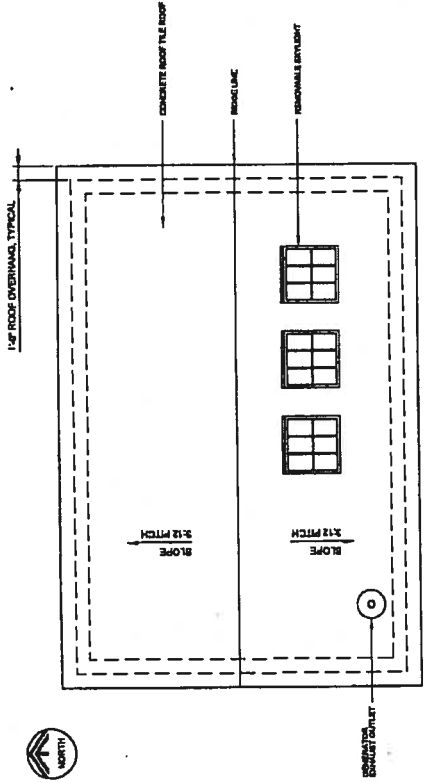
(F5)



FL6



**A FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"  
 FILE: 2024-10-08-100



**B ROOF PLAN**  
 SCALE: 1/4" = 1'-0"  
 FILE: 2024-10-08-100

<b>PRELIMINARY</b> NOT FOR CONSTRUCTION		DRAWN DATE	CHECKED DATE	PROJECT NO. 2024-10-08-100	FILE NAME: 2024-10-08-100
CITY OF MENLO PARK SHARON HEIGHTS PUMP STATION	ARCHITECTURE	SHEET NO.	OF	CITY OF MENLO PARK	PROJECT NO.
CITY OF MENLO PARK	ARCHITECTURE	SHEET NO.	OF	CITY OF MENLO PARK	PROJECT NO.
CITY OF MENLO PARK	ARCHITECTURE	SHEET NO.	OF	CITY OF MENLO PARK	PROJECT NO.

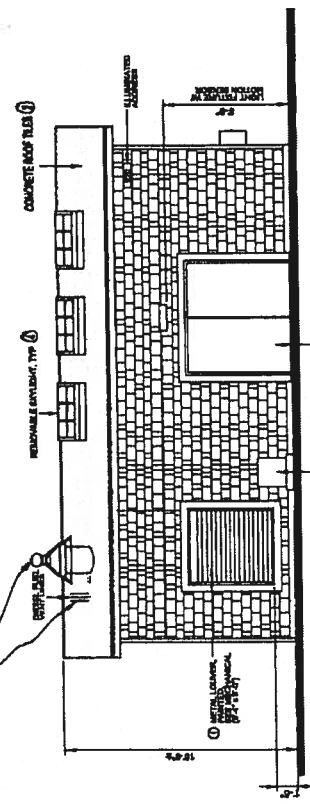


COLOR TABLE		COLOR
①	DOOR LININGS	ANTHRA BROWN
②	DOOR PANEL	POPCORNIA PLAT
③	FRONTAL AND TRIM	MARBLE CROWN
④	WALLS	TRIMMERS
⑤	ROOF	TRIMMERS

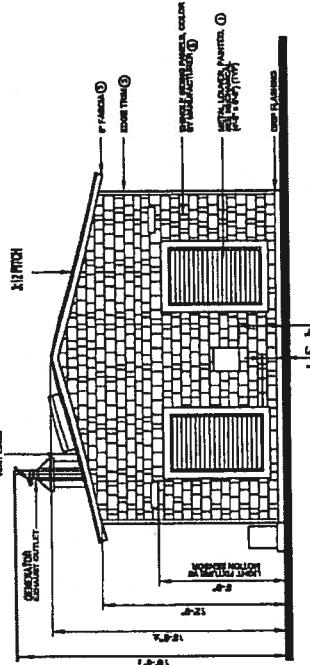
DOOR SCHEDULE		FRAME		HINGE		LATCH		HANDLE		GLASS		GLASS		GLASS	
NO.	SIZE (HxW)	THICKNESS	MATERIAL	SIZE (HxW)	PROFILE	MATERIAL	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE
①	6'-0" x 7'-0"	1-1/2"	STEEL	6'-0" x 7'-0"	2" x 1"	STEEL	STEEL	STEEL	STEEL	STEEL	STEEL	STEEL	STEEL	STEEL	STEEL
②	6'-0" x 7'-0"	1-1/2"	STEEL	6'-0" x 7'-0"	2" x 1"	STEEL	STEEL	STEEL	STEEL	STEEL	STEEL	STEEL	STEEL	STEEL	STEEL

ALL DOOR COORDINATES ARE TO THE FACE OF THE DOOR.

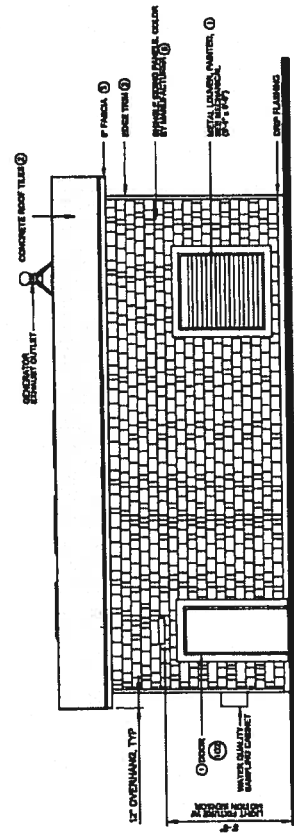
DOOR SCHEDULES REFER TO SHEET 100-100-100



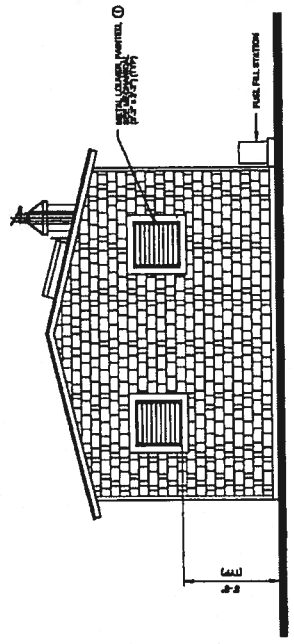
**A SOUTH ELEVATION (FROM SHARON PARK DRIVE)**  
SCALE: 1/4" = 1'-0"  
FILE: SHARON-100-100-100



**B EAST ELEVATION**  
SCALE: 1/4" = 1'-0"  
FILE: SHARON-100-100-100



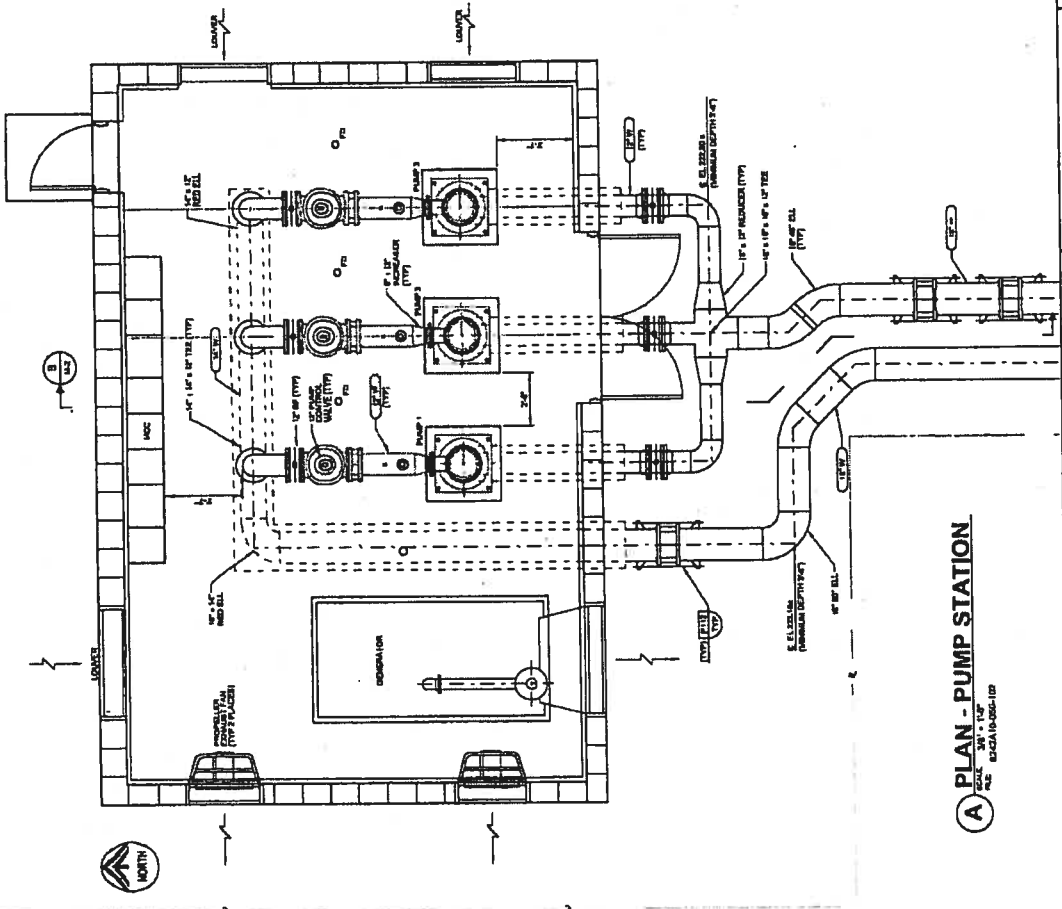
**C NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"  
FILE: SHARON-100-100-100



**D WEST ELEVATION (FROM LASSEN DRIVE)**  
SCALE: 1/4" = 1'-0"  
FILE: SHARON-100-100-100

<p>DESIGNED BY: [Blank]</p> <p>DRAWN BY: [Blank]</p> <p>CHECKED BY: [Blank]</p> <p>DATE: [Blank]</p>		<p>PROJECT NO. 100-100-100</p> <p>DATE: JANUARY 2011</p>	<p>FILE NAME: SHARON-100-100-100</p>
<p>PRELIMINARY NOT FOR CONSTRUCTION</p>			
<p>CITY OF MENLO PARK SHARON HEIGHTS PUMP STATION ARCHITECTURE</p>		<p>ARCHITECTURAL ELEVATIONS</p>	
<p>SCALE: 1/4" = 1'-0"</p>		<p>DATE: [Blank]</p>	
<p>FILE: SHARON-100-100-100</p>		<p>DATE: [Blank]</p>	
<p>SCALE: 1/4" = 1'-0"</p>		<p>DATE: [Blank]</p>	
<p>FILE: SHARON-100-100-100</p>		<p>DATE: [Blank]</p>	

17

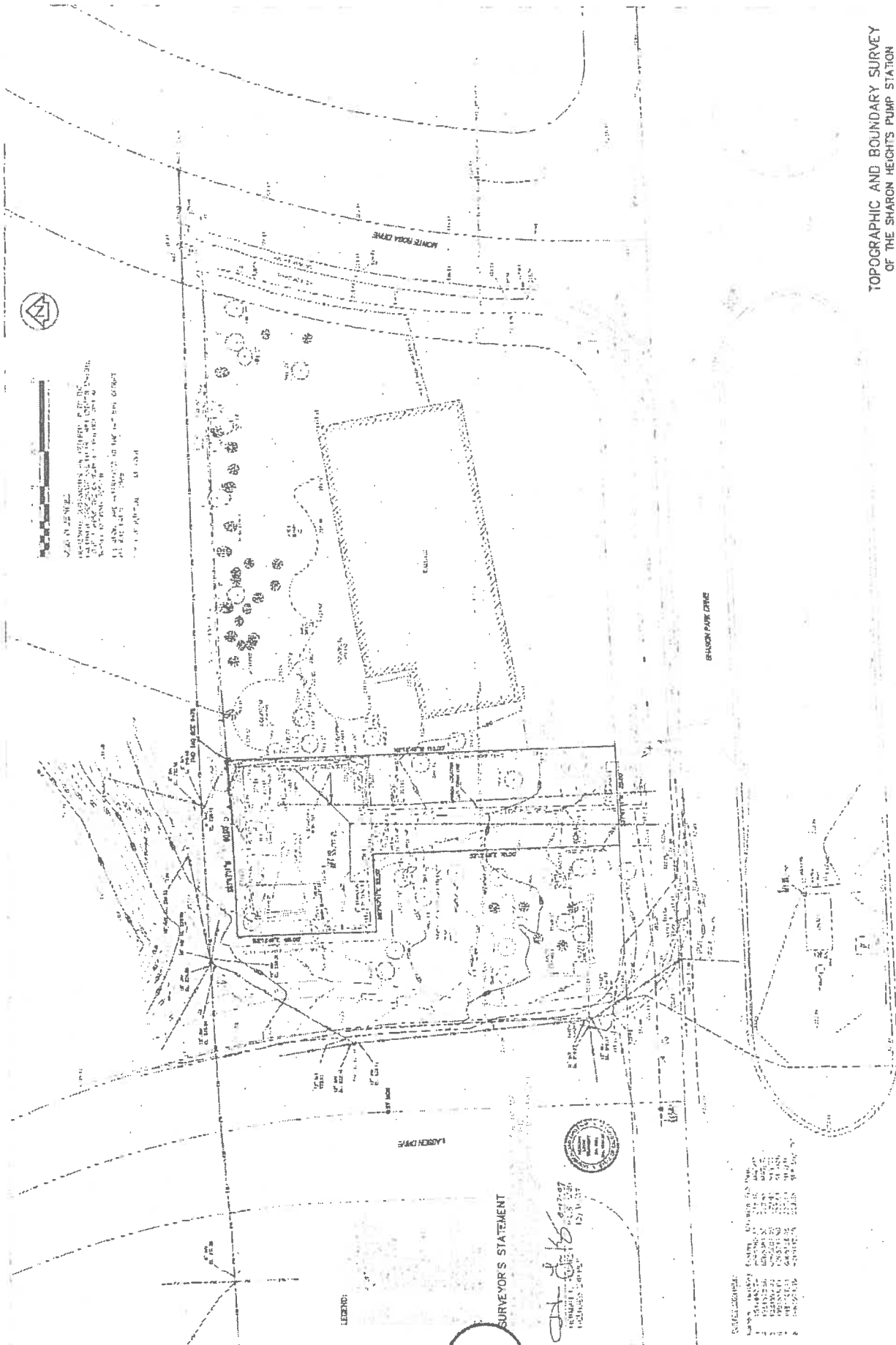


**A PLAN - PUMP STATION**  
 DATE: JAN 11 2011  
 SCALE: AS SHOWN

CITY OF MENLO PARK SHARON HEIGHTS PUMP STATION PUMP STATION PLAN		VERIFY SCALES 0 0 0	JOB NO. 0304-18
		PROJECT NO. 0304-18-001-102	DRAWING NO. M-1
DESIGNED BY JAC		CHECKED BY JAC	SHEET NO. 1 OF 18
DATE OCTOBER 2011		PROJECT ENGINEER JAC	DRAWN BY JAC
PRELIMINARY NOT FOR CONSTRUCTION		PROJECT NO. 0304-18-001-102	

FB





SCALE IN FEET  
 0 10 20 30 40 50 60 70 80 90 100  
 1" = 40'

THIS SURVEY WAS MADE BY THE  
 TOWILL SURVEYING COMPANY  
 1110 S. EL CAMINO, SUITE 100  
 MENLO PARK, CALIF. 94025  
 ALL RIGHTS RESERVED BY THE SURVEYOR  
 JUNE 21, 1984

LEGEND:

SURVEYOR'S STATEMENT

*[Signature]*  
 JAMES TOWILL  
 SURVEYOR  
 12/1/84



OFFICE ADDRESS:  
 TOWILL SURVEYING COMPANY  
 1110 S. EL CAMINO, SUITE 100  
 MENLO PARK, CALIF. 94025  
 PHONE: (415) 321-1111  
 TELETYPE: (415) 321-1111

TOPOGRAPHIC AND BOUNDARY SURVEY  
 OF THE SHARON HEIGHTS PUMP STATION  
 MENLO PARK CALIF.

JUNE 21, 1984

SHARON PARK DRIVE

Surveyed by  
**TOWILL SURVEYING COMPANY**  
 1110 S. EL CAMINO, SUITE 100  
 MENLO PARK, CALIF. 94025

F10



August 16, 2011

Planning Commission  
City of Menlo Park  
701 Laurel St  
Menlo Park, CA 94025

RE Sharon Heights Pump Station Replacement Project

Dear Commissioners

The 1000 Sharon Park Homeowners' Association has been informed by the City that it plans to replace the Sharon Heights Pump Station at 920 Sharon Park Drive. It is located adjacent to a landscaped common area owned by the HOA.

The HOA understands the need to modernize aging water infrastructure and supports the project.

The HOA intends to negotiate a construction easement with the City. A temporary pump station will be placed on the easement which will provide water to customers while the new pump station is being built. The approximate location of the easement is shown on the attached drawing.

We state the above with the following understandings:

1. That construction is currently anticipated to begin in the first quarter of 2012 and be complete in approximately 18 months.
2. That certain plants on our property may need to be removed to accommodate construction and the City has shown our landscaper the area that may be affected. The City agrees to provide replacement plants of the same size to our landscaper within 30 days of completion of construction. The HOA's landscaper will perform the restoration of the area utilizing the plants provided by the City. Construction is deemed complete on the date the City Council accepts the project from the contractor.
3. That the City will smooth out and resurface 100' of a private sidewalk on our property adjacent to the pump station.

With this letter of intent, the HOA does not intend to ask for additional compensation related to the temporary pump station location.

Sincerely,

  
Sunny Kaplan  
HOA President

---

830 Stewart Drive, Suite 226 • Sunnyvale, California 94085-4513  
Phone (888) 875-7227 • Fax (888) 875-7227

597 Brunken Avenue, Suite A • Sausalito, California 94901-4463  
Phone (888) 875-7227 • Fax (888) 875-7227  
E-Mail: info@lmg.com • www.lmg.com

**Hazardous Materials Release Response Business Plan****CITY OF MENLO PARK  
SHARON HEIGHTS PUMP STATION  
920 SHARON PARK DRIVE**

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**INTRODUCTION**

This facility stores Diesel Fuel for on-site Emergency Generator (Gen-Set)

Various state and federal agencies have assembled lengthy lists of hazardous materials. In general, a material is added to one of these lists if it is determined that it has characteristics that pose a significant potential hazard to human health and safety or to the environment if it were to be released into the workplace or the environment. If a material is not on any list but appears to have hazardous characteristics such as being corrosive or flammable, it may also be considered a hazardous material.

The City of Menlo Park wants to ensure that employees are aware of what hazardous materials are present in a significant quantity at the facility and how these materials are to be handled, particularly in an emergency. We have therefore, prepared this business plan. The objectives of the plan are:

- To provide the Facility and San Mateo County Environmental Health Services with an inventory of hazardous materials that are handled at the site in excess of regulatory threshold limits.
- To promulgate emergency response plans and procedures to be used in the event of a reportable release or threatened release of a hazardous material.
- To outline training in hazardous materials and waste handling procedures that will be provided for facility employees. This training will include both initial and refresher training in emergency response plans and procedures, and hazardous waste management.

This plan will be updated annually or within 30 days of one or more of the following events:

1. A 100% or more increase in the quantity of a previously disclosed material.
2. Any handling of a previously undisclosed hazardous material in a quantity equal or greater than 500 lbs., 55 gals or 200 cubic feet of gas (19CCR Sec 2729.4(d)).
3. A change of business ownership, business name or business address.

A copy of the most recently updated version will be held by the Don Weber, the Environmental Contact at the City's Corporate Yard at 333 Burgess Drive, Menlo Park, CA 94025.

Questions or comments on this plan should be addressed to the Don Weber at (650) 330-6790 or Joe Moulton at Du-All Safety, (510) 681-9728.

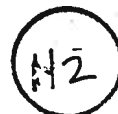
# TABLE OF CONTENTS

## Hazardous Materials Business Emergency Plan

Business Activities .....	1
Business Owner/Operator Identification .....	2
Non-Waste Hazardous Materials Inventory Statement .....	3
Hazardous Waste Inventory Statement .....	13
Emergency Response / Contingency Plan .....	17
Employee Training Plan .....	27
Record Keeping Plan .....	28

## Figures

Facility Site Map .....	Figure 1
Facility Site Map - Storage .....	Figure 2
Facility Site Map - Storage .....	Figure 3





**UNDOCS  
FACILITY INFORMATION  
BUSINESS ACTIVITIES**

**I. FACILITY IDENTIFICATION**

FACILITY ID # <i>(Agency Use Only)</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 5%; text-align: center;">-</td> </tr> </table>	-	-	-	-	-	-	-	-	-	-	-	-	-	1.	EPA ID # (Hazardous Waste Only)	2.
-	-	-	-	-	-	-	-	-	-	-	-	-					
BUSINESS NAME <i>(Same as Facility Name or DBA - Doing Business As)</i>					3.												
City of Menlo Park																	
BUSINESS SITE ADDRESS 920 SHARON PARK DRIVE					103.												
BUSINESS SITE CITY Menlo Park			104.	CA	ZIP CODE 94025	105.											

**II. ACTIVITIES DECLARATION**

**NOTE: If you check YES to any part of this list,  
please submit the Business Owner/Operator Identification page.**

Does your facility...		If Yes, please complete these pages of the UPCF...
<b>A. HAZARDOUS MATERIALS</b> Have on site (for any purpose) at any one time, hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases (include liquids in ASTs and USTs); or the applicable Federal threshold quantity for an extremely hazardous substance specified in 40 CFR Part 355, Appendix A or B; or handle radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 4.	HAZARDOUS MATERIALS INVENTORY – CHEMICAL DESCRIPTION
<b>B. REGULATED SUBSTANCES</b> Have Regulated Substances stored onsite in quantities greater than the threshold quantities established by the California Accidental Release Prevention Program (CalARP)?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 4a.	Coordinate with your local agency responsible for CalARP.
<b>C. UNDERGROUND STORAGE TANKS (USTs)</b> Own or operate underground storage tanks?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 5.	UST OPERATING PERMIT APPLICATION – FACILITY INFORMATION UST OPERATING PERMIT APPLICATION – TANK INFORMATION
<b>D. ABOVE GROUND PETROLEUM STORAGE</b> Own or operate ASTs above these thresholds: Store greater than 1,320 gallons of petroleum products (new or used) in aboveground tanks or containers?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 8.	No form required to CUPAs
<b>E. HAZARDOUS WASTE</b> Generate hazardous waste?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 9.	EPA ID NUMBER – provide at top of this page
Recycle more than 100 kg/month of excluded or exempted recyclable materials (per HSC §25143.2)?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 10.	RECYCLABLE MATERIALS REPORT <i>(one per recycler)</i>
Treat hazardous waste onsite?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 11.	ONSITE HAZARDOUS WASTE TREATMENT NOTIFICATION – FACILITY PAGE ONSITE HAZARDOUS WASTE TREATMENT NOTIFICATION – UNIT PAGE <i>(one page per unit)</i>
Perform treatment subject to financial assurance requirements (for Permit by Rule and Conditional Authorization)?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 12.	CERTIFICATION OF FINANCIAL ASSURANCE
Consolidate hazardous waste generated at a remote site?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 13.	REMOTE WASTE CONSOLIDATION SITE ANNUAL NOTIFICATION
Need to report the closure/removal of a tank that was classified as hazardous waste and cleaned onsite?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 14.	HAZARDOUS WASTE TANK CLOSURE CERTIFICATION
Generate in any single calendar month 1,000 kilograms (kg) (2,200 pounds) or more of federal RCRA hazardous waste, or generate in any single calendar month, or accumulate at any time, 1 kg (2.2 pounds) of RCRA acute hazardous waste; or generate or accumulate at any time more than 100 kg (220 pounds) of spill cleanup materials contaminated with RCRA acute hazardous waste?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 14a.	Obtain federal EPA ID Number, file Biennial Report (EPA Form 8700-13A/B), and satisfy requirements for RCRA Large Quantity Generator.
Serve as a Household Hazardous Waste (HHW) Collection site?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 14b.	See CUPA for required forms.

<b>F. LOCAL REQUIREMENTS</b> <small>(You may also be required to provide additional information by your CUPA or local agency.)</small>	15.
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**UNIDOCs  
FACILITY INFORMATION  
BUSINESS OWNER/OPERATOR IDENTIFICATION**

Page 2 of     

**I. IDENTIFICATION**

FACILITY ID # <i>(Agency Use Only)</i>	1.	BEGINNING DATE finished construction date	100.	ENDING DATE	101.
				+ 3 yrs	
BUSINESS NAME <i>(Same as Facility Name or DBA - Doing Business As)</i>			3.	BUSINESS PHONE	
City of Menlo Park				(650) 330-6790	
BUSINESS SITE ADDRESS			103.	BUSINESS FAX	
920 SHARON PARK DRIVE				(650) 327-1953	
BUSINESS SITE CITY		104.	ZIP CODE		105.
Menlo Park		CA	94025		108.
DUN & BRADSTREET		106.	PRIMARY SIC		107.
054638333			546		107a.
BUSINESS MAILING ADDRESS					
701 Laurel Street					
BUSINESS MAILING CITY			108b.	STATE	108c.
Menlo Park				CA	108d.
BUSINESS OPERATOR NAME			109.	BUSINESS OPERATOR PHONE	
City of Menlo Park				(650) 330-6790	

**II. BUSINESS OWNER**

OWNER NAME			111.	OWNER PHONE		112.
City of Menlo Park				(650) 330-6790		
OWNER MAILING ADDRESS						
701 Laurel Street						
OWNER MAILING CITY			114.	STATE	115.	ZIP CODE
Menlo Park				CA		116.

**III. ENVIRONMENTAL CONTACT**

CONTACT NAME			117.	CONTACT PHONE			118.
Donald Weber				(650) 330-6790			
CONTACT MAILING ADDRESS			119.	CONTACT EMAIL			119a.
333 Burgess Drive				DAWEBER@MENLOPARK.ORG			
CONTACT MAILING CITY			120.	STATE	121.	ZIP CODE	
Menlo Park				CA		122.	

**-PRIMARY-**

**IV. EMERGENCY CONTACTS**

**-SECONDARY-**

NAME	123.	NAME	128.
Irv Meachum		Ruben Nino	
TITLE	124.	TITLE	129.
Streets and Water Supervisor		Assistant Public Works Director	
BUSINESS PHONE	125.	BUSINESS PHONE	130.
(650) 330-6785		(650) 330-6741	
24-HOUR PHONE	126.	24-HOUR PHONE	131.
(650) 330-6317 (Police dispatch)		(650) 330-6317 (Police Dispatch)	
PAGER #	127.	PAGER #	132.
( )			

ADDITIONAL LOCALLY COLLECTED INFORMATION:

Billing Address: 701 Laurel Street, Menlo Park CA 94025		133.
Property Owner: City of Menlo Park	650.330.6790	

**Certification:** Based on my inquiry of those individuals responsible for obtaining the information, I certify under penalty of law that I have personally examined and am familiar with the information submitted and believe the information is true, accurate, and complete.

SIGNATURE OF OWNER/OPERATOR OR DESIGNATED REPRESENTATIVE	DATE	134.	NAME OF DOCUMENT PREPARER	135.
	/ /2011		Virginia Parks, Assoc. Engr	
NAME OF SIGNER (print)	136.	TITLE OF SIGNER		137.
Donald Weber		Fleet Supervisor		



**UNIDOCs**  
**HAZARDOUS MATERIALS**  
**HAZARDOUS MATERIALS INVENTORY – CHEMICAL DESCRIPTION**  
(One page per material per building or area)

ADD       DELETE       REVISE      200.      Page 3 of     

**I. FACILITY INFORMATION**

BUSINESS NAME (Same as Facility Name or DBA – Doing Business As) <span style="float: right;">3.</span>	
City of Menlo Park	
CHEMICAL LOCATION <span style="float: right;">201.</span>	CHEMICAL LOCATION CONFIDENTIAL EPCRA <span style="float: right;">202.</span>
920 SHARON PARK DRIVE , Menlo Park	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
FACILITY ID # (Agency Use Only)	MAP # (Optional) <span style="float: right;">203.</span> GRID # (Optional) <span style="float: right;">204.</span>

**II. CHEMICAL INFORMATION**

CHEMICAL NAME <span style="float: right;">205.</span>	TRADE SECRET <span style="float: right;">206.</span>	
Diesel Fuel #2	If subject to EPCRA, refer to instructions <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
COMMON NAME <span style="float: right;">207.</span>	EHS* <span style="float: right;">208.</span>	
Diesel	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
CAS# <span style="float: right;">209</span>	*If EHS is "Yes," all amounts below must be in lbs.	
FIRE CODE HAZARD CLASSES (Complete if required by CUPA) <span style="float: right;">210.</span>		
(3) Flammable Liquid		
HAZARDOUS MATERIAL TYPE (Check one item only) <span style="float: right;">211.</span>	RADIOACTIVE <span style="float: right;">212.</span>	CURIES <span style="float: right;">213.</span>
<input checked="" type="checkbox"/> a. PURE <input type="checkbox"/> b. MIXTURE <input type="checkbox"/> c. WASTE	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NA
PHYSICAL STATE (Check one item only) <span style="float: right;">214.</span>	LARGEST CONTAINER <span style="float: right;">215.</span>	
<input type="checkbox"/> a. SOLID <input checked="" type="checkbox"/> b. LIQUID <input type="checkbox"/> c. GAS	120 gallon	
FED HAZARD CATEGORIES (Check all that apply) <span style="float: right;">216.</span>		
<input checked="" type="checkbox"/> a. FIRE <input type="checkbox"/> b. REACTIVE <input type="checkbox"/> c. PRESSURE RELEASE <input checked="" type="checkbox"/> d. ACUTE HEALTH <input checked="" type="checkbox"/> e. CHRONIC HEALTH		
AVERAGE DAILY AMOUNT <span style="float: right;">217.</span>	MAXIMUM DAILY AMOUNT <span style="float: right;">218.</span>	ANNUAL WASTE AMOUNT <span style="float: right;">219.</span>
during power outage: 120 Gal	during power outage: 120 gal	NA
UNITS* (Check one item only) <span style="float: right;">221.</span>	DAYS ON SITE <span style="float: right;">222.</span>	
<input checked="" type="checkbox"/> a. GALLONS <input type="checkbox"/> b. CUBIC FEET <input type="checkbox"/> c. POUNDS <input type="checkbox"/> d. TONS	* If EHS, amount must be in pounds. 365	
STORAGE CONTAINER <span style="float: right;">223.</span>		
<input type="checkbox"/> a. ABOVEGROUND TANK <input type="checkbox"/> f. CAN <input type="checkbox"/> k. BOX <input type="checkbox"/> p. TANK WAGON		
<input type="checkbox"/> b. UNDERGROUND TANK <input type="checkbox"/> g. CARBOY <input type="checkbox"/> i. CYLINDER <input type="checkbox"/> q. RAIL CAR		
<input checked="" type="checkbox"/> c. TANK INSIDE BUILDING <input type="checkbox"/> h. SILO <input type="checkbox"/> m. GLASS BOTTLE <input type="checkbox"/> r. OTHER		
<input type="checkbox"/> d. STEEL DRUM <input type="checkbox"/> j. BAG <input type="checkbox"/> n. PLASTIC BOTTLE		
<input type="checkbox"/> e. PLASTIC/NONMETALLIC DRUM <input type="checkbox"/> o. TOTE BIN		
STORAGE PRESSURE <span style="float: right;">224.</span>		
<input checked="" type="checkbox"/> a. AMBIENT <input type="checkbox"/> b. ABOVE AMBIENT <input type="checkbox"/> c. BELOW AMBIENT		
STORAGE TEMPERATURE <span style="float: right;">225.</span>		
<input checked="" type="checkbox"/> a. AMBIENT <input type="checkbox"/> b. ABOVE AMBIENT <input type="checkbox"/> c. BELOW AMBIENT <input type="checkbox"/> d. CRYOGENIC		
<b>% WT</b> <span style="float: right;">226.</span>	<b>HAZARDOUS COMPONENT (For mixture or waste only)</b> <span style="float: right;">227.</span>	<b>EHS</b> <span style="float: right;">228.</span>
1. 100	Diesel Fuel	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.		<input type="checkbox"/> Yes <input type="checkbox"/> No
3.		<input type="checkbox"/> Yes <input type="checkbox"/> No
4.		<input type="checkbox"/> Yes <input type="checkbox"/> No
5.		<input type="checkbox"/> Yes <input type="checkbox"/> No

If more hazardous components are present at greater than 1% by weight if non-carcinogenic, or 0.1% by weight if carcinogenic, attach additional sheets of paper capturing the required information.

ADDITIONAL LOCALLY COLLECTED INFORMATION 246.

DOT Hazard Class: 3

If EPCRA, Please Sign Here. \_\_\_\_\_

If this facility is subject to Federal Emergency Planning and Community Right to Know Act (EPCRA) reporting requirements, a signature is required at the bottom of the form if the page lists an Extremely Hazardous Substance (EHS) handled at or above its Federal Threshold Planning Quantity (TPQ) or 500 pounds, whichever is less.



# Emergency Response/Contingency Plan

(Hazardous Materials Business Plan Module)

Authority Cited: HSC, Section 25504(b); Title 22, Div. 4.5, Ch. 12, Art. 3 CCR

Page of

All facilities that handle hazardous materials in specified quantities must have a written emergency response plan. In addition, facilities that generate 1,000 kilograms or more of hazardous waste per month, or accumulate more than 6,000 kilograms of hazardous waste on-site at any one time, must prepare a contingency plan. Because the requirements are similar, they have been combined in a single document, provided below, for your convenience. This plan is a required module of the Hazardous Materials Business Plan (HMBP). If you already have a plan that meets these requirements, you should not complete the blank plan, below, but you must include a copy of your existing plan as part of your HMBP.

This site-specific Emergency Response/Contingency Plan is the facility's plan for dealing with emergencies and shall be implemented immediately whenever there is a fire, explosion, or release of hazardous materials that could threaten human health and/or the environment. At least one copy of the plan shall be maintained at the facility for use in the event of an emergency and for inspection by the local agency. Within San Mateo County Environmental Health Services, hospitals and police agencies have delegated receipt of these plans to the local agencies administering Hazardous Materials Business Plans, so additional copies need not be submitted. However, a copy of the plan and any revisions must be provided to any contractor, hospital, or agency with whom special (i.e. contractual) emergency services arrangements have been made (see section 3, below).

## 1. Evacuation Plan:

a. The following alarm signal(s) will be used to begin evacuation of the facility (check all that apply):

Bells;  Horns/Sirens;  Verbal (i.e. shouting);  Other (specify) Intercom System

b.  Evacuation map is prominently displayed throughout the facility.

Note: A properly completed HMBP Site Plan satisfies contingency plan map requirements. This drawing (or any other drawing that shows primary and alternate evacuation routes, emergency exits, and primary and alternate staging areas) must be prominently posted throughout the facility in locations where it will be visible to employees and visitors.

## 2. a. Emergency Contacts\*:

Fire/Police/Ambulance ..... Phone No. 911  
State Office of Emergency Services ..... Phone No. (800) 852-7550

## b. Post-Incident Contacts\*:

Certified Unified Program Agency (CUPA) ..... Phone No.: (650) 372-6200  
Local Hazardous Materials Program ..... Phone No. (650) 363-4305  
California EPA Department of Toxic Substances Control ..... Phone No. (800) 728-6942  
Cal-OSHA Division of Occupational Safety and Health ..... Phone No. (800) 963-9424  
Air Quality Management District ..... Phone No. (415) 749-4779  
Regional Water Quality Control Board ..... Phone No. (510) 622-2493

\* These telephone numbers are provided as a general aid to emergency notification. Be advised that additional agencies may be required to be notified.

## c. Emergency Resources:

Poison Control Center ..... Phone No. (800) 222-1222  
Nearest Hospital: Name: Stanford Medical Center ..... Phone No.: (650) 723-5111

Address: 300 Pasteur Drive ..... City: Palo Alto, CA

## 3. Arrangements with Emergency Responders:

If you have made special (i.e. contractual) arrangements with any police department, fire department, hospital, contractor, or State or local emergency response team to coordinate emergency services, describe those arrangements below:

A detailed Emergency Action Plan (EAP) is onsite available upon request. Employees are trained on the EAP.



**4. Emergency Procedures:****Emergency Coordinator Responsibilities:**

- a. Whenever there is an imminent or actual emergency situation such as a explosion, fire, or release, the emergency coordinator (*or his/her designee when the emergency coordinator is on call*) shall:
  - i. Identify the character, exact source, amount, and areal extent of any released hazardous materials.
  - ii. Assess possible hazards to human health or the environment that may result from the explosion, fire, or release. This assessment must consider both direct and indirect effects (*e.g. the effects of any toxic, irritating, or asphyxiating gases that are generated, the effects of any hazardous surface water run-off from water or chemical agents used to control fire, etc.*).
  - iii. Activate internal facility alarms or communications systems, where applicable, to notify all facility personnel.
  - iv. Notify appropriate local authorities (*i.e. call 911*).
  - v. Notify the State Office of Emergency Services at 1-800-852-7550.
  - vi. Monitor for leaks, pressure build-up, gas generation, or ruptures in valves, pipes, or other equipment shut down in response to the incident.
  - vii. Take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous materials at the facility.
- b. Before facility operations are resumed in areas of the facility affected by the incident, the emergency coordinator shall:
  - i. Provide for proper storage and disposal of recovered waste, contaminated soil or surface water, or any other material that results from a explosion, fire, or release at the facility.
  - ii. Ensure that no material that is incompatible with the released material is transferred, stored, or disposed of in areas of the facility affected by the incident until cleanup procedures are completed.
  - iii. Ensure that all emergency equipment is cleaned, fit for its intended use, and available for use.
  - iv. Notify the California Environmental Protection Agency's Department of Toxic Substances Control, the County of San Mateo Environmental Health Services, and the local fire department's hazardous materials program that the facility is in compliance with requirements b-i and b-ii, above.

**Responsibilities of Other Personnel:**

On a separate page, list any emergency response functions not covered in the "Emergency Coordinator Responsibilities" section, above. Next to each function, list the job title or name of each person responsible for performing the function. Number the page(s) appropriately.

**5. Post-Incident Reporting/Recording:**

The time, date, and details of any hazardous materials incident that requires implementation of this plan shall be noted in the facility's operating record.

Within 15 days of any hazardous materials emergency incident or threatened hazardous materials emergency incident that triggers implementation of this plan, a written Emergency Incident Report, including, but not limited to a description of the incident and the facility's response to the incident, must be submitted to the California Environmental Protection Agency's Department of Toxic Substances Control, the County of San Mateo Environmental Health Services, and the local fire department's hazardous materials program. The report shall include:

- a. Name, address, and telephone number of the facility's owner/operator;
- b. Name, address, and telephone number of the facility;
- c. Date, time, and type of incident (*e.g. fire, explosion, etc.*);
- d. Name and quantity of material(s) involved;
- e. The extent of injuries, if any;
- f. An assessment of actual or potential hazards to human health or the environment, where this is applicable;
- g. Estimated quantity and disposition of recovered material that resulted from the incident;
- h. Cause(es) of the incident;
- i. Actions taken in response to the incident;
- j. Administrative or engineering controls designed to prevent such incidents in the future.

**6. Earthquake Vulnerability: [19 CCR §2731(e)]**

Attach or insert the earthquake vulnerability assessment.

**7. Hazard Mitigation/Prevention/Abatement [19 CCR §2731(e)]**

Attach or insert the hazard mitigation, prevention, abatement plan (*i.e. spill prevention/response, fire prevention/response/ evacuation/ etc.*)

#7

**6.0 Earthquake Vulnerability: [19 CCR §2731(e)]**

The purpose of the earthquake vulnerability section is to identify the areas of the facility and mechanical or other systems that require immediate inspection or isolation because of their vulnerability to earthquake-related ground motion. Hazardous materials separation, containment, and monitoring are applicable for earthquake preparedness and are address in Section 7 of the Emergency Response/Contingency Plan. General earthquake preparedness and response procedures are included in the Facility Emergency Action Plan (EAP). The EAP is maintained onsite.

Area	Materials of Concern	Hazards/Vulnerability	Special Precautions Post Earthquake
Gen-Set	Diesel Fuel	Leakage, Fire	Inspect Gen-Set for any signs of damage or fluid leakage

**7.0 Hazard Mitigation/Prevention/Abatement [19 CCR Sec 2731(c)]**

This section describes the procedures that are in place to minimize the possibility of fire, explosion, or unplanned releases of hazardous substances that could threaten persons, property, or the environment. A summary of the containment, separation, and monitoring for each storage location of hazardous materials is provided in Table 1. Hazardous materials storage procedures, spill response plan, fire response plan, and a fire prevention plan are included.

**Table 1: Aboveground Hazardous Materials Separation, Containment, and Monitoring**

Location	Diesel Fuel @ Gen-Set
<b>Storage Type</b>	<input checked="" type="checkbox"/> Inside building <input type="checkbox"/> Outside storage shed <input type="checkbox"/> Outdoors
<b>Primary Containment</b> <i>(Check all that apply)</i>	<input type="checkbox"/> Original containers <input type="checkbox"/> Safety cans <input checked="" type="checkbox"/> Inside machinery <input type="checkbox"/> Drums/barrels <input type="checkbox"/> Pressure vessels <input checked="" type="checkbox"/> Bulk tanks <input checked="" type="checkbox"/> Aboveground piping <input type="checkbox"/> Other
<b>Secondary Containment</b> <i>(Check all that apply)</i>	<input type="checkbox"/> Approved cabinets <input type="checkbox"/> Secondary drum <input checked="" type="checkbox"/> Tray <input type="checkbox"/> Bermed & coated floor <input checked="" type="checkbox"/> Tank vault <input type="checkbox"/> Secondary piping or piping trench <input type="checkbox"/> Other
<b>Separation</b> <i>(Check all that apply)</i>	<input type="checkbox"/> All materials compatible <input checked="" type="checkbox"/> One-hour separation wall/partition <input type="checkbox"/> Separation by at least 20 feet <input type="checkbox"/> Approved cabinets <input type="checkbox"/> Other
<b>Monitoring Type</b>	<input type="checkbox"/> Visual <input checked="" type="checkbox"/> Automatic sensors <input type="checkbox"/> Other
<b>Monitoring Frequency</b>	<input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input checked="" type="checkbox"/> Monthly (staff) <input checked="" type="checkbox"/> Continuous (SCADA) <input type="checkbox"/> Other

49

## 7.2 Storage Procedures

Diesel Fuel is stored in a bulk double containment tank that is directly mounted underneath the Gen-Set. The fuel tank is continuously (24/7) monitored through the Supervisory Control and Data Acquisition (SCADA) system.

## 7.3 Spill Response Procedures

In the event of a spill, staff and Emergency Response Personnel will be called. If staff is on-site at time of the spill, they will make an effort to contain spill with available resources.

### 7.3.1 Spill Containment and Cleanup

Absorb spilled material using sand, earth or other absorbent. If necessary to contain leaking fluids, install a berm around spilled material.

Avoid skin contact and breathing vapors. Wear appropriate personal protective clothing and equipment. Equipment may include chemical resistant gloves and eye protection.

Dispose of contaminated absorbent in accordance with applicable regulations. This will normally involve disposal of the material as a hazardous waste.

**IF NECESSARY:**

Call San Mateo County Environmental Health Department

Call Menlo Park Fire Department

Notify Supervisory Personnel

Notify Participants

Activate Emergency Action Plan

Stand By For Further Instructions





- Absorb spilled material using sand, earth or other absorbent. Floor cleaning/sweeping materials are appropriate and are normally available.
  - Note: It may be possible to pump up a significant portion of contained liquid.
- Avoid skin contact and breathing vapors. Wear appropriate personal protective clothing and equipment. This equipment can include chemical resistant gloves, eye protection and air purifying respirators.
- Ventilate the area with local exhaust systems or by opening available doors.
  - Note: Avoid use of compressed air to speed evaporation of spilled liquid. This practice increases airborne concentrations and increases the possibility of injuries such as eye damage.
- Dispose of contaminated absorbent in accordance with applicable regulations. This will normally involve disposal of the material as a hazardous waste. If the material is a corrosive, place contaminated absorbent material in polyethylene or polyethylene-lined container for disposal.
  - Note: If the material released is a corrosive (i.e., battery acid), it may be possible to neutralize it after it has been contained. For information on how to neutralize it, the facility should call the emergency numbers provided on the product Material Safety Data Sheet.
- If contamination is suspected, the Facility will contact the local CUPA for additional site clean-up guidance.

### 7.3.2 General First Aid

**911 will be called for any first aid needs that exceed training of staff**

### 7.3.3 Evacuation

**Staff and Emergency Response Personnel will be called. This location is in a residential area with homes 35' and 50' away. If evacuation of homes is necessary it will be done via house doors. If evacuation from the pump building is necessary, it will be done through the building's open door. Employees and guests will gather in the driveway just outside the pump building or on the sidewalk 80' away.**

### 7.3.4 Reporting

**Proper verbal and written notification will be provided to neighbors, Menlo Park Fire Department and San Mateo County Environmental Health Department.**

#### 7.4 Fire Prevention Plan

Chemicals (diesel fuel) is safely stored using Best Management Practices (BMP's). In case of fire, Menlo Park Fire Department, 911 will be called

##### 7.4.1 Potential Fire Hazards

Best Management Practices are in place to aid in eliminating potential hazards. Spill kits are nearby to absorb any liquid that may spill or leak.

##### 7.4.2 Proper Handling and Storage Procedures

###### FUEL TANKS:

Diesel is stored and contained in a double wall bulk tank attached directly to the Gen-Set. The fuel system is monitored continuously, 24/7 through the Supervisory Control and Data Acquisition (SCADA) system. Best Management Practices are followed when tank is refilled.

##### 7.4.3 Responsibilities

Water and Streets Supervisor, Irv Meachum is responsible for the day to day operations of the Sharon Heights Pump Station. The Fleet Department (Mechanics) are notified when and if maintenance issues arise and when the tank needs to be refilled. The Fleet Supervisor, Don Weber is available as a responsible person if needed.

##### 7.4.4 Training

Streets and Water Supervisor along with the Fleet Supervisor receive annual refresher training with regard to spill containment. The Fleet Supervisor has additional training with regard to handling, storage and disposal of hazardous waste.

**7.5 Fire Response Plan**

**In case of fire, CALL 911**

**7.5.1 Reporting**

**In the event of a spill of a reportable amount (25 gallons or more), proper notification will be made to San Mateo County Environmental Health Department**

**7.5.2 Fire Fighting Activities**

**Employees are not trained in firefighting. CALL 911**

**7.5.3 First Aid Procedures**

**General first aid can be performed by qualified personnel. If no qualified personnel are available, CALL 911**

**Emergency Equipment:**

22 CCR §66265.52(e) [as referenced by 22 CCR §66262.34(a)(4)] and the Hazardous Materials Storage Ordinance require that emergency equipment at the facility be listed. Completion of the following Emergency Equipment Inventory Table meets this requirement.

EMERGENCY EQUIPMENT INVENTORY TABLE

1. Equipment Category	2. Equipment Type	3. Locations *	4. Description**
Personal Protective Equipment, Safety Equipment, and First Aid Equipment	<input type="checkbox"/> Cartridge Respirators		
	<input type="checkbox"/> Chemical Monitoring Equipment ( <i>describe</i> )		
	<input type="checkbox"/> Chemical Protective Aprons/Coats		
	<input type="checkbox"/> Chemical Protective Boots		
	<input type="checkbox"/> Chemical Protective Gloves		
	<input type="checkbox"/> Chemical Protective Suits ( <i>describe</i> )		
	<input type="checkbox"/> Face Shields		
	<input type="checkbox"/> First Aid Kits/Stations ( <i>describe</i> )		
	<input type="checkbox"/> Hard Hats		
	<input type="checkbox"/> Plumbed Eye Wash Stations		
	<input type="checkbox"/> Portable Eye Wash Kits ( <i>i.e. bottle type</i> )		
	<input type="checkbox"/> Respirator Cartridges ( <i>describe</i> )		
	<input type="checkbox"/> Safety Glasses/Splash Goggles		
	<input type="checkbox"/> Safety Showers		
	<input type="checkbox"/> Self-Contained Breathing Apparatuses (SCBA)		
<input type="checkbox"/> Other ( <i>describe</i> )			
Fire Extinguishing Systems	<input type="checkbox"/> Automatic Fire Sprinkler Systems		
	<input type="checkbox"/> Fire Alarm Boxes/Stations		
	<input checked="" type="checkbox"/> Fire Extinguisher Systems ( <i>describe</i> )		Fire Extinguisher inside building
	<input type="checkbox"/> Other ( <i>describe</i> )		
Spill Control Equipment and Decontamination Equipment	<input checked="" type="checkbox"/> Absorbents ( <i>describe</i> )		Powdered absorbent in building
	<input type="checkbox"/> Berms/Dikes ( <i>describe</i> )		
	<input type="checkbox"/> Decontamination Equipment ( <i>describe</i> )		
	<input checked="" type="checkbox"/> Emergency Tanks ( <i>describe</i> )		Fuel tank is double contained
	<input type="checkbox"/> Exhaust Hoods		
	<input type="checkbox"/> Gas Cylinder Leak Repair Kits ( <i>describe</i> )		
	<input type="checkbox"/> Neutralizers ( <i>describe</i> )		
	<input type="checkbox"/> Overpack Drums		
	<input type="checkbox"/> Sumps ( <i>describe</i> )		
<input type="checkbox"/> Other ( <i>describe</i> )			
Communications and Alarm Systems	<input checked="" type="checkbox"/> Chemical Alarms ( <i>describe</i> )		Electronically monitored 24/7 SCADA system
	<input type="checkbox"/> Intercoms/ PA Systems		
	<input checked="" type="checkbox"/> Portable Radios		On person
	<input checked="" type="checkbox"/> Telephones		Cell phone on person
	<input checked="" type="checkbox"/> Underground Tank Leak Detection Monitors		Alarm for leakage in double containment
<input type="checkbox"/> Other ( <i>describe</i> )			
Additional Equipment (Use Additional Pages if Needed.)	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

\* Use the map and grid numbers from the Storage Map prepared earlier for your HMBP.

\*\* Describe the equipment and its capabilities. If applicable, specify any testing/maintenance procedures/intervals. Attach additional pages, numbered appropriately, if needed.

# Employee Training Plan

(Hazardous Materials Business Plan Module)

Authority Cited: HSC, Section 25504(c); 22 CCR §66262.34(a)(4)

Page \_\_\_\_ of \_\_\_\_

All facilities that handle hazardous materials in HMBP quantities must have a written employee training plan. This plan is a required module of the Hazardous Materials Business Plan (HMBP). A blank plan has been provided below for you to complete and submit if you do not already have such a plan. **If you already have a brief written description of your training program that addresses all subjects covered below, you are not required to complete the blank plan, below, but you must include a copy of your existing document as part of your HMBP.**

Check all boxes that apply. [Note: Items marked with an asterisk (\*) are required.]:

## 1. Personnel are trained in the following procedures:

<input checked="" type="checkbox"/> Internal alarm/notification *
<input checked="" type="checkbox"/> Evacuation/re-entry procedures & assembly point locations*
<input checked="" type="checkbox"/> Emergency incident reporting
<input checked="" type="checkbox"/> External emergency response organization notification
<input checked="" type="checkbox"/> Location(s) and contents of Emergency Response/Contingency Plan
<input type="checkbox"/> Facility evacuation drills, that are conducted at least (specify): Annually <span style="float: right;">(e.g., "Quarterly", etc.)</span>

## 2. Chemical Handlers are additionally trained in the following:

<input checked="" type="checkbox"/> Safe methods for handling and storage of hazardous materials *
<input checked="" type="checkbox"/> Location(s) and proper use of fire and spill control equipment
<input checked="" type="checkbox"/> Spill procedures/emergency procedures
<input checked="" type="checkbox"/> Proper use of personal protective equipment *
<input checked="" type="checkbox"/> Specific hazard(s) of each chemical to which they may be exposed, including routes of exposure (i.e., inhalation, ingestion, absorption) *
<input checked="" type="checkbox"/> Hazardous Waste Handlers/Managers are trained in all aspects of hazardous waste management specific to their job duties (e.g., container accumulation time requirements, labeling requirements, storage area inspection requirements, manifesting requirements, etc.) *

## 3. Emergency Response Team Members are capable of and engaged in the following:

Complete this section only if you have an in-house emergency response team

<input type="checkbox"/> Personnel rescue procedures
<input type="checkbox"/> Shutdown of operations
<input type="checkbox"/> Liaison with responding agencies
<input type="checkbox"/> Use, maintenance, and replacement of emergency response equipment
<input type="checkbox"/> Refresher training, which is provided at least annually *
<input type="checkbox"/> Emergency response drills, which are conducted at least (specify): <span style="float: right;">(e.g., "Quarterly", etc.)</span>

415

**Record Keeping**  
(Hazardous Materials Business Plan Module)

All facilities that handle hazardous materials must maintain records associated with their management. A summary of your record keeping procedures is a required module of the Unidocs Hazardous Materials Business Plan (HMBP). A blank summary has been provided below for you to complete and submit if you do not already have such a document. **If you already have a brief written description of your hazardous materials record keeping systems that addresses all subjects covered below, you are not required to complete this page, but you must include a copy of your existing document as part of your HMBP.**

Check all boxes that apply. The following records are maintained at the facility. *[Note: Items marked with an asterisk (\*) are required.]*:

<input checked="" type="checkbox"/>	Current employees' training records <i>(to be retained until closure of the facility) *</i>
<input checked="" type="checkbox"/>	Former employees' training records <i>(to be retained at least three years after termination of employment) *</i>
<input checked="" type="checkbox"/>	Training Program(s) <i>(i.e., written description of introductory and continuing training) *</i>
<input checked="" type="checkbox"/>	Current copy of this Emergency Response/Contingency Plan *
<input checked="" type="checkbox"/>	Record of recordable/reportable hazardous material/waste releases *
<input checked="" type="checkbox"/>	Record of hazardous material/waste storage area inspections *
<input checked="" type="checkbox"/>	Record of hazardous waste tank daily inspections *
<input checked="" type="checkbox"/>	Description and documentation of facility emergency response drills

*Note: The above list of records does not necessarily identify every type of record required to be maintained by the facility.*

**Note: The following section applies where local agencies require facility owners/operators to perform and document routine facility self-inspections:**

A copy of the Inspection Check Sheet(s) or Log(s) used in conjunction with required routine self-inspections of your facility must be submitted with your HMBP. *[Exception: Unidocs provides a Hazardous Materials/Waste Storage Area Inspection Form that you may use if you do not already have your own form. If you use the Unidocs form (available at [www.unidocs.org](http://www.unidocs.org)), you do not need to attach a copy.]*

Check the appropriate box:

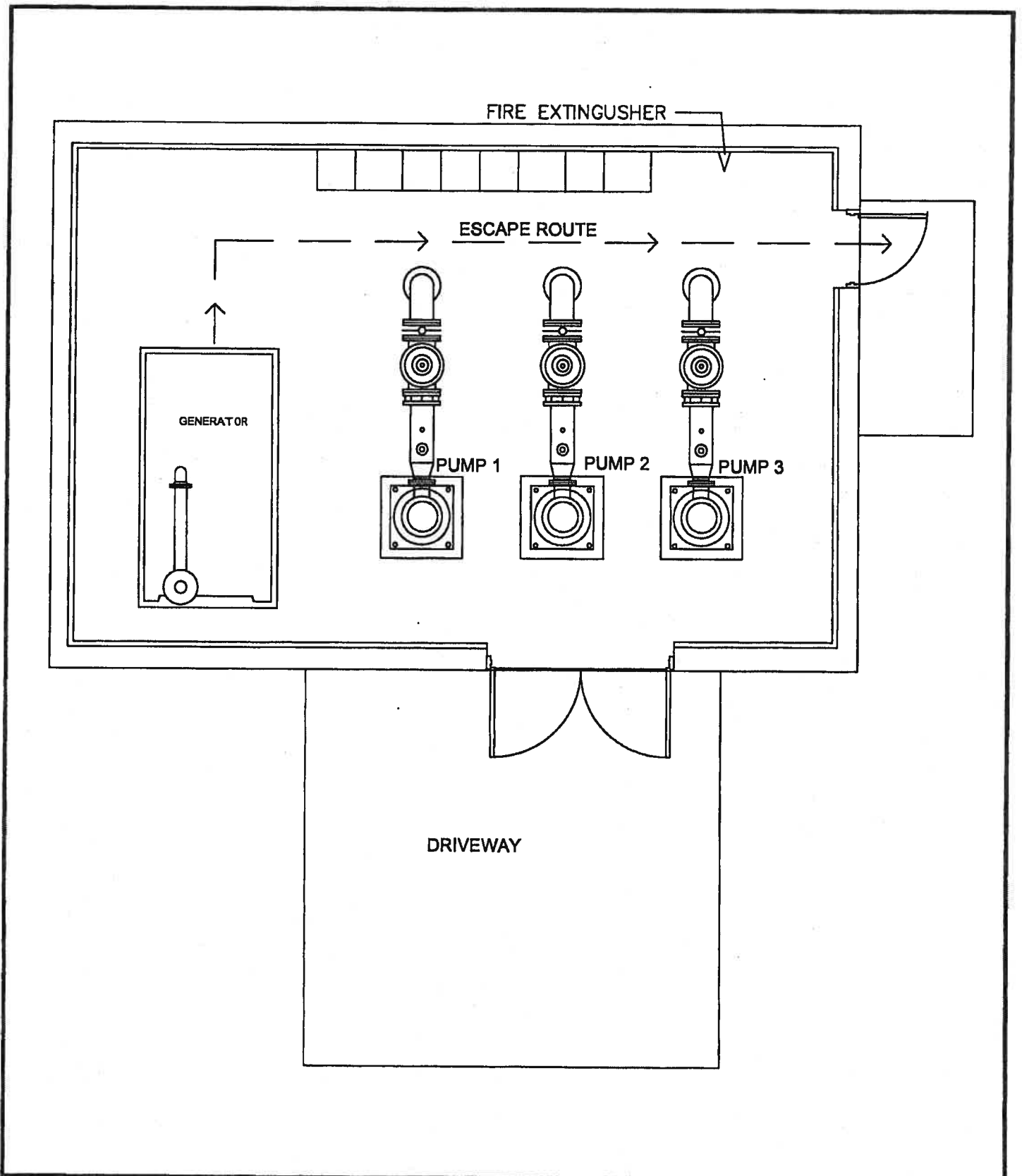
<input type="checkbox"/>	We will use the Unidocs "Hazardous Materials/Waste Storage Area Inspection Form" to document inspections.
<input checked="" type="checkbox"/>	We will use our own documents to record inspections. <i>(A blank copy of each document used must be attached to this HMBP.)</i>

Attachments:

- Inspection Log
- Evacuation Plan showing fire extinguisher location

Y:\EngDiv\Administration\Water\FY 08-09\Pump Station Design\Haz Mat Plan\  
SHPS 920 Sharon Park Drive.docx





**CITY OF MENLO PARK ENGINEERING DIVISION**

SHARON HEIGHT PUMP  
STATION HAZ MAT  
BUSINESS PLAN

417



DRAWN  
EJE

CHECKED  
VP

DATE 9/13/2011

SCALE  
NTS







**DEVELOPMENT SERVICES  
PLANNING DIVISION**  
**Contact: Kyle Perata 650-330-6721 or**  
**[kiperata@menlopark.org](mailto:kiperata@menlopark.org)**  
 701 Laurel Street  
 Menlo Park, CA 94025  
 PHONE (650) 330-6702  
 FAX (650) 327-1653

**AGENCY REFERRAL FORM**  
**RETURN DUE DATE: Tuesday, November 29, 2011**

**DATE:** November 15, 2011

**TO: MENLO PARK FIRE PROTECTION DISTRICT**  
 Ron Keefer  
 300 Middlefield Road  
 Menlo Park, CA 94025  
 (650) 323-2407

<b>Applicant</b>	City of Menlo Park
<b>Applicant's Address</b>	701 Laurel Street, Menlo Park, CA 94025
<b>Telephone/FAX</b>	Tel: 650-330-6752 (Virginia Parks)
<b>Contact Person</b>	Tel: 650-330-6752 (Virginia Parks)
<b>Business Name</b>	Sharon Heights Pump Station
<b>Type of Business</b>	The City is proposing to rebuild the Sharon Heights pump station, which includes a new 120 gallon diesel emergency generator. The generator would be fully enclosed within a new CMU structure. (Project plans are included in this routing.)
<b>Project Address</b>	920 Sharon Park Drive, Menlo Park, CA 94025

**FOR OFFICE USE ONLY**

- The hazardous materials listed are not of sufficient quantity to require approval by this agency.
- The Fire District has reviewed the applicant's plans and use of listed hazardous materials/chemicals and has found the proposal to be in compliance with all applicable Fire Codes.
- The Fire District has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures to be made a part of the City's Use Permit approval (please list the suggested conditions and mitigation measures).

The applicant's proposal has been reviewed by the Menlo Park Fire Protection District by:

Signature/Date

*Donald Keener* 11/17/11

Name/Title (printed)

DONALD KEENER, Assi FM

Comments:

I2

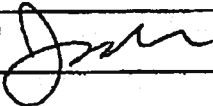


**DEVELOPMENT SERVICES  
PLANNING DIVISION**  
Contact: Kyle Perata 650-330-6721 or  
[ktperata@menlopark.org](mailto:ktperata@menlopark.org)  
701 Laurel Street  
Menlo Park, CA 94025  
PHONE (650) 330-6702  
FAX (650) 327-1653

**AGENCY REFERRAL FORM**  
**RETURN DUE DATE: Tuesday, November 29, 2011**

DATE: November 15, 2011

**TO: SAN MATEO COUNTY ENVIRONMENTAL HEALTH SERVICES DIVISION**  
Dan Rompf, Hazardous Materials Specialist  
San Mateo County Environmental Health  
2000 Alameda de las Pulgas, Ste 100  
San Mateo, CA 94403  
(650) 372-6235

<b>Applicant</b>	City of Menlo Park
<b>Applicant's Address</b>	701 Laurel Street, Menlo Park, CA 94025
<b>Telephone/FAX</b>	Tel: 650-330-6752 (Virginia Parks)
<b>Contact Person</b>	Tel: 650-330-6752 (Virginia Parks)
<b>Business Name</b>	Sharon Heights Pump Station
<b>Type of Business</b>	The City is proposing to rebuild the Sharon Heights pump station, which includes a new 120 gallon diesel emergency generator. The generator would be fully enclosed within a new CMU structure. (Project plans are included in this routing.)
<b>Project Address</b>	920 Sharon Park Drive, Menlo Park, CA 94025
<b>FOR OFFICE USE ONLY</b>	
<input type="checkbox"/> The hazardous materials listed are not of sufficient quantity to require approval by this agency.	
<input checked="" type="checkbox"/> The Health Department has reviewed the applicant's plans and use of listed hazardous materials/chemicals and has found the proposal to be in compliance with all applicable Codes.	
<input type="checkbox"/> The Health Department has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures to be made a part of the City's Use Permit approval (please list the suggested conditions and mitigation measures). The Health Department will inspect the facility once it is in operation to assure compliance with applicable laws and regulations.	
The applicant's proposal has been reviewed by the San Mateo County Environmental Health Services Division by:	
<b>Signature/Date</b>	<b>Name/Title (printed)</b>
 11-15-11	Dan Rompf H.M.S.H.
<b>Comments:</b>	

I3



## DEVELOPMENT SERVICES PLANNING DIVISION

701 Laurel Street  
Menlo Park, CA 94025  
PHONE (650) 858-3400  
FAX (650) 327-5497

### AGENCY REFERRAL FORM

DATE: January 18, 2012

TO: WEST BAY SANITARY DISTRICT  
500 Laurel Street  
Menlo Park, CA 94025  
(650) 321-0384

Applicant	City of Menlo Park
Applicant's Address	701 Laurel Street, Menlo Park, CA 94025
Telephone/FAX	Tel: 650-330-6752 (Virginia Parks)
Contact Person	Tel: 650-330-6752 (Virginia Parks)
Business Name	Sharon Heights Pump Station
Type of Business	The City is proposing to rebuild the Sharon Heights pump station, which includes a new 120 gallon diesel emergency generator. The generator would be fully enclosed within a new CMU structure. (Project plans are included in this routing.)
Project Address	920 Sharon Park Drive, Menlo Park, CA 94025

#### FOR OFFICE USE ONLY

The hazardous materials listed are not of sufficient quantity to require approval by this agency.

- \* The Sanitary District has reviewed the applicant's proposed plans and use of listed hazardous materials/chemicals and has found that the proposal meets all applicable Code requirements.

The Sanitary District has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures to be made a part of the City's Use Permit approval (please list the suggested conditions and mitigation measures).

The applicant's proposal has been reviewed by the West Bay Sanitary District by: Jed Beyer

Inspector

Signature/Date

Name/Title (printed)

Comments: None

I4



**DEVELOPMENT SERVICES  
PLANNING DIVISION**  
Contact: Kyle Perata 650-330- 6721 or  
[ktperata@menlopark.org](mailto:ktperata@menlopark.org)  
701 Laurel Street  
Menlo Park, CA 94025  
PHONE (650) 330-6702  
FAX (650) 327-1653

**AGENCY REFERRAL FORM**  
**RETURN DUE DATE: Tuesday, November 29, 2011**

DATE: November 15, 2011

**TO: CITY OF MENLO PARK BUILDING DIVISION**  
701 Laurel Street  
Menlo Park, CA 94025  
(650) 330-6704

<b>Applicant</b>	City of Menlo Park
<b>Applicant's Address</b>	701 Laurel Street, Menlo Park, CA 94025
<b>Telephone/FAX</b>	Tel: 650-330-6752 (Virginia Parks)
<b>Contact Person</b>	Tel: 650-330-6752 (Virginia Parks)
<b>Business Name</b>	Sharon Heights Pump Station
<b>Type of Business</b>	The City is proposing to rebuild the Sharon Heights pump station, which includes a new 120 gallon diesel emergency generator. The generator would be fully enclosed within a new CMU structure. (Project plans are included in this routing.)
<b>Project Address</b>	920 Sharon Park Drive, Menlo Park, CA 94025

15

**FOR OFFICE USE ONLY**

- The hazardous materials listed are not of sufficient quantity to require approval by this Division.
- The Building Division has reviewed the applicant's plans and listed hazardous materials/chemicals and has found that the proposal meets all applicable California Building Code requirements.
- The Building Division has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures to be made a part of the City's Use Permit approval (please list the suggested conditions and mitigation measures).

The applicant's proposal has been reviewed by the City of Menlo Park's Building Division by:

Signature/Date

Name/Title (printed)

*Ren La France 12/6/11*

*Ren La France Building official*

Comments:

*The tank shall be remotely filled from the exterior of the building and shall meet all of the requirements of chapter 34 of the 2010 California Fire Code*

*ILP*



## Mayne Tree Expert Company, Inc.

ESTABLISHED 1931

CERTIFIED FORESTER

• CERTIFIED ARBORISTS

• PEST CONTROL

• ADVISORS AND OPERATORS

STATE CONTRACTOR'S LICENSE NO. 276793

RICHARD L. HUNTINGTON  
PRESIDENT

JEROMEY INGALLS  
CONSULTANT/ESTIMATOR

535 BRAGATO ROAD, STE. A  
SAN CARLOS, CA 94070-6228

TELEPHONE: (650) 593-4400

FACSIMILE: (650) 593-4443

EMAIL: info@maynetree.com

March 17, 2010

Mr. Mark Slichter  
Callander Associates  
311 Seventh Ave.  
San Mateo, CA 94401

Dear Mr. Slichter,

RE: SHARON HEIGHTS PUMP STATION, MENLO PARK

The following report is to address protecting trees from the pump station remodel. The redesign will have new electric and water lines, new fencing, and a new driveway. A new transformer is to be placed south of the driveway, between trees #3 and #5. Also, a temporary pump station will be placed north of the driveway, between trees #12 and #20.

The desire is to retain all of the trees. With the new utility lines going down the driveway and curving around selected trees, 25 of the 26 trees will most likely survive. Tree #1 will most likely require removal, giving more room to the other trees.

The new utility lines from the vault by the street to the new transformer should angle toward the driveway. They can then run along the driveway to the transformer, back to the driveway, then to the pump station. Keep excavation at least 6 feet from tree #3 and 10 feet from tree #7. All of the other lines are to run down the center of the driveway.

The first phase of the project is to install/place a temporary pump station between trees #12, #16, and #20. Place the pump station pad on a layer of wood chips to reduce soil compaction. The temporary pump station's lines are to be on grade reducing potential impacts.

To limit impacts to the trees from root cutting, hand dig within their driplines and go under all roots 2 inches in diameter and larger. This should be done with all proposed excavations.

There is existing hardscape that is to be removed and/or replaced. Pull up this hardscape by pulling it away from the trunk. Place wood on the trunks of the trees that will be near equipment operation, e.g., trees #7 and #15.

Protective tree fencing must be erected prior to any demolition and be maintained throughout the project. Groups of trees can be fenced together, i.e., 11-16 and 17-26. The other trees will be individually fenced. If the fencing must be moved, the arborist must approve it. See the enclosed site plan for approximate fence locations.

The area within these fenced areas is off limits to all construction activity and storage, especially liquids. The site arborist must inspect all trenching within the driplines of any tree. They can monitor tree health and, as needed, make mitigation recommendations, which may include pruning, fertilizing, etc.

Each of the trees was inspected for general health and condition; factors observed include disease and insect activity, trunk orientation, life expectancy, crown canopy, etc. These are combined to give a percentage rating as compared to a "perfect" tree. This table will help explain the ratings:

0	-	29	Very Poor
30	-	49	Poor
50	-	69	Fair
70	-	89	Good
90	-	100	Excellent

Each tree was measured and assigned a number; see the site plan and the tree survey. Each tree, except the pines, plum, acacia and strawberry tree have an appraisal as requested by the City Arborist. The comments column helps further explain the condition ratings. I think this report is accurate and based on sound arboricultural principles and practices.

Sincerely,

Richard L. Huntington  
Certified Arborist WE #0119A  
Certified Forester #1925

RLH:pmd

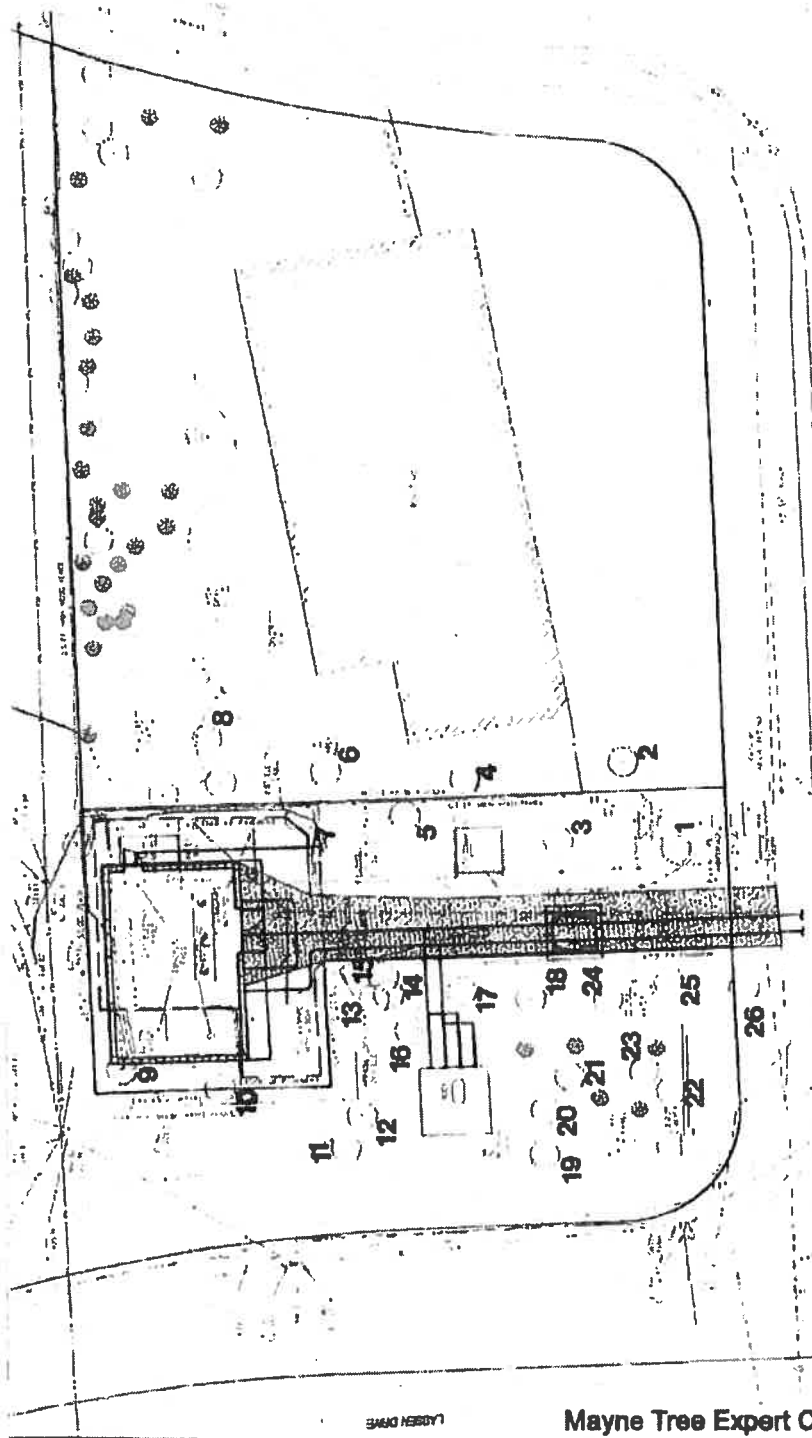




## Tree Survey

Tree #	Species (Common)	DBH (Inches)	Condition (percent)	Comments
1	Monterey Pine	32.1	65	Past red turpentine bark beetle; all growth on west side; slight west lean
2	Monterey Pine	38 (est.)	65	On neighbor's property; 5' from surface drain. All growth on southwest side with a girdling root.
3	Monterey Pine	35.5	70	8' from surface drain; no central top with interior dead limbs; 8' from existing driveway; has a girdling root.
4	Valley Oak	14 (est.)	60	On neighbor's property; topped & side-pruned to clear house.
5	Valley Oak	15.6	65	Dead limb with decay; tree is 2' from fence & 15' from edge of driveway. Proposed transformer is 6' away.
6	Japanese Maple	6 (est.)	75	On neighbor's property; no impact from proposed construction.
7	Coast Live Oak	23.5	65	All growth on north and west sides; slight lean; roots below existing concrete pad. Take care when removing concrete. Place wood around the trunk and wrap with visible orange plastic fencing.
8	Coast Live Oak	22 (est.)	85	Tree on neighbor's property; 12' from fence with a 15' overhang. No impact from proposed construction.
9	Bailey Acacia	6	60	Growing into chain link fence; heavy lean to north but provides screen.
10	Coast Live Oak	8, 4 (est.)	60	Growing around fence; north lean.
11	Plum	3.7, 2.75	60	North lean with all growth on north side. Pruned for clearance.
12	Plum	3.8, 3.0	60	North lean with most growth on north side.
13	Olive	6.5	40	Severe north lean; cracked root. Prune.
14	Valley Oak	19.9	70	North lean with all weight to north; 4' from existing driveway. Lighten tree.
15	Olive	6.5, 5.3	70	South lean; 3' from driveway; hit by a truck. Wrap trunks to reduce further construction impacts using carpet and visible orange plastic fencing.

Tree #	Species (Common)	DBH (Inches)	Condition (percent)	Comments
16	Strawberry Tree	6.5, 4.4, 3.5, 3.4	65	Northwest lean with all growth on northwest side.
17	Redwood	11.3	90	6' from driveway; wrap trunk with wood to protect from physical impacts.
18	Redwood	10.6	90	9' from driveway; fence off with group.
19	Coast Live Oak	10.0, 8.7	30	Severe bark cankers; north lean. Removal recommended in the near future as decline continues.
20	Coast Live Oak	20.2	55	North lean with all growth on north side. Tree is stressed; foliage is thin with minor bark cracking. Aerate root zone with fertilizer and beneficial fungi.
21	Valley Oak	21.2	70	North lean with all growth on north side. Lighten.
22	Valley Oak	14.1	65	North lean with all growth on lean side. Lighten.
23	Plum	4.2, 3.6	45	Severe lean.
24	Redwood	12.4	90	9' from driveway.
25	Valley Oak	13.2	60	6' from driveway; all growth on northwest side.
26	Valley Oak	15.0	60	6' from driveway; all growth on west side. Lighten.



LASER PRIME

Mayne Tree Expert Company, Inc.

SHARON PARK DRIVE

CITY OF MENLO PARK  
SHARON HEIGHTS PUMP STATION

carollo

DATE: 3/17/10

PROJECT: SHARON HEIGHTS PUMP STATION

SCALE: AS SHOWN

PROJECT NO. 10-001

DATE: 3/17/10

PROJECT: SHARON HEIGHTS PUMP STATION

SCALE: AS SHOWN

PROJECT NO. 10-001

DATE: 3/17/10

15

KIRSTEN KEITH  
MAYOR

PETER OHTAKI  
MAYOR PRO TEM

RICHARD CLINE  
COUNCIL MEMBER

ANDY COHEN  
COUNCIL MEMBER

KELLY FERGUSSON  
COUNCIL MEMBER



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

January 26, 2012

**Building**  
TEL 650.330.6704  
FAX 650.327.5403

**City Clerk**  
TEL 650.330.6620  
FAX 650.328.7935

**City Council**  
TEL 650.330.6630  
FAX 650.328.7935

**City Manager's Office**  
TEL 650.330.6610  
FAX 650.328.7935

**Community Services**  
TEL 650.330.2200  
FAX 650.324.1721

**Engineering**  
TEL 650.330.6740  
FAX 650.327.5497

**Environmental**  
TEL 650.330.6763  
FAX 650.327.5497

**Finance**  
TEL 650.330.6640  
FAX 650.327.5391

**Housing &  
Redevelopment**  
TEL 650.330.6706  
FAX 650.327.1759

**Library**  
TEL 650.330.2500  
FAX 650.327.7030

**Maintenance**  
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**Planning**  
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FAX 650.327.1653

**Police**  
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FAX 650.327.4314

**Transportation**  
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FAX 650.327.5497

**Subject: Removal of Monterey Pine at the Sharon Hill Pump Station**

The Monterey pine growing closest to the street at the Sharon Hill Pump Station was approved for removal based on the tree's current condition and the project's impact on the tree's structure and health.

Currently the Monterey pine is overcrowded by the two taller Monterey pines on the site. As the result of planting these trees too close together, the tree's canopy was only able to develop on the street side (or southern) half of the mainstem. In addition, the tree's root flare does not taper properly at the base of the trunk. The street side of the root flare is flattened indicating the presence of large girdling roots which have wrapped around the flare below grade. The combination of the unbalanced canopy and the compromised root flare greatly reduces this tree's tolerance for construction disturbance within the root zone.

The PG&E conduits will require trenching in approximately 50% of the root zone. The excavation would damage both the coarse (structural) and fine (absorptive) roots of the tree. The damage to the fine roots will decrease the tree's health and vigor making it highly susceptible to bark beetle and pitch moth. Both of these pests are vectors of pitch canker, the disease responsible for the spiraling decline of Monterey pine trees along the peninsula.

The removal of this tree will improve the growing conditions of the two adjacent Monterey pines. Essentially thinning the stand of the inferior specimen and replacing with a younger coast live oak will increase the size and species diversity of the site and block.

Brian Henry  
City Arborist  
Public Works Department



# COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: February 14, 2012

Staff Report #: 12-029

Agenda Item #: F1

**REGULAR BUSINESS:**    **Direction on the Parameters for Negotiating the Development Agreement for the Facebook East Campus Project Located at 1601 Willow Road**

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## RECOMMENDATION

Staff recommends that the City Council provide direction for negotiating the Development Agreement for the Facebook East Campus Project located at 1601 Willow Road based on the following parameters:

1. Provide a source of on-going revenue for as long as the land use entitlement to exceed 3,600 employees is in place.
2. Provide one-time items in the form of public improvements or studies that would benefit the surrounding area.
3. Provide a mechanism for funding programs and services that meet on-going community needs.
4. Pursue a commitment to fund housing opportunities in the City and surrounding region.
5. Pursue a trip cap penalty amount that is severe enough to ensure compliance with the project description.

## BACKGROUND

The City is currently conducting the environmental review and processing the development application for the Facebook Campus project located at the intersection of Willow Road and Bayfront Expressway. The Project Sponsor seeks to amend the existing Conditional Development Permit (CDP) for the East Campus by converting the existing employee cap of 3,600 people into a vehicular trip cap. The proposed trip cap includes a maximum of 2,600 trips during the AM Peak Period from 7:00 a.m. to 9:00 a.m. and the PM Peak Period from 4:00 p.m. to 6:00 p.m. and a maximum of 15,000 daily trips. The trip cap would allow approximately 6,600 employees to occupy the East Campus.

In concert with the requested CDP Amendment, the Project Sponsor is requesting a legally binding Development Agreement. The Development Agreement would define the long-term land use intentions, specific terms and conditions for the development, and public benefits that would apply, should the East Campus component of the Project be approved. Under State law (California Government Code Sections 6584-65869.5), development agreements enable the City to grant a longer-term approval in exchange for demonstrable public benefits.

The previous staff reports, which provide more detailed background information, plus the Draft Environmental Impact Report (EIR) and Draft Fiscal Impact Analysis (FIA) are available for review on the City-maintained project page accessible through the following link:

[http://www.menlopark.org/projects/comdev\\_fb.htm](http://www.menlopark.org/projects/comdev_fb.htm)

The remainder of this staff report focuses on Council direction to staff on negotiating the Development Agreement for the East Campus.

## **ANALYSIS**

On January 31, 2012, the City Council held a study session on the Facebook Campus Project. As part of the study session, the Council identified additional information requests that would be beneficial as part of the review process.

### **Additional Information**

#### **Development Agreement Examples**

Staff has started collecting Development Agreements from other local cities, such as Santa Clara, Mountain View and Palo Alto. To date, staff has not encountered a Development Agreement that would be a good means of comparison based on the type of project or the types of enumerated public benefits. Each community and each Development Agreement negotiation is unique. Nevertheless, staff will continue to search for other Development Agreements during the negotiation process that could serve as beneficial means of comparison.

#### **Redevelopment Agency Dissolution Implications**

Regarding the fiscal impact of the City's redevelopment agency being dissolved, BAE conducted a preliminary reallocation in the fiscal model prepared for the Project of the \$73.5 million increase in assessed value for the East Campus, which was in the Redevelopment Project Area, to the West Campus, which was not in the Redevelopment Project Area. Through this reallocation, the property tax distribution for the East Campus does not flow into the redevelopment portion of the model, but instead it is distributed in the same way as the increase in property taxes from the West

Campus. The following are the outputs of this model run in annual receipts at full build-out, rounded down to the nearest \$1,000:

- City General Fund: increases \$55,000
- Fire District: increases \$49,000
- Sequoia Union High School District: increases \$62,000

The Ravenswood Elementary School District gets increased property tax revenues, but reduced state aid, so it is a wash for that district.

Aside from the Facebook Campus Project, the Fire District, the Sequoia Union High School District, and the Menlo Park City School District will also receive additional funds from the reallocation of existing project area tax increment, net of the items on the enforceable obligations payment schedule. Given the complexities of the assumptions and calculations, it is too early to estimate what the differences may be. Staff will attempt to provide those estimates at a later date.

### **Intersection Mitigation Diagrams**

The intersection mitigation diagrams are included in the Appendix (Chapter 3.5 – Appendix I) of the Draft EIR. For ease of reference, hard copies of the diagrams have been provided to each of the Council members and will be available at the Council meeting.

### **Project Water Demand**

According to the Draft EIR, the net increase of water demand of the East Campus would require approximately 54.0 acre feet per year (AFY), or about five percent of the available capacity in Menlo Park Municipal Water District's (MPMWD's) Individual Supply Guarantee (ISG). Operation of the West Campus would require approximately 65.4 AFY, which represents about six percent of MPMWD's excess capacity per the ISG.

### **Parameters**

Based on all of the input to date, staff has developed a framework for the Council to consider in establishing the parameters to guide the negotiation of the Development Agreement. The framework outlined below is based on categories, which are generally above and beyond mitigation measures associated with the EIR. The framework is not meant to exclude any ideas mentioned to date. To the contrary, it is meant to provide a "bucket" for all of the ideas with the understanding that not all of the ideas will be achievable. For ease of reference, the summary of public benefit ideas from the January 31, 2012 staff report, plus additional ideas presented at the meeting is included as Attachment A. In general, the negotiating team would focus on the public benefit

ideas in which there was the greatest overlap between the City's need and the Project Sponsor's interest in the particular topic.

**1. *On-Going Revenue:*** *Provide a source of on-going revenue for as long as the land use entitlement to exceed 3,600 employees is in place.*

Given the City needs, there appears to be a consensus that a high priority parameter is the provision of a source of on-going revenue for as long as the land use entitlement to exceed 3,600 employees is in place. The revenue could be in the form of an in lieu of sales tax fee or some other mechanism.

**2. *One-Time Items:*** *Provide one-time items in the form of public improvements or studies that would benefit the surrounding area.*

There appears to be an interest in pursuing one-time improvements or studies that would benefit the surrounding area. One high-profile topic has been improved bicycle access to the site, including improvements to the Bay Trail, striping of freeway overcrossings, and improvements to commonly used bicycle access routes to the site. Other ideas include new or enhanced City facilities near the project site and/or streetscape improvements. The City's 5-Year Capital Improvement Plan, including unfunded and General Fund items, can serve as a basis for some ideas.

**3. *Program, Service, and Policy Items:*** *Provide a mechanism for funding programs and services that meet on-going community needs.*

This is a relatively broad category that is meant to capture a number of ideas. This category could help to memorialize ad hoc agreements that the Project Sponsor made with project supporters, formalize volunteer opportunities, and involve the creation of a Community Foundation. This category could also cover items such as the following:

- public access to local shuttle system;
- a priority hiring program for local residents;
- the establishment of a preference for local providers of on-site services;
- creating the catalyst for off-site services and amenities in the vicinity of the project site; and
- provision of free wireless access to Belle Haven.

**4. *Housing:*** *Pursue a commitment to fund housing opportunities in the City and surrounding region.*

Although not a direct environmental impact, the Project's potential to affect the affordability of housing in the area has been expressed as a concern. The East Campus does not trigger the need to pay the City's Below Market Rate (BMR) Housing fee because the fee is only applicable with an increase in floor area and no increase in floor area is proposed for the East Campus. (As a means of



comparison, the estimated BMR fee for the West Campus is approximately \$4,491,700). Given the increase of employees on the East Campus and the increased demand for housing, the negotiating team could pursue a commitment to funding housing opportunities in the City and surrounding region.

**5. Trip Cap Penalty:** *Pursue a trip cap penalty amount that is severe enough to ensure compliance with the project description.*

As identified previously, the trip cap penalty amount needs to be negotiated. The penalty needs to be severe enough to ensure compliance with the project description. It is important to keep in mind that that the penalty is not intended to be a revenue generator.

The framework outlined above reflects the staff recommendation based on all of the various inputs received to date. The Council has the option of supporting this framework, modifying the framework, or proposing an alternative framework. Regardless of which option the Council chooses, it should provide direction to the negotiating team in order for the negotiations to begin.

### **Negotiation Process**

The negotiation process will commence immediately upon the Council's direction. Through the negotiation process, the applicant would likely request certain items from the City, such as land use vesting rights, City-imposed fees, project modifications, and transferability. At the conclusion of negotiation, the negotiating team will present a term sheet for consideration by the full Council in April. After Council acceptance of the term sheet, staff will prepare the complete Development Agreement for public review by the Planning Commission and the City Council at respective public hearings in May and June, 2012.

### **IMPACT ON CITY RESOURCES**

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

### **POLICY ISSUES**

The Project does not require an amendment to the City's General Plan. The primary policy issues for the City Council to consider while reviewing the Project relate to the significant and unavoidable environmental impacts and the appropriate level of public benefit based on the request to exceed the current employee cap of 3,600 people on the East Campus.

## **ENVIRONMENTAL REVIEW**

A Draft EIR was released for public review on December 8, 2011 through January 30, 2012. The comments received on the Draft EIR have been posted to the City's website. The City's consultants have begun the process of responding to comments and preparing the Final EIR, which is anticipated to be released in mid to late April 2012.

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Justin Murphy  
Development Services Manager

## **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, at least 72 hours prior to the meeting, with this agenda item being listed. In addition, the agenda publication was supplemented by a citywide postcard mailing, which provided information about the Project proposal and associated documents, as well as information about the community outreach meeting in December, and the Planning Commission and City Council meetings in January and February to discuss the Project. Finally, the City sent an email update to subscribers to the Project page for the proposal, which is available at the following address: [http://www.menlopark.org/s/comdev\\_fb.htm](http://www.menlopark.org/s/comdev_fb.htm)

## **ATTACHMENTS**

A. [Summary of Public Benefit Ideas](#)

## **BACKGROUND MATERIAL AVAILABLE AT CITY OFFICES**

- [Draft Environmental Impact Report prepared by Atkins, dated December 2011](#)
- [Draft Fiscal Impact Analysis prepared by BAE, dated December 8, 2011](#)
- [East Palo Alto Housing Affordability Analysis, dated December 21, 2011](#)

**Attachment A**  
**Facebook Campus Project**  
**Public Benefit Ideas**  
**February 14, 2012**

- Improved bicycle access to the site, including improvements to the Bay Trail, freeway overcrossing, and commonly used bicycle access routes to the site;
- In-lieu fee for loss of tax revenue;
- Use of Facebook shuttles for public transportation, similar to the Marguerite shuttle system implemented by Stanford;
- Revenue for Menlo Park City School District;
- Improvements to Flood Park;
- Landscape and street sign improvements along Willow Road;
- Provision of free wireless access to Belle Haven;
- Construction of a centrally located library branch at Ivy Drive Plaza;
- Installation of bus shelters at key locations;
- Improvement of existing City resources, including the Senior Center, Belle Haven Library and Belle Haven pool;
- Construction of a housing complex at Flood Park;
- Installation of public art;
- Financial support for senior/low income households and transit oriented development;
- Provision of a major grocery store in Belle Haven;
- Provision of job opportunities with preference given to Menlo Park residents;
- Facebook funded employee supported mentorship and volunteer programs;
- Provision of child care for Facebook employees and the public;
- Construction of a sound wall between Kelly Park and US 101; and
- Native landscape plantings along Bayfront Expressway.



## ADMINISTRATIVE SERVICES DEPARTMENT

Council Meeting Date: February 14, 2012  
Staff Report #: 12-027

Agenda Item #: F-2

**REGULAR BUSINESS:** Council discussion and possible recommendation on four seats on the HEART Board that will be decided on at the City Selection Committee meeting scheduled for February 24, 2012

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### RECOMMENDATION

Council discussion and possible recommendation on four seats on the HEART Board that will be decided on at the City Selection Committee meeting scheduled for February 24, 2012.

### BACKGROUND

There are four regional seats that have vacancies through the San Mateo County Council of Cities. It will require a vote by the Council of Cities representatives to determine the formal appointment. The City Selection Committee meeting will take place on February 24, 2012. The board packet from the City Selection Committee is not yet published. According to the bylaws for Council of Cities, the Mayor is the voting member for each city.

This item is on the agenda for the Council to provide input to the Mayor for voting purposes at the February 24<sup>th</sup> City Selection Committee meeting.

The following is a list of appointments, including uncontested vacancies. Letters of interest are included in Attachment A. The deadline for letters of interest is Friday, February 10, 2012; therefore any additional letters received will be provided to the Council at the meeting

### **HEART Board – 4 seats expiring as of 02/29/2012**

#### Letters received to date:

- Ron Collins, City of San Carlos
- Andrew Cohen, City of Menlo Park
- Jack Matthews, City of San Mateo

### IMPACT ON CITY RESOURCES

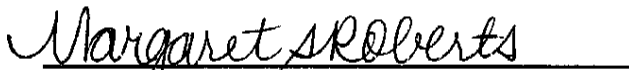
There is no cost associated with this item.

**POLICY ISSUES**

The proposed action is consistent with City Policy and Council direction.

**ENVIRONMENTAL REVIEW**

The proposed action does not require environmental review.



Margaret S. Roberts, MMC  
City Clerk  
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.

**ATTACHMENTS:**

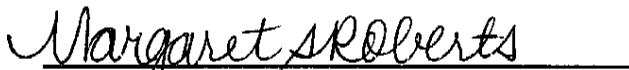
- A. Letters of Interest

**POLICY ISSUES**

The proposed action is consistent with City Policy and Council direction.

**ENVIRONMENTAL REVIEW**

The proposed action does not require environmental review.



Margaret S. Roberts, MMC  
City Clerk  
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.

**ATTACHMENTS:**

- A. Letters of Interest

# CITY OF SAN CARLOS

## CITY COUNCIL

ANDY KLEIN, MAYOR  
MATT GROCOTT, VICE MAYOR  
RON COLLINS  
ROBERT GRASSILLI  
MARK OLBERT



## CITY COUNCIL

600 ELM STREET  
SAN CARLOS, CALIFORNIA 94070-3085

TELEPHONE: (650) 802-4219  
FAX: (650) 595-6719

WEB: <http://www.cityofsancarlos.org>

February 2, 2012

To: My colleagues on the San Mateo County City Councils

Re: HEART Board appointment

I am interested in serving as a member of the HEART Board of Directors in San Mateo County. I am a newly elected member of the San Carlos City Council, and my interest in affordable housing goes back many years.

As a member of the Peninsula Association of Life Underwriters in the 1980's and 90's we supported Shelter Network and held many fund raising events on their behalf. I also served on the San Carlos Planning Commission from 1988-1992, where I was involved in many decisions dealing with affordable housing. From 1993 to 2002 I served on the board of HIP Housing in San Mateo, during which we greatly expanded the scope and funding of housing needs for many low income and underemployed people in San Mateo County.

I would welcome the opportunity to be able to contribute to this organization. Thank you for your consideration.

Sincerely,

Ron Collins  
San Carlos City Council

KIRSTEN KEITH  
MAYOR  
  
PETER OHTAKI  
MAYOR PRO TEM  
  
ANDREW COHEN  
COUNCIL MEMBER  
  
RICHARD CLINE  
COUNCIL MEMEBR  
  
KELLY FERGUSSON  
COUNCIL MEMBER



701 LAUREL STREET, MENLO PARK, CA 94025-3483  
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February 6, 2012

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**City Manager's Office**  
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**Transportation**  
TEL 650.330.6770  
FAX 650.327.5497

Rebecca Romero  
City Selection Secretary  
San Mateo County City Selection  
400 County Government Center, CMO-105  
Redwood City, CA 94063

Dear Rebecca:

I am writing to express interest in being considered to serve as representative on the HEART Board.

I have served our region in a number of capacities:

- Housing Endowment and Regional Trust (HEART)
- City/County Association of Governments (C/CAG)
- Association of Bay Area Governments (ABAG)

During my tenure as Mayor and City Council Member, Menlo Park has initiated action on a number of big challenges:

- A vision for revitalizing El Camino Real and our downtown
- A land use plan for our Dumbarton Rail Station at Willow Road
- An inventory of climate-changing pollutants, and initiation of a Climate Action Plan including actions in 2007-08 budget
- A report of rail grade separation options
- A discussion of water policy
- A comprehensive overhaul of financial reporting to the public
- An aggressive approach to economic development

I won't shy away from grappling with the toughest challenges at the regional level. Engaged inquiry and oversight is a necessity on today's boards – both private and public.

As representative, I will be accessible and responsive. I will ensure that every city has a voice in the business and decisions of the Board, and I will make sure the Board's business is conducted in an open and transparent manner.

Thank you for your consideration of this request. You can reach me at (650) 207-5412 or [acohen@menlopark.org](mailto:acohen@menlopark.org) to share your thoughts.

Sincerely,

  
Andy Cohen  
Council Member





February 1, 2012

To: My colleagues on San Mateo County City Councils

Re: HEART- The Housing Endowment and Regional Trust

I am requesting your support for reelection to the Board representing San Mateo County cities. HEART is going through a transition now with a new Executive Director, Mark Moulton and the Chair of the Board, Supervisor Rose Jacobs Gibson will be termed out in November. I currently serve as the Vice Chair of the Board. My experience on the Board of HEART will be a valuable resource as we move forward as an organization.

We have many challenges ahead. Redevelopment as we know it is over. HEART has the potential to expand its role in promoting and enabling affordable housing in San Mateo County. Throughout my professional life as an architect and public servant I have been a passionate supporter of decent affordable housing for everyone.

I would greatly appreciate your vote on February 24<sup>th</sup> at the Council of Cities meeting.

Thanks,

A handwritten signature in blue ink that reads "Jack Matthews". The signature is written in a cursive, flowing style.

Jack Matthews  
San Mateo City Council



# ADMINISTRATIVE SERVICES

Council Meeting Date: February 14, 2012  
Staff Report #: 12-020

Agenda Item # I-1

**INFORMATION ITEM: Quarterly Financial Review of General Fund Operations as of December 31, 2011**

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

## BACKGROUND

In order to enhance public understanding and transparency in the City's fiscal communications, the City's Finance Committee has in recent years worked with staff to develop a periodic update to the Council of General Fund activity. The report format provides a quarterly review of General Fund operations of the fiscal year-to-date, allowing a comparison of the fund's revenues and expenditures with the budget and actual data of the prior year-to-date operations.

This report is the second quarterly financial update for the 2011-12 fiscal year. The first quarter's report, presented to Council on November 1<sup>st</sup>, noted that significant deviations in the City's cash flow from month to month made it difficult to identify major financial trends so early in the year. However, in comparison with the prior year to date transactions, neither revenues nor expenditures relative to the budget had changed significantly from the 2010-11 fiscal year. Now that the 2010-11 audit is complete and two quarters of 2011-12 transactions have been recorded, a more reliable analysis of the adequacy of the current year's budget can be initiated. Although this report can be considered a pre-cursor of the Mid-Year Report for the General Fund, only a preliminary analysis has been made based on year-to-date transactions. The City's overall revenue and expenditure picture will be discussed in much greater detail in the Mid-Year Report, scheduled for consideration at the February 28<sup>th</sup> Council meeting. The Mid-Year Report will include an in-depth analysis of *all* funds and departmental activities, suggest budget revisions for the fiscal year, make necessary adjustments for the dissolution of the Community Development Agency as of February 1<sup>st</sup>, and provide updated assumptions and projections for the General Fund's 10-year financial forecast.

## ANALYSIS

### Overview

The quarterly report format developed to apprise Council of the year-to-date status of the General Fund is shown as Attachment A. Revenues are categorized in the familiar budgetary format, except that revenues from "Use of Money & Property" have been broken down into the two components of "Interest Earnings" and "Rental Income". Expenditures are shown by department.

The first two columns (labeled B & C) show the adjusted budget and the audited actual amounts of General Fund revenues and expenditures for the fiscal year ended June 30, 2011. The format then provides comparisons with the prior fiscal year: three columns of budgetary comparison, three columns of year-to-date comparison, and three columns of comparison to an entire year's activity. These various perspectives are helpful because of the irregular cashflows associated with the City's revenues.

It is important to note that the Budget-to-Actual comparisons shown compare actual transactions through the second quarter of each year as compared to the *adjusted* budget as it stood on December 31<sup>st</sup> of each year. The only major budget revision typically recorded in the first half of each year is the carry-over of (expenditure) commitments funded in the prior year's budget (encumbrances). For fiscal year 2010-11, General Fund encumbrances from the prior year amounted to an additional \$432,000 for the expenditure budget, and in the current fiscal year, \$326,000 of commitments have been carried forward.

To the extent that General Fund operations do not vary greatly from year to year, this Budget-to-Actual *comparative* report provides a relatively simple update on the performance of revenues and the level of expenditures for the fiscal year-to-date.

### **Revenues**

It is clear from this analysis that several major General Fund revenue sources do not provide for even distribution of receipts throughout the year. In fact, revenues are only properly reported at year end via accruals from subsequent months. For example, Franchise Fees are paid mostly in the fourth quarter, Utility Users' Taxes are received the month subsequent to the month they are collected, and Transient Occupancy Taxes (TOT) are not due until the month subsequent to the *quarter* in which they are assessed. In addition, although monthly allocations of Sales Taxes are received from the State, these are estimates based on unadjusted cash collections of the previous quarter. And due to the "triple flip", these allocations only account for 75 percent of the City's sales tax revenues; the remaining 25 percent is remitted in January and June. For all of these reasons, very few General Fund revenues are approximate to 50 percent of the years' budgets, even though the City is halfway through the fiscal year.

As a *percentage* of *budgeted* revenues received as of December 31<sup>st</sup>, General Fund revenues are coming in at a slightly faster pace (41.85 percent of budget) than in the prior fiscal year's 40.37 percent of budget. When compared with *actual* (audited) revenues that had been received this time last year (41.35 percent), revenues seem to be slightly ahead of target overall. A very small total revenue increase (1.41 percent) is reflected in the current fiscal year's budget, as most revenues were expected to rise slightly with the improving economy when compared to 2010-11. However, noteworthy decreases were projected in the categories of Interest Income and Intergovernmental Revenue. Interest income has become a less significant source of funds in the low-interest climate of recent years, and will continue to decline in the near future. The decrease in intergovernmental revenue from expiration of the San Carlos (dispatch) contract will also be reflected in the last half of the fiscal year, offset with decreased costs in that service area.

Property tax revenues are projected to be slightly over 1.6 percent higher than in the prior fiscal year. However, thus far actual revenues in this category are only a third of one percent higher than the same time last year. The first major allocation of property taxes in December included \$114,000 in refunds, higher than in prior years. However, other areas of property taxes (unsecured, supplemental, and property transfer taxes) are performing as anticipated, and no adjustment is anticipated at mid-year. Note, too, that an allocation of the former Community Development Agency's assets (including fund balances) and revenues will create a one-time boost to the City's property taxes for the fiscal year, but the amount and timing of this allocation is currently unknown.

Sales tax allocations from the State are up nearly 12.9 percent from prior fiscal year receipts. Although an analysis of cash receipts for the final quarter of calendar year 2011 compared to the final quarter of 2010 reveals a State-wide increase of about nine percent (slightly higher in Northern California, slightly lower in the southern part of the State), Menlo Park's actual receipts *fell* 13.1%. Not surprisingly, the decline was concentrated in the Business-to-Business sector, as final adjustments from the Oracle/Sun Microsystems site were submitted late in 2010. Although some correction of prior year quarters is still anticipated, current trends do not support the higher allocations from the State, and no mid-year correction is anticipated.

Hotel tax (TOT) revenues are up over 25 percent from the prior year due to increased business at all of the City's hotel/motels, a result of improvement in the general economy. In addition, the Rosewood Sand Hill continues to gain prominence as a premier resort in the area. Although the Budget-to-Actual Report only reflects one quarter of TOT receipts (July 1- September 30) second quarter returns received earlier this month indicate strong growth in this revenue category. Staff will determine the magnitude of the budget adjustment needed for this revenue line item at mid-year.

Franchise fees are also coming in at an increased rate when compared to the prior year, an indication of higher rates for some utilities, but also the result of growth in business energy usage. However, over 40 percent of franchise fees are for Gas and Electric utilities, paid in April *for the previous calendar year*. Current receipts are largely a reflection of garbage franchise fees only; these receipts have been calculated and submitted in a more timely manner than in the previous fiscal year, and so are less reliant on estimates. A large midyear adjustment to the 2011-12 forecast for this revenue category is not anticipated. Utility Users Tax (UUT) receipts are also slightly (1.82 percent) ahead of last year's pace.

Revenues in the Charges for Services category are also outpacing the same period last year, although the (adopted budget) forecast calls for a larger increase in this category than is currently being experienced. Rental income for recreational facilities has surpassed the budget's fifty percent mark. Fees charged for public works projects are, as expected, less than in the prior year, when a large street opening was billed in the first quarter. Many of these year-over-year variances were anticipated in the current year budget. A more thorough analysis and forecast will be available for the Mid-year Report.

Revenues in the Licenses and Permits category are higher than for the same period last year, largely due to an increase in the volume of business licenses processed. The increase was anticipated with the launch of a compliance effort last year which compared the State's data base for businesses in Menlo Park with the City's business license data base. It is still too early in the renewal cycle (payments due January 31<sup>st</sup> for the calendar year) to project any significant change in this fee revenue, but a small upward adjustment in this category may be forthcoming with the Mid-year Report.

Interest income is coming in even more slowly than anticipated when the 2011-12 budget was established. In fact, receipts this year have been barely sufficient to offset the accrual of revenue as of June 30, 2011. It is anticipated that the year-end adjustment to record unrealized gain (which is not included in the budget), will be very small for 2011-12, as there is very little "unrealized gain" in the current portfolio (difference between fair market value to book value) to further diminish. That being stated, interest rates remain at historical lows and no change is expected through the rest of the fiscal year. Therefore, the projection for this revenue category will have to be lowered with midyear adjustments.

Intergovernmental Revenue is close to the reduced levels anticipated, and revenues from fines and forfeitures are healthier than in the prior year. Clearly, the Mid-year Report status of these revenues will be further informed by continued receipts in the weeks ahead.

### **Expenditures**

As previously noted, the budgets shown from both fiscal years are adjusted for commitments that were funded in the previous fiscal year, and offsetting budget revisions made year-to-date. The adjustments for prior year commitments are apparent in the increased budgetary shortfalls for each fiscal year (shown in columns D and E). Each fiscal year's expenditures include payroll costs incurred through the third week of December. Payroll expenditures comprise approximately 71.4 percent of the General Fund adjusted budget for 2011-12.

The actual *rate* of total expenditures in relation to the budget is slightly higher than experienced in the 2010-11 fiscal year. The variances in actual-expenditures-to-budget rates fluctuate with each department, based on personnel vacancies and the status of departmental program initiatives as compared with the previous year. The Police Department reflects a year-to-date decrease in expenditures of nearly 5 percent, not only because of three police officer vacancies that were not filled until October, but also due to savings built into the new labor contracts effective July 1<sup>st</sup> for safety personnel. Among other cost-savings, the new contracts establish an employee contribution of 3% towards the employer CalPERS rate, which itself was held to a minimum from the buy-out of the Safety Side Fund at the end of last fiscal year. The Library and Public Works departments are also experiencing vacancies in the current fiscal year, with 6.5 and 5.3 percent decreases, respectively, in expenditures over the prior year. Administrative Services is the only department with significantly increased (7 percent) expenditures, largely in the area of contract services. Note that some of these service costs will be

offset by increased revenues – such as legal expenses incurred on development projects.

### **Impact of the Current Economy**

Based on the advance estimate in real gross domestic product (GDP), the U.S. economy grew at a 2.8 percent annualized growth rate during the final quarter of 2011. Many economists do not expect growth in 2012 to keep up this pace. Expectations for the recovery are generally positive, but very modest for the next several quarters.

Cities throughout California continue to grapple with reduced property tax revenues, although sales taxes, hotel taxes and other income streams that have been affected by the economy have shown some growth in the last few quarters. As rising employee health care and pension costs are addressed, governmental employers have decreased headcount and sought higher employee sharing of benefit costs. Menlo Park has also reduced personnel costs, as reflected in year-over-year decrease in most departments.

Interest rates will remain low at least through late 2014, so what was once a major revenue category for the City has diminished to one of much less significance. Such an environment is actually helpful when attempting to determine the components of a sustainable budget, as it establishes a baseline of revenues less prone to market swings. A sustainable budget relies on investment earnings only to replenish reserves and provide for opportunities as they arise, and should not be relied upon to fund current services.

The Mid-year Report will identify all significant revenue variances, and classify each as to whether they are short-term or longer-term in nature. The reduction of resources caused by the dissolution of the Redevelopment Agency will create stress on the General Fund in the remaining months of the current fiscal year, and drive the budget development for 2012-13. As discussed by the Council at its January 30<sup>th</sup> study session on the topic, budgetary strategies that minimize the use of reserves (and one-time revenues) while protecting the quality of City services are preferred as revenue streams are initiated and/or strengthened.

### **POLICY ISSUES**

Although not as rigorous a review as the Mid-Year Report, in which all funds and budgets are scrutinized, this second quarter analysis can provide some indication of any noteworthy changes needed to the General Fund operating budget. The mid-year report will be presented at the February 28<sup>th</sup> Council meeting.



Carol Augustine  
Finance Director

City of Menlo Park - General Fund  
 Budget-to-Actual Report, FY 2011-12  
 As of December 31, 2011

A	B	C	D	E	(E-C)/C	G	H	(H-G)/G	G/C	G/D	H/E	Notes
	Adjusted Budget as of 6/30/11	Audited Actual FY 2010-11	2010-11 Adjusted Budget 12/31/2010	2011-12 Adjusted Budget 12/31/2011	% Budget Change 12/31/11 to Audited Actual FY 10-11	Actual YTD 12/31/2010	Actual YTD 12/31/2011	% Actual Change	% of Actual YTD 12/31/2010 to Audited Actual FY 10-11	% Actual-to-Budget 12/31/2010	% Actual-to-Budget 12/31/2011	
Property Tax	\$12,760,000	\$12,811,324	\$12,864,270	\$13,021,000	1.64%	\$5,830,225	\$5,850,031	0.34%	45.51%	45.32%	44.93%	1
Sales Tax	5,945,000	5,988,055	6,245,000	6,203,000	3.59%	2,414,795	2,725,956	12.89%	40.33%	38.67%	43.95%	
Transient Occupancy Tax	2,435,000	2,453,981	2,702,000	2,580,000	5.14%	585,816	732,758	25.08%	23.87%	21.68%	28.40%	
Utility Users' Tax	1,204,000	1,122,940	1,237,500	1,249,000	11.23%	488,230	497,112	1.82%	43.48%	39.45%	39.80%	
Franchise Fees	1,701,000	1,677,016	1,613,000	1,743,000	3.93%	293,025	359,295	22.62%	17.47%	18.17%	20.61%	
Charges for Services	5,056,787	5,246,251	5,090,287	5,425,265	3.41%	2,613,343	2,639,272	0.99%	49.81%	51.34%	48.65%	2
Licenses and Permits	3,169,610	3,239,561	2,840,020	3,307,140	2.09%	1,070,502	1,216,306	13.62%	33.04%	37.69%	36.78%	3
Interest Income	652,000	212,238	1,052,000	560,000	163.85%	145,975	41,978	-71.24%	68.78%	13.88%	7.50%	4
Rental Income	357,000	363,520	357,000	365,438	0.53%	62,580	66,930	6.95%	17.22%	17.53%	18.32%	
Intergovernmental Revenue	1,809,977	1,946,156	1,834,947	1,131,631	-41.85%	905,659	641,378	-29.18%	46.54%	49.36%	56.68%	5
Fines & Forfeitures	994,000	953,195	1,088,000	970,000	1.76%	431,168	460,632	6.83%	45.23%	39.63%	47.49%	6
Operating Transfers In/ Other Revenue	710,302	730,505	711,892	707,125	-3.20%	353,509	361,770	2.34%	48.39%	49.66%	51.16%	
<b>Total Revenues:</b>	<b>\$36,794,676</b>	<b>\$36,744,741</b>	<b>\$37,635,916</b>	<b>\$37,262,599</b>	<b>1.41%</b>	<b>\$15,194,827</b>	<b>\$15,593,418</b>	<b>2.62%</b>	<b>41.35%</b>	<b>40.37%</b>	<b>41.85%</b>	
Public Safety	14,187,502	13,927,896	14,704,963	13,891,219	-0.26%	6,835,872	6,497,918	-4.94%	49.08%	46.49%	46.78%	7
Public Works	4,887,240	4,517,248	5,085,688	5,039,372	11.56%	2,268,801	2,148,098	-5.32%	50.23%	44.61%	42.63%	
Community Services Department	6,389,861	6,169,153	6,548,672	6,562,831	6.38%	2,889,799	2,861,672	-0.97%	46.84%	44.13%	43.60%	
Library Department	1,993,798	1,914,900	2,023,837	2,033,990	6.22%	976,256	913,084	-6.47%	50.98%	48.24%	44.89%	8
Community Development	2,633,687	2,503,578	2,635,579	2,728,499	8.98%	1,144,657	1,153,034	0.73%	45.72%	43.43%	42.26%	
Administrative Services	4,969,821	4,677,762	5,263,236	4,954,665	5.92%	2,189,312	2,318,980	5.92%	46.80%	41.60%	46.80%	
Operating Transfers Out	2,267,950	2,267,950	2,377,800	2,377,800	4.84%	1,188,900	1,188,900	0.00%	52.42%	50.00%	50.00%	
<b>Total Expenditures:</b>	<b>\$37,329,859</b>	<b>\$35,978,487</b>	<b>\$38,639,775</b>	<b>\$37,588,377</b>	<b>4.47%</b>	<b>\$17,493,597</b>	<b>\$17,081,686</b>	<b>-2.35%</b>	<b>48.62%</b>	<b>45.27%</b>	<b>45.44%</b>	
<b>Preliminary addition/draw on General Fund Re</b>	<b>(\$535,183)</b>	<b>\$766,254</b>	<b>(\$1,003,859)</b>	<b>(\$325,778)</b>		<b>(\$2,298,770)</b>	<b>(\$1,488,268)</b>					
Carry-over encumbrances and Reappropriations from prior year subtracted from adjusted budget.	432,183		432,183	325,778								
Net addition to/draw on General Fund Reserves	(\$103,000)		(\$571,676)	\$0								
Subtract El Camino Real/Downtown Specific Plan	103,000		103,000	0								
Net Operating Revenue	\$0		(\$468,676)	\$0								

NOTES: Notes must be considered for proper analysis of the data contained herein; refer to 2nd Quarter Staff Report dated February 14, 2012

- (1) County of San Mateo Secured Property Tax refunds: Menlo Park's share \$114,000.
- (2) Charges for Services 2011-12 include accrued accounts receivable for planning invoices from 2010-11 received in current year; reversed \$200,000.  
 Rental Income increase over prior year \$144,000 due to full use of City facilities.
- (3) Licenses and Permits increase from prior year due to business licenses up \$140,000 parking permits up \$7,600.
- (4) Interest Income actual YTD columns do not reflect gain/loss adjustment: (FY09-10= -\$298,323 FY 10-11= -\$1,193 = NET -\$299,516).
- (5) Intergovernmental Revenue reduced due to discontinuation of San Carlos Dispatch contract on Nov 1, 2011.
- (6) Fines and Forfeitures increase \$22,400 from prior year due to increase in parking fines and moving violations issued; less patrol officers on leave in current year.
- (7) Police expenditures decrease in 2011-12 due to Police Officers Association and Police Management Association paying additional contribution of 3% for CalPERS retirement fund.
- (8) Expenditures include payroll paid through December for both periods.



# ADMINISTRATIVE SERVICES

Council Meeting Date: February 14, 2012  
Staff Report # 12-021

Agenda Item #: I-2

**INFORMATION ITEM: Review of the City's Investment Portfolio as of  
December 31, 2011**

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

## **BACKGROUND**

The City's Investment Policy requires a quarterly investment report, which includes all financial investments of the City and provides information on the investment type, value and yield for all securities. The report also provides a Council update on the cash balances of the City's various funds.

## **ANALYSIS**

### **Investment Portfolio as of December 31, 2011**

Various reports are prepared monthly by Cutwater Asset Management, the City's investment advisory firm, and are attached to this staff report. The "Recap Of Securities Held" confirms that the historical (book) value of the total portfolio at the end of December was nearly \$105.3 million. The portfolio includes the General Fund, Water Fund, Special Revenue Funds, Community Development Agency Funds, Capital Project Fund and Measure T General Obligation (GO) bond proceeds. Funds are invested in accordance with the City Council policy on investments using safety, liquidity and yield as selection criteria. Approximately \$62.7 million (59.5 percent) is invested in the State investment pool, the Local Agency Investment Fund (LAIF). LAIF is considered a safe investment and it provides the liquidity of a money market fund. Of the remaining \$42.6 million, \$27.6 million (26.3 percent) is invested in short-term Federal agency issues (U.S. Instrumentality), \$7.0 million (6.6 percent) in U.S. Treasury securities, \$7.0 million (6.6 percent) in medium-term corporate notes, and \$1.0 million (1.0 percent) in FDIC guaranteed corporate securities (shown as U.S. Agency). All the mentioned securities are prudent short-term investments, since they generally bear a higher interest rate than LAIF, provide investment diversification and remain secure investment instruments.

At the end of June, the fair value (market value) of the City's securities was nearly \$230,000 *higher* than the amortized historical cost. This is a significant *decrease* in unrealized gain from this quarter last fiscal year, although only a small decrease over the previous quarter. Fair value fluctuates from one period to another depending on the supply and demand for bonds and securities at a particular point in time. Therefore,



there is often a difference between the historical cost (the value at the time of purchase) and the fair value (the value of the same security at a specific date), creating an unrealized gain or loss. The demand for “safe haven” securities (such as U.S. Treasury and agency instruments) continues to be high, despite low yields. However, many of these instruments in the City’s portfolio are callable and short-term in nature. Several years ago, the City was able to purchase securities that have yields higher than what is currently available in the market. Now very few of these securities remain in the City’s portfolio and all of those that remain will mature in less than a year. This leads to a lower market value for the investments, hence the decreased unrealized gain as of December 31, 2011. Since the City’s portfolio is fairly short-term in nature and the City generally holds the securities to maturity in order to avoid market risk, the information on any change in the unrealized gain is only reported in the City’s Comprehensive Annual Financial Report. It is not used to evaluate whether to hold or sell investments.

### **Current Market Conditions**

The recovery rate for the U.S. economy has been expanding moderately despite global economic concerns. The Federal Market Open Committee (FMOC) met on November 1<sup>st</sup> and December 13<sup>th</sup> to discuss current policies to improve the U.S. economy. The FMOC has decided to keep the federal funds rate at its current level of 0 to 0.25 percent. (The rate has been at this level since 2008.) The FMOC also announced extending the “Operation Twist” plan through September 2012. The basis of the plan is to sell short-term treasuries with maturities of less than three years and to purchase long-term, 6 to 30 year, Treasuries with the proceeds. It is expected that such a policy will lower long-term interest rates while keeping short-term rates unchanged and possibly preventing them from going lower. The plan was implemented during the fourth quarter of 2012 but as yet has had little impact on keeping short-term rates from decreasing. At its meeting on January 24<sup>th</sup>, the FMOC decided to extend the current low level of the federal funds rate through late 2014. With the federal funds rate remaining low, there will continue to be few attractive investment opportunities for the City. The FMOC will meet again on March 13<sup>th</sup>.

### **Investment Yield**

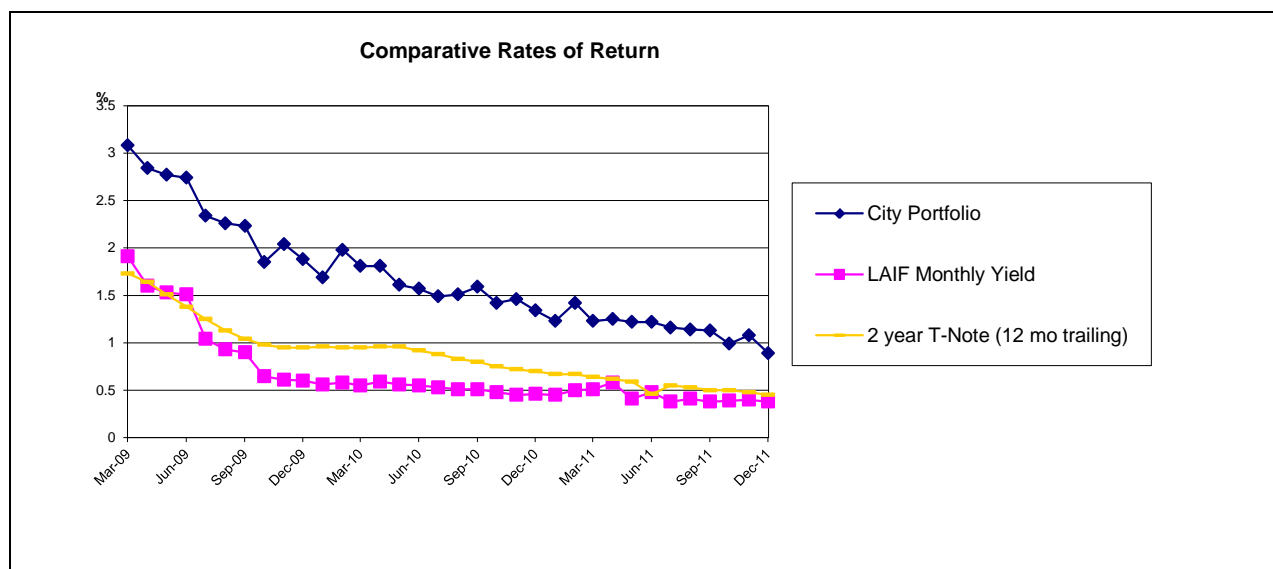
The annualized rate of return for the City’s portfolio shown on the performance summary as of December 31, 2011, prepared by Cutwater, is 0.89 percent, net of fees. This rate of return is higher than the rate of the 2-year Treasury-Note (12-month trailing) of 0.45 percent and the rate of return earned through LAIF of 0.38 percent.

Over the fourth quarter of 2011, investment yields experienced small decreases when compared to the previous quarter. However, yields have decreased significantly when compared to the same quarter a year ago. With the continued sluggishness of economic recovery and the federal funds rate remaining at the current level until well into 2014, the low yields on U.S. Treasuries will continue for some time. Therefore investment opportunities in Treasuries continue to be unattractive but still offer a slightly higher yield than LAIF. The change in Treasury yields over the year can be seen below:

<u>Term</u>	December 31,	September 30,	December 31,
	<u>2010</u>	<u>2011</u>	<u>2011</u>
3-month	0.12	0.02	0.01
6-month	0.18	0.05	0.06
2-year	0.59	0.50	0.45
5-year	2.01	0.95	0.83
10-year	3.29	1.92	1.88
30-year	4.33	2.91	2.89

The yield on deposits in LAIF remained at 0.38 percent for the quarter ending December 31, 2011. Currently, over half of the portfolio resides in LAIF accounts. Since the City does not need all of its funds to be liquid, investments in U.S. Treasury, agency, and corporate notes are made in an effort to enhance yields. The City's ability to achieve a higher investment yield than LAIF was from higher earning investments purchased through early 2008 and has diminished significantly as these securities mature. Of these higher earning investments (over 3.0% yield), only four are remaining and all of them mature during the 2012 calendar year, one of which matured last week. Over the past two years, the rates of return for LAIF have been consistently less than the 2-year Treasury note, which is also very low. Higher rates are no longer available and as the City's higher earning investments have matured or have been called, they are replaced with investments earning much lower yields. Currently the yields on most high-quality bonds are now below the current rate of inflation. This means that the interest income is not sufficient to offset the reduction of purchasing power from inflation. As a result, the 2011-12 investment budget will need to be adjusted downward at midyear.

With the elimination of redevelopment agencies, the City (as successor agency) closed the Community Development Agency account with LAIF in January and has reinvested over \$13 million in various short-term securities as authorized by the City's Investment Policy. The City will be required to turn over the former agency's unencumbered fund balances to the County within the next few months (\$12-16million, depending on final instructions from the County). However, the City's existing LAIF balances provide adequate liquidity for this anticipated disbursement.



Fees paid to Cutwater (totaling \$9,808 for the quarter ended December 31, 2011) are deducted from investment earnings before calculating the City’s net rate of return. Staff continues to work with the City’s investment advisors to meet the City’s investment objectives and rearrange the portfolio for maximum yield.

### Investment Transactions in the Fourth Quarter

Investments maturing, called, or purchased during the period October 1, 2011 through December 31, 2011 are shown in the schedule below:

<u>Date</u>	<u>Transaction</u>	<u>Description</u>	<u>Term</u>	<u>% Yield</u>	<u>Principal</u>
10/18/11	Call	FNMA	1.00 yrs	0.82%	\$2,000,000
10/18/11	Call	FHLMC	0.50 yrs	0.87%	\$1,000,000
11/07/11	Purchase	FNMA Callable	3.00 yrs	1.00%	\$3,000,000
11/21/11	Maturity	FFCB	4.00 yrs	4.04%	\$3,000,000
12/08/11	Maturity	FFCB	4.75 yrs	4.82%	\$2,000,000
12/09/11	Call	FFCB	0.50 yrs	1.70%	\$2,000,000
12/09/11	Maturity	Citigroup	2.75 yrs	1.70%	\$1,000,000
12/12/11	Purchase	FNMA Callable	3.00 yrs	0.70%	\$2,000,000
12/14/11	Purchase	GE Capital	2.50 yrs	1.86%	\$1,000,000
12/15/11	Maturity	FHLMC	2.25 yrs	1.20%	\$3,500,000

The City had three bonds called during the fourth quarter because issuers are redeeming their callable bonds in order to take advantage of lower interest rates. In addition, four bonds matured during the quarter, two of which were higher yielding bonds purchased several years ago. The removal of these bonds from the City’s portfolio will reduce the rate of return on the portfolio overall. The City purchased two callable bonds during the quarter. Callable investments provide a slightly higher yield because of the added risk of being called prior to maturity. Currently the City’s portfolio contains 11 callable agency bonds.

With the expectation that yields will remain low through 2014, staff is continuing to purchase longer termed bonds and T-Notes so as not to have a significant portion of the City's portfolio becoming liquid at a time of very few investment opportunities. The average number of days to maturity of the City's portfolio as of December 31, 2011 is 180 days. In January 2012, \$3.5 million in securities matured and \$5 million were called after being in the City's portfolio for less than a year. Even though rates remain low, staff continues to purchase new securities when others mature or are called because the rates provide slightly higher yields than what is available with LAIF.

### **Cash and Investments by Fund**

Overall, the City's investment portfolio increased by slightly over \$3.1 million in the fourth quarter of 2011. The schedule below lists the change in cash balance by fund type.

<b>Fund/Fund Type</b>	<b>Cash Balance as of 12/31/11</b>	<b>Cash Balance as of 09/30/11</b>	<b>Difference</b>	<b>% Change</b>
General Fund	\$ 16,893,337.41	\$ 16,360,400.59	\$ 532,936.82	3.26%
Bayfront Park Maintenance Fund	804,299.49	820,806.18	\$ (16,506.69)	-2.01%
Recreation-in-Lieu Fund	1,560,348.34	2,848,845.45	\$ (1,288,497.11)	-45.23%
Other Expendable Trust Funds	1,430,266.75	1,780,800.19	\$ (350,533.44)	-19.68%
Agency Funds	(9,278.74)	(597,423.86)	\$ 588,145.12	-98.45%
Transportation Impact Fee Fund	3,061,025.50	3,092,229.40	\$ (31,203.90)	-1.01%
Garbage Service Fund	721,121.12	356,036.66	\$ 365,084.46	102.54%
Parking Permit Fund	3,102,896.07	3,058,675.58	\$ 44,220.49	1.45%
BMR Housing Fund	7,519,281.40	8,175,682.99	\$ (656,401.59)	-8.03%
Measure A Funds	1,054,780.53	1,170,274.03	\$ (115,493.50)	-9.87%
Storm Water Management Fund	218,857.87	192,751.17	\$ 26,106.70	13.54%
Community Dev. Agency- TIR	10,087,974.70	9,049,625.07	\$ 1,038,349.63	11.47%
Measure T Funds	2,887,099.55	3,017,488.63	\$ (130,389.08)	-4.32%
Other Special Revenue Funds	15,370,247.55	14,773,309.41	\$ 596,938.14	4.04%
Capital Project Fund- General	8,376,014.05	8,133,484.50	\$ 242,529.55	2.98%
Redevelopment Grant Capital	7,896,666.79	7,733,284.83	\$ 163,381.96	2.11%
Other Capital Project funds	(255,810.76)	(247,476.43)	\$ (8,334.33)	3.37%
Water Operating & Capital	15,835,739.09	16,228,295.23	\$ (392,556.14)	-2.42%
Debt Service Fund	5,476,237.41	3,257,115.29	\$ 2,219,122.12	68.13%
Internal Service Fund	3,251,617.83	2,954,666.74	\$ 296,951.09	10.05%
<b>Total Portfolio of all Funds</b>	<b>\$ 105,282,721.95</b>	<b>\$ 102,158,871.65</b>	<b>\$ 3,123,850.30</b>	<b>3.06%</b>

Cash and investment balances in the General Fund increased, due to the receipt of property tax revenue in December which was offset by normal operating costs throughout the quarter. The Recreation-in-Lieu Fund decreased due to payments made for the Gymnastics Center project. Payments which total over \$300,000 in environmental impact reports for various projects reduced the cash balance in the Other Expendable Trust Funds. The increase in the Agency/Expendable Trust Funds was due to deposits for benefits in the Payroll Revolving Fund. The negative cash balance

in the Agency Funds is due to prepayments of employee benefits before expensed during the pay period incurred. The Garbage Service Fund cash balance is increasing in preparation for large payable due in October 2012. The Community Development Agency Funds increased due to property taxes received by the County. The Debt Service Funds increased due to the receipt of property tax from the County in December and the monthly transfer from the Community Development Agency operating funds to the CDA Debt Service Fund (Debt service payments were made in January 2012). The cash balances in the City's Internal Service Funds increased from monthly transfers from other funds. The Water Capital Project Fund decreased by over \$400,000 in expenditures for the Water Main Replacement Capital Improvement Project.

### **IMPACT ON CITY RESOURCES**

Due to the liquidity of LAIF accounts, the City has more than sufficient funds available to meet its expenditure requirements for the next six months.

### **POLICY ISSUES**

The City and the Agency funds are invested in full compliance with the City's Investment Policy and State Law, which emphasize the following criteria, in the order of importance: safety, liquidity and yield.

### **ENVIRONMENTAL REVIEW**

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



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Geoffrey Buchheim  
Financial Services Manager

**ATTACHMENT:** Cutwater Investment Reports for the period of December 1, 2011 – December 31, 2011, including:

- Fixed Income Market Review for the month of September;
- Activity and Performance Summary (amortized cost basis and fair market value basis);
- Recap of Securities Held;
- Maturity Distribution of Securities Held;
- Securities Held (detail); and
- Governmental Accounting Standards Board (GASB) 40 Deposit and Investment Risk Disclosure



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Denver, CO 80202  
**Tel: 303 860 1100**  
Fax: 303 860 0016

# City of Menlo Park

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Reports for the period December 1, 2011 - December 31, 2011

Please contact Accounting by calling the number above or email [camreports@cutwater.com](mailto:camreports@cutwater.com) with questions concerning this report.

## Fixed Income Market Review December 31, 2011

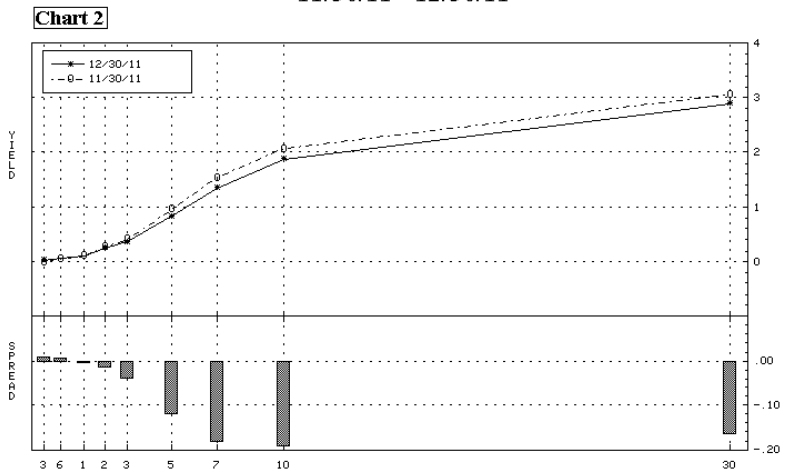
**Fed Funds Target Rate and Two Year Treasury**  
12/31/06 - 12/31/11



**Economic Indicators & Monetary Policy** – On December 16, 2008, the Federal Open Market Committee (FOMC) cut the federal funds rate to a target range of 0 to 0.25 percent, where it still stands today more than three years later. This has kept yield levels extremely low over this period, especially in the short-end of the yield curve. For example, the two-year Treasury has averaged a yield of 0.70 percent for the past three years and is currently stuck below 0.30 percent. (See Chart 1.) Yields will likely remain relatively low for quite some time with the FOMC’S pledge to keep interest rates at record lows until “at least mid-2013.”

U.S. jobless claims fell to a three-year low in December with the fewest filings for unemployment benefits since the FOMC cut the fed funds rate to zero. The four-week moving average for jobless claims fell to 375,000 toward the end of 2011, the lowest level since June 2008. This reduction is a positive sign for the employment situation and economy heading into 2012 since it might pave the way for an increase in payrolls and spur consumer spending. In November, employers added a net 120,000 jobs while the unemployment rate declined to 8.6 percent, the lowest level since March 2009. Economists expect to see a net increase of 150,000 in payrolls for the month of December, which will be reported on January 6<sup>th</sup>.

**Treasury Yield Curves**  
11/30/11 - 12/30/11



At its latest meeting on December 13<sup>th</sup>, the FOMC kept the federal funds target rate at a range of zero to 0.25 percent. The FOMC noted that “while indicators point to some improvement in overall labor market conditions, the unemployment rate remains elevated.” It “continues to expect a moderate pace of economic growth over the coming quarters and consequently anticipates that the unemployment rate will decline only gradually” for now. As such, the FOMC maintained its pledge to keep the benchmark federal funds rate near zero through at least mid-2013 and “continue its program to extend the average maturity of its holdings of securities as announced in September.”

**Yield Curve & Spreads** – Treasury yields moved lower in December despite improvement in overall economic activity for the month.

At the end of December, three-month Treasury bills yielded 0.01 percent, six-month Treasury bills yielded 0.06 percent, two-year Treasuries yielded 0.24 percent, five-year Treasuries yielded 0.83 percent, 10-year Treasuries yielded 1.88 percent, and 30-year bonds yielded 2.89 percent. (See Chart 2.)

**Additional Information**  
**December 31, 2011**

A current version of the investment adviser brochure, for Cutwater Investor Services Corp., in the form of the Firm's ADV Part 2A is available for your review. Please contact our Client Service Desk at 1-800-395-5505 or mail your request to:

Cutwater Investor Services Corp.  
Attention: Client Services  
113 King Street  
Armonk, NY 10504

A copy of the brochure will be sent to you either by mail or electronically at your option.

In addition, a copy of the most recent version of the Firm's complete Form ADV can be downloaded from the SEC website at [www.adviserinfo.sec.gov/](http://www.adviserinfo.sec.gov/).



**City of Menlo Park**  
**Activity and Performance Summary**  
**for the period December 1, 2011 - December 31, 2011**

<u>Amortized Cost Basis Activity Summary</u>	
<b>Beginning Amortized Cost Value</b>	97,091,707.38
Additions	
Contributions	7,881,906.16
Interest Received	198,775.00
Accrued Interest Sold	0.00
Gain on Sales	874.74
<b>Total Additions</b>	8,081,555.90
Deductions	
Withdrawals	0.00
Fees Paid	3,023.73
Accrued Interest Purchased	977.43
Loss on Sales	0.00
<b>Total Deductions</b>	(4,001.16)
Accretion (Amortization) for the Period	(13,937.42)
<b>Ending Amortized Cost Value</b>	105,155,324.70
Ending Fair Value	105,385,106.19
Unrealized Gain (Loss)	229,781.49

<u>Detail of Amortized Cost Basis Return</u>				
	Interest Earned	Accretion (Amortization)	Realized Gain (Loss)	Total Income
<b>Current Holdings</b>				
Cash and Equivalents	18,854.49	0.00	0.00	18,854.49
U.S. Treasury	5,080.90	10.92	0.00	5,091.82
U.S. Agency	1,791.67	(289.07)	0.00	1,502.60
U.S. Instrumentality	42,484.72	(4,506.77)	0.00	37,977.95
Corporate	18,516.66	(9,145.60)	0.00	9,371.06
<b>Sales and Maturities</b>				
U.S. Treasury	815.22	77.05	0.00	892.27
U.S. Agency	638.89	(251.14)	0.00	387.75
U.S. Instrumentality	4,080.98	167.19	874.74	5,122.91
<b>Total</b>	92,263.53	(13,937.42)	874.74	79,200.85

<u>Annualized Comparative Rates of Return</u>			
	Twelve Month Trailing	Six Month Trailing	For the Month
Fed Funds	0.10%	0.08%	0.07%
Overnight Repo	0.05%	0.05%	0.05%
3 Month T-Bill	0.04%	0.01%	0.00%
6 Month T-Bill	0.08%	0.04%	0.04%
1 Year T-Note	0.18%	0.13%	0.12%
2 Year T-Note	0.45%	0.28%	0.26%
5 Year T-Note	1.52%	1.06%	0.89%

<u>Summary of Amortized Cost Basis Return for the Period</u>		
	Total Portfolio	Excl. Cash Eq.
Interest Earned	92,263.53	73,409.04
Accretion (Amortization)	(13,937.42)	(13,937.42)
Realized Gain (Loss) on Sales	<u>874.74</u>	<u>874.74</u>
Total Income on Portfolio	79,200.85	60,346.36
Average Daily Historical Cost	100,514,977.87	45,355,983.22
Annualized Return	0.93%	1.57%
Annualized Return Net of Fees	0.89%	1.49%
Annualized Return Year to Date Net of Fees	1.17%	1.72%
Weighted Average Effective Maturity in Days	180	442

**City of Menlo Park**  
**Activity and Performance Summary**  
**for the period December 1, 2011 - December 31, 2011**

<u>Fair Value Basis Activity Summary</u>		
<b>Beginning Fair Value</b>		97,342,457.94
Additions		
Contributions	7,881,906.16	
Interest Received	198,775.00	
Accrued Interest Sold	0.00	
<b>Total Additions</b>		8,080,681.16
Deductions		
Withdrawals	0.00	
Fees Paid	3,023.73	
Accrued Interest Purchased	977.43	
<b>Total Deductions</b>		(4,001.16)
Change in Fair Value for the Period		(34,031.75)
<b>Ending Fair Value</b>		105,385,106.19

<u>Detail of Fair Value Basis Return</u>			
	Interest Earned	Change in Fair Value	Total Income
<b>Current Holdings</b>			
Cash and Equivalents	18,854.49	0.00	18,854.49
U.S. Treasury	5,080.90	3,592.00	8,672.90
U.S. Agency	1,791.67	(1,896.00)	(104.33)
U.S. Instrumentality	42,484.72	(21,211.00)	21,273.72
Corporate	18,516.66	(9,847.75)	8,668.91
<b>Sales and Maturities</b>			
U.S. Treasury	815.22	(781.00)	34.22
U.S. Agency	638.89	(319.00)	319.89
U.S. Instrumentality	4,080.98	(3,569.00)	511.98
<b>Total</b>	92,263.53	(34,031.75)	58,231.78

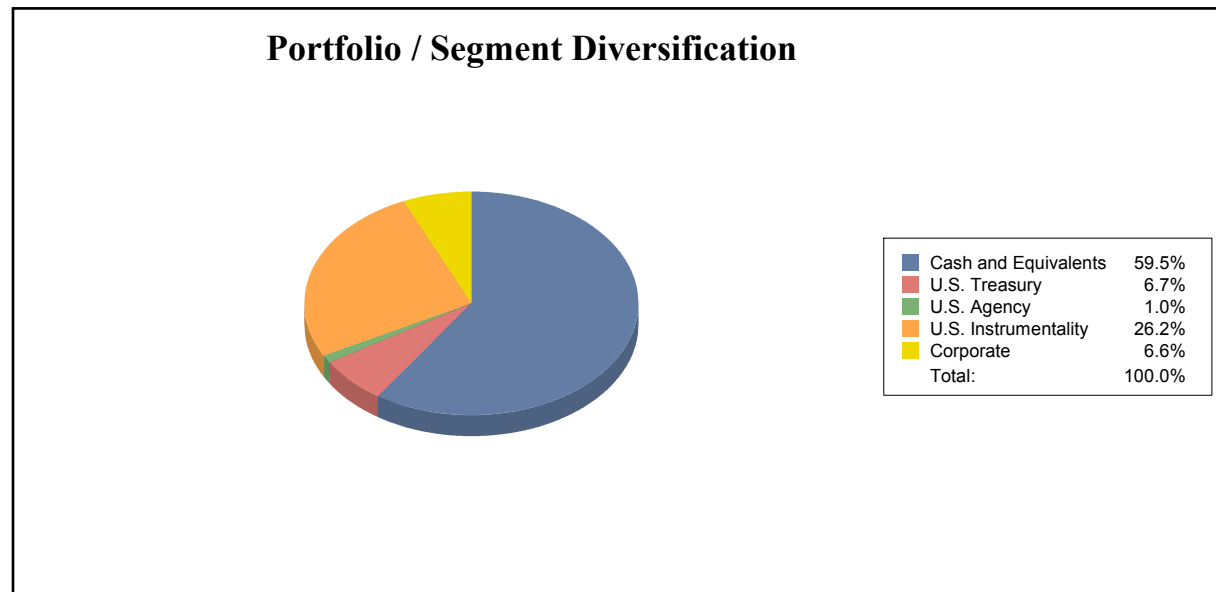
<u>Annualized Comparative Rates of Return</u>			
	Twelve Month Trailing	Six Month Trailing	For the Month
Fed Funds	0.10%	0.08%	0.07%
Overnight Repo	0.05%	0.05%	0.05%
3 Month T-Bill	0.11%	0.04%	0.00%
6 Month T-Bill	0.29%	0.24%	0.24%
1 Year T-Note	0.51%	0.38%	0.24%
2 Year T-Note	1.53%	1.19%	0.47%
5 Year T-Note	9.01%	11.43%	9.07%

<u>Summary of Fair Value Basis Return for the Period</u>		
	Total Portfolio	Excl. Cash Eq.
Interest Earned	92,263.53	73,409.04
Change in Fair Value	<u>(34,031.75)</u>	<u>(34,031.75)</u>
Total Income on Portfolio	58,231.78	39,377.29
Average Daily Historical Cost	100,514,977.87	45,355,983.22
Annualized Return	0.68%	1.02%
Annualized Return Net of Fees	0.65%	0.94%
Annualized Return Year to Date Net of Fees	0.76%	1.01%
Weighted Average Effective Maturity in Days	180	442

**City of Menlo Park  
Recap of Securities Held  
December 31, 2011**

	Historical Cost	Amortized Cost	Fair Value	Unrealized Gain (Loss)	Weighted Average Final Maturity (Days)	Weighted Average Effective Maturity (Days)	% Portfolio/Segment	Weighted Average Yield *	Weighted Average Market Duration (Years)
Cash and Equivalents	62,654,155.94	62,654,155.94	62,654,155.94	0.00	1	1	59.51	0.39	0.00
U.S. Treasury	7,009,687.51	7,013,842.10	7,067,264.00	53,421.90	666	666	6.66	0.86	1.79
U.S. Agency	1,009,810.00	1,000,690.06	1,004,048.00	3,357.94	75	75	0.96	1.80	0.21
U.S. Instrumentality	27,636,385.00	27,634,494.17	27,728,478.00	93,983.83	828	339	26.25	1.67	0.91
Corporate	6,972,683.50	6,852,142.43	6,931,160.25	79,017.82	677	677	6.62	1.76	1.80
<b>TOTAL</b>	<b>105,282,721.95</b>	<b>105,155,324.70</b>	<b>105,385,106.19</b>	<b>229,781.49</b>	<b>308</b>	<b>180</b>	<b>100.00</b>	<b>0.86</b>	<b>0.48</b>

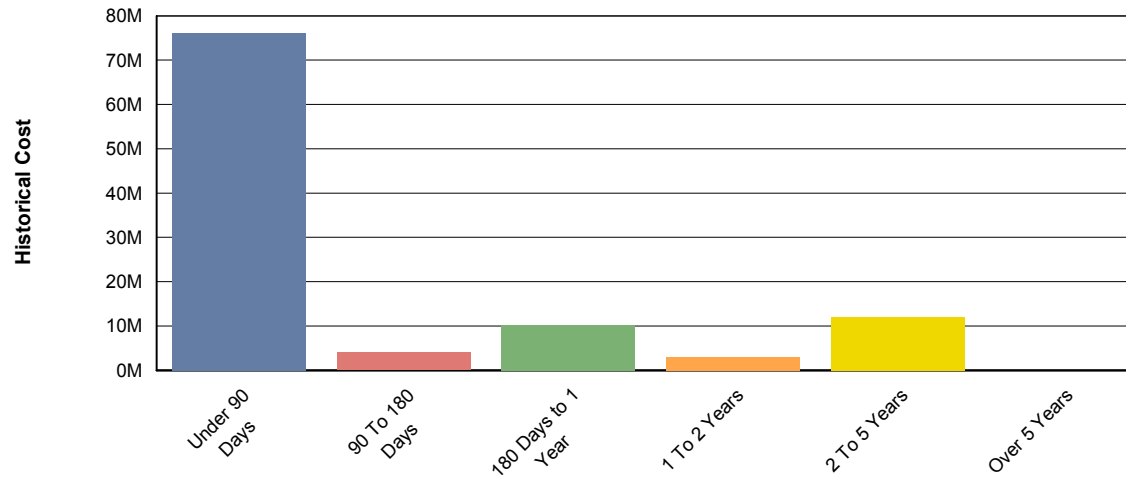
\* Weighted Average Yield is calculated on a "yield to worst" basis.



**City of Menlo Park**  
**Maturity Distribution of Securities Held**  
**December 31, 2011**

Maturity	Historical Cost	Percent
Under 90 Days	76,153,299.69	72.33%
90 To 180 Days	3,999,400.00	3.80%
180 Days to 1 Year	10,133,433.50	9.62%
1 To 2 Years	2,984,453.13	2.83%
2 To 5 Years	12,012,135.63	11.41%
Over 5 Years	0.00	0.00%
	<b>105,282,721.95</b>	<b>100.00%</b>

**Maturity Distribution**



**City of Menlo Park  
Securities Held  
December 31, 2011**

CUSIP/ Description	Purchase Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost/ Accrued Interest Purchased	Amortized Cost/Accretion (Amortization)	Fair Value/ Change In Fair Value	Unrealized Gain (Loss)	Interest Received	Interest Earned	Total Accrued Interest	% Port Cost	Yield
<b><u>Cash and Equivalents</u></b>													
LAIF	12/31/11	0.401 V		15,760,633.43	15,760,633.43 0.00	15,760,633.43 0.00	15,760,633.43 0.00	0.00	0.00	4,780.60	12,925.44	14.97	0.40
LAIF - City 98-19-228	12/31/11	0.401 V		41,326,269.66	41,326,269.66 0.00	41,326,269.66 0.00	41,326,269.66 0.00	0.00	0.00	12,522.57	32,259.30	39.25	0.40
LAIF-GO Bond	12/31/11	0.401 V		4,562,252.85	4,562,252.85 0.00	4,562,252.85 0.00	4,562,252.85 0.00	0.00	0.00	1,551.32	4,466.91	4.33	0.40
Int Receivable	12/31/11	0.000	01/03/12	5,000.00	5,000.00 0.00	5,000.00 0.00	5,000.00 0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pm Receivable	12/31/11	0.000	01/03/12	1,000,000.00	1,000,000.00 0.00	1,000,000.00 0.00	1,000,000.00 0.00	0.00	0.00	0.00	0.00	0.95	0.00
<b>TOTAL</b>				62,654,155.94	62,654,155.94 0.00	62,654,155.94 0.00	62,654,155.94 0.00	0.00	0.00	18,854.49	49,651.65	59.51	
<b><u>U.S. Treasury</u></b>													
912828MQ0 T-Note	03/10/10	0.875	02/29/12	2,000,000.00	1,999,218.75 0.00	1,999,936.07 33.59	2,002,656.00 (1,484.00)	2,719.93	0.00	1,490.38	5,913.46	1.90	0.89
912828QL7 T-Note	04/12/11	0.750	03/31/13	1,000,000.00	998,671.88 0.00	999,159.53 57.26	1,006,953.00 (469.00)	7,793.47	0.00	635.25	1,905.74	0.95	0.82
912828PL8 T-Note	12/15/10	0.750	12/15/13	2,000,000.00	1,985,781.25 0.00	1,990,737.06 402.18	2,019,296.00 (80.00)	28,558.94	7,500.00	1,270.49	696.72	1.89	0.99
912828RB8 T-Note	08/25/11	0.500	08/15/14	1,000,000.00	1,003,046.88 135.87	1,002,684.96 (86.97)	1,004,531.00 781.00	1,846.04	0.00	421.20	1,888.59	0.95	0.40
912828QX1 T-Note	08/25/11	1.500	07/31/16	1,000,000.00	1,022,968.75 1,019.02	1,021,324.48 (395.14)	1,033,828.00 4,844.00	12,503.52	0.00	1,263.58	6,236.41	0.97	1.02
<b>TOTAL</b>				7,000,000.00	7,009,687.51 1,154.89	7,013,842.10 10.92	7,067,264.00 3,592.00	53,421.90	7,500.00	5,080.90	16,640.92	6.66	
<b><u>U.S. Agency</u></b>													
38146FAK7 Goldman Sachs	04/28/09	2.150	03/15/12	1,000,000.00	1,009,810.00 0.00	1,000,690.06 (289.07)	1,004,048.00 (1,896.00)	3,357.94	0.00	1,791.67	6,330.56	0.96	1.80
<b>TOTAL</b>				1,000,000.00	1,009,810.00 0.00	1,000,690.06 (289.07)	1,004,048.00 (1,896.00)	3,357.94	0.00	1,791.67	6,330.56	0.96	
<b><u>U.S. Instrumentality</u></b>													
31331QKS5 FFCB	08/30/07	4.700	01/03/12	1,000,000.00	996,530.00 0.00	999,995.63 67.79	1,000,000.00 (4,069.00)	4.37	0.00	3,916.67	23,238.89	0.95	4.79
31398AB43 FNMA	12/08/09	0.875	01/12/12	1,500,000.00	1,495,845.00 0.00	1,499,940.25 168.37	1,500,279.00 (993.00)	338.75	0.00	1,093.75	6,161.46	1.42	1.01

**City of Menlo Park  
Securities Held  
December 31, 2011**

CUSIP/ Description	Purchase Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost/ Accrued Interest Purchased	Amortized Cost/Accretion (Amortization)	Fair Value/ Change In Fair Value	Unrealized Gain (Loss)	Interest Received	Interest Earned	Total Accrued Interest	% Port Cost	Yield
<b><u>U.S. Instrumentality</u></b>													
3133XJUT3 FHLB	05/30/07	5.000	03/09/12	1,000,000.00	993,080.00 0.00	999,730.34 122.94	1,008,941.00 (4,335.00)	9,210.66	0.00	4,166.67	15,555.56	0.94	5.16
3133XKSK2 FHLB	08/27/07	4.875	06/08/12	2,000,000.00	1,991,560.00 0.00	1,999,231.85 149.77	2,037,338.00 (7,108.00)	38,106.15	48,750.00	8,125.00	6,229.17	1.89	4.97
3134G2B92 FHLMC	Call 09/13/11	0.500	03/13/13 03/13/12	1,000,000.00	1,000,000.00 0.00	1,000,000.00 0.00	1,000,627.00 522.00	627.00	0.00	416.67	1,500.00	0.95	0.50
3133702W7 FHLB	Call 07/29/10	1.400	07/12/13 01/12/12	2,000,000.00	2,008,660.00 0.00	2,000,179.06 (504.62)	2,000,502.00 (1,780.00)	322.94	0.00	2,333.33	13,144.44	1.91	1.10
31331KAA8 FFCB	Call 01/24/11	1.390	01/24/14 01/24/12	1,000,000.00	999,900.00 0.00	999,931.20 2.82	1,000,687.00 (1,026.00)	755.80	0.00	1,158.33	6,061.94	0.95	1.39
3135G0BF9 FNMA	Call 04/12/11	1.500	03/28/14 03/28/12	1,000,000.00	997,600.00 0.00	998,186.12 68.82	1,002,599.00 (947.00)	4,412.88	0.00	1,250.00	3,875.00	0.95	1.58
3134G2NK4 FHLMC	Call 07/11/11	1.125	07/11/14 07/11/12	2,000,000.00	2,001,740.00 0.00	2,000,912.79 (147.37)	2,005,834.00 (748.00)	4,921.21	0.00	1,875.00	10,625.00	1.90	1.04
3134G2QC9 FHLMC	Call 07/18/11	1.125	07/18/14 01/18/12	2,000,000.00	1,998,500.00 0.00	1,998,728.56 42.43	2,000,570.00 (1,236.00)	1,841.44	0.00	1,875.00	10,187.50	1.90	1.15
31398A3G5 FNMA	09/28/11	1.500	09/08/14	1,500,000.00	1,535,565.00 1,250.00	1,532,424.97 (1,024.64)	1,530,019.50 4,455.00	(2,405.47)	0.00	1,875.00	7,062.50	1.46	0.69
3135G0CZ4 FNMA	Call 09/12/11	0.850	09/12/14 03/12/12	1,000,000.00	999,800.00 0.00	999,820.26 5.66	998,550.00 835.00	(1,270.26)	0.00	708.33	2,573.61	0.95	0.86
3135G0EQ2 FNMA	Call 11/07/11	1.000	11/07/14 11/07/12	3,000,000.00	3,000,000.00 0.00	3,000,000.00 0.00	3,007,200.00 1,404.00	7,200.00	0.00	2,500.00	4,500.00	2.85	1.00
3135G0GE7 FNMA	Call 12/12/11	1.000	12/05/14 06/05/12	2,000,000.00	2,002,920.00 388.89	2,002,588.18 (331.82)	1,999,572.00 (3,348.00)	(3,016.18)	0.00	1,055.55	1,444.44	1.90	0.70
313373XT4 FHLB	Call 06/16/11	1.875	06/08/15 06/08/12	2,000,000.00	2,007,840.00 0.00	2,003,482.01 (678.88)	2,010,836.00 (2,552.00)	7,353.99	18,750.00	3,125.00	2,395.83	1.91	1.47
3133XWNB1 FHLB	09/28/11	2.875	06/12/15	1,500,000.00	1,606,845.00 0.00	1,599,342.95 (2,448.04)	1,606,723.50 363.00	7,380.55	21,562.50	3,593.75	2,276.04	1.53	0.92
3134G2TH5 FHLMC	Call 07/27/11	2.050	07/27/16 07/27/12	2,000,000.00	2,000,000.00 0.00	2,000,000.00 0.00	2,018,200.00 (648.00)	18,200.00	0.00	3,416.67	17,538.89	1.90	2.05
<b>TOTAL</b>				27,500,000.00	27,636,385.00 1,638.89	27,634,494.17 (4,506.77)	27,728,478.00 (21,211.00)	93,983.83	89,062.50	42,484.72	134,370.27	26.25	
<b><u>Corporate</u></b>													
87244EAC6 TIAA Global Markets	02/24/11	5.125	10/10/12	950,000.00	1,012,443.50 0.00	979,750.02 (3,258.83)	980,167.25 (3,481.75)	417.23	0.00	4,057.29	10,954.69	0.96	1.04

**City of Menlo Park  
Securities Held  
December 31, 2011**

CUSIP/ Description	Purchase Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost/ Accrued Interest Purchased	Amortized Cost/Accretion (Amortization)	Fair Value/ Change In Fair Value	Unrealized Gain (Loss)	Interest Received	Interest Earned	Total Accrued Interest	% Port Cost	Yield
<b>Corporate</b>													
64952WAJ2 New York Life Global	07/19/10	5.250	10/16/12	1,000,000.00	1,086,950.00 0.00	1,030,644.57 (3,287.14)	1,037,089.00 (4,601.00)	6,444.43	0.00	4,375.00	10,937.50	1.03	1.30
36962G3K8 GE Capital	01/18/08	5.250	10/19/12	1,000,000.00	1,032,300.00 0.00	1,005,432.95 (576.79)	1,034,973.00 (4,718.00)	29,540.05	0.00	4,375.00	10,500.00	0.98	4.49
931142DA8 Wal-Mart	07/26/11	1.625	04/15/14	1,000,000.00	1,020,000.00 0.00	1,016,800.80 (623.75)	1,021,987.00 1,503.00	5,186.20	0.00	1,354.17	3,430.56	0.97	0.88
478160AX2 Johnson & Johnson	05/20/11	1.200	05/15/14	1,000,000.00	998,830.00 0.00	999,072.36 33.24	1,015,433.00 1,824.00	16,360.64	0.00	1,000.00	1,533.33	0.95	1.24
36962GX41 GE Capital	12/14/11	5.650	06/09/14	750,000.00	818,760.00 588.54	817,396.92 (1,363.08)	812,712.00 (6,048.00)	(4,684.92)	0.00	2,001.04	2,589.58	0.78	1.86
594918AG9 MICROSOFT CORP	07/26/11	1.625	09/25/15	1,000,000.00	1,003,400.00 0.00	1,003,044.81 (69.25)	1,028,799.00 5,674.00	25,754.19	0.00	1,354.16	4,333.33	0.95	1.54
<b>TOTAL</b>				6,700,000.00	6,972,683.50 588.54	6,852,142.43 (9,145.60)	6,931,160.25 (9,847.75)	79,017.82	0.00	18,516.66	44,278.99	6.62	
<b>GRAND TOTAL</b>				<b>104,854,155.94</b>	<b>105,282,721.95</b> <b>3,382.32</b>	<b>105,155,324.70</b> <b>(13,930.52)</b>	<b>105,385,106.19</b> <b>(29,362.75)</b>	<b>229,781.49</b>	<b>96,562.50</b>	<b>86,728.44</b>	<b>251,272.39</b>	<b>100.00</b>	

V = variable rate, current rate shown, average rate for Cash & Equivalents

E = Corp Sec FDIC Guaranteed

**City of Menlo Park**  
**GASB 40 - Deposit and Investment Risk Disclosure**  
**December 31, 2011**

CUSIP	Type	Coupon	Maturity Date	Call Date	S&P Rating	Moody Rating	Par Value / Shares	Historical Cost	% Portfolio Hist Cost	Market Value	% Portfolio Mkt Value	Weighted Avg Mkt Dur (Yrs)
<b><u>LAIF</u></b>												
	Cash and Equivalents	0.401			AAA	Aaa	15,760,633.43	15,760,633.43	14.97	15,760,633.43	14.96	0.00
	Cash and Equivalents	0.401			AAA	Aaa	41,326,269.66	41,326,269.66	39.25	41,326,269.66	39.21	0.00
	Cash and Equivalents	0.401			AAA	Aaa	4,562,252.85	4,562,252.85	4.33	4,562,252.85	4.33	0.00
<b>ISSUER TOTAL</b>							61,649,155.94	61,649,155.94	58.56	61,649,155.94	58.50	0.00
<b><u>FNMA</u></b>												
31398AB43	U.S. Instrumentality	0.875	01/12/2012		AA+	Aaa	1,500,000.00	1,495,845.00	1.42	1,500,279.00	1.42	0.03
3135G0BF9	U.S. Instrumentality	1.500	03/28/2014	03/28/2012	AA+	Aaa	1,000,000.00	997,600.00	0.95	1,002,599.00	0.95	0.24
3135G0EQ2	U.S. Instrumentality	1.000	11/07/2014	11/07/2012	AA+	Aaa	3,000,000.00	3,000,000.00	2.85	3,007,200.00	2.85	0.85
31398A3G5	U.S. Instrumentality	1.500	09/08/2014		AA+	Aaa	1,500,000.00	1,535,565.00	1.46	1,530,019.50	1.45	2.62
3135G0CZ4	U.S. Instrumentality	0.850	09/12/2014	03/12/2012	AA+	Aaa	1,000,000.00	999,800.00	0.95	998,550.00	0.95	2.66
3135G0GE7	U.S. Instrumentality	1.000	12/05/2014	06/05/2012	AA+	Aaa	2,000,000.00	2,002,920.00	1.90	1,999,572.00	1.90	2.88
<b>ISSUER TOTAL</b>							10,000,000.00	10,031,730.00	9.53	10,038,219.50	9.53	1.52
<b><u>FHLB</u></b>												
3133702W7	U.S. Instrumentality	1.400	07/12/2013	01/12/2012	AA+	Aaa	2,000,000.00	2,008,660.00	1.91	2,000,502.00	1.90	0.03
3133XJUT3	U.S. Instrumentality	5.000	03/09/2012		AA+	Aaa	1,000,000.00	993,080.00	0.94	1,008,941.00	0.96	0.19
313373XT4	U.S. Instrumentality	1.875	06/08/2015	06/08/2012	AA+	Aaa	2,000,000.00	2,007,840.00	1.91	2,010,836.00	1.91	0.44
3133XKSK2	U.S. Instrumentality	4.875	06/08/2012		AA+	Aaa	2,000,000.00	1,991,560.00	1.89	2,037,338.00	1.93	0.44
3133XWNB1	U.S. Instrumentality	2.875	06/12/2015		AA+	Aaa	1,500,000.00	1,606,845.00	1.53	1,606,723.50	1.52	3.30
<b>ISSUER TOTAL</b>							8,500,000.00	8,607,985.00	8.18	8,664,340.50	8.22	0.85
<b><u>T-Note</u></b>												
912828MQ0	U.S. Treasury	0.875	02/29/2012		AA+	Aaa	2,000,000.00	1,999,218.75	1.90	2,002,656.00	1.90	0.17
912828QL7	U.S. Treasury	0.750	03/31/2013		AA+	Aaa	1,000,000.00	998,671.88	0.95	1,006,953.00	0.96	1.24
912828PL8	U.S. Treasury	0.750	12/15/2013		AA+	Aaa	2,000,000.00	1,985,781.25	1.89	2,019,296.00	1.92	1.95
912828RB8	U.S. Treasury	0.500	08/15/2014		AA+	Aaa	1,000,000.00	1,003,046.88	0.95	1,004,531.00	0.95	2.60
912828QX1	U.S. Treasury	1.500	07/31/2016		AA+	Aaa	1,000,000.00	1,022,968.75	0.97	1,033,828.00	0.98	4.41
<b>ISSUER TOTAL</b>							7,000,000.00	7,009,687.51	6.66	7,067,264.00	6.71	1.80
<b><u>FHLMC</u></b>												
3134G2QC9	U.S. Instrumentality	1.125	07/18/2014	01/18/2012	AA+	Aaa	2,000,000.00	1,998,500.00	1.90	2,000,570.00	1.90	0.05
3134G2B92	U.S. Instrumentality	0.500	03/13/2013	03/13/2012	AA+	Aaa	1,000,000.00	1,000,000.00	0.95	1,000,627.00	0.95	0.20
3134G2NK4	U.S. Instrumentality	1.125	07/11/2014	07/11/2012	AA+	Aaa	2,000,000.00	2,001,740.00	1.90	2,005,834.00	1.90	0.53
3134G2TH5	U.S. Instrumentality	2.050	07/27/2016	07/27/2012	AA+	Aaa	2,000,000.00	2,000,000.00	1.90	2,018,200.00	1.92	0.57
<b>ISSUER TOTAL</b>							7,000,000.00	7,000,240.00	6.65	7,025,231.00	6.67	0.36



**City of Menlo Park**  
**GASB 40 - Deposit and Investment Risk Disclosure**  
**December 31, 2011**

CUSIP	Type	Coupon	Maturity Date	Call Date	S&P Rating	Moody Rating	Par Value / Shares	Historical Cost	% Portfolio Hist Cost	Market Value	% Portfolio Mkt Value	Weighted Avg Mkt Dur (Yrs)
<b><u>FFCB</u></b>												
31331QKS5	U.S. Instrumentality	4.700	01/03/2012		AA+	Aaa	1,000,000.00	996,530.00	0.95	1,000,000.00	0.95	0.01
31331KAA8	U.S. Instrumentality	1.390	01/24/2014	01/24/2012	AA+	Aaa	1,000,000.00	999,900.00	0.95	1,000,687.00	0.95	0.07
<b>ISSUER TOTAL</b>							2,000,000.00	1,996,430.00	1.90	2,000,687.00	1.90	0.04
<b><u>GE Capital</u></b>												
36962G3K8	Corporate	5.250	10/19/2012		AA+	Aa2	1,000,000.00	1,032,300.00	0.98	1,034,973.00	0.98	0.79
36962GX41	Corporate	5.650	06/09/2014		AA+	Aa2	750,000.00	818,760.00	0.78	812,712.00	0.77	2.29
<b>ISSUER TOTAL</b>							1,750,000.00	1,851,060.00	1.76	1,847,685.00	1.75	1.45
<b><u>New York Life Global Funding</u></b>												
64952WAJ2	Corporate	5.250	10/16/2012		AA+	Aaa	1,000,000.00	1,086,950.00	1.03	1,037,089.00	0.98	0.78
<b>ISSUER TOTAL</b>							1,000,000.00	1,086,950.00	1.03	1,037,089.00	0.98	0.78
<b><u>Wal-Mart</u></b>												
931142DA8	Corporate	1.625	04/15/2014		AA	Aa2	1,000,000.00	1,020,000.00	0.97	1,021,987.00	0.97	2.24
<b>ISSUER TOTAL</b>							1,000,000.00	1,020,000.00	0.97	1,021,987.00	0.97	2.24
<b><u>TIAA Global Markets</u></b>												
87244EAC6	Corporate	5.125	10/10/2012		AA+	Aa1	950,000.00	1,012,443.50	0.96	980,167.25	0.93	0.76
<b>ISSUER TOTAL</b>							950,000.00	1,012,443.50	0.96	980,167.25	0.93	0.76
<b><u>Goldman Sachs</u></b>												
38146FAK7	U.S. Agency	2.150	03/15/2012		AA+	Aaa	1,000,000.00	1,009,810.00	0.96	1,004,048.00	0.95	0.21
<b>ISSUER TOTAL</b>							1,000,000.00	1,009,810.00	0.96	1,004,048.00	0.95	0.21
<b><u>MICROSOFT CORP</u></b>												
594918AG9	Corporate	1.625	09/25/2015		AAA	Aaa	1,000,000.00	1,003,400.00	0.95	1,028,799.00	0.98	3.61
<b>ISSUER TOTAL</b>							1,000,000.00	1,003,400.00	0.95	1,028,799.00	0.98	3.61
<b><u>Prn Receivable</u></b>												
	Cash and Equivalents	0.000	01/03/2012				1,000,000.00	1,000,000.00	0.95	1,000,000.00	0.95	0.00
<b>ISSUER TOTAL</b>							1,000,000.00	1,000,000.00	0.95	1,000,000.00	0.95	0.00
<b><u>Johnson &amp; Johnson</u></b>												
478160AX2	Corporate	1.200	05/15/2014		AAA	Aaa	1,000,000.00	998,830.00	0.95	1,015,433.00	0.96	2.34
<b>ISSUER TOTAL</b>							1,000,000.00	998,830.00	0.95	1,015,433.00	0.96	2.34

**City of Menlo Park**  
**GASB 40 - Deposit and Investment Risk Disclosure**  
**December 31, 2011**

CUSIP	Type	Coupon	Maturity Date	Call Date	S&P Rating	Moody Rating	Par Value / Shares	Historical Cost	% Portfolio Hist Cost	Market Value	% Portfolio Mkt Value	Weighted Avg Mkt Dur (Yrs)
<b><u>Int Receivable</u></b>												
	Cash and Equivalents	0.000	01/03/2012				5,000.00	5,000.00	0.00	5,000.00	0.00	0.00
<b>ISSUER TOTAL</b>							5,000.00	5,000.00	0.00	5,000.00	0.00	0.00

**GRAND TOTAL** **104,854,155.94**    **105,282,721.95**    **100.00**    **105,385,106.19**    **100.00**    **0.48**

Highlighted totals are issuers representing 5.00% or more of the portfolio's market value.

**City of Menlo Park  
Securities Purchased  
for the period December 1, 2011 - December 31, 2011**

CUSIP/ Description	Purchase Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Unit Cost	Principal Cost	Accrued Interest Purchased	Yield
<b><u>Cash and Equivalents</u></b>								
LAIF - City 98-19-228	12/09/2011	0.401 V		4,400,000.00	100.000	4,400,000.00	0.00	0.40
LAIF - City 98-19-228	12/15/2011	0.401 V		3,500,000.00	100.000	3,500,000.00	0.00	0.40
LAIF	12/19/2011	0.401 V		3,000,000.00	100.000	3,000,000.00	0.00	0.40
LAIF - City 98-19-228	12/19/2011	0.401 V		6,500,000.00	100.000	6,500,000.00	0.00	0.40
<b>TOTAL</b>				17,400,000.00		17,400,000.00	0.00	
<b><u>U.S. Instrumentality</u></b>								
3135G0GE7 FNMA	Call 12/12/2011	1.000	12/05/2014 06/05/2012	2,000,000.00	100.146	2,002,920.00	388.89	0.70
<b>TOTAL</b>				2,000,000.00		2,002,920.00	388.89	
<b><u>Corporate</u></b>								
36962GX41 GE Capital	12/14/2011	5.650	06/09/2014	750,000.00	109.168	818,760.00	588.54	1.86
<b>TOTAL</b>				750,000.00		818,760.00	588.54	
<b>GRAND TOTAL</b>				20,150,000.00		20,221,680.00	977.43	

V = variable rate, opening rate shown, average rate for Cash & Equivalents

**City of Menlo Park**  
**Securities Sold and Matured**  
**for the period December 1, 2011 - December 31, 2011**

CUSIP/ Description	Sale or Maturity Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost	Amortized Cost at Sale or Maturity / Accr / (Amort)	Sale/ Maturity Price	Fair Value at Sale or Maturity / Chg. In Fair Value	Realized Gain (Loss)	Accrued Interest Sold	Interest Received	Interest Earned	Yield
<b>Cash and Equivalents</b>													
LAIF - City 98-19-228	12/12/11	0.401 V		1,500,000.00	1,500,000.00	1,500,000.00 0.00	100.00	1,500,000.00 0.00	0.00	0.00	0.00	0.00	0.40
LAIF - City 98-19-228	12/14/11	0.401 V		1,200,000.00	1,200,000.00	1,200,000.00 0.00	100.00	1,200,000.00 0.00	0.00	0.00	0.00	0.00	0.40
LAIF - City 98-19-228	12/23/11	0.401 V		950,000.00	950,000.00	950,000.00 0.00	100.00	950,000.00 0.00	0.00	0.00	0.00	0.00	0.40
<b>TOTAL</b>				3,650,000.00	3,650,000.00	3,650,000.00 0.00		3,650,000.00 0.00	0.00	0.00	0.00	0.00	
<b>U.S. Treasury</b>													
912828ML1 T-Note	12/31/11	1.000	12/31/11	1,000,000.00	998,125.00	1,000,000.00 77.05	100.00	1,000,000.00 (781.00)	0.00	0.00	5,000.00	815.22	1.10
<b>TOTAL</b>				1,000,000.00	998,125.00	1,000,000.00 77.05		1,000,000.00 (781.00)	0.00	0.00	5,000.00	815.22	
<b>U.S. Agency</b>													
17313UAA7 Citigroup Inc	12/09/11 E	2.875	12/09/11	1,000,000.00	1,029,980.00	1,000,000.00 (251.14)	100.00	1,000,000.00 (319.00)	0.00	0.00	14,375.00	638.89	1.70
<b>TOTAL</b>				1,000,000.00	1,029,980.00	1,000,000.00 (251.14)		1,000,000.00 (319.00)	0.00	0.00	14,375.00	638.89	
<b>U.S. Instrumentality</b>													
31331XGM8 FFCB	12/08/11	4.625	12/08/11	2,000,000.00	1,983,840.00	2,000,000.00 65.96	100.00	2,000,000.00 (1,672.00)	0.00	0.00	46,250.00	1,798.61	4.82
31331KNF3 FFCB	Call 12/09/11	1.690	06/09/15 01/09/12	1,000,000.00	999,500.00	999,562.63 2.74	100.00	1,000,000.00 (245.00)	437.37	0.00	8,450.00	375.56	1.70
31331KNF3 FFCB	Call 12/09/11	1.690	06/09/15 01/09/12	1,000,000.00	999,500.00	999,562.63 2.74	100.00	1,000,000.00 (245.00)	437.37	0.00	8,450.00	375.56	1.70
3137EACF4 FHLMC	12/15/11	1.125	12/15/11	3,500,000.00	3,494,645.00	3,500,000.00 95.75	100.00	3,500,000.00 (1,407.00)	0.00	0.00	19,687.50	1,531.25	1.20
<b>TOTAL</b>				7,500,000.00	7,477,485.00	7,499,125.26 167.19		7,500,000.00 (3,569.00)	874.74	0.00	82,837.50	4,080.98	

**City of Menlo Park**  
**Securities Sold and Matured**  
**for the period December 1, 2011 - December 31, 2011**

CUSIP/ Description	Sale or Maturity Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost	Amortized Cost at Sale or Maturity / Accr / (Amort)	Sale/ Maturity Price	Fair Value at Sale or Maturity / Chg. In Fair Value	Realized Gain (Loss)	Accrued Interest Sold	Interest Received	Interest Earned	Yield
<b>GRAND TOTAL</b>				<b>13,150,000.00</b>	<b>13,155,590.00</b>	<b>13,149,125.26</b> <b>(6.90)</b>		<b>13,150,000.00</b> <b>(4,669.00)</b>	<b>874.74</b>	<b>0.00</b>	<b>102,212.50</b>	<b>5,535.09</b>	

V = variable rate, current rate shown, average rate for Cash & Cash Equivalents

E = Corp Sec FDIC Guaranteed

**City of Menlo Park  
Transaction Report  
for the period December 1, 2011 - December 31, 2011**

Date	CUSIP	Transaction	Sec Type	Description	Maturity	PAR Value/Shares	Principal	Interest	Transaction Total	Balance	
12/08/2011	31331XGM8	Maturity	INS	FFCB	12/08/2011	2,000,000.00	2,000,000.00	0.00	2,000,000.00	2,000,000.00	
	31331XGM8	Interest	INS	FFCB	12/08/2011	2,000,000.00	0.00	46,250.00	46,250.00	2,046,250.00	
	313373XT4	Interest	INS	FHLB	06/08/2015	2,000,000.00	0.00	18,750.00	18,750.00	2,065,000.00	
	3133XKSK2	Interest	INS	FHLB	06/08/2012	2,000,000.00	0.00	48,750.00	48,750.00	2,113,750.00	
12/09/2011	17313UAA7	Maturity	AGY	Citigroup Inc	12/09/2011	1,000,000.00	1,000,000.00	0.00	1,000,000.00	3,113,750.00	
	17313UAA7	Interest	AGY	Citigroup Inc	12/09/2011	1,000,000.00	0.00	14,375.00	14,375.00	3,128,125.00	
	31331KNF3	Interest	INS	FFCB	06/09/2015	2,000,000.00	0.00	16,900.00	16,900.00	3,145,025.00	
	31331KNF3	Call	INS	FFCB	06/09/2015	2,000,000.00	1,999,125.26	0.00	2,000,000.00	5,145,025.00	
		Bought	CE	LAIF - City 98-19-228		4,400,000.00	4,400,000.00	0.00	(4,400,000.00)	745,025.00	
12/12/2011	3133XWNB1	Interest	INS	FHLB	06/12/2015	1,500,000.00	0.00	21,562.50	21,562.50	766,587.50	
	3135G0GE7	Bought	INS	FNMA	12/05/2014	2,000,000.00	2,002,920.00	388.89	(2,003,308.89)	(1,236,721.39)	
		Sold	CE	LAIF - City 98-19-228		1,500,000.00	1,500,000.00	0.00	1,500,000.00	263,278.61	
12/14/2011	36962GX41	Bought	COR	GE Capital	06/09/2014	750,000.00	818,760.00	588.54	(819,348.54)	(556,069.93)	
		Sold	CE	LAIF - City 98-19-228		1,200,000.00	1,200,000.00	0.00	1,200,000.00	643,930.07	
12/15/2011	3137EACF4	Maturity	INS	FHLMC	12/15/2011	3,500,000.00	3,500,000.00	0.00	3,500,000.00	4,143,930.07	
	3137EACF4	Interest	INS	FHLMC	12/15/2011	3,500,000.00	0.00	19,687.50	19,687.50	4,163,617.57	
	912828PL8	Interest	TSY	T-Note	12/15/2013	2,000,000.00	0.00	7,500.00	7,500.00	4,171,117.57	
		Bought	CE	LAIF - City 98-19-228		3,500,000.00	3,500,000.00	0.00	(3,500,000.00)	671,117.57	
12/19/2011		Bought	CE	LAIF - City 98-19-228		6,500,000.00	6,500,000.00	0.00	(6,500,000.00)	(5,828,882.43)	
		Bought	CE	LAIF		3,000,000.00	3,000,000.00	0.00	(3,000,000.00)	(8,828,882.43)	
12/23/2011		Sold	CE	LAIF - City 98-19-228		950,000.00	950,000.00	0.00	950,000.00	(7,878,882.43)	
12/31/2011	912828ML1	Maturity	TSY	T-Note	12/31/2011	1,000,000.00	1,000,000.00	0.00	1,000,000.00	(6,878,882.43)	
	912828ML1	Interest	TSY	T-Note	12/31/2011	1,000,000.00	0.00	5,000.00	5,000.00	(6,873,882.43)	
		Bought	CE	Prn Receivable	01/03/2012	1,000,000.00	1,000,000.00	0.00	(1,000,000.00)	(7,873,882.43)	
		Bought	CE	Int Receivable	01/03/2012	5,000.00	5,000.00	0.00	(5,000.00)	(7,878,882.43)	
<b>Portfolio Activity Total</b>										<b>(7,878,882.43)</b>	
<b>Net Contributions</b>		<b>7,881,906.16</b>	<b>Net Withdrawals</b>		<b>0.00</b>	<b>Fees Charged</b>		<b>3,023.73</b>	<b>Fees Paid</b>		<b>3,023.73</b>

**City of Menlo Park  
Securities Bid and Offer  
for the period December 01, 2011 - December 31, 2011**

Trans	Settle	Description	Call Date	Broker	Par Value	Discount	Price	YTM/YTC	Competitive Bids
BUY	12/12/2011	FNMA 1 12/05/2014	06/05/12	BAS	2,000,000		100.146	0.95/0.69	UBS-FNMA Call 1 12/14-06/12@0.68YTC CIT-FNDN 06/11/12@ 0.06YTM
BUY	12/14/2011	GE 5.65 06/09/2014		CIT	750,000		109.168	1.86	BAS-GE 5.9 05/13/14@1.75YTM UBS-T 1 05/15/14@0.29YTM

**City of Menlo Park**  
**Upcoming Cash Activity**  
**for the next 45 days**

Date	Transaction	CUSIP	Description	Coupon	Maturity Date	Next Call Date	Par / Shares	Principal	Interest	Transaction Total
01/03/2012	Maturity	31331QKS5	FFCB	4.700	01/03/2012		1,000,000.00	1,000,000.00	23,500.00	1,023,500.00
01/11/2012	Interest	3134G2NK4	FHLMC	1.125	07/11/2014	07/11/2012	2,000,000.00	0.00	11,250.00	11,250.00
01/12/2012	Potential Call	3133702W7	FHLB	1.400	07/12/2013	01/12/2012	2,000,000.00	2,000,000.00	14,000.00	2,014,000.00
01/12/2012	Maturity	31398AB43	FNMA	0.875	01/12/2012		1,500,000.00	1,500,000.00	6,562.50	1,506,562.50
01/18/2012	Interest	3134G2QC9	FHLMC	1.125	07/18/2014	01/18/2012	2,000,000.00	0.00	11,250.00	11,250.00
01/24/2012	Interest	31331KAA8	FFCB	1.390	01/24/2014	01/24/2012	1,000,000.00	0.00	6,950.00	6,950.00
01/27/2012	Interest	3134G2TH5	FHLMC	2.050	07/27/2016	07/27/2012	2,000,000.00	0.00	20,500.00	20,500.00
01/31/2012	Interest	912828QX1	T-Note	1.500	07/31/2016		1,000,000.00	0.00	7,459.24	7,459.24