



**CITY COUNCIL
SPECIAL AND REGULAR MEETING
AMENDED AGENDA**

**Tuesday, January 27, 2015 at 5:30 PM
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025**
Amended to include an additional Closed Session item

5:30 P.M. CLOSED SESSION (1st floor Council Conference Room, Administration Building)

CL1. Closed session pursuant to Government Code Section 54956.9. Conference with Legal Counsel regarding anticipated litigation: One (1) Case

CL2. Closed session pursuant to Government Code Section 54956.8 regarding real property negotiations (1 matter):

Property: 1000 El Camino Real, Menlo Park

City Negotiators: Bill McClure, City Attorney, Alex McIntyre, City Manager

Negotiating Parties: City of Menlo Park (Lessor) and MPOC Investors, LLC (Lessee)

Under Negotiation: Potential amendment to Ground Lease, including extension of Term, annual rent and other terms

7:00 P.M. REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

REPORT FROM CLOSED SESSION

ANNOUNCEMENTS

A. PRESENTATIONS AND PROCLAMATIONS

A1. Certificate of Recognition awarded to Mia Wurster for participating in MarsterChef Junior competition

A2. Proclamation recognizing January as a National Anti-Human Trafficking Month

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS – None

C. PUBLIC COMMENT #1

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.** Approve and authorize the Mayor to execute Cultural Exchange Agreements between the City of Menlo Park and the Xinbei District, China; City of Kochi, India; and City of Bizen, Japan ([Staff Report #15-020](#))
- D2.** Authorize the City Manager to execute the Water Main Cost Sharing Agreement with Anton Menlo, LLC and Greystar GP, LLC ([Staff Report #15-009](#))
- D3.** Authorize the Public Works Director to accept the work performed by C.F. Archibald Paving Inc. for the 2014-2015 Resurfacing of Federal Aid Routes Project (Federal Aid Project No. STPL 5273 023) ([Staff Report #15-013](#))
- D4.** Initiate the Menlo Park Landscape Assessment District proceedings for fiscal year 2015-2016 and adopt a resolution describing the improvements and direct preparation of the Engineer’s Report ([Staff Report #15-008](#))
- D5.** Waive the reading and adopt ordinances rezoning properties located at 700 Oak Grove Avenue and 1231 Hoover Street and amendment to the P-F (Public Facilities) zoning district related to the construction of a new fire station ([Staff Report #15-012](#))
- D6.** Approve a contract with Q2Kicks Inc., (Menlo Park Kuk Sool Won) for rental of space in the Arrillaga Family Recreation Center beginning January 1, 2015 through December 31, 2015 ([Staff Report #15-015](#))
- D7.** Approval of Economic Development Plan Goals ([Staff Report #15-019](#))
- D8.** Accept Council minutes for the meeting of January 13 ([Attachment](#))

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

- F1.** Provide direction for the expansion of the Santa Cruz Avenue Enhanced On-Street Seating Pilot Program ([Staff Report #15-018](#))
- F2.** Request by Councilmember Mueller to Modify the City Code Relating to Purchasing Authority ([Staff Report #15-022](#))

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- F3.** Authorize travel to Kochi, India by Mayor Catherine Carlton and approve the expenditure of city funds not to exceed \$2,000 for travel expenses to sign a cultural exchange agreement ([Staff Report #15-017](#))
- F4.** Review and discuss the Police Department's Policy on the use of body cameras and the retention of recordings and determine whether Council desires to adopt a policy or ordinance ([Staff Report#15-014](#))
- F5.** Consider a resolution ratifying the Menlo Park Fire Protection District's ordinance for the adoption of and local amendments to the 2013 California Fire Code ([Staff Report #15-011](#))
- F6.** Status update and possible Council feedback on the Environmental Review for the 1300 El Camino Real Project – Continuation to February 24, 2015 ([Staff Report #15-016](#))
- F7.** Discuss recommendations for various vacant seats on regional boards to be voted on at the City Selection Committee meeting of January 30, 2015 ([Staff report #15-023](#))

G. CITY MANAGER'S REPORT – None

H. WRITTEN COMMUNICATION – None

I. INFORMATIONAL ITEMS

- I1.** Update on the Priority Conservation Area Program and a potential application partnering with the City of East Palo Alto, City of Palo Alto and the Midpeninsula Open Space District for the Baylands ([Staff Report #15-021](#))
- I2.** 2014 Commissions Attendance Report ([Staff Report #15-010](#))

J. COUNCILMEMBER REPORTS

K. PUBLIC COMMENT #2

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/AgendaCenter> and can receive e-mail notification of agenda and staff report postings by subscribing to the [Notify Me](http://www.menlopark.org/notifyme) service on the City's homepage at www.menlopark.org/notifyme. 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: 1/22/2015)

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

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

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



AGENDA ITEM D-1
OFFICE OF THE CITY MANAGER

Council Meeting Date: January 27, 2015
Staff Report #: 15-020

CONSENT CALENDAR: **Approve and Authorize the Mayor to execute Cultural Exchange Agreements with Xinbei, China, Kochi, India and Bizen, Japan**

RECOMMENDATION

It is recommended that the City Council approve and authorize the Mayor to execute Cultural Exchange Agreements with Xinbei, China, Kochi, India and Bizen, Japan.

BACKGROUND

Council expressed interest in pursuing cultural exchange agreements with Xinbei, China, Kochi, India and Bizen, Japan. At its meeting on October 21, 2014, this item was brought before the City Council and it unanimously approved authorizing the Mayor to execute said agreements with Xinbei, China and Kochi, India. At that time, the Council also established a subcommittee and appointed Councilmembers Ray Mueller and Catherine Carlton to explore opportunities for additional, similar relationships with other foreign cities. Bizen, Japan has been identified as another city for Menlo Park to agree to a cultural exchange. Pursuant to Council direction, staff has prepared agreements for Council's review and approval.

IMPACT ON CITY RESOURCES

Staff time and resources will be required to support reciprocal City-sponsored visits and events that may result from these Cultural Exchange Agreements.

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. Cultural Exchange Agreement with Xinbei District, China
- B. Cultural Exchange Agreement with Kochi, India
- C. Cultural Exchange Agreement with Bizen, Japan

Report prepared by:
Pamela Aguilar
City Clerk

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CULTURAL EXCHANGE AGREEMENT

between

XINBEI DISTRICT, CHANGZHOU PREFECTURE,
PEOPLE'S REPUBLIC OF CHINA

and

MENLO PARK, CALIFORNIA, UNITED STATES OF AMERICA

The District of Xinbei, ChangZhou Prefecture, People's Republic of China, and the City of Menlo Park, California, United States of America, wish to enhance the understanding and friendship between their two cities, and agree to establish friendly relations through consultations as follows:

1. Adhering to the principle of equality and mutual benefit, both cities may initiate various information sharing opportunities and exchanges in terms of education, culture, and economy in order to promote common prosperity and quality of life.
2. Both cities may keep in regular contact for discussion and consultation on various issues of mutual interest and promote civic exchange.
3. This agreement may be terminated in writing, in whole or in part, when such action is deemed by either city to be in its best interest.
4. The cities shall each execute this agreement in accordance with the national, state and local regulations, policies and existing rules applied to each city.
5. This agreement shall not be interpreted to result in any financial commitments or other binding obligations between the cities.

Signed in _____ on the ___ day of January, 2015. In case of divergence in interpretation, the English text shall prevail.

Xinbei District, ChangZhou Prefecture, People's Republic of China

(District Official)

Date

City of Menlo Park, California, United States of America

Catherine Carlton, Mayor

Date

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CULTURAL EXCHANGE AGREEMENT

between

KOCHI, INDIA

and

MENLO PARK, CALIFORNIA, UNITED STATES OF AMERICA

The City of Kochi, India, and the City of Menlo Park, California, United States of America, wish to enhance the understanding and friendship between their two cities, and agree to establish friendly relations through consultations as follows:

1. Adhering to the principle of equality and mutual benefit, both cities may initiate various information sharing opportunities and exchanges in terms of education, culture, and economy in order to promote common prosperity and quality of life.
2. Both cities may keep in regular contact for discussion and consultation on various issues of mutual interest and promote civic exchange.
3. This agreement may be terminated in writing, in whole or in part, when such action is deemed by either city to be in its best interest.
4. The cities shall each execute this agreement in accordance with the national, state and local regulations, policies and existing rules applied to each city.
5. This agreement shall not be interpreted to result in any financial commitments or other binding obligations between the cities.

Signed in _____ on the ___ day of January, 2015. In case of divergence in interpretation, the English text shall prevail.

City of Kochi, India

Tony Chamminy, Mayor

Date

City of Menlo Park, California, United States of America

Catherine Carlton, Mayor

Date

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CULTURAL EXCHANGE AGREEMENT

between

BIZEN, OKAYAMA PREFECTURE, JAPAN

and

MENLO PARK, CALIFORNIA, UNITED STATES OF AMERICA

The City of Bizen, Okayama Prefecture, Japan, and the City of Menlo Park, California, United States of America, wish to enhance the understanding and friendship between their two cities, and agree to establish friendly relations through consultations as follows:

1. Adhering to the principle of equality and mutual benefit, both cities may initiate various information sharing opportunities and exchanges in terms of education, culture, and economy in order to promote common prosperity and quality of life.
2. Both cities may keep in regular contact for discussion and consultation on various issues of mutual interest and promote civic exchange.
3. This agreement may be terminated in writing, in whole or in part, when such action is deemed by either city to be in its best interest.
4. The cities shall each execute this agreement in accordance with the national, state and local regulations, policies and existing rules applied to each city.
5. This agreement shall not be interpreted to result in any financial commitments or other binding obligations between the cities.

Signed in _____ on the ___ day of January, 2015. In case of divergence in interpretation, the English text shall prevail.

City of Bizen, Okayama Prefecture, Japan

Takeshi Yoshimura, Mayor

Date

City of Menlo Park, California, United States of America

Catherine Carlton, Mayor

Date

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PUBLIC WORKS DEPARTMENT

Council Meeting Date: January 27, 2015
Staff Report #: 15-009

CONSENT CALENDAR: **Authorize the City Manager to Execute the Water Main Cost Sharing Agreement with Anton Menlo, LLC and Greystar GP, LLC**

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute the water main cost sharing agreement with Anton Menlo, LLC, for their project located at 3639 Haven Avenue and Greystar GP, LLC for their project located at 3645 Haven Avenue.

POLICY ISSUES

The proposed agreement requires City Council approval, since the amount of the requested fee waiver exceeds City Manager's authority.

BACKGROUND

On October 7, 2013, the Planning Commission reviewed the then 393 (now 394) unit, multi-family residential Anton development relative to R-4-S development regulations and design standards. Their review was advisory but their comments were considered in the Community Development Director's determination of whether the proposal was in compliance with the zoning guidelines. The Director approved the project. Offsite improvements are underway and building permit applications are under review.

On August 18, 2013, the Planning Commission did a similar review of the 146 unit Greystar multi-family residential project. On May 19, 2014, the Community Development Director approved the project including a lot merger combining five parcels into one. Offsite improvements are under review and building permit applications are expected to be submitted in the next few months.

In 2001, the Water Master Plan recommended that a piping loop be installed in the municipal water system to remove a "dead end" at the end of Haven Avenue. The loop was recommended to increase redundancy and improve resiliency of the system in the event of an earthquake. Occasionally, the main along Haven Avenue is shut down for maintenance. This maintenance work is typically performed in the evening, after business hours. However, with the introduction of residential uses, evening shutdowns would no longer be feasible.

In light of the Water Master Plan recommendation and the change of use to include 540 multi-family residential units, the Engineering Division required that these two projects install a second, new, parallel water main and additional valves in Haven Avenue.

ANALYSIS

The two developers have agreed to share the cost of this installation in proportion to their respective number of apartment units to be built. The engineer's estimate of the construction cost is \$375,000. The Water Cost Sharing Agreement requires the developers pay the entire amount necessary to complete the work, even if it exceeds this estimate. Since the Anton project is farther along, that developer would construct the project and invoice the Greystar project for their respective share of the cost.

In return for the construction of this new water main, the City is proposing to waive the \$75,000 engineering review and inspection fees for the water line. The City also is proposing to waive the water capital fees of \$147,000 for these two development projects. The Agreement contains provisions for compliance with laws, including prevailing wage requirements; indemnification and insurance; notice; ownership of the final product and others. The City Attorney has reviewed and approved the Agreement.

The offsite project plans have been approved by the Engineering Division, and the applicant has been issued an Encroachment permit to start work pending Council approval of the cost sharing agreement.

IMPACT ON CITY RESOURCES

The City would waive the \$75,000 engineering review and inspection fees for the water line. The City would also waive the water capital fees of \$147,000 for these two development projects.

ENVIRONMENTAL REVIEW

Environmental review is not required for this action.

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. Water Main Cost Sharing Agreement

Report prepared by:
Ebby Sohrabi
Senior Civil Engineer

WATER MAIN COST SHARING AGREEMENT

This Water Main Cost Sharing Agreement (“Agreement”) is made this ____ day of January, 2015 (“Execution Date”) by and between the City of Menlo Park (“City”), Anton Menlo, LLC, a California Limited Liability Company (“Anton”) and CV MENLO PARK, LLC, a Delaware limited liability company (“Greystar”), each of which is referred to herein individually as "Party" and jointly as "Parties."

RECITALS

WHEREAS, the City received an application from Anton to develop the property commonly known as 3639 Haven Avenue, in the City of Menlo Park with 394 residential units (“Anton Project”); and

WHEREAS, the City received an application from Greystar to develop the property commonly known as 3645 Haven Avenue, in the City of Menlo Park with 146 residential units (“Greystar Project”); and

WHEREAS, the Parties wish to enter into a cost sharing agreement to share the costs of construction of the water main (“Project”) as more specifically described in Exhibit A and shown on Exhibit B on the terms and conditions contained herein.

NOW, THEREFORE, the Parties agree as follows:

SECTION 1: Scope of Work and Reporting

1.1 Scope of Work. Anton is responsible for the completion of the Scope of Work as described in Exhibit A (“Scope of Work”), which is attached to this Agreement and incorporated herein by this reference. Anton is responsible for procuring and administering any professional service and/or other contracts entered into in connection with the Scope of Work. Anton will oversee completion of the Scope of Work. Anton may appoint a designee or engage one or more properly licensed, reputable and insured contractor(s) to perform work necessary to complete the Scope of Work, but Anton remains responsible for the completion of the Scope of Work.

1.2 Required Approvals; Compliance with Laws. Prior to commencement of the Scope of Work, Anton or its designee (e.g., a consultant) will obtain all applicable local, state and federal approvals and permits for the Scope of Work and shall provide Greystar with copies of such permits and approvals upon the written request of Greystar. In addition, Anton must comply with all applicable federal, state and local laws and regulations applicable to the Project, including, but not limited to, applicable prevailing wage requirements. Nothing herein shall be deemed to require Anton or Greystar to comply with prevailing wage requirements regarding any other work performed by it or its contractors other than on the Project as defined herein.

1.3 Access to Records and Record Retention. At all reasonable times, Anton will permit the other Parties access to all reports, designs, drawings, plans, specifications, schedules and other materials prepared, or in the process of being prepared, for the Scope of Work by Anton or any contractor or consultant of Anton. Anton will provide copies of any documents described in this Section to the other Parties upon request. Anton will retain all records pertaining to the Scope of Work for at least three years after completion of the Project.

SECTION 2: Funding and Payment

2.1 City Funding. The City's funding for the Project consists of the City's agreement to waive and to not collect fees in the amount of Two Hundred Twenty-Two Thousand Dollars (\$222,000) as identified in Exhibit C ("City Funding"). The City Funding is a fixed contribution; therefore, public bidding/contracting requirements do not apply as they would not result in any cost savings or benefit to the City. The City's funding commitment under this Agreement in no way establishes a right for Anton or Greystar to receive additional funding from the City.

2.2 Anton and Greystar Funding. The Parties' funding commitments are as identified in Exhibit C attached hereto and incorporated herein by this reference. It is anticipated that the total cost of construction for the Project will be Three Hundred Seventy Five Thousand Dollars (\$375,000). If the cost of construction is at any time expected to exceed Three Hundred Seventy Five Thousand Dollars (\$375,000), then Anton shall provide Greystar an updated cost proposal including reasonable back-up documentation and bids for Greystar's prior written approval, which approval shall not be unreasonably withheld, conditioned, or delayed; provided however that nothing contained herein shall be deemed to prohibit Anton from incurring any cost in excess of \$375,000 toward the Project whether or not approved by Greystar in advance, and Greystar's sole remedy in the event of its disapproval of any such excess shall be to dispute Greystar's obligation to pay any share of such excess costs. Anton agrees to pay seventy-three percent (73%) of the Project construction costs or Two Hundred Seventy-Three Thousand Six Hundred Eleven Dollars (\$273,611). Greystar agrees to pay twenty-seven percent (27%) of the Project construction costs or One Hundred One Thousand Three Hundred Eighty-Nine Dollars (\$101,389). Anton and Greystar agree to pay the entire amount necessary to complete the construction of the Project in accordance with the percentages described above regardless of the actual cost of the Scope of Work. The actual amounts to be paid shall be based upon the final cost of construction of the Project, which shall be evidenced by invoices or other evidence as provided by Anton to Greystar. In no event shall the costs include any of Anton's internal employee costs or management expenses of affiliated entities. Anton shall provide to Greystar documentation of the Scope of Work and invoices showing the amounts paid for construction of the Project and shall document, in accordance with generally accepted accounting principles, the costs incurred by Anton to complete the Project.

2.3 Payment of Funds. Anton will invoice Greystar for twenty-seven percent (27%) of the Project construction costs, as such costs are incurred by Anton. Provided Greystar does not dispute in good faith and for reasons to be stated by Greystar, the propriety of any expense incurred by Anton toward the cost of constructing the Project, Greystar shall pay Anton within 30 days of the date of the invoice (which invoice shall be accompanied by reasonable back-up documentation showing amounts paid, including all invoices). In the event of any good faith dispute by Greystar in accordance with the foregoing sentence, Greystar and Anton shall meet and confer within five days after written notice from Greystar as to the reasons for Greystar's dispute of the propriety of any amounts invoiced by Anton in order to resolve such dispute. Notwithstanding any such dispute by Greystar, Greystar shall timely pay to Anton any amounts (or partial amounts) as are undisputed. Any amounts owed to Anton which are not timely paid by Greystar, shall accrue interest at the rate of ten percent (10%) per annum until paid by Greystar. Without in any manner giving rise to any liability or cost to the City, the City agrees to use its good faith efforts to avoid the issuance to Greystar of any occupancy permit for the Greystar Project until the entirety of Greystar's portion of the total cost of the Project incurred by Anton has been paid to Anton.

2.4 Use of Funds. Anton agrees that it shall use the funds received pursuant to this Agreement only for the Project, except to the extent of any reimbursement to Anton of costs which have already been paid by Anton. Anton shall document, in accordance with commercially reasonable accounting principles, the costs paid by Anton to complete the Project.

SECTION 3: Term

3.1 Term. The term of this Agreement will commence on the Execution Date and conclude upon the later of (i) the successful completion of the Project, specifically upon acceptance of the work by the City, and (ii) the date upon which Greystar has reimbursed to Anton the entirety of Greystar's portion of the total cost of the Project incurred by Anton in connection with the completion of the Project and the acceptance thereof by the City.

3.2 Time of Performance. The Project must be completed prior to the City's final inspection allowing occupancy of either the Anton Project or the Greystar Project. Specifically, the Parties hereby acknowledge and agree the (i) in no event shall the City issue any occupancy permit for the Anton Project until the Project is complete, and (ii) in no event shall the City issue any occupancy permit for the Greystar Project until the entirety of Greystar's portion of the total cost of the Project incurred by Anton in connection with the completion of the Project and the acceptance thereof by the City.

3.3 Right to Take Over Construction. If Anton fails to substantially complete the Project on or before September 1, 2015, then, Greystar may elect to take over the construction of the Project in the manner hereinafter described. Greystar shall deliver not less than ten (10) days' prior written notice to Anton of its intent to take over

construction of the Project. Thereafter, Greystar shall replace Anton and resume and complete construction of the Project, and after such takeover, Greystar shall be entitled to all rights of Anton and bear all responsibility of Anton, under this Agreement; and Anton shall be entitled to all rights of Greystar and bear all responsibility of Greystar under this Agreement (including the obligation to reimburse Greystar for 73% of the costs incurred by Greystar in accordance with the requirements of this Agreement to finish the Project). Anton shall cooperate by assigning to Greystar, at the request of Greystar, all permits, if any, issued for construction of the Project. Greystar may retain, at its election, its own contractors or Anton's contractors to complete the Project. After such takeover, Greystar must comply with all obligations of this Agreement regarding the construction of the Project, including without limitation compliance with all applicable federal, state and local laws and regulations applicable to the Project (including, but not limited to, prevailing wage requirements). Nothing herein shall be deemed to require Greystar or Anton to comply with prevailing wage requirements regarding any other work performed by it or its contractors other than on the Project as defined herein.

SECTION 4: Indemnification and Insurance

4.1 Indemnity. Anton shall indemnify, keep and save harmless the City and its directors, officers, agents and employees against any and all suits, claims or actions arising out of any injury to persons or property that may occur, or that may be alleged to have occurred, arising from the performance of the Scope of Work with the exception of the City's gross negligence or willful misconduct or Greystar's gross negligence or willful misconduct. Anton further agrees to defend any and all such actions, suits or claims and pay all charges of attorneys and all other costs and expenses of defenses as they are incurred with the exception of the City's gross negligence or willful misconduct or Greystar's gross negligence or willful misconduct. If any judgment is rendered, or settlement reached, against the City in any such action for which Anton is responsible to indemnify the City in accordance with this Section 4.1, Anton shall, at its expense, satisfy and discharge the same. This indemnification shall survive termination or expiration of the Agreement for a period of four (4) years thereafter.

4.2 Release and Hold Harmless. Anton and Greystar shall release and hold harmless the City and its directors, officers, agents and employees against any and all suits, claims or actions arising out of related to the Parties cost sharing as identified in this Agreement (except with respect to the City's obligations contained in Section 2.1 above). This release shall survive termination or expiration of the Agreement.

4.3 Insurance. For the purposes of this Insurance section, "Entity" is defined as any entity designing, approving designs and/or performing the Scope of Work funded by this Agreement. Entities may include Anton, a contractor of Anton, and/or a contractor of any of them.

All Entities will provide the appropriate insurance covering the portion of the Scope of Work being performed by such Entity. The insurance requirements specified in this section will cover each Entity's own liability and any liability arising out of the portion

of the Scope of Work or services of such Entity's subcontractors, subconsultants, suppliers, temporary workers, independent contractors, leased employees, or any other persons, firms or corporations (hereinafter collectively referred to as "Agents") working on the applicable Scope of Work.

a) Minimum Types and Scope of Insurance. Each Entity is required to procure and maintain at its sole cost and expense insurance subject to the requirements set forth below. Such insurance will remain in full force and effect throughout performance of the Scope of Work. All policies will be issued by insurers reasonably acceptable to the City (generally with a Best's Rating of A-10 or better). Each Entity is also required to assess the risks associated with work to be performed by Agents and to require that Agents maintain adequate insurance coverages with appropriate limits and endorsements to cover such risks. To the extent that its Agent does not procure and maintain such insurance coverage, an Entity is responsible for and assumes any and all costs and expenses that may be incurred in securing said coverage or in fulfilling Entity's indemnity obligations as to itself or any of its Agents in the absence of coverage. Entities may self-insure against the risks associated with the Scope of Work, but in such case, waive subrogation in favor of the City and Greystar respecting any and all claims that may arise.

i. Workers' Compensation and Employer's Liability Insurance. Worker's Compensation coverage must meet statutory limits and Employer's Liability Insurance must have minimum limits of One Million Dollars. Insurance must include a Waiver of Subrogation in favor of the City and Greystar.

ii. Commercial General Liability Insurance. The limit for Commercial General Liability Insurance in each contract and subcontract cannot be less than One Million Dollars. Commercial General Liability Insurance must be primary to any other insurance, name the City and Greystar as an Additional Insured, include a Separation of Interests endorsement and include a Waiver of Subrogation in favor of the City.

iii. Business Automobile Liability Insurance. The limit for Business Automobile Liability Insurance in each contract and subcontract cannot be less than One Million Dollars. Insurance must cover all owned, non-owned and hired autos, and include a Waiver of Subrogation in favor of the City and Greystar.

iv. Property Insurance. Property Insurance must cover an Entity's and/or Agent's own equipment as well as any materials to be installed. Property Insurance must include a Waiver of Subrogation in favor of the City and Greystar.

v. Professional Liability Insurance. If deemed appropriate by an Entity in consideration of the work required for the Project, insurance should cover each Entity's and any Agent's professional work on the Project. The limit for Professional Liability Insurance in each appropriate contract and subcontract should not be less than One Million Dollars.

vi. Contractors' Pollution Liability Insurance and/or Environmental Liability Insurance. If deemed appropriate by an Entity in consideration of the work required for the Project, insurance should cover potential pollution or environmental contamination or accidents. The limit for Pollution and/or Environmental Liability Insurance in each appropriate contract and subcontract should not be less than One Million Dollars. Such insurance must name the City and Greystar as an Additional Insured and include a Waiver of Subrogation in favor of the City and Greystar.

b) Excess or Umbrella Coverage. Anton and/or any other Entity may opt to procure excess or umbrella coverage to meet the above requirements, but in such case, these policies must also satisfy all specified endorsements and stipulations for the underlying coverages and include provisions that the policy holder's insurance is to be primary without any right of contribution from the City or Greystar.

c) Deductibles and Retentions. Anton must ensure that deductibles or retentions on any of the above insurance policies are paid without right of contribution from the City or Greystar. Deductible and retention provisions cannot contain any restrictions as to how or by whom the deductible or retention is paid. Any deductible or retention provision limiting payment to the named insured is unacceptable. In the event that any policy contains a deductible or self-insured retention, and in the event that the City or Greystar seeks coverage under such policy as an additional insured, Anton will ensure that the policy holder satisfies such deductible to the extent of loss covered by such policy for a lawsuit arising from or connected with any alleged act or omission of the Entity or Agents, even if neither the Entity nor Agents are named defendants in the lawsuit.

d) Claims Made Coverage. If any insurance specified above is provided on a claim made basis, then in addition to coverage requirements above, such policy must provide that:

i. Policy retroactive date coincides with or precedes the Entity's start of work (including subsequent policies purchased as renewals or replacements).

ii. Entity will make every effort to maintain similar insurance for at least three years following Project completion, including the requirement of adding all additional insureds.

iii. If insurance is terminated for any reason, each Entity agrees to purchase an extended reporting provision of at least three years to report claims arising from work performed in connection with this Agreement.

iv. Policy allows for reporting of circumstances or incidents that might give rise to future claims.

e) Failure to Procure Adequate Insurance. Failure by any Entity to procure sufficient insurance to financially support Section 4.1, Indemnity by Anton, of this Agreement does not excuse Anton from meeting all obligations of Section 4.1 and the remainder of this Agreement, generally. Prior to beginning any of the Scope of Work under this Agreement, Anton must obtain, and produce upon request of the City, satisfactory evidence of compliance with the insurance requirements of this section.

SECTION 5: Miscellaneous

5.1 Notices. All notices required or permitted to be given under this Agreement must be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or by personal delivery or overnight courier to the appropriate address indicated below or at such other place(s) that either Party may designate in written notice to the other. Notices are deemed received upon delivery if personally served, one day after mailing if delivered via overnight courier, or two days after mailing if mailed as provided above.

To City:	City of Menlo Park 701 Laurel St. Menlo Park, CA 94025 Attn: Jesse Quirion Interim Public Works Director
With a Copy to:	City Attorney Attn: William L. McClure 1100 Alma Street, Suite 210 Menlo Park, CA 94025
To Anton:	Anton Menlo, LLC Attn: Ardie Zahedani 1801 I Street, Suite 200 Sacramento, CA 95811
With a Copy to:	Andrew F. Sackheim Real Estate Law Group LLP 3455 American River Drive, Suite C Sacramento, CA 95864
To Greystar:	CV Menlo Park, LLC c/o CityView 10877 Wilshire Boulevard, Suite 1200 Los Angeles, CA 9024 Attn: Kris Cheh Beck
With a Copy to:	CV Menlo Park, LLC

c/o Greystar Real Estate Partners, LLC
17885 Von Karman, Suite 450
Irvine, CA 92614
Attn: Jerry Brand

With a Copy to: CV Menlo Park, LLC
c/o Greystar Real Estate Partners, LLC
750 Bering Drive, Suite 400
Houston, TX 77057
Attn: Cliff Nash

With a Copy to: CV Menlo Park, LLC
c/o Greystar Real Estate Partners, LLC
221 Main Street, Suite 1280
San Francisco, CA 94105
Attn: Ali Warner

5.2 No Waiver. No waiver of any default or breach of any covenant of this Agreement by any Party will be implied from any omission by any Party to take action on account of such default if such default persists or is repeated. Express waivers are limited in scope and duration to their express provisions. Consent to one action does not imply consent to any future action.

5.3 Assignment. Except as expressly provided herein, the Parties are prohibited from assigning, transferring or otherwise substituting their interests or obligations under this Agreement without the written consent of all other Parties; provided however, that in the event that either Anton or Greystar conveys or otherwise transfers any interest in the Anton Project or the Greystar Project, respectively, the transferee of such ownership interest shall be bound to each and every obligation of this Agreement and until an assignment and assumption which is reasonably acceptable to the Parties shall be executed by the transferor and the transferee, the transferor shall remain jointly and severally liable for each and every obligation of this Agreement with the transferee. Each Party agrees to provide written notice to each other Party (and to its transferee), along with the identity of such transferee, of any transfer of the transferring Party's property, not later than ten days prior to the effective date of the transfer.

5.4 Governing Law. This Agreement is governed by the laws of the State of California as applied to contracts that are made and performed entirely in California.

5.5 Compliance with Laws. In performance of this Agreement, the Parties must comply with all applicable Federal, State and local laws, regulations and ordinances.

5.6 Modifications. This Agreement may only be modified in a writing executed by all Parties.

5.7 Attorneys' Fees. In the event legal proceedings are instituted to enforce any provision of this Agreement, the prevailing Party in said proceedings is entitled to its costs, including reasonable attorneys' fees.

5.8 Relationship of the Parties. It is understood that this is an Agreement by and between Independent Contractors and does not create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship other than that of Independent Contractor.

5.9 Ownership of Work. To the extent of Anton's ownership and without any representation or warranty on the part of Anton, all reports, designs, drawings, plans, specifications, schedules, studies, memoranda, and other documents assembled for or prepared by or for, in the process of being assembled or prepared by or for, or furnished to Anton under this Agreement shall become (with respect to Greystar, upon payment of the amounts required by Greystar to be paid to Anton under this Agreement) the joint property of the Parties, and will not be destroyed without the prior written consent of the City. The City is entitled to copies and access to these materials during the progress of the Project and upon completion or termination of the Project or this Agreement. Anton may retain a copy of all material produced under this Agreement for its use in its general activities. This Section does not preclude additional shared ownership of work with other entities under contract with Anton for funding of the Project.

5.10 Non-discrimination. Anton and any contractors performing services on behalf of Anton will not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.

5.11 Warranty of Authority to Execute Agreement. Each Party to this Agreement represents and warrants that each person whose signature appears hereon is authorized and has the full authority to execute this Agreement on behalf of the entity that is a Party to this Agreement.

5.12 Severability. If any portion of this Agreement, or the application thereof is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining portions of this Agreement, or the application thereof, will remain in full force and effect.

5.13 Counterparts. This Agreement may be executed in counterparts.

5.14 Entire Agreement. This Agreement constitutes the entire agreement between the Parties pertaining to its subject matter and supersedes any prior or contemporaneous written or oral agreement between the Parties on the same subject.

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

CITY OF MENLO PARK

Anton Menlo, LLC
a California limited liability company

By: Alex McIntyre
Its: City Manager

By:
Its:

CV MENLO PARK, LLC
a Delaware limited liability company

By: GS Menlo Park Holdings, LLC,
a Delaware limited liability company,
Its Co-Managing Member

By: _____
Name: _____
Title: _____

Approved as to Form:

City Attorney
City of Menlo Park

- Exhibit A: Scope of Work
- Exhibit B: Off Site Water Main Extension
- Exhibit C: Funding Commitments

Exhibit A
Scope of Work

Installation of approximately 1,100 linear feet parallel 8 inch C900 water main in Haven Avenue from existing looped system to northerly property line of project as shown on Exhibit B.

Exhibit B
Off Site Water Main Extension

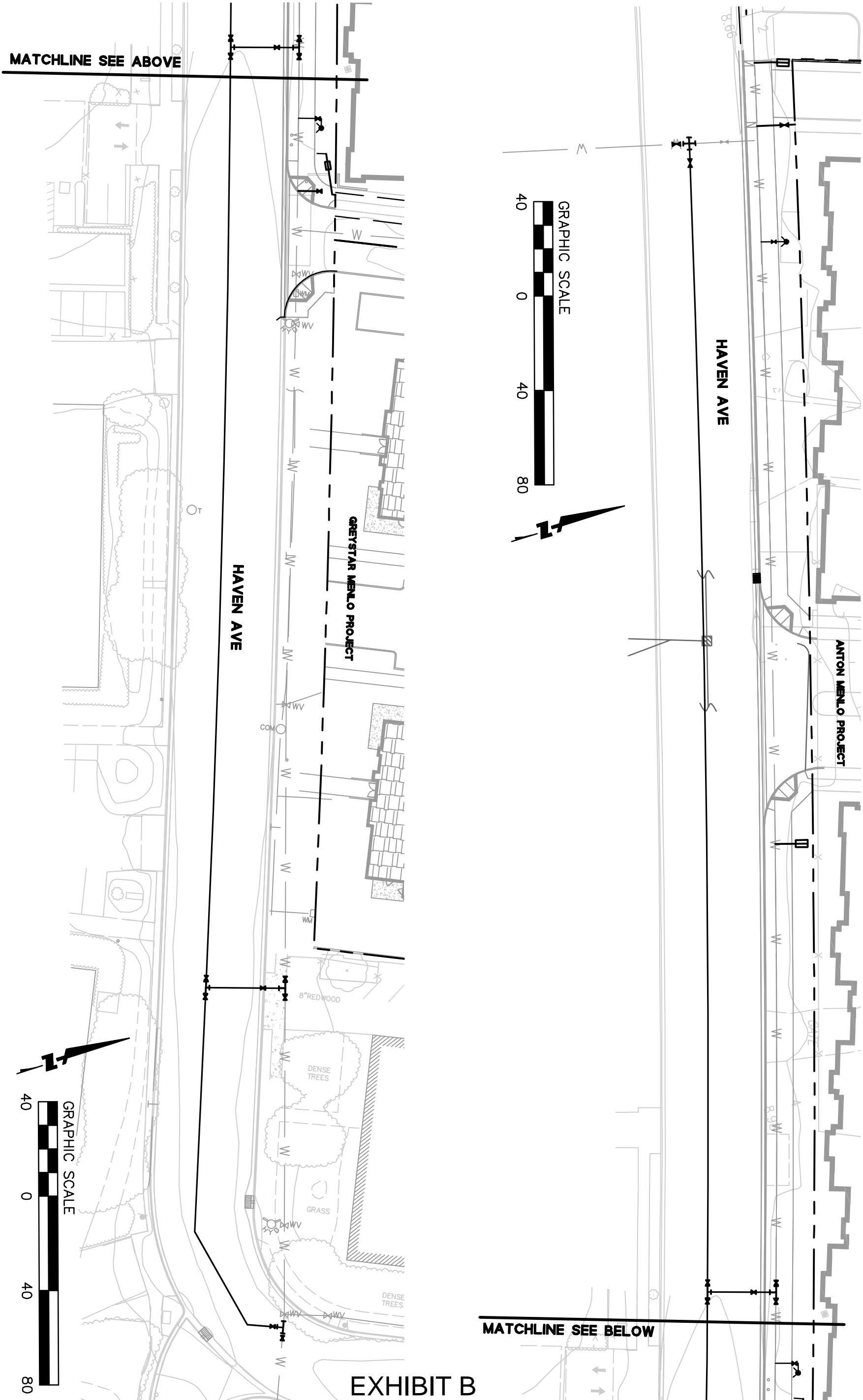


EXHIBIT B

Sheet Number	Date	No.	Revisions
1 of 1	9/11/14		
	Scale 1"=40'		
	Design		
	Drawn		
	Approved		
Job No 20120200			

MENLO PARK

**ANTON MENLO PARK
 HAVEN AVENUE
 OFFSITE WATER MAIN EXTENSION**
 SAN MATEO COUNTY
 CALIFORNIA



255 SHORELINE DRIVE, STE 200
 REDWOOD CITY, CA 94065
 650/482-6300
 650/482-6399 (FAX)
 Page 27

Exhibit C
Funding Commitments

Haven Avenue 8" Water Main Cost Sharing				
	Construction Cost:	\$375,000	BKF Engineer's Estimate dated 4/23/14	
			Res. Units	%
				Share
		St. Anton	394	73%
		Greystar	146	27%
		Total	540	100%
	City will not collect the following fees:			
		Estimated E&I	\$75,000	
		St. Anton Water Capital Fees	\$98,000	
		Greystar Water Capital Fees	\$49,000	
		Total	\$222,000	

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PUBLIC WORKS DEPARTMENT

Council Meeting Date: January 27, 2015

Staff Report #: 15-013

CONSENT CALENDAR: **Authorize the Public Works Director to Accept the Work Performed by C.F. Archibald Paving Inc. for the 2014-2015 Resurfacing of Federal Aid Routes Project (Federal Aid Project No. STPL 5273 023)**

RECOMMENDATION

Staff recommends that the City Council authorize the Public Works Director to accept the work performed by C.F. Archibald Paving Inc. for the 2014-15 Resurfacing of Federal Aid Routes Project (Federal Aid Project No. STPL 5273 023).

POLICY ISSUES

Acceptance by the City Council of the completion of the agreed upon paving work begins the one-year construction warranty period.

BACKGROUND

On August 19, 2014, the City Council awarded a contract to C.F. Archibald Paving Inc. in the amount of \$704,525 with an authorized project budget \$904,525. The project consisted of milling of existing three-inch asphalt concrete surface and replacement with new three-inch asphalt concrete overlay of the following streets:

1. Chilco Street from Union Pacific Railroad Right-of-Way to Hamilton Avenue
2. Olive Street from Santa Cruz Avenue to Middle Avenue
3. Woodland Avenue from Laurel Avenue to Pope Street
4. Woodland Avenue from Menalto Avenue to Oak Court
5. University Drive from Middle Avenue to Partridge Avenue

The project also included base reconstruction and installation of access ramps to meet American with Disabilities Act (ADA) requirements.

ANALYSIS

The work for the 2014-15 Resurfacing of Federal Aid Routes Project (Federal Aid Project No. STPL 5273 023) has been completed in accordance with the plans and specifications. A notice of completion will be filed accordingly. The project was completed within the approved budget.

Contractor: C.F. Archibald Paving Inc.
3624 Haven Avenue
Redwood City, CA 94063

IMPACT ON CITY RESOURCES

Sufficient funds were available in the Street Resurfacing Project budget for the construction of the Project, including the local match. A reimbursement in the amount of \$427,000 will come from the Metropolitan Transportation Commission Surface Transportation Program Funds.

Construction Contract Budget

Construction Contract	\$704,525
Contingency and Construction Engineering	\$200,000
Total Construction Budget	\$904,525

Construction Expenditures

Construction Contract	\$704,425
Change Order	\$ 23,339
	\$727,764

The remaining balance will be credited to the project balance. The above expenditures are only costs associated with the construction contract with C.F. Archibald Paving Inc. The project budget includes additional work.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Class I of the current State of California Environmental Quality Act Guidelines, which allows minor alterations and replacement of existing facilities.

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

None

Report prepared by:
Rene Punsalan
Associate Civil Engineer

Ruben Nino
Assistant Public Works Director



PUBLIC WORKS DEPARTMENT

Council Meeting Date: January 27, 2015

Staff Report #: 15-008

CONSENT CALENDAR: **Initiate the Menlo Park Landscape Assessment District Proceedings for Fiscal Year 2015-16 and Adopt a Resolution Describing the Improvements and Direct Preparation of the Engineer's Report**

RECOMMENDATION

Staff recommends that the City Council initiate the Menlo Park Landscape Assessment District proceedings for Fiscal Year 2015-16 and adopt a resolution describing the improvements and direct preparation of the Engineer's Report.

POLICY ISSUES

The recommendation does not represent any change to existing City policy. Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California and Proposition 218, the Council conducted proceedings for the formation of the City of Menlo Park Landscaping District. The Landscape Assessment District requires an annual review of the levied assessment.

BACKGROUND

In 1982, the Menlo Park citizens approved Measure N, an advisory measure for the City forming an assessment district to care for the City's street tree infrastructure. The Menlo Park Landscape Assessment District was subsequently formed in 1983.

Prior to 1990, property owners were responsible for all sidewalk and parking strip repair damaged by City street trees. In some cases, the lump-sum cost of removing and replacing the damaged public infrastructure was a financial burden. Thus, in 1990, an additional assessment was established and combined with the Landscape Assessment District to fund the repair of sidewalks and parking strips damaged by City trees. Financing through an assessment, to be levied on an annual basis, was determined to be more cost-effective and less burdensome to property owners than a large lump-sum payment.

In 1998-99, the City reauthorized the Landscape Assessment District through a mailed ballot, as required by Proposition 218. Each year, the City goes through a process to approve the levying of annual Landscape Assessment District fees. The attached

resolution is the first step in the process to establish assessments for the coming fiscal year.

ANALYSIS

Landscape Assessment District Scope of Work

The scope of work for the Landscape Assessment District has not changed from the Fiscal Year 2014-15 program and includes the following:

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

Assessment Engineer

The first step in the annual Landscape Assessment District proceedings is the preparation of the Engineer’s Report. Staff has selected SCI Consulting Group to complete the engineering work for the FY 2015-16 report. The firm has extensive background knowledge of the City’s Landscape Assessment District, a successful track record with the City preparing the Engineer’s Report since 1998, and experience with Proposition 218 requirements. The scope of services includes identification and verification of parcels within the district, allocation of the estimated cost of improvements and expenses to said parcels, determination of assessment amounts, preparation of assessment rolls, developing the Engineer’s Report, facilitating assessment proceedings, and general project administration.

The schedule for assessment engineering is as follows:

DATE	TASKS
January 2015	Council adopts a resolution initiating the Landscape Assessment District proceedings, describing the improvements, and directs preparation of the Engineer’s Report.
April 2015	Completion and filing of the Engineer’s Report.
May 2015	Council adopts 1) a resolution giving preliminary approval of the Engineer’s Report, and 2) a resolution of intention to order the levy and collection of the annual assessment and scheduling of the public hearing.

DATE	TASKS
June 2015	Council holds a public hearing to consider adoption of a resolution overruling protests, ordering improvements, confirming the assessment diagram, and ordering the levy and collection of assessments.
July 2015	Submittal of assessments to the County Assessor's Office.
October 2015	City review and confirmation of final levies to be collected by the County.
January 2016	Verification of assessment receipts, levies, and delinquencies.

IMPACT ON CITY RESOURCES

The cost of the assessment engineering services and preparation of the Engineer's Report is \$9,000. There are sufficient funds in the Landscape Assessment District budget to fund this expense.

ENVIRONMENTAL REVIEW

An environmental review is not required for this action.

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

Report prepared by:
Eren Romero
Business Manager

Ruben Niño
Assistant Public Works Director

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RESOLUTION NO.**RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT FOR THE CITY OF MENLO PARK LANDSCAPE ASSESSMENT DISTRICT FOR FISCAL YEAR 2015-16**

WHEREAS, in 1982, the Menlo Park citizens voted for Measure N, an advisory measure for the City to form an assessment district to care for the City's street tree infrastructure and the Menlo Park Landscape Assessment District was subsequently formed in 1983; and

WHEREAS, prior to 1990, property owners were responsible for all sidewalk and parking strip repair damaged by City street trees; and

WHEREAS, in 1990, an additional assessment was established and combined with the Landscape Assessment District to fund the repair of sidewalks and parking strips damaged by City trees; and

WHEREAS, in 1998-99, the City reauthorized the Landscape Assessment District through a mailed ballot, as required by Proposition 218.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. This Council did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, conduct proceedings for the formation of the City of Menlo Park Landscaping District and for the levy and collection of assessments for Fiscal Year 1983-1984, and did, on May 10, 1983, pursuant to proceedings duly had, adopt its Resolution No. 3417-F, A Resolution Overruling Protests and Ordering the Formation of an Assessment District and the Improvements and Confirming the Diagram and Assessment.
2. The public interest, convenience, and necessity require, and it is the intention of said Council to undertake proceedings for, the levy and collection of assessments upon the several lots or parcels of land in said District for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the Fiscal Year 2015-16.
3. The improvements to be constructed or installed include the maintenance and servicing of street trees, the cost of repair, removal, or replacement of all or any part thereof, providing for the life, growth, health and beauty of public landscaping, including cultivation, trimming, spraying, fertilizing, or treating for disease or injury, the removal of trimmings, rubbish, debris, and other solid waste, and water for the irrigation thereof, and the installation or construction, including the maintenance and servicing thereof, of curbs, gutters, sidewalks, and parking strips.

4. The costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on a map (Exhibit A) thereof on file in the office of the Engineering Division of the City of Menlo Park to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.
5. The Assessment Engineer is hereby directed to prepare and file with said Clerk a report, in writing, referring to the assessment district by its distinctive designation, specifying the fiscal year to which the report applies, and, with respect to that year, presenting the following:
 - a) Plans and specifications of the existing improvements and for proposed new improvements, if any, to be made within the assessment district or within any zone thereof;
 - b) An estimate of the costs of said proposed new improvements, if any, to be made, the costs of maintenance or servicing, or both, thereof, and of any existing improvements, together with the incidental expenses in connection therewith;
 - c) A diagram showing the exterior boundaries of the assessment district and of any zones within said district and the lines and dimensions of each lot or parcel of land within the district as such lot or parcel of land is shown on the County Assessor's map for the fiscal year to which the report applies, each of which lots or parcels of land shall be identified by a distinctive number or letter on said diagram; and
 - d) A proposed assessment of the total amount of the estimated costs and expenses of the proposed new improvements, including the maintenance or servicing, or both, thereof, and of any existing improvements upon the several lots or parcels of land in said district in proportion to the estimated benefits to be received by such lots or parcels of land respectively from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.
6. The Office of the Assistant Public Works Director of said City is hereby, designated as the office to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at the Civic Center Administration Building, 701 Laurel Street, Menlo Park California 94025, or by calling (650) 330-6740.

I, Pamela Aguilar, 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 twenty-seventh day of January, 2015, 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 twenty-seventh day of January, 2015.

Pamela Aguilar
City Clerk

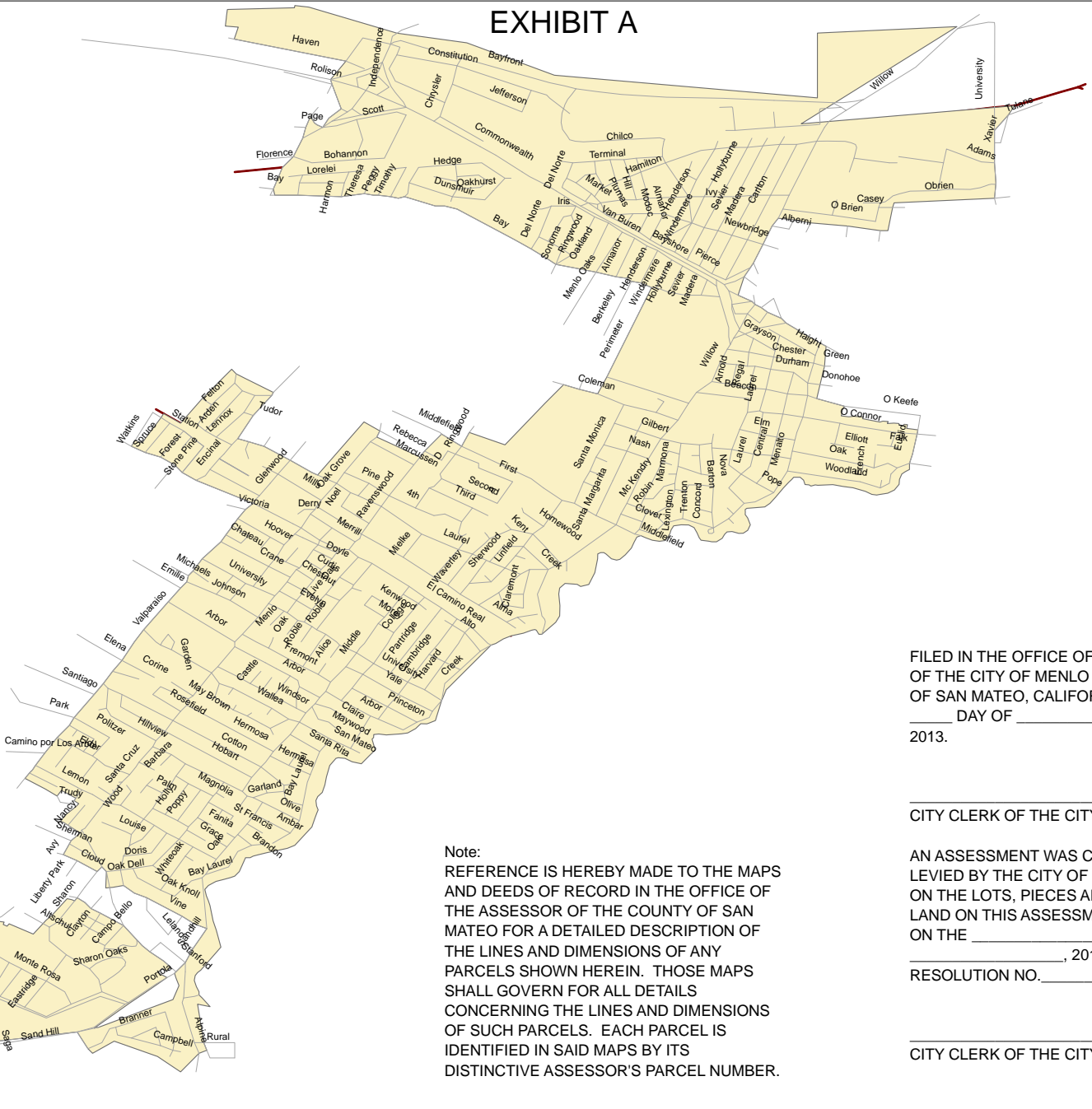
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EXHIBIT A



Legend

- Railroads
- Assessment Boundary
- Streets



FILED IN THE OFFICE OF THE CITY CLERK
 OF THE CITY OF MENLO PARK, COUNTY
 OF SAN MATEO, CALIFORNIA, THIS
 _____ DAY OF _____,
 2013.

 CITY CLERK OF THE CITY OF MENLO PARK

AN ASSESSMENT WAS CONFIRMED AND
 LEVIED BY THE CITY OF MENLO PARK
 ON THE LOTS, PIECES AND PARCELS OF
 LAND ON THIS ASSESSMENT DIAGRAM
 ON THE _____ DAY OF
 _____, 2013 BY ITS
 RESOLUTION NO. _____

 CITY CLERK OF THE CITY OF MENLO PARK

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

SCI Consulting Group
 4745 Mangels Blvd.
 Fairfield, CA 94534
 (707) 430-4300

CITY OF MENLO PARK
LANDSCAPING ASSESSMENT DISTRICT
ASSESSMENT DIAGRAM
 Page 41

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COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: January 27, 2015
Staff Report #: 15-012

CONSENT CALENDAR: **Waive the Reading and Adopt Ordinances Rezoning Properties Located at 700 Oak Grove Avenue and 1231 Hoover Street and Amendment to the P-F (Public Facilities) Zoning District Related to the Construction of a New Fire Station**

RECOMMENDATION

Staff recommends that the City Council waive the full reading of and adopt ordinances rezoning properties at 700 Oak Grove Avenue and 1231 Hoover Street, and amending the P-F (Public Facilities) zoning district in order to enable the construction of a new fire station.

POLICY ISSUES

The recommended action is consistent with the City Council's actions and approvals on the Project at its meeting of January 13, 2015 and would serve to complete the approval process of the land use entitlements for the Fire Station 6 Project.

BACKGROUND

At the January 13, 2015 City Council meeting, the Council voted 5-0 to take the following actions related to the Fire Station 6 Project:

1. Adopt a Resolution to Adopt the Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program, which evaluates the potential environmental impacts pursuant to California Environmental Quality Act (CEQA) and which establishes responsibility and timing for implementation of all required mitigation measures;
2. Adopt a Resolution Approving the General Plan Amendment, to amend the site's General Plan land use designations from El Camino Real/Downtown Specific Plan and Medium Density Residential to Public Facilities;
3. Introduce an Ordinance Approving the Rezoning, to change the site's zoning designation from the SP-ECR/D (El Camino Real/Downtown Specific Plan) and R-3

(Apartment) districts to P-F (Public Facilities) district, to allow the proposed use of the subject site to be more consistent with the appropriate zoning designation;

4. Introduce an Ordinance Approving the Zoning Ordinance Text Amendment, to allow the maximum allowable Floor Area Ratio (FAR) to exceed 30 percent, up to a maximum of 60 percent on sites with a lot area of two acres or less, in the P-F zoning district, subject to obtaining a use permit;
5. Make Findings and Approve the Use Permit, to allow the fire station use, proposed FAR of approximately 59 percent, and the use and storage of hazardous materials;
6. Make Findings and Approve the Architectural Control, to review the design of the new buildings and site improvements;
7. Make Findings and Approve the Lot Merger, to merge two parcels into one parcel;
8. Make Findings and Approve the Sign Review, to allow a comprehensive sign program for a fire station, including two signs on each individual street frontage; and,
9. Adopt a Resolution Approving the Heritage Tree Removal Permits, to allow the removal of two heritage trees.

The resolutions (items #1, 2, and 9) became effective immediately.

ANALYSIS

As indicated in items 3 and 4 above, the City Council introduced the ordinance to rezone the properties to the P-F (Public Facilities) zoning district and to amend the development regulations in the P-F district. The City Council did not request that any changes be made to the ordinances. Since an ordinance requires both a first and second reading, the ordinances are before the City Council again for the second reading and adoption.

Staff has prepared the final version of the ordinances approving the rezoning and the modifications to the P-F (Public Facilities) zoning district. If the Council takes action to adopt the ordinances, it will become effective in 30 days, or on February 27, 2015.

IMPACT ON CITY RESOURCES

There is no direct impact on City resources associated with adoption of the Ordinances to rezone the properties and to modify the P-F zoning district.

ENVIRONMENTAL REVIEW

On January 13, 2015, the City Council adopted the Mitigated Negative Declaration for the Fire Station 6 Project.

PUBLIC NOTICE

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

ATTACHMENTS

- A. Ordinance Rezoning Properties Located at 700 Oak Grove Avenue and 1231 Hoover Street
- B. Ordinance Amending Chapter 16.49 [Public Facilities District] of Title 16 [Zoning] of the Menlo Park Municipal Code

Report prepared by:

Jean Lin

Associate Planner

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ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF MENLO PARK REZONING
PROPERTIES LOCATED AT 700 OAK GROVE AVENUE AND 1231
HOOVER STREET**

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

SECTION 1. The zoning map of the City of Menlo Park is hereby amended such that certain real properties with the addresses of 700 Oak Grove Avenue and 1231 Hoover Street (Assessor's Parcel Numbers 071-101-230 and 071-101-220) are rezoned to the P-F (Public Facilities) district as more particularly described and shown in Exhibit "A."

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

INTRODUCED on the 13th day of January, 2015.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the 27th day of January, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Catherine Carlton
Mayor, City of Menlo Park

ATTEST:

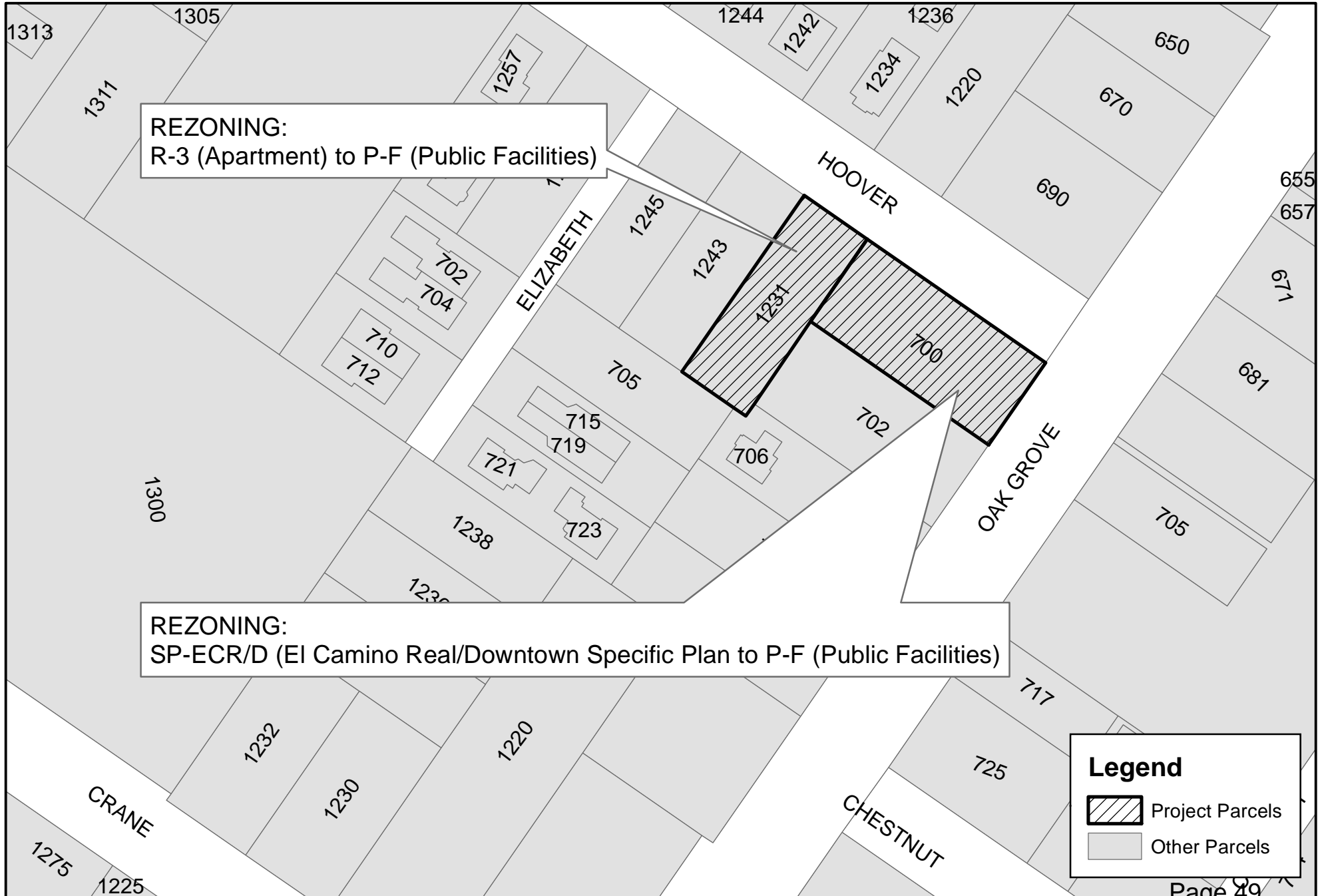
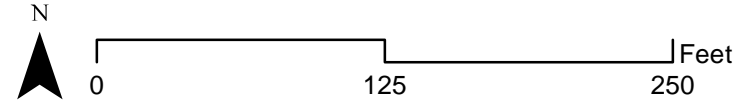
Pamela Aguilar
City Clerk

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CITY OF MENLO PARK

MENLO PARK FIRE PROTECTION DISTRICT - STATION 6
700 Oak Grove Avenue & 1231 Hoover Street

EXHIBIT A



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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK, AMENDING CHAPTER 16.49 [PUBLIC FACILITIES DISTRICT] OF TITLE 16 [ZONING] OF THE MENLO PARK MUNICIPAL CODE

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

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. The City desires to amend Chapter 16.49 [Public Facilities District] to provide the ability to provide flexibility in meeting the unique needs of public facilities on smaller sites.
- B. The Planning Commission held duly noticed public hearing on December 15, 2014 to review and consider the proposed amendments to Chapters 16.49 of Title 16 of the Menlo Park Municipal Code, whereat all interested persons had the opportunity to appear and comment.
- C. The City Council held a duly noticed public hearing on January 13, 2015 to review and consider the proposed amendments to Chapters 16.49 of Title 16 of the Menlo Park Municipal Code, whereat all interested persons had the opportunity to appear and comment.
- D. After due consideration of the proposed amendment to Title 16, public comments, the Planning Commission recommendation, and the staff report, the City Council finds that the proposed amendment to Title 16 is consistent with the General Plan and are appropriate.

SECTION 2. Chapter 16.49 [Public Facilities District] of Title 16 [Zoning] of the Menlo Park Municipal Code is hereby amended to read as follows:

Chapter 16.49

P-F PUBLIC FACILITIES DISTRICT

Sections:

- 16.49.010 Purpose.
- 16.49.020 Permitted uses.
- 16.49.030 Conditional uses.
- 16.49.040 Development regulations.

16.49.010 Purpose. The purpose and intent of this district is to accommodate governmental, public utility, and educational facilities.

16.49.020 Permitted uses. The following uses are permitted in the P-F district:

- (1) All public facilities used and operated for government purposes by the city of Menlo Park, the county of San Mateo, the state of California, and the government of the United States;
- (2) All public facilities, as to which the Menlo Park Zoning Ordinance has been made inapplicable pursuant to Government Code Section 53094, by any public school district.

16.49.030 Conditional uses. The following uses may be allowed subject to obtaining a use permit:

- (1) All uses of existing facilities and/or property by entities other than the above-mentioned governmental agencies and school districts, or said entities for nongovernmental purposes;
- (2) All facilities of any public utility.

16.49.040 Development regulations. There are no development regulations in the P-F zoning district, except as follows:

- (1) The floor area ratio shall not exceed 30%, except that 60% may be allowed with use permit approval on sites with a lot area of two acres or less, inclusive of contiguous parcels in the P-F zoning district; and
- (2) In the case of conditional uses, additional regulations may be required by the planning commission.

SECTION 3. The City, as lead agency, prepared a Mitigated Negative Declaration (“MND”) pursuant to the California Environmental Quality Act (“CEQA”) that examined the environmental impacts of the adoption of the proposed modifications to the development regulations in the P-F Public Facilities zoning district and the proposed Menlo Park Fire Station 6 Project. The MND determined that any potential environmental impacts would be less than significant. On January 13, 2015, the City Council adopted the MND.

SECTION 4. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 5. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the 13th day of January, 2015.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the 27th day of January, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Pamela Aguilar
City Clerk

Catherine Carlton
Mayor

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COMMUNITY SERVICES DEPARTMENT

Council Meeting Date: January 27, 2015
Staff Report #: 15-015

CONSENT CALENDAR: Approve a contract with Q2 Kicks Inc., (Menlo Park Kuk Sool Won) for rental of space in the Arrillaga Family Recreation Center beginning January 1, 2015 through December 31, 2015

RECOMMENDATION

Staff recommends shifting the service delivery model with Q2 Kicks Inc. from an Independent Contractor to a long-term rental.

POLICY ISSUES

This action would modify the service delivery model for the City's martial arts contractor. Modifying the service delivery model for a recreation program is within the authority of the staff to approve, however, the change in model allows release of the requirement to impose a non-resident surcharge, which must be approved by the Council.

BACKGROUND

The Menlo Park City Council adopted its Cost Recovery User Fee Policy in 2008 which has driven the Community Services Department to improve program cost recovery and to address the Department's long-term sustainability. Efforts to achieve long-term sustainability have included focusing on customer service, improving staff capacity, and using creative business and strategic planning tools. In April 2013, staff presented the topic of service delivery models to the Parks & Recreation Commission. At that time, the Commission was supportive of various service delivery approaches and staff's efforts to balance community needs by analyzing ways to best serve the end customer. As part of that presentation, staff provided the Commission with financial estimates based on service delivery categories. Facility Rentals for the department were projected at 133% cost recovery, whereas Contract Instructor Programs were at 123% cost recovery (*see Attachment A.*)

The City of Menlo Park's standard contractor revenue split is 60% for the contractor and 40% for the City for on-site contractors, and 80% for the contractor, 20% for the City for off-site contractors. Should an on-site contractor request a change to their revenue split, or service delivery model, the following criteria must be met:

- Contractor must generate a minimum of \$125,000 annually in gross revenue; and

- Contractor must provide 2-3 years of service to the City of Menlo Park prior to consideration of a contract revision and demonstrate a consistent pattern of program expansion. Program focus must achieve the following core values: fostering human development, connecting people to others, strengthening families, increasing safety, and improving health & wellness; and
- Contractor must demonstrate value-added to the Menlo Park community. This may be achieved through scholarship programs for participants, volunteering at City-run events and programs, contributions through City sponsorships, offering a sliding fee scale to low income families, offering free supplemental programs and activities to the community, or fundraising for local charities; and
- Contractor must independently conduct additional marketing and advertising to promote programs. This may mean a professional website, use of social media, and other avenues explored as outlined within our contractor marketing handbook; and
- Contractor must demonstrate the ability to uphold our customer service standards.

Through 2014, only two contractors have ever met all of the above criteria resulting in a split modification to 70/30; Kuk Sool Won of Menlo Park and Hi-Five Sports.

Furthermore, IRS standards for independent contractors dictate that the City cannot legally control what a contractor establishes for program fees. In the 2015 year, Kuk Sool Won was planning a 32% decrease in fees across the board after extracting their materials fee from the program registration fees. Assuming the same number of students in the new year, revenues for the City would have fallen 32% as a result. In addition, Kuk Sool Won participating families have a strong desire to participate in an auto-enroll system which would allow them to opt-in to a recurring payment and registration system without having to manually re-enroll each session. Our current registration system, eGov, does not have this capability. Lastly, approximately 48% of participants in Community Services programs are non-residents. Given the traditionally high market rate for martial arts programs, partnered with the 35% non-resident fee increase, Kuk Sool Won has been severely limited in their ability to acquire additional participants from other neighborhoods.

In order to retain Kuk Sool Won as a community partner, the Community Services Department decided to examine other service delivery options. The department's desire to balance community needs while maximizing cost-recovery and participation has driven this process.

ANALYSIS

Kuk Sool Won (KSW) of Menlo Park has served as a Contractor for the City of Menlo Park since 2003. Over these eleven years, they have established themselves as a high quality service provider to the local community. They have met all of the criteria listed above, thus qualifying them for consideration of a change to their service delivery model

from contractor to renter. Community Services staff met with Kristin Quintana, owner of Menlo Park Kuk Sool Won, to receive their proposal regarding the future of their business. Under the proposed modified rental agreement (see *Attachment B*), the impact of the loss of revenue to the City from a decrease in KSW fees would be diminished. Impending fee adjustments proposed by Kuk Sool Won in the 2015 year would have resulted in a loss of 32%, whereas, the modified rental agreement would impact the City by a maximum of 20%. Shifting from the existing contractual agreement to a rental agreement will also transition participant registrations and all other transactions to the renter and would no longer be the responsibility of the City. It would also allow implementation of a recurring auto-pay system, simplifying the registration process for Kuk Sool Won customers. Lastly, under this model, Kuk Sool Won would be eligible to opt out of imposing the non-resident surcharge, similar to that of Menlo Swim & Sport, encouraging more non-resident participation.

There are advantages and disadvantages to the City with both service delivery methods. If the City rents space, we will receive the same amount of revenue whether Kuk Sool Won has 1 participant or 15 participants. The advantage to the rental is that it is predictable in terms of revenue expectations; the disadvantage is that the City may lose out on potentially higher revenue if the class is full and is set up as a contract instructor (shared revenue) program. The opposite is also true in that Kuk Sool Won stands to lose financially if they only have a few participants whereas the City does not share in the loss as we would for a contracted program.

The proposed one-year agreement would support the Department's goals of increased customer service, long term sustainability, and maximize cost recovery. The attached agreement will be reviewed and adjusted on an annual basis.

IMPACT ON CITY RESOURCES

Under the contract instructor model, approximately 85 students register every 6-7 weeks with more than 50% of registrations for Kuk Sool Won processed by City staff. Shifting service delivery models would eliminate staff time for inputting over 80 annual classes into our registration system, management of the program, processing registrations, refunds, and transfers, and result in a diminished amount of space in the annual activity guide. Under the current contractual agreement, approximately 4 staff people spend a total of 6-8 hours/week managing the Kuk Sool Won program. We are anticipating that the revised agreement would reduce that time in half, allowing staff to focus their efforts on development of new contractors and community programs to meet emerging community needs.

As indicated above, the new agreement would ensure that the City receives a comparable, predictable and guaranteed amount of revenue to what is currently generated, and will not adversely affect the Recreation Center budget.

ENVIRONMENTAL REVIEW

Environmental Review is not required.

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. Financial Estimates by Service Delivery Category
- B. Kuk Sool Won Rental Agreement Draft

Report prepared by:
Noreen Bickel
Recreation Coordinator

Financials Estimates by Service Delivery Category

REVENUES	Actuals April 2012-April 2013	% of Revenue
Facility Rentals	\$ 612,868	11%
City-Staff Programs	\$ 3,258,120	60%
Contract Instructor Programs	\$ 1,395,264	26%
Lease Agreements*	\$ 174,250	3%
TOTAL	\$ 5,440,501	

*Includes \$36K lease for Aquatics
Lease and reimbursable expenses
by Operator

EXPENSES	YR12-13 Estimates	% of Expenses
Facility Rentals	\$ 460,250	7%
City-Staff Programs	\$ 5,233,027	74%
Contract Instructor Programs	\$ 1,136,560	16%
Lease Agreements	\$ 250,268	4%
TOTAL	\$ 7,080,105	

Estimated Cost Recovery by Service Delivery Category

Facility Rentals	133%
City-Staff Programs	62%*
Contract Instructor Programs	123%
Lease Agreements	70%

- It should be noted that the majority of City Staff programs include those most highly subsidized and offered in the Belle Haven neighborhood

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FACILITY USE AGREEMENT

(Arrillaga Recreation Center Use for Martial Arts Program Delivery)

This Facility Use Agreement (“Agreement”) is made and executed effective as of January 1, 2015, by and between the City of Menlo Park, a municipal corporation (“City”), and Q2 Kicks Inc., (Menlo Park Kuk Sool Won) (“Provider”) and collectively referred to herein as “Parties”.

WHEREAS, Provider desires to conduct a martial arts program for the benefit of the public at the Arrillaga Recreation Center (“Center”), which is owned by the City, and the City desires for Provider to conduct a martial arts program at the Center on the terms and conditions set forth below.

NOW, THEREFORE, the Parties agree as follows:

1. **PREMISES**. The Center is located at 700 Alma Street, Menlo Park, California on the City’s Civic Center campus at Burgess Park and includes seven rooms, two outdoor patios, and public restrooms. The premises (“Premises”) include only those rooms that the Provider uses for the provision of its martial arts program. Center staff will make the final determination regarding room assignments depending upon availability. Under no circumstance, unless additional fees are negotiated, will the entire Center be available as a part of this Agreement. Pursuant to this Agreement and with the exception of City-observed holidays, the City agrees to reserve the Sequoia Room for classes on the following days/times from January 5, 2015 through December 19, 2015:

- a. Monday/Wednesday/Friday from 2:00-9:00pm
- b. Tuesday/Thursday from 2:00-9:30pm
- c. Saturday from 9:45am-12:45pm

In addition, the City agrees to reserve the Oak Room for classes on the following days/times from January 5, 2015 through December 19, 2015:

- a. Saturday from 8:30-11:00am

Provider may request use of additional rooms at the Center for special events, community-based workshops, tournament practice, testing and other program related functions; however, such reservations will be subject to City staff approval contingent upon availability. Priority is given to City meetings, functions, maintenance, and contracted programs and classes, after which additional room reservations requested by Provider will be considered. Pursuant to this Agreement, the City may allocate up to an additional 45 hours per month of room usage, not to be carried over from month to month. Reservation requests exceeding the allotted 45 hours/month will be billed at a rate of \$25 per hour, per room.

2. **TERM**. The term of this Agreement shall be for a period of one (1) year (“Term”) commencing on January 1, 2015 (“Commencement Date”) and ending one (1) year from the Commencement Date. Agreement will be evaluated and renewed on an annual basis.

3. RENT. Provider will remit monthly rent ("Rent") in the amount of Three Thousand Six Hundred Twenty-five Dollars (\$3,625.00) to the City for use of the Premises on the fifteenth day of each month. Rent is inclusive of a \$25 fee for use of 25 square feet in the Sequoia room closet. Each year thereafter, the Rent shall increase pursuant to the Consumer Price Index ("CPI") for all Urban Consumers (All Items) in the San Francisco-Oakland-San Jose Area (U.S. Department of Labor, Bureau of Labor Statistics), with a minimum increase of two percent (2%) and a maximum increase of five percent (5%) per annum.

Throughout the Term, Provider shall pay to the City within fifteen (15) days of receipt of written invoice submitted to Provider by City, in addition to the Rent, and as additional rent ("Additional Rent") the following:

- a. Student Fees: \$2 per student assessed each month based on enrollment numbers furnished by Provider.
- b. Birthday Parties: Provider will be charged \$150 flat rate per party as reserved. Birthday party reservations will include either use of the Sequoia Room or two smaller rooms dependent upon availability.
- c. Advertising: \$900 per year for full page activity guide ads and monthly TV ads.

Any payment due by the Provider not received by City within fifteen (15) days of the due date shall be subject to a late payment penalty of five percent (5%) of the amount due.

4. SECURITY DEPOSIT. Provider will deposit with the City Two Thousand Dollars (\$2,000) as a security deposit ("Security Deposit"). The City may use, apply or retain any portion of the Security Deposit for the payment of any Rent in default, or for the payment of any other sum incurred for any loss or damage as a result of Provider's use of the Premises. The full amount of the security deposit must remain on file with the City during the Term of this Agreement. If City applies all or any portion of the Security Deposit, Provider shall, within ten (10) days after written notice by City, deposit additional funds with the City in an amount sufficient to restore the Security Deposit to its full original amount. The Security Deposit need not be retained in a segregated account. No interest shall accrue or be payable to Provider with respect to the Security Deposit. If Provider timely performs all of Provider's obligations under this Agreement, the Security Deposit, or so much thereof as remains, shall be returned to Provider within thirty (30) days after the expiration of the Term.

5. USE OF PREMISES. Subject to the terms of this Agreement, Provider shall have restricted use of the Premises for the purposes of conducting martial arts programs including classes, workshops, and camps. All room reservation requests must be submitted in writing via formal room reservation documents. All use of facility rooms and space must be documented and, therefore, last minute requests for use of space may be denied. The City reserves the right to

deny a request for room usage at any time. This Agreement includes room usage for classes as outlined in Exhibit A.

6. PROGRAM FEES. The program fees charged by Provider shall be as follows:

- a. The fees charged by the Provider for programs shall be comparable to rates and fees charged by other similar providers in surrounding communities.
- b. At the discretion of the City's Community Services Director, Provider may elect not to impose a surcharge to non-resident participants/users.
- c. Review of the program fees shall be included in the annual report to the City.

7. PROGRAM ADMINISTRATION. Provider shall have a method for the public to register, pay, and receive adequate customer service in an easy and effective manner. Provider shall maintain adequate administrative staff and assistance to support all hours of operation. Policies and procedures for handling registration, refunds, and complaints are required. Provider shall furnish sufficient communication and marketing in order to inform the public of the programs and services. Provider shall maintain a customer database and appropriate records retention. The City will provide reasonable marketing space in the tri-annual activity guide for Provider to promote their programs at the Premises. Provider shall be responsible for meeting the deadlines and providing accurate and sufficient information to City staff.

Provider shall take appropriate steps to maintain a high level of customer service and overall satisfaction at all times. Additionally, Provider shall prepare an annual report no later than January 30 following each year of the Agreement and submit it to City staff. The annual report should include the following items:

- a. Total program hours by program area;
- b. Participation statistics by program area including resident and non-resident percentages;
- c. Customer satisfaction survey results;
- d. Fees by program area and fee comparison to other competitors in the region;
- e. Risk management documentation; and
- f. Training certifications listed by staff members.

The Provider shall maintain reasonable evidence and documentation of these statistics and results and have these records accessible to the City at any time following ten (10) days written notice.

In the event of a third party dispute or conflict arising out of or related to this Agreement, the City will use best efforts to notify and discuss the issue with Provider before engaging in any dialogue with the third party involved.

8. COMPLIANCE WITH LAWS AND REGULATIONS. The Provider shall comply with all city, county, state, and federal laws and regulations related to program operations. These regulators and laws include but are not limited to:

- a. City of Menlo Park
- b. Menlo Park Fire Department
- c. San Mateo County Health Department
- d. California Department of Health Services
- e. California Department of Labor
- f. Occupational Safety and Health Administration (OHSa)
- g. Emergency Medical Services Authority (EMSA)
- h. Consumer Product Safety Commission & Virginia Graeme Baker Act
- i. Americans with Disabilities Act
- j. California Department of Fair Employment and Housing

9. HEALTH AND SAFETY. The Provider is required to maintain health and safety standards in a reasonable and acceptable manner for the Premises, participants, and its employees in compliance with City standards and the other regulatory agencies listed above.

The Provider is responsible for keeping up to date with all changes, additions, or amendments to the laws, regulations and codes related to operations and programs.

10. RISK MANAGEMENT. The Provider shall take all appropriate and necessary steps to provide adequate risk management planning to minimize liability or negligence by the Provider.

11. EMERGENCY ACTION PLAN AND PROCEDURES. The Provider shall create and maintain all emergency procedures and emergency action plans for the Premises. An emergency action plan is required under Title 29 of Federal Regulations Sections 1910.38/.120/.156, and Title 8 California Code of Regulations, Sections 3220 and 3221. The emergency action plan covers all employees and non-employees who may be exposed to hazards arising from emergency situations. It must contain information for all of the Provider's employees, including administration and line level employees using the plan in order to reduce the severity of emergency situations and minimize the risk to life and property.

12. INSURANCE. Provider shall acquire and maintain Commercial General Liability Insurance relating the Provider's use of the Premises. Provider will furnish City with certificates and copies of information or declaration pages of the insurance required. Provider would need to provide the City with thirty (30) days notice if any changes, cancellation, or non-renewals. Provider's insurance coverage shall be primary insurance with respect to City, its Council, Boards, Commissions, agents, officers, volunteers or employees, and any insurance or self-insurance maintained by City, for themselves, and their Council, Boards,

Commissions, agents, officers, volunteers or employees shall be in excess of Provider's insurance and not contributory with it.

Insurance Category

Commercial General Liability

Minimum Limits

One Million Dollars (\$1,000,000) per occurrence for bodily injury, personal injury and premises damages. Must include all areas in Insurance Service Office (ISO) Form No. CG 00 01 (including Products and Completed Operations if food is served or for repairs done by the tenant, Contractual Liability, Broad form property damage, Participants and spectators coverage, and Personal and Advertising injury liability)

If Provider fails to maintain the insurance coverage required herein, then City will have the option to terminate this Agreement.

13. INSPECTIONS AND AUDITS. The City reserves the right to conduct periodic and regular site inspections and operational audits.

- a. Safety: The Provider will be required to comply with the City's safety program guidelines and protocol.
- b. Financial Review/Audit: Provider shall provide complete financials for all programs operated out of the Premises prepared in accordance with generally accepted accounting principles to City staff. The purpose for such review shall be for the negotiation of rent for an extended term and/or for purposes of negotiating a new Agreement.

14. CITY ACCESS. Upon prior written notice to Provider, City shall have the right to restrict access to the Premises or any part thereof solely for certain municipal purposes which may include the performance of necessary maintenance and repairs of any and all structures or public improvements, heretofore or hereafter installed and/or constructed in or upon the Premises, the inspection of the Premises, or the use, maintenance, repair of adjoining areas; provided, as to maintenance or repair of the Premises.

15. IMPROVEMENTS. Provider shall not make, nor cause to be made, nor allow to be made, alterations or improvements to the Premises not hereinabove specified (including installation of any fixture affixed to the Premises), without the prior written consent of City, not to be unreasonably delayed or withheld. All improvements or alterations constructed or installed shall be removed and the Premises restored to substantially the same condition existing prior to such construction or installation, upon the termination of this Agreement, unless the prior written approval of City is secured, allowing such improvements or alterations to remain in place, in which case, title thereto shall

vest in City. All improvements undertaken pursuant to this Agreement will be at Provider's sole expense and Provider will be responsible for the use and maintenance of the improvements.

16. INDEMNIFICATION. Provider will defend, indemnify and hold City, its Council, Commissions, agents, officers, volunteers or employees harmless from any damage or injury to any person, or any property, from any cause of action arising at any time from the use of the Premises by Provider, and Provider's invitees, program participants, and visitors, or from the failure of Provider to keep the Premises in good condition and repair, including all claims arising out of the negligence of Provider, but excluding any damage or injury caused by the willful misconduct or negligence of City or its employees, agents or contractors. City will defend, indemnify and hold Provider, its members, agents, officers, volunteers or employees harmless from any damage or injury to any person, or any property, from any cause of action arising at any time from the willful misconduct or negligence of City or its employees, agents or contractors.

Each party's indemnification obligation set forth above will include any and all costs, expenses, attorney's fees and liability incurred by any indemnified party or person in defending against such claims, whether the same proceed to judgment or not. Each party will, at its own expense and upon written request by a party to be indemnified as provided hereinabove, defend any such suit or action brought against the party to be indemnified, its Council, Commissions, members, agents, officers, volunteers or employees (as applicable). This Section will survive the expiration or termination of this Agreement.

17. ATTORNEY'S FEES. In any legal action brought by either party to enforce the terms of this Agreement, the prevailing party is entitled to all costs incurred in connection with such an action, including reasonable attorneys' fees.

18. ARBITRATION. Any dispute regarding the breach of this Agreement shall be decided by binding arbitration pursuant to the rules of the American Arbitration Association, and not by court action, except as otherwise provided in this Section or as allowed by California law for judicial review of arbitration proceedings. Judgment on the arbitration award may be entered in any court having jurisdiction. The Parties may conduct discovery in accordance with California Code of Civil Procedure. This provision shall not prohibit the Parties from filing a judicial action to enable the recording of a notice of pending action for order of attachment, receivership, injunction, or other provisional remedy. Venue for the resolution of any such dispute or disputes shall be in San Mateo County, California.

BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTER INCLUDED IN THE ARBITRATION OF DISPUTES' PROVISION DECIDED BY NEUTRAL ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR

BY JURY TRIAL. BY INITIALING IN THE SPACE BELOW, YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THE ARBITRATION OF DISPUTES PROVISION. IF YOU REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, YOU MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE CALIFORNIA CODE OF CIVIL PROCEDURE. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY.

WE HAVE READ AND UNDERSTAND THE FOREGOING AND AGREE TO SUBMIT DISPUTES ARISING OUT OF THE MATTERS INCLUDED IN THE ARBITRATION OF DISPUTES PROVISION TO NEUTRAL ARBITRATION.

Provider

City

19. VENUE. Provider agrees and hereby stipulates that the proper venue and jurisdiction for resolution of any disputes between the parties arising out of this Agreement is San Mateo County, California.

20. ASSIGNMENT AND NONTRANSFERABILITY. Provider understands and acknowledges that assignment of this Agreement is absolutely prohibited without the written consent of City, and any attempt to do so without City's written consent may result in termination of the Agreement at the will of City.

21. LIENS AND ENCUMBRANCES. Provider shall have no authority to do anything that may result in a lien or encumbrance against the Premises. Without limiting the foregoing, however, Provider agrees to pay promptly all costs associated with the activities associated with this Agreement and not to cause, lease, or suffer any lien or encumbrance to be asserted against the Premises. In the event that Provider causes, leases, or suffers any lien or encumbrance to be asserted against the Premises related to activities associated with this Agreement, Provider, at its sole cost and expense, shall promptly cause such lien or encumbrance to be removed.

22. TERMINATION OF AGREEMENT.

- a. Default. City or Provider shall have the right to terminate this Agreement by written notice to the other party for any default or breach of any term or condition of this Agreement by the other party; provided, however, the non-defaulting and non-breaching party must first deliver written notice to the other party of any such default or breach, and if such breach or default exists for more than thirty (30) days after the delivery of such notice without being cured, the non-defaulting and non-breaching party may elect to terminate this Agreement by giving written notice of such termination to the defaulting party. Termination shall be effective on the date specified in the notice, which date shall

not be less than thirty (30) days nor more than one hundred eighty (180) days following such notice. In addition to termination, the non-defaulting and non-breaching party shall be entitled to pursue any and all other remedies provided by law.

b. City Dissatisfaction. If City and/or Menlo Park community believes Provider has not satisfied community needs with respect to public access, service and program quality, and public safety, City may deliver written notice to Tenant of such dissatisfaction and the Parties shall meet and confer within fifteen (15) days of Provider's receipt of such notice. If the matter is not resolved to the City Manager's satisfaction, City may terminate this Agreement by giving written notice of such termination to Provider. Termination shall be effective not less than ninety (90) days after the date of such notice.

c. Provider's Option. Provider may terminate the Agreement at Provider's option upon the occurrence of any of the following:

- Upon the death of Kristin Quintana; or
- Upon the disability of Kristin Quintana, if such disability prevents her from running Provider's business operations for a continuous period of 60 consecutive days; or
- Upon financial hardship, which shall require not less than six (6) month written notice to terminate Agreement based on financial hardship.

Termination shall be effective not less than ninety (90) days after the date of any such notice. In the event Provider does not elect to terminate the Agreement as permitted herein, the Agreement shall remain in full force and effect for the remainder of the Term, unless subsequently terminated for another cause or event as specified herein.

23. CONDITION OF PREMISES UPON TERMINATION. Upon the effective termination of the Agreement, Provider shall restore the Premises to its condition prior to the execution of this Agreement, remove all personal property, including furniture, furnishings, vehicles, and equipment, belonging to Provider or Provider's employees, invitees, and agents. Should Provider fail to perform those obligations by the effective termination date, the Parties agree to the following:

- a. Such remaining property shall be deemed abandoned and Provider waives all provisions for disposition of abandoned personal property required by California law including but not limited to California Code of Civil Procedure Section 1980 et. seq. (requiring notice for reclaiming abandoned property and public sale for disposition).
- b. City has the right to take action to remove Provider's personal property. Should City exercise this right, Provider shall be liable to City for:
 - the actual cost of this removal, demonstrated by valid receipts and invoices;

- a fifteen percent (15%) overhead to City for reasonable costs in contracting and supervising the removal work; and
- any attorneys' fees incurred by City to remove Provider from the Property after termination, if necessary. Invoices must be paid within ten (10) days of submission of invoice to Provider. If not paid within this time, then interest will be charged at ten percent (10%) or the maximum extent allowed by law, whichever is less.

24. COMPLETE AGREEMENT. This Agreement contains the entire agreement between the Parties with respect to the matters set forth herein, and supersedes all prior or contemporaneous agreements (whether oral or written) between the Parties with respect to the matters set forth herein.

25. AMENDMENT. This Agreement may be amended only by a written instrument executed by the Parties.

26. AUTHORITY. The individuals executing this Agreement on behalf of Provider represent and warrant that they have the legal power, right and actual authority to bind Provider to the terms and conditions of this Agreement.

27. NO WAIVER. Waiver by either party of a breach of any covenant of this Agreement will not be construed to be a continuing waiver of any subsequent breach. City's receipt of rent with knowledge of Provider's violation of a covenant does not waive City's right to enforce any covenant of this Agreement. No waiver by either party of a provision of this Agreement will be considered to have been made unless expressed in writing and signed by all parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement by their officers therein duly authorized as of the date and year first written above.

CITY OF MENLO PARK

By: _____

ATTEST:

City Clerk

Q2 Kicks Inc.
PO Box 68
Menlo Park, CA 94026

By: _____
Kristin Quintana, Owner & Chief Instructor

GUARANTY

KRISTIN QUINTANA hereby unconditionally personally guarantees all of the obligations arising or accruing during the term of the Agreement and/or arising out of Provider's operation of the Premises. City is not responsible to enforce the terms of the Agreement upon Q2 KICKS INC., or to first institute suit, or to pursue or exhaust its remedies against Q2 KICKS INC. KRISTIN QUINTANA shall, without demand, pay City's reasonable attorneys' fees and all costs and expenses incurred by City in enforcing the terms of the Agreement and/or this Guaranty.

This Guaranty shall inure to the benefit of City, its successors and assigns, and this Guaranty shall bind KRISTIN QUINTANA, her legal representatives, and assigns.

KRISTIN QUINTANA

EXHIBIT A
Room Rental Reservations for Classes
(Attached)

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OFFICE OF THE CITY MANAGER

Council Meeting Date: January 27, 2015

Staff Report #: 15-019

CONSENT CALENDAR: Approval of Economic Development Plan Goals

RECOMMENDATION

Staff Recommends that the City Council approve the Economic Development Plan Goals.

POLICY ISSUES

Updating the Economic Development Plan is a City Council Goal. The Economic Development Plan Goals provided in (Attachment A) reflect community and City Council input and will provide the foundation for the Economic Development Plan and the City's Economic Development efforts.

BACKGROUND

While the nation has shifted from a manufacturing based to an innovation based economy, Menlo Park's land use, transportation and economic strategies have not followed suit. As a result, Menlo Park is losing ground compared to neighboring cities, and the residents are missing out on the benefits of the innovation economy for the community. To address this, City Council directed staff to update the Economic Development Plan to make Menlo Park more competitive in the regional and global economy.

Up Urban Inc., the consultant selected to assist with the Economic Development Plan, expanded on the Economic Trends Report in the Comparative Economic Advantage Study (CEAS) (Attachment B). The CEAS analyzes Menlo Park's existing economic conditions in comparison to other Bay Area cities, characterizes the role Menlo Park plays in the regional economy, identifies areas where Menlo Park could improve in order to become more competitive, and examines how other cities are attempting to capture the value of development in their community.

On November 14, 2014, the Economic Development Plan Stakeholder Group met to discuss the findings of the CEAS and to brainstorm Plan goals. The results of this brainstorming session were used by UP in their drafting of an Economic Development Plan that was presented to the Stakeholder group on December 9, 2014 in a public meeting.

On December 16, 2014, the City Council hosted a study session on efforts to update the Economic Development Plan. The Council provided feedback on the Economic

Development Goals and suggested potential strategies that will be incorporated into the next phase of drafting the new Economic Development Plan.

ANALYSIS

Based on direction from the City Council and input from the Stakeholder Group, Staff has revised and is presenting the attached Economic Development Plan Goals for City Council approval.

In consultation with Up Urban Inc., staff is revising the consultant's scope of work for Phase II of the Economic Development Plan update in order to respond to a need the City Council has identified with regard to providing better clarity around how the City seeks to define "public benefit" and "value capture" in negotiating landuse projects.

Upon approval of the Economic Development Plan Goals, Staff will return to the City Council with a scope of work and appropriation for consultant services to develop specific implementation strategies for the Economic Development Plan Goals as well as additional services to facilitate a discussion and develop recommendations to better define how the City might capture maximum value for the community from development.

IMPACT ON CITY RESOURCES

This action does not have an impact on City resources, however Staff will return to Council with a scope of work and appropriation for Phase II of the Economic Development Plan Update.

ENVIRONMENTAL REVIEW

The Economic Development Plan is not a project under CEQA.

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. Economic Development Plan Goals
- B. Comparative Economic Advantage Study

Report prepared by:

Jim Cogan

Economic Development Manager

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MENLO PARK

ECONOMIC DEVELOPMENT GOALS

Introduction

Situated at the center of one of the world's most dynamic innovation clusters, Menlo Park is already an extraordinary beneficiary of the regional economy. A large percentage of its highly educated and affluent resident population and its employee base work in the innovation sector. At the same time, Menlo Park is failing to capture many of the potential positive benefits that the innovation sector could bring to the local economy, in the form of a more diverse range of retail, recreational and cultural services and jobs, greater public amenities and revenue, a higher quality of life, and, ultimately, a broader array of new job opportunities beyond the innovation sector.

Through its future General Plan update, and the concurrent adoption of a new Economic Development Plan, Menlo Park has a chance to design and implement new policies and actions that will strengthen its economic competitiveness, quality of life and fiscal health. To this end, the Menlo Park Economic Development Advisory Group defined the following economic development goals that build on the opportunities identified in the Comparative Economic Advantage Study.

1. Diversify and Grow City Revenue Sources

For decades, the El Camino Real was home to many car dealerships that produced a large, reliable sales tax base for the city. In recent years, these dealerships have moved out of Menlo Park, taking tax revenue elsewhere and leaving vacancies. Instead of “chasing” large sales tax generators like big box retail or auto dealerships, the City should cultivate a diverse range of new sources of public revenue to ensure Menlo Park’s long-term fiscal health. Overreliance on one revenue source or tax does not produce long-term stability. The City should

be creative in how it generates new public revenue— capturing a greater share of the disposable income of its innovation sector workforce, for example, or leveraging new real estate development opportunities through intelligent land value capture policies.

2. Grow “Walkable Urbanism” in a Few Strategic Locations

It’s unrealistic to expect all of Menlo Park to become an amenity rich “walkable” neighborhood. Instead, the City should identify a small subset of locations that are best situated for increased retail and cultural amenities, changes in land use and urban form and growth. The goal is to increase walkability and create neighborhood identity, and adding more neighborhood-serving retail is a strategy to get there.

3. Capture the Economic Potential of “Pass-Through” Traffic

An estimated 80% of east Menlo Park’s daily traffic is “pass-through” – auto trips by individuals with no planned destination in Menlo Park. By offering better reasons to stop and spend time and money in Menlo Park, ideally through walkable and amenity rich retail and entertainment clusters, the City could increase its capture of the economic wealth of the larger region, without adding significant vehicle traffic, and also enhance retail and cultural amenities for Menlo Park’s residents.

4. Activate the East Side by Leveraging Planning and Real Estate Development Opportunities in the M-2

Menlo Park’s Belle Haven neighborhood lacks many resident-serving amenities, but it also holds some of the best economic and real estate development opportunities for Menlo Park. Many Belle Haven residents support a

vision for development that could bring greater urban vitality, including adding a movie theater, supermarket, and other amenities that could improve their neighborhood but also give reasons for residents from west Menlo Park to visit east Menlo Park.

At the same time, the adjacent M2 zone in east Menlo Park is ripe for transformative development. If the city is strategic about how it plans and rezones this area it will gain much more than just increased property taxes—it can create a whole new live, work and play neighborhood that will provide new amenities for existing Belle Haven residents incubate new businesses, and generate funding for new public parks and plazas.

5. Work with Neighboring Cities to Increase Transit & Cycling Options that Integrate Menlo Park into the Region

Transit is a regional dilemma. Menlo Park cannot solve regional problems on its own. However, Menlo Park can make local, tactical improvements in cooperation with businesses like Facebook, institutions like Stanford, and with neighboring cities like Redwood City, to enhance its connection to regional transit, private shuttles, car-sharing and bicycle networks.

6. Enhance Cultural/Arts Offerings

Menlo Park should actively promote arts and culture as an economic development strategy.

7. Preserve Housing Affordability and Income Diversity Wherever Possible

Providing access to housing affordable to a range of incomes is a crucial component of economically vibrant and resilient communities, especially for small businesses like restaurants and retail that rely on lower-paid employees.

8. Consider the Needs of the Market -- Now and in the Future

Menlo Park must focus on the needs of the innovation sector with particular attention to the unique growth

stages of these companies. Ideally, Menlo Park can provide space for start-ups, room for them to grow, and even accommodate local businesses when they scale-up to larger sized, publicly traded companies. Focusing on the needs of employers and employees of this sector now and in the future will help capture the benefits of that sector, for the benefits of Menlo Park residents.

9. Attend to the Details

Menlo Park must not lose sight of the “small stuff,” which supports the overall quality of life. While the City should focus on some big strategic moves for economic development, it must also maintain focus on everyday services like maintenance and capital improvements of public infrastructure.

10. Rethink Downtown

Improving vibrancy downtown requires a plan that addresses retail offerings, the buildings that house them, and access to the area. Menlo Park’s parking replacement requirements for residential development in the downtown are inadvertently limiting development that could enhance its potential as a mixed-use urban village with vibrant retail. Further, Menlo Park owns the surface parking lots in its downtown, which represent a tremendous development opportunity for the city.

11. Make Menlo Park a Predictable Place to Do Business

The current planning and permitting process in Menlo Park is onerous and unpredictable, which can discourage new companies, developers, and business owners from wanting to locate in Menlo Park. By streamlining the planning and permitting process, the City can create a more welcoming environment for new businesses and residential development in Menlo Park.

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MENLO PARK
COMPARATIVE ECONOMIC
ADVANTAGE STUDY
NOVEMBER 2014

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01

**EXECUTIVE
SUMMARY**

01 EXECUTIVE SUMMARY

What is the purpose of this study?

This comparative study is the foundation for the next phase of UP's work for Menlo Park, the preparation of a draft Economic Development Plan. Accordingly, this study does not propose goals, objectives and policies, but instead identifies Menlo Park's comparative economic advantages, opportunities and constraints. Once the Economic Development Plan Stakeholder Group has reviewed and commented on this draft study, UP will finalize it and begin work on the Economic Development Plan (the Plan). It is important to emphasize that UP's work on the Plan must be guided by the Advisory Group's direction on the City's values and goals. While UP is capable of drafting a smart strategy to pursue value-based goals, the City first needs to clarify its values and goals in light of the economic opportunities highlighted in this report. We believe that this two-step process—and informed conversation—will result in the best possible Economic Development Plan.

Key conclusions from the study:

- With one of the most educated populations in the Bay Area, highest average household incomes, and largest share of local workforce employed in the innovation sector, Menlo Park is an extraordinary beneficiary of the regional innovation economy.
- With some of the lowest office vacancy rates and highest monthly rents in the region, Menlo Park is well positioned to capture greater public benefit by leveraging its unique regional real estate advantage.
- However, the good luck of being situated at the center of one of the world's most

dynamic innovation clusters can also lead to complacency in regard to planning for future economic success.

- Menlo Park is failing to capture many of the economic multipliers that innovation sector jobs can bring to local economic development.
- More specifically, Menlo Park is missing out on retail businesses, jobs and their associated sales tax revenue and public amenity value. It has one of the lowest retail per office job ratios in our peer review group, very low retail vacancy rates and very low per capita sales tax revenue.
- A growing share of innovation jobs, tech employers and venture capital are moving to walkable, compact and transit-oriented urban centers like San Francisco. The now-aging millennial generation has a strong preference for these same walkable urban places.
- Menlo Park has one of the lowest Walk Scores of its peer group, reflecting its relatively low density, automobile orientation, and poor walking access and proximity to resident and employee-serving amenities like retail and professional services.
- For Menlo Park to remain economically competitive and resilient over the next 25 years, it needs support land use and development plans that encourage denser, walkable mixed-use neighborhoods in transit-rich locations.
- Menlo Park could also capture a larger portion of retail and service businesses and jobs if it pursues progressive land use and urban design policies that encourage such growth.

- Policies that support walkable urbanism are also great economic development strategy. Such policies simultaneously enhance livability and public health for families while generating higher sales tax revenue and long-term economic competitiveness and resiliency.
- Many Bay Area cities have adopted land use plans that encourage walkable urbanism around fixed transit with the express intention of capturing innovation sector jobs.
- Menlo Park needs to view better connections to regional transit as a vital tool for the City's long-term economic development.

02

FINDINGS

PART I 11

PART II 16

02 FINDINGS

Part I compares Menlo Park to a broad list of cities in the Bay Area based on their basic demographics and how well these cities are currently capturing the benefits of the regional innovation economy.

Part II explores whether Menlo Park is well positioned to capture the future benefits of the regional innovation economy by comparing it to smaller peer group in regards to tax revenue, land use, office space capacity, and transit services.

All tables and maps cited in the findings are located in the Appendix. A set of case studies summarizing successful upzoning and placemaking efforts has also been included to demonstrate the array of strategies being employed by various cities across the region.

Part I Comparison Group: Part I of the study looked at a list of cities 22 in the Bay Area that are likely to create innovation sector jobs in the medium term. Innovation sector jobs are important to Menlo Park because they generate significant economic multiplier effects on the local economy. The comparison cities were chosen based on three criteria:

- (1) they already have clusters of innovation-economy jobs;
- (2) many residents are in their twenties and thirties; and
- (3) they are walkable¹.

Comparison Group Cities:

Alameda	Palo Alto
Berkeley	Redwood City
Brisbane	Richmond
Burlingame	San Bruno
Cupertino	San Carlos
Daly City	San Francisco
Emeryville	San Jose
Foster City	San Mateo
Fremont	Santa Clara
Mountain View	South San Francisco
Oakland	Sunnyvale

¹ The cities chosen have significant clusters of jobs in NAICS sectors 51 and 54; have a 12% or greater share of population between 20 and 34; and have a Walk Score from walkscore.com of at least 40.

Part I Findings

High Degree of Regional Integration: Menlo Park's economy is tightly integrated into the larger Bay Area economy. Like many cities in the region, the majority of workers in Menlo Park commute from outside the city, and the majority of Menlo Park residents travel to other Bay Area cities to work. These commuters follow the transportation network. They come south from San Francisco and other points on the Peninsula; north from San Jose and Sunnyvale; and across the bridges from Hayward and Fremont. Menlo Park residents travel to the same cities to work (Maps 1 & 2).

Low Population, but Average Demographics:

When considering the importance of innovation sector jobs, it is important to look at local demographics because many start-ups rely on the talent of young people (and their willingness to take risks) to fuel early growth. Compared to its peers, Menlo Park has fewer people aged 20-35 than most of the other cities (Table 1). That difference shrinks when we measure resident between 20 and 35 as a share of total population, but Menlo Park still has a lower share of young workers than many other cities. When we look at other age groups, Menlo Park is not an outlier – the share of residents under 20, between 35 and 55, and over 55 are average for the peer group (Tables 2-5).

High Average Household Income: At \$109,209, Menlo Park enjoys one of the highest average household incomes among the comparison group (Table 6).

High Educational Attainment: Menlo Park has a higher share of residents with a bachelor's degree or higher than nearly all the other cities in the comparison group (Table 7), and also has a higher share of residents with graduate or professional degrees (Table 8). A hallmark of the innovation-economy is a well-educated workforce.

A large share of Menlo Park's employment is in the innovation sector, but these jobs are only a small share of the all Bay Area innovation jobs: Menlo Park's cluster of innovation sector jobs is not among the biggest in the Bay Area, but it's not small either (See Table 9). It's in a "third tier" behind giants like San Francisco and San Jose, and behind medium-large clusters like Palo Alto, Mountain View and Sunnyvale. At the same time, Menlo Park is very conveniently located to access to many neighboring clusters of innovation-economy jobs, like Palo Alto, Mountain View, and Sunnyvale.

Although Silicon Valley remains the world leader in fostering tech startups and innovation sector jobs, a significant portion of the innovation economy is shifting to large cities nearby. San Francisco now attracts more venture capital investment than Silicon Valley, and it holds the headquarters of Twitter, Yelp, Pinterest, Uber, Lyft, Dropbox, Salesforce, Instagram, BitTorrent, Zynga and BitTorrent. Technology companies are engaged in fierce competition for the most skilled workers, and these workers are increasingly interested in living in cities.

This trend does not pose an immediate threat to Menlo Park, as tech employment in the City is currently strong (See Table 10). Menlo Park has a higher percentage of jobs in the innovation sector than most other cities. However, the City should be considering its place in a future where technology

WHAT IS THE INNOVATION ECONOMY?

The innovation sector is defined by industries that require human capital and ingenuity like bio-tech, hi-tech, prototyping, social media, information technology, and the venture capital that supports these ventures.

companies increasingly seek downtown locations with an energetic and walkable urban environment.

Menlo Park is failing to capture its retail and service sector potential: Menlo Park lacks retail services in many neighborhoods, which inconveniences City residents. It also leads many highly-paid workers in the City to spend their money in Palo Alto, Redwood City, or San Francisco instead of spending it in Menlo Park. This reduces sales tax revenues. Menlo Park now hosts a considerable number of innovation-economy employees, but many of these employees likely spend their money in Redwood City, San Francisco, and Berkeley because of the lack of retail. One solution would be to densify employment centers in Menlo Park. Research has shown that as employment density increases employees have more opportunities to shop near their workplace, if land use regulations allow it.²

At the same time, the May 2014 *Economic Trends Report* found that little vacant retail space remains in the City.³ This suggests that increasing retail services will require crafting land use policies to permit more retail. It will also require an effort to generate a more lively and walkable urban

² Chatman, D. G. (2002). The Influence of Workplace Land Use and Commute Mode Choice on Mileage Traveled for Personal Commercial Purposes. Presented at the TRB 2003 Annual Meeting, Transportation Research Board.

³ BAE Urban Economics. (2014). Menlo Park Economic Development Strategic Plan Phase 1: Economic Trends Report.

One reason that the innovation sector is important for the local economy is that it has a higher multiplier effect. This is because local economies are interconnected through a complex web of transactions. Each new worker helps support local jobs by going to restaurants, shopping at the grocery store, getting car repairs, visiting the dentist, and so on. The company that hires a new worker also pushes more money into the local economy in various ways, from buying office supplies to engaging the services of outside professionals like lawyers and consultants, or even yoga instructors.

These are called **multiplier effects** – and innovation-economy jobs have higher multiplier effects than most jobs. Berkeley economist Enrico Moretti has estimated that each new high-tech job in a metropolitan area leads to the creation of five more jobs outside of the high tech sector. A multiplier is a number showing how changes (jobs, earnings, or sales) in one sector will propagate to other sector in a regional economy. For example, a jobs multiplier of 3 means that a change of 100 jobs in that sector would lead to a total change of 300 jobs ($3 \times 100 = 300$) in the larger regional economy. This 300 includes the original 100 jobs, meaning the additional change is 200. As Moretti emphasizes in his book *The New Geography of Jobs*,

With only a fraction of the jobs, the innovation sector generates a disproportionate number of additional local jobs and therefore profoundly shapes the local economy. A healthy traded sector¹ benefits the local economy directly, as it generates well-paid jobs, and indirectly as it creates additional jobs in the non-traded sector.

What is truly remarkable is that this indirect effect to the local economy is much larger than the direct effect... for each new high-tech job in a

metropolitan area, five additional local jobs are created outside of high tech in the long run.

[And] it gets even more interesting. These five jobs benefit a diverse set of workers. Two of the jobs created by the multiplier effect are professional jobs — doctors and lawyers — while the other three benefit workers in nonprofessional occupations — waiters and store clerks. Take Apple, for example. It employs 12,000 workers in Cupertino. Through the multiplier effect, however, the company generates more than 60,000 additional service jobs in the entire metropolitan area, of which 36,000 are unskilled and 24,000 are skilled. Incredibly, this means that the main effect of Apple on the region's employment is on jobs outside of high tech.

However, these multiplier benefits are not necessarily captured in Menlo Park. They are regional: they are likely to cluster nearby, but nearby could be in the next town or ten miles away. Partly, this depends on where the new innovation sector workers end up spending their high wages – and this depends on what shopping or service offerings are available in each city. A new tech workers' money is likely to be spent wherever they find the largest, most vibrant most convenient and, perhaps, most walkable concentrations of shops and services.

These regional shopping destinations are likely to be downtown neighborhoods that are mixed-use and medium-density to high-density, with access to transportation services. It is no accident that these high-amenity urban neighborhoods are increasingly attracting Millennials and tech startups.

¹A traded sector is one that sells to outsiders, bringing in outside money into the region, while a non-traded sector is one that serves the residents of the region.

atmosphere in the City center. More people walking and biking on downtown streets – and more people living downtown – will support a more lively retail district. Consider the most successful shopping districts in the region – places like Palo Alto, Redwood City, and San Francisco. They don't just have stores – they have a busy, exciting atmosphere that comes from having more people on the street. In each of these locations, medium-density and high-density housing in central locations has played a key role in establishing thriving retail centers (See Case Studies for examples of successful retail districts in the region). Of course, it would be misguided for Menlo Park to try to become any of these communities. However, the City can use the experience of these local examples to develop its own template for success.

A Low Retail to Office Jobs Ratio: So how is Menlo Park doing when it comes to capturing the local economic benefits from tech economy growth? There is no simple way to measure this, but one way is to count how many retail jobs there are for every office job.

Menlo Park has fewer retail jobs per office job than most of the cities in the comparison group (See Table 11). Measured in this way, it seems like Menlo Park may be leaving some benefits of the tech economy on the table for neighboring cities to capture. It's important to note, however, that two cities that have similar ratios of retail jobs to office jobs are not necessarily similar in other ways. A city could have a high ratio because it has a lot of retail jobs – or it could have a high ratio because, while it has a moderate number of retail jobs, it doesn't have many office jobs.

It might be time to turn Facebook inside out: In Silicon Valley, many tech companies try to make their workplaces more comfortable and inviting by offering goods and services that their employees can take advantage of without leaving the office. Facebook has installed a 9-restaurant food court, a candy

shop, a bicycle repair shop, a video arcade, and a barbershop.

It is important to keep in mind how this affects the local economy. On an average street in Menlo Park, a collection of shops like this would feel a lot like a real “main street,” which would likely attract nearby residents and non-Facebook employees, driving greater sales and creating employment opportunities—extending the multipliers outward. In sum, turning the campus “inside out” would likely generate greater positive externalities⁴ than closing the doors and recycling existing wages in a closed system. Instead these services are currently “internalized” on a closed campus, which in turn reduces the need of employees to seek services in the surrounding neighborhood.

Walkability, Accessibility, and Livability Reinforce Economic Competitiveness and Resiliency in the Innovation Economy: Measuring a neighborhood's relative level of “walkable urbanism” is difficult. In this study we assess walkable urbanism by using Walk Scores. This is a score between 0 and 100 developed by Walk Score, a company that promotes alternative transportation modes. A Walk Score is a good predictor of things like retail store concentration and density of transportation options – things that contribute to the overall convenience and appeal of a given neighborhood.

Menlo Park's Walk Score is lower than the comparison group average (see Table 12). Why is this important? One benefit of walkable neighborhoods is that they have higher property values and more economic activity. A 2012 study of neighborhoods in Washington, D.C. found that walkable neighborhoods have higher home sales prices, higher rents, and

⁴ A positive externality exists when an individual or firm making a decision does not receive the full benefit of the decision. The benefit to the individual or firm is less than the benefit to society. Thus when a positive externality exists in an unregulated market, the marginal benefit curve (the demand curve) of the individual making the decision is less than the marginal benefit curve to society. With positive externalities, less is produced and consumed than the socially optimal level. This dilemma may, among other factors, be the reason that Facebook hasn't expanded its retail and service offerings outward into Menlo Park.

higher retail sales.⁵

Walkable neighborhoods also promote health. A 2014 survey conducted in six major U.S. cities found that people who moved to a neighborhood with a higher Walk Score walked more and reduced their body mass index.⁶

Researchers and market analysts believe that homes in dense urban areas with access to good transportation and shops command higher prices, and that demand for them is rising. Homes in urban areas command a price premium of 15%.⁷ An analysis of home prices during the turbulent period from 2007 to 2012 found that homes in urban neighborhoods maintained their value better than suburban homes.⁸ Surveys have found an unmet demand for homes in urban neighborhoods: many people living in the suburbs, particularly young people, would prefer to move to more central locations with better transportation.⁹ (Of course, this just confirms what apartment prices tell us: housing is expensive in these neighborhoods because demand for it is high.)

Due to the business advantages of locating in walkable urban neighborhoods, commercial real estate there commands higher prices.¹⁰ Companies are drawn to urban locations to better know their customers and to attract well-educated employees, who prefer to live in cities. Even the technology

⁵ Leinberger, C. B., & Alfonso, M. (2012, May). Walk this Way: The Economic Promise of Walkable Places in Metropolitan Washington, D.C. Retrieved November 13, 2014, from <http://www.brookings.edu/research/papers/2012/05/25-walkable-places-leinberger>

⁶ Hirsch, J. A., Diez Roux, A. V., Moore, K. A., Evenson, K. R., & Rodriguez, D. A. (2014). Change in walking and body mass index following residential relocation: the multi-ethnic study of atherosclerosis. *American Journal of Public Health*, 104(3), e49–56.

⁷ Song, Y., & Knaap, G.-J. (2003). New urbanism and housing values: a disaggregate assessment. *Journal of Urban Economics*, 54(2), 218–238.

⁸ Gillen, K. (2012). The Correlates of Housing Price Changes with Geography, Density, Design and Use: Evidence from Philadelphia. Congress for the New Urbanism. Retrieved from <http://www.ssti.us/2012/11/the-correlates-of-housing-price-changes-with-geography-density-design-and-use-evidence-from-philadelphia-congress-for-the-new-urbanism-2012/>

⁹ RSG. (2014). Who's on Board 2014: Mobility Attitudes Survey. Transit Center. National Association of Realtors. (2013). NAR 2013 Community Preference Survey.

¹⁰ Pivo, G., & Fisher, J. D. (2011). The Walkability Premium in Commercial Real Estate Investments. *Real Estate Economics*, 39(2), 185–219.

HOW IS THE WALK SCORE CALCULATED?

The most important element is **proximity to amenities** – the places people travel to reach. Examples include shops, schools, offices, and parks. Neighborhoods with shorter walks to nearby amenities have a higher Walk Score.

Another element is **population density**. Some trips simply go from one home to another. Where homes are closer together, it is easier to walk between them. Higher population density is also associated with other qualities that make walking easier, like good transit services.

Another element is the **design of streets and blocks**. It is more difficult to walk where blocks are longer and streets have curves and dead ends, because pedestrians are often forced to take longer indirect routes. Neighborhoods with shorter blocks and more frequent intersections allow pedestrians to choose more direct routes. These neighborhoods have higher Walk Scores.

Researchers have investigated whether Walk Scores are actually a good assessment of a neighborhood's walkability. They found that people in neighborhoods with higher Walk Scores are more likely to walk to destinations, and spend more time each week walking¹.

¹ Hirsch, J. A., Moore, K. A., Evenson, K. R., Rodriguez, D. A., & Diez Roux, A. V. (2013). Walk Score® and Transit Score® and walking in the multi-ethnic study of atherosclerosis. *American Journal of Preventive Medicine*, 45(2), 158–166.

industries that were born in Silicon Valley have begun shifting to San Francisco, which now holds the headquarters of Uber, Lyft, Salesforce, Twitter, Instagram, Pinterest, BitTorrent, Zynga, Reddit and

Yelp. San Francisco now attracts more venture capital investment than Silicon Valley.¹¹

Part II Overview

The Comparison Group: Here we narrow our focus, and compare Menlo Park to a shorter list of ten Bay Area cities. These cities are not necessarily similar to Menlo Park, except in the sense that they are all attractive places for innovation sector businesses to locate. These communities compete with Menlo Park to capture local multiplier jobs and economic activity. By analyzing tax revenue, land use, office space capacity, and transit services we get a sense of Menlo Park’s current climate and overall fitness to capture future economic benefit in comparison to these peer cities. They are:

Burlingame	Pleasanton
Emeryville	Redwood City
Foster City	San Francisco
Mountain View	San Mateo
Palo Alto	Walnut Creek

Part II Findings

Menlo Park needs more compact, walkable mixed-use urbanism: As we’ve discussed, the positive “spillovers” from new jobs and economic growth are likely to be captured in cities with vibrant mixed-use retail centers. This raises the issue of land use policies – the zoning rules that determine where retail uses, as well as offices and homes, are allowed to locate. The positive spillovers are likely to be captured in areas where land use regulations permit mixed uses at medium- to high-density. Good data about municipal land use is hard to get. One way that land use can be evaluated is by comparing the amount of commercial and industrial building space that is available in each city, and in this case we used information published by the real estate company

¹¹ Florida, R. (2014). *Startup City: The Urban Shift in Venture Capital and High Technology*. Toronto: Martin Prosperity Institute.

Colliers International (Table 13) which shows a good mix of office and industrial/Research & Development available in Menlo Park.

Another way to compare how cities use land is to measure their capacity for further housing development. In California, cities are required to estimate future housing development capacity in the housing element of their general plan (Table 14). Menlo Park has fulfilled 40% of its housing capacity, which is more than many other cities in the peer group, but still suggests room for growth.

Taken together, these two indicators suggest Menlo Park is primed for considerable compact mixed-use development at greater densities than its historic norm. Menlo Park is missing out on positive “spillovers” from new jobs and economic growth. Around the Bay Area, cities are making plans to capture coming growth. Cities from Walnut Creek to Redwood City to San Jose are making ambitious changes to land use policy, building walkable neighborhoods with excellent transportation, and hoping to attract well-educated young people and innovative entrepreneurs. (See Case Studies for examples of cities increasing density and focusing on urban design to capture the benefits of the innovation economy).

Menlo Park has succeeded in the past because it offered exactly the sort of places that innovative companies wanted to be. It needs to consider its place in a future where more companies are looking for walkable, vibrant and urban neighborhoods.

Menlo Park is missing out on tax revenue: Most city governments take in much of their revenue from three major taxes: property tax, sales and use tax, and hotel tax (also called transient occupancy tax). Looking at these revenues is a quick way to get a sense of the local economy.

Sales tax revenues in Menlo Park are among the lowest in the peer group, due to Menlo Park’s relatively low concentration of retail business. On

a per capita basis, Menlo Park sinks even further, receiving only \$18,601 per residents in sales (Table 15). This reinforces the reality that while Menlo Park is positioned in a tightly integrated regional economy, it's missing out on its share of the benefit because of a low concentration of retail business. The *right* kind of office (medium density, mixed-use) would create new retail needs which would in turn capture more tax revenue.

Menlo Park has lower property tax revenues than many of the cities in the peer group. This may seem strange, since homes in Menlo Park are fairly expensive. However, they are primarily single-family residences; property values are significantly higher in cities with densely developed office and residential buildings.

Hotel tax revenues in Menlo Park are near the middle of the peer group. These revenues are higher in cities with large or numerous hotels. (Tables 16 & 17)

Menlo Park has highly valuable office space and extraordinary demand for more: Menlo Park has a little more than 5 million square feet of office space (See Table 18). To put that in perspective, San Francisco – which hosts the largest concentration of office space in the region – has about 89 million square feet. Palo Alto has about 10 million square feet of office space, and Mountain View has about 4 million square feet.

Menlo Park's office space generates more money per square foot than anywhere else in the Bay Area. Monthly office rents are \$6.77 per square foot (Table 19). And only 5.7% of office space is vacant – nearly the lowest vacancy rate in the Bay Area (Table 20 & 21).

Taken together, these indicators suggest that Menlo Park enjoys a highly valuable office market with room to grow to increase its share of benefit in the innovation economy.

Menlo Park ranks low on access to regional transit: With the exception of Foster City, all cities in the peer group have some level of fixed-route transit

service – commuter trains or light rail (Map 3). Based on this data, we can estimate the distance to the nearest fixed-route transit station from the centroid (geographic center) of each census block group in the peer group cities. By weighting these distances by each block group's population, we can estimate the average distance to a fixed-route transit station among all residents in each city (Map 4). By this measure, Menlo Park falls low on the list for transit proximity.

This highlights the importance of location and transportation. When a business looks for a location, good transportation options – and the variety of goods and services that come with it – are a selling point. It is no coincidence that the cities with thriving innovation sectors nearly all have access to high-quality public transportation.

The San Francisco Peninsula has traditionally dominated the Silicon Valley innovation economy. However, recently more tech companies have begun to locate in San Francisco. This may indicate that the growing importance of urban amenities, including high-quality transit service.

If that is the case, then East Bay and South Bay communities with BART service, like Oakland, Fremont, and (in the near future) San Jose, may have significant potential for innovation-sector growth, while cities like Menlo Park must depend on CalTrain to connect them to the regional economy. Transit systems don't evolve overnight, however in order to be a competitive player in the regional economy, Menlo Park must view better connections to regional transit as a vital tool for the City's long-term economic development.

03

APPENDIX

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CASE STUDIES

Warm Springs Station, Fremont

The Warm Springs/South Fremont Community Plan, approved in July 2014, charts a development path for nearly 900 acres of land with 10 different planning areas, each with distinct land use plans that mix various uses. For each of these zones, the plan establishes a minimum building intensity (FAR) by use, with the goal of providing flexibility for development over time while maintaining a diversity of uses (See Table). In addition to minimum FAR, Jobs Factor and Minimum and Maximum Site Area to help reach regional goals for housing and employment.

TAKE AWAY: This ambitious plan allows for a mix of residential, office, industrial and retail uses in the area, previously been zoned for heavy industrial use. Rather than focusing on maximum FAR, Warm Springs sets a minimum building intensity paired with rigorous form-based guidelines, to ensure new development is filling in at an intensity and form that matches their vision for the area: an innovation district offering a unique opportunity for inventive, flexible development of new and expanding businesses interwoven with areas for living, learning and commerce.

Total Site Area	
900 acres	
Intensity/FAR	
Use:	Min. FAR
Industrial	0.35
Research & Development	0.5
Office & Convention	1.5
Hotel	1.5
Retail & Entertainment	2000 SF/acre
Project Targets	
Min. Gross Floor Area	11,521,526 SF
Min. Dwelling Units	2,700
Total Jobs	20,000
Public Open Spce	4 acres

Bay Meadows, San Mateo

The first Bay Meadows Specific Plan (Phase I), adopted in 1997, contemplated two specific parcels near the 101/Hillsdale Blvd. exit for redevelopment. Along with other design guidelines, the plan set an FAR for .5 and 1.34 FAR for each parcel with the goal of creating a mixed-use, walkable and bikeable “gateway identity” to the City of San Mateo. The Phase II Specific Plan Amendment, adopted in 2005, took even greater advantage of the existing and expanding CalTrain commuter rail line linking San Francisco to San Jose and Gilroy. The proximity to the new express train station provided a unique opportunity for Phase II to advance the mixed- use principles initiated in Phase I. Along with other extensive design guidelines, a maximum FAR of 2.0 and 50 du/acre was approved for mixed-use parcels and residential parcels respectively, with the combined goal of creating a compact, walkable, transit-oriented community.

TAKE AWAY: After nearly two-decades of planning, Bay Meadows is currently coming to life. It’s an excellent example of a city successfully master planning a walkable, mixed use district near transit. Once fully developed, the 83 acre Bay Meadows will boast 1,250 residential units, over 750,000 square feet of office space, 150,000 square feet of retail, and nearly 15 acres of public space.

Total Site Area	
83 acres	
Intensity/FAR	
Phase	Max. FAR
Phase I	.5-1.34
Phase II	2 and 50 DU/acre
Project Targets	
Residential	1,250 DU
Office	750000 SF
Retail	150,000 SF
Public Space	15 acres

Downtown Redwood City

Redwood City's Downtown Precise Plan (DTPP), adopted in 2011 (amended in 2013), established height limits in 6 zones and a Maximum Allowable Development (MAD) guidelines for the DTPP Area as a whole (183 acres). The MAD restricts residential development to 2,500 net new dwelling units, office development to 500,000 net new square feet of gross floor area, retail development to 100,000 net new square feet of gross floor area, and lodging development to 200 net new guest rooms. The DTPP places no limit on dwelling units per acre (du/ac) and floor area ratio (FAR) on a site-by-site basis. Instead, intensity of development is guided by the form-based codes that establish design guidelines, the MAD, and height limits by zone, ranging from 3-12 stories.

Total Site Area	
183 acres	
Intensity/FAR	
6 height zones 3-12 stories	
Project Targets	
MAD	Amount
Residential	2,500 DU
Office	500,000 SF
Retail	100,000 SF
Lodging	200 DU

TAKE AWAY: With this comprehensive plan, Redwood City has approached downtown revitalization from the perspective of establishing an overall “mold” for future development and released a limited amount of developable square footage at this time to fill it. The plan has brought a flood of new development to Redwood City, so much so that the MAD limit for office has already been reached. Redwood City is now in the position to release additional square footage to fill their “mold” at the rate that they wish.

North San Jose

The North San José Urban Design Guidelines set ambitious goals for transforming the neighborhood into a more walkable and urban setting. The guidelines call for higher-density residential and commercial development; a more active public realm that encourages walking and biking; and a diverse mix of uses that provide places for living, working, shopping, recreation, and education. These goals required major changes to density and height requirements. Buildings in the neighborhood core were given a height minimum of 4 stories (1.2 effective FAR), although this was subsequently reduced to 3 stories (.8 effective FAR) based on feedback from developers. Height maximums were set at 120 to 250 feet. The plan allows for 26.7M SF office/industrial, new 32,000 homes and 1.7M SF of commercial.

Total Site Area	
4,795 acres	
Intensity/FAR	
<i>Core Area FAR was recently reduced from 1.2 to .8, height maximums are 120-250 ft.</i>	
Project Targets	
Office/Industrial	26.7M SF
Commercial	1.7M SF
Residential	32,000 homes

TAKE AWAY: San José is actively seeking to capture more employment and economic activity in North San Jose to balance the City's high concentration of housing. Effective FAR was recently reduced at the urging of developers, suggesting the city's appetite for change may be outpacing developers' ability to build profitable projects.

Walnut Creek: Locust Street / Mt. Diablo Boulevard Specific Plan

For many years, Walnut Creek has focused planning efforts on restoring its historic downtown and creating a walkable urban core with strong connections to the BART station. To City leaders, a dense and walkable downtown was seen as an economic development strategy – a way to weather the decline of auto dealerships and the hollowing out of downtown retail.

TAKE AWAY: The strategy has produced dramatic results. An area once dominated by parking lots, wide streets and auto dealerships has been redeveloped with dense housing, offices, parking structures, and pedestrian-oriented retail. Rapid commercial and residential development continues, putting Walnut Creek well along the transition to a vibrant and walkable center.

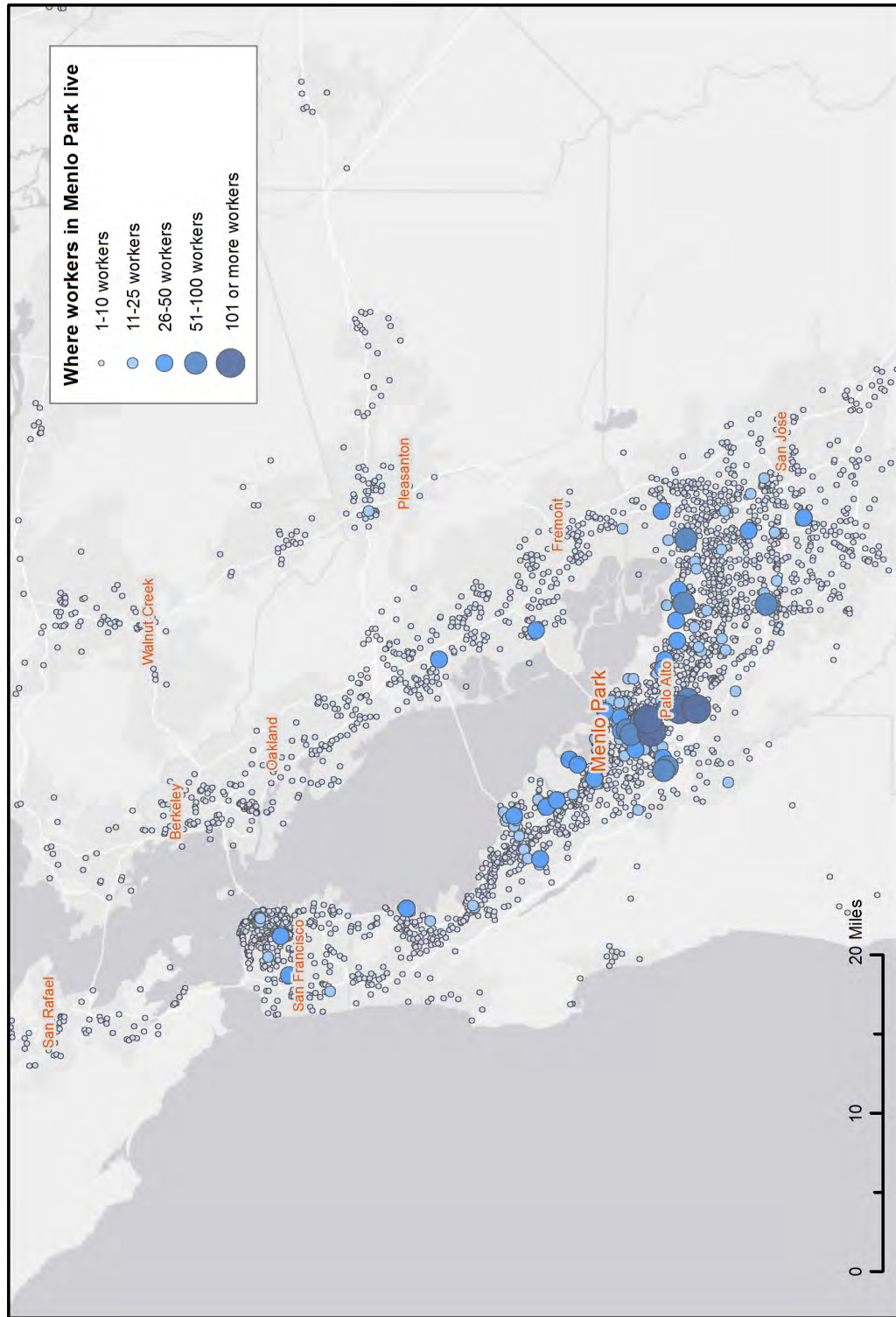
Fourth Street, Berkeley

In the 1960s, a local redevelopment agency was established to create an industrial park in Berkeley's Fourth Street neighborhood. Homes were demolished and moved, but industrial businesses did not come. After letting the land lie fallow for more than 15 years, the City abandoned its plans and allowed Abrams/Millikan & Kent, a small design-build firm, to build the Building Design Center, a small retail center selling home improvement supplies. The Fourth Street Grill came shortly after, and from this nucleus a shopping neighborhood began to grow.

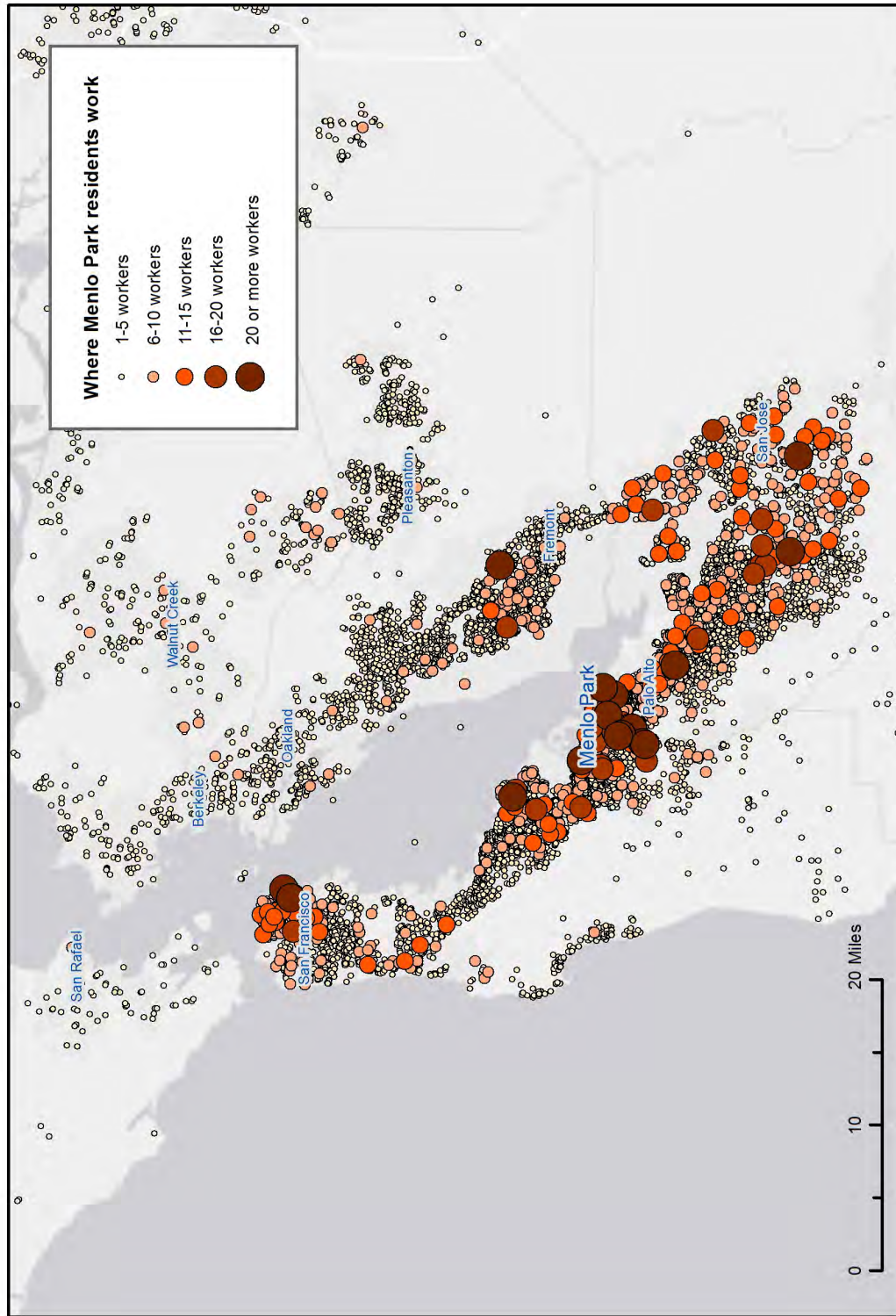
TAKE AWAY: Today Fourth Street is a vibrant shopping district that attracts visitors from throughout the Bay Area. The history of the neighborhood holds an interesting lesson for local government: not all good neighborhoods are planned. Sometimes all you need to do is get out of the way.

MAPS

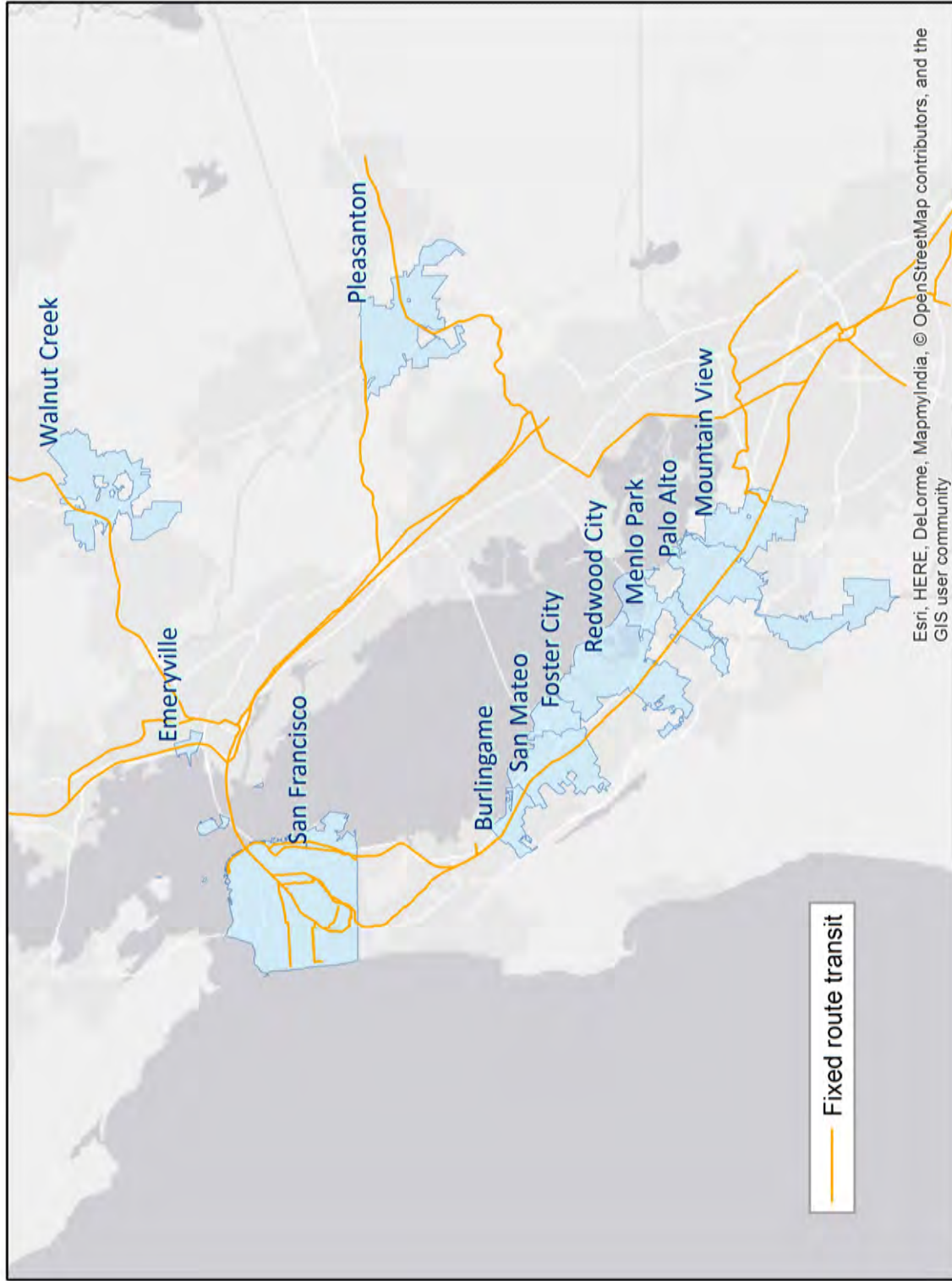
Map 1. Where workers in Menlo Park live



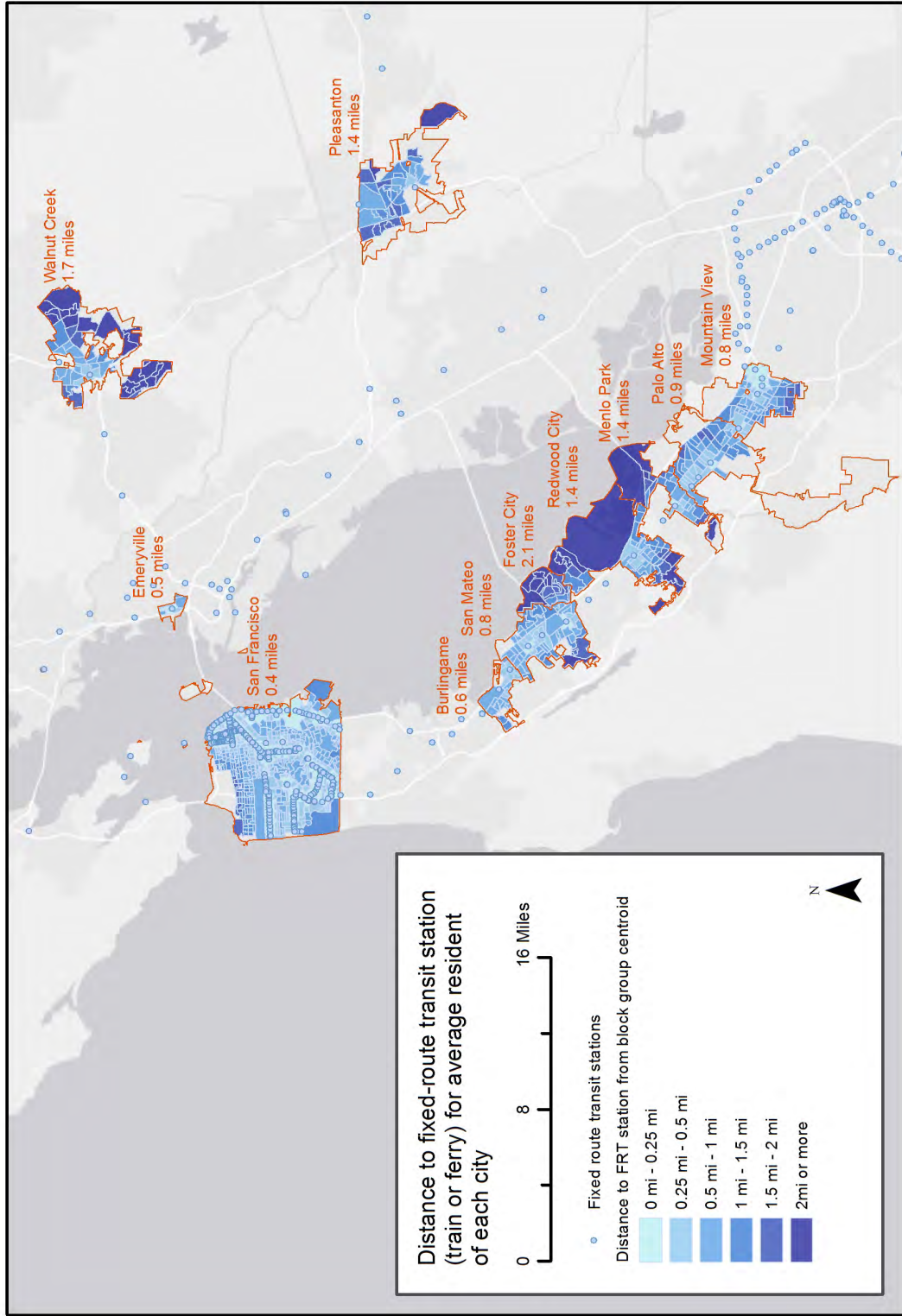
Map 2. Where Menlo Park residents work



Map 3. Fixed Route Transit



Map 4. Average Distance to Fixed Route Transit



TABLES

Table 1. Residents 20-35

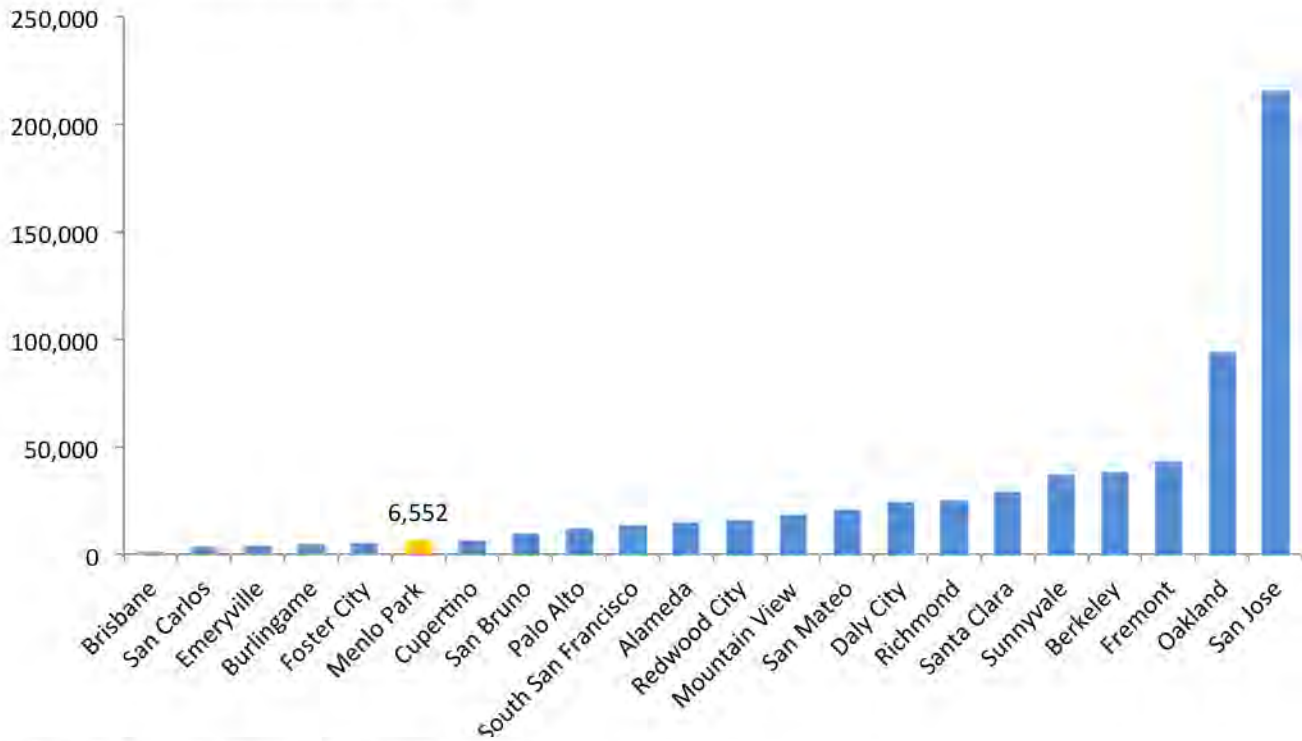


Table 2. % residents under 20

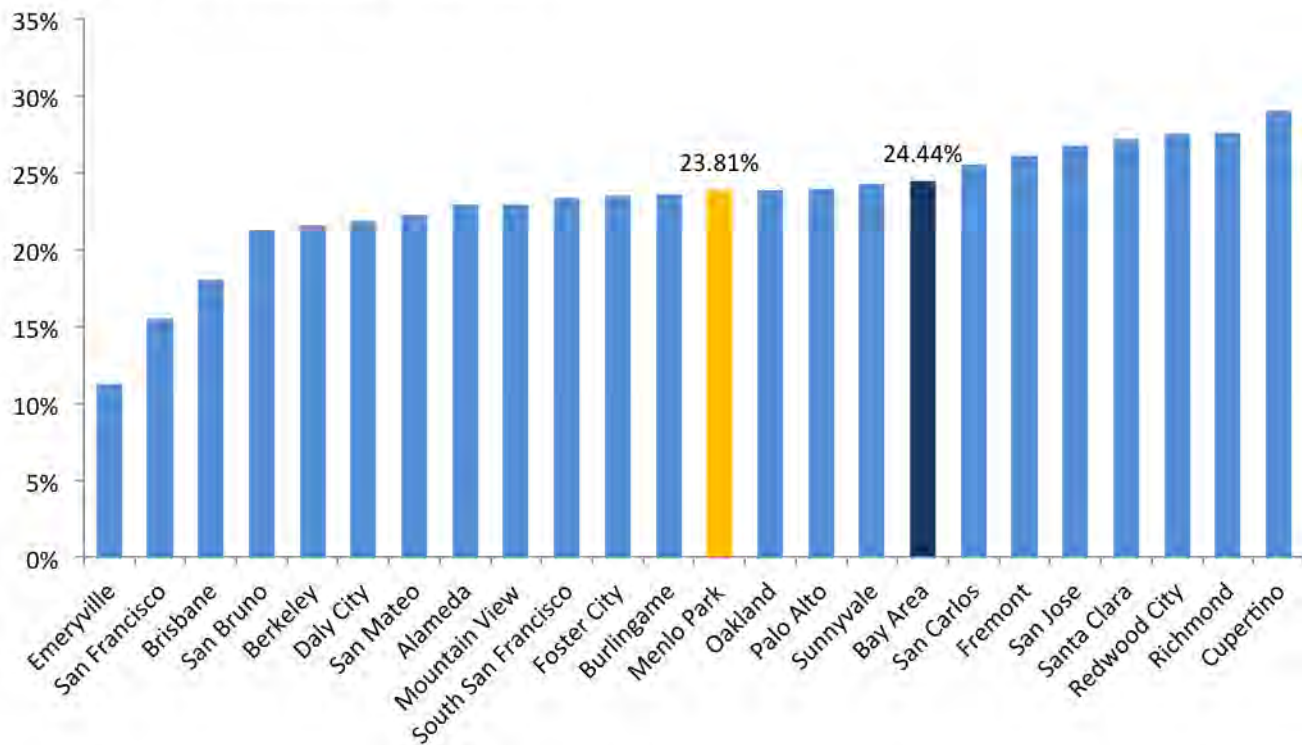


Table 3. % residents 20-35

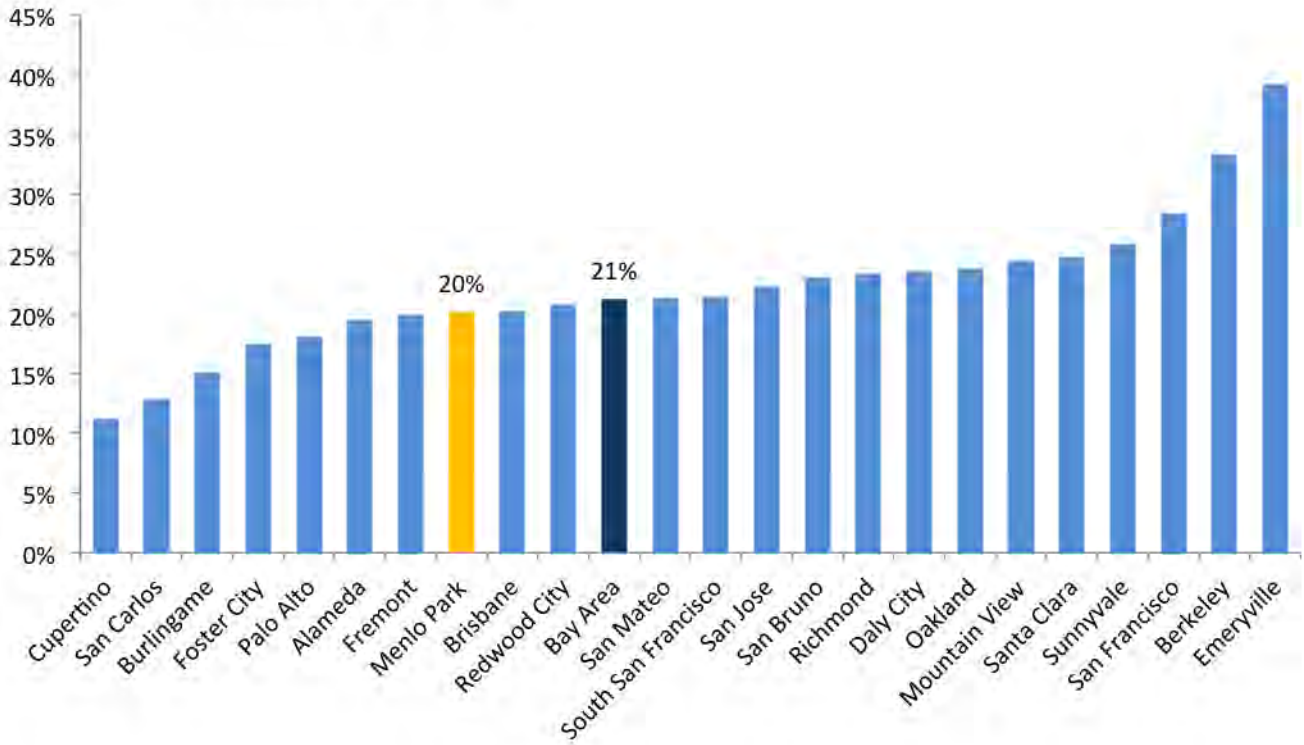


Table 4. % residents 35-55

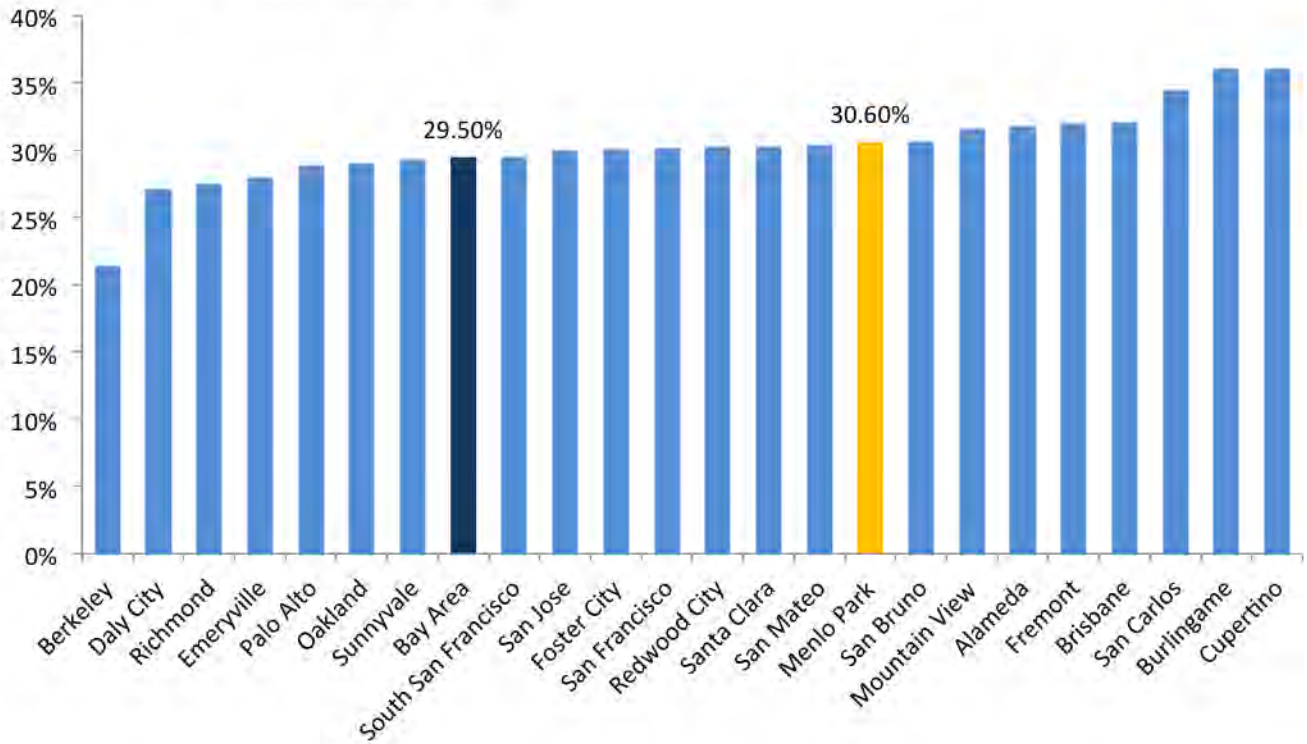


Table 5. % residents 55 and over

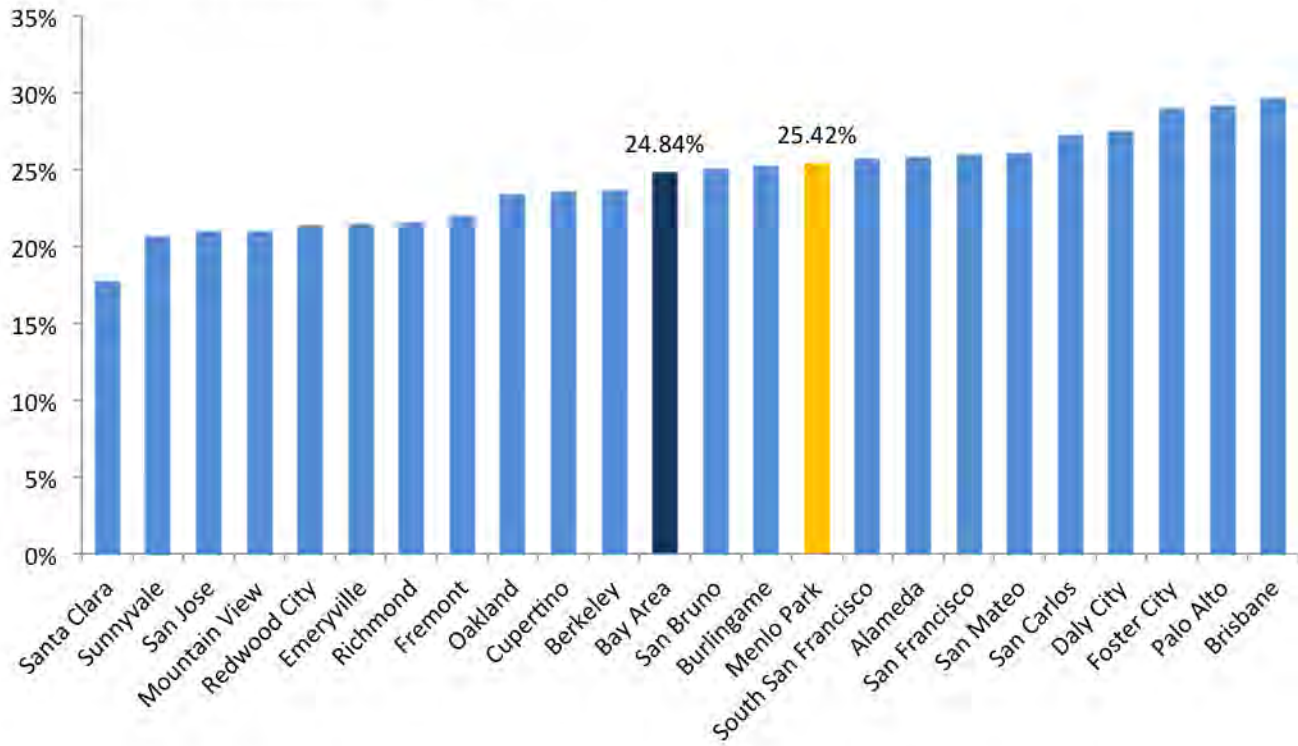


Table 6. Median household income

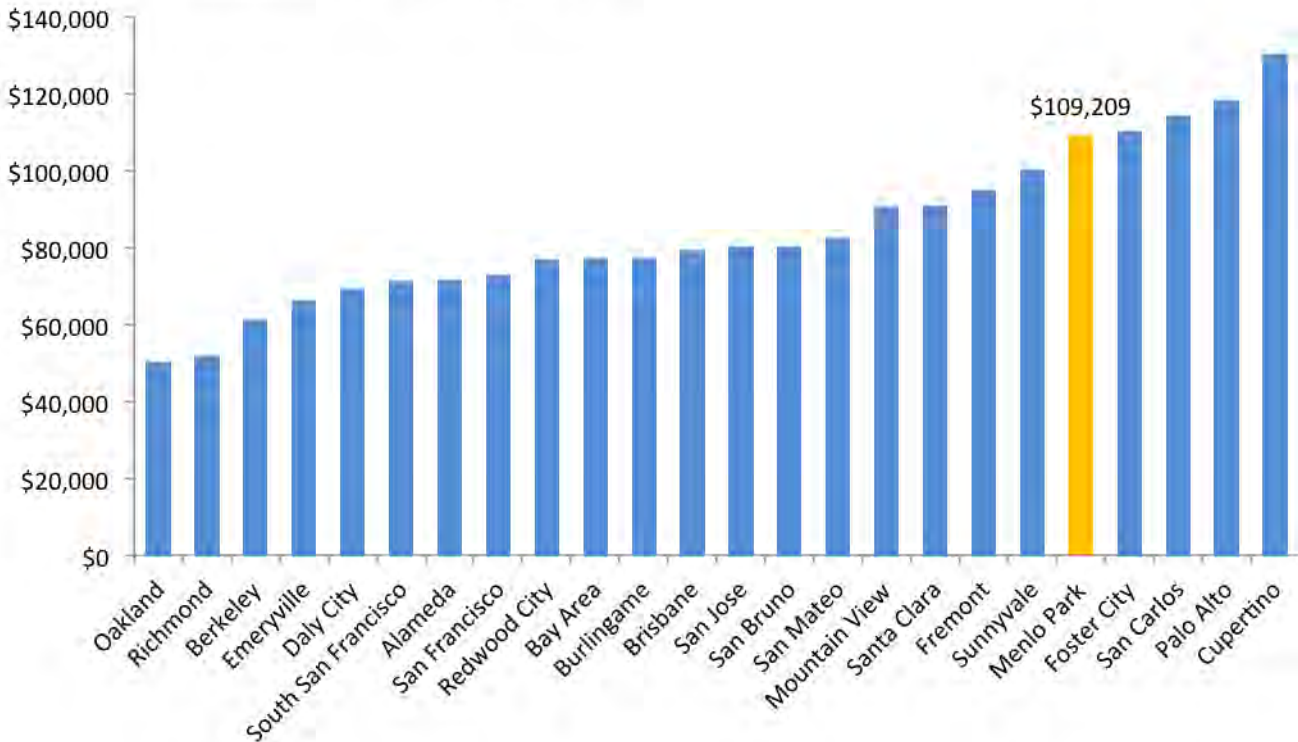


Table 7.
Percent of residents that have a bachelor's degree or higher

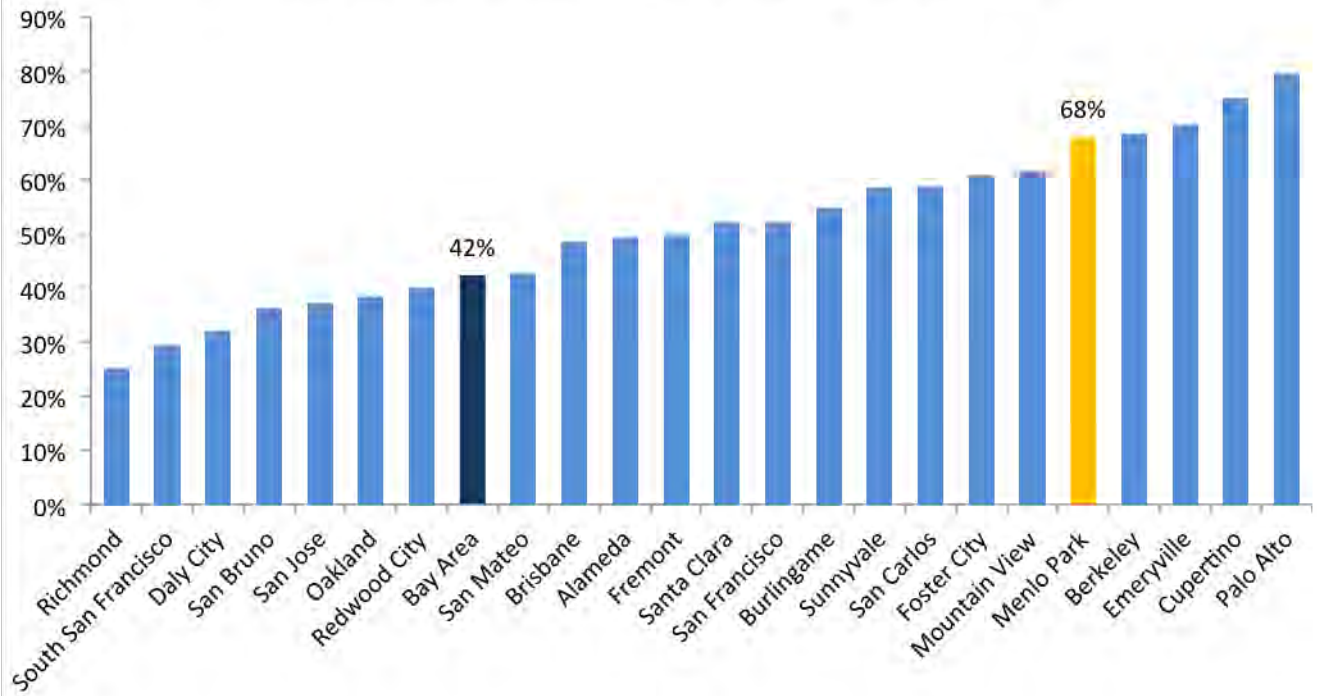


Table 8.
Graduate or professional degrees per 1,000 residents

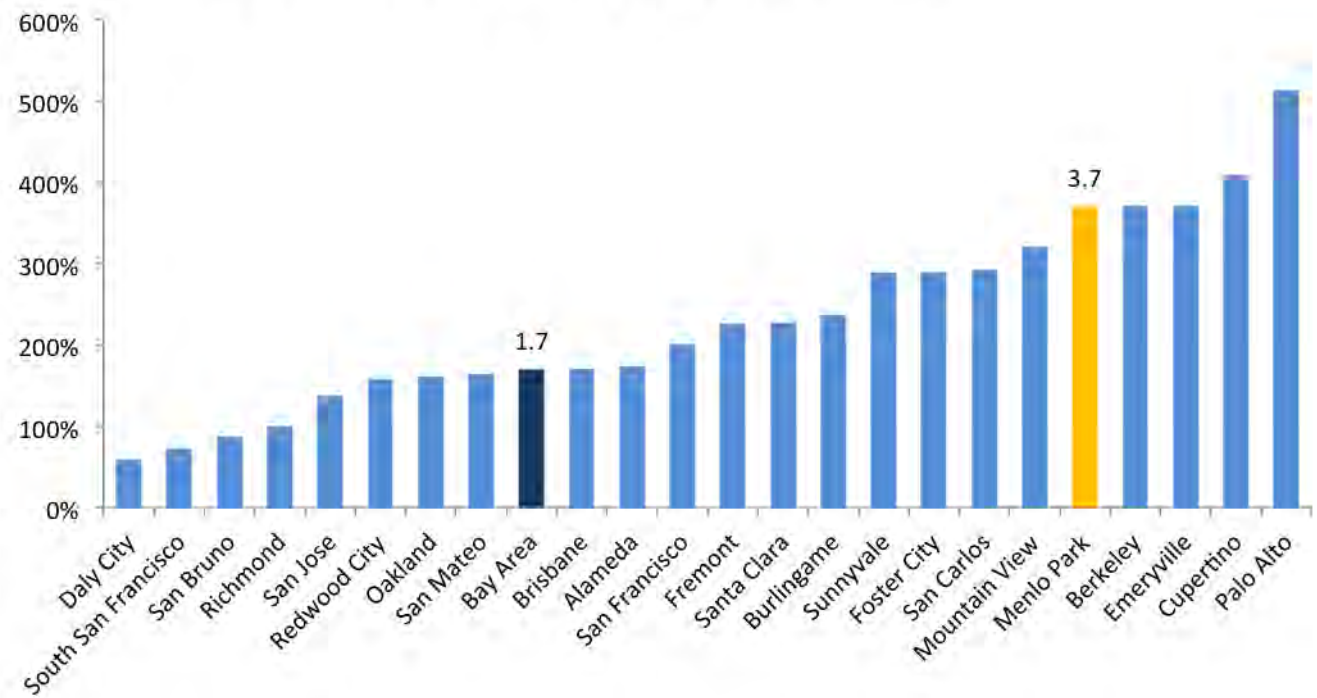


Table 9. Innovation-economy jobs

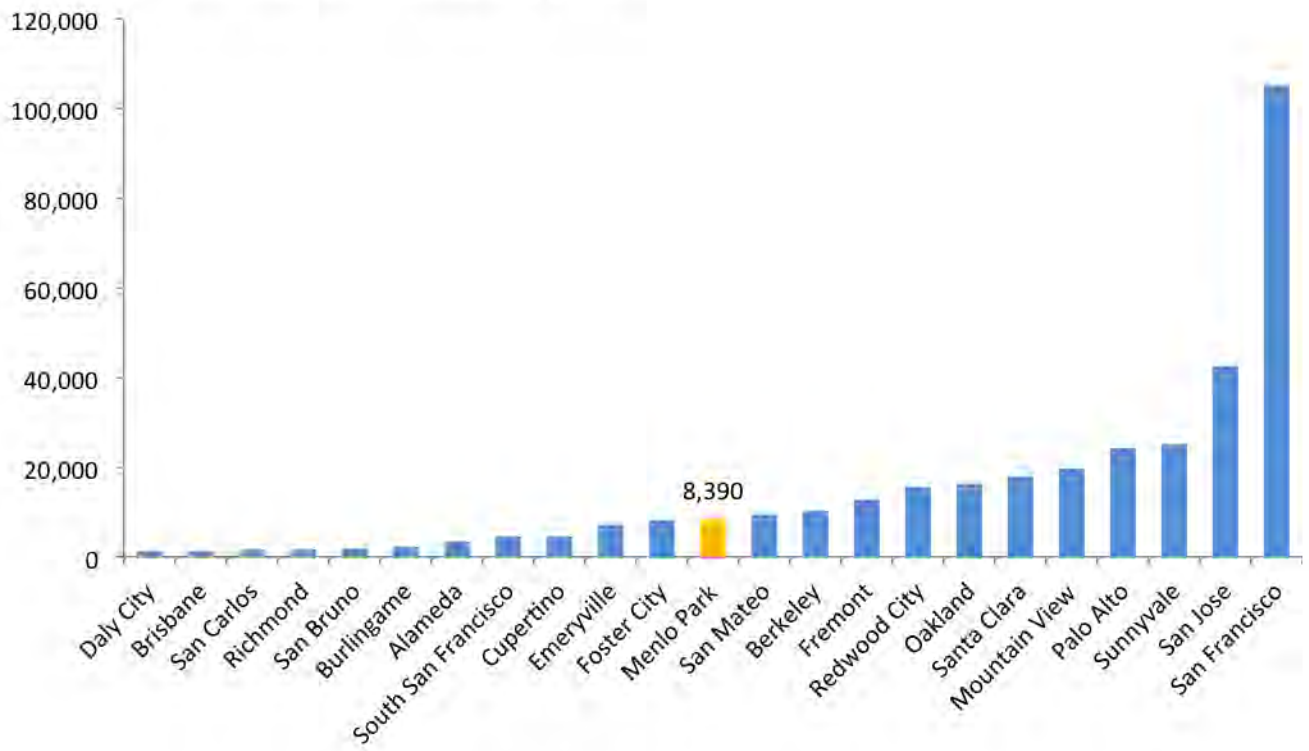


Table 10. Share of employment in innovation-economy jobs

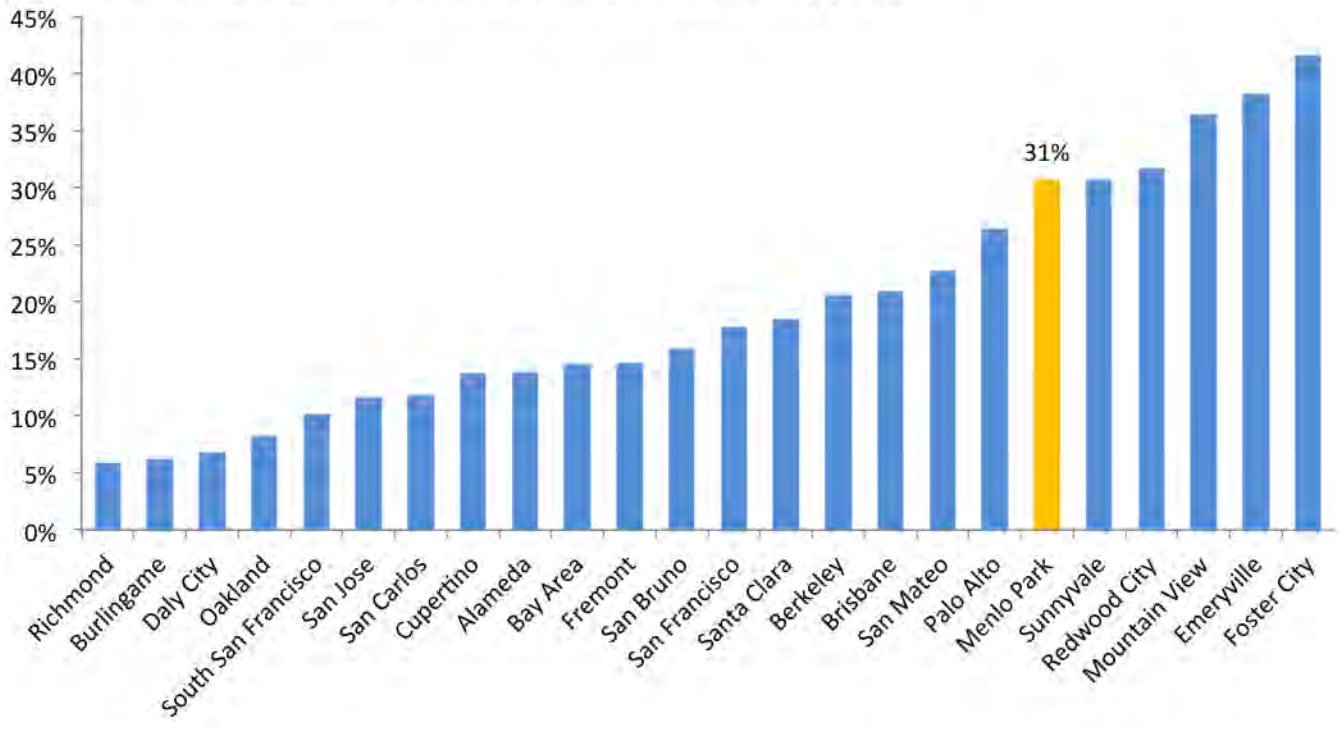


Table 11. Retail jobs per office job

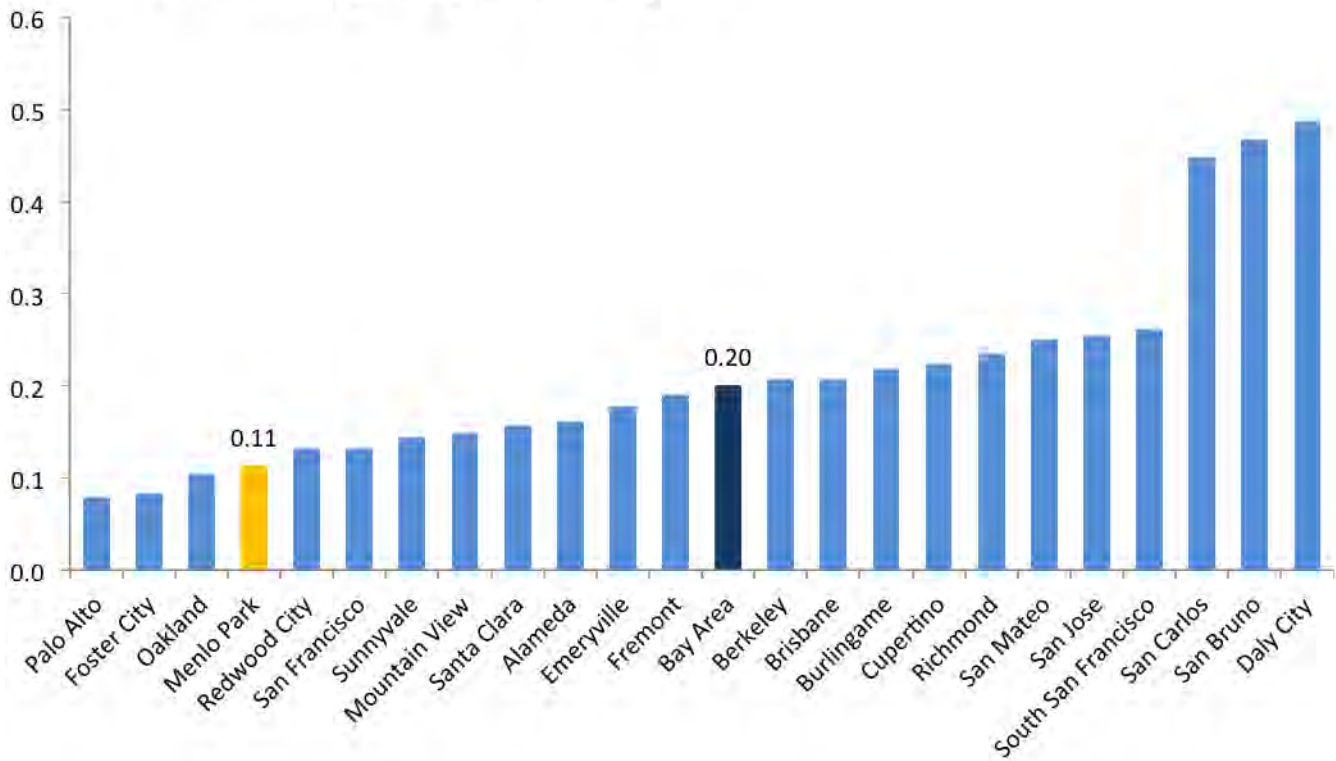


Table 12. Walk score

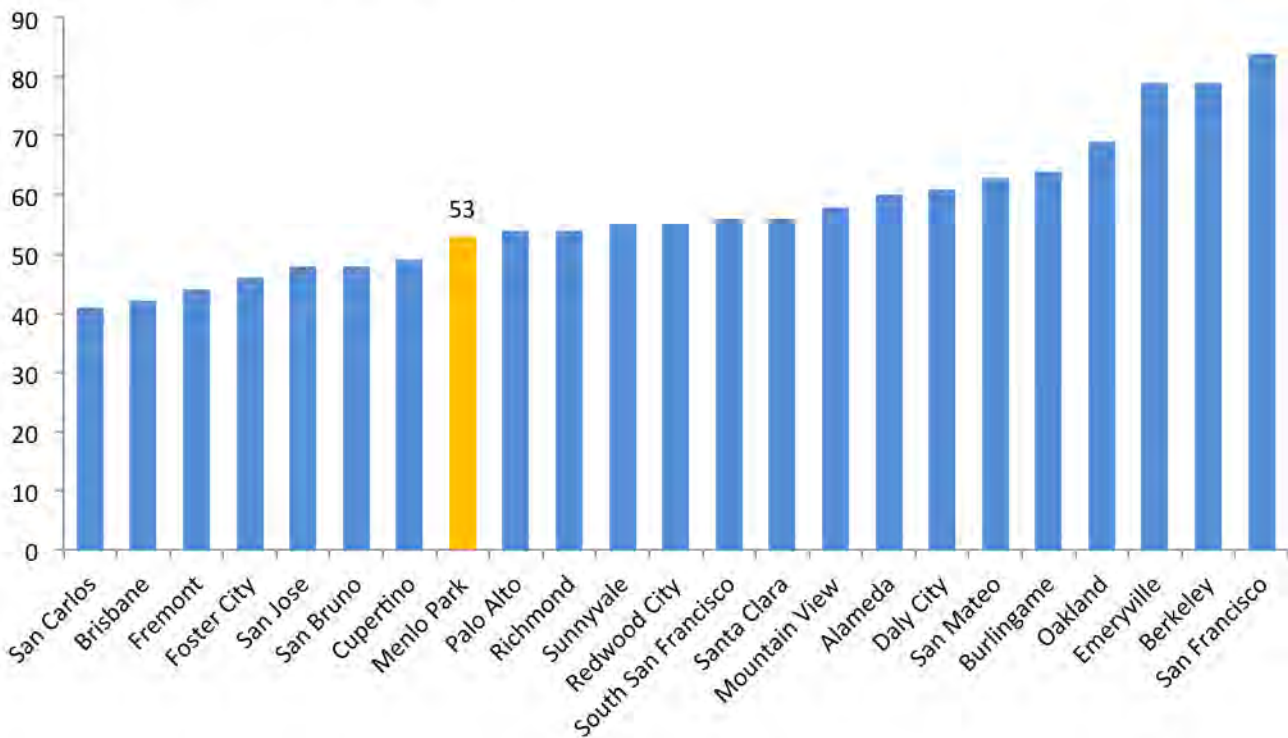


Table 13. Non-residential land uses in sqft.

	Office	Industrial + R&D	Total
San Francisco	89,213,545	*	89,213,545
Palo Alto	9,774,654	13,260,030	23,034,684
Mountain View	4,218,743	15,265,681	19,484,424
Redwood City	9,391,589	6,561,280	15,952,869
Pleasanton	12,724,161	2,738,660	15,462,821
Menlo Park	5,048,584	6,570,314	11,618,898
San Mateo	7,257,627	**	7,257,627
Walnut Creek	6,441,160	304,664	6,745,824
Burlingame	1,812,627	4,744,432	6,557,059
Emeryville	4,351,436	*	4,351,436
Foster City	3,267,375	**	3,267,375

* Data not provided. ** Data provided only in aggregate with other cities.

Source: Colliers International.

Table 14. Projected housing capacity

	Estimated capacity	Development pipeline
San Francisco	73,728	50,200
Palo Alto	3,468	1,837
Mountain View	2,271	892
Redwood City	3,243	1,302
Pleasanton	1,752	826
Menlo Park	3,333	1,347
San Mateo	1,486	201
Walnut Creek	1,427	472
Burlingame	1,402	472
Emeryville	4,491	378
Foster City	1,854	834

Estimated capacity is based on current zoning and identified¹ opportunity sites.

Development pipeline includes homes that have been approved for² development and those already under construction.

Sources:

- City of San Francisco, 2011. *Housing Element Part I: Data and Needs Analysis*
- City of Emeryville, 2014. *Housing Element 2015-2023 [draft]*
- City of Mountain View, 2006. *Housing Element 2007-2014*
- City of Pleasanton, 2014. *Housing Element: September 2014 Draft*
- City of Foster City, 2014. *Housing Element: 2015-2023 Planning Period*
- City of Redwood City, 2014. *2015-2023 Housing Element Public Hearing Draft*
- City of Burlingame, 2014. *2015-2023 Housing Element Public Review Draft*
- City of Menlo Park, 2014. *2015-2023 Housing Element*
- City of Palo Alto, 2014. *2015-2023 Housing Element Administrative Draft*
- City of San Mateo, 2009. *2009 Housing Element*
- City of Walnut Creek, 2009. *2009-2014 Housing Element*

15. Sales per capita

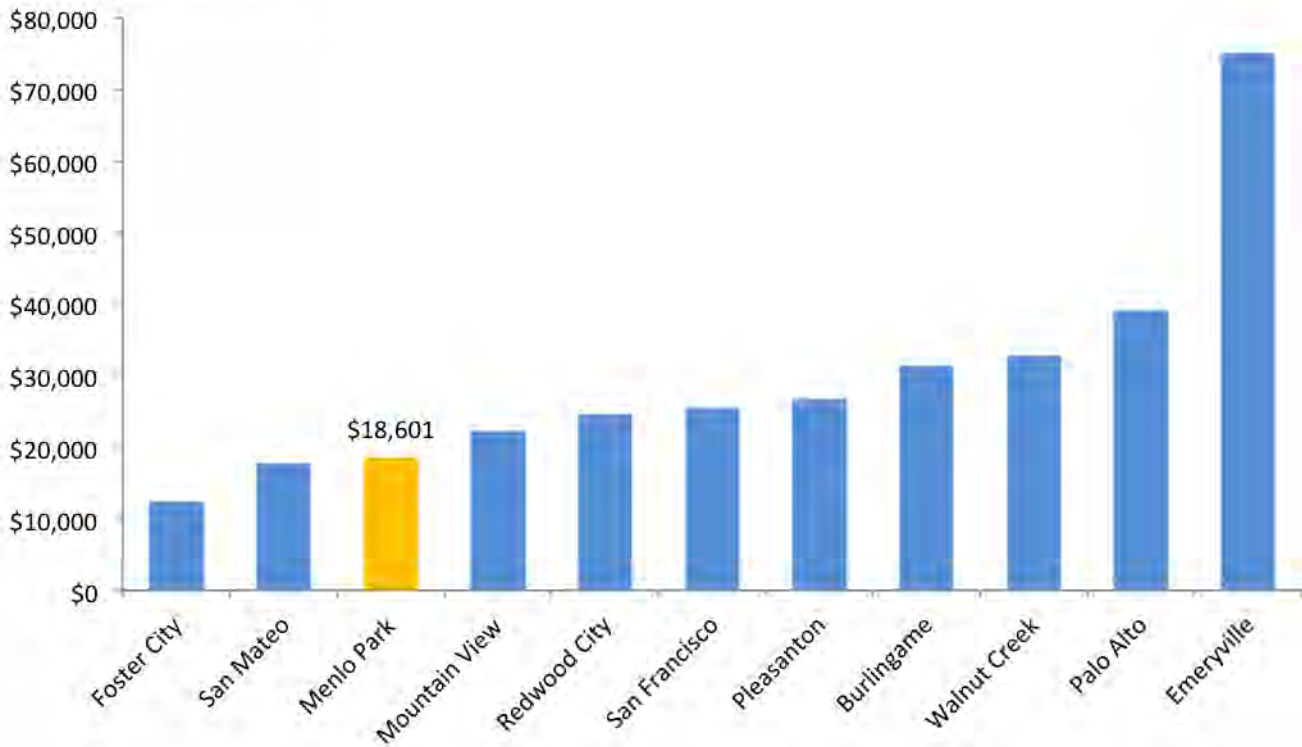


Table 16. Revenues per capita

	Property tax	Sales tax	Hotel tax	Transfer tax	Total in these categories
San Francisco	\$1,736	\$255	\$293	\$341	\$2,625
Emeryville	\$863	\$752	\$492	*	\$2,107
Mountain View	\$776	\$222	\$62	*	\$1,060
Pleasanton	\$685	\$268	*	*	\$953
Foster City	\$626	\$123	\$65	\$10	\$824
Redwood City	\$494	\$247	\$58	\$8	\$806
Burlingame	\$492	\$314	\$623	\$2	\$1,431
Menlo Park	\$484	\$186	\$107	*	\$777
Palo Alto	\$438	\$391	\$165	\$104	\$1,098
San Mateo	\$318	\$222	\$54	\$64	\$657
Walnut Creek	\$242	\$329	\$26	*	\$597

* Data not provided.

Sources: Comprehensive Annual Financial Reports (CAFRs) from each listed city.

Table 17. Tax rates and revenues

	Property tax		Sales tax		Hotel tax		Transfer tax	
	Rate	Revenue	Rate	Revenue	Rate	Revenue	Rate**	Revenue
San Francisco	*	\$1,415,068,000	8.75%	\$208,025,000	14.00%	\$238,782,000	\$5.00 - \$25.00	\$278,163,000
Emeryville	*	\$8,600,000	9.00%	\$7,500,000	12.00%	\$4,900,000	\$12.00	
Mountain View	*	\$58,515,000	8.75%	\$16,744,000	10.00%	\$4,668,000	\$4.40	
Pleasanton	*	\$48,900,000	9.00%	\$19,100,000	8.00%		\$1.10	
Foster City	*	\$19,566,168	9.00%	\$3,848,768	9.50%	\$2,015,909	\$1.10	\$315,962
Redwood City	*	\$38,484,044	9.00%	\$19,240,290	12.00%	\$4,526,424	\$1.10	\$599,316
Burlingame	*	\$14,390,000	9.00%	\$9,200,000	12.00%	\$18,240,000	\$1.10	\$49,724
Menlo Park	*	\$15,731,889	9.00%	\$6,043,870	12.00%	\$3,468,256	\$1.10	
Palo Alto	*	\$28,700,000	8.75%	\$25,600,000	14.00%	\$10,800,000	\$4.40	\$6,800,000
San Mateo	*	\$31,287,521	9.25%	\$21,821,391	10.00%	\$5,326,759	\$6.10	\$6,307,133
Walnut Creek	*	\$15,700,000	8.50%	\$21,400,000	8.50%	\$1,700,000	\$1.10	

* Property tax rates vary in different neighborhoods within each city; however, property tax is broadly set at 1%, plus any voter-approved tax increases in local jurisdictions.

** Transfer tax rates are per \$1,000 assessed value. Transfer tax revenues are shared with counties.

Sources: City and County of San Francisco Office of the Controller, City of Emeryville, City of Mountain View, City of Pleasanton, City of Redwood City, Ballotpedia (Foster City, Menlo Park, Palo Alto), City of San Mateo, CA State Board of Equalization (sales tax rates), californiacityfinance.com (transfer tax rates).

Table 18. Net office space (square feet)

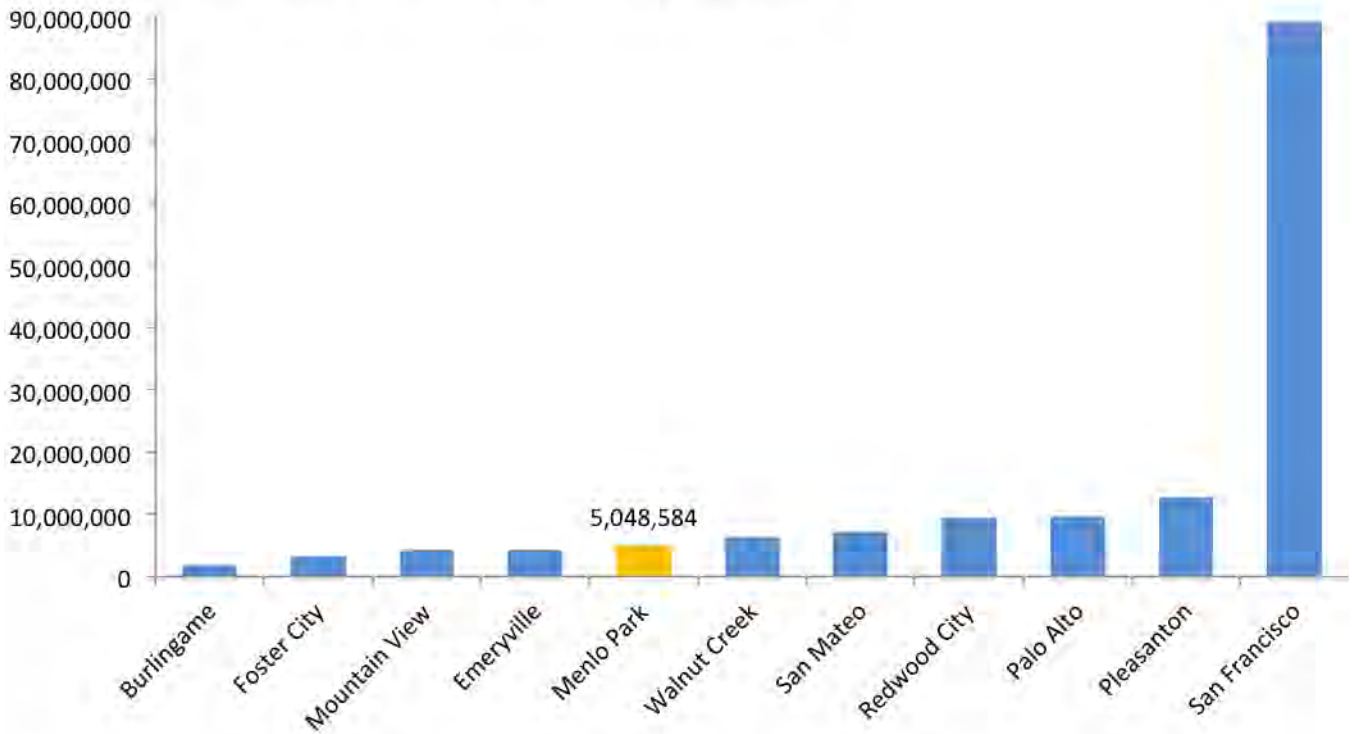


Table 19. Vacant office space (square feet)

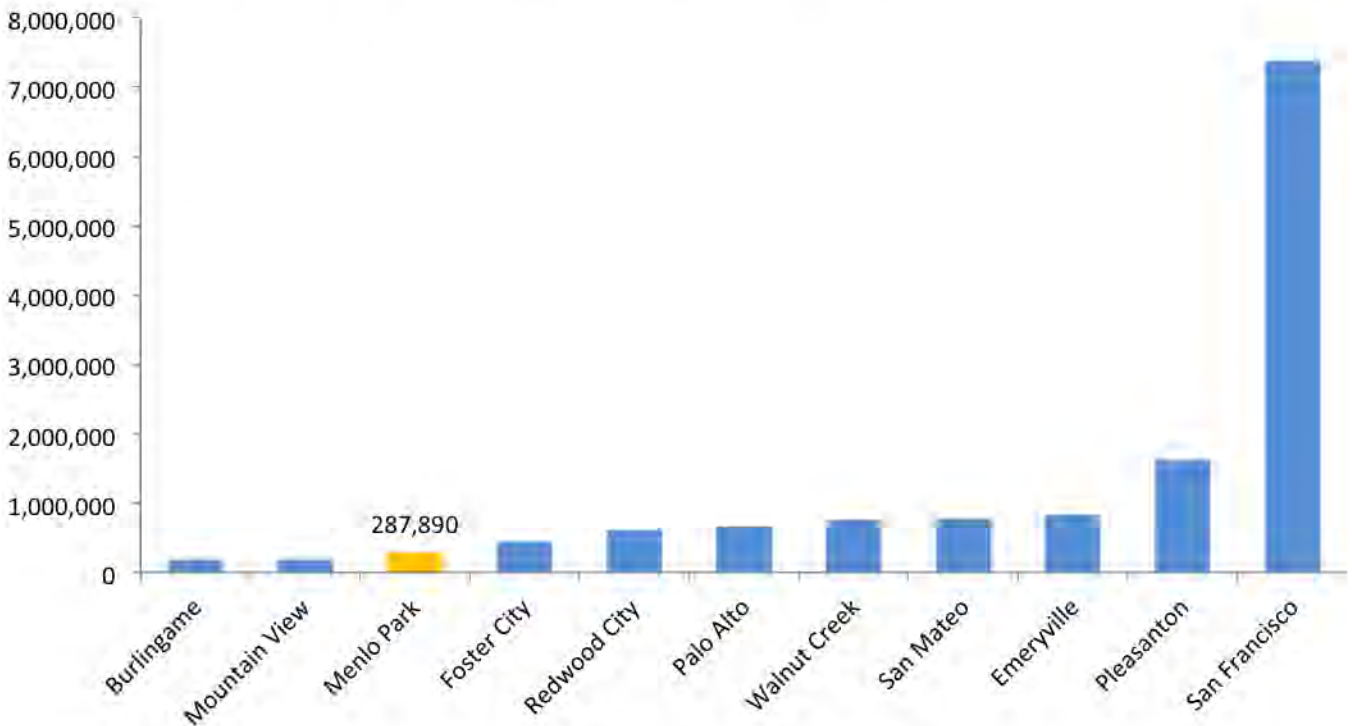


Table 20. Office vacancy rate

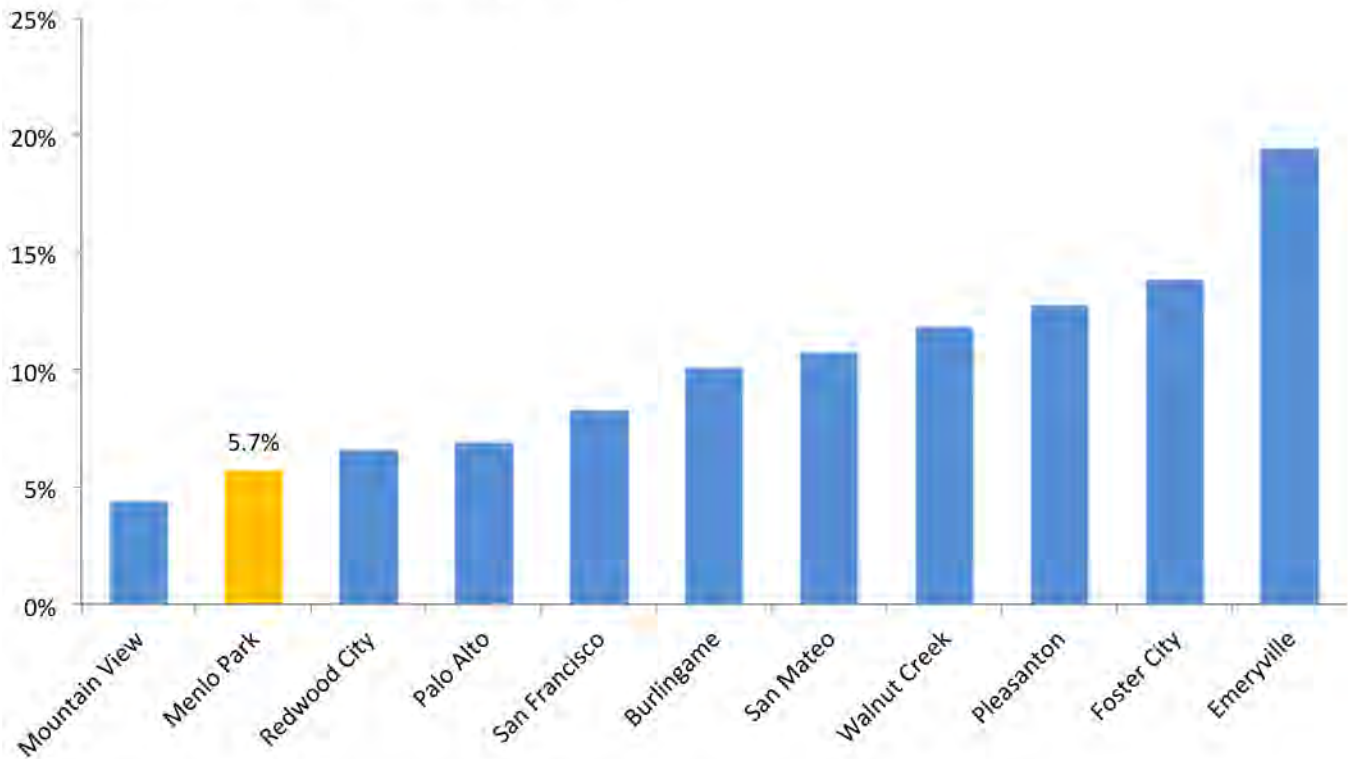
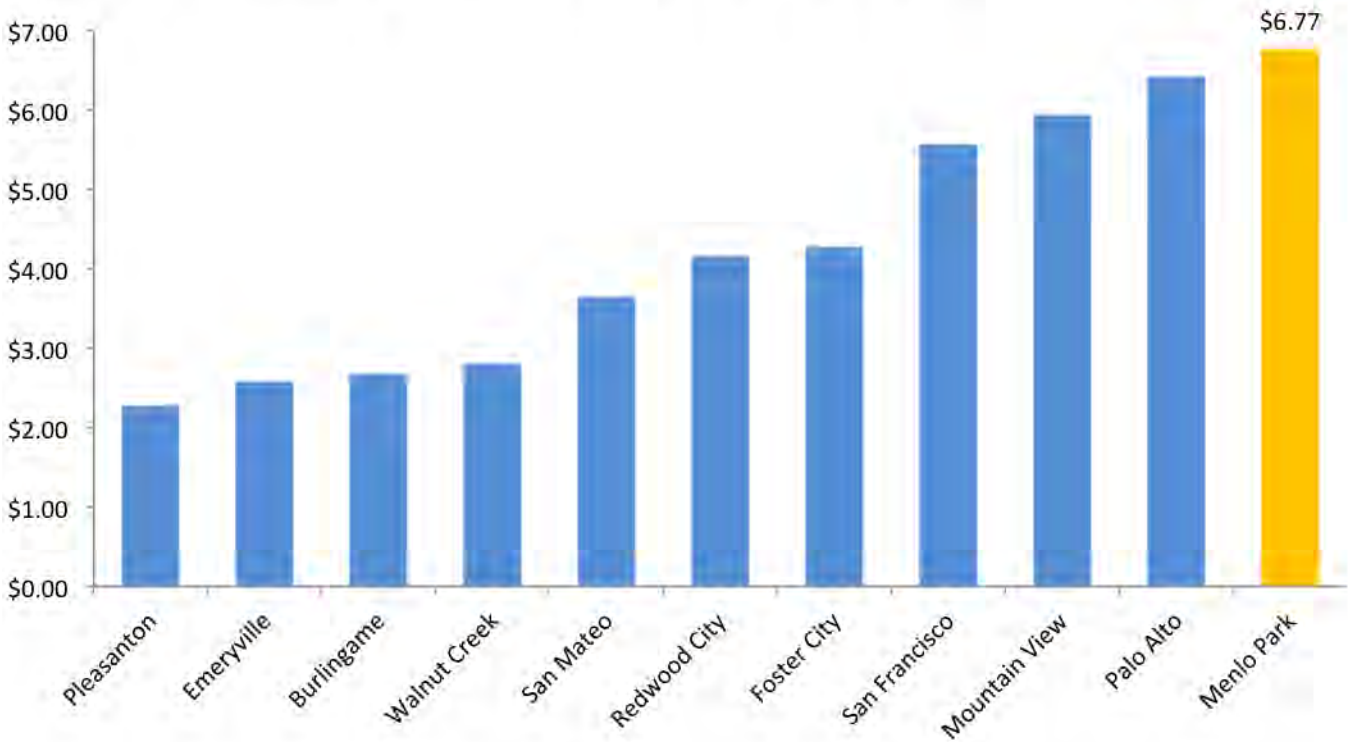


Table 21. Average monthly office rent per sqft.



SOURCES

City and County of San Francisco

City of Emeryville

City of Mountain View

City of Pleasanton

City of Foster City

City of Redwood City

City of Burlingame

City of Menlo Park

City of Palo Alto

City of San Mateo

City of Walnut Creek

Ballotpedia

Californiacityfinance.com

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- . LEHD Origin-Destination Employment Statistics: California Workplace Area Characteristics, 2011. U.S. Census Bureau's Center for Economic Studies, 2013. Print.
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Prepared by:



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**CITY COUNCIL
REGULAR MEETING
DRAFT MINUTES**

Tuesday, January 13, 2015 at 7:00 PM
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

7:00 P.M. REGULAR SESSION

Mayor Carlton called the meeting to order at 7:08 p.m. All Councilmembers are present.

Staff present: City Manager Alex McIntyre, Assistant City Manager Starla Jerome-Robinson, City Attorney Bill McClure and City Clerk Pamela Aguilar

Mayor Carlton led the pledge of allegiance.

A. PRESENTATIONS AND PROCLAMATIONS

A1. Proclamation recognizing anti-human-trafficking activist Betty Ann Boeving with the Bay Area Anti-Trafficking Coalition (BAATC) ([Attachment](#))
Betty Ann Boeving was present and accepted the proclamation.

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS –
None

C. PUBLIC COMMENT #1

- Art Roose spoke regarding signs on apartments and was referred to the City Manager

D. CONSENT CALENDAR

Councilmember Ohtaki requested Item D2 be pulled for further discussion.

D1. Adopt **Resolution 6246** authorizing the execution of an amendment to the contract with the State of California Department of Education and appropriate \$68,370 to the Community Services Department budget ([Staff Report #15-006](#))

D2. Adopt a resolution accepting fiscal year 2014-2015 State Supplemental Local Law Enforcement Grant (COPS Frontline) in the amount of \$100,000; and approve a spending plan ([Staff Report #15-001](#))

D3. Adopt **Resolution 6247** approving the Office of Emergency Services revised Joint Powers Agreement ([Staff Report #15-004](#))

D4. Accept Council minutes for the meetings of August 26, September 9, September 16, December 9 and December 16, 2014 ([Attachment](#))

ACTION: Motion and second (Cline/Ohtaki) to approve items D1, D3 and D4 on the Consent Calendar passes unanimously.

In response to Council questions regarding Item D2, Commander Dave Bertini provided details of the body camera upgrade and purchase.

ACTION: Motion and second (Ohtaki/Cline) to adopt **Resolution 6248** accepting fiscal year 2014-2015 State Supplemental Local Law Enforcement Grant (COPS Frontline) in the amount of \$100,000; and approve a spending plan passes unanimously.

E. PUBLIC HEARING

E1. Consider the land use entitlements for the demolition of an existing fire station (Station 6) and single-family residence, construction of a new fire station and vehicle display building, and relocation of an existing carriage house from 300 Middlefield Road to the subject site, located at 700 Oak Grove Avenue and 1231 Hoover Street, including a request for a General Plan amendment, rezoning, zoning ordinance text amendment, use permit, architectural control, lot merger, sign review, heritage tree removal permit, and mitigated negative declaration ([Staff Report #15-007](#))([presentation](#))

Associate Planner Jean Lin made a presentation. Applicant Menlo Park Fire Protection District Chief Harold Schapelhouman made a presentation with Carter Warr, Architect.

Mayor Carlton opened the Public Hearing. There was no public comment.

Motion and second (Cline/Ohtaki) to close the Public Hearing passes unanimously.

ACTION: Motion and second (Ohtaki/Keith) to take the following actions passes unanimously:

1. **Adopt Resolution 6249 to Adopt the Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program**, which evaluates the potential environmental impacts pursuant to California Environmental Quality Act (CEQA) and which establishes responsibility and timing for implementation of all required mitigation measures
2. **Adopt Resolution 6250 Approving the General Plan Amendment**, to amend the site's General Plan land use designations from El Camino Real/Downtown Specific Plan and Medium Density Residential to Public Facilities
3. **Introduce an Ordinance Approving the Rezoning**, to change the site's zoning designation from the SP-ECR/D (El Camino Real/Downtown Specific Plan) and R-3 (Apartment) districts to P-F (Public Facilities) district, to allow the proposed use of the subject site to be more consistent with the appropriate zoning designation
4. **Introduce an Ordinance Approving the Zoning Ordinance Text Amendment**, to allow the maximum allowable Floor Area Ratio (FAR) to exceed 30 percent, up to a maximum of 60 percent on sites with a lot area of two acres or less, in the P-F zoning district, subject to obtaining a use permit
5. **Make Findings and Approve the Use Permit**, to allow the fire station use, proposed FAR of approximately 59 percent, and the use and storage of hazardous materials
6. **Make Findings and Approve the Architectural Control**, to review the design of the new buildings and site improvements

7. **Make Findings and Approve the Lot Merger**, to merge two parcels into one parcel
8. **Make Findings and Approve the Sign Review**, to allow a comprehensive sign program for a fire station, including two signs on each individual street frontage
9. **Adopt Resolution 6251 Approving the Heritage Tree Removal Permits**, to allow the removal of two heritage trees

F. REGULAR BUSINESS - None

G. CITY MANAGER'S REPORT – None

H. WRITTEN COMMUNICATION – None

I. INFORMATIONAL ITEMS

No staff presentations. Staff was available for questions.

- I1. Three month review of Taser Program ([Staff Report #15-002](#))
- I2. Status update on animal control services contract ([Staff Report #15-003](#))
- I3. Update on the ConnectMenlo (General Plan and M-2 Area Zoning Update) schedule and events ([Staff report #15-005](#))

Councilmembers Ohtaki and Mueller announced that the survey deadline is next week and thanked staff for their work.

J. COUNCILMEMBER REPORTS

Mayor Carlton reported that she will be attending the Conference of Mayors.

Councilmember Mueller requested that an amendment to the municipal code regarding Council approval for the hiring of a communications consultant be agendaized for a future Council meeting. Mayor Carlton confirmed this item will be on the January 27th meeting agenda.

Mayor Carlton reported that she and Councilmember Mueller will be visiting Kochi, India in February as part of an approved agreement. Also, students from India will be visiting Menlo Park throughout the year.

K. PUBLIC COMMENT #2

There was no public comment.

L. ADJOURNMENT at 8:10 p.m.

Pamela Aguilar
City Clerk

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OFFICE OF THE CITY MANAGER

Council Meeting Date: January 27, 2015

Staff Report #: 15-018

REGULAR BUSINESS: **Provide Direction for the Expansion of the Santa Cruz Avenue Enhanced On-Street Seating Pilot Program**

RECOMMENDATION

Staff recommends that the City Council affirm Left Bank's continued participation in the Santa Cruz Avenue Enhanced On-Street Seating Pilot Program, and provide direction for expansion of the pilot.

POLICY ISSUES

The Santa Cruz Avenue Enhanced On-Street Seating Pilot Program was developed in line with the El Camino Real/Downtown Specific Plan and the City Council's goal of enhancing vibrancy in the Downtown and expediting public improvements. The Specific Plan allows for sidewalk improvements on a trial basis before moving forward with a permanent installation.

BACKGROUND

During the May 13, 2014 City Council meeting, City Council unanimously approved the establishment and appropriation of the Santa Cruz Avenue Enhanced On-Street Seating Pilot Program, as a tool for increasing Downtown vibrancy and providing the outdoor seating many of our downtown restaurants and diners desire. The Pilot program only required the removal of one 1-hour parking space, one 15-minute space and some motorcycle parking that was rarely used.

Following City Council's approval, the City Staff installed planters and landscaping that section off a seating area on 635 Santa Cruz Ave. in front of Left Bank Brasseries. The City purchased 25 planters, 15 of which were used in the pilot program while the other 10 remain for future sites or other City uses. Staff made clear that planters and any landscaping in them belong to the City and may be removed at the end of the pilot program for use in other locations. Left Bank provided the tables and chairs, and was responsible for installing and maintaining the landscaping. Attachment A illustrates the current design of the pilot program.

The parking area in front of Left Bank Brasseries was selected for the Pilot Program because of Left Bank's established track record of compliance with their existing outdoor seating permit and the *de minimis* effect it would have on parking and traffic flow. Staff has received no complaints about the loss of parking, no traffic incidents have occurred, and the flow of traffic has not been negatively affected as a result of the installation. In the beginning of the pilot, concern was voiced that the barriers were not easily visible at night and that the stop sign on the corner of Santa Cruz Avenue and Doyle Street was not easily visible from the eastbound approach. Staff immediately addressed these concerns by installing reflectors on the barriers to increase visibility and moving the stop sign to maintain a line of sight from all approaches. Since addressing these issues, Staff has received no other concerns.

ANALYSIS

The goal of the pilot program was to gauge the interest in outdoor seating and enhanced dining opportunities. Overall, feedback from Left Bank and the community is that the pilot program has enlivened the retail experience on that section of Santa Cruz Avenue and enhanced business. According to Left Bank's manager, the outdoor seating area is regularly occupied, even in adverse weather conditions.

Having seen the interest the pilot program has generated, the logical progression is to affirm the continuance of Left Bank's participation, identify additional opportunity sites and establish more semi-permanent outdoor seating areas, with one possible end goal being permanent sidewalk expansion that would incorporate the areas that have the expanded seating.

Criteria for site selections would be (1) that the installation have a *de minimis* effect on parking (2) that the site would provide protection from vehicular traffic, and (3) that partnering business(es) obtain the necessary outdoor seating permits. Based on community input, business feedback, and preliminary observation, sites that Council may want to consider include: Santa Cruz Avenue in front of Starbucks/Una Mas, Miyo Yogurt/Angelo Mio and Amici's, and Crane Street in front of Refuge. Attachments B through E illustrate these possible sites.

This report offers Council options for direction on expanding the pilot program that would achieve the Specific Plan Vision and City Council Goals. These can be considered options that build on one another. Staff is asking Council to determine the next logical step and advise accordingly. For better clarity, Attachment F provides visual examples of each option.

1. Council can advise Staff to continue with the existing pilot program and recommend additional opportunity sites.

Council would identify additional sites for outdoor seating and Staff would implement the same design as in front of Left Bank. Once Staff reaches agreements

with the businesses associated with the sites, Staff would return to Council for design indemnity approval as we did with the first phase of the pilot.

2. Council can advise Staff to develop a tool kit for a more permanent, but still temporary, pilot program.

Staff would bring back for Council approval a tool-kit for a more attractive, semi-permanent installation that would allow businesses to take an active role in the design and cost sharing. This tool-kit would have approved designs and materials for a semi-permanent structure, a list of approved contractors, and would include guidelines for a cost sharing with businesses. The semi-permanent design would include platforms flush with the sidewalk, allowing for better ADA accessibility, drainage and a level surface for diners.

3. Council can advise Staff to return with a plan for permanent side walk expansion as envisioned in the Specific Plan.

The Specific Plan allows for public improvement pilot programs “as the basis for the review and consideration of a permanent installment”. Council could decide that there is enough public interest in permanent outdoor dining to go forward with developing a plan for permanent downtown sidewalk expansion.

IMPACT ON CITY RESOURCES

There is no expected net fiscal impact to the Capital Improvement Program Fund as a result of this action. Staff will return to Council with designs and requests for any necessary appropriation.

ENVIRONMENTAL REVIEW

Council approval of this project includes a finding that it is categorically exempt under Class 4 (Section 153014 “Minor Alterations to Land”) of the current CEQA Guidelines.

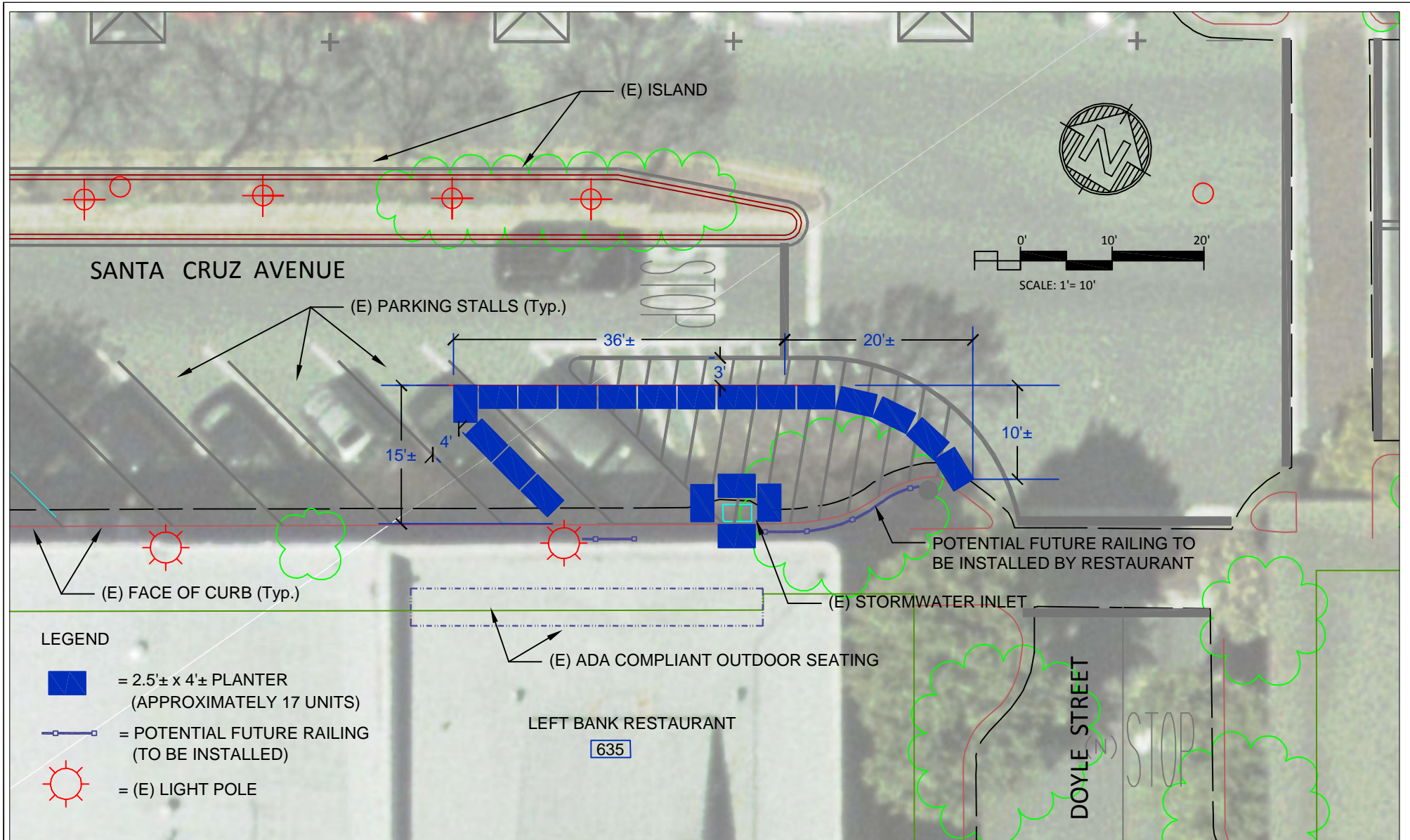
PUBLIC NOTICE

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




ATTACHMENTS

- A. Current Left Bank Pilot Program Design
- B. Opportunity Site #1 – Starbucks/Una Mas
- C. Opportunity Site #2 – Miyo Yogurt/Angelo Mio
- D. Opportunity Site #4 – Amici’s
- E. Opportunity Site # 3 – Refuge
- F. Possible Expansion Options

Report prepared by:
Amanda Wallace
Economic Development Specialist



LEGEND

-  = 2.5'± x 4'± PLANTER (APPROXIMATELY 17 UNITS)
-  = POTENTIAL FUTURE RAILING (TO BE INSTALLED)
-  = (E) LIGHT POLE

DATE: 08-08-14
 SCALE: AS SHOWN
 DRAWING BY: RAD
 DESIGNED BY: RAD
 CHECKED BY:
 SURVEYED BY:

APPROVED:
 FERNANDO G. BRAVO, P.E., ENGINEERING SERVICES MANAGER
 CITY OF MENLO PARK
 04368
 R.C.E. #

NO.	BY	DATE	REVISIONS



CITY OF MENLO PARK
ENGINEERING DIVISION
 701 LAUREL STREET, MENLO PARK, CA 94025-3483
 PHONE (650) 330-8740 FAX (650) 327-6497

PILOT ON-STREET SEATING PLAN (PLANTERS)
 LEFT BANK RESTAURANT
 635 SANTA CRUZ AVENUE

SHEET 1
 OF 1 SHEETS
 PROJ. NAME LBANK

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Opportunity Site #1
Starbucks/Una Mas



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Opportunity Site #2 Miyo Yogurt/Angelo Mio



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Opportunity Site #4
Refuge



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Possible Expansion Options

Option 1: Council can advise Staff to continue with the existing pilot program and recommend additional opportunity sites.



Option 3: Council can advise Staff to return with a plan for permanent side walk expansion as envisioned in the Specific Plan.



Option 2: Council can advise Staff to develop tool kit for a more permanent, but still temporary, design



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OFFICE OF THE CITY MANAGER

Council Meeting Date: January 27, 2015

Staff Report #: 15-022

REGULAR BUSINESS: **Request by Councilmember Mueller to Modify the City Code Relating to Purchasing Authority**

RECOMMENDATION

Councilmember Mueller has requested that the City Council consider directing the City Attorney to draft an ordinance amending the Menlo Park Municipal Code limiting the City Manager's purchasing authority relating to public relations.

POLICY ISSUES

Amendments to the Menlo Park Municipal Code require the City Attorney to draft an appropriate ordinance that needs to be separately introduced and adopted by the City Council.

BACKGROUND

On December 23, 2014, Councilmember Mueller sent the following E-Mail to Mayor Carlton:

I humbly request that a discussion item be added to the City Council agenda in the near future, regarding whether or not to direct the City Attorney to draft an amendment to the Menlo Park Municipal Code, prohibiting the City from hiring a PR or media consultant for any purpose, without express authorization by the City Council granted in a public meeting.

This request is not to be taken as judgment on the legality of past actions of City staff retrospectively. Rather, I believe this action is necessary to set clear policy and expectations from the City Council as to what level of sunshine and disclosure we expect for both the City Council and the public on such issues going forward into the future.

ANALYSIS

It is within the purview of the City Council to modify the Menlo Park City Code as suggested by Councilmember Mueller. Doing so would be unprecedented in Menlo Park

and add an additional layer of City Council oversight to contracting services. However, it would be unusual to limit contract authority on subject matter rather than on cost.

There are a number of financial controls in place over the staff's ability to independently acquire or purchase services. In 2008, the City Council set the City Manager's contract authority to \$50,000 per vendor/contractor if funds have been appropriated in the budget to do so. Generally, as a best management practice, such an allowance is viewed as both expedient and prudent saving staff time in preparing reports for vendors/contractors and Council time in considering each request.

IMPACT ON CITY RESOURCES

None.

ENVIRONMENTAL REVIEW

None.

PUBLIC NOTICE

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

Report prepared by:
Alex D. McIntyre
City Manager



OFFICE OF THE CITY MANAGER

Council Meeting Date: January 27, 2015

Staff Report #: 15-017

REGULAR BUSINESS:

Authorize travel to Kochi, India by Mayor Catherine Carlton and approve the expenditure of city funds not to exceed \$2,000 for travel expenses to sign a cultural exchange agreement

RECOMMENDATION

Authorize travel to Kochi, India by Mayor Catherine Carlton planned from February 1-14, 2015 and approve the expenditure of city funds not to exceed \$2,000 for travel expenses to sign a cultural exchange agreement between the two cities.

POLICY ISSUES

The City's Travel Policy requires that the City Council must review and approve, during a regular City Council meeting, requests for out-of-state travel.

BACKGROUND

At a meeting on October 21, 2014, the City Council voted to initiate friendship agreements with Xinbei, China and Kochi, India. The purpose of Mayor Catherine Carlton trip to Kochi, India will be to sign a cultural exchange agreement to promote exchange of ideas, international cooperation, and to further nurture economic, social, and cultural ties.

IMPACT ON CITY RESOURCES

Sufficient funds are available in the 2014-15 budget to pay for this trip.

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. City Council Travel Policy No. CC-91-0002

Report prepared by:
Alex D. McIntyre
City Manager

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City of Menlo Park

Council Policy

Department City Council	Page 1 of 10	Effective Date 3/13/91
Subject Travel, Meeting, Conference, Training and Meal Expenses	Approved by City Council Adopted 3/12/91	Procedure # CC-91-0002

PURPOSE

To establish a policy for authorizing attendance at, travel to and reimbursement of expenses for City employees and officials attending conferences, training, meetings, functions and attending to other business that is necessary to the performance of official duty and provides direct benefit to the City. P.O.S.T. is not paid for by the City, but is reimbursed through a revolving fund and is not included in this policy.

This policy is to ensure that City employees and officials follow appropriate procedures when arranging for travel, lodging, and other expenses and are paid for reasonable expenses incurred for travel, conferences, meetings, activities and meals as a result of conducting authorized City business. This policy is also to ensure that payments made by the City are for actual and necessary expenses incurred for City business.

BACKGROUND

Government Code Section 36514.5 provides for reimbursement to Councilmembers, employees and other city officials for actual and necessary expenses incurred in the performance of official duty. Menlo Park Municipal Code Section 2.04.180 also provides for the reimbursement of expenses for actual and necessary expenses incurred in the performance of official duties for the City.

GENERAL

Authorization for travel and expense reimbursement shall be limited to conferences, meetings, training, meals and other functions/activities from which the City derives a specific benefit through attendance. Only that conference/meal/travel/meeting/activity, etc. which services a municipal purpose and is deemed necessary to the performance of official duties for the City of Menlo Park shall be approved and reimbursed..

The City recognizes the benefit in training and attendance at meetings, functions and activities which advance professional knowledge and provide opportunities to exchange information related to municipal government operations and issues.

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Travel, Meeting, Conference, Training
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For the purposes of this policy, City employees shall mean all employees in the exempt, competitive, part-time and temporary services, including appointees of the City Manager and contractual employees. City officials shall mean the City Council and officials appointed by the City Council including Board, Commission and Committee members, the City Attorney and the City Manager, and others the City Council designates to represent the City.

Implementation of this policy is the responsibility of the City Council for Councilmembers and appointed officials and the responsibility of the City Manager for all employees. All expenses for City Councilmembers and other appointed officials must be posted in the City Council Office for a minimum of seven days from submittal. Attendance of City officials at conferences, seminars and meetings shall be subject to prior approval by the City Council. Approval by the City Council shall occur with the adoption of the annual budget; except that the City Council must review and approve, during a regular City Council meeting, all requests for out-of-state travel prior to the commitment and expenditure of any funds for such travel.

The attached chart, (Exhibit A) identifies certain conferences and meetings considered to be candidates for attendance by City officials. This chart is to be used in budget development and is not considered to be all inclusive.

The City Manager shall authorize and approve travel and reimbursement expenses for employees. The City Manager may designate department heads or other staff members to authorize travel and approve reimbursement requests for employees. The City Manager shall file a memorandum documenting these designations with the Finance Department. A department head may designate another staff member of the department to authorize travel and reimbursement forms for employees of their department by filing the appropriate memorandum, approved by the City Manager, with the Finance Department. In any event, employees may not authorize nor approve reimbursement for their own travel and business expenses.

All expenses must be actual and clearly substantiated prior to reimbursement. If a receipt or other documented evidence of the expense incurred is not available, and the expense is \$25.00 or less, an explanation of why documentation can not be provided together with the amount, date, place and essential character of the expense must be provided. If the expense is \$25.00 or more documented evidence, e.g. a receipt, is required. Unnecessary or exorbitant expenses will be disallowed.

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All payments and reimbursements must be in compliance with City Council approved budget appropriations and are subject to the City's internal audit procedures.

Reasonable charges for vehicle parking, rental cars, local transportation, business telephone calls, meals or any other necessary expenses while traveling and/or conducting official City business will be allowed.

No personal expenses, such as laundry, barbering, valet service, or personal telephone calls shall be allowed. Fines for traffic violations, private auto repair and alcoholic beverages are examples of non-allowable expenses.

Expenses incurred by family members or guests who accompany a City official or employee shall not be reimbursed.

Compensation received for attendance at a meeting must be deducted from expenses that the City is requested to pay.

A City official or employee may stay with a friend or relative while attending an out-of-town meeting or conference; however, the City will not reimburse for any payment to the friend or relative for lodging, meals or transportation.

Costs incurred while entertaining (as opposed to conducting business with) colleagues or business associates shall not be reimbursed.

Expenses incurred as part of election campaign activities shall not be reimbursed.

The City may issue credit cards for use by employees and the City Manager. Expenses incurred must be in compliance with the provisions of this policy.

If it is determined that expenses that were covered by prepayment to a sponsoring or service providing organization or by advance payment or reimbursement to an employee or official, do not comply with this policy, the value must be refunded by the benefiting official or employee to the City.

PROCEDURE FOR EXTENDED OUT-OF-TOWN CONFERENCES OR MEETINGS

For the purposes of this policy, extended out-of-town conferences or meetings shall mean a conference or meeting that is longer than two days in duration.

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Authorization for Travel

City Council and City Council Appointed Officials

Attendance of City officials at conferences, seminars and meetings shall be subject to prior approval by the City Council. Approval by the City Council shall occur with the adoption of the annual budget. For out-of-state travel, the prior approval of a majority of the City Council obtained during a public meeting is required.

City Employees including City Manager Appointees

Prior to the commitment or expenditure of any City funds for extended out-of-town conference or meeting reservations or arrangements, the employee shall obtain approval for attendance from the City Manager or the City Manager's designee; out-of-state travel must be approved by the City Manager.

Authorization Form

A Request for Travel and Meeting Expense Authorization form must be completed and should include an estimate of total expenses and a copy of the conference or meeting notice and registration form must be attached. Any special arrangements, such as car rentals, non-standard rooms, extending the stay for personal reasons, or use of a travel route or mode that is more expensive and/or of a greater than direct route should be identified on this form.

Registration Fees

Registration fees must be payable to the conference/sponsoring organization and shall be those expenses indicated in the published information attached to the Travel and Meeting Expense Authorization form to be attached to the payment request form. Any deadlines for receipt of the registration should be identified prominently on the face of the payment request, to ensure timely payment.

Lodging Expense

Prepayment of hotel expenses may be made by submittal of a payment request form, with the Travel and Meeting Expense Authorization form attached.

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Prepayment may either be made for the first day only, to guarantee the room, or may be for the full number of days, including room tax (if known.) Prepayment, or reimbursement of hotel bills, will be limited to the cost of standard, non-deluxe accommodations and will cover only the room charges for the City official or employee.

If the City official or employee has secured accommodations other than above, it is their responsibility to find out the single, standard, non-deluxe rate and provide a written explanation of the difference; in no event will the City reimburse or pay for the difference.

Transportation

Air Transportation

Reimbursement or payment will be limited to economy class commercial air carrier. Air reservations should be made as early as feasible to obtain the greatest discount, and the use of alternate, but nearby airports with ground transportation should be considered to take advantage of the lowest fares. Extension of the trip to cover a Saturday stayover to obtain a lower air fare, if no City business is to be conducted, should not be used.

Rental Vehicles

The necessity for additional transportation requirements at the point of destination of an extended trip, requiring the use of rental car, must be established by the City official or employee on the Travel and Meeting Expense Authorization form, and employees must receive prior approval by the appropriate authority. Only standard or economy car models may be rented unless the upgrade is provided by the rental agency at no increase in cost.

Private Vehicles

Private vehicles may be used for personal or group transportation on extended trips. Reimbursement shall be at the I.R.S. approved rate. Mileage reimbursement shall not exceed the cost of a refundable round trip air transportation (economy class), for a reservation made at least 7 days in advance of the trip. Employees and officials with car allowances, may receive mileage reimbursement. Employees must receive prior approval on the Travel and Meeting Expense Authorization form from the appropriate authority. Proof of automobile insurance, in amounts specified by the City must be on file with the City.

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City Vehicles

City vehicles normally may not be used for transportation on extended out-of-City trips. Vehicles assigned to specific divisions and/or individuals should also not be used for extended out-of-City trips. Requests for use of City vehicles for this purpose must be approved in advance by the City Manager.

Alternate Transportation Methods

Alternate methods of transportation, such as train or bus transportation, may be used on extended trips. The amount paid by the City shall not exceed the cost of a refundable roundtrip air transportation (economy class), for a reservation made at least 7 days in advance of the trip.

Meals

Meal reimbursement, including tips, is limited to the lower of the total actual daily cost or the total daily maximum meal reimbursement limit.

Reimbursement will be for actual expenses, supported by receipts. Meals which are included in registration fees as stated in meeting or conference literature must be subtracted from the total daily maximum.

Meal Reimbursement guidelines:

Breakfast \$10.00

Lunch \$15.00

Dinner \$35.00

Total daily maximum \$60.00

Incidentals

The City will reimburse for incidentals such as business telephone calls, local transportation, vehicle parking or other necessary expenses. Such expenses must be accompanied by proof of payment or an appropriate explanation of why documentation could not be provided together with the amount, date, place and essential character of the expense. The per day expense for incidentals should not exceed \$30.00.

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Advance for Meals and Incidentals

An employee or official may submit a payment request (supported by a Travel and Meeting Expense Authorization form) for advance funds for payment of meals and incidentals.

If meals are provided as part of conference registration costs, or included with the air fare, the advance will be reduced by \$10.00 for breakfast, \$15.00 for lunch and \$35.00 for dinner. The conference agenda should be highlighted to indicate meals known to be included in the conference registration.

Reconciliation and Reimbursement

Within 10 business days after the City official's or employee's return from the trip, a Travel and Meeting Expense form, with appropriate approvals, must be filed with the Department of Finance. If billings for expenses incurred have not been received in ten (10) days, the form with all expenses for which bills have been received to date shall be filed noting that not all expenses are included and a supplemental report shall be filed immediately upon the receipt of bills beyond the ten (10) day period. Original receipts for lodging and transportation (airline ticket), shall be attached as well as necessary receipts to support additional expenditures to be reimbursed and/or to support expenditures for which an advance payment was received. If a receipt or other documented evidence of the expense incurred is not available, and the expense is \$25.00 or less, an explanation of why documentation can not be provided together with the amount, date, place and essential character of the expense must be provided. If the expense is \$25.00 or more, documented evidence, e.g. a receipt, is required.

PROCEDURE FOR LOCAL AND TWO-DAYS OR LESS MEETING, CONFERENCE, TRAINING, TRAVEL AND MEAL EXPENSES

Authorization

City Council and City Council Appointed Officials

Prior authorization for local and two-days or less travel and meal expenses shall occur with the adoption of the annual budget. The City Council must review and approve during a regular City Council meeting requests for out-of-state travel prior to commitment and expenditures of any funds for such travel. Depending on the nature of the expense, such expense may be prepaid by the City. Within 30 days of the expenditure, the City official must submit to the Finance Department a complete Local and Two-Days or Less Travel and Meal Expense form; this is required whether the expense was prepaid by the City or the expense was paid by the individual and reimbursement is being requested.

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City Employees including City Manager Appointees

Prior authorization for local and two-days or less travel and meal expenses of \$50.00 or less, incurred by City employees and \$100.00 or less, incurred by City Manager appointees, is not required. Depending on the nature of the expense, it may be prepaid by the City. Within 30 days of the expenditure, the employee must submit, to the Finance Department, a completed and approved Local and Two-Days or Less Travel and Meal Expense form; this is required whether the expense was prepaid by the City or the expense was paid by the individual and reimbursement is being requested.

Local and Two-Days or Less Travel and Meal Expense Form

A Local and Two-Days or Less Travel and Meal Expense form must be completed and approved for all expenses whether prepaid by the City or paid by the individual and for which reimbursement is being requested. It must be accompanied by appropriate receipts, agendas, meeting announcements, etc.

Meals

The City will pay or reimburse for local meals according to the guidelines below. In addition to necessary receipts, agendas, meeting announcements, etc., requests must also contain the nature of the City business discussed or transacted, an explanation of why it was necessary for the conduct of City business to have the meal and the date and duration of the business discussion. Requests must also include the names, occupations and employers of all persons who attended unless impractical because more than 10 people were in attendance (for example a Council of Cities meeting). If all people in attendance did not take part in the business discussion, indicate those that did. Indicate those whose meal expense the City is being requested to pay.

1. The following types of meal expenses are eligible for payment or reimbursement.
 - a. Meals which are an integral part of or directly related to a formal meeting of a recognized organization whose purpose is directly related to City business. Examples of such organizations include the San Mateo County Council of Cities, the League of California Cities Peninsula Division, committees of the League of California Cities and various professional associations or groups such as County and State-wide City Managers, Finance Officers, Police Chiefs, etc. Associations.

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- b. Meals or refreshments taken during meetings consisting solely of City employees or City employees and officials which are exclusively working sessions where employees, officials, or employees and officials are required to continue working through a meal period. Whenever possible, meetings should be scheduled to avoid this occurrence.
 - c. Meals or refreshments taken during meetings consisting solely of the City Manager and/or City employees which have been planned and scheduled, and for which an agenda has been prepared which indicates that the purpose of the meeting is to conduct City-related business. Such meetings must be authorized in advance by the City Manager or the City Manager's designee.
 - d. Meals taken during meetings and/or interviews with prospective job applicants.
 - e. Meals taken during meetings with non-City employees or officials to discuss business directly related to City projects or operations when necessary for the conduct of City business. Such meetings should be held during non-meal periods unless scheduling conflicts make it impractical.
 - f. Meals taken during assigned training, the conduct of field surveys or attendance at meetings and the individual's normal meal period occurs during the time of travel or assignment. Meal reimbursement for training or professional meetings within a 50 mile radius of Menlo Park, conducted between the hours of 8:00 a.m. and 5:00 p.m.; will be limited to lunch expense only, if it is not provided with the event.
2. Reimbursement guidelines for meals, including tips, per person for business meetings are as follows; these guidelines may be exceeded if the charges are reasonable and not exorbitant:
- Breakfast-\$10.00 Lunch-\$15.00 Dinner-\$25.00
3. If a receipt or other documented evidence of the expense incurred is not available, and the expense is \$25.00 or less, an explanation of why documentation can not be provided together with the amount, date, place and essential character of the expense must be provided. If the expense is \$25.00 or more documented evidence, e.g. a receipt, is required.
 4. If a department is hosting a non-luncheon meeting, at which the majority of representatives are non-City employees or officials, on City-related issues, refreshments in an amount not to exceed \$50.00 may be authorized by the City Manager or department head.

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Incidental Expenses

All incidental expenses related to attending local meetings (e.g., public transit fares, parking, bridge tolls, etc.) are eligible for reimbursement. Such expenses must be accompanied by proof of payment or an appropriate explanation of why proof of payment can not be provided together with the amount, date, place and essential character of the expense.

Transportation

If available, City vehicles may be used for local meetings and/or to complete specific job functions. Personal vehicles may also be used if proof of liability insurance, in an amount specified by the City, is on file with the City's Finance Department. Employees with car allowances shall not be reimbursed for mileage. Reimbursements shall be at the I.R.S. approved rate. Mileage reimbursement for use of personal vehicles will only be made for travel that is in connection with a specific job function or assigned off-site training or meeting relating directly thereto, excluding breakfast or luncheon meetings within a 5 mile radius of Menlo Park or the official's place of business, if it is not in Menlo Park, and for dinner meetings within a 5 mile radius of the individual's place of residence.

If the meeting is outside the nine-county Bay Area and the use of air transportation will result in the travel and meeting being completed in two-days or less, the expense of such air travel is less than the total expense of hotels, meals and other travel expenses if the trip were to be extended beyond two-days and the travel distance is greater than 200 miles one way, air transportation may be used. Reimbursement or payment will be limited to economy class commercial air carrier.

Registration Fees

Registration fees must be payable to the meeting, conference or training sponsoring organization, and shall be those expenses indicated in the published information to be attached to the Local and Two-Days or Less Travel and Meal Expense form.

Chart of Conferences and Meetings

League of California Cities Annual Conference

Annual Meeting of the City Manager's Division of the League of California Cities

Annual League of California Cities Planning Commissions Institute

Annual Legislative Conference of the League of California Cities

San Mateo County City Manager's Association Meetings

San Mateo Council of Cities Meetings and Task Forces, Committees, Boards

San Mateo City/County Association of Governments Meetings and Task Forces, Committees, Boards

Peninsula Division of the League of California Cities Meetings

Association of Bay Area Governments Meetings

Chamber of Commerce Progress Seminar

San Mateo County Convention & Visitors Bureau Meetings

Annual League of California Cities Community Services Conference

Policy Committee Meetings of the League of California Cities

Meetings of Committees/Boards, such as the Criminal Justice Council, when representing the Council of Cities

League of California Cities Mayor's and Councilmembers Orientation Institute

League of California Cities Leadership Team Workshop

League of California Cities Mayors and Councilmembers Executive Forum

Annual California Redevelopment Association Conference

League of California Cities Financial Management Seminar

San Mateo County Transportation Authority

Affiliate Organizations to the League of California Cities

League of California Cities Board of Directors Meetings

Financial Management Seminars

Dedicated Workshop Programs

Council of Cities Santa Clara: Joint Meetings, State Officer, Sub-Committees

CITY OF MENLO PARK TRAVEL AND MEETING EXPENSE REPORT

Name: _____

Position: _____

Department: _____

Date of Report: _____

Account No.: _____

Date	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Total
Lodging								
Breakfast								
Lunch								
Dinner								
Bus/Taxi								
Parking								
Telephone								
Car Rental								
Misc. (explain)								
Registration								
Travel								
Private Auto								
Total								\$

Less: Prepaid Expense - Registration \$ _____

- Motel _____

- Travel _____ < _____ >

Subtotal: _____

Less: Cash Advance _____ < _____ >

Total Due Official/Employee/City _____

ATTACH ALL RECEIPTS

I hereby certify that to the best of my knowledge the expenses indicated above and that information shown hereon is correct, actual and was necessary for City business; that no part of compensation claimed was of a personal nature and that no part thereof has heretofore been paid.

APPROVED: Department Head / Designee

APPROVED: City Manager / Designee

Name (Print): _____

Signed: _____ Date: _____

Refer to Policy for Authorization and Approval Requirements

CITY OF MENLO PARK LOCAL AND TWO DAYS OR LESS TRAVEL AND MEAL EXPENSE FORM

Name: _____

Position: _____

Account Number: _____

Department: _____

Date of Expenditure: _____

DESCRIPTION INDICATE TYPE OF EXPENDITURE	AMOUNT
<input type="checkbox"/> Local and one day or less travel, meal or other expenses Reason for expenditure: (Describe in detail the City business reason or the City business benefit gained or expected to be gained, the nature and duration of a business discussion; names and occupations including company name of those present and indicate those whose meals the City is being asked to pay for and those who took part in the business discussion - refer to the policy for more detail). Attach additional pages if necessary. _____ _____ Where was expenditure made? _____ Reimbursement requested for: (Check appropriate box and fill in the dollar amount.) <input type="checkbox"/> Breakfast \$ _____ <input type="checkbox"/> Bridge toll \$ _____ <input type="checkbox"/> Lunch \$ _____ <input type="checkbox"/> Other (explain) \$ _____ <input type="checkbox"/> Dinner \$ _____	\$
Attach all receipts and appropriate meeting notices	
<input type="checkbox"/> Mileage Reimbursement Use of private vehicle for City business End ____ Beg ____ = _____ miles @ \$ _____ per mile: Reason for expenditure/use of private vehicle: _____ _____	\$
TOTAL	\$

APPROVED BY DEPARTMENT HEAD/DESIGNEE _____ DATE _____

APPROVED BY CITY MANAGER/DESIGNEE _____ DATE _____

Refer to Policy for Authorization/Approval Requirements

I hereby certify that to the best of knowledge the expenses indicated above and that information shown hereon is correct, actual and was necessary for City business; that no part of compensation claimed was of a personal nature and that no part thereof has heretofore been paid.

Name (Print): _____

Signed: _____



POLICE DEPARTMENT

Council Meeting Date: January 27, 2015

Staff Report #: 15-014

REGULAR BUSINESS: **Review and Discuss the Police Department's Policy on the Use of Body Cameras and the Retention of Recordings and Determine Whether Council Desires to Adopt a Policy or Ordinance**

RECOMMENDATION

Review and discuss the Police Department's policy on the use of body cameras and the retention of recordings and determine whether Council desires to adopt a policy or ordinance. It is the Police Chief and Police Department's recommendation that Council not adopt a policy or ordinance regarding retention or use of audio and video recorders worn by police officers.

POLICY ISSUES

This item involves Menlo Park Police Policy #450 - Use of Audio/Video Recorders, and whether it is appropriate or necessary for the City Council to adopt a policy or ordinance regarding the use of body cameras and or retention of recordings.

BACKGROUND

For almost a decade, the Menlo Park Police Department has issued and required officers to use digital audio recorders, recording all contacts with citizens. These audio files were uploaded to a secure internal server and used as evidence in criminal cases, civil cases, use of force reviews, personnel complaints and State and Federal law suits. In 2011, City Council approved the purchase of 40 body worn cameras through COPS grant funding. These cameras were beta tested and then issued to all patrol officers. In 2015, Council approved the purchase of upgraded body cameras to replace the existing units along with allowing for extra units to be used as back up cameras in case units required maintenance.

The Department created Menlo Park Police Policy #450-Use of Audio Recorders in 2005 when digital recorders were first introduced to the department. This policy was created using the Lexipol system which suggests best practices based on existing laws, rules and regulations. In 2011, Policy #450 was modified to include the body camera video recorders, revised and renamed "Use of Audio/Video Recorders". The revisions to the policy were again based on Lexipol recommendations and best practices.

ANALYSIS

A review of Policy #450 has been completed and some changes and modifications will be implemented in the policy. The modifications are as follows:

- Section 450.5 - add the following paragraphs:
 - “Members shall activate their recording devices while responding to any in-progress, serious or high priority call for service to preclude arriving on scene and being unable to activate the unit.”
 - “Members will have the discretion to keep recording devices off during conversations with confidential informants.”
 - “Members shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or was not turned on for any portion of the contact. The member shall include the reason for not activating the recorder.”

- Add Section 450.5.3 to read - “Cessation of Recording-Once activated, the portable recorder should remain on continuously until the member’s direct participation in the incident is complete. Recordings may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident, or when speaking to other members outside of the presence of involved parties to the incident. Officers shall reactivate the recording device upon reinitiating contact or a new contact with any citizen.

The above modifications are based on best practices found in Lexipol, the U.S. Department of Justice Community Oriented Policing Services (COPS) Office report *Implementing a Body-Worn Camera Program*, and the ACLU report *Police Body-Mounted Cameras: With Right Policies in Place, a Win For All*.

There has been some discussion as to the retention of recordings, which at this time are maintained for a minimum 2.5 years, unless they are marked as evidence in which case they are maintained indefinitely. A minimum retention schedule of 2.5 is essential due to the following issues:

- The statute of limitations on Federal Title 42 USC 1983 lawsuits are two years and due to filing deadlines, the City may not be served until after two years from the incident.
- The statute of limitations on California state lawsuits is one year.
- There is no statute of limitations on Personnel Complaints involving officer misconduct; although a police department is required by law to complete any internal affairs investigation and serve discipline on an officer a year from the date of the filing of a complaint.

IMPACT ON CITY RESOURCES

None

ENVIRONMENTAL REVIEW

Not Applicable

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. Menlo Park Police Policy #450 – Use of Audio/Video Recorders

Report prepared by:

Dave Bertini

Police Commander

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Use of Audio/Video Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings.

450.2 POLICY

The Menlo Park Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. Uniformed members shall wear the recorders in such a way as to have easy access to the function buttons and in a manner that renders the recorder secure.

Any member assigned to a non-uniformed position shall carry an approved portable recorder. The recorder shall be carried in a way that renders the recorder secure with the ability to record any contact with a citizen.

At the beginning of each shift, the member shall test the recorder to assure it is working properly. This can be accomplished by making a test recording that can then be deleted.

450.5 ACTIVATION OF THE AUDIO RECORDER

Members shall activate the recorder during all on duty contacts with citizens other than a contact with another member, without their knowledge.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in all situations as soon as practical.

450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation (Penal Code § 633).

Menlo Park Police Department

Policy Manual

Use of Audio/Video Recorders

Members shall not surreptitiously record another department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee.

450.5.2 SURREPTITIOUS USE OF AUDIO RECORDER DURING INVESTIGATIONS OF PERSONNEL COMPLAINTS

Members are prohibited from surreptitiously recording any conversation in which a person is making a personnel complaint or allegation of such. In these situations, the member taking the complaint shall advise the complainant that the conversation is being recorded. If the complainant refuses to be recorded, the member shall discontinue recording, and will indicate this fact in the documentation created regarding the complaint or allegation. It is recommended that a witness member be utilized in cases which a complainant refuses to be recorded.

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

450.7 RETENTION OF RECORDINGS

Members shall upload all digital recorded files in accordance with current procedures for storing digital files, at the end of their shift and anytime the storage capacity is nearing its limit.

Any time a member uploads a digital file that will or may be used as evidence in a criminal or non-criminal case, the member shall mark the file with all pertinent information required by the department's digital recording software, and will cause that file to be marked as "evidence" in the system.

450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

450.8 RETENTION OF RECORDS

Citizen contact recordings shall be retained for a minimum of (2.5) years. All recordings which are classified as evidence will be retained for a period of time determined by applicable laws and the City of Menlo Park's retention guidelines.

Menlo Park Police Department

Policy Manual

Use of Audio/Video Recorders

450.9 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

450.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

Use of Audio/Video Recorders

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Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: January 27, 2015

Staff Report #: 15-011

REGULAR BUSINESS: Consider a Resolution Ratifying the Menlo Park Fire Protection District's Ordinance for the Adoption of and Local Amendments to the 2013 California Fire Code

RECOMMENDATION

Staff and the Menlo Park Fire Protection District (Fire District) recommend adoption of a resolution ratifying the Fire District's Ordinance No. 36A-2013, as amended by Ordinance No. 36B-2013, and ratifying Ordinance No. 36B-2013 which together adopts and amends the 2013 California Fire Code. The resolution is included as Attachment A, which includes Ordinance Nos. 36A-2013 and 36B-2013 as exhibits.

POLICY ISSUES

The ratification of the Fire District's proposed ordinances will establish fire-related requirements for the city, specifically increasing the requirements for the installation of fire sprinklers in existing buildings, including single-family homes. The Council should consider the health and safety benefits associated with the increased sprinkler requirements balanced with the added impacts to individual project applicants in making its decision.

BACKGROUND

At the November 18, 2014 City Council meeting, the Fire District requested that the City Council ratify Ordinance No. 36A-2013 adopting the 2013 California Fire Code with local amendments to the Code. The proposed ordinance included numerous provisions that are administrative in nature and primarily of interest to the Fire District's operations. However, the proposed ordinance also included sections that addressed automatic fire sprinkler systems and fire apparatus access roads that directly impact building and roadway construction in Menlo Park.

The Council expressed general support for the ordinance provisions with the exception of new, more restrictive requirements for the installation of fire sprinklers in remodeled and expanded single-family residential homes. The original proposal by the Fire District would have established a requirement for the installation of fire sprinklers in existing buildings, including single-family homes, when the accrued square footage of the addition and/or alteration exceeded 50 percent of the gross floor area of the building over a ten year cumulative period. The Council discussed the potential impacts of the new requirements,

specifically related to the potential for increased time and costs for individual projects. During the discussion, several alternative approaches using different percentages of gross floor area and/or accrual times that might serve to lower the potential impacts to existing single-family homes were considered. Ultimately, the Council recommended that representatives of the Council meet with representatives from the Fire District's Board to discuss a possible amendment to the ordinance.

The City Council and Fire District Board representatives met on December 18, 2014 and were able to find common ground on a change to the requirements for existing buildings. The Fire District subsequently amended Ordinance 36A-2013 by adoption of Ordinance 36B-2013 to change the sprinkler requirements for existing buildings. The Fire District Board acted to adopt the changes on January 20, 2015.

ANALYSIS

The Fire District's proposed ordinances will adopt the entire California Fire Code as adopted by the State, parts of the model code prepared by industry professional organizations that were either not adopted or were partially adopted by the State, and amend selected sections to help meet the Fire District's operational needs. The ratification of the Fire District's proposed ordinances by City Council will make all of the provisions of the Fire District's ordinances enforceable within the City of Menlo Park. Currently, only the provisions of the 2013 California Fire Code as adopted by the State are enforceable except for the provisions established in the Fire District's existing 1984 ordinance that supersedes the State Code. A complete analysis of all of the proposed amendments including the potential fiscal impacts from the installation of fire sprinklers was provided in the November 18, 2014 staff report and is included as Attachment B for reference.

The Fire District's ordinances retain the majority of the requirements presented to Council at the November 18 meeting with the language to section 903.6.1.1 being modified to reflect the change in the fire sprinkler requirements. The revised Section 903.6.1.1 establishes three criteria to determine when the installation of fire sprinklers is required in all existing buildings, including single-family homes. These criteria are:

- (1) In buildings larger than 1,000 square feet when the accrued square footage of alterations and/or additions exceed 75 percent of the gross floor area of the building over a five year period;
- (2) A change in the use or occupancy that would result in an increased fire hazard or risk; and
- (3) In new 250 square foot basements constructed below existing buildings.

The only substantive change to this section is in part 1 which changed the threshold for the installation of fire sprinklers for alterations and/or additions with an the accrued square footage of 50 percent of the gross floor area of the building over a ten year period to 75 percent of the gross floor area of the building over a five year period. The change in the threshold captures the larger renovation projects that result in an effectively new building

when they are completed without penalizing property owners that are making improvements in a series of small projects as they are needed.

IMPACT ON CITY RESOURCES

The adoption of the current State codes and proposed local amendments will not result in any direct costs to the City.

ENVIRONMENTAL REVIEW

The ratification of the proposed ordinances is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA).

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 to Ratify the Menlo Park Fire Protection District Ordinance adopting amendments to the 2013 California Fire Code
- B. City Council Staff Report Dated November 18, 2014 (excluding attachments)
- C. Menlo Park Fire Protection District Staff Report dated November 18, 2014
- D. Table Comparing Fire Sprinkler Regulations

Report prepared by:

Ron La France
Assistant Community Development Director - Building

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RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
RATIFYING THE MENLO PARK FIRE PROTECTION DISTRICT ORDINANCE
ADOPTING AMENDMENTS TO THE 2013 CALIFORNIA FIRE CODE**

The City of Menlo Park makes the following findings:

1. On October 15, 2013, the Menlo Park Fire Protection District ("District") held a study session to discuss proposed amendments to the 2013 California Fire Code requirements; and
2. The District and the City of Menlo Park Building, Public Works, and Planning staff subsequently worked collaboratively on the proposed amendments; and
3. The District introduced the ordinance amending the 2013 California Fire Code requirements on October 21, 2014, conducted a second reading on November 18, 2014, and adopted the ordinance, Ordinance No. 36A-2013, a copy of which is attached; and
4. The District introduced the emergency ordinance amending the Ordinance 36A-2013 California Fire Code requirements on January 20, 2015, and adopted the ordinance, Ordinance No. 36B-2013, a copy of which is attached; and
5. The City desires to ratify Ordinance No. 36A-2013, as amended by Ordinance No. 36B-2013 so that it applies to the City.

NOW, THEREFORE, the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore,

BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Menlo Park that the City Council hereby ratifies Ordinance No. 36A-2013 as amended by Ordinance 36B-2013 and ratifies Ordinance 36B-2013 which amends the 2013 California Fire Code. Ordinance No. 36A-2013 as amended by Ordinance No. 36B-2013 shall apply to building permit submittals made after January 27, 2015.

I, Pamela I. Aguilar, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted by the City Council of the City of Menlo Park at a meeting held by said Council on the twenty seventh day of January, 2015 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Menlo Park on this tenth day of February, 2015.

Pamela I. Aguilar
City Clerk

MENLO PARK FIRE PROTECTION DISTRICT
ORDINANCE NO. 36A-2013
DISTRICT FIRE PREVENTION CODE
ADOPTING THE 2012 INTERNATIONAL FIRE CODE WITH CALIFORNIA AND LOCAL
AMENDMENTS FOR THE CITY OF MENLO PARK

This Ordinance was introduced and was adopted after the holding of a public hearing pursuant to California Health and Safety Code Section 13869.7 and California Government Code Section 50022.3.

WHEREAS, pursuant to Title 24 of the California Code of Regulations, also known as the California Building Standards Code (“CBSC”) and California Health and Safety Code Section 13869 *et seq.*, a fire protection district may adopt a fire prevention code by reference and may also, when reasonably necessary due to local climatic, geological or topographical conditions, establish more stringent local building standards relating to fire and panic safety than those set forth in the CBSC; and

WHEREAS, on September 17, 2013, the District adopted Ordinance 36-2013, a new amended and restated District Fire Prevention Code (the Code) that made local amendments to the 2013 California Fire Code; and

WHEREAS, there is currently no Fire Protection Ordinance enforced within the City of Menlo Park besides the portions of the California Fire Code as adopted by the State Fire Marshal and a fire sprinkler ordinance dating back to 1984; and

WHEREAS, Menlo Park Fire Protection District has worked with the City of Menlo Park staff to amend Ordinance 36-2013 to create a mutually agreed upon set of fire protection regulations that provides a reasonable degree of fire and life safety to the City of Menlo Park; and

WHEREAS, the District desires to amend Paragraph 3 and Paragraph 4 of Ordinance 36-2013 to meet the specific needs of the City of Menlo Park.

NOW, THEREFORE, the Board of Directors of the Menlo Park Fire Protection District ordains as follows:

Findings and Determinations Pursuant to State of California Health & Safety Code sections 1758 and 17958.5

Pursuant to Section 17958.5 and 17958.7 of the State of California Health and Safety Code, the Board of Directors of the Menlo Park Fire District finds that the above changes or modifications are needed and are reasonably necessary because of certain local climatic, geological and topographic conditions as described below.

Finding 1: Climatic

The District, on average, experiences an annual rainfall of 19.7 inches. This rainfall can be expected between October and April of each year. However, during the summer months there is little, if any measurable precipitation. During this dry period the temperatures are usually between 70 – 95 F degrees with light to gusty westerly winds. These drying winds, combined with the natural and imported vegetation which is dominant throughout the area, create a hazardous fuel condition that can cause extensive encroaching into these wooded and grass covered areas where wind-driven fires can have severe consequences. This has been demonstrated in a number of like climatic areas within the State of California and the western United States.

Because of variable weather patterns, normal rainfall cannot always be relied upon. This can result in water rationing and water allocation programs, as demonstrated in past drought patterns. Water shortages may also be expected in the future due to limited water storage capabilities and increased consumption. The District is bounded by San Francisco Bay on the east and the foothills of the Santa Cruz Coastal Range of mountains on the west. This setting allows for strong gusty winds to blow through the Fire District. These winds are a common occurrence each afternoon during summer months. Wind increases a fire's ability to spread and has been attributed to the rapid spread of both vegetation and structure fires. Automatic fire sprinkler protection as required in buildings specified in Chapter 9 of the Fire Code and the local requirements and standards of Menlo Park Fire Protection District would significantly reduce the fire's ability to spread rapidly, especially when the jurisdiction is affected by the typical wind patterns.

Finding 2: Geologic and Geographic:

A. Geographic Location. The District is located at the southeastern most part of San Mateo County.

B. Seismic Location. The District is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zones. The location makes it particularly vulnerable to damage to taller and older structures caused by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the District sits between two active earthquake faults, the San Andreas fault and the Hayward/Calaveras fault, and numerous potentially active faults. A majority of the District's land surface is in the high-to-moderate seismic hazard zones, as established by the U.S. Geological Survey.

C. Seismic and Fire Hazards: Fires following an earthquake have the potential of causing greater loss of life and damage than the earthquake itself. A significant portion of the District's residential, commercial and industrial structures are located in seismic risk zones. Should a significant seismic event occur, fire suppression resources would have to be prioritized to mitigate the greatest threat, and may not be available for every structural fire. In such an event, individual structures should be equipped to help in mitigation of the risk of damage.

Other variables could aggravate the situation: (i) the extent of damage to the water system; (ii) the extent of isolation due to bridge and/or freeway overpass collapse; (iii) the extent of roadway damage and/or amount of debris blocking the roadways; (iv) climatic conditions (hot, dry weather with high winds); (v) time of day will influence the amount of traffic on roadways

and could intensify the risk to life during normal business hours; and; (vi) the availability of timely mutual aid or military assistance.

D. Waterways. The Fire District's south and east boundary lines are waterways, the south side being the San Francisquito Creek, and the east side being the San Francisco Bay. Both waterways are influenced by tides. The San Francisquito Creek is fed from Searsville Dam, located along the Jasper Ridge, and also collects water from storm drains along its drainage pathway. The creek finally empties into San Francisco Bay, and is therefore influenced by tidal activity. During periods of heavy rainfall in combination with high tides in the Bay, San Francisquito Creek has overflowed its banks, causing floods in both East Palo Alto and Menlo Park. The floods have hampered fire apparatus making a timely response to emergencies and providing needed service to the community. Proper roadway widths as defined in Chapter 5 of the Fire Code and the minimum roadway standards established by Menlo Park Fire District can provide fire apparatus with accessibility while helping to divert excess water flow during rainy seasons.

E. Transportation. The District is dissected by a major state highway (El Camino Real) and two major interstate freeways (I-280 and U.S. 101). However, the interconnecting road system is significantly less well developed. These conditions are likely to affect response times of fire suppression personnel and apparatus during periods of heavy traffic or conditions of major emergencies.

The Fire District is also split in half by an active railway that serves commuters during daylight hours and transports freight in the evening. There are seven railroad crossings that allow fire apparatus to cross from one side of the Fire District to the other. The railroad limits the Fire District's ability to not only make a timely response to an emergency, but also hampers our ability to provide a safe number of fire fighters to the scene of an emergency to begin operations that are compliant with Cal-OSHA Safety Regulations. Again, a structure's ability to control a fire or emergency condition with fire sprinkler protection, would play a key role in reducing losses.

A single toll bridge connects the Fire District with a substantial workforce that resides in Alameda County. This single point source connection significantly adds to traffic congestion through the jurisdiction during commute hours. With alternative work schedules, commute hours may last from 5:00 am through 7:00 pm, with significant traffic backups also noted during the lunch hour.

F. Soil Conditions. The District lies near the southern end of San Francisco Bay and is built atop the alluvial deposits that surround the margins of the Bay. The alluvium was created by the flooding of the many streams emptying into San Francisco Bay depression, and from intermittent sea water inundation has occurred over the last two or three million years. The areas closest to the Bay are overlain by unconsolidated fine silty clay, known as Bay Mud which varies in thickness from a few feet to as much as 30 feet. Generally, the older more stable alluvium is to the south and the younger less stable material is to the north. Bedrock lies beneath the area at depths generally 300 feet or more. The predominant soils patterns actuate the adverse effects on structures that may be expected from major seismic events.

G. **Building Design.** Many of the older and taller buildings are of designs which greatly limit accessibility by District resources. This includes large narrow parcels that have been subdivided into “flag-lots” on narrow residential streets.

The infrastructure that supports these buildings is old and not in compliance with current Codes. Some water mains in residential areas deliver water supplies that do not meet fire flow requirements required by Appendix B of the Fire Code. Some fire hydrant locations in both residential and commercial do not meet distance requirements of Appendix C of the Fire Code. This will not only hamper fire suppression operations, but limits building design. When water supplies must be altered to accommodate new construction, Menlo Park Fire District Guidelines on Underground Water Piping and Water Supplies attempt to work with the existing infrastructure to accommodate the needs of fire fighters.

Residential properties in the Fire District consist primarily of one-acre or smaller parcels, flag lots and single and multi-family infill developments. Common to the larger parcels is the development of additional residential or in-law type occupancies for which fire department access is difficult based on existing driveway configurations for the original single- family parcels. Flag lots, for example, typically have driveways in excess of 150 feet, with narrow access, necessitating additional requirements, which the Fire District has added to Section 501.1, by creating a guideline for driveways and private roadways that includes minimum driveway widths, fire apparatus turnaround specifications, and minimum vertical clearances. Additionally, fire department response times are increased due to gated access roads, a lack of street or address illumination, and existing vegetation barriers. Section 505.1 provides minimum requirements for addresses on buildings and now requires new buildings to have illuminated addressing. However, neighborhood street lighting continues to be an issue.

Proper roadway widths as required by Chapter 5 of the Fire Code would allow fire apparatus to set up fire suppression operations and access both driveways that extend greater than 150 feet, and private roadways serving minor developments.

With the aging infrastructure, many water supplies do not meet current fire flow requirements. When redevelopment occurs, compliance to Fire Code Section 507 on Water Supplies and Underground (Piping) is required. The Menlo Park Fire District provides a guideline on water supplies that addresses the type and size of approved fire hydrants, hydrant location in relationship distances, including “flag-lots”, and placement of “blue-dots” to indicate fire hydrant locations.

Due to our close proximity to San Francisco Bay, salt content in the soil is highly corrosive. Menlo Park Fire District’s Underground Guideline provides guidance for installation of underground piping systems for both fire hydrant installations as well as underground piping for automatic fire sprinkler systems. The guideline suggests installation methods that minimize corrosion caused by the soil.

Finding 3: Topographical

The District's topographic conditions are closely associated with the geological/geographical element. With the elevation changes within the District, development has followed the path of least resistance, creating a meandering pattern. This circumstance does not lend itself to a good systematic street and road layout, which would promote easy traffic flow. It has, in fact, resulted in few major cross-town thoroughfares that tend to be heavily congested, primarily during commute hours and seasonal periods of the year. This creates barriers that reduce the response time of fire equipment and other emergency services.

The topography of the District is also challenged by major development patterns. Employment areas are located adjacent to and throughout the jurisdiction. The people who work in these areas have added to the traffic congestion in the District thereby reducing the District's response time capabilities.

Inherent delays caused by these traffic patterns make it necessary to mitigate these problems with greater requirements for built-in automatic fire protection systems, noted in Section 903 of the Fire Code, along with local requirements. In addition, the Fire District has added Fire Alarm maintenance requirements, specifically UL Certification noted in Section 907, to reduce false alarms and insure system reliability.

Finding 4

The climatic conditions along the Peninsula affect the acceleration, intensity and size of a fire within the jurisdiction. Times of little or no rainfall, low humidity, and high temperatures have created extremely hazardous fire conditions, particularly as they relate to roof fires and conflagrations. The winds experienced in the Fire District can have a tremendous impact upon structure fires by carrying sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force the fire back into the structure, creating a blow torch effect, in addition to preventing the natural and cross ventilation efforts of firefighters. In 1997, a fire at Green Oaks School in East Palo Alto resulted in a multi-million dollar loss. The fire's unusually rapid spread was attributed to wind conditions occurring at the time of the fire. Other fires within the jurisdiction's housing tracts have also experienced unusually rapid spread due to the gusty winds that occur daily off the San Francisco Bay.

Finding 5

By the use of automatic early fire detection and suppression systems, the Fire District will have the ability to curb losses of life and property attributed to the local climate's influence on fires. With the use of an early, automatic fire suppression system, major fire losses can be controlled. For example, in 1989, a flammable liquid fire occurred at Romic Environmental Services, a former chemical recycling company that was located at the south end of the Fire District. The area suspected as the point of the fire's origin was an open-air, unsprinklered building subject to wind conditions. The fire grew rapidly. It was finally brought under control several hours after discovery, with the assistance of neighboring fire departments and resulted in a multi-million dollar loss of property, equipment and product. Two years later, after the area had been rebuilt and retrofitted with an automatic fire sprinkler system, another fire occurred at the

same location. This fire was contained to a single piece of equipment and was controlled by one fire crew.

Finding 6

The geological conditions experienced within the Fire District increase the magnitude, exposure and accessibility to fire events. For example, a fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number of people, should a significant seismic event occur. Fire protection resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single-family dwelling or smaller business occupancy fires. Other variable conditions could include damage to the water system, freeway overpass collapse, roadways blocked by debris, and time of day, which could affect traffic patterns during or after the event.

In 1989 a 7.0 magnitude earthquake struck the San Francisco Bay Area via the San Andres Fault. For three hours following the event, firefighters from Menlo Park Fire District responded to over 100 incidents per hour. Though during this event, losses in the Fire District due to fire were minimal, however other neighboring jurisdictions were not as lucky. Had automatic fire sprinkler protection been a requirement at the time, it could have assisted firefighters in setting their priorities and assisting those citizens who needed emergency services the most.

Finding 7

Heavy traffic congestion on city streets already acts as a barrier to the timely response of fire equipment and emergency services. Continued growth, both residential and commercial from both inside and outside the Fire District will only serve to continue the traffic problem. In the event of an accident or other emergency at certain key point intersections, portions of the Fire District could be isolated or response times could be sufficiently slowed, thus increasing the risk of substantial injury and damage.

A year long time study of response times for fire apparatus indicates significant increases in response to emergencies during the commute hours of 6:00 am to 10:00 am and again from 3:00 pm to 7:00 pm. In conjunction with the increased response time, fire losses also showed the same pattern of higher losses for fires starting during commute hours. From 2003 to 2012, the Fire District experienced 22 structural fires where the property loss was greater than \$300,000. Of those fires more than half occurred during the above noted commute hours, indicating significant losses that could be directly attributed to typical traffic congestion experienced within the Fire District.

If fire apparatus is hindered in their response, automatic fire sprinkler protect will help. According to IFSTA Training Manuals, the temperature inside a structure can go from ambient to an excess of 1,000F within the first ten minutes of a fire. Delay of fire apparatus will only allow the fire to grow, thus making efforts to suppress the fire more difficult. Additionally, the ability to perform an effective rescue is diminished if fire fighters are delayed in their response. With the automatic fire sprinkler protection in place, the fire should be held to a controllable level,

allowing the ability of citizens to escape from the burning structure, as well as allowing firefighters to contain the fire in a safe manner, in its beginning stages.

Finding 8

It is due to these climatic, geographical and topographical conditions that the Fire District supports the need for structures within the jurisdiction to at least be capable of initial fire suppression capacity.

Finding 9

For the above reasons, taken individually and cumulatively, that the Board of Directors of the Menlo Park Fire Protection District finds there to be building and fire hazards particular to the jurisdiction that require the increased fire protection detailed as set forth in this Ordinance.

Section 1: Adoption by Reference

Paragraph 1- Title

This set of regulations, including provisions adopted and incorporated by reference, shall be known as the "District Fire Prevention Code" of the Menlo Park Fire Protection District ("the District") and may be cited as such. It is also referred to as "the Code" in these regulations.

Paragraph 2- Authority

The District Fire Prevention Code is adopted pursuant to the Fire Protection District Act of 1987 (California Health and Safety Code Sections 13800 *et seq.*) and in particular the following provisions of that Act:

- Section 13861(h), which empowers the District to adopt ordinances;
- Section 13861(i), which empowers the District to establish and enforce rules and regulations for the administration, operation and maintenance of the governmental services which it is authorized to provide;
- Section 13862, which empowers the District to provide certain governmental services including fire protection services;
- Section 13869, which empowers the District to adopt a fire prevention code by reference; Section 13870, which empowers the District's authorized representatives to order correction or elimination of fire and life hazards;
- Section 13871(b), which provides that failure to correct or eliminate a fire or life hazard after a duly issued order is a misdemeanor;
- Section 13872, which empowers the District's authorized representatives to issue citations for certain violations;
- Section 13873, which provides that the District's employees shall have the powers of peace officers while engaged in the prevention and suppression of fires and the preservation of life and property; and,
- Sections 13916, 13917, 13918 and 13919, which, among other things, empower the District's Board of Directors (the "Board" or "Board of Directors") to charge a fee to

cover the cost of any services, which the District provides and the cost of enforcing any regulation for which a fee is charged.

Paragraph 3- Adoption by Reference of the California Fire Code, which Code Adopts by Reference the 2012 Edition of the International Fire Code With Necessary Amendments.

The California Fire Code (California Code of Regulations, Title 24, Part 9), (the “CFC”) which adopts by reference the 2012 edition of the International Fire Code (“IFC”) with necessary State amendments is adopted by reference and incorporated into the District Fire Prevention Code, including Chapter 1, Division II, Chapters 3, 4, and 5, and Appendix Chapters D, F, I, and K that were either not adopted or were partially adopted by the State Fire Marshal, except to the extent portions of the CFC may be deleted, modified or amended by Paragraph 4 of this Code. This ordinance shall take effect [Date]

Paragraph 4- Amendments, Modifications and Deletions to the CFC

The following Sections of the CFC have been amended, modified or deleted as follows:

**CHAPTER 1, DIVISION II
ADMINISTRATION**

101 General

[A] **101.1 Title.** These regulations shall be known as the District Fire Prevention Code of Menlo Park Fire Protection District hereinafter referred to as “the Code.” See also Paragraph 3 of this ordinance.

105.6 30 Open Burning.

[A] **105.6.30 Open burning.** When allowed by the Bay Area Air Quality Management District, an operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

108 Board of Appeals

[A] **108.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals.

Any person who is aggrieved within the meaning of this paragraph by an action of an authorized representative of the District may appeal the action to the Fire District’s Board of Directors. The appeal must be in writing, must fully describe the action sought to be appealed and must be filed with the Clerk of the District Board within 30 days of the date of the action appealed. The Board of Directors shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

[A] **108.2 Limitations on authority.** A person shall be deemed to be aggrieved within the meaning of this Section if the person is the applicant or the permittee or is otherwise directly affected by the action in question. An application for appeal shall be based on a claim that

the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent method of protection or safety is proposed. The action in question may also involve the approval or disapproval of a permit application submitted to the District, the grant or denial of a permit, or a decision concerning the interpretation, construction, operation or enforcement of the District's Fire Prevention Code. The Board shall have no authority to waive requirements of this code.

[A] 108.3 Qualifications. The Board of Appeals shall consist of the Fire District Board of Directors. The Fire Chief shall be an ex officio member of said Board but shall have no vote on any matter before the Board.

109 Violations

[A] 109.4 Violation Penalties. Persons who shall violate a provision of a fire prevention code or a district ordinance shall be guilty of an infraction, which shall be punishable by a fine in accordance with Sections 17(d) of the currently adopted California Penal Code. Any person who fails or refuses to correct or eliminate a fire or life hazard after written order of the District Board or its authorized representative is guilty of a misdemeanor, which shall be punishable by fine or imprisonment or both in accordance with Section 19 of the currently adopted California Penal Code. The imposition of a punishment pursuant to this paragraph shall neither excuse the violation, nor shall it authorize the violation to continue or preclude the District from taking other action to enforce compliance with a fire prevention code or district ordinance. All violations shall be corrected within a reasonable time regardless of whether a conviction is obtained. Each day that a violation continues after due notice has been served, shall be deemed a separate offense.

The District shall be entitled to recover all of its actual expenses incurred to correct violations and to obtain compliance with the District's Fire Prevention Code. If the violation has not been corrected, the District shall begin charging an hourly Code Enforcement charge for additional follow up inspections until the violation has been corrected. Code Enforcement charges shall be in accordance with the Fire District's fee schedule, account #41310.

111 Stop Work Order

[A] 111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be liable to a Code Enforcement charge as set forth in the Fire District's fee schedule under account #41310. See also Section 109.4 above.

113 Fees

[A] 113.6 Permit Fees to Public Agencies. Fees shall be charged to other public agencies for services provided by the District. The District Board may, by resolution, establish policies and procedures by which waivers from payment of fees may be allowed by the Board, when payment of a fee would not be in the public interest.

CHAPTER 2

DEFINITIONS

202 General Definitions

[A] JURISDICTION. Jurisdiction shall mean the territorial boundaries of the Menlo Park Fire Protection District. In that case “Jurisdiction” would mean, as appropriate, the County of San Mateo, the City of East Palo Alto, the City of Menlo Park and the Town of Atherton. The Fire District’s map book shall be adopted by reference to indicate the territorial boundaries of the Menlo Park Fire Protection District.

Except where in the code the term "jurisdiction" is used in a context which implies the ability to exercise governmental powers, such as “the authority having jurisdiction,” then in that context "jurisdiction" shall mean the particular public agency authorized to and exercising that governmental power.

PARTIAL SPRINKLER SYSTEM. A fire sprinkler system that only protects a portion of the building.

PRIMARY RESPONSE ROUTE. A main roadway that is often taken by emergency fire apparatus when responding from a fire station to the scene of an emergency. A map of primary response routes can be found on the Fire District’s web page and at the end of this ordinance.

SUBSTANTIAL ALTERATION. The renovation of any structure, which combined with any additions to the structure, affects a *gross floor area* which exceeds fifty percent of the existing floor area of the structure. This may include but is not limited to :

- a. Removal of electricity to the building or structure.
- b. Removal of water supply and /or sanitation to the building or structure
- c. Removal of exterior walls and/or roof assembly

When any structural changes are made to the building, such as walls, columns, beams or girders, floor or ceiling joists and covering, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by the changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

CHAPTER 4 EMERGENCY PLANNING AND PREPAREDNESS

401 General

401.5 Making false report. It shall be unlawful for a person to give, signal or transmit a false alarm. A false report may include signals from a fire alarm system, including signals caused during fire alarm maintenance without prior Fire District notification. Making a false report shall be liable to a charge as set forth in the Fire District fee schedule under account # 41320 False Alarm Response, Engine or account #41325 False Alarm Response, Inspector.

CHAPTER 5 FIRE SERVICE FEATURES

503 Fire Apparatus Access Roads

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). Dimensions for public roadways shall require approval of the local traffic authority and be designed and constructed to provide required life and safety needs as well as emergency vehicle ingress and egress.

Dimensions for private roadways shall require approval of the fire code official and be designed and constructed to provide required life and safety needs as well as emergency vehicle ingress and egress.

Exception: When fire access road to 1 and 2 family dwellings exceed 150 feet to any structure, the fire access road width may be reduced to not less than 16 feet when the R-3 Occupancy, including guest houses or in-law quarters, is protected by an automatic fire sprinkler system complying with Section 903.

503.4.1. Traffic calming devices. Traffic calming devices shall be designed and constructed so that they shall not prevent or impede emergency vehicle travel, ingress, and/or egress. Special consideration shall be given to the use of traffic calming devices and their impacts to emergency response vehicles on Fire District primary response routes. A map of Fire District primary response routes can be found on the Menlo Park Fire District web page at <http://www.menlofire.org/pdf/Primary%20Routes%20Map.pdf> and at the end of this ordinance.

505 Premises Identification

505.1 Address identification. New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Said numbers shall be either internally or externally illuminated (lighted) from dusk to dawn in all new construction, or with *substantial alterations* or repairs of existing structures. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

Commercial structures 20 to 50 feet in height shall have the address a minimum of 8 inches high with lettering a minimum of 1 inch stroke wide. When the structure is more than 50 feet in height the address shall be a minimum of 12 inches high with lettering a minimum of 2.5 inch stroke wide.

505.1(a) Addressing of Multi-Tenant Buildings. When a structure has individual tenant spaces, numbers or letters shall be placed on the interior doors on all occupancies inside the building. Size of the numbers shall be a minimum of 4 inches high with lettering not less than ¼ inch stroke width on a contrasting background. Said addresses or numbers shall be posted at a height not greater than 5 feet, 6 inches above the finished floor. Directional address numbers or letters shall be provided.

505.1(b) Rear Addressing. When required by the fire code official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from any fire apparatus road at the back of a property. Rear addressing does not require illumination. Number stroke and size shall comply with Section 505.

511 Firefighter Air Systems

511 Firefighter Air Systems. When required by the fire code official, a firefighter air system shall be installed in new buildings four or more stories in height and in existing buildings greater than 75 feet in height, not later than December 31, 2005, and any underground structures that are two or more floors below grade.

Exception: R-3 Occupancies.

CHAPTER 9 FIRE PROTECTION SYSTEMS

903 Automatic Sprinkler Systems

903.2 Where required. Approved automatic fire sprinkler systems in new buildings and structures shall be provided in all Group A, B, E, F, S, and U Occupancies greater than 1,000 square feet and in locations described in subsections 903.2.2, 903.2.5, 903.2.6, 903.2.8, 903.2.11, 903.2.12. Sections and Subsections of 903.2.1, 903.2.3, 903.2.4, 903.2.7 and 903.2.9, 903.2.10 of Chapter 9 of the code are deleted in their entirety.

Approved automatic fire sprinkler system in existing buildings and structures shall be provided as described in section 903.6.

903.2.7 Group M. Automatic fire sprinkler systems shall be provided throughout buildings containing a Group M occupancy with a fire area greater than 1,000 square feet and any Group M occupancy used for the display and sale of upholstered furniture.

903.2.7.1 High-piled storage. To remain unchanged

903.2.11 Specific building areas and hazards. In all occupancies an *automatic sprinkler system* shall be installed for building design or hazards in the locations set forth in sections 903.2.11.1 through 903.2.11.6.

903.2.11.1 Stories and basements without openings. Automatic sprinkler systems shall be installed in every building where the basement fire area exceeds 250 square feet.

Exception: For the Town of Atherton, any new building or structure having a basement shall be provided with an automatic fire sprinkler system throughout the building or structure, regardless of the building or structure's square footage.

Automatic sprinkler systems shall be installed in every story of all buildings where the floor area exceeds 1000 square feet and where the following type of exterior wall opening is not provided.

1. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m²) in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side.

903.3.1.2 NFPA 13R sprinkler systems. Where in the code a NFPA 13R sprinkler system is allowed, a NFPA 13 sprinkler system shall be used.

903.3.3 Obstructed locations. Automatic sprinklers shall be installed with due regard to obstructions that will delay activation or obstruct the water distribution pattern. Automatic fire sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, laboratory fume hoods, bio safety cabinets that use flammable liquids in processes, or equipment that exceeds 4 feet (1219 mm) in width. Not less than a 3-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers. Sprinklers shall be provided in all areas including combustible or noncombustible concealed spaces, 6 inches or more.

Exception: 1. Combustible or noncombustible concealed spaces if the building owner and the fire code official agree in writing that combustible or noncombustible concealed spaces, 6 inch or less are unlikely to change in the future.

2. Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with Section 904.

903.3.9 Partial Systems in new buildings or structures. Automatic fire sprinkler systems that only protect a portion of the building shall not be allowed.

903.6 Where required in existing buildings and structures. An *automatic sprinkler system* shall be provided in existing buildings and structures where required in Chapter 11 or when improvements are conducted in accordance with this section.

903.6.1 Where required due to improvements to buildings and structures. The provisions of this section are intended to provide a reasonable degree of fire safety in existing structures by requiring installation of an automatic fire-extinguishing system.

903.6.1.1 Where Required. All existing buildings and structures, regardless of type of occupancy or area, shall be provided with an automatic fire sprinkler system when any of the

following conditions occur:

(A) Where the *gross floor area* of a proposed alteration, addition, or combination of alterations and additions and the *gross floor area* of any alterations, additions, or combination of alterations and additions, that have been undertaken in a 10 year time period starting from January 1, 2015 that exceeds 50% of the existing *gross floor area* of the building.

Exception: Buildings or structures less than 1,000 square feet.

(B) When a change in occupancy classification, as defined within the Building Code, results in an increased fire hazard or risk due to business operations and/or number of occupants permitted in the building.

(C) When an existing occupancy constructs a basement that is 250 square feet or larger, a fire sprinkler system shall be provided throughout the basement and the rest of the building or structure.

Exception: For the Town of Atherton, when an existing occupancy constructs a basement of any size an automatic fire sprinkler system shall be provided throughout the basement and the rest of the building or structure.

903.6.1.2 Partial Systems in existing buildings and structures. Automatic fire sprinkler systems that only protect a portion of the building shall not be allowed.

Exception: A phased installation of an automatic fire sprinkler system may be allowed as an alternate materials and method application, as prescribed in Section 104.9, when different tenant spaces in the same building are occupied, and the installation of a fire sprinkler system may disrupt business.

907 Fire Alarm and Detection Systems

907.7 Acceptance tests and completion. Upon completion of the installation, the fire alarm system and all fire alarm components shall be tested in accordance with NFPA 72. Fire alarm systems in commercial structures shall obtain a UL Certificate for the system prior to final inspection.

907.9 Where required in existing buildings and structures. An *approved* fire alarm system shall be provided in existing buildings and structures where required in Chapter 11. When an alteration to any existing building or structure requires an upgrade or new fire alarm system, multiple fire alarm systems shall be approved by the fire code official.

CHAPTER 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

5704 Storage

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by local law. See the Planning Department for the City of Menlo Park, Town of Atherton, City of East Palo Alto or the County of San Mateo for the zones in which such storage is prohibited.

5706 Special Operations

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law. See the Planning Department for the City of Menlo Park, Town of Atherton, City of East Palo Alto or the County of San Mateo for the zones in which such storage is prohibited.

CHAPTER 58 FLAMMABLE CRYOGENIC FLUIDS

5806 Flammable Cryogenic Fluids

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by local law. See the Planning Department for the City of Menlo Park, Town of Atherton, City of East Palo Alto or the County of San Mateo for the zones in which such storage is prohibited.

CHAPTER 61 LIQUIFIED PETROLEUM GASES

6104 Location of LP-Gas Containers

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). See the Planning Department for the City of Menlo Park, Town of Atherton, City of East Palo Alto or the County of San Mateo for the zones in which such storage is prohibited.

APPENDIX D FIRE APPARATUS ACCESS ROADS

D103.7 Traffic Signal Control Devices. When a new or existing traffic signal is being modified or installed, emergency vehicle preemption equipment should be considered.

Section 2: SEVERABILITY

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Directors of the Menlo Park Fire Protection District hereby declares that it would have adopted this ordinance and

each section, subsection sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

Section 3: DATE OF EFFECT:

Pursuant to Section 36937 of the Government Code of the State of California, this ordinance shall take effect and be in full force and affect thirty (30) days after its final passage.

Section 4: PUBLIC POSTING:

This ordinance shall be posted at the following three public places (1) Front Door of the Menlo Park Fire Protection District; (2) Bulletin Board in Front of the Classroom at the Menlo Park Fire Protections District; (3) Menlo Park Fire District Website, and published pursuant to law.

Introduced the 21st day of October 2014.

PASSED AND ADOPTED as an Ordinance of the Menlo Park Fire Protection District at a regular meeting thereof held on the _____ day of _____ 2014.

AYES:

NOES:

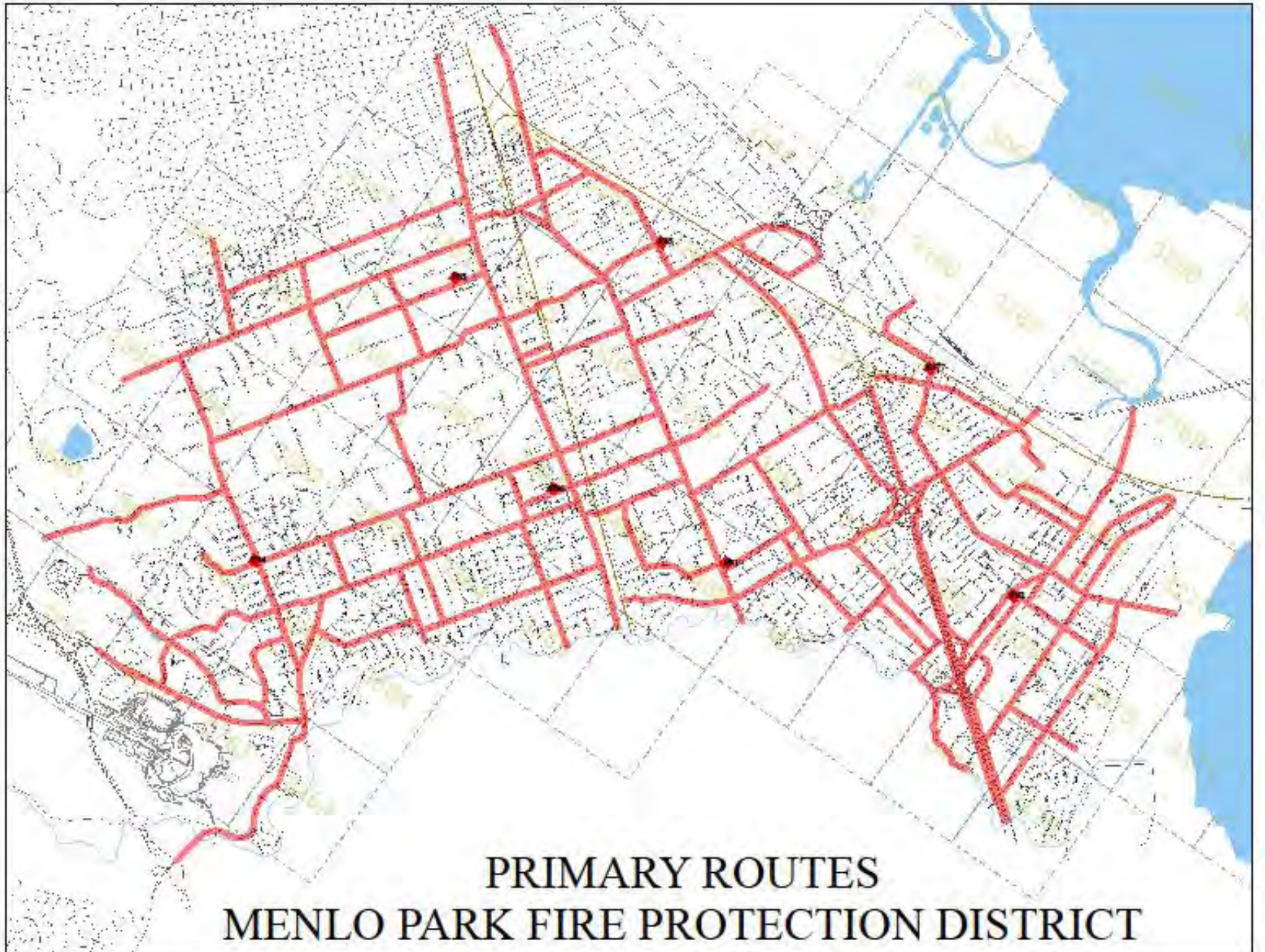
ABSENT:

ABSTAIN:

Board President

ATTEST:

Michelle Radcliffe, Clerk of the Board



**PRIMARY ROUTES
MENLO PARK FIRE PROTECTION DISTRICT**

**MENLO PARK FIRE PROTECTION DISTRICT
ORDINANCE NO. 36B-2013 AMENDING ORDINANCE NO. 36A-2013
DISTRICT FIRE PREVENTION CODE
ADOPTING THE 2012 INTERNATIONAL FIRE CODE WITH CALIFORNIA AND
LOCAL AMENDMENTS FOR THE CITY OF MENLO PARK AND DECLARING THIS
MEASURE AN URGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY**

This Ordinance was introduced and was adopted after the holding of a public hearing pursuant to California Health and Safety Code Section 13869.7 and California Government Code Section 50022.3.

WHEREAS, pursuant to Title 24 of the California Code of Regulations, also known as the California Building Standards Code (“CBSC”) and California Health and Safety Code Section 13869 *et seq.*, a fire protection district may adopt a fire prevention code by reference and may also, when reasonably necessary due to local climatic, geological or topographical conditions, establish more stringent local building standards relating to fire and panic safety than those set forth in the CBSC; and

WHEREAS, on September 17, 2013, the Menlo Park Fire Protection District (“District”) adopted Ordinance No. 36-2013, a new amended and restated District Fire Prevention Code (the “Code”) that made local amendments to the 2013 California Fire Code; and

WHEREAS, Ordinance No. 36-2013 was ratified by the City of East Palo Alto, the Town of Atherton, and the County of San Mateo. However, the Ordinance was not ratified by the City of Menlo Park; and

WHEREAS, on November 18, 2014, the Board of Directors unanimously approved Ordinance No. 36A-2013 adopting the 2012 International Fire Code with necessary California amendments for the City of Menlo Park; and

WHEREAS, the District now desires to amend Section 903.6.1.1 of Ordinance No. 36A-2013 addressing automatic sprinklers and the City of Menlo Park intends to ratify the amended Ordinance at its January 27, 2015 council meeting; and

WHEREAS, without adoption of this Ordinance and ratification by the City of Menlo Park, the District is unable to enforce local amendments to the Fire Code and can only enforce preexisting ordinances and those portions of the State Fire Code that were adopted by the State Fire Marshal; and

WHEREAS, Health and Safety Code Section 13860 and Government Code Section 25123 allow passage of Urgency Ordinances for the immediate preservation of the public peace, health, or safety.

NOW, THEREFORE, the Board of Directors of the Menlo Park Fire Protection District ordains as follows:

Section 1: AMENDMENTS

Section 903.6.1.1 of Ordinance No. 36A-2013 is amended to read in its entirety as follows:

903.6.1.1 Where Required. All existing buildings and structures, regardless of type of occupancy or area, shall be provided with an automatic fire sprinkler system when any of the following conditions occur:

(A) Where the *gross floor area* of a proposed alteration, addition, or combination of alterations and additions and the *gross floor area* of any alterations, additions, or combination of alterations and additions, that have been undertaken in a five (5) year time period starting from January 1, 2015 that exceeds 75% of the existing *gross floor area* of the building.

Exception: Buildings or structures less than 1,000 square feet.

(B) When a change in occupancy classification, as defined within the Building Code, results in an increased fire hazard or risk due to business operations and/or number of occupants permitted in the building.

(C) When an existing occupancy constructs a basement that is 250 square feet or larger, a fire sprinkler system shall be provided throughout the basement and the rest of the building or structure.

Exception: For the Town of Atherton, when an existing occupancy constructs a basement of any size an automatic fire sprinkler system shall be provided throughout the basement and the rest of the building or structure.

Section 2: SEVERABILITY

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Directors of the Menlo Park Fire Protection District hereby declares that it would have adopted this Ordinance and each section, subsection sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

Section 3: DATE OF EFFECT

This Ordinance is an urgency measure and shall become effective immediately upon adoption for the preservation of public peace, health, and safety, if adopted by at least a four-fifths vote of the Board of Directors.

Section 4: PUBLIC POSTING

This Ordinance shall be posted at the following three public places (1) Front Door of the Menlo Park Fire Protection District; (2) Bulletin Board in Front of the Classroom at the Menlo Park Fire Protection District; and (3) Menlo Park Fire Protection District Website, and published pursuant to law.

PASSED AND ADOPTED as an Urgency Ordinance of the Menlo Park Fire Protection District at a regular meeting thereof held on the 20th day of January, 2015.

AYES: KIRALY, SILANO, IANSON, AND BERNSTEIN

NOES: CARPENTER

ABSENT: NONE

ABSTAIN: NONE


Virginia Chang Kiraly, Board President

ATTEST:


Michelle Radcliffe, Clerk of the Board



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: November 18, 2014

Staff Report #: 14-197

Agenda Item #: F1

REGULAR BUSINESS: Consider a Resolution Ratifying the Menlo Park Fire Protection District's Ordinance for the Adoption of and Local Amendments to the 2013 California Fire Code.

RECOMMENDATION

The Menlo Park Fire Protection District (Fire District) is requesting that the City Council adopt a resolution accepting local amendments to the 2013 California Fire Code for purposes of enforcement within the City of Menlo Park. If the Council determines that the amended fire codes are in the best interests of the city, the Council should act to approve the resolution (Attachment A).

BACKGROUND

The California Building Standards Code (California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, & 12) is published in its entirety every three years and is applicable to all buildings that submit an application for a building permit during its effective period. The Building Standards Code incorporates regulations applicable to disciplines of the construction industry including building, electrical, mechanical, plumbing, and fire prevention. The Building Standards Code is based on model codes written by various professional organizations. In adopting the Building Standards Code, the State considers the various model codes and typically adopts portions of the model codes rather than the model codes in their entirety.

The 2013 triennial edition of the California Building Standards Code became effective on January 1, 2014 and all applications for building permits submitted after that date have been subject to the Code. Local amendments to the Building Standards Code can be adopted by a jurisdiction at any time during a triennial code cycle. In order to make local amendments, a jurisdiction must also adopt the Building Standards Code. The City adopted the 2013 Building Standards Code and local amendments on December 13, 2013 in order for the local amendments to be effective on the same date as the new Building Standards Code.

The Menlo Park Fire Protection District (Fire District) serves the communities of Atherton, East Palo Alto, Menlo Park, and portions of unincorporated San Mateo County and is responsible for the enforcement of the 2013 California Fire Code (Part 9 of the Building Standards Code). The Fire District has prepared an ordinance for consideration

by the Fire District Board that would adopt the 2013 California Fire Code as well as local amendments to the Code. Since the Fire District is independent from the communities it serves, the District is subject to Section 13869.7 (c) of the California Health and Safety Code (H&S Code). This section of the H&S Code states:

No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply.

In accordance with this requirement, the Fire District is requesting that the City Council adopt a resolution ratifying the proposed ordinance following Fire District Board approval. The Fire District initially presented the proposed ordinance to the Council at an October 15, 2013 study session. Since that time, the Fire District has worked with City staff to address potential conflicts between the proposed ordinance amendments and City operations and has partially revised the text of the ordinance. The Fire District Board is scheduled to consider adoption of the proposed Fire District ordinance at its November 18, 2014 meeting.

ANALYSIS

The Fire District's proposed ordinance will adopt the entire California Fire Code (CFC) as adopted by the State, parts of the model code that were either not adopted or were partially adopted by the State, and amend selected sections to help meet the Fire District's operational needs. The ratification of the Fire District's proposed ordinance by City Council will make all of the provisions of the Fire District's ordinance enforceable within the City of Menlo Park. Currently, only the provisions of the 2013 CFC as adopted by the State are enforceable except for the provisions established in the Fire District's existing 1984 ordinance that supersedes the CFC (see discussion of the 1984 ordinance in the *Ordinance Requirements for Automatic Fire Sprinkler Systems* section of this report).

Of the proposed amendments to the 2013 CFC, the two which most directly impact building and roadway construction in Menlo Park are the sections that address automatic fire sprinkler systems and fire apparatus access roads. These are discussed in more detail below.

Ordinance Requirements for Automatic Fire Sprinkler Systems

Fire sprinkler requirements are addressed differently depending on the type of land use and whether the proposed project is new construction or an expansion/renovation of an existing building. Specifically, for new single-family homes, the State adopted the California Residential Code (Building Standards Code Part 2.5) which has required fire sprinklers since 2010. For this reason, the 2013 CFC and the Fire District's proposed amendments do not address new single-family homes, and instead focus on existing single-family homes and new and existing buildings other than single-family homes.

Currently, the Fire District enforces the 2013 California Fire Code, except where superseded by an ordinance adopted by the Fire District in 1984. The 1984 ordinance requires the installation of fire sprinklers in buildings or structures, except new and existing single-family homes, under certain conditions. The 1984 ordinance was adopted prior to the change in the H&S Code requiring ratification of District ordinances by the jurisdictions served by the Fire District. As such, the 1984 ordinance supersedes the 2013 CFC and is enforceable until an updated ordinance is ratified. If the Fire District's proposed ordinance is ratified, the ordinance will replace the 1984 ordinance. A comparison of the requirements of the 1984 ordinance, the 2013 CFC and Fire District's proposed ordinance is included as Attachment B.

Newly Constructed Buildings (Other than Single-Family Homes)

The 2013 CFC establishes provisions for where fire protection systems such as fire sprinklers are required. These provisions apply to the design, installation, inspection, operation, testing, and maintenance of all fire protection systems. The 2013 CFC fire sprinkler requirements are based on a variety of factors related to occupancy type and building square footage where more hazardous uses and conditions have lower triggers for fire sprinklers.

The Building Standards Code establishes ten different types of occupancy groups. An occupancy group is assigned to a building or portions of a building based on the proposed use of a building. As an example, the City Council Chambers is an assembly group occupancy (Occupancy Group A) and the City's administrative offices are a business occupancy (Occupancy Group B). The more hazardous the occupancy, the lower the threshold before fire sprinklers are required. As an example, the 2013 CFC does not require fire sprinklers in business related occupancies such as office buildings (Occupancy Group B) but does require them for all occupancies that are considered high hazard such as labs working with large quantities of chemicals (Occupancy Group H).

Specific to sprinklers, the Fire District currently enforces the 1984 ordinance which requires fire sprinklers when a structure is over 5,000 square feet in size, over four stories in height, or over 40 feet in height. The 1984 ordinance does not include the variation in requirements based on occupancy type and square footage that is used in the 2013 CFC. It functions more as a "one-size-fits-all" approach.

The Fire District's proposed ordinance maintains the "one-size-fits-all" approach of the 1984 ordinance but would reduce the requirement threshold for the installation of fire sprinklers from the 5,000 square foot limit established in the 1984 ordinance to 1,000 square feet. The District's ordinance will also require fire sprinklers to be installed in any new building that has a basement exceeding 250 square feet. This is not currently required under the 1984 ordinance or the 2013 CFC, although the CFC does include a fire sprinkler requirement for some below grade stories based on specific design parameters. An example of when the proposed ordinance would require sprinklers based on a basement is if a 600 square foot detached garage and workshop

(Occupancy Group U) were built, the installation of fire sprinklers would not be required because the building would be less than 1,000 square feet. However, if a 300 square foot basement for storage was added, the installation of fire sprinklers would be required.

The proposed ordinance will potentially increase the construction cost of new buildings (other than single-family homes) that are between 1,000 and 5,000 square feet in size. The increased cost would be the result of:

- The need to install a dedicated water main to serve the fire water needs or a larger single water main to serve both the domestic and fire water;
- The need to install a second back flow device for a new fire water main; and
- The installation of the fire sprinkler system.

The proposed ordinance would require the sprinkler installation to occur during the initial construction. This would potentially help to offset the added costs as opposed to a situation where the sprinkler system is required to be installed in an existing building due to a change in occupancy type (which could take place under the 2013 CFC since the requirements are based in part on occupancy types).

In summary, although the proposed ordinance would result in some increase in the number of buildings that would be required to have a fire sprinkler system, the added costs would be able to be included in the budgeting for the initial construction and ultimately provide more flexibility in use of the building over time.

Existing Buildings (All Types Including Single-Family Homes)

The 2013 CFC establishes fire sprinkler requirements for two types of existing buildings: (1) existing buildings where cellulose nitrate film or pyroxylin plastics are manufactured, stored, or handled in quantities exceeding 100 pounds; or (2) when occupancies that give 24-hour care provides for five or more persons who are incapable of self-preservation or classified as non-ambulatory or bedridden. The 2013 CRC does not otherwise require the installation of fire sprinklers in an existing building.

The 1984 ordinance uses a different approach based on assessed property value and the extent of improvements to an existing building. The 1984 ordinance requires the installation of fire sprinklers when the cost or value of the improvements made to the building as a result of one or more improvement projects exceeds 50 percent of the assessed valuation of the building or structure in 1984. The one exception is that if a fire sprinkler system would not be included in a similar new building, it is not required of the expanded/renovated building. It should be noted that the 1984 ordinance does not apply to new or existing single-family homes.

The Fire District's proposed ordinance establishes three criteria to determine when the installation of fire sprinklers is required in existing buildings, including single-family homes:

- (1) In buildings larger than 1,000 square feet when the accrued square footage of alterations and/or additions exceed 50 percent of the gross floor area of the building over a ten year period;
- (2) A change in the use or occupancy that would result in an increased fire hazard or risk; and
- (3) In new 250 square foot basements constructed below existing buildings.

The proposed ordinance will result in an increased number of existing buildings, especially expanded and renovated single-family homes, needing to install fire sprinkler systems. The installation of fire sprinklers usually requires a minimum of a one-inch water meter and a one-inch waterline from the meter to the house. In some cases a one-inch water line from the main in the street to the water meter is needed as well. The majority of single-family residences in Menlo Park (2,740 residences in the Menlo Park Water District) currently have a three-quarter-inch water line from the water main in the street to the house with a three-quarter inch water meter and a pressure range of 70 to 80 pounds per square inch (psi). A three-quarter-inch water line provides a flow of 10 to 15 gallons per minute (gpm) and a one-inch water line provides a flow of 20 to 25 gpm depending on the water pressure. When a single fire sprinkler head is activated it applies water at a rate of 13 gpm at a minimum pressure of 7 psi. When two sprinkler heads are activated, there would be a demand of 26 gpm at 14 psi. Therefore, with two sprinkler heads activated, there may be a need to increase an existing three-quarter-inch water line to a minimum of one inch to provide adequate flow.

Increasing the water line from the meter to the house in a two-head design scenario should generally result in adequate flow for the fire sprinklers. In a three-head or four-head design scenario, depending upon the flow pressure at the meter, it may be necessary to increase the water line in the street from the water main to the water meter.

The Fire District's staff report (Attachment C) states that the cost is commonly less than one percent of the construction value of the home, exclusive of the City of Menlo Park water main and meter upgrade, if necessary. If an upgrade is necessary for a structure located in the Menlo Park Municipal Water District, the cost of replacing the water line from the main in the street to the meter is the City's direct installation cost for the installation plus 25 percent and a Capitol Facilities Charge based on the City's Master Fee Schedule. The cost for increasing the size of an existing water line from the meter to the house depends on the length of the line being installed, the amount of concrete the line must pass under, and who is providing the trenching and backfilling services.

The downtown area of the City has been uniquely impacted over the years by the fire sprinkler regulations. Many of the downtown buildings' existing water mains are not large enough to support a fire sprinkler system, yet if fire sprinklers are required as part of a construction project the CFC requires a new dedicated fire service main and meter be installed. The City's water utility provides water to the downtown buildings and has

water mains on Menlo Avenue, Santa Cruz Avenue, and Oak Grove Avenue. As construction projects have triggered the requirement for the installation of fire sprinklers based on the 1984 ordinance the City has only allowed the water mains on Oak Grove Avenue or Menlo Avenue to be used as the water source. In most cases, this has resulted in trenching across the parking plazas. In all cases, the installation of a back flow device and a Fire Department connection is required. The back flow device and Fire Department connection are installed on the outside of the building.

The proposed ordinance includes a new prohibition on automatic fire sprinkler systems that only protect a portion of a building unless approved by the fire code official. An exception to this prohibition would allow for a partial fire sprinkler system when different tenant spaces in the same building are occupied and the installation of a fire sprinkler system might disrupt business. In this case, the fire code official and the building owner must agree in writing to a delay in completing the installation of the fire sprinkler system, provided there is a reasonable time of completion.

Neither the 2013 CFC nor the 1984 ordinance have regulations addressing partial systems. Due to the increased cost of construction since 1984 and the cumulative costs from multiple construction projects for a single building, small tenant improvements have been triggering the 1984 ordinance requirement for the installation of fire sprinklers. The Fire District has stated that this is not the original intent of the 1984 ordinance. Additionally, the requirement for the installation of sprinklers is for the entire building which can be very disruptive to other tenants in multi-tenant buildings.

The Fire District has sought to maintain business continuity and has allowed building owners to enter into written agreements establishing a three year period to provide required fire sprinkler protection in accordance with the 1984 ordinance. Projects that have not affected the entire building or occupants, have been offered the opportunity to provide the fire sprinkler main, framework, and piping for the building, while allowing the actual fire sprinkler installation to be postponed in tenant spaces not associated with the construction work until such time as a tenant moves out or remodeling is conducted.

The inclusion of provisions for partial fire sprinkler systems in the proposed ordinance would allow for a reasonable time frame for the completion of sprinkler installations and puts into code what has been a standing policy intended to support the business community.

National Fire Protection Association Design Criteria

The 2013 CFC requires sprinkler systems for all residential occupancies to be compliant with the National Fire Protection Association (NFPA) 13R design criteria. The District's proposed ordinance requires different design criteria. Specifically, the proposed ordinance states that where the 2013 CFC requires an NFPA 13R system, an NFPA 13 system shall be used. The following table outlines the differences between 13R and 13 design criteria.

NFPA 13R Design Criteria	NFPA 13 Design Criteria
Not required in attics of closets that are less than 55 square feet in area or less than three feet in depth	Requires fire sprinkler heads in attics of closets
Minimum hydraulic calculation must be based on the number of sprinkler heads activated in an event	Minimum hydraulic calculation must be based on the number of sprinkler heads activated in an event
4 heads activated at the same time	4 heads activated at the same time
No similar regulation	5 heads activated at the same time for egress hallways

The CFC also establishes requirements for the installation of fire sprinklers in locations that do not delay the activation or obstruct the water flow. The proposed ordinance maintains this requirement plus requires sprinklers be provided in all areas including combustible or noncombustible concealed spaces with a gap of six inches or more with an exception for combustible or noncombustible concealed spaces if the building owner and the fire code official agree that the concealed spaces are unlikely to change in the future. The CFC does not require the installation of fire sprinklers in concealed spaces.

Ordinance Requirements for Fire Apparatus Access Roads

The model code establishes standards for a fire apparatus access road (access road) that were not adopted by the State. The State agencies with authority to adopt the Building Standards Codes do not have authority to adopt the provisions of the model code that address roadways. The Fire District’s proposed ordinance adopts the access road standards, including amendments to some of these sections.

A fire apparatus access road is defined as a road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane, and access roadway. However, the California Code of Regulations Title 19, Division 1, Section 3.05(a) states that:

*Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet (6096 mm) in width. Such right-of-way shall be unobstructed and maintained only as access to the public street. **Exception:** The enforcing agency may waive or modify this requirement if in his opinion such all-weather hard-surfaced condition is not necessary in the interest of public safety and welfare.*

The Title 19 regulation gives the Fire District the authority to require a 20-foot roadway from the right of way to a building for access purposes but does not establish a maximum distance a building can be set back from the public right of way before an access road is required. Historically the Fire District has used the standards established in the un-adopted model code as a guideline.

The proposed ordinance specifies that the dimensions for private roadways shall require approval of the fire code official and be designed and constructed to provide required

life and safety needs as well as emergency vehicle ingress and egress. The proposed ordinance does allow the width of an access road to single-family dwellings and duplexes that exceed 150 feet to be reduced to not less than 16 feet in width when the dwelling, including guest houses or in-law quarters, is protected by an automatic fire sprinkler system.

Traffic Calming Devices

The proposed ordinance establishes standards for the design, construction and installation of traffic calming devices within the City Right of Way. Traffic calming devices may consist of physical designs as well as other measures including; narrowed roads, speed humps, speed feedback signs, striping, signage, etc., put in place on roads for the intention of slowing down or reducing motor-vehicle traffic as well as to improve safety for pedestrians, motorists and cyclists.

The proposed ordinance discusses the use of traffic calming devices within the City Right of Way and on Fire District primary response routes. The original text for this section as presented by the un-adopted model code would have given final review and approval of any improvements or modifications to City Right of Way to the Fire District, therefore preventing the City from modifying or improving our roadways without approval from the Fire District. The current text as modified by City staff and Fire District staff states:

Traffic calming devices shall be designed and constructed so that they shall not prevent or impede emergency vehicle travel, ingress, and/or egress. Special consideration shall be given to the use of traffic calming devices and their impacts to emergency response vehicles on Fire District primary response routes.

Therefore, the text as presented notes that the City will take due care and consideration for emergency vehicle access when designing and constructing traffic calming devices, while maintaining the final review and approval of any improvements within the City Right of Way.

Traffic Signal Control Devices

The initially proposed ordinance requested that the City require the installation of emergency vehicle preemption equipment any time an encroachment permit is issued at a signalized intersection. Traffic signal or vehicle preemption (also called traffic signal prioritization) is a type of system that allows the normal operation of traffic lights to be preempted or manually overridden. The most common use of these systems is to manipulate traffic signals in the path of an emergency vehicle, halting conflicting traffic and allowing the emergency vehicle right-of-way, to help reduce response times and enhance traffic safety. However, traffic signals along El Camino Real, Sand Hill Road and Willow Road either currently run on a coordinated signal timing system or are in the process of being converted to a coordinated signal system. Coordinated signal systems

improve vehicle flow, reduce congestion and maximize vehicle throughput. The introduction of a vehicle preemption system risks the integrity of a signal coordination system, as the coordinated plan for the corridor is halted any time an emergency vehicle enters or crosses one of these corridors with their emergency lights and sirens activated. This can have a serve impact on the timing plan for all signals along the coordinated path as each signal is in synchronization with all other signals along the corridor.

The currently proposed text of the ordinance as modified by City staff and Fire District staff states that vehicle preemption equipment should be considered by the City whenever improvements are made to a signalized intersection. This language gives the City the final review and approval of preemption systems within our jurisdiction.

Other Proposed Amendments

The Fire District's proposed ordinance includes of number of other provisions that are primarily of interest to the Fire District's operations. They are briefly described below. City staff is in agreement with the various provisions.

Administrative Amendments (CFC Chapter 1, Division II)

The regulations found in Chapter 1, Division II are administrative in nature and the adoption of these regulations are needed because the State does not have authority to prescribe how a jurisdiction operates administratively. Examples of the administrative provisions are the authority to charge fees, make inspections, and issue Stop Work Orders. The three amendments to this chapter amount to the insertion of the Fire District's name into the section addressing violations, reference to their fee schedule related to the issuance of permits, and Stop Work Orders.

Definition Amendments (CFC Chapter 2)

Chapter 2 establishes definitions of terms used throughout the CFC as adopted by the State. The Fire District proposes amendments to this chapter to add three definitions that do not appear in the 2013 CFC, which are:

- Partial sprinkler system;
- Response route; and
- Substantial alteration.

The codification of these terms and definitions makes them the legal definition for the purposes of the enforcement of the 2013 CFC and local amendments.

Planning and Preparedness Amendments (CFC Chapter 4)

Chapter 4 establishes provisions for emergency planning and preparedness. The State did not adopt all of the sections in this chapter. The Fire District's proposed ordinance adopts the entire chapter including the sections not adopted by the State and amends

the section relating to the making of false reports. The amendment defines what constitutes a false report and references the Fire District's fee associated with their response to a false report.

Premises Identification Amendments (CFC Chapter 5)

Section 505 establishes requirements for premises identification and was not adopted by the State. The Fire District's ordinance both adopts and amends this section. The adoption and amendments to this section establish standards for things such as the size, lighting, and location of building addresses.

Firefighter Air Systems Amendments (CFC Chapter 5)

Section 511 is not in the CFC and is a new section that has been added by the Fire District. This ordinance section establishes that the installation of firefighter air systems can be required by the fire code official in the following types of structures except single-family residential structures:

- New buildings four or more stories in height;
- Existing buildings greater than 75 feet in height; and
- Any underground structure that are two or more floors below grade.

Firefighter air systems are building-installed air replenishment systems that allow firefighters to refill their air tanks inside a structure during a fire or any emergency where air quality is compromised.

Flammable and Combustible Materials Amendments (CFC Chapters 57, 58, and 61)

The CFC Chapters 57, 58, and 61 establishes requirements for the prevention, control, and mitigation of dangerous conditions associated with flammable and combustible liquids, flammable cryogenic fluids, and liquefied petroleum gases. These chapters were adopted by the State and the Fire District's amended language recognizes the City's requirement for obtaining a Conditional Use permit for storage and usage of these materials by stating, "See the Planning Department for the City of Menlo Park zones in which such storage is prohibited."

Adoption of Appendix Chapters F, I, and K

The State did not adopt the model code Appendix Chapters F, I, and K. Chapter F establishes provisions for the assignments of levels of hazard to be applied to specific hazard classes. The classifications are then posted on fire fighter warning placards. Chapter I establishes lists of noncompliant conditions in the fire sprinkler and fire alarm systems that are readily observable during fire inspections and may require component repair or replacement. Finally, Chapter K establishes regulations for temporary haunted houses, ghost walks, and similar amusements. These regulations address things such as staffing levels of qualified people in the event of evacuation, number of exits, and smoke generators.

IMPACT ON CITY RESOURCES

The adoption of the current State codes and proposed local amendments will not result in any direct costs to the City.

POLICY ISSUES

The ratification of the Fire District's proposed ordinance will change fire sprinkler requirements for the city, specifically increasing the requirements for the expansion/renovation of single-family homes and other types of buildings. The Council should consider the health and safety benefits associated with the increased sprinkler requirements balanced with the added impacts to individual project applicants in making its decision.

ENVIRONMENTAL REVIEW

The adoption of the proposed ordinance is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA).

Report co-prepared by:
Ron Lafrance
Building Official

Report co-prepared by:
Jesse Quirlion
Interim Public Works Director

Report reviewed by:
Arlinda Heineck
Community Development Director

PUBLIC NOTIFICATION

Public notification was achieved by publication of a notice in the local newspaper at least 10 days prior to the meeting. In addition, City staff notified frequent customers and interested individuals of this agenda item via email and by posting notification at the Development Services Counter of City Hall.

ATTACHMENTS

- A. Resolution to Ratify the Menlo Park Fire Protection District Ordinance Number 36A-2013
- B. Table Comparing Fire Sprinkler Regulations
- C. Menlo Park Fire Protection District Staff Report, dated November 18, 2014, including attachments

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MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Menlo Park City Council **MEETING DATE:** November 18, 2014
FROM: Menlo Park Fire Protection District, Fire Prevention Division

PREPARED BY: Fire Marshal Jonathan Johnston

ITEM: **RATIFICATION OF MENLO PARK FIRE DISTRICT'S ORDINANCE 36A-2013
ADOPTING THE 2013 CALIFORNIA FIRE CODE WITH LOCAL
AMENDMENTS.**

RECOMMENDATION

1. That the City Council accepts the report as presented
2. The City Council ratifies the Fire District's Fire Prevention Ordinance

COMMITTEE RECOMMENDATION

BACKGROUND

The Menlo Park Fire Protection District (The Fire District) serves the communities of Atherton, East Palo Alto, Menlo Park, and southern portions of the San Mateo County unincorporated areas. The Fire District is responsible for the enforcement of the California Fire Code. The Fire District is independent from the communities they serve and therefore subject to Section 13869.7 (c) of the California Health and Safety Code (H&S Code). This section of the H&S Code requires:

No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply.

The Fire Code is an International Model Code developed by the International Code Council, which is headquartered in Washington DC. Every three years the Fire Code, and other companion Codes, including the Building Code, is updated and republished. The California Buildings Standards Commission adopts the updated Codes, makes State modifications to each Code, and establishes the most recent editions as the minimum Building and Life Safety Standards for the State of California. The 2013 California Fire Code (CFC), which is of Part 9 of the Building Standards Code, is based on the 2012 International Fire Code.

In accordance with recent State laws, when the California Fire Code went into effect on January 1, 2014, Menlo Park Fire District has only been able to enforce portions of the Fire Code which were adopted by the State Fire Marshal's Office, and a pre-existing fire sprinkler ordinance, Ordinance 12, which dates back to 1984. To use the Fire Code as a complete document and to update fire sprinkler requirements to present day standards, the Fire District's Ordinance is required to be ratified by the City.

Since the publication of the 2013 California Fire Code, staff from the Menlo Park Fire District have been engaged in talks with Menlo Park City staff regarding local adoption and ratification of the Fire Code, and any necessary local amendments that would be part of the local adoption and ratification process. The collaborative effort between staff was to resolve any potential conflicts the amendments could cause to City operations. All amendments were reviewed, with the main topics dealing with amendments to Chapter 9 that deal with automatic fire sprinklers and Chapter 5 and Appendix D which addresses traffic calming devices and fire apparatus roadways.

DISCUSSION

Fire District staff met on several occasions with City of Menlo Park staff to discuss the concerns they had with the Fire District's Fire Protection Ordinance. The fire sprinkler requirements were updated to require fire sprinkler protection for any new commercial construction when the building exceeds 1,000 square feet. When current buildings, including residential structures undergo renovation, there is no fire sprinkler requirement until the renovation exceeds fifty percent of the existing square footage, and the building as a whole exceeds 1,000 square feet.

Ordinance 12 from 1984 requires fire sprinklers in new commercial occupancies at 5,000 square feet and when a cumulative total of renovations from 1984 exceed 50% of the buildings assessed value in 1984. Ordinance 12 specifically exempts residential fire sprinklers, which is in conflict with current State Law that went into effect in 2011 requiring all new residential structures to install residential fire sprinklers.

Discussions with City staff included fire lanes and traffic calming devices. Language in the Ordinance was crafted that requires the City's Transportation Department to include requirements for emergency vehicles in the design of new roadways and fire lanes ensuring proper turn radius and width for emergency vehicles. Talks also included minimum driveway widths to one and two family dwellings when the occupancy is more than 150 feet from the main roadway. Special consideration will be given to homes with a fire sprinkler system allowing a reduced driveway width.

Other discussions included the installation of traffic calming devices on public roadways. Traffic calming devices in the form of roadway obstructions, have a major impact on the Fire District's ability to deliver its service in a timely manner. The Ordinance allows these devices to be installed, however they are not allowed to prevent or impede emergency vehicle travel on the Fire District's primary response routes. A definition of a primary response route was added to the Ordinance as was the District's map of primary response routes.

The local amendments that have been presented in the Ordinance, such as automatic fire sprinkler requirements, are the same or are similar to neighboring cities.

FISCAL IMPACT

The requirements of this Ordinance will not significantly impact building or the citizens of the Fire District. A minimal fiscal impact may be seen to existing residential homes for the installation of residential fire sprinkler systems. The cost is commonly less than 1% of the value of the home, exclusive of the City of Menlo Park Water main and meter upgrade if necessary. The same sprinkler Ordinance has been in effect in the rest of the Menlo Park Fire District for over 10 years with no impact to building. Commercial structures will see a positive fiscal impact as existing structures with no fire sprinklers may not have to install automatic fire sprinklers according to the 1984 Ordinance.

ATTACHMENT

Attachment A: Menlo Park Fire Protection District, Ordinance 36A 2013 including Findings and Determinations Pursuant to California Health and Safety Code 1758 and 1758.5

Attachment B: Fire Sprinkler Ordinance Comparison Study

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MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

TO: Menlo Park City Council **MEETING DATE:** November 18, 2014
FROM: Menlo Park Fire Protection District, Fire Prevention Division

PREPARED BY: Fire Marshal Jonathan Johnston

ITEM: **RATIFICATION OF MENLO PARK FIRE DISTRICT'S ORDINANCE 36A-2013
ADOPTING THE 2013 CALIFORNIA FIRE CODE WITH LOCAL
AMENDMENTS.**

RECOMMENDATION

1. That the City Council accepts the report as presented
2. The City Council ratifies the Fire District's Fire Prevention Ordinance

COMMITTEE RECOMMENDATION

BACKGROUND

The Menlo Park Fire Protection District (The Fire District) serves the communities of Atherton, East Palo Alto, Menlo Park, and southern portions of the San Mateo County unincorporated areas. The Fire District is responsible for the enforcement of the California Fire Code. The Fire District is independent from the communities they serve and therefore subject to Section 13869.7 (c) of the California Health and Safety Code (H&S Code). This section of the H&S Code requires:

No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply.

The Fire Code is an International Model Code developed by the International Code Council, which is headquartered in Washington DC. Every three years the Fire Code, and other companion Codes, including the Building Code, is updated and republished. The California Buildings Standards Commission adopts the updated Codes, makes State modifications to each Code, and establishes the most recent editions as the minimum Building and Life Safety Standards for the State of California. The 2013 California Fire Code (CFC), which is of Part 9 of the Building Standards Code, is based on the 2012 International Fire Code.

In accordance with recent State laws, when the California Fire Code went into effect on January 1, 2014, Menlo Park Fire District has only been able to enforce portions of the Fire Code which were adopted by the State Fire Marshal's Office, and a pre-existing fire sprinkler ordinance, Ordinance 12, which dates back to 1984. To use the Fire Code as a complete document and to update fire sprinkler requirements to present day standards, the Fire District's Ordinance is required to be ratified by the City.

Since the publication of the 2013 California Fire Code, staff from the Menlo Park Fire District have been engaged in talks with Menlo Park City staff regarding local adoption and ratification of the Fire Code, and any necessary local amendments that would be part of the local adoption and ratification process. The collaborative effort between staff was to resolve any potential conflicts the amendments could cause to City operations. All amendments were reviewed, with the main topics dealing with amendments to Chapter 9 that deal with automatic fire sprinklers and Chapter 5 and Appendix D which addresses traffic calming devices and fire apparatus roadways.

DISCUSSION

Fire District staff met on several occasions with City of Menlo Park staff to discuss the concerns they had with the Fire District's Fire Protection Ordinance. The fire sprinkler requirements were updated to require fire sprinkler protection for any new commercial construction when the building exceeds 1,000 square feet. When current buildings, including residential structures undergo renovation, there is no fire sprinkler requirement until the renovation exceeds fifty percent of the existing square footage, and the building as a whole exceeds 1,000 square feet.

Ordinance 12 from 1984 requires fire sprinklers in new commercial occupancies at 5,000 square feet and when a cumulative total of renovations from 1984 exceed 50% of the buildings assessed value in 1984. Ordinance 12 specifically exempts residential fire sprinklers, which is in conflict with current State Law that went into effect in 2011 requiring all new residential structures to install residential fire sprinklers.

Discussions with City staff included fire lanes and traffic calming devices. Language in the Ordinance was crafted that requires the City's Transportation Department to include requirements for emergency vehicles in the design of new roadways and fire lanes ensuring proper turn radius and width for emergency vehicles. Talks also included minimum driveway widths to one and two family dwellings when the occupancy is more than 150 feet from the main roadway. Special consideration will be given to homes with a fire sprinkler system allowing a reduced driveway width.

Other discussions included the installation of traffic calming devices on public roadways. Traffic calming devices in the form of roadway obstructions, have a major impact on the Fire District's ability to deliver its service in a timely manner. The Ordinance allows these devices to be installed, however they are not allowed to prevent or impede emergency vehicle travel on the Fire District's primary response routes. A definition of a primary response route was added to the Ordinance as was the District's map of primary response routes.

The local amendments that have been presented in the Ordinance, such as automatic fire sprinkler requirements, are the same or are similar to neighboring cities.

FISCAL IMPACT

The requirements of this Ordinance will not significantly impact building or the citizens of the Fire District. A minimal fiscal impact may be seen to existing residential homes for the installation of residential fire sprinkler systems. The cost is commonly less than 1% of the value of the home, exclusive of the City of Menlo Park Water main and meter upgrade if necessary. The same sprinkler Ordinance has been in effect in the rest of the Menlo Park Fire District for over 10 years with no impact to building. Commercial structures will see a positive fiscal impact as existing structures with no fire sprinklers may not have to install automatic fire sprinklers according to the 1984 Ordinance.

ATTACHMENT

Attachment A: Menlo Park Fire Protection District, Ordinance 36A 2013 including Findings and Determinations Pursuant to California Health and Safety Code 1758 and 1758.5

Attachment B: Fire Sprinkler Ordinance Comparison Study

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City	New Buildings	Existing Buildigs
San Mateo County		
Menlo Park Fire District		
Menlo Park	ONLY Commerial Buildings over 5,000 sq ft, or any residential occupancy	When modification exceeds 50% of 1984 Tax Value
Atherton	All New Buildings over 1,000 sq ft or any residential occupancy	When modification of any building exceeds 50% sq ft
East Palo Alto	All New Buildings over 1,000 sq ft or any residential occupancy	When modification of any building exceeds 50% sq ft
San Mateo (County)	All New Buildings over 1,000 sq ft or any residential occupancy	When modification exceeds 75% of market value
Woodside Fire District		
Woodside	All New Buildings over 1,000 sq ft or any residential occupancy	When modification exceeds 75% of market value
Portola Valley	All New Buildings over 1,000 sq ft or any residential occupancy	When modification exceeds 75% of market value
City of Redwood City		
Redwood City	All New Buildings over 3,000 sq ft or any residential occupancy	When modification exceeds 1000 sq ft
San Carlos	All New Buildings over 2,500 sq ft or any residential occupancy	Modification to any building exceeding 2,500 sq ft
Central County Fire District		
Burlingame	All New Buildings	When modification exceeds 50%, 60% or 70% depending on building sq ft
Hillsborough	All New Buildings	When modificatoin exceeds 1,000 sq ft
Half Moon Bay Fire District		
	All New Buildings over 1,000 sq ft or any residential occupancy	When modification exceeds 75% of market value
North County Fire District		
Daly City	All New Buildings	When modification exceeds 50% sq ft
Pacifica	All New Buildings	When modification exceeds 50% sq ft
City of Foster City		
	All New Buildings	When modification exceeds 50% sq ft residential, 25% sq ft commerical
City of San Mateo		
	All New Buildings	When modification exceeds 5,000 sq ft of any size bldg
City of S. San Francisco		
	All New Buildings	When modification excceds 50% sq ft residential, 25% commerical
Santa Clara County		
City of Palo Alto	All New Buildings over 1,000 sq ft or any residential occupancy	Any increase or remodel to a building 3,600 sq ft
City of Mountain View	All New Buildings over 1,000 sq ft or any residential occupancy	Any increase or remodel to a building 3,600 sq ft



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: January 27, 2015

Staff Report #: 15-016

REGULAR BUSINESS:

Status Update and Possible Council Feedback on the Environmental Review for the 1300 El Camino Real Project – Continuation to February 24, 2015

RECOMMENDATION

Staff recommends that the City Council continue the scheduled status update and feedback opportunity regarding the environmental review for the 1300 El Camino Real project. The continuation from the January 27, 2015 meeting will allow for additional review of the preliminary traffic analysis, which will help inform feedback from the Council. Staff recommends a continuation to February 24, 2015, when all five Council Members are scheduled to be in attendance.

Report prepared by:
Thomas Rogers
Senior Planner



OFFICE OF THE CITY MANAGER

Council Meeting Date: January 27, 2015
Staff Report #: 15-023

REGULAR BUSINESS: **Discuss Recommendations for Various Vacant Seats on Regional Boards to Be Voted on at the City Selection Committee Meeting of January 30, 2015**

RECOMMENDATION

Staff recommends the City Council discuss the applicants to the various vacant regional seats in order to provide the Mayor, or designee, with guidance for voting at the next City Selection Committee meeting scheduled for January 30, 2015.

BACKGROUND

The City Selection Committee meeting will take place on January 30, 2015. According to Council of Cities bylaws, the Mayor is designated as the voting member for each city. For this meeting, in the event Mayor Carlton is unable to attend, Councilmember Keith has been selected to be her alternate. Following past practice, this item is on the agenda in order to provide input to the Mayor or alternate for voting purposes.

There are five regional seats that will become vacant through the San Mateo County Council of Cities. Under consideration are the following:

Selection of one (1) Council Member to serve on the Metropolitan Transportation Commission (MTC) representing **Cities (All cities are eligible)** for a term of four (4) years beginning February 10, 2015 through February 9, 2019

- i. Council Member Alicia Aguirre, Redwood City, is seeking re-appointment*
- ii. Council Member John Keener, Pacifica, is seeking appointment*
- iii. Council Member Deborah Penrose, Half Moon Bay, is seeking appointment*

Selection of three (3) Council Members to serve on the Housing Endowment and Regional Trust (HEART) representing **Cities (All cities are eligible)** for a term of three (3) years beginning March 1, 2015 through February 28, 2018

- i. Mayor Robert Gottschalk, Millbrae, is seeking re-appointment*
- ii. Council Member Jack Matthews, San Mateo, is seeking re-appointment*
- iii. Mayor Ron Collins, San Carlos, is seeking re-appointment*

Selection of one (1) Council Member to serve on the Local Agency Formation Commission (LAFCo) representing **Cities (All cities are eligible)** fulfilling Council Member Allan Alifano's term through May 1, 2018

- i. Council Member Mike O'Neill, Pacifica, is seeking appointment*
- ii. Council Member Cary Wiest, Atherton, is seeking appointment*

Letters of interest were due to the City Selection Committee by 3:00 p.m. on Thursday January 22, 2015. The full City Selection Committee agenda packet, including letters of interest, is provided as Attachment A of the staff report.

IMPACT ON CITY RESOURCES

N/A

POLICY ISSUES

The proposed action is consistent with current practices.

ENVIRONMENTAL REVIEW

The proposed action does not require environmental review.

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. San Mateo County City Selection agenda packet
- B. Proxy Designee Form – Voting Alternate

Report prepared by:

Pamela Aguilar

City Clerk

SAN MATEO COUNTY

CITY SELECTION COMMITTEE

Elizabeth Lewis, Chairperson
Marie Chuang, Vice Chairperson

Mina Lim, Acting Secretary
 400 County Center
 Redwood City, 94063
 650-363-4124

TO: MAYORS OF SAN MATEO COUNTY
 FROM: MINA LIM, ACTING SECRETARY
 SUBJECT: MEETING OF THE CITY SELECTION COMMITTEE
 DATE: JANUARY 30, 2015

Council Member Elizabeth Lewis, Chairperson of the San Mateo County City Selection Committee, has called for a meeting of the Committee at 6:15 p.m. on Friday, January 30, 2015, at the Angelica's 863 Main Street, Redwood City, CA 94063.

Please arrive on time

- 1) Roll Call
- 2) Approval of the minutes for the meeting of December 19, 2014
- 3) Selection of one (1) Council Member to serve on the Metropolitan Transportation Commission (MTC) representing ***Cities (All cities are eligible)*** for a term of four (4) years beginning February 10, 2015 through February 9, 2019
 - i. Council Member Alicia Aguirre, Redwood City, is seeking re-appointment*
 - ii. Council Member John Keener, Pacifica, is seeking appointment*
 - iii. Council Member Deborah Penrose, Half Moon Bay, is seeking appointment*
- 4) Selection of three (3) Council Members to serve on the Housing Endowment and Regional Trust (HEART) representing ***Cities (All cities are eligible)*** for a term of three (3) years beginning March 1, 2015 through February 28, 2018
 - i. Mayor Robert Gottschalk, Millbrae, is seeking re-appointment*
 - ii. Council Member Jack Matthews, San Mateo, is seeking re-appointment*
 - iii. Mayor Ron Collins, San Carlos, is seeking re-appointment*
- 5) Selection of one (1) Council Member to serve on the Local Agency Formation Commission (LAFCo) representing ***Cities (All cities are eligible)*** fulfilling Council Member Allan Alifano's term through May 1, 2018
 - i. Council Member Mike O'Neill, Pacifica, is seeking appointment*
 - ii. Council Member Cary Wiest, Atherton, is seeking appointment*

- 6) Oral Communications

(Any subject not on the agenda may be presented at this time. These topics cannot be acted upon or discussed, but may be agendaized for a later meeting date.)

If you have any questions or require additional information, contact Mina Lim at (650) 363-4124.

SAN MATEO COUNTY CITY SELECTION COMMITTEE

Mary Ann Nihart, Chairperson
Elizabeth Lewis, Vice
Chairperson

Jannae Oliver, Secretary
400 County Center
Redwood City, 94063

TO: MAYORS OF SAN MATEO COUNTY
FROM: JANNAE OLIVER, SECRETARY
SUBJECT: MEETING OF THE CITY SELECTION COMMITTEE
DATE: DECEMBER 19, 2014

Mayor Mary Ann Nihart, Chairperson of the San Mateo County City Selection Committee, called for a meeting of the Committee at 6:15 p.m. on Friday, December 19, 2014, at the Colma Fire Station, 50 Reiner Street, Colma, 94014.

DRAFT MINUTES

- 1) Roll Call – The meeting was called to order at 6:20 p.m. The following cities were present: Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Half Moon Bay, Hillsborough, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, and Woodside
- 2) Approval of the minutes for the meeting of April 25, 2014.

Motion: South San Francisco / Second: Redwood City

Ayes: All

Noes: None

- 3) Selection of one (1) Council Member to serve on the Bay Area Air Quality Management District (BAAQMD) representing *Cities (all cities are eligible)* fulfilling Daly City Council Member Carol Klatt's term through December 31, 2015

VOTE RESULTS

**Council Member David
Canepa, Daly City**

Appointed

Brisbane
Burlingame
Colma
Daly City
Foster City
Half Moon Bay
Millbrae
Pacifica
Portola Valley
Redwood City
Woodside

**Council Member Kirsten
Keith, Menlo Park**

Atherton
East Palo Alto
Hillsborough
Menlo Park
San Bruno
San Carlos
San Mateo

**Council Member Liza Normandy,
South San Francisco**

Belmont
South San Francisco

- 4) Selection of one (1) Council Member to serve on the San Mateo County Transit District (SamTrans) representing *Central Cities (Eligible cities: Belmont, Burlingame, Foster City, Half Moon Bay, Hillsborough, Millbrae and San Mateo)* for a term of four (4) years beginning January 1, 2015 through December 31, 2018

VOTE RESULTS

Council Member Charles Stone, Belmont

Mayor Wayne Lee, Millbrae

Appointed

- Atherton
- Belmont
- Brisbane
- Burlingame
- Foster City
- Half Moon Bay
- Hillsborough
- Redwood City
- San Bruno
- San Carlos
- San Mateo
- South San Francisco
- Woodside

- Colma
- Daly City
- East Palo Alto
- Menlo Park
- Millbrae
- Pacifica
- Portola Valley

- 5) Selection of one (1) Council Member to serve on the San Mateo County Transit District (SamTrans) representing *Northern Cities (Eligible cities: Brisbane, Colma, Daly City, Pacifica, San Bruno and South San Francisco)* for a term of four (4) years beginning January 1, 2015 through December 31, 2018

Mayor Karyl Matsumoto, South San Francisco, was re-appointed
Motion: South San Francisco / Second: Half Moon Bay
Ayes: All
Noes: None

- 6) Selection of one (1) Council Member to serve on the Peninsula Corridor Joint Powers Board (CalTrain) representing *Cities (All cities are eligible)* from among the three Council Members on the San Mateo County Transit District (SamTrans) Board – there is no term length

Mayor Jeffrey Gee, Redwood City, was appointed
Motion: South San Francisco / Second: Atherton
Ayes: All
Noes: None

- 7) Selection of one (1) Council Member to serve on the San Mateo County Transportation Authority (SMCTA) representing *Central Cities (Eligible cities: Belmont, Burlingame, Foster City, Half Moon Bay, Hillsborough, Millbrae and San Mateo)* for a term of two (2) years beginning January 1, 2015 through December 31, 2016

VOTE RESULTS

Vice Mayor Terry Nagel, Burlingame

Council Member David Lim, San Mateo

Re-appointed

Atherton
Brisbane
Burlingame
Colma
Daly City
East Palo Alto
Foster City
Half Moon Bay
Hillsborough
Menlo Park
Pacifica
Portola Valley
SanCarlos
Woodside

Belmont
Millbrae
Redwood City
San Bruno
San Mateo
South San Francisco

- 8) Selection of one (1) Council Member to serve on the San Mateo County Transportation Authority (SMCTA) representing *Southern Cities (Eligible cities: Atherton, East Palo Alto, Menlo Park, Portola Valley, Redwood City, San Carlos and Woodside)* for a term of two (2) years beginning January 1, 2015 through December 31, 2016

Vice Mayor Rosanne Foust, Redwood City, was re-appointed
Motion: Redwood City / Second: Daly City
Ayes: All
Noes: None

- 9) Selection of one (1) Council Member to serve on the San Mateo County Transportation Authority (SMCTA) representing *Cities-At-Large (all cities are eligible)* fulfilling Half Moon Bay Council Member Naomi Patridge’s term through December 31, 2015.

Mayor Mary Ann Nihart, Pacifica, was appointed
Motion: South San Francisco / Second: Menlo Park
Ayes: All
Noes: None

- 10) Election of a Chairperson to the City Selection Committee for 2015
(Note: Candidates must be a current Mayor or Council Member)

Council Member Elizabeth Lewis, Atherton, was appointed
Motion: South San Francisco / Second: Half Moon Bay
Ayes: All
Noes: None

- 11) Election of a Vice Chairperson to the City Selection Committee for 2015

(Note: Candidates must be a current Mayor or Council Member)

Council Member Marie Chuang, Hillsborough, was appointed

Motion: Hillsborough / Second: Redwood City

Ayes: All

Noes: None

12) Oral Communications

None

The meeting was adjourned at 6:55 P.M.

DRAFT

Mayor Jeffrey Gee
Vice Mayor Rosanne S. Foust

Council Members
Alicia C. Aguirre
Ian Bain
Diane Howard
Barbara Pierce
John D. Seybert



1017 MIDDLEFIELD ROAD
Redwood City, California 94063
Telephone (650) 780-7220
FAX (650) 261-9102
www.redwoodcity.org

January 16, 2015

Subject: Reappointment to Metropolitan Transportation Commission

Honorable Mayors and City Council Members:

I would like to wish a Happy New Year and congratulations to the new Mayors, Vice Mayors, and City Council Members.

I am applying for reappointment to serve as the Cities of San Mateo County representative to the Metropolitan Transportation Commission (MTC). On MTC, I hit the ground running to build positive relationships across the Bay Area and ensured my voice reflected the diversity of population, demographics, and geography that makes San Mateo County's cities unique and special. I have worked tirelessly and collaboratively to bring our County's fair share of funding to the right projects, so that we can effectively work to reduce traffic congestion, promote alternative transportation modes, improve our roadways, and have an overall positive impact on our economy.

In my capacity as a Commissioner, I was one of three commissioners selected by my peers to attend a transportation summit in Seattle, Washington. I have also been invited to speak at the Commonwealth Club and the Local Government Commission. Most recently, I have been appointed to the Transportation, Communication, and Public Works Policy Committee of the League of California Cities.

I am respectfully requesting your support for reappointment to this seat on MTC. Thank you again for your consideration, and please do not hesitate to contact me at 650-207-2622 if you would like to discuss the importance of our Cities' representation on MTC.

Sincerely,

A handwritten signature in black ink that reads 'Alicia C. Aguirre'.

Alicia C. Aguirre
Council Member

C: City Council, Redwood City
Mina Lim, San Mateo County



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506
www.cityofpacifica.org

MAYOR
Karen Ervin

MAYOR PRO TEM
Sue Digre

COUNCIL
Mike O'Neill
Mary Ann Nihart
John Keener

January 20, 2015

Sandy Wong, C/CAG Executive Director
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063

Subject: Appointment to the Metropolitan Transportation Commission

Greetings fellow council members and mayors. I'm John Keener, newly elected council member from Pacifica, and I'd like to be considered for the open seat on the Metropolitan Transportation Commission.

The MTC is leading the effort to change our transportation infrastructure, reflecting 21st-century needs in the Bay Area. From transit-accessible housing to pedestrian and bike friendly streets, the MTC promotes eco-friendly transportation solutions. It is also tasked with coordinating transit agencies, and allocating state highway funds to improve Bay Area transportation.

I'm an advocate for these things in Pacifica, and would like the opportunity to serve on a board that values them over the entire Bay Area. I ask for your support in appointing me to the MTC board.

Best regards,

JOHN KEENER
Council Member

City of Half Moon Bay



501 Main Street
Half Moon Bay, CA 94019
650-726-8271
ssmith@hmbcity.com

January 21, 2015

San Mateo County Council of Cities Members
c/o Mina Lim, County Manager's Office/Board of Supervisors

Dear Mayors and Councilmembers:

I would like to be considered for the Metropolitan Transportation Commission. We have considerable issues with regard to Transportation here on the coast and I am involved with a local group working on congestion here. I am new to the City Council and have pledged to deal with Transportation. We cannot address this very difficult and complicated issue without addressing Transportation County wide.

Please appoint me to serve the four year term and help our beautiful coastside become more easily used by the citizens outside of and here on the coast.

Thank you for your consideration.

Deborah Penrose, Councilmember
City of Half Moon Bay

CITY OF SAN CARLOS

CITY COUNCIL

RON COLLINS, MAYOR
CAMERON JOHNSON, VICE MAYOR
BOB GRASSILLI
MATT GROCOTT
MARK OLBERT



CITY COUNCIL
600 ELM STREET
SAN CARLOS, CALIFORNIA 94070
TELEPHONE: (650) 802-4219
FAX: (650) 595-6719
WEB: www.cityofsancarlos.org

January 7, 2015

To: My Colleagues on the San Mateo County City Councils

Re: HEART Board Appointment

I am interested in continuing as a member of the HEART Board of Directors in San Mateo County. Serving on this board for the past three years has been an honor and responsibility I take quite seriously. I have a continuing interest and passion for finding solutions to our ongoing affordable housing crisis in San Mateo County, and I would very much like to be re-appointed to this position. Having been involved in other housing-related organizations over the years, such as Shelter Network and HIP Housing, I know the critical importance of finding creative ways to provide housing to those who most need it in our county.

Thank you for your consideration.

Sincerely,

Ron Collins, Mayor
City of San Carlos



City of Millbrae
621 Magnolia Avenue, Millbrae, CA 94030

ROBERT G. GOTTSCHALK
Mayor

January 15, 2015

Dear Colleagues:

I am asking for your support to continue serving on the HEART Board of Directors.

I have been a member of the Board of Directors nearly three years. I also serve on the Loan Review Committee which recommends to the Board whether and under what conditions to approve loans for affordable housing projects. In addition, I am one of only three members of the Finance Committee which reviews all financial reports and audits.

I am a sole practitioner attorney and hold an MBA in Finance from U. C. Berkeley. This is my twelfth year on the Millbrae City Council.

Rents have significantly increased relative to purchasing power, with rents increasing by about 25% in real dollars while incomes have remained flat over the same 9 year period.

Neither a four-person family with one parent working fulltime as a cook and the other parent working in retail, nor an elementary school teacher, nor a single parent family with the adult working as a police officer, can afford San Mateo County's median priced condominium, costing \$579,418, or single-family home, which costs \$1,246,121.

HEART assists in the creation of new affordable housing units in the county. It has developed successful programs which leverage contributions 18 times to provide first time homebuyers mortgages at affordable rates. To date HEART has placed \$ 12.8 MM into 954 affordable units in the county.

The loss of Redevelopment Agencies has struck a blow against affordable housing creation.

The mission and work of HEART is important to the county. I look forward to continuing my efforts on behalf of this mission. I will appreciate your vote to remain working with the HEART board.

Thank you sincerely,

A handwritten signature in blue ink that reads "Robert G. Gottschalk".

Robert G. Gottschalk



January 14, 2015

To my fellow San Mateo County Council Members

Via: email

Dear Colleagues:

I am applying for reappointment to serve on the Board of Directors for the Housing Endowment and Regional Trust (HEART). It has been my honor and privilege to serve on the HEART Board for six years, the last two as President of the Board.

The demise of Redevelopment Agencies has made financing of affordable housing much more difficult. HEART is working to fill the gap with the Opening More Doors program by creating a Housing Trust Fund. I am seeking your support for my reappointment so I can help make this possible.

Sincerely,

Jack Matthews
San Mateo City Council



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Incorporated Nov. 22, 1957

CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506
www.cityofpacifica.org

MAYOR
Karen Ervin

MAYOR PRO TEM
Sue Digre

COUNCIL
Mike O'Neill
Mary Ann Nihart
John Keener

January 15, 2015

Sandy Wong, C/CAG Executive Director
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063

Subject: Appointment to the Local Agency Formation Commission for SMC

Dear Colleagues:

I request the honor of your support for my election to the Local Agency Formation Commission for San Mateo County. For the past year and one half, I have served as the alternate for Commissioner Allan Alifano, who has served with distinction as one of the two City Representatives. I have followed all of the meetings and issues throughout this time and Mr. Alifano is supporting my election to the vacant post.

As an elected official in San Mateo County for more than 16 years, I have a strong interest in the issues faced by many of our special districts. Much work is done by those who volunteer and are elected to boards and commissions that are even less well known by the public than our city council seats or even our board of supervisors. As a result, in complex challenges such as the Sphere of Influence overlap between the County of San Mateo and the Harbor District public misunderstanding of the complexities can lead to mistrust. Diligent oversight and simple language are two of my strengths. It would be a privilege to represent the Cities of San Mateo in increasing public understanding of our special districts, especially concerning funding and land use impacts.

In the coming months and years, many challenges will face our state and county. Aging infrastructure, sea level rise, and green energy are but a few of the issues that special districts may face that require annexation, district formation, or other changes. With fourteen years on the Board of Trustees for Pacifica School District and entering my third year on Pacifica City Council, I am an active member of our community's articulation committee and deeply understand how important it is for all of our districts to work in collaboration for the public we serve. It is only through a regional vision, transparent public involvement, and agency cooperation that we can fully address the pressing issues in our future.

Recently, I was re-elected to a four-year term on Pacifica City Council and if I receive the privilege of your support as City Representative for LAFCO, I am available to fulfill the full three-year term. If any of you have any questions, I look forward to speaking with you. Thank you for considering me for this important opportunity to serve our communities.

Sincerely,

A handwritten signature in black ink that reads "Mike O'Neill". The signature is written in a cursive, flowing style.

Mike O'Neill

Councilmember, City of Pacifica

O'NeillM@ci.pacifica.ca.us

650-302-2470



Town of Atherton
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212

January 14, 2015

Dear Mayors and Council Members:

I am writing to ask for your support at the January 30, 2015 meeting of the Council of Cities for my appointment as a representative to LAFCO.

Historically, representatives from the Town of Atherton have been very active participants in LAFCO since our incorporation in 1923. I have lived in Atherton for more than 5 years and I have been a resident of San Mateo County for over 20 years. As a resident of the County I have experienced the San Mateo Coast side, one of the Special Districts within the County, and an unincorporated neighborhood as well as the Town of Atherton. My residency in this County has given me exposure to the LAFCO process on several occasions and an intimate view of service reviews. Therefore, I have the unique understanding of both sides of the LAFCO process.

I would bring to LAFCO a career that expands over 30 years in Real Estate, specializing in the appraisal of real property in the Bay Area. A majority of that experience has been in San Mateo County doing risk analysis in banking, dissolving ownership interest, highest and best use analysis, development analysis, and analysis of site conditions. My experience has given me the occasion to collaborate with various State Government Agencies, Federal Agencies, Local Agencies, Developers, Investors, communities, and private parties. A major component of the appraisal process is compiling factual data related to a project and analyzing that data to make an informed decision. The LAFCO process is very much the same – the factual analysis of data – adding the required component of public process. My experience has afforded me the opportunity to obtain the skills and knowledge necessary to make me the ideal candidate for the position.

I would very much like to bring my experience, collaborative skills, and exposure to San Mateo County to the table at LAFCO and represent San Mateo County cities. I hope you will support my candidacy.

Sincerely,

Cary Wiest, Council Member
Town of Atherton

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**SAN MATEO COUNTY
CITY SELECTION
COMMITTEE**

*Elizabeth Lewis, Chairperson
Marie Chuang, Vice Chairperson*

*Jannae Oliver, City Selection Secretary
400 County Center
Redwood City, CA 94063
(650) 363-4124*

TO: Jannae Oliver, Secretary
City Selection Committee

SUBJECT: Alternate to the City Selection Committee

I CATHERINE CARLTON, Mayor of the City/Town of MENLO PARK,
hereby appoint Councilmember KIRSTEN KEITH, to serve as my
alternate to the City Selection Committee meeting(s).

In the absence of my appointee, I then appoint: **(Please choose one)**

Councilmember KIRSTEN KEITH to represent me
 Vice-Mayor and each Councilmember in order of seniority

(You must check only ONE of the following options)

My alternate is to serve for the:

Jan. 30, 2015 meeting only
Date

duration of my term of office as Mayor

I do not choose to appoint an alternate

[Signature]
Signature of Mayor

13 Jan. 15
Date

Please return to:
Jannae Oliver, Secretary
City Selection Committee
Hall of Justice, 400 County Center / CMO 105
Redwood City, CA 94063

Or Fax to 650 363-1916 or bring to the meeting

If you should have any questions please do not hesitate to call me (650) 363-1802

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COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: January 27, 2015
Staff Report #: 15-021

INFORMATIONAL ITEM: **Update on the Priority Conservation Area Program and a Potential Application Partnering with the City of East Palo Alto, City of Palo Alto and Midpeninsula Open Space District for the Baylands**

RECOMMENDATION

This is an informational item and no action is required.

POLICY ISSUES

The Priority Conservation Area (PCA) designations are designed to position areas for access to funding sources for enhancements to open space areas. A PCA does not carry regulatory requirements, nor does it impact a local jurisdiction's land use control.

BACKGROUND

Metropolitan Transportation Commission (MTC) approved Plan Bay Area, a long-range, integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. Plan Bay Area includes the designation of PCAs to balance housing and transportation demands with the need to preserve the region's diverse farming, recreational, and resource lands for future generations. The Association of Bay Area Governments (ABAG) administers the program and plays a leadership role by providing guidance and support to local leaders as they submit PCA applications.

Priority Conservation Area Program

The PCA program was initiated in 2007 to identify Bay Area open spaces that (1) provide regionally significant agricultural, natural resource, scenic, recreational, and/or ecological values and ecosystem functions; (2) are in urgent need of protection due to pressure from urban development or other factors; and (3) have broad local support. As a result of the 2007 PCA process, there are currently 101 existing PCAs throughout the nine-county Bay Area. The City of Menlo Park submitted an unsuccessful PCA application in 2007 primarily because most of the land area in question was already in public ownership.

Subsequently ABAG updated the PCA program in July, 2014 in order to provide clearer specificity about the types, characteristics, and functions of PCAs, and also provide a

process to confirm existing PCAs and to create new ones with greater public notification. The program now limits nominating entities to city and county jurisdictions, and park and open space special districts. Thus, non-governmental entities are no longer able to sponsor a PCA, but can still partner with a jurisdiction or open space and park district. Another change to the programs allows existing protected lands to be included, which greatly increases Menlo Park's chances for a successful application compared to 2007.

The program identifies four categories of PCAs that recognize the role of different kinds of PCAs in supporting the vitality of the region's natural systems, rural economy, and human health.

1. **Natural Landscapes** – Areas critical to the functioning of wildlife and plant habitats, aquatic ecosystems and the region's water supply and quality.
2. **Agricultural Lands** – Farmland, grazing land and timberland that support the region's agricultural economy and provide additional benefits such as habitat protection and carbon sequestration.
3. **Urban Greening** – Existing and potential green spaces in cities that increase habitat connectivity, improve community health, capture carbon emissions, and address stormwater.
4. **Regional Recreation** – Existing and potential regional parks, trails, and other publicly accessible recreation facilities.

Of these four categories, staff believes that any of them except Agricultural Lands would be applicable to the potential PCA. Having more than one designation may increase eligibility for a broader array of future grant opportunities.

ANALYSIS

PCA designations serve to identify regionally significant open spaces and to position agencies to attract potential grant funding (Attachment A). In addition, the four categories give the PCAs flexibility and eligibility for a variety of funding sources that may either be targeted or broad in their scope. In 2014, the pilot PCA Grant program distributed \$12.5 million in grant monies to a variety of projects throughout the Bay Area.

The current PCA process requires that nominating agencies send notifications to all of the jurisdictions in which the PCA is located. If a jurisdiction opposes the PCA, it will have 90 days from receipt of the notification to adopt a resolution of opposition. A resolution of opposition would invalidate the nomination. Applications are due to ABAG on May 30, 2015 and require the following items be included.

1. An adopted resolution by City/Town Council, Board of Supervisors, or Open Space or Park District Board, from the lead nominating jurisdiction in which the PCA is located.
2. A map and text describing the general area and boundaries of the PCA.
3. Selection of one or more of the PCA designations described below with supporting text and data.

4. Discussion of the regional and local importance of the PCA.

Staff has coordinated with staff from the City of East Palo Alto, City of Palo Alto and the Midpeninsula Regional Open Space District to explore a potential application. Menlo Park has offered to serve as the lead agency for the application since the greatest area of the PCA is within Menlo Park's jurisdiction. The working draft of the Potential PCA Boundary is included as Attachment B. The area covers Bedwell Bayfront Park, the Ravenswood Salt Pond Restoration Area, the Don Edwards San Francisco Bay National Wildlife Refuge, the Ravenswood Open Space Preserve, Cooley Landing, and the Baylands Nature Preserve. A common connector of many of these features is the existing/proposed Bay Trail. Menlo Park is already collaborating with the City of East Palo Alto and the Midpeninsula Regional Open Space District on closing a gap in the Bay Trail by connecting University Avenue to the Ravenswood Preserve. Specific to Menlo Park, the PCA designation would expand funding opportunities for enhancing the current Bay Trail around Bedwell Bayfront Park and connections from the Belle Haven neighborhood to the Park, topics which have come up during the ConnectMenlo process.

The geographic area covered by the potential PCA includes a number of critical transportation (e.g., Dumbarton Bridge and Dumbarton Rail, utility (e.g., water, sewer, and electric facilities) and infrastructure issues (e.g., levees). It is staff's understanding that a PCA designation would not impede any efforts to maintain or enhance these facilities and will confirm so prior to submitting an application. Staff is also in the process of reaching out to the San Franciscquito Creek Joint Powers Authority, especially related to the SAFERBay project, which looks to install levees in this area to address tidal flooding and sea level rise while restoring habitat and enhancing recreational opportunities. In the coming weeks, staff will also reach out to other property owners/service providers in the area. The exact boundary of the PCA will be refined over the coming weeks based on these consultations.

The PCA will require a resolution from the City Council. In addition, staff will need to notify affected jurisdictions and provide 90 days for their elected bodies to consider the nominations. These notification letters will be sent to respective City/General Managers. A resolution of opposition will invalidate the nomination and impede the City's ability to submit an application for that PCA. It is staff's hope that early coordination and collaboration with jurisdictions will result in broad support for the nominations to ensure a successful PCA application is submitted by the application deadline.

Staff will continue coordination with partners and jurisdictions, and anticipates bringing this item to the City Council for the adoption of resolutions in April 2015. With the Council's adopted resolution, staff would be able to submit application for the nominated PCA to ABAG.

IMPACT ON CITY RESOURCES

There is no fiscal impact related to providing an informational report on the Priority Conservation Area program and application process.

ENVIRONMENTAL REVIEW

This action is not a project under the California Environmental Quality Act (CEQA), and no CEQA analysis is therefore required.

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. Priority Conservation Area Concept Paper
- B. Potential Priority Conservation Area Map

Report prepared by:

Justin Murphy

Assistant Community Development Director

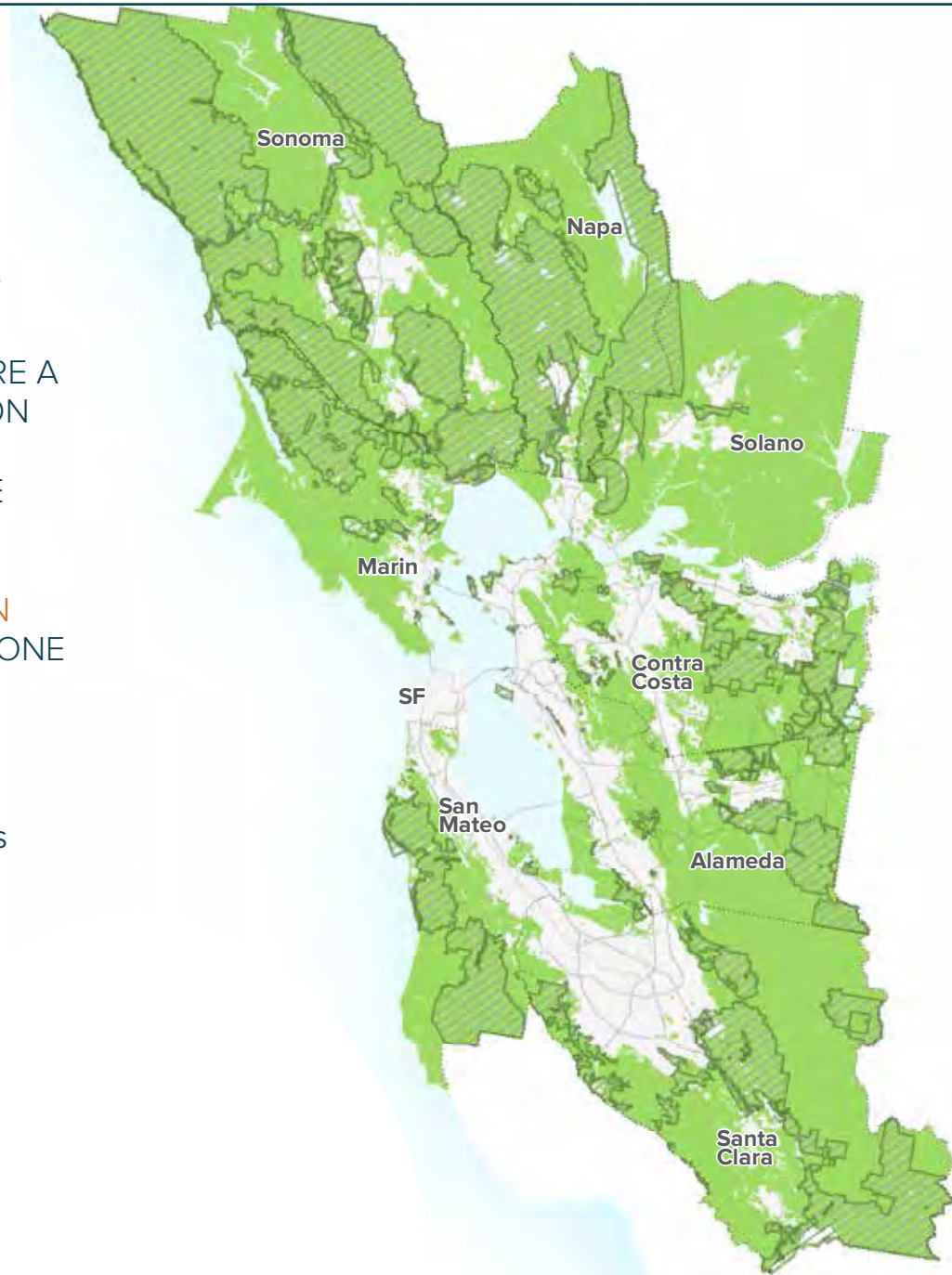
PRIORITY CONSERVATION AREAS

THE SAN FRANCISCO BAY AREA IS UNIQUE AMONG AMERICAN METROPOLISES. Parks and trails support our health and quality of life. Watersheds and other natural areas contribute to our clean water and air and help to protect us from disasters. The region's farms and ranches give us fresh, healthy local food. Together our open spaces define the identity of the Bay Area and are a magnet for the innovators that drive its \$535 billion economy.

SAFEGUARDING THE BAY AREA'S ONE-OF-A-KIND LANDSCAPE WILL REQUIRE A REGIONAL CONSERVATION STRATEGY BASED IN CONSERVATION SCIENCE AND RIGOROUS DATA.

PRIORITY CONSERVATION AREAS ARE A CORNERSTONE OF THAT STRATEGY.

-  PRIORITY CONSERVATION AREAS
-  BAY AREA GREENBELT



OUR CHERISHED LANDSCAPE

We are lucky to live someplace so special. The San Francisco Bay Area is unique among American metropolises in the stunning beauty of its landscape. Parks and trails support our health and quality of life by giving us the opportunity to get outside. Watersheds and other natural areas contribute to our resilience by providing us with clean water and air and help to protect us from disasters like flooding and landslides—threats that will only grow with climate change. The region’s farms and ranches give us fresh, healthy local food. Together our open spaces define the identity of the Bay Area and are a magnet for the innovators that drive its \$535 billion economy.

The people of the Bay Area clearly cherish our special landscape. Through 24 bond measures and tax increases since 1988, voters across the region have approved close to \$1.6 billion to preserve critical habitat, protect farmland, improve water quality, and create new parks. Of the region’s 3.6 million acres of open space—our greenbelt—1.3 million acres have been preserved through land purchases and easements. An additional 2 million acres are protected through a range of growth management policies that have been put in place by voters and elected leaders.

Despite our region’s success in protecting open space, the risks to our greenbelt are profound. Over 322,000 acres are at risk of development in the next 30 years. The Bay Area will add 2 million new residents by 2040 and this growth could create pressure to weaken the growth management policies that protect 60 percent of the greenbelt. Effectively safeguarding the Bay Area’s one-of-a-kind landscape will require a regional conservation strategy based in the latest conservation science and rigorous data. Priority Conservation Areas (PCAs) have the potential to be a cornerstone of such a strategy.

VOTER & ELECTED
LEADER SUPPORT
FOR LANDSCAPES

24 BOND MEASURES
& TAX INCREASES

\$1.6 BILLION IN
PRESERVATION,
WATER QUALITY &
PARKS

2 MILLION ACRES
PROTECTED BY
POLICY

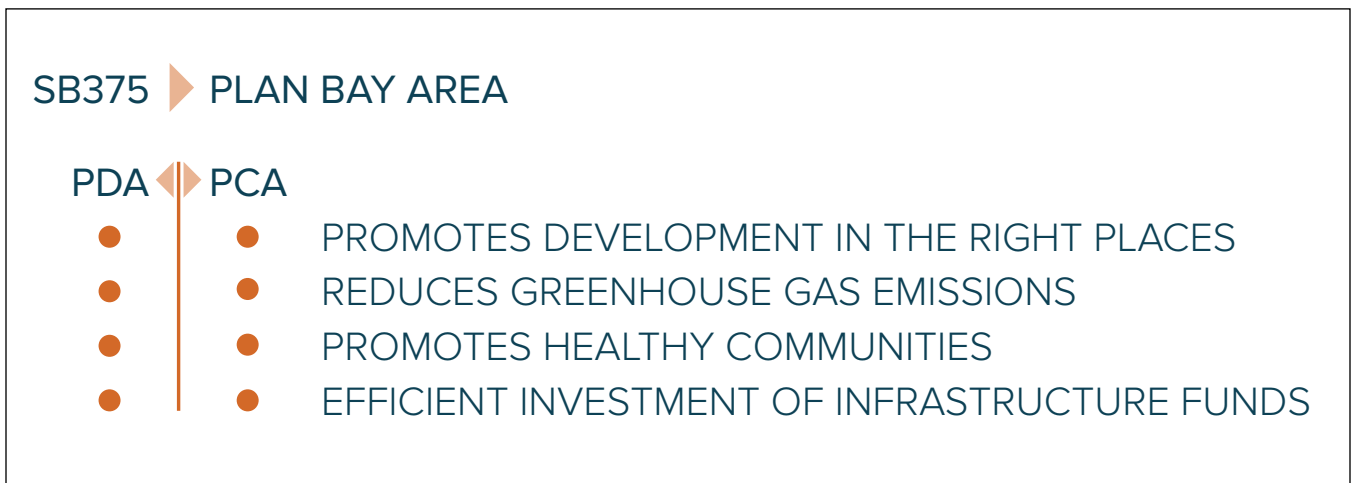


CONSERVING THE LANDSCAPE: KEY TO PLAN BAY AREA

The preservation and stewardship of the Bay Area’s greenbelt is key to implementing Plan Bay Area. Under Plan Bay Area, the region’s next generation of growth is to be focused in Priority Development Areas (PDAs) within our cities and towns; no development is envisioned beyond existing urban boundaries. Because this focused growth will require Bay Area residents and workers to drive less, greenhouse gas emissions from personal vehicles are expected to drop 16% per capita by 2035. Development in the greenbelt that is isolated from public transit and other services and amenities requires more driving and could cause the region to fall short of Plan Bay Area’s greenhouse gas pollution reduction expectation. Farms, ranches, and natural areas also function as carbon sinks. Trees, plants and crops growing on the landscape remove greenhouse gases from the atmosphere and store them away. Allowing development that paves over the Bay Area’s greenbelt degrades this carbon storage function.

Additionally, if development does occur beyond existing urban boundaries it will require significant expenditures to build new roads, sewer lines, and other infrastructure. Such infrastructure costs would be in addition to the substantial infrastructure investment needs within the region’s PDAs. Development in the greenbelt would result in the region’s infrastructure funds being spread too thin.

A robust regional conservation strategy for the Bay Area is a win-win approach. It will guide the protection of the unique open spaces that make the Bay Area so special—our parks and trails, farms and ranches, watersheds and other components of the greenbelt. Such a strategy will also serve as a driver of focused growth, ensuring that urban infrastructure dollars are spent wisely and that we achieve the ambitious greenhouse gas pollution reduction goals envisioned in Plan Bay Area.



Priority Conservation Areas and Priority Development Areas complement each other in many ways. For example, each contribute to the above goals.

THE PRESERVATION AND STEWARDSHIP OF THE BAY AREA'S GREENBELT IS KEY TO IMPLEMENTING PLAN BAY AREA.

PRIORITY CONSERVATION AREAS: WHAT ARE THEY?

In 2008, local governments, special districts and conservation organizations worked together to establish the Bay Area's original Priority Conservation Areas. These PCAs consist of regionally significant open spaces about which there is broad consensus for long-term protection. The PCAs are diverse and include everything from recreation areas that help Bay Area residents live healthy active lifestyles, to watersheds that provide the region with high-quality drinking water, to farmland from which we get fresh, local food. The PCAs serve to attract funds to support the long-term protection of these areas. Through the Plan Bay Area process, the Metropolitan Transportation Commission (MTC) established a \$10 million pilot grant program to help fund the protection of the PCAs.

Community leaders embraced the PCA concept; currently there are nearly 100 PCAs spread across the nine Bay Area counties. The PCAs not only serve to indicate what land should be protected, they also help to articulate where urbanized development is most appropriate and where it is not. In doing so, the PCAs help to define the holistic vision of Plan Bay Area. They serve as the underpinnings of a "greenprint" to complement the region's blueprint for how our cities and towns should grow.

Since 2008, our understanding of the Bay Area's one-of-a-kind landscape has improved. Research and analysis now gives us a much better sense of how our farms, ranches, and working lands benefit our health and quality of life. This research and analysis also helps us understand how conservation of the landscape can contribute to our

economy as well as the resilience of natural systems that do everything from protect us from floods, to ensure the long-term viability of plants and animals that also call the Bay Area home. Using this information to update the PCA program will improve the program's ability to serve as a cornerstone of the region's conservation strategy.

THE PCA PROGRAM UPDATE

The Association of Bay Area Governments (ABAG) is now in the process of revising the PCA program. This update will result in greater specificity about the qualities and functions of different types of PCAs. To achieve this specificity, ABAG has developed a new set of designations for different PCA types (similar to the "place types" developed for PDAs during the Plan Bay Area process). Additionally, a science-based method has been developed for evaluating nominated PCAs. The revised PCA program also seeks to address the need for urban parkland and providing green space in growing PDAs.

These modifications will greatly enhance the ability of PCAs to contribute effectively to a regional conservation strategy.

By June 2014, ABAG will have adopted modifications to the PCA Program and opened an application window that will last through May 2015. As currently recommended, nominations will be accepted to transition existing PCAs into the revised program as well as for new PCAs. PCA applications will be accepted on a rolling basis with two adoption points over the course of the year.

ANALYZING THE UPDATE: REASONS TO BE EXCITED

ABAG's proposed revision to the PCA program is a significant positive step toward ensuring the program realizes its potential to serve as an effective guide for a regional land conservation strategy. The four "designations" (again, similar to the "place types" for PDAs)—Natural Landscapes, Agricultural Lands, Regional Recreation and Urban Greening—provide a simple typology that helps to communicate how the Bay Area's open spaces provide benefits to the quality of life, economy, and resilience of the region. The new application process explicitly requires applicants to use data from a rich set of information sources to articulate the benefits of proposed PCAs. This commitment to an evidence-based approach will help to ensconce conservation-science and an understanding of conservation priorities into land-use planning across the Bay Area.

The addition of **the Urban Greening designation is an exciting recognition that nature in urban areas matters.** To most effectively contribute to the region's conservation strategy, Urban Greening PCAs should contribute to regionally significant functions; functions such as contributions to regional agricultural, natural resource conservation, ecosystem protection, or the enhancement of scenic or recreational values.

Transitioning the existing PCAs into the new program is critical. These areas are a solid foundation upon which an even better program will be built. The original PCAs demonstrate the shared values regarding our landscape that exist across the Bay Area and a broad recognition of the many benefits our natural and working lands provide (maps at the end of the document demonstrate how current PCAs overlap with open space benefits). The original PCAs were adopted without requiring resolutions from city councils or boards of supervisors. A testament to the level of consensus that exists around the original PCAs is that none have been challenged since they were adopted. Since existing PCAs did not require approval from city

PRIORITY DEVELOPMENT AREAS AND PRIORITY CONSERVATION AREAS ARE ESSENTIAL PILLARS TO A SUSTAINABLE, THRIVING BAY AREA.

councils or boards of supervisors when they were initially approved, such resolutions should not be necessary to transition existing PCAs into the revised program.

MAKING IT HAPPEN

The Priority Development Areas and the Priority Conservation Areas are two essential pillars in the effort to make the Bay Area a sustainable, thriving region in the decades ahead. These two programs knit together the region's land use and transportation priorities and provide clear guidance on how to best focus limited intellectual and financial resources. Both programs help local leaders ensure that our cities and towns are healthy and thriving and are supported by the amazing assets nature provides. Effective implementation of the Priority Conservation Area program must be prioritized in order to fully achieve the vision of a sustainable and thriving region articulated in Plan Bay Area. The conservation community, from land trusts to special districts to local and regional non-profits, is ready to work with local leaders to effectively implement the PCA program, as well as use the plethora of data and analysis that now exists regarding the Bay Area's landscape to help make land-use decisions with conservation in mind.

The following are recommendations for how both local leaders and the Association of Bay Area Governments can ensure the implementation of the PCA program is successful—not only in the near-term as the program is updated and new PCAs are nominated and reviewed, but over the long-term as the PCAs anchor the region’s conservation strategy.

RECOMMENDATIONS FOR LOCAL LEADERS

The first thing local leaders can do to maximize the success of the PCA program is to **support the immediate inclusion of existing PCAs** into the new framework.

Additionally, local leaders should **work with land management agencies and public health groups to identify new PCAs** and make sure they are adopted.

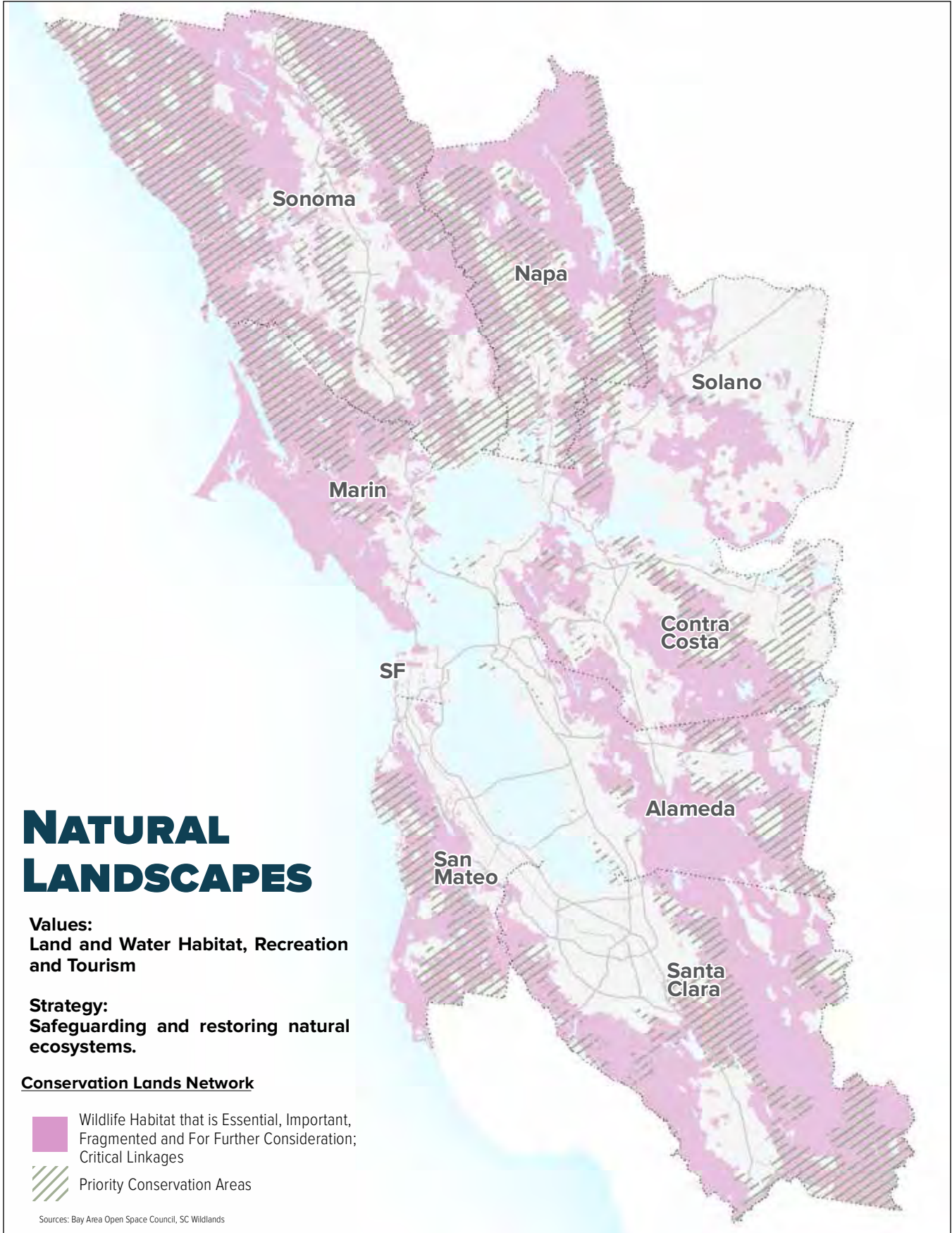
Also, local leaders should **feel empowered to take the conservation science that will be used to modify and create PCAs and use those tools broadly** in land-use decision making. Steps can be taken such as:

- Factor in the impacts/benefits of natural resources, working lands, and parks as a baseline for infrastructure plans, programs, and project decisions.
- Consider “green infrastructure” as a viable solution to infrastructure challenges, such as water quality control and sea-level rise adaptation.
- Establish agricultural land preservation strategies that ensure a critical mass of land for the production, processing, and distribution of local food.
- Ensure conservation best practices are integrated into the implementation of development and infrastructure projects.

RECOMMENDATIONS FOR ABAG

ABAG should **continue to play a leadership role by providing support and guidance to local leaders** as they submit PCA applications. As the PCA program is implemented ABAG can take the specific following actions to help ensure that conservation strategies are effectively implemented throughout the region.

- Facilitate access to online data that will allow users to identify the specific benefits a particular geographic area contains.
- Develop a system to track how well communities across the region are achieving conservation goals.
- Provide technical assistance to facilitate connection of conservation funds with appropriate projects.
- Support policy innovation as a strategy to protect PCAs and implement regional conservation strategies.
- Continue to support the State Coastal Conservancy’s management of the region-wide OBAG conservation grant program.
- Scale local efforts to map urban greening benefits to produce a regional strategy.





NATURAL LANDSCAPES

Values:
Land and Water Habitat, Recreation and Tourism

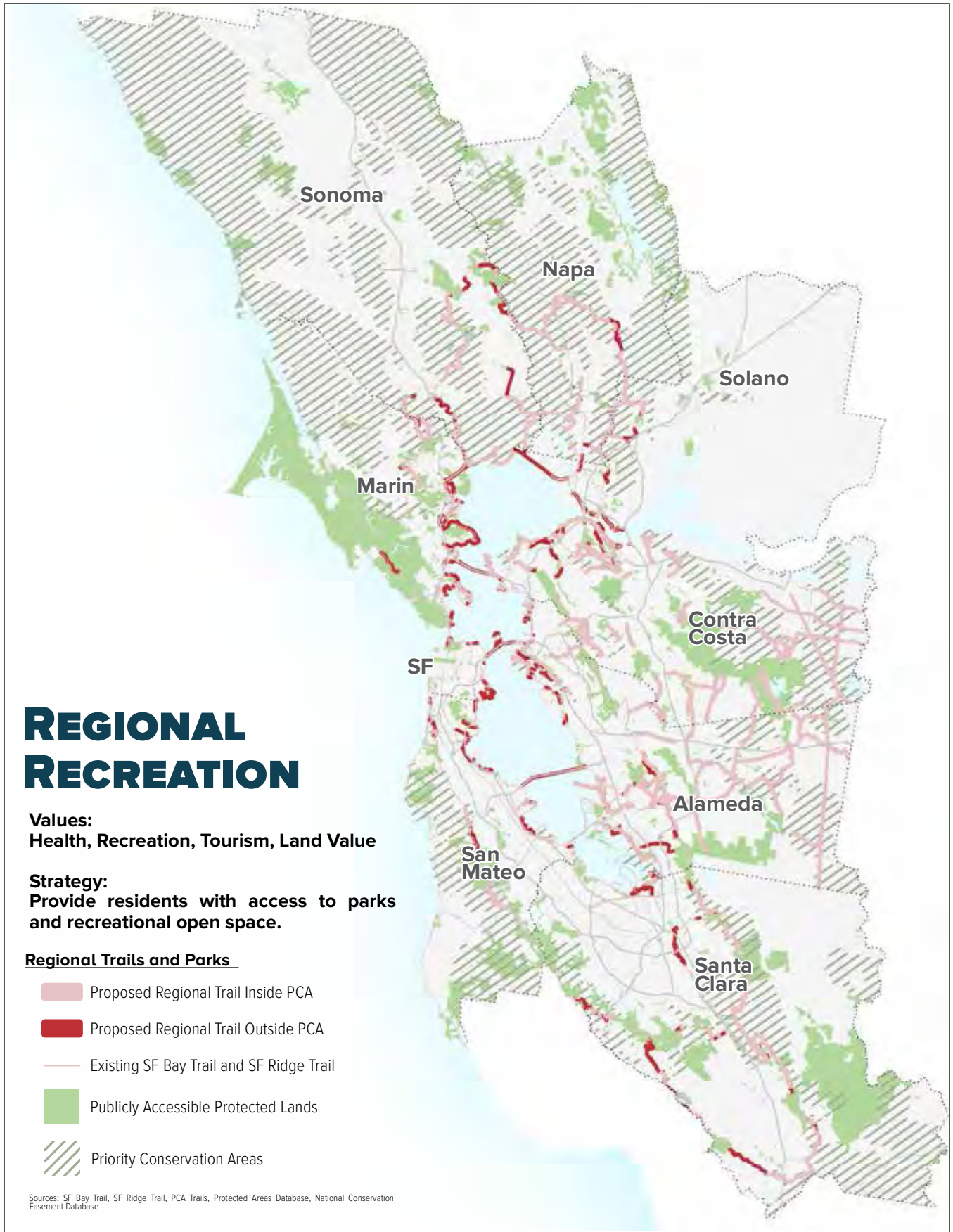
Strategy:
Safeguarding and restoring natural ecosystems.

Conservation Lands Network

-  Wildlife Habitat that is Essential, Important, Fragmented and For Further Consideration; Critical Linkages
-  Priority Conservation Areas

Sources: Bay Area Open Space Council, SC Wildlands





CONTACTS

Jeremy Madsen, Executive Director

Greenbelt Alliance

jmadsen@greenbelt.org | 415-543-6771 x310

Jennifer Fox, Executive Director

Bay Area Open Space Council

jenn@openspacecouncil.org | 510-809-8009 x254

Elizabeth O'Donoghue, Director of Infrastructure and Land Use

The Nature Conservancy

eodonoghue@tnc.org | 415-281-0436

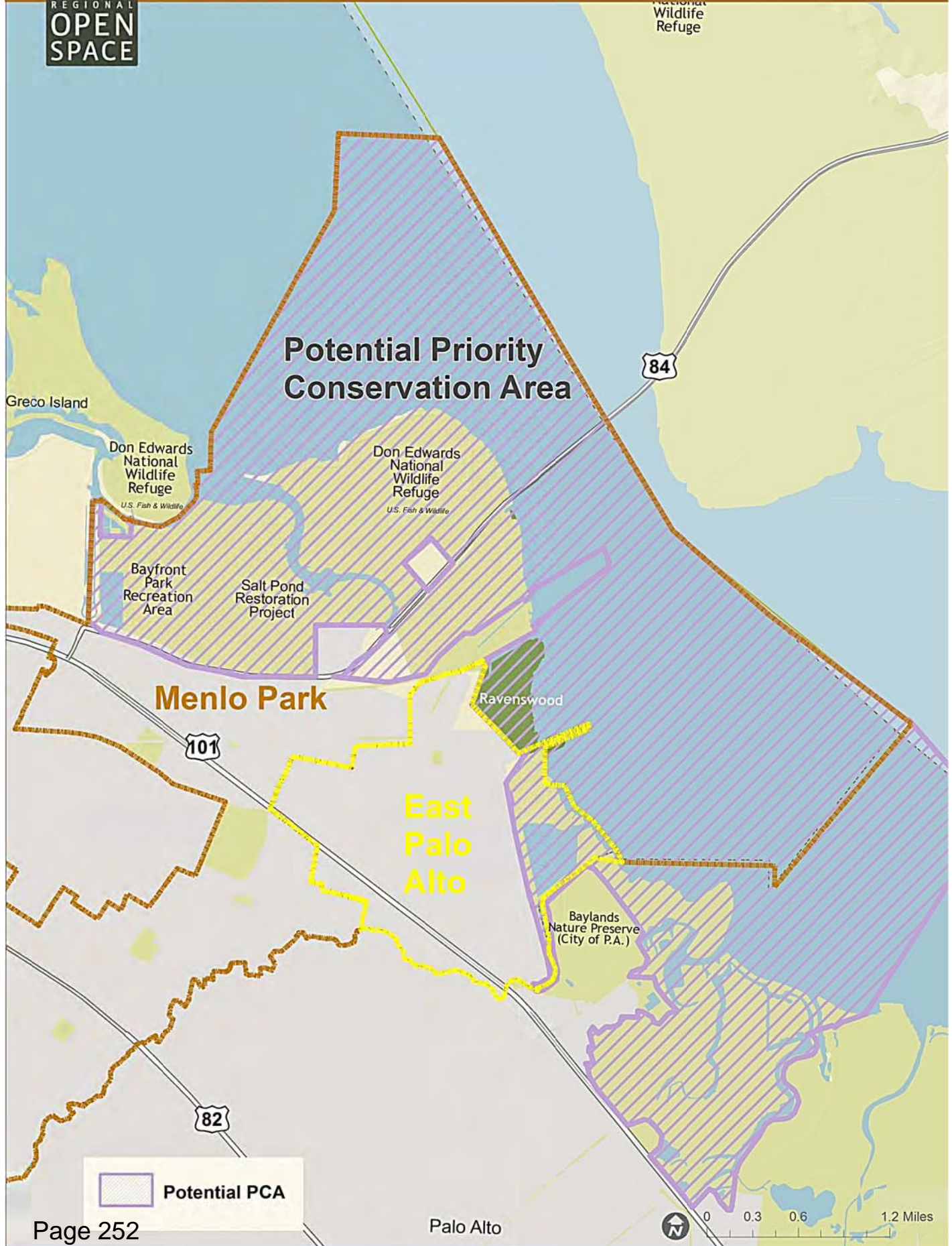
Ed Thompson, California Director & Senior Associate

American Farmland Trust

ethompson@farmland.org | 530-564-4422

TOGETHER OUR
OPEN SPACES DEFINE
THE IDENTITY OF
THE BAY AREA AND
ARE A MAGNET FOR
THE INNOVATORS
THAT DRIVE ITS \$535
BILLION ECONOMY.

Potential Priority Conservation Area Within Menlo Park and East Palo Alto (Working Draft)



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OFFICE OF THE CITY MANAGER

Council Meeting Date: January 27, 2015

Staff Report #: 15-010

INFORMATIONAL ITEM: 2014 Commissions Attendance Report

RECOMMENDATION

This is an informational item only. No Council action is required.

POLICY ISSUES

This report complies with current City Council policy requiring an annual attendance report for each Commission.

BACKGROUND

For advisory bodies to function effectively and accomplish their respective goals and work plans, it is important that all members be active participants by attending the regularly scheduled monthly Commission meetings.

In accordance with City Council Policy CC 91-001, a report regarding advisory body attendance is prepared each January reflecting data for the previous year. The 2014 attendance report is provided to Council for review and information.

ANALYSIS

The policy states that members who attend less than two-thirds (67%) of the advisory body's scheduled meetings may be replaced by the City Council. In 2014, of the 48 current active commissioners, only four fall into the '67% or below' category for meeting attendance. Brief statements regarding the absences are noted on the report.

Because the City places a high value on the work of the Commissions and strives to provide sufficient support to all commissioners in order to facilitate their work, removal from a commission appointment is rarely a consideration or recommendation and instead staff liaisons prefer to reach out to the commissioners falling in the '67% or below' category to determine the reasons for the absences. In most cases the commissioners advise the staff liaison in advance of their absence and in most cases the absences are due to pre-planned vacations or scheduled work travel and are considered reasonable.

Overall, commission liaisons have reported the absences do not have an impact on discussion or deliberation of agenda items.

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. CC-91-002 Commission Attendance Policy
- B. Attendance data for each advisory body

Report prepared by:
Pamela Aguilar
City Clerk

City of Menlo Park

City Council Policy

Department City Council	Page 1 of 1	Effective Date January 1, 1991
Subject Board and Commission Attendance Policy	Approved by Resolution 2801 - 05/27/1985 Revised Resolution 4242 - 12/04/1990	Procedure # CC-91-0001

PURPOSE:

This policy is adopted in order to encourage attendance at Board and Commission scheduled meetings and to replace members who are unable to attend on a consistent basis.

BACKGROUND:

A policy of attendance at Board and Commission scheduled meetings has not been uniform throughout the City. Many commissions have their own policies which they implement on an informal basis. Some commission scheduled meetings have been cancelled due to the lack of a quorum, a number of Commissions have members who miss a majority of their scheduled meetings and the issue of attendance at scheduled meetings is of concern. Some Commission chairpersons have previously expressed a need for an attendance policy which would be consistent for all boards and commissions and which would dictate the removal of a board or Commission member who has missed a certain number of scheduled meetings in the calendar year.

There are, often times, excellent reasons why a Board or Commission member might not be able to attend a scheduled meeting: illness, business or home commitments. The policy should be flexible enough so that a reasonable number of absences are allowed. Extensive absences on the part of a Board or Commission member do restrict the ability of a Board or Commission to complete its work and an attendance policy is meant to discourage such behavior.

POLICY:

- 1) A compilation of attendance will be submitted to the Council annually in January listing absences for all Board and Commission members.
- 2) Absences, which result in attendance at less than two-thirds of Board and Commission scheduled meetings for any reason during the calendar year, will be reported to the City Council and may result in replacement of the Board or Commission member by the Council.
- 3) Any Board or Commission member who feels that unique circumstances have led to numerous absences, can appeal directly to the City Council for a waiver of this policy or a leave of absence.

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BICYCLE Name	January 1/13/2014	February 2/10/2014	March 3/10/2014	April 4/14/2014	May 5/12/2014	June 6/9/2014	July 7/7/2014	August 8/11/2014	September 9/8/2014	October 10/13/2014	November 11/10/2014	December 12/8/2014
Fred Berghout	Present	Present	Present	Present	Present	Present	ABSENT	Present	Present	Present	ABSENT	Present
Andrew Combs	Present	Present	Present	Present	NA	NA	NA	NA	NA	NA	NA	NA
William Kirsch	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present
Gregory Klingsporn	Present	Present	Present	Present	Present	NA	NA	NA	NA	NA	NA	NA
Lydia Lee	NA	NA	NA	NA	Present	Present	Present	ABSENT	Present	Present	Present	Present
Witney McKiernan	NA	NA	NA	NA	Present	Present	Present	Present	Present	ABSENT	Present	Present
Jonathan Weiner	NA	NA	NA	NA	NA	Present	ABSENT	Present	Present	Present	Present	Present
Cindy Welton	Present	Present	Present	Present	Present	Present	Present	Present	Present	ABSENT	Present	Present
Matthew Zumstein	NA	NA	NA	NA	Present	Present	Present	Present	Present	Present	ABSENT	Present

2014 COMMISSION ATTENDANCE REPORT

ENVIRON. QUALITY Name	January 1/22/2014	February 2/26/2014	March 3/26/2014	April 4/23/2014	May 5/28/2014	June 6/25/2014	July 7/23/2014	August 8/27/2014	September 9/24/2014	October 10/22/2014	November 11/26/2014	December 12/24/2014
Allan Bedwell	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	CANCELLED	Present
Chris DeCardy	Present	Present	Present	Present	Present	ABSENT	Present	Present	Present	Present		Present
Kristin Kuntz-Duriseti	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present		Present
Scott Marshall	Present	ABSENT	Present	Present	Present	Present	Present	Present	Present	Present		Present
Deborah Martin	Present	Present	Present	Present	ABSENT	Present	ABSENT	Present	Present	Present		Present
Mitchel Slomiak	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present		Present
Christina Smolke	Present	ABSENT	ABSENT	ABSENT	Present	ABSENT	Present	ABSENT	Present	Present	Present	

2014 COMMISSION ATTENDANCE REPORT

FINANCE & AUDIT Name	January	February	March	April	May 5/29/2014	June	July 7/17/2014	August	September	October	November	December
Catherine Carlton	<i>No meeting</i>	<i>No meeting</i>	<i>No meeting</i>	<i>No meeting</i>	Present	<i>No meeting</i>	ABSENT					
Anne Craib					Present		Present					
Leslie Denend					Present		Present					
Ray Mueller					ABSENT		ABSENT					
Laural Phelps					Present		Present					

2014 COMMISSION ATTENDANCE REPORT

HOUSING Name	January	February 2/5/2014	March 3/5/2014	April	May 5/7/2014	June	July	August 8/6/2014	September	October	November 11/5/2014	December
Sally Cadigan	No meeting	Present	Present	No meeting	Present	No meeting	No meeting	ABSENT	No meeting	No meeting	Present	No meeting
Lucy Calder		Present	Present		ABSENT			Present			Present	
Carolyn Clarke		Present	Present		Present			Present			Present	
Julianna Dodick		Present	ABSENT		Present			Present			Present	
Michelle Tate		Present	Present		Present			Present			Present	

2014 COMMISSION ATTENDANCE REPORT

LIBRARY Name	January 1/13/2014	February 2/10/2014	March 3/10/2014	April 4/14/2014	May 5/12/2014	June 6/9/2014	July 7/14/2014	August 8/11/2014	September 9/8/2014	October 10/13/2014	November 11/10/2014	December 12/8/2014
Jacqueline Cebrian	Present	Cancelled Lack of Quorum	Present	Present	Cancelled Lack of Quorum	Present	Cancelled Lack of Quorum	Cancelled Lack of Quorum	ABSENT	Present	Present	Cancelled Lack of Quorum
Charles Ehrlich	NA					Present			Present	NA		
Amy Hamilton	Present		NA	Present		Present			Present	Present	Present	
George Repple	NA		Present	Present		Present			Present	Present	Present	
Vin Sharma	Present		Present	Present		Present			Present	Present	Present	
Alaina Sloo	Present		ABSENT	Present		Present			Present	Present	Present	
Amita Vasudeva	Present		Present	Present		ABSENT			Present	Present	Present	
Lynne Bramlett												
Thomas McDonough	NA		NA	NA		NA		Present	Present	NA		

2014 COMMISSION ATTENDANCE REPORT

PARKS AND RECREATION													
Name	January 1/22/2014	February 2/26/2014	March 3/26/2014	April 4/23/2014	May 5/28/2014	June 6/25/2014	July 7/23/2014	August 8/27/2014	September 9/24/2014	October 10/22/2014	November 11/26/2014	December 12/24/2014	
Kelly Blythe	Present	ABSENT	ABSENT	Present	NA	NA	NA	CANCELLED	NA	NA	NA	NA	
James Cebrian	Present	Present	Present	Present	Present	Present	Present		Present	Present	Present	ABSENT	
Thomas Cecil	ABSENT	Present	Present	ABSENT	ABSENT	Present	ABSENT		ABSENT	ABSENT	ABSENT	NA	
Kristin Cox	Present	ABSENT	Present	Present	Present	Present	Present		Present	Present	Present	ABSENT	Present
Christopher Harris	NA	Present	Present	Present	Present	ABSENT	ABSENT		Present	Present	Present	Present	Present
Marianne Palefsky	Present	Present	Present	Present	Present	Present	Present		Present	Present	Present	Present	Present
Thomas Stanwood	NA	NA	NA	NA	Present	Present	Present		Present	Present	Present	Present	Present
Elidia Tafoya	NA	NA	NA	NA	Present	ABSENT	ABSENT		Present	ABSENT	ABSENT	Present	
Noria Zasslow	Present	Present	Present	Present	NA	NA	NA		NA	NA	NA	NA	NA

2014 COMMISSION ATTENDANCE REPORT

PLANNING Name	January 1/13/2014	January 1/27/2014	February 2/10/2014	February 2/24/2014	March 3/10/2014	March 3/24/2014	April 4/7/2014	April 4/21/2014	May 5/5/2014	May 5/19/2014	June 6/9/2014	June 6/23/2014
Vincent Bressler	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present
Andrew Combs	NA	NA	NA	NA	NA	NA	NA	NA	Present	Present	Present	Present
Ben Eiref	Present	Present	Present	Present	Present	Present	Present	ABSENT	Present	ABSENT	Present	Present
Katie Ferrick	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present
John Kadvany	Present	Present	Present	Present	Present	ABSENT	Present	Present	Present	Present	Present	Present
John Onken	Present	Present	Present	Present	Present	ABSENT	ABSENT	Present	Present	Present	Present	Present
Henry Riggs	Present	Present	ABSENT	ABSENT	Present	Present	Present	Present	NA	NA	NA	NA
Katherine Strehl	Present	Present	Present	Present	Present	Present	Present	Present	ABSENT	Present	Present	Present
PLANNING Name	July 7/7/2014	July 7/21/2014	August 8/4/2014	August 8/18/2014	September 9/8/2014	September 9/22/2014	October 10/6/2014	October 10/27/2014	November 11/3/2014	November 11/17/2014	December 12/8/2014	December 12/15/2014
Vincent Bressler	CANCELLED	ABSENT	Present	Present	Present	Present	Present	CANCELLED	Present	CANCELLED	Present	Present
Andrew Combs		Present	Present	Present	Present	Present	Present		Present			
Ben Eiref		Present	Present	Present	Present	Present	Present		Present			
Katie Ferrick		Present	Present	Present	Present	Present	Present		ABSENT			
John Kadvany		Present	Present	Present	Present	Present	Present		Present			
John Onken		Present	Present	Present	Present	Present	Present		Present			
Henry Riggs		NA	NA	NA	NA	NA	NA		NA			
Katherine Strehl		Present	Present	Present	Present	Present	Present		Present			

2014 COMMISSION ATTENDANCE REPORT

TRANSPORTATION Name	January 1/8/2014	February 2/12/2014	March 3/12/2014	April 4/9/2014	May 5/14/2014	June 6/11/2014	July 7/9/2014	August 8/13/2014	September 9/10/2014	October 10/8/2014	November 11/12/2014	December 12/10/2014	
Nathan Hodges	Present	ABSENT	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Penelope Huang	Present	ABSENT	Present	Present	Present	Present	Present	ABSENT	Present	CANCELLED	Present	ABSENT	
Adina Levin	Present	Present	Present	Present	Present	Present	Present	Present	Present		Present	Present	
Philip Mazzara	Present	Present	Present	Present	Present	Present	Present	Present	Present		Present	Present	
Michael Meyer	Present	Present	ABSENT	Present	Present	Present	ABSENT	Present	Present		Present	Present	
Maurice Shiu	Present	Present	Present	Present	ABSENT	Present	ABSENT	Present	Present		Present	ABSENT	Present
Bianca Walser	Present	Present	Present	Present	Present	ABSENT	Present	Present	Present		Present	Present	Present
Josh Wetzel	NA	NA	NA	NA	NA	Present	Present	ABSENT	Present		Present	ABSENT	ABSENT