



SPECIAL AND REGULAR MEETING AGENDA

Date: 7/18/2017
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:00 p.m. Closed Session (City Hall Administration Building, 1st floor conference room)

Public Comment on this item will be taken before adjourning to Closed Session.

- CL1.** Closed session pursuant to Government Code Section §54957.6 to confer with labor negotiators regarding current labor negotiations with Service Employees International Union (SEIU), American Federation of State, County and Municipal Employees (AFSCME) and the Menlo Park Police Sergeants' Association (PSA), the Menlo Park Police Officers' Association (POA)

Attendees: City Manager Alex McIntyre, Administrative Services Director Nick Pegueros, Human Resources Manager Lenka Diaz, City Attorney Bill McClure, Labor Counsel Charles Sakai, Human Resources Analyst II Dan Jacobson

7:00 p.m. Regular Session

A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. Report from Closed Session

E. Presentations and Proclamations

E1. Proclamation recognizing July as National Parks and Recreation Month

F. Public Comment

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

G. Commission/Committee Vacancies and Appointments

G1. Consider applicants and make appointments to fill two vacancies on the Housing Commission ([Staff Report# 17-162-CC](#))

H. Consent Calendar

- H1. Authorize the City Manager to enter into a railroad construction and maintenance agreement with the Peninsula Joint Powers Board for improvements at the Ravenswood Avenue at-grade crossing ([Staff Report# 17-155-CC](#))
- H2. Authorize the Public Works Director to accept the work performed by Stockbridge General Contracting, Inc. for the Nealon Park Booster Pump Project ([Staff Report# 17-152-CC](#))
- H3. Authorize the City Manager to amend the contract with Stoloski & Gonzalez, Inc. for the Water Main Replacement Project and increase the total project budget ([Staff Report# 17-151-CC](#))
- H4. Authorize the City Manager to amend the contract with Los Loza Landscaping for the Nealon Park Field Improvements Project and increase the total project budget ([Staff Report# 17-156-CC](#))
- H5. Authorize the Public Works Director to accept the work performed by Federal Solutions Group, Inc. for the City Hall Renovation Project ([Staff Report# 17-165-CC](#))
- H6. Approve a one year contract with Cardinal Rules for youth and adult sports officials for the 2017-18 fiscal year with optional renewal for two additional years for \$70,000 for the first year ([Staff Report# 17-154-CC](#))
- H7. Authorize the Mayor to sign letters of opposition consistent with the League of California Cities' stance to SB 649 (Hueso) ([Staff Report# 17-166-CC](#))
- H8. Authorize the Mayor to sign a letter of support to the California Energy Commission for creation of a renewable water heating model ordinance ([Staff Report# 17-168 -CC](#))
- H9. Adopt a resolution for a vision of 100 percent renewable energy powering the Menlo Park community by 2030 ([Staff Report# 17-167-CC](#))
- H10. Approve resolution of intention to amend CalPERS retirement contract ([Staff Report# 17-170-CC](#))
- H11. Authorize the Mayor, City Manager and staff to advocate for the support of SB 595 (Beall) for Transportation Funding ([Staff Report# 17-169-CC](#))

I. Public Hearing

- I1. Consider an appeal of the Planning Commission approval of use permit for a new residence at 445 Oak Court ([Staff Report# 17-157-CC](#))

J. Regular Business

- J1. Consideration of a philanthropic offer to assist with construction of a new main library building ([Staff Report# 17-173-CC](#))
- J2. Affirm a funding commitment to MidPen of up to \$6.7 million for an affordable housing development at 1317-1385 Willow Road ([Staff Report# 17-171-CC](#))
- J3. Consider a potential modification to the 2017 City Council Work Plan to evaluate improvements at the Middlefield Road/Linfield Drive-Santa Monica Avenue Intersection ([Staff Report# 17-160-CC](#))

- J4. Consider modifying the City Council Work Plan to include a ride-sharing credit pilot program ([Staff Report# 17-164-CC](#))

K. Informational Items

- K1. Update on the Bedwell Bayfront Park Master Plan Project ([Staff Report# 17-159-CC](#))
- K2. Belle Haven Child Development Center Self Evaluation Report for the Child Development Division of the California Department of Education for fiscal year 2016-17 ([Staff Report# 17-153-CC](#))
- K3. Hello Housing quarterly report ([Staff Report# 17-163-CC](#))
- K4. Update on proposed modification to the approved Development Agreement for Facebook Campus Expansion Project at 301-309 Constitution Drive ([Staff Report# 17-161-CC](#))
- K5. Update on application submittal for Willow Campus Master Plan ([Staff Report# 17-172-CC](#))

L. City Manager's Report

M. Councilmember Reports

- M1. Confirm voting delegate for the League of California Cities Annual Conference ([Attachment](#))

N. 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 www.menlopark.org and can receive e-mail notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 7/13/2017)

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

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

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.



STAFF REPORT

City Council
Meeting Date: 7/18/2017
Staff Report Number: 17-162-CC

Commission Reports **Consider applicants and make appointments to fill two vacancies on the Housing Commission**

Recommendation

Staff recommends making appointments to fill two seats on the Housing Commission.

Policy Issues

City Council Policy CC-01-004 establishes the policies, procedures, roles and responsibilities for the City's appointed commissions and committees, including the manner in which commissioners are selected.

Background

Two additional seats on the Housing Commission have become vacant due to expansion of the commission members from five to seven. The appointments will be for a four-year term expiring April 2021.

Applicants for consideration are:

- Karen Grove
- Camille Kennedy
- Sarah Speakman

Analysis

Pursuant to City Council Policy CC-01-0004, commission members must be residents of the City of Menlo Park and serve for designated terms of four years, or through the completion of an unexpired term or as otherwise designated. Residency for all applicants has been verified by the City Clerk's office. In addition, the Council's policy states that the selection/appointment process shall be conducted before the public at a regularly scheduled meeting of the City Council.

Nominations will be made and a vote will be called for each nomination. Applicants receiving the highest number of affirmative votes from a majority of the Councilmembers present shall be appointed.

Impact on City Resources

Staff support for commissions and funds for recruitment advertising are provided in the FY 2017-18 budget.

Public Notice

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

Attachments

Applications will be provided to the City Council under separate cover and are available for public viewing at the City Clerk's office.

Report Prepared by:
Jelena Harada, Deputy City Clerk



STAFF REPORT

City Council

Meeting Date:

7/18/2017

Staff Report Number:

17-155-CC

Consent Calendar:

Authorize the City Manager to enter into a railroad construction and maintenance agreement with the Peninsula Joint Powers Board for improvements at the Ravenswood Avenue at-grade crossing

Recommendation

Staff recommends that the City Council authorize the City Manager to enter into a railroad construction and maintenance agreement with the Peninsula Joint Powers Board (JPB) for improvements at the Ravenswood Avenue at-grade crossing (Project).

Policy Issues

This item is included in the Council's adopted 2017 Work Plan to support transit improvements and support improvements for Safe Routes to School.

Background

The JPB currently runs commuter rail service (Caltrain) along the peninsula. There are numerous at-grade crossings that include pedestrian gates. As part of their Pedestrian Gate Separation Project, JPB is constructing various improvements to separate the pedestrian gates from the roadway gates to comply with the latest California Public Utility Commission (CPUC) codes. Additionally, Caltrain is installing other safety improvements such as pavement markings and markers, guard railings and signage. The project includes the following five locations:

- Ravenswood Avenue, Menlo Park
- 4th Avenue, San Mateo
- Peninsula Avenue, Burlingame/San Mateo
- Broadway Avenue, Burlingame
- 16th Street, San Francisco

Caltrain has prepared design plans and is managing the construction. City staff has reviewed the design plans to provide input on improvements and for conformance with City standards. The scope of the improvements at Ravenswood Avenue include pavement markings and markers, guard railings and signs.

Analysis

Prior to beginning the project construction, Caltrain has requested the City enter into an agreement with the JPB to document expectations from Caltrain and for the City, to identify coordination items necessary for the project construction and to lay out maintenance responsibilities after the installation of the improvements. All

cities where work would be conducted as part of this project are requested to enter into a similar agreement. Construction is anticipated to start in August 2017 and is expected to be complete by May 1, 2018.

City staff and Greg Rubens, contract City attorney that supports the City on rail-related issues, have reviewed the agreement (Attachment A). The agreement outlines terms as summarized below:

- Maintenance responsibility of City for all items within City right-of-way such as pavement markings and signs,
- Caltrain will cover all construction costs for necessary project completion, including any unforeseen utility relocation work triggered by the project,
- Permitting, approvals and contract requirements are the responsibility of JPB, such as CEQA, all flagging and signal inspections, and any applicable City permits,
- Dispute resolution process.

Impact on City Resources

This project is anticipated to be completed with current staffing levels and no impacts on resources are anticipated.

Environmental Review

This Council action does not require environmental review under the California Environmental Quality Act (CEQA). JPB is the lead agency under CEQA and has obtained environmental clearance for the project.

Public Notice

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

Attachments

- A. Railroad Construction and Maintenance Agreement between the Peninsula Joint Powers Board and City of Menlo Park Relating to the Peninsula Corridor Electrification Project

Report prepared by:

Angela R. Obeso, Senior Transportation Engineer

Report reviewed by:

Nicole H. Nagaya, Assistant Public Works Director

RAILROAD CONSTRUCTION AND MAINTENANCE AGREEMENT

CALTRAIN GRADE CROSSING IMPROVEMENTS IN THE CITY OF MENLO PARK

This Railroad Construction and Maintenance Agreement (the “**Agreement**”) is entered into this _____ day of _____ 2017, by and between the Peninsula Corridor Joint Powers Board, a public agency (“**JPB**” or “**Railroad**”), and the City of Menlo Park, a municipal corporation (“**City**”).

RECITALS

A. City is a duly established municipal corporation organized and existing under the laws of the State of California. JPB is a public agency organized and existing under the laws of the State of California.

B. JPB is the owner of the railroad right-of-way, and specifically that certain real property, fixtures and facilities located in the City between Railroad Mile Posts 27.95 and 29.58 (the “**Right-of-Way**”). City owns and maintains certain streets and related improvements in the vicinity of the Right-of-Way.

C. City wishes to cooperate with Railroad in the design, construction and maintenance of improvements to the existing grade crossing in the City located at Ravenswood Ave (CPUC No. 105E-29.00; U.S. DOT No.754991G) (the “**Crossing**”). These safety improvements are specified in JPB Construction Contract 17-J-C-044 *Caltrain Grade Crossings Improvements* and all attachments, exhibits and addenda thereto (“**Construction Contract**”), and plans submitted to and approved by the California Public Utilities Commission under its General Order 88-B (the “**Project**”). The safety improvements include installation of new:

1. Pavement markings and markers;
2. Guard railings; and
3. Signage.

D. For purposes of this Agreement, the term “**Improvements**” shall include the Project as defined above and all ancillary work, including without limitation: changes to telecommunications, signal, and electrical lines and appurtenances thereto; relocation of all utilities and pipelines of any kind; construction of grading; drainage; and access roadways to the Right-of-Way; preliminary and design engineering; and all other work of every kind and character necessary to complete the Project.

E. The parties now desire to set forth herein their understandings and agreements relating to construction and maintenance of the Project and Improvements.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. **Costs.** JPB shall furnish, or cause to be furnished, at its sole cost and expense, all labor, materials, tools, and equipment needed to complete the Improvements, including all costs for the design, construction, construction management and indirect costs incurred. Provided, however, City shall bear its own costs related to the time that its staff or consultants spend on design review, inspections of Improvements in the City's right-of-way and coordination effort relevant to the Project. City shall waive all permit or other fees for this Project. City shall be responsible for the cost of any additional work, beyond the Improvements, requested by the City.

2. **Construction Standards/Design.** JPB shall design and construct the Project. The design and construction of the Improvements shall conform to JPB Standards of September 30, 2011 or the latest adopted standard at the time of design. The design and construction of Improvements in the City's right-of-way shall conform to the most recent applicable City standards and specifications. If no City or County standards and specifications exist for particular Improvement items, they shall be designed to applicable Caltrans standards; or, if no Caltrans standards apply, to such reasonable standards as JPB shall deem applicable with approval from the City. JPB shall consult with City and shall reasonably accommodate City comments and suggestions regarding changes that affect work in areas that City will be responsible to maintain. JPB shall have the right to make changes during construction subject to the terms of this Agreement.

3. **Schedule.** JPB plans to award the Construction Contract by May 1, 2017; the work is scheduled to be completed by May 1, 2018. It is acknowledged, however, that the Construction Contract contains provisions providing contractors with time extensions for excusable delays including those resulting from unanticipated site conditions.

4. **Real Property Conveyances.** No real property acquisitions are anticipated to be required from private parties for the construction of the Project or Improvements.

5. **City Improvements/Access to Right-of-Way.** For the purpose of maintaining and operating City-owned facilities located on the Right-of-Way, no later than 90 days following its final acceptance of the Project, Railroad shall grant to City a standard-form License, if such license is not already in place. The License Agreement shall contain provisions granting the City, its employees and contractors entry to the Right-of-Way, with adequate notification to JPB. The License Agreement shall require the City to follow JPB Roadway Worker Protection (RWP) and other safety protocols when working on the Right-of-Way and shall require JPB to provide annual RWP training to City public works and engineering personnel at no cost to the City.

6. **Utility Relocations.** The Project is being designed to avoid utility relocations. However, in the event that a utility relocation is found to be necessary, JPB shall be responsible, at its sole cost and expense, to locate all pipelines (including, without limitation,

high pressure petrol pipelines, gas and water pipelines), fiber optic lines and all other utilities of any nature (“Facilities”) on the Right-of-Way in the vicinity of the Project, which must be relocated. JPB shall be responsible for relocating or arranging for the relocation of all such Facilities that would interfere with construction or operation of the Project or Improvements. JPB shall contact and work with the owners of these Facilities to identify their exact location and arrange for relocation as needed. Nothing herein shall preclude JPB from seeking reimbursement from the owners or other third parties for costs of Facilities relocation. Unless otherwise prohibited by contract or law and if any such rights exist, JPB shall be assigned the rights to reimbursement of relocation costs from the party on whose property the utilities are located. However, JPB must request and be granted reimbursement of relocation costs prior to relocating the utilities in question. JPB shall not be entitled to reimbursement of relocation costs for Facilities owned by City. The parties to this Agreement shall work cooperatively to minimize the cost of utility relocations.

7. **Permitting, Approvals and Contract Requirements.**

a. **Environmental Review.** JPB is the lead agency under CEQA and has obtained environmental clearance for the Project. The Project qualifies as Categorical Exempt under Section 15301 of the CEQA Guidelines. JPB’s contractor will be subject to all applicable Storm Water Pollution Prevention Plan (SWPPP) requirements, under current standard best management practices, including control of run-off, dust, mud, and the like.

b. **Inspections and Reporting.** JPB or its contractor shall provide all flagging and signal inspection required in connection with construction of the Project and Improvements. JPB will allow City to inspect Improvements that will be maintained and operated by the City. JPB Resident Engineer and/or inspector shall coordinate with City on inspection schedule. The City Inspector or Engineer will provide JPB daily inspection forms after it has inspected any work. JPB will keep City informed of progress of construction and will coordinate public outreach with City. City will designate their point of contact for construction coordination. The City shall not direct the JPB contractor to perform any work for this project. JPB will consult with City on any changes to the contract plans that affect City maintained and operated facilities, or in areas where the City has had substantial input (including, but not limited to, traffic control plans and public outreach). JPB’s contractor shall be responsible to maintain proper traffic control at all times.

c. **City Permits and Approvals.** City confirms that it has the authority to issue and enforce encroachment permits in its right-of-way to construct items necessary to the Project and Improvements. Prior to construction, City will provide JPB with applications for encroachment permits and other permits necessary for the Project and Improvements. City agrees to issue encroachment permits to JPB or its contractors prior to construction. The encroachment permit will contain standard and special conditions including, but not limited to, specific work hours that are consistent with the Project Construction Contract and mutually agreed upon by the City and JPB. If required, City will issue a Haul Route Permit for routes along City streets between work areas and State highways as provided in its Municipal Code. State highway permits, as required, shall be from Caltrans. Upon completion and acceptance of the Project, JPB shall provide record drawings in a format acceptable to the City.

e. **Maintenance.** Upon completion of construction, the parties shall be responsible to maintain the following Improvements:

(i) City shall maintain at its expense and be responsible for: pavement markings outside the crossing gate arms and stop bars; street curbs; traffic signals, conduits, conductors, traffic signal cabinet, loops as well as all associated traffic signal related infrastructure; gutters; medians; sidewalks within its easement area; as well as guardrails/handrails; fencing on City property; signage; and tactile warning tiles ("**City Improvements**").

(ii) Railroad shall maintain at its expense and be responsible for: the crossings, including but not limited to all track, grade crossing panels, pavement between the panels, railroad signals, crossing gates and fencing on Railroad property; pedestrian grade crossings, including gates, emergency exit gates, and signalized crossing arms; and pavement markings inside the crossing arms including the stop bar ("**JPB Improvements**").

f. **Indemnity.** The following indemnity provisions shall be applicable and binding upon the parties only for incidents occurring prior to the notice of completion being filed. Once the notice of completion for this Project is filed or the Project is completed (as defined in the Public Contract Code), the indemnity provisions set forth below shall terminate.

g. **City Indemnity.** City shall fully release, indemnify, hold harmless and defend the JPB, its member agencies (the San Mateo County Transit District, the City and County of San Francisco, and the Santa Clara Valley Transportation Authority), TransitAmerica Service Inc. ("**TASI**"), Union Pacific Railroad Company, and/or their respective officers, directors, employees, contractors and agents (collectively, "**JPB Indemnitees**") from and against all liability, claims, suits, sanctions, costs or expenses for injuries to or death of any person (including, but not limited to, the passengers, employees and contractors of Railroad), and damage to or loss of property arising out of or resulting from any negligent act or omission by City, its agents, employees, contractors or subcontractors in the maintenance of the City Improvements or in the performance of any other obligation in this Agreement. City's obligation to defend shall include the payment of all reasonable attorneys fees and all other costs and expenses of suit. If any judgment is rendered against any JPB Indemnitee, City shall, at its expense, satisfy and discharge the same, so long as said claim has been timely tendered to the City without prejudice to City's rights and/or abilities to undertake a defense of said claim.

h. **JPB Indemnity.** JPB shall fully release, indemnify, hold harmless and defend the City, including their respective officers, directors, employees, contractors and agents (collectively, "**City Indemnitees**") from and against all liability, claims, suits, sanctions, costs or expenses for injuries to or death of any person (including, but not limited to, passengers, employees and contractors of City) and damage to or loss of property arising out of or resulting from any negligent act or omission by the JPB, its agents, employees, contractors or subcontractors in the maintenance of the JPB Improvements or in the performance of its obligations or any other obligation under this Agreement. JPB's obligation to defend shall include the payment of all reasonable attorneys fees and all other costs and expenses of suit. If any judgment is rendered against City Indemnitees, or any one of them, JPB shall, at its expense,

satisfy and discharge the same, so long as said claim has been timely tendered to the JPB without prejudice to JPB's rights and/or abilities to undertake a defense of said claim.

i. **Severability.** It is the intention of the parties that should any term of this Agreement be found to be void or unenforceable for any reason, the remainder of the provision shall remain in full force and effect.

8. **Control of Alcohol and Drug Use.** JPB shall ensure contractor compliance with the provisions of the Code of Federal Regulations, Title 49 (Transportation), Part 219 (49 CFR Part 219).

9. **Insurance.** JPB will require its contractors to provide insurance in the amount specified in the contract documents and will require its contractors to name City and JPB as additional insured's. Such endorsements must provide that the insurance required to be furnished by JPB and its contractors will be primary as regards the City, and that the City's insurance will be in excess of and not contribute to the insurance required to be furnished by JPB and/or its contractors; that the City will receive 30 day written notice of any reduction or cancellation or alteration of coverage of such insurance required to be furnished by JPB and/or its contractors; and include a severability of interest clause acceptable to the City.

10. **Performance and Payment Bond.** JPB will require its contractors to provide performance and payment bonds in the full amount of the contract, including Improvements in the City's right-of-way, and will require a one-year warranty period after Project acceptance. City agrees to not require additional bonds of JPB's contractors if JPB is the permittee. The bonds shall be maintained in full force and effect during the entire period of Project construction, until such work is accepted. With respect to City-owned facilities, Railroad shall not accept the work related to such facilities for purposes of this section until it has received notice from City that such work is acceptable.

11. **Dispute Resolution.** Prior to commencement of any formal litigation arising out of this Agreement, the parties shall submit the matters in dispute to a neutral mediator jointly selected by the parties. The costs of said mediator shall be borne evenly by the parties involved in said dispute. To the extent the disputes remain outstanding following completion of mediation, any claim, controversy, action or proceeding arising out of or relating to this Agreement or to any document, instrument or exhibit executed pursuant to this Agreement shall be tried by a judge pro tem appointed pursuant to Article VI, Section 21 of the California Constitution and Rule 2.830, *et seq.* of the California Rules of Court. Said judge is to be selected by counsel for the parties from a list of retired judges furnished by the Presiding Judge of the Superior Court of the County of San Mateo. If counsel is unable to select a judge pro tem, the judge will be selected by the Presiding Judge from the list provided.

a. Each party shall pay its pro rata share of the fee for the judge pro tem. Each party shall bear its own fees and expenses in such proceedings and the prevailing party shall not be entitled to reimbursement from the losing party for any such fees or expenses.

b. The judge pro tem shall have the authority to try and decide any or all of the issues in the claim, controversy, action or proceeding, whether of fact or of law, and to report

a statement of decision thereon. In any proceedings before the judge pro tem, the issues are to be determined under the statutory and decisional law of the State of California. All local and California Rules of Court shall be applicable to any proceeding before the judge pro tem. All proceedings shall be conducted on consecutive dates without postponement or adjournments.

12. **Notices.** All notices, payments, requests, demands and other communications to be made or given under this Agreement shall be in writing and shall be deemed to have been duly given on the date of service if served personally or on the second day after mailing if mailed to the party to whom notice is to be given by first class mail, registered or certified, postage prepaid and properly addressed as follows:

CITY: City of Menlo Park
701 Laurel St
Menlo Park, CA 94025
Attn: Nicole Nagaya
Transportation Division

JPB: Peninsula Corridor Joint Powers Board
1250 San Carlos Avenue
San Carlos, CA 94070
Attn: Executive Director

13. **Governing Law.** This Agreement shall be interpreted, construed and enforced in accordance with the laws of the State of California as applied to contracts that are made and performed entirely in California.

14. **Successors.** This Agreement shall be binding upon and shall inure to the benefit of the respective successors and assigns of the parties hereto.

15. **No Third Party Beneficiaries:** Nothing herein shall be considered as creating any rights and/or obligations by any of the parties to this Agreement to any third parties. Specifically, none of the duties to inspect or maintain shall in any way be construed as creating or expanding any additional obligations to any third party beyond those required and established under the applicable statutes, regulations, ordinances or law.

16. **Amendments.** This Agreement may be amended only in a writing that is executed by all the parties hereto.

17. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties with respect to its subject matter and supersedes any prior or contemporaneous oral or written understandings on the same subject. The parties intend this Agreement to be an integrated agreement.

18. **Counterparts.** This Agreement may be executed in counterparts or counterpart signature pages, each of which shall be deemed an original but all of which together shall constitute a single Agreement.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date first written above with the intent to be intentionally bound.

PENINSULA CORRIDOR JOINT POWERS BOARD

By: _____
Jim Harnett
Executive Director

Attest:

By: _____
Martha Martinez
JPB Secretary

Approved as to Form:

Attorney for the JPB

CITY OF MENLO PARK

By: _____
Alex McIntyre
City Manager

Approved as to Form:

City Attorney

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**STAFF REPORT****City Council****Meeting Date:****7/18/2017****Staff Report Number:****17-152-CC****Consent Calendar:****Authorize the Public Works Director to accept the work performed by Stockbridge General Contracting, Inc. for the Nealon Park Booster Pump Project****Recommendation**

Staff recommends that the City Council authorize the Public Works Director to accept the work performed by Stockbridge General Contracting, Inc. for the Nealon Park Booster Pump Project.

Policy Issues

Acceptance of the City Council of the completion of the work begins the one-year construction warranty period.

The current practice is to authorize the Public Works Director to accept construction projects on a project-by-project basis. As a policy matter, the Council could consider authorizing the Public Works Director to accept all projects or projects under a certain dollar amount or projects of certain types. Staff intends to present the Council with options to consider in the coming months in an attempt to streamline the acceptance process.

Background

On April 18, 2017, the City Council awarded a contract to Stockbridge General Contracting, Inc. in the amount of \$73,540 and authorized a contingency of \$11,000 for the Nealon Park Booster Pump Project (Project). The Project consists of the installation of a 3.0 horsepower booster pump at Nealon Park to increase the water pressure of the irrigation system to adequately water the ball field.

Analysis

The work for the Project has been completed in accordance with the plans and specifications. A notice of completion will be filed with San Mateo County accordingly. The contract was completed within the approved construction budget.

Contractor: Stockbridge General Contracting, Inc.
2972 Larkin Ave.
Clovis, CA 93612

Impact on City Resources

Acceptance of the work has no impact on the City's resources.

Construction Contract Award	
Construction contract	\$73,540
Contingency	\$11,000
Total Construction Contract	\$84,540

Construction Expenditures	
Construction contract	\$73,540
Change Orders	\$0
Final Construction Contract	\$73,540

Environmental Review

The Project is categorically exempt under Class 1 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 the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

None

Report prepared by:

Rene A. Punsalan, Associate Civil Engineer

Report reviewed by:

Michael Zimmermann, Senior Civil Engineer

STAFF REPORT



City Council

Meeting Date: 7/18/2017

Staff Report Number: 17-151-CC

Consent Calendar:

Authorize the City Manager to amend the contract with Stoloski & Gonzalez, Inc. for the Water Main Replacement Project and increase the total project budget

Recommendation

Staff recommends that the City Council authorize the City Manager to amend the contract with Stoloski & Gonzalez, Inc. for the Water Main Replacement Project (Project) and increase the total budget by \$215,000 from \$1,400,000 to \$1,615,000.

Policy Issues

As a water purveyor, the goal of the Menlo Park Municipal Water (MPMW) is to provide customers with safe, high-quality drinking water at all times and to comply with drinking water regulations. Compliance with regulatory standards requires that the operation of the distribution system be managed accordingly to State regulations. By amending the existing contract, MPMW would continue to ensure that the system is designed, constructed and operated safely while meeting all regulatory standards.

Background

On May 2, 2017, the City Council approved a construction contract with Stoloski & Gonzalez, Inc. in the amount of \$1,163,370 and a total project budget, inclusive of a 15% contingency and management and inspection services, of \$1,400,000 for the Project. The Project involves the installation of approximately 3,700 feet of new water main and customer water services at Warner Range Avenue, which is located in the west side of the City near La Entrada Middle School, and at Independence Drive, located in the Bayfront area.

Both of these locations have other active and future construction projects that have required extensive coordination with the Project. La Entrada Middle School began construction of a new two story classroom building and will be conducting extensive sitework. On Independence Drive, the Bohannon Development Company has been in the process of constructing the Menlo Gateway Project, which includes a hotel and office buildings.

Due to the activity at both of these locations, the Project required an accelerated design schedule aimed at a construction timeframe that would work with the summer break for La Entrada Middle School and the construction work associated with the Menlo Gateway Project on Independence Drive. In addition, the City has awarded a Street Resurfacing Project that includes resurfacing of Independence Drive as well as Warner Range. The schedule for the resurfacing work will depend on the completion of the installation of the water mains at both locations. Overall, the goal of the Project was to install the new water mains prior to the construction of the Menlo Gateway Project street improvements in order to minimize the potential

impacts to Menlo Gateway tenants occupying the buildings, to complete the construction at Warner Range prior to the beginning of the school year, and to meet the Street Resurfacing Project schedule at both locations.

Analysis

Staff has faced several challenges in the design of the water main Project that have resulted in additional construction costs. These challenges include the following: 1) accelerated schedules, 2) changes to the Project’s scope of work which involved extending the water main from Independence Drive to Bayfront Expressway that further accelerated the schedule, 3) complexity associated with the coordination of the Menlo Gateway Project street improvements which led to additional street resurfacing work as part of the Project, and 4) implementation of mitigation measures into the design as required by the State Water Board to address issues where utility clearances could not be met. In addition, unexpected field conditions and utility conflicts have required changes to the design and are increasing construction costs.

To perform the work needed to address the problems, staff is requesting amending the contract with Stoloski & Gonzalez, Inc. by \$165,000. In addition, due to limited staff available for construction inspection, staff anticipates utilizing Swinterton Management Consultants, who have a master agreement with the City, to fulfill inspection services. Staff estimates that an additional \$50,000 will be needed to fully cover the construction management and inspection services for this Project.

Impact on City Resources

There are sufficient funds in the Water Main Replacement Project budget to cover the increased costs associated with the Project changes. The revised budget for the Project consists of the following:

Cost Category	Amount
Construction contract	\$1,163,370
Contingency (15%)	\$ 174,500
Management & Inspection	\$ 62,130
Total Construction Budget	\$ 1,400,000
Additional Construction Costs	\$ 165,000
Additional Management & Inspection	\$ 50,000
Revised Total Construction Budget	\$ 1,615,000

Environmental Review

The project is categorically exempt under Class 2 of the current State of California Environmental Quality Act guidelines, which allows replacement or reconstruction of existing facilities.

Public Notice

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

Attachments

A. None

Report prepared by:

Sally Salman, Assistant Engineer

Pam Lowe, Senior Civil Engineer

Report reviewed by:

Azalea Mitch, City Engineer

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STAFF REPORT

City Council

Meeting Date:

7/18/2017

Staff Report Number:

17-156-CC

Consent Calendar:

Authorize the City Manager to amend the contract with Los Loza Landscaping for the Nealon Park Field Improvements Project and increase the total project budget

Recommendation

Staff recommends that the City Council authorize the City Manager to amend the contract with Los Loza Landscaping, Inc. for the Nealon Park Field Improvements Project (Project) and increase the total budget by \$44,000 from \$211,470 to \$255,470.

Policy Issues

The Project is consistent with the City Council's goal of maintaining and enhancing the City's municipal infrastructure and facilities and is included in the City Council's 2017 Work Plan (No. 30).

Background

On May 2, 2017, the City Council approved a construction contract with Los Lozas Landscaping in the amount of \$169,970 and a total construction budget, inclusive of a 15% contingency and management and inspection services of \$211,470 for the Project. This Project involves replacing the irrigation system so that the sports field is irrigated more uniformly and replacing the turf with a stronger, more resilient and drought tolerant variety. The existing natural turf outfield will be removed, the irrigation system will be demolished, the soil will be amended and re-graded, and a new irrigation system will be installed, followed by the installation of approximately 45,000 square feet of new sod turf.

This Project started in June 2017 with the closure of the ballfield to sports users, dog owners and their pets. This Project is being coordinated into the 2017 Sports Field Closure Schedule. The construction period is expected to extend for approximately four months during which the field will be closed to both ballfield and dog park users. To accommodate dog owners during the closure, City Staff created a "temporary" dog park to the area east of the field next to Little House in coordination with the Parks and Recreation Commission and the Peninsula Volunteers. Upon the completion of the field improvements project, the dog park will reopen on the ballfield with same hours that currently exist, which are Monday through Friday from 8 a.m. to 10 a.m.

Analysis

The Project is currently focused on improving the outfield by replacing the turf and the irrigation system. Subsequent to the award of contract, Staff identified several opportunities to further improve the ballpark, which focus on improvements to the infield that would address drainage problems. The potential improvements include the following:

- Re-grading of the infield and warning tracks;
- Installation of concrete curbs to divert rainwater from entering the field and an additional catch basin along the third base line to improve drainage; and
- Installation of concrete floors in both dugouts.

The addition of the infield enhancements to the scope of work under the existing contract provides an opportunity for the implementation of comprehensive improvements to the Nealon Park sports field. Specifically, amending the contract now providing the following benefits:

- Since there is a contractor currently on-site, they could perform the additional scope in an expeditious manner without impacting the project schedule or requiring an additional field closure at a later date;
- The contractor has the ability to perform the added scope of work; and
- The additional cost is reasonable for the added scope of work.

It should be noted that the additional scope of work identified to further enhance the ballfield would be “optional”. Staff could proceed with this work at a later date through the development of a new contract. However, performing the work at a later time would require additional staff time to prepare the bid documents and would potentially require an additional field closure of approximately 15 working days.

Impact on City Resources

This Project was approved in the FY 2015-16 Capital Budget in the amount of \$250,000. The increased costs associated with the Project would be funded from the previously adopted Parks Minor Project. The revised construction budget for the Project consists of following:

Cost Category	Amount
Construction contract	\$169,970
Contingency (15%)	\$25,500
Management & Inspection	\$16,000
Total Construction	\$211,470
Additional Construction Costs	\$40,610.11
Additional Management & Inspection	\$3,389.89
Revised Total Construction Budget	\$255,470

Environmental Review

The project is categorically exempt under Class 1 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 the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

None

Report prepared by:
Michael Zimmermann, Senior Civil Engineer

Reviewed by:
Azalea Mitch, City Engineer

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STAFF REPORT

City Council

Meeting Date:

7/18/2017

Staff Report Number:

17-165-CC

Consent Calendar:

Authorize the Public Works Director to accept the work performed by Federal Solutions Group, Inc. for the City Hall Renovation Project

Recommendation

Staff recommends that the City Council authorize the Public Works Director to accept the work performed by Federal Solutions Group, Inc. for the City Hall Renovation Project.

Policy Issues

Acceptance of the City Council of the completion of the work begins the one-year construction warranty period and starts the time for filing claims for non-payment by subcontractors and suppliers.

Background

On July 5, 2016, the City Manager authorized the award of a contract to Federal Solutions Group, Inc. in the amount of \$815,000 with a construction budget of \$937,250 for the City Hall Renovation Project (Project). The Project consisted of improving and modernizing the work space for employees, the relocation of work flow functions to facilitate improved communication, and implementation of space efficiencies for better serving the public. Specifically, the work included ventilation and electrical improvements, construction of additional office space and conference rooms and the replacement of existing cubicle workstations with new sit-stand desks.

Analysis

The work for the Project has been completed in accordance with the plans and specifications. A notice of completion will be filed with San Mateo County accordingly. Federal Solutions Group, Inc. completed 5 of 6 phases of the Project. The City determined that it was in the best interest of the Project to self-perform Phase 6 and delete this work from the contract. Phase 6 work was removed from the contract by Change Order. Staff will be negotiating a settlement agreement with Federal Solutions Group, Inc. for final payment through Phase 5 to include resolution of claims regarding delays by the Contractor, change orders and a credit for removal of Phase 6 work. The contract was completed within the approved construction budget.

Contractor:

Federal Solutions Group, Inc.
2440 Camino Ramon, Suite 343
San Ramon, CA 94583

Impact on City Resources

Acceptance of the work has no impact on the City's resources.

Construction Contract Budget	
Construction Contract	\$815,000
Contingency	\$122,250
Total Construction Budget	\$937,250

Construction Expenditures	
Construction Contract	\$815,000
Change Orders	\$(9,376)
Pending Change Orders*	\$(27,800)
Liquidated Damages	\$(22,000)
Total Construction Expenditure*	\$755,824

*Note: Exact amount to be determined through the Settlement Agreement. Phase 6 final costs will still be within the available budget.

Environmental Review

The Project is categorically exempt under Class 1 of the current California Environmental Quality Act Guidelines, which allows for minor alterations to existing facilities.

Public Notice

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

Attachments

A. None

Report prepared by:
Michael Zimmermann, Senior Civil Engineer

Report reviewed by:
Azalea Mitch, City Engineer



STAFF REPORT

City Council
Meeting Date: 7/18/2017
Staff Report Number: 17-154-CC

Consent Calendar: **Approve a one year contract with Cardinal Rules for youth and adult sports officials for the 2017-2018 fiscal year with optional renewal for two additional years for \$70,000 for the first year**

Recommendation

Staff recommends that the Council authorize the City Manager to enter into a contract with Cardinal Rules in an amount not to exceed \$70,000 for youth and adult sports officials for FY 2017-18. The contract includes options to renew for FY 2018-19 for \$72,000 and \$73,000 for 2019-2020.

Policy Issues

Contracting with an outside provider for youth and adult sports officials is consistent with existing Council policies and goals to provide the community with highest quality services for the best value.

Background

Cardinal Rules has provided the City of Menlo Park with sports officials since 2007 and remains the only local, trained and certified sports officials available in the area. Their contract officials are highly respected for their fairness, professionalism and knowledge of youth sports rules and regulations.

Analysis

The scope of work performed by Cardinal Rules includes youth volleyball, youth basketball and adult basketball officiating. Staff recommends the continuation of this scope of work through the coming fiscal year as approved in the 2017-18 City Budget.

Impact on City Resources

The cost of the Cardinal Rules officiating contract is \$70000.00 for the first year. There is sufficient funding allocated in the approved budget to cover the current scope of work for the Cardinal Rules contract. Staff have also requested pricing for 2018-19 and 2019 – 20 fiscal years.

Environmental Review

Youth and Adult Sports programs are not a project under CEQA.

Public Notice

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

Attachments

A. Youth Sports Officials Contract and Exhibits

Report prepared by:
Jarrod Harden, Recreation Coordinator

PROFESSIONAL SERVICES AGREEMENT

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



Contract #:
AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND Cardinal Rules
THIS AGREEMENT made and entered into at Menlo Park, California, this 31st day of May, 2017, by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY", and Cardinal Rules, hereinafter referred to as "FIRST PARTY."
<p>WITNESSETH:</p> <p>WHEREAS, CITY desires to retain FIRST PARTY to provide certain professional services for CITY in connection with that certain project called: Youth and adult sports officials</p> <p>WHEREAS, FIRST PARTY is licensed to perform said services and desires to and does hereby undertake to perform said services.</p> <p>NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND CONDITIONS of each of the parties hereto, it is hereby agreed as follows:</p>
1. SCOPE OF WORK
In consideration of the payment by CITY to FIRST PARTY, as hereinafter provided, FIRST PARTY agrees to perform all the services as set forth in Exhibit "A", Scope of Services.
2. SCHEDULE FOR WORK
<p>FIRST PARTY's proposed schedule for the various services required pursuant to this agreement will be as set forth in Exhibit "A", Scope of Services. CITY will be kept informed as to the progress of work by written reports, to be submitted monthly or as otherwise required in Exhibit "A". Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents or other events beyond the control of the other, or the other's employees and agents.</p> <p>FIRST PARTY shall commence work immediately upon receipt of a "Notice to Proceed" from CITY. The "Notice to Proceed" date shall be considered the "effective date" of the Agreement, as used herein, except as otherwise specifically defined. FIRST PARTY shall complete all the work and deliver to CITY all project related files, records, and materials within one month after completion of all of FIRST PARTY's activities required under this Agreement.</p>
3. PROSECUTION OF WORK
FIRST PARTY will employ a sufficient staff to prosecute the work diligently and continuously and will complete the work in accordance with the schedule of work approved by the CITY. (See Exhibit "A", Scope of Services).

4. COMPENSATION AND PAYMENT

- A. CITY shall pay FIRST PARTY an all-inclusive fee that shall not exceed \$70,000.00 based on number of teams registered and participating in each league as described in Exhibit "A", Scope of Services. This compensation shall be based on the rates described in Exhibit "A". All payments, including fixed hourly rates, shall be inclusive of all indirect and direct charges to the Project incurred by FIRST PARTY. The CITY reserves the right to withhold payment if the City determines that the quantity or quality of the work performed is unacceptable.
- B. FIRST PARTY's fee for the services as set forth herein shall be considered as full compensation for all indirect and direct personnel, materials, supplies and equipment, and services incurred by FIRST PARTY and used in carrying out or completing the work.
- C. Payments shall be monthly for the invoice amount or such other amount as approved by CITY. As each payment is due, a statement describing the services performed shall be submitted to CITY by the FIRST PARTY. This statement shall include, at a minimum, the project title, Agreement Number, the title(s) of personnel performing work, hours spent, payment rate, and a listing of all reimbursable costs. CITY shall have the discretion to approve the invoice and the work completed statement. Payment shall be for the invoice amount or such other amount as approved by CITY.
- D. Payments are due upon receipt of written invoices. CITY shall have the right to receive, upon request, documentation substantiating charges billed to CITY. CITY shall have the right to perform an audit of the FIRST PARTY's relevant records pertaining to the charges.

5. EQUAL EMPLOYMENT OPPORTUNITY

- A. FIRST PARTY, with regard to the work performed by it under this Agreement shall not discriminate on the grounds of race, religion, color, national origin, sex, handicap marital status or age in the retention of sub-consultants, including procurement of materials and leases of equipment.
- B. FIRST PARTY shall take affirmative action to insure that employees and applicants for employment, are treated without regard to their race, color, religion, sex, national origin, marital status or handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training including apprenticeship.
- C. FIRST PARTY shall post in prominent places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- D. FIRST PARTY shall state that all qualified applications will receive consideration for employment without regard to race, color, religion, sex, national origin, marital status or handicap.
- E. FIRST PARTY shall comply with Title VI of the Civil Rights Act of 1964 and shall provide such reports as may be required to carry out the intent of this section.
- F. FIRST PARTY shall incorporate the foregoing requirements of this section in FIRST PARTY's agreement with all sub-consultants.

6. ASSIGNMENT OF AGREEMENT AND TRANSFER OF INTEREST

- A. FIRST PARTY shall not assign this Agreement, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the CITY thereto, provided, however, that claims for money due or to become due to the FIRST PARTY from the CITY under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of an intended assignment or transfer shall be furnished promptly to the CITY.
- B. In the event there is a change of more than 30% of the stock ownership or ownership in FIRST PARTY from the date of this Agreement is executed, then CITY shall be notified prior to the date of said change of stock ownership or interest and CITY shall have the right, in event of such change in stock ownership or interest, to terminate this Agreement upon notice to FIRST PARTY. In the event CITY is not notified of any such change in stock ownership or interest, then upon knowledge of same, it shall be deemed that CITY has terminated this Agreement.

7. INDEPENDENT WORK CONTROL

It is expressly agreed that in the performance of the service necessary for compliance with this Agreement, FIRST PARTY shall be and is an independent contractor and is not an agent or employee of CITY. FIRST PARTY has and shall retain the right to exercise full control and supervision of the services and full control over the employment, direction, compensation and discharge of all persons assisting FIRST PARTY in the performance of FIRST PARTY's services hereunder. FIRST PARTY shall be solely responsible for its own acts and those of its subordinates and employees.

8. CONSULTANT QUALIFICATIONS

It is expressly understood that FIRST PARTY is licensed and skilled in the professional calling necessary to perform the work agreed to be done by it under this Agreement and CITY relies upon the skill of FIRST PARTY to do and perform said work in a skillful manner usual to the profession. The acceptance of FIRST PARTY's work by CITY does not operate as a release of FIRST PARTY from said understanding.

9. NOTICES

All notices hereby required under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid or by overnight courier service. Notices required to be given to CITY shall be addressed as follows:

Cherise Brandell
CSD
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025
650-330-6618

Email

Notices required to be given to FIRST PARTY shall be addressed as follows:

Michael Adam
Cardinal Rules
PO BOX 117643
Burlingame, CA 94011
650-270-6453

cardinalrules@msn.com

Provided that any party may change such address by notice, in writing, to the other party and thereafter notices shall be addressed and transmitted to the new address.

10. HOLD HARMLESS

The FIRST PARTY shall defend, indemnify and hold harmless the CITY, its subsidiary agencies, their officers, agents, employees and servants from all claims, suits or actions that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the FIRST PARTY brought for, or on account of, injuries to or death of any person or damage to property resulting from the performance of any work required by this Agreement by FIRST PARTY, its officers, agents, employees and servants. Nothing herein shall be construed to require the FIRST PARTY to defend, indemnify or hold harmless the CITY, its subsidiary agencies, their officers, agents, employees and servants against any responsibility to liability in contravention of Section 2782.8 of the California Civil Code.

11. INSURANCE

- A. FIRST PARTY shall not commence work under this Agreement until all insurance required under this Section has been obtained and such insurance has been approved by the City, with certificates of insurance evidencing the required coverage.
- B. There shall be a contractual liability endorsement extending the FIRST PARTY's coverage to include the contractual liability assumed by the FIRST PARTY pursuant to this Agreement. These certificates shall specify or be endorsed to provide that thirty (30) days' notice must be given, in writing, to the CITY, at the address shown in Section 9, of any pending cancellation of the policy. FIRST PARTY shall notify CITY of any pending change to the policy. All certificates shall be filed with the City.
1. Worker's Compensation and Employer's Liability Insurance:
The FIRST PARTY shall have in effect during the entire life of this Agreement Worker's Compensation and Employer's Liability Insurance providing full statutory coverage. In signing this Agreement, the FIRST PARTY makes the following certification, required by Section 18161 of the California Labor Code: "I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of this Agreement" (not required if the FIRST PARTY is a Sole Proprietor).
 2. Liability Insurance:
The FIRST PARTY shall take out and maintain during the life of this Agreement such Bodily Injury Liability and Property Damage Liability Insurance (Commercial General Liability Insurance) on an occurrence basis as shall protect it while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as claims for property damage which may arise from the FIRST PARTY's operations under this Agreement, whether such operations be by FIRST PARTY or by any sub-consultant or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall be not less than One Million Dollars (\$1,000,000) per occurrence and One Million Dollars (\$1,000,000) in aggregate, or One Million Dollars (\$1,000,000) combined single limit bodily injury and property damage for each occurrence. FIRST PARTY shall provide the CITY with acceptable evidence of coverage, including a copy of all declarations of coverage exclusions. FIRST PARTY shall maintain Automobile Liability Insurance pursuant to this Agreement in an amount of not less than One Million Dollars (\$1,000,000) for each accident combined single limit or not less than One Million Dollars (\$1,000,000) for any one (1) person, and One Million Dollars (\$1,000,000) for any one (1) accident, and Three Hundred Thousand Dollars, (\$300,000) property damage.
 3. Professional Liability Insurance:
FIRST PARTY shall maintain a policy of professional liability insurance, protecting it against claims arising out of the negligent acts, errors, or omissions of FIRST PARTY pursuant to this Agreement, in the amount of not less than One Million Dollars (\$1,000,000) per claim and in the aggregate. Said professional liability insurance is to be kept in force for not less than one (1) year after completion of services described herein.
- C. CITY and its subsidiary agencies, and their officers, agents, employees and servants shall be named as additional insured on any such policies of Commercial General Liability and Automobile Liability Insurance, (but not for the Professional Liability and Worker's Compensation), which shall also contain a provision that the insurance afforded thereby to the CITY, its subsidiary agencies, and their officers, agents, employees, and servants shall be primary insurance to the full limits of liability of the policy, and that if the CITY, its subsidiary agencies and their officers and employees have other insurance against a loss covered by a policy, such other insurance shall be excess insurance only.
- D. In the event of the breach of any provision of this Section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, CITY, at its option, may, notwithstanding any other provision of this Agreement to the contrary, immediately declare a material breach of this Agreement and suspend all further work pursuant to this Agreement.
- E. Prior to the execution of this Agreement, any deductibles or self-insured retentions must be declared to and approved by CITY.

12. PAYMENT OF PERMITS/LICENSES

Contractor shall obtain any license, permit, or approval if necessary from any agency whatsoever for the work/services to be performed, at his/her own expense, prior to commencement of said work/services or forfeit any right to compensation under this Agreement.

13. RESPONSIBILITY AND LIABILITY FOR SUB-CONSULTANTS AND/OR SUBCONTRACTORS

Approval of or by CITY shall not constitute nor be deemed a release of responsibility and liability of FIRST PARTY or its sub-consultants and/or subcontractors for the accuracy and competency of the designs, working drawings, specifications or other documents and work, nor shall its approval be deemed to be an assumption of such responsibility by CITY for any defect in the designs, working drawings, specifications or other documents prepared by FIRST PARTY or its sub-consultants and/or subcontractors.

14. OWNERSHIP OF WORK PRODUCT

Work products of FIRST PARTY for this project, which are delivered under this Agreement or which are developed, produced and paid for under this Agreement, shall become the property of CITY. The reuse of FIRST PARTY's work products by City for purposes other than intended by this Agreement shall be at no risk to FIRST PARTY.

15. REPRESENTATION OF WORK

Any and all representations of FIRST PARTY, in connection with the work performed or the information supplied, shall not apply to any other project or site, except the project described in Exhibit "A" or as otherwise specified in Exhibit "A".

16. TERMINATION OF AGREEMENT

- A. CITY may give thirty (30) days written notice to FIRST PARTY, terminating this Agreement in whole or in part at any time, either for CITY's convenience or because of the failure of FIRST PARTY to fulfill its contractual obligations or because of FIRST PARTY's change of its assigned personnel on the project without prior CITY approval. Upon receipt of such notice, FIRST PARTY shall:
1. Immediately discontinue all services affected (unless the notice directs otherwise); and
 2. Deliver to the CITY all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated or produced by FIRST PARTY in performing work under this Agreement, whether completed or in process.
- B. If termination is for the convenience of CITY, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.
- C. If the termination is due to the failure of FIRST PARTY to fulfill its Agreement, CITY may take over the work and prosecute the same to completion by agreement or otherwise. In such case, FIRST PARTY shall be liable to CITY for any reasonable additional cost occasioned to the CITY thereby.
- D. If, after notice of termination for failure to fulfill Agreement obligations, it is determined that FIRST PARTY had not so failed, the termination shall be deemed to have been effected for the convenience of the CITY. In such event, adjustment in the contract price shall be made as provided in Paragraph B of this Section.
- E. The rights and remedies of the CITY provided in this Section are in addition to any other rights and remedies provided by law or under this Agreement.
- F. Subject to the foregoing provisions, the CITY shall pay FIRST PARTY for services performed and expenses incurred through the termination date.

17. INSPECTION OF WORK

It is FIRST PARTY's obligation to make the work product available for CITY's inspections and periodic reviews upon request by CITY.

18. COMPLIANCE WITH LAWS

It shall be the responsibility of FIRST PARTY to comply with all State and Federal Laws applicable to the work and services provided pursuant to this Agreement, including but not limited to compliance with prevailing wage laws, if applicable.

19. BREACH OF AGREEMENT

- A. This Agreement is governed by applicable federal and state statutes and regulations. Any material deviation by FIRST PARTY for any reason from the requirements thereof, or from any other provision of this Agreement, shall constitute a breach of this Agreement and may be cause for termination at the election of the CITY.
- B. The CITY reserves the right to waive any and all breaches of this Agreement, and any such waiver shall not be deemed a waiver of any previous or subsequent breaches. In the event the CITY chooses to waive a particular breach of this Agreement, it may condition same on payment by FIRST PARTY of actual damages occasioned by such breach of Agreement.

20. SEVERABILITY

The provisions of this Agreement are severable. If any portion of this Agreement is held invalid by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect unless amended or modified by the mutual consent of the parties.

21. CAPTIONS

The captions of this Agreement are for convenience and reference only and shall not define, explain, modify, limit, exemplify, or aid in the interpretation, construction, or meaning of any provisions of this Agreement.

22. LITIGATION OR ARBITRATION

In the event that suit or arbitration is brought to enforce the terms of this Agreement, the prevailing party shall be entitled to litigation costs and reasonable attorneys' fees. The Dispute Resolution provisions are set forth on Exhibit "B", 'Dispute Resolution' attached hereto and by this reference incorporated herein.

23. RETENTION OF RECORDS

Contractor shall maintain all required records for three years after the City makes final payment and all other pending matters are closed, and shall be subject to the examination and /or audit of the City, a federal agency, and the state of California.

24. TERM OF AGREEMENT

This Agreement shall remain in effect for the period of July 1, 2017 through June 30, 2020 unless extended, amended, or terminated in writing by CITY.

25. ENTIRE AGREEMENT

This document constitutes the sole Agreement of the parties hereto relating to said project and states the rights, duties, and obligations of each party as of the document's date. Any prior Agreement, promises, negotiations, or representations between parties not expressly stated in this document are not binding. All modifications, amendments, or waivers of the terms of this Agreement must be in writing and signed by the appropriate representatives of the parties to this Agreement.

26. STATEMENT OF ECONOMIC INTEREST

Consultants, as defined by Section 18701 of the Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations, are required to file a Statement of Economic Interests with 30 days of approval of a contract services agreement with the City of its subdivisions, on an annual basis thereafter during the term of the contract, and within 30 days of completion of the contract.

Based upon review of the Consultant's Scope of Work and determination by the City Manager, it is determined that Consultant **IS / IS NOT** required to file a Statement of Economic Interest. A statement of Economic Interest shall be filed with the City Clerk's office no later than 30 days after the execution of the Agreement.

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

FIRST PARTY:

Signature

Date

Name

Title

Tax ID#

APPROVED AS TO FORM:

William L. McClure, City Attorney

Date

CITY OF MENLO PARK:

Signature

5/31/17

Date

Cherise Brandell

Name

Department Head

Title

ATTEST:

Pamela Aguilar, City Clerk, City of Menlo Park

Date

EXHIBIT "A" – SCOPE OF SERVICES

A1. SCOPE OF WORK

FIRST PARTY agrees to provide consultant services for CITY's **Community Services Department**. In the event of any discrepancy between any of the terms of the FIRST PARTY's proposal and those of this Agreement, the version most favorable to the CITY shall prevail. FIRST PARTY shall provide the following services:

Provide general consultant services for projects as determined by the CITY. The detailed scope of work for each task the CITY assigns the consultant shall be referred to as Exhibit A -1, which will become part of this Agreement. A notice to proceed will be issued separately for each separate scope of work agreed to between the CITY and FIRST PARTY.

FIRST PARTY agrees to perform these services as directed by the CITY in accordance with the standards of its profession and CITY's satisfaction.

A2. COMPENSATION

CITY hereby agrees to pay FIRST PARTY at the rates to be negotiated between FIRST PARTY and CITY as detailed in Exhibit A-1. The actual charges shall be based upon (a) FIRST PARTY's standard hourly rate for various classifications of personnel; (b) all fees, salaries and expenses to be paid to engineers, consultants, independent contractors, or agents employed by FIRST PARTY; and shall (c) include reimbursement for mileage, courier and plan reproduction. The total fee for each separate Scope of Work agreed to between the CITY and FIRST PARTY shall not exceed the amount shown in Exhibit A-1.

FIRST PARTY shall be paid within thirty (30) days after approval of billing for work completed and approved by the CITY. Invoices shall be submitted containing all information contained in Section A5 below. In no event shall FIRST PARTY be entitled to compensation for extra work unless an approved change order, or other written authorization describing the extra work and payment terms, has been executed by CITY prior to the commencement of the work.

A3. SCHEDULE OF WORK

FIRST PARTY'S proposed schedule for the various services required will be set forth in Exhibit A-1.

A4. CHANGES IN WORK -- EXTRA WORK

In addition to services described in Section A1, the parties may from time to time agree in writing that FIRST PARTY, for additional compensation, shall perform additional services including but not limited to:

- Change in the services because of changes in scope of the work.
- Additional tasks not specified herein as required by the CITY.

The CITY and FIRST PARTY shall agree in writing to any changes in compensation and/or changes in FIRST PARTY's services prior to the commencement of any work. If FIRST PARTY deems work he/she has been directed to perform is beyond the scope of this Agreement and constitutes extra work, FIRST PARTY shall immediately inform the CITY in writing of the fact. The CITY shall make a determination as to whether such work is in fact beyond the scope of this Agreement and constitutes extra work. In the event that the CITY determines that such work does constitute extra work, it shall provide compensation to the FIRST PARTY in accordance with an agreed cost that is fair and equitable. This cost will be mutually agreed upon by the CITY and FIRST PARTY. A supplemental agreement providing for such compensation for extra work shall be negotiated between the CITY and the FIRST PARTY. Such supplemental agreement shall be executed by the FIRST PARTY and may be approved by the City Manager upon recommendation of the **Recreation Supervisor**

A5. BILLINGS

FIRST PARTY's bills shall include the following information: A brief description of services performed, project title and the Agreement number; the date the services were performed; the number of hours spent and by whom; the current contract amount; the current invoice amount; Except as specifically authorized by CITY, FIRST PARTY shall not bill CITY for duplicate services performed by more than one person. In no event shall FIRST PARTY submit any billing for an amount in excess of the maximum amount of compensation provided in Section A2.

The expenses of any office, including furniture and equipment rental, supplies, salaries of employees, telephone calls, postage, advertising, and all other expenses incurred by FIRST PARTY in the performances of this Agreement shall be incurred at the FIRST PARTY's discretion. Such expenses shall be FIRST PARTY's sole financial responsibility.

EXHIBIT "B" - DISPUTE RESOLUTION

- B1.0** All claims, disputes and other matters in question between the FIRST PARTY and CITY arising out of, or relating to, the contract documents or the breach thereof, shall be resolved as follows:
- B2.0 Mediation**
- B2.1** The parties shall attempt in good faith first to mediate such dispute and use their best efforts to reach agreement on the matters in dispute. After a written demand for non-binding mediation, which shall specify in detail the facts of the dispute, and within ten (10) days from the date of delivery of the demand, the matter shall be submitted to a mutually agreeable mediator. The Mediator shall hear the matter and provide an informal opinion and advice, none of which shall be binding upon the parties, but is expected by the parties to help resolve the dispute. Said informal opinion and advice shall be submitted to the parties within twenty (20) days following written demand for mediation. The Mediator's fee shall be shared equally by the parties. If the dispute has not been resolved, the matter shall be submitted to arbitration in accordance with Paragraph B3.1.
- B3.0 Arbitration**
- B3.1** Any dispute between the parties that is to be resolved by arbitration as provided in Paragraph B2.1 shall be settled and decided by arbitration conducted by the American Arbitration Association in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association, as then in effect, except as provided below. Any such arbitration shall be held before three arbitrators who shall be selected by mutual agreement of the parties; if agreement is not reached on the selection of the arbitrators within fifteen (15) days, then such arbitrator(s) shall be appointed by the presiding Judge of the court of jurisdiction of the Agreement.
- B3.2** The provisions of the Construction Industry Arbitration Rules of the American Arbitration Association shall apply and govern such arbitration, subject, however to the following:
- B3.3** Any demand for arbitration shall be writing and must be made within a reasonable time after the claim, dispute or other matter in question as arisen. In no event shall the demand for arbitration be made after the date that institution of legal or equitable proceedings based on such claim, dispute or other matter would be barred by the applicable statute of limitations.
- B3.4** The arbitrator or arbitrators appointed must be former or retired judges, or attorneys at law with last ten (10) years' experience in construction litigation.
- B3.5** All proceedings involving the parties shall be reported by a certified shorthand court reporter, and written transcripts of the proceedings shall be prepared and made available to the parties.
- B3.6** The arbitrator or arbitrators must be made within and provide to the parties factual findings and the reasons on which the decisions of the arbitrator or arbitrators is based.
- B3.7** Final decision by the arbitrator or arbitrators must be made within ninety (90) days from the date of the arbitration proceedings are initiated.
- B3.8** The prevailing party shall be awarded reasonable attorneys' fees, expert and non-expert witness costs and expenses, and other costs and expenses incurred in connection with the arbitration, unless the arbitrator or arbitrators for good cause determine otherwise.
- B3.9** Costs and fees of the arbitrator or arbitrators shall be borne by the non-prevailing party, unless the arbitrator or arbitrators for good cause determine otherwise.
- B3.10** The award or decision of the arbitrator or arbitrators, which may include equitable relief, shall be final, and judgment may be entered on it in accordance with applicable law in any court having jurisdiction over the matter.

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Exhibit A

Adult Basketball League for fiscal Year 2017-18

1. League will operated from July 2017- June 2018

Monday/Wednesday/Friday

There are 3 divisions

2. There are 3 games per league per night and either 6 or 7 teams per league
10 regular season games + playoffs

3. 2 referees per game for "B" level games on Monday and 40+ on Friday

3 referee's per game "A" Level games on Wednesday

4. Cost breakdown by League		Per Game	
B League and 40 + League	243 games	\$85	\$ 20,655.00
A League	90 games	\$130	\$ 11,700.00

TOTAL \$ 32,355.00

Adult Basketball League for fiscal Year 2018-19

1. League will operated from July 2018- June 2019

Monday/Wednesday/Friday

There are 3 divisions

2. There are 3 games per league per night and either 6 or 7 teams per league
10 regular season games + playoffs

3. 2 referees per game for "B" level games on Monday and 40+ on Friday

3 referee's per game "A" Level games on Wednesday

4. Cost breakdown by League		Per Game	
B League and 40 + League	243 games	\$85	\$ 20,655.00
A League	90 games	\$133	\$ 11,970.00

TOTAL \$ 32,625.00

Adult Basketball League for fiscal Year 2019-20

1. League will operated from July 2019- June 2020

Monday/Wednesday/Friday

There are 3 divisions

2. There are 3 games per league per night and either 6 or 7 teams per league
10 regular season games + playoffs

3. 2 referees per game for "B" level games on Monday and 40+ on Friday

3 referee's per game "A" Level games on Wednesday

4. Cost breakdown by League		Per Game	
B League and 40 + League	243 games	\$87	\$ 21,141.00
A League	90 games	\$136	\$ 12,240.00

TOTAL \$ 33,381.00

Exhibit A

Youth Basketball League for fiscal Year 2017-18

1. League will operated from December 2017-April 2018

Monday - Saturday

3rd grade -7th grade

2. There will be 8 regular season games + playoffs

3. 2 referees per game for 5th-7th grades

1 referee's per game for 3rd/4th

4. Cost breakdown by League		per game		
3rd and 4th grade	253	\$36.00	\$	9,108.00
5th-7th grade	297	\$68.00	\$	20,196.00
contingency				
	TOTAL		\$	29,304.00

All numbers are based on same team numbers as last season

Youth Basketball League for fiscal Year 2018-19

1. League will operated from December 2018-April 2019

Monday - Saturday

3rd grade -7th grade

2. There will be 8 regular season games + playoffs

3. 2 referees per game for 5th-7th grades

1 referee's per game for 3rd/4th

4. Cost breakdown by League		per game		
3rd and 4th grade	253	\$38.00	\$	9,614.00
5th-7th grade	297	\$70.00	\$	20,790.00
contingency				
	TOTAL		\$	30,404.00

All numbers are based on same team numbers as last season

Youth Basketball League for fiscal Year 2019-20

1. League will operated from December 2019-April 2020

Monday - Saturday

3rd grade -7th grade

2. There will be 8 regular season games + playoffs

3. 2 referees per game for 5th-7th grades

1 referee's per game for 3rd/4th

4. Cost breakdown by League		per game		
3rd and 4th grade	253	\$40.00	\$	10,120.00
5th-7th grade	297	\$72.00	\$	21,384.00
contingency				
	TOTAL		\$	31,504.00

All numbers are based on same team numbers as last season

Exhibit A

Youth Volleyball League for fiscal Year 2017-18

1. League will operate from September 2017-December 2017

Monday/Tuesday/Thursday

2. There will be 8 regular season games + playoffs

3. 1 referee for all games

4. Cost breakdown		per game		
4th-8th grade	190	\$36.00	\$	6,840.00

TOTAL \$ 6,840.00

All numbers are based on same team numbers as last season

Youth Volleyball League for fiscal Year 2018-19

1. League will operate from September 2018-December 2018

Monday/Tuesday/Thursday

4th grade - 8th grade

2. There will be 8 regular season games + playoffs

3. 1 referee for all games

4. Cost breakdown				
4th-8th grade	190	\$37.00	\$	7,030.00

TOTAL \$ 7,030.00

Youth Volleyball League for fiscal Year 2019-20

1. League will operate from September 2019-December 2019

Monday/Tuesday/Thursday

4th grade - 8th grade

2. There will be 8 regular season games + playoffs

3. 1 referee for all games

4. Cost breakdown				
4th-8th grade	190	\$38.00	\$	7,220.00

TOTAL \$ 7,220.00

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STAFF REPORT

City Council

Meeting Date: 7/18/2017
Staff Report Number: 17-166-CC

Consent Calendar: Authorize the Mayor to sign letters of opposition consistent with the League of California Cities' stance to SB 649 (Hueso)

Recommendation

Authorize the Mayor to sign letters of opposition consistent with the League of California Cities' stance to SB 649 (Hueso) (Attachment A).

Policy Issues

The City Council needs to take a position on State legislation that the City comments on that may affect the City or affect the City's ability to provide services.

Background

SB 649 (Hueso) eliminates public input, full local environmental and design review, and the ability for local governments to negotiate leases or any public benefits for the installation of "small cell" equipment on taxpayer funded property. At the time of the writing of this staff report, SB 649 (Hueso) passed the Senate floor and is currently being re-referred to the Committee on Appropriations. The League of California Cities is currently opposed to SB 649.

Analysis

As written, SB 649 (Hueso), will prohibit discretionary review of "small cell" wireless antennas, including equipment collocated on existing structures or located on new "poles, structures, or non-pole structures", including those within the public right-of-way. It will preempt adopted local land use plans by mandating that "small cells" be allowed in all zones, including residential zones, as use by right.

Moreover, SB 649 (Hueso) will allow for antennas as large as six cubic feet, equipment boxes total 35 cubic feet, with no size or quantity limitations for the following equipment: electric meters, pedestals, concealment elements, demarcation boxes, grounding equipment, power transfer switches, and cutoff switches.

The ability for cities to negotiate any public benefit (typically negotiated because of the level of discretion cities currently have) would be eliminated by this bill. Benefits, such as network access for police, fire, libraries, parks, negotiated lease agreements for the city general fund to pay for such services, or the ability to use pole space for public safety and/or energy efficiency measures are effectively stripped down

or taken away entirely

While the City encourages new technology due to its potential to improve the quality of life for residents, SB 649 (Hueso) would drastically affect the aesthetics and quality of Menlo Park neighborhoods that the City works hard to preserve.

Public Notice

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

Attachments

A. Draft letter in opposition of SB 649 (Hueso)

Report prepared by:

Chip Taylor, Assistant City Manager



July 18, 2017

The Honorable Ben Hueso
California State Senate
State Capitol Building, Room 4035
Sacramento, CA 95814

**RE: SB 649 (Hueso) Wireless and Small Cell Telecommunications Facilities
Letter of Opposition**

Dear Senator Hueso,

The City of Menlo Park is strongly opposed to your SB 649, which would represent a major shift in telecommunications policy and law by requiring local governments to lease out the public's property, cap how much cities can lease this space out for, eliminate the ability for cities to negotiate public benefits, the public's input and full discretionary review in all communities of the state except for areas in coastal zones and historic districts, for the installation of "small cell" wireless equipment.

Despite the wireless industry's claim that the equipment would be "small" in their attempt to justify this special permitting and price arrangement solely for their industry, the bill would allow for antennas as large as six cubic feet, equipment boxes totaling 35 cubic feet (larger than previous bill version of 21 cubic feet), with no size or quantity limitations for the following equipment: electric meters, pedestals, concealment elements, demarcation boxes, grounding equipment, power transfer switches, and cutoff switches.

The industry also claims that SB 649 retains local discretion, but by moving the bill into the ministerial process, also known as over-the-counter or check-the-box permitting, their "attempt" at giving locals discretion falls flat. Cities would have to live with the size parameters established by the bill for "small cells." Furthermore, cities would be unable to impose any meaningful maintenance requirements for the industry's small cells and are limited to requiring building and encroachment permits confined to the bill's parameters written by the industry. True local discretion exists only through the use of discretionary permits, not through building or encroachment permits, especially since the public has no say in the issuance of the latter.

Furthermore, the ability for cities to negotiate any public benefit (typically negotiated because of the level of discretion cities currently have) would be eliminated by this bill. Benefits, such as network access for police, fire, libraries, and parks, negotiated lease agreements for the city general fund to pay for such services, or the ability to use pole space for public safety and/or energy efficiency measures are effectively stripped down or taken away entirely. Even if every single city resident complained about a particular “small cell” and its visual blight, cities and their councils would have no recourse to take them down, move them, or improve their appearance or any other community impacts under SB 649.

In addition to the permitting issues raised by this bill, it would also cap how much cities can negotiate leases for use of public property and a city’s ability to maximize public benefit at \$250 (was \$850 under prior version of the bill) annually per attachment rates for each “small cell”. Some cities have been able to negotiate leases for “small cells” upwards of \$3,000, while others have offered “free” access to public property in exchange for a host of tangible public benefits, such as free Wi-Fi in public places, or network build-out to underserved parts of their cities, agreements usually applauded by both cities and industry.

What’s truly perverse about SB 649 is that it would actually fail to deliver on stated promises and make it especially tough for cities that always seem to be last in line for new technology to see deployment, while also completely cutting out these communities from the review process. For example, SB 649 fails to require that their “small cells” deliver 5G, 4G, or any standard level of technology. The truth is that standards for 5G are still being developed, which is why the bill can’t require it to meet that standard which begs the question as to why this bill is necessary at all. It also fails to impose any requirement for the wireless industry to deploy their networks to unserved or underserved parts of the state.

While California has been a leader in wireless deployment, many rural and suburban parts of the state still don’t have adequate network access. The lease cap in the bill guarantees prices for the wireless industry to locate in the state’s “population hubs,” leaving other parts of the state stranded and when the technology finally does deploy, they’ll have no say in the time, place, manner, or design of the equipment, creating two different standards depending on where one lives in the state, one for coastal and historic, and a lower standard for everyone else.

As if SB 649 wasn’t wreaking enough havoc on the ability for cities to protect their residents, the June 20, 2017 amendments completely deregulate and eliminate all oversight for “micro-wireless” facilities which can be equipment nearly three feet long dangling between utility poles, raising significant public safety issues such as obstructing traffic sight distance without any oversight. The bill also now applies a utility pole “attachment rate” formula which is inappropriate for equipment being placed on city buildings, street and traffic lights.

As amended, the bill is no longer limited to just “small cells.” It now applies broadly to all telecommunications providers and the equipment they use from “micro-wireless” to “small cell” to “macro-towers.” It’s clear from the direction of this bill, that this is not about 5G wireless deployment, but more about local deregulation of the entire telecommunications industry. This latest version places a new ban on city/county regulation of placement or operation of “communication facilities” within and outside the public right of way far beyond “small cells.” This new language would extend local preemption of regulation to any “provider authorized by state law to operate in the rights of way,” which can include communications facilities installed for services such as gas, electric, and water, leaving cities and counties with limited oversight only over “small cells.”

Ultimately, cities and local governments recognize that the wireless industry offers many benefits in our growing economy, but a balance with community impacts must also be preserved. SB 649, however, is the wrong approach and benefits corporate bottom lines rather than communities. The bill undermines our ability to ensure our residents have a voice and get a fair return for any use of public infrastructure. Residents that don’t happen to live in a coastal zone or in a historic district will have to wonder why their communities deserve such second-tier status. Furthermore, this bill is no longer about small cells; instead it’s about all telecommunications regulation. Such a massive shift in law and policy is unprecedented and would warrant statewide stakeholder meetings before even considering such a shift, let alone trying to jam this through between now and September.

For these reasons, the City of Menlo Park opposes your SB 649.

Sincerely,

Kirsten Keith
Menlo Park Mayor

CC: Assembly Member, Marc Berman
Senator, Jerry Hill
Seth Miller, Regional Public Affairs Manager, League of California Cities

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STAFF REPORT

City Council

Meeting Date:

7/18/2017

Staff Report Number:

17-168-CC

Consent Calendar:

Authorize the Mayor to sign a letter of support to the California Energy Commission for creation of a renewable water heating model ordinance

Recommendation

Staff recommends the City Council consider the Environmental Quality Commission's request and recommendation and authorize the mayor to sign a letter of support to the California Energy Commission for creation of a renewable water heating model ordinance.

Policy Issues

City Council has taken progressive sustainability stances in the past and this item is consistent with the goals of the adopted climate action plan. In accordance with the City Council Procedures Manual, there is a process for the City Council to direct to staff to draft letters in support or opposition of legislation and other agency activities.

Background

On April 20, 2017, the California Energy Commission presented a proposal for a solar photovoltaic model ordinance to help California cities interested in clean energy and climate leadership adopt a local "reach" building energy code, helping pave the way toward zero-net energy homes. The California Energy Commission has asked for comments before it finalizes and publishes its final version of this model ordinance.

The Natural Resources Defense Council, a nonprofit tax-exempt environmental advocacy organization, has provided comments supportive of the California Energy Commission's draft solar photovoltaic model ordinance and requested that it include an optional add-on provision to include renewable water heating (Attachment A). The NRDC states that this would allow cities to consider both options, and either adopt the solar photovoltaic ordinance alone or both options together depending on the local community's individual situation and priorities.

In May 2017, the City received a request from MenloSpark to consider supporting this initiative. At its June 21, 2017, regular meeting, the Environmental Quality Commission voted to recommend that the City Council authorize the mayor to sign a letter of support to the California Energy Commission.

Analysis

The City of Menlo Park has often supported, participated in and benefited by efforts to create model ordinances that local jurisdictions can review, modify and adopt. It greatly speeds the municipal code amendment process and saves city resources in terms of staff time, legal review and consulting resources.

This model ordinance effort, if approved, would allow the City to minimize resources necessary to comply with California Energy Commission requirements calling for a cost-effectiveness study to be conducted and filed in the case of a local (e.g., reach code) amendment to the California Energy Code. It is required that the City demonstrate to the California Energy Commission, using a cost-effectiveness study, that the local amendments to the code are financially responsible to the public.

A renewable water heating model ordinance, developed in coordination with the California Energy Commission and its model solar photovoltaic ordinance, would allow interested cities to consider both options at the same time and therefore maximize potential energy efficiency benefits.

Staff have created a draft support letter to the California Energy Commission (Attachment B).

Impact on City Resources

There is no impact on city resources related to this item.

Public Notice

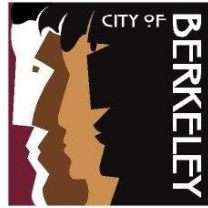
Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Natural Resources Defense Council comment letter and renewable water heating model ordinance proposal submitted to the California Energy Commission
- B. Draft support letter to the California Energy Commission

Report prepared by:

Clay J. Curtin, Assistant to the City Manager/Interim Sustainability Manager



**NRDC et. al. Comments on CEC Proposed Model Solar PV Ordinance
and Proposal for a “Renewable Water Heating” Model Ordinance**

May 5, 2017

Submitted by: Pierre Delforge (Natural Resources Defense Council), Adam Stern (Acterra), Andy Brooks (Association for Energy Affordability), Kelly Knutsen (CALSEIA), Timothy Burroughs (City of Berkeley), Bruce Hodge (Carbon Free Palo Alto), Ann V. Edminster (Design AVEnues LLC), Steve Schmidt (Home Energy Analytics), Diane Bailey (MenloSpark), John Miles (Sanden International), Rachel Golden (Sierra Club), Cordel Stillman (Sonoma Clean Power), Nehemiah Stone (SEA), and Michael Cohen (Union of Concerned Scientists).

On April 20, 2017, the California Energy Commission (CEC) presented a proposal for a solar photovoltaic model ordinance to help California cities interested in clean energy and climate leadership adopt a local “reach” building energy code, helping pave the way toward zero-net energy (ZNE) homes.

We very much appreciate the presentation of this proposal and the opportunity to provide comments before the CEC finalizes and publishes this model ordinance. This letter submits comments on this draft model ordinance on behalf of the Natural Resources Defense Council (NRDC) and our more than 380,000 members and online activists in California, Acterra, the Association for Energy Affordability, the California Solar Energy Industries Association, the City of Berkeley, Carbon Free Palo Alto, Design

AVenues LLC, Home Energy Analytics, MenloSpark, Sanden International, the Sierra Club, Stone Energy Associates, and the Union of Concerned Scientists.

We strongly support CEC’s initiative to develop a model solar photovoltaic (PV) ordinance. It provides an opportunity for city leadership and a glide path toward ZNE homes in California. The proposed ordinance is cost-effective for home owners, and an opportunity to reduce greenhouse gas (GHG) emissions in a way that will save bill payers money, increase their disposable income and help the state’s economy.

We propose that CEC also adopts an optional add-on “renewable water heating” model ordinance. This would allow cities to consider both options, and either adopt the solar PV ordinance alone or both options together depending on their situation and priorities.

CEC’s proposal aims to offset most of the electricity use in a dual-fuel building, but it does not address the energy used for thermal end uses such as water heating and space heating. Direct use of fossil fuels, primarily natural gas, for thermal end uses in residential buildings is responsible for a roughly equivalent amount of GHG emissions in California as all electricity used in these buildings.¹

This is an overlooked opportunity to save energy and reduce GHG emissions, as several technologies are available today that can provide significantly lower-carbon hot water in buildings than with current natural gas systems. These include electric heat pump water heaters (HPWH), and solar thermal water heating.

Renewable water heating model ordinance requirements: A renewable water heating local ordinance would require that newly constructed single-family and low-rise multifamily buildings use a renewable water heating solution which is either a heat pump water heater and associated PV, or a solar thermal water heater and its backup electric or gas water heater, or that the whole building achieves the CALGreen “**PV-Plus**” package as defined in the 2016 Energy Efficiency Ordinance Cost Effectiveness Study.

The heat pump option would consist of a high-efficiency electric HPWH instead of a gas tankless water heater, combined with enough additional PV panels to cover 80% of the annual energy use of the HPWH.

Benefits: The combination of HPWH and PV provides a unique opportunity to make the HPWH more cost-effective for home owners: by taking advantage of the fact that PV electricity is cheaper than grid electricity, our preliminary analysis indicates home owners can **save around 13 percent of lifecycle water heating costs**. HPWHs would also **reduce source energy use by over 30 percent and GHGs by nearly 50 percent**. In addition, HPWHs would help address the duck curve and the grid impacts of rooftop PV exports, through their capability to increase self-consumption of rooftop PV electricity, and absorb and store excess PV generation.

Our proposal is focused on water heating instead of all-electric buildings, because it provides a lower barrier to entry to heat pump technology than all-electric buildings, and it avoids potential customer

¹ Jones C., Kammen D., “Bay Area Consumption-Based Greenhouse Gas Emissions Inventory”, Jan. 2016, <http://www.baaqmd.gov/research-and-data/emission-inventory/consumption-based-ghg-emissions-inventory>

acceptance issues with all-electric buildings (especially with electric cooking) which do not exist with water heating. However, builders would be able to build all-electric if they choose to. Choosing an all-electric building would be even more cost-effective than electrifying water heating only, because of avoiding gas connection costs and using a single heat pump appliance for both space heating and cooling instead of a separate furnace and A/C.

Our detailed proposal is presented in Appendix A. We are working with the Statewide Codes and Standards team to refine our cost analysis and develop model ordinance language.

We ask CEC to consider this opportunity to cut GHG emissions from energy use in buildings through reach codes and local government leadership.

NRDC recommends that CEC adopt the renewable water heating ordinance as soon as possible - At the April 20 workshop, CEC asked stakeholders to comment on whether to hold off on the solar PV ordinance until this renewable water heating ordinance is ready and can be published at the same time. NRDC does not recommend delaying the PV ordinance in case the renewable water heating ordinance takes longer to finalize than anticipated, but we recommend that CEC adopt the renewable water heating ordinance as soon as possible, i.e. within a matter of weeks not months. This will help cities consider both options at the same time, and CEC and other parties to promote them together.

The renewable water heating ordinance is under development and close to completion: the language is being developed, and the cost-effectiveness analysis finalized. We expect to complete these two tasks by mid-May, allowing for stakeholder comments and any changes by mid-June.

We appreciate the opportunity to provide this input to the CEC, and thank CEC for its careful consideration of our comments.

Respectfully submitted,

Pierre Delforge
Director, High Tech Sector Energy Efficiency
Natural Resources Defense Council
pdelforge@nrdc.org

Adam Stern
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Acterra
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Andy Brooks
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Michael Cohen
Western States Electrical Power Systems
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Union of Concerned Scientists
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Appendix A - Proposal for Renewable Water Heating Model Ordinance

Background

CEC has proposed a model solar ordinance to help cities looking for climate leadership opportunities to adopt a local building code ordinance that would require rooftop photovoltaic (PV) and higher energy efficiency than the California 2016 building code for new construction. Specifically, the proposed model ordinance would require:

1. Rooftop PV covering at least 80% of projected electrical use (with exemptions)
2. Energy efficiency in line with 2016 code requirements without the PV credit.

Opportunity: Extend solar requirements from covering just electricity to including water heating energy (through electric heat pump or solar thermal)

Why include water heating in a solar PV ordinance? - Water heating already represents roughly half of all residential gas use in CA, and is responsible for approximately a quarter of residential emissions from energy use today. This share is set to increase as California's electricity becomes increasingly renewable, and heating energy use decreases thanks to higher building efficiency, while the potential for reduction of water heating loads is more limited.

High-efficiency electric heat pump water heaters (HPWH) offer an alternative solution to meet household hot water needs using less source energy and, when powered by increasingly clean electricity, with much lower GHG emissions than the most efficient gas water heaters on the market (even from a system perspective, including power plants emissions and distribution losses).

In addition, HPWH have the potential to help integrate solar electricity into the grid by leveraging their thermal storage capacity to pre-heat water off-peak and shed load on-peak. While grid-connectivity and utility and 3rd-party programs will be required to dispatch this capability, it is important to start by scaling the market share of HPWH to make these programs viable.

PV makes HPWH more cost-effective – The combination of HPWH with rooftop PV allows the use of lower PV electricity costs instead of grid electricity prices (as modeled by time dependent valuation or TDV) for HPWH operation. This significantly improves the cost-effectiveness of HPWH vs. gas water heating, and leverages the customer investment in solar PV to decarbonize both electricity and water heating energy use in a cost-effective manner.

Climate policy benefits - Beyond the immediate emissions and cost reduction benefits, including water heating in this solar ordinance also presents the following policy benefits:

- 1) It will drive demand for heat pumps and **build capacity in the HPWH market in CA in the short-term**, allowing heat pumps to become a significant pathway to help meet the state's ambitious energy efficiency and climate goals such as SB 350 Doubling Energy Efficiency goal, and SB 32 40% reduction in GHGs by 2030;
- 2) It will give leading cities an opportunity to pave the way for extending this approach to the statewide building code in the future.

Scope: Same as CEC’s proposed ordinance: newly constructed single-family buildings and low-rise residential structures

Proposed solar hot water requirements - We propose adding the following requirements to the ordinance:

- **Compliance option 1, prescriptive method:** the domestic hot water shall be delivered by a **heat pump water heater** that is compliant with the Tier 3 requirements of the NEEA Advanced Water Heater Specification and listed on the NEEA Qualified Product List located at <http://neea.org/advancedwaterheaterspec>, and the rooftop PV system shall be sized to meet 80% of the annual heat pump water heating load in addition to the currently proposed sizing requirements.
- **Compliance option 2, prescriptive method:** the domestic hot water shall be delivered by a **solar thermal** water heating system with a solar fraction of 60%.
- **Compliance option 3, performance method:** The building shall meet the requirements of the CALGreen “PV-Plus” package as defined in the 2016 Energy Efficiency Ordinance Cost Effectiveness Study. Buildings that are not suitable for solar as determined by the Building Official shall meet the requirements of the CALGreen “Tier 1 Efficiency-only” package instead.

Table 14: Single Family Reach Code Package Recommendations

Packages	Climate Zones	T-24 Compliance Target	QII	PVCC Allowed	PV	Solar Ready
Tier 1 Efficiency Only Package	1-3, 11-16	15%	Yes	No	n/a	Yes
	5, 9-10	15%	Yes	No	n/a	No
	4	10%	Yes	No	n/a	No
PV-Plus Package	1,2,4, 8-16	30%	Yes	Yes	Yes	n/a
	3,5	20%	Yes	Yes	Yes	n/a
	6-7	10%	Yes	n/a	Yes	n/a

Table 15: Multifamily Reach Code Package Recommendations

Packages	Climate Zones	T-24 Compliance Target	QII	PVCC Allowed	PV
Tier 1 Efficiency Only Package	1, 11-16	15%	Yes	No	n/a
	10	10%	Yes	No	n/a
	2	QII	Yes	No	n/a
PV-Plus Package	4, 9-16	25%	Yes	Yes	Yes
	1-2, 8	20%	Yes	Yes	Yes
	3	15%	Yes	Yes	Yes
	5	10%	Yes	Yes	Yes
	6-7	10%	Yes	n/a	Yes

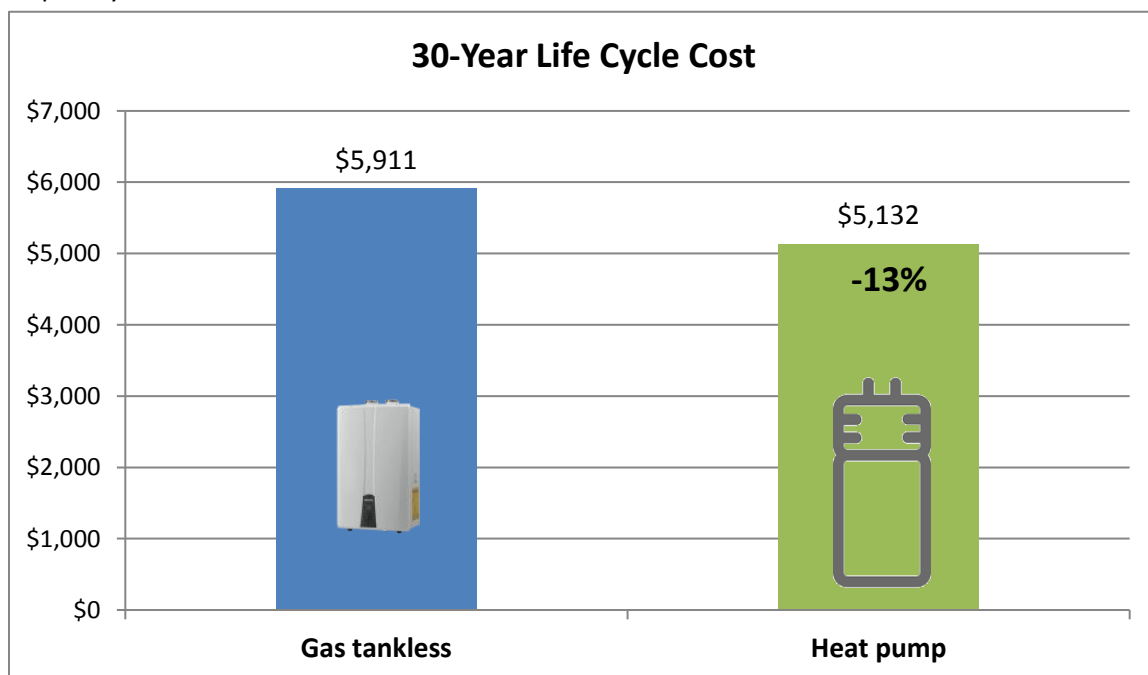
Avoiding pre-emption –The proposed approach allows an option with a gas water heater when combined with a solar thermal system, as well as an envelope efficiency option. Neither of those requires appliances that exceed federal efficiency standards. The solar thermal option may not be cost-effective today but could become cost-effective with increased adoption. Both the HPWH and efficiency options are cost-effective (see below for the HPWH+PV option. The cost-effectiveness of the CALGreen PV-Plus and tier 1 efficiency-only packages was already demonstrated in the 2016 Energy Efficiency Ordinance Cost Effectiveness Study).

Why not include space heating? – While it is tempting to include renewable space heating in the ordinance too because it can even be more cost-effective than HPWH in new construction (heat pump space heating and cooling requires only one heat pump system instead of a separate furnace and A/C, as well as saving on gas access and combustion venting costs), we don't propose to include it in this ordinance because this could raise the barrier to adoption. However, builders may choose to build all-electric as a cost-effective way to achieve this water heating requirement.

Cost-Effectiveness

A preliminary analysis of the cost difference of installing a HPWH and additional PV to cover 80% of the HPWH's annual load (on top of what the PV already required by the model solar ordinance), instead of a 0.82 EF instantaneous (tankless) gas water heater in a new construction single family home, indicates that a HPWH + PV would cost roughly 13% less than a 0.82 EF gas tankless equivalent, on a 30-year lifecycle basis.

This preliminary analysis uses average values for California (not by climate zone), a 50-gal, 66-gal, and 80-gal HPWH (3.5 EF) depending on the household size. A separate analysis by climate zone is being developed by the Statewide Codes and Standards team.



Data and assumptions used in the analysis are detailed in the last section of this document. The analysis does not account for the lower marginal cost of PV: adding a few PV panels to those already required in

the solar PV ordinance costs a lot less than the first PV panels, because the additional panels leverage the fixed costs such as getting a crew on-site.

GHG Emissions and Source Energy

The source energy and GHG emissions of a HPWH depend on the generation resources at the margin at the time of operation: when operating during peak time, the marginal resource is more likely to be a gas peaker plant, and when operating during PV generation, the marginal resource is the home's PV system (since the additional PV was installed specifically to serve the HPWH).

To estimate the GHG emissions and source energy use of a HPWH, three scenarios are considered:

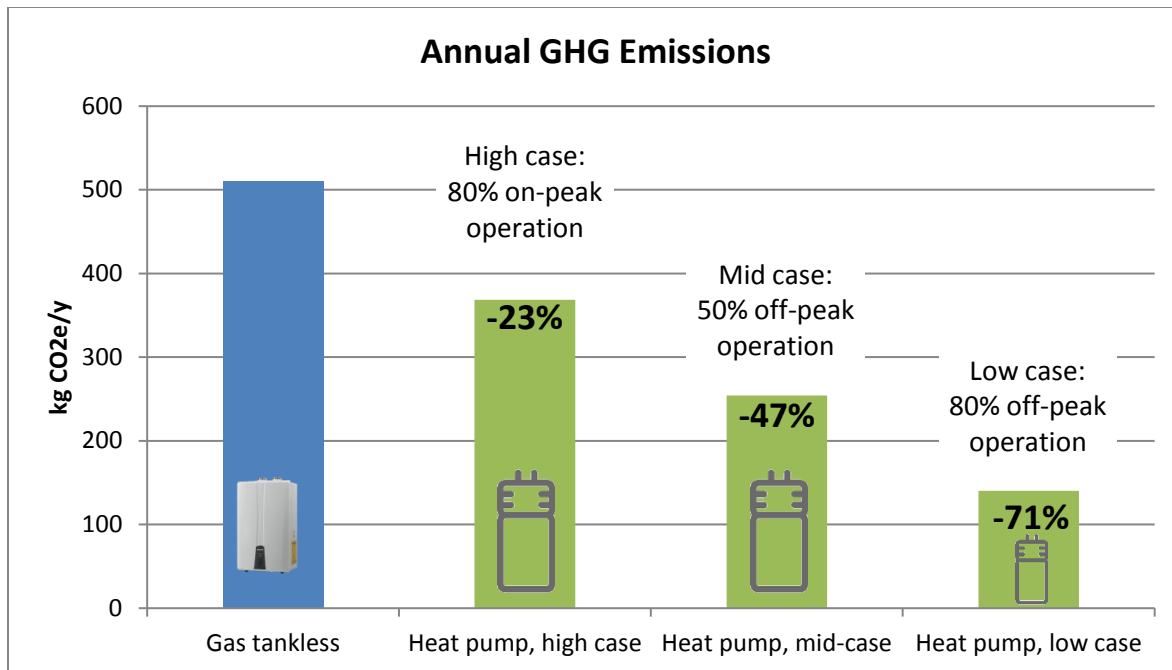
1. **High-emissions case:** HPWH operated 80% on-peak, 10% during solar hours, and 10% off-peak outside of solar hours (e.g. at night)
2. **Mid-emissions case:** HPWH operated 50% on-peak, 30% during solar hours, and 20% off-peak outside of solar hours
3. **Low-emissions case:** HPWH controlled to operate mostly off-peak: 20% on peak, 50% during solar hours, and 30% off-peak outside of solar hours.

The emissions and source energy factors of peak and off-peak grid electricity were then estimated (see last section of this document for detailed data and assumptions).

A "long-run marginal" or "build marginal" accounting methodology is used: this considers the generation resources which will be built/procured over the long-term to serve this new load, not the long-term operational margin which would be there anyway even without the new HPWH load. For renewables, the long-run margin includes mostly solar, wind and gas, since no new large hydro or nuclear is expected to be built in California.

The analysis indicates a GHG emissions reduction ranging from 23% in the high-emissions case, to 71% in the low-emissions case, with a mid-case of 47%. The magnitude of these numbers reflects a number of things:

1. Even with a gas peaker plant on the margin, recent heat pump water heaters outperform 0.82 EF gas tankless water heaters on GHG emissions
2. Even without being combined with PV, heat pump water heaters will operate partially off-peak where they benefit from an increasing share of renewables on the build margin, per California's renewable portfolio standard (RPS). This is increased when combining the HPWH with PV as the solar-coincident part of the load is emissions-free.
3. Controlling HPWH offers an opportunity to use their inherent thermal storage capacity to shift most of the HPWH operation off-peak, helping absorb renewables and reduce peak load.

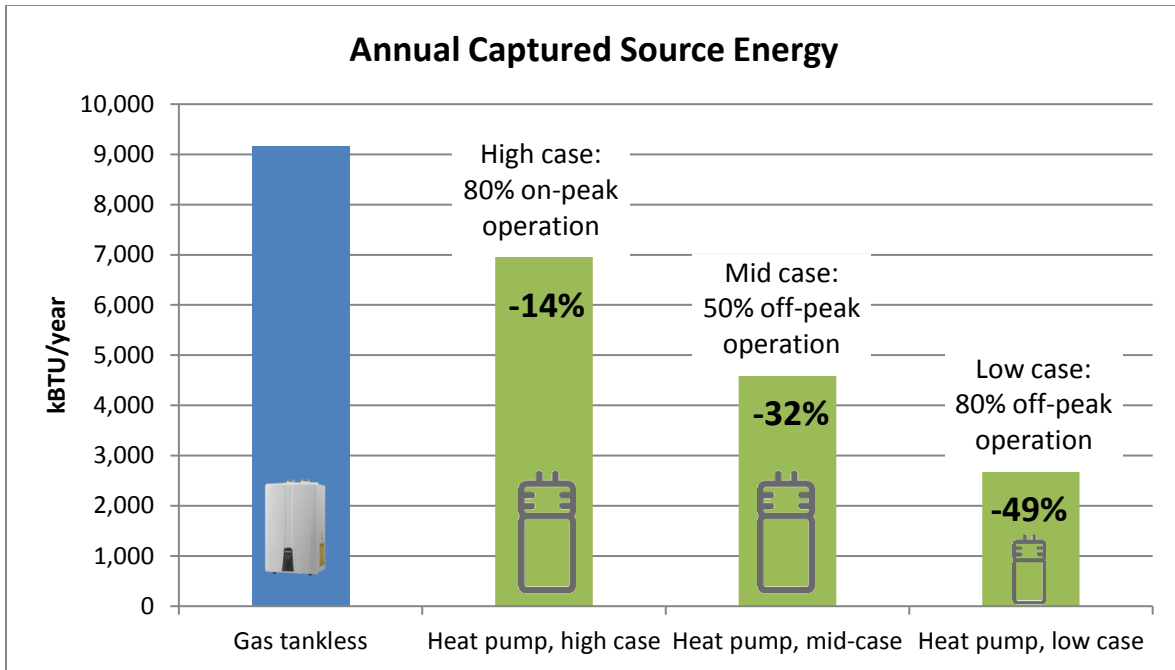


Source Energy (Captured)

Source energy considers the upstream losses in the production, transmission and distribution of electricity and natural gas to the site. In this analysis, DOE's "captured source energy" methodology² was used to estimate source energy for electricity. The difference with the conventional source energy methodology is that Captured Source accounts for renewables by attributing a thermal efficiency of 100% to renewable electricity generation, and only counting transmission and distribution (T&D) losses for these resources. Captured Source only counts the energy that is "captured" by solar and wind generators. Apart from T&D losses, renewable electricity is essentially considered site electricity. The traditional source energy methodology which considers all electricity to be generated from fossil power plants is no longer appropriate in California given the significance of state's renewable electricity policies.

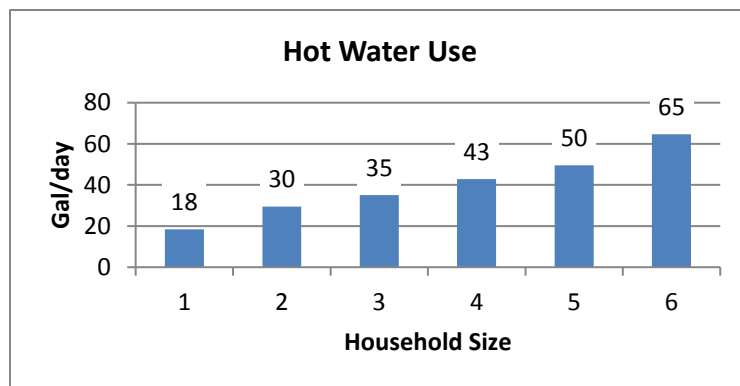
The Captured Source Energy analysis indicates that HPWH + PV uses on average one third less source energy than an 0.82 EF gas tankless water heater, with source energy savings ranging from 14% in the high case to 49% in the low case.

² U.S. DOE, "Accounting Methodology for Source Energy of Non-Combustible Renewable Electricity Generation," Oct. 2016, <https://www.energy.gov/sites/prod/files/2016/10/f33/Source%20Energy%20Report%20-%20Final%20-%2010.21.16.pdf>



Data and Assumptions for Cost Analysis

- Discount rate: 3%
- **Average CA residential gas rate:** \$1.28/therm (EIA, Jan. 2017, <https://www.eia.gov/dnav/ng/hist/n3010ca3m.htm>)
- **30-year discounted cost of photovoltaic in single family:** \$0.114/kWh (\$3.02/watt installed), Davis Energy Group, Enercomp, Misti Bruceri and Ass., “Local PV Ordinance Cost Effectiveness Study”, <https://fremont.gov/DocumentCenter/View/33146>, updated to focus on new construction costs, and to correct overhead and margin costs.
- **Hot water usage:** NRDC calculation based on Kruis et al., California Residential Domestic Hot Water Draw Profiles, May 2016 (Draft), <http://www.bwilcox.com/BEES/docs/Kruis%20-%20Dhw%20Analysis%205.docx>



- **Gas tankless equipment list price:** \$1,042 for 8 GPM, \$1,221 for 10 GPM, per www.homedepot.com on 4/14/2014. Energy factor: 0.82 EF
- **Gas tankless installation cost:** Gas supply line: \$200, water heater installation: \$346 (2014 Itron Measure Cost study adjusted for inflation). Combustion venting: \$50 equipment and \$178 equipment cost per 2011 DWH CASE report. Combustion testing costs not included.
- **Gas tankless lifetime and replacements:** 20 years (per DOE and 2016 DWH CASE report). The cost of one replacement is included in the calculation.
- **HPWH equipment list price:** \$1,200 for 50-gal, \$1,400 for 80-gal, per www.lowes.com on 4/14/2017. Energy factor 3.5, COP per NRDC-Ecotope 2016 study, <https://www.nrdc.org/experts/pierre-delforge/very-cool-heat-pump-water-heaters-save-energy-and-money>, scaled by 7% to account for performance improvements since 2014 (ratio of 3.5 EF and 3.25 EF)
- **HPWH installation:** \$497 (2014 Itron Measure Cost study adjusted for inflation) + \$200 for 240V conduit cost per online search.
- **HPWH lifetime and replacements:** 13 years (per DOE and 2016 DWH CASE report for storage water heaters). The cost of two replacements is included in the calculation.

Data and Assumptions for GHG Emissions and Source Energy Analysis

- **Natural gas source to site ratio:** 1.05, Energy Star Portfolio Manager - Technical Reference, <https://portfoliomanager.energystar.gov/pdf/reference/Source%20Energy.pdf>
- **Electricity T&D losses:** 1.047, EIA, 2015, , <http://www.eia.gov/tools/faqs/faq.cfm?id=105&t=3>
- **Natural gas emissions factor:** 5.302, kg CO₂/th, , <http://www.epa.gov/energy/ghg-equivalencies-calculator-calculations-and-references>
- **Emissions factors:** Table 10, “CEC Draft Staff Report: ESTIMATED COST OF NEW RENEWABLE AND FOSSIL GENERATION IN CALIFORNIA (May 2014)”, <http://www.energy.ca.gov/2014publications/CEC-200-2014-003/CEC-200-2014-003-SD.pdf>

	lbs/MWH	kg CO ₂ /kWh
Single cycle	1,239.3	0.5621
Combined cycle	823.1	0.3734

- **Source-to-site ratios and heat rates:** Table 39, “CEC Draft Staff Report: ESTIMATED COST OF NEW RENEWABLE AND FOSSIL GENERATION IN CALIFORNIA (May 2014)”, <http://www.energy.ca.gov/2014publications/CEC-200-2014-003/CEC-200-2014-003-SD.pdf>

	Heat rate Btu/kWh	Thermal efficiency	Source- to-site
Single cycle	10,585	32%	3.10
Combined cycle	7,250	47%	2.12

<<<Date>>>

Mr. Christopher Meyer
Building Standards Office
California Energy Commission
1516 Ninth St.
Sacramento, CA 95814

Re: Support for the renewable water heating model ordinance proposed by the Natural Resources Defense Council

Dear Mr. Meyer,

The City of Menlo Park supports the recommendations to include analysis of renewable water heating along with the model solar ordinance, as proposed by the Natural Resources Defense Council at the April 20, 2017, Zero Net Energy staff workshop, and submitted to the California Energy Commission's docket May 5, 2017 (Docket No. 17-BSTD-01).

As one of the first cities in San Mateo County to adopt and regularly update its climate action plan, the City of Menlo Park has been at the forefront of progressive environmental change and action at the local level. The City continues to work toward positioning itself as a model of sustainability in its work to reduce greenhouse gas emissions, improve energy efficiencies and implement renewable energy technologies. Menlo Park joins in this effort with other leading California agencies, including the City of Berkeley, City of Chula Vista, City of Hayward, City of Los Angeles, City of Manhattan Beach, Marin County, City of Palo Alto, City of Richmond, City of San Diego, City of San Francisco, City of San Jose, City of Santa Barbara, and the City of Santa Monica.

We support the California Energy Commission's initiative to develop a model solar photovoltaic ordinance, and encourage the California Energy Commission to support the cost effectiveness analysis that provides an option for a "renewable water heating" requirement. Water heating is one of the largest energy uses and source of greenhouse gas emissions in the California residential sector. The proposed inclusion of renewable water heating requirements will enable California's communities to achieve larger greenhouse gas emissions reductions necessary to meet the State's AB 32 goals.

We encourage the California Energy Commission to develop options that will help reduce GHGs from electricity consumption AND natural gas consumption for residential water and space heating. The Natural Resources Defense Council's "renewable water heating" model reach code proposal presents an important opportunity to reduce greenhouse gas emissions from water heating by approximately half, and achieve cost reductions over the life of the systems. The combination of heat pump water heaters and rooftop photovoltaic systems is more cost-effective due to the lower cost of on-site photovoltaic electricity generation relative to grid electricity. The California Energy Commission should recognize this cost-effectiveness in its comprehensive strategy to reduce utility costs to ratepayers.

The City of Menlo Park commends the California Energy Commission's commitment to reduce energy costs and environmental impacts of energy use - such as greenhouse gas emissions - while ensuring a safe, resilient and reliable supply of energy. The inclusion of the cost effectiveness of distributed energy resources, including on-site solar photovoltaic, is a critical

step in furthering mutual energy goals and provides a pathway to zero-net energy homes in California.

The Natural Resources Defense Council's proposed ordinance provides a framework that is cost-effective for homeowners, and represents an opportunity to reduce greenhouse gas emissions and pollution burdens impacting the health of California communities.

We strongly encourage the California Energy Commission to finalize and adopt the Natural Resources Defense Council's proposal to allow cities and developers in California to continue a pathway to zero net energy homes.

We appreciate the opportunity to provide this input to the California Energy Commission.

Sincerely,

Kirsten Keith
Mayor, City of Menlo Park

DRAFT



STAFF REPORT

City Council Meeting Date: 7/18/2017
Staff Report Number: 17-167-CC

Consent Calendar: **Adopt a resolution for a vision of 100 percent renewable energy powering the Menlo Park community by 2030**

Recommendation

Staff recommends the City Council adopt the attached resolution for a vision of 100 percent renewable energy powering the community by 2030 in accordance with the “Mayors for 100% Clean Energy” initiative

Policy Issues

The proposed action is consistent with City policies and the City Council’s vision of environmental leadership and sustainability.

Background

On June 20, 2017, the City Council reaffirmed its commitment to combating climate change, in keeping with the City of Menlo Park’s adopted climate action plan, by adopting a resolution upholding the goals of the Paris Agreement under the Climate Mayor’s national framework.

In June 2017, the U.S. Conference of Mayors approved a resolution supporting 100 percent renewable energy goal by 2035 and launched the “Mayors for 100% Clean Energy” initiative in partnership with the Sierra Club’s Ready for 100 Campaign. This campaign calls on all mayors of all cities and towns across the country to support a vision for 100 percent clean and renewable energy for their communities.

By April 2017, all Menlo Park residential and commercial customers gained access to electricity that is, at a minimum, 50 percent renewable and 75 percent carbon-free through Peninsula Clean Energy, a community choice energy program. All customers also have access to a premium option that provides 100 percent renewable and 100 percent carbon-free energy at an added cost of about \$0.01 per kilowatt hour (equivalent to about \$2.29 per month extra for a typical residential customer).

Analysis

The “Mayor’s for 100% Clean Energy” initiative and the Ready for 100 Campaign both call for communities to commit to a goal of achieving 100 percent renewable energy. Some cities have supported this by simply converting their municipal operations to 100 percent renewable, while others have sought a communitywide renewable energy goal. Menlo Park and other cities within the Peninsula Clean Energy service area have the great opportunity to achieve renewable energy goals for both.

In 2016, the Menlo Park City Council chose to opt-up to 100 percent renewable and 100 percent carbon free electricity for all municipal operations. In addition, the Peninsula Clean Energy Board of Directors has

adopted a strategic goal to source 100 percent of its energy from California renewable power sources by 2025. This would make the default electricity offering provided to all residential and commercial customers 100 percent renewable.

The goal of achieving communitywide 100 percent renewable energy by 2030 is attainable through promotion of Peninsula Clean Energy, ongoing efforts to switch away from carbon-burning fuels such as coal, gasoline and natural gas in favor of renewably generated electricity, and the market's forward momentum for electric vehicles and solar panels.

The attached resolution is consistent with the previously adopted, aspirational elements in the city's climate action plan and affirms Menlo Park's commitment to its goals.

Public Notice

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

Attachments

- A. Resolution adopting a vision of 100 percent renewable energy powering the Menlo Park community by 2030

Report prepared by:

Clay Curtin, Assistant to the City Manager/Interim Sustainability Manager

RESOLUTION NO.**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADOPTING A VISION OF 100 PERCENT RENEWABLE ENERGY
POWERING THE MENLO PARK COMMUNITY BY 2030**

WHEREAS, consensus exists among the world's leading climate scientists that global warming caused by emissions of greenhouse gases from human activities is among the most significant problems facing the world today; and

WHEREAS, the general preference for meeting energy needs remains energy efficiency, and the City aims to further this goal by acquiring cost- and energy-efficient equipment through its approved environmentally preferred purchasing policy; and

WHEREAS, challenges with the cost of electricity for residential and commercial rate-payers is an important challenge to the city's economic and social well-being; and

WHEREAS, renewable energy resources have been shown by a wide range of studies to be the most cost-effective and stable future sources of power generation; and

WHEREAS, the economic opportunities presented by a clean energy transition far outweigh the opportunities to expanding the fossil fuel economy; and

WHEREAS, rooftop solar, low-income community solar and demand control technologies offer opportunities to more people and can stimulate new economic activity in the City, and lift up those most impacted by high energy costs; and

WHEREAS, one sector alone, solar energy, accounts for over 300,000 jobs in the United States, representing a 25 percent growth rate since 2015; and

WHEREAS, the State of California has mandated statewide reduction of greenhouse gas emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050; and

WHEREAS, the City of Menlo Park has mandated citywide reduction of greenhouse gas emissions to 27 percent below 2005 levels by 2020; and

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, indicates its vision for 100 percent renewable energy powering the Menlo Park community by 2030; and

BE IT FURTHER RESOLVED, that the City of Menlo Park joins over 100 other U.S. cities in committing and working toward 100 percent renewable energy.

I, Jelena Harada, Deputy City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the eighteenth day of July, 2017, 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 eighteenth day of July, 2017.

Jelena Harada
Deputy City Clerk



STAFF REPORT

City Council

Meeting Date: 7/18/2017
Staff Report Number: 17-170-CC

Consent Calendar: **Approve resolution of intention to amend CalPERS retirement contract**

Recommendation

Staff recommends that the City Council approve the resolution of intention to amend the City's CalPERS retirement contract to provide Section 20516 (Employees Sharing Additional Cost) of 3% for classic local non-management safety members.

Policy Issues

CalPERS requires the governing bodies of member agencies to give notice of its intention to approve an amendment to its retirement contract.

Background

Beginning in July, 2011, all Memoranda of Understanding (MOUs) between the City and both the Police Officers' Association and the Police Sergeants Association have included a cost sharing provision in which classic safety members contribute 3.00% of their pensionable income to the City's contribution toward the CalPERS retirement plan. In the most recent executed MOUs, the City agreed to modify its contract with CalPERS to incorporate this 3.00% cost sharing as a Member Contribution for classic safety members.

In May, 2017, the City submitted its request to CalPERS to initiate this contract amendment and in June, 2017, the City received the necessary documentation to continue the process. The next required action is for the City Council to adopt a resolution of intention to approve an amendment to the contract between the Board of Administration, California Public Employees' Retirement System and the City Council, City of Menlo Park and allow the safety members to hold a secret ballot. Following a vote approving the amendment, the City can prepare an ordinance authorizing the contract amendment and allow CalPERS to finalize the amendment, effective no earlier than September 3, 2017.

Analysis

The resolution of intention to approve the contract amendment was already agreed upon by the City and its local safety bargaining units and does not change the net contributions of either the City or its members toward the CalPERS retirement plans.

The City has no additional liability by amending its retirement contract to include this cost sharing amount as a Member Contribution. The change will only affect local safety members who either a) wish to cash out their contributions from the CalPERS system prior to retirement, in which case they will recover that 3.00% contribution, or b) pass away after electing a retirement option which cashes out contributions to a beneficiary and prior to exhausting those contributions by drawing retirement benefits. In neither case will

the City be required to make any additional contribution toward a member's retirement.

In the event that the local safety members do not approve the contract amendment, the City may continue to collect the 3.00% contribution as before.

The pending contract amendment does not include PEPRA members due to the difference in cost sharing provisions. While PEPRA safety members also participate in cost sharing, their contribution varies by fiscal year depending on the plan's valuation and subsequent normal cost. This variable contribution cannot be included in a contract amendment in so straightforward a manner as for classic members, and an amendment to classic safety retirement plans will not affect the City's ability to continue cost sharing with PEPRA safety members in the same manner as before.

Impact on City Resources

There is no impact on City resources as a result of adopting this amendment. The City's CalPERS employer rate will permanently decrease by 3.00% for non-management classic local safety members and the employee rate will permanently increase by 3.00% as a Member Contribution.

Environmental Review

Environmental review is not required.

Public Notice

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

Attachments

- A. Exhibit contract amendment
- B. Resolution of Intention to Approve an Amendment to Contract
- C. MOU Pages – PSA
- D. MOU Pages – POA

Report prepared by:
Dan Jacobson, Management Analyst II

**EXHIBIT**

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Menlo Park

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective December 1, 1948, and witnessed October 26, 1948, and as amended effective July 1, 1957, May 1, 1965, October 1, 1965, June 1, 1973, September 28, 1973, July 1, 1974, July 31, 1977, March 6, 1983, March 30, 1986, July 1, 1990, September 26, 1991, June 30, 1994, February 9, 1996, January 5, 2000, June 30, 2001, March 16, 2006, June 25, 2006 November 20, 2011 and February 12, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective February 12, 2012, and hereby replaced by the following paragraphs numbered 1 through 18 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members entering membership in the miscellaneous classification on or prior February 2, 2012, age 60 for classic local miscellaneous members entering membership for the first time in the miscellaneous classification after February 2, 2012, age 62 for new local miscellaneous members, age 50 for classic local safety members entering membership in the safety classification on or prior to November 20, 2011 and age 55 for classic local safety members entering membership for the first time in the safety classification after November 20, 2011, and age 57 for new local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after December 1, 1948 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Police Officers (herein referred to as local safety members);
 - b. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **PERSONS COMPENSATED ON AN HOURLY BASIS HIRED ON OR AFTER MAY 5, 1965; AND**
 - b. **FIREFIGHTERS.**
6. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment before and not on or after March 29, 2009 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment on or after March 29, 2009 and not entering membership for the first time after February 12, 2012 in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
8. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time in the miscellaneous classification after February 12, 2012 shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member entering membership in the safety classification on or prior to November 20, 2011 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
11. The percentage of final compensation to be provided for each year of credited current service as a classic local safety member entering membership for the first time in the safety classification after November 20, 2011 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

12. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
13. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21571 (Basic Level of 1959 Survivor Benefits) for local miscellaneous members only.
 - b. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
 - c. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
 - d. Section 20425 ("Local Police Officer" shall include employees of a police department who were employed to perform identification or communication duties on August 4, 1972 and who elected to be local safety members).
 - e. Section 21001 (Credit for War Relocation Leave). Legislation repealed said Section effective January 1, 2002.
 - f. Section 20042 (One-Year Final Compensation) for classic local miscellaneous members entering membership on or prior to February 12, 2012 and those classic local safety members entering membership on or prior to November 20, 2011.
 - g. Section 20903 (Two Years Additional Service Credit).
 - h. Section 21573 (Third Level of 1959 Survivor Benefits) for local safety members.
 - i. Section 20475 (Different Level of Benefits). Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local safety members entering membership for the first time in the safety classification after November 20, 2011.

Section 21353 (2% @ 60 Full formula) Section 20037 (Three-Year Final Compensation) are applicable to classic local miscellaneous members entering membership for the first time in the miscellaneous classification after February 12, 2012.

j. Section 20516 (Employees Sharing Additional Cost):

From an after the effective date of this amendment to contract, 3% for classic local safety members in the Menlo Park Police Officers' Association.

From an after the effective date of this amendment to contract, 3% for classic local safety members in the Menlo Park Police Sergeants Association.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

14. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on July 31, 1977. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
15. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
16. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
- 17. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
- 18. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF MENLO PARK

BY _____
ARNITA PAIGE, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

**RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY OF COUNCIL
CITY OF MENLO PARK**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) of 3% for classic local safety members in the Menlo Park Police Officers' Association and the Menlo Park Police Sergeants Association.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: _____
Presiding Officer

Title

Date adopted and approved

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MEMORANDUM OF UNDERSTANDING
BETWEEN
THE MENLO PARK POLICE SERGEANTS
ASSOCIATION
AND
THE CITY OF MENLO PARK



August 30, 2016 to June 30, 2017

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One full day either December 24 or December 31

- 7.1.1 Designation of which one full day on either December 24 or December 31 is taken off shall be made by the Police Chief, considering the needs of the service and the officer's desires.
- 7.1.2 In the event that any of the aforementioned days, except December 24 or 31, falls on a Sunday, the following Monday shall be considered a holiday. In the event that any of the aforementioned days falls on a Saturday, the preceding Friday shall be considered a holiday. In the event that December 24 and 31 fall on a Sunday, then the preceding Friday will be designated for purposes of the full holiday.
- 7.1.3 Work on a Fixed Holiday. Any employee required to work on a fixed holiday and in addition to regular hours (e.g., on his or her regular day off) shall be paid time and one-half for such work in addition to his or her holiday pay. Work on a fixed holiday beyond the number of hours in the regular shift being worked on the holiday shall be compensated at double time. [For example, an employee in a special assignment working on a holiday will be entitled to double time after ten (10) hours; an employee working overtime on patrol on a holiday will be entitled to double time after twelve (12) hours.] Holiday pay shall be reported in accordance with PERS requirements.
- 7.1.4 An employee who is scheduled to work on a holiday, and who does not work due to illness or injury for which they would otherwise be eligible for sick leave, shall be entitled to eight (8) hours of holiday pay and shall use general leave, or other appropriate paid/unpaid leave to make up any difference between the holiday and his or her regularly scheduled shift. An employee will not be paid for more than his or her regular day's pay for any holiday when he or she does not work due to illness or injury.
- 7.1.5 When a holiday falls on the regular day off for an employee who is filling a non-Patrol assignment, that employee will normally flex his or her regular day off to account for the holiday (i.e., will use the 8 hours of holiday time to take time off on another day during the same workweek). However, with the approval of their supervisor, and subject to the operational needs of the Department, employees on a non-Patrol assignment may work their full workweek and receive an additional 8 hours of pay for the holiday (i.e., 40 hours for time worked plus 8 hours for the holiday).

ARTICLE 8: RETIREMENT PROGRAMS

8.1 Retirement Plan

Retirement benefits for employees hired prior to November 20, 2011 shall be those established by the Public Employees' Retirement System (PERS) for Local Safety

Members 3% at age 50 Formula, highest single year.

For employees hired on or after November 20, 2011, who are not new members as defined by PERS, retirement benefits shall be those established by the Public Employees' Retirement System (PERS) for Local Safety Members 3% at age 55 formula, highest three years.

For new employees, as defined by the Public Employees' Retirement System (PERS), hired on or after January 1, 2013, retirement benefits shall be those established by the Public Employees' Retirement System (PERS) for Local Safety Members 2.7% at age 57 formula, highest three years.

8.2 Optional Provisions

8.2.1 1959 Survivor Allowance as set forth in Section 6 of Chapter 9 of the Public Employees' Retirement Law, commencing with Section 21570 of the Government Code, shall be provided.

8.2.2 Third Level of 1959 Survivor Benefits, as provided under Government Code Section 21573, shall be included.

8.3 City's Contribution to Retirement

8.3.1 The City shall pay the rate prescribed by the Public Employees' Retirement System for employer contributions to the Public Employees' Retirement System in accordance with the rules and regulations governing such employer contributions.

8.3.2 Classic employees shall contribute three percent (3.00%) toward the employer's contribution to the Public Employees' Retirement System (Employee Paid City Contribution).

8.3.3 To the extent permitted by law, the Employee Paid City Contribution shall be taken as a pre-tax deduction from the employees' paycheck each payroll period. The City and PSA agree that the three percent (3%) will continue past the expiration of the MOU. If for any reason the City is precluded from making the Employee Paid City Contribution deduction or the deduction cannot be made on a pre-tax basis, the parties agree to meet and confer regarding ways to cure the defect.

8.3.4 The parties understand that the Employee Paid City Contribution is a payment towards the Normal Cost of Retirement Benefits pursuant to Government Code Section 20516.5.

8.4 Employee's Contribution to Retirement System

- 8.4.1 The full employees's contribution shall be deducted from the unit member's pay by the City and forwarded to the Public Employees' Retirement System in accordance with the rules and regulations governing such contributions.
- 8.4.2 New employees, as defined by the Public Employees' Retirement System (PERS), hired on or after January 1, 2013, shall make a member contribution of 50% of the Normal Cost of the benefit as a pre-tax deduction from the employees' paycheck each payroll period.

The City has implemented Employer Pick-up, Internal Revenue Code 414 (h) (2) on the employee's contribution to the Public Employees' Retirement System.

- 8.4.3. As soon as practicable, the City will modify its contract with CalPERS to provide for a 3.0% additional Member Contribution over and above Normal Contribution for classic members. This means that classic members will make an additional 3.0% contribution into their member account and will cease making the contribution in 8.3.2. The total member contribution for classic employees will be 12%.
- 8.4.4 Each employee designated by CalPERS as a "new member" (PEPRA member) in accordance with applicable laws shall contribute the greater of half of the normal cost or twelve percent (12%).
 - 8.4.4.1 In the event that half of the normal cost is less than twelve percent (12%), PEPRA members will contribute an amount equal to the difference between half of the normal cost and twelve percent (12%) toward employer's contribution to the Public Employees' Retirement System. For example, if half of the normal cost is 11.5%, PEPRA members will contribute an additional 0.5% for a total of 12%.
 - 8.4.4.2 Any additional employer contribution paid by PEPRA member shall be taken as a pre-tax deduction from the employees' paycheck each payroll period.

8.5 Honorary Retirement

- 8.5.1 Upon separation, an employee who leaves the service of the Menlo Park Police Department shall be considered retired provided the unit member has fifteen (15) years of service with the department and is in good standing at the time of departure.
- 8.5.2 An employee shall be given a retirement badge and identification card.

ARTICLE 13: SEPARABILITY

13.1 If a court of competent jurisdiction finally determines that any provisions of this Memorandum is invalid and unenforceable, such provisions shall be separable, and the remaining provisions of the Memorandum shall remain in full force and effect.

ARTICLE 14: LABOR MANAGEMENT COMMITTEE

Effective for the term of this agreement, The City and PSA agree to the establishment of a Labor Management Committee (LMC) to serve as an advisory committee and to facilitate employee education and involvement in issues regarding CalPERS retirement benefits, including but not limited to, potential future costs increases and the impacts of said cost increases to the financial stability of the City.

The City and the PSA shall each select their own representatives and in equal number, with no more than three (3) on each side. Each side is encouraged to propose issues for discussion, and the committee will jointly set priorities. Decision making within this forum will be by consensus. The LMC will set up regular meetings to occur not less than once per quarter and a means for calling additional meetings to handle issues on an ad hoc basis.

The LMC is not authorized to meet and confer or create contractual obligations nor are they to change the MOU to authorize any practice in conflict with existing contracts or rules.

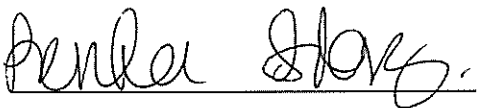
ARTICLE 15: EFFECT OF AGREEMENT

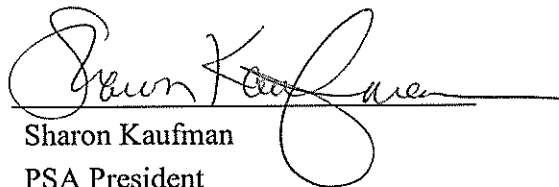
This Memorandum of Understanding sets forth the full and complete understanding between the parties hereto with respect to all subject matters addressed herein.

Dated 09.01.16

City of Menlo Park

Menlo Park Police Sergeants Association





Lenka Diaz
Acting Administrative Services Director

Sharon Kaufman
PSA President

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MEMORANDUM OF UNDERSTANDING
BETWEEN THE
MENLO PARK POLICE OFFICERS' ASSOCIATION
AND
THE CITY OF MENLO PARK



December 22, 2015 through June 30, 2017

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The maximum longevity pay that may be received by an officer is eight percent (8.00%).

13.17 Specialty Assignment Pay

Specialized assignments of Police Officers shall be governed by the Menlo Park Police Department Policy Manual Section 1029. Officers regularly occupying a special assignment, as approved by the Chief of Police, shall receive five percent (5%) Specialty Pay, calculated upon base pay, for each biweekly period of said assignment.

ARTICLE 14: RETIREMENT BENEFITS

14.1 Retirement Plan

Retirement benefits for employees hired prior to July 1, 2011 shall be those established by the Public Employees' Retirement System (PERS) for Local Safety Members 3% at age 50 Formula, highest single year.

Employees hired on or after November 20, 2011, who are not new members as defined by PERS, retirement benefits shall be those established by the Public Employees' Retirement System (PERS) for Local Safety Members 3% at age 55 Formula, highest three years.

New employees, as defined by the Public Employees Retirement System (PERS) hired on or after January 1, 2013, retirement benefits shall be those established by PERS for Local Safety Members 2.7% at age 57 formula, highest three years.

14.2 Optional Provisions

14.2.1 1959 Survivor Allowance as set forth in Article 6 of Chapter 9 of the Public Employees' Retirement Law (commencing with Section 21380 of the Government Code) shall be provided. Section 21573 (Third Level of 1959 Survivor Benefits) shall be included.

14.3 City's Contribution to Retirement

14.3.1 The City shall pay the rate prescribed by the Public Employees' Retirement System for employer contributions to the Public Employees' Retirement System in accordance with the rules and regulations governing such employer contributions.

14.3.2 Each classic employee shall contribute three percent (3.00%) toward the employer's contribution to the Public Employees' Retirement System. The amount shall be taken as a pre-tax deduction from the employees' paycheck each payroll period. The City and P.O.A. agree, that the three percent (3%) will continue past the expiration of the MOU. If for any reason the City is precluded from making the three percent (3%) deduction or the deduction cannot be made on a pre-tax basis the parties agree to meet and confer regarding ways to cure the defect.

14.3.2.1 As soon as practicable, the City will modify its contract with CalPERS to provide for a 3.0% additional Member Contribution over and above Normal Contribution for classic members. This means that classic members will make an additional 3.0% contribution into their member account and will cease making the contribution in 14.3.2. The total member contribution for classic employees will be 12%.

14.3.2.2 Upon completion of the contract amendment process in 14.3.2.1, the additional payment in 14.3.2 shall cease.

14.3.3 Each employee designated by CalPERS as a "new member" (PEPRA member) in accordance with applicable laws shall contribute the greater of half of the normal cost or twelve percent (12%).

14.3.3.1 In the event that half of the normal cost is less than twelve percent (12%), PEPRA members will contribute an amount equal to the difference between half of the normal cost and twelve percent (12%) toward employer's contribution to the Public Employees' Retirement System. For example, if half of the normal cost is 11.5%, PEPRA members will contribute an additional 0.5% for a total of 12%.

14.3.3.2 Any additional employer contribution paid by PEPRA member shall be taken as a pre-tax deduction from the employees' paycheck each payroll period.

14.4 Officer's Contribution to Retirement System

The full employee contribution shall be deducted from the employee's pay by the City and forwarded to the Public Employees' Retirement System in accordance with the rules and regulations governing such contributions.

New employees, as defined by the Public Employees' Retirement System (PERS), hired on or after January 1, 2013, shall make a member contribution of 50% of the Normal Cost of the benefit.

14.5 Retiree Return to Work

A retiree may return to work upon the mutual agreement of the City and the retiree. The City agrees not to condition such retiree on passing a polygraph examination.

14.6 Honorary Retirement

Upon separation, an employee who leaves the service of the Menlo Park Police Department shall be considered retired provided the unit member has fifteen (15) years of service with the department and is in good standing at the time of departure.

A unit member shall be given a retirement badge and identification card.

A concealed weapons permit shall be granted pursuant to Penal Code Sections 12027 and 12027.1.

Retirement under this section shall be honorary and shall not involve any payment or benefit to the unit member or liability on the part of the City.

ARTICLE 15: UNIFORM ALLOWANCE, SAFETY EQUIPMENT, AND TRAINING

15.1 Uniform Allowance

Officers shall be paid an annual uniform allowance of One Thousand Forty Dollars (\$1,040.00) annually on the twenty-fifth pay period of the year to be used for the purchase and maintenance of uniforms.

The City shall pay the cost of providing one class A uniform for all officers during the officer's employment with the City.

Normal attire for patrol officers shall be a distinctive police uniform. Officers shall have the option of wearing either boots or shoes as part of the normal duty uniform. Motorcycle officers shall have the option of wearing a leather jacket.

The City and the P.O.A. shall each select their own representatives and in equal number, with no more than three (3) on each side. Each side is encouraged to propose issues for discussion, and the committee will jointly set priorities. Decision making within this forum will be by consensus. The LMC will set up regular meetings to occur not less than once per quarter and a means for calling additional meetings to handle issues on an ad hoc basis.

The LMC is not authorized to meet and confer or create contractual obligations nor are they to change the MOU to authorize any practice in conflict with existing contracts or rules.


ARTICLE 22: TERM OF AGREEMENT

22.1 This Agreement shall remain in full force and effect up to and including June 30, 2017.

The terms of this Agreement shall be effective upon the adoption of this Agreement by the City Council except as otherwise provided by specific articles of this Agreement.

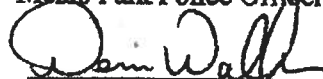
Dated 4-21-2016

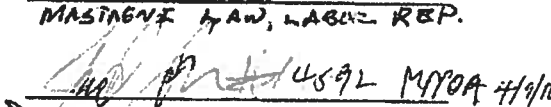
City of Menlo Park




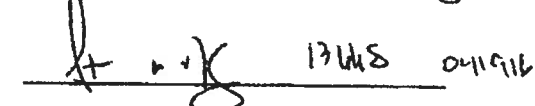
David Bertini

Menlo Park Police Officers' Association



MASINEVE LAW, LABOR REP.


MPPOA #1/9/16


MPPOA 11/12/16


13th St 04/15/16



STAFF REPORT

City Council
Meeting Date: 7/18/2017
Staff Report Number: 17-169-CC

Consent Calendar: **Authorize the Mayor, City Manager and staff to advocate for the support of SB 595 (Beall) for Transportation Funding**

Recommendation

Authorize the Mayor, City Manager and staff to advocate for the support of SB 595 (Beall) for transportation funding, with emphasis on the importance of inclusion of improvements in the Dumbarton Corridor and maximizing San Mateo County projects' eligibility.

Policy Issues

The 2016 General Plan Circulation Element includes policies that seek to maintain a circulation system using the Roadway Classification System that will provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe and active community and quality of life throughout Menlo Park and increases accessibility for and use of streets for all users including motorists, pedestrians, bicyclists and transit riders.

Background

Current state law establishes the Bay Area Toll Authority (BATA) as the entity responsible for the programming, administration, and allocation of toll revenues from state-owned toll bridges in the Bay Area, and authorizes BATA to increase the toll rates for certain purposes, including to provide funding to meet the requirements of voter-approved regional measures. Prior regional bridge toll measures (Regional Measures 1 and 2) were approved by voters in 1998 and 2004.

SB 595 was introduced on February 17, 2017 by Senator Beall, with co-authors Bonta, Chiu, Mullin, Ting, Hill, Skinner, Wieckowski, Wiener, Chu, Low, Quirk and Thurmond, to allow BATA to place a ballot measure for voter approval of bridge toll increase not to exceed \$3. Revenue from the toll increase would be appropriated by the MTC. The bill would require BATA to establish an independent oversight committee to ensure consistency with an expenditure plan. The most recent amendment was on July 3, 2017 in the Assembly, and would require the ballot pamphlet to include a summary of the expenditure plan regarding eligible projects and programs to be funded in the next regional bridge toll measure, which would be referred to as Regional Measure 3 (RM3).

Analysis

The Bay Area state legislative delegates and MTC have been conferring on potential projects to be included

in the candidate project list. The C/CAG Board, on July 13, 2017, will be considering an endorsement of candidate projects within San Mateo County for RM3. The list of candidate projects presented to the C/CAG Board is provided in Attachment A and linked below.

As shown, the candidate list of projects includes projects to construct improvements on US 101, the Dumbarton Corridor (State Route 84, rail bridge and approaches), Caltrain improvements, and interchange improvements at US 101/SR 92 and US 101/SR 84 (at Woodside Road in Redwood City).

Discussions regarding the candidate project list are ongoing, and advocacy for this effort is time sensitive. In addition, the attached candidate project list is what San Mateo County is collectively advocating for, but does not necessarily reflect what the final candidate list will be for the RM3. Therefore, staff is requesting the Council authorize the Mayor, City Manager and staff to advocate for the support of SB 595, with emphasis on the importance of inclusion of improvements in the Dumbarton Corridor and maximizing San Mateo County projects' eligibility.

Impact on City Resources

This staff report has no impact on the City resources, but ongoing advocacy efforts will require possible Council and staff time support. The proposed State legislation has the potential to increase funding for transportation projects that could impact the City of Menlo Park.

Environmental Review

Environmental review is not required for this agenda item.

Public Notice

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

Attachments

- A. Regional Measure 3, San Mateo County Candidate List of Projects
<http://ccag.ca.gov/wp-content/uploads/2017/07/071317-CCAG-Full-Packet-website.pdf>

Report prepared by:
Nicole H. Nagaya, Assistant Public Works Director

Reviewed by:
Justin Murphy, Public Works Director

Regional Measure 3 (RM3) - San Mateo County Candidate Project List					
Sponsor	Project	Location	Project Description	Capital Cost	Annual Operations Cost
SMCTA/ C/CAG	US 101 Managed Lanes (South of I-380)	San Antonio Rd (Santa Clara County) to I-380	Add 22 miles of managed lanes (HOV and/or HOT) in San Mateo County	up to \$325M	TBD
SMCTA/ C/CAG	US 101 Managed Lanes (North of I-380)	US 101 from I-380 to SF County Line	Add northbound and southbound managed lane (HOV and/or HOT) from I-380 to San Francisco County line.	up to \$250M	TBD
SamTrans	Dumbarton Corridor	Dumbarton SR 84 and Dumbarton Rail bridge, and approaches	Mix of transportation improvements to address both congestion on the Dumbarton Bridge (Highway 84) and connecting roadways, as well as the rehabilitation and repurposing of the Dumbarton rail bridge to the south.	Cost estimates will range from tens of millions to up to \$1.2B (rail solution on the rail bridge)	TBD
SamTrans	SamTrans El Camino Real Corridor	Palo Alto to Daly City	Add rapid transit in the ECR corridor	\$16.5m for rapid transit	\$2.5m
SamTrans	Operations at SF Transbay Terminal	Palo Alto to Daly City	Operating support for SamTrans buses operating at the SF Transbay Terminal	N/A	TBD
Caltrain	Calmod 2.0	SF to San Jose	Full conversion to 100% EMU + capacity increase (\$440m); broadband (\$30m); Maintenance Facility improvements (\$36m); level boarding & platform extensions (\$250M)	up to \$756M	
Caltrain	Caltrain Downtown Extension (DTX)	SF Caltrain Station to Transbay Terminal	Extending Caltrain from current terminal station in SF to the Transbay Terminal	\$3.9B (total cost of project)	TBD
SM/Foster City	101/92 Interchange improvements	San Mateo/Foster City	Array of alternatives that would improve traffic flow and increase mobility within the heavily congested 101/92 Interchange	up to \$160M	
Redwood City	Woodside Interchange	US 101/SR 84 Woodside Interchange	Improve the US 101/Woodside Interchange.	\$142M	

Various	Bicycle/Pedestrian facilities	Various	Improvements to bicycle/pedestrian access connected to toll corridors, including the San Francisco Bay Trail.	\$20M	
WETA	Expanded Ferry Service RWC	Redwood City	The new Redwood City terminal will open between 2022 and 2026, offering ferry service to San Francisco.	\$94M	\$12M
WETA	Expanded Ferry Service SSF	South San Francisco	In June of 2012, construction of the new South San Francisco terminal was completed and service was launched.	\$18M	\$8M
BART	BART Rail Car Rehab	Systemwide across 5 count	Rehabilitation of aging BART cars	TBD (\$M share)	
City of East Palo Alto	University Avenue Improvements	University Ave between Highway 101 and the Dumbarton Bridge	Improve traffic and safety through this major transportation corridor between Highway 101 and the Dumbarton Bridge.	\$5M	
Cities	Grade Separation	Various	Grade separation connected to toll bridge corridors.	\$250M	



STAFF REPORT

City Council

Meeting Date: 7/18/2017
Staff Report Number: 17-157-CC

Public Hearing: Consider an appeal of the Planning Commission approval of use permit for a new residence at 445 Oak Court

Recommendation

The City Council should consider the merits of an appeal of the Planning Commission's approval of a use permit to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regard to lot width located in the R-1-U (Single-Family Urban Residential) zoning district, at 445 Oak Court. The proposal includes two heritage tree removals. Staff recommends denying the appeal and upholding the Planning Commission's use permit approval, per the recommended actions in Attachment A.

Policy Issues

Each use permit request is considered individually. The City Council should consider whether the required use permit findings can be made for the proposal.

Background

Project description

The applicant is proposing to demolish an existing single-story, single-family residence and construct a new two-story residence with a basement. The proposal includes a detached two-car garage and a 699-square foot secondary dwelling unit in the rear of the property. The proposed residence would be a modern, Spanish style home with a mission tile roof and white washed stucco plaster. The design of the detached garage and secondary dwelling unit would be consistent with the main residence featuring the same architectural style and finishes. The proposed residence would meet the relevant R-1-U zoning regulations including, but not limited to, building heights, floor area limit (FAL), setbacks, and daylight plane requirements. The proposed project includes the removal of two heritage trees: one incense cedar and one English walnut, which are in poor health. Eight non-heritage size trees throughout the site are proposed for removal. The Planning Commission staff report for the May 22, 2017 meeting is included in its entirety here as Attachment B and provides more details on the proposed development.

Planning Commission review

On January 9, 2017, the Planning Commission reviewed an initial version of the proposal for the subject property. The staff report and approved minutes for this meeting are included via hyperlink as Attachments C and D, respectively. The Planning Commission indicated general support for the proposal, but continued

the use permit application with direction to modify the plans. The vote was 4-2-1, with Commissioners Combs and Goodhue opposed and Commissioner Riggs abstaining. As summarized in the minutes, the Commission's direction included the following key points:

- Reduce the building height by approximately three feet.
- Consider different screening trees other than cypress trees.
- Screen balcony on the second story.
- Reconsider the amount of paving.

On May 22, 2017, the Planning Commission reviewed a revised proposal for the subject property. As noted earlier, the staff report for this meeting is included as Attachment B. Six public comment letters that were received after the staff report was published are included as Attachment E. The draft excerpt minutes are included as Attachment F. These draft minutes are scheduled to be reviewed by the Planning Commission on July 17, 2017, and any substantive edits will be presented to the City Council at the July 18 meeting.

In response to the Planning Commission's earlier direction, the applicant made the following changes to the original proposal:

- The overall height of the main residence was lowered to 26.1 feet, from 27.6 feet tall
- Permanent walls were added to the sides of the second story balcony. The proposed walls would have small decorative openings in them to tie them in with the proposed architectural style.
- Replacement of the proposed cypress trees along the left side property line with a photinia fraseri screening tree. The proposed tree species was selected based on the neighbor's preference.
- Revised landscape plan that features fewer pavers. The area that was previously proposed as pavers would feature native drought tolerant grasses and ground cover.
- In addition to the Commission-directed changes, the survey was revised to address a separate survey concern brought up by a rear neighbor. As a result, several proposed setbacks were adjusted slightly, and the secondary dwelling unit was shifted forward to meet the rear setback requirement.

After considering public comments and the revised proposal, the Planning Commission conditionally approved the project 6-1 (with Commissioner Strehl in opposition) with a requirement to reduce the building height an additional one foot, six inches (six inches from the first floor height and one foot from the second floor height). The applicant has since revised the project plans to reflect this required height change, and the updated plans are included as Attachment G.

Analysis

Appeal of the Planning Commission's Action

On June 2, 2017, the City Clerk's office received an appeal of the Planning Commission's approval of the use permit. The appeal was submitted by David Jones and Edurne Jorda-Sierra, the adjacent east side neighbors at 465 Oak Court. The appellants were active participants during the earlier phases of project review, and offered written and verbal testimony that was considered by the Planning Commission.

The appeal letter (Attachment H) of the Planning Commission's action states that the City cannot make

the findings of Zoning Ordinance Section 16.82.030. Section 16.82.030 of the Zoning Ordinance states that in order to grant a use permit, the Planning Commission must make the finding that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and that it will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. The appeal letter does not specify which aspects of Section 16.82.030 are of concern; however, prior to publishing the packet the appellant provided an additional document including specific concerns and a solar study (Attachment I). The concerns outlined in the document are the similar to what was presented and discussed at the Planning Commission meetings.

The property owner, Brian Nguyen, has submitted a letter responding to the appeal (Attachment J) and an exhibit illustrating the building height reductions (Attachment K). The letter provides information on the communication between the property owner and appellant and responds to specific concerns that were previously raised by the appellant during the Planning Commission's review.

Prior to publishing the staff report a letter was received from Shute Mihaly & Weinberger LLP on behalf of the appellants and three other nearby property owners (Attachment L).

Per Section 16.86.040 of the Zoning Ordinance, the City Council may affirm, revise, or modify the decision of the Planning Commission. To reverse or modify the Planning Commission's decision shall require the affirmative vote of three-fifths of the City Council (or three Council Members). If the City Council does not take any action on the appeal within 75 days after the filing of the appeal, the Planning Commission's action shall be deemed affirmed.

From staff's perspective, comments from the appellants and other neighbors were fully considered by the Planning Commission during the earlier project review meetings, and revisions have been required to lower the scale of the residence, improve neighbor privacy, and limit the amount of paving. Staff has updated the use permit findings in the recommended action (Attachment A) to more fully reflect the Planning Commission's discussion about the basis for the use permit approval.

Impact on City Resources

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project, for the period between the application submittal and the appeal of the Planning Commission action. The appellant paid a \$110 flat fee to file an appeal of the Planning Commission's decision. Staff time spent on the review of the appeal to the City Council is not otherwise recovered, per Council policy.

Environmental Review

The project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property.

Attachments

- A. Recommended Actions
- B. Planning Commission Staff Report – May 22, 2017
- C. Hyperlink: Planning Commission Staff Report, January 9, 2017 - <http://menlopark.org/DocumentCenter/View/12638>
- D. Hyperlink: Planning Commission Excerpt Minutes, January 9, 2017 - https://www.menlopark.org/AgendaCenter/ViewFile/Minutes/_01092017-2857
- E. Correspondence Submitted After Publishing of May 22 Planning Commission Staff Report
- F. Planning Commission Draft Excerpt Minutes, May 22, 2017
- G. Updated Project Plans
- H. Appeal Letter
- I. Appellant's Solar Study
- J. Applicant's Response Letter to Appeal
- K. Height Reduction Comparison
- L. Shute Mihaly & Weinberger LLP Letter

Disclaimer

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

Exhibits to Be Provided at Meeting

None

Report prepared by:
Kaitie Meador, Associate Planner

Report reviewed by:
Mark Muenzer, Assistant Community Development Director

445 Oak Court – Attachment A: Recommended Actions

LOCATION: 445 Oak Court	PROJECT NUMBER: PLN2016-00075	APPLICANT: Tom Sloan	OWNER: Brian Nguyen
REQUEST: Request for a use permit to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regards to lot width located in the R-1-U (Single-Family Urban Residential) zoning district. The project includes the proposed removal of two heritage trees.			
DECISION ENTITY: City Council	DATE: July 18, 2017	ACTION: TBD	
VOTE: (Carlton, Cline, Keith, Mueller, Ohtaki)			
ACTION:			
<ol style="list-style-type: none"> 1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, “New Construction or Conversion of Small Structures”) of the current California Environmental Quality Act (CEQA) Guidelines. 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City. Specifically, the project would be consistent with the requirements of the Zoning Ordinance. The residence is proposed to be 24.6 feet in height, well below the maximum permissible height of 28 feet. The proposed structure would comply with daylight plane requirements. The proposed setbacks are well within the required setbacks, and the second floor setbacks are more than twice the minimum requirement. The residence is proposed to have a 26.4 foot front setback were 20 foot is allowed in order to maintain the same setback as the existing residence and be consistent with the neighborhood pattern. To protect privacy, a screening tree, translucent windows, and balcony walls are proposed. The proposed residence will be consistent with the neighborhood housing stock, which includes one- and two-story single-family residences of various architectural styles (including ranch, farmhouse, mission, and craftsman style homes) and scales. 3. Approve the use permit subject to the following standard conditions: <ol style="list-style-type: none"> a. Development of the project shall be substantially in conformance with the plans prepared by Metro Design Group consisting of 19 plan sheets, dated received July 10, 2017, and approved by the City Council on July 18, 2017, except as modified by the conditions contained herein, subject to review and approval of the Planning Division. b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project. c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project. d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering, and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes. e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and 			

445 Oak Court – Attachment A: Recommended Actions

LOCATION: 445 Oak Court	PROJECT NUMBER: PLN2016-00075	APPLICANT: Tom Sloan	OWNER: Brian Nguyen
REQUEST: Request for a use permit to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regards to lot width located in the R-1-U (Single-Family Urban Residential) zoning district. The project includes the proposed removal of two heritage trees.			
DECISION ENTITY: City Council	DATE: July 18, 2017	ACTION: TBD	
VOTE: (Carlton, Cline, Keith, Mueller, Ohtaki)			
<p>ACTION:</p> <p>significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.</p> <p>f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.</p> <p>g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.</p>			



STAFF REPORT

Planning Commission

Meeting Date: 5/22/2017

Staff Report Number: 17-030-PC

Public Hearing: Use Permit/Brian Nguyen/445 Oak Court

Recommendation

Staff recommends that the Planning Commission approve a request for a use permit to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regard to lot width located in the R-1-U (Single-Family Urban Residential) zoning district, at 445 Oak Court. The proposal includes two heritage tree removals. The recommended actions are contained within Attachment A.

Policy Issues

Each use permit request is considered individually. The Planning Commission should consider whether the required use permit findings can be made for the proposal.

Background

Site location

The subject site is located at 445 Oak Court, between Menalto Avenue and Woodland Avenue in the Willows neighborhood. A location map is included as Attachment B. The subject parcel is substandard with regard to the lot width. The substandard width occurs at the rear portion of the property, while the front and center of the lot meet the minimum 65 foot lot width. The subject parcel is surrounded by single-family homes which are also in the R-1-U zoning district. This neighborhood has a mix of housing stock, which includes one- and two-story single-family residences of various architectural styles including ranch, farmhouse, mission, and craftsman style homes. Oak Court does not allow through access for vehicles between the 100- and 200-addressed properties, although pedestrians and bicyclists can travel the whole block.

Previous Planning Commission review

On January 9, 2017, the Planning Commission reviewed an initial version of the proposal for the subject property. The Planning Commission continued the use permit application with direction to modify the plans. The January 9 minutes are available as Attachment G, and a selection of the original project plans are included as Attachment H. As summarized in the minutes, the Commission's direction included the following key points:

- Reduce the building height by approximately three feet.
- Consider different screening trees other than cypress trees.

- Screen balcony on the second story.
- Reconsider the amount of paving.

Since this meeting, the applicant has been working on the revisions, as well as addressing a separate survey concern brought up by a rear neighbor.

Analysis

Project description

The applicant is proposing to demolish an existing single-story, single-family residence and construct a new two-story residence with a basement. On the first floor, the main entrance would open to an entry hall and dining room opposite a library. The entry hall would lead to a guest bedroom and bathroom, family room and kitchen. The dining room and family room would open out to a covered patio in the rear yard. The second floor would have three bedrooms, three bathrooms, laundry room, and balcony. The balcony would comply with the relevant side and rear yard setback requirements. The basement would include a recreation room, home theater, tech room, wine cellar, bathroom, and bedroom/study. Overall, the proposed residence would have five bedrooms and five bathrooms.

The applicant is proposing a detached two-car garage and a 699-square foot secondary dwelling unit in the rear of the property. Secondary dwelling units which comply with all aspects of the disabled access requirements for kitchens, bathrooms, and accessible routes established in the California Building Code for adaptable residential dwelling units (as this unit would be) are allowed to be a maximum of 700 square feet. One additional uncovered parking space would be provided adjacent to the detached garage for the secondary dwelling unit. Although the two-story residence requires use permit review by the Planning Commission, the secondary dwelling unit is a permitted use, as it would meet all applicable standards in the Zoning Ordinance. The proposed project also includes an outdoor built-in fire pit and counter area with seating, in the rear yard between the main residence and secondary dwelling unit.

The residence is proposed to be 26.1 feet in height, were 27.6 feet was previously proposed, and below the maximum permissible height of 28 feet. The proposed structure would comply with daylight plane requirements. A data table summarizing parcel and project attributes is included as Attachment C. Relative to the original proposal's development standards, only the total building height has changed. The project plans and the applicant's project description letter are included as Attachments D and E, respectively.

In addition, since the January 9 meeting, adjustments have been made to the boundary survey. Specifically, the location of the property lines have been shifted forward slightly as a result of coordination between the project surveyor and the rear neighboring property owner's surveyor. As a result, several proposed setbacks have been adjusted, and the secondary dwelling unit has been shifted forward to meet the rear setback requirement. A memo to the arborist report has been provided by the project arborist outlining additional mitigation measures for the heritage European beech (Tree #9) near the secondary dwelling unit.

Design and materials

The revised proposal for the new residence, with some slight adjustments, would maintain the same materials and finishes as the previous design. The proposed residence would be a modern, Spanish style home with a low pitched, mission tile roof. The front entry would feature an arched doorway with a custom wood stained door. The siding would be white washed stucco plaster with a smooth hand troweled finish. Additional architectural interest would be created by the wood stained rafter tails and wrought iron railing and awning details. The proposed windows would be consistent throughout the residence and feature casement clad wood with simulated divided lites in a bronze color. The design of the detached garage and secondary dwelling unit would be consistent with the main residence featuring the same stucco siding, architectural details, wood doors, and windows. The applicant has designed the first and second floor main residence setbacks to be greater than the minimum requirements in the R-1-U zoning district, in particular on the upper level where the side setbacks would be over twice the minimum requirement, and the structure would be well within the daylight plane. Varying projections and articulations on the elevations of the proposed residence would further reduce the perception of mass.

The changes made to the original structure design include the following:

- The overall height of the residence has been lowered to 26.1 feet, from 27.6 feet tall. In the project description letter, the applicant indicates that the proposed 1.5-foot height reduction will allow them to maintain the desired interior ceiling heights. The applicant also states that additional height reductions up to three feet would not fundamentally change the neighbors' access to sky view and daylight.
- Permanent walls have been added to the sides of the second story balcony. The proposed walls would have small decorative openings in them to tie them in with the proposed architectural style. The proposed walls would still effectively screen views from the balcony.

Staff believes that the scale, materials, and design of the proposed residence would be consistent with the neighborhood's mix of architectural styles, and that the proposed materials and overall design integrity would result in an attractive and internally consistent aesthetic approach. Additionally, staff believes the reduced height and balcony walls address the Planning Commission's direction to reduce the building mass and would limit views to and from the new residence. However, if the Planning Commission would like to require an additional height reduction, closer to the original three-foot guidance, this can be implemented by staff as a new condition of approval.

Trees and landscaping

At present there are 23 trees on or in close proximity to the project site. Twelve of these trees are heritage trees, five of which are located on neighboring properties. The proposed project includes the removal of two heritage trees, one incense cedar (Tree #6) and one English walnut (Tree #8), which are in poor health. Eight non-heritage size trees throughout the site are proposed for removal. One heritage camphor tree (Tree #3) is also indicated for removal on the plans and was previously approved by the City Arborist for removal as it is dead. The original project proposal also included the removal of one magnolia tree (Tree #2), but applicant has since revised the plans to retain the tree.

The applicant has submitted two arborist reports and a memo (Attachment F) detailing the species, size and conditions of the trees on or near the site. During the review process, the arborist reports and conceptual grading plan were reviewed by the City's independent consulting arborist, whose work is overseen by the City Arborist, to confirm the accuracy of the conclusions of the reports. This project should not adversely affect any of the trees as the recommended tree protection measures outlined in the arborist reports will be ensured through standard condition 3g. As noted earlier, the arborist memo discusses the effects of the slight shift of the secondary dwelling unit footprint in response to the survey adjustments, and confirms that the European beech (Tree #9) would be protected.

The applicant is proposing new landscaping as part of the project. The new landscaping includes three 24-inch box replacement trees for the heritage trees proposed for removal. The proposed tree species and sizes meet the heritage tree replacement guidelines. In response to the Planning Commission's direction, the property owner is replacing the proposed cypress trees along the side property lines with a photinia fraseri screening tree. The proposed tree species was selected based on the neighbor's preference. The current proposal also includes a revised landscape plan that features fewer pavers. The area that was previously proposed as pavers will now feature native drought tolerant grasses and ground cover. All new landscaping will be required to comply with the Water Efficient Landscaping Ordinance (WELO).

Correspondence

Staff received emails and letters from several neighbors regarding this project after the initial public notice and as part of the notification process for the previous Planning Commission meeting. The correspondence from neighboring property owners and documents detailing the applicant's outreach efforts, including some supportive neighbor correspondence received directly by the applicant, were included as part of the January 9 staff report, available on the City's web site. Four letters that were received after the printing of that staff report and one letter received after submittal of the revised proposal are included here as Attachment I.

Conclusion

Staff believes the scale, materials, and style of the proposed residence are compatible with the neighborhood, and that the proposed overall design would result in an attractive and consistent aesthetic approach. The applicant has designed the first and second floor setbacks to be greater than the minimum requirements in the R-1-U zoning district, in particular on the upper level where the side setbacks would be over twice the minimum requirement, and the structure would be well within the daylight plane. Varying projections and articulations on the elevations of the proposed residence would further reduce the perception of mass. The recommended tree protection measures would help minimize impacts on nearby heritage trees, as confirmed by the City's independent consulting arborist after detailed review. Staff believes that the applicant has addressed the Planning Commission's direction for redesigning the proposed residence. The applicant has lowered the overall height of the residence, added screening to the balcony, reduced the amount of pavers, and revised the screening trees. Staff recommends that the Planning Commission approve the proposed project.

Impact on City Resources

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the

City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

Environmental Review

The project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property.

Appeal Period

The Planning Commission action will be effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

Attachments

- A. Recommended Actions
- B. Location Map
- C. Data Table
- D. Project Plans
- E. Project Description Letter
- F. Arborist Reports
- G. Planning Commission Excerpt Minutes – January 9, 2017
- H. Original Project Plans - Excerpts
- I. Correspondence

Disclaimer

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

Exhibits to Be Provided at Meeting

None

Report prepared by:

Kaitie Meador, Associate Planner

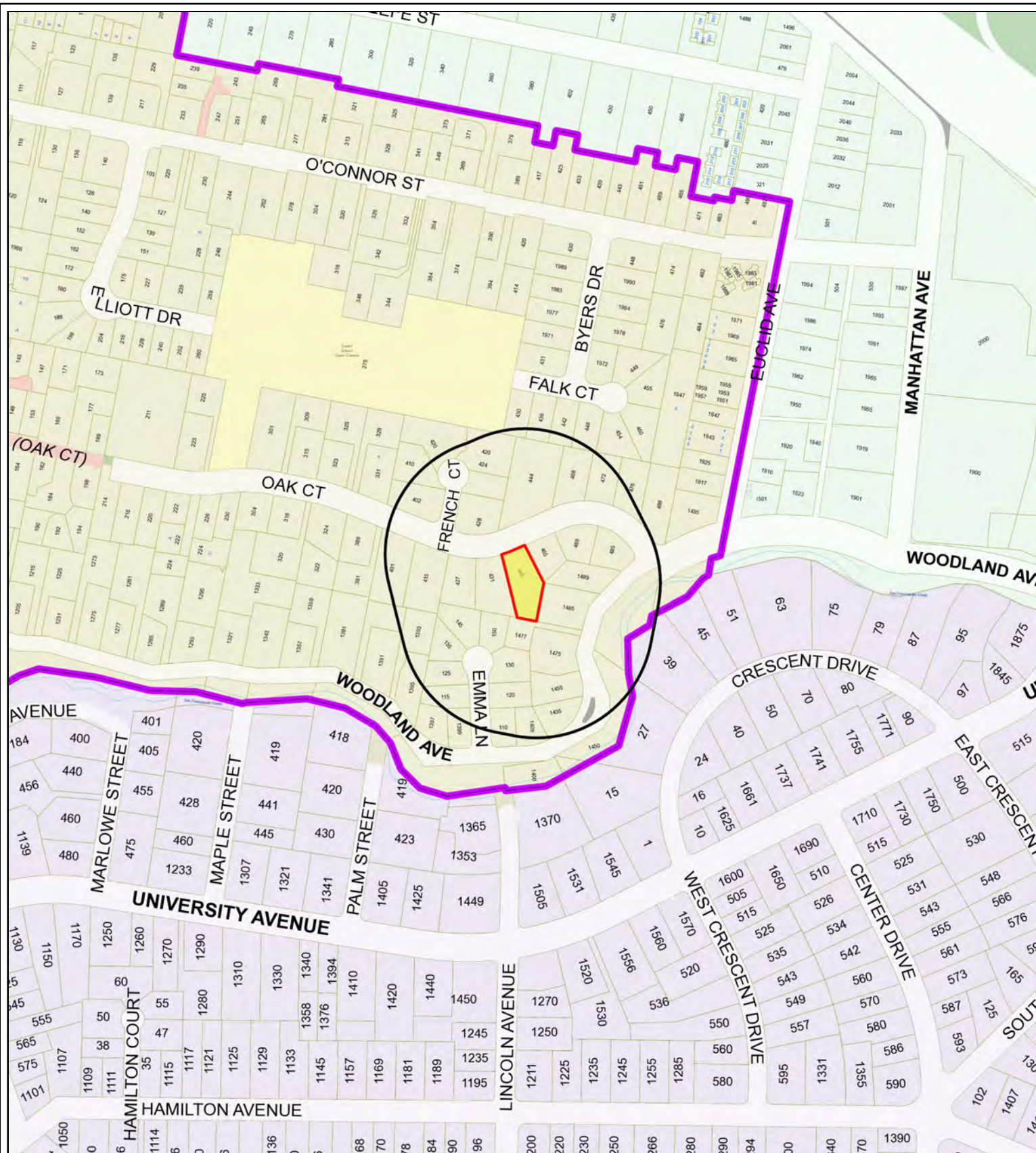
Report reviewed by:

Thomas Rogers, Principal Planner

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445 Oak Court – Attachment A: Recommended Actions

LOCATION: 445 Oak Court	PROJECT NUMBER: PLN2016-00075	APPLICANT: Tom Sloan	OWNER: Brian Nguyen
REQUEST: Request for a use permit to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regards to lot width located in the R-1-U (Single-Family Urban Residential) zoning district. The project includes the proposed removal of two heritage trees.			
DECISION ENTITY: Planning Commission	DATE: May 22, 2017	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)			
ACTION:			
<ol style="list-style-type: none"> 1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, “New Construction or Conversion of Small Structures”) of the current California Environmental Quality Act (CEQA) Guidelines. 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City. 3. Approve the use permit subject to the following <i>standard</i> conditions: <ol style="list-style-type: none"> a. Development of the project shall be substantially in conformance with the plans prepared by Metro Design Group consisting of nineteen plan sheets, dated received May 2, 2017, and approved by the Planning Commission on May 22, 2017, except as modified by the conditions contained herein, subject to review and approval of the Planning Division. b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project. c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project. d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering, and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes. e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division. f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits. g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. 			



City of Menlo Park
 Location Map
 445 Oak Court



	PROPOSED PROJECT	EXISTING PROJECT	ZONING ORDINANCE
Lot area	13,236 sf	13,236 sf	7,000 sf min.
Lot width	59.6 ft.	59.6 ft.	65 ft. min.
Lot depth	187.4 ft.	187.4 ft.	100 ft. min.
Setbacks			
Front	26.4 ft.	25.2 ft.	20 ft. min.
Rear	88.8 ft.	106 ft.	20 ft. min.
Side (left)	10.6 ft.	10.2 ft.	6 ft. min.
Side (right)	15.6 ft.	17.4 ft.	6 ft. min.
Building coverage	3,371.2 sf 25.5 %	2,210.8 sf 16.7 %	4,632.6 sf max. 35 % max.
FAL (Floor Area Limit)	4,358 sf	1,838.4 sf	4,359 sf max.
Square footage by floor	1,843.1 sf/1 st 1,366.1 sf/2 nd 445.6 sf/garage 373.5 sf/porches 10 sf/fireplace 699 sf/secondary dwelling unit 4.2 sf/area over 12' 1,692.9 sf/basement	1,125.4 sf/1st 713 sf/garage	
Square footage of building	6,434.4 sf	1,838.4 sf	
Building height	26.1 ft.	14 ft.	28 ft. max.
Parking	2 covered	2 covered	1 covered/1 uncovered
Trees	Heritage trees	12*	Non-Heritage trees 11
	Heritage trees proposed for removal	3**	New Trees 3
		Non-Heritage trees proposed for removal 8	Total Number of Trees 15

*Includes five heritage trees located on adjacent properties.

**Includes one camphor tree which was previously approved by the City Arborist.



The plans, ideas and design on this drawing are the property of the designer and shall not be used, in whole or in part, for any purpose for which they were not intended without the written permission of METRO DESIGN GROUP.

PROJECT NAME
445 OAK COURT RESIDENCE
445 OAK COURT
MENLO PARK, CA 95025

REVISIONS		
△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.
△	PC3 2-15-17	D.Z.



445 OAK COURT RESIDENCE

GENERAL NOTES		AREA TABULATION	PROJECT INFORMATION	VICINITY MAP	SHEET INDEX										
<p>1. CODES AND REGULATIONS</p> <p>ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE FOLLOWING CODES, AS WELL AS ALL APPLICABLE STATE CODES & LOCAL CITY ORDINANCES, 2016 CALIFORNIA BUILDING CODE (C.B.C.) 2016 CALIFORNIA RESIDENTIAL CODE (C.R.C.) 2016 CALIFORNIA ELECTRICAL CODE (C.E.C.) 2016 CALIFORNIA PLUMBING CODE (C.P.C.) 2016 CALIFORNIA MECHANICAL CODE (C.M.C.) 2016 CALIFORNIA FIRE CODE (C.F.C.) 2016 CALIFORNIA ENERGY CODE (C.E.C.) 2016 CALIFORNIA GREEN CODE (C.G.C.)</p> <p>NOTHING ON THE DRAWINGS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES & REGULATIONS.</p> <p>2. SITE VERIFICATION</p> <p>GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL EXAMINE THOROUGHLY THE SITE AND SATISFY THEMSELVES AS TO THE CONDITIONS TO WHICH THE WORK IS TO BE PERFORMED. THE CONTRACTOR SHALL VERIFY AT THE SITE ALL MEASUREMENTS AFFECTING HIS WORK, AND SHALL BE RESPONSIBLE FOR THE CORRECTNESS OF THE SAME. NO EXTRA COST TO THE OWNER WILL BE ALLOWED RESULTING FROM HIS NEGLIGENCE TO EXAMINE OR FAILURE TO DISCOVER CONDITIONS AFFECTING HIS WORK.</p> <p>3. MEASUREMENTS</p> <p>CONTRACTOR SHALL VERIFY ALL DIMENSIONS SHOWN ON THE DRAWINGS BY TAKING FIELD MEASUREMENTS. FOR PROPER FIT AND ATTACHMENT OF ALL PARTS IS REQUIRED. SHOULD THERE BE ANY DISCREPANCIES, IMMEDIATELY REPORT TO THE ARCHITECT IN WRITING PRIOR TO COMMENCEMENT OF ANY RELATED WORK. IN THE EVENT OF THE CONTRACTORS FAILURE TO DO SO, THE CONTRACTOR SHALL BE FULLY AND SOLELY RESPONSIBLE FOR THE CORRECTION OR ADJUSTMENT OF ANY SUCH RELATED WORK OR ERRORS.</p> <p>4. DIMENSIONS</p> <p>DO NOT SCALE THESE DRAWINGS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS.</p>	<p>5. DISCREPANCIES</p> <p>MINOR DISCREPANCIES BETWEEN THE DRAWINGS AND ACTUAL CONDITIONS ARE TO BE EXPECTED. CONDITIONS REQUIRING CLARIFICATION SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.</p> <p>6. MANUFACTURER'S SPECIFICATIONS</p> <p>CONTRACTOR AND ALL SUBCONTRACTORS SHALL INSTALL OR APPLY, AND PROTECT ALL PRODUCTS, MATERIALS, PROCESSES, METHODS, COATINGS, EQUIPMENT, APPLIANCES, HARDWARE, SOFTWARE, ETC. IN STRICT ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS, DETAILS & INSTRUCTIONS. TYPICAL: ALL MANUALS OR INSTRUCTIONS PROVIDED BY THESE MANUFACTURERS FOR PROPER OPERATION AND MAINTENANCE OF THE ABOVE ARE TO BE DELIVERED TO THE OWNER AT THE COMPLETION AND FINAL INSPECTION OF THE PROJECT.</p> <p>7. WINDOWS AND DOORS</p> <p>CONTRACTOR SHALL VERIFY THE QUANTITY, ROUGH OPENINGS AND TYPES OF DOORS AND WINDOW AND DOOR SCHEDULES IN RELATION TO FINISHING PER FIELD PRIOR TO ORDERING. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.</p> <p>8. CALGREEN STANDARDS</p> <p>ALL ADHESIVES, SEALANTS, CAULKS, PAINTS, COATINGS, AND AEROSOL PAINT CONTAINMENTS MUST REMAIN ON THE SITE FOR FIELD VERIFICATION BY THE BUILDING INSPECTOR. PER CGREC SEC. 4.504.2.4 PRIOR TO FINAL INSPECTION, A LETTER SIGNED BY THE GENERAL CONTRACTOR OR THE OWNER/BUILDER (FOR ANY OWNER/BUILDER) PROJECTS MUST BE PROVIDED TO THE CITY OF SAN JOSE. BUILDING OFFICIAL CERTIFYING THAT ALL ADHESIVES, SEALANTS, CAULKS, PAINTS, COATINGS, AEROSOL PAINTS, AEROSOL COATINGS, CARPET SYSTEMS (INCLUDING CARPETING, CUSHION AND ADHESIVE), RESILIENT FLOORING SYSTEMS, AND COMPOSITE WOOD PRODUCTS INSTALLED ON THIS PROJECT ARE WITHIN THE EMISSION LIMITS SPECIFIED IN CGREC SECTION 4.504.</p>	<p>1. SITE AREA</p> <p>GROSS AREA : = 13,236 SQ. FT. (0.30 AC) NET AREA : = 13,236 SQ. FT. (0.30 AC)</p> <p>2. SIDE SETBACK CALCULATION:</p> <p>MINIMUM LOT WIDTH: 59'-7 1/2" 59'-7 1/2" = 115'0" 715.5' x 1056 = 71 55' REQUIRED WIDTH = 45' 75% x 45 = 46 75' 59'-7 1/2" > 46'-9"</p> <p>SIDE SETBACK = 6'-0"</p> <p>3. FLOOR AREA LIMIT (FAL):</p> <p>3.1 FAL CALCULATION:</p> <p>2,800 SQ. FT. + 26% (13,236 SQ. FT. - 7,000 SQ. FT.) = -2,800 SQ. FT. + 1,559 SQ. FT. = 4,359 SQ. FT. FAL = 4,359 SQ. FT.</p> <p>3.2 PROPOSED FAL :</p> <p>PROPOSED RESIDENCE = 3,213.33 SQ. FT. PROPOSED SEC. DWELLING = 498.98 SQ. FT. PROPOSED GARAGE = 445.44 SQ. FT. TOTAL = 4,357.95 SQ. FT.</p> <p>4. MAXIMUM SECOND FLOOR AREA CALCULATION:</p> <p>68.47' x 4.359 SQ. FT. = 298,286.37 SQ. FT. = 1,591.67 SQ. FT. (166.21' x 108.60' - 100')² (374.81')²</p> <p>MAXIMUM SECOND FLOOR AREA = 1,591.67 SQ. FT.</p> <p>5. MAIN RESIDENCE FLOOR AREA:</p> <p>FIRST FLOOR AREA = 1,847.27 SQ. FT. SECOND FLOOR AREA = 1,366.06 SQ. FT. TOTAL = 3,213.33 SQ. FT.</p> <p>6. BUILDING COVERAGE:</p> <p>6.1 MAXIMUM BUILDING COVERAGE:</p> <p>25% = 4,652.40 SQ. FT. PROPOSED RESIDENCE = 3,213.33 SQ. FT. PROPOSED SEC. DWELLING = 744.17 SQ. FT. PROPOSED GARAGE = 445.44 SQ. FT. TOTAL = 3,712.95 SQ. FT.</p> <p>6.2 PROPOSED BUILDING COVERAGE:</p> <p>PROPOSED RESIDENCE = 2,181.42 SQ. FT. PROPOSED SEC. DWELLING = 744.17 SQ. FT. PROPOSED GARAGE = 445.44 SQ. FT. TOTAL = 3,371.03 SQ. FT.</p> <p>7. PARKING:</p> <p>7.1 REQUIRED: DWELLINGS: 2 SPACES /UNIT MINI ONE IN A GARAGE OR CARPORT SECONDARY DWELLING: 1 OFF-STREET SPACE</p> <p>7.2 PROPOSED: 2 SPACES AT GARAGE 1 SPACE NEAR GARAGE</p>	<p>PROPERTY OWNER: BRIAN NGUYEN PHONE / email: (650) 269-6300 brian.nguyen@gmail.com</p> <p>MALLING ADDRESS: 1457 EDGEWOOD DRIVE PALO ALTO, CA 94033</p> <p>PROJECT ADDRESS: 445 OAK CT. MENLO PARK, CA 94025</p> <p>SITE GROSS AREA: 13,236 SQ. FT. (0.30 AC) SITE NET AREA: 13,236 SQ. FT. (0.30 AC) A.P.N.: 063-452-080 R1-U</p> <p>ZONING: R1-U</p> <p>SETBACK REQUIREMENTS:</p> <table border="1"> <thead> <tr> <th>REQUIRED</th> <th>PROPOSED</th> </tr> </thead> <tbody> <tr> <td>FRONT: 20'-0"</td> <td>FRONT: 26'-5"</td> </tr> <tr> <td>SIDE (LEFT): 6'-0"</td> <td>SIDE (LEFT): 10'-7"</td> </tr> <tr> <td>SIDE (RIGHT): 6'-0"</td> <td>SIDE (RIGHT): 15'-7"</td> </tr> <tr> <td>REAR: 20'-0"</td> <td>REAR: 88'-9"</td> </tr> </tbody> </table> <p>LOCATED WITHIN DESIGNATED WILDLAND URBAN INTERFACE FIRE AREA: NO</p> <p>MAX HEIGHT: ALLOWED 28'-0" PROPOSED 26'-11"</p> <p>CONSTRUCTION TYPE: V-B OCCUPANCY: R-3/U FLOORS: 2 STORIES: 2 FIRE SPRINKLERS: REQUIRED (NFPA-13D) EXISTING USE: RESIDENTIAL</p>	REQUIRED	PROPOSED	FRONT: 20'-0"	FRONT: 26'-5"	SIDE (LEFT): 6'-0"	SIDE (LEFT): 10'-7"	SIDE (RIGHT): 6'-0"	SIDE (RIGHT): 15'-7"	REAR: 20'-0"	REAR: 88'-9"	<p>PROJECT SITE</p>	<p>ARCHITECTURAL</p> <p>A.0 SHEET INDEX, PROJECT INFORMATION, VICINITY MAP, PROJECT CONTACTS, GENERAL NOTES</p> <p>A.1.0 SITE PLAN</p> <p>A.1.1 AREA PLAN AND STREETSCAPE</p> <p>A.2.0 EXISTING HOUSE AND GARAGE FLOOR PLAN & ROOF PLANS</p> <p>A.2.1 EXISTING HOUSE AND GARAGE ELEVATIONS</p> <p>A.2.2 EXISTING HOUSE AND GARAGE RENDERINGS</p> <p>A.3.0 PROPOSED BASEMENT AND FIRST FLOOR PLAN</p> <p>A.3.1 PROPOSED SECOND FLOOR PLAN AND SQUARE FOOTAGE CALCULATION DIAGRAM</p> <p>A.3.2 PROPOSED SECOND DWELLING AND GARAGE FLOOR PLAN</p> <p>A.4 ROOF PLANS</p> <p>A.5.0 MAIN RESIDENCE EXTERIOR 1/4W & SE ELEVATIONS</p> <p>A.5.1 MAIN RESIDENCE EXTERIOR SW & NE ELEVATIONS</p> <p>A.5.2 SECONDARY DWELLING EXTERIOR ELEVATIONS</p> <p>A.5.3 GARAGE EXTERIOR ELEVATIONS</p> <p>A.6.0 MAIN RESIDENCE CROSS SECTIONS</p> <p>A.6.1 SECONDARY DWELLING AND GARAGE CROSS SECTIONS</p> <p>L-1 PRELIMINARY LANDSCAPE PLAN</p> <p>T-1 TOPOGRAPHIC SURVEY</p> <p>C-1 PRELIMINARY GRADING AND DRAINAGE PLAN</p>
REQUIRED	PROPOSED														
FRONT: 20'-0"	FRONT: 26'-5"														
SIDE (LEFT): 6'-0"	SIDE (LEFT): 10'-7"														
SIDE (RIGHT): 6'-0"	SIDE (RIGHT): 15'-7"														
REAR: 20'-0"	REAR: 88'-9"														
<p>COVER SHEET</p> <p>GENERAL NOTES AREA TABULATION PROJECT CONTACTS PROJECT INFORMATION VICINITY MAP SHEET INDEX</p> <p>DATE : 4-21-17 SCALE : NO SCALE DRAWN BY : DZ CHECKED BY : TS ARCHITECT : TOM SLOAN PROJECT NO : 16624</p> <p>SHEET NUMBER A-0</p>															

REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.
▲ PC3 2-15-17	D.Z.

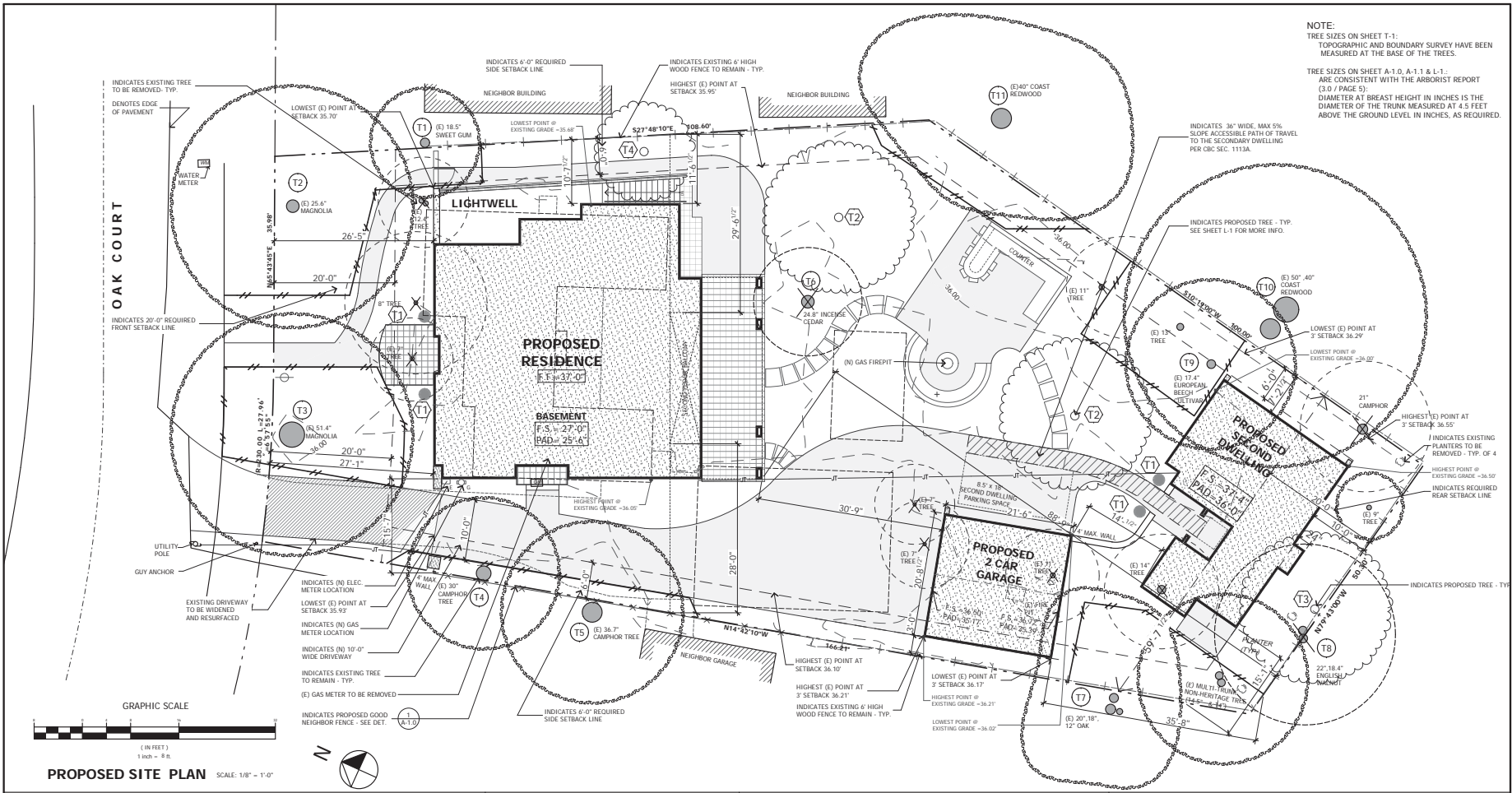
PROPOSED SITE PLAN

VICINITY MAP
PROJECT INFORMATION
PROJECT CONTACTS
AREA TABULATION
SITE PLAN LEGEND
DATE : 4-21-17
SCALE : 1/8" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

A-1.0

NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.
TREE SIZES ON SHEET A-1.0, A-1.1 & L-1-1 ARE CONSISTENT WITH THE ARBORIST REPORT (3-D / PAGE 5).
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.



PROPOSED SITE PLAN SCALE: 1/8" = 1'-0"

SITE PLAN LEGEND

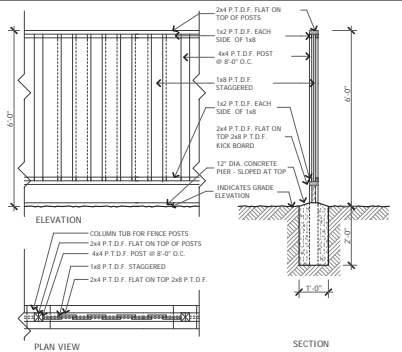
PROPERTY LINE	---	EXISTING DRIVEWAY WIDENED AND RESURFACED	
SETBACK LINE	- - -	PROPOSED PAVERS AREAS	
(E) GRADE CONTOUR LINE	- - -	PROPOSED HARDSCAPE	
EXISTING FENCE TO REMAIN	- + - + -	EXISTING TREE TO REMAIN	(E)12" OAK
PROPOSED FENCE	- x - x -	EXISTING TREE TO BE REMOVED	(E)12" OAK
EXISTING HOUSE TO BE REMOVED	- - -	EXISTING TREE TO BE REMOVED	(E)18" OAK
EXISTING HARDSCAPE TO BE REMOVED	- - -	EXISTING TREE TO BE REMOVED	(E)18" OAK
JOINT TRENCH	- / -	EXISTING HERITAGE TREE TO BE REMOVED	
TREE PROTECTION FENCING	- / - / -	PROPOSED TREE	
PROPOSED RESIDENCE			

SITE ANALYSIS

LOT GROSS AREA : = 13,236 SQ. FT. (0.30 AC)
LOT NET AREA : = 13,236 SQ. FT. (0.30 AC)
ALLOWABLE FLOOR AREA:
2,800 SQ. FT. + 25% (13,236 SQ. FT. - 7,000 SQ. FT.) =
= 2,800 SQ. FT. + 1,559 SQ. FT. = 4,359 SQ. FT.
MAIN RESIDENCE FLOOR AREA:
FIRST FLOOR AREA : = 1,847.27 SQ. FT.
SECOND FLOOR AREA : = 1,366.06 SQ. FT.
TOTAL : = 3,213.33 SQ. FT.
PROPOSED RESIDENCE : = 3,213.73 SQ. FT.
PROPOSED SEC. DWELLING : = 696.98 SQ. FT.
PROPOSED GARAGE : = 445.64 SQ. FT.
TOTAL : = 4,357.95 SQ. FT.
NO ATTIC SPACE OVER 5'-0"

LAND COVERED BY STRUCTURES: 3,371.23 SQ. FT. 25.47 %
LANDSCAPING: 5,613.47 SQ. FT. 42.41 %
PAVED SURFACES: 4,251.30 SQ. FT. 32.12 %
PARKING SPACES: 2 COV / 1 UNCOV
ALL GRADES TO REMAIN NATURAL

1 GOOD NEIGHBOR FENCE DETAIL



VICINITY MAP



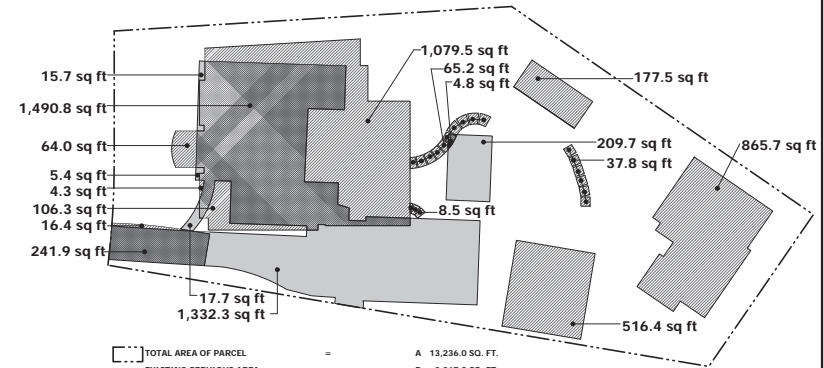
REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.
▲ PC3 2-15-17	D.Z.

AREA PLAN

IMPERVIOUS AREA CALCULATION
STREETSCAPE
DATE : 4-21-17
SCALE : AS NOTED
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

A-1.1

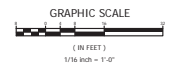


□ TOTAL AREA OF PARCEL	=	A	13,236.0 SQ. FT.
□ EXISTING PERVIOUS AREA	=	B	9,917.8 SQ. FT.
□ EXISTING IMPERVIOUS AREA	=	C	3,318.2 SQ. FT.
□ EXISTING % IMPERVIOUS	=	D	25.06 %
■ (E) IMPERVIOUS AREA TO BE REPLACED W/ NEW IMPERVIOUS AREA	=	E	1,737.5 SQ. FT.
■ (F) PERVIOUS AREA TO BE REPLACED W/ NEW IMPERVIOUS AREA	=	F	2,941.6 SQ. FT.
■ NEW IMPERVIOUS AREA	=	E + F = G	4,679.1 SQ. FT.
■ (H) IMPERVIOUS AREA TO BE REPLACED W/ NEW PERVIOUS AREA	=	H	1,580.8 SQ. FT.
■ NET CHANGE IN IMPERVIOUS AREA	=	F - H = I	1,360.8 SQ. FT.
■ PROPOSED PERVIOUS AREA	=	B - I = J	8,557.0 SQ. FT.
■ PROPOSED IMPERVIOUS AREA	=	C + I = K	4,679.0 SQ. FT.
■ VERIFY THAT J + K = A	=	8,557.0 SQ. FT. + 4,679.0 SQ. FT. =	13,236.0 SQ. FT.
■ PROPOSED % IMPERVIOUS	=	L	35.43 %

IMPERVIOUS AREA CALCULATION



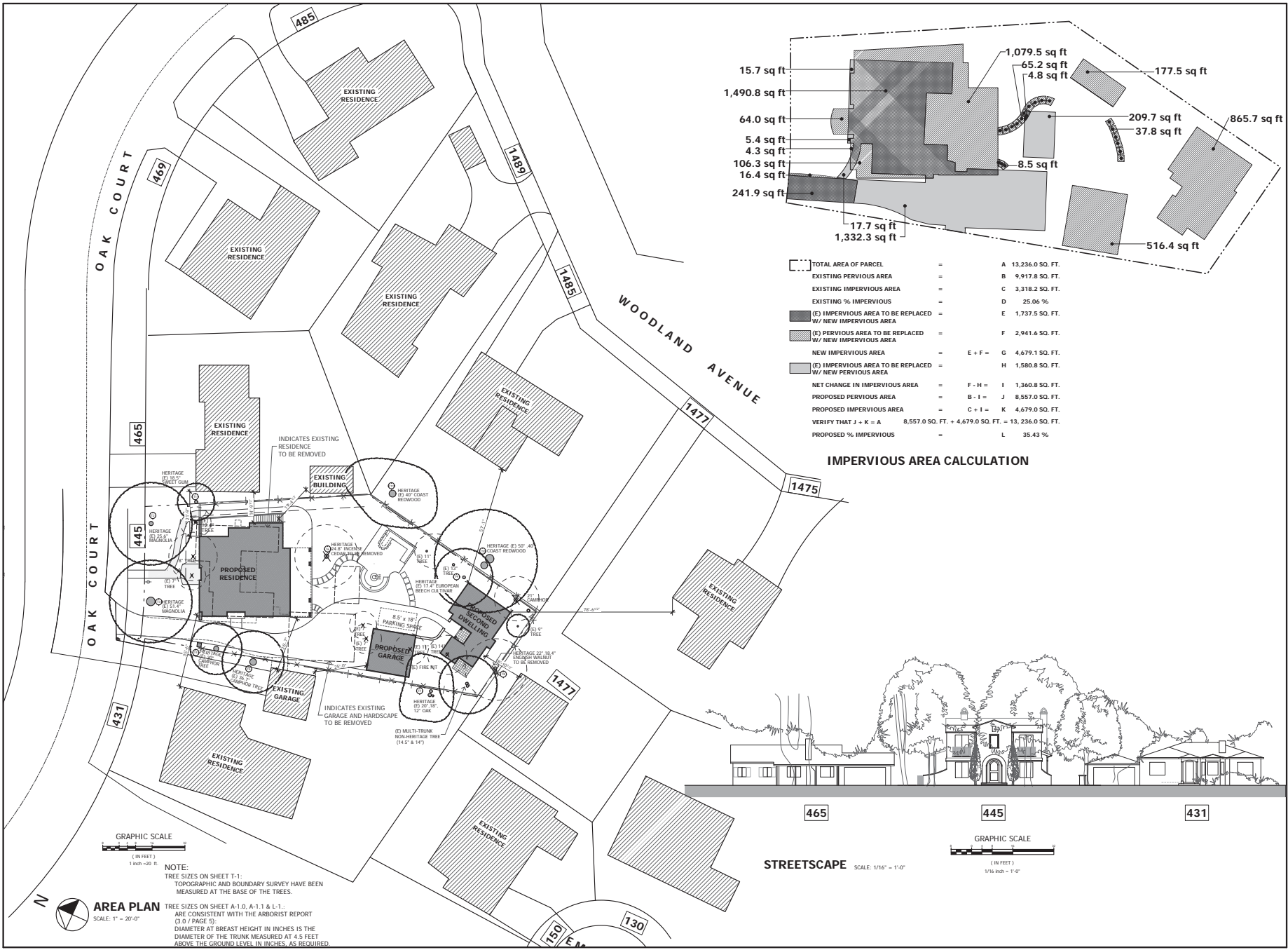
STREETSCAPE SCALE: 1/16" = 1'-0"



NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.
TREE SIZES ON SHEET A-1.0, A-1.1 & L-1:
ARE CONSISTENT WITH THE ARBORIST REPORT (3.0 / PAGE 3).
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.

AREA PLAN

SCALE: 1" = 20'-0"





ARCHITECTURE-PLANNING-INTERIORS

1475 S BASCOM AVE SUITE 208
 CAMPBELL, CA 95008
 (408) 871-1071 phone
 (408) 871-1072 fax
 www.metroarchitects.com

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PROJECT NAME
445 OAK COURT RESIDENCE

445 OAK COURT
 MENLO PARK, CA 95025

REVISIONS

△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.
△	PC3 2-15-17	D.Z.

EXISTING HOUSE & GARAGE FLOOR PLAN

DATE : 2-15-17

SCALE : 1/4" = 1'-0"

DRAWN BY : BN

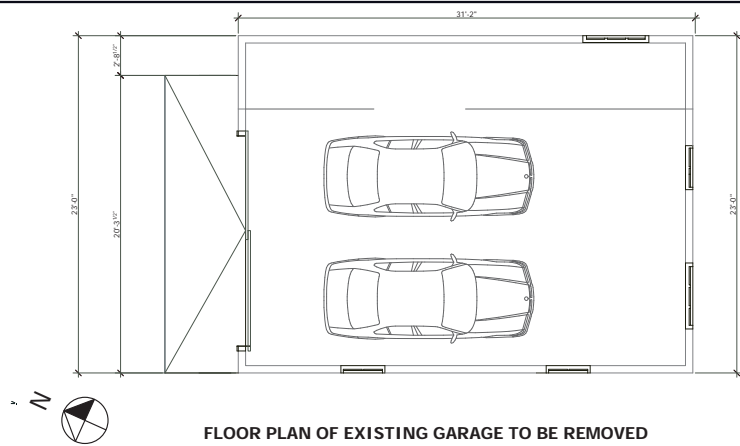
CHECKED BY : TS

ARCHITECT : TOM SLOAN

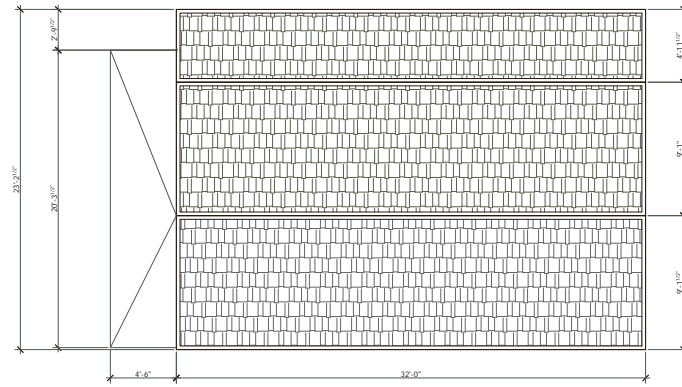
PROJECT NO : 16624

SHEET NUMBER

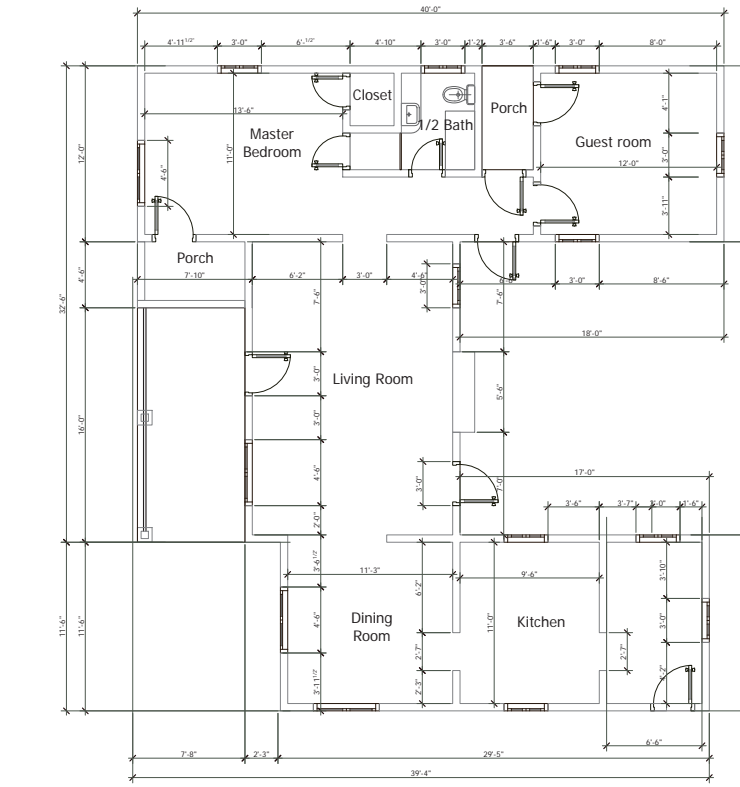
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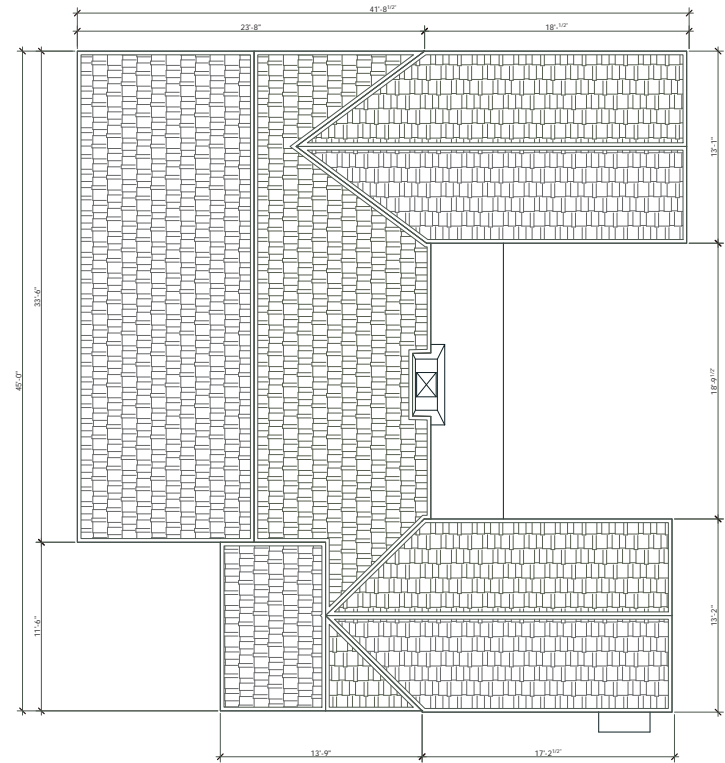
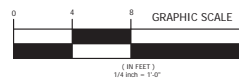
FLOOR PLAN OF EXISTING GARAGE TO BE REMOVED



ROOF PLAN OF EXISTING GARAGE TO BE REMOVED



FLOOR PLAN OF EXISTING HOUSE TO BE REMOVED



ROOF PLAN OF EXISTING HOUSE TO BE REMOVED



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DESIGN
GROUP**
ARCHITECTURE-PLANNING-INTERIORS
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PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

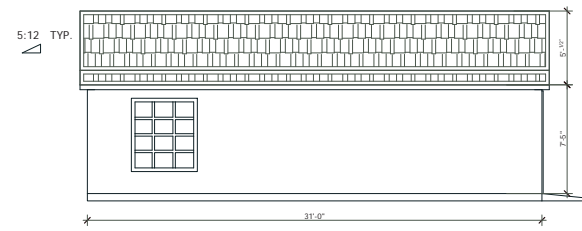
REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.
▲ PC3 2-15-17	D.Z.

**EXISTING HOUSE
EXTERIOR
ELEVATIONS**

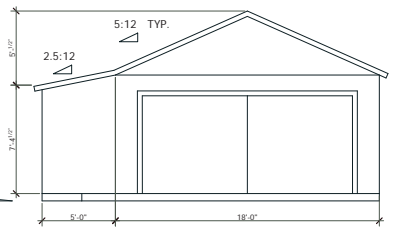
DATE : 2-15-17
SCALE : 1/4" = 1'-0"
DRAWN BY : BN
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

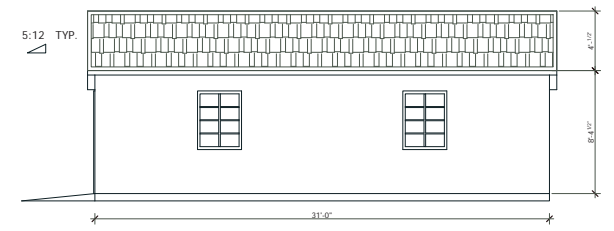
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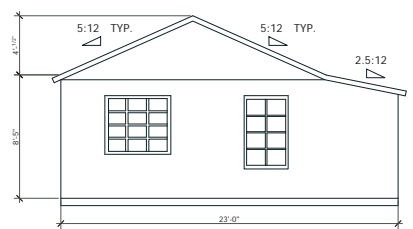
**EXISTING GARAGE TO BE REMOVED:
NORTHEAST (LEFT SIDE) ELEVATION**



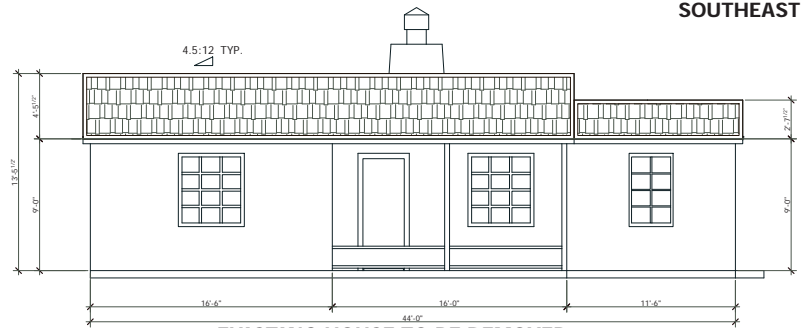
**EXISTING GARAGE TO BE REMOVED:
NORTHWEST (FRONT) ELEVATION**



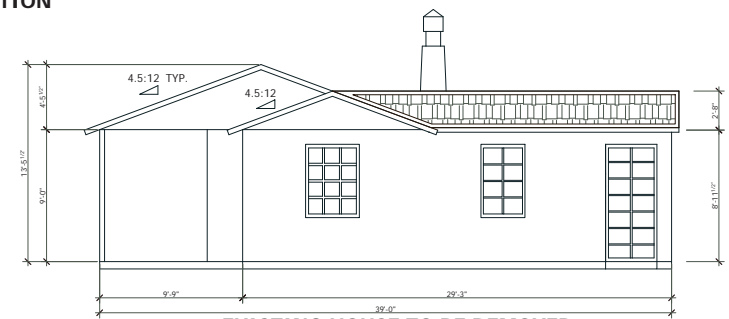
**EXISTING GARAGE TO BE REMOVED:
SOUTHWEST (RIGHT SIDE) ELEVATION**



**EXISTING GARAGE TO BE REMOVED:
SOUTHEAST (REAR) ELEVATION**



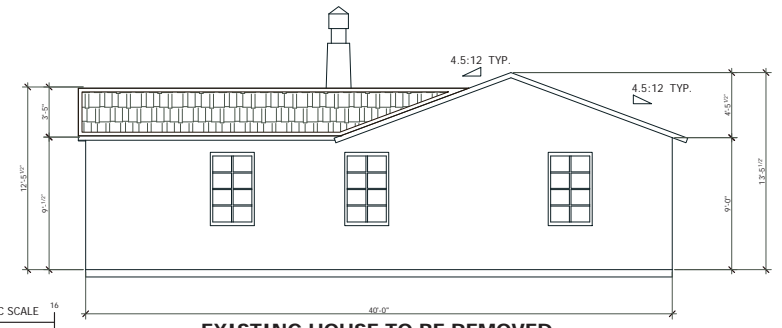
**EXISTING HOUSE TO BE REMOVED:
NORTHWEST (FRONT) ELEVATION**



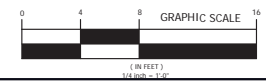
**EXISTING HOUSE TO BE REMOVED:
SOUTHWEST (RIGHT SIDE) ELEVATION**



**EXISTING HOUSE TO BE REMOVED:
SOUTHEAST (REAR) ELEVATION**



**EXISTING HOUSE TO BE REMOVED:
NORTHEAST (LEFT SIDE) ELEVATION**



2/16/2017 2:06 PM 20160313.13.17.dwg



ARCHITECTURE-PLANNING-INTERIORS
 1475 S BASCOM AVE SUITE 208
 CAMPBELL, CA 95008
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PROJECT NAME
445 OAK COURT RESIDENCE

445 OAK COURT
 MENLO PARK, CA 95025

REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.
▲ PC3 2-15-17	D.Z.

EXISTING HOUSE RENDERINGS

DATE : 2-15-17
 SCALE : N.T.S.
 DRAWN BY : BN
 CHECKED BY : TS
 ARCHITECT : TOM SLOAN
 PROJECT NO : 16624

SHEET NUMBER

A-2.2

2/16/2017 2:46:00 PM 16624-03-16-17.dwg

PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.
▲	PC3 2-15-17	D.Z.

**PROPOSED
MAIN RESIDENCE
BASEMENT &
FIRST FLOOR
PLAN**

DATE : 2-15-17

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

CHECKED BY : TS

ARCHITECT : TOM SLOAN

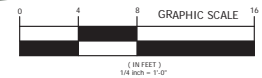
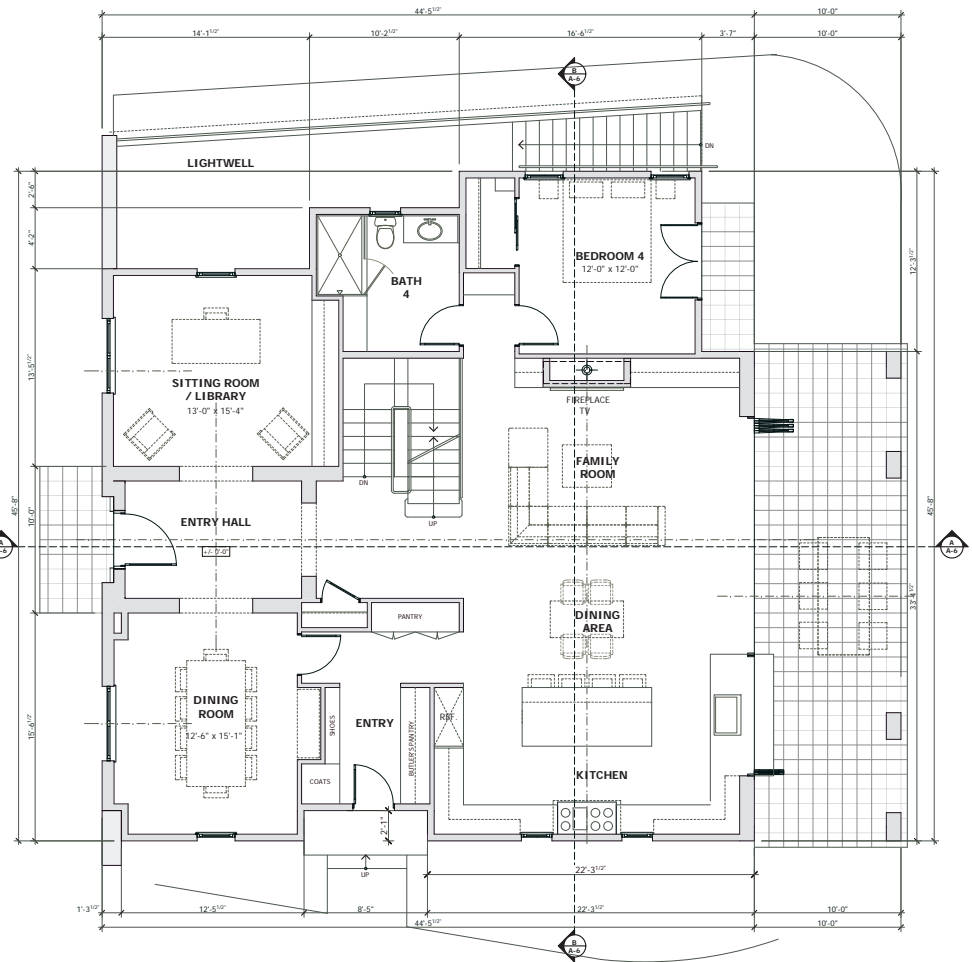
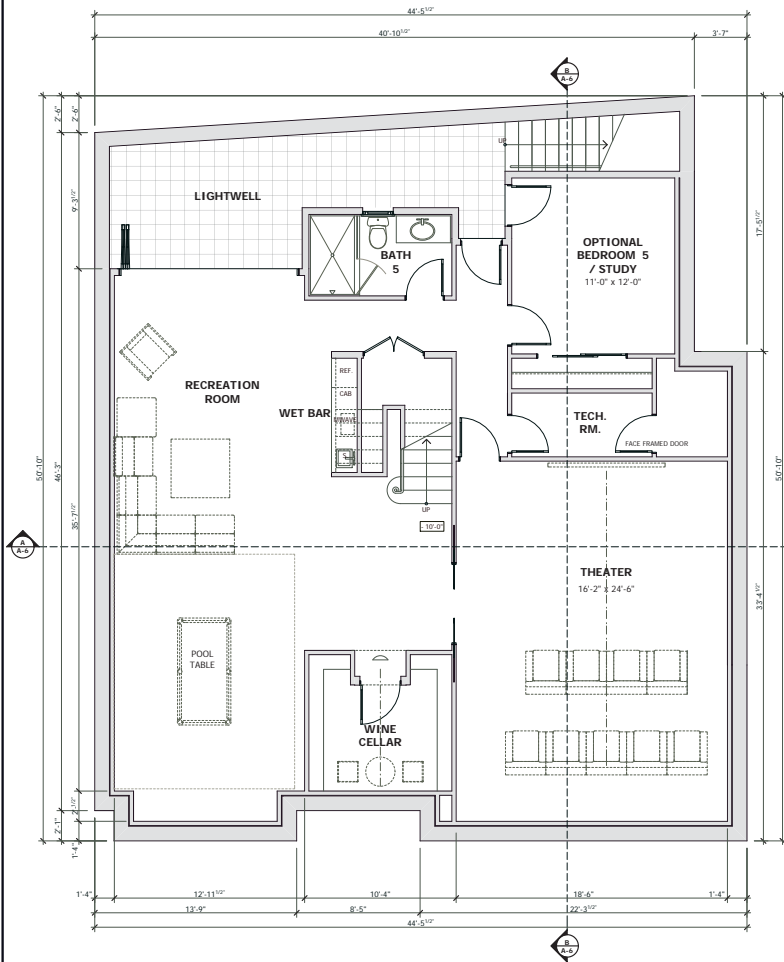
PROJECT NO : 16624

SHEET NUMBER

A-3.0

NOTE: NO HEATING DEVICE (HOT PLATE, OVEN, STOVETOP)
MAY BE ADDED TO THE BAR AREA IN THE FUTURE.

NOTE: NO HEATING DEVICE (HOT PLATE, OVEN, STOVETOP)
MAY BE ADDED TO THE BAR AREA IN THE FUTURE.



PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS		
▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.
▲	PC3 2-15-17	D.Z.

**PROPOSED
MAIN RESIDENCE
SECOND
FLOOR PLAN**

SQUARE - FOOTAGE
CALCULATION PLANS

DATE : 2-15-17

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

CHECKED BY : TS

ARCHITECT : TOM SLOAN

PROJECT NO : 16624

SHEET NUMBER

A-3.1

FLOOR AREA LIMIT CALCULATION

AREA	DIMENSIONS	SQ. FT.
A	16.54' x 2.48'	41.13
B	26.75' x 4.16'	111.30
C	40.89' x 5.64'	230.83
D	44.48' x 31.31'	1,392.69
E	12.46' x 2.06'	25.71
F	22.33' x 2.06'	46.01

FIRST FLOOR AREA = 1,847.67 SQ. FT.

+D1 4.58' x 0.91' 4.20

+D2 5.87' x 0.79' 4.60

FIRST FLOOR AREA = 1,847.27 SQ. FT.

G	15.12' x 11.64'	176.12
H	7.92' x 6.30'	49.83
I	16.54' x 11.45'	189.37
J	16.43' x 13.67'	224.63
K	14.82' x 3.66'	54.24
L	22.76' x 10.21'	232.38
M	37.88' x 11.64'	441.01

SECOND FLOOR AREA = 1,366.06 SQ. FT.

MAIN RESIDENCE 3,213.33 SQ. FT.

FLOOR AREA

N 25.33' x 17.03' 431.38

O 22.74' x 2.39' 54.39

P 10.29' x 6.50' 66.90

Q 17.00' x 6.76' 114.95

R 9.00' x 3.48' 31.36

SECONDARY DWELLING FLOOR AREA = 698.98 SQ. FT.

S 21.51' x 20.71' 445.64

GARAGE FLOOR AREA = 445.64 SQ. FT.

TOTAL FAL 4,357.95 SQ. FT.

BUILDING COVERAGE CALCULATION

AREA	DIMENSIONS	SQ. FT.
MAIN RESIDENCE	-D1+D2	1,847.67
FIRST FLOOR AREA		
U	33.37' x 10.00'	333.75
TOTAL RESIDENCE COVERAGE		2,181.42

SEC. DWELLING FLOOR AREA 698.98

V 5.41' x 6.50' 35.19

W 5.00' x 2.00' 10.00

TOTAL SEC. DWELLING COVERAGE 744.17

GARAGE FLOOR AREA 445.64

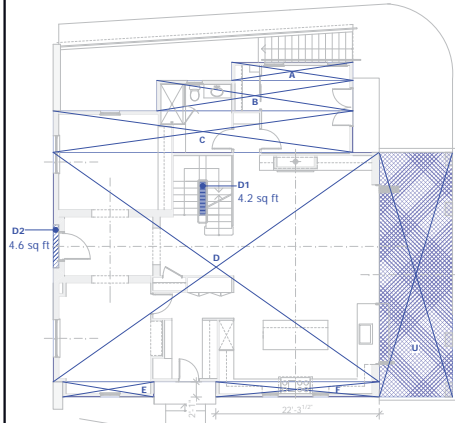
TOTAL GARAGE COVERAGE 445.64

TOTAL BUILDING COVERAGE 3,371.23 SQ. FT.

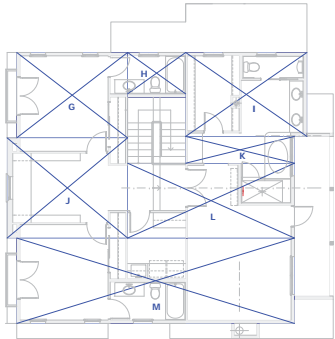
GRAPHIC SCALE



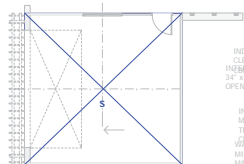
(IN FEET)
1 inch = 8 ft.



FIRST FLOOR DIAGRAM



SECOND FLOOR DIAGRAM



GARAGE DIAGRAM

INDICATES LEVEL MANEUVERING CLEARANCE AT INTERIOR DOORS
INTERIOR DOOR SWING AND SEC 1132A.3
34" x 60" MIN. NO. MIN. 12" CLEAR
OPENING - TYP.

INDICATES 30" x 48" CLEAR MANEUVERING SPACE OUTSIDE
THE SWING OF THE DOOR /
W/ 30" MIN. HEIGHT SEC 1131A
MIN. 30" WIDE
MAX. 5% SLOPE
SLIP - RESISTANT SURFACE - TYP.

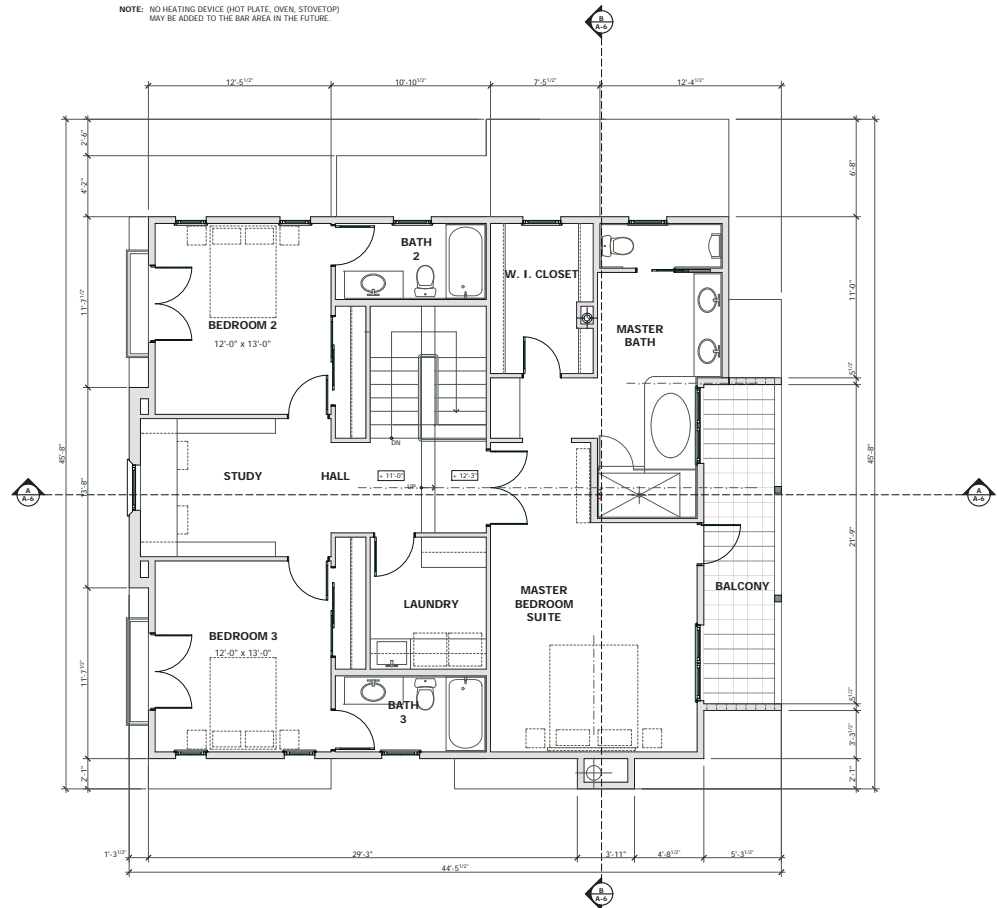
LEVEL FLOOR LANDING EACH
SIDE OF THE EXIT DOOR W/
MANEUVERING CLEARANCES AND
MAX. 1/2" CHANGING ELEVATION
AT 48" MIN. HEIGHT
30" MIN. CLEARANCE TO BALCONY
FRONT OR PARALLEL APPROACH AT
ALL APPLIANCES / SEC SEC 1133A
30" WIDE COUNTER TOP REPAIRS
INSTALLATION WITH REMOVABLE
BASIC CABINET AND FINISH
BENEATH THE SINK / SEC SEC 1133A
30" WIDE COUNTER

SECONDARY DWELLING DIAGRAM

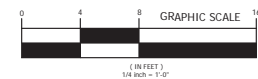
**FAL & BUILDING COVERAGE
CALCULATION DIAGRAM**

SCALE: 1/8" = 1'-0"

NOTE: NO HEATING DEVICE (HOT PLATE, OVEN, STOVETOP)
MAY BE ADDED TO THE BAR AREA IN THE FUTURE.



PROPOSED SECOND FLOOR PLAN



(IN FEET)
1/4 inch = 1'-0"

PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-11-16	D.Z.
▲ PC3 2-15-17	D.Z.

**PROPOSED
SECONDARY
DWELLING AND
GARAGE
FLOOR PLAN**

DATE : 2-15-17

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

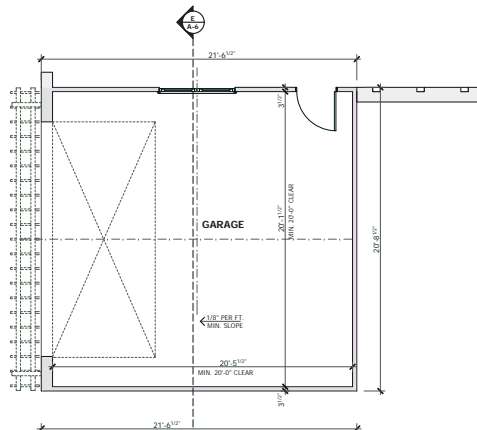
CHECKED BY : TS

ARCHITECT : TOM SLOAN

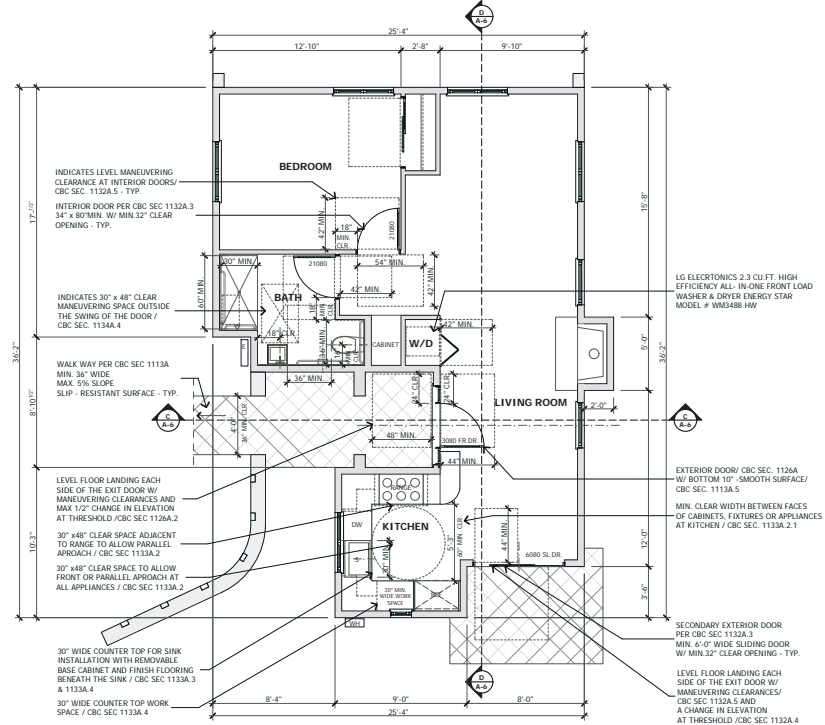
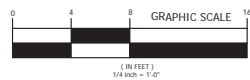
PROJECT NO : 16624

SHEET NUMBER

A-3.2



**PROPOSED GARAGE
FLOOR PLAN**



**PROPOSED SECONDARY DWELLING
FLOOR PLAN**





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 CAMPBELL, CA 95008
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 www.metroarchitects.com

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PROJECT NAME
445 OAK COURT RESIDENCE

445 OAK COURT
 MENLO PARK, CA 95025

REVISIONS

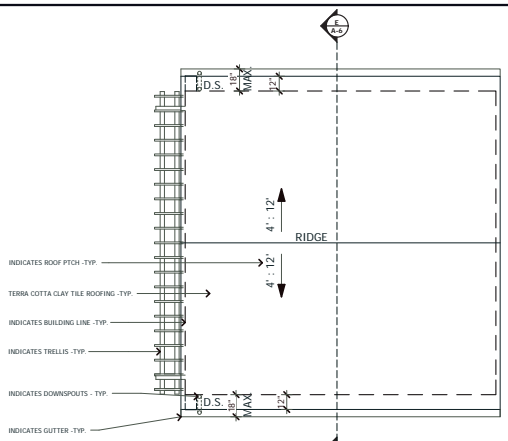
△ PC1 10-11-16	D.Z.
△ PC2 11-15-16	D.Z.
△ PC3 2-15-17	D.Z.

PROPOSED ROOF PLANS

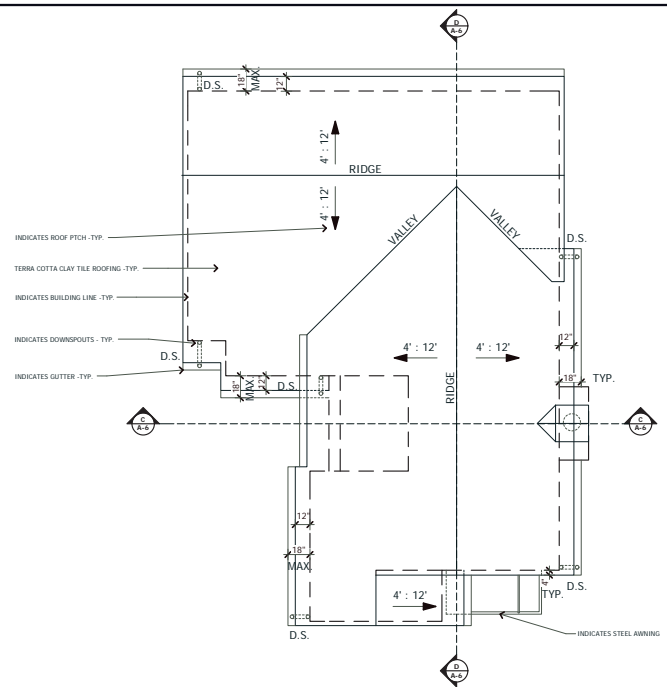
DATE : 2-15-17
 SCALE : 1/4" = 1'-0"
 DRAWN BY : D.Z.
 CHECKED BY : TS
 ARCHITECT : TOM SLOAN
 PROJECT NO : 16624

SHEET NUMBER

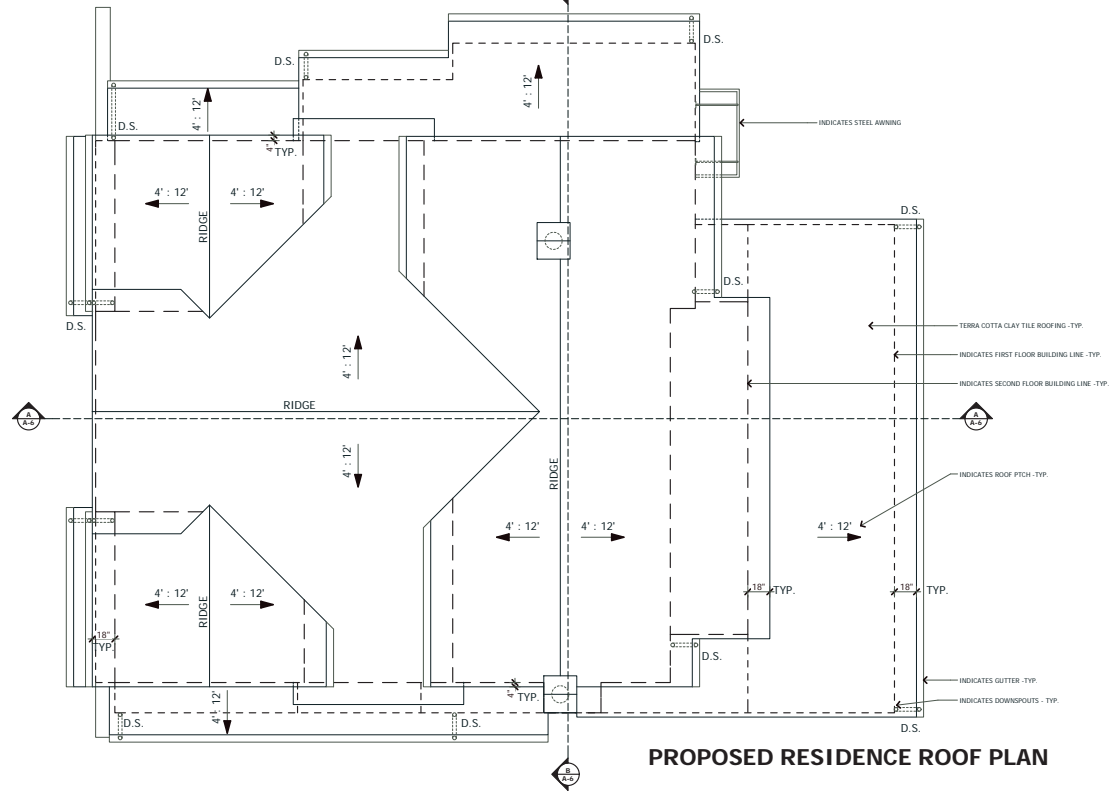
A-4



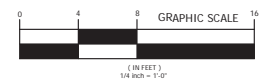
PROPOSED GARAGE ROOF PLAN



PROPOSED SECONDARY DWELLING ROOF PLAN



PROPOSED RESIDENCE ROOF PLAN



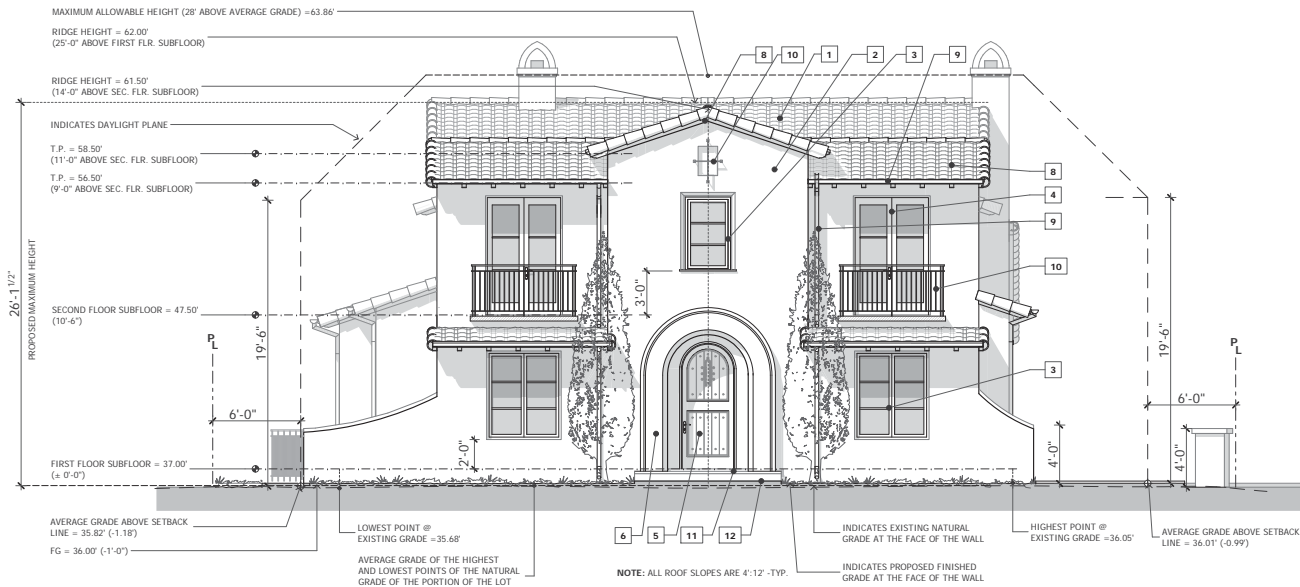
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REVISIONS

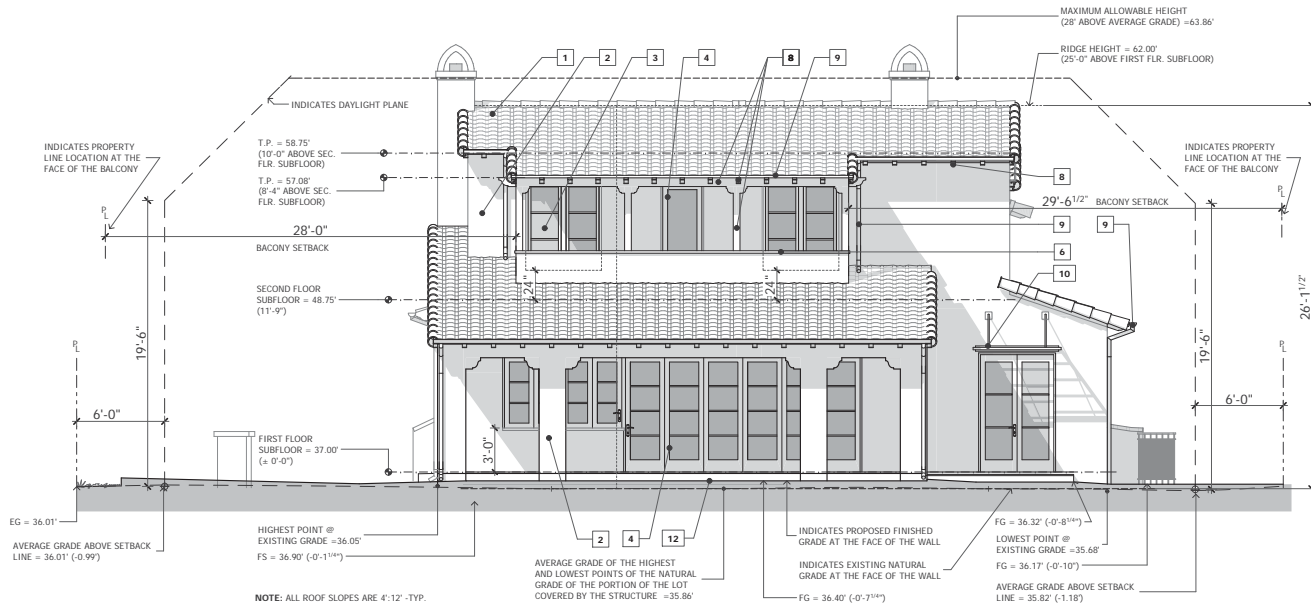
NO.	DESCRIPTION	D.Z.
▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.
▲	PC3 2-15-17	D.Z.

EXTERIOR FINISHES

- 1) ROOF: MISSION CLAY TILE - CAP AND PAN
- 2) EXTERIOR WALLS: COLOR INTEGRAL STUCCO PLASTER
WHITE HARD TROWELED FINISH
- 3) WINDOWS: 'MARVIN' ULTIMATE PUSH OUT
FRENCH CASEMENT CLAD WOOD
W/SIMULATED DIVIDED LITES WITH
SPACE BAR - BRONZE COLOR
- 4) DOORS: 'MARVIN' ULTIMATE PUSH OUT
FRENCH CASEMENT CLAD WOOD
W/SIMULATED DIVIDED LITES WITH
SPACE BAR - BRONZE COLOR
- 5) ENTRY DOOR: CUSTOM STAINED WOOD DOOR
- 6) ARCHED ENTRY DOOR,
PARAPET CAP: CAST STONE
- 7) GARAGE DOORS: CUSTOM 'CARRIAGE'
WOOD STAINED DOOR - BROWN
- 8) RAFTER TAILS, BARGE BOARD,
ROOF DECKING @ O/HANGS,
BLOCKINGS, TRELLIS: STAINED WOOD - BROWN
- 9) GUTTERS & DOWNSPOUTS: 6" HALF ROUND COPPER GUTTERS AND
3" ROUND COPPER DOWNSPOUTS
- 10) ARTISTIC IRON WORK,
RAILINGS, AWNINGS: IRON - POWDER COATED
BLACK COLOR
- 11) STEPS, STAIRS, TERRACE,
LIGHTWELL: TERRA COTTA STONE TILES
- BROWN COLOR
- 12) DRIVEWAY, WALKWAYS AND
PATIOS PERMEABLE PAVERS: ECO-FRIENDLY 'SF-RIMA PERMEABLE
PAVEMENT' - TUMBLED TAN CHARCOAL
COLOR BY 'BASALITE'



NORTHWEST (FRONT) ELEVATION



SOUTHEAST (REAR) ELEVATION



NOTE: ALL ELEVATIONS ARE UPDATED
PER REVISED SURVEYOR'S
TOPOGRAPHICAL INFORMATION.

**PROPOSED
EXTERIOR
ELEVATIONS**

DATE : 4-21-17
SCALE : 1/4" = 1'-0"
DRAWN BY : D.Z.
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

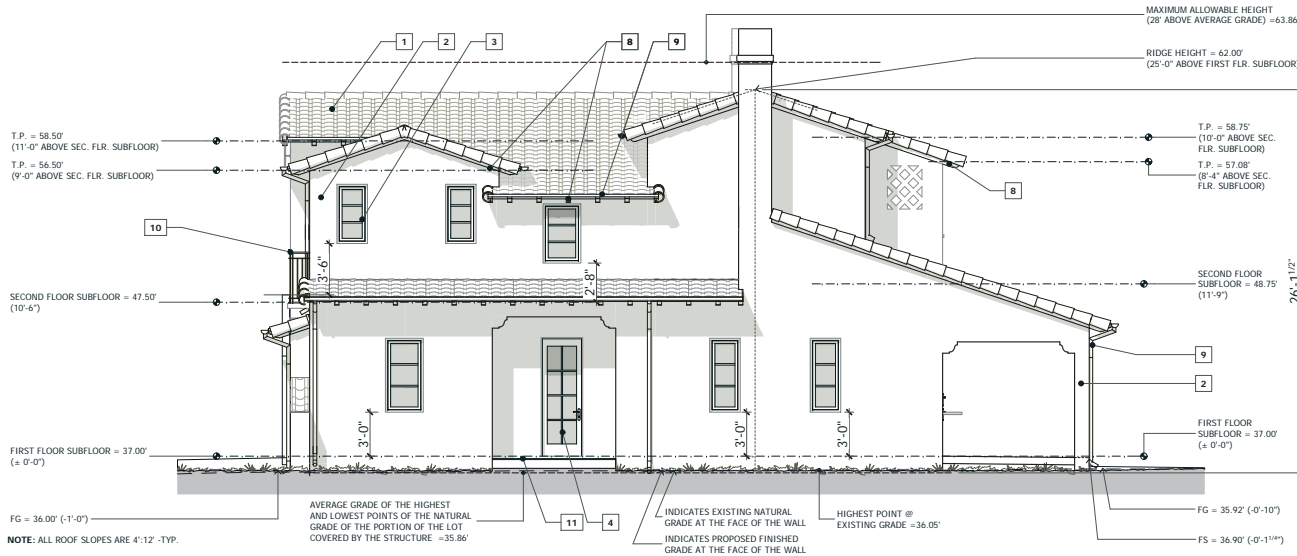
SHEET NUMBER

A-5.0

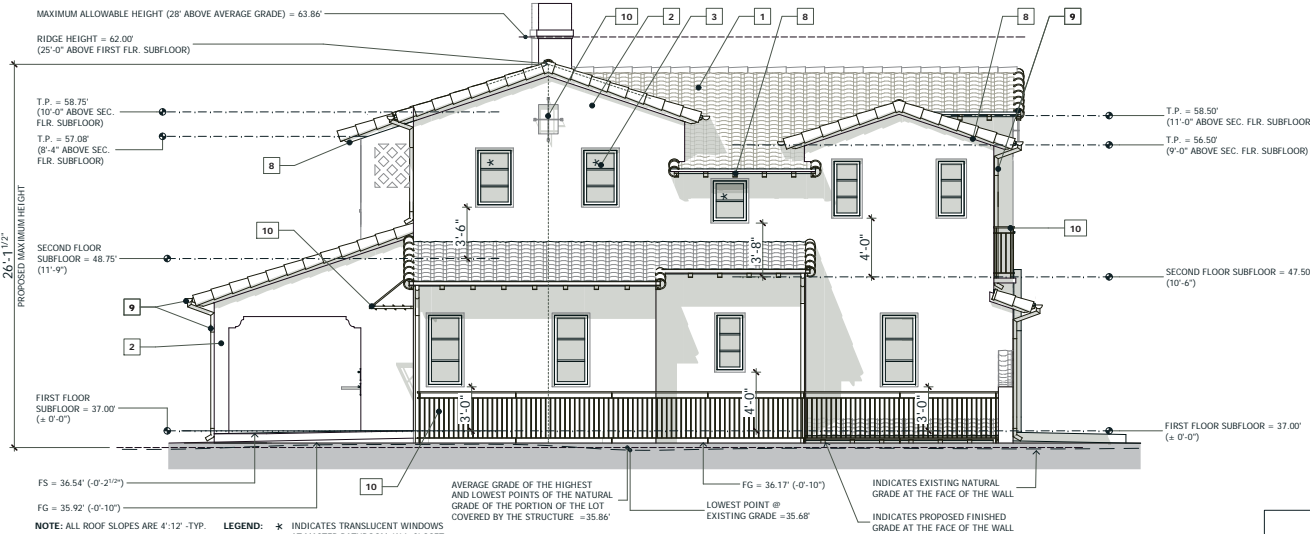
REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.
▲ PC3 2-15-17	D.Z.

EXTERIOR FINISHES

- 1 ROOF: MISSION CLAY TILE - CAP AND PAN
COLOR INTEGRAL STUCCO PLASTER
- 2 EXTERIOR WALLS: WHITE HARD TROWELED FINISH
- 3 WINDOWS: 'MARVIN' ULTIMATE PUSH OUT FRENCH CASEMENT CLAD WOOD W/SIMULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
- 4 DOORS: 'MARVIN' ULTIMATE PUSH OUT FRENCH CASEMENT CLAD WOOD W/SIMULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
- 5 ENTRY DOOR: CUSTOM STAINED WOOD DOOR
- 6 ARCHED ENTRY DOOR, PARAPET CAP: CAST STONE
- 7 GARAGE DOORS: CUSTOM 'CARRIAGE' WOOD STAINED DOOR - BROWN
- 8 RAFTER TAILS, BARGE BOARD, ROOF DECKING @ O/HANGS, BLOCKINGS, TRELLIS: STAINED WOOD - BROWN
- 9 GUTTERS & DOWNSPOUTS: 6" HALF ROUND COPPER GUTTERS AND 3" ROUND COPPER DOWNSPOUTS
- 10 ARTISTIC IRON WORK, RAILINGS, AWNINGS: IRON - POWDER COATED BLACK COLOR
- 11 STEPS, STAIRS, TERRACE, LIGHTWELL: TERRA COTTA STONE TILES - BROWN COLOR
- 12 DRIVEWAY, WALKWAYS AND PATIOS PERMEABLE PAVERS: ECO-FRIENDLY SF-RIMA PERMEABLE PAVEMENT - TUMBLED TAN CHARCOAL COLOR BY 'BASALITE'



SOUTHWEST (RIGHT SIDE) ELEVATION



NORTHEAST (LEFT SIDE) ELEVATION

**PROPOSED
EXTERIOR
ELEVATIONS**

DATE : 2-15-17

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

CHECKED BY : TS

ARCHITECT : TOM SLOAN

PROJECT NO : 16624

SHEET NUMBER

A-5.1



**METRO
DESIGN
GROUP**

ARCHITECTURE-PLANNING-INTERIORS

1475 S BASCOM AVE SUITE 208
CAMPBELL, CA 95008
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www.metroarchitects.com

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PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.
▲	PC3 2-15-17	D.Z.

**PROPOSED
SECOND DWELLING
EXTERIOR
ELEVATIONS**

DATE : 2-15-17

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

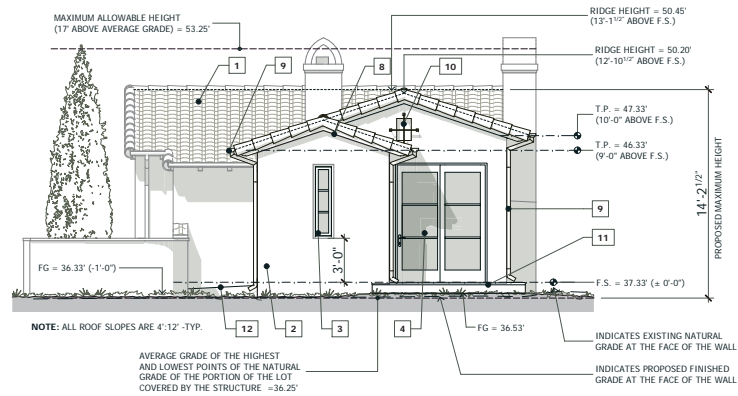
CHECKED BY : TS

ARCHITECT : TOM SLOAN

PROJECT NO : 16624

SHEET NUMBER

A-5.2

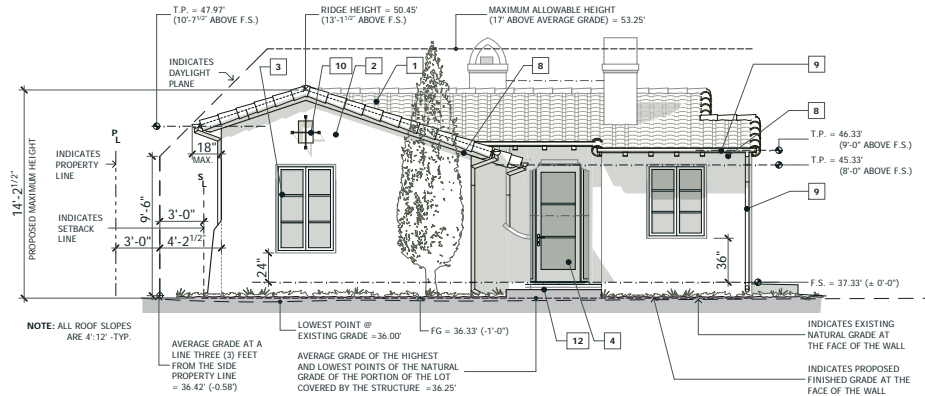


SOUTHWEST (RIGHT SIDE) ELEVATION



- EXTERIOR FINISHES**
- 1 ROOF: MISSION CLAY TILE - CAP AND PAN
 - 2 EXTERIOR WALLS: COLOR INTEGRAL STUCCO PLASTER WHITE HARD TROWELED FINISH
 - 3 WINDOWS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASEMENT CLAD WOOD W/ SIMULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
 - 4 DOORS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASEMENT CLAD WOOD W/ SIMULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
 - 5 ENTRY DOOR: CUSTOM STAINED WOOD DOOR
 - 6 ARCHED ENTRY DOOR, PARAPET CAP: CAST STONE
 - 7 GARAGE DOORS: CUSTOM "CARRIAGE" WOOD STAINED DOOR - BROWN
 - 8 RAFTER TAILS, BARGE BOARD, STAINED WOOD - BROWN
 - 9 ROOF DECKING @ O/HANGS, BLOCKINGS, TRELLIS:
 - 10 GUTTERS & DOWNSPOUTS: 6" HALF ROUND COPPER GUTTERS AND 3" ROUND COPPER DOWNSPOUTS
 - 11 ARTISTIC IRON WORK, RAILINGS, AWNINGS: IRON - POWDER COATED BLACK COLOR
 - 12 STEPS, STAIRS, TERRACE, LIGHTWELL: TERRA COTTA STONE TILES - BROWN COLOR
 - 13 DRIVEWAY, WALKWAYS AND PATIOS PERMEABLE PAVERS: ECO-FRIENDLY 5" x 8" x 1/2" PERMEABLE PAVEMENT - TUMBLE TAN CHARCOAL COLOR BY "BASALITE"

NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.

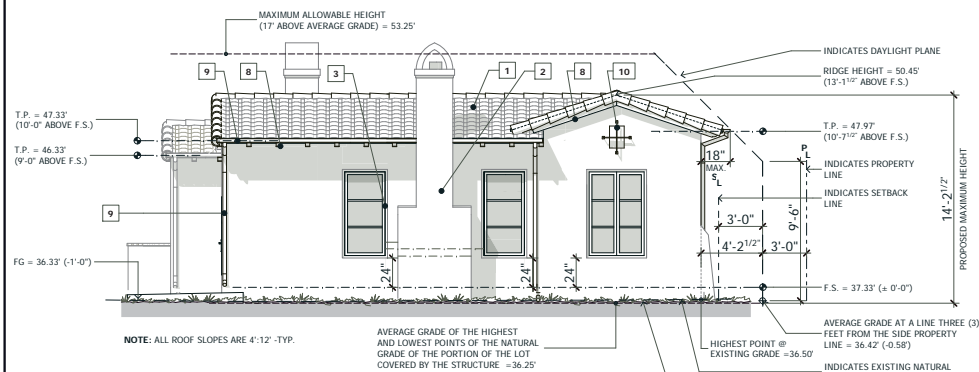


NORTHWEST (FRONT) ELEVATION

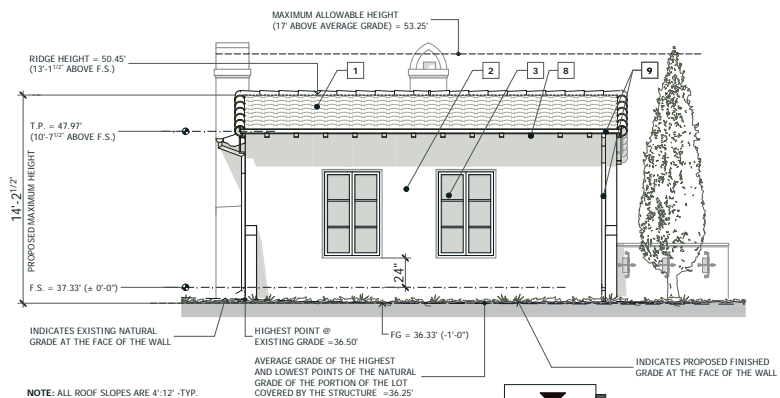


EXTERIOR FINISHES

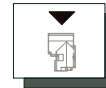
- 1 ROOF: MISSION CLAY TILE - CAP AND PAN
- 2 EXTERIOR WALLS: COLOR INTEGRAL STUCCO PLASTER WHITE HARD TROWELED FINISH
- 3 WINDOWS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASEMENT CLAD WOOD W/ SIMULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
- 4 DOORS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASEMENT CLAD WOOD W/ SIMULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
- 5 ENTRY DOOR: CUSTOM STAINED WOOD DOOR
- 6 ARCHED ENTRY DOOR, PARAPET CAP: CAST STONE
- 7 GARAGE DOORS: CUSTOM "CARRIAGE" WOOD STAINED DOOR - BROWN



SOUTHEAST (REAR) ELEVATION



NORTHEAST (LEFT SIDE) ELEVATION

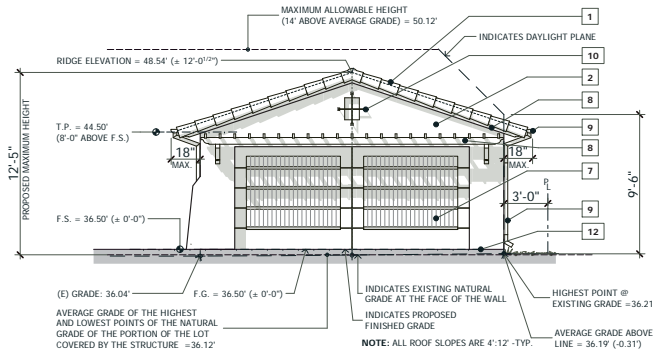


REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-11-16	D.Z.
▲ PC3 2-15-17	D.Z.

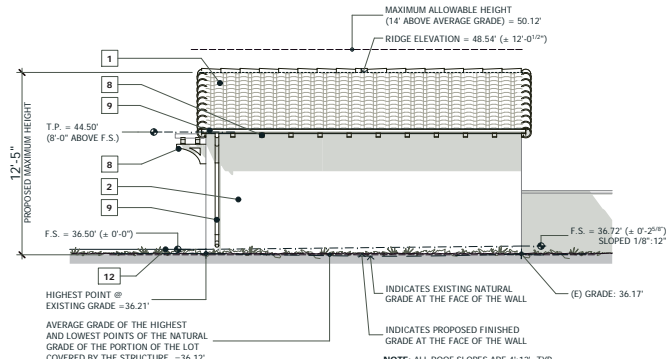
PROPOSED GARAGE EXTERIOR ELEVATIONS

DATE : 2-15-17
SCALE : 1/4" = 1'-0"
DRAWN BY : D.Z.
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER
A-5.3



NORTHWEST (FRONT) ELEVATION

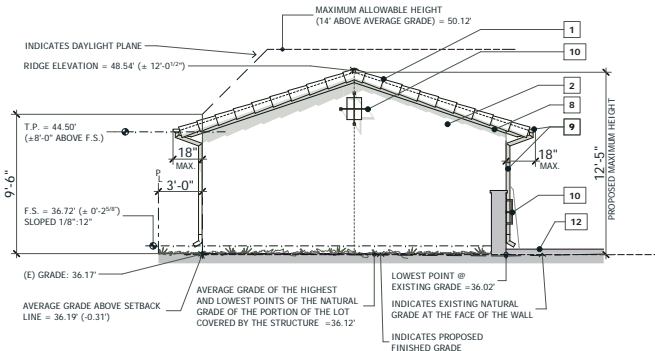


SOUTHWEST (RIGHT SIDE) ELEVATION

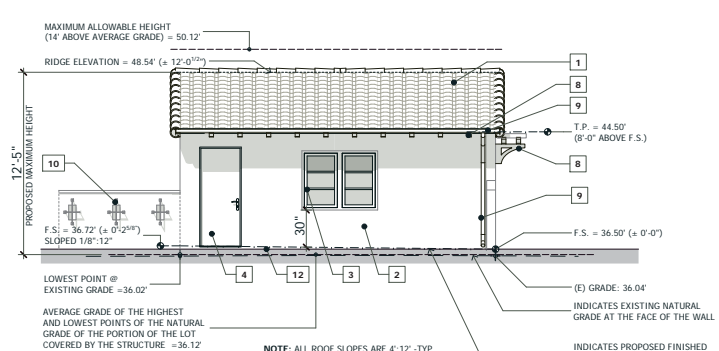
EXTERIOR FINISHES

- | | | |
|-----------------------------------|---|--|
| 1 ROOF: | MISSION CLAY TILE - CAP AND PAN | 8 RAFTER TAILS, BARGE BOARD, STAINED WOOD - BROWN |
| 2 EXTERIOR WALLS: | COLOR INTEGRAL STUCCO PLASTER
WHITE HARD TROWELED FINISH | ROOF DECKING @ D/HANGS,
BLOCKINGS, TRELLIS: |
| 3 WINDOWS: | *MARVIN* ULTIMATE PUSH OUT
FRENCH CASEMENT CLAD WOOD
W/SIMULATED DIVIDED LITES WITH
SPACE BAR - BRONZE COLOR | 9 GUTTERS & DOWNSPOUTS: 6" HALF ROUND COPPER GUTTERS AND
3" ROUND COPPER DOWNSPOUTS |
| 4 DOORS: | *MARVIN* ULTIMATE PUSH OUT
FRENCH CASEMENT CLAD WOOD
W/SIMULATED DIVIDED LITES WITH
SPACE BAR - BRONZE COLOR | 10 ARTISTIC IRON WORK, RAILINGS, AWNINGS: IRON - POWDER COATED
BLACK COLOR |
| 5 ENTRY DOOR: | CUSTOM STAINED WOOD DOOR | 11 STEPS, STAIRS, TERRACE, LIGHTWELL: TERRA COTTA STONE TILES
- BROWN COLOR |
| 6 ARCHED ENTRY DOOR, PARAPET CAP: | CAST STONE | 12 DRIVEWAY, WALKWAYS AND PATIOS PERMEABLE PAVERS: ECO-FRIENDLY SF-RIMA PERMEABLE
PAVEMENT* TUMBLED TAN CHARCOAL
COLOR BY *BASALITE* |
| 7 GARAGE DOORS: | CUSTOM "CARRIAGE"
WOOD STAINED DOOR - BROWN | |

NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.



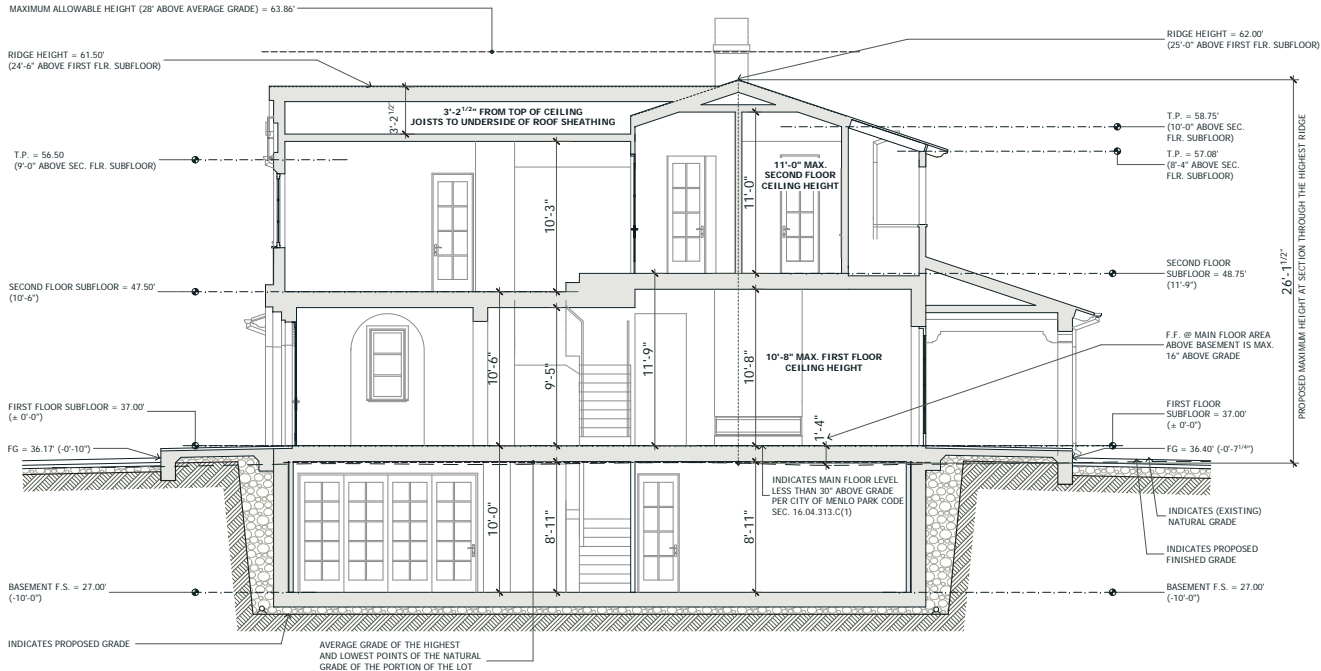
SOUTHEAST (REAR) ELEVATION



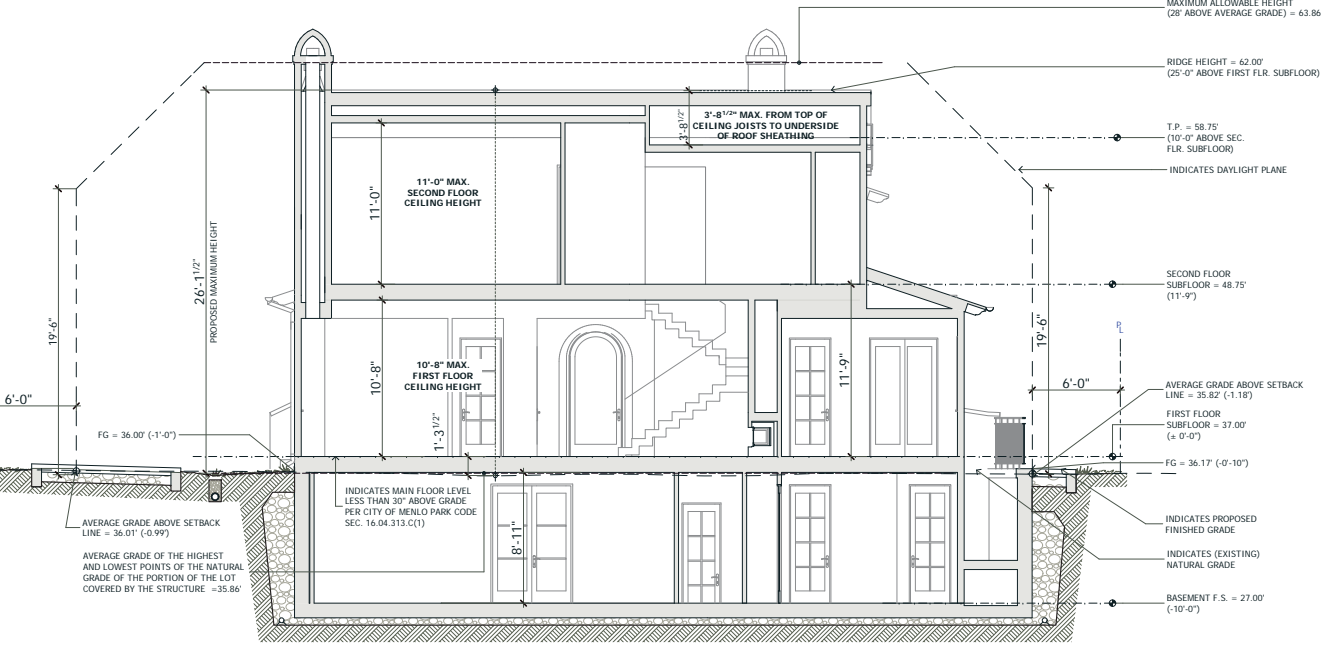
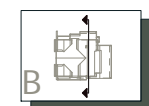
NORTHEAST (LEFT SIDE) ELEVATION

REVISIONS		
▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.
▲	PC3 2-15-17	D.Z.

SECTION A



SECTION B



NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.

**MAIN RESIDENCE
CROSS SECTIONS**

DATE : 2-15-17
SCALE : 1/4" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

A-6.0



METRO
DESIGN
GROUP

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PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

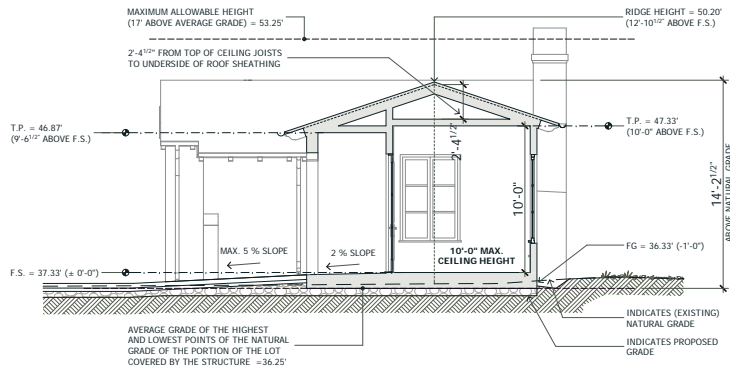
REVISIONS	
△ PC1 10-11-16	D.Z.
△ PC2 11-15-16	D.Z.
△ PC3 2-15-17	D.Z.

**SECONDARY
DWELLING
& GARAGE
CROSS SECTIONS**

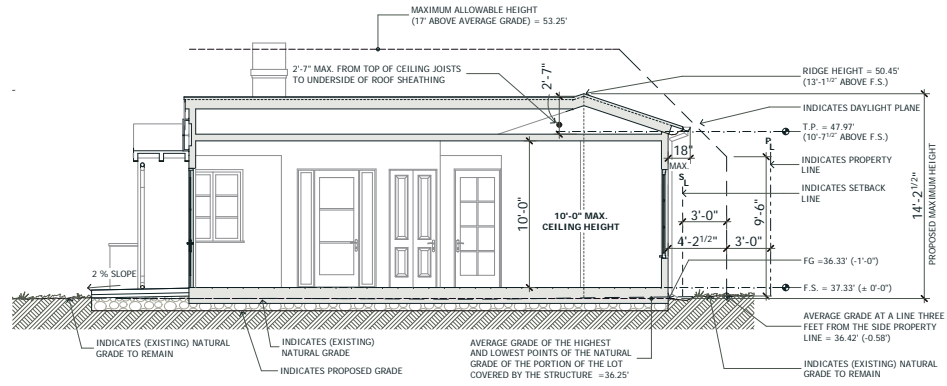
DATE : 2-15-17
SCALE : 1/4" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

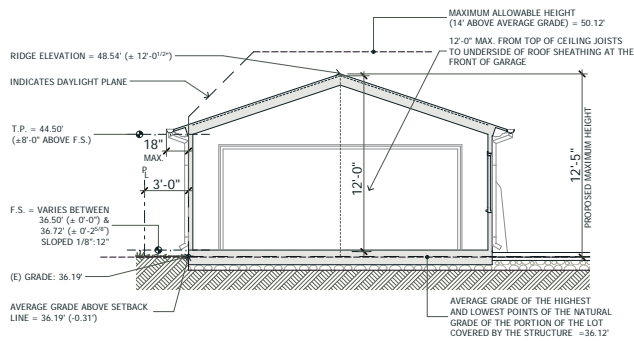
A-6.1



**SECONDARY DWELLING
SECTION C**



**SECONDARY DWELLING
SECTION D**



**GARAGE
SECTION E**



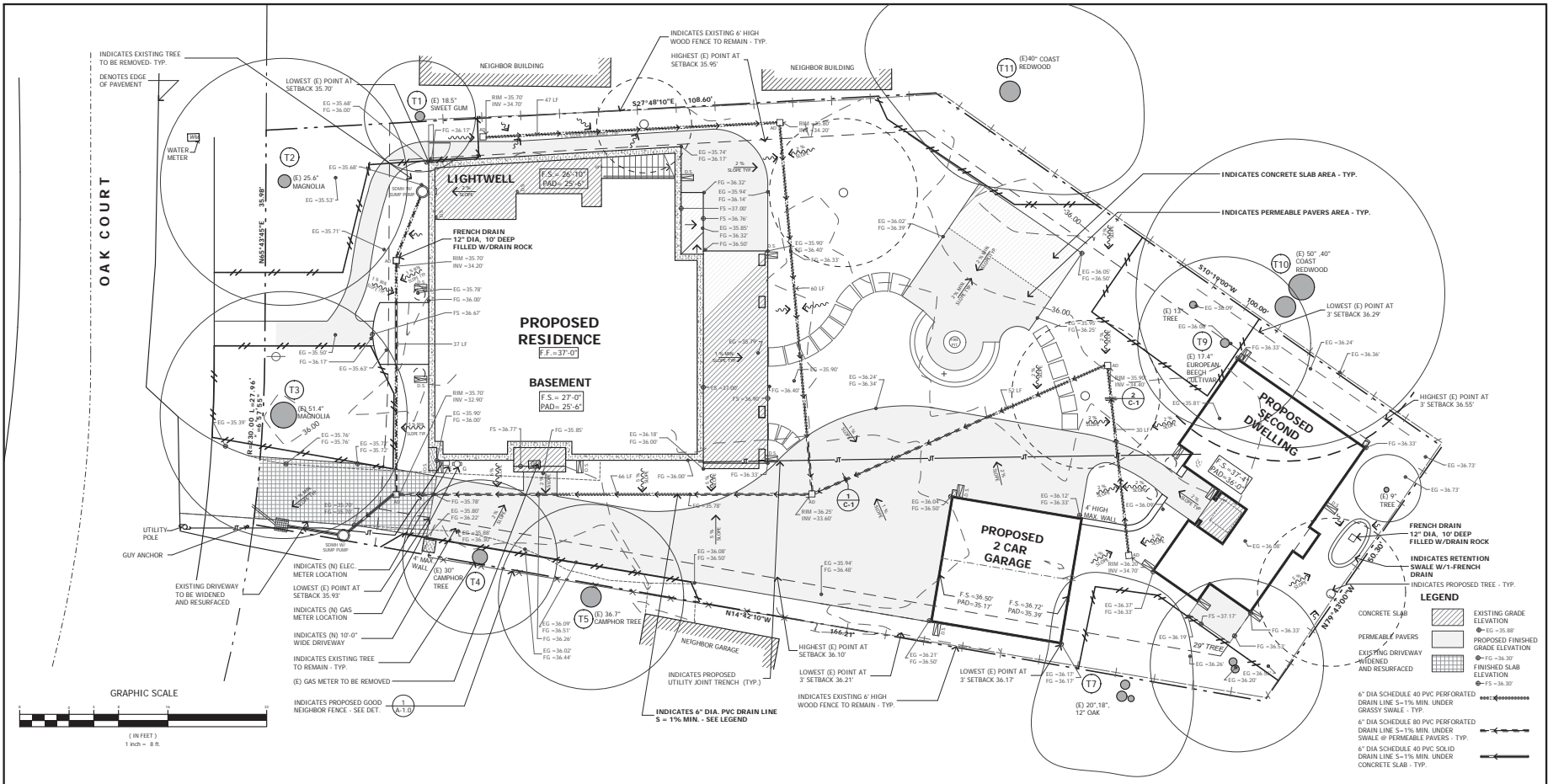
NOTE: ALL ELEVATIONS ARE UPDATED
PER REVISED SURVEYOR'S
TOPOGRAPHICAL INFORMATION.

The plans, ideas and design on this drawing are the property of the design firm and shall not be used, in whole or in part, for any purpose for which they were not intended without the written permission of METRO DESIGN GROUP.

PROJECT NAME
445 OAK COURT RESIDENCE
 445 OAK COURT
 MENLO PARK, CA 95025

REVISIONS

▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.
▲	PC3 2-15-17	D.Z.



STANDARD GRADING PLAN NOTES

- PRIOR TO THE COMMENCEMENT OF ANY EARTHWORK GRADING ACTIVITIES, THE PERMITEE SHALL ARRANGE A PRE-CONSTRUCTION MEETING. THE MEETING SHALL INCLUDE THE CITY OF MENLO PARK GRADING INSPECTOR, THE GRADING CONTRACTOR AND THE PROJECT SOILS ENGINEER. THE PERMITEE OR REPRESENTATIVE SHALL ARRANGE THE PRE-CONSTRUCTION MEETING AT LEAST 48 HOURS PRIOR TO THE START OF ANY EARTHWORK GRADING ACTIVITIES.
- APPROVAL OF THIS PLAN APPLIES ONLY TO THE EXCAVATION, PLACEMENT AND COMPACTION OF NATURAL EARTH. THIS APPROVAL DOES NOT CONFER ANY RIGHT OF ENTRY TO EITHER PUBLIC PROPERTY OR THE PRIVATE PROPERTY OF OTHERS. APPROVAL OF THIS PLAN DOES NOT CONSTITUTE APPROVAL OF ANY IMPROVEMENTS, ANY PROPOSED IMPROVEMENTS ARE SUBJECT TO REVIEW AND APPROVAL BY THE RESPONSIBLE AUTHORITIES AND ALL OTHER PERMITS/APPROVALS SHALL BE OBTAINED.
- IT SHALL BE THE RESPONSIBILITY OF THE PERMITEE TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES.
- THE PERMITEE SHALL MAINTAIN ALL STREETS, SIDEWALKS AND OTHER PUBLIC RIGHT OF WAYS IN A CLEAN, SAFE AND USABLE CONDITION. ALL SPILLS OF SOIL, ROCK OR CONSTRUCTION DEBRIS SHALL BE REMOVED FROM PUBLIC PROPERTY. ALL ADJACENT PROPERTY, BOTH PUBLIC AND PRIVATE, SHALL BE MAINTAINED IN A CLEAN SAFE AND USABLE CONDITION.
- ALL GRADING AND EARTHWORK ACTIVITIES SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH STANDARDS ESTABLISHED BY THE BAY AREA QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICULATES.
- THIS PLAN SHALL NOT APPROVE THE REMOVAL OF ANY TREES APPROPRIATE TREES REMOVAL PERMITS SHALL BE OBTAINED FROM THE COMMUNITY DEVELOPMENT DEPARTMENT. ANY REQUIRED TREE PROTECTION MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL GRADING AND EARTHWORK ACTIVITIES SHALL CONFORM TO THE APPROVED PLANS AND SPECIFICATIONS. ALL GRADING AND EARTHWORK ACTIVITIES SHALL BE OBSERVED AND APPROVED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS PRIOR TO ANY GRADING OR EARTHWORK ACTIVITIES. UNOBSERVED OR UNAPPROVED WORK SHALL BE REMOVED AND REPLACED UNDER OBSERVATION OF THE PROJECT SOILS ENGINEER.
- ALL CONSTRUCTION SITE ARE TO BE WINTERIZED WITH APPROPRIATE EROSION CONTROL MEASURES IN PLACE BY OCTOBER 15TH TO APRIL 15TH OF EACH YEAR.

LEGEND

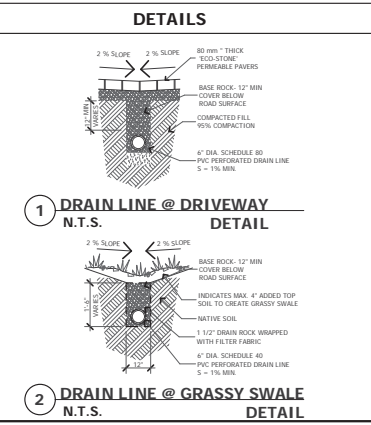
DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE	---	---
CENTER LINE	---	---
SECTION LINE	---	---
EDGE OF PAVEMENT	---	---
CURB AND GUTTER	---	---
DRAINAGE FLOW DIRECTION	---	---
FENCE (TYP)	---	---
STORM DRAIN LINE	---	---
STANTRY MANHOLE	---	---
STORM MANHOLE	---	---
STANDARD HOODED INLET	---	---
LARGE HOODED INLET	---	---
FLAT GRATE INLET	---	---
GAS LINE	---	---
WATER LINE	---	---
GRADE ELEVATION	---	---
TREE	---	---
EXISTING GAS LINE TO BE REMOVED	---	---
NEW GAS LINE	---	---
NEW WATER LINE	---	---
NEW ELECTRICAL LINE	---	---
JOINT TRENCH	---	---
NEW SANITARY SEWER LINE	---	---

NOTES

NOTE: GEOTECHNICAL FIELD INSPECTION -
 THE GEOTECHNICAL CONSULTANT SHALL INSPECT, TEST (AS NEEDED), AND APPROVE ALL GEOTECHNICAL ASPECTS OF THE PROJECT CONSTRUCTION. THE INSPECTIONS SHOULD INCLUDE, BUT NOT NECESSARILY BE LIMITED TO: SITE PREPARATION AND GRADING, SITE SURFACE AND SUBSURFACE DRAINAGE IMPROVEMENTS AND EXCAVATIONS FOR FOUNDATIONS AND RETAINING WALLS PRIOR TO THE PLACEMENT OF STEEL AND CONCRETE. THE CONSULTANT SHALL VERIFY THAT ALL MATERIALS PLACED ON SLOPING GRADING ARE PROPERLY KEYED AND BENCHED INTO SUPPORTIVE MATERIALS, AS NECESSARY.

NOTES:
 1. ALL ROOF RAINWATER LEADERS ARE TO BE DISCHARGED ONTO SPLASH BLOCKS, WHICH ARE DESIGNED TO SPREAD OUT THE RAIN WATER SO THAT IT ENTERS THE LANDSCAPED AREAS AS SHEET FLOW.

TOPO SURVEY & CHRISTENSEN & PLOUFF LAND SURVEYING
 CONTACT: KACIE A. PLOUFF PLS 9013
 1250 OAKMEAD PARKWAY #210
 SUNNYVALE, CA 94085
 (408) 755-9784 PHONE

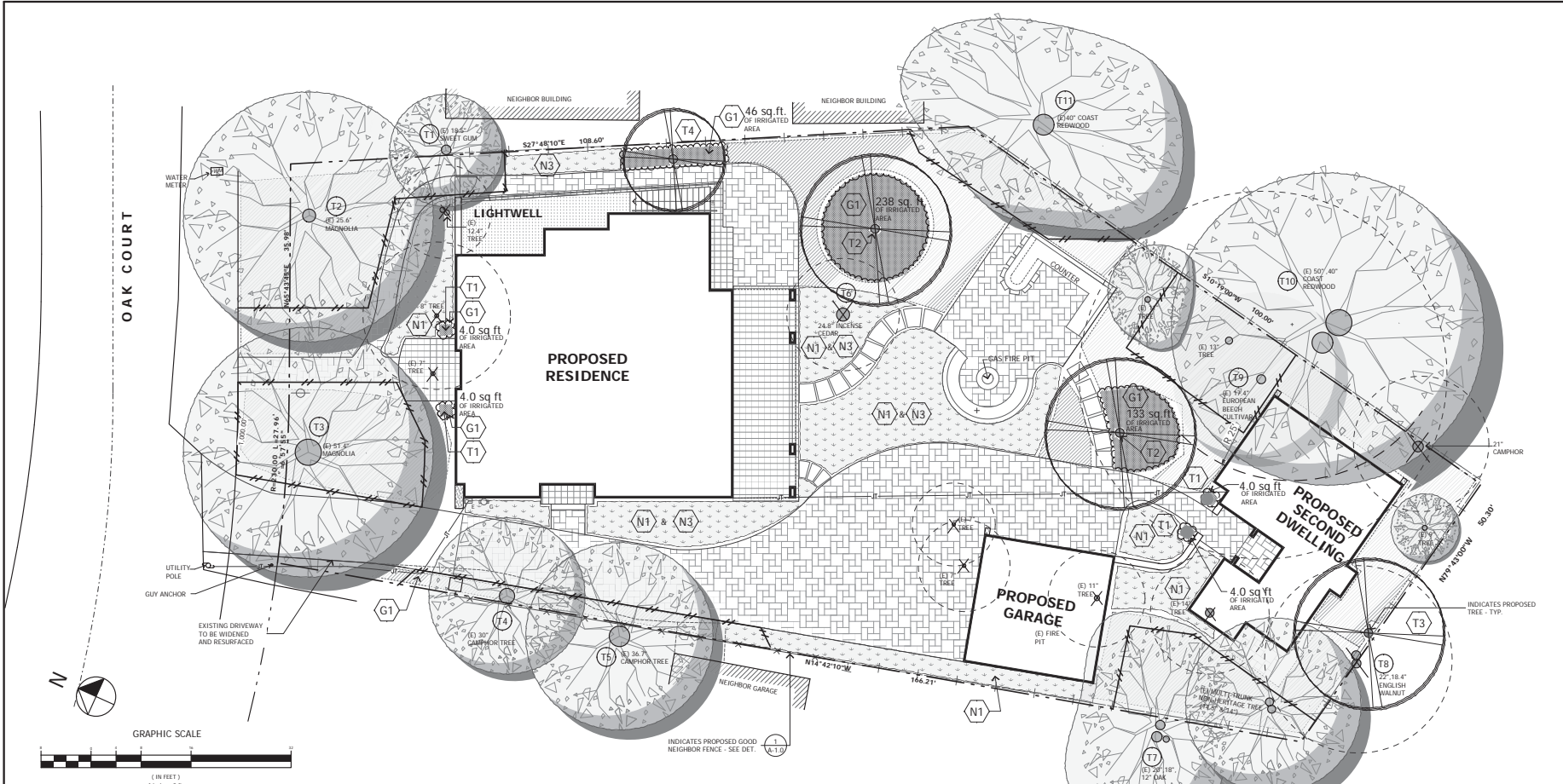


PROJECT NAME
445 OAK COURT RESIDENCE

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.
▲ PC3 2-15-17	D.Z.

PRELIMINARY LANDSCAPE PLAN



PRELIMINARY LANDSCAPE PLAN SCALE: 1/8" = 1'-0"

LEGEND	
PROPERTY LINE	EXISTING TREE TO REMAIN
(E) GRADE CONTOUR LINE	(E) 8" OAK
(E) FENCE TO REMAIN	MULCH - GROUND COVER AT IRRIGATED AREAS
(E) FENCE TO REMAIN	DECORATIVE MULCH - GROUND COVER AT NON-IRRIGATED AREAS
TREE PROTECTION FENCE	DROUGHT RESISTANT NATIVE GRASSES AND GROUND COVERS
PROPOSED BUILDING	NON-IRRIGATED AREAS
PROPOSED CONCRETE TO LIGHTWELL	PROPOSED TREE
PROPOSED PRECAST CONCRETE PAVEMENT SYSTEM @ PATIO/ WALKWAY DRIVEWAY	EXISTING TREE TO BE REMOVED
PROPOSED TILED AREAS	

EXISTING TREE LEGEND				
PER ARBORIST REPORT DATED 6/8/2016 PREPARED BY WALTER LEVISON				
TREE TAG NO.	GENUS & SPECIES	COMMON NAME	TREE SIZE	ON SITE/ OFF SITE
1	LIQUIDAMBAR STYRACIFLUA	SWEET GUM	18.5"	OFF SITE
2	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	25.4"	ON SITE
3	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	51.4"	ON SITE
4	CINNAMOMUM CAMPHORA	CAMPHOR TREE	30"	ON SITE
5	CINNAMOMUM CAMPHORA	CAMPHOR TREE	36.7"	OFF SITE
6	CALOCEDRUS DECURRENS	INCENSE CEDAR	24.8"	ON SITE
7	QUERCUS AGRIFOLIA	COAST LIVE OAK	20", 18", 12"	OFF SITE
8	JUGLANS REGIA	ENGLISH WALNUT	22", 18.4"	ON SITE
9	FAGUS SYLVATICA	EUROPEAN BEECH CULTIVAR	17.4"	ON SITE
10	SEQUOIA SEMPERVIRENS	COAST REDWOOD	50", 40"	OFF SITE
11	SEQUOIA SEMPERVIRENS	COAST REDWOOD	40"	OFF SITE

PLANT LEGEND				
KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY
NATIVE DROUGHT TOLERANT GRASSES AND GROUND COVERS				
(N1)	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL	IN FIELD
(N2)	ARTEMISA CALIFORNICA - 'MONTANA'	CALIFORNIA SAGEBRUSH	1 GAL	IN FIELD
(N3)	CEANOTHUS - 'YANKEE POINT'	WILD LILAC	1 GAL	IN FIELD
GROUND COVER				
(G1)	MULCH			
TREES - DESERT CONDITIONS, DROUGHT RESISTANT				
(T1)	CUPRESSUS SEMPERVIRENS DWARF COMPACTA	DWARF ITALIAN CYPRESS	24" BOX	4
(T2)	ULMUS 'MORTON'	ACCOLADE ELM	24" BOX	2
(T3)	GINKGO BILOBA	MAIDENHAIR	24" BOX	1
(T4)	PHOTINIA FRASERI	FRASIER PHOTINIA	24" BOX	1

NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.

TREE SIZES ON SHEET A-1.0, A-1.1 & L-1:
ARE CONSISTENT WITH THE ARBORIST REPORT (3.0 / PAGE 5):
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.

DATE : 4-21-17
SCALE : 1/8" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

L-1



445 Oak Court
Menlo Park, CA 94025

Project Description

Subsequent to the last public hearing in January 2017, my client had contacted several neighbors and met with them to work out issues raised throughout the City's design review process. The outcome of those meetings is that my client has been able to balance their personal needs with that of the neighbors and the result in a modified design that everyone can live with.

A few days after the first Planning Commission hearing, our Planner Kaitlin Meador, summarized the issues that neighbors raised at the hearing and recommended that we work together with the neighbors and redesign 4 key areas of the project. Each of the 4 items have been meticulously evaluated and reflected in the revised design.

The following are the areas and suggestions for modifying the plans:

1. The goal should be to reduce the height by 3' as this was the preference indicated by several Planning Commissioners. If you strongly feel that reducing the height 3' will negatively impact the proposed design, we can review alternative height reductions. However, if this is the case we would want to see elevations and/or rendering of the 3' height reduction and the proposed alternative to compare them.
2. If possible, considered communicating directly with the adjacent neighbor regarding their tree preference. The Planning Commissioners indicated that this was the only item that should require some work with the neighbors.
3. Specifically focus on the left side and how you can close this off to protect privacy.
4. I would recommend considering whether you are open to reducing some of the pavers even if they are 100% pervious. This will show a good faith effort to address the neighbor's and Planning Commissioner's concerns.

First, the overall height of the proposed 2-story single family home was reduced by 1.5 feet. The ceiling height at the ground floor was reduced by 6 inches. One of the owner's primary goals was to integrate the interior and exterior spaces. It is important to maintain an airy uplifting feeling in the space in order to blur the line between interior and exterior spaces through taller ceilings that provide an uplifting sense of space similar to the outdoors; however, the ceiling height was reduced by 0.5 feet. On the second floor, the wall height was reduced by 1.0 foot to bring the exterior wall height to

10.0 feet. According to the owner, it was revealed in a conversation with an adjacent neighbor that they spoke with an independent architect who confirmed that overall height reductions, even up to 3.0 feet, would not make a difference in terms of sky view accessibility. This very same point was discussed during the original public hearing, and the same sentiment was shared by several of the planning commissioners.

Second, to resolve the concerns over privacy, a mutually agreeable solution was achieved between my client and a neighbor. They collaborated on choosing a tree (*Photinia Fraseri*) that could accomplish agreeable features: species, maximum height, canopy diameter, low maintenance needs (drought resistant), and would not cause foundational problems. The location of the tree (T4) is strategically located on 445 Oak Court, between adjacent properties such that privacy would be maintained on both sides, and mitigating the visual impact of the proposed house.

Third, still on the topic of privacy, decorative wing walls were integrated onto each side of the master bedroom's balcony to limit visibility and screen any view to the neighbors located on either side. Additionally, to avoid concerns of these walls being too plain or unsightly, detailed fenestration has been integrated into the design of these walls to enhance the architecture and character.

Fourth, paved areas in the rear yard were reduced by approximately 800 square feet. The only paved areas that remain are strictly for: driveway, one covered patio, one uncovered patio, and a required parking spot for the accessible Secondary Dwelling.

In addition to addressing the modifications suggested above, the plans also reflect changes to the original topographic and boundary survey that had been prompted by a different boundary survey completed by the "rear-yard" neighbor that yielded differing property line locations. Nonetheless, both neighbors and their respective surveyors worked out an agreeable solution and the issue has been effectively resolved. As such, this resulted in shifting the Secondary Dwelling forward by several inches and is reflected in the current plans. The project's consulting arborist completed a review of the updated plans and concluded that the modifications would have zero impact on any heritage trees.

Lastly, collaborations with another adjacent neighbor took place on the topic of a future good neighbor fence. It was mutually agreed that in lieu of extending the entire wooden fence down the shared property line where existing trees are located and would create a circuitous fence line, they worked out a solution to integrate boxwood hedges with the mature trees to create a beautifully landscaped boundary.

Respectfully Submitted,



Tom Sloan AIA
Metro Design Group

**Assessment of and Recommendations for
Eleven (11) Trees at and Adjacent to**

**445 Oak Court
Menlo Park, California**

Prepared for:
Mr. Brian Nguyen, Property Owner
445 Oak Court

Field Visit:
Walter Levison, Consulting Arborist (WLCA)
6/6/2016

Report by WLCA
Version: 9/7/2016

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1.0 Summary

Walter Levison, Consulting Arborist (WLCA) tagged and assessed 11 tree specimens at and adjacent to 445 Oak Court, Menlo Park, California which are considered to be heritage size trees per the City of Menlo Park ordinance governing private trees.

The following is an overview of my findings and recommendations regarding the trees, provided in matrix format for ease of understanding. All eleven trees are protected "heritage trees" per the definition in the City of Menlo Park private tree ordinance:

<p>1. Total trees assessed by WLCA.</p>	<p>11 (Tags #1 through #11)</p>
<p>2. Trees on-site vs. off-site.</p>	<p>On-site: 2, 3, 4, 6, 8, 9.</p> <p>Off-site: 1, 5, 7, 10, 11.</p> <p>Off-site tree #1 is in poor overall condition. The project team will be directed to apply water to this tree's open soil root zone areas on a regular basis, to offset any impacts from site work. The proposed walkway within the canopy dripline will be built over-grade as a no-dig system per my discussions with the property owner. WLCA does not expect this tree to be impacted by site work.</p> <p>Off-site tree #5 is in fair overall condition. The proposed new driveway near this tree will be constructed by peeling out old asphalt only, without any excavation of, or alteration of the existing old baserock base section. WLCA does not expect the tree to be impacted. WLCA will direct contractor staff to irrigate the tree's root zone as best possible during construction, given the existing constraints of root zone impermeability.</p> <p>Off-site tree #7 will be fenced off with a very large root protection zone, and is not expected to be impacted by proposed site work.</p> <p>Off-site trees #10 and #11 are within an area where special raft slab foundation work will occur over grade, without any expected cuts to grade. I have requested that the project team place or otherwise build all duct work and other items (e.g. BBQ and pizza area) above grade such that the root zone areas within the canopy driplines of these two trees should remain as-is with no excavation of the soil surface for base preparation. This will help preserve the existing root systems of these two trees which extend westward into the 445 Oak Court work area.</p>
<p>3. Trees to be retained per current proposed site plan.</p>	<p>#1, 2, 3, 4, 5, 7, 9, 10, 11.</p>

<p>4. Trees to be removed per current proposed site plan.</p>	<p>#6, 8.</p>
<p>5. Additional trees recommended to be removed by author due to very poor overall condition (i.e. high risk of failure and impact, short expected useful remaining lifespan, etc.).</p>	<p>Neighbor-tree #1 is suggested to be removed due to potential high risk of failure and impact.</p>
<p>6. Suggested adjustments to the proposed site plan to optimize survival of retention trees. Note that the author has <u>not</u> reviewed utility plans, grading plans, drainage plans, etc. as of the date of writing.</p>	<p>Tree #1 (if retained): Keep all new walkway excavation minimized to the uppermost few inches of the soil profile (e.g. 3 inches max. cut below existing soil grade elevations). Heavy-irrigate open soil areas at limit of construction to promote root health.</p> <p>Trees #3, 4, and #5: Keep all new driveway renovation activity limited to surfacing renovation only (e.g. asphalt peel-off, etc.). Leave all existing baserock materials intact as-is, without removal of or excavation into the baserock base section.</p> <p>Tree #7: This tree was not previously plotted on the site plan, and will require a significantly large radius root protection zone area such as 15 to 20 feet radius from trunk in all directions. Toward this end, all utilities and other trenched-in items will need to be bundled and located offset at least 20 feet or more from the multiple trunks of this tree to avoid root damage and root loss.</p> <p>Trees #9 & #10: Utilize a raft-type foundation (i.e. a structural slab-type foundation) or another foundation type that does not involve any cuts whatsoever below existing soil grade elevations within 25 feet of the trunk edge of this tree, for construction of the proposed 2nd dwelling.</p> <p>Minimum offset of chain link root protection zone fence is typically 25 to 35 feet radius from trunk edge for high value trees of the trunk and canopy size exhibited by tree #10. Therefore, an offset of 25 feet would be considered a bare minimum, and almost negligence. Toward this end, use of a raft-type foundation footing or other “no dig, no cut” type foundation for the 2nd dwelling will be specified such that there are no foundation items that would involve any excavation for any reason. In other words:</p> <ul style="list-style-type: none"> • No excavation within 25 feet of tree for crawl space. • No excavation within 25 feet of tree for duct work or electrical work. • No trenching within 25 feet of tree for utilities, drain lines, irrigation, etc. • No excavation within 25 feet of tree for perimeter beam footings. • No excavation within 25 feet of tree for the slab itself.

	<p>Tree #11: The proposed new BBQ, walkway, and pizza oven should either be moved an additional 5 to 10 feet farther west of trunk edge (from current proposed locations) in order to better offset these items from trunk, such that the wide-extending root zone and low-hanging canopy dripline can be better preserved and protected (Optimal distance of all of these items would be 15 to 25 feet offset from trunk), or build up all foundation work over existing grade in a manner that requires zero excavation cut depth for base section installation. See recommendations section for more details.</p>
--	---

2.0 Assignment & Background

Walter Levison, Consulting Arborist (WLCA) was retained by the property owner to tag and assess all heritage trees on site and within 10 feet of the property lines of 445 Oak Court, Menlo Park, California. WLCA was further directed to prepare a formal written arborist report for submittal to the City as part of the submittal package related to a proposed single family residential site plan for this property.

The site survey was performed as a visual assessment only. Heights and canopy spread diameters were estimated visually. Trees were tagged at eye level using racetrack shaped aluminum tags numbering “1” through “11”.

Tree images are archived in section 8.0.

Tree data are located in a spreadsheet in section 9.0.

A tree location map markup is located in section 10.0. This sheet shows existing trees noted by tag number, and contains markings indicating the author’s suggested fence routing and/or other protection items that are designed to optimize tree survival based on arboriculture Best Management Practices. The sheet used to prepare the tree map is a PDF format architectural rendering provided by the property owner on 6/5/2016.

Note that the locations of trees #1, 7, 10, and 11 are “rough plotted” by WLCA, and are not considered accurate. These trees were not previously noted on the architectural rendering of the site plan reviewed by WLCA.

3.0 City of Menlo Park: What Private Trees are Protected?

All privately-owned trees meeting one of the following qualifications are considered protected heritage trees in the City of Menlo Park, per the City’s tree ordinance governing privately-owned trees as stated on the official City website:

- a. All species with at least one mainstem measuring 15.0 inches diameter at 4.5 feet above grade.
- b. Native oak species with at least one mainstem measuring 10.0 inches diameter at 4.5 feet above grade.

Per these definitions, all eleven trees in this study are considered “heritage trees”, and cannot be removed without a formal City tree removal permit.

4.0 Recommendations

1. Project Arborist (“PA”):

Initial Signoff

It is suggested that a third party ASCA registered consulting arborist or ISA Certified Arborist with good experience with tree protection during construction be retained by the applicant, to provide pre-project verification that tree protection and maintenance measures outlined in this section of the arborist report are adhered to. Periodic (e.g. monthly) inspections and summary reporting, if required as a project condition of approval, are suggested in order to verify contractor compliance with tree protection throughout the site plan project. This person will be referred to as the project arborist (“PA”). The PA should monitor soil moisture within the root protection zones of trees being retained, using a Lincoln soil moisture probe/meter or equivalent. If required, inspection reports shall be sent to City of Menlo Park planning division, Attn: project planner.

(If applicable): Sample wordage for a condition of approval regarding monitoring of tree protection and tree condition:

“The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in a monthly site activity report sent to the Town. A mandatory Monthly Tree Activity Report shall be sent at least once monthly to the City planner associated with this project, beginning with the initial tree protection verification approval letter”.

2. Special Project Arborist Monitoring:

The PA shall pay special attention to **neighbor trees #1, 5, 7, 10, and #11** to help ensure that impacts to those trees from site work on 445 Oak Court are minimized as best possible. **Irrigation water** will be applied on multiple neighboring properties as necessary to help boost soil moisture within the root zones of the trees.

The PA shall monitor asphalt removal work along the driveway footprint between **trees #3, 4, and #5** in order to verify that existing baserock and base section materials remain as-is without disturbance.

The PA shall advise the project team on temporary irrigation of trees both on site and on neighboring properties.

The PA shall advise the project team on pruning of roots measuring 1-inch diameter and larger, within 20 feet of any survey tree to be retained on site and on neighboring properties.

3. Project Team Actions or Clarifications Requested:

- i. Tree Removal: Obtain formal City tree removal permits for heritage **trees #6 & #8**. Mitigate for the loss of the trees as required by Staff planners.
- ii. Utilities and Drainage: Project team shall route all proposed new trenched items such as utilities, drain pipes, etc. to at least 25 feet offset from the trunks of **all trees** being retained (refer to the arborist’s tree protection map markup in this report).

- iii. New Landscape and Irrigation: Project team shall verify the types, trench depths, etc. of all irrigation main lines, valves, laterals, pop-ups, etc. (if any proposed) within 20 to 25 feet of **all trees** being retained on and adjacent to 445 Oak Ct.

Project team shall use only flexible poly tubing type irrigation pipes for all areas within 20 linear feet of **all trees** being retained on and adjacent to 445 Oak Ct.

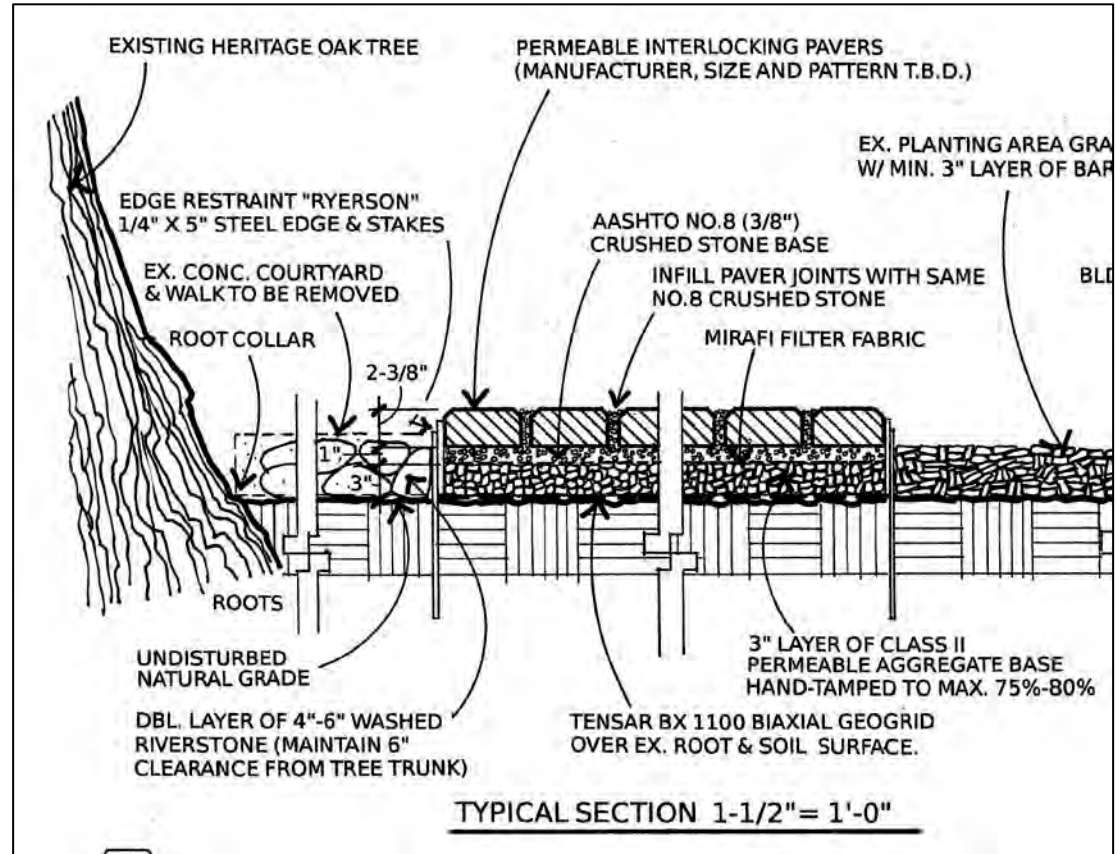
Project team shall verify that locations of proposed new tree plantings are at least 20 feet offset from **all trees** being retained on and adjacent to 445 Oak Ct.

- iv. Proposed 2nd Dwelling vs. Trees #9 & #10: Utilize a no-dig, no-cut type raft foundation (structural slab) per the current proposed site plan, that involves absolutely zero excavation below existing soil grade for any reason within 25 feet of the trunk edge of the trees.

Project contractor shall maintain a heavy 1x/week irrigation regime within the designated root protection zone, using garden hoses, etc. to provide at least 100 gallons once weekly to both **beech #9 and neighbor redwood #10**, within the temporary fenced off area.

- v. Proposed BBQ/Pizza Oven/Walkway vs. Redwood #11: All proposed work west of neighbor-owned redwood #11 shall be relocated to at least 15 to 25 feet offset from the trunk edge of the tree. If work shall occur within 15 feet of the trunk edge, then baserock base section shall be built completely over grade as a “no dig” zero excavation system to avoid all root loss to this neighbor tree.

Project contractor shall maintain a heavy 1x/week irrigation regime within the designated root protection zone, using garden hoses, etc. to provide at least 100 gallons once weekly to this neighbor tree within the temporary fenced off area.



vi. Driveway Renovations:

- Phase all proposed driveway renovation to the very end of project to allow the existing surfacing to remain during site plan work as a soil protection buffer.
- Per current plan, restrict driveway renovation work to scarification of the existing surfacing without cutting into the old baserock. Do not allow machinery bucket teeth to cut below the bottom elevation of the asphalt surfacing material when peeling out the existing old asphalt.
- Use a specification such as a no-dig type walkway/driveway spec to renovate in a tree root-friendly manner (i.e. no dig, no cut) without any cuts below existing top of baserock (see side cut view image above).

This specification utilizes Tensar Corp's BX-1100 biaxial geogrid which is a lateral load transferring material that looks like a two-dimensional plastic web. The web is pinned down over grade, and baserock and other materials are tamped down over it. This is the gold standard of tree root protection, and is locally available through Reed & Graham geosynthetics division. The biaxial geogrid disperses load forces laterally, to provide significant strength which allows for the baserock base section to be thinned by as much as 50% per the Tensar Corp official website.

- Irrigate alongside the new asphalt as necessary (i.e. within the fenced off root protection zone areas), on a 1x/week heavy basis, paying special attention to neighbor **tree #5** west of the driveway edge.
- Avoid use of any deep cut type edging. All edging installation along the west side of the driveway shall be restricted to 4 inches total height only, with maximum 2 inches depth of cut below top of baserock.

vii. Proposed Walkway:

The proposed walkway within the canopy dripline of neighbor tree #1 will be constructed over-grade as a no-dig system without any excavation for baserock installation.

4. Trunk Buffer Protection:

Prior to demolition commencement, install a trunk buffer around the lowermost 8 feet of the trunks of **magnolia #2 & #3, camphors #4 & #5, and beech #9.**

Wrap approximately 20 to 40 wraps of orange plastic snow fencing around the trunk between grade and 8 feet above grade to create a padding at least 1 to 2 inches thickness.



Stand 2x4 wood boards upright, side by side, around the entire circumference of the trunk. Affix using duct tape (do not use wires or ropes). See spec image at right.

5. Chain Link Fencing Protection:

Erect five-foot tall chain link fence on seven-foot long, two-inch diameter iron tube posts pounded 24 inches into the ground (see sample image at right).

Pre-demolition fence: Per the red dashed lines on the tree map mark-up in the author's arborist report (routes may be subject to change, depending on the finalized alignments of work items). Fencing for magnolia #2: to be determined (i.e. as far out from trunk edge of tree #2 as possible).

This fencing must be erected prior to any heavy machinery traffic or construction material arrival on site.

The protective fencing must not be temporarily moved during construction. No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the root protection zone or "RPZ".

No storage, staging, work, or other activities will be allowed inside the RPZ except with PA monitoring.

6. Signage: The RPZ fencing shall have one sign affixed with UV-stabilized zip ties to the chain link at eye level for every 20-linear feet of fencing, minimum 8"X11" size each, plastic laminated (wordage can be adjusted):



TREE PROTECTION ZONE FENCE ZONA DE PROTECCION PARA ARBOLES

**-NO ENTRE SIN PERMISO-
-LLAME EL ARBOLISTA-**

**DO NOT MOVE OR REMOVE FENCE
WITHOUT WRITTEN PERMISSION FROM THE
PROJECT ARBORIST**

**PROJECT ARBORIST:
TELEFONO CELL:**

EMAIL:

7. Irrigation Temporary During Construction:

Apply temporary irrigation to certain specified trees being retained, at a frequency and duration or total output to be specified by the project arborist (PA).

Method of water delivery can be soaker hose, emitter line, garden hose trickle, water truck, tow-behind water tank with spray apparatus, etc. Image at right shows a sample system where the contractor installed over-grade PVC irrigation piping which fed pop-up risers timed to automatically activate twice or three times a week for heavy soaking of the trees' entire open soil root systems.

Initial suggestion by the PA is 1x/week heavy irrigation of **site trees #2, 3, 4, and #9, and neighbor-owned trees #5, 10, and #11**, at a rate of 100 gallons per week per tree throughout the root zone areas being protected by fencing. Irrigate on a single day for maximum root zone moisture absorption.

Neighbor tree #1 will require 1x/weekly irrigation of open soil root zone areas, possibly including neighbor-owned property sections.

In regards to neighbor-owned **redwoods #10 and #11**, irrigation systems may already be in place on the neighbor property, applied via an automatic timer system, but additional heavy irrigation is recommended to mitigate for loss of roots in the west sections of the root zones where construction work will occur on 445 Oak Court property.

General contractor shall keep an irrigation log book on site for viewing by the project arborist (PA) to verify when individual trees are being irrigated, volumes of water applied, etc.

8. Pruning (if applicable):

All pruning shall be performed only by, or under direct full time supervision of an ISA-Certified Arborist, and shall conform to the most current iteration of the American National Standard Institute pruning guidelines and accompanying ISA Best Management Practices / Pruning booklet:

- ANSI A300 (Part 1) tree, shrub, and other wood plant maintenance / standard practices (*pruning*). 2001.
- Best Management Practices / Tree Pruning: companion publication to the ANSI A300 Part 1: tree, shrub, and other wood plant maintenance / standard practices (*pruning*). International Society of Arboriculture. 2002.

Suggested Pruning Prescription: (None suggested at the time of writing, other than vertical clearance and horizontal clearance pruning as needed, such as on **beech #9**).



9. Root Pruning:

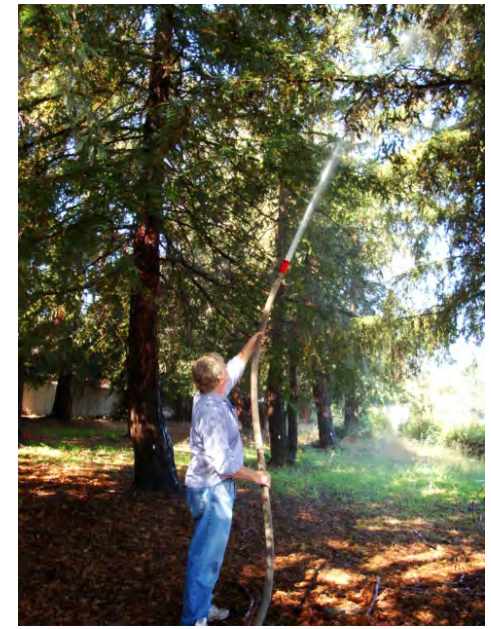
If woody roots measuring greater than 1-inch in diameter are encountered within 20-feet of any tree being retained during site work, contractors shall immediately alert the project arborist. **Do not prune roots without direct supervision by the PA.**

Woody roots shall not be shattered or broken in any way as a result of site activities. Shattered or broken areas shall be hand dug back into clear healthy root tissue and re-severed at right angles to root growth direction under the direct supervision of the project arborist (PA). Immediately (same day) backfill over roots and heavily irrigate (same day) after backfill to saturate the uppermost 24 inches of the soil profile.

10. Water Spray:

Spray off foliage of all trees within 30 feet of construction activity using a very high power garden hose or a pressure washer system set on low pressure to wash both the upper and lower surfaces of foliage. This helps keep the gas portals (stomata) unclogged for better gas exchange which is crucial for normal tree function (see image at right in which a fire hose system was used to wash approximately 50 redwood tree specimens in Sunnyvale during a one year long demolition period).

Spray should be applied approximately twice yearly, or when ambient airborne dust concentration is unusually high.



5.0 Author's Qualifications

- Continued education through The American Society of Consulting Arborists, The International Society of Arboriculture (Western Chapter), and various governmental and non-governmental entities.
- Contract Town Arborist, Town of Los Gatos, California
Community Development Department / Planning Division
2015-present
- Tree Risk Assessment Qualified (ISA TRAQ Course Graduate, Palo Alto, California)
- Millbrae Community Preservation Commission (Tree Board)
2001-2006
- ASCA Registered Consulting Arborist #401
- ASCA Arboriculture Consulting Academy graduate, class of 2000

- Associate Consulting Arborist
Barrie D. Coate and Associates
4/99-8/99
- Contract City Arborist, City of Belmont, California
Planning and Community Development Department
5/99-present
- ISA Certified Arborist #WC-3172
- Peace Corps Soil and Water Conservation Extension Agent
Chiangmai Province, Thailand 1991-1993
- B.A. Environmental Studies/Soil and Water Resources
UC Santa Cruz, Santa Cruz, California 1990

(My full curriculum vitae is available upon request)

6.0 Assumptions and Limiting Conditions

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Unless expressed otherwise:

- a. information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection; and
- b. the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

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Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

7.0 Certification

I hereby certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signature of Consultant



8.0 Digital Images

WLCA archived images of the survey trees on 6/6/2016:



Sweetgum #1 on neighbor's property as viewed from the street.



Magnolia #2 at the northeast corner of the property, as viewed from the street. This tree is proposed by the project team to be removed.



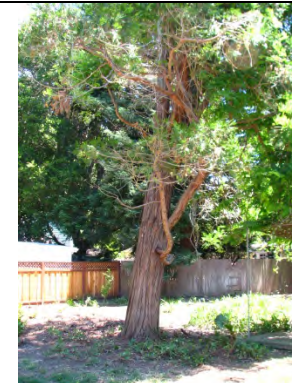
Magnolia #3 located adjacent to the existing driveway. The drive profile is buckled and raised above original grade due to roots apparently extended through the baserock below the drive. If this drive is renovated, the root system of this tree will be severely damaged, which could kill the tree. This is a subject for further discussion.



Magnolia #3 at left side of image, and camphors #4 and #5 along the right side of the drive at right side of image, as viewed from the street. The camphors are also threatened with severe root destruction if the driveway is renovated in a manner that involves excavation of and replacement of the old baserock in which the root systems are likely extended horizontally.



Looking north at camphor #5. Note how the root system extends both east and west through the old driveways of the 445 Oak Ct property and the neighbor's property to the west. Again, if the driveway of 445 Oak Ct is renovated using standard methods such as excavation of the old baserock, the root systems of the trees will be severely damaged, and the trees could rapidly decline and die prematurely.



Cedar #6 is in very poor condition, and is proposed to be removed by the project team.



Coast live oak #7 is a neighbor tree to be retained.



Coast live oak #7 has three mainstems (trunks) which are buried in fill soil, and require hand-excitation (this is a neighbor tree).



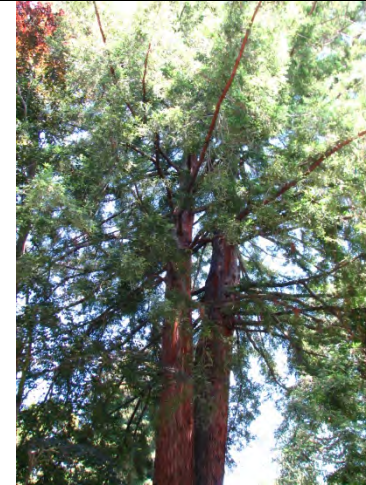
Walnut #8 to be removed.



Canopy view of walnut #8, showing very poor live twig density.



Beech tree #9 proposed by the project team to be removed. Note the close proximity of tree #9 to neighbor-owned coast redwood #10 in the background at right side of image.



View of the mid-elevation canopy of neighbor-owned coast redwood #10.



Coast redwood #10 as viewed from 445 Oak Ct. looking east at the wood property line fence. Note that the root system of this tree extends far westward into the project area, and will require that we maintain a very significant offset distance between the trunk edge and the proposed new 2nd dwelling foundation footing construction (e.g. 20 to 25 feet, etc.).



The mainstem (trunk) shown just behind the wood property line fence is coast redwood #11 owned by the neighbor to the east. This tree, as with redwood #10, is located very close to the property line, and has a root system that extends horizontally far into the 445 Oak Ct. project area.



Neighbor-owned coast redwood #11 canopy view from 445 Oak Ct.

9.0 Tree Data by WLCA

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	Heritage Tree?	(R)remove Tree	(S)save Tree	(D)isposition Unclear	Severity of Impacts Expected from Site Plan Related Work	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Buried Root Crown	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
1	<i>Liquidambar styraciflua</i> (NEIGHBOR TREE)	Sweetgum	18.5	--	--	18.5	50/18	30/30	30% Poor	Yes		X		Minor to moderate (depends on depth of cut for pathway.					Codominant mainstems fork with bark inclusion issue at 12 feet (possible high risk of failure and impact). Poor live twig density. Suggest removal.	5 to 7 feet.	RPZ, W (if retained by neighbor owner)
2	<i>Magnolia grandiflora</i>	Southern magnolia	25.6	--	--	25.6	35/40	45/40	40% Poor	Yes		X		Impacts from proposed work assumed less than significant. Tree was originally to be removed. WLCA assumes all utilities routed to far from trunk.					Sunscald damage noted along upper sides of limbs. Ganoderma fungal fruiting body noted at root crown, indicating likely decay issue at trunk base.	To be determined.	TB, RPZ, W
3	<i>Magnolia grandiflora</i>	Southern magnolia	51.4	--	--	51.4	50/40	60/60	60% Fair	Yes		X		Minor to moderate (depends on depth of cut for driveway excavation if renovated)					Roots appear to be intact and growing under the existing older driveway. These roots may be damaged or destroyed if the old baserock is replaced during driveway renovation.	5 to 15 feet radius on various sides (see map)	TB, W, RPZ, and limit driveway work to asphalt repair only, without any cuts into old baserock.

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	Heritage Tree?	(R)remove Tree	(S)ave Tree	(D)isposition Unclear	Severity of Impacts Expected from Site Plan Related Work	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Buried Root Crown	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
4	<i>Cinnamomum camphora</i>	Camphor tree	30.0	--	--	30.0	30/25	65/45	55% Fair	Yes		X		Possible severe impacts if excavate for baserock renovation during driveway work.					Tree was previously top pruned. Poor to moderate live twig density. Roots are assumed to extend though the old baserock of the existing driveway.	(As shown on map in this report).	TB, W, RPZ, and limit driveway work to asphalt repair only, without any cuts into old baserock.
5	<i>Cinnamomum camphora</i>	Camphor tree	36.7	--	--	36.7	30/30	75/55	65% Fair	Yes		X		Possible severe impacts if excavate for baserock renovation during driveway work.					Tree was previously top pruned. Poor to moderate live twig density. Roots are assumed to extend though the old baserock of the existing driveway.	(As shown on map in this report).	TB, W, RPZ, and limit driveway work to asphalt repair only, without any cuts into old baserock.
6	<i>Calocedrus decurrens</i>	Incense cedar	24.8	--	--	24.8	40/18	20/20	20% Very Poor	Yes	X		(Tree to be removed per site plan)	South east	South east			Codominant mainstems with bark inclusion at 16 feet. Very poor twig density. Author suggests removal.	---	---	
7	<i>Quercus agrifolia</i> (NEIGHBOR TREE)	Coast live oak	20	18	12	50	45/30	80/65	75% Good	Yes		X	Minor					Proposed work appears to be limited enough and offset enough from this tree that the root system will remain basically intact.	15 to 20 feet radius (see author's tree map markup in this report)	RPZ	
8	<i>Juglans regia</i>	English walnut	22	18.4	--	40.4	40/30	15/15	15% Very Poor	Yes	X		(Tree to be removed)	South	South			Poor live twig density, with advanced dieback evident. Author recommends removal of tree.	---	---	

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	Heritage Tree?	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Severity of Impacts Expected from Site Plan Related Work	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Buried Root Crown	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
9	<i>Fagus sylvatica</i>	European beech cultivar	17.4	--	--	17.4	45/28	85/65	75% Good	Yes	X		Impacts from proposed work unknown. Tree was originally to be removed. WLCA assumes all utilities routed to far from trunk. Raft slab foundation will encroach within canopy dripline.	West	West			Good live twig density. Tree has phototropic lean and lopsidedness due to presence of other trees to east.	See map.	TB, RPZ, W	
10	<i>Sequoia sempervirens</i> (NEIGHBOR TREE)	Coast redwood	Est. 50	Est. 40	--	Est. 90	70/50	85/75	80% Good	Yes	X		Possible severe impacts due to proposed new 2 nd dwelling foundation footprint within canopy dripline.					Canopy extends at high elevation into the proposed work area, with a radius of 20 to 25 feet southwest of trunk. Root crown not visible during assessment from afar, but assume that entire root system is healthy and intact in all directions as of the date of writing. The appraised value of this tree is approximately \$48,000.	15 to 50 feet radius from trunk in various directions (25 foot offset from trunk to foundation of 2 nd dwelling, if using a floating no-dig type foundation).	RPZ, W, and push proposed 2 nd dwelling foundation footprint to farther southwest to optimize root zone preservation. Optimal location of the 2 nd dwelling is 18 to 20 feet from trunk edge of this tree.	

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	Heritage Tree?	(R)remove Tree	(S)save Tree	(D)isposition Unclear	Severity of Impacts Expected from Site Plan Related Work	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Buried Root Crown	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
11	<i>Sequoia sempervirens</i> (NEIGHBOR TREE)	Coast redwood	Est. 40	--	--	Est. 40	85/40	85/85	85% Good	Yes		X		Possible severe impacts to canopy and root system due to proposed new walkway, BBQ, and pizza oven.					Canopy extends at least 10 feet westward over the property line fence, hanging down to 1 or 2 feet above grade elevation. Root system assumed intact and extended at least 40 feet westward from trunk. The appraised value of this tree is approximately \$22,000.	15 to 20 feet radius from trunk in various directions (see author's tree map in this report).	RPZ, W, and push proposed BBQ, walkway, and pizza oven farther west to optimize root zone preservation. Limit walkway excavation to 4 inches total cut below existing soil grade elevation.

Tree Maintenance and Protection Codes Used in Data Table:

RPZ: Root protection zone fence, chain link, with 2" diameter iron posts driven 24" into the ground, 6 to 8 feet on center max. spacing.

RB: Root buffer consisting of wood chip mulch lain over existing soil as a 12 inch thick layer, overlain with 1 inch or greater plywood strapped together with metal plates. This root buffer or soil buffer should be placed over the entire width of the construction corridor between tree trunks and construction.

RP: Root pruning. Prune woody roots measuring greater than or equal to 1 inch diameter by carefully back-digging into the soil around each root using small hand tools until an area is reached where the root is undamaged. Cleanly cut through the root at right angle to the root growth direction, using professional grade pruning equipment and/or a Sawzall with wood pruning blade. Backfill around the cut root immediately (same day), and thoroughly irrigate the area to saturate the uppermost 24 inches of the soil profile.

BDRP: Back-dig root pruning: Hand-dig around the broken root, digging horizontally into the open soil root zone until a clean, unbroken, unshattered section of the root is visible. Proceed as per 'root pruning'.

RCX: Root crown excavation. Retain an experienced arborist to perform careful hand-digging using small trowels or other dull digging tools to uncover currently-buried buttress root flares. Digging shall occur between trunk edge and at least two (2) feet horizontal from trunk edge. The final soil elevation will be at a level such that the tree's buttress roots visibly flare out from the vertical trunk.

TB: Trunk buffer consists of 20-40 wraps of orange plastic snow fencing to create a 2 inch thick buffer over the lowest 8 feet of tree trunk (usually takes at least an entire roll of orange fencing per each tree). Lay 2X4 wood boards vertically, side by side, around the entire circumference of the trunk. Secure buffer using duct tape (not wires).

F: Fertilization with slow-release Greenbelt 22-14-14 tree formula, as a soil injection application using a fertilizer injection gun. This brand and formulation is commonly used by reputable tree care companies in the Bay Area. Apply at label rate and injection hole spacing.

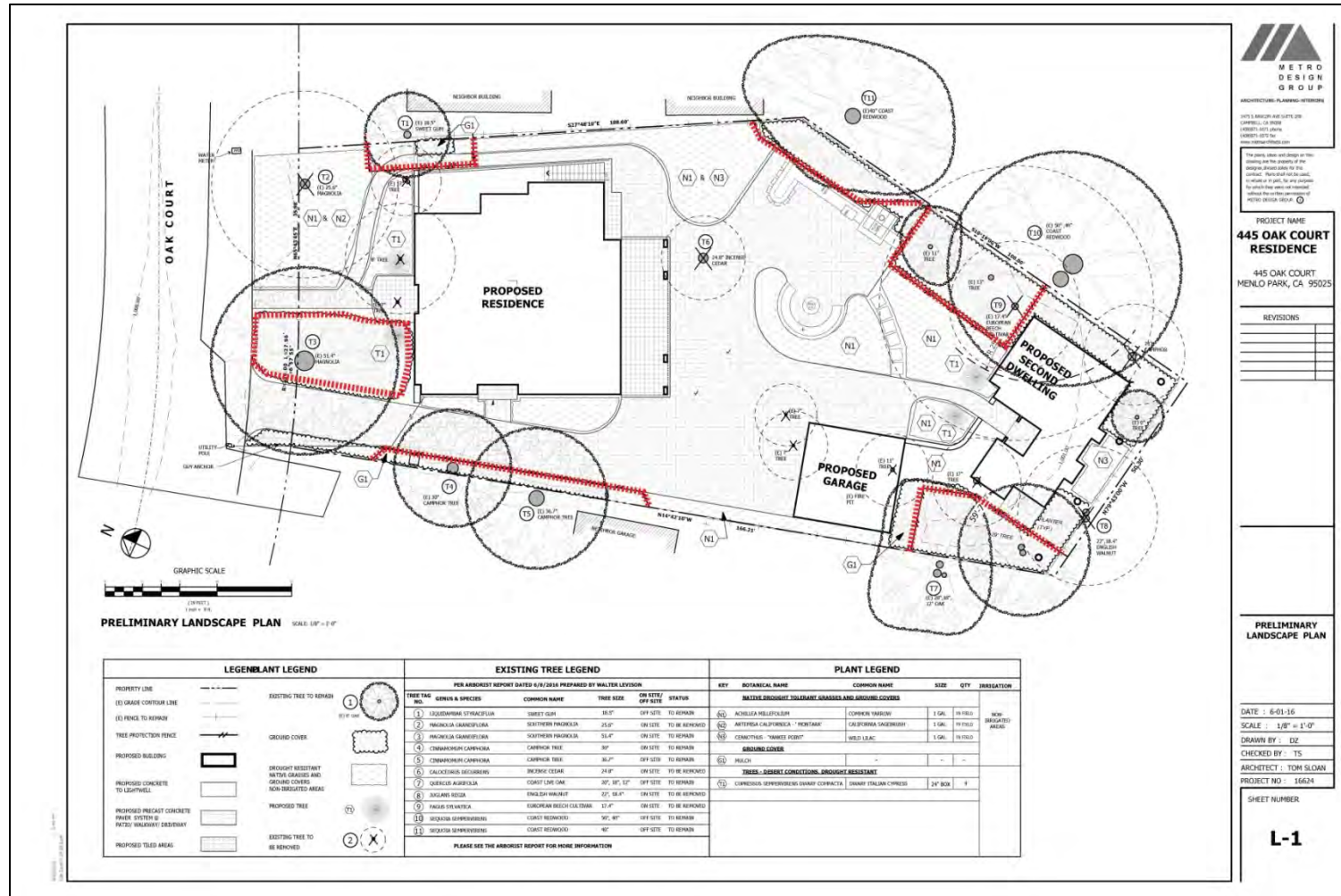
M: 4-inch thick layer of chipper truck type natural wood chips (example source: Lyngso Garden Supply, self pick-up). Do not use bark chips or shredded redwood bark.

W: Irrigate using various methods to be determined through discussion with General Contractor. Irrigation frequency and duration to be determined through discussion and/or per directions in this report. Native oak species typically require 1x/month irrigation, while other tree species tend to prefer 2x/month or 4x/month moderate to heavy irrigation during construction.

P: Pruning per specifications noted elsewhere. All pruning must be performed only under direct site supervision of an ISA Certified Arborist, or performed directly by an ISA Certified Arborist, and shall conform to all current ANSI A300 standards.

MON: A Project Arborist must be present to monitor specific work as noted for each tree.

Below is the most current version of the landscape plan sheet L-1 dated 6/1/2016. Again, trees #2 and #9 are now proposed to be retained and protected per the owner, even though they are shown below as being removed. Fencing route for tree #2 will be determined.



Note that the fencing around front yard magnolia #3 may need to be removed completely prior to landscape development, in order to allow for groundcover installation.



5/3/2017

Arborist Memo / Tree #9 at 445 Oak Court, Menlo Park, CA

To whom it may concern:

The author Walter Levison, Consulting Arborist or "WLCA" was retained by the owner of the above-noted property to perform various tree studies over the past few years related to a proposed residential redevelopment plan.

Most recently, WLCA was asked to comment on the adjustment of a proposed structure to within closer distance to tree #9 than was originally proposed on site plan sheets. WLCA originally noted this tree as a removal in the first iteration of the arborist report for this property, due to its close proximity to the structure.

The original distance from trunk edge to foundation footing edge was approximately 5.0 feet, which was already relatively very close to the foundation footing proposed. However, the team was planning on using a raft slab footing for the structural foundation, which avoids digging into the ground below existing grade, and instead simply sits over grade as a "floating" system (typical raft slab design).

The new distance from trunk edge of tree #9 to foundation edge is approximately 2.5 to 3.0 feet. The main additional concern that this poses is more related to the long term structural integrity of the foundation footing than it is a tree root preservation issue.

I have suggested to the property owner that use of a cardboard "void form" type foundation in this area of the proposed new raft slab footing be considered, as it would allow us to keep an actual three dimensional foundation void in place in the immediate vicinity of the tree #9 trunk and root plate. The owner has agreed to use this type of footing, and the details will be developed by the project architect (not available for review at the time of writing). A void window will be created at the foundation area nearest the tree trunk in order to minimize future conflicts between the foundation and the tree as the tree expands root tissue and trunk tissue over time.

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Certification

I hereby certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signature of Consultant

Walter Levison, Consulting Arborist



Maguire
TREE CARE, INC.

EVALUATION AND REQUEST FOR REMOVAL PERMITS ON 4 TREES

Report Prepared for:

Brian Nguyen
445 Oak Ct.
Menlo Park, CA

Report Prepared by:

Paul Maguire
Maguire Tree Care, Inc.
ISA Certified Arborist #5204A
Friday, April 15, 2016

ASSIGNMENT

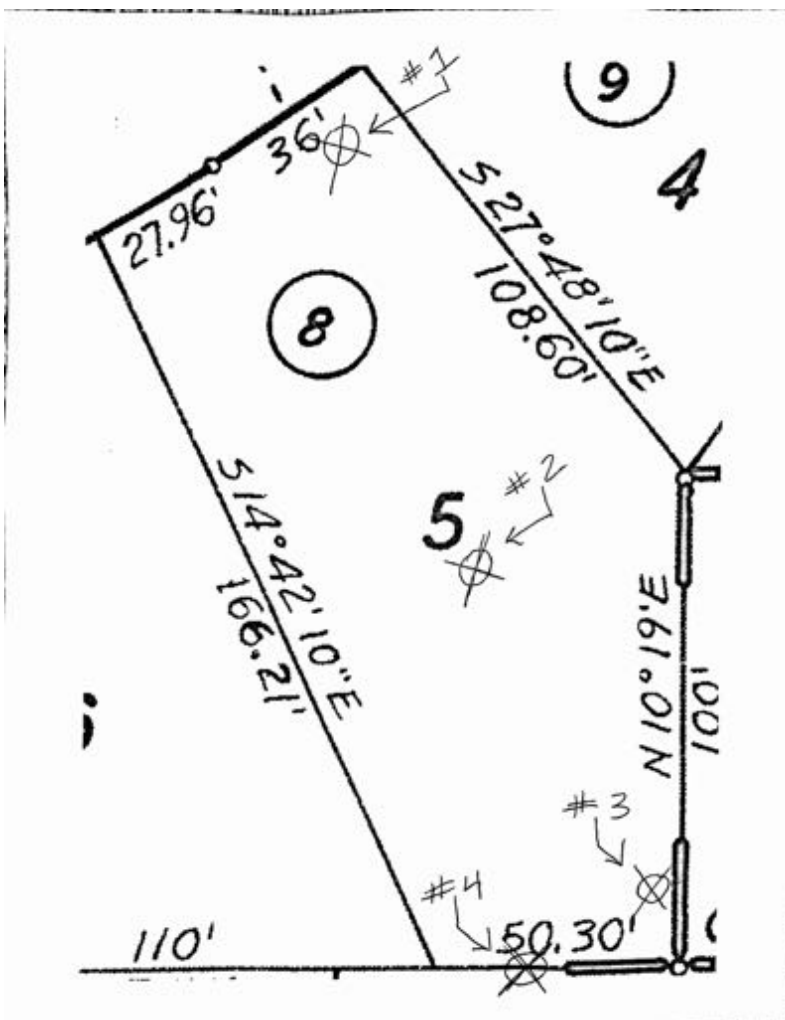
I was asked by Brian Nguyen to do an on site visit of his property located at 445 Oak Ct. in Menlo Park to asses and prepare a report, with the ultimate goal of obtaining a permit to remove 4 trees that stand on his property. I made my site visit on Wednesday, April 13 20016.

OBSERVATIONS

Site Description

Location of property is 445 Oak Ct in Menlo Park. This home was built in 1941, and is on a lot that is approximately 13,600 SQ FT. The home has a detached garage.

The lot is flat, and has numerous mature trees on the property. The following image is the parcel map of the property, and shows the approximate locations of the 4 trees we are requesting for removal permits.



Tree Descriptions

Tree 1: Southern Magnolia (*Magnolia grandiflora*)

DBH 36", approximately 40' tall with a canopy spread of 30'. This tree has a heart rot conk on the base of the trunk, near ground level. The overall condition of this tree is rated as medium. New growth looks to be weak, and there is a substantial amount of die off in the canopy, especially at the top. I am suspecting that the fungus on the trunk is responsible for this condition.

This tree has extensive surface rooting, which is quite common with this species. Because of the major mass of roots in front of the home, the sewage drain pipe coming from the house and going to the street is completely clogged. My client went to the City to see what his options were to fix this problem. Option one is to re route and replace the sewage line. Because there are two Magnolias in the front yard (the other tree is very significant in size), the routing of the pipe to the street cannot be straight, and would need to go between the two trees, causing damage to the root systems of both trees and putting both at risk. The other option is to route the sewage line close to the neighbors property, which my client understandably does not want to do. The third and final option is to remove the subject Magnolia and route the new line near this tree, and avoid the roots from the other Magnolia in the front yard. This seems like the best long term plan, and would preserve the much more significant Magnolia.



The picture to the right shows the subject tree. The two photos on the next page show the fungal growth on the base as well as the extensive network of surface roots. Looking above, you can see the sunken bark where the white conk is growing on the trunk.



Tree 2: Incense Cedar (*Calocedrus decurrens*)

DBH 32", approximately 40' tall with a canopy spread of 20'. This tree is being, and has been, engulfed by a rather large and old Wisteria which has caused significant die off of this tree. I would suspect that the wisteria vine has been tangled up in this tree for the past 10-15 years, as the vine has made it all the way to the top of the Cedar. The main reason for requesting a removal permit on this tree is because the new home design would place this tree right in the middle of the new home.

I would rate the condition of this tree as poor. The combination of drought, age and the wisteria climbing the tree have all contributed to the poor current health of this tree. Below shows a few shots of the tree, a profile and a view into the canopy.



Tree 3: Camphor (*Cinnamomum camphora*)

Not much to say about this tree, other than its dead. There is only a section of standing trunk, with no branches on the tree at all. Appears to have been dead for quite a few years. Bark is falling off the trunk.



Tree 4: English Walnut (*Juglans regia*)

DBH 60" approximately 45' tall and 40' wide. This tree splits into two main leads at 36" above grade. The front lead is 22", and the back stem is 24". The condition of this tree at the time of my viewing was extremely poor. There was little to no leaf out going on.

This tree also appears to split my clients property and the back neighbors property, and is growing between the back fence line. The majority of this tree hangs over the back neighbors home, with very little branching coming into my clients yard. I also noted very heavy bird damage on the trunk of this tree, which is quite common. I was also told the back neighbor would like to have this tree removed. Here is a profile shot of the tree, and the pictures on the following pages show canopy views.







It should be noted that there are 3 other very significant trees on the property. As mentioned, there is a second very large Magnolia tree in the front yard. This tree is at the front/left corner of the lot, next to the driveway.

In the back yard, there are two very nice Beech trees. One is a Copper Beach, and the second is a sort of Weeping Beech variety. Both large trees. I rate the condition of these three trees to be very good. The Magnolia tree in front is one of the nicest Magnolia trees I have seen.

CONCLUSION

Based on my findings and the information that was provided to me, I find it's a very reasonable request to be allowed to remove the 4 subject trees. Because the front Magnolia tree has some problems, and the fact that it is causing significant problems with the sewage lines, it is in the best interest of the client to have this tree removed which will provide the long term solution to future sewage issues and would avoid trenching and damaging the roots from the other Magnolia in the front yard.

In the back yard, its apparent that the English Walnut is in very bad shape and is becoming quite a liability to both my client and his back neighbor. The tree is very heavily leaning over the back neighbors roof line.

The Camphor is dead.

The Incense Cedar is in poo condition, is engulfed in Wisteria and sits in the middle of the proposed new home build plan.

RECCOMENDATIONS

I recommend that the 4 trees be removed, with suitable replacement trees being installed after the construction of the new home. I also recommend that the front Magnolia be removed as soon as possible so that my client can deal with the major sewage problem affecting his home.

If I can be of further assistance, please do not hesitate to call.

Respectfully submitted,

Paul Maguire
Maguire Tree Care, Inc.

ADDENDUM

After completion of the report, more information was provided by my client with the location of the current sewage drain line from his home to the street. As suspected, the line exits the front/left corner of the house and travels directly under the Magnolia Tree's (tree 1) trunk and root system. Below is a mock up photo showing where the sewage line exits the house. This location was confirmed by two independent Plumbers, who have been unsuccessful so far at clearing the blockage in the sewage line.





This photo is raw sewage that is pooling up because of the clogged lines



The below letter is from the plumber who is working on trying to clear the line, and is having a very difficult time doing so.



Lic # 978643

Customer Name: Brian Nguyen
Site Address: 445 Oak Court, Menlo Park, CA 94025
Phone: (650) 269 - 6300
Email: brian.nguyen@gmail.com

Dear Mr. Nguyen:

Over the last couple of days, my plumbing team has attempted to resolve your drain clog issue(s). The clog is significant. Even with the use of the industrial drain cleaner machine, we cannot clear it. We discovered that the 3" cast iron pipe has either been blocked or ruptured by the large mass in the front.

The best way to resolve this is by replacing the sewage pipe from the house to the sewer main at the street. This will require careful work around the tree and its roots, which may require special authorization and permit(s) from the City of Menlo Park.

Sorry for inconvenience that you are not able to live in your house. We will try our very best to resolve this issue as soon as possible.

Sincerely,

Hai Do
Lic # 978643

Hai Do | General Building Contractor # 978643 | DO CONSTRUCTION | 75 S. Bascom Ave. Suite 1000, San Jose, CA 95128 | (408) 595-2544

This is a very large problem, and because there are two very large Magnolia trees in the front, this problem would more than likely re occur. As you can see from the sewage exit line, working around that tree is extremely difficult. This next picture shows the placement of the other Magnolia in the front yard. I think its best to remove Magnolia number one, as previous stated, and route the line in an area where its clear of major roots. This would also reduce any impact on the larger Magnolia tree.





REGULAR MEETING MINUTES - EXCERPT

Date: 1/9/2017
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Katherine Strehl called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Drew Combs (Vice Chair), Susan Goodhue, Larry Kahle, John Onken, Henry Riggs, Katherine Strehl (Chair)

Staff: Thomas Rogers, Principal Planner; Kaitie Meador, Associate Planner; Yesenia Jimenez, Associate Planner; Tom Smith, Associate Planner

F. Public Hearing

F2. Use Permit/Brian Nguyen/445 Oak Ct:

Request for a use permit for the construction of a new two-story single-family residence with a basement, detached two-car garage, and secondary dwelling unit on a substandard lot with respect to width in the R-1-U (Single Family Urban Residential) Zoning District. The proposal includes the removal of two heritage trees. ([Staff Report #17-001-PC](#))

Staff Comment: Associate Planner Kaitie Meador said there were no changes to the staff report but noted that five additional letters had been received and distributed to the Commission and made available to the public.

Applicant Presentation: Mr. Brian Nguyen introduced his fiancée Virginia noting they were Bay area natives and had bought their property as they wanted to live close to family and work. He said their design proposal was for a classic Spanish California design that would be harmonious with the neighborhood. He said the home was proposed as four bedroom, four bathrooms and a basement with one bedroom and one bathroom. He said they were also proposing a one-story, one bedroom, one bathroom secondary dwelling unit that would be ADA compliant noting that unit would be for his parents. He said in their culture it was the responsibility and privilege to take care of the older generation. He said they were proposing removal of an English walnut tree and cedar tree both in very poor health. He said they also had permission for removal of a camphor tree and a magnolia tree. He said the magnolia tree had been a great plumbing problem for them when they moved into the home in February 2016. He said after six months of consultation with arborists and plumbers and opposition from neighbors to remove the magnolia tree they had resolved the issue and kept the magnolia tree. He said they had reached resolution with neighbors on privacy concerns by raising the bedroom balcony railing to 42-inches, raising the secondary dwelling unit's

window heights, planting cypress trees along the east border, and using translucent glass on selected second floor windows. He said over the last seven months he and his fiancée had done outreach with their neighbors. He said to date they had received eight letters of support.

Mr. Tom Sloane, project architect, said the legal width in this zoning district was 65-feet and depth was 100-feet. He said at the rear of this property was a very small area that did not meet the 65-foot width requirement. He said they did a shadow study for winter from noon to 3 p.m. and provided visual representation showing that impact was minimal to neighbors.

Commissioner Larry Kahle asked if they had considered combining the detached garage and secondary dwelling unit. Mr. Sloane said they had not considered that. He said they wanted to have a detached garage to keep it out of the view of the street and to narrow the profile of the primary home. He said the secondary dwelling unit in the rear was low profile and tucked among the trees. Commissioner Kahle said the ceilings were 10 to 11 feet on the first floor and nine feet on the second floor. He asked if they would consider lowering the plate heights to lower the overall height and reduce massing impact. Mr. Nguyen said they were within the height limits and there were no driving factors to reduce the plate heights. He said he could discuss the possibility with his fiancée and architect.

Chair Strehl confirmed with staff that the property was not within the flood zone.

Public Hearing:

- David Jones said that two other speakers (both named Anna) had donated their three minutes to him. He said his property was adjacent to the subject property. He said they opposed the use permit application for three specific reasons and two neighborhood reasons: 1) loss of privacy 2) loss of solar access 3) loss of significant sky view; and 1) changing the character of the neighborhood, and 2) loss of heritage trees. He said they hired an architectural firm to demonstrate visually the impacts to their home from a second story residence next door. He said he would present the visuals and would not review the details in the letter he had submitted. He showed slides of views from the subject property second floor windows onto his property. He showed a video demonstrating shadow impact on November 21 from 11 a.m. until sunset. He said after 1:10 p.m. their family room would be in shadow or one-third of the daytime hours in winter, and even more hours in the spring and summer. He noted increased energy need impacts and loss of sky view. He said the best solution was for the neighbor to build a one-story home scaled back in square footage and with everything done possible to protect the heritage trees on the property.
- Edurne, Mr. Jones' wife, said their backyard was the only outdoor place in their home where they have privacy. She said with the proposed development that privacy would be gone for both their backyard and their home were visible through the proposed second story windows and balcony. She said they were very concerned as this was the area they entertained. She said the proposal for cypress trees was not a solution as those would take a long time to grow. She asked that the Commission not approve a two-story design.
- Candace Hathaway said she had lived in her home over 30 years and 21 of 44 neighbors on Oak Court had written regarding their concerns with this project proposal. She said Oak Court was a small country lane right off of San Francisquito Creek and one of the original neighborhoods in Menlo Park. She said her home was a farmhouse built in 1911 and this area

was one of the few areas able to maintain a pastoral quality. She said the homes were a variety of architectural styles but bound together by massing and scale that created an identity and character in the neighborhood. She said the proposed project was truly massive and out of context with the home being almost three times the size of other homes on the court. She said it was 70% larger than the largest existing home on the court. She said there were no other full basements in the homes on the court and they flooded terribly when the creek topped. She said she had to buy flood insurance. Replying to Chair Strehl's request to wrap her comments up, Ms. Hathaway said she had three minutes donated by Virginia. She said the removal of the magnolia had been repealed when protested against by neighbors but the plans submitted with the application removed the magnolia tree. She said the applicants indicated the tree was distressed and might need to be removed. She said the concern was the tree would be removed sooner than necessary so the area could be paved for additional parking. She asked the Commission to consider the project proposal in the context of the neighborhood and ask the applicant to modify the design to be more harmonious.

- Tamara Striffler said her property on Woodland was directly behind the development. She said her concern was privacy. She said there had been a lack of discussion about the secondary dwelling unit and heritage trees noting her back deck would look directly into that structure. She said she was concerned with her children's privacy. She said the parking for the project seemed to have only three spaces. She said her concern was the amount of paving and the potential for the property to become a rental and problems associated with that use.
- John Kelley said the proposal was for 8,000 square feet of building and paved area, which he said was excessive. He said the proposed home was much bigger than any of the other homes on the street. He said if neighbors' concerns were not addressed at the Commission level, neighbors would appeal to the City Council.
- Chuck Bernstein said he lived across from the subject property, and he opposed it. He said the eight letters of support mentioned by the property owners were actually not in support but expressions of appreciation for communicating. He said he thought the property was being redeveloped for resale noting everything proposed was maxed out or close to it. He said the lot was substandard and they would be building right up to neighbors' lots. He said it was not clear what the intrusions from the basement would be. He said he had provided the Commission with a letter and asked that they consider requiring the project to be reduced including the second floor, the driveway and parking
- Valentina Cogoni said she had lived many years on Oak Court and owned two homes there. She said Mr. Nguyen had said the home was in line with the vision of Oak Court, but it was not. She said although it was a beautiful design it did not fit with the neighborhood. She suggested it would work in the hills of Los Gatos or Woodside with a lot of land. She said her home was 850 square feet and she lived very well. She said neighbors when they remodeled took their neighbors into consideration.
- Margaret Kim said they bought a home on Oak Court that was 1400 square feet, and noted that her family has two teenage boys and a large dog. She said they love the new school and the community. She said she appreciated the property owners' efforts to communicate and try to save trees but said she had similar concerns as other neighbors. She said she hoped the applicants would reduce the size of the house, scale it back and listening to neighbors' concerns.

Chair Strehl closed the public hearing.

Commission Comment: Commissioner John Onken asked staff to clarify whether the property was in the flood zone. Principal Planner Rogers said he had reviewed at the City's GIS map, and this property and those in the immediate vicinity were outside of the flood zone.

Commissioner Combs said Mr. Jones had talked a great deal about solar access. He asked if the City had any regulations regarding this and what a neighbor might expect. Associate Planner Meador said there were provisions to protect solar access including setback and daylight plane requirements. Commissioner Combs confirmed with staff that the proposed project met guidelines and requirements protecting solar access. Principal Planner Rogers said as the architect mentioned the substandard width only occurred at the back corner of the property. He said if this was a standard lot they would have been able to build out to the setbacks and the daylight plane on both sides without any Planning Commission review.

Commissioner Kahle said he thought the entry way gable might be the cause of concern about mass. He asked if the applicants had discussed reducing the floor to ceiling heights and if they would reconsider the front elevation to minimize its apparent mass.

Mr. Sloane said they thought the center of the home being the greatest height did not create impact unless there was a view. He said reducing the home two feet down for instance would probably result in their proposal remaining in an appellant situation. He said the opposition was a well-organized group and unless they chose to not do a second story the group would not be satisfied.

Commissioner Riggs noted a rather large amount of paving on the site plan and asked what the standard for pervious pavers was. Principal Planner Rogers said the zoning district did not establish any standards for the pavers but the Engineering Division had standards regarding storm water outflow, with credit given for pervious pavers. He said those pavers had to specifically be designed as pervious pavers and be able to transfer water through them.

Commissioner Drew Combs referred to the architect's comment about not changing the design as the neighbors' opinions would not change and asked if they were opposed to making changes. Mr. Sloane said they had discussed taking the height down one foot per floor and that would not substantially change the essence of the project. He said they had done their shadow studies. He said the video shown by one of the speakers actually showed shadow cast by a tree. Mr. Sloane said the upper story windows of concern were in the closet and the toilet room. He said they were obscured glass but they could remove them all together. Chair Strehl said that would leave a flat wall. Mr. Sloane said that they had proposed the windows there for articulation.

Chair Strehl asked about the neighbor's concern that there would be a view into their master bedroom from the project's deck. Mr. Nguyen said they had discussed this that with the neighbor and the conclusion was they would raise the rail height and plant cypress trees along the property line in addition to installing a lattice on the east wall of the deck, which would completely block their view of the neighbor's property. Chair Strehl said cypress trees were large and would impact solar access even more. Mr. Nguyen said in the discussion with that neighbor there was no mention of solar access until comments made today.

Commissioner Susan Goodhue asked what size cypress trees would be planted. Mr. Sloane said 24-inch box. He said the trees would establish quickly but when transplanted from larger boxes their growth would be slower.

Commissioner Riggs made remarks about regulations and neighborhood concern with projects proposed to the maximum standards allowed, and recommended that neighborhoods where that was a concern consider petitioning the City Council for a zoning overlay for their neighborhood. He suggested that for a zoning overlay of Oak Court they might want to ask for a significantly lower daylight plane standard, even 10-foot lower. He said if a majority of the neighbors agreed that restriction would apply to all homes, not just the subject property. He said the City Council historically had listened to such applications noting the zoning overlay for Felton Gables and Lorelei Manor. He said without a new set of rules, people were allowed to build under the existing rules. He said whatever the outcome for this project, he would like the cypress trees to be reconsidered as he did not think any property line in Menlo Park deserved 30 of them as it would create a wall that would get higher every year for a century. He said one or two medium trees appropriately placed would address some of the privacy concern. He suggested those be planted on the neighbor's property at 465 Oak Court as the angle would not have to be as high to provide view relief from the subject property's second floor to the neighbor's landscaped area. He said there seemed to be a great deal of paving proposed but legally. He said he thought the left side of the second story balcony needed to be enclosed and might need more than lattice. He said the proposed house like its neighbor at 444 Oak Court was larger than other neighbors' homes and was quite a classic design, which most of the other homes were not. He said unlike the property at 444 Oak Court this lot was only average size with average setbacks. He said the house design was handsome and agreed with the architect that squeezing the second floor in would not be an advantage aesthetically. He said the proposed home was architecturally better than most homes proposed in Menlo Park and was built to the standards.

Commissioner Andrew Barnes said the lot was over 13,000 square feet with a relatively reasonable building coverage of 25.5% and significantly less than what was allowable for the parcel. He said the applicant was maxing out on the Floor Area Limit (FAL). He said from a materials and style viewpoint, the project was well done. He said the first and second floor setbacks were greater than what was required, was within the daylight plane, had reasonable articulation, and the applicants had shown responsiveness to the neighbors. He said regarding the heritage tree removals that previously he had served on the Environmental Quality Commission. He said there were two things they focused on when looking at projects with proposed tree removals and that was the existing canopy and the canopy that would come in later. He said regarding the existing canopy, the trees to be removed were reported to be in poor health and the standards for preservation and protection of other trees within the project and on neighbors' lots looked to be extensive. He said regarding the canopy to come in there were 24-inch box replacement trees. He concluded that although the project was not what the neighbors wanted it was not an aberration.

Commissioner John Onken said he wanted to echo Commissioner Riggs' suggestion for neighbors to apply for a zoning overlay. He said the house as proposed, and outside of neighbors' comments, accomplished much of what the Planning Commission wanted a project to do, noting the use of glazed glass to reduce privacy concerns and putting the setback a bit further from the property line. He said in many ways the project was perfectly acceptable but was in a slightly more sensitive location than other parts of Menlo Park. He said the basement did not count toward floor area and if it flooded that was the property owner's problem and not the neighbors'. He said he was relying

on the arborist's report and the tree protection plan to preserve heritage trees. He said he would like to see a reduction of the overall height of the structure, noting that even with a three foot height reduction the result would be a gracious looking house. He said the loss of the windows on the side would create an apartment wall impact. He said he would like the project to be continued with a reduction in height as part of a redesign.

Commissioner Kahle said he generally agreed with Commissioner Onken's comments. He said the project was a very well-designed house and the struggle was with the neighborhood context. He said the tipping point for him was the overall height and mass. He said it seemed top-heavy and the entry gable seemed massive. He said if that could be addressed he could support the project.

Chair Strehl said in the past the Commission has looked at the context of the neighborhood and sent a project back for redesign to better fit the character of the neighborhood. She said the home was well-designed but she understood the next door neighbor's concerns. She said she agreed with Commissioners Onken and Kahle that reducing the height by three feet would hopefully address some of the neighbors' concerns. She suggested looking at more suitable replacement trees than cypress trees. She said putting trees on the neighbors' property might not be feasible or desirable. She said she would like the project to be continued to have the applicant work with the neighbors to have a redesign to lower the height of the house.

Commissioner Goodhue said she agreed with much of what had been said by other Commissioners, but did not think lowering the height three feet would satisfy the neighbors. She said she drove by the lot that day and it was an incredible tree-studded area. She said she did not know that lowering the home three feet would make a difference as there was a large tree that would filter the view of the front façade. She said she agreed with the comment to not remove the windows on the side as that would create a big, tall blank wall. She said the organized neighbors cared about their community and questioned the property owners' motive for building. She asked that they consider the project from the applicants' perspective, and regardless of whether the design was maxing out or the home was being built for spec, the applicants had worked within the current regulations for the zoning district. She said if those needed to be changed the neighbors could pursue the overlay process mentioned by Commissioner Riggs.

Commissioner Combs said he met with Mr. Nguyen and his fiancé and with Mr. Jones. He said he agreed that reducing the height might not get the project to where it would be acceptable to the neighbors. He said that the applicants' position and the neighbors' positions were very far apart. He said he would like to vote upon the project as proposed rather than putting the applicants through the process of trying to make modifications to satisfy the neighbors for approval that well might be appealed by the neighbors anyway.

Commissioner Barnes said if there was an opportunity to relook at the project that the amount of pavers was something he hoped could be reduced as that would be helpful for the project.

Commissioner Onken said that 30 or more cypress trees around the perimeter could feel very oppressive once they were grown. He referred to a house on Santa Margarita Avenue facing Seminary Oaks Park between Nash and Gilbert which was a mock Tuscan design with cypress trees on both sides. He said the trees created a large black tunnel feeling space that was oppressive to the property owners and neighbors. He said the backyard's openness was important to everyone.

Commissioner Riggs said he thought the neighborhood would benefit from a reduction in building height of at least two, if not three feet and did not foresee a downside to the architecture to do that. He said that could be done without the project needing to come back before the Commission. He said efforts to mollify the organized opposition was good for the neighborhood and making a height reduction change would make the project more defensible in front of City Council if that was needed. He made a motion to approve the project with a condition to reduce the building height on the second story two or three feet and that tree plantings be worked out with the neighbors. Commissioner Kahle seconded the motion. Commissioner Riggs said the motion should include additional screening on the balcony east side. Chair Strehl asked about the pavers. Commissioner Riggs said he really thought that was up to engineering but he would prefer less pavers.

Commissioner Onken said because of the design he would prefer to see the project come back with a design two to three feet lower so they could see how that worked between the first and second stories, with the fenestration, gables, and the home's front tall slender look. Commissioner Riggs asked if he would entertain having that emailed to the Commission for conformance findings. Commissioner Onken said he thought the proper way to review a change to a project of this scale would be for it to come back to the Commission for a hearing. Chair Strehl said she would prefer that. Commissioner Kahle said as the maker of the second he would prefer to see the project again.

Commissioner Riggs said he would amend his motion to continue the application requesting a reduction in height of two feet, rethinking the trees, being more specific about the balcony, and reconsider the pavers. Commissioner Barnes said the pavers were an internal feature and did not have to be part of the motion as it had been called out to the applicants for consideration. He asked if they should specify the height reduction as to where it was hoped it would end up. Chair Strehl suggested three feet. Commissioner Riggs asked if lowering the ceiling height two feet was enough. Commissioner Onken said he would like an eave height reduction of three feet whether the applicants wanted to remove that from the first or second story, or some combination.

Commissioner Combs said the motion had moved from an approval with conditions to a continuance. He said he disagreed with Commissioner Onken that lowering the height would require the project to come back for a Commission hearing particularly with the statement that he did not care what portion the height was removed from.

Chair Strehl said Commissioner Riggs had moved to continue the project for redesign and Commissioner Kahle had seconded with the redesign to include lowering the height of the building, to consider different screening trees rather than the 30 cypress trees, balcony screening, and reconsideration of the paving.

Commissioner Goodhue, through the Chair, asked the applicant if reducing the height was something they were open to considering. Chair Strehl noted the applicants were nodding affirmatively. Commissioner Goodhue said the neighborhood had indicated it would appeal whatever action the Commission took. Chair Strehl said she had not heard that nor thought they should make that assumption. Commissioner Goodhue said she thought they might be prolonging a process that might well be appealed anyway and suggested that the points mentioned were all good things to be considered but questioned whether the project with those changes would really need to come back to the Commission but might rather be considered through the email conformance process.

Commissioner Riggs, through the Chair, asked staff when they might see the project again if it was continued. Principal Planner Rogers said it was dependent on the applicants' responsiveness and expected the second February meeting would be the earliest it could be noticed. He said for the public's benefit he noted that the City Attorney had stated a continuance was not appealable, and that any appealable action could occur only for an approval or denial of a project

ACTION: Motion and second (Riggs/Kahle) to continue the project for redesign to a future Commission meeting date with the following direction to the applicants; passes 4-2-1 with Commissioners Combs and Goodhue opposed, and Commissioner Riggs abstaining.

- Reduce the building height by approximately three feet
- Consider different screening trees other than cypress trees,
- Screen balcony on the second story
- Reconsider the amount of paving

H. Adjournment

Chair Strehl adjourned the meeting at 9:37 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 6, 2017



PROJECT NAME
445 OAK COURT RESIDENCE
445 OAK COURT
MENLO PARK, CA 95025

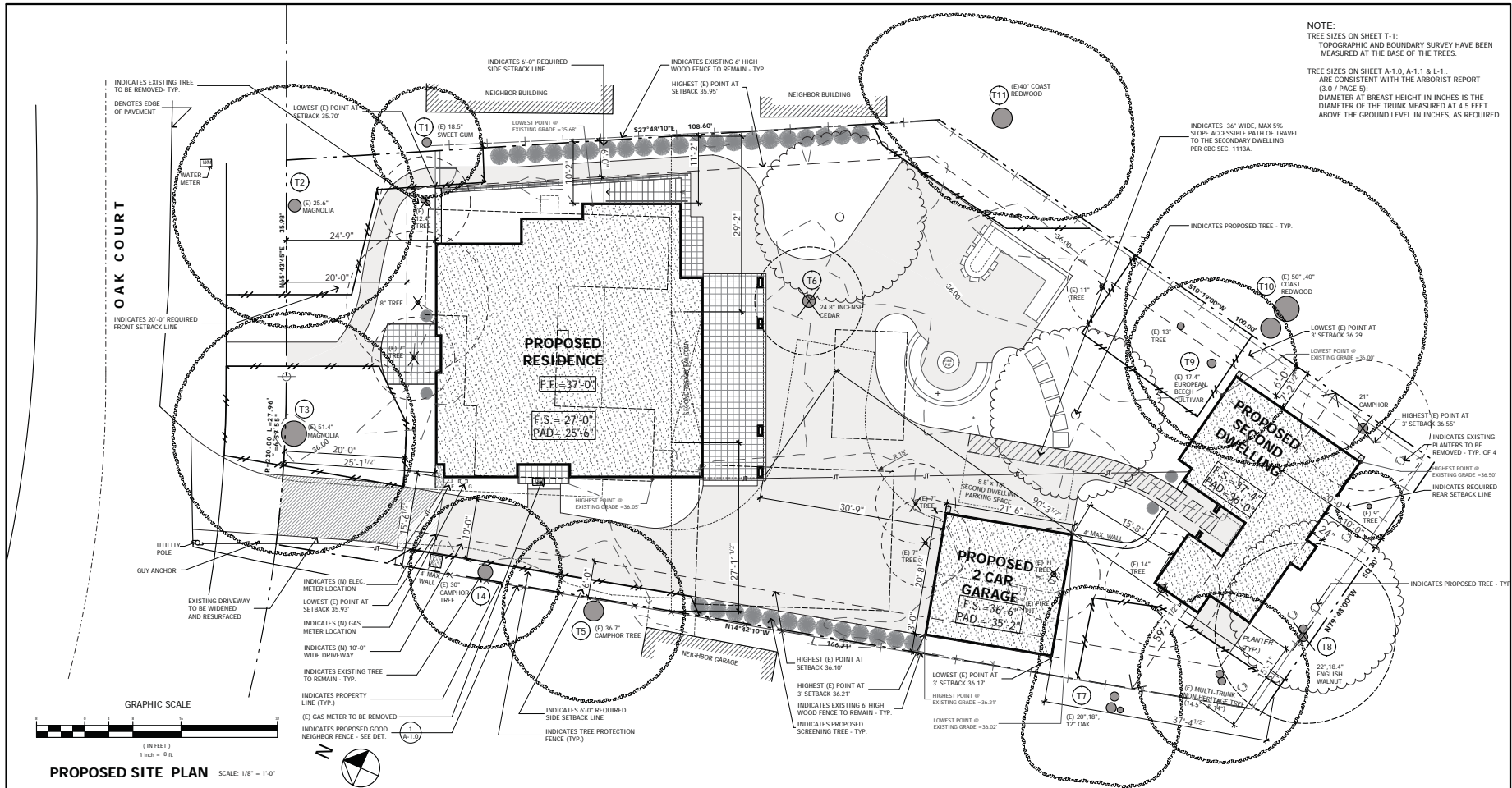
REVISIONS	
△ PC1 10-11-16	D.Z.
△ PC2 11-15-16	D.Z.

PROPOSED SITE PLAN

VICINITY MAP
PROJECT INFORMATION
PROJECT AREA TABULATION
SITE PLAN LEGEND
DATE : 11-15-16
SCALE : 1/8" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

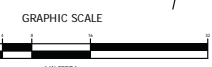
SHEET NUMBER

A-1.0



NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.
TREE SIZES ON SHEET A-1.0, A-1.1 & L-1.1 ARE CONSISTENT WITH THE ARBORIST REPORT (3.0 / PAGE 5).
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.

OAK COURT



SITE PLAN LEGEND

PROPERTY LINE	---	EXISTING DRIVEWAY WIDENED AND RESURFACED	
SETBACK LINE	---	PROPOSED PAVERS AREAS	
(E) GRADE CONTOUR LINE	- - -	PROPOSED HARDSCAPE	
EXISTING FENCE TO REMAIN	—+—+—+—	EXISTING TREE TO REMAIN	(E)12" OAK
PROPOSED FENCE	—x—x—x—	EXISTING TREE TO BE REMOVED	(E)12" OAK
EXISTING HOUSE TO BE REMOVED	---x---	EXISTING TREE TO BE REMOVED	(E)18" OAK
EXISTING HARDSCAPE TO BE REMOVED	---x---	EXISTING TREE TO BE REMOVED	(E)18" OAK
JOINT TRENCH	—/—/—/—	EXISTING HERITAGE TREE TO BE REMOVED	
TREE PROTECTION FENCING	—/—/—/—	PROPOSED TREE	
PROPOSED RESIDENCE			

SITE ANALYSIS

LOT GROSS AREA : = 13,236 SQ. FT. (0.30 AC)
LOT NET AREA : = 13,236 SQ. FT. (0.30 AC)

ALLOWABLE FLOOR AREA:
2,800 SQ. FT. + 25% (13,236 SQ. FT. - 7,000 SQ. FT.) = 2,800 SQ. FT. + 1,559 SQ. FT. = 4,359 SQ. FT.

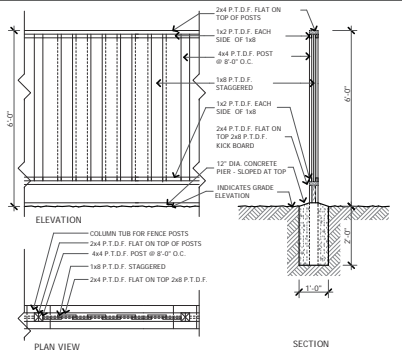
MAIN RESIDENCE FLOOR AREA:
FIRST FLOOR AREA : = 1,847.27 SQ. FT.
SECOND FLOOR AREA : = 1,366.06 SQ. FT.
TOTAL : = 3,213.33 SQ. FT.

PROPOSED RESIDENCE:
PROPOSED SEC. DWELLING : = 696.98 SQ. FT.
PROPOSED GARAGE : = 445.64 SQ. FT.
TOTAL : = 4,357.95 SQ. FT.

NO ATTIC SPACE OVER 5'-0"

LAND COVERED BY STRUCTURES: 3,371.23 SQ. FT. 25.47 %
LANDSCAPING: 4,810.18 SQ. FT. 36.34 %
PAVED SURFACES: 5,054.59 SQ. FT. 38.19 %
PARKING SPACES: 2 COV / 1 UNCOV
ALL GRADES TO REMAIN NATURAL

GOOD NEIGHBOR FENCE DETAIL



VICINITY MAP



REVISIONS

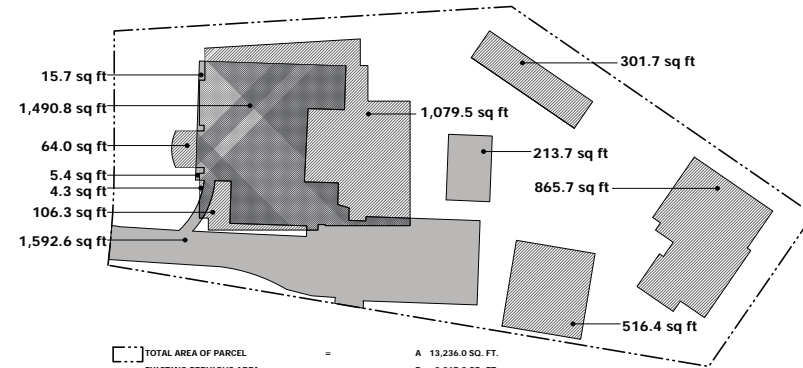
△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.

AREA PLAN

IMPERVIOUS AREA CALCULATION
STREETSCAPE
DATE : 11-15-16
SCALE : AS NOTED
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

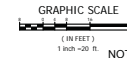
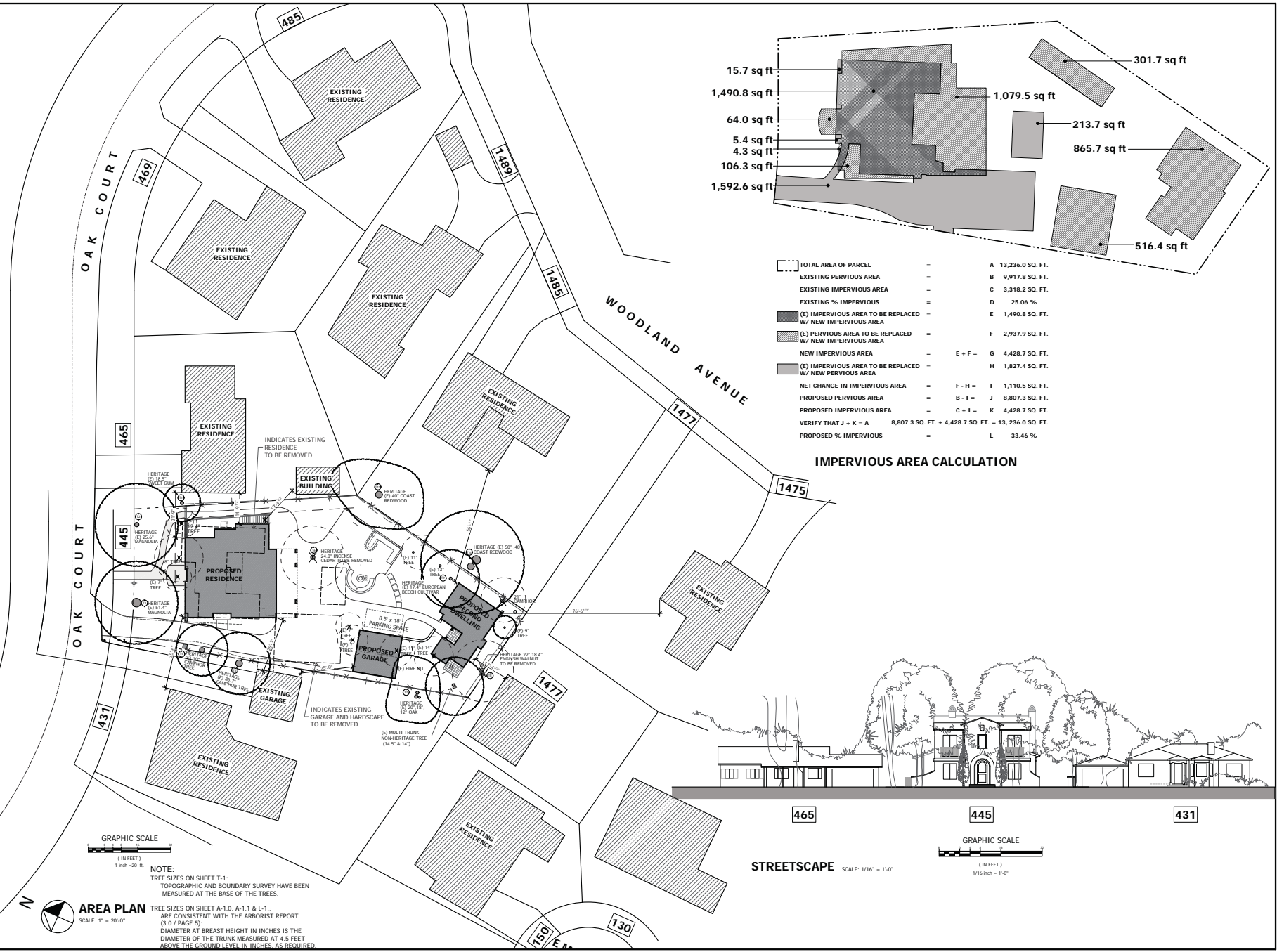
A-1.1



IMPERVIOUS AREA CALCULATION

TOTAL AREA OF PARCEL	=	A	13,236.0 SQ. FT.
EXISTING PERVIOUS AREA	=	B	9,917.8 SQ. FT.
EXISTING IMPERVIOUS AREA	=	C	3,318.2 SQ. FT.
EXISTING % IMPERVIOUS	=	D	25.06 %
(E) IMPERVIOUS AREA TO BE REPLACED W/ NEW IMPERVIOUS AREA	=	E	1,490.8 SQ. FT.
(F) PERVIOUS AREA TO BE REPLACED W/ NEW IMPERVIOUS AREA	=	F	2,937.9 SQ. FT.
NEW IMPERVIOUS AREA	=	E + F =	G 4,428.7 SQ. FT.
(G) IMPERVIOUS AREA TO BE REPLACED W/ NEW PERVIOUS AREA	=	H	1,827.4 SQ. FT.
NET CHANGE IN IMPERVIOUS AREA	=	F - H =	I 1,110.5 SQ. FT.
PROPOSED PERVIOUS AREA	=	B - I =	J 8,807.3 SQ. FT.
PROPOSED IMPERVIOUS AREA	=	C + I =	K 4,428.7 SQ. FT.
VERIFY THAT J + K = A	=	8,807.3 SQ. FT. + 4,428.7 SQ. FT. =	L 13,236.0 SQ. FT.
PROPOSED % IMPERVIOUS	=	L	33.46 %

IMPERVIOUS AREA CALCULATION

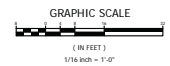


NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.
TREE SIZES ON SHEET A-1.0, A-1.1 & L-1:
ARE CONSISTENT WITH THE ARBORIST REPORT (3.0 / PAGE 3).
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.

AREA PLAN
SCALE: 1" = 20'-0"



STREETSCAPE SCALE: 1/16" = 1'-0"

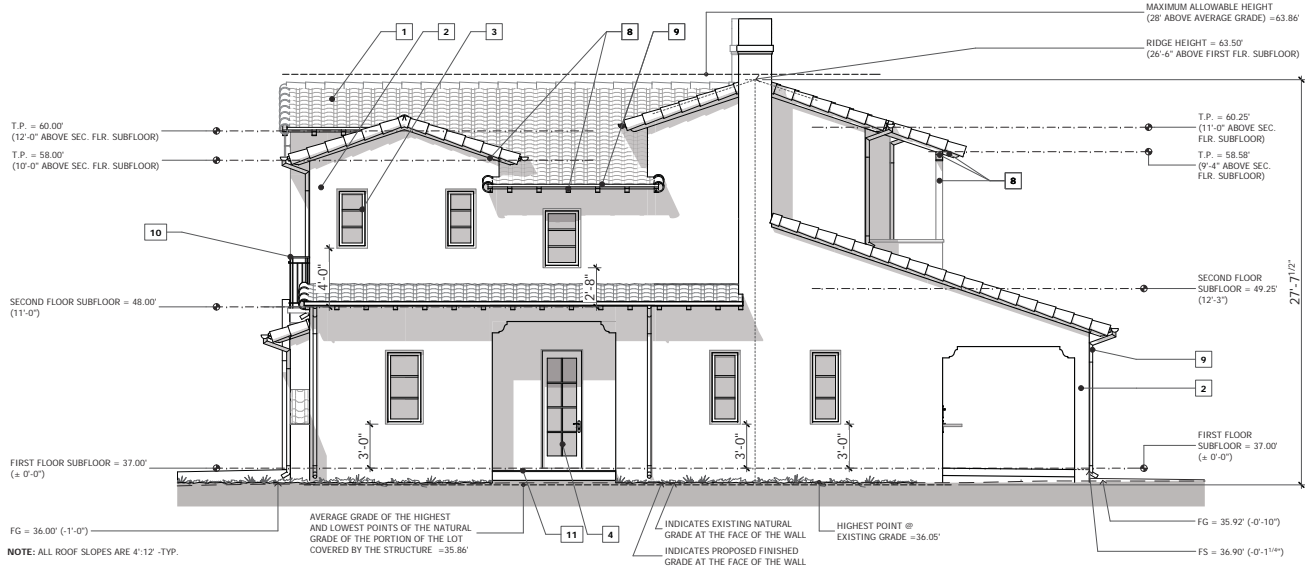


REVISIONS		
▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.

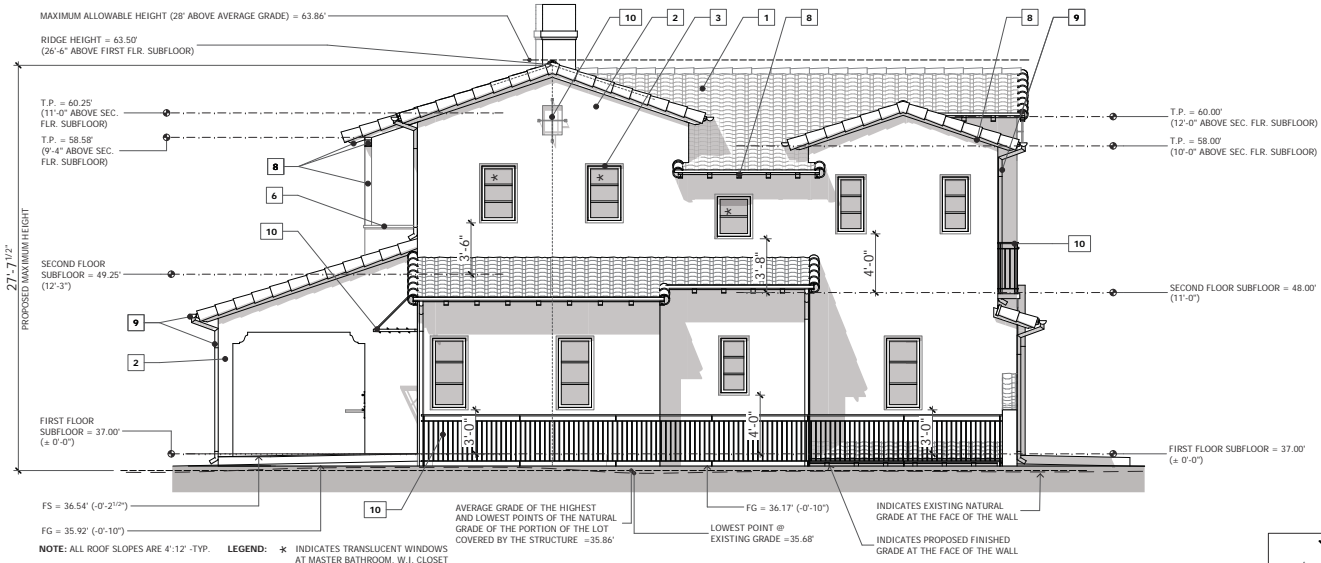
PROPOSED EXTERIOR ELEVATIONS

DATE : 11-15-16
 SCALE : 1/4" = 1'-0"
 DRAWN BY : D.Z.
 CHECKED BY : TS
 ARCHITECT : TOM SLOAN
 PROJECT NO : 16624

SHEET NUMBER
A-5.1



SOUTHWEST (RIGHT SIDE) ELEVATION



NORTHEAST (LEFT SIDE) ELEVATION

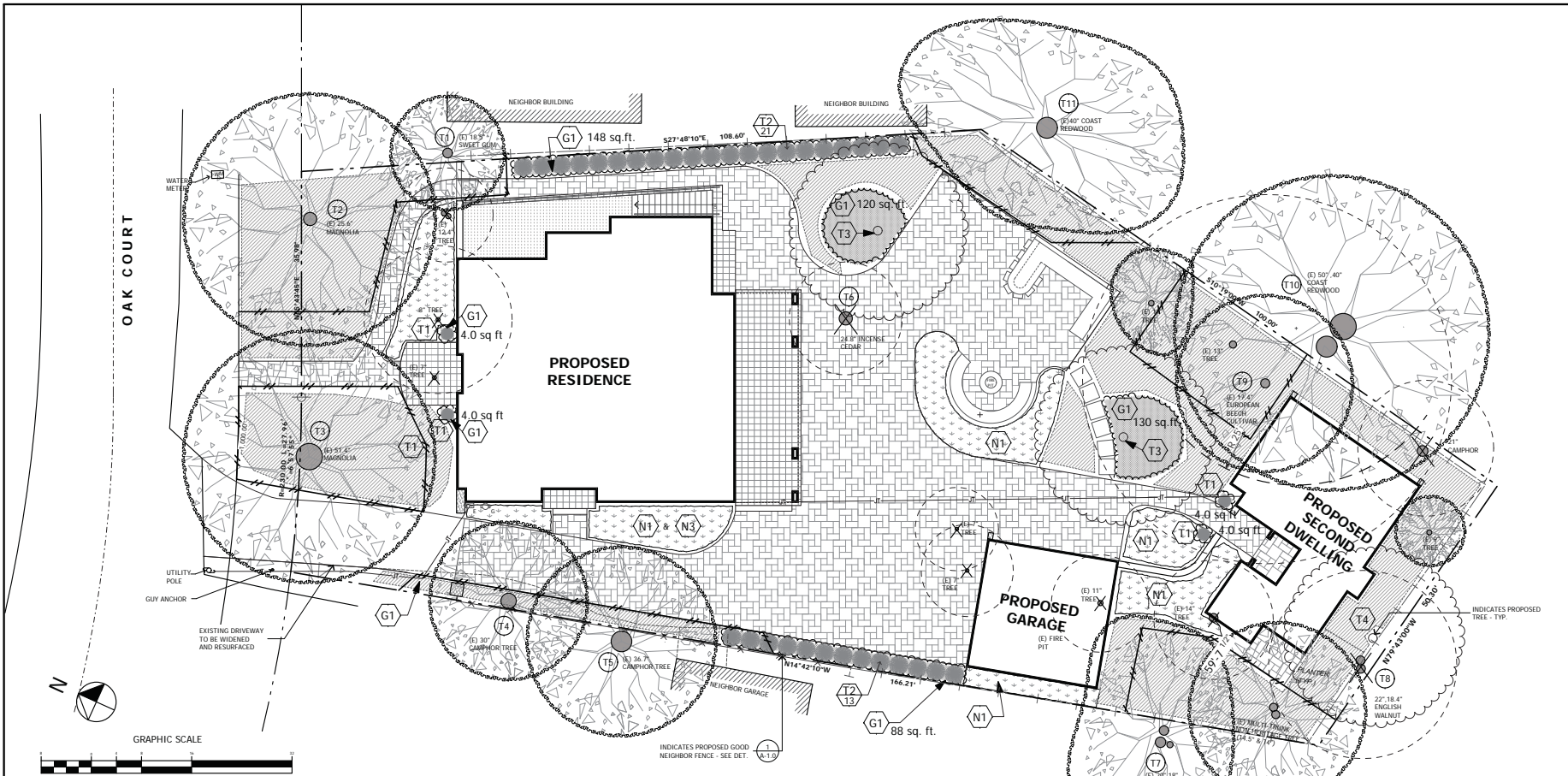
- EXTERIOR FINISHES**
- 1 ROOF: MISSION CLAY TILE - CAP AND PAN
 - 2 EXTERIOR WALLS: COLOR INTEGRAL STUCCO PLASTER WHITE HARD TROWELED FINISH
 - 3 WINDOWS: *MARVIN ULTIMATE PUSH OUT FRENCH CASEMENT CLAD WOOD W/SIMULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
 - 4 DOORS: *MARVIN ULTIMATE PUSH OUT FRENCH CASEMENT CLAD WOOD W/SIMULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
 - 5 ENTRY DOOR: CUSTOM STAINED WOOD DOOR
 - 6 ARCHED ENTRY DOOR, PARAPET CAP: CAST STONE
 - 7 GARAGE DOORS: CUSTOM "CARRIAGE" WOOD STAINED DOOR - BROWN
 - 8 RAFTER TAILS, BARGE BOARD, ROOF DECKING @ O/HANGS, BLOCKINGS, TRELLIS: STAINED WOOD - BROWN
 - 9 GUTTERS & DOWNSPOUTS: 6" HALF ROUND COPPER GUTTERS AND 3" ROUND COPPER DOWNSPOUTS
 - 10 ARTISTIC IRON WORK, RAILINGS, AWNINGS: IRON - POWDER COATED BLACK COLOR
 - 11 STEPS, STAIRS, TERRACE, LIGHTWELL: TERRA COTTA STONE TILES - BROWN COLOR
 - 12 DRIVEWAY, WALKWAYS AND PATIOS PERMEABLE PAVERS: ECO-FRIENDLY SF-RIMA PERMEABLE PAVEMENT - TUMBLED TAN CHARCOAL COLOR BY *BASALITE*



REVISIONS

▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.

PRELIMINARY LANDSCAPE PLAN



PRELIMINARY LANDSCAPE PLAN SCALE: 1/8" = 1'-0"

LEGEND	
PROPERTY LINE	EXISTING TREE TO REMAIN
(E) GRADE CONTOUR LINE	(E) 8" G.M.
(E) FENCE TO REMAIN	MULCH - GROUND COVER AT IRRIGATED AREAS
(E) FENCE TO BE REMOVED	DECORATIVE MULCH - GROUND COVER AT NON-IRRIGATED AREAS
TREE PROTECTION FENCE	DROUGHT RESISTANT NATIVE GRASSES AND GROUND COVERS
PROPOSED BUILDING	NON-IRRIGATED AREAS
PROPOSED CONCRETE TO LIGHTWELL	PROPOSED TREE
PROPOSED PRECAST CONCRETE PAVEMENT SYSTEM @ PATIO/ WALKWAY/ DRIVEWAY	EXISTING TREE TO BE REMOVED
PROPOSED TILED AREAS	

EXISTING TREE LEGEND					
PER ARBORIST REPORT DATED 6/8/2016 PREPARED BY WALTER LEVISON					
TREE TAG NO.	GENUS & SPECIES	COMMON NAME	TREE SIZE	ON SITE/ OFF SITE	HERITAGE TREE STATUS
1	LIQUIDAMBAR STYRACIFLUA	SWEET GUM	18.5"	OFF SITE	YES TO REMAIN
2	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	25.4"	ON SITE	YES TO REMAIN
3	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	51.4"	ON SITE	YES TO REMAIN
4	CINNAMOMUM CAMPHORA	CAMPHOR TREE	30"	ON SITE	YES TO REMAIN
5	CINNAMOMUM CAMPHORA	CAMPHOR TREE	36.7"	OFF SITE	YES TO REMAIN
6	CALOCEDRUS DECURRENS	INCENSE CEDAR	24.8"	ON SITE	YES TO BE REMOVED
7	QUERCUS AGRIFOLIA	COAST LIVE OAK	20", 18", 12"	OFF SITE	YES TO REMAIN
8	JUGLANS REGIA	ENGLISH WALNUT	22", 18.4"	ON SITE	YES TO BE REMOVED
9	FAGUS SYLVATICA	EUROPEAN BEECH CULTIVAR	17.4"	ON SITE	YES TO REMAIN
10	SEQUOIA SEMPERVIRENS	COAST REDWOOD	50", 40"	OFF SITE	YES TO REMAIN
11	SEQUOIA SEMPERVIRENS	COAST REDWOOD	40"	OFF SITE	YES TO REMAIN

PLANT LEGEND					
KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY	IRRIGATION
NATIVE DROUGHT TOLERANT GRASSES AND GROUND COVERS					
N1	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL	IN FIELD	NON IRRIGATED AREAS
N2	ARTEMISA CALIFORNICA 'MONTANA'	CALIFORNIA SAGEBRUSH	1 GAL	IN FIELD	NON IRRIGATED AREAS
N3	CEANOTHUS 'YANKEE POINT'	WILD LILAC	1 GAL	IN FIELD	NON IRRIGATED AREAS
GROUND COVER					
G1	MULCH				NON IRRIGATED AREAS
TREES - DESERT CONDITIONS, DROUGHT RESISTANT					
T1	CUPRESSUS SEMPERVIRENS DWARF COMPACTA	DWARF ITALIAN CYPRESS	24" BOX	4	MAXIMUM 500 SQ. FT. OF IRRIGATED AREA
T2	CUPRESSUS SEMPERVIRENS 'MONSHEL'	DWARF ITALIAN CYPRESS	24" BOX	24	MAXIMUM 500 SQ. FT. OF IRRIGATED AREA
T3	ULMUS 'MORTON'	ACCOLADE ELM	24" BOX	2	MAXIMUM 500 SQ. FT. OF IRRIGATED AREA
T4	GINKGO BILOBA	MAIDENHAIR	24" BOX	1	MAXIMUM 500 SQ. FT. OF IRRIGATED AREA

NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.

TREE SIZES ON SHEET A-1.0, A-1.1 & L-1:
ARE CONSISTENT WITH THE ARBORIST REPORT (3.0 / PAGE 5):
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.

DATE : 11-15-16

SCALE : 1/8" = 1'-0"

DRAWN BY : DZ

CHECKED BY : TS

ARCHITECT : TOM SLOAN

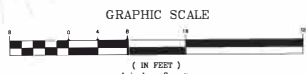
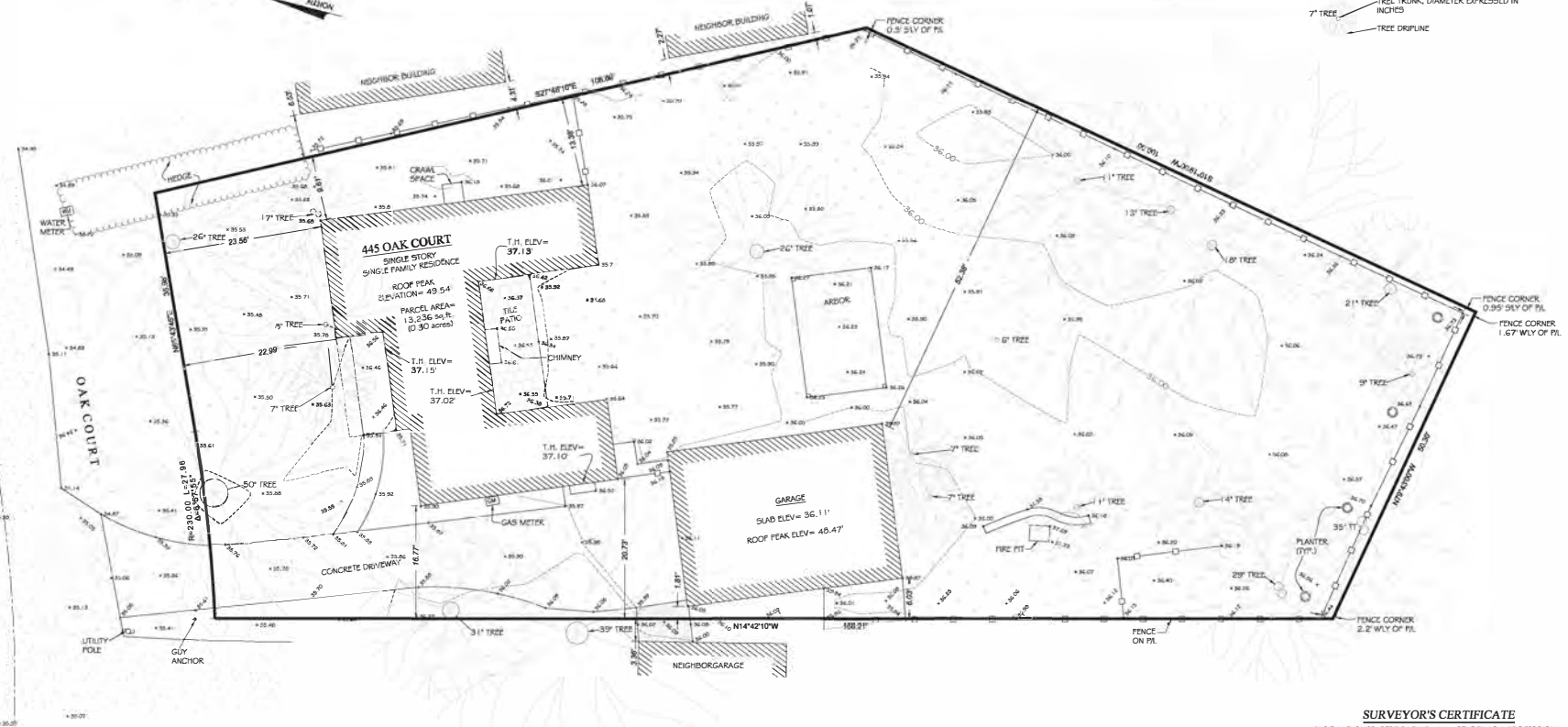
PROJECT NO : 16624

SHEET NUMBER

L-1



- LEGEND**
- PROPERTY LINE
 - WOOD FENCE
 - ▨ BUILDING
 - ▩ CONCRETE
 - ▧ ASPHALT
 - SPOT ELEVATION
 - TREE TRUNK, DIAMETER EXPRESSED IN INCHES
 - 7" TREE
 - TREE DRIFLINT



LEGAL DESCRIPTION
 LOT 5 AS SHOWN ON TRACT NO. 527, RECORDED IN BOOK 22 OF OFFICIAL MAPS PAGE 70, SAN MATEO COUNTY RECORDS.

SURVEYOR'S NARRATIVE
 AT THE REQUEST OF THE CLIENT, THIS SURVEY WAS PERFORMED FOR THE PURPOSE OF DETERMINING THE PROPERTY BOUNDARY, AND THE LOCATION OF IMPROVEMENTS AND ELEVATIONS ON THE SUBJECT PROPERTY. EXISTING MONUMENTS AND TIES AS SHOWN ON TRACT NO. 527 WERE USED TO CONTROL THIS SURVEY.

SURVEYOR'S CERTIFICATE
 I, KACIE A. PLOUFF, CERTIFY THAT I AM LICENSED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF CALIFORNIA (REF. NO. 9013). I FURTHER CERTIFY THAT THIS PLAN REPRESENTS THE RESULTS OF A TOPOGRAPHIC SURVEY CONDUCTED UNDER MY SUPERVISION AT THE REQUEST OF BRIAN NGUYEN.



- SURVEYOR'S NOTES**
1. ELEVATIONS ARE ON ASSUMED DATUM. ASSUMED BENCHMARK IS LOCATED HEREON.
 2. ONLY TREES 6" AND ABOVE WERE LOCATED ON THIS SURVEY, SMALLER TREES AND SHRUBS ARE NOT SHOWN.
 3. DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

CHRISTENSEN & PLOUFF
 LAND SURVEYING
 1500 GARDENWAY DRIVE, SUITE 100
 SAN MATEO, CA 94065
 TEL: 650.272.9791 FAX: 650.272.9792

DATE: 01/20/2025
 DRAWING SCALE: 1"=40'
 PREPARED BY: KACIE PLOUFF
 APPROVED BY: [Signature]
 PLOT NAME:

445 OAK COURT, MENLO PARK
 COUNTY OF SAN MATEO
 STATE OF CALIFORNIA
 APN: 063-452-008

BOUNDARY & TOPOGRAPHIC SITE PLAN

PROJECT NO.: NCA-16-025
 SHEET NO.: 1 OF 1

From: [Steven Van Jepmond](#)
To: [Meador, Kaitlin M](#)
Subject: Comment From Neighbor on 445 Oak Ct Use Permit
Date: Thursday, January 05, 2017 11:21:59 AM

Hello Kaitie,

We strongly support the proposals for 445 Oak Ct. We are neighbors and just looked at the plans. The project appears to be a beautiful upgrade to our neighborhood.

We have heard of opposition from others due to the additional elevations.

But most home upgrades/new projects these days are multi level. The 445 Oak Ct project appears to be a conservative design that is completely appropriate and fits in beautifully on that spot.

Thank you,

Steven Van Jepmond
424 French Ct

From: [Christen, Anthony](#)
To: [Planning Commission](#)
Subject: 445 Oak Court
Date: Monday, January 09, 2017 3:37:21 PM

Dear Members of the Planning Commission,

I am writing you with regard to the proposed redevelopment plan for 445 Oak Court.

I can certainly appreciate neighbors wanting to improve their properties and their right to do so, as well as the trickledown effect that property improvements can have on a street or neighborhood values in general. However, it appears to me that this proposed property at 445 Oak Court is out of scale for the character of the street and neighborhood.

I am supportive of redevelopment and encourage the owners of 445 Oak Court to redevelop their property. However, I would hope that they could create a comfortable home for themselves while still offering consideration to the neighborhood character and scale. For example, 331 Oak Court was redeveloped last year, and at 3,600 SF, is large by Oak Court standards. However, since it is one story, set back from the street, and developed into the depth of the lot, the scale is still modest from street view.

I don't have any specifics regarding the right size, shape, style, above/below ground SF ratio, placement on the property, etc., to offer as what should be considered appropriate, but it is my hope that the finished home looks like part of the neighborhood from street level regardless of scale.

Thank you,

Anthony Christen
Owner 304 Oak Court, MP

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The sender believes that this E-mail and any attachments were free of any virus, worm, Trojan horse, and/or malicious code when sent. This message and its attachments could have been infected during transmission. By reading the message and opening any attachments, the recipient accepts full responsibility for taking protective and remedial action about viruses and other defects. The sender's company is not liable for any loss or damage arising in any way from this message or its attachments.

Nothing in this email shall be deemed to create a binding contract to purchase/sell real estate. The sender of this email does not have the authority to bind a buyer or seller to a contract via written or verbal communications including, but not limited to, email communications.

January 9, 2017

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

Re: Use Permit Application and Proposed Development at 445 Oak Court

To the Commissioners of the Menlo Park Planning Commission:

While we are supportive of the many remodels and residential redevelopments in our neighborhood, we have serious concerns about the project proposed for 445 Oak Court. The applicants are asking the Commission to allow a “maxed out” development on a sub-standard lot.

We are asking that the application *not be approved as submitted*, and that the Commission direct the applicant to make modifications that would address the following concerns:

1. The development is too massive and dramatically out of context. It is 6,139 square feet, which is 2.6 times larger than the average home on Oak Court and 70% larger than the largest existing home on Oak Ct.
2. The architecture has little attenuation. The proposed 2-story main residence is 27' high, sheer-wall, stucco “cube” prominently placed close to the street and neighboring property. This detracts from the character of our neighborhood and it negatively impacts the quality of life for adjacent homeowners.
3. The health of the heritage trees is threatened. 11 mature trees, on both the subject property and neighboring properties, are impacted by the placement of the three buildings and the excavation required to build a full basement. Of particular concern are the magnolias and camphor trees in the front of the house, and the neighbor’s 2 redwood sequoias next to the back property line.

As a substandard lot, 445 Oak Court must undergo a “discretionary review” and that allows the Planning Commission to consider the impact on adjacent properties and the neighborhood context. We ask that you use this opportunity to work with the applicants to modify their plans to fit the context of the neighborhood we all enjoy.

Thank you for your consideration.

Oak Court Neighbors

David Jones & Edurne Jorda, 465 Oak Ct (adjacent property)
Alex & Tamara Striffler, 1485 Woodland Avenue (adjacent property)
Candace Hathaway & Chuck Bernstein, 444 Oak Ct (adjacent property)
John Kelly, 428 Oak Ct (adjacent property)
Bitia & Bob Arabian, 468 Oak Ct
Virginia Davis, 469 Oak Ct
Katherine & Courtney Bryant, 472 Oak Ct
Gale & Ray Beach, 488 Oak Ct
Joni & Chris Weseloh, 401 Oak Ct
Adela Gotz, Oak Ct

Julie & Spencer Shanson, 309 Oak Ct
Terry Haught, Alyssa Haught, 315 Oak Ct
Amy Gerstein & Richard Heitze, 323 Oak Ct
Noel & Fred Berghout, 324 Oak Ct
Karen Greig & Mike Frank, 325 Oak Ct
Laurie & Trevor Hall, 389 Oak Ct
Sandra Harvey & Mark Boyko, 391 Oak Ct
Mary & Dan FitzSimons, 220 Oak Ct
Cara McMains, 223 Oak Ct
Marie-Pierre & Remmelt, 226 Oak Ct
Ana & Nelson Pedreiro, 230 Oak Ct
Monica & Paul Chua, 164 Oak Ct
Ana Pedros, 141 Oak Ct

Charles D. Bernstein
444 Oak Court
Menlo Park, CA 94025
650-325-3365

January 9, 2017

Planning Commission
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025-2483
[Also sent to planning.commission@menlopark.org]

Re.: Item #2—Objection to Use Permit Application
For 445 Oak Court

Dear Commissioners:

I have lived at 444 Oak Court, directly across from the subject property, since 1975. I have resided in the neighborhood since 1968.

Please do not allow the Community Development staff to dictate what you can and cannot consider in your discussion of 445 Oak Court:

Several comments reference to the applicant's motivations for developing the property; however, this speculation is not relevant for the Planning Commission. (Staff Report, p. 4, ¶2)

The long-term consequences of your actions are entirely relevant. It is the short-term horizon of staff and spec developers that should be considered irrelevant. As a long-term resident, I intend to defend the long-term perils of this application.

If complying with all minimum standards of R-1-U were the issue, this matter would not be an agenda item tonight. Further, if complying with the rules were the issue, there would be no need for a Planning Commission, whose members are tasked with being reasonable and using common sense in the decisions they make. It is precisely because good sense is needed that this hearing is being held. There is nothing "automatic" about approving the application.

Normal single-family properties have 10' setbacks. The R-1-U zoning was created to permit the inclusion of properties into Menlo Park that were in previously unincorporated areas. The zoning permits lower minimums

standards because otherwise too many properties would not be buildable. However, in certain cases—and this is one of those cases—a use permit is required to ensure that the proposed design will protect the interests of neighboring properties. Because the subject application does not do so, it should be denied.

I would like to cite four observations that will justify the denial of the application:

1. The staff report makes erroneous conclusions:

Although the two-story residence requires use permit review by the Planning Commission, the secondary dwelling unit is a permitted use, as it would meet all applicable standards in the Zoning Ordinance. (Staff Report, p. 2, ¶2)

This suggests that the secondary dwelling must be considered separately from the totality of the entire application. This is false. The secondary dwelling would not be a permitted use if the primary dwelling is not permitted, and the entire impact of both dwellings must be considered.

2. The staff report is an example of advocacy rather than analysis:

a. I sent a letter on January 2 reiterating my opposition to the project. That letter was not included in "correspondence," leaving the possible impression that my August 15 opposition, which I renewed, was no longer relevant given the "changes" made by the applicant.

b. The following "conclusion" is made in the Staff Report:

Staff believes the scale ... [is] compatible with the neighborhood. (Staff Report, p. 4, ¶5)

One has only to look at the analysis contained in David Jones' January 2 letter to you (p. G10) to understand that the staff's belief is unsupported by any facts.

c. No mention is made in the Staff Report for intrusions into the setbacks (e.g., for basement exiting) and they are not apparent in the drawings. The size and depth of these potential intrusions further threatens tree roots, yet

nothing is said about them in any of the arborists' reports.

d. The Staff report cites a neighborhood concern and, presumably a "change" that mitigated it:

Concerns with outdoor BBQ and pizza oven ventilation and air quality. (Staff Report, p. 4, ¶1)

Applicant removed outdoor BBQ and pizza oven from the plans. (Staff Report, p. 4, ¶3)

What is barely mentioned, though, is the comment that "the proposed project also includes an outdoor built-in fire pit and counter area with seating" (Staff Report, p. 2, ¶2). In other words, the outdoor kitchen remains, backed right up against neighboring properties. One can only speculate how long it will be before the BBQ and oven reappear on the counter. In other words, the staff appears to have responded to neighbor concerns, but the response is only superficial.

3. All mitigations cited are temporary and unenforceable in the long term.

The apparent removals of the BBQ and pizza oven, immediately above, are clear examples of the unenforceable nature of the mitigations. There are others:

a. One of the "changes" made by the applicant is the following:

Applicant intends to add lattice with vegetation to balcony to screen views. (Staff Report, p. 4, ¶3)

What assurance is there that this change will remain in the future, if indeed it even takes places initially?

b. The Staff Report addresses some threats to next-door privacy:

However, the lower sill heights of the master bedroom windows would be obscured by the three foot tall solid balcony railing. In addition, to further mitigate possible privacy impacts on the left elevation, the master bathroom and closet windows would be designed with translucent glazing. (Staff Report, p. 2, ¶6)

Again, there is no assurance that these details could not be changed during a remodel (or unpermitted repair), thereby eliminating the so-called safeguards.

c. The Staff Report details how trees will be protected:

No-dig systems must be used and all excavation must be limited to the uppermost few inches of the soil, leaving the baserock intact. (Staff Report, p. 3, ¶2)

While this procedure may work in the short term during construction, there is no assurance that a routine driveway-repaving project would not result in excavations that damage heritage trees in the future.

4. Parking and the driveway are inadequate for the potential use.

It is conceivable, even likely, that the main house residents would possess three or four vehicles (currently, the two residents park three vehicles on their property); the secondary dwelling unit could easily require two vehicles. There is a two-car garage and only 45 feet (adequate for only two cars) of frontage available for on-street parking. There simply is not enough space to jockey six or more vehicles on the subject property without overflowing onto neighboring properties.

The current parking rules were made before the advent of secondary units and Airbnb. If used for the latter, the six bedrooms, with their own bathrooms, could easily require six to 10 parking spaces. It is essential to consider what is possible in terms of future use, something the Staff Report fails to do. It seems obvious that this property is destined for more intensive use than the traditional Menlo Park house.

* * * * *

In sum, the applicant's intentions for the property are relevant to the Planning Commission's discretionary decision regarding the plans for a substandard property. By maximizing the use of the property under the R-1-U rules, the applicant is unable to provide for neighborhood concerns regarding tree survival, privacy, and self-containment of the project's impacts.

Letter to Planning Comm. re 445 Oak Court, 1/9/17, p. 5

I ask that you defer approval of a use permit until the applicant does two or more of the following:

- Eliminate the basement (thereby reducing the threat to neighboring trees)
- Set back the second story to preserve privacy
- Require sufficient parking and driveway flow to accommodate the movement of five to six vehicles, at a minimum.

Thank you for exercising your good judgment in the face of an uncritical Staff Report.

If you have any questions, you may reach me at my office (650-424-1155, X1).

Yours truly,



Charles D. Bernstein
650-424-1155 (w)
cbernstein@headsup.org

CDB/ms

From: [Wendy Dai](#)
To: [Meador, Kaitlin M](#)
Subject: Comment to 445 Oak Ct project
Date: Thursday, March 02, 2017 10:35:43 AM

Dear Kaitlin,

We want to take back our support letter to 445 Oak Ct project because of the disagreement about the boundary line.

We are the neighbor on 1477 Woodland Ave. We did a land boundary survey recently. There is a discrepancy about the boundary line between our survey and 445's survey. We did not know 445 draw the boundary line 2 feet into our lot. Also, we did not know support means they could reduce the setback to us to 5 feet. In this circumstances, before 445 and we reach a consensus, we decide to take back our support letter.

Thank you very much for all your help.

Have a great day.

Best,
Wendy

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ATTACHMENT E

Dear commissioners,

My name is Valentina Cogoni and I live on 139 Oak Court, Menlo Park.

This note is to ask you to revise the reconstruction of 445 Oak Court as the adjacent homes and families will be greatly affected by the massive reconstruction. No one is arguing that the property needs remodel but the project is massive, impacting the people living around the property a great deal.

I looked at the current proposed plan and went down the street to look at the current structure to try to visualize how the proposed building plan affects the people living around it. The tall walls they are planning to build cannot be allowed in such small lot. The walls are too close to the adjacent homes. It made me feel claustrophobic thinking of this massive wall next to my home day in and day out for the rest of my life. Please consider how these families are feeling. This type of structure belongs in a lot with a lot of land around it not in that particular lot size surrounded by homes so close to it.

I also recommend you don't allow the unnecessary removal of trees. These trees are what make our street and neighborhood unique. As far as I am concerned we are living in their space and not the other way around. We all work around our trees not only to protect them but to protect the animals that live in and around them. In our area we don't hear the sound of the freeway and cars thanks to our trees. Last night, I was sitting outside my little home with a friend who lives in an area of Redwood City that has no trees. There was a little breeze going through the trees of my home that made the leaves and branches move in a certain way producing a sound that my friend described as "therapeutic", "calming to the senses." We should never take that for granted. We have to treasure our trees, especially now that we have a cultural shift dictated by money and disregard for nature and fellow human beings.

Please make a compassionate and humanitarian decision to deny this project from moving forward without the appropriate modifications.

Thank you for your consideration,

Valentina cogoni

139 Oak Court, Menlo Park

May 21, 2017

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

Re: Use Permit Application and Proposed Development at 445 Oak Court
Scheduled for Planning Commission Review on Monday, May 22, 2017

To the Commissioners of the Menlo Park Planning Commission:

My name is David Jones, and my wife and I have lived at 465 Oak Ct for over 10 years. Our home and property is directly adjacent to the proposed development (on the left side as viewed from the street). While we are supportive of the many remodels and residential redevelopments in our neighborhood and more broadly in Menlo Park, we will be directly and negatively affected by the proposed development, and the character of our neighborhood will be negatively affected.

We are writing again, now to express our disappointment in the applicant's failure to implement the Planning Commission's recommendations and failure to respond to our proposed compromise. Therefore, we continue to oppose the proposed development at 445 Oak Ct in its current form, and we respectfully request that you deny this use permit application.

Applicant's Failure to Incorporate the Planning Commission's 4 Recommendations Into Their Resubmittal

We are very surprised that the most recent resubmission from the applicant does not implement the 4 recommendations that the Commission made when it continued the application. In fact, they implemented 2 of the 4 recommendations, and only partially implemented the other 2, which we believe are the 2 most important recommendations. More specifically:

- 1) **Reduce the overall height by 3 feet.** The applicant only reduced the height by 1 ½ feet, not 3 feet. They reduced it from 27.6 feet to 26.1 feet, taking a bit out of both floors. The first floor went from a max height of 11'2" to 10'8" and the second floor from max height of 12' to 11'.
- 2) **Add a wall to the left/east side of the second floor master bedroom backyard balcony for neighbor privacy.** They added a wall, however, they then added a diamond pattern of large holes in it at a person's eyesight level when standing on the balcony, thereby neutering the intent of that recommendation — privacy for the adjacent neighbor. (In fact, they added a wall that gives them privacy, but does not provide privacy for the adjacent neighbor!)
- 3) **Revisit the extensive use of pavers.** This seems to have been done, but we remain surprised at how little grass there will be in the backyard for the enjoyment of a family living there – children and adults alike.
- 4) **Remove wall of cypress trees.** That was done, which is good.

These 4 recommendations were clear from the Planning Commission meeting, so these are not oversights. We can only assume this is intentional disregard of the Commission's recommendations. We don't know if they are negotiating to attempt to achieve something less than your recommendations, or arrogantly refusing to implement your two most important recommendations (while still somehow expecting to ultimately receive approval). We are even surprised this is going back before the Planning Commission without these changes being made.

We had hoped and expected that this failure to implement your recommendations would be correctly included and characterized in the staff report. While the height reduction was included (along with the applicant's rationale), city staff seem to accept the applicant's desire for high interior ceiling heights.

We were dismayed that city staff reached an errant conclusion about the balcony walls: "The proposed walls would have small decorative openings in them to tie them in with the proposed architectural style. The proposed walls would still effectively screen views from the balcony." This is simply not true. Our architectural design firm estimates based on the submitted plans to scale that the large holes in the wall start at 5 feet, 9 inches. This clearly does not screen views from the balcony into our family room window and almost all of our backyard. The holes in the wall should be removed altogether, or at least raised to not start below 7 feet from the floor of the balcony.

Attempts at Reaching a Compromise Were Completely Ignored

Taking your advice at the Planning Commission meeting on this project on January 9th, we attempted to reach a compromise with the applicant – a compromise proposal that was completely ignored. We moved quickly on your suggestion, reaching out to them in 6 days (January 15th) and sitting down with them in person on January 18th, just 9 days after the Planning Commission meeting.

The impacted adjacent neighbors came up with a proposal that included major compromises on our part, but was something that we could live with, if the applicant agreed. In this proposal, our goals were: to mitigate risks to the 5 highest-at-risk heritage trees, to slightly reduce the overall scale in square feet of the development (per the concerns of the neighborhood), and to slightly reduce the impacts on adjacent neighbors (predominantly us at 465 Oak Ct, but also 1485 Woodland Ave).

This proposal requires small changes on their part, and only slightly mitigates impacts to adjacent neighbors and the neighborhood. In fact, we would like to see bigger changes made to the proposed development, but we made major compromises to try to reach an agreement. And these modest changes could have been incorporated into their resubmittal fairly easily. **Unfortunately, they did not make any of these changes.**

The 3 changes in our compromise proposal are:

1. **Move the back of the second floor and roofline forward toward the street by at least 8 feet.** Specifically, we suggested that this could be accomplished by removing the 5'3" deep master bedroom balcony (but still keeping any big windows/doors with views to the backyard) and only moving the back wall of the second floor by less than 3 feet. This would enable us to not lose the 3+ hours of solar access into our house for 1 of the 4 seasons (only winter, when the sun is most needed, and not the majority of the year when this configuration would still cast a shadow on our house much earlier in the afternoon) and helps to slightly address the loss of sky view, too. They could have reduced the square footage slightly with this change, or they could have expanded the first floor footprint since they have plenty of building coverage to work with.
2. **Ensure The Basement Doesn't Impact Roots of Front Heritage Trees** – Either move the front wall of the basement (not the house) back away from the street by at least 4 feet to avoid risking damage to the root structure of the 4 heritage trees in the front (T1 – T4), or demonstrate via their arborist that the excavation required to build the basement wall (excavation of at least 4 feet out from the planned wall) does not put the root structures and lives of the 4 front heritage trees at risk. (We are deeply concerned about these trees, and while this "excavation-damaging-roots" issue has been raised in the past, it has not been addressed adequately by the applicant or city staff to date.)
3. **Reduce the Risk of the Second House to the Coastal Redwood (T10)** – move the second house toward the other back corner, roughly 8 feet, to move it away from the 50-foot coastal

redwood (T10), mitigating risks of damage to the root structure and injuring or killing the tree. This would not require the second house to be redesigned, is a straightforward change, and would move the nearest point of the second house from 8 feet to about 16 feet away from the coastal redwood.

The applicants listened to our proposal, took no notes at all, asked a few clarifying questions, and promised they'd get back to us. We were hopeful, but then the applicant never got back to us and has now re-submitted the application with none of the requested changes. We also called the day after presenting our compromise proposal to see if they had any questions, and we reiterated that if they made these changes, we would support the use permit application, and if they did not make these changes, we would continue to oppose this application. They did not respond to our compromise proposal. They did start an email string with us focused on reaching agreement on the species of tree to be planted between the proposed 2-story house and our 1-story ranch-style home. Even though we asked during that email exchange, they did not reply to our compromise proposal, which was disappointing to all of us given our serious attempt to compromise and reach a reasonable agreement.

We are also disappointed that the applicant via Attachment E, the Project Description from Metro Design Group, characterized our discussion and agreement on what species of tree to plant as "to resolve concerns over privacy." Agreeing on a Photinia Fraseri placed strategically between the buildings was never intended to be a solution for privacy and was only intended by us to mitigate the visual impact of the having to look at the 26+ feet tall proposed house, while avoiding even greater loss of sunlight or sky views.

Our Core 5 Issues Remain, Plus 2 New Issues

Since it's been over 4 months since the Commission meeting on this application, I'd like to highlight the 5 core issues raised, and include two more important issues.

Neighborhood Issues:

- **Overall Scale** – The proposed development is massive and dramatically larger than any other property on Oak Ct. It is overbuilt and does not fit in with the character of the neighborhood. It is 6,139 square feet, which is 2.6 times larger than the average home on Oak Court and 70% larger than the largest existing home on Oak Ct., and it is on a sub-standard lot. [Chart and data set previously provided.]
- **Risk to Heritage Trees** – Several heritage trees are at risk, impacted by the placement of the three buildings and the excavation required to build a full basement. Of particular concern are the four trees in the front of the house (T1-T4) at risk from the excavation required to build the front basement wall, and the back neighbor's coastal redwoods next to the back property line, where the new second home is only 8 feet from the 50-foot coastal redwood (T10).

465 Oak Ct Property-Specific Issues:

- **Loss of Privacy** – The view from their second floor balcony and eastward windows allows anybody living or visiting the house next door to see us in our yard, our deck and in the house through the windows. And, in this day and age, they could even take pictures and videos and post them on social media. Our backyard is the only private outdoor area, and it's where we have lunch and dinner, entertain friends and family, sunbathe and do anything we'd do in the privacy of our home. People can still look around the proposed wall on the balcony and through the large diamond-shaped holes at eye level, and there's no guarantee that the second floor windows will always be translucent. (Privacy was also a concern for the adjacent neighbor at 1485 Woodland Ave.)
- **Loss of Solar Access** – The images and video we showed at the January 9th meeting and recently updated (all of which will be made available shortly and in advance of the meeting to

Commissioners) clearly demonstrate that impacts to us for solar access are very real. It negatively impacts our enjoyment of our home and property from the blocked sunlight and natural light. And, this isn't just late in the day:

- The 2-story residence casts a shadow on the roof of our home by 1:22pm (in the fall – Nov 21st), or 3 hours and 32 minutes before sunset on a shorter fall day. That's over 1/3rd of daylight hours (35%).
- It also blocks sunlight into our family room beginning at 1:37pm, impacting our solar access inside our home for 3 hours and 17 minutes (or 33%).

And it would be even more hours in the summer. We also would lose considerable afternoon natural heating of our home, which means our heating costs would go up in the fall and winter as our house would be in the shade several afternoon hours per day more than normal. That will have a very real cost to us, over the course of months, years and decades.

- **Loss of Sky View** – The 26+ foot high 2-story proposed new main residence blocks a significant portion of our view of the sky from our backyard in general and from our deck in particular (our family room windows, too). If approved, we will have the view of a 26+ foot high stucco wall instead of westward views of the blue sky, sunsets, and stars at night. And, any foliage planted doesn't re-instate views of the sky, sunsets and stars at night and it could make solar access impacts even worse.

(The updated 3D graphic images and solar access video – from the same architectural design firm we previously hired at our expense to accurately visualize the proposed development – will be provide to you separately and shortly. You'll be able to review them in advance of the meeting, so there is no doubt about the continued impacts to solar access, loss of sky view and privacy. On January 9th, there was some misunderstandings or misinterpretations about what shadow was caused by the proposed residence versus trees. It turns out that the tree shadow that briefly passed over the family room in the January 9th video was from heritage tree T6 that the applicant and city arborist plan to remove, so it's been removed from the video for accuracy.)

And, we'd like to highlight two more property-specific issues:

- **Health Concerns** – Our house is well covered by trees and it only gets sun on one side of the yard and through the windows of one room in the afternoon. Also, due to our heritage silver maple tree in the center of our backyard and our southern neighbor's tall backyard trees, our backyard is quite shady, only getting sun in the afternoon. With the new proposed development, we will have essentially no sun (a few hours in early afternoon) into our house and the backyard will be shadier much longer than it already is. This could cause mildew or mold, which can be a serious health risk. The 26-foot high two-story proposed residence blocks 3+ more hours of sun in the afternoon when it's strongest and providing heat that reduces humidity – the proposed residence could lead to outdoor or indoor mildew or mold on our property.
- **Property Value** – Our realtor has told us that having this massive development next door will likely negatively impact our property value. It will lead to us having a dark house with no sunlight inside, a very shady backyard, and a 26-foot high, 2-story house just a few yards from our family room that towers over our home and backyard. The backyard will be dominated by having to look at a huge tall wall as if it were an apartment building next door. Our realtor confirms that these aspects of the proposed development next door could very well negatively affect the value of our property.

Overall, the loss of privacy, the loss of solar access, and the loss of a significant portion of our western sky view will tremendously impact the enjoyment of our backyard and our home. Add to that the negative impacts on our property value and the increased potential risks to our health, and it is clear that as an adjacent neighbor, the proposed development is negatively impacting our comfort and general welfare at home, and it is detrimental to our property. The fact that there are 5 different categories of negative impacts to us should be overwhelming evidence to deny this use permit application.

The City Cannot Make Findings of Section 16.82.030

In Attachment A – Recommended Actions, Action 2, city staff are proposing that you, the Planning Commission, make findings that are not supported by a large body of evidence.

Evidence in the record, much of it summarized in this letter, establishes that this project **is** detrimental to at least the “health, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use” and “**is** detrimental to property and improvements in the neighborhood.”

As a result, the Planning Commission cannot find that “the aforementioned conditions will not result from the particular use applied for,” and therefore cannot approve the permit. The municipal code is clear on this – the use permit may be granted if none of those impacts are present. Since at least one impact is present – in fact several are present – the use permit cannot be granted.

However, if you require the applicant to implement the following changes, as adjacent property owners directly impacted by this use permit, we would agree to not oppose the Planning Commission making the Section 16.82.030 findings and issuing the permit.

1. Move the back of the second floor and roofline forward toward the street by at least 8 feet (i.e., removing the 5’3” deep balcony and moving the back wall forward by 3 feet, per the previous discussion).
2. Ensure the excavation required to construct the front wall of the basement does not impact the roots of the 4 front heritage trees (T1-T4).
3. Move the second residence in the back from the back left corner to the back right corner of the property, moving it about 8 feet away from the heritage coastal redwood tree (T10).
4. If the applicant decides to keep the second-floor balcony (in #1 above, thereby moving the back wall of the second floor forward by 8 feet instead of just 3 feet plus the removal of the back balcony), the wall on the east side of the balcony must be a solid wall without holes below 7 feet above the floor of the balcony.
5. The Photinia Fraseri should still be planted, but moved towards the street enough to serve its primary objective of mitigating the visual impact of having to look at the 26+ feet tall residence.

The Previous Planning Commission Meeting on this Project

Also in this letter, we wanted to address some of the comments that we heard during the January 9th Planning Commission meeting, some of which were very surprising to us.

- **Motivations** – We wanted to make it absolutely clear that the motivation of neighbors opposing this particular development in its current form is not a personal matter and is not about preventing people from building the home(s) of their dreams. It is a matter of principle in objectively opposing a massive development that is out of character with the neighborhood and impacting neighbors and the neighborhood. If this same-sized development was in a lot size twice its size where it could blend in better, be further from adjacent homes, and not heavily impact neighbors, my wife and I would not be opposing it, and we doubt others would either. In fact, the neighborhood supports reasonable, appropriate development, as evidenced by little or no neighborhood

resistance to both ongoing and recent property development in the last several years as homeowners add extensions or even build essentially entirely new homes on the “public side” of Oak Ct.

- **Overlay** – My wife and I think the Commission’s suggestion of a zoning overlay is a feasible hyper-local, permanent solution, given the lax daylight plane zoning requirements. But, the best solution is for the Commission and the City to put stricter requirements in place for all, so neighborhood zoning overlays would not be required. Zoning overlay discussions within a neighborhood take a long time to develop and it will not be done in time for consideration in this use permit application. We worry that it takes several egregious mega-mansions to serve as a “wake-up call” to get any neighborhood to take matters into their own hands, and typically, by then it’s too late. It’s the Commission’s and the City’s responsibility to address this and not leave it to neighborhoods. In addition, please note that a daylight plane zoning overlay might only mitigate a few of the several negative impacts of this proposed development.

Condition Missing from City Staff Use Permit

The staff report suggests that the owner will be required to comply with the conditions/mitigation measures described in the attached arborist report, but I don’t see any condition of approval imposing that requirement. Rather, the general condition related to heritage trees just says the owner will comply with the City ordinance. At the very least, the City needs to require compliance with that arborist report as a condition of approval (see Attachment A, Action 3g).

Conclusion

Throughout this entire use permit application process including the last Commission meeting, the applicant has made only minor adjustments to their planned massive development, with little or no changes to even partially address many, many impacts to adjacent properties and the neighborhood. They’ve ignored the Planning Commission’s simple, but important, recommendations that were the reason for your continuance of the application. They’ve ignored attempts by neighbors to make meaningful compromises to reduce the impacts of their development. This should all be sufficient cause for you to deny this use permit application.

There is a lengthy, historical record on this use permit application with scores of neighbors representing literally dozens of neighborhood properties against it, full of detailed evidence of how this affects the character of the neighborhood, puts several heritage trees at greater risk, and directly and negatively impacts multiple adjacent neighbors.

It is our belief that the Planning Commission and the City of Menlo Park should serve as stewards of our great city and community, which includes defending the character of its neighborhoods and the quality of life and properties of residents.

There are quantitative requirements like setbacks, building coverage, and floor area limits that are straightforward to evaluate, and there are non-quantitative requirements that are no less important to enforce. There is a reason that sub-standard lots with proposed 2-story developments go in front of the Planning Commission for review and approval – it’s because 2-story developments on narrow lots can cause significant impacts to surrounding neighbors and the neighborhood. That’s exactly what’s happening here. It is extremely important for the Planning Commission of the City of Menlo Park to take all of these requirements into account, and ensure responsible development.

We respectfully request that you deny this use permit application as required in the municipal code Section 16.82.030.

Regards,
David Jones and Edurne Jorda, 465 Oak Ct

May 21, 2017

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

Re: Use Permit Application and Proposed Development at 445 Oak Court

To the Commissioners of the Menlo Park Planning Commission:

While we are supportive of the many remodels and residential redevelopments in our neighborhood, we have serious concerns about the project proposed for 445 Oak Court. The applicants are asking the Commission to allow a “maxed out” development on a sub-standard lot.

We are asking that the application *not be approved as submitted*, and that the Commission direct the applicant to make modifications that would address the following concerns:

1. The development is too massive and dramatically out of context. It is 6,139 square feet, which is 2.6 times larger than the average home on Oak Court and 70% larger than the largest existing home on Oak Ct.
2. The architecture has little attenuation. The proposed 2-story main residence is 27' high, sheer-wall, stucco “cube” prominently placed close to the street and neighboring property. This detracts from the character of our neighborhood and it negatively impacts the quality of life for adjacent homeowners.
3. The health of the heritage trees is threatened. 11 mature trees, on both the subject property and neighboring properties, are impacted by the placement of the three buildings and the excavation required to build a full basement. Of particular concern are the magnolias and camphor trees in the front of the house, and the neighbor's 2 redwood sequoias next to the back property line.

As a substandard lot, 445 Oak Court must undergo a “discretionary review” and that allows the Planning Commission to consider the impact on adjacent properties and the neighborhood context. We ask that you use this opportunity to work with the applicants to modify their plans to fit the context of the neighborhood we all enjoy.

Thank you for your consideration.

Oak Court Neighbors

David Jones & Edurne Jorda, 465 Oak Ct (adjacent property)
Alex & Tamara Striffler, 1485 Woodland Avenue (adjacent property)
Candace Hathaway & Chuck Bernstein, 444 Oak Ct (adjacent property)
John Kelly, 428 Oak Ct (adjacent property)
Bitia & Bob Arabian, 468 Oak Ct
Virginia Davis, 469 Oak Ct
Katherine & Courtney Bryant, 472 Oak Ct
Gale & Ray Beach, 488 Oak Ct
Joni & Chris Weseloh, 401 Oak Ct
Adela Gotz, Oak Ct

Julie & Spencer Shanson, 309 Oak Ct
Terry Haught, Alyssa Haught, 315 Oak Ct
Amy Gerstein & Richard Heitze, 323 Oak Ct
Noel & Fred Berghout, 324 Oak Ct
Karen Greig & Mike Frank, 325 Oak Ct
Laurie & Trevor Hall, 389 Oak Ct
Sandra Harvey & Mark Boyko, 391 Oak Ct
Mary & Dan FitzSimons, 220 Oak Ct
Cara McMains, 223 Oak Ct
Marie-Pierre & Rimmelt, 226 Oak Ct
Ana & Nelson Pedreiro, 230 Oak Ct
Monica & Paul Chua, 164 Oak Ct
Ana Pedros, 141 Oak Ct
Valentina Cogoni, 139 Oak Ct

From: [Wendy Dai](#)
To: [Meador, Kaitlin M](#)
Subject: 445 Oak Ct project
Date: Monday, May 22, 2017 12:00:40 PM

Dear Kaitlin,

445 Oak Ct's first land boundary survey claims the current fence is about 2 feet on their side of the survey boundary. Also, they did not file their survey map with the county.

We did not agree with their result. So we did our own land boundary survey. According to our land boundary survey, the current fence is about half feet on our side of the survey boundary. County approved our survey map.

445 Oak Ct re-examed their survey, they found out they made mistakes and updated their land survey. Their updated land survey shows the current fence is about half feet on their side of the survey boundary.

445 updated land survey still shows the current fence is about half feet on their side of the survey boundary. Our surveyor told us that half feet difference is within normal measurement error.

Therefore, based on our surveyor's assessment, we agree 445 use their updated new boundary survey to develop building plan, with at least 10 feet setback to the secondary unit if they have one, and with at least 20 feet setback to the primary unit if they do not have a secondary unit.

If our neighbor's updated building plan meets the above city's requirements, we will take back the previous objection and support their plan.

Thank you very much.

Best,
Wendy

From: [striffler](#)
To: [Meador, Kaitlin M](#); [PlanningDept](#)
Subject: [Sent to Planning]445 Oak Ct Planning Review
Date: Monday, May 22, 2017 3:16:00 PM

Dear Planning Commission,

As a direct property neighbor of the proposed development, I recognize that some development will occur, but I ask the City to put in place protections to make sure it is appropriate development, executed in good faith. Unfortunately, the developers next door have not acted in good faith up until now, which casts a dark shadow of what to expect from them. They claimed they had plumbing issues in order to force a heritage tree removal, especially when they are not living at the property, they pushed their back neighbor to sign a letter supporting the construction when the back neighbor had not even seen the plans, and finally they have not engaged with us to collaborate. For example, they propose a "good neighbor" fence, but not once asked for input from the neighbors on fence design.

Therefore, my concern is that they will begin construction and not adhere to the construction methods dictated which will then have tangible harm to the heritage redwood trees that are several feet away from their proposed construction, both the fence line and their 3rd house.

Furthermore, I am concerned with the density of the property and the fact that they have designed 4 parking spots in their back yard (2 in front of the garage, 1 parallel to the garage between the garage and my house and the 4th is perpendicular to the driveway in their backyard).

I oppose the permit and request the following:

1. Remove the 4 parking spots down to just two in front of the garage.
2. Drastically reduce the size of the development as directed during the last meeting. And respond to the compromise proposal discussed during the meeting.
3. Push their 3rd house unit away from our property line to maximize the health of our Heritage Redwood Tree.
4. Extend the "safe zone for the tree" to 30 feet radius.
5. Request a 2nd arborist to provide a consultation, recommending locally appreciated arborist SP McClenahans, and also to be present during all construction within that 30 feet. They should have their arborist Mr. Levison and another arborist such as McClenahans on site at all times, during house construction and fence construction. Ask the 2nd arborist to confirm that if the 1485 Woodland Ave owners (us) ever want to install a secondary unit close to the Redwood, we will still be able to safely for the tree. Any impacts should be mitigated on the 445 Oak Ct side.
6. Provide temporary portable privacy fencing during construction
7. Remove the fence from the permit, making the permit conditional upon feedback from neighbors on fence design.

8. Leave all trees to maintain a woody atmosphere conducive to
9. Arborist requires all leave droppings to remain in place as mulch (no bricks)
10. Documented agreement to take the following tree maintenance steps into action along the 30' foot tree radius, taking priority over any current 445 Oak Ct landscaping proposals. Efforts to overcome exposure to environmental extremes and potential loss of functional root area resulting from construction are recommended by McClenahans arborist during their recent site review:
 - A supplemental irrigation program is recommended and should be accomplished at regular three to four week intervals during the period of April through October. Irrigation is to be applied at or about the 'drip line' in an amount sufficient to supply approximately fifteen (15) gallons of water for each inch in trunk diameter (i.e. $15 \times 60 = 900$ gallons). Irrigation can be provided by means of a soil needle, 'soaker' or permeable hose. When using 'soaker' or permeable hoses, water is to be run at low pressure, avoiding runoff/puddling, allowing the needed moisture to penetrate the soil to feeder root depths.
 - Mulching landscape area with suitable wood chips or other mulching materials to a maximum depth of 3-inches.
 - Fertilize spring and summer 2017 utilizing Romeo Greenbelt, Hydromax, Biostimulant, and Essential on your property. Application on neighboring property, with consent, would be beneficial.
11. Developers to construct a supplementary Arbor(s) on their side of the property running the length of the property 1 foot wide, 14' high, and in 12' lengths, or as lengths as are appropriate so as not to harm the adjacent trees. These arbors will create a visual separation of the properties and add additional depth and texture to the existing fencing system for privacy.

Again, I understand some development will occur, but it should be done within reason, in size comparable to surrounding properties, and in protection of the neighbors property (heritage redwood trees) and privacy.

Thank you.

Alex & Tamara Striffler
1485 Woodland Ave
Menlo Park, CA 94025

Charles D. Bernstein
444 Oak Court
Menlo Park, CA 94025
650-325-3365

May 22, 2017

Planning Commission
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025-2483
[Also sent to kmmeador@menlopark.org]

Re.: Objection to Use Permit Application for 445 Oak Court

Dear Planning Commissioners:

The Use Permit Application for 445 Oak Court must be denied. Given the amount of factual and anecdotal evidence regarding the impacts on neighbors, the Planning Commission cannot make a finding that the project is not "detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood."

You may not remember the application that you discussed on August 15. Let me refresh your recollection and bring you up to date regarding what has happened since your first discussion of this matter.

First Hearing

Over 30 neighbors showed up at your meeting to oppose the granting of the CUP. The meeting ended with the commissioners requesting a reduction in height (to reduce mass), an increase in screening, and some changes to the landscaping and paving.

While we felt that the appearance of so many neighbors against the project was an example of democracy in action, at least one commissioner thought we were acting like a "gang" and being unfair to a future neighbor. Another commissioner felt that it was not worth discussing the matter because the outcome would be appealed no matter what happened.

We took the comments to heart and decided to try a different approach. In sum, if we were going to be a true neighborhood, we should try to work out things in a neighborly manner.

Proposed Compromise

A group of immediate neighbors got together and decided to focus on those elements of the application that absolutely had to change. We all came to the conclusion that if those elements were changed, we would pledge not to appeal the application and not to join or support any appeal that might be filed. Indeed, we all agreed to support an amended application as it proceeded through the approval process.

David Jones presented those elements to the applicant. The applicant promised to get back to David shortly with a response. We were all encouraged that we were likely to attain a win-win-win outcome for the applicant, the immediate neighbors, and those involved with development in the city.

Unfortunately, the optimism was unfounded. The applicant never got back to David and has now re-submitted his application with none of the requested changes.

In exchange for the immediate neighbors' pledge to support the application, the neighbors made three requests:

1. Move the back wall of the 2nd floor 8 feet towards the street—This would reduce the square footage of the second floor (per scale concerns) and provide more sunlight to the Jones' family room (the house immediately adjacent to the east, at 468 Oak Court) for a few more hours during the winter.
2. Move the front basement wall back 4 or more feet—This would address our serious concern about the basement wall construction excavation that could injure any of the four front-yard heritage trees.
3. Move the 2nd backyard house about 8 feet to the opposite corner—This would serve to mitigate risks to the 50-foot coastal redwood tree that is 8 feet from the proposed second home.

In sum, the applicant dismissed the potential compromise without even the courtesy of a reply.

Planning Commission's Requests

At the August 13 meeting, planning commissioners asked the applicant to make two changes that addressed our major concerns:

1. Massing: Reduce the overall height by 3 feet—The applicant did less than half of what was asked for in order "to maintain the desired interior ceiling heights" (*Staff Report, p. 3, ¶2*). In addition the applicant stated that any further reduction would not reduce the impacts of the project on the neighbors.

2. Privacy: Add a solid wall to the left (east) side of their second floor backyard balcony—The applicant created a wall with "spy holes" at eye level.

In sum, the applicant did not do what was requested by the Planning Commission.

* * * * *

The applicant has shown no interest in communicating with his neighbors and has ignored the initial, very modest requests from the Planning Commission. The project under consideration is essentially unchanged from the original submittal. It has serious impacts on the neighborhood and the application for a use permit must, therefore, be denied.

The denial should be absolute. The applicant has had two hearings and he should now be required to wait a year before submitting a new application.

Yours truly,



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REGULAR MEETING MINUTES – DRAFT EXCERPTS



Date: 5/22/2017
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Drew Combs called the meeting to order at 7:02 p.m.

B. Roll Call

Present: Andrew Barnes, Drew Combs (Chair), Susan Goodhue, Larry Kahle (Vice Chair), John Onken (arrived at 7:05 p.m.), Henry Riggs, Katherine Strehl

Staff: Deanna Chow, Principal Planner, Sunny Chao, Assistant Planner, Kaitie Meador, Associate Planner, Yesenia Jimenez, Associate Planner, Kyle Perata, Senior Planner

Chair Combs said he would act as Chair for the agenda items through G1 and that Vice Chair Larry Kahle would act as Chair starting with H1 and through the remaining items. He noted that Commissioner Susan Goodhue and he would recuse themselves from consideration of item H1 due to potential conflicts of interest.

F. Public Hearing

- F1. Use Permit/Brian Nguyen/445 Oak Ct:
Request for a use permit to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regard to lot width located in the R-1-U (Single-Family Urban Residential) zoning district, at 445 Oak Court. The proposal includes two heritage tree removals. ([Staff Report #17-030-PC](#))

Staff Comment: Associate Planner Kaitie Meador said there were no additions to the staff report. She said since the publication of the staff report three letters had been received. She said one letter from the adjacent property owner, who had originally opposed the project because of survey discrepancies, now withdrew opposition as the matter was resolved.

Applicant Presentation: Mr. Brian Nguyen, property owner, introduced his fiancée Virginia, his parents, and project architect Tom Sloan. Mr. Nguyen said at the previous hearing the Commission had continued the project for a redesign with four areas of attention. He said those were to reduce the height by three feet, reconsider species other than cypress for screening, provide screening on the master balcony to enhance privacy, and reduce the amount of paved surfaces on the lot. He said that they reduced the first floor ceiling by six inches and the second floor by one foot. He said this allowed them to retain their desired design and also address the Commission's concern. He said with the neighbors they decided on a different type of screening tree that was drought resistant and had low maintenance needs. He said they added wing walls on both ends of the

master balcony for privacy with some design details to match the architectural style. He said paving in the rear yard was reduced by 800 square feet. He said the areas would be replaced with drought tolerant grasses and ground coverings, and for the rest of the paving they would use permeable pavers. He said additionally the property line issue with the rear neighbor was resolved. He said as a result the secondary dwelling had to be moved forward to meet rear setback requirements. He said their arborist reviewed the change and found no resultant impacts to the trees. He said their neighbor to the west expressed interest in collaborating on a fence in the future.

Replying to Commissioner Katherine Strehl, Mr. Nguyen said the secondary dwelling unit was 10-feet from the adjusted rear property line. Replying to Commissioner Kahle, Mr. Nguyen said that his surveyor had used monuments on the Oak Court tract and the neighbors' surveyor used monuments on Emma Lane. He said his surveyor had made an error but the matter had since been resolved. Replying to Commissioner Strehl's question about neighborhood outreach, Mr. Nguyen said that they discussed the balcony and screening trees with adjacent neighbors but did not meet with other neighbors.

Replying to Commissioner Barnes' question regarding the challenge of lowering the height three feet and what led to the decision to lower only one and a half feet, Mr. Tom Sloan, project architect, said the applicant and he met with the project planner after the hearing to discuss direction. He said the Commission had mentioned a three foot reduction in height as well as a one-and-a-half foot reduction. He said they reduced the second floor ceiling height one foot. He said they found that the openness of the design on the first story with bi-folding doors opening to the rear yard would be negatively impacted by a height reduction greater than six inches. Commissioner Strehl said it was clear in the minutes for the previous hearing that the Commission had wanted a three-foot reduction in height.

Chair Combs opened the public hearing. He said the first speaker was David Jones and that two people, Bitia Arabian and Katherine Bryant, had donated time to Mr. Jones.

- David Jones said he and his wife lived at 465 Oak Court, which was located to the left of the subject property. He said he had sent photos and videos that morning to the Commissioners, which he hoped they had time to review. He presented slides that summarized the photos and videos. He cited 10 negative impacts from the proposed project, and noted five in particular: loss of privacy, loss of light, loss of significant side view, health concerns and property value. He said the significant loss of sunlight from the proposed project could lead to mold on his property and that would be a serious health issue. He said his realtor said the proposed project would make his home dark with no sunlight inside the home and a shaded backyard, and that being next door to a 26-foot high two-story house would negatively impact the property value of his home. He said that the zoning ordinance required the Commission to make a finding that a project was not detrimental to the health, safety, morals and general welfare of people living or working in the area. He said there was substantial evidence of detriments to the health and general welfare of neighbors from the project. He said there were five things that could be done to resolve the impacts: move the back of the roof line and second floor forward by at least eight feet by removing the balcony and moving the back wall three feet forward. He said if the applicants wanted to keep the balcony they could move the whole structure forward eight feet. He said the construction excavation for the front wall of the basement would have to come forward four feet. He said they were worried about the impact to the roots of four heritage trees. He said they could move the secondary dwelling unit from the left back corner to the right back corner away from the large coastal oak.

- Edurne Jorda said she was Mr. Jones' wife. She said they were Menlo Park residents and did not feel they were being listened to or having their rights protected. She said there were 40 neighbors saying there were impacts from this project. She said their home would not get any sun because of the project and they would be looking at a stucco wall. She said it was not responsible development. She urged the Commission to at least require the applicant to do the compromise plan that she and her husband had provided.
- Candace Hathaway, Oak Court, said her home was directly across from the proposed development. She questioned the staff finding that the scale of the project was compatible with the neighborhood as over 35 neighbors with concerns about the project were being ignored. She said that the Commission's direction to reduce the height by three feet had been ignored. She asked that neighbors' compromise suggestions be supported for implementation.
- Chuck Bernstein, Oak Court, said that he had time donated by another person, Ana Pedros. He said the Commission asked the applicant to reduce the height by three feet, and the applicant did not, yet the staff report indicated the applicant had followed the direction of the Commission regarding height reduction. He said to approve the project the Commission would need to make a finding that the proposed project was not detrimental to the health, safety, morals, comfort and general welfare of the persons living and working in the vicinity, and that finding was unsupportable. He said that the applicant had already had two chances to submit an approvable design. He said the Commission needed to deny the application.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Riggs asked what was assessed in making the finding that a project was not detrimental to the health, safety, morals, comfort and general welfare of persons living and working in the vicinity of a subject project, and particularly what was the tipping point. Principal Planner Chow said that the assessment was not black and white and referred to quality of life. She said regarding health and safety that staff looked for things that would expose persons to hazardous conditions. Commissioner Riggs asked if it was considered a detriment for a two-story home to shade a one-story home at 1:30 p.m. Principal Planner Chow said that the Commission has not found such a situation detrimental previously rather it has suggested options to lessen any such impacts.

Commissioner Strehl asked about the arborist's direction to move the barbecue pit away from trees. Associate Planner Kaitie Meador said that the barbecue pit had been shifted away from the trees. Commissioner Strehl asked if the application were to be approved whether there was a way for the Commission to condition a monitor for the foundation work. Principal Planner Chow said typically the City received ongoing reports and updates from the applicant's arborist during construction regarding compliance with tree protection and preservation conditions.

Commissioner Riggs said when an arborist's report was made a condition of approval the arborist report almost always required to have an arborist present to monitor excavation past roots whenever tree roots were exposed. He suggested seeing if that was in the arborist's report currently, and if not, to require.

Commissioner Kahle said he had a question for the applicant or architect about the height. He asked if the foot and a half height lowering included removing one foot of height from the second

floor and a half foot from the first floor. Mr. Sloan said that was correct and they had looked at removing another foot and a half from the roof. He said that while it would have met what was being asked of them it would have created a less desirable building. Commissioner Kahle confirmed with the architect that the roof pitch remained at four by twelve. He asked about the entry gable as he recalled the last time they saw the project they were concerned with its height. He said he thought it had been reduced in height by two feet. Mr. Sloan said that was correct. Commissioner Kahle asked if it was the window or arched entry that lost the two feet. Mr. Sloan said the overall roof element came down in height. Commissioner Kahle said the project height was the major concern for neighbors and asked where they might reduce the vertical height. Mr. Sloan said they had looked at removing another six inches from the upper floor plate and another foot from the roof pitch. He said they could take out another six inches from the lower floor but that was painful for the property owner. He said the last time they presented to the Commission it was noted that the lot was large but substandard due to the diminishment of the rear property line but they had shown how a standard lot would fit within this lot's dimensions.

Commissioner Strehl asked if they had given consideration to the neighbor's request to move the back wall forward eight feet and make some changes in the house. Mr. Sloan said the building was moved back on the lot to protect the street trees. He said moving the house forward seemed counter intuitive to preserving the trees. Commissioner Strehl said perhaps the neighbor's suggestion included reducing the overall size of the proposed house. She asked if they had considered reducing the size of the house. Mr. Sloan said they had but the owner had needs regarding the space.

Commissioner Onken said generally with other such projects the Commission's review included determining there were no large inhabitable spaces looking over the neighbors' spaces, that setback requirements were met, and that trees were preserved and protected. He said the Commission had been clear about reducing the height by three feet and it could be done. He said the changes to the back terrace were welcome and arguments about detriment to the health, safety, morals, comfort and general welfare were out of proportion to the reality.

Commissioner Goodhue said she agreed with most of what Commissioner Onken said, but she did not think the Commission had been as explicit about a three-foot height reduction as the meeting minutes indicated that Commissioner Riggs suggested reducing the height by two feet and Commissioner Onken suggested reducing by two to three feet. She said she understood that the height of interior spaces was important and it was consistent with the style of the architecture. She said she hoped something could be suggested to get closer to the three foot height reduction the Commission had arrived at in its final direction.

Mr. Sloan said the property owner was willing to meet the three-foot height reduction and they could offer some solution now or work with staff to accomplish the condition. He said he did not think they would take it from the roof pitch. He said at this time they were considering reducing the wall height by nine-inches per floor but he would like time to proportion that. He said they would prefer to do that for staff's review and approval rather than come back to the Planning Commission.

Commissioner Riggs commented on the four requests of the neighbors noting that the neighborhood had not pursued a zoning overlay. He said the first was to relocate the secondary dwelling unit. He said it was a one-story and was not a shade issue. He said regarding the request to protect trees that the City and staff did that. He said there was an arborist report, and the arborist would need to monitor the house construction. He said regarding the neighbors' request to

move the back wall that the Planning Commission had not required further reduction on the second story for light angles on other projects, which like this one have a second story notably smaller than the first floor. He said he was pleased with the wing walls on the balcony noting the view holes were above the average height of a person's sight line. He said plate height was most likely to affect sun angle and create a perspective of large building size. He moved to approve the project with 1) confirmation that the arborist's report required arborist monitoring of any exposed roots during construction; and 2) reduction of the plate height by three feet with one foot from the second floor and the remaining six inches from the first floor as the building was particularly top heavy. He said that would give all the living spaces a nine-foot height and 10 feet in featured spaces. Principal Planner Chow confirmed with Commissioner Riggs that the one-foot reduction from the second floor and six-inches from the first floor were in addition to the reductions shown in the current plans. She said they reviewed the arborist's report and there was mention on page F11, item 9, of the condition for monitoring any exposed roots during construction. Commissioner Riggs said he would remove that condition from his motion.

Commissioner Strehl said she had trouble supporting the project. She said it was a nice design but she thought the house was too big, noting it was built to within one foot of the maximum allowable build out. She said that the applicant had not done serious neighbor outreach and had met with one neighbor one time only.

Commissioner Kahle said he agreed with most of Commissioner Riggs' comments. He said his desire was to reduce the structure's height by three feet without affecting the roof pitch as that was important to the design. He said he also wished the neighbor's home was not four feet from the property line but there was nothing to do about that. He seconded the motion made by Commissioner Riggs to approve the project with the condition to reduce the plate height by three feet with an additional one foot reduction from the second floor and additional six inches from the first floor to equal a three foot reduction in height in total.

ACTION: Motion and second (Riggs/Kahle) to approve the project as recommended in the staff report with the following modifications; passes 6-1 with Commissioner Strehl opposing.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Metro Design Group consisting of nineteen plan sheets, dated received May 2, 2017, and approved by the Planning Commission on May 22, 2017, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

- b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering, and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

4. Approve the use permit subject to the following project-specific conditions:

Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the height reduction of one foot from the second floor plate height and 6 inches from the first floor plate height for an overall height reduction of one foot 6 inches. The revised plans are subject to the review and approval of the Planning Division.

J. Adjournment

Vice Chair Kahle adjourned the meeting at 10:49 p.m.

Staff Liaison: Deanna Chow, Principal Planner

Recording Secretary: Brenda Bennett



The plans, ideas and design on this drawing are the property of the designer and shall not be used, in whole or in part, for any purpose for which they were not intended without the written permission of METRO DESIGN GROUP.

PROJECT NAME
445 OAK COURT RESIDENCE
445 OAK COURT
MENLO PARK, CA 95025

REVISIONS	
△ PC1 10.11.16	D.Z.
△ PC2 11.15.16	D.Z.
△ PC3 2.15.17	D.Z.
△ PC4 7.03.17	D.Z.



445 OAK COURT RESIDENCE

GENERAL NOTES		AREA TABULATION	PROJECT INFORMATION	VICINITY MAP	SHEET INDEX										
<p>1. CODES AND REGULATIONS</p> <p>ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE FOLLOWING CODES, AS WELL AS ALL APPLICABLE STATE CODES & LOCAL CITY ORDINANCES, 2016 CALIFORNIA BUILDING CODE (C.B.C.) 2016 CALIFORNIA RESIDENTIAL CODE (C.R.C.) 2016 CALIFORNIA ELECTRICAL CODE (C.E.C.) 2016 CALIFORNIA PLUMBING CODE (C.P.C.) 2016 CALIFORNIA MECHANICAL CODE (C.M.C.) 2016 CALIFORNIA FIRE CODE (C.F.C.) 2016 CALIFORNIA ENERGY CODE (C.E.C.) 2016 CALIFORNIA GREEN CODE (C.G.C.)</p> <p>NOTHING ON THE DRAWINGS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES & REGULATIONS.</p> <p>2. SITE VERIFICATION</p> <p>GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL EXAMINE THOROUGHLY THE SITE AND SATISFY THEMSELVES AS TO THE CONDITIONS TO WHICH THE WORK IS TO BE PERFORMED. THE CONTRACTOR SHALL VERIFY AT THE SITE ALL MEASUREMENTS AFFECTING HIS WORK, AND SHALL BE RESPONSIBLE FOR THE CORRECTNESS OF THE SAME. NO EXTRA COST TO THE OWNER WILL BE ALLOWED RESULTING FROM HIS NEGLIGENCE TO EXAMINE OR FAILURE TO DISCOVER CONDITIONS AFFECTING HIS WORK.</p> <p>3. MEASUREMENTS</p> <p>CONTRACTOR SHALL VERIFY ALL DIMENSIONS SHOWN ON THE DRAWINGS BY TAKING FIELD MEASUREMENTS. FOR PROPER FIT AND ATTACHMENT OF ALL PARTS IS REQUIRED. SHOULD THERE BE ANY DISCREPANCIES, IMMEDIATELY REPORT TO THE ARCHITECT IN WRITING PRIOR TO COMMENCEMENT OF ANY RELATED WORK. IN THE EVENT OF THE CONTRACTORS FAILURE TO DO SO, THE CONTRACTOR SHALL BE FULLY AND SOLELY RESPONSIBLE FOR THE CORRECTION OR ADJUSTMENT OF ANY SUCH RELATED WORK OR ERRORS.</p> <p>4. DIMENSIONS</p> <p>DO NOT SCALE THESE DRAWINGS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS.</p>	<p>5. DISCREPANCIES</p> <p>MINOR DISCREPANCIES BETWEEN THE DRAWINGS AND ACTUAL CONDITIONS ARE TO BE EXPECTED. CONDITIONS REQUIRING CLARIFICATION SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.</p> <p>6. MANUFACTURER'S SPECIFICATIONS</p> <p>CONTRACTOR AND ALL SUBCONTRACTORS SHALL INSTALL OR APPLY, AND PROTECT ALL PRODUCTS, MATERIALS, PROCESSES, METHODS, COATINGS, EQUIPMENT, APPLIANCES, HARDWARE, SOFTWARE, ETC. IN STRICT ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS, DETAILS & INSTRUCTIONS. TYPICAL - ALL MANUALS OR INSTRUCTIONS PROVIDED BY THESE MANUFACTURERS FOR PROPER OPERATION AND MAINTENANCE OF THE ABOVE ARE TO BE DELIVERED TO THE OWNER AT THE COMPLETION AND FINAL INSPECTION OF THE PROJECT.</p> <p>7. WINDOWS AND DOORS</p> <p>CONTRACTOR SHALL VERIFY THE QUANTITY, ROUGH OPENINGS AND TYPES OF DOORS AND WINDOW AND DOOR SCHEDULES IN RELATION TO FINISHING PER FIELD PRIOR TO ORDERING. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.</p> <p>8. CALGREEN STANDARDS</p> <p>ALL ADHESIVES, SEALANTS, CAULKS, PAINTS, COATINGS, AND AEROSOL PAINT CONTAINMENTS MUST REMAIN ON THE SITE FOR FIELD VERIFICATION BY THE BUILDING INSPECTOR. PER CGRSC SEC. 4.504 2.4 PRIOR TO FINAL INSPECTION, A LETTER SIGNED BY THE GENERAL CONTRACTOR OR THE OWNER/BUILDER (FOR ANY OWNER/BUILDER) PROJECTS MUST BE PROVIDED TO THE CITY OF SAN JOSE. BUILDING OFFICIAL CERTIFYING THAT ALL ADHESIVES, SEALANTS, CAULKS, PAINTS, COATINGS, AEROSOL PAINTS, AEROSOL COATINGS, CARPET SYSTEMS (INCLUDING CARPETING, CUSHION AND ADHESIVE), RESILIENT FLOORING SYSTEMS, AND COMPOSITE WOOD PRODUCTS INSTALLED ON THIS PROJECT ARE WITHIN THE EMISSION LIMITS SPECIFIED IN CGRSC SECTION 4.504.</p>	<p>1. SITE AREA</p> <p>GROSS AREA : = 13,236 SQ. FT. (0.30 AC) NET AREA : = 13,236 SQ. FT. (0.30 AC)</p> <p>2. SIDE SETBACK CALCULATION:</p> <p>MINIMUM LOT WIDTH: 59'-7 1/2" 59'-7 1/2" - 715" 715.5' + 1056 - 71 55" REQUIRED WIDTH = 45'-75% x 45' = 46.75' 59'-7 1/2" > 46'-9"</p> <p>SIDE SETBACK = 6'-0"</p> <p>3. FLOOR AREA LIMIT (FAL):</p> <p>3.1 FAL CALCULATION:</p> <p>2,800 SQ. FT. + 26% (13,236 SQ. FT. - 7,000 SQ. FT.) = -2,800 SQ. FT. + 1,559 SQ. FT. = 4,359 SQ. FT.</p> <p>FAL = 4,359 SQ. FT.</p> <p>3.2 PROPOSED FAL :</p> <p>PROPOSED RESIDENCE = 3,213.33 SQ. FT. PROPOSED SEC. DWELLING = 498.98 SQ. FT. PROPOSED GARAGE = 445.44 SQ. FT. TOTAL = 4,357.95 SQ. FT.</p> <p>4. MAXIMUM SECOND FLOOR AREA CALCULATION:</p> <p>68.47 x 4,359 SQ. FT. = 298,289.37 SQ. FT. = 1,591.67 SQ. FT. (166.27' x 108.66' x 100') 2 (374.81') 2</p> <p>MAXIMUM SECOND FLOOR AREA = 1,591.67 SQ. FT.</p> <p>5. MAIN RESIDENCE FLOOR AREA:</p> <p>FIRST FLOOR AREA = 1,847.27 SQ. FT. SECOND FLOOR AREA = 1,366.06 SQ. FT. TOTAL = 3,213.33 SQ. FT.</p> <p>BASEMENT AREA = 1,492.90 SQ. FT.</p> <p>6. BUILDING COVERAGE:</p> <p>6.1 MAXIMUM BUILDING COVERAGE:</p> <p>25% = 4,652.40 SQ. FT. PROPOSED RESIDENCE = 2,181.42 SQ. FT. PROPOSED SEC. DWELLING = 744.17 SQ. FT. PROPOSED GARAGE = 445.44 SQ. FT. TOTAL = 3,371.03 SQ. FT.</p> <p>6.2 PROPOSED BUILDING COVERAGE:</p> <p>PROPOSED RESIDENCE = 2,181.42 SQ. FT. PROPOSED SEC. DWELLING = 744.17 SQ. FT. PROPOSED GARAGE = 445.44 SQ. FT. TOTAL = 3,371.03 SQ. FT.</p> <p>7. PARKING:</p> <p>7.1 REQUIRED: DWELLINGS: 2 SPACES /UNIT MINI ONE IN A GARAGE OR CARPORT SECONDARY DWELLING: 1 OFF-STREET SPACE</p> <p>7.2 PROPOSED: 2 SPACES AT GARAGE 1 SPACE NEAR GARAGE</p>	<p>PROPERTY OWNER: BRIAN NGUYEN PHONE / email: (650) 269-6300 brian.nguyen@gmail.com</p> <p>MALLING ADDRESS: 1457 EDGEWOOD DRIVE PALO ALTO, CA 94303</p> <p>PROJECT ADDRESS: 445 OAK CT. MENLO PARK, CA 94025</p> <p>SITE GROSS AREA: 13,236 SQ. FT. (0.30 AC) SITE NET AREA: 13,236 SQ. FT. (0.30 AC) A.P.N.: 063-452-080 ZONING: R1-U</p> <p>SETBACK REQUIREMENTS</p> <table border="1"> <thead> <tr> <th>REQUIRED</th> <th>PROPOSED</th> </tr> </thead> <tbody> <tr> <td>FRONT: 20'-0"</td> <td>FRONT: 26'-5"</td> </tr> <tr> <td>SIDE (LEFT): 6'-0"</td> <td>SIDE (LEFT): 10'-7"</td> </tr> <tr> <td>SIDE (RIGHT): 6'-0"</td> <td>SIDE (RIGHT): 15'-7"</td> </tr> <tr> <td>REAR: 20'-0"</td> <td>REAR: 88'-9"</td> </tr> </tbody> </table> <p>LOCATED WITHIN DESIGNATED WILDLAND URBAN INTERFACE FIRE AREA: NO</p> <p>MAX HEIGHT: ALLOWED 28'-0" PROPOSED 24'-7 1/2"</p> <p>CONSTRUCTION TYPE: V-B OCCUPANCY: R-3/U STORIES: 2 2 FIRE SPRINKLERS: REQUIRED (NFPA-13D) EXISTING USE: RESIDENTIAL</p>	REQUIRED	PROPOSED	FRONT: 20'-0"	FRONT: 26'-5"	SIDE (LEFT): 6'-0"	SIDE (LEFT): 10'-7"	SIDE (RIGHT): 6'-0"	SIDE (RIGHT): 15'-7"	REAR: 20'-0"	REAR: 88'-9"	<p>PROJECT SITE</p>	<p>ARCHITECTURAL</p> <p>A.0 SHEET INDEX, PROJECT INFORMATION, VICINITY MAP, PROJECT CONTACTS, GENERAL NOTES</p> <p>A.1.0 SITE PLAN</p> <p>A.1.1 AREA PLAN AND STREETSCAPE</p> <p>A.2.0 EXISTING HOUSE AND GARAGE FLOOR PLAN & ROOF PLANS</p> <p>A.2.1 EXISTING HOUSE AND GARAGE ELEVATIONS</p> <p>A.2.2 EXISTING HOUSE AND GARAGE RENDERINGS</p> <p>A.3.0 PROPOSED BASEMENT AND FIRST FLOOR PLAN</p> <p>A.3.1 PROPOSED SECOND FLOOR PLAN AND SQUARE FOOTAGE CALCULATION DIAGRAM</p> <p>A.3.2 PROPOSED SECOND DWELLING AND GARAGE FLOOR PLAN</p> <p>A.4 ROOF PLANS</p> <p>A.5.0 MAIN RESIDENCE EXTERIOR 1/4W & SE ELEVATIONS</p> <p>A.5.1 MAIN RESIDENCE EXTERIOR SW & NE ELEVATIONS</p> <p>A.5.2 SECONDARY DWELLING EXTERIOR ELEVATIONS</p> <p>A.5.3 GARAGE EXTERIOR ELEVATIONS</p> <p>A.6.0 MAIN RESIDENCE CROSS SECTIONS</p> <p>A.6.1 SECONDARY DWELLING AND GARAGE CROSS SECTIONS</p> <p>L-1 PRELIMINARY LANDSCAPE PLAN</p> <p>T-1 TOPOGRAPHIC SURVEY</p> <p>C-1 PRELIMINARY GRADING AND DRAINAGE PLAN</p>
REQUIRED	PROPOSED														
FRONT: 20'-0"	FRONT: 26'-5"														
SIDE (LEFT): 6'-0"	SIDE (LEFT): 10'-7"														
SIDE (RIGHT): 6'-0"	SIDE (RIGHT): 15'-7"														
REAR: 20'-0"	REAR: 88'-9"														
<p>COVER SHEET</p> <p>GENERAL NOTES AREA TABULATION PROJECT CONTACTS PROJECT INFORMATION VICINITY MAP SHEET INDEX</p> <p>DATE : 7-03-17 SCALE : NO SCALE DRAWN BY : DZ CHECKED BY : TS ARCHITECT : TOM SLOAN PROJECT NO : 16624</p> <p>SHEET NUMBER A-0</p>															

REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.
▲ PC3 2-15-17	D.Z.

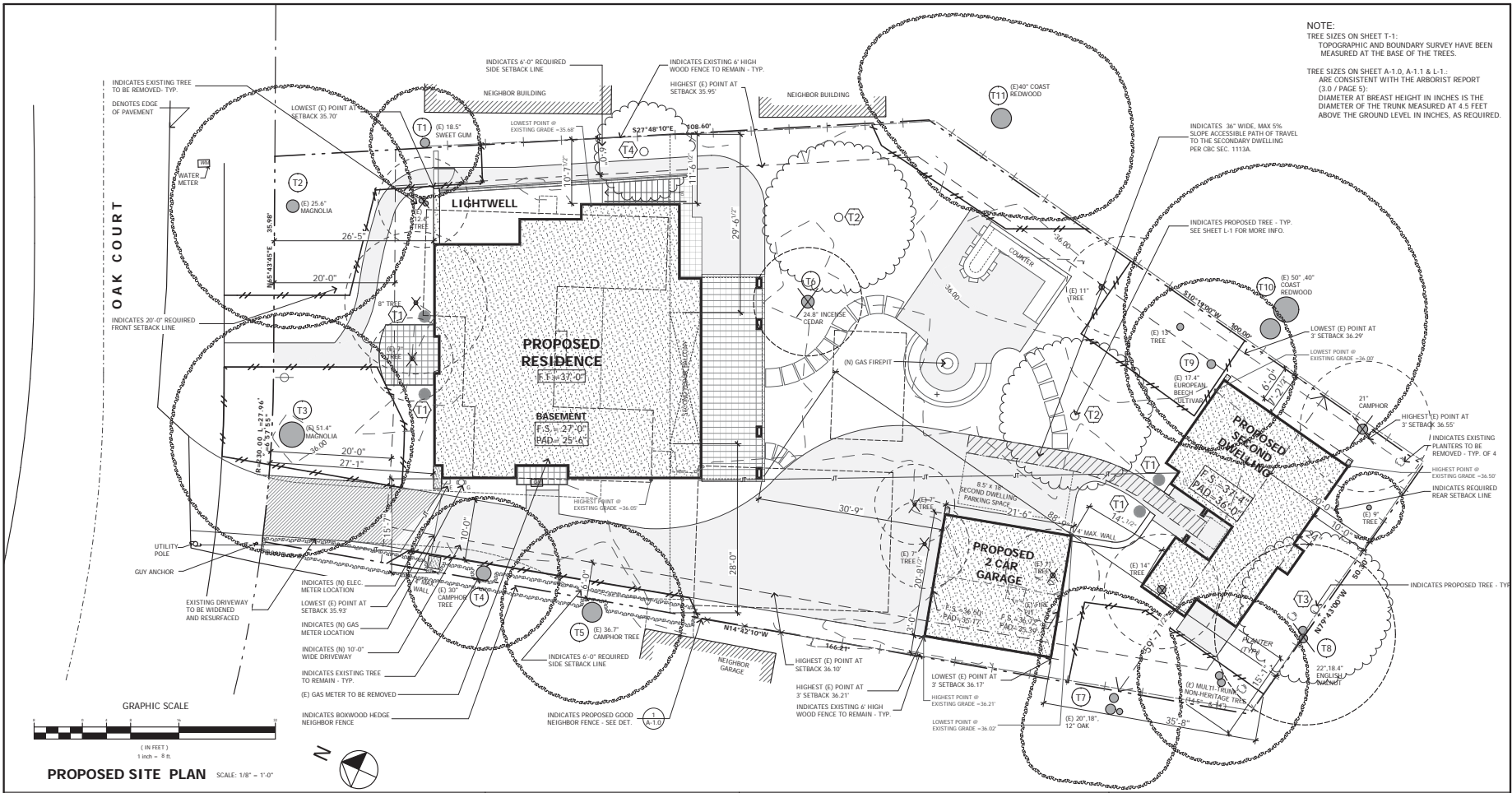
PROPOSED SITE PLAN

VICINITY MAP
PROJECT INFORMATION
PROJECT CONTACTS
AREA TABULATION
SITE PLAN LEGEND
DATE : 7-03-17
SCALE : 1/8" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

A-1.0

NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.
TREE SIZES ON SHEET A-1.0, A-1.1 & L-1-1 ARE CONSISTENT WITH THE ARBORIST REPORT (3-D / PAGE 5).
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.



PROPOSED SITE PLAN SCALE: 1/8" = 1'-0"

SITE PLAN LEGEND

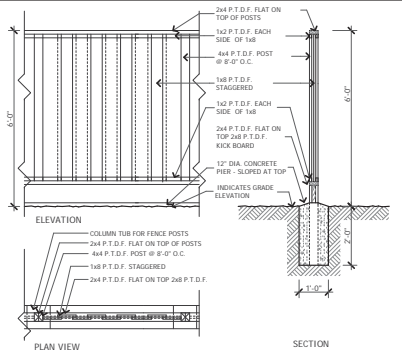
PROPERTY LINE	---	EXISTING DRIVEWAY WIDENED AND RESURFACED	
SETBACK LINE	---	PROPOSED PAVERS AREAS	
(E) GRADE CONTOUR LINE	- - -	PROPOSED HARDSCAPE	
EXISTING FENCE TO REMAIN	---+---	EXISTING TREE TO REMAIN	(E)12" OAK
PROPOSED FENCE	---X---	EXISTING TREE TO BE REMOVED	(E)12" OAK
EXISTING HOUSE TO BE REMOVED	---+---	EXISTING TREE TO REMAIN	(E)18" OAK
EXISTING HARDSCAPE TO BE REMOVED	---+---	EXISTING TREE TO BE REMOVED	(E)18" OAK
JOINT TRENCH	---/---	EXISTING HERITAGE TREE TO BE REMOVED	
TREE PROTECTION FENCING	---/---	PROPOSED TREE	
PROPOSED RESIDENCE		PROPOSED BOXWOOD HEDGE	

SITE ANALYSIS

LOT GROSS AREA : = 13,236 SQ. FT. (0.30 AC)
LOT NET AREA : = 13,236 SQ. FT. (0.30 AC)
ALLOWABLE FLOOR AREA:
2,800 SQ. FT. + 25% (13,236 SQ. FT. - 7,000 SQ. FT.) =
= 2,800 SQ. FT. + 1,559 SQ. FT. = 4,359 SQ. FT.
MAIN RESIDENCE FLOOR AREA:
FIRST FLOOR AREA : = 1,847.27 SQ. FT.
SECOND FLOOR AREA : = 1,366.06 SQ. FT.
TOTAL : = 3,213.33 SQ. FT.
PROPOSED RESIDENCE : = 3,213.73 SQ. FT.
PROPOSED SEC. DWELLING : = 696.98 SQ. FT.
PROPOSED GARAGE : = 445.64 SQ. FT.
TOTAL : = 4,357.95 SQ. FT.
NO ATTIC SPACE OVER 5'-0"

LAND COVERED BY STRUCTURES: 3,371.23 SQ. FT. 25.47 %
LANDSCAPING: 5,613.47 SQ. FT. 42.41 %
PAVED SURFACES: 4,251.30 SQ. FT. 32.12 %
PARKING SPACES: 2 COV / 1 UNCOV
ALL GRADES TO REMAIN NATURAL

GOOD NEIGHBOR FENCE DETAIL



VICINITY MAP



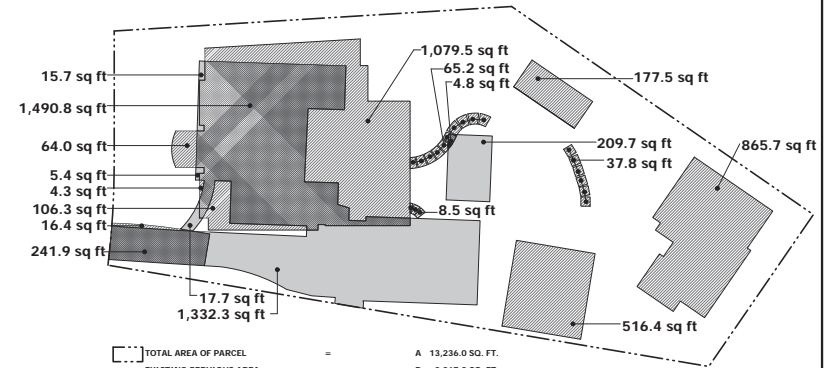
REVISIONS		
▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.
▲	PC3 2-15-17	D.Z.
▲	PC4 7-03-17	D.Z.

AREA PLAN

IMPERVIOUS AREA CALCULATION
 STREETScape
 DATE : 7-03-17
 SCALE : AS NOTED
 DRAWN BY : DZ
 CHECKED BY : TS
 ARCHITECT : TOM SLOAN
 PROJECT NO : 16624

SHEET NUMBER

A-1.1

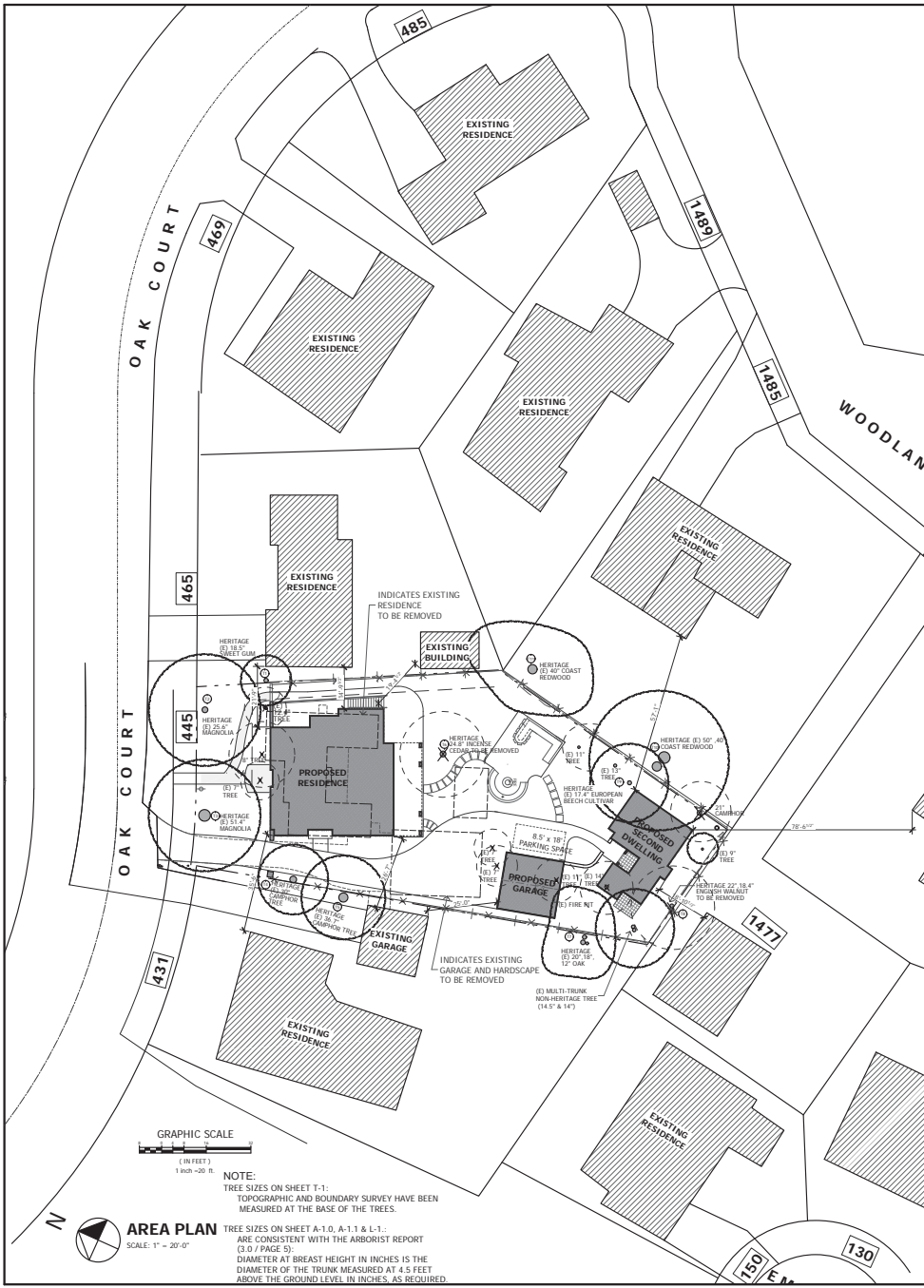


□	TOTAL AREA OF PARCEL	=	A	13,236.0 SQ. FT.
□	EXISTING PERVIOUS AREA	=	B	9,917.8 SQ. FT.
□	EXISTING IMPERVIOUS AREA	=	C	3,318.2 SQ. FT.
□	EXISTING % IMPERVIOUS	=	D	25.06 %
■	(E) IMPERVIOUS AREA TO BE REPLACED W/ NEW IMPERVIOUS AREA	=	E	1,737.5 SQ. FT.
■	(F) PERVIOUS AREA TO BE REPLACED W/ NEW IMPERVIOUS AREA	=	F	2,941.6 SQ. FT.
■	NEW IMPERVIOUS AREA	=	E + F = G	4,679.1 SQ. FT.
■	(H) IMPERVIOUS AREA TO BE REPLACED W/ NEW PERVIOUS AREA	=	H	1,580.8 SQ. FT.
■	NET CHANGE IN IMPERVIOUS AREA	=	F - H = I	1,360.8 SQ. FT.
■	PROPOSED PERVIOUS AREA	=	B - I = J	8,557.0 SQ. FT.
■	PROPOSED IMPERVIOUS AREA	=	C + I = K	4,679.0 SQ. FT.
■	VERIFY THAT J + K = A	=	8,557.0 SQ. FT. + 4,679.0 SQ. FT. =	13,236.0 SQ. FT.
■	PROPOSED % IMPERVIOUS	=	L	35.43 %

IMPERVIOUS AREA CALCULATION



STREETScape SCALE: 1/16" = 1'-0"
 GRAPHIC SCALE (IN FEET) 1/16 inch = 1'-0"



GRAPHIC SCALE (IN FEET) 1 inch = 20 ft

NOTE:
 TREE SIZES ON SHEET T-1:
 TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.
 TREE SIZES ON SHEET A-1.0, A-1.1 & L-1:
 ARE CONSISTENT WITH THE ARBORIST REPORT (3.0 / PAGE 3).
 DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.

AREA PLAN
 SCALE: 1" = 20'-0"

REVISIONS

△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.
△	PC3 2-15-17	D.Z.

**EXISTING
HOUSE &
GARAGE
FLOOR PLAN**

DATE : 7-03-17

SCALE : 1/4" = 1'-0"

DRAWN BY : BN

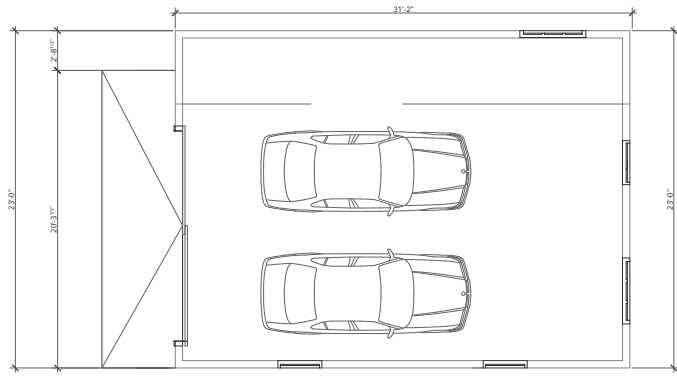
CHECKED BY : TS

ARCHITECT : TOM SLOAN

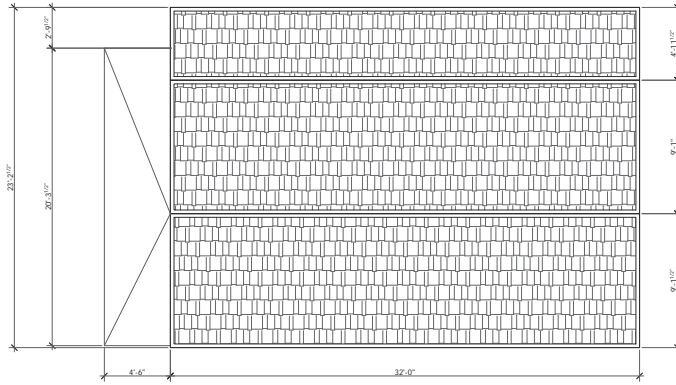
PROJECT NO : 16624

SHEET NUMBER

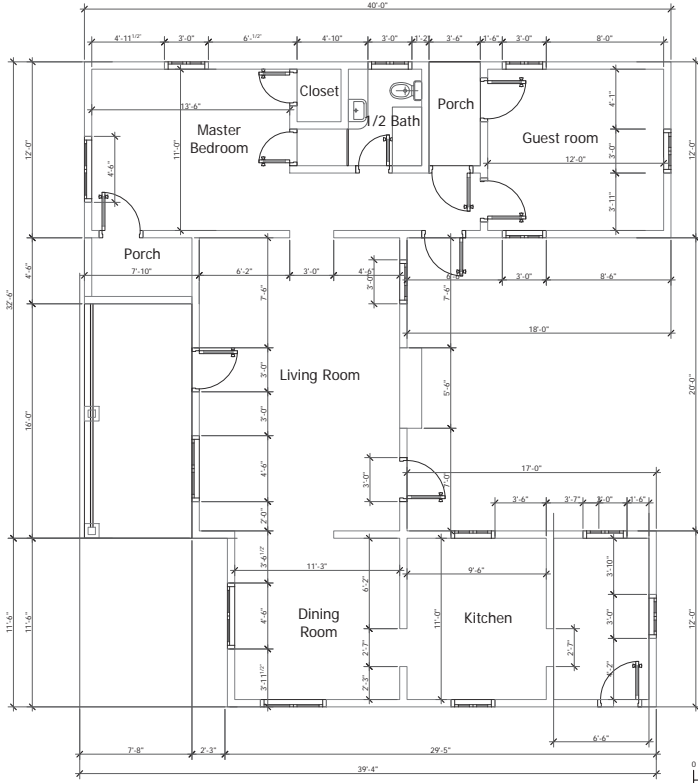
A-2.0



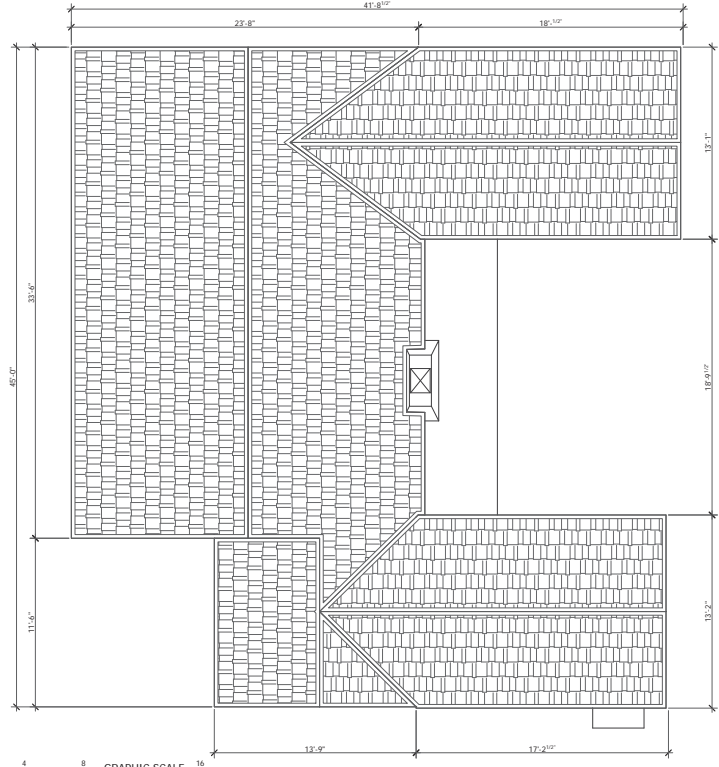
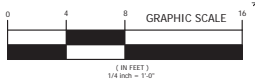
FLOOR PLAN OF EXISTING GARAGE TO BE REMOVED



ROOF PLAN OF EXISTING GARAGE TO BE REMOVED



FLOOR PLAN OF EXISTING HOUSE TO BE REMOVED



ROOF PLAN OF EXISTING HOUSE TO BE REMOVED



**METRO
DESIGN
GROUP**
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PROJECT NAME
**445 OAK COURT
RESIDENCE**
445 OAK COURT
MENLO PARK, CA 95025

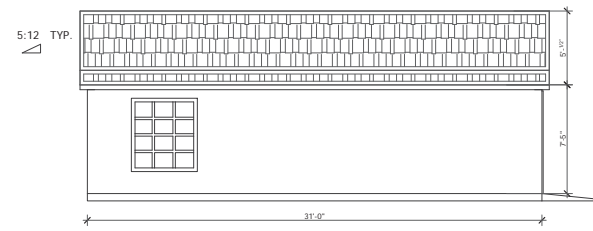
REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.
▲ PC3 2-15-17	D.Z.

**EXISTING HOUSE
EXTERIOR
ELEVATIONS**

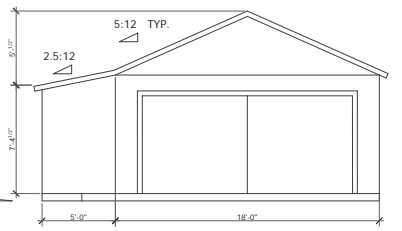
DATE : 7-03-17
SCALE : 1/4" = 1'-0"
DRAWN BY : BN
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

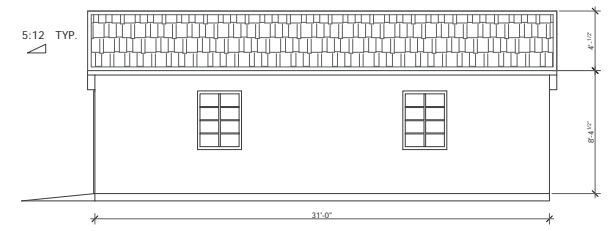
A-2.1



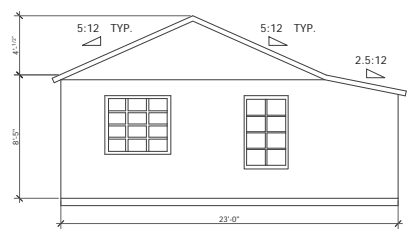
**EXISTING GARAGE TO BE REMOVED:
NORTHEAST (LEFT SIDE) ELEVATION**



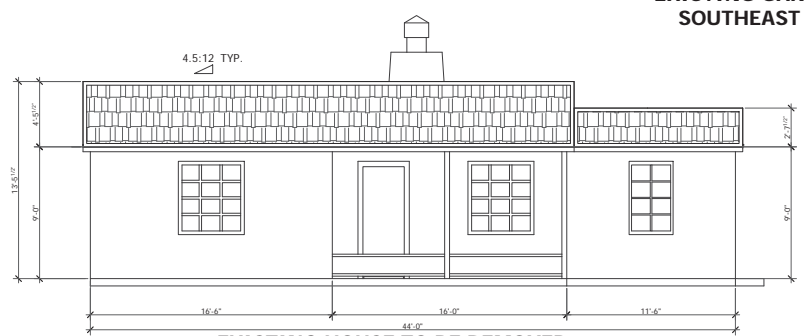
**EXISTING GARAGE TO BE REMOVED:
NORTHWEST (FRONT) ELEVATION**



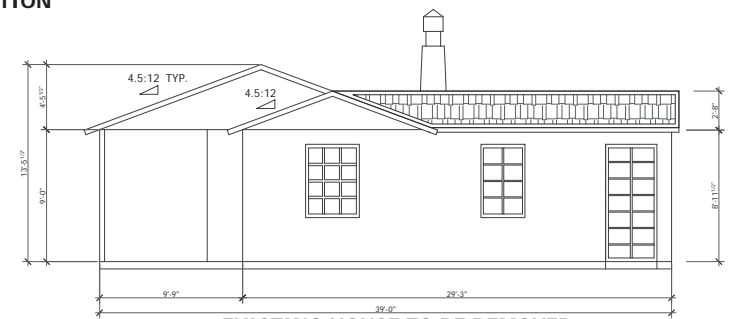
**EXISTING GARAGE TO BE REMOVED:
SOUTHWEST (RIGHT SIDE) ELEVATION**



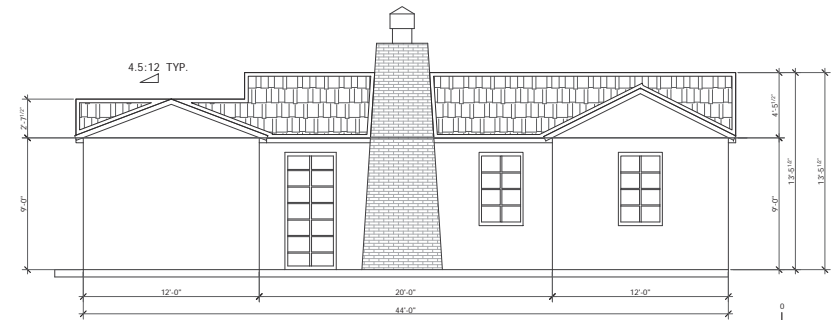
**EXISTING GARAGE TO BE REMOVED:
SOUTHEAST (REAR) ELEVATION**



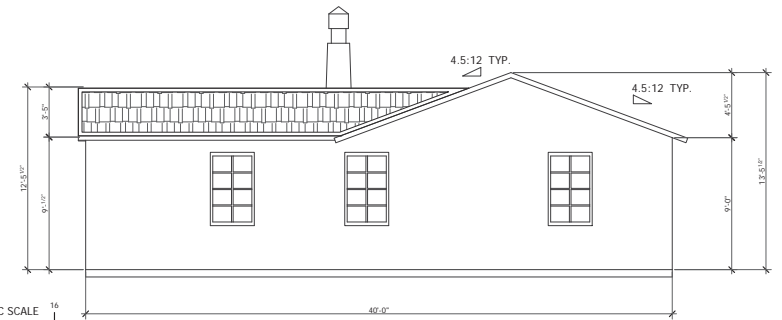
**EXISTING HOUSE TO BE REMOVED:
NORTHWEST (FRONT) ELEVATION**



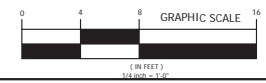
**EXISTING HOUSE TO BE REMOVED:
SOUTHWEST (RIGHT SIDE) ELEVATION**



**EXISTING HOUSE TO BE REMOVED:
SOUTHEAST (REAR) ELEVATION**



**EXISTING HOUSE TO BE REMOVED:
NORTHEAST (LEFT SIDE) ELEVATION**





ARCHITECTURE-PLANNING-INTERIORS

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PROJECT NAME
445 OAK COURT RESIDENCE

445 OAK COURT
 MENLO PARK, CA 95025

REVISIONS		
▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.
▲	PC3 2-15-17	D.Z.

EXISTING HOUSE RENDERINGS

DATE : 4-21-17
 SCALE : N.T.S.
 DRAWN BY : BN
 CHECKED BY : TS
 ARCHITECT : TOM SLOAN
 PROJECT NO : 16624

SHEET NUMBER

A-2.2

PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

NO.	DESCRIPTION	DATE
PC1	10-11-16	D.Z.
PC2	11-15-16	D.Z.
PC3	2-15-17	D.Z.
PC4	7-03-17	D.Z.

**PROPOSED
MAIN RESIDENCE
BASEMENT &
FIRST FLOOR
PLAN**

DATE : 7-03-17

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

CHECKED BY : TS

ARCHITECT : TOM SLOAN

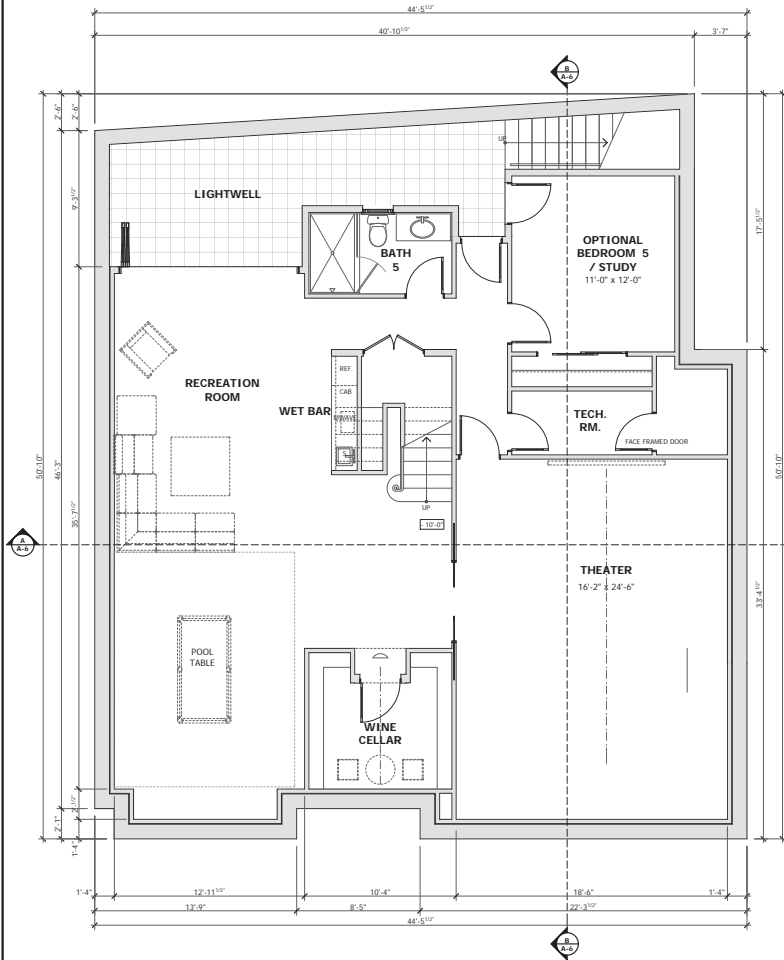
PROJECT NO : 16624

SHEET NUMBER

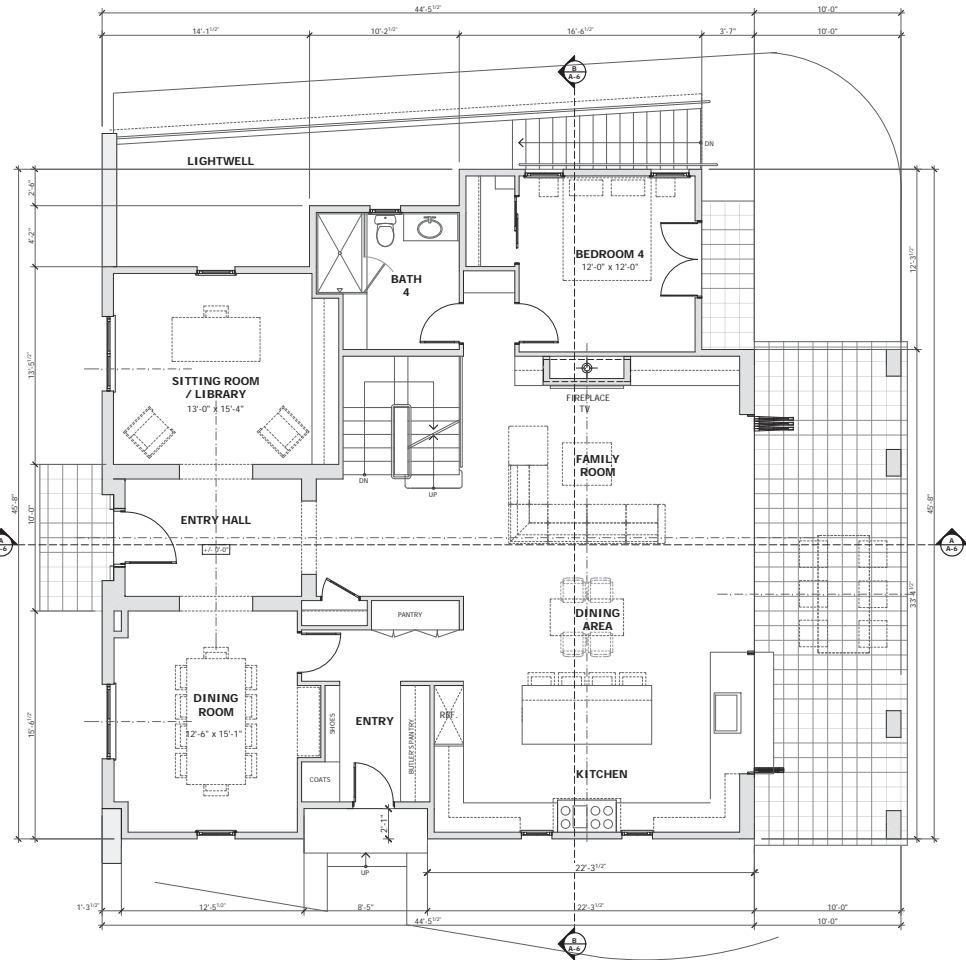
A-3.0

NOTE: NO HEATING DEVICE (HOT PLATE, OVEN, STOVETOP)
MAY BE ADDED TO THE BAR AREA IN THE FUTURE.

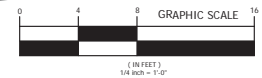
NOTE: NO HEATING DEVICE (HOT PLATE, OVEN, STOVETOP)
MAY BE ADDED TO THE BAR AREA IN THE FUTURE.



PROPOSED BASEMENT FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.
▲ PC3 2-15-17	D.Z.
▲ PC4 7-03-17	D.Z.

**PROPOSED
MAIN RESIDENCE
SECOND
FLOOR PLAN**

SQUARE - FOOTAGE
CALCULATION PLANS

DATE : 7-03-17

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

CHECKED BY : TS

ARCHITECT : TOM SLOAN

PROJECT NO : 16624

SHEET NUMBER

A-3.1

FLOOR AREA LIMIT CALCULATION

AREA	DIMENSIONS	SQ. FT.
A	16.54' x 2.48'	41.13
B	26.75' x 4.16'	111.30
C	40.89' x 5.64'	230.83
D	44.48' x 31.31'	1,392.69
E	12.46' x 2.06'	25.71
F	22.33' x 2.06'	46.01

FIRST FLOOR AREA = 1,847.67 SQ. FT.

+D1 4.58' x 0.91' 4.20

+D2 5.87' x 0.79' 4.60

FIRST FLOOR AREA = 1,847.27 SQ. FT.

G	15.12' x 11.64'	176.12
H	7.92' x 6.30'	49.83
I	16.54' x 11.45'	189.37
J	16.43' x 13.67'	224.63
K	14.82' x 3.66'	54.24
L	22.76' x 10.21'	232.38
M	37.88' x 11.64'	441.01

SECOND FLOOR AREA = 1,366.06 SQ. FT.

MAIN RESIDENCE 3,213.33 SQ. FT.

FLOOR AREA

N	25.33' x 17.03'	431.38
O	22.74' x 2.39'	54.39
P	10.29' x 6.50'	66.90
Q	17.00' x 6.76'	114.95
R	9.00' x 3.48'	31.36

SECONDARY DWELLING FLOOR AREA = 698.98 SQ. FT.

S 21.51' x 20.71' 445.64

GARAGE FLOOR AREA = 445.64 SQ. FT.

TOTAL FAL 4,357.95 SQ. FT.

BUILDING COVERAGE CALCULATION

AREA	DIMENSIONS	SQ. FT.
------	------------	---------

MAIN RESIDENCE -D1+D2 1,847.67

FIRST FLOOR AREA

U 33.37' x 10.00' 333.75

TOTAL RESIDENCE COVERAGE 2,181.42

SEC. DWELLING FLOOR AREA 698.98

V 5.41' x 6.50' 35.19

W 5.00' x 2.00' 10.00

TOTAL SEC. DWELLING COVERAGE 744.17

GARAGE FLOOR AREA 445.64

TOTAL GARAGE COVERAGE 445.64

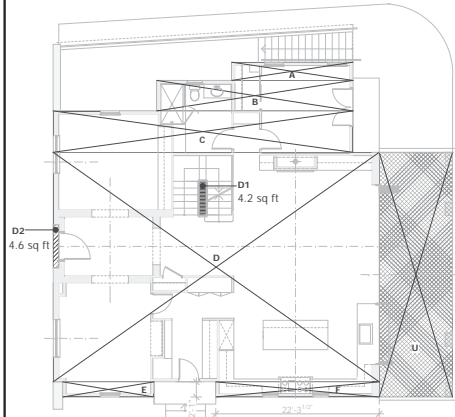
TOTAL BUILDING COVERAGE 3,371.23 SQ. FT.

GRAPHIC SCALE

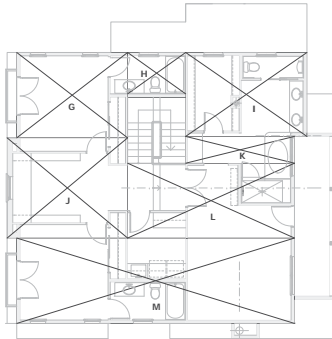


(IN FEET)

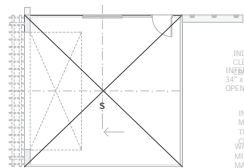
1 inch = 8 ft.



FIRST FLOOR DIAGRAM



SECOND FLOOR DIAGRAM



GARAGE DIAGRAM

INDICATES LEVEL MANEUVERING CLEARANCE AT INTERIOR DOORS
INTERIOR DOOR SWEEP 3/8" SEC 1132A.3
3/4" x 1/2" MIN. 1/2" CLEAR OPENING - TYP.

INDICATES 30" x 48" CLEAR MANEUVERING SPACE OUTSIDE THE SWING OF THE DOOR / W/ 3/8" SWEEP SEC 1131A MIN. 30" WIDE MAX 5% SLOPE SLIP - RESISTANT SURFACE - TYP.

LEVEL FLOOR LANDING EACH SIDE OF THE EXIT DOOR W/ MANEUVERING CLEARANCES AND MAX 1/2" CHANGES IN ELEVATION AT 45 DEGREE ANGLES TO THE 30" WIDE CLEARANCE TO THE DOOR FRONT OR PARALLEL APPROACH AT ALL APPLIANCES / SEC SEC 1133A

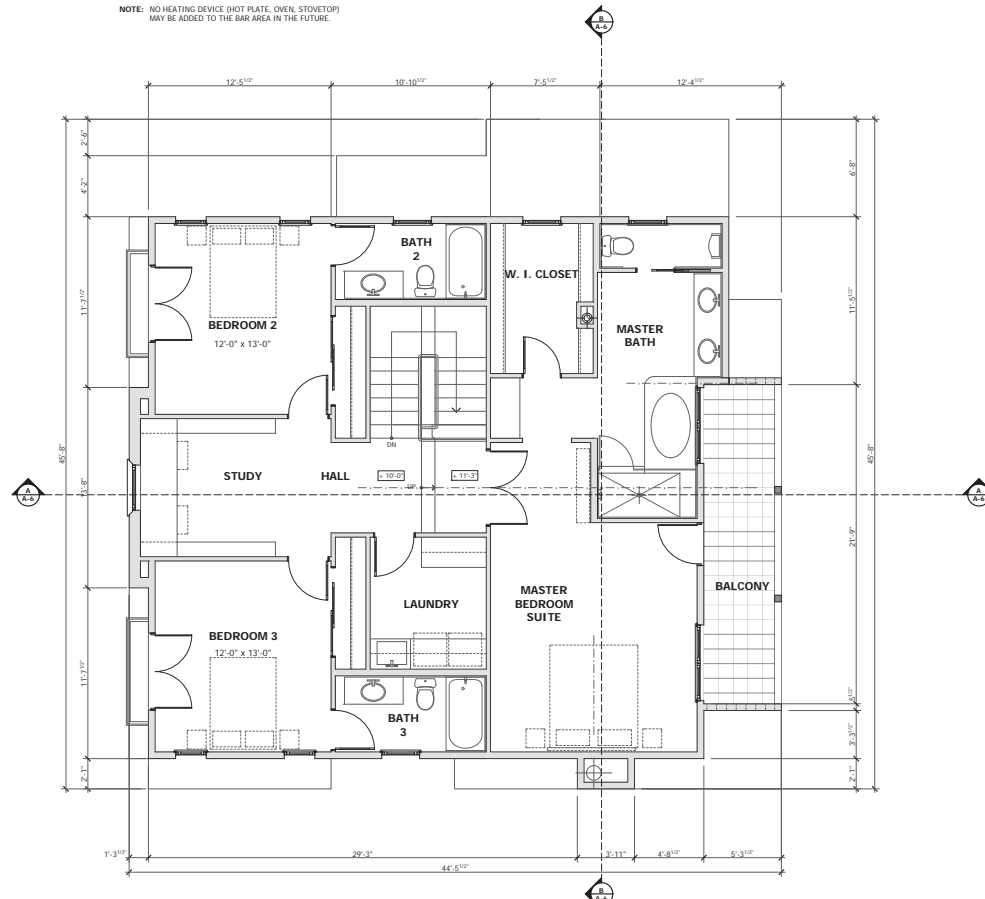
30" WIDE COUNTER TOP COUNTER INSTALLATION WITH REMOVABLE BASE CABINET AND FINISH TOP BENEATH THE SINK / SEC 1133A

SECONDARY DWELLING DIAGRAM

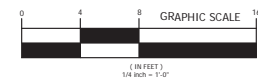
FAL & BUILDING COVERAGE CALCULATION DIAGRAM

SCALE: 1/8" = 1'-0"

NOTE: NO HEATING DEVICE (HOT PLATE, OVEN, STOVETOP) MAY BE ADDED TO THE BAR AREA IN THE FUTURE.



PROPOSED SECOND FLOOR PLAN



(IN FEET)

1/4 inch = 1'-0"

PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

▲ PC1 10-11-16	D.Z.
▲ PC2 11-11-16	D.Z.
▲ PC3 2-15-17	D.Z.

**PROPOSED
SECONDARY
DWELLING AND
GARAGE
FLOOR PLAN**

DATE : 7-03-17

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

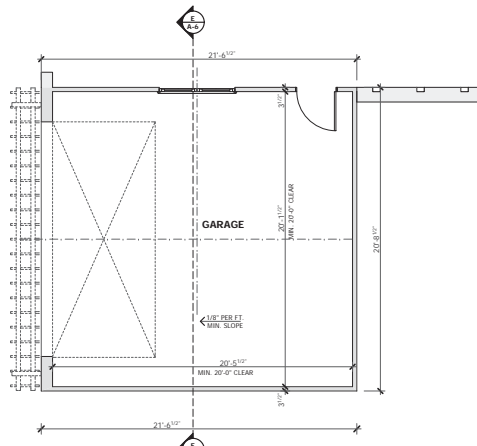
CHECKED BY : TS

ARCHITECT : TOM SLOAN

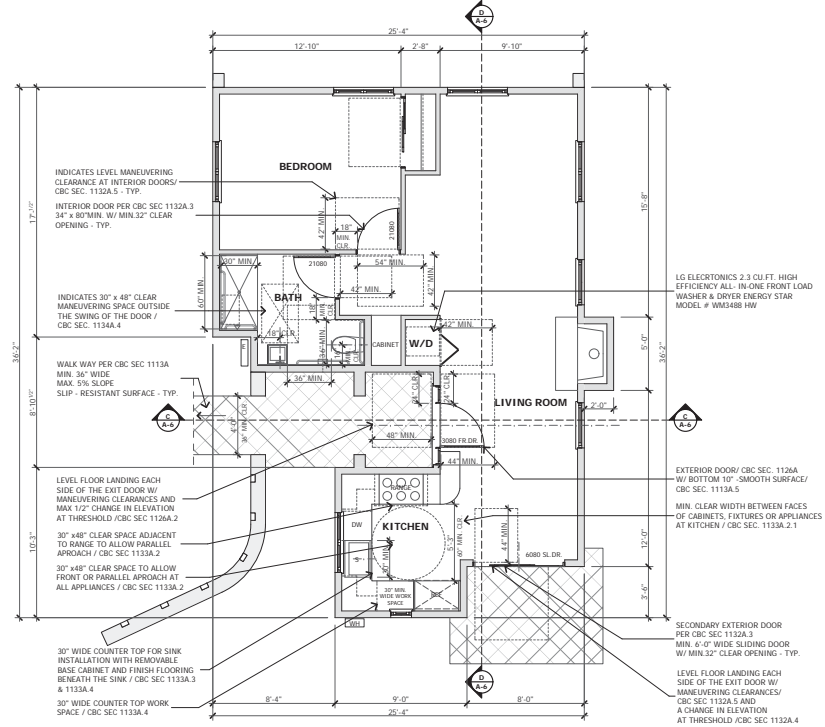
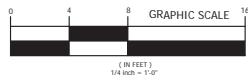
PROJECT NO : 16624

SHEET NUMBER

A-3.2



**PROPOSED GARAGE
FLOOR PLAN**



**PROPOSED SECONDARY DWELLING
FLOOR PLAN**

PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

△ PC1 10-11-16	D.Z.
△ PC2 11-15-16	D.Z.
△ PC3 2-15-17	D.Z.
△ PC4 7-03-17	D.Z.

**PROPOSED
ROOF PLANS**

DATE : 7-03-17

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

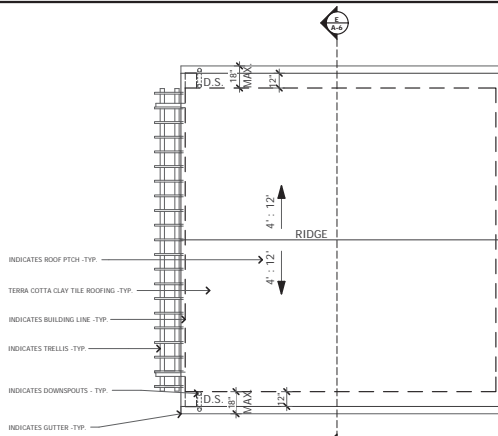
CHECKED BY : TS

ARCHITECT : TOM SLOAN

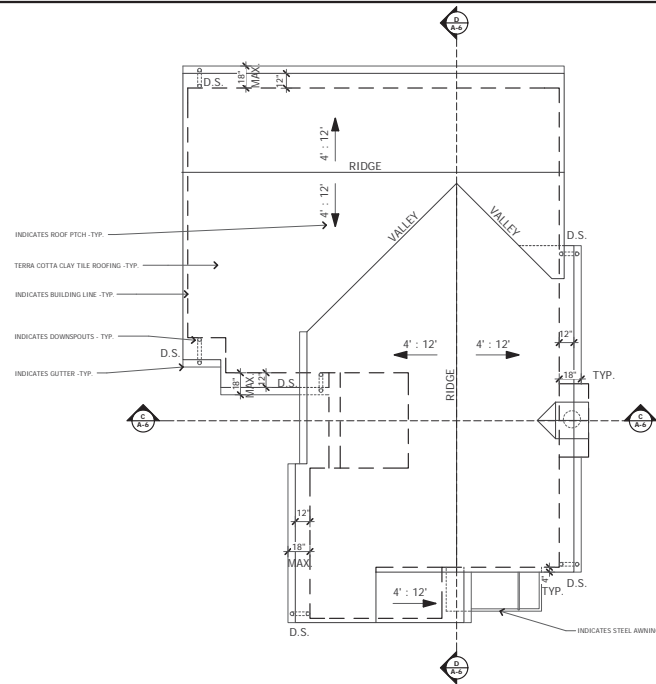
PROJECT NO : 16624

SHEET NUMBER

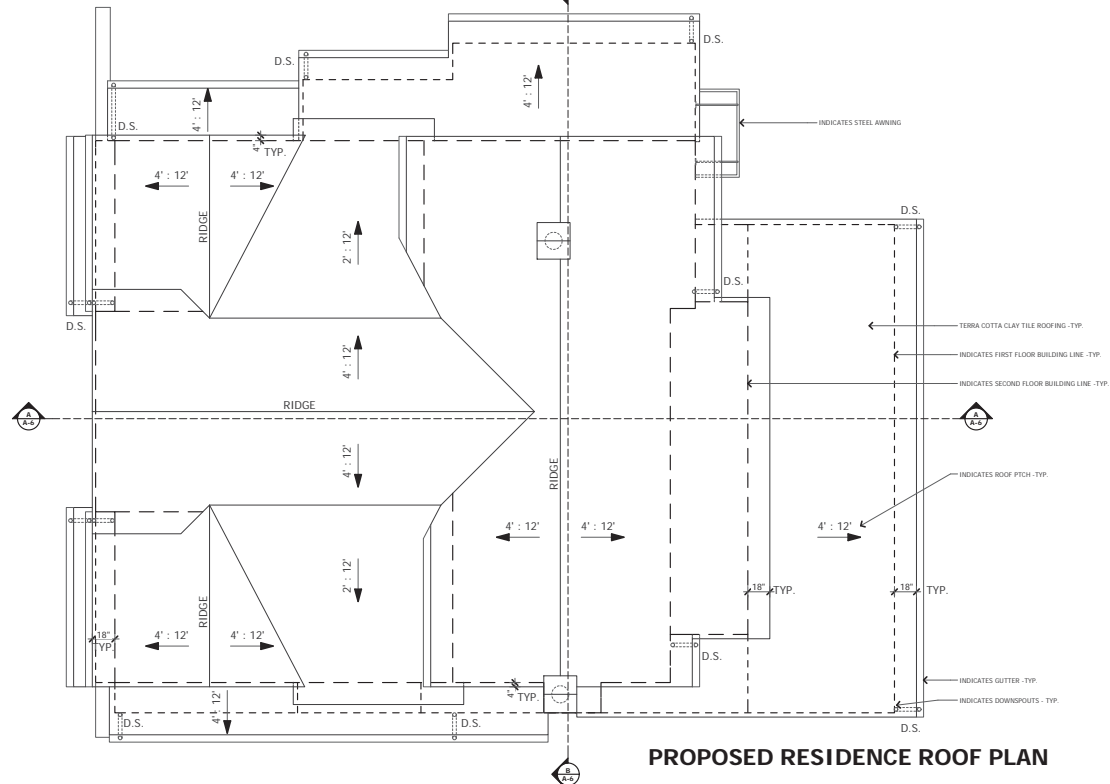
A-4



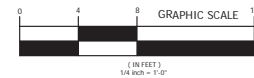
**PROPOSED GARAGE
ROOF PLAN**



**PROPOSED SECONDARY DWELLING
ROOF PLAN**



PROPOSED RESIDENCE ROOF PLAN





METRO
DESIGN
GROUP

ARCHITECTURE-PLANNING-INTERIORS

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PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

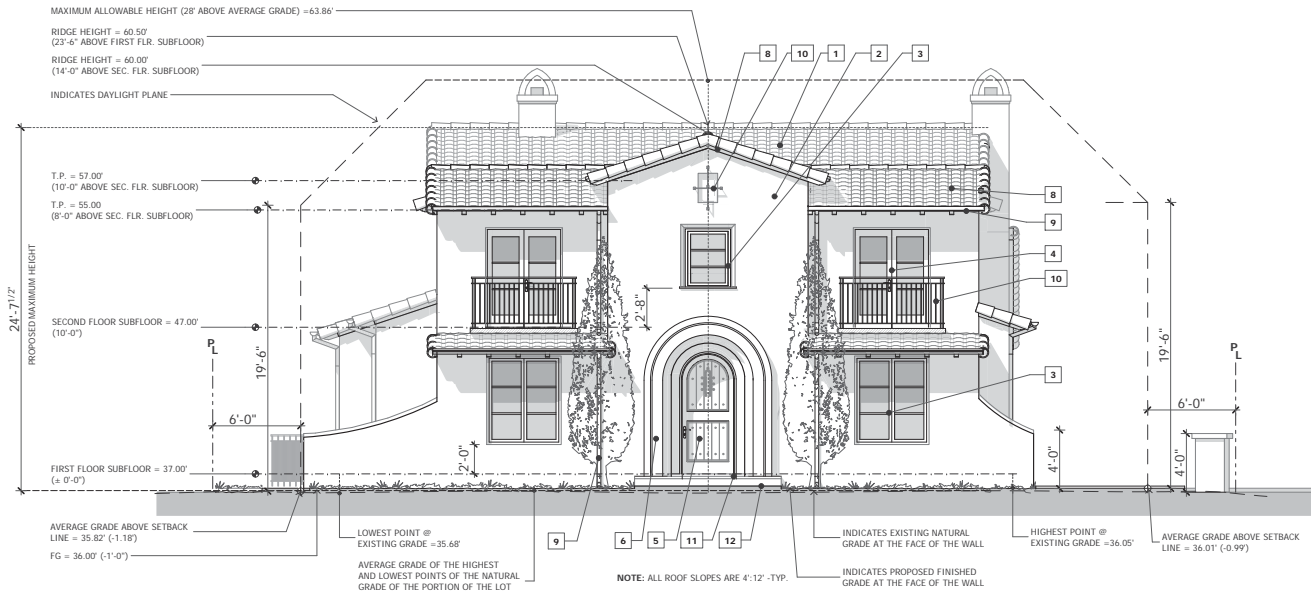
NO.	DESCRIPTION	DATE
1	PC1 10-11-16	D.Z.
2	PC2 11-15-16	D.Z.
3	PC3 2-15-17	D.Z.
4	PC4 7-03-17	D.Z.

**PROPOSED
EXTERIOR
ELEVATIONS**

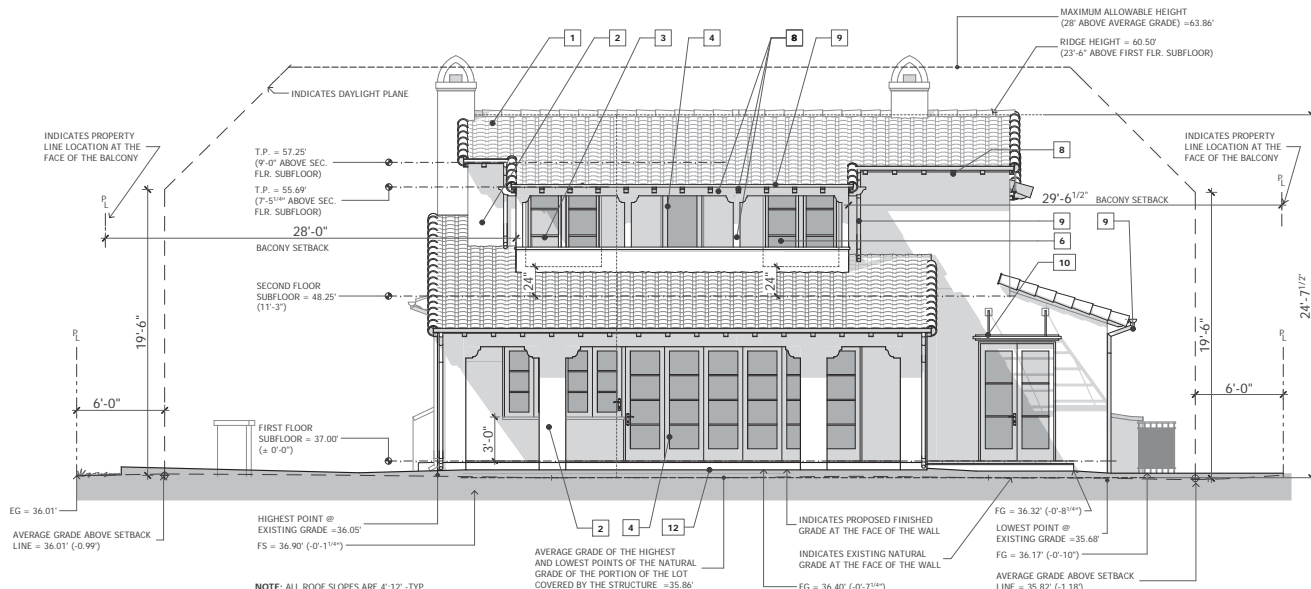
DATE : 7-03-17
SCALE : 1/4" = 1'-0"
DRAWN BY : D.Z.
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

A-5.0



NORTHWEST (FRONT) ELEVATION



SOUTHEAST (REAR) ELEVATION



NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.

REVISIONS

NO.	DESCRIPTION	D.Z.
1	PC1 10-11-16	D.Z.
2	PC2 11-15-16	D.Z.
3	PC3 2-15-17	D.Z.
4	PC4 7-03-17	D.Z.

**PROPOSED
EXTERIOR
ELEVATIONS**

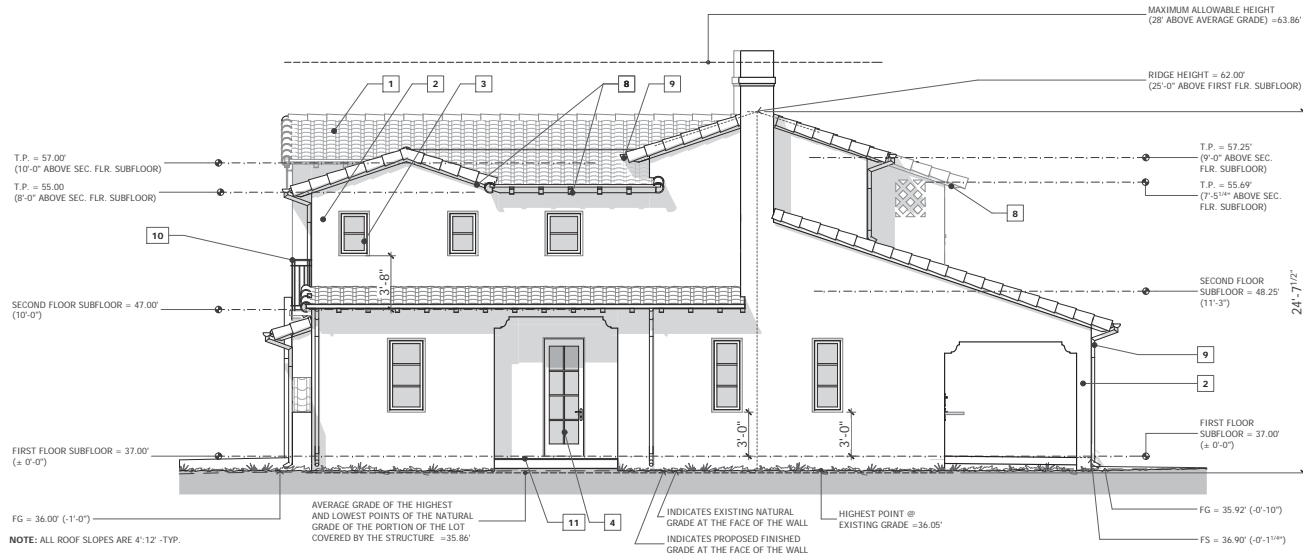
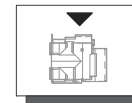
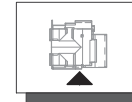
DATE : 7-03-17
SCALE : 1/4" = 1'-0"
DRAWN BY : D.Z.
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

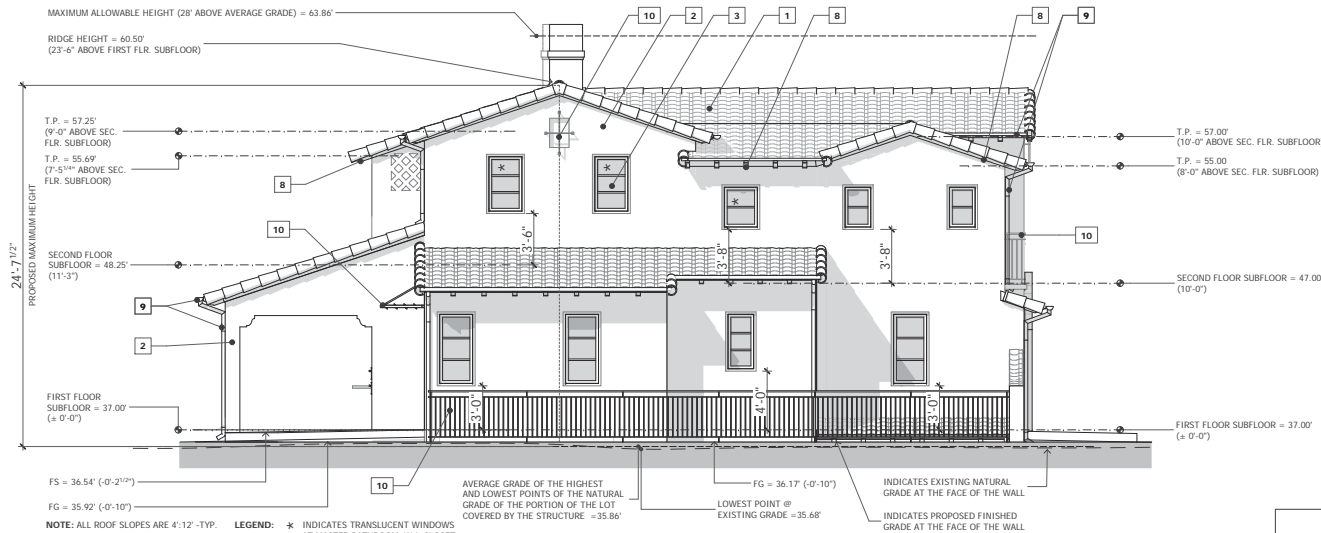
A-5.1

EXTERIOR FINISHES

- 1] ROOF: MISSION CLAY TILE - CAP AND PAN
COLOR INTEGRAL STUCCO PLASTER
WHITE HARD TROWELED FINISH
- 2] EXTERIOR WALLS: "MARVIN" ULTIMATE PUSH OUT
FRENCH CASEMENT CLAD WOOD
W/SIMULATED DIVIDED LITES WITH
SPACE BAR - BRONZE COLOR
- 3] WINDOWS: "MARVIN" ULTIMATE PUSH OUT
FRENCH CASEMENT CLAD WOOD
W/SIMULATED DIVIDED LITES WITH
SPACE BAR - BRONZE COLOR
- 4] DOORS: "MARVIN" ULTIMATE PUSH OUT
FRENCH CASEMENT CLAD WOOD
W/SIMULATED DIVIDED LITES WITH
SPACE BAR - BRONZE COLOR
- 5] ENTRY DOOR: CUSTOM STAINED WOOD DOOR
- 6] ARCHED ENTRY DOOR, PARAPET CAP: CAST STONE
- 7] GARAGE DOORS: CUSTOM "CARRIAGE"
WOOD STAINED DOOR - BROWN
- 8] RAFTER TAILS, BARGE BOARD, ROOF DECKING @ O/HANGS, BLOCKINGS, TRELLIS: STAINED WOOD - BROWN
- 9] GUTTERS & DOWNSPOUTS: 6" HALF ROUND COPPER GUTTERS AND 3" ROUND COPPER DOWNSPOUTS
- 10] ARTISTIC IRON WORK, RAILINGS, AWNINGS: IRON - POWDER COATED
BLACK COLOR
- 11] STEPS, STAIRS, TERRACE, LIGHTWELL: TERRA COTTA STONE TILES
- BROWN COLOR
- 12] DRIVEWAY, WALKWAYS AND PATIOS PERMEABLE PAVERS: ECO-FRIENDLY SF-RIMA PERMEABLE
PAVEMENT - TUMBLED TAN CHARCOAL
COLOR BY "BASALITE"



SOUTHWEST (RIGHT SIDE) ELEVATION



NORTHEAST (LEFT SIDE) ELEVATION

REVISIONS

▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.
▲	PC3 2-15-17	D.Z.

PROPOSED SECOND DWELLING EXTERIOR ELEVATIONS

DATE : 7-03-17

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

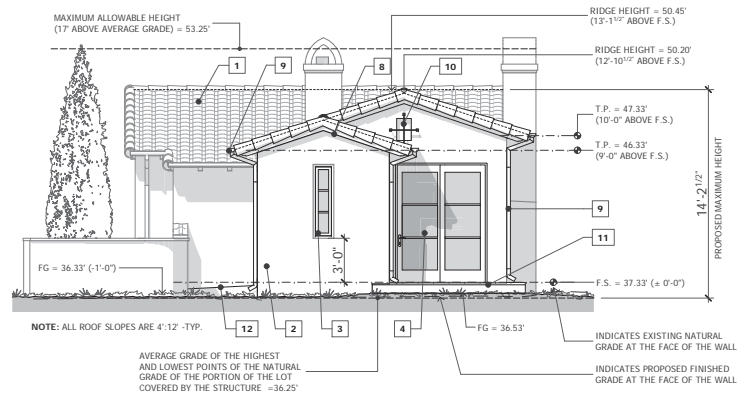
CHECKED BY : TS

ARCHITECT : TOM SLOAN

PROJECT NO : 16624

SHEET NUMBER

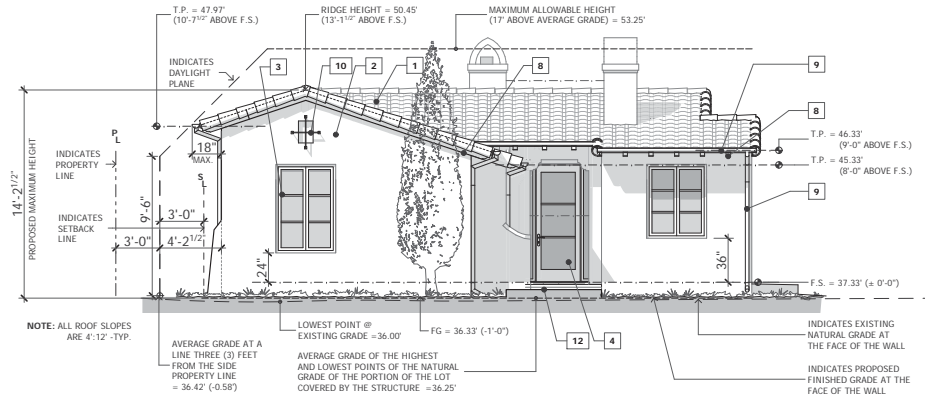
A-5.2



SOUTHWEST (RIGHT SIDE) ELEVATION

- EXTERIOR FINISHES**
- 1 ROOF: MISSION CLAY TILE - CAP AND PAN
 - 2 EXTERIOR WALLS: COLOR INTEGRAL STUCCO PLASTER WHITE HARD TROWELED FINISH
 - 3 WINDOWS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASSETTE CLAD WOOD W/INSULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
 - 4 DOORS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASSETTE CLAD WOOD W/INSULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
 - 5 ENTRY DOOR: CUSTOM STAINED WOOD DOOR
 - 6 ARCHED ENTRY DOOR, PARAPET CAP: CAST STONE
 - 7 GARAGE DOORS: CUSTOM "CARRIAGE" WOOD STAINED DOOR - BROWN
 - 8 RAFTER TAILS, BARGE BOARD, STAINED WOOD - BROWN
 - 9 ROOF DECKING @ O/HANGS, BLOCKINGS, TRELLIS:
 - 10 GUTTERS & DOWNSPOUTS: 6" HALF ROUND COPPER GUTTERS AND 3" ROUND COPPER DOWNSPOUTS
 - 11 ARTISTIC IRON WORK, RAILINGS, AWNINGS: IRON - POWDER COATED BLACK COLOR
 - 12 STEPS, STAIRS, TERRACE, LIGHTWELL: TERRA COTTA STONE TILES - BROWN COLOR
 - 13 DRIVEWAY, WALKWAYS AND PATIOS PERMEABLE PAVERS: ECO-FRIENDLY SF-RIMA PERMEABLE PAVEMENT - TUMBLE TAN CHARCOAL COLOR BY "BASALITE"

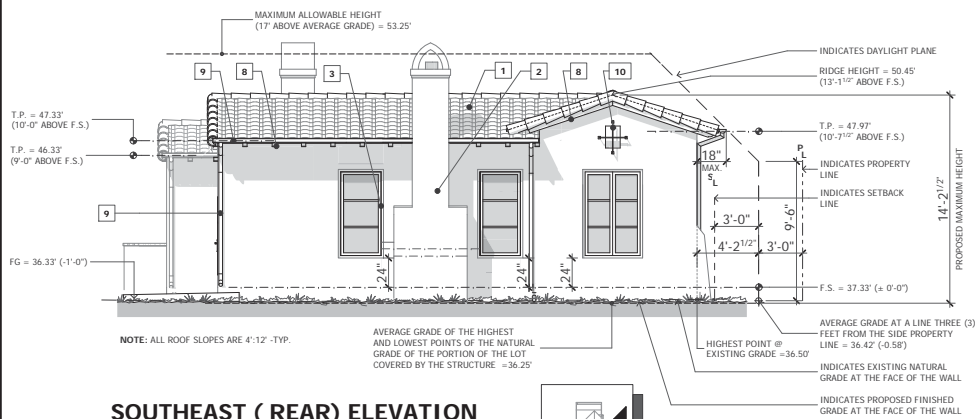
NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.



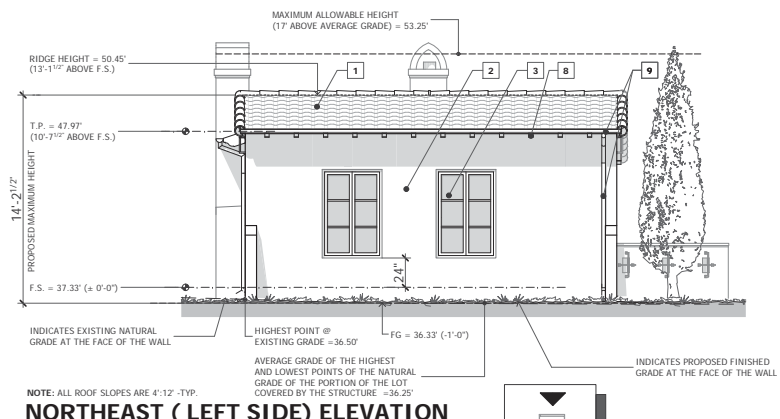
NORTHWEST (FRONT) ELEVATION

EXTERIOR FINISHES

- 1 ROOF: MISSION CLAY TILE - CAP AND PAN
- 2 EXTERIOR WALLS: COLOR INTEGRAL STUCCO PLASTER WHITE HARD TROWELED FINISH
- 3 WINDOWS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASSETTE CLAD WOOD W/INSULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
- 4 DOORS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASSETTE CLAD WOOD W/INSULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
- 5 ENTRY DOOR: CUSTOM STAINED WOOD DOOR
- 6 ARCHED ENTRY DOOR, PARAPET CAP: CAST STONE
- 7 GARAGE DOORS: CUSTOM "CARRIAGE" WOOD STAINED DOOR - BROWN



SOUTHEAST (REAR) ELEVATION



NORTHEAST (LEFT SIDE) ELEVATION



METRO
DESIGN
GROUP

ARCHITECTURE-PLANNING-INTERIORS

1475 S BASCOM AVE SUITE 208
CAMPBELL, CA 95008
(408)711-1071 phone
(408)711-1072 fax
www.metroarchitects.com

The plans, ideas and design on this drawing are the property of the designer divided solely for this contract. Plans shall not be used, in whole or in part, for any purpose for which they were not intended without the written permission of METRO DESIGN GROUP.

PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

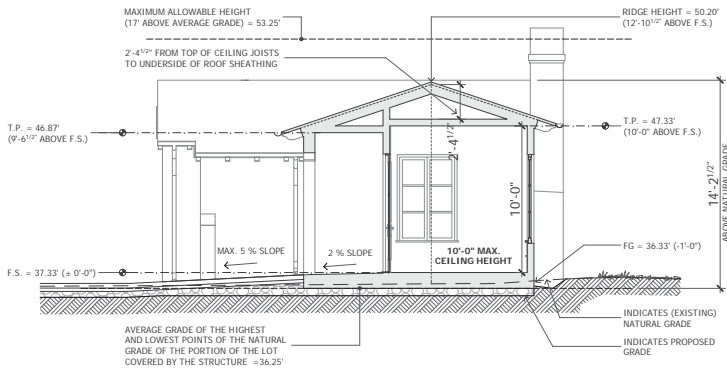
△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.
△	PC3 2-15-17	D.Z.

**SECONDARY
DWELLING
& GARAGE
CROSS SECTIONS**

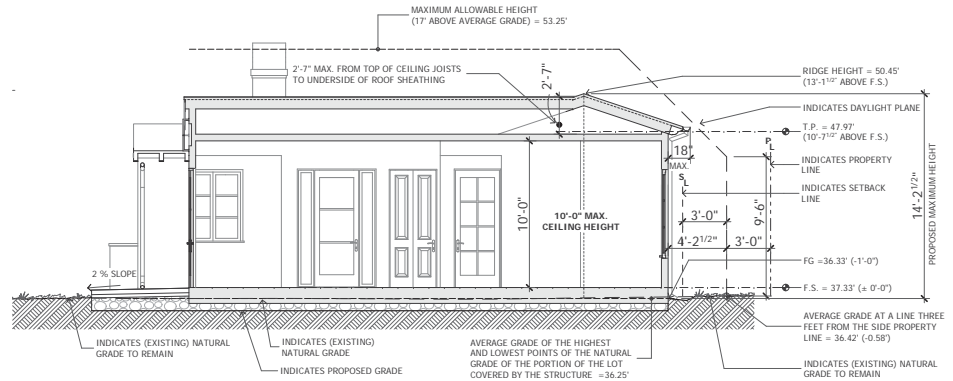
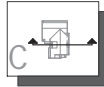
DATE : 7-03-17
SCALE : 1/4" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

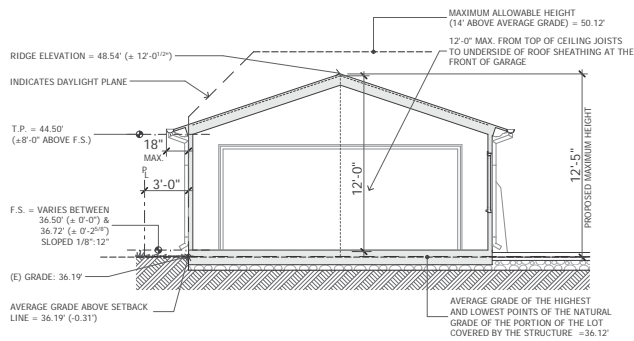
A-6.1



**SECONDARY DWELLING
SECTION C**



**SECONDARY DWELLING
SECTION D**



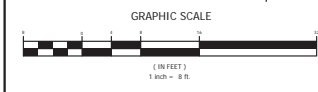
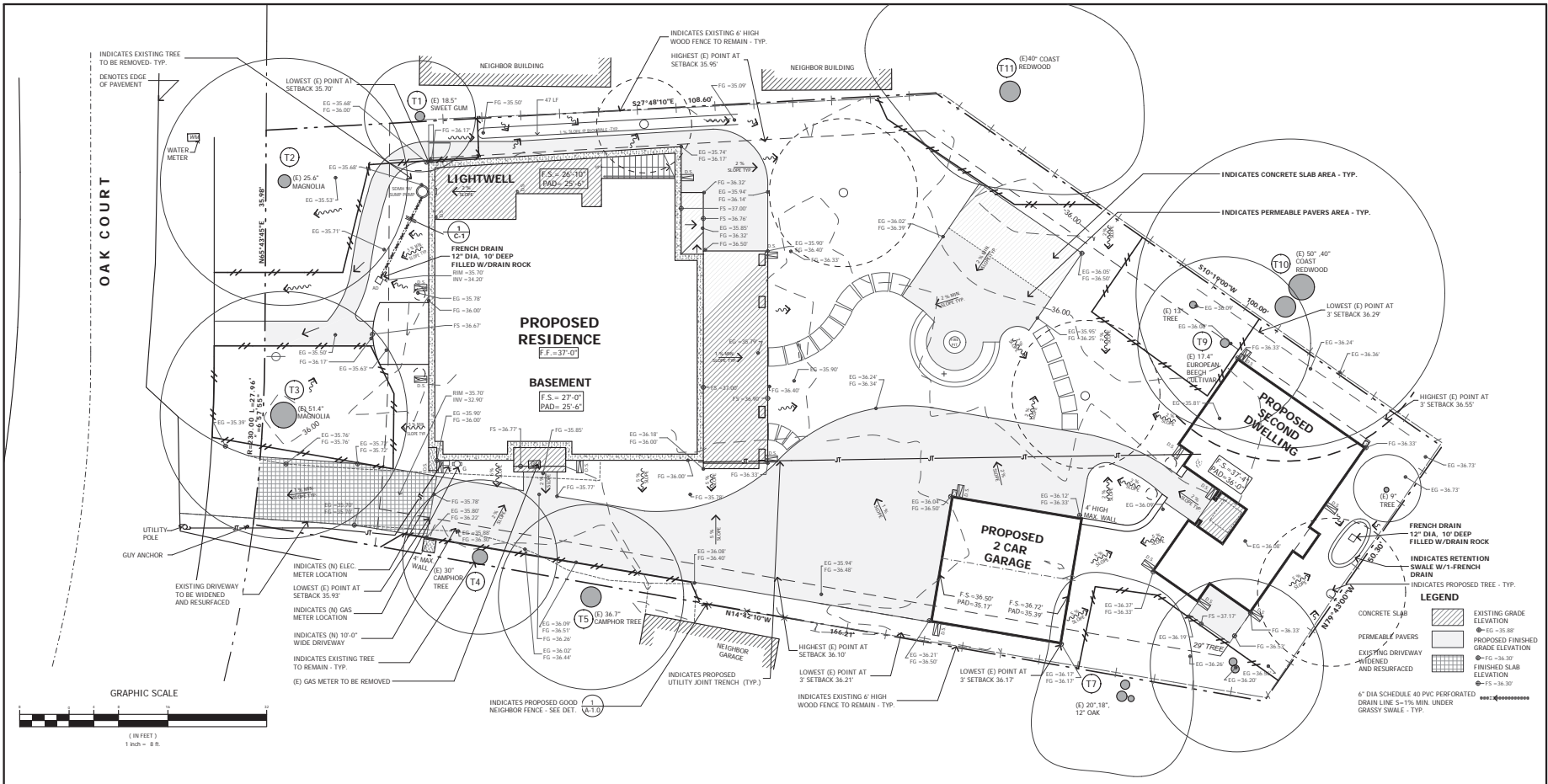
**GARAGE
SECTION E**



NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.

REVISIONS

▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.
▲	PC3 2-15-17	D.Z.



STANDARD GRADING PLAN NOTES

- PRIOR TO THE COMMENCEMENT OF ANY EARTHWORK/GRADING ACTIVITIES, THE PERMITEE SHALL ARRANGE A PRE-CONSTRUCTION MEETING. THE MEETING SHALL INCLUDE THE CITY OF MENLO PARK GRADING INSPECTOR, THE GRADING CONTRACTOR AND THE PROJECT SOILS ENGINEER. THE PERMITEE OR REPRESENTATIVE SHALL ARRANGE THE PRE-CONSTRUCTION MEETING AT LEAST 48 HOURS PRIOR TO THE START OF ANY EARTHWORK/GRADING ACTIVITIES.
- APPROVAL OF THIS PLAN APPLIES ONLY TO THE EXCAVATION, PLACEMENT AND COMPACTON OF NATURAL EARTH. THIS APPROVAL DOES NOT CONFER ANY RIGHT OF ENTRY TO EITHER PUBLIC PROPERTY OR THE PRIVATE PROPERTY OF OTHERS. APPROVAL OF THIS PLAN DOES NOT CONSTITUTE APPROVAL OF ANY IMPROVEMENTS. ANY PROPOSED IMPROVEMENTS ARE SUBJECT TO REVIEW AND APPROVAL BY THE RESPONSIBLE AUTHORITIES AND ALL OTHER PERMITS/APPROVALS SHALL BE OBTAINED.
- IT SHALL BE THE RESPONSIBILITY OF THE PERMITEE TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES.
- THE PERMITEE SHALL MAINTAIN ALL STREETS, SIDEWALKS AND OTHER PUBLIC RIGHT OF WAYS IN A CLEAN, SAFE AND USABLE CONDITION. ALL SPILLS OF SOIL, ROCK OR CONSTRUCTION DEBRIS SHALL BE REMOVED FROM PUBLIC PROPERTY. ALL ADJACENT PROPERTY BOTH PUBLIC AND PRIVATE, SHALL BE MAINTAINED IN A CLEAN SAFE AND USABLE CONDITION.
- ALL GRADING AND EARTHWORK ACTIVITIES SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH STANDARDS ESTABLISHED BY THE BAY AREA QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICLES.
- THIS PLAN SHALL NOT APPROVE THE REMOVAL OF ANY TREES APPROPRIATE TREE REMOVAL PERMITS SHALL BE OBTAINED FROM THE COMMUNITY DEVELOPMENT DEPARTMENT. ANY REQUIRED TREE PROTECTION MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL GRADING AND EARTHWORK ACTIVITIES SHALL CONFORM TO THE APPROVED PLANS AND SPECIFICATIONS. ALL GRADING AND EARTHWORK ACTIVITIES SHALL BE OBSERVED AND APPROVED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS PRIOR TO ANY GRADING OR EARTHWORK ACTIVITIES. UNOBSERVED OR UNAPPROVED WORK SHALL BE REMOVED AND REPLACED UNDER OBSERVATION OF THE PROJECT SOILS ENGINEER.
- ALL CONSTRUCTION SITE ARE TO BE WINTERIZED WITH APPROPRIATE EROSION CONTROL MEASURES IN PLACE BY OCTOBER 15TH TO APRIL 15TH OF EACH YEAR.

LEGEND

DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE	---	---
CENTER LINE	---	---
SECTION LINE	---	---
EDGE OF PAVEMENT	---	---
CURB AND GUTTER	---	---
DRAINAGE FLOW DIRECTION	---	---
FENCE (TYPE)	---	---
SPLASH BLOCK/ENERGY DISSIPATOR	---	---
STORM DRAIN LINE	---	---
SAWTOOTH MANHOLE	---	---
STORM MANHOLE	---	---
STANDARD HOODED INLET	---	---
LARGE HOODED INLET	---	---
FLAT GRATE INLET	---	---
GAS LINE	---	---
WATER LINE	---	---
GRADE ELEVATION	---	---
TREE	---	---
EXISTING GAS LINE TO BE REMOVED	---	---
NEW GAS LINE	---	---
NEW WATER LINE	---	---
NEW ELECTRIC LINE	---	---
JOINT TRENCH	---	---
NEW SANITARY SEWER LINE	---	---

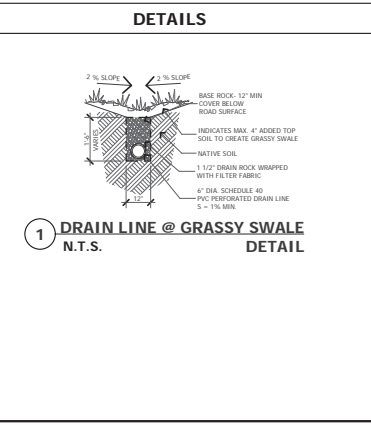
NOTES

NOTE: GEOTECHNICAL FIELD INSPECTION -
 THE GEOTECHNICAL CONSULTANT SHALL INSPECT, TEST (AS NEEDED), AND APPROVE ALL GEOTECHNICAL ASPECTS OF THE PROJECT CONSTRUCTION. THE INSPECTIONS SHOULD INCLUDE, BUT NOT NECESSARILY BE LIMITED TO: SITE PREPARATION AND GRADING, SITE SURFACE AND SUBSURFACE CHANGE IMPROVEMENTS AND EXCAVATIONS FOR FOUNDATIONS AND RETAINING WALLS PRIOR TO THE PLACEMENT OF STEEL AND CONCRETE. THE CONSULTANT SHALL VERIFY THAT FILL MATERIALS PLACED ON SLOPING GRADING ARE PROPERLY KEYED AND BENCHED INTO SUPPORTIVE MATERIALS, AS NECESSARY.

NOTES:

- ALL ROOF RAINWATER LEADERS ARE TO BE DISCHARGED ONTO SPLASH BLOCKS, WHICH ARE DESIGNED TO SPREAD OUT THE RAIN WATER SO THAT IT ENTERS THE LANDSCAPED AREAS AS SHEET FLOW.

TOPO SURVEY & CHRISTENSEN & PLOUFF LAND SURVEYING
 CONTACT: KACIE A. PLOUFF PLS 9013
 1250 OAKMEAD PARKWAY #210
 SUNNYVALE, CA 94085
 (408) 755-9784 PHONE



CONCEPTUAL GRADING AND DRAINAGE PLAN

DATE : 7-03-17
 SCALE : 1/8" = 1'-0"
 DRAWN BY : D.Z.
 CHECKED BY : TS
 ARCHITECT : TOM SLOAN
 PROJECT NO : 16624

SHEET NUMBER
C-1

PROJECT NAME
445 OAK COURT RESIDENCE

445 OAK COURT
MENLO PARK, CA 95025

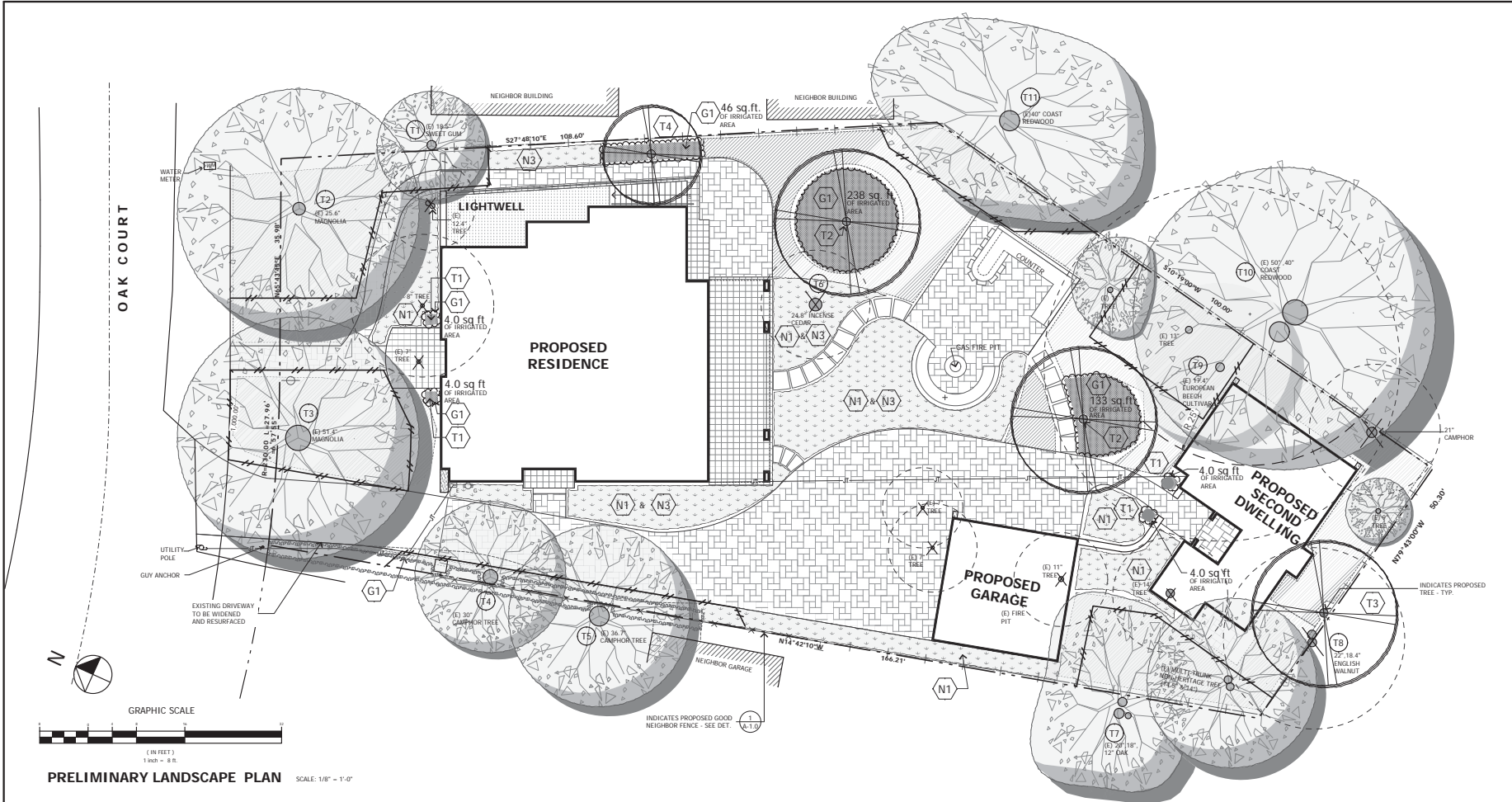
REVISIONS		
△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.
△	PC3 2-15-17	D.Z.

PRELIMINARY LANDSCAPE PLAN

DATE : 7-03-17
SCALE : 1/8" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

L-1



PRELIMINARY LANDSCAPE PLAN SCALE: 1/8" = 1'-0"

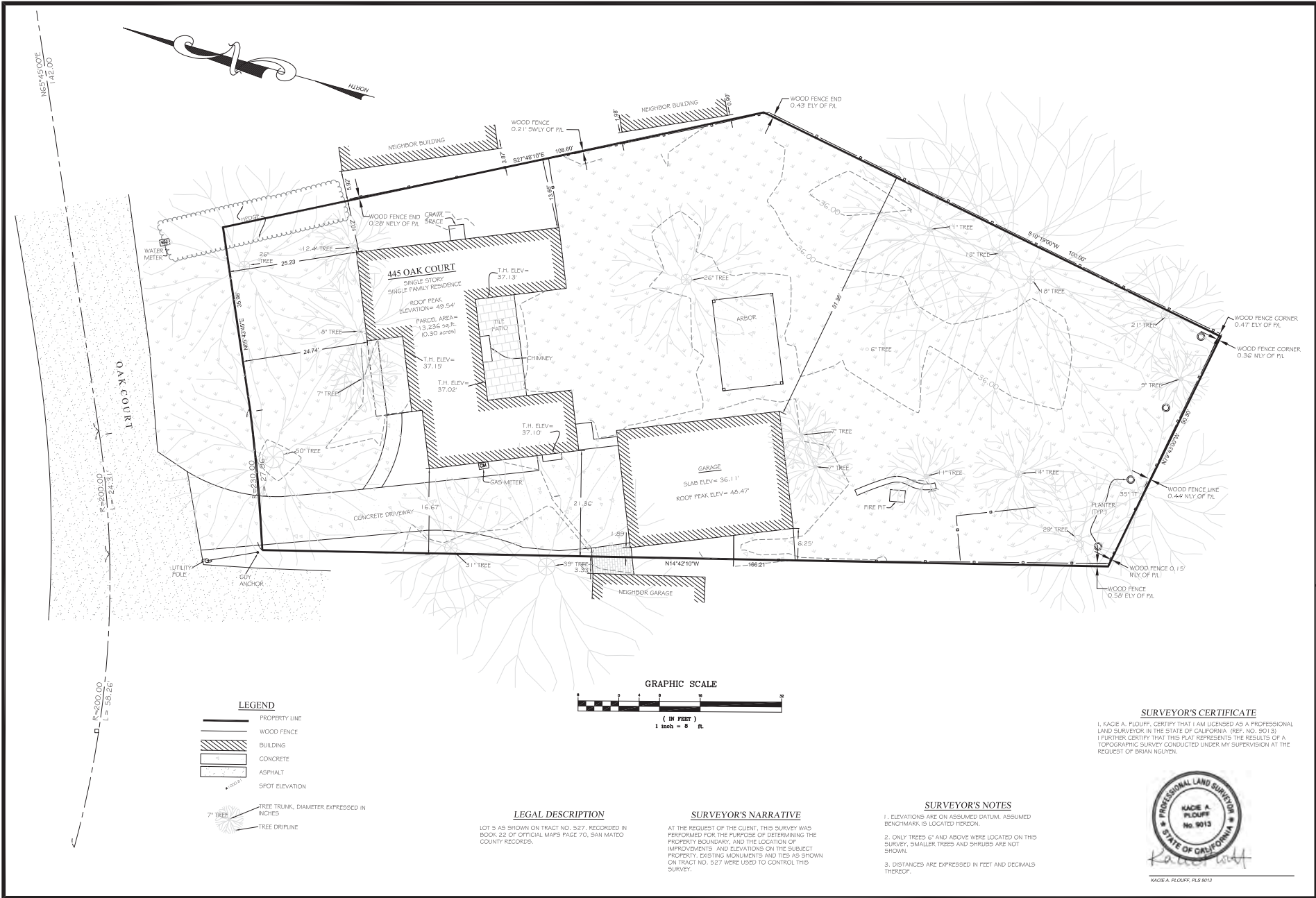
SITE PLAN LEGEND	
PROPERTY LINE	---
(E) GRADE CONTOUR LINE	- - -
(E) FENCE TO REMAIN	+
(E) FENCE TO REMAIN	X
TREE PROTECTION FENCE	---/---
PROPOSED BUILDING	▭
PROPOSED CONCRETE TO LIGHTWELL	▭
PROPOSED PRECAST CONCRETE PAVEMENT @ PATIO/ WALKWAY/ DRIVEWAY	▭
PROPOSED TILED AREAS	▭
EXISTING TREE TO REMAIN	①
MULCH - GROUND COVER AT IRRIGATED AREAS	▭
DECORATIVE MULCH - GROUND COVER AT NON-IRRIGATED AREAS	▭
DROUGHT RESISTANT NATIVE GRASSES AND GROUND COVERS NON-IRRIGATED AREAS	▭
PROPOSED TREE	②
EXISTING TREE TO BE REMOVED	③
PROPOSED BOXWOOD HEDGE	▭

EXISTING TREE LEGEND					
PER ARBORIST REPORT DATED 6/8/2016 PREPARED BY WALTER LEVISON					
TREE TAG NO.	GENUS & SPECIES	COMMON NAME	TREE SIZE	ON SITE/ OFF SITE	HERITAGE TREE STATUS
1	LIQUIDAMBAR STYRACIFLUA	SWEET GUM	18.5"	OFF SITE	YES TO REMAIN
2	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	25.6"	ON SITE	YES TO REMAIN
3	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	51.4"	ON SITE	YES TO REMAIN
4	CINNAMOMUM CAMPHORA	CAMPHOR TREE	30"	ON SITE	YES TO REMAIN
5	CINNAMOMUM CAMPHORA	CAMPHOR TREE	36.7"	ON SITE	YES TO REMAIN
6	CALOCEDRUS DECURRENS	INCENSE CEDAR	24.8"	ON SITE	YES TO BE REMOVED
7	QUERCUS AGRIFOLIA	COAST LIVE OAK	20", 18", 12"	OFF SITE	YES TO REMAIN
8	JUGLANS REGIA	ENGLISH WALNUT	22", 18.4"	ON SITE	YES TO BE REMOVED
9	FAGUS SYLVATICA	EUROPEAN BEECH CULTIVAR	17.4"	ON SITE	YES TO REMAIN
10	SEQUOIA SEMPERVIRENS	COAST REDWOOD	50", 40"	OFF SITE	YES TO REMAIN
11	SEQUOIA SEMPERVIRENS	COAST REDWOOD	40"	OFF SITE	YES TO REMAIN

PLEASE SEE THE ARBORIST REPORT FOR MORE INFORMATION

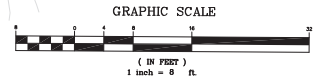
PLANT LEGEND					
KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY	IRRIGATION
NATIVE DROUGHT-TOLERANT GRASSES AND GROUND COVERS					
11	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL	IN FIELD	NON-IRRIGATED AREAS
12	ARTEMISA CALIFORNICA - "MONTANA"	CALIFORNIA SAGEBRUSH	1 GAL	IN FIELD	NON-IRRIGATED AREAS
13	CEANOTHUS - "YANKEE POINT"	WILD LILAC	1 GAL	IN FIELD	NON-IRRIGATED AREAS
GROUND COVER					
	MULCH				NON-IRRIGATED AREAS
SHRUBS					
14	BUXUS	BOXWOOD, BOX	1 GAL	IN FIELD	MAXIMUM 500 SQ. FT. OF IRRIGATED AREA
TREES - DESERT CONDITIONS, DROUGHT RESISTANT					
15	CUPRESSUS SEMPERVIRENS DWARF COMPACTA	DWARF ITALIAN CYPRESS	24" BOX	4	NON-IRRIGATED AREAS
16	ULMUS "MORTON"	ACCOLADE ELM	24" BOX	2	NON-IRRIGATED AREAS
17	GINKGO BILOBA	MAIDENHAIR	24" BOX	1	NON-IRRIGATED AREAS
18	PHOTINIA FRASERI	FRASIER PHOTINIA	24" BOX	1	NON-IRRIGATED AREAS

NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.
TREE SIZES ON SHEET A-1.0, A-1.1 & L-1:
ARE CONSISTENT WITH THE ARBORIST REPORT (3.0 / PAGE 5).
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.



LEGEND

- PROPERTY LINE
- WOOD FENCE
- ▨ BUILDING
- ▨ CONCRETE
- ▨ ASPHALT
- SPOT ELEVATION
- 7" TREE
- TREE TRUNK, DIAMETER EXPRESSED IN INCHES
- TREE DRILLINE



LEGAL DESCRIPTION

LOT 5 AS SHOWN ON TRACT NO. 527, RECORDED IN BOOK 22 OF OFFICIAL MAPS PAGE 70, SAN MATEO COUNTY RECORDS.

SURVEYOR'S NARRATIVE

AT THE REQUEST OF THE CLIENT, THIS SURVEY WAS PERFORMED FOR THE PURPOSE OF DETERMINING THE PROPERTY BOUNDARY, AND THE LOCATION OF IMPROVEMENTS AND ELEVATIONS ON THE SUBJECT PROPERTY. EXISTING MONUMENTS AND TIES AS SHOWN ON TRACT NO. 527 WERE USED TO CONTROL THIS SURVEY.

SURVEYOR'S NOTES

1. ELEVATIONS ARE ON ASSUMED DATUM. ASSUMED BENCHMARK IS LOCATED HEREON.
2. ONLY TREES 6" AND ABOVE WERE LOCATED ON THIS SURVEY. SMALLER TREES AND SHRUBS ARE NOT SHOWN.
3. DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

SURVEYOR'S CERTIFICATE

I, KACIE A. PLOUFF, CERTIFY THAT I AM LICENSED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF CALIFORNIA (REF. NO. 9013). I FURTHER CERTIFY THAT THIS PLAN REPRESENTS THE RESULTS OF A TOPOGRAPHIC SURVEY CONDUCTED UNDER MY SUPERVISION AT THE REQUEST OF BRIAN NUGEN.



KACIE A. PLOUFF, PLS 9013

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June 2, 2017

RECEIVED

JUN - 2 2017

City Clerk's Office
City of Menlo Park
701 Laurel St
Menlo Park, CA 94025

City Clerk's Office
City of Menlo Park

Re: Appeal to the City Council of the 445 Oak Court Use Permit Approved by the Planning Commission on May 22, 2017

To Whom It May Concern:

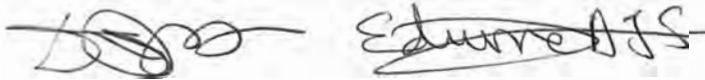
My wife and I are writing to formally appeal the Planning Commission's decision to approve the use permit for 445 Oak Court.

The primary reason for the appeal is that the City cannot make findings of Section 16.82.030. We reserve the right to present additional reasons for appeal in writing before and during the City Council meeting when this appeal is heard.

A check for the appeal fee accompanies this letter. Please confirm receipt to my email address below.

Thank you for your time and attention to this matter.

Regards,



David Jones & Edurne Jorda-Sierra
465 Oak Court, Menlo Park, CA 94025
davidlawjones@gmail.com
650-678-2208

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Negative Impacts of the 445 Oak Ct Proposed Development

David Jones & Edurne Jorda
465 Oak Court (Adjacent Neighbor)
Presentation to the City Council
On July 18, 2017

7 Serious Issues

Direct Impact to Us (Adjacent Neighbor)

1. Loss of Privacy
2. Loss of Solar Access
3. Loss of Significant Sky View
4. Health Concerns
5. Property Value

Direct Impact to Neighborhood

4. Changing the Character of the Neighborhood
5. Risks to Heritage Trees

Hired Quattro Studio, Architectural Design Firm

- Specializes in 3D visualizations
- Experience in Silicon Valley & Globally
- Buildings, Placement & Orientation – to scale, accurate and geospatially correct
- Based on:
 - Applicant's latest plans
 - Our floor plan and property details

Loss of Privacy – Backyard – Today



Loss of Privacy – Backyard – Future



Loss of Privacy – View from New House – 2nd Floor Window



Loss of Privacy – New House – 2nd Floor Balcony



Loss of Privacy – View from New House – 2nd Floor Balcony



Loss of Solar Access

- Includes direct sunlight and ambient natural light
- Includes loss:
 - through windows
 - inside the house
 - Exterior walls
 - Roof
 - Ground

Loss of Solar Access – Backyard – Future - Video

See solar study video at <https://youtu.be/yn481bnIjoE>

Loss of Solar Access – Video Analysis

- Building shadow impacts the roof
 - starts at 1:30pm
 - 3 hours, 24 minutes before sunset
 - → **34% of daylight hours**
- Blocking Light in our Home
 - Starts at 1:52pm
 - 3 hours, 2 minutes before sunset
 - → **30% of daylight hours**

Data for the fall day of Nov 21, 2017

Loss of Solar Access – Inside / Family Room – Today



Loss of Solar Access – Inside / Family Room – Future

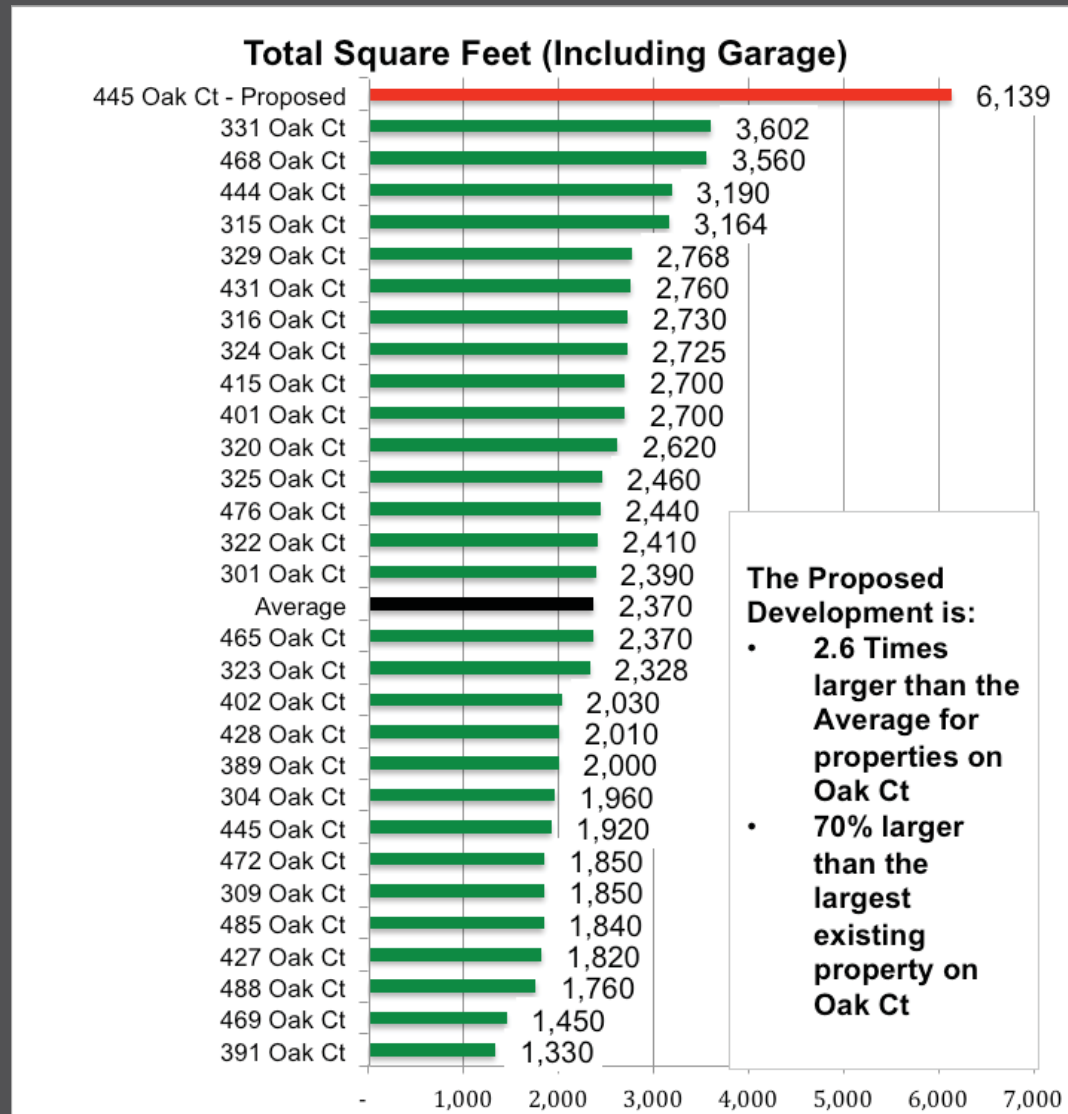


Loss of Solar Access – Impacts

- Enjoyment of home and property from blocked sunlight and natural light
 - 3 hours, 24 minutes on a fall day
 - Over 1/3rd (34%) of daylight hours!
 - Even more hours in summer!
- Natural heating (with corresponding direct cost)
- Can't add the solar electricity panels shown

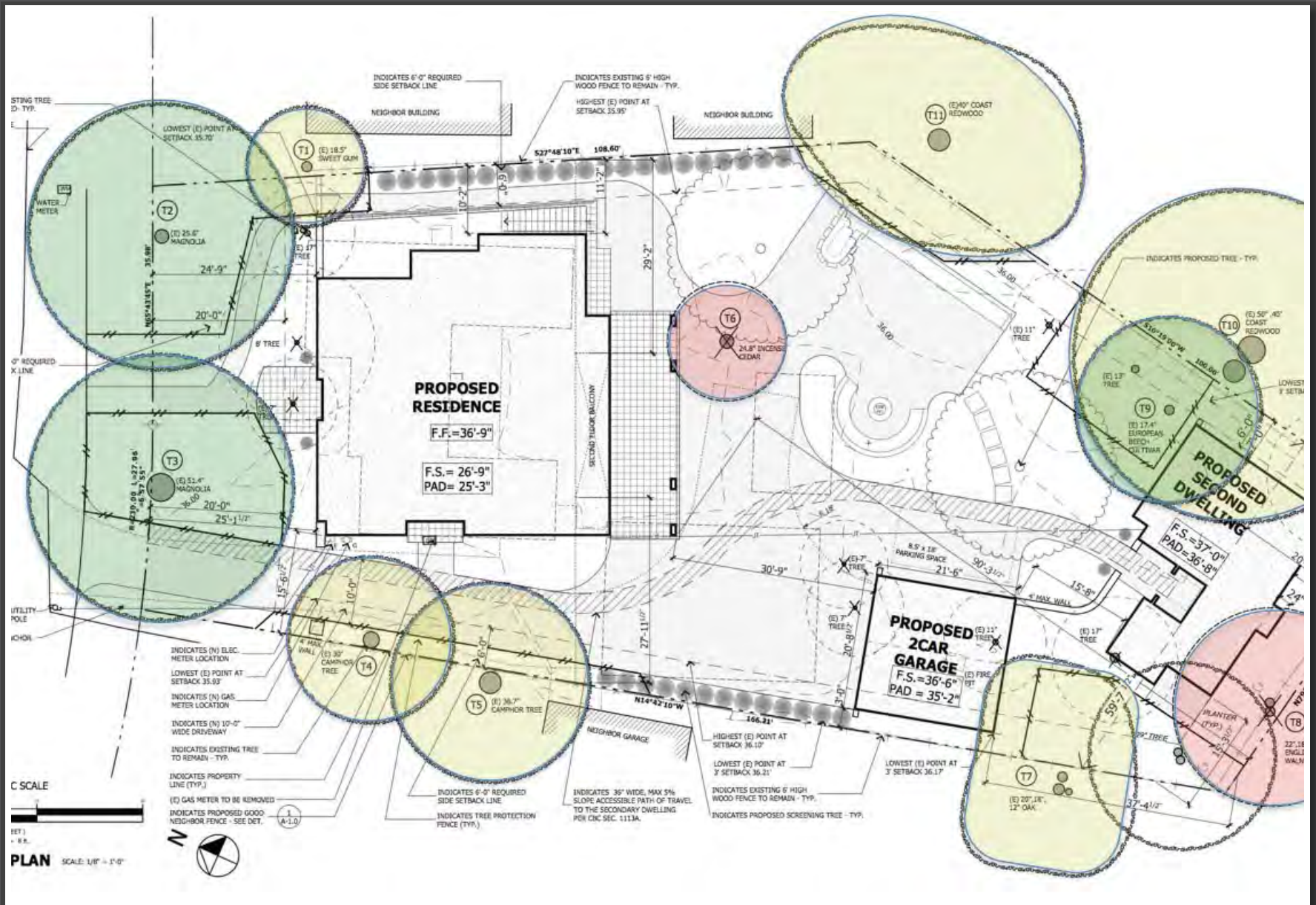
Appendix:

Character of the Neighborhood



Source: Analysis of county records and MLS listing data compiled by CoreLogic. 29 properties on the 300 and 400 blocks of Oak Ct are included.

Heritage Trees



Loss of Solar Access – Front View – Today



17 3:00 PM

Loss of Solar Access – Front View – Future



17 3:00 PM

Magnolia not shown to see the entire house

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Date: June 14, 2017

To: City of Menlo Park - City Council Chambers
701 Laurel Street
Menlo Park, CA 94025

Attn: Mayor Kirsten Keith
Mayor Pro Tem Peter Ohtaki
Councilmember Ray Mueller
Councilmember Catherine Carlton
Councilmember Richard Cline

Re: Use Permit Granted for 445 Oak Court (May 22, 2017)

Dear Menlo Park City Councilmembers –

To first introduce ourselves, my name is Brian Nguyen, homeowner of 445 Oak Court, and my project architect is Tom Sloan AIA of Metro Design Group. On May 22nd, 2017, Menlo Park's Planning Commission granted our Use Permit application (approved: 6-1) to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regard to lot width located in the R-1-U zoning district.

During the planning phase of this project, we paid meticulous attention to the planning guidelines to ensure that our design, measurements, and features were deliberate and respectful to the City's vision and requirements. In addition, we did receive supplemental feedback from the Planning Commission directly, which we were delighted to oblige, and immediately incorporated into the plans. These elements included:

1. Reduction of overall structure height by -3.0'
2. Enhanced privacy between our East neighbor [by planting a mutually agreeable tree, *Photinia Fraseri*]
3. Enhanced privacy on 2nd Floor Master Balcony [by installing wing walls on both sides of balcony]
4. Reduction of impervious pavement by approximately -800.0 ft²

In addition to proposing a thoughtfully designed and elegant home, Menlo Park's Planning Commission acknowledged and understood that we complied to their requested modifications, thus readily approved our permit.

Now, it has come to our attention that our approved Use Permit was recently appealed by our neighbor (465 Oak Court) citing Section 16.82.030 as the reason. During the hearing process, our neighbor was fixated on privacy matters, loss of solar access, loss of sky views, health concerns, and loss of property value as a result of our proposed 2nd floor. The neighbor that filed the appeal is projecting blame on our approved project by claiming it is constructed too high and too close to their property thus introducing a number of problems when, in fact, this neighbor lives in a residence that encroaches into the minimum required setback area, while my residence provides more than the required setback. My neighbor is, in fact, the owner of a property that is in violation of the code and has the proclivity to project their problem onto my conforming project.

Below, one can easily compare the setback requirements to what we are proposing, which are actually very conservative:

SETBACK REQUIREMENTS	REQUIRED	PROPOSED
	FRONT: 20'-0"	FRONT: 26'-5"
	SIDE (LEFT) 6'-0"	SIDE (LEFT) 10'-7"
	SIDE (RIGHT) 6'-0"	SIDE (RIGHT) 15'-7"
	REAR: 20'-0"	REAR: 88'-9"

Image 1 – Setback Requirement Comparison Table (445 Oak Court Proposal vs. City Requirements)

This is further supported by our visual Site Plan where one can clearly observe the neighbor’s residence is non-conforming to current code:

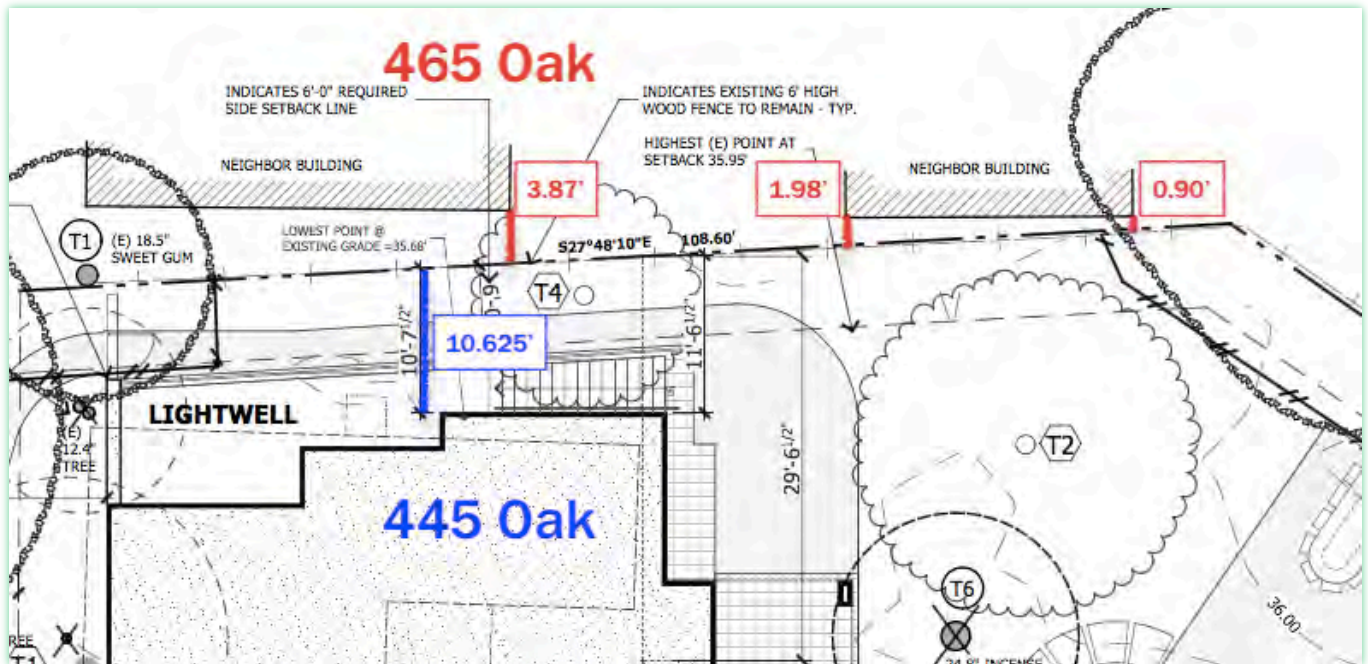


Image 2 – Setback Comparison Between Neighbors (44 Oak Court Site Plan)

Privacy:

The privacy concerns have already been resolved as both myself and this neighbor mutually agreed on planting a Photinia Fraseri tree (T4, above) located strategically between both properties such that its canopy will prohibit any viewing from our 2nd story windows onto their property. Further, the wing walls on the sides of the master balcony as aforementioned will add to the enhanced privacy.

Solar Access:

The neighbor’s concerns over loss of solar access is unjustified too. During early discussions when we shared our plans with this neighbor the topic of solar panels was never once discussed. It was only raised after they alleged that their privacy would be impeded upon, which was quickly resolved. Once the privacy concerns were nullified, then suddenly and conveniently, solar access became an issue. Nonetheless, to be reasonable

and thorough, my architect Tom and I conducted our own solar study to understand the impacts. We looked at two seasons during the year at times of the day where solar power could still be collected effectively:



Image 3 – Impact of Approved Project on 465 Oak Court’s Solar Access (Month: September, Time: 12:00-3:00 PM)

On Image 3, above, during the late summer month of September, our approved design for 445 Oak Court has nominal to no effect on the neighbor’s solar access during essential daylight hours.



Image 4 – Impact of Approved Project on 465 Oak Court’s Solar Access (Month: December, Time: 12:00 – 3:00 PM)

On Image 4, above, even during the darkest time of the year one can observe that any shadow cast upon the neighbors roof and hypothetical solar panels are mostly from the large surrounding trees. There is nominal shadowing due to our approved residence but again, any solar collection after 3:00 PM during the winter months will yield poor results anyway.

Sky Views:

This is a moot point. Our approved plans call for a maximum structure height of 24'-7¹/₂" , well below the 28.0' height and daylight plane limit.

Health:

The neighbor alleges that the height of 445 Oak Court's approved plans will result in their property having inadequate sun exposure, therefore resulting in a rampant infestation of mold and mildew that will negatively affect their health. This is an unjustified complaint. The height of 445 Oak Court is already well below the daylight plane, and, a majority of homes in The Willows enjoy the foliage of mature trees (same effect) so homeowners should be responsible for the health and cleanliness of their own properties. I should not be responsible for the mold that grows on/in/around my neighbor's property if they do not maintain it adequately.

Property Value:

The neighbor alleges that a real estate professional suggests their property will decline in value as a result of 445 Oak Court being built next door due to all the feeble claims mentioned. This assessment is completely biased and lacks objectivity. A majority of Menlo Park's Planning Commission has applauded the thoughtful design for 445 Oak Court and it is our intention to not only build a beautiful home for my family, but to enhance The Willows as well. Considering the design, features, style, and materials used, this home will add value to the entire neighborhood. Any knowledgeable real estate professional will recognize that.

Lastly, I want to raise another point about legal sized lots. My property is only considered substandard due to the width at the rear. A legal "standard" lot (one that would NOT require a Use Permit application & public review) fits comfortably within the boundaries of my lot; see Image 5 below.

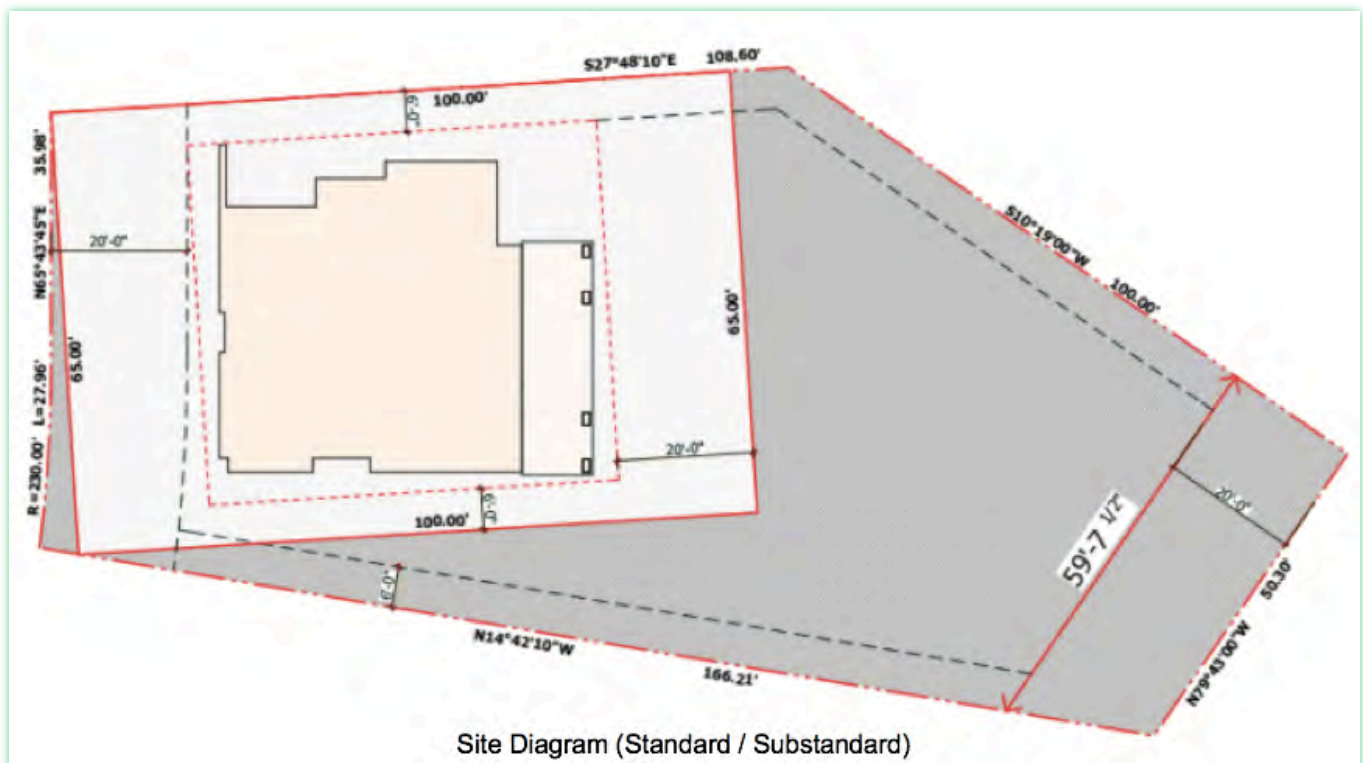


Image 5 – Standard vs Substandard Lot Comparison

445 Oak Court, Menlo Park 94025
PLN2016-00075
Nguyen | Metro Design Group

Menlo Park City Councilmembers, I would like to thank you for your thoughtful consideration and objectivity in advance. I look forward to presenting in front of you at the scheduled hearing.

Sincerely,



Brian T. Nguyen
445 Oak Court
Menlo Park, CA 94025
650.269.6300
briant.nguyen@gmail.com

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ATTACHMENT K

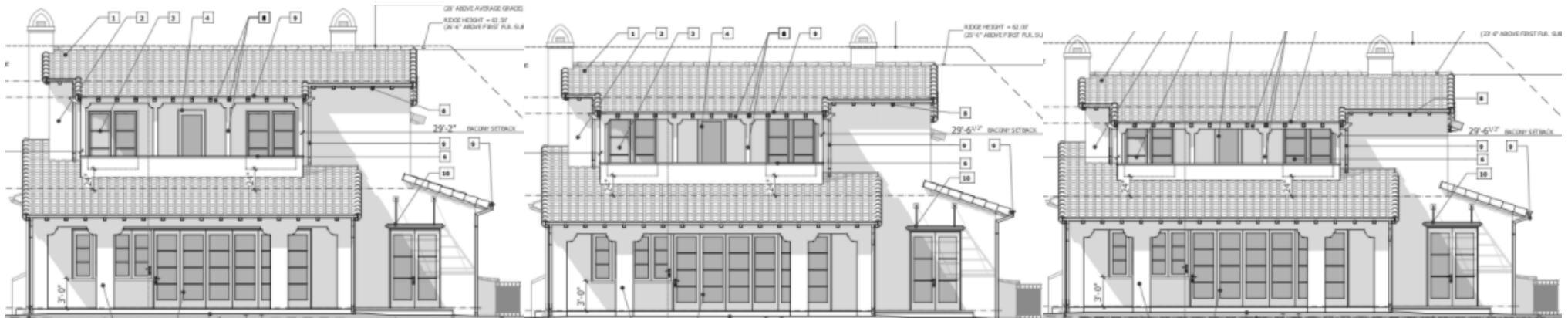


NW Elevation:
(Front)
Total Reduction: -3.0'

Original Height (27'-7½")

Intermediary Height (26'-1½")

Final Height (24'-7½")



SE Elevation:
(Rear)

Original

Intermediary

Final Height (24'-7½")



SW Elevation:
(Right Side)

Original

Intermediary

Final Height (24'-7 1/2")



NE Elevation:
(Left Side)

Original

Intermediary

Final Height (24'-7 1/2")

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WINTER KING
Attorney
king@smwlaw.com

July 12, 2017

Via E-Mail and U.S. Mail

City Council of Menlo Park
701 Laurel St.
Menlo Park, CA 94025

Re: Appeal of Planning Commission's May 22, 2017 Decision to Approve Use Permit for Project No. PLN2016-00075 (445 Oak Court)

Dear Mayor Keith and Honorable Councilmembers:

This firm has been retained by a number of Menlo Park residents in connection with the use permit application and proposed development at 445 Oak Court (the "Project"), which the Planning Commission approved on May 22, 2017. These residents (referred to herein as the "Neighbors") own property adjacent to 445 Oak Court and are deeply concerned about the impacts of the Project as approved by the Planning Commission, as well as the Planning Commission's failure to comply with state and local law.

After reviewing the staff report to the Planning Commission and other materials in the record, it is our opinion that the Planning Commission violated state and local law when it approved the Project. In particular, the Planning Commission violated municipal code provisions governing the granting of use permits (Section 16.82.030), because undisputed evidence in the record shows that the Project will be "injurious or detrimental to property and improvements in the neighborhood" and "detrimental to the health . . . comfort and general welfare" of neighboring residents.

The Planning Commission also violated the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA"), by failing to conduct any environmental review of the Project's impacts, relying instead on a categorical exemption for single family homes. However, this exemption is inapplicable here because this Project will result in significant environmental impacts due to unusual circumstances.

For these reasons the City Council must overturn the Planning Commission's approval and send the application back for further review and Project modification.

If the City Council does not take this step, the Neighbors are committed to ensuring that the Planning Commission's error is remedied, and is willing to pursue legal remedies to do so. While litigation may be necessary, it is not in anyone's interests here. It is expensive—especially for the applicant, who typically pays the costs of representing the City and, if the Neighbors prevail, the Neighbors' fees, too. Litigation also takes time, delaying Project development. Last but not least, it tends to sow discord in the community.

Given the costs of litigation (financial and otherwise), the Neighbors would rather resolve their concerns through the City's use permit review process. To that end, they have repeatedly identified a few, minor changes to the Project that would address their concerns. Specifically, they requested that the Applicant:

(1) Move the back of the second floor and roofline forward (towards Oak Court) by at least 8 feet. This minor modification would address one of the Project's most direct and injurious effects on neighboring property: the extreme loss of sunlight at 465 Oak Court.¹ The requested modification could be accomplished by removing a 5'3"-deep master bedroom balcony and moving back the wall of the second floor by less than 3 feet.

(2) Ensure the new basement does not impact the roots of 4 heritage trees by either moving the front wall of the basement away from the street by 4 feet or demonstrating that the current proposal will not impact the four heritage trees in the front of the house.

(3) Reduce the risk that the second residence will impact the neighboring 50-foot heritage coastal redwood tree (T10) by moving the second unit away from that tree – currently only 8 feet away – by approximately 8 more

¹ This loss of sunlight has been discussed at length and demonstrated by the owners of 465 Oak Court, David Jones and Eburne Jorda-Sierra, two of the Neighbors represented by this firm. Neither staff nor the Applicant has disputed that the Project would cast 465 Oak Court in shadow for more than 1/3 of all daylight hours in the winter months.

feet from the back left corner to the back-right corner of the property, a minor change.

Mr. Jones and Ms. Jorda-Sierra proposed these modifications to the applicants in January. They also requested that the Planning Commission require these changes as conditions of approval. Unfortunately, the applicants and the Planning Commission refused to incorporate these modifications in the Project and provided no explanation for their unwillingness to do so.

For the reasons stated in this letter, the City Council must overturn the Planning Commission's approval of the Project. The City Council is charged with protecting the health, well-being, and property of all the City's residents, not just those who wish to build new mansions here.

I. The Neighbors repeatedly expressed their concerns about Project impacts to the Planning Commission and the Applicant.

The Neighbors include five residents of Menlo Park who live and own property adjacent to the proposed Project site. All five have expressed their concerns about the concrete harms the Project as currently designed would pose for the neighborhood.

- Mr. David Jones and Mrs. Edurne Jorda-Sierra live at 465 Oak Ct, next door on the east side of the Project, and their home and property will be severely impacted by the proposed development. In particular, replacing the small, one-story existing residence with a new, two-story, 24.5-foot tall house, just a few feet from Mr. Jones and Mrs. Jorda-Sierra's one-story home, will reduce privacy and cast their house in shadow for significant portions of the day, impacting their quality of life, the value of their home, their ability to access solar energy, and, potentially, their health.
- Mr. Chuck Bernstein lives at 444 Oak Ct across the street from the proposed development. Mr. Bernstein is deeply concerned about the proposed development's negative impacts to the neighborhood – including changing the character of the neighborhood for the worse via the sheer scale of the proposed development, the risks to heritage trees on and surrounding the property, and the direct negative impacts on other adjacent neighbors.

- Mr. John Kelly is the owner of 428 Oak Ct, also across the street from the proposed development. He shares similar concerns about the Project and its impact on the neighborhood and heritage trees.
- Mr. Alex Striffler lives at 1485 Woodland Avenue, adjacent to the back left property line of the Project. He has communicated numerous concerns about the Project, including but not limited to privacy concerns for him and his family, and risks to his two heritage coastal redwood trees, one of which is less than 8 feet from the proposed second residence of the Project.

II. The Planning Commission’s approval violated the City’s municipal code because undisputed evidence shows that the Project will be “injurious [and] detrimental to property and improvements in the neighborhood.”

Section 16.82.030 of the City’s municipal code provides that the City may not approve a use permit for a project that “will be injurious or detrimental to property and improvements in the neighborhood.” Here, there is overwhelming evidence that the proposed Project would be injurious to neighboring properties and improvements, including the home of Mr. Jones and Mrs. Jorda-Sierra. As they told the Planning Commission, the proposed Project will block daylight from their property for large portions of the day, increasing the property’s energy costs, reducing its value, and preventing them from being able to use solar panels.

The injury to their property has been well documented. In their submission to the City Council on appeal, Mr. Jones and Mrs. Jorda-Sierra will include testimony from:

- an experienced, local real estate specialist stating that the increased shade and proximity of the tall, looming main house will decrease the value of their property.
- an experienced local appraiser that describes the effect of the proposed development as “external obsolescence...a loss of value due to forces outside the boundaries of the property” that is incurable. The probable external obsolescence caused by loss of light/privacy and the visual impact of the 2-story structure so near to the property would be extremely difficult to quantify with recent, nearby, and similarly-impacted sales comparables, but “could possibly fall into the 5% to 10% range” in downward adjustment in value.

- a home solar developer indicating that the proposed Project will block enough sun to the rooftop to dramatically reduce the value of placing solar panels on their rooftop, so much so that the developer would not install them given the negative return on investment.

There is no evidence to the contrary in the record. In addition, Mr. Jones and Mrs. Jorda-Sierra have submitted a visual representation of the shade impacts to their home, the accuracy of which was undisputed before the Planning Commission.

Section 16.82.030 of the City's municipal code also provides that the City may not approve a use permit for a project that is "detrimental to the **health...comfort and general welfare** of the persons residing or working in the neighborhood of such proposed use." Mr. Jones and Mrs. Jorda-Sierra, in letters to the Planning Commission and their submission to the City Council on appeal, have explained clearly how the proposed Project could negatively impact their health and would negatively impact their comfort, well-being and enjoyment of their home and property. These **health, comfort and/or general welfare** negative impacts include: loss of sunlight, loss of privacy, loss of western sky view and health concerns due to mildew or mold from significantly less sunlight.

The Project will also clearly have negative impacts on the general welfare of the surrounding community. It will replace the existing, 1,800 square foot home with two new residences totaling more than 6,000 square feet. The new main residence will be outrageously out of scale with the surrounding community: *2.6 times larger* than the average home on Oak Court and *70% larger* than the largest existing home on Oak Court. For this reason, on May 21, 2017, *42 neighbors* submitted a letter opposing the Project as proposed on the grounds that (1) the development "is too massive and dramatically out of context" in the Oak Court neighborhood; (2) the design would detract from the character of [the] neighborhood and . . . negatively impacts the quality of life for adjacent homeowners; and (3) the Project would threaten the health of 11 heritage trees.²

Given this overwhelming evidence, the City simply cannot make the findings required by its own municipal code for granting a use permit: that the Project would not "be injurious or detrimental to property and improvements in the

² This letter is attached to the comments of Mr. Jones and Mrs. Jorda-Sierra.

neighborhood” or adversely affect the health, comfort and general welfare of the community. As a result, the Planning Commission’s approval was invalid.³

In addition, the Planning Commission failed to support its issuance of the use permit with evidence or reasoning, as is required. The staff report contained only a general summary of the adverse Project impacts identified by the community. It then listed a number of project changes proposed by the applicant and asserted, without any analysis or evidence, that these changes addressed the adverse impacts. As addressed in the submission of Mr. Jones and Mrs. Jorda-Sierra, however, these changes did little or nothing to address the impacts to their property.

In fact, at least one Commissioner expressed confusion about “what [the Commission] mean[s] when we assess detrimental effects – health, safety, welfare, comfort – in the many use permits that we do, what is our tipping point?” In response, staff suggested that the municipal code standard is “something that each Commissioner can interpret for themselves.” *See* Video Recording of May 22, 2017 Planning Commission meeting, Minute 46, available at http://media-09.granicus.com:443/OnDemand/menlopark/menlopark_a80c9d5c-5b04-459b-9f90-f9177b69cdf.mp4. But if, as here, there is undisputed evidence that a project will be injurious to neighboring property, there is simply no basis for the Commission to conclude otherwise, and doing so was an abuse of discretion.

The Commission has denied other remodel projects on Oak Court with far less evidence of concrete harm.

1. The Planning Commission denied the original application to remodel 230 Oak Court, citing neighborhood concerns about the size of the proposed house on a substandard lot. See Letter from Ana Pedreiro (July 10, 2017). There, the desired square footage was only 2,900 square feet.
2. In late 2016, the City denied a proposed project at 145 Oak Court, a two-story, 2,900 square foot residence on a substandard flag lot, due to scale, massing, and privacy concerns.

Given that the City denied these projects due to scale, massing, and privacy concerns, it is unclear how the City could justify approving this Project, which is more than twice as large and which will have specific, undisputed, negative impacts on surrounding

³ As further The Planning Commission itself expressed

properties. The inconsistent application of the City's use permit standards, without any attempt to justify the plainly contradictory results, is further evidence that the Planning Commission abused its discretion in approving the Project at issue here.

III. Unusual circumstances, including the proposed Project's potential adverse impacts to heritage trees, prohibit the City from relying on the CEQA exemption for new, small structures.

CEQA requires all cities and other public agencies to conduct environmental review prior to approving any discretionary activity that could cause a direct physical change to the environment. *See* Pub. Resources Code §§ 21065 (defining "project"); 21080(a) (CEQA applies to all discretionary projects). The term "project" is given broad interpretation in order to maximize protection of the environment. *McQueen v. Bd. of Directors* (1988) 202 Cal.App.3d 1136, 1143 (disapproved on other grounds). If a project will have potentially significant, adverse impacts on the environment, the lead agency must prepare an "environmental impact report." Pub. Resources Code § 21080(d). If not, the lead agency must adopt a "negative declaration." Pub. Resources Code § 21080(c).

CEQA and the guidelines implementing it ("CEQA Guidelines") list certain categories of activities that are "projects" under CEQA but that are "exempt" from environmental review. *See, e.g.*, Pub. Resources Code § 21080; CEQA Guidelines, Cal. Code Regs., tit. 14, §§ 15300 et seq. (listing categorical exemptions). The Planning Commission relied on one of these categorical exemptions in concluding that neither an EIR nor a negative declaration was required prior to approving the proposed Project: CEQA Guidelines section 15303, "New Construction or Conversion of Small Structures." This Guidelines section provides that the construction of a limited number of new, small facilities or structures, including up to three new single family homes in "urbanized areas," is categorically exempt.

This categorical exemption, however, cannot be applied "where there is a reasonable possibility that the activity will have a significant effect on the environment do to unusual circumstances." CEQA Guidelines § 15300.2(c). The Supreme Court has held that a party may "establish an unusual circumstance" either by showing "that the project has some feature that distinguishes it from others in the exempt class, such as its size or location," or by providing convincing evidence that the project "will have a significant environmental effect." *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086.

Here, undisputed evidence in the record indicates that the Project is unusual in size, and in the number of protected, heritage trees affected by it. The proposed main house would be 6,139 square feet, which is *2.6 times larger* than the average home on Oak Court and *70% larger* than the largest existing home on Oak Court. Compounding the problem, the proposed Project is on a sub-standard lot. The Arborist's Report prepared for the applicant indicates that the Project could impact 11 heritage trees, which also suggests that this is not a "typical" single family home that should be exempt from review. The Planning Commission, on the other hand, identified no record evidence suggesting this Project is typical for the neighborhood.

The Project's impacts to heritage trees also disqualifies the Project for a Guidelines Section 15303 exemption under the second prong of the *Berkeley Hillside* test (i.e., party may establish unusual circumstances with evidence that project "will have a significant environmental effect"). According to the City's own documents, the Project, if left unmitigated, would impact 11 heritage trees. *See* Arborist's Report, Attach. F to May 22, 2017 Planning Commission Staff Report. The only mitigation identified in the staff report for the Planning Commission is that the owner will be required to comply with the conditions and mitigation measures described in a separate arborists report. However, the recommended actions (Attachment A to May 22, 2017 Staff Report) do not impose any such requirement. Rather, it simply suggests standard conditions requiring the owner to comply with the City ordinance. Thus, these significant, unmitigated impacts are "unusual circumstances" that prohibit the City from relying on this exemption.

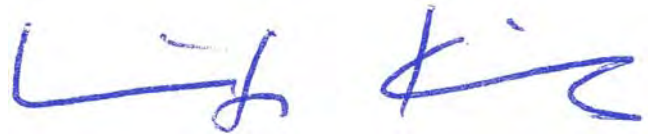
IV. There is no evidence suggesting that the Project complies with the Housing Element mitigation monitoring and reporting plan, as required by City code.

Section 16.79.050 of the municipal code provides that developers of secondary dwelling units must comply with the mitigation monitoring and reporting plan ("MMRP") adopted by the City in connection with its Housing Element. The staff report fails to discuss this MMRP or whether the proposed Project complies with it. For this reason, too, the City Council must grant this appeal and remand the Project to the Planning Commission for further discussion.

City Council of Menlo Park
July 12, 2017
Page 9

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in blue ink, appearing to read "Winter King". The signature is written in a cursive style with a large initial "W" and a long horizontal stroke.

Winter King

cc: Bill McClure, Menlo Park City Attorney (e-mail only)
Kaitlin Meador, Associate Planner (e-mail only)
Clients (e-mail only)

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STAFF REPORT

City Council

Meeting Date:

7/18/2017

Staff Report Number:

17-173-CC

Regular Business:

Consideration of a philanthropic offer to assist with construction of a new main library building

Recommendation

Staff recommends that Council review and provide feedback on a philanthropic offer to assist with the construction of a new, main library building on the Civic Center campus and provide feedback on building siting options. Should council support the offer, staff recommends the formation of a Council subcommittee to guide the siting decision process. Council support of the offer would require modifying the Council's Work Plan to include the new project and adjust existing Work Plan priorities.

Policy Issues

Significant City funding would be required to complete the project. There are potential impacts to other City Council priorities and projects as well.

Background

The Menlo Park Library has been the subject of three recent studies, each looking at library services and the needs of the Menlo Park community. An Operational and Administrative Review of the Library Department was completed in January 2015. The Library Strategic Plan was completed in late 2016. A Space Needs Study was completed in early 2017 which concluded that Menlo Park needs 44,000 square feet of library space. The results of the Space Needs Study were presented to the Council during a study session on March 28, 2017, and contained options for new or significantly remodeled library space. Funds have been budgeted to continue the work of the Space Needs Study for Fiscal Year (FY) 2017-18. This work would involve generating more detailed architectural renderings based on the study results.

The City does not currently have funding for the full cost of a new library, which is estimated to be approximately \$45 million. However, a donor has come forward with a generous philanthropic offer to assist the City in the construction of a new library on the Civic Center campus. Mr. John Arrillaga has offered to pay the balance of the construction costs of a new library building (approximately \$25 million), if they City provides the initial \$20 million as well as any costs associated for staff or consultant time. The total initial cost estimate of approximately \$45 million (in 2019 dollars) for a new library structure is based on the cost analysis done in the recently completed Space Needs Study.

Mr. Arrillaga's offer came as a surprise to staff. His offer is not, however, inconsistent with how he previously partnered with the City to assist with the construction of the new recreation, gymnasium, and gymnastics facilities.

Mr. Arrillaga's offer would accelerate the typical timeline for a new library building project. A project of this size could typically take up to 10 years to gather input, plan, fund, and build. With this offer the City would need to significantly reduce the amount of time taken to gather input, plan, and complete the project.

History

The library has been in its Civic Center location for more than 60 years. The original, 6400 square foot structure was built in 1957. It has been remodeled and additions have been added in 1967 and 1991. Its total current space is approximately 33,000 square feet.

The library's 2015 operational review noted that the library's main building had become dated and that a facility needs assessment should be performed. Problem areas included interior space that was difficult for users to navigate and for staff to manage; a lack of community gathering spaces, meeting rooms, and areas for collaborative work; insufficient space for children and teen users; and a lack of space for users to interact with new technology. It recommended that any new or remodeled facility "reflect new and emerging service trends and models." The operational review also had as one of its core recommendations that the library update its strategic plan. A strategic plan update was seen as necessary to align the library's services with changing community needs. These twin themes: changing library services and changing space to accommodate changing services – both to match changing community needs – were carried over to the strategic planning and space needs studies that followed.

Input from library users, community members, and staff during late 2015 was used to create a new strategic plan in 2016. With the assistance of Jennifer Sweeney and Associates, the plan examined the Menlo Park community's current use of the library, its demographics and growth patterns, and identified service needs that might develop from future trends and emerging technologies. A primary goal of this four year plan directed the library to pursue new, state of the art library space. Planning participants said that users had outgrown the current space and were having difficulty using the available space in ways that fully fit their requirements. The mandate from strategic planning participants was for adaptable space that would provide for library services to match changing community needs. This space should be used to increase popular library programming, provide space for collaborative work, and to increase community engagement. Sweeney "observed multiple calls for increasing services, developing new programs, and creating innovative ways to meet user needs in the community...users are interested in seeing the library expand its traditional role...to include new ways of being a library."

Building on the results of the strategic plan, the library began a space needs analysis in the fall of 2016. Noll & Tam Architects were selected to assist with the analysis. The Space Needs Study took input from library users, staff, and stakeholders, and translated their functional requirements and the requirements detailed in the strategic plan into a program of space requirements. The results of the Space Needs Study were presented to the Council during a study session on March 28, 2017. The recommendation from the Space Needs Study called for an additional 11,000 square feet to be added to the library's current size, bringing the space to a total of 44,000 square feet. The bulk of the increased space was earmarked for collaborative and programming areas that the library currently lacks. More space was also allocated for service to children and teens, two groups of library users that are placing increasing demands on current library services. The Space Needs Study incorporated the idea that libraries are moving from facilities that are collection focused to ones that are people focused.

Public Input

Throughout the library's planning process to date there has been significant input from members of the library's stakeholder groups and from the community at large. Community participation has been key in developing the goals set by the strategic plan and the resultant space requirements set out in the Space Needs Study.

The strategic planning process began with a half-day workshop with 30 library stakeholders (The Planning Workshop Group) to review and refine the library's core guiding principles. Two more public forums were

held to “explore the future of public libraries”, based upon information contained in the Aspen Institute Dialogue on Public Libraries and a presentation by former State Librarian Susan Hildreth. Project consultants conducted an online community survey of library users and non-users that received 334 responses. Nine community leaders and stakeholders were interviewed and provided in-depth responses. A final Planning Workshop Group meeting produced the outline for the strategic plan goals. The Strategic Plan was presented to the Council on October 11, 2016.

Four stakeholder meetings were held during the Space Needs Study. Participants included library users, library volunteers, library commissioners, local business owners, library staff members, and staff members from other city departments. A separate break-out session was held with teen and pre-teen library users to capture their input. Several community members, library commissioners, and library foundation members also provided input through public comment during the Space Needs study session on March 28, 2017.

Staff received input from residents during the Strategic Planning and Space Needs Study that attention should also be focused on improving library services in the Belle Haven neighborhood. Ideas included relocating the branch or constructing a new branch library to better serve neighborhood residents. Through the recent budget process the Council approved \$100,000 for a library needs assessment of the Belle Haven neighborhood. Additional funding has been approved to expand the hours at the Belle Haven branch and increase staff time for branch services.

Analysis

Siting options

Should the Council approve the philanthropic offer from Mr. Arrillaga, the first step is to determine the site for the new library on the campus. Staff has reviewed the campus and determined that the siting could be within the area shown in Attachment A, which includes areas of the existing library Council Chamber, child care center and surface parking lots. Each option would likely include a new two-story building with underground parking and the placement would have implications for campus users during and after construction. The current Civic Center campus is zoned PF – Public Facilities, and a library is a permitted use. The project will require architectural control approval from the City Council, based on a recommendation by the Planning Commission. Any of the options under consideration would be well below the maximum floor area ratio (FAR) of 30%. The location of a new library needs to be determined before the environmental analysis can begin in earnest. Some of the siting options may reduce the overall timeline depending on whether other buildings and functions are incorporated into the new library (such as the Council Chambers), how existing buildings get repurposed, and the extent of building demolitions, including portions of buildings.

Because of time constraints, staff recommends that public input on the siting options be gathered through a design charrette process facilitated by staff and qualified consultants. The siting input would consist of an online survey and a workshop to gather feedback. The information would then be provided to Council to finalize the location of the new building and associated building programming/uses in order to begin the environmental review process.

Project Timeline

Every development project is unique, but some information can be gained by examining the timeline for the Gymnasium and Gymnastics projects on the Civic Center campus that were completed with philanthropic assistance by Mr. Arrillaga.

It took three years from the Council consideration of the donor’s offer in April 2008 to completion of the Gymnasium, the first of the two buildings to be constructed, in April 2011. The key milestones for the three

year process could be summarized as follows:

The planning phases of the project shown below took approximately 17 months to complete:

- Council consideration of the donor's offer;
- Commencing a traffic study given the net increase of 30,000 square feet of floor area for both buildings;
- Commencing an environmental impact report given the preliminary findings of the traffic study;
- Release of and comment on the Draft EIR;
- Planning Commission review and recommendation of the Final EIR and the project; and
- City Council certification of the Final EIR and approval of the project

The construction phase of the project shown below took approximately 19 more months to complete:

- Building permit review and issuance; and
- Construction

It should be noted that the design process for the Gymnasium and the Gymnastics Center was further along than the process for the library is now in terms of siting options. The construction of a library building may take longer than the construction of a gymnasium or a gymnastics center, given their different interior structure and uses.

Mr. Arrillaga's expectation is that the City expedite their portion of the timeline to the extent possible. Additional time could affect the offer.

Project Funding.

To assemble funding for a project, consideration may be given to options that include external financing, i.e. borrowing the funds, or internal financing using available fund balance in the General Fund. In an internal financing approach, the City would draw down General Fund reserves and/or borrow reserves from other funds to meet all or a portion of the project cost. This approach would require additional work and planning to ensure that the General Fund reserves are replenished and that the funds are repaid if borrowed from other funds.

As an alternative to financing the project internally, the City may seek external funding for the project through borrowing. Based on a preliminary analysis of borrowing options by PFM Asset Management, the City's financial advisor, in today's borrowing environment and with the City's good credit, the City can borrow \$20 million for a term of 15 years at a rate of approximately 2.7% and interest and principal payments of \$1.8 million per year. Principal, interest, and issuance costs result in total payments over 15 years of \$26.7 million. A 30-year financing option would result in an interest rate of approximately 3.7%, interest and principal payments of \$1.2 million per year, resulting in a total cost of \$35.4 million over 30 years. Given that the General Fund 10-year forecast does not have the capacity to cover costs to provide for a significant interest and principal payment, additional work is required to assess the fiscal feasibility of this option.

If the City Council directs that this project move forward, staff recommends referring the question of project funding to the Finance and Audit Committee. In their response to the City Council, the Committee should provide a recommendation on 1) various project financing tools and 2) new or increased revenue to offset the impact of project financing. Staff recommends that the Committee focus on a new or increased revenue to ensure that surplus funds in the current 10-year forecast are available to the City Council for dedication to

other purposes should a decision be made to establish a community amenities fund, amend the City's existing reserve policies, or increase the calculation of the annual transfer from the General Fund to the General Capital Improvement Fund.

Next Steps

If the Council is supportive of accepting the philanthropic offer to assist in the construction of a new library facility on the Civic Center campus, staff recommends they take these steps:

- Direct staff to return to Council with a more detailed work plan at their next meeting
- Modify the Council Workplan to add the new project and make adjustments to existing priorities;
- Form a Council subcommittee to guide the process;
- Ask the Finance and Audit Committee to study funding options for the City's share of the project

Impact on City Resources

The proposed project is a substantial one that would have a significant ripple effect on projects currently underway in the City. If the project is advanced, some of those impacts are detailed below.

Impacts to Community Development

The review and approval of key development projects in the Bayfront (M-2) and Downtown/Specific Plan areas could be delayed depending on the assignment of a staff member to oversee project review and CEQA process. An EIR consultant would also need to be retained. Additionally, City Council Work Plan 1 'Address Housing Implementation Programs' (Extremely Important) and Work Plan 2 'Implement Downtown/El Camino Real Specific Plan Biennial Review' (Very Important) could also be delayed due to limited and/or redirected staff resources. Finally, the timeline for adoption of more stringent requirements for electrical vehicle chargers would need to be revisited to confirm project completion in 2017-18.

Impacts to Public Works

Similar to Community Development, accelerating the library project would impact Public Works' ability to process development projects related to transportation and engineering review, especially if the library project results in the preparation of a full traffic study and an EIR. Assuming transportation projects such as the Transportation Master Plan and grant funded projects such as the Ravenswood and Middle Railroad Crossing Studies remain a high priority, staff would look at potentially delaying projects that have not yet started, but have been budgeted. In terms of other capital improvement projects, siting options may require new water system infrastructure, which would then float to the top of the priority list. Similar to transportation projects, staff would look at potentially delaying projects that have not yet started. Public Works is also in the process of filling a number of staffing vacancies, which if not filled in a timely manner could further delay this or other projects.

Environmental Review

No environmental review is required for a Council decision to support or not to support the philanthropic offer. However, an environmental review will likely be necessary for the project if it moves forward.

Public Notice

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

Attachments

A. Graphic of campus with potential siting area

Report prepared by:

Nick Szegda, Assistant Director of Library Services



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STAFF REPORT

City Council

Meeting Date:

7/18/2017

Staff Report Number:

17-171-CC

Regular Business:

Affirm a funding commitment to MidPen of up to \$6.7 million for an affordable housing development at 1317-1385 Willow Road

Recommendation

Staff recommends that the City Council affirm a funding commitment to MidPen of up to \$6.7 million for an affordable housing development at 1317-1385 Willow Road and direct staff to work with MidPen to reduce the funding request if possible, in accordance with the Housing Commission's recommendation.

Policy Issues

The proposed options for mixed-use affordable housing project at 1317-1385 Willow Road is consistent with the goals of the Below Market Rate Housing Program, the City's Housing Element, the City Council's 2017 goals and ConnectMenlo.

Background

Following the completion of ConnectMenlo, MidPen submitted a funding proposal for a mixed-use project (Attachment A), which included project configuration options and policy questions for the Housing Commission and City Council to consider. The Housing Commission reviewed the proposal at their May 10th meeting and recommended that:

- the City Council commit funding not to exceed \$6.7 million with a preference that MidPen work to reduce the City subsidy with a target of \$5 million (i.e. if the income mix or unit total changes then the funding amount should be reduced accordingly)
- the majority of the units be affordable up to 60% of AMI, but some commissioners requested that MidPen explore including some units up to 80% of AMI
- any funding gap created by including retail or other uses not be subsidized by additional BMR funds

June 5th Community Meeting

On June 5th, Mayor Kirsten Keith hosted a community meeting at the Menlo Park Senior Center to provide further opportunity for community members to learn more about the project. Ninety-two residents attended the meeting and provided feedback to representatives from the City as well as MidPen. The feedback was generally positive about the proposal to redevelop the existing 82-unit affordable project. There were a number of aspects to the project for which feedback was elicited, namely: density (number of units), levels of income affordability, proximity to Willow Rd, height, mixes of use (residential and retail or city services). Attendees identified themselves as Menlo Park residents from the Belle Haven neighborhood, from other neighborhoods within Menlo Park and there were some residents from East Palo Alto. There was a good representation from residents who live on Carlton Ave., where residents adjacent to the property live, residents who live in the current development and property owners in Belle Haven.

With such a large number of residents there was a diversity of opinions expressed on all topics. Generally, residents agreed with the Housing Commission's recommendation with regard to the mix of income affordability. With regard to height and density, the residents of Carlton Ave. and other property owners within Belle Haven expressed a preference for 3 stories rather than 4 and that the buildings be closer to Willow Rd. than the buildings in the 1200 block. Renters within the neighborhood and residents from other neighborhoods expressed a desire for greater density to maximize the opportunity to build new affordable housing units. Belle Haven property owners as well as other active residents have expressed the desire that new affordable housing be dispersed throughout Menlo Park and not be concentrated in the Bayfront. With regard to the mix of use, interest in city services such as a new library was lukewarm at best. The strongest support for any use other than housing was for a pharmacy or full service grocery store. This preference is consistent with the community input received during ConnectMenlo. Staff and the applicant reviewed the potential for incorporating those kinds of retail uses at this site and have determined that they would likely not be feasible. In fact, a retail feasibility analysis has been commissioned by the applicant to determine what kind of retail may be feasible on the site. Staff is independently conducting outreach to the representatives of grocery stores and willing property owners to help facilitate the future inclusion of a grocery store on commercial property in or within close proximity to the neighborhood.

June 20th City Council Meeting

The City Council held a study session on the proposed project to provide general direction on the options presented for the project. At that meeting the City Council heard public comment which reflected the prior community input. Specifically, there was a strong preference for 100% affordable units (up to 60% of the area median income), a preference for new units to go to local residents who may be facing displacement, there was minimal support for a mix of uses with retail or some other neighborhood serving amenity and concerns related to privacy of adjacent neighbors who live on Carlton Ave. The City Council directed staff and the applicant to work with the adjacent neighbors who live on Carlton Ave. to address the concerns they raised related to privacy, consider the inclusion of a childcare facility, concentrate on 100% affordable units and return with a request for a funding commitment from the City.

Analysis

Following the June 20th City Council study session, staff met with MidPen to revise the proposal for 1317-1385 Willow Rd. MidPen met with Carlton Ave. residents on Monday July 11th to share the revised site plan (Attachment B) with them. While the design of the project will continue to evolve the applicant feels that there are options for addressing the neighbors' concerns and still deliver a 100% affordable residential project with up to 141 units. Depending on the mix of the size of the units, the number of units may be reduced slightly.

The following description reflects the direction from Council. MidPen is proposing:

- 141 units (59 new units)
- 25'3" City ROW (partial vacation and abandonment of Frontage Road, partial building in area of current Frontage Road)
- 100% residential
- 100% affordable for households at or below 60% AMI
- Reduce height to 3 stories at all wings of the building closest to Carlton neighbors
- Placement of non-residential spaces on all upper levels of central wings

Retail

In addition, MidPen has analyzed the potential of adding neighborhood retail (Attachment D) and determined that the type of retail prioritized by the community (pharmacy or grocery store) would not be appropriate at this location due to site constraints and financial feasibility.

Daycare

Similarly, MidPen analyzed the inclusion of daycare and determined it to be infeasible due to site and financial constraints. It would also result in a significant reduction in the net new units.

For Profit Daycare (Kinder Care model)

- Rent at \$2 per square foot still leaves a substantial gap of approx. \$1 million
- Assumes MidPen could find a provider that would sign a 10 year lease
- State licensing requirements for daycare private open space uses 23% of the residents' ideal common open space; uses cannot be shared.
- Decreases affordable unit count by 8-10 units

Affordable Daycare (Footsteps model)

- Rent at \$.25 per square foot still leaves a substantial gap of approx. \$1.85 million
- Assumes MidPen could find a provider that would sign a 10 year lease
- State licensing requirements for daycare private open space uses 23% of the residents' ideal common open space; uses cannot be shared.
- Decreases affordable unit count by 8-10 units

Land Use

MidPen is proposing a 100% affordable 141-unit residential project for the property located at 1317-1385 Willow Road, located within the R-4-S (AHO) zoning district. The site was identified as a housing opportunity site and was rezoned to R-4-S (AHO) in 2013 as part of the Housing Element Update. The proposed development would replace the existing 82 residential units known as the Gateway Apartments, for a net new of 59 units. The project contains a mix of one-, two-, and three-bedroom units and would be income-restricted for extremely low-, very low- and either low- or moderate-income households. The project would help the City meet its Regional Housing Need Allocation (RHNA) at the lowest income levels, which are often the hardest to meet due to the increased level of subsidy needed for a unit.

The applicant would generally need to apply for the following applications:

- R-4-S study session by the Planning Commission and R-4-S conformance determination by the Community Development Director following input from the Planning Commission's study session.
- Abandonment of a portion of the right of way along Willow Road and the public utility easements (PUE), and potential establishment of new PUEs , depending on the extent of the right of way abandonment. The right of way and PUE abandonments would be reviewed through a three-step process requiring review and action by both the Planning Commission and City Council.

Additional information regarding the impacts to heritage trees is needed to determine whether heritage tree

removal permits are required. Once final plans have been developed, staff will conduct a review of the selected proposal for compliance with the R-4-S development regulations and design standards, and determine whether any additional applications are required as part of the process. For example, any modifications to the R-4-S design standards would trigger architectural control review by the Planning Commission.

The applicant is proposing to apply the Affordable Housing Overlay (AHO), which is outlined in Chapter 16.98 of the Zoning Ordinance. Use of the AHO results in a density bonus and allows prescribed modifications to the development regulations, such as a reduction in parking requirements or an increase in the floor area ratio. The proposal requires a release and vacation of public land. The density would increase to approximately 37 du/ac with a 141-unit development compared to the 30 du/ac that would otherwise be allowed under the R-4-S zoning district. More information is needed to determine compliance with the AHO requirements, which will be analyzed through the development review for the project.

As an alternative, the applicant could also consider the use of State Density Bonus Law (SDBL) for the proposed project. Chapter 16.97 of the Zoning Ordinance outlines the provisions for the City's local SDBL ordinance, and is similar to the AHO in that the intent of the ordinance is to help encourage the production of low-income housing units in the City. In exchange for a density bonus, a project is entitled to incentive(s) that result in cost reductions to make the proposed housing units economically feasible. A project is also entitled to waiver(s), which is a modification to a development standard so that construction at the increased density would be physically possible. The applicant may apply either the AHO or SDBL, but not both to the project. As the project is refined, staff will continue to work with the applicant on addressing project needs while meeting the R-4-S zoning and design requirements.

Next Steps

Following Council action on staff's recommendation, MidPen will apply for funding from the County of San Mateo and the other sources identified in the financing summary (Attachment C). Staff anticipates the release of the San Mateo County's NOFA to be in late July, based on conversations with County housing staff. Menlo Park's commitment of seed funding will assist MidPen in competing for County and other funds. It is important to note that the action before the City Council is not the last time that the Council will vote on this project. After MidPen receives other funding commitments, staff will bring forward to Council a funding agreement as well as the vacation of a portion of the existing right-of-way. In addition, the project will be reviewed by the Planning Commission in a study session and be subject to conformance review by the Community Development Director.

Impact on City Resources

Any of the proposed projects would have a significant impact on BMR funds and would affect development services staffing. Reprioritization of staff resources in Housing and Economic Development, Public Works and Community Development will likely be required to ensure the project meets the performance constraints of its federal tax-credit financing. This reprioritization will likely extend the timeframe of other development projects. Staff will work to ensure that it not be burdensome for other development, however, it is important to note for the Council.

Environmental Review

This discussion is not a project under CEQA, but any project resulting from this discussion will undergo environment review.

Public Notice

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

Attachments

Attachment A: Project Description

Attachment B: Revised Site Design

Attachment C: Financing Summary

Attachment D: Retail Analysis

Report prepared by:

Jim Cogan, Housing and Economic Development Manager

Contributions and Review:

Meghan Revolinsky, Management Analyst II

Deanna Chow, Principal Planner

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Gateway Family Housing

Project Description

Executive Summary

MidPen Housing is proposing to redevelop a stretch of Willow Road in Belle Haven known as the 1300 block. Currently developed with 82 family apartments, the site was rezoned in 2013 to R-4-S (AHO) permitting additional density on the property. MidPen is proposing two scenarios for consideration by the City.

1. 140 units (58 new units), 25'3" City ROW, partial vacation and abandonment of Frontage Road, partial building in area of current Frontage Road, space for neighborhood-serving commercial (a conditional use under the R-4-S zoning)
2. 118 units (36 new units), 25'3" City ROW, partial vacation and abandonment of Frontage Road, no building in area of current Frontage Road, space for neighborhood-serving commercial (a conditional use under the R-4-S zoning)

Based on feedback from the City following our NOFA submittal, we have evaluated ways to incorporate a small retail component or use such as a community library (up to a maximum of 8,000 sf). Without the neighborhood-serving commercial component, up to 10 additional housing units could be provided. Both scenarios also include the option of units affordable to moderate income households (100% AMI), a product not available in the current market.

In 2015 MidPen submitted a detailed application in response to the City's Housing Funds NOFA requesting \$5M in funding for the redevelopment of the 1300 block. Since that time, MidPen has refined the plan, in response to City and neighborhood input and now desires to move forward with the proposal. MidPen is seeking guidance on several key policy questions including:

- a. the inclusion of neighborhood-serving commercial use in the project
- b. the inclusion of moderate income units in the project
- c. the vacation and abandonment of Frontage Road and relocation of utilities to permit maximum development potential for the site

The City is asked to consider this proposal in order to facilitate the redevelopment of the project site and accelerate the production of new affordable homes at a time when the lack of affordable housing is at a crisis in our City.

Background about MidPen Housing and our experience is included as Attachment 1.

I. Project Overview

MidPen Housing is proposing to develop Gateway Family Housing, a new construction affordable housing development at 1317-1385 Willow Road in Menlo Park.

Gateway Apartments is an existing 82-unit apartment complex on the 1300 block of Willow Road in the Belle Haven neighborhood of Menlo Park. The property was originally built in the 1960s. MidPen Housing has owned and managed the property since 1987. The property is 100% low-income housing, serving both senior and family populations with units ranging from studios to 3-bedrooms.

The 1300 block is located along a prominent corridor and the redevelopment of the site would be transformative for current residents as well as the neighborhood. This project will follow the first phase of revitalization at the 1200 block, Sequoia Belle Haven, which completed construction in 2017, with 90 new construction affordable senior homes, adding 42 new affordable homes to the existing 48. The Belle Haven neighborhood is a diverse community which is also far less affluent than the city as a whole and is facing considerable gentrification pressures. Given these factors, Gateway Family Housing has a critical role to play in preserving and expanding the supply of affordable housing to low-income households.

In 2013 the property was rezoned to R-4-S (AHO), creating the potential to add at least 36 units to the existing property for a total of 118 units as of right. The City of Menlo Park identified Gateway Apartments 1200 block and 1300 block as sites where more affordable housing should be provided as part of its Housing Element. The proposed Gateway Family Housing project would be an implementation of the plans and policies set forth in the Housing Element. MidPen is proposing to re-develop the property in a way that considers both existing residents' needs and the context of the greater neighborhood. In 2015 MidPen submitted a response to the City's NOFA presenting two proposals for the redevelopment of the site. These proposals were informed by the Vision and Action Plan for the neighborhood, looking at issues such as connectivity with the rest of the City, education improvements, and increasing investment in the neighborhood while limiting gentrification. The City also went through an extensive General Plan update over the last couple of years, which will have a significant impact on Belle Haven. MidPen has been a participant in these processes and we have incorporated feedback along the way into our vision for the revitalization of the Gateway Apartments.

MidPen has listened to community feedback and heard an interest in seeing mixed-income housing in the neighborhood. As a result, in our 2015 NOFA response, we provided two options to the City,

- a version with housing entirely affordable to households earning up to 60% of Area Median Income; and
- a version with a significant amount of the new housing affordable to households up to 120% of Area Median Income.

Our goal for the redevelopment is to provide high quality affordable housing to our existing residents and create new housing that meet the needs of Menlo Park's workforce. Moderate income housing, sometimes referred to as the "missing middle" is something that is simply not provided by the current market and not served by traditional affordable housing programs. Despite the higher rents, moderate income housing is more challenging to finance, and would necessitate a larger financial contribution from the City. These reasons are: 1) loss of tax credit equity financing on those units; 2) lower equity pricing for mixed-income projects versus 100% affordable projects; 3) loss of property tax exemption on those units; 4) loss of eligibility for most local and state sources of funding.

Our 2015 NOFA submittal assumed 118 housing units using similar assumptions to those used in developing the site plan for Sequoia Belle Haven. These assumptions included:

1. Partial vacation and abandonment of Frontage Road
2. No non-residential component
3. Full compliance with the R-4-S (AHO) zoning

Since our submittal, we received feedback from the City asking that we explore ways to increase the number of housing opportunities and evaluate the inclusion of ground floor commercial space, or potentially relocate and expand the neighborhood library in Belle Haven Elementary to our site. Based on that feedback, we have updated our NOFA response scenario to include the two design options mentioned previously.

Proposed rents based on 2017 incomes are shown below for both design options and both affordability scenarios. Note in all scenarios the way that current residents' rents are calculated would remain the same.

A table showing 2017 AMI limits for San Mateo County is included as Attachment 2.

Based on this feedback, we now present two scenarios:

Scenario 1: This scenario provides 140 units and assumes the following treatment of Frontage Road to enable the additional density. This request preserves a 25' ROW controlled by the City and establishes a new property line after the ROW. This scenario is able to maximize the housing potential of the site by relocating utilities within the 30' PUE of the original NOFA proposal, creating the ability to partially build in this area.

We analyzed the financing of this scenario in two ways: First as a 100% tax credit financed project with all units restricted at 60% AMI and below and second as a mixed income project with 25% of the units serving moderate income households (80% - 120% AMI). The unit mix and affordability levels for the two financing alternatives for Scenario 1 are outlined below:

Scenario 1a: 140 units all affordable at 60% of Area Median Income and below

Unit Type	AMI %	Unit Quantity	Gross Rent (2017)
1b	30%	6	\$ 741
1b	50%	20	\$ 1,234
1b	60%	41	\$ 1,481
2b	30%	4	\$ 889
2b	50%	27	\$ 1,481
2b	60%	4	\$ 1,778
3b	30%	4	\$ 1,027
3b	50%	20	\$ 1,711
3b	60%	13	\$ 2,054

Scenario 1b: 140 units, 104 units affordable at 60% of Area Median Income and below, 36 units affordable at 120% of Area Median Income and below

Unit Type	AMI %	Unit Quantity	Gross Rent (2017)
1b	30%	6	\$ 741
1b	50%	20	\$ 1,234
1b	60%	15	\$ 1,481
1b	120%	26	\$ 2,469
2b	30%	4	\$ 889
2b	50%	27	\$ 1,481
2b	60%	1	\$ 1,778
2b	120%	3	\$ 3,111
3b	30%	4	\$ 1,027
3b	50%	20	\$ 1,711
3b	60%	6	\$ 2,054
3b	120%	7	\$ 3,594

Scenario 2: This scenario provides 118 units and assumes the following treatment of Frontage Road. This request preserves a 25' ROW controlled by the City and establishes a new property line after the ROW. In this scenario, similar to our approach on Sequoia Belle Haven, the space between the ROW and the buildings would be a 30' PUE that would not be built upon.

Again, we analyzed the financing of this scenario in the same two ways, as a 100% tax credit project and as a mixed income project with 25% of the units serving moderate income households (80% - 120% AMI). The unit mix and affordability levels for both are outlined below:

Scenario 2a: 118 units all affordable at 60% of Area Median Income and below

Unit Type	AMI %	Unit Quantity	Gross Rent (2017)
1b	30%	6	\$ 741
1b	50%	20	\$ 1,234
1b	60%	27	\$ 1,481
2b	30%	3	\$ 889
2b	50%	28	\$ 1,481
2b	60%	2	\$ 1,778
3b	30%	3	\$ 1,027
3b	50%	21	\$ 1,711
3b	60%	7	\$ 2,054

Scenario 2b: 118 units, 88 units affordable at 60% of Area Median Income and below, 30 units affordable at 120% of Area Median Income and below

Unit Type	AMI %	Unit Quantity	Gross Rent (2017)
1b	30%	6	\$ 741
1b	50%	20	\$ 1,234
1b	60%	6	\$ 1,481
1b	120%	21	\$ 2,469
2b	30%	3	\$ 889
2b	50%	28	\$ 1,481
2b	120%	2	\$ 3,111
3b	30%	3	\$ 1,027
3b	50%	21	\$ 1,711
3b	120%	7	\$ 3,594

We developed these two scenarios based on principles of quality design and to respond to the housing needs of the Belle Haven community and the City of Menlo Park. Details on the housing needs are included in Attachment 3.

II. Design and Amenities

The key design principles that MidPen embraces in the design and construction for all of our communities are:

- Community-oriented and user-friendly design;
- Appropriate, high-quality, durable materials, and construction methods;
- Efficient and cost-sensitive design and operations;
- Durable and easy to maintain buildings and grounds;
- Energy and resource-efficient buildings, equipment and operations.

MidPen has hired Mithun, the architect for Sequoia Belle Haven, to study conceptual design alternatives for the 1300 block. MidPen has now been through the R-4-S review and permitting process on the Sequoia Belle Haven project and will incorporate our experience on the next phase. In developing our conceptual design, we have taken care to ensure that the design embraces the R-4-S design standards and guidelines. MidPen recognizes the intent of the standards and guidelines to ensure that new building is of high-quality, enhances the neighborhood, and contributes to a healthy environment.

Since our 2015 NOFA submittal, we have revised our conceptual design to reflect the City's interest in maximizing the affordable housing opportunity while creating space for a neighborhood-serving commercial component. We have developed two scenarios, one which has no building on the current Frontage Road, and one which would have a partial build on the current Frontage Road. Based on our design studies, it would not be possible to expand housing opportunities on the site beyond 118 units and provide ground floor commercial space without the ability to partially build on Frontage Road. We believe these scenarios are responsive to the feedback we've received from the City following our 2015 NOFA response.

It is important to note that the inclusion of the commercial space will impact compliance with the R-4-S (AHO) zoning. The R-4-S zoning permits neighborhood-serving commercial as a conditional use which would require a use permit. In addition, flexibility on parking strategies would be needed in order to park the retail/library. Either the residential parking ratio would be less than the AHO parking incentive so would require a variance, the project would utilize the State Density Bonus Law in lieu of the AHO which has reduced parking standards for sites within ½ mile of transit, or the residential parking would be compliant with R-4-S (AHO) and the non-residential use parking would be reduced through the use permit process. MidPen is interested in exploring shared parking approaches in order to sufficiently park both uses. Without the non-residential use, the design would be fully compliant with the R-4-S (AHO) and follow a simpler approvals path, like Sequoia Belle Haven, with non-discretionary review. While the inclusion of a non-residential use adds complexity to the financing and approvals process, MidPen is experienced in building mixed-use properties, including Station Center in Union City, City Center in Redwood City, Alma Point in Foster City, among others.

MidPen proposes a similar abandonment of Frontage Road on the 1300 block as was requested and approved on the 1200 block. This request preserves a 25' ROW controlled by the City and establishes a new property line after the ROW. At Sequoia, the space between the ROW and the buildings is a 30' PUE. The reconfiguration of Frontage Road at Sequoia Belle Haven has allowed us to address circulation and access issues, creating distinct public and private circulation routes. Vacation and abandonment at the 1300 block similarly will allow for provision of a public pedestrian route that is integrated with the rest of Willow Road, and a site layout reconfiguration that will greatly benefit residents, staff and the neighborhood, and create clearly delineated boundaries between public and private realms. This scenario based on Sequoia Belle Haven's modifications to Frontage Road would enable us to achieve 118 units with a neighborhood-serving commercial use and up to 10 additional units with only residential.

MidPen's preferred proposal similarly proposes a 25' ROW controlled by the City and the same property line. However, this scenario is able to maximize the housing potential of the site by relocating utilities within the 30' PUE of the base line proposal, creating the ability to partially build in this area. This scenario would enable us to achieve 140 units with a neighborhood-serving commercial use and up to 10 additional units with only residential. In addition to the increased number of housing opportunities, this option would allow us to reduce the amount of parking visible from Willow Road, provide an open space for residents that is protected, and pull the building farther away from the single family homes at the rear of the property.

III. Financing Plan

As evidenced by our work on Phase 1 of the Gateway Revitalization, the Sequoia Belle Haven project, MidPen is experienced in assembling financing and working with existing partners to make redevelopment a reality. As we demonstrated on Sequoia, we were able to leverage the City's investment to obtain County funding and compete successfully for tax credits, enabling the project to move forward quickly to construction. We are confident in our ability to execute similarly on Phase 2 of the Gateway Revitalization.

Our 2015 NOFA submittal described the financing plan in detail. Since our NOFA submittal in November 2015, there have been significant shifts in the financing landscape for affordable housing, the most impactful being 1) implementation of the State Affordable Housing and Sustainable Communities program (AHSC) program; 2) the November election.

AHSC

In our original financing submittal, we proposed use of the AHSC program which is funded by proceeds from the State's Cap and Trade auction program. Given the proposed transit improvements being discussed as part of the General Plan update process, we believed the project was well positioned to compete for funding under this relatively new program which funds housing and transportation projects to support infill and compact development that reduce greenhouse gas ("GHG") emissions. While this source originally was met with much optimism, the recent auctions have not met expectations as a result of a legal challenge and the Peninsula has not been competitive in previous rounds due to the scoring methodology. Due to this uncertainty and the desire to produce more units faster, we have removed this as an assumed source.

Changing Political Environment

November's election has had a chilling impact on the Low Income Housing Tax Credit (LIHTC) equity market. With the likelihood of potential future tax reform, investors are pricing tax credits based on the Administration's proposals to cut the corporate tax rate. This has resulted in a drop in equity pricing of as much as 20%. Our current underwriting assumes this worst case scenario pricing, creating an additional gap for the project.

The final underwriting modification is that we have underwritten the moderate income units at 100-105% of Area Median Income rents to expand the number of households who could qualify for these units and in response to flattening rents in the Bay Area in response to rising interest rates.

The impact of these collective factors is that there is a potential need for additional City funds above what was originally included in our NOFA submittal. We have broken this out in the following section. Note that this reflects the current factors above which might improve by the time the project is ready to close on its financing. In that event, these funds could be returned to the City if not needed. We have also taken steps to minimize the City gap as much as possible through adding the Federal Home Loan Bank AHP funds as a source, reducing our net developer fee, and assuming a third-party residual receipts loan that can be supported in the moderate income scenarios. Given the scale of need and landscape of finite public resources, MidPen believes it is critical to pursue alternative financing models and engage non-traditional housing investors. MidPen is actively engaged in these efforts with the goal of minimizing the City's financing contribution while ensuring the development meets the needs and priorities of the community.

The financing plan for the redevelopment assumes repayment/restructuring of the existing mortgage with CalHFA on the 1300 Block. This is a significant cost to the project that was not borne by the first phase at the 1200 Block. Another additional cost of the project that differs from Sequoia Belle Haven in scale is that of temporary relocation (82 households vs. 48 households). While Sequoia Belle Haven was financed using the very competitive 9% tax credit program, our financing plan for the 1300 block assumes 4% tax credit financing, which is an over-the-counter funding source. While the program offers less equity than the 9% program, it is also less competitive and offered more times per year. Awards are granted based on meeting certain eligibility thresholds, rather than through competition. Given the regional limits of the South and West Bay Region, which includes San Mateo and Santa Clara Counties, the project is not advantaged by using these 9% credits instead of the 4% program because of its size.

Should the regulations change and make 9% tax credits more advantageous to the project, we have designed the project to be able to switch and are confident in our ability to win the 9% tie-breaker competition given our excellent track record. We have had considerable success with winning the 9% tie-breaker competition in recent years. Since 2008, there have been eighteen competitive funding rounds for 9% tax credits, and MidPen has secured awards for 25 projects – winning an average of more than one project award per round. Thirteen of these project awards were obtained in the Santa Clara-San Mateo County Region.

Thus far, MidPen has received a commitment of \$250,000 in San Mateo County Affordable Housing Funds (AHF) for pre-planning. In order to be competitive for the full County financing needed to move forward with the project, MidPen will need to show the City's financial

commitment to the project. City funding is one of the most important criteria for County funding. We expect that the County will have another funding cycle this spring (likely coming out in May and due in June) and that, with a City financing commitment, Gateway Family Housing will be well positioned for a substantial County commitment. With City and County funds committed, we would be able to apply for non-competitive tax credits and move forward with minimal reliance on competitive and unpredictable financing sources.

IV. City of Menlo Park Funding Request

The City's role in the financing and development of Gateway Family Housing that we're proposing is very similar to that of Sequoia Belle Haven and is summarized below.

1. BMR Funds – 2015 NOFA Request

We requested \$5 million in City BMR funds as part of the 2015 NOFA Application (a total of \$7.8 million was available in that NOFA).

2. BMR Funds – Additional BMR Funds Requested

As can be seen in the attached financing summaries, the additional funds needed to accelerate the production of new affordable homes varies depending on the scenario from \$1.6 - \$2.5 million depending on the number of moderate income units included.

118 units – all tax credit – additional BMR funds needed: \$1.7 million

118 units – 25% moderate – additional BMR funds needed: \$2.5 million

140 units – all tax credit – additional BMR funds needed: \$1.6 million

140 units – 25% moderate – additional BMR funds needed: \$2.4 million

3. Existing City Loan

In 2016, the City agreed to bifurcate the existing City loan into two separate loans: (i) a loan in the amount of \$1,892,025.79 that was secured solely by the 1200 block property, Sequoia Belle Haven, and (ii) a loan in the amount of \$3,221,557.67 that was secured solely by the 1300 block property, Gateway Apartments. Upon close of construction financing, the existing City loan of \$3,221,557.67 will be assigned to and assumed by the new property's ownership entity.

4. Vacation and Abandonment of Frontage Road

We have made similar assumptions to Sequoia on the portions of Frontage Road vacated and abandoned by the City in both density options presented. In our preferred proposal of 140 units that would create 58 new units, the difference is that MidPen would be proposing to build in the portion of Frontage Road that is retained by MidPen as part of the project. To build in this area will require relocation of a public utilities easement,

however, our contractor believes relocating the easement could end up being less costly and more efficient than trying to work around it, as we did at Sequoia Belle Haven.

Building in this portion of Frontage Road still enables the City to retain the 25' ROW desired to allow for potential future transportation improvements to Willow Road while maximizing the developable area of the 1300 block, enhancing the design of the development and improving the pedestrian experience.

5. Waived Fees (as permitted under the Affordable Housing Overlay)

The Affordable Housing Overlay (AHO) includes a section on waived fees for project that qualify for the AHO. We have made assumptions fee waivers on this project based on the AHO and our experience with Sequoia Belle Haven.

6. Funds for Commercial Space Construction

If the City is interested in seeing the inclusion of neighborhood-serving commercial use such as the relocated and expanded Belle Haven library, this proposal would require additional local funding to be viable. State and federal housing sources cannot support non-housing uses. In addition, affordable housing financing sources often require extremely conservative assumptions around income from commercial spaces. Our financing summaries include a preliminary estimate of the costs assuming a space of 7,500 sf. Those costs, estimated at \$2.4M include a preliminary estimate for the shell, TI's and pro-rata allocation of GC overhead costs and soft costs (i.e. architecture and engineering).

Gateway Family Housing's first priority will be to house the families that currently reside at Gateway. These consist of approximately 82 households who are currently Menlo Park residents. As with Sequoia Belle Haven, MidPen would institute a Live/Work preference for all new units created that are not financed with Project Based Section 8.

MidPen has put together a feasible and conservative financing plan that can be executed in the current financing environment. The City is a critical and catalytic component of our financing plan. New City funds for the housing development would be leveraged at roughly 1:8, an impactful and strategic investment for the City.

V. Timeline

Milestone	Target Completion Date
County of San Mateo AHF Pre-Planning Funding Award	06/2016
Conceptual Design Finalized	05/2017
City of Menlo Park BMR Funds Award	05-06/2017
County of San Mateo AHF Full Funding Award	06-07/2017
Schematic Design	10/2017
R-4-S Compliance Review (Design Review)	02/2018
TCAC Application	07/2018
TCAC Award	09/2018
Building Permits	12/2018
Construction Financing Closing	12/2018
Construction Start	01/2019
Construction Completion	03/2020
Initial Occupancy	04/2020

The project would be completed within three years of receiving the City funding commitment as can be seen in the development schedule above. As MidPen has shown on the Sequoia Belle Haven project, we are able to execute on our timelines. With that project, we were awarded City funding in 2014, received all our financing commitments and will began construction in 2016, and completed construction in 2017. The project team has shown success in the timely financing and permitting of Sequoia Belle Haven and will carry on that expertise to the second phase of the project.

VI. Summary of Policy Considerations

1. Mixed-Use: is the City interested in seeing a neighborhood-serving commercial component on the 1300 block of Willow Road? As mentioned, this would reduce the number of housing opportunities and increase the complexity of the financing and approvals process.
2. Income targeting: is the City interested in funding moderate income units? As these units are not eligible for most public funding, they have a higher subsidy gap.
3. Frontage Road: is the City interested in creating 22 additional housing opportunities by allowing a partial build in the existing Frontage Road? This would enable us to meet more of the housing need in the community and has design and planning advantages.

Attachment 1: Background on MidPen Housing

Developer Experience

For more than forty-five years, MidPen Housing (“MidPen”) has been one of the largest, most trusted developers and owners of high-quality affordable rental housing in Northern California. We have played a leading role in the growth of the affordable housing industry in California, consistently setting new standards for best practices in development, property management, and resident services.

MidPen operates through three distinct non-profit companies that work closely together to manage corporate activities and partnerships, while furthering its mission to provide safe, affordable housing of high quality. MidPen has extensive experience in the development of affordable housing. Since it was founded in 1970, MidPen has achieved recognition as a leading non-profit sponsor and developer of affordable housing. MidPen has constructed or rehabilitated more than 8,000 residential units for low-income households throughout Northern California. Over 1,500 of our apartment homes are located in San Mateo County.

MidPen has a strong track record of leveraging local funds to raise additional funding sources, compete successfully for low income housing tax credits, and complete projects in a timely way. Over the past five years, MidPen has financed 35 development projects, representing nearly 2,500 units. MidPen has raised or deployed over \$940M to bring new and substantially-rehabbed housing to fruition, with over \$500M of this financing coming in the form of tax credit equity and \$120M in conventional debt.

Management Experience

MidPen Property Management Corporation manages nearly 7,000 units in 95 properties, which house 16,000 residents. MidPen Property Management both manages MidPen’s properties and offers fee-based management for other affordable housing communities. MidPen Management has a staff of approximately 200 employees. Our seasoned leadership team provides extensive experience in all aspects critical to exceptional property management including compliance, operations, training, facility maintenance and community relations.

Service Provider Experience

MidPen Resident Services Corporation provides and coordinates onsite support programs to help residents advance. Some of these programs include: computer and vocational training, tutoring and afterschool programs, financial literacy classes, health and wellness programs and community referrals. With an annual investment of \$7 million, an in-house staff of 65 and 300 service provider partners, MidPen Resident Services Corporation leads the affordable housing industry with its programs and services by helping over 7,000 MidPen residents each year.

Attachment 2: 2017 San Mateo County Income Limits

Household Size	<i>Extremely Low</i>		<i>Very Low</i>		<i>Low</i>		<i>Moderate</i>
	30% AMI	40% AMI	50% AMI	60% AMI	80% AMI	100% AMI	120% AMI
1 person	\$27,660	\$36,880	\$46,100	\$55,320	\$73,760	\$92,200	\$110,640
2 person	\$31,590	\$42,120	\$52,650	\$63,180	\$84,240	\$105,300	\$126,360
3 person	\$35,550	\$47,400	\$59,250	\$71,100	\$94,800	\$118,500	\$142,200
4 person	\$39,480	\$52,640	\$65,800	\$78,960	\$105,280	\$131,600	\$157,920
5 person	\$42,660	\$56,880	\$71,100	\$85,320	\$113,760	\$142,200	\$170,640
6 person	\$45,810	\$61,080	\$76,350	\$91,620	\$122,160	\$152,700	\$183,240
7 person	\$48,960	\$65,280	\$81,600	\$97,920	\$130,560	\$163,200	\$195,840

Attachment 3: Data on Housing Needs

As can be seen in the 2014-2022 RHNA allocation, the greatest need is at the Very Low Income level but there is significant need at the Low and Moderate levels as well. In terms of progress to date, see chart below.

Jurisdiction City of Menlo Park
 Reporting Period 1/1/2016 - 12/31/2016

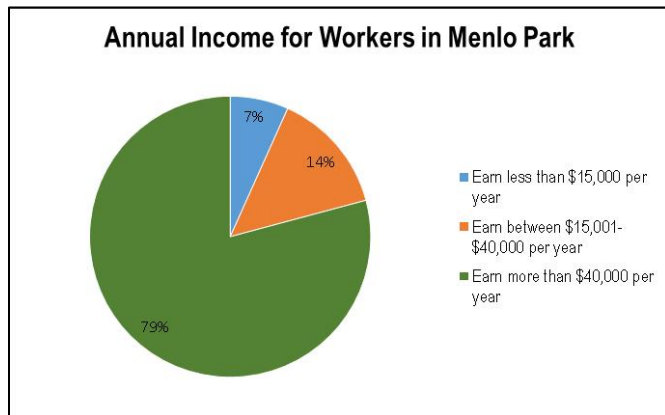
Table B
Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

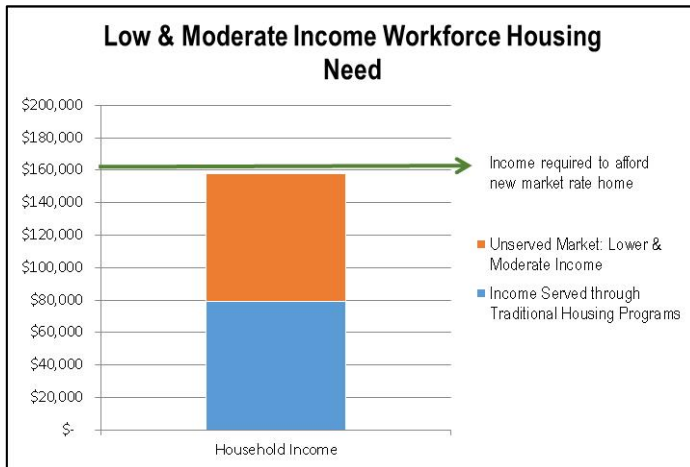
Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2014	2015	2016	2017	2018	2019	2020	2021	2022	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	59	22	42							123	103
	Non-deed restricted	1	3	3							7	
Low	Deed Restricted	0	15	0							15	103
	Non-deed restricted	2	5	4							11	
Moderate	Deed Restricted	0	0	0							0	143
	Non-deed restricted	0	0	0							0	
Above Moderate		9	703	17							729	-579
Total RHNA by COG. Enter allocation number:		655										
Total Units		71	748	66							885	-230
Remaining Need for RHNA Period												

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

Based on our review of available data on the City’s workforce and commuters, we anticipate households working in many jobs important to the Menlo Park economy, such as the technology industry and office support positions, child care, and many critical public sector workers, would be served by our proposal. Of the nearly 32,000 workers who work in the City of Menlo Park, over 95% are commuting from outside of the City. Over 20% of that workforce makes less than \$40,000 per year.



Source: US Census Bureau. Longitudinal Employer-Household Dynamics. 2014



Source: HUD, CTCAC, CoStar

Example Menlo Park Occupations and Salaries

Occupation	Annual Salary	Maximum Affordable Rent (1)	2br Average Asking Rent	Affordability Gap (1)	HUD/HCD Household Income Category (2)
Valet Parking Attendant	\$31,200	\$780	\$3,864	(\$3,084)	Extremely Low Income
Kitchen Staff	\$33,280	\$832	\$3,864	(\$3,032)	30% AMI and Below
Security Officer	\$33,280	\$832	\$3,864	(\$3,032)	(< \$36,900)
School Counselor	\$35,443	\$886	\$3,864	(\$2,978)	
Gymnastics Instructor	\$37,882	\$947	\$3,864	(\$2,917)	
Child Care Teacher	\$47,317	\$1,183	\$3,864	(\$2,681)	
Apartment Manager	\$47,840	\$1,196	\$3,864	(\$2,668)	Very Low Income
Custodian	\$52,881	\$1,322	\$3,864	(\$2,542)	30% to 50% AMI
Administrative Assistant	\$58,177	\$1,454	\$3,864	(\$2,410)	(\$36,900 - \$61,500)
Librarian	\$63,459	\$1,586	\$3,864	(\$2,278)	
Executive Assistant	\$66,425	\$1,661	\$3,864	(\$2,203)	Low Income
Accountant	\$74,645	\$1,866	\$3,864	(\$1,998)	50% to 80% AMI
Fire Prevention Coordinator	\$75,733	\$1,893	\$3,864	(\$1,971)	(\$61,500 - \$98,500)
Building Inspector	\$86,717	\$2,168	\$3,864	(\$1,696)	
Associate Planner	\$89,501	\$2,238	\$3,864	(\$1,626)	
Police Officer	\$92,369	\$2,309	\$3,864	(\$1,555)	
Associate Civil Engineer	\$101,021	\$2,526	\$3,864	(\$1,338)	Moderate Income
Human Resources Manager	\$115,260	\$2,882	\$3,864	(\$983)	80% to 120% AMI
Corporate Paralegal	\$125,000	\$3,125	\$3,864	(\$739)	(\$98,500 - \$129,250)

(1) Assumes household spends no more than 30% of income on housing, Gap based on current market 2br rents

(2) Assumes a single-income, four-person household

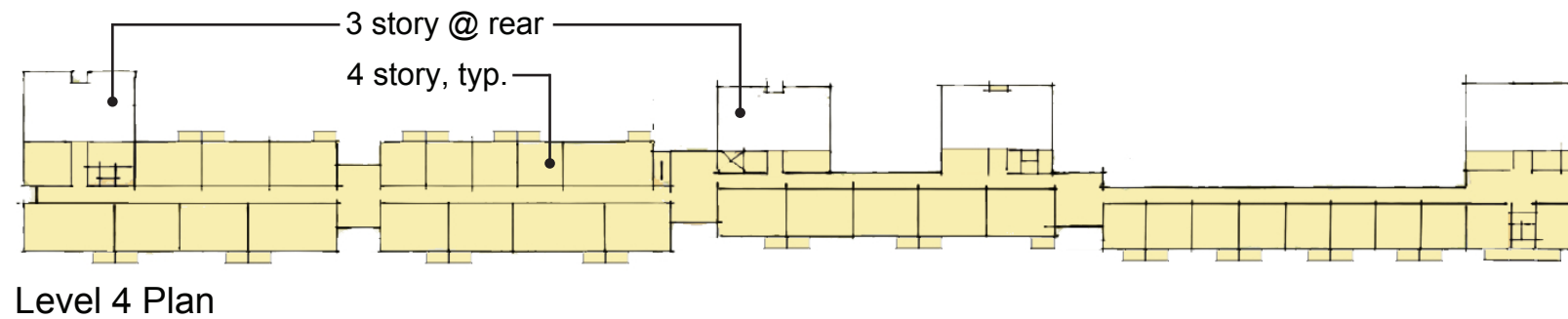
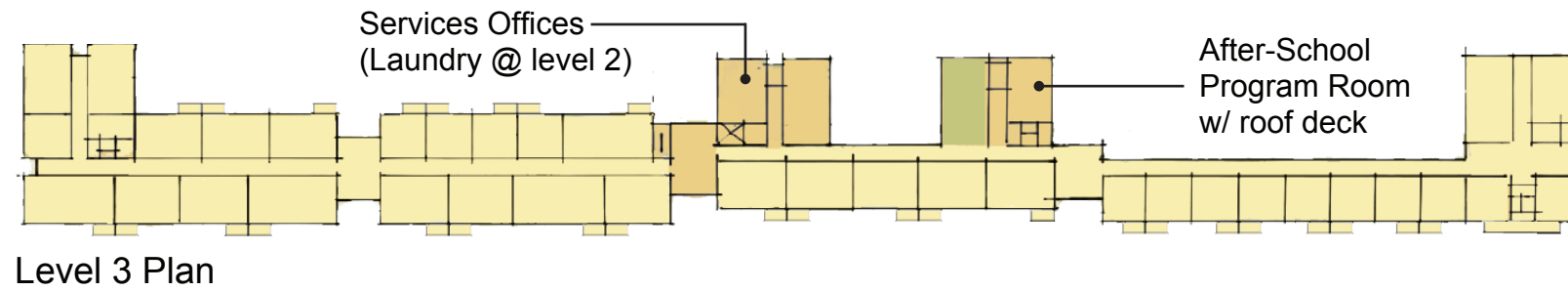
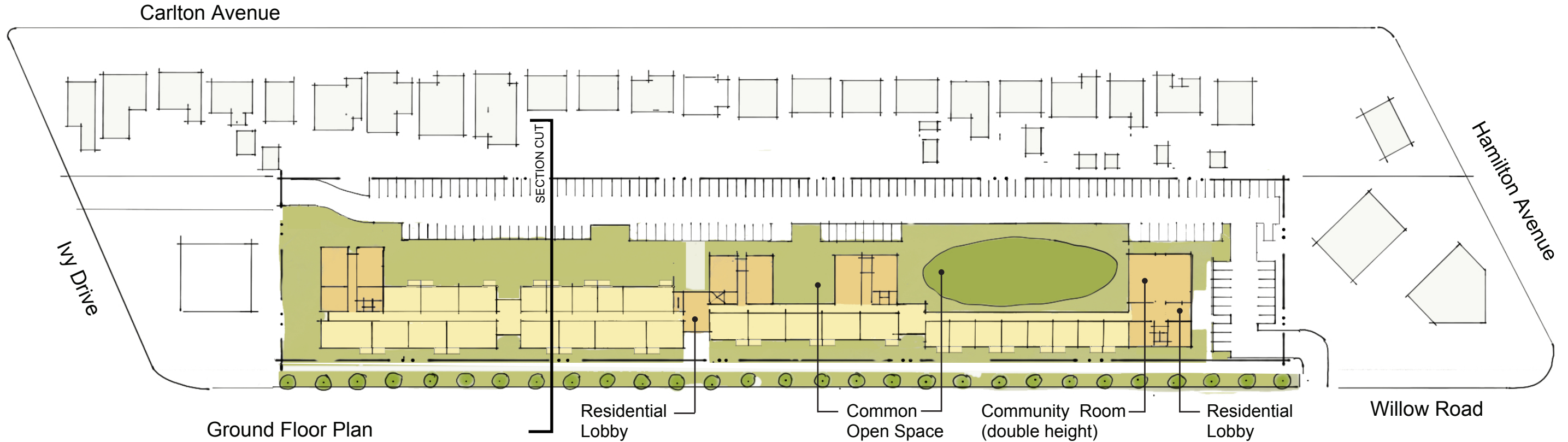
Sources: City of Menlo Park Salary Schedule Eff. 04/16/17, Indeed.com, CoStar

Census Data on Belle Haven and Menlo Park Incomes

	Belle Haven (Census Tract 6117)		Menlo Park		San Mateo County Median Household Income Threshold
					\$93,623
Median Household Income	\$53,679		\$121,816		
<i>% of County Median</i>	57%		130%		
Total Households	1,401		11,907		
Income Qualified Households (Based on County Median Income		<i>% of Tract Pop.</i>		<i>% of City Pop.</i>	
Above Moderate (> 120% AMI)	263	19%	6,473	54%	
Moderate (80% - 120% AMI)	264	19%	1,710	14%	\$112,348
Low (below 80% AMI)	874	62%	3,723	31%	\$74,898
Low (50% - 80% AMI)	247	18%	1,519	13%	\$74,898
Very Low (30% - 50% AMI)	266	19%	1,005	8%	\$46,812
Extremely Low (< 30% AMI)	361	26%	1,200	10%	\$28,087
Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates					

Conceptual Site Plan

Scheme 1: Conceptual Plans



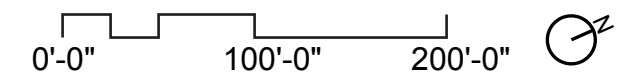
Key

- COMMON AREA
- RESIDENTIAL
- GREEN SPACE

SCHEME DATA

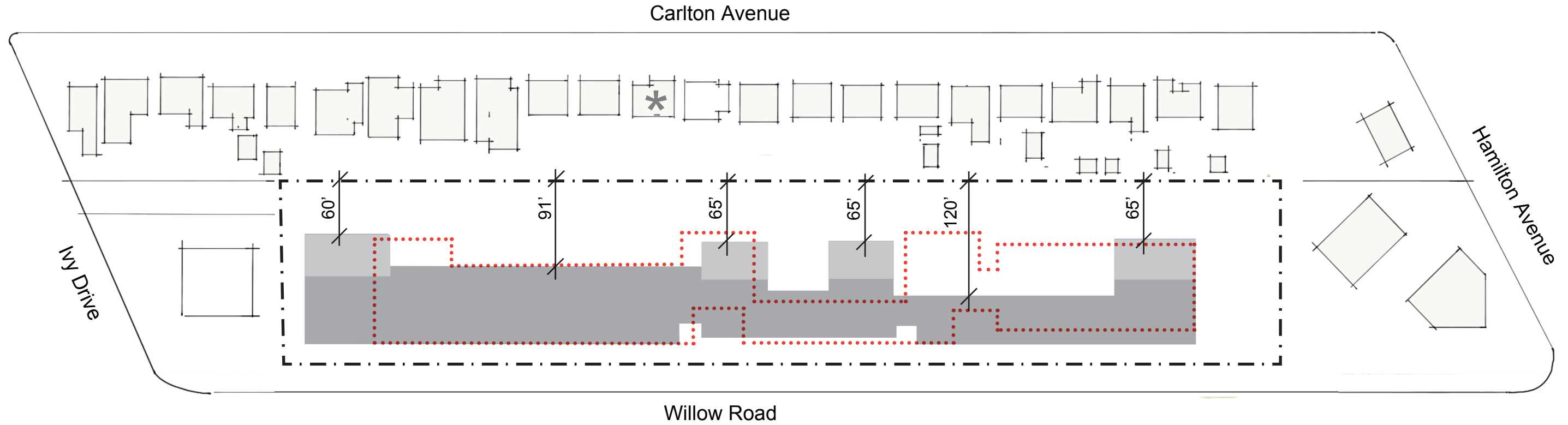
UNITS	
1 BR:	69 units
2 BR:	48 units
3 BR:	24 units
Total:	141 units

PARKING	
Residential Parking	180 spaces

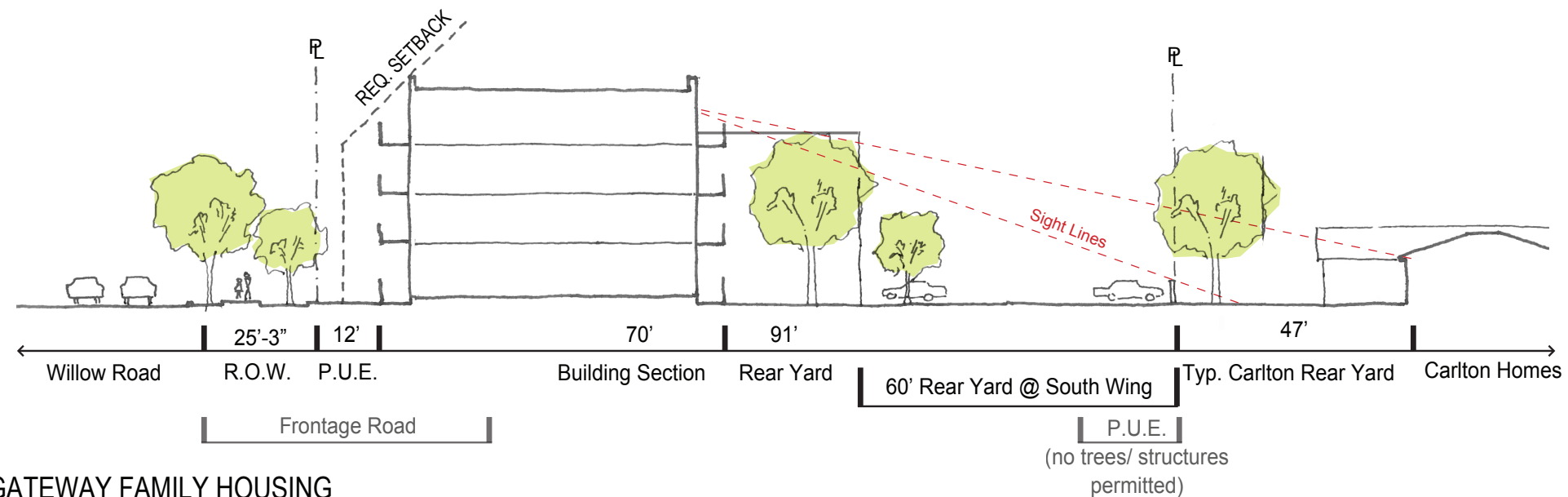


Conceptual Site Diagrams

Scheme 1: Conceptual Plans



- Building Footprint proposed at City Council Study Session (includes zone of balconies)
- Revised Building Footprint - 4 Stories
- Revised Building Footprint - 3 Stories



Existing Site Conditions

Site Conditions

- Aging buildings at the end of their life span
- Poorly configured open space that does not serve the needs of residents
- No community gathering spaces or amenity spaces
- No clear definition between the public and private realm, creating an awkward pedestrian experience along Willow Road and impacting the safety of residents
- Project Data: 83 apartments in several 2 story buildings, and 99 parking spaces

Project Goals

- Create high quality new apartments that compliment the character of the existing neighborhood
- Improve site security and help make Willow Rd. a pedestrian-friendly experience
- Support the goals of the General Plan update by increasing the number of permanently affordable units
- Create usable open spaces for the residents to help foster community



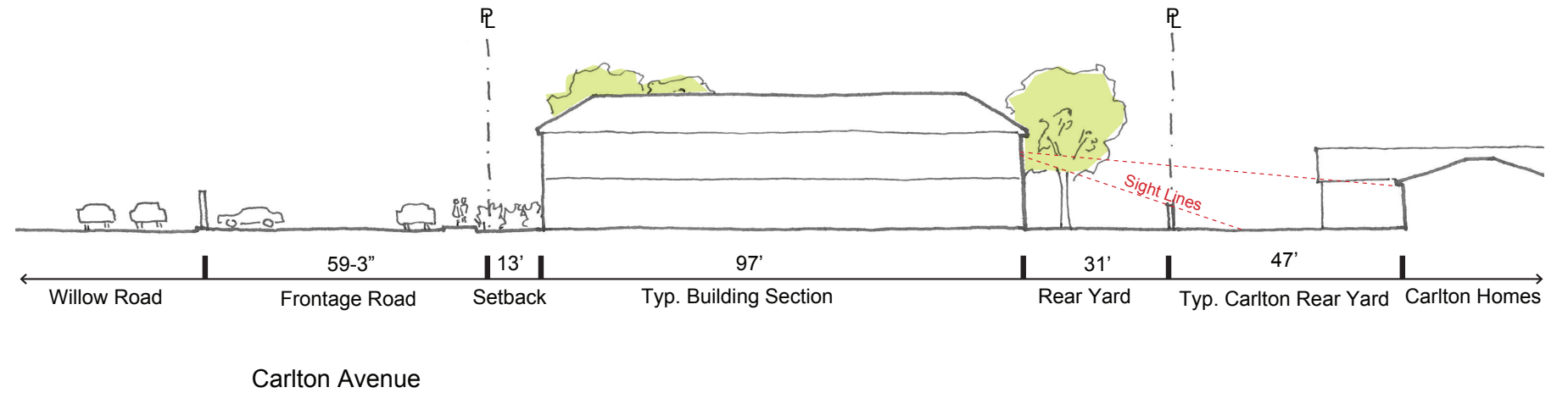
VIEW FROM WILLOW RD



VIEW ALONG FRONTAGE RD



VIEW AT REAR YARD



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1300 Block Willow - 141 Units - 100% Affordable - 100% Residential



PROJECT DATA

SITE, BUILDING AND UNIT DETAILS		
LAND		
Acreage	3.80	acres
Density	37.08	units/acre
# of Stories	4	
BUILDING		
Residential	106,776	sf
Circulation and Common	24,435	sf
Commercial	-	sf
PARKING		
# of residential spaces	180	
residential parking ratio	1.28	
total # parking spaces	180	
UNIT MIX AND AFFORDABILITY		
Unit Type	# Units	
Studios/SRO	0	
1-Bedroom	69	
2-Bedroom	48	
3-Bedroom	24	
4-Bedroom	0	
Total Unit Count	141	
Average Affordability	52.2%	

SOURCES AND USES			
CONSTRUCTION SOURCES	total	per unit	
Construction Loan	\$ 49,640,320	352,059	
Tax Credit Investor Proceeds	\$ 1,099,380	7,797	
County of San Mateo AHF	\$ 2,500,000	17,730	
Seller Takeback Note	\$ -	-	
AHP	\$ 1,390,000	9,858	
City of Menlo Park Existing Loan	\$ 3,221,558	22,848	
City of Menlo Park (2015 BMR NOFA Request)	\$ 5,000,000	35,461	
City of Menlo Park (Additional BMR Funds)	\$ 1,700,000	12,057	
Additional Gap	\$ 0	0	
total	\$ 64,551,258	457,810	
PERMANENT SOURCES	total	per unit	
Amortizing Perm Loan, Tranche A	\$ 16,236,300	115,151	
Amortizing Perm Loan, Tranche B	\$ 14,842,900	105,269	
Tax Credit Investor Proceeds	\$ 21,987,709	155,941	
County of San Mateo AHF	\$ 2,500,000	17,730	
Seller Takeback Note	\$ -	-	
AHP	\$ 1,390,000	9,858	
City of Menlo Park Existing Loan	\$ 3,221,558	22,848	
City of Menlo Park (2015 BMR NOFA Request)	\$ 5,000,000	35,461	
City of Menlo Park (Additional BMR Funds)	\$ 1,700,000	12,057	
Additional Gap	\$ 0	0	
GP Equity	\$ 1,500,000	10,638	
total	\$ 68,378,467	\$ 484,954	

FINANCING ASSUMPTIONS		TAX CREDIT ASSUMPTIONS	
Debt Coverage Ratio	1.15	9% CREDIT COMPETITIVENESS	
Construction Underwriting Rate	3.42%	Tiebreaker	N/A
Permanent Interest Rate	5.49%	Set-Aside	N/A
Perm Loan Amortization	35	Geographic Region	N/A
		Project Type	None
DEVELOPER FEE		CREDIT AND EQUITY ASSUMPTIONS	
15% of TDC	\$9,821,770	Price	1.00
Total Fee	\$2,900,000	130% Basis Boost?	Yes
Deferred Amount	\$0	100% Tax Credit Eligible?	Yes
GP Equity	\$1,500,000	Acquisition Credits?	No
Net Developer Fee	\$1,400,000		

OPERATING AND SERVICES EXPENSE ASSUMPTIONS		
Total Residential Operating Expenses	\$ 874,200	Annual Escalation 3.5%
Resident Services Fee	\$ 97,693	
Property Taxes	\$ -	
Replacement Reserves	\$ 63,450	
Debt Admin Fees - Bond Issuer, MHSA, Other	\$ 15,540	

PERMANENT USES			
ACQUISITION	total	per unit	per SF
Land	\$ 9,621,558	\$ 68,238	\$ 69
Other Acquisition Costs	\$ 445,660	\$ 3,161	\$ 3
Total Acquisition Costs	\$ 10,067,218	\$ 71,399	\$ 72
HARD COSTS			
Resid. Site Work and Structures	\$ 35,598,104	\$ 252,469	\$ 256
Commercial Costs	\$ -	\$ -	\$ -
Escalation Contingency	\$ 1,067,943	\$ 7,574	\$ 8
Overhead & Profit/GC/Ins. Bond	\$ 4,583,256	\$ 32,505	\$ 33
Owner Contingency	\$ 1,856,219	\$ 13,165	\$ 13
Total Hard Costs	\$ 43,105,522	\$ 305,713	\$ 310
SOFT COSTS			
Architecture and Engineering	\$ 1,901,705	\$ 13,487	\$ 14
Construction Loan interest and fees	\$ 2,606,377	\$ 18,485	\$ 19
Permanent Financing	\$ 190,396	\$ 1,350	\$ 1
Legal Fees	\$ 120,000	\$ 851	\$ 1
Reserves	\$ 776,526	\$ 5,507	\$ 6
Permits and Fees	\$ 673,698	\$ 4,778	\$ 5
Other Soft Costs	\$ 683,126	\$ 4,845	\$ 5
Relocation	\$ 5,353,900	\$ 37,971	\$ 39
Developer Fee	\$ 2,900,000	\$ 20,567	\$ 21
Total Soft Costs	\$ 15,205,728	\$ 107,842	\$ 109
TOTAL DEVELOPMENT COSTS	\$ 68,378,467	\$ 484,954	\$ 492

	CASH FLOW - YEARS 1-5 and 15					
	2017	2018	2019	2020	2021	2031
Effective Gross Income	3,414,391	3,482,324	3,551,782	3,622,801	3,695,417	4,518,329
Operating Expenses	(874,200)	(904,797)	(936,465)	(969,241)	(1,003,165)	(1,415,063)
Services Expenses	(97,693)	(101,112)	(104,651)	(108,314)	(112,105)	(158,135)
Loan Admin Fees	(15,540)	(15,540)	(15,540)	(15,540)	(15,540)	(15,540)
Reserves	(63,450)	(63,450)	(63,450)	(63,450)	(63,450)	(63,450)
Net Operating Income	2,363,508	2,397,426	2,431,677	2,466,256	2,501,158	2,866,142
Debt Service Loan 1	(1,045,023)	(1,045,023)	(1,045,023)	(1,045,023)	(1,045,023)	(1,045,023)
Debt Service Loan 2	(1,010,199)	(1,010,199)	(1,010,199)	(1,010,199)	(1,010,199)	(1,010,199)
Debt Service Loan 3	-	-	-	-	-	-
Cash Flow	308,287	342,204	376,455	411,034	445,936	810,920
DCR	1.15	1.17	1.18	1.20	1.22	1.39
LP Fee	7,000	7,210	7,426	7,649	7,879	10,588
Partnership Management Fee	25,000	25,750	26,523	27,318	28,138	37,815
Residual Receipts - Public	138,143	154,622	171,253	188,034	204,960	381,259
Residual Receipts - Private	138,143	154,622	171,253	188,034	204,960	381,259

SCHEDULE		
MILESTONE	ESTIMATE	ACTUAL
Entitlement (R-4-S/AHO)	6/1/2013	
Funding Committed	7/1/2017	
Tax Credit Award	9/1/2017	
Construction Start	1/1/2019	
Construction Complete	3/1/2020	
100% Occupied	4/1/2020	
Permanent Conversion	8/1/2020	
PIS Package	12/1/2020	
8609s	12/1/2020	

Resident Services Scope and Staffing	
Family Services Program	

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TORONTO

June 12, 2017

Ms. Nesreen Kawar
Via Email

Re: Proposed Project at 1300 Willow Road
Menlo Park, CA

Dear Nesreen:

I am following up on your request to review the referenced project and render opinions and recommendations as to the market viability for the retail component of your proposed mixed-use project.

Relevant Market Forces

Many cities are encouraging mixed-use projects for reasons such as limited land (in certain areas), the desire for the aesthetics and more urban experience of vertical development (common in Europe), traffic reduction and to provide more housing.

Notwithstanding the above, the most difficult part of mixed-use projects to succeed is in the execution of ground floor retail. There are many reasons for disappointing results occurring more often than success. Such reasons are many and include matching retail square footage to local market demand, a lack of experience on the part of architects, leasing agents and city decision makers, to genuinely undertake the task of designing the retail for the best probability of success. It is not the amount of retail that makes a project successful in these type of developments but the presentation and delivery of successful retail space that will remain leased. Having vacant ground floor retail space is a substantial negative to the overall appearance and success of the project. No one can tell if the apartments are vacant but everyone knows immediately if the retail is vacant and that can affect the overall success of the development

Retailers are neither pioneers nor large risk takers. They are sales driven in their decision-making. Their site acquisition criteria focus on those areas where customers have spendable income, a location with in-your-face identity, access with ample, safe and convenient parking. No retailers focus on mixed use projects as they want their customers to be able to come to their location with as little difficulty as possible. Mid Pen Housing's objective is to provide tenants with many of the same attributes that are offered in non-mixed use projects.

The Retail Tenant Market/Supply and Demand

Per our conversations, it is my understanding that the City of Menlo Park, through the adoption of the ConnectMenlo General Plan Update is encouraging a live/work environment in the Belle Haven neighborhood. From the Community Amenity Survey "Rankings, we see that a grocery store, restaurant, pharmacy and a bank branch are priorities. Furthermore, we understand that other sites may be better suited for these uses due to their size, location, and configuration. No city is homogenous in terms of market demand from neighborhood location to another. For retail tenants, sales volume is always the deciding factor. Retail needs

to capture customers through its doors with volume. Retail projects are the most site sensitive of all type of commercial developments. Contributing features to a retailer's decision to open a new store include customer delivery systems such as traffic counts, easy access to and from the development, sufficient parking, signage, unique neighborhood buying habits such as whether customers shop near their home or near their office. Another important consideration includes the design of the retail space and its infrastructure.

Competing retail centers, such as the development at the corner of Hamilton and Willow, can intercept customers and can offer convenient co-shopping versus a single dedicated shopping trip. These factors, and more, affect how much retail space should be built at any given location in an effort to match what is built with what can be leased. Insensitivity to such issues cause chronic retail vacancies, high tenant turnover and a disappointing compromise in the quality of the tenant mix.

The Subject Property

The subject property benefits from its proximity to Facebook and other commercial companies. Unfortunately the location has a 180 degree trade area. Willow Road has a strong traffic count of approximately 39,500 cars per day and it is primarily a commute street with most of the traffic occurring early morning and later in the afternoon. There are only 18,740 residents living in a one mile area, which is light, and there are approximately 5,944 employees within one mile. Unfortunately, the Medium Household Income within one mile is only \$61,168 which does not allow for much discretionary spending. In comparison, the average household income in Santa Clara County is approximately \$93,000 per year and San Mateo County is approximately \$121,000.

Adequate parking is a non-negotiable issue in a retailer's mind. Parking needs to be sufficient, nearby and exclusive for the retail. At a minimum, retail, bank and grocery store parking require a minimum of one stall per every 250 square feet of floor area and restaurants requires a minimum approximately one stall per 150 to 200 square feet. In addition, parking for retail but more importantly for restaurants cannot be shared with the residents or parking for their guests. If a customer cannot find parking, they will move on to the next opportunity. The parking spaces need to be able to turn over from customer to customer during business hours so that retailers can conclude sales with as many customers as possible.

The retail market today bears little resemblance with the retail market we grew up with. At one time Macy's Department Stores was the largest purveyor of electronic goods in the United States. Large box retailers have been endorsed by the patronage of customers over traditional smaller scale formats. Independent shoe stores, book stores, computer stores, women's wear have all but vanished. National grocery stores and drug stores have consolidated to a hand full of names. This means that very large projects with major tenant names and store sizes are able to attract the newer retail names and concepts. Such centers are commonly located along freeways of established retail-commercial streets. Standard retail tenants want to be with major retailers such as Safeway, Whole Foods, Target, et al that draws thousands of customers every month.

The market that remains, particularly for the subject property and similar projects, is one based upon convenience and utilitarian shopping; more specifically restaurants, retail services such as, but not limited to, dry cleaning, cell phone stores, hair salons, financial tenants (banks, credit unions, dental offices, and fitness operators. Restaurants today have evolved into the anchor tenant in successful mixed-use projects (residential over retail) such as Solstice development in Sunnyvale.

The ability to lease to a variety of food/restaurant and service tenants will be vital to achieve full lease up add to the vibrancy of Willow Street by adding attractive outdoor seating areas for food service. Examples include small quick serve restaurants such as pizza, Vietnamese, Indian, Chinese, sandwich-deli, Japanese, Mexican, and coffee (although may be difficult due to Starbucks being located nearby).

It appears the community has interest in a pharmacy and a grocery store. Small pharmacies cannot compete with companies like Rite Aid, CVS, and Walgreens which are approximately 15,000 square feet which will require 60,000 square feet of land area with a drive through. The only small pharmacy in the area that I know of is Pharmaca. I am not aware of their expansion plans but would be pleased to reach out to the company to make them aware of this opportunity in Menlo Park. Regarding grocery stores, these businesses need to have beer and wine to make a profit which I do not believe would be conducive to a quality development nor the residents within the project. A convenient food store typically put products stacked in the window which doesn't reflect well from the street. I do not believe people living in the project will want customers shopping at late hours, which will most likely be a requirement. There is not enough sales volume or profit (these stores have a very low margin) to support a small store unless a use such as 7-11 would be allowed which I do not recommend.

Summary

Retail is the most site-sensitive use in contrast to residential, industrial, office. Retailers need a high volume of impulse customers that see their business, conveniently drive in, park and make a purchase. Based upon my 41 years in the commercial real estate business specializing in retail and having worked on over twenty mixed use projects, I would conclude that the subject property does not successfully support approximately six to seven thousand square feet of retail along Willow Street because the subject property only has 18 shared parking stalls. In constructing a retail building of this size approximately 32 stalls (not shared with residents or residential visitors) would be required assuming 50% are retail uses and 50% are restaurant uses. With the demand for food service in the area during lunchtime, this number may not even be enough. Because the site is mid-block, I estimate the rent for the retail would be approximately \$3.00 per square foot. In addition, the developer would need to invest more in the infrastructure of the retail to accommodate food service such as grease interceptors, more HVAC and electrical, gas lines and water lines. Restaurants tenants will also want an outside seating area.

I am available to answer and questions and to respond to any comments that you, your advisors, architects and city officials may have.

Sincerely,
SRS Real Estate Partners



Bruce H. Frazer
Senior Vice President

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STAFF REPORT

City Council

Meeting Date:

7/18/2017

Staff Report Number:

17-160-CC

Regular Business:

Consider a potential modification to the 2017 City Council Work Plan to evaluate improvements at the Middlefield Road/Linfield Drive-Santa Monica Avenue Intersection

Recommendation

Staff recommends the City Council consider and provide direction on a potential modification to the 2017 City Council Work Plan to evaluate improvements at the Middlefield Road/Linfield Drive-Santa Monica Avenue intersection.

Policy Issues

This item is not currently included in the City Council's 2017 Work Plan, and the addition of a new project would require action by the Council to modify the Work Plan. This effort is consistent with the City's adopted Circulation Element, which includes policies that prioritize bicycle and pedestrian safety, coordination with emergency response providers, and establishing a Safe Routes to School program.

Background

On June 20, 2017, the Menlo Park Fire Protection District Board authorized Fire Chief Harold Schapelhouman to initiate discussions with the City regarding an agreement to install improvements near Fire Station 1 and provide funding towards such improvements. On June 26, 2017, Chief Schapelhouman reached out to City staff to initiate conversations around a joint project to install a pedestrian hybrid beacon (formerly known as a *High-intensity Activated crossWalk*, or HAWK) at Fire Station 1 on Middlefield Road. As proposed, the beacon would replace the existing in-roadway warning lighted crosswalk at Middlefield Road and Linfield Drive that was installed in 2013, and expand the pedestrian crossing zone to Santa Monica Avenue. The driveway to Fire Station 1 is between Linfield Drive and Santa Monica Avenue. A map of the area is included in Attachment A.

Analysis

The purpose of this staff report is to provide the City Council with background information so the Council can provide direction on whether to add this item to a future agenda for discussion. Unless the Council provides direction to modify the work plan and priority projects, staff does not have the resources available to respond to this request at this time. If the Council opts not to advance the project at this time, potential improvements such as this would be considered and prioritized as part of the Transportation Master Plan development instead of through an ad-hoc basis.

A discussion of the Fire District's request for the installation of a pedestrian hybrid beacon follows. However, staff recommends, if the Council would like to move forward with this request, that an evaluation of the

intersection first be completed. As described below, staff has prepared a brief evaluation of the intersection and identified other factors that should be considered prior to improvements being installed. The evaluation would allow staff to determine if a beacon or other potential improvements would be appropriate at this location.

Pedestrian Hybrid Beacon Background

Pedestrian hybrid beacons are a relatively new traffic control device, first approved for use nationally in 2009. The first installation on the Peninsula occurred in the Town of Atherton on El Camino Real at Almendral Avenue in 2016. Fire Station 3 is located on Almendral Avenue, and the installation of the beacon was a joint effort between the Town of Atherton and the Fire District. The installation of the beacon at Almendral Avenue took approximately 18 months (from February 2015 to October 2016), with a capital budget of \$350,000 and actual expenditures of approximately \$290,000. Caltrans has several more pedestrian hybrid beacons currently under construction on El Camino Real in San Mateo County.

Current Conditions at Middlefield Road/Linfield Drive

The current crosswalk improvements at Middlefield Road and Linfield Drive were approved by the Council on July 14, 2009, including colored, textured pavement, installation of a solar-powered lighted crosswalk system, and signs. Developments at 110 Linfield Drive, 175 Linfield Drive, and 321 Middlefield Road partially funded the crosswalk improvements, after environmental review documents for the development projects identified the need for a traffic signal at this intersection. However, the signal was determined not to be a feasible solution due to residents' concerns regarding the potential for a traffic signal to encourage cut-through traffic. A copy of the staff report summarizing the analysis is provided as Attachment B. Staff recommends that any consideration of improvements to the Middlefield Road/Linfield Drive intersection include an outreach meeting with the Linfield Oaks residents to gather input prior to moving forward with design of a pedestrian hybrid beacon for installation. In addition, staff would recommend outreach to the residents on Santa Monica Avenue due to the potential modification of the raised median along Middlefield Road to allow pedestrian and bicycle crossings.

Additionally, staff has reviewed the characteristics of the intersection and traffic conditions based on current available data from the City's bi-annual traffic data collection program. Middlefield Road is four lanes (two in each direction), and includes bicycle lanes and walking paths or sidewalks on each side of the street. The speed limit is posted at 35 miles per hour. It is classified as an Avenue – Mixed Use in the City's Circulation Element of the General Plan. Avenue – Mixed Use is defined as follows: "A street with mixed residential and commercial frontages that serve as a main route for multiple modes. Distributes trips to residential and commercial areas. Provides a balanced level of service for vehicles, transit, bicycle, and pedestrians, wherever possible. Bicycle priority is greater along identified bicycle corridors. Pedestrian improvements are comfortable to walk along, and provide safe crossings at designated locations." Middlefield Road carries approximately 20,200 vehicles per day as of data collected in the spring of 2017. Traffic volumes dating back to 2009 are consistent, with volumes ranging between 19,680 and 20,670 vehicles per day (5 percent variation).

Linfield Drive is a two-lane local street with bicycle lanes and sidewalks on each side of the street. Santa Monica Avenue is a two-lane local street with a parking strip or walking path on at least one side of the street. Speed limits on both Linfield and Santa Monica are 25 miles per hour. A local street is defined as follows: "A low volume residential street, serving mostly local traffic. Provides access primarily to abutting uses. These streets should offer safe and inviting places to walk and bike." Linfield Drive carries approximately 2,060 vehicles per day as of spring 2017 traffic counts; this represents a 17 percent increase in traffic volumes since 2014. Linfield Drive data was not collected bi-annually prior to 2014. According to the 2009 staff report attached, approximately 80 pedestrian crossings occurred during an 8-hour period at the Middlefield Road/Linfield Drive intersection. Bi-annual traffic counts on Santa Monica Avenue are not

typically collected. Where current data is not available, given the current summer season, traffic counts were not collected for purposes of this report as they would not reflect typical school traffic patterns until late August or September 2017.

Collision History at Middlefield Road/Linfield Drive

Staff has also reviewed the last five years of collisions occurring at the Middlefield Road/Linfield Drive intersection, as shown below. As shown, between July 1, 2012 and June 30, 2017, 13 reported incidents occurred. Nine of these involved vehicle collisions (6 rear-end, 2 broadside, 1 sideswipe). One was a solo vehicle collision with a fixed object due to driving while under the influence. Two collisions involved a bicyclist and a vehicle (both involved a bicyclists making a turn off of Middlefield Road to Linfield Drive, Santa Monica Avenue or advance maneuvers before Willow Road) and one collision involved a pedestrian where a driver in one of the two approaching lanes stopped; and a second approaching vehicle did not. The collision history, especially the prevalence of rear-end collisions, will require a detailed evaluation of potential improvements at this intersection. An assessment of whether these collisions could be corrected by installation of a pedestrian hybrid beacon or if other improvements, such as a traffic signal or lane striping modifications, would need to be conducted.

Unique Installation Considerations

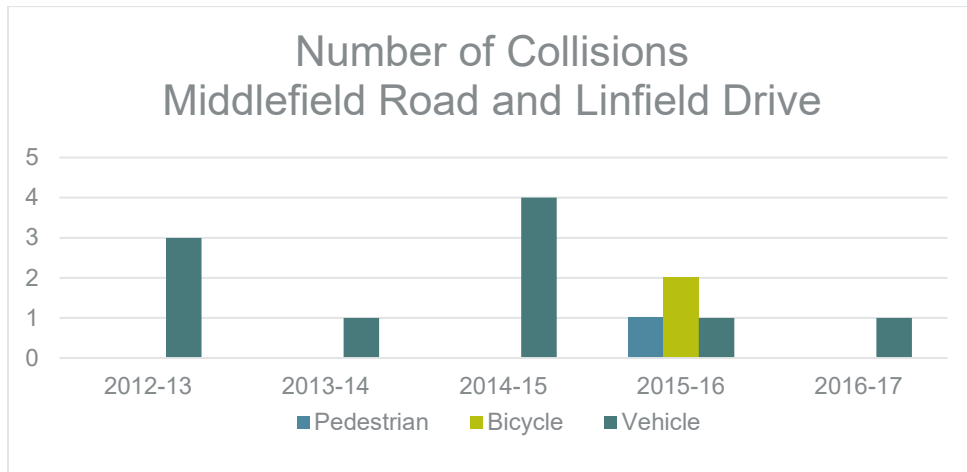
Staff has also posted queries to two different national professional transportation groups to identify similar installations in cities around the U.S. or Canada. Staff has been unable to find a similar examples of an intersection with such a large off-set (200 feet) with the need to also provide emergency vehicle preemption, and pedestrian and bicycle crossings at the intersection. Therefore, if a pedestrian hybrid beacon is found to be appropriate at this location, it is likely that specialized design assistance will be needed to ensure that the improvements are customized appropriately and would function correctly for such an installation.

Summary

As described above, staff does not have the resources available to respond to this request given the adopted Work Plan priorities. If directed by the Council, staff can delay or remove other items on the Work Plan in order to advance this request. If authorized by the Council, the next steps are anticipated to include:

Phase	Task
Planning	<ol style="list-style-type: none"> 1. Return to Council with assessment of Work Plan modifications for approval and funding request 2. Initiate discussions with the Fire District (continue throughout process) 3. Complete an evaluation of the potential improvements at this intersection 4. Conduct outreach to Linfield Oaks residents, Santa Monica residents, school district representatives and parent stakeholders 5. Prepare conceptual recommendations 6. Council authorizes improvements at the intersection, allocates construction funds, and award design contract
Design	<ol style="list-style-type: none"> 7. Prepare design documents 8. Complete environmental clearance
Construction	<ol style="list-style-type: none"> 9. Obtain construction bids 10. Award a construction contract 11. Construct improvements 12. Accept completed construction

It is anticipated that the evaluation would assess pedestrian and bicycle crossing behavior, emergency vehicle access and egress needs, collision patterns, traffic flow and interaction with the Middlefield Road/Willow Road intersection.



Depending on future Council direction, staff would return with a request for an appropriation to fund this work and a summary of potential projects that would be delayed by advancing this request.

Impact on city Resources

The addition of this project to the 2017 Council Work Plan would have impacts on staff resources and would require additional budget for evaluation, design and construction. Depending on future Council direction, staff would return with a request for an appropriation to fund this work and a summary of potential projects that would be delayed by advancing this request.

Environmental Review

Modifications to the City Council Work Plan does not require environmental review under the California Environmental Quality Act (CEQA). If the Council directs staff to move forward, future phases of this work will be subject to environmental clearance requirements under CEQA.

Public Notice

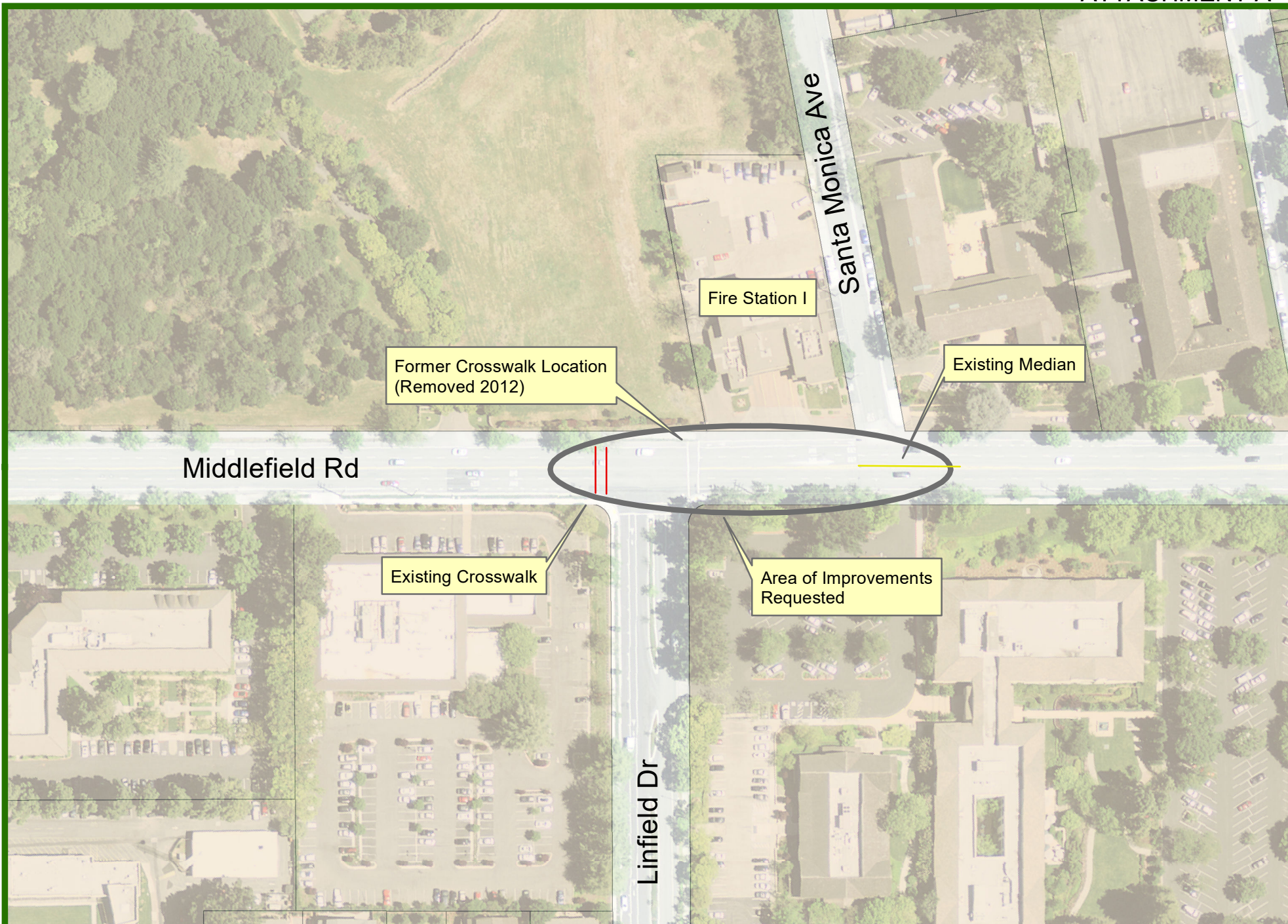
Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Area map
- B. July 14, 2009 Staff Report

Report prepared by:
Nicole H. Nagaya, Assistant Public Works Director

Reviewed by:
Justin Murphy, Public Works Director



Former Crosswalk Location
(Removed 2012)

Fire Station I

Existing Median

Middlefield Rd

Santa Monica Ave

Existing Crosswalk

Area of Improvements
Requested

Linfield Dr



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PUBLIC WORKS DEPARTMENT

Council Meeting Date: July 14, 2009
Staff Report #: 09-091

Agenda Item #: F1

REGULAR BUSINESS: Approval of the Relocation and Installation of a Solar Wireless Lighted Crosswalk System and Signage in Combination with an Enhanced Crosswalk with Reddish Textured Pavement Treatment on Middlefield Road at Linfield Drive as the Preferred Improvement Alternative

RECOMMENDATION

Staff recommends that the City Council approve the relocation and installation of a solar wireless lighted crosswalk system and signage in combination with an enhanced crosswalk with reddish textured pavement treatment on Middlefield Road at Linfield Drive as the preferred improvement alternative (Attachment A).

BACKGROUND

During the Fiscal Year 2007-08 project priority-setting process, the City Council approved a project to study the options for improving the safety for pedestrians and bicyclists at the existing crosswalk on Middlefield Road at Linfield Drive. The developments at 110 Linfield Drive, 175 Linfield Drive, and 321 Middlefield Road analyzed this intersection as part of their environmental review process. In the Environmental Impact Report for these developments, the intersection of Middlefield Road at Linfield Drive was shown to have a significant traffic impact. A traffic signal would mitigate the impact, but due to residential concerns regarding additional cut-through traffic, the signal was determined not to be a feasible solution.

The Council voted to have the developers pay towards pedestrian and bicycle improvements at the intersection. The traffic impact fee was split four ways between the three developments mentioned above and another conceptual development at 8 Homewood Place that never developed. The total traffic impact fee was calculated based on the most expensive solution of a traffic signal. If after the analysis, a less expensive solution was selected, the funding would remain with the City and could be utilized on any other improvements in City.

ANALYSIS

The width of Middlefield Road at its intersection with Linfield Drive is approximately 55 feet. The existing lane configuration on Middlefield Road consists of two 11-foot travel lanes in each direction and a 6-foot bike lane on the east side and 4.5 feet on the west side. The posted speed limit on Middlefield Road and Linfield Drive is 35 miles per hour and 25 miles per hour, respectively. The five-year reported collision history for this intersection has three accidents, only one of the three involved a bicycle using the crosswalk while the other two involved vehicular collisions. The average daily traffic

volume is approximately 21,100 vehicles per day for Middlefield Road and there were approximately 80 pedestrian crossings within an 8-hour period at this intersection.

Staff recommends that all of the options include relocation of the existing crosswalk from the south end of the intersection to the north end, to reduce the number of vehicles turning into the crosswalk. The right turn movement from eastbound Linfield Drive to southbound Middlefield Road has the highest peak hour volume for all turning movements at this intersection. Drivers making this turning maneuver will most likely be looking toward oncoming traffic and not necessarily at the pedestrians crossing at the crosswalk. The relocation of the crosswalk will create a potential vehicle-pedestrian conflict between vehicles from eastbound Linfield Drive to northbound Middlefield Road and pedestrians crossing Middlefield Road; however the driver turning left will most likely be looking towards the crosswalk and see the pedestrians. This movement also has a significantly less peak hour volume.

Staff analyzed the following options:

1. Traffic Signal - \$225,000 (See Attachment B)

A traffic signal is comprised of: 1) Vehicle indicator lights (green, yellow, red) mounted on poles with mast arms to instruct motorists when to go, yield and stop; and, 2) Lighted pedestrian indicators to instruct pedestrians when to walk and don't walk along with the required signage and striping. Right turns still conflict with the southbound and westbound movements. A pedestrian only signal was not considered as an option because it is typically used at mid-block crossings and not at intersections.

Pros:

- Provides safety to pedestrians as motorists must stop at red light while a pedestrian is crossing.

Cons:

- High cost for design, construction and maintenance of the signal.
- Additional vehicle delays along Middlefield Road
- Potential increase of rear end accidents
- Potential increase in cut through traffic on Linfield Drive.
- The Menlo Park Fire District has concerns that a traffic signal could cause congestion at the intersection especially during emergencies. Another concern is that drivers could get confused and consequently, could cause delay to emergency units exiting the fire station.

2. Solar Wireless Lighted Crosswalk - \$30,000 (See Attachment C)

This option is comprised of flashing in-pavement lights and beacons similar to the crosswalk on Alma Street at Ravenswood Avenue and signs and striping, which includes yield lines markings installed 20 to 50 feet before the crosswalk. The signs would include advance warning signs with lights embedded in the sign. The flashing warning lights are triggered by a pedestrian push button. The flashing intervals can be adjusted to different flash modes.

Pros:

- Provides added safety to pedestrians as flashing lights eliminate much of the driver awareness problem that exists with standard crosswalks and the yield line markings encourage motorists to stop before the crosswalk to provide a buffer.

Cons:

- Even with the flashing lights, drivers do not necessarily yield or stop for pedestrians in the crosswalk.

3. Enhanced Crosswalk - \$7,000 (See Attachment D)

This option is comprised of enhancing the crosswalk with a reddish textured “tyre grip” pavement treatment, similar to the crosswalk on Ravenswood Avenue at Alma Street.

Pros:

- Provides an additional safety feature to pedestrians as color and texture of the crosswalk provide greater visibility of the crosswalk to the drivers.

Cons:

- Pedestrians in a crosswalk have the legal right-of-way; however the textured pavement advises motorists to yield to pedestrians but would not always protect from the illegal acts of others.

4. Remove Existing Crosswalk - \$3,000

This option consists of removing the existing crosswalk on Middlefield Road at Linfield Drive and the associated striping, pavement legends and signage.

Pros:

- Pedestrians will be forced to use a controlled and safer crosswalk at either signalized intersection on Middlefield Road at Willow Road or on Middlefield Road at Ringwood Avenue.

Cons:

- Increased distance and travel time for pedestrians that normally use the crossing near Linfield Drive
- Possibility of pedestrians crossing without a marked crosswalk on Middlefield Road to get to the bus stop

5. Refuge Island in the Crosswalk (including street widening) - \$150,000

This option is comprised of widening the roadway, grinding out existing striping pavement legends, removing signage, installing raised concrete median islands and re-striping the roadway.

Pros:

- Pedestrians can safely wait in the middle of the roadway while traffic passes.

Cons:

- It does not alert drivers of the crosswalk
- This option will require additional right-of-way to widen Middlefield Road at the intersection and fit a refuge island. The right of way exists but it affects the curbs, sidewalks, trees and utility poles.

Bicycle Commission

The Bicycle Commission discussed this item at its meeting on June 8, 2009. The Commission passed a motion supporting the installation of a solar wireless lighted crosswalk in combination with the enhanced crosswalk with reddish textured pavement. The recommendation includes relocation of the existing crosswalk on Middlefield Road from the south end of the intersection to the north end along with tyre grip enhancement of the crosswalks on Linfield crosswalk.

Transportation Commission

The Transportation Commission discussed this item at its meeting on June 10, 2009. In the discussion the Chair mentioned the lighted crosswalk option would benefit pedestrians but not bicyclists. Bicyclists would have to dismount their bicycles and walk across as a pedestrian. The Commission passed a motion recommending the traffic signal be installed.

Conclusion

Based on the observations of existing pedestrian crossing conditions and the layout and features of the intersection and consideration of the pros and cons of the different options, staff recommended improvements would include a combination of:

- Installing a solar wireless lighted crosswalk system and signage.
- An enhanced crosswalk with reddish textured pavement on Middlefield Road.
- Relocating the existing crosswalk from the south end of the intersection to the north end.
- An enhanced crosswalk with reddish textured pavement on existing Linfield Drive crosswalk.

The preferred option selected will be considered for construction during the next Fiscal Year Project Priority setting process.

IMPACT ON CITY RESOURCES


The City is in the process of collecting \$186,000 in developer traffic impact fees specific to this project that can be used to pay for future installation cost to implement the installation a solar wireless lighted crosswalk system. The cost for future implementation is estimated to be \$30,000.

POLICY ISSUES


The installation of the solar wireless crosswalk system, signage and tyre grip crosswalk enhancement is consistent with Policy II-A of the 1994 City General Plan Circulation and Transportation Element, which seeks to maintain a circulation system using the Roadway Classification System that will provide for the safe and efficient movement of people and goods throughout Menlo Park for residential and commercial purposes.

ENVIRONMENTAL REVIEW

The installation of the solar wireless crosswalk system, signage and tyre grip crosswalk enhancement is categorically exempt under Class 1 of the current California Environmental Quality Act Guidelines. Class 1 allows for minor alterations of existing facilities, including existing highways, and streets, sidewalks, gutters, bicycle and pedestrian access, and similar facilities, as long as there is negligible or no expansion of use.



Randolph Craig
Assistant Transportation Engineer

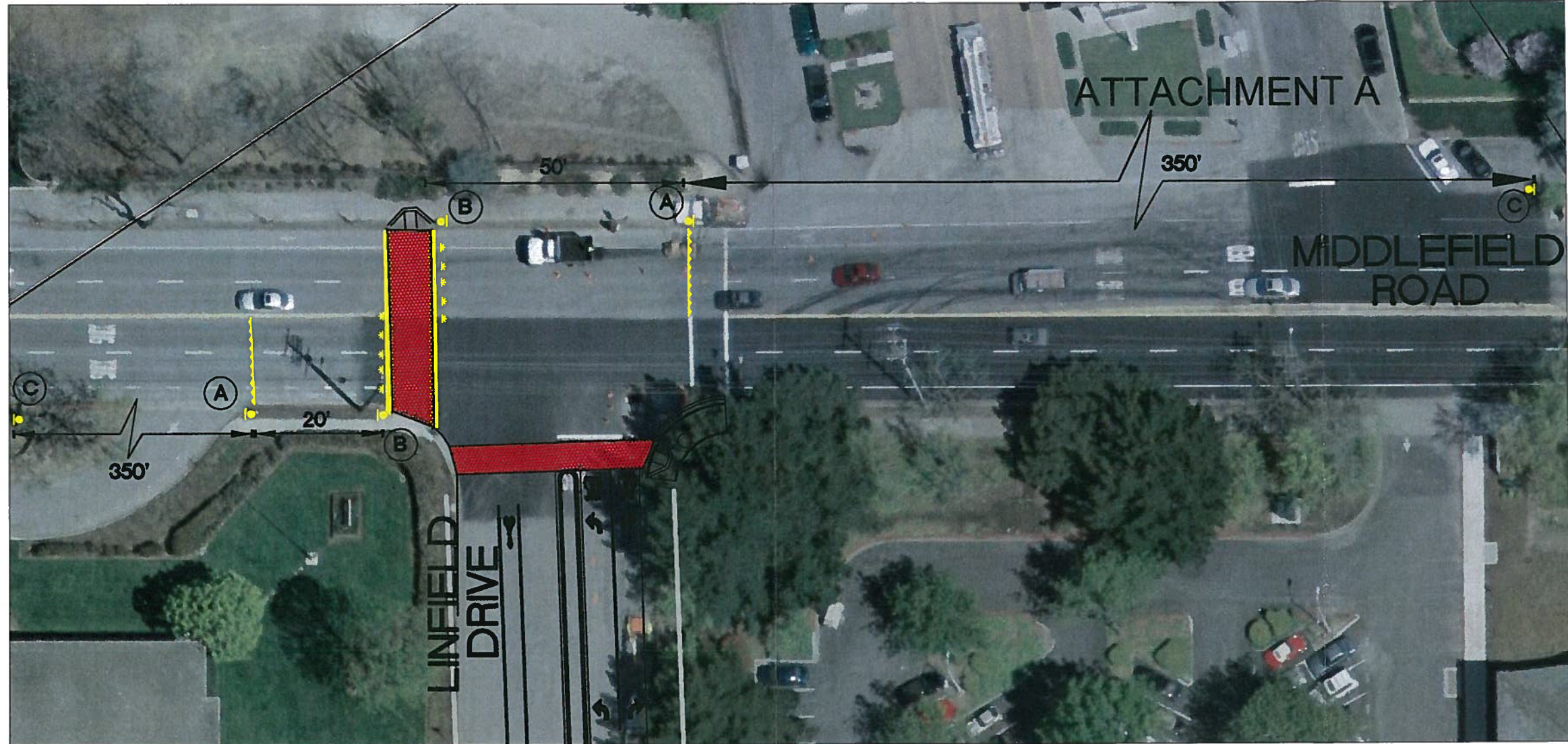


Charles Taylor
Transportation Manager

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

ATTACHMENTS:

- A. Plan of the Recommended Improvements
- B. Traffic Signal Option
- C. Solar Wireless Lighted Crosswalk Option
- D. Enhancement Crosswalk Option



LEGEND:



(A) Signs with lights or flashing beacon mounted above sign.

(B) Sign without lights or flashing

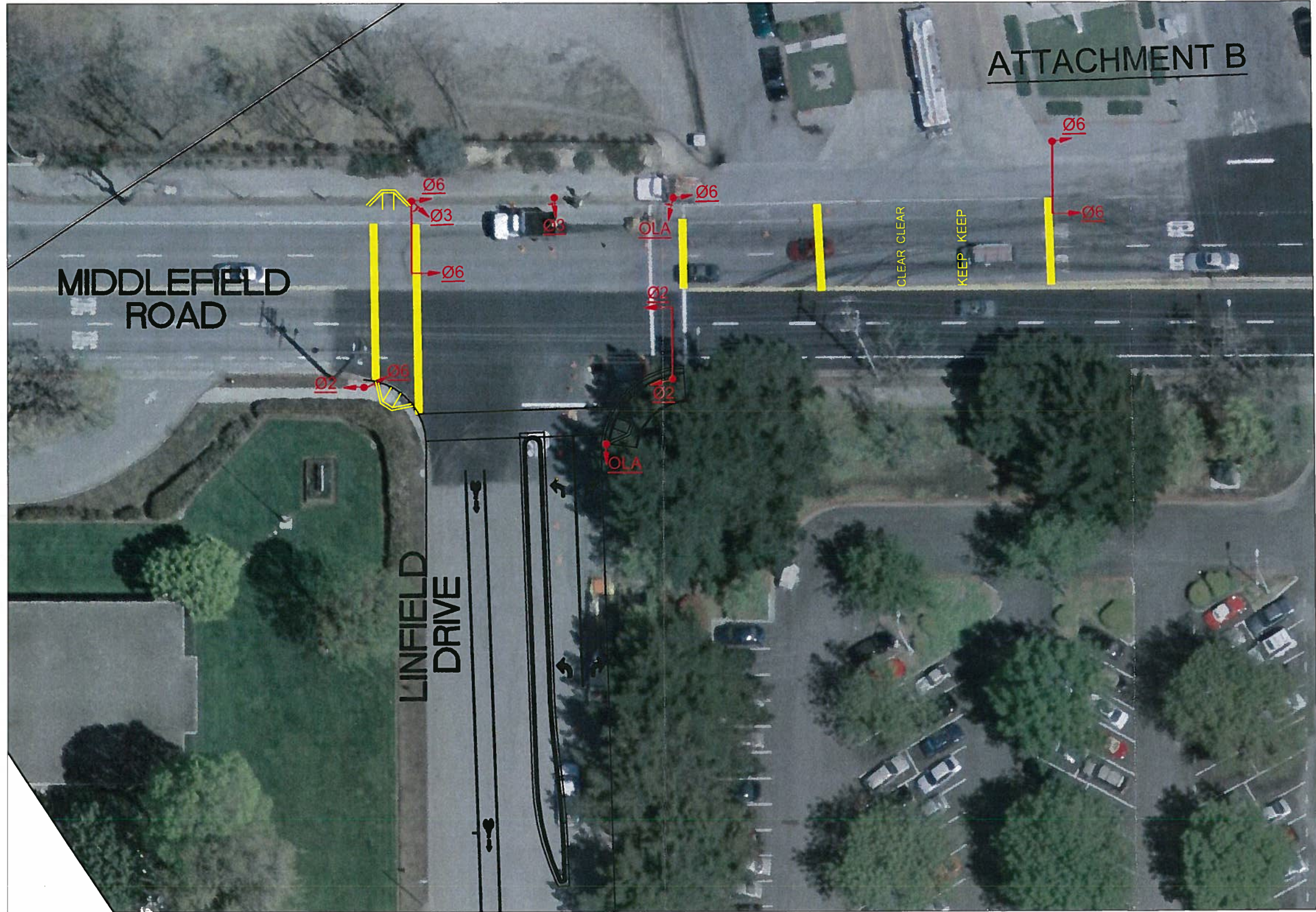
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CITY OF MENLO PARK
ENGINEERING DIVISION
 701 LAVELLE STREET, MENLO PARK, CA 94025-0483
 PHONE (650) 320-0740 FAX (650) 327-6487

LIGHTED_CROSSWALK
 LINFIELD_DRIVE-MIDDLEFIELD_ROAD

SHEET
811NO
 OF SHEETS
 PROJNAME



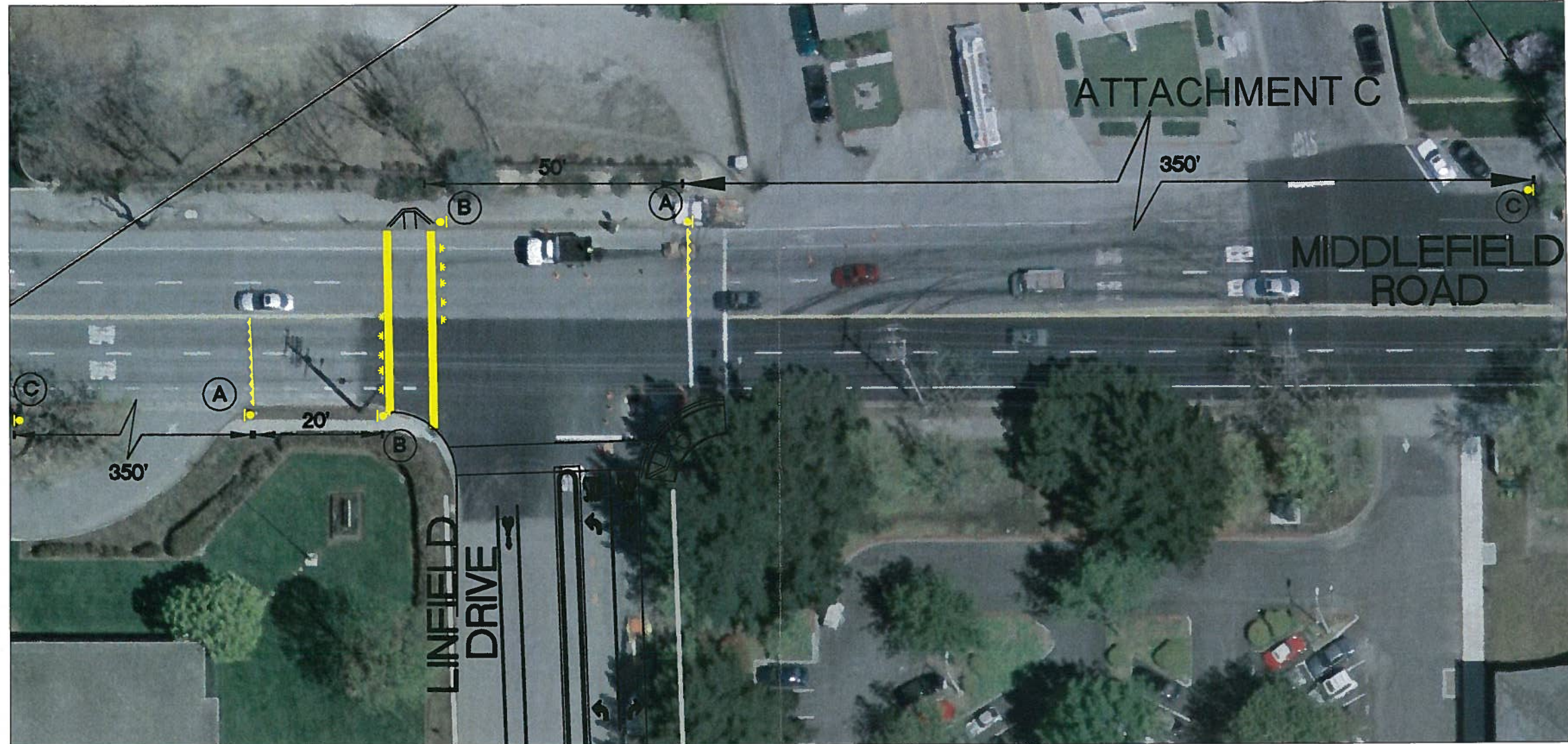
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 CITY OF MENLO PARK

NO.	DATE	DESCRIPTION
1	10/20/09	ISSUED FOR PERMITS
2	11/10/09	REVISED
3	11/10/09	REVISED
4	11/10/09	REVISED
5	11/10/09	REVISED
6	11/10/09	REVISED
7	11/10/09	REVISED
8	11/10/09	REVISED
9	11/10/09	REVISED
10	11/10/09	REVISED


CITY OF MENLO PARK
ENGINEERING DIVISION
 701 LAUREL STREET, MENLO PARK, CA 94025-3443
 PHONE (650) 320-8740 FAX (650) 327-3487

TRAFFIC SIGNAL
LINFIELD_DRIVE-MIDDLEFIELD_ROAD

SHEET
81110
 OF 81110



LEGEND:



(A)

Signs with lights or flashing beacon mounted above sign.



(B)



(C)

Sign without lights or flashing

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REVISIONS		

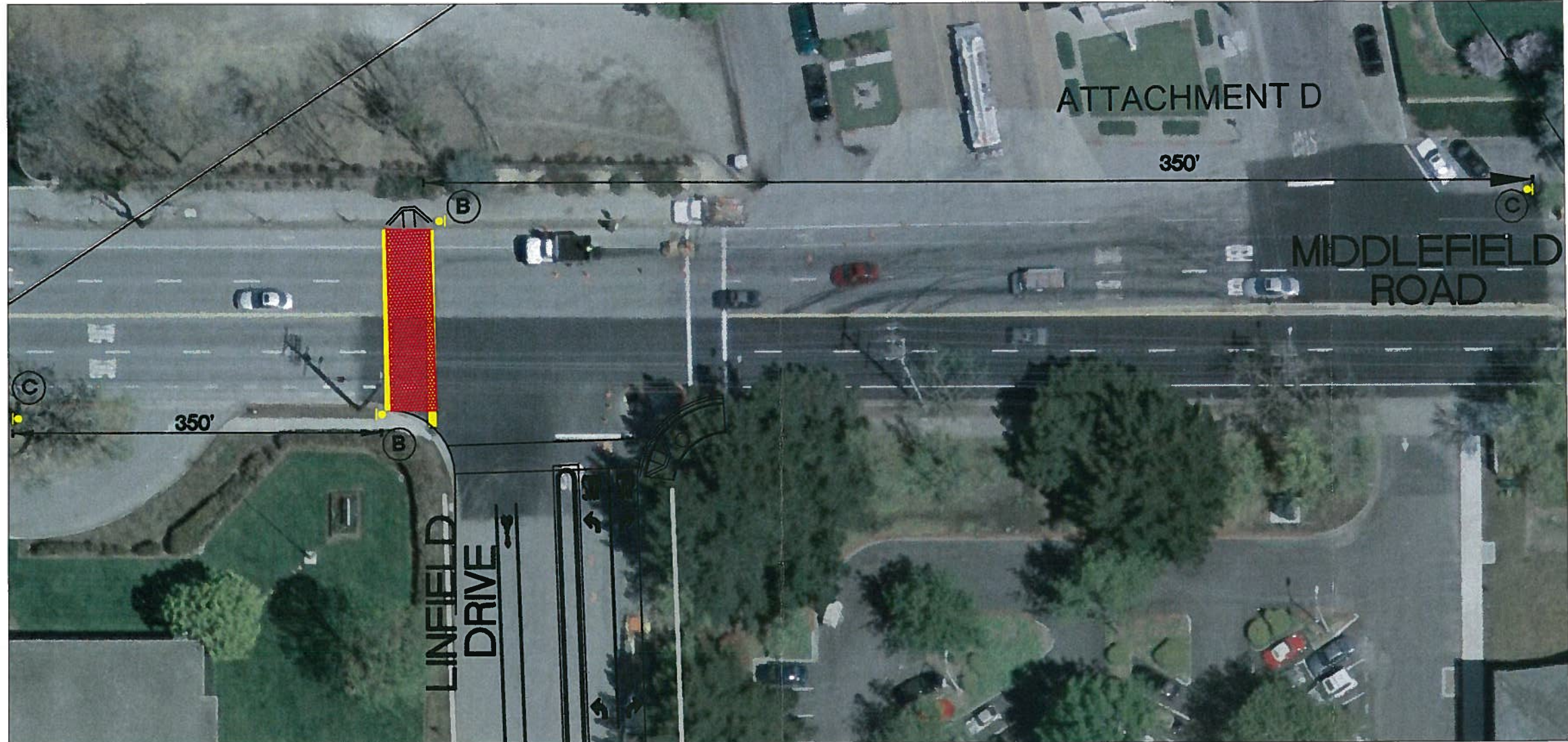
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ENGINEERING DIVISION
 701 LAVELLE STREET, MENLO PARK, CA 94025-3443
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 ENGINEER
 CITY OF MENLO PARK

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9	10/10/08	ISSUED FOR PERMIT
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**CITY OF MENLO PARK
 ENGINEERING DIVISION**
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STAFF REPORT

City Council

Meeting Date:

7/18/2017

Staff Report Number:

17-164-CC

Regular Business:

Consider modifying the City Council Work Plan to include a ride-sharing credit pilot program

Recommendation

Consider modifying the City Council Work Plan to include a ride-sharing credit pilot program. If Council decides this program warrants further consideration, staff will bring back a proposal with additional resources required. Pursuing this program will also modify the City Council Work Plan and affect the ability to complete other Work Plan items.

Policy Issues

Both the Downtown Specific Plan and Economic Development Plan prioritize enhancing the vitality of downtown and seeking ways to more efficiently utilize downtown parking plazas. The City's Circulation Element also includes several parking policies to support management of the City's parking supply, including: "park-once" strategies, efficiently utilizing off-street parking and implementing real-time way finding parking technology. Developing a ride-sharing credit pilot program could be consistent with those goals.

Background

Parking in downtown Menlo Park includes three options: parking plazas (City-owned), curbside parking (on-street) and private parking lots. Downtown Menlo Park is supported by 8 public parking plazas, with a total public parking supply of approximately 1,600 spaces.

The City offers downtown visitors three hours of free parking in seven of the eight Plazas (1, 2, 3, 5, 6, 7 and 8). Two hours of free parking are offered in Plaza 4. Two of the existing parking Plazas (Plazas 1 and 5) also have a pay-parking option, where customers can purchase additional time beyond the 3 free hours at \$1/hour. These parking time limits were approved by the Council on December 6, 2016, following a six-month pilot program implemented from January through June 2016.

As a result of these time limit changes, Council also directed staff to return with a qualitative assessment of the parking permit program, which was prepared on April 18, 2017 and an assessment of technology options to improve parking management downtown which will be brought forward at a future meeting.

Analysis

The City of Mountain View recently approved a work plan for a ride-sharing credit pilot program (Attachment A). The goal of the pilot program is to increase public parking capacity within the existing public parking system and reduce public parking demand without the need for a new parking structure. The ride-share credit pilot program encourages the individual driver to use ride sharing as an alternative mode of transportation instead of driving into downtown.

Ride-Sharing Credit Pilot Program

The City of Mountain View has set aside \$50,000 to help incentivize the Mountain View community to ride-share rather than drive and park in downtown. The pilot program will provide a credit of 50 percent discount on the ride, not to exceed a \$5 total credit. The program will be available for anyone coming and going from downtown Mountain View to another Mountain View location, with no restrictions on the hours of use. The City of Mountain View will be partner with Lyft and Uber (\$25,000 per company) on a six-month pilot program. Mountain View staff intends to study the impacts ride-sharing has on the downtown and how it affects parking demand. In conversation with Mountain View staff, Lyft and Uber will create promo-codes for riders to opt into the service. The City will pay each company on a monthly basis for the discounts and will also receive ridership data from the transportation providers.

At the time of the writing of this staff report, the City of Mountain View is still working finalizing agreements with Lyft and Uber.

City of Boulder, Colorado – Door-to-Downtown (d2d)

A ride-share program similar to the City of Mountain View was piloted in Boulder, Colorado. From November 25-January 1, 2017 (and eventually extended to February 14, 2017) the door-to-downtown (d2d), pilot program sought to achieve two things: lower the cost of ride-share app to downtown to compete with driving and parking by providing a \$5-per-ride discount; and provide enough trips to allow people to become comfortable and habituated to using mobility services.

The City of Boulder provided a \$4-per-ride discount for inbound rides that was matched by an additional \$1 discount from the ride-share app (Lyft and Uber) and was available for up to five rides. To be eligible for the discount, the inbound rides could begin anywhere but had to end within downtown Boulder. With a focus on bringing retail and restaurant customers to downtown, the discount was available between 11:00 a.m. and 9:00 p.m.

City of Denver, Colorado (Denver Union Station) – 12 Days of Christmas

The City of Denver's multi-modal transit hub, Denver Union Station, partnered with Uber for a discounted ride promotion. Available from December 13-December 24, 2016, Uber users who spent \$50 or more at any of the participating Denver Union Station restaurants or bars received a \$5 Uber credit. The credit was applied when riders presented their receipt and in turn received a text message with a link that adds \$5 to their Uber account.

Impact on City Resources

There is no impact on city resources related to this discussion item. If Council eventually approves a ride-sharing credit pilot program, then additional resources will be required.

Environmental Review

An environmental review is not required.

Public Notice

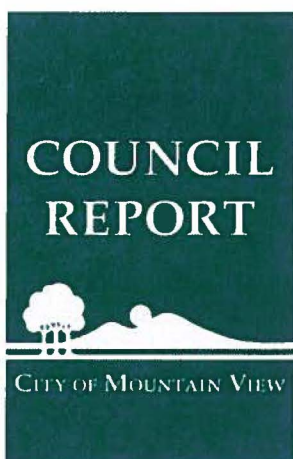
Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. City of Mountain View, Council Report: Downtown Parking – Ride-Sharing Credit and Valet Parking Pilot Programs (February 28, 2017)

Report prepared by:
Chip Taylor, Assistant City Manager

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DATE: February 28, 2017

CATEGORY: New Business

DEPT.: Community Development

TITLE: Downtown Parking – Ride-Sharing Credit and Valet Parking Pilot Programs

RECOMMENDATION

1. Approve the proposed ride-sharing credit and valet parking pilot programs.
2. Appropriate \$165,000 in the Parking District operating fund for the implementation of ride-sharing credit and valet parking pilot programs. (Five votes required)
3. Appropriate \$30,000 in the Parking District operating fund for Economic Development Division staffing of the pilot programs. (Five votes required)

BACKGROUND

Downtown Mountain View is supported by 11 public parking facilities—2 parking structures and 9 surface parking lots with approximately 1,584 off-street parking spaces (Attachment 1—Downtown Mountain View Parking Map). These off-street parking spaces have timed parking restrictions from Monday through Friday, 8:00 a.m. to 5:00 p.m. To help manage daytime parking demands between long-term parkers (i.e., employees) and short-term parkers (i.e., retail/restaurant patrons), the City administers a Downtown Parking Permit Program for property owners, businesses, and residents within the Parking Maintenance and Operations Assessment District (Parking District) and they are eligible to purchase parking permits.

The management and operations of the public parking facilities are funded by the Parking District. The City's General Fund does not contribute to the Parking District. The Parking District generates revenue through a parking permit program, property owner assessments, and property taxes. The Parking In-Lieu Fee is a separate fee associated with the Parking District and is paid by developers in lieu of constructing parking on-site. The fee revenue is used for the creation of new public parking.

On October 18, 2016, City Council held a Study Session (Attachment 2 – Study Session Memo) to discuss current downtown parking conditions and future parking demands. Current parking conditions illustrate strong demand for parking in downtown during two parking peaks at the lunch and dinner hours on Thursday and Friday and on average, the City would need between 87 and 153 net new parking spaces to reach an 85 percent occupancy goal. Practical capacity is typically defined as 85 percent when it becomes difficult for a driver to find a parking space without having to “cruise” for parking. In addition, staff identified the cost of constructing a parking space (in an above-grade parking structure) in downtown Mountain View as \$55,000 to \$64,000 in 2016 dollars.

The City Council also discussed and provided input on options to accommodate parking demands in downtown Mountain View. Staff presented short-term and long-term options to help support the downtown public parking system. The short-term options – ride-sharing credit pilot program and valet parking pilot program – address the more immediate parking demands and the long-term options focus on shared parking agreements, the feasibility of a third parking structure, and studying paid parking. City Council directed staff to further explore the two short-term pilot programs – ride-sharing credit and valet parking, and two long-term options – shared parking agreements and a paid parking study.

ANALYSIS

Based on the input City Council provided at the October 18, 2016 Study Session, staff developed a work plan for a ride-sharing credit pilot program and valet parking pilot program, including a scope of services, timeline, and budget. The goal of the two pilot programs, if successful, is to increase public parking capacity within the existing public parking system and reduce public parking demand without having to build a new parking structure. The ride-sharing credit pilot program is anticipated to encourage drivers to use ride sharing as an alternative mode of transportation instead of driving to downtown Mountain View. Meanwhile, valet parking is anticipated to increase parking capacity within an existing parking lot without having to create new parking spaces. Staff will return at a future City Council meeting with recommendations for shared parking agreements and a paid parking study.

Ride-Sharing Credit Pilot Program

Staff is recommending a ride-sharing credit to help incentivize the Mountain View community to ride share rather than drive and park in the downtown. The pilot program will be available to people coming and going from downtown Mountain View to another Mountain View location. The City will partner with two transportation

network companies – Lyft and Uber – on a six-month pilot program. Staff recommends a six-month pilot program so staff can study the impacts ride sharing has on the downtown and how it affects parking demand. The credit will be a 50 percent discount on the ride, not to exceed a \$5.00 total credit.

The program will only apply to Mountain View-based rides and the number of rides will also be limited to 10 rides per month per user. The program will operate Monday through Sunday and 24 hours a day. There will also be drop-off and pick-up zones on the side streets – Villa Street, West Dana Street, California Street, and Mercy Street between Bryant and Hope Streets – to help alleviate ride-sharing related traffic congestion (i.e., double parking). On-street parking spaces will be identified as loading zones for the services. The program will begin second quarter of 2017.

Ride sharing typically involves a transportation network company like Lyft and Uber to coordinate rides between a driver and a passenger through a mobile application. The driver agrees to pick up one or more passengers at the home, office, or other public location and the passenger pays a fee for the service. The companies will use geofencing (a virtual geographic boundary) to identify the City's boundaries and the downtown zone. To help track the program usage, general data sharing will be provided from both Lyft and Uber to help staff monitor ride-sharing program usage. In addition, staff will track off-street public parking demands by collecting parking occupancy counts in all the public parking facilities.

Valet Parking Pilot Program

Staff is recommending an attendant-assist valet parking pilot program at a designated public parking lot to help increase the efficiency of a parking lot by providing additional parking spaces. The pilot program will be implemented at Parking Lot 11 (Franklin Street at Villa Street) during the lunch and dinner hours under the following days and hours: Thursday through Saturday from 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 12:00 midnight. The program will be available for any driver parking in downtown Mountain View during those time frames. Staff recommends a yearlong program to allow the program to run through the holiday season. The City will contract with a parking management company to operate and manage the valet service, but staff will work closely with the company to monitor program usage. No fee would be charged during the pilot program to encourage drivers to use the program and provide support to the downtown business community. If the pilot program is successful, staff will explore long-term options, including mechanisms for cost recovery. The program is anticipated to begin second quarter 2017.

On average, an attendant-assist program will add approximately one additional parking space for every three marked stalls. Compared to a traditional valet parking system, attendant-assist valet parking requires less operational space since there is no single point of drop-off/pick-up for the vehicles or on-street valet stands. Instead, two parking attendants will be stationed throughout the facility to help vehicles coming and going. Parkers using the valet service will self-park their vehicles into a parking space as directed by a parking attendant. Once all of the parking spaces are occupied, an attendant will direct drivers to park in the drive aisle blocking the other parked vehicles. This allows the attendants to begin utilizing the drive aisles and create additional unmarked parking spaces. The driver will release their vehicle and vehicle keys to the parking attendant and receive a claim ticket. This will allow the attendants to move vehicles as needed to allow drivers whose vehicles are blocked by other vehicles to exit. When a driver comes back to retrieve their vehicle, the attendants will help the drivers with the process and if necessary, move vehicles.

Valet Parking Location Analysis

Staff narrowed down the potential location for the pilot program to Parking Lot 2 (Bryant Street between Villa Street and West Dana Street) or Lot 11 (Franklin Street at Villa Street). Staff reached out to several parking management companies who operate valet parking systems in other cities to help provide additional information on the location options. Parking Lot 2 has capacity for 104 cars, but with an attendant-assist program, can add an additional 25 cars for a 24 percent increase in parking lot capacity. The location is close to Castro Street and will be convenient for drivers using the pilot program, but limits the amount of available parking for businesses directly adjacent to the lot. Also, the parking lot configuration may be challenging to maintain an easy traffic flow. The parking lot is currently at 100 percent capacity during the lunch and dinner hours.

In comparison, Parking Lot 11 has capacity for 77 cars and an attendant-assist program would add an additional 21 cars for a 27 percent increase in parking lot capacity. This does not include the surface lot the City acquired from the 250 Bryant Street (former Dunn Automotive site) property owner, but use of that lot could potentially increase the parking capacity. There would be no impacts to adjoining property owners. While Lot 11 is further from Castro Street (1.5 blocks), the parking lot is better suited for a valet parking service due to the wider drive aisles and shape of the parking lot. Like Lot 2, Lot 11 is currently at 100 percent capacity during the lunch and dinner hours.

Outreach and Communications

Staff has presented details of the parking pilot programs to the Downtown Committee, Central Business Association (CBA), and Chamber of Commerce (Chamber). The Downtown Committee provided input on both pilot programs. The Committee is supportive of both programs, but would like to see the programs focus on supporting the downtown restaurant and retail business community. Meanwhile, staff will partner with the CBA and Chamber of Commerce to promote the pilot programs. As the pilot programs progress, staff will continue to provide updates to the Downtown Committee and work with the CBA and Chamber to ensure businesses and the community are aware of the pilot programs.

FISCAL IMPACT

The two pilot programs are estimated to cost approximately \$150,000 with an additional \$15,000 for administrative costs—marketing costs, parking data collection, and contingency. The programs will be funded through the Parking District. The current adopted budget for Fiscal Year 2016-17 is \$667,000 with estimated revenue of \$1.25 million and an estimated ending balance of \$5.1 million. The balance does not include the Parking In-Lieu fee balance.

Based upon conversations with the transportation network companies—Lyft and Uber—staff is recommending \$50,000 for the ride-sharing pilot program (or \$25,000 per company). In addition, staff had preliminary discussions with several parking management companies and recommend \$100,000 for the valet parking pilot program. If either or both programs are successful, staff would come back with recommendations for a long-term program, including cost recovery options (i.e., charging a fee or partnering with the downtown businesses). The administrative costs will support marketing efforts and tracking public parking demands during the implementation of both pilot programs and a contingency amount.

A summary of estimated costs for the pilot programs as follows:

Valet Parking Credit Pilot Program	\$100,000
Ride-Sharing Credit Pilot Program	50,000
Marketing	5,000
Parking Occupancy Data Collection	5,000
Contingency	<u>5,000</u>
Total Estimated Costs	<u>\$165,000</u>

In addition, staff is also recommending a budget of \$30,000 for the current fiscal year (Fiscal Year 2016-17) to help support the management of the programs while staff is on maternity leave.

CONCLUSION

Mountain View has a thriving downtown with a diverse mix of retailers, restaurants, and companies. The overall management of the downtown public parking system helps support these businesses by providing efficient and convenient public parking. Implementation of the ride-sharing credit and valet parking pilot programs are anticipated to provide solutions to the current parking demands and make the existing public parking system more efficient without having to create new parking spaces. Staff will return to City Council with program results and if successful, long-term recommendations.

ALTERNATIVES

1. Modify the proposed programming for the ride-sharing credit pilot program.
2. Modify the proposed operations – location, days of the week, and hours – for the valet parking pilot program.
3. Do not implement the valet parking pilot program, but implement ride-sharing credit pilot program.
4. Do not implement the ride-sharing credit pilot program, but implement the valet parking pilot program.
5. Do not implement either program and provide other direction.

PUBLIC NOTICING

Agenda posting and a copy of the report was sent to the Central Business Association, Chamber of Commerce, and Downtown Committee. In addition, notices were mailed to property owners within the Parking District.

Prepared by:

Tiffany Chew
Business Development Specialist

Alex Andrade
Economic Development Manager

Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

TC-AA/7/CAM
822-02-28-17CR-E

- Attachments: 1. Downtown Mountain View Parking Map
2. October 18, 2016 Study Session Memo

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STAFF REPORT

City Council

Meeting Date: 7/18/2017
Staff Report Number: 17-159-CC

Informational Item: Update on the Bedwell Bayfront Park Master Plan project

Recommendation

This is an information item and no Council action is required.

Policy Issues

The Project is consistent with City policies and 2016 Menlo Park City Council Work Plan item No. 13 – Develop a Bedwell Bayfront Park (BBP) operations and maintenance plan to enhance use, improve access and determine sustainable funding sources for ongoing maintenance.

Background

BBP is the City's largest park and the City's only open space on the San Francisco Bay. Consisting of 160 acres, the Park's trails and hills provide great views of the refuge and South Bay. Its hilly terrain, specifically designed for passive recreation, now serves as a landmark high point along the edge of the Bay.

Originally a sanitary landfill, construction of BBP on the site began in 1982 and was completed in 1995. Currently, the park is designed as a passive open space with minimal improvements, including bike/pedestrian trails and restrooms. Users enjoy "passive-recreation" through activities that include hiking, running, bicycling, dog walking, bird watching, kite flying and photography.

The park has seen a significant increase in usage over the years and the recreational interests and needs of the users have changed. Through various public forums, the City has learned that there is a desire for docent-led educational programs and tours, as well as spaces for interpretive displays and exhibits throughout the park. Among other ideas presented was a desire to improve access and connectivity to the water in the Bay for nonmotorized small boats such as canoes, kayaks or sailboards similar to the floating dock at the Palo Alto Baylands Nature Preserve. In response to these needs, the Council included an item in their 2016 and 2017 work plans (No.17 and No. 13 respectively) to develop a park operations and maintenance plan to enhance use, improve access and determine sustainable funding sources for ongoing maintenance.

Staff issued the BBP Master Plan Request for Proposals (RFP) on November 4, 2016. The scope of work presented in the RFP includes developing a Master Plan that provides a long-term vision and general development guide for the park and its facilities, including how to protect its resources, improve amenities to enhance the park user experience, manage visitor use, plan for future park enhancements and develop a financing plan to pay for maintenance and the capital cost of the park. The Master Plan shall recommend improvements for the next 25 years. After a competitive process, Callander Associates Landscape Architecture was selected as the most qualified consultant based on their expertise in similar projects and understanding and approach to the project scope.

In conjunction with the BBP Master Plan RFP, staff issued a Request for Quotes to CB&I for the development of the BBP Master Plan – Technical Evaluation. The primary objective of the Technical Evaluation is to ensure that the proposed improvements developed in the Master Plan are consistent with the operation and maintenance needs of the former landfill. CB&I will work with Callander Associates. Landscape Architecture through the development of the Master Plan. In addition, CB&I will identify the regulatory and industry standard practices for similar park operations in former landfills; evaluate the park's potable water and fire protection systems; and develop a feasibility study for the beneficial reuse of the landfill gas that is currently flared. The findings of the Technical Evaluation will be incorporated in the BBP Master Plan.

At their meeting on February 7, 2017, Council approved the scope of work and authorized the City Manager to enter into agreements with Callander Associates Landscape Architecture for the development of the BBP Master Plan and with CB&I for the technical evaluation of the plan. The staff report that includes the project scope of work is included as Attachment A.

Analysis

Work began on the master plan following the Council action with the creation of the BBP Master Plan Community Outreach Plan that was presented to Council at their meeting February 28, 2017. The extensive community engagement plan is based on the City's Community Engagement Model and includes:

- Project review by the Parks and Recreation Commission and Environmental Quality Commissions and City Council
- Stakeholder coordination
- Interactive workshops and community meetings
- Community newsletter
- On-site posters
- Event promotional booths
- Project website
- Formation of an oversight and outreach committee

The oversight and outreach group consisting of City staff, Parks and Recreation and Environmental Quality Commissioners, a Friends of Bedwell Bayfront Park representative, a community member at-large from Belle Haven, a local environmental conservation group representative and a local business representative help provide feedback from different segments of the community and to get the word out to their respective groups. In addition, the project team continues to work with agencies that have a direct impact on the park including the South Bay Salt Pond Restoration Project, SAFER Bay, Don Edwards Wildlife Refuge, West Bay Sanitary and a host of other agencies to address interjurisdictional issues and concerns regarding the proposed park improvements.

A summary of the project outreach, community feedback and project challenges are included as Attachment B. As the project nears its midpoint, the project team continues to work through challenges and identify opportunities to ensure that the master plan is the most responsive to the community. One opportunity being explored is the addition of a community meeting in the Belle Haven neighborhood to help address the diverse park user group that is not reflected in the survey participant demographics. The project and proposed plan will also be presented at the Parks and Recreation Commission meetings in September and October in preparation for the Council meeting November 14.

Impact on City Resources

On February 7, 2017, Council approved the BBP Master Plan budget of \$258,111 and BBP Technical Evaluation of \$69,995, which includes a 10 percent contingency and administrative costs.

Environmental Review

The project is categorically exempt under Class 6 of the current State of California Environmental Quality Act Guidelines, which allows for information collection, research and resource evaluation activities as part of a study leading to an action which a public agency has not yet approved, adopted or funded. The results of the project will identify environmental reviews and studies required to advance the project.

Public Notice

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

Attachments

- A. Council Staff Report February 7, 2017
- B. BBP Master Plan Project Summary Update

Report prepared by:
Derek Schweigart, Assistant Community Services Director

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STAFF REPORT

City Council

Meeting Date:

2/7/2017

Staff Report Number:

17-031-CC

Consent Calendar:

Authorize the City Manager to enter into consultant agreements for the Bedwell Bayfront Park Master Plan project

Recommendation

Staff recommends that the City Council authorize the City Manager to:

1. Enter into an agreement with Callander Associates Landscape Architecture for the development of the Bedwell Bayfront Park (BBP) Master Plan and appropriate an additional \$58,111 from the undesignated fund balance of the General Fund for a total approved budget of \$258,111 to cover consultant costs and staff time for the project, and
2. Enter into an agreement with CB&I Environmental & Infrastructure, Inc. (CB&I) for the development of a Technical Evaluation of the Bedwell Bayfront Park Master Plan and appropriate \$65,995 from the Landfill Fund for the project.

Policy Issues

The Project is consistent with City policies and 2016 Menlo Park City Council Work Plan item No. 17 – Develop a Bedwell Bayfront Park operations and maintenance plan to enhance use, improve access and determine sustainable funding sources for ongoing maintenance.

Background

BBP is the City's largest park and the City's only open space on the San Francisco Bay. Consisting of 160 acres, the Park's trails and hills provide great views of the refuge and South Bay. Its hilly terrain, specifically designed for passive recreation, now serves as a landmark high point along the edge of the Bay.

Originally a sanitary landfill, construction of BBP on the site began in 1982 and was completed in 1995. Currently, the park is designed as a passive open space with minimal improvements, including bike/pedestrian trails and restrooms. Users enjoy "passive-recreation" through activities that include hiking, running, bicycling, dog walking, bird watching, kite flying and photography.

As reflected consistently in various documents over the years, park usage guidelines include:

1. Preserve the natural amenities of the open space land;
2. Conserve soil, vegetation, water and wildlife;
3. Exclude intensive uses or uses that could degrade the site or adjacent sites;
4. Encourage the following:
 - a. Viewing and interpretation of the natural environment;
 - b. Passive recreation activities such as hiking, running, cycling, dog-walking, photography, bird watching and similar day recreation use; and
 - c. Landscape or wildlife restoration and enhancement programs.

In conjunction with the construction of the park, gas recovery and leachate control projects were also built to ensure that the closed landfill met all regulatory requirements at the time of the installation. The landfill gas recovery system consists of a well field that includes 72 gas extraction wells, a network of pipes embedded just beneath the surface of the landfill cap that collect the gas and a flare that combusts the gas that is collected. The leachate system consists of 9 wells and 16 extraction sumps installed along the perimeter of the landfill for the extraction of the leachate that forms due to the decomposition of the solid waste. The systems are operated to meet regulations set by the Bay Area Air Quality Management District and the Regional Water Quality Control Board.

The park has seen a significant increase in usage over the years and the recreational interests and needs of the users have changed. Through various public forums, the City has learned that there is a desire for docent-led educational programs and tours, as well as spaces for interpretive displays and exhibits throughout the park. Among other ideas presented was a desire to improve access and connectivity to the water in the Bay for non-motorized small boats such as canoes, kayaks or sailboards similar to the floating dock at the Palo Alto Baylands Nature Preserve. In response to these needs, the 2016 City Council workplan included Item No. 17 - Develop a Bedwell Bayfront Park operations and maintenance plan to enhance use, improve access and determine sustainable funding sources for ongoing maintenance.

Analysis

Staff issued the BBP Master Plan Request for Proposals (RFP) on November 4, 2016. The scope of work presented in the RFP includes developing a Master Plan that provides a long-term vision and general development guide for the park and its facilities, including how to protect its resources, improve amenities to enhance the park user experience, manage visitor use, plan for future park enhancements and develop a financing plan to pay for maintenance and the capital cost of the park. The Master Plan shall recommend improvements for the next 25 years.

The BBP Master Plan proposed scope of work consists of:

- Thorough park site investigation and analysis of opportunities and constraints;
- Development of a stakeholder coordination and community engagement plan that includes the potential formation of a steering committee to assist with identification of user needs and interests;
- Evaluation of Americans with Disabilities Act design compliance;
- Development of recommendations for park improvements based on the assessment of the existing conditions, opportunities for improving the site to meet future needs and the goals and objectives of the study;
- Funding analysis that includes an assessment of potential funding sources for the implementation of the proposed improvements;
- Presentations to the Parks and Recreation and Environmental Quality Commissions and City Council.

A panel of staff members reviewed the 9 proposals that were received and invited the 4 most qualified consultants to interview for the project. Interviews were conducted by staff and one member of the Parks and Recreation Commission on January 4 and January 10, 2017. Callander Associates Landscape Architecture was selected as the most qualified consultant based upon their expertise in similar projects and their understanding and approach to the project scope.

In conjunction with the BBP Master Plan RFP, staff issued a Request for Quotes to CB&I for the development of the BBP Master Plan – Technical Evaluation. The primary objective of the Technical Evaluation is to ensure that the proposed improvements developed in the Master Plan are consistent with the operation and maintenance needs of the former landfill. CB&I will work with Callander Associates.

Landscape Architecture through the development of the Master Plan. In addition, CB&I will identify the regulatory and industry standard practices for similar park operations in former landfills; evaluate the park’s potable water and fire protection systems; and develop a feasibility study for the beneficial reuse of the landfill gas that is currently flared. The findings of the Technical Evaluation will be incorporated in the BBP Master Plan.

The BBP Master Plan is expected to be completed by November 2017. The project will allow review of plan alternatives by the Parks and Recreation Commission and the City Council, as well as any constraints, recommended improvements and funding strategies which will result in a master plan that is implementable for the future.

Impact on City Resources

The total estimated cost for the BBP Master Plan, inclusive of a 10% contingency and administrative costs, is \$258,111. In Fiscal Year 2016-17, \$200,000 was approved as part of the Capital Improvement Budget. The budget estimate, however, did not include staff management or a contingency. An appropriation of \$58,111 from the undesignated fund balance of the General Fund is being requested as part of the overall project budget.

The total estimated cost for the BBP Technical Evaluation, inclusive of a 10% contingency and administrative costs, is \$65,995. The request is to appropriate the total project cost from the BBP Landfill Fund.

Bedwell Bayfront Park Master Plan Project Budget		
	Master Plan	Technical Evaluation
Scope of Work	\$203,737	\$49,995
Contingency (10%)	\$20,374	\$5,000
Administration Costs	\$34,000	\$11,000
Total	\$258,111	\$65,995

Environmental Review

The project is categorically exempt under Class 6 of the current State of California Environmental Quality Act Guidelines, which allows for information collection, research and resource evaluation activities as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. The results of the project will identify environmental reviews and studies required to advance the project.

Public Notice

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



Attachments

- A. BBP Master Plan Consultant Scope of Work and Fee
- B. BBP Technical Evaluation Consultant Scope of Work and Fee

Report prepared by:
Derek Schweigart
Assistant Community Services Director

Azalea Mitch
Senior Civil Engineer

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EXHIBIT A SCOPE OF SERVICES

This scope of services is based on our project understanding and experience in projects of this type. We remain flexible throughout, knowing that all the requirements of the project cannot be known today. We welcome the opportunity to work with you to modify the scope as warranted. Items shown in ***boldface italics*** are deliverables.

1.0 PROJECT INITIATION

- 1.01 **Start-up Meeting:** Meet with City staff and others as assembled by the City to discuss the project. Present the project background information and lead a discussion on various topics including: site history, project stakeholders, schedule, process, initial site considerations and other topics. Gather comments, prepare a ***meeting summary*** (including a listing of follow up tasks and responsible parties) and distribute it to the meeting attendees.
- 1.02 **Project Stakeholder Interviews:** As part of the initial start-up meeting, Economic Planning Systems (EPS) will lead a discussion with department representatives to better understand current funding sources and financing mechanisms. As appropriate, EPS will reach out independently to specific individuals not in attendance.
- 1.03 **Landfill Coordination:** As part of the start-up meeting, Hailey & Aldrich will meet with City staff and landfill consultant CB&I Environmental & Infrastructure, Inc. to review the gas collection and leachate assessments, developing landfill improvement plans, and discuss coordination of the two projects.
- 1.04 **CEQA Background Review:** Biotic Resources Group (BRG) will review existing documents and relevant background materials relating to CEQA checklist items. Existing data previously prepared for the project area will be used to the greatest extent feasible. The City's General Plan and other documents pertinent to the park site will be reviewed for the CEQA checklist. Requirements for a Categorical or Statutory Exemption under the CEQA guidelines will be reviewed.
- 1.05 **Site Investigation:** To combine *site observations* with *site document compilation*. *Site observations* to include visiting the site to note both the physical character of site and use patterns at various times. Site observations to be conducted with a site map in hand to allow for documentation of features and uses by specific location. *Site documentation* to consist of a review and assembly of site record information as available from City archives and other sources.

- 1.06 **Biological Site Investigation:** BRG will conduct a site visit to document existing resources on the site, including potentially sensitive biological areas.
- 1.07 **Site Mapping:** Supplement existing topographic survey plan (prepared under the Bedwell Park Fields Study project) with site record information and prepare a site map combining the relevant features into a digital file. File will be reproducible at different scales to facilitate general and site specific plan development.
- 1.08 **Steering Committee Formation and Outreach Plan:** Identify project stakeholders and prepare *contacts list*. Develop a *public outreach plan* including notification protocols and visioning process to be employed for the duration of the project. All plans and presentation materials to be prepared will have both English and Spanish text. PowerPoint presentations will be English only and Spanish translator services will be provided at community events. Craft a *Mission Statement* that embodies the project's goals, 'spirit' and working relationships. Identify the level and purpose of community engagement, set project parameters (define the negotiable and non-negotiable), and identify outreach methods (attendance at community event like the weekly Farmer's Market to get the word out).
- 1.09 **Unmanned Aircraft Systems (UAS) Review:** As part of the master planning process review available information and previous research provided by the City. At each of the community and stakeholder meetings continue to document input. In addition, research what other similar communities are doing regarding UAS policy. Document findings and present at future presentations of the draft master plan to the Parks and Recreation Commission and City Council in order to provide those groups with information to make an informed decision about policy.
- 1.10 **Opportunities and Constraints Plan:** Prepare *opportunities and constraints plan* to show: existing site conditions, jurisdictional overlays (BCDC, etc.), educational opportunities, potential amenities (seating, kiosks, expanded parking), wildlife viewing areas, circulation and wayfinding, and other elements. As part of the plan make refinements to the previously developed slope diagram (2006 planning effort) and analyze the existing pathway system as it relates to ADA compliance and enhancements.
- 1.11 **Funding Options Matrix:** EPS will develop a matrix of potential funding sources and financing mechanisms. The list of funding sources will include the name of the funding source, a general description, challenges to implementation in general, and the unique issues of relevance to implementation as part of the Project.

This *funding matrix* will be based on prior EPS work, discussions with staff of the relevant departments and agencies, and additional research and analysis.

- 1.12 **Staff Meeting:** Meet with City staff to preview the materials to be shared and identify changes/additions/deletions to the various documents.
- 1.13 **Steering Committee Meeting #1:** Meet with the members of the Steering Committee to review the master planning process, goals and objectives, and solicit input. Prepare written *summary memo*.
- 1.14 **Community Meeting #1 Materials:** Prepare materials for upcoming community open house including refinements to the opportunities and constraints plan, *goals and objectives exhibit, process exhibit, program images board, PowerPoint presentation, graphic meeting announcement* (printing and mailing by city), *sign in sheets*, and *project surveys*.
- 1.15 **Community Meeting #1 (Open House):** Present the above at a single community meeting to be held on-site or at an agreed upon central location. This and future meetings will be an open house format, held on a weekend, and over a period of four hours to allow community members a greater flexibility in attendance. Comments would be documented in a *meeting summary* to be posted to the City's website.

2.0 PLAN DEVELOPMENT

- 2.01 **Staff Meeting:** Follow up with staff and discuss next steps.
- 2.02 **Master Plan Alternatives:** Prepare two rendered *plans* showing alternative developments of the park. Prepare *estimates of probable construction and operating costs*, with detailed line items of various park elements for each. Prepare an *outline* summarizing items to be addressed by the design guidelines.
- 2.03 **Refined Funding Matrix:** Building upon earlier work and incorporating feedback from the affected stakeholders, EPS will refine the menu of potential funding sources and financing mechanisms to reflect the most viable options. High-level and relative capacity estimates of each funding source will be refined so as to be able to appropriately align specific improvements to specific funding sources. EPS will identify specific feasibility challenges if necessary.
- 2.04 **Staff Review:** Present the alternatives and supporting information in a meeting with City staff. Identify any revisions to the exhibits and confirm the format of the next public meeting.
- 2.05 **Steering Committee Meeting #2:** Meet with the members of the Steering Committee to present alternative plans.
- 2.06 **Community Meeting #2:** Facilitate a second Open House style public meeting. Identify the preferred park elements.

2. 07 **Draft CEQA Checklist:** BRG will review the preferred park elements to identify potentially significant impacts. The environmental setting will be based on review of existing reports, maps, and information derived during site investigations. If significant impacts are identified, we will confer with the city on possible revisions to avoid or reduce the impact to less-than-significant or to meet requirements for CEQA exemption.

The *draft CEQA checklist* will use a format provided by the City, or a format provided by the consultant and approved by the City. For each item in the checklist that is not checked as "No Impact", an explanation will be provided to support if the impact is "significant" or "less than significant". The CEQA checklist/review will be prepared based on the draft master plans, the current General Plan, other existing studies and documents, and site visits conducted in this scope.

2. 08 **Staff Meeting:** Review the community input with City staff and develop an action plan for moving forward.
2. 09 **Interagency Meeting:** Coordinate and conduct a single interagency meeting with BRT in attendance to review project background and alternative designs in order to obtain feedback on the viability of each option from the regulatory agency perspective. Coordinate with City staff to identify agencies and contact information, coordinate invitations, prepare and send package of relevant documents prepared to date, facilitate meeting, and prepare a *written summary* of comments and discussion from the meeting.
2. 10 **Draft Master Plan:** Prepare a draft master plan consisting of:
- **Park Master Plan:** Prepare a single park master plan incorporating input received to date and showing preferred park elements.
 - **Cost Estimates:** Prepare an estimate of probable construction costs and an estimate of operating costs reflecting the draft plan.
 - **Funding and Financing Strategy Plan:** EPS will prepare a draft funding and financing plan for inclusion in the Master Plan. This plan will include a description of the funding analysis and funding mechanisms selected and an action plan. Feasibility considerations will be refined and updated. The action plan will recommend funding sources to be adopted and/or amended and any necessary accompanying actions.
 - **Phased Implementation Plan:** Show recommended phasing to better align costs with the potential availability and timing of identified funding. The phasing plan will be based on 5, 15, and 25 year time frames.
 - **Plan Details:** Prepare up to three (3) plan enlargements and two (2) elevations/cross sections to better depict the spatial arrangement of the improvements.
 - **Final CEQA Checklist:** Update the CEQA checklist to reflect the potential impacts associated with the draft master plan.

- **Design Guidelines:** Develop guidelines to address the implementation of each park element. Task includes preparation of an updated *park user map*/ information brochure, consistent with the City's branding standards.
- **Operations and Maintenance Plan:** Collaborate with City staff in identifying and quantifying the tasks and level of effort associated with the operations and maintenance of the facility.

2. 11 **Staff Meeting:** Present the Draft Master Plan to City staff and solicit input.

2. 12 **Master Plan Revisions:** Take the input of the Steering Committee and staff and revise the documents.

3.0 PLAN ADOPTION

3.01 **Community Meeting #3/P&R Commission:** Facilitate a third public meeting to present the Master Plan to the public and to the Parks & Recreation Commission.

3.02 **Staff Meeting:** Meet with staff to review the input of the public and Commission and identify plan changes to be made before assembling the draft Master Plan Report and presenting to Council.

3.03 **Master Plan refinements:** Make the revisions as agreed upon in the meeting and assemble into a draft report format.

3.04 **Council Presentation:** Present to Council.

3.05 **Final Master Plan:** Prepare a Final Master Plan report to incorporate the input provided by Council.

4.0 NOT USED

5.0 OPTIONAL SERVICES

5.01 **Community Meeting #4:** Facilitate a fourth Open House style public meeting if requested by the city to further refine the park master plan.

5.02 **Traffic Analysis:** If requested by the city, Hexagon Transportation shall review existing available traffic counts, reports, and analyses provided by the city for the Marsh Road/Bayfront Expressway intersection and provide recommendations for enhancing the intersection and park entrance road lane configuration to mitigate potential traffic conflicts and congestion. Task also includes review of parking demand and recommendations for parking enhancements.

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Callander Associates Landscape Architecture

January 20, 2017

**Compensation Summary
Bedwell Bayfront Park Master Plan Project****Overall**

Based on the attached "Scope of Services" prepared by Callander Associates and subconsultants, we have prepared the following summary of compensation. Callander Associates Landscape Architecture, Inc. will be the prime consultant on the project with the following subconsultants:

Economic Planning Systems (EPS)	<i>financing strategist</i>	Haley & Aldrich (HA)	<i>landfill geotechnical engineer</i>
Biotic Resources Group (BRG)	<i>environmental consultant</i>	Manti Henriquez (MH)	<i>Spanish translator</i>
Hexagon Transportation (HEX)	<i>traffic engineer</i>		

Fees - Basic Services

task	CA	EPS	MH	HA	BRG	HEX	Totals
1.0 project initiation	\$31,270	\$11,970	\$1,200	\$3,084	\$7,900	\$0	\$55,424
2.0 plan development	\$74,930	\$18,050	\$800	\$1,576	\$1,568	\$0	\$96,924
3.0 plan adoption	\$23,261	\$4,740	\$0	\$0	\$0	\$0	\$28,001
reimbursable expenses (allowance)	\$9,300	\$300	\$0	\$110	\$350	\$0	\$10,060
Subtotal (fees and expenses)	\$138,761	\$35,060	\$2,000	\$4,770	\$9,818	\$0	\$190,409

Total Not to Exceed Compensation (Basic Services)**\$190,409****Fees - Optional Services**

task	CA	EPS	MH	HA	BRG	HEX	Totals
5.01 community meeting #4	\$5,828	\$0	\$0	\$0	\$0	\$0	\$5,828
5.02 traffic analysis	\$0	\$0	\$0	\$0	\$0	\$6,000	\$6,000
reimbursable expenses (allowance)	\$1,500	\$0	\$0	\$0	\$0	\$0	\$1,500
Subtotal (fees and expenses)	\$7,328	\$0	\$0	\$0	\$0	\$6,000	\$13,328

Total Not to Exceed Compensation (Optional Services)**\$13,328**

All reimbursable expenses, including the communication and insurance surcharge noted on the attached Standard Schedule of Compensation dated 2017 (San Jose), would be invoiced as a separate line item. These costs will be itemized on our invoice and compared monthly with the total allowance to assist you in monitoring these costs.

**Via Email**

June 30, 2017

MEMO TO: Derek Schweigart, City of Menlo Park**FROM:** Marie Mai, Callander Associates**RE: BEDWELL BAYFRONT PARK MASTER PLAN / July 18 Council Meeting Staff Report****Background**

A master planning process is underway for Bedwell Bayfront Park to address existing maintenance and capital improvement deficiencies and plan for the park's needs for the next 25 years. The park is an existing 160 acre regional park and was originally opened in 1984. Built on top of a landfill, it is surrounded on three sides by the Don Edwards San Francisco Bay National Wildlife Refuge. The master plan process seeks to identify and implement current and future community park priorities in a fiscally sustainable manner.

Outreach Effort

The City retained the services of Callander Associates to conduct the public outreach and the master plan process in order to achieve the goals outlined above. Public participation is a prioritized aspect of this project, and to date, two (2) public outreach events have been hosted. Open House #1 was held April 8 at the Senior Center in the Belle Haven community and Open House #2 was held June 17 at Bedwell Bayfront Park. The public was notified about these events through:

Outreach Notification Method	Open House #1	Open House #2
Update City webpage	✓	✓
Update Facebook page	✓	✓
E-mail blast to various stakeholder groups	✓	✓
E-mail blast to NextDoor	✓	✓
Ad/notice in Belle Haven newsletter*	✓	✓
Direct utility billing*	✓	
On-site marquee / electronic board	✓	✓
On-line survey for Open House*	✓	✓
E-mail blast to Open House #1 attendees		✓
Project outreach at community events	✓	✓
Project outreach on-site	✓	✓
On-site posters*	✓	✓
Place Posters at other City parks*	✓	
On-site brochures*	✓	✓
Event translator for Spanish speakers*	✓	✓

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Burlingame, CA 94010
T 650.375.1313
F 650.344.3290

SAN JOSE
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T 408.275.0565
F 408.275.8047

GOLD RIVER
12150 Tributary Point Drive, Suite 140
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F 916.985.4391

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Connect
Sustain
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Memo

RE: BEDWELL BAYFRONT PARK MASTER PLAN / July 18 Council Meeting Staff Report

June 30, 2017

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**Resources available in Spanish*

For those who could not attend the Open House events, an online survey was created to allow for input by a wider audience.

An Oversight Group committee consisting of a Friends of Bedwell Bayfront Park representative, a community member at-large from Belle Haven, a local environmental conservation group representative, a local business representative, and local government representatives helps provide feedback from different segments of the community and get the word out to their respective groups. The planning team also continues to work with agencies that have direct impact on the park, such as the South Bay Salt Pond Restoration Project, SAFER Bay, and a host of other agencies, in order to address interjurisdictional issues and concerns regarding the proposed park improvements. Through these events and meetings, the project team has been able to gather quantitative data that supports the design direction for the preferred master plan. A schedule of all of the meeting and events for the master plan is attached to the end of this document.

Community Meetings and Feedback

The largest events to date have been both of the Open Houses. Open House #1 occurred Saturday, April 8, at the Senior Center in Belle Haven from 10 a.m. to 2 p.m. It was a very rainy day, but 50 people signed in at the event, and 39 people completed a response packet. The packet was the primary collection tool used to gather feedback at this event. The packet asked participants to review materials and respond to questions that helped to identify preferred activities and amenities for the park. The project team developed a list of features for the community to respond to in order to better understand the community's preferences for park uses. One of the most significant questions asked at the event was for participants to define "passive recreation". Bedwell Bayfront Park was founded as a passive recreation park, but the definition of this meaning ranges in interpretation. The public was asked to respond to a grid of images that described passive recreation from less active to more active activities. A majority of participants fell into the middle of the spectrum, which reflected support for existing uses. There was slightly greater support for more active activities, such as fitness, than less active. Input gathered at Open House #1, both from the meeting and through the online survey, was utilized to generate concept alternatives. Results from Open House #1 were summarized and made available at Open House #2.

Open House #2 occurred Saturday, June 17, at Bedwell Bayfront Park from 10 a.m. to 2 p.m. In the midst of a heat wave, 60 people signed in at the event, and 56 completed response packets. At this event, the packet asked participants to review the materials and respond to questions to help identify concept plan preferences. Initial findings from the input received from the event shows a consistency in demographics and visitor behavior from Open House #1. Most participants at Open House #2 were Menlo Park residents and visit the park frequently and for short durations. At both Open Houses, participants were asked to respond to goals for the project. At Open House #1 (and with online survey input), the goal with the most support was to "Work to identify sustainable funding sources to support short term improvements and long term maintenance and operations." At Open House #2 (no online survey results yet), the most supported goal is to "Respect the emphasis on "passive recreation" on which the park was founded."

Participants were also asked which park activities and amenities are preferred by park users. A majority of participants are in favor of preserving existing uses (walking, jogging, biking on paved paths), allowing

Memo

RE: BEDWELL BAYFRONT PARK MASTER PLAN / July 18 Council Meeting Staff Report

June 30, 2017

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hand-launched model glider use, and the addition of picnic tables and educational trail loops. The participants were split in their support of fitness areas, nature play, and a boat launch. The majority of participants are not in favor of including a dog park or an amphitheater at the park.

Input results do not include the online survey and it is possible trends will shift. The online survey is scheduled to close July 10 but may be extended if necessary. A preferred plan that incorporates the input data from all public input events will be presented at a third public meeting October 25, 2017.

Project Challenges

It is clear that Bedwell Bayfront Park is a special open space for Menlo Park residents, as well as the greater community. Some challenges have emerged and we will continue to work through these items to develop the most responsive plan for the community.

- Participation of the Spanish-speaking community. The park user group is diverse and the demographics of the survey participants does not reflect the demographics of the park user group.
- Preserving the passive recreation uses at the park and respecting the Measure J vote. It has been voiced that the proposed concept plans feels “urban” and “developed”. The park is 160 acres and the proposed amenities would require a very small percentage of that footprint, leaving a large majority of the park to remain open space, trails, and habitat. It has been 10 years since Measure J was voted on, and a number of participants have asked if it is time to revisit the parameters Measure J established for the park and provide the opportunity to explore all potential park uses.
- The process of data collection has been questioned, but the project team has worked hard to reduce potential for ballot stuffing and to overcome the technical limitations of the online survey. The survey is an additional means to provide input, and is not intended to be statistically rigorous. The online survey was created from the perspective of providing an accessible means for providing input and encouraging participation in the community outreach process.
- Some have asked why there was not an “Option C” concept plan at the June 17th Open House to allow the park to remain as-is (i.e. open space). A primary objective of this master plan was to come up with ways to generate a sustainable funding source for the park. An “Option C” was not provided for the public to vote on because the park as-is does not have the capabilities to fund itself, nor would it address issues such as sea level rise or infrastructure deficiencies. The proposed concepts include activities and amenities that could potentially support or generate funding. The structure of the questions for providing feedback on the concept plans allowed the public to express support or dislike of specific features and provide input on what their preferred park plan would look like, negating the need to have an “Option C.”

Moving forward, next steps for the project include creating and presenting the preferred concept plan for the park. The plan will account for sustainable funding mechanisms, community-supported park features, ecological protection, and sea level rise impacts.

Meeting	Date	Purpose
Kick-off Meeting	2/8/17	Kick-off the project and review outreach strategy
Oversight Group Meeting #1	3/23/17	Review project goals and open house format and materials
Open House #1	4/8/17	Solicit community input on what they would like to see for Bedwell Bayfront Park
Oversight Group Meeting #2	6/8/17	Review open house results and design alternatives
Open House #2	6/17/17	Solicit community input on the three design alternatives
Interagency Meeting	7/12/17	Solicit input on the three design alternatives
Oversight Group Meeting	TBD	Review open house results and preferred plan
Open House #3	TBD	Solicit community input on the three design alternatives
Community Workshop #4 Parks and Recreation Commission	10/25/17	Solicit community input on the preferred plan
City Council	11/14/17	Solicit input and approval on the park master plan



STAFF REPORT

City Council

Meeting Date:

7/18/2017

Staff Report Number:

17-153-CC

Informational Item:

Belle Haven Child Development Center self-evaluation report for fiscal year 2016-2017

Recommendation

This is an Informational item.

Policy Issues

Review of the annual report by the Belle Haven Child Development Center (CDC) governing board (City Council) is a State requirement for continued State grant funding.

Background

The California Department of Education requires Title 5 State Preschool Programs to conduct an annual self-evaluation and submit these findings to the State and the school's governing board at the close of each fiscal year. The CDC is a Title 5 State Preschool Program; the Council is the governing board and the City Manager is the Authorized Representative responsible for signing the annual report completed by the Belle Haven CDC Program Coordinator.

Analysis

The fiscal year 2016-2017 Program Self-Evaluation report includes:

- Program Self-Evaluation Cover Page (State form EESD 4000)
- Summary of Program Self Evaluation Year 2016-17 (State form EESD 400B)

Impact on City Resources

The total revenue is \$945,207 and the total expenditures is \$1,485,716 for FY 2016-17. The total net impact to the general fund is \$540,509.

Public Notice

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

Attachments

A. Belle Haven Child Development Center Self Evaluation Report for FY 2016-2017

Report prepared by:
Natalya Jones, Recreation Supervisor

**Program Self-Evaluation Process
Fiscal Year 2016–17**

Contractor Legal Name: City of Menlo Park-Belle Haven CDC	Vendor Number: 2184
Contract Type(s): CSPP	
Check each box verifying the collection, analysis, and integration of each assessment data toward ongoing program improvement for all applicable contract types.	
<input checked="" type="checkbox"/> Program Review Instrument FY 2016–17 – All Contract Types: http://www.cde.ca.gov/ta/cr/documents/eesos1617.pdf	
<input checked="" type="checkbox"/> Desired Results Parent Survey – All Contract Types: http://www.cde.ca.gov/sp/cd/ci/documents/parentsurvey.doc	
<input checked="" type="checkbox"/> Age Appropriate Environment Rating Scales – Center-based/CFCC Contracts Types: http://www.ersi.info/ecers.html	
<input checked="" type="checkbox"/> Desired Results Developmental Profile and DRDPtech Reports - Center-based/CFCC Contracts Types: https://www.desiredresults.us/drdp-forms	
Using a narrative format, summarize the staff and board member participation in the PSE process: This form can be expanded and is not limited to a single page.	
<p>Our Center began the self-evaluation process upon the enrollment of new children for the Fall 2016 school year. Staff began to conduct observations on all full-day children enrolled in classrooms 1, 2, 3, and 4 starting in late August 2016. The 4 classrooms completed the Developmental Profiles (DRDP) for each child in October of 2016 and entered DRDP TECH by the instructional staff. The ASQ tool was also used to identify possible developmental delays, disabilities or other special needs in order to help staff access needed early intervention services. Each lead Teacher used the Developmental progress forms to summarize the gathered information for each child that was shared with parents during Conferences in November 2016. Also during the month of November, the Lead Teachers met with their team members and identified key findings from the results from the DRDP's and created action steps and goals that they implemented over the coming months for their own classroom. They also worked closely with their QRIS coach to help achieve their individual goals.</p> <p>Parent surveys were passed out in January of 2017 and then collected by administrative staff. In February of 2017 parent surveys were compiled into the Group Data Summary as well as the Parent Survey Summary of Findings, which was completed by the Director.</p> <p>The Early Childhood Environment Rating Scale (ECERS) was completed by Office Admin and QRIS coach during the months of February and March of 2017. Program staff reviewed and identified areas of improvement and created action steps that will be implemented over the coming months and follow ups throughout the remaining of the school year continuing into Fall 2017.</p> <p>Second rounds of DRDP will be entered by May 2017 and the Lead Teachers will review data and create actions steps where key findings were identified and implemented in the upcoming months. Also Lead Teachers will use the gathered data from each child and complete Development Progress forms to summarize each child's progress which will also be used during Parent conferences during the months of May and June of 2017.</p>	

**Summary of Program Self-Evaluation
Fiscal Year 2016-17**

Contractor Legal Name: City of Menlo Park-Belle Haven CDC		Vendor Number: 2184
Contract Type(s): CSPP	Age Group (Infant/Toddler, Preschool, School-Age)	
Program Director Name (as listed in the Child Development Management Information System): Patty Briese		
Program Director Phone Number: 650 330-2272	Program Director E-mail: pwbriese@menlopark.org	

This form can be expanded and is not limited to a single page.

1. Provide a summary of the program areas that did not meet standards and a list of tasks needed to improve those areas.

Governance and Administration

(Based on Summary of Findings conducted February 2017 and Self Program Review)

1 out of 10 files reviewed. Attendance record did not correspond with the employee documentation.

EES 03 CHILD NEED REQUIREMENT VERIFICATION

Need for service documentation in the eligibility file

- All files will be reviewed by a second office administrator to insure all required documents are submitted and completed correctly including required signatures and dates.
- Maintain all client logs to document information of families and contacts made to verify status and to determine the child care hours that are needed. Send Notice Of Action forms as needed when changes occurs.
- Increase on-going communication with classroom staff regarding families contracted hours. Update hours/days as needed.

EES 04 RECORDING AND REPORTING ATTENDANCE

Based on Self Program Review

- Classroom teachers will review attendance sheets daily and will note when families call in sick or absent. This will ensure the program receives accurate information on absences and will help to determine excused or unexcused and report to office administrators.
- Office administration will follow up with parents when a child is absent if parent fails to call in and note the reason in client log.
- Administrators will review all attendance forms thoroughly making sure all absences are documented accurately.

Standard, Assessment and Accountability:

Based on the Summary of Findings -DRDP

The program conducted an assessment and completed the data entry. The overall key findings were Language and Literacy Development and Cognition, including Math and Science. (Cog 1)

Steps taken to improve the areas from the findings are as follows:

- Expose children enthusiastically to all types of print (e.g., magazines, billboard signs, books, posters)

- Equip all learning areas with books and writing materials (Books and other forms of print, along with colored chalk). Allowing opportunities to explore properties of books individually and with small groups.
- Expose children to more language material such as felt stories.
 - Allowing children to retell stories,
 - Continue Raising a Reader book exchange and weekly library visits
 - Continuing to add dictation to the children's art so they can see what the words they are using look like.
 - Include more conversations that will help guide children to use complex sentences. This can be done during circle, reading, and meal times.
 - Implementing Letter activities to the weekly lesson plans.

Science -Cog 1

- Providing activities that encourage increasingly complex movement and navigation. Hopping on one foot, dancing with a partner, and swinging on the swing set all promote concepts of space, dimension, direction and spatial relation to other people and objects, while also developing gross motor skills. A classic game of "I Spy" will also promote spatial skills, such as a preschooler's sense of direction and location.
- Implement activities that require children to push, pull, squeeze or do other "heavy work" against resistance, provide amplified sensory feedback to children's bodies and are effective for developing spatial awareness.
- Providing movement activities that provide children opportunities to figure out how to maneuver their bodies over, under, or around various obstacles. Set up obstacles courses that encourage children to go over, under, and through objects. General household objects and recyclable items (e.g., cardboard boxes, phone books, or ropes) can be easily adapted for outdoor or indoor use.
- By designing the obstacle course as a small-group activity, teachers give children the opportunity to use spatial awareness to maintain an appropriate distance from other children. Materials used in the obstacle course are simple yet versatile for providing variations in movement experiences.
- Vocabulary games that use over/beside/under

The program is currently participating in QRIS. The coach continues to help assist the program which includes DRDP/ECERS training.

Staffing and Professional Development

EES-11

According to the Program's assessment and assessment from the QRIS coach, shared Goals have been created and will be carried into the 16-17 year. The goals are as follows:

Goal 1: Built teacher competencies

Schedule trainings on ECERS, CLASS and Curriculum with teachers.

Goal 2: Partner with families to complete a developmental screening tool and provide individualized support to each child enrolled in the program.

Plan for full ASQ and ASQ-SE implementation that includes further trainings.

Enter results online and provide individualized support to children.

Goal 3: Provide high quality environment and effective teacher-child interactions.

Focus on Instructional Support for children.

EES-18: Environment Rating Scale

(*based on form CD2220 and rating QRIS rating and the leadership of the coach)

During the review of the program it was evident during the classroom observation of ERS, the classroom did not achieve a score of 5.0 of the following subscales: Space for Gross Motor (3.6) and Personal Care Routines-Toileting/Diapering (1.6)

Steps that are being taken to correct and improve the areas from the findings and are as follows:

The program is currently participating with QRIS. The coach is assisting the program to help improve with the key findings from the ERS items. For staff professional development, there will be trainings offered to the staff members that will include ECERS. The program will monitor throughout the year the planned goals and the Actions Steps prepared from the findings from the ECERS.

2. Provide a summary of areas that met standards and a summary of procedures for ongoing monitoring to ensure that those areas continue to meet standards.

EES-01 – Parent Involvement

Based on the 2015-16 Program Self Evaluation and current monitoring the program meets and exceeds Community Involvement. The program offers parent workshops with topics based on parent surveys received during the month of October, 2016. As participants of The Big Lift grant, the program had included a family engagement component which includes building partnerships with families. In addition, the program has connections and support from outside agencies to help support families by providing resources, workshops and community events.

EES-04 Governance And Administration

Follow up Summary of Findings EESD 2220B/Self Program Review
10 files reviewed

EES 2,3,4,5 – Meets requirements (9 out of 10) no errors. EES 3 one file did not correspond with employment documentation. She did not meet standards sections.

Continue to meet standards:

- Continue to monitor files on -going basis
- Review files by second office administrator upon enrollment- Required documents, required signatures and dates.
- Continue to maintain client logs in each family file documenting info and contact made to verify status and to determine hours.

EES 08-EES 10 Standards, Assessment and Accountability

The program met and maintains a development profile for each child that is recorded in the areas of Physical, Cognitive, Language, Visual & Performing Arts, Social and Emotional development and that is used to inform the teachers of the result. The program will continue to meet standards by the following:

- Continue to conduct DRDP assessments for each child as required
- Teachers will continue to observe and plan activities based the results of the assessments.
- Continue to conduct parent conferences twice a year to inform families of their child's development progress also this will help assist families to understand their child's developmental profile and tell

them what they can do at home to help support their child.

- Teachers will continue to maintain each child's profile by collecting evidence, documentation and any other information to complete child's development profile.

The program continues to meet standards by complying with Title 22 California Code of Regulations. In order to continue to meet standards, the program will ensure:

- To continue to maintain staff files and update as needed
- To comply with health and safety regulations.
- Reviewing regulations as on going with staff during staff meetings and to come up with tasks to help maintain the program's environment to comply with safety regulations
- To continue to have a good standing with licensing and to collaborate together to help support the program in meeting standards.

EES-11-EES13 Staffing and Professional Development

The program continues to comply with title 5 regulations in implementing a staff development program plan that includes the following:

- Offer two staff development days based on needs
- Written job descriptions
- An annual written performance evaluation procedure

Staff development opportunities that include topic related to the function specifies in each employee's job description and training needs identified by the program/QRIS coach

EES-12-13

The program continues to maintain qualified staff and director. Monitoring files and encouraging staff to continue trainings and education to maintain permits

The program continues to comply with Title 5, staff-child ratios. The program has a pool of aides that float to assist in the classroom when needed to maintain the staff-child ratio.

EES -18: Environment Rating Scale

Teaching and Learning

Based on the QRIS Rating and the leadership of the coach, CD4002 and observations

The program continues to meet standards in completing an environment rating scale annually. Recently the program has improved and maintained the following subscales: Space and Furnishing, Language and Reasoning, Interaction, Program Structure and Parent and Staff. The program will continue meeting standards by the following:

- To continue using ECERS tool annually
- To monitor throughout the year the planned goals and implement where needed to meet goals
- To offer workshops to staff pertaining to classroom quality or classroom rating scales
- The program is currently a QRIS participant in which also monitors and ensures the program meets/exceeds classroom standards.
- The program also may be participating in the *Big Lift* which will also help assist to meet program's goals.
- The program continues to use the ASQ (manually) with the assistance of the QRIS coach that will also help the program maintain the quality of the program. Goal for 2017-18 is for the team members to use the ASQ electronically through the Cocoa system.

Scan and submit both the EESD 4000A and EESD 4000B TO FY1617PSE@cde.ca.gov.

Mail hard copy **ONLY** if the PSE cannot be sent electronically:

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**STAFF REPORT****City Council**

Meeting Date: 7/18/2017
Staff Report Number: 17-163-CC

Informational Item: Hello Housing quarterly report

Recommendation

This is an informational item and no action is required.

Policy Issues

Hello Housing administers aspects of Menlo Park's BMR Housing Program and this report is consistent with the City's policies and efforts to improve housing affordability in Menlo Park.

Background

Menlo Park's Below Market Rate (BMR) Program was created in 1988 to provide affordable homeownership and rental opportunities for low and moderate income families living or working in Menlo Park. The City currently has 65 owner-occupied BMR units, with three more coming on line soon. They also have four rental, city managed, BMR Units and more units available in the Gateway Apartments, Willow Court & Willow Terrace, Crane Place & Partridge Place, Anton Menlo and Sequoia Belle Haven.

In the late 1980's, Menlo Park's Purchase Assistance Loans (PAL) and Emergency Rehab Loan (ERL) programs were created. The PAL program was a second mortgage loan designed to help home buyers qualify for a first mortgage loan and was only offered to first time home buyers. PAL loans were funded from the BMR fund and its terms were 30 years at 5%. The ERL program was funded by the Redevelopment Agency (RDA) and provided home improvement and emergency repair funds to income-qualified homeowners in the Belle Haven neighborhood. The RDA was dissolved in early 2012.

San Mateo County also had two loan programs called the Community Development Block Grant (CDBG) and the Rehab Loan Program. They worked similar to RDA's ERL loan, but was funded by the county and managed and administered by the City of Menlo Park.

Menlo Park's BMR Housing and Loan Programs were managed by its own Housing Division, until 2012 when it was dissolved with the RDA. After the dissolution, Menlo Park contracted with Palo Alto Housing Corporation (PAHC) for BMR program administration and with Hello Housing for PAL loan management. In June 2014, the City did not renew its contract with PAHC and contracted with Hello Housing to manage BMR and PAL loan servicing, while city staff managed the RDA and CDBG loans.

In May 2015, the City amended Hello Housing's contract so they managed the Ownership-BMR program, the four city-managed BMR Rentals and all four loan programs (PAL, ERL, RDA, & CDBG).

Analysis

Attachment A is the second quarterly report from Hello Housing for 2017. Hello Housing provides a quarterly update to the Housing Commission, but given the additional public interest in affordable housing, staff feels that quarterly reports are appropriate information items for The City Council. The Housing Commission reviewed and accepted the report from Hello Housing at its June 21st meeting.

Public Notice

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

Attachments

A. Hello Housing 2017 Q2 Report

Report prepared by:

Meghan Revolinsky, Management Analyst II

Report reviewed by:

Jim Cogan, Housing and Economic Development Manager

MEMORANDUM

Date: June 7, 2017

To: Jim Cogan, Housing and Economic Development Manager for the City of Menlo Park

From: Hello Housing, Administrator of Menlo Park's Below Market Rate (BMR) Housing Program

Subject: Quarterly BMR Housing Program Report – Q2 2017

The City of Menlo Park is currently contracted with Hello Housing, a nonprofit housing organization, to administer its Below-Market Rate (BMR) Housing Program along with providing loan servicing of the City's below market rate loans, including Purchase Assistance Loans, CDBG Loans, Rehab Loans and Emergency Rehab Loans. This Quarterly Report contains an update on Hello Housing's activities during the second quarter of 2017 (Q2).

BMR Home Resale and Refinance Activity

<i>BMR Home Resales</i>	<i>BMR Home Refinances</i>	<i>BMR Home Value Calculation Requests</i>
0	0	1

During Q2, there were no resales or refinances that took place within the BMR portfolio. One homeowner contacted Hello Housing to request information about refinancing and the possibility of taking out a Home Equity Line of Credit (HELOC). Hello Housing provided the owner with their maximum BMR resale value and discussed the guidelines for City approval of a refinance or HELOC. The homeowner did not move forward with the process due to an outstanding Purchase Assistance Loan which would have needed to be paid off prior to being eligible for cash out upon refinancing.

City Owned BMR Rental Housing

Hello Housing is in the process of conducting its annual income recertification of the households living in the four BMR rental units located at 1175 and 1177 Willow Road, which are owned and managed by the City of Menlo Park. A final compliance report will be submitted to the City by June 30th, 2017.

Below Market Rate Waiting List Management

Hello Housing manages the City’s Waiting List for the BMR Housing Program. This includes accepting and processing applications from interested households and doing an annual mailing campaign to recertify current waiting list members. Households may apply to be on the waiting list purchase a BMR unit or may apply to be on the interest list to rent a BMR unit, or both. There are currently 220 active members on the Menlo Park Homeownership Waiting List and Rental Interest List. Of this number 14 are interested only in homeownership opportunities, 85 are interested only in rental opportunities and 121 are interested in both homeownership and rental opportunities.

During Q2, Hello Housing has so far processed 33 new BMR waiting list applications.

Hello Housing has also completed its annual Waiting List Update process, which consisted of up to three rounds of communication to participants throughout two months, requesting that they submit a new application with their updated household information. Below is a summary of the three rounds of outreach to waitlist members:

1st Round of Outreach: A personalized letter with an updated application is sent out to each member along with a notification email and a date by which to respond.

2nd Round of Outreach: After three weeks, a follow-up email along with a personal phone call is made to each non-responding member.

3rd Round of Outreach: A “Final Notice” letter is sent along with a corresponding email to each non-responder. Additionally, Hello Housing contacts each non-responder by phone.

A summary of the results of the Waiting List Update include:

Annual BMR Waiting List Update Results	BMR Homeownership Waiting List	BMR Rental Interest List
<i>Households who will remain on the list</i>	135	206
<i>Households who voluntarily removed themselves from the list</i>	13	12
<i>Households who didn’t respond and will be removed from the list</i>	22	37
<i>Households who were recently displaced from the community and therefore are in a pending status on the waitlist until further direction.</i>	4	6

Below Market Rate Preservation Projects

A key BMR preservation and protection activity is currently underway by Hello Housing to ensure that BMR homeowners have not over-encumbered their BMR homes with unapproved loans. Under this activity, Hello Housing is in the process of conducting a forensic review of all loan activity across the portfolio to determine if any Home Equity Loans or any other unapproved loan transactions have taken place across the portfolio that would be in violation of the BMR program guidelines. This activity will be completed by the end of Q2 and results of this review will be shared with City staff. As part of the review and analysis, Hello Housing will propose next steps to be taken with delinquent homeowners and work with City staff to implement plans of action to bring these homeowners back into compliance.

Hello Housing also monitors Notices of Default that are recorded on BMR properties with the goal of preventing the BMR home from being lost from the affordable housing portfolio through foreclosure. No Notices of Default have been received during Q2.

Owner Occupancy Monitoring

Hello Housing conducts an annual mailing campaign each year to request self-certification of owner occupancy for all BMR homeowners as well as Purchase Assistance Loan Borrowers. Both programs require owner occupancy and restrict owners from renting out their homes. Up to three rounds of letters are sent to each homeowner to request documentation verifying owner occupancy.

Hello Housing has completed the annual request for certification of owner occupancy for 2017 and submitted a report of the final results to City staff at the end of May. The report contains summaries of the response rates from BMR owners, PAL borrowers and BMR owners with PAL loans. The report also highlights the names and addresses of owners who did not comply with the request. Of note, the response rate improved significantly between 2016 and 2017 and is the highest response rate we have received to date in any of the programs we manage. Below is a summary of the results in 2017 compared to 2016:

Year of Monitoring	% of Owners With Complete and Satisfactory Response	% of Owners With Partial Response	% of Owners Who Did Not Respond
2016	84%	6.5%	9.5%
2017	94%	6%	0%

This year, Hello Housing implemented a new step of informing all owners of their status after the third and final deadline had passed. After this letter was sent, we received responses from multiple owners who had previously been unresponsive. This included one owner we had identified who had not responded to the request for three years in a row. In 2016, Hello Housing coordinated with a Private Investigator to obtain evidence of whether the owner was residing in the BMR home or renting it out to tenants. The investigator made contact with the owner, who was verified to be residing in the BMR home, however they had not replied to the request again this year. After receiving their final status letter showing that we had not received a response, the owner contacted us to let us know she was not aware of the requirement to fill out the forms on an annual basis. We explained the requirement to her and she then submitted the majority of the required paperwork. We have informed her of the outstanding documentation that is required, and if this is received, the percentage of owners with a complete and satisfactory response will increase to 95%.

Loan Servicing

In addition to administering the City’s BMR Housing Program, Hello Housing provides loan servicing of the City’s Purchase Assistance Loans, CDBG Loans, Rehab Loans and Emergency Rehab Loans. Below is a general summary of loans serviced under Hello Housing’s contract.

Total funds remitted back to the City through loan servicing in the first quarter* of 2017:

\$27,130.61 *complete data is not yet available for Q2.

BMR Loan	Total Loans under Hello’s Contract	Total Loans Paid Off	Currently Serviced
Purchase Assistance Loans	39	15	24
CDBG Loans	24	8	16
REHAB Loans	9	3	6
ERL Loans	12	7	5
Total	84	33	51

Since taking on the loan servicing contract in 2013, Hello Housing has developed a process of engaging with delinquent borrowers in order to assist them to begin making payments on their City loans. Through this process, 33 loans have been paid off in full (totaling roughly \$1.5M in principal and accrued interest) and 25 delinquent borrowers have returned to compliance on their loan payment commitments. However, several borrowers have been unresponsive to our attempts at communication. Hello Housing has been working with City staff to create plans of action specific to each delinquent borrower.

BMR Rental Opportunities

Anton Menlo – 3639 Haven Avenue (22 Very Low Income Units, 15 Low Income Units)

On April 21st, 2017, Hello Housing sent communications to the City's BMR Rental Interest List to inform members of the opportunity to apply for the BMR apartments at Anton Menlo. While the marketing, lottery and tenant selection processes are being administered by Alliance Residential, Hello Housing was charged with distributing Alliance's marketing flyer and application to the interest list prior to a lottery drawing that was held by Alliance. These materials were sent via email and mail to all members of the interest list. The flyer, application deadline and unit details were also made available on Hello Housing's website. The lottery drawing was held on May 12th by Alliance Residential and the review of applications for the selection of eligible tenants is currently underway by Alliance Residential.

Other BMR Program Activities

Hello Housing acts as a resource to all current BMR homeowners and borrowers to field questions that may come up around compliance with program requirements. The BMR Deed Restrictions and Program Guidelines contain policies on several aspects of owning a BMR home that each homeowner agreed to follow. Hello Housing works with homeowners on an ongoing basis to provide clarity on these policies when questions come up. Topics may include transfers of title, inheritance of BMR homes, refinancing requirements, the resale process, City policy on owner occupancy, preferred lender referrals for refinancing, and other questions.

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STAFF REPORT

City Council
Meeting Date: 7/18/2017
Staff Report Number: 17-161-CC

Informational Item: **Update on proposed modifications to the approved Development Agreement for Facebook Campus Expansion Project at 301-309 Constitution Drive**

Recommendation

This is an informational item and no action is required.

Policy Issues

Facebook has submitted a request to the City to change several aspects of the Facebook Campus Expansion Project at 301-309 Constitution Drive (“Approved Project”). The proposed conditional development permit (CDP) amendment will require the City Council to consider the merits of the project, including project consistency with the City’s current General Plan, Municipal Code, and other adopted policies and programs. The Council will also need to consider the proposed modified development standards and project phasing in the requested CDP amendment along with the environmental review associated with the proposed changes. Further, the Council will need to review and consider the modifications to the associated Development Agreement.

Background

Site Location

The subject site is located at 301-309 Constitution Drive. Using Bayfront Expressway in an east to west orientation at the subject site and Willow Road in a north to south orientation, the subject site extends from the corner of Chilco Street and Bayfront Expressway east toward Building 20, located at 1 Facebook Way, near the intersection of Willow Road and Bayfront Expressway. Chilco Street wraps around the western side and a portion of the southern side of the property. The campus is adjacent to Bayfront Expressway on the north across from the former salt ponds. A location map is included as Attachment A.

Project History

The Facebook Campus Expansion Project included two new office buildings totaling 962,400 square feet, a 200-room limited service hotel, publicly accessible open space, and a bicycle and pedestrian bridge, and was approved by the City Council on November 1, 2016. The Approved Project was expected to be constructed in two phases: Phase 1 (Building 21) and Phase 2 (Building 22 and hotel). The public open space and bicycle and pedestrian bridge would be completed in Phase 2 but the permitting process for the bridge was required to be initiated by the applicant in Phase 1. The applicant began construction on Phase 1 (Building 21) in December 2016.

Due to the existing tenant (TE Connectivity) remaining at the site longer than anticipated, Hibiscus Properties LLC, on behalf of Facebook (“Project Sponsor”), submitted an application for an amendment to

the Approved Project. The applicant's project description letter (Attachment B) describes the proposed revisions in more detail ("Proposed Revised Project").

At this time, staff is reviewing the project plans and documents, and conducting the environmental review associated with the proposed modifications to the Approved Project. The Proposed Revised Project is anticipated to be reviewed by the Planning Commission and City Council in the fall of 2017. Amendments to the existing Development Agreement would be necessary.

Analysis

TE Connectivity (TE) is a tenant of Facebook at the project site and is currently located in the buildings addressed 301-306 Constitution Drive and the chemical transfer facility (CTF) building. Pursuant to the approved CDP, those buildings would need to be demolished to move forward with the construction of Building 22. Due to a delay in when TE would be able to completely vacate the site, Facebook has submitted an application for a CDP amendment to accommodate the ongoing operations of TE (within the building addressed as 305 Constitution Drive) and allow for concurrent construction of Building 22.

The City Council received an Informational Item report from the Community Development Department on the Proposed Revised Project at its June 6, 2017 meeting. As outlined in that report the proposed modifications to the footprint of Building 22, relocation of parking to a multi-story structure, increase in height, and modifications to the site plan require an amendment to the CDP. The staff report for the June 6, 2017 Council meeting is available at the following link and describes the Proposed Revised Project in more detail, the current status, and the next steps for review of the project. June 6 City Council Staff Report: <http://www.menlopark.org/DocumentCenter/View/14650>.

Development Agreement

Upon receipt of the application for the Proposed Revised Project, staff determined that the proposed changes would require a CDP amendment. In addition, City staff determined that the Proposed Revised Project would result in changes to the timeline for the delivery of certain public benefits negotiated as part of the Approved Project. The changes to the Development Agreement identified in the first two bullets below would be required to ensure consistency with the timing of the delivery of the negotiated public benefits of the Approved Project, as envisioned through the previous negotiation process between the City and the applicant. The third bullet below includes a specific offer from Facebook to the City to fund city services as a public benefit of the Proposed Revised Project, which would be included in the modified Development Agreement. The following changes would be made to the Development Agreement:

- Timing of the in-lieu Transient Occupancy Tax (TOT) payment;
- Timing of the removal of the cap for Utility Users Tax (UUT); and
- Additional revenue for phasing in services in the M-2/Bayfront Area prior to completion of the Project.

The proposed modifications would be made through an amendment to the Development Agreement. The amendment would be reviewed by the City Council concurrent with overall entitlements and environmental review. The modifications to the Development Agreement would generally focus on refining the timeline for delivery of the revenue guarantee payments (TOT and UUT) and the addition of funding for city services in the M-2 Area/Bayfront Area. Staff is reviewing the Proposed Revised Project and the Development Agreement to determine the appropriate timing for the revenue guarantee payment and the additional funding offer from Facebook for city services in the M-2/Bayfront Area. Since the scope of the proposed modifications to the Development Agreement is limited, the City Council subcommittee is not being reconvened. Ultimately, an amendment to the Development Agreement would be presented to the Planning

Commission with a recommendation to the City Council for its review and consideration as part of its review of the CDP amendment and other land use entitlements.

Impact on City Resources

The Project Sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

Environmental Review

An Environmental Impact Report ("EIR") was prepared for the Approved Project. The Proposed Revised Project is being evaluated for consistency with the certified EIR. If the Proposed Revised Project is consistent with the certified EIR, then an addendum to the EIR will be prepared for review and consideration of the Planning Commission and City Council as part of the overall project review process.

Public Notice

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

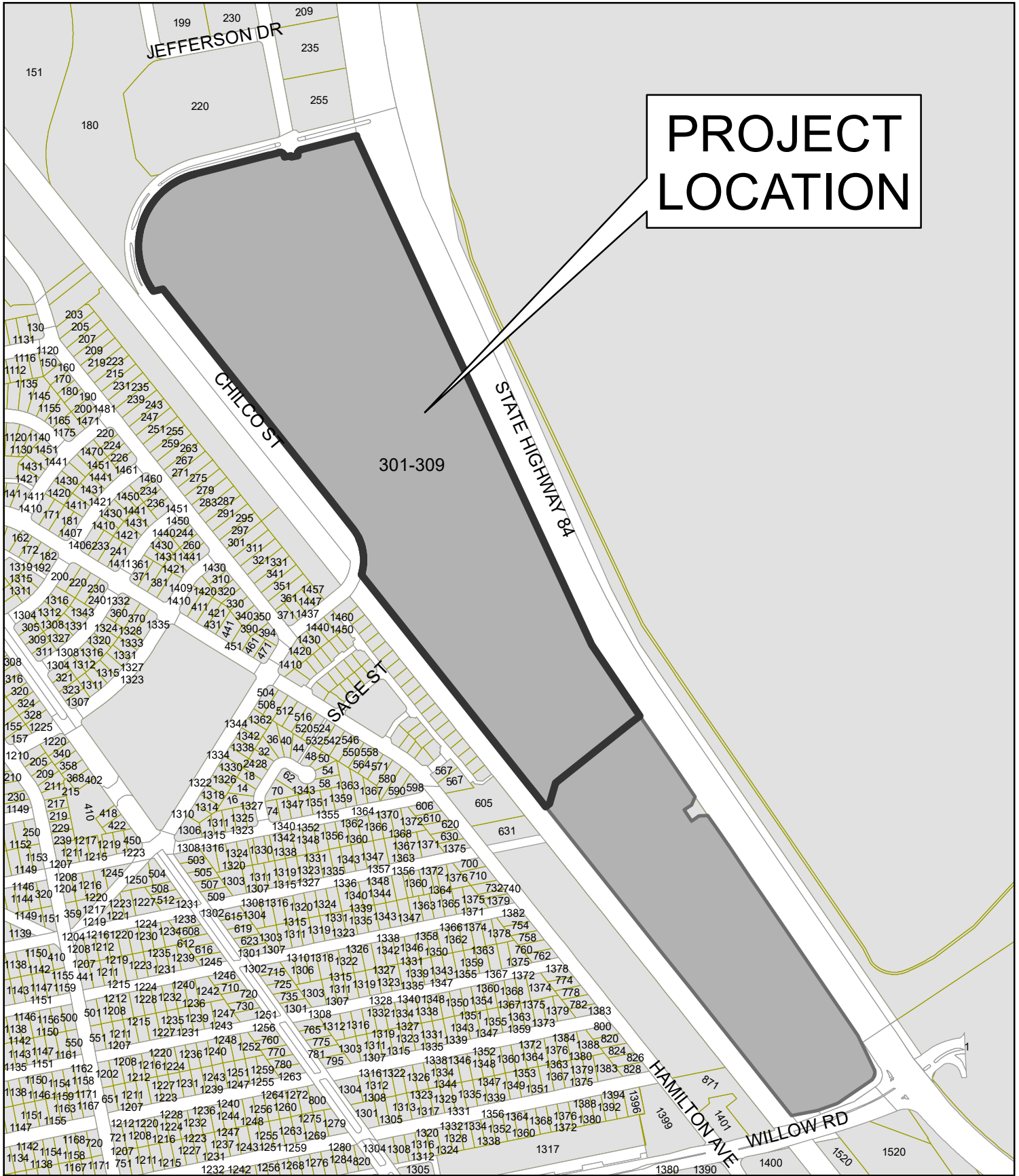
Attachments

- A. Location Map
- B. Project Description Letter

Report prepared by:
Kyle Perata, Senior Planner

Report reviewed by:
Mark Muenzer, Assistant Community Development Director

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**PROJECT
LOCATION**

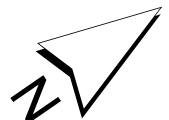
301-309

CITY OF MENLO PARK

LOCATION MAP

301-309 CONSTITUTION DRIVE & 1 FACEBOOK WAY

DRAWN: TAS CHECKED: KTP DATE: 05/22/17 SCALE: 1" = 300' SHEET: 1



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Facebook Campus Expansion Project (Revised 4-25-17)

Building 22 Design Review and Request for Conditional Development Permit Amendment

Preliminary Project Description

I. Introduction

Facebook is requesting design review for Building 22, as well as corresponding revisions to the site and phasing plan for the Facebook Campus Expansion Project. These changes generally include (i) shifting the parking program from surface parking beneath Building 22 into a stand-alone parking structure, (ii) reducing the footprint of Building 22, (iii) creating additional landscape reserve space, and (iv) installing new recharging facilities for Facebook's fleet of shuttle buses and trams. No material changes are proposed to the hotel, which has not yet been designed and construction of which is still anticipated to commence after TE vacates the site.

The revised program reflects a refined architectural design for Building 22 and a site plan that was designed to stay within the scope of the Environmental Impact Report (EIR) and CDP in order to avoid any significant new impacts or any substantial increase in the severity of previously identified impacts. Facebook is not requesting any new uses or square footage. None of the requested changes would affect Facebook's financial or other obligations under the CDP or Development Agreement.

As described below and based on preliminary conversations with City staff, Facebook believes that the proposed changes may require amendments to the Amended and Restated Conditional Development Permit Amendment for the Project.

As of April 27, 2017, this project description has been revised to include the following:

- Facebook will commit to demolishing Building 305 within twelve months of the date that TE vacates Building 305 (subject to receipt of all applicable permits and approvals, including any permits and approvals from state or federal agencies). In addition, Facebook agrees not to provide TE with any additional renewal or extension rights above and beyond what is in TE's existing lease (i.e., September 2022 will remain the "outside expiration date" for TE's lease).
- Facebook anticipates that there will be no net increase in the number of workers and visitors on-site during the interim period when Building 22 and Building 305 could both be occupied (which is anticipated to be no more than three years). TE currently has approximately 110 workers within Building 305 working in 8-hour shifts, 24 hours a day (for a total of approximately 330 employees). While this existing condition could remain through September 2022 if TE exercises its renewal right, at the latest, the number of TE workers on-site is anticipated to be less than the number of workers and guests anticipated to be present at the hotel.

II. Background

In November 2016, the City Council approved the Facebook Campus Expansion project. An EIR was prepared and certified to analyze the environmental impacts from the project pursuant to the

California Environmental Quality Act (CEQA). The EIR analyzed the overall effects of the project and identified mitigation measures to mitigate the project's significant impacts where feasible.

The project approvals included a Development Agreement, the CDP, a zoning ordinance text amendment (to accommodate the proposed hotel), a lot line adjustment, heritage tree removal permits, and a below-market rate housing agreement, among other approvals (collectively, the Approvals). The City Council also adopted CEQA Findings and a Mitigation Monitoring and Reporting Program for the project, as well as a Statement of Overriding Considerations concluding that the project's substantial benefits outweigh its environmental effects.

The project as described in the EIR contains two office buildings (Buildings 21 and 22) and a 200 room hotel, as well as a pedestrian and bicycle bridge across the Bayfront Expressway and a new, approximately two-acre publicly accessible plaza and open space. As described in the EIR's project description and on the City's website for the project, the project would be phased in over time as the existing tenants (Pentair and TE Connectivity) vacate the site.

In November 2016, the Planning Commission and City Council approved Building 21 through the City's design review process, concurrently with their approval of the project. Facebook commenced construction of Building 21 in December 2016, and anticipates completing Building 21 in mid-2018.

A. The Approved Project

The approved project as described in the EIR and the Approvals involves two office buildings, comprising approximately 962,000 gsf of office and amenity uses, and a 200 room hotel to be constructed on a portion of a 58 acre site located at 300 to 309 Constitution Drive within the City of Menlo Park. The project is subject to a site-wide trip cap to limit the number of peak hour and daily trips to and from the site.

Pursuant to the CDP and the Approvals, development on the site is limited to a .45 FAR for office uses and a maximum of .55 FAR for all uses (including the hotel), a building height limit of 75', and a minimum requirement of 3,533 parking spaces for the two new office buildings, hotel, and Building 23.

1. Building 21

Building 21 will be located in the eastern portion of the Project site and contain approximately 512,900 gsf of office and event uses. Building 21 will be a multi-story building on a podium structure above an at-grade parking lot. Facebook commenced construction of Building 21 in December 2016 after City approval in November 2016.

No changes are proposed to Building 21, with the exception of the location of the proposed open-air bridge connecting Building 21 and Building 22.

2. Building 22

Building 22 will be located in the northwestern portion of the Project site and contain approximately 449,500 gsf of office and event uses, and be approximately 75 feet in height. At the time the EIR was

prepared and as described in the Approvals, Building 22 had not yet been designed and it was contemplated that design review for Building 22 would occur in the future.

As described in the EIR, Building 22 was anticipated to be similar to Building 21. It was to include a ground level that had multiple lobbies and parking spaces for approximately 1,294 vehicles, a first floor accommodating office and amenity space, and potentially a mezzanine level. Useable open space would be provided on the roof, which would include landscaped areas, walking paths, and HVAC equipment, similar to Building 21. An outdoor terraced area was also anticipated to be located adjacent to the food court/dining area on the south side of Building 22. The food court would be separated from the main level by the outdoor terraced area, which would allow for outdoor dining. It was also anticipated that Building 22 would be connected to Building 21 through an open-air bridge.

In late 2016, Facebook commenced the design process for Building 22. After reviewing more than fifty different design schemes prepared by Gehry Partners, Facebook selected a preferred design. The revised design for Building 22 is further described below, including changes from the conceptual design that was evaluated in the EIR.

3. Hotel

The project includes a 200-room hotel that could be developed as part of a future phase near the corner of Chilco Street and SR 84. Although the hotel had yet to be designed, the EIR studied a maximum hotel envelope that provided approximately 73,200 gsf of hotel and support space, approximately 1,800 gsf of office space, approximately 13,700 gsf of amenities, and 86,100 gsf of circulation, wall, structure, and stair space. Included in the amenities would be food and beverage areas for the public, multi-function space, a fitness room, a pool, and deck areas. The hotel was also assumed to be approximately 75 feet in height.

No changes are proposed to the hotel, which still has not yet been designed and would be subject to a future design review process. Facebook has also been actively meeting with potential hotel developers/partners and expects to select a preferred developer/partner within the next 12-18 months.

4. Publicly Accessible Pedestrian and Bicycle Bridge; Publicly Accessible Plaza

As part of the Approvals, Facebook committed to constructing a new publicly accessible pedestrian and bicycle bridge across the Bayfront Expressway and a two-acre publicly accessible park for passive recreational uses and community events.

No changes are proposed to the publicly accessible pedestrian and bicycle bridge or the public park in connection with the current application. However, the overall scope and geographic limits of the public park have been refined in consultation with City staff, and the updated plans have significantly expanded the usable footprint of the public park by adding an additional pedestrian path and passive recreation space into the area occupied by the original footprint of Building 22.

B. Project Phasing and Schedule

1. MPK 21 (Phase 1)

Phase 1 involves construction of Building 21 as well as the permitting and construction of the pedestrian and bicycle bridge. Consistent with the schedule identified in the EIR, grading and utility work for Building 21 began in late fall 2016, and foundation permits were issued in December 2016. The permitting process for the pedestrian and bicycle bridge is well underway. No changes are proposed with respect to construction of Phase 1 of the project.

2. MPK 22 and Hotel (Phases 2 and 3)

As described in the EIR and contemplated in the Approvals, construction of the project will be phased to allow existing tenants to continue operating. The construction schedule analyzed in the EIR contemplated that construction of Building 22 would start in early 2018 with demolition of Buildings 301-306 and the CTF, and that construction of the hotel would commence in early 2019. This schedule was proposed by Facebook in order to ensure the most conservative environmental analysis possible under a scenario in which the existing tenants on the site vacate prior to the expiration of their leases. Although Pentair has vacated the site, TE continues to occupy buildings 302, 303/304/306, 305, and the CTF, all of which are located within the western portion of the site. Level 10 construction currently occupies Building 301, but is anticipated to move into temporary construction trailer facilities in mid-2017.

TE's lease rights for Buildings 302, 303, 304, 305 and 306 and the CTF expires in September 2019. TE has one option to extend the term of its lease (as to any or all of the buildings) for an additional 3 years (i.e., until September 2022). TE also has the right to terminate its lease early (as to any or all of the buildings). If TE extends its lease for Building 305, there is also an incentive for TE to terminate its lease early (in September 2020); if TE elects not to exercise this early termination option and vacate Building 305 in September 2020, it will forego this incentive payment. At this time, it is anticipated that TE will vacate buildings 302, 303/304/306, and the CTF by mid-2017 and move into alternative facilities elsewhere in the Bay Area. However, TE is not anticipated to vacate Building 305 until later (i.e., in September 2020 – assuming TE elects to take advantage of its incentive option - or September 2022 at the latest). Facebook has had discussions with TE regarding a potential early termination of the lease of Building 305, too, but as of this time it does not appear that TE will surrender that building early as it remains necessary for TE's operations.

Because it now appears that TE may remain in Building 305 until September 2020 (or 2022 at the very latest), Facebook has made modifications to the site plan for Phase 2 and refined the design for Building 22 to allow construction to occur while Building 305 remains occupied. Accordingly, the anticipated construction phasing schedule is as follows:

Phase 2

Demolition of Buildings 301, 302, 303/304/306 and the CTF, would occur during Phase 2. It is anticipated that demolition would begin in mid-2017. Construction of the parking structure would start in late 2017 with grading and utility work followed immediately by the foundations and structure. The parking structure is anticipated to be complete in early 2019. Construction of Building 22 would start in mid-2018 with grading and utility

work. Foundations would start in mid-2018, construction of the core and shell would start in late 2018, and tenant improvements would start in mid-2019. Construction of Building 22 is expected to be complete by late 2019.

Phase 3

Phase 3 would begin upon demolition of Building 305 which is anticipated to occur in late 2020 or late 2022 depending on when TE vacates the site.

If TE vacates Building 305 in September 2020, then construction of the hotel could start in late 2020 with demolition of the surface parking. Grading and utility work would start in early 2021, foundations would start in mid-2021, and construction of the core and shell would start in late 2021. Construction of the hotel would take approximately 18 months, with full buildout by mid-2022. Completion of the open space improvements and recharging facilities is anticipated to take approximately 12 months would be completed by late 2021.

If TE vacates Building 305 in September 2022, then construction of the hotel could start in late 2022 with demolition of the surface parking. Grading and utility work would start in early 2023, foundations would start in mid-2023, and construction of the core and shell would start in late 2023. Construction of the hotel would take approximately 18 months, with full buildout by mid-2024. Completion of the open space improvements and recharging facilities would be completed by late 2023.

3. Other Timing Considerations under the Project Approvals.

Neither the CDP nor the DA requires a specific phasing schedule (e.g., that demolition of Building 305 precede construction of Building 22). Section 4.4 (Timing) of the DA expressly states that “. . . no moratorium or other limitation affecting the development and occupancy of the Project or the rate, timing or sequencing thereof shall apply to the Project.” The only requirement with respect to TE’s lease occurs under the DA, which provides that Facebook’s transient occupancy tax guarantee payment obligation is triggered two years after the “TE Vacation Date.” That term is defined as the date lease agreement between Facebook and Tyco Electronics Corporation has been terminated and TE has vacated all buildings leased by TE on the Property, which is September 2022 (assuming TE exercises its extension option) unless TE agrees to terminate the lease and vacate the buildings early.

However, the City has expressed some concern about further delays that might arise if TE were able to extend the term of its lease beyond what is now permitted under the lease and a desire for more certainty surrounding the ultimate demolition of Building 305. In response to that concern, Facebook will commit to demolishing Building 305 within twelve months of the date that TE vacates Building 305 (subject to receipt of all applicable permits and approvals, including any permits and approvals from the Department of Toxic Substances Control and/or the U.S. Environmental Protection Agency). In addition, Facebook agrees not to renew or extend TE’s lease beyond the outside expiration date of September 2022 (assuming that TE exercises its existing renewal option and foregoes its incentive to vacate in 2020).

III. Building 22 Design and Changes to the Project

In late 2016, Facebook requested that Gehry Partners undertake a reevaluation of the conceptual drawings for Building 22. Gehry Partners and Facebook determined that the footprint of the overall building could be reduced in size without altering the overall envelope or impact of the project, such that Building 22 would remain well within the previously approved footprints and square footage envelopes while accommodating TE's continued use of Building 305 through the end of its lease.

The revised project conforms to the permitted FAR limits, setback requirements, building coverage and minimum open space requirements, maximum height limit of 75', and total number of parking spaces permitted. In addition, the revised project does not require any change in the permitted uses, density or intensity of uses, provisions for the reservation or dedication of land, restrictions or requirements relating to subsequent discretionary actions, any monetary obligations of Facebook, or any conditions or covenants limiting or restricting the use of the site.

The only change with respect to the overall site calculations is that total building coverage (at full buildout) will be reduced from approximately 1,311,977 square feet (52% of the site) to 1,019,293 square feet (approx. 40% of the site). During the interim phase where Building 305 remains on-site, total building coverage will be approximately 1,216,530 square feet (approximately 48% of the site).

With respect to FAR limits, construction of Building 22 would not exceed the site's .45 FAR requirement for office uses. While Building 305 remains, total FAR on-site would remain below the site's .55 FAR limit. As contemplated in the Project Approvals, including the Development Agreement, construction of the hotel could commence after TE fully vacates the site, which would ensure that at no point in time would the site's FAR exceed 0.55.

1. Building 22 Design Narrative

The design for Building 22 contemplates a 75' tall, four-story office building with an adjacent parking structure to the west. Access to the building will be provided through lobbies that are located at the east, center, and west ends of the building. A bus and tram stop/terminal will be located north of the building. Pedestrian bridges will connect the west lobbies to the parking structure. The design approach aims to provide a highly functional office building for Facebook while respecting the characteristics of the adjacent neighborhood. The office program includes a variety of conference meeting rooms, offices, food service venues, and extensive support spaces, consistent with the program analyzed for Building 22 in the EIR. It is the design intent to bring as much natural light as possible into the office work spaces, including through the use of an interior atrium space that would extend throughout the building, and provide easy access to the outdoors. The office space is planned to consist of open floor plans totaling approximately 449,500 sf., also consistent with the CDP and EIR. The building is oriented to face the Belle Haven neighborhood south of the site, and aims to enhance the local environment with California native vegetation.

In addition, Facebook is anticipating requesting clarifications in the CDP to permit architectural skylights that would partially extend beyond the 75' foot height limit, which may entail corresponding revisions in the CDP. The current design anticipates that the skylights would not extend higher than the proposed rooftop mechanical equipment, and would not create additional visual obstruction.

Facebook therefore requests that this design feature be included as part of the City's design review process.

2. Parking Structure

As discussed above, parking would be consolidated in a new 8-story, 75' tall parking structure (measured from average finished grade to the roof deck pursuant to Section 2.5 of the CDP), with rooftop railing and screening, elevator hoistways, and a solar canopy that would extend above the height limit as permitted under the CDP. The parking structure is currently anticipated to accommodate approximately 1,736 spaces, which conforms to the CDP's parking requirements.

With respect to the hotel, no change in the parking configuration is anticipated. Approximately 245 parking spaces would be provided at grade below the hotel and would be available for hotel employees and guests, consistent with the analysis provided in the EIR.

3. Intensity of Use

No change in the intensity of the uses on-site is anticipated. While the existing conditions at Building 305 could remain for some limited duration while Building 22 is occupied, the total number of workers associated with Building 305 is well below the projected number of workers, visitors and guests for the hotel, and the site would remain subject to the peak hour and daily trip caps established in the CDP that apply to the entire site (including the existing buildings).

4. Site Access and Circulation

No changes are proposed with respect to site access. Circulation on the western portion of the site would be refined to reflect the consolidation of parking for the office buildings in a new parking structure. Preliminary analysis from Fehr & Peers has confirmed that the proposed circulation would not create queuing issues or modify the conclusions reached in the traffic analysis conducted for the EIR. Truck access would continue to be provided through a controlled driveway on Chilco Street at Constitution Drive, and would serve TE's interim use of Building 305 so long as it occupies the premises.

5. Landscaping, Site Design and Open Space

Compared to the proposed site plan evaluated in the EIR, the refined site plan would increase the amount of landscaping and other pervious materials on-site, and result in additional natural areas including stormwater treatment areas. The additional landscaped area would provide passive recreational space for workers, as well as provide flexibility and reserve space for potential future uses. No reduction in the amount of replacement trees is sought.

6. Final Site Plan post-Building 305 Demolition

Although the scope of improvements that would be installed after Building 305 is demolished are still undergoing refinement, the current proposal is to replace the existing asphalt parking lots with additional landscaping, a shuttle and tram drop-off area, as well as recharging facilities for Facebook's shuttle buses and trams in an area previously identified as a surface parking lot. The unenclosed facility

would be screened and accommodate approximately 50 shuttle buses and up to 23 trams in the area located east of Building 23.

IV. Modifications to the CDP

Section 6 of the CDP addresses permitted modifications to the approved project plans and identifies four different types of modifications that are permitted, each of which follows a distinct approval process.

A. “Substantially Consistent Modifications”

Under Section 6.1.1 of the CDP, “substantially consistent modifications” to the project may be approved by the Community Development Director based on a determination that the proposed modifications are in substantial compliance with and/or substantially consistent with the Project Plans and the Project Approvals. Substantially consistent modifications are generally not visible to the public and do not affect permitted uses, density or intensity of use, restrictions and requirements relating to subsequent discretionary actions, monetary obligations, or material modifications to the conditions of approval.

B. “Minor Modifications”

Under Section 6.1.2 of the CDP, “minor modifications” to the approved plans may be approved by the Community Development Director (subject to Planning Commission review). Minor Modifications are similar to substantially consistent modifications, except that Minor Modifications are generally visible to the public and result in minor exterior changes to the Project aesthetics.

C. “Major Modifications”

Under Section 6.1.3 of the CDP, “major modifications” are defined as:

“[C]hanges or modifications to the Project that are not in substantial compliance with and/or substantially consistent with the Project Plans and Project Approvals. Major modifications include, but are not limited to, significant changes to the exterior appearance of the buildings or appearance of the Property, and changes to the Project Plans, which are determined by the Community Development Director (in his/her reasonable discretion) to not be in substantial compliance with and/or substantially consistent with the Project Plans and Project Approvals.”

Major modifications are subject to Planning Commission review and approval, based on a determination that the proposed modifications are compatible with other building and design elements or onsite/offsite improvements of the approved CDP and will not have an adverse impact on safety or the character and aesthetics of the site.

D. Modifications that Require Council Approval and CDP Amendment

Lastly, Section 6.1.5 of the CDP addresses three types of changes which would require a public amendments to the CDP by the City Council. These three types of changes which require Council approval include:

- Revisions to the project which involve relaxation of the development standards identified in Section 2;
- Material changes to the uses identified in Section 3; or
- Material modifications to the conditions of approval identified in 7 (Trip Cap), 9 (General Project Conditions), 10 (Undercrossing Improvements), 11 (Bicycle and Pedestrian Bridge), 12 (Public Open Space), 13 (On-Site Recycled Water), 14 (Access Parcel) or 15 (Mitigations Carried Forward from Building 20 Approval).

E. The Changes to the Site Plan and Incorporation of a Parking Structure Constitute Conditional Development Permit Amendment to the CDP.

As described above, Facebook is requesting several changes to the approved project plans,¹ including (i) the consolidation of surface parking for Buildings 22 and 23 into a parking structure, (ii) a reduction in the building footprint for Building 22 and a change in design from a one-story structure located on a podium above surface parking to a 4-story building (with no change in height), (iii) the addition of a shuttle, bus and tram recharging facility, and (iv) a revised site and circulation plan. These modifications involve significant changes to the exterior appearance of the buildings and the appearance of the property, as well as certain schematic changes to the overall project (specifically, the inclusion of a new parking structure and a dedicated space for recharging electric bus and tram vehicles).

As set forth above, the design for Building 22 and the proposed changes to the project have been planned to conform to the development standards in the CDP and the development envelope studied in the EIR (with the exception of the parking structure). No changes in the trip cap or permitted uses (or intensity) are requested. Facebook is also not requesting any increase in square footage nor the relaxation of any development standards in the CDP. Finally, the proposed changes to the project would result in an equally compelling design scheme and no adverse impacts on health or safety.

No revisions to relax the development standards in Section 2 of the CDP are sought, and Facebook is not seeking any material changes to the uses identified in Section 3. Facebook is also not seeking any material modifications to the conditions of approval. However, based on conversations with City staff, the proposed changes may require amending the following provisions of the CDP:

- **Section 1 (General Information):** revise the general description of the project to include references to a parking structure and the proposed bus/tram electric recharging space; clarify

¹ The CDP defines “Project Plans” as the “plans submitted by Gehry Partners, LLC dated September 20, 2016 consisting of 127 plan sheets, recommended for approval to the City Council by the Planning Commission on September 26, 2016 (Project Plans), and approved by the City Council on November 1, 2016, except as modified by the conditions contained herein and in accordance with Section 6 (Modifications) of [the CDP].”

that the existing structures on-site may continue to be occupied pending redevelopment of the site.

- **Section 2 (Development Standards):** No changes to the development standards, but amend the description of the project to make explicit reference to a parking structure and the proposed bus/tram electric recharging space. In addition, Facebook is requesting an additional exclusion from the building height limits to accommodate architectural skylights (provided that they extend no higher than any rooftop mechanical equipment). It may also be necessary to clarify that perimeter safety railings on the top level of the parking structure are permitted to exceed the height limit.
- **Section 3 (Uses):** Clarify that permitted uses include existing uses on-site (i.e., occupancy of the existing buildings by tenants prior to redevelopment), and that a bus/tram electric recharging space is an ancillary use.
- **Section 7 (Trip Cap):** Conforming changes to clarify that the trip cap applies to the entire TE Site, consistent with the existing Trip Cap Monitoring and Enforcement Policy.
- **Section 9 (Project Specific Conditions):** Technical changes to clarify that certain conditions apply to each “phase” of development as opposed to each “building,” and proposed changes to permit the partial use of Tier 2 and/or Tier 3 pile rigs modified with diesel particulate filters (with all remaining equipment to remain Tier 4), with no material difference in air quality emissions. The City previously approved the use of modified Tier 2 and Tier 3 pile rigs for Building 21 as a “substantially consistent modification” to the CDP after confirming that no material change in air quality emissions would occur; this analysis was peer reviewed by the City’s independent consultant, ICF.

In addition, to the extent that Building 305 will remain occupied by TE for an interim period while Buildings 21 and 22 are constructed and occupied, Building 305’s use is considered a non-conforming use and is thus permitted under the City’s zoning rules. To the extent that the phasing of demolition and building permits differs from the chronology contemplated in the EIR, Section 8 of the CDP gives the City Building Official the authority to determine the sequencing of building permits and sub-phases for each building/phase of construction. Nonetheless, clarifying revisions may be appropriate to clarify that Building 305 may remain occupied for the duration of TE’s lease term while other phases of the project are constructed.



STAFF REPORT

City Council

Meeting Date:

7/18/2017

Staff Report Number:

17-172-CC

Informational Item:

Update on application submittal for Willow Campus Master Plan

Recommendation

This is an informational item and no action is required.

Policy Issues

Peninsula Innovation Partners, LLC, on behalf of Facebook Inc., submitted an application on July 6, 2017 to comprehensively redevelop the former Menlo Science and Technology Park, located along Willow Road at the intersection of Hamilton Avenue. The proposal will ultimately require the City Council to consider the merits of the project, including project consistency with the City's General Plan, Municipal Code, and other adopted policies and programs. The proposed project would include a conditional development permit, development agreement, other land use entitlements, and associated environmental review that would ultimately need to be considered by the City Council.

Background

Site Location

The approximately 59-acre subject site is located at the intersection of Willow Road and Hamilton Avenue. Using Willow Road in a north to south orientation, the subject site is located along the east side of Willow Road and extends from the Mid-Peninsula High School at the southwest corner of the site to the Dumbarton Rail Corridor along the northern edge of the campus. Building 20 is located to the northwest, across Willow Road. The subject site is generally bordered by the Hetch Hetchy right-of-way to the south and properties within the Menlo Business Park to the east. A location map is included as Attachment A.

Analysis

On July 6, 2017, Peninsula Innovation Partners, LLC, on behalf of Facebook, submitted an application to commence the formal review process for the former ProLogis Menlo Science and Technology Park. As part of the ConnectMenlo General Plan and Zoning Ordinance update, the existing approximately 59-acre site was rezoned to O-B (Office, Bonus) and R-MU-B (Residential Mixed Use, Bonus). The applicant has submitted an application for a conditional development permit and development agreement to comprehensively redevelop the site through a master plan process. The proposed project would be developed under the bonus levels for density and height in exchange for community benefits, as defined through the ConnectMenlo process. The proposed project is commonly referred to as the Willow Campus Master Plan and generally includes the following components:

- Approximately 125,000 square feet of retail including the following:
 - A 25,000 square foot grocery store

- A 10,000 square foot pharmacy
- 35,000 square feet of food and beverage services
- A minimum of 1,500 housing units, 15 percent (or 225 units) of which would be Below Market Rate (BMR) units
- A limited service hotel with approximately 200-220 rooms
- A culture/visitor center within the Dumbarton Plaza (at the corner of Willow Road and the Dumbarton Corridor)
- Approximately 18 acres of open space
- Approximately 1,750,000 square feet of offices

The existing site contains approximately 1,000,000 square feet of commercial square footage, including offices, research and development, and warehouse uses. The net increase in commercial square footage (not including retail and hotel square footage) would be approximately 750,000 square feet. City staff is in the preliminary stages of evaluating the project proposal to determine the review process, tentative project schedule, required land use entitlements, and the appropriate level of environmental review.

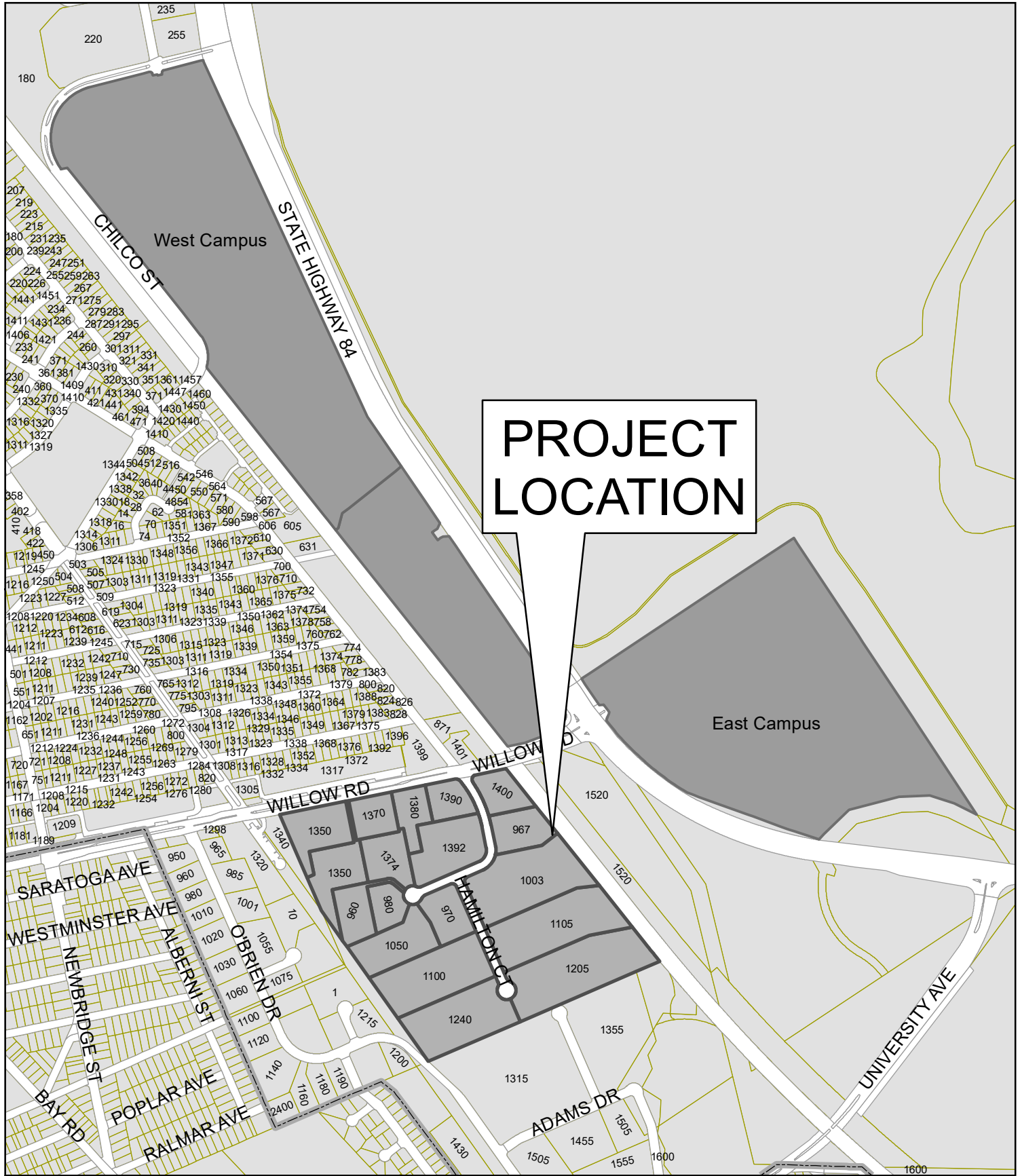
Public Notice

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

Attachments

A. Location Map

Report prepared by:
Kyle Perata, Senior Planner



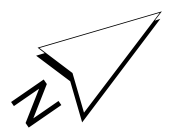
**PROJECT
LOCATION**



CITY OF MENLO PARK

LOCATION MAP WILLOW CAMPUS

DRAWN: TAS CHECKED: KTP DATE: 07/18/17 SCALE: 1" = 300' SHEET: 1



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MAY 11 2017



1400 K Street, Suite 400 • Sacramento, California 95814
 Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2017

7-18-17
 CE Mth

May 3, 2017

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
 League of California Cities Annual Conference – September 13 – 15, Sacramento**

The League’s 2017 Annual Conference is scheduled for September 13 – 15 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, September 15, at the Sacramento Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

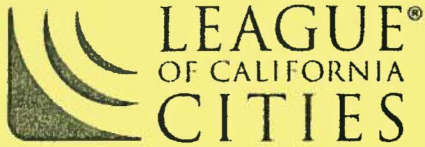
Please complete the attached Voting Delegate form and return it to the League’s office no later than Friday, September 1, 2017. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city’s voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2017 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, September 1, 2017. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, September 1, 2017

League of California Cities
ATTN: Carly Shelby
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