



**SPECIAL AND REGULAR MEETING AGENDA**

**Date: 8/29/2017**

**701 Laurel St., Menlo Park, CA 94025**

**SPECIAL MEETING - 4:00 P.M., CITY COUNCIL CHAMBERS**

**Public Hearing**

Consideration of an appeal of administrative decision to deny a Special Events Permit sought by applicant Michael Zeleny (Staff Report# 17-202-CC)

**SPECIAL MEETING - 6:00 P.M., CITY HALL ADMINISTRATION BUILDING,  
1ST FLOOR CONFERENCE ROOM**

**Councilmember Ray Mueller will be participating by phone from the following location:**

The Henley Park Hotel, 926 Massachusetts Ave., NW, Washington, DC 20001

**Closed Session**

Public comment on these items will be taken before adjourning to Closed Session.

**CL1.** Closed session conference with legal counsel on existing litigation pursuant to Government Code section 54956.9 (d)(1) – one case: City of East Palo Alto v. City of Menlo Park et al., San Mateo County Superior Court Case No. 16CIV03062

Attendees: City Manager Alex McIntyre, City Attorney Bill McClure, Assistant City Manager Charles Taylor

**CL2.** Closed session conference with legal counsel on anticipated litigation pursuant to Government Code §54956.9(d)(2) – one case

Attendees: City Manager Alex McIntyre, City Attorney Bill McClure, Police Chief Robert Jonsen, Commander Dave Bertini

**REGULAR MEETING - 7:00 P.M., CITY COUNCIL CHAMBERS**

**Councilmember Ray Mueller will be participating by phone from the following location:**

The Henley Park Hotel, 926 Massachusetts Ave., NW, Washington, DC 20001

- A. Call To Order**
- B. Roll Call**
- C. Pledge of Allegiance**

**D. Report from Closed Session**

Report on action taken in Closed Session, if required, pursuant to Government Code §54957.1

**E. Presentations and Proclamations**

E1. Proclamation for National Water Quality Month

**F. Commissioner Reports**

F1. Environmental Quality Commission quarterly update

F2. Parks and Recreation Commission quarterly update (Attachment)

F3. Complete Streets Commission quarterly update

**G. Commission/Committee Vacancies and Appointments**

G1. Appointments to the Transportation Master Plan Oversight and Outreach Committee (Staff Report #17-198-CC)

G2. Appoint City Council liaison to Complete Streets Commission (Staff Report #17-200-CC)

**H. 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.

**I. Consent Calendar**

I1. Reject all bids for the Sand Hill Reservoirs Cleaning, Inspection and Mixer Installation Project (Staff Report #17-186-CC)

I2. Adopt a resolution accepting dedications for an Emergency Vehicle Access Easement and a Public Access Easement at 115-155 Constitution Drive, grant an easement to PG&E on the Chrysler Pump Station property at 1221 Chrysler Drive, and authorize the City Manager to sign agreements required by conditions of approval of the project (Staff Report #17-193-CC)

I3. Authorize the City Manager to enter into agreements with Bellecci & Associates, CSG Consultants, 4Leaf, Inc., Park Engineering, Swinerton Management & Consulting and APC International Inc. for on-call construction inspection and management services (Staff Report #17-189-CC)

I4. Authorize the City Manager to amend the contract amount for the 2017-18 Public Works maintenance services contracts up to the City Council amended budget amount and extend the contract term with Gachina Landscape Management (Staff Report #17-192-CC)

I5. Authorize the Public Works Director to accept the work performed by Los Loza Landscaping for the Nealon Park Field Improvement Project (Staff Report #17-190-CC)

- I6. Approve remaining trial metrics for the Oak Grove University Crane Bicycle Improvement Project and implement a residential parking permit program for Marcussen Drive (Staff Report #17-191-CC)

**J. Public Hearing**

- J1. Consider the Planning Commission's recommendation to approve the mitigated negative declaration, rezoning, rezoning, General Plan amendment, tentative map, use permit, architectural control, Below Market Rate (BMR) housing agreement, and heritage tree removal permits, as well as a tax exchange agreement, for the 2111-2121 Sand Hill Road ("2131 Sand Hill Road") Project **(Continued from August 22, 2017)** (Staff Report #17-178-CC)

**K. Regular Business**

- K1. Consider term sheet for the Middle Plaza at 500 El Camino Real project (Staff Report #17-196-CC)
- K2. Waive the first reading and adopt an ordinance authorizing an amendment to the CalPERS retirement contract (Staff Report #17-194-CC)

**L. Informational Items**

- L1. Clarification regarding conversion of existing covered parking (garage or carport) for use as a secondary dwelling unit, and associated replacement parking requirements (Staff Report #17-187-CC)
- L2. Update and timeline for new solid waste rate model and community zero waste plan (Staff Report #17-188-CC)
- L3. 2nd Quarter Update on 2017 City Council Work Plan (Staff Report #17-201-CC)
- L4. Preliminary year-end close financial review of General Fund operations as of June 30, 2017 (Staff Report #17-199-CC)
- L5. Review of the City's Investment Portfolio as of June 30, 2017 (Staff Report #17-197-CC)

**M. City Manager's Report**

**N. Councilmember Reports**

**O. 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](http://www.menlopark.org) and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at [menlopark.org/notifyme](http://menlopark.org/notifyme). Agendas and staff reports can also be obtained by contacting City Clerk at 650-330-6620. (Posted: 8/24/2017)

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.

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## STAFF REPORT

**City Council**

**Meeting Date:**

**8/29/2017**

**Staff Report Number:**

**17-202-CC**

**Public Hearing:**

**Consideration of an appeal of administrative decision to deny a Special Events Permit sought by applicant Michael Zeleny**

### Recommendation

Staff recommends that the City Council deny the appeal and therefore uphold the City Manager's decision to uphold staff's denial of the Special Events Permit.

### Policy Issues

The City Council is the final arbiter of a denial of a Special Events Permit. The council should consider whether to uphold or overturn the denial of the permit.

### Background

Applicant Michael Zeleny applied for a Special Events Permit ("SEP") July 10, 2015. Under "Event Description" the application described the event, activities, timeline and sequence of events as follows:

*Starting in October 2015, we shall maintain a portable multimedia presentation illustrating ongoing corporate support of New Enterprise Associates (NEA) for incestuous child rapist Min Zhu. I shall be present on-site around the clock, equipped with fully operational, exposed and unloaded firearms and loaded ammunition feeding devices therefor, in full compliance with all applicable laws. All media accepts of this event will be subject to content-neutral regulation negotiated with Menlo Park authorities.*

The application sought to conduct a special event on the median strip of Sand Hill Road near the entrances and exits of Interstate 280.

On July 21, 2015, City Attorney William L. McClure responded to Mr. Zeleny by letter indicating that the City was denying the application on the basis that it was incomplete and did not meet the criteria of a special event. Specifically, the application did not include an attachment indicating the location of the event and did not include requested additional information regarding the use of sound and lighting equipment. Without this information the City was unable to determine if traffic control would be necessary or what other conditions might be necessary as part of the approval of the application. The letter also indicated the City's concerns that the location of the SEP somewhere on the median strip would be a violation of the Vehicle Code as it would likely cause a visual impairment or visual distraction to oncoming traffic and vehicles traveling on Sand Hill Road due to the brightness of the visual display, lights, and the

open display and carrying of a firearm(s), which is prohibited by state law.

On April 15, 2016, Mr. Zeleny responded by email indicating that he was lodging an appeal of the City's denial of the SEP application. Mr. Zeleny provided a revised application with a map indicating the proposed location of the SEP on the western edge of the median strip, and proposed that the staff work with him to reach mutual agreement on the time, place and manner parameters for the use of sound and lighting equipment. This was treated as a new application by the City.

On May 4, 2016, City Attorney William L. McClure responded by letter indicating that the revised SEP application was denied on the basis that it was incomplete and did not meet the criteria of a special event. The letter indicated that the application failed to describe the setup of the proposed event in order to allow the City to analyze traffic control and other necessary conditions for the approval of the application, nor did the application specify the hours/length of the event. The letter confirmed a special event permit would not be necessary if Mr. Zeleny's intent was to stage a protest.

On May 27, 2016, Mr. Zeleny responded by email lodging an appeal of the denial of his revised application. The appeal was directed to the Community Services Department. By letter dated June 16, 2016, Matt Milde, recreation coordinator, informed Mr. Zeleny that the SEP application and appeal were denied. On June 17, 2016, Mr. Zeleny responded by email clarifying the application and appealing the denial to the community service director; and on June 24, 2016, Community Service Director Cherise Brandell, by letter, informed Mr. Zeleny that she had reviewed his appeal and would not be overruling the denial of the application. Ms. Brandell indicated that no SEP was necessary for Mr. Zeleny to conduct a protest in the same location as he had done in the past as long as it was conducted within the confines of the law and local ordinance.

On July 12, 2016, Mr. Zeleny indicated his desire to appeal the denial of his application for SEP to the City Manager. A hearing was held before City Manager Alex D. McIntyre. Present at the hearing was outside counsel Greg Rubens, Esq., who was retained to assist the City Manager with respect to the appeal. Commander Dave Bertini presented for staff. Michael Zeleny and his counsel David W. Affeld, Esq., were present. The appeal was conducted as a de novo hearing.

By letter dated September 12, 2016, City Manager Alex D. McIntyre indicated his final determination of the City's denial of the appeal of the decision to deny the SEP application. In the letter, it was indicated that Mr. Zeleny was free to conduct a protest in compliance with the law; however, the proposed Special Event was not appropriate on the median strip of Sand Hill Road near Interstate 280. The letter indicated that the City may impose reasonable time, place and manner restrictions on First Amendment rights in a content-neutral manner, by a narrowly tailored regulation to serve a significant public interest. A copy of the September 12, 2016, letter, as well as Exhibits A through K to the letter are attached to this staff report.

Mr. Zeleny appealed the City Manager's decision on September 16, 2016, and an appeal hearing before the City Council was scheduled for October 25, 2016. At the request of Mr. Zeleny's counsel, the hearing was continued, and after extensive back and forth the City Clerk scheduled the hearing for August 29, 2017, at 4 p.m., as the date and time the appeal would be considered.

## **Analysis**

Staff is in agreement with the points outlined in the City Manager's letter of September 12, 2016. As set forth in that letter, the proposed protest described in the SEP application and subsequent documents implicate a number of laws. These laws include, but are not limited to:

### Display of Firearms

1. Display of unloaded firearms could be considered a violation of the Penal Code. State law prohibits display of unloaded firearms with the exception of using firearms loaned to the permittee as props as defined in Penal Code 29500-29530.
2. Brandishing and display of unloaded firearms is illegal, except as provided in Penal Code Section 29500 et seq.
3. Under Penal Code Section 25850, having possession of a loaded firearm is also illegal. Under this section possession of a loaded firearm even with a film entertainment permit is illegal.
4. Under Penal Code Section 28500(b), persons who display unloaded firearms are subject to the additional requirement that allows peace officers to examine any firearm. Failure to allow examination is a violation of the law.

### Public rights of way

Public use of rights of way and medians are subject to the California Vehicle Code and the Menlo Park Municipal Code. These legitimate and content-neutral regulations serve a significant government interest and include parking and time limits, obstruction of sidewalks and obscenity laws. State law grants cities clear authority over their rights of way.

1. Vehicle Code Section 22507 provides broad discretion to cities over parking on public rights of way (in this case, there is no parking allowed on Sand Hill Road in the proposed area of the protest).
2. The proposed monitor and related equipment cannot impair a driver's vision or block the sidewalk under Vehicle Code Section 21466.5. The proposed lights and video display also have the potential to impair a driver's vision.
3. Driving upon or parking a vehicle on the median violates Vehicle Code Section 21651.

### From a practical aspect and for public safety concerns:

1. The lighting at night would be highly distracting to motorists, cyclists and pedestrians.
2. City medians are not traditional public forum areas and are inappropriate and unsafe.
3. The proposed location encourages the public to cross a busy arterial on to a median area that is without sidewalks and are encouraged to cross traffic and view the proposed monitor and view hand-outs with high speed and high volume traffic justifies this prohibition from a public safety standpoint.
4. The median proposed is adjacent to the entrances and exits of Interstate 280, making the location unsafe and dangerous to pedestrians, cyclists and vehicles. Such a display or protest in the median could also block vehicular sight lines and impair public safety for pedestrians, cyclists and automobiles under Municipal Code section 11.44.030.

## **Impact on City Resources**

If the appeal is denied, there will be no impact on city resources. If the appeal is overturned and a special

events permit is granted, the impact on city resources would depend on the amount of city staff that would need to be present during the proposed special event for traffic and crowd control.

### **Environmental Review**

This appeal is not subject to 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. Appeal denial letter dated September 12, 2016, and Exhibits A through K
- B. Correspondence and Notice of Public Hearing

Report prepared by:

Dave Bertini, Police Commander

Nicolas A. Flegel, Esq., City Attorney's Office



## City Manager's Office



September 12, 2016

**VIA First Class Mail and Email**

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA 90046

**RE: Special Event Permit Application Appeal Decision**

Dear Mr. Zeleny,

This correspondence serves as final determination of the City of Menlo Park's denial of your appeal of a prior decision to deny a Special Events Permit.

**Background**

The Appeal of the administrative decision denying the application of Michael Zeleny for a special event permit ("SEP") was heard on August 11, 2016 at the Menlo Park City Hall.

Mr. Zeleny first applied for a SEP on June 3, 2015 to conduct a protest in the median on Sand Hill Road near the entrance and exits of Interstate 280 in Menlo Park. The application (Exhibit A) included, but was not limited to, a request to:

- park a truck on the median;
- display loaded and unloaded firearms;
- distribute literature to the public; and
- run a generator to operate a 55-inch digital video monitor.

The protest was to be video recorded and, since the event was to extend into the evening, requested high-intensity lighting. This request was denied by staff on September 21, 2015 (Exhibit B).

On April 15, 2016, a revised application for a SEP was submitted to the City (Exhibit C). This application was treated as a new application. The April 2016 application was denied by staff on May 4, 2016 (Exhibit D). This denial was then appealed by Mr. Zeleny to the Community Services Department on or about May 27, 2016 (Exhibit E). The appeal was again denied by letter dated June 16, 2016 (Exhibit F). That decision was appealed to the Community Services Director (Exhibit G), which was again denied on June 24, 2016 (Exhibit H). Appellant then appealed to the City Manager. The City sent out a notice of appeal hearing on July 20 to the appellant, setting August 11, 2016 at 2:00 pm as the hearing date (Exhibit I).

As Menlo Park City Manager, I acted as the hearing officer for the appeal hearing and was represented by Gregory J. Rubens, Esq.. Appearing on behalf of the City was Police Commander David Bertini of the Menlo Park Police Department. The Appellant was represented by David Affeld, Esq. Also in attendance was Michael Zeleny (Appellant) and Kimberly Chu, Esq. from Gregory J. Rubens' office.

The Appeal was conducted as a de novo hearing. The City admitted the above described documents and e-mails from staff and Mr. Zeleny from June 2015 to July 2016 (Exhibit J). In addition, Mr. Zeleny provided an electronic copy of the Entertainment Firearms permit dated July 13, 2016 issued by the Office of the Attorney General (Exhibit K). On its face, the permit allows firearms loaned to the permittee for use as props in motion picture, television, video, theatrical or other entertainment productions.

The appellant and his attorney presented their appeal and requested that the Special Events Permit be granted based on constitutional and statutory grounds.

The City staff present argued that the Appeal be denied for the reasons stated in the prior denials.

### **Decision**

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The appeal is denied. As stated previously, no permit is required for first amendment protected activity. Filming or digitally recording a protest in traditional public forum areas in the City is allowed provided they comply with all laws. SEPs are not intended to regulate protests or filming of protests in the public forum areas of the City. Special events are also time limited and not of an ongoing nature.

You are free to conduct a protest in compliance with laws. However, the City has an obligation to protect public safety. To that end, your protest cannot occur in the center median under State law, cannot block pedestrian access on the sidewalk, and cannot accommodate camping or sleeping on the sidewalk or any portion of the right-of-way.

A City may impose reasonable time, place and manner restrictions on first amendment rights in a content-neutral manner, by a narrowly tailored regulation to serve a significant public interest.

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The regulations cited in this decision clearly allow a protest to occur in compliance with the City and State content neutral laws. Protests are not allowed in the median, but would in traditional public forum areas, such as sidewalks and City parks and plaza's.

Your protest described in your SEP application and subsequent documents implicates a number of laws. These laws include but are not limited to:

#### Display of Firearms

- Display of unloaded firearms could be considered a violation of Penal Code. State law prohibits display of unloaded firearms with the exception of using firearms loaned to the permittee as props as defined in Penal Code 29500-29530.
- Brandishing and display of unloaded firearms is illegal, except as provided in Penal Code Section 29500 et seq.
- Under Penal Code Section 25850, having possession of a loaded firearm is also illegal. Under this section possession of a loaded firearm even with a film entertainment permit is illegal.
- Under Penal Code Section 28500(b), persons who display unloaded firearms are subject to the additional requirement that allows peace officers to examine any firearm. Failure to allow examination is a violation of the law.

#### Public Rights-of-Way

Public use of rights-of-way and medians are subject to the California Vehicle Code and the Menlo Park Municipal Code. These legitimate and content-neutral regulations that serve a significant government interest include parking and time limits, obstruction of sidewalks, and obscenity laws. Cities have been granted clear authority under state law over their rights-of-way.

- Vehicle Code Section 22507 provides broad discretion to cities over parking on public rights-of-way (in this case, there is no parking on Sand Hill Road in the proposed area of your protest).
- The proposed monitor and related equipment cannot impair a driver's vision block the sidewalk under Vehicle Code Section 21466.5. The proposed lights, and video display also have the potential to impair a driver's vision.
- Driving upon or parking a vehicle or conducting in the median violates Vehicle Code Section 21651.

From a practical aspect and for public safety concerns,

- The lighting at night would be highly distracting to motorists, cyclists and pedestrians.
- City medians are not traditional public forum areas and are inappropriate and unsafe.
- The proposed location encourages the public to cross a busy arterial on to a median area that is without sidewalks and are encouraged to cross traffic and view your monitor and view hand-outs with high speed and high volume traffic

justifies this prohibition from a public safety standpoint.

- The median you propose is adjacent to the entrances and exits of Interstate 280, making the location unsafe and dangerous to pedestrians, cyclists and vehicles. Such a display or protest in the median could also block vehicular sight lines and impair public safety for pedestrians, cyclists and automobiles under Municipal Code section 11.44.030.

This is not an exhaustive list of the laws with which you must comply. Accordingly, if you attempt to conduct your protest in the medians anywhere in Menlo Park, the City will consider all appropriate remedies.

### **Conclusion**

Based on the record and findings above, which are incorporated by this reference, your application for an SEP is denied. No permit to conduct a protest is required. Any protest you conduct must comply with all laws, include those set forth above which are described above.

Denial of the SEP does not violate any first amendment rights. The lack of need for a permit shows the City is not preventing your protest or prevented you from displaying your message. The City is using its police power and common sense to regulate the time, place and manner of your proposed free speech protest. The City has a compelling interest in public safety and a protest in the median would place the vehicular, cyclists, pedestrians and you in danger.

To appeal this decision to the City Council you must provide notice of your appeal to the City Clerk within ten days of the date of this letter.

Please be advised that, to the extent that the City can accommodate your request to protest safely and lawfully, we are willing to work with you.

Sincerely,



Alex D. McIntyre  
City Manager

Enclosures

Cc: Via Email only  
David W. Affeld, Esq.  
Greg Rubens, Esq.

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## **Exhibit A**

# CITY OF MENLO PARK

## Special Event Application

701 Laurel Street, Menlo Park, CA 94025 Ph: 650-330-2223 Fax: 650-330-2242



Applicant Name: Michael Zeleny					
Organization Name: Mass Means, Inc.					
Name of Event: Child Rape Tools					
Address: 7576 Willow Glen Rd		City: Los Angeles		State: CA	Zip: 90046
Home Phone: 323-363-1860		Alternate Phone: none			
E-mail Address: zeleny@post.harvard.edu		Fax: 323-410-2373			
Estimated Attendance: drive-by only		Event open the public: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
Number of Event Staff: 1		Number of Event Volunteers: 5			
Purpose of Event: Outing New Enterprise Associates as the corporate sponsors of incestuous child rapist Min Zhu.					
Location of Event (please be specific and attach map): 2825 Sand Hill Rd, Menlo Park, CA 94025, at the median strip, per the attached.					
Event Timeline	Day	Date	Start Time	End Time	Total Hours
Set up/Preparation	Wed	9/30/2015	9 a.m.	10 p.m.	13 hours
Special Event	Thu	10/1/2015	7 a.m.	ongoing	31 days
Tear down/Clean up					
Do you plan to use a City building or park? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Do you plan to use Private Property: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		If yes, do you have written approval from Private Property owner: Yes <input type="checkbox"/> No <input type="checkbox"/>	
City Facility Reservation Permit Included: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Pending <input type="checkbox"/>		If yes, provide address of location:			
Any City streets closed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Any sidewalks blocked? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Traffic Control Plan Included: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Name of streets:					
Renting barricades from City: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Park sprinklers turned off: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Amplified sound (i.e. Music, PA system): Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Time of use: 7 a.m. to 9 p.m.					
Temporary lighting: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Please describe: Portable spotlights focused on display.					
Charge for event: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> \$_____/person		Event is reoccurring more than annually?: Yes <input type="checkbox"/> No <input type="checkbox"/>			
Is this event a fundraiser: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Proof of 501c3: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Will alcohol be served: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		ABC Permit Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> Pending <input type="checkbox"/>			
Will you be selling alcohol: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Will food be served: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		I will apply for San Mateo County Temporary Event Food Permit: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Pending <input type="checkbox"/>			
Will you be selling food: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Selling any other items: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Menlo Park Business License: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Describe:					
Will portable rest rooms be provided: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		No. of portable toilets <u>1</u> No. of ADA compliant portable toilets <u>0</u>			
Will you be using a tent, canopy, or other temporary structure? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Please describe: Canopy to be erected at the median strip of Sand Hill Rd.			

## **SECTION 2: EVENT NARRATIVE**

### **Event Description**

Briefly provide a description of the event, including activities, timeline, and sequence of events:

Throughout October 2015, we shall maintain a portable multimedia presentation illustrating ongoing corporate support of New Enterprise Associates (NEA) for incestuous child rapist Min Zhu. I shall be present on site around the clock, equipped with fully operational, exposed and loaded firearms, in full compliance with all applicable laws. All media aspects of this event will be subject to content-neutral regulation negotiated with Menlo Park authorities.

### **Parking**

Describe where event participants are expected to park their vehicles:

Off-site parking only; all on-site transportation to be provided to drop off and pick up the participants.

### **Security / Emergency Action Plan**

Describe the security plan, including crowd control (including the security company name, contact information, and the amount of security personnel):

No need for crowd control is anticipated, owing to the lack of sidewalks and no stopping allowed on the Sand Hill roadside. Participant assumes full personal responsibility for the lawful defense of the site.

### **Americans with Disabilities (ADA) compliance**

Describe how the event will be accessible to people with disabilities (such as parking, restrooms, and accessible path of travel to all event functions):

N/A.

### **Recyclables and garbage handling**

Describe the plan for cleanup and removal of recyclable goods and garbage during and after the event (include if additional street sweeping will be arranged).

All garbage generated by the event will be picked up promptly and removed from the site daily for sanitary and lawful disposal.

**Please note:** For larger events where additional garbage removal will be needed, please contact Recology at [www.recologysanmateocounty.com](http://www.recologysanmateocounty.com) or call (650) 595-3900. Failure to remove trash from event will result in a \$250 fine.

### SECTION 3: SITE MAP CHECKLIST

Please provide a **detailed** site plan/route map of the event on a separate sheet. If site map is larger than 11x17 size paper, please provide SIX (6) copies of this map in application packet. The map should include the following information:

- | Yes                                 | N/A                                 |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Outline of event site, including names of streets or areas that are a part of the venue and surrounding area. If the event includes a moving route (i.e. parade or run), indicate the direction of travel and start/finish locations. |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Any street or lane closures   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | The locations of fencing, barriers or barricades.   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Location of first-aid facilities  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Location of all stages, platforms, booths, food areas, trash containers, tents, etc (include dimensions)  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Generator locations and/or source of electricity  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Placement of vehicles or trailers used for the event (include dimensions)   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Anticipated parking locations and number of parking (include ADA parking)   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Placement of promotional signs or banners   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Placement of portable restrooms (including labeling ADA restrooms)  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Exit locations for events with fences   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Location of all event activities  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Location of temporary lighting  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Location of sound system  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Fire truck access to existing building/structures shall remain clear and unobstructed (20 feet minimum)   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Fire equipment shall remain clear and unobstructed (25 feet minimum)  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | For large event, traffic impact and traffic handling plan including re-routing of vehicles, bicycles, and pedestrians.  |

**Note:** Incomplete and vague site maps will delay the permit process.

### SECTION 4: INSURANCE INFORMATION

A Certificate of Liability Insurance must be provided and must contain the following:

- The special event permit name must be listed as the one "insured."
- The policy must not expire before the planned event date.
- The policy must be for a minimum of \$1,000,000 unless otherwise specified.
- The "description" should list the rental location, day, and event planned.
- The City of Menlo Park at 701 Laurel Street, Menlo Park, CA 94025 must be noted as "additional insured."

A special event permit **will not** be issued until the required application fees, insurance, and other supplementary materials, as indicated in the Special Event Application, have been received. A special event permit issued for a private function on private property is not required to submit proof of liability insurance to the City.



## **SECTION 5: PUBLIC NOTIFICATION**

Public Notification will be required for some permits based on your application. If noise ordinance is exceeded, the Planning Division will prepare a public notice to be mailed to all property owners, residents, and businesses within 300 feet of the subject property. The notice will state the decision of the City and will serve as the noise permit unless the request is appealed. The Planning Division will mail the notices on the decision date, which starts the 10-day appeal period. If the Planning Division does not receive an appeal in writing, the decision will become effective on the 11<sup>th</sup> day. If the decision is appealed, the item will be scheduled for the next available Planning Commission meeting. The Planning Commission generally meets on the first and third Mondays of every month. The minimum lead-time between an appeal and a Planning Commission meeting is approximately 3-weeks. The decision will also be posted at the Civic Center and on the City's web page: [www.menlopark.org](http://www.menlopark.org).

## **SECTION 6: FIRE DISTRICT NOTIFICATION**

If necessary, you will be asked to seek approval of the Menlo Park Fire Protection District. They will be informed of any street closures and other impacts to emergency services. Please keep in mind that there are several streets within Menlo Park that cannot be closed because they are deemed primary response routes. You must receive Conditional of Approval from the City prior to contacting the Fire District.

## **SECTION 7: POLICE STAFFING**

For events requiring Police assistance, the Police Department will review the application and be involved in the initial meeting with the applicant. Based on the details for the event, the Police Department will provide an estimate of costs based on the number of officers needed and hours needed at the event (payment of 50% of estimated Police services is due before your permit can be issued). Post event, an invoice will be provided by the to the applicant for Police services (based on incurred costs, minus any pre-paid amount). Any additional costs incurred that were not anticipated such as extra staffing or longer hours will be billed to the applicant. All payments are due to the Menlo Park Police Department by contacting Sgt. Matt Ortega at (650) 330-6347. Non-payment for Police assistance after the event will result in the inability to apply for a special event permit in the future, until any balance is paid in full.

## **SECTION 8: PARK USAGE**

Rental fees for special events held on city parkland, picnic areas, or tennis courts may be applied and are subject to availability. Please review the city's Master Fee Schedule for current park usage fees. Additionally, the organizing party of an event held in these areas is responsible for following all park rules, usage guidelines, and city ordinances. Sharon Park is reserved for weddings only.

## **SECTION 9: SOUND**

Approval of a Special Event permit does not necessarily exempt the planned event from the requirements of Chapter 8.06 (Noise) of the Menlo Park Municipal Code. All sources of sound measured from any residential property shall not exceed 50 dBA during the "Nighttime" hours, or 60 dBA during the "Daytime" hours. Nighttime hours are considered the period between 10 p.m. and 7 a.m. daily. If you believe your planned event could exceed the noise limitations set by Chapter 8.06 of the Municipal Code, please discuss the noise permitting requirements with a member of the Planning Division. A noise permit can be obtained as part of the Special Events permit application, subject to review and action by the Planning Division and the public notification and appeal process set forth in Section 5. The Planning Division can be reached at (650) 330-6702 or by email at [planning@menlopark.org](mailto:planning@menlopark.org).

## **SECTION 10: CONFIRMATION**

Please check all that apply:

- I have read all policies regarding the Special Event Application process.
- I have reviewed the Special Event Permit FAQs.
- I have read and will abide by all Sections as written and described herein.
- I am submitting the most current version of the Special Event Permit Application found at: [www.menlopark.org/eventpermits](http://www.menlopark.org/eventpermits)
- I am providing the correct payment with my application.
- I have filled out all portions of this application completely and to the best of my knowledge.

I hereby certify and agree that I shall be personally responsible on behalf of myself/organization for any damage sustained by the facility, property, or equipment, as a result of the occupancy of said facility or property by my group/organization. I hereby waive, release, discharge and agree to indemnify, defend and hold harmless the City, its officers, employees, and agents from and against any and all claims by any person or entity, demands, causes of action or judgments for personal injury, death, damage or loss of property, or any other damage and/or liability occasioned by, arising out of out of the event for the actions (active or passive) of invitees', event participants, event sponsors, and event spectators while on the property, or resulting from this reservation of the facilities or use or property. I hereby declare that I have read and understand and agree to abide by and to enforce the rules, regulations, and policies affecting the use of the facilities or property. If any portion of the Special Event is held on non-city owned property I have included letters of approval for each respective property owner.

3 June 2015

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

**Payment Information:**

Cash     Check     Visa     Mastercard    Amount \$250 (\$125 minor / \$250 major)

Account # \_\_\_\_\_ Exp. \_\_\_\_\_ Account Holder Name \_\_\_\_\_

I agree to pay the above charges and authorize the City of Menlo Park to charge these costs to my credit card. Checks payable to: City of Menlo Park.

Authorized Signature: \_\_\_\_\_

*Note: There is a \$30 charge for returned checks. Additional fees from other city departments may be required before permit maybe issued, please refer to the Master Fee Schedule for updates on current fees.*

**Office Use Only:**

Date Permit Submitted: \_\_\_\_\_ Project No. \_\_\_\_\_

Permit Payment: \$ \_\_\_\_\_ Date \_\_\_\_\_ Processed By \_\_\_\_\_

Approval:	Department	Received	Fee	Paid	Signature	Date
	Police	_____	_____ (50% Est.)	<input type="checkbox"/>	_____	_____
	Planning	_____	_____	<input type="checkbox"/>	_____	_____
	Public Works	_____	_____	<input type="checkbox"/>	_____	_____
	Engineering	_____	_____	<input type="checkbox"/>	_____	_____
	Public Works	_____	_____	<input type="checkbox"/>	_____	_____
	Maintenance	_____	_____	<input type="checkbox"/>	_____	_____
	CSD/Recreation	_____	_____	<input type="checkbox"/>	_____	_____
REQUIRED:	Fire District	_____	_____	<input type="checkbox"/>	_____	_____

**Event Permit Coordinator:** \_\_\_\_\_

- Application Initial Review Complete
- E-mail Acknowledgement Sent to Applicant (Date: \_\_\_\_\_)
- Application Sent to Permit Committee
- Site Map Complete
- Insurance Certificate Provided
- Other Agencies Permits Included
- Public Notification Complete
- Approved to exceed noise ordinance:  Yes  No
- Staff Approvals Complete
- Traffic Control Plan Approved (Street closures only)
- Conditions-of-Approval or Denial Letter Sent (Date: \_\_\_\_\_)
- Other Department Fees Paid
- Barricade Rental Information (Requesting \_\_\_\_\_ 3' barricades and \_\_\_\_\_ 12' barricades)
- Final Copies Sent to Approving Staff

**Special Event Permit Application Approval:**

Signature of Permit Coordinator \_\_\_\_\_

Date \_\_\_\_\_

## **Exhibit B**



OFFICE OF THE CITY ATTORNEY

1100 ALMA STREET / MENLO PARK, CA 94025 / 650.324.9300 / FAX 650.324.0227

September 21, 2015

**VIA EMAIL: michael@massmeans.com**

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA 90046

Re: Special Event Permit

Dear Mr. Zeleny:

The City of Menlo Park ("City") is in receipt of your special event permit application submitted on July 10, 2015, to maintain a portable media presentation at the location of "2825 Sand Hill Rd, Menlo Park, CA 94025, at the median strip, per the attached." At this time the City is denying your application on the basis that it is incomplete and does not meet the criteria of a special event.

With respect to the application being incomplete, on July 24, 2015, I previously notified you by email that the application did not include an attachment indicating the specific location of the presentation/event, and requested additional information regarding your use of sound and lighting equipment. You responded by email on July 28, 2015, stating that you would be videotaping your presentation as part of a feature documentary and entertainment event. You again responded that the event will occur in the "median strip" and indicated the location to be the strip "directly across NEA headquarters," but you declined to provide any more detail at the time. The problem is that your application still does not indicate the exact location of the proposed event and how the presentation will be set up so that the City can analyze whether traffic control will be necessary or what other conditions might be necessary as part of the approval of the application nor the hours/length of the event. For example, there is no indication where you intend to place your tent, generator, video presentation, portable rest room, temporary lighting, sound system, etc. Further, you have stated there is no end time for the event and that the total hours are "indefinite."

With respect to the application not meeting the criteria for a special event, what you have set forth in your application is not an event that meets the City's definition of a special event. For example, the proposed event application states that it will not exceed 150 people, use any City street or right of way (even though the

Michael Zeleny  
September 21, 2015 - Page 2

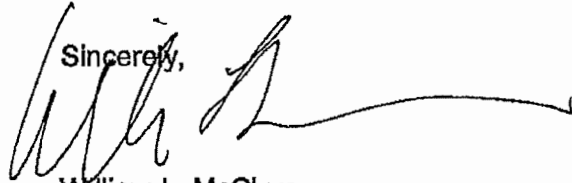
median is part of the right of way), require lane closures, require parking needs, generate a crowd of spectators, nor does it state that this is a community type event. To the contrary, you are proposing a "media production" of a one-man protest. If what you are actually intending is the filming of a movie, then the City has an application process, for which a film production permit is required. A copy of the City's "Film Production in Menlo Park" document is attached for your review.

Lastly, the City is concerned that what you are proposing to perform in the median strip between opposing lanes of traffic would be a violation of the Vehicle Code if it causes a visual impairment or visual distraction to oncoming traffic and vehicles traveling on Sand Hill Road. It would also likely be a safety hazard/danger to drivers on Sand Hill Road due to the rate of speed on the roadway and the proximity to Interstate 280. The median strip is too narrow to accommodate the film project as you have described in the application. Another concern is that it is illegal to open carry a firearm in the State of California. As you've described the proposed event, there does not appear to be any logical nexus or legitimate purpose of carrying a firearm.

Inasmuch as your application is incomplete and does not meet the definition of a special event, your application for a special event permit is denied.

If you wish to appeal this denial of your application, you must appeal the denial to the City's Special Event Permit Committee. I would ask that you notify me and Community Services Director Matt Milde at [mlmilde@menlopark.org](mailto:mlmilde@menlopark.org) if you wish to seek an appeal.

Sincerely,



William L. McClure,  
City Attorney

WLM:rr

Enclosure

cc: Via email only  
Dave Bertini, Commander  
Matt Milde

### Film Production in Menlo Park

Film production in the City of Menlo Park must comply with following conditions:

1. Permittee shall submit in writing all pertinent details regarding the filming including the date(s) and times of the filming including time needed for set-up and take down; a description of the nature of the filming; the location of the filming; a list of all equipment involved in the filming, including cars and other vehicles; the proposed location for the parking and storage of all such vehicles and equipment; the number of cast and crew members involved in the filming; and an indication of any special needs, such as amplified noise, etc. If granted, the permit's approval will be confined to such activities, locations and time schedules as submitted and approved.
2. Three days prior to the beginning of filming, permittee shall provide written notice to residents and businesses within 200 feet of the proposed filming.
3. Permittee shall obey all City Ordinances, rules and the guidance of City supervisory employees pertaining to the use of City property, including the location, parking and storage of vehicles and equipment, crowd and traffic control, and the restoration of premises to their original condition after use for filming purposes.
4. Permittee will comply with the City of Menlo Park noise ordinance. Filming will be limited to the hours between 8:00 a.m. and 6:00 p.m. and will result in low to no noise levels. The use of any explosive, fireworks, or pyrotechnic devices is strictly prohibited.
5. Permittee shall make arrangements for traffic control satisfactory to the Menlo Park Police Department prior to filming on City streets and in other public areas. Permittee will be charged to recover the cost of traffic control provided by the City. Permittee will legally park vehicles and will not require street closure or traffic control other than what is approved.
6. Permittee shall covenant and agree to indemnify and hold harmless the City from any and all loss, cost, damages and expenses of any kind, including attorney fees, on account of personal injury or property damage resulting from any activity of Permittee on municipal property or in connection with its use of municipal property.
7. Liability insurance in no way limits the indemnity agreement above, Permittee will furnish the City a Certificate of Liability Insurance acceptable to its Risk Management office showing combined single limit coverage for bodily injury and property damage, or the equivalent of such coverage, not less than \$1 million. The City, including its officials, employees and agents, shall be named as additional insured in the Liability Policy. Contractual liability coverage insuring the obligations of this Agreement is also required. The insurance may not be canceled or substantially modified without ten (10) days written notice to the City Manager's Office.

8. Permittee shall pay, with a valid check, money order, credit card or cashier's check, a **filming permit application fee of \$150.00 in addition to the daily permit fees of \$50 per day for still photography and short subject, \$100 per day for industrials, and \$150 per day for features, TV, music videos and commercials.**
9. Permittee shall apply for a one-time Business License and pay, with a valid check, money order, credit card or cashiers check. See **Guide to Annual Business Licensee Fee Calculation** for the fee schedule.
10. Permittee will adhere to the provisions and conditions set forth in the permit. If Menlo Park Police Department or other City personnel are required to correct, mitigate, or provide any service not consented to under this permit, permittee will be required to pay for all services rendered. Payment shall be made in the form of *a valid check, money order, credit card or cashiers check* immediately upon demand made by the City.

**PROJECT ADDRESS:** \_\_\_\_\_

Read and agreed on:

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

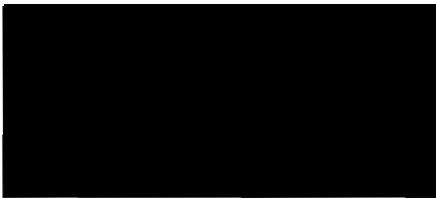
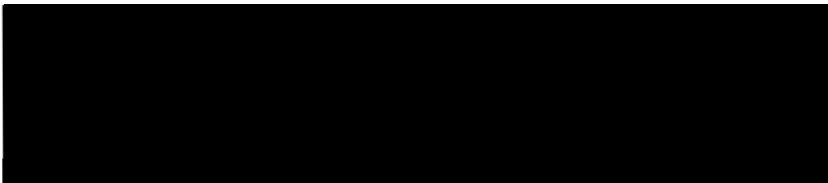
\_\_\_\_\_  
Print name

## **Exhibit C**



**Nicolas A. Flegel**

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**From:** Michael Zeleny [mailto:michael@massmeans.com]  
**Sent:** Friday, April 15, 2016 1:35 PM  
**To:** McClure, William; Cindy S. Elmquist; Bertini, David C; Milde, Matt L  
**Cc:** Scott Sandell; Subrah Iyar; Dick Kramlich; David W. Affeld; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Sigrid Van Bladel; Hawk, Robert B.; Arno Penzias  
**Subject:** Re: Menlo Park Special Event Permit

"William L. McClure" <[wlm@jsmf.com](mailto:wlm@jsmf.com)>,  
"Cindy S. Elmquist" <[cse@jsmf.com](mailto:cse@jsmf.com)>  
Jorgenson, Siegel, McClure & Flegel, LLP  
1100 Alma Street, Suite 210  
Menlo Park, CA 94025  
[650-324-9300](tel:650-324-9300) Phone  
[650-324-0227](tel:650-324-0227) Fax

"David C. Bertini" <[dcbertini@menlopark.org](mailto:dcbertini@menlopark.org)>,  
"Matt L. Milde" <[mlmilde@menlopark.org](mailto:mlmilde@menlopark.org)>,  
The City of Menlo Park  
701 Laurel St.  
Menlo Park, CA 94025  
[650-330-6600](tel:650-330-6600)

Dear Mr McClure,

I am lodging herewith an appeal of your denial of my application for a special event permit, by outlining its purpose and scope and responding to all of your objections in order.

I have been protesting NEA's ongoing support of its venture partner Min Zhu and its coverup of his incestuous child rape since 2004. In the course of the ensuing litigation and subject to demands by Menlo Park city authorities, I have been forced to relocate my protests from the immediate vicinity of NEA's headquarters, to the narrow strip of public grounds surrounding the 16 private acres of the Rosewood Sand Hill compound located at 2825 Sand Hill Rd, Menlo Park, CA 94025. The median strip identified in his current application affords the only possible location for staging my protest in clear view of the NEA headquarters. My open display of firearms is germane to the message that responds to the death threats made against me and my family in the names and on the behalves of individuals and business entities sponsored and supported by NEA. The continual and open-ended nature of my protest responds to NEA's long-standing refusal to account for its responsibility in supporting and covering up the lawless conduct of its associates.

As to your claim that my application is incomplete, attached please find a map of the area in question, which clearly designates the specific and modest boundaries of my special event. That is all that the City of Menlo Park ("the City") can reasonably expect and require to analyze whether traffic control will be necessary or what other conditions might be necessary as part of its approval of my application. As suggested before, and witnessed by my past appearances in your jurisdiction, my use of sound and lighting equipment is subject to our ongoing mutual agreement on their time, place, and manner parameters. If you have any specific requests in this regard, please make them with no further ado, bearing in mind that all restrictions on my expressive conduct must be (1) content-neutral, (2) narrowly tailored to serve a significant government interest, and (3) leave open ample alternative channels for communication. (See *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983).) As resolved as I am to see my task through, I remain open to all reasonable accommodations.

While the First Amendment "does not guarantee the right to communicate one's views at all times and places or in any manner that may be desired" (*Heffron v. Int'l Soc'y for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981)), it protects the right of every citizen to "reach the minds of willing listeners [and] to do so, there must be opportunity to win their attention." (*Hill v. Colorado*, 530 U.S. 703 (2000).) My presence on NEA's grounds has been ruled out as a part of settling its trespass claims against me five years ago. The currently proposed location of my performance therefore represents my only remaining opportunity to address directly the public associated or connected with it. Please bear in mind the foregoing authorities in your attempts to deny me my right to speak in this way and venue.

With respect to the application not meeting the criteria for a special event, the City lacks the authority to define a special event subject to its permitting requirements, beyond ensuring that it does not disrupt the ordinary use of its public spaces. It is true that I am proposing a media production of a one-man protest. My primary aim, however, is to exhibit my media to the thousands of daily passerby on Sand Hill Road, even as I stream their reactions online. My communication needs to be both physically proximate for them, and available over the Internet for more distant audiences. This project falls squarely within the ambit of Constitutional protection of political speech. My production is no less deserving of such protection for being modestly scaled. Thus *Branzburg v. Hayes*, 408 U.S. 665, 704 (1972): "Liberty of the press is the right of the lonely pamphleteer who uses carbon paper or a mimeograph just as much as of the large metropolitan publisher who utilizes the latest photocomposition methods."

While the First Amendment literally forbids the abridgment only of "speech", the Supreme Court has long recognized that its protection does not end at the spoken or written word, even as it acknowledged that not all conduct intended by the person engaging therein to express an idea is so protected. (See *United States v. O'Brien*, 391 U.S. 367 (1968).) For such conduct may be "sufficiently imbued with elements of communication to fall within the scope of the First and Fourteenth Amendments". (See *Spence v. Washington*, 418 U.S. 405 (1974).) "In deciding whether particular conduct possesses sufficient communicative elements to bring the First Amendment into play, we have asked whether [a]n intent to convey a particularized message was present, and [whether] the likelihood was great that the message would be understood by those who viewed it." (See *Texas v. Johnson*, 491 U.S. 397 (1989).) In sum, according to the Supreme Court's test for expressive conduct, known as the Spence-Johnson test, an action is protected by the First Amendment if: (1) the speaker-actor intends for the conduct to express a particularized message; and (2) that message would be understood by others. In the course of reaffirming the Spence-Johnson test in *Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston*, 515 U.S. 557 (1995), the Supreme Court ruled that "a narrow, succinctly articulable message is not a condition of constitutional protection, which if confined to expressions conveying a 'particularized message,' [...] would never reach the unquestionably shielded painting of Jackson Pollock, music of Arnold Schönberg, or Jabberwocky verse of Lewis Carroll." In the course of my protest, the expressive content of openly carried firearms presented as a means of defense both warranted and necessitated by my circumstances, will be bolstered by the concurrent multimedia presentation of the evidence of threats I received in the names and on the behalves of NEA's associates, the damage that they claim to have inflicted on my family, and their history of unlawful violence. Your study of my past displays should suffice to reassure you that my painstakingly particularized message will be infinitely easier to parse than The She-Wolf, Pierrot Lunaire, or Jabberwocky.

This brings me to the matter of my venue. Streets and sidewalks are "prototypical" examples of public fora, and have immemorially been considered a rightful place for public discourse. (See *Hague v. C.I.O.*, 307 U.S. 496 (1939).) Public fora "have achieved a special status in our law", for they "represent areas within which tolerance for inhibitions on speech, petition, and assembly is at a minimum." The government therefore "bear[s] an extraordinarily heavy burden to regulate speech in such locales." (See *N.A.A.C.P. v. City of Richmond*, 743 F.2d 1346 (9th Cir. 1984).) "And just as streets and sidewalks are

prototypical examples of public fora, political speech related to current events is the prototypical example of protected speech.” (See *American-Arab Anti-Discrimination Committee v. City of Dearborn* (“AAADC”), 418 F.3d 600 (6th Cir. 2005).) In the matter at hand, the current event at issue is NEA’s ongoing financial support of its child-raping protégé Min Zhu. As long as I do not “realistically present serious traffic, safety, and competing-use concerns beyond those presented on a daily basis by ordinary use of the streets and sidewalks,” you cannot require me to obtain a permit for exercising my Constitutional rights, let alone deny its issuance. (See *Santa Monica Food Not Bombs v. City of Santa Monica* (“SMFNB”), 450 F.3d 1022 (9th Cir. 2006).) Moreover, I generally do not need a permit to hold a rally or a march on public grounds while obeying traffic laws. (See SMFNB, 450 F.3d at 1039, 1040-43; AAADC, 418 F.3d at 608.) Thus I am asking for nothing more nor less than your approval of my rightful, conspicuous presence on public grounds in full compliance with all applicable laws.

As to my compliance with traffic laws, to repeat myself, I do not intend use any City street or right of way. The California Vehicle Code Section 525 defines the right of way as “the privilege of the immediate use of the highway”. In this regard, the right of way in the median island, where I intend to conduct my performance, is ordinarily reserved for pedestrians alone. The small part of the median island that I intend to occupy will leave plenty of room for the passage of vehicles in any emergency, e.g. as regards tow trucks allowed to do so pursuant to CVC Section 21719. I do not intend to present any visual impairment to oncoming traffic and vehicles traveling on Sand Hill Road. As to presenting a visual distraction, I am well within my First Amendment rights to do so in a rightful place for public discourse, within which tolerance for your inhibitions on speech, petition, and assembly is at a minimum.

To clarify the nature of the proposed multimedia production in the context of my one-man protest, I am not intending it for the filming of a movie, and therefore you may not require me to obtain a film production permit. Kindly recall that I have borne the brunt of abusive and oppressive conduct by the City of Menlo Park Police Department (“the police”) since the inception of my protests a decade ago. This abuse and oppression included, without limitation, illegal surveillance and harassment of myself and my associates, arbitrary imposition of constraints on our performance, and participation in my malicious prosecution in San Mateo Superior Court, wherein the prosecutor expressly and unequivocally acknowledged on court record that she was seeking my criminal conviction on behalf of NEA. Accordingly, I would not dare to appear in your jurisdiction without recording each of my interactions with your minions, for my security and theirs alike. And I have every right to make this recording without asking or paying for your permission.

As explained by Evan Bernick and Paul Larkin in “Filming the Watchmen: Why the First Amendment Protects Your Right to Film the Police in Public Places”, lower federal courts have generally said that the First Amendment protects a right to record and photograph law enforcement in public view. Some restrictions may be constitutional, but simply prohibiting the recording because the person is recording the police cannot be constitutional. While the Supreme Court is yet to consider this question, such is the general view in the federal appellate decisions that have done so. An apparent exception is a recent federal trial court decision in *Fields v. City of Philadelphia* and *Geraci v. City of Philadelphia*, which takes a different, narrower approach: There is no constitutional right to videorecord police, the court says, when the act of recording is unaccompanied by “challenge or criticism” of the police conduct. But even under this restrictive standard, I remain well within my rights to videorecord at will, without warning, and regardless of permission, all my public performances in your jurisdiction, for the sake of safety and transparency. In light of the history of my peaceful protests being subjected to oppressive scrutiny and censure by the City authorities, I am planning to exercise my rights under the First Amendment to film my appearances there, for the express purpose of mounting a potential challenge and criticism of the police conduct in the event of further obstructions mounted by Menlo Park. According to *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969) the discretion of public officials charged with permitting First Amendment activity must be limited by “narrow, objective, and definite standards.” It therefore falls upon the City to identify such standards that deny my rights or subject them to permitting requirements.

Lastly, your concern is that it is illegal to open carry a firearm in the State of California is likewise misdirected. It is none of your business to seek or scrutinize any logical nexus or legitimate purpose of carrying a firearm the proposed event. I am well within my rights in carrying a firearm, either openly or concealed, in the course of an entertainment event, as its authorized participant, as protected by the Constitution of the United States, and clearly warranted by law in the state of California.

Thus California Penal Code Section 25400 (a) (2): “A person is guilty of carrying a concealed firearm when the person does any of the following: [...] Carries concealed upon the person any pistol, revolver, or other firearm capable of being concealed upon the person.” Whereas P.C. Section 25510 qualifies this ban: “Section 25400 does not apply to, or affect, any of the following: (a) The possession of a firearm by an authorized participant in a motion picture, television, or video production, or an entertainment event, when the participant lawfully uses the firearm as part of that production or event, or while going directly to, or coming directly from, that production or event. (b) The transportation of a firearm by an authorized employee or agent of a supplier of

firearms when going directly to, or coming directly from, a motion picture, television, or video production, or an entertainment event, for the purpose of providing that firearm to an authorized participant to lawfully use as a part of that production or event." Please be assured that I intend to authorize myself as a participant in my own entertainment event.

A similar exemption applies to the ban on the open carrying of an unloaded handgun. Thus P.C. Section 26350 (a) (1): "A person is guilty of openly carrying an unloaded handgun when that person carries upon his or her person an exposed and unloaded handgun outside a vehicle while in or on any of the following: (A) A public place or public street in an incorporated city or city and county." Whereas P.C. Section 26375 qualifies this ban: "Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by an authorized participant in, or an authorized employee or agent of a supplier of firearms for, a motion picture, television or video production, or entertainment event, when the participant lawfully uses the handgun as part of that production or event, as part of rehearsing or practicing for participation in that production or event, or while the participant or authorized employee or agent is at that production or event, or rehearsal or practice for that production or event."

Similar exemptions apply to long guns. Thus P.C. Section 26400 (a): "A person is guilty of carrying an unloaded firearm that is not a handgun in an incorporated city or city and county when that person carries upon his or her person an unloaded firearm that is not a handgun outside a vehicle while in the incorporated city or city and county." Whereas P.C. Section 26405 qualifies this ban: "Section 26400 does not apply to, or affect, the carrying of an unloaded firearm that is not a handgun in any of the following circumstances: [...] (r) By an authorized participant in, or an authorized employee or agent of a supplier of firearms for, a motion picture, television or video production, or entertainment event, when the participant lawfully uses that firearm as part of that production or event, as part of rehearsing or practicing for participation in that production or event, or while the participant or authorized employee or agent is at that production or event, or rehearsal or practice for that production or event." In short, conspicuous display of otherwise legally possessed unloaded firearms in the course of my entertainment event is my Constitutional right under the First Amendment, expressly protected by California statutes. In the event, these firearms will include, without limitation, a pair of H&K P7M13 handguns, an LRB M25 designated marksman rifle, a Winchester M97 trench shotgun with an M1917 Remington bayonet, and a semiautomatic, belt-fed, tripod mounted Browning M1919a4, all conspicuously adjoined by ample supplies of ammunition.

I trust that I have met your concerns over the completeness of my application. Please acknowledge the receipt of this email and approve my application at your earliest convenience. To repeat myself, we are equally willing to negotiate or litigate. Please refer to *Lefemine v. Wideman*, 568 U.S. \_\_\_\_ (2012), which held that a plaintiff who secured a permanent injunction but no monetary damages was a "prevailing party" under 42 U.S.C. § 1988 and could receive attorney fees, where the injunction ordered the defendant officials to change their behavior in a way that directly benefited the plaintiff, who could thereafter engage in demonstrations without fear of sanctions with which police had previously threatened him. As public officials, NEA's minions among your City colleagues enjoy qualified immunity from damages suits if they violate my rights, but only as long as they do not violate "clearly established" law. "If the law was clearly established, the immunity defense ordinarily should fail, since a reasonably competent public official should know the law governing his conduct." (See *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).) In short, your personal liability will be richly borne out by the foregoing statutes and case law. The last issue that remains to be litigated conclusively is the expressive content of openly carried firearms. In this connection, please refer to *Nordyke v. King*, 563 F. 3d 439 (9th Cir. 2009), wherein the state of California tacitly conceded the issue even before the Supreme Court incorporated the Second Amendment in *McDonald v. Chicago*, 561 U.S. 742 (2010). Long story short, if you continue siding with NEA's minions, I will win at the City's certain and considerable expense.

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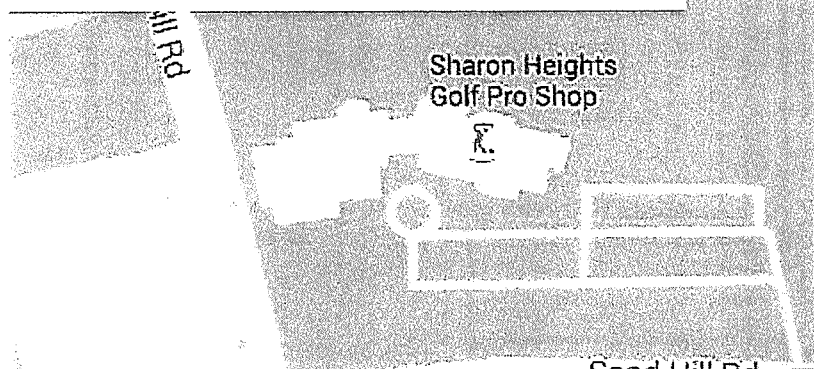
[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Mon, Sep 21, 2015 at 2:12 PM, Cindy S. Elmquist <[cse@jsmf.com](mailto:cse@jsmf.com)> wrote:

- >
- > Bill McClure requested I forward to you the attached letter with enclosure thereto.
- >
- >
- >
- > Cindy S. Elmquist, Assistant to William L. McClure

- >
- > Jorgenson, Siegel, McClure & Flegel, LLP
- >
- > 1100 Alma Street, Suite 210
- >
- > Menlo Park, CA 94025
- >
- > (650) 324-9300 Phone
- >
- > (650) 324-0227 Fax
- >
- >
- >
- >



Sharon Heights Golf Pro Shop

Robert Half International

Menlo Ventures

Sequoia Capital

Kleiner Perki Caufield Bye

Kohlberg Kravis Roberts & Co

Sand Hill Rd

Sand Hill Rd

Sand Hill Rd

Sand Hill Rd

Sand Hill Rd

Andreessen Horowitz

New Enterprise Associates

Madera

Alex Chases Salon

24

280

280

Junipero Serra Fwy

Junipero Serra Fwy

Live traffic

Fast Slow



## **Exhibit D**

**Nicolas A. Flegel**

---

**From:** Robin H. Riggins  
**Sent:** Wednesday, May 04, 2016 10:53 AM  
**To:** Nicolas A. Flegel  
**Subject:** FW: MP/ Zeleny Permit  
**Attachments:** ZelenyM-2a-ltr.pdf

FYI.

**From:** Robin H. Riggins  
**Sent:** Wednesday, May 04, 2016 10:53 AM  
**To:** 'michael@massmeans.com' <michael@massmeans.com>  
**Cc:** William L. McClure <wlm@jsmf.com>  
**Subject:** MP/ Zeleny Permit

Dear Mr. Zeleny:

Pursuant to Mr. McClure's request, please find attached his letter to you of today's date concerning the above-mentioned matter.  
Thank you for your attention to this matter.

Sincerely,

Robin Riggins  
Secretary to  
William L. McClure, Esq.

Jorgenson, Siegel, McClure & Flegel, LLP  
1100 Alma Street, Suite 210  
Menlo Park, CA 94025

Tel. 650/ 324-9300  
Fax. 650/ 324-0227





OFFICE OF THE CITY ATTORNEY

1100 ALMA STREET / MENLO PARK, CA 94025 / 650.324.9300 / FAX 650.324.0227

May 4, 2016

**VIA EMAIL: [michael@massmeans.com](mailto:michael@massmeans.com)**  
**AND U.S. MAIL**

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA 90046

Re: Appeal of Denial of Special Event Permit Application

Dear Mr. Zeleny:

The City of Menlo Park ("City") is in receipt of your email dated April 15, 2016. Your email indicates that you are lodging an appeal of the denial of your special event permit application. The original special event permit application was submitted on July 10, 2015, to which the City formally responded by letter dated September 21, 2015. In that letter, I indicated that your application was being denied as it was incomplete and did not meet the criteria of a special event.

Your email of April 15, 2016, outlines several modifications and provides additional information to supplement your original application, and therefore, the City is treating it as a revised application rather than an appeal. The April 16<sup>th</sup> email includes a Google map with a red box showing the proposed location of the event. The email also indicates that you no longer intend to film a documentary, but instead will put on an "entertainment event" in which you will be live-streaming a video showing the reaction of individuals who drive by your protest. Lastly, the revised application indicates in the "Event Narrative" that you "shall be present on site around the clock, equipped with fully operational, exposed and loaded firearms, in full compliance with all applicable laws."

Based on a review of your revised application, the City is denying your application on the basis that it is incomplete and it does not meet the criteria of a special event. With respect to the revised application still being incomplete, the application fails to describe how you intend to set up your presentation so that the City can analyze whether traffic control will be necessary or what other conditions might be necessary as part of the approval of the application, nor does it specify the hours/length of the event. For example, there is no indication where you intend to place your tent, generator, video presentation, portable rest room,

Michael Zeleny  
May 4, 2016 - Page 2

temporary lighting, sound system, etc. The revised application is deficient in that the City needs substantially more detail in order to analyze the potential for your event distracting drivers, including the volume of sound you intend to make, the brightness of your projector, location and size of items you intend to place on the median strip, and how you intend to transport your set-up to the location (to determine compliance with the Vehicle Code).

Also, the revised application still does not propose an event that requires a special event permit. The application does not propose an event that is open to the community at large to participate in (it describes a one man protest). With the essential element of community participation, a special event permit is not necessary; protests do not require special events permits.

I also want to raise three concerns regarding the proposed event:

1. The proposed event has no defined term (your email indicates an event of "indefinite" duration). Given the presence of guns and the display of a pornographic image at along a major high-speed roadway, the City would need to staff the event with police and traffic supervision. However, the City does not have staff to monitor an event that could last days, weeks or months.

2. You are proposing to illegally open-carry weapons. It is illegal to open-carry an unloaded or loaded weapon in California. You are citing to the movie/entertainment exception, but that exception does not allow for the open-carrying of *loaded* weapons or weapons "adjoined by ample supplies of ammunition." Penal Code §16840 provides that a firearm shall be deemed to be "loaded" whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person. Lastly, a practical reading of the entertainment exception would require the Department of Justice or the Menlo Park Police Department to authorize your event.

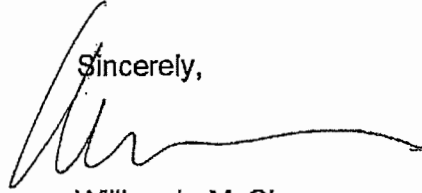
3. We have serious concerns regarding the proposed location of the event and will likely prohibit locating an event as generally described in your email and attachments in the median area of Sand Hill Road as it would be a traffic and safety hazard – regardless of how the event is characterized.

While it is clear that this is not a "special event," if you wish to appeal this denial, please provide written notice to Community Services Director Cherise Brandell (and copied to the undersigned.) Ms. Brandell's contact information is as

Michael Zeleny  
May 4, 2016 - Page 3

follows: Email (cebrandell@menlopark.org) and telephone (650) 330-6618. Alternatively, you may provide additional detail to respond to the above-outlined issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. McClure', with a long horizontal flourish extending to the right.

William L. McClure  
City Attorney

WLM:rr

cc: Via email only  
Dave Bertini, Commander  
Cherise Brandell  
Matt Milde

## Exhibit E

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Fri, May 27, 2016 at 12:21 PM, Michael Zeleny <[michael@massmeans.com](mailto:michael@massmeans.com)> wrote:

Dear Mr McClure,

I have received your second denial, dated 4 May 2016, of my amended application for a special event permit, submitted on 15 April 2016. My second appeal follows.

With respect to your complaint regarding my application being incomplete, please refer to the map I submitted with it, as reattached below for your convenience. The red rectangle that designates the location of my entertainment event represents the location of my Dodge Ram SRT-10 pickup truck. All my activities and all my equipment will be confined to its bed and cabin, as driven to and parked at the designated location. The video presentation will be made with a 55" SunBrite outdoor TV, mounted in a Gator G-Tour E-Lift, and powered by a portable generator. As stated in my original application dated 28 July 2015, I will remain on site around the clock until NEA publicly acknowledges its wrongdoing and severs all its relations with Min Zhu, Scott Sandell, and Dick Kramlich. My staff will attend to all my needs with daily deliveries, in full compliance with all relevant laws and regulations.

My event is most certainly meant to be open to the community at large, and I will make every accommodation for all passerby to engage lawfully and safely with its content and its authors. Without limitation, these accommodations will include distribution of flyers and souvenirs, and opportunities to engage me in real-time discussion, broadcast via a live Internet linkage.

If the foregoing explanation satisfies your concerns, I will forgo carrying of loaded weapons in the spirit of compromise. However, if you continue to object to my carrying unloaded firearms in the course of my entertainment event, I shall be happy to litigate the matter of loaded open carry within the scope of Constitutionally protected speech. Your citation of Penal Code §16840 providing that "a firearm shall be deemed to be 'loaded' whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person", is inapposite, because applicable solely to "[e]very person who carries a loaded firearm with the intent to commit a felony" within the scope of Penal Code §25800. I assure you that I have no such intent.

Lastly, I do not understand your claim that "a practical reading of the entertainment exception would require the Department of Justice or the Menlo Park Police Department to authorize [my] event." If you are claiming that my Constitutionally protected speech stands in need of such authorization, as explained previously, I shall be happy to settle this matter within the scope of a civil action for deprivation of rights pursuant to 42 U.S. Code §1983. Indeed, if you compel me to do so, the venue of my performance will merely change, from Sand Hill Road, to a Federal courthouse. One way or another, my message will resonate with its intended audience.

I trust that I have answered all relevant questions and addressed all legitimate concerns. I hope that no further explanations will be necessary for you to make a final disposition of my application.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)

7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373  
**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Wed, May 4, 2016 at 10:52 AM, Robin H. Riggins <[rhr@jsmf.com](mailto:rhr@jsmf.com)> wrote:

Dear Mr. Zeleny:

Pursuant to Mr. McClure's request, please find attached his letter to you of today's date concerning the above-mentioned matter.

Thank you for your attention to this matter.

Sincerely,

Robin Riggins

Secretary to

William L. McClure, Esq.

Jorgenson, Siegel, McClure & Flegel, LLP

1100 Alma Street, Suite 210

Menlo Park, CA 94025

Tel. 650/324-9300

Fax. 650/324-0227

AVC



Search Google Maps



Robert

Menlo

Sharon Heights  
Golf Pro Shop

Sand Hill Rd

Andresser

Sand Hill Rd

Sand Hill Rd

24

280

280

Sand Hill Rd

Junipero Serra Fwy



Live traffic

Fast

# Exhibit F



## Community Services



June 16, 2016

VIA EMAIL: michael@massmeans.com  
AND U.S. MAIL

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA. 90046

**RE: Special Event Permit Application Denial**

Dear Mr. Zeleny,

Thank you for submitting a Special Event Application with the City of Menlo Park. Upon reviewing your application and appeal, approval for your special event has been denied for the following reason(s):

- Incomplete Application
- Does not meet the criteria for Special Event
- Other:
  - No defined term
  - The exhibition of loaded and or unloaded firearms is prohibited by law
  - Location proposed creates a traffic and safety hazard
  - Driving a vehicle onto a center medium is prohibited by California Vehicle Code section 21651
  - Illuminated displays which impair a driver's vision are prohibited by California Vehicle Code section 21466.5

Determination of the approval or denial of any application is at the discretion of the Special Event Permit Committee acting on behalf of the Community Services Director. If you feel this decision has been made in error or warrants a permit outside of the policies established by the City of Menlo Park you may appeal in writing to City Manager, Alex McIntyre. He can be reached at [admccintyre@menlopark.org](mailto:admccintyre@menlopark.org).

If you have any questions, please feel free to contact me.

Matt Milde  
Recreation Coordinator  
City of Menlo Park

(650) 330-2223  
mlmilde@menlopark.org

#### PRIVATE ROAD CLOSURE

The City of Menlo Park is unable to issue a special event permit if the event includes a road closure for private or exclusive residential use such as a birthday party, reunion, wedding, anniversary, etc. The Arrillaga Family Recreation Center (650-330-2200), Onetta Harris Community Center (650-330-2250) and picnic/park facilities (650-330-2220) are community resources designated for this type of function.

## Nicolas A. Flegel

---

**From:** Michael Zeleny <michael@massmeans.com>  
**Sent:** Friday, July 01, 2016 5:00 PM  
**To:** Brandell, Cherise E  
**Cc:** William L. McClure; Nicolas A. Flegel; Bertini, David C; Milde, Matt L; McIntyre, Alex D; Aguilar, Pamela I; David W. Affeld; Scott Sandell; Subrah Iyar; Dick Kramlich; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias  
**Subject:** [BULK] Re: MP/ Zeleny Permit

Dear Dr Brandell,

I have received and reviewed your final denial of my "Special Event Permit" application in Menlo Park. I hereby give notice of appeal of your denial to the Menlo Park City Council and request to have a hearing in this matter conducted by the City of Menlo Park.

In the mutual interests of efficiency, I would appreciate your disclosure of any legal authority you are claiming for the proposition that "[s]pecial events by their very nature as being 'special' are for a defined term and cannot be permanent or open-ending." Likewise, I would appreciate a disclosure of any legal authority your colleagues are claiming in support of their insistence that my non-profit, public interest videography in a public venue located within its jurisdiction requires a film permit from the City of Menlo Park.

In response to your erroneous interpretation of "authorized participants in a motion picture, television, or video production, or an entertainment event" within the meaning of California Penal Code §§ 26405 and 26375, please be advised that I have applied for an Entertainment Firearms Permit pursuant to California Code Penal Code §§ 29500-29535, and intend to submit it at the said hearing that I plan to attend with my attorney David W. Affeld. Please indicate if you require any additional documentation in this regard.

Lastly, please indicate whether the hearings of the Menlo Park City Council are routinely recorded on video, and if so, whether these video recordings are made available to concerned parties. If not, please be advised that I intend to have the hearing recorded pursuant to California Government Code § 11124.1(a) and Cal Government Code §§ 54953.5(a),-.6.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Fri, Jun 24, 2016 at 10:26 AM, Brandell, Cherise E <[cebrandell@menlopark.org](mailto:cebrandell@menlopark.org)> wrote:

Mr. Zeleny – please see letter regarding your appeal of a special event permit denial with the City of Menlo Park.

Cherise Brandell, PhD  
Community Services Director

## Exhibit G

City of Menlo Park

**From:** Michael Zeleny [mailto:[michael@massmeans.com](mailto:michael@massmeans.com)]

**Sent:** Friday, June 17, 2016 11:50 AM

**To:** Milde, Matt L; McClure, William

**Cc:** Robin H. Riggins; Brandell, Cherise E; Cindy S. Elmquist; Bertini, David C; Scott Sandell; Subrah Iyar; Dick Kramlich; David W. Affeld; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias

**Subject:** Re: MP/ Zeleny Permit

Gentlemen,

Thank you for your response. To clarify my application in the interest of identifying the points of intractable contention, I am willing to accommodate all your reasonable restrictions except for the following:

1. The concealed and open carry of unloaded firearms by an authorized participant in an entertainment event, is expressly authorized by California Penal Code Sections 25510 and 26375. Your denial of my statutory right is therefore groundless and legally sanctionable.
2. No legally cognizable justification exists for your imposition of a “defined term” on my Constitutionally protected speech.

Please indicate whether you prefer to proceed to litigation under 42 U.S. Code §1983, or concede these points and negotiate the remaining parameters of my performance.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zelenv@post.harvard.edu](mailto:Zelenv@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)

7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:[323.363.1860](tel:323.363.1860) | fax:[323.410.2373](tel:323.410.2373)

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Thu, Jun 16, 2016 at 3:08 PM, Milde, Matt L <[mlmilde@menlopark.org](mailto:mlmilde@menlopark.org)> wrote:

Dear Mr. Zeleny,

Thank you for submitting a Special Event Application with the City of Menlo Park. Upon reviewing your application and appeal, approval for your special event has been denied. Please see the attached letter regarding the specific details of this determination. If you wish to appeal this decision, please refer to the directions contained within this letter.

Regards,

Matt Milde

Recreation Coordinator

City of Menlo Park

(650) 330-2223

[mlmilde@menlopark.org](mailto:mlmilde@menlopark.org)

[Special Events](#) | [PAC Events](#) | [Aquatics](#) | [Event Permits](#) | [Parks](#) | [Tennis Courts](#)

**From:** Michael Zeleny [mailto:[michael@massmeans.com](mailto:michael@massmeans.com)]

**Sent:** Wednesday, June 15, 2016 4:58 PM

**To:** McClure, William; Robin H. Riggins; Brandell, Cherise E

**Cc:** Cindy S. Elmquist; Bertini, David C; Milde, Matt L; Scott Sandell; Subrah Iyar; Dick Kramlich; David W. Affeld; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias

**Subject:** Re: MP/ Zeleny Permit

Dear Mr McClure,

The requested date of my performance is upon us. Kindly issue your definitive ruling on my application, so that we may proceed either to negotiate its time, place, and manner parameters, or to litigate the matter of your infringement of my civil rights.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)

## **Exhibit H**

**Nicolas A. Flegel**

---

**From:** Brandell, Cherise E <cebrandell@menlopark.org>  
**Sent:** Friday, June 24, 2016 10:27 AM  
**To:** Michael Zeleny  
**Cc:** William L. McClure; Nicolas A. Flegel; Bertini, David C; Milde, Matt L; McIntyre, Alex D; Aguilar, Pamela I  
**Subject:** RE: MP/ Zeleny Permit  
**Attachments:** Zeleny Letter June 24 final.pdf

Mr. Zeleny – please see letter regarding your appeal of a special event permit denial with the City of Menlo Park.

Cherise Brandell, PhD  
Community Services Director  
City of Menlo Park

**From:** Michael Zeleny [mailto:michael@massmeans.com]  
**Sent:** Friday, June 17, 2016 11:50 AM  
**To:** Milde, Matt L; McClure, William  
**Cc:** Robin H. Riggins; Brandell, Cherise E; Cindy S. Elmquist; Bertini, David C; Scott Sandell; Subrah Iyar; Dick Kramlich; David W. Affeld; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias  
**Subject:** Re: MP/ Zeleny Permit

Gentlemen,

Thank you for your response. To clarify my application in the interest of identifying the points of intractable contention, I am willing to accommodate all your reasonable restrictions except for the following:

1. The concealed and open carry of unloaded firearms by an authorized participant in an entertainment event, is expressly authorized by California Penal Code Sections 25510 and 26375. Your denial of my statutory right is therefore groundless and legally sanctionable.
2. No legally cognizable justification exists for your imposition of a “defined term” on my Constitutionally protected speech.

Please indicate whether you prefer to proceed to litigation under 42 U.S. Code §1983, or concede these points and negotiate the remaining parameters of my performance.

---

[Michael@massmeans.com](mailto:michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Thu, Jun 16, 2016 at 3:08 PM, Milde, Matt L <[mlmilde@menlopark.org](mailto:mlmilde@menlopark.org)> wrote:

Dear Mr. Zeleny,





## Community Services

June 24, 2016

### **RE: Special Event Denial Appeal**

Mr. Zeleny.

Your email dated June 17, 2016 has been forwarded to me as an appeal to the denial of your "Special Event Permit" application. I have discussed your application and denial with staff, and have considered all communications and information you submitted as part of your application. After review, I will not be overruling the denial of your application for the following reasons:

- Your application for a special event permit continues to have no term attached to it. Special events by their very nature as being "special" are for a defined term and cannot be permanent or open-ending.
- The open carry or concealed possession of firearms in a public place is prohibited by law; California Penal Code sections 25400, 26350, and 26400.
- The sections you quoted, which give authorization for the carrying of firearms, are specifically for "authorized" participants in an entertainment, motion picture or television production. The City of Menlo Park has not "authorized" you as a participant in a motion picture, television, or video production, or an entertainment event; and you have not provided evidence that any other governmental agency has authorized your entertainment event.

Please be aware that the above denial of the application for a Special Event Permit is in no way a denial of your First Amendment right to protest. No permit is necessary for a protest in the same location you have protested in the past, as long as it is conducted within the confines of the law and local ordinance, including Penal Code sections regulating the display of firearms cited above.

As Community Services Director, I have fulfilled my responsibility to review your appeal and provide you notice of my decision. As part of the City's appeals process, your next step, if you disagree with my decision, would be to appeal my decision to the City Manager, Alex McIntyre. If you wish to appeal my decision to the City Manager, please notify me, as well as City Manager Alex McIntyre ([admccintyre@menlopark.org](mailto:admccintyre@menlopark.org)); with a copy of your notification to City Clerk Pamela Aguilar ([piaguilar@menlopark.org](mailto:piaguilar@menlopark.org)), Commander Dave Bertini ([dcbertini@menlopark.org](mailto:dcbertini@menlopark.org)), and City Attorneys William L. McClure ([wlm@jsmf.com](mailto:wlm@jsmf.com)) and Nicolas A. Flegel ([naf@jsmf.com](mailto:naf@jsmf.com)). Please specify in your notification if you wish to have a hearing conducted or if you want the City Manager to base his decision on all your communications to date received by City staff.

If you intend to submit additional documentation, please indicate what you intend to submit.

Lastly, so you are aware, any decision made by the City Manager may be appealed to the City Council, who will have the final decision making authority for the City of Menlo Park.

Cherise Brandell

## **Exhibit I**

ROBERT J. LANZONE  
JEAN B. SAVAREE  
GREGORY J. RUBENS  
CAMAS J. STEINMETZ

KAI RUESS  
KIMBERLY L. CHU

Gregory J. Rubens, Ext. 202  
Email: grubens@adcl.com

LAW OFFICES

**AARONSON, DICKERSON, COHN & LANZONE**

A PROFESSIONAL CORPORATION  
1001 LAUREL STREET, SUITE A  
SAN CARLOS, CALIFORNIA 94070  
PHONE: 650-593-3117  
FAX: 650-453-3911  
www.adcl.com

MICHAEL AARONSON  
(1910-1998)  
KENNETH M. DICKERSON  
(1920-2008)  
MELVIN E. COHN  
(1917-2014)

July 20, 2016

**Via First Class Mail and Email**

Michael Zeleny  
7576 Willow Glen Rd  
Los Angeles, CA 90046

Re: ***Notice of Hearing Date on Appeal of Special Events Permit***

Dear Mr. Zeleny:

I have been retained by the City of Menlo Park to advise the City Manager on your appeal of the decision of the Community Services Director denying your Application for a City Special Event Permit. It is my understanding that this is the process employed by the City of Menlo Park for appeals of discretionary administrative decisions.

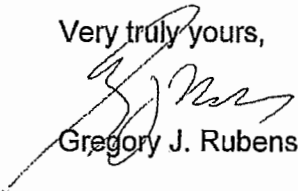
The hearing on your appeal is set for August 11, 2016 at 2:00 pm in the office of the City Manager at City Hall, 701 Laurel Street, Menlo Park, California. Should you choose to do so, you may appear at the appeal hearing telephonically, by dialing (650) 330-6610. If you chose to appear telephonically, you must deliver any additional written, digital or other materials in support of your appeal before the hearing concludes.

The hearing is scheduled to last two hours. If you require more time, you should let me know, and the hearing can be rescheduled.

This will be considered a "de novo" appeal, meaning the City Manager is not bound by the prior decision and can make his own independent decision based on the testimony, materials presented, information presented to the City, facts, relevant law and regulations.

Please have your attorney contact me if you have any concerns.

Very truly yours,

  
Gregory J. Rubens

Cc: David W. Affeld, Esq.  
Nicole Mariano  
Alex McIntyre

## **Exhibit J**

ROBERT J. LANZONE  
JEAN B. SAVAREE  
GREGORY J. RUBENS  
CAMAS J. STEINMETZ

KAI RUESS  
KIMBERLY L. CHU

Gregory J. Rubens, Ext. 202  
Email: grubens@adcl.com

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PHONE: 650-593-3117  
FAX: 650-453-3911  
www.adcl.com

MICHAEL AARONSON  
(1010-1998)  
KENNETH M. DICKERSON  
(1028-2088)  
MELVIN E. COHN  
(1017-2014)

July 20, 2016

**Via First Class Mail and Email**

Michael Zeleny  
7576 Willow Glen Rd  
Los Angeles, CA 90046

Re: ***Notice of Hearing Date on Appeal of Special Events Permit***

Dear Mr. Zeleny:

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This will be considered a "de novo" appeal, meaning the City Manager is not bound by the prior decision and can make his own independent decision based on the testimony, materials presented, information presented to the City, facts, relevant law and regulations.

Please have your attorney contact me if you have any concerns.

Very truly yours,

  
Gregory J. Rubens

Cc: David W. Affeld, Esq.  
Nicole Mariano  
Alex McIntyre

## Nicolas A. Flegel

---

**From:** Michael Zeleny <michael@massmeans.com>  
**Sent:** Wednesday, July 13, 2016 11:53 PM  
**To:** Milde, Matt L  
**Cc:** Brandell, Cherise E; William L. McClure; Nicolas A. Flegel; Bertini, David C; McIntyre, Alex D; Aguilar, Pamela I; David W. Affeld; Scott Sandell; Subrah Iyar; Dick Kramlich; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias  
**Subject:** Re: MP/ Zeleny Permit  
**Attachments:** criminal history.pdf; 07.12.16 - Permit Letter.pdf

Dear Mr Milde,

In response to your attached letter, I respectfully request you to schedule a hearing in this matter with the City Manager at his earliest convenience, via a teleconference with me and my lawyer David W. Affeld. This matter has been dragged out long enough. We look forward to its speedy and definitive determination by the City of Menlo Park, whether it is to ensue in the City's belated authorization of my special event, or our litigation for deprivation of my rights pursuant to 42 U.S. Code § 1983 at the City's eventual expense.

In the furtherance of efficiency, please find attached herewith a copy of my current criminal history issued by the California Department of Justice. Pursuant to California Penal Code § 29515 (b), the Department of Justice "shall issue an entertainment firearms permit" to the applicant, "only if the records indicate that the applicant is not prohibited from possessing or receiving firearms pursuant to any federal, state, or local law." As witness my record, I am fully qualified for a prompt, non-discretionary issuance of an entertainment firearms permit that will satisfy the City's erroneous interpretation of "authorized participants in a motion picture, television, or video production, or an entertainment event" within the meaning of California Penal Code §§ 26405 and 26375.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Tue, Jul 12, 2016 at 4:11 PM, Milde, Matt L <[mlmilde@menlopark.org](mailto:mlmilde@menlopark.org)> wrote:

Mr. Zeleny – please see the letter regarding your appeal of a special event permit denial with the City of Menlo Park.

Matt Milde

Recreation Coordinator

City of Menlo Park

[\(650\) 330-2223](tel:6503302223)

[mlmilde@menlopark.org](mailto:mlmilde@menlopark.org)

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



BUREAU OF CRIMINAL INFORMATION AND ANALYSIS

P.O. Box 903417  
SACRAMENTO, CA 94203-4170

June 30, 2016

MICHAEL ZELENY  
7576 WILLOW GLEN RD  
LOS ANGELES, CA 90046

RE: California Criminal History Information

Dear Applicant:

This letter is in response to your record review request concerning the existence of information maintained in the California state summary criminal history files, as defined in subdivision (a) of Section 11105. Your fingerprints did identify to a record maintained in these files, and as such, a copy of that record is enclosed. If you wish to challenge the accuracy or completeness of your record, please complete and return the enclosed form (BCIA 8706) and supporting documentation to the address noted above. As requested, a copy of this record review response has been sent to your designee.

Pursuant to California Penal Code section 11121, the purpose of a record review request is to afford an individual with a copy of their record and to refute any erroneous or inaccurate information contained therein. The intent is not to be used for licensing, certification or employment purposes.

Additionally, California Penal Code sections 11125, 11142, and 11143 does not allow for a person or agency to make a request to another person to provide them with a copy of an individual's criminal history or notification that a record does not exist; does not allow an authorized person to furnish the record to an unauthorized person; nor does it allow an unauthorized person to buy, receive or possess the record or information. A violation of these section codes is a misdemeanor.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Santos".

Record Review Unit  
Applicant Information and Certification Program  
Bureau of Criminal Information and Analysis

For KAMALA D. HARRIS  
Attorney General

Enclosures  
BCIA 8711d (Rev. 05/16)



4CMTDP737036.IH

RE: QHY.CA0349400.09502469.APPUSR. DATE:20160630 TIME:07:07:34  
RESTRICTED-DO NOT USE FOR EMPLOYMENT,LICENSING OR CERTIFICATION PURPOSES  
ATTN:APPUSR

\*\* III CALIFORNIA ONLY SOURCE RECORD

CII/A09502469  
DOB/19580226 SEX/M RAC/OTHER  
HGT/511 WGT/180 EYE/HAZ HAI/BRO POB/SX  
CTZ/ROMANIA/RUMANIA  
NAM/001 ZELENY,MICHAEL

FBI/293068MA2  
DOB/19560226  
DMV/C4374887  
SOC/360542687  
OCC/CONSULT; STUDENT  
\* \* \* \*

ARR/DET/CITE: NAM:001 DOB:19580226  
19900711 CAUV PD LOS ANGELES

CNT:001 #90-2785  
626.10(A) PC-POSSESS KNIFE/ETC AT SCHOOL TOC:M  
- - - -

COURT: NAM:001  
19900810 CAMC WEST LOS ANGELES

CNT:001 #90W05955  
626.10(B) PC-POSS WPN/ETC ON CAMPUS:NOT F/ARM TOC:F  
DISPO:DISMISSED/FURTHERANCE OF JUSTICE  
\* \* \* \*

APPLICANT: NAM:001  
19940419 CASG COLLECT & INVEST SERV, SACRAMENTO

CNT:001 #CSI 983525  
APPLICANT SECURITY GUARD TOC:N  
\* \* \* \*

APPLICANT: NAM:001  
19940928 CASO LOS ANGELES

CNT:001  
APPLICANT PEACE OFFICER AUXILIARY TOC:N  
\* \* \* \*

ARR/DET/CITE: NAM:001 DOB:19560226  
20020908 CAPD LA SEVENTY SEVEN

CNT:001 #7408911  
12025(A)(2) PC-CCW ON PERSON TOC:M  
ARR BY:CAPD LOS ANGELES  
ADR:090802 (1209, AMHERST AV, 302, , LA, CA, , )  
SCN:48922510055  
DCN:T6097782950219000211  
- - - -

COURT: NAM:001  
20030411 CASC LOS ANGELES METRO

CNT:001 #2CR11665  
LOCAL ORDINANCE VIOLATION TOC:M  
DISPO:ACQUITTED/NOT GUILTY

CNT:002  
653K PC-POSSESS/SELL SWITCH-BLADE KNIFE TOC:M  
DISPO:ACQUITTED/NOT GUILTY

CNT:003  
12025(A)(2) PC-CCW ON PERSON TOC:M  
DISPO:ACQUITTED/NOT GUILTY  
\* \* \* \*

APPLICANT: NAM:001  
20110218 CADJ SACRAMENTO

CNT:001  
APPLICANT FIREARM ELIGIBILITY CERT TOC:N  
SCN:U28E0490001 ATI-B049ZEM852  
\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE  
BUREAU OF CRIMINAL INFORMATION AND ANALYSIS  
P.O. Box 903417  
SACRAMENTO, CA 94203-4170



CLAIM OF ALLEGED INACCURACY OR INCOMPLETENESS

I have examined a copy of my California State Summary Criminal History Record as contained in the files of the Department of Justice, Bureau of Criminal Information and Analysis, and wish to take exception to its accuracy and/or completeness.

NAME: \_\_\_\_\_ CII NUMBER: \_\_\_\_\_  
(LAST, FIRST, MIDDLE)

\*\*\*\*\*

Date of Arrest: \_\_\_\_\_

Brief Explanation of claim: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Arrest: \_\_\_\_\_

Brief Explanation of claim: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Arrest: \_\_\_\_\_

Brief Explanation of claim: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Attach copies of any official documents or court orders that would verify your claim. Failure to fill out the form correctly may result in a delay in processing or the return of the claim form. You may attach additional pages if necessary. Return this form to the attention of the Record Review Unit at the address listed above.

**Nicolas A. Flegel**

---

**From:** Milde, Matt L <mlmilde@menlopark.org>  
**Sent:** Tuesday, July 12, 2016 4:11 PM  
**To:** Michael Zeleny  
**Cc:** Brandell, Cherise E; William L. McClure; Nicolas A. Flegel; Bertini, David C; McIntyre, Alex D; Aguilar, Pamela I  
**Subject:** RE: MP/ Zeleny Permit  
**Attachments:** 07.12.16 - Permit Letter.pdf

Mr. Zeleny – please see the letter regarding your appeal of a special event permit denial with the City of Menlo Park.

Matt Milde  
Recreation Coordinator  
City of Menlo Park  
(650) 330-2223  
mlmilde@menlopark.org

[Special Events](#) | [PAC Events](#) | [Aquatics](#) | [Event Permits](#) | [Parks](#) | [Tennis Courts](#)

---

**From:** Michael Zeleny [mailto:michael@massmeans.com]  
**Sent:** Friday, July 01, 2016 5:00 PM  
**To:** Brandell, Cherise E  
**Cc:** McClure, William; Flegel, Nicolas A.; Bertini, David C; Milde, Matt L; McIntyre, Alex D; Aguilar, Pamela I; David W. Affeld; Scott Sandell; Subrah Iyar; Dick Kramlich; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias  
**Subject:** Re: MP/ Zeleny Permit

Dear Dr Brandell,

I have received and reviewed your final denial of my “Special Event Permit” application in Menlo Park. I hereby give notice of appeal of your denial to the Menlo Park City Council and request to have a hearing in this matter conducted by the City of Menlo Park.

In the mutual interests of efficiency, I would appreciate your disclosure of any legal authority you are claiming for the proposition that “[s]pecial events by their very nature as being ‘special’ are for a defined term and cannot be permanent or open-ending.” Likewise, I would appreciate a disclosure of any legal authority your colleagues are claiming in support of their insistence that my non-profit, public interest videography in a public venue located within its jurisdiction requires a film permit from the City of Menlo Park.

In response to your erroneous interpretation of “authorized participants in a motion picture, television, or video production, or an entertainment event” within the meaning of California Penal Code §§ 26405 and 26375, please be advised that I have applied for an Entertainment Firearms Permit pursuant to California Code Penal Code §§ 29500-29535, and intend to submit it at the said hearing that I plan to attend with my attorney David W. Affeld. Please indicate if you require any additional documentation in this regard.

Lastly, please indicate whether the hearings of the Menlo Park City Council are routinely recorded on video, and if so, whether these video recordings are made available to concerned parties. If not, please be advised that I

## Community Services



**July 12, 2016**

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA. 90046

**RE: Special Event Permit Application Denial**

Dear Mr. Zeleny,

Community Services Director Cherise Brandell is on vacation this week, and I am therefore writing on her behalf. The City of Menlo Park is in receipt of your email of July 1, 2016, sent at 5:00 p.m. in which you gave notice of your appeal of the denial of your special event permit application by the Community Services Director. The next step in the City's appeal process is an appeal to the City Manager, Alex McIntyre, and not an appeal directly to the City Council. Your appeal has been directed to the City Manager, who is also on vacation this week; however, it is expected he will act on your appeal next week (the week of July 18<sup>th</sup>) upon his return. Please indicate whether you wish to have a hearing with the City Manager and whether you intend to submit any additional information on behalf of your appeal or whether you want the City Manager to base his decision on all your communications to date received by City Staff.

Thank you for your attention to this matter.

Matt Milde, on behalf of Cherise Brandell, Community Services Director  
City of Menlo Park

## Nicolas A. Flegel

---

**From:** Michael Zeleny <michael@massmeans.com>  
**Sent:** Friday, July 01, 2016 5:00 PM  
**To:** Brandell, Cherise E  
**Cc:** William L. McClure; Nicolas A. Flegel; Bertini, David C; Milde, Matt L; McIntyre, Alex D; Aguilar, Pamela I; David W. Affeld; Scott Sandell; Subrah Iyar; Dick Kramlich; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias  
**Subject:** [BULK] Re: MP/ Zeleny Permit

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Lastly, please indicate whether the hearings of the Menlo Park City Council are routinely recorded on video, and if so, whether these video recordings are made available to concerned parties. If not, please be advised that I intend to have the hearing recorded pursuant to California Government Code § 11124.1(a) and Cal Government Code §§ 54953.5(a),-.6.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zelenv@post.harvard.edu](mailto:Zelenv@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Fri, Jun 24, 2016 at 10:26 AM, Brandell, Cherise E <[cebrandell@menlopark.org](mailto:cebrandell@menlopark.org)> wrote:

Mr. Zeleny – please see letter regarding your appeal of a special event permit denial with the City of Menlo Park.

Cherise Brandell, PhD  
Community Services Director

City of Menlo Park

**From:** Michael Zeleny [mailto:[michael@massmeans.com](mailto:michael@massmeans.com)]

**Sent:** Friday, June 17, 2016 11:50 AM

**To:** Milde, Matt L; McClure, William

**Cc:** Robin H. Riggins; Brandell, Cherise E; Cindy S. Elmquist; Bertini, David C; Scott Sandell; Subrah Iyar; Dick Kramlich; David W. Affeld; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias

**Subject:** Re: MP/ Zeleny Permit

Gentlemen,

Thank you for your response. To clarify my application in the interest of identifying the points of intractable contention, I am willing to accommodate all your reasonable restrictions except for the following:

1. The concealed and open carry of unloaded firearms by an authorized participant in an entertainment event, is expressly authorized by California Penal Code Sections 25510 and 26375. Your denial of my statutory right is therefore groundless and legally sanctionable.
2. No legally cognizable justification exists for your imposition of a "defined term" on my Constitutionally protected speech.

Please indicate whether you prefer to proceed to litigation under 42 U.S. Code §1983, or concede these points and negotiate the remaining parameters of my performance.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)

7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:[323.363.1860](tel:323.363.1860) | fax:[323.410.2373](tel:323.410.2373)

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Thu, Jun 16, 2016 at 3:08 PM, Milde, Matt L <[mlmilde@menlopark.org](mailto:mlmilde@menlopark.org)> wrote:

Dear Mr. Zeleny,

Thank you for submitting a Special Event Application with the City of Menlo Park. Upon reviewing your application and appeal, approval for your special event has been denied. Please see the attached letter regarding the specific details of this determination. If you wish to appeal this decision, please refer to the directions contained within this letter.

Regards,

Matt Milde

Recreation Coordinator

City of Menlo Park

(650) 330-2223

[mlmilde@menlopark.org](mailto:mlmilde@menlopark.org)

[Special Events](#) | [PAC Events](#) | [Aquatics](#) | [Event Permits](#) | [Parks](#) | [Tennis Courts](#)

**From:** Michael Zeleny [<mailto:michael@massmeans.com>]

**Sent:** Wednesday, June 15, 2016 4:58 PM

**To:** McClure, William; Robin H. Riggins; Brandell, Cherise E

**Cc:** Cindy S. Elmquist; Bertini, David C; Milde, Matt L; Scott Sandell; Subrah Iyar; Dick Kramlich; David W. Affeld; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias

**Subject:** Re: MP/ Zeleny Permit

Dear Mr McClure,

The requested date of my performance is upon us. Kindly issue your definitive ruling on my application, so that we may proceed either to negotiate its time, place, and manner parameters, or to litigate the matter of your infringement of my civil rights.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)



7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Fri, May 27, 2016 at 12:21 PM, Michael Zeleny <[michael@massmeans.com](mailto:michael@massmeans.com)> wrote:

Dear Mr McClure,

I have received your second denial, dated 4 May 2016, of my amended application for a special event permit, submitted on 15 April 2016. My second appeal follows.

With respect to your complaint regarding my application being incomplete, please refer to the map I submitted with it, as reattached below for your convenience. The red rectangle that designates the location of my entertainment event represents the location of my Dodge Ram SRT-10 pickup truck. All my activities and all my equipment will be confined to its bed and cabin, as driven to and parked at the designated location. The video presentation will be made with a 55" SunBrite outdoor TV, mounted in a Gator G-Tour E-Lift, and powered by a portable generator. As stated in my original application dated 28 July 2015, I will remain on site around the clock until NEA publicly acknowledges its wrongdoing and severs all its relations with Min Zhu, Scott Sandell, and Dick Kramlich. My staff will attend to all my needs with daily deliveries, in full compliance with all relevant laws and regulations.

My event is most certainly meant to be open to the community at large, and I will make every accommodation for all passerby to engage lawfully and safely with its content and its authors. Without limitation, these accommodations will include distribution of flyers and souvenirs, and opportunities to engage me in real-time discussion, broadcast via a live Internet linkage.

If the foregoing explanation satisfies your concerns, I will forgo carrying of loaded weapons in the spirit of compromise. However, if you continue to object to my carrying unloaded firearms in the course of my entertainment event, I shall be happy to litigate the matter of loaded open carry within the scope of Constitutionally protected speech. Your citation of Penal Code §16840 providing that "a firearm shall be deemed to be 'loaded' whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person", is inapposite, because applicable solely to "[e]very person who carries a loaded firearm with the intent to commit a felony" within the scope of Penal Code §25800. I assure you that I have no such intent.

Lastly, I do not understand your claim that "a practical reading of the entertainment exception would require the Department of Justice or the Menlo Park Police Department to authorize [my] event." If you are claiming that my Constitutionally protected speech stands in need of such authorization, as explained previously, I shall be happy to settle this matter within the scope of a civil action for deprivation of rights pursuant to 42 U.S. Code §1983. Indeed, if you compel me to do so, the venue of my performance will merely change, from Sand Hill Road, to a Federal courthouse. One way or another, my message will resonate with its intended audience.

I trust that I have answered all relevant questions and addressed all legitimate concerns. I hope that no further explanations will be necessary for you to make a final disposition of my application.

Michael@massmeans.com Zeleny@post.harvard.edu | larvatus.livejournal.com | subrah.com

7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Wed, May 4, 2016 at 10:52 AM, Robin H. Riggins <rhr@jsmf.com> wrote:

Dear Mr. Zeleny:

Pursuant to Mr. McClure's request, please find attached his letter to you of today's date concerning the above-mentioned matter.

Thank you for your attention to this matter.

Sincerely,

Robin Riggins

Secretary to

William L. McClure, Esq.

Jorgenson, Siegel, McClure & Flegel, LLP

1100 Alma Street, Suite 210

Menlo Park, CA 94025

Tel. 650/ 324-9300

Fax. 650/ 324-0227

My Car



Search Google Maps



Robert

Ment

Sharon Heights  
Golf Pro Shop

Sand Hill Rd

Sand Hill Rd

Andresse

Sand Hill Rd

24

280

280

and Hill Rd

Junipero Serra Fwy



Earth

Live traffic

Fast



## Nicolas A. Flegel

---

**From:** Brandell, Cherise E <cebrandell@menlopark.org>  
**Sent:** Friday, June 24, 2016 10:27 AM  
**To:** Michael Zeleny  
**Cc:** William L. McClure; Nicolas A. Flegel; Bertini, David C; Milde, Matt L; McIntyre, Alex D; Aguilar, Pamela I  
**Subject:** RE: MP/ Zeleny Permit  
**Attachments:** Zeleny Letter June 24 final.pdf

Mr. Zeleny – please see letter regarding your appeal of a special event permit denial with the City of Menlo Park.

Cherise Brandell, PhD  
Community Services Director  
City of Menlo Park

**From:** Michael Zeleny [mailto:michael@massmeans.com]  
**Sent:** Friday, June 17, 2016 11:50 AM  
**To:** Milde, Matt L; McClure, William  
**Cc:** Robin H. Riggins; Brandell, Cherise E; Cindy S. Elmquist; Bertini, David C; Scott Sandell; Subrah Iyar; Dick Kramlich; David W. Affeld; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias  
**Subject:** Re: MP/ Zeleny Permit

Gentlemen,

Thank you for your response. To clarify my application in the interest of identifying the points of intractable contention, I am willing to accommodate all your reasonable restrictions except for the following:

1. The concealed and open carry of unloaded firearms by an authorized participant in an entertainment event, is expressly authorized by California Penal Code Sections 25510 and 26375. Your denial of my statutory right is therefore groundless and legally sanctionable.
2. No legally cognizable justification exists for your imposition of a “defined term” on my Constitutionally protected speech.

Please indicate whether you prefer to proceed to litigation under 42 U.S. Code §1983, or concede these points and negotiate the remaining parameters of my performance.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Thu, Jun 16, 2016 at 3:08 PM, Milde, Matt L <[mmilde@menlopark.org](mailto:mmilde@menlopark.org)> wrote:

Dear Mr. Zeleny,



June 24, 2016

**RE: Special Event Denial Appeal**

Mr. Zeleny.

Your email dated June 17, 2016 has been forwarded to me as an appeal to the denial of your "Special Event Permit" application. I have discussed your application and denial with staff, and have considered all communications and information you submitted as part of your application. After review, I will not be overruling the denial of your application for the following reasons:

- Your application for a special event permit continues to have no term attached to it. Special events by their very nature as being "special" are for a defined term and cannot be permanent or open-ending.
- The open carry or concealed possession of firearms in a public place is prohibited by law; California Penal Code sections 25400, 26350, and 26400.
- The sections you quoted, which give authorization for the carrying of firearms, are specifically for "authorized" participants in an entertainment, motion picture or television production. The City of Menlo Park has not "authorized" you as a participant in a motion picture, television, or video production, or an entertainment event; and you have not provided evidence that any other governmental agency has authorized your entertainment event.

Please be aware that the above denial of the application for a Special Event Permit is in no way a denial of your First Amendment right to protest. No permit is necessary for a protest in the same location you have protested in the past, as long as it is conducted within the confines of the law and local ordinance, including Penal Code sections regulating the display of firearms cited above.

As Community Services Director, I have fulfilled my responsibility to review your appeal and provide you notice of my decision. As part of the City's appeals process, your next step, if you disagree with my decision, would be to appeal my decision to the City Manager, Alex McIntyre. If you wish to appeal my decision to the City Manager, please notify me, as well as City Manager Alex McIntyre ([admcintyre@menlopark.org](mailto:admcintyre@menlopark.org)); with a copy of your notification to City Clerk Pamela Aguilar ([piaguilar@menlopark.org](mailto:piaguilar@menlopark.org)), Commander Dave Bertini ([dcbertini@menlopark.org](mailto:dcbertini@menlopark.org)), and City Attorneys William L. McClure ([wlm@jsmf.com](mailto:wlm@jsmf.com)) and Nicolas A. Flegel ([naf@jsmf.com](mailto:naf@jsmf.com)). Please specify in your notification if you wish to have a hearing conducted or if you want the City Manager to base his decision on all your communications to date received by City staff.

If you intend to submit additional documentation, please indicate what you intend to submit.

Lastly, so you are aware, any decision made by the City Manager may be appealed to the City Council, who will have the final decision making authority for the City of Menlo Park.

Cherise Brandell



June 16, 2016

VIA EMAIL: [michael@massmeans.com](mailto:michael@massmeans.com)  
AND U.S. MAIL

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA. 90046

**RE: Special Event Permit Application Denial**

Dear Mr. Zeleny,

Thank you for submitting a Special Event Application with the City of Menlo Park. Upon reviewing your application and appeal, approval for your special event has been denied for the following reason(s):

- Incomplete Application
- Does not meet the criteria for Special Event
- Other:
  - No defined term
  - The exhibition of loaded and or unloaded firearms is prohibited by law
  - Location proposed creates a traffic and safety hazard
  - Driving a vehicle onto a center medium is prohibited by California Vehicle Code section 21651
  - Illuminated displays which impair a driver's vision are prohibited by California Vehicle Code section 21466.5

Determination of the approval or denial of any application is at the discretion of the Special Event Permit Committee acting on behalf of the Community Services Director. If you feel this decision has been made in error or warrants a permit outside of the policies established by the City of Menlo Park you may appeal in writing to City Manager, Alex McIntyre. He can be reached at [admccintyre@menlopark.org](mailto:admccintyre@menlopark.org).

If you have any questions, please feel free to contact me.

Matt Milde  
Recreation Coordinator  
City of Menlo Park

(650) 330-2223  
milmilde@menlopark.org

#### PRIVATE ROAD CLOSURE

The City of Menlo Park is unable to issue a special event permit if the event includes a road closure for private or exclusive residential use such as a birthday party, reunion, wedding, anniversary, etc. The Arrillaga Family Recreation Center (650-330-2200), Onetta Harris Community Center (650-330-2250) and picnic/park facilities (650-330-2220) are community resources designated for this type of function.



**Nicolas A. Flegel**

---

**From:** William L. McClure  
**Sent:** Thursday, June 16, 2016 5:10 PM  
**To:** Nicolas A. Flegel  
**Subject:** FW: MP/ Zeleny Permit

Sent with Good (www.good.com)

-----Original Message-----

**From:** Michael Zeleny [[michael@massmeans.com](mailto:michael@massmeans.com)]  
**Sent:** Wednesday, June 15, 2016 04:58 PM Pacific Standard Time  
**To:** William L. McClure; Robin H. Riggins; Cherise Brandell  
**Cc:** Cindy S. Elmquist; David C. Bertini; Matt L. Milde; Scott Sandell; Subrah Iyar; Dick Kramlich; David W. Affeld; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias  
**Subject:** Re: MP/ Zeleny Permit

Dear Mr McClure,

The requested date of my performance is upon us. Kindly issue your definitive ruling on my application, so that we may proceed either to negotiate its time, place, and manner parameters, or to litigate the matter of your infringement of my civil rights.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373  
**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Fri, May 27, 2016 at 12:21 PM, Michael Zeleny <[michael@massmeans.com](mailto:michael@massmeans.com)> wrote:

Dear Mr McClure,

I have received your second denial, dated 4 May 2016, of my amended application for a special event permit, submitted on 15 April 2016. My second appeal follows.

With respect to your complaint regarding my application being incomplete, please refer to the map I submitted with it, as reattached below for your convenience. The red rectangle that designates the location of my entertainment event represents the location of my Dodge Ram SRT-10 pickup truck. All my activities and all my equipment will be confined to its bed and cabin, as driven to and parked at the designated location. The video presentation will be made with a 55" SunBrite outdoor TV, mounted in a Gator G-Tour E-Lift, and powered by a portable generator. As stated in my original application dated 28 July 2015, I will remain on site around the clock until NEA publicly acknowledges its wrongdoing and severs all its relations with Min Zhu, Scott Sandell, and Dick Kramlich. My staff will attend to all my needs with daily deliveries, in full compliance with all relevant laws and regulations.

My event is most certainly meant to be open to the community at large, and I will make every accommodation for all passerby to engage lawfully and safely with its content and its authors. Without limitation, these accommodations will include distribution of flyers and souvenirs, and opportunities to engage me in real-time discussion, broadcast via a live Internet linkage.

If the foregoing explanation satisfies your concerns, I will forgo carrying of loaded weapons in the spirit of compromise. However, if you continue to object to my carrying unloaded firearms in the course of my entertainment event, I shall be happy to litigate the matter of loaded open carry within the scope of Constitutionally protected speech. Your citation of Penal Code §16840 providing that “a firearm shall be deemed to be ‘loaded’ whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person”, is inapposite, because applicable solely to “[e]very person who carries a loaded firearm with the intent to commit a felony” within the scope of Penal Code §25800. I assure you that I have no such intent.

Lastly, I do not understand your claim that “a practical reading of the entertainment exception would require the Department of Justice or the Menlo Park Police Department to authorize [my] event.” If you are claiming that my Constitutionally protected speech stands in need of such authorization, as explained previously, I shall be happy to settle this matter within the scope of a civil action for deprivation of rights pursuant to 42 U.S. Code §1983. Indeed, if you compel me to do so, the venue of my performance will merely change, from Sand Hill Road, to a Federal courthouse. One way or another, my message will resonate with its intended audience.

I trust that I have answered all relevant questions and addressed all legitimate concerns. I hope that no further explanations will be necessary for you to make a final disposition of my application.

---

[Michael@massmeans.com](mailto:Michael@massmeans.com) [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [lervatus.livejournal.com](http://lervatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Wed, May 4, 2016 at 10:52 AM, Robin H. Riggins <[rhr@jsmf.com](mailto:rhr@jsmf.com)> wrote:

Dear Mr. Zeleny:

Pursuant to Mr. McClure's request, please find attached his letter to you of today's date concerning the above-mentioned matter.

Thank you for your attention to this matter.

Sincerely,

Robin Riggins

Secretary to

William L. McClure, Esq.

Jorgenson, Siegel, McClure & Flegel, LLP

1100 Alma Street, Suite 210

Menlo Park, CA 94025

Tel. 650/ 324-9300

Fax. 650/ 324-0227

Car



Search Google Maps



- Robert
- Menlo

Sharon Heights  
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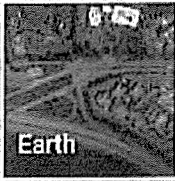
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and Hill Rd

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Live traffic ▼

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## Nicolas A. Flegel

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**From:** William L. McClure  
**Sent:** Wednesday, June 15, 2016 5:50 PM  
**To:** Michael Zeleny  
**Cc:** Cindy S. Elmquist; Cherise Brandell; David C. Bertini; Matt L. Milde; Scott Sandell; Subrah Iyar; Dick Kramlich; David W. Affeld; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Hawk, Robert B.; Arno Penzias  
**Subject:** RE: MP/ Zeleny Permit

Mr. Zeleny –

The City has received your appeal dated May 27<sup>th</sup> and will be responding in due course. I am baffled by your statement, "The requested date of my performance is upon us." Neither your submittal of mid April or your appeal on May 27<sup>th</sup> includes a proposed date for your event. The only date that appears in your April submittal was a date in September of 2015 (the application that was attached appeared to be your original application from 2015). If I am incorrect as to my reading of your submissions, please point out where the date is specified. In any event, we will be getting back to you in due course.

Regards,

William L. McClure, City Attorney  
City of Menlo Park  
1100 Alma Street, Suite 210  
Menlo Park, CA 94025  
650-324-9300 Ofc  
650-324-0227 Fax  
[wlm@jsmf.com](mailto:wlm@jsmf.com)

 Please consider the environment before printing this email 

**From:** Michael Zeleny [mailto:michael@massmeans.com]  
**Sent:** Wednesday, June 15, 2016 4:58 PM  
**To:** William L. McClure <[wlm@jsmf.com](mailto:wlm@jsmf.com)>; Robin H. Riggins <[rhr@jsmf.com](mailto:rhr@jsmf.com)>; Cherise Brandell <[ccebrandell@menlopark.org](mailto:ccebrandell@menlopark.org)>  
**Cc:** Cindy S. Elmquist <[cse@jsmf.com](mailto:cse@jsmf.com)>; David C. Bertini <[dcbertini@menlopark.org](mailto:dcbertini@menlopark.org)>; Matt L. Milde <[mlmilde@menlopark.org](mailto:mlmilde@menlopark.org)>; Scott Sandell <[ssandell@nea.com](mailto:ssandell@nea.com)>; Subrah Iyar <[Subrah.Iyar@webex.com](mailto:Subrah.Iyar@webex.com)>; Dick Kramlich <[dkramlich@nea.com](mailto:dkramlich@nea.com)>; David W. Affeld <[dwa@agzlaw.com](mailto:dwa@agzlaw.com)>; Dan Primack <[danielprimack@gmail.com](mailto:danielprimack@gmail.com)>; Louis Citron <[lcitron@nea.com](mailto:lcitron@nea.com)>; Forest Baskett <[fbaskett@nea.com](mailto:fbaskett@nea.com)>; Brooke Seawell <[bseawell@nea.com](mailto:bseawell@nea.com)>; Peter Sonsini <[psonsini@nea.com](mailto:psonsini@nea.com)>; Robert Garland <[rgarland@nea.com](mailto:rgarland@nea.com)>; Jake Nunn <[jnunn@nea.com](mailto:jnunn@nea.com)>; Hawk, Robert B. <[robert.hawk@hoganlovells.com](mailto:robert.hawk@hoganlovells.com)>; Arno Penzias <[apenzias@nea.com](mailto:apenzias@nea.com)>  
**Subject:** Re: MP/ Zeleny Permit

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---

[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zeleny@post.harvard.edu](mailto:Zeleny@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373

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Lastly, I do not understand your claim that "a practical reading of the entertainment exception would require the Department of Justice or the Menlo Park Police Department to authorize [my] event." If you are claiming that my Constitutionally protected speech stands in need of such authorization, as explained previously, I shall be happy to settle this matter within the scope of a civil action for deprivation of rights pursuant to 42 U.S. Code §1983. Indeed, if you compel me to do so, the venue of my performance will merely change, from Sand Hill Road, to a Federal courthouse. One way or another, my message will resonate with its intended audience.

I trust that I have answered all relevant questions and addressed all legitimate concerns. I hope that no further explanations will be necessary for you to make a final disposition of my application.

---

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On Wed, May 4, 2016 at 10:52 AM, Robin H. Riggins <[rhr@jsmf.com](mailto:rhr@jsmf.com)> wrote:

Dear Mr. Zeleny:

Pursuant to Mr. McClure's request, please find attached his letter to you of today's date concerning the above-mentioned matter.

Thank you for your attention to this matter.

Sincerely,

Robin Riggins

Secretary to

William L. McClure, Esq.

Jorgenson, Siegel, McClure & Flegel, LLP

1100 Alma Street, Suite 210

Menlo Park, CA 94025

Tel. 650/ 324-9300

Fax. 650/ 324-0227

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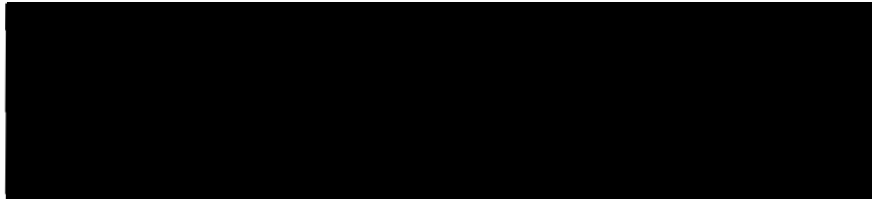
Live traffic ▼

Fast



**Nicolas A. Flegel**

---



**From:** Robin H. Riggins  
**Sent:** Wednesday, May 04, 2016 10:53 AM  
**To:** 'michael@massmeans.com' <michael@massmeans.com>  
**Cc:** William L. McClure <wlm@jsmf.com>  
**Subject:** MP/ Zeleny Permit

Dear Mr. Zeleny:

Pursuant to Mr. McClure's request, please find attached his letter to you of today's date concerning the above-mentioned matter.  
Thank you for your attention to this matter.

Sincerely,

Robin Riggins  
Secretary to  
William L. McClure, Esq.

Jorgenson, Siegel, McClure & Flegel, LLP  
1100 Alma Street, Suite 210  
Menlo Park, CA 94025

Tel. 650/ 324-9300  
Fax. 650/ 324-0227



OFFICE OF THE CITY ATTORNEY

1100 ALMA STREET / MENLO PARK, CA 94025 / 650.324.9300 / FAX 650.324.0227

May 4, 2016

**VIA EMAIL: michael@massmeans.com**  
**AND U.S. MAIL**

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA 90046

Re: Appeal of Denial of Special Event Permit Application

Dear Mr. Zeleny:

The City of Menlo Park ("City") is in receipt of your email dated April 15, 2016. Your email indicates that you are lodging an appeal of the denial of your special event permit application. The original special event permit application was submitted on July 10, 2015, to which the City formally responded by letter dated September 21, 2015. In that letter, I indicated that your application was being denied as it was incomplete and did not meet the criteria of a special event.

Your email of April 15, 2016, outlines several modifications and provides additional information to supplement your original application, and therefore, the City is treating it as a revised application rather than an appeal. The April 16<sup>th</sup> email includes a Google map with a red box showing the proposed location of the event. The email also indicates that you no longer intend to film a documentary, but instead will put on an "entertainment event" in which you will be live-streaming a video showing the reaction of individuals who drive by your protest. Lastly, the revised application indicates in the "Event Narrative" that you "shall be present on site around the clock, equipped with fully operational, exposed and loaded firearms, in full compliance with all applicable laws."

Based on a review of your revised application, the City is denying your application on the basis that it is incomplete and it does not meet the criteria of a special event. With respect to the revised application still being incomplete, the application fails to describe how you intend to set up your presentation so that the City can analyze whether traffic control will be necessary or what other conditions might be necessary as part of the approval of the application, nor does it specify the hours/length of the event. For example, there is no indication where you intend to place your tent, generator, video presentation, portable rest room,

Michael Zeleny  
May 4, 2016 - Page 2

temporary lighting, sound system, etc. The revised application is deficient in that the City needs substantially more detail in order to analyze the potential for your event distracting drivers, including the volume of sound you intend to make, the brightness of your projector, location and size of items you intend to place on the median strip, and how you intend to transport your set-up to the location (to determine compliance with the Vehicle Code).

Also, the revised application still does not propose an event that requires a special event permit. The application does not propose an event that is open to the community at large to participate in (it describes a one man protest). With the essential element of community participation, a special event permit is not necessary; protests do not require special events permits.

I also want to raise three concerns regarding the proposed event:

1. The proposed event has no defined term (your email indicates an event of "indefinite" duration). Given the presence of guns and the display of a pornographic image at along a major high-speed roadway, the City would need to staff the event with police and traffic supervision. However, the City does not have staff to monitor an event that could last days, weeks or months.

2. You are proposing to illegally open-carry weapons. It is illegal to open-carry an unloaded or loaded weapon in California. You are citing to the movie/entertainment exception, but that exception does not allow for the open-carrying of *loaded* weapons or weapons "adjoined by ample supplies of ammunition." Penal Code §16840 provides that a firearm shall be deemed to be "loaded" whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person. Lastly, a practical reading of the entertainment exception would require the Department of Justice or the Menlo Park Police Department to authorize your event.

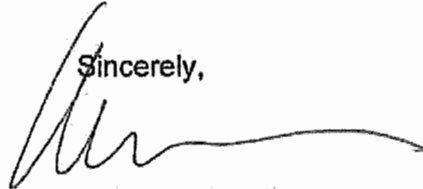
3. We have serious concerns regarding the proposed location of the event and will likely prohibit locating an event as generally described in your email and attachments in the median area of Sand Hill Road as it would be a traffic and safety hazard – regardless of how the event is characterized.

While it is clear that this is not a "special event," if you wish to appeal this denial, please provide written notice to Community Services Director Cherise Brandell (and copied to the undersigned.) Ms. Brandell's contact information is as

Michael Zeleny  
May 4, 2016 - Page 3

follows: Email ([cebrandell@menlopark.org](mailto:cebrandell@menlopark.org)) and telephone (650) 330-6618. Alternatively, you may provide additional detail to respond to the above-outlined issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. McClure', with a long horizontal flourish extending to the right.

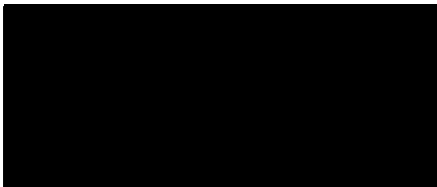
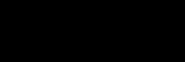
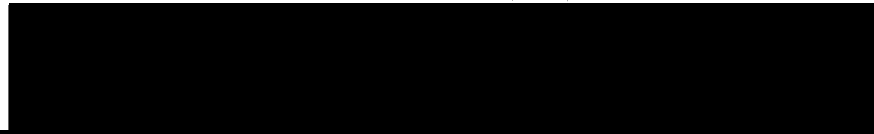
William L. McClure  
City Attorney

WLM:rr

cc: Via email only  
Dave Bertini, Commander  
Cherise Brandell  
Matt Milde

**Nicolas A. Flegel**

---



**From:** Michael Zeleny [mailto:michael@massmeans.com]  
**Sent:** Friday, April 15, 2016 1:35 PM  
**To:** McClure, William; Cindy S. Elmquist; Bertini, David C; Milde, Matt L  
**Cc:** Scott Sandell; Subrah Iyar; Dick Kramlich; David W. Affeld; Dan Primack; Louis Citron; Forest Baskett; Brooke Seawell; Peter Sonsini; Robert Garland; Jake Nunn; Sigrid Van Bladel; Hawk, Robert B.; Arno Penzias  
**Subject:** Re: Menlo Park Special Event Permit

"William L. McClure" <wlm@jsmf.com>,  
"Cindy S. Elmquist" <cse@jsmf.com>  
Jorgenson, Siegel, McClure & Flegel, LLP  
1100 Alma Street, Suite 210  
Menlo Park, CA 94025  
650-324-9300 Phone  
650-324-0227 Fax

"David C. Bertini" <dcbertini@menlopark.org>,  
"Matt L. Milde" <mlmilde@menlopark.org>,  
The City of Menlo Park  
701 Laurel St.  
Menlo Park, CA 94025  
650-330-6600

Dear Mr McClure,

I am lodging herewith an appeal of your denial of my application for a special event permit, by outlining its purpose and scope and responding to all of your objections in order.

I have been protesting NEA's ongoing support of its venture partner Min Zhu and its coverup of his incestuous child rape since 2004. In the course of the ensuing litigation and subject to demands by Menlo Park city authorities, I have been forced to relocate my protests from the immediate vicinity of NEA's headquarters, to the narrow strip of public grounds surrounding the 16 private acres of the Rosewood Sand Hill compound located at 2825 Sand Hill Rd, Menlo Park, CA 94025. The median strip identified in his current application affords the only possible location for staging my protest in clear view of the NEA headquarters. My open display of firearms is germane to the message that responds to the death threats made against me and my family in the names and on the behalves of individuals and business entities sponsored and supported by NEA. The continual and open-ended nature of my protest responds to NEA's long-standing refusal to account for its responsibility in supporting and covering up the lawless conduct of its associates.

As to your claim that my application is incomplete, attached please find a map of the area in question, which clearly designates the specific and modest boundaries of my special event. That is all that the City of Menlo Park ("the City") can reasonably expect and require to analyze whether traffic control will be necessary or what other conditions might be necessary as part of its approval of my application. As suggested before, and witnessed by my past appearances in your jurisdiction, my use of sound and lighting equipment is subject to our ongoing mutual agreement on their time, place, and manner parameters. If you have any specific requests in this regard, please make them with no further ado, bearing in mind that all restrictions on my expressive conduct must be (1) content-neutral, (2) narrowly tailored to serve a significant government interest, and (3) leave open ample alternative channels for communication. (See *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983).) As resolved as I am to see my task through, I remain open to all reasonable accommodations.

While the First Amendment "does not guarantee the right to communicate one's views at all times and places or in any manner that may be desired" (*Heffron v. Int'l Soc'y for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981)), it protects the right of every citizen to "reach the minds of willing listeners [and] to do so, there must be opportunity to win their attention." (*Hill v. Colorado*, 530 U.S. 703 (2000).) My presence on NEA's grounds has been ruled out as a part of settling its trespass claims against me five years ago. The currently proposed location of my performance therefore represents my only remaining opportunity to address directly the public associated or connected with it. Please bear in mind the foregoing authorities in your attempts to deny me my right to speak in this way and venue.

With respect to the application not meeting the criteria for a special event, the City lacks the authority to define a special event subject to its permitting requirements, beyond ensuring that it does not disrupt the ordinary use of its public spaces. It is true that I am proposing a media production of a one-man protest. My primary aim, however, is to exhibit my media to the thousands of daily passerby on Sand Hill Road, even as I stream their reactions online. My communication needs to be both physically proximate for them, and available over the Internet for more distant audiences. This project falls squarely within the ambit of Constitutional protection of political speech. My production is no less deserving of such protection for being modestly scaled. Thus *Branzburg v. Hayes*, 408 U.S. 665, 704 (1972): "Liberty of the press is the right of the lonely pamphleteer who uses carbon paper or a mimeograph just as much as of the large metropolitan publisher who utilizes the latest photocomposition methods."

While the First Amendment literally forbids the abridgment only of "speech", the Supreme Court has long recognized that its protection does not end at the spoken or written word, even as it acknowledged that not all conduct intended by the person engaging therein to express an idea is so protected. (See *United States v. O'Brien*, 391 U.S. 367 (1968).) For such conduct may be "sufficiently imbued with elements of communication to fall within the scope of the First and Fourteenth Amendments". (See *Spence v. Washington*, 418 U.S. 405 (1974).) "In deciding whether particular conduct possesses sufficient communicative elements to bring the First Amendment into play, we have asked whether [a]n intent to convey a particularized message was present, and [whether] the likelihood was great that the message would be understood by those who viewed it." (See *Texas v. Johnson*, 491 U.S. 397 (1989).) In sum, according to the Supreme Court's test for expressive conduct, known as the Spence-Johnson test, an action is protected by the First Amendment if: (1) the speaker-actor intends for the conduct to express a particularized message; and (2) that message would be understood by others. In the course of reaffirming the Spence-Johnson test in *Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston*, 515 U.S. 557 (1995), the Supreme Court ruled that "a narrow, succinctly articulable message is not a condition of constitutional protection, which if confined to expressions conveying a 'particularized message,' [...] would never reach the unquestionably shielded painting of Jackson Pollock, music of Arnold Schönberg, or Jabberwocky verse of Lewis Carroll." In the course of my protest, the expressive content of openly carried firearms presented as a means of defense both warranted and necessitated by my circumstances, will be bolstered by the concurrent multimedia presentation of the evidence of threats I received in the names and on the behalves of NEA's associates, the damage that they claim to have inflicted on my family, and their history of unlawful violence. Your study of my past displays should suffice to reassure you that my painstakingly particularized message will be infinitely easier to parse than The She-Wolf, Pierrot Lunaire, or Jabberwocky.

This brings me to the matter of my venue. Streets and sidewalks are "prototypical" examples of public fora, and have immemorially been considered a rightful place for public discourse. (See *Hague v. C.I.O.*, 307 U.S. 496 (1939).) Public fora "have achieved a special status in our law", for they "represent areas within which tolerance for inhibitions on speech, petition, and assembly is at a minimum." The government therefore "bear[s] an extraordinarily heavy burden to regulate speech in such locales." (See *N.A.A.C.P. v. City of Richmond*, 743 F.2d 1346 (9th Cir. 1984).) "And just as streets and sidewalks are

prototypical examples of public fora, political speech related to current events is the prototypical example of protected speech.” (See *American-Arab Anti-Discrimination Committee v. City of Dearborn* (“AAADC”), 418 F.3d 600 (6th Cir. 2005).) In the matter at hand, the current event at issue is NEA’s ongoing financial support of its child-raping protégé Min Zhu. As long as I do not “realistically present serious traffic, safety, and competing-use concerns beyond those presented on a daily basis by ordinary use of the streets and sidewalks,” you cannot require me to obtain a permit for exercising my Constitutional rights, let alone deny its issuance. (See *Santa Monica Food Not Bombs v. City of Santa Monica* (“SMFNB”), 450 F.3d 1022 (9th Cir. 2006).) Moreover, I generally do not need a permit to hold a rally or a march on public grounds while obeying traffic laws. (See SMFNB, 450 F.3d at 1039, 1040-43; AAADC, 418 F.3d at 608.) Thus I am asking for nothing more nor less than your approval of my rightful, conspicuous presence on public grounds in full compliance with all applicable laws.

As to my compliance with traffic laws, to repeat myself, I do not intend use any City street or right of way. The California Vehicle Code Section 525 defines the right of way as “the privilege of the immediate use of the highway”. In this regard, the right of way in the median island, where I intend to conduct my performance, is ordinarily reserved for pedestrians alone. The small part of the median island that I intend to occupy will leave plenty of room for the passage of vehicles in any emergency, e.g. as regards tow trucks allowed to do so pursuant to CVC Section 21719. I do not intend to present any visual impairment to oncoming traffic and vehicles traveling on Sand Hill Road. As to presenting a visual distraction, I am well within my First Amendment rights to do so in a rightful place for public discourse, within which tolerance for your inhibitions on speech, petition, and assembly is at a minimum.

To clarify the nature of the proposed multimedia production in the context of my one-man protest, I am not intending it for the filming of a movie, and therefore you may not require me to obtain a film production permit. Kindly recall that I have borne the brunt of abusive and oppressive conduct by the City of Menlo Park Police Department (“the police”) since the inception of my protests a decade ago. This abuse and oppression included, without limitation, illegal surveillance and harassment of myself and my associates, arbitrary imposition of constraints on our performance, and participation in my malicious prosecution in San Mateo Superior Court, wherein the prosecutor expressly and unequivocally acknowledged on court record that she was seeking my criminal conviction on behalf of NEA. Accordingly, I would not dare to appear in your jurisdiction without recording each of my interactions with your minions, for my security and theirs alike. And I have every right to make this recording without asking or paying for your permission.

As explained by Evan Bernick and Paul Larkin in “Filming the Watchmen: Why the First Amendment Protects Your Right to Film the Police in Public Places”, lower federal courts have generally said that the First Amendment protects a right to record and photograph law enforcement in public view. Some restrictions may be constitutional, but simply prohibiting the recording because the person is recording the police cannot be constitutional. While the Supreme Court is yet to consider this question, such is the general view in the federal appellate decisions that have done so. An apparent exception is a recent federal trial court decision in *Fields v. City of Philadelphia* and *Geraci v. City of Philadelphia*, which takes a different, narrower approach: There is no constitutional right to videorecord police, the court says, when the act of recording is unaccompanied by “challenge or criticism” of the police conduct. But even under this restrictive standard, I remain well within my rights to videorecord at will, without warning, and regardless of permission, all my public performances in your jurisdiction, for the sake of safety and transparency. In light of the history of my peaceful protests being subjected to oppressive scrutiny and censure by the City authorities, I am planning to exercise my rights under the First Amendment to film my appearances there, for the express purpose of mounting a potential challenge and criticism of the police conduct in the event of further obstructions mounted by Menlo Park. According to *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969) the discretion of public officials charged with permitting First Amendment activity must be limited by “narrow, objective, and definite standards.” It therefore falls upon the City to identify such standards that deny my rights or subject them to permitting requirements.

Lastly, your concern is that it is illegal to open carry a firearm in the State of California is likewise misdirected. It is none of your business to seek or scrutinize any logical nexus or legitimate purpose of carrying a firearm the proposed event. I am well within my rights in carrying a firearm, either openly or concealed, in the course of an entertainment event, as its authorized participant, as protected by the Constitution of the United States, and clearly warranted by law in the state of California.

Thus California Penal Code Section 25400 (a) (2): “A person is guilty of carrying a concealed firearm when the person does any of the following: [...] Carries concealed upon the person any pistol, revolver, or other firearm capable of being concealed upon the person.” Whereas P.C. Section 25510 qualifies this ban: “Section 25400 does not apply to, or affect, any of the following: (a) The possession of a firearm by an authorized participant in a motion picture, television, or video production, or an entertainment event, when the participant lawfully uses the firearm as part of that production or event, or while going directly to, or coming directly from, that production or event. (b) The transportation of a firearm by an authorized employee or agent of a supplier of

firearms when going directly to, or coming directly from, a motion picture, television, or video production, or an entertainment event, for the purpose of providing that firearm to an authorized participant to lawfully use as a part of that production or event." Please be assured that I intend to authorize myself as a participant in my own entertainment event.

A similar exemption applies to the ban on the open carrying of an unloaded handgun. Thus P.C. Section 26350 (a) (1): "A person is guilty of openly carrying an unloaded handgun when that person carries upon his or her person an exposed and unloaded handgun outside a vehicle while in or on any of the following: (A) A public place or public street in an incorporated city or city and county." Whereas P.C. Section 26375 qualifies this ban: "Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by an authorized participant in, or an authorized employee or agent of a supplier of firearms for, a motion picture, television or video production, or entertainment event, when the participant lawfully uses the handgun as part of that production or event, as part of rehearsing or practicing for participation in that production or event, or while the participant or authorized employee or agent is at that production or event, or rehearsal or practice for that production or event."

Similar exemptions apply to long guns. Thus P.C. Section 26400 (a): "A person is guilty of carrying an unloaded firearm that is not a handgun in an incorporated city or city and county when that person carries upon his or her person an unloaded firearm that is not a handgun outside a vehicle while in the incorporated city or city and county." Whereas P.C. Section 26405 qualifies this ban: "Section 26400 does not apply to, or affect, the carrying of an unloaded firearm that is not a handgun in any of the following circumstances: [...] (r) By an authorized participant in, or an authorized employee or agent of a supplier of firearms for, a motion picture, television or video production, or entertainment event, when the participant lawfully uses that firearm as part of that production or event, as part of rehearsing or practicing for participation in that production or event, or while the participant or authorized employee or agent is at that production or event, or rehearsal or practice for that production or event." In short, conspicuous display of otherwise legally possessed unloaded firearms in the course of my entertainment event is my Constitutional right under the First Amendment, expressly protected by California statutes. In the event, these firearms will include, without limitation, a pair of H&K P7M13 handguns, an LRB M25 designated marksman rifle, a Winchester M97 trench shotgun with an M1917 Remington bayonet, and a semiautomatic, belt-fed, tripod mounted Browning M1919a4, all conspicuously adjoined by ample supplies of ammunition.

I trust that I have met your concerns over the completeness of my application. Please acknowledge the receipt of this email and approve my application at your earliest convenience. To repeat myself, we are equally willing to negotiate or litigate. Please refer to *Lefemine v. Widoman*, 568 U.S. \_\_\_\_ (2012), which held that a plaintiff who secured a permanent injunction but no monetary damages was a "prevailing party" under 42 U.S.C. § 1988 and could receive attorney fees, where the injunction ordered the defendant officials to change their behavior in a way that directly benefited the plaintiff, who could thereafter engage in demonstrations without fear of sanctions with which police had previously threatened him. As public officials, NEA's minions among your City colleagues enjoy qualified immunity from damages suits if they violate my rights, but only as long as they do not violate "clearly established" law. "If the law was clearly established, the immunity defense ordinarily should fail, since a reasonably competent public official should know the law governing his conduct." (See *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).) In short, your personal liability will be richly borne out by the foregoing statutes and case law. The last issue that remains to be litigated conclusively is the expressive content of openly carried firearms. In this connection, please refer to *Nordyke v. King*, 563 F. 3d 439 (9th Cir. 2009), wherein the state of California tacitly conceded the issue even before the Supreme Court incorporated the Second Amendment in *McDonald v. Chicago*, 561 U.S. 742 (2010). Long story short, if you continue siding with NEA's minions, I will win at the City's certain and considerable expense.

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[Michael@massmeans.com](mailto:Michael@massmeans.com) | [Zelenvi@post.harvard.edu](mailto:Zelenvi@post.harvard.edu) | [larvatus.livejournal.com](http://larvatus.livejournal.com) | [subrah.com](http://subrah.com)  
7576 Willow Glen Rd, Los Angeles, CA 90046, U.S.A. | voice:323.363.1860 | fax:323.410.2373  
**Wronged by the high and mighty? Cut them down to size with legally safe and ethically sound degradation of unworthy moguls and scrofulous celebrities.**

On Mon, Sep 21, 2015 at 2:12 PM, Cindy S. Elmquist <[csc@jsmf.com](mailto:csc@jsmf.com)> wrote:

- >
- > Bill McClure requested I forward to you the attached letter with enclosure thereto.
- >
- >
- >
- > Cindy S. Elmquist, Assistant to William L. McClure



- >
- > Jorgenson, Siegel, McClure & Flegel, LLP
- >
- > 1100 Alma Street, Suite 210
- >
- > Menlo Park, CA 94025
- >
- > (650) 324-9300 Phone
- >
- > (650) 324-0227 Fax
- >
- >
- >
- >



Sharon Heights  
Golf Pro Shop

■ Robert Half International

■ Menlo Ventures

■ Sequoia Capital

■ Kleiner Perki  
Caufield Bye

■ Kohlberg Kravis  
Roberts & Co

Sand Hill Rd

Sand Hill Rd

Sand Hill Rd

Sand Hill Rd

Sand Hill Rd

■ Andreessen Horowitz

■ New Enterprise  
Associates

■ Madera

■ Alex Chases Salon

24

280

280

Junipero Serra Fwy

Junipero Serra Fwy

Live traffic ▾

Fast



Slow



OFFICE OF THE CITY ATTORNEY

1100 ALMA STREET / MENLO PARK, CA 94025 / 650.324.9300 / FAX 650.324.0227

September 21, 2015

**VIA EMAIL: michael@massmeans.com**

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA 90046

Re: Special Event Permit

Dear Mr. Zeleny:

The City of Menlo Park ("City") is in receipt of your special event permit application submitted on July 10, 2015, to maintain a portable media presentation at the location of "2825 Sand Hill Rd, Menlo Park, CA 94025, at the median strip, per the attached." At this time the City is denying your application on the basis that it is incomplete and does not meet the criteria of a special event.

With respect to the application being incomplete, on July 24, 2015, I previously notified you by email that the application did not include an attachment indicating the specific location of the presentation/event, and requested additional information regarding your use of sound and lighting equipment. You responded by email on July 28, 2015, stating that you would be videotaping your presentation as part of a feature documentary and entertainment event. You again responded that the event will occur in the "median strip" and indicated the location to be the strip "directly across NEA headquarters," but you declined to provide any more detail at the time. The problem is that your application still does not indicate the exact location of the proposed event and how the presentation will be set up so that the City can analyze whether traffic control will be necessary or what other conditions might be necessary as part of the approval of the application nor the hours/length of the event. For example, there is no indication where you intend to place your tent, generator, video presentation, portable rest room, temporary lighting, sound system, etc. Further, you have stated there is no end time for the event and that the total hours are "indefinite."

With respect to the application not meeting the criteria for a special event, what you have set forth in your application is not an event that meets the City's definition of a special event. For example, the proposed event application states that it will not exceed 150 people, use any City street or right of way (even though the

Michael Zeleny  
September 21, 2015 - Page 2

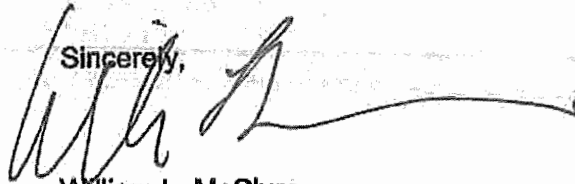
median is part of the right of way), require lane closures, require parking needs, generate a crowd of spectators, nor does it state that this is a community type event. To the contrary, you are proposing a "media production" of a one-man protest. If what you are actually intending is the filming of a movie, then the City has an application process, for which a film production permit is required. A copy of the City's "Film Production in Menlo Park" document is attached for your review.

Lastly, the City is concerned that what you are proposing to perform in the median strip between opposing lanes of traffic would be a violation of the Vehicle Code if it causes a visual impairment or visual distraction to oncoming traffic and vehicles traveling on Sand Hill Road. It would also likely be a safety hazard/danger to drivers on Sand Hill Road due to the rate of speed on the roadway and the proximity to Interstate 280. The median strip is too narrow to accommodate the film project as you have described in the application. Another concern is that it is illegal to open carry a firearm in the State of California. As you've described the proposed event, there does not appear to be any logical nexus or legitimate purpose of carrying a firearm.

Inasmuch as your application is incomplete and does not meet the definition of a special event, your application for a special event permit is denied.

If you wish to appeal this denial of your application, you must appeal the denial to the City's Special Event Permit Committee. I would ask that you notify me and Community Services Director Matt Milde at [milmilde@menlopark.org](mailto:milmilde@menlopark.org) if you wish to seek an appeal.

Sincerely,



William L. McClure,  
City Attorney

WLM:rr

Enclosure

cc: Via email only  
Dave Bertini, Commander  
Matt Milde

### **Film Production in Menlo Park**

Film production in the City of Menlo Park must comply with following conditions:

1. Permittee shall submit in writing all pertinent details regarding the filming including the date(s) and times of the filming including time needed for set-up and take down; a description of the nature of the filming; the location of the filming; a list of all equipment involved in the filming, including cars and other vehicles; the proposed location for the parking and storage of all such vehicles and equipment; the number of cast and crew members involved in the filming; and an indication of any special needs, such as amplified noise, etc. If granted, the permit's approval will be confined to such activities, locations and time schedules as submitted and approved.
2. Three days prior to the beginning of filming, permittee shall provide written notice to residents and businesses within 200 feet of the proposed filming.
3. Permittee shall obey all City Ordinances, rules and the guidance of City supervisory employees pertaining to the use of City property, including the location, parking and storage of vehicles and equipment, crowd and traffic control, and the restoration of premises to their original condition after use for filming purposes.
4. Permittee will comply with the City of Menlo Park noise ordinance. Filming will be limited to the hours between 8:00 a.m. and 6:00 p.m. and will result in low to no noise levels. The use of any explosive, fireworks, or pyrotechnic devices is strictly prohibited.
5. Permittee shall make arrangements for traffic control satisfactory to the Menlo Park Police Department prior to filming on City streets and in other public areas. Permittee will be charged to recover the cost of traffic control provided by the City. Permittee will legally park vehicles and will not require street closure or traffic control other than what is approved.
6. Permittee shall covenant and agree to indemnify and hold harmless the City from any and all loss, cost, damages and expenses of any kind, including attorney fees, on account of personal injury or property damage resulting from any activity of Permittee on municipal property or in connection with its use of municipal property.
7. Liability insurance in no way limits the indemnity agreement above, Permittee will furnish the City a Certificate of Liability Insurance acceptable to its Risk Management office showing combined single limit coverage for bodily injury and property damage, or the equivalent of such coverage, not less than \$1 million. The City, including its officials, employees and agents, shall be named as additional insured in the Liability Policy. Contractual liability coverage insuring the obligations of this Agreement is also required. The insurance may not be canceled or substantially modified without ten (10) days written notice to the City Manager's Office.

8. Permittee shall pay, with a valid check, money order, credit card or cashier's check, a **filming permit application fee of \$150.00 in addition to the daily permit fees of \$50 per day for still photography and short subject, \$100 per day for industrials, and \$150 per day for features, TV, music videos and commercials.**
9. Permittee shall apply for a one-time Business License and pay, with a valid check, money order, credit card or cashiers check. See **Guide to Annual Business Licensee Fee Calculation** for the fee schedule.
10. Permittee will adhere to the provisions and conditions set forth in the permit. If Menlo Park Police Department or other City personnel are required to correct, mitigate, or provide any service not consented to under this permit, permittee will be required to pay for all services rendered. Payment shall be made in the form of *a valid check, money order, credit card or cashiers check* immediately upon demand made by the City.

**PROJECT ADDRESS:** \_\_\_\_\_

Read and agreed on:

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name

**Nicolas A. Flegel**

---


-----Original Message-----

**From:** Bertini, David C [[dcbertini@menlopark.org](mailto:dcbertini@menlopark.org)]

**Sent:** Thursday, August 27, 2015 09:36 AM Pacific Standard Time

**To:** David Tresmontan; jimmy.mazon@rosewoodhotels.com; tsanchez@smcgov.org; Steve Wagstaffe; William L. McClure; jdixon@a16z.com; Gabor Vida; Alan Campey

**Cc:** Dixon, William A; Jonsen, Robert; Greg Munks ([gmunks@co.sanmateo.ca.us](mailto:gmunks@co.sanmateo.ca.us)); Al Serrato

**Subject:** RE: Special Event Permit Application

Good morning all.

I would like to set a meeting to discuss Mr. Zeleny next Wednesday, September 2 at 9:00 a.m. at the Menlo Park Police Department.

If you could let me know who from your organization or agency will be able to attend on that date.

Let me know if you have any questions.

Thanks.

Commander Dave Bertini  
Menlo Park Police Department  
701 Laurel Street  
Menlo Park, CA. 94025  
650.330.6321

---

**From:** Bertini, David C

**Sent:** Tuesday, July 21, 2015 6:14 PM

**To:** 'David Tresmontan'; jimmy.mazon@rosewoodhotels.com'; 'tsanchez@smcgov.org'; Steve Wagstaffe; McClure, William (wlm@jsmf.com)

**Cc:** Dixon, William A; Jonsen, Robert (RJonsen@menlopark.org); Greg Munks ([gmunks@co.sanmateo.ca.us](mailto:gmunks@co.sanmateo.ca.us))

**Subject:** RE: Special Event Permit Application  
**Importance:** High

Good afternoon all.

As you are aware, Michael Zeleny has submitted an application for a "special event" to be held somewhere in front of the Rosewood Hotel / NEA Property located at 2825 Sand Hill Road in Menlo Park. This "special event" would consist of a very similar protest he has conducted in the past, including carrying several unloaded military type firearms, along with a 55" display with sexually explicit caricatures, portable lighting and a generator. The application indicates a set up date of 9-30-15, with the event to be "ongoing" and "indefinite".

Although we intend to deny this application on several grounds (predominately that this is not a "special event" as defined by the City), we are in the process of requesting more information from him on the exact location he was intending as it was not clear on his application. Once we have gone through the formal information gathering process, we will notify him of our decision on his application.

In the meantime, I will be clearing up several legal issues with the District Attorney's Office and then scheduling a meeting with the entities involved (NEA, Rosewood Hotel, Menlo Park Police and City Attorney's Office, SMCO Sheriff's Office and the District Attorney's Office). At this meeting we can discuss our combined response in case Zeleny decides to proceed without a permit.

If those interested in attending can please check their availability the week of August 17<sup>th</sup> or the week of August 24<sup>th</sup>, I will set up a meeting to discuss our response to any possible action by Zeleny.

Feel free to contact me if you have any questions.

Thanks.

Commander Dave Bertini  
Menlo Park Police Department  
701 Laurel Street  
Menlo Park, CA. 94025  
650.330.6321

**From:** [larvatus@gmail.com](mailto:larvatus@gmail.com) [<mailto:larvatus@gmail.com>] **On Behalf Of** Michael Zeleny  
**Sent:** Friday, July 10, 2015 11:05 AM  
**To:** McClure, William; Scott Sandell; Milde, Matt L; Police Chief  
**Cc:** David W. Affeld; Peter Shimamoto  
**Subject:** Special Event Permit Application

Michael Zeleny  
[michael@massmeans.com](mailto:michael@massmeans.com)  
[zeleny@post.harvard.edu](mailto:zeleny@post.harvard.edu)  
7576 Willow Glen Road, Los Angeles, CA 90046  
voice:[323.363.1860](tel:323.363.1860)  
fax:[323.410.2373](tel:323.410.2373)

City of Menlo Park  
Matt Milde  
Recreation Program Coordinator



mlmilde@menlopark.org  
701 Laurel Street  
Menlo Park, CA 94025  
voice:650.330.2223  
fax:650.330.2242

By email, fax, and postal mail.

Starting in October 2015, we shall maintain a portable multimedia presentation illustrating ongoing corporate support of New Enterprise Associates (NEA) for incestuous child rapist Min Zhu, and continuing until NEA publicly acknowledges its wrongdoing and severs its relationship with Min Zhu, Scott Sandell, and Dick Kramlich. I shall be present on site around the clock, served by support staff and equipped with fully operational, exposed and unloaded military grade firearms and loaded ammunition feeding devices therefor, including without limitation, a 9mm Para semiautomatic SIG P210 pistol, and a 7.65x51mm NATO semiautomatic LRB M25 rifle and tripod-mounted belt-fed Browning M1919a4, in full compliance with all applicable laws. A 55" portable media display powered by a portable gas generator will display videos featuring explicit representations of sexual violence committed by NEA's publicly disgraced protégé. A sample image can be found at <http://larvatus.livejournal.com/371973.html>. All media aspects of this event will be subject to content-neutral regulation negotiated with Menlo Park authorities. My fundamental rights under the First and Second Amendments of the Constitution of the United States are reserved and non-negotiable.

A site map can be found at <https://www.google.com/maps/@37.4197308,-122.2137188,17z/>. My display will be confined to the median strip on Sand Hill Road directly across the NEA headquarters. No obstruction of automotive or foot traffic will take place. Please contact me to arrange for the payment of the special event fee and discuss any organizational matters. Please address all legal inquiries and requests to David W. Affeld, Affeld Grivakes Zucker LLP, 2049 Century Park East, Suite 2460, Los Angeles, CA 90067, voice:310.979.8700, fax:310.979.8701.

cc:

Bill McClure  
Menlo Park City Attorney  
wlm@jsmf.comvoice:650-330-6610  
Jorgenson, Siegel, McClure & Flegel, LLP  
1100 Alma Street, Suite 210  
Menlo Park, CA 94025  
voice:650.324.9300  
fax:650.324.0227

Robert Jonsen  
Menlo Park Police Chief  
policechief@menlopark.org  
701 Laurel St.  
Menlo Park, CA 94025  
voice:650.330.6600

Scott Sandell  
New Enterprise Associates  
ssandell@nea.com  
2855 Sand Hill Road

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United States  
voice:650.854.9499  
fax:650.854.9397

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Michael@massmeans.com | Zeleny@post.harvard.edu | 7576 Willow Glen Road, Los Angeles, CA 90046 |  
voice:323.363.1860 | fax:323.410.2373  
http://larvatus.livejournal.com | "All of old. Nothing else ever. Ever tried. Ever failed. No matter. Try again.  
Fail again. Fail better." — Samuel Beckett



Michael Zeleny <larvatus@gmail.com>

## Special Event Permit Application

Michael Zeleny <zeleny@post.harvard.edu>

Tue, Jul 28, 2015 at 12:57 AM

To: "William L. McClure" <wlm@jsmf.com>

Cc: "David W. Affeld" <dwa@agzlaw.com>, Peter Shimamoto <ps@agzlaw.com>, Scott Sandell <ssandell@nea.com>, Matt Milde <mlmilde@menlopark.org>, "Bertini, David C" <dcbertini@menlopark.org>, "Ortega, Matthew K" <mkortega@menlopark.org>, "Robert (Bob) Jonsen (rjonsen@menlopark.org)" <rjonsen@menlopark.org>

Bcc: Paul Mitchell <pmitchell@chyrat.com>

Dear Mr McClure,

Thank you for your response. I am hoping we can continue this conversation in a constructive and conclusive fashion. As a reminder to your clients and colleagues, I am publicizing and protesting death threats against me and my family, received in the course of a business dispute with, and in the names and on behalves of, WebEx Communications its daughter-rape co-founder Min Zhu. These threats were implicitly endorsed and expressly ratified after the fact by their erstwhile board members and ongoing investors, New Enterprise Associates (NEA). The object of my exercise is to educate and entertain, combining remedial instruction of NEA personnel and associates in business ethics with amusing exposure of its ongoing breach to the passerby. All onsite interactions will be subject to audiovisual recording, live webcast, and eventual incorporation into a feature documentary. You may think of this project as an application of disruptive technology to venture capitalist business as usual. Please note its nature of a video production in the course of an entertainment event, which give rise to clearly established statutory exemptions from California law regulating the possession of firearms in public.

To answer specific questions:

1. As stated, my display will be confined to the median strip on Sand Hill Road directly across the NEA headquarters. I assure you that it will be bounded with a safe margin for automotive and foot traffic and no obstructive or threatening acts or displays of any kind will take place. Beyond that, I do not believe that you can require me to lay out my location and its dimensions down to the last inch. In this, and many other matters to follow, reasonable men can disagree. Any and all residual disagreement between us will be subject to an application for declaratory relief in the United States District Court for the Northern District of California.
2. As stated, I intend to occupy the site of my performance around the clock until NEA publicly acknowledges its wrongdoing and severs all its relations with Min Zhu, Scott Sandell, and Dick Kramlich. As to the lighting and audiovisual display parameters, I will accommodate any reasonable restrictions you and your colleagues put forth as the authors of Menlo Park regulations, ostensibly constructed for my benefit in the course of previous litigation. It would be unproductive of me to second-guess you in this matter, and you, to demand the minute details of my proposal only to deter it with *ad hoc* obstacles. I specifically invite you to consider the matter of videos featuring explicit representations of sexual violence, in the context of their "serious literary, artistic, political, or scientific value" as per *Miller v. California*, 413 U.S. 15 (1973). If you are unable to determine this value by consulting NEA, we shall gladly establish it through testimony to be elicited in the ensuing litigation. In this connection, please bear in mind *Terminiello v. City of Chicago*, 337 U.S. 1 (1949), wherein the United States Supreme Court held speech that "stirs the public to anger, invites dispute, brings about a condition of unrest, or creates a disturbance" to be protected under the First and Fourteenth Amendments to the United States Constitution.
3. Lastly, my assumption of full personal responsibility for the lawful defense of the site is meant to allay a concern expressed by Menlo Park Police on previous occasions, justifying its presence on site by positing that my firearms might come to be stolen from me in the course of my peaceful public protests. In this regard, please note that lawfully carrying a firearm does not constitute "reasonable suspicion" justifying a Terry stop. This applies in the context of California statutes that specifically allow the possession of a firearm "by an authorized participant in a motion picture, television, or video production, or an entertainment event, when the participant lawfully uses the firearm as part of that production or event, or while going directly to, or coming directly from, that production or event." In this regard, I expect you to

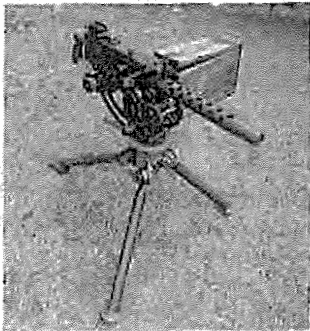
observe all legal constraints on police action. As per *Kolender v. Lawson*, 461 U.S. 352 (1983), "a person who is stopped on less than probable cause cannot be punished for failing to identify himself." Also see *Arizona v. Hicks*, 480 U.S. 321 (1987) ("Warrants only issue upon a showing of probable cause; thus, probable cause to believe an item in plain view is contraband or evidence of criminal activity must be required.") Please note that an anonymous tip that a person is carrying a gun is not sufficient to justify a police officer's stop and frisk of that person, even where descriptive detail regarding the subject has been corroborated. Thus in *Florida v. J.L.*, 529 U.S. 266 (2000), the United States Supreme Court declined to adopt the "firearms exception" to Terry's requirement of reasonable suspicion. Similarly, in *Pennsylvania v. D.M.*, 529 U.S. 1126 (2000), the Court ruled that an anonymous tip with a physical description and location that a person had a gun was not enough for reasonable suspicion, absent anything else to arouse the officer's suspicion. I bring all this to your attention in connection with adequate notice given herewith that my carrying of firearms is undertaken in the course and furtherance of a video production and an entertainment event, by an authorized participant therein. Attached please find a photo of a representative firearm to be displayed onsite.

I am hoping that the above will suffice to resolve the concerns that you voiced to date. In light of the legal complexity of this matter, I am giving you and your colleagues adequate lead time to come to a mutual accommodation.

---

Michael@massmeans.com | Zeleny@post.harvard.edu | 7576 Willow Glen Road, Los Angeles, CA 90046 |  
voice:323.363.1860 | fax:323.410.2373  
<http://larvatus.livejournal.com> | "All of old. Nothing else ever. Ever tried. Ever failed. No matter. Try again. Fail again. Fail better." — Samuel Beckett

On Fri, Jul 24, 2015 at 2:27 PM, William L. McClure <wlm@jsmf.com> wrote:  
[Quoted text hidden]



Browning M1919A4.jpg  
330K

# CITY OF MENLO PARK

## Special Event Application

701 Laurel Street, Menlo Park, CA 94025 Ph: 650-330-2223 Fax: 650-330-2242



Applicant Name: Michael Zeleny					
Organization Name: Mass Means, Inc.					
Name of Event: Child Rape Tools					
Address: 7576 Willow Glen Rd		City: Los Angeles		State: CA	Zip: 90046
Home Phone: 323-363-1860		Alternate Phone: none			
E-mail Address: zeleny@post.harvard.edu			Fax: 323-410-2373		
Estimated Attendance: drive-by only			Event open the public: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Number of Event Staff: 1			Number of Event Volunteers: 5		
Purpose of Event: Outing New Enterprise Associates as the corporate sponsors of incestuous child rapist Min Zhu.					
Location of Event (please be specific and attach map): 2825 Sand Hill Rd, Menlo Park, CA 94025, at the median strip, per the attached.					
Event Timeline	Day	Date	Start Time	End Time	Total Hours
<i>Set up/Preparation</i>	Wed	9/30/2015	9 a.m.	10 p.m.	13 hours
<i>Special Event</i>	Thu	10/1/2015	7 a.m.	ongoing	31 days
<i>Tear down/Clean up</i>					
Do you plan to use a City building or park? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Do you plan to use Private Property: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		If yes, do you have written approval from Private Property owner: Yes <input type="checkbox"/> No <input type="checkbox"/>	
City Facility Reservation Permit Included: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Pending <input type="checkbox"/>		If yes, provide address of location:			
Any City streets closed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Any sidewalks blocked? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Traffic Control Plan Included: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Name of streets:					
Renting barricades from City: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Park sprinklers turned off: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Amplified sound (i.e. Music, PA system): Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Time of use: 7 a.m. to 9 p.m.					
Temporary lighting: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Please describe: Portable spotlights focused on display.					
Charge for event: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> \$_____/person			Event is reoccurring more than annually?: Yes <input type="checkbox"/> No <input type="checkbox"/>		
Is this event a fundraiser: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Proof of 501c3: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Will alcohol be served: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			ABC Permit Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> Pending <input type="checkbox"/>		
Will you be selling alcohol: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Will food be served: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			I will apply for San Mateo County Temporary Event Food Permit: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Pending <input type="checkbox"/>		
Will you be selling food: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Selling any other items: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Describe:			Menlo Park Business License: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Will portable rest rooms be provided: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			No. of portable toilets <u>1</u> No. of ADA compliant portable toilets <u>0</u>		
Will you be using a tent, canopy, or other temporary structure? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			Please describe: Canopy to be erected at the median strip of Sand Hill		

# California Firearms Laws Summary



2016

California Department of Justice  
Kamala D. Harris  
Attorney General  
<http://oag.ca.gov>

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# California Firearms Laws Summary 2016

## INTRODUCTION

As the owner of a firearm, it is your responsibility to understand and comply with all federal, state and local laws regarding firearms ownership. Many of the laws described below pertain to the possession, use and storage of firearms in the home and merit careful review. The California Firearms Laws Summary 2016 provides a general summary of California laws that govern common possession and use of firearms by persons other than law enforcement officers or members of the armed forces. It is not designed to provide individual guidance for specific situations, nor does it address federal or local laws. The legality of any specific act of possession or use will ultimately be determined by applicable federal and state statutory and case law. Persons having specific questions are encouraged to seek legal advice from an attorney, or consult their local law enforcement agency, local prosecutor or law library. The California Department of Justice (DOJ) and all other public entities are immune from any liability arising from the drafting, publication, dissemination, or reliance upon this information.

## PERSONS INELIGIBLE TO POSSESS FIREARMS

The following persons are prohibited from possessing firearms (Pen. Code, §§ 29800-29825, 29900; Welf. & Inst. Code, §§ 8100, 8103):

### Lifetime Prohibitions

- Any person convicted of any felony or any offense enumerated in Penal Code section 29905.
- Any person convicted of an offense enumerated in Penal Code section 23515.
- Any person with two or more convictions for violating Penal Code section 417, subdivision (a)(2).
- Any person adjudicated to be a mentally disordered sex offender. (Welf. & Inst. Code, § 8103, subd. (a)(1).)
- Any person found by a court to be mentally incompetent to stand trial or not guilty by reason of insanity of any crime, unless the court has made a finding of restoration of competence or sanity. (Welf. & Inst. Code, § 8103, subs. (b)(1), (c)(1), and (d)(1).)



### **10-Year Prohibitions**

- Any person convicted of a misdemeanor violation of the following: Penal Code sections 71, 76, 136.5, 140, 148, subdivision (d), 171b, 171c, 171d, 186.28, 240, 241, 242, 243, 244.5, 245, 245.5, 246, 246.3, 247, 273.5, 273.6, 417, 417.1, 417.2, 417.6, 422, 626.9, 646.9, 830.95, subdivision (a), 17500, 17510, subdivision (a), 25300, 25800, 27510, 27590, subdivision (c), 30315, or 32625, and Welfare and Institutions Code sections 871.5, 1001.5, 8100, 8101, or 8103.

### **5-Year Prohibitions**

- Any person taken into custody as a danger to self or others, assessed, and admitted to a mental health facility under Welfare and Institutions Code sections 5150, 5151, 5152; or certified under Welfare and Institutions Code sections 5250, 5260, 5270.15. Persons certified under Welfare and Institutions Code sections 5250, 5260, or 5270.15 may be subject to a lifetime prohibition pursuant to federal law.

### **Juvenile Prohibitions**

- Juveniles adjudged wards of the juvenile court are prohibited until they reach age 30 if they committed an offense listed in Welfare and Institutions Code section 707, subdivision (b). (Pen. Code, § 29820.)

### **Miscellaneous Prohibitions**

- Any person denied firearm possession as a condition of probation pursuant to Penal Code section 29900, subdivision (c).
- Any person charged with a felony offense, pending resolution of the matter. (18 U.S.C. § 922(g).)
- Any person while he or she is either a voluntary patient in a mental health facility or under a gravely disabled conservatorship (due to a mental disorder or impairment by chronic alcoholism) and if he or she is found to be a danger to self or others. (Welf. & Inst. Code, § 8103, subd. (e).)
- Any person addicted to the use of narcotics. (Pen. Code, § 29800, subd. (a).)
- Any person who communicates a threat (against any reasonably identifiable victim) to a licensed psychotherapist which is subsequently reported to law enforcement, is prohibited for six months. (Welf. & Inst. Code, § 8100, subd. (b).)
- Any person who is subject to a protective order as defined in Family Code section 6218 or Penal Code section 136.2, or a temporary restraining order issued pursuant to Code of Civil Procedure sections 527.6 or 527.8.

### **Personal Firearms Eligibility Check**

Any person may obtain from the DOJ a determination as to whether he or she is eligible to possess firearms (review of California records only). The personal firearms eligibility check application form and instructions are on the DOJ website at <http://oag.ca.gov/firearms/forms>. The cost for such an eligibility check is \$20. (Pen. Code, § 30105.)

## SALES AND TRANSFERS OF FIREARMS

In California, only licensed California firearms dealers who possess a valid Certificate of Eligibility (COE) are authorized to engage in retail sales of firearms. These retail sales require the purchaser to provide personal identifier information for the Dealer Record of Sale (DROS) document that the firearms dealer must submit to the DOJ. There is a mandatory 10-day waiting period before the firearms dealer can deliver the firearm to the purchaser. During this 10-day waiting period, the DOJ conducts a firearms eligibility background check to ensure the purchaser is not prohibited from lawfully possessing firearms. Although there are exceptions, generally all firearms purchasers must be at least 18 years of age to purchase a long gun (rifle or shotgun) and 21 years of age to purchase a handgun (pistol or revolver). Additionally, purchasers must be California residents with a valid driver's license or identification card issued by the California Department of Motor Vehicles.

Generally, it is illegal for any person who is not a California licensed firearms dealer (private party) to sell or transfer a firearm to another non-licensed person (private party) unless the sale or transfer is completed through a licensed California firearms dealer. A "Private Party Transfer" (PPT) can be conducted at any licensed California firearms dealership. The buyer and seller must complete the required DROS document in person at the licensed firearms dealership and deliver the firearm to the dealer who will retain possession of the firearm during the mandatory 10-day waiting period. In addition to the applicable state fees, the firearms dealer may charge a fee not to exceed \$10 per firearm for conducting the PPT.

The infrequent transfer of firearms between immediate family members is exempt from the law requiring PPTs to be conducted through a licensed firearms dealer. For purposes of this exemption, "immediate family member" means parent and child, and grandparent and grandchild but does not include brothers or sisters. (Pen. Code, § 16720.) The transferee must also comply with the Firearm Safety Certificate requirement described below, prior to taking possession of the firearm. Within 30 days of the transfer, the transferee must also submit a report of the transaction to the DOJ. Download the form (Report of Operation of Law or Intra-Familial Firearm Transaction BOF 4544A) from the DOJ website at <http://oag.ca.gov/firearms/forms> or complete and submit the form electronically via the internet at <https://CFARS.doj.ca.gov>.

The reclaiming of a pawned firearm is subject to the DROS and 10-day waiting period requirements.

Specific statutory requirements relating to sales and transfers of firearms follow:

### **Proof-of-Residency Requirement**

To purchase a handgun in California, you must present documentation indicating that you are a California resident. Acceptable documentation includes a utility bill from within the last three months, a residential lease, a property deed or military permanent duty station orders indicating assignment within California.

The address provided on the proof-of-residency document must match either the address on the DROS or the address on the purchaser's California driver's license or identification card. (Pen. Code, § 26845.)

#### **Firearm Safety Certificate Requirement**

To purchase or acquire a firearm, you must have a valid Firearm Safety Certificate (FSC). To obtain an FSC, you must score at least 75% on an objective written test pertaining to firearms laws and safety requirements. The test is administered by DOJ Certified Instructors, who are often located at firearms dealerships. An FSC is valid for five years. You may be charged up to \$25 for an FSC. Firearms being returned to their owners, such as pawn returns, are exempt from this requirement. In the event of a lost, stolen or destroyed FSC, the issuing DOJ Certified Instructor will issue a replacement FSC for a fee of \$5. You must present proof of identity to receive a replacement FSC. (Pen. Code, §§ 31610-31670.)

#### **Safe Handling Demonstration Requirement**

Prior to taking delivery of a firearm, you must successfully perform a safe handling demonstration with the firearm being purchased or acquired. Safe handling demonstrations must be performed in the presence of a DOJ Certified Instructor sometime between the date the DROS is submitted to the DOJ and the delivery of the firearm, and are generally performed at the firearms dealership. The purchaser, firearms dealer and DOJ Certified Instructor must sign an affidavit stating the safe handling demonstration was completed. The steps required to complete the safe handling demonstration are described in the Appendix. Pawn returns and intra-familial transfers are not subject to the safe handling demonstration requirement. (Pen. Code, § 26850.)

#### **Firearms Safety Device Requirement**

All firearms (long guns and handguns) purchased in California must be accompanied with a firearms safety device (FSD) that has passed required safety and functionality tests and is listed on the DOJ's official roster of DOJ-approved firearm safety devices. The current roster of certified FSDs is available on the DOJ website at <http://oag.ca.gov/firearms/fsdcertlist>. The FSD requirement also can be satisfied if the purchaser signs an affidavit declaring ownership of either a DOJ-approved lock box or a gun safe capable of accommodating the firearm being purchased. Pawn returns and intra-familial transfers are not subject to the FSD requirement. (Pen. Code, §§ 23635-23690.)

#### **Roster of Handguns Certified for Sale in California**

No handgun may be sold by a firearms dealer to the public unless it is of a make and model that has passed required safety and functionality tests and is listed on the DOJ's official roster of handguns certified for sale in California. The current roster of handguns certified for sale in California is on the DOJ website at <http://certguns.doj.ca.gov/>. PPTs, intrafamilial transfers, and pawn/consignment returns are exempt from this requirement. (Pen. Code, § 32000.)

### One-Handgun-per-30-Days Limit

No person shall make an application to purchase more than one handgun within any 30-days period. Exemptions to the one-handgun-per-30-days limit include pawn returns, intra-familial transfers and private party transfers. (Pen. Code, § 27540.)

### Handgun Sales and Transfer Requirements

	Retail Sales	Private Party Transfers	Intra-familial Transfers	Pawn Returns
Proof-of-Residency Requirement	Yes	Yes	No	Yes
Firearm Safety Certificate Requirement	Yes	Yes	Yes	No
Safe Handling Demonstration Requirement	Yes	Yes	No	No
Firearm Safety Device Requirement	Yes	Yes	No	No
Roster of Handguns Certified for Sale in California	Yes	No	No	No
One-Handgun-Per-30-Days Limit	Yes	No	No	No

### Long Gun Sales and Transfer Requirements

	Retail Sales	Private Party Transfers	Intra-familial Transfers	Pawn Returns
Proof-of-Residency Requirement	No	No	No	No
Firearm Safety Certificate Requirement	Yes	Yes	Yes	No
Safe Handling Demonstration Requirement	Yes	Yes	No	No
Firearm Safety Device Requirement	Yes	Yes	No	No

### PROHIBITED FIREARMS TRANSFERS AND STRAW PURCHASES

#### What is a straw purchase?

A straw purchase is buying a firearm for someone who is prohibited by law from possessing one, or buying a firearm for someone who does not want his or her name associated with the transaction.

It is a violation of California law for a person who is not licensed as a California firearms dealer to transfer a firearm to another unlicensed person, without conducting such a transfer through a licensed firearms dealer. (Pen. Code, § 27545.) Such a transfer may be punished as a felony. (Pen. Code, § 27590.)

Furthermore, it is a violation of federal law to either (1) make a false or fictitious statement on an application to purchase a firearm about a material fact, such as the identify of the person who ultimately will acquire the firearm (commonly known as "lying and buying") (18 U.S.C. 922(a)(6)), or (2) knowingly transfer a firearm to a person who is prohibited by federal law from possessing and purchasing it. (18 U.S.C. 922(d).) Such transfers are punishable under federal law by a \$250,000 fine and 10 years in federal prison. (18 U.S.C. 924(a)(2).)

#### **Things to Remember About Prohibited Firearms Transfers and Straw Purchases**

An illegal firearm purchase (straw purchase) is a federal crime.

An illegal firearm purchase can bring a felony conviction sentence of 10 years in jail and a fine of up to \$250,000.

Buying a gun and giving it to someone who is prohibited from owning one is a state and federal crime.

**Never buy a gun for someone who is prohibited by law or unable to do so.**

### **REPORTING REQUIREMENTS FOR NEW CALIFORNIA RESIDENTS**

New California residents must report their ownership of firearms to the DOJ or sell/transfer them in accordance with California law, within 60 days of bringing the firearm into the state. Persons who want to keep their firearms must submit a New Resident Firearm Ownership Report (BOF 4010A), along with a \$19 fee, to the DOJ. Forms are available at licensed firearms dealers, the Department of Motor Vehicles or on-line at the DOJ website at <http://oag.ca.gov/firearms/forms>. Forms may also be completed and submitted electronically via the internet at <https://CFARS.doj.ca.gov> (Pen. Code, § 27560.)

### **SHIPMENT OF FIREARMS**

Long guns may be mailed through the U.S. Postal Service, as well as most private parcel delivery services or common carriers. Handguns may not be sent through the U.S. Postal Service. A common or contract carrier must be used for shipment of handguns. However, pursuant to federal law, non-licensees may ship handguns only to persons who hold a valid Federal Firearms License (FFL).

Both in-state and out-of-state FFL holders are required to obtain approval (e.g., a unique verification number) from the California DOJ prior to shipping firearms to any California FFL. (Pen. Code, § 27555.)

## **CARRYING FIREARMS ABOARD COMMON CARRIERS**

Federal and state laws generally prohibit a person from carrying any firearm or ammunition aboard any commercial passenger airplane. Similar restrictions may apply to other common carriers such as trains, ships and buses. Persons who need to carry firearms or ammunition on a common carrier should always consult the carrier in advance to determine conditions under which firearms may be transported.

## **FIREARMS IN THE HOME, BUSINESS OR AT THE CAMPSITE**

Unless otherwise unlawful, any person over the age of 18 who is not prohibited from possessing firearms may have a loaded or unloaded firearm at his or her place of residence, temporary residence, campsite or on private property owned or lawfully possessed by the person. Any person engaged in lawful business (including nonprofit organizations) or any officer, employee or agent authorized for lawful purposes connected with the business may have a loaded firearm within the place of business if that person is over 18 years of age and not otherwise prohibited from possessing firearms. (Pen. Code, §§ 25605, 26035.)

NOTE: If a person's place of business, residence, temporary residence, campsite or private property is located within an area where possession of a firearm is prohibited by local or federal laws, such laws would prevail.

## **TRANSPORTATION OF FIREARMS**

### **Handguns**

California Penal Code section 25400 does not prohibit a citizen of the United States over 18 years of age who is in lawful possession of a handgun, and who resides or is temporarily in California, from transporting the handgun by motor vehicle provided it is unloaded and stored in a locked container. (Pen. Code, § 25610.)

The term "locked container" means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. This includes the trunk of a motor vehicle, but does not include the utility or glove compartment. (Pen. Code, § 16850.)

### **Rifles and Shotguns**

Nonconcealable firearms (rifles and shotguns) are not generally covered within the provisions of California Penal Code section 25400 and therefore are not required to be transported in a locked container. However, as with any firearm, nonconcealable firearms must be unloaded while they are being transported. A rifle or shotgun that is defined as an assault weapon pursuant to Penal Code section 30510 or 30515 must be transported in accordance with Penal Code section 25610.

## **Registered Assault Weapons and .50 BMG Rifles**

Registered assault weapons and registered .50 BMG rifles may be transported only between specified locations and must be unloaded and in a locked container when transported. (Pen. Code, § 30945, subd. (g).)

The term "locked container" means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. This includes the trunk of a motor vehicle, but does not include the utility or glove compartment. (Pen. Code, § 16850.)

## **USE OF LETHAL FORCE IN SELF-DEFENSE**

The question of whether use of lethal force is justified in self-defense cannot be reduced to a simple list of factors. This section is based on the instructions generally given to the jury in a criminal case where self-defense is claimed and illustrates the general rules regarding the use of lethal force in self-defense.

### **Permissible Use of Lethal Force in Defense of Life and Body**

The killing of one person by another may be justifiable when necessary to resist the attempt to commit a forcible and life-threatening crime, provided that a reasonable person in the same or similar situation would believe that (a) the person killed intended to commit a forcible and life-threatening crime; (b) there was imminent danger of such crime being accomplished; and (c) the person acted under the belief that such force was necessary to save himself or herself or another from death or a forcible and life-threatening crime. Murder, mayhem, rape and robbery are examples of forcible and life-threatening crimes. (Pen. Code, § 197.)

### **Self-Defense Against Assault**

It is lawful for a person being assaulted to defend themselves from attack if he or she has reasonable grounds for believing, and does in fact believe, that he or she will suffer bodily injury. In doing so, he or she may use such force, up to deadly force, as a reasonable person in the same or similar circumstances would believe necessary to prevent great bodily injury or death. An assault with fists does not justify use of a deadly weapon in self-defense unless the person being assaulted believes, and a reasonable person in the same or similar circumstances would also believe, that the assault is likely to inflict great bodily injury.

It is lawful for a person who has grounds for believing, and does in fact believe, that great bodily injury is about to be inflicted upon another to protect the victim from attack. In so doing, the person may use such force as reasonably necessary to prevent the injury. Deadly force is only considered reasonable to prevent great bodily injury or death.

**NOTE:** The use of excessive force to counter an assault may result in civil or criminal penalties.

### **Limitations on the Use of Force in Self-Defense**

The right of self-defense ceases when there is no further danger from an assailant. Thus, where a person attacked under circumstances initially justifying self-defense renders the attacker incapable of inflicting further injuries, the law of self-defense ceases and no further force may be used. Furthermore, a person may only use the amount of force, up to deadly force, as a reasonable person in the same or similar circumstances would believe necessary to prevent imminent injury. It is important to note the use of excessive force to counter an assault may result in civil or criminal penalties.

The right of self-defense is not initially available to a person who assaults another. However, if such a person attempts to stop further combat and clearly informs the adversary of his or her desire for peace but the opponent nevertheless continues the fight, the right of self-defense returns and is the same as the right of any other person being assaulted.

### **Protecting One's Home**

A person may defend his or her home against anyone who attempts to enter in a violent manner intending violence to any person in the home. The amount of force that may be used in resisting such entry is limited to that which would appear necessary to a reasonable person in the same or similar circumstances to resist the violent entry. One is not bound to retreat, even though a retreat might safely be made. One may resist force with force, increasing it in proportion to the intruder's persistence and violence, if the circumstances apparent to the occupant would cause a reasonable person in the same or similar situation to fear for his or her safety.

The occupant may use a firearm when resisting the intruder's attempt to commit a forcible and life-threatening crime against anyone in the home provided that a reasonable person in the same or similar situation would believe that (a) the intruder intends to commit a forcible and life-threatening crime; (b) there is imminent danger of such crime being accomplished; and (c) the occupant acts under the belief that use of a firearm is necessary to save himself or herself or another from death or great bodily injury. Murder, mayhem, rape, and robbery are examples of forcible and life-threatening crimes.

Any person using force intended or likely to cause death or great bodily injury within his or her residence shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry had occurred. Great bodily injury means a significant or substantial physical injury. (Pen. Code, § 198.5.)

**NOTE:** If the presumption is rebutted by contrary evidence, the occupant may be criminally liable for an unlawful assault or homicide.



## Defense of Property

The lawful occupant of real property has the right to request a trespasser to leave the premises. If the trespasser does not do so within a reasonable time, the occupant may use force to eject the trespasser. The amount of force that may be used to eject a trespasser is limited to that which a reasonable person would believe to be necessary under the same or similar circumstances.

### CARRYING A CONCEALED WEAPON WITHOUT A LICENSE

It is illegal for any person to carry a handgun concealed upon his or her person or concealed in a vehicle without a license issued pursuant to Penal Code section 26150. (Pen. Code, § 25400.) A firearm locked in a motor vehicle's trunk or in a locked container carried in the vehicle other than in the utility or glove compartment is not considered concealed within the meaning of the Penal Code section 25400; neither is a firearm carried within a locked container directly to or from a motor vehicle for any lawful purpose. (Pen. Code, § 25610.)

The prohibition from carrying a concealed handgun does not apply to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from the hunting expedition. (Pen. Code, § 25640.) Notwithstanding this exception for hunters or fishermen, these individuals may not carry or transport loaded firearms when going to or from the expedition. The unloaded firearms should be transported in the trunk of the vehicle or in a locked container other than the utility or glove compartment. (Pen. Code, § 25610.)

There are also occupational exceptions to the prohibition from carrying a concealed weapon, including authorized employees while engaged in specified activities. (Pen. Code, §§ 25630, 25640.)

### LOADED FIREARMS IN PUBLIC

It is illegal to carry a loaded firearm on one's person or in a vehicle while in any public place, on any public street, or in any place where it is unlawful to discharge a firearm. (Pen. Code, § 25850, subd. (a).)

It is illegal for the driver of any motor vehicle, or the owner of any motor vehicle irrespective of whether the owner is occupying the vehicle to knowingly permit any person to carry a loaded firearm into the vehicle in violation of Penal Code section 25850, or Fish and Game Code section 2006. (Pen. Code, § 26100.)

A firearm is deemed loaded when there is a live cartridge or shell in, or attached in any manner to, the firearm, including, but not limited to, the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loading firearm is deemed loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder. (Pen. Code, § 16840.)

In order to determine whether a firearm is loaded, peace officers are authorized to examine any firearm carried by anyone on his or her person or in a vehicle while in any public place, on any public street or in any prohibited area of an

unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to these provisions is, in itself, grounds for arrest. (Pen. Code, § 25850, subd. (b).)

The prohibition from carrying a loaded firearm in public does not apply to any person while hunting in an area where possession and hunting is otherwise lawful or while practice shooting at target ranges. (Pen. Code, §§ 26005, 26040.) There are also occupational exceptions to the prohibition from carrying a loaded firearm in public, including authorized employees while engaged in specified activities. (Pen. Code, §§ 26015, 26030.)

**NOTE:** Peace officers and honorably retired peace officers having properly endorsed identification certificates may carry a concealed weapon at any time. Otherwise, these exemptions apply only when the firearm is carried within the scope of the exempted conduct, such as hunting or target shooting, or within the course and scope of assigned duties, such as an armored vehicle guard transporting money for his employer. A person who carries a loaded firearm outside the limits of the applicable exemption is in violation of the law, notwithstanding his or her possession of an occupational license or firearms training certificate. (Pen. Code, § 12031(b).)

#### **OPENLY CARRYING AN UNLOADED HANDGUN**

It is generally illegal for any person to carry upon his or her person or in a vehicle, an exposed and unloaded handgun while in or on:

- A public place or public street in an incorporated city or city and county;
- or
- A public street in a prohibited area of an unincorporated city or city and county. (Pen. Code, § 26350.)

It is also illegal for the driver or owner of a motor vehicle to allow a person to bring an open and exposed unloaded handgun into a motor vehicle in specified public areas. (Pen. Code, § 17512.)

#### **PUNISHMENT FOR CARRYING UNREGISTERED HANDGUN**

Any person who commits the crime of carrying a concealed handgun while having both the handgun and ammunition for that handgun on his/her person or in his/her vehicle may be subject to a felony enhancement if the handgun is not on file (registered) in the DOJ's Automated Firearms System. (Pen. Code, § 25400, subd. (c).)

Any person who commits the crime of carrying a loaded handgun on his/her person in a prohibited place may be guilty of a felony if the handgun is not on file (registered) in the DOJ's Automated Firearms System. (Pen. Code, § 25850, subd. (c).)

## **MISCELLANEOUS PROHIBITED ACTS**

### **Obliteration or Alteration of Firearm Identification**

It is illegal for any person to obliterate or alter the identification marks placed on any firearm including the make, model, serial number or any distinguishing mark lawfully assigned by the owner or by the DOJ. (Pen. Code, § 23900.)

It is illegal for any person to buy, sell or possess a firearm knowing its identification has been obliterated or altered. (Pen. Code, § 23920.)

### **Unauthorized Possession of a Firearm on School Grounds**

It is illegal for any unauthorized person to possess or bring a firearm upon the grounds of, or into, any public school, including the campuses of the University of California, California State University campuses, California community colleges, any private school (kindergarten through 12th grade) or private university or college. (Pen. Code, § 626.9.)

### **Unauthorized Possession of a Firearm in a Courtroom, the State Capitol, etc.**

It is illegal for any unauthorized person to bring or possess any firearm within a courtroom, courthouse, court building or at any meeting required to be open to the public. (Pen. Code, § 171b.)

It is illegal for any unauthorized person to bring or possess a loaded firearm within (including upon the grounds of) the State Capitol, any legislative office, any office of the Governor or other constitutional officer, any Senate or Assembly hearing room, the Governor's Mansion or any other residence of the Governor or the residence of any constitutional officer or any Member of the Legislature. For these purposes, a firearm shall be deemed loaded whenever both the firearm and its unexpended ammunition are in the immediate possession of the same person. (Pen. Code, §§ 171c, 171d, 171e.)

### **Drawing or Exhibiting a Firearm**

If another person is present, it is illegal for any person, except in self-defense, to draw or exhibit a loaded or unloaded firearm in a rude, angry or threatening manner or in any manner use a firearm in a fight or quarrel. (Pen. Code, § 417.)

### **Threatening Acts with a Firearm on a Public Street or Highway**

It is illegal for any person to draw or exhibit a loaded or unloaded firearm in a threatening manner against an occupant of a motor vehicle which is on a public street or highway in such a way that would cause a reasonable person apprehension or fear of bodily harm. (Pen. Code, § 417.3.)

### **Discharge of a Firearm in a Grossly Negligent Manner**

It is illegal for any person to willfully discharge a firearm in a grossly negligent manner which could result in injury or death to a person. (Pen. Code, § 246.3.)

### **Discharge of a Firearm at an Inhabited/Occupied Dwelling, Building, Vehicle, Aircraft**

It is illegal for any person to maliciously and willfully discharge a firearm at an inhabited dwelling, house, occupied building, occupied motor vehicle, occupied aircraft, inhabited housecar or inhabited camper. (Pen. Code, § 246.)

### **Discharge of a Firearm at an Unoccupied Aircraft, Motor Vehicle, or Uninhabited Building or Dwelling**

It is illegal for any person to willfully and maliciously discharge a firearm at an unoccupied aircraft. It is illegal for any person to discharge a firearm at an unoccupied motor vehicle, building or dwelling. This does not apply to an abandoned vehicle, an unoccupied motor vehicle or uninhabited building or dwelling with permission of the owner and if otherwise lawful. (Pen. Code, § 247.)

### **Discharge of a Firearm from a Motor Vehicle**

It is illegal for any person to willfully and maliciously discharge a firearm from a motor vehicle. A driver or owner of a vehicle who allows any person to discharge a firearm from the vehicle may be punished by up to three years imprisonment in state prison. (Pen. Code, § 26100.)

### **Criminal Storage**

"Criminal storage of firearm of the first degree" - Keeping any loaded firearm within any premises that are under your custody or control and you know or reasonably should know that a child (any person under 18) is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person. (Pen. Code, § 25100, subd. (a).)

"Criminal storage of firearm of the second degree" - Keeping any loaded firearm within any premises that are under your custody or control and you know or reasonably should know that a child (any person under 18) is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or carries the firearm either to a public place or in violation of Penal Code section 417. (Pen. Code, § 25100, subd. (b).)

Neither of the criminal storage offenses (first degree, second degree) shall apply whenever the firearm is kept in a locked container or locked with a locking device that has rendered the firearm inoperable. (Pen. Code, § 25105.)

### **Sales, Transfers and Loans of Firearms to Minors**

Generally, it is illegal to sell, loan or transfer any firearm to a person under 18 years of age, or to sell a handgun to a person under 21 years of age. (Pen. Code, § 27505.)

### **Possession of a Handgun or Live Ammunition by Minors**

It is unlawful for a minor to possess a handgun unless one of the following circumstances exist:

- The minor is accompanied by his or her parent or legal guardian and the minor is actively engaged in a lawful recreational sporting, ranching or hunting activity, or a motion picture, television or other entertainment event;
- The minor is accompanied by a responsible adult and has prior written consent of his or her parent or legal guardian and is involved in one of the activities cited above; or
- The minor is at least 16 years of age, has prior written consent of his or her parent or legal guardian, and the minor is involved in one of the activities cited above. (Pen. Code, §§ 29610, 29615.)

It is unlawful for a minor to possess live ammunition unless one of the following circumstances exist:

- The minor has the written consent of a parent or legal guardian to possess live ammunition;
- The minor is accompanied by a parent or legal guardian; or
- The minor is actively engaged in, or is going to or from, a lawful, recreational sport, including, competitive shooting, or agricultural, ranching, or hunting activity. (Pen. Code, §§ 29650, 29655.)

### **NEW FIREARMS/WEAPONS LAWS**

#### **AB 892 (Stats. 2015, ch. 203) – Purchase of State-Issued Handgun by Spouse/Domestic Partner of Peace Officer Killed in the Line of Duty**

- Provides an exception to the Unsafe Handgun Act allowing the spouse/domestic partner of a peace officer killed in the line of duty to purchase their spouse/domestic partner's service weapon. (Pen. Code, § 32000.)

#### **AB 950 (Stats. 2015, ch. 205) – Gun Violence Restraining Orders**

- Allows a person who is subject to a gun violence restraining order to transfer his or her firearms or ammunition to a licensed firearms dealer for the duration of the prohibition. If the firearms or ammunition have been surrendered to a law enforcement agency, the bill would entitle the owner to have them transferred to a licensed firearms dealer. (Pen. Code, §§ 29830.)
- Extends to ammunition, current authority for a city or county to impose a charge relating to the seizure, impounding, storage, or release of a firearm. (Pen. Code, § 33880.)

#### **AB 1014 (Stats. 2014, ch. 872 ) – Gun Violence Restraining Orders**

- Beginning June 1, 2016, authorizes courts to issue gun violence restraining orders, ex parte gun violence restraining orders, and temporary emergency gun violence restraining orders if the subject of the petition poses a significant danger of personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. (Pen. Code, §§ 18100 - 18205.)
- Beginning June 1, 2016, makes it a misdemeanor to own or possess a firearm or ammunition with the knowledge that he or she is prohibited from doing so by a gun violence restraining order. (Pen. Code, § 18205.)
- Beginning June 1, 2016, makes it a misdemeanor to file a petition for a gun violence restraining order with the intent to harass or knowing the information in the petition to be false. (Pen. Code, § 18200.)

#### **AB 1134 (Stats. 2015, ch. 785 ) – Licenses to Carry Concealed Handguns**

- Authorizes the sheriff of a county to enter into an agreement with the chief or other head of a municipal police department of a city for the chief or other head of a municipal police department to process all applications for licenses to carry a concealed handgun, renewals of those licenses, and amendments of those licenses, for that city's residents. (Pen. Code, § 26150.)

#### **AB 2220 (Stats. 2014, ch. 423) – Private Patrol Operators**

- Beginning July 1, 2016, establishes procedures allowing a Private Patrol Operator (PPO) business entity to be the registered owner of a firearm.
- Beginning July 1, 2016, allows a security guard to be assigned a firearm by the PPO and for a firearm custodian to be designated by the PPO. (Pen. Code, §§ 16970, 31000, 32650.)

#### **SB 199 (Stats. 2014, ch. 915) – BB Devices and Imitation Firearms**

- Beginning January 1, 2016, amends the definitions of a "BB device" and an "imitation firearm." (Pen. Code, §§ 16250, 16700.)

#### **SB 707 (Stats. 2015, ch. 766) – Gun-free School Zones**

- Recasts Gun-Free School Zone Act provisions relating to a person holding a valid license to carry a concealed firearm to allow that person to carry a firearm in an area that is within 1,000 feet of, but not on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive. (Pen. Code, § 626.9.)
- Creates an exemption from the Gun-Free School Zone Act for certain appointed peace officers authorized to carry a firearm by their appointing agency, and for certain retired reserve peace officers authorized to carry a concealed or loaded firearm. (Pen. Code, § 626.9.)

- Deletes the exemption that allows a person holding a valid license to carry a concealed firearm to bring or possess a firearm on the campus of a university or college. (Pen. Code, § 30310.)
- Deletes the exemption that allows a person to carry ammunition or reloaded ammunition onto school grounds if the person is licensed to carry a concealed firearm. (Pen. Code, § 30310.)
- Creates a new exemption authorizing a person to carry ammunition or reloaded ammunition onto school grounds if it is in a motor vehicle at all times and is within a locked container or within the locked trunk of the vehicle. (Pen. Code, § 30310.)



If you have any comments or suggestions regarding this publication, please send them to:

Director of Office  
Office of Inspector General  
P.O. Box 14067  
Sacramento, CA 95834-0067



or you can write to  
ITIP // [www.oig.doj.gov](http://www.oig.doj.gov) / 800-368-7247



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*KAMALA D. HARRIS*  
*Attorney General*

*State of California*  
*DEPARTMENT OF JUSTICE*

BUREAU OF CRIMINAL INFORMATION AND ANALYSIS

P.O. Box 903417  
SACRAMENTO, CA 94203-4170

June 30, 2016

MICHAEL ZELENY  
7576 WILLOW GLEN RD  
LOS ANGELES, CA 90046

RE: California Criminal History Information

Dear Applicant:

This letter is in response to your record review request concerning the existence of information maintained in the California state summary criminal history files, as defined in subdivision (a) of Section 11105. Your fingerprints did identify to a record maintained in these files, and as such, a copy of that record is enclosed. If you wish to challenge the accuracy or completeness of your record, please complete and return the enclosed form (BCIA 8706) and supporting documentation to the address noted above. As requested, a copy of this record review response has been sent to your designee.

Pursuant to California Penal Code section 11121, the purpose of a record review request is to afford an individual with a copy of their record and to refute any erroneous or inaccurate information contained therein. The intent is not to be used for licensing, certification or employment purposes.

Additionally, California Penal Code sections 11125, 11142, and 11143 does not allow for a person or agency to make a request to another person to provide them with a copy of an individual's criminal history or notification that a record does not exist; does not allow an authorized person to furnish the record to an unauthorized person; nor does it allow an unauthorized person to buy, receive or possess the record or information. A violation of these section codes is a misdemeanor.

Sincerely,

Record Review Unit  
Applicant Information and Certification Program  
Bureau of Criminal Information and Analysis

For KAMALA D. HARRIS  
Attorney General

Enclosures  
BCIA 8711d (Rev. 05/16)



STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
BUREAU OF FIREARMS



# *Entertainment Firearms Permit*

Permit Number: 12-380

Issued to:

**MICHAEL ZELENY**

**Date of Issue: JULY 13, 2016**

**Expiration Date: JULY 12, 2017**

This is to certify that the Department of Justice, Bureau of Firearms has completed a firearms eligibility check. As of the date of issue, there is nothing that would prohibit the above named permit holder from the possession of firearms loaned to the permittee for use as props in motion picture, television, video, theatrical, or other entertainment productions pursuant to Penal Code sections 29500 through 29530.

Signature of Issuing Officer: \_\_\_\_\_

*Elmer J. Lee*



State of California  
Department of Justice  
Bureau of Firearms

Permit No.: 12-380

## Entertainment Firearms Permit

Issued to:

MICHAEL ZELENY

Date of Issue: 7-13-16      Expiration Date: 7-12-17

This is to certify that the Department of Justice, Bureau of Firearms has completed a firearms eligibility check. As of the date of issue, there is nothing that would prohibit the above named permitholder from the possession of firearms loaned to the permittee for use as props in motion picture, television, video, theatrical, or other entertainment productions pursuant to Penal Code sections 29500 through 29530.

Signature of Issuing Officer.

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June 20, 2017

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA 90046

Sent via email and U.S. mail

**RE: Notice of Public Hearing On Appeal**

Dear Mr. Zeleny,

Attached you will find the notice of appeal you requested on September 16, 2016 via email. Your appeal was initially set to be heard on October 25, 2016. However, the City received a request for a continuance from your attorney based on personal reasons. Your attorney asked for dates in November, but by then the City Council agendas were full for the remainder of the calendar year.

In an effort to ensure that your appeal could be set as promptly as possible, the City Clerk's office sent you a notice on December 12, 2016 with a spreadsheet showing available dates in 2017. Having not heard a response, I followed up on January 11, 2017. I next heard from you on February 17, 2017, when you requested available hearing dates. I responded that the April 4, 2017 City Council meeting was available. You indicated that you were unavailable on the April 4, 2017 date, again for personal reasons.

After review of City staff and special counsel calendar's and availability, the City has selected Tuesday, August 29, 2017 as the date that your appeal will be considered. There will be no additional dates selected or continuances of this date, with this date as your opportunity to present your appeal.

Sincerely,

Pamela Aguilar  
City Clerk

cc: Greg Rubens, Esq. via email  
David Affeld, Esq. via email



## **PUBLIC HEARING NOTICE**

Appeal to the City Council

NOTICE IS HEREBY GIVEN that the City Council of the City of Menlo Park, California, will hold a Public Hearing to consider an appeal submitted by Michael Zeleny regarding the City Manager's denial of the appeal of the application for a Special Event Permit dated September 12, 2016.

NOTICE IS HEREBY FURTHER GIVEN that the City Council of the City of Menlo Park will hold this Public Hearing on Tuesday, August 29, 2017, at 7:00 p.m., or as near as possible thereafter, in the City Council Chambers of the City of Menlo Park located at 701 Laurel Street, Menlo Park, California, at which time and place interested persons may appear and be heard on the matter.

NOTICE IS HEREBY FURTHER GIVEN that if you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the Public Hearing.

DATED: Dated: June 20, 2017

Jelena Harada, Deputy City Clerk

Published in the Daily News on August 11, 2017



July 25, 2017

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA 90046

**RE: Notice of Public Hearing on your appeal**

Dear Mr. Zeleny,

Attached you will find the notice of appeal you requested September 16, 2016, via email. Your appeal was initially set to be heard October 25, 2016. However, the City received a request for a continuance from your attorney based on personal reasons. Your attorney asked for dates in November 2016, but by then the City Council agendas were full for the remainder of the calendar year.

In an effort to ensure that your appeal could be set as promptly as possible, the City Clerk's office sent you a notice Dec. 12, 2016, with a spreadsheet showing available dates in 2017. Having not heard a response, City staff followed up January 11, 2017. Your next correspondence was Feb. 17, 2017, when you requested available hearing dates. You were notified that the April 4, 2017, City Council meeting was available. You indicated that you were unavailable April 4, 2017, again for personal reasons. On June 20, 2017, you were sent a notice that your appeal was scheduled for Aug. 29, 2017, and we have not received a response.

Failure to appear at the scheduled appeal hearing Tuesday, Aug. 29, 2017, will cause the City to deem your appeal abandoned and uphold the denial of the special event permit. There will be no additional dates selected or continuances of this date, with this date as your opportunity to present your appeal.

Sincerely,

Clay J. Curtin  
Interim City Clerk

cc: Greg Rubens, Esq. via email  
David Affeld, Esq. via email



## **PUBLIC HEARING NOTICE**

Appeal to the City Council

NOTICE IS HEREBY GIVEN that the City Council of the City of Menlo Park, California, will hold a Public Hearing to consider an appeal submitted by Michael Zeleny regarding the City Manager's denial of the appeal of the application for a Special Event Permit dated September 12, 2016.

NOTICE IS HEREBY FURTHER GIVEN that the City Council of the City of Menlo Park will hold this Public Hearing on Tuesday, August 29, 2017, at 7:00 p.m., or as near as possible thereafter, in the City Council Chambers of the City of Menlo Park located at 701 Laurel Street, Menlo Park, California, at which time and place interested persons may appear and be heard on the matter.

NOTICE IS HEREBY FURTHER GIVEN that if you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the Public Hearing.

DATED: June 20, 2017

Jelena Harada, Deputy City Clerk

Published in the Daily News on August 11, 2017





August 16, 2017

Michael Zeleny  
7576 Willow Glen Road  
Los Angeles, CA 90046

**RE: Updated Notice of Public Hearing for your appeal**

Dear Mr. Zeleny,

Attached you will find the updated notice of public hearing for the appeal you requested September 16, 2016, via email. Your appeal was initially set to be heard October 25, 2016. However, the City received a request for a continuance from your attorney based on personal reasons. Your attorney asked for dates in November 2016, but by then the City Council agendas were full for the remainder of the calendar year.

In an effort to ensure that your appeal could be set as promptly as possible, the City Clerk's office sent you a notice Dec. 12, 2016, with a spreadsheet showing available dates in 2017. Having not heard a response, City staff followed up January 11, 2017. Your next correspondence was Feb. 17, 2017, when you requested available hearing dates. You were notified that the April 4, 2017, City Council meeting was available. You indicated that you were unavailable April 4, 2017, again for personal reasons.

On June 20, 2017, you were sent a notice that your appeal was scheduled for Aug. 29, 2017. Upon not receiving a response, the City sent a reminder on July 25, 2017. On July 28, 2017, you confirmed via email that you did plan to attend on Aug. 29, 2017.

**Your appeal hearing is scheduled for Tuesday, Aug. 29, 2017, at 4:00 p.m., or as near as possible thereafter, in the Menlo Park City Council Chambers, located at 701 Laurel St., Menlo Park, California.**

Failure to appear at the scheduled appeal hearing Tuesday, Aug. 29, 2017, will cause the City to deem your appeal abandoned and uphold the denial of the special event permit. There will be no additional dates selected or continuances of this date, with this date as your opportunity to present your appeal.

(continued)

Sincerely,



Clay J. Curtin  
Interim City Clerk

cc: Greg Rubens, Esq. via email  
David Affeld, Esq. via email



**REVISED**  
**PUBLIC HEARING NOTICE**

Appeal to the City Council

NOTICE IS HEREBY GIVEN that the City Council of the City of Menlo Park, California, will hold a Public Hearing to consider an appeal submitted by Michael Zeleny regarding the City Manager's denial of the appeal of the application for a Special Event Permit dated Sept. 12, 2016.

NOTICE IS HEREBY FURTHER GIVEN that the City Council of the City of Menlo Park will hold this Public Hearing, Tuesday, Aug. 29, 2017, at ~~7 p.m.~~ **4 p.m.**, or as near as possible thereafter, in the City Council Chambers of the City of Menlo Park located at 701 Laurel St., Menlo Park, California, at which time and place interested persons may appear and be heard on the matter.

NOTICE IS HEREBY FURTHER GIVEN that if you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or before, the Public Hearing.

DATED: Aug. 16, 2017

Jelena Harada, Deputy City Clerk

Published Aug. 25, 2017, in the Daily News

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**MEMORANDUM**

**Date:** 8/29/2017  
**To:** City Council  
**From:** Tucker Stanwood, Parks and Recreation Commission Chair  
**Re:** Quarterly report to City Council

**Current work plan goals and achievements for 2016-2018:**

1. Research and evaluate the social services and recreation opportunities in Menlo Park, particularly in the Belle Haven Neighborhood resulting in high quality programs and services meeting the diverse and changing needs of residents throughout the City.
  - Commission provided feedback on Belle Haven Pool Audit and Master Plan and approved a recommendation to City Council to accept the Master Plan and Option B, which includes a complete pool remodel. The pool audit and master plan is identified as item No.11 in the 2017 City Council Work Plan. It is anticipated that the master plan will be presented to City Council at their meeting September 26.
2. Study and evaluate, through such means as the Master Plan process, operational planning goals, utilization options and guidelines for City Park and Community Services facilities resulting in facilities and equipment being properly maintained, upgraded and/or expanded to meet community needs.
  - Commissioners Laura Lane and Jennifer Johnson have been working with City Staff on developing a Request for Qualifications (RFQ) for the Park Playground Replacement Project, which is identified as item No. 14 in the 2017 City Council Work Plan.
  - Commission provided feedback to staff on the Nealon Park playground replacement and provided direction to staff on the Commission's future involvement, as well as the importance of inclusivity, educational components and themes.
  - Commission provided feedback on Belle Haven Pool Audit and Master Plan and approved a recommendation to City Council to accept the Master Plan and Option B, which includes a complete pool remodel. The pool audit and master plan is identified as item No. 11 in the 2017 City Council Work Plan. It is anticipated that the master plan will be presented to City Council at their meeting September 26.
  - Commission reviewed and approved preliminary plans for Willow Oaks Park projects that include a new restroom and dog park renovation. After receiving public comment, the Commission approved various options and amenities for the dog park and the proposed restroom. The Willow Oaks Park Improvements are identified as item No. 17 in the 2017 City Council Work Plan.
  - Commission provided input on the Nealon Park Field Renovation and was supportive of the temporary dog park that opened in June. Nealon Park Sports

Field improvements are identified as Item No. 30 in the 2017 City Council Work Plan.

- Commissioners continue to participate in the community engagement efforts for the Bedwell Bayfront Park Master Plan, which include participation in the Oversight and Outreach Group and project open houses and community meetings. The master plan is identified as item No. 13 in the 2017 City Council Work Plan.
  - Commission participated in the Parks and Recreation Facilities Master Plan Update consultant selection, which will be presented to City Council at their meeting September 26. Commissioners will be involved in the community engagement efforts. The project will begin in the fall and will incorporate the work on concurrent master plans for Belle Haven Pool and Bedwell Bayfront Park. The master plan is identified as No. 12 in the 2017 City Council Work Plan.
  - Commission received a presentation and provided input to staff on the Burgess Park Snack Shack renovation proposal, which includes a remodel of the existing Snack Shack to include a commercial grade kitchen and potential change in the operational model. This project has been identified as No. 18 in the 2017 City Council Work Plan.
3. Research and evaluate improved offerings, new venues, and strengthened City partners and sponsorships that results in high quality educational, recreational, artistic and cultural programs in the City of Menlo Park.
- Commission received a presentation and update on the Community Services Department's sponsorship program. The sponsorship program continues to be refined to maintain consistency in program and event implementation as well as the development of City branded marketing collateral materials.

Other areas and issues addressed by the Commission:

1. Commission received a study session and consideration of a request by residents to rename Market Place Park in the Belle Haven neighborhood. The Commission requested additional information on past practices of renaming park and recreation facilities, particularly those that are an exception to City Council policy. City Council also challenged residents to demonstrate significant support for the request and will consider the request in the future.
2. Commission received a presentation and provided feedback on the South Bay Salt Pond Restoration project, which is scheduled to occur in late summer and is adjacent to Bedwell Bayfront Park. Project representatives are stakeholders for the Bedwell Bayfront Park Master Plan and participated in the community engagement efforts as well as an interagency meeting.
3. Commission received a presentation on Community Services Department contract classes and programs and provided feedback to staff, which includes increasing more adaptive classes for children with special needs or disabilities.



## STAFF REPORT

### City Council

**Meeting Date:** 8/29/2017  
**Staff Report Number:** 17-198-CC

**Committee Appointments:** Consider applicants and make appointments to fill 11 seats on the Transportation Master Plan oversight and Outreach Committee

### Recommendation

Staff recommends the City Council make appointments to fill 11 seats on the Transportation Master Plan Oversight and Outreach committee.

### 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 committee members are selected.

### Background

The development of a Transportation Master Plan is included in the City Council's adopted 2017 Work Plan (No. 46). The formation of the Transportation Master Plan Oversight and Outreach Committee (the Committee) will help guide the Transportation Master Plan development process to a successful completion.

The Committee is comprised of 11 members, as proposed:

- one member of the Complete Streets Commission
- one member of the Environmental Quality Commission
- one member of the Parks & Recreation Commission
- one member of the Planning Commission
- three members from local organizations
- two members at-large
- two members of the City Council

Staff conducted recruitment to fill the two at-large seats and the three local organization seats for a period of five weeks, July 19 through August 23, 2017, by publishing ads in the local news outlets, posting notices on the city website and social media, including Nextdoor.

At regularly scheduled commission meetings, each of the identified commissions took action to nominate one member for appointment. The City Council can choose to consider applications received from commissioners not nominated by their commissions, for the other remaining seats.

The term of the appointments will be for the duration of the development of the Transportation Master Plan.

## **Analysis**

Pursuant to City Council Policy CC-01-0004, committee members are strongly advised to serve for the duration of the Transportation Master Plan development process. Per the policy, the City Council will make selections/appointments before the public at a regularly scheduled City Council meeting.

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.

The following candidates have applied for consideration by the City Council. All candidate applications have been provided to the City Council under separate cover and are available for public viewing at the City Clerk's office during regular business hours or by request.

### **Commissioners, nominated by their respective commission:**

- Adina Levin – Complete Streets Commission
- Chris DeCardy – Environmental Quality Commission
- Sarah Staley Shenk – Parks and Recreation Commission
- Katherine Strehl – Planning Commission

### **Additional applicants (listed alphabetically by last name):**

- Diane Bailey
- Andrew Barnes
- Charles Bourne
- Cheryl Cathey
- Jacqueline Cebrian
- Irwin Derman
- Michael Doran
- John Fox
- Dana Hendrickson
- Penelope Huang
- John Kadvany
- Heather Leitch
- Henry Riggs
- Roger Royse
- Sylvia Smullin
- Sucheta Srivastava
- Paige Sweetin
- Nick Taylor
- Jen Wolosin

NOTE: All candidate applications will be provided to the City Council under separate cover and are available for public viewing at the City Clerk's office during regular business hours or by request.

## **Impact on City Resources**

Staff support for commissions and funds for recruitment advertising are provided in the fiscal year 2017-18 budget. There is no significant impact to city resources created by making these appointments.



**Public Notice**

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

**Attachments**

A. City Council Policy CC-01-004

Report prepared by:

Jelena Harada, Deputy City Clerk

Report reviewed by:

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

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CITY COUNCIL POLICY  
**COMMISSIONS/COMMITTEES POLICIES AND  
PROCEDURES AND ROLES AND RESPONSIBILITIES**

Policy No. CC-01-0004  
Adopted 3-13-01



<b>Purpose</b>
To define policies and procedures and roles and responsibilities for Menlo Park appointed Commissions and Committees.
<b>Authority</b>
Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park”.
<b>Background</b>
<p>The City of Menlo Park currently has nine active Commissions and Committees. The active advisory bodies are: Bicycle Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Transportation Commission and the Sister City Committee. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Seven of the nine Commissions and Committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (GC 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel and Expense Policy (CC-91-002), which are also applicable to all advisory bodies.</p>
<b>Policies and Procedures</b>
<b>A. Relationship to Council, Staff and Media</b>
<ol style="list-style-type: none"><li>1. Upon referral by the City Council, the Commission/Committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the Council may authorize the City staff to provide certain designated services to aid in the study.</li><li>2. Upon its own initiative, the Commission/Committee shall identify and raise issues to the City Council’s attention and from time to time survey pertinent matters and make recommendations to the City Council.</li><li>3. At a request of a member of the public, the Commission/Committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council.</li><li>4. Each Commission/Committee is required to develop a two-year work plan which will be the foundation for the work performed by the advisory body in support of City Council goals. The plan, once finalized by the Commission/Committee, will be formally presented to the City Council for direction and approval and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least three times per year. Each April, of alternating years, the Commissions/Committees and their support staff shall review their approved work plans and modify as needed. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (GC 65100 et seq, 65300-65401).</li></ol>

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES AND ROLES AND RESPONSIBILITIES

City Council Policy No. CC-01-0004  
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5. Commissions and Committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies, or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City's duly elected representatives, the City Council.
6. Additional or other staff support may be provided upon a formal request to the City Council.
7. The Staff Liaison shall act as the Commission's lead representative to the media concerning matters before the Commission. Commission members should refer all media inquiries to their respective Liaisons for response. Personal opinions and comments may be expressed so long as the Commissioner clarifies that his or her statements do not represent the position of the City Council.
8. Commission/Committee Members will have mandatory training every two years regarding the Brown Act and parliamentary procedures. The Commission/Committee Members may have the opportunity for additional training, such as training for Chair and Vice Chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the Council.

### **B. Recommendations, Requests and Reports**

Near the beginning of each regular City Council meeting, there will be an item called "Commission/Committee Reports". At this time, Commissions/Committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the Staff Liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being provided to the City Council must be approved by a majority of the Commission at a Commission meeting prior to submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

### **C. Council Referrals**

The Assistant City Manager shall transmit to the designated Staff Liaison all referrals and requests from the City Council for advice and recommendations. The Commissions/Committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

### **D. Public Appearance of Commission/Committee Members**

When a Commission/Committee member appears in a non-official, non-representative capacity before the public, for example, at a Council meeting, the member shall indicate that he or she is speaking only as an individual. This also applies when interacting with the media and on social media. If the Commission/Committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a Commission/Committee member's appearance inappropriate. Conversely, when a member who is present at a City Council meeting is asked to address the Council on a matter, the member should represent the viewpoint of the particular Commission/Committee as a whole (not a personal opinion).

**E. Disbanding of Advisory Body**

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

**F. Meetings and Officers**

1. Agendas/Notices/Minutes

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, cancelled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each Commission/Committee shall be responsible for properly noticing and posting all regular, special, cancelled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, City Manager, City Attorney, City Clerk and other appropriate staff, as requested.
- Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted Records Retention Schedule.
- The official record of the Commissions/Committees will be preserved by preparation of Action Minutes.

2. Conduct and Parliamentary Procedures

- Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
- A majority of Commission/Committee members shall constitute a quorum and a quorum must be seated before official action is taken.
- The Chair of each Commission/Committee shall preside at all meetings and the Vice Chair shall assume the duties of the Chair when the Chair is absent.
- The role of the Commission/Committee Chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if s/he thinks it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by his/her signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

3. Lack of a Quorum

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES AND ROLES AND RESPONSIBILITIES

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Adopted 3-13-2001

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- The public is not allowed to address those commissioners present during the 15 minutes the Commission/Committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

#### 4. Meeting Locations and Dates

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

The schedule of Commission/Committee meetings is as follows:

- Bicycle Commission – Suspended
- Complete Streets Commission – Every second Wednesday at 7 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:30 p.m.
- Finance and Audit Committee – Quarterly; Date and time to be determined
- Housing Commission – Every first Wednesday at 5:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at
- Planning Commission – Twice a month at 7p.m.
- Sister City Committee – Quarterly; Date and time to be determined
- Transportation Commission – Suspended

Each Commission/Committee may establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council.

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

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

### **G. Memberships**

#### Appointments/Oaths

1. The City Council is the appointing body for all Commissions and Committees. All members serve at the pleasure of the City Council for designated terms.
2. All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.

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3. Prior to taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the City Clerk or his/her designee.
4. Appointments made during the middle of the term are for the unexpired portion of that term.

### Application and Selection Process

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

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES AND ROLES AND RESPONSIBILITIES

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### Attendance

1. An Attendance Policy (CC-91-001), shall apply to all advisory bodies. Provisions of this policy are listed below.
  - A compilation of attendance will be submitted to the City Council at least annually listing absences for all Commissions/Committee members.
  - Absences, which result in attendance at less than two thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the Council.
  - Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
  - (Add two additional provisions if approved by Council)
2. While it is expected that members be present at all meetings, the Chair and Staff Liaison should be notified if a member knows in advance that he/she will be absent.
3. When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

### Compensation

1. Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-91-002).

### Conflict of Interest and Disclosure Requirements

1. A Conflict of Interest Code has been updated and adopted by the City Council and the Community Development Agency pursuant to Government Code Section 87300 et seq. Copies of this Code are filed with the City Clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Planning Commission are required to file a Statement of Economic Interest with the City Clerk to disclose personal interest in investments, real property and income. This is done within thirty days of appointment and annually thereafter. A statement is also required within thirty days after leaving office.
2. If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. Questions in this regard may be directed to the City Attorney.

### Qualifications, Compositions, Number

1. In most cases, members shall be residents of the City of Menlo Park, at least 18 years of age and a registered voter.
2. Current members of any other City Commission or Committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another Commission or Committee.
3. Commission/Committee members shall be permitted to retain membership while seeking any elective



## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES AND ROLES AND RESPONSIBILITIES

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office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.

4. There shall be seven (7) members on each Commission/Committee with the exception of the Finance and Audit Committee and the Housing Commission, which each have five (5) members.

### Reappointments, Resignations, Removals

1. Incumbents seeking a reappointment are required to complete and file an application with the City Clerk by the application deadline. No person shall be reappointed to a Commission/Committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that Commission (the one year period is flexible subject to Council's discretion.).
2. Resignations must be submitted in writing to the City Clerk, who will distribute copies to City Council and appropriate staff.
3. The City Council may remove a member by a majority vote of the Council without cause, notice or hearing.

### Term of Office

1. Unless specified otherwise, the term of office for all Commission/Committee shall be four (4) years unless a resignation or a removal has taken place.
2. If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
3. Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
4. If a member resigns before the end of his/her term, a replacement serves out the remainder of that term.

### Vacancies

1. Vacancies are created due to term expirations, resignations, removals or death.
2. Vacancies are listed on the Council agenda and posted by the City Clerk in the Council Chambers bulletin board and on the City's website.
3. Whenever an unscheduled vacancy occurs in any Commission/Committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least ten working days after posting of the notice (Government Code 54974).
4. On or before December 31 of each year, an appointment list of all regular advisory Commissions and Committees of the City Council shall be prepared by the City Clerk and posted in the Council Chambers bulletin board and on the City's website. This list is also available to the public. (Government Code 54972, Maddy Act).

**Roles and Responsibilities****Bicycle Commission**

The Bicycle Commission is charged primarily with advising the City Council on ways to improve the bicycling environment, implementation of the bikeways plan and other related matters.

**Complete Streets Commission**

The Complete Streets Commission is a one year pilot beginning in May 2017. The Complete Streets Commission's responsibilities would include:

- Coordination of motor vehicle, bicycle, transit, and pedestrian transportation facilities
- Advising City Council on ways to encourage pedestrian and bicycle safety and accessibility for the City supporting the goals of the General Plan
- Coordination on providing a citywide safe routes to school plan
- Coordination with regional transportation systems

**Environmental Quality Commission**

The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, improvement, and sustainability. Specific focus areas include:

- Preserving heritage trees
- Using best practices to maintain city trees
- Preserving and expanding the urban canopy
- Making determinations on appeals of heritage tree removal permits
- Administering annual Environmental Quality Awards program
- Organizing annual Arbor Day Event; typically a tree planting event
- Advising on programs and policies related to protection of natural areas, recycling and waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation.

**Finance & Audit Committee**

The Finance & Audit Committee is charged primarily to support delivery of timely, clear and comprehensive reporting of the City's fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City's external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

**Housing Commission**

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

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

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES AND ROLES AND RESPONSIBILITIES

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- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan
- The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals Board (City Resolution 4290, adopted June 25, 1991).

### **Library Commission**

The Library Commission is charged primarily with advising the City Council on matters related to the maintenance and operation of the City's libraries and library systems. Specific focus areas include:

- The scope and degree of library activities
- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and ESL programs

### **Parks and Recreation Commission**

The Parks and Recreation Commission is charged primarily with advising the City Council on matters related to City programs and facilities dedicated to recreation. Specific focus areas include:

- Those programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment
- Adequacy, operation and staffing of recreation programs
- Modification of existing programs and facilities to meet developing community needs
- Long range planning and regional coordination concerning park and recreational facilities

### **Planning Commission**

The Planning Commission is organized according to State Statute.

- The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.
- The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council.
- The Commission serves as a recommending body to the City Council for major subdivisions, re-zonings, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with those projects.
- The Commission works on special projects as assigned by the City Council.

### **Sister City Committee**

The Sister City Committee is primary charged with promoting goodwill, respect and cooperation by facilitating cultural, educational and economic exchanges

- Develop a mission statement and program plan consisting of projects, exhibits, contacts and exchanges of all types to foster and promote the objectives of the mission statement
- Implement the approved program plan upon request of the City Council
- Keep the community informed concerning the Sister City program
- Advise the City Council on matters pertaining to any sister city affairs
- Perform other duties as may be assigned to the committee by the City Council

## COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES AND ROLES AND RESPONSIBILITIES

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### **Transportation Commission**

The Transportation Commission is charged primarily with advising the City Council on matters related to the adequacy and improvement of all types of public and private transportation within and across the City, including the best approaches to establishing and maintaining systems and facilities for the transport of people and goods around the City. Specific focus areas include:

- The coordination of motor vehicle, bicycle, mass transit, and pedestrian traffic facilities
- The development and encouragement of the most efficient and least detrimental overall transportation system for the City supporting the goals of the General Plan
- Coordination with regional transportation systems
- Serve as the appeals board for appeals from staff determinations concerning establishment of traffic signs, pavement markings, speed zones, parking regulations, traffic signals, bike lanes, bus stops, etc.

### **Special Advisory Bodies**

The City Council has the authority to create ad-hoc committees, task forces, or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the Council.

Any requests of City Commissions or Committees to create such ad-hoc advisory bodies shall be submitted in writing to the City Clerk for Council consideration and approval.



## STAFF REPORT

### City Council

**Meeting Date:** 8/29/2017  
**Staff Report Number:** 17-200-CC

### Commission Appointment: Appoint City Council liaison to Complete Streets Commission

#### Recommendation

Staff recommends that the City Council appoint a liaison to the Complete Streets Commission.

#### Policy Issues

The proposed action conforms to the City Council's practice of naming City Council liaisons to the City's various advisory bodies. The process occurs annually; however, the creation of the Complete Streets Commission in spring 2017 occurred after the regular liaison selection process.

#### Background

The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the City Council's familiarity with the membership, programs and issues of each advisory body. In fulfilling their liaison assignment, members may elect to attend commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis. The list of city commissions and their current City Council liaisons is provided as Attachment A.

#### Impact on City Resources

There is no impact on City resources associated with this action outside of any associated membership dues, meeting related expenses, and/or staff assistance required and budgeted.

#### 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. 2017 City Council liaison assignments approved January 24, 2017

Report prepared by:  
Jelena Harada, Deputy City Clerk

**2017 City Council Liaisons to the City's Advisory Bodies**

Approved January 24, 2017

**Complete Streets Commission** – *pending liaison selection*

- Meets the 2nd Wednesday of every month at 7:00 p.m. in the City Council Chambers

**Environmental Quality Commission** – **Ray Mueller**

- Meets the 3rd Wednesday of every month at 6:30 p.m. in the City Council Conference Room, City Hall Administration Building 1st Floor

**Finance and Audit Committee** – **Rich Cline and Peter Ohtaki**

Note: City Councilmembers are members of the committee and not liaisons

- Meets quarterly and as needed, in the City Council Conference Room, City Hall Administration Building 1st Floor

**Housing Commission** – **Peter Ohtaki**

- Meets the 2nd Wednesday of every month at 7:00 p.m. in the City Council Conference Room, City Hall Administration Building 1st Floor

**Library Commission** – **Ray Mueller**

- Meets the 3rd Monday of every month at 6:30 p.m. in the Menlo Park Library, Lower Level Conference Room

**Parks and Recreation Commission** – **Rich Cline**

- Meets the 4th Wednesday of every month at 6:30 p.m. in the Arrillaga Family Recreation Center

**Planning Commission** – **Catherine Carlton**

- Meets twice a month on Mondays (on a schedule adopted annually) at 7:00 p.m. in the City Council Chambers

**Sister City Committee** – **Catherine Carlton and Peter Ohtaki**

Note: City Councilmembers are members of the committee and not liaisons

- Meets quarterly at 3:30 p.m., in the City Council Conference Room, City Hall Administration Building 1st Floor

## STAFF REPORT

**City Council****Meeting Date:****8/29/2017****Staff Report Number:****17-186-CC****Consent Calendar:****Reject all bids for the Sand Hill Reservoirs  
Cleaning, Inspection and Mixer Installation Project****Recommendation**

Staff recommends that the City Council reject all bids received for the Sand Hill Reservoirs Cleaning, Inspection and Mixer Installation Project (Project).

**Policy Issues**

This project is consistent with the 2016 General Plan goal to promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers and visitors. In addition, the Project is also included in the City Council's 2017 Work Plan.

The proposed project is consistent with the Open Space/ Conservation, Noise and Safety Element of the Menlo Park General Plan, Goal OSC5, which states: "Maintaining and improving water quality is essential to protect public health, wildlife and watersheds, and to ensure opportunities for public recreation and economic development in Menlo Park."

**Background**

Menlo Park Municipal Water owns and operates two water reservoirs with a total capacity of 5.5 million gallons that are located near Sand Hill Road, west of Interstate 280, in unincorporated San Mateo County. Potable water is pumped into the reservoirs and distributed to Menlo Park Municipal Water customers in the Sharon Heights area.

Staff takes water samples from the reservoir on a regular basis and test for a number of parameters to assess the water quality. Due to the design of the reservoirs and environmental conditions, the sampling results often show that the top layer of the water in the reservoir begins to degrade in quality due to thermal stratification that occurs resulting from changes in temperature and water demand, short-circuiting of the flow, and inadequate mixing. In addition, the short-circuiting that occurs within the reservoirs (i.e., water entering the reservoir does not circulate as it should), results in sediment buildup within the tanks. As a result, the reservoirs require cleaning and inspection every two to three years to remove the sediment.

To operate the reservoirs and maintain adequate water quality, water staff currently set the reservoir fill and discharge parameters to minimize the time that the water stays in the tanks, allowing fresh water to move through the water distribution system. However, many water agencies install mixers inside their reservoirs to help circulate the water and maintain water quality. The use of mixers prevents stratification and the conditions for the water to degrade.

## **Analysis**

The project consists of cleaning, inspecting and installing mixers at both reservoirs to improve overall water quality and eliminate the need for manual operational adjustments. The mixers would be installed at the bottom of each reservoir to help circulate the water within the entire tank, top to bottom and side to side, to help eliminate thermal stratification and reduce nitrification. Since the reservoir mixers require power, the project's scope of work also includes the installation of solar panels on the roof of Reservoir No. 2 since there is no electricity near the facility. The solar panels will provide power to the mixers.

Staff advertised the bid package July 14, 2017, and opened bids August 2, 2017. One bid was received, from Pipe and Plant Solutions, Inc., for an amount of \$883,817. This amount is more than four times what staff anticipated based on cost estimates received from the mixer manufacturer and past contracts for the cleaning and inspection of the reservoirs.

In order to determine why there were no other bids, staff contacted the four contractors who downloaded the bid package. All four contractors indicated that because the majority of the project scope required the need to hire sub-contractors for the specialized work (i.e., cleaning and inspecting the reservoirs, and purchasing and installing the mixers and solar panels), they would not benefit from bidding on this small project.

Staff recommends that the bid be rejected since it is significantly over budget. Staff will separate out the specialized work by issuing a request for proposal for the reservoir cleaning and inspection, modifying the bid scope to purchase and install the mixers and solar panels and re-advertising.

## **Impact on City Resources**

Staff anticipates that it would be less costly to issue a request for proposal for the specialized reservoir cleaning and inspection, and modify the bid scope of work to purchase and install the mixers and solar panels.

## **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.

Report prepared by:  
Sally Salman, Assistant Engineer  
Pam Lowe, Senior Civil Engineer

Report reviewed by:  
Azalea Mitch, City Engineer





**STAFF REPORT**

**City Council**  
**Meeting Date:** 8/29/2017  
**Staff Report Number:** 17-193-CC

**Consent Calendar:** Adopt a resolution accepting dedications for an Emergency Vehicle Access Easement and a Public Access Easement at 115-155 Constitution Drive, grant an easement to PG&E on the Chrysler Pump Station property at 1221 Chrysler Drive, and authorize the City Manager to sign agreements required by conditions of approval of the project

**Recommendation**

Staff recommends that the City Council

1. Adopt a resolution (Attachment A) accepting dedications for an Emergency Vehicle Access Easement and a Public Access Easement from Bohannon MG2, LLC;
2. Adopt a resolution (Attachment B) granting an easement to PG&E for underground electric lines on the Chrysler Pump Station property at 1221 Chrysler Drive; and
3. Authorize the City Manager to sign agreements as required by conditions of approval of the project described in this staff report.

**Policy Issues**

City Council authorization is required to accept easements, grant easements and to allow the City Manager to enter into the agreements for utility connections and Chilco Street improvements.

**Background**

In June 2010, the City Council voted to approve the Menlo Gateway project, subject to voter approval of a ballot measure on the November 2, 2010, general election. The voters approved Measure T, and the project approvals became effective with the certification of the election results December 7, 2010.

During a March 10, 2015, City Council study session, the applicant presented an update on the Menlo Gateway project including an introduction of the new hotel brand, Marriott Autograph Collection, and the new hotel operator, Ensemble Partners. During the study session, the City Council expressed support for the modified project and urged staff to expedite the approval process to permit construction.

In May 2015, the Planning Commission recommended the modified project for approval by the City Manager. In June 2015, the City Manager issued a letter with the determination that the modifications to the project are substantially consistent with the existing project approvals and do not result in any new or increased environmental impacts. Upon issuance of the letter, the project proceeded with preparation of construction drawings and the submittal of building permits. The Independence Drive site is under construction and targeting phased completion in early 2018. It is anticipated that the first parking garage

on the Constitution Drive site will begin construction in February 2018, and the remainder of the buildings will be constructed by September 2019.

## **Analysis**

### Easements

The applicant is required to meet conditions of approval and to dedicate on the parcel map an emergency vehicle access easement (EVAE) for utilization by emergency vehicles, and a Public Access Easement (PAE) for pedestrian access along the sidewalk frontage. The EVAE dedicated to the City will provide access for emergency vehicles from Constitution Drive and Chrysler Drive to the new office buildings and garages. The EVAE was requested by the Menlo Park Fire Protection District and is required by California Fire Code. The PAE will provide pedestrian access along the project frontage on Chrysler Drive. The proposed easement dedications are shown in Attachment C. The City Attorney and Public Works Director will approve the final easement descriptions.

The conditions of approval require the project to place existing PG&E overhead lines underground. The overhead lines run parallel to Bayfront Expressway from Marsh Road to Chrysler Drive. They pass through the project site as well as the City-owned Chrysler pump station at 1221 Chrysler Drive, which is adjacent to the proposed parking garage. Because the undergrounding will extend through City-owned property, the City will need to dedicate a PG&E easement. The City has entered into an agreement with Bohannon MG2, LLC, for a land swap that will allow for the relocation of the new Chrysler pump station, which is currently under design. After the land swap is enacted (anticipated in February 2018), the majority of the PG&E easement will be outside the City property. The proposed easement is shown in Attachment D. The City Attorney and Public Works Director will approve the final easement description.

### Agreements

- Agreement for completion of utility connections  
Per CDP 8.4, the project is required to place electric and communication lines underground. The applicant will be entering into an Agreement for Completion of Utility Connections with the City of Menlo Park and will provide a bond for the completion of the work subsequent to the recordation of the Parcel Map. Staff recommends that the Council authorize the City Manager to sign the agreement as necessary to implement the conditions of approval.
- Agreement for Chilco Street improvements  
Per CDP 8.65, the project is required to construct an additional eastbound left turn lane from Chilco Street to Bayfront Expressway. Since the time of the approval of the Menlo Gateway Project, the City approved the Facebook Campus Expansion project in November 2016. The Facebook Campus Expansion project also requires improvements to Chilco Street, including the provision of three southbound lanes on the one-block segment of Chilco Street between Bayfront Expressway and Constitution Drive, to include two southbound left turn lanes. Since both projects are obligated to construct improvements on Chilco Street between Constitution Drive and Bayfront Expressway, it would be beneficial for all parties for Facebook to design and construct the improvements. The agreement, which would allow Menlo Gateway to contribute a fair share and have Facebook assume responsibility for the design and construction of improvements, is in the preliminary stage. The final agreement terms will be subject to approval by the City Attorney and the Public Works Director. Staff recommends authorization from the City Council for the City Manager to enter into the agreement.

### **Impact on City Resources**

Fees collected from the application will allow the City to recover the full cost of staff time associated with the review and preparation of the easements and agreements.

### **Environmental Review**

Environmental review is not required for this action. On June 15, 2010, the City Council adopted findings in accordance with the California Environmental Quality Act and certified the Environmental Impact Report (EIR) prepared 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. Resolution accepting easements
- B. Resolution granting easement to PG&E
- C. Proposed easement dedication for Constitution Drive site
- D. Proposed PG&E easement for 1221 Chrysler Drive

Report prepared by:  
Theresa Avedian, Senior Civil Engineer

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

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RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
ACCEPTING DEDICATION OF EMERGENCY VEHICLE AND PUBLIC  
ACCESS EASEMENTS; AND AUTHORIZING THE CITY MANAGER TO  
SIGN ALL APPLICABLE AGREEMENTS**

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

BE IT AND IT IS HEREBY RESOLVED that said Council hereby accepts the required dedication of an Emergency Vehicle Access Easement and Public Access Easement from Bohannon MG2, LLC, as shown on Attachment C; and

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park authorizes the City Manager to sign applicable agreements to implement conditions of project approval.

I, Clay Curtin, Interim City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-ninth day of August, 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 twenty-ninth day of August, 2017.

---

Clay J. Curtin, Interim City Clerk

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RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
GRANTING AN EASEMENT TO PG&E**

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

BE IT RESOLVED that the City Council of the City of Menlo Park approves the grant of an easement to PG&E for underground electric lines on the property located at 1221 Chrysler Drive as shown in Attachment D, with the form of easement to be approved by the City Attorney and Public Works Director; and

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park authorize the City Manager to execute any and all documents necessary to convey the easement to PG&E; and

I, Clay Curtin, Interim City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the twenty-ninth day of August, 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 twenty-ninth day of August, 2017.

---

Clay J. Curtin, Interim City Clerk

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# PARCEL MAP

115, 125 AND 155 CONSTITUTION DRIVE

BEING A CONSOLIDATION OF PARCELS A AND B OF PARCEL MAP FILED IN BOOK 47 OF PARCEL MAPS, PG. 71 AND PARCELS 1 AND 2 OF PARCEL MAP FILED IN BOOK 32 OF PARCEL MAPS, PG. 41, BOTH OF SAN MATEO COUNTY RECORDS.

CONSISTING OF FOUR (4) SHEETS

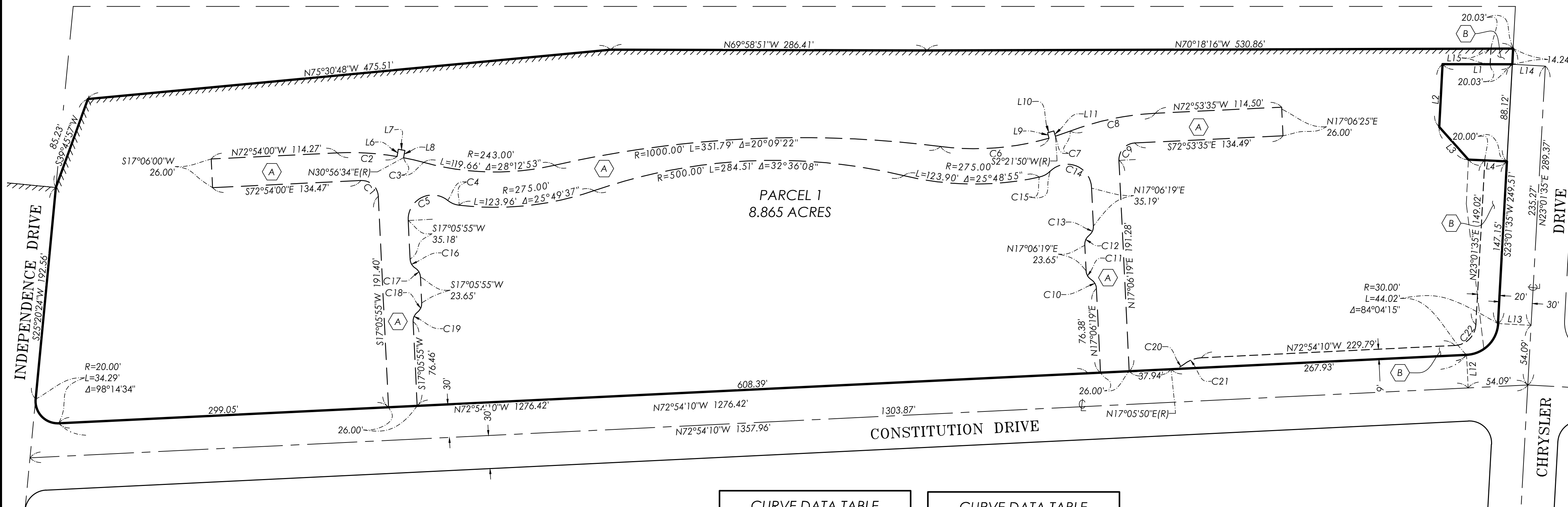
CITY OF MENLO PARK, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

KIMLEY-HORN AND ASSOCIATES, INC. 401 B ST. SUITE 600 SAN DIEGO, CA 92101 MARCH 2017

SCALE: 1" = 60'

## EASEMENT DETAIL

ROUTE 84 (BAYFRONT EXPRESSWAY)



**EXISTING EASEMENTS:**  
SEE SHEET 4

**PROPOSED EASEMENTS:**

- A PROPOSED EMERGENCY VEHICLE ACCESS EASEMENT. DEDICATED HEREON.
- B PROPOSED PEDESTRIAN EASEMENT. DEDICATED HEREON.

CURVE DATA TABLE			
-	RADIUS	LENGTH	DELTA
C1	15.00'	23.56'	Δ=89°59'55"
C2	250.00'	54.40'	Δ=12°28'03"
C3	250.00'	18.74'	Δ=4°17'38"
C4	20.00'	11.29'	Δ=32°21'09"
C5	22.00'	50.64'	Δ=131°53'05"
C6	243.00'	99.24'	Δ=23°23'58"
C7	243.00'	14.29'	Δ=3°22'07"
C8	250.00'	79.03'	Δ=18°06'43"
C9	15.00'	23.56'	Δ=90°00'07"
C10	10.00'	9.64'	Δ=55°14'59"
C11	10.00'	9.64'	Δ=55°14'59"

CURVE DATA TABLE			
-	RADIUS	LENGTH	DELTA
C12	10.00'	9.64'	Δ=55°14'59"
C13	10.00'	9.64'	Δ=55°14'59"
C14	22.00'	50.66'	Δ=131°56'25"
C15	20.00'	11.32'	Δ=32°25'32"
C16	10.00'	9.64'	Δ=55°14'59"
C17	10.00'	9.64'	Δ=55°14'59"
C18	10.00'	9.64'	Δ=55°14'59"
C19	10.00'	9.64'	Δ=55°14'59"
C20	20.00'	12.45'	Δ=35°39'33"
C21	28.00'	17.43'	Δ=35°39'33"
C22	20.00'	29.35'	Δ=84°04'15"

LINE DATA TABLE		
-	LENGTH	BEARING
L1	63.10'	S70° 03' 17"E
L2	56.90'	N22° 57' 52"E
L3	39.68'	N21° 49' 24"W
L4	34.96'	N67° 28' 17"W
L5	51.89'	N64° 35' 44"W
L6	6.63'	S29° 44' 41"W
L7	6.00'	N60° 15' 19"W
L8	6.68'	N29° 44' 41"E

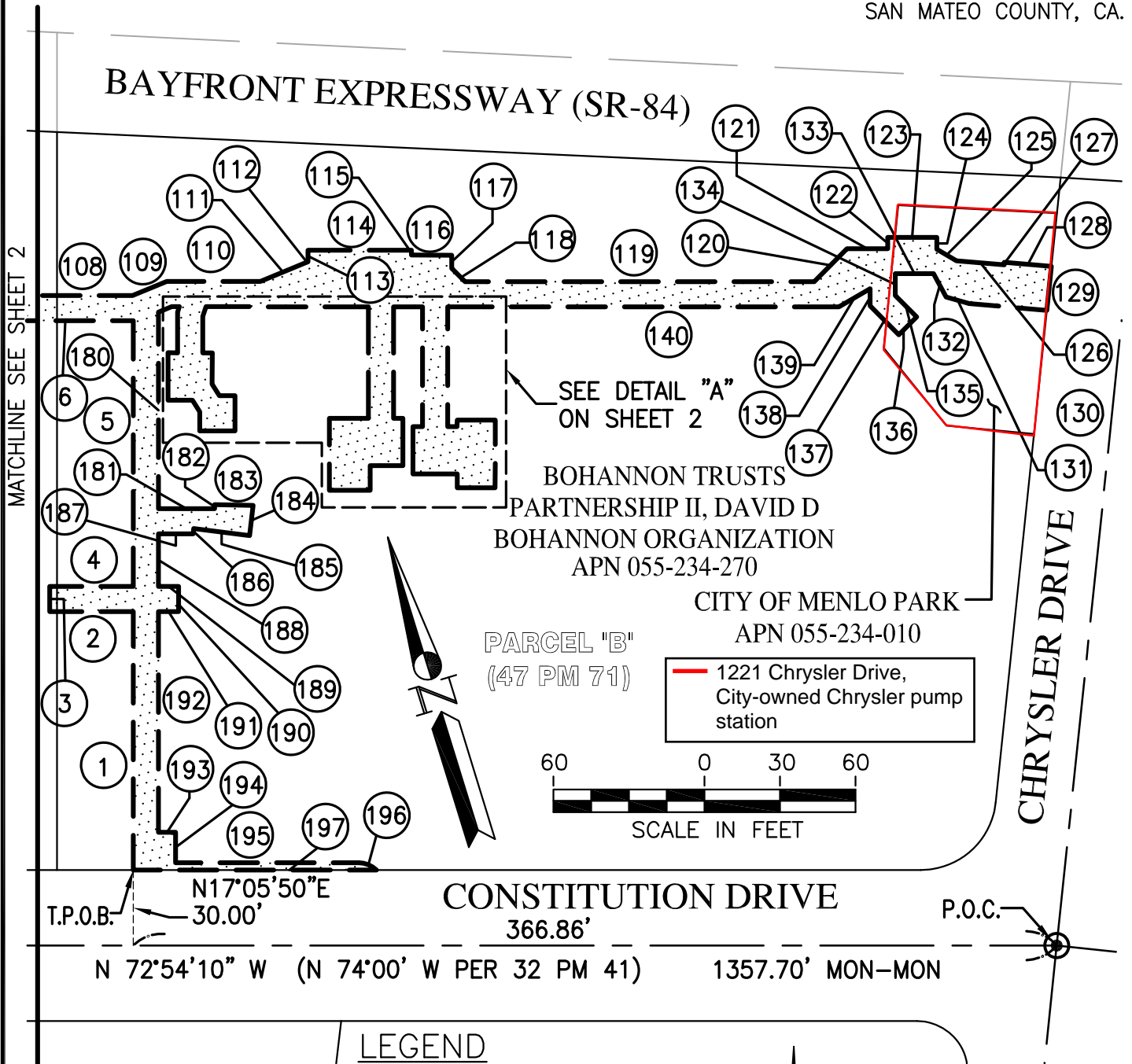
LINE DATA TABLE		
-	LENGTH	BEARING
L9	5.11'	S4° 00' 38"W
L10	6.00'	N85° 59' 22"W
L11	5.01'	N4° 00' 38"E
L12	30.00'	S17° 05' 50"W
L13	30.00'	S66° 58' 25"E
L14	30.00'	S66° 58' 25"E
L15	14.15'	N23° 01' 35"E

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NOTES: EXISTING  
EASEMENTS NOT SHOWN.  
SEE SHEETS 5-7 FOR  
COURSE TABLES.

EXHIBIT B  
PLAT MAP  
TO ACCOMPANY LEGAL DESCRIPTION  
PG&E EASEMENTS

PORTION OF  
APN 055-234-010,  
APN 055-234-240,  
APN 055-234-250,  
APN 055-234-260,  
& APN 055-234-270  
SAN MATEO COUNTY, CA.

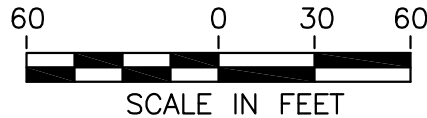


BOHANNON TRUSTS  
PARTNERSHIP II, DAVID D  
BOHANNON ORGANIZATION  
APN 055-234-270

CITY OF MENLO PARK  
APN 055-234-010

PARCEL "B"  
(47 PM 71)

1221 Chrysler Drive,  
City-owned Chrysler pump  
station



LEGEND

- PG&E Easement
- Property Line
- Street Centerline/  
Monument Line
- Tie Line or Radial Line
- Monument As Shown



ENGINEERING & SURVEYING, INC.  
930 Estudillo Street  
Martinez, California 94553-1620  
(925) 228-4218 Fax (925) 228-4638  
www.lcc-inc.com



06/19/2017 PRELIMINARY  
DATE SHEET 1 of 7

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## STAFF REPORT

### City Council

Meeting Date:

8/29/2017

Staff Report Number:

17-189-CC

### Consent Calendar:

**Authorize the City Manager to enter into agreements with Bellecci & Associates, CSG Consultants, 4Leaf, Inc., Park Engineering, Swinerton Management & Consulting and APC International Inc. for on-call construction inspection and management services**

### Recommendation

Staff recommends that the City Council authorize the City Manager to enter into separate three-year agreements with Bellecci & Associates, CSG Consultants, 4Leaf, Inc., Park Engineering, Swinerton Management & Consulting and APC International Inc. for on-call construction inspection and management services; with an option to extend agreements on a yearly for up to two additional years.

### Policy Issues

The proposed action is consistent with City's purchasing policies. Use of multiyear agreements assists with the delivery capital improvement projects in a timely fashion.

### Background

On April 4, 2013, the City Council approved a four-year agreement with Swinerton Management and Consulting and CSG Consultants to provide construction management and inspection services . As the City's construction workload increases and the Bay Area's overall construction economy improves, staff finds it challenging to find the necessary assistance from a single firm. In order to have pool of resources to assist staff, it was necessary to issue a request for proposal (RFP) for on-call construction inspection and management services.

In May 2017, staff advertised a RFP to firms having experience in providing on-call construction inspection and management services for a wide range of capital improvement projects. The deadline to submit proposals was June 15, 2017.

### Analysis

Staff received proposals from the following firms:

- Bellecci & Associates
- CSG Consultants
- 4Leaf, Inc.
- Park Engineering
- Swinerton Management & Consulting
- APC International Inc.

The City's current service provider, Swinerton Management & Consulting, is providing staff for the U.S. 101/Willow Road Interchange, Santa Cruz Avenue Sidewalk and the 2017 Street Resurfacing projects. Staff has been very satisfied with their services, but even a firm of their size is having difficulty finding adequate, experienced staff to meet our service requirements.

Upon review and evaluation of the five proposals staff has identified different strengths with each firm. Given the wide variety of projects the City develops, it is difficult for one firm to meet all our requirements and our proposed timelines. Having a pool of firms, capable of covering a wide range of specialties, provides the quickest and most cost effective solution to meet our inspection and construction management needs.

Staff believes that it would be prudent to enter into agreements with all five firms thereby ensuring the largest pool of experienced personnel and the highest availability of services. With multiple firms, you can identify the firm best suited to provide the service based on the size, complexity, type of project and the construction schedule.

Staff recommends that the City Council authorize the City Manager to execute agreements for a three-year term with an option to extend the agreements on a yearly basis for up to two additional years. Rates for any agreement extension will be subject to increases per the San Francisco Bay Area Consumer Price Index.

### **Impact on City Resources**

Funds for on-call services are budgeted by the individual projects where services are provided.

### **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.

Report prepared by:  
Michael Zimmermann, Senior Civil Engineer

Reviewed by:  
Azalea Mitch, City Engineer



## STAFF REPORT

**City Council**  
**Meeting Date:** 8/29/2017  
**Staff Report Number:** 17-192-CC

**Consent Calendar:** **Authorize the City Manager to amend the contract amount for the 2017-18 Public Works maintenance services contracts up to the City Council amended budget amount and extend the contract term with Gachina Landscape Management**

### Recommendation

Staff recommends the City Council authorize the City Manager to amend the contracts for Public Works maintenance services with the listed contractors (Attachment A) up to budgeted amount in fiscal year 2017-18 and extend the contract term with Gachina Landscape Management.

### Policy Issues

Without a modification to the contracting authority, the City cannot amend contracts or spend the budgeted amount to utilize existing contracts for unseen conditions and maintenance repairs that are not part of the base contract.

### Background

In order to provide services to residents and to maintain City facilities, staff utilizes contractors to supplement staff. For each one of these contracts, staff has gone through a procurement and bidding process. Additionally, the City Council has approved each of these contracts. Contracts for these services have a base cost including an annual inflation factor, however, costs for emergency work or extra work are not part of the base cost. Each year, during the annual budget process, staff budgets for the cost for these contracts including increases based on the inflation factor contained in the contract and contingency to pay for emergency work and/or work which are not part of the base cost. Staff desires to formalize the authorization of the City Manager to amend contracts up to and above the base work which includes the contingency budget approved by the City Council as part of the annual budget approval.

The multiyear contract with Gachina Landscape Management to maintain city medians and rights of way will expire August 31, 2017. Staff is currently working on a request for proposals for these services to be released in the fall. Therefore, staff requests to extend the contract term until December 2017 to ensure there is no interruption for this service.

### Analysis

The Public Works Department relies on a number of contracts with different vendors in order to provide City services and service City facilities. These contracts are described in Attachment A and total base cost annually of approximately \$2.2 million of which the City has approved budget amount of approximately \$2.9 million and are funded by various funds. This amount does not include contracts that fall below the current

City Manager's signing authority. Staff is requesting the Council to authorize the City Manager to amend the contracts up to the City Council amended budget for fiscal year 2017-18. Services range from street tree maintenance to custodial service to street light maintenance. An example of work that is not part of the base work is when a large City tree needs to be removed and City staff is busy with other routine work or if there are extended vacancies. In such events, staff will utilize the tree maintenance contractor to remove the tree. Another example is when the janitorial service contractor does extra work to clean up after a major party at the Arrillaga Family Recreation Center.

Except for the Gachina Landscape Management contract term, the listed contracts are in good standing with the City and are scheduled to remain in effect through the remainder of this fiscal year. The recommendation will allow staff to utilize their services as needed if the budget is available without modifying the existing contract terms.

Once contracts are amended, staff will be able to increase existing purchase orders and have the contractors perform as needed, again within the approved budget.

### **Impact on City Resources**

There is no additional impact on City resources associated with this action because funds were approved as part of the fiscal year 2017-18 adopted budget. The contract amount and funding sources vary for each service; however, staff will only utilize amounts available in the approved budget for the year.

### **Environmental Review**

Environmental review is not required for this action.

### **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. Public Works maintenance service contracts list

Report prepared by:  
Eren Romero, Business Manager

Reviewed by:  
Justin Murphy, Public Works Director



Public Works Maintenance Service Contracts		
Service	Contractor	Budget Amount
Annual tree maintenance service	West Coast Arborist, Inc.	400,000
Bedwell Bayfront Park leachate collection system monitoring, maintenance and emergency services	APTIM Environmental & Infrastructure, Inc.	210,000
Citywide striping and signage	Chrisp Company	125,000
Citywide striping and signage	Quality Striping	
General services at Bedwell Bayfront Park and Hillview restroom	Universal Building Services & Supply Co.	65,000
Herbicide-free parks	Ecological Concerns	300,000
HVAC - preventative maintenance	MTECH	135,000
Janitorial services at various City facilities	Significant Cleaning Services	315,000
Median and right of way maintenance	Gachina Landscape Management	341,466
Multiyear sidewalk sawcutting/trip hazard removal	Trip Stop Sidewalk Repair, inc.	100,000
Multiyear sidewalk replacement project	Golden Bay Construction, Inc.	300,000
On-call water emergency services	Express Plumbing	270,000
On-call water emergency services	Farallon Company	
On-call water emergency services	Casey Construction	
Storm drain cleaning services	ABC Service	70,000
Street sweeping services	Contract Sweeping Services	145,000
Traffic signal and street light maintenance services	Cal-West Lighting and Signal Maintenance	222,210

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## STAFF REPORT

**City Council Meeting Date:** 8/29/2017  
**Staff Report Number:** 17-190-CC

**Consent Calendar:** Authorize the Public Works Director to accept the work performed by Los Loza Landscaping for the Nealon Park Field Improvement Project

### Recommendation

Staff recommends that the City Council authorize the Public Works Director to accept the work performed by Los Loza Landscaping for the Nealon Park Field Improvement Project (Project).

### Policy Issues

City Council acceptance of the completion of the work begins the 90-day 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 City 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 City Council with options to consider this in the coming months in an attempt to streamline the acceptance process.

### Background

On May 2, 2017, the City Council approved a construction contract with Los Loza Landscaping in the amount of \$169,970 and a total construction budget, inclusive of a 15 percent contingency and management and inspection services of \$211,470 for the Project. This Project involved 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 was removed, the irrigation system was demolished, the soil was amended and re-graded, and a new irrigation system was installed, followed by the installation of approximately 45,000 square feet of new sod turf.

On July 18, 2017, the City Council authorized the City Manager to amend the construction agreement and increase the total budget by \$44,000 from \$211,470 to \$255,470. The additional improvements included:

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

### Analysis

The work for the Project has been completed in accordance with the plans and specifications. The 90-day plant establishment and maintenance period began July 24, 2017, and will continue through October 23,

2017. In acknowledgement of the demand for sports fields, staff from Public Works and Community Services has developed a use scenario where the ballfield will be used on a limited basis for Little League Baseball and youth soccer during the 90-day maintenance period. Starting September 5, 2017, Little League Baseball will use the field Tuesday through Friday for two hours and youth soccer will use the field on Saturdays for six hours. Dogs would be restricted from the field until the end of the 90-day maintenance period.

On October 30, 2017, dogs would be allowed to return to the ballfield at their regularly scheduled time of 8 a.m.–10 a.m. Monday through Friday. The temporary dog park, located next to Little House, will be removed. During the remaining two months that the temporary dog park is in place, staff will be seeking input from park users for consideration during the upcoming Parks and Recreation Master Plan process. It should also be noted that with the return of the dogs to the sports field, the level of ballfield maintenance will increase. Staff from Public Works will increase the scope and frequency of maintenance to mitigate impacts from the dog park. The annual 6-8 weeks maintenance closure to rejuvenate the turf will be moved from the winters to summers due to the change in the type of grass.

A notice of completion will be filed with San Mateo County accordingly. The contract was completed within the approved construction budget.

Contractor:                Los Loza Landscaping  
                                   810 Hampton Road  
                                   Hayward, CA 94541

**Impact on City Resources**

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

Construction Contract Award	
Construction contract	169,970.00
Contingency	25,500.00
Management and inspection	16,000.00
<b>Total construction contract</b>	<b>\$211,470.00</b>
Additional construction costs	40,610.11
Additional management and inspection	3,389.89
<b>Revised total construction budget</b>	<b>\$255,470.00</b>

Construction Expenditures	
Construction contract	169,970.00
Change orders	40,610.11
<b>Final construction contract</b>	<b>\$210,580.11</b>

**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.

Report prepared by:  
Michael Zimmermann, Senior Civil Engineer

Report Reviewed by:  
Justin Murphy, Public Works Director

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## STAFF REPORT

### City Council

**Meeting Date:** 8/29/2017  
**Staff Report Number:** 17-191-CC

**Consent Calendar:** Approve remaining trial metrics for the Oak Grove University Crane Bicycle Improvement Project and implement a residential parking permit program for Marcussen Drive

### Recommendation

Staff recommends that the City Council approve the remaining trial metrics for the Oak Grove University Crane Bicycle Improvement Project (project) and adopt a resolution (Attachment A) to implement a Residential Parking Permit program for Marcussen Drive residents between 8 a.m. and 5 p.m. except holidays and weekends to manage the potential of overflow parking from the Project.

### Policy Issues

On February 7, 2017, the City Council approved their 2017 Work Plan, which includes this project (Item No. 50). This Project is also consistent with the policies stated in the 2016 City of Menlo Park General Plan Circulation Element. These policies seek to improve safe multimodal transportation and encourage health and wellness through active transportation options. City Council authorization is required to establish a Residential Parking Permit program.

### Background

On December 6, 2016, City Council approved a concept plan for a one-year trial installation of bicycle improvements on Oak Grove Avenue, Crane Street and University Drive. The Council's approval also included direction to include parking on the south side of Oak Grove Avenue between Alma Street and Laurel Street, to include raised delineators where the buffered space narrowed to 18 inches, and to identify a set of metrics to measure the effectiveness of the trial. At this meeting, the Council also appropriated funds for the design and construction of this project and authorized the City Manager to award a construction contract after the project was bid.

On March 28, 2017, City Council reviewed metrics to assess the one-year trial installation. As part of that review, the Council directed staff to move forward with time-sensitive trial metrics on parking, traffic and speed data, but to bring back the remaining three metrics for Council's review at a future meeting. The Council also directed staff to conduct additional community outreach before installing the trial, and to identify potential design alternatives to address parking needs during large special events.

On April 18, 2017, City Council directed staff to construct the bicycle facility in a single phase during the summer in order to begin the one-year trial installation before the start of local schools, modify the design to allow parking on weekends on Oak Grove Avenue between Laurel Street and the city limits to the east, and to allow on-street parking for 15 Nativity Church special events each year. Staff was also directed to bring forward recommendations for Marcussen Drive and Pine Street to manage potential overflow parking.

This report and requested action by the Council serves to follow up on both the trial metrics from the March 28, 2017, meeting and the parking concerns on Marcussen Drive and Pine Street from the April 18, 2017, meeting.

**Analysis**

Trial Metrics

The bicycle improvements along Oak Grove Avenue, Crane Street and University Drive are nearly installed in their entirety and will be evaluated over a one-year period upon criteria that prioritize safety, utilization and comfort and to determine impacts to nearby residents, businesses and institutions, including parking availability and parking intrusion. Staff and Alta Planning & Design, with input and approval from the Bicycle Commission at their January and February meetings, developed a set of six trial metrics. On March 28, 2017, Council directed staff to move forward with time-sensitive trial metrics on parking, traffic and speed data, but to bring back the remaining three metrics for Council review at a future meeting to better articulate the potential impacts of the parking removal on downtown businesses or visitors.

This feedback was incorporated by expanding the scope of the online and intercept surveys in order to provide a more transparent opportunity for those potentially impacted by the parking removal to provide input. For example, the online and intercept surveys would include questions directed at business owners and downtown business patrons about parking; and one of the intercept surveys would be conducted during the lunchtime rush in the downtown area. These opportunities for feedback would supplement the metrics the Council previously approved, including the amount of parking available in all of the downtown plazas and on the street along the route so that these impacts are also quantified using data collected during the trial. Staff recommends the Council approve the remaining trial metrics for application to the project as presented in Table 1.

Table 1: Additional Trial Metrics for Oak Grove-University-Crane Bicycle Improvement Project*	
Metric	Description
Online Survey	An online survey will be posted to better understand the impacts to and perceptions of residents, business owners, roadway users, parents and other stakeholders. The survey will be conducted near the end of the trial to better assess impacts after the initiation phase. The survey will be promoted through flyers, signs posted along the corridor, at businesses and near bicycle parking, along with Almanac News, City Council Weekly Digest and Nextdoor posts. City staff will reach out to schools, churches, the Chamber of Commerce, resident/homeowner associations and other relevant groups to help with promotion of the survey.
Intercept Survey	The goal of the intercept survey is to reach potentially impacted (positively or negatively) users in locations they already travel along or near the corridor and provide an opportunity for feedback in a brief in-person survey. Two in-person intercept surveys will be conducted during school commute times, the lunch rush downtown or other events. Questions are planned to focus on parking impacts, perceived safety, comfort and preferred mode(s) of travel.
Collision Analysis	Reported collision rates and circumstances will be analyzed alongside available historical data to identify any differences in operational trends along the corridor.

\* These metrics are in addition to parking, traffic and speed data approved March 28, 2017

Parking restrictions

Following Council direction, staff engaged with residents on Marcussen Drive and Pine Street to identify neighborhood concerns and gather input on options to manage potential overflow parking from the one-year trial installation of bicycle improvements on Oak Grove Avenue. Staff collected feedback from residents of



each street through a two-step process 1) outreach to gather general ideas, and 2) a vote on the most popular preferences. Following the City’s Neighborhood Traffic Management Program policy, a consensus threshold of 60 percent neighborhood support was applied for changes to be considered. In addition, staff has begun a conversation with SRI about potentially providing additional parking for Menlo-Atherton High School.

*Marcussen Drive Parking Restrictions*

Marcussen Drive is a residential street with existing “No Parking” between 7 a.m. – 9 a.m. on both sides of the street and between 4 p.m. – 6 p.m. on the southern end of the street near Ravenswood Avenue. On May 18, 2017, staff conducted the first outreach effort to Marcussen Drive residents by sending a letter to a neighborhood email list that had been provided by residents. Forty-four percent of the residents responded to the initial letter and stated concerns that the existing time restrictions were not effective, the available street width was too narrow with cars parked on both sides, and the current restrictions burden residents. Based on the resident feedback, four options to manage parking were identified as shown in Table 2. Staff mailed a ballot with these options to the residents June 14, 2017, and 96 percent of the residents responded. The results of the vote are shown below:

Table 2: Marcussen Drive Voting Results		
Option Number	Parking Restriction Option	Percentage of Neighborhood in Support
Option 1	No Parking between 8 a.m. and 10 a.m. (Except holidays/weekends)	2%
Option 2	Two-Hour Parking between 8 a.m. and 5 p.m. (Except holidays/weekends)	5%
Option 3	Residential Parking Permit between 8 a.m. and 5 p.m. (Except holidays/weekends)	87%
Option 4	No changes	6%*

\* Residences that did not vote were included in the count for Option 4: No Changes

Based on the residents’ votes, staff recommends that the Residential Parking Permit (RPP) option be implemented. The City currently has two established RPP areas, Allied Arts and Flood Triangle/Suburban Park. The RPP would allow each residence three parking permits available for purchase through the Police Department for a fee as set in the Master Fee Schedule and would allow vehicles with this parking permit displayed to park on Marcussen Drive between 8 a.m. and 5 p.m. on weekdays. A permit would not be required to park on weekends or holidays.

On July 12, 2017, the Complete Streets Commission passed a motion 8-1-1, with Commissioner Mazzara dissenting and Commissioner Meyer absent, to recommend the City Council approve Option 3 for Marcussen Drive, implementing a residential parking permit effective between 8 a.m. and 5 p.m., except weekends and holidays. Public comments received included concerns regarding parking demand and safety on their street with support of the parking changes.

*Pine Street Parking Restrictions*

Pine Street is a residential street with existing parking restrictions between 7 a.m. – 9:30 a.m. on the southeast corner of the street and no parking any time on the west side of the street between Cherry Avenue and Ravenswood Avenue. On May 31, 2017, staff conducted the first outreach effort to Pine Street by mailing letters to all Pine Street residents. Forty percent of the residents responded to the initial letter and stated concerns that the available street width was too narrow for emergency vehicles to pass when cars parked on both sides and that residents needed to have parking options. Based on the resident feedback, three options to manage parking were identified as shown in Table 3. Staff mailed a ballot with these options to the neighborhood June 22, 2017. Staff received concerns from residents that some property owners or residents did not receive the ballot, and a third letter was sent to all property owners and residents Thursday, June 29, 2017.

Based on the residents’ initial votes, 57 percent of the Pine Street residents responded, with only 40 percent in support of any change to the existing parking restrictions, less than the 60 percent threshold to change the existing parking restrictions. Since the threshold of votes for change was not met, staff recommended no parking changes be implemented, but would continue outreach to residents. On July 12, 2017, the Complete Streets Commission supported staff’s recommendation to continue outreach to Pine Street residents in order to garner neighborhood consensus on a preferred parking treatment, with a note identifying what Marcussen Drive residents have requested. Following the Complete Streets Commission meeting, staff sent a letter to Pine Street residents/property owners August 3, 2017, informing them of the Commission’s recommendation for Marcussen Drive and extending the voting deadline to August 18, 2017 (postmarked), allowing them to submit or change their vote for their preferred option. The updated voting results are shown in Table 3 below.

Table 3: Pine Street Voting Results		
	Parking Restriction Option	Percentage of Neighborhood in Support
Option 1	No Parking Anytime on the Odd-Numbered side of the street (West side)	32%
Option 2	Residential Parking Permit between 8 a.m. and 5 p.m. (Except holidays/weekends)	19%
Option 3	No Changes	49%**

\*\* 27% of the residents did not respond and their votes have been included in Option 3: No Changes.

Based on the updated vote, 74 percent of the Pine Street residents responded, with only 51 percent in support of any change to the existing parking restrictions (either Option 1 or Option 2 in Table 3). During this voting period, a few residents expressed concerns regarding narrow roadway width. Since less than 60 percent of the neighborhood was in support of a change to the existing parking restrictions, staff recommends that no changes be implemented on Pine Street at this time. If parking overflow from Oak Grove Avenue becomes a concern as the pilot project progresses through the one-year trial, parking restrictions can be reconsidered by the City Council.

**Impact on City Resources**

The City’s current adopted budget includes staff time to complete this project. Funding for construction and consultant services were appropriated in December 2016.

### **Environmental Review**

The approval of a No Parking zone is categorically exempt under Class 1 of the California Environmental Quality Act. Class 1 allows for minor alterations of existing facilities, including highways and streets, sidewalks, gutters, bicycle and pedestrian access, and similar facilities, as long as there is negligible or no expansion of use.

### **Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Additional public outreach was achieved by mailing notices to Marcussen Drive and Pine Street residents/property owners of the potential parking restrictions.

### **Attachments**

#### **A. Resolution**

Report prepared by:  
Octavio Duran Jr., Assistant Engineer

Report reviewed by:  
Kristiann Choy, Senior Transportation Engineer

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**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AUTHORIZING THE IMPLEMENTATION OF A RESIDENTIAL PARKING  
PERMIT PROGRAM FOR MARCUSSEN DRIVE BETWEEN 8 A.M. AND  
5 P.M. EXCEPT HOLIDAYS AND WEEKENDS.**

WHEREAS, on December 6, 2016, City Council approved a concept plan for a one-year trial installation of bicycle improvements on Oak Grove Avenue, Crane Street and University Drive; and,

WHEREAS, in conjunction with the addition of new bicycle facilities on Oak Grove Avenue, some on-street parking removal on Oak Grove Avenue was required; and,

WHEREAS, several residents have expressed concerns regarding potential overflow parking as a result of the project and the existing use of public on street parking along Marcussen Drive by students from Menlo-Atherton High School; and,

WHEREAS, feedback from residents on Marcussen Drive was collected between May 18 and June 22, 2017, and 87 percent of Marcussen Drive residents voted for a Residential Parking Permit program between 8 a.m. and 5 p.m. (except holidays / weekends); and

WHEREAS, at the July 12, 2017, Complete Streets Commission meeting, the Commission passed a motion 8-1-1 to support staff's recommendation to implement a Residential Parking Permit program between 8 a.m. and 5 p.m. (except holidays/weekends); and,

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

NOW, THEREFORE, BE IT RESOLVED, the City Council of Menlo Park does hereby authorize the implementation of a residential parking permit program for Marcussen Drive between 8 a.m. and 5 p.m. except holidays and weekends.

I, Clay Curtin, Interim City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-ninth day of August, 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 twenty-ninth day of August, 2017.

---

Clay Curtin, Interim City Clerk



**STAFF REPORT**

**City Council**

**Meeting Date:**

**8/29/2017**

**Staff Report Number:**

**17-178-CC**

**Public Hearing:**

**Consider the Planning Commission's recommendation to approve the mitigated negative declaration, rezoning, rezoning, General Plan amendment, tentative map, use permit, architectural control, Below Market Rate (BMR) housing agreement, and heritage tree removal permits, as well as a tax exchange agreement, for the 2111-2121 Sand Hill Road ("2131 Sand Hill Road") Project**

**Recommendation**

The Planning Commission and staff recommend that the City Council make the necessary findings and take actions for approval of the 2111-2121 Sand Hill Road project (also known as "2131 Sand Hill Road"), as outlined in Attachment A. The specific entitlements and environmental review components are as follows:

1. **Environmental Review** to analyze potential environmental impacts of the project in the Mitigated Negative Declaration (MND), pursuant to the California Environmental Quality Act (CEQA) (Attachment B);
2. **Rezoning** of a 14.9-acre portion of a 15.8-acre parcel presently located in unincorporated San Mateo County to the R-1-S (Single Family Suburban Residential) and C-1-C (Administrative, Professional and Research, Restrictive) zoning districts (Attachment C);
3. **Rezoning** of the remaining portion of the parcel currently located in the R-1-S zoning district to the C-1-C zoning district (Attachment D);
4. **General Plan Amendment** to establish Low Density Residential and Professional and Administrative Offices land use designations for the portion of the parcel to be rezoned, and to change the land use designation from Low Density Residential to Professional and Administrative Offices for the portion of the parcel to be rezoned (Attachment E);
5. **Tentative Map** to create a two parcel subdivision, one parcel containing an existing residence, the other containing an existing office building (Attachment F);
6. **Use Permit** to construct a new approximately 39,800-square-foot, two-story office building in the proposed C-1-C zoning district, which would be located on the same parcel as the existing office building, and to excavate within the required rear setback to construct a retaining wall (Attachment F);
7. **Architectural Control** to review the design of the proposed office building and site improvements (Attachment F);
8. **Tax Exchange Agreement** to exchange property tax revenues between the City of Menlo Park and San Mateo County related to the proposed annexation and development of the unincorporated portion of the parcel to be rezoned (Attachment G);
9. **Below Market Rate (BMR) Housing Agreement** for compliance with the City's Below Market Rate Housing Program (Attachment H); and
10. **Heritage Tree Removal Permits** to allow the removal of up to four heritage trees (Attachment I).

The proposed annexation of the property into the City of Menlo Park is subject to approval by the San

Mateo County Local Agency Formation Commission (LAFCO) following action by the City Council.

## **Policy Issues**

The proposed project requires the City Council to consider the merits of the project, including consistency with the City's current General Plan, Municipal Code, and other adopted policies and programs in reviewing the requested environmental review, rezoning, rezoning, General Plan amendment, tentative map, use permit and architectural control applications, as well as the tax exchange agreement, BMR housing agreement and heritage tree removal permits. The policy issues summarized here are discussed in greater detail throughout the staff report.

## **Background**

### ***Annexation process***

The proposed annexation requires a series of actions by the City of Menlo Park, San Mateo County, and the San Mateo County LAFCO. The step-by-step process is explained in more detail in the Planning Commission staff report (Attachment J). Based on discussions between City and County staff, a tax exchange agreement was finalized to allocate property tax revenues for the unincorporated land to be annexed into the City. Under the agreement, the City would receive a percentage of property taxes generated by existing and future development on the subject site, consistent with existing tax rates in the vicinity. At this time, the City Council may review the Planning Commission's recommendation on the project entitlements and consider adoption of the property tax exchange negotiated with the County. If the City Council approves the project entitlements and the City and County adopt the property tax exchange, LAFCO will review the proposed annexation within 90 days. If the annexation is approved by LAFCO, a certificate of completion will be issued, which would make the annexation effective 30 days after approval.

State law requires that a proposed annexation to a city must be consistent with the General Plan and the rezoning set by the city. The proposed project meets Policy LU-1.1 of the General Plan, which promotes cooperation with appropriate agencies to assure a coordinated land use pattern in Menlo Park and the surrounding area. The proposed project has been developed with input from relevant agencies including LAFCO, San Mateo County and the California Water Service. The project is located within an existing urbanized area in the city's sphere of influence (SOI) and the proposed annexation would simplify jurisdictional and administrative boundaries as described in the Planning Boundaries section of the General Plan Land Use Element. In addition, the General Plan identifies the area in the vicinity of the project as an employment center for the city, and the existing and proposed uses on the site would be compatible with this designation.

### ***Site location***

The project site consists of one 15.8-acre legal parcel (five assessor's parcels) addressed 2111-2121 Sand Hill Road and located primarily in unincorporated San Mateo County. The project also includes an unincorporated section of Sand Hill Road as well as an unincorporated portion of the intersection of Sand Hill Road and Santa Cruz Avenue at the northeast edge of the site. A location map is included as Attachment K, and an annexation boundary map is included as Attachment L.

The eastern portion of the project site contains the Meyer-Buck House, which serves as the Stanford University provost's residence, and two accessory buildings. The east-central portion of the project site contains a two-story office building that serves as the headquarters of the William and Flora Hewlett Foundation ("Hewlett Foundation"), a nonprofit private charitable organization. The Hewlett Foundation



currently leases approximately 7.1 acres of the site. The western half of the parcel is vacant, aside from a Pacific Gas and Electric Company (PG&E) valve station at the southwest corner of the lot. In addition, a 0.9-acre PG&E easement runs along the southern boundary of the parcel. The easement is located within the City of Menlo Park boundary and is zoned R-1-S.

### ***Housing Commission recommendation***

The BMR housing proposal was reviewed by the Housing Commission at its meeting February 1, 2017. The Housing Commission unanimously recommended approval for the provision of two off-site BMR units to be included in the Middle Plaza at 500 El Camino Real project, in addition to any BMR units or in lieu fees required as part of that project. The Middle Plaza at 500 El Camino Real project is a separate mixed-use development proposed by Stanford, and is currently under review. If the 500 El Camino Real project is not developed for any reason, the applicant would have the opportunity to partner with other developers to provide BMR units elsewhere in the city or pay an in lieu fee. The Housing Commission requested that the applicant return to provide a project status update to the Housing Commission within two years, which has been incorporated as condition of approval 79.

### ***Planning Commission recommendation***

The proposed project was reviewed by the Planning Commission at its meeting June 19, 2017. At the meeting, the Planning Commission also heard comments from five members of the public, who expressed concerns regarding traffic, housing, construction noise and dust, privacy and the project design. The Planning Commission unanimously recommended approval of the project, with a request that the applicant develop a transportation demand management (TDM) program for the proposed building, which has been incorporated as condition 49.

### **Analysis**

The project proposal requires the review and consideration of new land use entitlements and associated agreements. A discussion of the proposed project, as well as required land use entitlements and agreements, is provided in the following sections.

### ***Project description***

Stanford is proposing to prezone the unincorporated portion of the project site R-1-S and C-1-C, and request annexation into the City of Menlo Park through the process described in the Background section of this report. A draft pre zoning ordinance and map are included as Attachment C. The southern portion of the parcel containing the 0.9-acre, 35-foot wide PG&E easement would be rezoned from R-1-S to C-1-C to maintain consistency with the rest of the parcel. A draft rezoning ordinance and map are included as Attachment D.

In order to ensure consistency between the General Plan and pre zoning for the project site, the applicant is requesting an amendment to establish the General Plan land use designations for the project. The R-1-S district's corresponding General Plan designation is Low Density Residential, and the C-1-C district's corresponding General Plan designation is Professional and Administrative Offices. For the portion of the parcel that would be rezoned, the applicant is requesting to change the General Plan land use designation from Low Density Residential to Professional and Administrative Offices. A draft General Plan amendment ordinance and map are included as Attachment E.

The applicant is also requesting to subdivide the parcel, maintaining the Meyer-Buck House on a 3.9-acre, R-1-S-zoned parcel at the eastern end of the project site, and creating an 11.9-acre, C-1-C-zoned parcel

containing the existing Hewlett Foundation office building and a vacant area on the western half of the site. State law outlines five factors that the City Council may consider in reviewing the request for minor subdivisions, which are detailed in the Planning Commission staff report (Attachment J).

In addition, the applicant is concurrently requesting a use permit and architectural control to construct a new two-story office building on the undeveloped western portion of the property if the annexation and related project entitlements are approved. The proposed office building draws many references from the existing Hewlett Foundation building in terms of architectural character and building materials. The proposed building would be approximately 39,800 square feet of gross floor area (GFA) in size, with 159 parking spaces provided between two levels of below-grade parking and a small surface parking lot. The project would provide bicycle parking in both short-term and long-term configurations. In terms of pedestrian improvements, western and southern crosswalks would be added to provide full pedestrian access across the Sand Hill Road and Sharon Park Drive intersection. A draft resolution approving the use permit, architectural control, and tentative map is included as Attachment F.

No changes are proposed to the Meyer-Buck House or Hewlett Foundation buildings. The existing buildings on the site would be considered existing legal structures, and would be treated equivalent to having received appropriate approvals from the City of Menlo Park. Any changes proposed for the existing buildings or sites in the future would be required to comply with the regulations of the proposed zoning districts and all other applicable City requirements in effect at that time.

The total square footage of the existing and proposed office buildings on the proposed C-1-C-zoned parcel would be 87,774 square feet of GFA, or a floor area ratio (FAR) of 18.5 percent, below the maximum 25 percent FAR permitted for a C-1-C-zoned property. The maximum building coverage of both office buildings on the site would be 10.2 percent, below the maximum 20 percent building coverage permitted in the C-1-C zoning district. The proposed office building would comply with all other development regulations in the C-1-C zoning district, including the required setbacks and maximum building height. Project plans are included as Attachment M and a project description letter is included as Attachment N.

### ***Trees and landscaping***

The applicant has submitted an arborist report prepared by HortScience, Inc. (Attachment O), evaluating 90 trees on and near the subject property, including 44 heritage trees. In an effort to retain existing screening vegetation on the site and preserve as many trees as possible, the applicant reduced the requested number of heritage tree removals from 11 to six, as shown in the Tree Disposition Notes and Table included in the plan set (sheet C-3.3). A summary table of the characteristics of heritage trees requested for removal is contained in Attachment P.

The City Arborist has recommended tentative approval to remove trees #53 and #54. Because the trees are located within the public right of way, the City Arborist is recommending condition of approval 42, which would require replacement of the trees with a 24-inch box container specimen within the right of way on Sand Hill Road using the City-approved street tree list for species selection. The City Arborist has recommended that design alternatives for the proposed driveway be explored to retain trees #93 and #97, or that the trees be transplanted elsewhere on the site, as proposed in condition of approval 43. Finally, the City Arborist has recommended tentative approval to remove trees #96 and #101 due to their poor condition.

The applicant is proposing eight heritage tree replacements, which could provide additional screening for adjacent residences over time. The project also complies with the C-1-C zoning requirement that a minimum of 30 percent of the building site be occupied by landscaping, such as trees, shrubs, ornamental

grasses and other vegetation.

### **Correspondence**

Staff received 11 items of correspondence regarding the project since the Planning Commission public hearing was scheduled (Attachment Q). The correspondence states concerns that the project will create additional traffic and exacerbate safety issues on Alpine Road related to conflicting speed limit signs posted by the city and county, as well as use of the Meyer-Buck House driveway entrance off Alpine Road to perform illegal U-turns. The correspondence also indicates safety concerns regarding pedestrians and cyclists sharing the multiuse path east of Santa Cruz Avenue and Alpine Road in the vicinity of Junipero Serra Boulevard.

### **Conclusion**

The proposed project is located within an existing urbanized area in the city's sphere of influence, and the proposed rezoning would simplify jurisdictional and administrative boundaries in the vicinity of the project if annexation is granted by LAFCO. Staff believes that the proposed changes to the site's General Plan and zoning designations would also make the land uses consistent with the current and anticipated future uses of the site. The project would result in the construction of a new office building with architectural references to an existing office building to be located on the same parcel. The proposed office building would meet the zoning regulations of the C-1-C zoning district, including required 75-foot front and rear setbacks, and, in some respects, could be potentially less intense in form and density than other uses allowed under the existing San Mateo County zoning for the site, if it was subdivided. The site would be landscaped extensively and planted with approximately 91 trees, with consideration given to screening the proposed building from adjacent residential uses south of the project site.

Staff recommends that the City Council approve the rezoning, General Plan amendment, tentative map, use permit, architectural control, tax exchange agreement, BMR housing agreement and heritage tree removal permits. Staff further recommends that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project. Staff recommends that the City Council approve all of the actions outlined in Attachment A.

### **Impact on City Resources**

The proposed project is located in an urbanized area with existing urban services and development patterns. The scope of the proposed annexation includes a small portion of Sand Hill Road and a portion of the intersection of Santa Cruz Avenue and Sand Hill Road, as shown in Attachment J. The City's Public Works Department has conducted an evaluation of the public right of way that would be incorporated into the City of Menlo Park and believe that no additional improvements or modifications would be necessary.

The proposed project would result in the construction of a new office building, which may create additional tax revenue for the city if the building is occupied by a for-profit business or corporation. The applicant has previously stated the intent for the building to be occupied by a for-profit business in the near term future. The existing residence and office building on the project site are owned by Stanford, and the Hewlett Foundation leases the existing office building as a nonprofit private organization, so no tax revenue from the existing occupants on the site could be expected.

A property tax exchange agreement has been negotiated with San Mateo County, which would result in the City receiving 10.5 percent of the property taxes generated on the site each year. While 10.5 percent is slightly lower than the citywide average across all areas (10.9 percent) and 1.1 percent lower than the

adjacent incorporated properties (11.6), the County maintained in its negotiations that a lower share of property tax to the City is justified considering significant County expenses planned for traffic improvements on Alpine Road. Based on the current conditions on the project site, the City would receive slightly less than \$6,500 in property tax revenue annually in the near term. However, if the proposed office building is constructed on the annexed parcel, additional property tax revenue could be anticipated based on the value of the new development, as well as business license tax revenue, and potential sales tax revenue from new office workers spending in the area. For every \$1 million in assessed value added by construction, the City will receive an additional \$1,050 per year.

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. In addition, the proposed development would be subject to payment of a Transportation Impact Fee (TIF). These required fees were established to account for projects' proportionate obligations.

### **Environmental Review**

An Initial Study and Mitigated Negative Declaration, collectively referred to as the MND, were prepared and circulated for public review in compliance with CEQA. The public review period began April 3, 2017, and ended April 24, 2017. The MND was made available for review at the Planning Division office and library reference desk during business hours, as well as on the City's website (<http://www.menlopark.org/DocumentCenter/View/13267>). The members of the City Council also received a copy of the Notice of Availability at the beginning of the public review and comment period.

Staff received three items of correspondence regarding the MND from the San Mateo County Planning and Building Department, Stanford Hills Home Owners Association and unincorporated San Mateo County resident Janet Davis, which are included as Attachment R. The correspondence covers the following general concerns:

- Requests from San Mateo County to expand the scope of the annexation to include unincorporated parcels located across Sand Hill Road at 2108 and 2128 Sand Hill Road; to consider adjusting the MND trip generation rates upward and use an alternative trip distribution; and to condition the project to require construction related equipment to use Sand Hill Road in lieu of Alpine Road, and require the project to physically prevent illegal left turns off northbound Alpine Road into the Meyer-Buck House estate;
- Concerns from the Sand Hill Home Owners Association about a lack of proposed landscaping along the rear setback of the proposed office building project; a request to move the proposed building closer to Sand Hill Road, which would require a variance; concerns regarding construction and permanent increased noise levels related to the proposed building; lighting and privacy concerns related to the proposed building; concerns regarding increased traffic associated with the project; and concerns related to a proposed mechanical equipment penthouse at the top of the building, which has been removed in the most recent plans for the project;
- Concerns from Janet Davis, a resident of unincorporated San Mateo County, regarding the cumulative impacts of Stanford projects on the Peninsula related to traffic and housing; claims that the applicant is seeking annexation to avoid the terms of a use permit previously granted by San Mateo County; concerns regarding increased traffic potential on Sand Hill Road and Alpine Road; and suggested mitigations primarily related to traffic and housing.

Staff discussed the potential expansion of the annexation boundary with the applicant and LAFCO staff. However, due to uncertainty regarding additional property owners' willingness to be voluntary annexed into

the City, as well as applicant concerns about revising the project at such a late stage, the applicant has requested that the annexation boundary remain as originally proposed, subject to LAFCO review and approval.

The C-1-C zoning regulations proposed for the new office building include some of the largest required setbacks in the City's Zoning Ordinance. The applicant has ensured that the 75-foot front and rear setbacks would be met by the proposed development without any variance requests. The applicant has also proposed a number of new trees and screening plants on the property, with special attention given to the rear of the site, where no fewer than 27 new giant sequoias would be planted. The planting of these trees has been included as condition of approval 44. Furthermore, a lighting plan would be required with a building permit for the proposed office building (condition of approval 41), providing the location, architectural details, and specifications for all exterior lighting, as well as a photometric study to minimize glare and spillover onto adjacent properties.

A construction noise plan would be required to reduce construction noise levels emanating from the site and minimize disruption to existing noise-sensitive receptors in the project vicinity, as required by condition of approval 41. An acoustical consultant will review mechanical noise for the proposed building and determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Mechanical equipment will be selected to reduce impacts on surrounding uses to meet the City's noise level requirements (condition of approval 50).

The MND utilizes trip generation rates based on local data collected from office buildings with similar GFA in Menlo Park, including an existing office building on Sand Hill Road. These rates are based on observed characteristics within the community and may more accurately represent anticipated trip generation rates for the project than the standard Institute of Transportation Engineers (ITE) rates. The trip distribution used for the MND is consistent with transportation impact analyses completed for other projects in Menlo Park. In addition, the applicant will submit plans to develop signalized pedestrian crossings across the west and south legs of the Sharon Park Drive/Sand Hill Road intersection (condition 33). The applicant will also install bike racks and shower/changing rooms as part of the project. These measures may encourage more pedestrian and bicycle trips to and from the project site versus vehicular trips. The MND finds that there are no potentially significant transportation/traffic impacts related to the proposed project.

According to the analysis in the Initial Study, the project would result in potentially significant impacts related to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise and vibration. These impacts are expected to be mitigated to a less-than-significant level through implementation of mitigation measures identified in the Initial Study and MND. The mitigation measures have been incorporated into a Mitigation Monitoring and Reporting Program (MMRP) for the project, included in Attachment B.

## **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. Notice of the MND availability was also provided to agencies and jurisdictions of interest.

## Attachments

- A. Findings and Recommended Actions for Approval
- B. Draft Resolution Adopting Findings Required by the California Environmental Quality Act
- C. Draft Ordinance Approving the Rezoning
- D. Draft Ordinance Approving the Rezoning
- E. Draft Resolution Amending the General Plan to Change the Land Use Designation
- F. Draft Resolution Approving the Use Permit, Architectural Control and Tentative Map
- G. Draft Resolution Approving the Tax Exchange Agreement
- H. Draft Resolution Approving the BMR Agreement
- I. Draft Resolution Approving the Heritage Tree Removal Permits
- J. Planning Commission Staff Report
- K. Location Map
- L. Annexation Boundary Map
- M. Project Plans
- N. Project Description Letter
- O. Arborist Report
- P. Requested Heritage Tree Removal Summary Table
- Q. Correspondence (Non MND Comments)
- R. MND Comments
- S. Hyperlink: 2131 Sand Hill Road MND - <http://www.menlopark.org/DocumentCenter/View/13267>

## 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

- Color and Materials Boards

Report prepared by:  
Tom Smith, Associate Planner

Report reviewed by:  
Mark Muenzer, Assistant Community Development Director

*DRAFT – July 18, 2017*

**FINDINGS AND RECOMMENDED ACTIONS FOR APPROVAL**

**2111-2121 Sand Hill Road Project**

The Planning Commission recommends that the City Council take the following actions:

**Environmental Review**

1. Make the following findings relative to the environmental review of the proposal and adopt the Mitigated Negative Declaration:
  - a. A Mitigated Negative Declaration has been prepared and circulated for public review in accordance with current State CEQA Guidelines;
  - b. The City Council has considered the Mitigated Negative Declaration prepared for the proposal and any comments received during the public review period; and
  - c. Based on the Initial Study prepared for the Mitigated Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. Adopt a Resolution Adopting a Mitigated Negative Declaration and Adopting a Mitigation Monitoring and Reporting Program for the Properties Located at 2111 and 2121 Sand Hill Road (Attachment B)

**Prezoning**

3. Introduce an Ordinance of the City of Menlo Park, Prezoning All That Certain Parcel of Land Being the Whole of the Parcel at 2111 and 2121 Sand Hill Road and Additional Land, Situated in the County of San Mateo, State of California, and More Particularly Described in Exhibit A (Attachment C)

**Rezoning**

4. Introduce an Ordinance of the City of Menlo Park, Rezoning Property with Assessor's Parcel Numbers 074-331-210 and 074-321-110 (Attachment D)

**General Plan Map Amendments**

5. Adopt a Resolution Amending the General Plan to Establish and Modify Land Use Designations for Properties Located at 2111 and 2121 Sand Hill Road (Attachment E)

### **Tentative Map**

6. Make findings that the proposed tentative map is technically correct and in compliance with all applicable State regulations, City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act (Attachment F).

### **Use Permit**

7. 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.
8. Approve the Use Permit for construction of a new office building in the C-1-C zoning district (Attachment F).

### **Architectural Control**

9. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structures is in keeping with the character of the neighborhood;
  - b. The development will not be detrimental to the harmonious and orderly growth of the City;
  - c. The development will not impair the desirability of investment or occupation in the neighborhood;
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking; and
  - e. The proposed project is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
10. Approve the proposed design of the new building and site improvements (Attachment F).

### **Tax Exchange Agreement**

11. Adopt a Resolution Making a Determination of Property Tax Exchange Pursuant to Provisions of Chapter 282, Section 59, Part .05, Implementation of Article XIII A of the California Constitution Commencing with Section 95, Division 1, of the Revenue and Taxation Code (Attachment G)



### **Below Market Rate Housing**

12. Adopt a Resolution Approving a Below Market Rate Housing Agreement with Leland Stanford Junior University for the Project at 2111 and 2121 Sand Hill Road (Attachment H)

### **Heritage Tree Removal Permits**

13. Adopt a Resolution Approving Heritage Tree Removal Permits for the Properties Located at 2111 and 2121 Sand Hill Road (Attachment I).

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*DRAFT – August 22, 2017*

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADOPTING A MITIGATED NEGATIVE DECLARATION AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROPERTIES LOCATED AT 2111 AND 2121 SAND HILL ROAD**

**WHEREAS**, Leland Stanford Junior University (“Project Sponsor”) submitted an application to prezone and rezone properties located at 2111 and 2121 Sand Hill Road and construct a new office building and associated site improvements at 2121 Sand Hill Road in the City of Menlo Park (“City”); and

**WHEREAS**, an Initial Study and Mitigated Negative Declaration (collectively “Mitigated Negative Declaration”) were prepared based on substantial evidence analyzing the potential environmental impacts of the Project; and

**WHEREAS**, a Notice of Completion was filed with the State Clearinghouse April 3, 2017; and

**WHEREAS**, the Mitigated Negative Declaration was released for public comment beginning April 3, 2017 and ending April 24, 2017; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing June 19, 2017 to review and consider the Mitigated Negative Declaration and the Project, at which all interested persons had the opportunity to appear and comment, and the Planning Commission voted affirmatively to recommend adoption of the Mitigated Negative Declaration and adoption of the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the City Council held a duly noticed public hearing on \_\_\_\_\_, 2017 to review and consider the Mitigated Negative Declaration and the Project, at which all interested persons had the opportunity to appear and comment; and

**WHEREAS**, the Mitigated Negative Declaration, public comments, and all other materials which constitute the record of proceedings upon which the City Council’s decision is based are on file with the City Clerk, Menlo Park City Hall, 701 Laurel St.; and

**WHEREAS**, the City Council finds that the Mitigated Negative Declaration is complete and adequate pursuant to the California Environmental Quality Act, and that the City Council has considered and reviewed all information contained in it; and

**WHEREAS**, the City Council finds on the basis of the whole record before it that there is no substantial evidence that the Project will have a significant effect on the environment

and that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Menlo Park hereby adopts the Mitigated Negative Declaration and adopts the Mitigation Monitoring and Reporting Program for the Project, attached hereto as Exhibit A.

I, Clay Curtin, Interim 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 \_\_\_ day of \_\_\_\_\_, 2017, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHERE OF, I have hereunto set my hand and affixed the Official Seal of said City on this \_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
Clay Curtin, Interim City Clerk

## Exhibit A

### MITIGATION AND MONITORING PROGRAM 2111-2121 SAND HILL ROAD – ANNEXATION

#### MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<b>Air Quality</b>						
<p><b>MM AIR-1.1:</b>     <u>Measures to Control Dust Emissions:</u> The contractor shall implement the following Best Management Practices that are required of all projects:</p> <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.</li> <li>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a</li> </ul>	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning, Building, and Engineering Divisions	Plan review and approval	Once for the preparation of the technical assessment	Initials: _____ Date: _____

## MITIGATION MONITORING OR REPORTING PROGRAM

### MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>certified mechanic and determined to be running in proper condition prior to operation.</p> <ul style="list-style-type: none"> <li>Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>						
<p><b>MM AIR-2.1: Selection of Construction Equipment:</b> The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 85 percent reduction in PM<sub>2.5</sub> exhaust emissions or more. Such equipment selection would include the following requirements:</p> <ul style="list-style-type: none"> <li>All mobile diesel-powered off-road equipment larger than 25 horsepower and operated on the site for more than two days continuously shall, at a minimum, be equipped with California Air Resources Board-certified Level 3 Diesel Particulate Filters or meet U.S. Environmental Protection Agency particulate matter emissions standards for Tier 4 engines or equivalent, and/or</li> <li>Use of alternatively-fueled equipment (e.g., Liquefied Petroleum Gas [LPG]-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures listed above provided that these measures are approved by the City and demonstrated to reduce community risk impacts to a less than significant level.</li> </ul>	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning and Building Divisions	Plan review and approval	Prior to approval and during scheduled site visits	Initials: _____ Date: _____

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<ul style="list-style-type: none"> <li>Measures to be used shall be approved by the City of Menlo Park Community Development Department prior to issuance of grading permits, and demonstrated to reduce community risk impacts to less than significant.</li> </ul>						
<b>Biological Resources</b>						
<b>MM BIO-1.1: Worker Environmental Awareness Training:</b> Prior to any construction activities, an approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include descriptions of Nuttall’s woodpecker, its habitat, importance of the species, and the limits of work boundaries associated with the project.	Project applicant	During the building permit and site development review process and prior to permit issuance	A qualified biologist approved by the City of Menlo Park Planning Division	Plan review and approval	Once for the selection of the approved biologist and scheduling of training	Initials: _____ Date: _____
<b>MM BIO-1.2: Nesting Bird Avoidance:</b> To the greatest extent feasible, vegetation removal and construction activities shall be completed between September 1 and February 14, to avoid the general nesting period for birds.	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Prior to approval and during scheduled site visits	Initials: _____ Date: _____
<b>MM BIO-1.3: Preconstruction Survey:</b> A preconstruction nesting bird survey shall be completed by a qualified biologist prior to vegetation removal or any construction-related activity (including site preparation) that occurs during the nesting season (February 15 through August 31) in order to determine if nesting birds and their territories are located within 500 feet of the project site. If no special status bird nests are identified with 500 feet during the preconstruction survey, construction-related activities will be allowed to proceed.	Project applicant	During the building permit and site development review process and prior to permit issuance	A qualified biologist approved by the City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of a biological assessment and again, if determined further assessment is required as specified in this mitigation measure	Initials: _____ Date: _____
<b>MM BIO-1.4: Buffer Zone:</b> If active nests are observed during the preconstruction survey, the project applicant, in coordination with City staff as appropriate, shall establish no-disturbance buffer zones around the nests, with the size to be	Project applicant	During the building permit and site development review process and	A qualified biologist approved by the City of Menlo	Plan review and approval	Once for the preparation of a biological assessment and	Initials: _____ Date: _____

## MITIGATION MONITORING OR REPORTING PROGRAM

### MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
determined in consultation with California Department of Fish and Wildlife (usually 100 feet for perching birds and 300 feet for raptors). The no-disturbance buffer will remain in place until the biologist determines that the nest is no longer active or the nesting season ends.		prior to permit issuance	Park Planning Division		again, if determined further assessment is required as specified in this mitigation measure	
<b>MM BIO-2.1: <u>Tree Replacement</u>:</b> The applicant shall offset the loss of trees by planting replacement trees at the project site. Two replacement trees per Heritage tree, and one replacement tree per non-Heritage tree, shall be planted, for a total of 25 replacement trees. If additional trees are removed due to project impacts, replacement trees will be required at the same ratios.	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division and City Arborist	Plan review and approval	Once at the time of plan review and approval	Initials: _____ Date: _____
<b>MM BIO-2.2: <u>Tree Preservation Measures</u>:</b> All existing on-site trees to remain shall be trimmed and fertilized by a licensed arborist prior to commencement of grading or demolition operations.	Project applicant	During the building permit and site development review process and prior to permit issuance	A licensed arborist approved by the City of Menlo Park Planning Division	Plan review and approval	Once prior to commencement of grading or demolition	Initials: _____ Date: _____
<b>MM BIO-2.3: <u>Tree Protection Measures</u>:</b> A Tree Protection Zone of at least ten feet shall be established around each tree to be preserved. No grading, excavation, construction, or storage of materials shall occur within that zone.	Project applicant	During the building permit and site development review process and prior to permit issuance	A licensed arborist approved by the City of Menlo Park Planning Division	Plan review and approval	Once prior to commencement of grading or demolition	Initials: _____ Date: _____

### Cultural Resources



**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p><b>MM CUL-1.1: Discovery of Cultural Materials:</b> If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 50 feet of the find shall halt and the City must be notified. A qualified archaeologist and Native American representative shall inspect and evaluate the findings within 24 hours of discovery. Prehistorical material might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, milling slabs); and battered-stone tools such as hammerstones and pitted stones. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, shall develop a treatment plan that could include site avoidance, capping, or data recovery.</p>	Project applicant	During construction	Qualified archeologist approved by the City of Menlo Park Planning Division	Plan review and approval	Once at time of preliminary assessment and again, if determined further assessment is required as specified in this mitigation measure	Initials: _____ Date: _____
<p><b>MM CUL-2.1: Discovery of Paleontological Resources:</b> In the event that a fossil is discovered during construction of the project, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. The City shall be notified if any fossils are discovered. Treatment may include preparation and recovery of fossil material so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent shall be responsible for implementing the recommendations of the paleontologist.</p>	Project applicant	During construction	Qualified archeologist approved by the City of Menlo Park Planning Division	Plan review and approval	Once at time of preliminary assessment and again, if determined further assessment is required as specified in this mitigation measure	Initials: _____ Date: _____
<p><b>MM CUL-3.1: Discovery of Human Remains:</b> In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The San Mateo County Coroner shall be notified immediately and shall</p>	Project applicant	During construction	Qualified archeologist approved by the City of Menlo Park Planning Division	Plan review and approval	Once at time of preliminary assessment and again, if determined further	Initials: _____ Date: _____

## MITIGATION MONITORING OR REPORTING PROGRAM

### MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
then determine whether the remains are Native American. If the Coroner determines that the remains are Native American, he/she shall within 24 hours notify the Native American Heritage Commission (NAHC), who will notify the person the NAHC identifies as the Most Likely Descendant (MLD) of the deceased Native American. If the MLD does not make recommendations regarding the disposal of the remains within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.						assessment is required as specified in this mitigation measure
<b>Geology and Soils</b>						
<b>MM GEO-1.1: Engineering Measures:</b> To reduce the potential for damage to the planned at-grade structures, footings shall extend below the zone of seasonal moisture fluctuation. In addition, moisture changes shall be limited by using positive drainage away from the building as well as limiting landscaping watering. If the expansive clay layer is encountered beneath concrete flatwork, pavements, or pavers, the non-expansive fill layer shall be increased.	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Building Division	Plan review and approval	Once at time of preliminary assessment and again, if determined further assessment is required as specified in this mitigation measure	Initials: _____ Date: _____
<b>MM GEO-1.2: Construction Moisture Conditioning:</b> To minimize soil volume changes, the contractor shall keep all exposed expansive soil subgrade (and also trench excavation side walls) moist until protected by overlying improvements (or trenches are backfilled). If expansive soils are allowed to dry out significantly, reconditioning may require several days of re-wetting, or deep scarification, moisture conditioning, and re-compaction.	Project applicant	During construction	City of Menlo Park Building Division	Scheduled site visits and inspections	Once at time of preliminary assessment and again, if determined further assessment is required as specified in this mitigation measure	Initials: _____ Date: _____

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<b>Hazards and Hazardous Materials</b>						
<b>MM HAZ-1.1: <u>Soil and Groundwater Sampling</u>:</b> Prior to issuance of a grading permit, the project shall complete focused sampling and analysis under the oversight of the San Mateo County Health System, or other appropriate oversight agency, in accordance with a Work Plan prepared by a qualified professional and approved by the oversight agency. The Work Plan shall be approved prior to site clearing or excavation and include appropriate risk-based screening levels for comparison of the sampling results.	Project applicant	During the building permit and site development review process and prior to permit issuance	The appropriate “Oversight Agency” designated by the City of Menlo Park Planning Division	Plan review and approval	Prior to construction and during regularly scheduled site inspections	Initials: _____ Date: _____
<b>MM HAZ-1.2: <u>Hazardous Materials Disposal</u>:</b> If evidence of a hazardous material is discovered during construction (or pre-construction soil testing), work will be stopped in the immediate area and soil samples will be collected and analyzed by a qualified environmental professional to determine the type and extent of release and potential health effects to construction workers. The analytical results will be compared against applicable hazardous waste criteria, and if necessary, the investigation will provide recommendations regarding management and disposal of affected soil (and groundwater). Any contaminated soil and/or groundwater found in concentrations above developed thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. Special health and safety measures and/or soil management procedures may also be required during project construction.	Project applicant	During the building permit and site development review process and prior to permit issuance	Licensed environmental professional in accordance with RWQCB, DTSC, and SMCEHD approved by the City of Menlo Park Planning Division	Plan review and approval	Prior to construction and during regularly scheduled site inspections	Initials: _____ Date: _____
<b>MM HAZ-1.3: <u>Soil Characterization</u>:</b> Soil materials removed from the site shall be characterized and disposed of according to the California Hazardous Waste Regulations. Contaminated soil that exceeds regulatory thresholds shall be handled by trained personnel using appropriate protective equipment and	Project applicant	During grading and construction	The appropriate “Oversight Agency” designated by the City of Menlo	Plan review and approval	Prior to construction and during regularly scheduled site inspections	Initials: _____ Date: _____

## MITIGATION MONITORING OR REPORTING PROGRAM

### MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
engineering and dust controls, in accordance with local, State and federal laws. Any contaminated soils that are removed from the site shall be disposed of at a licensed hazardous materials disposal site.			Park Planning Division			
<b>MM HAZ-1.4: Hazardous Materials Cleanup:</b> If detected at levels that exceed regulatory thresholds, the extent of contamination shall be identified, and recommendations for a Health and Safety Plan, Soil Management Plan, and methods for cleanup shall be implemented, as applicable. This work shall be performed under the oversight of a regulatory agency, such as the San Mateo County Health System, Regional Water Quality Control Board, or the Department of Toxic Substances Control, with copies of all documentation provided to the City of Menlo Park.	Project applicant	During grading and construction	The appropriate “Oversight Agency” designated by the City of Menlo Park Planning Division	Plan review and approval	Prior to construction and during regularly scheduled site inspections	Initials: _____ Date: _____
<b>Hydrology and Water Quality</b>						
<b>MM HYD-1.1: State of California Construction General Permit:</b> A Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) shall be prepared for construction projects disturbing one acre or more of land. Proof of coverage under the Construction General Permit (CGP) shall be attached to the building plans.	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning, Building, and Engineering Divisions	Plan review and approval	Once for the preparation of the plans	Initials: _____ Date: _____
<b>MM HYD-1.2: Best Management Practices:</b> The project will implement Best Management Practices (BMPs) to control the discharge of stormwater pollutants including sediments associated with construction activities in accordance with the SWPPP and National Pollutant Discharge Elimination System (NPDES) requirements. The project shall prepare an Erosion Control Plan to the satisfaction of the City of Menlo Park Public Works Department. The Erosion Control Plan may include but is not limited to BMPs specified in the Manual of Standards Erosion	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning, Building, and Engineering Divisions	Plan review and approval	Once for the preparation of the plans	Initials: _____ Date: _____

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>and Sediment Control. The project shall implement the following erosion and sediment control measures where appropriate:</p>						
<ul style="list-style-type: none"> <li>• Control and prevent the discharge of all potential pollutants and non-stormwater discharges to storm drains and watercourses;</li> <li>• Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater;</li> <li>• Avoid cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated;</li> <li>• Train and provide BMP instruction to all employees and subcontractors;</li> <li>• Protect all storm drain inlets in the vicinity of the site using sediment controls such as berms, fiber rolls, or filters;</li> <li>• Limit construction access routes and stabilize designated access points;</li> <li>• Delineate with field marker clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses;</li> <li>• Complete clearing and earth moving activities only during dry weather;</li> <li>• Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits;</li> <li>• Trap sediment on-site using sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stockpiles, etc.;</li> <li>• Divert on-site runoff around exposed areas; divert off-site runoff around the site using swales and dikes; and</li> <li>• Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.</li> </ul>						

## MITIGATION MONITORING OR REPORTING PROGRAM

### MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p><b>MM HYD-1.3: Outdoor Storage Areas (Including Garbage Enclosures):</b> Outdoor storage areas (for storage of equipment or materials which could decompose, disintegrate, leak, or otherwise contaminate stormwater runoff), including garbage enclosures, shall be designed to prevent the run-on of stormwater and runoff of spills by all of the following:</p> <ul style="list-style-type: none"> <li>• Paving the area with concrete or other non-permeable surface;</li> <li>• Covering the area; and</li> <li>• Sloping the area inward (negative slope) or installing a berm or curb around its perimeter. There shall be no storm drains in outdoor storage areas.</li> </ul>	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning, Building, and Engineering Divisions	Plan review and approval	Once for the preparation of the plans	Initials: _____ Date: _____
<p><b>MM HYD-2.1: Municipal Regional Permit:</b> The project shall comply with the requirements of the Municipal Regional Permit (MRP), as well as other local, state, and federal requirements. The project shall comply with provision C.3 of the MRP, which provides performance standards for the management of stormwater for new development, and any new requirements.</p>	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Engineering Division	Plan review and approval	Once for the preparation of the plans	Initials: _____ Date: _____
<p><b>MM HYD-2.2: Landscape Design:</b> For non-residential buildings, landscape design shall minimize runoff and promote surface filtration. Examples include:</p> <ul style="list-style-type: none"> <li>• No steep slopes exceeding 10 percent;</li> <li>• Using mulches in planter areas without ground cover to avoid sedimentation runoff;</li> <li>• Installing plants with low water requirements; and</li> <li>• Installing appropriate plants for the location in accordance with appropriate climate zones.</li> </ul>	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning and Engineering Divisions	Plan review and approval	Once for the preparation of the plans	Initials: _____ Date: _____

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p><b>MM HYD-2.3: Efficient Irrigation:</b> For residential and non-residential buildings, common areas shall employ efficient irrigation to avoid excess irrigation runoff. Examples include:</p> <ul style="list-style-type: none"> <li>• Setting irrigation timers to avoid runoff by splitting irrigations into several short cycles;</li> <li>• Employing multi-programmable irrigation controllers;</li> <li>• Employing rain shutoff devices to prevent irrigation after significant precipitation;</li> <li>• Use of drip irrigations for all planter areas which have a shrub density that will cause excessive spray interference of an overhead system; and</li> <li>• Use of flow reducers to mitigate broken heads next to sidewalks, streets, and driveways.</li> </ul>	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Engineering Division	Plan review and approval	Once for the preparation of the plans	Initials: _____ Date: _____
<p><b>MM HYD-2.4: Stormwater Treatment:</b> Stormwater runoff shall be directed to approved permanent treatment controls as described in the San Mateo County “C.3 Stormwater Technical Guidance.” The County’s guidelines also describe the requirement to select Low Impact Development (LID) types of stormwater controls and the types of projects that are exempt from this requirement.</p> <p>LID treatment measures include rainwater harvesting, infiltration, evapotranspiration, and biotreatment. Biotreatment is allowed only if it is infeasible to treat the specified amount of runoff with rainwater harvesting, infiltration, and evapotranspiration.</p>	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Engineering Division	Plan review and approval	Once for the preparation of the plans	Initials: _____ Date: _____
<b>Noise and Vibration</b>						
<p><b>MM NOI-1.1: Mechanical Equipment Selection:</b> A qualified acoustical consultant shall review final site plans, building elevations, and floor plans prior to issuance of building permits to</p>	Project applicant	During the building permit and site development review process and	City of Menlo Park Planning Division	Plan review and approval	Once prior to plan review and approval	Initials: _____ Date: _____

## MITIGATION MONITORING OR REPORTING PROGRAM

### MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
calculate expected interior noise levels as required by City policies and State noise regulations. Mechanical equipment shall be selected to reduce impacts on surrounding uses to meet the City's noise level requirements. The acoustical consultant shall review mechanical noise, as these systems are selected, to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Results of the acoustical consultant's analysis, including the description of the necessary noise control treatment, shall be submitted to the City along with the building plans and approved prior to issuance of any building permits.		prior to permit issuance				
<b>MM NOI-2.1: Construction Work Hours:</b> Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction materials, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain quality of life. Construction activities will be completed in accordance with the provisions of the City's Municipal Code, which limits construction work to between the hours of 8:00 AM and 6:00 PM Monday through Friday and prohibits construction on weekends and holidays.	Project applicant	During construction	City of Menlo Park Planning Division	Plan review and approval	Once prior to plan review and approval, and during scheduled site visits	Initials: _____ Date: _____
<b>MM NOI-2.2: Best Management Practices:</b> The construction crew shall develop a construction noise plan to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity. BMPs will include, but are not limited to, the following available controls:	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	Once for preparation of acoustical studies as outlined in the mitigation measure	Initials: _____ Date: _____



**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<ul style="list-style-type: none"> <li>• Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment from adjoining sensitive land uses. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.</li> <li>• Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>• Unnecessary idling of internal combustion engines shall be strictly prohibited.</li> <li>• Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far from sensitive receptors as is feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.</li> <li>• Utilize “quiet” air compressors and other stationary noise sources where technology exists.</li> <li>• Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> <li>• Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.</li> <li>• Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.</li> <li>• The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land</li> </ul>						

## MITIGATION MONITORING OR REPORTING PROGRAM

### MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>uses so that construction activities can be scheduled to minimize noise disturbance.</p> <ul style="list-style-type: none"> <li>Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.</li> </ul>						

*DRAFT – August 22, 2017*

**ORDINANCE NO. XXXX**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
PREZONING ALL THAT CERTAIN PARCEL OF LAND BEING THE  
WHOLE OF THE PARCEL AT 2111 AND 2121 SAND HILL ROAD AND  
ADDITIONAL LAND, SITUATED IN THE COUNTY OF SAN MATEO,  
STATE OF CALIFORNIA, AND MORE PARTICULARLY DESCRIBED IN  
EXHIBIT A**

The City Council of the City of Menlo Park does hereby ORDAIN as follows:

**SECTION 1.** The zoning map of the City of Menlo Park is hereby amended to prezone all that certain real property in the County of San Mateo and State of California, more particularly described and shown in Exhibit A, from County zoning R-1, S-9 and R-E, S-9 to City zoning R-1-S (Single Family Suburban Residential) and C-1-C (Administrative, Professional and Research District, Restrictive), respectively.

**SECTION 2.** A Mitigated Negative Declaration was prepared for the project and adopted by the City Council on \_\_\_\_\_, 2017 through Resolution No. \_\_\_\_\_, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines.

**SECTION 3.** No subsequent change shall be made to the General Plan for the annexed territory or zoning that is not in conformance to the prezoning designations for a period of two years after the completion of the annexation, unless the City Council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the prezoning in the application to the San Mateo County Local Agency Formation Commission.

**SECTION 4.** This Ordinance shall be published once within fifteen (15) days of its adoption in The Daily News, a newspaper of general circulation, printed, published and circulated in the City of Menlo Park, and shall become effective thirty (30) days from the date of adoption by the City Council or the effective date of LAFCO approval of the annexation, whichever date is later.

INTRODUCED on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clay Curtin, Interim City Clerk

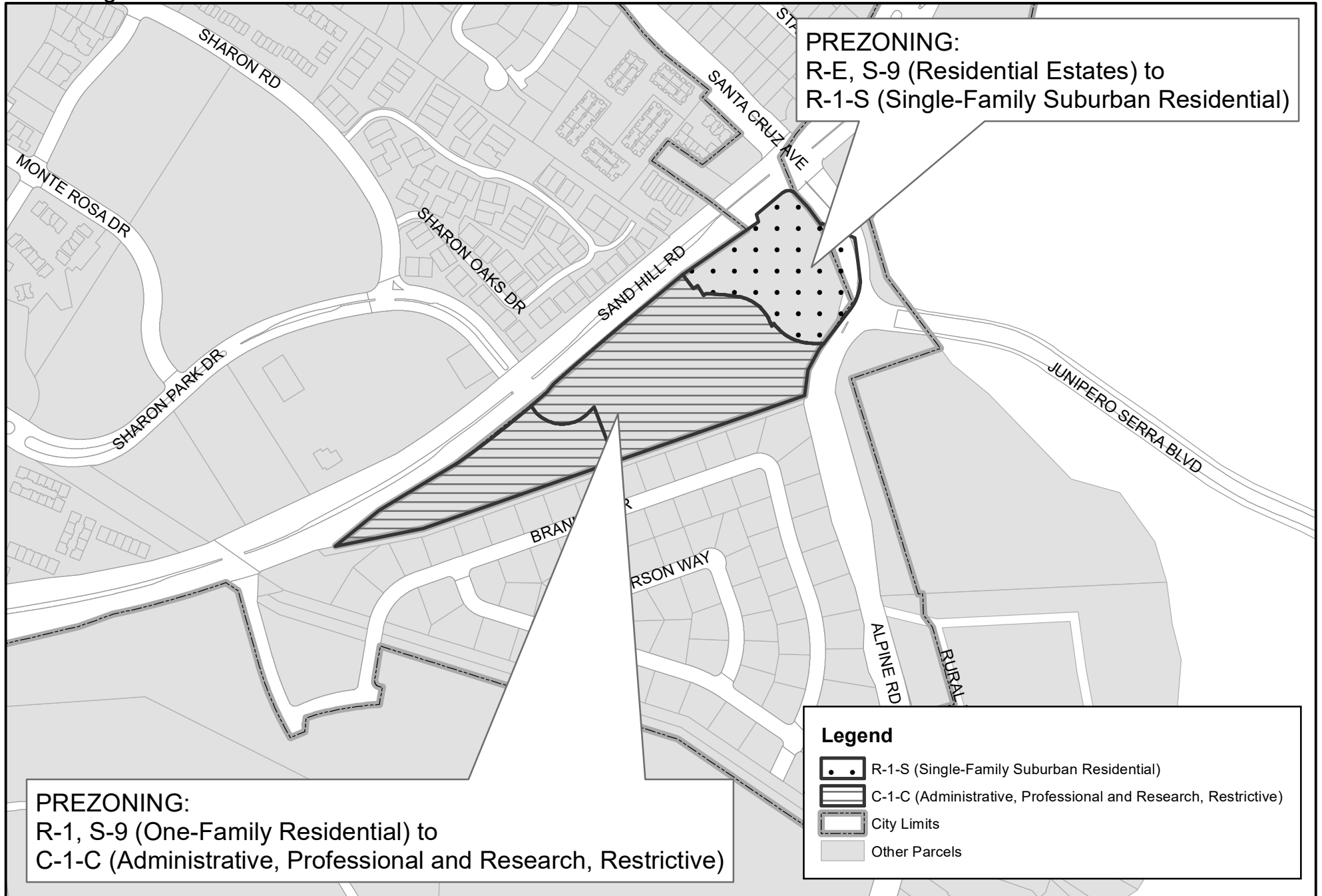
Exhibit A

Rezoning – 2111 and 2121 Sand Hill Road Project

# CITY OF MENLO PARK

2111-2121 Sand Hill Road

Prezoning



**EXHIBIT "A"**

**ANNEXATION PARCEL  
2131 SAND HILL ROAD  
SAN MATEO COUNTY, CALIFORNIA**

ALL THAT CERTAIN REAL PROPERTY IN THE COUNTY OF SAN MATEO AND STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 15, AS SHOWN ON THE MAP OF STANFORD HILLS UNIT A INCREMENT 1, AS FILED APRIL 29, 1959, IN BOOK 51 OF MAPS, AT PAGES 20-21, SAN MATEO COUNTY RECORDS;

THENCE NORTH 13°10'18" WEST ALONG THE WESTERLY LINE OF ALPINE ROAD, A DISTANCE OF 25.14 FEET TO THE POINT OF BEGINNING, AT THE INTERSECTION WITH THE NORTHERLY LINE OF A 10 FOOT WIDE PACIFIC GAS AND ELECTRIC COMPANY EASEMENT 23486C, AS DESCRIBED IN BOOK 587 OF OFFICIAL RECORDS, AT PAGE 473;

THENCE SOUTH 70°51'49" WEST ALONG THE NORTHERLY LINE OF SAID EASEMENT, A DISTANCE OF 660.40 FEET;

THENCE SOUTH 70°47'14" WEST ALONG THE NORTHERLY LINE OF SAID EASEMENT, A DISTANCE OF 647.20 FEET;

THENCE SOUTH 78°43'38" WEST ALONG THE NORTHERLY LINE OF SAID EASEMENT, A DISTANCE OF 291.29 FEET;

THENCE NORTH 50°42'54" EAST A DISTANCE OF 1688.56 FEET;

THENCE NORTH 55°14'06" WEST A DISTANCE OF 103.50 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF SAND HILL ROAD;

THENCE NORTH 50°29'33" EAST ALONG THE NORTHWESTERLY LINE OF SAND HILL ROAD, A DISTANCE OF 207.68 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE WEST;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, WITH RADIUS OF 20.00 FEET AND CENTRAL ANGLE OF 96°59'39", FOR AN ARC DISTANCE OF 33.86 FEET;

THENCE NORTH 55°02'58" EAST A DISTANCE OF 123.69 FEET TO A NON TANGENT INTERSECTION WITH THE ARC OF A CURVE, CONCAVE TO THE NORTH;

THENCE EASTERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, WHOSE CENTER BEARS NORTH 43°21'54" EAST FROM SAID POINT OF INTERSECTION, WITH RADIUS OF 15.00 FEET AND CENTRAL ANGLE OF 91° 31'14, FOR AN ARC DISTANCE OF 23.96 FEET;

THENCE SOUTH 35°09'26' WEST A DISTANCE OF 98.89 FEET;

THENCE SOUTH 21°48'02" EAST A DISTANCE OF 105.76 FEET;

THENCE SOUTH 37°06'06 EAST A DISTANCE OF 163.14 FEET;

THENCE SOUTH 66°07'11" EAST A DISTANCE OF 116.73 FEET;

THENCE SOUTH 07°12'30" EAST A DISTANCE OF 141.78 FEET A NON TANGENT INTERSECTION WITH THE ARC OF A CURVE, CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, WHOSE CENTER BEARS NORTH 87°09'26" WEST FROM SAID POINT OF INTERSECTION, WITH RADIUS OF 172.26 FEET AND CENTRAL ANGLE OF 35°03'55", FOR AN ARC DISTANCE OF 105.42 FEET;

THENCE SOUTH 38°05'16" WEST A DISTANCE OF 156.81 FEET:

THENCE SOUTH 28°32'43" WEST A DISTANCE OF 79.11 FEET;

THENCE SOUTH 07°10'19" WEST A DISTANCE OF 85.77 FEET;

THENCE SOUTH 70°51'49" WEST A DISTANCE OF 9.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 15.99 ACRES, MORE OR LESS.

JUNE 9, 2017



A circular professional seal for David W. Betham, a Professional Land Surveyor in the State of California. The seal contains the text: "PROFESSIONAL LAND SURVEYOR", "DAVID W. BETHAM", "PLS", "NO. 7047", and "STATE OF CALIFORNIA". A handwritten signature in blue ink is written across the seal.



*DRAFT – August 22, 2017*

**ORDINANCE NO. XXXX**

**AN ORDINANCE OF THE CITY OF MENLO PARK REZONING  
PROPERTY WITH ASSESSOR’S PARCEL NUMBERS 074-331-210  
AND 074-321-110**

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

**SECTION 1.** The zoning map of the City of Menlo Park is hereby amended such that certain real properties with Assessor’s Parcel Numbers 074-331-210 and 074-321-110 are rezoned to the C-1-C (Administrative, Professional and Research, Restrictive) district as more particularly described and shown in Exhibit A.

**SECTION 2.** A Mitigated Negative Declaration was prepared for the project and adopted by the City Council on \_\_\_\_\_, 2017 through Resolution No. \_\_\_\_\_, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines.

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

INTRODUCED on the \_\_ day of \_\_\_\_\_, 2017.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the \_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clay Curtin, Interim City Clerk

Exhibit A

Rezoning – 2111 and 2121 Sand Hill Road Project

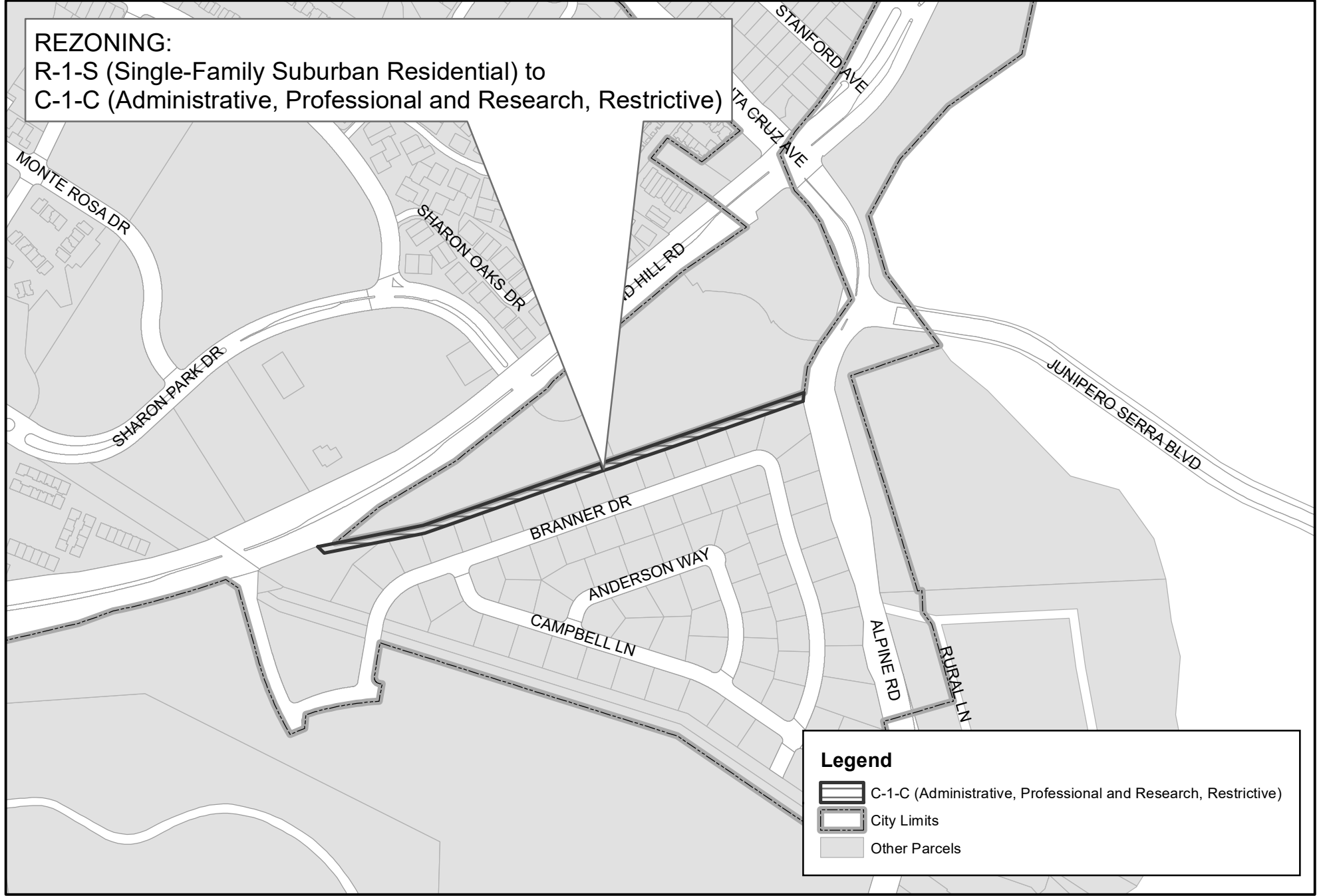
# CITY OF MENLO PARK

2111-2121 Sand Hill Road

Rezoning



**REZONING:**  
R-1-S (Single-Family Suburban Residential) to  
C-1-C (Administrative, Professional and Research, Restrictive)



**Legend**

- C-1-C (Administrative, Professional and Research, Restrictive)
- City Limits
- Other Parcels

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*DRAFT – August 22, 2017*

**RESOLUTION NO. XXXX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING THE GENERAL PLAN TO ESTABLISH AND MODIFY LAND USE DESIGNATIONS FOR PROPERTIES LOCATED AT 2111 AND 2121 SAND HILL ROAD**

WHEREAS, the Planning Commission of the City of Menlo Park has considered the adoption of an amendment to the General Plan to establish a Low Density Residential land use designation for certain property located at 2111 Sand Hill Road (Assessor's Parcel No. 074-450-050); and to establish a Professional and Administrative Offices land use designation for certain property located at 2111 and 2121 Sand Hill Road (Assessor's Parcel Numbers 074-450-040 and 074-450-030); and

WHEREAS, the Planning Commission of the City of Menlo Park has considered the adoption of an amendment to the General Plan to change the land use designation for certain property with Assessor's Parcel Numbers 074-331-210 and 074-321-110 to Professional and Administrative Offices; and

WHEREAS, on the \_\_\_ day of \_\_\_\_, 2017, the City Council of the City of Menlo Park adopted the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 2111 and 2121 Sand Hill Road Project; and

WHEREAS, the provisions of the Government Code, 65350, ET. Seq. have been complied with; and

WHEREAS, the City Council has considered the comments of the Planning Commission in regard to amending the General Plan.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Menlo Park that the General Plan Amendment to change the land use designation for the project site particularly described in Exhibit A, be adopted.

This resolution shall take effect upon the effective date of Ordinance No. \_\_ rezoning properties located at 2111 and 2121 Sand Hill Road and other property described therein.

I, Clay Curtin, Interim City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said City Council on the \_\_\_ day of \_\_\_\_, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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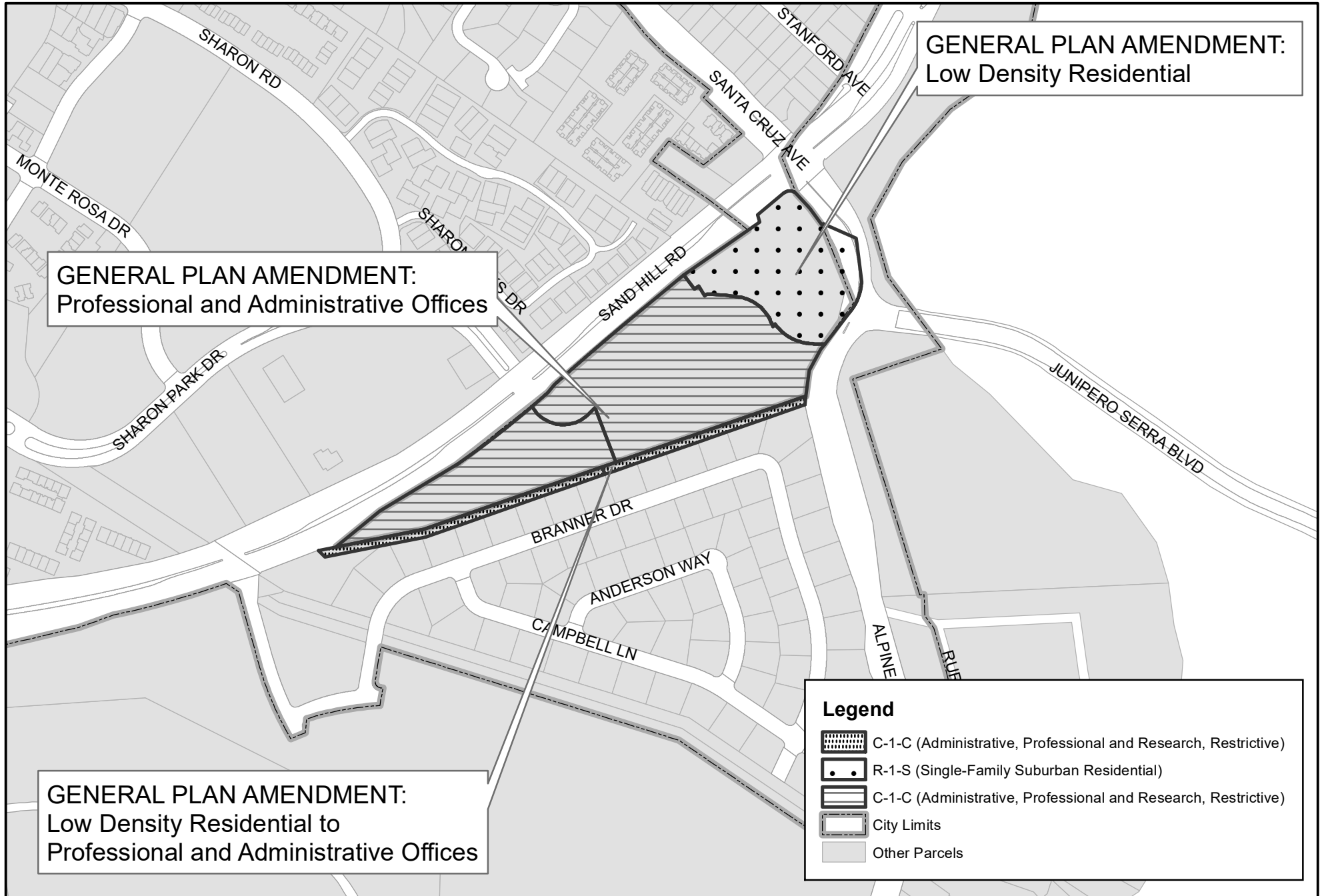
Clay Curtin  
Interim City Clerk

Exhibit A

General Plan Map Amendment – 2111 and 2121 Sand Hill Road Project

# CITY OF MENLO PARK

2111-2121 Sand Hill Road  
General Plan Amendment





*DRAFT – August 22, 2017*

**RESOLUTION NO. XXXX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK APPROVING FINDINGS AND CONDITIONS FOR ARCHITECTURAL CONTROL, USE PERMIT, AND TENTATIVE MAP FOR THE PROJECT LOCATED AT 2111 AND 2121 SAND HILL ROAD**

**WHEREAS**, the City of Menlo Park (“City”) has received an application from Leland Stanford Junior University (“Applicant”), to create a two parcel subdivision, one parcel containing an existing residence, the other containing an existing office building; to construct a new approximately 39,800-square-foot, two-story office building that would be located on the same parcel as the existing office building, with 159 parking spaces between two levels of underground parking and a small surface lot; and to excavate within the required rear setback to construct a retaining wall; and

**WHEREAS**, the findings and conditions for Architectural Control, Use Permit, and Tentative Map would ensure that all City requirements are applied consistently and correctly as part of the project’s implementation; and

**WHEREAS**, all required public notices and public hearings were duly given and held according to law; and

**WHEREAS**, a Mitigated Negative Declaration was prepared for the project and adopted by the City Council on \_\_\_\_, 2017, through Resolution No. \_\_\_\_\_, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines; and

**WHEREAS**, after notice having been lawfully given, a public hearing was scheduled and held before the City of Menlo Park Planning Commission June 19, 2017, whereat all persons interested therein might appear and be heard; and

**WHEREAS**, the Planning Commission of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend to the City Council of the City of Menlo Park to approve the findings and conditions for Architectural Control, Use Permit and Tentative Map; and

**WHEREAS**, after notice having been lawfully given, a public hearing was scheduled and held before the City Council of the City of Menlo Park on \_\_\_\_, 2017 whereat all persons interested therein might appear and be heard; and

**WHEREAS**, the City Council of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to approve the findings and conditions for Architectural Control, Use Permit and Tentative Map.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Menlo Park hereby approves the conditions for Architectural Control, Use Permit, Tentative Map,

and other related entitlements attached hereto as Exhibit A and incorporated herein by this reference.

This resolution shall take effect upon the effective date of Ordinance No. \_\_\_ rezoning properties located at 2111 and 2121 Sand Hill Road and other property described therein.

I, Clay Curtin, Interim 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 \_\_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

---

Clay Curtin  
Interim City Clerk

## **EXHIBIT A**

***DRAFT – August 22, 2017***

### **Conditions of Approval**

#### **Prezoning, Rezoning, General Plan Amendment, Tentative Map, Use Permit, Architectural Control, and Environmental Review**

#### **2111-2121 Sand Hill Road Project**

#### **Conditions**

1. Development of the project shall be substantially in conformance with the plans by ArchiRender Architects, SANDIS, and Lauderbaugh Associates dated received by the Planning Division on May 30, 2017 consisting of 49 plan sheets, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
2. The Prezoning and Rezoning shall become effective thirty days from the date of adoption by the City Council or the effective date of LAFCO's approval of the annexation, whichever date is later.
3. The General Plan Amendment shall not become effective until the applicant's annexation application with San Mateo Local Agency Formation Commission (LAFCO) is approved.
4. The Use Permit, Architectural Control, and Tentative Map shall become effective after the Prezoning and Rezoning become effective.
5. The Use Permit shall expire one year from the date of LAFCO approval if the applicant does not submit a complete building permit application for the project within that time. The Community Development Director may extend this date per Municipal Code Section 16.82.170.
6. The Tentative Map approval shall expire two years from the date of City Council approval. The City Council may extend this date per Municipal Code Section 15.20.070.
7. Minor modifications to building exteriors and locations, fence styles and locations, and significant landscape features may be approved by the Community Development Director or designee, based on the determination that the proposed modification is consistent with other building and design elements of the approved use permit and architectural control, and will not have an adverse impact on the character and aesthetics of the site. The Director may refer any request for revisions to the plans to the Planning Commission for architectural control approval. A public

hearing could be called regarding such changes if deemed necessary by the Planning Commission.

8. Major modifications to building exteriors and locations, fence styles and locations, and significant landscape features may be allowed subject to obtaining an architectural control permit from the Planning Commission.
9. Major revisions to the development plan which involve expansion or intensification of development require use permit and/or architectural control revisions and public hearings by the Planning Commission.
10. Applicant shall comply with the Subdivision Map Act and Chapter 15 of the City's Municipal Code.
11. All public improvements shall be designed and constructed to the satisfaction of the City Engineer.
12. The project shall comply with all aspects of the California Building Code in effect at the time of building permit application.
13. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
14. The applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, California Water, Recology, and utility companies' regulations that are directly applicable to the project.
15. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance, the recommendations of the arborist report, and the requirements of the Mitigation Monitoring and Reporting Program.
16. The applicant shall offset the loss of trees by planting replacement trees at the project site. Two replacement trees per Heritage tree, and one replacement tree per non-Heritage tree, shall be planted, for a total of 25 replacement trees. If additional trees are removed due to project impacts, replacement trees will be required at the same ratios. (Mitigation Measure BIO-2.1)
17. A Tree Protection Zone of at least ten feet shall be established around each tree to be preserved. No grading, excavation, construction, or storage of materials shall occur within that zone. (Mitigation Measure BIO-2.3)
18. To the greatest extent feasible, vegetation removal and construction activities shall be completed between September 1 and February 14, to avoid the general nesting period for birds.

A preconstruction nesting bird survey shall be completed by a qualified biologist prior to vegetation removal or any construction-related activity (including site preparation) that occurs during the nesting season (February 15 through August 31) in order to determine if nesting birds and their territories are located within 500 feet of the project site. If no special status bird nests are identified within 500 feet during the preconstruction survey, construction-related activities will be allowed to proceed.

If active nests are observed during the preconstruction survey, the project applicant, in coordination with City staff as appropriate, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with California Department of Fish and Wildlife (usually 100 feet for perching birds and 300 feet for raptors). The no-disturbance buffer will remain in place until the biologist determines that the nest is no longer active or the nesting season ends. (Mitigation Measures BIO-1.2, BIO-1.3, BIO-1.4)

19. Concurrent with the application submittal for a Parcel Map, the applicant shall submit covenants, conditions, and restrictions (CC&Rs) for the approval of the City Engineer and the City Attorney. The CC&Rs shall include the following provisions:
  - All heritage trees shall be maintained pursuant to the Heritage Tree Ordinance.
  - The CC&Rs shall provide for funding and provision of maintenance of all common facilities, such as streets and utilities, not accepted for maintenance by a public agency.
  - The CC&Rs shall describe how the storm water BMPs associated with privately owned improvements and landscaping shall be funded and maintained by the owner.
20. Concurrent with the application submittal for a Parcel Map, the applicant shall revise the project datum and construction documents to the NAVD 88 datum to meet the City standard, subject to review and approval of the Engineering Division.
21. Prior to approval of the Parcel Map, the applicant shall resolve any factors within the limits of the site that may require easement dedications and/or other instruments for access and utilities, including dedication of a public access easement or redirection of a pathway from Stanford Hills Park that crosses the project site, subject to review and approval by the Engineering Division.
22. Concurrent with the application submittal for the first building permit associated with the project, the project construction crew shall provide a construction noise plan for the duration of the project to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity. Best Management Practices (BMPs) shall include, but are not limited to, the following available controls:
  - Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment from adjoining sensitive land uses. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the

barrier is constructed in a manner that eliminates any cracks or gaps.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far from sensitive receptors as is feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler) and will require that reasonable measures be implemented to correct the problem.  
Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

(Mitigation Measure NOI-2.2)

23. Concurrent with the submittal of a complete building permit application, a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) shall be prepared for construction projects disturbing one acre or more of land. Proof of coverage under the Construction General Permit (CGP) shall be attached to the building plans. (Mitigation Measure HYD-1.1)

24. Concurrent with the submittal of a complete building permit application, the applicant shall submit an Erosion Control Plan to the satisfaction of the City of Menlo Park Public Works Department. The project will implement Best Management Practices (BMPs) to control the discharge of stormwater pollutants including sediments associated with construction activities in accordance with the SWPPP and National Pollutant Discharge Elimination System (NPDES) requirements. The Erosion Control Plan may include but is not limited to BMPs specified in the Manual of Standards Erosion and Sediment Control. The project shall implement the following erosion and sediment control measures where appropriate:

- Control and prevent the discharge of all potential pollutants and non-stormwater discharges to storm drains and watercourses;
- Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater;
- Avoid cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated;
- Train and provide BMP instruction to all employees and subcontractors;
- Protect all storm drain inlets in the vicinity of the site using sediment controls such as berms, fiber rolls, or filters;
- Limit construction access routes and stabilize designated access points;
- Delineate with field marker clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses;
- Complete clearing and earth moving activities only during dry weather;
- Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits;
- Trap sediment on-site using sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stockpiles, etc.;
- Divert on-site runoff around exposed areas; divert off-site runoff around the site using swales and dikes; and
- Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.

(Mitigation Measure HYD-1.2)

25. Concurrent with the submittal of a complete building permit application, the applicant shall demonstrate that outdoor storage areas (for storage of equipment or materials which could decompose, disintegrate, leak, or otherwise contaminate stormwater runoff), including garbage enclosures, have been designed to prevent the run-on of stormwater and runoff of spills by all of the following:

- Paving the area with concrete or other non-permeable surface;
- Covering the area; and
- Sloping the area inward (negative slope) or installing a berm or curb around its perimeter. There shall be no storm drains in outdoor storage areas.

(Mitigation Measure HYD-1.3)

26. Concurrent with the submittal of a complete building permit application, the applicant shall demonstrate that the project complies with the requirements of the Municipal Regional Permit (MRP), as well as other local, state, and federal requirements, subject to review and approval by the Engineering Division. The project shall comply with provision C.3 of the MRP, which provides performance standards for the management of stormwater for new development, and any new requirements.

(Mitigation Measure HYD-2.1)

27. Concurrent with the submittal of a complete building permit application, the applicant shall submit plans demonstrating that landscape design shall minimize runoff and promote surface filtration, subject to review and approval by the Engineering and

Planning Divisions. Examples include:

- No steep slopes exceeding 10 percent;
- Using mulches in planter areas without ground cover to avoid sedimentation runoff;
- Installing plants with low water requirements; and
- Installing appropriate plants for the location in accordance with appropriate climate zones.

(Mitigation Measure HYD-2.2)

28. Concurrent with the submittal of a complete building permit application, the applicant shall submit plans demonstrating that common areas shall employ efficient irrigation to avoid excess irrigation runoff, subject to review and approval by the Engineering Division. Examples include:

- Setting irrigation timers to avoid runoff by splitting irrigations into several short cycles;
- Employing multi-programmable irrigation controllers;
- Employing rain shutoff devices to prevent irrigation after significant precipitation;
- Use of drip irrigations for all planter areas which have a shrub density that will cause excessive spray interference of an overhead system; and
- Use of flow reducers to mitigate broken heads next to sidewalks, streets, and driveways.

(Mitigation Measure HYD-2.3)

29. Concurrent with the submittal of a complete building permit application, the applicant shall submit plans demonstrating that stormwater runoff shall be directed to approved permanent treatment controls as described in the San Mateo County "C.3 Stormwater Technical Guidance," subject to review and approval of the Engineering Division. The County's guidelines also describe the requirement to select Low Impact Development (LID) types of stormwater controls and the types of projects that are exempt from this requirement.

LID treatment measures include rainwater harvesting, infiltration, evapotranspiration, and biotreatment. Biotreatment is allowed only if it is infeasible to treat the specified amount of runoff with rainwater harvesting, infiltration, and evapotranspiration.

(Mitigation Measure HYD-2.4)

30. Concurrent with the submittal of a complete building permit application, the applicant shall submit a tree preservation plan to address the protection of existing heritage tree(s) to remain, detailing the location of and methods for all tree protection measures, as described in the arborist report. The project arborist shall submit a letter confirming adequate installation of the tree protection measures. The applicant shall retain an arborist throughout the term of the project, and the project arborist shall submit periodic inspection reports to the Building Division. The heritage tree preservation plan shall be subject to review and approval by the Planning Division prior to issuance of a grading and/or building permit.



31. Concurrent with the submittal of a complete building permit application, the applicant shall submit a plan for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) construction vehicle parking. The project plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions prior to issuance of a building permit. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing demolition.
32. Concurrent with the submittal of a complete building permit application, the applicant shall submit a parking plan demonstrating that all visitor parking will be provided in the proposed surface parking lot, subject to review and approval of the Transportation Division.
33. Concurrent with the submittal of a complete building permit application, the applicant shall submit plans to develop signalized pedestrian crossings across the west and south legs of the Sharon Park Drive/Sand Hill Road intersection, subject to review and approval of the Transportation Division.
34. Concurrent with the submittal of a complete building permit application, the applicant shall submit a construction parking management plan that addresses where construction-related vehicles will be parked, subject to review and approval by the Transportation and Engineering Divisions.
35. Concurrent with the submittal of a complete building permit application, the improvement plans submitted shall demonstrate that all potential utility conflicts have been potholed with actual depths recorded, subject to review and approval by the Engineering Division.
36. Concurrent 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.
37. Concurrent with the submittal of a complete building permit application, the applicant shall submit a draft "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded with the San Mateo County Recorder's Office prior to building permit final inspection.
38. Concurrent with the submittal of a complete building permit application, the applicant shall submit an Off-Site Improvements Plan for review and approval of the Engineering Division. The Off-Site Improvements Plan shall include all

improvements within public right-of-way including water and sanitary sewer. The Off-Site Improvements Plan shall be approved prior to issuance of a building permit.

39. Concurrent with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a building permit.
40. Concurrent with the submittal of a complete building permit application, a design-level geotechnical investigation report shall be submitted to the Building Division for review and confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards. The report shall identify building techniques appropriate to minimize seismic damage.
41. Concurrent with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval by the Planning Division. The lighting plan shall provide a photometric study to minimize glare and spillover onto adjacent properties, and is subject to review and approval by the Planning Division.
42. Concurrent with the submittal of a complete building permit application, the applicant shall submit revised landscaping plans indicating that two heritage street trees, identified as trees #53 and #54 in the arborist report and plans, shall be replaced with 24-inch box specimens within the right-of-way on Sand Hill Road and maintained by the property owner during the establishment phase (two years after planting), subject to the review and approval of the City Arborist. The City-approved street tree planting list shall be used for species selection.
43. Concurrent with the submittal of a complete building permit application, the applicant shall submit revised landscaping plans indicating that two valley oak heritage trees, identified as trees #93 and #97 in the arborist report and plans, shall be retained with necessary design modifications to a proposed driveway on the site, or shall be transplanted elsewhere on the site, subject to the review and approval of the City Arborist and Planning Division.
44. Concurrent with the submittal of a complete building permit application, the applicant shall submit revised landscaping plans indicating that 27 three- to six-inch redwood and maple trees previously planted at the rear of the property shall be replaced on a minimum one-to-one ratio with minimum 48-inch box containerized specimens to achieve screening for properties on Branner Drive, subject to review and approval of the City Arborist.
45. Concurrent with the submittal of a complete building permit application, the applicant shall submit a detailed landscape plan, including the size, species, and location of

trees and plantings, and irrigation plan for review and approval by the Planning Division and the Public Works Department. The applicant shall provide documentation indicating the amount of irrigated landscaping for the Project. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). If this project is creating more than 5,000 square feet of irrigated landscaping, per the City's Water Efficient Landscape Ordinance (Municipal Code 12.44) the irrigation system is required to have a separate water service. The landscaping shall be installed prior to final building inspection.

46. Concurrent with the submittal of a complete building permit application, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All 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.
47. Concurrent with the submittal of a complete building permit application, the applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and shall substantiate their conclusions with drainage calculations to the satisfaction of the City Engineer. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels, subject to review and approval of the Engineering Division.
48. Concurrent with the submittal of a complete building permit application, the applicant shall submit engineered Improvement Plans (including specifications and engineering cost estimates), for approval by the City Engineer, showing the infrastructure necessary to serve the Project. The Improvement Plans shall include, but are not limited to, all engineering calculations necessary to substantiate the design, proposed roadways, drainage improvements, utilities, traffic control devices, retaining walls, sanitary sewers, and storm drains, pump/lift stations, street lightings, common area landscaping, and other project improvements.
49. Concurrent with the submittal of a complete building permit application, the applicant shall develop a transportation demand management (TDM) program for the proposed building, subject to review and approval of the Transportation Division.
50. Concurrent with the submittal of a complete building permit application, the applicant shall submit documentation from a qualified acoustical consultant who has reviewed final site plans, building elevations, and floor plans to calculate expected interior noise levels as required by City policies and State noise regulations. Mechanical equipment shall be selected to reduce impacts on surrounding uses to meet the City's noise level requirements. The acoustical consultant shall review mechanical noise, as these systems are selected, to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level

requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. The analysis and results of the acoustical consultant's analysis, including the description of the necessary noise control treatment, shall be submitted for review and approval by the Planning Division prior to issuance of any building permits. (Mitigation Measure NOI-1.1)

51. To reduce the potential for damage to the planned at-grade structures, footings shall extend below the zone of seasonal moisture fluctuation. In addition, moisture changes shall be limited by using positive drainage away from the building as well as limiting landscaping watering. If the expansive clay layer is encountered beneath concrete flatwork, pavements, or pavers, the non-expansive fill layer shall be increased. (Mitigation Measure GEO-1.1)

52. Prior to grading and/or building permit issuance, the following actions shall be included in the dust emission control plan, subject to review and approval by the Planning, Building, and Engineering Divisions:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- (Mitigation Measure AIR-1.1)

53. Prior to grading and/or building permit issuance, the following actions shall be included in the project plans and specifications, demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 85 percent reduction in PM<sub>2.5</sub> exhaust emissions or more, subject to review and approval by the Planning and Building Division. Such equipment selection would

include the following requirements:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operated on the site for more than two days continuously shall, at a minimum, be equipped with California Air Resources Board-certified Level 3 Diesel Particulate Filters or meet U.S. Environmental Protection Agency particulate matter emissions standards for Tier 4 engines or equivalent, and/or
- Use of alternatively-fueled equipment (e.g., Liquefied Petroleum Gas [LPG]-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures listed above provided that these measures are approved by the City and demonstrated to reduce community risk impacts to a less than significant level.
- Measures to be used shall be approved by the City of Menlo Park Community Development Department prior to issuance of grading permits, and demonstrated to reduce community risk impacts to less than significant.

(Mitigation Measure AIR-2.1)

54. Prior to grading and/or building permit issuance, an approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include descriptions of Nuttall's woodpecker, its habitat, importance of the species, and the limits of work boundaries associated with the project. The credentials of the biologist and any training materials to be used shall be subject to review and approval by the Planning Division.

(Mitigation Measure BIO-1.1)

55. Prior to grading and/or building permit issuance, all existing on-site trees to remain shall be trimmed and fertilized by a licensed arborist subject to review by the City Arborist. (Mitigation Measure BIO-2.2)

56. Prior to grading and/or building permit issuance, the project shall complete focused sampling and analysis under the oversight of the San Mateo County Health System, or other appropriate oversight agency, in accordance with a Work Plan prepared by a qualified professional and approved by the oversight agency. The Work Plan shall be reviewed and approved by the Planning and Building Divisions prior to site clearing or excavation and include appropriate risk-based screening levels for comparison of the sampling results. (Mitigation Measure HAZ-1.1)

57. Prior to building permit issuance, the applicant shall pay the applicable Transportation Impact Fee (TIF) for the project. Based on preliminary estimates in 2016, the fee was estimated to be \$180,616.30. The fee is adjusted annually on July 1 based on the Engineering News Record Bay Area Construction Cost Index.

58. Prior to building permit issuance, all applicable Public Works fees shall be paid according to the City of Menlo Park Master Fee Schedule.

59. Prior to building permit issuance, the applicant shall coordinate with California Water Company to confirm that the existing water mains and service laterals meet the

domestic and fire flow requirements of the project. If the existing water main and service laterals are not sufficient as determined by California Water Company, applicant may, as part of the project, be required to construct and install new water mains and service laterals sufficient to meet such requirements.

60. Prior to building permit issuance, applicant shall coordinate with West Bay Sanitary District to confirm the existing sanitary sewer mains and service laterals have sufficient capacity for the project. If the existing sanitary sewer mains and service laterals are not sufficient as determined by West Bay Sanitary District, applicant may, as part of the project, be required to construct and install new sanitary sewer mains and service laterals sufficient to meet such requirements.
61. Prior to building permit issuance, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
62. Prior to issuance of each applicable building permit, the applicant shall pay the applicable Building Construction Street Impact Fee.
63. Prior to commencing any work within the right-of-way or public easements, the applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction.
64. Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction materials, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain quality of life. Construction activities will be completed in accordance with the provisions of the City's Municipal Code, which limits construction work to between the hours of 8:00 AM and 6:00 PM Monday through Friday and prohibits construction on weekends and holidays.  
(Mitigation Measure NOI-2.1)
65. If construction is not complete by the start of the wet season (October 1 through April 30), the applicant shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of much onto public right-of-way; and covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions shall be submitted for review and approval of the Engineering Division prior to beginning construction.

66. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 50 feet of the find shall halt and the City must be notified. A qualified archaeologist and Native American representative shall inspect and evaluate the findings within 24 hours of discovery. Prehistorical material might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil ("midden") containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, milling slabs); and battered-stone tools such as hammerstones and pitted stones. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, shall develop a treatment plan that could include site avoidance, capping, or data recovery. (Mitigation Measure CUL-1.1)
67. In the event that a fossil is discovered during construction of the project, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. The City shall be notified if any fossils are discovered. Treatment may include preparation and recovery of fossil material so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent shall be responsible for implementing the recommendations of the paleontologist. (Mitigation Measure CUL-2.1)
68. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The San Mateo County Coroner shall be notified immediately and shall then determine whether the remains are Native American. If the Coroner determines that the remains are Native American, he/she shall within 24 hours notify the Native American Heritage Commission (NAHC), who will notify the person the NAHC identifies as the Most Likely Descendant (MLD) of the deceased Native American. If the MLD does not make recommendations regarding the disposal of the remains within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. (Mitigation Measure CUL-3.1)
69. To minimize soil volume changes, the contractor shall keep all exposed expansive soil subgrade (and also trench excavation side walls) moist until protected by overlying improvements (or trenches are backfilled). If expansive soils are allowed to dry out significantly, reconditioning may require several days of re-wetting, or deep scarification, moisture conditioning, and re-compaction. (Mitigation Measure GEO-1.2)
70. If evidence of a hazardous material is discovered during construction (or pre-construction soil testing), work will be stopped in the immediate area and soil samples will be collected and analyzed by a qualified environmental professional to

determine the type and extent of release and potential health effects to construction workers. The analytical results will be compared against applicable hazardous waste criteria, and if necessary, the investigation will provide recommendations regarding management and disposal of affected soil (and groundwater). Any contaminated soil and/or groundwater found in concentrations above developed thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. Special health and safety measures and/or soil management procedures may also be required during project construction. (Mitigation Measure HAZ-1.2)

71. Soil materials removed from the site shall be characterized and disposed of according to the California Hazardous Waste Regulations. Contaminated soil that exceeds regulatory thresholds shall be handled by trained personnel using appropriate protective equipment and engineering and dust controls, in accordance with local, State and federal laws. Any contaminated soils that are removed from the site shall be disposed of at a licensed hazardous materials disposal site. (Mitigation Measure HAZ-1.3)
72. If detected at levels that exceed regulatory thresholds, the extent of contamination shall be identified, and recommendations for a Health and Safety Plan, Soil Management Plan, and methods for cleanup shall be implemented, as applicable. This work shall be performed under the oversight of a regulatory agency, such as the San Mateo County Health System, Regional Water Quality Control Board, or the Department of Toxic Substances Control, with copies of all documentation provided to the City of Menlo Park. (Mitigation Measure HAZ-1.4)
73. Prior to building permit final inspection, any public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division.
74. Prior to building permit final inspection, all agreements shall be recorded with the San Mateo County Recorder's Office, and shall run with the land.
75. Prior to building permit final inspection, the applicant shall execute and record a maintenance agreement for irrigation facilities in the City right-of-way. Irrigation, if any, shall comply with City Standard Details LS-1 through LS-19.
76. Prior to building permit final inspection, the asphalt pedestrian pathway along project frontage shall be removed and replaced to the satisfaction of the City Engineering Division.
77. Prior to building permit final inspection, the applicant shall prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats, subject to review and approval of the Engineering Division.



78. Prior to building permit final inspection, a landscape audit report shall be submitted to the Engineering Division.
79. Prior to building permit final inspection or within two years of the effective date of approval of the annexation, whichever occurs first, the applicant shall provide an update to the Housing Commission on progress made in satisfying the project's BMR housing requirement.

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*DRAFT – August 22, 2017*

**RESOLUTION NO. XXXX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK MAKING A DETERMINATION OF PROPERTY TAX EXCHANGE PURSUANT TO PROVISIONS OF CHAPTER 6, ARTICLE 5, PART .05, IMPLEMENTATION OF ARTICLE XIII A OF THE CALIFORNIA CONSTITUTION COMMENCING WITH SECTION 99, DIVISION 1, OF THE REVENUE AND TAXATION CODE**

WHEREAS, pursuant to state law that requires the County of San Mateo and the City of Menlo Park to agree to a property tax exchange as a result of the proposed annexation of 2111-2121 Sand Hill Road (Assessor's Parcel Numbers: 074-450-030, 074-450-040, 074-450-050) and the portion of Sand Hill Road fronting Assessor's Parcel 074-450-050 extending to Santa Cruz Avenue to the City of Menlo Park; and

WHEREAS, the City and County have agreed on certain other matters relating to the proposed annexation; and

WHEREAS, agreement on a property tax exchange is a condition precedent to the Executive Office of the Local Agency Formation Commission issuing the Certificate of Filing on said proposal; and

WHEREAS, the City of Menlo Park in making this determination has reviewed the proposed property tax exchange and the amount of said exchange; and

WHEREAS, it has been agreed that the property tax revenue produced by an incremental factor of 0.0365963896 for the affected properties will be transferred from the County Library Fund to the City of Menlo Park; and

WHEREAS, it has been agreed that the property tax revenue produced by an incremental factor of 0.0684036104 for the affected properties will be transferred from the County of San Mateo to the City of Menlo Park.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Menlo Park as follows:

1. The property tax incremental factor to be transferred from the County Library Fund to the City of Menlo Park is 0.0365963896.
2. The property tax incremental factor to be transferred from the County of San Mateo to the City of Menlo Park is 0.0684036104.

The transfer of said property tax incremental factors is approved conditioned upon completion of the proposed annexation of 2111-2121 Sand Hill Road (Assessor's Parcel Numbers: 074-450-030, 074-450-040, 074-450-050) and the portion of Sand Hill Road fronting Assessor's Parcel 074-450-050 extending to Santa Cruz Avenue to the City of Menlo Park.

I, Clay Curtin, Interim City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said City Council on the \_\_ day of \_\_\_\_\_, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Clay Curtin  
Interim City Clerk

*DRAFT – August 22, 2017*

**RESOLUTION NO. XXXX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
APPROVING THE BELOW MARKET RATE HOUSING AGREEMENT  
BETWEEN THE CITY OF MENLO PARK AND LELAND STANFORD JUNIOR  
UNIVERSITY**

WHEREAS, the City of Menlo Park (“City”) received an application from Leland Stanford Junior University (“Developer”), to prezone and rezone properties located at 2111 and 2121 Sand Hill Road and construct a new office building and associated site improvements at 2121 Sand Hill Road in the City of Menlo Park, among other related project entitlements; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, a Mitigated Negative Declaration was prepared for the project and adopted by the City Council on \_\_\_\_, 2017, through Resolution No. \_\_\_\_\_, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines; and

WHEREAS, the Developer and the City desire flexibility to allow for the provision of off-site units instead of payment of an in-lieu fee, and the Below Market Rate Housing Agreement (BMR Agreement) has been structured accordingly; and

WHEREAS, after notice having been lawfully given, a public meeting was scheduled and held February 1, 2017, before the City of Menlo Park Housing Commission, to review the draft BMR Agreement term sheet whereat all persons interested therein might appear and be heard; and

WHEREAS, the Housing Commission of the City of Menlo Park having fully reviewed, and considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend the Planning Commission of the City of Menlo Park to approve the BMR Agreement; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held June 19, 2017, before the City of Menlo Park Planning Commission, whereat all persons interested therein might appear and be heard; and

WHEREAS, the Planning Commission of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend to the City Council of the City of Menlo Park to approve the BMR Agreement; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the City Council of the City of Menlo Park on the \_\_\_\_ day of \_\_\_\_\_, 2017 whereat all persons interested therein might appear and be heard; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 2017 the City Council of the City of Menlo Park ("City") has read and considered that certain Below Market Rate Housing Agreement ("BMR Agreement") between the City and Leland Stanford Junior University ("Developer") that satisfies the requirement that Developer comply with Chapter 16.96 of the City's Municipal Code and with the Below Market Rate Housing Program Guidelines.

NOW, THEREFORE, the City Council of the City of Menlo Park does RESOLVE as follows:

1. Public interest and convenience require the City to enter into the Agreement described above.
2. The City of Menlo Park hereby approves the Agreement and the City Manager is hereby authorized on behalf of the City to execute the Agreement.

I, Clay Curtin, Interim 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 \_\_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

---

Clay Curtin  
Interim City Clerk

This document is recorded for the benefit of the City of Menlo Park and is entitled to be recorded free of charge in accordance with Sections 6103 and 27383 of the Government Code

**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

City of Menlo Park  
Attn: City Clerk  
701 Laurel Street  
Menlo Park, CA 94025

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***DRAFT BELOW MARKET RATE HOUSING AGREEMENT***

This Below Market Rate Housing Agreement (“Agreement”) is made as of this \_\_\_ day of \_\_\_\_\_, 2017 by and between the City of Menlo Park, a California municipality (“City”) and Leland Stanford Junior University, (“Applicant”), with respect to the following:

**RECITALS**

- A. Applicant owns that certain real property located in the City of Menlo Park and unincorporated San Mateo County, State of California, consisting of approximately 15.8 acres, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, Assessor’s Parcel Numbers: 074-450-030, 074-450-040, 074-450-050, 074-331-210 and 074-321-110, and more commonly known as 2111 and 2121 Sand Hill Drive, Menlo Park, California (“Property”).
- B. The Property is to be annexed into the City of Menlo Park and currently contains multiple buildings with a combination of housing and office uses, comprising approximately 57,183 square feet of gross floor area. The Meyer-Buck House (2111 Sand Hill Road) was constructed in 1920, and an office building (2121 Sand Hill Road) was constructed after receiving a use permit from the County of San Mateo. No changes are proposed to the existing structures on the site. Therefore, these buildings are not part of this Agreement.
- C. Applicant proposes to create a two parcel subdivision, one parcel containing the existing residence and the other containing the existing office building, and to construct a new two-story office building on the same parcel as the existing office building, approximately 39,800 square feet of gross floor area in size (“Project”).
- D. Applicant is required to comply with Chapter 16.96 of City’s Municipal Code (“BMR Ordinance”) and with the Below Market Rate Housing Program Guidelines (“Guidelines”) adopted by the City Council to implement the BMR Ordinance. In order for the City to process the application, the BMR Ordinance requires Applicant to submit a Below Market Rate Housing Agreement. This Agreement is intended to satisfy that requirement. Approval of a Below Market Rate Housing

Agreement is a condition precedent to the approval of the applications and the issuance of a building permit for the Project.

- E. Residential use of the portion of the Property where the Project is proposed is not allowed by the applicable zoning regulations of the proposed Project parcel zoning. Furthermore, no changes are being contemplated to the Buck-Meyer House or grounds on the proposed adjacent parcel where residential uses would be permitted. However, Applicant owns other sites within the City that are zoned to permit residential land uses. In particular, a project is being developed for one of the Applicant-owned sites at 500 El Camino Real, which will include BMR units and a number of other residential units.
- F. Applicant is required to deliver off-site units and/or pay an in lieu fee as provided for in this Agreement. Applicant is willing to deliver off-site units and/or pay the in lieu fee on the terms set forth in this Agreement, which the City has found are consistent with the BMR Ordinance and Guidelines.

NOW, THEREFORE, the parties agree as follows:

1. Based on the applicant's ownership of residentially-zoned parcels in the City of Menlo Park and proposed development of a project with up to seven BMR units and a number of other residential units at 500 El Camino Real, Applicant is permitted to satisfy the BMR requirement for the 2121-2131 Sand Hill Road project by (a) delivering two additional off-site units as part of the 500 El Camino Real project or combining resources with other applicants to deliver off-site units elsewhere in the city of Menlo Park, or (b) by payment of an in lieu fee seven years after the date of issuance of a building permit for the construction of the office building at 2131 Sand Hill Road, if after diligent pursuit no feasible options to construct two BMR units as part of another project are identified. The BMR in lieu fee is estimated at \$615,170.70

The applicable in lieu fee is that which is in effect on the date the payment is made. Payment shall be made for each phase within 30 days of the Outside Delivery Date, as identified in paragraph 3. The in lieu fee will be calculated as set forth in the tables below; however, the applicable fee for the Project will be based upon the amount of square footage within Group A and Group B at the time of payment, the applicable fee that is in effect, and the number of units provided by Applicant. The estimated in-lieu fee and required units, based on Fiscal Year 2016-2017 in-lieu fees, per each individual building are outlined below:



BMR In Lieu Fee Calculation			
	Fee per square foot	Square feet	Component fees
Existing Building - Office	\$15.57	0	\$0.00
Existing Building - Non-Office	\$8.45	0	\$0.00
Proposed Building - Office	\$15.57	39,510	\$615,170.70
Proposed Building - Non-Office	\$8.45	0	\$0.00
<b>BMR In-Lieu Fee Option</b>			<b>\$615,170.70</b>

2. Nothing in this Agreement shall obligate Applicant to proceed with the Project. Applicant will not be obligated to deliver off-site units or pay the in lieu fee before the City issues a building permit for the Project. Instead, the Applicant will satisfy the obligations under the BMR Ordinance and Guidelines as set forth in Paragraph 3 below.
3. Within seven years of the date the City issues the first building permit for each building (“Outside Delivery Date”), Applicant shall have the right (but not the obligation) to deliver off-site units that meet the requirements of the BMR Ordinance and Guidelines to satisfy, in whole or in part, Applicant’s BMR Obligations. If Applicant delivers off-site units that satisfy Applicant’s BMR Obligations prior to the Outside Delivery Date, it will have no further payment or delivery obligations for this Agreement. If a partial number of required units are provided, the Applicant would pay the per unit equivalent fee for the remaining BMR Obligation for that phase. If Applicant does not deliver off-site units sufficient to satisfy Applicant’s BMR Obligations prior to the Outside Delivery Date, then, within 30 days of the Outside Delivery Date, Applicant must pay the City the BMR in-lieu fee adjusted annually or the appropriate fee based on the number of units provided.

For purposes of clarification, (a) rental units that are maintained as BMR units in accordance with the City’s BMR Guidelines for at least 55 years satisfy the BMR Ordinance and Guidelines and (b) Applicant may deliver off-site units by directly developing a residential project or having a third party deliver or agree to deliver BMR units to the City on Applicant’s behalf, provided any units delivered by a third party on Applicant’s behalf shall be additional BMR units for such project and shall not count toward the BMR requirement and/or any density bonus calculation for such project where the BMR units are provided.

4. Any off-site BMR units shall be restricted to Low Income Households, which shall mean those households with incomes that do not exceed eighty percent (80%) of San Mateo County median income, adjusted for family size, as

established and amended from time to time by the United States Department of Housing and Urban Development.

5. This Agreement shall be binding on and inure to the benefit of the parties hereto and their successors and assigns. Each party may assign this Agreement, subject to the reasonable consent of the other party, and the assignment must be in writing.
6. If any legal action is commenced to interpret or enforce this Agreement or to collect damages as a result of any breach of this Agreement, the prevailing party shall be entitled to recover all reasonable attorney's fees and costs incurred in such action from the other party.
7. This Agreement shall be governed by and construed in accordance with the laws of the State of California and the venue for any action shall be the County of San Mateo.
8. The terms of this Agreement may not be modified or amended except by an instrument in writing executed by all of the parties hereto.
9. This Agreement supersedes any prior agreements, negotiations, and communications, oral or written, and contains the entire agreement between the parties as to the subject matter hereof.
10. Any and all obligations or responsibilities of the Applicant under this Agreement shall terminate upon the payment of the required fee.
11. To the extent there is any conflict between the terms and provisions of the Guidelines and the terms and provisions of this Agreement, the terms and provisions of this Agreement shall prevail.

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

CITY OF MENLO PARK

Leland Stanford Junior University

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
Its:

[Notarial Acknowledgements to be added for recording purposes]

*DRAFT – August 22, 2017*

**RESOLUTION NO. XXXX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK APPROVING HERITAGE TREE REMOVAL PERMITS FOR THE PROPERTIES LOCATED AT 2111 AND 2121 SAND HILL ROAD**

WHEREAS, on November 20, 2015 and June 14, 2017, the City of Menlo Park (“City”) received applications from Leland Stanford Junior University (“Project Sponsor”) for the removal of six heritage trees at the property located at 2111 and 2121 Sand Hill Road (“Project Site”) as more particularly described and shown in “Exhibit A”; and

WHEREAS, the requested tree removals are necessary in order to redevelop the Project Site; and

WHEREAS, the removal of Heritage Trees within the City is subject to the requirements of Municipal Code Chapter 13.24, Heritage Trees; and

WHEREAS, the City Arborist reviewed the requested tree removals on September 27, 2016, and June 12, 2017; and

WHEREAS, the City Arborist determined that two of the Heritage Trees are impeding the redevelopment of the Project Site and are in poor condition; and

WHEREAS, the City Arborist determined that two of the Heritage Trees proposed for removal are in poor health and have poor structure; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held June 19, 2017, before the City of Menlo Park Planning Commission, whereat all persons interested therein might appear and be heard; and

WHEREAS, the Planning Commission of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend to the City Council of the City of Menlo Park to approve the Heritage Tree Removal Permits; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the City Council of the City of Menlo Park on \_\_\_\_\_, 2017 whereat all persons interested therein might appear and be heard; and

WHEREAS, the City Council of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to approve the Heritage Tree Removal Permits.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby approves the Heritage Tree Removal Permits for trees #53, #54, #96, and #101 as described on sheet C-3.3 of the proposed plans and attached by this reference herein as Exhibit A, which shall be valid until \_\_\_\_\_, and can be extended for a period of one-year by the Community Development Director if requested by the applicant.

I, Clay Curtin, Interim 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 \_\_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

---

Clay Curtin  
Interim City Clerk

# ARBORIST REPORT NOTE

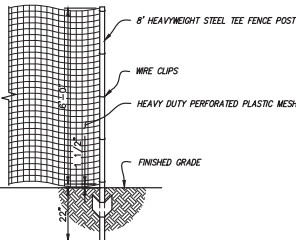
TREE DISPOSITION DATA AND PROTECTION REQUIREMENTS ARE PER ARBORIST REPORT TITLED "ARBORIST REPORT 2131 SAND HILL ROAD MENLO PARK, CA" PREPARED BY HORTISCIENCE INC. DATED SEPTEMBER 8, 2015

## TREE REMOVAL NOTES

- THE LOCATION OF ALL SERVICE LINES SUCH AS WATER SUPPLY, SEWER, ELECTRICITY, TELEPHONES, CABLE, GAS, STORM DRAIN LINES, ETC. SHALL BE ASCERTAINED BEFORE TREE REMOVAL WORK IS STARTED. WHERE SUCH LINES WILL BE AFFECTED BY TREE REMOVAL, OR WHERE TREE REMOVAL MACHINERY WILL BE WORKING NEARBY, LINES SHOULD BE CAREFULLY SEALED OFF, PROTECTED OR DIVERTED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO TAKE NECESSARY PRECAUTIONARY ACTIONS.
- REMOVE ONLY THOSE TREES INDICATED ON THIS PLAN TO BE REMOVED. TREES INDICATED TO BE REMOVED SHALL HAVE ALL ROOTS AND STUMP REMOVED TO A DEPTH OF 24" BELOW GRADE.

## TREE PROTECTION NOTES

- THE GENERAL CONTRACTOR SHALL TAKE THE FOLLOWING STEPS TO PRESERVE AND PROTECT ALL EXISTING TREES SHOWN TO REMAIN:
  - PRIOR TO COMMENCEMENT OF DEMOLITION, GRADING AND CONSTRUCTION, TEMPORARY FENCING SHALL BE INSTALLED AT THE DRIP LINE OF EACH TREE TO BE PRESERVED. REFER TO DETAIL. FENCED AREAS SHALL NOT BE VIOLATED DURING CONSTRUCTION.
  - ALL EXISTING ON-SITE TREES INDICATED TO REMAIN SHALL BE TRIMMED BY A LICENSED ARBORIST FOUR WEEKS PRIOR TO COMMENCEMENT OF DEMOLITION OR GRADING OPERATIONS. ALL BROKEN OR BRUISED BRANCHES AND DEAD WOOD SHALL BE REMOVED. ALL CUTS OVER 1/2" DIAMETER SHALL BE PAINTED WITH "TREE SEAL" OR APPROVED EQUAL. IN NO CASE SHALL ANY TREE BE TOPPED.
  - ALL EXISTING ON-SITE TREES INDICATED TO REMAIN SHALL BE FERTILIZED BY ROOT INJECTION BY A LICENSED ARBORIST FOUR WEEKS PRIOR TO COMMENCEMENT OF GRADING OR DEMOLITION OPERATIONS.
- ALL EXISTING ON-SITE TREES INDICATED TO REMAIN SHALL BE PRESERVED AND PROTECTED DURING CONSTRUCTION. NO GRADING IS PERMITTED WITHIN THE DRIP-LINE OF ANY TREE INDICATED TO REMAIN. NO DEBRIS OR MATERIALS SHALL BE STOCKPILED AROUND THE BASE OF THE TREES. NO TRADESMAN SHALL DUMP DEBRIS OR FLUIDS WITHIN THE DRIP-LINE OF ANY TREE (PLASTER, PAINT, TANNER, ETC.). ALL TREES SHALL BE FENCED BY THE GENERAL CONTRACTOR TO AVOID COMPACTION OF THE TREE'S ROOT SYSTEM AND DAMAGE TO THE BARK. THE FENCE SHALL BE SIX FEET HIGH, AND EXTEND OUT TO THE DRIP-LINE OF THE TREE.
- ALL EXISTING ON-SITE TREES INDICATED TO REMAIN SHALL BE WATERED BY THE GENERAL CONTRACTOR CONTINUOUSLY DURING THE COURSE OF CONSTRUCTION. IF PORTABLE WATER IS NOT AVAILABLE ON THE SITE, A WATERING TRUCK SHALL BE EMPLOYED TO ACCOMPLISH THE WATERING.
- DO NOT DISTURB SURFACE SOIL WITHIN TREE DRIP-LINE EXCEPT AS MANDATED BY CONSTRUCTION PLANS.
- DURING PERIODS OF EXTENDED DROUGHT, SPRAY OAK TREES TO REMOVE ACCUMULATED CONSTRUCTION DUST AND DEBRIS.
- GRADE IN LINES RADIAL TO THE EXISTING TREE RATHER THAN TANGENTIAL. IF ROOTS ARE ENCOUNTERED WHILE GRADING, CUT THEM CLEANLY WITH A SAW. DO NOT RIP THEM WITH GRADING EQUIPMENT.
- DO NOT ATTEMPT DEMOLITION OF TREES WITH GRADING EQUIPMENT WHEN TREES THAT ARE TO BE PRESERVED ARE IN THE VICINITY.



**NOTES:**

- THE DRIPLINE OF EACH TREE TO BE PROTECTED SHALL BE ENCLOSED WITH A 6" HIGH TEMPORARY FENCE. FENCE FABRIC SHALL BE HEAVY DUTY PERFORATED, BRIGHT COLORED PLASTIC MESH. FENCE STAKES SHALL BE 8" HEAVY WEIGHT STEEL TEE FENCE POSTS DRIVEN 22" INTO GRADE.

## TREE PROTECTION DETAIL 1

N.T.S.

## TREE DISPOSITION TABLE

Tree No.	Species	Trunk Diameter (in.)	Heritage Tree	Condition 1=poor 5=excellent	Remove or Tree Protection Zone (ft)	Suitability for Preservation
51	Italian stone pine	29	Yes	3	20	Moderate
52	Coast live oak	13	Yes	4	20	Moderate
53	Italian stone pine	18,11	Yes	2	Remove	Low
54	River red gum	20,19,16	Yes	2	Remove	Low
55	River red gum	21	Yes	3	15	Low
56	Coast live oak	9	No	3	10	Moderate
57	Coast live oak	13,12,10	Yes	4	10	Low
58	Valley oak	11	Yes	4	15	Moderate
59	Valley oak	10	Yes	3	15	Low
60	Blue oak	9,6	Yes	3	15	Moderate
61	Blue oak	6	No	3	10	Low
62	Coast live oak	10	Yes	3	10	Low
63	Coast live oak	8	No	3	10	Low
64	Coast live oak	7,5,4	No	3	10	Low
65	Coast live oak	11	Yes	2	10	Low
66	Coast live oak	9	No	3	10	Moderate
67	Valley oak	8,4	No	3	15	Low
68	Coast live oak	10	Yes	4	10	Moderate
69	Coast live oak	8,7,7,6,5	Yes	4	10	Moderate
70	Coast live oak	6,4,3	No	3	10	Low
71	Coast live oak	8	No	3	10	Low
72	Winged elm	6,5,4	No	3	10	Moderate
73	Winged elm	6,4,4	No	3	10	Moderate
74	Valley oak	8	No	3	10	Moderate
75	Coast live oak	11	Yes	3	15	Low
76	Valley oak	10	Yes	4	15	Moderate
77	Coast live oak	9	No	3	10	Low
78	Valley oak	36	Yes	3	30	Moderate
79	Manna gum	36	Yes	3	20	Moderate
80	Coast live oak	8	No	3	10	Moderate
81	Coast live oak	16	Yes	3	15	Moderate
82	Coast live oak	7	No	4	10	High
83	Monterey pine	18	Yes	2	15	Low
84	Monterey pine	14,13,7	Yes	2	15	Low
85	Monterey pine	9,7,7,5	No	2	10	Low
86	Monterey pine	18	Yes	2	15	Low
87	Monterey pine	11	No	2	10	Low
88	Coast live oak	8,5,4	Yes	4	10	High
89	Coast live oak	6	No	4	Remove	High
90	Coast live oak	8,7,5	Yes	4	10	High
91	Coast live oak	9	No	4	Remove	High
92	Coast live oak	9	No	4	Remove	High
93	Valley oak	12,8	Yes	4	Remove	High
94	Coast live oak	6,3	No	4	Remove	High

Tree No.	Species	Trunk Diameter (in.)	Heritage Tree	Condition 1=poor 5=excellent	Remove or Tree Protection Zone (ft)	Suitability for Preservation
95	Winged elm	7,5	No	1	Remove	Low
96	Winged elm	15	Yes	1	Remove	Low
97	Valley oak	6,4,2	Yes	4	Remove	High
98	Winged elm	8,5	No	1	Remove	Low
99	Winged elm	6,4	No	1	Remove	Low
100	Winged elm	7	No	2	Remove	Low
101	Monterey pine	17	Yes	3	Remove	Low
102	Valley oak	9,6	Yes	2	10	Low
103	Valley oak	7	No	2	10	Low
104	Coast live oak	14,13,9	Yes	3	10	Low
105	Coast live oak	9	No	1	10	Low
106	Coast live oak	10	Yes	3	10	Moderate
107	Coast live oak	14	Yes	4	15	Moderate
108	Valley oak	10	Yes	3	10	Moderate
109	Coast live oak	10	Yes	3	10	Moderate
110	Coast live oak	10	Yes	3	10	Low
111	Coast live oak	17	Yes	4	15	Moderate
112	Coast live oak	13	Yes	2	10	Low
113	Holly oak	8,8	No	3	10	Low
114	Holly oak	9,7,5	No	3	10	Low
115	Holly oak	6	No	3	10	Moderate
116	Coast live oak	9	No	3	10	Moderate
117	Southern magnolia	30	Yes	4	10	High
118	Coast live oak	8	No	4	10	High
119	Camphor	20	Yes	3	10	Moderate
120	Holly oak	14	No	2	10	Low
121	Holly oak	6	No	4	10	High
122	ML Atlas pistache	36	Yes	4	10	High
123	Coast live oak	15	Yes	3	15	Moderate
124	Coast live oak	18	Yes	4	10	High
125	Coast live oak	12	Yes	3	15	Moderate
126	Silver dollar gum	24	Yes	4	10	High
127	Coast live oak	9	No	5	10	Low
128	Silk oak	36	Yes	4	10	Moderate
129	Purpleleaf plum	8	No	3	10	Moderate
130	Purpleleaf plum	8	No	2	10	Low
131	African fern pine	6	No	4	10	High
132	Coast live oak	10,8	Yes	4	15	High
133	Winged elm	6,4	No	2	10	Low
134	Coast live oak	17	Yes	3	15	Moderate
135	Olive	7	No	3	10	Low
138	Coast redwood	6	No	5	Remove	Moderate
158	Coast redwood	6	No	5	Remove	Moderate
160	Coast redwood	6	No	5	Remove	Moderate
166	Coast redwood	6	No	4	Remove	Moderate
168	Coast redwood	6	No	5	Remove	Moderate

## HERITAGE TREE REPLACEMENT

Tree No.	Species	Trunk Diameter (in.)	Heritage Tree	Remove or Tree Protection Zone (ft)	Replacement Tree
51	Italian stone pine	29	Yes	20	Italian stone pine
52	Coast live oak	13	Yes	20	Coast live oak
53	Italian stone pine	18,11	Yes	Remove	Italian stone pine
54	River red gum	20,19,16	Yes	Remove	River red gum
55	River red gum	21	Yes	15	River red gum
56	Coast live oak	9	No	10	Coast live oak
57	Coast live oak	13,12,10	Yes	10	Coast live oak
58	Valley oak	11	Yes	15	Valley oak
59	Valley oak	10	Yes	15	Valley oak
60	Blue oak	9,6	Yes	15	Blue oak
61	Blue oak	6	No	10	Blue oak
62	Coast live oak	10	Yes	10	Coast live oak
63	Coast live oak	8	No	10	Coast live oak
64	Coast live oak	7,5,4	No	10	Coast live oak
65	Coast live oak	11	Yes	10	Coast live oak
66	Coast live oak	9	No	10	Coast live oak
67	Valley oak	8,4	No	15	Valley oak
68	Coast live oak	10	Yes	10	Coast live oak
69	Coast live oak	8,7,7,6,5	Yes	10	Coast live oak
70	Coast live oak	6,4,3	No	10	Coast live oak
71	Coast live oak	8	No	10	Coast live oak
72	Winged elm	6,5,4	No	10	Winged elm
73	Winged elm	6,4,4	No	10	Winged elm
74	Valley oak	8	No	10	Valley oak
75	Coast live oak	11	Yes	15	Coast live oak
76	Valley oak	10	Yes	15	Valley oak
77	Coast live oak	9	No	10	Coast live oak
78	Valley oak	36	Yes	30	Valley oak
79	Manna gum	36	Yes	20	Manna gum
80	Coast live oak	8	No	10	Coast live oak
81	Coast live oak	16	Yes	15	Coast live oak
82	Coast live oak	7	No	10	Coast live oak
83	Monterey pine	18	Yes	15	Monterey pine
84	Monterey pine	14,13,7	Yes	15	Monterey pine
85	Monterey pine	9,7,7,5	No	10	Monterey pine
86	Monterey pine	18	Yes	15	Monterey pine
87	Monterey pine	11	No	10	Monterey pine
88	Coast live oak	8,5,4	Yes	10	Coast live oak
89	Coast live oak	6	No	4	Remove
90	Coast live oak	8,7,5	Yes	10	Coast live oak
91	Coast live oak	9	No	4	Remove
92	Coast live oak	9	No	4	Remove
93	Valley oak	12,8	Yes	4	Remove
94	Coast live oak	6,3	No	4	Remove

**ArchiRender Architect**  
 32245 Derby Street Union City, Ca 94587  
 mail@archirender.com 510-585-6445

**SANDIS**  
**CIVIL ENGINEERS SURVEYORS PLANNERS**  
 1700 Winchester Boulevard Campbell, CA 95008  
 P. 408.636.0900 F. 408.636.0909 www.sandis.net

DATE MARCH 2, 2017

CHAD J. BROWNING R.C.E. NO. 68315, EXPIRES 9-30-17

## 2131 SAND HILL ROAD NEW OFFICES

### MENLO PARK, CA

No.	Date	Issues and Revisions	By
1	12/04/2016	Planning Submittal	
2	08/26/2016	Planning Resubmittal 1	
3	11/22/2016	Planning Resubmittal 2	
4	03/02/2017	Planning Resubmittal 3	
5	05/30/2017	Planning Resubmittal 4	

## TREE DISPOSITION NOTES & TABLE

Project Number: 215102  
 Date: 06/30/2017  
 Scale: N.T.S.

**C-3.3**

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## STAFF REPORT

### Planning Commission

Meeting Date: 6/19/2017  
Staff Report Number: 17-041-PC

Public Hearing: **Prezoning, Rezoning, General Plan Amendment, Tentative Map, Use Permit, Architectural Control, and Environmental Review/Leland Stanford Junior University/2111-2121 Sand Hill Road**

### Recommendation

Staff recommends that the Planning Commission review and provide a recommendation that the City Council make the necessary findings and take actions for approval of the 2111-2121 Sand Hill Road project (also known as “2131 Sand Hill Road”), as outlined in Attachment A. The Planning Commission should provide a recommendation to the City Council on the following entitlements and environmental review components of the proposed project:

1. **Environmental Review** to analyze potential environmental impacts of the project in the Mitigated Negative Declaration (MND), pursuant to the California Environmental Quality Act (CEQA) (Attachment B);
2. **Prezoning** of a 14.9-acre portion of a 15.8-acre parcel presently located in unincorporated San Mateo County to the R-1-S (Single Family Suburban Residential) and C-1-C (Administrative, Professional and Research, Restrictive) zoning districts (Attachment C);
3. **Rezoning** of the remaining portion of the parcel currently located in the R-1-S zoning district to the C-1-C zoning district (Attachment D);
4. **General Plan Amendment** to establish Low Density Residential and Professional and Administrative Offices land use designations for the portion of the parcel to be pre-zoned, and to change the land use designation from Low Density Residential to Professional and Administrative Offices for the portion of the parcel to be rezoned (Attachment E);
5. **Tentative Map** to create a two parcel subdivision, one parcel containing an existing residence, the other containing an existing office building (Attachment F);
6. **Use Permit** to construct a new approximately 39,800-square-foot, two-story office building in the proposed C-1-C zoning district, which would be located on the same parcel as the existing office building, and to excavate within the required rear setback to construct a retaining wall (Attachment F);
7. **Architectural Control** to review the design of the proposed office building and site improvements (Attachment F);
8. **Below Market Rate (BMR) Housing Agreement** for compliance with the City’s Below Market Rate Housing Program (Attachment G); and
9. **Heritage Tree Removal Permits** to allow the removal of up to six heritage trees (Attachment H).

The proposed annexation of the property into the City of Menlo Park is subject to approval by the San Mateo County Local Agency Formation Commission (LAFCO) following action by the City Council.

### Policy Issues

The proposed project requires the Planning Commission and City Council to consider the merits of the

project, including consistency with the City's current General Plan, Municipal Code, and other adopted policies and programs. The Commission and Council will also need to determine whether the positive aspects of the project balance the need for any additional municipal services or improvements associated with annexation of the parcel and development of the proposed office building. The Commission and Council will need to consider the rezoning and General Plan amendment to determine the zoning and land use designations that will apply to the property if it is annexed into the city. The Commission and Council will also need to consider rezoning a portion of the site presently located within the city's corporate boundaries for consistency with the rezoning of the remainder of the parcel. Further, the Commission and Council will need to consider architectural control, use permit and tentative map findings. In addition, resolutions regarding heritage tree removal permits and the BMR Housing Agreement for the project will need to be considered. The Planning Commission is a recommending body on the proposed project and the City Council is the final decision-making body. The policy issues summarized here are discussed in greater detail throughout the staff report.

## **Background**

### ***Annexation process***

The annexation of unincorporated parcels to cities in California is regulated by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act"). The CKH Act strengthens the role of LAFCO in each county in California, giving it the ability to review, approve, or deny proposals for incorporations/formations, annexations, and other boundary changes for cities, counties, and special districts. LAFCOs are composed primarily of elected officials from the county and local cities, local special districts, and/or members of the general public.

For the proposed project, the San Mateo County LAFCO has identified the following steps for the annexation of the subject parcel into the Menlo Park jurisdictional boundaries:

1. The applicant and sole landowner, Leland Stanford Junior University ("Stanford"), must file an application for annexation with LAFCO after consultation with the city and the LAFCO executive officer. This step was completed by the applicant on June 9, 2017.
2. The Planning Commission must review the requested entitlements for the project and make a recommendation to the City Council. The CKH Act requires the proposed rezoning to be consistent with the city's General Plan and located within the City's sphere of influence (SOI), as determined by LAFCO. Although the subject parcel is located within the city's designated SOI, the city's General Plan does not designate an anticipated land use for the parcel. Therefore, the requested entitlements for the project include a General Plan amendment to establish land uses consistent with the existing and proposed development on the site. The proposed project is also subject to CEQA review and requires an initial study, which has been prepared. The potential environmental impacts of the project are described in the MND, and must be considered by the Commission as part of the requested set of actions.
3. Following the submittal of Stanford's application to LAFCO and the Planning Commission review of the requested entitlements, the City and County are required to negotiate the allocation of property tax revenues during a 60-day mandatory negotiation period. If agreement is not reached, an alternative mediation and arbitration process would be required by statute.
4. The City Council must review the Planning Commission's recommendation on the project entitlements, including the rezoning, rezoning, General Plan amendment, environmental review, and other items as noted in Attachment A, and also adopt the property tax exchange negotiated with the county.
5. The San Mateo County Board of Supervisors must adopt the property tax exchange.
6. If the application is accepted by LAFCO as complete and the City and County adopt the property tax



- exchange, the LAFCO executive officer would issue a certificate of filing and set a hearing date for the LAFCO Commissioners to review the proposed annexation within 90 days.
7. LAFCO may approve, conditionally approve, or deny the proposed annexation, or continue the proposal for up to 70 days to collect more information.
  8. If the annexation is approved by LAFCO, the executive officer would issue a certificate of completion, which would be recorded 30 days after approval. The recordation date would be considered the effective date of the annexation.

### ***Site location***

The project site consists of one 15.8-acre legal parcel (five assessor's parcels) addressed 2111-2121 Sand Hill Road and located primarily in the West Menlo Park community of unincorporated San Mateo County. The project also includes an unincorporated section of Sand Hill Road as well as an unincorporated portion of the intersection of Sand Hill Road and Santa Cruz Avenue at the northeast edge of the site. A location map is included as Attachment I, and an annexation boundary map is included as Attachment J.

This report refers to compass directions by considering Sand Hill Road in a predominantly east-west direction adjacent to the project site. The project site is located on the south side of Sand Hill Road and is bordered on the east by Alpine Road and Santa Cruz Avenue. From east to west, the parcel narrows to a point adjacent to Stanford Hills Park. Neighboring land uses include retail zoned C-2 (Neighborhood Shopping) and associated with the Sharon Heights Shopping Center, single- and two-family residences zoned R-3-A (Garden Apartment Residential) and R-2 (Low Density Apartment), and mixed-use developments in unincorporated San Mateo County across Sand Hill Road to the north; recreational uses zoned R-1-S and associated with the Stanford Golf Course across Santa Cruz Avenue and Alpine Road to the east; single-family residential uses zoned R-1-S in the Stanford Hills neighborhood to the south; and parks and recreation uses zoned OSC (Open Space and Conservation) associated with Stanford Hills Park to the west. The site is adjacent to the existing Menlo Park city limits along the majority of its Sand Hill Road frontage, and completely adjacent to existing Menlo Park properties on all other sides.

At present, the eastern portion of the project site contains the 8,125-square-foot Meyer-Buck House, a two-story residence constructed in 1920, and two accessory buildings used for storage. The Meyer-Buck House serves as the Stanford University provost's residence. The east-central portion of the project site contains a 50,676-square-foot, two-story office building that serves as the headquarters of the William and Flora Hewlett Foundation ("Hewlett Foundation"), a non-profit private charitable organization. The Hewlett Foundation currently leases approximately 7.1 acres of the site. The western half of the parcel is vacant, aside from a Pacific Gas and Electric Company (PG&E) valve station at the southwest corner of the lot. In addition, a 0.9-acre PG&E easement runs along the southern boundary of the parcel. The easement is located within the City of Menlo Park boundary and is zoned R-1-S.

### **Analysis**

The project proposal requires the review and consideration of new land use entitlements and associated agreements. A discussion of the proposed project, as well as required land use entitlements and agreements, is provided in more detail in the following sections.

### ***Project description***

Stanford is proposing to prezone the unincorporated portion of the project site and request annexation into the City of Menlo Park through the process described in the Background section of this report. The applicant is also requesting to subdivide the parcel, maintaining the Meyer-Buck House on a 3.9-acre, R-1-S-zoned

parcel at the eastern end of the project site, and creating an 11.9-acre, C-1-C-zoned parcel containing the existing Hewlett Foundation office building and a vacant area on the western half of the site.

The portion of the parcel containing the 0.9-acre, 35-foot-wide PG&E easement would be rezoned from R-1-S to C-1-C to maintain consistency with the rest of the parcel. No changes are proposed to the Meyer-Buck House or Hewlett Foundation buildings. The existing buildings on the site would be considered existing legal structures, and would be treated equivalent to having received appropriate approvals from the City of Menlo Park. Any changes proposed for the existing buildings or sites in the future would be required to comply with the regulations of the proposed zoning districts and all other applicable City requirements in effect at that time.

The applicant is also concurrently requesting a use permit and architectural control to construct a new two-story office building on the undeveloped western portion of the property if the annexation and related project entitlements are approved. The proposed building would be approximately 39,800 square feet of gross floor area (GFA) in size, with 159 parking spaces provided between two levels of below-grade parking and a small surface parking lot. There are no permitted uses within the C-1-C zoning district, but professional, administrative, and executive offices are allowed as conditional uses, subject to obtaining a use permit.

The total square footage of the existing and proposed office buildings on the proposed C-1-C-zoned parcel would be 87,774 square feet of GFA, or a floor area ratio (FAR) of 18.5 percent, below the maximum 25 percent FAR permitted for a C-1-C-zoned property. The maximum building coverage of both office buildings on the site would be 10.2 percent, below the maximum 20 percent building coverage permitted in the C-1-C zoning district. The proposed office building would comply with all other development regulations in the C-1-C zoning district, including the required setbacks and maximum building height. Project plans are included as Attachment K and a project description letter is included as Attachment L.

A more detailed discussion of the proposed project, as well as required land use entitlements and agreements, is provided in the following sections.

### ***Prezoning***

The subject site currently has split zoning designations in unincorporated San Mateo County. The Meyer-Buck House and grounds are partially located in the R-1,S-9 (One-Family Residential, Residential Density Number 9) district, which permits the development of single-family dwellings, parks, crop farms, and large residential day care facilities, among other uses. More intense uses, such as churches, schools, libraries, fire stations, golf courses, non-commercial clubs, and plant nurseries are allowed with a use permit. The remainder of the unincorporated parcel is located in the R-E, S-9 (Residential Estates, Residential Density Number 9) district, which generally permits the same uses as the R-1, S-9 district, but without the ability to obtain a use permit to develop golf courses, non-commercial clubs, plant nurseries, or certain other uses.

The CKH Act requires that the city prezone a parcel prior to LAFCO's consideration of an annexation request. The applicant is requesting R-1-S zoning for the proposed Meyer-Buck House parcel. The R-1-S development regulations are generally comparable with the density and permitted residential uses of the current R-1, S-9 zoning on the subject site. In addition, adjacent residential uses in the Stanford Hills neighborhood are also zoned R-1-S. For the remainder of the site, including the existing Hewlett Foundation building and vacant western portion of the parcel, the applicant is requesting C-1-C zoning, which would better complement the existing office land use on the site and permit the development of a second office building, if a use permit and other associated entitlements are granted by the City Council. C-1-C zoning is a common zoning designation for parcels with office uses along Sand Hill Road. A draft prezoning ordinance and map are included as Attachment C.

The table below provides a comparison between the basic development standards of the subject site’s existing zoning designations and the proposed zoning designations. In some respects, development under the C-1-C zoning designation could be potentially less intense in form and density than other uses allowed under the existing San Mateo County zoning for the site, if it was subdivided.

Table 1: Zoning District Comparison				
	Meyer-Buck Residence Parcel		Office Buildings Parcel	
	R-E, S-9	R-1-S	R-1, S-9	C-1-C
<b>Floor Area Limit (FAL)/Floor Area Ratio</b>	No Limit	25.7 percent*	No Limit	25 percent
<b>Building Coverage</b>	No Limit	35 percent	No Limit	20 percent
<b>Setbacks</b>				
<b>Front</b>	20 feet	20 feet	20 feet	75 feet
<b>Side, Interior</b>	10 feet	10 feet	10 feet	30 feet
<b>Side, Corner</b>	10 feet	12 feet	10 feet	75 feet
<b>Rear</b>	20 feet	20 feet	20 feet	75 feet
<b>Building Height</b>	36 feet	30 feet	36 feet	35 feet
<b>Parking</b>	1 to 2 spaces	1 to 2 spaces	2 spaces	1 space per 250 s.f. GFA

\* This value represents the maximum allowed FAL of the proposed 3.9-acre Meyer-Buck parcel. Depending on the lot area of an R-1-S-zoned parcel, the floor area limit varies on a non-ratio basis.

**Rezoning**

As previously mentioned, a 0.9-acre, 35-foot deep portion of the project parcel, which serves as a PG&E easement, runs along the southern border of the parcel, and serves as access to the PG&E valve station located at the western end of the site. This easement is located within the Menlo Park corporate limits and is zoned R-1-S. In order to allow for unified development on the parcel within a single zoning district, the applicant is proposing that the portion of the parcel covered by the easement be rezoned C-1-C to match the rezoning requested for the adjacent area of the site. A draft rezoning ordinance and map are included as Attachment D.

**General Plan amendment**

State law requires that LAFCO’s decision regarding a proposed annexation to a city must be based on the General Plan and rezoning of the city. The proposed project meets Policy LU-1.1 of the General Plan, which promotes cooperation with appropriate agencies to assure a coordinated land use pattern in Menlo Park and the surrounding area. The proposed project has been developed with input from relevant agencies including LAFCO and California Water Service, and will require a property tax negotiation with San Mateo County as part of the annexation process. The project is located within an existing urbanized area in the city’s SOI and the proposed annexation would simplify jurisdictional and administrative boundaries as described in the Planning Boundaries section of the General Plan Land Use Element. In addition, the General Plan identifies the area in the vicinity of the project as an employment center for the city, and the

existing and proposed uses on the site would be compatible with this designation.

In order to ensure consistency between the General Plan and rezoning for the project site, the applicant is requesting an amendment to establish the General Plan land use designations for the project. The R-1-S district's corresponding General Plan designation is Low Density Residential, and the C-1-C district's corresponding General Plan designation is Professional and Administrative Offices. For the portion of the parcel that would be rezoned, the applicant is requesting to change the General Plan land use designation from Low Density Residential to Professional and Administrative Offices. A draft General Plan amendment ordinance and map are included as Attachment E. The proposed General Plan amendment would ensure consistency between the proposed zoning and General Plan designations subsequent to LAFCO action on the project.

### ***Design and materials***

#### **Site layout**

The new office building would be situated on the vacant western half of the proposed C-1-C-zoned parcel and would front onto Sand Hill Road. The public entry to the building would face the existing curved driveway onto the property from Sand Hill Road, and would be delineated by an entry court and covered arcade leading to a lobby. Pedestrian access to the building would be by a walkway running adjacent to the existing driveway onto the project site and across a new emergency vehicle and passenger vehicle driveway that would wrap around the northern and western sides of the proposed building. The proposed building would sit approximately 400 feet west of the existing Hewlett Foundation building, and would be separated by areas of existing surface parking and vacant land set aside as a landscape parking reserve for the Hewlett Foundation building. The landscape parking reserve area is proposed to remain without any modifications.

#### **Architectural character**

The proposed office building draws many references from the existing Hewlett Foundation building. The applicant states that the building has been designed in a contemporary style with Craftsman influences, including hipped roofs and exposed rafter tails. The design's form and massing as seen from the street would be low and long, with rectangular elements and hipped rooflines projecting the building forward toward the center of the front façade. A line of mature trees proposed to remain along the Sand Hill Road frontage, in combination with the required 75-foot front setback, could limit visibility of the 31-foot, six-inch tall building from the street.

The first story would have nine-foot-tall windows that would appear similar to glass doors, but would not be operable. The windows would be clustered primarily in groups of four between regularly-spaced columns around all sides of the building. The second story would have six-foot, six-inch tall windows with two-foot, six-inch sill heights spaced at regular intervals between the columns around all sides of the building.

Aside from the entrance arcade at the front of the building, the proposed structure would feature additional covered arcades along the rear and western first-story façades of the building. Along the rear of the building, adjacent to the single-family residences in the Stanford Hills neighborhood, the proposed arcade would set the first-floor windows back approximately 10 additional feet beyond the 75-foot required rear setback. In addition, the first floor would be depressed up to seven-and-a-half feet below grade, and a retaining wall would be constructed within the rear setback. The excavation for the retaining wall within a required setback requires a use permit. The proposed retaining wall would have low visibility at the rear of the site, and impacts on existing trees to remain on the site would be minimal.

Second-story balconies would be located above the arcades on the front and east sides of the building. The

balcony at the east-rear corner of the building would be located 85 feet from the adjacent single-family residential zoning district, where a 30-foot minimum balcony setback is required by the Zoning Ordinance. Mechanical equipment would be located within a well created by the roof parapet, and would be screened from view at eye level with the top of the parapet, as required by the Zoning Ordinance.

### Materials

The proposed office building replicates much of the existing Hewlett Foundation building that would be located on the same parcel. Smooth-texture stucco in a neutral beige tone would be the primary cladding material, with horizontal score lines running along the first- and second-story exteriors and vertical score lines at the building corners. Windows would have aluminum frames with tinted vision glass. The roof materials would be ribbed metal in a green-blue color tone with wood rafter tails painted to complement the stucco color.

Hardscapes on the site would be primarily composed of interlocking concrete pavers, with differentiation between the pavers for the surface parking lot and proposed emergency vehicle and passenger vehicle driveway versus the building entry court and arcades. Decomposed granite would be used to create a jogging path leading from the building to the far western edge of the site adjacent to Stanford Hills Park.

### Trash and recycling

Building management would take the trash and recycling to an enclosure near the center of the parking lot east of the building, where compaction and collection would take place. This trash enclosure would be located in the proposed location to help reduce potential noise to the adjacent residential uses. The plans have been reviewed and tentatively approved by the City's refuse collector, Recology.

### Summary

Staff believes that the proposal would produce a new office building with appropriate references to the architectural style of the existing building on the same parcel. The proposed street-facing facades would be reasonably articulated, and arcades and balconies would promote additional visual interest. Underground parking would have a positive impact on the overall character of the site development by minimizing the bulk and massing associated with an above-grade garage or additional paving from a larger surface lot. The building entrance would be clearly defined by the site layout, and usable open spaces would be provided for a variety of functions.

## ***Parking and circulation***

### Vehicular

The majority of the 159 parking spaces associated with the proposed building would be provided in a two-level underground garage. The garage would have one access ramp off of the proposed new emergency vehicle and passenger vehicle driveway in front of the proposed building, as well as a secondary entry to the garage at the western-rear corner of the building that would connect to the surface parking lot. The secondary garage entrance would be set back more than 35 feet from the nearest residential property line. The overall garage circulation would allow vehicles to enter or exit from the garage using any of the access ramps. A small surface parking lot with 40 spaces would also be provided for the office uses at the eastern end of the site. Pedestrian access to the garage levels would be provided by elevators and stairs integrated into the buildings, as well as by an open stairway in the arcade at the rear of the building.

### Bicycle

The project would provide bicycle parking in both short-term and long-term configurations. Short-term bicycle parking would be provided via racks beneath the eastern building arcade, adjacent to the surface parking lot. Long-term bicycle parking would be located on the upper garage level, with access provided

both by the garage ramps as well as the elevators and stairs. Similar to vehicular parking, covered bicycle parking is exempt from FAR calculations. The office building garage would include a changing and shower room, helping encourage bicycling as a transportation option.

Pedestrian

The project would include enhancements to the pedestrian environment in the vicinity of the proposed office building. Western and southern crosswalks would be added to provide full pedestrian access across the Sand Hill Road and Sharon Park Drive intersection. The project would install a five-foot wide private sidewalk leading from the Sand Hill Road frontage to the entry court of the proposed building. The proposed arcades would provide covered access around portions of the building, and a four-foot wide decomposed granite path would loop around the western edge of the site for the benefit of employees walking the site. The existing pedestrian path along the Sand Hill Road frontage of the site would also be improved and maintained as part of the project.

**Trees and landscaping**

Heritage Tree Removals

The applicant has submitted an arborist report prepared by HortScience, Inc. (Attachment M), evaluating 90 trees on and near the subject property, including 44 heritage trees. The report determines the condition, discusses the impacts of the proposed improvements, and provides recommendations for tree preservation. The original submittal for the proposed development requested the removal of 11 heritage trees. However, in an effort to retain existing screening vegetation on the site and preserve as many trees as possible, the applicant reduced the requested number of heritage tree removals to six as shown in the Tree Disposition Notes and Table included in the plan set (sheet C-3.3). A summary of the heritage trees requested for removal is contained below.

Table 2: Requested Heritage Tree Removals				
Heritage Tree	Diameter	Suitability for Preservation	Reason for Request	City Arborist Determination
<b>Tree #53:</b> Italian stone pine	18, 11 inches	Low	Construction impacts / poor condition	Remove
<b>Tree #54:</b> River red gum	20, 19, 16 inches	Low	Poor condition	Remove
<b>Tree #93:</b> Valley oak	12, 8 inches	High	Construction impacts	Retain or transplant
<b>Tree #96:</b> Winged elm	15 inches	Low	Poor condition	Remove
<b>Tree #97:</b> Valley oak	6, 4, 2 inches	High	Construction impacts	Retain or transplant
<b>Tree #101:</b> Monterey pine	17 inches	Low	Construction impacts / poor condition	Remove

The Italian stone pine (tree #53) proposed for removal is a street tree located five feet from a water meter and near a proposed private sidewalk onto the project site, and is also in poor condition. The City Arborist has recommended tentative approval to remove the tree due to its low suitability for preservation. Because the tree is located within the public right of way, the City Arborist is recommending condition of approval 42, which would require replacement of the tree with a 24-inch box container specimen within the right of way

on Sand Hill Road using the City-approved street tree list for species selection.

The applicant proposes to remove the river red gum (tree #54), also a street tree, due to its poor health. The tree is anticipated to decline regardless of management. Consequently, the City Arborist has recommended tentative approval for the removal of this tree with the same condition of approval 42 as tree #53.

Two valley oaks (trees #93 and #97) proposed for removal both have a high suitability for preservation, but were proposed for removal because of their locations near or within the path of the proposed emergency vehicle and passenger vehicle driveway in front of the proposed building. The City arborist has recommended that design alternatives with the proposed driveway be explored to retain the trees, or that the trees be transplanted elsewhere on the site, as proposed in condition of approval 43.

The applicant also proposes to remove a winged elm (tree #96) due to its poor condition. Similar to tree #54, the winged elm is expected to decline regardless of management and has a low suitability for preservation. Accordingly, the City Arborist has recommended tentative approval for the removal of this tree.

Finally, the applicant proposes to remove a Monterey pine (tree #101), which is located near a proposed pedestrian path at the western edge of the site, but is also considered to have poor structure that would not be abated with treatment. The City Arborist has recommended tentative approval for the removal of this tree.

The applicant is proposing to provide eight heritage tree replacements, which represents a ratio of two replacement trees for every tree removed. The proposed heritage tree replacements would include two giant sequoia trees at the rear western edge of the property, which could provide additional screening for adjacent residences over time, and four coast live oaks to be located within the public right-of-way to replace the heritage street trees proposed for removal.

The project complies with the C-1-C zoning requirement that a minimum of 30 percent of the building site be occupied by landscaping, such as trees, shrubs, ornamental grasses, and other vegetation. The preliminary landscape plan shows that approximately 91 new trees would be planted throughout the site, including 27 giant sequoias within the required rear setback. These giant sequoias would replace existing small redwood and maple trees proposed for removal, which were originally planted as a mitigation for a previous PG&E pipeline project. Other new trees proposed to be planted on-site would consist of deodar cedar (15 gallon), water gum (15 gallon), thornless honey locust (24-inch box), Columbia sycamore (15 gallon), chanticleer flowering pear (24-inch box), coast live oak (24-inch box) and sterling silver linden (15 gallon) species. A variety of shrubs, perennials, and ornamental grasses would also be planted throughout the site in the vicinity of the proposed building, surface parking lot, and pedestrian path at the western edge of the site.

### ***Tentative map***

The applicant is requesting approval of a tentative map to divide the existing single legal parcel into two legal parcels, one containing the existing Meyer-Buck House, and the other containing the existing and proposed office buildings. Both parcels would be standard lots that would meet the minimum lot area and dimensions for their respective proposed zoning designations. State law outlines five factors that the Planning Commission and City Council may consider in reviewing the request for minor subdivisions.

The first consideration is whether the proposed subdivision is in conformance with the City's General Plan. As stated in a previous section, the proposed project includes General Plan amendments to establish and modify land use designations for the subject property. The General Plan designation for the proposed 3.9-

acre, R-1-S zoned parcel containing the Meyer-Buck House would be Low Density Residential. The General Plan designation for the proposed 11.9-acre, C-1-C-zoned parcel containing the existing and proposed office buildings would be Professional and Administrative Offices. For the portion of the parcel that would be rezoned, the applicant is requesting to change the General Plan land use designation from Low Density Residential to Professional and Administrative Offices. The proposed General Plan amendment would ensure consistency between the proposed zoning and General Plan designations subsequent to LAFCO action on the project. The proposed subdivision would not conflict with General Plan goals and policies, and would comply with the Zoning Ordinance and Subdivision Ordinance.

The second factor to consider is whether the site of the subdivision is physically suitable for the proposed type or density of the development. The proposed subdivision would meet all applicable regulations of the Subdivision Ordinance as well as all development regulations pertaining to the dimensions and lot area of the R-1-S and C-1-C zoning districts, respectively. The proposed R-1-S-zoned lot would contain one existing single-family residence and two accessory buildings, with site access off of Alpine Road across a proposed access easement over the adjacent proposed C-1-C-zoned parcel. No changes are contemplated to the residence or grounds as part of this project. The proposed C-1-C-zoned lot would contain the existing office building and a proposed new office building with existing access off of Sand Hill Road. No changes are contemplated to the existing office building as part of this project. The creation of the two lots is consistent with the different existing and proposed uses on the site. In addition, the proposed subdivision would remedy the existing split jurisdictional boundaries, land uses, and zoning designations that presently exist on the parcel.

The third and fourth factors are concerned with whether the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or serious public health problems. The proposed subdivision is located within a fully urbanized area and all necessary utilities are readily available. In addition, the development of the properties would need to adhere to specific conditions of the Engineering Division, all applicable building codes and requirements of other agencies such as the Sanitary District, Menlo Park Fire Protection District, and other utility companies. Adherence to the conditions and all applicable codes would eliminate substantial or serious environmental or public health impacts.

The final factor to consider is whether the proposed subdivision would conflict with any public access easements. The subject site contains existing public access easements along its Sand Hill Road and Alpine Road frontages. The proposed subdivision would not modify or conflict with the existing public access easements. Emergency vehicle access and private access and utility easements would be recorded as part of the final map for the project, but would not conflict or impede upon existing public access easements.

Staff has reviewed the tentative parcel map and has found the map to be in compliance with State and City regulations subject to the conditions outlined in Attachment F. The applicant would need to apply for the parcel map within two years of the approval date of the tentative parcel map.

### ***Below Market Rate (BMR) housing***

The applicant is required to comply with Chapter 16.96 of City's Municipal Code, ("BMR Ordinance"), and with the BMR Housing Program Guidelines adopted by the City Council to implement the BMR Ordinance ("BMR Guidelines"), as the project would exceed 10,000 square feet of new gross floor area of commercial uses. Specifically, the BMR requirement for the project would be two BMR units, or the payment of a BMR in lieu fee. Residential use of the property is not permitted in the C-1-C zoning district and would not be consistent with the Professional and Administrative Offices General Plan land use designation of the proposed office building, and no changes are being contemplated to the Buck-Meyer House or grounds. Consequently, the development of on-site BMR units has not been contemplated as part of the proposed



project.

However, the applicant owns other properties in Menlo Park where residential uses are permitted. In particular, the applicant is proposing a project at 300-550 El Camino Real (also known as the Middle Plaza at 500 El Camino Real project) that includes a mix of office, retail, and up to 215 residential units, which is currently under review by staff. The applicant has agreed to fulfill the BMR requirements for the 2111-2121 Sand Hill Road project through the provision of two off-site BMR units as part of the Middle Plaza at 500 El Camino Real project, in addition to any BMR units or in lieu fees required as part of that project.

On February 1, 2017, the Housing Commission reviewed the proposal and recommended approval, with the condition that the project applicant return to the Housing Commission in two years to provide a project status update.

If the Middle Plaza at 500 El Camino Real project is not constructed for any reason, the applicant would have the ability to develop two BMR units on another residentially-zoned parcel owned by the applicant or partner with another developer to provide two BMR units as part of a different project. If, after diligent pursuit, no feasible options to construct two BMR units as part of another project are identified, the applicant would be permitted to pay the applicable in lieu fee seven years after the date of issuance of a building permit for the construction of the proposed office building at 2111-2121 Sand Hill Road. A draft City Council resolution approving the BMR Agreement is included as Attachment G.

### **Correspondence**

Staff has received four items of correspondence regarding the project since the Planning Commission public hearing was scheduled (Attachment N). The correspondence states concerns that the project will create additional traffic and exacerbate safety issues on Alpine Road related to conflicting speed limit signs posted by the city and county, as well as use of the Meyer-Buck House driveway entrance off of Alpine Road to perform illegal U-turns. The correspondence also indicates safety concerns regarding pedestrians and cyclists sharing the multi-use path east of Santa Cruz Avenue and Alpine Road in the vicinity of Junipero Serra Boulevard.

### **Next steps**

As a next step, the City and County will negotiate a property tax exchange, prior to any City Council hearing on the project. This process has not yet been initiated by LAFCO, but is anticipated to occur in June 2017. The outcome of the property tax exchange negotiation will provide the City Council with additional information in deciding whether to prezone the property and approve the additional requested entitlements.

### **Conclusion**

The proposed project is located within an existing urbanized area in the city's sphere of influence, and the proposed pre zoning would simplify jurisdictional and administrative boundaries in the vicinity of the project if annexation is granted by LAFCO. Staff believes that the proposed changes to the site's General Plan and zoning designations would also make the land uses consistent with the current and anticipated future uses of the site. The project would result in the construction of a new office building with architectural references to an existing office building to be located on the same parcel. The proposed office building would meet the zoning regulations of the C-1-C zoning district, including required 75-foot front and rear setbacks, and, in some respects, could be potentially less intense in form and density than other uses allowed under the existing San Mateo County zoning for the site, if it was subdivided. The site would be landscaped extensively and planted with approximately 91 trees, with consideration given to screening the proposed building from adjacent residential uses south of the project site.

Staff recommends that the Planning Commission recommend that the City Council approve the rezoning, rezoning, General Plan amendment, tentative map, use permit, architectural control, and heritage tree removal permits. Staff further recommends that the Planning Commission recommend that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project. Staff recommends that the Planning Commission recommend approval to the City Council of all the actions outlined in Attachment A.

### **Impact on City Resources**

The proposed project is located in an urbanized area with existing urban services and development patterns. The scope of the proposed annexation includes a small portion of Sand Hill Road and a portion of the intersection of Santa Cruz Avenue and Sand Hill Road, as shown in Attachment J. The City's Public Works Department has conducted a preliminary evaluation of the public right of way that would be incorporated into the City of Menlo Park and believe that no additional improvements or modifications would be necessary.

The proposed project would result in the construction of a new office building, which may create additional tax revenue for the city if the building is occupied by a for-profit business or corporation. The existing residence and office building on the project site are owned by Stanford, and the Hewlett Foundation leases the existing office building as a non-profit private organization, so no tax revenue from the existing occupants on the site could be expected.

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. In addition, the proposed development would be subject to payment of a Transportation Impact Fee (TIF). These required fees were established to account for projects' proportionate obligations.

### **Environmental Review**

An Initial Study and Mitigated Negative Declaration, collectively referred to as the MND, have been prepared and circulated for public review in compliance with CEQA. The public review period began on April 3, 2017 and ended on April 24, 2017. The MND was made available for review at the Planning Division office and library reference desk during business hours, as well as on the City's website (<http://www.menlopark.org/DocumentCenter/View/13267>). The members of the Planning Commission also received a copy of the Notice of Availability at the beginning of the public review and comment period.

Staff received three items of correspondence regarding the MND from the San Mateo County Planning and Building Department, Stanford Hills Home Owners Association, and unincorporated San Mateo County resident Janet Davis, which are included as Attachment O. The correspondence covers the following general concerns:

- Requests from San Mateo County to expand the scope of the annexation to include unincorporated parcels located across Sand Hill Road at 2108 and 2128 Sand Hill Road; to consider adjusting the MND trip generation rates upward and use an alternative trip distribution; and to condition the project to require construction related equipment to use Sand Hill Road in lieu of Alpine Road, and require the project to physically prevent illegal left turns off of northbound Alpine Road into the Meyer-Buck House estate;
- Concerns from the Sand Hill Home Owners Association about a lack of proposed landscaping along

the rear setback of the proposed office building project; a request to move the proposed building closer to Sand Hill Road, which would require a variance; concerns regarding construction and permanent increased noise levels related to the proposed building; lighting and privacy concerns related to the proposed building; concerns regarding increased traffic associated with the project; and concerns related to a proposed mechanical equipment penthouse at the top of the building, which has been removed in the most recent plans for the project;

- Concerns from Janet Davis, a resident of unincorporated San Mateo County, regarding the cumulative impacts of Stanford projects on the Peninsula related to traffic and housing; claims that the applicant is seeking annexation to avoid the terms of a use permit previously granted by San Mateo County; concerns regarding increased traffic potential on Sand Hill Road and Alpine Road; and suggested mitigations primarily related to traffic and housing.

Staff discussed the potential expansion of the annexation boundary with the applicant and LAFCO staff. However, due to uncertainty regarding the additional property owners' willingness to be voluntarily annexed into the City of Menlo Park as well as applicant concerns about revising the project at such a late stage, the applicant has requested that the annexation boundary remain as originally proposed, subject to LAFCO review and approval.

The C-1-C zoning regulations proposed for the new office building include some of the largest required setbacks in the City's Zoning Ordinance. The applicant has ensured that the 75-foot front and rear setbacks would be met by the proposed development without any variance requests. The applicant has also proposed a number of new trees and screening plants on the property, with special attention given to the rear of the site, where no fewer than 27 new giant sequoias would be planted. The planting of these trees has been included as condition of approval 44. Furthermore, a lighting plan would be required with a building permit for the proposed office building (condition of approval 41), providing the location, architectural details, and specifications for all exterior lighting, as well as a photometric study to minimize glare and spillover onto adjacent properties.

A construction noise plan would be required to reduce construction noise levels emanating from the site and minimize disruption to existing noise-sensitive receptors in the project vicinity, as required by condition of approval 41. An acoustical consultant will review mechanical noise for the proposed building and determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Mechanical equipment will be selected to reduce impacts on surrounding uses to meet the City's noise level requirements (condition of approval 49).

The MND utilizes trip generation rates based on local data collected from office buildings with similar GFA in Menlo Park, including an existing office building on Sand Hill Road. These rates are based on observed characteristics within the community and may more accurately represent anticipated trip generation rates for the project than the standard Institute of Transportation Engineers (ITE) rates. The trip distribution used for the MND is consistent with transportation impact analyses completed for other projects in Menlo Park. In addition, the applicant will submit plans to develop signalized pedestrian crossings across the west and south legs of the Sharon Park Drive/Sand Hill Road intersection (condition 33). The applicant will also install bike racks and shower/changing rooms as part of the project. These measures may encourage more pedestrian and bicycle trips to and from the project site versus vehicular trips. The MND finds that there are no potentially significant transportation/traffic impacts related to the proposed project.

According to the analysis in the Initial Study, the project would result in potentially significant impacts related to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise and vibration. These impacts are expected to be mitigated to a less-

than-significant level through implementation of mitigation measures identified in the Initial Study and MND. The mitigation measures have been incorporated into a Mitigation Monitoring and Reporting Program (MMRP) for the project, included in Attachment B.

### **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. Notice of the MND availability was also provided to agencies and jurisdictions of interest.

### **Attachments**

- A. Findings and Recommended Actions for Approval
- B. Draft Resolution Adopting Findings Required by the California Environmental Quality Act
- C. Draft Ordinance Approving the Rezoning
- D. Draft Ordinance Approving the Rezoning
- E. Draft Resolution Amending the General Plan to Change the Land Use Designation
- F. Draft Resolution Approving the Use Permit, Architectural Control, and Tentative Map
- G. Draft Resolution Approving the BMR Agreement
- H. Draft Resolution Approving the Heritage Tree Removal Permits
- I. Location Map
- J. Annexation Boundary Map
- K. Project Plans
- L. Project Description Letter
- M. Arborist Report
- N. Correspondence (Non MND Comments)
- O. MND Comments
- P. Hyperlink: 2131 Sand Hill Road MND - <http://www.menlopark.org/DocumentCenter/View/13267>

### **Disclaimer**

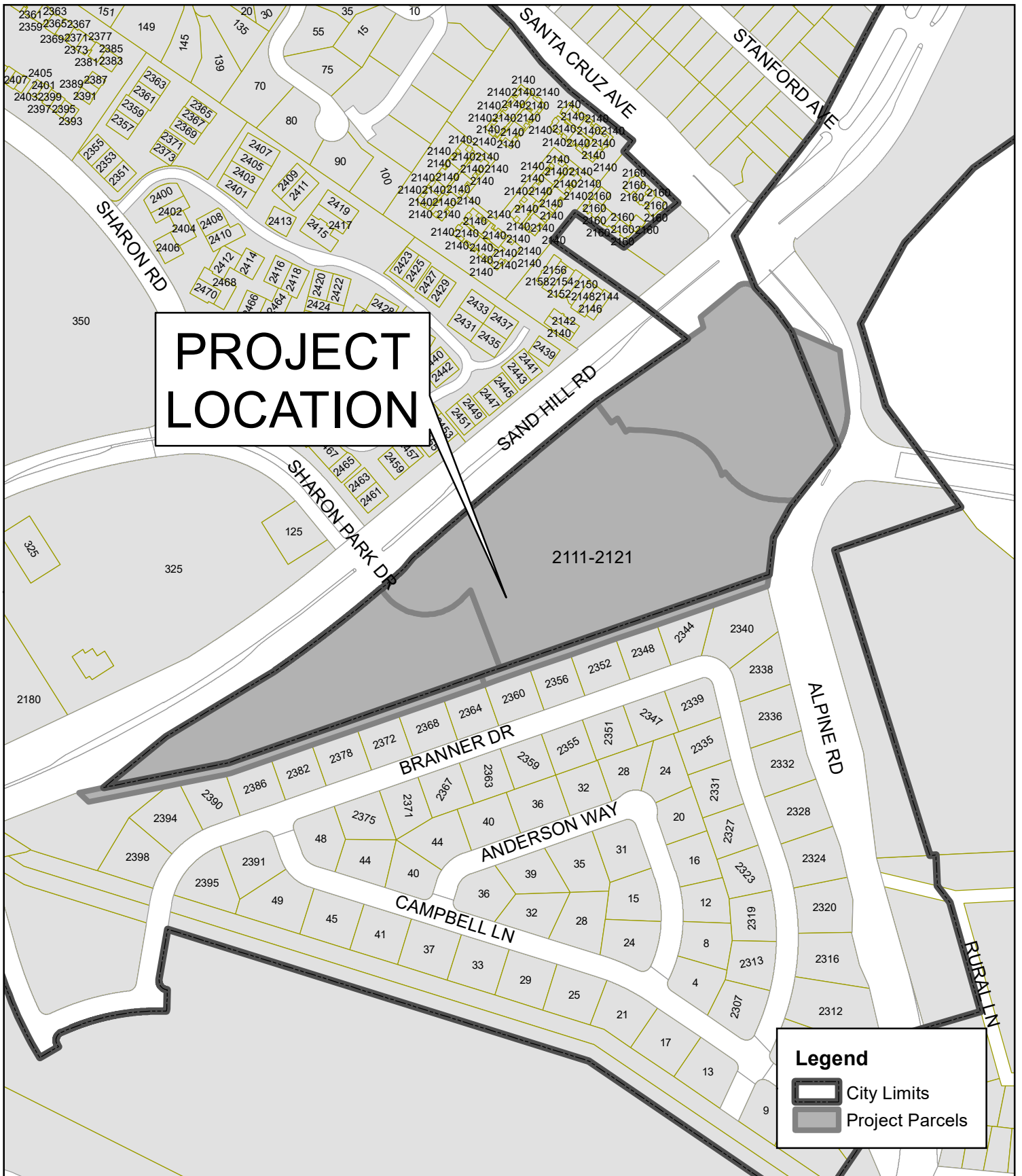
Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available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

### **Exhibits to Be Provided at Meeting**

- Color and Materials Boards



Report prepared by:  
Tom Smith, Associate Planner

Report reviewed by:  
Deanna Chow, Principal Planner



**PROJECT  
LOCATION**

**Legend**

-  City Limits
-  Project Parcels

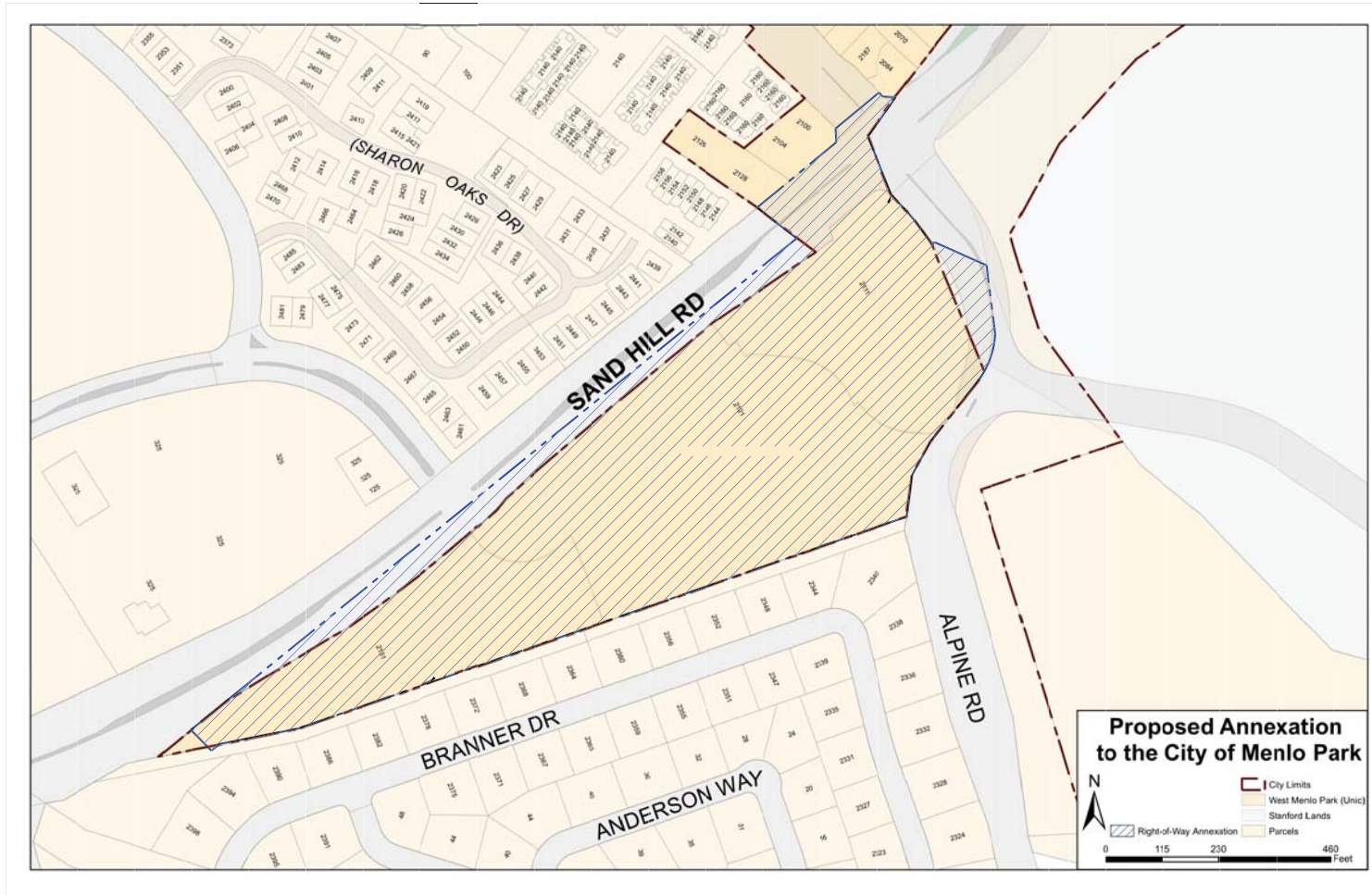


**CITY OF MENLO PARK**  
 LOCATION MAP  
 2111-2121 SAND HILL ROAD

DRAWN: TAS CHECKED: THR DATE: 06/19/17 SCALE: 1" = 300' SHEET: 1



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**Proposed Annexation to the City of Menlo Park**

City Limits  
 West Menlo Park (Uninc)  
 Stanford Lands  
 Parcels  
 Right-of-Way Annexation

0 115 230 460 Feet

**SANDIS** CIVIL ENGINEERS SURVEYORS PLANNERS

3700 S. Winchester Blvd, Suite 200, Campbell, CA 95008 | P. 408.636.0900 | F. 408.636.0999 | www.sandis.net

SILICON VALLEY TRI-VALLEY CENTRAL VALLEY SACRAMENTO EAST BAY/SE

DATE: 05/30/17  
 SCALE: N.T.S.  
 DRAWN BY: DR  
 APPROVED BY: SY  
 DRAWING NO.: 2151C2

No.	REVISION/ISSUE	DATE	BY

PROPOSED ANNEXATION TO THE CITY OF MENLO PARK EXHIBIT

2131 SAND HILL ROAD  
 SAN MATEO CALIFORNIA

SHEET OF 1 SHEETS  
**EX-1**  
 Copyright © 2017 by Sandis

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# 2131 SAND HILL ROAD

## OFFICE BLDG

## MENLO PARK, CALIFORNIA



PLANNING SUBMITTAL 05/30/2017





**2131 SAND HILL ROAD  
NEW OFFICES**

MENLO PARK, CA

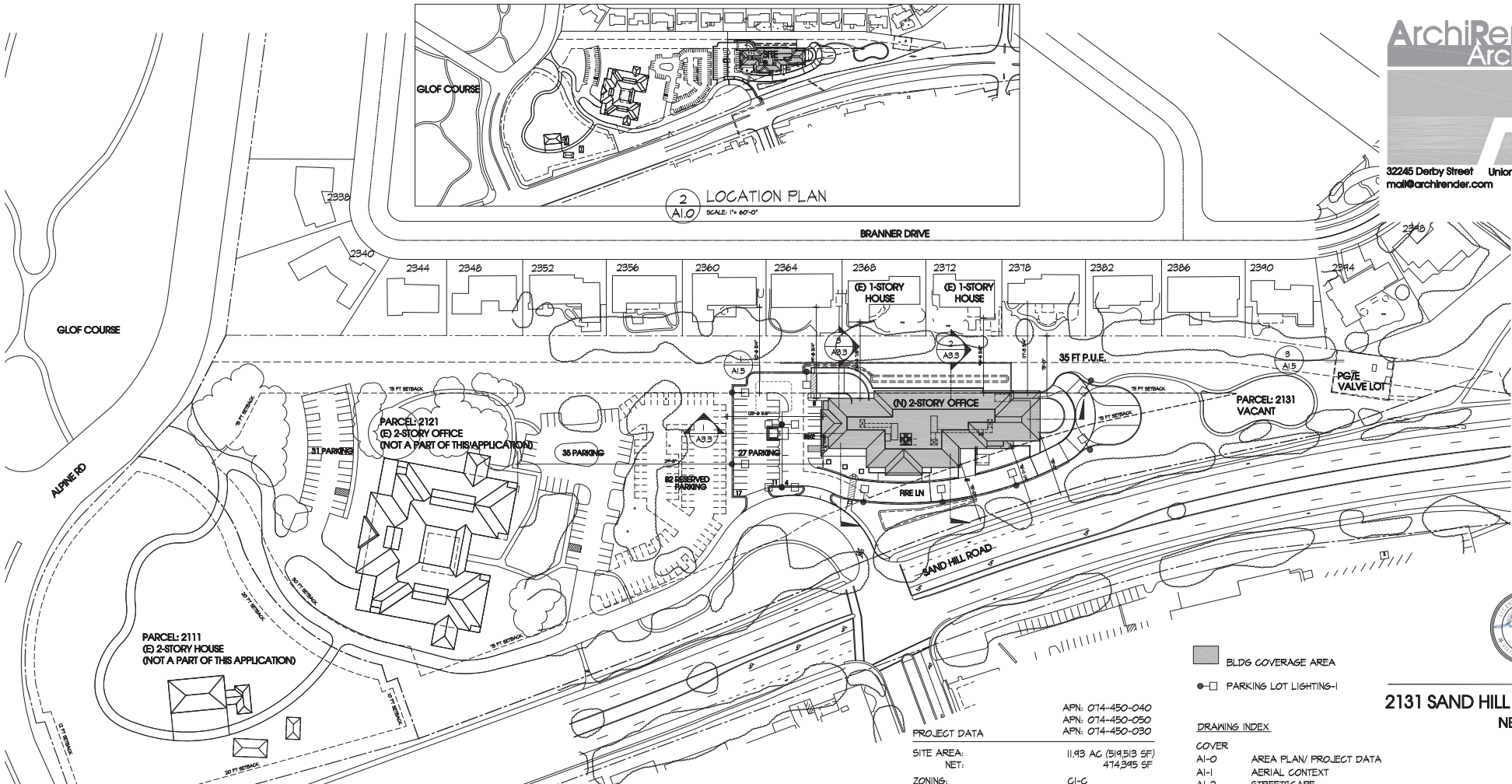
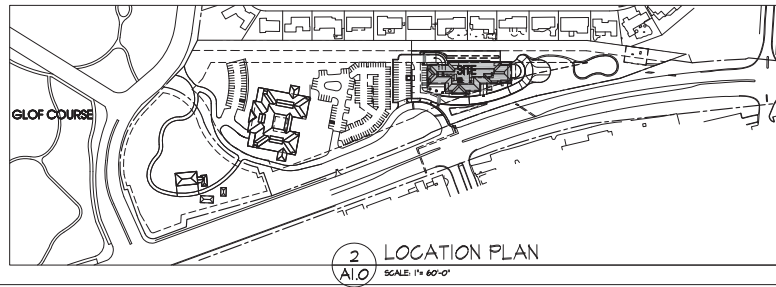
Issues and Revisions			
No.	Date	Issues and Revisions	By

**AREA PLAN  
(PROJECT DATA)**

Project Number: 2014A112  
Date: 05/30/2017  
Scale: 1"=60'-0"

COPYRIGHT 2016

**A1.0**



PROJECT DATA  
 SITE AREA: 11.93 AC (519,513 SF)  
 NET: 474,345 SF  
 ZONING: C1-C  
 ALLOWABLE FAR(0.25): 110,540 SF  
 ALLOWABLE BLDG HEIGHT: 2-LEVEL UP (35'-0")

■ BLDG COVERAGE AREA  
 ● □ PARKING LOT LIGHTING-I

DRAWING INDEX

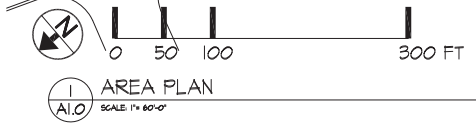
COVER	AREA PLAN/ PROJECT DATA
AI-0	AERIAL CONTEXT
AI-1	STREETSCAPE
AI-2	PERSPECTIVE
AI-3	SITE DETAILS
AI-5	LEED CHECKLIST
AI-6	COLOR AND MATERIALS
AI-7	SITE PLAN
A2-0	LOWER LEVEL PLAN
A2-1	UPPER LEVEL PLAN
A2-2	ROOF PLAN
A2-3	GARAGE LEVEL-1 PLAN
A2-4	GARAGE LEVEL-2 PLAN
A2-5	AREA DIAGRAMS
A2-6	AREA DIAGRAMS
A2-7	ELEVATIONS
A3-1	ELEVATIONS
A3-2	ELEVATIONS/ SECTIONS
A3-3	BUILDING SECTIONS
A3-4	BUILDING SECTIONS
A3-5	WALL SECTIONS
A3-6	WALL SECTIONS
C	SEE CIVIL INDEX
L	SEE LANDSCAPE INDEX

FOR REFERENCE ONLY (R-1-S)  
 NET SITE AREA: 146,651 SF

BLDG AREA:	(E) PROVOST RESIDENCE
2ND FLOOR	3,410 SF
1ST FLOOR	4,215 SF
BASEMENT 1	1,630 SF
TOTAL	9,755 SF
WELL HOUSE(STORAGE)	434 SF
UTILITY SHED	100 SF
TOTAL	10,784 SF
PARKING: REQ'D:	2
PROPOSED:	
AT GRADE	40
GARAGE	119

BLDG AREA:	(E) HEINLETT OFFICE	PROPOSED OFFICE (2131)	TOTAL OFFICE
2ND FLOOR	23,512 SF	20,820 SF	44,332 SF
1ST FLOOR	24,512 SF	18,190 SF	42,702 SF
BASEMENT 1		500 SF (EXERCISE RM)	500 SF
ROOF	(2,652 SF)(EXERCISE RM) *	240 SF (STAIR 1)	240 SF
TOTAL	48,024 SF	39,750 SF	87,774 SF
F.A.R.:			0.185 (<0.25)
COVERAGE:			10.2% (<20%)
PARKING: REQ'D:	192	154	351
PROPOSED:			
AT GRADE	66	40	106
GARAGE	44	119	163
RESERVED	82		82
DEDUCTION	11		
	203	154	362 (1/250)

\* APPROVED BY SM COUNTY, BUT NOT COUNTED AS FAR





2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

Issues and Revisions			
No.	Date	Issues and Revisions	By

AERIAL CONTEXT

Project Number: 2014A112  
Date: 05/30/2017  
Scale: -



STREETSCAPE ALONG SAND HILL RD



VIEW FROM STREET INTERSECTION



2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

Issues and Revisions			
No.	Date	Issues and Revisions	By

STREETSCAPE

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Project Number: 2014A112  
Date: 05/30/2017  
Scale: -

A1.2



VIEW TOWARD MAIN ENTRANCE



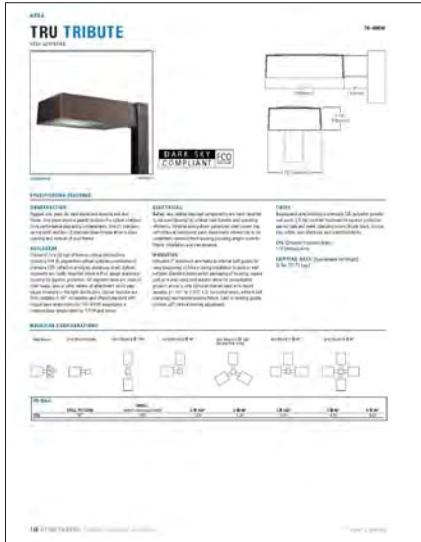
2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

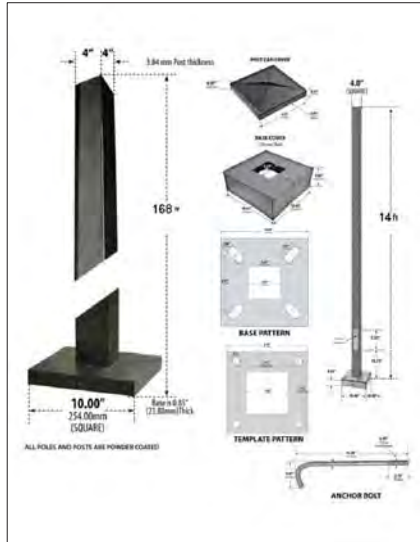
Issues and Revisions			
No.	Date	Issues and Revisions	By

PERSPECTIVE

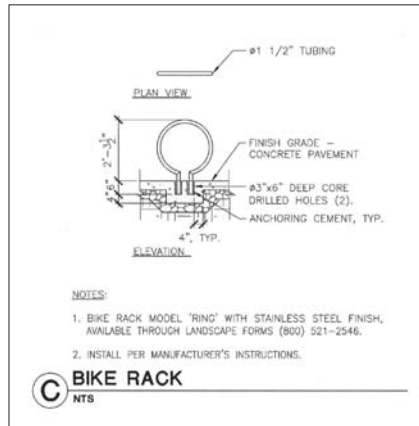
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Date: 05/30/2017  
Scale: -



PROPOSED



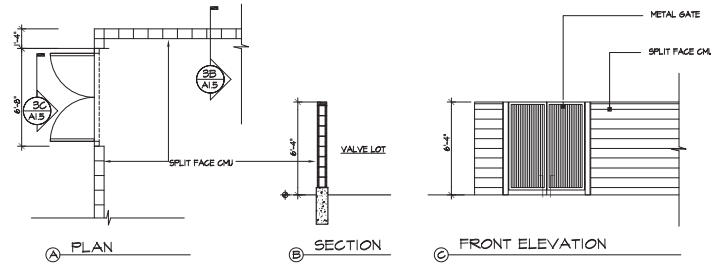
HP SITE  
4  
A1.5 EXTERIOR LIGHT FIXTURE  
SCALE: -



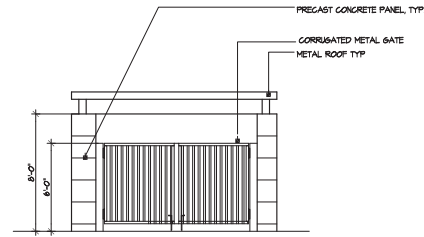
3  
A1.5 BIKE RACK  
SCALE: 1/4" = 1'-0"



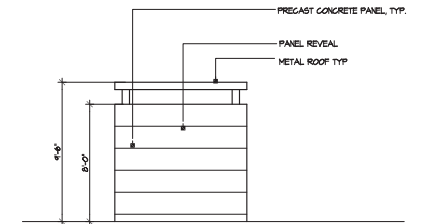
2  
A1.5 BIKE LOCKER  
SCALE: -



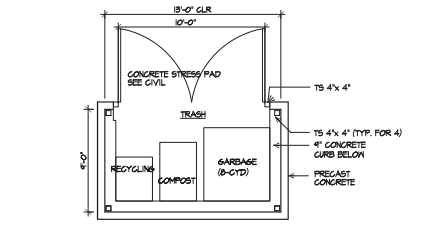
3  
A1.5 PGE VALVE LOT  
SCALE: 1/4" = 1'-0"



3  
A1.5 FRONT ELEVATION



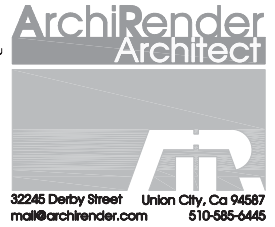
3  
A1.5 SIDE ELEVATION



1  
A1.5 PLAN

CONTAINER NOTE:  
ALL RECYCLING AND SOLID WASTE  
CONTAINERS WITHIN THE ENCLOSURE SHALL  
BE METAL OR STATE FIRE MARSHAL LISTED  
NON-METALLIC.

1  
A1.5 TRASH ENCLOSURE  
SCALE: 1/4" = 1'-0"  
TRANSFORMER ENCLOSURE SIM.



2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

Issues and Revisions			
No.	Date	Issues and Revisions	By

SITE DETAILS

Project Number: 2014A112  
Date: 05/30/2017  
Scale: -

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A1.5





PROPOSED MATERIALS AND COLOR



EXISTING HEWLETT PACKARD FOUNDATION

METAL ROOF AND GUTTERS  
W/ WOOD RAFTER TAILS

ALUM GLAZING SYSTEM

STUCCO EXTERIOR WALL TYP.

STUCCO COLUMNS TYP.



PROPOSED OFFICE BUILDING



2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

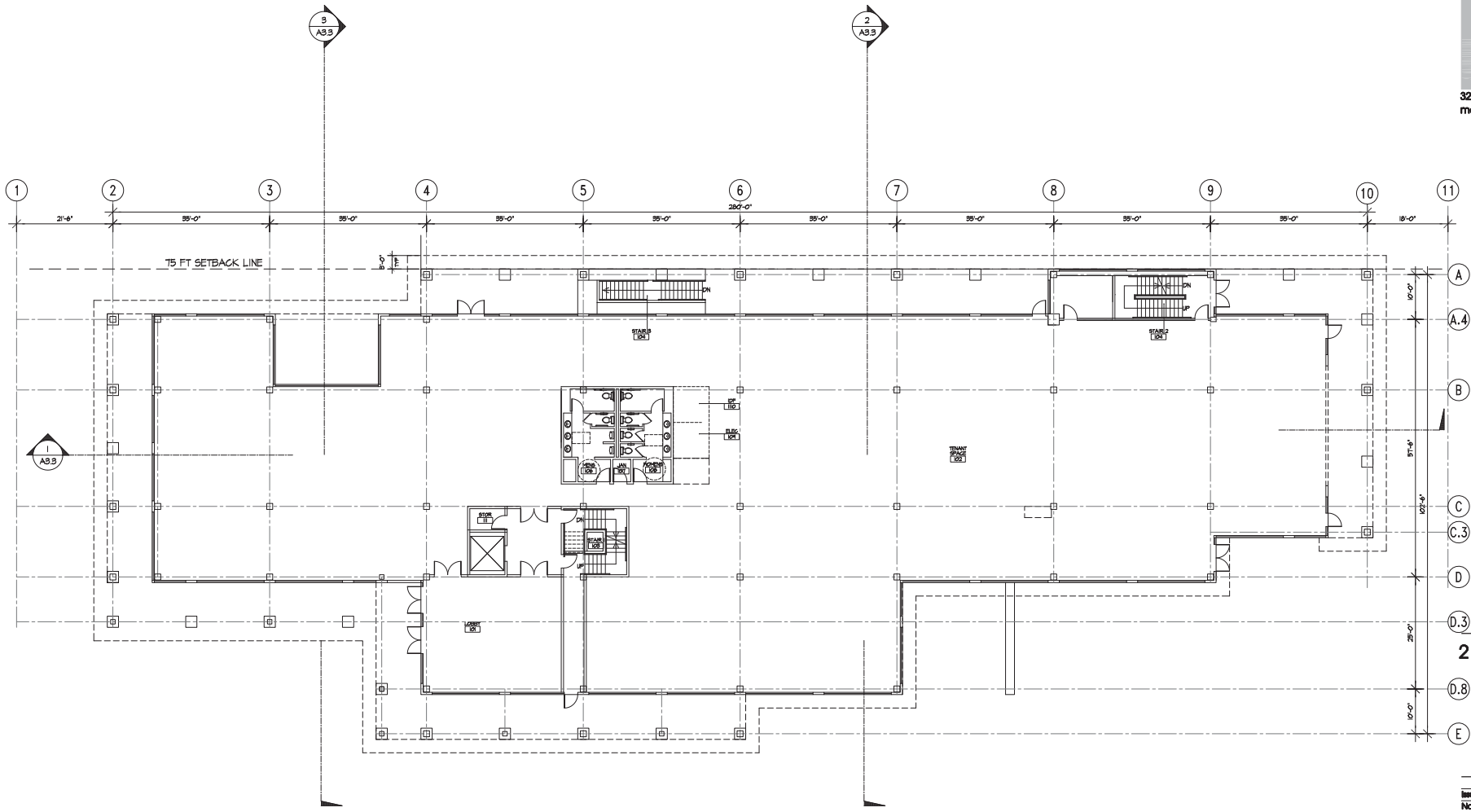
Issues and Revisions			
No.	Date	Issues and Revisions	By

COLOR AND MATERIALS

Project Number: 2014A112  
Date: 05/30/2017  
Scale: -







**2131 SAND HILL ROAD  
 NEW OFFICES**

**MENLO PARK, CA**

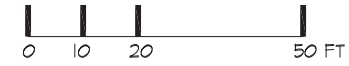
Issues and Revisions			
No.	Date	Issues and Revisions	By

**1ST FLOOR PLAN**

Project Number: 2014A112  
 Date: 05/30/2017  
 Scale: 3/32"=1'-0"

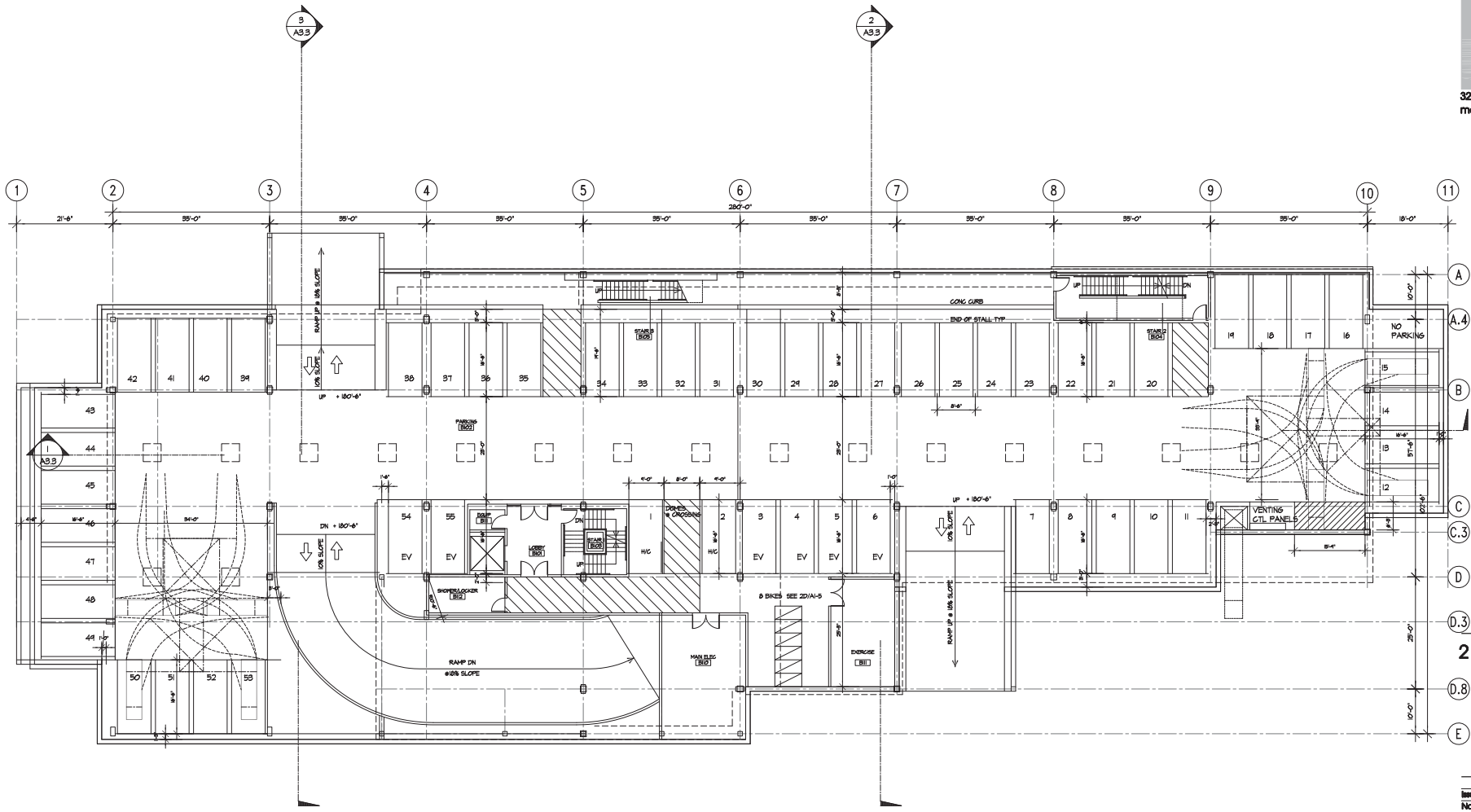


**1**  
**A2.1**  
 1ST FLOOR PLAN  
 SCALE: 3/32"=1'-0"









□ GARAGE LIGHTING

LEVEL 1  
TOTAL PARKING: 55  
H/C 2  
EV 5  
BIKE LOCKER 8



**2131 SAND HILL ROAD  
NEW OFFICES**

**MENLO PARK, CA**

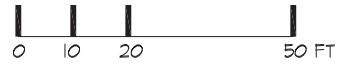
Issues and Revisions			
No.	Date	Issues and Revisions	By

**BASEMENT FLOOR PLAN  
LEVEL-1**

Project Number: 2014A112  
Date: 05/30/2017  
Scale: 3/32"=1'-0"

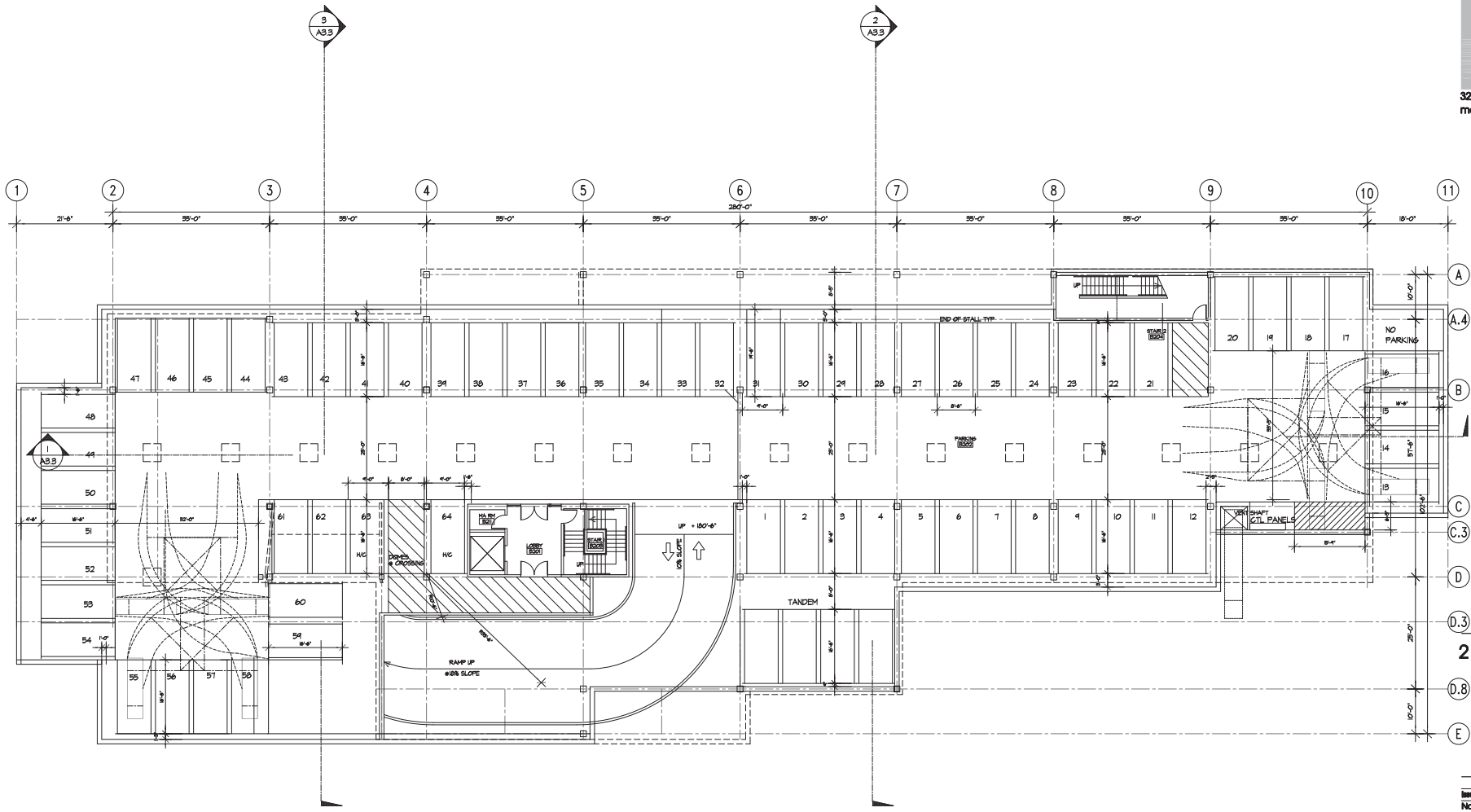


**BASEMENT-1 FLOOR PLAN**  
SCALE: 3/32"=1'-0"



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**A2.4**



GARAGE LIGHTING

LEVEL 2  
 TOTAL PARKING: 64  
 H/C 2



**2131 SAND HILL ROAD**  
**NEW OFFICES**

MENLO PARK, CA

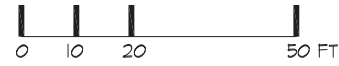
Issues and Revisions			
No.	Date	Issues and Revisions	By

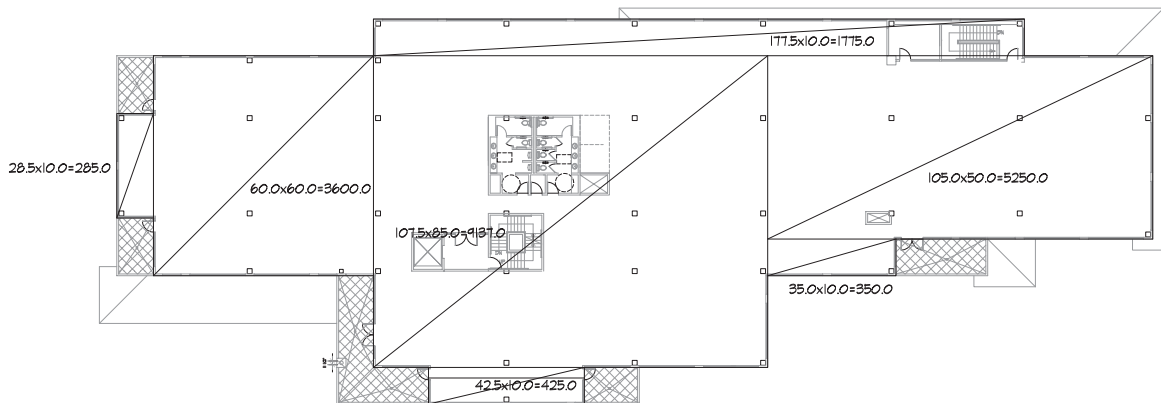
**BASEMENT FLOOR PLAN**  
**LEVEL-2**

Project Number: 2014A112  
 Date: 05/30/2017  
 Scale: 3/32"=1'-0"



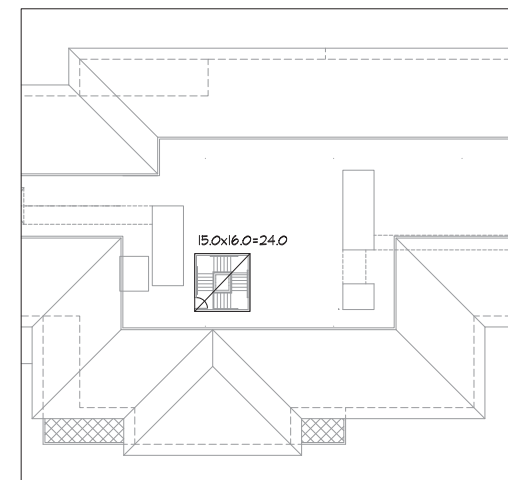
**1 BASEMENT-2 FLOOR PLAN**  
 A2.5 SCALE: 3/32"=1'-0"



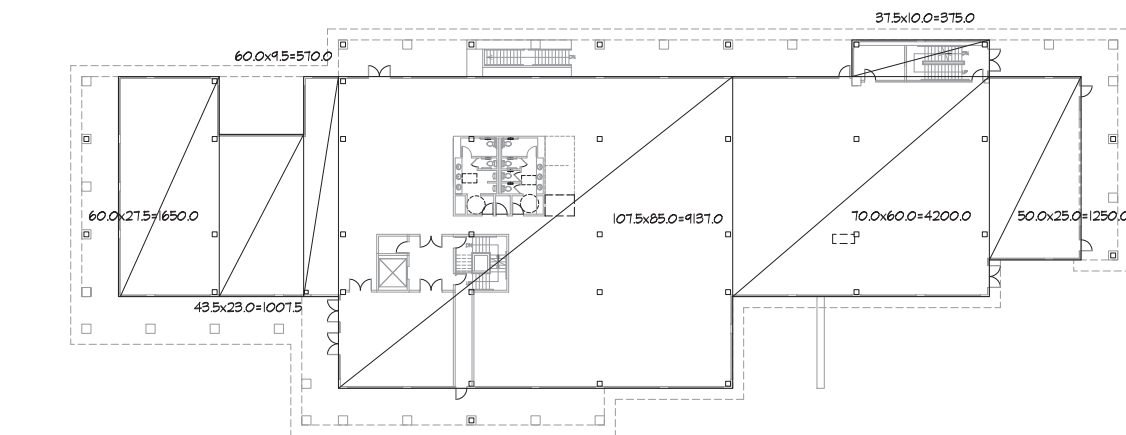


177.5x10.0=1775.0  
105.0x50.0=5250.0  
35.0x10.0=350.0  
42.5x10.0=425.0  
107.5x85.0=9137.0  
60.0x60.0=3600.0  
285x10.0=285.0  
2ND FLOOR: 20,820.0 SF

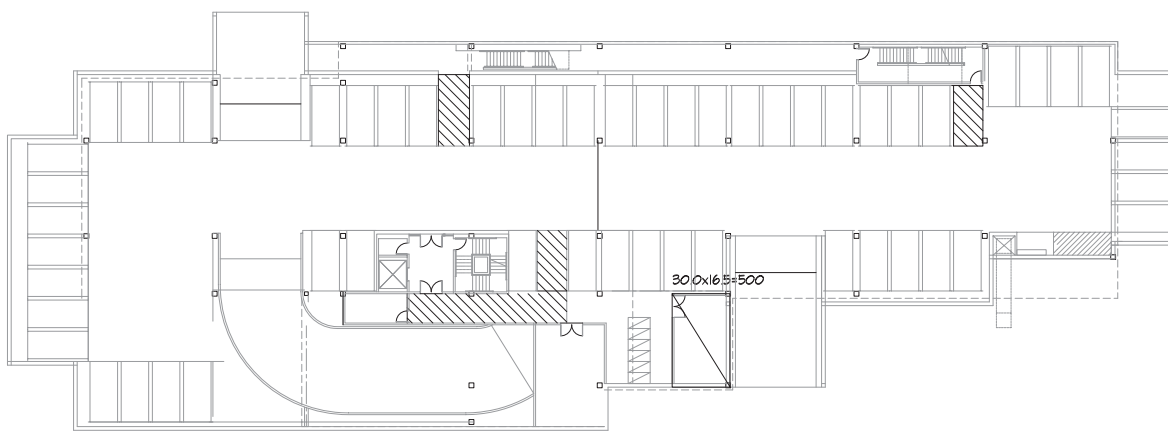
15.0x6.0=240.0  
ROOF I: 240.0 SF



37.5x10.0=375.0  
50.0x25.0=1250.0  
10.0x60.0=4200.0  
107.5x85.0=9137.0  
43.5x23.0=1001.5  
60.0x21.5=650.0  
60.0x4.5=510.0  
1ST FLOOR: 18,190.0 SF



30.0x16.5=500  
BASEMENT I: 500.0 SF



2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

Issues and Revisions			
No.	Date	Issues and Revisions	By

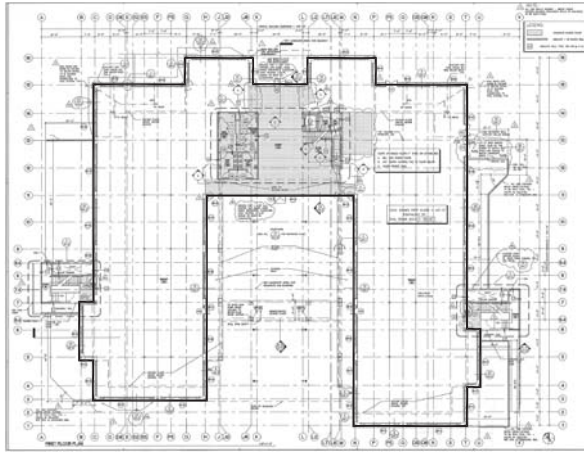
AREA CALCULATION PLANS

Project Number: 2014A112  
Date: 05/30/2017  
Scale: 1/16"=1'-0"

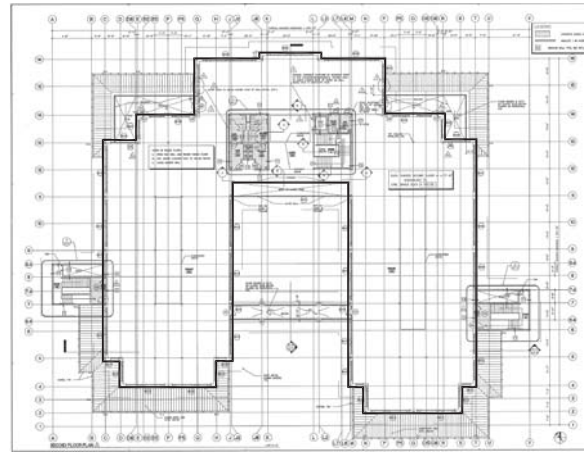


A2.6 AREA CALCULATION PLAN  
SCALE: 1/8"=1'-0"

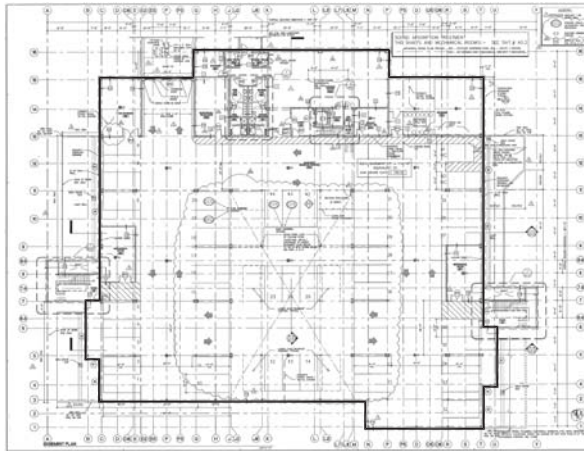




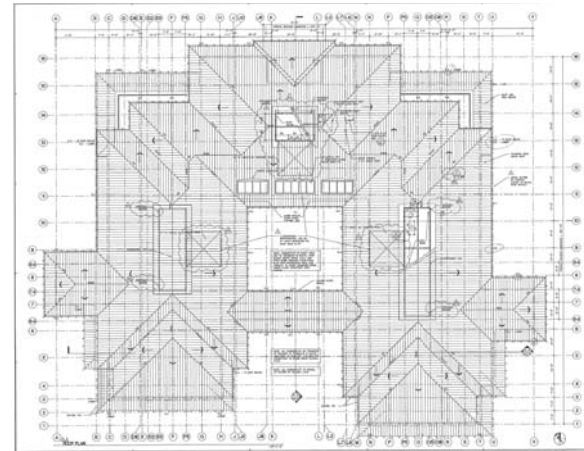
1ST FLOOR - 24,512 SF



2ND FLOOR - 23,512 SF



GARAGE - 35,108 SF ( INCLUDE 2,652 SF EXERCISE RM)



ROOF - 0 SF

GROSS FLOOR AREA

1ST FLOOR	24,512 SF
2ND FLOOR	23,512 SF
TOTAL	48,024 SF
BASEMENT	35,108 SF



2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

Issues and Revisions			
No.	Date	Issues and Revisions	By

HEWLETT FOUNDATION BLDG  
FGA DIAGRAM  
(REFERENCE ONLY)

Project Number: 2014A112  
Date: 05/30/2017  
Scale: 1"=30'-0"

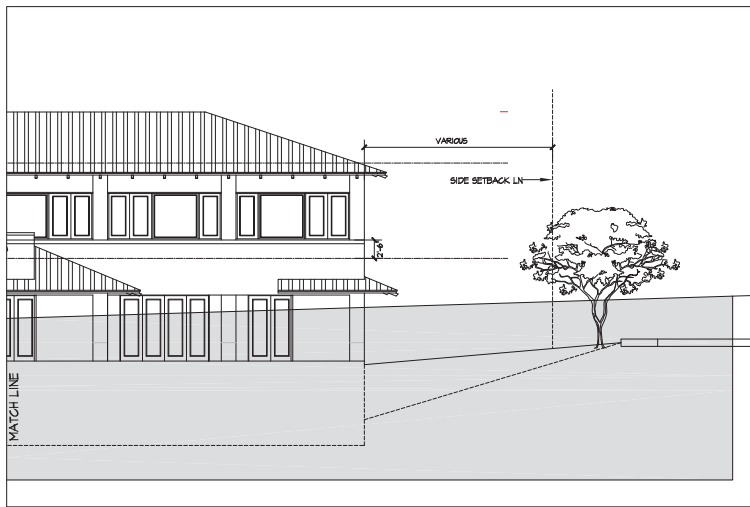
1 GFA DIAGRAM  
A2.7 SCALE: 1"=30'-0"



MATCH LINE



1 FRONT ELEVATION ( FROM SANDHILL ROAD)  
SCALE: 1/8" = 1'-0"



2 LEFT ELEVATION  
SCALE: 1/8" = 1'-0"



2131 SAND HILL ROAD  
NEW OFFICES

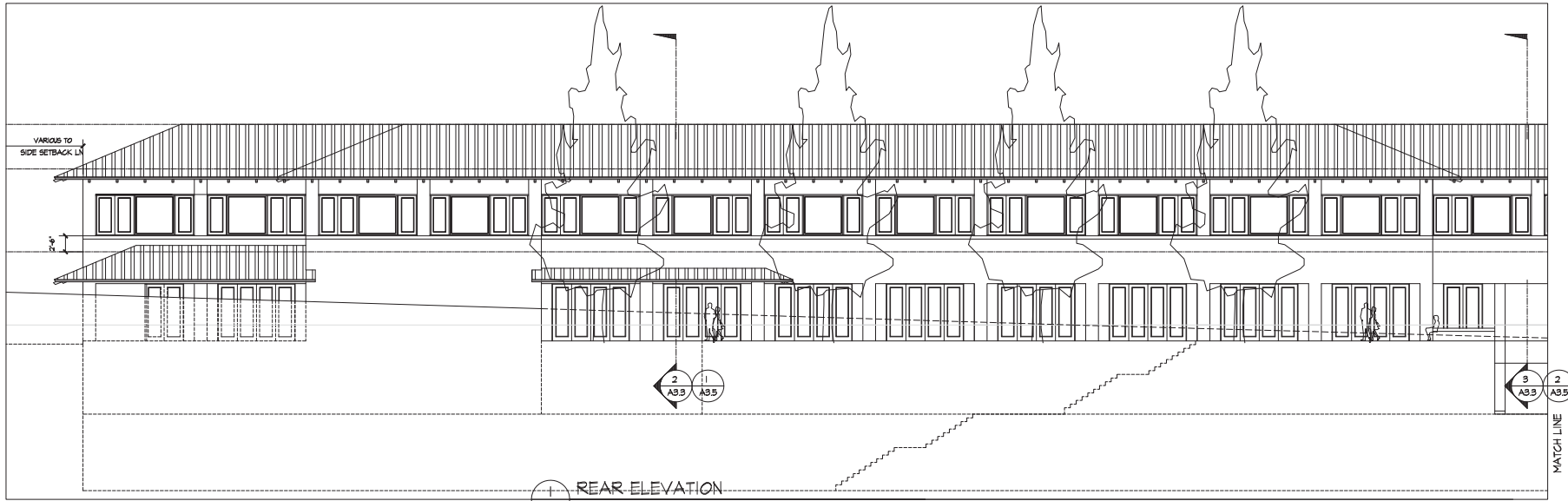
MENLO PARK, CA

Issues and Revisions			
No.	Date	Issues and Revisions	By

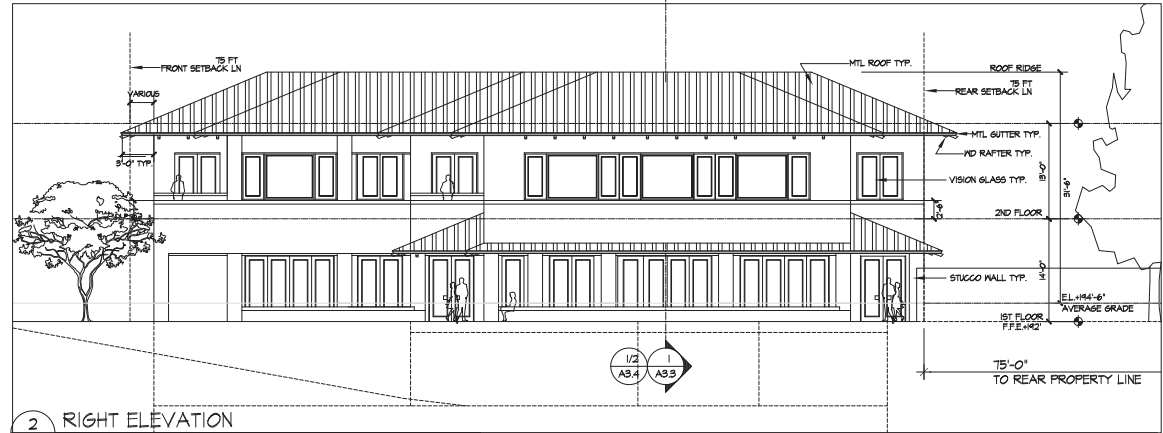
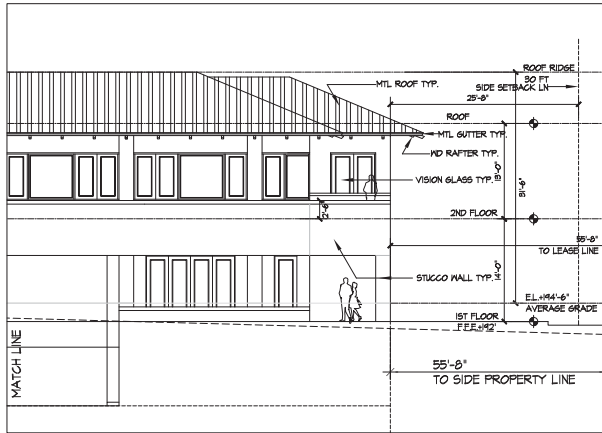
ELEVATIONS

Project Number: 2014A112  
Date: 05/30/2017  
Scale: 1/16" = 1'-0"

A3.1



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



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

2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

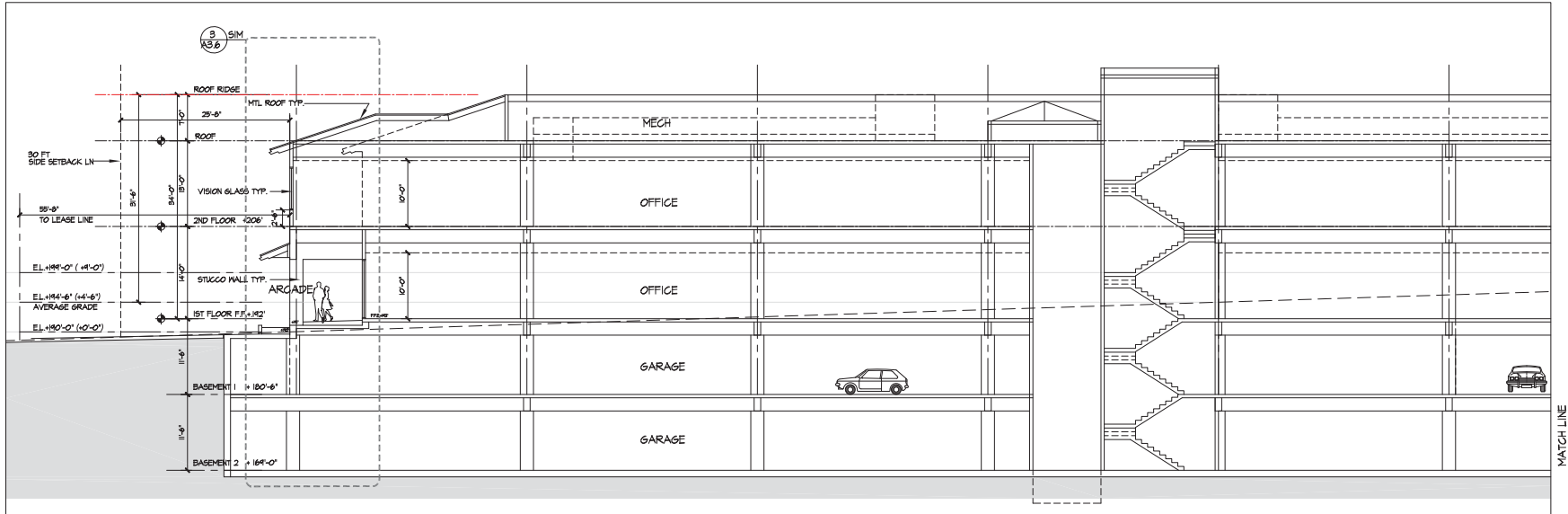
Issues and Revisions			
No.	Date	Issues and Revisions	By

ELEVATIONS	

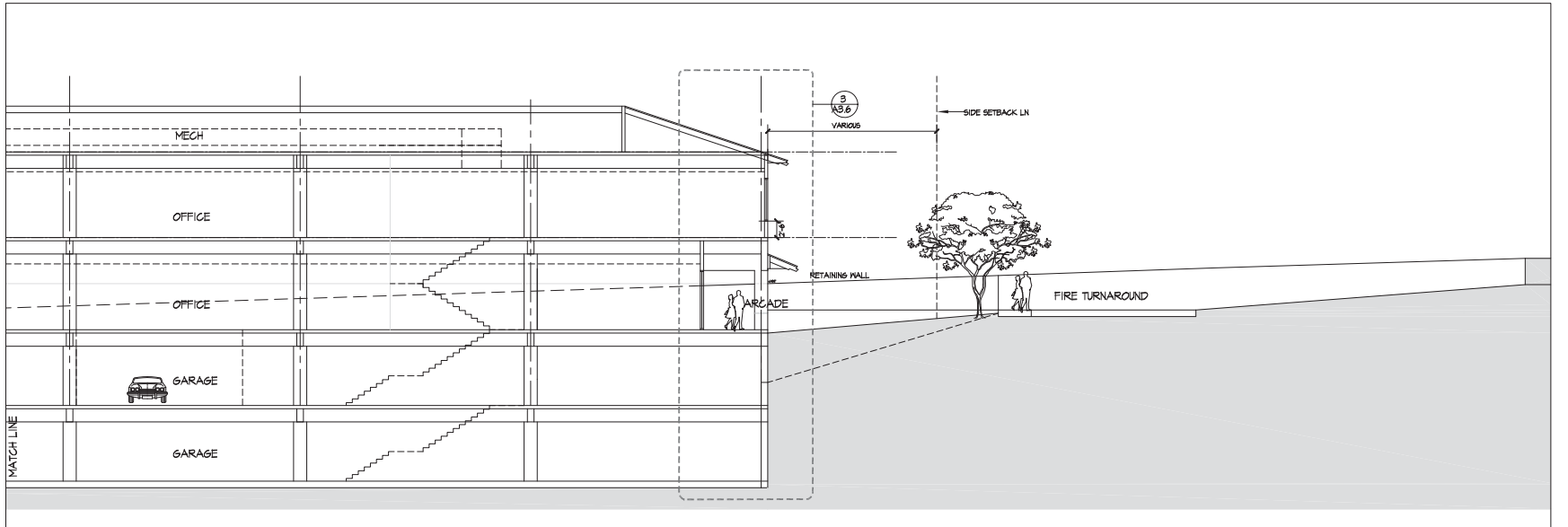
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Date: 05/30/2017  
Scale: 1/16" = 1'-0"

A3.2





1 SECTION AA  
A3.4 SCALE 1/8" = 1'-0"



2 SECTION AA  
A3.4 SCALE 1/8" = 1'-0"



2131 SAND HILL ROAD  
NEW OFFICES

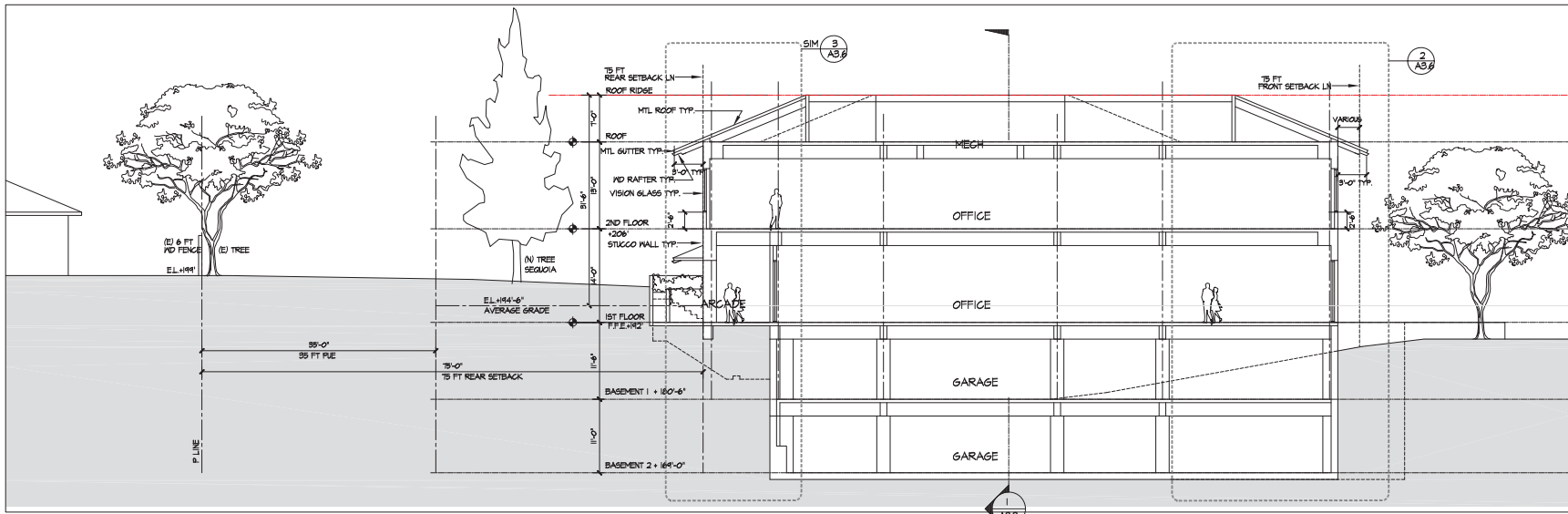
MENLO PARK, CA

Issues and Revisions			
No.	Date	Issues and Revisions	By

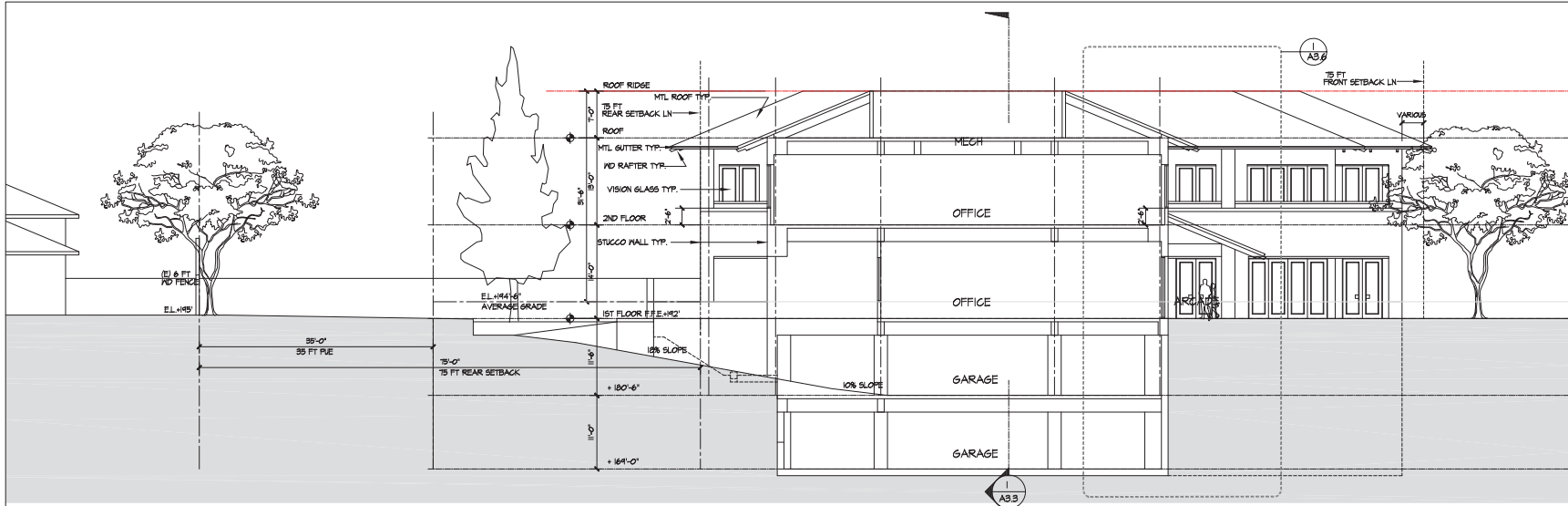
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Project Number: 2014A112  
Date: 05/30/2017  
Scale: 1/16" = 1'-0"

A3.4



1 SECTION BB  
A3.5 SCALE: 1/8" = 1'-0"



2 SECTION CC  
A3.5 SCALE: 1/8" = 1'-0"



2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

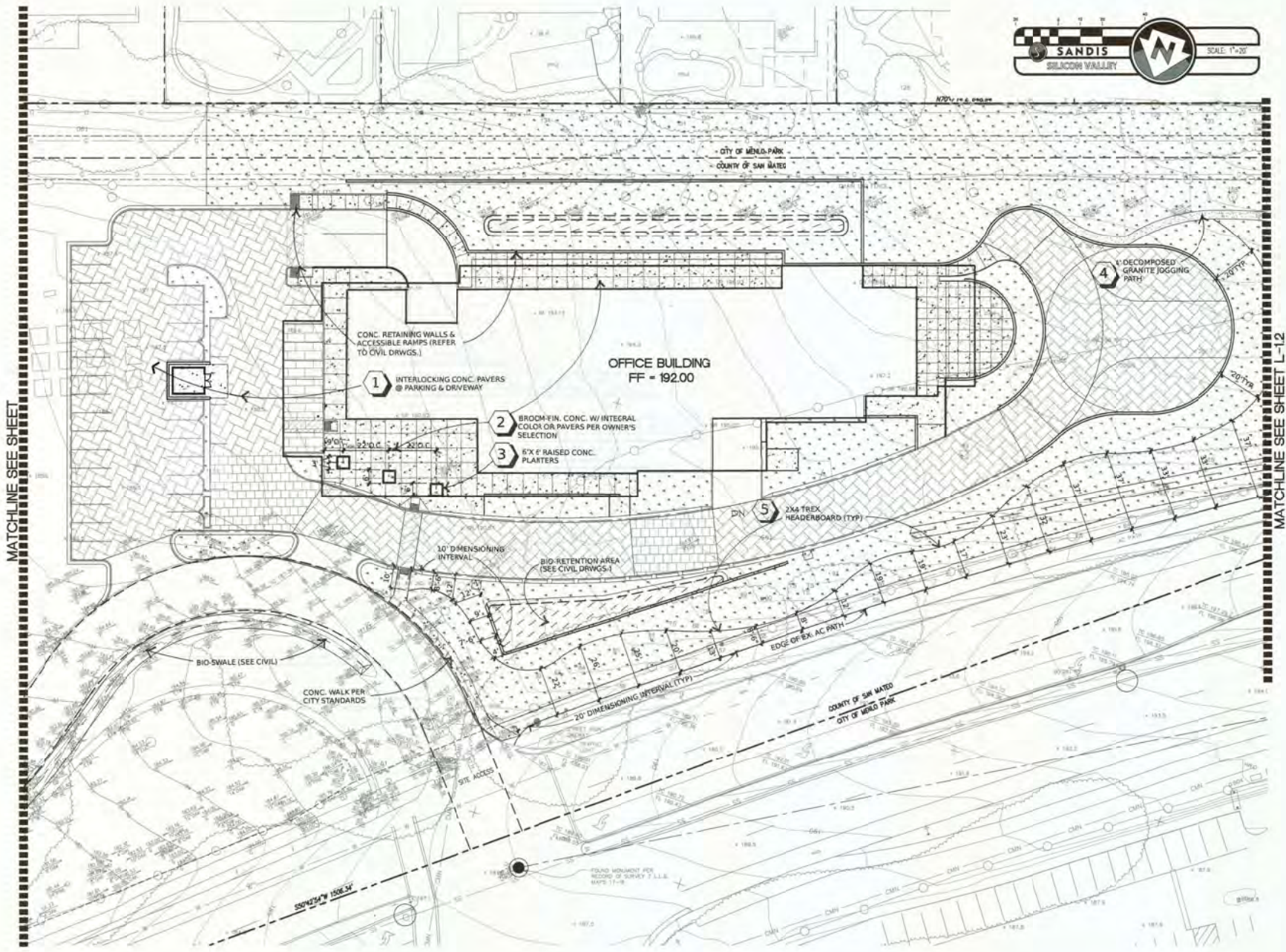
Issues and Revisions			
No.	Date	Issues and Revisions	By

SECTIONS	

Project Number: 2014A112  
Date: 05/30/2017  
Scale: 1/16" = 1'-0"

A3.5





MATCHLINE SEE SHEET

MATCHLINE SEE SHEET L-12



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DATE: MAY 30, 2017



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 CA LIC. NO. 2415

**2131 SAND HILL ROAD  
 NEW OFFICES**

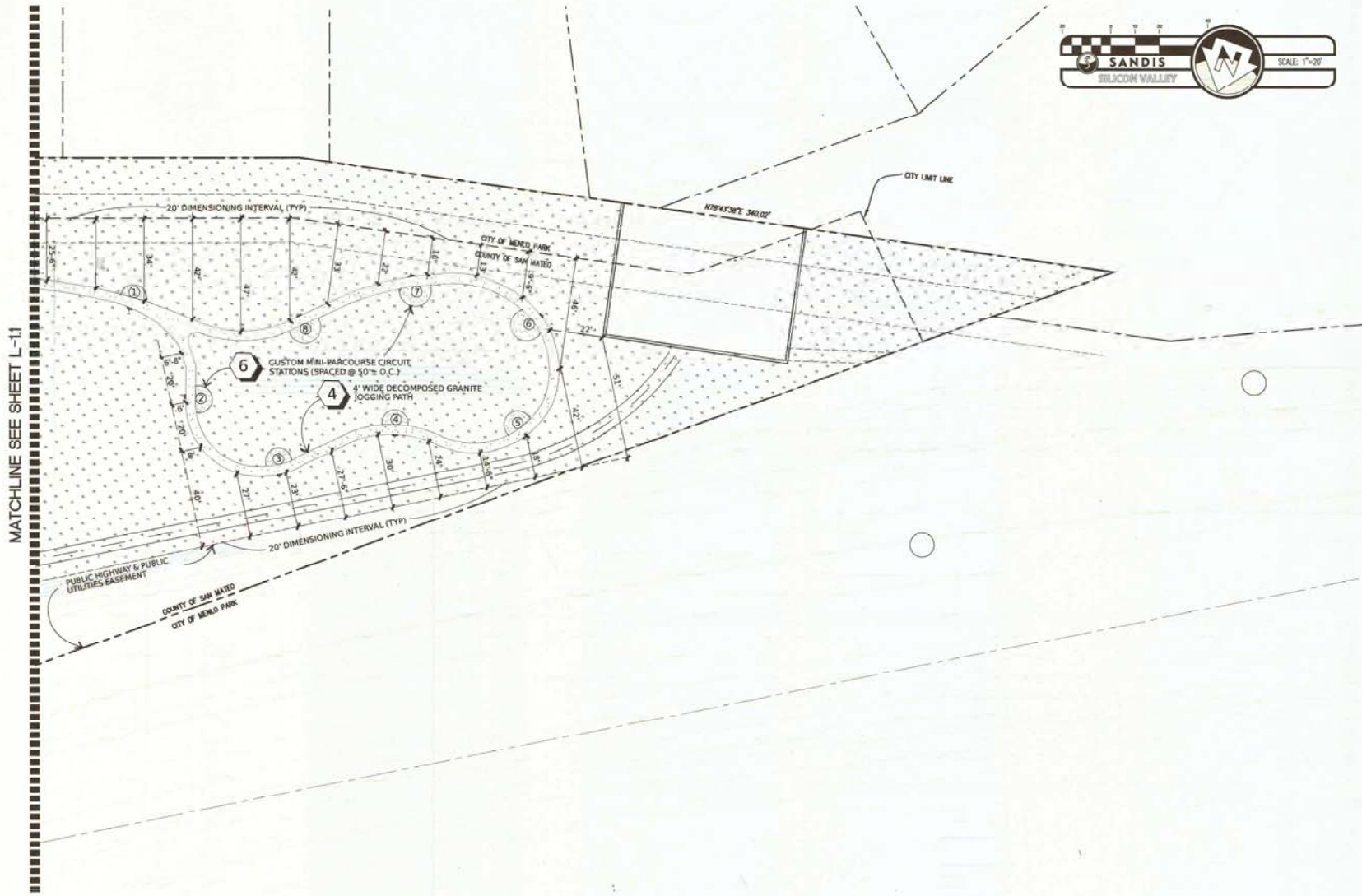
MENLO PARK, CA

Issues and Revisions		
No.	Date	Issues and Revisions By
1	12/04/2015	Planning Submittal
2	08/26/2016	Planning Resubmittal 1
3	11/22/2016	Planning Resubmittal 2
4	03/02/2017	Planning Resubmittal 3
5	05/30/2017	Planning Resubmittal 4

**LANDSCAPE  
 CONSTRUCTION PLAN**

Project Number: 215102  
 Date: 05/30/2017  
 Scale: 1" = 20'

File: X:\P1215102\LOC\2131 SANDHILL ROAD\CONTRACT\landscape\l-1 - full.mxd - No Landscape.dwg Date: Oct 18, 2016 - 4:35pm - last



MATCHLINE SEE SHEET L-1J



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DATE: MAY 30, 2017



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2131 SAND HILL ROAD  
 NEW OFFICES

MENLO PARK, CA

Issues and Revisions			
No.	Date	Issues and Revisions	By
1	12/04/2016	Planning Submittal	
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5	05/30/2017	Planning Resubmittal 4	

**LANDSCAPE CONSTRUCTION PLAN**

Project Number: 215102  
 Date: 05/30/2017  
 Scale: 1" = 20'

L-1.2

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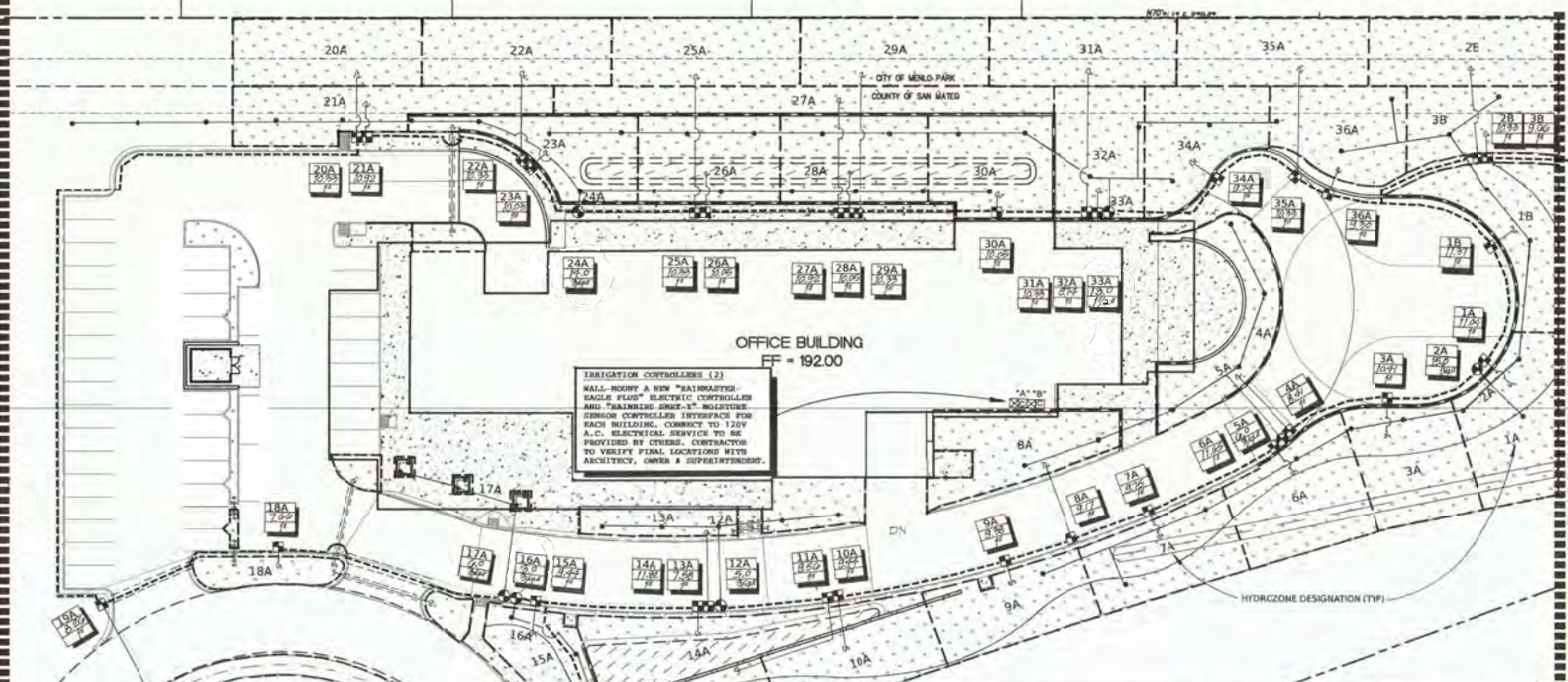
DATE: MAY 30, 2017



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MATCHLINE SEE SHEET L-1

MATCHLINE SEE SHEET L-2



**IRRIGATION CONTROLLERS (2)**  
WALL-MOUNT A NEW "RAINMATE-  
EAGLE PLUS" ELECTRIC CONTROLLER  
AND "RAINBIRD-SMGT-Y" MOISTURE  
SENSOR CONTROLLER INTERFACE FOR  
EACH BUILDING. CONNECT TO 120V  
A.C. ELECTRICAL SERVICE TO BE  
PROVIDED BY GENERAL CONTRACTOR  
TO VERIFY FINAL LOCATIONS WITH  
ARCHITECT, OWNER & SUPERINTENDENT.

**POINT OF CONNECTION:**  
TIE-IN AND CONNECT A 2" MASTER VALVE, PRESS REGULATOR,  
2" FLOW SENSOR, 2" GATE VALVE AND 2" SCHED. 40 PVC  
PRESSURE MAINLINE AT LOCATED WATER METER AND  
BACKFLOW (FIELD VERIFY SIZE). MAXIMUM IRRIGATION  
DEMAND: 1.3 GPM @ 30 PSI OPERATING PRESSURE. VERIFY  
MINIMUM STATIC PRESSURE OF 55-60 PSI AT P.I.C.

**GENERAL IRRIGATION NOTES**

- ALL PROPOSED IRRIGATION MAINLINE AND LATERAL LINE LOCATIONS ARE ALWAYS SHOWN DIAGRAMMATICALLY FOR PURPOSES OF DESIGN CLARITY. ALL IRRIGATION PIPING IS ALWAYS INSTALLED WITHIN LANDSCAPE PLANTING AREAS, WHEREVER POSSIBLE.
- DARK DASHED LINES SHOWN ON THIS PLAN INDICATE NEW SCHEDULE 40 PVC PRESSURE MAINLINES TO BE INSTALLED IN PLANTING AREAS.
- ALL VALVES ARE TO BE INSTALLED IN LANDSCAPE AREAS IMMEDIATELY ADJACENT TO LOCATIONS SHOWN. VALVES ARE SHOWN IN PAVED AREAS FOR DESIGN CLARITY ONLY.

**LANDSCAPE IRRIGATION SYSTEM LEGEND**

	DEDICATED 2" IRRIG. BACKFLOW DEVICE	-FERRO-8255-IV-2"
	DEDICATED 2" IRRIGATION WATER METER	-REFER TO CIVIL ENG. UTILITY PLANS FOR FINAL LOCATION AND CONNECTION TO EXISTING IRRIG. WATER MAIN
	BRASS BALL VALVE	-NIBCO-T-595-T-LP (LINE SIZE)
	ELECTRIC CONTROLLER (2) (ONE 36 STATION & ONE 30 STATION)	-RAINMATE EAGLE PLUS W/ 1-CENTRAL SOFTWARE, RAIN SHUTDOWNS AND FLOW SENSOR (WALL-MOUNT WHERE SHOWN ON PLAN)
	MOISTURE SENSOR	-RAINBIRD-SMGT-Y SOIL MOISTURE SENSOR KIT
	REMOTE CONTROL VALVE	-GRISWOLD-DWS SERIES
	DRIP CONTROL ZONE KIT (VALVE & FILTER ASSEMBLY)	-RAINBIRD-KACS-100-PRP:1" ASFP WITH 1" PM ENT FILTER
	QUICK COUPLING VALVE	-RAINBIRD-135MC
	FLOW SENSOR	-CREATIVE SENSOR TECHNOLOGY-FEL-T10-001 WITH SHIELDED COMMUNICATION CABLE
	MASTER CONTROL VALVE	-SUPERIOR 3210- (NORMALLY CLOSED)
	AIR/VACUUM RELIEF VALVE	-YOMO-T-TD-510-34
	FLUSH VALVE & PVC LATERAL	-YOMO-T-FCB-1-FIPT
	DRIP ZONE BOUNDARY W/ DRIP LINE IRRIGATION	-YOMO-DL2000 PVC DRIFTLINE (RCP-40-01) (CONNECT TO ONE REMOTE CONTROL VALVE)
	BURRLESS-FLOODING (ADJUSTABLE)	-RAINBIRD-1100 A-F (SET @ 1 GPM)
	NEW IRRIGATION MAINLINE	-1120/SCHEDULE 40 PVC PIPE-18" COVER
	NEW IRRIGATION LATERAL LINE	-1120/SCHEDULE 40 PVC PIPE-12" COVER
	IRRIGATION SLEEVE	-1120/SCHEDULE 40 PVC PIPE-24" COVER
	PIPE CROSSOVER (NO CONNECTION)	
	CONTROLLER STATION NUMBER CALLOUTS FOR REMOTE CONTROL VALVE CONTROL VALVE SIZE	

2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

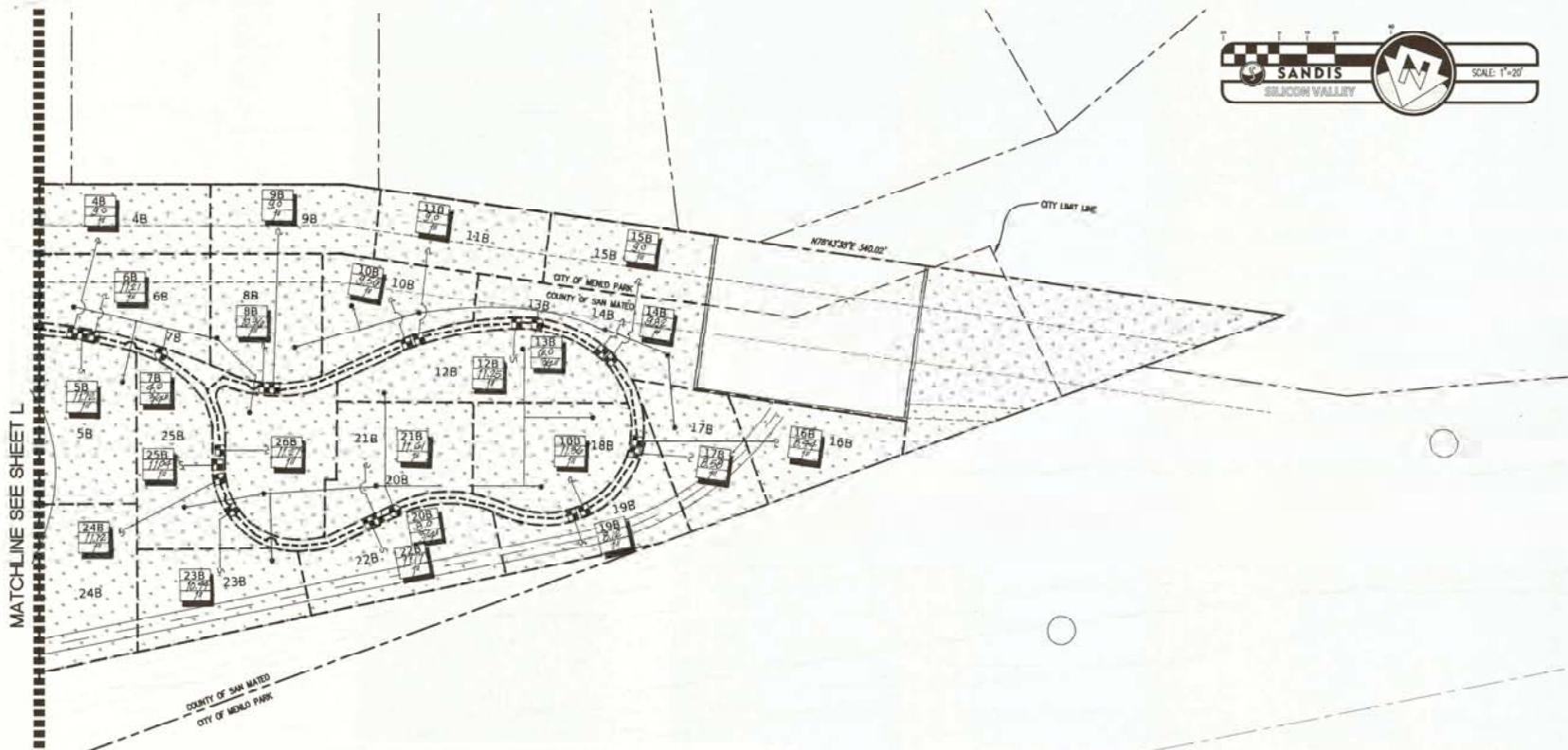
Issues and Revisions

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1	12/04/2015	Planning Submittal	
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5	05/30/2017	Planning Resubmittal 4	

**LANDSCAPE IRRIGATION PLAN**

Project Number: 215102  
Date: 05/30/2017  
Scale: 1" = 20'

File: X:\PL\15102\DW\PL\21 SANDHILL ROAD\CONTRACT\Landscape\1-1 - Valley - No Landscape.dwg Date: Oct 18, 2016 - 4:25pm, lwj



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DATE: MAY 30, 2017

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MATCHLINE SEE SHEET L

**GENERAL IRRIGATION NOTES**

1. ALL PROPOSED IRRIGATION MAINLINE AND LATERAL LINE LOCATIONS ARE ALWAYS SHOWN DIAGRAMMATICALLY FOR PURPOSES OF DESIGN CLARITY. ALL IRRIGATION PIPING IS ALWAYS INSTALLED WITHIN LANDSCAPE PLANTING AREAS WHEREVER POSSIBLE.
2. DARK DASHED LINES SHOWN ON THIS PLAN INDICATE NEW SCHEDULED PVC PRESSURE MAINLINES TO BE INSTALLED IN PLANTING AREAS.
3. ALL VALVES ARE TO BE INSTALLED IN LANDSCAPE AREAS IMMEDIATELY ADJACENT TO LOCATIONS SHOWN. VALVES ARE SHOWN IN PAVED AREAS FOR DESIGN CLARITY ONLY.

**LANDSCAPE IRRIGATION SYSTEM LEGEND**

	DEDICATED 3/4" FERRUG. BACKFLOW DEVICE	-FERRUG-8237-RV-2"
	DEDICATED 1/2" IRRIGATION WATER METER	-WATER 90 CIVIL, BRG. OUELLEN PLUMB FOR FINAL LOCATION AND CONNECTION TO SETTING TABLE. MAYER M42H
	BRASS BALL VALVE	-KINCO-T-595-Y-LP (LINE SIZE)
	ELECTRIC CONTROLLER -2 (ONE-36 STATION & ONE-30 STATION)	-RAINMASTER SINGLE FLOW W/ 1-CENTRAL SOFTWARE, SOIL SENSORS AND FLOW SENSOR (WALL MOUNT WHERE SHOWN ON PLAN)
	MOISTURE SENSOR	-RAINBIRD-SMRT-Y SOIL MOISTURE SENSOR ETC
	REMOTE CONTROL VALVE	-GRIDWOLD-DWS SERIES
	DRIP CONTROL ZONE KIT (VALVE & FILTER ASSEMBLY)	-RAINBIRD-XACE-100-PPF-1" ASVP WITH 1" 90 DEGREE FILTER
	QUICK COUPLING VALVE	-RAINBIRD-330NC
	FLOW SENSOR	-CREATIVE SENSOR TECHNOLOGY-PEI-P10-001 WITH SHIELDED COMMUNICATION CABLE
	AIR/VACUUM RELIEF VALVE	-STURMID 3300... (NOMINALLY CLOSED)
	FLUSH VALVE & PVC LATERAL	-TOMO-T-TO-500-34
	DRIP ZONE BOUNDARY W/ DRIPLINE IRRIGATION	-TOMO-DC2000 PVC DRIPLINE (RGP-4160Z) (CONNECT TO ONE REMOTE CONTROL VALVE)
	BUSHES-PICOING (ADJUSTABLE)	-RAINBIRD-1300 A-E (SEE # 1 GW)
	NEW IRRIGATION MAINLINE	-1120/SCHEDULE 40 PVC PIPE-18" COVER
	NEW IRRIGATION LATERAL LINE	-1120/SCHEDULE 40 PVC PIPE-12" COVER
	IRRIGATION SHADING	-1120/SCHEDULE 40 PVC PIPE-34" COVER
	PIPE CROSSOVER (NO CONNECTION)	
	CONTROLLER STATION NUMBER	
	CALLOUT FOR REMOTE ZONE VALVE CONTROL VALVE SIZE	

2131 SAND HILL ROAD  
 NEW OFFICES

MENLO PARK, CA

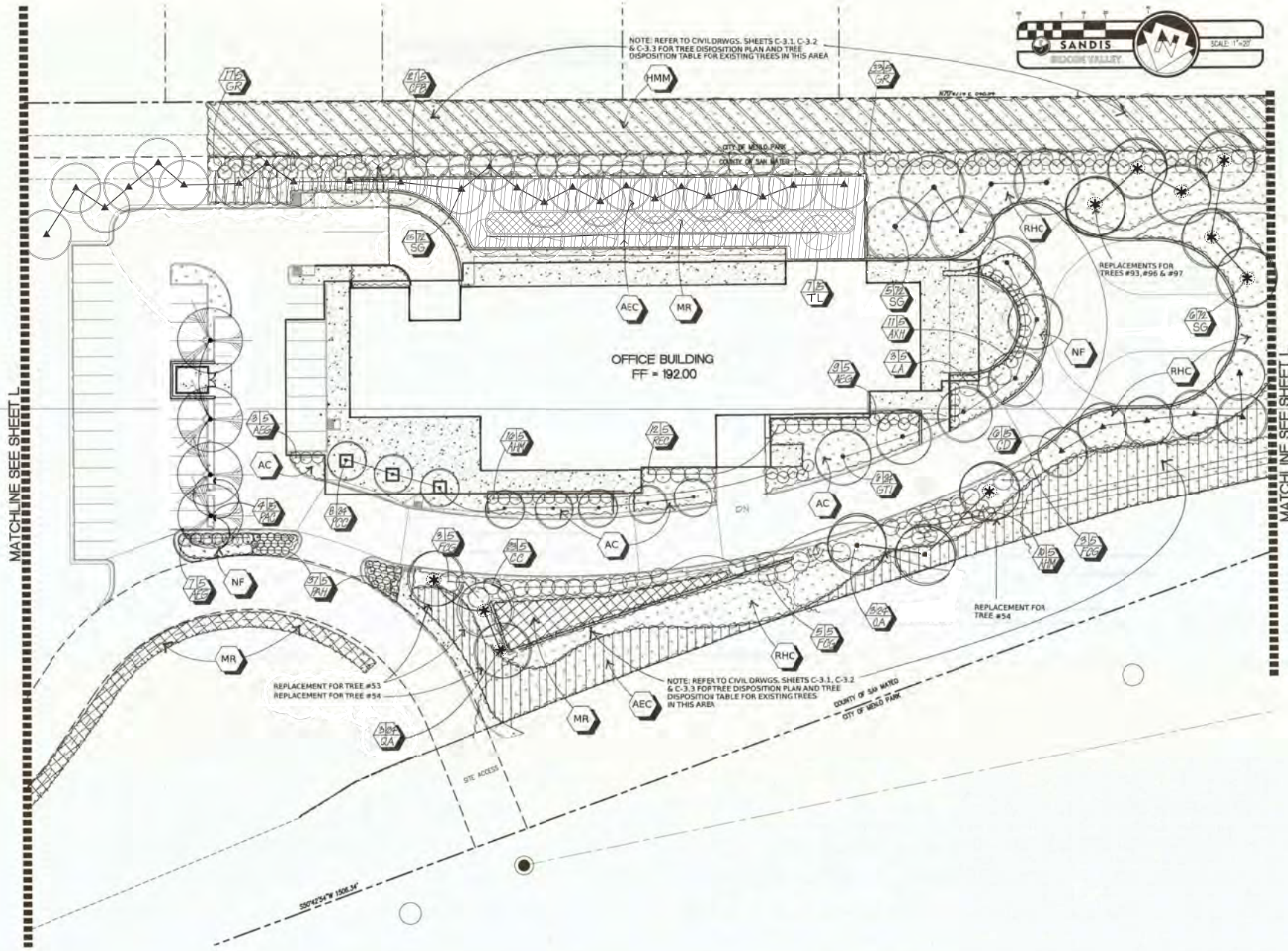
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**LANDSCAPE IRRIGATION PLAN**

Project Number: 215102  
 Date: 05/30/2017  
 Scale: 1"=20'

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MATCHLINE SEE SHEET L

MATCHLINE SEE SHEET L

NOTE: REFER TO CIVIL DRAWGS. SHEETS C-3.1, C-3.2 & C-3.3 FOR TREE DISPOSITION PLAN AND TREE DISPOSITION TABLE FOR EXISTING TREES IN THIS AREA



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DATE: MAY 30, 2017



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**2131 SAND HILL ROAD**  
NEW OFFICES

MENLO PARK, CA

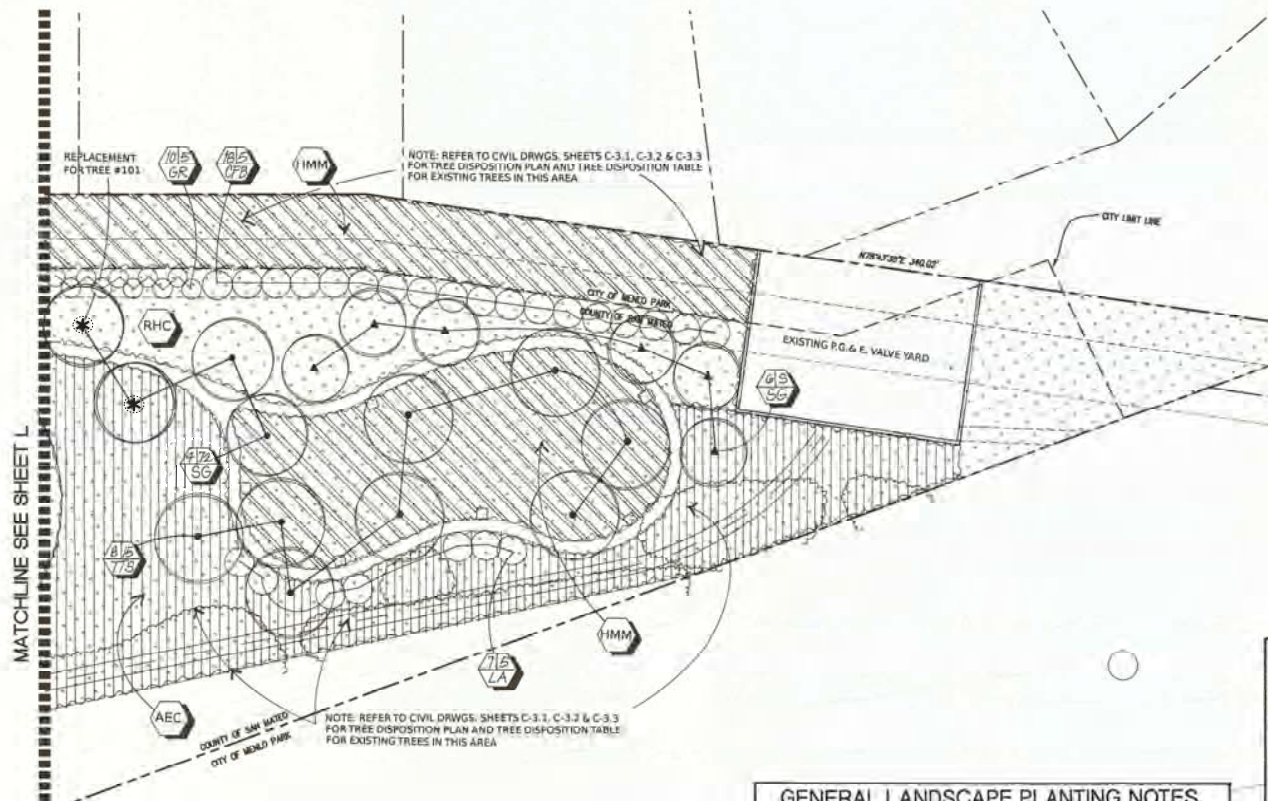
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**LANDSCAPE PLANTING PLAN**

Project Number: 215102  
Date: 05/30/2017  
Scale: 1" = 20'

**L-3.0**

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**GENERAL LANDSCAPE PLANTING NOTES**

1. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITY LINES AND NOTIFYING THE OWNER OR LANDSCAPE ARCHITECT OF ANY CONFLICT BETWEEN SUCH LINES AND CONSTRUCTION, GRADING, ERECTION AND PLANTING OPERATIONS. FAILURE TO FOLLOW THIS PROCEDURE THE CONTRACTOR SHALL, AT HIS OWN EXPENSE, REPAIR ALL DAMAGE RESULTING FROM HIS WORK.
2. PLANT QUANTITIES ARE INDICATED FOR INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY THE EXACT COUNT FROM THE LANDSCAPE PLANTING PLAN.
3. THE FINAL LOCATION OF ALL PLANTS SHALL BE ADJUSTED IN THE FIELD TO ACCOMMODATE EXISTING UTILITIES AND UNDERLINES, AS DIRECTED BY THE LANDSCAPE ARCHITECT.
4. ALL SHRUBS SHALL BE PLANTED 2" ABOVE FINISH GRADE TO ALLOW FOR SETTLEMENT. ANY SHRUBS WHICH HAVE THE ROOTBALL CHAIN BELOW FINISH GRADE AT THE FINAL IDENTIFICATION WILL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
5. WIND CONTROL: TWO WEEKS PRIOR TO PLANTING, ALL PLANTING AREAS SHALL BE SPRAYED WITH "WIND-OFF" EMULSION OR APPROVED EQUAL TO REMOVE ALL DUSTS AND IMPURITIES FROM SURFACES. IMMEDIATELY UPON COMPLETION OF ALL PLANTING AND INITIAL WATERING, THE AREAS SHALL BE SPRAYED WITH WINDPROOFER (WATER OR EQUAL) AT THE RATE OF 1 GAL. OF ACTIVE INGREDIENT PER ACRE. MATERIALS SHALL BE APPLIED AS SPRAY WITH THE STRIEM AMOUNT OF WATER REQUIRED TO ACHIEVE COVERAGE. MIXTURE IS TO BE APPLIED AT A TOTAL OF 1" OF WATER.
6. THE CONTRACTOR SHALL VERIFY EXISTING SITE CONDITIONS AT THE SITE PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT FOR CORRECTION.
7. ALL PLANTING AREAS SHALL RECEIVE A MINIMUM 2" DEEP LAYER OF NUTRIENT STABILIZED SMALL BEDROCK OR FIBER CEMENT AS PLANTING MEDIA, (EXCEPT IN TURF AREAS).
8. PLANTING SPECIFICATIONS SHALL BE AS FOLLOWS: ALL PLANTS SHALL BE PLANTED TO THE SPECIFICATIONS LISTED IN THIS PLAN. PROVIDE MEDIA BEARS FILLED WITH SOIL TO THE FINISH FINISH GRADE. ADJUST SOIL MEDIA TO PERMIT AN AIR SAND PAN AND A MINIMUM OF 1% TO 2% UNSATURATED FINEST SOIL.
9. REFER TO LANDSCAPE PLANTING SPECIFICATIONS ON SHEET L-4 FOR GENERAL SUBMITTANCE REQUIREMENTS, SOIL CONDITIONING AND ACCEPTABLE PLANTING METHODS, MAINTENANCE, AND WATERING. ALL THEY APPLY TO THIS PROJECT. ANY AND ALL DEVIATIONS OF THESE SPECIFICATIONS WILL BE PERMITTED TO THIS PROJECT.
10. ALL PLANT MATERIALS SHALL BE INSPECTED AND APPROVED ON-SITE PRIOR TO PLANTING.
11. THE CONTRACTOR SHALL PROVIDE A SOIL TEST FROM TO CITY OF WORK, CONDUCTED BY A SOIL TESTING COMPANY, WHICH SHALL PROVIDE INFORMATION ON THE SOIL TYPE INCLUDING NUTRIENT AVAILABILITY OF THE SOIL, THE PERCENTAGE OF ORGANIC MATTER, A MEASURE OF THE AVERAGE TOTAL SOLUBLE SALTS AND SOIL INFLUENTIATION DATA. THE SOIL TEST SHALL INCLUDE RECOMMENDATIONS FOR AMENDING AND PREPARING THE SOIL FOR PLANTING.



**LANDSCAPE PLANT LIST AND LEGEND**

QTY.	ABBREV.	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	NOTICE
<b>T R E E S :</b>						
6	CD	URUBUS URUBANA	URUBUS URUBANA	15 GAL. #20" O.C.	LOW	
7	TL	TRINANDRUS LAURINA	WATER GUM	15 GAL. STANDARD	LOW	
4	DEI	GLEHNERIA TRIACANTHOS	STRAWBERRY HONEY	24" BOX	STANDARD	LOW
4	VAC	PLATANUS ACERIFOLIA	LOCUST	24" BOX	STANDARD	LOW
8	PCC	PERSEA CALIFORNIANA	CHYCHICKERS	15 GAL.	STANDARD	LOW
6	DA **	QUERCUS ALBIFLORA	FLOWERING PEAR	24" BOX	STANDARD	LOW
46	SH	ARGENTANONONUM CIGANTORUM	GIANT SIBBETHA	15 GAL.	STANDARD	MOD.
8	SPR	STYLA TOMENTOSA	STERLING SILVER	15 GAL.	STANDARD	MOD.
<b>S H R U B S , P E R E N N I A L S , A N D O R N A M E N T A L C H A S S E S :</b>						
19	ABD	ABELIA 'HOWARD GOODENI'	HOWARD ABELIA	5 GAL. # 5' O.C.	LOW	
36	ASH	ANCHYRANTHUS 'HOWARD BUCHER'	HOWARD BUCHER	5 GAL. # 5' O.C.	LOW	
11	AKO	ANISODORPIS 3	ROBIN MARGARITA	5 GAL. # 5' O.C.	LOW	
23	CC	CELANOPE 'CORONA'	WILD LILAC 'CORONA'	5 GAL. # 5' O.C.	LOW	
39	CPD	CELANOPE 'PROST'	WILD LILAC	5 GAL. # 5' O.C.	LOW	
11	FCO	FERNONTHUS 'CALIFORNIA GOLD'	FLORIST BLUE	5 GAL. # 5' O.C.	LOW	
80	CH	CHRYSEMOALLA	'CALIFORNIA GOLD'	5 GAL. # 5' O.C.	LOW	
10	LA	LAVATERA	ROSEMARY GREVILLEA	5 GAL. # 5' O.C.	LOW	
37	PAH	ASSURIDENTIFLORA	TREE HAZEL	5 GAL. # 5' O.C.	LOW	
13	HEC	ALPHEGOSTRIS 'HAMEL'	HEAVY FOURTEEN	5 GAL. # 5' O.C.	LOW	
13	HEC	HEMIPHYLLIS 'EVA CASE'	EVA CASE COFFEEBERRY	5 GAL. # 5' O.C.	LOW	
<b>S H R U B S , P E R E N N I A L S , A N D O R N A M E N T A L C H A S S E S :</b>						
AC	ACACIA CALIFORNIA	WILD CHERRY	15 GAL. # 15" O.C.	LOW		
ARC	ACTINOPHYLLIS	SHRUB CAMEL	1 GAL. # 30" O.C.	LOW		
ME	MIMULUS BILBOIS	ROSEMARY	1 GAL. # 30" O.C.	LOW		
MF	MIMULUS FASCIOSUS	ROSEMARY	1 GAL. # 24" O.C.	LOW		
MC	MIMULUS 'MISTY MOUNTAIN'	ROSEMARY	1 GAL. # 24" O.C.	LOW		
MMH	MIMULUS 'MISTY MOUNTAIN'	ROSEMARY	1 GAL. # 24" O.C.	LOW		

2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

Issues and Revisions

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1	12/04/2015	Planning Submittal	
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5	05/30/2017	Planning Resubmittal 4	

**LANDSCAPE PLANTING PLAN**

Project Number: 215102  
Date: 05/30/2017  
Scale: 1" = 20'

L-3.1

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**OWNER-SUBDIVIDER**

STANFORD UNIVERSITY  
LANDS, BUILDINGS AND REAL ESTATE  
3100 PORTER DRIVE, STE. 200  
PALO ALTO, CA 94304

**SUBDIVIDER INTENT**

PARCEL ONE: RESIDENTIAL USE  
PARCEL TWO: COMMERCIAL USE

A SUBDIVISION OF THE PARCEL DESCRIBED IN THE TRUSTEE'S DEED RECORDED AUGUST 6, 1979 PER DOCUMENT NO. 4445740 AND THE 23 FEET WIDE STRIP OF LAND SHOWN ALONG THE NORTH BOUNDARY OF THE STANFORD HILLS FINAL MAP RECORDED IN BOOK 51 OF MAPS PAGE 21, OFFICIAL RECORDS OF SAN MATEO COUNTY

**PROPERTY ADDRESS**

2111, 2121 SAND HILL ROAD, MENLO PARK, CA  
APN: 074-450-030, 074-450-040, 074-450-050,  
074-321-110, 074-331-210

**TITLE REPORT**

THIS SURVEY IS BASED ON INFORMATION OBTAINED FROM PRELIMINARY TITLE REPORT FROM FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NO. NCS-802152-SM RECORDED JULY 26, 2016.

**ZONING REPORT**

EXISTING: R-E, S-9  
PROPOSED: C-1-C

PER ZONING DISTRICT SUMMARY SHEET FROM THE CITY OF MENLO PARK, COMMUNITY DEVELOPMENT DEPT., PLANNING DIVISION, REVISED AUGUST 2013.

**SETBACKS**

FRONT: 75'  
REAR: 75'  
INTERIOR: 30'

**UTILITY COMPANIES**

SANITARY SEWER - WEST BAY SANITARY SEWER DISTRICT  
WATER - CITY OF MENLO PARK MUNICIPAL WATER DISTRICT  
GAS - PG&E  
ELECTRIC - PG&E  
FIRE WATER - MENLO FIRE

**LOT DEVELOPMENT**

TWO LOT SUBDIVISION, FULLY DEVELOPED FOR RESIDENTIAL AND COMMERCIAL USE

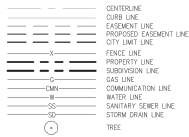
**CONDITIONS, COVENANTS, RESTRICTIVE RESERVATIONS**

NO CC&Rs PROVIDED

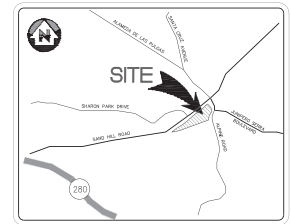
**FEMA FLOOD ZONE**

UNMAPPED AREA, NON PRINTED FLOOD MAP BOUNDARY

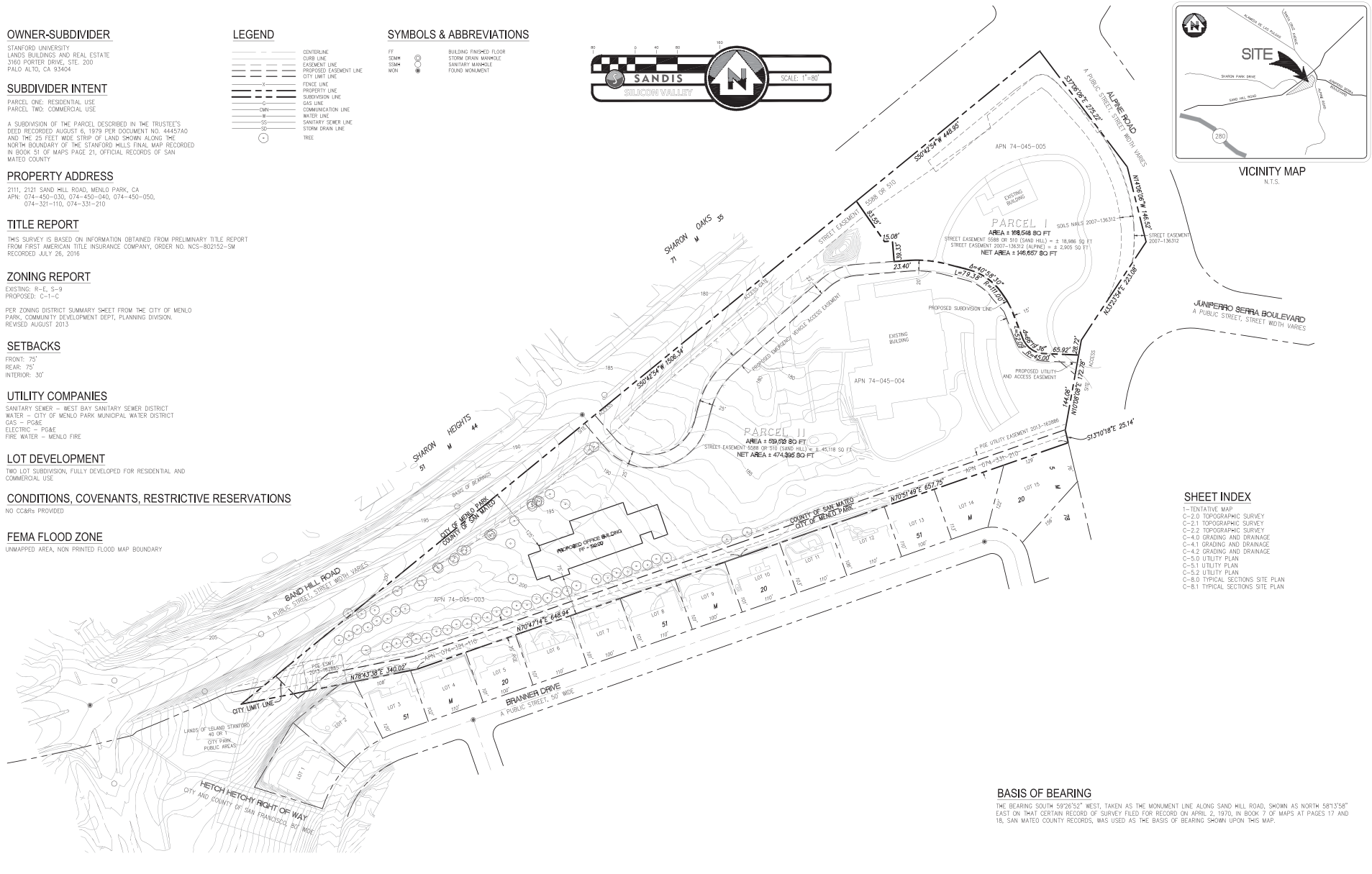
**LEGEND**



**SYMBOLS & ABBREVIATIONS**



VICINITY MAP  
N.T.S.



**SHEET INDEX**

- T-1 TENTATIVE MAP
- C-2.0 TOPOGRAPHIC SURVEY
- C-2.1 TOPOGRAPHIC SURVEY
- C-2.2 TOPOGRAPHIC SURVEY
- C-4.0 GRADING AND DRAINAGE
- C-4.1 GRADING AND DRAINAGE
- C-4.2 GRADING AND DRAINAGE
- C-5.0 UTILITY PLAN
- C-5.1 UTILITY PLAN
- C-5.2 UTILITY PLAN
- C-6.0 TYPICAL SECTIONS SITE PLAN
- C-6.1 TYPICAL SECTIONS SITE PLAN

**BASIS OF BEARING**

THE BEARING SOUTH 59°26'52" WEST, TAKEN AS THE MONUMENT LINE ALONG SAND HILL ROAD, SHOWN AS NORTH 58°13'58" EAST ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD ON APRIL 2, 1970, IN BOOK 7 OF MAPS AT PAGES 17 AND 18, SAN MATEO COUNTY RECORDS, WAS USED AS THE BASIS OF BEARING SHOWN UPON THIS MAP.

**SANDIS CIVIL ENGINEERS SURVEYORS PLANNERS**  
1700 Winchester Boulevard, Campbell, CA 95008 | P. 408.636.0900 | F. 408.636.0999 | www.sandis.net  
SILICON VALLEY | FIDELITY VALLEY | CENTRAL VALLEY | SACRAMENTO | EAST BAY/ST. 215102

DATE	REVISION/ISSUE	DATE	BY
5/20/2017			
11/29/16	CITY REVISIONS		RM
3/2/17	CITY REVISIONS		RM
5/30/17	CITY REVISIONS		DD

No.	REVISION/ISSUE	DATE	BY
1	CITY REVISIONS	11/29/16	RM
2	CITY REVISIONS	3/2/17	RM
3	CITY REVISIONS	5/30/17	DD

**ELEVATION REFERENCE**  
STANFORD MONUMENT "S-129", A 2-1/2" GRASS DISK, WITH A PUNCH MARK, STAMPED "RCE 3776" IN MONUMENT WELL AT THE INTERSECTION OF STOCKFARM ROAD AND OAK ROAD PALO ALTO, CALIFORNIA.  
ELEVATION = 112.54 FEET (NGVD29), PER RECORD OF SURVEY 747 MAPS 40-49, RECORDS OF SANTA CLARA COUNTY.

**TENTATIVE MAP FOR TWO LOT SUBDIVISION**  
2131 SAND HILL ROAD DEVELOPMENT  
MENLO PARK CALIFORNIA  
SHEET 1 OF 12 SHEETS  
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**SURVEY NOTES:**

THE TOPOGRAPHIC SURVEY WAS PREPARED BY BKV CIVIL ENGINEERS UNDER THE DIRECTION OF JOHN KORYAN, P.E., NO. 8883.

1. ALL DISTANCES, DIMENSIONS AND ELEVATIONS ARE IN FEET AND DECIMALS THEREOF.
2. DATE OF FIELD SURVEY WAS MAY 26, 27 AND 28, 2015.
3. SITE AREA = 11.926 ACRES, MORE OR LESS.
4. THIS SITE IS LOCATED WITHIN COUNTY OF SAN MATEO AND CITY OF MENLO PARK. WESTERLY PORTION OF THE COUNTY AND CITY LIMIT LINES ARE SHOWN APPROXIMATELY.

**APN NUMBER:**

074-450-030, 074-450-040, 074-450-050, 074-321-110, 074-331-210

**BASIS OF BEARINGS:**

THE BEARING N70°46'33"E OF THE CENTER LINE OF BRANNER DRIVE, BETWEEN FOUND MONUMENTS, AS SAID BEARING SHOWN ON THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), CGS83, CALIFORNIA ZONE 3, BY HOLDING THE NAD83 STATE PLANE COORDINATE VALUES OF CONTROL POINTS "S-120", "S-129" AND "S-107". SAID POINTS ARE SHOWN AND DESCRIBED IN THAT CERTAIN RECORD OF SURVEY FOR THE STANFORD MASTER SURVEY CONTROL NETWORK, FILED APRIL 10, 2002 IN BOOK 747 OF MAPS AT PAGES 40 THROUGH 49 INCLUSIVE, RECORDS OF SANTA CLARA COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

**BENCHMARK:**

STANFORD MONUMENT "S-129".  
BEING FOUND 2-1/2" BRASS DISK, WITH A PUNCH MARK, STAMPED "ICE 3776" IN MONUMENT WELL AT THE INTERSECTION OF STOCKFARM ROAD AND OAK ROAD PALO ALTO, CALIFORNIA.  
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**TITLE REPORT**

THIS SURVEY IS BASED ON INFORMATION OBTAINED FROM PRELIMINARY TITLE REPORT FROM FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NO. NS-802152-SM RECORDED JULY 26, 2016



DATE MARCH 2, 2017

CHAD J. BROWNING  
R.C.E. NO. 68315, EXPIRES 9-30-17

**2131 SAND HILL ROAD  
NEW OFFICES**

**MENLO PARK, CA**

Issues and Revisions			
No.	Date	Issues and Revisions	By
1	12/04/2016	Planning Submittal	
2	08/26/2016	Planning Resubmittal 1	
3	11/22/2016	Planning Resubmittal 2	
4	03/02/2017	Planning Resubmittal 3	
5	05/30/2017	Planning Resubmittal 4	

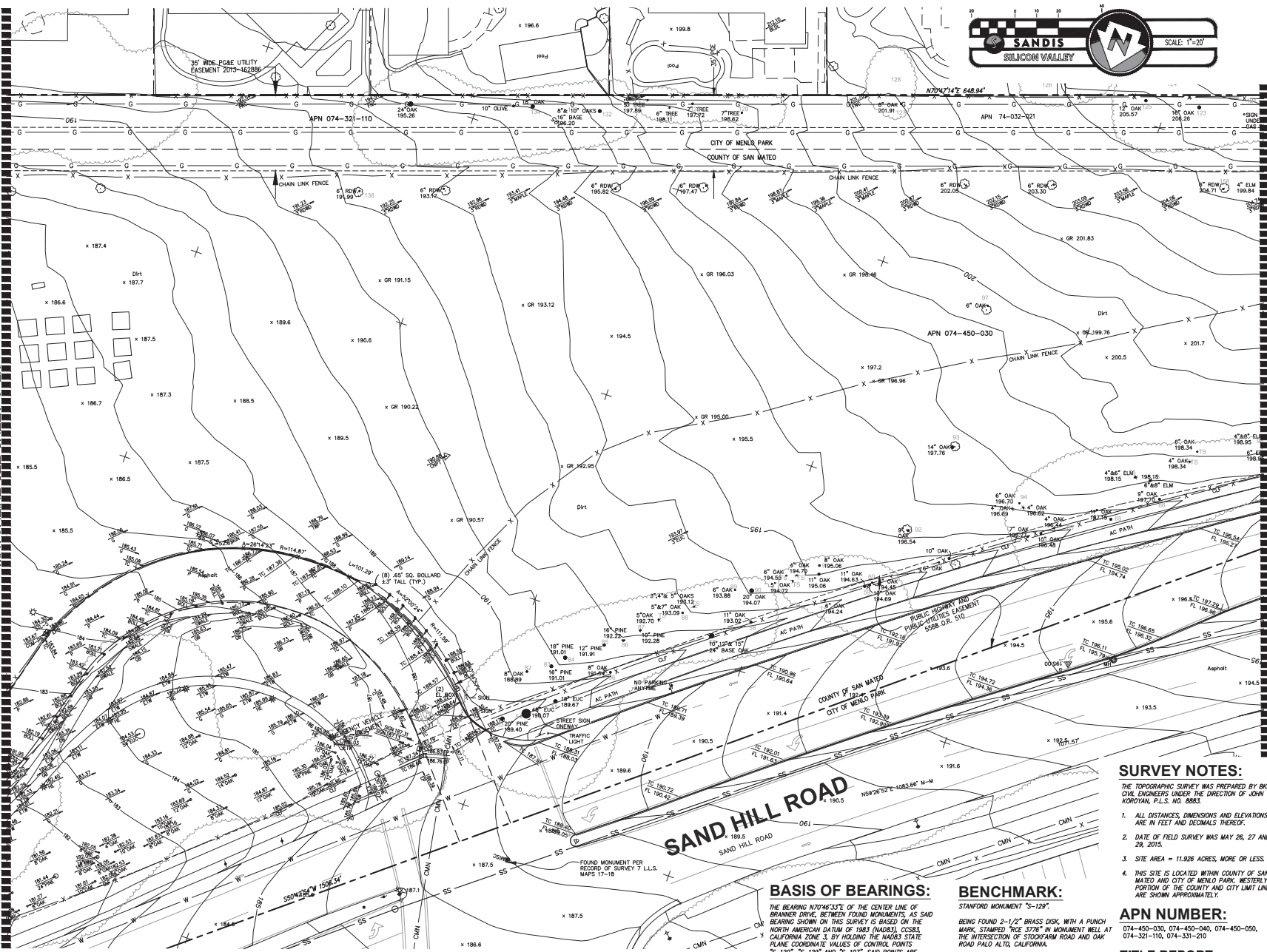
**TOPOGRAPHIC SURVEY**

Project Number: 215102  
Date: 06/30/2017  
Scale: 1"=20'

**C-2.0**

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DATE MARCH 2, 2017

CHAD J. BROWNING  
R.C.E. NO. 68315, EXPIRES 9-30-17

MATCHLINE SEE SHEET C-22

### 2131 SAND HILL ROAD NEW OFFICES

### MENLO PARK, CA

### SURVEY NOTES:

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- ALL DISTANCES, DIMENSIONS AND ELEVATIONS ARE IN FEET AND DECIMALS THEREOF.
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  - SITE AREA = 11.926 ACRES, MORE OR LESS.
  - THIS SITE IS LOCATED WITHIN COUNTY OF SAN MATEO AND CITY OF MENLO PARK. WESTERLY PORTION OF THE COUNTY AND CITY LIMIT LINES ARE SHOWN APPROXIMATELY.

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074-450-030, 074-450-040, 074-450-050, 074-321-110, 074-331-210

### TITLE REPORT

THIS SURVEY IS BASED ON INFORMATION OBTAINED FROM PRELIMINARY TITLE REPORT FROM FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NO. MCS-802152-SM RECORDED JULY 26, 2016.

### BASIS OF BEARINGS:

THE BEARING N70°46'33"E OF THE CENTER LINE OF BRANNER DRIVE, BETWEEN FOUND MONUMENTS, AS SAID BEARING SHOWN ON THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), CCS83, CALIFORNIA ZONE 3, BY HOLDING THE HIGHEST STATE PLANE COORDINATE VALUES OF CONTROL POINTS "S-120", "S-129" AND "S-107". SAID POINTS ARE SHOWN AND DESCRIBED IN THAT CERTAIN RECORD OF SURVEY FOR THE STANFORD MASTER SURVEY CONTROL NETWORK, FILED APRIL 10, 2002 IN BOOK 747 OF MAPS AT PAGES 40 THROUGH 49 INCLUDING RECORDS OF SANTA CLARA COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

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ELEVATION = 112.54 FEET, BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29), PER RECORD OF SURVEY 747 MAPS 40-49, RECORDS OF SANTA CLARA COUNTY.

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5	05/30/2017	Planning Resubmittal 4	

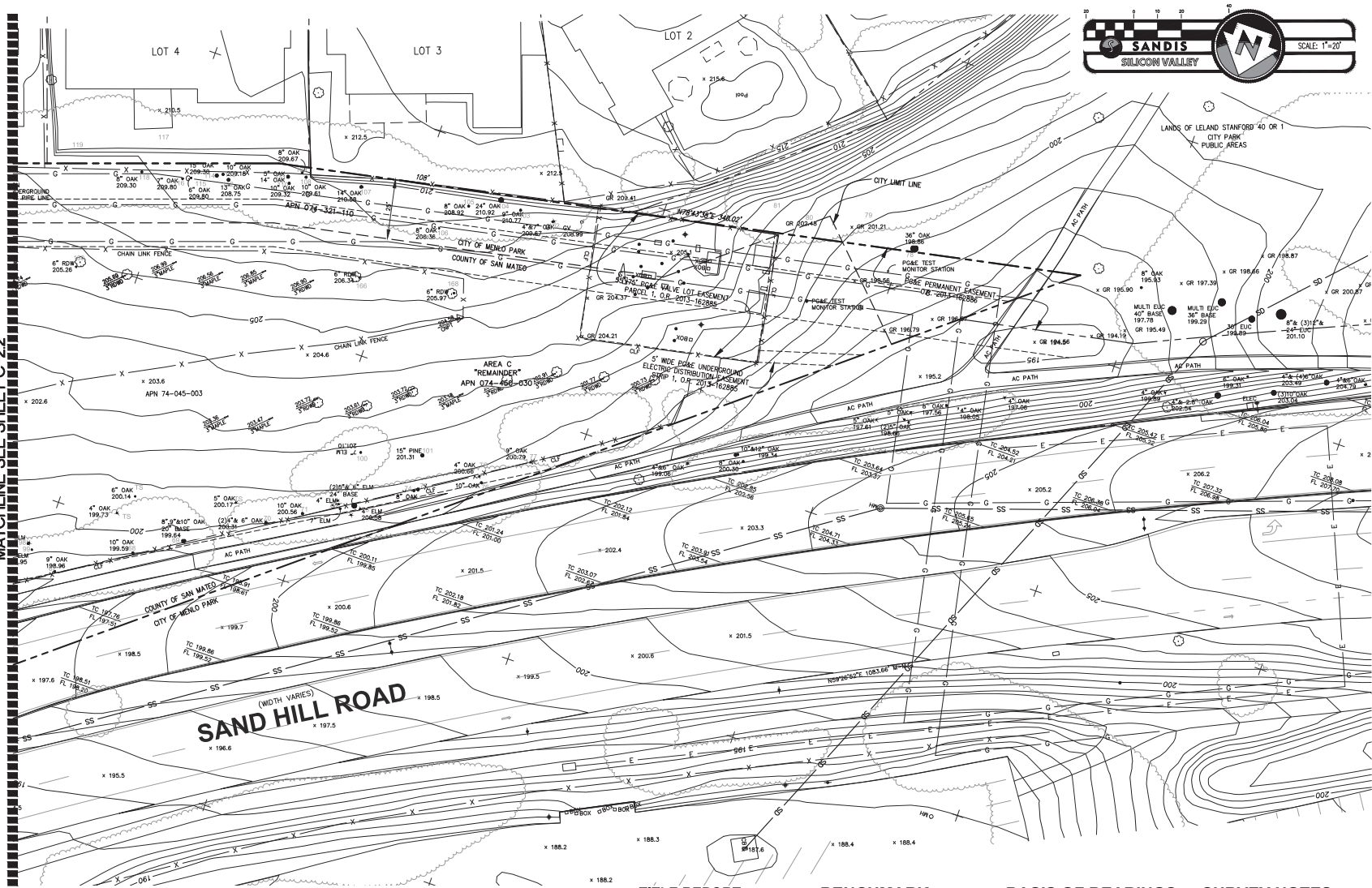
### TOPOGRAPHIC SURVEY

Project Number: 215129  
 Date: 06/30/2017  
 Scale: 1"=20'

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**SANDIS**  
SILICON VALLEY

SCALE: 1"=20'

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DATE MARCH 2, 2017

CHAD J. BROWNING  
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## 2131 SAND HILL ROAD NEW OFFICES

### MENLO PARK, CA

No.	Date	Issues and Revisions	By
1	12/04/2016	Planning Submittal	
2	08/26/2016	Planning Resubmittal 1	
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5	05/30/2017	Planning Resubmittal 4	

### TOPOGRAPHIC SURVEY

Project Number: 216102  
Date: 05/30/2017  
Scale: 1"=20'

#### SURVEY NOTES:

1. ALL DISTANCES, DIMENSIONS AND ELEVATIONS ARE IN FEET AND DECIMALS THEREOF.
2. DATE OF FIELD SURVEY WAS MAY 26, 27 AND 28, 2015.
3. SITE AREA = 11.826 ACRES, MORE OR LESS.
4. THIS SITE IS LOCATED WITHIN COUNTY OF SAN MATEO AND CITY OF MENLO PARK, WESTERN PORTION OF THE COUNTY AND CITY LIMIT LINES ARE SHOWN APPROXIMATELY.

#### APN NUMBER:

074-450-030, 074-450-040, 074-450-050,  
074-321-110, 074-331-210

#### BASIS OF BEARINGS:

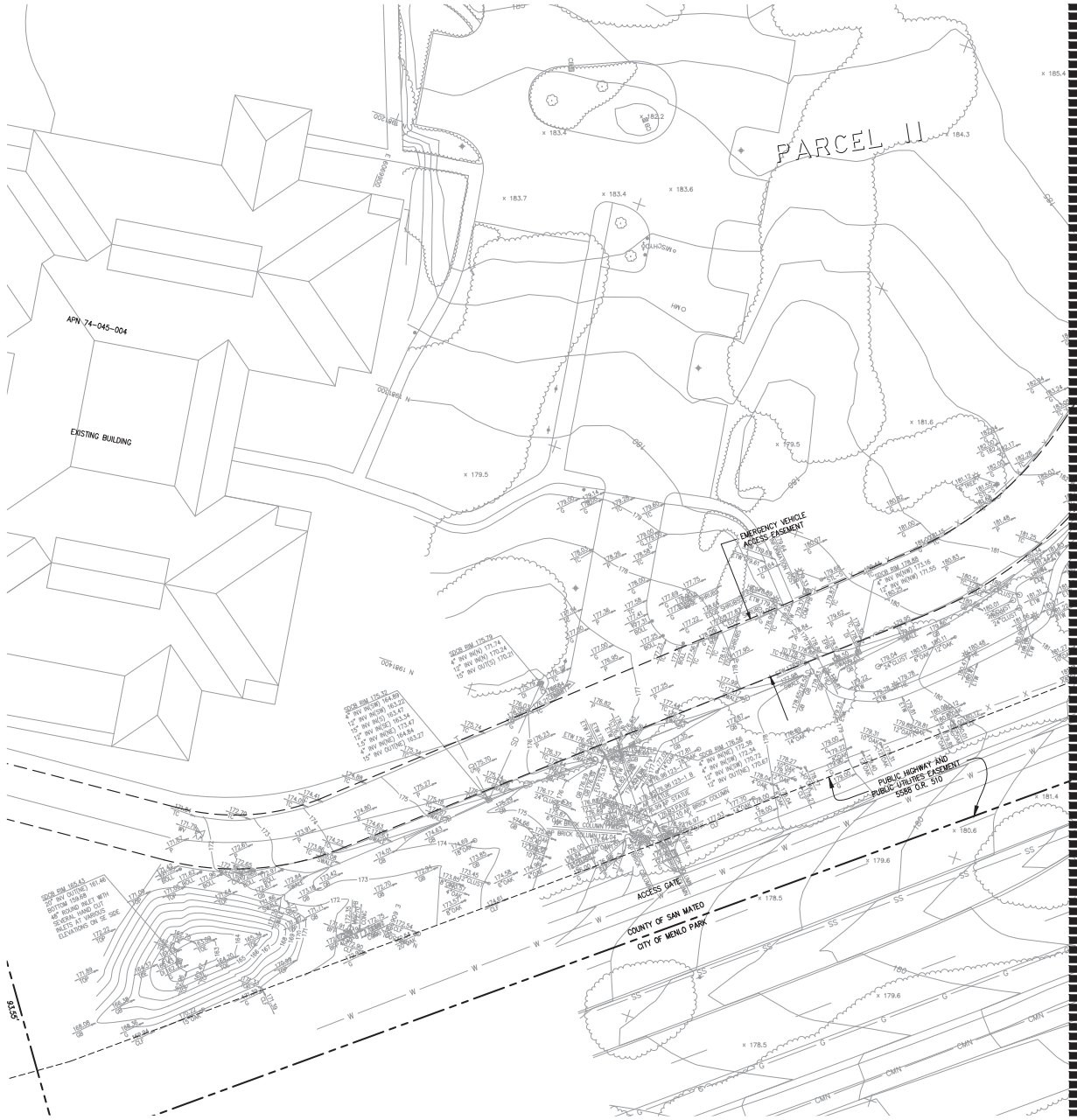
THE BEARING N70°44'33"E OF THE CENTER LINE OF BRANNER DRIVE, BETWEEN FOUND MONUMENTS, AS SAID BEARING SHOWN ON THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), COSEWIC CALIFORNIA ZONE 3, BY HOLDING THE NA83 STATE PLANE COORDINATE VALUES OF CONTROL POINTS "S-120", "S-129" AND "S-107". SAID POINTS ARE SHOWN AND DESCRIBED IN THAT CERTAIN RECORD OF SURVEY FOR THE STANFORD MASTER SURVEY CONTROL NETWORK, FILED APRIL 10, 2002 IN BOOK 747 OF MAPS AT PAGES 40 THROUGH 49 INCLUSIVE, RECORDS OF SANTA CLARA COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

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#### TITLE REPORT

THIS SURVEY IS BASED ON INFORMATION OBTAINED FROM PRELIMINARY TITLE REPORT FROM FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NO. MCS-802152-SM RECORDED JULY 26, 2016.



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DATE MARCH 2, 2017

CHAD J. BROWNING  
R.C.E. NO. 68315, EXPIRES 9-30-17

**2131 SAND HILL ROAD  
NEW OFFICES**

MENLO PARK, CA

**ARBORIST REPORT NOTE**

TREE DISPOSITION DATA AND PROTECTION REQUIREMENTS ARE PER ARBORIST REPORT TITLED "ARBORIST REPORT 2131 SAND HILL ROAD MENLO PARK, CA" PREPARED BY HORTSCIENCE INC. DATED SEPTEMBER 8, 2015

**LEGEND**

- # TREE TAG NUMBER
- ⊙ HERITAGE TREE TAG NUMBER
- ✕ REMOVE EXISTING TREE
- \* REMOVE EXISTING HERITAGE TREE
- TREE PROTECTION ZONE (DIAMETER VARIES)
- ⊙ HERITAGE TREE PROTECTION ZONE (DIAMETER VARIES)

Issues and Revisions			
No.	Date	Issues and Revisions	By
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5	05/30/2017	Planning Resubmittal 4	

**TREE DISPOSITION PLAN**

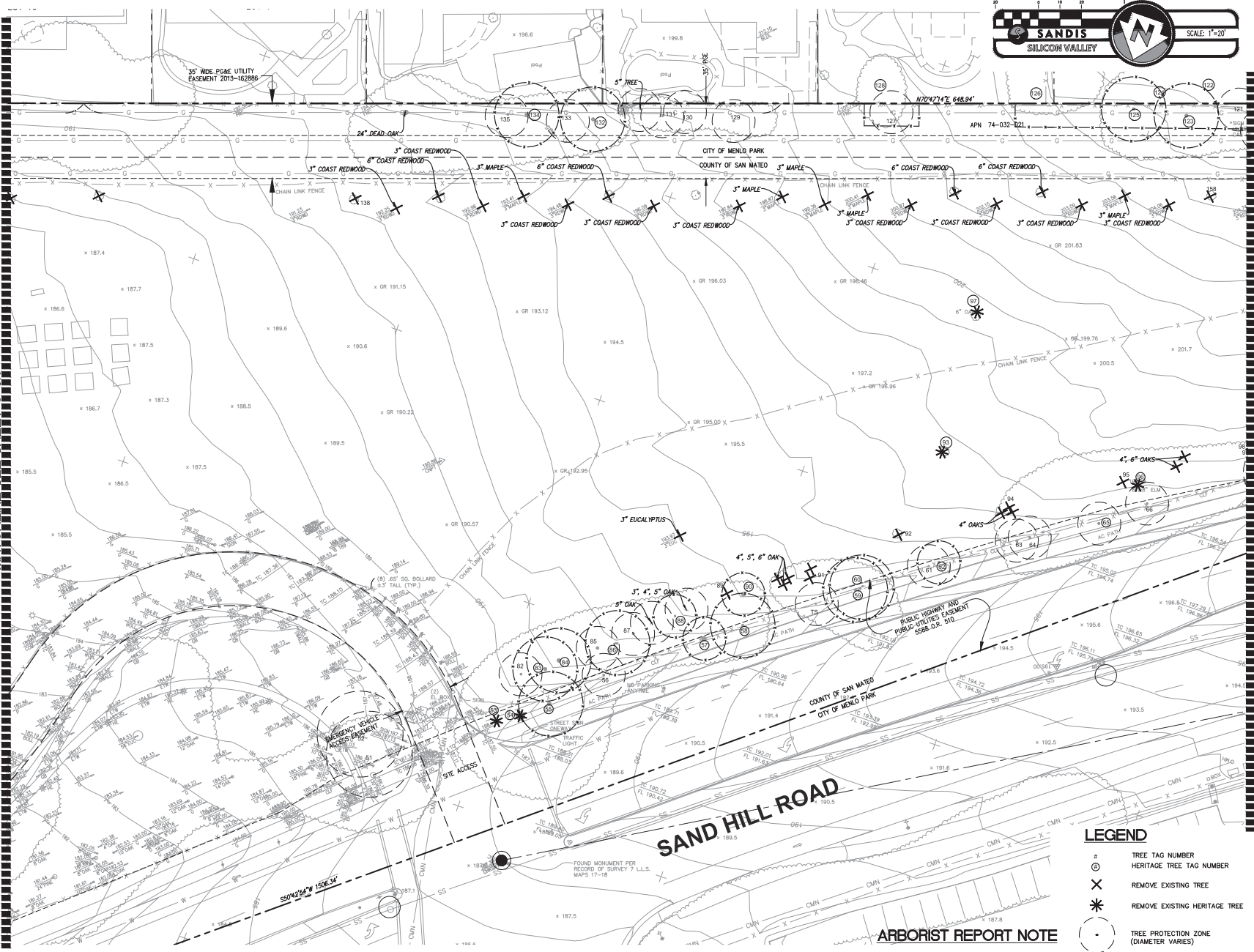
Project Number: 215102  
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Scale: 1"=20'

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MATCHLINE SEE SHEET C-30

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**SANDIS**  
SILICON VALLEY

SCALE: 1"=20'

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### 2131 SAND HILL ROAD NEW OFFICES

MENLO PARK, CA

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**TREE DISPOSITION PLAN**

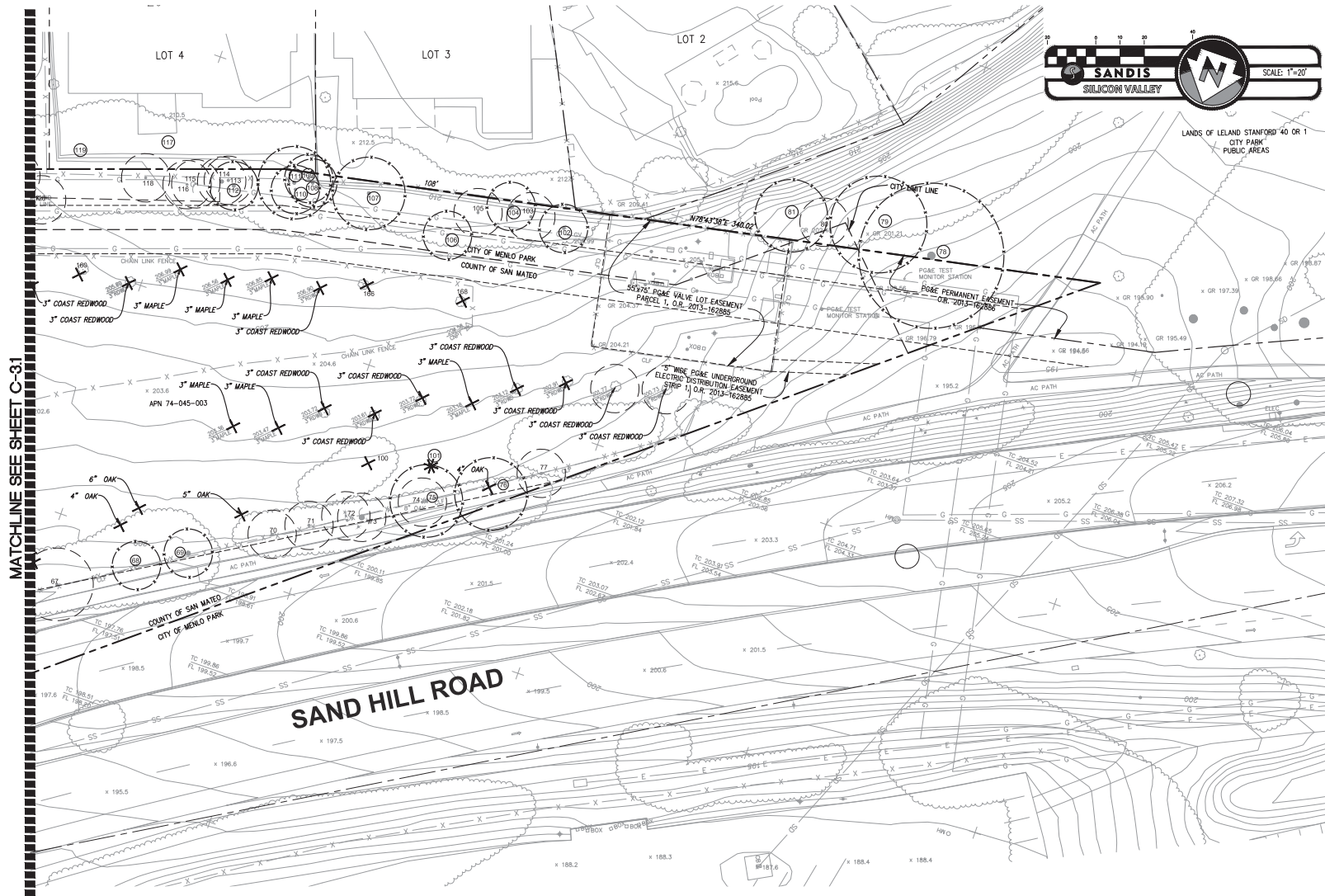
Project Number: 216102  
Date: 06/30/2017  
Scale: 1"=20'

**LEGEND**

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**ARBORIST REPORT NOTE**

TREE DISPOSITION DATA AND PROTECTION REQUIREMENTS ARE PER ARBORIST REPORT TITLED "ARBORIST REPORT 2131 SAND HILL ROAD MENLO PARK, CA" PREPARED BY HORTSCIENCE INC. DATED SEPTEMBER 8, 2015



MATCHLINE SEE SHEET C-31

**SANDIS**  
SILICON VALLEY

SCALE: 1"=20'

LANDS OF LELAND STANFORD '40 OR 1  
CITY PARK  
PUBLIC AREAS

**ArchiRender**  
Architect

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**2131 SAND HILL ROAD**  
NEW OFFICES

MENLO PARK, CA

Issues and Revisions			
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**TREE DISPOSITION PLAN**

Project Number: 216102  
Date: 05/30/2017  
Scale: 1"=20'

**ARBORIST REPORT NOTE**

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# ARBORIST REPORT NOTE

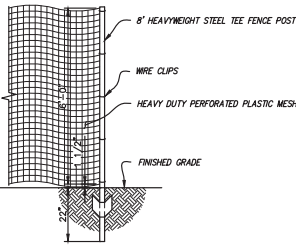
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## TREE REMOVAL NOTES

- THE LOCATION OF ALL SERVICE LINES SUCH AS WATER SUPPLY, SEWER, ELECTRICITY, TELEPHONES, CABLE, GAS, STORM DRAIN LINES, ETC. SHALL BE ASCERTAINED BEFORE TREE REMOVAL WORK IS STARTED. WHERE SUCH LINES WILL BE AFFECTED BY TREE REMOVAL, OR WHERE TREE REMOVAL MACHINERY WILL BE WORKING NEARBY, LINES SHOULD BE CAREFULLY SEALED OFF, PROTECTED OR INVERTED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO TAKE NECESSARY PRECAUTIONARY ACTIONS.
- REMOVE ONLY THOSE TREES INDICATED ON THIS PLAN TO BE REMOVED. TREES INDICATED TO BE REMOVED SHALL HAVE ALL ROOTS AND STUMP REMOVED TO A DEPTH OF 24" BELOW GRADE.

## TREE PROTECTION NOTES

- THE GENERAL CONTRACTOR SHALL TAKE THE FOLLOWING STEPS TO PRESERVE AND PROTECT ALL EXISTING TREES SHOWN TO REMAIN:
  - PRIOR TO COMMENCEMENT OF DEMOLITION, GRADING AND CONSTRUCTION, TEMPORARY FENCING SHALL BE INSTALLED AT THE DRIP LINE OF EACH TREE TO BE PRESERVED. REFER TO DETAIL. FENCED AREAS SHALL NOT BE VIOLATED DURING CONSTRUCTION.
  - ALL EXISTING ON-SITE TREES INDICATED TO REMAIN SHALL BE TRIMMED BY A LICENSED ARBORIST FOUR WEEKS PRIOR TO COMMENCEMENT OF DEMOLITION OR GRADING OPERATIONS. ALL BROKEN OR BRUISED BRANCHES AND DEAD WOOD SHALL BE REMOVED. ALL CUTS OVER 1/2" DIAMETER SHALL BE PAINTED WITH "TREE SEAL" OR APPROVED EQUAL. IN NO CASE SHALL ANY TREE BE TOPPED.
  - ALL EXISTING ON-SITE TREES INDICATED TO REMAIN SHALL BE FERTILIZED BY ROOT INJECTION BY A LICENSED ARBORIST FOUR WEEKS PRIOR TO COMMENCEMENT OF GRADING OR DEMOLITION OPERATIONS.
- ALL EXISTING ON-SITE TREES INDICATED TO REMAIN SHALL BE PRESERVED AND PROTECTED DURING CONSTRUCTION. NO GRADING IS PERMITTED WITHIN THE DRIP-LINE OF ANY TREE INDICATED TO REMAIN. NO DEBRIS OR MATERIALS SHALL BE STOCKPILED AROUND THE BASE OF THE TREES. NO TRADESMAN SHALL DUMP DEBRIS OR FLUIDS WITHIN THE DRIP-LINE OF ANY TREE (PLASTER, PAINT, TANNER, ETC.). ALL TREES SHALL BE FENCED BY THE GENERAL CONTRACTOR TO AVOID COMPACTION OF THE TREE'S ROOT SYSTEM AND DAMAGE TO THE BARK. THE FENCE SHALL BE SIX FEET HIGH, AND EXTEND OUT TO THE DRIP-LINE OF THE TREE.
- ALL EXISTING ON-SITE TREES INDICATED TO REMAIN SHALL BE WATERED BY THE GENERAL CONTRACTOR CONTINUOUSLY DURING THE COURSE OF CONSTRUCTION. IF PORTABLE WATER IS NOT AVAILABLE ON THE SITE, A WATERING TRUCK SHALL BE EMPLOYED TO ACCOMPLISH THE WATERING.
- DO NOT DISTURB SURFACE SOIL WITHIN TREE DRIP-LINE EXCEPT AS MANDATED BY CONSTRUCTION PLANS.
- DURING PERIODS OF EXTENDED DROUGHT, SPRAY OAK TREES TO REMOVE ACCUMULATED CONSTRUCTION DUST AND DEBRIS.
- GRADE IN LINES RADIAL TO THE EXISTING TREE RATHER THAN TANGENTIAL. IF ROOTS ARE ENCOUNTERED WHILE GRADING, CUT THEM CLEANLY WITH A SAW. DO NOT RIP THEM WITH GRADING EQUIPMENT.
- DO NOT ATTEMPT DEMOLITION OF TREES WITH GRADING EQUIPMENT WHEN TREES THAT ARE TO BE PRESERVED ARE IN THE VICINITY.



### NOTES:

- THE DRIPLINE OF EACH TREE TO BE PROTECTED SHALL BE ENCLOSED WITH A 6' HIGH TEMPORARY FENCE. FENCE FABRIC SHALL BE HEAVY DUTY PERFORATED, BRIGHT COLORED PLASTIC MESH. FENCE STAKES SHALL BE 8" HEAVY WEIGHT STEEL TEE FENCE POSTS DRIVEN 22" INTO GRADE.

## TREE PROTECTION DETAIL

N.T.S.

1

## TREE DISPOSITION TABLE

Tree No.	Species	Trunk Diameter (in.)	Heritage Tree	Condition 1=poor 5=excellent	Remove or Tree Protection Zone (ft)	Suitability for Preservation
51	Italian stone pine	29	Yes	3	20	Moderate
52	Coast live oak	13	Yes	4	20	Moderate
53	Italian stone pine	18,11	Yes	2	Remove	Low
54	River red gum	20,19,16	Yes	2	Remove	Low
55	River red gum	21	Yes	3	15	Low
56	Coast live oak	9	No	3	10	Moderate
57	Coast live oak	13,12,10	Yes	4	10	Low
58	Valley oak	11	Yes	4	15	Moderate
59	Valley oak	10	Yes	3	15	Low
60	Blue oak	9,6	Yes	3	15	Moderate
61	Blue oak	6	No	3	10	Low
62	Coast live oak	10	Yes	3	10	Low
63	Coast live oak	8	No	3	10	Low
64	Coast live oak	7,5,4	No	3	10	Low
65	Coast live oak	11	Yes	2	10	Low
66	Coast live oak	9	No	3	10	Moderate
67	Valley oak	8,4	No	3	15	Low
68	Coast live oak	10	Yes	4	10	Moderate
69	Coast live oak	8,7,7,6,5	Yes	4	10	Moderate
70	Coast live oak	6,4,3	No	3	10	Low
71	Coast live oak	8	No	3	10	Low
72	Winged elm	6,5,4	No	3	10	Moderate
73	Winged elm	6,4,4	No	3	10	Moderate
74	Valley oak	8	No	3	10	Moderate
75	Coast live oak	11	Yes	3	15	Low
76	Valley oak	10	Yes	4	15	Moderate
77	Coast live oak	9	No	3	10	Low
78	Valley oak	36	Yes	3	30	Moderate
79	Manna gum	36	Yes	3	20	Moderate
80	Coast live oak	8	No	3	10	Moderate
81	Coast live oak	16	Yes	3	15	Moderate
82	Coast live oak	7	No	4	10	High
83	Monterey pine	18	Yes	2	15	Low
84	Monterey pine	14,13,7	Yes	2	15	Low
85	Monterey pine	9,7,7,5	No	2	10	Low
86	Monterey pine	18	Yes	2	15	Low
87	Monterey pine	11	No	2	10	Low
88	Coast live oak	8,5,4	Yes	4	10	High
89	Coast live oak	6	No	4	Remove	High
90	Coast live oak	8,7,5	Yes	4	10	High
91	Coast live oak	9	No	4	Remove	High
92	Coast live oak	9	No	4	Remove	High
93	Valley oak	12,8	Yes	4	Remove	High
94	Coast live oak	6,3	No	4	Remove	High

Tree No.	Species	Trunk Diameter (in.)	Heritage Tree	Condition 1=poor 5=excellent	Remove or Tree Protection Zone (ft)	Suitability for Preservation
95	Winged elm	7,5	No	1	Remove	Low
96	Winged elm	15	Yes	1	Remove	Low
97	Valley oak	6,4,2	Yes	4	Remove	High
98	Winged elm	8,5	No	1	Remove	Low
99	Winged elm	6,4	No	1	Remove	Low
100	Winged elm	7	No	2	Remove	Low
101	Monterey pine	17	Yes	3	Remove	Low
102	Valley oak	9,6	Yes	2	10	Low
103	Valley oak	7	No	2	10	Low
104	Coast live oak	14,13,9	Yes	3	10	Low
105	Coast live oak	9	No	1	10	Low
106	Coast live oak	10	Yes	3	10	Moderate
107	Coast live oak	14	Yes	4	15	Moderate
108	Valley oak	10	Yes	3	10	Moderate
109	Coast live oak	10	Yes	3	10	Moderate
110	Coast live oak	10	Yes	3	10	Low
111	Coast live oak	17	Yes	4	15	Moderate
112	Coast live oak	13	Yes	2	10	Low
113	Holly oak	8,8	No	3	10	Low
114	Holly oak	9,7,5	No	3	10	Low
115	Holly oak	6	No	3	10	Moderate
116	Coast live oak	9	No	3	10	Moderate
117	Southern magnolia	30	Yes	4	10	High
118	Coast live oak	8	No	4	10	High
119	Campthor, 20	20	Yes	3	10	Moderate
120	Holly oak	14	No	2	10	Low
121	Holly oak	6	No	4	10	High
122	ML Atlas pistache	36	Yes	4	10	High
123	Coast live oak	15	Yes	3	15	Moderate
124	Coast live oak	18	Yes	4	10	High
125	Coast live oak	12	Yes	3	15	Moderate
126	Silver dollar gum	24	Yes	4	10	High
127	Coast live oak	9	No	5	10	Low
128	Silk oak	36	Yes	4	10	Moderate
129	Purpleleaf plum	8	No	3	10	Moderate
130	Purpleleaf plum	8	No	2	10	Low
131	African fern pine	6	No	4	10	High
132	Coast live oak	10,8	Yes	4	15	High
133	Winged elm	6,4	No	2	10	Low
134	Coast live oak	17	Yes	3	15	Moderate
135	Olive	7	No	3	10	Low
138	Coast redwood	6	No	5	Remove	Moderate
158	Coast redwood	6	No	5	Remove	Moderate
160	Coast redwood	6	No	5	Remove	Moderate
166	Coast redwood	6	No	4	Remove	Moderate
168	Coast redwood	6	No	5	Remove	Moderate

## HERITAGE TREE REPLACEMENT

Tree No.	Species	Trunk Diameter (in.)	Heritage Tree	Remove or Tree Protection Zone (ft)	Replacement Tree
51	Italian stone pine	29	Yes	20	Italian stone pine
52	Coast live oak	13	Yes	20	Coast live oak
53	Italian stone pine	18,11	Yes	Remove	Italian stone pine
54	River red gum	20,19,16	Yes	Remove	River red gum
55	River red gum	21	Yes	15	River red gum
56	Coast live oak	9	No	10	Coast live oak
57	Coast live oak	13,12,10	Yes	10	Coast live oak
58	Valley oak	11	Yes	15	Valley oak
59	Valley oak	10	Yes	15	Valley oak
60	Blue oak	9,6	Yes	15	Blue oak
61	Blue oak	6	No	10	Blue oak
62	Coast live oak	10	Yes	10	Coast live oak
63	Coast live oak	8	No	10	Coast live oak
64	Coast live oak	7,5,4	No	10	Coast live oak
65	Coast live oak	11	Yes	10	Coast live oak
66	Coast live oak	9	No	10	Coast live oak
67	Valley oak	8,4	No	15	Valley oak
68	Coast live oak	10	Yes	10	Coast live oak
69	Coast live oak	8,7,7,6,5	Yes	10	Coast live oak
70	Coast live oak	6,4,3	No	10	Coast live oak
71	Coast live oak	8	No	10	Coast live oak
72	Winged elm	6,5,4	No	10	Winged elm
73	Winged elm	6,4,4	No	10	Winged elm
74	Valley oak	8	No	10	Valley oak
75	Coast live oak	11	Yes	15	Coast live oak
76	Valley oak	10	Yes	15	Valley oak
77	Coast live oak	9	No	10	Coast live oak
78	Valley oak	36	Yes	30	Valley oak
79	Manna gum	36	Yes	20	Manna gum
80	Coast live oak	8	No	10	Coast live oak
81	Coast live oak	16	Yes	15	Coast live oak
82	Coast live oak	7	No	10	Coast live oak
83	Monterey pine	18	Yes	15	Monterey pine
84	Monterey pine	14,13,7	Yes	15	Monterey pine
85	Monterey pine	9,7,7,5	No	10	Monterey pine
86	Monterey pine	18	Yes	15	Monterey pine
87	Monterey pine	11	No	10	Monterey pine
88	Coast live oak	8,5,4	Yes	10	Coast live oak
89	Coast live oak	6	No	4	Remove
90	Coast live oak	8,7,5	Yes	10	Coast live oak
91	Coast live oak	9	No	4	Remove
92	Coast live oak	9	No	4	Remove
93	Valley oak	12,8	Yes	4	Remove
94	Coast live oak	6,3	No	4	Remove

**ArchiRender Architect**

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DATE MARCH 2, 2017

CHAD J. BROWNING R.C.E. NO. 68315, EXPIRES 9-30-17

## 2131 SAND HILL ROAD NEW OFFICES

MENLO PARK, CA

No.	Date	Issues and Revisions	By
1	12/04/2016	Planning Submittal	
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5	05/30/2017	Planning Resubmittal 4	

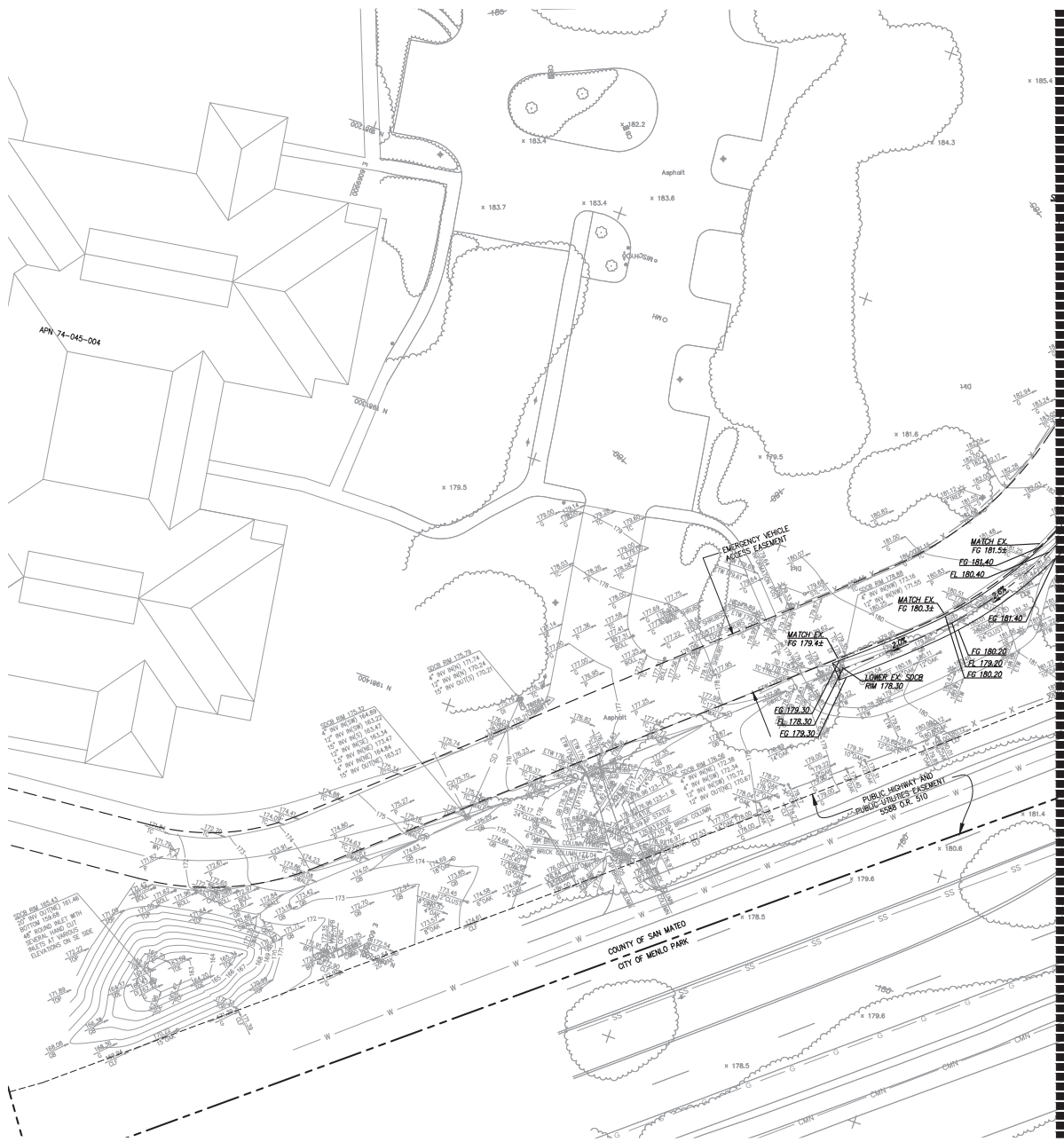
## TREE DISPOSITION

## NOTES & TABLE







Project Number: 215102  
Date: 06/30/2017  
Scale: N.T.S.

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**LEGEND**

-  CONCRETE PAVING
-  VEHICULAR PERVIOUS PAVERS (ROADWAY)
-  VEHICULAR IMPERVIOUS PAVERS
-  AC PAVING
-  LANDSCAPE
-  ARCADE

**GRADING NOTES:**

- A. CONTACT PUBLIC WORKS AT 650-330-6740 TO SCHEDULE AN INSPECTION A MINIMUM OF 24 HOURS IN ADVANCE OF COMMENCEMENT OF GRADING.
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- F. DEVIATIONS FROM THE APPROVED PLAN AND/OR FAILURE TO OBTAIN INSPECTION MAY DELAY PUBLIC WORKS SIGNOFF FOR BUILDING OCCUPANCY.

MATCHLINE SEE SHEET C-41

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**2131 SAND HILL ROAD**  
**NEW OFFICES**

**MENLO PARK, CA**

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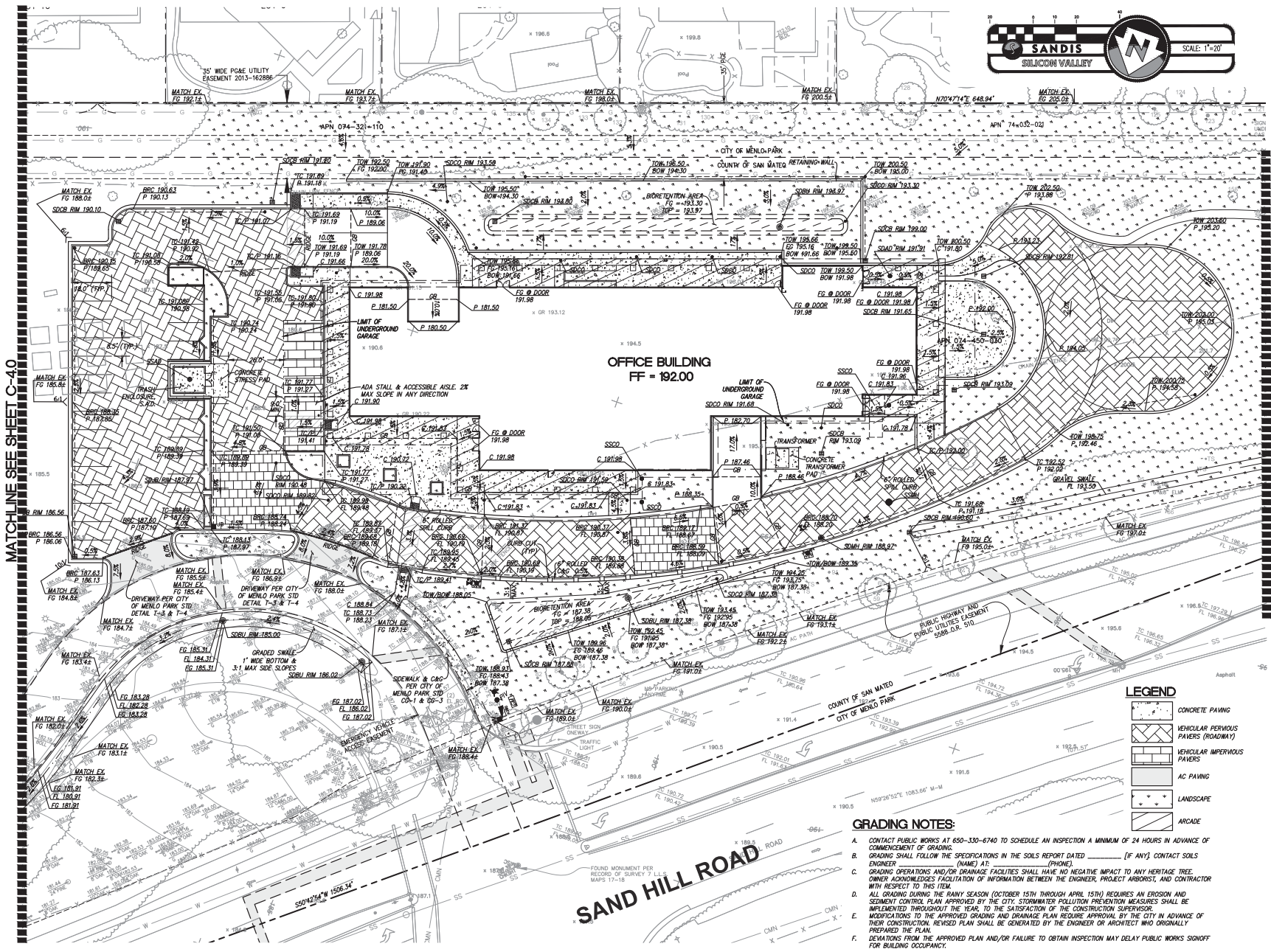
**GRADING AND DRAINAGE PLAN**

Project Number: 216102  
 Date: 06/30/2017  
 Scale: 1"=20'

**C-4.0**

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**2131 SAND HILL ROAD  
 NEW OFFICES**

**MENLO PARK, CA**

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**GRADING AND DRAINAGE PLAN**

Project Number: 216102  
 Date: 05/30/2017  
 Scale: 1"=20'

**LEGEND**

[Symbol]	CONCRETE PAVING
[Symbol]	VEHICULAR PERVIOUS PAVERS (ROADWAY)
[Symbol]	VEHICULAR IMPERVIOUS PAVERS
[Symbol]	AC PAVING
[Symbol]	LANDSCAPE
[Symbol]	ARCADE

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MATCHLINE SEE SHEET C-40

MATCHLINE SEE SHEET C-42

**C-4.1**

DATE MARCH 2, 2017

CHAD J. BROWNING  
R.C.E. NO. 68315, EXPIRES 9-30-17

2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

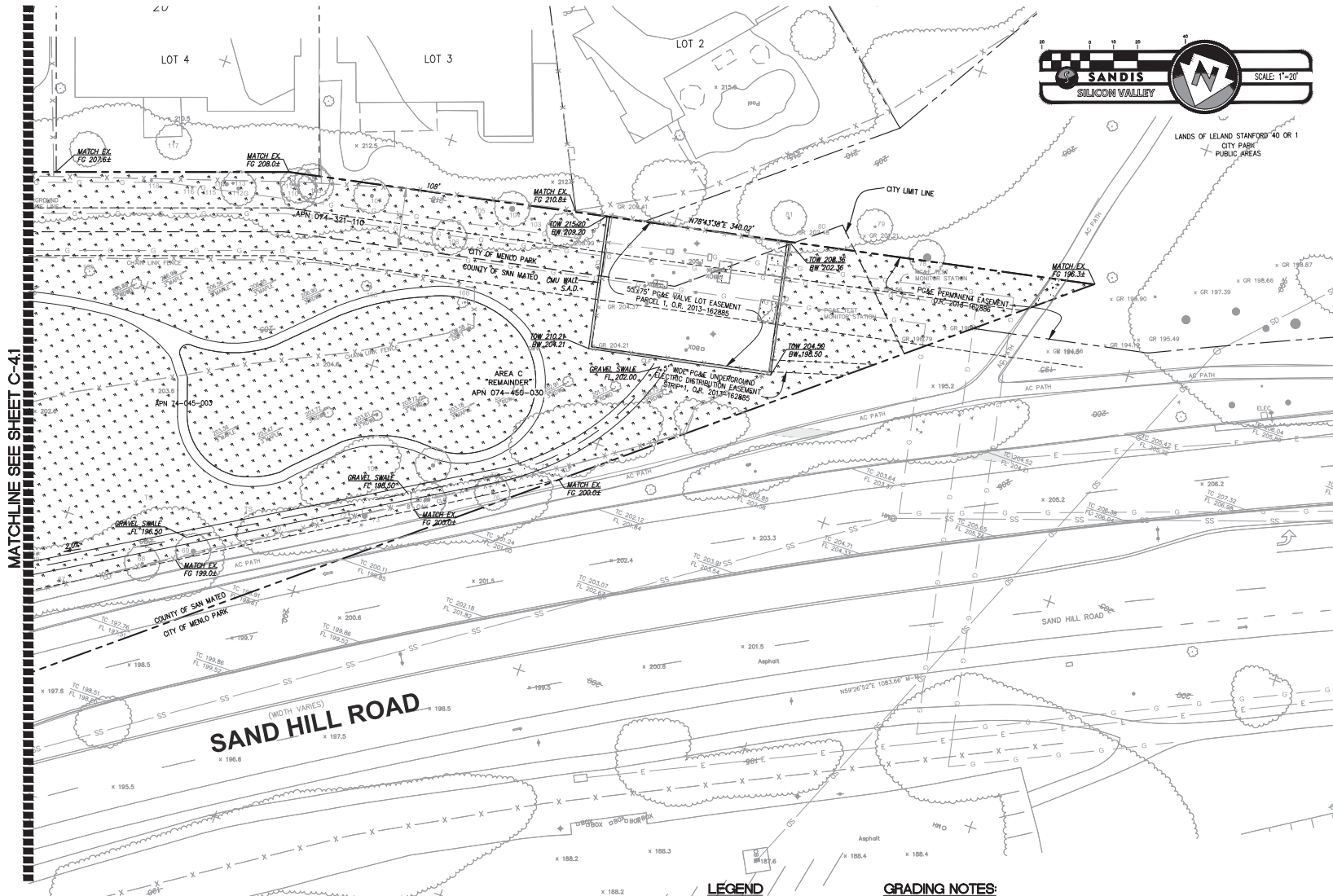
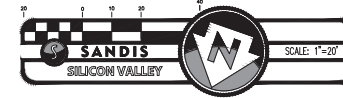
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GRADING AND  
DRAINAGE PLAN

Project Number: 215102  
Date: 06/30/2017  
Scale: 1"=20'

C-4.2

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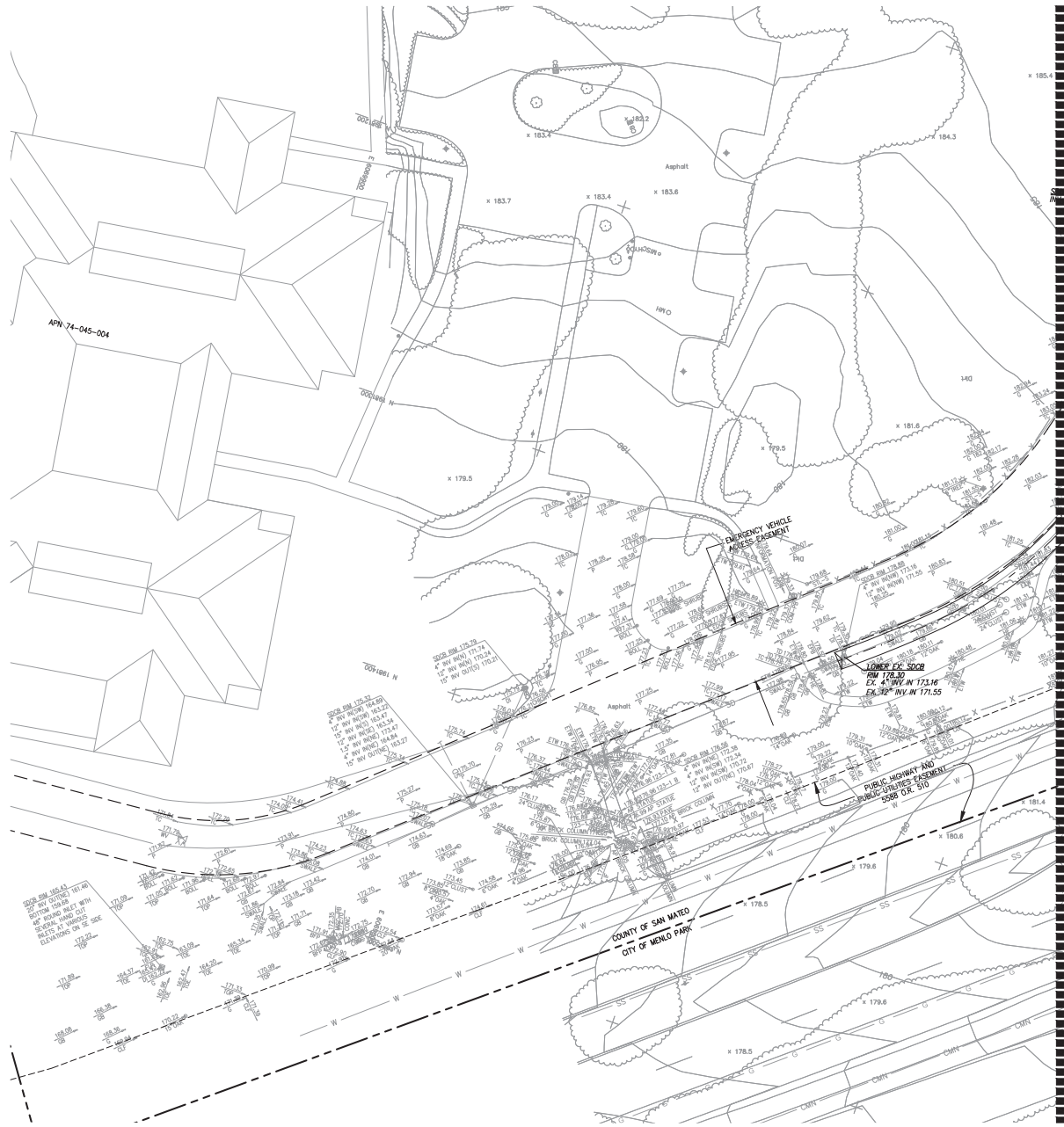


MATCHLINE SEE SHEET C-4.1

**LEGEND**

	CONCRETE PAVING
	VENECULAR PERMEOUS PAVERS (ROADWAY)
	VENECULAR IMPERMEOUS PAVERS
	AC PAVING
	LANDSCAPE
	ARCADE

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**UTILITY NOTES:**

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**UTILITY/POTHOLE NOTE**

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MATCHLINE SEE SHEET C-51



DATE MARCH 2, 2017

CHAD J. BROWNING  
R.C.E. NO. 68315, EXPIRES 9-30-17

**2131 SAND HILL ROAD  
NEW OFFICES**

MENLO PARK, CA

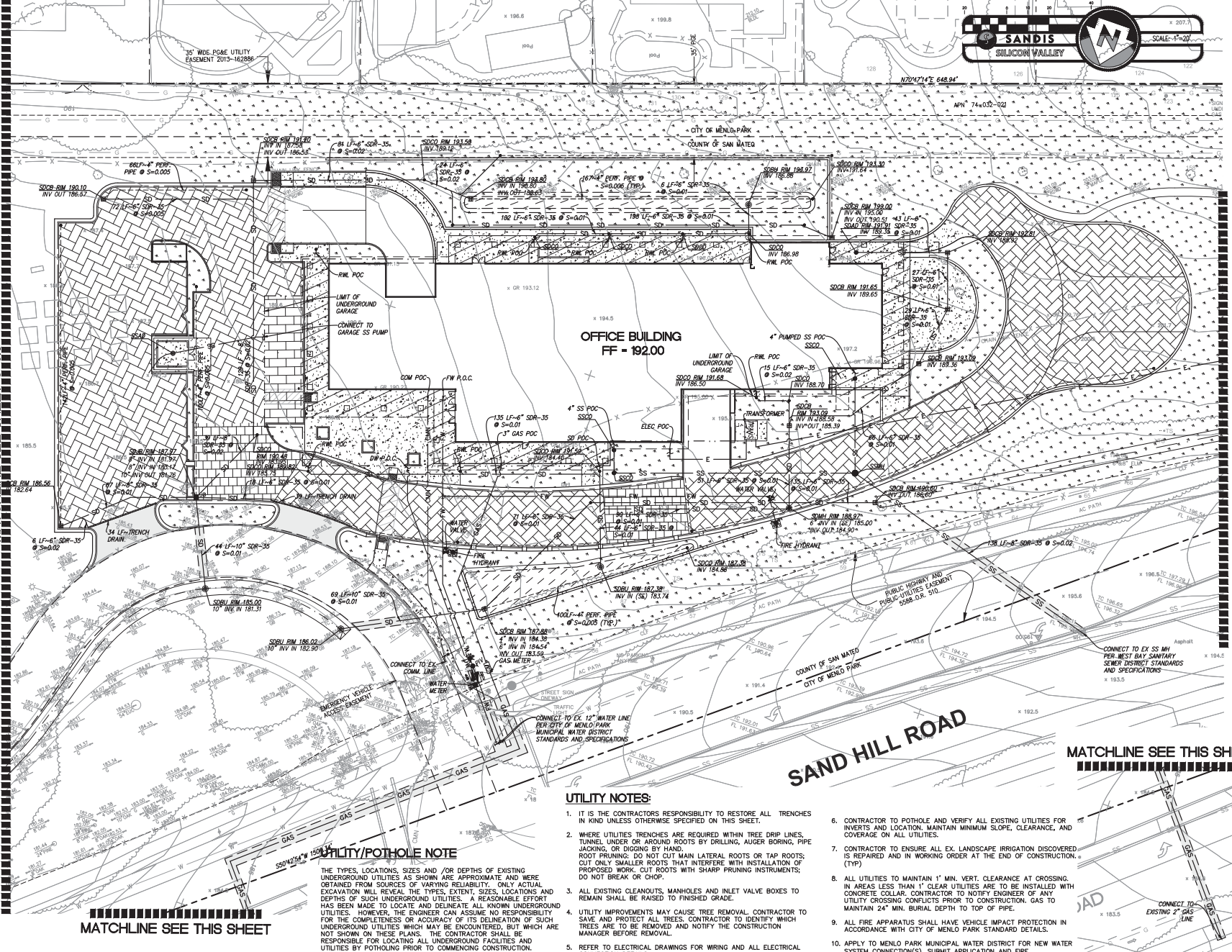
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5	05/30/2017	Planning Resubmittal 4	

**UTILITY PLAN**

Project Number: 216102  
Date: 06/30/2017  
Scale: 1"=20'

**C-5.0**

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**UTILITY PLAN**

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MATCHLINE SEE SHEET C-50

MATCHLINE SEE SHEET C-52

MATCHLINE SEE THIS SHEET

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**2131 SAND HILL ROAD  
NEW OFFICES**

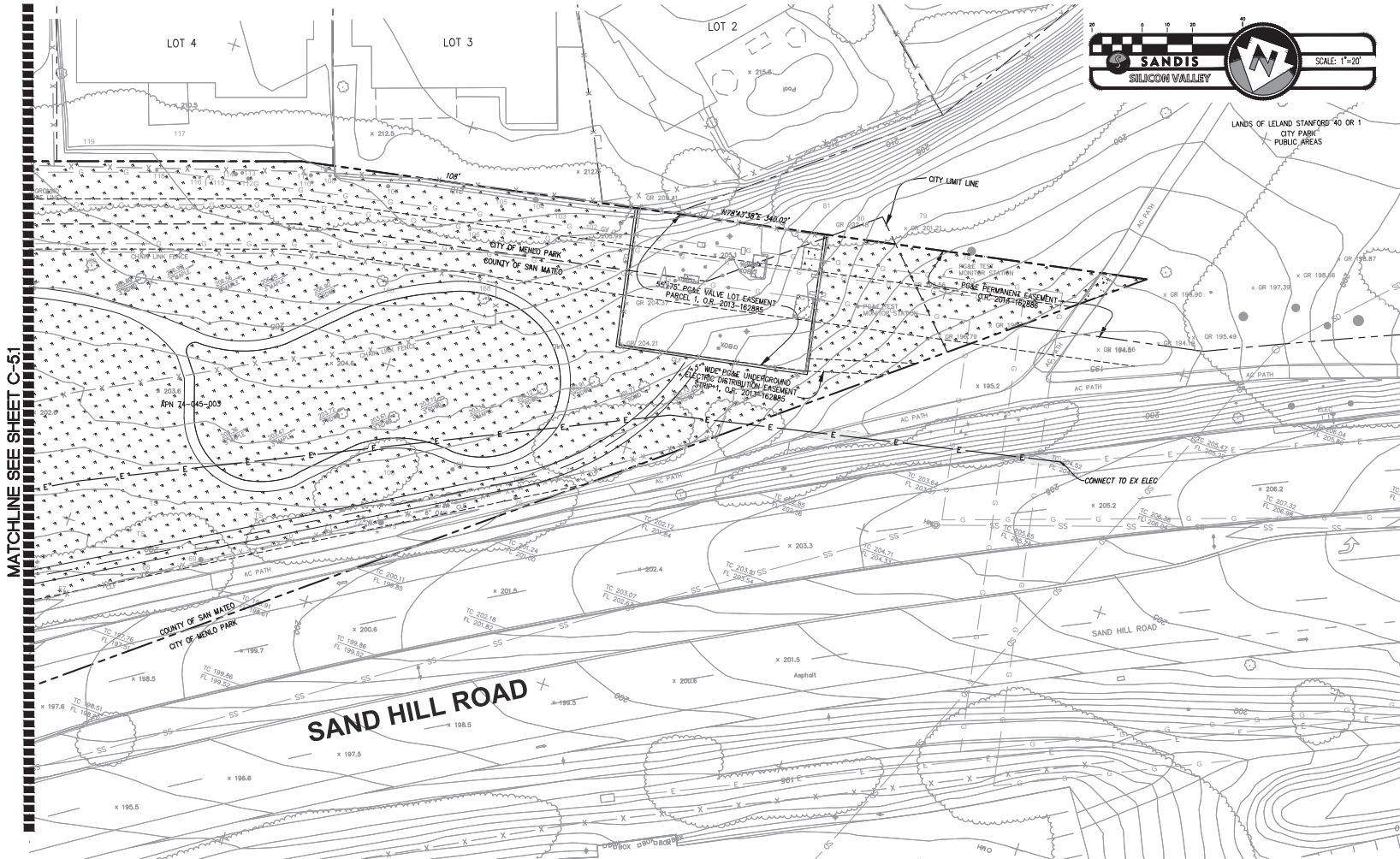
**MENLO PARK, CA**

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**UTILITY PLAN**

Project Number: 215102  
Date: 05/30/2017  
Scale: 1"=20'

**C-5.2**



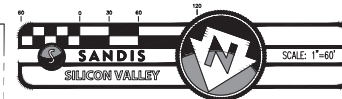
MATCHLINE SEE SHEET C-51

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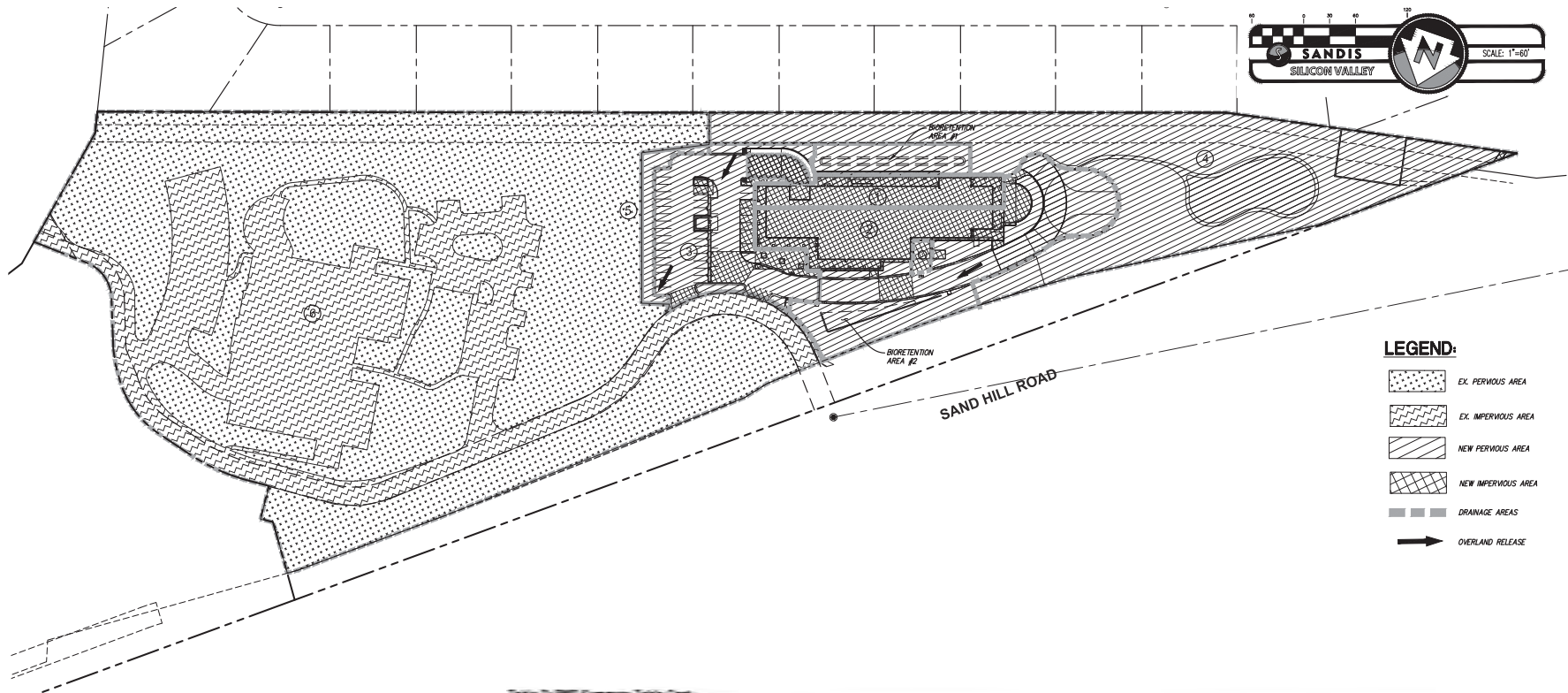
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- CONTRACTOR TO POTHOLE AND VERIFY ALL EXISTING UTILITIES FOR INVERTS AND LOCATION, MAINTAIN MINIMUM SLOPE, CLEARANCE, AND COVERAGE ON ALL UTILITIES.
- CONTRACTOR TO ENSURE ALL EX. LANDSCAPE IRRIGATION DISCOVERED IS REPAIRED AND IN WORKING ORDER AT THE END OF CONSTRUCTION. (TYP)
- ALL UTILITIES TO MAINTAIN 1' MIN. VERT. CLEARANCE AT CROSSING. IN AREAS LESS THAN 1' CLEAR UTILITIES ARE TO BE INSTALLED WITH CONCRETE COLLAR. CONTRACTOR TO NOTIFY ENGINEER OF ANY UTILITY CROSSING CONFLICTS PRIOR TO CONSTRUCTION. GAS TO MAINTAIN 24" MIN. BURIAL DEPTH TO TOP OF PIPE.
- ALL FIRE APPARATUS SHALL HAVE VEHICLE IMPACT PROTECTION IN ACCORDANCE WITH CITY OF MENLO PARK STANDARD DETAILS.
- APPLY TO MENLO PARK MUNICIPAL WATER DISTRICT FOR NEW WATER SYSTEM CONNECTION(S). SUBMIT APPLICATION AND FIRE DEPARTMENT-APPROVED PLANS.



DATE MARCH 2, 2017

CHAD J. BROWNING  
R.C.E. NO. 68315, EXPIRES 9-30-17



**LEGEND:**

- EX. PERVIOUS AREA
- EX. IMPERVIOUS AREA
- NEW PERVIOUS AREA
- NEW IMPERVIOUS AREA
- DRAINAGE AREAS
- OVERLAND RELEASE

Table 2: BMP Summary Table Cont.

BIORETENTION AREAS	TOTAL AREA		IMPERVIOUS AREA		PERVIOUS AREA		PERVIOUS PAVEMENT AREA		Percent Impervious	Runoff Coefficient	C Required (ft)	Treatment Area	Treatment Available	Adequate Storm
	sq. ft.	Ac.	sq. ft.	Ac.	sq. ft.	Ac.	sq. ft.	Ac.						
AREA 1	15,415	0.45	12,887	0.37	2,528	0.15	0.00	0.00	0.88	0.78	0.26	0.00	0.00	OK
AREA 2	44,702	1.29	34,521	1.04	10,184	0.29	0.00	0.00	0.77	0.59	0.19	887	1,222	OK

For Pervious Paver C.2.2.1 volume rating, see Worksheet for Calculating Water Quality Design Volume.

SELF-RETAINING AREA	TOTAL AREA		IMPERVIOUS AREA		PERVIOUS AREA		PERVIOUS PAVEMENT AREA	
	sq. ft.	Ac.	sq. ft.	Ac.	sq. ft.	Ac.	sq. ft.	Ac.
AREA 3	25,071	0.73	17,761	0.51	7,310	0.21	0.00	0.00

For Pervious Paver C.2.2.1 volume rating, see Worksheet for Calculating Water Quality Design Volume.

SELF-TREATING	TOTAL AREA		IMPERVIOUS AREA		PERVIOUS AREA		PERVIOUS PAVEMENT AREA	
	sq. ft.	Ac.	sq. ft.	Ac.	sq. ft.	Ac.	sq. ft.	Ac.
AREA 4	75,762	2.19	20,000	0.58	55,762	1.61	0.00	0.00
AREA 5	3,075	0.09	0.00	0.00	3,075	0.09	0.00	0.00
SUB-TOTAL	78,837	2.28	20,000	0.58	58,837	1.70	0.00	0.00

EXISTING AREA	TOTAL AREA		IMPERVIOUS AREA		PERVIOUS AREA		% Impervious
	sq. ft.	Ac.	sq. ft.	Ac.	sq. ft.	Ac.	
AREA 6	304,523	8.86	185,475	5.40	119,048	3.46	34.7%
TOTAL	474,582	13.80	345,342	10.04	129,240	3.74	36.7%

**2131 SAND HILL ROAD  
NEW OFFICES**

MENLO PARK, CA

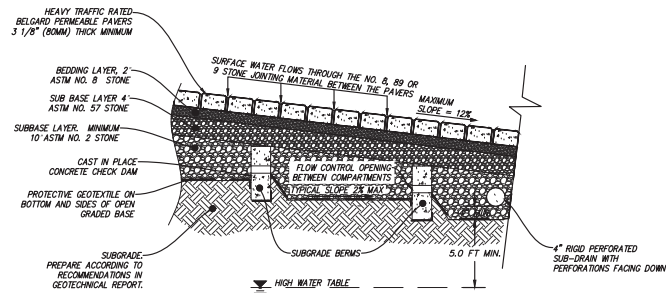
Issues and Revisions			
No.	Date	Issues and Revisions	By
1	12/04/2016	Planning Submittal	
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4	03/02/2017	Planning Resubmittal 3	
5	05/30/2017	Planning Resubmittal 4	

**STORMWATER  
MANAGEMENT PLAN**

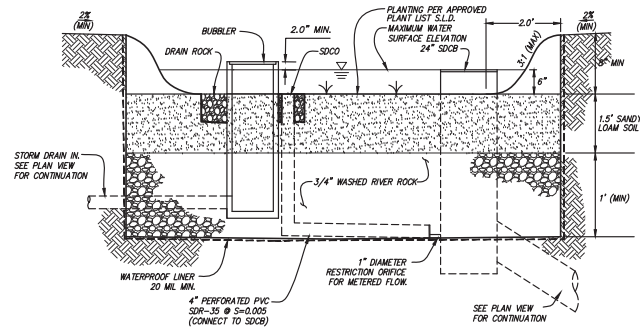
Project Number: 215102  
Date: 05/30/2017  
Scale: 1"=50'

**C-6.0**

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PERVIOUS PAVERS ON SLOPED CONDITION (2)  
N.T.S.



BIORETENTION AREA (1)  
N.T.S.

DATE MARCH 2, 2017

CHAD J. BROWNING  
R.C.E. NO. 68315, EXPIRES 9-30-17

2131 SAND HILL ROAD  
NEW OFFICES

MENLO PARK, CA

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No.	Date	Issues and Revisions	By
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STORMWATER  
MANAGEMENT PLAN

DETAILS

Project Number: 215102  
Date: 06/30/2017  
Scale: NO SCALE

C-6.1

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# Construction Best Management Practices (BMPs)

Construction projects are required to implement the stormwater best management practices (BMP) on this page, as they apply to your project, all year long.

## Materials & Waste Management



### Non-Hazardous Materials

- ❑ Berm and cover stockpiles of sand, dirt or other construction material with tarps when rain is forecast or if not actively being used within 14 days.
- ❑ Use (but don't overuse) reclaimed water for dust control.

### Hazardous Materials

- ❑ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state and federal regulations.
- ❑ Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecast.
- ❑ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ❑ Arrange for appropriate disposal of all hazardous wastes.

### Waste Management

- ❑ Cover waste disposal containers securely with tarps at the end of every work day and during wet weather.
- ❑ Check waste disposal containers frequently for leaks and to make sure they are not overfilled. Never hose down a dumpster on the construction site.
- ❑ Clean or replace portable toilets, and inspect them frequently for leaks and spills.
- ❑ Dispose of all wastes and debris properly. Recycle materials and wastes that can be recycled (such as asphalt, concrete, aggregate base materials, wood, gypsum board, pipe, etc.)
- ❑ Dispose of liquid residues from paints, thinners, solvents, glues, and cleaning fluids as hazardous waste.

### Construction Entrances and Perimeter

- ❑ Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- ❑ Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking. Never hose down streets to clean up tracking.

## Equipment Management & Spill Control



### Maintenance and Parking

- ❑ Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage.
- ❑ Perform major maintenance, repair jobs, and vehicle and equipment washing off site.
- ❑ If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and over a drip pan or drop cloths big enough to collect fluids. Recycle or dispose of fluids as hazardous waste.
- ❑ If vehicle or equipment cleaning must be done onsite, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or surface water.
- ❑ Do not clean vehicle or equipment onsite using soaps, solvents, degreasers, or steam cleaning equipment.

### Spill Prevention and Control

- ❑ Keep spill cleanup materials (e.g., rags, absorbents and cat litter) available at the construction site at all times.
- ❑ Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
- ❑ Clean up spills or leaks immediately and dispose of cleanup materials properly.
- ❑ Do not hose down surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags).
- ❑ Sweep up spilled dry materials immediately. Do not try to wash them away with water, or bury them.
- ❑ Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- ❑ Report significant spills immediately. You are required by law to report all significant releases of hazardous materials, including oil. To report a spill: 1) Dial 911 or your local emergency response number, 2) Call the Governor's Office of Emergency Services Warning Center, (800) 852-7559 (24 hours).

## Earthmoving



- ❑ Schedule grading and excavation work during dry weather.
- ❑ Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established.
- ❑ Remove existing vegetation only when absolutely necessary, and seed or plant vegetation for erosion control on slopes or where construction is not immediately planned.
- ❑ Prevent sediment from migrating offsite and protect storm drain inlets, gutters, ditches, and drainage courses by installing and maintaining appropriate BMPs, such as fiber rolls, silt fences, sediment basins, gravel bags, berms, etc.
- ❑ Keep excavated soil on site and transfer it to dump trucks on site, not in the streets.

### Contaminated Soils

- ❑ If any of the following conditions are observed, test for contamination and contact the Regional Water Quality Control Board:
  - Unusual soil conditions, discoloration, or odor.
  - Abandoned underground tanks.
  - Abandoned wells.
  - Buried barrels, debris, or trash.

## Paving/Asphalt Work



- ❑ Avoid paving and seal coating in wet weather or when rain is forecast. To prevent materials that have not cured from contacting stormwater runoff.
- ❑ Cover storm drain inlets and manholes when applying seal coat, tack coat, slurry seal, fog seal, etc.
- ❑ Collect and recycle or appropriately dispose of excess abrasive gravel or sand. Do NOT sweep or wash it into gutters.
- ❑ Do not use water to wash down fresh asphalt concrete pavement.

### Sawcutting & Asphalt/Concrete Removal

- ❑ Protect nearby storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or gravel bags to keep slurry out of the storm drain system.
- ❑ Gravel, absorbent or vacuum saw-cut slurry and dispose of all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ❑ If sawcut slurry enters a catch basin, clean it up immediately.

## Concrete, Grout & Mortar Application



- ❑ Store concrete, grout, and mortar away from storm drains or waterways, and on pallets under cover to protect them from rain, runoff, and wind.
- ❑ Wash out concrete equipment/trucks offsite or in a designated washout area, where the water will flow into a temporary waste pit, and in a manner that will prevent leaching into the underlying soil or onto surrounding areas. Let concrete harden and dispose of as garbage.
- ❑ When washing exposed aggregate, prevent washwater from entering storm drains. Block any inlets and vacuum gutters, hose washwater onto dirt areas, or drain onto a bermed surface to be pumped and disposed of properly.

## Landscaping



- ❑ Protect stockpiled landscaping materials from wind and rain by storing them under tarps all year-round.
- ❑ Stack bagged material on pallets and under cover.
- ❑ Discontinue application of any credible landscape material within 2 days before a forecast rain event or during wet weather.

## Painting & Paint Removal



### Painting Cleanup and Removal

- ❑ Never clean brushes or rinse paint containers into a street, gutter, storm drain or stream.
- ❑ For water-based paints, paint out brushes to the extent possible, and rinse into a drain flat goes to the sanitary sewer. Never pour paint down a storm drain.
- ❑ For oil-based paints, paint out brushes to the extent possible and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids as hazardous waste.
- ❑ Paint chips and dust from non-hazardous dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- ❑ Chemical paint stripping residue and chips and dust from marine paints or paints containing lead, mercury, or tributyltin must be disposed of as hazardous waste. Lead based paint removal requires a state-certified contractor.

## Dewatering



- ❑ Discharges of groundwater or captured runoff from dewatering operations must be properly managed and disposed. When possible send dewatering discharge to landscaped area or surface water. If discharging to the sanitary sewer call your local wastewater treatment plant.
- ❑ Direct run-on water from offsite away from all disturbed areas.
- ❑ When dewatering, notify and obtain approval from the local municipality before discharging water to a street gutter or storm drain. Filtration or diversion through a fabric, tank, or sediment trap may be required.
- ❑ In areas of known or suspected contamination, call your local agency to determine whether the ground water must be tested. Pumped ground-water may need to be collected and bailed off-site for treatment and proper disposal.

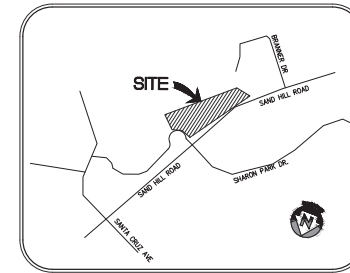
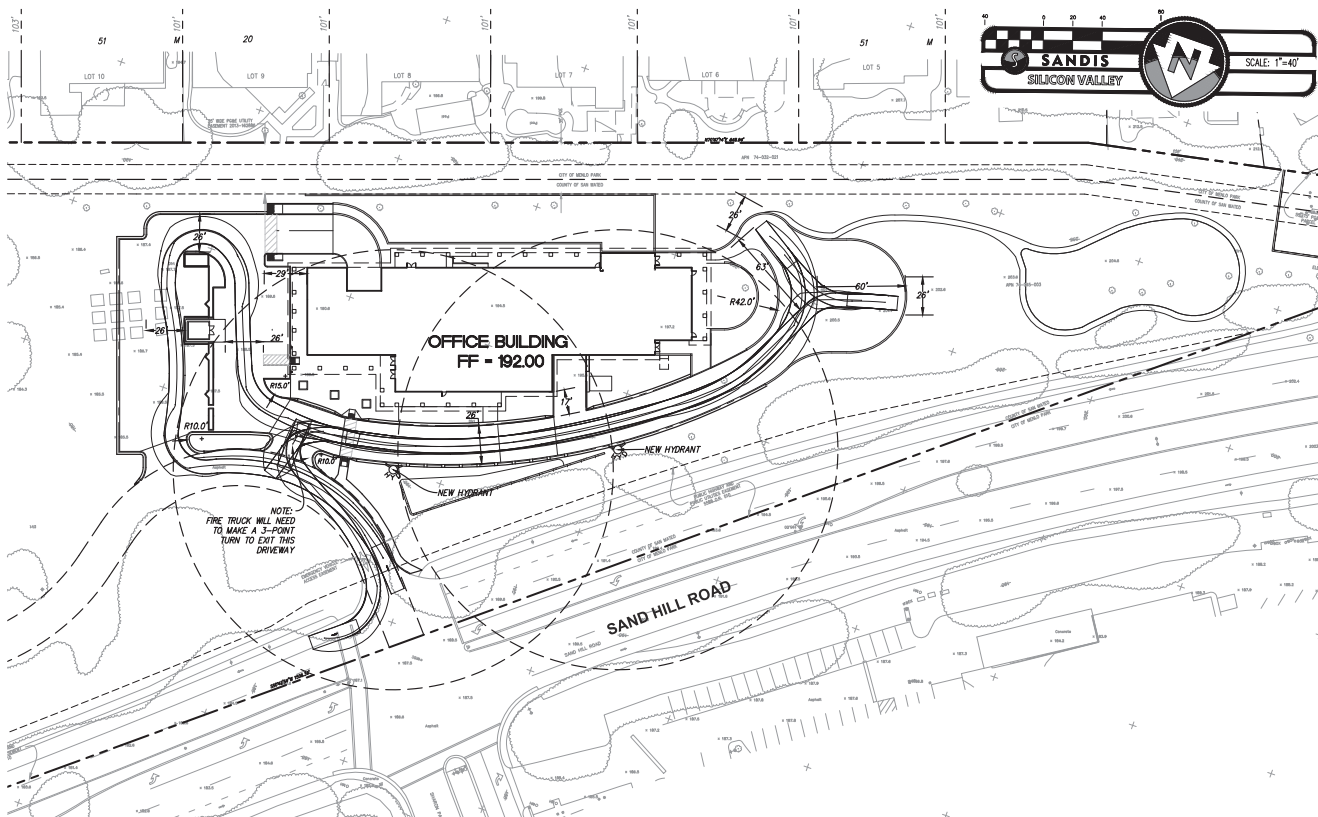
**Storm drain polluters may be liable for fines of up to \$10,000 per day!**

Issues and Revisions		
No.	Date	Issues and Revisions By
1	12/04/2016	Planning Submittal
2	08/26/2016	Planning Resubmittal 1
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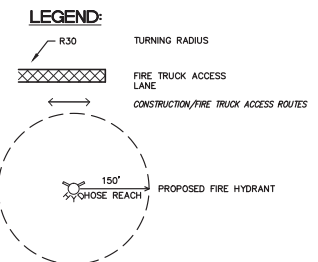
**CONSTRUCTION BEST**  
**MANAGEMENT PRACTICES**

Project Number:	215102
Date:	06/30/2017
Scale:	NONE





VICINITY MAP  
NOT TO SCALE



**EXISTING HYDRANT NOTES**  
 HYDRANT XX LOCATED AT \_\_\_\_\_ WAS TESTED BY STANFORD WATER DEPARTMENT ON \_\_\_\_\_ WITH THE FOLLOWING RESULTS:  
 STATIC: XX PSI  
 RESIDUAL: XX PSI  
 FLOWING: XXXX GPM  
 CALCULATED FLOW AT 20 PSI : XXXX GPM

**FIRE ANALYSIS NOTES**  
 BUILDING TYPE: OFFICE BUILDING  
 TYPE CONST ASSUMED: V-B  
 PER CFC ANNEX'S B & C  
 FIRE FLOW REQUIRED: 1,500 GPM  
 FLOW DURATION: 2 HOURS  
 NO. HYDRANTS REQUIRED: 2  
 MAX DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT: 250'  
 MAX EST. DISTANCE ~ 150'

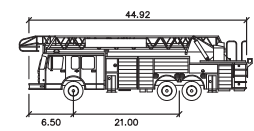
**CONSTRUCTION NOTES:**

1. THE BAY AREA QUALITY MANAGEMENT DISTRICT (BAQMD) HAS IDENTIFIED A SET OF FEASIBLE PMO CONTROL MEASURES FOR ALL CONSTRUCTION ACTIVITIES. THESE CONTROL MEASURES, AS PREVIOUSLY REQUIRED IN THE PROGRAM EIR, SHALL BE ADHERED TO DURING ALL CONSTRUCTION ACTIVITIES. (MITIGATION MEASURE AQ-1)
  - A. WATER ALL ACTIVE CONSTRUCTION AREA AT LEAST TWICE DAILY.
  - B. COVER ALL TRUCKS HAULING SOIL, SAND AND OTHER LOOSE MATERIALS OR REQUIRE ALL TRUCKS TO MAINTAIN AT LEAST TWO FEET OF FREEBOARD.
  - C. PAVE, APPLY WATER THREE TIMES DAILY, OR APPLY (NON-TOXIC) SOIL STABILIZERS ON ALL UNPAVED ACCESS ROADS, PARKING AREAS AND STAGING AREAS AT CONSTRUCTION SITES.
  - D. SWEEP DAILY (WITH WATER SWEEPERS) ALL PAVED ACCESS ROADS, PARKING AREAS, AND STAGING AREAS AT CONSTRUCTION SITES.
  - E. SWEEP STREETS DAILY (WITH WATER SWEEPERS) IF VISIBLE SOIL MATERIALS CARRIED ONTO ADJACENT PUBLIC STREETS.
  - F. HYDROSEED OR APPLY (NON-TOXIC) SOIL STABILIZERS TO INACTIVE CONSTRUCTION AREAS (PREVIOUSLY GRADED AREAS INACTIVE FOR TEN DAYS OR MORE).
  - G. ENCLOSE, COVER, WATER TWICE DAILY OR APPLY (NON-TOXIC) SOIL BINDERS TO EXPOSED STOCKPILES (DIRT, SAND).
  - H. LIMIT TRAFFIC SPEEDS ON UNPAVED ROADS TO 15 MPH.
  - I. INSTALL FIBER ROLLS, SAND BAGS OR OTHER EROSION CONTROL MEASURES TO PREVENT SILT RUNOFF TO PUBLIC ROADWAYS.
  - J. REPLANT VEGETATION IN DISTURBED AREAS AS QUICKLY AS POSSIBLE.
  - K. INSTALL WHEEL WASHERS FOR ALL EXITING TRUCKS, OR WASH OFF THE TIRES OF TRACKS OF ALL TRUCKS AND EQUIPMENT LEAVING THE SITE, AND
  - L. SUSPEND EXCAVATION AND GRADING ACTIVITY WHEN WINDS (INSTANTANEOUS GUSTS) EXCEED 25 MPH.
2. ALL CONSTRUCTION CONTRACTORS SHALL PROPERLY MAINTAIN THE EQUIPMENT WHERE FEASIBLE USE "CLEAN FUEL" EQUIPMENT AND EMISSIONS CONTROL TECHNOLOGY (E.G. CNG FIRED ENGINES, CATALYTIC CONVERTERS, PARTICULATE TRAPS, ETC.) MEASURES TO REDUCE DIESEL EMISSION WOULD BE CONSIDERED FEASIBLE WHEN THEY ARE CAPABLE OF BEING USED ON EQUIPMENT, WITHOUT

- INTERFERING SUBSTANTIALLY WITH EQUIPMENT PERFORMANCE. (MITIGATION MEASURE AQ-2).
3. CONSTRUCTION DELIVERY TIMES / ROUTES
  - A. CONSTRUCTION MATERIALS AND FILL DIRT DELIVERED FROM OFF CAMPUS SHALL NOT BE DELIVERED BETWEEN THE HOURS OF 7:00 AM AND 9:00 AM AND 4:00 PM TO 6:00 PM ON WEEKDAYS.
  - B. TRUCKS BRINGING IN FILL DIRT AND BUILDING MATERIALS FOR THE PROJECT FROM OFF-SITE SHALL BE REQUIRED TO USE TRUCK ROUTES SHOWN ON FIGURE 3 OF THE INITIAL STUDY AS DESIGNATED BY THE CITIES OF PALO ALTO AND MENLO PARK.
4. NOISE CONTROL
 

CONSTRUCTION PRACTICES SHALL COMPLY WITH THE REQUIREMENTS OF THE COUNTY OF SANTA CLARA NOISE CONTROL ORDINANCE AND ARE TO BE MONITORED BY THE GENERAL CONTRACTOR THROUGHOUT THE CONSTRUCTION PROCESS. THE SUP REQUIRES THE FOLLOWING MEASURES TO REDUCE OPERATIONAL NOISE DURING CONSTRUCTION:

  - A. MECHANICAL EQUIPMENT WITHIN 50 FEET OF A RESIDENCE SHALL BE ACUSTICALLY ENGINEERED.
  - B. THE BUILDING DESIGN SHALL INCORPORATE DESIGN MEASURES TO LOCATE NOISE SOURCES SUCH AS LOADING ZONES, TRASH BINS AND MECHANICAL EQUIPMENT AS FAR AWAY FROM NOISE SENSITIVE RECEPTORS AS POSSIBLE.
  - C. ALL OPERATIONAL NOISE SOURCES SHALL COMPLY WITH THE COUNTY NOISE ORDINANCE.
  - D. THE CONTRACTOR SHALL COORDINATE PLANNED CLASSROOM RELOCATIONS PRIOR TO DEMOLITION OR SITE PREPARATION.
  - E. FOR CONSTRUCTION ACTIVITIES THAT WOULD AFFECT SENSITIVE NOISE RECEPTORS OFF-CAMPUS OR IN AREAS DESIGNATED CAMPUS RESIDENTIAL IN THE COMMUNITY PLAN, THE CONTRACTOR SHALL GIVE ADVANCED REGULAR NOTIFICATION OF CONSTRUCTION ACTIVITY SCHEDULED TO THE POTENTIALLY AFFECTED RESIDENTS.



MENLOPARK	FEET
WIDTH	: 8.50
TRACK	: 8.50
LOCK TO LOCK TIME	: 6.0
STEERING ANGLE	: 25.4

**ArchiRender Architect**  
 32245 Derby Street Union City, Ca 94587  
 mail@archirender.com 510-585-6445

**SANDIS**  
**CIVIL ENGINEERS**  
**SURVEYORS**  
**PLANNERS**  
 1700 Winchester Boulevard Campbell, CA 95008  
 P. 408.636.0900 F. 408.636.0909  
 www.sandis.net

DATE MARCH 2, 2017

CHAD J. BROWNING  
 R.C.E. NO. 68315, EXPIRES 9-30-17

**2131 SAND HILL ROAD**  
**NEW OFFICES**

MENLO PARK, CA

No.	Date	Issues and Revisions	By
1	12/04/2016	Planning Submittal	
2	08/26/2016	Planning Resubmittal 1	
3	11/22/2016	Planning Resubmittal 2	
4	03/02/2017	Planning Resubmittal 3	
5	05/30/2017	Planning Resubmittal 4	

**FIRE ACCESS/ LOGISTICS PLAN**

Project Number: 216102  
 Date: 06/30/2017  
 Scale: 1"=40'

**C-7.0**

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**2131 Sand Hill Road****Project Description****December 4, 2015****Amended November 30, 2016****Project Description:**

Stanford University, as property owner and applicant, seeks the necessary approvals to construct a 39,000 +/- square foot office building and related surface and underground parking on a vacant parcel located at 2131 Sand Hill Road. As part of this application, an additional 30 shared parking spaces in surface parking will be constructed for use by both the proposed project and the Hewlett Foundation.

- The subject property (APN# 740-450-030, -040 and -050) is located at the southeast corner of Sand Hill Road and Sharon Park Drive in unincorporated San Mateo County. This 15.80-acre (14.26-acre net) parcel is part of the original Meyer-Buck Estate site, which was gifted to Stanford in the late 1970's. Access to the property will be at the intersection of Sand Hill Road and an existing private drive across from Sharon Park Drive. The portions of the property are presently occupied by the office building for the William and Flora Hewlett Foundation, a non-profit corporation, and a single-family dwelling. The proposed project will be located on a vacant portion of the property.

**Adjacent Land Uses:**

- North: Sand Hill Road. (Beyond Sand Hill Road is the Sharon Park Shopping Center.)
- South: The Stanford Hills residential subdivision.
- East: Alpine Road, and beyond that, the Stanford Golf Course.
- West: Stanford Hills Park, leased to the City of Menlo Park, and maintained by the City of Menlo Park.

**Architecture:**

The proposed architecture of the site is contemporary Craftsman. The proposed building will be consistent with look and style of the William and Flora Hewlett Foundation building located immediately east of the project site.

The following approvals will be necessary:

- Annexation to the City of Menlo Park – The property is located within unincorporated San Mateo County, and will need to be annexed into Menlo Park. The current zoning is Residential – Estate with S-9 Overlay. After consultation with the City of Menlo Park and San Mateo County LAFCO, the entire legal parcel and a portion of the Sand Hill Road/Santa Cruz Avenue intersection will be.
- The applicant is requesting the following entitlements:
  - General Plan amendment (if necessary);
  - Pre-zoning and ultimately rezoning of the property to C-1-C and R-1-S;
  - Tentative map to bisect the property to correspond with the rezoning of the property;
  - Architectural approval of the proposed office building;
  - Heritage Tree Removal Permit;
  - Potential granting of variances related to placement of trash enclosures and average lot depth requirements; and
  - Appropriate environmental review.

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ATTACHMENT O

**Arborist Report**

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**2131 Sand Hill Road  
Menlo Park, CA**

**PREPARED FOR  
Stanford Real Estate  
3160 Porter Dr., Suite 200  
Palo Alto, CA 94304**

**PREPARED BY:  
HortScience, Inc.  
325 Ray St.  
Pleasanton, CA 94566**

**September 8, 2015**



**Arborist Report  
2131 Sand Hill Road  
Menlo Park, CA**

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Preliminary Tree Preservation Guidelines	15

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**Exhibits**

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***Tree Assessment Plan  
Tree Assessment Form***

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# Arborist Report

## 2131 Sand Hill Road

### Menlo Park, CA

#### ***Introduction and Overview***

Stanford Real Estate is planning to develop 2131 Sand Hill Road in Menlo Park, CA. Currently the site is an empty field with trees around the perimeter. Stanford plans to construct a commercial building in the center of the property. HortScience, Inc. was asked to prepare an **Arborist Report** for the site as part of the application to the City of Menlo Park.

This report provides the following information:

1. Evaluation of the health and structural condition of the trees within the proposed project area based on a visual inspection from the ground.
2. Assessment of the trees that would be preserved and removed based on Stanford's development plans.
3. Guidelines for tree preservation during the design, construction and maintenance phases of development.

#### ***Tree Assessment Methods***

Trees were assessed on August 11, 2015. The survey included trees 6" in diameter and greater, located within and adjacent to the proposed project area. Off-site trees with canopies extending over the property line were included in the inventory. The assessment procedure consisted of the following steps:

1. Identifying the tree as to species;
2. Tagging each tree with an identifying number and recording its location on a map;
3. Measuring the trunk diameter at a point 4.5' above grade;
4. Evaluating the health and structural condition using a scale of 1 – 5:
  - 5** - A healthy, vigorous tree, reasonably free of signs and symptoms of disease, with good structure and form typical of the species.
  - 4** - Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
  - 3** - Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
  - 2** - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
  - 1** - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.
5. Rating the suitability for preservation as "high", "moderate" or "low". Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come.

**High:** Trees with good health and structural stability that have the potential for longevity at the site.

**Moderate:** Trees with somewhat declining health and/or structural defects that can be abated with treatment. The tree will require more intense management and monitoring, and may have shorter life span than those in 'high' category.

**Low:** Tree in poor health or with significant structural defects that cannot be mitigated. Tree is expected to continue to decline, regardless of treatment. The species or individual may have characteristics that are undesirable for landscapes and generally are unsuited for use areas.

### **Description of Trees**

Ninety (90) trees representing 18 species were evaluated (Table 1). For all species combined, trees were in fair (42%) to good (36%) condition with 22% in poor condition. Twelve (12) off-site trees were included in the assessment (#51, 52, 78-81, 117, 119, 122, 124, 126, 128).

Descriptions of each tree are found in the **Tree Assessment Form** and approximate locations are plotted on the **Tree Assessment Plan** (see Exhibits).

**Table 1. Condition ratings and frequency of occurrence of trees  
2131 Sand Hill Road, Menlo Park, CA**

Common Name	Scientific Name	Condition			Total
		Poor (1-2)	Fair (3)	Good (4-5)	
African fern pine	<i>Afrocarpus falcatus</i>	-	-	1	1
Camphor	<i>Cinnamomum camphora</i>	-	1	-	1
River red gum	<i>Eucalyptus camaldulensis</i>	1	1	-	2
Silver dollar gum	<i>Eucalyptus polyanthemos</i>	-	-	1	1
Manna gum	<i>Eucalyptus viminalis</i>	-	1	-	1
Silk oak	<i>Grevillea robusta</i>	-	-	1	1
Southern magnolia	<i>Magnolia grandiflora</i>	-	-	1	1
Olive	<i>Olea europaea</i>	-	1	-	1
Italian stone pine	<i>Pinus pinea</i>	1	1	-	2
Monterey pine	<i>Pinus radiata</i>	5	1	-	6
Mt. Atlas pistache	<i>Pistacia atlantica</i>	-	-	1	1
Purpleleaf plum	<i>Prunus cerasifera</i>	1	1	-	2
Coast live oak	<i>Quercus agrifolia</i>	3	19	17	39
Blue oak	<i>Quercus douglasii</i>	-	2	-	2
Holly oak	<i>Quercus ilex</i>	1	3	1	5
Valley oak	<i>Quercus lobata</i>	2	5	4	11
Coast redwood	<i>Sequoia sempervirens</i>	-	-	5	5
Winged elm	<i>Ulmus alata</i>	6	2	-	8
<b>Total</b>		<b>20</b>	<b>38</b>	<b>32</b>	<b>90</b>



Coast live oak was the most common species assessed (39 trees, 43% of the population). They were in fair (19 trees) to good (17 trees) condition with three trees in poor condition. Of the 29 single trunked coast live oak, the average trunk diameter was 11" and ranged from 6 to 18". Several of the coast live oaks (as well as the other species) growing along Sand Hill Road had grown around the fence so that portions of the chain link were embedded in the wood. The fence should be cut away from the trees that will be retained. I do not expect long-term negative effects if the trees are otherwise well structured. In some cases, however, for instance where the fence is embedded at the attachment of two trunks, the likelihood for the tree to fail at that point is increased (Photo 1).



**Photo 1** - Coast live oak #57 was embedded in the fence at a codominant attachment, increasing the likelihood for failure potential at that location.

Eleven (11) valley oaks were assessed (12% of population). Their condition ranged from good (4 trees) to poor (2 trees) with five trees in fair condition. Of the seven single-trunked valley oaks, the trunk diameter ranged from 7 to 36" in diameter (average 13"). Valley oak #78 was one of the largest trees on site; it was in fair condition with extensive decay in some of its branches (Photo 2).

Eight winged elms were growing throughout the site. Their condition ranged from poor (6 trees) to fair (2 trees) with no trees in good condition. All trees were multi-trunked with many small sprouts from the base (Photo 3).

Six Monterey pines were growing near Sand Hill Road with poor structure, poor color and thin crowns (Photo 4).

Five recently planted coast redwoods were growing in the center of the property. These trees were in excellent condition with good form, good structure and dense crowns (Photo 5).

Several large off-site trees were growing in private backyards with canopy extending into the property. Of these the most notable were southern magnolia #117, Camphor #119, Mt. Atlas pistache #122, silver dollar gum #126 and silk oak #128 (Photo 6).



**Photo 2 (upper left)** – Valley oak #78 was one of the largest trees on site; it was in fair condition with extensive decay in some of its branches.

**Photo 3 (upper right)** – Several winged elm sprouts were growing near Sand Hill Road.

**Photo 4 (lower)** – Monterey pines #83-87 were in poor condition with poor form, structure and color.





**Photo 5** - Coast redwood #168 had good form, good structure and a dense vigorous crown.



**Photo 6** – Silk oak #128 was growing off-site with branches extending over coast live oak #127 which was growing on-site.

The City of Menlo Park Municipal Code Chapter 13.24 protects native oak trees 10” and greater and all trees 15” and greater in trunk diameter. Based on this definition, 44 *Heritage* trees were present. Tree *Heritage* status is identified in the ***Tree Assessment Form*** (see Exhibits).

### ***Suitability for Preservation***

Before evaluating the impacts that will occur during development, it is important to consider the quality of the tree resource itself, and the potential for individual trees to function well over an extended length of time. Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape.

Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. For trees growing in open fields, away from areas where people and property are present, structural defects and/or poor health presents a low risk of damage or injury if they fail. However, we must be concerned about safety in use areas. Therefore, where development encroaches into existing plantings, we must consider their structural stability as well as their potential to grow and thrive in a new environment. Where development will not occur, the normal life cycles of decline, structural failure and death should be allowed to continue.

Evaluation of suitability for preservation considers several factors:

- **Tree health**  
Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees. For example, Coast live oak # 1 likely will not tolerate construction impacts as well as the healthier coast live oak.
- **Structural integrity**  
Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely. Coast live oak #112 is an example of such a tree.
- **Species response**  
There is a wide variation in the response of individual species to construction impacts and changes in the environment. For instance, coast live oak is more tolerant of construction impacts than valley oak.
- **Tree age and longevity**  
Old trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change.
- **Species invasiveness**  
Species that spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. The California Invasive Plant Inventory Database (<http://www.cal-ipc.org/paf/>) lists species identified as being invasive. Menlo Park is part of the Central West Floristic Province. Olive, purpleleaf plum and river red gum are identified as limited invasiveness.

Limited invasiveness is defined as “species are invasive but their ecological impacts are minor on a statewide level or there was not enough information to justify a higher score. Their reproductive biology and other attributes result in low to moderate rates of invasiveness. Ecological amplitude and distribution are generally limited, but these species may be locally persistent and problematic.”

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (see **Tree Assessment Forms** in Exhibits, and Table 2). We consider trees with good suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with poor suitability for preservation in areas where people or property will be present. Retention of trees with moderate suitability for preservation depends upon the intensity of proposed site changes.

**Table 2: Tree suitability for preservation  
2131 Sand Hill Road, Menlo Park, CA**

**High** These are trees with good health and structural stability that have the potential for longevity at the site. Eighteen (18) trees had high suitability for preservation:

Tag #	Species	Diameter
82	Coast live oak	7
88	Coast live oak	8,5,4
89	Coast live oak	6

Tag #	Species	Diameter
90	Coast live oak	8,7,5
91	Coast live oak	6,5,5
92	Coast live oak	9
93	Valley oak	12,8
94	Coast live oak	6,3
97	Valley oak	6,4,2
117	Southern magnolia	30
118	Coast live oak	8
121	Holly oak	6
122	Mt. Atlas pistache	36
124	Coast live oak	18
126	Silver dollar gum	24
127	Coast live oak	9
131	African fern pine	6
132	Coast live oak	10,8

**Moderate**

Trees in this category have fair health and/or structural defects that may be abated with treatment. These trees require more intense management and monitoring, and may have shorter life-spans than those in the “high” category. Thirty-four (34) trees had moderate suitability for preservation:

Tag #	Species	Diameter
51	Italian stone pine	29
52	Coast live oak	13
56	Coast live oak	9
58	Valley oak	11
60	Blue oak	9,6
66	Coast live oak	9
68	Coast live oak	10
69	Coast live oak	8,7,7,6,5
72	Winged elm	6,5,4
73	Winged elm	6,4,4
74	Valley oak	8
76	Valley oak	10
78	Valley oak	36
79	Manna gum	36
80	Coast live oak	8
81	Coast live oak	16
106	Coast live oak	10
107	Coast live oak	14

<b>Tag #</b>	<b>Species</b>	<b>Diameter</b>
108	Valley oak	10
109	Coast live oak	10
111	Coast live oak	17
115	Holly oak	6
116	Coast live oak	9
119	Camphor	20
123	Coast live oak	15
125	Coast live oak	12
128	Silk oak	36
129	Purpleleaf plum	8
134	Coast live oak	17
138	Coast redwood	6
158	Coast redwood	6
160	Coast redwood	6
166	Coast redwood	6
168	Coast redwood	6

**Low** Trees in this category are in poor health or have significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. Thirty-eight (38) trees had low suitability for preservation:

<b>Tag #</b>	<b>Species</b>	<b>Diameter</b>
53	Italian stone pine	18,11
54	River red gum	20,19,16
55	River red gum	21
57	Coast live oak	13,12,10
59	Valley oak	10
61	Blue oak	6
62	Coast live oak	10
63	Coast live oak	8
64	Coast live oak	7,5,4
65	Coast live oak	11
67	Valley oak	8,4
70	Coast live oak	6,4,3
71	Coast live oak	8
75	Coast live oak	11
77	Coast live oak	9
83	Monterey pine	18

Tag #	Species	Diameter
84	Monterey pine	14,13,7
85	Monterey pine	9,7,7,5
86	Monterey pine	18
87	Monterey pine	11
95	Winged elm	7,5
96	Winged elm	9,7
98	Winged elm	8,5
99	Winged elm	6,4
100	Winged elm	7
101	Monterey pine	17
102	Valley oak	9,6
103	Valley oak	7
104	Coast live oak	14,13,9
105	Coast live oak	9
110	Coast live oak	10
112	Coast live oak	13
113	Holly oak	8,8
114	Holly oak	9,7,5
120	Holly oak	14
130	Purpleleaf plum	8
133	Winged elm	6,4
135	Olive	7

We consider trees with good suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with low suitability for preservation in areas where people or property will be present. Retention of trees with moderate suitability for preservation depends upon the intensity of proposed site changes.

### ***Preliminary Evaluation of Impacts and Recommendations***

The *Tree Assessment* was the reference point for tree health, condition, and suitability for preservation. There were many desirable trees throughout the site to try work into the future landscape.

Detailed construction plans have yet to be prepared. I used the *Grading and Drainage Plan* created August 27, 2015 by Sandis to estimate impacts to trees. The plan includes building an office building, roads, parking lot, bioretention areas, pedestrian pathway and associated landscapes.

Because the majority of trees are around the perimeter and the building is located in the center of the property, opportunities for tree preservation are primarily around the perimeter of the property. Our analysis of preliminary plans indicates that 45 trees can be potentially preserved, 15 trees will be removed for construction, 14 trees should be removed because of poor condition and 16 trees could be removed for low suitability for preservation (Table 3).

**Table 3: Tree disposition summary  
2131 Sand Hill Road, Menlo Park, CA**

<b>Disposition</b>	<b>Impact</b>	<b># of Trees</b>	<b>Table #</b>
Potentially preserve	-	59	4
Remove	Construction	16	5
Remove	Poor condition	13	6
Remove	Low suitability for preservation	2	7

**Potentially preserve**

Fifty-nine (59) trees can be potentially preserved on this project (Table 4). Preservation of these trees is dependent on retaining sufficient space for the Tree Protection Zone (TPZ). A TPZ is designated for each tree indicating a distance at which construction impacts will have negative effects on the tree. Construction impacts such as grading, excavating, filling and trenching should be avoided within the TPZ of any tree to be preserved. As construction plans become more detailed these trees need to be re-evaluated to ensure that grading limits, trenching and other impacts will not cause them to decline. Trees are best preserved by following the Tree Preservation Guidelines.

Four trees (#112-114 and 135) were rated low suitability for preservation. They can be retained since no construction impacts are planned near them, but should be considered for removal and replacement with healthier more vigorous trees (Photo 7).

**Photo 7 –** Trees #112-114 had low suitability for preservation. These trees can be preserved to maintain their screening, or replaced with younger, healthier trees.





**Table 4: Trees to be potentially preserved  
2131 Sand Hill Road, Menlo Park, CA**

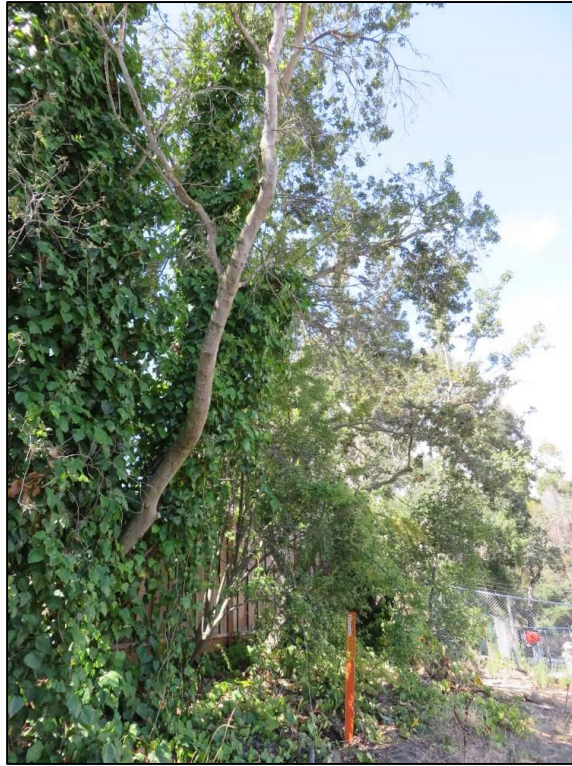
<b>Tag #</b>	<b>Species</b>	<b>Diameter</b>	<b>Disposition comments</b>
51	Italian stone pine	29	Off-site, TPZ 20 feet
52	Coast live oak	13	Off-site, TPZ 20 feet
56	Coast live oak	9	10 feet from bioretention, depending on fence, TPZ 10 feet
58	Valley oak	11	7 feet from trash area, depending on fence, TPZ 15 feet
59	Valley oak	10	TPZ 15 feet, clip fence, prune tree
60	Blue oak	9,6	TPZ 15 feet
61	Blue oak	6	TPZ 10 feet, clip fence, prune tree
62	Coast live oak	10	TPZ 10 feet, clip fence, prune tree
63	Coast live oak	8	TPZ 10 feet, clip fence, prune tree
64	Coast live oak	7,5,4	TPZ 10 feet, clip fence, prune tree
66	Coast live oak	9	TPZ 10 feet
67	Valley oak	8,4	TPZ 15 feet, clip fence, prune tree
68	Coast live oak	10	TPZ 10 feet
69	Coast live oak	8,7,7,6,5	TPZ 10 feet
70	Coast live oak	6,4,3	TPZ 10 feet, clip fence, prune tree
71	Coast live oak	8	TPZ 10 feet, clip fence, prune tree
72	Winged elm	6,5,4	TPZ 10 feet
73	Winged elm	6,4,4	TPZ 10 feet
74	Valley oak	8	TPZ 10 feet
75	Coast live oak	11	TPZ 15 feet, clip fence, prune tree
76	Valley oak	10	TPZ 15 feet
77	Coast live oak	9	TPZ 10 feet, clip fence, prune tree
78	Valley oak	36	Off-site, TPZ 30 feet, consider approaching owner about pruning
79	Manna gum	36	Off-site, TPZ 20 feet
80	Coast live oak	8	Off-site, TPZ 10 feet
81	Coast live oak	16	Off-site, TPZ 15 feet
91	Coast live oak	6,5,5	TPZ 10 feet, 17 feet from trash area
92	Coast live oak	9	TPZ 10 feet, 15 feet from road
94	Coast live oak	6,3	TPZ 10 feet, 10 feet from transformer box
106	Coast live oak	10	TPZ 10 feet
107	Coast live oak	14	TPZ 15 feet
108	Valley oak	10	TPZ 10 feet
109	Coast live oak	10	TPZ 10 feet
110	Coast live oak	10	TPZ 10 feet
111	Coast live oak	17	TPZ 15 feet
112	Coast live oak	13	Consider removing and replacing

Tag #	Species	Diameter	Disposition comments
113	Holly oak	8,8	Consider removing and replacing
114	Holly oak	9,7,5	Consider removing and replacing
115	Holly oak	6	TPZ 10 feet
116	Coast live oak	9	TPZ 10 feet
117	Southern magnolia	30	Off-site, TPZ 10 feet from fence
118	Coast live oak	8	TPZ 10 feet
119	Camphor	20	Off-site, TPZ 10 feet from fence
121	Holly oak	6	TPZ 10 feet, prune branch
122	Mt. Atlas pistache	36	Off-site, TPZ 10 feet from fence
123	Coast live oak	15	TPZ 15 feet
124	Coast live oak	18	Off-site, TPZ 10 feet from fence
125	Coast live oak	12	TPZ 15 feet
126	Silver dollar gum	24	Off-site, TPZ 10 feet from fence
127	Coast live oak	9	TPZ 10 feet, 6 feet from pedestrian path
128	Silk oak	36	Off-site, 10 feet from pedestrian path, TPZ 10 feet from fence
129	Purpleleaf plum	8	TPZ 10 feet
131	African fern pine	6	TPZ 10 feet
132	Coast live oak	10,8	TPZ 15 feet
134	Coast live oak	17	TPZ 15 feet
135	Olive	7	Consider removing and replacing
160	Coast redwood	6	TPZ 10 feet
166	Coast redwood	6	TPZ 10 feet
168	Coast redwood	6	TPZ 10 feet, 5 feet from circular pedestrian area

### **Remove**

Sixteen (16) trees need to be removed because of construction impacts (Table 5). These vary from bioretention basins to pedestrian pathways. Thirteen (13) trees should be removed because they are in poor condition (Table 6). These trees offer little benefit to the future landscape and should be replaced with healthier trees. Although trees #102, 103 and 105 have no construction impacts and offer screening to the neighbors, removing and replacing these trees would be a better option (Photo 8). If these trees cannot be replaced, they could be preserved to offer some level of screening but they need to be monitored for health and structure.

Two trees should be removed because they have a low suitability for preservation (Table 7). Tree #57 has chain link fence embed in an attachment (see Photo 1). Tree #104 is declining in health and all of the neighboring trees are being removed for poor condition which may destabilize #104 (Photo 8).



**Photo 8** – Trees #102-105 are recommended for removal and replacement despite the screening offered to the neighbors.

**Table 5: Trees recommended to be removed due to construction impacts. 2131 Sand Hill Road, Menlo Park, CA**

Tag #	Species	Diameter	Disposition comments
53	Italian stone pine	18,11	5 feet from water meter, poor condition
55	River red gum	21	Storm drain pipeline, low suitability
82	Coast live oak	7	Within bioretention
83	Monterey pine	18	Within bioretention
84	Monterey pine	14,13,7	Within bioretention
85	Monterey pine	9,7,7,5	Within bioretention
86	Monterey pine	18	Within bioretention
87	Monterey pine	11	Within bioretention
88	Coast live oak	8,5,4	Within bioretention
89	Coast live oak	6	Within trash area
90	Coast live oak	8,7,5	Within trash area
93	Valley oak	12,8	Within road
97	Valley oak	6,4,2	Within building footprint
101	Monterey pine	17	10 feet from pedestrian circle, poor structure
138	Coast redwood	6	Within road
158	Coast redwood	6	Adjacent to circular pedestrian area

**Table 6: Trees recommended to be removed due to poor condition  
2131 Sand Hill Road, Menlo Park, CA**

<b>Tag #</b>	<b>Species</b>	<b>Diameter</b>	<b>Disposition comments</b>
54	River red gum	20,19,16	Poor condition
65	Coast live oak	11	Poor condition
95	Winged elm	7,5	Poor condition
96	Winged elm	9,7	Poor condition
98	Winged elm	8,5	Poor condition
99	Winged elm	6,4	Poor condition
100	Winged elm	7	Poor condition
102	Valley oak	9,6	Poor condition
103	Valley oak	7	Poor condition
105	Coast live oak	9	Poor condition
120	Holly oak	14	Poor condition
130	Purpleleaf plum	8	Poor condition
133	Winged elm	6,4	Poor condition

**Table 7: Trees recommended to be removed due to low suitability for preservation  
2131 Sand Hill Road, Menlo Park, CA**

<b>Tag #</b>	<b>Species</b>	<b>Diameter</b>	<b>Disposition comments</b>
57	Coast live oak	13,12,10	Fence embedded in attachment, 11 feet from bioretention
104	Coast live oak	14,13,9	Declining, neighboring trees being removed

### **Preliminary Tree Preservation Guidelines**

The following recommendations will help reduce impacts to trees from development and maintain and improve their health and vitality through the clearing, grading and construction phases.

#### **Design recommendations**

1. A **Tree Protection Zone** shall be established around each tree to be preserved (Table 8). No grading, excavation, construction or storage of materials shall occur within that zone.

**Table 8: Preliminary Tree Protection Zones  
2131 Sand Hill Road, Menlo Park, CA**

<b>Tag #</b>	<b>TPZ</b>	<b>Tag #</b>	<b>TPZ</b>
51	TPZ 20 feet	94	TPZ 10 feet
52	TPZ 20 feet	106	TPZ 10 feet
56	TPZ 10 feet	107	TPZ 15 feet
58	TPZ 15 feet	108	TPZ 10 feet
59	TPZ 15 feet	109	TPZ 10 feet
60	TPZ 15 feet	110	TPZ 10 feet
61	TPZ 10 feet	111	TPZ 15 feet
62	TPZ 10 feet	115	TPZ 10 feet
63	TPZ 10 feet	116	TPZ 10 feet
64	TPZ 10 feet	117	TPZ 10 feet from fence
66	TPZ 10 feet	118	TPZ 10 feet
67	TPZ 15 feet	119	TPZ 10 feet from fence
68	TPZ 10 feet	121	TPZ 10 feet
69	TPZ 10 feet	122	TPZ 10 feet from fence
70	TPZ 10 feet	123	TPZ 15 feet
71	TPZ 10 feet	124	TPZ 10 feet from fence
72	TPZ 10 feet	125	TPZ 15 feet
73	TPZ 10 feet	126	TPZ 10 feet from fence
74	TPZ 10 feet	127	TPZ 10 feet
75	TPZ 15 feet	128	TPZ 10 feet from fence
76	TPZ 15 feet	129	TPZ 10 feet
77	TPZ 10 feet	131	TPZ 10 feet
78	TPZ 30 feet	132	TPZ 15 feet
79	TPZ 20 feet	134	TPZ 15 feet
80	TPZ 10 feet	160	TPZ 10 feet
81	TPZ 15 feet	166	TPZ 10 feet
91	TPZ 10 feet	168	TPZ 10 feet
92	TPZ 10 feet		

2. Include trees to be preserved and **Tree Protection Zones (TPZs)** on all construction plans.
3. Project plans affecting the trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, site plans, improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans.
4. No underground services including utilities, sub-drains, water or sewer shall be placed in the **Tree Protection Zone**.
5. Irrigation systems must be designed so that no trenching will occur within the **Tree Protection Zone**.
6. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees should be designed to withstand differential displacement.

#### **Pre-construction treatments and recommendations**

1. Fence all trees to be retained to completely enclose the **Tree Protection Zone** prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by the Consulting Arborist. Fences are to remain until all grading and construction is completed.
2. Prune trees to be preserved to clean the crown of dead branches 1" and larger in diameter, raise canopies as needed for construction activities. All pruning shall be done by a State of California Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300). The Consulting Arborist will provide pruning specifications prior to site demolition. Branches extending into the work area that can remain following demolition shall be tied back and protected from damage.
3. Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain must be removed by a qualified arborist and not by construction contractors. The qualified arborist shall remove the tree in a manner that causes no damage to the tree(s) and understory to remain. Tree stumps shall be ground 12" below ground surface.
4. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. Tree pruning and removal should be scheduled outside of the breeding season to avoid scheduling delays. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

#### **Recommendations for tree protection during construction**

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
2. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.
3. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.

4. Tree protection fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Consulting Arborist.
5. Construction trailers, traffic and storage areas must remain outside fenced areas at all times.
6. Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Consulting Arborist.
7. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
8. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the **Tree Protection Zone**.
9. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.
10. All trees shall be irrigated on a schedule to be determined by the Consulting Arborist (every 3 to 6 weeks April through October is typical). Each irrigation shall wet the soil within the **TREE PROTECTION ZONE** to a depth of 24".

#### **Maintenance of impacted trees**

Preserved trees will experience a physical environment different from that pre-development. As a result, tree health and structural stability should be monitored. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases. Therefore, annual inspection for structural condition is recommended.

If you have any questions about my observations or recommendations, please contact me.

**HortScience, Inc.**



Ryan Gilpin, M.S.  
Certified Arborist #WE-10268A



**Exhibits**

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**Tree Assessment Plan**

**Tree Assessment Form**





# Tree Assessment Plan

2131 Sand Hill Road  
Menlo Park, CA

Prepared for:  
Stanford Real Estate  
Palo Alto, CA

August 2015

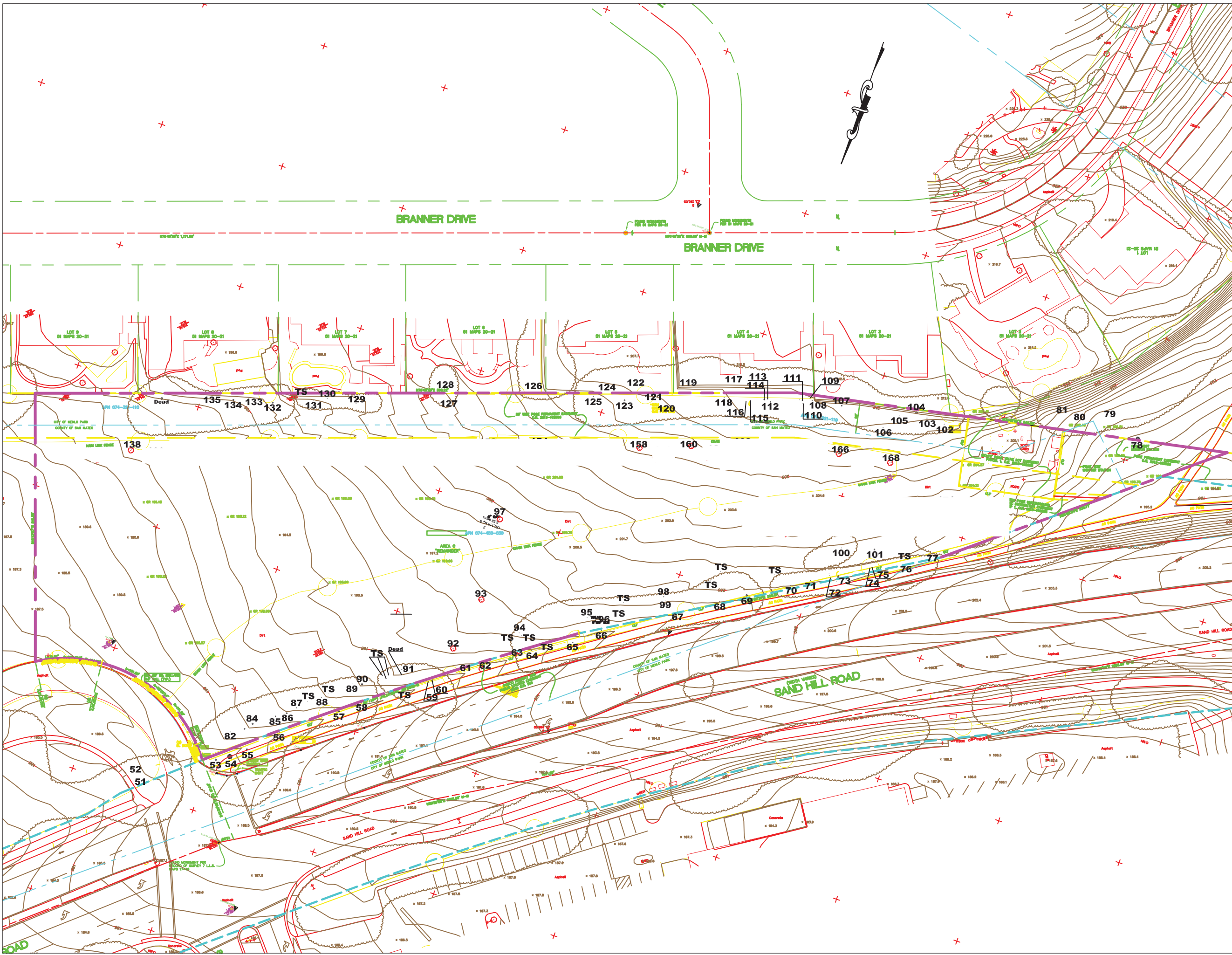
No Scale

Notes:

Base map provided by:  
BKF  
San Jose, CA

Numbered tree locations with no survey point were  
approximately located in the field.

TS = (too small) tree less than 6" in diameter and not  
included in this assessment.



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# Tree Assessment

2131 Sandhill Road  
Menlo Park, CA  
August 11, 2015



Tree No.	Species	Trunk Diameter (in.)	Heritage Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
51	Italian stone pine	29	Yes	3	Moderate	Off-site; leaning west; asphalt to base of tree; girdling root; slightly thin crown.
52	Coast live oak	13	Yes	4	Moderate	Off-site. codominant trunks arise from 6 feet with included bark; one sided south; base one foot from #51; dense crown.
53	Italian stone pine	18,11	Yes	2	Low	Codominant trunks arise from 3 feet; leaning east; very thin crown; 3 feet from sidewalk.
54	River red gum	20,19,16	Yes	2	Low	Multiple trunks arise from 1 foot; thin crown; extensive dieback.
55	River red gum	21	Yes	3	Low	Leaning west; one sided west; extensive dieback.
56	Coast live oak	9	No	3	Moderate	Bushy; poorly pruned; at fence line; branches embedded in fence.
57	Coast live oak	13,12,10	Yes	4	Low	Multiple trunks arise from base; one sided south; pruned away from path; embedded in fence.
58	Valley oak	11	Yes	4	Moderate	Codominant trunks arise from 7 feet with included bark; minor dieback.
59	Valley oak	10	Yes	3	Low	Embedded in fence; dieback; leaning north.
60	Blue oak	9,6	Yes	3	Moderate	Codominant trunks arise from base; leaning north; minor dieback; embedded in fence.
61	Blue oak	6	No	3	Low	Small tree; leaning north; embedded in fence.
62	Coast live oak	10	Yes	3	Low	Multiple trunks arise from 10 feet; dieback; embedded in fence.
63	Coast live oak	8	No	3	Low	Narrow crown; leaning north; embedded in fence.
64	Coast live oak	7,5,4	No	3	Low	Multiple trunks arise from 3 feet; poorly pruned; embedded in fence.
65	Coast live oak	11	Yes	2	Low	Multiple trunks arise from 6 feet; poor form and structure; thin crown; borer damage.
66	Coast live oak	9	No	3	Moderate	One sided to north; dense crown; embedded in fence.
67	Valley oak	8,4	No	3	Low	Embedded in fence; dieback; leaning north.

# Tree Assessment

2131 Sandhill Road  
Menlo Park, CA  
August 11, 2015



Tree No.	Species	Trunk Diameter (in.)	Heritage Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
68	Coast live oak	10	Yes	4	Moderate	Codominant trunks arise from 5 feet; upright form; removed codominant trunks arise from base embedded in fence.
69	Coast live oak	8,7,7,6,5	Yes	4	Moderate	Multiple trunks arise from base; crown to ground; pruned away from sidewalk; branch embedded in fence.
70	Coast live oak	6,4,3	No	3	Low	Multiple trunks arise from 1 foot; embedded in fence; upright form.
71	Coast live oak	8	No	3	Low	Codominant trunks arise from 7 feet; crown to ground; embedded in fence.
72	Winged elm	6,5,4	No	3	Moderate	Many small sprouts growing together in one place; dieback.
73	Winged elm	6,4,4	No	3	Moderate	Many small sprouts growing together in one place; dieback.
74	Valley oak	8	No	3	Moderate	Leaning north; moderate dieback; decaying branch.
75	Coast live oak	11	Yes	3	Low	Multiple trunks arise from 7 feet; one sided west; embedded in fence.
76	Valley oak	10	Yes	4	Moderate	Leaning north; minor dieback; crook in trunk at 8 feet.
77	Coast live oak	9	No	3	Low	Codominant trunks arise from 10 feet; leaning north; embedded in fence.
78	Valley oak	36	Yes	3	Moderate	Codominant trunks arise from 7 feet; one sided west; multiple branches with extensive decay.
79	Manna gum	36	Yes	3	Moderate	Offsite; codominant trunks arise from 10 feet; lion tailed.
80	Coast live oak	8	No	3	Moderate	Offsite; leaning north; narrow upright form.
81	Coast live oak	16	Yes	3	Moderate	Offsite; leaning north; dense crown.
82	Coast live oak	7	No	4	High	Codominant trunks arise from 6 feet; good young tree; crown to ground.
83	Monterey pine	18	Yes	2	Low	Codominant trunks arise from 10 feet; thin crown; poor color.
84	Monterey pine	14,13,7	Yes	2	Low	Multiple trunks arise from 3 feet; poor form and structure; thin crown; poor color.
85	Monterey pine	9,7,7,5	No	2	Low	Multiple trunks arise from 3 feet; poor form and structure; thin crown; poor color.

# Tree Assessment

2131 Sandhill Road  
Menlo Park, CA  
August 11, 2015



Tree No.	Species	Trunk Diameter (in.)	Heritage Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
86	Monterey pine	18	Yes	2	Low	Multiple trunks arise from 5 feet; poor form and structure; thin crown; poor color.
87	Monterey pine	11	No	2	Low	Multiple trunks arise from 5 feet; poor form and structure; thin crown; poor color.
88	Coast live oak	8,5,4	Yes	4	High	Codominant trunks arise from base; bushy; crown to ground; dense crown.
89	Coast live oak	6	No	4	High	Bushy; crown to ground; dense crown.
90	Coast live oak	8,7,5	Yes	4	High	Multiple trunks arise from base; bushy; crown to ground; dense crown.
91	Coast live oak	6,5,5	No	4	High	Multiple trunks arise from 3 feet; bushy; crown to ground; dense crown.
92	Coast live oak	9	No	4	High	Codominant trunks arise from 5 feet; bushy; crown to ground; dense crown.
93	Valley oak	12,8	Yes	4	High	Codominant trunks arise from 3 feet; minor dieback; spreading crown.
94	Coast live oak	6,3	No	4	High	Codominant trunks arise from 3 feet; bushy; crown to ground; dense crown.
95	Winged elm	7,5	No	1	Low	Extensive dieback; declining.
96	Winged elm	9,7	No	1	Low	Extensive dieback; declining.
97	Valley oak	6,4,2	No	4	High	Multiple trunks arise from base; minor dieback; short.
98	Winged elm	8,5	No	1	Low	Extensive dieback; declining.
99	Winged elm	6,4	No	1	Low	Extensive dieback; declining.
100	Winged elm	7	No	2	Low	Extensive dieback; thin crown; declining.
101	Monterey pine	17	Yes	3	Low	Multiple trunks arise from 6 feet; poor color; thin crown.
102	Valley oak	9,6	Yes	2	Low	Codominant trunks arise from base; leaning heavily south; dieback; poor color.
103	Valley oak	7	No	2	Low	Codominant trunks arise from 4 feet; suppressed by #104; extensive dieback.

# Tree Assessment

2131 Sandhill Road  
Menlo Park, CA  
August 11, 2015



Tree No.	Species	Trunk Diameter (in.)	Heritage Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
104	Coast live oak	14,13,9	Yes	3	Low	Multiple trunks arise from base; covered in ivy; dieback; narrow upright form.
105	Coast live oak	9	No	1	Low	All but dead.
106	Coast live oak	10	Yes	3	Moderate	Crook in trunk at 4 feet; dense upright crown.
107	Coast live oak	14	Yes	4	Moderate	One sided south; narrow upright crown; dense crown.
108	Valley oak	10	Yes	3	Moderate	Growing in group of 4 trees; extremely narrow crown; dieback.
109	Coast live oak	10	Yes	3	Moderate	Growing in group of 4 trees; leaning south.
110	Coast live oak	10	Yes	3	Low	Growing in group of 4 trees; leaning north.
111	Coast live oak	17	Yes	4	Moderate	Growing in group of 4 trees; leaning south; semi-dominant tree.
112	Coast live oak	13	Yes	2	Low	Growing in group of 3 trees; poor form and structure.
113	Holly oak	8,8	No	3	Low	Growing in group of 3 trees; multiple trunks arise from 2 feet with poor attachment; sap sucker damage.
114	Holly oak	9,7,5	No	3	Low	Growing in group of 3 trees; poor form and structure; thin crown.
115	Holly oak	6	No	3	Moderate	Narrow upright thin crown; leaning south.
116	Coast live oak	9	No	3	Moderate	Thin narrow upright crown.
117	Southern magnolia	30	Yes	4	High	Offsite; slightly thin crown.
118	Coast live oak	8	No	4	High	Good young tree; bowed north away from crown of #117.
119	Camphor	20	Yes	3	Moderate	Offsite; thin crown; minor dieback.
120	Holly oak	14	No	2	Low	Codominant trunks arise from 10 feet with seam; thin crown; dieback.
121	Holly oak	6	No	4	High	Multiple trunks arise from 6 feet; half of cambium lost from branch; good vigor.
122	Mt. Atlas pistache	36	Yes	4	High	Offsite; multiple trunks arise from 5 feet; previously topped.
123	Coast live oak	15	Yes	3	Moderate	Corrected lean; low live crown ratio.

# Tree Assessment

2131 Sandhill Road  
Menlo Park, CA  
August 11, 2015



Tree No.	Species	Trunk Diameter (in.)	Heritage Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
124	Coast live oak	18	Yes	4	High	Offsite; slightly thin crown.
125	Coast live oak	12	Yes	3	Moderate	Codominant trunks arise from 8 feet with seam; thin crown; one sided south.
126	Silver dollar gum	24	Yes	4	High	Offsite; dense crown; moderate structure.
127	Coast live oak	9	No	5	High	Good young tree; under crown of #128.
128	Silk oak	36	Yes	4	Moderate	Offsite; codominant trunks arise from 4 feet; moderate structure.
129	Purpleleaf plum	8	No	3	Moderate	Multiple trunks arise from 5 feet; poor color; minor dieback.
130	Purpleleaf plum	8	No	2	Low	Multiple trunks arise from 5 feet; poorly pruned; minimal crown.
131	African fern pine	6	No	4	High	Codominant trunks arise from 6 feet; good vigor.
132	Coast live oak	10,8	Yes	4	High	Codominant trunks arise from base; dense crown.
133	Winged elm	6,4	No	2	Low	Stump sprout; declining.
134	Coast live oak	17	Yes	3	Moderate	Codominant trunks arise from 15 feet; dieback; thin flat crown.
135	Olive	7	No	3	Low	Poor form and structure; suppressed by #134.
138	Coast redwood	6	No	5	Moderate	Good young tree.
158	Coast redwood	6	No	5	Moderate	Good young tree.
160	Coast redwood	6	No	5	Moderate	Good young tree.
166	Coast redwood	6	No	4	Moderate	Good young tree.
168	Coast redwood	6	No	5	Moderate	Good young tree.

January 27, 2017

John D. Donahoe  
Stanford University  
Lands, Buildings and Real Estate  
3160 Porter Drive, Ste. 200  
Palo Alto, CA 93404



Subject: Addendum Letter, Arborist Report 2131 Sand Hill Road, Menlo Park

Dear Mr. Donahoe:

Stanford University is constructing a commercial building at 2131 Sand Hill Road. I wrote an Arborist Report dated September 8, 2015 for the project. The plans have changed and include a parking lot expansion approximately 60 feet to the east of the previous site boundary. You asked me to visit the site to determine if any additional trees may be impacted that were not included in the Arborist Report.

I visited the site on January 25, 2017 and assessed three additional trees using the same methods as described in the Arborist Report. Three trees were growing adjacent to the new parking lot area.

- Two young coast redwoods (6" trunk diameter) were growing along the access road in the south eastern corner of the site (#189 and 190). These trees were in excellent condition (Photo 1).
- One mature blue gum eucalyptus (59" trunk diameter) was growing to the north of the driveway (#191). This eucalyptus was a dominant tree in good condition with a wide spreading, dense crown (Photo 2).

The City of Menlo Park Municipal Code Chapter 13.24 protects native oak trees 10" and greater and all trees 15" and greater in trunk diameter. Based on this definition, blue gum #191 is *Heritage* and the two redwoods are not.



**Photo 1** – Coast redwoods #189 and 190 (shown above) were young trees in excellent condition.



**Photo 2** – Blue gum #191 was a mature blue gum growing in the northeastern corner of the project.





# Tree Assessment Plan

2131 Sand Hill Road  
Menlo Park, CA

Prepared for:  
Stanford Real Estate  
Palo Alto, CA

August 2015, revised January 2017

No Scale

## Notes

Basemap provided by BKF and Sandis

Numbered tree locations with no survey point were approximately located in the field

TS—(too small) trees less than 6" in diameter were not included in this assessment.



189 190

Area added to the assessment in 2017.

191

# Tree Assessment

2131 Sand Hill Road  
Menlo Park, CA  
January 25, 2017



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Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
189	Coast redwood	6	No	5	Moderate	Good young tree.
190	Coast redwood	6	No	5	Moderate	Good young tree.
191	Blue gum	59	Yes	4	Moderate	Multiple trunks arise from 20 feet; large dominant tree; several pruning wounds over 12 inch diameter; two stems fused together in two locations.

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## REQUESTED HERITAGE TREE REMOVAL SUMMARY TABLE

Table 1: Requested Heritage Tree Removals				
Heritage Tree	Diameter	Suitability for Preservation	Reason for Request	City Arborist Determination
<b>Tree #53:</b> Italian stone pine	18, 11 inches	Low	Construction impacts / poor condition	Remove
<b>Tree #54:</b> River red gum	20, 19, 16 inches	Low	Poor condition	Remove
<b>Tree #93:</b> Valley oak	12, 8 inches	High	Construction impacts	Retain or transplant
<b>Tree #96:</b> Winged elm	15 inches	Low	Poor condition	Remove
<b>Tree #97:</b> Valley oak	6, 4, 2 inches	High	Construction impacts	Retain or transplant
<b>Tree #101:</b> Monterey pine	17 inches	Low	Construction impacts / poor condition	Remove

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**From:** Janet Davis  
**To:** [Smith, Tom A](#); [Diana Shu](#); [Don Horsley](#); [Michael Callagy](#); [Keith, Kirsten](#); [Mueller, Raymond](#)  
**Cc:** [Susie Cohen](#); [Diana Gerba](#); [Lennie Roberts](#); [Rebecca Altamirano](#); [Molly Glennen](#); [Cheryl Phan](#); [Ron Snow](#); [Gunter Steffen](#)  
**Subject:** MONDAY JUNE 19 hearing on Stanford's Neg. Dec.  
**Date:** Wednesday, June 14, 2017 1:18:19 PM

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## REQUEST FOR MONDAY'S ND HEARING RE 2131-31 SAND HILL ROAD

**I am requesting that the Traffic Engineer primarily responsible for the traffic study appear at the hearing to respond to concerns regarding the Engineering study.**

Despite all the charts and statistics presented, the resulting report appears to be “magical thinking” by a firm totally unfamiliar with the area or any of the problems. I had noticed the rubber “ropes” spanning various neighborhood roads from time to time but, on my *frequent daily* trips around the area, did not see any **actual people** monitoring conditions. Nor, to my knowledge have there been any community meetings to discuss traffic problems other than the **county** initiated meeting called by Supervisor Don Horsley to address the problems in the unincorporated area along Santa Cruz Ave, and the small informal meeting with Kirsten Keith at a local coffee shop. The overall conclusion seems to be that since the area is totally out of control with respect to traffic, a few hundred more vehicles will make no difference!

**By contrast San Mateo County Supervisor Horsley, Assistant County Manager Callagy and Public Works Engineer Diana Shu**, when doing a study of the problems on Alpine Road, made visits to Alpine Road; walked the entire area; solicited input from residents of Stanford Weekend Acres, Ladera, the bicycle community; and Portola Valley; and had community meetings. At these meetings, attended by Stanford representatives; local law enforcement personnel from CHP; the San Mateo Sheriff's Dept. and the Fire Dept. were present. There were two full scale community meetings chaired by Kimley Horn and Public Works, **to identify problems and potential ameliorations, prior** to Kimley Horn even making suggestions for changes. Some of these changes have already taken place, such as the reduced speed limit and the installation of KEEP CLEAR signs along Alpine Road. In addition, Supervisor Horsley has been organizing a coordination of law enforcement activities in the area and further improvements are proposed.

**MP Mayor, Kirsten Keith** also held a small meeting with local residents recently to get input about concerns regarding the frequent accidents along Santa Cruz Avenue. She was given a list of mitigation requests and already managed to effect the removal of one conflicting traffic sign.

### CONCERNS NOT ADDRESSED IN THE TRAFFIC REPORT:

The data concerning Santa Cruz Ave seems to have been collected on one day only, and seems to my observation, to be grossly erroneous.

**How can** the two short blocks of Santa Cruz Ave be categorized as a “minor arterial?” It does not fit the definition in the CVC. Plus, there is a senior living community and numerous driveways along the street?

**How can** you have 20,000+ vehicles going down the first leg of Santa Cruz from the Sand Hill intersection, but only 10,000 progressing to Alameda, when it is Alameda that is the main thoroughfare during both morning and evening rush hours?

**The number of potential employees/type of office** appears to be missing which is highly relevant to type of traffic potentially emanating from such construction.

**There do not appear** to be data on the impact of traffic on at least the side roads off Santa Cruz in the University Park neighborhood, unless I missed it.

**No listing of accidents** along Sand Hill Road, seems to have been included, when there have been many, including a fatality in the recent past.

**Garbage day problems** along Santa Cruz and Alameda are not addressed nor the problems of lane changes between the two intersections

**Inadequate signage** for the hospital is not noted which causes many near misses at the Sand Hill/Santa Cruz intersection

**The problems of cyclists in any area**, especially between the two intersections, and their penchant for using the “trail” from Alpine and its associated dangers is not addressed

**There is no reliable data** on accidents in the larger immediate area

**There seems to be no data** that I found on the amount of time it takes for residents of University Park to enter or exit Santa Cruz Ave.

**No data shown** regarding parking problems vs. cyclists on Santa Cruz Ave;

**There is no assessment of delays for emergency vehicles** occasioned by the traffic back ups

**The stated delay times** at the intersections and the number of iterations it takes to clear the intersections at Alpine and Sand Hill/ is divorced from reality.

**There is no analysis of construction trucks.** For example, this morning as I was driving to Menlo Park, several construction dump trucks followed me down Alpine and made a left turn onto Sand Hill, which is a common practice to avoid the traffic lights on Sand Hill. Since the excavation of underground parking will require multiple dump trucks, there should be some analysis of this factor.

**There is no analysis of law enforcement activities** or discussion of the confusion caused by the multi-jurisdictional situation.

**There is no mention of the problem** of vehicles from the Hewlett Foundation exiting/entering the back gate on Alpine Road via an illegal U-turn.

**There is no mention** that I found regarding the inadequate traffic light at the entrance to the Hewlett Foundation opposite Safeway.

**There is no mention of the delay** for pedestrians crossing the Sand Hill intersection.

**There is no allusion to the non-ADA** compliance of nearby sidewalks, or the problems that the residents of the Menlo Commons have at the intersection of Santa Cruz/Sand Hill.

**I found no assessment of cyclists** using the various routes, whereas the county study found that around 800 cyclists use Alpine on a daily basis, and many of these would also use Sand Hill and Santa Cruz.

**There is no discussion that I found** as to the placement/problems of the cross walks on Santa Cruz Ave

**There is no mention** that I found regarding the number of service vehicles/visitors likely to visit the proposed facility.

**The fact that only 8 bicycle parking places** are to be provided belies the assertion that employees will rely on non-vehicular or mass transit.

**The assessment of availability of mass transit** is mere fantasy.

**Existing traffic signs** may have been included, but I did not see them. No mention is made of the conflicting signs along Santa Cruz.

**It would be helpful** to have some kind of input from the various law enforcement and fire personnel with respect to traffic impact.

**BOTTOM LINE:**

**I believe the Traffic Study to be total wishful thinking. From my **daily** observation of traffic in this area **for over half a century** I believe the study to be useless from a practical point of view. This is why the Traffic Engineer should appear at the June 19<sup>th</sup> hearing and explain what exactly was studied and why the data presented is so far from reality.**

Janet Davis June 14, 2017

**From:** Janet Davis  
**To:** [Smith, Tom A](#); [Diana Shu](#); [Don Horsley](#); [Michael Callagy](#); [Keith, Kirsten](#); [Carlos Bolanos](#); [Jeff Holeman](#)  
**Cc:** [Ron Snow](#); [Molly Glennen](#); [Cheryl Phan](#); [Susie Cohen](#); [Diana Gerba](#); [Rebecca Altamirano](#); [Jen Wolosin](#)  
**Subject:** Fw: Another Accident at Sand Hill intersection  
**Date:** Thursday, June 15, 2017 3:32:55 PM

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**Ron Snow** of University Park took these pictures yesterday (June 14 2017) at around 3:30. I believe this is the 18th accident in this block since October. This is just where there is **no bike lane** and **is where a woman was killed a few years ago**. It is right next to Menlo Commons, the senior community. The sidewalk near here is also not ADA compliant. This area is exactly where elderly people walk all the time and is near the seat for the bus stop. It is a **highly dangerous area that is rarely controlled by any law enforcement. The speed limit is way too high for the conditions of the road.** Also, cars making a right turn from Santa Cruz to upper Sand Hill frequently do NOT stop at the red light which endangers cyclists on Sand Hill Road.

Ron thought that at least one person in this accident went to hospital.

In sum, to contemplate a new large commercial structure at 2121 Sand Hill is not logical. None of these details appear to have been covered in the highly flawed traffic analysis for the project and it is totally irresponsible for the City to give credence to the traffic report as it exists..











**From:** Patti L Fry  
**To:** [Planning Commission](#)  
**Subject:** Annexation on Sand Hill Road  
**Date:** Thursday, June 15, 2017 4:23:13 PM

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Dear Planning Commission -

Please consider the value to current Menlo Park residents of more open space and playing fields rather than more offices. A vacant area is a rarity and worth discussion about alternative uses. The location could provide much-needed recreational space in the western part of Menlo Park.

Thank you.  
Patti

**From:** Jennifer Wolosin  
**To:** [Smith, Tom A](#); [Keith, Kirsten](#); [Andrew Barnes](#)  
**Cc:** [Janet Davis](#); [Ron Snow](#); [Cheryl Cho-Phan](#); [Molly Glennen](#); [Diana Shu](#); [Don Horsley](#)  
**Subject:** 2111-2121 Sand Hill Road  
**Date:** Thursday, June 15, 2017 5:14:56 PM

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To Whom it May Concern,

It has come to our attention that a new development is being proposed on Sand Hill Road. Due to the extremely dangerous conditions at Sand Hill/Alpine/Junipero Serra/Santa Cruz/Alameda de las Pulgas, we would like to ask the Planning commission to carefully consider the conclusions presented in the MND for this project.

As local residents Ron Snow and Janet Davis have communicated, the accident rate along the Santa Cruz/Alameda de las Pulgas corridor is unacceptable. An intentional increase in traffic, especially during peak hours, in this area, is dangerous.

Parents for Safe Routes, a Menlo Park-based advocacy group committed to getting kids to school safely, is especially concerned about the ability of children to cross at the "Y" at Santa Cruz and Alameda de las Pulgas, as well as navigate around the Avy/Monte Rosa/Altschul/Sharon Road areas. The kids traveling to/from La Entrada are already in danger, adding more traffic will only make things worse.

We understand that the issues are extremely complex and that the area is multi-jurisdictional. We would just ask that the ability of children to travel to and from school is adequately examined and mitigated when considering the proposed development and associated zoning requests.

Thank you for your consideration.

Sincerely,  
Jen Wolosin

--

**Jen Wolosin**

Parents for Safe Routes, Founder and Chair

[www.parents4saferoutes.org](http://www.parents4saferoutes.org)

[jenwolosin@gmail.com](mailto:jenwolosin@gmail.com)

415.710.5838



**From:** Janet Davis  
**To:** [Don Horsley](#); [Michael Callagy](#); [Keith, Kirsten](#); [Diana Shu](#); [Smith, Tom A](#); [Mueller, Raymond](#)  
**Cc:** [Jen Wolosin](#); [Diana Gerba](#); [Susie Cohen](#); [Ron Snow](#); [Molly Glennen](#); [Cheryl Phan](#); [Rebecca Altamirano](#); [Carlos Bolanos](#); [Jeff Holeman](#)  
**Subject:** Bicycle Hazards at Sand Hill Road.  
**Date:** Thursday, June 15, 2017 5:18:06 PM


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Ron Snow took a movie of traffic at the Sand Hill intersection. This clearly shows cars not stopping for the red light. (Plus, in the morning they completely commandeer the whole bike lane) This is the same for the other side of the intersection by the Buck Estate and by the Chargin Estate, and at Alpine. It is highly dangerous for cyclists, especially in the rush hours. This is one reason why expert cyclists are using the Larry Horton trail from Rural Lane to Sand Hill in order to avoid these dangers. This in turn creates hazards for those wishing to walk to or from Stanford Weekend Acres. Another problem exists at the Vinood Khosla offices next to the Chargin Estate (Sand Hill Gateway) which is that delivery trucks block the sidewalk requiring the seniors from Menlo Commons to step out into the road when they are coming or going to Safeway using their walkers.

These are just a few of the problems that parents and others have to deal with concerning the route to La Entrada, Los Lomitas or Oak Knoll schools. All of which are reasons why it makes zero sense to exacerbate all these problems with yet another commercial enterprise at the Sand Hill intersection, and why law enforcement is needed. It is also another example of how totally erroneous Stanford's Traffic study is.

**Ron's movie:**

[A Safer Santa Cruz Avenue](#)



 **A Safer Santa Cruz Avenue**  
This video is about A Safer Santa Cruz Avenue. You get extra brownie points if you can spot the speed limit in I...

**From:** Janet Davis  
**To:** [Smith, Tom A](#); [Diana Shu](#); [Don Horsley](#); [Michael Callagy](#); [Keith, Kirsten](#); [Mueller, Raymond](#); [Warren Slocum](#)  
**Cc:** [Diana Gerba](#); [Susie Cohen](#); [Rebecca Altamirano](#); [Molly Glennen](#); [Cheryl Phan](#); [Jen Wolosin](#); [Ron Snow](#); [Bonnie Tom](#); [Kathleen Davis](#); [Gunter Steffen](#); [Jennifer Wolosin](#)  
**Subject:** 2121 Sand Hill POST article today  
**Date:** Friday, June 16, 2017 11:28:20 AM

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According to the POST article today at p. 6, the Homeowners' Association for Stanford Hills is also objecting to the project. Although it is not required, the residents of Menlo Commons; the large Condo development next door; and the Sharon Heights residents were never notified and they will all be severely impacted should this massive project go ahead.

The article states that "Stanford must include two low-income apartments or pay the city \$615,171." To comply with this **"Stanford is adding TWO apartments to its office and housing project at 500 EL CAMINO, Menlo Park!"**

**HOW ON EARTH DOES THIS DEAL WITH THE ALREADY IMPOSSIBLE TRAFFIC PROBLEMS; THE LACK OF SAFE BICYCLE LANES AND ADA COMPLAINT PATHS ON THE ROUTES TO SCHOOL; THE LACK OF PUBLIC TRANSPORTATION; AND THE ASTOUNDING JOBS/HOUSING IMBALANCE IN THE COUNTY.**



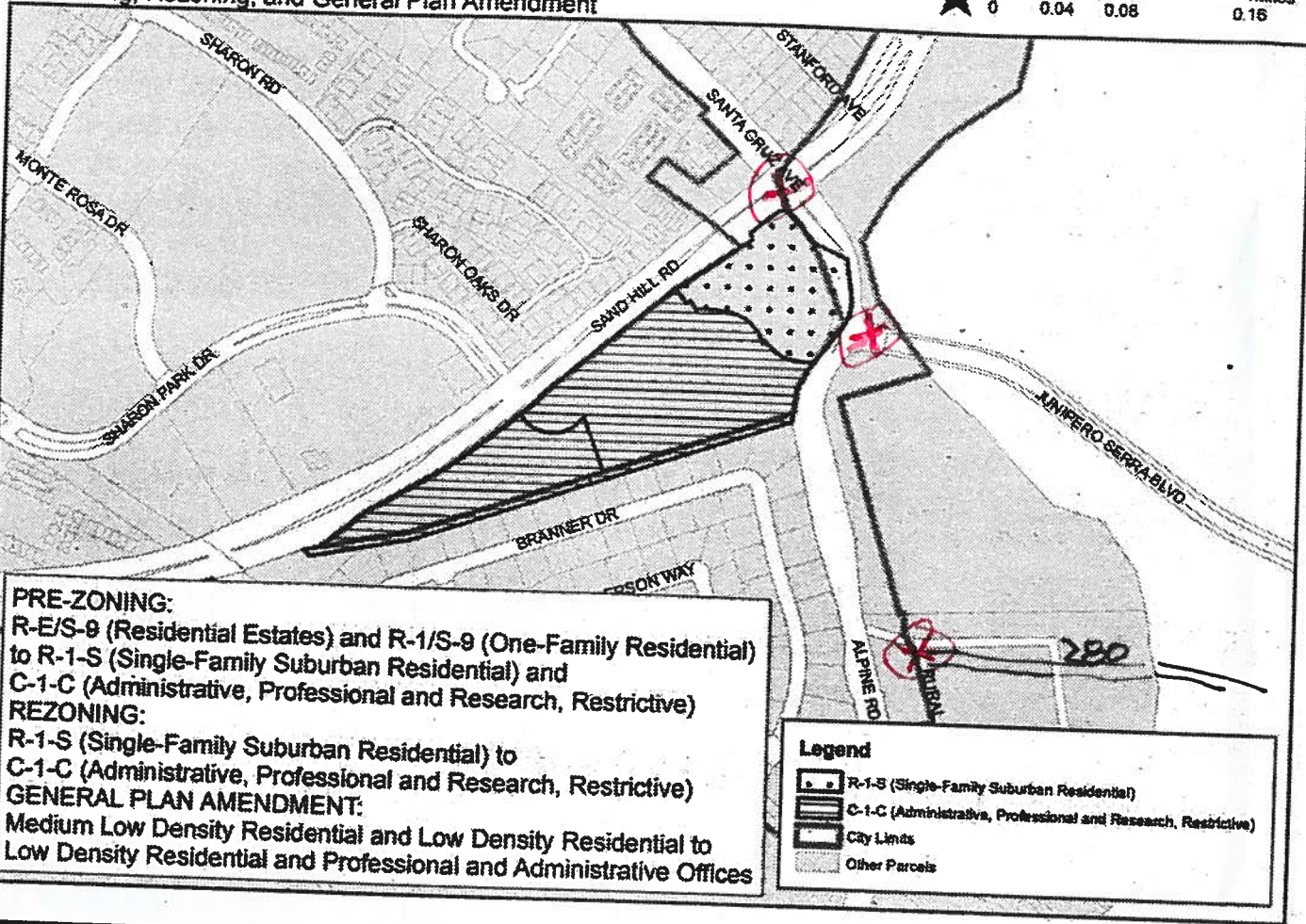
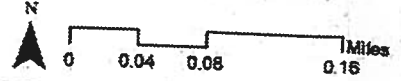
PUBLISHED: JUNE 2, 2017  
June 9, 2017

Thomas Rogers, Principal Planner  
Menlo Park Planning Commission

Visit our Web site for Planning Commission public hearing, agenda, and staff report information: [www.menlopark.org](http://www.menlopark.org)

### CITY OF MENLO PARK

2111-2121 Sand Hill Road  
Pre-Zoning, Rezoning, and General Plan Amendment



**PRE-ZONING:**  
R-E/S-9 (Residential Estates) and R-1/S-9 (One-Family Residential) to R-1-S (Single-Family Suburban Residential) and C-1-C (Administrative, Professional and Research, Restrictive)  
**REZONING:**  
R-1-S (Single-Family Suburban Residential) to C-1-C (Administrative, Professional and Research, Restrictive)  
**GENERAL PLAN AMENDMENT:**  
Medium Low Density Residential and Low Density Residential to Low Density Residential and Professional and Administrative Offices

**Legend**  
[Grid Pattern] R-1-S (Single-Family Suburban Residential)  
[Diagonal Lines] C-1-C (Administrative, Professional and Research, Restrictive)  
[Solid Line] City Limits  
[Stippled Pattern] Other Parcels

**FUSION**

**WEEKEND BREAK**

THE DAILY

PALOALTODAILYNEWS.COM

150

*Also check 35 ACRES in Redwood City AT BAY ST AND NEW REQUEST FOR PALO ALTO College Terrace*

*Is it possible you don't know THESE AREAS*

*POOR EL CAMINO !!!*

# News Digest

*4 NOW  
THIS TOO!*

## **New Stanford housing would abut College Terrace**

Eyeing future growth, Stanford University is asking for Santa Clara County's permission to add 1,600 housing units or beds for students along its border with the College Terrace neighborhood, university officials told members of the College Terrace Residents Association last week. The units would comprise over half of the university's proposed new housing under its 2018 general use permit (GUP) application.

But residents of College Terrace say they have borne the brunt of traffic and parking generated by Stanford and raised concerns about the proposed housing. They said that despite Stanford's traffic-management program and a City of Palo Alto-run residential parking permit program, the neighborhood still experiences parking problems and noise late at night from Stanford visitors and residents.

Stanford's application is requesting permission to build 2.275 million square feet of academic and academic-related facilities and 40,000 square feet of child care or transportation-management facilities. To balance that growth, Stanford proposes to add 2,600 units or new beds of student housing and 550 faculty and staff housing units through the year 2035.

The number of housing units or beds is tied to a ratio of housing units per square feet of academic development, said Catherine Palter, associate vice president of land use and environmental planning. For every 500,000 square feet of academic construction, Stanford must build 605 housing units.

The permit must undergo a county planning commission hearing and recommendation; the county Board of Supervisors will then hold a hearing and vote on approving the permit. ■

—Sue Dremann

**From:** Janet Davis  
**To:** [Smith, Tom A](#); [PlanningDept](#); [Michael Callagy](#); [Don Horsley](#); [Diana Shu](#); [Keith, Kirsten](#); [Joe LaClair](#)  
**Cc:** [Diana Gerba](#); [Susie Cohen](#); [Lennie Roberts](#); [Rebecca Altamirano](#); [Molly Glennen](#); [Ron Snow](#); [Jen Wolosin](#); [Gunter Steffen](#)  
**Subject:** [Sent to Planning ]Stanford Proposed Project 2121-2131 Sand Hill road  
**Date:** Tuesday, June 20, 2017 7:58:59 PM

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At the June 19 Menlo Park City Planning Commission meeting, in my opinion, inadequate and often misleading data was presented as to the Buck Estate, such that the Commissioners could not make an *informed* decision. I attended every meeting during the prior proceedings and have comprehensive hard copy and digital records to support my assertions. I also attended all the meetings related to the Alpine Road widening and the construction between the two intersections.

Three issues were raised at the meeting June 19, 2017 for which no one had the answer:

- (a) What was the prior status of the Buck Estate and what are any conditions placed on development by the county
- (b) The status of the back gate to the Buck Estate
- (c) Why is the traffic light at Alpine RED in the Portola Valley direction even when there is a GREEN light for traffic heading in the Menlo Park direction.

I can answer the above by reference to the County Planning history with citations to various documents. There were also several questions concerning the traffic study. These questions can be answered by a brief history with some citations to documents

After the donor died, her house was used as a Conference Center for which Stanford had a Use Permit (see p. 68 of the 7/26/00 Staff Report) and there was an entrance off Alpine Road. This was a source of traffic problems and many complaints, and still is. (No information was given as to the testator's wishes with respect to the property.)

The 1989 Loma Prieta earthquake damaged the structure, making it unstable, so it was left vacant and the beautiful gardens were neglected, causing the Stanford Hills residents to complain about fire hazards.

Stanford wanted to renovate the building but I don't remember any formal application. The entire site (Parcel 074-450-020) was zoned R2 Estates. That County zoning ordinance 6150 allows (subject to a Use Permit,) **only**

- (1) Schools, libraries, fire stations, churches and riding academies
- (2) Golf courses with standard length fairways and other non commercial clubs

However, there is Ordinance 6500c (6) that allows a Use Permit for a charitable institution (outside the coastal zone) but requires that it be **necessary for public health, safety, convenience or welfare.**

**No such finding was ever made. However, the Use Permit was issued**

Stanford filed for a Use Permit 5/19/1999 (San Mateo County File 1999-00331) for a 48,000 sq. ft. building. In their application they listed parking for only 44 underground spots and 66 surface for the approved cap of **100 employees max.**

**(On 6/19/17 Mr. Donohoe testified that Hewlett had around 200 employees)**

In the Staff Report for the ND that was ultimately made part of the Decision, at p. 72 it was stated that the parking required for the building was **239 spaces** yet Stanford only offered 124. A parking exception was granted because the total number of employees was to be capped at 75 plus additional lessees and visitors who were claimed to be no more than 25. The parking was 44 underground and 66 on the surface. (This totals to 110 which is different from the 124 applied for in the exception)

The Use Permit Findings at 2a were that the permit was for 1 year, then 3 years, then 5 years

and thenceforth every 5 years **provided that the Planning Director finds the uses in compliance.** To my knowledge and according to the County's Accela files, no such review ever took place.

**Finding `12** required that any tenants are required to be charitable (no check appears to have been made)

**Finding 13** required that Hewlett shall ensure that the employees shall generate an average of less than 175 daily peak hour trips and shall achieve a 25% reduction in average office trip generation.

**Finding 15** Hewlett to submit signal timing plan for Sharon Park road and Sand Hill Fehr and Peers tried to explain why their data in the EIR for SU Cancer Center was at odds with their analysis for the Hewlett Foundation

Fehr & Peers claimed that 17 of Hewlett's 36 current employees traveled extensively and were therefore no burden on the traffic analysis. Their traffic study 2/4/2000 stated that the Alpine/Junipero Serra intersection was below D with or without the project as was Junipero Serra/Campus Drive. Table 2 of their report showed that the Sand Hill intersection was at D in the a.m. and F in the p.m. (17 years ago!!)

Menlo Park City Council had a meeting 5/9/2000 to review the Negative Declaration and Menlo Park Mayor **Mary Jo Borak in her letter dated 5/10/2000** to David Holbrook County Planner, was full of comments that mirror those expressed June 19, 2017 by the residents of University Park with respect to the current project. She objected to the traffic report, the fact that the ND had been prepared in isolation without considering the University's other projects, and this she surmised was illegal under CEQA Section 15156 in that it was piecemealing. She scoffed at the computer software used in the study. She took issue with the traffic study and asked for a full EIR. She objected to the software used in the traffic study. She shredded the mitigation measures suggested for significant traffic impacts under Mitigation 13 as totally invalid (just as they are for the 2017 ND. She objected to the statement that the site was well served by public transit, (just as W. Menlo Park residents did June 19 with respect to the current project, and she discounted the claim that biking would be used.

**At p. 139 it is stated that the Alpine Gate is a secondary access** contrary to Mr. Donohoe's assertion that this gate is not used. And contrary to the observation of everyone living in Stanford Weekend Acres.

My letter to the County 7/24/2000 complained of the jobs/housing imbalance just as I did for the current project.

There was a property tour July 2000 of the Buck Estate

**The letter of decision was issued 8/4/2000 granting the Use permit. However, it had the caveat:** (This can be checked by going to the County Planning site and looking up the record)

OFFICE HEADQUARTERS

Use Permit

SELF-RENEWING - **No RENEWAL required unless development intensifies (non-minor UP Amendment is proposed) or Violation occurs.** Use permit to allow development of a professional office headquarters for Hewlett Foundation, as allowed under Section 6500(c)6 for Institutions of a philanthropic or charitable nature.

**Given that the max. number of employees was to be 100 and Mr. Donohoe claimed 6/19/2017 that there were approx.. 200 current employees that is an intensification PLUS requesting yet another office complex is most definitely an intensification. Which is why Stanford is seeking annexation and a zoning change within the city of Menlo Park to avoid the caveat.**

**Item 123 of that decision required Stanford to conduct a public workshop to discuss the feasibility of a bike path between Sand Hill and Alpine Roads** which was something that Lennie Roberts and I had sought given the traffic problems and dangers to cyclists. At that meeting Stanford stonewalled and said that this was not going to happen. At that point the County Planning Director, Terry Burnes (who in my opinion was one of the most incompetent employees in the county) told Stanford that he would not push the issue, but WOULD require such a condition when Stanford came to the county for another Use Permit for the conference Center.

**Stanford then changed their request from a Conference Center to a residence for the Provost, Etchemendy. This was by right and abrogated the need for a Use Permit. This allowed the Provost to host meetings and conferences in his home anyway.**

**AS TO THE BACK GATE ON ALPINE:** There were several communications with Stanford Lands Management complaining about the use of the back gate e.g. 2/26/03 to Andy Coe, Jo Beth Folger; and calls in March of 2003 to Larry Horton, Glenis Koehne, Leone Batkin. It is a continual problem with vehicles from both the Hewlett foundation and the Provost's residence making an illegal U-turn to get to Junipero Serra. This is highly dangerous, but nothing has been done to remedy the danger to other vehicles.

**AS TO THE RED LIGHT ON ALPINE:** Because of the steady stream of traffic in both directions throughout the day, residents of Stanford Weekend Acres could not, and still cannot, get access to enter Alpine heading towards Menlo Park for several hours during the day. As for crossing Alpine to get to I-280 that is well nigh impossible after about 7:00 am until after about 10:45 a.m. There have been many accidents and the County Public Works is trying to remedy the situation.

When Alpine was widened to allow a right turn at Junipero Serra, and a merge lane heading towards Portola Valley it was agreed that the light that had previously allowed through traffic, would be RED to allow for platooning of vehicles, thus providing a needed gap for local residents to get onto Alpine. Steve Schmidt agreed to this.

**BOTTOM LINE:**

**Had this information been available to the Commission, it is possible that more probing questions might have been asked. Should you wish to verify anything in this note, the Planner that worked on this project was David Holbrook, and he is still with the County.**

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**From:** Janet Davis  
**To:** [Smith, Tom A](#)  
**Subject:** Fw: OPPOSITION TO STANFORD'S NEG. DEC. RE BUCK ESTATE CONSTRUCTION  
**Date:** Sunday, April 9, 2017 6:49:44 PM

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----- Forwarded Message -----

**From:** Janet Davis <jadjad@sbglobal.net>  
**To:** Michael Callagy <mcallagy@smcgov.org>; Warren Slocum <wslocum@smcgov.org>; Don Horsley <dhorsley@smcgov.org>; Steve Monowitz <smonowitz@smcgov.org>; Diana Shu <dshu@smcgov.org>; Raymond Mueller <rdmueller@menlopark.org>; Dave Pine <dpine@smcgov.org>; Carole Groom <cgroom@smcgov.org>  
**Cc:** Lennie Roberts <lennie@darwin.ptvy.ca.us>; Diana Gerba <dgerba@mac.com>; Susie Cohen <susiejco@gmail.com>; Ginger Holt <ginger@me.com>; Margaret Williams <margaretwilliams2010@gmail.com>; Arlene Lindblom <rglgeo@aol.com>  
**Sent:** Sunday, April 9, 2017 5:02 PM  
**Subject:** OPPOSITION TO STANFORD'S NEG. DEC. RE BUCK ESTATE CONSTRUCTION

**COMMENTS ON STANFORD'S NEGATIVE DECLARATION  
PROPOSING TO  
ANNEX AND REZONE 2121 SAND HILL ROAD**

**WHAT IS SOUGHT:**

**To rezone 14.2 acres of land between Sand Hill and Alpine roads, and on one newly divided parcel, build a 39,510 sq. ft. , 2 story office building with 2 underground parking levels, and annex the resulting parcels to Menlo Park.**

At present there are basically two parcels: the Buck Estate, home of the Provost, and the 48,000 sq. ft. Hewlett Foundation with a swath of meadow land.

The plan is to change the parcel boundaries so that there are *three* parcels. The present parcels involved are 074-450-030/040 comprising 9.7 acres currently zoned by the county as RES9 (residential estates). After annexation this would be rezoned to C-1-C (professional/administrative offices). Presently 7.14 acres of this comprises the Hewlett Foundation. Parcel 074-0450-050 comprising 3.6 acres on which sits the Provost's home would be rezoned from County R1-S-9 to City R1-S. There are two additional parcels 074-321-110/210 totaling 0.9 acres that are zoned R1S by the City and appear to be a PGE easement.

**INTRODUCTION:**

Stanford University and the Medical Center provide extensive benefits, prosperity, culture, and world class medical care, to the surrounding area. However, the massive construction to accommodate these benefits has also come at a cost to the local community particularly in terms of traffic and dearth of housing. (See Appendix for references to recent projects)

The periphery of the campus falls within the purview of Santa Clara County, San Mateo County, Menlo Park and Palo Alto. When plans for construction surface, the University has been adept at playing one jurisdiction against another. In the past, one jurisdiction will approve a project that has a detrimental impact on another jurisdiction. Examples would include the first GUP, the C-1 trail, the intersection widenings and the hospital expansion. San Mateo County has been particularly derelict in its duty to require mitigations to lessen that impact.

Another problem is that Stanford treats each project as *discrete* without considering the cumulative effect. For example, it is analyzing this project as distinct and isolated from the massive impact of the 2018 GUP, the almost complete hospitals expansions, and the Menlo Park El Camino projects: all of which affect Sand Hill and Alpine Roads and the nearby communities and local streets.

At the same time, the University has essentially walled off the campus resulting in very few entrances for traffic. The main entrances to campus and the hospitals from I-280 are Campus Drive West (off Junipero Serra) and Sand Hill Road (to Welch or Arboretum) The result is a total traffic nightmare in West Menlo Park involving Alpine Road, Sand Hill Road, Alameda, Santa Cruz Avenue, Monte Rosa and all the side roads.

**BACKGROUND:**

The area was originally zoned as a residential estate and the main (historic) house was a private residence with a beautiful garden. When the owner died she bequeathed the estate to Stanford, and the terms of that bequest were not publicized, although it seems unlikely that she contemplated her garden morphing into a commercial center. The property became a

conference center until it was severely damaged in the Loma Prieta earthquake and remained vacant for some years. On May 19 1999, Stanford sought a Use Permit (PLN 1999-00331) for:

**OFFICE HEADQUARTERS**

*Use Permit*

*SELF-RENEWING - No RENEWAL required **unless development intensifies (non-minor UP Amendment is proposed) or Violation occurs.** Use permit to allow development of a professional office headquarters for Hewlett Foundation, as allowed under Section 6500(c)6 for Institutions of a philanthropic or charitable nature*

This was eventually granted on Stanford’s assertion that any sub-lessees would also be charitable institutions. It is not known if this is presently the case.

During discussions it was emphasized by Stanford that there would be very few vehicles since most employees would be using bicycles and that showers and bike parking facilities were part of the plan. It was also promised that the facility would be invisible from the road and that lighting would be minimal. It was also promised that the back gate to Alpine would not be used. None of this has transpired. There are many vehicles, the place is lit up like a Christmas tree at night, and the steel roof is like a giant mirror reflecting blinding light at certain times of day. Also, the Alpine Road gate is used for ingress and egress. Even Stanford logo vehicles make illegal U-turns from that gate across traffic to get to Junipero Serra.

During discussions local residents pushed for a pedestrian/bike path through the property and this was vehemently rejected by Stanford, and the Planning Dept. stated that this could be a Condition should the main house be resurrected as a conference center..

**The terms of the Use Permit are the obvious reason that Stanford is now seeking to annex the property to the City of Menlo Park.**

Subsequently, Stanford proposed renovation of the earthquake-damaged main house and classified it as a future single family home for the University’s Provost, thus eliminating the provisions of a *discretionary* project which would have applied had it been classified as a Conference Center. Since the Provost is a distinguished person, the residence to all appearances, continued as a center for university functions.

**ANNEXATION:**

It is not strictly true to classify the property as an isolated island “surrounded by the City of Menlo Park.” The structures at 2108 and 2128 Sand Hill are within County jurisdiction as are the homes along Sand Hill across from the golf course and most of those along Santa Cruz Ave. (Many of the residents along Santa Cruz have been trying *unsuccessfully* to have *their* properties annexed to the City) It would seem that the annexation request is a ploy to avoid the provisions of the Use Permit – as it would appear from the “Conditions” noted in the County’s Accela files!

**HISTORIC BUILDING**

*The house is the historic Meyer-Buck Estate (presently the provost house for Stanford University); it was placed onto the County Historic Inventory on 2/20/2002. Any/all exterior/interior modifications shall be reviewed by the CDD, & possibly by the HRAB prior to approval of any BLD or PLN permits.*

Applied | Notice | 05/23/2016

**Proposed use**

*RJB: 1/26/15 Spoke with applicant at counter regarding use of property. The applicant is proposing the expensing the existing use of admin/offices for the HP Foundation located at APN 074-450-040. In speaking with DH, applicant would amending their existing use permit at APN 074-450-040 to incorporate the uses at the adjacent parcel. Told applicant that CEQA, especially traffic, would be a major factor in the approval of this project. Gave applicant parking and zoning information. Applicant also asked about rezoning the property. Would need rezoning and general plan amendment. The applicant also had a question about annexation into the City of Menlo Park.*

Applied | Notice | 01/26/2015

It would also seem that there would be some significant tax issues to be sorted out by LAFCo should annexation be contemplated, since much of the development on Stanford lands is exempt.

Nowhere did I find any reference to what or who is intended to occupy such an office building should it be approved.

**“MITIGATED” NEGATIVE DECLARATION:**

The basic problem with this is that there are no *meaningful* mitigations. As pointed out by County staff the over-riding issue is traffic impact. The text asserts that the ND is directed only to the West side of the project, but even that is woefully inaccurate. The Sand Hill/Santa Cruz and Alpine/Junipero Serra intersections are perhaps the two most congested areas of the county and much of that traffic originates from Stanford. The other big omission is an analysis of truck traffic during construction.

**Traffic Analysis:**

This whole section is inadequate, highly flawed and in some instances totally inaccurate. San Mateo County is in the process of studying Alpine Road and the Santa Cruz Corridor because the traffic is at crisis levels and there have been a significant number of accidents.

At p. 113, section 4.10.3(b) “Impact Discussion” under the heading “City of Menlo Park,” in the second paragraph it is



claimed that there “no significant traffic or transportation impacts were identified.” That comment strains credulity.

**Public Transport:**

This is basically non-existent and it is deceptive to cite local bus routes since those buses do not operate at times that people need; the routes do not go where people need; and the travel time is too long. The SLAC bus is used by SLAC personnel coming from the railroad, but it is useless for people traveling via I-280. The same applies to the Marguerite shuttle. The one bus stop that exists on Sand Hill has no shelter and is hardly ever used. The other line is used by Menlo High School kids.

**Bicycle Routes:**

This section of the ND mischaracterizes the present situation. That which exists is highly dangerous. There have been cyclist fatalities on Alpine and Sand Hill. The gap between Alpine and Sand Hill intersections is a death trap for cyclists. There is no bike lane on Santa Cruz and this is highly dangerous. There is no way for cyclists to cross Alpine. The entrance to the “trail” from Junipero Serra to Welch road along the golf course is frequently blocked by cars turning onto lower Sand Hill. The so-called multi-use trail under the cantilevered section of Junipero Serra is poorly maintained, hazardous to cyclists and even more dangerous for pedestrians.

**Vehicular Traffic:**

**Sand Hill** is a virtual parking lot from El Camino to I-280 especially during morning rush hours and from about 3:30 to 6:00 p.m.

**Santa Cruz Avenue:** The study showed (Fig. 12) the portion of Santa Cruz Ave up to Alameda currently experiences 24,376 trips/day and estimates an additional 97 trips/day with the project. This would not seem insignificant to the residents already inundated with traffic in that vicinity, or to the cyclists battling thoughtless drivers.

**Alameda** is also jammed going towards SU in the morning from Woodside road to Sand Hill.

**Alpine:** Because Sand Hill traffic is so bad, many commuters use Alpine. Construction trucks use Alpine in preference to Sand Hill because there is at the moment a higher speed limit, no traffic lights and lack of traffic enforcement. ( During the hospital expansion grading Alpine was getting up to 17 double semi dump trucks every minute) Alpine is one long bumper-to-bumper procession from I-280 (and expanding up the freeway) to Campus Drive West every morning from around 6 a.m. In the afternoon traffic is backed up starting around 3:15 all the way to I-280. There have been times when it takes 6 iterations of lights to get through the Alpine traffic signal. Frequently it is not possible to go through the light when green because traffic coming from Junipero Serra monopolizes the entire space between Alpine and Sand Hill. Another problem is that the left turn lane to access upper Sand Hill Road is blocked by an unnecessary “bulb out” midway to Sand Hill road.

Despite frequent complaints many vehicles from the Hewlett foundation use the back entrance onto Alpine, either to turn right or to make an illegal U-turn to the left.

Although the area of Alpine Road at the rear of the Buck estate is within the City of Menlo Park’s jurisdiction, it is extremely rare that there is any traffic enforcement. The same is true although to a lesser extent, in the vicinity of the Sand Hill intersection.

**Monte Rosa:** This is indicated as an access to the site. However, to get to Monte Rosa one would have to use Valparaiso, Avy or another side road. Monte Rosa is already highly impacted and residents have sought Stop signs It is also close to La Entrada Middle School and Philipps Brooks School.

**Neg. Dec. Assessment of Parking in Relation to Traffic Impact:**

This is particularly disingenuous. It is proposed to build a 2 story underground parking facility in addition to surface parking for visitors. If there are to be 163 parking spaces that could account for 326 trips/day plus lunch time or other trips.

**Non Commuter Traffic:**

Nowhere does it appear that there is any estimation of how many servicing vehicles or client cars would have to be accommodated.

**Cumulative Impact:**

CEQA Guidelines 15065(a)(3) states that

**“The incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects and the effect of probably future projects.”**

This requirement has been totally ignored. There should be an analysis of the cumulative effect of at the very least of the hospital expansions and the 2018 GUP. (See Appendix for list of projects)

**San Mateo County Jobs/Homes Imbalance:**

Adding yet another 39,510 sq. ft. office in addition to the existing 48,000 sq. ft. Hewlett foundation office space where previously the entire 14+ acres **was zoned residential creates a huge and significant negative impact on the balance in an area where homes are in very short supply.** This is especially egregious when the proposed development site was listed by the city as a **possible site for affordable housing.** At the recent meeting in Palo Alto to discuss the university’s GUP renewal many speakers from nearby communities, from the university’s graduate community, and employees of SLAC urged the university to consider more (and affordable) housing for lower echelon employees and graduate students. This site would be better used for such employees who could bike or shuttle to work and reduce the long commute times and road congestion.

**Inducement to Further Development:**

Sand Hill Road is one of the most expensive sites for office leases in the U.S. The county has already converted residential property at 2108 and 2128 Sand Hill from residential to commercial. (A condition of such conversion at 2108 was that one structure be residential, but it is not even known if this condition has been fulfilled, since there seems from casual observation, no indication that the building in question is a home.)

Allowing this monumental rezoning would act as a further inducement for more intensive development along Sand Hill and possibly Alpine Roads.

**Tree Study:**

Although this is one of the most thorough and comprehensive study the County has seen, it would be nice (if this project is approved,) that those heritage trees proposed for elimination where they infringe on likely construction, could be relocated, as has been done at other projects in the county.

**Paleontology Study:**

There are fossils all over the area of various types. When SLAC was excavated several large mammals were unearthed. I have fossils in my garden. Nowhere is it specified what type or size of fossil would trigger a stoppage.

**Emergency Services:**

At present fire engines and ambulances are often held up at the Sand Hill and Alpine intersections. Adding yet more traffic to this highly congested area is only going to increase the dangers to residents and others who need their services.

When the MPPD have been alerted to traffic problems at the intersections the response has often been that traffic control is not their job. The CHP who have jurisdiction over Alpine Road have insufficient officers to handle the numerous problems that already exist.

**Fire Lane/PGE Easement:**

Parcels 074-321-110/210 comprising 0.9 acres appear to be also zoned R1-S. Presumably this is the old "Fire Lane" over the 109 gas line. Access to this is currently blocked by the PGE/ATT switching station and a utility pole. It was unclear from the ND where and what these lots constitute.

**CONCLUSION & SUGGESTED MITIGATIONS:**

This is an ill-conceived project both from an annexation and a rezoning point of view. If, however, it is approved there certainly need to be some very significant actual mitigations and conditions.

**Most importantly there needs to be a pedestrian/bike lane over the 109 pipe line or through the facility at another location. This would require:**

**Pedestrian crossings at Junipero Serra and Alpine light activated**

**A pedestrian path around the base of the Buck estate to Sand Hill road**

**Construction to block off right turns at the Alpine entrance to the Estate**

**Ban on new office building using the Alpine entrance**

**Complete renovation of the path under the cantilevered section of Santa Cruz and elimination of bike travel and reconstruction of this path so that it is ADA compliant at the Alpine intersection.**

**Lowering of the speed limit at Alpine by the Buck Estate**

**Lengthening of the merge lane by the Buck Estate**

**Conversion of the traffic light opposite Sharon Road so that there is a right turn light coming out of the estate**

**A substantial payment towards the construction of low income housing**

**A requirement that any construction trucks only use Sand Hill road**

**Commitment that any new office tenants be non profit**

**Funding towards traffic improvements on Alpine Road**

**Removal of the "bulb out" in the gap between the two intersections that limits left turns**

**APPENDIX  
STANFORD PROJECTS**

**Stanford's Neg. Decl. for Buck estate on Sand Hill road:**

<http://www.menlopark.org/1176/Mitigated-Negative-Declaration>

**Stanford 2018 GUP:** <https://gup.stanford.edu/the-project/overview>

<https://www.sccgov.org/sites/dpd/Programs/Stanford/Pages/CurrentProjects.aspx>

**Stanford's Hospital expansions** (Hoover, SUMC, Lucile Packard children's hospital, basic medical facilities)

<http://www.sumcrenewal.org/>

<http://www.sumcrenewal.org/projects/project-overview/packard-childrens>

<http://www.sumcrenewal.org/projects/project-overview>

**Stanford El Camino Project:**

<https://www.paloaltoonline.com/news/2017/02/27/stanford-submits-updated-plans-for-500-el-camino-real-development-in-menlo-park>

Stanford golf Course (and catering)

<https://golfcourse.stanford.edu/dining.htm>

**OTHER NEARBY STANFORD PROJECTS**

Stanford's Primary Care facility on Alpine road:

<https://stanfordhealthcare.org/medical-clinics/stanford-primary-care-portola-valley.html>

Page Mill road facility:

<https://med.stanford.edu/medfacilities/project-management/featured-projects/1520PageMill.html>

1651 Page Mill road:

<https://med.stanford.edu/medfacilities/project-management/featured-projects/1651-page-mill.html>

3373 Hillview Ave Palo Alto:

<http://www.warehamdevelopment.com/properties/by-location/paloalto-01-3373hillview.html>

Stanford Imaging Center Palo Alto:

<https://stanfordhealthcare.org/medical-clinics/imaging-clinic-stanford-medicine-imaging-center.html>

Stanford Redwood City:

<https://redwoodcity.stanford.edu>

April 23, 2017

To the Menlo Park Planning Commission,

The letter is written on behalf of the Sanford Hills Home Owners Association, to express our opinions and concerns regarding the planned office development on Stanford land at 2131 Sand Hill Road adjacent to our homes.

First, it would seem appropriate to provide some background regarding our experience with construction in the adjacent land over the last 5 years, as this experience has produced what might be considered “construction fatigue.” The extensive PG&E pipeline work in the utility easement that is part of the parcel that Stanford plans to develop directly abuts our neighborhood, and thus some residences were no more than 10 feet from this extremely heavy, industrial-scale construction. There is no better description of the inconvenience of this work carried out by PG&E other than that it was hellish. Construction was carried on both day and night, subjecting the neighborhood to constant and incessant vehicle motion alarms, engine noise, dust, light from football-stadium-style lights, and diesel exhaust. If there were a recognized exposure limit to the negative externalities of nearby construction, we individuals who live in Stanford Hills have certainly reached this limit. Considering this history, we would ask for careful and critical review of these plans by the Planning Commission to mitigate the effects of further significant construction activities on individuals who are already sensitized and highly affected by recent construction activities on the same parcel.

In addition, we would like to point out a conflict of interest that also ought to motivate a higher degree of scrutiny with respect to this project’s impact on residential neighbors. Stanford does own the land upon which Stanford Hills residences sit. As part of a recent lease extension deal struck with Stanford Hills residents, Stanford has taken a preferred position ahead of other potential buyers of these properties, and has expressed a desire to acquire houses that go on the market in the Stanford Hills area (and has already acquired several of these houses). Because of this, Stanford could be perceived to benefit from any actions that might temporarily (if not permanently) depress the market value of these Stanford hills houses – actions such as this multi-year long construction project.

Below we enumerate a number of our specific concerns with this project proposal:

### **1) Landscape plans**

We have significant concerns regarding the landscaping plans between the proposed building and the Stanford Hills neighborhood.

This project proposes to use a minimum statutory setback of 75’ between a low density residential area and a large commercial office building. 35’ of this setback is a utility easement controlled by PG&E. PG&E is in the process of removing effectively all vegetation in the easement area between Stanford Hills properties and the parcel to be developed. No new

plantings will be allowed within this 35' region. Thus, depictions of existing screening vegetation in the submitted plans will very soon be inaccurate, as all trees within 35' of Stanford Hills properties will be removed. Given this, the currently proposed plans for landscape screening between the building and adjacent homes comprise a single, non-staggered row of sequoia trees spaced at 25' intervals as well as relatively small deciduous (Western Redbud) trees. This row of widely spaced trees is simply woefully inadequate for privacy screening. Furthermore, the above-ground parking lot, a major source of noise and light disturbance, would be shielded with only deciduous trees, providing no screening for a substantial portion of the year. In short, the proposed building will tower over the adjacent neighborhood with effectively no privacy screening for decades to come (if ever). We strongly advocate that the landscaping meant to screen this building from residential properties be revamped, starting from the principle that multiple layers of screening vegetation (with substantial height, given the constraints imposed by the easement) placed as close to Stanford Hills homes as possible are required for proper privacy screening.

Attaining an appropriate level of screening is challenging given the limitations of the easement, as trees closer to Stanford Hills homes would have a better screening geometry for the neighborhood than trees planted further away (i.e. closer to the proposed building). Therefore the 35' easement highly reduces the effectiveness of the required 75' setback space, making it challenging to properly landscape the area. We would urge the planning commission to consider using the edge of the easement, rather than the edge of the parcel, as the proper position to start setback measurement, as this would be more consistent with the intent of the setback requirement and allow for more adequate landscaping of a buffer zone between this commercial development and a low density residential area. We would also ask the commission to consider reducing the height and/or footprint of the proposed building.

One potential mechanism to increase the vegetation-usable setback of this project from Stanford Hills residences would be to move the proposed building closer to Sand Hill Road. We would note that at least two buildings on Sand Hill Rd in C-1-C zoning have 65' (or perhaps smaller) setbacks. In our view, moving the building footprint toward Sand Hill Rd would have no negative consequences, and provide an additional useful area that might buffer this construction.

In sum, given that 35' of the required 75' setback from Stanford Hills is utility easement land that cannot be used to provide any landscaping privacy screen, we would advocate for 1) reimagining the current landscaping plan to include substantially more layered large, coniferous tree-based landscaping and 2) moving the building closer to Sand Hill Road to generate additional space for appropriate screening landscaping. Such a variance has precedent (other buildings along Sand Hill), and would conform more closely to the configuration of the Hewlett Foundation Building (which has an approximately 150' setback from the nearest residential property).

We would also request for story pole placements on the site prior to plan approval to assess relative heights of roof line and roof top from the adjacent homes. Stanford has indicated that they will not grant this request unless specifically required to do so by the city of Menlo Park.

## **2) Construction and permanent noise**

According to the MND, construction noise at the adjacent residences is estimated to be in the 85-88 dba range (sufficient to cause permanent damage). Mitigation is expected to reduce this by 5 db, leaving it in a dangerous zone for constant exposure estimated to last 333 days per table 4.12-1 of the MND report. We view this as a highly significant quality of life issue for the neighborhood and request a more detailed and proactive approach toward minimizing construction noise. For example, a sound barrier to reduce the expected noise by 15-20 db would be more appropriate.

Page 124 of the MND "Parking Garage Traffic Noise" assumes all traffic noise post-construction will be below grade. This ignores the garage entrance at the southeast corner of the building. The garage opening is 24' wide. The garage ramp extends approximately 34' into the 40' landscape buffer leaving no room for adequate trees. The traffic study in the MND indicates two garage entrances are not necessary. We therefore object to this unnecessary source of light and noise. The second entry on the north side of the building does not have similar levels of noise or light concerns.

## **3) Office lighting and privacy**

First and second floor lighting from the building will clearly be visible to houses, yet the MND essentially ignores this problem. No specific, proactive mitigation plan is discussed, which is concerning, especially given the highly problematic landscaping plan. We would request that to avoid light pollution (which has been a problem for the Hewlett building, which has a much larger setback and better, more mature landscaping) automated blinds for the internal portions of the building be activated after sunset, or that other specific mechanisms be enumerated prior to construction to avoid negative experiences our neighborhood has already had with the Hewlett building. We also request that the proposed building and parking lots use only low-to-the-ground lighting, which is both more energy efficient and pollutes less light into the adjacent neighborhood.

The second floor offices of the proposed building have a clear line of sight into the nearby homes. This is also not addressed in the MND. Unless (or until) solid vegetation blocks all visibility into the homes, we request shutters on the outside of the windows or other similar measures to protect the privacy of homeowners in the Stanford Hills neighborhood. As a second consideration, shutters will significantly reduce the heat on these south facing offices until the landscaping matures.

## **4) Traffic**

Traffic generation is estimated in the MND to be 302 daily trips, with only 47 in the morning peak and 36 in afternoon peak. We find this to be a surprisingly low estimate for a building with 130+ occupants. We request that the assumptions that underlie these estimates be examined.

Furthermore, if the peak traffic is as light as indicated, there is little reason to have two garage entrances.

### **5) Building height variance**

We see no reason for the height of the building to be allowed to be increased above the statutory limit for this zoning designation. The proposed “penthouse” is simply unnecessary, useless, and aesthetically unattractive embellishment, and contradicts Stanford's stated intent to screen the building as much as possible.

### **Conclusion**

We respectfully request that these issues be addressed prior to approval of any project. The aforementioned list is not intended to comprise an exhaustive list of issues that Stanford Hills residents have with the proposed construction. Given the draft status of the current plans, we reserve the right to comment on any other issues as they evolve and as new plans are generated.

We feel the best possible decision of the Planning Commission would be to place this project on hold for the near term while residents recover from previous construction activities and begin to re-landscape their lots to deal with the changes being caused by PG&E activities. However, if indeed the commission decides to move forward, we very much hope to work together to minimize impact on an already highly sensitized and previously impacted community.

Sincerely, on behalf of Stanford Hills Residents,

William Greenleaf, Ph.D., Chair, Adjacent land committee, Stanford Hills Home Owners Association, & Stacy Porter, MD  
2372 Branner Drive  
Menlo Park, CA 94025

Mark Trail, Stanford Hills Home Owners Association President  
8 Anderson Way  
Menlo Park, CA 94025

Sue Bishop & Viole McMahon  
2378 Branner Drive  
Menlo Park, CA 94025

Iver Bruflat  
2367 Branner Drive  
Menlo Park, CA 94025



**COUNTY OF SAN MATEO**  
**PLANNING AND BUILDING**

**County Government Center**  
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Redwood City, CA 94063  
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www.planning.smcgov.org

April 24, 2017

Tom Smith, Associate Planner  
City of Menlo Park  
Community Development Department  
701 Laurel Street  
Menlo Park, CA 94025

Dear Mr. Smith:

**SUBJECT: Initial Study/Mitigated Negative Declaration Rezoning, Rezoning, General Plan Amendment, Stanford University – 2111-2121 Sand Hill Road**

Thank you for the opportunity to review the proposed Initial Study/Mitigated Negative Declaration Rezoning, Rezoning, General Plan Amendment, Stanford University – 2111-2121 Sand Hill Road (MND). The MND was dated March 24, 2017 and received in our offices on April 3, 2017. San Mateo County Planning staff has reviewed the MND for consistency with the County's Planning and Zoning policies and the following staff comments are based on our review of the proposed project and MND.

The proposed project includes rezoning and annexation of a 14.2-acre property, currently in unincorporated San Mateo County, into the City of Menlo Park. The project also includes a 39,510 sq. ft., two-story office building with two levels of below grade parking on the 2.6-acre undeveloped portion of the property at 2131 Sand Hill Road. Parking would be provided in a surface parking lot located east of the building, and in a two-story, 119-space parking garage below the building. It will provide 40 surface parking spaces, for a total of 159 parking spaces. Eight bicycle racks would be located under the building arcade, and eight bicycle lockers would be included in the garage.

As you may know, the San Mateo County General Plan Policy 7.24 *Urban Unincorporated Areas Within City Sphere of Influence* states "encourage cities to annex urban unincorporated areas within designated city spheres of influence." County staff also believes that the City of Menlo Park should annex the PUD-Zoned parcels across the road and the portion of Sand Hill Road right-of-way immediately west the Santa Cruz Avenue-Sand Hill Road intersection. This would avoid a confusing, awkward configuration of jurisdiction at this location.



Review of Trip Generation Rates:

A. Surrounding Area Averages:

Trip generation for the proposed office building was estimated based on calculating the average trip generation rates for similar general office buildings in Menlo Park, based on square footage. Driveway counts for the office buildings at 2200 Sand Hill Road, 200 Middlefield Road, and 64 Willow Road were conducted in May and June 2016. The proposed office building is estimated to produce 47 trips during the AM peak hour, and 36 trips during the PM peak hour. Using the inbound and outbound splits calculated from similar offices, the project would generate 38 inbound and 9 outbound trips during the AM peak hour, and 4 inbound and 32 outbound trips during PM peak hour.

B. ITE Trip Generation:

ITE table (710) = 11.01 per 1000 sq ft weekday average rate  
1.55 per 1000 average peak am  
1.49 per 1000 average peak pm

Weekday total =  $11.0 * 39.51 = 435$   
AM peak =  $1.55 * 39.51 = 62 > 47$  Hexagon estimates  
PM peak =  $1.49 * 39.51 = 59 > 36$  Hexagon estimates

We believe that the MND trip generation rates should be adjusted upward to reflect potential future use conditions, at least to the extent that there is available on site parking.

C. Trip Distribution

The MND assumes that trip distribution will follow existing patterns. Page 13 of the traffic study turn movement diagram 4 shows 15 vehicles left turn from driveway and 6 right turn from driveway in the PM. Therefore  $15 / (15 + 6) = 70\%$  will go WB Sand Hill and 30% will go EB Sand Hill then to Alpine Rd in the PM. An alternative trip distribution should be considered as well as it may or may not impact Intersection 2 and #3: Sand Hill/ Alpine/ Junipero Serra which is already at a LOS of D.

Direction	Distribution Proposed	Distribution Alternative Proposal
SB Alameda de las Pulgas	17%	17%
NB Alameda de las Pulgas	17%	17%
EB Sand Hill	20+33+8%=61%	20+33+8 = 61%
WB Sand Hill	20+33+8 = 61%	20+26+8 =54%
SB Alpine Rd	4%	11%
NB Alpine Rd	4%	4%
Misc other roads	No change	No change

Also please condition the project to include the following restrictions:

- 1) During construction (15 months) require construction related equipment, crews, etc., to use Sand Hill Road in lieu of Alpine Road in both directions. In particular, haul routes for excavated materials or imported materials should use Sand Hill Road to avoid unnecessary impacts to residents along Alpine Road.
- 2) Require the project to physically prevent illegal left turns off of northbound Alpine Road into the Buck Estates.

If you have any questions regarding the comments in this letter, please do not hesitate to contact me at 650/363-1865 or [jlaclair@smcgov.org](mailto:jlaclair@smcgov.org).

Sincerely,



Joseph LaClair  
Planning Manager

JEL:aow – JELBB0203\_WAN.DOCX

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**STAFF REPORT**

**City Council**

**Meeting Date:**

**8/29/2017**

**Staff Report Number:**

**17-196-CC**

**Regular Business:**

**Consider the term sheet for the Middle Plaza at 500 El Camino Real project (300-550 El Camino Real) development agreement**

**Recommendation**

Staff recommends that the City Council consider the proposed term sheet for the Middle Plaza at 500 El Camino Real project development agreement (Attachment A).

**Policy Issues**

The proposed project will require the Planning Commission and City Council to comprehensively consider the requested land use entitlements, such as architectural control and a Below Market Rate (BMR) Housing Agreement, along with the public benefits associated with the development agreement. The Planning Commission and City Council will concurrently consider the project's Final Environmental Impact Report (EIR). At this time, staff is requesting City Council input on the term sheet for the development agreement associated with the project.

**Background**

Stanford University ("Stanford") is proposing to redevelop an 8.4-acre site at 300-550 El Camino Real with a mixed-use development. The project would demolish the existing structures on the site and construct up to 458,967 square feet of mixed uses, and would meet the allowable floor area ratio (FAR) under the Specific Plan's base-level development standards. The proposed development would include approximately 10,286 square feet of retail/restaurant uses, approximately 142,840 square feet of non-medical office uses, and 215 residential units that would comprise approximately 276,613 square feet. The project would include the construction of one mixed-use retail and office building (Office Building 1), two office buildings (Office Buildings 2 and 3), four residential buildings (Residential Buildings A, B and C), two of which are connected to create Building A, and a plaza at Middle Avenue (Middle Plaza) that would be approximately 120-feet wide and approximately 0.5 acre in size. The plaza would provide public amenities in the form of publicly accessible open space and a connection between El Camino Real and the proposed grade-separated crossing at the Caltrain tracks, discussed below. The project would provide approximately 930 parking spaces within underground parking garages and surface parking.

The El Camino Real/Downtown Specific Plan identifies a grade-separated pedestrian and bicycle crossing at the Caltrain tracks located along the project site's eastern boundary and close to the Middle Avenue intersection. This grade-separated crossing would improve bicycle and pedestrian circulation and east-west connectivity for neighborhoods on both sides of the Caltrain tracks, with improved access to City amenities, public transit and downtown Menlo Park. Additionally, the crossing would encourage the use of alternative modes of transportation.

A development agreement with the City of Menlo Park is proposed for Stanford to secure vested rights, and

for the City to secure public benefits, including a financial contribution to the City of Menlo Park toward the design and construction of a grade-separated pedestrian/bicycle crossing at Middle Avenue. At the March 28, 2017, City Council meeting, Councilmembers Mueller and Ohtaki were appointed to a subcommittee to assist with negotiation of a development agreement for the Middle Plaza at the 500 El Camino Real project. The subcommittee was charged with providing input to a City negotiating team for the proposed development agreement associated with determining Stanford's financial contribution toward the grade-separated pedestrian and bicycle crossing at Middle Avenue. Stanford has requested that this be memorialized through a development agreement in order to document the project's contribution and vest any project entitlements ultimately approved by the City.

## Analysis

A development agreement is a contract between the City of Menlo Park and a project sponsor that delineates the terms and conditions of a proposed development project. A development agreement allows a project sponsor, in this case Stanford, to secure vested rights, and it allows the City to secure certain benefits that it might not otherwise be entitled to obtain. The City Council is not obligated to approve a development agreement, but if the City Council does want to approve a development agreement, the terms of the development agreement need to be acceptable to both parties; one party cannot impose terms on the other party.

After the March 28, 2017, appointment of the City Council subcommittee (Councilmembers Mueller and Ohtaki), City staff, including the City Manager, Assistant City Manager and City Attorney, met with the subcommittee to determine the key parameters for the negotiation of public benefits as part of the development agreement. Subsequently, staff negotiated with Stanford and consulted with the City Council subcommittee. The attached term sheet letter from Stanford (Attachment A) is the outcome of the public benefit negotiation process. A letter from the Menlo Park City School District is included as Attachment B. As discussed below, the City Council subcommittee does not support the existing term sheet because they believe the funding for the education foundation is not sufficient.

### Development agreement term sheet

The term sheet reflects the terms proposed by Stanford in addition to the required mitigation measures, which were determined by the Draft EIR and which will be included in the mitigation monitoring and reporting program for the development proposal. The City Council subcommittee has reviewed the proposed term sheet but does not support it because they believe the funding for the education foundation is not sufficient. The subcommittee does support the term sheet if the funding for the education foundation is increased as suggested below.

1. Caltrain pedestrian/bicycle crossing

The applicant is proposing to pay for 50 percent of the cost of the crossing, up to \$5,000,000.

2. Affordable units

According to staff's calculations, the project is required by the current BMR requirements to provide 6.4 BMR units that are affordable to individuals at the low-income level, as designated for San Mateo County. Stanford believes credit should be given for buildings that were unoccupied at the time of the application submittal, which would result in a BMR requirement of 5.3 BMR units. The Housing Commission recommended that the BMR requirements for the 2131 Sand Hill Road project, consisting of 1.9 BMR units, be satisfied on this project site with the provision of two on-site BMR units. The applicant is proposing 10 one-bedroom BMR units, all at the low-income level. (If the 2131 Sand Hill Road project is not approved, the applicant would provide eight one-bedroom BMR units at the low-income level.)

3. Menlo Park-Atherton Education Foundation

The applicant is proposing to pay \$100,000 per year to the Menlo Park-Atherton Education Foundation over 10 years, totaling \$1,000,000. The subcommittee recommends the term of the annual payments be extended for five years, to total \$1,500,000 over 15 years.

4. Assurances regarding new city fees

Similar to provisions included in previous development agreements, the City agrees to provide Stanford assurances as to certain changes in fees and applicable laws, in exchange for the negotiated benefits. The Project will not be subject to any new impact fees, including increased BMR fees, or any equivalent in-kind obligation, for the term of the Agreement. The assurances regarding no imposition of new fees shall not limit the City from imposing new citywide or Specific Plan wide fees, assessments or taxes.

5. Plaza

Stanford has agreed to execute and record a Public Use Agreement as part of the development agreement regarding the public use of the privately owned and operated Middle Avenue plaza. The proposed public access hours for the plaza would be 6 a.m. to midnight.

6. Term of the development agreement

The Term shall be 10 years, subject to extension if the City has made substantial progress in securing approvals and funding for the grade crossing, in which event the term may continue for up to five years beyond the initial 10 year term, with the understanding that the BMR units will be subject to a separate agreement for a 55-year term.

### **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, fully recovering the cost of staff time spent on the review of the project.

### **Environmental Review**

A Draft EIR was prepared for the project. The public comment period on the Draft EIR closed April 13, 2017, and staff and the City's CEQA consultant subsequently drafted responses to comments. The Final EIR, consisting of the responses to comments plus the Draft EIR, was released August 11, 2017. The Final EIR will be considered by the Planning Commission, at a hearing scheduled for August 28, 2017, and City Council concurrent with the final project actions.

### **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. Middle Plaza at 500 El Camino Real – development agreement term sheet, Stanford
- B. Letter from the Menlo Park City School District

Report prepared by:

Corinna Sandmeier, Associate Planner

Staff Report #: 17-196-CC

Report reviewed by:  
Mark Muenzer, Assistant Community Development Director  
Chip Taylor, Assistant City Manager





# Stanford University

August 16, 2017

Mayor Kirsten Keith  
Mr. Alex McIntyre, City Manager  
City of Menlo Park  
701 Laurel Street  
Menlo Park California 94025

Dear Mayor Keith and Mr. McIntyre:

Stanford University is pleased to present this offer of Community Benefits as part of our proposed Middle Plaza at 500 El Camino Real development. Middle Plaza<sup>®</sup> will help fulfill the vision of Menlo Park's El Camino Real and Downtown Specific Plan by providing much needed workforce and affordable housing to the City and revitalizing 8.5 acres of dormant property along El Camino at the City's gateway. Middle Plaza will add to the economic vitality of the downtown, create publicly accessible open space, add beautiful widened sidewalks along El Camino, and improve east/west bicycle and pedestrian connectivity.

Since 2007, Stanford has been engaged with the City and the community on designing an attractive and productive redevelopment of our property. Over the last few years, we have hosted over a dozen community meetings to learn what is important to the community and to gather feedback on our project, its design, and its features with the intent of incorporating this feedback into our final application.

With our revised and final plan now before you, we are excited to be able to add a robust \$7 million Community Benefits package into consideration. This funding further responds to the City and community on items that are above and beyond what is required as part of the Specific Plan, including Stanford's financial contributions to the Caltrain rail crossing, schools and the addition of Below Market Rate units above what is required by the City.

### **Caltrain Rail Crossing**

Throughout the Specific Plan process, as well as during our community outreach, we have heard the community's interest in a pedestrian and bike connection across the railroad tracks near Middle Avenue, connecting Burgess Park with the westside of Menlo Park and providing connections to residents on the eastside of Menlo Park with downtown, schools and parks on the west. Stanford proposes to contribute funding of 50% of the cost of a crossing of the Caltrain tracks, up to a total Stanford contribution of \$5 million. This crossing will provide a convenient and safe way for Menlo Park residents to cross the railroad tracks on foot or bike and develop better, more cohesive connections for neighbors on each side of the tracks. It is a desirable way to further the El Camino Real and Downtown Specific Plan's goal to improve east/west connectivity. Our work to support this crossing and connect it through the retail

and plaza component of our project will result in a great amenity for the community and is an example of what has been achieved by working collaboratively through the project's design.

### **Support for Menlo Park Schools**

Stanford recognizes and appreciates how important high quality schools are to the residents of Menlo Park. To that end, Stanford proposes a contribution to the Menlo Park Atherton Education Foundation of \$1 million, paid over 10 years, to further its mission of supporting the Menlo Park City School District and its critical needs.

### **Affordable Housing**

Stanford proposes to provide a total of 10 one-bedroom units at a below market rental rate. Per the City's BMR ordinance, five BMR units or in-lieu fees are required for our project. Also, to satisfy the City's BMR ordinance for Stanford's 2131 Sand Hill Road project, Stanford agreed to provide two additional BMR units in the Middle Plaza development. In addition, Stanford will provide three BMR units over the City ordinance requirements for the Middle Plaza project. The addition of these three units represents a financial contribution by Stanford of over \$1 million.

### **Other Project Benefits**

The above-mentioned Community Benefits are all voluntary contributions above and beyond what is required of Stanford. They come on top of established requirements and inherent benefits achieved through Menlo Park's land use planning process. Below are just some of the other elements of the project that provide benefits to the broader Menlo Park community:

- Publicly-accessible Middle Plaza – Stanford is providing a publicly accessible plaza that the entire community can enjoy. We have conducted numerous meetings and focus groups on important elements of the plaza, and our proposal includes a plaza over double the size of what's required in the Specific Plan. This one-half acre plaza will include attractive landscaping, open space, seating areas, space for events and programming, and areas for restaurant seating, similar to the plaza space at Café Barrone. Stanford has agreed to provide and fund the ongoing management and maintenance of this space, and to fund and construct this publicly accessible space. The value of this space, including land, is estimated at over \$10 million.
- Open Space and Underground Parking – Providing open space in the downtown area is an important element of the El Camino Real Downtown Specific Plan. Stanford's project exceeds the plan's 30% open space requirement, and provides 40% open space. In order to be able to provide this significant amount of open space, Stanford has placed 84% of the project's parking underground. The cost to do this is tens of millions of dollars in excess of the costs of surface or above ground parking. This will greatly improve the aesthetics of the project to the community.
- El Camino Real Sidewalk Improvements – Walkability will be greatly improved along El Camino, with our project funding the creation of a 15 foot wide promenade along the one-third mile of our El Camino frontage. This equates to over one-half acre of land dedicated to improving the

pedestrian experience, as well as providing an attractive frontage along the entire length of our project site.

- Economic Vitality – Downtown Menlo Park retail business have suffered for years from lack of foot traffic. The addition of office space proximate to the downtown will provide weekday customers to downtown merchants. The office space will also draw business travelers who create additional demand for the El Camino hotels, providing sales and Transient Occupancy Tax to the City. Additional residents in our apartments will increase downtown retail patronage at all times during the day, night and weekends.

Stanford submitted its initial project application in January 2013, over four and a half years ago. Since that submission, we have made numerous changes and adjustments based on the feedback from the City and residents, including:

- Increased Housing – Due to the housing crisis as well as local jobs/housing imbalance, the City and community asked us to increase the housing component of the project. We have increased our housing units from 170 to 215, an increase of 26%.
- Eliminated Medical Office/Reduce Total Office – The local community requested elimination of Medical office, due to traffic concerns, which we have done. Due to the concern over a shortage of housing versus office uses, we reduced our office square footage from 199,500 square feet to 144,000 square feet, a reduction of over 27%. Also, this amount is 37% less than what is allowed under the base conditions of the Specific Plan.
- Eliminated Three Bedroom Units – Due to concern with increased school enrollment, we were asked to eliminate three bedroom units from our project, which we have done.
- Improved Project Design – The architecture on our original proposal was not well received by the Menlo Park community. We have completely changed both the residential and office architecture to be more compatible with the styles of Menlo Park. This change includes significantly more detailing, articulation, modulation and cost than is typical for comparable local development projects.
- Reduced project height – Our original project included office buildings with four stories. Our office buildings are now only three stories.

In exchange for these project benefits, we ask that the Development Agreement vest our rights to construct the project in accordance with our approvals for a negotiated period of time corresponding to the period the City needs to construct the Caltrain railroad crossing. This means we would follow the requirements in our approval documents; the City would not change those requirements and would not impose any new development impact fees beyond those that exist today.

We are cognizant of the fact that a Development Agreement is not needed for the Middle Plaza project because it conforms to the base requirements of the Specific Plan. Under the Plan, the determinations that the project furthers the Plan's vision, goals and objectives would be sufficient to merit project approval. Nevertheless, we committed early on to provide funding for the Caltrain crossing, and determined a Development Agreement would be the most appropriate mechanism for documenting our

funding agreement. When we met with the Council's subcommittee prior to publication of the Draft EIR for our project, we offered a \$3 million contribution toward that crossing. Since then, we have increased our commitment for the crossing to \$5 million, added the contributions to the Menlo Park Atherton Education Foundation described above, and added three more BMR units than are required by the City's ordinance. In total, we have more than doubled our initial offer.

We look forward to working with the City to approve this project that will bring over \$7 million of negotiated Community Benefits to the City of Menlo Park and Menlo Park schools in addition to the many benefits that are inherent to the project. The Middle Plaza at 500 El Camino Real project will bring vitality to properties that have been vacant (some for over twelve years), be sensitive to and compatible with the adjacent properties, improve east/west connectivity, provide much needed workforce and affordable housing, provide economic activity and vitality, enhance pedestrian and bicycle networks, improve the appearance and functionality of the El Camino Real streetscape, and provide much needed open space for the Menlo Park community.

In addition, we are providing additional information related to Stanford's tax-exempt status in Attachment 1 of this letter. Thank you for helping us take our property forward according to the vision of the El Camino Real Downtown Specific Plan.

Sincerely,



Steve Elliott

Managing Director, Development

## Attachment 1

### Middle Plaza at 500 El Camino

#### Additional Project Information

Article XIII, Section 3 (e) of the California Constitution specifically exempts from property tax property used exclusively for educational purposes by a nonprofit institution of higher education. This exemption recognizes as public policy that a nonprofit institution of collegiate grade should not be subjected to tax burdens on real estate used to fulfill its exempt purpose, i.e. for scientific research and education. This includes the provision of housing for students, faculty and staff. This exempt status allows for financial resources to be dedicated to the educational mission, as for example, the support of significant tuition assistance for students, substantial investments in teaching and research, and housing, transportation and other support services to operate the University.

- Stanford properties in Menlo Park currently pay over \$2 million annually in property taxes to Menlo Park, with approximately \$400,000 per year to Menlo Park elementary and middle schools. As these are all commercial properties, they have never generated any students to Menlo Park schools.
- Increase in the local housing stock, including below market rate housing, is an important element of our project to the local community. We specifically increased our housing, and reduced our office square footage, to meet council and community concerns.
- Per requests from the City and the Community, all three-bedroom units were removed from the project to reduce school impacts. Three or more bedroom units have a significantly higher student generation rate than one and two-bedroom units.
- Stanford will be paying over \$1 million in school facilities fees to local schools to accommodate school district enrollment.
- Additionally, as part of the proposed Development Agreement, Stanford would voluntarily contribute funds to the Menlo Park Atherton Education Foundation of over \$1 million.
- The project will contribute in a number of ways toward safe routes to schools, including significant funding for the Caltrain crossing, bike lanes on Middle Avenue, TIF funds, and construction of intersection and crosswalk improvements.
- Any apartments not occupied by Stanford workforce will be subject to property tax.
- Stanford housing is more affordable than market housing for its workforce, because of the property tax exemption.
- Stanford currently leases approximately 800 rental units in the local community, with approximately 180 in Menlo Park, and it exercises its state property tax exemption on those units. Stanford's need for additional local rental housing is expected to continue to grow. By developing Middle Plaza with Commercial AND Residential elements, Stanford is able to add to the housing stock, reduce its local rentals, and provide property taxes from the commercial component of the project.
- Stanford contributes in many other ways that benefit local schools and communities, programmatically and not just fiscally. For example, programs in the Stanford John Gardner

Center, Haas Center for Public Policy, the Stanford Design School, the School of Education, and numerous other programs have contributed to local community schools for many years.

- Housing for faculty, staff and students near campus promotes bike and pedestrian travel versus single occupant car commuting, which results in a more sustainable project.
- Stanford's faculty staff housing office does not expect Middle Plaza to attract families with children, due to its small unit size and location along a commercial corridor between El Camino Real and the Caltrain tracks.

**Menlo Park City School District**

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**Board of Education**

David Ackerman  
Stacey Jones  
Joan Lambert  
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Superintendent  
Erik Burmeister

Assistant Superintendent  
Jammie Behrendt

Director of Student Services  
Ginny Maiwald

Chief Business & Operations Officer  
Ahmad Sheikholeslami

August 21, 2017

Dear Alex, et al.,

I am writing to provide Menlo Park City School District's feedback on recent developments regarding the Draft Infill EIR Middle Plaza at 500 El Camino Real Project. This correspondence is in response to the August 17, 2017 meeting that occurred between three representatives of the MPCSD and four representatives of the City of Menlo Park's subcommittee tasked with reviewing the Middle Plaza Development. I'm sorry you weren't able to be there yourself, but your staff did a great job in your stead. All attendees to that meeting are CCed to this communication (see below).

As shared in my July 21, 2017 communication to you, it is not the practice of MPCSD's Board or staff to take positions of support or opposition on local development. We recognize that the benefits and challenges of development are a decision of the city and that city staff and elective officials are responsible to see to it that development has an overall benefit to the community. In that spirit, I extend MPCSD's most sincere appreciation to the members of the city's subcommittee and staff for their regular and open communication with members of our staff and Board regarding the Middle Plaza development. The city continues to exhibit a commitment to ensuring the impacts on the local school district of the Middle Plaza development are mitigated to the greatest degree possible.

Based on information shared at our August 17 meeting, it appears as though Stanford is contemplating a gift to MPCSD's educational foundation, the Menlo Park Atherton Education Foundation (MPAEF), in the amount of \$1 to \$1.5 million to be granted in \$100,000 increments each year for ten to fifteen years. This level of gift would certainly assist the district in mitigating the financial impacts of increased enrollment above and beyond the anticipated tax revenue from the commercial portion of the development. Additionally, it is our understanding that the City of Menlo Park might consider reserving five (5) of the ten (10) Below Market Housing units (BMH) specifically for MPCSD teachers who meet the general requirements for BMH.

We appreciate Stanford's desire to support public education in our community. Further, we appreciate the City of Menlo Park subcommittee's desire to facilitate an agreement that, in combination with commercial tax revenue, mitigates the potential loss in revenue from both property tax (from which Stanford is exempt) and parcel tax (which Stanford is consolidating). In the few short days since our meeting, MPCSD compared Stanford's assumptions to the assumptions under which the district operates. On behalf of the MPCSD, I offer a few clarifications of Stanford's assumptions to ensure the most accurate account of the impacts to the school district.

Stanford's analysis seems to contend that tax revenue from the commercial property alone would bring their development within the same range of revenue as a non-exempt development. Stanford's analysis used a hypothetical assumption for purposes of comparison. The comparison used a "typical" 24-unit townhome project and assumed tax revenues to the District of about \$86,400 to \$129,600 or \$4,235 to \$9,818 per student. However, Stanford's assumed Student Generation Rate (SGR) range of 0.55 to 0.85 for a single-family detached/large townhome is extremely high and therefore understates the per student

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**Menlo Park City School District**

Every child achieves academic excellence. Every child becomes emotionally and physically stronger.  
Every child discovers and grows their talents.

revenue the district would actually receive from such a development (MPCSD's 2015 enrollment projection report concluded a 0.44 SGR for single-family homes). In addition, Stanford's assumption did not include the approximately \$1,000 per parcel the District would receive from each townhome in this scenario. It is our understanding that Stanford intends to consolidate the current six parcels at the Middle Plaza Development into one; consequently, this single parcel, which includes all 215 apartments and the commercial property, will only pay a single parcel tax. According to our updated assumptions, MPCSD estimates revenues from a hypothetical 24-unit townhome project would actually be \$110,400 to \$153,600 or \$10,800 to \$13,300 per student.

Based on Stanford's updated assumptions on the anticipated assessed value of commercial improvements, the commercial (and tax-paying) portion of their development will provide annual revenue of \$195K to \$250K to MPCSD. If Stanford were not tax exempt, using Stanford's own assumptions of the median value of project improvements, the total annual revenue to MPCSD would be \$465,318, which is \$215,318 to \$270,318 less than Stanford expects to pay from the non-exempt commercial piece of its development. The present value of \$250,000 for ten years using Stanford's 20-year average rate of return of 10.7% is equivalent to approximately \$1.5 million dollars in today's dollars, which is right in the middle of that range. This would still not provide full mitigation to the District's anticipated cost of \$660K to serve an additional 39 students at 2019 projected cost of \$17K/student, but it would be close to the amount the District would receive if the City were to approve a development such as this by a private developer who is not tax exempt.

As the Middle Plaza development continues to move through the approval process, the financial impact of having scores of property within the school district boundaries rented by Stanford faculty and staff becomes more clear. Our understanding is that approximately 180 rental properties within Menlo Park are currently rented to Stanford faculty and/or students exempting those property owners from having to pay property taxes. It is our hope that increasing housing for Stanford faculty and staff at the Middle Plaza development, with additional support from Stanford to our public schools, will not only help mitigate impact to the district, but also decrease the number of exempt rentals throughout the school district. Our district staff and Board remain open and eager to work with City officials and local policy makers to address this issue further.

Lastly, I would like to applaud the City for its consideration of reserving five (5) BMH units for MPCSD teachers. I am confident that many of our teachers would be interested in and qualified for this opportunity. I think this effort will not only generate good will within the community, but also ensure that more of our gifted teachers can stay in the area and continue working in our schools. I encourage us to look to future development with the same creative spirit to ensure even more affordable housing options for our teachers.

Our staff and members of our Board appreciate the efforts you, your staff, and members of the City Council have engaged in to mitigate the impacts of development on our community-funded school district.

Sincerely,



Erik Burmeister, Superintendent

CC: Ray Mueller, City Councilmember  
Peter Ohtaki, City Councilmember  
Chip Taylor, Assistant City Manager  
Bill McClure, Attorney  
Terry Thygesen, MPCSD Board Member  
Ahmad Sheikholeslami, MPCSD Chief Business & Operations Officer





**STAFF REPORT**

**City Council**  
**Meeting Date:** 8/29/2017  
**Staff Report Number:** 17-194-CC

**Regular Business:** **Waive first reading and adopt an ordinance authorizing an amendment to the CalPERS retirement contract**

**Recommendation**

Staff recommends that the City Council waive the first reading and adopt an ordinance authorizing an amendment to the City's CalPERS retirement contract to provide Section 20516 (Employees Sharing Additional Cost) of 3 percent for classic local non-management safety members.

**Policy Issues**

CalPERS requires the governing bodies of member agencies authorize an amendments to retirement contracts in a public meeting, after notice has been given of the agency's intent to amend the contract. The City Council took action July 18, 2017, stating its intent to amend the 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 percent 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 percent 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. In July 2017, the City Council adopted 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. The affected local safety members held a secret ballot that concluded August 8, 2017.

Of the 34 local safety members eligible to vote, 30 approved of the amendment and one disapproved of the amendment. This margin exceeds the minimum approval threshold of 17 necessary to prepare and execute an ordinance and allowing CalPERS to finalize the amendment, effective no earlier than September 3, 2017.

**Analysis**

With the adoption of this ordinance, the City Council is fulfilling the contractual obligations set forth in the MOUs between the City and the Menlo Park Police Officers' Association and the Menlo Park Police Sergeants Association, effective December 15, 2015 and August 30, 2016 respectively. Adoption of the

ordinance does not change the net contributions of either the City or its members toward the CalPERS retirement plans, rather the amendment permanently reduces the City's required contributions by 3.00 percent going forward in lieu of the employee paying a portion of the employer's contribution, also referred to as cost sharing.

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 before retirement, in which case they will be eligible to receive their total contributions to CalPERS inclusive of the added 3.00 percent contribution that was previously treated as cost sharing, or b) pass away after electing a retirement option which cashes out contributions to a beneficiary and before 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.

If the City and the members of the local safety bargaining units later agree to change the Member Contribution amounts or otherwise modify the contract, this amendment will not impede those efforts and is fully reversible.

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 a straightforward manner in accordance with state law, 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 from adopting this amendment. The City's CalPERS employer rate will permanently decrease by 3.00 percent for non-management classic local safety members, and the employee rate will permanently increase by 3.00 percent as a Member Contribution unless a subsequent agreement and amendment changes this percentage.

### **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. Ordinance with exhibit for amendment to contract

Report prepared by:

Dan Jacobson, Interim Finance and Budget Manager

*DRAFT – August 29, 2017*

**ORDINANCE NO. XXXX**

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

The City Council of the City of Menlo Park does hereby ORDAIN as follows:

**SECTION 1.** That an amendment to the contract between the City Council of the City of Menlo Park and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

**SECTION 2.** The Mayor of the City of Menlo Park is hereby authorized, empowered and directed to execute said amendment for and on behalf of said Agency.

**SECTION 3.** This ordinance shall take effect 30 days after adoption. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the City Councilmembers voting for and against the amendment

**SECTION 4.** This Ordinance shall be published once within fifteen (15) days of its adoption in The Daily News, a newspaper of general circulation, printed, published and circulated in the City of Menlo Park, and shall become effective thirty (30) days from the date of adoption by the City Council or the effective date of LAFCO approval of the annexation, whichever date is later.

INTRODUCED on the twenty-ninth day of August, 2017.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the twenty-ninth day of August, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Kirsten Keith, Mayor

ATTEST:

\_\_\_\_\_  
Clay J. Curtin, Interim City Clerk



California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

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

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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.

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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).

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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.

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- 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



## STAFF REPORT

### City Council

Meeting Date:

8/29/2017

Staff Report Number:

17-187-CC

Informational Item:

**Clarification regarding conversion of existing covered parking (garage or carport) for use as a secondary dwelling unit, and associated replacement parking requirements**

### Recommendation

This is an informational item and does not require City Council action.

### Policy Issues

Staff believes that the clarification described in this report would ensure that City practices would be in compliance with relevant State regulations. The clarification would also support Housing Element Policy H4.11, which encourages the development of secondary dwelling units.

### Background

Assembly Bill 2299 (AB 2299) and Senate Bill 1069 (SB 1069) passed in the 2015-2016 legislative session and amended California laws relating to Secondary Dwelling Units (also referred to as Accessory Dwelling Units). On December 5, 2016, the Planning Commission reviewed and recommended approval of Municipal Code revisions intended to bring local regulations into compliance with these new State laws. On February 7, 2017, the City Council approved the Ordinance making these updates (with one minor modification), and the updated regulations formally went into effect 30 days later. Since the new regulations have gone into effect, staff has seen increased interest in the development of secondary dwelling units, which provide additional housing options while keeping neighborhood character consistent.

### Analysis

Staff prepared the revisions earlier this year under the understanding that they fully implemented the State law requirements. However, as more jurisdictions have updated their ordinances, and as there has been more awareness and discussion of the State law changes, multiple property owners and builders have raised questions to staff on the topic of garage/carport conversions specifically.

Staff did include provisions in the earlier updates that facilitated the conversion of existing detached accessory buildings (many of which are garages) into secondary dwelling units. For example, such secondary dwelling units are not required to provide any new off-street parking for the unit itself. However, staff understood that the off-street parking requirement for the main dwelling unit could remain in effect. Since the City's standard main residence requirement is for two spaces (one of which must be a garage or carport), not in any front or side yard and not in a tandem layout, this would effectively prohibit garage conversions on many parcels where there is not room to build a new garage/carport or provide an uncovered parking space that isn't in a front or side yard.

After reviewing the State law in more detail and consulting other jurisdictions' associated ordinance updates (for example, Redwood City, East Palo Alto and Mountain View), staff believes that the State law is clear on the following points:

- If an existing garage or carport (whether attached or detached) is converted to a secondary dwelling unit, no off-street parking is required for the secondary dwelling unit itself; and
- Replacement parking for a converted garage or carport can be required for the main unit; however, it must be allowed in any configuration on the same lot, including covered spaces, uncovered spaces, tandem spaces or mechanical parking lifts.

As a result, staff understands that scenarios such as the following would typically be permitted for buildings in existence as of the effective date of the State law (January 1, 2017):

- An applicant owns a parcel that meets the minimum lot size for secondary dwelling units (6,000 square feet) and contains a single-family residence and a two-car detached garage at the rear of the parcel, accessed by a long driveway that runs alongside the side of the house. The applicant proposes to convert the garage to a secondary dwelling unit. The garage is within the maximum secondary dwelling unit size (640 square feet, or 700 if the unit is designed to meet disabled access requirements). No parking is required for the secondary dwelling unit since it is being converted from an existing building, and the driveway along the side would provide room for two uncovered tandem parking spaces for the main unit.
- A property owner with a single-family residence proposes to convert its attached two-car garage to a secondary dwelling unit. The parcel meets the minimum lot size for secondary dwelling units, and the garage does not exceed the maximum secondary dwelling unit size. No parking is required for the secondary dwelling unit since it is converting a portion of an existing building, and the driveway provides room within the front 20-foot setback for two uncovered parking spaces for the main unit.

By contrast, scenarios such as the following would not be permitted by right, although an applicant could potentially request a use permit or conduct other actions as noted:

- A property owner with a 5,750-square-foot parcel wishes to convert an existing garage to a secondary dwelling unit. There is room on the driveway for replacement parking in an uncovered and/or tandem configuration, but the lot size is below the minimum that is specified for secondary dwelling units, so this cannot be permitted through the building permit process. However, the applicant can apply for a use permit to develop a secondary dwelling unit in this case, since the local ordinance conditionally allows modifications to certain development standards, including lot size.
- A residence on a corner lot has its existing garage located 12 feet from the corner side lot line. If the garage was converted to secondary dwelling unit use, the driveway leading to the garage could not be used to meet the main dwelling's parking requirement, since 12 feet would not provide sufficient distance for compliant uncovered parking spaces on the parcel. However, depending on the lot, there might be an option to construct a new driveway on the front side, where there would typically be a 20-foot setback.

The Municipal Code does not currently clearly permit garage/carport conversions to proceed without providing fully-compliant replacement parking (including at least one new covered parking space). However, based on the research recently conducted, staff believes that State law overrides the local ordinances on this topic. Staff is providing the Planning Commission and City Council with this clarification in order to

provide a public opportunity for comment and questions, since parking is a known topic of interest.

As part of its August 14, 2017, review, the Planning Commission accepted staff's clarified understanding of State law regarding garage/carport conversions as described in this report. As an informational-type item, the report did not require any Commission action, although several individual Commissioners noted a related interest in lowering the 6,000-square-foot parcel size threshold for secondary dwelling units, in order to allow more properties to develop such units. As noted by staff to the Commission at the August 14 meeting, the current 6,000-square-foot threshold was adopted by the City Council in 2014, after reviewing a Planning Commission recommendation that it be set at 5,000 square feet for most zoning districts. The City Council raised the threshold after receiving public comment from three residents of Belle Haven (where most parcels are less than 6,000 square feet in size) about parking and other potential negative impacts from secondary dwelling units. As a result, staff considers the lot size topic to be settled for the time being, and any potential modification to this requirement would require specific City Council direction and changes to priorities/resources. However, the City Council should note that the Housing Commission recently independently recommended a reduction in the minimum lot size required to develop a secondary dwelling unit, in order to include more lots.

Absent guidance to the contrary from the City Council, staff intends to follow up this clarification with the following actions:

- Modify internal review procedures to permit such garage/carport conversions
- Implement a new requirement for applicants proposing such conversions to acknowledge in writing that they are voluntarily constraining their own on-site parking options in a city that does not permit overnight on-street parking in most residential areas, and confirming their understanding that they may need to limit vehicle use as a result
- Updating handouts to reflect these changes
- Returning to the Planning Commission and City Council with formal Municipal Code amendments to codify these provisions of State law (possibly bundled with other Zoning Ordinance corrections, for efficiency). These updates may include revisions to Municipal Code Section 8.20.070 ("Further limitations on motor vehicle storage"), which currently sets limits on parking that may be overridden by State law.

### **Public Notice**

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

Report prepared by:  
Thomas Rogers, Principal Planner

Report reviewed by:  
Arlinda Heineck, Community Development Director

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**STAFF REPORT**

**City Council Meeting Date:** 8/29/2017  
**Staff Report Number:** 17-188-CC

**Informational Item:** Update and timeline for new solid waste rate model and community zero waste plan

**Recommendation**

This is an informational item and does not require City Council action.

**Policy Issues**

As a member of the South Bayside Waste Management Authority (SBWMA), the City is responsible for setting rates and covering costs that will meet the annual compensation requirement due to Recology under the franchise agreement that provides waste, recycling and compost collection and processing services for the community.

**Background**

Rate Setting and Structure

The SBWMA and Recology estimate the cost of services for the next calendar year for each city using a standardized methodology in the franchise agreement. The City reviews the estimates for consistency and accuracy before providing final approval.

Currently, the City has a rate structure that incentivizes customers to recycle by not charging or providing a significant discount for recycling or compost services. However, these services actually do have a separate associated cost, but this has historically been rolled into the cost of landfilled garbage service (e.g., black cart). In addition, the City provides a deep discount for smaller sized garbage containers or bins, which encourages customers to recycling even more.

This rate structure has been a traditional approach for many cities over the last few decades to meet the state's mandate (AB939) that requires communities to divert 50 percent of its waste from the landfill. However, as recycling behavior has become more of the norm, it is necessary to review whether these incentive price points are still appropriate, and whether customers should be charged separately for recycling and composting services as opposed to basing rates on the size of the landfilled garbage container or bin. In addition, there has been recent case law that is pushing cities to review their rate structures and align them with each service provided.

Community Zero Waste Plan

Zero waste is generally defined as 90 percent overall diversion of non-hazardous waste from landfill and incineration, where discarded materials are reduced, reused, recycled or composted. Considering a Community Zero Waste Plan is item No. 7 in the City Council's adopted work plan. This is consistent with implementing the City's five-year Climate Action Plan Strategy, and will assist in continuing to reduce community greenhouse gas emissions. This is also continues supports state requirements to implement mandatory commercial recycling and composting (AB 341 and AB1826) and the overall statewide goal to

divert 75 percent of waste from landfills by 2020.

The City has not adjusted rates since 2012. This has resulted in annual shortfalls to meet compensation requirements due to Recology. The shortfalls have been covered by the rate stabilization balance in the City's solid waste fund. However, the balance has been reduced and will no longer be able to sustain continued coverage of these shortfalls in the future.

In 2016, City Council directed staff to conduct a rate structure study for solid waste services, and awarded R3 Consulting Group, Inc. a contract to conduct the study. Information was presented to City Council in May of this year on what the expected increased would be under the new rate structure (Attachment A). These were estimates based on 2017 information. Over the last few months, staff and R3 have been working with the SBWMA and Recology to update the model to include 2018 values.

R3 Consulting Group, Inc. was also awarded a contract by the City Council to develop a Zero Waste Plan in June 2016. The new rate model and Zero Waste Plan included community engagement. The updated rate structure model along with the Zero Waste Plan will be presented to City Council on September 12, 2017.

## **Analysis**

In May, the City Council was presented the following criteria to guide the development of a new rate structure model:

1. Rates should generate revenues needed to cover expenses for the solid waste collection, processing and disposal system and associated City fees;
2. Rates should continue to incentivize higher participation in recycling, composting and other non-landfill waste streams;
3. Rates should gradually move in the direction of evenly covering the cost of providing services to single-family residential and multifamily/commercial customers;
4. Rates should gradually move in the direction of including separate cost for each of the waste streams (garbage, recycling and composting);
5. Rates should be easily adjusted annually in accordance with indexed cost adjustments and changes in services levels (which are managed and reviewed by SBWMA);
6. Ensure that the revised rate structure would incorporate all operational and implementation costs projected by the Community Zero Waste Plan.

The proposed rate model will meet the above criteria and enables the City to moderately adjust rates over the next 10 years toward a cost per service structure (as opposed to rolling all costs into the size of garbage cart or bin). It will also enable the City to efficiently calculate rates to meet the annual compensation requirements due to Recology, and cover the cost to implement the Community Zero Waste Policy if adopted by City Council.

In order to establish new rates, the City is required to notify the community of the maximum rates being considered by City Council through a Proposition 218 notice. City Council must approve of the Proposition 218 notice before it is mailed or released, and hold a public hearing 45 days after the notice is released to formally adopt the rates.

Typically, adoption of solid waste rates has been on an annual basis, but City Council has the option to consider a multiyear rate adoption to increase administrative efficiencies, reducing the cost and time associated with setting rates each year with a Proposition 218 notice.



To meet the Recology compensation requirements for calendar year 2018, the City Council would need to approve of the Proposition 218 notice at the September 12, 2017, City Council meeting, and then hold a public hearing in November or December to establish the new rates on January 1, 2018. The draft Community Zero Waste Plan will be brought to City Council for consideration on September 12 to begin implementation in 2018.

### **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. May 23, 2017, Study Session Report on Recology Solid Waste Franchise Agreement and Rate Structure Study

Report prepared by:  
Rebecca L. Lucky, Sustainability Manager

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**STAFF REPORT**

**City Council**

**Meeting Date:** 5/23/2017

**Staff Report Number:** 17-127-CC

**Study Session:** Update on the Recology Solid Waste Franchise Agreement Negotiations and Rate Structure Study

**Recommendation**

Staff recommends that the City Council provide feedback on the Recology Solid Waste Franchise Agreement Negotiations and the Rate Structure Study update.

**Policy Issues**

On May 24, 2016, the City Council unanimously confirmed its intent to participate in the process, as a member of the South Bayside Waste Management Authority, to negotiate a potential franchise extension with Recology San Mateo County for collection of solid waste, recycling and organic materials. Additionally, the City Council has previously provided direction to staff to conduct a rate structure study for solid waste services, for which the City Council awarded a contract to R3 Consulting Group, Inc. in June 2016.

**Background**

Recology Solid Waste Franchise Agreement Negotiations

Menlo Park is one of 12 member agencies of the South Bayside Waste Management Authority (SBWMA, also known as RethinkWaste). SBWMA owns and operates the Shoreway Environmental Center, which receives all of the recyclables, organics and garbage collected within its service area. SBWMA also assists its member agencies with collection and recycling efforts.

SBWMA began a process with its member agencies in 2007 to issue a request for proposals for both the collection contract and the transfer station and recyclable material recovery contract. Recology San Mateo County (Recology) was selected as the collection contractor and entered into franchise agreements with each member agency. Recology initiated its solid waste and recycling collection services Jan. 1, 2011, and the agreement will expire Dec. 31, 2020.

Section 3.03 of the franchise agreement allows for extension of the term of the agreement. It states: During calendar year 2017, the Parties shall meet and confer on the possible extension of the Term. Starting the discussions with Recology well in advance of the expiration of the franchise agreement allows sufficient time for an open request for proposals process if an extension is not successfully negotiated this year.

SBWMA staff has led the negotiations with Recology for the extension of the franchise agreement. If agreement is reached on an extension, each agency will adopt an updated and restated franchise agreement. Without an extension, it will be necessary to issue a request for proposals for the collection services. SBWMA staff presented a recommendation and staff report to the SBWMA Board April 27, 2017. The staff report and supporting documents included here as Attachment A.

As part of the negotiation process, the Board created the Franchise Agreement Extension (FAX) committee with these primary tasks:

- Develop an amended and restated Model Franchise Agreement to be presented to the SBWMA board of directors at the April 27, 2017, meeting
- Obtain and include feedback from the SBWMA Technical Advisory Committee (TAC) at its April 13, 2017, meeting
- Obtain Recology's total revenue requirement (cost) to perform collection services starting in rate year 2021 and establish a compensation adjustment methodology to govern the rate changes in future contract years

Since November, the SBWMA negotiation team held a special TAC meeting in January, seven Franchise Agreement Extension (FAX) committee meetings, and seven negotiation sessions with Recology (several phone meetings were also held between Recology, HFH Consultants and SBWMA staff). In addition, two all-day negotiations sessions were held to finalize negotiations that would ultimately provide:

- Consistency with all existing solid waste, recycling and organics services
- No new-service provider transition pitfalls (i.e., container switch-out, customer service center setup and billing setup, driver route training, hard-rollout a new truck fleet, developing a new rate setting process, and end-of-contract buyouts (e.g., Allied Waste's exit)
- Rate-setting stability/predictability after an initial rate true-up, rate increases are tied to indexes
- SBWMA rates will continue to be in-line with Bay Area communities
- Continued cost savings from collection efficiencies gained by Recology's years of experience
- Sharing of future inflation risk by Recology in their 2021 cost proposal
- Savings of an estimated \$2 million in avoided RFP and contractor-transition costs
- Maintain labor peace by continuing with a known company and management team

### Rate Structure Study

Separate from the contract extension discussion and in order to provide more information regarding the City's need to modify its current rate structure, in June 2016 the City engaged R3 Consulting Group, Inc. (R3) to develop a new rate structure that would:

- Collect revenues necessary to meet the annual compensation requirements due to Recology under the existing contract that begin in 2011
- Ensure the revised rate structure would incorporate all operational costs and fees, costs projected by the community zero waste plan (anticipated for City Council consideration in summer 2017) and produce a complete rate table and rate calculation which is understandable to customers and implementable by Recology
- Provide recommendations that forecast rate needs, so that the City Council may adopt a rate structure

and rate table with mechanisms to allow for any necessary future rate adjustments, based on reasonably predicted and planned programs with index-based adjustments.

Through the City's solid waste collection franchise with Recology, the City sets solid waste rates that are charged to residents and businesses. Currently, the City has a steeply inverted rate structure based on volume of garbage collection selected by the customer, which provides a price signal to encourage waste diversion. For residents, there is no separate charge for recycling and organics collection provided as part of the service. Commercial/multifamily customers receive unlimited recycling without additional charge, and they may select organics collection at a rate discounted 50 percent below garbage rates.

The City's primary responsibilities in setting rates is to ensure that the annual revenue requirement due to Recology as set by the SBWMA is met, and that that customers are charged in accordance with the services they receive. Additionally, best practices resulting from recent case law requires cities to thoroughly review rate models and their relationship to the cost of services provided.

The City has not adjusted rates since executing the agreement with Recology in 2012, and as a result current rates charged do not collect revenues required to meet annual compensation due to Recology. This has resulted in an annual shortfall owed to Recology. In 2016, the City paid Recology \$360,000 to cover accrued shortfall amounts for 2013 and 2014, and it is estimated that the current shortfall through 2016 is approximately \$475,000. Furthermore, it is estimated that the City will accrue a shortfall of approximately \$550,000 in 2017. These shortfalls have been covered by the balance in the City's solid waste fund, however the balance has been reduced and will no longer be able to sustain continued coverage of these shortfalls in the future.

## **Analysis**

### Recology Solid Waste Franchise Agreement Negotiations

The FAX has recommended an extension to the existing franchise agreement. Key terms of the agreement are summarized in the following sections.

#### *Term*

Recology has proposed the option of a 10-year or a 15-year term for the new agreement. After considering the financial benefits of spreading the depreciation cost of a new collection fleet, the FAX committee recommends a 15-year term. At the end of the current contract, Recology's \$36.3 million collection fleet will be fully depreciated however the company has indicated that it can continue to use the vehicles for 2-3 additional years. By agreeing to a 15-year term, and combining the use of the current and new vehicles for a longer term, the member agencies will benefit from reduced depreciation and interest expense (approximately \$1.7 million per year).

#### *Contractor compensation and customer rates*

The FAX committee recommends an agreement with a 2021 base contractor's compensation of \$65,330,616 which assumes a 15-year term and includes depreciation expense for the replacement collection vehicles in rate year 2020 of the current agreement. Based on these assumptions and subject to the adjustments described above, the base contractor's compensation would:

- Increase 2.4 percent from 2019 to 2020 (instead of a 7 percent reduction).

- Increase 8.2 percent from 2020 to 2021.
- Thereafter, adjustments would correspond to the changes in the selected indices plus the growth adjustments up to a maximum increase of 5 percent.

By including a portion of future depreciation expense in 2020, extending the term of the Amended and Restated Agreement 15 years instead of 10, and providing a 3-year rolling average for the change in customer subscription levels, SBWMA has already taken steps to mitigate the increase in base contractor's compensation. Menlo Park will utilize its rate stabilization account (if necessary) over the next three years to moderate the impact of the increased collection costs on the rate payers.

Throughout the negotiations process the SBWMA has worked closely with Recology in reviewing the 2013 amended Franchise Agreement to streamline the agreement and make changes to clarify service expectations. The newly amended and restated Franchise Agreement language is approximately 90 percent unchanged and has been reviewed by both the SBWMA and Recology's legal counsel.

### *Service changes*

Residential and commercial customers will not experience any changes to their current collection services, however, there are four minor modifications to the franchise agreement for residential and commercial services, which include:

- **Mixed-use buildings:**  
The agreement defines a new class of service, Mixed-use buildings, which contain commercial on the ground floor and residential above. The residential element of mixed-use buildings will receive the services currently provided to multifamily customers and the commercial element shall receive the services currently provided to commercial customers. This building type and other multifamily and commercial customers will also be able to receive bin relocation services (at an additional fee) which may be required due to bin enclosures in underground parking or below-street level locations on the property.
- **Bulky item collection:**  
Residential customers will continue to receive up to two bulky item collection services annually without charge, within one week of request, however this service will be capped at 150 per day (Recology makes approximately 120 bulky item collections per day), and if the number of requests exceeds 150 per day, Recology will push out the service date one week.
- **Abandoned waste/illegal dumping collection:**  
Member agencies will continue to receive abandoned bulky waste collection services but a cap of 30 pick-ups per day has been established. In the future, when the average number reaches 25 daily events, the SBWMA and Recology will meet to add collection resources and provide additional compensation to Recology or take some other action to respond to the increased demand.
- **Reporting:**  
Recology's reporting requirements have been adjusted to align data collection and reporting with SBWMA's collection and customer service goals.

Once the basic franchise agreement has been approved by the SBWMA Board, City staff will initiate negotiations with Recology to discuss and resolve any specific franchise agreement terms unique to Menlo Park.

### Rate Structure Study

As part of the City's rate structure study, R3 has completed an initial version of a new rate structure that was developed in consultation with City staff to meet the following "foundational principles" for solid waste rates in Menlo Park:

- Rates should generate revenues needed to cover expenses for the solid waste collection, processing and disposal system and associated City fees;
- Rates should gradually move in the direction of covering the cost of providing services to each of the solid waste subscription sectors of single family residential (SF) and multifamily/commercial (MFD/COM) from rates paid by subscribers in each sector;
- Rates should gradually move in the direction of covering the cost of providing services for each of the waste streams (garbage, recycling and organics) from rates for those specific waste streams;
- Rates should continue to incentivize higher participation in and achievement of diversion via recycling, organics and other non-landfill waste streams; and
- Rates should be able to be easily adjusted annually in accordance with indexed cost adjustments (which are managed and reviewed by SBWMA) for services as well as changes in subscriptions and services levels.

The resultant rate model is data driven, utilizing specific cost, service level, fees and operational figures from Recology and SBWMA to calculate rates for each type of solid waste rate-payer (residential versus multifamily/commercial) and for each waste stream (garbage, recycling and organics). In developing the draft rate model, R3 utilized actual data for the 2017 SBWMA/Recology rate setting process to demonstrate what the effects to rate payers would have been in 2017 had the rate model been implemented in the current rate year.

The following discussion is based on the analysis of rate impacts via the proposed rate model using the 2017 data described above. During summer 2017, R3 will work with City staff, SBWMA and Recology to update the model to include 2018 values; those values are not yet available. Upon finalization of those values, R3 and the City will work to update the rate model and calculate the 2018 proposed rates; R3 will also estimate maximum rates for 2019 through 2022 based on the rate model so that the City could conduct a five-year proposition 218 rate setting process covering rate years 2018 through 2022. At present, it is anticipated that those rates would be posted for 90-day notice of a proposition 218 rate hearing and rate adoption in November 2017.

#### *Single-family residential rates*

Table 1 demonstrates how single-family residential monthly rates would have changed in 2017 via R3's proposed methodology, for "bundled" service inclusive of garbage, recycling and organics collection.

**Table 1: Comparison of single-family bundled rates – 2016 Actual vs 2017 Model**

Waste stream	Garbage container size	2016 bundled monthly rate	2017 bundled monthly rate	Amount of increase
Bundled solid waste collection, processing and disposal service	20 gallon	\$13.99	\$16.89	\$2.90
	32 gallon	\$23.40	\$25.98	\$2.58
	64 gallon	\$55.99	\$58.57	\$2.58
	96 gallon	\$83.72	\$86.30	\$2.58

As shown, single-family residential rates would have increased approximately \$2.58 to \$2.90 per month between 2016 and 2017 had the City adjusted rates to meet the 2017 revenue requirement for Recology via R3’s proposed methodology. This increase would have been primarily due the fact that rates have not increased since 2012. Table 2 shows the rate components making up the bundled monthly rates shown in Table 1.

**Table 2: Comparison of single-family rate components – 2016 Actual vs 2017 Model**

Waste stream	Container size (collected once weekly)	2016 monthly rate	2017 monthly rate	Increase
Garbage	20 gallon	\$13.99	\$14.31	\$0.32
	32 gallon	\$23.40	\$23.40	-
	64 gallon	\$55.99	\$55.99	-
	96 gallon	\$83.72	\$86.72	-
Recycling	32 gallon	-	\$0.89	\$0.89
	64 gallon	-	\$0.89	\$0.89
	96 gallon	-	\$0.89	\$0.89
Organics	32 gallon	-	\$1.14	\$1.14
	64 gallon	-	\$1.42	\$1.42
	96 gallon	-	\$1.69	\$1.69

Table 2 demonstrates how the new proposed rate structure includes nominal charges related to the provision of recycling and organics collection for single-family customers. Currently, costs related to the provision of these services are not calculated via the City’s rate structure, but in actuality, the costs of collecting and processing recyclables and organics are significant. The proposed rate model includes nominal charge for these services for all customers, as an incremental step toward setting rates in alignment with the costs of providing services. As proposed, single-family customers would see the total bundled rate as shown in Table 1 on their bills.

For the purposes of comparison, Table 3 compares monthly single-family residential rates for each of the SBWMA member agencies. As shown, Menlo Park’s current single-family residential monthly rates for 20- and 32-gallon subscribers (which together comprise 78 percent of single-family subscriptions) are \$7.83 (36 percent) and \$8.41 (26 percent) per month less, respectively than the average monthly rates for other SBWMA member agencies. Monthly rates for 64- and 96-gallon subscribers (which comprise 22 percent of single-family subscriptions) are \$0.66 higher and \$0.17 lower per month than the average of other



SBWMA member agencies.

Table 3: Comparison of current single-family rates by SBWMA member agency				
Member agency	Monthly single-family solid waste rates (based on garbage container size)			
	20 gallon	32 gallon	64 gallon	96 gallon
Atherton	\$27.00	\$55.00	\$102.00	\$152.00
Belmont	\$21.19	\$33.50	\$65.97	\$98.95
Burlingame	\$12.90	\$23.85	\$47.71	\$70.80
East Palo Alto	\$40.77	\$40.77	\$40.77	\$40.77
Foster City	\$13.74	\$22.00	\$44.00	\$66.00
Hillsborough	\$14.67	\$23.22	\$48.51	\$78.12
<b>Menlo Park</b>	<b>\$13.99</b>	<b>\$23.40</b>	<b>\$55.99</b>	<b>\$83.72</b>
North Fair Oaks	\$28.05	\$28.05	\$28.05	\$84.14
Redwood City	\$11.38	\$27.30	\$54.61	\$81.06
San Carlos	\$21.29	\$31.80	\$53.27	\$69.82
San Mateo (City)	\$12.28	\$19.65	\$43.34	\$67.02
San Mateo (County)	\$31.12	\$36.98	\$61.95	\$88.00
West Bay Sanitary	\$27.96	\$40.23	\$73.70	\$110.00
<b>AVERAGE (without Menlo Park)</b>	<b>\$21.82</b>	<b>\$31.81</b>	<b>\$55.33</b>	<b>\$83.89</b>
<i>Menlo Park Over (Under) Average</i>	<i>(\$7.83)</i>	<i>(\$8.41)</i>	<i>\$0.66</i>	<i>(\$0.17)</i>

#### *Multifamily/commercial rates*

Multifamily and commercial rates are much more complex than residential rates, with hundreds of rate codes, and hundreds of thousands of combinations of container sizes and collection frequency for garbage, recycling and organics; as such, it is not possible to demonstrate the impacts to these rates in the same way as residential rates. To assess the impact of the proposed rate structure on multifamily/commercial customers, R3 is preparing an analysis of the impact on all such customers, comparing current monthly rates to 2017 monthly rates calculated by the rate structure. R3 will share the results of this analysis during the City Council study session, including quantification of how many multifamily/commercial customers will see significant rates impacts (i.e., greater than 10 percent) as well as the reasons for those rate impacts.

It is worth noting that the proposed rate structure does not yield any increases in monthly rates for multifamily/commercial garbage, and only minimal changes to their organics rates. The largest impacts will be to multifamily/commercial recycling rates, which will include a portion of the cost of providing recycling services. As such, the largest rate increases for multifamily/commercial will be for customers that currently generate large amounts of recyclable waste, but only pay for small amounts of garbage. Finally, it should be noted that the proposed rate structure will greatly simplify the rate model by reducing the number of multifamily and commercial rate codes over time, providing for greater simplicity (and accuracy) of future rate modeling and rate setting processes.

### *Annual Rate Adjustment Process*

The proposed rate model will calculate required rates annually based on financial and subscription data provided by Recology and SBWMA. As a part of the rate setting process in fall 2017, R3 and City staff will calculate 2018 proposed rates based on actual data; maximum rates for 2019 through 2022 anticipated for adoption via this rate setting process will be estimated based on conservative calculations regarding anticipated increases in costs. Actual rates set in years 2019 through 2022 may be up to the maximum amounts set via the rate setting process, or could be lower if the calculation of rates based on data provided to the City results in lower rates need to meet actual revenue requirements.

As previously noted, the proposed rate model will gradually adjust rates over time, moving from the City's current rate model toward a rate model based on the cost of providing solid waste collection, processing, disposal and diversion services. R3 estimates that it will take approximately 10 years to fully implement rates aligned with the cost of providing services via this model. The City could pursue a more aggressive implementation schedule, but that would invariably result in greater short-term rate increases for single-family residential customers.

### **Impact on City Resources**

There are no impacts to City resources at this time. Specific impacts will be discussed when the City Council meets to consider approving any franchise agreement extension or rate adjustments.

### **Environmental Review**

An environmental review is not required for 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. SBWMA staff report on proposed model franchise agreement

Report prepared by:

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



## STAFF REPORT

### City Council

**Meeting Date:** 8/29/2017  
**Staff Report Number:** 17- 201-CC

**Informational Item:** 2nd Quarter Update on 2017 City Council Work Plan

### Recommendation

This is an informational item and does not require City Council action.

### Policy Issues

It has been the City Council's policy to adopt its work plan annually. Any policy issues that may arise from the implementation of individual work plan items will be considered at that time.

### Background

The City Council held a Special Meeting on January 27, 2017, at the Arrillaga Family Recreation Center to discuss and identify the work plan items for the year. The City Council approved the work plan February 7, 2017, and staff used it to help craft the fiscal year 2017–18 budget.

As of this quarterly update, a new item is being added to the work plan: Revisions to the 2016 California Green Building Standards Code. The goal of this item is to adopt increased requirements for electric vehicle chargers that would be applicable citywide. The target completion date for this item is the end of 2017.

### Analysis

The City Council work plan for 2017 includes 57 items, listed in the table (Attachment A). The list has been grouped into themes and priority levels to help categorize the items. The themes, in no specific order, include:

- Responding to the development needs of private residential and commercial property owners
- Realizing Menlo Park's vision of environmental leadership and sustainability
- Attracting thoughtful and innovative private investment to Menlo Park
- Providing high-quality resident enrichment, recreation and discovery
- Maintaining and enhancing Menlo Park's municipal infrastructure and facilities
- Furthering efficiency in city service delivery models
- Improving Menlo Park's multimodal transportation system to move people and goods through Menlo Park more efficiently

This quarterly report includes status updates on individual work plan items.

**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. Status update for the 2017 City Council Work Plan

Report prepared by:

Chip Taylor, Assistant City Manager

Responding to the development needs of private residential and commercial property owners.				
Extremely Important				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
1	<b>Address Housing Element Implementation Programs</b>		Work has not started but is targeted for completion in 2017.	Work has been postponed due to Council-directed work on the expansion of EV charger regulations citywide. Current targets for completion are June 2018 for the zoning ordinance amendments related to limiting the loss of existing residential units and modifications to the R-2 zoning. Completion of an anti-discrimination ordinance is targeted for the end of 2017, as originally scheduled.
	(a) Amend the Zoning Ordinance to be consistent with State law and limit the loss of existing residential units or the conversion of existing units to commercial space (Program H2.C)			
	(b) Amend the Zoning Ordinance to modify R-2 zoning to tie floor area to dwelling units to minimize underutilization of R-2 zoned lots and maximize unit potential, unless unique features of a site prohibit additional units being constructed (Program H2.C)			
	(c) Adopt an Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs (Program H1.G).			
Very Important				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
2	<b>Implement Downtown/El Camino Real Specific Plan Biennial Review</b>		Work has not started but is targeted for completion in 2017.	Work on the project has been impacted by staff vacancies. The completion of Phase 1 is targeted for June 2018. Phase 2 is targeted for completion in December 2018, as originally scheduled.
	(a) Phase 1 which consists of text and graphic changes related to setbacks, sidewalk widths, hotel incentives and parking, and TDM programs among others will be completed in 2017.			
	(b) Phase 2, which includes more extensive research, environmental review and policy changes is expected to be completed in 2018. The directed changes require consultant assistance.			
3	<b>Enhanced Housing Program</b>			
	(a) Draft agendas, staff reports and attend monthly Housing Commission meetings.		During two meetings, the Housing Commission prioritized the housing policy initiatives table, per Council's direction.	
	(b) Work with Housing Commission to present prioritized list of actions to Council.		In April, The Commission approved the prioritized table and their 2-year work plan. Both are scheduled to be on City Council's May 23 agenda.	The Commission has approved recommendations for prioritization.
	(c) Present recommended actions to Housing Commission and Council for items the Council prioritizes for 2017.			
	(d) Conduct public outreach on any new requirements or programs.			

Important				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
4	<b>Stanford University 2018 General Use Permit Review</b> (a) Tracking the project, attending public meetings, and preparing comments on the Notice of Preparation and draft environmental documents. The schedule for this project is dependent on an outside agency.		The City Council approved a comment letter to Santa Clara County on the Notice of Preparation for this project and Santa Clara County staff and Stanford representatives presented information to the City Council on February 28. The City Council established a subcommittee on March 28. The next step is the review of the Draft EIR, which is scheduled for release later in 2017.	The next step is the review of the Draft EIR, which is scheduled for release later in mid-September 2017. In addition, the City Council subcommittee has been meeting regularly with Stanford.
5	<b>Single Family Residential Requirements and Guidelines</b> (a) Development of project goals and a work program through the Planning Commission and City Council and obtaining consultant assistance.		Work has not started but is targeted for completion in 2017.	Work on the project has been impacted by staff vacancies and is currently targeted for 2018-19.
Realizing Menlo Park's vision of environmental leadership and sustainability.				
Extremely Important				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
6	<b>Green Infrastructure Plan</b> (a) Approval of the work plan for the Green Infrastructure Plan, and future implementation phases will follow.	✓	Staff is in the process of developing the Green Infrastructure Work Plan for Storm water and targeting Council approval of the work plan on May 23, 2017.	The Green Infrastructure Work Plan was approved by City Council in May. This is a multi-year effort that involves identifying Green Infrastructure opportunities in the public right-of-way. Staff will begin evaluating capital improvement and transportation projects for the incorporation of Green Infrastructure for stormwater.
Important				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
7	<b>Community Zero Waste Plan</b> (a) The plan will be complete.	In Progress	Staff has received the draft report and the plan is tentatively scheduled to go to the Environmental Quality Commission for their review on April 19, with final recommendation tentatively scheduled for the May 23, 2017, City Council meeting.	The Community Zero Waste Plan will go to Council on 9/12
8	<b>Update Heritage Tree Ordinance</b> (a) The consultant will be selected, community outreach, and commission meetings will commence.		Staff has received the draft report and the plan is tentatively scheduled to go to the Environmental Quality Commission for their review on April 19, with final recommendation tentatively scheduled for the May 23, 2017, City Council meeting.	The City Council awarded the project to California Tree and Landscaping, Inc. and the contract is currently being finalized. Community Engagement and Commission meetings will commence after January 1.
Attracting thoughtful and innovative private investment to Menlo Park.				
Extremely Important				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
9	<b>Downtown Streetscape Improvement Project (Specific Plan)</b> (a) Completion of the first round of street cafés.  (b) Evaluation of the Paseo at a Council study session in order to determine whether to construct a permanent Paseo and at what location (i.e., Chestnut Street or Curtis Street).	✓  In Progress	Six street cafes were completed, and the City Council accepted the construction work on the cafes on March 28. The next step will be an evaluation of the Paseo at a future Council study session.	The next step is to conduct the evaluation and schedule a City Council study session.
10	<b>Downtown Parking Structure and Mix of Uses Design Contest</b>			

	(a) Confirm City's legal rights to develop on parking plazas 1-3. Present proposed contest to Council. Conduct outreach for project submissions. Facilitate evaluation of submitted projects, ensuring that at least one of the options is a single-use parking garage. Present a final proposal to Council (It may be necessary for this process to extend into 2018, based on community input.)			Staff is meeting with stakeholders to formulate a proposal that will come before City Council this fall.
<b>Providing high-quality resident enrichment, recreation, and discovery.</b>				
<b>Extremely Important</b>				
<b>No.</b>	<b>Project</b>	<b>Status</b>	<b>Update: Quarter 1</b>	<b>Update: Quarter 2</b>
11	<b>Belle Haven Pool Analysis and Audit</b> (a) Complete the study.	✓	The pool analysis and audit is substantially complete. Staff is working with the consultant on the development of the master plan design options. The next step is a presentation of the material to the Parks and Recreation Commission, tentatively targeted for May 24.	The Parks and Recreation Commission approved the audit and is recommending adoption of the full \$6-8 million renovation, which will be presented to the City Council at the Sept 26 Council meeting. Next step would be to research funding sources, as a new work plan project if Council chooses to go forward.
<b>Very Important</b>				
<b>No.</b>	<b>Project</b>	<b>Status</b>	<b>Update: Quarter 1</b>	<b>Update: Quarter 2</b>
12	<b>Parks and Recreation Facilities Master Plan Update</b> (a) Development of RFQ . (b) Release of scope of work and RFP. (c) Council approval of consultant contract. (d) Analysis of existing conditions. (e) Opportunities and constraints completed. (f) Some community engagement will have begun	✓ ✓	RFQ for consultants released on April 7, 2017. Staff anticipate a review and selection of project consultant by June 2017.	Consultant interviews are schedule for July 2017 with selection to be approved at the August 29 Council meeting. Consultant selected and meetings to develop scope have begun Anticipated 9/26 Council meeting Should begin in October
13	<b>Bedwell Bayfront Park Master Plan</b> (a) Development of the plan and Council approval.	In Progress	The first community meeting and open house was held on April 8, 2018. Draft master plan alternatives are expected at the second community open house is scheduled for June 2018.	Second community meeting and open house held June 17, 2017. Survey and feedback on plan alternatives to be presented at Community meeting on August 10 and in on-line survey. Presentation to Park and Rec Commission October, Final recommendations to Council Nov. 7.
14	<b>Park Playground Equipment</b> (a) Identification of the first park (likely to be Nealon Park). (b) Determination of the proposed equipment. (c) Going out to bid.	In Progress	Staff is developing the overall approach to pursuing the playground equipment replacement at Nealon Park. The next step is a presentation to the Parks and Recreation Commission on April 26, 2017.	The Parks and Recreation Commission has created a subcommittee to assist in the process and Nealon Park has been identified as the first park. Next steps include preparation of the RFP.

<b>Important</b>				
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No.	Project	Status	Update: Quarter 1	Update: Quarter 2
15	<b>Jack Lyle Park Restroom</b>			
	(a) Complete construction drawings.	In Progress	The consultant has submitted construction drawings and specification, which are under review by staff. Upon completion of the review, the next step will be putting the project out to bid.	Staff has submitted comments to the consultant on the construction drawings and specifications. A lot merger application is being prepared. A building permit application will be submitted concurrently with the project bidding once the drawings are finalized. Due to staff vacancies, construction of this project will be delayed and is not anticipated to begin until early 2018.
	(b) Obtain building permit.			
	(c) Go out to bid.			
	(d) Award the construction contract.			
	(e) Construct the restroom.			
16	<b>Library Space Needs Study</b>			
	(a) The Space Needs Study should be completed in 2017.	✓	The Space Needs Study was presented to the Council at a study session on March 28. Staff is considering the feedback from Council and determining next steps.	
17	<b>Willow Oaks Park Improvements</b>			
	(a) Complete the community engagement process.	In Progress	Staff held community meetings to seek public input. The consultant is working on the development of renderings and concepts for consideration at an upcoming Parks and Recreation Commission meeting.	Staff presented to the Parks and Recreation Commission and received feedback on the design of the proposed improvements. The consultant is in the process of incorporating the feedback and preparing the documents needed for the application to the Planning Commission. A lot merger application is also being prepared. Due to staff vacancies, construction of this project will be delayed and is not anticipated to begin until 2018.
	(b) Design the improvements.	In Progress		
	(c) Go to bid.			
18	<b>Burgess Park Snack Shack</b>			
	(a) Identification of the project scope and location and determination of the future use of the improvements in order for the City Council to authorize the private fundraising to proceed in a manner similar to the Menlo Gates project along Ravenswood Avenue.	In Progress	Snack Shack management model options will be presented to the Parks and Recreation Commission on May 24, 2017.	Presentation by community group managing project was made on July 26 to the Parks and Rec Commission. Commission will discuss again at the September 27 meeting.
<b>Maintaining and enhancing Menlo Park's municipal infrastructure and facilities.</b>				
<b>Extremely Important</b>				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
19	<b>Water System Master Plan</b>			
	(a) Presenting components of the plan phases, such as staffing options for operations and maintenance, and ultimately Council acceptance of the entire Plan.	In Progress	The Council held a study session on the staffing level assessment findings on March 28th. Staff is in the process of exploring options for staff augmentation and shared services and will provide an update on May 2, 2017.	The Consultant has completed the seismic vulnerability assessment and the hydraulic model of the water system. Staff has also began the process of hiring two additional water operators. Due to staff vacancies, the project is delayed. A presentation of the findings will be made to Council in early 2018.
20	<b>Sidewalks on Santa Cruz Ave</b>			
	(a) Construction of the sidewalks should be completed in 2017.	✓	Construction of Phase 1 of the sidewalks is complete. Completion of the remaining three Phases are on track for completion this year.	Construction is complete except for punch list items. Paving of the street from University Drive to Olive Street was done as part of the Street Resurfacing Project after the completion of the sidewalk work.



21	<b>Trash Capture Device Installation</b> (a) The devices should be installed by summer 2017.	✓	The installation of trash capture devices on Pierce Road was completed in March.	
22	<b>Administration Building Emergency Generator</b> (a) The project is out bid and construction should be completed in 2017.	In Progress	Staff is currently in the process of reviewing the submittal made by the Contractor on the generator.	Construction of the generator began in June and the contractor is on schedule to complete the project in September 2017.
23	<b>Chrysler Pump Station Improvements</b> (a) Completing the design and going out to bid.	In Progress	Staff is in the process of partnering with Bohannon Development Company for an enhanced design of the pump station's exterior. Next step is Council approval of a funding agreement for the partnership, which targeted for May 2, 2017.	City Council approved a budget of \$6.2 million for the construction of the pump station in May. A funding agreement for the architectural design was executed with the Bohannon Development Company. Due to staff vacancies, this project is delayed. The next step is Planning Commission review in late October.
24	<b>Emergency Water Supply</b> (a) The first well at the Corporation Yard is scheduled for completion by the end of 2017.	In Progress	The well drilling was completed in March. The contractor is currently in the process of testing the well and determining the maximum yield / capacity.	The capacity of the well was determined during the testing phase. This information has been used to design the aboveground components of the well, which include the pump and the generator. Staff is currently in the process of reviewing the plans and specifications for the work. The construction is delayed and anticipated to begin in the early 2018.
	(b) For the second well, staff is evaluating different sites and plans to make a recommendation on the proposed well to the City Council in the summer of 2017.	In Progress		Staff is currently in the process of evaluating sites for the second well in coordination with the Water System Master plan hydraulic analysis. Staff will return to the City Council with an update before conducting community outreach. Due to the coordination effort with the Water System Master Plan, a recommendation on a site for a second well is not anticipated until early 2018.
<b>Very Important</b>				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
25	<b>Library Landscaping</b> (a) A smaller landscaping project between the main public entrance and the staff/service entrance will be completed by the fall of 2017.	In Progress	Work on the landscaping between the entrances is scheduled to begin in early May.	Installation of new landscaping, irrigation and outdoor tables has begun.
	(b) Additional improvements for 2017 include the installation of additional outdoor tables.	In Progress		
26	<b>Arrillaga Family Recreation Center HVAC System Upgrade</b> (a) System design.	In Progress	Staff is establishing the scope of work for the project.	As part of the budget process, project was amended to include additional work in the Police Department and to split the work into two phases - design and construction. Existing funding is sufficient to design the improvements, but additional funding would be needed in fiscal year 2018-19 to construct the improvements. The next step will be designing the system upgrades in the two buildings. Consistent with the budget and available funds for construction, the project will go out to bid in 2018-19.
	(b) Going out to bid.			

27	<b>Belle Haven Child Development Center Kitchen and Bathroom Remodel</b>			
	(a) Preparing the applicable plans and specifications.	✓	Staff is finalizing the project scope, budget and schedule in order to commence the project this summer.	Construction of the project began in June and will be completed by September.
	(b) Obtaining applicable permits.	✓		
	(c) Hire contractor.	✓		
	(d) Complete construction.	In Progress		
28	<b>Burgess Pool Capital Improvements</b>			
	(a) Key milestones for 2017 will be determined upon completion of the lease negotiations.	In Progress	Staff is awaiting completion of the lease negotiations.	Lease anticipated to be approved by the City Council on September 12; anticipate asking Council to approve creation of sinking fund and make allocation at this meeting.
29	<b>San Francisquito Creek Upstream of 101 Flood Protection Project</b>			
	(a) Tracking the project.	In Progress	The San Francisquito Creek Joint Powers Authority received and gathered public comments on the Notice of Preparation for the project's environmental impact report (EIR). The next step will be review of the Draft EIR.	A community meeting is scheduled for October to discuss the technical findings of the proposed improvements.
	(b) Attend public meetings.			
	(c) Prepare comments on the draft environment impact report which is currently targeted for release in September 2017 for a 60-day review period.			

Important				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
30	<b>Nealon Park Sports Field Sod and Irrigation System Replacement</b>			
	(a) The completion of the project is targeted for 2017.	In Progress	The Council awarded a contract for the booster pump on April 18. In addition the award of contract for the field improvements is scheduled for the May 2 Council meeting.	The contracts for the installation of the irrigation pump and sod were awarded in March. Construction of the irrigation pump was completed in June. Installation of the sod, along with drainage improvements, has been completed.
31	<b>Gatehouse Fence Replacement</b>			
	(a) Preparing the design details and going out to bid.	In Progress	Work has not started but the identified milestones is targeted for completion in 2017.	Staff is currently in the process of reviewing the cost proposal for design services.
32	<b>Facilities Maintenance Master Plan</b>			
	(a) Selection of a consultant to prepare the report.	In Progress	Work has not started but the identified milestones is targeted for completion in 2017.	Work has not started but the identified milestones is targeted for completion in 2017.
33	<b>Reservoir Reroof and Mixers</b>			
	(a) Going out to bid and scheduled to be completed in 2017.	In Progress	The project went out to bid in January. The bids that were received were significantly higher than the budgeted amount. On March 14, staff recommended that the City Council reject all bids. A new design for the roof will be developed later this year, and the mixers will be bid separately.	The reservoir mixer project was bid separately in July. Due to a single and unsuccessful bid, the project will be delayed. The reroof project will be prioritized as part of the Water System Master Plan.
<b>Furthering efficiency in city service delivery models.</b>				
<b>Extremely Important</b>				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
34	<b>Complete Streets Commission Pilot</b>			

	(a) Establish the mission/charge for the Commission.	✓	The City Council approved a resolution authorizing the merger of the Commissions on February 28. The first meeting is scheduled for May 10.	
	(b) Update the Commissions/Committee policies, procedures, roles and responsibilities by March.	✓		
	(c) Consolidate the Commission meetings as of May 2017.	✓		The first meeting was held on May 10.
35	<b>Cost Allocation plan and user fee study</b>			
	(a) Award contract and begin work on study.	✓	Awarded contract to Capital Accounting Partners, LLC. Departmental interviews and data collection complete	
	(b) Review draft reports	In Progress		Draft reports are currently underway and expect to be completed mid-Sept.
	(c) City Council review and consideration of changes to the Master Fee Schedule			An information item transmitting the draft Cost Allocation Plan and User Fee study is scheduled for 10/10/17.
	(d) Implement City Council approve Master Fee Schedule changes			Changes approved to the Master Fee Schedule go into effect no sooner than 60 days following City Council final approval.
36	<b>City Hall Remodel Project</b>			
	(a) Completion of construction.	In Progress	Phases 1 through 4 have now been completed. Staff moved into the renovated second floor areas. On the first floor, staff have been relocated while Phase 5 is currently underway. The 6th and final phase is on track for completion this summer.	Phases 5 and 6 are complete. All staff have moved into their permanent working spaces.
37	<b>Complete a fee study for solid waste services</b>			
	(a) The fee study will be completed.	In Progress	This project is ongoing. A City Council study session is tentatively planned for May 23 to discuss the rate structure, with a more detailed review of the proposed rates in late summer 2017.	The fee study is going to Council on 9/12

Very Important				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
38	<b>Information Technology Master Plan Implementation</b>			
	(a) Complete Study and seek City Council acceptance of the plan and direction on key initiatives.	✓	ClientFirst issued final draft on 2/1/17. Staff working internally to respond to City Council questions raised at the 3/18/17 Council meeting. Study session tentatively scheduled for Council acceptance of the ITMP on 5/23/17.	City Council accepted the plan and provide direction on the top 12 initiatives to staff.
	(b) Recruit new staff and contractors to implement the ITMP recommended wireless network, network redesign, core switch replacement, virtual server migration, and storage area network upgrades.	In Progress	Relocation of the server room complete.	Recruitment is underway for the Enterprise Applications Support Specialist (EASS), a five-year provisional term position. A finalist has been identified and the employee is currently undergoing pre-employment background. Estimated start date is September 18th. The search for a Network Systems Engineer, a contract position approved as part of the budget, is ongoing. The skill set required is in high demand and finding qualified personnel has proven challenging.
	(c) Establish an 2017-18 ITMP implementation team comprised of existing staff and other outside consultants as necessary; identify backfill resources as necessary.	In Progress		A team from Community Development, Public Works and Administrative Services is evaluating potential land management software replacement products per City Council direction. An information item on progress is planned for the Sept 12th meeting.

	(d) Launch implementation of the application upgrades as determined by resources available (e.g. budget, available staff capacity, etc.).			
	(e) Provide project updates to the City Council on the ITMP implementation project in August and January.			
39	<b>Development of a Citywide Communications Program</b>			
	(a) Hire a consultant.	In Progress	Work has not started and funding is based on 2017-18 budget adoption.	Adopted with the 2017-18 budget - Released RFQ on 8/11
	(b) Develop a plan.			
	(c) Fund the plan.			
<b>Important</b>				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
40	<b>Organizational study for Public Works maintenance services</b>			
	(a) Consultant will be selected.	In Progress	RFP is being created by staff.	RFP is being created by staff.
	(b) Background and review will commence.			
	(c) The organization study will review the current maintenance processes, document their current form and propose improvements. The review process will use industry standard practices as appropriate to provide a better understanding of how the current processes could be improved. The review will incorporate other studies that have been completing or are in process such as the Water System Master Plan to provide data for the review. The review will include all the maintenance functions performed by the City.			
41	<b>Organizational study for Development Services</b>			
	(a) Consultant will be selected.		RFP is being created by staff.	RFP is being created by staff.
	(b) Background and review will commence.			
42	<b>Community Services Strategic Plan Implementation</b>			
	(a) Complete a community needs analysis determining need for after school programs including age groups, services, partnerships and efficiencies to meet changing community needs.	✓	Strategic plan implementation is on-going. Staff performance plans incorporate program and department-wide strategic plan goals.	
	(b) Complete a community needs analysis determining opportunities for new/additional programs expanding participation at Onetta Harris Community Center, Senior Center and Belle Haven Youth Center.	In Progress		Hours expanded at Senior Center and programs for "older adults" now available. Needs assessment for Onetta Harris Community Center and Youth Center in planning stages - anticipate results by January 1, 2018
43	<b>Federal and State Lobbying Initiative</b>			
	(a) Develop legislative platform.	In Progress	Work has not started and funding is based on 2017-18 budget adoption.	Adopted with the 2017-18 budget - RFP released 8/11
	(b) Hire lobbyist.			
<b>Improving Menlo Park's multimodal transportation system to move people and goods through Menlo Park more efficiently.</b>				
<b>Extremely Important</b>				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
44	<b>Haven Avenue Streetscape Improvement</b>			
	(a) Complete the work in the City right-of-way (between the San Mateo County line and the bridge over the Atherton Channel) following completion of the Anton Menlo apartments.	✓	Installation of new bike lanes and striping within the City right-of-way was completed in March.	

	(b) Obtain an encroachment permit for work within Caltrans right-of-way.	In Progress	An encroachment permit application was submitted to Caltrans for work within the State jurisdiction targeted for late in 2016.	The City Council approval of a resolution and maintenance agreement on June 20 were the final items needed to obtain an encroachment permit from Caltrans. Permit issuance is expected in September 2017.
45	<b>Willow/101 Interchange</b>			
	(a) Respond to ongoing construction issues as they arise. The schedule for this project is dependent on an outside agency.	✓	Utility relocations began in February. Construction of the interchange is expected to begin in early May.	Construction of the interchange began in May 2017 and is ongoing.
46	<b>Transportation Master Plan</b>			
	(a) Finalize the scope of work.	✓	A Request for Qualifications was issued to consultants on February 2. Four teams submitted qualifications on February 24; the top two firms were interviewed on March 30. The recommended firm was identified to the Council on April 18. A consultant contract is expected to be prepared for Council consideration on May 2.	
	(b) Award a consultant a contract.	✓	A consultant contract is expected to be prepared for Council consideration on May 2.	City Council approved consultant contract with W-Trans on May 2, 2017. A kick-off meeting was held with staff on June 14, 2017, and data collection efforts have commenced.
	(c) Initiative community engagement.	✓		Staff has initiated the creation of a Transportation Master Plan Committee of residents, Commissioners, and Council members and expects the City Council to appoint members in August. Outreach at neighborhood events, including the Block Party and the Summer Concert Series in August, is underway.
	(d) Develop a draft list of projects for consideration.			
47	<b>Transit Improvements</b>			
	(a) Begin service for revised shuttle routes.	✓		Modified shuttle routes began operations in March 2017, adding service to Belle Haven and Sharon Heights in particular. Additional changes to the Marsh Road Shuttle began in July 2017 to improve on-time performance and provide more frequent service.
	(b) Initiate Transportation Management Association (TMA) study.	In Progress	Funding for the TMA study is being identified in the 2017-18 proposed City budget. Next steps are contingent upon this resource request.	Funding for the TMA study was approved in the 2017-18 City budget. Staff is developing a schedule and next steps for the study.
	(c) Install new bus stop amenities (new, redesigned signs and shelters in Belle Haven).	In Progress	Staff is coordinating with SamTrans staff on the preparation of the license agreement for existing and proposed shelters and the ordering/installation of two shelters.	SamTrans installed a bus shelter at Market Place Park in Belle Haven in late July 2017. Staff is coordinating with SamTrans staff on the preparation of the license agreement for existing and proposed shelters and has ordered two additional shelters. Staff has begun inventory and design of new shuttle signs.
48	<b>Chilco Street Scape and Sidewalk Installation</b>			
	(a) Finalize the concept plans for all phases, final design plans for Phases 3a, 3b, and 4a.	In Progress	Staff is currently reviewing revised design plans for Phases 3a, 3b, 5, and 6 that were received in April. The next step is provide comments on the plan submittals.	Staff provided comments on the Phase 3a, 3b, 5, and 6 plans in May and June. The next step is to prepare conceptual plans of design alternatives for review with Belle Haven residents before finalizing plans.
	(b) Begin construction of Phases 3a and 3b.			

Very Important				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
49	<b>High Speed Rail Coordination &amp; Environmental Review</b>			
	(a) Authorization of a reimbursement agreement with the High Speed Rail Authority.	✓	The City Council approved a reimbursement agreement for staff time on March 28. The next step will be the review of documents once they are released later this year.	
	(b) Participate in expected environmental review milestones for the San Francisco-San Jose project section.	In Progress		Staff is continuing to participate and monitor the status of the environmental review process. As of June 29, the High Speed Rail Authority recently announced a change in the schedule to allow for additional outreach, although the revised timeline has not yet been finalized.
50	<b>Oak Grove, University, Crane Bicycle Improvement Project</b>			
	(a) Finalize design plans, award a construction contract, construction, finalizing trial metrics to be evaluated, and collect before and after data.	✓	Design plans according to the December 2016 Council authorization were completed in March. On April 18, Council provide direction to go out to bid for the project construction. The next step will be City Manager award of the construction contract.	
	(b) Award a construction contract.	✓		Construction contract was awarded in June 2017.
	(c) Construction.	In Progress		Construction began in June 2017, and is nearly complete.
	(d) Finalize trial metrics to be evaluated.	In Progress		Staff is returning to the City Council on August 29, 2017 to finalize the trial metrics.
	(e) Collect before and after data.	In Progress		Before data was collected in spring 2017. Data collection during the one-year pilot will be collected in early and mid-2018.
51	<b>Ravenswood Avenue/Caltrain Grade Separation Study</b>			
	(a) Complete the final PSR and identification of a preferred alternative for grade separation at Ravenswood Avenue.	In Progress	The City Council held a study session on February 7. More information on passing tracks, station configuration, and additional notification and outreach was requested. This request delayed the project schedule from completion in Spring 2017 to Late 2017. Staff prepared the additional information and Council hosted a second study session on April 4. With direction on April 4, completion of the PSR by late 2017 is on track. The third community workshop is scheduled for June 7.	The third community workshop was held on June 7, and the City Council received an informational update on the meeting on June 20. Throughout the summer, staff has been meeting with property owners with direct access impacts, prior to fall meetings of the Complete Streets and Planning Commission for recommendations and Council consideration of a preferred alternative in late 2017.
52	<b>Willows Neighborhood Complete Streets</b>			
	(a) Host an initial community meeting in Spring 2017 to share the history of the project.	✓	A community meeting is tentatively scheduled in mid-May at Laurel Upper School.	Community meeting at Laurel Upper School was held on May 17, 2017.
	(b) Develop a scope of work.	Pending		Funding for the study was approved in the 2017-18 City budget. Next step will be to develop the scope of work. This step is contingent on filling existing vacancies in the Transportation Division. Assuming the vacancies are filled by the end of October, the scope of work would be developed and shared with the City Council for consideration by the end of 2017.
	(c) Award a consultant contract to conduct the study.			Award of a contract is expected to be delayed until 2018.

53	<b>Initiate Citywide Safe Routes to School Program</b>			
	(a) Identify a staff person to lead the effort making contact with each school within the five public school districts serving Menlo Park. To accomplish this work, staff would need to complete the reorganization of the Bicycle and Transportation Commissions to a Complete Streets Commission no later than May 2017; other internal staff assignments may need to be shifted to accomplish this item.	In Progress	Funding for the program has been identified in the 2017-18 proposed City budget. Next steps are contingent upon this resource request.	Funding for the study was approved in the 2017-18 City budget. Next step will be to develop a request for qualifications for assistance leading this work.
	(b) Convene a quarterly stakeholder meeting (starting in Q4) with representative of each school and other relevant groups to be identified.			
	(c) Identify a prioritized list and schedule for Safe Routes infrastructure plans for each school.			
	(d) Potentially hire a consultant to develop a recommended program approach to implement a comprehensive, future Safe Routes to Schools Program.			
54	<b>Middle Avenue Caltrain Crossing Study</b>			
	(a) Award a consultant a contract.	✓	The City Council awarded a consultant contract on March 14. The first community workshop is scheduled for May 4.	
	(b) Conduct community engagement on potential alternatives.	In Progress		The first community workshop was held on May 4. The City Council received an informational update on the meeting on May 23. The next meeting is expected to occur in late 2017.
	(c) Develop preliminary designs for potential alternatives.	In Progress		Next step is to begin to develop preliminary designs for alternatives.
<b>Important</b>				
No.	Project	Status	Update: Quarter 1	Update: Quarter 2
55	<b>El Camino Real Corridor Study</b>			
	(a) Submitting encroachment permit applications to Caltrans for the east-west crossing improvements.	Pending	Preliminary design concepts and potential concepts to address the northbound traffic conditions were prepared by the consultant team on this project. Staff review has been delayed by additional work required for the Oak Grove, University, Crane Bicycle Improvement Project.	Staff completed review of the preliminary design concepts of the east-west crossing improvements for Encinal Avenue, Ravenswood Avenue, Roble Avenue, Middle Avenue, and Cambridge Avenue. Middle Avenue and Cambridge Avenue modifications would be required as a condition of approval for the pending Middle Plaza at 500 El Camino Real project. Vacancies in the Transportation Division have delayed the other crossing improvements.
	(b) Completing the additional analysis requested by the City Council for northbound traffic conditions.			Next step is to schedule an El Camino Real Subcommittee meeting to review results of the traffic analysis and finalize next steps. However, vacancies in the Transportation Division have delayed this project.

56	<b>Middlefield Rd/Ravenswood and Ringwood Avenues Traffic Signals Modification</b>			
	(a) Finalize scope of planned improvements.	Pending	Funding for this project has been identified in the 2017-18 proposed City budget. Next steps are contingent upon this resource request.	Funding for the study was approved in the 2017-18 City budget. Next steps will be to prepare analysis and conceptual design finalize improvement plans. However, vacancies in the Transportation Division have delayed this project. Assuming the vacancies are filled by the end of October, the scope of the improvements would be identified by mid-2018.
57	<b>Revisions to the 2016 California Green Building Standards Code for Electric Vehicle Chargers</b>			
	(a) Adopt increased requirements for electric vehicle chargers that will be applicable citywide	In Progress		Target completion date is end of 2017





**STAFF REPORT**

**City Council Meeting Date:** 8/29/2017  
**Staff Report Number:** 17-199-CC

**Informational Item:** Preliminary year-end close financial review of General Fund operations as of June 30, 2017

**Recommendation**

This is an informational item and does not require City Council action.

**Policy Issues**

The preliminary year-end budget-to-actual report is presented to facilitate better understanding of General Fund operations and the overall state of the City's current fiscal affairs by the public and the City Council.

**Background**

In order to provide timely information to the City Council and the public, the Administrative Services Department prepares a quarterly report on General Fund operations. The report provides a review of General Fund revenues and expenditures for the most recently completed quarter of the current fiscal year. These results are presented alongside results from the same period last year, with material differences being explained in the appropriate section of the staff report.

While revenues and expenditures presented in this report are through June 30, which is the end of the fiscal year, adjustments may be made as a result of the City's ongoing audit. A more complete picture of the General Fund's final results from fiscal year 2016-17 will be presented in December, when the year-end report is provided to the City Council.

**Analysis**

The report, which is included as Table 1 on the following page, was developed to apprise the City Council of the year-to-date status of the General Fund. It provides year-to-date fourth quarter comparable data for fiscal years 2015-16 and 2016-17. Information included in this report is intended to highlight some of the critical elements of Table 1 and supplement that information with explanations of significant differences between fiscal years 2015-16 and 2016-17. Budget adjustments that were approved by City Council throughout the fiscal year have been incorporated into this report.

Overall, the report highlights that year-to-date actuals for fiscal year 2016-17 show a net revenue position of \$1,875,716. Revenues in the General Fund for fiscal year 2016-17 came in at 4.91 percent higher than anticipated. Year-to-date expenditures came under budget at 90.85 percent of expected spending.

Table 1: YTD General Fund Budget to Actuals						
	Amended Budget	Actual 6/30/2016	% of Budget	Amended Budget	Actual 6/30/2017	% of Budget
<b>Revenues</b>	<b>2015-16</b>			<b>2016-17</b>		
Property tax	17,241,813	18,227,209	106%	17,393,400	20,547,444	118%
Charges for services	8,076,135	8,350,725	103%	7,992,815	8,699,744	109%
Sales tax	5,202,594	5,425,089	104%	5,502,000	5,642,693	103%
Licenses and permits	5,882,363	5,847,247	99%	6,141,860	5,869,264	96%
Transient occupancy tax	5,947,835	6,268,171	105%	6,430,000	6,663,989	104%
Franchise fees	1,940,013	1,871,742	96%	1,978,000	2,001,106	101%
Fines	1,067,643	1,349,853	126%	1,067,643	1,110,791	104%
Utility users' tax	1,183,347	1,220,297	103%	1,215,000	1,252,604	103%
Intergovernmental revenue	928,467	1,211,449	130%	990,052	905,852	91%
Interest and rental income	1,128,598	1,145,954	102%	1,101,199	890,483	81%
Transfers and other	478,849	482,252	101%	484,919	546,195	113%
Use of assigned fund balance	1,261,644	-	0%	1,300,000	-	0%
<b>Total revenues</b>	<b>50,339,301</b>	<b>51,399,989</b>	<b>102%</b>	<b>51,596,888</b>	<b>54,130,164</b>	<b>105%</b>
<b>Expenditures</b>	<b>2015-16</b>			<b>2016-17</b>		
Police	16,537,885	15,874,455	96%	17,260,091	16,753,514	97%
Public Works	7,543,562	7,475,720	99%	9,414,404	8,688,209	92%
Community Services	7,692,668	7,628,875	99%	8,068,958	7,987,783	99%
Community Development	5,140,492	3,547,091	69%	5,907,531	4,551,471	77%
Administrative Services	3,048,863	2,407,383	79%	3,042,604	2,871,998	94%
Library	2,576,568	2,242,090	87%	2,636,163	2,515,755	95%
City Manager's Office	2,478,416	2,449,098	99%	2,625,644	2,183,955	83%
City Council	424,666	402,346	95%	487,565	450,436	92%
City Attorney	385,651	431,385	112%	388,499	543,193	140%
<b>Total operating expenditures</b>	<b>45,828,771</b>	<b>42,458,443</b>	<b>93%</b>	<b>49,831,459</b>	<b>46,546,315</b>	<b>93%</b>
<b>Non-departmental</b>	<b>9,186,877</b>	<b>8,561,877</b>	<b>93%</b>	<b>4,595,077</b>	<b>5,708,133</b>	<b>124%</b>
<b>Net revenues</b>	<b>(4,676,347)</b>	<b>379,669</b>		<b>(2,829,648)</b>	<b>1,875,716</b>	

Revenue

Table 2 below shows a summary of fourth quarter budget-to-actual revenues for fiscal years 2015-16 and 2016-17.

	Table 2: Revenues 2015-16			2016-17		
	Amended Budget	Actual 6/30/2016	% of Budget	Amended Budget	Actual 6/30/2017	% of Budget
Property tax	17,241,813	18,227,209	106%	17,393,400	20,547,444	118%
Charges for services	8,076,135	8,350,725	103%	7,992,815	8,699,744	109%
Sales tax	5,202,594	5,425,089	104%	5,502,000	5,642,693	103%
Licenses and permits	5,882,363	5,847,247	99%	6,141,860	5,869,264	96%
Transient occupancy tax	5,947,835	6,268,171	105%	6,430,000	6,663,989	104%
Franchise fees	1,940,013	1,871,742	96%	1,978,000	2,001,106	101%
Fines	1,067,643	1,349,853	126%	1,067,643	1,110,791	104%
Utility users' tax	1,183,347	1,220,297	103%	1,215,000	1,252,604	103%
Intergovernmental revenue	928,467	1,211,449	130%	990,052	905,852	91%
Interest and rental income	1,128,598	1,145,954	102%	1,101,199	890,483	81%
Transfers and other	478,849	482,252	101%	484,919	546,195	113%
Use of assigned fund balance	1,261,644	-	0%	1,300,000	-	0%
<b>Total revenues</b>	<b>50,339,301</b>	<b>51,399,989</b>	<b>102%</b>	<b>51,596,888</b>	<b>54,130,164</b>	<b>105%</b>

Through the fourth quarter of fiscal year 2016-17, year-to-date General Fund revenues are slightly above \$54.1 million, which is a 5 percent increase over the same period in fiscal year 2015-16. This increase is driven by several major revenue sources, including property tax, charges for services, transient occupancy tax and sales tax.

Property tax revenues, which represent the largest source of General Fund revenue, are up 13 percent, or \$2.3 million over the last year. When comparing budget to actual for the current fiscal year, property tax revenues are 18 percent, or \$3.15 million, higher than expected. This category consists of all property tax revenues, including the secured tax, unsecured tax, property transfer tax and supplemental tax. Charges for services are up 4 percent, or \$349,019, over the fourth quarter of fiscal year 2015-16. When compared to the budget, charges for services are nearly 9 percent above anticipated revenue. Revenue increases in this category are primarily driven by the City’s recreation programs.

Sales tax revenues are up 4 percent when compared to the same period in fiscal year 2015-16 and came over budget by 2.56 percent for the current fiscal year.

Transient occupancy tax (TOT) revenues are up 6 percent over the same period from last fiscal year. Overall, most hotels in Menlo Park are reporting increases in TOT revenues compared to the prior fiscal year. Revenues in this category are trending slightly higher than expected and have exceeded the amended budget by 3.64 percent.

Interest and rental income is shown at 81 percent of expected revenues for fiscal year 2016-17 and is down 22 percent from the previous year. However, this number is subject to change as staff work on finalizing the accruals process of the fiscal year-end. Additionally, fines and intergovernmental revenues are both down

from fiscal year 2015-16, but these decreases were anticipated and captured during the budget process.

**Expenditures**

Consistent with the City Council's amended budget, General Fund operating expenditures are up \$1.23 million or 2 percent, over the previous year. Overall, expenditures in the General Fund have tracked as expected with 96 percent of the budget spent.

The majority of the City's departments spending for the 2016-17 fiscal year were under their allocated budgets with the City Attorney and non-departmental being the two exceptions. Expenditures in the City Attorney's department were 40 percent, or \$154,695, higher than budgeted but that figure includes \$128,824 of reimbursable legal fees. Non-departmental expenditures consist of transfers out to other funds consistent with City Council's direction.

Departments	Table 3: Expenditures 2015-16			2016-17		
	Amended Budget	Actual 6/30/2016	% of Budget	Amended Budget	Actual 6/30/2017	% of Budget
Police	16,537,885	15,874,455	96%	17,260,091	16,753,514	97%
Public Works	7,543,562	7,475,720	99%	9,414,404	8,688,209	92%
Community Services	7,692,668	7,628,875	99%	8,068,958	7,987,783	99%
Community Development	5,140,492	3,547,091	69%	5,907,531	4,551,471	77%
Administrative Services	3,048,863	2,407,383	79%	3,042,604	2,871,998	94%
Library	2,576,568	2,242,090	87%	2,636,163	2,515,755	95%
City Manager's Office	2,478,416	2,449,098	99%	2,625,644	2,183,955	83%
City Council	424,666	402,346	95%	487,565	450,436	92%
City Attorney	385,651	431,385	112%	388,499	543,193	140%
Non-departmental	9,186,877	8,561,877	93%	4,595,077	5,708,133	124%
<b>Total operating expenditures</b>	<b>55,015,648</b>	<b>51,020,320</b>	<b>93%</b>	<b>54,426,536</b>	<b>52,254,449</b>	<b>96%</b>

**Impact on City Resources**

There is no impact on city resources.

**Public Notice**

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

Report prepared by:  
Brandon Cortez, Management Analyst

Report reviewed by:  
Nick Pegueros, Administrative Services Director



## STAFF REPORT

**City Council Meeting Date:** 8/29/2017  
**Staff Report Number:** 17-197-CC

**Informational Item:** Review of the City's investment portfolio as of June 30, 2017

### Recommendation

This is an informational item and does not require City Council action.

### Policy Issues

The City and the Successor Agency funds are invested in full compliance with the City's Investment Policy and State Law, which emphasize safety, liquidity and yield.

### Background

The City's investment policy requires a quarterly investment report to the City Council, which includes all financial investments of the City and provides information on the investment type, value and yield for all securities.

### Analysis

#### Investment Portfolio as of June 30, 2017

The City's investment portfolio as of June 30, 2017, totaled \$121,038,129. As shown below in Table 1, the City's investments by type are measured by the amortized cost as well as the fair value as of June 30, 2017. The Local Agency Investment Fund (LAIF) is considered a safe investment as it provides the liquidity of a money market fund. The majority of the remaining securities are prudent and secure short-term investments (1-3 years), bearing a higher interest rate than LAIF and provide investment diversification.

Table 1: Recap of Investments Held as of June 30, 2017			
Security	Amortized Cost Basis	Fair Value Basis	% of Portfolio
<b>Local Agency Investment Fund</b>	59,796,900	59,796,900	49.5%
<b>Securities Portfolio</b>			
Corporate Bonds	18,266,600	18,255,565	15.1%
Government Agencies	31,483,658	31,353,624	25.9%
Government Bonds	11,485,818	11,465,641	9.5%
<b>Total</b>	<b>121,032,976</b>	<b>120,871,730</b>	<b>100%</b>

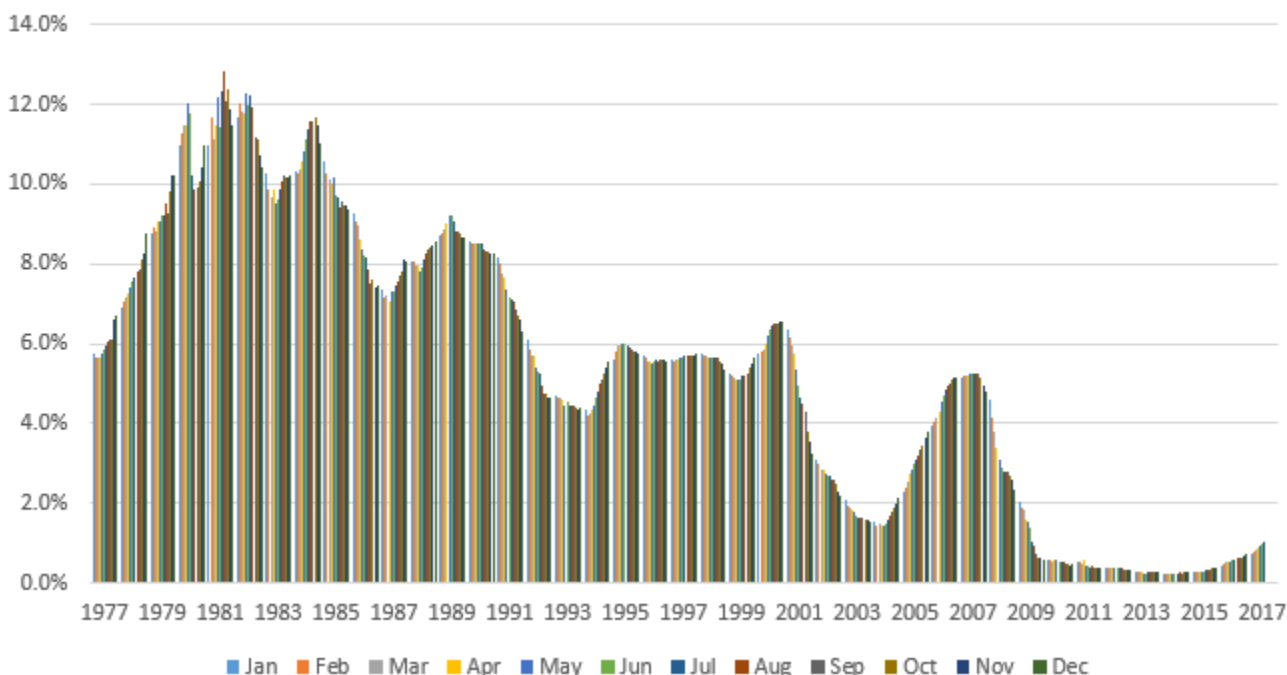
As shown in Table 1, the fair value of the City's securities was \$161,246 less than the amortized cost as of

June 30, 2017. The difference between amortized cost and fair value is referred to as an unrealized loss or gain, and is due to market values fluctuating from one period to another. It is important to note that any unrealized loss or gain does not represent an actual cash transaction to the City, as the City generally holds securities to maturity to avoid market risk.

*Local Agency Investment Fund*

As previously shown in Table 1, almost 50 percent of the portfolio resides in the City’s account at the Local Agency Investment Fund (LAIF), a liquid fund managed by the California State Treasurer, yielding 0.98 percent for the quarter ended June 30, 2017. While LAIF is a good investment option for funds needed for liquidity, the City’s investment of excess funds in other types of securities is made in an effort to enhance yields. As evidenced by the chart below, LAIF yields have been at historic lows for the past several years but the last two years have shown a small but steady trend upward.

LAIF Monthly Yields  
1977 to 2017



*Securities Portfolio*

As of June 30, 2017, the City held a number of securities in corporate bonds, government agency notes and government bonds and reflects Insight Investment serves as the City’s financial adviser on security investments and makes recommended trades of securities, purchase and sale that align market conditions to the City Council’s adopted investment policy to the greatest extent possible. The Insight Investments quarterly statement for the period ended June 30, 2017, is provided in Attachment A. As shown on the quarterly statement, the period return for the quarter on an amortized cost basis was 0.28%. In addition to the quarterly statement, a full list of portfolio securities is provided in Attachment B.

General Economic Conditions in the U.S. as of Quarter Ended June 30, 2017

On June 14, the Federal Open Market Committee (FOMC) increased the fed funds target rate to a range of 1.00% to 1.25%. In the accompanying statement, the FOMC noted that information released since the last

FOMC meeting indicated strengthening labor market conditions, improvements in household spending and business fixed investment. Inflation, however, remains below Fed target levels. The FOMC further communicated that if market conditions evolve as anticipated, it will begin to implement a balance sheet normalization program this year. The program will gradually decrease the Federal Reserve holdings by reducing the reinvestment of principal payments in portfolio positions.

The May payroll report released June 2, 2017, was weaker than expected. US employers added 138,000 jobs in May compared to expectations for 182,000 new jobs, and April job gains were revised down to 174,000 from 211,000. The household survey showed that the unemployment rate fell 0.1% to 4.3% in May and the underemployment rate decreased to 8.4% from 8.6% in April.

The May Consumer Price Index (CPI) was released June 14, 2017, and both headline and core year-over-year levels fell below 2.0%. Headline CPI was negative 0.1% for the month of May, and the year-over-year reading fell to 1.9% from 2.2% in April. Excluding food and energy, the May reading was positive 0.1% while the year-over-year reading decreased to 1.7% from 1.9% in April.

The final estimate of first quarter 2017 gross domestic product was released June 29, 2017, at 1.4%, better than expectations of 1.2% growth but down from 2.1% gross domestic product growth in the fourth quarter 2016 and 3.5% growth in the third quarter of last year.

At the end of June the 3-month US Treasury bill yielded 1.01%, the 6-month US Treasury bill yielded 1.13%, the 2-year US Treasury note yielded 1.38%, the 5-year US Treasury note yielded 1.89% and the 10-year US Treasury note yielded 2.31%.

Term	March 31, 2016	June 30, 2017
<u>3-month</u>	<u>0.75%</u>	<u>1.01%</u>
<u>6-month</u>	<u>0.90%</u>	<u>1.13%</u>
<u>2-year</u>	<u>1.26%</u>	<u>1.38%</u>
<u>5-year</u>	<u>1.92%</u>	<u>1.89%</u>

### Impact on City Resources

Due to the liquidity of LAIF accounts, the City has more than sufficient funds available to meet its expenditure requirements for the next six months.

### 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. Insight Investments report for the quarter ended June 30, 2017
- B. Insight Investments Securities Holding Report as of June 30, 2017

Report prepared by:  
Nick Pegueros, Administrative Services Director

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# ATTACHMENT A

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## CITY OF MENLO PARK

June 2017

➤ A BNY MELLON COMPANY<sup>SM</sup>



# ACTIVITY AND PERFORMANCE SUMMARY

For the period April 1, 2017 - June 30, 2017

<u>Amortized Cost Basis Activity Summary</u>		
<b>Opening balance</b>		61,188,838.53
Participant contributions	0.01	
Income received	139,860.50	
<b>Total receipts</b>		139,860.51
<b>Total disbursements</b>		0.00
Interportfolio transfers	(80,962.79)	
<b>Total Interportfolio transfers</b>		(80,962.79)
Realized gain (loss)		(846.32)
<b>Total amortization expense</b>		(22,772.51)
<b>Total OID/MKT accretion income</b>		11,514.01
Return of capital		0.00
<b>Closing balance</b>		61,235,631.43
<b>Ending fair value</b>		61,074,831.14
Unrealized gain (loss)		(160,800.29)

<u>Detail of Amortized Cost Basis Return</u>				
	Interest earned	Accretion (amortization)	Realized gain (loss)	Total income
Corporate Bonds	68,263.75	(7,198.02)	(846.32)	60,219.41
Government Agencies	90,288.00	(5,399.65)	0.00	84,888.35
Government Bonds	27,467.80	1,339.22	0.00	28,807.02
Government Mortgage Backed Securities	0.00	(0.05)	0.00	(0.05)
<b>Total</b>	<b>186,019.55</b>	<b>(11,258.50)</b>	<b>(846.32)</b>	<b>173,914.73</b>

<u>Comparative Rates of Return (%)</u>			
	* Twelve month trailing	* Six month trailing	* Three month trailing
Fed Funds	0.62	0.41	0.24
Overnight Repo	0.61	0.38	0.23
Merrill Lynch 3m US Treas Bill	0.53	0.36	0.21
Merrill Lynch 6m US Treas Bill	0.64	0.41	0.24
ML 1 Year US Treasury Note	0.83	0.50	0.28
ML 2 Year US Treasury Note	1.07	0.63	0.32
ML 5 Year US Treasury Note	1.62	0.93	0.45

\* rates reflected are cumulative

<u>Summary of Amortized Cost Basis Return for the Period</u>	
	Total portfolio
Interest earned	186,019.55
Accretion (amortization)	(11,258.50)
Realized gain (loss) on sales	(846.32)
Total income on portfolio	173,914.73
Average daily amortized cost	61,170,801.87
Period return (%)	0.28
YTD return (%)	0.56
Weighted average final maturity in days	522

# ACTIVITY AND PERFORMANCE SUMMARY

For the period April 1, 2017 - June 30, 2017

<u>Fair Value Basis Activity Summary</u>		
<b>Opening balance</b>		61,050,973.94
Participant contributions	0.01	
Income received	139,860.50	
<b>Total receipts</b>		139,860.51
<b>Total disbursements</b>		0.00
Interportfolio transfers	(80,962.79)	
<b>Total Interportfolio transfers</b>		(80,962.79)
Unrealized gain (loss) on security movements		0.00
Return of capital		0.00
Change in fair value for the period		(35,040.52)
<b>Ending fair value</b>		61,074,831.14

<u>Detail of Fair Value Basis Return</u>			
	Interest earned	Change in fair value	Total income
Corporate Bonds	68,263.75	(5,473.72)	62,790.03
Government Agencies	90,288.00	(24,195.15)	66,092.85
Government Bonds	27,467.80	(5,372.75)	22,095.05
Government Mortgage Backed Securities	0.00	1.10	1.10
<b>Total</b>	<b>186,019.55</b>	<b>(35,040.52)</b>	<b>150,979.03</b>

<u>Comparative Rates of Return (%)</u>			
	* Twelve month trailing	* Six month trailing	* Three month trailing
Fed Funds	0.62	0.41	0.24
Overnight Repo	0.61	0.38	0.23
Merrill Lynch 3m US Treas Bill	0.49	0.31	0.20
Merrill Lynch 6m US Treas Bill	0.62	0.36	0.23
ML 1 Year US Treasury Note	0.40	0.30	0.14
ML US Treasury 1-3	(0.11)	0.43	0.17
ML US Treasury 1-5	(0.53)	0.75	0.38

\* rates reflected are cumulative

<u>Summary of Fair Value Basis Return for the Period</u>	
	Total portfolio
Interest earned	186,019.55
Change in fair value	(35,040.52)
Total income on portfolio	150,979.03
Average daily total value *	61,249,933.02
Period return (%)	0.25
YTD return (%)	0.54
Weighted average final maturity in days	522

\* Total value equals market value and accrued interest

# ADDITIONAL INFORMATION

## As of June 30, 2017

Past performance is not a guide to future performance. The value of investments and any income from them will fluctuate and is not guaranteed (this may partly be due to exchange rate changes) and investors may not get back the amount invested. Transactions in foreign securities may be executed and settled in local markets. Performance comparisons will be affected by changes in interest rates. Investment returns fluctuate due to changes in market conditions. Investment involves risk, including the possible loss of principal. No assurance can be given that the performance objectives of a given strategy will be achieved. The information contained herein is for your reference only and is being provided in response to your specific request and has been obtained from sources believed to be reliable; however, no representation is made regarding its accuracy or completeness. This document must not be used for the purpose of an offer or solicitation in any jurisdiction or in any circumstances in which such offer or solicitation is unlawful or otherwise not permitted. This document should not be duplicated, amended, or forwarded to a third party without consent from Insight. This is a marketing document intended for professional clients only and should not be made available to or relied upon by retail clients.

Investment advisory services in North America are provided through four different SEC-registered investment advisers using the brand Insight Investment: Cutwater Asset Management Corp. (CAMC), Cutwater Investor Services Corp. (CISC), Insight North America LLC (INA) and Pareto Investment Management Limited (PIML). The North American investment advisers are associated with a broader group of global investment managers that also (individually and collectively) use the corporate brand Insight Investment and may be referred to as Insight, Insight Group or Insight Investment.

Both CISC and CAMC are investment advisers registered with the Securities and Exchange Commission (SEC), under the Investment Advisers Act of 1940, as amended. Registration with the SEC does not imply a certain level of skill or training. You may request, without charge, additional information about Insight. Moreover, specific information relating to Insights strategies, including investment advisory fees, may be obtained from CAMCs and CISCs Forms ADV Part 2A, which are available without charge upon request.

Where indicated, performance numbers used in the analysis are gross returns. The performance reflects the reinvestment of all dividends and income. CAMC and CISC charge management fees on all portfolios managed and these fees will reduce the returns on the portfolios. For example, assume that \$30 million is invested in an account with either CAMC or CISC, and this account achieves a 5.0% annual return compounded monthly, gross of fees, for a period of five years. At the end of five years that account would have grown to \$38,500,760 before the deduction of management fees. Assuming management fees of 0.25% per year are deducted monthly from the account, the value at the end of the five year period would be \$38,022,447. Actual fees for new accounts are dependent on size and subject to negotiation. CAMCS and CISC's investment advisory fees are discussed in Part 2A of the Firms Form ADV.

Unless otherwise stated, the source of information is Insight. Any forecasts or opinions are Insights own at the date of this document (or as otherwise specified) and may change. Material in this publication is for general information only and is not advice, investment advice, or the recommendation of any purchase or sale of any security. Insight makes no implied or expressed recommendations concerning the manner in which an account should or would be handled, as appropriate investment strategies depend upon specific investment guidelines and objectives and should not be construed to be an assurance that any particular security in a strategy will remain in any fund, account, or strategy, or that a previously held security will not be repurchased. It should not be assumed that any of the security transactions or holdings referenced herein have been or will prove to be profitable or that future investment decisions will be profitable or will equal or exceed the past investment performance of the securities listed.

For trading activity the Clearing broker will be reflected. In certain cases the Clearing broker will differ from the Executing broker.

In calculating ratings distributions and weighted average portfolio quality, Insight assigns U.S Treasury and U.S agency securities a quality rating based on the methodology used within the respective benchmark index. When Moodys, S&P and Fitch rate a security, Bank of America and Merrill Lynch indexes assign a simple weighted average statistic while Barclays indexes assign the median statistic. Insight assigns all other securities the lower of Moodys and S&P ratings.

Information about the indices shown here is provided to allow for comparison of the performance of the strategy to that of certain well-known and widely recognized indices. There is no representation that such index is an appropriate benchmark for such comparison. You cannot invest directly in an index and the indices represented do not take into account trading commissions and/or other brokerage or custodial costs. The volatility of the indices may be materially different from that of the strategy. In addition, the strategys holdings may differ substantially from the securities that comprise the indices shown.

The BofA Merrill Lynch 3 Mo US T-Bill index is an unmanaged market index of U.S. Treasury securities maturing in 90 days that assumes reinvestment of all income.

The BofA Merrill Lynch 6 Mo US T-Bill index measures the performance of Treasury bills with time to maturity of less than 6 months.

The BofA Merrill Lynch Current 1-Year US Treasury Index is a one-security index comprised of the most recently issued 1-year US Treasury note. The index is rebalanced monthly. In order to qualify for inclusion, a 1-year note must be auctioned on or before the third business day before the last business day of the month.

The BofA Merrill Lynch Current 3-Year US Treasury Index is a one-security index comprised of the most recently issued 3-year US Treasury note. The index is rebalanced monthly. In order to qualify for inclusion, a 3-year note must be auctioned on or before the third business day before the last business day of the month.

The BofA Merrill Lynch Current 5-Year US Treasury Index is a one-security index comprised of the most recently issued 5-year US Treasury note. The index is rebalanced monthly. In order to qualify for inclusion, a 5-year note must be auctioned on or before the third business day before the last business day of the month.

The BofA Merrill Lynch 1-3 US Year Treasury Index is an unmanaged index that tracks the performance of the direct sovereign debt of the U.S. Government having a maturity of at least one year and less than three years.

The BofA Merrill Lynch 1-5 US Year Treasury Index is an unmanaged index that tracks the performance of the direct sovereign debt of the U.S. Government having a maturity of at least one year and less than five years.

Insight does not provide tax or legal advice to its clients and all investors are strongly urged to consult their tax and legal advisors regarding any potential strategy or investment.

# ADDITIONAL INFORMATION

## As of June 30, 2017

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## CITY OF MENLO PARK

June 2017

➤ A BNY MELLON COMPANY<sup>SM</sup>



# SECURITIES HELD

## As of June 30, 2017

Cusip	Description	Coupon	Maturity	Par value or shares	Historical cost	Trade date	Purchase yield	% Portfolio hist cost
<b>Corporate Bonds</b>								
713448CB2	PEPSICO INC	1.250	08/13/2017	1,000,000.00	1,006,400.00	03/23/2015	0.98	1.64
166764AL4	CHEVRON CORP	1.345	11/15/2017	1,000,000.00	1,006,600.00	03/03/2015	1.10	1.64
94974BFG0	WELLS FARGO AND CO	1.500	01/16/2018	1,725,000.00	1,724,206.50	09/23/2015	1.52	2.82
46623EKD0	JP MORGAN CHASE & CO	1.700	03/01/2018	1,000,000.00	1,007,730.00	04/24/2015	1.41	1.65
037833AJ9	APPLE INC	1.000	05/03/2018	2,000,000.00	1,984,920.00	05/15/2013	1.16	3.24
166764AE0	CHEVRON CORP	1.718	06/24/2018	1,000,000.00	1,010,130.00	07/08/2015	1.36	1.65
17275RAR3	CISCO SYSTEMS INC	2.125	03/01/2019	1,470,000.00	1,486,743.30	02/07/2017	1.57	2.43
191216BV1	COCA-COLA CO/THE	1.375	05/30/2019	1,000,000.00	993,640.00	03/13/2017	1.67	1.62
69353REX2	PNC BANK NA	1.450	07/29/2019	1,000,000.00	991,350.00	04/13/2017	1.84	1.62
084664CK5	BERKSHIRE HATHAWAY FINANCE CORP	1.300	08/15/2019	1,500,000.00	1,485,345.00	01/31/2017	1.70	2.43
89236TDH5	TOYOTA MOTOR CREDIT CORP	1.550	10/18/2019	1,000,000.00	994,450.00	04/24/2017	1.78	1.62
717081EB5	PFIZER INC	1.700	12/15/2019	2,000,000.00	2,003,600.00	06/22/2017	1.62	3.27
594918AY0	MICROSOFT CORP	1.850	02/12/2020	1,000,000.00	1,005,660.00	04/13/2017	1.64	1.64
931142CU5	WAL-MART STORES INC	3.625	07/08/2020	1,500,000.00	1,579,455.00	05/10/2017	1.88	2.58
<b>Total Corporate Bonds</b>				<b>18,195,000.00</b>	<b>18,280,229.80</b>		<b>1.52</b>	<b>29.85</b>
<b>Government Agencies</b>								
3135G0PP2	FEDERAL NATIONAL MORTGAGE ASSOCIATION	1.000	09/20/2017	2,000,000.00	2,005,000.00	04/17/2013	1.00	3.27
3137EADN6	FEDERAL HOME LOAN MORTGAGE CORP	0.750	01/12/2018	2,000,000.00	1,984,380.00	01/18/2013	0.91	3.24
3137EADN6	FEDERAL HOME LOAN MORTGAGE CORP	0.750	01/12/2018	2,000,000.00	1,980,960.00	02/14/2013	0.95	3.23
3135G0VC4	FEDERAL NATIONAL MORTGAGE ASSOCIATION	1.130	02/28/2018	1,000,000.00	1,005,000.00	04/29/2015	0.95	1.64
3133EFSG3	FEDERAL FARM CREDIT BANKS	1.100	03/14/2018	2,000,000.00	2,001,560.00	01/11/2016	1.06	3.27
3133EEM98	FEDERAL FARM CREDIT BANKS	1.000	05/21/2018	2,000,000.00	1,998,440.00	05/28/2015	1.03	3.26
3133EFSH1	FEDERAL FARM CREDIT BANKS	1.170	06/14/2018	2,000,000.00	1,996,362.00	12/23/2015	1.24	3.26
3130A5M55	FEDERAL HOME LOAN BANKS	1.200	06/27/2018	1,500,000.00	1,500,210.00	06/11/2015	1.20	2.45
3130A5M48	FEDERAL HOME LOAN BANKS	1.250	09/25/2018	1,500,000.00	1,500,000.00	06/23/2015	1.25	2.45
313376BR5	FEDERAL HOME LOAN BANKS	1.750	12/14/2018	1,950,000.00	1,995,819.15	06/28/2016	0.78	3.26
313376BR5	FEDERAL HOME LOAN BANKS	1.750	12/14/2018	1,000,000.00	1,021,250.00	08/01/2016	0.84	1.67
3130A7L37	FEDERAL HOME LOAN BANKS	1.250	03/15/2019	2,000,000.00	2,012,100.00	05/02/2016	1.04	3.29
3137EADZ9	FEDERAL HOME LOAN MORTGAGE CORP	1.125	04/15/2019	1,000,000.00	1,005,195.00	07/27/2016	0.93	1.64
3134G9LD7	FEDERAL HOME LOAN MORTGAGE CORP	1.250	05/24/2019	1,000,000.00	999,250.00	05/17/2016	1.28	1.63
3135G0L76	FEDERAL NATIONAL MORTGAGE ASSOCIATION	1.075	07/11/2019	2,000,000.00	1,995,000.00	07/21/2016	1.16	3.26
3135G0N33	FEDERAL NATIONAL MORTGAGE ASSOCIATION	0.875	08/02/2019	1,000,000.00	997,960.00	08/03/2016	0.94	1.63
3130A9MF5	FEDERAL HOME LOAN BANKS	1.125	10/03/2019	1,000,000.00	999,000.00	10/06/2016	1.16	1.63
3136G4DA8	FEDERAL NATIONAL MORTGAGE ASSOCIATION	1.200	12/30/2019	1,000,000.00	998,750.00	10/06/2016	1.24	1.63
3133ECEY6	FEDERAL FARM CREDIT BANKS	1.450	02/11/2020	2,000,000.00	2,004,900.00	11/14/2016	1.37	3.27
3134GAXC3	FEDERAL HOME LOAN MORTGAGE CORP	1.250	02/28/2020	1,500,000.00	1,487,625.00	11/29/2016	1.51	2.43



# SECURITIES HELD

## As of June 30, 2017

Cusip	Description	Coupon	Maturity	Par value or shares	Historical cost	Trade date	Purchase yield	% Portfolio hist cost
<b>Total Government Agencies</b>				<b>31,450,000.00</b>	<b>31,488,761.15</b>		<b>1.09</b>	<b>51.42</b>
<b>Government Bonds</b>								
912828TG5	UNITED STATES TREASURY NOTE/BOND	0.500	07/31/2017	1,000,000.00	990,468.75	11/24/2014	0.86	1.62
912828TS9	UNITED STATES TREASURY NOTE/BOND	0.625	09/30/2017	1,000,000.00	996,015.63	03/23/2015	0.79	1.63
912828G79	UNITED STATES TREASURY NOTE/BOND	1.000	12/15/2017	1,000,000.00	1,001,757.81	06/09/2015	0.93	1.64
912828UJ7	UNITED STATES TREASURY NOTE/BOND	0.875	01/31/2018	1,000,000.00	1,000,546.88	04/29/2015	0.85	1.63
912828UU2	UNITED STATES TREASURY NOTE/BOND	0.750	03/31/2018	1,000,000.00	995,468.75	05/28/2015	0.91	1.63
912828XA3	UNITED STATES TREASURY NOTE/BOND	1.000	05/15/2018	1,000,000.00	997,500.00	06/09/2015	1.09	1.63
912828L40	UNITED STATES TREASURY NOTE/BOND	1.000	09/15/2018	1,000,000.00	1,006,132.81	08/03/2016	0.71	1.64
912828P95	UNITED STATES TREASURY NOTE/BOND	1.000	03/15/2019	500,000.00	496,113.28	03/13/2017	1.40	0.81
912828F39	UNITED STATES TREASURY NOTE/BOND	1.750	09/30/2019	1,000,000.00	1,010,312.50	01/12/2017	1.36	1.65
912828H52	UNITED STATES TREASURY NOTE/BOND	1.250	01/31/2020	1,500,000.00	1,492,382.81	11/29/2016	1.41	2.44
912828UV0	UNITED STATES TREASURY NOTE/BOND	1.125	03/31/2020	1,500,000.00	1,485,468.75	06/29/2017	1.49	2.43
<b>Total Government Bonds</b>				<b>11,500,000.00</b>	<b>11,472,167.97</b>		<b>1.09</b>	<b>18.73</b>
<b>Grand Total</b>				<b>61,145,000.00</b>	<b>61,241,158.92</b>		<b>1.22</b>	<b>100.00</b>

# ADDITIONAL INFORMATION

## As of June 30, 2017

Past performance is not a guide to future performance. The value of investments and any income from them will fluctuate and is not guaranteed (this may partly be due to exchange rate changes) and investors may not get back the amount invested. Transactions in foreign securities may be executed and settled in local markets. Performance comparisons will be affected by changes in interest rates. Investment returns fluctuate due to changes in market conditions. Investment involves risk, including the possible loss of principal. No assurance can be given that the performance objectives of a given strategy will be achieved. The information contained herein is for your reference only and is being provided in response to your specific request and has been obtained from sources believed to be reliable; however, no representation is made regarding its accuracy or completeness. This document must not be used for the purpose of an offer or solicitation in any jurisdiction or in any circumstances in which such offer or solicitation is unlawful or otherwise not permitted. This document should not be duplicated, amended, or forwarded to a third party without consent from Insight. This is a marketing document intended for professional clients only and should not be made available to or relied upon by retail clients.

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Where indicated, performance numbers used in the analysis are gross returns. The performance reflects the reinvestment of all dividends and income. CAMC and CISC charge management fees on all portfolios managed and these fees will reduce the returns on the portfolios. For example, assume that \$30 million is invested in an account with either CAMC or CISC, and this account achieves a 5.0% annual return compounded monthly, gross of fees, for a period of five years. At the end of five years that account would have grown to \$38,500,760 before the deduction of management fees. Assuming management fees of 0.25% per year are deducted monthly from the account, the value at the end of the five year period would be \$38,022,447. Actual fees for new accounts are dependent on size and subject to negotiation. CAMCS and CISC's investment advisory fees are discussed in Part 2A of the Firms Form ADV.

Unless otherwise stated, the source of information is Insight. Any forecasts or opinions are Insights own at the date of this document (or as otherwise specified) and may change. Material in this publication is for general information only and is not advice, investment advice, or the recommendation of any purchase or sale of any security. Insight makes no implied or expressed recommendations concerning the manner in which an account should or would be handled, as appropriate investment strategies depend upon specific investment guidelines and objectives and should not be construed to be an assurance that any particular security in a strategy will remain in any fund, account, or strategy, or that a previously held security will not be repurchased. It should not be assumed that any of the security transactions or holdings referenced herein have been or will prove to be profitable or that future investment decisions will be profitable or will equal or exceed the past investment performance of the securities listed.

For trading activity the Clearing broker will be reflected. In certain cases the Clearing broker will differ from the Executing broker.

In calculating ratings distributions and weighted average portfolio quality, Insight assigns U.S Treasury and U.S agency securities a quality rating based on the methodology used within the respective benchmark index. When Moodys, S&P and Fitch rate a security, Bank of America and Merrill Lynch indexes assign a simple weighted average statistic while Barclays indexes assign the median statistic. Insight assigns all other securities the lower of Moodys and S&P ratings.

Information about the indices shown here is provided to allow for comparison of the performance of the strategy to that of certain well-known and widely recognized indices. There is no representation that such index is an appropriate benchmark for such comparison. You cannot invest directly in an index and the indices represented do not take into account trading commissions and/or other brokerage or custodial costs. The volatility of the indices may be materially different from that of the strategy. In addition, the strategys holdings may differ substantially from the securities that comprise the indices shown.

The BofA Merrill Lynch 3 Mo US T-Bill index is an unmanaged market index of U.S. Treasury securities maturing in 90 days that assumes reinvestment of all income.

The BofA Merrill Lynch 6 Mo US T-Bill index measures the performance of Treasury bills with time to maturity of less than 6 months.

The BofA Merrill Lynch Current 1-Year US Treasury Index is a one-security index comprised of the most recently issued 1-year US Treasury note. The index is rebalanced monthly. In order to qualify for inclusion, a 1-year note must be auctioned on or before the third business day before the last business day of the month.

The BofA Merrill Lynch Current 3-Year US Treasury Index is a one-security index comprised of the most recently issued 3-year US Treasury note. The index is rebalanced monthly. In order to qualify for inclusion, a 3-year note must be auctioned on or before the third business day before the last business day of the month.

The BofA Merrill Lynch Current 5-Year US Treasury Index is a one-security index comprised of the most recently issued 5-year US Treasury note. The index is rebalanced monthly. In order to qualify for inclusion, a 5-year note must be auctioned on or before the third business day before the last business day of the month.

The BofA Merrill Lynch 1-3 US Year Treasury Index is an unmanaged index that tracks the performance of the direct sovereign debt of the U.S. Government having a maturity of at least one year and less than three years.

The BofA Merrill Lynch 1-5 US Year Treasury Index is an unmanaged index that tracks the performance of the direct sovereign debt of the U.S. Government having a maturity of at least one year and less than five years.

Insight does not provide tax or legal advice to its clients and all investors are strongly urged to consult their tax and legal advisors regarding any potential strategy or investment.

# ADDITIONAL INFORMATION

## As of June 30, 2017

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