



SPECIAL AND REGULAR MEETING AGENDA

Date: 10/23/2018
Time: 5:30 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

Councilmember Catherine Carlton will be participating by phone from:
ITC Gardenia
No.1 Residency Road,
Bengaluru - 560 025,
Karnataka, India

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

5:30 p.m. Closed Session (City Hall - “Downtown” Conference Room, 1st Floor)

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

CL1. Closed session pursuant to Government Code Section §54957 interviewing interim city manager candidates and recruitment firm

Attendees: City Manager Alex McIntyre, City Attorney Bill McClure

7:00 p.m. Regular Session

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Presentations and Proclamations

D1. Proclamation: National Bullying Prevention Month

D2. Proclamation: Recognizing Alex McIntyre

D3. Dumbarton corridor update: SamTrans

E. Report from Closed Session

E1. Report on action taken in Closed Session, if required, pursuant to Government Code §54957.1

F. Public Comment

Under “Public Comment,” the public may address the City Council on any subject not listed on the agenda. Each speaker may address the City Council once under Public Comment for a limit of three

minutes. Please clearly state your name and address or political jurisdiction in which you live. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

G. Commission Report

- G1. Environmental Quality Commission quarterly update

H. Consent Calendar

- H1. Accept the City Council meeting minutes for October 9, 2018 ([Attachment](#))
- H2. Adopt Resolution No. 6461 authorizing the annual destruction of obsolete records ([Staff Report #18-194-CC](#))
- H3. Authorize the City Manager to execute an extension to the existing agreement between the City of Menlo Park and Redflex Traffic Systems, Inc. for its photo red light enforcement program ([Staff Report #18-192-CC](#))
- H4. Adopt Ordinance No. 1052 amending the City Manager's powers and duties to include design approval authority ([Staff Report #18-191-CC](#))
- H5. Second reading and adoption of Ordinance No. 1049 amending Title 12, building and construction, Ordinance No. 1050 amending Title 16, zoning and Ordinance No. 1051 adding Chapter 12.24 to the Municipal Code related to the permit process for electric vehicle charging stations ([Staff Report #18-193-CC](#))
- H6. Approve the release of a Notice of Funding Availability (NOFA) to developers of affordable housing ([Staff Report #18-198-CC](#))

I. Public Hearing

- I1. Consider an appeal of the Planning Commission approval of architectural control for a new mixed-use office and residential building at 840 Menlo Avenue, and consider modifications to the long-term plan for receiving operations at Draeger's Market at 1010 University Drive ([Staff Report #18-196-CC](#))

J. Regular Business

- J1. Provide direction on the selection of a firm to lead the recruitment process of a new permanent city manager and authorize the City Manager to execute a professional services agreement with the selected firm ([Staff Report #18-197-CC](#))

K. Informational Items

- K1. Update on the Transportation Master Plan status ([Staff Report #18-195-CC](#))
- K2. Update on the Federal Communications Commission's (FCC) new small wireless facility regulations and City's response to FCC order ([Staff Report #18-194-CC](#))

L. City Manager's Report

M. Councilmember Reports

N. Adjournment

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

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

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

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 menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 10/18/2018)

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SPECIAL AND REGULAR MEETING MINUTES - DRAFT

Date: 10/9/2018
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

7:00 p.m. Regular Session

A. Call to Order

Mayor Ohtaki called the meeting to order at 7:06 p.m.

B. Roll Call

Present: Carlton, Keith, Ohtaki

Absent: Cline, Mueller

Staff: City Manager Alex D. McIntyre, Assistant City Attorney Cara Silver, City Clerk Judi A. Herren

C. Pledge of Allegiance

Mayor Ohtaki led the Pledge of Allegiance.

D. Presentations and Proclamations

D1. Certificates of Recognition to the 2018 Bizen, Japan Student Exchange ambassadors (Attachment)

Assistant to the City Manager Clay Curtin made a presentation.

Mayor Ohtaki made a presentation and handed out the certificates of recognition.

Assistant City Manager Nick Pegueros introduced Interim Library Services Director Sean Reinhart.

Community Services Director introduced Assistant Director of Community Services Adriane Lee-Bird.

Mayor Ohtaki reminded the audience of the lane shift on the Willow Road and highway 101 interchange.

Mayor Ohtaki also reordered the Regular Business items, moving item I4 after I1.

E. Report from Closed Session

E1. Report on action taken in Closed Session, if required, pursuant to Government Code §54957.1

No report from closed session.

F. Public Comment

- Jim Lewis read the friendship agreement between Menlo Park and Galway Ireland and presented a video (Attachment).
- Andrew Boone spoke in favor of raising the minimum wage and expressed his support for City

Council candidates.

- Jen Wolosin requested that the Transportation Master Plan be brought back to the Complete Streets Commission to increase transparency, spoke in support of the proposed Oak Grove parking recommendations, and requested that communication between contractors and residents be improved during the street resurfacing project.

G. Commission Report

G1. Sister Cities Committee Report

Pushed to future meeting.

H. Consent Calendar

H1. Accept the City Council meeting minutes for August 28 and September 11, 2018 (Attachment)

H2. Approve amendments to the unrepresented management bonus program (Staff Report #18-186-CC)

H3. Approve the 2018-19 investment policy for the City and the former Community Development Agency of Menlo Park (Staff Report #18-188-CC)

- Andrew Boone asked if this was a citywide investment policy.

Mayor Ohtaki provided clarification on types and stability of investments being made.

H4. Approve the response to the San Mateo County Civil Grand Jury report regarding restricting smoking in multiunit housing properties (Staff Report #18-181-CC)

H5. Approve scope of analysis regarding the financial feasibility of the City of Menlo Park's below market rate inclusionary housing requirement (Staff Report #18-180-CC)

- Karen Grove requested a calculation for the point of indifference to be included in the scope of work.
- Andrew Boone spoke in support of the below market rate program and request that higher rates be studied.

City Council requested the calculations for the point of indifference for one, two, and three units, the number of units required to go to 20 percent, and a two percent buffer for teachers and emergency workers to be included in the study. The also concurred that an extra \$20,000 be included for the additions made to the study. City Council requested that after staff meets with BAE Urban Economics, Inc. (BAE) regarding splitting the feasibility study into either 20, 50, 100, and 200 or 30, 30-90, and 90+ units to return to City Council as an informational item.

H6. Introduce, read and waive further reading of Ordinance No. 1049 amending the City Manager's powers and duties to include design approval authority (Staff Report #18-185-CC)

H7. Authorize the City Manager to amend the contract amount for the 2018-19 Public Works maintenance services contracts up to the City Council budget amount and extend the contract term

with Significant Cleaning Services (Staff Report #18-184-CC)

- H8. Award contracts totaling \$873,767 to Towne Ford Sales, Sonsray Machine LLC., San Leandro, Turf Star Western, Western Truck Fabrication, Priority 1 Safety and Enterprise Fleet Management for vehicle and equipment replacement, outfitting settings and contingency (Staff Report #18-189-CC)

City Councilmember Keith received confirmation that the Environmental Quality Commission is looking to add more objectives to the environmental purchasing policy including timelines for a 50 percent or more electric vehicle fleet. City Councilmember Carlton commented she met engineers from Tesla and they are working on making Ford F150's into electric vehicles.

ACTION: Motion and second (Cline/Carlton) to approve the consent calendar, passed unanimously.

I. Regular Business

- I1. Approve the library needs assessment for the Belle Haven neighborhood and direct staff to begin a space needs assessment for a new Belle Haven branch library (Staff Report #18-187-CC)

Assistant Library Services Director Nick Szegda made the presentation (Attachment). Also present were Jerod Turner and Kimberly Wong for Gensler.

- Andrew Boone spoke in favor of the project and suggested considering a larger square footage.
- Jacqui Cebrian spoke in support of moving forward with the project.
- Pamela Jones spoke in support of the community outreach and to begin the study.
- Cecilia Taylor spoke in favor of the study but suggested speeding up the timeline.

The City Council requested Gensler contact and receive input from all stakeholders.

ACTION: Motion and second (Keith/Carlton) to approve the library needs assessment for the Belle Haven neighborhood and direct staff to begin a space needs assessment for a new Belle Haven branch library, passed unanimously.

- I2. Approve the terms of a supplemental agreement between the City of Menlo Park and the American Federation of County, State, and Municipal Employees Local 829 expiring June 30, 2021 (Staff Report #18-183-CC)

Administrative Services Director Lenka Diaz made the presentations (Attachment).

The City Council received clarification on the cost savings of extending the current agreement.

ACTION: Motion and second (Cline/Ohtaki) to approve the terms of a supplemental agreement between the City of Menlo Park and the American Federation of County, State, and Municipal Employees Local 829, passed unanimously.

- I3. Approve the terms of a supplemental agreement between the City of Menlo Park and the Service Employees International Union Local 521 expiring June 30, 2021 (Staff Report #18-182-CC)

Administrative Services Director Lenka Diaz made the presentation (Attachment).

The City Council received clarification on the cost savings of extending the current agreement.

ACTION: Motion and second (Cline/Ohtaki) to approve the terms of a supplemental agreement between the City of Menlo Park and the Service Employees International Union Local 521, passed unanimously.

14. Provide direction on the appointment of an Interim City Manager and establish a City Council Subcommittee to oversee the selection process of a permanent City Manager (Staff Report #18-190-CC)

City Manager Alex McIntyre and Administrative Services Director Lenka Diaz made the presentation.

- Alex Boone thanked Alex McIntyre for his service. He also recommended that the newly elected City Council make the appointment and questioned how public input would be attained.
- Jen Wolosin thanked Alex McIntyre for his service. She also asked for clarification on the subcommittee.
- Julie Shanson recommended that the new City Council have the opportunity to appoint the new City Manager.

Mayor Ohtaki and City Councilmember Keith detailed the three-step process; appointing an interim city manager, executing a request for proposals for a recruiting firm, and begin the search for a permanent city manager. The City Council discussed the role for the current City Council and the role of the new City Council. The City Council appointed Mayor Ohtaki and Mayor Pro Tem Mueller to serve on the subcommittee; which will terminate on December 11.

ACTION: Motion and second (Keith/Carlton) to provide direction on the appointment of an interim city manager and appoint Ohtaki and Mueller to the subcommittee that oversee's the selection process of a new permanent city manager, passed unanimously.

J. City Manager's Report

City Councilmember Carlton reported out on the League of California Cities conference and her new position as president of the LGBTO Caucus.

Mayor Pro Tem Mueller reported on the Global Climate Action Summit.

City Councilmember Keith informed the audience of a the Act Menlo Park program.

Mayor Ohtaki and City Councilmember Keith reported out on the general use permit subcommittee.

K. Councilmember Reports

L. Adjournment

Mayor Ohtaki adjourned the meeting at 9:51 p.m.

**STAFF REPORT****City Council****Meeting Date:** 10/23/2018**Staff Report Number:** 18-194-CC**Consent Calendar:** **Adopt Resolution No. 6461 authorizing the annual destruction of obsolete records****Recommendation**

Staff recommends adoption of a resolution authorizing the disposal of obsolete City records for the following departments: City Clerk, Community Services and Police, as specified in Exhibits A-C to the proposed Resolution No. 6461 (Attachment A.)

Policy Issues

The proposed action is consistent with the City's current policy and adopted records retention schedule.

Background

The proposed resolution complies with the City's records retention schedule as amended November 15, 2011, by Resolution No. 6031.

The program provides for the efficient and proper management and protection of the City's records. The program also allows for the destruction of records deemed obsolete according to the City's adopted records retention schedule.

Analysis

The City is committed to managing its records according to best practices to ensure business, audit, legal and regulatory requirements are met. The California legislature has established guidelines, resources and support for retention of records by local governments and upon which the City's current schedule is largely based.

An adopted records retention schedule certifies the life, care and disposition of all agency records, and provides an agency with the legal authority to dispose of records entrusted in its care when they are no longer needed. Disposition may include sending appropriate records to an off-site storage facility, recycling unneeded records, and/or destroying unneeded records. Once records have fulfilled their administrative, fiscal or legal function, they should be disposed of as soon as possible in accordance with the established retention schedule. Keeping records beyond the retention period causes a burden on staff with more documents to manage and may effect response time to public records requests. Compliance with the records retention schedule is highly recommended as it improves staff efficiency and customer service when the status of information is up-to-date and available when needed. State law governs the timeframe that cities must retain records and provides that certain categories of documents may be destroyed upon adoption of a resolution by the City Council.

Exhibits A-C lists the documents that exceed the timeframe for retention according to Government Code sections 34090 and 34090.6 and Menlo Park Municipal Code section 2.54.

Impact on City Resources

There is no significant impact on City resources as part of this action.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it proposes an organizational structure change that will not result in any direct or indirect physical change in the environment.

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 No. 6461

Report prepared by:
Judi A. Herren, City Clerk

RESOLUTION NO. 6461

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO
PARK AUTHORIZING THE DESTRUCTION OF OBSOLETE CITY
RECORDS**

WHEREAS, the City of Menlo Park is committed to managing its records according to best practices to ensure business, audit, legal, historical and regulatory requirements are met; and

WHEREAS, the City of Menlo Park has an adopted Records Retention Schedule adopted November 27, 2001, by City Council Resolution No. 5351 and amended November 15, 2011, by City Council Resolution No. 6031; and

WHEREAS, Section 2.54.110 of the Menlo Park Municipal governs the destruction of public records; and

WHEREAS, the City's Records Management Program provides for the efficient and proper management and protection of the City's records and allows for the destruction of records deemed obsolete according the City's adopted Records Retention Schedule.

NOW, THEREFORE BE IT RESOLVED, that 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 do hereby authorizes the destruction of the obsolete records described in Exhibits A, B and C Requests for Destruction of Obsolete Records, attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that once the records are destroyed, the City Clerk will maintain all original Certificates of Destruction.

I, Judi A. Herren, 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-third day of October, 2018, 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-third day of October, 2018.

Judi A. Herren, City Clerk

OBSOLETE RECORDS DESTRUCTION REQUEST

City Clerk
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620



Date: October 23, 2018 Page: 1 of 2

Department: City Clerk

Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule establish by City Council resolution and in accordance with Government Code § 34090 and 34090.6.

Record Title	Container	Dates	Retention Period
Agreements & Contracts Approved by Council: NON-INFRASTRUCTURE: Consultants, Landscaping, Slurry Seals/ Repaving, Tree Trimming, Leases, Professional Services, (Not Infrastructure projects)		Thru 2015	Completion + 5 years
Boards, Commissions & Committees - APPLICATIONS: APPOINTED		2008-2014	Term of office + 4 years
Boards, Commissions & Committees - APPLICATIONS: UNSUCCESSFUL		2008-2016	2 years
Elections – Campaign Reports (FPPC 400 series Forms) OTHER COMMITTEES (PACS)		2008-2011	7 years
Elections – Campaign Reports (FPPC 400 series Forms) UNSUCCESSFUL CANDIDATES		2008-2013	5 years
Elections – Candidate Statements		2008-2014	Duration of office + 4 years
Elections – GENERAL, WORKING or ADMINISTRATION Files		2008-2016	2 years
Elections – Nomination Papers: SUCCESSFUL CANDIDATES		2008-2014	Duration of office + 4 years
Elections – Nomination Papers: UNSUCCESSFUL CANDIDATES		2008-2014	Election + 4 years
Elections - Petitions (Initiative, Recall or Referendum. Applies to successful or unsuccessful petitions)		2008-2017	8 months
FPPC 700 Series Forms DESIGNATED EMPLOYEES		2008-2011	7 years
FPPC 700 Series Forms PUBLIC OFFICIALS		2008-2014	4 years
FPPC Blank forms, lists manuals and administration		2008-2013	5 years
Oaths of Office		2008-2012	Separation + 6 years
Ordinances UNSUCCESSFUL		1998-2016	2 years
Presentations/Proclamations/		2008-2016	2 years

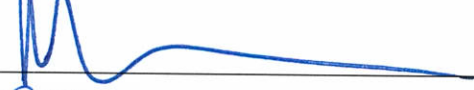
Commendations/Memoriums			
Proof of Publications, Public Hearing Notices		Thru 2016	2 years
Subpoenas, Request for Public Records, Miscellaneous		Thru 2016	2 years
Agreements & Contracts Approved by Council: NON-INFRASTRUCTURE: Consultants, Landscaping, Slurry Seals/ Repaving, Tree Trimming, Leases, Professional Services, (Not Infrastructure projects)		Thru 2015	Completion + 5 years



 Department Head

10/3/18

 Date



 City Manager

10/5/18

 Date

For 

 City Attorney

10/17/18

 Date

 City Clerk for City Council

 Date

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 Date approved by City Council: _____ Resolution No.: _____ Date destroyed: _____

OBSOLETE RECORDS DESTRUCTION REQUEST

City Clerk
 701 Laurel St., Menlo Park, CA 94025
 tel 650-330-6620

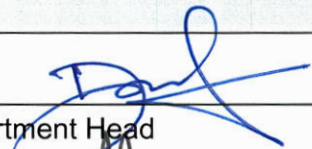


Date: July 5, 2018 Page: 1 of 2

Department: Community Services Department, Gymnastics

Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule established by City Council resolution and in accordance with Government Code § 34090 and 34090.6.

Record Title	Container	Dates	Retention Period
2003 Refund Forms	Box 1	01/01/2003-12/31/2003	5 years
2011 Registration Forms	Box 1	01/01/2011-12/31/2011	5 years
2012 Registration Forms	Box 1	01/01/2012-12/31/2012	5 years
2011 Birthday Party Waivers	Box 1	01/01/2011-12/31/2011	5 years
2013 Red Cross Training	Box 1	01/01/2013-12/31/2013	5 years
2013 Training	Box 1	01/01/2013-12/31/2013	5 years
2013 Cal Card Statements – P. Wagner	Box 1	01/01/2013-12/31/2013	5 years
2013 Medical Waivers	Box 1	01/01/2013-12/31/2013	5 years
2013 Incident Reports	Box 1	01/01/2013-12/31/2013	5 years
2013 Birthday Party Contracts	Box 1	01/01/2013-12/31/2013	5 years
2013 Birthday Party Waivers	Box 1	01/01/2013-12/31/2013	5 years
2013 Rental Agreements	Box 1	01/01/2013-12/31/2013	5 years
2013 Travel Expenses	Box 1	01/01/2013-12/31/2013	5 years
2013 PO/Check Requests	Box 1	01/01/2013-12/31/2013	5 years
2013 Birthday Party Receipts	Box 1	01/01/2013-12/31/2013	5 years
Level Classes Schedule	Box 1	01/01/2013-12/31/2013	5 years
2013 PAMP	Box 1	01/01/2013-12/31/2013	5 years


 Department Head

10/2/18
 Date


 City Manager

10/4/18
 Date


 City Attorney

10/17/18
 Date

City Clerk for City Council

Date

OFFICE USE ONLY:

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OBSOLETE RECORDS DESTRUCTION REQUEST

City Clerk
 701 Laurel St., Menlo Park, CA 94025
 tel 650-330-6620


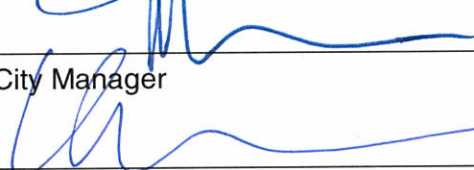


Date: 9/28/18 Page: 1 of 1

Department: CSD-Gymnasium

Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule establish by City Council resolution and in accordance with Government Code § 34090 and 34090.6.

Record Title	Container	Dates	Retention Period
Tennis Key forms		Jan 1, 2012-Dec 31 2013	1 year
Tennis court rentals		Jan 1-Dec 31, 2013	1 year
Field reservations		Jan 1-Dec 31, 2013	1 year
Gymnasium reservations		Jan 1-Dec 31, 2013	1 year
Picnic & Parks reservations		Jan 1, 2012-Dec 31, 2013	1 year
Registration forms		Jan 1, 2011-Dec 31, 2013	5 years
Deposit Files		Jan 1, 2015-Dec 31, 2016	1 year
PAC Forms		2011-12	1 year
Instructor forms		1995-2006	Compl + 2years

 _____ Department Head	_____ Date 9/27/18
 _____ City Manager	_____ Date 10/2/18
_____ City Attorney	_____ Date 10/2/18
_____ City Clerk for City Council	_____ Date

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OBSOLETE RECORDS DESTRUCTION REQUEST

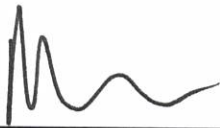
City Clerk
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620



Date: 10/10/2018		Page: 1 of 2	
Department: <i>Police - Records / Communication</i>			
Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule establish by City Council resolution and in accordance with Government Code § 34090 and 34090.6.			
Record Title	Container	Dates	Retention Period
2008 Police Records – all Except those otherwise Specifically mentioned in The City retention schedule	File shelf in records	01/01/2008 Thru 12/31/2008	7 years
Police Reports: Marijuana Less than 28.5 grams	File shelf in Records and Narrative in RMS (Records Management System)	01/01/12 Thru 12/31/15	2 years or when the Subject turns 18 years old
Police Reports: Sealed Juvenile and Adult Cases	Locked filing cabinet in Secure area of Records	All records up until 12/31/2012	Sealing date + 5 years or According to court order
Drug Registrant Suspect ID Jackets	File Shelf in Records	All records until 2008	No Drug Activity for 10 years
Parking Permits	File Shelf in Records	All records until 12/31/2015	2 years
Police Report Logs	On website and stored in Police N drive	All records until 12/31/2015	2 yeras
Recordings for Telephone & Radio Communications/Dispatch Tapes, Tape Recordings (CAD)	File shelf in dispatch	All records not marked as Evidence until 12/31/2016	1 year
Suspect ID Jackets	File shelf in Records	All records until 2015	No Crime Activity for 10 years
Internal Property Disposition Forms	File shelf in Property	All records until 2015	2 years or after case is Adjudicated if longer
Evidence request forms	File shelf in Property	All records until 2015	2 years or after case is Adjudicated if longer
Crime Stats provided to Department of Justice and On City Website	File shelf in Records and On City Website and Stored in Police N drive	All records until 2015	2 years

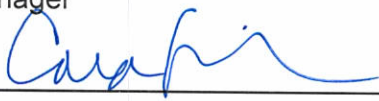
[Signature]
Department Head **Chief D. Bertini**

OCT 10 2018
Date



City Manager

Date 10/11/18

For 

City Attorney

Date 10/17/18

City Clerk for City Council

Date

OFFICE USE ONLY:

Date approved by City Council: _____ Resolution No.: _____ Date destroyed: _____

OBSOLETE RECORDS DESTRUCTION REQUEST

City Clerk
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620



Date: 10/10/2018		Page: 1 of 2	
Department: Police			
Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule establish by City Council resolution and in accordance with Government Code § 34090 and 34090.6.			
Record Title	Container	Dates	Retention Period
IA 12-003	Folder	09/12/2012	6 years
IA 12-001	Folder	06/06/2012	6 years
IA 12-101	Folder	05/29/2012	6 years
IA 11-004	Folder	02/17/2012	6 years
IA 11-003	Folder	08/14/2012	6 years
Informal Review	Box	09/12/2012	6 years
Informal Review	Box	09/27/2012	6 years
Informal Review	Box	09/26/2012	6 years
Informal Review	Box	09/18/2012	6 years
Informal Review	Box	09/18/2012	6 years
Informal Review	Box	09/06/2012	6 years
Informal Review	Box	09/17/2012	6 years
Informal Review	Box	09/17/2012	6 years

OCT 11 2018

Department Head Chief D. Bertini

Date _____

City Manager _____

Date 10/11/18

City Attorney PC [Signature]

Date 10/17/18

City Clerk for City Council _____

Date _____

OFFICE USE ONLY:

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OBSOLETE RECORDS DESTRUCTION REQUEST

City Clerk
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620



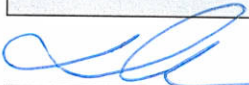
Date: 10/10/2018

Page: 2 of 2

Department: Police

Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule established by City Council resolution and in accordance with Government Code § 34090 and 34090.6.

Record Title	Container	Dates	Retention Period
Use of Force	Folder	05/16/2015	2 years
Use of Force	Folder	08/31/2015	2 years
Use of Force	Folder	10/08/2015	2 years
Use of Force	Folder	12/17/2015	2 years
Use of Force	Folder	10/10/2014	2 years
People v. Ferguson	Envelope	09/26/2014	Released by City Attorney



Department Head **Chief D. Bertini**

OCT 11 2018

Date

City Manager

Date

City Attorney

Date

City Clerk for City Council

Date

OFFICE USE ONLY:

Date approved by City Council: _____ Resolution No.: _____ Date destroyed: _____



STAFF REPORT

City Council Meeting Date: 10/23/2018
Staff Report Number: 18-192-CC

Consent Calendar: Authorize the City Manager to execute an extension to the existing agreement between the City of Menlo Park and Redflex Traffic Systems, Inc. for its photo red light enforcement program

Recommendation

Staff recommends that the City Council authorize the City Manager to execute an extension to the existing agreement between the City of Menlo Park and Redflex Traffic Systems, Inc. (Redflex) for its photo red light enforcement program. The requested extension would terminate December 31, 2018.

Policy Issues

The extensions costs exceed the approval authority of the City Manager.

Background

On August 20, 2013, the City of Menlo Park entered into its current agreement with Redflex for a photo red light enforcement program. Pursuant to this agreement, there are five red light enforcement designated intersection approaches installed and operational in the City. This agreement was due to expire August 30, 2018. An extension to the current contract was requested and approved August 15, 2018.

Analysis

The current extension is due to expire October 31, 2018. Another extension is necessary for staff to continue to analyze the system's effectiveness, to better understand the changing legislation with the system and to renegotiate an updated and renewed agreement for services. The recent change in the command staff at the police department has hindered staff's ability to complete the above mentioned analysis and renegotiation.

It is the intention of the police department to come before the City Council December 4 for City Council consideration of any proposed renewal of the agreement with Redflex for photo red light enforcement.

Impact on City Resources

For the months of November and December 2018, Redflex shall charge the City \$4,950 per intersection for four designated intersection approaches and \$6,200 for one designated intersection approach (\$26,000 per month.) This would be a total of \$52,000 for the 60 extension. These funds have already been allocated for these services in the police department's fiscal year 2018/2019 budget.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

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. Proposed 60 contract extension

Report prepared by:
William A. Dixon, Commander



October ##, 2018

Mr. Mike Finn
Senior Vice President of Sales
Redflex Traffic Systems, Inc.
5835 Uplander Way, Suite A
Culver City, CA 90230-6607

RE: Extension of agreement between The City of Menlo Park and Redflex Traffic Systems, Inc. for a red light photo enforcement program

Dear Mr. Finn:

Our existing extension agreement is due to expire on October 31, 2018. The City of Menlo Park hereby requests that the agreement and its present terms be extended for the period of October 31, 2018 to December 31, 2018.

The contract renewal is scheduled to go before the City Council on December 4, 2018.

Sincerely,

Alex D. McIntyre
City Manager

READ AND AGREED:

Redflex Traffic Systems, Inc.

Date: _____

By:

Its:

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STAFF REPORT

City Council

Meeting Date: 10/23/2018

Staff Report Number: 18-191-CC

Consent Calendar: **Adopt Ordinance No. 1052 amending the City Manager's powers and duties to include design approval authority**

Recommendation

Staff recommends that the City Council adopt Ordinance No. 1052 amending the City Manager's powers and duties to include design approval authority for public improvement projects.

Policy Issues

The decision of the City Council to delegate design approval authority for public improvement projects to the city manager or his or her designee is a policy decision.

Background

When projects are authorized to be advertised or bids are awarded by the City Council, language is typically included in the City Council action to approve plans and specifications. There are situations where the City Council does not approve plans and specifications, such as small projects, or there are change orders during construction. These situations would benefit from the ability of the City to respond quickly, without having to bring the matter before the City Council at a noticed public hearing.

The City Council reviewed the draft ordinance amending the city manager's powers and duties to include design approval authority at its October 9 meeting, and acted to introduce, read, and waive further reading of Ordinance No. 1052.

Analysis

Government Code Section 830.6 provides public agencies with a design immunity defense for any public works projects designed and constructed by the public agency, provided that the design was approved in advance of the construction by the agency's legislative body or by an employee authorized by the legislative body to give such design approval. If the City Council desires to authorize the city manager or his or her designee to exercise design approval authority, staff recommends that to ensure the City retains the design immunity protection afforded by state law, the City Council codify the delegation to the city manager or his or her designee in the City's Municipal Code.

It is important to note that proposed Ordinance No. 1052 does not in any way impact or change the City Council's discretionary authority to approve projects and appropriate project funding pursuant to other applicable City policies and procedures. Ordinance No. 1052 also does not circumvent other established project design review and approval processes.

Should the City Council take action to adopt the ordinance, it would become effective 30 days after adoption.

Impact on City Resources

Ordinance No. 1052 is not anticipated to have an impact on City resources.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it proposes an organizational structure change that will not result in any direct or indirect physical change in the environment.

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 No. 1052 amending the City Manager's powers and duties to include design approval authority

Report prepared by:
Leigh F. Prince, Assistant City Attorney

ORDINANCE NUMBER 1052

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING THE CITY MANAGER'S POWERS AND DUTIES TO INCLUDE DESIGN APPROVAL AUTHORITY

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

SECTION 1. FINDINGS AND DETERMINATIONS.

- A. Government Code Section 830.6 provides that neither a public entity nor a public employee is liable for an injury caused by the plan or design of a construction of, or an improvement to, public property where such plan or design has been approved in advance of the construction or improvement by the legislative body of a public entity or by some other body or employee exercising discretionary authority to give such approval or where such plan or design is prepared in conformity with standards previously so approved.
- B. Public interest and convenience and the retention of the design immunity protection under Government Code Section 830.6 require the City Council of the City of Menlo Park to delegate by ordinance to the City Manager or to his or her designee the authority to approve plans and designs for City public improvement projects.
- C. Such delegation of design approval authority does not change the City Council's discretion and authority to approve projects and appropriate project funding pursuant to other applicable City policies, procedures and codes, or circumvent other established project design review and approval processes.

SECTION 2. AMENDMENT OF CODE. Section 2.08.080 [Power-Duties] of Chapter 2.08 [City Manager] of Title 2 [Administration and Personnel] of the Menlo Park Municipal Code is hereby amended,

2.08.080 Powers—Duties.

The city manager shall be the administrative head of the city government under the direction and control of the City Council, except as otherwise provided in this chapter. He or she shall be responsible for the efficient administration of all the affairs of the city which are under his or her control. In addition to his or her general powers as administrative head, and not as a limitation thereon, it shall be his or her duty and he or she shall have the power:

- (1) Enforcement of Laws. To see that all laws and ordinances of the city are duly enforced, and that all franchises, permits and privileges granted by the city are faithfully observed;
- (2) To Direct, etc., Officers and Employees. To control, order and give directions to all heads of departments, subordinate officers, and employees of the city, except the city attorney; and to transfer employees from one department to another, and to consolidate or combine offices, positions, departments or units under his or her direction;
- (3) Appointment and Removal of Officers and Employees. To appoint and remove any officers and employees of the city except the city attorney, subject to the rules relating to personnel management;
- (4) Control of Departments and Officers and Employees. To exercise control over all departments of the city government and over all appointive officers and employees thereof, except the city attorney;
- (5) Attendance at City Council Meetings. To attend all meetings of the City Council unless

- excused therefrom by the city council, except when his or her removal is under consideration by the city council;
- (6) Recommendation of Ordinances. To recommend to the City Council for adoption such measures and ordinance, as he or she deems necessary or expedient;
 - (7) Fiscal Advice. To keep the City Council at all times fully advised as to the financial conditions and needs of the city;
 - (8) Preparation of Budget. To prepare and submit to the City Council the annual budget;
 - (9) Purchases and Expenditures. To purchase all supplies for all of the departments or divisions of the city. No expenditure shall be submitted or recommended to the City Council, except on report or approval of the city manager;
 - (10) Investigation of City Affairs. To make investigations into the affairs of the city, and any department or division thereof, and any contract, or the proper performance of any obligations running to the city;
 - (11) Investigation of Complaints. To investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city, and to see that all franchises, permits and privileges granted by the city are faithfully performed and observed;
 - (12) Supervision of Public Buildings. To exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the City Council and not specifically delegated to a particular board or officer;
 - (13) Approval of Plans and Designs. To exercise directly or through his or her designee discretionary approval of plans, designs and any design amendments or addenda for public improvement projects. The city manager or his or her designee shall sign the plans and designs.
 - (14) Devotion of Entire Time to Duties. To devote his or her entire time to the duties of his or her office and the interests of the city;
 - (15) Leadership in Civic Movements. To provide leadership for civic movements designed to benefit the residents of the city when so authorized by the City Council;
 - (16) Additional Duties. To perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution of the City Council.

SECTION 3. SEVERABILITY. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") because the activity is not a project as defined by Section 15378 of the CEQA Guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly.

SECTION 5. EFFECTIVE DATE AND PUBLISHING. 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 council members voting for and against the amendment.

INTRODUCED on this ninth day of October, 2018.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on this ninth day of October, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Peter I. Ohtaki, Mayor

ATTEST:

Judi A. Herren, City Clerk

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STAFF REPORT

City Council

Meeting Date: 10/23/2018

Staff Report Number: 18-193-CC

Consent Calendar: **Second reading and adoption of Ordinance No. 1049 amending Title 12, building and construction, Ordinance No. 1050 amending Title 16, zoning and Ordinance No. 1051 adding Chapter 12.24 to the Municipal Code related to the permit process for electric vehicle charging stations**

Recommendation

Staff recommends that the City Council conduct the second reading and adopt an ordinance amending Title 12 (Buildings and Construction) and Title 16 (Zoning) of the Menlo Park Municipal Code to update the requirements for electric vehicle (EV) charging spaces for projects involving tenant improvements or new construction and to make the regulations applicable citywide, and introduce an ordinance adding Chapter 12.24 to the Municipal Code to document the EV permitting process.

Policy Issues

The adoption of more stringent requirements for EV charging spaces would be considered a local amendment to the 2016 California green building standards code and would require the City Council to adopt an ordinance. The addition of Chapter 12.24 would be consistent with assembly bill (AB) 1236, which requires cities and counties to adopt an ordinance to establish a permitting process for EV charging stations.

Background

During the City Council adoption of the CalGreen requirements for EV charging stations in the Bayfront Area in March 2017, several members expressed interest in expanding the regulations citywide and potentially increasing the requirements. Subsequently, the City Council appointed a two-member subcommittee (City Councilmembers Carlton and Cline) to work with staff and provide guidance on the potential revisions to the EV ordinance. The City Council supported a three-tiered work plan for the revisions that involved feedback from small group discussions with stakeholders, a community meeting for broader outreach, and input from the Planning Commission on the proposed revisions before the City Council consideration of the item.

From summer 2017 to summer 2018, staff met with the City Council Subcommittee, conducted small group discussions and a larger community meeting, and presented a set of revised ordinances to the Planning Commission at two public hearings. On June 4, 2018, the Planning Commission unanimously recommended approval of the proposed ordinances. On August 28, 2018, the City Council introduced the ordinances with several modifications, which are described below in the analysis section.

Analysis

Access to EV charging infrastructure is an important part of making EV a success. Access to charging gives drivers more confidence to utilize EV and extends the functional daily range. The City Council introduced modifications to the EV charging space ordinance to increase the requirements and to make the regulations applicable citywide to address existing and future demand. The proposed regulations would be more stringent than current CalGreen requirements and therefore, requires a local amendment to the building standards code.

On August 28, 2018, the City Council conducted a public hearing on the proposed EV charging station requirements, listened to public testimony, and deliberated on the proposed changes. Both members of the public and City Council expressed validation for the work as well as acknowledged concerns about the requirements, mostly being too much too soon and the potential increase in cost on projects. The City Council unanimously supported (4-0, with City Councilmember Carlton absent) to introduce the EV charging station and permit ordinances with the following modifications:

- Specify the requirement for a National Electrical Manufacturers Association (NEMA) 14-50 receptacle wherever a receptacle is referenced;
- Remove the requirement for “universal” chargers;
- Remove the requirement for installation of a new parking space for installation of EVSE above the maximum required number; and
- Include a provision where an exception to the regulations can be granted for affordable housing. As part of the City Council’s motion and introduction of the ordinances, the City Council also asked staff to review the proposed exception language with the Environmental Quality Commission (EQC) before the second reading of the ordinances.

On September 26, 2018, the EQC reviewed the proposed language regarding an exception from the EV charging requirements for affordable housing developments. Members of the public provided comments and the EQC had a thoughtful discussion that recognized the need to balance the EV charging requirements with the feasibility of creating affordable housing in the community. The EQC unanimously supported (6-0) the following exception language:

4.106.4 Electric vehicle (EV) charging for new construction. New construction shall comply with Sections 4.106.4.1 and 4.106.4.2 to facilitate future installation and use of EV chargers. Electric vehicles supply equipment (EVSE) shall be installed in accordance with the California Electric Code, Article 625.

Exceptions: On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based on one or more of the following conditions:

1. Where there is no commercial power supply.
2. Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost to the homeowner or developer by more than \$400.00 per dwelling unit.
3. For 100 percent Below Market Rate housing developments, EVSE shall be provided for a minimum of 10 percent of the total number of dwelling units.

If the applicant/owner can demonstrate that the proposed development is restricted for 100 percent affordable housing, then the applicant would be required to implement a minimum 10 percent of the total number of dwelling units with EVSE (conduit, wiring and charger). In comparison, for new residential developments of three or more units, the requirement is conduit and wiring for each unit and EVSE for 15 percent of the total number of units. The proposed concept provides a balanced approach that addresses

the City Council's direction to consider cost implications for affordable housing while still requiring installation of EV supply equipment. The revised ordinances per the City Council's directions are attached as Attachments A, B and C. The ordinances would become effective 30 days after adoption.

Correspondence

Since the August 28, 2018 City Council meeting, staff has received two comment letters, one from ChargePoint and the second from Greystar, which are included as Attachment D. In ChargePoint's letter, Amanda Myers, public policy manager, comments that the requirement for a specific receptacle (NEMA 14-50) does not necessarily mean that a specific level of electrical capacity would be installed and that the specific plug is typically more costly to install. She also notes that it is unnecessary and unusual to mandate an input plug in the code. In Greystar's correspondence, Andrew Morcos, Development Director, requests a change to require conduit only at the time of construction and delay wiring until there is demand for EVSE installation.

Impact on City Resources

The ordinances to modify Title 12 and Title 16 are not anticipated to have any impact on City resources. Staff time spent on researching and drafting the ordinance would be absorbed by the General Fund.

Environmental Review

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

Public Notice

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

Attachments

- A. Ordinance No. 1049 amending Title 12 (Buildings and Construction) to amend the 2016 California green building standards code, Part 11 of the 2016 California building standards code
- B. Ordinance No. 1050 amending various Chapters in Title 16 (Zoning) to update Electric vehicle charging station requirements
- C. Ordinance No. 1051 to add Title 12.24 pertaining to the permitting process for electric vehicle charging stations
- D. Correspondence

Report prepared by:

Deanna Chow, Assistant Community Development Director – Planning
Ron La France, Assistant Community Development Director/Building Official
Ori Paz, Assistant Planner

Report reviewed by:

Mark Muenzer, Community Development Director

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ORDINANCE NO. 1049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING CHAPTER 12.18 [CALIFORNIA GREEN BUILDING STANDARDS CODE AMENDMENTS] OF TITLE 12 [BUILDINGS AND CONSTRUCTION] OF THE MENLO PARK MUNICIPAL CODE TO UPDATE THE ELECTRICAL VEHICLE CHARGING REQUIREMENT

WHEREAS, the City of Menlo Park ("City") wishes to adopt a building code in accordance with law and to use the most updated regulations in the processing of development in the City; and

WHEREAS, the City wishes to update the requirement for electric vehicle charging spaces in projects involving tenant improvements or new construction and to make the regulations applicable citywide; and

WHEREAS, because of the City's unique local climatic, geologic and topographic conditions, the City desires to make amendments and additions to the 2016 California Green Building Standards Code in the City's Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK DOES ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS AND DETERMINATIONS.

The following local geologic conditions that require compliance with energy efficiency standards for building construction and justify modifications to California Building Standards Code:

- A. **Geological**: The City is located in Seismic Risk Zones D, E, and F, which are the most severe earthquake zones in the United States. The area includes various soils and areas with significant movement potential. Buildings and other structures in Zones D, E and F can experience major seismic damage. Lack of adequate building designs and detailing as well as the lack of flexible materials and/or building systems have been contributing factors to damage that reduces the life-safety of building occupants and increases the cost of the rehabilitation of structures.
- B. **Climatic**: The City is located in a climatic zone with precipitation ranging from 13 to 20 inches per year with an average of approximately 15 inches per year. Ninety-five percent of precipitation falls during the months of November through April, leaving a dry period of approximately six months each year. Relative humidity remains moderate most of the time. Temperatures in the summer average around 80 degrees Fahrenheit and in the winter in the mid 50 degrees Fahrenheit. Prevailing winds in the area come from the west with velocities generally in the 12 miles per hour range, gusting from 25 to 35 miles per hour.
- C. **Topographic**: Areas of highly combustible dry grasses, weeds, brush and trees adjacent to structures are common throughout the City. Above ground electrical power transmission lines are suspended through trees and above large areas of dry vegetation. The arrangement of man-made features around many buildings greatly limit any approach to all but one side of a building.

SECTION 2: AMENDMENT OF CODE.

Chapter 12.18 [California Green Building Standards Code Amendments] of Title 12 [Buildings and Construction] of the City's Municipal Code is hereby amended in its entirety to read as follows:

CALIFORNIA GREEN BUILDING STANDARDS CODE AMENDMENTS

Sections:

12.18.010	Section 4.408.1 of Chapter 4 amended
12.18.020	Section 5.408.1 of Chapter 5 amended
12.18.030	Section 4.106.4 of Chapter 4 amended
12.18.040	Section 4.106.4.1 of Chapter 4 amended
12.18.050	Section 4.106.4.2.2 of Chapter 4 amended
12.18.060	Section 4.106.4.2.3 of Chapter 4 deleted
12.18.070	Section 4.106.4.2.4 of Chapter 4 deleted
12.18.080	Section 5.106.5.3 of Chapter 5 amended
12.18.090	Section 5.106.5.3.1 of Chapter 5 amended
12.18.100	Section 5.106.5.3.2 of Chapter 5 amended
12.18.110	Table 5.106.5.3.3 of Chapter 5 amended

12.18.010 Section 4.408.1 of Chapter 4 amended

Section 4.408.1 of Chapter 4 is amended to read as follows:

4.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of both inert and non-inert nonhazardous demolition waste and 65 percent of both inert and non-inert nonhazardous construction waste in accordance with Section 4.408.2, 4.408.3 or 4.408.4 and meet the requirements of Chapter 12.48 Recycling and Salvaging of Construction and Demolition Debris City of Menlo Park Municipal Code.

Exceptions:

1. Excavated soil and land clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

12.18.020 Section 5.408.1 of Chapter 5 amended

Section 5.408.1 of Chapter 5 is amended to read as follows:

5.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of both inert and non-inert nonhazardous demolition waste and 65 percent of both inert and non-inert nonhazardous construction waste in accordance with Section 5.408.2, 5.408.3 or 5.408.4 and meet the requirements of Chapter 12.48 Recycling and Salvaging of Construction and Demolition Debris City of Menlo Park Municipal Code.

Exceptions:

1. Excavated soil and land clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

12.18.030 Section 4.106.4 of Chapter 4 amended

Section 4.106.4 of Chapter is amended to read as follows:

4.106.4 Electric vehicle (EV) charging for new construction. New construction shall comply with Sections 4.106.4.1 and 4.106.4.2 to facilitate future installation and use of EV chargers. Electric vehicles supply equipment (EVSE) shall be installed in accordance with the California Electric Code, Article 625.

Exceptions: On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based on one or more of the following conditions:

1. Where there is no commercial power supply.
2. Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost to the homeowner or developer by more than \$400.00 per dwelling unit.
3. For 100 percent Below Market Rate housing developments, EVSE shall be provided for a minimum of 10 percent of the total number of dwelling units.

12.18.040 Section 4.106.4.1 of Chapter 4 amended

Section 4.106.4.1 of Chapter 4 is amended to read as follows:

4.106.4.1 New Single-family dwellings. For each dwelling unit install a listed raceway to accommodate a dedicated 208/240-volt branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective devices.

12.18.050 Section 4.106.4.2 of Chapter 4 amended

Section 4.106.4.2 of Chapter 4 is amended to read as follows:

4.106.4.2 New multifamily dwellings. Where more than two (2) multifamily dwelling units including town-houses are constructed on a building site, the following are to be installed at the time of construction:

1. For each dwelling unit, installation of a listed raceway and wiring to accommodate a 208/240-volt dedicated branch circuit. The raceway and wiring shall be installed in

accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to the following:

- The type and location of the vehicle supply equipment (EVSE).
 - The raceway shall not be less than trade size 1”
 - The raceway and wiring shall originate at a service panel or a subpanel serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.
 - The service panel or subpanel shall have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the future installation of the EVSE.
 - Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to charge required EV at its full rated amperage.
2. Install EVSE in 15 percent of the total number of required electric vehicle charging spaces (EV spaces) associated with the building inclusive of landscape reserve parking, for all types of parking facilities, but in no case less than one; and
 3. Install a branch circuit, wiring and NEMA 14-50 receptacle sized to carry not less than a 40 amp, 240 volt load for electric vehicle charging at each structural column of residential carports if constructed.

Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

12.18.060 Section 4.106.4.2.3 of Chapter 4 deleted

Section 4.106.4.2.3 of Chapter 4 is deleted:

12.18.070 Section 4.106.4.2.4 of Chapter 4 deleted

Section 4.106.4.2.4 of Chapter 4 is deleted:

12.18.080 Section 5.106.5.3 of Chapter 5 amended

Section 5.106.5.3 of Chapter 5 is amended to read as follows:

5.106.5.3 Electric Vehicle (EV) charging. Section 5.106.5.3 shall apply to newly constructed buildings or additions and/or alterations to existing buildings as established in Table 5.106.5.3.3. Construction shall comply with Section 5.106.5.3.1 or Section 5.106.5.3.2 to facilitate future installation of electric vehicle supply equipment (EVSE). When EVSE is/are installed, it shall be in accordance with the California Building Code, the California Electrical Code and as follows:

12.18.090 Section 5.106.5.3.1 of Chapter 5 amended

Section 5.106.5.3.1 of Chapter 5 is amended to read as follows:

5.106.5.3.1 Single charging space requirements. When only a single charging space is required per Table 5.106.3.3, the following are required to be installed at the time of construction:

- A raceway; and
- Wiring.

The raceway and wiring shall be installed in accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to the following:

Newly constructed buildings

1. The type and location of the EVSE.
2. Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway shall not be less than trade size 1”
4. The raceway and wiring shall originate at a service panel or a subpanel serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.
5. The service panel or subpanel and wiring shall have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the future installation of the EVSE.
6. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to charge required EV at its full rated amperage.

Additions and/or alterations

1. The type and location of the EVSE.
2. A listed raceway capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway shall not be less than trade size 1”
4. The raceway shall originate at a service panel or a subpanel serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.
5. The service panel or subpanel shall have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the future installation of the EVSE.
6. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to charge required EV at its full rated amperage.

12.18.100 Section 5.106.5.3.2 of Chapter 5 amended

Section 5.106.5.3.2 of Chapter 5 is amended to read as follows:

5.106.5.3.2 Multiple charging space requirements. When multiple charging spaces are required to be installed per Table 5.106.5.3.3, raceways(s) and wiring, is/are required to be installed at the time of construction and shall be installed in accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to, the following:

Newly constructed buildings

1. The type and location of the EVSE.
2. Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.

3. The raceway(s) and wiring shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
4. Plan design shall be based upon 40-ampere minimum branch circuits.
5. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EV's at its full rated amperage.
6. The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for future installation of the EVSE.

Additions and/or alterations

1. The type and location of the EVSE.
2. Listed raceway capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway(s) shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
4. Plan design shall be based upon 40-ampere minimum branch circuits.
5. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EV's at its full rated amperage.
6. The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for future installation of the EVSE.

12.18.110 Table 5.106.5.3.3 of Chapter 5 amended

Table 5.106.5.3.3 of Chapter 5 is amended to read as follows:

Table 5.106.5.3.3¹

New Construction			Addition and/or Alteration	
Square Footage of Building	Total Number of Parking Stalls	Number of Required EV Charging Spaces ²	Square Footage of Affected Area	Number of Required EV Charging Spaces ²
1 sq. ft. – 9,999 sq. ft.	0-9	0	1 sq. ft. – 9,999 sq. ft.	0
	10-25	1		
	26-50	2		
	51-75	4	10,000 sq. ft. – 25,000 sq. ft. ³	Minimum of 5% of total required number of parking stalls and install EVSE in a minimum of 1 charging space.
Greater than 9,999 sq. ft.	N/A	Minimum of 15% of total required number of parking stalls ² and install EVSE in 10% of the total required number of parking stalls, with a	Greater than 25,000 sq. ft. ⁴	Minimum of 10% of total required number of parking stalls and install EVSE in 1 plus 1% of the total required number of parking stalls in charging space(s).

		minimum of 1, in charging space(s).		
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1. The EV space requirement is based on the required parking associated with the building where the work is being performed, inclusive of landscape reserve parking.
2. Calculations for spaces shall be rounded up to the nearest whole number.
3. For additions/alterations 10,000 sq. ft. – 25,000 sq. ft. in the first year after the effective date of the ordinance, the requirement would be one percent. In the second year after the effective date of the ordinance, the requirement would be three percent. In the third year after the effective date of the ordinance and thereafter, the requirement would be five percent.
4. For larger additions/alterations (25,001 sq. ft. and greater), in the first year after the effective date of the ordinance, the requirement would be two percent. The second year after the effective date of the ordinance, the requirement would be five percent. In the third year after the effective date of the ordinance and thereafter, the requirement would be 10 percent.

SECTION 3: EXEMPTION FROM CEQA.

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is not a project that has the potential for causing a significant effect on the environment.

SECTION 4: SEVERABILITY.

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

SECTION 5: EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days from adoption.

SECTION 6: POSTING.

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

INTRODUCED on the twenty-eighth day of August, 2018.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the twenty-third day of October, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Peter I. Ohtaki, Mayor

ATTEST:

Judi A. Herren, City Clerk

ORDINANCE NO. 1050**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING VARIOUS CHAPTERS IN TITLE 16 [ZONING] OF THE MENLO
PARK MUNICIPAL CODE TO UPDATE ELECTRIC VEHICLE CHARGING
REQUIREMENTS**

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

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

- A. On December 6, 2016, the Menlo Park City Council adopted three new zoning districts (O, LS and R-MU) as part of the General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update to help foster a live/work/play environment for the new Bayfront (M-2 Area) area. Each of the districts includes development regulations, design standards, transportation demand management, and green and sustainable building requirements.
- B. On March 14, 2017, the Menlo Park City Council adopted an ordinance amending the 2016 California Green Building Standards Code (also known as CALGreen) to increase the number of electric vehicle (EV) charging stations in the O, LS, and R-MU districts, consistent with the City Council's previous adoption of the new green and sustainable building regulations.
- C. Pursuant to the City Council's interest in expanding the EV charging station regulations citywide and further increasing the requirements, which would support the General Plan Land Use for Sustainable Services Goal (Goal LU-7), a City Council subcommittee was formed to provide guidance to staff. In addition, staff conducted two outreach meetings with stakeholders and a community meeting in the Fall of 2017 to receive feedback on the proposed revisions to the EV charging station ordinance.
- D. The Planning Commission held a duly noticed public hearing on January 22, 2018 and June 4, 2018 to review and consider the proposed amendments in this ordinance, whereat all interested persons had the opportunity to appear and comment.
- E. The amendments to Chapter 16.23 (R-4-S), Chapter 16.40 (C-2-B), Chapter 16.43 (O), Chapter 16.44 (LS), and Chapter 16.45 (R-MU) of Title 16 of the Menlo Park Municipal Code would delete the previously adopted EV charging station requirements and update the sections to refer to Title 12 of the Menlo Park Municipal Code where the EV charging station requirements would be referenced for all zoning districts in the City, which would further promote Land Use Policy LU-7.1 (Sustainability), which promotes sustainable site planning, development, landscaping and operation practices that conserve resources and minimize waste.
- F. The amendments to Chapter 16.58 (SP-ECR/D El Camino Real/Downtown Specific Plan), Chapter 16.72 (Off Street Parking) and Chapter 16.80 (Nonconforming Uses and Buildings) of Title 16 of the Menlo Park Municipal Code would create clarity in implementation of the EV charging requirements.
- G. The City Council held a duly noticed public hearing on August 28, 2018 to review and consider the proposed amendments, whereat all interested persons had the opportunity to appear and comment.

H. After due consideration of the proposed amendments to Title 16, public comments, the Planning Commission recommendation, and the staff report, the City Council finds that the proposed amendments to Title 16 are consistent with the ConnectMenlo General Plan and are appropriate.

SECTION 2. The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is not a project that has the potential for causing a significant effect on the environment.

SECTION 3. Section 16.04.298, Electric Vehicle Charging Space, Electric Vehicle Charging Station, and Electric Vehicle Supply Equipment, is hereby added to Chapter 16.04, Definitions, of Title 16, Zoning to read as follows:

16.04.298 Electric Vehicle Charging Space, Electric Vehicle Charging Station, and Electric Vehicle Supply Equipment. “Electric Vehicle Charging Space”, “Electric Vehicle Charging Station” and “Electric Vehicle Supply Equipment” are as defined in the California Building Standards Code.

SECTION 4. Section 16.72.010, Requirements generally, of Chapter 16.72, Off-Street Parking, of Title 16, Zoning, is hereby amended as follows to implement the EV charging requirement:

16.72.010 Requirements generally.

Unless otherwise provided for a specific zoning district, off-street parking requirements in all districts and for all uses shall be as stated in this chapter.

- (1) Except in the single family residential districts, subject to approval of the planning commission, a portion of required parking area may be designated landscape reserve parking and developed with appropriate landscaping.
- (2) All required parking spaces and access thereto shall conform to city parking standards, as adopted by the city council.
- (3) Assessment district, or other cooperative method approved by the city council, may be used in lieu of the stated requirements.
- (4) Reductions in parking requirements for commercial and industrial land uses may be allowed through an administrative permit as outlined in Chapter 16.82 of this title.
- (5) Requirements for electric vehicle charging spaces (EV spaces) are applicable to development in all zoning districts, including the SP-ECR/D district, subject to meeting certain criteria, and are specified in Chapter 12.18 (Buildings and Construction) of the City of Menlo Park Municipal Code.
 - (A) The maximum number of required EV spaces and electric vehicle supply equipment (EVSE) shall not exceed the requirement for EV spaces for new construction of an equivalent development on a parcel or project site.
 - (B) The EV spaces requirement is based on the required parking associated with the affected area of work.
 - (C) Where an existing legal, nonconforming parking condition exists, the EV spaces requirement, including the maximum required, shall be based on a percentage of the existing number of parking spaces equivalent to the percentage of the affected work area to the total building square footage on the parcel or subject site.

- (D) EV spaces and EV charging stations can be used to meet the off-street parking requirement. The EV spaces requirements and the primary off-street parking requirements are not additive.
 - a. A proportional amount of EV spaces may be set aside in landscape reserve parking, where approved by the Planning Commission.
- (E) For development projects within the SP-ECR/D district where the EV spaces requirement cannot be met on-site for the first 100 percent floor area ratio in the Downtown Shared/Unbundled Parking Area, an applicant shall pay an in-lieu fee to meet this requirement as established by the City of Menlo Park.

SECTION 5. Section 16.80.020, Nonconforming uses, of Chapter 16.80, Nonconforming Uses and Buildings, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows:

16.80.020 Nonconforming uses.

Nonconforming uses may continue subject to the following provisions:

- (1) A conditional use permit shall be obtained for all commercial uses located in a residential zoning district.
- (2) No nonconforming use may be enlarged or expanded, except as otherwise provided in this chapter.
- (3) If any nonconforming use is discontinued for a period of ninety (90) days, any subsequent use of the land or structure housing such use shall conform to the regulations specified for the zoning district in which such land or structure is located.
- (4) A nonconforming use may be changed to another use of the same or more restrictive classification upon the securing of a conditional use permit therefor; however, a nonconforming use may not be changed to a less restrictive use.
- (5) Any use occupying a structure which is nonconforming because it does not satisfy the parking requirements for the zoning district in which it is located may be changed to a similar or more restrictive use, subject to the obtaining of a use permit therefor. A blanket use permit may be granted specifying one (1) or more potential future uses based on the actual parking available. Properties where required spaces have been eliminated due to compliance with the Americans with Disabilities Act or the electrical vehicle charging space requirement per Chapter 16.72.010 of the City of Menlo Park Municipal Code are not considered nonconforming in regard to parking for purposes of this section. (Ord. 936 § 8 (part), 2005: Prior code § 30.602).

SECTION 6. Section 16.23.050, Development regulations, of Chapter 16.23, R-4-S, High Density Residential, Special, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows:

16.23.050 Development regulations.

Development regulations are as follows in the R-4-S district:

		Regulation¹	Notes
Minimum Lot Area		20,000 sf	
Minimum Lot Width		100 ft.	See Section 16.04.430 for definition.
Minimum Lot Depth		100 ft.	See Section 16.04.420 for definition.
Density	Minimum	20 du/ac	Densities may be increased with application of the State Density Bonus Law or Affordable Housing Overlay, if applicable
	Maximum	30 du/ac	
Minimum Yards	Front	10 ft.	See Section 16.04.720 for definition.
	Interior Side	10 ft., except may be reduced to 5 ft. abutting a private access easement	See Section 16.04.740 for definition.
	Corner Side	10 ft.	
	Rear	10 ft.	See Section 16.04.730 for definition.
Maximum Floor Area Ratio		Increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac	See Sections 16.04.315 and 16.04.325 for definitions.
Maximum Building Coverage		40%	See Section 16.04.120 for definition.
Minimum Open Space (Landscaping)		25%	See Section 16.04.500 for definition.
Height	Maximum Building Height	40 ft.	See Section 16.04.330 for definition of height of structure.
Building Profile		Starting at a height of 25 feet, a 45-degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.	
Parking	Vehicular	2 spaces for units w/2 or more bedrooms; 1.5 spaces for 1 bedroom unit; 1 space per studio.	

		Regulation ¹	Notes
		Spaces cannot be located in required front yard setbacks or in tandem.	
	Electric Vehicle	The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.	
	Bicycle	Long term—1 space per unit where a private garage (per unit) is not provided Short term (visitor)—1 space per every 10 units	

¹A development regulation, except for floor area ratio and density, may be modified subject to a use permit established in Chapter 16.82.

SECTION 7. Section 16.40.030, Development regulations, of Chapter 16.40, C-2-B, Neighborhood Mixed Use District, Restrictive, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows:

16.40.030 Development regulations.

Development regulations in the C-2-B district are as follows:

- (1) Minimum district size: twenty-five thousand (25,000) square feet;
- (2) Minimum lot area: none, except that the cumulative lot area of all property within the C-2-B district shall be no less than twenty-five thousand (25,000) square feet;
- (3) Minimum lot dimensions: none;
- (4) Required minimum yards: front, ten (10) feet; side, none; corner side, ten (10) feet, rear, none; except when abutting a residential district where a twenty (20) foot yard shall be provided;
- (5) Land covered by all structures shall not exceed sixty percent (60%) of building site;
- (6) Not less than ten percent (10%) of building site shall be occupied by appropriate landscaping;
- (7) Height of structures shall not exceed thirty (30) feet. For a mixed residential and commercial development, the maximum building height shall not exceed forty (40) feet;
- (8) In the case of conditional uses, additional regulations may be required by the planning commission;
- (9) The floor area ratio for nonresidential uses shall not exceed forty percent (40%), except that fifty percent (50%) may be allowed with use permit approval and a minimum lot size of twenty thousand (20,000) square feet;
- (10) The maximum dwelling units per acre (du/ac) is thirty (30) du/ac;
- (11) The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) du/ac. The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac;
- (12) In a mixed residential and commercial development, the combined maximum floor area ratio shall not exceed one hundred percent (100%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (9) and (11) of this section;
- (13) Development in the C-2-B district shall meet the following parking requirements:
 - (a) Parking shall not be located in any required yard adjacent to a street.

Land Use	Minimum Spaces (Per Unit or 1,000 Sq. Ft.)	Maximum Spaces (Per Unit or 1,000 Sq. Ft.)	Minimum Bicycle Parking¹
Residential units	1 per unit	1.5 per unit	1.5 long-term ² per unit; 10% additional short-term ² for guests
Office	2	3	1 per 5,000 sq.ft. of gross floor area Minimum 2 spaces for office and research development: 80% for long-term ² and 20% for short-term ² For all other commercial uses: 20% for long-term ² and 80% for short-term ²
Research and development	1.5	2.5	
Retail	2.5	3.3	
Financial services	2	3.3	
Eating and drinking establishment	2.5	3.3	
Personal services	2	3.3	
Private recreation	2	3.3	
Child care center	2	3.3	
Other	At transportation manager discretion	At transportation manager discretion	At transportation manager discretion

¹ See the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

² Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use from several minutes to up to a couple of hours.

(b) The Electric Vehicle Charging Spaces Requirements in Chapter 16.72.010 apply.

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SECTION 8. Table 16.43.140(1)(B), Nonresidential Green Building Requirements, of Section 16.43.140, Green and sustainable building, of Chapter 16.43, O, Office, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows:

TABLE 16.43.140(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{3,4}	25,001 sq. ft. and above of conditioned area, volume or size ^{3,4}
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.43.140(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.43.140(2)(B)
Electric Vehicle (EV) Charging Spaces	The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit	Enroll in EPA Energy Star Building Portfolio Manager and submit	Enroll in EPA Energy Star Building Portfolio Manager and submit	Enroll in EPA Energy Star Building Portfolio Manager and submit	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of

TABLE 16.43.140(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{3,4}	25,001 sq. ft. and above of conditioned area, volume or size ^{3,4}
	documentation of compliance as required by the city	documentation of compliance as required by the city	documentation of compliance as required by the city	documentation of compliance as required by the city	compliance as required by the city	compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

² Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.43.140(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.43.140(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

³ If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

⁴ For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.

SECTION 9. Table 16.44.130(1)(B), Nonresidential Green Building, of Section 16.44.130, Green and sustainable building, of Chapter 16.44, LS, Life Sciences, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows:

TABLE 16.44.130(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{3,4}	25,001 sq. ft. and above of conditioned area, volume or size ^{3,4}
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.44.130(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.44.130(2)(B)
Electric Vehicle (EV)–Charging Spaces	The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building	Enroll in EPA Energy Star Building	Enroll in EPA Energy Star Building	Enroll in EPA Energy Star Building	Enroll in EPA Energy Star Building Portfolio	Enroll in EPA Energy Star Building Portfolio

TABLE 16.44.130(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{3,4}	25,001 sq. ft. and above of conditioned area, volume or size ^{3,4}
	Portfolio Manager and submit documentation of compliance as required by the city	Portfolio Manager and submit documentation of compliance as required by the city	Portfolio Manager and submit documentation of compliance as required by the city	Portfolio Manager and submit documentation of compliance as required by the city	Manager and submit documentation of compliance as required by the city	Manager and submit documentation of compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

² Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.44.130(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.44.130(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

³ If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

⁴ For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.

SECTION 10. Table 16.45.130(1)(B), Residential Green Building Requirements, of Section 15.45.130, Green and sustainable building, of Chapter 16.45, R-MU, Residential Mixed Use, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows:

TABLE 16.45.130(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ³	25,001 sq. ft. and above of conditioned area, volume or size ³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.45.130(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.45.130(2)(B)
Electric Vehicle (EV) Charging Spaces	The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.					

TABLE 16.45.130(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ³	25,001 sq. ft. and above of conditioned area, volume or size ³
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

² Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.45.130(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.45.130(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or

his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

³ If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

TABLE 16.45.130(1)(C): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ³	25,001 sq. ft. and above of conditioned area, volume or size ³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.45.130(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.45.130(2)(B)
Electric Vehicle (EV) Charging Spaces	The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building	Enroll in EPA Energy Star Building	Enroll in EPA Energy Star Building	Enroll in EPA Energy Star Building	Enroll in EPA Energy Star Building Portfolio	Enroll in EPA Energy Star Building Portfolio

TABLE 16.45.130(1)(C): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ³	25,001 sq. ft. and above of conditioned area, volume or size ³
	Portfolio Manager and submit documentation of compliance as required by the city	Portfolio Manager and submit documentation of compliance as required by the city	Portfolio Manager and submit documentation of compliance as required by the city	Portfolio Manager and submit documentation of compliance as required by the city	Manager and submit documentation of compliance as required by the city	Manager and submit documentation of compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

² Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.45.130(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.45.130(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

³ If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

SECTION 11. Section 16.58.020, El Camino Real/Downtown specific plan, of Chapter 16.58, SP-ECR/D El Camino Real/Downtown Specific Plan, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows:

16.58.020 El Camino Real/Downtown specific plan.

With the exception of electric vehicle charging requirements listed in Chapter 16.72 (Off-Street Parking), uses, development regulations, guidelines, definitions, off-street parking requirements, and other parameters for public and private development are established through the El Camino Real/Downtown specific plan. All modifications to this chapter or to the El Camino Real/Downtown specific plan require review and recommendation by the planning commission and review and approval by the city council through public hearings in accordance with Chapter 16.88 and applicable law.

SECTION 12: This Ordinance shall become effective thirty (30) days from 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 council members voting for and against the amendment.

INTRODUCED on the twenty-eighth day of August, 2018.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the twenty-third day of October, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Peter I. Ohtaki, Mayor

ATTEST:

Judi A. Herren, City Clerk

ORDINANCE NO. 1051**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADOPTING MUNICIPAL CODE CHAPTER 12.24, PERMIT PROCESS FOR
ELECTRIC VEHICLE CHARGING STATIONS**

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

SECTION 1: FINDINGS AND DETERMINATIONS.

- A. In 2015, the State Legislature adopted Assembly Bill 1236 (enacted as California Government Code Section 65850.7) which requires local agencies to adopt an ordinance creating an expedited and streamlined permitting process for electric vehicle charging.
- B. The State of California and the City of Menlo Park have consistently promoted and encouraged the use of fuel-efficient electric vehicles.
- C. The City of Menlo Park wishes to adopt an expedited, streamlined permitting process for electric vehicle charging stations that complies with AB 1236 to achieve timely and cost-effective installations of electric vehicle charging stations and to help reduce the City's reliance on environmentally damaging fossil fuels.

SECTION 2: ADDITION OF CODE.

Chapter 12.24 [Permit Process for Electric Vehicle Charging Stations] is hereby added to Title 12 [Buildings and Construction] of the City's Municipal Code to read as follows:

Chapter 12.24
PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

Sections:

- 12.24.010 Purpose
- 12.24.020 Definitions
- 12.24.030 Applicability
- 12.24.040 Electric vehicle charging station requirements
- 12.24.050 Submittal requirements
- 12.24.060 Plan review, permit, and inspection requirements

12.24.010 Purpose

The purpose of this chapter is to adopt an expedited, streamlined permitting process for electric vehicle charging stations that complies with AB 1236 (Chapter 598, Statutes 2015, Cal. Gov't Code § 65850.7) to achieve timely and cost-effective installations of electric vehicle charging stations. This chapter encourages the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City of Menlo Park, and expanding the ability of property owners to install electric vehicle charging stations. This chapter allows the City of Menlo Park to achieve these goals while protecting the public health and safety.

12.24.020 Definitions

- (a) "Electric vehicle charging station(s)" or "charging station(s)" means any level of electric vehicle supply equipment station that is designed and built in compliance with California Code of

Regulations, Title 24 Part 3 California Electrical Code Article 625, as it reads on the effective date of this chapter or as it may be amended, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

- (b) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

12.24.030 Applicability

This chapter applies to the permitting of all electric vehicle charging stations in the City of Menlo Park. Electric vehicle charging stations legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter, unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit.

12.24.040 Electric vehicle charging stations requirements

All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state and the city.

Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and where applicable, rules of the Public Utilities Commission regarding safety and reliability.

12.24.050 Submittal requirements

All documents required for the submission of an electric vehicle charging stations application shall be made available on the city's website.

Electronic submittal of the required permit application and documents by facsimile shall be made available to all electric vehicle charging station permit applicants. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

The city's building division shall adopt a checklist of all requirements with which the electric vehicle charging stations shall comply to be eligible for expedited review. The electric vehicle permit process, standard(s) and checklist(s) may substantially conform to recommendations for permitting, including the checklist and standards contained in the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research.

All fees prescribed for the permitting of electric vehicle charging stations must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951 as set forth in the fee schedule adopted by resolution of the City Council of the City of Menlo Park.

The determination of value or valuation under any of the provisions of this code shall be made by

the Building Official. The value to be used shall be the total value of all construction work for which the permit is issued as well as any other equipment.

12.24.060 Plan review, permit, and inspection requirements

The building official shall implement an administrative review process to expedite approval of electric vehicle charging stations. No permit or approval shall be issued which does not conform to all applicable provisions of this Title and Title 16, including Design Review. The determination of conformance shall be made by the Community Development Director or designee. Where the application meets the requirements of the approved checklist and standards and there are no specific, adverse impacts upon public health or safety, the building and safety division shall complete the building permit approval process, which is non-discretionary. Review of the application for electric vehicle charging stations shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.

The Community Development Director or designee may require an applicant to apply for an "electric vehicle charging station use permit" if the Community Development Director or designee, based on the initial application submittal, that the electric vehicle charging stations could have a specific, adverse impact upon the public health and safety. The Community Development Director or designee's decision may be appealed to the City of Menlo Park Planning Commission.

If an electric vehicle charging station use permit is required, the Community Development Director or designee may only deny an application for the electric vehicle charging station use permit if the official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. The Community Development Director or designee decision may be appealed to the City of Menlo Park Planning Commission.

If the use permit is issued for an electric vehicle charging station, the permit may include conditions designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit.

If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission."

SECTION 3: EXEMPTION FROM CEQA.

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a project that has the potential for causing a significant effect on the environment.

SECTION 4: SEVERABILITY.

If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed

severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 5: EFFECTIVE DATE AND PUBLISHING.

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 council members voting for and against the amendment.

INTRODUCED on the twenty-eighth day of August, 2018.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the twenty-third day of October, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Peter I. Ohtaki, Mayor

ATTEST:

Judi A. Herren, City Clerk

Subject: RE: ChargePoint follow-up Ordinance No. 1049

From: Amanda Myers [mailto:amanda.myers@chargepoint.com]
Sent: Wednesday, September 5, 2018 10:35 PM
To: Chow, Deanna M <DMChow@menlopark.org>
Subject: ChargePoint follow-up Ordinance No. 1049
Importance: High

Deanna,

Great to meet you in person at the City Council meeting last week. I wanted to follow-up on our discussion we had after the meeting in regards to Ordinance No 1049. More specifically, my concern about replacing “50-amps” with “NEMA 14-50” in the code. As you might recall from my public comment, we’re generally hugely supportive of this policy change, but I do want to make sure we address this issue.

For more background on the issue:

More than fifty state and local EV infrastructure codes require electrical capacity for Level 2 charging at a minimum of 40 amps, consistent with current Menlo Park standards, or in some cases 50 amps. This level of capacity will support recharging a 200-mile battery electric vehicle overnight.

Requiring a particular type of receptacle does not necessarily mean that a specific level of electrical capacity would be installed. A builder could provide inadequate electrical capacity to support Level 2 EV charging even if the receptacle is compatible with a Level 2 charger. A water faucet is a similar example – installing a faucet does not by itself mean that there is enough water supply for the faucet to operate at its maximum flow rate.

It is unnecessary and unusual to mandate an input plug, and type, in the code. However, if plug is needed then a 3-pole receptacle (NEMA 6-50) is preferred. Using a NEMA 14-50 would require electrician to pull neutral, which adds more cost. Additionally, most chargers in the market do not use a 14-50 plug. The policy should not specify types of charging equipment, especially not chargers that are not widely available.

You mentioned that there shouldn’t be any substantive changes at the second reading of this policy on Oct 9th. Were you able to get any input from the City attorneys on how this issue could be resolved in the meantime?

Less urgent, but something I wanted to make sure I followed up on, I’m also curious to chat with you about the power management provision. My comments in regard to the performance standard was in regards to how much capacity could be diminished (not a product quality standard, as I think your team might have thought I was referencing). Additionally, enforceability is an issue when there’s power management used to reach a certain level of EV readiness but not necessarily installed equipment to know if the level of EV readiness required in the code is being met. The State was looking to include power management in its upcoming CALGreen code cycle (currently being decided upon), but decided to strike it due to these concerns.

I’d love to connect over the phone on these issues to discuss. Please let me know your availability.

Thanks,
Amanda

Amanda Myers
Public Policy Manager
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+1.954.319.7845 mobile
ChargePoint, Inc. | 254 E. Hacienda Avenue | Campbell, CA 95008 | USA

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September 26, 2018

Menlo Park Environmental Quality Commission
701 Laurel Street
Menlo Park, CA 94025

Re: Preferred EV Charging language for conduit and wiring installation

EQC Commissioners,

Greystar, a partner in providing housing in the City of Menlo Park, has a keen interest in delivering quality housing for the markets in which we build apartments. Like you, our interest in delivering a housing product that is more than just environmentally friendly is also evident from our completed project on Haven Avenue and others along the peninsula.

We understand the Commission's and the City Council's interest in going beyond CALGreen standards for EV charging infrastructure in the City of Menlo Park. And, we support that, to a point. As you know, every additional construction requirement adds to the cost of development. The trick for all of us in creating new policy is to balance policy with the practical implementation of the requirements.

On that note, Greystar hired EV Charging Pros to help us find that balance point for the draft ordinance before you at your scheduled meeting on September 26. They are advising us to recommend that you make a small modification to the EV charger draft ordinance (exhibit A). That change would uncouple the conduit component from the actual wiring. This would require us to install the conduit at the time of construction and delay the wiring installation until the demand increases. Such an approach would help ensure wiring best practices at the time of EV Charger installation, rather than today. Furthermore, this does not downgrade the intent or effectiveness of the draft ordinance. Everything that the Commission envisions for EV charging will be achieved. The conduit is completed and the wiring is phased.

This approach is not only being promoted by the California Air Resources Board, the Cities of Palo Alto, San Mateo and San Francisco, all leaders in environmental issues, have also adopted this standard. In that regard, the attached letter from EV Charging Pros provides the recommended wording for this element of the ordinance in the bullet point at the bottom of page 1. Page 3 of the letter includes additional "no wiring" language examples from the ordinances of the above-mentioned cities.

I respectfully request that our recommended language be inserted into the California Green Building Standards Code Amendments.

Andrew Morcos



Independent Advice on Electric Vehicle Charging Systems

August 30, 2018

Andrew Morcos
Development Director
Greystar
450 Sansome St #500,
San Francisco, CA 94111

Dear Andrew,

As requested, I've reviewed building codes from Bay Area jurisdictions relating to the concept of pre-wiring for EVSE in new multifamily buildings.

CALGreen only stipulates the installation of a listed raceway to accommodate a 208/240-volt branch circuit and sufficient panel capacity capable of supporting future electric vehicle supply equipment (EVSE). Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.

CALGreen represents a "floor" upon which cities can innovate to address local conditions and fulfill local policy goals. To further strengthen PEV readiness, local governments can adopt an ordinance that exceeds the voluntary tiers of CALGreen. Such regulations can include requirements for pre-wiring, full circuit installations and electrical panel capacity required by future deployments of EVSE.

Planning Departments understand that having the electrical infrastructure pre-installed will allow the charging station equipment to be easily and cost-effectively added later. Since no chargers are installed, pre-wiring in and of itself does not create new charging opportunities, but it dramatically reduces the costs of installing chargers in the future.

A survey of local Cities (see chart) indicates that only Oakland is requiring the actual "pre-wiring" of EV infrastructure. The other surveyed jurisdictions (SF, Palo Alto and San Mateo) all request that raceways are installed and construction documents "provide information on" or show the "capacity to accommodate" wiring when the time comes to install EVSE equipment.

I suggest the following language be adopted as it is being promoted by the California Air Resources Board (CARB) guidelines published in *Electric Vehicle (EV) Charging Infrastructure: Multifamily Building Standards* published April 13, 2018 (pg. 20).

- EV Capable: Installation of "raceway" (the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage) and adequate panel capacity to accommodate future installation of a dedicated branch circuit and charging station(s).

- EV Ready: Installation of dedicated branch circuit(s), circuit breakers, and other electrical components, including a receptacle or blank cover needed to support future installation of one or more charging stations.

It is my opinion that a Developer should not have to install actual wires until there is a need to install an EVSE.

Regards,



John

John Kalb | Founder | EV Charging Pros
p - 415.209.6585 | c - 415.717.5241
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Twitter [@evchargingpros](https://twitter.com/evchargingpros)
Email johnk@evchargingpros.com

Bay Area EV Ordinances and Pre-Wiring of EVSE Infrastructure

Agency	Section - Language	Wiring
CALGreen	<p>4.106.4.2.4 Construction documents shall indicate raceway termination point and proposed location of future EV spaces and EV chargers. Construction documents shall also provide information on amperage of future EVSE, raceway method(s), wiring schematics and electrical load calculations to verify electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at full rated amperage of the EVSE. http://www.hcd.ca.gov/building-standards/calgreen/docs/HCDSHL605_2016.pdf</p>	<p>No Wiring Required</p> <p>“provide information on”</p>
San Francisco	<p>4.106.4.2.4. (2) Install raceway or sleeves where penetrations to walls, floors, or other partitions will be necessary to install panels, raceways, or related electrical components necessary per site conditions for future installation of branch circuits. All such penetrations must comply with applicable codes, including but not limited to the San Francisco Electrical Code and the San Francisco Fire Code.</p> <p>(d) As appropriate construction documents shall provide information on raceway method(s) wiring schematics, anticipated EV load management system design(s) and electrical load calculations. http://sfbos.org/sites/default/files/o0092-17.pdf</p>	<p>No Wiring Required</p> <p>“documents shall provide information”</p>
Palo Alto	<p>A4.106.8.1 (b) Conduit Only. Conduit Only shall mean, at minimum: (1) a panel capable to accommodate a dedicated branch circuit and service capacity to install a 208/240V, 50 amperes grounded AC outlet; and (2) raceway or wiring with capacity to accommodate a 100 ampere circuit; terminating in (3) a listed cabinet, box, enclosure, or NEMA receptacle. The raceway shall be installed so that minimal removal of materials is necessary to complete the final installation. https://www.cityofpaloalto.org/civicax/filebank/documents/54976</p>	<p>No Wiring Required</p> <p>“capacity to accommodate”</p>
Oakland	<p>4.106.4.2.3 Full circuit. Required full circuits shall be installed with 40-Amp 208/240-Volt capacity including raceway, electrical panel capacity, overprotection devices, wire and termination point such as a receptacle at the time of construction. The termination point shall be in close proximity to the proposed EV charger location. Where a single EV parking space is required, the raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). http://www2.oaklandnet.com/oakca1/groups/pwa/documents/policy/oak065287.pdf</p>	<p>Wiring Required</p> <p>“installed with wire”</p>
San Mateo	<p>23.70.030 (b) New multifamily dwellings containing 17 or more units: Where 17 or more multifamily dwelling units are constructed on a building site, 10 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. Projects shall reference the California Green Building Code Section 4.106.4 and California Electrical Code, 2016 Edition, Article 625 for definitions and requirements for electric vehicle charging spaces http://qcode.us/codes/sanmateo/view.php?topic=23-23_70-23_70_030&frames=on</p>	<p>No Wiring Required</p> <p>“Capable of supporting”</p> <p>Defers to CALGreen</p>

Community Development



STAFF REPORT

City Council

Meeting Date: 10/23/2018

Staff Report Number: 18-198-CC

Consent Calendar: Approve the release of a Notice of Funding Availability (NOFA) to developers of affordable housing

Recommendation

Approve the release of a Notice of Funding Availability (NOFA) to Developers of Affordable Housing.

Policy Issues

Issuing a regular NOFA is a requirement of a 2013 Court Order (Peninsula Interfaith Action, Urban Habitat Program and Youth United for Community Action vs. City of Menlo Park and Menlo Park City Council, Case No. CIV513882) related to the City's Housing Element.

Background

The settlement agreement related to the court order required the City to issue a NOFA within 60 days of approval of the Housing Element to nonprofit developers of affordable housing to extremely-low, very-low and low income households provided there is an uncommitted balance of at least \$1 million on deposit in the City's Below Market Rate (BMR) fund. The goal of the NOFA is to develop a substantial number of deed-restricted affordable units within three years of receipt of funds.

The City continues to encourage the development of a variety of housing in the City, especially the much needed affordable housing, through implementation of the City's Housing Element, which was most recently adopted in April 2014 for the 2015-2023 planning period. Additionally, outside of the NOFA process, the City has also previously contributed BMR funds to the development of additional affordable housing projects in the city.

Analysis

The NOFA is designed to create a competitive process supporting rental housing developments that are most likely to be successful in addressing the City's affordable housing needs and that will benefit the community. City BMR funding is intended to fill financing gaps between projected total development costs and other available funding sources.

The updated 2018 NOFA Application is attached (Attachment A).

The proposed schedule for this NOFA is:

City Council approval: Tuesday, October 23, 2018

NOFA summary and application circulated: Wednesday, October 24, 2018

NOFA proposals due: Thursday, January 31, 2019

City Council study session: TBD, Spring 2019

It is anticipated that this will become an annual process to solicit qualified housing projects, however this is dependent on available funding levels.

Impact on City Resources

The BMR Fund currently has approximately \$11.5 million in funds available for the NOFA process.

Fund 832 - BMR Housing Fund	
Description	Amount
Audited available fund balance as of 6/30/2017	\$9,828,674
FY2017-18 net revenue (unaudited)	\$6,017,026
Unappropriated amount from Staff Report #17-138-CC for 1817-1385 Willow Road (MidPen Housing) project	(\$6,700,000)
FY2018-19 anticipated net revenue (adopted budget)	\$2,777,835
Projected available fund balance as of 6/30/2019	\$11,923,535

Environmental Review

No environmental review is required for this funding process, although individual projects that may be awarded funding may be subject to California Environmental Review requirements.

Public Notice

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

Attachment

A. Notice of Funding Availability Application

Report prepared by:

Clay J. Curtin, Interim Housing and Economic Development Manager

NOTICE OF FUNDING AVAILABILITY

Community Development
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6614



Background

The City of Menlo Park announces the availability of funds for new affordable rental housing projects in Menlo Park. Approximately \$11.5 million in Below Market Rate (BMR) housing funds is available under this NOFA to support the preservation, acquisition, rehabilitation or new construction of permanent housing that will provide long-term affordability. The funding is intended to fill the financing gap between the projected total development costs and other available funding sources.

The Below Market Rate Housing Fund is comprised of revenues from both residential in lieu fees and commercial impact fees. Residential in lieu fees are collected from certain developers of 10 or more residential units in lieu of building affordable housing units required by the Menlo Park Municipal Code Chapters 15.36, 16.04 and 16.96. Commercial impact fees are collected from commercial and industrial developers. The funds are expended to increase the supply of below market rate housing units in the city, which benefits low and moderate income households.

Qualified developers of affordable housing who can meet the NOFA qualifications and demonstrate their ability to design, build, and manage affordable housing are encouraged to submit proposals. All proposals must be received no later than 5 p.m., January 31, 2019. Interested parties may submit as an individual entity and/or may collaborate with other entities, so long as the collective group meets the NOFA requirements. Applications submitted after this deadline will not be considered. Funding will be awarded by the City Council on a competitive basis to those projects that are most successful in addressing the City's affordable housing needs and benefit the community.

The City is seeking proposals demonstrating: an understanding of the community; the unique attributes and opportunities of the neighborhood where the project will be located; successful experience in developing and managing affordable housing; and a commitment to an inclusive and informative public engagement process. Applicants must have successfully completed a minimum of two affordable, deed-restricted housing projects containing a minimum of 10 units. Joint venture partnerships are allowed assuming at least one member of the partnership meets the minimum experience requirement.

Eligible projects include preservation of existing affordable housing, new construction and acquisition, with or without rehabilitation, for developing permanent affordable rental housing for extremely low, very low and low-income households. Development of emergency shelters for the homeless and transitional housing is not eligible because they do not result in permanent affordable housing. Mixed income projects containing both affordable and market rate units are eligible, with only the affordable housing portion of the project eligible for assistance under this NOFA.

The City will evaluate proposals based on City Council adopted project goals and housing priorities. All proposals will be reviewed for consistency with the recently adopted Housing Element and the City's General Plan. There will not be a point system applied to these goals and priorities.

Project priorities

To be considered for funding under this NOFA, the project should attempt to meet the following project priorities:

- Housing units will remain affordable through deed restrictions for at least 55 years.
- The project is consistent with the goals and objectives of the City's Housing Element and General Plan
- The project has reasonable costs, the ability to compete well in securing competitive funding sources, and is soundly underwritten.
- The project will allow the City to spend housing funds expeditiously
- The project site allows a development to achieve maximum density and is consistent with the zoning and neighborhood setting.
- The project provides dual benefits by preserving/developing affordable housing and creating a substantial improvement of a blighted property and/or neighborhood.
- The building incorporates green building practices and materials.
- The project incorporates appropriate community spaces, amenities and services for the target population.
- The project site is within walking distance of transit, services and amenities and is convenient for the target population.
- The project will attempt to implement a Local Hire program for Menlo Park residents (via construction and/or operations)
- The development team has demonstrated experience with successful affordable housing projects and the capacity to work cooperatively with communities in the design and development of projects.
- The project provides rental housing targeting low income households earning 60 percent or less of the median income for San Mateo County.
- The project is in Central or West Menlo Park.
- The project contains larger units (2+ bedroom units and larger) and generally targets families.
- The project targets occupancy for Menlo Park households dislocated by the current displacement crisis
- The project's management plan promotes a healthy living environment for tenants and a compatible relationship with neighbors

Review process

Application review

Staff will review all proposals to verify the applicant is eligible. Proposals from developers that do not meet the City's minimum required experience will not be considered. Incomplete proposals will not be considered.

Please note that the city hopes to target BMR funds toward projects serving households at the lowest affordability levels. The City also hopes to maximize the impact of its investment by awarding project funds to projects requesting reasonable levels of subsidy. So, in instances where there are multiple projects applying for funds, affordability targeting and subsidy level per unit will be considered.

Environmental review and assessment

Before the final funding commitment, projects must be assessed in accordance with the California Environmental Quality Act (CEQA). If Federal funding is involved, the project must also be assessed in accordance with the National Environmental Policy Act (NEPA).

Application process

Timeline

The tentative timeline for evaluating and selecting proposals is anticipated to be:

City Council approval:	Tuesday, October 23, 2018
NOFA summary and application circulated:	Wednesday, October 24, 2018
NOFA proposals due:	Thursday, January 31, 2019
City Council study session:	TBD, February 2019

Contact information

Questions regarding this NOFA may be directed to Clay Curtin, Interim Housing and Economic Development Manager by calling 650-330-6615 or sending an email to cjcurtin@menlopark.org.

Changes to the NOFA process

The City of Menlo Park reserves the right to request additional information from applicants, reject any and all submittals, waive any irregularities in the submittal requirements or cancel, suspend or amend the provisions of this NOFA. If such an action occurs, the City will notify all interested parties in advance.

Application submittal requirements

- Applicants must submit the following material:
- One (1) original and six (6) copies of a complete application with all required supporting materials.
- Applications must be submitted by 5 p.m., Thursday, January 31, 2019.
- Under the California Public Records Act, all documents submitted as part of this application are considered public records and will be made available to the public upon request.
- The attached application form describing the project, the location, the proposed financing, developer qualifications, plans for neighborhood compatibility, community engagement and any other information relevant for describing how the project meets the goals stated above.

Submit your completed application to

City Clerk
City of Menlo Park
701 Laurel St.
Menlo Park, CA 90425

2018 NOTICE OF FUNDING AVAILABILITY APPLICATION

Community Development
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6614

Project applicant			
Organization/Agency:			
Primary contact person:			
Phone:		Email:	
Address:		City:	State: Zip:
<p>1. What is the role of the applicant in the project (check all that apply):</p> <p><input type="checkbox"/> Ownership entity</p> <p><input type="checkbox"/> Managing partner or managing member</p> <p><input type="checkbox"/> Sponsoring organization</p> <p><input type="checkbox"/> Developer</p> <p><input type="checkbox"/> Other (describe):</p>			
<p>2. Applicant legal status:</p> <p><input type="checkbox"/> General partnership</p> <p><input type="checkbox"/> Joint Venture</p> <p><input type="checkbox"/> Limited partnership corporation</p> <p><input type="checkbox"/> Nonprofit organization</p> <p><input type="checkbox"/> Other (please specify):</p>			
<p>3. Organization status:</p> <p><input type="checkbox"/> Currently exists</p> <p><input type="checkbox"/> To be formed (estimated date):</p>			
<p>4. Name(s) of individuals who are/will be general partner(s) or principal owner(s):</p>			
<p>If the applicant is a joint venture, a joint venture agreement is required that clearly describes the roles and responsibilities of each partner, who is the lead partner or if the responsibilities are approximately equally split between the partners.</p>			
Project detail			
Project name:			
Project address:		City:	State: Zip:
Assessor's parcel number:			
<p>Project type (check all that apply):</p> <p><input type="checkbox"/> Families</p> <p><input type="checkbox"/> Seniors</p> <p><input type="checkbox"/> Special needs</p> <p><input type="checkbox"/> Other (please describe):</p>			

Project activity (check all that apply): <input type="checkbox"/> Acquisition <input type="checkbox"/> Rehabilitation <input type="checkbox"/> New construction <input type="checkbox"/> Preservation <input type="checkbox"/> Mixed-income <input type="checkbox"/> Mixed-use <input type="checkbox"/> Other (please specify):										
Land area:					Number of residential buildings:					
Number of units:					Residential total floor area:					
Number of stories:					Number of elevators:					
Number of community rooms:					Community room(s) total floor area:					
Commercial/office uses (please specify):										
Commercial total floor area:					Office total floor area:					
Other uses (please specify):										
Total parking spaces:					Parking type(s):					
Residential parking spaces:					Residential parking ratio:					
Guest parking spaces:										
Commercial parking spaces:					Commercial parking ratio:					
Office parking spaces:					Office parking ratio:					
Income categories										
City BMR funds may only fund units serving households at or below 60 percent of the area median income (AMI). The City will require a baseline affordability requirement of 10 percent of the units at or below 30 percent AMI and 50 percent of the units at or below 60 percent AMI. Inclusions of units for homeless households are encouraged.										
Category	Number of units					Percentage of units				
	Studio	1 bd	2 bd	3 bd	4 bd	Studio	1 bd	2 bd	3 bd	4 bd
0 to 30 percent AMI – Extremely low										
31 to 50 percent AMI – Very low income										
51 to 60 percent AMI – Low income										
60 to 80 percent AMI – Moderate income										
Unrestricted										
TOTAL										

5. Neighborhood off-site amenities: Describe the property location, neighborhood transportation options, and local services and amenities that are within 1/4 mile and 1/2 mile of the site.
6. Potential development obstacles: Are there any known issues or circumstances that may delay or create challenges for the project? If yes, list issues below including an outline of steps that will be taken and the time needed to resolve these issues.

Site information (please use additional sheets of paper as needed)

Note: Site control is required. Evidence should also be submitted demonstrating that the entity with site control is the same entity applying for funds. Please include the site control documentation with the application.

Describe the current site control situation and/or control held by the applicant:

The site acquisition will be a: <input type="checkbox"/> Purchase <input type="checkbox"/> Long-term lease		Current County-assessed site value:	
Land purchase price or annual lease payment:		Total site sq.ft.	
Current property owner's name:			
Property owner phone:		Property owner email:	
Property owner address:		City:	State: Zip:

Existing uses on the site and approximate square footage of all structures:

Planned use of on-site existing structures:

- Demolish
- Rehabilitate
- Other (describe):

Provide the square footage, date built and number of stories for each on-site building to be retained as part of this project:

Provide a brief description of the condition of any buildings to be rehabilitated:

Describe unique site features (Heritage trees, parcel shape, etc.)

Identify problem site conditions (high noise levels, ingress/egress issues, etc.)

Floodplain

Is the site in a floodplain? Yes No

If yes, type of flood plain and number of years:

List any maps referenced:

Describe adjoining land uses

West:

East:

North:

South:

Zoning

What is the current zoning of the project site?

Is the proposed project consistent with the existing zoning status of the site? Yes No

Explain:

Indicate any discretionary review permits required for the project (Planned Community Permits, Design Review Permits, Rezoning, etc.)

If rezoning is required identify the requested zoning district for the project:

Community priorities (please use additional sheets of paper as needed)

Explain how this project meets the objectives of the project priorities identified in this notice of funding availability and the goals and objectives of the City’s Housing Element and General Plan:

Project funding (please use additional sheets of paper as needed)

City funds requested:	Funds per assisted unit:
Total project cost:	Cost per assisted unit:

How will the requested City funding be used?

Assess the chances of the project securing required funding and steps that will be taken to make the project competitive.

What is the self-scored 9 percent tax credit tiebreaker score for the project if applicable?

Developer experience (please use additional sheets of paper as needed)

Applicants may be nonprofit or for-profit affordable housing developers or owners who have affordable housing experience in the nine-county Bay Area (San Mateo, San Francisco, Marin, Sonoma, Napa, Solano, Contra Costa, Alameda and Santa Clara) and a successful track record of at least two years of ownership of at least two affordable, deed-restricted housing projects within the nine-county Bay Area in which 100 percent of the units, are targeted to those at or below 60 percent AMI. Joint venture partnerships are allowed assuming at least one member of the partnership meets the minimum experience requirement. Previous development/ownership experience must include projects that contain at least 10 units.

Years of experience:

Number of projects:

Number of projects in San Mateo County:

Average size of projects:
Number of units placed in service:
Please describe two projects completed in the last 10 years that are similar to the proposed project and provide photographs of each project:
Project 1 - name of project:
Location:
Number of units:
Type of development (senior, family, etc.):
Name of project manager:
Number of stories:
Unit types (studio, 1 bedroom, etc.):
Type of construction:
Project amenities:
Entitlement date:
Occupancy date:
Funding sources:
Project 2 - name of project:
Location:
Number of units:
Type of development (senior, family, etc.):
Name of project manager:
Number of stories:
Unit types (studio, 1 bedroom, etc.):
Type of construction:
Project amenities:
Entitlement date:
Occupancy date:
Funding sources:

Personnel

List the names of key members of the applicant’s development team, their titles, responsibilities and years of experience in affordable housing.

Project Staff	Name	Role in proposed project	Years of housing development experience	Years with this developer
Project Manager				
Director of Real Estate Development				
Executive Director				
Chief Financial Officer				
Other				
Other				

Indicate which of the following development team members have been selected and identify them if different from applicant.

Developer:	Architect(s):
Engineer(s):	General contractor:
Attorney(s) and/or tax professionals:	
Property management agent:	
Financial and other consultant(s):	
Investor(s):	

List all other participants and affiliates (people, businesses and organizations) proposing to participate in the project.

Name	Address

Describe how the property will be managed including the number of staff, locations and management office hours.

If the project will be managed by an agency other than the project applicant describe the project applicant's role in the ongoing management of the project and resolution of management issues.

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STAFF REPORT

City Council

Meeting Date: 10/23/2018

Staff Report Number: 18-196-CC

Public Hearing: Consider an appeal of the Planning Commission approval of architectural control for a new mixed-use office and residential building at 840 Menlo Avenue, and consider modifications to the long-term plan for receiving operations at Draeger's Market at 1010 University Drive

Recommendation

Staff recommends that the City Council make the necessary findings and take actions to deny the appeal and uphold the Planning Commission's architectural control approval for a mixed-use project at 840 Menlo Avenue, located in the El Camino Real Downtown/Specific Plan (SP-ECR/D) zoning district, as outlined in Attachment A, consider three possible loading zone options for the Draeger's Market, and approve associated modifications to the Draeger's market long-term plan for receiving operations. The components of the project and associated actions are the following:

1. Architectural control to construct a new, three-story mixed-use building on a vacant lot located at 840 Menlo Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The building would consist of parking and lobby entrances on the ground level, nonmedical office on the second level, and three dwelling units (with terraces) on the third level.
2. Select a loading zone option and adopt Resolution No. 6462 (Attachment B) and approving the associated modifications to the Draeger's Market long-term receiving operations plan (Attachment C), including the hours and location of loading and delivery services in Parking Plaza 4. (For clarity Attachments B and C incorporate the loading zone option recommended by the Complete Streets Commission, but the City Council may select another option as described below.)

Policy Issues

Each architectural control request is considered individually. The City Council should consider whether the required architectural control findings can be made for the proposal. The City Council will also need to consider the placement, design, and/or use of the Draeger's Market receiving operations as a result of development at 840 Menlo Avenue per the long-term plan for receiving operations at Draeger's Market.

Background

On August 28, 2018, the City Council was scheduled to consider an appeal to the Planning Commission's approval of the 840 Menlo Avenue project and modifications to the long-term plan for operations at Draeger's Market. The item was continued to a future date to allow staff to review modifications for an alternative loading zone on Menlo Avenue proposed by the 840 Menlo Avenue applicant and to bring the loading zone alternatives back to the Complete Streets Commission for consideration.

Project description

The applicant is proposing to construct a new mixed-use development on a vacant lot at the southwest corner of Menlo Avenue and Evelyn Street. The project consists of parking and lobby entrances on the ground level, 6,610 square feet of nonmedical office space on the second level, and three residential units totaling 4,861 square feet on the third level. The residential units would all be two-bedroom in size.

The proposed project would feature a contemporary architectural style with varied materials and clean massing and form. The proposal would meet the specific plan's base level standards including, but not limited to, building heights, floor area ratio (FAR), setbacks and building profile requirements. The applicant is also requesting approval of a tentative map for a minor subdivision to create three residential condominium units and one commercial condominium. The Planning Commission staff report for the March 12, 2018, meeting is included in its entirety here as Attachment D and provides more details on the proposed development.

The project also triggers the reevaluation of an existing loading zone on Evelyn Street. The subject parcel was previously used as a loading and employee parking area for the adjacent Draeger's Market located at 1010 University Drive, but this arrangement was terminated in 2001. In March 2002, the City Council reviewed and conditionally approved the use of loading zones and related operational requirements for Draeger's Market on Evelyn Street, subject to a condition of approval stating, "At such time as City approvals are actively pursued for the development of the property located at 840 Menlo Avenue, the City Council shall reconsider the placement, design, and/or use of the loading zones on Evelyn Street."

Planning Commission review

On March 12, 2018, the Planning Commission reviewed the architectural control request for the subject property (Attachment E.) After considering public comments and the proposal, the Planning Commission approved the project 6-1 (with Commissioner Onken in opposition.) The Planning Commission did not provide a recommendation on the loading zone, because it was not directly part of the architectural control permit actions.

Analysis

Appeal of the Planning Commission's action

On March 27, 2018, the City received an appeal of the Planning Commission's approval of the architectural control permit. The appeal was submitted by Anthony Draeger, a resident of Menlo Park and owner of Draeger's Market. The appellants were active participants during the earlier phases of project review, and offered verbal testimony that was considered by the Planning Commission. The concerns outlined in the document are similar to what was presented to and considered by the Planning Commission during the earlier project review meetings. The appeal letter (Attachment F) outlines several points which are summarized below.

- As currently designed, the project's driveway requires elimination of the existing loading zone on Evelyn Street.
- The findings (2, 3 and 5) of approval are not supported by substantial evidence in the record and cannot be made with the driveway location as proposed.
- With the driveway as proposed, the project could be detrimental to the harmonious and orderly growth of the city and impair investment and occupation in the neighborhood.
- With the driveway as proposed, the project would conflict with the applicable El Camino Real/Downtown Specific Plan to "sustain Menlo Park's Village character."
- The condition of approval 4(f) in the recommended actions cannot be satisfied without the consent of

Draeger's.

- In order to meet the required findings of approval, the project driveway should be relocated to retain the loading zone on Evelyn Street.

Staff's responses to the appeal are outlined in Attachment G and are summarized below.

- Three alternative loading zone options have been identified that accommodate loading activities and do not conflict with the proposed project driveway.
- The location of the garage entrance complies with the Transportation Division's best practices, as it would be located on the less busy of the two streets, and it would be a sufficient distance from the intersection to minimize turning conflicts.
- The proposed project would meet the architectural control permit findings per the recommended actions (Attachment A.)
- The proposal would meet the specific plan's base level standards, which were established to achieve inherent public benefits, such as the redevelopment of underutilized properties, the creation of more vitality and activity, and the promotion of healthy living and sustainability.
- The specific plan ensures that projects sustain Menlo Park's existing character by meeting the Specific Plan standards, guidelines and other objectives, as verified in detail in the Standards and Guidelines Compliance worksheet.

City Council options on the appeal

Per Section 16.86.040 of the zoning ordinance, the City Council may affirm, revise, or modify the decision of the Planning Commission. To reverse or modify the Planning Commission's decision shall require the affirmative vote of three-fifths of the City Council (or three City Councilmembers.) If the City Council does not take any action on the appeal, the Planning Commission's action shall be deemed affirmed.

Draeger's Market loading zone

On November 14, 2017, the loading zone changes were presented to the City Council as an information item. On January 10, 2018, the Complete Streets Commission reviewed the modifications to the loading zone. At the meeting, staff recommended relocation of the loading zone to Menlo Avenue and the Draeger's Market and 840 Menlo Avenue representatives presented on the proposed loading zone options. The Complete Streets Commission expressed strong concerns with a loading zone on Menlo Avenue citing potential conflicts between delivery trucks and bicyclists and the higher volume of traffic on Menlo Avenue, and the tight turning radius for right-turning trucks onto University Drive and voted unanimously for staff to work with Draeger's Market and 840 Menlo Avenue representatives to develop an alternative loading zone location without using Menlo Avenue. The staff report and minutes for the Complete Streets Commission meeting are included as Attachment I and J.

Because the market does not have a dedicated loading dock, deliveries partially occur within Parking Plaza 4 which is adjacent to the store and the existing loading zone on Evelyn Street, according to the Draeger's Market loading plan adopted by the City Council March 5, 2002. The market has a delivery door that opens onto Plaza 4 where deliveries are processed. Delivery trucks using the Evelyn Street zone access the delivery door via the sidewalk on Evelyn Street and the Parking Plaza 4 parking aisle.

Staff received additional information from Draeger's Market regarding their delivery operations and proposals for additional possible loading zone options. All of the proposed options would provide a loading zone on Evelyn Street. In addition, the applicant for the 840 Menlo Avenue property provided an exhibit that included striping modifications to accommodate a loading zone on Menlo Avenue. These loading zone options are included in Attachment H and are summarized below.

Options A and B: Two of the options provided by Draeger's require modifications to the 840 Menlo Avenue project design by moving the project driveway either to Menlo Avenue or closer to the intersection of Menlo Avenue and Evelyn Street, respectively. Staff reviewed the proposed driveway locations and confirmed that they would meet the City's guidelines for placement of driveways near intersections, but noted that the driveway relocation would also require redesign of the project's parking garage layout which would need further review. Since other loading options are proposed, these options are not recommended at this time.

Option C: This option would provide a loading zone on Evelyn Street between the project driveway and Menlo Avenue and would not require relocation of the project driveway. Approximately 59 feet of curb space is provided between the project driveway and Menlo Avenue. In addition, there is currently 18 feet of red curb on Evelyn Street near the stop sign. Staff determined that this red curb could be shortened by 2 feet to maintain 16 feet of red curb and still provide visibility for pedestrians waiting to cross Evelyn Street. In addition, 3 feet of red curb should be added adjacent to the project driveway to provide better visibility for vehicles exiting the project site. This would allow for a 40-foot loading zone. This loading zone would be located to the east of the project driveway and would require deliveries to cross the project driveway and front entrance to access the Draeger's delivery door off Plaza 4.

Draeger's Market has also indicated that a 40-foot loading zone on Evelyn Street would accommodate 90 percent of their deliveries, but occasionally, they will have deliveries by larger trucks that would occur outside the allowable delivery hours (9 p.m. to 10 a.m.) in Parking Plaza 4. Staff recommends that Draeger's Market work with their delivery providers to schedule these deliveries to occur during the Parking Plaza 4 delivery hours. To provide for some flexibility, staff recommends that loading options for Parking Plaza 4 also be modified to allow for the parking spaces to be blocked off for up to one delivery per week outside of the set delivery hours.

Option D: This option would provide a loading zone on Evelyn Street located across the street from the project site, adjacent to 830 Menlo Avenue. There is currently 73 feet of curb space between the Parking Plaza 5 driveway and Menlo Avenue. Of this, 39 feet of red curb is provided reducing the available curb space to 34 feet. Staff has determined that the existing red curb could be shortened to provide a 40 foot loading zone. The curb area on this side of Evelyn Street does not have a building entrance or driveway; however, this loading zone location would require deliveries to cross Evelyn Street, likely to occur mid-block instead of at the intersection, causing potential conflicts with drivers turning onto Evelyn Street from Menlo Avenue. Similar to Option C, a modification to the loading options for Parking Plaza 4 could be added to allow for the parking spaces to be blocked off for up to one delivery per week outside of the set delivery hours.

Option E: This option is a modification of the Menlo Avenue option originally presented to the Complete Streets Commission and was provided by the 840 Menlo Avenue applicant. With the removal of one additional parking space on the east side of Menlo Avenue, for a total of four parking spaces, Menlo Avenue between University Drive and Evelyn Street could be restriped with bike lanes on each side of Menlo Avenue and a loading zone on Menlo Avenue. The restriping of the center double yellow line would provide additional width to accommodate a truck parked in the loading zone and space for a vehicle and bicyclist traveling adjacent to the loading zone. In addition, the proposed design does meet design standards for bicycle lanes adjacent to a parking stall and is supported by Draeger's Market. While this option would provide a bike lane for one block of Menlo Avenue, bicyclists are expected to transition into/from bike routes (e.g., bike sharrows) for the remainder of Menlo Avenue, a design standard staff

typically avoids in favor of a continuous and consistent bicycle facility.

Complete Streets Commission review

Staff brought forth Options C, D and E for review by the Complete Streets Commission at their meeting October 10, 2018. Representatives from the 840 Menlo project and Draeger's Market also presented. The Commission expressed concerns with Option E due to deliveries blocking the sidewalk along Menlo Avenue and the Menlo Avenue loading zone attracting more activity than the Parking Plaza loading area. The Commission voted 6-2-1 (with Commissioners Meyer and Weiner dissenting and Walser absent) in favor of Option D establishing a 40-foot loading zone on the north side of Evelyn Street adjacent to 830 Menlo Avenue between 10 a.m. and 6 p.m. and extending the loading hours for both sides of the parking aisle in Parking Plaza 4 closest to the market to 10 a.m., and requested additional safety improvements be studied including stop signs at the Menlo Avenue and Evelyn Street intersection and additional crosswalks. The staff report for the Complete Streets Commission meeting is included as Attachment K.

City Council selection of loading zone option

Staff recommends that City Council select one of the following loading zone options:

- Option C - Create a 40-foot loading zone on the south side of Evelyn Avenue adjacent to 840 Menlo Avenue property.
- Option D - Convert two existing on-street spaces on the north side of Evelyn Street adjacent to 830 Menlo Avenue property to a 40-foot loading zone and convert the loading zone on the south side of Evelyn Street to two on-street parking spaces.
- Option E - Provide a 60-foot loading zone on Menlo Avenue by converting two existing on-street spaces to a loading zone and removing another parking space on the west side of Menlo Avenue and an additional parking space on the east side of Menlo Avenue and convert the loading zone on the south side of Evelyn Street to two on-street parking spaces.

Resolution No. 6462 for the loading zone modifications using the Complete Streets Commission recommendations is included as Attachment B and redlined conditions of approval from the 2002 long-term plan for receiving operations are in Attachment C. For clarity, these attachments incorporate the loading zone option recommended by the Complete Streets Commission, but the City Council may select another option as described above.

The conditions of approval have been modified to reflect the Complete Streets Commission's current recommendation for the loading zone. Several conditions related to the Evelyn Street right-of-way improvements (condition No. 9), relocation of the delicatessen kitchen and floral preparation services (condition No. 13) and the elimination of the Evelyn Street loading zone (condition numbers 16, 17 and 19) have also been removed. The condition related to the right-of-way improvements was removed because the proposed development at 840 Menlo Avenue includes these improvements as part of the project. The conditions related to the elimination of the Evelyn Street loading zone have been removed since the loading zone on Evelyn Street can coexist with the development of 840 Menlo Avenue. Additionally in response to condition No. 16 and 19, Draeger's' submitted a revised loading plan in 2002 that modified the Evelyn Street loading zone by shortening its length to 72 feet. In 2004 Draeger's submitted additional documentation indicating that it had substantially reduced its receiving operations along Evelyn Street.

Correspondence

Staff has received several items of correspondence regarding the proposed project and loading zone modification from the public, Draeger's Market, and the applicant for 840 Menlo Avenue. These emails and

documents are included as Attachment L.

Impact on City Resources

The project sponsor is required to pay planning, building and public works permit fees, based on the city's master fee schedule, to fully cover the cost of staff time spent on the review of the project, for the period between the application submittal and the appeal of the Planning Commission action. The appellant, Anthony Draeger, on behalf of Draeger's Market paid a \$110 flat fee to file an appeal of the Planning Commission's decision. Staff time spent on the review of the appeal to the City Council is not otherwise recovered, per City Council policy.

Environmental Review

The proposal is within the scope of the project covered by the El Camino Real/Downtown Specific Plan Program Environmental Impact Report (EIR), which was certified June 5, 2012. The proposed project would not result in greater impacts than were identified for the program EIR. Relevant mitigation measures have been applied and would be adopted as part of the Mitigation Monitoring and Reporting Program (MMRP.)

Public Notice

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

Attachments

- A. Recommended actions
- B. Resolution No. 6462
- C. Amended long-term plan for receiving operations
- D. Hyperlink: Planning Commission staff report – March 12, 2018
- menlopark.org/DocumentCenter/View/16899/G1---840-Menlo-Ave?bidId=
- E. Hyperlink: Planning Commission excerpt minutes, March 12, 2018
- menlopark.org/AgendaCenter/ViewFile/Minutes/_03122018-3058
- F. Appeal letter – March 27, 2018
- G. Staff response to the appeal
- H. Loading zone options
- I. Hyperlink: Complete Streets Commission staff report, January 10, 2018
- menlopark.org/DocumentCenter/View/16400/E2---Draeger-Loading-Zones?bidId
- J. Hyperlink: Complete Streets Commission minutes, January 10, 2018
- menlopark.org/AgendaCenter/ViewFile/Minutes/_01102018-3024
- K. Hyperlink: Complete Streets Commission staff report, October 10, 2018
- <https://www.menlopark.org/DocumentCenter/View/18760/E2---SR---Draeger-Loading-Zones>
- L. Hyperlink: Correspondence - menlopark.org/DocumentCenter/View/18829

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 board.

Report prepared by:

Kaitie Meador, Associate Planner

Kristiann Choy, Senior Transportation Engineer

Report reviewed by:

Deanna Chow, Assistant Community Development Director

Mark Muenzer, Community Development Director

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840 Menlo Avenue – Recommended Actions

LOCATION: 840 Menlo Avenue	PROJECT NUMBER: PLN2014-00002	APPLICANT: Hayes Group Architects	OWNER: Charles Troglio
PROPOSAL: Request for architectural control to construct a new, three-story mixed-use building on a vacant lot located at 840 Menlo Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The building would consist of parking and lobby entrances on the ground level, non-medical office on the second level, and three dwelling units (with terraces) on the third level.			
DECISION ENTITY: City Council	DATE: October 23, 2018	ACTION: TBD	
VOTE: TBD (Carlton, Cline, Keith, Mueller, Ohtaki)			
ACTION:			
<p>1. Make findings with regard to the California Environmental Quality Act (CEQA) that the proposal is within the scope of the project covered by the El Camino Real/Downtown Specific Plan Program EIR, which was certified on June 5, 2012. Specifically, make findings that:</p> <ul style="list-style-type: none"> a. A checklist has been prepared detailing that no new effects could occur and no new mitigation measures would be required. b. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program, which is approved as part of this finding. c. Upon completion of project improvements, the Specific Plan Maximum Allowable Development will be adjusted by 3 residential units and 6,610 square feet of non-residential uses, accounting for the project's net share of the Plan's overall projected development and associated impacts. <p>2. Deny the appeal and adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:</p> <ul style="list-style-type: none"> a. The general appearance of the structure is in keeping with the character of the neighborhood. <p><i>The project would meet the applicable Specific Plan standards and would be consistent with the allowed uses for the zoning district. The development would be 38 feet tall, which is the maximum allowed height and would adhere to the façade height limit of 30 feet. The project complies with the building profile, which requires a step back for the upper level. The development would have a zero setback at the front, sides, and rear property lines, as required in this zoning district. The setbacks would be consistent with the surrounding buildings and would reinforce the traditional downtown building forms. The development would be consistent with the overall neighborhood, which includes one- and two-story commercial and residential buildings of various architectural styles, including contemporary and traditional style buildings.</i></p> b. The development will not be detrimental to the harmonious and orderly growth of the City. <p><i>The proposal would meet the Specific Plan's Base level standards, which were established to achieve inherent public benefits, such as the redevelopment of underutilized properties, the creation of more vitality and activity, and the promotion of healthy living and sustainability. The development would also provide a positive pedestrian experience. The existing street trees would be retained which would maintain the established tree line on Menlo Avenue. Three new street trees would be located along Evelyn Street. New landscaping would be planted throughout the site and the private open space would exceed the minimum standards.</i></p> 			

840 Menlo Avenue – Recommended Actions

LOCATION: 840 Menlo Avenue	PROJECT NUMBER: PLN2014-00002	APPLICANT: Hayes Group Architects	OWNER: Charles Troglio
PROPOSAL: Request for architectural control to construct a new, three-story mixed-use building on a vacant lot located at 840 Menlo Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The building would consist of parking and lobby entrances on the ground level, non-medical office on the second level, and three dwelling units (with terraces) on the third level.			
DECISION ENTITY: City Council	DATE: October 23, 2018	ACTION: TBD	
VOTE: TBD (Carlton, Cline, Keith, Mueller, Ohtaki)			
ACTION:			
<p>c. The development will not impair the desirability of investment or occupation in the neighborhood.</p> <p><i>The development would not impair the desirability of investment or occupation in the neighborhood. The project would activate a corner property that would otherwise be a vacant lot and the building entrances would be oriented towards the downtown area. The proposed office and residential uses would be compatible with the surrounding residential, retail, and office uses. The location of the garage entrance complies with the Transportation Division's best practices, as it would be located on the less busy of the two streets, and it would be a sufficient distance from the intersection to minimize turning conflicts.</i></p> <p>d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.</p> <p><i>Vehicular and bicycle parking requirements would be met. Thirteen parking spaces would be provided on the ground level, which exceeds the requirement for ten parking spaces. Two electric vehicle charging stations are proposed, which would exceed the current Specific Plan requirement for such facilities. Vehicular access for the site would be provided by the garage entrance on the Evelyn Street frontage. A lobby with a staircase and elevator at the northwest corner of the building would provide direct access from the garage to the office and residential uses. Pedestrian doors on the west and east sides of the garage would provide access from the garage to parking plaza #4 and Menlo Avenue.</i></p> <p>e. The development is consistent with the El Camino Real/Downtown Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet.</p> <p><i>The proposal would adhere to the extensive standards and guidelines established by the Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet. The proposal would produce a visually refined piece of contemporary architecture that relates in scale and materials to the surrounding buildings. The proposed design's form and massing as seen from the street would create a clean, contemporary expression of rectangular elements with strongly defined edges in varied materials. Materials, finishes and colors would add additional architectural interest to the building.</i></p> <p>3. Approve the architectural control subject to the following standard conditions:</p> <p>a. Development of the project shall be substantially in conformance with the plans prepared by Hayes Group Architects, consisting of 34 plan sheets, dated received on February 28, 2018, approved by the City Council on August 28, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.</p>			

840 Menlo Avenue – Recommended Actions

LOCATION: 840 Menlo Avenue	PROJECT NUMBER: PLN2014-00002	APPLICANT: Hayes Group Architects	OWNER: Charles Troglio
PROPOSAL: Request for architectural control to construct a new, three-story mixed-use building on a vacant lot located at 840 Menlo Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The building would consist of parking and lobby entrances on the ground level, non-medical office on the second level, and three dwelling units (with terraces) on the third level.			
DECISION ENTITY: City Council	DATE: October 23, 2018	ACTION: TBD	
VOTE: TBD (Carlton, Cline, Keith, Mueller, Ohtaki)			
<p>ACTION:</p> <ul style="list-style-type: none"> b. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project. c. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, California Water Company and utility companies' regulations that are directly applicable to the project. d. 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. e. Prior to building permit issuance, Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality, in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP). BMP plan sheets are available electronically for inserting into Project plans. The plan is subject to the review and approval of the Engineering Division. f. Prior to building permit issuance, 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, and 5) tree protection fencing. The 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 construction. g. Prior to building permit issuance, 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. The property owner will be responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall be recorded and documentation shall be provided to the City prior to final occupancy. h. Prior to building permit issuance, the applicant shall submit a Grading and Drainage Plan for review and approval by the Engineering Division. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. A Hydrology Report will be required to the satisfaction of the Engineering Division. Slopes for the first 10 feet perpendicular to the structure must be 5% minimum for pervious surfaces and 2% minimum for impervious surfaces, including roadways and parking areas, as required by CBC §1804.3. Discharges from the garage ramp and underground parking areas are not allowed into the storm drain system. Discharge must be treated with an oil/water separator and must connect to the sanitary sewer system. This will require a permit from West Bay Sanitary District. i. Prior to building permit issuance, Applicant shall submit Covenants, Conditions and 			

840 Menlo Avenue – Recommended Actions

LOCATION: 840 Menlo Avenue	PROJECT NUMBER: PLN2014-00002	APPLICANT: Hayes Group Architects	OWNER: Charles Troglia
PROPOSAL: Request for architectural control to construct a new, three-story mixed-use building on a vacant lot located at 840 Menlo Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The building would consist of parking and lobby entrances on the ground level, non-medical office on the second level, and three dwelling units (with terraces) on the third level.			
DECISION ENTITY: City Council	DATE: October 23, 2018	ACTION: TBD	
VOTE: TBD (Carlton, Cline, Keith, Mueller, Ohtaki)			
<p>ACTION:</p> <p>Restrictions (CC&Rs) to the City for City Attorney and Engineering Division review and approval. The CC&Rs shall provide for the maintenance of all infrastructure and utilities within the Project site or constructed to serve the Project. This shall include, but not be limited to, the private open spaces, shared parking spaces, common walkways, common landscaping, and the stormwater drainage and sewer collection systems.</p> <ul style="list-style-type: none"> j. Prior to building permit issuance, the Applicant shall submit engineered Off-Site Improvement Plans (including specifications & engineers cost estimates), for approval by the Engineering Division, 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. The Plan shall include removal and replacement of any damaged and significantly worn sections of frontage improvements. During the design phase of the construction drawings, all potential utility conflicts shall be potholed with actual depths recorded on the improvement plans submitted for City review and approval. All public improvements shall be designed and constructed to the satisfaction of the Engineering Division. The Off-Site Improvements Plan shall be approved prior to issuance of a building permit. k. Prior to building permit issuance, and as part of the off-site improvements plan, the applicant shall submit plans for street light design per City standards, at locations approved by the City. All street lights along the project frontages shall be painted Mesa Brown and upgraded with LED fixtures compliant with PG&E standards, and are subject to the review and approval of the Engineering Division. l. Prior to building permit issuance, the applicant shall provide documentation indicating the amount of irrigated landscaping. 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. Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application. m. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All 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. 			

840 Menlo Avenue – Recommended Actions

LOCATION: 840 Menlo Avenue	PROJECT NUMBER: PLN2014-00002	APPLICANT: Hayes Group Architects	OWNER: Charles Troglio
PROPOSAL: Request for architectural control to construct a new, three-story mixed-use building on a vacant lot located at 840 Menlo Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The building would consist of parking and lobby entrances on the ground level, non-medical office on the second level, and three dwelling units (with terraces) on the third level.			
DECISION ENTITY: City Council	DATE: October 23, 2018	ACTION: TBD	
VOTE: TBD (Carlton, Cline, Keith, Mueller, Ohtaki)			
ACTION:			
<ul style="list-style-type: none"> n. 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. o. The Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division prior to Final Occupancy. p. Street trees and heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the recommendations of the arborist report prepared by Michael L. Bench, dated December 14, 2017. Applicant shall submit a tree preservation plan, detailing the location of and methods for all tree protection measures as part of a complete building permit application and is subject to review and approval by the City prior to building permit issuance. q. Street trees shall be from the City-approved street tree species or to the satisfaction of City Arborist. Irrigation within public right of way shall comply with City Standard Details LS-1 through LS-19. r. Prior to building permit issuance, the applicant shall pay all Public Works fees. Refer to City of Menlo Park Master Fee Schedule. s. Simultaneous 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. t. Simultaneous 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. u. A complete building permit application will be required for any remediation work that requires a building permit. No remediation work that requires approval of a building permit 			

840 Menlo Avenue – Recommended Actions

LOCATION: 840 Menlo Avenue	PROJECT NUMBER: PLN2014-00002	APPLICANT: Hayes Group Architects	OWNER: Charles Troglia
PROPOSAL: Request for architectural control to construct a new, three-story mixed-use building on a vacant lot located at 840 Menlo Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The building would consist of parking and lobby entrances on the ground level, non-medical office on the second level, and three dwelling units (with terraces) on the third level.			
DECISION ENTITY: City Council	DATE: October 23, 2018	ACTION: TBD	
VOTE: TBD (Carlton, Cline, Keith, Mueller, Ohtaki)			
<p>ACTION:</p> <p>shall be initiated until the applicant has received building permit approvals for that work. All building permit applications are subject to the review and approval of the Building Division.</p> <ul style="list-style-type: none"> v. Prior to building permit issuance, the applicant shall submit plans for construction related parking management, construction staging, material storage and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the City. The applicant shall secure adequate parking for any and all construction trades. Construction parking in the public parking plazas will be subject to City review and approval. The plan shall include construction phasing and anticipated method of traffic handling for each phase. w. All 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 prior to building permit final inspection. <p>4. Approve the architectural control subject to the following project-specific conditions:</p> <ul style="list-style-type: none"> a. The applicant shall address all Mitigation Monitoring and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment J). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines. b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an updated LEED Checklist, subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP should submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Silver certification shall be required before issuance of the building permit. Prior to final inspection of the building permit or as early as the project can be certified by the United States Green Building Council, the project shall submit verification that the development has achieved final LEED Silver certification. c. Simultaneous with the submittal of a complete building permit application, the plans shall be updated to provide clarification that the commercial windows/storefronts shall be recessed from the primary building façade a minimum of 6 inches, subject to review and approval of the Planning Division. d. The parking garage gate shall remain open between the hours of 7:00 a.m. and 7:00 p.m., in order to limit the potential for vehicles blocking the sidewalk while waiting for the gate to open. The Transportation Manager may adjust these times if requested in the future, provided that the applicant demonstrates that pedestrian safety will not be compromised. e. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit plans that include undergrounding of the overhead utilities along the project 			

840 Menlo Avenue – Recommended Actions

LOCATION: 840 Menlo Avenue	PROJECT NUMBER: PLN2014-00002	APPLICANT: Hayes Group Architects	OWNER: Charles Troglio
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DECISION ENTITY: City Council	DATE: October 23, 2018	ACTION: TBD	
VOTE: TBD (Carlton, Cline, Keith, Mueller, Ohtaki)			
<p>ACTION:</p> <p>frontage on Evelyn Street in accordance with the approved plan set. All lateral connections to overhead electric, fiber optic, and communication lines shall be placed in a joint trench. The undergrounding plans will be finalized prior to building permit issuance and are subject to PG&E, City of Menlo Park, and the Menlo Park Fire Protection District review and approval.</p> <ul style="list-style-type: none"> f. Project approval is conditional on the City Council reconsidering the placement, design, and/or use of the Draeger’s Market loading zones currently located on Evelyn Street. The building permit shall not be issued prior to City Council action to modify this loading zone. g. Prior to issuance of each building permit, the applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment to the satisfaction of the Public Works Director. The current fee is calculated by multiplying the valuation of the construction by 0.0058. h. Any nonstandard improvements within public right-of-way shall be maintained in perpetuity by the owner. Owner shall execute an Agreement to maintain non-standard sidewalks and planting strips if any. Agreement shall be subject to review and approval of the Engineering Division and City Attorney and shall be recorded prior to final occupancy. i. Prior to final inspection, the Applicant shall submit a landscape audit report to the Public Works Department. j. Prior to issuance of building permit, the applicant shall submit the El Camino Real/Downtown Specific Plan Preparation Fee, which is established at \$1.13/square foot for all net new development. For the subject proposal, the fee is estimated at \$12,962.23 (\$1.13 x 11,471 net new square feet). k. Prior to issuance of building permit, the applicant shall submit all relevant transportation impact fees (TIF), subject to review and approval of the Transportation Division. Such fees include: <ul style="list-style-type: none"> i. The TIF is estimated to be \$37,717.20. The fee was calculated as follows: (\$4.80/s.f. x 6,610 s.f. office) + (\$1,996.40/unit x 3 multi-family units). Please note this fee is updated annually on July 1st based on the Engineering News Record Bay Area Construction Cost Index. Fees are due before a building permit is issued. ii. The City has adopted a Supplemental Transportation Impact Fee for the infrastructure required as part of the Downtown Specific Plan. The fee is calculated at \$393.06 per PM peak hour vehicle trip, with a credit for the existing trips. The proposed project is estimated to generate 12 PM peak hour trips, so the supplemental TIF is estimated to be \$4,716.72. Payment is due before a building 			

840 Menlo Avenue – Recommended Actions

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PROPOSAL: Request for architectural control to construct a new, three-story mixed-use building on a vacant lot located at 840 Menlo Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The building would consist of parking and lobby entrances on the ground level, non-medical office on the second level, and three dwelling units (with terraces) on the third level.			
DECISION ENTITY: City Council	DATE: October 23, 2018	ACTION: TBD	
VOTE: TBD (Carlton, Cline, Keith, Mueller, Ohtaki)			
ACTION: <div style="text-align: center;"> permit is issued and the supplemental TIF will be updated annually on July 1st along with the TIF. </div>			

RESOLUTION NO. 6462

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE INSTALLATION OF A LOADING ZONE ALONG EVELYN
STREET NEAR MENLO AVENUE**

WHEREAS, the approval of the long term plan for market operations for Draeger's Supermarkets is subject to reconsideration at the time approvals are actively pursued for the development of the property located at 840 Menlo Avenue; and,

WHEREAS, Draeger's Market does not have a dedicated loading dock on their property; and,

WHEREAS, an on-street loading zone was evaluated to minimize conflicts with pedestrians and bicyclists and minimize deliveries from crossing public streets to access Draeger's Market; and,

WHEREAS, the Complete Streets Commission supported with a 6-2-1 vote placement of a loading zone for Draeger's Market on the north side of Evelyn Street between 10:00 a.m. and 6:00 p.m.; and,

WHEREAS, the existing on-street loading zone on the south side of Evelyn Street can be removed and replaced with two on-street parking spaces; and,

WHEREAS, the long term plan for market operations for Draeger's Market is amended as attached; 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

1. Authorize the installation of a 40-foot loading zone on the north side of Evelyn Street west of the Menlo Avenue intersection.
2. Adopt the long-term plan for market operations for Draeger's Market attached as Exhibit A.

I, Judi A. Herren, 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 this twenty-third day of October, 2018, 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 on this twenty-third day of October, 2018.

Judi A. Herren, City Clerk

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**APPROVED ELEMENTS OF AND FINAL CONDITIONS FOR A LONG-TERM
PLAN FOR RECEIVING OPERATIONS AT DRAEGER'S SUPERMARKET**

1010 University Drive

March 5, 2002

Amended October 23, 2018

The City Council approves the Long-Term Plan for Market Operations, prepared by Draeger's Supermarkets to include the following elements:

- a. Continuation-Relocation of the existing loading zone on the south side of Evelyn Street to the north side Evelyn Street, with receiving hours restricted to between 5:10:00 a.m. to 4:06:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends;
- b. Continuation of the loading zone in Public Parking Plaza #4 next to Draeger's Supermarket, with modified receiving hours from 9 p.m. to 10:00 a.m., Monday through Friday, beginning each Sunday at 9 p.m. and ending each Friday at midnight;
- c. Expansion-Continuation of the expanded loading zone in Public Parking Plaza #4 across the drive aisle from Draeger's Supermarket by an additional 11 parking spaces, for a total of 22 spaces in the parking plaza, with the use of the expanded area only allowed modified receiving hours between midnight to 7:10:00 a.m., Monday through Friday;
- e.d. Expansion of the loading zones in Public Plaza #4 to allow up to one delivery a week that occurs outside the allowed hours.
- d.e. Continuation of work with vendors to improve delivery operations by:
 - o Requesting vendors to make deliveries before 10:00 a.m.;
 - o Requesting that vendors use smaller trucks if feasible; and
 - o Requesting vendors who use common carriers to switch to a carrier that will commit to making deliveries before 10:00 a.m.
- e.f. Continuation of efforts regarding internal operations to maximize the efficiency of the delivery operations including:
 - o Scheduling sufficient employee hours related to receiving functions;
 - o Requiring all employees involved in delivery operations to read and acknowledge the receiving rules; and
 - o Monitoring of receiving operations by a closed circuit camera to ensure enforcement of the receiving rules.

~~f. Relocation of the bakery kitchen to a new facility in South San Francisco within 18 months of approval of the long-term plan and relocation of the delicatessen kitchen and floral preparation services thereafter;~~

g-f. _____ Provision of a system housed inside of the market building for the storage of waste and recyclables, including removal of waste and recyclable by Draeger's-owned vehicles in a manner that does not use the door on Menlo Avenue;

h-g. _____ Use of the private parking lot for the storage of up to two Draeger's-owned delivery vans and one waste disposal truck on a continuous basis, ~~and storage of up to two panel trucks until the off-site food and floral preparation services are implemented;~~

i-h. _____ Pumping of the grease interceptor occasionally from the Menlo Avenue door; and

j-i. Establishment Continuation of an employee commute program that includes reimbursement payments to all interested employees for not less than 50 percent of their commute trip on public transportation and encourage new employees to make use of the program.

The implementation of the Long-Term Plan for Market Operations shall be subject to the following conditions.

1. Within 30 days of the approval of the long-term plan by the City Council (~~April 5~~November 22, 2018), the project sponsor shall submit a plan for the loading zones that is consistent with the approved long-term plan and that ensures that all loading and unloading activities in Public Parking Plaza #4 and on Evelyn Street will be conducted in a manner that keeps the traffic aisles in the public parking plaza and Evelyn Street clear and passable at all times and that ensures clear and safe routes for pedestrians that are separate from the loading zones. -The plan shall clearly denote the ~~primary and expanded~~ loading zones in Public Parking Plaza #4 and the loading zone on Evelyn Street.- The plan shall show ~~the number of parking spaces to be occupied by each zone and the~~ hours each zone is to operate.- The plan shall include measures that prevent interference and other potential conflicts with vehicular and pedestrian traffic.- The plan shall identify any proposed modifications to the public right-of-way required for the new loading zone. Draeger's Market shall be responsible for all improvements proposed in the right-of-way that are needed to accommodate the loading zone. Measures such as ~~warning signs,~~ physical barriers and/or flagmen, shall be used during loading and

Conditions for Draeger's Supermarket

March 5, 2002

Amended October 23, 2018

Page 3

- unloading to ensure vehicular and pedestrian safety.- The plan and its implementation shall be subject to the review and approval of the Transportation Division.
2. No loading or unloading of any type for Draeger's Supermarket shall occur on Evelyn Street, except within the designated 40 foot loading zone and between the hours of 510:00 a.m. to 406:00 p.m.
 3. No loading or unloading of any type for Draeger's Supermarket shall occur in any public parking plaza, except within the designated loading zone and during the designated loading hours. All loading and unloading activities in the primary loading zone shall be conducted between 9:00 p.m. and 10:00 a.m., Monday through Friday, beginning each Sunday at 9:00 p.m. and ending each Friday at midnight. All loading and unloading activities in the expanded loading zone shall be conducted between midnight and 710:00 a.m., Mondays through Fridays.
 4. No pallets, merchandise, garbage or any other materials or equipment shall be temporarily or permanently stored in the parking plaza or on public streets, except within the loading zones in the public parking plaza during actual loading and unloading operations within the designated loading hours. Loading operations shall not block or prevent pedestrian use of the sidewalk and shall comply with accessibility requirements for sidewalks.
 5. The delivery doors on the ~~north side of the~~ building adjacent to Parking Plaza #4 shall remain fully closed at all times, except during loading and unloading operations. When loading and unloading is occurring, the doors are to be maintained in a fully open position. The applicant shall maintain a warning or safety device to alert the public when the delivery doors are to be opened. The warning device shall be subject to the review and approval of the Planning and Transportation Divisions.
 6. The project sponsor shall submit on an annual basis (starting March 5, 2003) written documentation to the Planning Division of efforts made to contact vendors and:
 - o Request them to make deliveries prior to 10:00 a.m.;
 - o Request that vendors use smaller trucks if feasible; and
 - o Request that vendors that use common carriers switch to one that will commit to making deliveries before 10:00 a.m.
 7. The project sponsor shall submit on an annual basis (starting March 5, 2003) written documentation to the Planning Division of efforts regarding

- ~~use for a period of time not to exceed 42 months from the date of approval of the long-term plan by the City Council (September 5, 2005).~~
- ~~13. The relocation of the bakery kitchen shall be implemented within 18 months of the approval of the long-term plan by the City Council (September 5, 2003). The relocation of the delicatessen kitchen and floral preparation services shall be implemented within 24 months following the relocation of the bakery kitchen (September 5, 2005).~~
- 14.11. The project sponsor shall implement an employee commute program that reimburses all interested employees for not less than 50 percent of the cost of commuting by public transportation. The program shall be developed in writing and submitted to the Transportation Division for review and approval within 30 days of the City Council approval of the long-term plan (April 5, 2002). Thereafter, the project sponsor shall submit an annual report to the Transportation Division on the employee utilization of the program and efforts made to promote the program among employees.
- ~~15.12.~~ The project sponsor shall obtain approval of a use permit prior to occupancy of the portion of the building vacated by the relocation of the bakery and delicatessen kitchens and floral preparation area (approximately 4,200 square feet) for any use of the area other than warehousing or storage.
- ~~16. The City Council shall reconsider whether to require the implementation of a shipment consolidation program two years from the approval of the long-term plan (March 5, 2004). The reconsideration shall be based on the effectiveness of the receiving operations during the preceding two years and the anticipated relocation of food preparation activities.~~
- ~~17. At such time as City approvals are actively pursued for the development of the property located at 840 Menlo Avenue, the City Council shall reconsider the placement, design, and/or use of the loading zones on Evelyn Street.~~
- 18.13. The City Council reserves the right to terminate the encroachment permit and loading zones in Public Parking Plaza #4 and on Evelyn Street, and/or to impose additional limitations or restrictions on such permits and loading zones, including but not limited to, limiting hours of delivery, elimination of all or part of loading zones, etc., if, in the opinion of the City Council, the operations and activities resulting from any of these approvals

create traffic, circulation, parking, safety, noise and/or other problems or negative impacts in the vicinity of the Draeger's market property.

~~19. The project sponsor shall use its best efforts to develop a receiving program that eliminates the loading zone on Evelyn Street within 24 months of approval of the long-term plan (March 5, 2004).~~

20-14. The project sponsor shall implement an incentive program for employees that do not drive to work. Such program shall include an equivalent payment to such employees equal to not less than 50 percent of Caltrain or bus fare from the employee's residence to work. The program shall be developed in writing and submitted to the Transportation Division for review and approval within 30 days of the City Council approval of the long-term plan (April 5, 2002). Thereafter, the project sponsor shall submit an annual report to the Transportation Division on the employee utilization of the program and efforts made to promote the program among employees.

ROBERT J. LANZONE
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 CAMAS J. STEINMETZ
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Of Counsel:
 JOAN A. BORGER

March 27, 2018

VIA Hand Delivery

Clay J. Curtin, Interim City Clerk
 City of Menlo Park
 cjcurtin@menlopark.org

Re: Appeal of Planning Commission Approval of Architectural Control Permit/ Hayes Group Architects/ 840 Menlo Avenue - PLN 2014-00002

Dear Mr. Curtin:

By submittal of this letter and the accompanying filing fee and pursuant to Sections 18.86.010 and 18.86.020 of the City of Menlo Park Municipal Code, Anthony M. Draeger, a resident of Menlo Park and owner of Draeger's Market, hereby appeals the Planning Commission's approval of the above referenced Architectural Control Permit PLN 2014-0002 (the "Project") on behalf of Draeger's Market ("Draeger's") on the grounds that: (1) the findings of approval for the Architectural Control Permit cannot be made; and (2) one of the conditions of approval imposed on the Project requiring modification of the existing Evelyn Street loading zone cannot be satisfied without the consent of Draeger's. To be clear, Draeger's is not opposed to the development of the Project site per se, however an adjustment to the location of the Project driveway approved by the Planning Commission is necessary in order to (1) make the findings required for approval; and (2) either (a) eliminate the need to modify the Evelyn Street loading zone altogether or (b) modify the Evelyn Street loading zone so that both the Project's driveway and the loading zone can be accommodated on Evelyn Street. We respectfully request that the Council consider both this appeal of the Project as designed and modification of the Evelyn Street loading zone per Condition 4(f) concurrently at the same meeting.

1. Background and History

As currently designed, the Project's driveway requires elimination of the existing loading zone on Evelyn Street. This would be crippling to Draeger's community-serving grocery business that has operated adjacent to the Project site for 63 years. While not dedicated or restricted to Draeger's use, this loading zone is relied upon by Draeger's for a good portion of its grocery deliveries and was approved by the City Council in the form of an encroachment permit issued to Draeger's in connection with the City Council's 2001 approval of Draeger's long term plan for receiving operations.

In exchange for approval of the Evelyn Street loading zone component of its long term receiving operations plan, Draeger's was required to designate and make available to the general public four parking spaces in its private parking lot for short-term parking to compensate for the four public parking spaces lost as a result of the establishment of the Evelyn Street loading zone. In addition, Draeger's was required to make the remaining fifty-nine (59) spaces in its private lot available to the general public for short term parking between the hours of 9:00pm and 10:00am. (Condition 11, Long Term Plan for Receiving Operations at Draeger's Supermarket dated March 5, 2002).

Pursuant to staff's recommendation in its report to the Planning Commission on the Project, the Evelyn Street loading zone would be replaced with a new loading zone on Menlo Avenue and several customer parking spaces in the parking plaza would be sacrificed to loading. While we appreciate staff's effort to accommodate Draeger's, this recommendation is not favored by Draeger's for several reasons including because, as explained below, it would increase potential safety hazards and result in the loss of critical customer parking, both of which could negatively impact Draeger's and other community-serving retail and services in the Downtown. Further, it would locate deliveries closer to existing residential neighbors who are sensitive to noise and would require expensive capital improvements to Draeger's receiving doors on Menlo Ave and result in ongoing increased operational costs and security risks.

As presented below, there are two alternative Project driveway locations that would both meet the City's standards and guidelines for driveways and retain a loading zone on Evelyn Street without compromising the Project's intended uses and square footages.

2. The Findings of Approval Are Not Supported by Substantial Evidence in the Record and Cannot Be Made with the Driveway Location as Proposed

The Architectural Control Permit required for the Project is a discretionary permit that cannot be approved unless all five of the following findings set forth in Menlo Park Municipal Code Section 16.68.020 are made:

- (1) the general appearance of the structures is in keeping with character of the neighborhood;
- (2) the development will not be detrimental to the harmonious and orderly growth of the city;
- (3) the development will not impair the desirability of investment or occupation in the neighborhood;
- (4) the development provides adequate parking as required in all applicable city ordinances and has made adequate provisions for access to such parking;
- (5) the development is consistent with any applicable specific plan.

We contend that findings 2, 3 and 5 cannot be made unless the Project's driveway is either relocated to Menlo Avenue or adjusted several feet down on Evelyn Street (See discussion in Section 4 below). As such, the Planning Commission's Architectural Control Permit approval of the driveway as proposed cannot be upheld unless one of these driveway adjustments are made.

- a. With the Driveway as Proposed, the Project could be detrimental to the harmonious and orderly growth of the city and impair investment and occupation in the neighborhood

Findings 2 and 3 cannot be made because the driveway location as proposed would require the elimination of the Evelyn Street loading zone which in turn, per staff's recommendation to relocate this loading activity to Menlo Avenue and the parking plaza, would increase the potential for safety hazards and require loss of customer parking that is already critically short. As explained by Magnus Barber of Nelson\Nygaard Consulting Associates at the Planning Commission hearing, increased truck deliveries in the parking plaza and introduction of deliveries on Menlo Avenue, a much busier street than Evelyn Street, could increase the potential for conflicts between delivery trucks, customer vehicles and pedestrians, thereby increasing the probability of accidents and other unsafe conditions. Loss of parking in the plaza which is the most heavily utilized of all plazas in the Downtown and at or over capacity during peak shopping hours and throughout the holiday season when Draeger's derives its most crucial revenue would increase circulating traffic looking for parking spots and only frustrate and drive away shoppers.

These increased safety hazards combined with the loss of critical customer parking would undoubtedly translate into hindered deliveries and lost sales for Draeger's, a local independent family owned grocer established in 1955. Customers simply choose more convenient competitors when frustrated by lack of parking and safety concerns. As shown in Exhibit 1, Draeger's serves more than 12,000 customers per week who rely on Draeger's for a variety of products distinct from the homogeneous blend available at the national chains, including award winning and locally sourced packaged foods, local organic produce, local seafood and beef, locally produced artisan bakery and delicatessen products.

Negatively impacting Draeger's, a key anchor of the Downtown, would cause lost sales for many other businesses and the overall Downtown. Draeger's customers often frequent other surrounding businesses and retailers who rely on Draeger's customer traffic for business and whose employees and customers depend on Draeger's for groceries and lunch. Therefore, the Project, with its driveway location as currently proposed, could be detrimental to the harmonious and orderly growth of the city and impair investment and occupation in the neighborhood.

b. With the Driveway as Proposed, the Project would conflict with the applicable El Camino Real/Downtown Specific Plan

Finding 5 cannot be made because the consequences of locating the Project driveway as proposed would conflict with provisions of the governing El Camino Real/Downtown Specific Plan ("Specific Plan"). One of the Specific Plan's five guiding principles is to "sustain Menlo Park's village character". As stated on page C4 of the Specific Plan:

The Specific Plan recognizes and builds upon the unique qualities of downtown Menlo Park and El Camino Real, in particular its small town character of lower-scale buildings and diverse and local neighborhood-serving businesses. The Specific Plan accommodates future development in ways that complement the area's existing character, using design controls and guidelines to regulate building form and scale." (emphasis added)

This principle requires that new development complement and sustain the area's existing small-town character and local neighborhood serving businesses. As explained above, loss of customer parking and increased safety hazards from the relocated loading zones could critically harm the area's existing small-town character and local neighborhood serving businesses, including Draeger's, one of the oldest and most critical anchor retailers in the downtown, not to mention one of the last family owned local independent grocers in the area.

As evidenced by the disappearance of JJ&F in Palo Alto, Andronico's, Beltramo's, Menlo Square Market, and Brentwood Market (Exhibit 2), the grocery business is especially difficult for independent operations who represent only 11% of the market (declined from 14% in 2009). Draeger's is only still here because they have been able to carve out a niche that serves the Menlo Park community, remaining a vital part of Menlo Park's village character. As described above, the Project's driveway location would threaten Draeger's ability to receive deliveries to serve this niche and therefore is inconsistent with the Specific Plan guiding principle to sustain Menlo Park's village character.

Moreover, the Project site's land use designation of Downtown/Station Area Retail/Mixed Use within the Downtown (D) sub-district emphasizes the need to enhance downtown vibrancy by building upon existing community serving retail and personal services by emphasizing these same uses at the ground floor level.

As stated on page E87 of the Specific Plan:

The D District is characterized by a mix of retail and service uses, with retail clustered directly on Santa Cruz Avenue... The District is located in the Downtown/Station Area Retail - Mixed Use and Downtown/Station Area "Main Street" Overlay land use designations which emphasize community-serving

retail and personal services at the ground-floor level and residential/office uses above.

As stated on page E4 of the Specific Plan:

The Downtown/Station Area Retail/Mixed Use designation focuses on uses that enhance downtown vibrancy by building upon existing community-serving retail and personal services in the downtown area. While emphasizing retail for ground-floor uses, the designation allows for a mix of uses, including office and residential uses, enhancing downtown vibrancy through an increased customer base for restaurants and retail businesses.

Rather than build upon and enhance the existing community services and retail offered by Draeger's at the neighboring site for almost 65 years, the Project's driveway seems to have been purposefully located to thwart it. It doesn't have to be a zero-sum game. As discussed below, there are at least two potential alternative driveway locations that could accommodate both the Project's proposed office and residential uses and square footage and a loading zone on Evelyn Street to accommodate Draeger's deliveries. The applicant has not explained why these alternative locations were not considered and/or could not be accommodated within the Project.

3. Condition of Approval 4(f) Cannot be Satisfied Without the Consent of Draeger's

The Planning Commissions' approval is subject to the following required condition of approval:

Project approval is conditional on the City Council reconsidering the placement, design, and/or use of the Draeger's Market loading zones currently located on Evelyn Street. The building permit shall not be issued prior to City Council action to modify this loading zone. (emphasis added)

As staff explained at the Planning Commission hearing, if the City Council does not approve modification of the Evelyn Street loading zone, the Project would have to be redesigned and resubmitted. Draeger's acknowledges that one of the conditions of the original 2002 approval of its Long-Term Plan for Receiving Operations (Condition 17) requires the City Council to reconsider the placement, design and use of the Evelyn Street loading zone when development of 840 Menlo is "actively pursued".

However, the Council's ability to unilaterally modify the loading zone, as required by Project Condition 4(f) is limited by a second condition of the 2002 approval of the Long-Term Plan for Receiving Operations (Condition 18) which states as follows:

18. The City Council reserves the right to terminate the encroachment permit and loading zones in Public Parking Plaza #4 and on Evelyn Street, and/or to

impose additional limitations or restrictions on such permits and loading zones, including but not limited to, limiting hours of delivery, elimination of all or part of loading zones, etc., if, in the opinion of the City Council, the operations and activities resulting from any of these approvals create traffic, circulation, parking, safety, noise and/or other problems or negative impacts in the vicinity of the Draeger's market property (emphasis added).

Therefore, only if the Council finds that the operations resulting from the Evelyn Street loading zone creates traffic, circulation, parking, safety, noise and/or other problems” can the Council unilaterally modify the loading zone as the recommended condition 4f for the Project requires. To our knowledge, there has been not a single complaint or accident related to Draeger’s use of the Evelyn loading zone whatsoever since it was approved.

Therefore, the finding required for the Council to modify Draeger’s use of the loading zone cannot be made and Condition 4f requiring modification of the Evelyn Street loading zone cannot be satisfied unless agreed to by Draeger’s. As explained in the staff report to the Planning Commission, the Project with the driveway location as designed requires complete elimination of the Evelyn Street loading zone. For the reasons set forth above, Draeger’s cannot agree to this. As such, Condition 4f of the Project cannot be satisfied.

As discussed below, Draeger’s preference is for the driveway to be located to Menlo Avenue so that the existing Evelyn Street loading zone location can remain. However, if, after further study and consideration, this cannot be supported by staff, Draeger’s would agree to an adjustment of the Evelyn Street loading zone location in order to accommodate both the Project driveway and the loading zone on Evelyn Street.

4. In Order to Meet the Required Findings of Approval, the Project Driveway Should be Relocated to Retain the Loading Zone on Evelyn Street

The Project’s driveway appears to have been purposely located to conflict with the existing Evelyn Street loading zone critical to the operation of Draeger’s community-serving business. Instead, it could have been designed to be compatible with Draeger’s loading and receiving operations. As presented by Magnus Barber of Nelson\Nygaard Consulting Associates at the Planning Commission hearing, and as shown in Exhibit 3 and Exhibit 4 attached hereto, there are at least two alternative driveway configurations that meet the City’s driveway standards and guidelines while safely accommodating a loading zone on Evelyn Street. Both alternative locations are located at least 30 feet from the nearest intersection and include a 5-foot curb radius. As stated by Principal Planner Thomas Rogers in the Planning Commission hearing, based on its preliminary review, the City’s Transportation Division indicated that neither of these alternatives would be in conflict with the City standards and guidelines and could be worth exploring. The applicant did not address the feasibility of either alternative at the Planning Commission hearing or explain why these alternative driveway locations were not considered.

Option A depicted in Exhibit 3 relocates the driveway to Menlo Avenue and preserves the Evelyn Street loading zone in its exact location. Option A is Draeger's preferred alternative because it would allow the loading zone to remain in its current location without any modification or reduction in length. At the hearing, both Commissioner Onken and Commissioner Kuhle indicated that they could support flipping the building so that the driveway was on Menlo Avenue and the loading zone on Evelyn Street was left intact. As shown in the photos included in Exhibit 5, and contrary to some remarks from the Planning Commission members at the hearing, relocation of the Project driveway to Menlo Avenue would also be compatible with the surrounding pattern of development, as the majority of existing commercial businesses fronting Menlo Avenue have their garage and/or front door entrances facing Menlo Avenue.

Option B depicted in Exhibit 4 relocates the driveway approximately 32 feet from Menlo Avenue while shortening the existing Evelyn Street loading which is approximately 100 feet in length to approximately 62 feet. If City staff decides that it cannot support Option A – even though we believe it meets all city standards and guidelines – Draeger's would support Option B despite that it reduces the length of the loading zone by almost 40%.

In conclusion, we respectfully request that you grant our appeal and either deny the Project as proposed or invite the applicant to submit revised plans that relocate the driveway entrance pursuant to Option A, our preference, or Option B if that is the option preferred by City staff. As discussed above, adjustment of the driveway location pursuant to one of these alternatives is necessary in order to (1) make the findings required for approval; and (2) either (a) eliminate the need to modify the Evelyn Street loading zone altogether (Option A) or (b) modify the Evelyn Street loading zone so that both the Project driveway and the loading zone can be accommodated on Evelyn Street (Option B).

Very truly yours,



Camas J. Steinmetz

Cc: William L. McClure, City Attorney

Kaitie Meador, Project Planner

Exhibit 1

Draeger's Market Weekly Customers (2017)

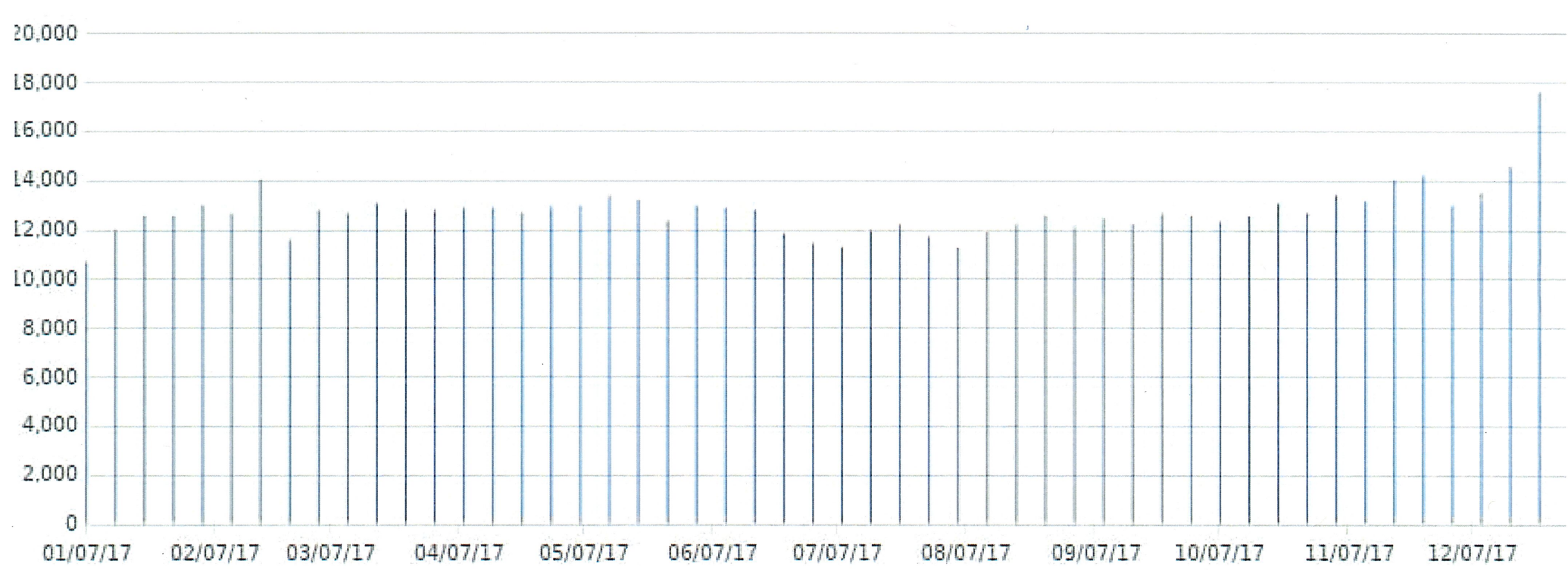


Exhibit 2- Local Markets Gone



Exhibit 3

Alternate Driveway Locations, per Guidelines

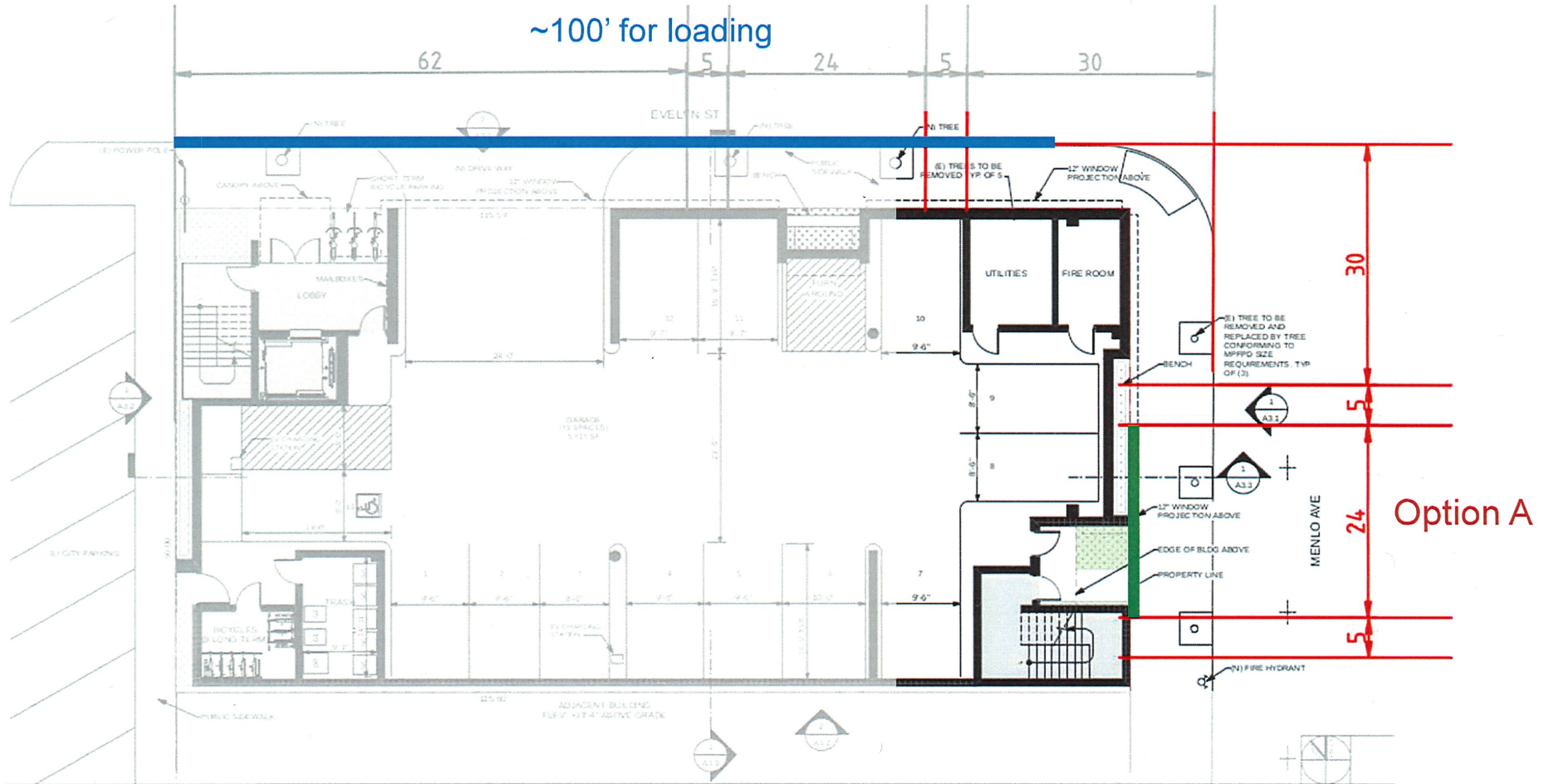


Exhibit 4

Alternate Driveway Locations, per Guidelines

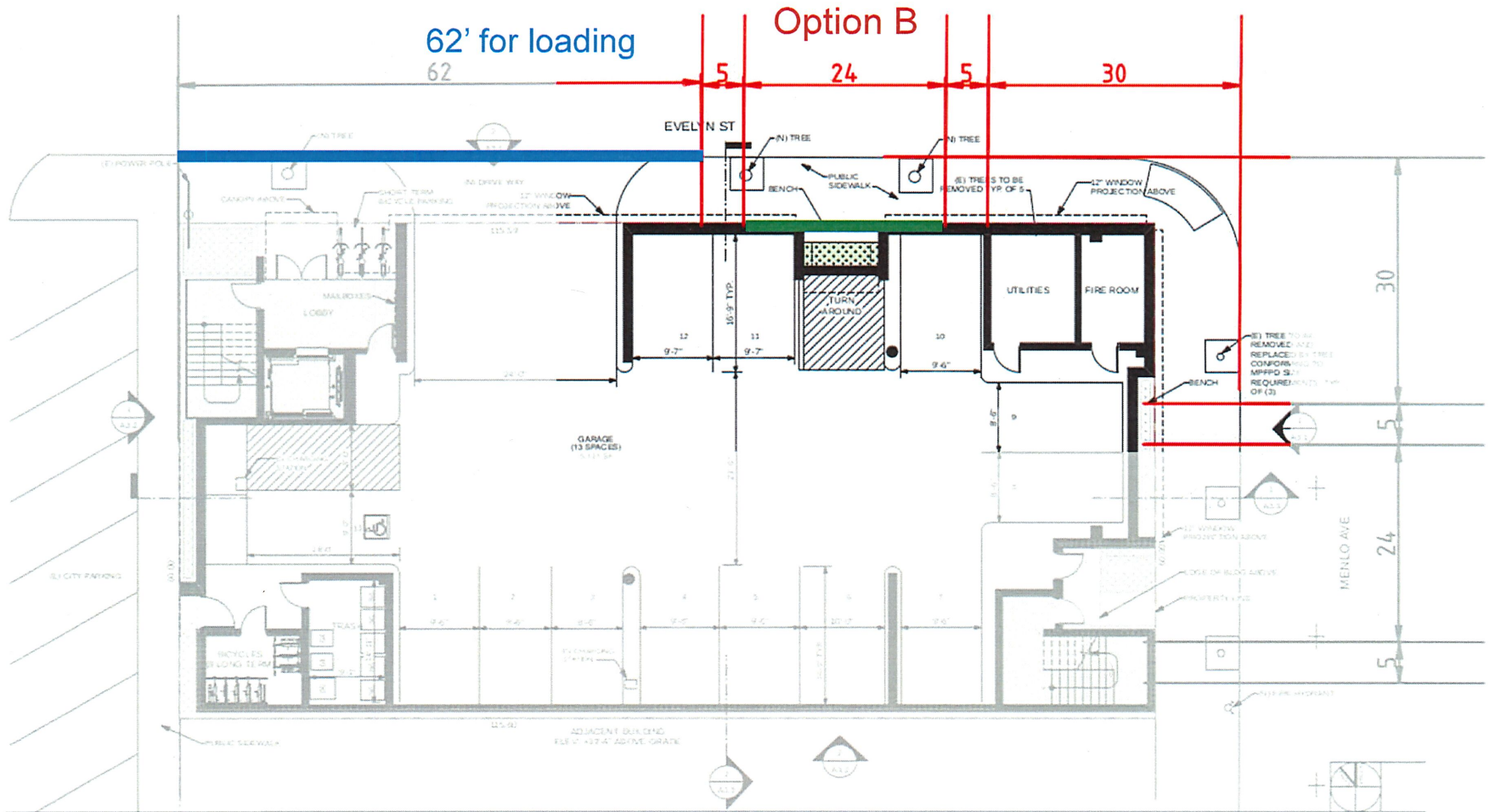
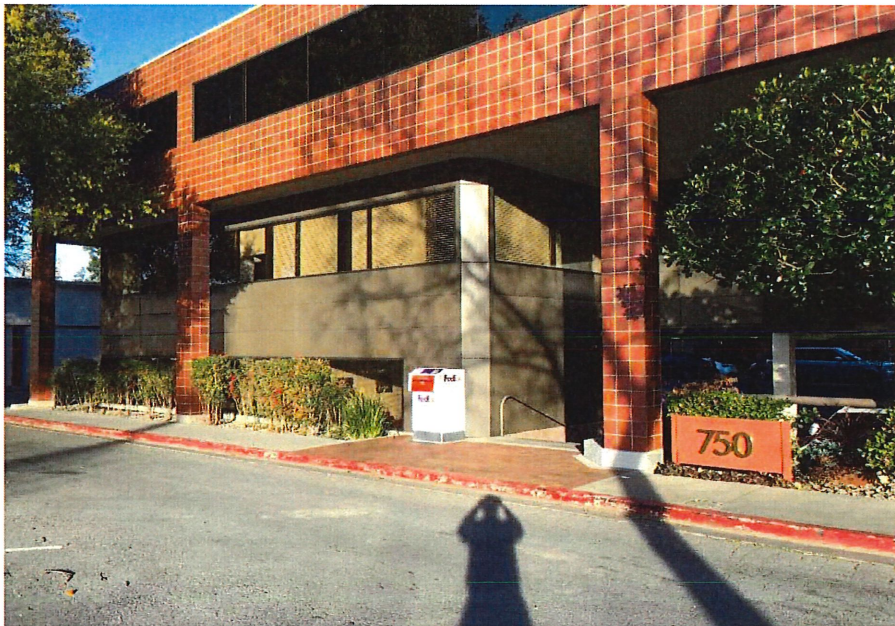


Exhibit 5 – Menlo Ave. Building and Garage Entrances











Staff response to appeal

On March 27, 2018, the City received an appeal of the Planning Commission's approval of the architectural control permit. The appeal was submitted by Anthony Draeger, a resident of Menlo Park and owner of Draeger's Market. The appeal letter (Attachment F) outlines several points which are summarized below followed by staff's response.

1. As currently designed, the project's driveway requires elimination of the existing loading zone on Evelyn Street.

The project driveway as proposed would conflict with the existing loading zone on Evelyn Street. Three alternative loading zone options have been identified that accommodate loading activities and do not conflict with the proposed project driveway.

2. The findings (2, 3 and 5) of approval are not supported by substantial evidence in the record and cannot be made with the driveway location as proposed.

Staff has updated the architectural control permit findings in the recommended actions (Attachment A) to more fully reflect the Planning Commission's discussion about the basis for the architectural control permit approval. The following five findings must be made for the architectural control approval: the general appearance of the structure is in keeping with the character of the neighborhood; the development will not be detrimental to the harmonious and orderly growth of the City; the development will not impair the desirability of investment or occupation in the neighborhood; the development provides adequate parking as required in all applicable City ordinances and has made adequate provisions for access to such parking; and the development is consistent with the El Camino Real /Downtown Specific Plan, as verified in detail in the standards and guidelines compliance work sheet.

- a. With the driveway as proposed, the project could be detrimental to the harmonious and orderly growth of the city and impair investment and occupation in the neighborhood.

The proposal would meet the Specific Plan's base level standards, which were established to achieve inherent public benefits, such as the redevelopment of underutilized properties, the creation of more vitality and activity, and the promotion of healthy living and sustainability. The project driveway would be located on the Evelyn Street frontage, adjacent to the lobby. The location of the garage entrance complies with the Transportation Division's best practices, as it would be located on the less busy of the two streets, and it would be a sufficient distance from the intersection to minimize turning conflicts. To accommodate the new garage entrance, the on-street parking spaces and the existing loading zone would also be modified. While the proposed project would require modifications to the loading zone, it would not eliminate all loading zones for Draeger's Market. Other viable alternatives for the Evelyn Street loading zone, which do not require relocation of the project driveway.

- b. With the driveway as proposed, the project would conflict with the applicable El Camino Real/Downtown Specific Plan to "sustain Menlo Park's Village character."

The Specific Plan ensures that projects sustain Menlo Park's existing character by meeting the Specific Plan standards, guidelines and other objectives, as verified in detail in the Standards and Guidelines Compliance worksheet. The overall neighborhood, which includes one- and two-story commercial and residential buildings of various architectural styles, including contemporary and traditional style buildings. The zero setbacks would be consistent with the surrounding buildings and would reinforce the traditional downtown building forms. The project would activate a corner property with a mixed-use development that would otherwise be a vacant lot and the building entrances would be oriented toward the downtown area. The existing street trees would be retained which would maintain the established tree line on Menlo Avenue. The project would not prohibit operation of Draeger's Market because alternative solutions for loading are available that both accommodate the development of the project and allow the Draeger's Market to continue operations.

3. The condition of approval 4(f) cannot be satisfied without the consent of Draeger's.

Staff response to appeal

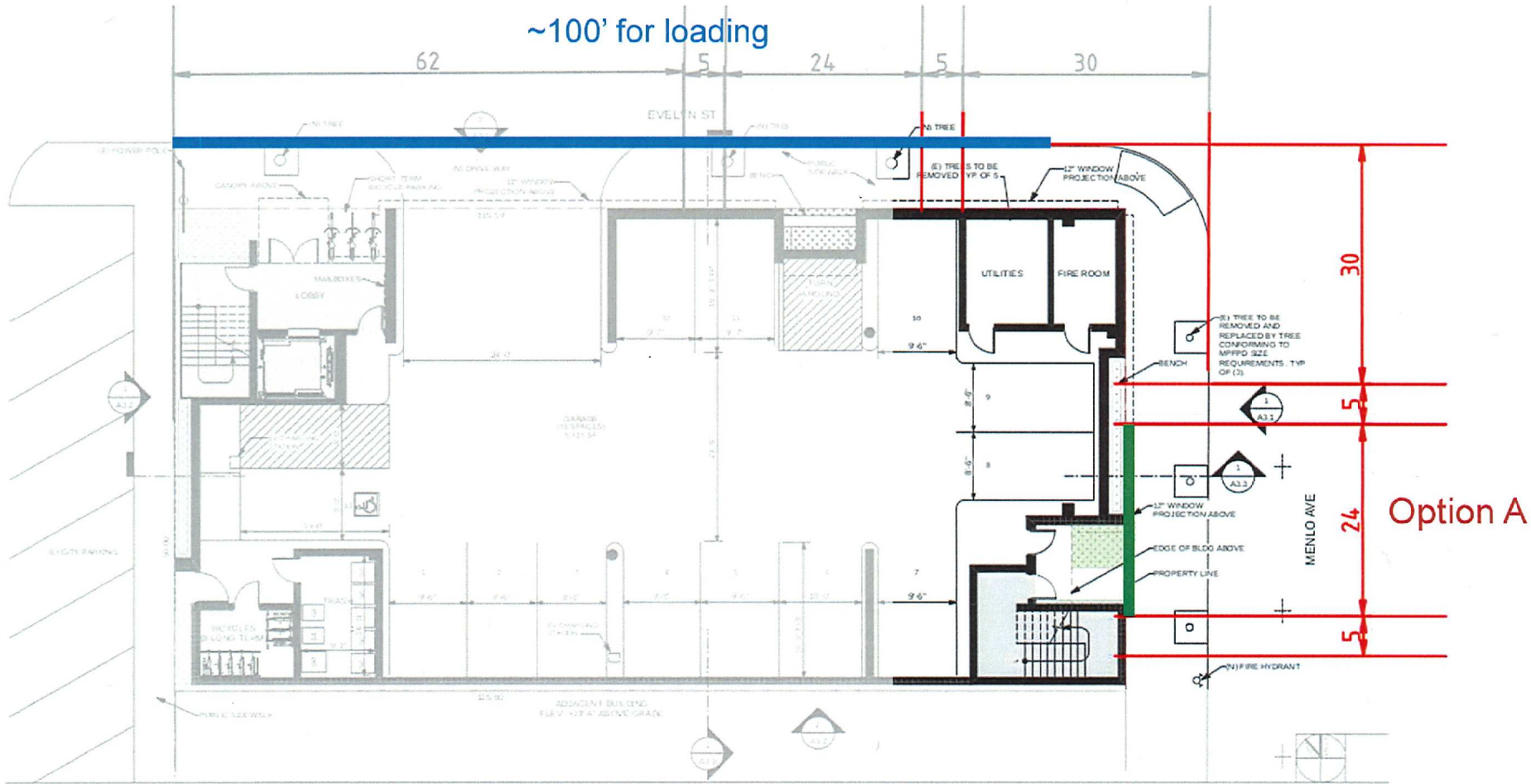
Condition No. 17 of the long-term plan for receiving operations (Attachment C) indicates that at such time as City approvals are actively pursued for the development of the property located at 840 Menlo Avenue, the City Council shall reconsider the placement, design, and/or use of the loading zones on Evelyn Street. Condition No. 18 does not refer directly to the relocation of the loading zones when 840 Menlo Avenue is developed, instead it gives the City Council the right to terminate or modify the loading zones if issues resulted from the loading operations separate from the development of the 840 Menlo Avenue. Before the proposed redevelopment of 840 Menlo Avenue, no issues were identified that would have caused the reconsideration of the loading zones per condition No. 18. The redevelopment of 840 Menlo Avenue now requires the reconsideration of the loading zone per condition of approval No. 17.

4. In order to meet the required findings of approval, the project driveway should be relocated to retain the loading zone on Evelyn Street.

The alternative driveway locations outlined in the appeal letter include moving the driveway closer to the intersection of Menlo Avenue and Evelyn Street or to Menlo Avenue. Initial staff review of the alternatives appear to meet the City's standards; however, additional review and revised plans would be required to confirm this and ensure that the driveway locations would not have larger project design impacts specifically with regards to the parking requirements and garage layout. Placement of the driveway on Menlo Avenue would also require the removal of one or more of the existing Menlo Avenue street trees. On July 19, 2018, the appellant submitted two additional loading zone options. These two options would not require modification to the proposed project and feature loading zones on either side of Evelyn Street. On August 20, 2018 the applicant for 840 Menlo Avenue provided additional exhibits and reports to support the relocation of the loading zone to Menlo Avenue. Staff does not recommend the project driveway be relocated since other loading options are proposed.

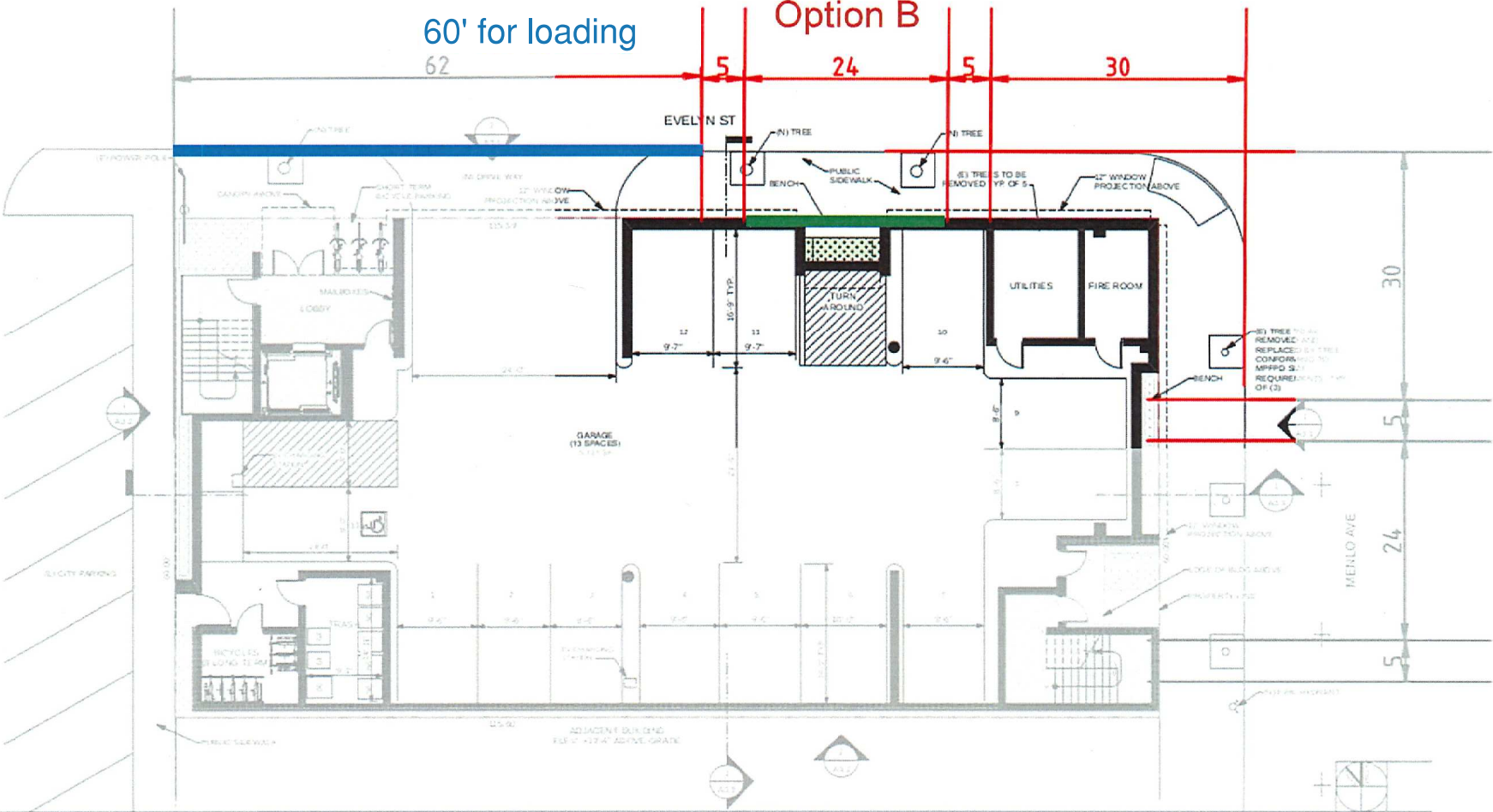
Option A

Alternate Driveway Locations, per Guidelines

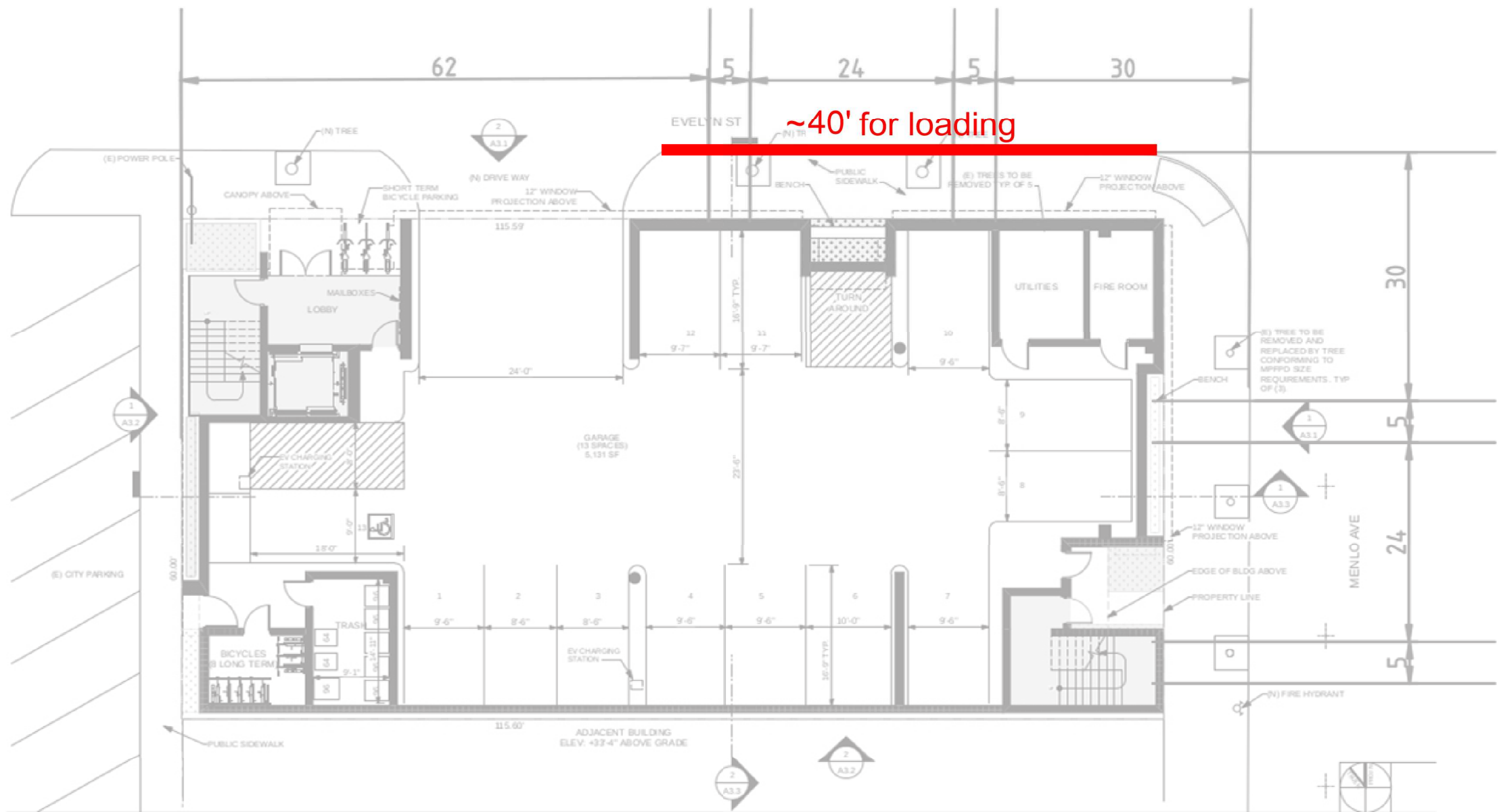


Option B

Alternate Driveway Locations, per Guidelines

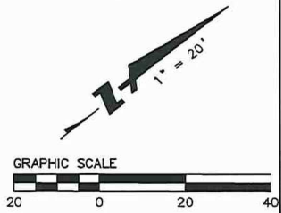
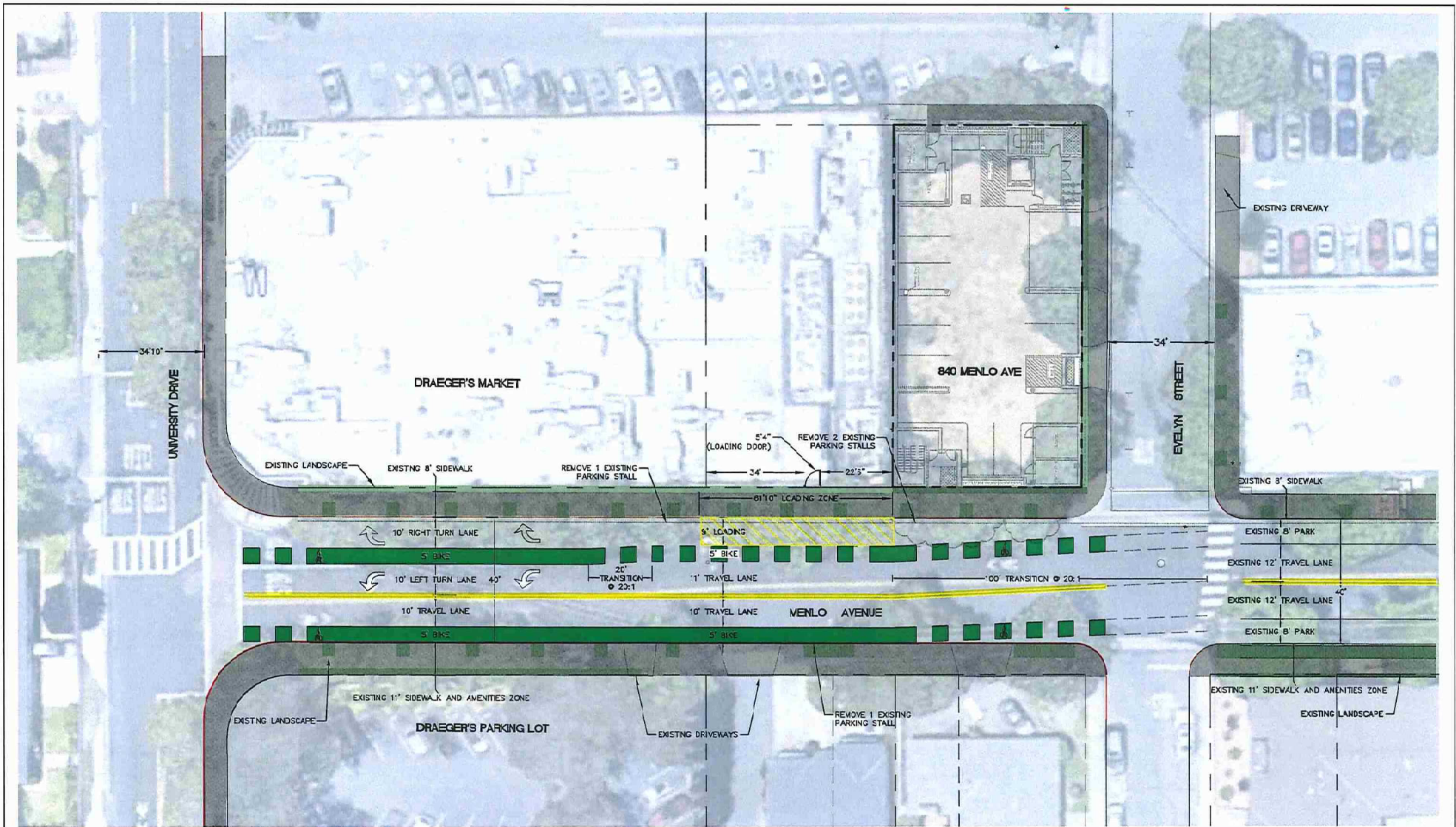


Option C: Loading Between Development Driveway and Crosswalk



Option D: Loading Spaces on Opposite Sides of Evelyn





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Option E STRIPING EXHIBIT 840 MENLO AVE

SAN MATEO COUNTY

MENLO PARK

CALIFORNIA

DATE 05.15.2017
SCALE 1"=20'
JCE NO. 20156016

EX 1

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STAFF REPORT

City Council

Meeting Date:

10/23/2018

Staff Report Number:

18-197-CC

Regular Business:

Provide direction on the selection of a firm to lead the recruitment process of a new permanent city manager and authorize the City Manager to execute a professional services agreement with the selected firm

Recommendation

Staff recommends that the City Council provide direction on the selection of a firm to lead the recruitment process of a new permanent city manager and authorize the City Manager to execute a professional services agreement with the selected firm.

Policy Issues

The City Council has sole responsibility of appointing a city manager. The city manager serves as the City's chief executive officer.

Background

On September 24, 2018, City Manager Alex McIntyre announced his resignation from the City to accept the position of city manager in the City of Ventura. At the Mayor's direction, staff began soliciting proposals from professional recruiting firms that specialize in local government recruitments.

On October 9, 2018, City Council created a subcommittee (Ohtaki and Mueller) to oversee the selection process of a professional recruiting firm to lead the recruitment of a new permanent city manager. Hiring a professional recruiting firm allows internal human resources staff to remain focused on the recruitment of 47.75 full-time equivalent personnel vacancies existing as of October 2. In addition to enabling internal staff the ability to stay focused on recruiting the significant number of vacant positions, a recruiter has access to a network of professionals who may be interested in coming to Menlo Park.

Analysis

Staff received proposals from four professional recruiting firms: Bob Murray and Associates, GovHR USA, Peckham and McKenney and Ralph Anderson and Associates. Each proposal included experience, recruitment timelines, costs, deliverables and options for a community engaged process. Upon review of all proposals, one firm's experience did not demonstrate any local area City Manager recruitments (HRGov USA.) Based on input received from City Council and the public at the October 9, 2018 City Council meeting about the importance of familiarity with the local area, HRGov USA was not selected to

participate in the interview process. The remaining three firms have been invited to participate in telephone interviews October 22, 2018 with the City Council subcommittee. It is anticipated that after a complete review of the proposals and interviews, the subcommittee will be prepared to recommend selecting a firm to the full City Council this evening. If a firm is selected, staff will facilitate execution of a professional services agreement with the selected firm, and any other activities City Council directs to be completed before selection of a new subcommittee at the December 11, 2018 City Council meeting, when the three successful candidates of the November 6, 2018 district elections are expected to be sworn in. This new subcommittee will work with the selected recruiter to finalize recruitment activities and the selection process.

Impact on City Resources

The anticipated cost of a professional recruiter is \$25,000 - \$35,000, depending on the selected firm and recruitment process activities. This will not require a budget amendment as sufficient funds are available resulting from salary savings for the higher than anticipated vacancy factor.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it proposes an organizational structure change that will not result in any direct or indirect physical change in the environment.

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. Bob Murray and Associates' proposal
- B. GovHR USA's proposal
- C. Peckham and McKenney's proposal
- D. Ralph Anderson and Associates' proposal

Report prepared by:

Lenka Diaz, Administrative Services Director



A Proposal to Conduct an Executive Recruitment
for the Position of
CITY MANAGER
on behalf of the
CITY OF MENLO PARK

1544 Eureka Road, Suite 280
Roseville, CA 95661
(916) 784-9080
(916) 784-1985 fax

October 5, 2018

Mayor Peter Ohtaki and Members of the City Council
City of Menlo Park
City Council Chambers
701 Laurel Street
Menlo Park, CA 94025

Via email only to: LDDiaz@menlopark.org

Dear Mayor Ohtaki and Council Members:

Bob Murray & Associates is pleased to submit a proposal to conduct the City Manager recruitment for the City of Menlo Park. The following details our qualifications and describes our systematic—yet flexible—method of identifying, recruiting, and screening outstanding candidates on your behalf. It also includes a proposed budget, timeline, and guarantee.

At Bob Murray & Associates, we pride ourselves on providing quality service to local governments, non-profit agencies, and private firms. Our recruitment process helps you to determine the direction of the search and the types of candidates you seek while capitalizing on our decades of experience and vast network of contacts to reach those candidates. Our expertise ensures that the candidates we present to the City of Menlo Park will match the criteria you have established, be a good fit for your organization, and be outstanding in their field.

We have placed over 200 City Managers since our firm's inception in 2000. We are currently conducting City Manager recruitments on behalf of the cities of Arvin, Daly City, Elk Grove, Lincoln, Madera, Millbrae, and Solvang, CA. Our most recently completed City Manager and Town Manager recruitments include those on behalf of the cities of Adelanto, Alhambra, Atwater, Banning, Bell, Bradbury, Compton, Covina, Dana Point, Dinuba, El Centro, Grass Valley, Greenfield, Gridley, Hesperia, Imperial, Lemon Grove, Lompoc, Los Altos, Manteca, Martinez, Marysville, Menifee, Merced, Novato, Pasadena, Rio Vista, Rosemead, Roseville (limited scope), San Fernando, San Gabriel, Santa Fe Springs, Santa Paula, Santee, Seaside, St. Helena, Willits, and Windsor, CA; Chandler, AZ; Boulder City, NV; and Newberg, OR. Our extensive contacts and knowledge of outstanding candidates will ensure you have a quality group of finalists from which to select the City of Menlo Park's next City Manager.

Recent City Manager recruitments we have completed similar in size and scope to your upcoming search include the following:

2018

Lompoc, CA
Roseville, CA (limited scope search)

Compton, CA
Covina, CA
El Centro, CA
Grass Valley, CA
Menifee, CA
Marysville, CA
San Fernando, CA
San Gabriel, CA
Santa Fe Springs, CA

2017

Adelanto, CA
Alhambra, CA
Atwater, CA
Boulder City, NV

St. Helena, CA
Tracy, CA
Willits, CA
Windsor, CA (Town Manager)

Martinez, CA
Merced, CA
Oceanside, CA
Santee, CA
Seaside, CA

2016

Bradbury, CA
Chandler, AZ
Commerce, CA (City Administrator)
Dana Point, CA
Gridley, CA (City Administrator)
Greenfield, CA
Imperial, CA
Los Altos, CA
Manteca, CA
Newberg, OR
Novato, CA
Pasadena, CA
Rio Vista, CA
Rosemead, CA
Santa Paula, CA

2014

Arvin, CA
Goleta, CA
Modesto, CA
Oxnard, CA
Pico Rivera, CA
Rancho Cordova, CA
Rancho Palos Verdes, CA
Redondo Beach, CA
San Fernando, CA
Sterling, CO
Temple City, CA
Tucson, AZ

2015

Banning, CA
Bell, CA
Chandler, AZ
Dinuba, CA
Hesperia, CA
Lemon Grove, CA

We work as a team on every search at Bob Murray & Associates. Your Project Lead would be Mr. Gary Phillips, who would not only direct and supervise the project team from beginning to end, but also serve as the Recruiter for the project as well.

To learn first-hand of the quality of our services and why the majority of our engagements come from repeat and referred clients, we invite you to contact the references listed on page 14 of the attached proposal.

We look forward to your favorable consideration of our qualifications. Please do not hesitate to contact us at (916) 784-9080 with any questions.

Sincerely,

Valerie Gaeta Phillips

Valerie Gaeta Phillips
President, Bob Murray & Associates

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THE RECRUITMENT PROCESS

Bob Murray & Associates' recruiters are specialists in finding the perfect fit, providing security and fairness to candidates and clients while ensuring the integrity of the search process. We understand that superlative recruiting for the City Manager will lead to superlative results for the City of Menlo Park. Outlined below are the steps in our proven recruitment process, refined through our 30+ years of experience in executive search.

STEP 1 DEVELOP THE CANDIDATE PROFILE

Our understanding of the City of Menlo Park's needs will be key to a successful search. Mr. Gary Phillips will meet in person with the Mayor and City Council and key stakeholders to learn as much as possible about the ideal candidate for the City Manager position. We want to become familiar with the values and culture of the organization, as well as to understand the current—and future—issues, challenges, and opportunities in the City of Menlo Park.

Mr. Phillips will review and help define the City's wish-list regarding the ideal candidate's personality, management style, knowledge, skills, and abilities and will work with the City to identify expectations regarding education and experience. The Mayor and City Council and Mr. Phillips will discuss compensation, benefits, and other key information necessary to ensure that outstanding candidates are attracted to this opportunity. The profile we develop together at this stage will drive subsequent recruitment efforts.

Optional Service: Community and Staff Involvement

We find that many of our clients value a recruitment process that opens the opportunity for community members, business leaders, organization representatives, and employees to provide input regarding the ideal candidate. Our recruiters are skilled in designing and facilitating forums, town hall meetings, and online surveys that allow equitable involvement from a variety of constituencies and in consolidating feedback into a cohesive narrative of common themes.

If the City of Menlo Park so desires, we will work with the Mayor and City Council to create a customized community and/or staff input process.

STEP 2 DESIGN/DISTRIBUTE BROCHURE AND ADVERTISEMENTS

Mr. Phillips and your dedicated Recruitment Coordinator will use the candidate profile developed with the City of Menlo Park to create a professional recruitment brochure, with the assistance of our professional graphic designer. The four-page, full-color brochure will describe the community, organization, position, ideal candidate, and compensation and will include pictures provided by the City of Menlo Park that you feel best represent your organization and your community.

Upon your approval, Mr. Phillips will send the brochure by postal mail and email to a targeted audience, personally inviting potential candidates to apply for the City Manager position. We will also place the recruitment brochure on our website, which attracts over 11,000 unique hits weekly and is a trusted resource for candidates seeking executive and professional positions. A sample brochure is included in this proposal package for your reference.

Mr. Phillips will also design an effective advertising campaign appropriate for the City Manager recruitment. Our broadest outreach comes through our active social media involvement on Facebook, LinkedIn, and Twitter, where upcoming and current positions are posted. Sources such as *Western City Magazine*, the “Jobs Available” newsletter, and the Careers in Government website will be used to reach an extensive local government audience, while position-specific postings will be chosen to attract candidates who have built their careers in and are committed to the City Manager field.

Suggested City Manager-specific advertising sources for the City of Menlo Park’s search include:

- California City Management Foundation
- California City News
- ICMA Newsletter

Bob Murray & Associates does not typically place ads with job aggregators or general job posting sites such as CareerBuilder, Monster, or Indeed, as we have found that the broad reach of these sites does not necessarily lead to quality candidates for executive and professional positions.

Reaching Diverse Candidates

Bob Murray & Associates, a woman- and minority-owned business, is proud of its commitment to attracting and placing diverse candidates. Not only do we place advertisements with websites designed to attract minority and female candidates, but our President, Valerie Phillips, is a member herself of many diversity-focused organizations including the Local Government Hispanic Network, the League of Women in Government, the Professional Women’s Network, Mexican Professionals, and Women Leading Government. She networks frequently with fellow members to gain insight into which potential candidates are leaders in their field.

Mr. Phillips will seek to reach candidates in communities and organizations with demographic profiles and populations served like that of the City of Menlo Park, to maximize the potential for individuals from a wide variety of backgrounds, cultures, and life experiences to be considered for the City Manager position.

STEP 3 RECRUIT CANDIDATES

The strongest candidates are often those who are successful and content in their current positions and need to be sold on a new opportunity. Our extensive network of contacts, developed through over 1,400 successful placements, is a primary source for identifying and obtaining referrals for these candidates. Our in-house database of 40,000 current and former executive and professional candidates is a valuable resource that can only be built over time—time that we have invested into perfecting our process for finding the right candidates for our clients. Our aggressive outreach efforts are focused on phone calls to personally invite potential applicants, answer questions, and allay any reservations, and these efforts are essential to the success of the City Manager recruitment.

STEP 4 SCREEN CANDIDATES

Following the closing date for the recruitment, Mr. Phillips will screen all resumes we have received, using the criteria established in the candidate profile as a basis upon which to narrow the field of candidates. Internal candidates receive sensitive consideration, and Mr. Phillips will discuss with the Mayor and City Council how the City of Menlo Park wishes to proceed with these candidates.

STEP 5 CONDUCT PRELIMINARY INTERVIEWS

Mr. Phillips will personally interview the top 10 to 15 candidates from the resume screening, with the goal of determining which candidates have the greatest potential to succeed in your organization. To reduce travel-related expenses to our clients and increase efficiency in the search process, these interviews are typically conducted via Skype, FaceTime, or other convenient videoconferencing applications.

During these in-depth interviews, Mr. Phillips will explore each candidate's background and experience as it relates to the City Manager position, such as significant accomplishments, size and scope of responsibility, and organizational culture. In addition, Mr. Phillips will discuss with the candidates their motivation for applying for the position and assess his/her knowledge, skills, and abilities. We will devote specific attention to establishing the likelihood of the candidate's acceptance of the position if an offer of employment is made.

STEP 6 SEARCH PUBLIC RECORDS

Under the direction of Mr. Phillips, your dedicated Recruitment Coordinator will conduct a review of published print and online articles for each recommended candidate. Sources include Lexis-Nexis™, Google, social media, and our contacts in the field. This will alert Mr. Phillips to any further detailed inquiries we may need to make before our recommendations are finalized.

STEP 7 MAKE RECOMMENDATIONS

Based on our findings during the preliminary interview process, Mr. Phillips will recommend a limited number of candidates for your further consideration. He will make specific recommendations and will help facilitate discussions regarding the candidate pool, but the final determination of those to be considered will be up to you.

We typically recommend 6-8 candidates that we feel will best match your expectations, and we prepare a detailed written report on each candidate. This bound report provided to each member of the decision-making body includes:

- Candidate list with Recommended Finalists identified in *Group 1* and *Group 2* (primary and secondary recommendations), as well as *Internal* candidates
- Summary of experience, education, and salary information for each Recommended Finalist candidate
- Complete cover letter and resume for each Recommended Finalist candidate

- List of *Other Applicants* (those who did not meet minimum qualifications or were otherwise unsuitable, based on our screening process)

Bob Murray & Associates maintains all search records for a period of seven (7) years following each recruitment, and we are happy to forward cover letters and resumes for each applicant by postal mail or email as soon as the recruitment closes to new applications.

STEP 8 FACILITATE FINAL INTERVIEWS

Our years of experience will be invaluable as we help you develop an interview process that objectively assesses the qualifications of each candidate. We will work with the City of Menlo Park to craft and implement an interview approach that fits your needs. This may include individual and panel interviews by the Mayor and City Council and key stakeholders, community/employee interview panels, writing and presentation samples, meet-and-greets, or another specialized process element Mr. Phillips helps the City of Menlo Park to design.

Mr. Phillips will be present on-site during the interviews to facilitate as necessary during the process and to guide discussion to consensus regarding final candidates. Bound interview books will be provided to each interview panel member containing:

- Recruitment brochure with candidate profile
- Interview schedule
- Suggested interview questions
- Experience summary, cover letter, resume, and rating form for each candidate
- Ranking forms for use during the panel interview process

We will work closely with your staff to coordinate and schedule interviews and candidate travel. Our goal is to ensure that each candidate has a very positive experience, as the way the entire process is conducted will influence the final candidates' perception of your organization.

STEP 9 CONDUCT BACKGROUND AND REFERENCE CHECKS

Mr. Phillips and your Recruitment Coordinator will conduct detailed reference checks for up to three (3) final candidates. To gain an accurate and honest appraisal of the candidates' strengths and weaknesses, we will talk candidly with people who have direct knowledge of their work and management style. In addition to gaining a 360-degree view of candidates from the perspective of their supervisors, subordinates and peers for the past several years, we will make a point of speaking confidentially to individuals who may have further insight into a candidate's abilities but who may not be on their preferred list of contacts.

Your Recruitment Coordinator will work with candidates and our professional backgrounding firm, HireRight, to conduct credit, civil litigation, and motor vehicle record checks and verify candidates' degrees.

STEP 10 ASSIST IN NEGOTIATIONS

We recognize the critical importance of successful negotiations and can serve as your representative during this process. Mr. Phillips knows what other organizations have done to put deals together with great candidates and what the current market is like for City Manager positions in organizations like the City of Menlo Park's. He will be available to advise you regarding current approaches to difficult issues, such as housing and relocation. We will represent your interests and advise the chosen candidate and you regarding salary, benefits, and employment agreements, with the goal of putting together a deal that results in the appointment of your chosen candidate. With our proven experience and vested interest in a positive outcome, we can turn a very difficult aspect of the recruitment into one that is straightforward and agreeable for all parties involved.

COMPLETE ADMINISTRATIVE ASSISTANCE

We receive many unsolicited testimonials each year from clients and candidates alike noting our prompt, considerate, accurate, and professional service during the search process. Throughout the recruitment, in time intervals that suit the City of Menlo Park, we will provide you with updates on the status of the search and attend to all administrative details on your behalf.

Candidates receive immediate acknowledgement of their applications, as well as personal phone calls and/or emails (as appropriate) advising them of their status at each critical point in the recruitment. Candidates who receive preliminary or final interviews and are not chosen to move forward in the interview process will receive personal calls from Mr. Phillips on behalf of the City of Menlo Park.

It is our internal company standard that all inquiries from clients and candidates receive a response within the same business day whenever possible, and certainly within 24 hours if the inquiry is received during the work week. Mr. Phillips will be available to the City of Menlo Park by office phone, cell phone, and email at any time to ensure a smooth and stress-free recruitment process.

COSTS AND GUARANTEE

PROFESSIONAL FEE AND EXPENSES

The fixed, flat professional services fee for conducting the City Manager recruitment on behalf of the City of Menlo Park is \$18,500. Services provided for in this fee consist of all steps outlined in this proposal, including four (4) days of meetings on site and complete reference and background checks for up to three (3) final candidates.

The City of Menlo Park will also be responsible for reimbursing expenses Bob Murray & Associates incurs on your behalf. We estimate expenses for this project not to exceed \$6,500. Reimbursable expenses include (but are not limited to) such items as the cost of recruiter travel; clerical support; brochure development; placement of ads; credit and civil background checks; education verification; and public records searches. Postage, printing, photocopying, and telephone charges are allocated costs and included in the expense estimate. *In no instance will expenses exceed this estimate without prior approval from the City of Menlo Park.*

Expense reimbursement for candidate travel related to on-site interviews will be the responsibility of the City of Menlo Park.

Professional Fees and Reimbursable Expenses	
Professional Services (Fixed Flat Fee)	\$18,500
Reimbursable Expenses <i>Example costs and approximate amounts include:</i>	
Brochure Design and Printing (\$1,275)	
Advertising (\$3,000)	\$6,500
Background Checks – 3 candidates (\$550)	
Consultant Travel (\$1,100)	
Other expenses – supplies, shipping, clerical (\$575)	
Not-to-Exceed Total	\$25,000

Optional Services

- Community/Staff Input Forum: \$1,500/day, plus travel expenses
- Online survey with analysis of results: \$250
- Additional on-site meeting days: \$1,500/day, plus travel expenses
- Additional background checks: \$250/candidate
- Additional reference checks: \$500/candidate
- Other services: \$250/hour or \$1,500/day

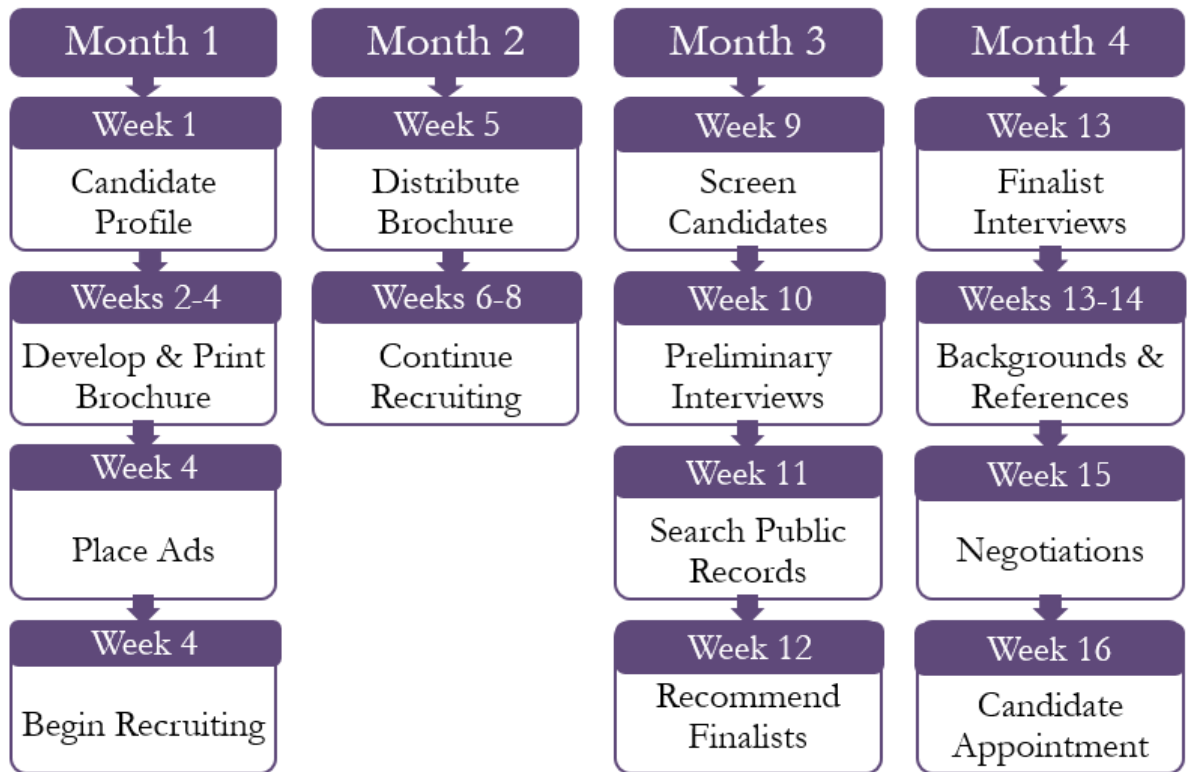
GUARANTEE

Should a candidate recommended by our firm position resign or be terminated within the first 12 months of employment, we will provide the City of Menlo Park with professional services to secure a replacement. Services will be provided at no cost, aside from expenses incurred on the City of Menlo Park's behalf during the new search. We are confident in our ability to recruit outstanding candidates and do not expect the City to find it necessary to exercise this provision of our proposal.

RECRUITMENT SCHEDULE

We are prepared to start work on this assignment upon receipt of a signed professional services agreement or other written, authorized notification. A full search can be completed in 13-16 weeks from the date of initial meetings with our client.

The final recruitment schedule will be determined in collaboration with City of Menlo Park. A typical timeline of tasks and events is included here for reference.



FIRM PROFILE

OUR STAFF

Bob Murray & Associates is a small firm focusing exclusively on executive search services. We have a team of seven (7):

- Bob Murray, *Founder*
- Valerie Gaeta Phillips, *President*
- Gary Phillips, *Executive Vice President*
- Regan Williams, *Vice President*
- Joel Bryden, *Vice President*
- Amber Smith, *Principal Recruitment Coordinator*
- Hellen Amsden, *Senior Recruitment Coordinator*

BOB MURRAY, FOUNDER

Mr. Murray—known simply as “Bob” to his clients and candidates throughout the western U.S.—brings over 40 years’ experience as a recruiter and is recognized as one of the top local government recruiters in the nation. He conducted hundreds of searches for cities, counties, and special districts and was called on to conduct searches for some of the largest, most complex organizations in the country—and some of the smallest. Bob conducted searches for chief executives, department heads, professional and technical positions, taking the lead on many of the firm’s most difficult assignments with great success. His clients retained him again and again, given the quality of his work and success in finding candidates for difficult to fill positions.

As our Founder, Bob currently takes on few searches personally but continues to be an active presence at Bob Murray & Associates, providing valued insight and experience to our team members regarding all aspects of the recruitment process.

Mr. Murray received his Bachelor of Science Degree in Criminology from the University of California at Berkeley with graduate studies in Public Administration at California State University at Hayward.

VALERIE GAETA PHILLIPS, PRESIDENT AND RECRUITER

Ms. Gaeta Phillips has over 18 years of recruiting experience, including more than a decade of recent experience in executive search for public, private, and startup companies nationwide. Since joining Bob Murray & Associates, Valerie has completed over 40 searches in a diverse range of fields, including city and general management, planning, finance, human resources, transportation, communication and public relations, community and economic development, information technology, parks and recreation, and operations. She has recruited at all levels of municipal and non-profit organizations, from technicians and engineers to Executive Directors and Chief Executive Officers.

Valerie is valued for her passion for finding and retaining the most outstanding candidates for even the most difficult or untraditional assignments and for her commitment to her clients’

success; she is also active in a variety of industry organizations and in diversity-focused associations. Valerie is called upon often to serve as an expert speaker on topics such as managing one's online reputation, diversity issues in municipal and non-profit leadership, and how to identify a good "fit" for organizational culture.

Ms. Gaeta Phillips, along with Executive Vice President Gary Phillips, has a passion for helping people, evidenced by fundraising, sponsorship, and involvement in raising awareness for organizations such as Autism Speaks, the UC Davis M.I.N.D. Institute, and the Northern California Special Olympics.

GARY PHILLIPS, EXECUTIVE VICE PRESIDENT AND DESIGNATED RECRUITER

Since joining Bob Murray & Associates, Mr. Phillips has completed over 50 searches for executives and professionals in a wide variety of fields including animal services, city and general management, planning, legal counsel, cyber security, and human resources. Gary's clients have ranged from municipal government to non-profit and private sector organizations, and he has sourced outstanding candidates for positions from the level of division managers up to City Managers, Executive Directors, and General Managers.

Gary started his career with a New York-based Fortune 100 company and quickly became a Senior Manager, building and running a large customer service organization that eventually expanded to 13 countries in Europe. He proceeded to hold senior leadership positions in several Fortune 500 companies, with noted successes such as building an organization from two to 250 employees worldwide and growing a company from 800 to 1200 employees.

As part of an executive acquisition and recruiting team, Gary helped build a start-up enterprise software company in San Francisco, recruiting top-notch talent and building a world-class organization. He has maintained customer relationships in the public sector and the private sector, including medical and financial institutions. He prides himself on finding key talent and offering the best customer service to his clients.

Mr. Phillips, along with Ms. Gaeta-Phillips, is involved in his community as a soccer coach, as an organizer of fundraisers for Autism Speaks and the UC Davis M.I.N.D. Institute, and as a sponsor of the Northern California Special Olympics. Mr. Phillips received his Associate of Science degree and completed additional coursework at Rochester Institute of Technology, NY.

REGAN WILLIAMS, SENIOR VICE PRESIDENT AND RECRUITER

Mr. Williams brings 30 years of local government experience to Bob Murray & Associates and has over 17 years of experience in executive recruitments with our firm. In his time with Bob Murray & Associates, Regan has conducted over 275 executive searches ranging from managers and department heads to City Managers, Executive Directors, and General Managers. If Regan were to have a recruiting specialty, it would be public safety positions: he has personally conducted over 60 Police Chief and 20 Fire Chief recruitments.

Prior to joining Bob Murray & Associates, Regan served as Director of Public Safety with the City of Sunnyvale, CA. He was involved in the development of some of Sunnyvale's most innovative public safety programs and has a national reputation for excellence in law enforcement, as well as

in law enforcement executive recruiting. Regan's clients find his prompt and personal attention, insight, and expertise in recruitment and selection an asset. He is often called upon to recruit for difficult-to-fill law enforcement positions, such as the position of Police Chief or City Manager in challenging political environments.

Mr. Williams received his Bachelor of Science Degree in Administration of Justice from San Jose State University. He is also a graduate of the FBI National Academy.

JOEL BRYDEN, VICE PRESIDENT AND RECRUITER

Mr. Bryden has over 30 years of local government experience that he brings to the firm, having retired as Chief of Police in Walnut Creek, CA prior to joining Bob Murray & Associates in 2012. Throughout his career, Joel has been involved in public sector consulting, with vast experience in hiring and promotional processes, as well as interviewing candidates for advancement in all aspects of local government.

Joel has a solid reputation as a leader in the public sector and his ability to find and evaluate outstanding applicants for our clients is invaluable in the search process. Since joining Bob Murray & Associates, Joel has conducted over 50 recruitments in a broad range of sectors including police, fire, building, planning, city management, and general management. He is often called upon to recruit specialized or difficult-to-fill positions, such as Independent Police Auditor.

Mr. Bryden is a graduate of the FBI National Academy and obtained his Bachelor of Arts Degree in Communication from San Diego State University. He is currently based in Walnut Creek, CA.

AMBER SMITH, PRINCIPAL RECRUITMENT COORDINATOR

As Principal Recruitment Coordinator with Bob Murray & Associates, Ms. Smith acts as a liaison between clients and candidates from beginning to end of each recruitment process. Under the direction of each client's assigned Recruiter, Amber is responsible for the development and distribution of position recruitment and advertising materials, client research, reference and background checks, responding to requests for proposals, and providing a broad range of support services for the recruiting team. She also provides leadership for our in-house staff and is an invaluable resource.

Amber brings over a decade of client-oriented customer service, administrative, and management experience to Bob Murray & Associates. Since joining our team in 2011, she has shown a commitment to working as a partner with clients and candidates to provide a quality service and experience.

Ms. Smith received her Bachelor of Arts degree in Business Administration from La Sierra University, Riverside, California.

HELLEN AMSDEN, SENIOR RECRUITMENT COORDINATOR

Ms. Amsden acts as a liaison among clients, recruiters, and candidates throughout each recruitment process. Under the direction of our client's assigned Recruiter, Hellen's responsibilities include development and distribution of position recruitment and advertising materials, client and candidate research, reference and background checks, responding to requests for proposals, and providing a broad range of support services for the recruiting team.

Hellen joined our firm in 2016 with nearly a decade of customer service, administrative, and leadership experience. She is committed to providing the highest level of quality support and to working as a partner with clients and candidates throughout the search process.

Ms. Amsden graduated summa cum laude with a Bachelor of Arts degree in Leadership and Organizational Studies from Saint Mary's College of California.

CORPORATION

Bob Murray & Associates was founded in May 2000 and operated under the corporation name MBN Services, Inc. until June 2014; our new corporation name is GVP Ventures, Inc., incorporated in California in 2014. Contact information for the corporation and the firm is as follows:

GVP Ventures, Inc. OR Bob Murray & Associates
1544 Eureka Road, Ste. 280
Roseville, CA 95661
(916) 784-9080
apply@bobmurrayassoc.com

Our corporation and firm are financially sound (and have been so since 2000), with documentation from our accountant available to your organization prior to final execution of a professional service agreement. We have never been involved in any litigation, aside from our personnel serving as expert witnesses when called to do so.

PROFESSIONAL ASSOCIATIONS

Our firm, represented by either our President or our Executive Vice President, are involved in the following organizations to remain engaged with current and future issues relevant to the work we conduct on behalf of clients like City of Menlo Park:

- California Special Districts Association – *Member*
- California City Management Foundation (CCMF) – *Member*
- International City/County Management Association (ICMA) – *Member*
- League of California Cities – *League Partner*
- League of Women in Government – *Sponsor/Member*
- Municipal Management Association of Northern California (MMANC) – *Sponsor/Member*
- Municipal Management Association of Southern California (MMASC) – *Sponsor/Member*

Members of our leadership team not only attend events sponsored by these associations but are also frequently called upon to serve as panel members and to provide specialized lectures regarding industry-specific issues.

Recent and upcoming speaking engagements and trainings provided by our staff include:

- “Role of the Chief” class, presented by Joel Bryden on behalf of the California Police Chiefs Association
- “Standing Out from the Crowd with Your Online Reputation,” presented by Valerie Phillips at the 2017 MMASC Annual Conference; and
- Organization of Latino Affairs invited speaker, Valerie Phillips for Hispanic Heritage Month

REFERENCES

Clients and candidates are the best testament to our ability to conduct quality searches. Clients for whom Bob Murray & Associates has recently conducted similar searches are listed below.

CLIENT: City of Lompoc, CA
POSITION: City Manager
YEAR: 2018
REFERENCE: Mr. Gabriel (Gabe) Garcia,
Human Resources Manager,
(805) 875-8209
G_Garcia@ci.lompoc.ca.us

CLIENT: City of St. Helena, CA
POSITION: City Manager
YEAR: 2017
REFERENCE: Mr. Alan Galbraith,
Mayor, (707) 419-9367
agalbraith@cityofsthelema.org

CLIENT: City of Bradbury, CA
POSITION: City Manager
YEAR: 2017
REFERENCE: Mr. Bruce Lathrop,
Mayor, (626) 358-3218
bruce.lathrop@cityofbradbury.org

CLIENT: City of Los Altos, CA
POSITION: City Manager
YEAR: 2016
REFERENCE: Ms. Jeannie Bruin,
Mayor, (650) 947-2700
jbruins@losaltosca.gov

We appreciate the City of Menlo Park's consideration of our proposal and look forward to working with you.



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October 5, 2018

Ms. Lenka Diaz
Administrative Services Director
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Dear Ms. Diaz:

Thank you for the opportunity to provide you with a proposal for the City Manager recruitment and selection process for the City of Menlo Park. GovHR USA ("GovHR") prides itself on a tailored, personal approach to executive recruitment and selection, able to adapt to your specific requirements for the position.

Qualifications and Experience

GovHR is a public management consulting firm serving municipal clients and other public-sector entities on a national basis. Our headquarters offices are in Northbrook, Illinois. We are a certified Female Business Enterprise in the State of Illinois and work exclusively in the public sector. We have 11 full time and 8 part time employees and 23 project consultants. GovHR offers customized executive recruitment services and completes other management studies and consulting projects for communities. Please note the following key qualifications of our firm:

- Since our establishment in 2009, our consultants have conducted hundreds of recruitments in 29 states, with an increase in business of at least 30% each year. Twenty-eight (28%) of our clients are repeat clients, the best indicator of satisfaction with our services.
- Surveys of our clients show that 94% rate their overall experience with our firm as *Outstanding and* indicate that they plan to use our services or highly recommend us in the future.
- Our state of the art processes, including extensive use of social media for candidate outreach and skype interviews with potential finalist candidates, ensure a successful recruitment for your organization.
- Our high quality, thorough Recruitment Brochure reflects the knowledge we will have about your community and your organization and will provide important information to potential candidates.
- We provide a two-year guarantee for our recruitments. Less than 1% of our clients have had to invoke the guarantee.
- The firm has a total of twenty-three consultants, both generalists and specialists (public safety, public works, finance, parks, etc.), who are based in Arizona, Florida, Illinois, Indiana, Michigan, and Wisconsin, as well as five reference specialists and eight support staff.

Our consultants are experienced executive recruiters who have conducted over 600 recruitments, working with cities, counties, special districts and other governmental entities of all sizes throughout the country. In addition, we have held leadership positions within local government, giving us an understanding of the complexities and challenges facing today's public-sector leaders.

630 Dundee Road, Suite 130, Northbrook, Illinois 60062
Local: 847.380.3240 Fax: 866.401.3100 GovHRUSA.com

GovHR is led by Heidi Voorhees, President, and Joellen Earl, Chief Executive Officer. Ms. Voorhees previously spent 8 years with the nationally recognized public-sector consulting firm, The PAR Group, and was President of The PAR Group from 2006 – 2009. Ms. Voorhees has conducted more than 250 recruitments in her management consulting career, with many of her clients repeat clients, attesting to the high quality of work performed for them. In addition to her 12 years of executive recruitment and management consulting experience, Ms. Voorhees has 19 years of local government leadership and management service, with ten years as the Village Manager for the Village of Wilmette, IL. Ms. Earl is a seasoned manager, with expertise in public sector human resources management. She has held positions from Human Resources Director and Administrative Services Director to Assistant Town Manager and Assistant County Manager. Ms. Earl has worked in forms of government ranging from Open Town Meeting to Council-Manager and has supervised all municipal and county departments ranging from Public Safety and Public Works to Mental Health and Social Services.

Consultant Assigned

GovHR Chief Executive Officer & Co-owner Joellen Cademartori will be responsible for your recruitment and selection process. Her biography is attached to this Proposal and her contact information is:

Joellen J. Cademartori
Chief Executive Officer
GovHR USA LLC
Telephone: 847-380-3238
JCademartori@GovHRusa.com

A complete list of GovHR's clients is available on our website at www.govhrusa.com

References

The following references can speak to the quality of service provided by GovHR:

Hanover Park, IL

(Village Manager, 2012) – Heidi Voorhees

(Director of Public Works, 2014) – Heidi Voorhees

(Director of Finance, 2015) – Joellen (Earl) Cademartori

(Chief Information Officer, 2015) – Joellen (Earl) Cademartori

(Human Resources Director, 2016) – Joellen (Earl) Cademartori

Juliana Maller

Village Manager

2121 West Lake Street

Hanover Park, IL 60133

630-823-5608

jmaller@hpil.org

Cambridge, MA (City Manager, 2016) - Heidi Voorhees, Joellen (Earl) Cademartori & Lee Szyborski

Sheila Keady Rawson

Personnel Director

795 Massachusetts Ave.

Cambridge, MA 02139

617-349-4000

skeady@cambridgema.gov

David Maher

Councillor
dmaher@cambridgema.gov

Joliet, IL (City Manager, 2017) - Joellen (Earl) Cademartori

Bob O'Dekirk, Mayor
150 W. Jefferson Street
Joliet, IL 60432
815-724-3700
rodekirk@jolietcity.org
Marty Shanahan, Corporation Counsel
815-724-3805
mshanahan@jolietcity.org

Scope of Work

A typical recruitment and selection process takes approximately 175 hours to conduct. At least 50 hours of this time is administrative, including advertisement placement, reference interviews, and due diligence on candidates. We believe our experience and ability to professionally administer your recruitment will provide you with a diverse pool of highly qualified candidates for your City Manager search. GovHR clients are informed of the progress of a recruitment throughout the entire process. We are always available by mobile phone or email should you have a question or need information about the recruitment.

GovHR suggests the following approach to your recruitment, subject to your requests for modification:

Phase I – Position Assessment, Position Announcement and Brochure Development

Phase I will include the following steps:

- One-on-one or group interviews will be conducted with elected officials, appointed officials, staff, business community representatives and any other stakeholders identified by the client to develop our Recruitment Brochure. The Proposal assumes up to two full days and one night depending upon the client's needs. We can also utilize dedicated email and surveys to obtain feedback from stakeholder groups. Previous clients have invited community leaders to meetings with our consultants; other clients have developed surveys for the community or organization; and some clients request we use a combination of these methods to fully understand community and organizational needs and expectations for the next City Manager. We will work closely with you on the format that best meets your needs.
- Development of a **Position Announcement**.
- Development of a detailed **Recruitment Brochure** for your review and approval.
- Agreement on a detailed **Recruitment Timetable** – a typical recruitment takes 90 days from the time you sign the contract until you are ready to appoint the finalist candidate.

Phase II – Advertising, Candidate Recruitment and Outreach

We make extensive use of social media as well as traditional outreach methods to ensure a diverse and highly qualified pool of candidates. In addition, our website is well known in the local government industry – we typically have 5,000 visits to our website each month. Finally, we develop a database customized to your recruitment and can do an email blast to thousands of potential candidates.

Phase II will include the following steps:

- Placement of the Position Announcement in appropriate professional online publications. In addition to public sector publications and websites, outreach will include LinkedIn and other private sector resources. We can provide the City with a list of where we intend to place the position announcement, if requested.
- The development of a database of potential candidates from across the country unique to the position and to the City of Menlo Park, focusing on the leadership and management skills identified in Phase I as well as size of organization, and experience in addressing challenges and opportunities also outlined in Phase I. This database can range from several hundred to thousands of names depending on the parameters established for the outreach. Outreach will be done in person, and through e-mail and telephone contacts. GovHR consultants have extensive knowledge of the municipal government industry and will personally identify and contact potential candidates. With more than 600 collective years of municipal and consulting experience among our consultants, we often have inside knowledge about candidates.

Phase III – Candidate Evaluation and Screening

Phase III will include the following steps:

- Review and evaluation of candidates' credentials considering the criteria outlined in the Recruitment Brochure.

Candidates will be interviewed by skype or facetime to fully grasp their qualifications, experience and interpersonal skills. The interviews include asking specific questions about their experiences and skill sets as well as asking questions specific to the City Manager. We will ask follow up questions and probe specific areas. By utilizing skype or facetime we will have an assessment of their verbal skills and their level of energy for and interest in the position.

- Formal and informal references and an internet/social media search of each candidate will be conducted to further verify candidates' abilities, work ethic, management and leadership skills, analytical skills, interpersonal skills, ability to interact with the media, and any areas identified for improvement.
- All résumés will be acknowledged and contacts and inquiries from candidates will be personally handled by GovHR, ensuring that the City of Menlo Park's process is professional and well regarded by all who participate.

Phase IV – Presentation of Recommended Candidates

Phase IV will include the following steps:

- GovHR will prepare a Recruitment Report that presents the credentials of those candidates most qualified for the position. You will advise us of the number of reports you will need for the individuals involved in this phase of the recruitment and selection process. We provide a binder which contains the candidate's cover letter and résumé. In addition, we prepare a "mini" résumé for each candidate, so that each candidate's credentials are presented in a uniform way. GovHR will provide you with a log of all candidates who applied. You may also review all the résumés, if requested.
- GovHR will meet with you on-site to review the Recruitment Report and expand upon the information provided. The report will arrive two to three days in advance of the meeting, giving you the opportunity to fully review it. In addition to the written report, we will spend 2 to 3 hours discussing the candidates by reviewing their skype interviews and providing excerpts from the references we will have conducted on the individuals.

Phase V – Interviewing Process

Phase V will include the following steps:

- After the Recruitment Report is presented, the Interviewing Process will be finalized including the discussion of any specific components you deem appropriate, such as a writing sample or oral presentation.
- GovHR will develop the first and second round interview questions for your review and comment. GovHR will provide you with interview books that include the credentials each candidate submits, a set of questions with room for interviewers to make notes, and evaluation sheets to assist interviewers in assessing the candidate's skills and abilities.
- GovHR will work with you to develop an interview schedule for the candidates, coordinating travel and accommodations. In addition to a structured interview with the City, the schedule will incorporate a tour of City of Menlo Park's facilities and interviews with senior staff, if the City so desires.
- Once candidates for interview are selected, additional references will be contacted, along with verification of educational credentials, criminal court, credit, and motor vehicle and records checks.
- GovHR recommends a two-step interviewing process with (typically) five or six candidates interviewed in the first round. Following this round, we strongly suggest that two or three candidates are selected for second round interviews. Again, we will prepare a second round of interview questions and an evaluation sheet.
- GovHR consultants will be present for all the interviews, serving as a resource and facilitator.

Phase VI – Appointment of Candidate

- GovHR will assist you as much as you request with the salary and benefit negotiations and drafting of an employment agreement, if appropriate.
- GovHR will notify all applicants of the final appointment, providing professional background information on the successful candidate.

Leadership/Personality Assessments

GovHR has experience working with a wide variety of leadership and personality assessment tools, depending on the qualities and experiences the client is seeking in their candidates. These include but are not limited to Luminaspark, Caliper, DISC and others. Typically these tools cost \$300 per candidate to administer. This fee is not included in our proposal.

Optional 360° Evaluation

As a service to the City of Menlo Park, we offer the option to provide you with a proposal for a 360° performance evaluation for the appointed City Manager at about six months into his or her employment. This evaluation will include seeking feedback from both Elected Officials and Department Directors, along with any other constituent the City feels would be relevant and beneficial. This input will be obtained on a confidential basis with comments known only to the consultant. If you are interested in this option, GovHR USA will prepare a proposal for this service.

Recruitment Schedule

A detailed recruitment schedule will be provided in Phase I. The recruitment and selection process typically takes 90 days from the time the contract is signed until the candidate is appointed. We can work with you on a shorter process, should you so desire.

Our typical recruitment process includes the following milestones and deliverables:

➤ Weeks 1 - 2	On-site interviews of City officials and staff, development and approval of recruitment brochure Deliverable: recruitment brochure
➤ Weeks 3 - 8	Placement of professional announcements; candidate identification, screening, interview and evaluation by consultant
➤ Week 9	Consultant recommendation to the City of qualified candidates Deliverable: recruitment report
➤ Week 10	Selection of candidate finalists by the City; additional background and reference checks, report preparation and presentation Deliverable: interview reports including suggested questions and evaluation sheets
➤ Weeks 11-12	Interviews of selected finalist candidates; recommendation of final candidate; negotiation, offer, acceptance and appointment

Summary of Costs	Price
Recruitment Fee:	\$16,000
Recruitment Expenses: (not to exceed) ➤ Expenses include consultant travel, postage/shipping, telephone, support services, candidate due diligence efforts. copying etc.	6,000
Advertising: *Advertising costs over \$2,500 will be placed only with client approval. If less than \$2,500, Client is billed only for actual cost.	2,500*
Total:	\$24,500**

**This fee does not include travel and accommodations for candidates interviewed. Recruitment brochures are produced as electronic files. Printed brochures can be provided, if requested, for an additional cost of \$900.

The above cost proposal is predicated on four consultant visits to the City; the first for the recruitment brochure interview process (up to two full days and one night, depending upon the client's needs; if

additional days are needed they will be billed at \$500 per half day and \$1,000 for a full day, plus additional hotel charges, if required); the second to present recommended candidates; and the third and fourth for the candidate interview process (up to two full days and one night, depending upon the client's needs, second round interviews are often scheduled a week or so following the first round interviews). Any additional consultant visits requested by the City will be billed at \$150/hour; \$500 for a half day and \$1,000 for a full day. The additional visits may also result in an increase in the travel expenses and those expenses will be billed to the client.

Payment for Fees and Services

Professional fees and expenses will be invoiced as follows:

1st Payment: 1/3 of the Recruitment Fee (invoice sent upon acceptance of our proposal).

2nd Payment: 1/3 of the Recruitment Fee and expenses incurred to date (invoice sent following the recommendation of candidates).

Final Payment: 1/3 of the Recruitment Fee and all remaining expenses (invoice sent after recruitment is completed).

Recruitment expenses and the costs for printing the Recruitment Brochure will be itemized in detail. Payment of invoices is due within thirty (30) days of receipt (unless the client advises that its normal payment procedures require 60 days.)

Philosophy

Executive search is an important decision-making process for an organization and our primary goal is to provide our client with the information to make the best hiring decision. Our firm's executive recruitment philosophy embraces a professional process of integrity, trust, and respect toward all parties involved, and complete commitment toward meeting the expressed needs and desires of our client. All of our services are handled by principals of the firm who have established and well-regarded reputations in the search field, as well as actual operating experience in the public management fields in which they now consult. Each has impeccable professional credentials and unblemished personal reputations. Keeping both our client and prospective candidates informed on the status of the recruitment on a regular basis is also an important part of our recruitment process. Our work is carried out in an open manner with particular attention given toward seeking out critical factors of a client's organization and governance, and utilizing such information respectfully and discreetly in seeking out candidates who truly have the ability to meet the expectations and needs of the client—working strenuously in developing a fully qualified, "best match" candidate pool for client consideration. Our process includes assistance in the critical final interview and selection phases of the recruitment, and availability to both client and candidate for months following the appointment. Our process was developed and refined over the years to meet the special, and often unique, needs and circumstances facing our local government, public management, and related not-for-profit clients.

GovHR Guarantee

It is the policy of GovHR to assist our clients until an acceptable candidate is appointed to the position. Therefore, no additional professional fee would be incurred should the City not make a selection from the initial group of recommended candidates and request additional candidates be developed for interview consideration. Additional reimbursable expenses may be incurred should the situation require consultant travel to City of Menlo Park beyond the planned four visits.

Upon appointment of a candidate, GovHR provides the following guarantee: should the selected and appointed candidate, at the request of the City or the employee's own determination, leave the employ of the City within the first 24 months of appointment, we will, if desired, conduct one additional recruitment for the cost of expenses and announcements only, if requested to do so within six months of the employee's departure.

In addition, in accordance with the policy of our firm as well as established ethics in the executive search industry, we will not actively recruit the placed employees for a period of five years.

Why Choose GovHR?

We ask you to consider the following as you deliberate:

- We are a leader in the field of local government recruitment and selection with experience in more than 24 states, in communities ranging in population from 1,000 to 1,000,000. More than 28% of our clients are repeat clients showing a high level of satisfaction with our work. We encourage you to call any of our previous clients.
- We are committed to bringing a diverse pool of candidates to your recruitment process. We network extensively with state, city and county management associations, attending more than 20 state and national conferences each year. In addition, we support and attend the meetings of Women Leading Government, the International Hispanic Network, the California Network of Asian Public Administrators, and the National Forum for Black Public Administrators.
- We conduct comprehensive due diligence on candidates. Before we recommend a candidate to you, we will have interviewed them via Skype, conducted reference calls, and media and social media searches. Our knowledge of local government ensures that we can ask probing questions that will verify their expertise.
- We are your partners in this important process. You are welcome to review all the resumes we receive, and we will share our honest assessment of the candidates.
- Our goal is your complete satisfaction. We are committed to working with you until you find the candidate that is the best fit for your position.

We believe we have provided you with a comprehensive proposal; however, if you would like a service that you do not see in our proposal, please let us know. We can most likely accommodate your request.

This proposal will remain in effect for a period of six months from the date of the proposal. We look forward to working with you on this recruitment and selection process!

Sincerely,



Heidi J. Voorhees
President
GovHR USA

Attachment: Consultant Biography

ACCEPTED BY THE CITY OF MENLO PARK, CALIFORNIA

BY: _____

TITLE: _____

DATE: _____

CONSULTANT BIOGRAPHY

Joellen Cademartori **Chief Executive Officer/Co-Owner**

Joellen Cademartori is the chief executive officer and co-owner of GovHR USA, and has nearly 30 years of cumulative experience working in the public sector as a municipal leader, and in human resources and management consulting. Joellen's exceptional communication style has enabled her to develop and maintain strong relationships with her peers, elected and appointed officials, and related local government partners. She has built a solid reputation as a skilled negotiator, who is both fair and impartial.

The ability to problem solve and think strategically are at the core of Joellen's strengths. She is a consensus builder and has the proven ability to work with conceptual ideas, develop and supervise scopes of work, and produce desired results for her clients. She is also skilled at working in challenged environments, with a strong record of success in helping clients to navigate tough executive recruitment and consulting projects.

The public sector human resources and management projects Joellen has worked on have earned her respect in local governments across the country. Due to her commitment and dedication to local government, she is known an industry leader in executive recruiting, interim staffing, in addition to human resources and management consulting work.

Throughout her career, Joellen has been privileged to serve on numerous local, state and national committees. A personal and professional highlight for her was being on the International City/County Management Association (ICMA) Executive Board as a representative from the Northeast Region. Joellen regularly speaks in front of groups, and writes about a variety of local government topics, which include generational diversity, succession planning, performance management, resume development and interviewing skills and techniques. She is dedicated to developing the next generation of managers and remains passionate about excellence in local government.

Professional Education, Training and Instruction

- Bachelor's degree in Economics, Worcester State College, Worcester, MA
- Master of Public Administration, Northeastern University in Boston, MA
- Senior Executive Institute, Leading, Educating and Developing (LEAD) Program, at the University of Virginia's Weldon Cooper Center for Public Service

Professional Development and Speaking Engagements

- Succession Planning for the Public Sector - IPELRA Training Session - 2017
- Putting Your Best Food Forward: Interview/Presentation Skills for Women - Women Leading Government Conference, Massachusetts - 2017
- Workforce for Tomorrow - IPELRA Annual Conference - 2016
- Hire Hard, Manage Easy - Iowa League of Cities Annual Conference - 2015
- Not Your Parents' Local Government: Diversity, Recruitment, and Retention in the 21st Century - NCCMA Winter Conference - 2014
- Next-Gen Elected Officials: How Do They Change the Council Dynamics? - ICMA Annual Meeting - 2014
- Traveling to the Beat of a Different Drum: Workplace Strategies for a Multi-Generational Workforce, IPELRA Annual Conference - 2013
- New Approaches to Succession Planning - IGFOA Annual Conference - 2012
- New Service Delivery Models: 2012 and Beyond - IPELRA Annual Conference - 2011
- Preparing for Your Career in Local Government - Northern Illinois University - 2011

Memberships and Affiliations

- International City and County Management Association (ICMA), Current Member
- ICMA – Task Force on Deputy/Assistant Managers 2017-2018, Current Member
- ICMA - Task Force on Women in the Profession 2012 – 2014, Member
- ICMA - Conference Planning Committee 2010 – 2011, Chair
- ICMA - Conference Evaluation Committee 2005 – 2006, Member
- ICMA - Conference Planning Committee 2005 – 2006, Member
- ICMA - Governmental Affairs & Policy Committee 2003 - 2006
- ICMA Regional Vice President - ICMA Executive Board 2001 – 2003, Board Member
- ICMA Conference Planning Committee 2000 – 2001, Board Member
- ICMA Assistants Steering Committee 1994 – 1997
- Illinois City and County Management Association (ILCMA), Current Member
- North Carolina City and County Management Association 2004 –2007, Member
- Massachusetts Municipal Management Association (MMMA) 2000–2001, Member
- Massachusetts Municipal Personnel Association – 1990 – 2003, Member

Local Government Professional Background

24 Years of Local Government Leadership and Management

- Director of Administrative Services, Evanston, IL 2009-2011
- Director of Human Resources, Evanston, IL 2007-2009
- Assistant County Manager, Catawba County, NC 2004-2007
- Assistant Town Manager, Barnstable, MA 2000-2003
- Assistant Town Administrator, Yarmouth, MA 1993-2000
- Assistant Town Administrator, Northborough MA 1992-1993
- Acting Town Administrator, Northborough MA 1991
- Administrative Asst. to the Town Administrator, Northborough, MA 1988-1990
- Intern, Town of Holden 1987

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October 15, 2018

Mayor Peter I. Ohtaki and Members of the City Council
 City of Menlo Park
 701 Laurel Street
 Menlo Park, CA 94025

Dear Mayor Ohtaki and Council Members:

Thank you for the opportunity to express our interest in assisting you in the recruitment of your new City Manager.

Bringing more experience in local government executive search than any other California Recruiter, I would personally serve as the City's Recruiter. Since 1987, I have personally conducted hundreds of searches for City Managers and executive level positions in local government agencies throughout California and the Western United States. Over the past three years alone (2015-present), we have placed outstanding City Managers with the following California cities.

City of American Canyon
City of Azusa
City of Brentwood
City of Campbell
City of Calistoga
City of Escondido
City of Galt
City of Gilroy
City of Glendora
City of Gustine
City of Orinda

City of Pacifica
City of Palmdale
Town of Portola Valley
City of San Clemente
City of Sierra Madre
City of Sonoma
City of South Pasadena
City of Tracy
City of Truckee
City of Walnut Creek

I am keenly familiar with San Mateo and Santa Clara counties, having placed numerous City Managers and other City Council-appointed positions with the cities of:

*City of Belmont**
*City of Brisbane**
*City of Burlingame**
*City of Campbell**
City of Cupertino
City of East Palo Alto
*City of Gilroy**
*City of Mountain View**
*City of Pacifica**

*City of Palo Alto**
*Town of Portola Valley**
*City of Redwood City**
*City of San Bruno**
*City of San Mateo**
City of Santa Clara
*City of Sunnyvale**
*Town of Woodside**

**placement remains in this position to date.*

In addition, I recently conducted the County Manager recruitment for San Mateo County as well as the General Manager search process for the Midpeninsula Regional Open Space District.

The attached proposal includes more detailed information regarding the firm, the search process and timeline, cost of services, our guarantee, and client references. I look forward to the opportunity to work with you on this important search process. Please feel free to call me toll-free at (866) 912-1919 if you have any questions.

Sincerely,

/s/ Bobbi C. Peckham

Bobbi C. Peckham, President
Peckham & McKenney, Inc.
www.peckhamandmckenney.com
bobbi@peckhamandmckenney.com

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INTRODUCTION

Peckham & McKenney, Inc. provides executive search services to local government agencies throughout the Western United States and is headquartered in Roseville, California. The firm was established as a partnership in June 2004 and incorporated in 2014 by Bobbi Peckham and Phil McKenney, who serve as the firm's President and Chief Operating Officer, respectively. In addition, we have Executive Recruiters based in Colorado, Texas, and Southern California. We are supported by an Operations Manager, research specialists, a marketing and design professional, web technician, and distribution staff. Peckham & McKenney is the only executive search firm that offers a toll-free number (866-912-1919) for the convenience of our clients and candidates.

Peckham & McKenney was established on the premise that an executive search and consulting firm must be dedicated to providing its clients and candidates with professional service, as well as a personal, hands-on approach. Our business philosophy centers upon the understanding that this is a "people" related industry and that attention to others' needs is the key to providing effective customer service. Not only are we committed to providing our clients with well-qualified candidates, but we also take pride in treating both our clients and candidates with utmost respect. This commitment has led to multi-year retainer agreements with a number of agencies, as well as numerous client and candidate testimonials to their experiences with us, which you can find on our web site at www.PeckhamAndMcKenney.com.

At Peckham & McKenney, we are committed to local government and sensitive to the challenges and issues faced by our clients and candidates. As such, we serve as the Administrator for the Credentialed Government Leader program for the Municipal Management Associations of Northern & Southern California. We also actively support Women Leading Government as well as assist in the annual Women's Leadership Summit. In addition, we have provided numerous workshops and training sessions in California and Colorado to up-and-comers on resume and interview preparation and general career guidance.

Individual profiles of each of the Peckham & McKenney team follow.

Bobbi C. Peckham, President

Bobbi Peckham brings 30 years' experience as an Executive Recruiter as well as 6 years of local government experience. Ms. Peckham is sought out and retained due to her high ethics, integrity, hands-on customer service, and unique ability to identify candidates that "fit" her client agencies and communities.

Ms. Peckham began her career in local government in the City Manager's office of the City of Naperville, Illinois, where she became familiar with all aspects of local government in the nation's fastest growing community at that time. Ms. Peckham was then recruited to join the Executive Search practice of a leading California recruitment firm. Later, she played an integral role in creating a national search business for what became the largest recruitment practice serving local government in the country. Here, she became Regional Director overseeing Northern California and a nine-state region. In 2004, Ms. Peckham formed Peckham & McKenney, Inc. in partnership with Phil McKenney.

Ms. Peckham received a Bachelor of Science degree in Organizational Behavior from the University of San Francisco. She is a contributing member of the International City/County Management Association, Cal-ICMA, Women Leading Government, League of Women in Government, and Municipal Management Associations of Northern & Southern California. Ms. Peckham serves on the Planning Committee for the annual *Women's Leadership Summit*, at which she coordinates and leads the highly regarded Executive Roundtable Discussions with over 30 female local government leaders. In addition, Ms. Peckham was instrumental in writing the ICMA's *Job Hunting Handbook*. Over the years, Ms. Peckham has actively supported her community, and she currently volunteers her time to the Sacramento Affiliate of *Dress for Success*, which works to empower women to achieve economic independence by providing a network of support, professional attire, and the development tools to help women thrive in work and in life.

Phil McKenney, Chief Operating Officer

Phil McKenney has over 35 years' management experience and is very familiar with local government agencies, having led a county organization and having worked with numerous city governments and special districts. Mr. McKenney began his career in the resort and hospitality industry and served as General Manager for Mattakesett Properties on the island of Martha's Vineyard. He then relocated to Keystone Resort in Colorado, which is now acknowledged as a premiere all-season resort with special recognition for its level of guest services. Mr. McKenney later took over the helm of the Summit County Chamber of Commerce as their Executive Director. This hybrid-Chamber was the only countywide organization responsible for marketing all of Summit County, Colorado, home to Breckenridge, Keystone, and Copper Mountain resorts. Through his leadership and collaborative style, and working with the cities and county within Summit County, he led the Chamber to being a readily recognized and well-respected organization within Colorado and the Western United States.

Mr. McKenney was then selected by Placer County, California to lead the merger of the North Lake Tahoe Chamber of Commerce and the North Tahoe Visitors and Convention Bureau into the North Lake Tahoe Resort Association. As Executive Director of this new county organization, he represented the Tourism industry for all of North Lake Tahoe. The Resort Association is now a proactive, nationally recognized organization whose model of governance is being replicated in numerous resort communities across the Western United States.

Mr. McKenney began his career in executive recruitment in January 2003 and has since conducted hundreds of national recruitments throughout the Western states, including Colorado, Arizona, Idaho, Wyoming, Oregon, and California. Mr. McKenney has an undergraduate degree in Recreation from Slippery Rock State College as well as a Master of Business Administration from the University of Denver.

Andrew (Drew) Gorgey, Vice President, Western Region

Since joining Peckham & McKenney in 2016, Drew Gorgey has quickly established himself as a sought-after industry professional, completing dozens of major executive recruitments in Arizona, California, Colorado, Utah, and Washington. Before joining the firm, Mr. Gorgey served in Colorado local government for nearly 20 years, including 11 years at the executive and management levels, making his first executive hire in 2004. Mr. Gorgey served as County Manager and County Attorney for Garfield County in Glenwood Springs, Colorado. Mr. Gorgey also served as First Assistant and Chief Deputy County Attorney in El Paso County in Colorado Springs, Colorado. In addition, he served as Acting City Manager for the City of Glenwood Springs. Mr. Gorgey continues to serve local government as General Counsel to the Garfield County FML District, a position he has held since June 2011. His strong skills in leadership, strategic planning, talent identification, recruitment, development and retention, and his commitment to excellence in the hiring process, have helped many diverse organizations advance, improve, and meet their strategic objectives quickly.

Moving to Colorado in 1987, Mr. Gorgey began his career in the resort and hospitality industry, serving as a Corporate Trainer for The Broadmoor, a Forbes Five-Star and AAA Five-Diamond Resort in Colorado Springs. He later served as Editor of *The Colorado Springs Business Journal*. Since his youth, Mr. Gorgey has been an enthusiastic student of leadership, dedicating substantial volunteer hours to leadership positions in various professional associations. The El Paso County Bar Association in Colorado Springs named Mr. Gorgey "Outstanding Young Lawyer" in 1999 and elected him one of the Association's youngest Presidents in 2003-04. Mr. Gorgey twice served the Colorado Bar Association as Vice President. He is also Past President of the Association of Colorado County Administrators. Mr. Gorgey has lectured on leadership at the American Bar Association's prestigious Bar Leadership Institute in Chicago, the Colorado Bar Association's Bar Leadership Training course (COBALT), and the Special District Association of Colorado's Leadership Academy, among others. He completed the International City/County Management Association's (ICMA's) Gettysburg Leadership Institute in 2017.

Mr. Gorgey has an undergraduate degree in English from the University of Colorado, as well as a Juris Doctor from the University of South Carolina School of Law. He works from his office in Glenwood Springs.

Joshuah (Josh) Agnew, Executive Recruiter

Josh Agnew brings extensive experience in effective hiring practices and selection of key staff, customer service, management, and leadership. Prior to joining Peckham & McKenney, Mr. Agnew served in management roles for over 16 years in both the private and non-profit sectors. Mr. Agnew was selected in 2005 to open what has become Houston's most profitable and successful franchise in the nation. Over the course of 11 years, he grew the franchise to five times its size. His role in implementing strong systems for the hiring and development processes allowed Mr. Agnew to strategically and consistently identify, recruit, retain, and advance potential candidates and employees who were the right "fit" for the organization as a whole. Much of the management team Mr. Agnew put in place remain in those same positions or have moved into new leadership roles within the company.

Mr. Agnew then transitioned into the non-profit sector and served in various roles including direct oversight of staff, volunteers, and community groups; budgeting; facilities; and vision and mission. Mr. Agnew again focused on "fit" when hiring staff and coordinating volunteers and community groups and their leadership. Mr. Agnew is passionate about people, dedicating substantial amounts of time and support to the betterment of individuals throughout the local community. He serves on the Board of Directors for *The Refugee Project*, which equips and trains refugees relocated by the United Nations to Houston to lead meaningful and productive lives, and for *Hope Beyond Bridges*, which is dedicated to building relationships with the homeless by providing nutritious meals, hygiene kits, clothing and other assistance.

Joyce Johnson, Operations Manager

Ms. Johnson joined Peckham & McKenney in 2005 and serves as the firm's Office Manager. Ms. Johnson is complimented regularly on her strong customer orientation working with both clients and candidates alike. She oversees internal administration of the firm as well as directing contract administrative support in the areas of advertising and design, web posting, and duplication and mailing services. Prior to joining Peckham & McKenney, Ms. Johnson oversaw internal administration in the Western Region headquarters of two separate national management consulting and executive recruitment firms. She has over 30 years' experience in the field of administrative and executive support for all aspects of the executive recruitment process. Ms. Johnson holds an Associate of Arts degree from American River College.

Cathy West-Packard, Marketing & Design Specialist

Ms. West-Packard has provided her design and marketing skills to Peckham & McKenney Recruiters for over 25 years. She is the firm's "go-to" professional for all advertising and brochure design and creation.

Kevin Johnson, Research Assistant

Mr. Johnson has been a member of the team since 2009 and currently serves as a Research Assistant. He supports the firm's Recruiters through his research of local government agencies and networks, potential candidates, and current candidates prior to recommendation to our clients. Mr. Johnson mastered his researching abilities while obtaining a Bachelor of Arts in Economics from Willamette University.

Joyce Masterson, Research Assistant

Ms. Masterson brings nearly 30 years' experience working in the City Manager's office and as Director of Economic Development & Community Relations with the City of Escondido. She brings Peckham & McKenney extensive experience in general government administration, media relations, public information, and customer service. She has been active in various organizations over the years including the Municipal Management Assistants of Southern California and California Association of Public Information Officials. Ms. Masterson holds a Bachelor of Arts degree in Telecommunications from Brooklyn College, NY.

THE SEARCH PROCESS

While it is our intent to customize the search and project schedule to fit the City's specific needs, the search process typically includes the following key actions:

Project Organization – Prior to beginning the recruitment, we will be available via conference call to discuss the process, listen to specific desires and expectations, and respond to any questions or concerns. We will discuss expected parameters of the search, the search timeline, and schedule future meeting dates. At this time, the City Council will also determine the extent of involvement of other individuals in the search process.

Development of Candidate Profile (on-site #1) – This phase provides for the development of a detailed Candidate Profile. We will meet with members of the City Council individually and in groups with those individuals identified in the Project Organization phase, to discuss the current and future issues and challenges facing the City and the organization, in particular. The desired background and experience, leadership style and personality traits, skills and abilities of the ideal candidate will be discussed. We will also discuss expectations, goals, and objectives that will lead to the success of the new City Manager. A summary of the information obtained during these meetings will be shared with the Mayor and City Council in Closed Session.

Recruitment – Advertisements will be placed in the appropriate industry publications and websites, and our firm will assume responsibility for presenting your opportunity in an accurate and professional manner. Full information on the position will be posted on our firm's web site as well as the City's site. In addition, an attractive brochure will be prepared to market the organization and position to potential candidates. This brochure will be mailed to 300-400 industry professionals nationally, and it will also be available on our firm's web site. Copies of the brochure will also be made available to the City.

The main focus of our outreach, however, will be direct phone contact with quality potential candidates. With over 50 combined years of executive search experience, we have developed an extensive candidate database that is continuously updated and utilized. Our recruiting efforts will focus on direct and aggressive recruiting of individuals within the search parameters established during the Candidate Profile Development phase. We believe direct recruiting produces the most qualified candidates.

Throughout this active search process, we will regularly notify the City of the status and share questions, concerns, and comments received from potential candidates as they consider the opportunity. By doing so, we will "team" with the City Council to ensure that all issues and concerns of candidates are discussed and understood thereby eliminating "surprises" once the resume filing deadline has occurred.

As resumes are received, they will be promptly acknowledged, and we will personally respond to all inquiries. Once the resume filing deadline has passed, the City Council will be once again updated on the status of the recruitment, the number of resumes received, and our intent for preliminary interviews.

Preliminary Interviews – As resumes are received, supplemental questionnaires will be sent to candidates who appear to meet the Candidate Profile. Following the resume filing deadline and a thorough review of the resumes and questionnaires received, we will conduct preliminary interviews with those individuals most closely matching the Candidate Profile. An Internet search will also be conducted.

Recommendation of Finalists (on-site #2) – A written recommendation of finalists will be personally presented to the Council in a one- to two-hour meeting. The City Council will receive a full listing of all candidates who applied for the position, as well as the cover letters, resumes, and supplemental questionnaires of the recommended group of candidates for further consideration.

Once a group of finalists has been selected by the City Council, all candidates will be notified of their status. We will prepare a finalist interview schedule and notify finalist candidates accordingly. If necessary, finalists will make their own travel plans and reservations. It is customary that the City reimburse finalists for round-trip airfare, car rental, and lodging necessary to attend the interviews with the City. We will confirm this with the Council at our meeting to recommend finalists.

Final Interviews/Selection (on-site #3) – During this phase, finalists will be interviewed by the Mayor and City Council as well as others identified by the Council. We will provide on-site advice and facilitation assistance during the final interview process. Interview materials, including suggested interview questions, evaluation and ranking sheets will be provided for the City’s convenience.

An orientation session will be held with those involved prior to the finalist interviews, and we will work with the panel through a ranking process and discussion of the finalists at the end of the day. We will assist the Council in coming to consensus on the leading two to three finalists for further consideration, and we will provide recommendations on next steps, including additional meetings with each finalist to learn more of the “fit” they may bring.

Qualification – Once the final candidate has been selected and a contingent offer has been made by City Council, a thorough background check will be conducted that is compliant with the Fair Credit Reporting Act and Investigative Consumer Reporting Agencies Act. Peckham & McKenney utilizes the services of Sterling Talent Solutions, the world’s largest company focused entirely on conducting background checks. This investigation will verify professional work experience; degree verification; certifications; and criminal, civil, credit, and motor vehicle records. We encourage our clients to consider further vetting the candidate through a Department of Justice LiveScan in order to ensure that all known criminal history records (beyond seven years) are investigated.

Professional references will also be contacted, and a full report will be provided. This comprehensive process ensures that only the most thoroughly screened candidate is hired. In addition, negotiation assistance will be provided as requested by the City.

Our ultimate goal is to exceed your expectations and successfully place a candidate who “fits” your organization’s and community’s needs now and into the future.

SEARCH SCHEDULE

This sample schedule anticipates a 14-week process. In today's competitive recruiting environment, our goal is to make the process as efficient and effective as possible. We ask that our clients work with us to identify future meeting dates, which will be published within the Candidate Profile. This will ensure that the momentum of the search process is consistent and that all parties are available in order to lead to a successful result.

<u>ACTIVITY</u>	<u>TIME FRAME</u>
I. Project Organization <ul style="list-style-type: none">• Conference call discussion of recruitment process• Formalize project schedule	Pre-Recruitment
II. Development of Candidate Profile <ul style="list-style-type: none">• On-site meeting with City representatives to discuss Candidate Profile• Develop Candidate Profile/Marketing Brochure and obtain approval from City• Develop advertising and recruiting plan	Two Weeks
III. Recruitment <ul style="list-style-type: none">• Advertise, network, and electronically post in appropriate venues• Send Candidate Profile to 300-400 industry professionals• Post opportunity on firm's web site as well as City's site• Search for/identify/recruit individuals within the parameters of the Candidate Profile• Respond to all inquiries and acknowledge all resumes received in a timely manner	Six Weeks
IV. Preliminary Interviews/Recommendation <ul style="list-style-type: none">• Review resumes and supplemental questionnaires• Conduct preliminary interviews with leading candidates• Conduct Internet research• Present written recommendation of finalists to City Council• Notify all candidates of search status	Three Weeks
V. Final Interviews/Selection <ul style="list-style-type: none">• Schedule finalist interviews• Design process and facilitate finalist interviews with City Council• Assist City throughout process and provide recommendations• City Council selects candidate or leading 2-3 candidates for further consideration• City Council conducts second interview process.	Two Weeks
VI. Qualification <ul style="list-style-type: none">• Conduct thorough background and reference checks on leading candidate• Negotiation assistance• Exceed expectations and successfully place candidate who "fits."	One Week

PROFESSIONAL FEE AND EXPENSES

Cost of Services

Our all-inclusive fee to conduct the search process for your next City Manager is \$28,000. One-third of this fee is due as a retainer upon execution of the agreement. The remainder of the fee will be divided and billed in two separate, monthly invoices.

The all-inclusive fee includes professional fees and expenses. Expenses include out-of-pocket costs associated with administrative support/printing/copying/postage/materials, consultant travel, advertising, telephone/technology, and background checks (partial checks on recommended candidates; full background check on selected candidate). Additional expenses incurred due to requested additional meetings as well as full background checks on more than one candidate would be billed accordingly.

Additional Placement

If an additional candidate from this recruitment process is selected for another position within your organization within one year of the close of this recruitment, a fee of \$5,000 will be due to Peckham & McKenney.

Insurance

Peckham & McKenney carries Professional Liability Insurance (\$1,000,000 limit), Commercial General Liability Insurance (\$2,000,000 General Liability, and \$4,000,000 Products) and Automobile Liability Insurance (\$1,000,000). Our Insurance Broker is Wells Fargo Insurance, Inc., Charlotte, NC, and our coverage is provided by Sentinel Insurance Company and Hiscox Insurance Co. Limited.

CLIENT REFERENCES

Please feel free to contact any of the following current and recent clients to inquire about their experience with Peckham & McKenney. In addition, we would be pleased to furnish the client contact and phone numbers for any past clients listed in the Attachment.

City of Redwood City, CA – City Attorney and City Clerk

Mayor Ian Bain, (650) 780-7220, ibain@redwoodcity.org
or Council Member Jeffrey Gee, (650) 483-7412; jgee@redwoodcity.org

San Mateo County, CA – County Manager

Board Chair Dave Pine
(650) 363-4571; dpine@smcgov.org

Santa Cruz County, Santa Cruz, CA – County Administrative Officer

Board Chair John Leopold – (831) 454-2200

City of Sunnyvale, CA – City Manager

Mayor Glenn Hendricks, or Teri Silva, Assistant City Manager
(408) 730-3001; tsilva@sunnyvale.ca.gov

City of Walnut Creek, CA – City Manager

Mayor Rich Carlston
(925) 943-5800; carlston@walnut-creek.org

City Manager Recruitments for Cities of Calistoga, Moraga, Pacifica, and Piedmont

Michelle Kenyon, contract City Attorney; Partner with Burke, Williams & Sorenson
(510) 273-8780; mkenyon@bwslaw.com

City Manager Recruitments for Cities of Sierra Madre and South Pasadena

Terri Highsmith, contract City Attorney; Partner with Colantuono, Highsmith, and Whatley
(213) 399-9292; thighsmith@chwlaw.us

PLACEMENT GUARANTEE AND ETHICS

Placement Guarantee

Our placement record is particularly strong in that 80% of the candidates we have placed since 2010 continue in those positions today. In the unlikely event, however, that a candidate recruited and recommended by our firm leaves your employment ***for any reason within the first year*** (except in the event of budgetary cutbacks, promotion, position elimination, or illness/death), we agree to provide a one-time replacement at no additional charge, except expenses.

Ethics

Time and again, we receive unsolicited comments from clients and candidates relating to our integrity and high ethics.

- First, we believe in honesty. No client should ever appoint an individual without being fully knowledgeable of the candidate's complete background and history. Conversely, no candidate should ever enter into a new career opportunity without full disclosure of any organizational "issues."
- We strive to keep everyone involved in a recruitment process informed of the status. Not only do we provide regular updates to our clients, but we also have a reputation for keeping our candidates posted, even to the extent of informing them as to who was eventually selected.
- As recruitment professionals, we do not recruit our placements -- ***ever***. Should a placement of ours have an interest in a position for which we are recruiting, they may choose to apply. However, if they become a finalist, we ask that they speak to their supervisor (Council member or Manager) to alert them of their intent.
- During an active engagement, we do not recruit staff from our client agencies for another recruitment. Nor do we "parallel process" a candidate, thereby pitting one client against another for the same candidate.
- We do not misrepresent our client list. Only those searches that we personally conducted appear on our list.
- We are retained only by client agencies and not by our candidates. While we have a reputation for being actively involved in the profession and providing training, workshops, and general advice to candidates, we represent only our clients. In addition, we ***always*** represent and speak of our clients in a positive manner; during the recruitment engagement as well as years after.

DIVERSITY STATEMENT

Peckham & McKenney, Inc., is committed to diversity in its broadest possible definition in every aspect of each executive recruitment our firm provides.

Peckham & McKenney does not discriminate on the basis of race, color, religion, creed, sex/gender, national origin/ancestry, disability, pregnancy, sexual orientation (including transgender status), marriage or family status, military status, or age. We are fully compliant with all applicable federal and state employment laws and regulations in all of our recruitments.

Our average for female and minority placements since 2004 is approximately 34%.

Also, for over 30 years, firm principal and founder Bobbi Peckham has been a champion of women seeking executive leadership positions within local government, succeeding in the field as few other women have. As a “minority” owner of her own firm, Ms. Peckham and her partner and co-founder, Phil McKenney, have gone to great lengths to support the management profession, women, minorities, and all involved in the recruitment and hiring processes.

In collaboration with the International City/County Management Association (ICMA), and its state chapters in California, Colorado, Arizona, Oregon, and Washington, for years Peckham & McKenney has been an active participant in women’s issues through the Women Leading Government program, and the annual Women’s Leadership Summit in California. Ms. Peckham is a frequent speaker on women’s issues at local government conferences. The firm provides workshops and training in Arizona, California, Colorado, and Washington to up-and-comers on resume and interview preparation and general career guidance.

In addition to all other outreach methods, our firm utilizes the National Diversity Network, which ensures placement of your opportunity in the following venues:

- africanamericanjobnetwork.com;
- asianjobnetwork.com;
- disabilityjobnetwork.com;
- latinojobnetwork.com;
- lgbtjobnetwork.com;
- veteranjobnetwork.net;
- retirementjobnetwork.com;
- and womensjobnetwork.com.

EXECUTIVE SEARCHES CONDUCTED (2004 to PRESENT*)

(* 100's of additional searches were conducted from 1987-2004)

City/County Manager, Executive Director, and Related

Alameda County Waste Management Authority, CA	Executive Director
American Canyon, CA	City Manager
Anderson, CA	City Manager
Antioch, CA	City Manager
Arroyo Grande, CA	City Manager
Ashland, OR	City Administrator
Auburn, CA	City Manager
Azusa, CA	City Manager
Basalt, CO	City Manager
Bell, CA	City Manager
Belmont, CA	City Manager
Belvedere, CA	City Manager
Benicia, CA	City Manager
Big Bear Lake, CA	City Manager
Brentwood, CA	City Manager
Brookings Economic Development Agency, SD	Executive Director
Buellton, CA	City Manager
Burbank, CA	City Manager
Burlingame, CA	City Manager
Calistoga, CA	City Manager
Campbell, CA	City Manager (2011 & 2016)
Carmel-by-the-Sea, CA	City Administrator
Centennial, CO	City Manager (2007 & 2017)
Cordillera Metropolitan District, CO	General Manager
Corvallis, OR	City Manager
Cupertino, CA	City Manager
Del Mar, CA	City Manager
Douglas County, NV	County Manager
Durango, CO	City Manager
Eagle County, CO	County Manager
El Dorado Hills Community Services District, CA	General Manager
Encinitas, CA	City Manager
Escondido, CA	City Manager
Eureka, CA	City Manager
Exeter, CA	City Administrator
Foothills Park & Recreation District, CO	Executive Director
Fort Bragg, CA	City Manager
Fort Lupton, CO	City Administrator
Galt, CA	City Manager
Garfield County, CO	County Manager
Gilroy, CA	City Administrator (2007 & 2016)
Glendora, CA	City Manager
Grand Junction, CO	City Manager
Greeley, CO	City Manager
Gustine, CA	City Manager
Hayward, CA	City Manager
Hood River, OR	City Manager
Hughson, CA	City Manager
Indian Wells, CA	City Manager
Incline Village General Improvement District, NV	General Manager
Ketchum, ID	City Administrator
La Plata County, CO	County Manager
La Quinta, CA	City Manager

La Palma, CA	City Manager
Lone Tree, CO	City Manager
Loveland Downtown Partnership/DDA, CO	Executive Director
Manitou Springs Chamber of Commerce, CO	Chief Operating Officer
Martinez, CA	City Manager
McCall, ID	City Manager
Midpeninsula Regional Open Space District, Los Altos, CA	General Manager
Mill Valley, CA	City Manager
Milpitas, CA	City Manager
Moraga, CA	Town Manager (2011, 2013, & 2017)
Mountain House Community Services District, CA	General Manager
Mountain Village, CO	Town Manager
Napa County, CA	County Executive Officer
North Lake Tahoe Public Utility District, CA	General Manager (2004 & 2007)
Novato, CA	City Manager
Orinda, CA	City Manager
Pacifica, CA	City Manager
Palmdale, CA	City Manager (2011 & 2015)
Palos Verdes Estates, CA	City Manager (2007 & 2013)
Park City Municipal Corporation, UT	City Manager
Piedmont, CA	City Administrator
Placer County, CA	County Executive Officer
Pleasant Hill, CA	City Manager
Point Arena, CA	City Manager
Portola Valley, CA	Town Manager
Public Agency Risk Sharing Authority of California	General Manager/CEO (2004 & 2016)
Rancho Murieta Community Services District, CA	General Manager
Rancho Santa Fe Association, CA	Chief Administrative Officer
Redlands, CA	City Manager
Redwood City, CA	City Manager
Redwood Empire Joint Powers Insurance Authority, CA	Executive Director
Rio Rancho, NM	City Manager
Rohnert Park, CA	City Manager
San Clemente, CA	City Manager
San Diego Local Agency Formation Commission, CA	Executive Officer
San Mateo County, CA	County Manager
Santa Clara, CA	City Manager
Santa Clara County Open Space Authority, San Jose, CA	General Manager
Santa Cruz County, CA	County Administrative Officer
Sea Ranch Association, CA	Community Manager
Sedona, AZ	City Manager (2008 & 2014)
Sierra Madre, CA	City Manager
Snowmass Village, CO	Town Manager (2006 & 2013)
Solana Beach, CA	City Manager
Sonoma, CA	City Manager
South Pasadena, CA	City Manager
South Suburban Parks & Recreation District, CO	Executive Director
St. Helena, CA	City Manager
Steamboat Springs, CO	City Manager (2005 & 2008)
Sunnyvale, CA	City Manager
Telluride, CO	City Manager
Teton County, WY	County Administrator
Tracy, CA	City Manager (2007 & 2014)
Truckee, CA	Town Manager (1992 & 2017)
Tulare, CA	City Manager (2005 & 2011)
Ventura, CA	City Manager
Walnut Creek, CA	City Manager

Waterford, CA
West Sacramento, CA
Western Eagle County Metropolitan Recreation District, CO
Windsor, CO
Winter Park, CO
Woodside, CA
Yakima Regional Clean Air Authority, WA
Yolo County, CA

City Administrator
City Manager
Executive Director
Town Manager
Town Manager
Town Manager
Executive Director/Air Pollution Contl Officer
County Administrator

Assistant City/County Manager and Deputy Manager

Arvada, CO
Atherton, CA
Bothell, WA
Brentwood, CA
Carlsbad, CA
Concord, CA
Contra Costa County, CA
Daly City, CA
Douglas County, CO
Douglas County, NV
Escondido, CA
Foster City, CA
Fremont, CA
Gilroy, CA
Glendale, AZ
Hayward, CA
Hayward, CA
Midpeninsula Regional Open Space District, Los Altos, CA
Oceanside, CA
Pacifica, CA
Palo Alto, CA
Placer County, CA
Porterville, CA
Sacramento County, CA
San Clemente, CA
San Pablo, CA
San Rafael, CA
South Lake Tahoe, CA
Summit County, CO
Tracy, CA

Deputy City Manager
Assistant City Manager
Assistant City Manager
Assistant City Manager
Assistant City Manager
Assistant City Manager
Chief Assistant County Administrator (2 Positions)
Assistant City Manager
Deputy County Manager
Assistant County Manager
Assistant City Manager
Assistant City Manager
Assistant City Manager
Assistant City Administrator
Assistant City Manager
Deputy City Manager
Assistant City Manager (2006, 2010 & 2016)
Assistant General Manager (2 Positions)
Assistant City Manager, Development Services
Assistant City Manager
Assistant City Manager
Asst. County Executive Officer
Deputy City Manager
Assistant County Administrator
Assistant City Manager
Assistant City Manager
Assistant City Manager (2006 & 2015)
Assistant City Manager
Assistant County Manager
Assistant City Manager (2007 & 2015)

City Attorney/Legal Counsel

Antioch, CA
Archuleta County, CO
Ashland, OR
Bellevue, WA
Brighton, CO
Brisbane, CA
Burlingame, CA
Eureka, CA
Garfield County, CO
Hayward, CA
Mesa County, CO
Midpeninsula Regional Open Space District, Los Altos, CA
Milpitas, CA
Mountain Village, CO

City Attorney (2005 & 2015)
County Attorney
City Attorney
City Attorney
City Attorney
City Attorney (contract services)
City Attorney (2008 & 2012)
City Attorney
County Attorney
City Attorney
County Attorney
General Counsel
Assistant City Attorney
Town Attorney

Pittsburg, CA
Pleasanton, CA
Redwood City, CA
Richmond, CA
San Bruno, CA
San Pablo, CA
Simi Valley, CA
South Lake Tahoe, CA
South San Joaquin Irrigation District, CA
Yolo County, CA

City Attorney
City Attorney
City Attorney
City Attorney
City Attorney
City Attorney
City Attorney
City Attorney
General Counsel
County Counsel

Community Development/Planning/Economic Development

Alameda, CA
Alhambra, CA
Ashland, OR
Bell, CA
Beverly Hills, CA
Bothell, WA
Bothell, WA
Burbank, CA
Concord, CA
Dana Point, CA
Delano, CA
Elk Grove, CA
Fremont, CA
Fremont, CA
Glendale, AZ
Hayward, CA
Hayward, CA
Jefferson County, CO
Laguna Niguel, CA
Livermore, CA
Long Beach, CA
Long Beach, CA
Martinez, CA
Milpitas, CA
Mountain Village, CO
North Tahoe Public Utility District, CA
Novato, CA
Oceanside, CA
Pacifica, CA
Pacific Grove, CA
Palo Alto, CA
Pittsburg, CA
Placer County, CA
Rancho Palos Verdes, CA
Rancho Santa Margarita, CA
Reno, NV
San Bernardino, CA
San Bruno, CA
San Clemente, CA
San Clemente, CA
San Clemente, CA
San Clemente, CA
San Clemente, CA
San Mateo, CA
San Miguel County, CO

Economic Development Manager
Director of Development Services
Community Development Director
Community Development Director
Community Development Director
Community Development Director
Chief Economic Development Officer
Community Development Director
Principal Planner
Community Development Director
Economic Development Manager
Economic Development Director
Deputy Director of Community Development
Deputy Redevelopment Agency Director, Housing
Planning Director
Community Development Director
Economic Development Manager
Planning & Development Director
Director of Community Development
Economic Development Director
Deputy Director, Development Services
Planning Bureau Manager, Development Services
Community Development Director
Director of Planning & Neighborhood Services
Director of Community Development & Housing
Planning & Engineering Manager
Community Development Director
Development Services Director
Planning Director
Community/Economic Development Director
Development Services Director
Community Development Director/City Engineer
Community Development Resources Agency Director
Senior Planner
Development Services Director
Redevelopment Administrator
Director of Housing & Economic Development
Community Development Director
Community Development Director
Economic Development & Housing Director
City Planner
Deputy Community Development Director
Building Official
Economic Development Manager
Planning Director

San Pablo, CA
San Rafael, CA
Santa Clara County, CA
Santa Rosa, CA
Seaside, CA
Seaside, CA
Sebastopol, CA
South Lake Tahoe, CA
St. Helena, CA
Stockton, CA
Stockton, CA
Stockton, CA
Stockton, CA
Teton County, CO
Vail, CO
Walnut Creek, CA
Walnut Creek, CA
Windsor, CA
Winters, CA
Yuba City, CA
Yuba City, CA

Asst. to the City Manager, Economic Development
Community Development Director
Director, Planning & Development
Planning & Economic Development Director
Planning Services Manager
Redevelopment Services Manager
Planning Director
Development Services Director
Planning & Community Improvement Director
Community Development Director
Asst. Director of Community Development
Dep. CDD-Planning and Engineering
Deputy Building Official
Planning & Development Director
Director of Community Development
Economic Development Manager
Planning Manager
Community Development Director
Community Development Director
Development Services Director
Planning Manager

Public Works/Engineering and Related

Ashland, OR
Aurora Water, CO
Benicia, CA
Benicia, CA
Big Bear Lake, CA
Carlsbad, CA
Concord, CA
Concord, CA
Fremont, CA
Galt, CA
Gilroy, CA
Gonzales, CA
Greeley, CO
Greeley, CO
Greenfield, CA
Hayward, CA
Hayward, CA
Jefferson County, CO
Louisville, CO
Mariposa County, CA
Millbrae, CA
Millbrae, CA
Milpitas, CA
Morgan Hill, CA
Pacifica, CA
Pacifica, CA
Port San Luis Harbor District, CA
Rancho Palos Verdes, CA
Rancho Palos Verdes, CA
Rancho Palos Verdes, CA
Sacramento County, CA
Salt Lake City Corporation, UT
Salt Lake City Corporation, UT
San Bernardino Water Dept., CA

Public Works Director
Director of Water
Land Use & Engineering Manager
Public Works Director
Assistant General Manager, Dept. of Water & Power
Deputy Public Works Director
Infrastructure Maintenance Manager
Transportation Manager
Manager of Maintenance Operations
Public Works Director
Building Field Services Manager
Public Works Director
Public Works Director
Water & Sewer Director
Public Works Director
Director of Public Works
Deputy Director of Public Works
Airport Manager
Public Works Director
Public Works Director
Deputy Public Works Director/Operations
Development Services Engineer
Public Works Director/City Engineer
Engineering & Utilities Director
Deputy Director, Public Works
Deputy Director, Wastewater Treatment
Facilities Manager
Director of Public Works
Dep. Director of Public Works
Senior Engineer
Associate Civil Engineer
Transportation Director
City Engineer
General Manager

San Jose, CA
San Leandro, CA
San Pablo, CA
San Pablo, CA
San Rafael, CA
Santa Clara, CA
South Lake Tahoe, CA
Steamboat Springs, CO
Suisun City, CA

General Services Director
Engineering & Transportation Director
City Engineer
Public Works Director
Public Works Director
Assistant Director of Water/Sewer Utilities
Public Works Director
Public Works Director
Public Works Director

Finance Director/Controller/Treasurer

Alhambra, CA
American Canyon, CA
Arvada, CO
Atherton, CA
Aurora, CO
Azusa, CA
Bell, CA
Brentwood, CA
Concord, CA
Daly City, CA
Durango, CO
Encinitas, CA
Fairfield, CA
Fairfield, CA
Greeley, CO
Hayward, CA
Hayward Area Recreation District, CA
La Quinta, CA
Marin County, CA
Milpitas, CA
Modesto, CA
Oceanside, CA
Orange County Fire Authority, CA
Orange County Fire Authority, CA
Pacific Grove, CA
Pasadena, CA
Pittsburg, CA
Rancho Cordova, CA
Reno, NV
San Mateo, CA
San Mateo, CA
Santa Clara, CA
Santa Clarita, CA
Seaside, CA
Silverthorne, CO
Sonoma, CA
South Lake Tahoe, CA
Steamboat Springs, CO
San Mateo County, Office of Superior Court, CA
Winter Park, CO

Finance Director
Administrative Services Director
Director of Finance
Finance Director
Finance Director
Director of Finance
Finance Director
City Treasurer/Administrative Services Director
Budget Officer
Director of Finance
Finance Director
Finance Director
Director of Finance
Assistant Director of Finance
Finance Director
Director of Finance/CFO (2006 & 2017)
Administrative Services Director
Finance Director
Assistant Director of Finance
Finance Director
Director of Finance
Director of Finance
Assistant Chief, Business Services
Treasurer
Finance Director
Accounting Manager
Finance Director
Assistant Finance Director
Finance Director
Finance Director
Deputy Director of Finance
Accounting Division Manager
Finance Manager
Financial Services Manager
Director of Finance/Administrative Services
Finance Director
Administrative Services Director
Finance Director
Finance Director
Finance Director

Human Resources/Personnel

Anaheim, CA
Beaverton, OR
Belmont, CA

Human Resources Director
Human Resources Director
Human Resources Director

Benicia, CA
Bothell, WA
Brentwood, CA
Brookings, SD
Concord, CA
Eagle County, CO
Emeryville, CA
Encinitas, CA
Folsom, CA
Hayward, CA
Hayward Area Recreation & Parks District, CA
Jefferson County, CO
Lakewood, CO
Manhattan Beach, CA
Mariposa County, CA
Midpeninsula Regional Open Space District, CA
Oceanside, CA
Pacific Grove, CA
Palo Alto, CA
Parker, CO
Placer County, CA
Porterville, CA
Rancho Cucamonga, CA
Rancho Santa Margarita, CA
Redwood City, CA
San Bruno, CA
San Clemente, CA
San Rafael, CA
Santa Barbara County, CA
Santa Barbara County, CA
Seaside, CA
Silverthorne, CO
South Lake Tahoe, CA
Stockton, CA

Human Resources Manager
Human Resources Director
Human Resources Director
Director of Human Resources
Human Resources Director
Director of Human Resources
Human Resources Director
Human Resources Manager
Human Resources Director
Human Resources Director
Administrative Services Director
Human Resources Director
Employee Relations Director
Human Resources Director
Human Resources Director/Risk Manager
Manager of Administration/Human Resources
Human Resources Director
Human Resources Manager
Chief People Officer
Human Resources Director
Human Resources Director
Administrative Services Manager
Director of Human Resources
Human Resources/Risk Management Administrator
Human Resources Director
Human Resources Director
Human Resources Manager
Human Resources Director
Human Resources Director
Asst. Director of Human Resources
Personnel Services Manager
Human Resources Director
Human Resources Manager
Director of Human Resources

Public Safety/Law Enforcement

Alhambra, CA
Alhambra, CA
Antioch, CA
Atherton, CA
Benicia, CA
Bell, CA
Beverly Hills, CA
Bothell, WA
Calistoga, CA
Contra Costa County, CA
El Centro, CA
Eureka, CA
Galt, CA
Gilroy, CA
Hayward, CA
Lone Tree, CO
Lone Tree, CO
Los Altos, CA
Menlo Park, CA
Milpitas, CA
Oceanside, CA

Chief of Police
Fire Chief
Police Chief
Police Chief
Fire Chief
Police Chief
Police Chief
Fire Chief
Police Chief
Chief Probation Officer
Police Chief
Police Chief
Police Chief
Fire Chief
Fire Chief
Patrol Operations Commander
Police Chief
Police Captain
Police Chief
Police Chief
Fire Chief

Piedmont, CA
Porterville, CA
San Pablo, CA
San Pablo, CA
San Rafael, CA
Santa Monica, CA
Severance, CO
Silverthorne, CO
Sonoma Valley Fire & Rescue District, CA
Springfield, OR
Vail, CO
Yuba City, CA

Fire Chief
Chief of Police
Police Chief
Police Commander
Chief of Police
Police Chief
Police Chief
Police Chief
Fire Chief
Police Chief
Fire Chief
Asst. Fire Chief

Parks & Recreation

Anaheim, CA
Bell, CA
Bothell, WA
Hayward Area Recreation & Park District, CA
Hayward Area Recreation & Park District, CA
Lafayette, CA
Oxnard, CA
Pacifica, CA
Palo Alto, CA
Piedmont, CA
Pleasanton, CA
Roseville, CA
San Clemente, CA
Tracy, CA

Director of Community Services
Community Services Director
Director of Parks & Recreation
Parks & Facilities Maintenance Director
Rec., Arts & Community Services Director
Director of Parks & Recreation
Cultural & Community Services Director
Director of Parks, Beaches & Recreation
Community Services Director
Recreation Director
Director of Parks & Community Services
Parks, Recreation & Libraries Director
Director of Beaches, Parks & Recreation
Parks & Community Services Director

City/County Clerk

Beverly Hills, CA
Hayward, CA
Long Beach, CA
Midpeninsula Regional Open Space District, CA
Midpeninsula Regional Open Space District, CA
Mountain View, CA
Palo Alto, CA
Rancho Santa Margarita, CA
Redwood City, CA
San Mateo, CA
Walnut Creek, CA

City Clerk
City Clerk
City Clerk
Clerk of the Board
Public Affairs Manager
City Clerk
City Clerk
City Clerk
City Clerk
City Clerk
City Clerk
City Clerk

Library Director

Beaverton, OR
Boulder, CO
Hayward, CA
Huntington Beach, CA
Pacific Grove, CA
Palo Alto, CA

Library Director
Library Director
Library Director
Library Director
Library Director
Library Director

Information Technology

Fremont, CA
Jefferson County, CO
San Mateo County, Office of Superior Court, CA
San Mateo County, Office of Superior Court, CA

Information Services Technology Director
Information Technology Director
Information Technology Director
Court Information Technology Manager

Human Services

Douglas County, CO
Eagle County, CO
Mariposa County, CA
Washington County, OR

Human Services Director
Director of Human Services
Public Health Officer
Director of Health & Human Services



Ralph Andersen & Associates
A Tradition of Excellence Since 1972

ATTACHMENT D
5800 Stanford Ranch Road
Suite 410
Rocklin, California 95765
916.630.4900

October 17, 2018

Mayor Peter Ohtaki
and Members of the City Council
City of Menlo Park
701 Laurel Street
Menlo Park, California 94025

Via Email: lddiaz@menlopark.org

RE: City Manager Recruitment

Dear Mayor Ohtaki and Members of the City Council:

Ralph Andersen & Associates is pleased to submit our Proposal to provide executive search services for the City of Menlo Park, and we look forward to working with the City Council to recruit for the position of City Manager.

We are pleased to announce that Mr. David Boesch has recently joined our firm. David will be leading this search effort for the City of Menlo Park if our firm is chosen to lead this comprehensive recruitment effort. Important to note, David previous held the position of City Manager for the City of Menlo Park for nearly eight years before joining San Mateo County in the positions of Assistant County Manager and County Manager. Most recently, he was the CEO of Placer County before joining Ralph Andersen & Associates.

Since 1972, Ralph Andersen & Associates has served local governments and other clients. We have earned our reputation for excellence by providing services of exceptional quality, commitment to client objectives, and for producing results on time, on budget, as promised.

The executive recruitment techniques used by Ralph Andersen & Associates have been developed and used successfully with hundreds of clients for more than 46 years. With the reputation of Ralph Andersen & Associates you will have the opportunity to consider candidates located throughout the State of California as well as from across the United States.

Thank you very much for your consideration of this Proposal. Mr. Boesch may be reached directly at (916) 630-4900 or via email (David@ralphandersen.com). Please feel free to contact him directly or work through Ms. Christen Sanchez to schedule a conference call or in-person meeting. He is readily available to present his qualifications to the Sub-Committee.

Respectfully Submitted,

Heather Renschler
President/CEO



5800 Stanford Ranch Road
Suite 410
Rocklin, California 95765
916.630.4900

Experience / Qualifications

Executive Summary

Ralph Andersen & Associates has been providing practical, responsive executive search and management consulting services to the local public sector and related industries since 1972. With each new assignment, we earn our reputation as the nation's premier local government consulting organization.

Ralph Andersen & Associates is a California Corporation and is not a subsidiary nor does it have any subsidiaries. Contact information for the Corporate Office is 5800 Stanford Ranch Road, Suite 410, Rocklin, California 95765; telephone: (916) 630-4900; fax: (916) 630-4911; website: www.ralphandersen.com; email: info@ralphandersen.com. Ralph Andersen & Associates has more than 46 years of experience conducting executive recruitments for a variety of public sector agencies. The firm currently has 19 employees.

Ms. Heather Renschler, President/CEO, and Mr. Robert Burg, Executive Vice President, are both stockholders in the firm and, as such, are able to bind the firm.

Ralph Andersen & Associates serves a nationwide clientele through its Corporate Office in the area of Sacramento (Rocklin), California. Through its network of professionals associated with the firm, Ralph Andersen & Associates also provides services to municipal clients throughout the United States.

Our staff of professionals and support staff include acknowledged leaders in their respective fields. Supplementing their extensive consulting backgrounds, our senior executives all have personal, hands-on executive experience in the operation of public agencies and private businesses.

Range of Services Offered

Ralph Andersen & Associates specializes in the following primary service areas: executive search, management consulting, and human resources consulting.

- **Executive Search** – At Ralph Andersen & Associates, there's always an entire team behind every recruitment assignment that we undertake. Our multi-disciplinary approach takes the best ideas in executive recruiting and creates innovative ways to get the right candidates for clients. When you retain Ralph Andersen & Associates, you get our team's collective support and expertise working together to achieve your organization's objectives. The firm has conducted executive searches for large and small organizations throughout the nation. In addition to conducting searches for city manager and other chief executive officer positions, Ralph Andersen & Associates has successfully completed searches in every area of municipal service. Ralph Andersen & Associates believes the most important element of a successful executive search is to listen carefully to what our clients are looking for in terms of candidate experience and qualifications. Using these client-focused guidelines, candidate identification is undertaken through marketing and personal outreach.

- **Management Consulting** – Ralph Andersen & Associates helps organizations improve their performance potential with a range of management consulting services. The types of services provided by the firm include management and performance audits, organizational analyses, productivity improvement analyses, agency and service consolidation assessments, specialized financial management including debt restructuring and organizational problem solving. In addition to providing these services to entire organizations, the firm often conducts management consulting engagements that are focused in a specific service area such as public safety, city management, finance, public works, community development and other major service areas. Ralph Andersen & Associates treats every management consulting engagement as unique. This approach means we will assemble a consulting team comprised of consultants with the specific talents and experiences needed to successfully achieve the client's objectives. Our team of experienced consultants perform complex analyses and recommend solutions that are practical and most importantly, are capable of being implemented by our clients.
- **Human Resources Consulting** – The firm provides a full range of contemporary human resources consulting including classification studies, compensation studies, benefits analysis, pay plan development, executive pay, and pay for performance. Key staff have proven success in working with labor groups and elected officials in identifying solutions and solving challenging problems. Services also include expert witness services for mediation and arbitration hearings. Our approach to consulting services is characterized by proven methods, extensive data collection, accurate analysis, and effective communication and messaging.

Why Choose Ralph Andersen & Associates?

We are one of the few California based search firms that also have an outstanding track record of success in the field of public sector recruitments conducted on a national scale. Our substantial background and understanding of cities and your specific needs makes us ideally suited to represent the interests of the City.

Each consultant with Ralph Andersen & Associates has decades of service to the public sector. We are passionate about helping our clients staff their executive teams with top talent and understand the importance of fit. Especially in this era of enhanced public scrutiny, the proper placement of candidates is essential.

Additionally, we take a multi-disciplinary approach to executive search and the entire process. This is where Ralph Andersen & Associates sets itself apart:

- There's always an entire team behind every assignment;
- We take a multi-disciplinary approach to meeting our client's needs; and
- We keep commitments, performing at a level that exceeds our client's expectations.

Ralph Andersen & Associates serves a nationwide clientele through its Corporate Office in Sacramento (Rocklin), California. Our national staff of professionals and support staff include acknowledged leaders in their respective fields. Supplementing their extensive consulting backgrounds, our senior staff all have personal, hands-on executive experience in the operation of public agencies and private businesses.

Our Professional Competency in Local Government

Ralph Andersen & Associates has been providing executive search and management consulting services since 1972. As such, the executive recruitment techniques used by Ralph Andersen & Associates have been developed and used successfully with hundreds of clients for more than 46 years. As a national search firm, our client list includes a wide range of municipalities including some

of the largest and fastest growing cities in the country. Our firm has significant recruiting and consulting experience in California and the Western Region. As a highly qualified and experienced executive search firm, Ralph Andersen & Associates brings an extensive network of contacts in the area of local government that will prove invaluable in quickly identifying a pool of outstanding candidates for the City of Menlo Park.

Related Recruitments

The following recent city manager related recruitments have been conducted, or recently awarded, by Ralph Andersen & Associates (2010 to Present):

- Alexandria, VA – City Manager (2011)
- Apple Valley, CA – Town Manager (2017)
- Auburn, CA – City Manager (2017)
- Belvedere, CA – City Manager (2017)
- Beverly Hills, CA – City Manager (2010 and 2015)
- Brownsville, TX – City Manager (2018)
- Calabasas, CA – City Manager (2018)
- Carlsbad, CA – City Manager (2014)
- Carmel-by-the-Sea, CA
 - City Administrator (Backgrounds) (2016)
- Carson City, NV – City Manager (2014)
- Charlotte, NC – City Manager (2016)
- Cincinnati, OH – City Manager (2014)
- Colma, CA – City Manager (2013 & 2017)
- Davis, CA – City Manager (2014)
- Dublin, OH – City Manager (2014)
- El Campo, TX – City Manager (2010)
- Fountain Valley, CA – City Manager (2013 & 2017)
- Goleta, CA – Deputy City Manager (2017)
- Greensboro, NC – City Manager (2012)
- Henderson, NV – City Manager (2015)
- Huntington Beach, CA – Assistant City Manager (2013)
- Indio, CA – City Manager (2010)
- Irvine, CA
 - Assistant City Manager (2016)
 - City Manager (2018)
- Kingsburg, CA – City Manager (2013)
- Laguna Niguel, CA – City Manager (2017)
- Lake Forest, CA – City Manager (2017)

- Lathrop, CA – City Manager (2012)
- Lawrence, KS – City Manager (2016)
- Lincoln, CA – City Manager (2014)
- Loomis, CA – Town Manager (2017)
- Los Banos, CA – City Manager (2016)
- Manhattan Beach, CA – City Manager (2010)
- McKinney, TX
 - Assistant City Manager (2017)
 - City Manager (2016)
- Moorpark, CA – City Manager (2018)
- Morgan Hill, CA – City Manager (2013)
- Morro Bay, CA – City Manager (2017)
- Norfolk, VA – City Manager (2017)
- Oakland, CA – City Administrator (2011)
- Pacific Grove, CA – City Manager (2016)
- Palm Desert, CA – City Manager (2016)
- Portola Valley, CA – Town Manager (2012)
- Reno, NV – City Manager (2017)
- Riverside, CA – City Manager (2015)
- Rocklin, CA – City Manager (2010)
- Ross, CA – Town Manager (2012)
- Sacramento, CA (2017)
- San Bruno, CA – City Manager (2018)
- San Juan Capistrano, CA – City Manager (2015)
- Sanger, CA – City Manager (2015)
- Santa Barbara, CA
 - City Administrator (2015)
 - Assistant City Administrator (2015)
- Santa Rosa, CA
 - City Manager (2014)
 - Deputy City Manager (2015)
- Simi Valley, CA – City Manager (2013)
- Solana Beach, CA – City Manager (2015)
- South Jordan, UT – Assistant City Manager (2016)
- South Padre Island, TX – City Manager (2016)
- Suisun City, CA – City Manager (On Hold)

- Tiburon, CA – Town Manager (2015)
- Upper Arlington, OH – City Manager (2011)
- Watsonville, CA – City Manager (2015)
- Waxhaw, NC – Town Manager (2015 & 2017)
- Westlake Village, Ca (Current)
- Windsor, CA – Town Manager (2012)
- Yorba Linda, CA – City Manager (2013)

Key Personnel Qualifications

The reputation of the search firm and personal commitment of the recruiters define the difference between the success and failure of any given recruitment. Ralph Andersen & Associates' search professionals are acknowledged leaders in the field and possess a broad range of skills and experience in the areas of local government management, executive search, and related disciplines. Only senior members of Ralph Andersen & Associates are assigned to lead search assignments, ensuring that their broad experience and knowledge of the industry is brought to bear on our clients' behalf.

The City of Menlo Park will have Mr. David Boesch, Senior Consultant with Ralph Andersen & Associates, as the Project Director and lead consultant on this engagement. Mr. Boesch may have assistance from other members of the firm on candidate identification or to assist in outreach, including Ms. Heather Renschler, Mr. Greg Nelson, Mr. Dave Morgan (former City Manager), and/or Mr. Lamont Ewell (former City Manager).

Mr. David Boesch, Senior Consultant

Mr. Boesch, Senior Consultant with Ralph Andersen & Associates, brings his extensive experience and distinguished career in public service to a broad range of the firm's clients. He is a recognized expert in all aspects of local government; including, organizational and community development, performance, and talent management.



Having worked at the executive level for both cities and counties, he has a depth of knowledge across many disciplines. Additionally, Mr. Boesch has experience working in cities with the more traditional Council/Manager form of government as well as strong mayor with at-large and district elected councilmembers. Mr. Boesch previously served as the City Manager of Menlo Park for _____ years.

His most recent position before joining Ralph Andersen & Associates was as CEO for Placer County overseeing a budget of \$866 million with a staff complement of 2,900 employees serving a population base of 370,000. Immediately prior to this he was County Manager for San Mateo County (\$1.75 billion budget and 5,500 staff) with a population of 725,000 residents. Other municipal experience included positions as City Manager, Community Development Director, and Planning Administrator.

As a result of his leadership and facilitation skills, Mr. Boesch is well known for being skilled at working collaboratively with both elected and appointed officials as well as a diverse group of stakeholders. Throughout his career, Mr. Boesch has had experience with recruiting and hiring, organizational development, and performance management.

An important element for his career in local government was his early call to public service having grown up in the Washington, D.C. area. In charting his career path, he majored in city and regional planning at the University of Utah in order to build better communities. He later received his MPA

from the John F. Kennedy School of Government, Harvard University to increase his influence in leading organizations.

Mr. Boesch continues to mentor others and contribute to the next generation. Mr. Boesch has taught public administration at the graduate and undergraduate levels throughout his career. He often lectures at state associations and as a guest speaker at local government conferences and events. Additionally, he is a 30-year member of International City/County Management Association (ICMA).

Paraprofessional and Support Staff

Other paraprofessional, graphics, and support staff will provide administrative support to the search team on recruitment assignments. These may include: Ms. Christen Sanchez, Ms. Diana Haussmann, Ms. Hannah Jones, Ms. Blanche Velazquez, Ms. Tina Keller, Ms. Karen AllGood, and Ms. Teresa Heple.

Project Approach / Methodology

Our Understanding of the Assignment

The City Council has requested a proposal to assist in the identification and recruitment of a highly qualified group of candidates for the position of City Manager. In particular, the City Council is seeking a firm with the professional experience to clearly assess the City's needs and formulate a strategy to deliver quality results.

At Ralph Andersen & Associates we believe that gaining a complete understanding of our client's specific objectives and priorities is essential prior to launching any search assignment. This process includes the identification and incorporation of a variety of important details such as the candidate's desired skills and experience as well as the critical soft skills related to temperament, personality, management philosophy, and other factors that will ultimately determine the candidate's fit with the organization.

We begin each search by working closely with your leadership, stakeholders, staff, and, when appropriate, your community to ensure a complete picture of the desired candidate pool is developed. Our team-oriented approach matched with this 360-degree perspective means we ensure that a complete understanding of the organization's mission and culture translates into those specific traits and characteristics necessary to ensure the selected candidate is successful in the position.

We understand that the City Council expects aggressive, personalized outreach to identify a diverse and highly qualified applicant pool and a selection process that includes comprehensive candidate reports based on thorough reference and background checks. We will begin with fully detailed profiles of the desired candidate's characteristics and build a recruitment strategy that is tailored to meet the City's specific needs. The resulting outreach and advertising campaign will incorporate the extensive use of personal outreach to recruit a diverse and highly qualified group of candidates.

Our Approach to the Recruitment Process

The successful search process relies heavily on person-to-person contact to identify outstanding potential candidates and, in the evaluation phase, to gain a complete understanding of the background, experience, and management style of the top candidates. Our approach includes:

- Extensive ***personal outreach***, in-person and via telephone, to qualified candidates within California, the Western Region, and the nation.
- A ***marketing strategy*** that uses selected advertising to supplement the extensive candidate identification process using the Internet and using the firm's vast network of professional contacts.
- A ***screening process that narrows the field of candidates*** to those who most closely match the needs of the City and is based on ***preliminary research and telephone interviews*** with the top candidates.
- ***Delivering a product in the form of a search report that recommends the top group*** of candidates and provides the City Council with detailed information about their backgrounds and experiences.
- Assistance during the final interview and the selection process that will be held in closed session.
- Being available as needed to assist with the negotiation and development of an employment agreement during the final stages of the process.

Search Work Plan

We approach every search with a sense of excitement and urgency and we always “hit the ground running.” That means that when the City gives us notice to proceed, we kickoff the process immediately – working closely with the City Council, and others as requested, to identify the key characteristics and professional experience desired in the candidate pool. We believe strongly in providing timely client communications and while we will deliver regular status reports at each stage of the search, our consultants pride themselves in being highly accessible and responsive to all client requests and inquiries.

Task 1 – Review Project Management Approach

Mr. Boesch, Project Director, will meet with the City Council and others, as appropriate, to discuss the project management for the search. The discussion will include a review of the work plan, confirmation of timing, and communication methods.

Task 2 – Develop Position Profile

The position profile for the City Manager is the guide for the entire search process. The development of the profile includes the collection of technical information and recruitment criteria.

Technical Information

Mr. Boesch will meet with the City Council and others, as appropriate, to gain an understanding of the experience and professional background requirements desired in the City Manager. Oftentimes, key staff, community leaders, and other stakeholders are interviewed to help create a broader understanding of the unique aspects of the position. These meetings will also help the Project Director gain an understanding of the work environment and the issues facing the City of Menlo Park.

Recruitment Criteria

The recruitment criteria are those personal and professional characteristics and experiences desired in the City Manager. The criteria should reflect the goals and priorities of the City Council. Mr. Boesch will meet with key staff in the City and others, as appropriate, to facilitate the identification and articulation of that criteria.

Optional Services – The City Council may desire obtaining input from the Community on the qualities they would like to see in the new City Manager. To facilitate Community input, the Project Director is available to conduct a public forum as well as offer the ability to submit comments through an on-line survey instrument. Additionally, our process can allow for email comments to Ralph Andersen & Associates relative to the desired qualities in the next City Manager. See Cost Section for more details on pricing.

Subsequent to the development and adoption of the candidate profile, the technical information and recruitment criteria will be documented in an information brochure prepared by the Project Director. The brochure will be reviewed by the City in draft format, revised as appropriate, and published for use throughout the search.

Task 3 – Outreach and Recruiting

This task is among the most important of the entire search. It is the focus of the activities of the Project Director and includes specific outreach and recruiting activities briefly described below.

Outreach

An accelerated outreach and advertising campaign will be developed. It will include the placement of ads in publications such as the National League of Cities, Western Cities, International City/County Management Association (ICMA), Public CEO, and other

professional resources. Specific Internet sites related to government will be used as a method of extending the specific outreach in a short period of time.

Additionally, the advertisement and the full text of the position profile (the recruitment brochure) will be placed on Ralph Andersen & Associates' website, which is accessed by a large number of qualified candidates. This method of outreach to potential applicants provides a confidential source that is monitored by many key level executives on an on-going basis.

Candidate Identification

Ralph Andersen & Associates will use their extensive contacts to focus the recruiting effort. In making these contacts, the Project Director will target those individuals who meet the criteria set by the City. Each of the candidates identified through the recruiting efforts will be sent an information brochure. Candidates will also be contacted directly to discuss the position and to solicit their interest in being considered.

Both the outreach and recruiting activities will result in applications and resumes from interested candidates. As they are received, resumes will be acknowledged and candidates will be advised of the general timing of the search process. The following tasks involve the actual selection process, once all resumes have been received.

Task 4 – Candidate Evaluation

This task will be conducted following the application closing date. It includes the following specific activities:

Screening

All of the applications will be carefully reviewed. Those that meet the recruitment criteria and minimum qualifications will be identified and subject to a more detailed evaluation. This evaluation will include consideration of such factors as professional experience and size and complexity of the candidate's current organization as compared to the candidate profile.

Preliminary Research and Internet Review

The research staff of Ralph Andersen & Associates, under the direction of the Project Director, will conduct preliminary research and internet review for those candidates identified as the most qualified as a result of the screening process. This level of research will be done on a limited number of candidates to learn more about each candidate's public profile and related information that is available on the internet.

Preliminary Interviews

The Project Director will conduct preliminary interviews with the top group of candidates identified through the screening and preliminary research and Internet review processes. The interviews are extensive and designed to gain additional information about the candidates' experience, management style, and "fit" with the recruitment criteria. As much as possible, in-person interviews for California candidates will be conducted or alternatively done video technology. Mr. Boesch will have full discretion on the best method for each highly qualified applicant. A limited amount of consultant travel for preliminary in-person interviews has been included in this proposal.

The screening portion of the candidate evaluation process typically reduces a field of applicants to approximately five to ten individuals. Those individuals will be reviewed with the City Council prior to proceeding with the individual interviews.

Task 5 – Search Report

After completing Task 4, Mr. Boesch will meet with the City Council, or others as appropriate, to review the search report on the top candidates. The report divides all of the candidates into four groups including 1) the top group of candidates that are recommended to be interviewed in-person by the City; 2) a backup group to the first group; 3) no further consideration group; and 4) lacks minimum qualifications. The search report will include candidate resumes. The results of preliminary research and Internet reviews and interviews will be reviewed with the City Council.

The results of the Search Report will be a confirmed group of finalist candidates (typically 4 to 5) that the City Council will interview in-person.

Task 6 – Selection

The final selection process will vary depending upon the desires of the City Council. Typical services provided by Ralph Andersen & Associates in the selection process are described briefly below:

- Mr. Boesch will coordinate the selection process for the finalist group of candidates. This includes handling the logistical matters with candidates and with the City Council.
- Ralph Andersen & Associates will prepare an interview booklet that includes the resumes and candidate report (with interview comments, preliminary research, and other relevant information about the candidates). In addition, the booklet will contain suggested questions and areas for discussion based upon the recruitment criteria. Copies of the interview booklet will be provided in advance of the candidate interviews.
- Mr. Boesch will attend the interviews to assist the City Council through the selection process. This assistance will include an initial orientation, candidate introductions, and facilitation of discussion of candidates after all interviews have been completed.
- Additionally, verifications will be made on the top two candidates and will include education verifications, Department of Motor Vehicle check, and credit check. Due to recent legislation, effective January 2018, criminal checks (“Ban the Box”) are only permissible when a contingent offer of employment is made. The results of these verifications will be discussed with the City at the appropriate time.
- Reference checks will only be conducted on the top two candidates. For each top candidate, former co-workers and supervisors will be identified and contacted. The results of these reference checks will be discussed with the City at the appropriate time. Should the City require additional reference checks on more than the top two candidates, an additional fee will be added.
- As needed, Mr. Boesch is available to provide assistance to the City Council in the final selection as may be desired. This assistance may include providing or obtaining any additional information desired to assist in making the final selection decision.

Task 7 – Negotiation

Mr. Boesch is available to assist the City Council in negotiating a compensation package with the selected candidate. This may include recommendations on setting compensation levels.

Additionally, Ralph Andersen & Associates will prepare a draft employment agreement and work with the City Council on the finalization of this document. As required by the Brown Act, the employment agreement for the new City Manager will be required to be approved and voted on in a public meeting at a regularly scheduled City Council meeting.

Task 8 – Close Out

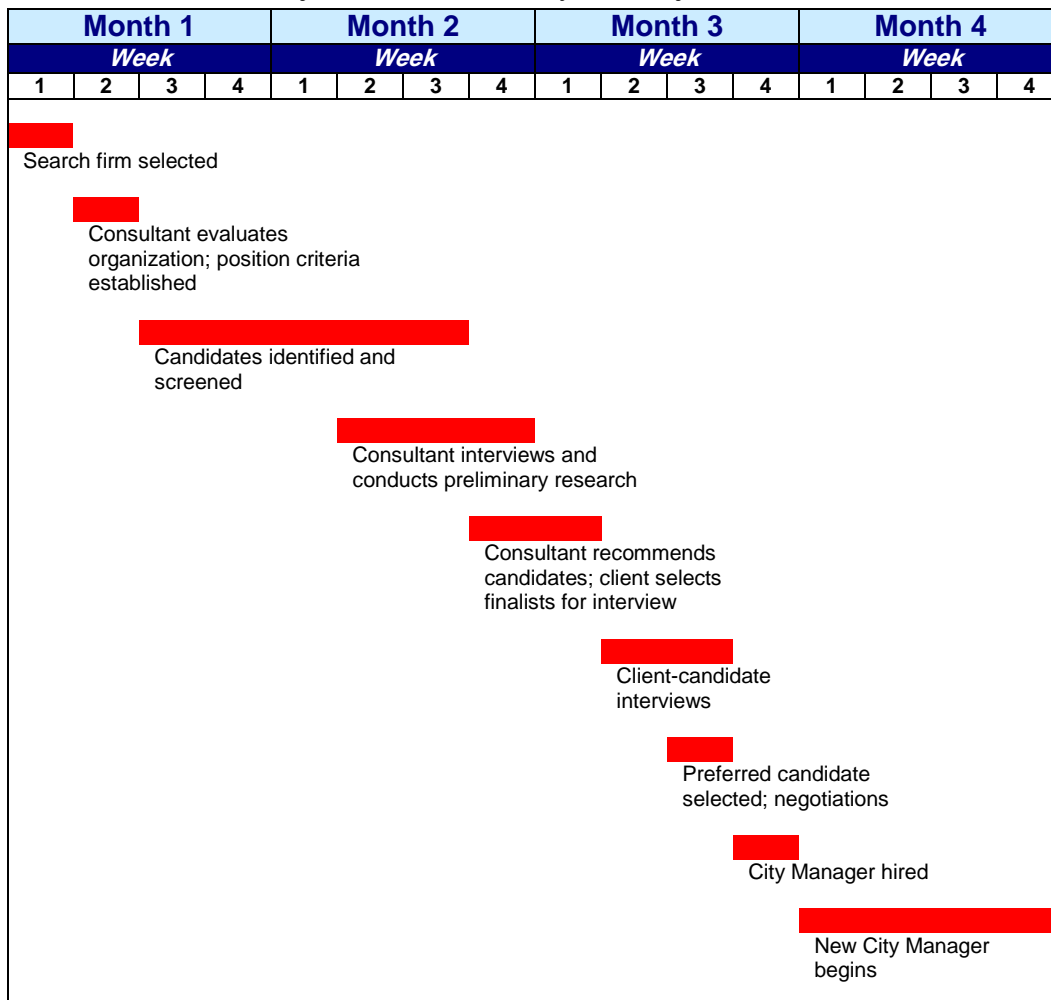
After the City Council has reached agreement with the individual selected for the position, the Project Director will close out the search. These activities will include advising all of the finalist candidates of the status of the search by telephone.

Project Timeline

Ralph Andersen & Associates will complete the search within 75-90 days (or less) from the execution of the agreement to the presentation of candidates. Meeting with the City Council would take place immediately after award of the search to Ralph Andersen & Associates and as early as the scheduling with the City Council will allow. **Important to note, Mr. Boesch is readily available and able to start this engagement immediately in order to address the upcoming vacancy.**

If community meetings are needed in advance of the release of the brochure this will delay the start of the recruitment process. We do believe community input is important and vital to the success of many recruitment efforts. In the essence of time, we may want to suggest that community meetings be held to develop a more detailed profile of the “ideal candidate” that would further benefit the City Council during the final selection stage.

A recruitment brochure be developed with anticipated approval from the City Council in late October or early November. A brief overview of the recruitment schedule is presented below (schedule does not include transition time by Selected Candidate to join the City).



Project Cost

The recruitment effort for a new City Manager will be a comprehensive search process focused primarily in California with selective outreach on a national basis, giving the City the ability to select from a broad field of qualified candidates. *The fee to perform this search will be a fixed fee of \$28,750 for professional services and all related expenses with the exception of Community Meetings/Forums or a Community Survey. This cost structure reflects a professional discount of \$6,250 (from \$35,000) due to the strong desire of Ralph Andersen & Associates to offer the services of Mr. Boesch on this engagement.*

Expenses included in the fixed fee include such items as advertising, consultant trips (as needed; anticipated to be not more than four day trips to the City), clerical, graphic design, research, printing and binding, postage and delivery, and long-distance telephone charges.

This pricing structure assumes the following:

- **Verifications and Backgrounds** on the top two candidates including reference checks. Should the City desire to conduct verifications on more than two candidates, professional costs and expenses will be billed in addition to the above stated amount.
- **Brochure** – A full color brochure will be developed for the City of Menlo Park. All pictures will be the responsibility of the City.

Ralph Andersen & Associates will bill the City in four installment payments as follows:

- Following kick-off and finalization of recruitment brochure - \$8,000
- After the closing date - \$8,000
- After finalist interviews - \$8,000
- Upon placement - \$4,750

Progress payments will be due upon receipt.

Optional Services (Community Meeting/Forum) – Should the City choose to community meetings or a public forum to solicit additional information about the “ideal candidate”, a daily rate of \$2,750 will be charged plus incurred travel and related expenses. All announcements, advertisements and publication of community meetings/forums would be at City’s expense.

Optional Services (Community Survey) – Should the City choose to conduct an internet survey with summarized results, this would be conducted for an additional \$2,500.

Exclusions – The City will be responsible for all candidate expenses related to on-site interviews.

Guarantee

Ralph Andersen & Associates offers the industry-standard guarantee on our search services. If within a one-year period after appointment, the City Manager resigns or is dismissed for cause, we will conduct another search free of all charges for professional services. The City would be expected to pay for the reimbursement of all incurred expenses.

Should the initial outreach efforts not result in a successful placement, Ralph Andersen & Associates will continue the outreach efforts until the ideal candidate is found. The City will be responsible for expenses based on actual receipts.

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STAFF REPORT

City Council
Meeting Date: 10/23/2018
Staff Report Number: 18-195-CC

Informational Item: Update on the Transportation Master Plan status

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

The development of a Transportation Master Plan is included as one of the top six priority projects in the City Council's adopted 2018 work plan and is also one of the highest priority implementation programs in the 2016 general plan circulation element.

Background

On May 22, 2018, the City Council authorized a scope amendment and appropriation request to add four additional Outreach and Oversight Committee meetings, two Complete Street Commission meetings, and one community meeting as contingency.

Staff conducted the four additional Outreach and Oversight Committee meetings May 30, August 30, September 5 and September 25, 2018, and the two Complete Streets Commission meetings May 9 and September 12, 2018.

Analysis

Staff is providing this informational report to inform the City Council of the next steps in the development of the Transportation Master Plan. Staff and the consultant team released the draft strategies and recommendations working paper August 23, 2018. This working paper included 173 draft recommendations, which were reviewed by the Committee over their three meetings in August and September focusing on three geographical areas of the City (north, central and south.) The Committee conducted deliberate and extensive discussions providing feedback and suggestions on additional recommendations and expressed a desire to have one additional meeting to review responses to their feedback before the next round of community engagement.

In response to the feedback provided, staff has been working with the Committee members on their availability to schedule the seventh meeting and tentatively scheduled it for December 6, 2018 to review the updated citywide recommendations before conducting the next round of community engagement. Due to the scheduling of this additional meeting, the next phase of community engagement, originally planned for fall 2018 will need to be rescheduled to winter 2019. An updated project schedule is included in Table 1.

Table 1: Project schedule	
Project schedule	Schedule
Oversight & Outreach Committee #7	December 6, 2018
Community workshop and online open house	Winter 2019
Release draft master plan	Spring 2019
Outreach & Oversight Committee #8: review draft master plan	Spring 2019
Complete Streets Commission review and recommendation to the City Council on the draft master plan	Spring 2019
City Council review and adoption of master plan	Summer 2019
Develop Fee Program update	Fall 2019

The plan’s amended scope of work called for eight Committee meetings during the course of the project, seven during the plan development and one for the transportation impact fee program update. Staff is recommending that all eight meetings be used for the Plan development. If additional meetings are necessary, staff would return to the City Council with a contract amendment and budget appropriations request for this effort.

Major project milestone progress and deliverables will continue to be posted on the city project website (Attachment A.)

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. Hyperlink: City project website – menlopark.org/tmp

Report prepared by:
Kristiann Choy, Senior Transportation Engineer

Report reviewed by:
Justin Murphy, Public Works Director



STAFF REPORT

City Council

Meeting Date: 10/23/2018

Staff Report Number: 18-194-CC

Informational Item: Update on the Federal Communications Commission's (FCC) new small wireless facility regulations and City's response to FCC order

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

The City manages its right-of-way (ROW) to promote a variety of, sometimes competing, transportation, mobility and utility uses. In the telecommunications arena, there has been an increasing trend of federal legislation designed to pre-empt and limit local land use authority to regulate placement of telecommunications facilities with the City's ROW.

Background

The tremendous growth in personal wireless services has created an increased demand for new wireless antennas and equipment. Consumers' need for increased capacity and speed also drive this demand. Existing 3G and 4G wireless technology was largely deployed using macro cell sites installed on large cell towers which created a greater coverage area but has a limited capacity. Increased usage of cellular data functions has subsequently increased the demand for greater capacity on cellular networks. To meet this demand, the proposed 5G network coverage (although not officially defined) is expected to consist of approximately 80 percent small cell sites. These small cell deployments are significantly smaller than previously built macro cell sites. As such small cell sites have a more limited range by serving only users within the immediate proximity and thus the industry is planning for a far greater density.

Telecommunications Act of 1996

Wireless telecommunications facilities are regulated by federal, state and local laws. Federal law significantly limits the city's ability to regulate these facilities. Under the federal law, a city cannot prohibit the provision of wireless service or unreasonably discriminate among wireless service providers. Also, under federal law, the city may not regulate the placement, construction or modification of wireless communications facilities on the basis of radio frequency (RF) emissions, so long as the facilities comply with the FCC regulations concerning such emissions. Despite federal limitations, cities historically have retained ability to regulate the aesthetic of wireless facilities, including factors such as height and property line setbacks. However, federal law developments continue to erode that ability.

The Spectrum Act

In 2012, Congress enacted the Spectrum Act.¹ The Spectrum Act was intended to facilitate the telecommunication industry's rapid deployment of wireless infrastructure by requiring local governments to approve any application that sought to modify an existing wireless telecommunication facility that does not "substantially change" the existing facility. The Spectrum Act itself contains no specific definitions, but in 2015, the FCC promulgated regulations containing definitions, processing requirements, timelines and remedies for applications that seek to modify an existing wireless telecommunication facility in accordance

¹ 47 U.S.C. § 1455.

with the Spectrum Act. These FCC rules are binding on local governments. Most significantly for cities, the federal regulations established very short processing time lines (referred to as “shot clocks”) of 60, 90 and 150 days depending on the type of facility.

September 27, 2018 FCC Ruling

Most recently, September 27, 2018, the FCC issued a ruling designed to further promote the expeditious deployment of small cell sites in the public ROW.² This ruling goes into effect January 17, 2019. The recent FCC ruling applies to all small wireless facilities defined as follows:

Small wireless facility . . . is a facility that meets each of the following conditions:

1. The structure on which antenna facilities are mounted—
 - a. Is 50 feet or less in height, or
 - b. Is no more than 10 percent taller than other adjacent structures, or
 - c. Is not extended to a height of more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
2. Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume; and
3. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
4. The facility does not require antenna structure registration under part 17 of this chapter;
5. The facility is not located on Tribal lands; and
6. The facility does not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in [federal law].

In Menlo Park, small wireless facility applications will most likely involve attachments to existing PG&E utility poles, street lights and traffic lights.

The recent FCC ruling establishes the following new standards for small wireless facilities:

- Broad interpretation of local prohibitions: The FCC order attempts to further limit the city’s ability to adopt a regulation that “materially limits or inhibits the ability of wireless carriers.”
- Cost-based fees: The FCC ruled that cities are limited to charging fees that are no greater than a “reasonable approximation” of their costs for processing applications and for managing deployments in the right of way. The FCC established a presumptively lawful, nationwide fee schedule for small cell applications as follows:
 - \$500 for a single up-front application that includes up to 5 small wireless facilities, with an additional \$100 for each small wireless facility beyond five, or \$1,000 for non-recurring fees for a new pole to support one or more small wireless facilities;
 - \$270 per small wireless facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to city-owned poles in the ROW.
- Aesthetic regulations: These are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments and (3) published in advance.
- Underground requirements: The FCC ruled that a requirement that all wireless facilities be deployed underground would amount to an effective prohibition and is thus not permitted.
- Quid Pro Quo “in kind service”: The FCC discouraged situations where the city makes clear it will approve a deployment only on condition that the provider supply an “in-kind” service or public benefit, such as installing a communications network dedicated to city’s exclusive use.
- Batched applications: Cities cannot prohibit batched applications (e.g, multiple street lights.) It is

² Declaratory Ruling and Third Report and Order, WT Dk. No. 17-79 and WC Dk. No 17-84.

expected that the city will receive dozens of poles attachment requests in a single application.

In addition, the recent FCC ruling established a new set of even more restrictive “shot clocks” applicable only to small wireless facilities. These shot clocks are:

- Sixty days for small cell wireless facility attachments to existing poles or structures
- Ninety days for small cell wireless facilities on new poles or structures.

Because the ruling significantly encroaches on cities’ abilities to manage their own ROW, it is likely to be legally challenged. The ruling will continue to apply to cities unless and until a court issues an injunction against the ruling.

Analysis

Menlo Park’s current Code requires most wireless facilities to obtain a conditional use permit to locate on private property. The City requires an encroachment permit to locate such facilities in the right of way. Given the new federal law shot clocks it will be extremely challenging for the City to issue a CUP within the prescribed time. As a result of the shot clocks prescribed in the Spectrum Act, many cities have updated their wireless ordinances to streamline the siting and permitting process. With the passage of the new FCC regulation the need for streamlining is even more apparent.

To address both the Spectrum Act and the new FCC regulations, staff plans to bring forward an ordinance streamlining the process for siting and permitting wireless facilities in the right of way. Staff also plans to update its process for wireless facilities on private property as well, but anticipates doing that at a subsequent time. Based on conversations with the carriers and the data in the recent FCC order it appears that the bulk of the new wireless applications in the upcoming year will be for ROW sites. Staff anticipates bringing the ROW ordinance to the City Council in the first part of 2019.

The new ROW wireless ordinance will likely contain published design criteria that will focus on concealing and camouflaging the facilities as much as possible. It will also contain a tiered system for permitting wireless facilities in the ROW and creating an administrative process for most “collocations.” In addition, the ordinance will contain safeguards for ensuring the structural integrity of the existing support structures. Finally, the City will also be proposing a master license agreement governing wireless attachments to city-owned poles.

Menlo Park has been talking to several carriers about possible ROW applications. Staff has informed them of its intent to update the city’s procedures and we anticipate they will engage with us on this process.

Public Notice

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

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