



SPECIAL AND REGULAR MEETING AGENDA

Date: 4/9/2019
Time: 5:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

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.

5:00 p.m. Special Business – Planning Commissioner Interviews (City Hall – “Downtown” Conference Room, 1st Floor)

SP1. Interviews of Planning Commission applicants

(Note: No action will be taken at this meeting. Appointments are scheduled for the April 16, 2019, City Council meeting.)

6:30 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 conference with labor negotiators pursuant to Government Code §54957.6 regarding Menlo Park Police Sergeants Association (PSA)

Attendees: City Attorney Bill McClure, Administrative Services Director Lenka Diaz, Labor Attorney Charles Sakai

7:00 p.m. Regular Session (City Council Chambers)

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Presentations and Proclamations

D1. Certificates of recognition: Menlo School girls basketball championship

D2. Proclamation: Proclaiming the Week of April 8-12, 2019 as the Week of the Young Child

D3. Proclamation: Recognizing April 26, 2019 as Arbor Day

E. Report out of Closed Session

F. Public Comment

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

G. Commission/Committee Report

- G1. Housing Commission update
- G2. Parks and Recreation Commission update
- G3. Finance and Audit Committee report
- G4. Environmental Quality Commission update

H. Consent Calendar

- H1. Accept the City Council meeting minutes for March 5, March 12, and March 26, 2019 ([Attachment](#))
- H2. Approve Environmental Quality Commission two-year work plan goals for years 2019-2021 ([Staff Report #19-062-CC](#))
- H3. Adopt Resolution No. 6491 approving the list of projects eligible for fiscal year 2019-20 funds from Senate Bill 1: The Road Repair and Accountability Act of 2017 ([Staff Report #19-057-CC](#))
- H4. Amending the agreement with Infrastructure Engineering Corporation for the Emergency Water Supply Well No. 1 project located at the City’s corporation yard ([Staff Report #19-056-CC](#))

I. Public Hearing

- I1. Consider an appeal of the Planning Commission approval of a use permit revision to update the use of the existing Phillips Brooks School at 2245 Avy Avenue, adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round ([Staff Report #19-059-CC](#))

J. Regular Business

- J1. Review overall effectiveness of existing red light photo enforcement program and authorize the city manager to execute a five-year agreement not-to-exceed \$234,000 annually with Redflex Traffic Systems, Inc. to continue the red light photo enforcement program ([Staff Report #19-064-CC](#))
- J2. Approval of bonus for City Attorney William L. McClure ([Staff Report #19-063-CC](#))

K. Informational Items

- K1. Phase II Scope of work for the heritage tree ordinance update ([Staff Report #19-060-CC](#))

- K2. Update on agreement with Tim Sheeper, Inc. for operation of Belle Haven and Burgess pools ([Staff Report #19-058-CC](#))
- K3. Update on the Middle Avenue pedestrian and bicycle rail crossing project ([Staff Report #19-061-CC](#))
- K4. Quarterly City Council agenda topics: April to June 2019 ([Staff Report #19-065-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: 4/4/2019)



**SPECIAL JOINT MEETING WITH MENLO PARK FIRE PROTECTION DISTRICT
MINUTES – DRAFT**

Date: 3/5/2019
Time: 5:30 p.m. – 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

5:30 p.m. – 7 p.m. Special Study Session (City Council Chambers)

A. Call to Order

Mayor Mueller called the meeting to order at 5:39 p.m.

B. Roll Call

Present: Combs, Nash, Taylor, Mueller
Absent: Carlton
Staff: City Manager Starla Jerome-Robinson, City Clerk Judi A. Herren

C. Pledge of Allegiance

Mayor Mueller led the Pledge of Allegiance.

D. Regular Business

D1. Response time (Attachment)

Menlo Park Fire Protection District (MPFPD) Chief Harold Schapelhouman gave the presentation.

The City Council discussed and had a consensus to create and appoint liaisons to the MPFPD.

- Pamela Jones spoke in support of the joint meeting and requested that residents be involved in the collaboration between the City Council and MPFPD.
- Katie Behroozi commented that measures used to improve response time could also lead to more traffic collisions.

D2. Community notification system (Attachment)

Menlo Park Fire Protection District (MPFPD) Chief Harold Schapelhouman gave the presentation.

The City Council expressed support for the long range acoustic devices (LRAD). The MPFPD offered to perform a demonstration at a later date.

D3. Community engagement

There was discussion around the CERT (Community Emergency Response Team) program and the need to engage the Menlo Park Police Department.

- Remona Murray spoke in support of CERT and encouraged the City Council to communicate with the CERT board.

The City Council discussed having liaisons work with the CERT board and return to both bodies with updates.

D4. Improvements for safety and emergency access at Middlefield Road and Linfield Drive near Station 1 (Attachment)

Menlo Park Fire Protection District (MPFPD) Chief Harold Schapelhouman gave the presentation.

The City Council agreed to have the liaisons bring this back to the City Council.

D5. Speed round of topics of interest

The City Council and MPFPD Board agreed the meeting was productive and supported the common goals and objectives of both bodies. Mayor Pro Tem Taylor encouraged others to join CERT.

E. Adjournment

Mayor Mueller adjourned the meeting at 7:02 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 3/5/2019
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

City Councilmember Catherine Carlton participated by phone from:
Club El Nogal, Cra. 7, 78-96
Bogota DC, Colombia

7:00 p.m. Regular Session

A. Call to Order

Mayor Mueller called the meeting to order at 7:15 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Taylor, Mueller
Absent: None
Staff: City Manager Starla Jerome-Robinson, City Attorney Bill McClure, City Clerk Judi A. Herren

C. Pledge of Allegiance

Mayor Mueller led the Pledge of Allegiance.

D. Consent Calendar

Mayor Pro Tem Taylor pulled item D1.

D1. Adopt Resolution No. 6477 rescinding City Council Policy CC-01-0004, Commissions/Committees policies and procedures roles and adopting City Council Policy CC-19-0004, Commissions/Committees policies and procedures Roles (Staff Report #19-011-CC)

- Pamela Jones spoke against the merge of the Belle Haven Neighborhood Advisory Committee (BHNLC) and Library Commission.

Mayor Pro Tem Taylor commented that BHNLC should be charged with another task and not merged. Taylor also suggested the creation of a policy around the City Council email (CCIN) including an automated reply. The City Council discussed and had consensus for appointing Mayor Pro Tem Taylor and City Councilmember Nash to an ad hoc subcommittee to revisit BHNLC.

ACTION: Motion and second (Carlton/Combs) to adopt Resolution No. 6477 rescinding City Council Policy CC-01-0004, Commissions/Committees policies and procedures roles and adopting City Council Policy CC-19-0004, Commissions/Committees policies and procedures Roles without the dissolving and merging of BHNLC and appointing Mayor Pro Tem Taylor and City Councilmember Nash to an ad hoc subcommittee to revisit BHNLC, passed unanimously.

- D2. Approve the final project study report for the Ravenswood Avenue railroad crossing study selecting Alternative C as the preferred alternative (Staff Report #19-032-CC)

ACTION: Motion and second (Combs/Nash) to approve the final project study report for the Ravenswood Avenue railroad crossing study selecting Alternative C as the preferred alternative, passed unanimously.

E. Regular Business

- E1. Accept the 2018-19 mid-year budget report, approve recommended 2018-19 budget amendments, and authorize the City Manager to amend agreements with Alta Planning + Design and Noll and Tam Architects (Staff Report #19-037-CC)

Finance and Budget Manager Dan Jacobson made the presentation

ACTION: Motion and second (Combs/Carlton) to accept the 2018-19 mid-year budget report, approve recommended 2018-19 budget amendments, and authorize the City Manager to amend agreements with Alta Planning + Design and Noll and Tam Architects, passed unanimously.

- E2. 2019 City Council policy priorities and work plan (Staff Report #19-035-CC)

This is a continued item, no staff report or public comment (refer to minutes of the February 26 meeting).

The City Council discussed prioritizing the needs of residents, transportation including Safe Routes, and City services. There was also discussion about completing current projects and improving the quality of life for residents by recognizing the job-housing imbalance.

ACTION: Motion and second (Nash/Mueller) to approve the budget principles, passed 4-1 (Taylor dissenting).

Mayor Mueller was recused on the downtown town parking structure and exited the chambers.

The City Council discussed reprioritizing the climate action plan and the need for undergrounding utilities throughout the City instead of limiting undergrounding to the downtown. There was also interest in defunding the downtown parking structure.

Mayor Mueller returned and directed staff to return the defunding of the downtown parking structure to a future City Council meeting. There was also discussion on the prioritizing of the electric vehicle charges.

ACTION: Motion and second (Nash/Carlton) to approve the prioritization of the capital improvement projects, passed unanimously.

By acclamation the City Council direct the following items to the commissions:

- Middle Avenue Caltrain access, San Mateo bike bridge, to Olive Street – Complete Streets Commission
- Energy reach codes and carbon policy – Environmental Quality Commission
- Affordable housing – Housing Commission

The City Council received clarification on the upcoming study session items and they provided direction on other study sessions they would like to hold.

ACTION: Motion and second (Carlton/Combs) to approve the 2019 City Council policy priorities and work plan, passed unanimously.

F. Informational Items

- F1. Pension Liability funding options (Staff Report #19-038-CC)

G. City Manager's Report

None.

H. Councilmember Reports

None.

I. Adjournment

Mayor Mueller adjourned the meeting at 9:30 p.m.

Judi A. Herren, City Clerk



SPECIAL AND REGULAR MEETING MINUTES – DRAFT

Date: 3/12/2019
Time: 5:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

City Councilmember Catherine Carlton participated by phone from:
1000 E 5th Street
Austin, TX 78702

5:00 p.m. Closed Session (City Hall – “Downtown” Conference Room, 1st Floor)

CL1. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding PSA

Attendees: City Attorney Bill McClure, Administrative Services Director Lenka Diaz

CL2. Closed session conference pursuant to Government Code §54957(b)(1) regarding public employee performance evaluation of the City Attorney

6:00 p.m. Study Session (City Council Chambers)

A. Call to Order

Mayor Mueller called the meeting to order at 6:07 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Taylor, Mueller
Absent: None
Staff: Assistant City Manager Nick Pegueros, City Attorney Bill McClure, City Clerk Judi A. Herren

C. Pledge of Allegiance

Mayor Mueller led the Pledge of Allegiance.

SS1. Best practices for chronic homelessness

Commander William Dixon made the presentation.

Bruce Ives with Life Moves described services and partnerships that are available. Mr. Ives also suggested more collaboration between the City and providers would be beneficial.

Lead Pastor and Executive Director David Shearin of Street Life Ministries spoke about their meal services provided to the homeless.

Chris Richardson with the Downtown Streets Team explained the services offered ranging from

employment assistance, housing, and beautifying the environment.

Christiana Lydans with the Samaritan House spoke about the basic safety net services, which include food, clothing, medical clinics, and financial assistance.

The City Council discussed bringing the Downtown Streets Team to Menlo Park and delivering Project Dignity on Wheels to the Bayfront neighborhood. There was consensus to create a City Council task force to collaborate with the service providers.

Deputy Community Development Director Rhonda Coffman made a presentation on the services provided by Redwood City.

7:00 p.m. Regular Session

D. Report out of Closed Session

None.

Assistance Public Works Director Nikki Nagaya introduced the new Safe Routes to School Coordinator Andre-Anne Cadieux.

Public Comment

- Jen Wolosin welcomed Andre-Anne as the new Safe Routes to School Coordinator.
- Jim Lewis with donated time from Karen Krieger spoke regarding sister city, Galway Ireland.
- Matt Henry with donated time from Rose Bickerstaff spoke in support of merging the Belle Haven neighborhood into the Menlo Park school district.
- Pamela Jones spoke in support of merging Belle Haven and Menlo Park school districts.
- Chuck Jegada spoke in support of the Downtown Streets Team and supports the efforts made by Menlo Park.
- Muneerah Crawford spoke in favor of more resources going towards homelessness.

E. Consent Calendar

- E1. Accept the City Council meeting minutes for February 26, 2019 (Attachment)
- E2. Waive the second reading and adopt Ordinance No. 1055 to update inspection requirements of the Stormwater Management Program (Staff Report #19-043-CC)
- E3. Award a construction contract to Gruendl Inc. DBA Ray's Electric for rectangular rapid flashing beacon installation at five locations in the amount of \$301,016, approve a contingency in the amount of \$30,102; and appropriate \$235,000 from the Measure A fund balance (Staff Report #19-044-CC)

The City Council received clarification as to why the replacements are being installed.

- Pamela Jones spoke in support of pedestrian safety.
- E4. Approve an expenditure, not to exceed \$104,087, for fiscal year 2018-19 Xerox, Inc. services (Staff Report #19-041-CC)

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

F. Regular Business

F1. Approval of seventh amendment to the agreement of services for City Attorney William L. McClure (Staff Report #19-047-CC)

- Lynne Bramlett spoke in favor of an open process when selecting a candidate for vacant positions and commented on the city of Portland's strategic goals for hiring.

The City Council received clarification about the City Attorney's role of working under the direction of the City Council to provide legal counsel (about City matters) to the City Council and staff. Although the public does bring issues to the City Attorney's office directly, the responses vary dependent on the legal matters discussed.

ACTION: Motion and second (Combs/Nash) to approve the seventh amendment to the agreement of services for City Attorney William L. McClure, passed unanimously.

F2. Biennial review of the El Camino Real/Downtown Specific Plan and direction on plan amendments (Staff Report #19-045-CC)

City Attorney William McClure was recused and exited the chambers. Legal Counsel Eric Philips from Goldfarb Lipman was introduced to advise the City.

Assistant Community Development Director Deanna Chow and Senior Planner Corinna Sandnmeier made the presentation.

- Lynne Bramlett spoke in support of public outreach and input for the downtown specific plan.
- Angie Evans spoke in support of the Menlo Together recommendation.
- Patti Fry spoke in support of discussing the downtown specific plan and suggested that City Council identify short-term actions.
- Karen Grove spoke in support of the Menlo Together letter, prioritizing affordable housing and inclusion of the parking structure in the downtown specific plan.
- Diane Bailey spoke in favor of affordable housing, electric vehicles, eliminating carbon from new buildings and avoiding displacement.
- Tom Kabat spoke in support of reviewing the downtown specific plan because more attention needs to be paid to the environmental elements such as gas free buildings.
- Jen Wolosin spoke about the housing crisis, asking that staff provide more citywide housing data.
- Adina Levin spoke in support of more housing in the downtown area.
- Rachel Horst spoke in support of the Housing Commission recommendations and affordable housing on public land.
- Meg McGraw-Scherer spoke in support of affordable housing in downtown.
- Evan Goldin spoke in support of improving downtown, housing, raising building heights, and office development.

The City Council received clarification that the floor area ration (FAR) could not be altered, but the

density can change with the bonus level projects. There was also discussion regarding public outreach and a request to incorporate more visuals into the staff reports. Mayor Mueller expressed interest in investigating the workforce housing and the missing middle.

City Attorney McClure returned.

- F3. Second reading and adoption of Ordinance No. 1053 to add residential tenant relocation assistance requirement and discussion of establishing a community housing fund to assist lower income tenants (Staff Report #19-046-CC)

Assistant to the City Manager Clay Curtin and Assistant City Attorney Cara Silver made the presentation.

- Judy Adams spoke in support of affordable housing and developing on public land.
- Angie Evans spoke in support of affordable housing and the need for a stronger ordinance.
- Karen Grove spoke in favor of donating the proposed community fund to the Samaritan House.
- Curt Conroy spoke in support of affordable housing but against fees on property owners.
- Rachel Horst spoke on the community fund and the importance of cost burden factors.
- Pamela Jones spoke on the process of ordinances and resolutions and in support of holding off on the adoption of the proposed tenant relocation ordinance.
- Ryan Carrigan spoke in support of the tenant relocation ordinance and the community housing fund.
- Jeff Deng spoke about the burden on the property owners under the proposed tenant relocation ordinance.
- Meg McGraw-Scherer spoke in support of the tenant relocation and the community fund.
- Lynne Bramlett spoke in support of the tenant relocation ordinance and suggested that Air B and B be investigated.

City Council discussed and came to a consensus to have the Samaritan House administer the program. There was also discussion regarding the community housing fund eligibility criteria, and ensuring that the fund's priority is primarily for relocation services.

ACTION: Motion and second (Carlton/Combs) to adopt Ordinance No. 1053 to add residential tenant relocation assistance requirement and discussion of establishing a community housing fund to assist lower income tenants, passes 3 – 2 (Taylor and Nash dissenting).

- F4. Discuss and provide direction on the City's travel policy and/or adopt Resolution No. 6485 rescinding City Council Procedure No. CC-18-001 and adopting City Council Procedure No. CC-19-002 titled "City of Menlo Park Travel, Meal and Lodging Policy" (Staff Report #19-023-CC)

There was discussion on the use of a City title while traveling.

ACTION: By acclamation, the City Council approved the extension of this meeting past 11 p.m., passed unanimously.

ACTION: Motion and second to adopt Resolution No. 6485 rescinding City Council Procedure No. CC-18-001 and adopting City Council Procedure No. CC-19-002 titled "City of Menlo Park Travel, Meal and Lodging Policy", passed unanimously.

- F5. Approval of City Council appointments to various City Council subcommittees and liaisons to outside agencies (Staff Report #19-030-CC)

The City Council requested that the ad hoc subcommittee on Facebook/Willow Village, Housing, and Minimum Wage be agendized at a future meeting.

ACTION: Motion and second to appoint City Councilmember Carlton and Mayor Pro Tem Taylor to the ad hoc subcommittee on Willow/101 and appoint Mayor Mueller and City Councilmember Combs as liaisons to the Menlo Park Fire Protection District, passed unanimously.

G. Informational Items

- G1. City Council and commission/committee annual attendance report for March 2018 – February 2019 (Staff Report #19-039-CC)

The City Council directed staff to have the commission/committee liaisons to connect with the members who are under the 67 percent attendance rate.

- G2. Update on proposed Cable JPA purchase of the Mid-Pen Media Center building at 900 San Antonio Road, Palo Alto, CA, using member agencies' PEG fees (Staff Report #19-048-CC)
- G3. City Council adopted fiscal year 2019-20 budget principles and 2019 priorities and work plan (Staff Report #19-049-CC)

The City Council directed staff to update the language to include "access strategies" to the downtown parking solutions.

H. City Manager's Report

I. Councilmember Reports

J. Adjournment

Mayor Mueller adjourned the meeting at 11:19 p.m.

Judi A. Herren, City Clerk



SPECIAL AND REGULAR MEETING MINUTES - DRAFT

Date: 3/26/2019
Time: 5:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

5:00 p.m. Closed Session (City Hall – “Downtown” Conference Room, 1st Floor)

CL1. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding PSA

Attendees: City Attorney Bill McClure, Administrative Services Director Lenka Diaz

CL2. Closed session conference pursuant to Government Code §54957(b)(1) regarding public employee performance evaluation of the City Attorney

CL3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(d) (4): One case

6:00 p.m. Study Session (City Council Chambers)

A. Call to Order

Mayor Mueller called the meeting to order at 6:06 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Taylor, Mueller
Absent: None
Staff: Assistant City Manager Nick Pegueros, City Attorney Bill McClure, City Clerk Judi A. Herren

C. Pledge of Allegiance

Mayor Mueller led the Pledge of Allegiance.

D. Presentations and Proclamations

D1. Youth – Plan, Learn, Act, Now (Y-PLAN) housing study presentation and commendations students Ivette Contreras, Mia Palacios, Ashley Barraza, and Nataly Manzanero made the presentation.

Mayor Mueller presented certificates to Ivette Contreras, Mia Palacios, Ashley Barraza, and Nataly Manzanero.

SS1. Initiate ConnectMenlo general plan two-year review (Staff Report #19-053-CC)

Assistant Community Development Director Deanna Chow made the presentation.

- Pamela Jones in favor of more public outreach for ConnectMenlo.
- Rachel Bickerstaff spoke in support of the beautiful new buildings but against the progress of connecting Menlo Park.
- Sheryl Bims spoke against the development in District 1.
- Vicky Robledo spoke about the traffic congestion in the Belle Haven neighborhood.
- Adina Levin spoke in support of the Dumbarton Rail project moving forward and other transportation options. Levin also spoke in support of prioritizing housing.
- Diane Bailey spoke in support of the renewable energies required in ConnectMenlo and implementation should be considered in the Downtown Specific Plan.
- Henry Riggs spoke about the traffic issues in the Bayfront area.
- Rita Vrhel spoke about the rise of ground water and climate change.
- Karen Grove spoke in support of increased mobility and more affordable housing.
- Angela Evans spoke in support of affordable housing downtown.
- Jasmine Harris spoke in support of education, parks, and traffic relief.
- Rachel Horst spoke in support of receiving public comment on ConnectMenlo and community amenities, and expressed concerns about office buildings.

The City Council requested that they revisit the amenities list and consider a “boomerang fund” in order to capture funds and reinvest into the neighborhood. There was discussion on the LEED (Leadership in Energy and Environmental Design) standards and upcoming state bill(s) impacts to current and upcoming projects.

7:00 p.m. Regular Session

E. Report out of Closed Session

None.

F. Public Comment

- Ron Shepherd spoke in support on a private entity providing water service.
- Leonardo Schneiderman spoke about the need for enforcement for non-smoking housing.

G. Consent Calendar

G1. Review and acceptance of the 2018 annual progress report on the status and progress in implementing the City’s housing element and the annual housing successor report (Staff Report #19-052-CC)

- Karen Grove spoke on behalf of Housing Commission and shared highlights of the Housing Element.
- Adina Levin spoke about “job to housing” ratios and in support of housing, specifically affordable.
- Pamela Jones asked how data can be gathered from apartment complexes that have mixed use including below market rate and market rate.
- Ernesto Reyes spoke about the regulations of secondary dwelling units.

Items H1 and I2 were presented together.

H. Public Hearing

- H1. Adopt Resolution No. 6489 to abandon public right-of-way and public utility easements adjacent to 1345 Willow Road, and authorize the city manager to execute purchase and sales agreements, escrow instructions, deeds, and related documents, for the sale of portions of the frontage road to MidPen Housing and Dora L C Caballero Trust (Staff Report #19-050-CC)

I. Regular Business

- I1. Adopt Resolution No. 6490 to authorize a loan to MidPen Housing of \$6.7 million for an affordable housing development at 1317-1385 Willow Road and authorize the city manager to execute any and all related agreements and loan documents (Staff Report #19-051-CC)

Management Analyst II Mike Noce and Senior Civil Engineer Theresa Avedian made the staff presentation.

Jan Lindenthal and Anne Torney from MidPen Housing made a presentation.

- Karen Grove spoke in support of the project.
- Angela Evans spoke in support of the proposal.
- Rachael Kaci spoke favorably about the successful public outreach through community meetings and in support of the project.
- Pamela Jones spoke in support of the process.

ACTION: Motion and second (Combs/Carlton) to close the public hearing, passed unanimously by acclamation.

The City Council received confirmation that the access to the gas station and store would not be impacted. The City Council also requested that the housing be assigned in the following priority: Belle Haven residents, Menlo Park residents, and formerly homeless.

ACTION: Motion and second (Carlton/Nash) to adopt Resolution No. 6489 to abandon public right-of-way and public utility easements adjacent to 1345 Willow Road, and authorize the city manager to execute purchase and sales agreements, escrow instructions, deeds, and related documents, for the sale of portions of the frontage road to MidPen Housing and Dora L C Caballero Trust and adopt Resolution No. 6490 to authorize a loan to MidPen Housing of \$6.7 million for an affordable housing development at 1317-1385 Willow Road and authorize the city manager to execute any and all related agreements and loan documents, passed unanimously.

- I2. Reaffirm the Transportation Master Plan goals and approve the prioritization strategy for projects identified as part of the Transportation Master Plan (Staff Report #19-055-CC)

Senior Transportation Engineer Kristiann Choy made the presentation.

Mayor Mueller modified the goal language adding, "...including the encouragement of the use of lower emission modes such as walking, biking and transit, and prioritizing the safety of children, seniors and the public."

- Bill Baron with donated time from Sandra Baron spoke in support of Mayor Mueller's amendment but suggested alternatives.
- Bianca Walser spoke in support of the Transportation Master Plan (TMP) and its clear goals.
- Pamela Jones spoke in support of the insertion of Housing Element traffic conditions.

- Jacqui Cebrian spoke against adding lanes to Willow Road.
- Chris DeCardy spoke in support of the TMP and the process of creating the list.
- Adina Levin spoke in support of the TMP and offered suggestions.
- Jen Wolosin spoke in support of traffic relief and safety.
- Henry Riggs spoke in support of traffic congestion management as a goal.
- Diane Bailey spoke in support of the additional goal to relieve traffic congestion.
- Ken Kershner spoke in support of sustainable commuting and class 4 bike lanes. Also, suggested adding a partnership program "safe routes to work".
- John Kadvany spoke against the scoring methodology.
- Katie Behroozi spoke in favor of the complete street project on Telegraph in Berkley.

The City Council discussed the scoring management and traffic congestion impacts to safety. They also discussed prioritizing pedestrians. The City Council directed staff and the Transportation Master Plan Oversight and Outreach Committee (TMPOOC) to evaluate the scoring prioritization, investigate a safety overlay and return those recommendations to the City Council.

ACTION: Motion and second (Mueller/Carlton) to reaffirm the Transportation Master Plan goals, as amended, and direct: 1) Staff and the TMPOOC to evaluate project scoring and prioritization; 2) Staff and the TMPOOC to investigate a safety overlay and; 3) Staff to return to the City Council with TMPOOC recommendations for further City Council direction or final action, passed unanimously.

J. Informational Items

- J1. Belle Haven Branch library space needs study – community survey results and preliminary program matrix (Staff Report #19-042-CC)
- Jacqui Cebrian spoke in support of the space needs study.
- J2. Update on the Willow Road and U.S. 101 interchange construction, upcoming traffic changes and upcoming landscaping project (Staff Report #19-054-CC)

City Councilmember Carlton requested staff to continue working with Caltrans on the stripping at the interchange.

K. City Manager's Report

L. Councilmember Reports

City Councilmember Carlton requested an update on the Grand Jury report regarding the smoking ban.

M. Adjournment

Mayor Mueller adjourned the meeting at 11:15 p.m.

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date: 4/9/2019
Staff Report Number: 19-062-CC

Consent Calendar: Approve Environmental Quality Commission two-year work plan goals for years 2019-2021

Recommendation

Approve the Environmental Quality Commission (EQC) two year work plan goals for years 2019-2021.

Policy Issues

The proposed action is consistent with City Council Policy CC-01-0004, Commissions/Committees Policies and Procedures and Roles and Responsibilities. This includes the requirement to develop a two-year work plan which needs to be formally presented to City Council for their direction and approval and thereafter reported upon quarterly. The Commission serves as an advisory body to the City Council on environmental issues, and also has the authority to grant or deny heritage tree appeals. The City Council can also send environmental topics/issues for advice to the EQC.

Background

The purpose of the EQC work plan is to identify and prioritize the EQC's focus and goals for the next two years. The EQC work plan is based on the discussion and review of the EQC's mission statement and the priorities established by the 2018 City Council work plan.

The current 2016-2018 work plan was approved by City Council October 11, 2016, and can be found on the EQC's webpage (Attachment B.) In May 2018, the EQC began the review of the work plan update.

On December 5, 2018 the EQC unanimously approved recommending their two year work plan goals to the City Council. The EQC requests approval of their proposed two year work plan goals for years 2019-2021 (Attachment A.)

Analysis

The EQC proposes to focus on the following topics over the next two years:

- Climate action plan
- Green and sustainable development
- Urban canopy preservation

The priorities identified within the proposed 2019-2021 EQC work plan align with City Council's 2019 annual work plan and priorities, specifically the:

- Transportation master plan (No. 1 priority)
- Heritage tree ordinance update (No. 4 priority)
- Transportation management association (No. 6 on work plan)

- El Camino Real/Downtown specific plan update (No. 7 on work plan)
- Zero waste plan implementation (No. 13 on work plan)
- Exploring adoption of local energy reach codes (No.22 on work plan)

The priorities identified in the 2019-2021 EQC work plan further align with the strategies outlined within the climate action plan, which was amended and adopted by City Council in May 2018. This includes two additional projects to be completed by 2020:

1. Developing a community electric vehicle charging infrastructure master plan
2. Integrating green design standards into the El Camino Real/Downtown specific plan similar to the ConnectMenlo requirements

Impact on City Resources

Staff will be working closely with the EQC on their work plan goals, and the Commissioners are intending to form ad hoc subcommittees to work on these goals outside the normal EQC regular meetings.

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. 2019-2021 EQC work plan
- B. Hyperlink – EQC webpage: menlopark.org/EnvironmentalQualityCommission

Report prepared by:
Rebecca L. Lucky, Sustainability Manager



Commission work plan guidelines

- Step 1** Review purpose of Commission as defined by Menlo Park City Council Policy 3-13-01.
- Step 2** Develop a mission statement that reflects that purpose.
- Step 3** Discuss and outline any priorities established by City Council.
- Step 4** Brainstorm goals, projects, or priorities of the Commission and determine the following:
- A. Identify priorities, goals, projects, ideas, etc.
 - B. Determine benefit, if project or item is completed
 - C. Is it mandated by State or local law or by City Council direction?
 - D. Would the task or item require a policy change at City Council level?
 - E. Resources needed for completion? (Support staff, creation of subcommittees, etc.)
 - F. Completion time? (1-year, 2-year, or longer term?)
 - G. Measurement criteria? (How will you know you are on track? Is it effective? Etc.)
- Step 5** Prioritize projects from urgent to low priority.
- Step 6** Prepare final work plan for submission to City Council for review and approval in the following order:
- Work plan cover sheet, listing of members, priority list, work plan worksheet – Steps 1 through 8.
- Step 7** Use your “approved” work plan throughout the term of the plan as a guide to focus in on the work at hand.
- Step 8** Report out on work plan priorities to the City Council, which should include:
- A. List of “approved” priorities or goals
 - B. Status of each item, including any additional resources required in order to complete
 - C. If an item that was on the list is not finished, then indicate why it didn’t occur and list out any additional time and/or resources that will be needed in order to complete



Environmental Quality Commission

Mission Statement

The Environmental Quality Commission (EQC) is committed to helping the City of Menlo Park to be a leading sustainable city that is well positioned to manage present and future environmental impacts. The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, environmental improvement, and sustainability.

Environmental Quality Commission
Work Plan for 2019-2021



**Environmental Quality Commission
2019-2021**

Commission members listing

Commissioner (Chair) Scott Marshall

Commissioner (Vice Chair) Ryann Price

Commissioner Tom Kabat

Commissioner James Payne

Commissioner Janelle London

Commissioner Deborah Martin



Environmental Commission Priority List

The Environmental Quality Commission has identified the following priorities to focus on during 2019-2021:

1.	Climate Action Plan (CAP) – Continue efforts on 2020 Climate Action Plan initiatives to achieve or surpass the City’s greenhouse gas (GHG) reduction target and develop targets beyond 2020.
2.	Urban Canopy Preservation – Continue to develop a comprehensive urban canopy strategy for Menlo Park, which includes revising the Heritage Tree Ordinance and heritage tree appeal process, and establishing an urban canopy inventory.
3.	Green and Sustainable Development – Expand and enhance sustainable development practices, including green and sustainable building requirements, land use, and transportation.



Environmental Quality Commission Work Plan

Step 1

<p>Review purpose of Commission as defined by Menlo Park City Council Policy 3-13-01</p>	<p>The Environmental Quality Commission is charged with advising the City Council on the following matters:</p> <ul style="list-style-type: none"> • Advising on programs and policies related to protection of natural areas, recycling and solid waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation; • Preserving heritage trees, expanding the urban canopy, using best practices to maintain City trees, and making determinations on appeals of heritage tree removal permits; and • Organizing annual Arbor Day Tree Planting event and continuing to support and recognize exemplary environmental stewardship throughout the community.
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Step 2

<p>Develop or review a mission statement that reflects that purpose</p>	<p>The Environmental Quality Commission (EQC) is committed to helping the City of Menlo Park to be a leading sustainable city that is well positioned to manage present and future environmental impacts. The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, environmental improvement, and sustainability.</p>
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Step 3

<p>Discuss any priorities already established by City Council</p>	<ul style="list-style-type: none"> • Make gains in our Climate Action Plan • Implement Community Zero Waste Plan
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Step 4 **The goals and priorities identified below are not listed in order of magnitude.*

*Brainstorm goals, projects or priorities of the Commission	Benefit, if completed	Mandated by State/local law or by City Council direction?	Required policy change at City Council level?	Resources needed for completion? Staff or creation of subcommittees?	Estimated completion time	Measurement criteria How will we know how we are doing?
<p>Climate Action Plan (CAP) – Continue efforts on 2020 Climate Action Plan initiatives to achieve or surpass the City’s greenhouse gas (GHG) reduction target and develop targets beyond 2020.</p> <ul style="list-style-type: none"> • Help city staff to achieve GHG reduction goals through 2020. • Develop GHG target and emissions reduction strategies for 2025. • Improve communication with the community about the Climate Action Plan • Advocate for the full implementation of the Environmental Preferable Purchasing (EPP) Policy and Community Zero Waste Plan • Support phase II of EVCI policy options and gap analysis 	<ul style="list-style-type: none"> • Reduced GHG emissions • Reduced air pollution • Improved health • Increased community engagement for emissions reductions • Fiscal savings and reduced waste • Demonstrated environmental leadership • Improved transparency on city goals and activities to meet GHG targets 	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	<ul style="list-style-type: none"> • Subcommittee • Possible partnerships with organizations, businesses, other commissions • Staff time 	<p>2 years</p>	<ul style="list-style-type: none"> • Periodic reports • 2025 GHG target approved by City Council • Increased CAP communication via channels such as updated city environmental webpage, social media, and workshops • Reduction of single use items • Reduced gasoline sales • Reduced natural gas sales • Improved air quality • Public recognition of Menlo Park CAP-related strategies

<p>Urban canopy preservation – Continue to develop a comprehensive urban canopy strategy for Menlo Park, which includes revising the Heritage Tree Ordinance and heritage tree appeal process, and establishing an urban canopy inventory.</p> <ul style="list-style-type: none"> • Provide input into the Heritage Tree Ordinance revision process • Influence and enable the creation of an inventory and catalogue of the urban tree canopy 	<ul style="list-style-type: none"> • Improve the awareness, evaluation, and appeal process for the community • Ensure adequate City resources for successful implementation and enforcement 	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • Subcommittee • Staff time budgeted 	End of FY 2019	<ul style="list-style-type: none"> • Periodic reports • Recommendations adopted by City Council • Reduction in the number of healthy trees removed • Increase in the diversity and quality of trees within the entire urban canopy • Improved coordination with the planning process • Inventory and catalogue of urban tree canopy
<p>Green and sustainable development – Expand and enhance sustainable development practices, including green and sustainable building requirements, land use, and transportation.</p> <ul style="list-style-type: none"> • Support adoption of impactful CALGreen and energy reach codes for the 2019 building code update • Participate in and advocate for the development of the Transportation Master Plan and Transportation Management Association • Expansion of successful green building standards to other zones (ex: El Camino Real/Downtown Specific Plan) 	<ul style="list-style-type: none"> • Help to meet or exceed the state energy code(s) and carbon targets to show climate action leadership • Advance clean transportation and reduce emissions and impacts • Improved energy efficiency in new and existing buildings 	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • Creation of a Subcommittee • Participate in Transportation Master Plan Committee • Staff Report resolution, and public hearing for CALGreen and energy reach codes will be needed 	In line with the City and State’s timeline.	<ul style="list-style-type: none"> • Adoption of CALGreen and energy reach codes that are applicable to the City • Transportation Master Plan developed • Inclusion of green and sustainable building requirements in other zones • Periodic updates to Environmental Quality Commission from liaison activities

Step 5

List identified goals, priorities and/or tasks for the Commission	**Prioritize tasks by their significance			
	1 Urgent	2 1-year	3 2-year	4 Long term
<p>Climate Action Plan (CAP) – Continue efforts on 2020 CAP initiatives to achieve or surpass the City’s greenhouse gas (GHG) reduction target and develop targets beyond 2020.</p>		<ul style="list-style-type: none"> • Help city staff to achieve GHG reduction goals through 2020 • Develop GHG target and emissions reduction strategies for 2025 • Advocate for the full implementation of the Environmental Preferable Purchasing (EPP) Policy and Community Zero Waste Plan • Support phase II of EVCI policy options and gap analysis 		<ul style="list-style-type: none"> • Improve communication with the community about the Climate Action Plan
<p>Urban canopy preservation – Continue to develop a comprehensive urban canopy strategy for Menlo Park, which includes revising the Heritage Tree Ordinance and heritage tree appeal process, and establishing an urban canopy inventory.</p>	<ul style="list-style-type: none"> • Provide input into the Heritage Tree Ordinance revision process 		<ul style="list-style-type: none"> • Influence and enable the creation of an inventory and catalogue of the urban tree canopy 	
<p>Green and sustainable development – Expanding and enhancing sustainable development practices,</p>	<ul style="list-style-type: none"> • Support adoption of impactful CALGreen and energy reach 	<ul style="list-style-type: none"> • Expansion of successful green building standards to 		

including green and sustainable building requirements, land use, and transportation.	codes for the 2019 building code update <ul style="list-style-type: none"> • Participate in and advocate for the development of the Transportation Master Plan and Transportation Management Association 	other zones (ex: El Camino Real/Downtown Specific Plan)		
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Step 6 Prepare final work plan for submission to the City Council for review, possible direction and approval and attach the Worksheets used to determine priorities, resources and time lines.

Step 7 Once approved; use this plan as a tool to help guide you in your work as an advisory body.

Step 8 Report out on status of items completed. Provide any information needed regarding additional resources needed or And to indicate items that will need additional time in order to complete.

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STAFF REPORT

City Council Meeting Date: 4/9/2019
Staff Report Number: 19-057-CC

Consent Calendar: Adopt Resolution No. 6491 approving the list of projects eligible for fiscal year 2019-20 funds from Senate Bill 1: The Road Repair and Accountability Act of 2017

Recommendation

Staff recommends that the City Council adopt Resolution No. 6491 approving the list of projects eligible for fiscal year 2019-20 funds from Senate Bill 1: The Road Repair and Accountability Act of 2017 (SB 1.)

Policy Issues

The action is consistent with the City Council’s goal of maintaining and enhancing the city’s municipal infrastructure and facilities. Further, the 2016 general plan circulation element (circulation element) includes policies that seek to provide and maintain a safe, efficient, attractive, user-friendly circulation system. The circulation element promotes a healthy, safe and active community and quality of life throughout Menlo Park and increases accessibility for the use of streets by pedestrians, bicyclists and transit riders. The projects identified in the staff report are consistent with these policies.

Background

On April 28, 2017, Governor Brown signed into law SB 1 (Chapter 5, Statutes of 2017), a \$54 billion investment intended to fund road, bridge and freeway repair projects in the state over the next decade through increases in gasoline and diesel taxes and vehicle fees. The investment is to be evenly allocated between cities, counties and the state’s highway system. Roughly, \$1.8 billion in annual revenue will go to fund local road repairs, transportation infrastructure improvements, and for the expansion of pedestrian and bicycle routes network specifically as follows:

Table 1		
Revenue category	Amount	Use of revenue
Repairs to local streets and roads	\$1.5 billion	Addresses years of unfunded road maintenance, rehabilitation and critical safety projects. Invests in “complete streets” projects uniquely tailored to the needs, preferences and functions of the people who live there
Matching funds for local agencies	\$200 million	Supports the investment cities and counties have made in their own regions through voter-approved transportation tax measures
Bike and pedestrian projects	\$100 million	Increases funding of the Active Transportation Program (ATP) to build or convert more bike paths, crosswalks and sidewalks
Local planning grants	\$25 million	Addresses community needs by providing support for planning that may have previously lacked funding. Eligible projects include road maintenance, rehabilitation, safety projects, railroad grade separations, complete street components (e.g., active

transportation, bicycle and pedestrian, drainage and stormwater capture projects) and traffic control devices. However, projects that address basic maintenance and safety components should be prioritized

On April 24, 2018, the City Council adopted Resolution No. 6433 approving a list of projects eligible to be funded by fiscal year 2018-19 SB 1 revenues in the projected amount of \$573,954. For fiscal year 2019-20, the city would be eligible to receive projected revenues of \$583,743 on a per capita basis. The funds will be provided on a monthly basis, starting July 2019 through the SB 1 Road Maintenance and Rehabilitation Account (RMRA.)

Analysis

The intent of SB 1 is to provide additional funding for roads and streets maintenance projects and not to replace the existing levels of general revenue spending by the city on such projects. As such, SB 1 requires that the city maintain general fund spending for road maintenance projects. General fund expenditures are defined as “any unrestricted funds that the city or county may expend at its discretion, including vehicle in-lieu tax revenues and revenues from fines and forfeitures, expended for street, road and highway purposes...” This maintenance of effort requirement must be no less than the average of the general fund spending in fiscal year’s 2009-10, 2010-11 and 2011-12.

Before receiving SB 1 funds, the city must submit, on an annual basis, a list of proposed eligible projects, adopted by resolution, to the California Transportation Commission (CTC.) Failure to submit an eligible project list to the CTC would result in forfeiture of the monthly apportionments. The list must include the project description, its location, schedule and an estimate of the projects useful life. For fiscal 2019-20, the CTC must receive a list of planned project expenditures by May 1, 2019. Per the program funding requirements, a resolution that includes the proposed SB 1 list of projects must be passed by City Council on an annual basis.

The city is responsible for maintaining a total of 96.2 miles of streets through its street resurfacing program, for the development of transportation and drainage safety projects, and for maintaining and expanding its pedestrian and bicycle networks. Based on the SB 1 program requirements, the 2019 street resurfacing project has been earmarked to potentially receive fiscal year 2019-20 SB 1 funding.

To develop the streets receiving pavement treatments, the City utilizes a computer-based pavement management program (PMP) called StreetSaver developed by the Metropolitan Transportation Commission (MTC.) Utilization of a PMP ensures that revenues are being used on the highest priority and most cost-effective projects that also meet the community priorities for transportation investment. Exhibit A of the attached resolution includes a detailed list of street sections to be rehabilitated by the project (Attachment A.)

Impact on City Resources

With the approval of the proposed resolution, the city would be eligible for SB 1 funding. The earmarked project is an improvement that has been funded by the City Council through the budget process. As discussed above, SB 1 would provide funding in the estimated amount of \$583,743 for fiscal year 2019-20.

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 has no potential for resulting 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. 6491

Report prepared by:
Ken Salvail, Senior Civil Engineer

Reviewed by:
Chris Lamm, Assistant Public Works Director

RESOLUTION NO. 6491**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
APPROVING THE LIST OF PROJECTS ELIGIBLE FOR FISCAL YEAR 2019-
20 FUNDS FROM THE ROAD REPAIR AND ACCOUNTABILITY ACT**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multimodal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year (FY); and

WHEREAS, the City must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive and estimated \$583,743 in RMRA funding in FY 2019-20 from SB 1; and

WHEREAS, this is the second year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City used its Pavement Management Program (PMP) to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate streets and roads, drainage, and add active transportation infrastructure throughout the City this year and hundreds of similar projects into the future; and

WHEREAS, maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which leads to reduced vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, finds as follows:

1. The foregoing recitals are true and correct.
2. The FY 2019-20 list of projects planned to be funded with RMRA revenues include the projects in "Exhibit A."

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 by the City Council of the City of Menlo Park on the ninth day of April, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Menlo Park this ninth day of April, 2019.

Judi A. Herren, City Clerk

Table 1: Menlo Park streets included in the 2019 street resurfacing project			
Item	Street name	Begin cross street	End cross street
1	Alma Street	Mielke Drive	Burgess Drive
2	Bieber Avenue	Plumas Avenue	Market Place
3	Bohannon Drive	Campbell Avenue	Marsh Road
4	Bohannon Drive	1110' south of Scott Drive	Campbell Avenue
5	Cathy Place	Wallea Drive	End of Cathy Place
6	Eastridge Avenue	Sharon Park Drive	Monte Rosa Drive
7	Grace Drive	Oakdell Drive	End of Grace Drive
8	Hamilton Avenue	Modoc Avenue	Almanor Avenue
9	Harkins Avenue	City Limit	Altschul Avenue
10	Haven Avenue	3585 Haven Avenue	End of Avenue (north City Limits)
11	Henderson Avenue	Newbridge Street	Ivy Drive
12	Hillview Place	Hillview Drive	End of Hillview Place
13	Hollyburne Avenue	Bay Road	Van Buren Road
14	Market Place	Ivy Drive	Alpine Avenue
15	Market Place	Ivy Drive	Pierce Road
16	Marsh Road	Railroad Crossing	Bohannon Drive
17	Noel Drive	Ravenswood Avenue	Laurel Street
18	O'Brien Drive	Casey Court	Willow Road
19	San Mateo Drive	Santa Cruz Avenue	Middle Avenue
20	San Monica Avenue	95' East of San Luis Drive	San Clemente Drive
21	Shirley Way	Gilbert Avenue	End of Shirley Way
22	Sonoma Avenue	Bay Road	Oakwood Place
23	Tioga Drive	Continental Drive	Lassen Drive
24	Trinity Drive (northbound)	Tioga Drive (north end)	85' south of Tioga Drive
25	Trinity Drive (northbound)	580' north of Klamath Drive	Tioga Drive
26	Valparaiso Avenue	University Drive	Victoria Drive
27	Wallea Drive	San Mateo Drive (south end)	San Mateo Drive (north end)



STAFF REPORT

City Council
Meeting Date: 4/9/2019
Staff Report Number: 19-056-CC

Consent Calendar: Amending the agreement with Infrastructure Engineering Corporation for the Emergency Water Supply Well No. 1 project located at the City's corporation yard

Recommendation

Staff recommends that the City Council amend the agreement with Infrastructure Engineering Corporation (IEC) to add \$83,000 for additional engineering consultant services for the Emergency Water Supply Well No. 1 project located at the City's corporation yard (corp yard) at 333 Burgess Drive.

Policy Issues

The project is consistent with the 2016 Menlo Park general plan, policy lu-7.3 for supplemental water supply which states "Explore and evaluate development of supplemental water sources and storage systems, such as wells and cisterns, for use during both normal and dry years, in collaboration with water providers and users."

The City Council included this project in the 2017 and 2018 work plans. The project is also included in Menlo Park Municipal Water's 2016 Urban Water Management plan which describes and evaluates water supply sources and reliability over the next 20 years.

According to California Code of Regulations, Section 64554(a)(1), Chapter 16, Title 22, a water system serving more than 1,000 service connections must be able to meet four hours of peak hourly demand with storage capacity, source capacity, and/or emergency connections at all times.

Background

The corp yard well is the first emergency well to be constructed to serve Menlo Park municipal water's lower zone (the area east of El Camino Real) which currently does not have any alternate water supply in the event of an emergency or natural disaster.

Planning, design and construction of a well consists of three steps. Step 2 and 3 involves two different types of contractors with different expertise, therefore, construction occurs in two separate steps.

- Step 1 – Complete the environmental review process
- Step 2 – Design and drill the well
- Step 3 – Design and construct the wellhead facility

On January 22, 2013, the City Council authorized the city manager to approve an agreement with IEC to provide engineering design and consultant services associated with the construction of the first emergency well at the corp yard located at 333 Burgess Drive in the amount of \$430,691 with an authorized budget of

\$473,691. The scope of work included developing environmental documents, designing the well and providing engineering construction support services for the well drilling construction, designing the wellhead facility and providing engineering construction support services for the wellhead facility construction, and obtaining the drinking water permit from the state.



On June 7, 2016, the City Council took the following actions associated with the corp yard well:

1. Adopted the mitigated negative declaration (MND).
2. Amended the agreement with IEC to add \$125,000 for additional engineering consultant services.
3. Authorized the city manager to approve the well drilling contract and the wellhead facility construction contract.

The IEC amendment for \$125,000 was needed due to several factors including an intensive effort working with the State to gain their formal approval to construct a well at the corp yard, adding more areas of low water use landscaping, modifying the existing driveways to improve access for some of the City's larger vehicles into and out of the corp yard, and increased project management and design for the well drilling and wellhead facility packages. The amendment revised IEC's project budget to \$598,691.

On November 28, 2016, the City entered into an agreement with Maggiora Bros. Drilling, Inc. to drill the well. The drilling was completed in April 2017 at a total cost of \$445,124. \$61,410 less than the budgeted amount of \$506,534, and the City Council authorized the public works director to accept the work performed by Maggiora Bros. Drilling, Inc. at their May 2, 2017, meeting.

On August 2, 2018, the City entered into an agreement with Pacific Infrastructure Corporation (PIC) to construct the wellhead facility for \$2,441,000 with a total construction budget of \$2,892,150. Construction is expected to begin at the corp yard in mid-April 2019 and is estimated to be completed in September 2019. The wellhead facility will include an electric well pump (located underground approximately 385 feet), a 5,000 gallon hydro-pneumatic pressure tank, disinfection equipment, a new electrical transformer, new fencing and front entrance gate, new low water use landscaping, a water connection to an existing water main in Burgess Drive, and a new fire hydrant. Once constructed, water produced during periodic exercising of the well will be used for corp yard activities (e.g., irrigation, vehicle washing and street sweeper) and will not normally be distributed to water customers unless there is an emergency and normal water supplies are low or unavailable.

Analysis

To-date, IEC's agreement is 98 percent complete (\$589,000 has been spent of the total \$598,691.) In order to complete the project, which includes the items below, staff estimates an additional \$83,000 is needed.

1. Additional engineering construction support services
One of the tasks that IEC provides is engineering construction support services in which they receive, log, and process contractor submittals and requests for information (RFIs) in order to review/approve equipment and materials before ordering/fabrication, and to answer design questions. The original 2013 IEC agreement assumed the City would receive 40 submittals (20 initial submittals and 20 resubmittals) and 10 RFIs. It should be noted that the number of submittals and RFIs was estimated as the wellhead facility plans and specifications were not finalized until July 2018. As of early March this year, IEC has processed 79 submittals (49 initial submittals and 30 resubmittals) and 22 RFIs, and IEC expects to

process a total of 141 submittals (79 initial submittals and 62 resubmittals) and 47 RFIs by the end of the project. An additional \$62,000 is needed to cover the additional 101 submittals and 37 RFIs.

2. **PG&E existing system load calculations**

As part of the wellhead facility construction, PG&E will replace the existing transformer at the corp yard. In the past, in order to determine existing electrical loads, PG&E could obtain peak daily loads from past electrical bills. PG&E has implemented a new process that may require the City to conduct an existing power system survey and analysis at the corp yard. PG&E is currently reviewing past electrical bills from the corp yard, and they will let staff know if an existing power system survey and analysis will be required. If it is required, IEC's electrical subcontractor can provide it for an additional \$10,000.

3. **Add electric vehicle (EV) chargers at the corp yard**

Last year, dual port EV chargers were installed in the Burgess Park parking lot (near City Hall) in order to accommodate the City's electric pool vehicles. Fleet maintenance periodically parks, services, and maintains City vehicles at the corp yard, and they need the capability to charge electric pool vehicles and larger maintenance trucks. Staff is proposing to install a dual port EV charger and a charger that can accommodate the larger maintenance trucks at the corp yard as part of the well project as new electrical conduits will be installed in the ground and the conduits for the chargers can be installed at the same time. IEC would revise the electrical design plans and provide additional engineering construction support services. An additional \$11,000 is needed to cover the additional work.

Impact on City Resources

The additional \$83,000 would revise IEC's project budget to \$681,691. There are sufficient water capital funds allocated in the emergency water supply project to complete this project.

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 has no potential for resulting 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

None

Report prepared by:
Pam Lowe, Senior Civil Engineer

Report reviewed by:
Chris Lamm, Assistant Public Works Director

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STAFF REPORT

City Council

Meeting Date: 4/9/2019
Staff Report Number: 19-059-CC

Public Hearing: Consider an appeal of the Planning Commission approval of a use permit revision to update the use of the existing Phillips Brooks School at 2245 Avy Avenue, adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round

Recommendation

Staff recommends that the City Council make the necessary findings and take actions to deny the appeal and uphold the Planning Commission's use permit revision approval to add an annual summer enrichment program and increase the on-site employee cap from 58 to 68 at the existing Phillips Brooks School (PBS) at 2245 Avy Avenue in the P-F (public facilities) zoning district. The recommended actions are included as Attachment A.

Policy Issues

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

Background

Project description

PBS is a private school serving students in grades pre-K through 5 and has received a use permit, along with a series of use permit revisions, to operate on-site. The summer program would be open to existing students and a variety of classes would be offered during the eight-week program (from June through early August.) Classes would be held between 10 a.m. and 3 p.m., with morning care provided between 8 a.m. and 10 a.m. and aftercare from 3 p.m. to 5 p.m. The enrollment cap would be limited to 120 students (ages 5 to 11) each day, including weekends, remaining below the maximum student count of 320 established by the existing use permit. A total of 25 staff members would work for the summer program, consisting of lead teachers and assistants providing instruction for the students. As with previous years, no more than 25 additional school staff and administrators would work in the office buildings during the summer. In total, no more than 120 students and 50 staff would be on-site each day of the summer program.

Amplified sound would be limited to one indoor location, and all noise generated from the summer program would be required to comply with the noise ordinance requirements of the Municipal Code. The summer program would, on occasion, involve some noises from tools used for a carpentry class in the school amphitheater from 10 a.m. to 12 p.m. and 1 to 3 p.m. Indoors, amplified sound would be used in the multipurpose room for theater performances, intermittently from 10 a.m. and 12 p.m. and 1 p.m. to 3

p.m. The applicant has stated that the sound system in the multipurpose room would be calibrated in such a way as to keep sound from being audible from outside. In addition, recess and lunch periods would be held from 12 p.m. to 12:30 p.m. and 12:30 p.m. to 1 p.m., respectively, located in two outdoor areas in the east of the site.

The applicant is also seeking to increase its annual employee cap from 58 to 68 employees. The applicant has stated that there is a need to increase the number of staff at PBS to increase the amount of classroom support with more associate teachers, offer more program support and leadership for staff, and provide more visitor management and security staff throughout the year. In addition, the applicant is requesting the allowance of third-party vendors, who operate independent programs on the school campus during the summer program and throughout the school year, to be included in this employee increase to complement school and summer program operations. During the summer program, these staff would be included in the 50 daily summer staff count and would not increase staff numbers further. During the other parts of the school year, the number of vendors would be included in the proposed count of 68 staff. The purpose of these third-party vendors is to provide instruction for specific courses for which PBS does not have the resources or staffing to operate. In this capacity, the third-party vendors would support the school-related activities on campus.

More details about the proposed project, including the plans and project description, are included in Attachment B.

Planning Commission review

On December 10, 2018, the Planning Commission reviewed this proposal. After considering public comments and the proposal, the Planning Commission approved the project 6-1. One planning commissioner opposed the project due to the additional project-specific condition requiring a lighting plan and more detailed lighting strategies on-site. The staff report for the December 10, 2018 meeting is included as Attachment B. The excerpt draft minutes are included as Attachment C.

Analysis

Appeal of the Planning Commission's action

On January 2, 2019, the City received an appeal of the Planning Commission's approval of the use permit revision. The appeal was submitted by one resident of Menlo Park who lives across the street from the project site. The appellant was an active participant during the earlier phases of project review, and offered verbal and written testimony that was considered by the Planning Commission. The concerns outlined in the document are similar to what was presented at the Planning Commission meeting and were considered by the Planning Commission during their discussion and action on the item.

The appeal letter (Attachment D) is summarized below and followed by staff's responses.

1. Noise and traffic violations have been committed by PBS and have not been addressed.

The applicant has explained that the proposed project, held during the summer months, would have limited noises beyond those typical to the school uses that occur at other times of the year. Additionally, the proposed project would be required to comply with the noise ordinance. Planning staff reached out to the Menlo Park Police Department (MPPD) and reviewed the records of reports that occurred at and/or around the subject property and found that most of the 21 complaints were related to potential noise and parking violations. The majority of noise complaints involved some construction activities, but the report log also includes noise and parking incidents. These incidents appear to be isolated occurrences and not

ongoing violations of use permit conditions committed by PBS. Since the last use permit revision approval October 28, 2013, no citations have been given to PBS as a result of these complaints, and PBS has generally worked with the MPPD to address the incidents related to construction, parking and noise. In particular, the applicant currently works with parents to limit the parking occurring on-street, has staff organize and regulate parking and circulation on-site and along the neighboring streets, holds neighborhood committee meetings to discuss issues in the community, and requires third-party vendors to read and sign an agreement containing all relevant noise ordinance requirements. Compliance with the noise ordinance would continue to be required as part of the project conditions, and any violations of the noise ordinance could be grounds for revocation of the use permit. The project-specific conditions provided in the Planning Commission approval would be applicable year-round, and as such, the summer program would be subject to the same requirements as given throughout the academic year.

Correspondence

Following the appeal letter submission date of January 2, 2019, staff has received three items of correspondence (Attachment E.) Two letters, opposed to the project approval, specifically express concern regarding the proposed project's impacts on traffic and parking. The applicant has clarified that the summer program would not exceed the requirements already established in the existing use permit. The summer program, in addition to activities involving assistance from third-party vendors, would remain a school-related activity operated by PBS faculty and would not impact the former daily trip cap. As provided in conditions 4g and 4m of the recommended actions, the community development director would work with the applicant to resolve any complaints and may request monitoring of traffic generated by PBS, if necessary.

Staff has also received one letter from the applicant, PBS, speaking in support of the project's approval. The letter provides additional background on the school and its functions, along with a detailed series of responses to the issues raised by the appellant in their appeal letter. The applicant first clarifies how the earlier substantial conformance memo originally authorized the pilot summer program. The applicant also discusses how the school has worked on circulation and parking issues to meet the requirements of the conditions of the use permit, by engaging in outreach with parents to restrict parking in the neighborhood, having staff direct school traffic, and preparing to install a "right turn only" sign that would meet transportation division requirements. The letter also explains the condition of approval that the Planning Commission had created at the December 2018 meeting requiring the applicant to provide a lighting study and implement lighting mitigation strategies for the site, to alleviate lighting concerns that the appellant had raised. Lastly, the applicant's letter addressed the complaints and violations relating to the school and its third-party vendors, citing the discussion in the Planning Commission staff report that the complaints were generally isolated incidents and not ongoing violations. In cases where a third-party vendor has committed a violation, the applicant stated that the school has worked to make corrections and requires third-party vendors to complete a conditions for work on campus agreement, which provides the applicable Municipal Code requirements for the third-party vendor.

Impact on City Resources

The project sponsor is required to pay planning, building and public works permit fees, based on the city's master fee schedule, to fully cover the cost of staff time spent on the review of the project, for the period between the application submittal and the appeal of the Planning Commission action. The appellant paid a \$110 flat fee to file an appeal of the Planning Commission's decision. Staff time spent on the review of the

appeal to the City Council is not otherwise recovered, per City Council policy.

Environmental Review

The project is categorically exempt under Class 14 (Section 15314, "Minor Additions to Schools") of the current California Environmental Quality Act (CEQA) Guidelines.

Public Notice

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

Attachments

- A. Recommended actions
- B. Planning Commission staff report – December 10, 2018
- C. Planning Commission excerpt draft minutes – December 10, 2018
- D. Appeal letter – January 2, 2019
- E. Correspondence

Disclaimer

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

Report prepared by:
Matt Pruter, Associate Planner

Report reviewed by:
Deanna Chow, Assistant Community Development Director
Mark Muenzer, Community Development Director

LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomas Elementary School District
PROPOSAL: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.			
DECISION ENTITY: City Council		DATE: April 9, 2019	ACTION: TBD
VOTE: TBD (Mueller, Nash, Taylor; Carlton, Combs recused)			
ACTION:			
<ol style="list-style-type: none"> 1. Make a finding that the project is categorically exempt under Class 14 (Section 15314, "Minor Additions to Schools") of the current CEQA Guidelines. 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City. 3. Approve the use permit subject to the following standard conditions: <ol style="list-style-type: none"> a. Development of the project shall be substantially in conformance with the plans prepared by Phillips Brooks School, consisting of two plan sheets, dated received November 13, 2018, and the project description letter dated November 30, 2018, and approved by the Planning Commission on December 10, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division. 4. Approve the use permit subject to the following ongoing, project-specific conditions: <ol style="list-style-type: none"> a. The applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project. b. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction. c. Subleasing of the site, or allowing use of the site for non-school related activities, by Phillips Brooks School shall require approval of a use permit revision by the Planning Commission. d. The maximum allowable student population on the site shall be 320 students. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2032. e. The maximum allowable number of staff on the site shall be 68 staff. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2032. f. All student instruction and regular school activities shall continue to be limited to the hours of 8:00 a.m. to 3:30 p.m. The school's hours of operation shall be extended with the goal of ending at 10:00 p.m., except for the monthly board meetings, which would be allowed to occur until 11:00 p.m., for the following ancillary school activities: 			

LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomitas Elementary School District
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PROPOSAL: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.

DECISION ENTITY: City Council	DATE: April 9, 2019	ACTION: TBD
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VOTE: TBD (Mueller, Nash, Taylor; Carlton, Combs recused)

ACTION:

- Daily student drop off from 7:30 to 8:00 a.m.;
- Daily after school care;
- After school sports practices (three times per week);
- “Back-to-School” night (once per year);
- Middle School Admissions Night (once per year);
- Board Meetings (once per month);
- Board Committee Meetings (two to three times per month);
- Parent Coffees (six times per year);
- Parent’s Association Meeting (two to three times per year);
- Student Presentations (once per year for each class);
- New Family Picnic (once per year);
- Book Fair (once per year); and
- Neighborhood meetings on school operations.

g. The applicant shall not allow more than 140 outbound vehicle trips to be generated by the school during the morning traffic peak hour period (7:45 a.m. – 8:45 a.m.). Annual traffic counts were performed that documented compliance through the five year period set by the 2013 Use Permit approval and therefore, are no longer required as that condition has been met. Monitoring may be resumed at any time if the City receives complaints regarding the traffic volume on Avy Avenue related to Phillips Brooks School during the morning peak hour. After a complaint has been received, the City will evaluate whether a potential violation has occurred, and the Community Development Director shall have the discretion to resume the monitoring. If monitoring is deemed warranted, the City will notify the applicant of the determination at least one week before initiating the monitoring program. The applicant will be responsible for reimbursing the City for the cost of the traffic count, \$975.00 (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area). In this instance, at least one year of monitoring will be completed.

If the supplemental traffic count shows that actual outbound trips exceed the trip limitation, the applicant shall pay a penalty of an annual \$500 per excess AM peak hour outbound trip (adjusted annually starting in 2014 per the Consumer Price Index

LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomas Elementary School District
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PROPOSAL: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.

DECISION ENTITY: City Council	DATE: April 9, 2019	ACTION: TBD
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VOTE: TBD (Mueller, Nash, Taylor; Carlton, Combs recused)

ACTION:

for All Urban Consumers in the San Francisco-Oakland-San Jose area). Revenues from the payment of penalties shall be due to the City within 30 days of City's issuance of the invoice and the City shall use the money for programs designed to reduce trips or traffic congestion within the City of Menlo Park. Annual monetary penalties shall apply for each subsequent year the trip limit is exceeded; the penalty amount shall increase by \$500 per trip for each subsequent year that a violation occurs.

- h. The applicant shall continue to communicate in writing to all parents of students enrolled in the school that no parking is allowed on the north side of Avy Avenue and the first block of Bellair Way. Documentation of the communication shall be submitted to the Planning Division on an annual basis, and the effectiveness of the street parking restriction shall be analyzed by the Transportation Division.
- i. The applicant shall submit a revised "right turn only" during carpool hours sign, subject to Planning Division and Transportation Division review and approval. The sign may also contain a statement containing the specific carpool hours. The sign shall be reviewed, approved, and installed within 90 days, and shall be maintained until the City Council directs otherwise.
- j. The applicant shall submit a copy of the student enrollment roster and the staff roster to the Planning Division for purposes of verifying the student enrollment and staff numbers. The rosters shall be submitted annually three months from the first day of the school year. The Planning Division shall return the rosters to the school within one week of receipt. The City shall not make copies of the rosters or disseminate any information from the rosters to the public to the extent allowed by law.
- k. The applicant shall maintain the committee of school representatives and neighbors to identify issues related to the school's operation and develop resolutions to those issues. The committee shall meet a minimum of once every three months starting from October 2, 2001. The results of the committee's work shall be reported annually by the applicant in writing to the Planning Division.
- l. The applicant shall comply with all aspects of the traffic safety control program approved by the City Council on February 12, 2002. Compliance with these items shall be to the satisfaction of the Transportation Division:
 - Maintain the landscaping in front of the site in order to provide adequate visibility for vehicles exiting the driveway, yet also maintain the screening of the school facilities.

LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomas Elementary School District
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PROPOSAL: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.

DECISION ENTITY: City Council	DATE: April 9, 2019	ACTION: TBD
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VOTE: TBD (Mueller, Nash, Taylor; Carlton, Combs recused)

ACTION:

- Encourage the Las Lomas Elementary School District to monitor the intersection of Avy Avenue and Altschul Avenue during the times when the District's students use the intersection.
- Maintain the curb red for a distance of 20 feet on the south side of Avy Avenue to the east of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
- Maintain the curb red for a distance of 165 feet on the south side of Avy Avenue to the west of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
- Maintain "school zone" signage on the eastbound and westbound approaches of Avy Avenue near the site.
- The Police Department shall augment its enforcement efforts to enforce the parking prohibitions at the red curb locations on Avy Avenue, as budget resources allow.
- The Police Department shall augment its enforcement efforts near La Entrada School and the intersection of Avy Avenue and Altschul Avenue during the morning drop-off and afternoon pick-up periods, as budget resources allow.

m. The Community Development Director shall review any complaints received by the City regarding the expanded student enrollments and staff numbers at Phillips Brooks School. The Community Development Director and his/her designee shall work with the School and the neighbors to try to resolve such complaints, when possible. The Community Development Director shall have the discretion to bring complaints to the Planning Commission for review.

n. The applicant shall maintain the site in compliance with the following approved plans:

- The approved plans prepared by BFGC Architecture, consisting of seven plan sheets, dated received September 15, 2009, and approved by the Planning Commission on September 21, 2009, except as modified by the conditions.
- The approved plans prepared by Berger Detmer Ennis, consisting of 28 plan sheets, dated received January 5, 2006 and approved by the Planning Commission on January 9, 2006, and subsequent revisions dated May 1, 2007 consisting of 18 plan sheets except as modified by the conditions.

o. The landscaping and irrigation plan shall comply with the Water Efficient Landscape Ordinance. The applicant shall maintain landscaping and irrigation along Avy Avenue

LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomas Elementary School District
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PROPOSAL: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.

DECISION ENTITY: City Council	DATE: April 9, 2019	ACTION: TBD
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VOTE: TBD (Mueller, Nash, Taylor; Carlton, Combs recused)

ACTION:

and within the campus per the approved plans. Plantings should include native species, a variety of trees, plants, shrubs, and groundcover.

- p. The applicant shall require that drop-off and pick-up of passengers occur only in designated loading and unloading zones, as specified on plans dated received January 5, 2006. Compliance with this item shall be to the satisfaction of the Transportation Division. The applicant shall also require that no drop-off or pick-up of passengers occur on Zachary Court.
- q. The sports court canopy can be used for play during recesses, physical education classes, after school sports practices, and school assemblies. Modifications to the appearance or use of the structure may warrant a use permit revision and architectural control review by the Planning Commission as determined by the Planning Division.
- r. Should the informal arrangement between Phillips Brooks School and St. Denis Church (2250 Avy Avenue) for the use of St. Denis Church's parking lot be cancelled, the applicant shall submit a plan to provide for overflow parking, for review and approval by the Planning and Transportation Divisions.
- s. The summer program shall be subject to the following requirements:
 - The maximum allowable student population on the site during the summer program shall be 120 students, aged 5 to 11 years.
 - The maximum allowable number of staff on the site shall be 50 staff, of which no more than 25 staff shall be administrators working in the office buildings and no more than 25 staff shall be working for the summer program, as school staff or as third-party vendors.
 - All summer program classes shall be limited to the hours between 10:00 a.m. and 3:00 p.m., with morning care provided between 8:00 a.m. and 10:00 a.m. and aftercare from 3:00 p.m. to 5:00 p.m.
 - i. The summer program shall run for an eight-week period, generally between June and August.
 - ii. The summer program shall use no amplified sound outdoors.
 - iii. Within 90 days, the applicant shall submit a lighting plan or survey that documents the existing conditions for the exterior lighting at the project site and includes any corrective measures to reduce light spillover and glare offsite to neighboring properties. The lighting plan shall be subject to Planning Division review and approval and any improvements from the plan shall be

LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomas Elementary School District
PROPOSAL: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.			
DECISION ENTITY: City Council	DATE: April 9, 2019	ACTION: TBD	
VOTE: TBD (Mueller, Nash, Taylor; Carlton, Combs recused)			
ACTION: implemented prior to commencement of the 2019 summer enrichment program.			



STAFF REPORT

Planning Commission

Meeting Date: 12/10/2018

Staff Report Number: 18-102-PC

Public Hearing: Use Permit Revision/Scott Erickson/
2245 Avy Avenue

Recommendation

Staff recommends that the Planning Commission approve a use permit revision to update the use of the existing Phillips Brooks School at 2245 Avy Avenue, located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round. The recommended actions are included as Attachment A.

Policy Issues

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

Background

Site location

The subject property is located at 2245 Avy Avenue in the Sharon Park neighborhood. Using Avy Avenue in the north-south orientation, the subject property is located at the eastern side of Avy Avenue. A location map is included as Attachment B.

The subject property, Phillips Brooks School (PBS), is located in the P-F (Public Facilities) zoning district. PBS is a private elementary school located on property owned by the Las Lomas Elementary School District. The school provides instruction for pre-kindergarten through fifth grade students. The surrounding zoning and land uses are summarized in the table below.

Location/ Direction	Zoning	Existing and Proposed Land Uses
Project Site	Public Facilities (P-F)	Phillips Brooks School (PBS)
North	Single Family Suburban Residential District (R-1-S) and Single Family Urban Residential District (R-1-U)	Small lot single family residences
East	Public Facilities (P-F)	La Entrada Middle School
South	Single Family Suburban Residential District (R-1-S)	Small lot single family residences
West	Single Family Suburban Residential District (R-1-S)	Small lot single family residences

History of the project

PBS has been operating as a private school at 2245 Avy Avenue since 1978, on property owned by the Las Lomas Elementary School District. The school provides instruction for students in grades ranging from pre-kindergarten to fifth grade. The original use permit approval allowed a private school to operate with up to 205 students and 22 teachers on a temporary basis. Subsequent use permit revisions have increased the maximum permitted school population, with the most recent approval in 2013 for 320 students and 58 staff (teachers and administrative staff), which would remain in effect until the school vacates the site or until July 31, 2032, whichever comes first. The term limits for the previous use permits has historically been aligned with the term of PBS's lease with the Las Lomas Elementary School District.

PBS obtained a determination of substantial conformance for a pilot summer program, which PBS operated during the summer of 2018. Staff determined (and notified the Planning Commission) that the summer program was a school-related activity, as an extension of the existing PBS school program. The previous use permit hours of operation were unaffected by the inclusion of the summer program. In addition, enrollment, staffing, and circulation associated with the summer program were generally consistent with the previous use permit approvals. The pilot program allowed PBS to decide whether or not to continue and/or modify the program in future years. The applicant is now seeking a use permit revision to continue this summer program permanently. The request also includes an increase of 10 employees (teachers and administrative staff) for a proposed maximum employee cap of 68. Attachment C contains a link to the substantial conformance memo for the pilot summer program at PBS, along with the existing use permit conditions.

Analysis

Project description

PBS is a private school, and the proposed summer program would be a continuation of what Planning Division staff and the Planning Commission determined to be in substantial conformance earlier this year. The summer program would be open to existing students who are looking to enhance their PBS experience. A variety of classes would be offered during the eight-week program (from June through early August). Classes would be held between 10:00 a.m. and 3:00 p.m., with morning care provided between 8:00 a.m. and 10:00 a.m. and aftercare from 3:00 p.m. to 5:00 p.m. The enrollment cap would be limited to 120 students (ages 5 to 11) each day per week, remaining below the maximum student count of 320 established by the existing use permit. A total of 25 staff members would work for the summer program, consisting of lead teachers and assistants providing instruction for the students. As with previous years, no more than 25 additional school staff and administrators would work in the office buildings during the summer. In total, no more than 120 students and 50 staff would be on site each day of the summer program.

Amplified sound would be limited to one outdoor location and one indoor location, and all noise generated from the summer program would be required to comply with the Noise Ordinance requirements of the Menlo Park Municipal Code. A carpentry class would use amplified sound in the school amphitheater from 10:00 a.m. to 12:00 p.m. and 1:00 to 3:00 p.m., and the applicant has stated that a portable Bluetooth speaker of approximately 10 watts of output, designed for audio playback in a small area, would be used

outdoors. Indoors, amplified sound would be used in the multipurpose room for theater performances, intermittently from 10:00 a.m. and 12:00 p.m. and 1:00 to 3:00 p.m. The applicant has stated that the sound system in the multipurpose room would be calibrated in such a way as to keep sound from being audible from outside. In addition, recess and lunch periods would be held from 12:00 to 12:30 p.m. and 12:30 to 1:00 p.m., respectively, and would be outdoors in two areas located in the east of the site.

In addition, the applicant is requesting the allowance of third-party vendors to operate independent programs on the school campus during the summer program and throughout the school year, to complement school and summer program operations. During the summer program, these staff would be included in the 50 daily summer staff count and would not increase staff numbers further. During the other parts of the school year, the number of vendors would be included in the proposed count of 68 staff. The purpose of these third party vendors is to provide instruction for specific courses for which PBS does not have the resources or staffing to operate. In this capacity, the third-party vendors would support the school-related activities on campus.

As stated previously, the applicant is also seeking to increase its annual employee cap from 58 to 68 employees. The applicant has stated that there is a need to increase the number of staff at PBS to increase the amount of classroom support with more associate teachers, offer more program support and leadership for staff, and provide more visitor management and security staff throughout the year.

The applicant has provided a project description letter, outlining their proposal in more detail, included in Attachment D. The project plans, which indicate the locations of various activities and components of the summer program, are also included as Attachment E.

Parking and circulation

As seen in the project plans, the circulation pattern for loading and unloading and the number of parking spaces would remain the same during the summer program as has been provided during the school year. PBS has designated loading and unloading zones and required drop-off and pick-up protocols as part of this use permit revision. In addition, since the summer program would generally be attended by current PBS students, the applicant has clarified that most parents would be familiar with the existing practices. The Recommended Actions (Attachment A) carry forward the ongoing project specific conditions of the previous use permit approval and incorporate the requirements for the summer enrichment program and the staffing increase.

The existing use permit (Condition 3g) included a five-year monitoring period for the school's trip cap that recently concluded this year. This trip cap limits the school to a maximum of 140 outbound trips from the site between 7:45 a.m. and 8:45 a.m., and the City conducted annual counts every fall (between October and November) for the years 2014-2018. For each of these years, the school maintained a trip count below its cap, and the Transportation Division has indicated that the trip count generated by PBS has decreased over the years. Per the use permit, the annual monitoring may cease at this time since the monitoring has documented compliance, but monitoring may be resumed at any time, per the discretion of the Community Development Director, if the City receives complaints regarding the traffic volume on Avy Avenue related to PBS during the morning peak hour. This requirement would be enforced through project-specific Condition 4g. The proposed summer program would not exceed the trip cap established in

the existing use permit, but if any complaints emerge as a result of the traffic volume on Avy Avenue related to PBS during the morning peak hour, monitoring, along with potential fees and fines, may be required.

As is required in the existing use permit, drop-off activities would continue to only occur between the hours of 7:30 to 8:00 a.m. Thus, the trip generation affecting the trip cap period at PBS would only overlap for 15 minutes, from 7:45 to 8:00 a.m. In addition, the student enrollment for the summer enrichment program would be significantly reduced from the maximum student enrollment as participants would be encouraged to carpool and use alternate modes of transportation, which would help ensure that the vehicle trip cap would be met.

The addition of 10 staff on site would not impact the trip cap, as the staff working at the subject property would not generally arrive or leave during the trip cap period. As such, the Transportation Division has stated that the parking and circulation requirements found in the existing use permit would still be met.

Overall, staff believes that the proposed summer program would continue to operate in the same manner as has been indicated in the substantial conformance memo and would be consistent with the overall parameters of the existing use permit, including the trip cap. The additional 10 staff would similarly not cause exceedance of the trip cap. Further, following their review, the Transportation Division has indicated that the proposed summer program and the increase in staffing numbers would not result in substantial parking and circulation issues.

Correspondence

As of the writing of this report, staff has received a total of four letters of opposition and nine letters of support (Attachment F). The letters of support were provided by the applicant to staff. Each of the opposition letters expressed concern with potential noise generation as a result of the summer program and three of the letters also discussed concerns with traffic. One letter also discussed issues with waste generation and the request for third-party vendor operations. One letter expressed concerns with noise and traffic violations that have been committed over the past few years, and provided a few examples of non-compliance. In accordance with the existing use permit, the applicant states in their project description letter that they have held quarterly neighbor meetings. The applicant has stated that few neighbors attend the quarterly meetings, and these neighbors have not expressed concerns with the program or any of the issues that the letters have indicated. According to the applicant, the most recent meeting was held on November 28, 2018 and had no attendees.

In their project description, the applicant has also explained that the proposed project would have limited noises beyond those typical to the school uses that occur at other times of the year. Additionally, the proposed project would be required to comply with the Noise Ordinance. Planning staff reached out to the Menlo Park Police Department (MPPD) and reviewed the records of reports that occurred at and/or around the subject property and found that most complaints were related to potential noise and parking violations. Most noise complaints involved construction activities, but the report log also includes noise and parking incidents. These incidents appear to be isolated occurrences and not ongoing violations of PBS' use permit conditions. Since January 2016, no citations have been given to PBS as a result of these complaints, and the school has generally worked with the Police Department to address the incidents

related to construction, parking, and noise. Compliance with the Noise Ordinance would continue to be required as part of the project conditions, and any violations of the Noise Ordinance could be grounds for revocation of the use permit.

Concerning traffic and waste management, the applicant has clarified that the summer program would not exceed the requirements already established in the existing use permit. The summer program, in addition to activities involving assistance from third-party vendors, would remain a school-related activity operated by PBS faculty for the enhancement of the school's existing curriculum.

Conclusion

Staff believes that the proposed summer program, along with the increase in the cap on annual staff from 58 to 68, would allow PBS to enhance its current operations while remaining in compliance with the requirements, such as the parking and circulation requirements and trip cap, in its existing use permit. Traffic and noise generated from the additional operations would be within the limits established in the existing use permit. Activities associated with the summer program and third-party vendors would involve school-related activities operated by PBS faculty for the enhancement of the school's existing curriculum. As provided in Conditions 4g and 4m, the Community Development Director would work with the applicant to resolve any complaints and may request monitoring of traffic generated by PBS, if necessary. Staff recommends that the Planning Commission approve the proposed project.

Impact on City Resources

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

Environmental Review

The project is categorically exempt under Class 14 (Section 15314, "Minor Additions to Schools") of the current California Environmental Quality Act (CEQA) Guidelines.

Public Notice

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

Appeal Period

The Planning Commission action will be effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council. Due to the December holidays and the associated closure of the City Administrative Offices, the appeal period has been extended through January 2, 2019.

Attachments

- A. Recommended Actions
- B. Location Map
- C. Substantial Conformance Memo, March 1, 2018
Hyperlink: <https://www.menlopark.org/ArchiveCenter/ViewFile/Item/8764>
- D. Project Description Letter
- E. Project Plans
- F. Correspondence

Disclaimer

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

Exhibits to Be Provided at Meeting

None

Report prepared by:
Matt Pruter, Associate Planner

Report reviewed by:
Kyle Perata, Acting Principal Planner

2245 Avy Avenue – Attachment A: Recommended Actions

LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomitas Elementary School District
PROPOSAL: Use Permit Revision/Scott Erickson/2245 Avy Avenue: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.			
DECISION ENTITY: Planning Commission	DATE: December 10, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, Onken, Riggs, Strehl)			
ACTION:			
<ol style="list-style-type: none"> 1. Make a finding that the project is categorically exempt under Class 14 (Section 15314, “Minor Additions to Schools”) of the current CEQA Guidelines. 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City. 3. Approve the use permit subject to the following standard conditions: <ol style="list-style-type: none"> a. Development of the project shall be substantially in conformance with the plans prepared by Phillips Brooks School, consisting of two plan sheets, dated received November 13, 2018, and the project description letter dated November 30, 2018, and approved by the Planning Commission on December 10, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division. 4. Approve the use permit subject to the following ongoing, project-specific conditions: <ol style="list-style-type: none"> a. The applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project. b. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction. c. Subleasing of the site, or allowing use of the site for non-school related activities, by Phillips Brooks School shall require approval of a use permit revision by the Planning Commission. d. The maximum allowable student population on the site shall be 320 students. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school’s lease on July 31, 2032. e. The maximum allowable number of staff on the site shall be 68 staff. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school’s lease on July 31, 2032. f. All student instruction and regular school activities shall continue to be limited to the hours of 8:00 a.m. to 3:30 p.m. The school’s hours of operation shall be extended with the goal of ending at 10:00 p.m., except for the monthly board meetings, which would be allowed to occur until 11:00 p.m., for the following ancillary School activities: <ul style="list-style-type: none"> • Daily student drop off from 7:30 to 8:00 a.m.; • Daily after school care; • After school sports practices (three times per week); 			

2245 Avy Avenue – Attachment A: Recommended Actions

LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomas Elementary School District
PROPOSAL: Use Permit Revision/Scott Erickson/2245 Avy Avenue: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.			
DECISION ENTITY: Planning Commission	DATE: December 10, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, Onken, Riggs, Strehl)			
<p>ACTION:</p> <ul style="list-style-type: none"> • “Back-to-School” night (once per year); • Middle School Admissions Night (once per year); • Board Meetings (once per month); • Board Committee Meetings (two to three times per month); • Parent Coffees (six times per year); • Parent’s Association Meeting (two to three times per year); • Student Presentations (once per year for each class); • New Family Picnic (once per year); • Book Fair (once per year); and • Neighborhood meetings on school operations. <p>g. The applicant shall not allow more than 140 outbound vehicle trips to be generated by the school during the morning traffic peak hour period (7:45 a.m. – 8:45 a.m.). Annual traffic counts were performed that documented compliance through the five year period set by the 2013 Use Permit approval and therefore, are no longer required as that condition has been met. Monitoring may be resumed at any time if the City receives complaints regarding the traffic volume on Avy Avenue related to Phillips Brooks School during the morning peak hour. After a complaint has been received, the City will evaluate whether a potential violation has occurred, and the Community Development Director shall have the discretion to resume the monitoring. If monitoring is deemed warranted, the City will notify the applicant of the determination at least one week before initiating the monitoring program. The applicant will be responsible for reimbursing the City for the cost of the traffic count, \$975.00 (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area). In this instance, at least one year of monitoring will be completed.</p> <p>If the supplemental traffic count shows that actual outbound trips exceed the trip limitation, the applicant shall pay a penalty of an annual \$500 per excess AM peak hour outbound trip (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area). Revenues from the payment of penalties shall be due to the City within 30 days of City’s issuance of the invoice and the City shall use the money for programs designed to reduce trips or traffic congestion within the City of Menlo Park. Annual monetary penalties shall apply for each subsequent year the trip limit is exceeded; the penalty amount shall increase by \$500 per trip for each subsequent year that a violation occurs.</p> <p>h. The applicant shall continue to communicate in writing to all parents of students enrolled in the school that no parking is allowed on the north side of Avy Avenue and the first block of</p>			

2245 Avy Avenue – Attachment A: Recommended Actions

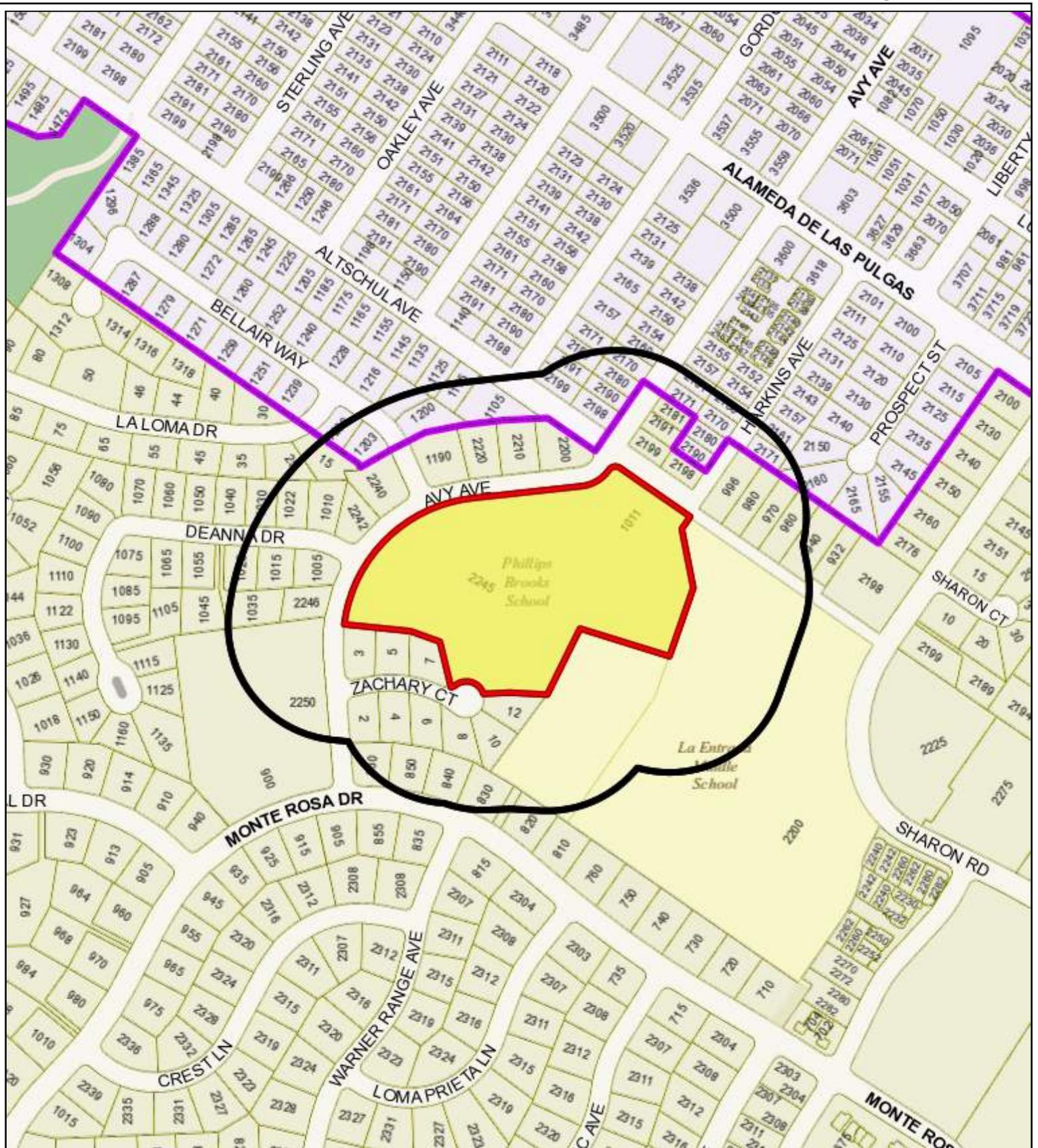
LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomas Elementary School District
PROPOSAL: Use Permit Revision/Scott Erickson/2245 Avy Avenue: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.			
DECISION ENTITY: Planning Commission	DATE: December 10, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, Onken, Riggs, Strehl)			
<p>ACTION:</p> <p>Bellair Way. Documentation of the communication shall be submitted to the Planning Division on an annual basis, and the effectiveness of the street parking restriction shall be analyzed by the Transportation Division.</p> <ul style="list-style-type: none"> i. The existing “right turn only” sign located at the exit of the school’s parking lot shall be maintained until the City Council directs otherwise. The right-turn only sign may be modified to display actual carpool times. j. The applicant shall submit a copy of the student enrollment roster and the staff roster to the Planning Division for purposes of verifying the student enrollment and staff numbers. The rosters shall be submitted annually three months from the first day of the school year. The Planning Division shall return the rosters to the school within one week of receipt. The City shall not make copies of the rosters or disseminate any information from the rosters to the public to the extent allowed by law. k. The applicant shall maintain the committee of school representatives and neighbors to identify issues related to the school’s operation and develop resolutions to those issues. The committee shall meet a minimum of once every three months starting from October 2, 2001. The results of the committee’s work shall be reported annually by the applicant in writing to the Planning Division. l. The applicant shall comply with all aspects of the traffic safety control program approved by the City Council on February 12, 2002. Compliance with these items shall be to the satisfaction of the Transportation Division: <ul style="list-style-type: none"> • Maintain the landscaping in front of the site in order to provide adequate visibility for vehicles exiting the driveway, yet also maintain the screening of the school facilities. • Encourage the Las Lomas Elementary School District to monitor the intersection of Avy Avenue and Altschul Avenue during the times when the District’s students use the intersection. • Maintain the curb red for a distance of 20 feet on the south side of Avy Avenue to the east of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue. • Maintain the curb red for a distance of 165 feet on the south side of Avy Avenue to the west of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue. • Maintain “school zone” signage on the eastbound and westbound approaches of Avy Avenue near the site. • The Police Department shall augment its enforcement efforts to enforce the parking prohibitions at the red curb locations on Avy Avenue, as budget resources allow. 			

2245 Avy Avenue – Attachment A: Recommended Actions

LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomas Elementary School District
PROPOSAL: Use Permit Revision/Scott Erickson/2245 Avy Avenue: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.			
DECISION ENTITY: Planning Commission	DATE: December 10, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, Onken, Riggs, Strehl)			
ACTION:			
<ul style="list-style-type: none"> • The Police Department shall augment its enforcement efforts near La Entrada School and the intersection of Avy Avenue and Altschul Avenue during the morning drop-off and afternoon pick-up periods, as budget resources allow. <p>m. The Community Development Director shall review any complaints received by the City regarding the expanded student enrollments and staff numbers at Phillips Brooks School. The Community Development Director and his/her designee shall work with the School and the neighbors to try to resolve such complaints, when possible. The Community Development Director shall have the discretion to bring complaints to the Planning Commission for review.</p> <p>n. The applicant shall maintain the site in compliance with the following approved plans:</p> <ul style="list-style-type: none"> • The approved plans prepared by BFGC Architecture, consisting of seven plan sheets, dated received September 15, 2009, and approved by the Planning Commission on September 21, 2009, except as modified by the conditions. • The approved plans prepared by Berger Detmer Ennis, consisting of 28 plan sheets, dated received January 5, 2006 and approved by the Planning Commission on January 9, 2006, and subsequent revisions dated May 1, 2007 consisting of 18 plan sheets except as modified by the conditions. <p>o. The landscaping and irrigation plan shall comply with the Water Efficient Landscape Ordinance. The applicant shall maintain landscaping and irrigation along Avy Avenue and within the campus per the approved plans. Plantings should include native species, a variety of trees, plants, shrubs, and groundcover.</p> <p>p. The applicant shall require that drop-off and pick-up of passengers occur only in designated loading and unloading zones, as specified on plans dated received January 5, 2006. Compliance with this item shall be to the satisfaction of the Transportation Division. The applicant shall also require that no drop-off or pick-up of passengers occur on Zachary Court.</p> <p>q. The sports court canopy can be used for play during recesses, physical education classes, after school sports practices, and school assemblies. Modifications to the appearance or use of the structure may warrant a use permit revision and architectural control review by the Planning Commission as determined by the Planning Division.</p> <p>r. Should the informal arrangement between Phillips Brooks School and St. Denis Church (2250 Avy Avenue) for the use of St. Denis Church's parking lot be cancelled, the applicant shall submit a plan to provide for overflow parking, for review and approval by the Planning and Transportation Divisions.</p> <p>s. The summer program shall be subject to the following requirements:</p>			

2245 Avy Avenue – Attachment A: Recommended Actions

LOCATION: 2245 Avy Avenue	PROJECT NUMBER: PLN2018-00111	APPLICANT: Scott Erickson	OWNER: Las Lomas Elementary School District
PROPOSAL: Use Permit Revision/Scott Erickson/2245 Avy Avenue: Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.			
DECISION ENTITY: Planning Commission	DATE: December 10, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, Onken, Riggs, Strehl)			
ACTION: <ul style="list-style-type: none"> • The maximum allowable student population on the site during the summer program shall be 120 students, aged 5 to 11 years. • The maximum allowable number of staff on the site shall be 50 staff, of which no more than 25 staff shall be administrators working in the office buildings and no more than 25 staff shall be working for the summer program, as school staff or as third-party vendors. • All summer program classes shall be limited to the hours between 10:00 a.m. and 3:00 p.m., with morning care provided between 8:00 a.m. and 10:00 a.m. and aftercare from 3:00 p.m. to 5:00 p.m. • The summer program shall run for an eight-week period, generally between June and August. 			



City of Menlo Park
 Location Map
 2245 Avy Avenue





Phillips Brooks School

November 30, 2018

Matthew A. Pruter, Associate Planner
 Planning Division
 City of Menlo Park
 701 Laurel Street
 Menlo Park, CA 94025

RE: Phillips Brooks School–Additional Materials in Support of Conditional Use Permit Amendment for Summer Program (PLN2018-00111)

Dear Matthew:

We are writing on behalf of the Phillips Brooks School (PBS) with respect to the proposed project located at 2245 Avy Avenue (PLN2018-00111), responding to the memo we received dated November 28, 2018, informing us that our use permit revision application is complete but requesting several amendments to the Project Description. That document has been updated as follows to address the questions and prompts presented:

1. In response to General Comment 1, the Project Description has been edited to include section labeled “Employee increase” under “Purpose of the proposal” and under “Scope of work” to include the specifics of the employee request we detailed in our original request dated October 4, 2018.
2. General Comment 2 had three sub-points, each of which has been addressed under “[Note 1]” in a new section of the Project Description labeled “Clarifications and notes.” Each sub-point is quoted and then addressed, in turn.
3. We address General Comment 3 in “[Note 2]” under the “Clarifications and notes” section.

We look forward to the discussion at the meeting on December 10, 2018. Thank you for your diligence in ensuring that our submission is complete and addresses all necessary points.

Sincerely,

Scott Erickson
 Head of School

Attachments



Phillips Brooks School

Project Description

Proposed Use Permit Revision - 2245 Avy Avenue (PLN2018-00111) • Revised 11/30/2018

Purpose of the proposal

Summer program

PBS ran a pilot program during the Summer of 2018 to test the efficacy of an enrichment program in order to assess its advantages to the PBS community. The Program is an extension of PBS's existing academic programming by allowing PBS instructors to explore new ideas and teaching methods around topics of interest that cannot always be pursued in depth during the academic year. PBS is excited to advance its academic mission and vision by offering this opportunity for students and parents to enhance their experience with the community. Importantly, the scale of the Program will involve a much smaller population than the regular, academic year.

Employee increase

We request an increase of our employee cap from 58 to 68. Our current headcount stands at 57; we have grown our staff in the last several years to accomplish these objectives:

- Increase classroom support and supervision of students, especially those in our younger grades, by expanding the number of associate teachers
- Provide program support and leadership in areas like curriculum development, faculty professional growth, emotional intelligence, and technology
- Add coverage in our Welcome Center to oversee visitor management and add a layer of security as concerns over campus safety nationwide have increased

As we plan for the next several years, we've identified a number of additional curricular areas in need of increased faculty support, and we anticipate needing to increase our support staff as demand on those resources increases.

Scope of work

Summer program details

As described in the Program Overview included in the initial filing, the Program will consist of the following:

- No more than 120 students each day (ages 5-11) and no more than twenty-five (25) instructors/assistants;
- Cap of 25 staff/administrators in office buildings (normal for summer);
- Eight (8) weeks of the summer from June through early August;
- Daily from 8 AM to 5 PM including morning and afternoon care;
- 140 trip count maximum during morning drop off (as usual);
- Optionality for ability to have third-party vendors operate their independent programs on campus. [Note 1]

The attached map depicts the campus zones in which the Program will be operated and shows that the Program will take advantage only of the interior areas of the campus, leaving the playground on Avy open to the neighbors and minimizing noticeable impacts to the immediate neighbors.

PBS also intends to maintain the same commitment to Transportation Demand Management measures, such as carpools and walking/biking, and all parking needs will be accommodated in the PBS parking lot so that there is no spillover into the surrounding neighborhood. A Summer Program Coordinator will be present every day during the Program to oversee operations and ensure PBS families continue to follow the usual rules.

Employee increase

We request an increase of our employee cap from 58 to 68.

Architectural style, materials, colors, and construction methods

No architecture, materials, colors, or construction will be modified for the purposes of this use permit revision.

Basis for site layout

The site layout was determined based on the program coordinator's experience in running the 2018 pilot program and the school administration's understanding of and expertise related to the management of elementary-aged students.

Existing and proposed uses

This proposal does not seek to change the uses of the campus but instead to be more specific about the times of year during which it will be used for those purposes. In the Fall of 2013, PBS's request for a use permit revision was approved by the Planning Commission, which primarily increased the maximum allowable student population to 320 students and the maximum allowable number of staff to 58, in addition to facilitating some other minor "clean-ups." Earlier this year, the City determined that the pilot summer program substantially conforms to all of the 2013 use permit conditions, and its modest scope and timeframe do not trigger any greater impacts than those regulated by the use permit itself. This substantial conformance to all relevant use permit conditions is evidenced by the following:

- The Program will comply with all applicable agency regulations, as well as all City requirements applicable to the PBS program. (Conditions 3(a) and (b).)
- The Program is a school-related activity in that it will be operated by PBS faculty for the enhancement of the school's existing curriculum. (Condition 3(c).)
- The Program will not increase the maximum allowable number of students or staff, at 120 and 25, respectively, for the summer program. (Conditions 3(d) and (e).)
- The Program will comply with the school's hours of operation by operating between 8 AM and 5 PM. (Condition 3(f).)
- The Program will not allow anywhere close to the 140 outbound vehicle trips allowed to be generated during the morning traffic peak hour of 7:45 am to 8:45 am because the summer participants will be a mere fraction of the number of students during the academic year, and these participants also will be encouraged to carpool and bike/walk to the campus. (Condition 3(g).)
- The Program will adhere to the required drop-off and pick-up protocols for designated loading and unloading zones. (Condition 3(p).)

Outreach to neighboring properties

Our current conditional use permit requires that the school schedule quarterly neighbor meetings, to which all of our neighbors are invited and encouraged to attend. Historically, attendance at those meetings is low – a maximum of 2 attendees per meeting over the last several years, with several meetings resulting in no attendees – and we take this as a good sign that we are doing our best to keep our neighbors happy. Neighbors also have a direct line to the Head of School via neighbors@phillipsbrooks.org or by phone, and when issues arise, we immediately react to resolve them.

With respect to the specific question of the Summer Program, we shared in a recent quarterly invitation to the neighbor meeting on May 18, 2018, that we were proposing to begin a summer program and offered to address questions and concerns at the meeting, and only one neighbor came to that meeting, to discuss matters unrelated to the summer program. With the neighbors who usually do come to our meetings, and share feedback throughout the year, we have had direct discussions about the program and were told that they didn't even realize the program was running until several weeks in and that they had no concerns or complaints about how it went. At the August 15, 2018, neighbor meeting, held just after the pilot program finished, no neighbors were in attendance. [Note 2]

We are confident that this program will not be an imposition on our neighbors and are committed to taking any necessary steps to ensure that is the case.

Addressing questions from the Planning Commission

Several specific questions were put to the school with respect to this project in a memo dated November 7, 2018; below are our responses to those concerns:

Whether there is any amplified sound, and if so, where it is located, and whether it is indoor, outdoor, or both. Please describe the timing of its use, if necessary.

There will be no amplified sound outdoors, except during Carpentry class when in session, from 10:00 a.m. to 12:00 p.m. and from 1:00 to 3:00 p.m. Amplified sound is limited to a small, portable Bluetooth speaker capable of only 10 watts of output, designed for audio playback in a small area.

Amplified sound will be used in the Multipurpose Room for theater performances. This will be used intermittently Monday through Friday between 10:00 a.m. and 12:00 p.m. and again from 1:00 to 3:00 p.m. The sound system in the Multipurpose Room is calibrated in such a way as to keep sound from being audible from outdoors.

The specific timings of activities and hours of lunch and recess. Are the multiple areas indicated "recess" used at the same time, to spread out the students on break? For lunch, are all students concentrated in the "lunch" area? Please clarify, and if necessary, please label more clearly on the Existing Site Plan.

Recess will take place from 12-12:30 p.m. and Lunch from 12:30 p.m. to 1:00 p.m. The multiple areas on the map indicated "recess" are not all used at the same time. One area will be used per day during recess and lunch. All students will be concentrated in one "lunch" area each day.

Is the amphitheater going to be used for any activities? If so, will it involve the full student attendance, and at which times/days of the week typically?

The amphitheater is used only for Carpentry class. It will not involve full student attendance. When Carpentry is in session, it will take place Monday through Friday from 10:00 a.m. to 12:00 p.m. and from 1:00 to 3:00 p.m.

Clarifications and notes

[Note 1]

In the notice dated November 28, indicating that this project was scheduled for a meeting and requesting several amendments to the project documents, Planning staff asked for the following information regarding the third-party vendors mentioned in the Project Description:

"[Describe] the number of potential additional employees. Please clarify whether these employees would be included as part of the 50 staff expected to be onsite (proposed to be 25 summer staff and 25 school staff), or an additional number of staff more than the proposed 50 employees."

Any third-party vendors on campus are included in the estimated number of staff required to operate the summer program; no more than 50 employees and vendor employees will be on campus during the summer.

"[Describe] information on whether or not the third-party vendors would operate only during the period of the summer program or throughout the calendar year."

The vendors we anticipate engaging in the summer are the same as those who operate some of our already existing after-school enrichment classes. So, yes, those vendors will be operating on campus during the school year, but they will be operating the same programs that they have operated for years as an integral part of our community. The vendors will not be responsible for any aspect of the administration of our summer program, only teaching specific courses, so they will not be operating on campus in a summer-related capacity until the actual summer program begins.

"[Describe] the role of the vendors at the school, along with a clarification of how these vendors would operate at the school and how they would relate to the school and school-related activities."

Our plan to engage vendors does *not* involve bringing in a third-party to operate a turnkey program on campus that is fully self-contained as some other schools do - essentially renting out their campuses to a company to run a summer program and taking a commission or charging rent. By contrast, PBS is committed to operating our summer enrichment program ourselves, from designing the curriculum to overseeing all aspects of the day-to-day operations throughout the year.

Where we anticipate needing the assistance of third-party vendors is in teaching specific courses that are of interest to our students and families but for which we do not have a teacher or other resources. This is the model we follow for our after-school enrichment program during the academic year - bringing in outside expertise to fill a specific need. We even anticipate using many of the same vendors as we do the rest of the year, as they are trusted, respected members of our community who are well known by parents and students. These vendors would be considered members of the faculty for the duration of the summer and would be subject to the same expectations for participation in other school-related activities as other members of the faculty.

[Note 2]

In the same notice, the Planning Commission asked for the following information regarding neighbor outreach:

"Since your previous submittal, if any additional meetings or correspondence with neighbors have taken place, or if any additional forms of outreach have occurred recently..., please revise the project description accordingly."

Since our submissions on October 4 and November 13, 2018, we have had one additional quarterly neighbor meeting, on Wednesday, November 28, at 5:30 p.m. No neighbors were in attendance, as has been the case with

most of our recent meetings, although we did receive one note in advance of the meeting at our *neighbors@phillipsbrooks.org* email address, which delivers directly to the inbox of Head of School Scott Erickson. We have also received copies of three letters addressed to the Planning Commission with regard to this proposal. Dr. Erickson has responded directly to each of the neighbors who have written with questions about the project inviting them to discuss those concerns in person or by phone. As we've shown by our close adherence to the terms of our current Conditional Use Permit and by acting swiftly to address specific concerns, Phillips Brooks School is deeply committed to being a courteous and conscientious neighbor. We believe that is best accomplished when we can communicate directly when there is a concern or conflict, and we look forward to hearing back from these neighbors in the coming days.



PBS Summer Program 2019 Summary • October 4, 2018

PBS is excited to offer a second Summer Program beginning this June of 2019.

Our goals are for students to:

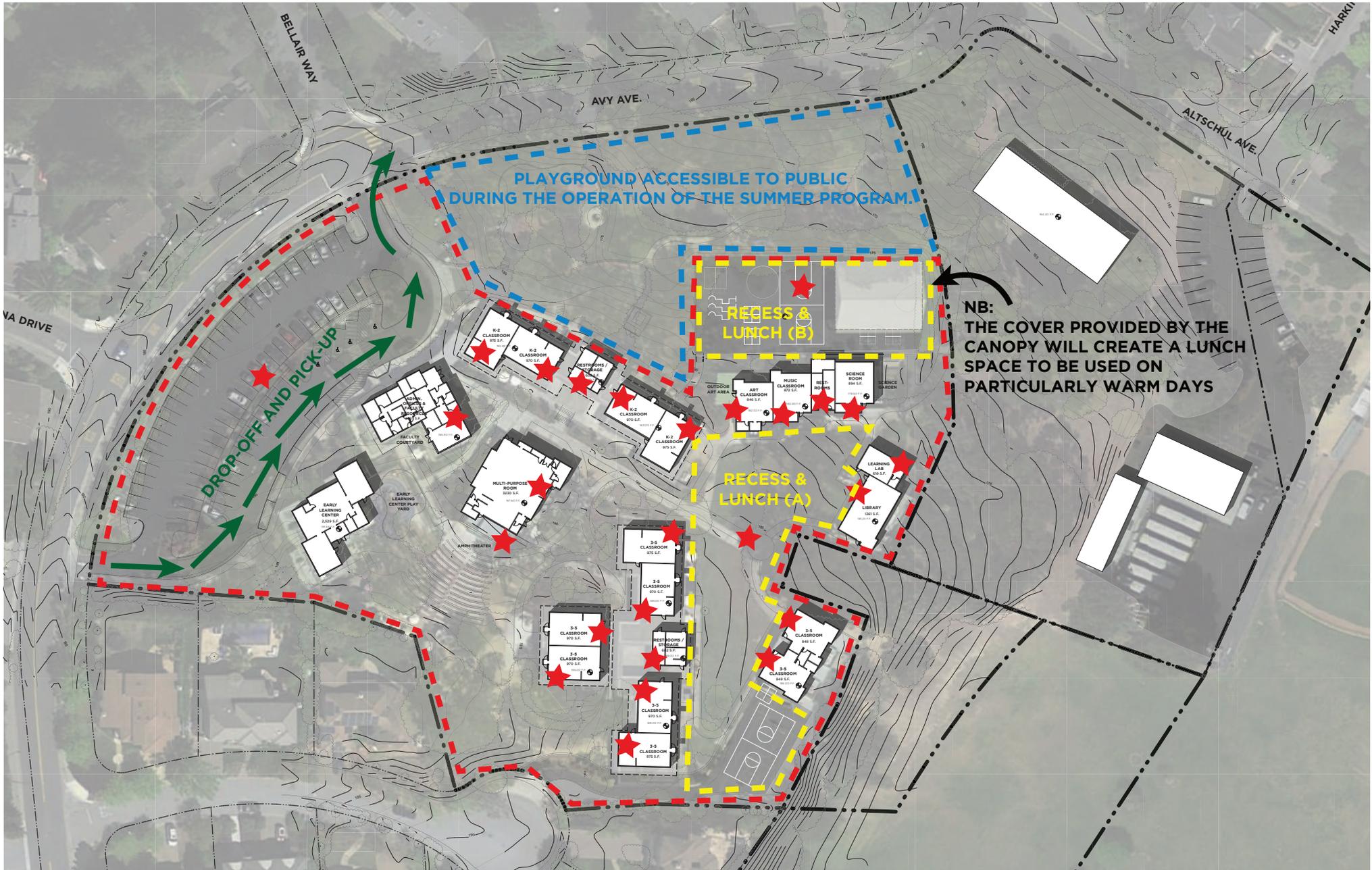
- Learn about themselves
- Learn about being a community member
- Try new things
- Explore deeply
- Grow their independence
- Spend lots of time outside
- Have fun

Our desire is to continue improving our offerings by implementing more robust programming and additional personnel. With a PBS touch to the lessons taught in each class, we're not just teaching the material, but instilling life-long values. PBS offers a variety of classes that range from Drama to Design Thinking and Clay Animation to Community Service. Classes will be taught by PBS teachers as well as a few external vendors.

We are requesting the following details for future summer program usage:

- Enrollment cap of 120 students (ages 5-11) each day per week.
- Instructor cap of 25 lead teachers & assistants total,
- Cap of 25 staff & admin in office buildings (normal for summer)
- 8am-5pm operating hours including morning and afternoon care
- Entire campus usage from 10am-3pm (morning and afternoon care to take place elsewhere)
- 140 car count maximum during morning drop-off, as usual
- June 17 start through early August (8 weeks total)
- Option to allow external vendors to run their programs on our campus (no plans in near future, but would like to have this option)





November 27, 2018

Dear Matt Pruter,

I am contacting you to ask some questions and to express some concerns about the requested revision to the Phillips Brooks School [PBS] use permit and proposed addition of a summer session at the school. I am the property owner at 3 Zachary Court. Our home abuts the southern property line of PBS.

My question is “what has changed” since the lease renewal for PBS that they now need to add a summer program. My understanding is that the current use permit explicitly does not allow the addition of a summer program. That provision was added to the use permit for a reason. PBS agreed to that restriction at the time and did not indicate the need to initiate a summer program. The original concerns regarding operating a summer program on that property have not changed.

One reason that PBS gave for wanting to run a summer enrichment program is to allow “PBS instructors to explore new ideas and teaching methods.” If this is genuinely the case, I am puzzled as to why the school is then asking for permission for a third party vendor to operate programs on campus. Furthermore, it seems that if a third party vendor is operating the program, then the summer program would be in violation of the City use Condition 3(c) that states the program is a school-related activity.

Two possible reasons that might exist for supporting the addition of the summer program over the existing objections inherent to the restriction detailed in the use permit are:

- There is a social need for an additional summer program
- PBS has a financial need for a summer program

Given the range of summer program options available within Menlo Park and across all of the San Francisco Peninsula, it seems hard to believe that there is an unmet social need for a summer program delivered by PBS. I have not seen any information indicating that PBS especially intends to address the unmet needs of less advantaged populations, such as their “financial aid families”. It would appear that the PBS summer program is intended to serve its existing student population – a population that may not have financial barriers to summer program access. Furthermore, there are many existing summer programs in the area to provide working families with childcare options. These existing programs surely provide opportunities for teachers to test their lessons and/or supplement their incomes should they desire to do so.

If PBS feels they need to add a summer program for financial reasons, I think approval of the program would require more extensive analysis of the PBS operating model such that they need to add a summer program for financial reasons.

Our objections to the proposed summer program are consistent with the original concerns that motivated the restrictions in the current use permit:

- Increased traffic during summer months
- Increased noise during summer months
- Increased waste generation during summer months
- Material increase in the hours of use of the PBS property during the summer (9 hours a day, 5 days a week for 8 weeks) as compared to the standard school days during fall, winter, spring sessions.

The pilot program that PBS ran last summer did nothing to allay these concerns. In fact there was a significant and sustained increase in general neighborhood nuisance factors such as noise—including noise at night long after 5:00 pm while the custodial crew cleans the PBS campus, increased foot and vehicle traffic, and increased waste generation and waste management/removal.

Finally, the request to allow third party vendors to operate independent programs during the summer months concerns us because we assume that with a third party vendor there will not be ongoing, daily oversight of the campus facilities by the PBS employees. Most of the noise problems that we have encountered occur after hours and when the Phillips Brooks staff are not on hand to observe and monitor behavior on campus.

We respectfully submit these comments and concerns to the planning commission to take into consideration as you review the request by PBS to change their use agreement.

Sincerely,

Ann Jaquith

November 24, 2018

Dear Matt Pruter,

I am the owner who resides at the property 7 Zachary Court that directly abuts the outdoors area of Phillips Brooks School. I am writing this letter to express a few of my concerns about the permit revision at Phillips Brooks, but more importantly, the proposed year round operation of the school from the “summer enrichment program”.

Our home was the first constructed on Zachary Court. At that time, Phillips Brooks did not exist as a school. Fast-forward 27 years; we have all types of motor vehicle noise, as well as, the current noise that has come from the development of the land. As a property management specialist I know these factors play significant roles in the estimation of residential noise damage costs to property values of homes and apartment homes. That being said, quieter areas are generally deemed more desirable, and real estate prices tend to reflect that.

During the school year, break time and lunch times at PB are loud. Many children and staff are outside literally playing and screaming 10 to 15 feet from the common wall that separates our back yard from Phillips Brooks. I would be interested in the decibel noise impact of a single occurrence from the school during a complete day. During these break times, it is simply a nuisance. It is a struggle to have a normal conversation in our backyard. At these times, the noise from the school can be heard from inside our home with all windows closed. We will have 4 children home for the summer for eight weeks; it would be a travesty to put our family through this during their summer vacation.

The noise increase at PB during the past summer and current school year has been noticeable, we were wondering if something has already changed at the school i.e. Increased class size or even a new preschool added to the PB campus. This school year there seems to already be an increase in younger children and staff during the daytime and increased custodial work in the evening. Along with this letter, I will attach a video of a janitor working well past 11pm at night. In the video you can clearly hear and see

the worker using an electric blower. This campus cleaning in the late hours has to stop or efforts to decrease the noise must be made.

In short, we already have an unharmonious situation with PB, so to grant a change to PB use agreement seems clear to us. For the sake of brevity, not lack of examples, I will end this letter and submit these comments and concerns to be shared with the planning commission for their review of Philips Brooks School to change their use agreement.

Many Thanks,

Jerry Garrett

RECEIVED

NOV 28 2018

CITY OF MENLO PARK
BUILDING DIVISION

Nov. 28, 2018

Matt Pruter,

Thank you for the notice to neighbors. Since we are currently impacted by the school traffic and activities, (loud speakers, sports court and events) I am not in favor of adding more staff and students. A few years ago it was raised from 58 to 68 year-round employees.

Sincerely,

A handwritten signature in black ink that reads "James Madden". The signature is written in a cursive style with a large, looping initial "J".



Phillips Brooks School

December 4, 2018

Matthew A. Pruter, Associate Planner
Planning Division
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

RE: Phillips Brooks School–Additional Materials in Support of Conditional Use Permit Amendment for Summer Program (PLN2018-00111)

Dear Matt:

First, thank you for diligently forwarding to me all of the correspondence you've received in response to our public notice. The feedback we've received from our neighbors has been helpful as we continue to hone our thinking and to make plans for next summer. Second, I am writing to share with you several messages we've received from PBS community members and neighbors sharing their experiences with the school and, more specifically, with last summer's pilot program. Those letters can be found attached to this letter, which we received by email, collected, and consistently formatted so it would be easy for Planning Commissioners to review.

I also would like to take a moment to address some of the questions posed in the neighbor letters you have received and to share some additional updates since our supplement dated November 30, in particular about our neighborhood outreach efforts.

As noted in our November 30 revision to the Project Description, I have reached out to every neighbor who has written to invite them to discuss their concerns (except for the neighbor who did not provide any contact information in his letter). I had the pleasure of meeting yesterday with Ann Jaquith, who wrote on November 27, and Linda Garrett, whose husband Jerry wrote on November 24. Our conversation was valuable, informative, and productive, and we were able to settle several issues raised in their letters. In particular, I clarified the relationship between our intended third-party contractors, or vendors, and the summer program. I shared that PBS employees will still maintain responsibility for campus supervision and operations throughout the program, and that our summer program will have a few contractors with whom we are familiar and who are already part of our program. Ann, Linda, and I also discussed some ongoing issues where PBS can be of help.

Some of the specific points raised in these neighbors' letters should be addressed specifically here in order to be clear for the Planning Commission:

- One neighbor wrote, "My understanding is that the current use permit explicitly does not allow the addition of a summer program." This understanding is incorrect, as the Planning staff noted in our substantial conformance memorandum dated March 1, 2018: "Staff believes the [pilot program]

proposal as presented is consistent with the school's operations and the proposal would continue to comply with the existing use permit." We view the current process, as it relates to the summer program, not as a request for permission previously denied but instead as a way to "clarify and document the operations in the use permit." (Quoting again from the March 1 memorandum.)

- The same neighbor wrote, "Given the range of summer program options available within Menlo Park and across all of the San Francisco Peninsula, it seems hard to believe that there is an unmet social need for a summer program delivered by PBS." To the contrary, as our neighbors and parents have attested in the attached letters of support, there is an increasing need for programs that are moderately priced (as ours is) and that balance academic enrichment and social-emotional learning in the unique way that PBS's program does, particularly for elementary-aged children. This need has increased along with the number of two-working-parent households, and we believe our program fills a gap that has gone unfulfilled for some time.
- On the topic of whether the school "need[s] to add a summer program for financial reasons," we would say that, although the school is in a healthy financial position, we must always look toward an uncertain future and ensure a healthy school business model. All independent school professional organizations - including our accrediting organization, the California Association of Independent Schools - recommend as an important part of financial stewardship that schools seek out new revenue streams. Our summer program is a natural extension of our regular program, an important way for PBS to serve a clear community need, and it supports the school's financial health while being moderately priced.
- Regarding noise from our cleaning staff at night, we have an explicit agreement with our custodial contractors to adhere to all aspects of our conditional-use permit and the city's noise ordinances. We also have a long-standing agreement to limit the hours at which we bring trash to the receptacles at night. We will continue to monitor for compliance and never want to cause concern to our neighbors, of course. We have communicated with our custodial staff to clarify and reinforce these expectations.
- With respect to concerns about increased traffic caused by increasing our employee cap by 10, I would simply point out that over the last five years, the school has measured *well below* our mandated maximum of morning exits from our parking lot. We encourage carpooling, walking to school, and public transportation whenever possible, and will continue to do so. The additional staff will not increase traffic impacts, nor will it put us close to or above the cap, which will remain the same.

It is my understanding that this cover memo, as well as the letters attached, will be included in the packet for the Planning Commissioners in advance of the December 10 meeting. I look forward to the discussion at that meeting. Thank you.

Sincerely,



Scott Erickson
Head of School

Attachments



Phillips Brooks School

Letters of Support

Proposed Use Permit Revision - 2245 Avy Avenue (PLN2018-00111)

Submitted December 4, 2018

We have received the following messages of support from parents and friends of the school who are also neighbors residing in our community; they are copied below in full:

Deborah Chait

Received via email on Saturday, December 1, 2018, at serickson@phillipsbrooks.org, from deborahachait@gmail.com

To Whom It May Concern,

I have been a resident of Sharon Heights for 44 years. The past 34 on Deanna Drive, directly across from Phillip Brooks School. Presently my granddaughter is in first grade at PBS. I have always found PBS to be a very good neighbor and since having my granddaughter enrolled there, I now know what a wonderful, kind, loving environment exists on that beautiful campus.

Last summer Stella was fortunate enough to participate in two summer programs. These programs foster the same values as the academic school year. The children not only have fun and master new skills but kindness and respect for others is a constant thread in their learning environment.

I believe as neighbors that we should all be grateful that PBS is such a wonderful addition to our area and we should all work together to help the school continue to grow and flourish.

Sincerely,

Deborah Chait
1110 Deanna Drive
Menlo Park

Sent from my iPad

Jessica Sieck

Received via email on Saturday, December 1, 2018, at serickson@phillipsbrooks.org, from jessicasieck@gmail.com

To whom it may concern,

My name is Jessica Sieck and I have been a resident of Sharon Heights for 30 plus years. I was born and raised here and returned to raise my own family 7 years ago. We are one of the fortunate families that has a child who attends Phillips Brooks School. Our daughter began at PBS in Kindergarten and is currently in the 1st grade.

The warmth of the PBS community, including the faculty and other families, has impacted our own family in numerous positive ways. We have watched our shy, introverted child blossom into a confident kid who jumps out of bed each morning to head off to her incredible school where her love of learning shines through in every lesson she is taught. We feel a wonderful sense of peace knowing that each day our child is getting not only the best education possible at PBS, but is also developing healthy, social emotional skills which she will carry with her throughout her life.

Since our children were able to walk, the PBS playground has been a magical place for us. A weekend doesn't go by without at least one stop at the playground for our girls; it is a special place for us to meet up with old friends and often times make new ones.

Last summer our daughter had the opportunity to attend the PBS summer program as a way to stay connected to her school and continue her education during the break. The program is at the top of her list for the coming summer, as she had one of the most fulfilling two weeks of her summer break. The program offered a wide variety of classes for our children, exposing them to interests not always offered at other local camps. Our daughter walked away from the PBS summer camp with a newfound interest and passion for musical theater which she has continued studying this fall. We feel strongly that the PBS summer program enhances our community greatly. With such limited summer programs available in the area, having PBS offer a summer educational option provides a fantastic opportunity for more of our local children to flourish and learn.

PBS is a gift to our community, and any opportunity to help it develop further should be encouraged.

Warmly,

Jessica Sieck
710 Monte Rosa Drive
Menlo Park

Robin Enan

Received via email on Sunday, December 2, 2018, at serickson@phillipsbrooks.org, from rhindery@gmail.com

To the members of the Menlo Park Planning Commission,

My name is Robin Enan, and I'm a Menlo Park resident with two children currently attending Phillips Brooks School in grades PreK and Kindergarten. I'm also a graduate of the school myself, having spent most of my childhood in the Bay Area.

My husband and I love PBS for many reasons, but top of the list is the school's focus on fostering an inclusive, supportive, vibrant community. That commitment extends beyond the families whose children attend the school, to include the surrounding neighborhood and beyond.

To that end, we were thrilled when we learned that PBS hopes to expand the pilot summer camp program it started earlier this year into an official program that would be open to children outside the school. Our oldest child attended the camp for three weeks last July and August, and it was the standout highlight of his summer. The diversity of the offerings--from Carpentry and Design Thinking, to Theater, to Visual Arts--was beyond anything we found in our research into other area camps, especially for children so young. Our son loved Carpentry so much that he had a carpentry-themed 6th birthday party a few months later to share his new passion with all his Kindergarten classmates.

I was not surprised by the quality of the PBS summer program, but I was surprised--and pleasantly so--by its affordability, given that it was a full-day camp and included extremely specialized activities. I understand that a lot of thought and comparison research went into the cost of tuition, ensuring that the camp could be accessible to families of more modest means.

We would love to see this wonderful camp continue, not only for the benefit of our own kids, but many others as well. We know PBS will hold its summer program to the same high standards it does with its academic-year program, and, as always, will work with its neighbors to ensure any concerns are addressed.

Thank you for reading my letter, and for your continued commitment to providing our children with the best and most inspiring educational opportunities.

Sincerely,

Robin Enan
1765 Poppy Ave.
Menlo Park, CA 94025

Matthew and Leslie Berkowitz

Received via email on Monday, December 3, 2018, at serickson@phillipsbrooks.org, from leslieh259@gmail.com

To Whom It May Concern,

We have been members of the Phillips Brooks School and Menlo Park communities for over two years since we relocated from the East Coast. Our residence is just around the corner from the school and we walk there nearly every day and take advantage of the beautiful playgrounds and sports courts on the weekends. Our two older boys attend school at PBS: Noah (first grade) and Cole (pre-K).

To say that PBS means a lot to us would be an understatement. The community of parents, students, teachers and staff are our family here. We were welcomed with open arms into the community even before we had arrived and that spirit has never waned. Our kids walk onto campus in the mornings and everyone knows their names and it feels like home. But most importantly, the style and approach to teaching has instilled in our children a love and curiosity for learning that causes them to look forward to each day with unbridled enthusiasm, and this is invaluable.

One of the greatest hallmarks of PBS is the creation of community at the school. This can be observed in the pride the children take in beautifying the campus through their artwork or the weekly GATHER assemblies where the whole school comes together to reflect on various important and inspiring topics. However, the sense of community reaches far beyond the PBS campus. This can be seen during 'Walking Wednesdays' when dozens of students, parents and faculty commit to walking to school to reduce traffic and car emissions, the summer 'Bingo' that encouraged students to pick up trash around local parks, or field trips to local senior citizen homes, just to name a few.

We were very excited when PBS launched their pilot summer program last year so that our kids, as well as other kids in the area, could continue to experience all that PBS has to offer throughout the summer months. While we didn't take advantage of the program last year due to travel plans, we are most looking forward this year to the 'Kindergarten Prep' program they offer for our incoming kindergartner. The transition from pre-K to K can be a very challenging one and we feel that this preparation will be essential for so many students.

When friends outside of the PBS community ask us what we love about PBS we often mention many of the things stated above. Having a summer program that is inclusive of children not enrolled in the school will give them access to the unique learning environment of PBS and foster new friendships. We look forward to watching it grow and evolve and become a staple for quality, innovative, and stimulating summer programming in the community.

Sincerely,

Matthew and Leslie Berkowitz
2110 Sharon Road
Menlo Park, CA 94025

Amelia Schultz and Jason Werlin

Received via email on Monday, December 3, 2018, at mlavigne@phillipsbrooks.org, from amelia.schultz@gmail.com

To Whom It May Concern:

We live at 1330 Sherman Avenue in Menlo Park, under a mile from the Phillips Brooks School. We have lived at this address for over 8 years, and in this time have always enjoyed having the school as a part of our community.

Long before we were even thinking about school, we used the PBS playground on weekends and all summer long. At that point we weren't even aware that PBS was a private school, just that they were a great, close place for our girls to play. As our girls got older and we started looking into preschool options, PBS came onto our radar. We loved it immediately and felt fortunate that it was so close to our home. We looked at schools that were a further commute and were open to driving to find the best fit for our daughter, but PBS' emphasis on courage, kindness, community, and love of learning felt like a perfect fit. We love that PBS's students draw from our neighborhood and nearby neighborhoods - it really feels like a community school. And like any good community school, PBS works hard to be a good member of the Menlo Park community. Whether it is having first graders deliver handmade valentines to the neighbors or staff supervising parking (I have seen our head of school actually run after parents to ask them to move their cars), Phillips Brooks values the Menlo Park community and its neighbors and works hard to maintain positive relationships.

When PBS recently piloted a summer program, we were quick to sign up. It is invaluable to have such an affordable and trusted option in our neighborhood. Our girls both participated in two weeks of the camp and had a wonderful time - each rated it as her favorite summer camp. There is a real demand for more options over the summer for working families, and children need to stay engaged over such a long break from school. The summer program at Phillips Brooks helps to address these problems. They offer early care and after care for families who need it, and the program itself stands out. While some summer camps feel like little more than glorified babysitting, we know that at PBS our children will be engaged and learning about the world. Last summer our children returned from camp having created their own stop motion movies and they recorded a video about plastic waste to share with the entire school. They had a real sense of pride in what they accomplished. The access to amazing teachers and specialists who stay to work over the summer is invaluable and something that no other summer camp that we know of offers. We are so thrilled that PBS is offering a summer program to children in the Phillips Brooks community and beyond - it is truly filling a gap in summer programming, and we feel fortunate to be able to take advantage of it. We hope that the program will grow and become even more robust in the years ahead.

Best regards,

Amelia Schultz & Jason Werlin

Patrick and Lynda Galligan

Received via email on Monday, December 3, 2018, at serickson@phillipsbrooks.org, from galliganf18@mac.com

December 2, 2018

2110 Oakley Ave
Menlo Park, CA 94025

Re: Phillips Brooks Summer Program application

Dear Menlo Park Planning Commission,

We have been residents of Menlo Park and neighbor of Phillips Brooks School for over 10 years and we are writing to express our strong support for their summer education program.

As the parents of three children we are keenly aware of the need for great summer programs. Phillips Brooks provides a school-based environment with extended academic learning during the summer months that many parents in the school district would otherwise not have access to. One of the best aspects of the summer program is their ability to bring together young children in a fun environment that has them actively involved in learning and growing. With Phillips Brooks opening the program to the entire community and not just current students we will be able to send our youngest child next summer.

Throughout our time in Menlo Park we have always had excellent communication with the school and we have come to truly appreciate the impact Phillips Brooks has on the entire community.

Sincerely,

Patrick and Lynda Galligan

Priti and Sanjay Morey

Received via email on Monday, December 3, 2018, at serickson@phillipsbrooks.org, from pritimorey3@gmail.com

Priti and Sanjay Morey
1161 Trinity Drive
Menlo Park, CA 94025

December 3, 2018

To Whom It May Concern:

I am writing you in regards to the Phillips Brooks School application regarding their new summer program. We have lived in Menlo Park since 2006 in the Sharon Heights community. We have seen so many positive changes in the community and really believe this is one of the best places to live in the Silicon Valley. We have been a part of the Phillips Brooks School community since 2008 and see the positive impact the school has had on the area. Specifically we have noted how diligently the school works with the local community to make sure it has a positive impact on traffic and provides a safe place for everyone. Phillips Brooks also provides access to community learning with other schools in the area, which is invaluable to busy families.

We believe the next logical step for the school is to provide a summer program for current students and some non-PBS students in the near future. As many households require dual incomes to sustain the high cost of local living, a safe and welcoming place for young children is imperative. Many summer programs and camps are so highly subscribed that many families cannot find adequate, stimulating environments for their children. The scope of the program at PBS is innovative, inclusive and affordable. These programs should be available to the larger community in order to provide vital services we need in the area.

Over the years, we have seen the faculty and staff change in ways that is amazing. PBS is always looking to the next area of need and proactively solving issues often as they arise. The staff have been carefully chosen and care about the children and the community in a deep and meaningful way. We have children at La Entrada Middle School as well and as we have seen local issues arise with flooding, sewer breaks, facilities issues, traffic and even domestic disturbances in the area, PBS has been a cooperative leader in caring for the larger community beyond its doors.

We believe that this program will fill a vital need in the community and PBS should be granted permission

Sincerely,

Priti and Sanjay Morey

Matt Brokaw

Received via email on Monday, December 3, 2018, at serickson@phillipsbrooks.org, from matt.brokaw@gmail.com

From: Matt Brokaw (community resident with family of 4 at 2015 Sharon Road, Menlo Park, CA 94025)

To: Menlo Park Planning Commission

Regarding: Endorsement of Phillips Brooks School summer program and employee cap increase

I'm writing in support of Phillips Brooks School's application to make their summer program official and expand their employee cap. As a Menlo Park resident living less than a mile from the school for more than 10 years, I feel strongly about the outstanding education that PBS delivers to students, and believe in its importance as an academic option in the community. I'd like to share my perspective regarding the positive impact of PBS overall, and then address the merits of an expanded summer program.

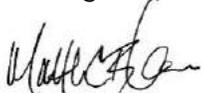
My wife and I were open to public or independent schooling, but were compelled by what we found at PBS. The size of the school and classrooms creates a lot of advantages in developing a curriculum that feeds the whole student. We saw a commitment to sculpting a plan for each individual child, to fueling students with social as well as intellectual education, and to providing a full educational foundation in science and humanities that other schools simply don't match these days. This is where PBS invests, and it's unlike what we found anywhere else. Kids who come out of PBS have a strong intellectual and problem-solving foundation. Beyond this, they are kind, self-aware, good citizens, with advantages in working with others. The school has helped my children develop confidence and courage as independent thinkers, empowered to speak their mind and advocate for what they believe is right.

Expanding the PBS summer program will extend these benefits to current students and other children. I know from conversations with fellow PBS parents and other neighbors that there is great demand for more programs in the summer—particularly affordable ones—and the school has invested significantly in characterizing these needs to ensure that expanded offerings will meet them. PBS invites ongoing dialogue and tackles concerns head-on, which I believe will help future-proof the summer program so that it adapts as needs evolve.

I've seen evidence of this openness to dialogue in my own experience. At PBS, the family, child, school, and community are tightly intertwined. Teachers ask parents to partner so that there's a confluence of education, and so that children can learn about the diversity of their environment. For example, when I visited my daughter's classroom during a scheduled family share, it was great to hear kids sharing their heritage and what makes them unique. In this example is further evidence of the community that PBS aspires to create—openness to new inputs, recognizing the importance of the broader environment, and embracing diversity.

I've been compelled by the importance of PBS as an educational option in our community, and believe that an expanded summer program will be an asset to our neighborhood and its residents. Please don't hesitate to reach out if my family or I can provide additional information to support the school's application.

Best regards,



Matt Brokaw

10-year resident with my family of 4 at 2015 Sharon Road, Menlo Park, CA 94025

Shawn Sieck

Received via email on Monday, December 3, 2018, at mlavigne@phillipsbrooks.org, from shawn.sieck@gmail.com

Shawn Sieck
710 Monte Rosa Drive
Menlo Park, CA 94025

To whom it may concern -

My name is Shawn Sieck, and I have lived in Menlo Park since 2011. My wife grew up here in Menlo Park, and our oldest daughter attends Phillips Brooks school. Our time at PBS has been an incredibly fulfilling experience, as we have had the amazing opportunity to watch our daughter grow in the courageous and outgoing person she is today.

PBS has always been a stable and positive environment, that has created a true sense of community. The impact the school has on the neighborhood is truly admirable. While the educational opportunities within Menlo Park are great, the option to attend PBS makes it exceptional.

We know how important summer programs can be to keep our eager learners motivated, it is important to have these programs available at PBS. Our daughter attended a theater program in the summer of 2018, and it is by far her favorite program yet today. Knowing that PBS is hoping to open the program to non-PBS children, while still making them financially attainable, further validates our family's decision to attend PBS.

While PBS has created an academic program that pushes our children, the social and emotional learning environment is just as important. The skills our daughter brings home to help manage conflict, competition, communication have become a staple within our family on a daily basis. I encourage the Planning Commission to consider the PBS request for additional staff capabilities to be taken very seriously, as the entire PBS faculty is a beacon for tomorrow's generation.

Warmest regards,



Shawn Sieck

THOMAS G. WARDEN, DDS
2240 AVY AVENUE
MENLO PARK, CA 94025
650-854-6747

RECEIVED
DEC 05 2018
CITY OF MENLO PARK
PLANNING DIVISION

December 4, 2018

Matthew A. Pruter, Associate Planner
Planning Commissioners
Planning Division
City of Menlo Park
701 Laurel Street

Dear Matthew et al:

I am writing to you to express my opposition to the PBS Conditional Use Permit Amendment as currently submitted. Historically; as evidenced by past Planning Commission minutes over the past 30+years; the neighborhood was granted the mitigating condition of little to no summer use of the site. This was granted to the neighborhood in light of the increased traffic that we would endure from allowed increased enrollment and support staff numbers, which was requested of the Planning Commission. The “little” use was to be 1-2 days per summer for unforeseeable non-recurring events. All of which require prior approval.

But let’s cut to the chase: They are not the “good neighbors” they purport to be; and it is time to address what is actually happening at this property.

Individuals responsible for handling the day-to-day operations of PBS frequently and repeatedly violate both the terms of the Conditional Use Permit, and several regulations of the City of Menlo Park. Over the course of the past approximately 30 months; dozens of the violations required summoning the officers of the MPPD to force compliance. Those violations are all documented, in reports filed by the officers who were summoned; in the MPPD records associated with the subject property. Additionally, MPPD’s Code Enforcement Unit has, all too often, been required to “remind” PBS of the violated codes in order to elicit compliance. These facts are irrefutable and easily verifiable by communicating with the MPPD.

As previously stated, this has been going on for well over 30+ years, irrespective of who comprised the various administrations at those times; one might conclude that it is an ingrained mindset. The Planning Commission files are replete with details of how the requirements of the current Conditional Use Permit came to be enacted; along with the reasoning for each one. I will not belabor those details here. More specifically, and in keeping with the current discussion, from my observations, the violations are escalating in severity and frequency since approximately the summer of 2016. To illustrate my contentions, although dozens more exist, let me offer three brief examples:

July 2016 = The third party vendor hired to recoat and restripe the PBS parking lot chose to arrive at approximately 6:30am with great clamor (ie.noise). Clearly a violation of the construction and noise restrictions; yet both the vendor and the PBS Site Manager refused to cease. The summoned Code Enforcement officer was forced to issue a citation, and fine, upon the PBS site manager for the violations in order to effectively force compliance.

October 2016 = Meeting between Tom Warden, Scott Erickson and Officer Eleanor Hilario (Code Enforcement) at the corner of the Avy Avenue exit of the PBS parking lot. Other violations (parking, etc.) had necessitated the need for the meeting. Mr. Erickson was informed of his business's requirement to follow the terms of the Conditional Use Permit. Also at that meeting, Mr. Erickson was informed that, per the Use Permit, the sign's wording needed to be changed back to "Right Turn Only". Bear in mind that this is December 2018, and that sign is still out of compliance. The wording is included in the Use Permit as a safety feature. This was determined by not one, but two studies undertaken by Cal Trans at the request of the then Planning Commissions. The studies determined that turning left out of the parking lot was particularly dangerous. However, all of that aside, PBS chose to unilaterally change the wording from what is mandated in the Use Permit. One only has to review the Planning Commission files to verify what I have written. Additionally, I have no idea why PBS would do this. Potential human injury aside; it currently leaves PBS open to limitless liability given their premeditated negligence in changing the wording.

Thursday November 23, 2017, Thanksgiving morning = At 9:00am four construction trucks with JackHammers show up and start working on a PBS parking lot sidewalk. THANKSGIVING MORNING!! I sent a video file to your planner for his review. Needless to say the MPPD was quite displeased; and had the offenders leave.....rapidly. This incident occurred 14 months, and dozens of violations, after the first example cited above. Need I say more? The answer is...No, since the video speaks for itself.

Yes, violations continue to this date; one date of particular note is July 5, 2018. A third party vendor decided to deliver, quite noisily, construction equipment at 6:30am. It awakened my

daughter and her family, who were visiting for the Fourth of July week. I spoke to the driver, who could not have been more apologetic and gracious, and he indicated he had not been made aware of the construction and noise ordinances of Menlo Park. (Numerous times, Code Enforcement has instructed PBS they are to instruct their third party vendors due to these types of repeated violations.) He was more than happy to wait until 8:00am to unload the construction equipment. The, now current, PBS Site Manager arrived at 7:10am and spoke with the delivery driver. The site manager was obviously quite displeased with what had occurred. I honestly doubt he knew we just happened to be looking out the window at that time; because he became quite animated, and made his feelings poignantly clear.

Yes, the parking violations have continued (just check the parking citations issued by the MPPD for parking on the sidewalks). Yes, PBS has recently hired a third party vendor to sporadically provide parking control. But, historically, PBS does this every time they are preparing a request to bring before the Planning Commission. Point of fact, I suspected PBS was in the process of making a Use Permit request based solely on the appearance of the hired parking guards. If nothing else, PBS is very predictable. Should history repeat itself, the third party parking personal will disappear after their current Conditional Use Permit request is concluded.

By my observation, PBS constantly states they wish to be good neighbors; but their actions manifest their true intent. Put more bluntly; PBS will say what they think you want to hear; and then do whatever they want, at least that is how I have been treated.

Scott Erickson states that attendance is down at the mandated quarterly meetings. For the record, I was one of the 1-2 continuous attendees that he cites in his response. However, he has lost credibility with the neighborhood because he does not do what he says he will (excuse the grammar). Personally, I have lost all credibility in PBS in general, and Scott Erickson in particular; the "final straw" being the episode of July 5, 2018.

Enough said. So what would be my recommendation?

Close the school?...certainly not.

Seek justice?...good heavens no.

Have PBS follow the law?...absolutely yes.

And why not? Number one, it's required. Number 2, it makes for good neighbors and neighborhoods!!

Unfortunately, PBS has continuously shown an overwhelming propensity to blatantly ignore the codes and regulations, even when facing citations and fines. Something severe is needed to drive home the point of required compliance....you need to get their attention!!

In light of all that I have stated above, and the corroborating evidence I have cited; a normally prudent individual should emphatically deny their Use Permit Amendment request. However, I am not an unreasonable person; and I believe that PBS can redeem themselves and restore credibility with the neighborhood; but only if you enact the following alternative proposal:

- Impose a time period of 18 to 24 months; a type of “probationary period”. During that time PBS must comply with ALL provisions and requirements of the now current Conditional Use Permit, and the codes and regulations of the City of Menlo Park. This needs to be non-negotiable and without complaint of the part of PBS (this should normally be self-evident without my so stating; but I have discovered that you have to parse your words precisely when dealing the PBS; in my experience, PBS is always pushing the envelope.) If PBS should remain compliant, as evidenced by no further complaints; then the Commission can, at that later date, reconsider the current Amendment request at the end of a successful “probationary” period.

Let’s face the facts; PBS has been non-compliant for years; no, make that decades; and it’s time for the Menlo Park Planning Commission to stand up for the quality of life issues to which Menlo Park residents are entitled.

I request that the Commission do what is right by the Menlo Park residents; by denying the Amendment and imposing the previously stated 18-24 month probationary period.

Respectfully;

Thomas G. Warden, DDS



REGULAR MEETING MINUTES - DRAFT

Date: 12/10/2018
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Susan Goodhue called the meeting to order at 7:03 p.m.

B. Roll Call

Present: Andrew Barnes (Vice Chair), Drew Combs, Susan Goodhue (Chair), Camille Kennedy John Onken, Henry Riggs, and Katherine Strehl

Staff: Kaitie Meador, Senior Planner; Ori Paz, Assistant Planner; Kyle Perata, Acting Principal Planner; Matt Pruter, Associate Planner

C. Reports and Announcements

Acting Principal Planner Kyle Perata said the City Council at its December 11, 2018 meeting would seat its new members and select a Mayor and Mayor Pro Tem for 2019 noting that Commissioner Drew Combs would join the City Council as a new member. He said at the dais the Commissioners had been given a Notice of Preparation and Initial Study for the 1350 Adams Court project, which notice was released today for a comment period ending January 24, 2019. He said a scoping session for this Environmental Impact Report would be on the Commission's January 14, 2019 agenda.

D. Public Comment

None

E. Consent Calendar

None

F. Public Hearing

- F1. Use Permit Revision/Donna and Carter Busse/1360 Delfino Way:
Request for a use permit revision to modify the approved exterior siding on a residence, from shingles to board and batten. In May of 2016 the Planning Commission approved a use permit to remodel and add a second story to an existing nonconforming single-story, single-family residence located in the R-1-U (Single Family Urban Residential) zoning district, where the proposed work exceeded 50 percent of the existing replacement value in a 12-month period. Construction is under way on the approved project. ([Staff Report #18-99-PC](#))

Staff Comment: Acting Principal Planner Perata said there were no updates to the written report.

Applicant Presentation: Carter Busse said he and his wife Donna were requesting a revision to their use permit to use board and batten rather than shingles on the house.

Chair Goodhue opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Andrew Barnes moved to approve noting it was a straightforward change request. Commissioner John Onken seconded the motion commenting that the chimney was floating a foot off grade was due to building code that building materials not touch the ground. He suggested at some point the applicant could put some material such as plantings under the chimney, so it would not seem to be floating as long as it did not conflict with building code.

Commissioner Katherine Strehl suggested that in a similar instance of a revision request in the future that the substantial conformance review process might be used rather than bringing the item to a Planning Commission hearing.

ACTION: Motion and second (Barnes/John Onken) to approve the item as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Hubbard Godfrey Architects Inc., consisting of 20 plan sheets, stamped received on November 6, 2018, and approved by the Planning Commission on December 10, 2018, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

F2. Use Permit and Variance/Mark Milani/1346 Hoover Street:
Request for a use permit to demolish an existing detached garage, and construct an addition to an existing nonconforming single-family residence, consisting of an attached two-car garage and a second story with a second dwelling unit. The proposal includes a variance request on the first floor to reduce the left side setback to five feet (where 10 feet is required) for the new addition of the garage. The proposed second floor addition would meet the minimum required setbacks. The subject parcel is a substandard lot with respect to lot area and width in the R-3 (Apartment) zoning district. [\(Staff Report #18-100-PC\)](#) *Continued by the Planning Commission from the 9/17/18 Planning Commission meeting.*

Staff Comment: Assistant Planner Ori Paz said staff had no additions to the written report.

Applicant Presentation: Ross Stilleson said he was representing the Milani family, the property owners. He said since the continuance of the project at the September 17, 2019 Planning Commission meeting, they had revised the plan based on recommendations to a 10-foot setback on the second floor. He said the lot was narrow and substandard in width and area and they had to configure parking.

Chair Goodhue opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Barnes said architecturally he liked the cantilever over the entry to the covered spaces below and the second floor 10-foot setback with the first-floor five-foot setback. He said the project still conformed in terms of size and scale for the area. He said he supported approving the use permit and variance request.

Commissioner Strehl moved to approve and Commissioner Barnes seconded the motion.

ACTION: Motion and second (Strehl/Barnes) to approve the item as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of a variance to permit a five-foot left side setback for the first level garage addition:
 - a. The parcel has a few unique attributes, including the substandard width of the lot and the large heritage tree in the rear, which would constitute a hardship for the proposed side-loading garage. The applicant states that a detached garage cannot be provided in the rear due to the desire to preserve the heritage tree and adhere to the building coverage limitations for the site. Further, the applicant states that the City's back-up requirements for garage entrances and the substandard width of the lot necessitate the variance.
 - b. The requested variance for the encroachment of the garage at the first floor would allow for the provision of required parking associated with the development of a second unit. The development of two units is permitted on lots of this size and each unit is required to have two parking spaces, one of which must be covered. Due to the site constraints created by the substandard lot, the existing site development, limited available building coverage, the heritage tree, and the off street parking requirement, a variance for the reduced side yard setback is necessary to provide the required number of covered parking spaces and meet the City's back-up requirements.
 - c. The side setback encroachment at the first floor would not be detrimental to the public health, safety, and welfare, or impair an adequate supply of light and air to the adjacent properties since the proposed location would maintain five feet of separation from the property line and the variance is limited to the ground floor of the garage addition.
 - d. The requested variance for the ground floor garage setback would not be applicable, generally, to other property in the same zoning district due to the confluence of the location of the existing residence, the substandard width of the lot, minimum back-up requirement for covered parking, and the location of the existing heritage tree.
 - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
3. Approve the variance to permit a five foot setback for the proposed garage addition.
4. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
5. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Collaborative Design Studio consisting of 14 plan sheets, attached to this report and

approved by the Planning Commission on December 10, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

- b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Monarch Consulting Arborists, LLC. Revised June 6, 2018.
6. Approve the use permit subject to the following **project-specific** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans identifying the proposed species of the new street tree at the front of the property, subject to review and approval by the City Arborist.

F3 Architectural Control and Use Permit/Mark Cyril Johnson/600 Sharon Park Drive: Request for architectural control review of exterior modifications to an existing pool house and site amenities in the R-3-A-X (Garden Apartment, Conditional Development) zoning district. The proposed exterior modifications would include new siding, windows, doors, and modifying the exterior color scheme. Improvements to the site amenities include new landscaping, outdoor kitchens, seating areas, tot lot, and dog park area. The proposal also includes a request for a use permit for excavation within a required setback, per the existing Conditional Development Permit, for a new retaining wall. In conjunction with the proposed improvements, 13 heritage trees located throughout the site are proposed for removal. ([Staff Report #18-101-PC](#))

Staff Comment: Senior Planner Kaitie Meador said it came to staff's attention after the publication of the staff report that the property lines in the architectural drawings were inconsistent with the survey. She said the partial site plan had been updated by the architect and that they would present the correct site plan this evening. She said they would see that the setback was smaller but the existing and proposed were what was currently on site. She said there was no change to the location of the structure in terms of setbacks and property line. She said there was a materials board for the Commission to review.

Applicant Presentation: Roger Griffin, Paragon Design Group, said he and Paul Lettieri were representing their client Mark Cyril Johnson. He said the proposal was for exterior modifications to a mid-century apartment site. He said the existing apartments were constructed on two concrete podiums with large concrete areas. He said they proposed to enhance the areas with intimate outdoor living areas with the additions of plantings, barbecues and furniture intended to support more outside activities on the site. He said the existing pool would be renovated and replaced with an addition of a spa pool. He said the pool house would be reconstructed on the existing footprint with no increase to building coverage. He said it would be equipped with a fitness center with a window wall that would open to the pool area. He said as the building faced due south they were adding a six-foot overhang. He said the ground apartments facing the pool area would have their deck railings modified for added safety and acoustical protection.

Paul Lettieri, Guzzardo Partnership, said they looked at the podiums and what could be done. He said they would make the project accessible. He said the courtyards would be renovated to include outdoor barbecues, cooking areas, and seating areas to make it a more active space. He said the pool did not have handicap access currently. He said they would use pavers on the podiums and decks and rebuild a lot of the sidewalks. He said they would have an accessible route to the dog park and would grade the play area, so it was more level. He said they would be replanting trees in excess of those removed and some mature trees would be relocated.

Commissioner Onken confirmed with Mr. Lettieri that the new pool house and exercise room would be accessible once within the safe zone of the pool and would not have any back entrances or other ways to get into it.

Chair Goodhue opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Henry Riggs referred to the materials samples noting it was a vinyl window and wide faced. Mr. Griffin said they planned to use a thin vinyl trim window.

Commissioner Riggs asked about the labeling of the replacement trees on the plans. Mr. Lettieri said they were labeled and they were planting about 30 trees overall.

Commissioner Riggs moved to approve the use permit and architectural control.

Commissioner Onken said the pool house was different looking than the apartment buildings. Mr. Griffin said they wanted to do something more contemporary and confirmed for Commissioner Onken that he was satisfied with the proposal.

Commissioner Onken seconded the motion to approve.

ACTION: Motion and second (Riggs/Onken) to approve the item as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permit, that the proposed excavation into the required yard will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the city.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable city ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
4. Approve the architectural control and use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Paragon Design Group INC., consisting of 15 plan sheets, dated received November 28, 2018, and approved by the Planning Commission on December 10, 2018, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact

locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by David L. Babby and dated August 30, 2018

F4 Use Permit Revision/Scott Erickson/2245 Avy Avenue:

Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round. ([Staff Report #18-102-PC](#))

Staff Comment: Associate Planner Matt Pruter said there was one change made in Attachment A to condition 4.i and that had been provided to the Commission and to the public on the table in the rear. He said it was about the right turn sign and details associated with it.

Applicant Presentation: Scott Erickson, Head of School, Phillips Brooks School (PBS), said PBS has had an excellent partnership with the City and was committed to doing anything they could to contribute in positive ways to the community. He said their summer school program was a school-related activity that extended and enhanced their current program. He said they intentionally planned their summer program to cost below what was in the market and would welcome non-PBS children as a community outreach and support initiative. He said their research showed there were not enough summer programs for kindergarten to fifth grade, so they were offering an important solution. He said the summer program would comply with current use permit requirements. He said their modest staff increase would insure that programs at PBS provided the best education for every one of their students. He said their summer program was designed to have low impact to neighbors noting that play structures were available to the community during summer program hours and their program for pickups and drop-offs was shown to have had a reduction in traffic. He talked about measures they had taken to educate parents and vendors regarding traffic and parking and support for carpooling. He said they have a security officer to insure safety and good traffic flow when they expected more people than usual. He said they would submit a revised sign right-turn only during carpool hours plan for City approval within 90 days. He said he offered to meet with the four neighbors whose letters were in the agenda packet and last week two of those neighbors met with him at the school. He said email exchanges since then indicated they were supportive of PBS and its programs. He restated his commitment as a positive contributor to the community.

Chair Goodhue opened the public hearing.

Public Comment:

- Jessica Sieck said she supported the PBS summer program as it was much needed in the community. She said as a neighbor of PBS she could attest to their respectful relationship with neighbors.
- Patrick Galligan said he supported PBS' request for a use permit revision for its summer program. He said he was a neighbor, parent, and on PBS' Board of Trustees. He said as a neighbor he had never experienced traffic difficulties with PBS' operations. He said as a parent it was wonderful to have an educational summer program in the area. He said as a Trustee he was proud of the relationship PBS had with the Las Lomas School District.
- Deborah Chait said she lived directly across from PBS 34 of the 44 years she had lived in her home. She said until last year all she knew about the school was how well the grounds were maintained and how well traffic was managed including not having visitors park in the surrounding neighborhood and blocking driveways. She said last year her granddaughter started kindergarten at PBS. She said that PBS was a school she wished all schools were like with a kind, loving environment that fostered good community values, confidence, kindness and a love of learning. She requested the Commission support the request.
- Dr. Thomas Warden said he was the neighbor most impacted by PBS. He said as he stated in his letter that the use permit revision should have a waiting period to insure the project was meeting code and City regulations. He said he had police reports, citations, videos and photographs of what was actually transpiring at the site. He said for the record that he wanted the violations noted that have and were occurring. He said the wording for the right turn sign was proposed to be modified. He said he understood that such a change could only be approved by the City Council. He said the existing sign was there as the result of two Caltrans' studies. He said he had asked for several years that the parking lot lights not be on all night. He said they were not needed at 2 a.m. as there were lights on inside the school. He said custodial work occurred during all hours and most of the time every night at least until 11 p.m. and often on the weekends. He said he had videos of workers with power tools at 8 p.m. on Sunday nights and at 6:30 a.m. on Saturdays. He said he believed PBS was often in violation as evidenced by the police reports. He said the City's code enforcement officer had written PBS repeatedly that these violations needed to stop. He said Thanksgiving morning a year prior the school had construction workers onsite with jack hammers of the sidewalk in the parking lot. He said for the record he wanted the issues he raised this evening in the record. He said from his letter they could see he had not asked that their summer program be disallowed but due to their egregious activity that there should be a probationary period for them to show that they intended to be good neighbors, which he contended they were not.

Chair Goodhue closed the public hearing.

Commission Comment: Commissioner Barnes asked about the parking lot lights. Mr. Erickson said several years prior they had installed lights, so the lights would face downwards and not horizontally. He said they believed it was important to have lights on when dark for safety and security in the neighborhood. He said he spoke with facilities staff about the issue raised. He said the lights were on a timer and should come on at 6 a.m. and go off at 10 p.m. He said when they get a neighbor's report that lights were on when they should not be that they reset

the timer and check its veracity. Commissioner Barnes asked about the ambient light. Mr. Erickson said that replacing the lights so they shone vertically and not horizontally was their solution. Commissioner Barnes asked about other neighbor complaints about ambient light. Mr. Erickson said they had not received other complaints about ambient light but did when the timer failed to control the lights properly.

Commissioner Barnes asked about the custodial work. Mr. Erickson said that they had a very good relationship with the City's Code Enforcement Officer and they were unaware of emails and letters as referenced by the one speaker. He said they were allowed in speaking with the officer to have weekend and week night work as long as the noise stayed inside. He said they had talked through in great detail the things that were and were not allowed at certain hours. He said Facilities had a one-page document listing when a power tool might be used. He said they were working to have their trash removed earlier in the evening. He said their custodial and facilities crew were very much focused on not producing any ambient noise from the housekeeping work.

Commissioner Barnes asked about the jack hammering on Thanksgiving two years prior. Mr. Erickson said that Mr. Warden had texted him that morning and he had discussed with him that work was a mistake and they owned it. He said a number of their vendors worked in different municipalities than Menlo Park where there were different rules and ordinances. He said this vendor had been scheduled to come on Friday the day after Thanksgiving, which was allowed by the City. He said the vendor chose to come on Thanksgiving day to begin work. He said that was not directed or authorized by PBS. He said when he found out about the mistake that he had the Facilities Director clarify with the vendor what was and was not allowed. He said the vendor apologized to him, which he conveyed to Mr. Warden. He said since that incident they created a document regarding City requirements and noise control that their vendors must sign as part of their engagement agreements with PBS.

Commissioner Riggs confirmed with Mr. Erickson that a canopy that was previously approved would not be modified in any way for the summer program. Commissioner Riggs asked about third party vendors and if those were teacher packages in lieu of hiring teachers. Mr. Erickson said most of the classes were taught by their faculty and they had some contractors they used for their afterschool program during the academic year. He said they would also be contracted to teach a class or two during the summer program. Commissioner Riggs confirmed with Mr. Erickson that PBS would administer the summer program. He said there was a reference to amplification associated with carpentry. Mr. Erickson said he had been in the carpentry classes and he thought that was to cover the sound made by woodworking tools, and that they wanted to limit that noise as much as possible. He said much of this occurred indoors and on occasion they would go outdoors. He said that this was part of the afterschool program and they had not received any neighbor complaints about it. Commissioner Riggs asked about removing the reference to amplified sound related to carpentry as that typically related to the use of an electronic amplifier such as a loudspeaker or for music. Mr. Erickson said that could be clarified.

Commissioner Riggs confirmed with Associate Planner Pruter that it would be compatible with the overall staff report to remove the reference to exterior amplified sound. He said it appeared that the trip cap and drop off hours did not align. Acting Principal Planner Perata said regarding the 7:45 to 8:45 a.m. hours those did not capture the staff's arrival to the site and he thought related to times most concerning neighbors and potential impacts. Commissioner Riggs

confirmed with staff that Community Development found the trip cap hours to be in the correct place.

Commissioner Riggs said he understood the challenge with lighting control. He said it sounded like light shielding could be looked into. He said he thought that a handout for custodial services and what could and could not be done was unlikely to be followed 100%. He said it might take more personal involvement from the Facilities Manager spot checking to insure compliance on weeknight and weekend hours, and he would encourage that.

Commissioner Riggs moved to approve the use permit revision adding the summer school program and increasing the employee cap contingent upon the parking lot light being reviewed and a review of community code violations. He suggested prior to the summer that they hold the violations to zero tolerance as a demonstration to the neighborhood both in terms of off hour noise and parking outside of permitted areas.

Commissioner Camille Kennedy asked if the summer school program would be fully subscribed to this summer or whether it would have room to grow. Mr. Erickson said it was hard to predict as families sometimes tended to sign up with familiar programs and theirs was new to the market. He said they had not been maxed out for their pilot program the previous summer. He said he thought it was good to start small and then grow to allow for adjusting as needed.

Commissioner Kennedy seconded Commissioner Riggs' motion to approve with additional conditions.

Commissioner Barnes said he was on the Board of GeoKids, which was a childcare development center leasing from a government agency. He noted the difficulties with that when for whatever reason parents were not compliant with their driving or meeting pickup hours. He asked Commissioner Riggs about zero tolerance of noise and parking or traffic violations as those were sometimes so far out of the control of school administrators. He said he could not support that as a condition, but he supported emphasis on the school striving to prevent any violations.

Commissioner Combs asked for the record the distinction between the summer pilot program last year that did not have to come for a use permit revision and continuation of the summer program that staff determined required a use permit. Associate Planner Pruter said the substantial conformance review memo prepared in March 2018 was for a smaller version of the summer program and focused only on the program. He said at that time the school was still subject to the trip cap requirements related to the 2013 use permit, which was their last use permit revision. He said since then their trip cap requirement of five years for trips running out of the site has been completed and they satisfied that requirement. He said additionally the school was requesting a staff increase for the year-round schedule. He said together those things required a use permit revision. Commissioner Combs confirmed with staff that the use permit revision would be in effect with no sunset termination.

Commissioner Combs said he supported asking the school to explore lighting control more to know that the school had done everything to address neighbor complaints. He asked if there was any suggested penalty if lights impacted neighbors. He said he wanted assurance that the issues raised by Dr. Warden would be addressed.

Commissioner Onken said that there was already a framework for controlling the behavior of the applicant. He said as to violations of those conditions that those were outside of the Commission's purview unless they were so egregious that revocation of the use permit was necessary. He said the request for the use permit revision increased staff during the academic year and other than the summer program did not change school operations at all, which he could support. He said he could support the idea to control the lighting better and restrict it from 10 p.m. to 6 a.m.

Commissioner Riggs said he chose zero tolerance as it was a well-known goal that to his knowledge was never met. He said it allowed the school to go to its custodial and facilities staff and tell them that zero tolerance was required. He said as stated by Commissioner Onken there were already codes and statutes that responded to misbehavior. He said if the applicant was not able to manage its lighting there might not be a penalty under code enforcement, but he had seen schools successfully address such issues, noting the German American School.

Commissioner Combs said rather than trying to condition more and without any real way of enforcing that he would like a review of the program in a year and have an additional forum for the community.

Commissioner Barnes suggested taking a vote as he would not support the motion as made now with conditions. He said if it failed that he would make a motion to approve and he would be willing to listen to a condition for a one-year check in.

Commissioner Strehl said she agreed with Commissioner Barnes and could not support the motion with additional conditions. She said she had been on the Commission five or six years and had never heard a complaint about the Phillips Brooks School. She said it had been in operation since 1978 so it was hard for her to gauge how strong the neighbor complaints were. She said she would be open to having a review check in at some point six months to a year after the summer program.

Commissioner Riggs said parking where parking was not allowed had a penalty written in the code. He said enforcement for non-compliance was that the summer program would not get approved. He said he was fine with substituting with a check in as it would defer determining compliance until after the summer program had a second year.

Chair Goodhue asked if Commissioner Riggs wanted to restate his motion. Commissioner Riggs moved to approve with the trust and understanding that PBS would apply zero tolerance policy to parent parking, to noise from custodial services and contractors, and specifically to address the lights directly through planning staff. He said conformance to that would be subject to review in one-year of the close of the summer program.

Chair Goodhue said she had a problem with how to apply zero tolerance. Commissioner Riggs said he could rephrase. Chair Goodhue said she would like to have the vote. Commissioner Kennedy said she had made a second. Chair Goodhue noted the motion was now restated. Commissioner Kennedy asked for clarification of the restated motion. Commissioner Riggs said his motion was to defer rather than making the 2019 summer program subject to its performance across the next six months and to review their conformance in approximately one year. He said he moved the zero tolerance as what was understood as the school's goal and their position with their vendors. Commissioner Kennedy asked if it was a goal by the end of

the summer or moving forward. Commissioner Riggs said moving forward. Commissioner Kennedy said that seemed nebulous and retracted her second.

Commissioner Riggs offered to restate that the approval would include the Commission's faith in looking toward the future review in one year that PBS would ask people to always obey the parking rules and vendors to always obey the noise rules. Commissioner Kennedy asked about parking rules for the summer program and if there were parking rules for the use permit.

A woman with the PBS team said there were no parking rules and there was public parking in the neighborhood around the school. She said PBS has committed to the neighbors that people for their school would not park in the public realm. She said PBS did all kinds of things to make sure that people did not do that. She said there were instances where someone such as a grandparent might drop off a child and not know that they were not to park in a public space. She said zero tolerance policy was infeasible.

Commissioner Kennedy said her children went to Oak Knoll School, which has had very onerous parking restrictions for years. She said it had gotten so bad that usually the City had a traffic officer there every morning. She thought the City had put parking restrictions in the area of PBS but that was not the case.

Commissioner Riggs said now that he knew it was PBS' commitment to the neighbors that he could not make parking issues a contingency for the summer program.

Commissioner Strehl said PBS could have a great goal and push as hard as they could but there was always the possibility that a vendor, a contractor, or a parent or grandparent would violate the rules PBS was trying to implement.

Commissioner Barnes said it appeared Commissioner Riggs needed a second to a motion as Commissioner Kennedy had withdrawn her second. He confirmed that if there was not a second to Commissioner Riggs' restated motion, the Commission could proceed to a new motion.

Acting Principal Planner Perata said an ongoing condition was condition 4.h restricting parking on parts of Avy Street and Bellair Way, which PBS handled through communication with parents.

Commissioner Riggs moved approval for the use permit revision and to require that a physical solution for the parking lot lights issue be presented through staff for review and approval, and that the reference to exterior amplified sound be removed. Chair Goodhue seconded the motion.

Replying to Commissioner Barnes, Commissioner Riggs said a proposal would be given to staff on how light would be restricted from getting off the parking lot and property. He said there were various devices available that restrict light in certain ways. Commissioner Barnes asked if there needed to be a baseline to determine whether or not it was a problem. He asked if a study was needed to see if there was a problem and then a solution. Commissioner Riggs said staff could resolve and knew how goals were met with industry standards.

Commissioner Barnes asked if staff thought this was something they could resolve. Acting Principal Planner Perata said regarding physical solutions for lighting that there was the current lighting time inside to restrict from 10 p.m. to 6 a.m. and to reduce the parking lot glare. He said he thought it was glare offsite. He said there were building requirements for lighting for egress that staff would need to look at as part of this. He said ultimately there might be other ways to do that than altering the light design.

Commissioner Riggs said he was seeking to address the ambient parking lot light affecting Dr. Warden.

Commissioner Barnes asked whether it made more sense to ask staff to look at solutions from the applicant to prevent glare offsite from the parking lot lights and the monitoring of that. Acting Principal Planner Perata agreed. Commissioner Barnes confirmed that was acceptable to Commissioner Riggs.

Commissioner Combs said there was no empirical proof that the parking lot lights had a glare problem. He said they only had Dr. Warden's complaints about the lights. He thought a better solution would be for the school to work with Dr. Warden on a solution that worked for them. He said he would support the motion on the table.

Acting Principal Planner Perata asked to confirm that staff would request the applicant submit a lighting plan and identify whether there was ambient light or glare leaving the site. He said regarding amplified sound that there were some lines in the staff report that discussed amplified sound from the carpentry class, which was a mischaracterization by staff. He said there was also a discussion of potentially using a portable speaker outside and that was discussed in the staff report. He said the condition might be better modified to say that any outdoor sound would need to comply with the noise ordinance standards for the City. Commissioner Riggs said the noise ordinance allowed from 50 to 60 db which was 10 times the volume of human speech, so he did not like that solution. He said he understood the possibility of a tool being used outside the classroom during the day. He said his concern was with the possibility of use of amplified mic and speaker outside.

ACTION: Motion and second (Riggs/Goodhue) to approve the item with the following modifications; passes 6-1 with Commissioner Onken opposed.

1. Make a finding that the project is categorically exempt under Class 14 (Section 15314, "Minor Additions to Schools") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Phillips Brooks School, consisting of two plan sheets, dated received November 13, 2018, and the project description letter dated November 30, 2018, and

approved by the Planning Commission on December 10, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

4. Approve the use permit subject to the following **ongoing, project-specific** conditions:
 - a. The applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - b. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
 - c. Subleasing of the site, or allowing use of the site for non-school related activities, by Phillips Brooks School shall require approval of a use permit revision by the Planning Commission.
 - d. The maximum allowable student population on the site shall be 320 students. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2032.
 - e. The maximum allowable number of staff on the site shall be 68 staff. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2032.
 - f. All student instruction and regular school activities shall continue to be limited to the hours of 8:00 a.m. to 3:30 p.m. The school's hours of operation shall be extended with the goal of ending at 10:00 p.m., except for the monthly board meetings, which would be allowed to occur until 11:00 p.m., for the following ancillary School activities:
 - Daily student drop off from 7:30 to 8:00 a.m.;
 - Daily after school care;
 - After school sports practices (three times per week);
 - "Back-to-School" night (once per year);
 - Middle School Admissions Night (once per year);
 - Board Meetings (once per month);
 - Board Committee Meetings (two to three times per month);
 - Parent Coffees (six times per year);
 - Parent's Association Meeting (two to three times per year);
 - Student Presentations (once per year for each class);
 - New Family Picnic (once per year);
 - Book Fair (once per year); and
 - Neighborhood meetings on school operations.

- g. The applicant shall not allow more than 140 outbound vehicle trips to be generated by the school during the morning traffic peak hour period (7:45 a.m. – 8:45 a.m.). Annual traffic counts were performed that documented compliance through the five year period set by the 2013 Use Permit approval and therefore, are no longer required as that condition has been met. Monitoring may be resumed at any time if the City receives complaints regarding the traffic volume on Avy Avenue related to Phillips Brooks School during the morning peak hour. After a complaint has been received, the City will evaluate whether a potential violation has occurred, and the Community Development Director shall have the discretion to resume the monitoring. If monitoring is deemed warranted, the City will notify the applicant of the determination at least one week before initiating the monitoring program. The applicant will be responsible for reimbursing the City for the cost of the traffic count, \$975.00 (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area). In this instance, at least one year of monitoring will be completed.

If the supplemental traffic count shows that actual outbound trips exceed the trip limitation, the applicant shall pay a penalty of an annual \$500 per excess AM peak hour outbound trip (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area). Revenues from the payment of penalties shall be due to the City within 30 days of City's issuance of the invoice and the City shall use the money for programs designed to reduce trips or traffic congestion within the City of Menlo Park. Annual monetary penalties shall apply for each subsequent year the trip limit is exceeded; the penalty amount shall increase by \$500 per trip for each subsequent year that a violation occurs.

- h. The applicant shall continue to communicate in writing to all parents of students enrolled in the school that no parking is allowed on the north side of Avy Avenue and the first block of Bellair Way. Documentation of the communication shall be submitted to the Planning Division on an annual basis, and the effectiveness of the street parking restriction shall be analyzed by the Transportation Division.
- i. ~~The existing "right turn only" sign located at the exit of the school's parking lot. The applicant shall submit a revised "right turn only" during carpool hours sign, subject to Planning Division and Transportation Division review and approval. The sign may also contain a statement containing the specific carpool hours. The sign shall be reviewed, approved, and installed within 90 days, and shall be maintained until the City Council directs otherwise. The right turn only sign may be modified to display actual carpool times.~~
- j. The applicant shall submit a copy of the student enrollment roster and the staff roster to the Planning Division for purposes of verifying the student enrollment and staff numbers. The rosters shall be submitted annually three months from the first day of the school year. The Planning Division shall return the rosters to the school within one week of receipt. The City shall not make copies of the rosters or disseminate any information from the rosters to the public to the extent allowed by law.
- k. The applicant shall maintain the committee of school representatives and neighbors to identify issues related to the school's operation and develop resolutions to those issues. The committee shall meet a minimum of once every three months starting from October 2, 2001. The results of the committee's work shall be reported annually by the applicant in writing to the Planning Division.

- I. The applicant shall comply with all aspects of the traffic safety control program approved by the City Council on February 12, 2002. Compliance with these items shall be to the satisfaction of the Transportation Division:
 - Maintain the landscaping in front of the site in order to provide adequate visibility for vehicles exiting the driveway, yet also maintain the screening of the school facilities.
 - Encourage the Las Lomitas Elementary School District to monitor the intersection of Avy Avenue and Altschul Avenue during the times when the District's students use the intersection.
 - Maintain the curb red for a distance of 20 feet on the south side of Avy Avenue to the east of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
 - Maintain the curb red for a distance of 165 feet on the south side of Avy Avenue to the west of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
 - Maintain "school zone" signage on the eastbound and westbound approaches of Avy Avenue near the site.
 - The Police Department shall augment its enforcement efforts to enforce the parking prohibitions at the red curb locations on Avy Avenue, as budget resources allow.
 - The Police Department shall augment its enforcement efforts near La Entrada School and the intersection of Avy Avenue and Altschul Avenue during the morning drop-off and afternoon pick-up periods, as budget resources allow.
- m. The Community Development Director shall review any complaints received by the City regarding the expanded student enrollments and staff numbers at Phillips Brooks School. The Community Development Director and his/her designee shall work with the School and the neighbors to try to resolve such complaints, when possible. The Community Development Director shall have the discretion to bring complaints to the Planning Commission for review.
- n. The applicant shall maintain the site in compliance with the following approved plans:
 - The approved plans prepared by BFGC Architecture, consisting of seven plan sheets, dated received September 15, 2009, and approved by the Planning Commission on September 21, 2009, except as modified by the conditions.
 - The approved plans prepared by Berger Detmer Ennis, consisting of 28 plan sheets, dated received January 5, 2006 and approved by the Planning Commission on January 9, 2006, and subsequent revisions dated May 1, 2007 consisting of 18 plan sheets except as modified by the conditions.

- o. The landscaping and irrigation plan shall comply with the Water Efficient Landscape Ordinance. The applicant shall maintain landscaping and irrigation along Avy Avenue and within the campus per the approved plans. Plantings should include native species, a variety of trees, plants, shrubs, and groundcover.
- p. The applicant shall require that drop-off and pick-up of passengers occur only in designated loading and unloading zones, as specified on plans dated received January 5, 2006. Compliance with this item shall be to the satisfaction of the Transportation Division. The applicant shall also require that no drop-off or pick-up of passengers occur on Zachary Court.
- q. The sports court canopy can be used for play during recesses, physical education classes, after school sports practices, and school assemblies. Modifications to the appearance or use of the structure may warrant a use permit revision and architectural control review by the Planning Commission as determined by the Planning Division.
- r. Should the informal arrangement between Phillips Brooks School and St. Denis Church (2250 Avy Avenue) for the use of St. Denis Church's parking lot be cancelled, the applicant shall submit a plan to provide for overflow parking, for review and approval by the Planning and Transportation Divisions.
- s. The summer program shall be subject to the following requirements:
 - The maximum allowable student population on the site during the summer program shall be 120 students, aged 5 to 11 years.
 - The maximum allowable number of staff on the site shall be 50 staff, of which no more than 25 staff shall be administrators working in the office buildings and no more than 25 staff shall be working for the summer program, as school staff or as third-party vendors.
 - All summer program classes shall be limited to the hours between 10:00 a.m. and 3:00 p.m., with morning care provided between 8:00 a.m. and 10:00 a.m. and aftercare from 3:00 p.m. to 5:00 p.m.
 - The summer program shall run for an eight-week period, generally between June and August.
 - *The summer program shall use no amplified sound outdoors.*
- t. *Within 90 days, the applicant shall submit a lighting plan or survey that documents the existing conditions for the exterior lighting at the project site and includes any corrective measures to reduce light spillover and glare offsite to neighboring properties. The lighting plan shall be subject to Planning Division review and approval and any improvements from the plan shall be implemented prior to commencement of the 2019 summer enrichment program.*

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: January 14, 2019

Acting Principal Planner Perata said the 1350 Adams Court EIR scoping and comment would be on the January 14 agenda. Chair Goodhue said she would need to be recused for that item.

Commissioner Strehl asked about the Willow Road boardinghouse project. Acting Principal Planner Perata said it was not scheduled for either January meeting.

Commissioner Strehl said a number of neighbors in the Willows did not receive notices about the 40 Middlefield Road project, which might have had to do with the 300-foot radius requirement. She said that the timing right before Thanksgiving to notice and to consider such a project over the holidays was not preferable.

- Regular Meeting: January 28, 2019
- Regular Meeting: February 11, 2019

H. Adjournment

Chair Goodhue adjourned the meeting at 9:03 p.m.

Staff Liaison: Kyle Perata, Acting Principal Planner

Recording Secretary: Brenda Bennett

THOMAS G. WARDEN, DDS
2240 AVY AVENUE
MENLO PARK, CA 94025
650-854-6747

RECEIVED

JAN 2 2019

City Clerk's Office
City of Menlo Park

January 2, 2019

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

To the City Council of Menlo Park:

I am writing to appeal the decision/action of the Planning Commission at the meeting held on 12/10/2018, concerning a particular agenda item.

The item in question is:

Staff Report Number: 18-102-PC
Use Permit Revision 2245 Avy Avenue
Subject Property – Phillips Brooks School (PBS)

My reasons for appeal are clearly stated in the attached letter; and contained in my statements to the Planning Commission during the meeting of 12/10/2018 (please refer to the City's audio recording of the meeting).

Per the published Staff report, pg. 5; the appeal period is through January 2, 2018.

I look forward to addressing the Council with my concerns.

Respectfully;



Thomas G. Warden, DDS

THOMAS G. WARDEN, DDS
2240 AVY AVENUE
MENLO PARK, CA 94025
650-854-6747

December 4, 2018

Matthew A. Pruter, Associate Planner
Planning Commissioners
Planning Division
City of Menlo Park
701 Laurel Street

Dear Matthew et al:

I am writing to you to express my opposition to the PBS Conditional Use Permit Amendment as currently submitted. Historically; as evidenced by past Planning Commission minutes over the past 30+years; the neighborhood was granted the mitigating condition of little to no summer use of the site. This was granted to the neighborhood in light of the increased traffic that we would endure from allowed increased enrollment and support staff numbers, which was requested of the Planning Commission. The “little” use was to be 1-2 days per summer for unforeseeable non-recurring events. All of which require prior approval.

But let’s cut to the chase: They are not the “good neighbors” they purport to be; and it is time to address what is actually happening at this property.

Individuals responsible for handling the day-to-day operations of PBS frequently and repeatedly violate both the terms of the Conditional Use Permit, and several regulations of the City of Menlo Park. Over the course of the past approximately 30 months; dozens of the violations required summoning the officers of the MPPD to force compliance. Those violations are all documented, in reports filed by the officers who were summoned; in the MPPD records associated with the subject property. Additionally, MPPD’s Code Enforcement Unit has, all too often, been required to “remind” PBS of the violated codes in order to elicit compliance. These facts are irrefutable and easily verifiable by communicating with the MPPD.

As previously stated, this has been going on for well over 30+ years, irrespective of who comprised the various administrations at those times; one might conclude that it is an ingrained mindset. The Planning Commission files are replete with details of how the requirements of the current Conditional Use Permit came to be enacted; along with the reasoning for each one. I will not belabor those details here. More specifically, and in keeping with the current discussion, from my observations, the violations are escalating in severity and frequency since approximately the summer of 2016. To illustrate my contentions, although dozens more exist, let me offer three brief examples:

July 2016 = The third party vendor hired to recoat and restripe the PBS parking lot chose to arrive at approximately 6:30am with great clamor (ie.noise). Clearly a violation of the construction and noise restrictions; yet both the vendor and the PBS Site Manager refused to cease. The summoned Code Enforcement officer was forced to issue a citation, and fine, upon the PBS site manager for the violations in order to effectively force compliance.

October 2016 = Meeting between Tom Warden, Scott Erickson and Officer Eleanor Hilario (Code Enforcement) at the corner of the Avy Avenue exit of the PBS parking lot. Other violations (parking, etc.) had necessitated the need for the meeting. Mr. Erickson was informed of his business's requirement to follow the terms of the Conditional Use Permit. Also at that meeting, Mr. Erickson was informed that, per the Use Permit, the sign's wording needed to be changed back to "Right Turn Only". Bear in mind that this is December 2018, and that sign is still out of compliance. The wording is included in the Use Permit as a safety feature. This was determined by not one, but two studies undertaken by Cal Trans at the request of the then Planning Commissions. The studies determined that turning left out of the parking lot was particularly dangerous. However, all of that aside, PBS chose to unilaterally change the wording from what is mandated in the Use Permit. One only has to review the Planning Commission files to verify what I have written. Additionally, I have no idea why PBS would do this. Potential human injury aside; it currently leaves PBS open to limitless liability given their premeditated negligence in changing the wording.

Thursday November 23, 2017, Thanksgiving morning = At 9:00am four construction trucks with **JackHammers** show up and start working on a PBS parking lot sidewalk. **THANKSGIVING MORNING!!** I sent a video file to your planner for his review. Needless to say the MPPD was quite displeased; and had the offenders leave.....rapidly. This incident occurred 14 months, and dozens of violations, after the first example cited above. Need I say more? The answer is...No, since the video speaks for itself.

Yes, violations continue to this date; one date of particular note is July 5, 2018. A third party vendor decided to deliver, quite noisily, construction equipment at 6:30am. It awakened my

daughter and her family, who were visiting for the Fourth of July week. I spoke to the driver, who could not have been more apologetic and gracious, and he indicated he had not been made aware of the construction and noise ordinances of Menlo Park. (Numerous times, Code Enforcement has instructed PBS they are to instruct their third party vendors due to these types of repeated violations.) He was more than happy to wait until 8:00am to unload the construction equipment. The, now current, PBS Site Manager arrived at 7:10am and spoke with the delivery driver. The site manager was obviously quite displeased with what had occurred. I honestly doubt he knew we just happened to be looking out the window at that time; because he became quite animated, and made his feelings poignantly clear.

Yes, the parking violations have continued (just check the parking citations issued by the MPPD for parking on the sidewalks). Yes, PBS has recently hired a third party vendor to sporadically provide parking control. But, historically, PBS does this every time they are preparing a request to bring before the Planning Commission. Point of fact, I suspected PBS was in the process of making a Use Permit request based solely on the appearance of the hired parking guards. If nothing else, PBS is very predictable. Should history repeat itself, the third party parking personal will disappear after their current Conditional Use Permit request is concluded.

By my observation, PBS constantly states they wish to be good neighbors; but their actions manifest their true intent. Put more bluntly; PBS will say what they think you want to hear; and then do whatever they want, at least that is how I have been treated.

Scott Erickson states that attendance is down at the mandated quarterly meetings. For the record, I was one of the 1-2 continuous attendees that he cites in his response. However, he has lost credibility with the neighborhood because he does not do what he says he will (excuse the grammar). Personally, I have lost all credibility in PBS in general, and Scott Erickson in particular; the “final straw” being the episode of July 5, 2018.

Enough said. So what would be my recommendation?

- Close the school?...certainly not.
- Seek justice?....good heavens no.
- Have PBS follow the law?...absolutely yes.

And why not? Number one, it's required. Number 2, it makes for good neighbors and neighborhoods!!

Unfortunately, PBS has continuously shown an overwhelming propensity to blatantly ignore the codes and regulations, even when facing citations and fines. Something severe is needed to drive home the point of required compliance....you need to get their attention!!

In light of all that I have stated above, and the corroborating evidence I have cited; a normally prudent individual should emphatically deny their Use Permit Amendment request. However, I am not an unreasonable person; and I believe that PBS can redeem themselves and restore credibility with the neighborhood; but only if you enact the following alternative proposal:

- Impose a time period of 18 to 24 months; a type of “probationary period”. During that time PBS must comply with ALL provisions and requirements of the now current Conditional Use Permit, and the codes and regulations of the City of Menlo Park. This needs to be non-negotiable and without complaint of the part of PBS (this should normally be self-evident without my so stating; but I have discovered that you have to parse your words precisely when dealing the PBS; in my experience, PBS is always pushing the envelope.) If PBS should remain compliant, as evidenced by no further complaints; then the Commission can, at that later date, reconsider the current Amendment request at the end of a successful “probationary” period.

Let’s face the facts; PBS has been non-compliant for years; no, make that decades; and it’s time for the Menlo Park Planning Commission to stand up for the quality of life issues to which Menlo Park residents are entitled.

I request that the Commission do what is right by the Menlo Park residents; by denying the Amendment and imposing the previously stated 18-24 month probationary period.

Respectfully;

Thomas G. Warden, DDS

ATTACHMENT E
RECEIVED

MAR 11 2019

City of Menlo Park
City Manager's Office

RECEIVED

MAR 12 2019

CITY OF MENLO PARK
PLANNING DIVISION

City of Menlo Park

Planning Division

Menlo Park, CA

To the Menlo Park Planning Division:

I'm Barbara Foley and I live at 2220 Avy Avenue across from Phillips Brooks School. I am writing to you about the Planning Commission's recent approval of a Use Permit Revision Update/Scott Erickson/2245 Avy Avenue, etc. as stated in your Notice of Public Meeting concerning the zoning district. I cannot go to the public meeting, so I write to tell you my concerns and opinions.

I am totally against any and all changes "updates" proposed by Scott Erickson and Phillips Brooks School as these changes would involve increased numbers of cars and bad traffic situations. I have gone to meetings concerning the growth in numbers of students and traffic. The school personnel promised limitation of student enrollment and broke this promise. The traffic is terrible and has grown worse.

Besides the traffic situation, the school has insufficient parking and the attitude of Scott Erickson when I spoke to him about the school's breaking zoning law by not enforcing ~~it~~ the law, not putting up signs of no parking from Altschul to Belaire across from the school. He finally stopped arguing with me when I spoke to him and agreed to put the signs up. Now he wants to eliminate that law.

I have hope but ^{have} no confidence that the City will not go along with Phillips Brooks School and that the City will ^{have} any concern for the neighbors' wellbeing.

Sincerely, Barbara Foley

Barbara Foley



Phillips Brooks School

March 28, 2019

The Hon. Mayor Ray Mueller and Members of the City Council
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

RE: Appeal by Thomas G. Warden to Planning Commission Action on PLN2018-00111

Dear Mayor Mueller and Members of the City Council:

Background

Phillips Brooks School (PBS) has been operating as a private school at 2245 Avy Avenue, located in the P-F (Public Facilities) zoning district, since 1978, on property owned by the Las Lomas Elementary School District. The school provides instruction for roughly 290 students from preschool (age 3) to fifth grade. For several years, PBS has worked to develop a summer enrichment program (Summer Program) that would be a natural extension of our existing educational mission, as well as our pedagogical practice and core values, and our intent has been to provide a service valuable to our students, their families, and the greater community.

The Summer Program would be open to rising Kindergarten through fifth-grade students who are looking to extend their learning into the summer. A variety of classes would be offered during the eight-week program (from June through early August). Classes would be held between 10:00 a.m. and 3:00 p.m., with morning care provided between 8:00 a.m. and 10:00 a.m. and after-school care from 3:00 p.m. to 5:00 p.m.

The Summer Program enrollment cap would be set at 120 students (aged 5 to 11) each day per week, remaining well below the maximum student count of 320 established by the existing use permit. A total of 25 staff members would work for the Summer Program, consisting of lead teachers and assistants providing instruction for the students, as well as a few staff responsible for supervision during recess, lunch, and other free time. No more than 25 additional school staff and administrators would work in the office buildings during the summer, as they have each year in preparation for the coming school year.

In 2017, PBS began to work with the City's Planning staff for guidance on what modifications would be needed to our existing use permit to allow the school to operate the Summer Program. As a result of that partnership, PBS planned for a pilot Summer Program to run at half of our expected 120-student summer capacity in 2018. This pilot would allow PBS to test the viability of its program model and to ensure that our plans to mitigate the effects of the program on neighbors would be successful.

We notified neighbors of our plans and invited them to a regular Neighborhood Committee meeting in early 2018 to discuss any concerns they might have about our pilot Summer Program; none were raised. We

then received approval to operate the pilot program, in the form of a substantial conformance determination by the Planning staff.

Following the successful operation of our 2018 pilot program, we followed the City's guidance and submitted a request for a revision of our use permit. At the December 10, 2018, Planning Commission meeting, City staff recommended that the Planning Commission approve that use permit revision to update the use of the existing PBS campus to add the annual Summer Program and to increase the employee cap from 58 to 68 employees year-round.

The Planning Commission approved the use permit revision by a vote of six (6) to one (1).

On January 2, 2019, an appeal was submitted by Thomas G. Warden, the property owner who resides at 2240 Avy Avenue, directly across the street from the PBS campus.

Mr. Warden's Appeal

Since my appointment as head of school in 2011, I have placed a high priority on maintaining strong relationships with the neighbors who live adjacent to and near the PBS campus. We hold regular neighbor meetings, provide regular and timely updates about any events or activities which may impact neighborhood quality of life, and I am the point of contact for any neighbor who has issues or feedback about school operations.

The entire PBS administrative team works closely with the City, most often with the code enforcement division, to ensure that we adhere to the requirements of our use permit and the implementation of good-faith efforts, such as our voluntary efforts to restrict school-related parking beyond the specific requirements of our use permit and the close monitoring of traffic and pedestrian management during student drop-off and pick-up each day. We also have a mutual agreement with St. Denis Church to use one another's parking lots during peak use times to further reduce our impacts on neighborhood streets.

Since 2011, I have worked very hard to find common ground and engage in a sustained and positive dialogue with Mr. Warden about the issues he has raised related to PBS's daily operations. Until recently, I believe I have been successful in engaging meaningfully with Mr. Warden and implementing solutions to address his concerns.

Sadly, Mr. Warden's appeal letter - which is the same letter he presented to the Planning Commission prior to their December meeting - leaves me no choice but to strongly dispute again the opinions he has shared and to provide the point-by-point narrative below to correct his accusations. I thank you for your attention to this matter and hope to set the record straight with respect to Mr. Warden's letter. Much of the content of his letter was addressed or flatly refuted during the Planning Commission meeting in December, and we are now providing responses to his opinions below.

Claims About Historical Use Permit Conditions

Mr. Warden opens his letter with the following statement of opinion: "Historically; as evidenced by past Planning Commission minutes over the past 30+years; the neighborhood was granted the mitigating condition of little to no summer use of the site. ... The 'little' use was to be 1-2 days per summer for unforeseeable non-recurring events. All of which require prior approval."

We are not able to find such a provision in our current use permit, nor in our archive of historical permits. Instead, the following is the assessment of Planning staff as noted in the March 1, 2018, substantial conformance memorandum: "Staff believes the [pilot program] proposal as presented is consistent with the school's operations and the proposal would continue to comply with the existing use permit." Consequently, the use permit revision was undertaken to make the language as clear as possible about the extent of our operations at the recommendation of the Planning staff, who agree that our permit already allowed us to operate a summer program.

So I would ask that the Council bear in mind that the question at hand is limited in scope to whether the school should be allowed to increase its staffing (a request not addressed at all in Mr. Warden's letter) and add a summer program that the Planning Commission has already made clear is substantially in compliance with our previous use permit.

I would add that Mr. Warden didn't actually notice that the pilot program was even happening last year. After we had been running the program for two full weeks, Mr. Warden visited the campus. When interacting with a member of our staff, he asked when the summer program would begin, only to be told that it had already been running for two weeks. I can think of no more effective confirmation of the limited impact that our Summer Program will have on our neighbors than the fact that a neighbor who pays very close attention to the activity on and around our campus had not noticed that the pilot program had already been in place for two weeks. Mr. Warden confirmed the details of this interaction during his presentation at the Planning Commission meeting on December 10, 2018.

We believe our Summer Program will allow PBS to continue adding value to our community. I am confident it will be a net positive for the community. PBS remains committed to its ongoing partnership with our neighbors, and we will do everything we can to ensure that the program is not impactful to our neighbors.

Right Turn Only

Mr. Warden in his letter discusses at length his opinion that our parking lot exit should be right-turn only at all times.

That is not, nor has it ever been, a condition of our use permit. The relevant language from the 2013 update to our use permit is as follows: "The existing 'right turn only' sign located at the exit of the school's parking lot shall be maintained until the City Council directs otherwise. The right-turn only sign may be modified to display actual carpool times."

The sign that existed in 2013 when that condition was included in our most recent use permit remains in place. It reads, "Right turn only during carpool hours." By our reading of the permit, the lot was to remain right-turn-only during carpool hours - otherwise, there'd have been no point to modifying the sign to display actual carpool times.

After going through the permit process with the Planning staff last fall and working since with the Transportation Division, the school is prepared, upon completion of this appeal process, to implement specific recommendations for modifications to our lot signage and striping. A copy of the City-approved plan for our lot is attached (**#1**, page 6). We have scheduled the completion of these modifications for the week of April 15, to coincide with our spring vacation.

Of note: Transportation staff recommended replacing the existing right-turn-only sign with an enforceable no-left-turn sign with a sign below it listing our carpool hours as the effective hours. These modifications should put to rest any ambiguity or uncertainty about what signage should be in place at the exit to our parking lot.

Campus and Parking Lot Lighting

At the Planning Commission meeting in December, Mr. Warden complained that too much light from our parking lot enters his windows at night and that the lights have on occasion been left on longer than intended.

In response to these concerns, the Planning Commission conditioned its approval of our revised use permit on PBS studying the claim from Mr. Warden and assessing what action could be taken to mitigate glare or other light trespass from our parking lot fixtures.

To that end, PBS engaged Horton Lees Brogden Lighting Design Inc. to survey our lot lighting, assess whether our current configuration is in alignment with relevant building codes, and make recommendations for how we might

further reduce the amount of light leaving the lot itself. Their findings are included in the attached report (#2, page 12) and are best summarized by this sentence from the report's executive summary: "The existing conditions were found to be compliant with all applicable codes and industry standards."

The report does make some recommendations for investments the school could make to improve screening, and the school is considering those suggestions as part of our overall campus improvement plans.

Parking on Avy Avenue and Bellair Way

Mr. Warden's interactions with the school often focus on our adherence to a specific condition, 4(h), in our use permit, which stipulates that, "The applicant shall continue to communicate in writing to all parents of students enrolled in the school that no parking is allowed on the north side of Avy Avenue and the first block of Bellair Way."

Adherence to this condition has been a major focus for me and my team, and not only are we fully compliant with the text of the condition, but we go well beyond these terms in both scope and enforcement. PBS is doing everything it reasonably can to educate parents and campus visitors about our traffic and parking agreements with the City through regular reminders in our parent newsletter, communications to prospective families when they schedule a tour or on-campus interview, and notices in invitations to on-campus special events, like our Winter Concert or graduation. A copy of our standard parking message, as posted on our website and our Parent Manual, is attached (#3, page 26)

Not only are we in compliance with the letter and spirit of this condition, we go well beyond both by placing our staff at key locations during carpool and prior to events, placing informative and impactful signs in the area whenever we believe it might help clarify parking expectations for guests, and engaging a security firm during special events to ensure safety, security, good traffic flow, and compliance. We also ask parents to go beyond the neighborhood parking expectations by voluntarily restricting parking on the *entirety* of Bellair Way and also on Deanna Drive and Zachary Court. This has long been our practice, and we've enacted it in an effort to be sensitive to our neighbors.

We have continued to hone and improve these measures, not in anticipation of any use permit amendment (as Mr. Warden suggests), but rather as a direct result of conversations we've had with our neighbors, including Mr. Warden himself. In fact, other neighbors have expressed appreciation for these efforts. Mr. Warden has done so, too, in conversations with me and at Neighborhood Committee meetings over the years. See the attached files (#4, page 28) for a copy of our special event parking protocol and our Courtesy Notice, which we place on vehicles when someone we don't know is parked in a no-PBS-parking zone.

Allegation of Multiple Use Permit Violations

Mr. Warden makes the following claim in his letter: "Over the course of the past approximately 30 months; dozens of the violations required summoning the officers of the MPPD to force compliance. ... The summoned Code Enforcement officer was forced to issue a citation, and fine, upon the PBS site manager for the violations in order to effectively force compliance."

This allegation relies on the false equivalence between the number of times Mr. Warden has merely called the Menlo Park Police Department with a complaint and the issuance of actual citations. During the time period in question, PBS has received no citations or fines, as confirmed by the Planning staff in their report dated December 5, 2018 (emphasis added):

Planning staff reached out to the Menlo Park Police Department (MPPD) and reviewed the records of reports that occurred at and/or around the subject property and found that most complaints were related to potential noise and parking violations. ... These incidents appear to be isolated occurrences and not ongoing violations

of PBS' use permit conditions. Since January 2016, **no citations have been given to PBS** as a result of these complaints, and the school has generally worked with the Police Department to address the incidents.

Vendor Issues

Mr. Warden outlines two instances during which a vendor came to campus and violated City ordinances.

We embrace our responsibility to inform our vendors of the expectations surrounding their activity on campus, especially when those expectations differ from standard city ordinances or differ from ordinances in the other municipalities in which these vendors operate. We explicitly inform every contractor of these expectations, in the form of the attached Conditions for Work on Campus agreement (**#5**, page 32). We developed this written agreement to bolster previous verbal understandings, in response to the Thanksgiving 2017 event that Mr. Warden describes. The vendor arrived on campus on Thanksgiving Day, despite having been **scheduled explicitly for the following day**. In this case, the contractor was clearly at fault; they accepted responsibility for their error and made all required corrections. I personally apologized to Mr. Warden for this error, and I agree with the Planning staff assessment that this was an isolated incident, in no way indicative of a pattern.

Closing

In closing, I want to refocus the evaluation of this appeal where I feel it belongs: the merits of the specific Summer Program proposal approved by the Planning Commission at their December 10, 2018, meeting. Our Summer Program is poised to fill a niche for the families of our students and for many other families in the Menlo Park community. As the number of two-income families in the area increases, summer childcare needs will continue to expand, and our Summer Program offers a competitively priced, educational alternative rooted in our research-based practice that balances social-emotional learning with deep, rigorous academic enrichment topics. If you have any questions or would like to discuss the appeal further, I welcome your calls, emails, or visits to campus.

Sincerely,



Scott Erickson
Head of School

CC: Matthew A. Pruter, Associate Planner

Attachments:

1. Plan to modify parking lot signage and markings, pages 6-11
2. Parking lot lighting survey, pages 12-25
3. Parking instructions for parents and guests, pages 26-27
4. PBS parking compliance materials, pages 28-31
5. Conditions for Work on Campus, pages 32-34

Attachment #1

Plan to modify parking lot signage and markings

- Email to Rich F. Angulo, Transportation Division (page 7)
- Email attachment showing changes to be made by the Transportation Division to Avy Avenue striping at PBS parking lot exit (page 8)
- Email attachment showing area where the City will consider adding a crosswalk (page 9)
- Email attachment showing arrows to be removed from the exit to PBS parking lot (page 10)
- Email attachment showing plan for updated striping and signage



Re: Phillips Brooks School: Parking Lot Signage and Markings

1 message

Michael Lavigne Jr. <mlavigne@phillipsbrooks.org>

Fri, Jan 25, 2019 at 12:20 PM

To: "Angulo, Rich F" <RFAngulo@menlopark.org>

Cc: "Pruter, Matthew A" <MAPruter@menlopark.org>, Scott Erickson <serickson@phillipsbrooks.org>, Jen Renk <JRenk@sheppardmullin.com>, Facilities <facilities@phillipsbrooks.org>

Thanks, Rich. I've attached an updated diagram indicating the answers to your questions and reflecting the additional information you provided. I've also revised the narrative points from my original email accordingly and appended them to this message.

We'll proceed as noted in this version of the diagram and narrative unless we hear otherwise from you. We expect this work to take place during the week of our February Break, on February 19, 20, 21, and 22.

Best,
Michael

1. The City will add "alligator" markings on either side of the crosswalk near the exit to our parking lot. This will replace the incorrectly placed stop line that precedes our parking lot exit on our side of Avy. "Yield here to pedestrians" signs will also accompany each "alligator" marking. (See attachment #1.)
2. The City will consider adding an additional crosswalk (with signage) near the entrances to the PBS and St. Denis parking lots. (See attachment #2.) This would assuage the safety concern that arises from parents who use the St. Denis lot for overflow parking and then cross to PBS far from either existing crosswalk. It's not practical to ask parents to walk all the way to Santa Rosa or Bellair and then double back toward campus.
3. PBS will remove the existing three arrows at the exit to the parking lot and the two arrows at the outlet from the parking aisle nearer to Avy. (See attachment #3.)
4. In place of the arrows removed in #3, PBS will place a single left-turn arrow at the outlet from the parking aisle and STOP lettering and a single straight arrow at the exit from the parking lot. (See attachment #4.)
5. PBS will add a signage pole to the right of the parking lot exit, in the unpaved area beyond the walkway. This post will include a STOP sign facing the lot traffic and a DO NOT ENTER sign facing Avy Avenue. The bottom of the STOP sign will measure 7 feet above the ground. The DO NOT ENTER sign will be placed on the opposite side of the STOP sign. (See attachment #4.)
6. PBS will add signage to the existing pole on the left-hand side of the parking lot exit. This pole will include a STOP sign, a NO LEFT TURN sign and a sign designating the hours that sign is effective, all facing the lot traffic. The other side, facing Avy Avenue, will no longer contain a handicapped parking notice. Instead, we will add a DO NOT ENTER sign. The bottom of the STOP sign will measure 7 feet above the ground; the NO LEFT TURN sign will be placed immediately below it, followed by the effective-hours sign. The DO NOT ENTER sign will be placed on the opposite side of the STOP sign. (See attachment #4.)
7. The effective-hours sign will read as follows:
7:45 AM to 8:45 AM
M-Th: 2:30 PM to 3:30 PM
F: 1:30 PM to 2:30 PM
8. PBS will add a white stripe on the right side of the exit lane from the parking lot, to help keep right-turning traffic from going over the curb when exiting the lot. The stripe will be painted five feet from the existing curb, leaving a remaining lane of approximately 15 feet. (See attachment #4.)



Michael Lavigne Jr.
Director of Marketing and Communications

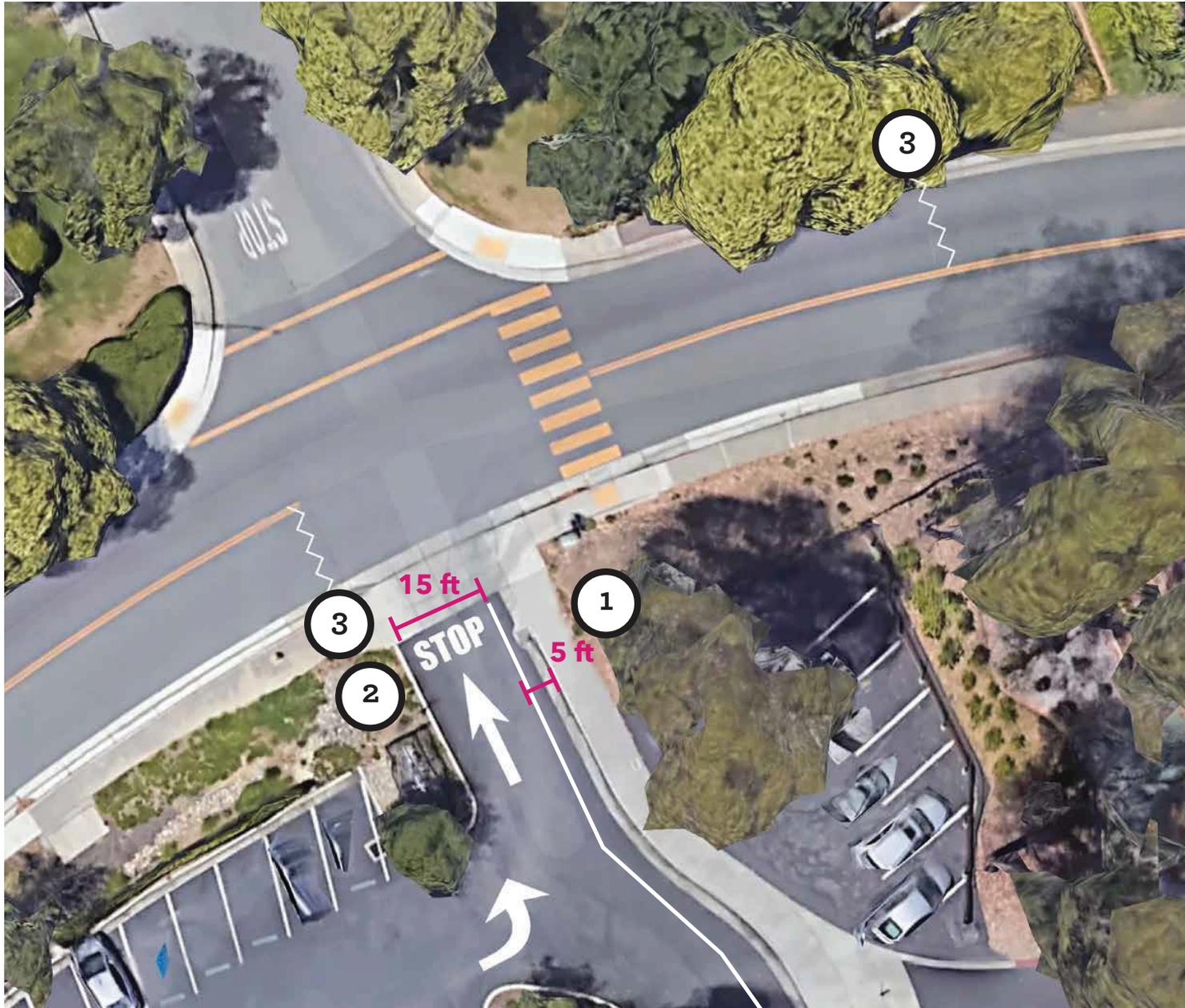
Phillips Brooks School
2245 Avy Avenue • Menlo Park, CA 94025
650-854-4545 • mlavigne@phillipsbrooks.org

[Web](#) • [Facebook](#) • [Instagram](#) • [10 Things We Know and Love](#)









Signposts

- 1 Facing PBS parking lot traffic:**
 [Top, 7ft. from base to ground]
 Stop sign (R1-1 30")

Facing Avy Avenue:
 [Behind Stop sign]
 Do Not Enter sign (R5-1 24")
- 2 Facing PBS parking lot traffic:**
 [Top, 7ft. from base to ground]
 Stop sign (R1-1 30")

[Below Stop sign]
 No Left Turn sign (R3-2 24")

[Below No Left Turn sign]
 Custom sign (24" wide)
 Text:
 7:45 AM to 8:45 AM
 M-Th: 2:30 PM to 3:30 PM
 F: 1:30 PM to 2:30 PM

Facing Avy Avenue:
 [Behind Stop sign]
 Do Not Enter sign (R5-1 24")

We will also REMOVE the handicapped parking notice that is here.
- 3 Facing oncoming traffic:**
 [Top]
 Yield to Pedestrians sign (R1-5AL 24x35")
To be placed by the City.

Attachment #2

Parking lot lighting survey

Phillips Brooks School

Parking Lot Lighting Survey

- Executive Summary
- Site Characteristics and Use
- Existing Lighting Equipment
- Applicable Codes & Ordinances
- Measurement Procedure
- Results
- Conclusion



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Phillips Brooks School

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Project No: 19029

Executive Summary

As part of the process to seek permission from the City of Menlo Park to operate a summer program, Phillips Brooks School requested a modification to the institution's use permit. The change to the use permit was approved, with the condition that the school submit a plan for its lighting system to reduce light spillover and glare off-site to neighboring properties.

HLB Lighting Design was engaged by the school to survey existing conditions, report findings and develop strategies to meet city requirements. This survey was performed the evening of February 11th, 2019. The results of the survey are included in this document.

The existing conditions were found to be compliant with all current applicable codes and industry standards. Suggestions for improvements including additional screening, modifications to or replacement of existing lighting fixtures and controls are also included in this document for consideration.



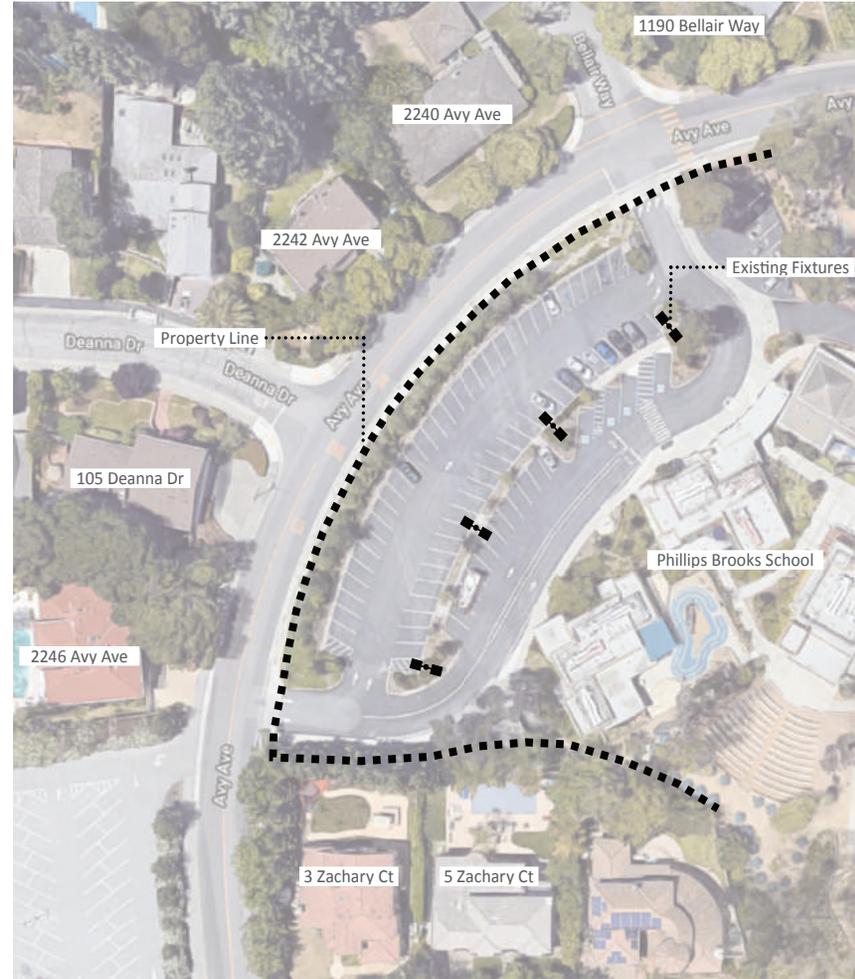
Site Characteristics and Use

Overview

The Phillips Brooks School is an independent, coeducational, Preschool-Grade 5 day school located at 2245 Avy Ave. in Menlo Park, California. The school is situated in a residential neighborhood primarily made up of single-family homes. Also adjacent to the school's property are Saint Denis Church, La Entrada Middle School, and the offices of Las Lomas Elementary School District. The school's site falls within Lighting Zone 3, which includes all urbanized areas in the State of California.

On the school's site there are a variety of academic and administrative buildings, outdoor play areas, an amphitheater, pathways, and a parking lot. Trees and other vegetation are present across much of the site. This vegetation is most dense at the perimeter of the site, providing screening for adjacent properties.

The school is generally in use on weekdays from 8 AM until 5 PM. Outside of these hours it is only used for special events and custodial activities.



Site Characteristics and Use

Views of Site



1 View from 2246 Avy Ave



2 View from 105 Deanna Dr



3 View from 2242 Avy Ave



4 View from 2240 Avy Ave



5 View from 1190 Bellair Way



6 View from behind 3 & 5 Zachary Ct



Existing Lighting Equipment

This study focuses on the lighting of the school's parking lot. Existing lighting at that location consists of four (4) double headed Gardco Gullwing G18 full-cutoff area lights with 250W Pulse Start Metal Halide lamping and an IES Type III-XL distribution. These fixtures are pole mounted with an overall height of +22'-6" AFG. The fixtures are controlled by an astronomic time clock which turns on the lighting between sunset and 10 PM and again between 6AM and sunrise.

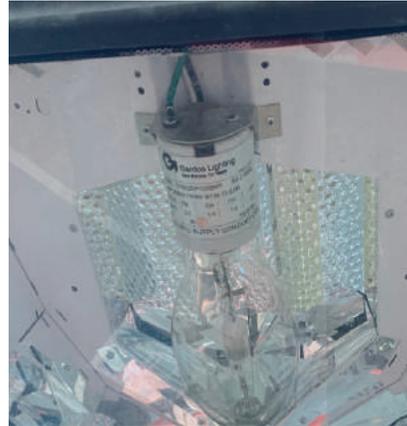
In the effort to control stray light into the night sky, the Illuminating Engineering Society (IES) and the International Dark Sky Association (IDA) developed what is known as the BUG classification system to serve as a tool to evaluate the light output of outdoor lights. The acronym BUG stands for the following:

Backlight- Light trespassing behind the fixture from the light source to the ground.

Uplight- The skyglow a fixture produces above the light source.

Glare- The reflectance or directed light that makes it difficult to see.

As shown on the right, the existing fixtures have a BUG Rating of B3-U0-G3.



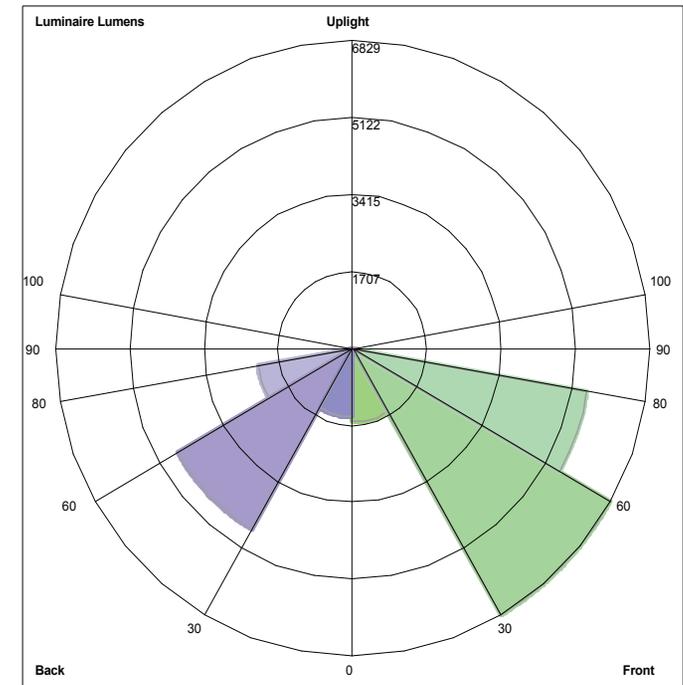
Existing Fixture Lamping Label



Existing Pole Assembly

IES ROAD REPORT
PHOTOMETRIC FILENAME : G18-3XL-250H.IES

LUMINAIRE CLASSIFICATION SYSTEM (LCS) GRAPH



Luminaire Lumens:
Front: Low=1630.9, Medium= 6829.0, High=5476.6, Very High=100.5
Back: Low=1515.9, Medium=4632.9, High=2211.5, Very High=43.4
Uplight: Low=0.0, High=0.0

BUG Rating : B3-U0-G3

Photometric Toolbox Professional Edition - Copyright 2002-2011 by Lighting Analysts, Inc.
Calculations based on published IES Methods and recommendations, values rounded for display purposes.
Results derived from content of manufacturers photometric file.

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Existing Fixture Photometric Report

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Applicable Codes, Ordinances and Standards

A variety of building codes and industry standards provide the rules and best practices for outdoor lighting systems.

Outdoor lighting is regulated in the State of California by the following codes:

- California Title 24, Part 6, Section 130.2
- California Title 24, Part 11, Section 5.106.8 (CALGreen)

The pole mounted area lights in the school's parking lot are greater than 2 mounting heights from the property line. As shown in Table 5.106.8 to the right, since the school site is in Lighting Zone 3, code allows for area lighting fixtures with a BUG rating of B No Limit-U0-G3 or better to be used.

The Illuminating Engineering Society (IES) and the International Dark Sky Association (IDA) have created a Joint Model Lighting Ordinance which serves as model legislation for municipalities related to outdoor lighting and a best practices guide for designers. As shown in Table 5 from IES RP-33-14 below, the Model Lighting Ordinance recommends that a vertical illuminance of no more than 0.8 FC at any point in the vertical plane be present at the property line for properties that are included in Lighting Zone 3.

The City of Menlo Park define curfew hours as between 11 PM and sunrise. Post-curfew lighting shall be extinguished or reduced.

**TABLE 5.106.8 [N]
MAXIMUM ALLOWABLE BACKLIGHT, UPLIGHT AND GLARE (BUG) RATINGS^{1,2}**

ALLOWABLE RATING	LIGHTING ZONE 1	LIGHTING ZONE 2	LIGHTING ZONE 3	LIGHTING ZONE 4
Maximum Allowable Backlight Rating³				
Luminaire greater than 2 mounting heights (MH) from property line	No Limit	No Limit	No Limit	No Limit
Luminaire back hemisphere is 1 – 2 MH from property line	B2	B3	B4	B4
Luminaire back hemisphere is 0.5 – 1 MH from property line	B1	B2	B3	B3
Luminaire back hemisphere is less than 0.5 MH from property line	B0	B0	B1	B2
Maximum Allowable Uplight Rating				
For area lighting ⁴	U0	U0	U0	U0
For all other outdoor lighting, including decorative luminaires	U1	U2	U3	U4
Maximum Allowable Glare Rating⁵				
Luminaire greater than 2 MH from property line	G1	G2	G3	G4
Luminaire front hemisphere is 1 – 2 MH from property line	G0	G1	G1	G2
Luminaire front hemisphere is 0.5 – 1 MH from property line	G0	G0	G1	G1
Luminaire back hemisphere is less than 0.5 MH from property line	G0	G0	G0	G1

1. IESNA Lighting Zones 0 and 5 are not applicable; refer to Lighting Zones as defined in the *California Energy Code* and Chapter 10 of the *California Administrative Code*.
2. For property lines that abut public walkways, bikeways, plazas and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section.
3. If the nearest property line is less than or equal to two mounting heights from the back hemisphere of the luminaire distribution, the applicable reduced Backlight rating shall be met.
4. General lighting luminaires in areas such as outdoor parking, sales or storage lots shall meet these reduced ratings. Decorative luminaires located in these areas shall meet *U*-value limits for "all other outdoor lighting."
5. If the nearest property line is less than or equal to two mounting heights from the front hemisphere of the luminaire distribution, the applicable reduced Glare rating shall be met.

CalGreen Building Standards Code Table 5.106.8

Table 5 : Maximum Vertical Illuminance at any point in the vertical plane of the property line. (From Table F Joint IDA-IES MLO)

Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
0.05 FC or 0.5 LUX	0.1 FC or 1.0 LUX	0.3 FC or 3.0 LUX	0.8 FC or 8.0 LUX	1.5 FC or 15.0 LUX

IES RP-33-14 Table 5

Measurement Procedure

The analysis of existing lighting conditions at the school's parking lot and adjacent properties was conducted as follows.

SITE CONDITIONS

The site visit was conducted on February 11, 2019 from 6:30 PM until 7:30 PM with mostly clear sky conditions.

DOCUMENTATION PROCESS:

A handheld light meter was used to measure both horizontal and vertical illuminances at the locations indicated on the next page. Additionally, the light meter was used to measure the luminance of existing light sources. HDR images were captured with a digital camera mounted on a tripod set at the approximate eye level of a seated or standing occupant.

Equipment used included:

- Nikon D40 DSLR (for HDR)
- Tripod
- Sekonic L-758 Light Meter

The general HDR documentation method used is as follows:

The scene is then photographed with a variety of exposure levels. After all the shots are taken, the luminance level of light sources in the field of view are recorded. The multiple images are then combined into a single HDR image and luminance values attained using a combination of Photosphere and HDRscope image processing software.



Sekonic L-758 Light Meter



Nikon D40 DSLR

Results

Illuminance Measurements

The table below includes all vertical and horizontal illuminance measurements taken during the survey. No measurements were observed to exceed the limit per the Joint IDA-IES Model Lighting Ordinance. Additional measurements were also taken along the sidewalk in front of neighboring properties across Avy Ave. and indicate negligible illumination levels with the exception of that provided by public streetlighting.

Location	Description	Vertical Illuminance (FC) @ +3' AFG	Horizontal Illuminance (FC) @ Ground Level	Limit per Joint IDA-IES MLO (Vertical FC)	Complies?
1	Sidewalk @ 2246 Avy Ave.	<0.10	<0.10	N/A	N/A
2	Property Line Adjacent to 2246 Avy Ave.	0.14	0.33	0.80	Yes
3	Sidewalk @ 105 Deanna Dr.	0.22	0.25	N/A	N/A
4	Property Line Adjacent to 105 Deanna Dr.	0.29	0.35	0.80	Yes
5	Sidewalk @ 2242 Avy Ave.	<0.10	<0.10	N/A	N/A
6	Property Line Adjacent to 2242 Avy Ave.	0.25	0.33	0.80	Yes
7	Sidewalk @ 2240 Avy Ave.	<0.10	0.14	N/A	N/A
8	Property Line Adjacent to 2240 Avy Ave.	0.22	0.38	0.80	Yes
9	Sidewalk @ 1190 Bellair Way	<0.10	<0.10	N/A	N/A
10	Property Line Adjacent to 1190 Bellair Way	<0.10	<0.10	0.80	Yes
11	Property Line Adjacent to 3 Zachary Ct.	0.15	0.23	0.80	Yes
12	Property Line Adjacent to 5 Zachary Ct.	0.33	0.40	0.80	Yes

Per the California Green Building Code (CALGreen) area lighting fixtures more than 2-mounting heights from the property line with a BUG rating of B No Limit-U0-G3 or better are allowed. Since the existing fixtures have a BUG Rating of B3-U0-G3 they comply with all current codes.

The time clock that controls the lighting fixtures in the parking lot is set to turn the fixtures off at 10 PM, one hour earlier than required by city ordinance.



Results

HDR Photography- View from Property Line at 5 Zachary Ct.



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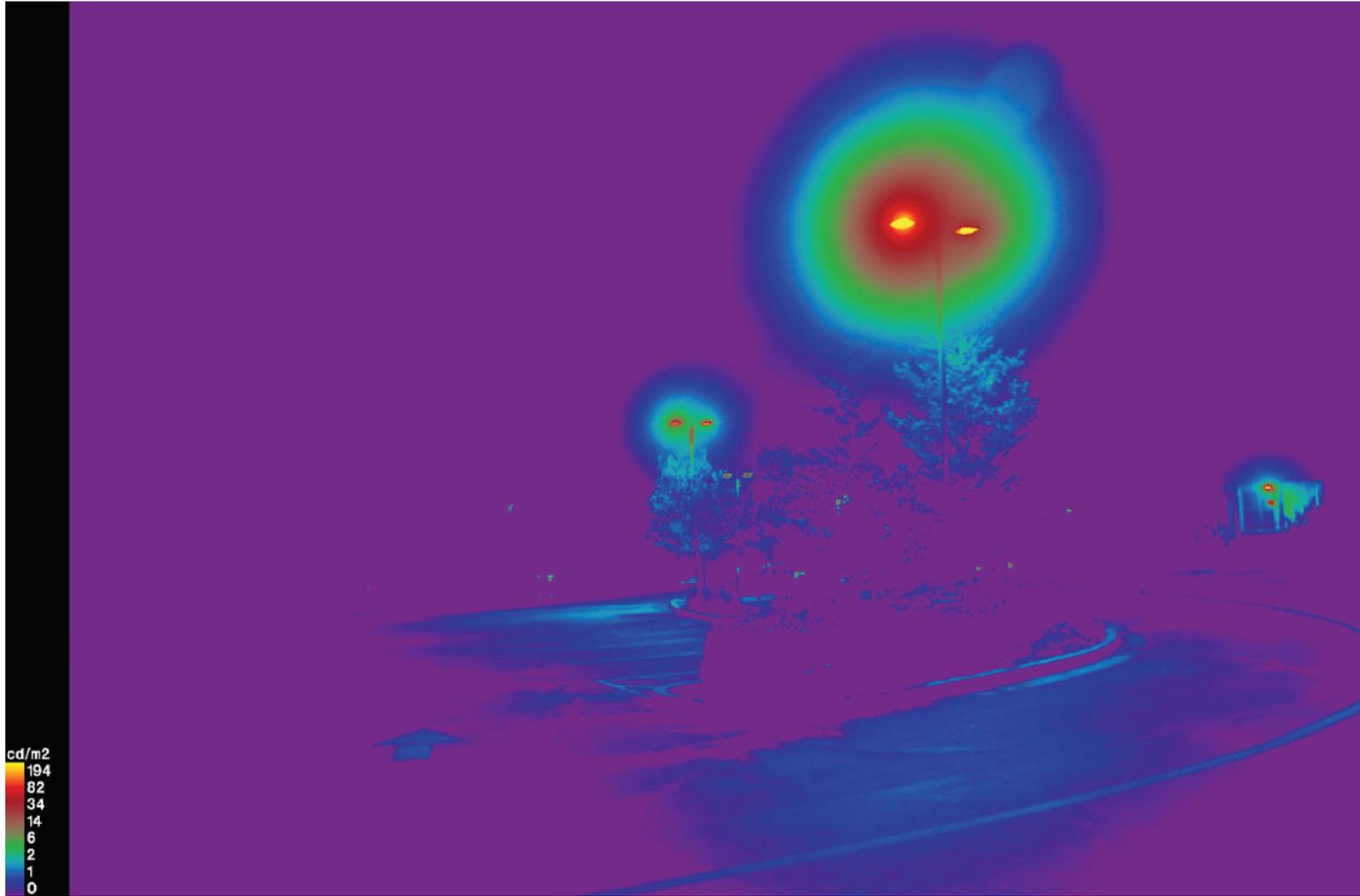
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Results

HDR Photography- View from Property Line at 3 Zachary Ct.



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Results

HDR Photography- View from 2240 Avy Ave.



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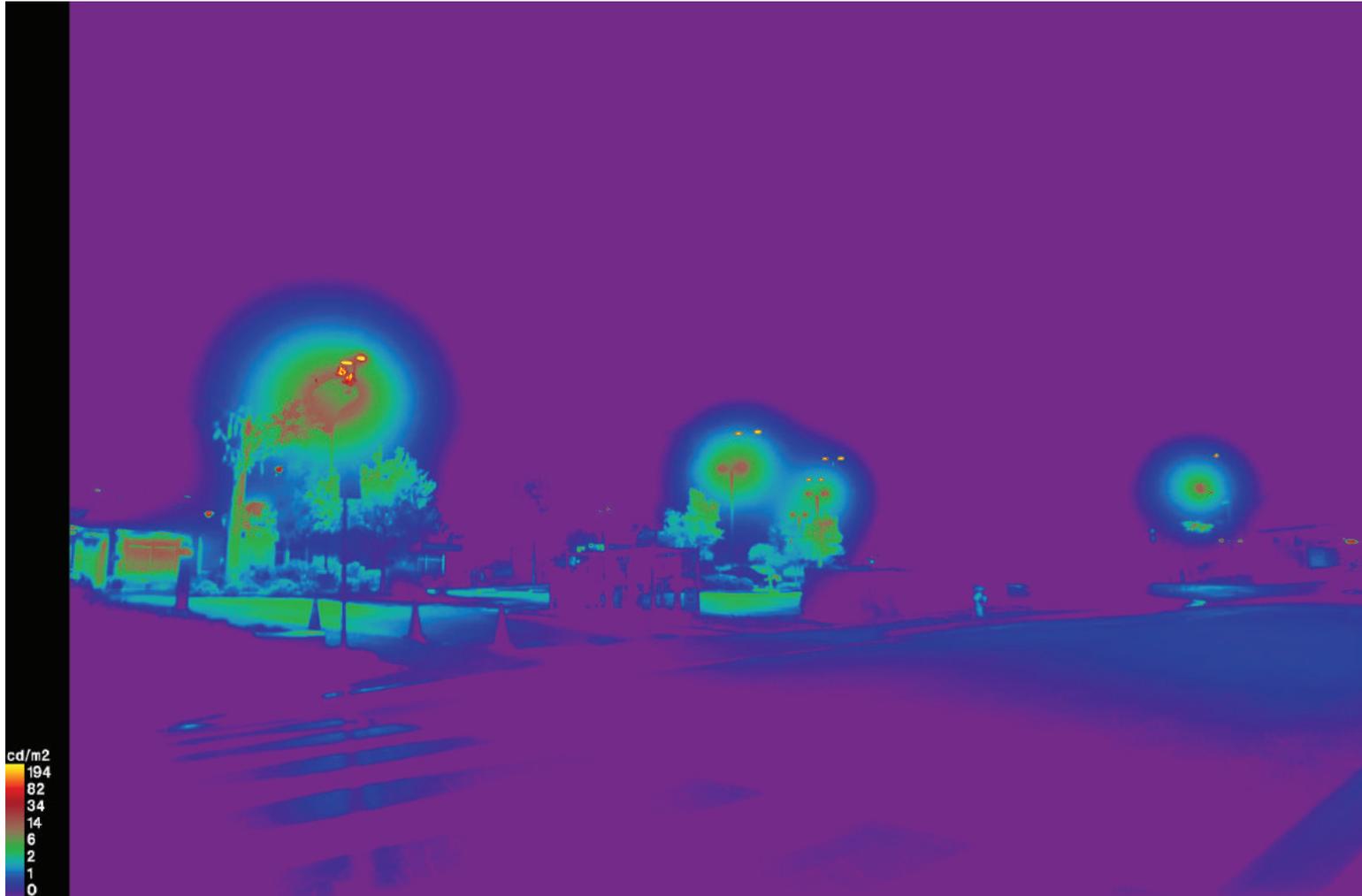
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Results

HDR Photography- View from 1190 Bellair Way



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Conclusion

This study of the existing lighting of the school's parking lot find that it complies with all applicable codes and industry standards.

If additional mitigation measures are required or desired there are several options that can be investigated, as follows.

Option 1: Additional screening - While the site is generally well screened from view of adjacent properties, additional screening could be added. This could be especially beneficial for screening of views from 2240 Avy Ave. so long as it does not pose a safety hazard for vehicles turning out of the parking lot.

Option 2: Retrofit of Existing Fixtures- Retrofit existing fixtures with new LED light engines and dimming controls. Motion sensors attach to existing poles and in concert with an external lighting control system direct the fixtures to dim to a lower output when motion is not detected for a pre-defined time period.

Option 3: New Fixtures on Existing Poles- New LED fixtures of the same style as the existing fixtures are installed on the existing pole. Motion sensors and controls are integral to the fixture itself and they direct the fixtures to dim to a lower output when motion is not detected for a pre-defined time period.

Easily upgrade your existing site to LED

Philips Gardco LED Retrofit Kits are the sustainable choice for updating your existing outdoor lighting. This is the ideal way to equip your current Philips Gardco luminaires with energy saving, high performance LED arrays, while retaining classic Philips Gardco features including full-cutoff performance, ease of maintenance and rugged construction. The kits allow for a quick and efficient change-out. This saves time, money and most important, energy.

Everything is provided in one easy to install assembly including pre-wired drivers with quick disconnects, integral heat sinks and LED arrays.



The standard LED retrofit kits contain everything needed to fully convert your existing 14" and 19" Square, 17" and 22" Round, Circo CR20 and Gullwing G13 to any of the available LED wattages and distributions. This includes a reflector pan with LED arrays along with the fully wired pan with attached driver, equipped with quick disconnects.



by **ignify**

Site & Area

Gullwing LED

Large, GL18

Gardco Gullwing LED luminaires combine LED performance excellence and advanced Gardco LED thermal management technology with the distinct Gullwing style to provide outdoor area lighting that is both energy efficient and aesthetically pleasing.

Project: _____
 Location: _____
 Cat. No.: _____
 Type: _____
 Lamps: _____ City: _____
 Notes: _____

Ordering guide Example: GL18-APD-1-4-BLA-ABS3-NW-DD-BRP-1F

Profile	Controls	Mounting	Optical System	Wattage	LED Color	Finish	Options
GL18	---	1	2	50/4-4805	NW	100	F1* Flood
19" Gullwing LED Luminaire	Gullwing Standard Luminaire	Single	Top 2	48 LED, 300mA	Neutral White 4000K	206	LP1 In-Line/No Pole Fading
GL18-DM	19" Gullwing LED with 0-10V Dimming	2	2-90	50/4-4805	48 LED, 300mA	240	WP White Paint
GL18-APD	19" Gullwing LED with Automatic Profile Dimming	2/90	Top 2/90	50/4-4805	48 LED, 300mA	277	BP Black Paint
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	2/90	Top 2/90	50/4-4805	48 LED, 300mA	347	PC1 Photocell and Photocell Inhibitor (PDI)
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC2 Photocell for use only with 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC3 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC4 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC5 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC6 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC7 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC8 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC9 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC10 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC11 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC12 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC13 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC14 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC15 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC16 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC17 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC18 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC19 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC20 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC21 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC22 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC23 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC24 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC25 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC26 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC27 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC28 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC29 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC30 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC31 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC32 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC33 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC34 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC35 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC36 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC37 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC38 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC39 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC40 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC41 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC42 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC43 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC44 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC45 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC46 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC47 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC48 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC49 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC50 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC51 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC52 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC53 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC54 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC55 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC56 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC57 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC58 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC59 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC60 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC61 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC62 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC63 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC64 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC65 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC66 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC67 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC68 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC69 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC70 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC71 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC72 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC73 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC74 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC75 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC76 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC77 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC78 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC79 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC80 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC81 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC82 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC83 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC84 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC85 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC86 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC87 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC88 Photocell for use only with 2-wire and 2-wire connections
GL18-APD-1F	19" Gullwing LED with Automatic Profile Dimming	3	3	50/4-4805	48 LED, 300mA	400	PC89 Photocell for use only with 2-wire and 2-wire connections

Attachment #3

Parking instructions for parents and guests
excerpted from www.phillipsbrooks.org/directions

Parking

Phillips Brooks School is committed to being a great neighbor to our Menlo Park community. Part of that commitment is making sure that PBS families park in agreed-upon areas and observe the following expectations:

1. Parking by PBS families is prohibited on **the side of Avy Avenue opposite PBS** and on **either side of Zachary Court, Deanna Drive, and Bellair Way**. These areas are marked in red on the diagram.
2. Parking is permitted in the **PBS lot**, either of the **St. Denis Church lots**, and on the **PBS side of Avy Avenue** (away from red-painted curbs). These areas are marked in green on the diagram. (Thanks to St. Denis Church for their kind permission to use their lots.)

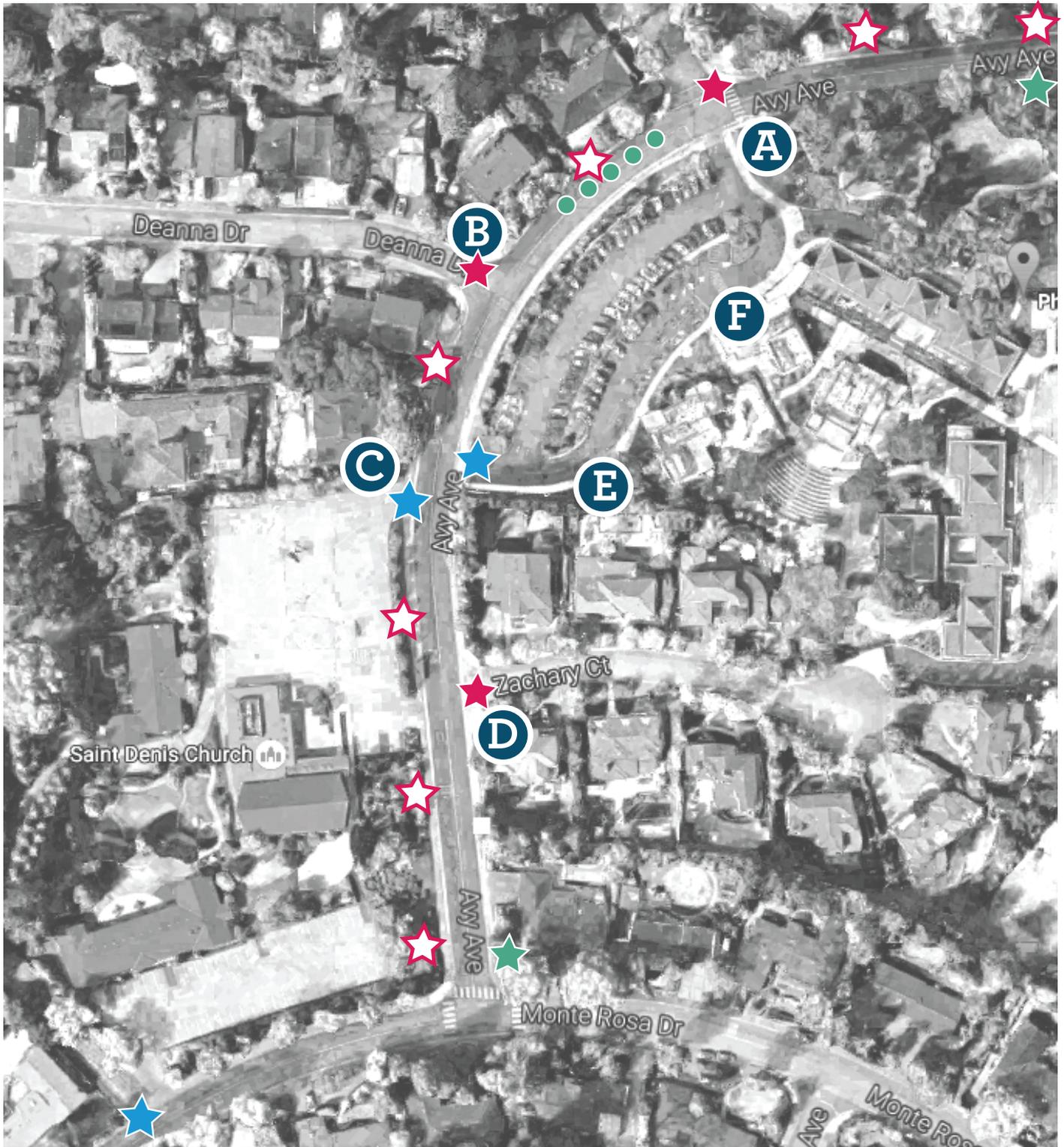
Click the diagram below for a higher-resolution version.



Attachment #4

PBS parking compliance materials

- Event Parking Plan (pages 27-28)
- Courtesy Notice (page 29)



- ★ Event Parking Signs at PBS lot entrance; main St. Denis entrance; second St. Denis entrance.
- ★ No Parking Signs at Bellair Way, Deanna Drive, and Zachary Court
- ★ No Parking Signs on non-PBS side of Avy Avenue
- ★ Parking Permitted Signs on PBS side of Avy Avenue
- Parking Cones in front of Tom Warden's house

A. Bellair Way guardian **B.** Deanna Drive guardian **C.** St. Denis lot monitor
D. Zachary Court guardian **E.** PBS lot monitor **F.** Crossing Guard

Signs



Zachary Court & Avy Avenue

Side A: PBS parking prohibited on either side of Zachary Court
Side B: identical



Bellair Way & Avy Avenue

Side A: PBS parking prohibited on either side of Bellair Way
Side B: identical



Deanna Drive & Avy Avenue

Side A: PBS parking prohibited on either side of Deanna Drive
Side B: identical



Avy Avenue & Altschul Avenue (SW corner) and in three supplemental locations

Side A: PBS parking prohibited on this side of Avy Avenue
Side B: identical



Avy Avenue & Monte Rosa Drive (NW corner) and strategically in front of St. Denis Church

Side A: PBS parking prohibited on this side of Avy Avenue
Side B: identical



Entrance to School Parking Lot

Side A: PBS event parking: School parking lot
Side B: Lot full: Additional spots available in St. Denis Church primary lot across the street



Entrance to St. Denis Primary Lot

Side A: PBS event parking: St. Denis Church primary lot
Side B: Lot full: Additional spots available in St. Denis Church secondary lot on Monte Rosa Drive



Entrance to St. Denis Secondary Lot

Side A: PBS event parking: St. Denis Church secondary lot
Side B: Lot full: Street parking is permitted on Monte Rosa Drive and on the PBS side of Avy Avenue



Avy Avenue & Altschul Avenue (SE corner)

Side A: PBS street parking: Parking is permitted on this side of Avy Avenue except where marked
Side B: identical



Avy Avenue & Monte Rosa Drive (NE corner)

Side A: PBS street parking: Parking is permitted on this side of Avy Avenue except where marked
Side B: identical

Personnel

Guardians (A. Bellair Way, B. Deanna Drive, D. Zachary Court)

Equipped with courtesy reminders, discourage PBS families from parking on the guarded street; engage violators directly, at own discretion, or leave notice on vehicle instead.

Lot monitors (C. St. Denis, E. PBS)

Oversee safe parking in assigned lot; when full turn sign around to direct traffic to alternative parking. Monitor at St. Denis moves from primary to secondary lot when primary is full. PBS monitor also ensures no parking in carpool lane and directs those with reserved handicapped parking to their spots.

Crossing Guard (F.) Ensures safe passage across the carpool lane crosswalk.



Phillips Brooks School

Courtesy Notice

Parking by members of the PBS community - including faculty, staff, parents, caregivers, vendors, and other guests - is only permitted in designated areas: the PBS lot, either of the St. Denis Church lots, or the PBS side of Avy Avenue.

Parking is not permitted on the far side of Avy Avenue nor on any of the side streets branching from Avy Avenue, including Zachary Court, Deanna Drive, and Bellair Way.

Thanks for your support and for helping PBS continue to be a good neighbor!

For more: www.phillipsbrooks.org/directions

Attachment #5

Conditions for Work on Campus



Conditions for Work on Campus

This document outlines specific expectations about the timing of work completed by all third-party vendors on campus at Phillips Brooks School (“the School”), located at 2245 Avy Avenue in Menlo Park, California. These expectations arise from local ordinances, the School’s conditional-use permit, and respect for the quality of life of our neighbors.

1. **No work is allowed on campus on federal holidays.** That includes New Year's Day (January 1); Birthday of Martin Luther King, Jr. (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25).
2. **Work involving powered equipment may only take place weekdays between 8:00 a.m. and 6:00 p.m.** Gas-powered leaf blowers may only be used until 5:00 p.m., per Menlo Park noise ordinances.
3. **Outdoor work and construction may only take place weekdays between 8:00 a.m. and 6:00 p.m.**
4. **Indoor work, housekeeping, interior and exterior painting, sweeping sidewalks, and pulling weeds, may take place weekdays from 7:30 a.m. to 10:00 p.m. and weekends from 9:00 a.m. to 5:00 p.m.** On weekends, there may be no music, loud voices, or engines on idle.
5. **Noise level limits are detailed in the chart on the second page of this document.** In short, though, noise may not exceed 85 decibels during outdoor work times, may not exceed 60 decibels weekend days, and may not exceed 50 decibels at night.
6. **All employees or agents of the Vendor must park in the PBS parking lot or on the PBS side of Avy Avenue.** Parking is prohibited on any side streets (Bellair Way, Zachary Court, and Deanna Drive).

Failure by third-party vendors to adhere to these conditions may result in a wide array of negative consequences for the school, ranging from deteriorating relationships with the community to fines and penalties assessed by the City of Menlo Park. For that reason, any vendor performing work on campus in violation of these conditions will face a response from the school up to and including the termination of any contracts or other working arrangements.

In consideration of the School beginning or continuing a working relationship with the Vendor named below, the Vendor agrees to abide by the conditions above. If the Vendor violates the above expectations without written direction from an agent of the School, the Vendor agrees to indemnify and hold harmless the School against any legal penalties or other financial costs resulting therefrom. Further, the Vendor agrees to take any reasonable action requested by the School to repair relationships with neighbors or ameliorate other non-pecuniary damages. This agreement will be in force for the duration of the Vendor’s relationship with the School.

	For the Vendor:	For the School:
Company	_____	Phillips Brooks School
Authorized Agent	_____	Chuck Adams
Title	_____	Director of Facilities
Signature	_____	_____
Date	_____	_____

Noise Level Limits

This table outlines our understanding of the Noise Level Limit section of the City of Menlo Park Noise Ordinance, which is copied below the table. All decibel (dBA) measurements are taken at 50 feet away from the source.

	Monday– Friday	Saturday, Sunday, Holiday
12:00–7:00 a.m.	≤ 50 dBA	≤ 50 dBA
7:00–8:00 a.m.	≤ 60 dBA	≤ 60 dBA
8:00 a.m. – 6:00 p.m.	≤ 85 dBA	≤ 60 dBA
6:00–10:00 p.m.	≤ 60 dBA	≤ 60 dBA
10:00 p.m. – 12:00 a.m.	≤ 50 dBA	≤ 50 dBA

Menlo Park Noise Ordinance

As provided to Head of School Scott Erickson by Officer Eleonor Hilario of the Menlo Park Police Department in fall 2017, with commentary about execution at PBS in blue:

Construction hours: No construction hours per se. Contractors/subcontractors can work earlier than 8:00 a.m. and later than 6:00 p.m. (even on weekends and holidays) as long as they are within the noise level limit.

The city’s guidelines are less restrictive than the terms on page 1. As a courtesy to our neighbors, PBS does not permit construction on campus outside of the times listed in the Conditions for Work on Campus.

Noise Level Limit: Cannot exceed 85 dBA (measured at 50 feet from the source) during 8:00 a.m. to 6:00 p.m., Mondays to Fridays. Noise level limit cannot exceed 60 dBA from 7:00 a.m. to 10:00 p.m. and 50 dBA from 10:00 p.m. to 7:00 a.m. on weekends and holidays.

NOTE: Homeowners/residents only can use powered equipment to maintain their properties and/or residences on Saturdays, Sundays, Holidays from 9:00 a.m. to 5:00 p.m. No piece of equipment shall generate noise in excess of 85 dBA (measured at 50 feet from the source).

Leaf Blowers (gas-powered)

Days/Hours

All users (homeowners/residents, contractors) - Mondays to Fridays, 8:00 a.m. to 5:00 p.m.

Homeowners/residents only on Saturdays, 11:00 a.m. to 3:00 p.m. (No Sundays, Holidays, or Spare the Air Days)

Leaf Blowers (electric)

Days/Hours

All users (homeowners/residents, contractors) - Mondays to Fridays, 8:00 a.m. to 6:00 p.m.

Homeowners/residents only on Saturdays, Sundays, Holidays – 9:00 a.m. to 5:00 p.m.

Pruter, Matthew A

From: Pruter, Matthew A
Sent: Tuesday, April 02, 2019 1:36 PM
To: Pruter, Matthew A
Subject: FW: TRAFFIC (Phillips School expansion)



Matthew A. Pruter
Associate Planner
City Hall - 1st Floor
701 Laurel St.
tel 650-330-6703
menlopark.org

From: Rise Krag <risekrag@gmail.com>
Sent: Tuesday, April 2, 2019 9:32 AM
To: _CCIN <city.council@menlopark.org>
Subject: TRAFFIC (Phillips School expansion)

Please see my comments included. I am asking the City of Menlo Park to work with the County of San Mateo to address the continued massive increase in cut through traffic at the intersection of Avy and Alschul. I cannot support continued enrollment and summer school with the current disregard of the neighborhood.

Dear Menlo Park Mayor, Board of Supervisors and Planning Departments,
I regret that I cannot continue to support the Phillips Brooks School with their continued expansion. The reason is that there is too much traffic at the intersection of Avy and Alschul every day. The original school was built for neighborhood children to walk to the campus. When student population declined the campus was rented. If it hadn't, La Entrada would not have had to construct a new building when enrollment increased! The Phillips Brooks students are being driven from elsewhere. In that sense, it is operating as a business and this is not a business zone.
Many University Heights residents have been expressing traffic concerns for years. We have battled against a large commercial office building proposed on the Alameda de las Pulgas in the late 1990's. Alschul, a single lane road (running one block to the west) used to be a "safe route" for pedestrians, bikes, and senior pedestrians. Now it is an overflow for the Sand Hill 280 on-ramp. Cars back up on this one-way street every morning.
I have witnessed a car driving south on Alschul hit a little boy walking with his mother in the crosswalk, my car was broadsided at the same location, many cars have driven down Monte Rosa too fast and hit the fire

hydrant (this is where older kids wait for the school bus every morning), and cars routinely run the stop sign and speed up the hill.

PLEASE coordinated with the County and share traffic counts that will demonstrate the traffic impacting the neighborhood in all directions.

I have saved information on University Heights and included it in a large envelope that demonstrates the challenges of this neighborhood. I have left it with Mathew Pruter, associate planner 6505-330-6703, mapruter@menlopark.org

Please review these numerous items, traffic counts, letter verifying the boy being hit, continued requests for traffic calming, etc.

Respectfully,

Risë Krag

2198 Avy Ave. Menlo Park, CA 94025

RECEIVED
APR 02 2019
CITY OF MENLO PARK
BUILDING DIVISION

April 2, 2019

Dear Menlo Park Mayor, Board of Supervisors and Planning Departments,

I regret that I cannot continue to support the Phillips Brooks School with their continued expansion. The reason is that there is too much traffic at the intersection of Avy and Altschul every day.

The original school was built for neighborhood children to walk to the campus. When student population declined the campus was rented. If it hadn't, La Entrada would not have had to construct a new building when enrollment increased! The Phillips Brooks students are being driven from elsewhere. In that sense, it is operating as a business and this is not a business zone.

Many University Heights residents have been expressing traffic concerns for years. We have battled against a large commercial office building proposed on the Alameda de las Pulgas in the late 1990's. Altschul, a single lane road (running one block to the west) used to be a "safe route" for pedestrians, bikes, and senior pedestrians. Now it is an overflow for the Sand Hill 280 on-ramp. Cars back up on this one-way street every morning.

PLEASE coordinated with the County and share traffic counts that will demonstrate the traffic impacting the neighborhood in all directions.

I have saved information on University Heights and included it in a large envelope that demonstrates the challenges facing our neighborhood. Please read the items and return to me.

Respectfully,


Risë Krag

2198 Avy Ave. Menlo Park, CA 94025

RECEIVED

APR 02 2019

CITY OF MENLO PARK
BUILDING DIVISION

West Menlo Park Schools

- A. Phillips Brooks
- B. La Entrada
- C. Las Lomas
- D. Littlest Angels
- E. University Heights Montessori
- F. Trinity School



NOTICE OF PUBLIC MEETING
CITY OF MENLO PARK CITY COUNCIL
MEETING OF APRIL 9, 2019

NOTICE IS HEREBY GIVEN that the City Council of the City of Menlo Park, California is scheduled to review and consider an appeal of the Planning Commission's approval of the following item:

Use Permit Revision/Scott Erickson/2245 Avy Avenue:
Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round. ***Continued from the City Council meeting of March 12, 2019***

NOTICE IS HEREBY FURTHER GIVEN that said City Council will hold a public hearing on this item in the Council Chambers of the City of Menlo Park, located at 701 Laurel Street, Menlo Park, on Tuesday, April 9, 2019, 7:00 P.M. or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon. If you challenge this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

The project file may be viewed by the public on weekdays between the hours of 7:30 a.m. and 5:30 p.m. Monday through Thursday and 8:00 a.m. to 5:00 p.m. on Friday, with alternate Fridays closed, at the Department of Community Development, 701 Laurel Street, Menlo Park. Please contact Matthew Pruter, Associate Planner, at (650) 330-6703 or by email at mapruter@menlopark.org if you have any questions or comments.

Si usted necesita más información sobre este proyecto, por favor llame al 650-330-6702, y pregunte por un asistente que hable español.

Visit our Web site for City Council public hearing, agenda, and staff report information: www.menlopark.org



9000 815515206



CITY OF MENLO PARK
PLANNING DIVISION
701 LAUREL STREET
MENLO PARK, CA 94025

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KRAG RISE TR
OR CURRENT OCCUPANT
2198 AVY AVE
MENLO PARK, CA 94025

IMPORTANT PUBLIC MEETING NOTICE



NOTICE OF PUBLIC MEETING
CITY OF MENLO PARK CITY COUNCIL
MEETING OF MARCH 12, 2019

NOTICE IS HEREBY GIVEN that the City Council of the City of Menlo Park, California is scheduled to review and consider an appeal of the Planning Commission's approval of the following item:

Use Permit Revision/Scott Erickson/2245 Avy Avenue:

Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.

NOTICE IS HEREBY FURTHER GIVEN that said City Council will hold a public hearing on this item in the Council Chambers of the City of Menlo Park, located at 701 Laurel Street, Menlo Park, on Tuesday, March 12, 2019, 7:00 P.M. or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon. If you challenge this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

The project file may be viewed by the public on weekdays between the hours of 7:30 a.m. and 5:30 p.m. Monday through Thursday and 8:00 a.m. to 5:00 p.m. on Friday, with alternate Fridays closed, at the Department of Community Development, 701 Laurel Street, Menlo Park. Please contact Matthew Pruter, Associate Planner, at (650) 330-6703 or by email at mapruter@menlopark.org if you have any questions or comments.

Si usted necesita más información sobre este proyecto, por favor llame al 650-330-6702, y pregunte por un asistente que hable español.

Visit our Web site for City Council public hearing, agenda, and staff report information: www.menlopark.org



CITY OF MENLO PARK
PLANNING DIVISION
701 LAUREL STREET
MENLO PARK, CA 94025

NEOPOST

FIRST-CLASS MAIL

02/22/2019

US POSTAGE \$000.50⁰⁰



ZIP 94025
041M11295580

KRAG RISE TR
OR CURRENT OCCUPANT
2198 AVY AVE
MENLO PARK, CA 94025

IMPORTANT PUBLIC MEETING NOTICE





NOTICE OF PUBLIC MEETING
CITY OF MENLO PARK PLANNING COMMISSION
MEETING OF DECEMBER 10, 2018

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Menlo Park, California, is scheduled to review the following item:

Use Permit Revision/Scott Erickson/2245 Avy Avenue:

Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round.

NOTICE IS HEREBY FURTHER GIVEN that said Planning Commission will hold a public meeting on this item in the Council Chambers of the City of Menlo Park, located at 701 Laurel Street, Menlo Park, California, on Monday, December 10, 2018, 7:00 p.m. or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon. If you challenge this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

The project file may be viewed by the public on weekdays between the hours of 7:30 a.m. and 5:30 p.m. Monday through Thursday and 8:00 a.m. to 5:00 p.m. on Friday, with alternate Fridays closed, at the Department of Community Development, 701 Laurel Street, Menlo Park. Please contact Matt Pruter, Associate Planner, at (650) 330-6703 or email at mapruter@menlopark.org if you have any questions or comments. Written correspondence is typically considered a public record and may be attached to staff reports, which are posted on the City's web site.

Si usted necesita más información sobre este proyecto, por favor llame al 650-330-6702, y pregunte por un asistente que hable español.

Visit our Web site for Planning Commission agenda and staff report information: <http://www.menlopark.org/> Agendas and staff reports are posted on the Thursday prior to a Planning Commission meeting. Hard copies of agendas and staff reports are available upon request.



CITY OF MENLO PARK
PLANNING DIVISION
701 LAUREL STREET
MENLO PARK, CA 94025

NEOPOST

FIRST-CLASS MAIL

11/20/2018

US POSTAGE \$000.47⁰



ZIP 94025
041M11295580

KRAG RISE TR
OR CURRENT OCCUPANT
2198 AVY AVE
MENLO PARK, CA 94025

IMPORTANT PUBLIC MEETING NOTICE

June 20, 2013

Meeting with the Traffic Divisions for Menlo Park and San Mateo County

Goals:

To work together to minimize the quantity, type of vehicles and reduce the speed.

Agenda:

Review the needs of the neighborhood.

Many schools for young children and kindergarten pick-up.

Neighborhood with mixed ages and mobility.

Pedestrians

Additional services on the corner of Avy Ave. and the Alameda has caused more congestion. (Starbucks, Post Office, Rehab Clinic, Yoga and Exercise Studios)

Review the facts:

History of lane reduction on the Alameda and resulting neighborhood roads used

Discuss the traffic count

Pet deaths, pedestrian injury and car accidents

Suggested Solutions:

Reduce traffic count

Lower and enforce speed

Declare West Menlo a School Zone with pedestrians young and old given priority.

Mandate car pooling for Private Schools and encourage safe walking routes to other Schools.

No trucks with the exception of School Bus, Fire Engine and specific deliveries.

Eliminate cut through traffic to 280 via Monte Rosa / Sand Hill

Make it illegal to turn right from Altschul to Avy Ave. from 7 a.m. to 9 a.m.

Menlo Park has implemented this on upper Santa Cruz Ave.



NOTICE OF APPLICATION SUBMITTAL

CITY OF MENLO PARK PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Division of the City of Menlo Park, California has received a formal application in **March 2013** for the following proposal:

Use Permit Revision/Phillips Brooks School/2245 Avy Avenue:
Request for a use permit revision to increase the student and staff population at an existing private school, from 276 to 320 students and from 50 to 58 staff, in the P-F (Public Facilities) district. The proposal includes associated amendments to the conditions of approval to allow the proposed school population increase until July 31, 2032.

The application will require review and action by the Planning Commission at a scheduled public meeting. The date of the public meeting has not yet been determined. Once the proposal is scheduled for a specific meeting date, a second notice will be mailed with specific information on the meeting date, time and place. The second notice will be mailed 15 days prior to the meeting date.

The project file may be viewed by the public on weekdays between the hours of 7:30 a.m. and 5:30 p.m. Monday through Thursday and 8:00 a.m. to 5:00 p.m. on Friday, with alternate Fridays closed, at the Community Development Department, 701 Laurel Street, Menlo Park, California.

If you have any comments or questions on this proposal, please call Jean Lin, Associate Planner, at (650) 330-6735 or email her at jplin@menlopark.org. The Planning Division encourages submittal of comments and questions by **April 26, 2013** in order for staff and the applicant to fully consider all comments and questions prior to the preparation of the staff report.



Si usted necesita más información sobre este proyecto, por favor llame al 650-330-6702, y pregunte por un asistente que hable español.



CITY OF MENLO PARK
PLANNING DIVISION
701 LAUREL STREET
MENLO PARK, CA 94025

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MADDEN JAMES S
OR OCCUPANT
2198 AVY AVE
MENLO PARK, CA 94025

IMPORTANT PUBLIC HEARING NOTICE

Jan. 16, 2013

Dr. Scott Erickson,

Thank you for your letter detailing the long range enrollment plans for Phillips Brooks School. I welcomed you at one of the first meetings you had to meet the community. I have and continue to be an advocate of the school and will not speak against the increased study body. I have another commitment on Jan. 22 and will not be able to attend your upcoming meeting. I would hope that my letter could be discussed at that time.

With continued concern for of neighbors getting in and out of their driveways and other events your impact should be minimized. Carpooling is also a good thing to do. It teaches sharing and allows for families to get to know each other better.

What I would ask your support for is to help decrease the cut-through traffic to 280. MANY vehicles use Altschul, Avy and Monte Rosa for shortcut access. This is a major problem for children walking or biking to La Entrada, your parents delivering children to the school as well as residents who would like to maintain a residential quality of life. This is a greater problem than your increased enrollment.

The difficulty is that the corner of San Mateo County and the City of Menlo Park meet at the corner of your school. Two traffic departments need to be involved. I ask you to discuss your concerns with both departments and use your influence to effect change. It will help the school and the neighborhood.

Sincerely,
Rise Krag
2198 Avy Ave.
Menlo Park, CA 94025
risekrag@aol.com





Serving Our Community Since 1902
500 Laurel St., Menlo Park, CA 94025

RE: Near by Accident at intersection
Avy & Altschul

9/30/14



In reply, please refer to our
File No.

I, Matt Barentsen an employee at West Bay sanitary. Witnessed a near accident involving a young boy crossing the busy intersection. Happened between the hour of 8:00am - 8:30am. If the boys mother, had not yelled at the incoming car there would have been a serious incident. There was no crossing guard present. We just so happened to be in the area, strategizing a plan to continue cleaning the sewer pipe lines. Perhaps there should be a safer strategy involving the school, that intersection of Avy and Altschul regarding the morning foot traffic.

Thanks,

Matt Barentsen

(408) 505-3481
CELL

		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Mid-Week Average	Weekend Max	Weekend Average
City	Avy Avenue between Zachary Court and Monte Rosa Drive	n/a	n/a	1/30/2013	1/31/2013	2/1/2013	2/2/2013	2/3/2013			
	Eastbound			1320	1477	1519	931	824	1399	1519	1091
	Westbound			1626	1711	1833	1189	1047	1669	1833	1356
	Total			2946	3188	3352	2120	1871	3067	3352	2448
City	Avy Avenue South of Altschul Avenue	n/a	n/a	1/30/2013	1/31/2013	2/1/2013	2/2/2013	2/3/2013			
	Eastbound			1940	2094	2125	1287	1117	2017	2125	1510
	Westbound			2232	2331	2410	1549	1329	2282	2410	1763
	Total			4172	4425	4535	2836	2446	4299	4535	3272
County	Avy Avenue between Altschul Avenue and ADLP	4/22/2013	4/23/2013	4/24/2013	4/25/2013	4/19/2013	4/20/2013	4/21/2013			
	Northeast	2073	1306	1595	1460	2096	1339	1209	1451	2096	1548
	Southwest	2323	3867	3419	1486	2365	1704	1560	3643	2365	1876
	Total	4396	5173	5014	2946	4461	3043	2769	5094	4461	3424
County	Altschul Avenue between Ashton Avenue and Gordon Avenue	12/17/2012	12/18/2012	12/19/2012	12/20/2012	12/14/2012	12/15/2012	12/16/2012			
	Northbound	10	22	9	5	33	2	7	16	33	14
	Southbound	998	1007	1085	296	649	547	464	1046	649	553
	Total	1008	1029	1094	301	682	549	471	1062	682	567
County	Altschul Avenue between Avy Avenue and Harkins Avenue	12/17/2012	12/18/2012	12/19/2012	12/20/2012	12/14/2012	12/15/2012	12/16/2012			
	Northbound	225	232	261	60	169	105	87	184	169	120
	Southbound	1571	1490	1569	344	909	909	762	1134	909	860
	Total	1796	1722	1830	404	1078	1014	849	1319	1078	980
County	Altschul Avenue between Gordon Avenue and Avy Avenue	4/22/2013	4/23/2013	4/24/2013	4/25/2013	4/19/2013	4/20/2013	4/21/2013			
	Northwest	20	19	36	27	17	12	8	28	17	12
	Southeast	1173	1174	1249	888	1267	666	579	1212	1267	837
	Total	1193	1193	1285	915	1284	678	587	1239	1284	850
County	Altschul Avenue between Harkins Avenue and Sharon Drive	12/17/2012	12/18/2012	12/19/2012	12/20/2012	12/14/2012	12/15/2012	12/16/2012			
	Northbound	62	31	29	15	75	37	18	30	37	28
	Southbound	1492	1450	1509	348	777	901	747	1480	901	824
	Total	1554	1481	1538	363	802	938	765	1510	938	852

City of Menlo Park

Transportation Division
701 Laurel St
Menlo Park, CA 94025

Site Code: 000000008864

Station ID:

Monte Rio Menlo Park Sand Hill

Latitude: 0' 0.000 Undefined

Northbound

Start Time	0	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace Speed	Number in Pace
12/03/08	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	13-22	2
02:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	17-26	1
03:00	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2	17-26	2
04:00	0	0	1	2	2	0	0	0	0	0	0	0	0	0	5	23-32	5
05:00	0	0	3	5	6	0	0	0	0	0	0	0	0	0	14	23-32	11
06:00	1	1	7	17	10	0	0	0	0	0	0	0	0	0	36	24-33	27
07:00	1	1	40	67	22	2	0	0	0	0	0	0	0	0	133	21-30	107
08:00	6	8	76	117	27	3	0	0	0	0	0	0	0	0	237	21-30	193
09:00	2	5	27	68	20	2	0	0	0	0	0	0	0	0	124	21-30	95
10:00	1	4	31	47	17	1	0	0	0	0	0	0	0	0	101	21-30	78
11:00	3	2	24	44	25	5	0	0	0	0	0	0	0	0	103	22-31	69
12 PM	2	3	36	46	12	1	0	0	0	0	0	0	0	0	100	21-30	82
13:00	3	10	31	31	10	0	0	0	0	0	0	0	0	0	85	21-30	62
14:00	4	9	31	44	9	1	0	0	0	0	0	0	0	0	98	21-30	75
15:00	3	8	46	47	12	0	0	0	0	0	0	0	0	0	116	21-30	93
16:00	3	4	43	66	14	2	0	0	0	0	0	0	0	0	132	21-30	109
17:00	2	4	26	48	17	1	0	0	0	0	0	0	0	0	98	21-30	74
18:00	1	0	17	33	13	1	0	0	0	0	0	0	0	0	65	21-30	50
19:00	0	1	10	17	2	1	0	0	0	0	0	0	0	0	31	21-30	27
20:00	1	0	1	9	4	1	0	0	0	0	0	0	0	0	16	25-34	14
21:00	0	0	4	5	4	1	0	0	0	0	0	0	0	0	14	22-31	10
22:00	0	1	0	4	5	0	0	0	0	0	0	0	0	0	10	28-35	9
23:00	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3	24-33	3
Total	33	61	457	719	234	22	0	1526									
Percent	2.2%	4.0%	29.9%	47.1%	15.3%	1.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	08:00	08:00	08:00	08:00	08:00	11:00										08:00	
Vol.	6	8	76	117	27	5										237	
PM Peak	14:00	13:00	15:00	16:00	17:00	16:00										16:00	
Vol.	4	10	46	66	17	2										132	



The PHILLIPS BROOKS SCHOOL

Dear neighbors,

I've had the opportunity to meet some of you at neighbor meetings since my arrival at PBS in July 2011. You're likely aware from local news that PBS recently updated its lease with the Las Lomas Elementary School District, our neighbor and landlord. For over three decades, we've enjoyed our relationships in the community and are pleased that we have a secure home on our beloved campus through 2032.

With this twenty-year horizon in mind, it is the school's responsibility to increase attention on its long-term health and vitality. PBS will soon submit an application to the City of Menlo Park to amend our Conditional Use Permit (CUP), which is regulated by the City of Menlo Park. It governs campus use, including the maximum number of students we are able to enroll. We are cleaning up the CUP to reflect our new lease provisions and to make a straightforward request to increase our enrollment cap modestly so that we can ensure long-term flexibility and address future needs. There will be no request for changes in our campus footprint or structure.

I'm writing to assure you that PBS will do everything we can to continue to minimize traffic issues in our neighborhood. We regularly assess and improve carpool guidelines and manage our traffic footprint. I'm also writing to emphasize that we're an independent school fully committed to our neighbors and community. We look forward to a continued and even enhanced partnership with our neighbors, which began with our founding in 1978.

We will be filing for the CUP amendment by the end of the month, so I wanted to reach out to you first and invite you to a neighbor meeting at PBS on Tuesday, January 22, at 6:00 pm. This gathering provides a forum for me to share more about this process and to address your questions. If you're unable to attend, please feel free to be in touch with me if you have any questions or concerns (serickson@phillipsbrooks.org; 650-854-4545 extension 111).

Thank you for your neighborly support and partnership to make our community vital and a welcome home to our children.

Sincerely,

Dr. Scott Erickson
Head of School

PETITION

to the Board of Supervisors, San Mateo County

We, the undersigned, are opposed to the development of a three story office building with underground parking for 250 +/- cars at 3500 Alameda de las Pulgas. We feel that some environmental review is necessary for any significant development proposed for this site so that negative impacts can be identified and either eliminated or mitigated. Issues that we feel need to be carefully reviewed include:

- building height, bulk and overall size
- use (Is a large office building appropriate for the neighborhood?)
- traffic on neighborhood streets
- site access

*Carol Ida 975 Monte Rosa Dr.
Jm*

Name / Address	Signature	Date
<i>CATHERINE REA 2210 AVE AVENUE THE PARK</i>	<i>Catherine Rea</i>	<i>June 9/98</i>
<i>EMIL V. REAL 2210 AVE AVE MENLO PARK</i>	<i>Emil V Real</i>	<i>6/9/98</i>
<i>BARBARA A. FOLEY 3220 AVE AVE MENLO PARK, CA 94025</i>	<i>Barbara N. Foley</i>	<i>6/4/98</i>
<i>Robert Foley 2220 AVE AVENUE MENLO PARK, CA 94025</i>	<i>Robert Foley</i>	<i>6/4/98</i>
<i>JOHN KELLETZ 860 MONTE ROSA MENLO PARK CA</i>	<i>John Kelletz</i>	<i>6/4/98</i>
<i>JERRY GWINN 925 MONTE ROSA MENLO PARK CA 94025</i>	<i>J. Gwinin</i>	<i>6/4/98</i>
<i>ROBERT W. HAWMAN 955 MONTE ROSA DR. MENLO PARK, CA 94025</i>	<i>Robert W. Hawman</i>	<i>6/4/98</i>
<i>RUSSELL BUTTOWS 2336 CREST</i>	<i>Russell Buttows</i>	<i>6/4/98</i>
<i>MARISA ESPINOSA</i>	<i>Marisa Espinosa</i>	<i>6/4/98</i>
<i>DIANE RUTLEY 980 MONTE ROSA DR. MENLO PARK, CA 94025</i>	<i>Diane Rutley</i>	<i>6/4/98</i>

ALAMEDA STREETScape TASK FORCE

NAME	ADDRESS	PHONE / E-MAIL
Leslie Wambach	2161 Avy Ave.	854-6612 (h&w) lwambach@yahoo.com
Laurent Pacalin	2161 Avy Ave.	lpacalin @ us.oracle.com
Bill Kirsch	1191 Sherman Ave.	854-6505 (h) 462-1888 (w) BILLMENLO@aol.com
Steve Cohen	1200 Sherman Ave.	854-4795 (h) 833-2049 (w) scohen@GCWF.com
Võ Le	2124 Gordon Ave.	233-8995 (h) 786-0938 (w) vole@evg.sun.com
Martha & George Oetzel	1145 Altschul	854-2385 (h) 859-3935 (w-G)
Gail Sredanovic	2161 Ashton Ave.	854-0344 (h & w)
Heather Titterton	2169 Cedar Ave.	854-4834 (h)
Hal Javitz	2191 Ashton Ave.	854-0780 (h)
Bobbie Potter	2180 Ashton Ave.	854-5179 (h)
Sylvia Brainin	2031 Ashton Ave.	233-2796 (h)
Tom Kane	1250 Altschul	854-2912 (h)
Francis Morgan	2161 Mills Ave.	854-3232 (h)
Scott Hayashi	2150 Ashton Ave.	854-7826 (h)
Lieve Mertens	2181 Avy Ave.	233-2712 (h)
<u>Sidney & Linda Leibes</u>	<u>98 Monte Vista Ave. Atherton 94027</u>	<u>321-0898 (L) 322-4719 (S)</u>
Jim Meola	PO Box 7428 Menlo Park CA	854-1140 (w)

Rise Krag	2198 Avy Ave.	854-6888 (h) risekrag@aol.com
Carmen D. Contreras	2051 Monterey Ave.	854-6253 (h)
Charles Brock	1161 Orange Ave.	854-4898 (h)
Andrew Barada	3115 Alameda de las Pulgas	854-9442 (h)
Michael McDonald	1330 Sherman Ave.	233-1932 (h) mmcdonald@us. oracle.com
Greg Nugent	1365 Cloud Ave.	gregn@synopsys.com
Ken & Rita Turkowski	1245 Sherman Ave.	854-0170 (h)
Carol Maibach	2131 Sterling Ave.	854-1486 (h)
Barbara Kalhammer	2176 Sharon Rd.	854-1110 (h) (916) 525-6043 fax 854-7117
Martin Carnoy	2378 Branner Dr.	854-0253 (h)
Bill Grimm	2139 Oakley Ave.	854-5138 (h)
Thomas Mein	2180 Avy Ave.	854-6900 (h) 323-2793 (w)
Marion Goodkind	1190 Cloud Ave.	854-4109 (h)
Debbie Rogers	2160 Avy Ave.	854-3795 (h)
Gary Ott	2138 Gordon Ave.	854-5818 (h)
Andrew Goodman	2171 Avy Ave.	233-9332 (h)

Merchant Supporters:

Double Rainbow Café
The Dutch Goose
SCORE

POK

June 20, 2013

Meeting with the Traffic Divisions for Menlo Park and San Mateo County

Goals:

To work together to minimize the quantity, type of vehicles and reduce the speed.

Agenda:

Review the needs of the neighborhood.

Many schools for young children and kindergarten pick-up.

Neighborhood with mixed ages and mobility.

Pedestrians

Additional services on the corner of Avy Ave. and the Alameda have caused more congestion. (Starbucks, Post Office, Rehab Clinic, Yoga and Exercise Studios)

Review the facts:

History of lane reduction on the Alameda and resulting neighborhood roads used for cut through traffic.

Discuss the traffic count

Pet deaths, pedestrian injury and car accidents

Suggested Solutions:

Reduce traffic count- Current efforts of speed bumps on Monte Rosa and timed lights on the Alameda are insufficient.

Lower and enforce speed

Declare West Menlo a School Zone with pedestrians young and old given priority.

Traffic Guards on Avy Ave. and Altschul.

Mandate car pooling for Private Schools and encourage safe walking routes to other Schools.

No trucks with the exception of School Bus, Fire Engine and specific deliveries.

Eliminate cut through traffic to 280 via Monte Rosa / Sand Hill

Make it illegal to turn right from Altschul to Avy Ave. from 7 a.m. to 9 a.m.

Menlo Park has implemented this on upper Santa Cruz Ave.

WEST MENLO SCHOOLS

ENTRADA

(B) LAS LOMITAS - 1011 ALTSCHEL AVE.
854-6311

(A) PHILLIPS BROOKS - 2245 AVE AVE
854-4545

(C) LAS LOMITAS - (~~ATHERTON~~) - Alameda Camino al Lago #
1011 ALTSCHEL

(D) LITTLEST ANGELS - AVE & CLOUD
PRESCHOOL
1095 AVE

(F) TRINITY SCHOOL 2650 Sand Hill Rd. M.P.

(E) UNIVERSITY HEIGHTS MONTESSORI SCHOOL

not only quantity ^{of traffic} but the recklessness that
concerns us.

speed
ignoring one way
not stopping at stop sign
large vehicles - should not be on alt side.
East side of road is full.

↓
gas tanker
sidewalk cracks - been stable many years.
my house - only what comes. never shakes.

Arsenal of Text book choices to calm, divert and
Over due for Solutions ^{control traffic} and
↑
Real.

April 20, 2008

Dean Peterson
Environmental Health -San Mateo County
455 County Government Offices - 4th Floor
Redwood City, CA 94063

Mr. Peterson:

The residents of University Heights, the small residential neighborhood in West Menlo Park, bordering Sharon Heights and Atherton are asking for an immediate change in the construction hours to reflect those of our neighbors. (Monday-Friday 8-5, no weekends or holidays.)

We have lived through 2 years of heavy construction of Phillips Brooks School on Avy Ave and Altschul, and now a flurry of residential projects on Avy, Gordon and Altschul are underway. The workmen seem to choose their own hours and days. Yesterday and today, Sunday April 20, there has been work on a neighboring house (2190 Avy). Workers have been starting as early as 6:30 and finishing at 7. (Gordon).

Clearly, we are entitled to the same rights as our neighbors. Please advise.

Sincerely,

April 15, 2007

Bruce Goita
Chief of Police
Menlo Park, CA

Dear Chief Goita,

Thank you and Officer Crutchfield for observing the intersection of Avy Ave. and Altschul last week.

This intersection has grown increasingly busy over the years and seems to get disproportionate use for a little neighborhood. We have expressed our concern to both the County and the City over the years. As you know, two schools share this corner; La Entrada and Phillips Brooks. Additionally, there are two kindergarten pick-up sites on Altschul for Las Lomas Elementary School.

Increasingly, it seems that this route is also being used as a short cut for 280. This vehicular convergence makes it dangerous for children to walk or ride their bikes to school.

Goals:

Altschul be made off limits to most commute and cut-through traffic. Altschul's primary use should be for pedestrians and a safe bike route. 280-bound traffic needs to be directed to Sand Hill Rd. Menlo Park and San Mateo County need to work together to reduce traffic.

Specific suggestions include the following:

- Carpooling to school;
- Enforcing the "No Trucks" sign posted at Avy and Altschul;
- Making it illegal to turn right from Altschul onto Avy toward Sharon Heights from 7a.m. to 9 a. Am.;
- Make it illegal to turn right on Monte Rosa from Avy from 7a.m. to 9 am; and,
- Provide Police presence to catch the cars that disregard the stop signs and the new traffic rules.

Sincerely,

James Madden & Risë Krag
2198 Avy Avenue, Menlo Park, 94025

Dec. 21, 1998

Dear Rich Gordon,

Thank you for including me in the mailings for West Menlo Park issues. I attended an earlier meeting but was unable to attend Dec. 17, due to a sick child. **West Menlo has a unique situation of having three schools within it's boundaries; Las Lomas Elementary, Phillips Brooks elementary and La Entrada Middle School.** The latter two share boundaries at Avy and Altschul. At this same corner is a bus stop where many Menlo Atherton high school students are waiting for a ride to school.

My main concern in this planning process is for the safety of our children. Many walk or ride their bikes to school. This occurs when hundreds of cars are rushing through this area as a shortcut to 280. This traffic must be encouraged to use Sand Hill Rd. Signs should state: School Zone-through traffic use Sand Hill Rd.

Recently there was a measuring device on Avy between the Alameda and Altschul. Would you please let me know what the vehicle count was? I live on the corner and I'm aware of cars running the stop sign on Altschul and Avy every morning and late afternoon. Several weeks ago a pedestrian was hit on Avy near the Alameda. A arrived after the incident so I don't know the details, but there were three police cars, and officers interviewing people.

If we could start over on the Alameda I would wish for a wide sidewalk, and no parking on the Alameda. It is dangerous to back up into traffic, and it is hard to know where people are turning into lots. All parking should be behind the stores in an ideal situation.

There is enough interest in the neighborhood to support retail. West Menlo feels like a community and people would prefer to walk to shops. Office space that catered to neighborhood services would also be favorable. There is also need for another family restaurant besides pizza and burgers. The old drugstore would be ideal but parking is sure to be an issue.

Again, thank you for listening to neighborhood viewpoints. AT the last meeting I attended, a woman who owned a commercial building accused residents of not having a vested interest, Nothing could be farther from the truth. We have our biggest investment here; our homes and our families.

Sincerely,

Risë Krag



STAFF REPORT

City Council
Meeting Date: 4/9/2019
Staff Report Number: 19-064-CC

Regular Business: **Review overall effectiveness of existing red light photo enforcement program and authorize the city manager to execute a five-year agreement not-to-exceed \$234,000 annually with Redflex Traffic Systems, Inc. to continue the red light photo enforcement program**

Recommendation

Staff recommends the City Council

1. Review the overall effectiveness of the City's existing red light photo enforcement program,
2. Accept the results of the request for proposals for a red light photo enforcement program, and
3. Authorize the city manager to execute a five (5) year agreement not to exceed \$234,000 annually between the City of Menlo Park and Redflex Traffic Systems, Inc. for a red light photo enforcement program.

Policy Issues

The proposed action is consistent with the City's focus on public safety.

Background

Redflex Traffic Systems, Inc. has been the sole provider of red light photo enforcement services within the City of Menlo Park since the program's inception in December 2006.

On August 20, 2013, the City Council approved an agreement with Redflex Traffic Systems, Inc., for a photo red light enforcement program at five (5) different approaches throughout the City. The five (5) year agreement began in 2013 and included the installation of one additional camera at the intersection of Bayfront Expressway and Chilco Street. The contract expired August 30, 2018. Since then the program has been operating under two short-term extensions. The current extension will expire April 30.

On October 23, 2018, the City Council requested a review of the existing red light photo enforcement program and a request for proposal (RFP) process to identify additional vendors willing to provide red light photo enforcement within the City of Menlo Park.

Analysis

The purpose of the red light enforcement cameras (RLCs) is to increase traffic safety by reducing the number and severity of traffic collisions and to increase driver awareness of the hazards associated with unsafe driving in and around signal-controlled intersections.

Locations are selected based on a variety of concerns including, but not limited to, collision data, complaints from the public and the ability of officers to safely conduct enforcement activities.

City of Menlo Park Red Light Camera Locations

1. Westbound Bayfront Expressway and Willow Road (left turn)
2. Northbound El Camino Real (ECR) and Ravenswood Avenue (through lanes and left turn)
3. Southbound ECR and Ravenswood Avenue (through lanes, right and left turns)
4. Northbound ECR and Glenwood Avenue (through lanes, right and left turns)
5. Westbound Bayfront Expressway and Chilco Street (through lanes and left turn)

Red light camera violation process

A potential red light camera violation incident is triggered when a camera at an enforced approach detects a possible red light violation. The camera captures 3 - 4 images. These images include a picture of the driver and pictures of the suspect vehicle. A 12-second video is included in each incident packet as well. The video captures the vehicle six (6) seconds before the incident and six (6) seconds following the incident. The incident packet (pictures and video) are sent electronically to the red light camera-processing center.

The vendor examines the incident in a three (3) stage process. During the first stage, the vendor determines if the incident is indeed a red light violation. If the incident is determined to be a violation, the vendor matches the vehicle and driver to California Department of Motor Vehicle (DMV) records during the second stage of screening. During the third stage a different employee reviews and confirms that a red light violation was captured and that the DMV information is accurate and matched correctly. The violation is then forwarded to the Menlo Park Police Department for internal review and independent verification.

The red light camera program specialist, a police department staff member, reviews the incident and determines the validity of the citation. When the police department employee authorizes a violation, the vendor mails a notice of violation to the driver. The violator can either pay the fine or contest the citation via a written declaration or a court hearing. The violator also has the option to identify another individual as the driver at the time of the violation. In this case, and only upon match confirmation, a citation is issued to the identified driver.

The red light camera program specialist's duties include reviewing violations, preparing documentation for court, court appearances, answering written and telephone questions, violation nominations, requests for appointments to view violation videos, and follow up to letters of inquiry and correspondence from the court. Staff also responds to requests for informal discoveries from attorneys or violators. Compiling evidentiary packets for "trials by written declaration" requires significant staff time. The red light photo program specialist is a budgeted full time civilian position (1 FTE) who reports to the traffic sergeant. Court appearances typically require eight (8) hours of staff time each week not including travel time to and from South San Francisco for court appearances four days a week.

Traditional traffic enforcement in Menlo Park

Patrol personnel conduct traffic enforcement when possible and as part of their normal daily patrol duties. These enforcement efforts include issuing citations for observed violations, high visibility patrol in school zones or other known areas with of increased vehicular traffic and pedestrian volume, and responding to complaint areas reported by members of the community. While patrol officers are on duty within the City 24 hours a day, targeted traffic enforcement is done strategical throughout a patrol shift to provide the most favorable impact on community safety.

As staffing has allowed, the police department has had as many as five full-time traffic enforcement officers on motorcycles. Traffic officers are provided specific training on impactful traffic enforcement, traffic collision

investigations and commercial vehicle enforcement. The main function of traffic officers is vehicle code education and enforcement. Traffic officers traditionally work during the morning and evening commute hours addressing a number of specific issues including complaint areas, locations with recent increases in collisions, or areas where statistical data has shown enforcement would be most impactful to overall traffic safety. Currently, the police department has a sergeant and one officer assigned full time to the traffic enforcement team. Three additional traffic enforcement officer positions are expected to be filled within this year. This is the first time in almost five years that staffing has allowed us the opportunity to dedicate any personnel to full time traffic enforcement in the City.

While intersections equipped with red light photo enforcement do provide static enforcement of red light violations 24 hours a day, a dedicated traffic officer can provide enforcement for a variety of traffic related issues throughout the entire city every day.

2013-2018 Traffic collision statistics – intersection with RLC

Table 1: 2013-2018 Traffic collision statistics – intersection with RLC						
Year	ECR / Ravenswood	Chilco / Bayfront	Willow / Bayfront	Glenwood / ECR	Total*	
2013	5	4	11	3	23 (391)	
2014	5	6	14	3	28 (356)	
2015	8	6	10	0	24 (354)	
2016	6	4	20	5	35 (427)	
2017	10	13**	20	3	46 (391)	
2018	5	8	16	0	29 (355)	
Total	39	41	91	14	185 (2,274)	

* The numeric value in parenthesis represents the total number of reported collisions within the City of Menlo Park for that calendar year.

** Red light photo enforcement installation operational January 13, 2017.

RLC issued citations and violator characteristics

Approximately 95 percent of violators cited for RLC violations in Menlo Park are one-time offenders. Only 5 percent of violators were cited two (2) or more times.

Table 2: RLC issued citations and violator characteristics			
Citations received	No. of violators	Percentage of violators	
4+	32	0.16%	
3	106	0.53%	
2	1,001	5.03%	
Total	1,139	5.72%	

On average, 13 percent of vehicles cited by red light cameras at City enforced intersections are issued to vehicles registered to an address with a 94025 or 94026 ZIP code. Eighty-seven percent are from vehicles outside of Menlo Park. Data provided by Redflex for the RCL intersections.

Table 3: Data provided by Redflex for the RCL intersections			
Year	Total RLC citations	Traffic volume in RLC intersections	Citation percentage
2014	3,360	16,639,653	0.02%
2015	4,072	16,621,363	0.02%
2016	4,032	20,341,900	0.02%
2017	3,795	23,688,827	0.02%
2018*	3,201	13,556,671*	0.02%

*Through July 31, 2018

On March 1, the City released a request for proposals seeking responses from qualified firms for the red light photo enforcement program. The City received one response before the proposal submission deadline of March 29. The sole proposal received was from Redflex Traffic Systems, Inc.

Request for proposals (RFP)

The RFP was published on the City’s website and electronic notifications sent March 1. Additionally, specific email notifications were sent to five vendors known to provide red light photo enforcement services.

Two potential vendors indicated that a two-week proposal window was not sufficient time to complete a comprehensive proposal and / or presented a challenge to non-incumbents from participating in the process. At their request the closing date was extended from March 15 to March 29. Despite this accommodation, we received only one proposal from Redflex Traffic Systems, Inc. in response.

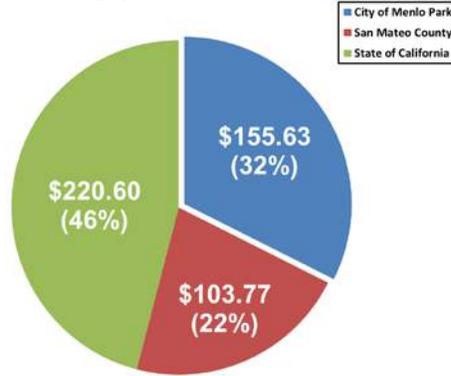
Redflex traffic systems proposal

Redflex Traffic Systems, Inc. proposes to maintain our current internal service commitment level, provide for some installation equipment and technology upgrades with a monthly combined five-installation price of \$19,500, or \$234,000 annually. This is a 25 percent reduction of our current fee of \$26,000 for the five existing installations. The full proposal is provided as Attachment A.

Impact on City Resources

A fully paid citation equals \$480 and this fine is set by the State of California. The City of Menlo Park receives only \$155.63 from each fully paid citation and an equal percentage (32.4 percent) for fines adjusted by the courts. For example, an adjusted citation commonly means a reduced fine or even a conversion to community service.

Distribution of fully paid \$480 red light violation citation



Since the red light cameras became operational, revenue generated from the red light camera program has exceeded expenditures in each year of operation. The City has not subsidized the program.

Table 4: Revenues, expenditures and net revenue

	Fiscal year 2013-14	Fiscal year 2014-15	Fiscal year 2015-16	Fiscal year 2016-17	Fiscal year 2017-18
Revenue	460,478	507,342	544,485	457,270	\$461,306
Expenditures	333,633	381,051	358,974	397,485	\$437,285
Net revenue	126,845	126,291	185,511	59,785	\$24,021

Equipment service and maintenance along with Police Department staffing make up the bulk of program expenditures. Current staffing costs are approximately \$125,000 annually.

The red light camera program supplements and enhances public safety efforts by providing twenty-four (24) hour red light enforcement at monitored approaches.

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 is a minor 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. Redflex Traffic Systems, Inc. 2019 red light photo enforcement system proposal

Report prepared by:
William A. Dixon, Commander

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STAFF REPORT

City Council

Meeting Date: 4/9/2019

Staff Report Number: 19-063-CC

Regular Business: Approval of bonus for City Attorney William L. McClure

Recommendation

Approve a one-time cash bonus in the amount of \$9,000 to City Attorney William L. McClure.

Policy Issues

The City Council retains sole discretion in the hiring, evaluation, and compensation of the city attorney and city manager.

Background

The City Council completed a review of Mr. McClure's performance in closed session February 26 and March 5. As a result of their review, the City Council directed staff to return with an agenda item in open session to approve a seventh amendment to the agreement of services for City Attorney William L. McClure. Mr. McClure is a part-time employee of the City and the amendment to his contract March 12 increased his compensation from \$120,000 per year to \$132,000 per year, Attachment A. As an additional consideration in their closed session evaluation of Mr. McClure, the City Council provided direction to staff to explore a one-time bonus to Mr. McClure, as disclosed in the March 26 report.

Analysis

In their closed session March 26, the City Council provided direction to staff to prepare this report to award Mr. McClure a one-time bonus of \$9,000. The City Council has historically awarded bonuses to the city manager position and the City Council has also authorized the city manager to award bonuses up to \$20,000 to unrepresented management positions. Mr. McClure's performance was tentatively scheduled to be reviewed by City Council in closed session September 18, 2018, along with the city manager annual evaluation. The September 18, 2018 City Council meeting was canceled, and the city manager announced his resignation the following week. Mr. McClure's review was placed on hold and no salary increase was provided to Mr. McClure until March 1. Mr. McClure's institutional knowledge was a stabilizing factor during the five month transition to a new permanent city manager, particularly in the area of land use matters. As a one-time bonus, Mr. McClure's pensionable wages will not be effected and the terms of his contract will not change.

Impact on City Resources

There is sufficient funding to cover Mr. McClure's bonus in the adopted fiscal year 2018-19 budget.

Public Notice

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

Attachments

A. Seventh amendment to agreement for services of city attorney

Report prepared by:

Lenka Diaz, Administrative Services Director

SEVENTH AMENDMENT TO AGREEMENT FOR
SERVICES OF CITY ATTORNEY

This Seventh Amendment to Agreement for Services of City Attorney is made with respect to that certain Agreement for Services of City Attorney ("Agreement") dated effective September 7, 1993, as previously amended in 2000, 2002, 2005, 2007, 2011, and 2016, by and between the City of Menlo Park ("City") and William L. McClure ("Attorney"). The parties now desire to, and do hereby agree to, amend said Agreement as follows:

1. Effective with the first pay period commencing after March 1, 2019, Attorney's salary shall be increased to Eleven Thousand Dollars (\$11,000.00) per month.
2. Effective March 1, 2019, except for legal services on development projects where the costs are reimbursed by applicants as provided in paragraph 3 of this Amendment, Attorney's firm shall be paid \$250.00 per hour for legal services provided by Attorney, other partners and "of counsel" attorneys within Attorney's firm, \$225.00 per hour for legal services performed by associates of the firm, and \$125.00 per hour for services performed by paralegals, law clerks and legal assistants, after City is credited the sum of \$11,000 per month against billings for the month for Attorney's salary.
3. Effective March 1, 2019, with respect to legal services provided to City for development projects processed by the Community Development Department for which City is reimbursed by the applicant/property owner (other than single family home projects involving a single housing unit), Attorney's firm shall be paid \$400.00 per hour for legal services provided by Attorney, other partners and "of counsel" attorneys within Attorney's firm, \$275.00 per hour for legal services performed by associates of the firm, and \$145.00 per hour for services performed by paralegals, law clerks and legal assistants.
4. Except as modified herein, all of the remaining terms and provisions as previously modified, shall remain in full force and effect.

CITY OF MENLO PARK

By: 
Mayor

Attest:


City Clerk
William L. McClure

SIXTH AMENDMENT TO AGREEMENT FOR SERVICES OF CITY ATTORNEY

This Sixth Amendment to Agreement for Services of City Attorney is made with respect to that certain Agreement for Services of City Attorney ("Agreement") dated effective September 7, 1993, as previously amended in 2000, 2002, 2005, 2007 and 2011, by and between the City of Menlo Park ("City") and William L. McClure ("Attorney"). The parties now desire to, and do hereby agree to, amend said Agreement as follows:

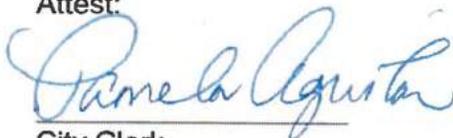
1. Effective with the pay period commencing October 2, 2016, Attorney's salary shall be increased to \$10,000.00 per month.
2. Effective October 1, 2016, except for legal services on development projects where the costs are reimbursed by applicants as provided in paragraph 3 of this Amendment, Attorney's firm shall be paid \$225.00 per hour for legal services provided by Attorney and other partners within Attorney's firm, \$200.00 per hour for legal services performed by associates of the firm, and \$110.00 per hour for services performed by paralegals, law clerks and legal assistants, after City is credited the sum of \$11,500 per month against billings for the month as a partial for salary and benefit costs.
3. Effective October 1, 2016, with respect to legal services provided to City for development projects processed by the Community Development Department for which City is reimbursed by the applicant/property owner (other than single family home projects involving a single housing unit), Attorney's firm shall be paid \$350.00 per hour for legal services provided by Attorney and other partners within Attorney's firm, \$240.00 hour for legal services performed by associates of the firm, and \$125.00 per hour for services performed by paralegals, law clerks and legal assistants.
4. Except as modified herein, all of the remaining terms and provisions, shall remain in full force and effect.

Dated: October 11, 2016

CITY OF MENLO PARK

By: 
Mayor

Attest:


City Clerk


William L. McClure

FIFTH AMENDMENT TO AGREEMENT FOR SERVICES OF CITY ATTORNEY

This Fifth Amendment to Agreement for Services of City Attorney is made with respect to that certain Agreement for Services of City Attorney ("Agreement") dated effective September 7, 1993, as previously amended in 2000, 2002, 2005 and 2007, by and between the City of Menlo Park ("City") and William L. McClure ("Attorney"). The parties now desire to, and do hereby agree to, amend said Agreement as follows:

1. Effective with the pay period ending July 2, 2011, City shall deduct as an after tax item from Attorney's Monthly Salary/Retainer, one half of the amount by which City's Public Employees' Retirement System (CalPERS) employer rate for miscellaneous employees exceeds a 15.850% threshold in accordance with the City's Management Benefit Plan for other non-represented management employees of the City. For 2011-2012 this share is calculated as $16.090\% - 15.850\% / 2 = 0.11\%$ of earnings subject to CalPERS. The amount of Attorney's contribution/deduction to the City's CalPERS rate shall be adjusted annually without further amendment of this Agreement when the City's CalPERS employer rate for miscellaneous employees is adjusted.

2. Effective July 1, 2011, solely with respect to legal services provided to City for development projects processed by the Community Development Department for which City is reimbursed by the applicant/property owner (other than single family home projects involving a single housing unit), Attorney's firm shall be paid \$300 per hour for legal services provided by Attorney and other partners within Attorney's firm, \$240 per hour for other attorneys in Attorney's firm and \$100 per hour for law clerks/paralegals/legal assistants.

3. Except as modified herein, all of the remaining terms and provisions, including but not limited to the hourly rates paid for other legal services and the monthly credit for the monthly retainer as set forth in the Fourth Amendment, shall remain in full force and effect.

CITY OF MENLO PARK

By: 
Mayor

Attest:


City Clerk


William L. McClure

**FOURTH AMENDMENT TO AGREEMENT FOR
SERVICES OF CITY ATTORNEY**

This Fourth Amendment to Agreement for Services of City Attorney is made with respect to that certain Agreement for Services of City Attorney ("Agreement") dated effective September 7, 1993, as amended in 2000, 2002 and 2005, by and between the City of Menlo Park ("City") and William L. McClure ("Attorney"). The parties now desire to, and hereby agree to, amend said Agreement as follows:

- 1 Attorney is hereby granted a salary increase of 4.7% to \$9,000 per month retroactive to July 1, 2007.
2. Effective August 1, 2007, Attorney's firm shall be paid \$200 per hour for all legal services provided by Attorney and other partners within Attorney's firm, \$185 per hour for other legal attorneys in Attorney's firm and \$85 per hour for law clerks/paralegal/legal assistants, after City is credited \$10,650 per month for the retainer paid to Attorney each month. These rates shall be utilized for all billings to the City for Retainer Services and Non-Retainer Services alike.
- 3 Except as modified herein, all of the remaining terms and provisions shall remain in full force and effect.

Dated: August 28, 2007

CITY OF MENLO PARK

By

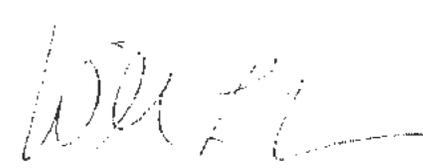

Kelly Ferguson, Mayor

ATTEST


Filia Vonderlinden, City Clerk

9:00 P.M.

Dated: August 28, 2007


William L. McClure

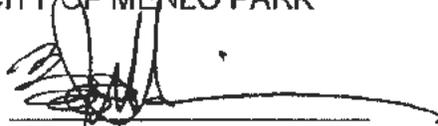
**THIRD AMENDMENT TO AGREEMENT FOR
SERVICES OF CITY ATTORNEY**

This Third Amendment to Agreement for Services of City Attorney is made with respect to that certain Agreement for Services of City Attorney ("Agreement") dated effective September 7, 1993, as amended in 2000 and 2002, by and between the City of Menlo Park ("City") and William L. McClure ("Attorney"). The parties now desire to, and do hereby agree to, amend said Agreement as follows:

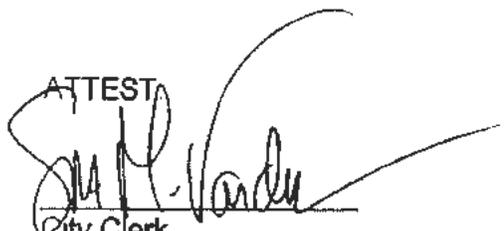
1. Attorney is hereby granted a salary increase of 2.5% retroactive to July 1, 2005.
2. Effective December 1, 2005, Attorney's firm shall be paid \$185 per hour for all legal services provided by Attorney and other partners within Attorney's firm, \$170 per hour for other attorneys in Attorney's firm and \$80 per hour for law clerks/paralegals/legal assistants, after City is credited \$9,850 per month for the retainer paid to Attorney each month. These rates shall be utilized for all billings to the City for Retainer Services and Non-Retainer Services alike.
3. Except as modified herein, all of the remaining terms and provisions shall remain in full force and effect.

Dated: December 19, 2005

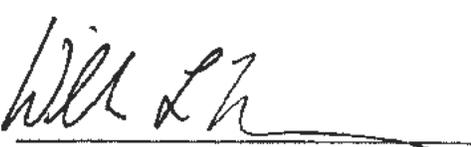
CITY OF MENLO PARK

By: 
Mayor

ATTEST


City Clerk

Dated: Dec. 19, 2005

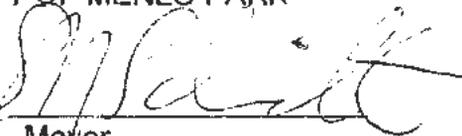

William L. McClure

SECOND AMENDMENT TO AGREEMENT FOR
SERVICES OF CITY ATTORNEY

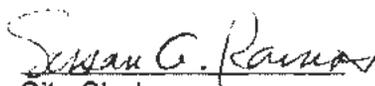
This Second Amendment to Agreement for Services of City Attorney is made with respect to that certain Agreement for Services of City Attorney ("Agreement") dated effective September 7, 1993, as amended effective June 1, 2000, by and between the City of Menlo Park ("City") and William L. McClure ("Attorney"). The parties now desire to, and do hereby agree to, amend said Agreement as follows:

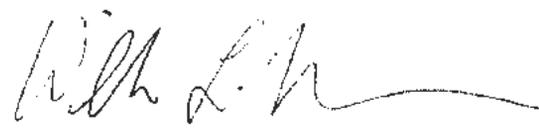
1. Attorney is hereby granted a salary increase of 4.5% retroactive to January 1, 2002.
2. Effective April 1, 2002, Attorney's firm shall be paid \$165 per hour for Attorney and other attorneys within Attorney's firm and \$80 per hour for law clerks/paralegals/legal assistants for Retainer Services, after City is credited \$9,000 per month for the first 60 hours of Retainer Services per month provided by Attorney and/or others within his firm.
3. Effective April 1, 2002, Attorney's firm shall be paid \$175 per hour for Attorney and/or Attorney's partners and \$155 per hour for other attorneys in Attorney's firm, and \$80 per hour for law clerks/paralegals/legal assistants for Non-Retainer Services provided to City.
4. Except as modified herein, all of the remaining terms and provisions shall remain in full force and effect.

CITY OF MENLO PARK

By: 
Mayor

Attest:


City Clerk


William L. McClure

#212
433

AMENDMENT TO AGREEMENT FOR
SERVICES OF CITY ATTORNEY

This Amendment to Agreement for Services of City Attorney is made with respect to that certain Agreement for Services of City Attorney ("Agreement") dated effective September 7, 1993, by and between the City of Menlo Park ("City") and William L. McClure ("Attorney").

Whereas, the Agreement between City and Attorney has not been amended or updated since 1993; and

Whereas, the compensation of Attorney set forth in the Agreement has not been modified since the effective date of the Agreement; and

Whereas, the services and time commitment required of Attorney have increased over the term of the Agreement without a commensurate increase in compensation; and

Whereas, the parties desire to modify and amend the Agreement as herein after set forth.

NOW, THEREFORE, THE PARTIES AGREE TO AMEND THE AGREEMENT EFFECTIVE JUNE 1, 2000, AS FOLLOWS:

1. Paragraph 4 a. of the Agreement is amended to provide that Attorney shall be paid a monthly salary of Seven Thousand Five Hundred Dollars (\$7,500) for providing the first (sixty) 60 hours of basic Retainer Services each month. All of the remaining terms and provisions of that Paragraph shall remain the same.

2. A new Paragraph 4 b. is hereby added to the Agreement (with the remaining subparagraphs re-lettered), as follows:

"4 b. In the event Attorney (and/or other attorneys or law clerks/paralegal staff under Attorney's direction) put in more than a total of sixty (60) hours for Retainer Services in a month, Attorney's firm shall be paid for such additional time on the basis of the following rates: \$160 per hour for Attorney and other attorneys in Attorney's firm and \$75 per hour for law clerks/paralegal staff. Such services shall be paid for as independent contractor services and not as employment compensation."

3. Paragraph 4 c. (formerly 4 b) is amended to provide that Non-Retainer Services will be compensated at the regular discounted government rate for Attorney's Firm, as those rates may be adjusted from time to time with not less than thirty (30) day's prior written notice to the City Manager and City Council. As of the effective date of this Amendment, such rates are as follows: \$170 per hour for Attorney and/or Attorney's partners; \$150 per hour for other attorneys in Attorney's Firm (associates and of-counsel); \$100 per hour for research attorneys; and \$75 per hour for law clerks/paralegal staff.

4. Paragraph 7 is amended to provide that Attorney shall use his discretion in delegating work to be performed by attorneys and staff within his firm to provide the best and most cost effective service to the City. Attorney may utilize the services of other attorneys to attend Planning Commission and certain other meetings on a routine basis with the approval of the City Manager. Notwithstanding the foregoing, all services shall be performed under the direction and control and shall be the responsibility of Attorney.

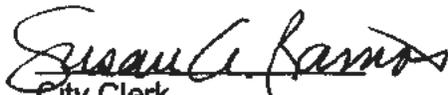
5. Attorney and City shall endeavor to review the terms of this Agreement at least every two years. Either party may request a review at any time.

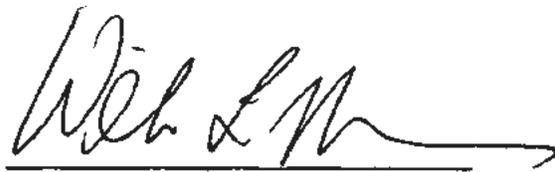
6. Except as modified herein, all of the remaining terms and provisions shall remain in full force and effect.

CITY OF MENLO PARK

By: 
Mary Jo Borak, Mayor

Attest:


City Clerk


William L. McClure

AGREEMENT FOR SERVICES OF CITY ATTORNEY

This Agreement is effective on Sept. 7, 1993, and is made by and between the CITY OF MENLO PARK, a Municipal corporation ("CITY") and WILLIAM L. McCLURE ("Attorney").

RECITALS

WHEREAS, pursuant to California Government Code section 36505, the City Council of CITY may appoint a City attorney; and

WHEREAS, pursuant to Resolution No. 4435, the City Council of CITY appointed Attorney to act as the Interim City Attorney with full power and authority to act as City Attorney until the appointment of a City Attorney; and

WHEREAS, the City Council of CITY wishes to retain and appoint Attorney to act as the City Attorney and to provide legal services to CITY in accordance with the terms and provisions of this Agreement; and

WHEREAS, Attorney wishes to act as the City Attorney and to provide such legal services in accordance with the terms and provisions of this Agreement.

NOW, THEREFORE, it is agreed as follows:

1. Designation of City Attorney. Attorney is hereby appointed as the City Attorney for the CITY. Attorney is also appointed as counsel for the Community Development Agency of the CITY ("Agency").

2. Scope of Legal Services to be Provided by Attorney.

a. The following legal services shall be provided to CITY by Attorney or under the direction and supervision of Attorney without additional compensation as a part of the monthly CITY retainer to be paid to Attorney ("Retainer Services"):

(1) Attendance at all regular and special City Council meetings, study sessions, and Agency Board meetings;

(2) Attendance at all Planning Commission meetings (attendance at Planning Commission study sessions upon request only);

(3) Attendance on occasion at other Board and Commission meetings upon request;

(4) Routine legal advice, consultation and opinions to the City Council, City Manager, and Staff on general municipal

matters, including but not limited to areas such as land use, CEQA, general municipal law, civil and criminal enforcement, tort liability, and risk management;

(5) Preparation/review of all proposed ordinances, resolutions, contracts, and related documents pertaining to CITY's business except M.O.U.'s and except as otherwise provided in Paragraph 2b;

(6) Review and advice regarding notices of preparation, draft negative declarations and administrative drafts of EIR's for CITY/Agency projects;

(7) Review of Staff Reports and review/preparation of Findings for CITY projects;

(8) Attendance at meetings with the City Manager and other CITY staff and members of the public as needed regarding routine CITY business;

(9) Telephone and correspondence with members of the public and press regarding routine CITY business;

(10) Assistance/advice to the City Manager and senior management of CITY regarding general personnel matters related to CITY's Personnel Rules & Regulations;

(11) Assistance/advice/correspondence regarding code enforcement and enforcement of state and local laws and codes up to the point of litigation (criminal and civil);

(12) Assistance/preparation of documents in connection with land acquisition or easements up to the point that the City Council authorizes the commencement of eminent domain proceedings;

(13) Review of/assistance with drafting minor General Plan Amendments;

(14) General advice on workers' compensation matters;

(15) Legal advice on general, non-specialized, redevelopment issues; and

(16) Approve selection of outside legal counsel and manage/supervise in conjunction with the City Manager specialized legal services as required in various matters, e.g., bond/assessment proceedings, collective bargaining, personnel, disability and workers' compensation claims.

b. The following legal services shall be provided to CITY by Attorney or under the direction and supervision of Attorney ("Non-Retainer Services"), and Attorney shall be entitled to additional compensation as more particularly set forth in Paragraph 4b of this Agreement for such Non-Retainer Services:

(1) Legal representation for all general liability claims and litigation including investigation, negotiation, and/or settlement of such claims and litigation;

(2) Legal representation in all civil and criminal litigation or arbitration proceedings involving CITY;

(3) Eminent domain proceedings;

(4) Legal services relating to updates and/or major amendments to the General Plan and/or Elements of the General Plan (questions as to whether an amendment is major shall be resolved pursuant to Paragraph 10);

(5) Municipal code review and/or recodification of CITY's Municipal Code;

(6) Negotiation/preparation of Disposition and Development Agreements, Development Agreements, Fiscal Agreements relating to the Agency, and other major agreements that occur from time to time (questions as to whether an agreement is major or minor shall be resolved pursuant to Paragraph 10); and

(7) The negotiation, review, and/or preparation of other documents or agreements where the cost of such negotiation, review, and/or preparation is reimbursed by the applicant.

3. Limitation of Duties. Attorney shall not be required to provide the following services:

a. Administration and legal representation of workers' compensation claims and litigation, except for general legal advice in the area of workers' compensation and review of settlements recommended by the CITY's contract administrators;

b. Negotiation and interpretation of M.O.U.'s and other labor related matters, including disciplinary proceedings, except to provide general legal advice on personnel matters related to the CITY's Personnel Rules & Regulations, and at the request of the CITY, review recommendations of the CITY's contract labor attorneys; and

c. Legal services related to the issuance of municipal bonds, certificates of participation, or other types of capital improvement financing and assessment proceedings, and specialized redevelopment proceedings, including updates and/or major amendments to the Agency Plan.

4. Compensation/Benefits.

a. Attorney shall be paid a monthly salary of Four Thousand Six Hundred Seventy-Four and 59/100 Dollars (\$4,674.59) for providing the Retainer Services set forth in Paragraph 2a of this Agreement ("Monthly Salary/Retainer"). The Monthly Salary/Retainer shall be considered full compensation for the purposes of contributions and withholdings with respect to PERS, income tax withholding, etc., and shall be paid bi-weekly as part of the CITY's regular payroll. In addition, CITY shall provide: Health insurance for Attorney and his spouse and family with Attorney's choice of PERS Health Plans; participation in CITY's dental reimbursement plan for Attorney and Attorney's spouse and family with a maximum reimbursement of One Thousand Six Hundred Dollars (\$1,600.00) per fiscal year; participation in the PERS Retirement System with CITY paying the employee's seven percent (7%) contribution; life insurance of Ten Thousand Dollars (\$10,000.00) for Attorney and One Thousand Five Hundred Dollars (\$1,500.00) for Attorney's spouse. Attorney shall not participate in any other CITY benefits provided to other employees of CITY.

b. For all Non-Retainer Services provided by Attorney or under the supervision and direction of Attorney by other members of Attorney's law firm, Attorney and/or Attorney's firm shall be compensated on the basis of the following reduced/discounted hourly rates: \$150 per hour for Attorney and/or Attorney's partners; \$110-125 per hour for associates of the firm; \$100 per hour for research attorneys; and \$75.00 for paralegals. Charges for Non-Retainer Services shall be billed and paid monthly following review and approval by the City Manager or the City Manager's designee. Any questions about billings that cannot be resolved between the City Manager and Attorney shall be referred to the City Council for resolution in accordance with Paragraph 10.

c. If in the opinion of Attorney and the City Manager it is determined that Attorney's membership in the National

Institute of Municipal Law Offices ("NIMLO") and/or Attorney's attendance at the City Attorney's section of the League of California Cities Spring and Fall Conferences would be in the best interest of the City, City shall reimburse Attorney the actual out-of-pocket expenses reasonably and necessarily incurred by Attorney in joining NIMLO and/or attending such conferences. Reimbursement shall be in accordance with City policies as may be in effect from time to time as adopted by the City Council for reimbursement of such expenses by Councilmembers and/or the City Manager.

5. Litigation Costs. Attorney shall be entitled to be reimbursed by the CITY for all costs advanced on CITY's behalf, such as court costs, filing fees, service of process fees, deposition transcript fees, jurors' fees, witness' fees, investigators' fees, appraisers' fees, or other costs or expenses in connection with litigation involving CITY, except overhead as provided in Paragraph 6.

6. Overhead. Except as expressly provided in this Agreement, Attorney shall pay all overhead incurred in providing legal services to CITY including but not limited to reasonable and necessary office facilities, equipment, books, supplies, secretarial services, word processing, faxes, telephone usage, insurance, office supplies, copying, telephone, etc., (except for CITY stationery and CITY business cards, which shall be provided by CITY).

7. Performance of Services.

a. To the extent possible, all Retainer Services set forth in Paragraph 2a shall be provided by Attorney with the exception of legal research or drafting documents which may be performed by other members of Attorney's firm or when Attorney is unable to act due to illness, vacation, or non-availability. In the event of the non-availability of Attorney for any reason, Attorney shall designate another member of Attorney's firm to act in his absence, subject to consultation with the City Manager and/or the Mayor. Any Retainer Services provided by any member of Attorney's firm shall be compensated by Attorney at his own expense and shall not be billed or charged to CITY.

b. With respect to Non-Retainer Services, such services may be provided by Attorney or by other members of Attorney's firm under the direction and supervision of Attorney.

8. Records, Monthly Statements, and Audit. Attorney and members of Attorney's firm shall maintain accurate records of all time spent by Attorney and members of the firm to the closest 1/10th of an hour and all reimbursable costs advanced by the Attorney or his firm in conjunction with CITY business. Attorney shall keep such records with respect to both Retainer and Non-Retainer Services. Attorney shall render monthly statements to the CITY for the performance of all services showing both the Retainer and Non-Retainer Services performed (including where possible a reference to the person(s) and matter(s) involved for each service performed), the hours spent, the costs advanced, and the amount the Attorney and/or Attorney's firm are entitled to receive, if any, from the CITY for the month. If approved by the City Manager or City Manager's designee, the sums shown to be due by such statement shall be paid to Attorney or Attorney's firm within thirty (30) days after approval. Books of account and the time records of Attorney and other members of Attorney's firm pertaining to business transacted for the CITY shall be open to audit by the City Council, City Manager, or their designee. Time records which may be covered by attorney-client confidentiality shall not become public records, except as otherwise provided by state or federal law.

9. Reports. Attorney shall provide the City Manager and the City Council with reports no less frequently than three times per year on the status of any legal actions in which the CITY is a party. In addition, Attorney shall provide periodic reports on risk management and cost control analysis and recommendations on each as appropriate.

10. Dispute Resolution Regarding Retainer/Non-Retainer Services and/or Billings. In the event of any question or dispute regarding whether or not a specific legal service is covered by the CITY retainer, either the City Manager or the City Attorney may request that such matter be referred to the City Council for resolution. The determination of the City Council or a sub-

committee authorized by the City Council to review such matters shall be final and binding.

11. Outside Law Practice/Conflict of Interest. Attorney shall be allowed to conduct an outside law practice. Attorney shall be responsible to disclose any potential conflict of interest and/or appearance of a conflict of interest involving any matter appearing before the City Council. In the event of a conflict of interest between the CITY and any other outside client of Attorney, Attorney shall assist the CITY in obtaining outside legal counsel to advise the CITY with respect to any matter which might require legal services involving such conflict of interest.

12. Performance Review. The City Council shall review the performance of Attorney at least annually. The first review shall occur no later than August 1, 1994. At the request of Attorney or any member of the City Council, Attorney's performance and/or the terms and provisions of this Agreement may be reviewed and/or modified at any time prior to July 31, 1994.

13. Termination. This Agreement shall remain in effect until terminated by either party hereto. This Agreement may be terminated without cause upon either party giving the other party not less than sixty (60) days prior written notice and may be terminated by either party without notice for cause.

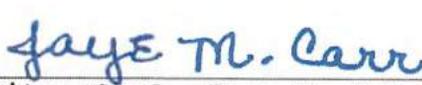
14. Entire Agreement. This Agreement contains the entire agreement between the parties.

CITY OF MENLO PARK

By:


Mayor - Gail L. Slocum

Attest:


City Clerk - Jaye M. Carr


WILLIAM L. McCLURE



STAFF REPORT

City Council
Meeting Date: 3/12/2019
Staff Report Number: 19-047-CC

Regular Business: Approval of seventh amendment to the agreement of services for City Attorney William L. McClure

Recommendation

Staff recommends that the City Council approve of a seventh amendment to the agreement of services for City Attorney William L. McClure (hereinafter, "McClure.")

Policy Issues

There are no direct policy issues presented by the proposed amendment.

Background

The City Council is the hiring authority for the position and services of city attorney. The City entered into a contract with McClure for city attorney services effective September 7, 1993, and has previously amended the contract six times, in 2000, 2002, 2005, 2007, 2011, and 2016.

Analysis

The City Council reviewed McClure's agreement and performance in closed session February 26 and March 5. Following the final closed session, the City Council desired to approve a contract amendment that increases the city attorney's part time salary by \$1,000 per month to \$11,000 per month and provide hourly rate increases for additional work to \$250 per hour for retainer work and \$400 per hour for legal services that are reimbursed by applicants for non-single family home development related work, with no changes in fringe benefits.

The City Council may also consider providing a cash bonus. This bonus would have to be approved in a separate action, as the current agreement does not include a bonus provision. If provided, the bonus would not be included in McClure's pensionable compensation.

Impact on City Resources

There is sufficient funding to cover McClure's agreement amendment provisions in the adopted 2018-19 budget.

Environmental Review

This action is not a project under the California Environmental Quality Act (“CEQA”) and therefore not subject to the provisions of the CEQA Guidelines under Sections 15378 and 15061(b)(3).

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. Agreement and six amendments for City Attorney services between the City and William L. McClure
- B. Proposed seventh amendment for City Attorney services between the City and William L. McClure

Report prepared by:
Lenka Diaz, Administrative Services Director

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STAFF REPORT

City Council Meeting Date: 4/9/2019
Staff Report Number: 19-060-CC

Informational Item: Phase II Scope of work for the heritage tree ordinance update

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

The heritage tree ordinance update was included on the 2017 City Council work plan and remains a priority for the 2019 work plan (No.4.)

Background

The heritage tree ordinance governs trees growing on private property (Attachment A.) Over the last several years, concerns from the community arose with development-related appeals, unpermitted removals and enforcement of tree replacements. As a result, the City Council included updating the heritage tree ordinance as part of their annual 2017-2019 work plans. The City Council appointed a Heritage Tree Task Force (Task Force) in 2018 to partner with staff throughout the review and update of the ordinance, and provide a recommended option to the City Council in 2019.

The desired outcome of the ordinance update is to ensure a significant and thriving population of large healthy trees in Menlo Park for public enjoyment and environmental sustainability while balancing property rights and implementation efficiency.

Nine areas of the heritage tree ordinance are under review for potential updates, and include:

1. Intent and purpose
2. Definition of a heritage tree
3. Criteria for removal
4. Appeals process (particularly related to development)
5. Mitigation and tree replacement requirements
6. Establishment of a tree replacement fund for extenuating circumstances where a tree cannot be replaced and/or specify how violations funds will be used
7. Administration of violations
8. Administration of enforcement
9. Permit procedure for protection, heavy pruning and removal

The Task Force has completed Phase I of the options analysis. Phase I consisted of a high level review of possible options from other communities or ideas for each of the nine ordinance sections under review. The Task Force reviewed and discussed many examples and ideas over six meetings from August 2018 to February 2019, and identified the options for a deeper analysis in Phase II.

Phase II will provide a deeper exploration into the selected examples/ideas from Phase I. Phase II will include:

- An evaluation of each option alignment’s with the project objectives and other city policies and programs
- Answer any outstanding questions
- Determine benefits, impacts, costs and legal/safety risks.

The Phase II options report will be delivered to the Task Force in May 2019. This report will help the Task Force prepare a final recommendation to City Council by the end of June 2019. The Task Force’s recommendation is anticipated to be presented to City Council in August/September 2019.

All meetings of the Task Force are publically noticed and meeting materials/reports are posted on the City’s heritage tree ordinance project update and Task Force webpages.

Analysis

Table 1 below is a summary of the options to be explored in Phase II.

Table 1: Proposed options to explore in Phase II	
Area of the heritage tree ordinance	Options to be explored deeper in Phase II
1. Intent and purpose	A modified intent and purpose is being proposed (Attachment B.) No additional options are being explored in this area because it will serve as the umbrella for equally evaluating all possible options below.
2. Definition of a heritage tree	Include and protect replacement trees as heritage trees. Currently replacement trees are not protected under the ordinance.
	Explore removing or changing how multi trunk trees are defined. Current method is difficult to implement.
3. Criteria for removal	Explore reducing the list of decision making criteria with the intention of simplifying, clarifying, and reducing subjectivity based on the examples of Cupertino, Rancho Cordova, and Los Gatos in alignment with the proposed intent and purpose (Attachment B.)
	Explore inclusion of language in decision making criteria reflecting current practice of expediting the permit process for dead trees (waive permit fee and appeal period/process.)
	Explore addition of decision making criteria for a short list of undesirable tree species similar to the City's current practice of expediting the permit process for dead trees (waive permit fee and appeal period/process.)
	Explore introduction of education about the City's heritage tree ordinance at the front end of the development planning process.
	Explore assessment of site canopy as an evaluation for heritage tree removal in the context of development instead of by individual tree.
	Explore assessment of potential impact to canopy as part of the evaluation for heritage tree removal for non-development projects.
	Explore alternate decision making criteria related to development projects such as building envelope criteria to make language more clear.
4. Appeals process (particularly related to development)	Explore establishing specific criteria to file an appeal for both community members and applicants. Currently an appeal can be filed on any grounds making it difficult to process and can lead to additional community conflict that could be reduced with more clarity.

	<p>Explore which body is most appropriate to hear appeals and whether it will vary on a case-by-case basis (e.g., all appeals to Planning Commission, appeals to Planning Commission or Environmental Quality Commission depending on whether they are development or non-development related, all appeals to a new Heritage Tree Board, appeals reviewed by a combination of Environmental Quality Commission and Planning Commission.)</p> <p>Explore the addition of mediation and/or conflict resolution as part of the appeals process when a community member(s) appeal.</p>
5. Mitigation and tree replacement requirements	<p>Explore both (1) the assessed value method and (2) a hybrid of assessed values and matrix method as methods to determine mitigation and replacement requirements. Each method would establish a greater number of trees being planted for each tree removed than currently practiced in Menlo Park.</p> <p>Explore updating the heritage tree replacement procedures and suggested list of tree replacements for improvement.</p>
6. Establishment of a tree replacement fund for extenuating circumstances where a tree cannot be replaced and/or specify how violations funds will be used	<p>Explore establishment of a tree fund, and how funds could be used.</p>
7. Enforcement	<p>Explore various mechanisms for enforcement to ensure replacement trees are planted including a follow-up inspection or provision of evidence (e.g., video, photograph, etc.) and thriving up to a maximum of two years after planting.</p> <p>Explore instituting a follow-up inspection between two and five years after planting.</p> <p>Explore the payment of a bond/deposit (similar to other City process, e.g., construction and demolition deposit) at the time of planting to be refunded after appropriate time period and confirmation the replacement tree is thriving.</p> <p>Explore the establishment of an accessible database which allows the community to track status of heritage tree removals and replacement trees.</p>
8. Violations	<p>Explore the addition of heritage tree value assessment as a requirement for development projects.</p> <p>For non-development violations, explore the use of third-party arborists to assess value of heritage tree(s) at the violator's cost.</p> <p>Explore calculation of fines based on a dollar per inch method (formula based on trunk or stump diameter.)</p> <p>Investigate other cities' punitive fine structure and determine whether fines are levied on property owners as a response to behaviors that negatively impact the health of heritage trees.</p> <p>Explore removing the moratorium on development at an address that has a record of heritage tree violation(s.)</p>

Each option will be evaluated for the following:

- Expected increase/decrease in permits/appeals
- Expected increase/decrease in time to process permit/appeals

- Excepted increase/decrease in costs to process permit/appeals
- Expected increase/decrease in tree canopy/indirect tree benefits/greenhouse gas reductions
- Expected increase/decrease in staffing resources
- Quantitative or qualitative data from other cities currently implementing the option
- How the options will be implemented and what is needed to make it successful from current practice
- How this option be enforced and what is needed to make it successful from current practice
- How this option meets project objectives (meets or exceeds proposed intent and purpose, increases efficiency, more clarity, less subjective, cost savings)
- Legal/safety risks
- Cost/benefit analysis

At the last Task Force meeting, criteria were discussed to determine how the preferred options would be chosen. The Task Force landed on three criteria for determining which options would be considered preferable to recommend to City Council, and they are:

1. Improves clarity: this would assist in providing certainty for permit applicants through clear parameters. Does not necessarily mean permit approval, but will provide clear boundaries, processes, timelines, etc. for the community and the applicant.
2. Increases and/or maintains the urban canopy: this criterion would have 50+ percent weight over other criteria.
3. Effectiveness: Improved implementation, enforcement, and monitoring resulting in less conflict in the community. Includes ensuring appropriate staff capacity, expertise and budget to ensure effectiveness.

Impact on City Resources

Staff and consultant resources have already been budgeted for this fiscal year. The project is a general fund capital improvement project, and no additional appropriations are requested.

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. Current heritage tree ordinance
- B. Current and proposed intent and purpose

Report prepared by:
Rebecca L. Lucky
Sustainability Manager

Chapter 13.24

HERITAGE TREES

Sections:

13.24.010 Intent and purpose.

13.24.020 Heritage tree defined.

13.24.025 Maintenance and preservation of heritage trees.

13.24.030 Removal and major pruning of heritage trees prohibited.

13.24.040 Permits.

13.24.060 Appeals.

13.24.070 Enforcement--Remedies for violation.

13.24.010 Intent and purpose.

This chapter is adopted because the city has been forested by stands of oak, bay and other trees, the preservation of which is necessary for the health and welfare of the citizens of this city in order to preserve the scenic beauty and historical value of trees, prevent erosion of topsoil and sedimentation in waterways, protect against flood hazards and landslides, counteract the pollutants in the air, maintain the climatic balance and decrease wind velocities. It is the intent of this chapter to establish regulations for the removal of heritage trees within the city in order to retain as many trees as possible consistent with the purpose of this chapter and the reasonable economic enjoyment of private property.

(Ord. 928 § 1 (part), 2004).

13.24.020 Heritage tree defined.

As used in this chapter "heritage tree" means:

- (1) A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council;
- (2) An oak tree (*Quercus*) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section.
- (3) All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of fifteen (15) inches) or more, measured fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section.

(Ord. 928 § 1 (part), 2004).

13.24.025 Maintenance and preservation of heritage trees.

Any person who owns, controls, has custody or possession of any real property within the city shall use reasonable efforts to maintain and preserve all heritage trees located thereon in a state of good health pursuant

to the provisions of this chapter. Failure to do so shall constitute a violation of this chapter. Any person who conducts any grading, excavation, demolition or construction activity on property shall do so in such a manner as to not threaten the health or viability or cause the removal of any heritage tree. Any work performed within an area ten (10) times the diameter of the tree (i.e., the tree protection zone) shall require submittal of a tree protection plan for review and approval by the director of community development or his or her designee prior to issuance of any permit for grading or construction. The tree protection plan shall be prepared by a certified arborist and shall address issues related to protective fencing and protective techniques to minimize impacts associated with grading, excavation, demolition and construction. The director of community development or his or her designee may impose conditions on any city permit to assure compliance with this section. (Ord. 928 § 1 (part), 2004).

13.24.030 Removal and major pruning of heritage trees prohibited.

It is unlawful for any person to remove, or cause to be removed any heritage tree from any parcel of property in the city, or prune more than one-fourth of the branches or roots within a twelve (12) month period, without obtaining a permit; provided, that in case of emergency, when a tree is imminently hazardous or dangerous to life or property, it may be removed by order of the police chief, fire chief, the director of public works or their respective designees. Any person who vandalizes, grievously mutilates, destroys or unbalances a heritage tree without a permit or beyond the scope of an approved permit shall be in violation of this chapter. (Ord. 928 § 1 (part), 2004).

13.24.040 Permits.

Any person desiring to remove one or more heritage trees or perform major pruning as described in Section 13.24.030 shall apply for a permit pursuant to procedures established by the director of public works and shall pay a fee established by the city council. It is the joint responsibility of the property owner and party removing the heritage tree or trees, or portions thereof to obtain the permit. The director of public works or his or her designee may only issue a permit for the removal or major pruning of a heritage tree if he or she determines there is good cause for such action. In determining whether there is good cause, the director of public works or his or her designee shall give consideration to the following:

- (1) The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;
- (2) The necessity to remove the tree or trees in order to construct proposed improvements to the property;
- (3) The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters;
- (4) The long-term value of the species under consideration, particularly lifespan and growth rate;
- (5) The ecological value of the tree or group of trees, such as food, nesting, habitat, protection and shade for wildlife or other plant species;
- (6) The number, size, species, age distribution and location of existing trees in the area and the effect

the removal would have upon shade, privacy impact and scenic beauty;

(7) The number of trees the particular parcel can adequately support according to good arboricultural practices;

(8) The availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s).

(Ord. 928 § 1 (part), 2004).

13.24.060 Appeals.

Any Menlo Park resident or property owner may appeal the decision of the director of public works or his or her designee to the environmental quality commission in writing within fifteen (15) days after his or her decision. Such a request shall be submitted to the city clerk and it shall state the reasons for the appeal. The matter will be reviewed by the commission at its earliest opportunity. Any Menlo Park resident or property owner may appeal the decision of the environmental quality commission to the city council in writing within fifteen (15) days after the decision of the commission. Such a request shall be submitted to the city clerk and it shall state the reasons for the appeal. The matter will be reviewed by the city council at its earliest opportunity. A permit shall not be issued until all appeals are completed and/or the time for filing an appeal has expired. (Ord. 928 § 1 (part), 2004).

13.24.070 Enforcement--Remedies for violation.

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the city for violation of this chapter:

- (1) If a violation occurs during development, the city may issue a stop work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the director of community development or his or her designee, agreed to in writing by the property owner(s), and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for protection of any remaining trees on the property, and shall provide for replacement of each tree removed or heavily damaged on the property or at locations approved by the director of community development or his or her designee and by the director of public works, if replacement is to occur on public property. The replacement ratio shall be determined by the director of community development or his or her designee and shall be at a greater ratio than that required where tree removal is permitted pursuant to the provisions of this chapter.
- (2) If a violation occurs in the absence of development, or while an application for a building permit or discretionary development approval for the lot upon which the tree is located is pending, the director of community development or his or her designee may issue a temporary moratorium on development of the subject property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property. Mitigation measures as

determined by the director of community development or his or her designee shall be imposed as a condition of any subsequent permits for development on the subject property.

- (3) As part of a civil action brought by the city, a court may assess against any person who commits, allows, or maintains a violation of any provision of this chapter a civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation. Where the violation has resulted in removal of a tree, the civil penalty shall be in an amount not to exceed five thousand dollars (\$5,000.00) per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. Such amount shall be payable to the city. Replacement value for the purposes of this section shall be determined utilizing the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers. Regarding injunctive relief, a civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation. In any civil action brought pursuant to this chapter in which the city prevails, the court shall award to the city all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

(Ord. 928 § 1 (part), 2004).



HERITAGE TREE ORDINANCE UPDATE

CURRENT INTENT AND PURPOSE	PROPOSED INTENT AND PURPOSE
<p>This chapter is adopted because the city has been forested by stands of oak, bay and other trees, the preservation of which is necessary for the health and welfare of the citizens of this city in order to preserve the scenic beauty and historical value of trees, prevent erosion of topsoil and sedimentation in waterways, protect against flood hazards and landslides, counteract the pollutants in the air, maintain the climatic balance and decrease wind velocities. It is the intent of this chapter to establish regulations for the removal of heritage trees within the city in order to retain as many trees as possible consistent with the purpose of this chapter and the reasonable economic enjoyment of private property.</p>	<p>This chapter is adopted with the intent and purpose of promoting the preservation and development of a healthy, diverse tree canopy in Menlo Park, which is highly valued by our community and is vital to the character and health of our city.</p> <p>Trees are valued for their many contributions to the environment, public health and quality of life of the Menlo Park community. Examples of those benefits include:</p> <ul style="list-style-type: none"> • provide shade • enhance resilience to climate change • improve air quality • provide shelter from wind • prevent erosion and landslides • protect against flood hazards • add to the city's scenic beauty and character • recognize historical significance to our city • create natural gathering places • reduce noise pollution • enhance privacy • enhance neighborhood property values • provide habitat for wildlife <p>This chapter establishes regulations for the removal and replacement of trees, promotion of additional tree planting, and public education about the planting, maintenance and preservation of healthy trees following industry best management practices, consistent with the intent and purpose of this chapter, the reasonable economic enjoyment of public and private property, and in alignment with the general plan.</p>

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STAFF REPORT

City Council

Meeting Date: 4/9/2019

Staff Report Number: 19-058-CC

Informational Item: Update on agreement with Tim Sheeper, Inc. for operation of Belle Haven and Burgess pools

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

The City Council continues to support the approach of using Team Sheeper, Inc. as an alternative service provider given the history of outstanding customer service and the cost savings offered through outsourcing this program. The current professional services agreement is consistent with other City contract program provider agreements; it is fiscally prudent and consistent with City Council goals.

Background

The private-public partnership that has existed between the City and Team Sheeper, Inc. for the past 13 years to operate the City's aquatics programs produced a successful model, allowing the contractor to operate autonomously as a direct service provider with the deepest understanding of program needs for the entire aquatics community. The model has produced a creative mix of high quality programs meeting the diverse needs of the community. This "club model," as it has been referred to, features traditional and nontraditional aquatics programming for a variety of levels and abilities with convenient hours where pool users can enjoy lap and open swim at all times of the day. Residents benefit from service levels not commonly found with most municipally operated aquatics programs. The customer satisfaction survey results reported in Team Sheeper's annual report (Attachment B) continue to demonstrate the aquatic programs and operation are well received.

However, after two years of unsuccessful negotiation of a new lease agreement with Team Sheeper over material terms such as rent, repair and replacement expenses, and pass through of certain operating expenses, Team Sheeper informed City representatives they were no longer interested in operating the pools under the current lease model and wanted to seek a more common contractor relationship. Given the City's high satisfaction with its current aquatics operations and based on past experience and difficulties in finding qualified pool operators, the City Council elected to forgo what would be a lengthy and staff-intensive request for proposals (RFP) process in favor of working with our current operator to develop a new operating model which would maintain the current level of service that would be sustainable over the long term.

Under the new model, the City and the service provider share a percentage of the revenue generated from programs and services. The contractor is responsible for all direct expenses related to programming including direct labor, liability insurance, workers' compensation, health insurance, supplies marketing and promotion. The City owns responsibility for its facility including capital replacement, repairs and maintenance. Given what was learned regarding the impacts to the aquatics business, a revenue share

model helps reduce the uncertainty and volatility of an operation that is highly impacted by market conditions including changes in enrollment and increasing operating costs. Other municipally operated pools typically absorb these impacts with their general fund, acknowledging the low cost recovery possibilities of aquatics programs. A revenue share model allows the City to recover some of its costs and reduce its subsidy while providing incentive to the provider to maximize potential growth benefiting the City's bottom line while increasing service levels to the community. The model preserves much autonomy for the provider, which minimizes inefficiencies leading to lower returns and ultimately impacting the City's revenue share.

On March 27, 2018, the City Council approved a professional services agreement with Team Sheeper, Inc. for operation of Burgess and Belle Haven pools to start April 1, 2018, through August 31, 2020 with options to renew for a continuous 12 month period. A copy of the agreement along with a summary of the agreement terms and financial impacts are included in the City Council staff report in (Attachment A.)

Analysis

Since the approval of the new agreement which began April 1, 2018, the transition to the new pool operations model has gone fairly smoothly. The City which now assumes responsibility for all pool related expenses including maintenance and repairs, chemicals, supplies and utilities, has established a number of agreements with various pool suppliers for the care and maintenance of the Belle Haven and Burgess pools. City staff manage and oversee these agreements, and work closely with the pool operator to ensure that the pools are well maintained and operating in good condition for the public.

The City's active role in the care and maintenance of the pools has led to the completion of crucial repairs and upgrades being completed leading to among other things improved water quality and increased user satisfaction. Over the past year the City completed the installation of a new state of the art pool heater for the instructional pool at Burgess, completed repairs to the family restrooms, replaced the water in the pools resolving the long overdue TDS (Total Dissolved Solids) issue thus improving water quality for the users and installed bike racks and benches. A number of maintenance and capital replacement projects have been identified for the pools and with a pool maintenance fund that City Council established, City staff are prepared to address these needs.

Menlo Swim and Sport conducted an annual customer survey in the fourth quarter of 2018 and received 193 responses representing feedback from all of their programs. Menlo Swim usually receives high remarks on their surveys and this year they saw their overall customer satisfaction rating increase in what they believe is the company's focus on improving the community experience through lobby upgrades, improvement in communication, curriculum upgrades and happier staff.

Highlights of the survey include:

- Eighty-five percent of customers rated their satisfaction for programming and service an eight or better on a scale of 1-10, 10 being the best.
- Eighty-seven percent of customers said they were satisfied or extremely satisfied with Menlo Swim's customer service.

Additional survey data is included as part of Team Sheeper's annual report for 2018 which was presented to the Parks and Recreation Commission at their meeting March 27, 2019 (Attachment B.)

Challenges and trends

The challenges and conditions that led to the development of a new operational model for the pools still

exist one year later. These challenges include the recruitment, hiring and retention of quality staff; continued decline in youth swim school participation; and overall visits to the pool and constantly increasing operational costs. The new pool operations agreement helped to address the latter challenge with the City taking a leading role in managing the pool systems and infrastructural needs.

Menlo Swim and Sport is experiencing what every other company or public agency is experiencing on the peninsula and surrounding Bay Area and that is a tight labor market. Factoring in the high cost of living in Menlo Park and surrounding communities, difficulty of attracting employees who have to commute long distances to work, and retaining quality employees in a field that is not viewed as a long term career option, Menlo Swim and Sport is challenged to maintain an aquatics business model that operates year-round, seven days a week and most hours of the day. However, Team Sheepar is ready to take on that challenge by looking for ways to improve the employment experience through employee engagement, relationship building, flexible staffing models, and improved compensation and benefits.

An area that continues to be a significant concern is the continued decline in youth swim school and swim team participation and overall visits to the pools. The two largest revenue generating programs that help to maintain the vast aquatics operation are the Swim School and Menlo Aquatics Swim Team. As indicated in the Menlo Swim and Sport annual report, 2016 was a peak year for aquatics programs and 2017 and 2018 saw large declines in open swim drop-in and Swim School participation which at a peak was around 1,500 lessons to 910 in 2018. Adult programming in contrast continues to remain constant year to year. The decline in youth drop-in participation and swim school is largely in the summer months.

Why the decline? The pool sees fewer young families starting their children in swim school. Although current information is speculative, young families are challenged in many ways with the high cost of housing and the heavily congested traffic patterns. Youth in Menlo Park and surrounding areas also have many more options available to them and with all of the competing demands for a youth and family’s free time there is less time to play and recreate.

Team Sheepar and City staff are currently evaluating the declines in youth and family participation. One contributing factor may be declines in primary school enrollments in Menlo Park and neighboring schools. According to data collected from the California department of education’s website, between 2015-16 School Year to 2017-18 School year the public schools saw a 10 percent decline in enrollment. Similarly the private schools in the area saw a 9 percent decline.

Table 1: Menlo Park and surrounding area - elementary school enrollment (public)

School	District	17-18	16-17	15-16	Percent change
Oak Knoll (K-5)	MPCSD*	680	727	738	-8%
Encinal (K-5)	MPCSD	627	641	765	-18%
Las Lomas (K-3)	LLES D**	532	568	579	-8%
Laurel (K-5)	MPCSD	705	659	542	23%
Willow Oaks (K-5)	RCSD***	508	602	688	-26%
Belle Haven (K-8)	RCSD	457	543	577	-21%
TOTALS:		3,509	3,740	3,889	-10%

* Menlo Park City School District ** Las Lomas Elementary School District *** Redwood City School District

Table 2: Menlo Park and surrounding area - elementary school enrollment (private)				
School	17-18	16-17	15-16	Percent change
Alto International (K-10)	188	182	-	3%
Beechwood (K-8)	171	167	174	-2%
Nativity (K-8)	235	265	281	-16%
Peninsula School, Ltd (K-8)	208	213	215	-3%
Phillips Brooks (K-5)	-	-	233	N/A
St. Raymond School (K-8)	275	272	282	-3%
TOTALS:	1,077	1,099	1,185	-9%

Impact on City Resources

In the agreement the City is responsible for pool operations which includes maintenance at all expense levels including mechanical and facility repairs, custodial and landscaping services, utilities (water, sewer, electricity, gas, telephone and internet), pool chemicals and facility supplies. These expenses are estimated to cost the City approximately \$381,000 annually for both Burgess and Belle Haven pools. The agreement also includes a 30 percent revenue share to the City above an agreed upon threshold. The City received \$24,846 for the 2018 calendar year which covers nine months of operation since the start of the new agreement April 1, 2018.

Table 3: Financial analysis (April 1, 2018-December 31, 2019)	
	Amount
Reimbursable revenue	(\$69,876)
30% revenue share (over agreed upon threshold)	(\$24,876)
Facebook development agreement revenue	(\$45,000)
*Expenditures	\$338,237
Management fee for Belle Haven pool	\$45,000
Chemicals and pool supplies	\$114,623
Internet and telephone	\$3,100
Maintenance and repairs	\$51,856
Utilities	\$116,958
Other	\$6,700
Net cost	\$268,361

*Personnel costs not included. No change as a result of the agreement.

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 is a minor 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. City Council staff report for March 27, 2018
- B. Menlo Swim and Sport annual report March 27, 2019

Report prepared by:
Derek Schweigart, Community Services Director



STAFF REPORT

City Council

Meeting Date:

3/27/2018

Staff Report Number:

18-067-CC

Consent Calendar:

Approve a professional services agreement with Team Sheeper, Inc. for the operation of Burgess and Belle Haven Pools beginning April 1, 2018 through August 31, 2020 with options to renew for continuous 12 month periods

Recommendation

Staff recommends the City Council approve a professional services agreement with Team Sheeper, Inc. for operation of Burgess and Belle Haven pools to start on April 1, 2018 through August 31, 2020 with options to renew for a continuous 12 month period.

Policy Issues

The City Council continues to support the approach of using Team Sheeper, Inc. as an alternative service provider given the history of outstanding customer service and the cost savings offered through outsourcing this program. Although the proposed agreement moves away from a lease arrangement to a more conventional contract program provider, it is fiscally prudent and consistent with Council goals.

Background

The City of Menlo Park has provided aquatics programs at Burgess Pool since the 1960's and at the Belle Haven pool since the 1980's. While the Burgess Pool has been a year round facility, the Belle Haven Pool was a seasonally operated by the City mid-June through late August.

Pools are extremely expensive to operate with most municipal pools operating between 40 to 70 percent direct cost recovery with the General Fund (taxpayer dollars) subsidizing the balance. Community pools are places for people to gather and provide high community benefit which is why many cities support subsidizing their aquatics programs at a high level.

In 2006, the Burgess Pool was extensively renovated using Measure T bonds, including the addition of a 25 meter x 25 yard lap pool, 25 yard x 50 foot instructional pool, a wading pool with a mushroom splash feature, locker rooms, showers, a central lobby, support offices and concrete pool decks. Prior to completing the construction of the Burgess project and opening the facility in 2006, the City had undertaken a community-based budget process called *Your City/Your Decision*, the results of which provided guidance for making difficult but necessary budget reductions. As a result, the aquatics program was identified for reduction. In May 2006, staff came up with an innovative approach to keeping the pools operating through the use of a private-public partnership. The City entered into a Lease Agreement with a private contractor, Menlo Swim and Sport (currently Team Sheeper, Inc.), to operate the Burgess facility and provide aquatic programming year-round for five years. This original Lease Agreement expired in May 2011.

In April 2010, the City sought proposals from aquatic providers to operate the Burgess Aquatic Facility and

the aquatic programming with the pending expiration of the original lease with Menlo Swim and Sport. In addition, as a part of the development of long term budget strategies, staff decided to include the option to bid on operations at the Belle Haven Pool. A Request for Proposals (RFP) was issued on August 30, 2010. Only two proposals were submitted, including proposals from Menlo Swim and Sport and SOLO Aquatics. After extensive community input, the Parks and Recreation Commission recommended approval of a 5-year lease agreement with Menlo Swim and Sport.

At their meeting on May 5, 2015, the City Council directed staff to work with Team Sheep, Inc. on a renewal and extension of the lease and forego the RFP process. After two years of negotiating, City staff reached an impasse with Team Sheep over material terms such as rent, repair and replacement expenses, and pass through of certain operating expenses, like sewer charges. Also contributing to the delay were pool infrastructure audits at Burgess and Belle Haven Pools that provided information on the actual costs of maintaining the aging infrastructure.

Team Sheep informed City representatives in September 2017 they were no longer interested in operating the pools under the current lease model and wanted to seek a more common private-public partnership. Under this contractor model, the City and the service provider share a percentage of the revenue generated from programs and services. The contractor is responsible for all direct expenses related to programming including direct labor, liability insurance, worker's compensation, health insurance, supplies marketing and promotion. The City owns responsibility for its facility including capital replacement, repairs and maintenance.

On September 26, 2017, the Council authorized City staff to extend the current lease to January 31, 2018 and later to March 31, 2018 with requested modifications from Team Sheep that included City provision for pool maintenance and repairs, utilities, chemicals and a waiving of the rent payment. The extensions of the lease would allow staff time to develop terms for a new revenue sharing model or other alternative agreement that would maintain the current level of service and be sustainable for the short and long term.

Analysis

The private-public partnership that has existed for the past 12 years to operate the City's aquatics programs produced a successful model, allowing the contractor to operate autonomously as a direct service provider with the deepest understanding of program needs for the entire aquatics community. The model has produced a creative mix of high quality programs meeting the diverse needs of the community. This "club model," as it has been referred to, features traditional and non-traditional aquatics programming for a variety of levels and abilities with convenient hours where pool users can enjoy lap and open swim at all times of the day. Residents benefit from service levels not commonly found with most municipally operated aquatics programs. The customer satisfaction survey results reported in Team Sheep's Annual Report to the City continue to demonstrate the aquatic programs and operation are well received.

Given the City's high satisfaction with its current aquatics operations and based on past experience and difficulties in finding qualified pool operators, the City Council elected to forego what would be a lengthy and staff-intensive RFP process in favor of working with our current operator to develop a new operating model which would maintain the current level of service that would be sustainable over the long term.

With City Council direction, staff worked with Team Sheep to develop a new model for the operation of the pools. Moving away from the lease model to a contractor model, the City and the service provider share in a percentage of the revenue generated from programs and services. Given what was learned this past year on impacts to the aquatics business, a revenue share model will help reduce the uncertainty and volatility of an operation that is highly impacted by market conditions including changes in enrollment and increasing

operating costs. Other municipally operated pools typically absorb these impacts with their General Fund, acknowledging the low cost recovery possibilities of aquatics programs. The proposed revenue share model allows the City to recover some of its costs and reduce its subsidy while providing incentive to the provider to maximize potential growth benefitting the City’s bottom line while increasing service levels to the community. The model preserves much autonomy for the provider, which minimizes inefficiencies leading to lower returns and ultimately impacting the City’s revenue share.

Summary of Proposed Agreement Terms

The proposed agreement with Team Sheeper preserves many of the terms of the existing agreement including maintaining the existing scope of recreational aquatics programming, including swim instructors and certified lifeguards to provide lap swim, open swim, youth swim team, youth and adult swim lessons, youth camps, masters swim, aqua-fit classes and lane rentals for community swim teams and other community organizations on the premises. In addition, the operator will continue to be responsible for registration for programs and for maintaining high levels of customer communication and service.

The provider maintains exclusive use of the premises for providing these programs while providing reasonable public access to and use of the premises which includes accommodating the SOLO swim team’s use of Burgess Pool in accordance with schedule and terms in the agreement reflecting the current schedule and lane allocation.

The provider operates the Burgess and Belle Haven pools year round with the Burgess Pool operating 94 hours per week during the non-summer season, and 97 hours during the summer season. The Belle Haven Pool operates 20 hours per week during the non-summer season, and 54 hours during the summer season.

Current Hours of Operation

Schedule	Burgess Pool		Belle Haven Pool	
	Non-Summer	Summer	Non-Summer	Summer
Monday	5:45am-8:00pm	5:45am-8:00pm	3:00-7:00 p.m.	9:00am-7:00pm
Tuesday	5:45am-10:00pm	5:45am-10:00pm	3:00-7:00 p.m.	9:00am-7:00pm
Wednesday	5:45am-8:00pm	5:45am-8:00pm	3:00-7:00 p.m.	9:00am-7:00pm
Thursday	5:45am-10:00pm	5:45am-10:00pm	3:00-7:00 p.m.	9:00am-7:00pm
Friday	5:45am-7:00pm	5:45am-8:00pm	3:00-7:00 p.m.	9:00am-7:00pm
Saturday	6:00am-5:00pm	6:00am-6:00pm	N/A	10:00am-2:00pm
Sunday	7:00am-5:00pm	7:00am-6:00pm	N/A	N/A

Similar to prior agreements, the provider will continue to charge fees for public lap swim, open/recreation swim, swim lessons and pool rentals that are comparable to the rates and fees charged by other aquatic facilities in surrounding communities in alignment with the approved business model. The review of program fees will be included in the annual report to the City. Although the provider is responsible for setting program fees, the provider will continue to consider City input and market rates when establishing program fees.

Impact on City Resources

In the proposed agreement the City continues to be responsible for pool operations and assumes maintenance at all expense levels including mechanical and facility repairs, custodial and landscaping services, utilities (water, sewer, electricity, gas, telephone, and internet), pool chemicals and facility supplies. These expenses are estimated to cost the City approximately \$381,000 annually for both Burgess and Belle Haven Pools.

Overview of Financial Terms

Term	Current	Proposed Agreement
Rent	None	None
Revenue Share	None	30% above agreed threshold
Management fee for Burgess	None	None
Management fee for Belle Haven	\$5,000/mo from Facebook	No Change
Chemicals and pool supplies	City paid; est. \$8,600/mo	City paid
Maintenance and repairs	City paid; est. \$5,000/mo	City paid
Internet and telephone	Vendor paid; est. \$400/mo	City paid
Utilities	City paid; est. \$13,900/mo	City paid

Environmental Review

This item does not require environmental review.

Public Notice

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

Attachments

- A. Professional Services Agreement for Menlo Park Aquatics Facilities

Report prepared by:
Derek Schweigart, Community Services Director

PROFESSIONAL SERVICES AGREEMENT
(Menlo Park Aquatic Facilities)

This Professional Services Agreement (“Agreement”) is made and executed as of March 27, 2018, by and between the City of Menlo Park, a municipal corporation (“City”), and Team Sheeper, Inc., a California S Corporation (“Provider”), referred to herein individually as “Party” and collectively as “Parties”.

WHEREAS, City is the owner of certain premises (“Premises”) described below, and desires to provide recreational aquatics programming for the benefit of the community at the Premises;

WHEREAS, City desires to engage Provider to provide the recreational aquatics programming, including swim instructors and certified lifeguards to provide lap swim, open swim, youth swim team, youth and adult swim lessons, youth camps, masters swim, aqua-fit classes and lane rentals for community swim teams and other community organizations at the Premises (“Services”) consistent with the current level of programming;

WHEREAS, Provider has been providing the Services pursuant to a Lease Agreement, which is expiring on March 31, 2018, and has the necessary professional expertise, qualifications and capability, and all required licenses and/or certificates to provide the services; and

WHEREAS, City and Provider desire to enter into this Agreement on the terms and conditions set forth below.

NOW, THEREFORE, the Parties agree as follows:

1. PREMISES. The Premises includes both the “Burgess Pool”, 501 Laurel Street, Menlo Park, CA and the “Belle Haven Pool”, 100 Terminal Avenue, Menlo Park, CA as defined herein. Burgess Aquatic Facility (“Burgess Pool”) consists of the fenced pool area at the City’s Civic Center campus at Burgess Park. Burgess Pool includes the lap pool, instructional pool, toddler activity pool, locker rooms and restrooms, offices, lawn area, pool mechanical room, lobby area, and all associated areas in the City of Menlo Park, County of San Mateo, State of California, as more particularly shown in Exhibit A, attached hereto and incorporated herein by reference. The Belle Haven Pool (“Belle Haven Pool”) is a six-lane x 25-meter outdoor swimming pool located adjacent to the Onetta Harris Community Center. Belle Haven Pool includes a locker room, shower facilities, mechanical room, office and small children’s wading pool in a fenced area as shown in Exhibit B, attached hereto and incorporated herein by reference.

2. SCOPE OF SERVICES. Provider shall perform the Services, as more particularly described in Exhibit C attached hereto and incorporated herein by this reference in accordance with the terms and conditions contained in this

Agreement. Performance of all Services shall be to the reasonable satisfaction of the City.

3. TERM. The term of this Agreement shall commence on April 1, 2018 and shall terminate on August 31, 2020 ("Term"). If not terminated as set forth hereinafter, this Agreement shall automatically renew for successive 12-month periods (each year an "Extended Term"), subject to all of the same terms and conditions contained in this Agreement. Not less than 180 days prior to the expiration of the Term or Extended Term, either of the Parties may provide written notice requesting either an evaluation of the terms and conditions of this Agreement or termination of this Agreement. In the event no such notice of termination is given, this Agreement shall automatically continue for an Extended Term.

4. BELLE HAVEN POOL MANAGEMENT FEE. The City shall pay Provider a management fee for the operation of the Belle Haven Pool in an amount not to exceed Five Thousand Dollars (\$5,000) per month or Sixty Thousand Dollars (\$60,000) per year, unless otherwise approved by the City Council. The City currently receives annual funding for the Belle Haven Pool from Hibiscus Properties, LLC ("Facebook") pursuant to Section 9.1.1 of the Development Agreement dated December 14, 2016 and recorded in the Official Records of the County of San Mateo as Document Number 2016-133794. In addition to the management fee, pursuant to the terms of the prior Lease Agreement, the City shall pay to Provider Five Thousand Dollars (\$5,000) per month for the period January 1, 2018 through March 31, 2018 for a total of Fifteen Thousand Dollars (\$15,000) for operating the Belle Haven Pool, subject to and upon receipt by the City of funds from Facebook covering that time period. To the extent Provider has been paid all or any portion of the management fee directly by Facebook, the City shall be relieved from the requirement to pay such amount to Provider. If and when such annual funding is reduced or terminated, the City may terminate the Services at the Belle Haven Pool after providing 30 days' advance written notice to Provider. Provider shall be paid pro rata for Services performed at the Belle Haven Pool up to the termination date. If the Services at the Belle Haven Pool are terminated, the management fee shall also terminate.

5. EXCLUSIVE USE OF PREMISES. Subject to the terms of this Agreement, Provider shall have exclusive use of the Premises for the purposes of conducting aquatics programs, including, but not limited to, a masters swim program, swim team, swim lessons, fitness training, recreational swimming, community rentals and other aquatics programs and providing for reasonable public access to and use of the Premises pursuant to Section 6 of this Agreement. Provider shall have the exclusive right to staff, supervise and contract for such use of the Premises, subject to the terms of this Agreement. The Parties specifically agree that Provider shall accommodate the SOLO swim team's use of Burgess Pool in accordance with schedule and terms set forth in Exhibit D, which shall not

be modified without mutual agreement of Provider and SOLO, unless SOLO is in breach of its contract with Provider.

Provider shall have non-exclusive use of the locker rooms, as depicted on Exhibit A and Exhibit B, to accommodate Provider's use of the Premises. The Parties agree that use of the locker rooms shall be limited to persons participating in programs and activities offered by Provider or City or other members of the public upon payment to Provider of fees for such use. Specifically, City reserves the right to use the locker rooms for any City program, including facility rentals and programs and for public use on a "pay for use" basis. Provider may only refuse locker room access when patrons fail to follow the rules of conduct approved by the City. Patrons shall have the right to appeal Provider's decision to the Director of Community Services, if the patron feels denial of locker room access was unreasonable. The Director of Community Services' decision shall be final.

6. OPERATION, COMMUNITY ACCESS AND SCHEDULING. Provider may operate the Premises between the hours of 5 a.m. to 10 p.m. seven days a week, 365 days a year. Provider currently operates the Burgess Pool from 5:45 a.m. to 8:00 p.m., and until 10:00 p.m. on Tuesdays and Thursdays Monday through Sunday and the Belle Haven Pool from 3:00 p.m. to 7:00 p.m. Monday through Friday. Provider may reasonably modify, subject to prior written approval from the City, which shall not be unreasonably withheld, the current schedule at either the Burgess Pool or the Belle Haven Pool if staffing is not possible or if it is not financially feasible to operate during certain hours. The City will provide its consent or objection to the requested change within 10 business days or the request will be deemed approved.

Provider will be responsible for the scheduling of the Premises. Provider shall provide reasonable public access and community use of the Premises. Provider will not reduce the public access and community use without prior City approval from the Director of Community Services who is authorized to finalize the City's schedule of use of the Premises. When evaluating the pool space and time allocation, Provider shall consider and give scheduling priority for programs based on the number and percentage of City residents.

Burgess Pool: Minimum public access and community use will include:

- a. Year-round lap swim, seven days per week (except holidays);
- b. Seasonal open/recreational swim daily from Memorial Day through Labor Day for a reasonable amount of time and with adequate pool space;
- c. Reasonable availability for other community organizations/users;
- d. Programs and reasonable accommodation for all ages and abilities;
- e. Inclusive programs for people with disabilities when possible; and
- f. Winter programming subject to the City's provision a dome over the instructional pool, if possible.

Belle Haven Pool: Minimum public access and community use will include:

- a. Open to the public for a minimum of 10 weeks during the summer season in June, July, and August. During that time period, the pool shall be open for a minimum of six days a week, Monday through Saturday; and
- b. Open/recreational swim hours will be at least three hours per day, six days per week but will be allowed on a “pool sharing” basis with other programming.

7. PROGRAM REGISTRATION AND FEES. Provider shall be responsible for having a method for the public to register and pay for programs. Provider shall collect all program fees for the Services provided pursuant to this Agreement. The program fees charged by Provider shall be as follows:

- a. The fees charged by the Provider for public lap swimming, open/recreational swim, and swim lessons shall be comparable to rates and fees charged by other aquatic facilities in surrounding communities and in alignment with the approved business model.
- b. Provider shall provide rental space for other community organizations and users for competitive youth swimming programs, instructional programs, fitness training, etc., on a reasonable and comparable fee basis.
- c. Review of the program fees shall be included in the annual report to the City. Although Provider is responsible for setting program fees, Provider shall consider both City input and market rates in establishing the program fees.
- d. The City will provide limited conference room space at the Arrillaga Family Gymnasium free of charge for Provider’s team meetings and trainings, subject to availability.
- e. The City will make sports field space at Burgess Park available free of charge for Provider camps and programs in exchange for pool use for City camps and programs, both subject to availability.

8. REVENUE SHARING. Provider shall maintain an annual profit and loss statement (“Statement”) during the Term and any Extended Term of this Agreement. The Parties acknowledge that the Provider’s Statement includes revenue from the Services at the Premises and also Menlo Fit/Boot Camp revenue and triathlon team revenue. If Provider’s revenue from the Services provided pursuant to this Agreement, exclusive of Menlo Fit/Boot Camp revenue and 2/3 of the triathlon team revenue, exceeds Three Million One Hundred Forty Thousand (\$3,140,000) in a single calendar year, Provider shall pay to the City 30 percent such revenue within 60 days of the end of the year.

9. PROGRAM ADMINISTRATION. Provider shall have adequate administrative staff and assistance to support all hours of operation. Policies and procedures for handling registration, refunds, and complaints are required. Provider shall maintain a customer database and appropriate records retention.

Provider shall develop sufficient communication and marketing in order to inform the public of the programs and services. The City will provide reasonable marketing space in the tri-annual activity guide for the Provider to promote their aquatics programs at the Premises, subject to availability. Provider shall be responsible for meeting the deadlines and providing accurate and sufficient information to City staff.

Provider shall take appropriate steps to maintain a high level of customer service and overall satisfaction at all times. Provider shall be engaged with City staff and regional aquatics groups throughout the year and shall attend an annual meeting convened by the City. Additionally, Provider shall prepare and provide an annual report no later than January 30 of each year to City staff, which will be presented to the City's Parks & Recreation Commission for review and comment by the Commission at its February meeting. The annual report should include the following items:

- a. Total program hours by program area;
- b. Participation statistics by program area including resident and non-resident percentages;
- c. Customer satisfaction survey results;
- d. User group feedback by program area or rental;
- e. Pool schedule and allocation by program for previous year and projections to the upcoming year;
- f. Fees by program area and a fee comparison to other public pools in the region;
- g. Annual audits and reviews demonstrating standards of care, outlined in Section 12, below, are met;
- h. Risk management documentation, outlined in Section 13, below; and
- i. Training certifications listed by staff member.

Provider shall maintain reasonable evidence and documentation of this information and have these records accessible to the City at any time following 10 days written notice.

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

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

- a. City of Menlo Park
- b. Menlo Park Fire Department
- c. San Mateo County Health Department
- d. California Department of Health Services

- e. California Department of Labor
- f. Occupational Safety and Health Administration (OHSA)
- g. Emergency Medical Services Authority (EMSA)
- h. Consumer Product Safety Commission & Virginia Graeme Baker Act
- i. Americans with Disabilities Act
- j. California Department of Fair Employment and Housing

11. HEALTH AND SAFETY. Provider shall maintain health and safety standards in a reasonable and acceptable manner for the Premises, participants, and its employees in compliance with City standards and the other regulatory agencies listed in Section 10 above. These standards include but are not limited to:

- a. Employee Injury and Illness Prevention Plan
- b. Hazardous Materials Communications and Business Plan
- c. Blood borne Pathogens and Bio Hazardous Exposure Control Plan
- d. Lifting and Fall Prevention
- e. Electrical Safety
- f. Emergency Action Planning
- g. First Aid
- h. Heat Illness and Sun Protection
- i. Confined Spaces
- j. Chemical Storage
- k. Personal Protective Equipment
- l. Recreational Waterborne Illnesses (RWI's)
- m. Signage

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

12. STANDARD OF CARE. Provider shall provide aquatic programs and manage the Premises in a manner that is comparable to or above the standard of care that is reasonable and acceptable for a public pool in the surrounding communities. This standard of care should be demonstrated in all areas of operations including: supervision and lifeguard coverage, surveillance techniques, staff training, record keeping, basic maintenance and janitorial services during business hours, cleanliness of facilities, safety, and risk management. Provider is expected to ensure this standard of care by conducting annual audits by qualified external experts and including this information in the annual report to City staff and the City's Parks and Recreation Commission identified in Section 9, above.

13. RISK MANAGEMENT. The Provider shall take all appropriate and necessary steps to provide adequate risk management planning to minimize liability or negligence by the Provider. The Provider shall manage their risk by demonstrating proficiency in the following areas:

- a. Emergency Action Plan - staff training plan, drills conducted, emergency equipment and communication process.
- b. Facilities & Equipment - inspection, maintenance, and checklists.
- c. Supervision - quality, quantity, lesson plans and progression.
- d. Training - requirements and appropriate staff.
- e. Documentation - manuals, waivers, medical screening, skills screening, risk information provided to public, policies and evaluations.

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

15. MAINTENANCE, REPAIR, CUSTODIAL AND LANDSCAPING. The City will be responsible for the maintenance and repair of the equipment and facilities at the Premises, including:

- a. Burgess Pool: three pools, appropriate signage, offices, lobby, locker rooms and shower area, restrooms, pool decks, fences and gates, lawn area, supply storage areas, equipment/mechanical rooms, chemical storage areas, and lights.
- b. Belle Haven Pool: two pools, appropriate signage, office, locker rooms and shower area, restrooms, pool decks, fences and gates, supply storage areas, equipment/mechanical rooms, chemical storage areas, and lights.

If in the course of operating the Premises, Provider identifies any equipment, facilities or portion thereof in need of maintenance or repair, Provider shall notify the City's Public Works Director or his/her designee as soon as possible and the City shall be responsible for performing the necessary maintenance or repair work. If any maintenance or repair work requires immediate emergency attention, Provider may engage a preferred City contractor directly after obtaining consent from the City's Public Works Director or his/her designee. Provider shall be reimbursed by the City for any costs incurred by Provider in addressing the immediate/emergency maintain/repair work. If the Facilities or equipment are damaged due to the willful misconduct or negligence of Provider, its employees, subcontractors, or program participants, Provider is responsible for any necessary repair or replacement of such damage at Provider's sole cost and expense.

Provider shall employ or contract one full-time custodial support staff from 3:00 a.m. to noon, consistent with Provider's current practice. The City will provide

janitorial service during midday and Saturday and Sunday evenings. The City and Provider shall coordinate custodial services to ensure the Premises is maintained in an orderly, clean and professional condition. The City shall provide all incidental facility supplies, such as paper towels, toilet paper, etc. The City agrees to reimburse Provider, upon approval by the Public Works Director, or his/her designee, up to Two Hundred Dollars (\$200) per month for the purchase of incidental supplies. The City shall provide landscaping services for the Premises.

The City shall provide and be billed directly for all necessary pool chemicals. Provider shall employ or contract for a Certified Pool Operator. Provider shall maintain standard operation procedure manuals and maintenance records and logs. These records will include: daily pool and chemical log and checklists for routine maintenance and janitorial duties (daily, weekly, monthly, quarterly, bi-annually, and annually).

16. UTILITIES. The City shall provide, without cost to Provider, all utilities necessary to operate the Premises for the purposes identified in this Agreement, including water, sewer, stormwater, electricity, gas, telephone and internet. Provider shall modify operations to comply with any conservation requirements imposed by any utility operator. Provider shall consult with and obtain City approval prior to making any operational changes that would impact utility costs and regulatory compliance.

17. INSURANCE. Provider shall acquire and maintain Workers' Compensation, Employer Liability, and Commercial General Liability relating to the Provider's use of the Premises. The insurance company or companies must be approved by the City. Provider will furnish City with certificates and copies of information or declaration pages of the insurance required. Provider would need to provide the City with 30 days' notice if any changes, cancellation, or non-renewals. Provider is required to disclose any self-insured retentions or deductibles, which shall be subject to City's approval, not to be unreasonably withheld. Provider's insurance shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of the insurer's liability (cross liability endorsement). Provider's insurance coverage shall be primary insurance with respect to City, its Council, Boards, Commissions, agents, officers, volunteers or employees, and any insurance or self-insurance maintained by City, for themselves, and their Council, Boards, Commissions, agents, officers, volunteers or employees shall be in excess of Provider's insurance and not contributory with it.

The minimum amounts of coverage corresponding to these categories of insurance per insurable event shall be as follows:

Insurance Category	Minimum Limits
Workers' Compensation	Statutory Minimum - include endorsement waiving the insurer's right of subrogation against the City, its

Employer's Liability	<p>officers, officials, employees and volunteers.</p> <p>One Million Dollars (\$1,000,000) per accident for bodily injury or disease – include endorsement adding the City, its officers, officials, employees and volunteers as additional insured for both ongoing operations as well as products and completed operations; include endorsement to provide primary insurance and waive any rights of contribution from the City's coverage.</p>
Commercial General Liability	<p>Three Million Dollars (\$3,000,000) per occurrence for bodily injury, personal injury and premises damages. Must include all areas in Insurance Service Office (ISO) Form No. CG 00 01 (including Products and Completed Operations if food is served or for repairs done by the tenant, Contractual Liability, Broad form property damage, Participants and spectators coverage, and Personal and Advertising injury liability)</p>

If Provider fails to maintain any of the insurance coverage required herein, then City will have the option to terminate this Agreement or may purchase replacement insurance or pay the premiums that are due on existing policies in order that the required coverage may be maintained. Provider is responsible for any payments made by City to obtain or maintain such insurance.

Provider shall require any subcontractor who uses the Premises more than once in any 12-month period to maintain and carry the same coverage as described above, which policies shall name the City as an additional insured. Provider shall require such subcontractor to obtain and provide a certificate of insurance evidencing said coverage to the City.

Each Party hereby waives and agrees to obtain from each insurance carrier of the insured a "subrogation waiver endorsement" waiving its right of recovery to the extent of insurance proceeds, against the other Party, the other Party's officers, directors, agents, representatives, employees, successors and assigns with respect to any loss or damages, including consequential loss or damage to the insured's property caused or occasioned by any peril or perils (including negligent acts) covered by any policy or policies carried by the Party.

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

- a. **Safety:** Provider will be required to comply with the City's safety program guidelines and protocol. Quarterly inspections by an outside vendor will be conducted and recommendations for compliance will be enforced. City staff will be responsible for following up with the Provider on specific safety issues identified in the quarterly inspection. The Provider will be required to comply with the City's requests in a timely manner. In addition, documentation demonstrating compliance with all city, county, state and federal regulations will be required to be kept up to date and reviewed on an annual basis or more frequently as deemed necessary by the City.
- b. **Maintenance:** City staff reserves the right to conduct weekly, monthly, quarterly, and annual inspections relative to Provider's responsibilities pursuant to this Agreement, including inspections relating to pool chemistry, pool equipment, and safety practices.
- c. **Operations:** An annual operational audit will be conducted by an external expert and industry professional approved by the City. An observational audit, lifeguard skills assessment, and site inspection shall be conducted annually. An overall operational audit shall be conducted every two years. This audit should include but may not be limited to: staff skills assessment, staff selection and training procedures, policies and procedures review, site inspection, code compliance and record keeping practices, and adherence to aquatic safety standards.
- d. **Financial Review/Audit:** Provider shall provide complete financials for all aquatics programs and/or programs operated out of the Premises (with administrative costs/salaries that may be related to both aquatics and non-aquatics programs fairly allocated between such programs) prepared in accordance with generally accepted accounting principles for each calendar year during the Term of this Agreement for City staff and outside consultant review. The purpose for such review shall be for determining appropriate revenue sharing, if any, pursuant to Section 8. Provider agrees, upon the City's request, to make all books and records available to the City for review such that the City is provided the opportunity to confirm the accuracy of the financial reports provided.

19. CITY ACCESS. The City shall have access to the Premises or any part thereof for municipal purposes, which may include the performance of maintenance and repairs in or upon the Premises, the inspection of the Premises, or the use, maintenance, repair of adjoining areas. When City access will be during the Provider's operational hours and may impact the provision of Services, the City shall provide prior notice and coordinate access with the Provider.

20. IMPROVEMENTS. Provider shall not make, nor cause to be made, nor allow to be made, alterations or improvements to the Premises, without the prior

written consent of City, not to be unreasonably delayed or withheld. All improvements or alterations constructed or installed shall be removed and the Premises restored to substantially the same condition existing prior to such construction or installation, upon the termination of this Agreement, unless the prior written approval of City is secured, allowing such improvements or alterations to remain in place, in which case, title thereto shall vest in City. All improvements undertaken pursuant to this Agreement will be at City's sole expense and the City will be responsible for the use and maintenance of the improvements.

21. NOISE. Except in the event of an emergency, Provider shall not use any amplified sound, whistles, bullhorns, music, etc., between the hours of 5:30 a.m. to 8:00 a.m., and/or from 8:00 p.m. to closing during any day of operation. In order to minimize impacts of major events on residents of the surrounding neighborhood, Provider will notify the City on a quarterly basis of all swimming meets or other large group events beyond normal operations to allow the City to notify the neighborhood in advance of such events.

22. PARKING. Provider shall instruct its patrons to park away from the nearest residences before 8:00 a.m. and after 8:00 p.m.

23. WAIVER OF CLAIMS. Except as it relates to claims asserted by anyone related to or arising from The City's failure to fulfill its obligations to maintain, repair, clean and/or landscape in accordance with this Agreement, including, without limitation Section 15 hereof, Provider waives all claims against City, its Council, Commissions, agents, officers, volunteers, contractors or employees for any damages to the improvements in, upon or about the Premises and for injuries to any employees of Provider or their agents, invitees or sub-contractors in or about the Premises from any cause arising at any time, where City had no involvement or where such damages or injuries did not arise out of the instruction or guidance of the City. In no event shall the City be responsible for loss of profits or any consequential damages to Provider.

24. INDEMNIFICATION. Except as it relates to claims asserted by anyone related to or arising from The City's failure to fulfill its obligations to maintain, repair, clean and/or landscape in accordance with this Agreement, including, without limitation Section 15 hereof, Provider will defend, indemnify and hold City, its Council, Commissions, agents, officers, volunteers or employees harmless from any damage or injury to any person, or any property, from any cause of action arising at any time from the use of the Premises by Provider, and Provider's invitees, program participants, and visitors, or from the failure of Provider to keep the Premises in good condition, including all claims arising out of the negligence of Provider, but excluding any damage or injury caused by the willful misconduct or negligence of City or its employees, agents or contractors. City will defend, indemnify and hold Provider, its members, agents, officers, volunteers or employees harmless from any damage or injury to any person, or any property,

from any cause of action arising at any time from the willful misconduct or negligence of City or its employees, agents or contractors.

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

25. HAZARDOUS MATERIALS. Provider shall not use or store any Hazardous Materials in, on, or about the Premises except in compliance with all applicable federal, state, and local laws, statutes, ordinances, and governmental regulations, and the highest standards prevailing in the industry for storage and use of any such Hazardous Materials, nor allow any Hazardous Materials to be brought in the Premises, except to use in the ordinary course of Provider's business, and then only after written notice to City of the Hazardous Materials to be used by Provider. Provider shall not cause or permit the escape, release, or disposal of any Hazardous Materials in the Premises.

In addition, Provider shall, at City's request, execute affidavits, representations, or other documents concerning Provider's best knowledge and belief regarding the presence of any Hazardous Materials in the Premises. Provider shall indemnify, defend, and hold harmless City from any liability, cost, or expense, including reasonable attorneys' fees, arising from the use, storage, release or disposal of any Hazardous Materials in, on, or about the Premises by Provider, its agents, employees, contractors, or invitees. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

For the purposes of this Agreement, the term "Hazardous Material" shall mean any substance or material which has been designated hazardous or toxic by any federal, state, county, municipal, or other governmental agency or determined by such agency to be capable of endangering or posing a risk of injury to, or adverse effect on, the health or safety of persons, the environment, or property, including without limitation those substances or materials described in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq.

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

27. ARBITRATION. Any dispute regarding the breach of this Agreement shall be decided by binding arbitration pursuant to the rules of the American

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

BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTER INCLUDED IN THE ARBITRATION OF DISPUTES' PROVISION DECIDED BY NEUTRAL ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR BY JURY TRIAL. BY INITIALING IN THE SPACE BELOW YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THE ARBITRATION OF DISPUTES PROVISION. IF YOU REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, YOU MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE CALIFORNIA CODE OF CIVIL PROCEDURE. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY.

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

Provider

City

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

29. ASSIGNMENT AND NONTRANSFERABILITY. Provider understands and acknowledges that assignment of this Agreement is absolutely prohibited without the written consent of City, and any attempt to do so without City's written consent may result in termination of the Agreement at the will of City. Notwithstanding the foregoing, City shall grant permission to Provider to contract with other entities or organizations to provide some of the programs at the Premises for certain hours, subject to prior approval by the City, which shall not be unreasonably withheld. Such use is contingent, in part, upon said entity or organization indemnifying and insuring City in the same manner and amount that Provider has indemnified and insured City under this Agreement. City, its Council, Boards, Commissions, agents, officers, volunteers and employees shall be named

as additional insureds. Any insurance policy maintained by a such an entity organization will be in addition to, and shall not replace, any insurance required of Provider.

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

31. TERMINATION OF AGREEMENT.

a. Default. City or Provider shall have the right to terminate this Agreement by written notice to the other party for any default or breach of any term or condition of this Agreement by the other Party; provided, however, the non-defaulting and non-breaching Party must first deliver written notice to the other Party of any such default or breach, and if such breach or default exists for more than 30 days after the delivery of such notice without being cured, the non-defaulting and non-breaching Party may elect to terminate this Agreement by giving written notice of such termination to the defaulting Party. Termination shall be effective on the date specified in the notice, which date shall not be less than 30 days nor more than 180 days following such notice. In addition to termination, the non-defaulting and non-breaching Party shall be entitled to pursue any and all other remedies provided by law.

b. City Dissatisfaction. If City and/or Menlo Park community believes Provider has not satisfied community needs with respect to public access, service and program quality, public safety, noise restrictions and/or parking, City may deliver written notice to Provider of such dissatisfaction and the Parties shall meet and confer within 15 days of Provider's receipt of such notice. If the matter is not resolved to the City Manager's satisfaction, City may terminate this Agreement by giving written notice of such termination to Provider. Termination shall be effective not less than 90 days after the date of such notice. Provider shall have the right to appeal such termination to the City Council within 10 days of Provider's receipt of such notice. Upon receipt of Provider's timely appeal, the Council shall place the matter on the City Council agenda and make the final determination with regard to the termination of the Agreement and shall give written notice to Provider of such final determination. If the City Council determines the Agreement

should be terminated, termination of the Agreement shall be effective not less than 90 days after the date of such notice.

c. City Expense. The City may terminate this Agreement, effective 90 days from the date of the notice, if the City's costs for maintenance and repair (Section 15), and utilities (Section 16) are exceeding the amounts budgeted by the City for such costs.

d. Provider's Option. Provider may terminate the Agreement at Provider's option upon the occurrence of any of the following: (1) upon the death of Tim Sheeper; (2) upon the disability of Tim Sheeper, if such disability prevents him from running Provider's business operations for a continuous period of 60 consecutive days; or (3) upon financial hardship, which shall require not less than six month written notice to terminate Agreement based on financial hardship.

Termination shall be effective on the later of 90 days after the date of any such notice, the date of termination specified in the notice or such later effective date as is required pursuant to any specific provision of this Agreement. In the event Provider does not elect to terminate the Agreement as permitted herein, the Agreement shall remain in full force and effect for the remainder of the Term, unless subsequently terminated for another cause or event as specified herein.

32. CONDITION OF PREMISES UPON TERMINATION. Upon the effective termination of the Agreement, Provider shall restore the Premises to its condition prior to the execution of this Agreement, excluding (a) wear and tear and natural deterioration based on the passage of time, (b) items subject to the City's obligations to maintain, repair, clean and/or landscape in accordance with this Agreement, including, without limitation Section 15 hereof, and (c) other changes or improvements to the Premises previously approved by the City, remove all personal property, including furniture, furnishings, vehicles, and equipment, belonging to Provider or Provider's employees, invitees, and agents. Should Provider fail to perform those obligations by the effective termination date, the Parties agree to the following:

- a. Such remaining property shall be deemed abandoned and Provider waives all provisions for disposition of abandoned personal property required by California law including but not limited to California Code of Civil Procedure Section 1980 et. seq. (requiring notice for reclaiming abandoned property and public sale for disposition).
- b. City has the right to take action to remove Provider's personal property. Should City exercise this right, Provider shall be liable to City for:
 - i. the actual cost of this removal, demonstrated by valid receipts and invoices;
 - ii. a 15 percent overhead to City for reasonable costs in contracting and supervising the removal work; and

- iii. any attorneys' fees incurred by City to remove Provider from the Property after termination, if necessary. Invoices must be paid within 10 days of submission of invoice to Provider. If not paid within this time, then interest will be charged at 10 percent or the maximum extent allowed by law, whichever is less.

33. NOTICE. All notices under this Agreement shall be in writing and, unless otherwise provided herein, shall be deemed validly given if sent by certified mail, return receipt requested, or via recognized overnight courier service, addressed as follows (or to any other mailing address which the party to be notified may designate to the other party by such notice). All notices properly given as provided for in this section shall be deemed to be given on the date when sent. Should City or Provider have a change of address, the other party shall immediately be notified as provided in this section of such change.

Provider

Team Sheeper, Inc.
Attn: Tim Sheeper
501 Laurel Street
Menlo Park, CA 94025
(650) 369-7946

City

City of Menlo Park
Attn: City Manager
701 Laurel Street
Menlo Park, CA 94025
(650) 330-6610

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

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

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

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

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

CITY OF MENLO PARK

By: _____

ATTEST:

City Clerk

TEAM SHEEPER, L.L.C.
501 Laurel Street
Menlo Park, CA 94025

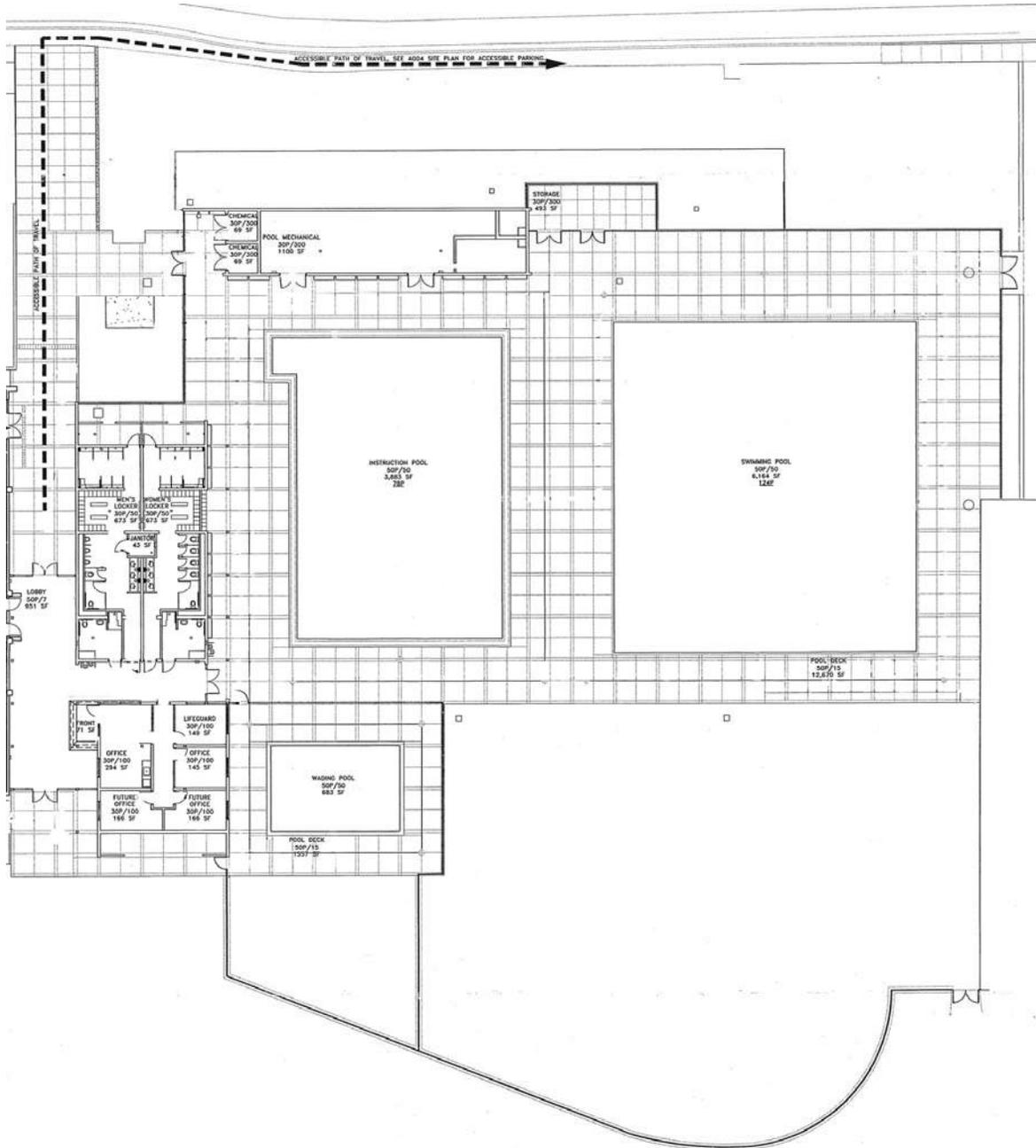
By: _____
Tim Sheeper, Chief Executive Officer

Exhibits

- A. Burgess Pool Site Map
- B. Belle Haven Pool Site Map
- C. Scope of Services
- D. SOLO Schedule and Terms

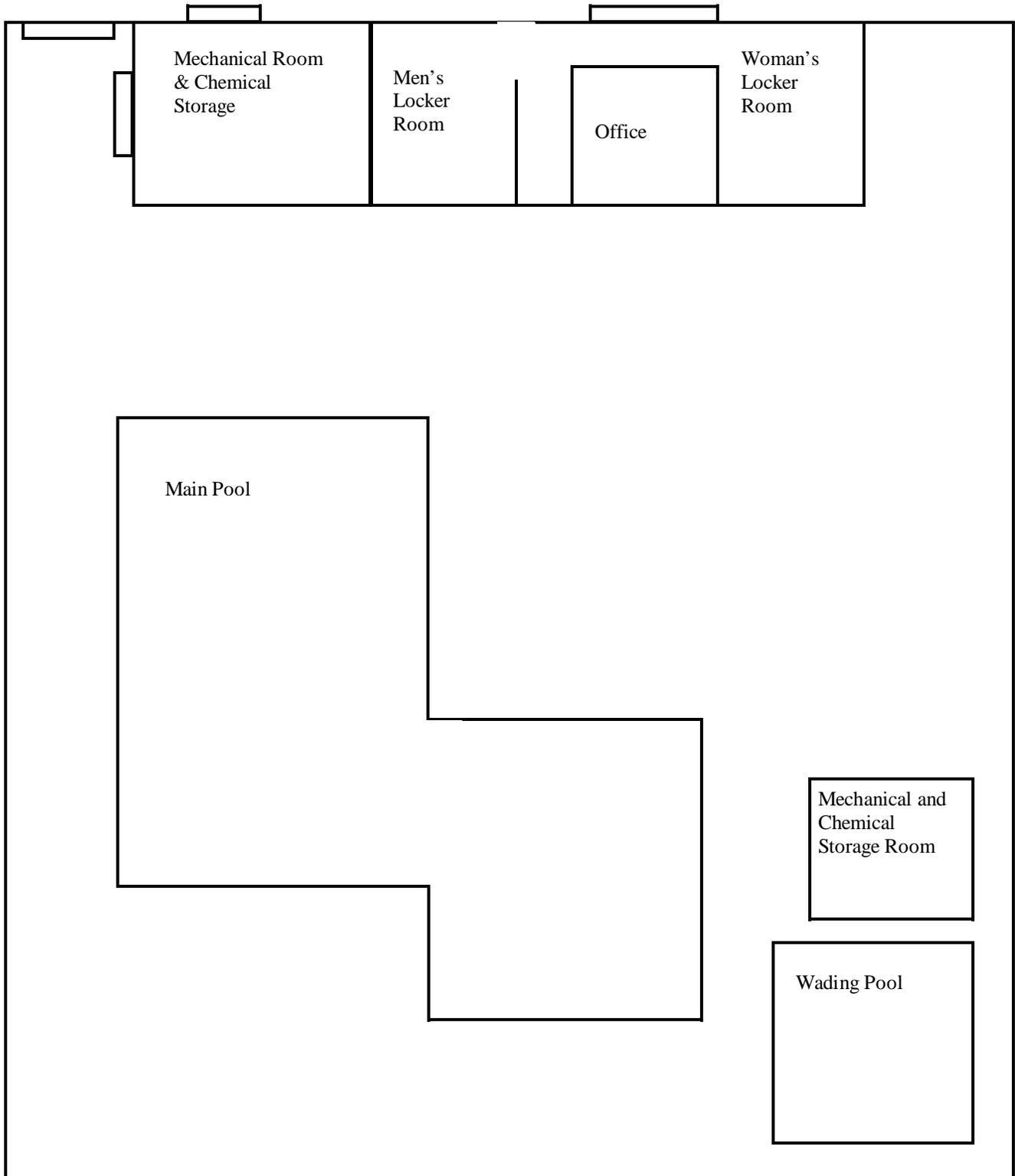
EXHIBIT A

BURGESS POOL MAP



BELLE HAVEN POOL MAP :

Parking Lot



Menlo Swim and Sport
2018 Scope of Services

1. Lap Swim

Description: Community based, non-structured, fitness swimming in both performance and instructional pools with the goal of having lane availability whenever the business is open. Drop-in and membership options

Frequency: 7 days/wk, year-round

Times: Opening to closing

Belle Haven: Weekdays during all open hours, year-round

2. Open Swim

Description: Community-based, non-structured, play and family time in both the performance and instructional pool. Increasing pool availability during warmer high demand seasons. Drop-in and seasonal memberships options.

Frequency: 7 days/wk, year-round

Times: Late morning to evening hours, all-day on weekends

Belle Haven: Summer focus-4 hours/daily

3. Menlo Aquatics-Youth Year-Round Swim Team

Description: Community-based, structured and programmed with performance incentives including weekend off-site coached events and competitions. Segmented and serving various age-groups from 6-18 year olds. Monthly memberships.

Frequency: 6 days/wk, year-round

Times: After school to late evening weekdays and late morning on Saturdays

Belle Haven: Full program not available, but Belle Haven is used during summer.

4. Menlo Mavericks-Youth Summer Swim Team

Description: Community-based, introductory-level, structured and coached 10-week program that is part of a regional competitive league with weekday and weekend events. Monthly memberships.

Frequency: Monday-Saturday, summer only

Times: Morning and afternoon hours throughout the summer

Belle Haven: Not available

5. Menlo Mavericks-Youth Water Polo Team

Description: Community-based, year-round team that serves introductory and intermediate level players that compete locally and regionally. Monthly memberships.

Frequency: 3 days/wk

Times: Afternoons year round

Belle Haven: Only available at Belle Haven

6. Menlo Swim School

Description: Community-based, year-round service that targets individuals 6 months to adults. Small group, semi-private and private instruction that teaches to class ability level. Various segmented levels that supports time efficient and optimum improvement. Monthly membership.

Frequency: 7 days/wk, year-round.

Times: Mornings to late evening with a long lunch break.

Belle Haven: Available spring, summer and fall

7. Camp Menlo-Summer and School Holiday Camps

Description: Community based, seasonal program that serves youth from 4.5-15 year olds with 5 different offerings of week-long camps. Pre and post camp care is available. Most campers take part in a small group swim lesson each day. Weekly fee.

Frequency: Monday-Friday for 10 weeks spanning the summer months.

Times-Early morning to late afternoon options.

Belle Haven: Not available at Belle Haven

8. Menlo Masters-Adult Swim Team

Description: Community-based, year-round team that serves introductory to advanced participants. Stroke and fitness improvement along with growth of interpersonal relationships and connection to the community are the goals. Local, regional and international competitions are a part of the curriculum. Monthly memberships and daily drop-ins available.

Frequency: Several daily workouts available

Times: Before work, lunch-time and weekend morning offerings

Belle Haven: Not available

9. Team Sheeper Triathlon-Adult Triathlon Program

Description: Community-based, year-round team that serves introductory to advanced participants. Improving personal skills and fitness along with community connection are the main goals. Monthly membership.

Frequency: A few workouts on daily basis year round

Times: Before work, lunch-times and evenings during the week and morning on weekends

Belle Haven: Not available

10. Aqua Fit-Adult Water Exercise

Description: Community based, year-round program that targets the non-swimming fitness seekers including the senior population seeking respite from gravity based land exercises. Cardio-vascular and muscular strength improvement is focused upon. Monthly memberships and daily drop-ins available.

Frequency: Offered daily, excluding Saturday

Times: Early mornings weekdays and Sunday, evenings on Tuesday and Thursday

Belle Haven: Not available

11. Aqua Wellness- Adult Water Therapy

Description: Community based, year-round program that targets individuals who need assistance with range-of-motion in joints, muscular strength and coordination or are in recovery from an illness or surgical procedure. Monthly memberships or daily drop-ins available.

Frequency: 3 mornings per week

Times: Mid to late morning hours

Belle Haven: Not available

12. Menlo Mavens-Women's Water Polo Team

Description: Community based, year-round program that attracts beginners to high level players. The uniqueness of the program serves as a connection point for many women who thrive on interacting with other inspiring and courageous women in the community. The team competes locally, regionally and internationally. Monthly membership and drop-in options available.

Frequency: 2 time per week

Times: Weekday evening and weekend morning

Belle Haven: Annual weekend tournament is hosted at Belle Haven

13. Pro Services-Private Premium Coaching

Description: Personal and tailored premium coaching available for clients who do not fit into our established group structure or for those who want the extra attention from a professional level instructor. Monthly memberships or per session fee available.

Frequency: Daily, year-round

Time: Flexible and available all open hours

Belle Haven: Available during open hours with a highly experienced professional

14. Safety Academy-Lifeguard Certification Courses

Description: Red Cross certified lifeguard classes are instructed by our Red Cross certified instructors for anyone in the community or region who are seeking their Red Cross lifeguarding certification. A 3-day, 30+ hour course that blends on-site learning and on-line learning. Certification class fee.

Frequency: Monthly year-round, and weekly during peak summer months

Times: Friday evenings, and full day Saturdays and Sundays.

Belle Haven: A portion of the classes are conducted at Belle Haven

15. Community Rentals and Clinics

Description: For profit and not for profit community based rentals agreements are entered into throughout the year. An underwater hockey team, a youth swim team (SOLO), a triathlon team (Team in Training) are the year-long agreements. Along with Boy scouts, Cub scouts, Girl Scouts and public and private schools, personal swim clinics. Full pool and individual lane rentals are available

Frequency: Daily, year-round

Time: Various times throughout the year

Belle Haven: Synchronized swimming is the predominant agreement

16. Menlo Boot Camp-Adult Land Based Exercise Classes

Description: Community based, year-round program focused on improving general functional strength and well-being for adults. Strength and endurance exercises are used in a group setting that forms community and purpose for life-long vitality and mobility. Monthly memberships and daily drop-in options available.

Frequency: Weekdays, year-round

Times: Early and mid-morning hours

Belle Haven: Not available

17. Pro Shop-Food and Merchandise

Description: Support of fuel and gear for the community members using the aquatic or surrounding campus at Burgess Park. Low prices on food and merchandise and the high accessibility of the store make it a convenience for staff and participants.

Frequency: Daily, year-round

Times: During all open hours

Belle Haven: Available on a reduced scale.

EXHIBIT D
SOLO SCHEDULE AND TERMS

The SOLO Aquatics swim team (“SOLO”) will be able to use Burgess Pool and Belle Haven Pool on the following terms:

- a. Lane space will be provided from 4:00 to 5:30 p.m., Monday through Friday, eight (8) lanes in Burgess performance pool September 1st through May 31st.
- b. Lane space will be provided from 4:00 to 5:30 p.m., Monday through Friday, four (4) lanes in Burgess performance pool June 1st through August 31st. Additional lanes may be provided at current rental rates during summer if Provider agrees and open swim attendance allows.
- c. Rental rate will be \$14 per lane hour for the term of the Agreement.
- d. SOLO may elect to opt out of any of the hours provided for herein with 30 days notice.
- e. SOLO will be billed thirty (30) days in advance and on a monthly basis. Any payment not received by Provider within fifteen (15) days of the due date shall be subject to a late payment penalty of five percent (5%) of the amount due.
- f. When the Belle Haven Pool is operational, youth swim team rental shall have the option to use the Belle Haven Pool at agreed upon rates and times.
- g. Youth swim team will have access lobby area of the Burgess Pool for marketing purposes to be approved by Provider in advance.
- h. SOLO shall provide proof of insurance listing the Provider and City as additional insureds.
- i. SOLO shall comply with all of the facilities policies and rules of conduct.
- j. SOLO may not allow any other organization or individual to use any of the privileges or services provided by the Provider
- k. SOLO is responsible for the control and supervision of all participants in their program.
- l. If storage is provided for equipment at the request by SOLO, the Provider is not responsible for any damages or losses to the SOLO’s equipment.
- m. They City and Provider reserve the right to close the pool(s) at any time for maintenance or any safety reason. Provider will make every attempt to give notice when possible and assist with informing the SOLO and its participants.
- n. Provider shall have the right to terminate its agreement with SOLO by written notice to the SOLO for any default or breach of any term or condition herein. SOLO will be provided not less than thirty (30) days notice and opportunity to cure any notice of default. Provider shall provide City with a copy of any notice of default provided to SOLO.

- o. City requires a written agreement on a form approved by the City Attorney between the two parties with a copy provided to the City no later than the commencement of the Term of the Agreement between the City and Provider; provided however, Provider shall not be considered in default of the terms and provisions of the Agreement if SOLO has refused to execute a written agreement with Provider on such form approved by the City Attorney.



2018 Menlo Swim and Sport Annual Report
Presented to Parks and Recreation Committee of Menlo Park
March 27, 2019

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I. Who is Menlo Swim and Sport/Brief History

Menlo Swim and Sport originated in May 2006 to prove the vision that premium level leadership and instruction, along with an attention to high quality customer service, accompanied by a full spectrum of aquatic services and a facility that stayed open all day, every day could change the paradigm of how public pools operated and succeeded. Simply put, give everyone what they want, while demonstrating and preaching the concept of sharing a community resource.

A new company, operating a new aquatic facility, implementing a radically different model was a recipe ripe for stringent public scrutiny and fierce pessimism. But, it also ignited a fire in a small but highly committed operating team to succeed.

A demanding but mostly satisfied public allowed for modest business success in our first five-year agreement. With some momentum and optimism, Menlo Swim and Sport agreed to a second five-year agreement with the City of Menlo Park. The second agreement was much more demanding and draining on company resources.

In an effort to survive, Menlo Swim and Sport searched for new revenue streams and evolved by diversifying and expanding services of the company outside of Menlo Park, in the effort to secure long-term financial stability.

Menlo Swim and Sport forged ahead and met all the demands in Menlo Park until the first part of 2017. After 11 years of experiencing growth, both incremental and substantial, year over year, we ran into the proverbial storm: a membership decline in our main youth revenue departments, coupled with extreme and costly challenges of securing the volume of the workforce necessary to operate our model, and lean company reserves.

With the changes in the community that resulted in the downturn of total pool users and increase in cost of labor, Menlo Swim and Sport negotiated a third agreement, but for a shorter term. The new agreement shifted the responsibility of pool, facility and equipment repairs, as well as any contributions for capital repairs, off of Menlo Swim and Sport, allowing for continued operation without interruption.

The latest agreement has now been in place for an entire year. The new agreement has allowed Menlo Swim and Sport to return to the original company mission of providing premium level services to the entire aquatic community.

II. 2018 Year in Review

1. January - March: Completing new/revised agreement and negotiating terms with City officials. Culminating a two-year period of uncertainty towards the long-term viability of being pool operators for the City of Menlo Park. Since the City of Menlo Park had been out of the aquatic operating business for over 10 years, there was a considerable amount of uncertainty when it came to understanding the intricacies, complexities, and high cost of the aquatic industry.

This led to an extensive negotiating period resulting in detrimental effects on the company culture.

2. April - June: Transitioning to new normal. Preparing for another 2.5-year agreement while readying for Summer operations.

3. July - September: Welcoming mostly all new program managers into their roles while streamlining and reorganizing company structure. Undergoing extensive facility repairs and upgrades by the City of Menlo Park

4. October - December: Dome construction, along with replacing water of both pools, resulting in cleaner water quality and increased user satisfaction. Achieving company stability along with a new, more positive outlook on the future of operating in Menlo Park.

Community benefits of the new agreement between the City of Menlo Park and Menlo Swim and Sport/Team Sheeper, Inc.:

Increased City of Menlo Park support of aquatics leads to Menlo Swim and Sport/Team Sheeper, Inc. increasing support of the company workforce. This, in turn, leads to an increase in quality of services to community, which leads to an increase in customer satisfaction.

The Benefits:

1. Company returns to focusing on strengths: programming and customer service. (departure from managing repairs and replacement of mechanical equipment in a degrading facility with slim resources)
2. Company invests time, energy, and resources into developing leaders in every programming and service department, for long term sustainability and personal staff developments.
3. Company returns focus to internal business improvements and optimization, rather than searching externally for revenue streams to ensure overall company stability.
4. Company experiences a positive work culture shift; pressure from uncertainty of possible business closure and/or discussions of transitioning to other aquatic sites has ended.
5. Facility benefits from long overdue and crucial repairs and upgrades with the resources contributed by the City, accompanied by scheduled long term aquatic capital improvements.

6. Increased overall customer satisfaction resulting from company focusing on improving community experience, such as through lobby upgrades, communication upgrades, curriculum upgrades, and a happier staff.

III. 2018 Operational and Program Data

Program Data:

2018 Menlo Park Annual Report: The following is the library of the offerings to the community along with the number of members each service/department administers to.

Estimated annual visits per year (wet/dry/total):

Burgess Pool

Wet: Est. 355,000

Dry: Est. 105,000

Total: 460,000

Belle Haven Pool

Wet: Est. 11,500

Dry: Est. 3,000

Total: 14,50

Monthly membership averages by program:

Program	Monthly Membership Average
Lap Swim	341
Open Swim	70 Summer Passes
Masters	320
Triathlon	56
Menlo Fit Boot Camp	34
Masters Water Polo	17
Aqua Fit/Water Exercise	103
Swim School	910
Menlo Aquatics Youth Team	220 Year Round/75 Summer
Belle Haven Lap Swim	18
Belle Haven Youth Water Polo	29

3-Year Comparisons:

1. Comparison of recreational activity over the past 3 years

	2018	2017	2016
Burgess Lap Swim- Members	341	343	356
Burgess Lap Swim- Member Visits	44,475	N/A	N/A
Burgess Lap Swim Drop In Visits	16,224	15,971	18,497
Burgess Open Swim- Members	70	120	54
Burgess Open Swim- Member Visits	480	N/A	N/A
Burgess Open Swim- Drop In Visits	18,218	21,400	25,000
Belle Haven Lap Swim- Members	19	15	7
Belle Haven Lap Swim- Member Visits (includes Facebook Staff)	3,957	N/A	N/A
Belle Haven Lap Swim Drop In Visits	460	674	626
Belle Haven Open Swim- Drop In Visits	2,883	2250	2291

2. Comparison in youth programming in the past 3 years.

	2018	2017	2016
Swim School (lessons per week)	910	1,100	1,500
Menlo Aquatics (member avg/month)	220/75 Summer	300/67 Summer	330/80 Summer

3. Comparisons in adult programming in the past 3 years

	2018	2017	2016
Masters	320	325	325
Triathlon	56	60	55
Aqua Fit	103	94	102
Masters Water Polo	17	19	18

The comparison tables demonstrate the decline in youth programming in 2017 and the continuation of the decline through 2018. In contrast, the adult programming has remained constant year over year. It is also worth noting the decline in open-swim drop-ins at Burgess. A majority of these drop-ins happen during the summer months, and are comprised of youth being brought to the pool by parents. In contrast, the lap swim drop-ins at Burgess have remained relatively constant; these lap swim drop-ins are dominated by adults.

Operational Data:

1. Number of employees on staff in 2018: 328
2. Number of new hires in 2018: 93
3. Average length of stay of each employee: 6 months - 2 years
4. Average cost to hire an employee: \$1200
5. Average compensation rate for an employee: 66% at \$15/hr (215 employees), 20% at \$16-\$25/hr (66 employees), 14% at \$26+/hr (47 employees)
6. Average length of time for the on-boarding process: 2 - 4 weeks
7. Average number of staff member working on a typical day: 40
8. Number of departments in Menlo Swim and Sport: 20
9. Most effective mode of recruiting a staff member: Face to Face Recruiting
10. Greatest staffing challenges facing Menlo Swim and Sport: Compensation and Cost of Living
11. Average number of days per week Menlo Swim and Sport is understaffed: 4 days

Operational Data Conclusions:

1. Business model requires extensive hiring of introductory level staff members
2. Staffing has become increasingly more difficult to recruit and retain, and more costly. We have hired a full-time virtual/in-person recruiter as part of our HR team.
3. Understaffing results in limited programming, closures, and extensive over-time for staff members.
4. Minimum wage is now \$15/hr.

20 Extremely unique aspects of Menlo Swim and Sport that will not be found in total at any other public municipal aquatic facility in the nation:

1. Year-round professional youth and adult swim school
2. Two different year-round professional youth swim teams
3. Summer-only focused youth swim team
4. Water exercise program
5. Water therapy program
6. Women's only water polo program
7. Youth water polo program
8. Underwater hockey program
9. Adult world-class triathlon team
10. Adult triathlon program for challenged athletes
11. Adult world-class masters swim team
12. Two year-round swim professionals focusing only on private instruction
13. Two Recreation/Wellness therapists focusing on private instruction
14. Water polo professional focusing on small group instruction
15. Extensive youth summer camp services in swimming, tennis and lifeguarding
16. Extensive Red Cross lifeguarding certification courses

17. Fully supported and functioning retail Pro-shop with food and merchandise
18. Seasonal Air-Dome to enclose an outdoor facility during winter months
19. Land based strength and conditioning program to complement aquatic athletes
20. Fully supported scholarship system for our underserved population

IV. 2018 Community Survey Results

Menlo Swim and Sport conducted the annual customer survey in the fourth quarter of 2018. A digital survey was sent to our entire database. We received 193 responses representing feedback from all our programs.

1. Most responses came from:
 - Lap Swimmers (72 responses)
 - Masters Swimmers (68 responses)
 - Swim School (46 responses)

2. Customer satisfaction levels on programming and service were measured on a scale of 1-10. 10 being the best.
 - 54% rated -10
 - 14% rated - 9
 - 17% rated - 8

3. When asked what could we do to become a 9 or 10. We received 76 responses. The responses highlighted the following areas:
 - 24 responses: Related to cleaner restrooms or upgraded building/showers
 - 12: Requesting more programming or lane space for programming
 - 7: Decreasing cost of programming
 - 5: Improving communication
 - 2: Improving the conditions of the Dome experience
 - 2: Improving water qualityThe remainder of the responses were positive affirmations

4. We asked what is the limiting factor of the facility? We received 52 responses. The responses highlighted the following areas:
 - 7 responses: More time and lane space needed
 - 4: Locker rooms have insufficient space and low quality of showers
 - 3: Dome is a low quality experience
 - 1: High cost of servicesThe remainder of the responses were positive affirmations

5. We asked: What would attract you to spend more time at the facility? We received 77 responses. The responses highlighted the following areas:
 - 9 responses: More open lane time and/or more programming
 - 8: Improved locker room shower experiences
 - 3: Lower cost for programming
 - 2: Improved water quality
 - 1: Improved communicationThe remainder were positive affirmations or personal time constraints

6. We asked: What could management do to improve your time spent at the facility? We received 90 responses . The responses highlighted the following:

- 35 responses: Better locker room and shower experience
- 6: More open time and/or more open lane space
- 5: Improved communication of operational changes
- 4: Improved water quality
- 2: Improved Dome experience
- 2: Improved staff quality

The remainder were positive affirmations of our current operations

7. We asked: What is missing from the Aquatic Center? We received 64 responses, which highlighted:

- 26 responses: Sufficient Locker room experience
- 4: Upgrade of facility furniture
- 4: Improved dome experience
- 3: Improved baby pool operations
- 2: Increased open time and lane space
- 2: Improved staff quality
- 1: Improved water quality
- 1: Increased shade
- 1: Lower cost of services

The remainder were positive affirmations

8. We asked: How satisfied are you with our customer service? We received 160 responses.

- 87% of respondents said they were satisfied or extremely satisfied with the service

9. The final questions of the survey asked for Additional Comments. We received 50 responses. The comments included:

- 11 responses: Pleaded for improved conditions in locker room/showers
- 6: Concerned about homeless/mentally unstable presence in locker room
- 4: Wanted Evening Masters workouts
- 3: Improve Dome experience
- 3: More lap swim lanes
- 3: Increased communications
- 2: Lower cost of services
- 1: Improved water quality

The remainder of the responses were praises of their aquatic experience

The conclusions drawn from customer responses related to the Menlo Park aquatic experience are simply that the programming and services are enjoyable and satisfying, while the locker room and shower experience is less than desirable. It appears that the expectations of the respondents are to have an entirely parallel and congruent recreational experience where the preparation to get into the water and/or the preparation to transition from the water to civilian clothing needs to match the positive and fulfilling water experience.

Aquatics being such a unique sport or form of recreation in that it requires all participants to share close personal quarters in order to transition into or out of the water, and that time plays a large role in shaping the entire recreational experience.

Additional concerns were raised by numerous parents whose children need locker room use, including the difficulty for youth to use the showers and the inadequate facility amenities for young families.

The next most prominent request for improvement comes from individuals who want more time and space for their favorite program. Whether it is lap swimmers, open swimmers, Masters swimmers or water exercise users, all enjoy their experience so much that they would like more expansive opportunities to practice their favorite form of aquatic recreation.

The last, most prominent take-away from the survey exercise is that users would like better water and air quality relating to the Dome experience during the winter season, as well as improved water quality year-round.

V. Nationwide Aquatic Industry Trends

Menlo Swim and Sport thought it would be helpful to share the results of Aquatic Trends based on 919 respondents from aquatic facilities nationwide. When reviewing an aquatic annual report, it is helpful to understand the aquatics industry, along with its complex operations, unique costs, and challenging staffing requirements.

Basic information and data will assist the reader of this report to calibrate the services and challenges of Menlo Park as compared to aquatic facilities across the country.

1. 57.4% of Aquatic facilities are year-round, the remainder are seasonal.
2. The average operating costs of a park aquatic facility is \$570,000.
3. Respondents from the West experience the highest operating costs in the nation.
4. Top issues facing aquatic facilities are staffing, budgets, and equipment maintenance.
5. 61% of respondents said staffing was the top issue, with finding lifeguards being the most difficult.
6. "The industry is undervalued, and aquatics is not treated as a career, so turnover is a constant."
7. Staff management and training is a nationwide challenge
8. Water safety and management of equipment is complex and a nationwide concern.

(Source: *Recreation Management*, February 2019)

VI. Future Needs for Menlo Park Aquatics Sustainability

Basically, the aquatics business model in Menlo Park is robust, unique, refined and sustainable, with a couple of issues being addressed:

1. Locker rooms/Showers
2. Winter enclosure of instructional pool at Burgess Pool
3. Community aquatic attraction at Belle Haven Pool

1. Locker rooms/Showers: Clearly, the locker room situation at Burgess is the most outstanding issue that faces the facility. The locker rooms were value engineered to meet the building budget, but no one at the time could foresee the popularity of aquatics and the ensuing high locker room usage. The problem can be solved in two phases. Phase one is an upgrade to the existing shower situation. New showers should include lower handles, with on and off control (versus the current automatic shut off system), and improved shower heads with better water flow capability. As well, the shower facility requires upgraded tile and grout conditions and long term maintenance. Phase two is a capital improvement project increasing the square footage and internal traffic flow with designated space for young families.

2. Winter enclosure of instructional pool at Burgess Pool: The Air-Dome was a 2007 Menlo Swim and Sport investment that was an absolute necessity in order to conduct our proprietary year-round aquatic business model. The substantial investment was very risky at the time, but it was known that the desired business model would have failed if we depended on serving youth, seniors, and families in an outdoor facility during the winter and early spring. Cold, wet weather would keep patrons away from our instructional/therapy/play pool, which would in-turn lead to the entire business operating with short-term, temporary, seasonal employees with lower commitments, experience, and enthusiasm. The instructional pool is the revenue engine of the entire facility, so its maintenance and year-round ability to draw users is crucial to operational success.

The Air-Dome is currently in use past its expiration date. After more than a decade of weathering storms, corrosion from harsh elements, wear and tear of seasonal construction and deconstruction along with hardships of storage and transport, it is time to investigate new options for enclosing the most important asset of the operation.

With greatly increased City involvement in the new aquatics agreement, coupled with the emphasis on sustainability of aquatics in Menlo Park, it is imperative that the aquatics operation makes a decision to move away from an air supported structure in favor of a “rigid structure” that provides more stability during periods of inclement weather and requires significantly less “local knowledge” in keeping the dome inflated. There are two basic choices for a replacement. The first choice is a rigid temporary “Circus Tent” type of structure with roll up sides for ventilation. The second and most preferred choice is a permanent “Telescoping clear glass” structure. This system affords the option of opening or closing the structure year-round depending on the conditions of the day, rather than the season. Water and air quality will improve instantly when the air-dome is replaced. Simply put, pools are alive and need to breathe and do not like to be covered.

3. Community Aquatic Attraction at Belle Haven Pool: Belle Haven Pool is local neighborhood gem. At its peak, it was a first class seasonal pool. Originally built to serve the surrounding residential neighborhood during the warm months-evidenced by its windowless and heatless locker rooms, and heater-free baby pool. It is now an aging, outdated facility that has undergone many cosmetic facelifts, resulting in less than positive results. Alas, it is still a functioning pool, which by definition, makes it a neighborhood asset. The facility is in dire need of an identity...a calling card...a kid draw. The pool needs an attraction that kids will continually bother their parents until they bring them to the pool to have some fun. The safest and most useful attraction for Belle Haven will be a temporary-inflatable-floating-climbable-play structure for kids and adults. These temporary structures are constructed and deconstructed daily with each user's goal of progressing from one end to the other end, amidst several obstacles and challenges. It inhabits a portion of the pool during open swim time and requires very basic swim skills in order to enjoy hours of aquatic recreational time.

VII. Menlo Swim and Sports 2019 Challenges and Goals

Challenges:

1. Staffing: Our number one challenge is to staff the necessary team members to open the facility daily and deliver premium service in each of our departments. We have refined, upgraded, changed, added, aligned, partnered, and experimented with several methods and strategies over the past few years. We have discovered that the challenge we have in hiring individuals to work, pales in comparison to the challenges individuals face in trying to find work that will allow them to live in or around Menlo Park. We currently do not have a full-time or part-time regular employee that actually lives in Menlo Park. All employees commute to the pool from many miles away; only our seasonal high school and college-aged employees hail from Menlo Park because they live with parents who are established in the Menlo Park/Palo Alto area.

Here are the factors that our work force along with all service industry work forces in our region are facing:

- a. Higher rents and richer renters: median 2 bdrm rent in PA=\$4500, SM=\$3750, Fremont=\$2690
- b. “Out-of-towners continue to pour into Silicon Valley, driving up real estate and rental prices, many people here who aren’t part of the tech economy-and some who are-see life becoming more difficult, mostly because of rising cost of housing. No place is perhaps more squeezed than East Palo Alto, a city of about 30,000 with formidable neighbors: Facebook is just to the north and Google is to the south. For the past 50 years, the city largely has been a mixture of African-American and Latino families. Now new families, many white and Asian, are moving in. The median home price has already passed on million dollars-up from around \$260,000 in 2011, according to Zillow.”
(Source: *National Geographic*, February 2019)
- c. We have a difficult time recruiting individuals who are either entering the workforce or beginning their career at junior level positions when they have to battle commute traffic to and from the middle of Menlo Park, where each our pools are located

Goals:

1. Improve employment experience: Human resources based
 - a. Present a career path, along with personal and skill development opportunities
 - b. Build lasting work relationships focusing on cohesion around a purpose
 - c. Attract trainable individuals based on their personality traits and ability to connect to others
 - d. Improve communication and connection to candidates in entry and transition to company process
 - e. Rewarding present employees for modeling positive behavior and team building toward new staff
 - f. Instituting workplace initiatives that build connections leading to retainment
 - g. Compensate staff members with higher wages and benefit packages
 - h. Provide flexible work schedules as options to avoid commute traffic

2. Deliver on our mission statement: Provide a safe place where inspirational leaders and engaging activities build and strengthen community, so individuals can form meaningful connections to others in an effort to improve their health, strength and happiness.



STAFF REPORT

City Council

Meeting Date:

4/9/2019

Staff Report Number:

19-061-CC

Informational Item:

Update on the Middle Avenue pedestrian and bicycle rail crossing project

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

The City Council has identified the Middle Avenue pedestrian and bicycle rail crossing project (project) as a high priority project in their 2019 work plan, approved March 12, 2019. The project is also consistent with policies stated in the 2016 general plan circulation element, the El Camino Real and downtown specific plan and is included in the City's capital improvement program (CIP.) These policies seek to maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe and active community and quality of life throughout Menlo Park.

Background

The City was awarded a grant from the San Mateo County Transportation Authority (SMCTA) Measure A pedestrian and bicycle program, in the amount of \$490,000 with a local match of \$210,000 for the project in 2016. Before this current phase of the project, the City conducted a railroad crossing location study. After considering numerous factors, including feedback from community meetings, proximity to desirable destinations, relative costs, projected usage by the community, convenience and accessibility, the Middle Avenue location was selected as the crossing location and was included as part of the El Camino Real and downtown specific plan. The project location is illustrated in Attachment A. The project is critical to provide a greater east-west connectivity, as the Caltrain railroad tracks are both a real and perceived barrier. This new crossing would improve connectivity for neighborhoods on both sides of the Caltrain tracks with public facilities and would improve walking, biking and access to public transit and downtown Menlo Park.

As identified in the El Camino Real and downtown specific plan, the project would be constructed adjacent to the Stanford University property along El Camino Real. Stanford University has an entitled project, identified as Middle Plaza, and has completed site demolition and started pre-construction work. Stanford has also agreed to make a contribution of half of the cost, up to \$5 million, toward the crossing.

On March 14, 2017, the City Council authorized the city manager to enter into an agreement with AECOM for services related to the project. The consultant's scope of work for this project phase consists of preparation of an existing conditions report; community engagement; evaluation of grade separation conceptual designs and selection of preferred alternative; environmental clearance and documentation; 30 percent design documents; and final project report. The community engagement process includes up to three public outreach meetings, one Complete Streets Commission meeting, one City Council meeting for selection of crossing alternative, three-dimensional graphic renderings and extensive communications with various affected stakeholders.

The project's first community meeting was held May 4, 2017. The presentation given at this meeting and a summary of this meeting is available on the project webpage, linked as Attachment B. The City Council received an informational update summarizing the community meeting May 23, 2017, with the key outcomes of the meeting including:

- Majority of the community members expressed support and preference for the undercrossing, with two attendees in support for an overcrossing.
- Many community members expressed concerns about access to and from the crossing, citing the lack of bicycle facilities along Middle Avenue between University Avenue and El Camino Real and existing conditions at the Middle Avenue and El Camino Real intersection which make it difficult for pedestrians and bicyclists to cross El Camino Real.
- Some community members expressed interest in changing the location from Middle Avenue to Cambridge Avenue, a location previously evaluated as part of the location study.

Analysis

Following the first community meeting, the project team began conceptual designs of crossing alternatives based on design constraints (right-of-way, utility and geotechnical conflicts, access requirements, etc.) and community feedback. Based on the community's overwhelming support for an undercrossing, the project team has moved forward with development and evaluation of undercrossing options only. Various undercrossing options have been evaluated and benefits and challenges are currently being assessed, as described further below. Several options considered are included in Attachments C, D and E, with the City staff's current recommended option shown in Attachment C. Concept 1 (Attachment C) has many benefits over other alternatives including a shorter tunnel length, shallower tunnel depth, more efficient and user friendly ramp alignments on both sides of the tunnel and lower construction cost estimate. Note that there are multiple elements still being reviewed by and coordinated with Caltrain. The project team has developed alternate concepts that incorporate these elements for future consideration, if needed.

Delivery of this project timed with the anticipated opening of Middle Plaza is critical, as completion of the undercrossing would improve east-west connectivity and completion concurrently with construction at Middle Plaza would aid in the staging, logistics and minimizing impacts of construction on existing residents and the planned residential buildings at Middle Plaza. The construction schedule for Middle Plaza currently anticipates project completion in approximately 2022, and City staff is working to deliver the undercrossing on a similar schedule.

However, a number of challenges to meet this timeframe exist, most notably ongoing coordination needs with Caltrain, which controls the railroad right-of-way and would need to issue permits and/or agreements for the City to advance construction on the undercrossing. City and Caltrain staff have been working together to identify, plan for and overcome a number of risks and challenges to advance delivery of the undercrossing as expeditiously as possible. Construction related to Caltrain's peninsula corridor electrification project is ongoing in this area. Construction and operation testing is expected to continue until revenue-service of the electrified system is expected to begin in 2022, with installation of the overhead poles and wires expected by the end of 2019.

City staff's current recommended option for the crossing requires an open cut-and-trench construction method that would require temporary removal of all existing railroad infrastructure and relocation of utilities at the crossing location. In this method, a trench is dug, undercrossing supports are placed, material to cover the trench is restored and train tracks are replaced. As an example, a time-lapse video of the construction of a pedestrian undercrossing in Santa Clara is linked as Attachment F. The project team is currently evaluating schedules and construction staging methods that could enable the tunnel to be built in

advance of the installation of the overhead electrification wiring. After the overhead wires are installed, construction is expected to be more difficult and possibly more impactful to Caltrain operations, as overhead wires likely need to be temporarily removed to install the undercrossing. An alternative construction method is to bore a tunnel below the tracks (Attachment D), while leaving the tracks and overhead wires in place, however this results in a much deeper undercrossing (approximately 17 feet deep versus 10 feet for open trench) which is not preferred due to longer ramps, a diminished pedestrian experience and lesser visibility into and through the crossing.

Other construction issues to be coordinated with Caltrain include minimizing the construction duration and impacts on service; maintaining operations of service during the trenching, using methods such as keeping one track operational during construction and building the trench in two phases or bussing Caltrain passengers (a “bus bridge”) between the Menlo Park and Palo Alto stations during the construction. Staff will continue to work with Caltrain to minimize impacts to the system while advancing and expediting construction as much as feasible.

Right-of-way needs

In addition to coordination with Caltrain on uses within their right-of-way, on the west side of the crossing, the project will require acquisition of a portion of the 700 El Camino Real property to the north (currently shopping center including Big 5 and BevMo.) There is a rectangular portion of the parcel that extends south between the Stanford owned property and the Caltrain property that must be utilized for the stairs and ramps into the crossing tunnel. Currently this portion of the property is an underutilized parking lot. The yellow shaded areas in Attachments C, D and E illustrate the portion of this property necessary for each concept.

In order to reduce impacts to the existing property and cost of the project, staff is developing options that will minimize the additional property needed for the project.

Staff has had preliminary discussions with the affected property owner about the project. As part of the process of acquiring the needed portion of this property, staff will return to City Council to seek approval to negotiate by summer 2019.

Tree impacts

In order to construct the project, existing heritage trees and vegetation on both sides of the crossing location will need to be removed. Staff is currently preparing an inventory and detailed evaluation of the tree removals and replacement requirements, and a plan for engagement specific to tree impacts. There are opportunities for restoring landscaping and trees within the proposed ramp and stair areas on both sides of the tunnel, on which staff anticipates seeking community input as part of future engagement efforts.

Coordination with adjacent railroad project

Staff has been coordinating the Middle Avenue crossing project with the Ravenswood Avenue railroad crossing study, also being performed by the same consultant team. Considerations to coordinate the two projects include determining appropriate pedestrian and bicycle crossing depth to accommodate projected rail elevations for the Ravenswood Avenue railroad crossing study options and construction staging impacts including temporary railroad track location to keep the Middle Avenue crossing open during grade separation construction.

Next steps

It should be noted that in order to expedite the project with a two-phased method, the typical project delivery framework and engagement process would need to be modified. As shown below, a number of critical milestones exist to meet this extremely expedited timeline, and staff is tracking a number of areas of

potential risks that may result in reverting to a single-phase construction process. If milestones between April and July are not met, the ability to deliver the project in two phases is diminished; therefore, there may be a need for additional special City Council meetings to deliver this aggressive schedule.

The location of the crossing would need to be identified and confirmed as soon as possible, while specific options for ramp designs, alignment and landscaping would follow in a second phase. Further, the typical engineering design, contract award and construction process would be replaced with a design-build contract award, which could expedite project delivery. The community engagement approach would need to be tailored in phases accordingly, with a particular emphasis expected in the first phase on tree impacts and expected construction milestones. Staff anticipates continuing to meet with Caltrain to coordinate and determine the best delivery options and will return to the Rail Subcommittee and City Council with a more detailed update and delivery plan as more information becomes available in the coming weeks.

The SMCTA grant was initially identified to expire in July 2018, and has received an initial one-year time extension to July 2019. The City staff has been working with the SMCTA staff to negotiate additional time extension to complete the current scope of work (e.g., environmental clearance and 30 percent completed design) by February 2020. It is critical to keep this schedule on track to ensure the project progresses, and in accordance with the funding agreement that the City is reimbursed the awarded funds from SMCTA.

The key milestones for the next steps of the project are summarized below:

Table 1: Key project milestones	
Coordination with Caltrain	On-going
Rail Subcommittee meeting update	April 22, 2019
Staff to recommend project delivery method and schedule	May 7, 2019
Second community meeting	May 14, 2019
Complete Streets Commission meeting	June 12, 2019
City Council authorize negotiations to acquire right-of-way	June 4, 2019
Crossing tunnel alignment and construction phasing method approval by City Council	July 16, 2019
Construction Option A:	
Phase 1 - Undercrossing segment only	Fall 2019
Phase 2 - Ramps, stairs, landscaping	By 2022
Construction Option B:	
Entire project	By 2022
Undercrossing open	Concurrent with Middle Plaza, 2022

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Additionally, an email notification was sent to the Public Works Projects interest list to notify the public about this Informational Item.

Attachments

- A. Project location map
- B. Hyperlink – Middle Avenue crossing project webpage: menlopark.org/middle
- C. Concept 1

Staff Report #: 19-061-CC

D. Concept 2

E. Concept 3

F. Hyperink – Time lapse video of Santa Clara Caltrain station tunnel extension construction:
<https://youtu.be/YFjYmUFpxr8>

Report prepared by:

Angela R. Obeso, Senior Transportation Engineer

Morad Fakhrai, Senior Project Manager

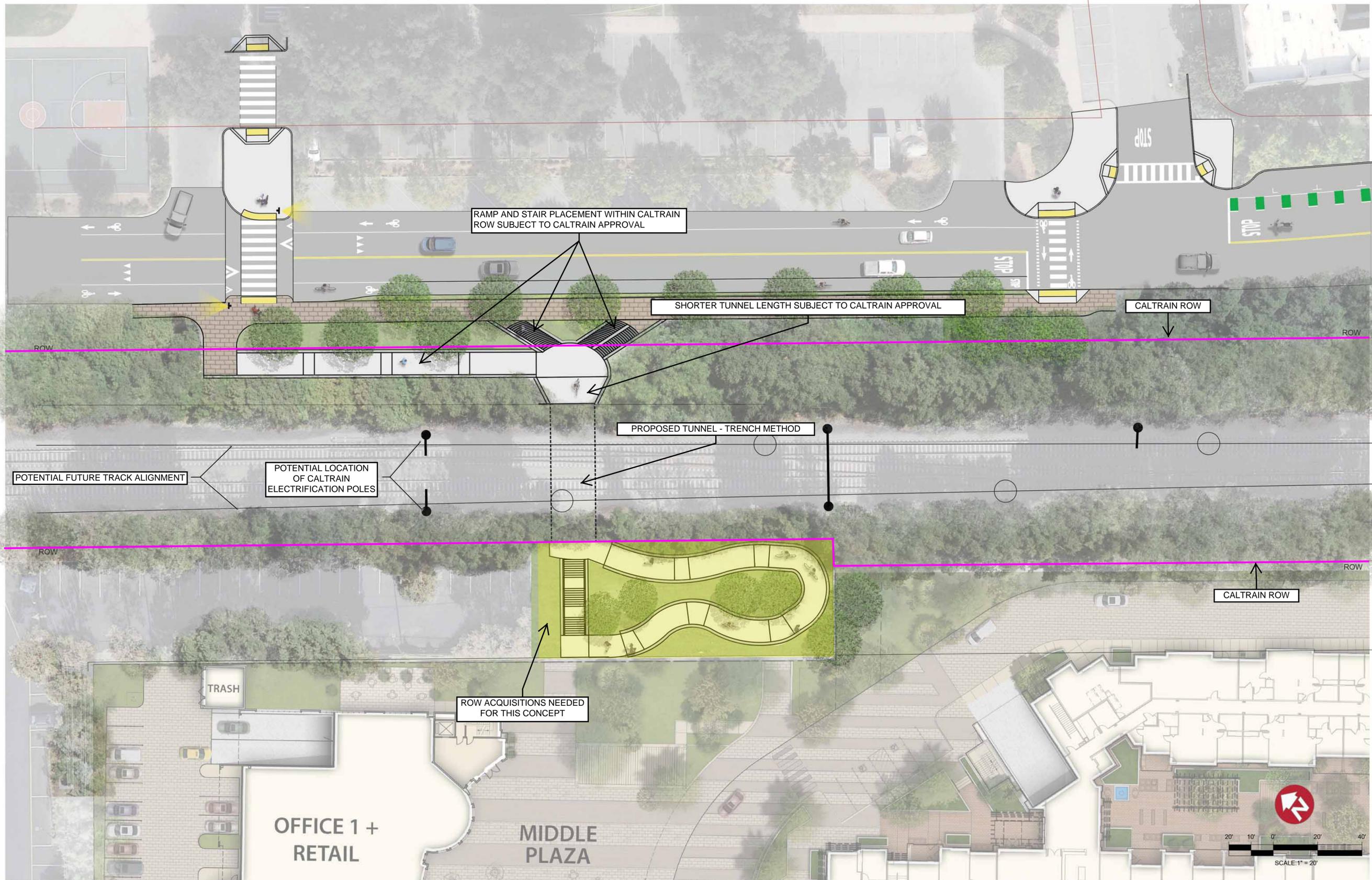
Report reviewed by:

Nicole H. Nagaya, Assistant Public Works Director



Caltrain Corridor

Project Location

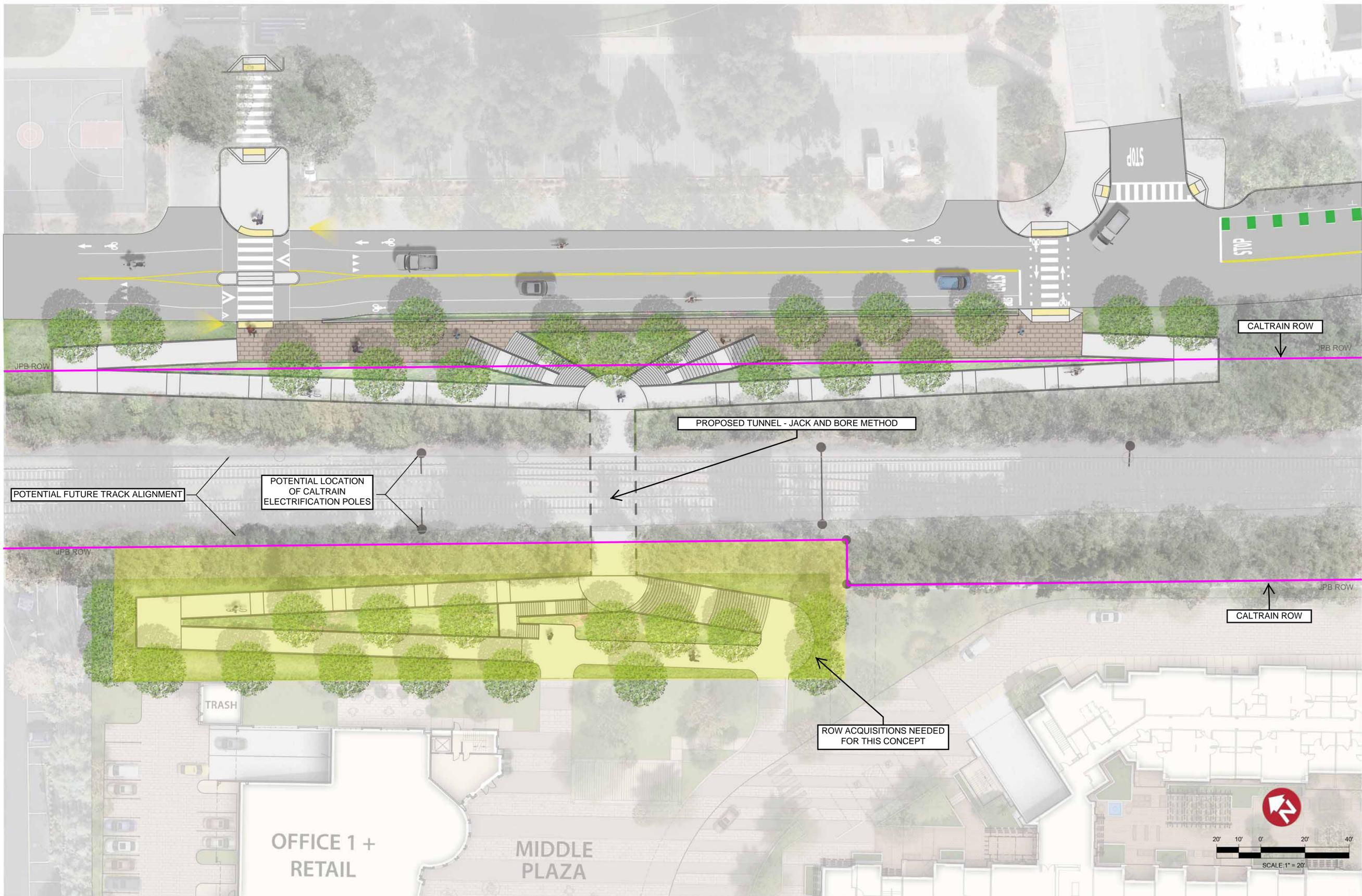


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MARCH 29, 2019

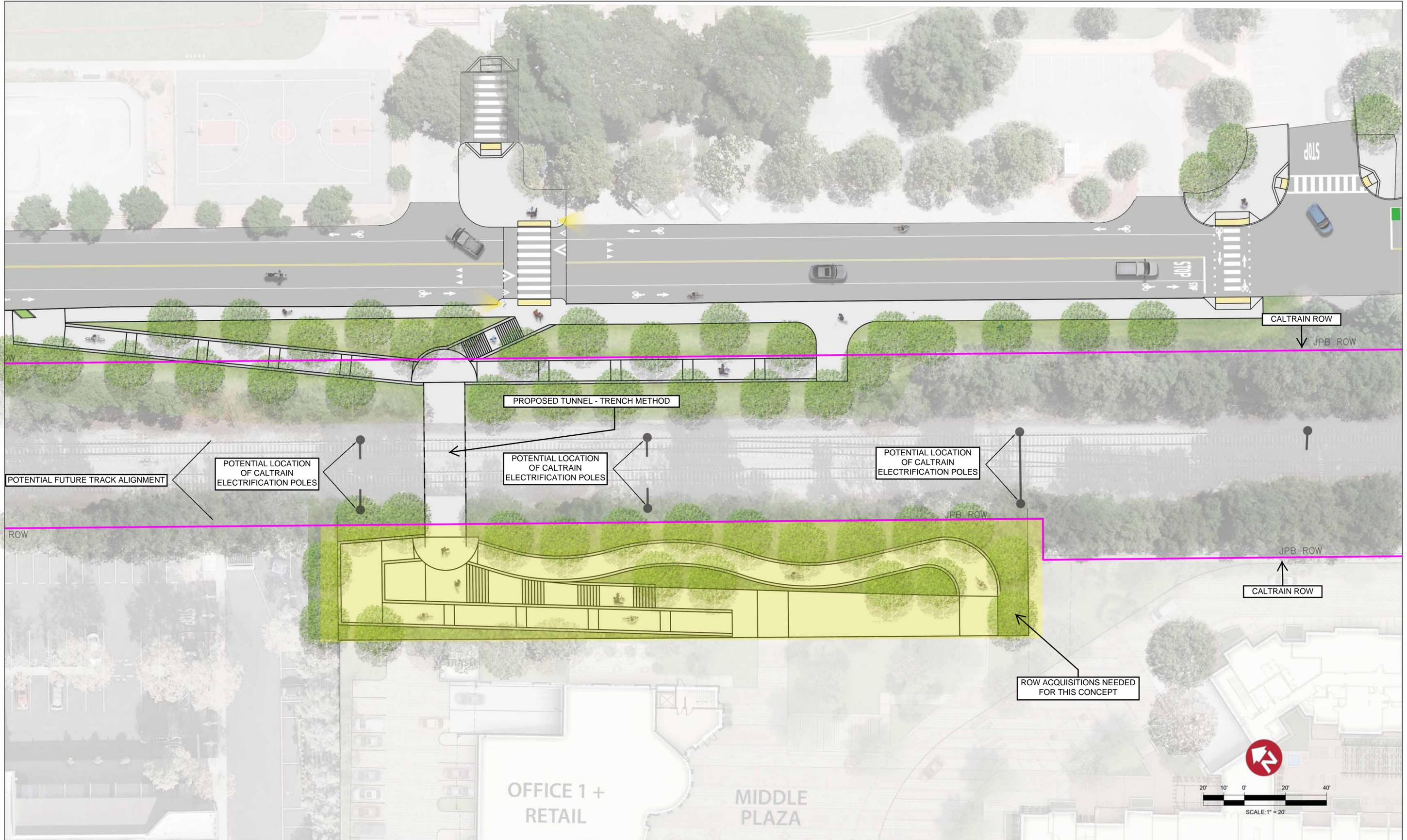
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**Middle Avenue Bicycle & Pedestrian Rail Crossing
CONCEPT 1**



DRAFT
NOVEMBER 2017

**Middle Avenue Bicycle & Pedestrian Rail Crossing
CONCEPT 2**



DRAFT
NOVEMBER 2017

**Middle Avenue Bicycle & Pedestrian Rail Crossing
CONCEPT 3**

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STAFF REPORT

City Council Meeting Date: 4/9/2019
Staff Report Number: 19-065-CC

Informational Item: Quarterly City Council agenda topics: April to June 2019

Recommendation

The purpose of this informational item is to provide the City Council and members of the public access to the anticipated agenda items that will be presented to the City Council in the coming quarter. The mayor and city manager set the City Council agenda so there is no action required of the City Council as a result of this informational item.

Policy Issues

In accordance with the City Council procedures manual, the mayor and city manager set the agenda for City Council meetings.

Analysis

In an effort to provide greater access to the City Council's future agenda items, staff has compiled a listing of anticipated agenda items, Attachment A, for the quarter ending June 30, 2019. The topics are arranged by department to help identify the work group most impacted by the agenda item.

Specific dates are not provided in the attachment due to a number of factors that influence the City Council agenda preparation process. In their agenda management, the mayor and city manager strive to compile an agenda that is most responsive to the City Council's adopted priorities and work plan while also balancing the business needs of the organization. Certain agenda items, such as appeals or State mandated reporting, must be scheduled by a certain date to ensure compliance. In addition, the meeting agendas are managed to allow for the greatest opportunity for public input while also allowing the meeting to conclude around 11 p.m. Every effort is made to avoid scheduling two matters that may be contentious to allow the City Council sufficient time to fully discuss the matter before the City Council.

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. Quarterly City Council agenda topics: April to June 2019

Report prepared by:
Nick Pegueros, Assistant City Manager

City Council, city attorney, city manager

Closed session: city manager's performance evaluation
Study session: minimum wage policy/ordinance
Study session: equity in education
Appointments to commission/committee vacancies
Direction to the 2019 Stanford general use permit (GUP) City Council ad hoc subcommittee
Quarterly update on the 2019-20 City Council priorities and work plan (January to March)
Update on climate action plan and zero waster plan progress

Administrative services

Closed session: labor contract negotiations with the Menlo Park Police Sergeant's Association
Award contract for a new independent auditor
Fiscal year 2019-20 budget public hearing and adoption
Quarterly budget update (January to March)
Quarterly investment update (January to March)

Community development

Study session: Willow Village
Funding agreement with Samaritan House for \$100,000 to administer Menlo Park's community housing fund
Sharon Hills conditional development permit (CDP) amendment

Community services

Study session: Parks and Recreation master plan update – Bayfront and Belle Haven
Receive and file the Parks and Recreation master plan

Library

Receive and file the Belle Haven branch library space needs study report and authorize a request for proposals (RFP) for architectural services to develop a preliminary design for a new branch library facility

Police

Annual report on automated license plate readers (ALPRs) and tasers
Safe City update

Public works

Study session: annexation procedures and applications
Chilco Street bicycle and pedestrian improvements design approval
Belle Haven neighborhood traffic management plan
Sidewalk and landscape assessment districts' tax rates for 2019-20
Stormwater management program regulatory fee for 2019-20

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