



SPECIAL AND REGULAR MEETING AGENDA – AMENDED

Date: 2/25/2020
Time: 5:30 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

This amended agenda includes updated title and staff report to item G1. and the addition of informational item I4.

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

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

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

CL1. Labor negotiations (Gov. Code section 54957.6)

Agency designated representatives: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, City Attorney Bill McClure, Administrative Services Director Lenka Diaz, Human Resources Manager Theresa DellaSanta

Employee Organization: American Federation of State, County, and Municipal Employees Local 829 (AFSCME) and Confidential employees; Service Employees International Union Local 521 (SEIU); Menlo Park Police Sergeants Association (PSA); Menlo Park Police Officers’ Association (POA); and Unrepresented Management

7:00 p.m. Regular Session

- A. Call To Order**
- B. Roll Call**
- C. Pledge of Allegiance**
- D. Report from Closed Session**
- E. 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.

- F. Consent Calendar**



- F1. Accept the City Council meeting minutes for January 28 and 30 2020 ([Attachment](#))
- F2. Receive and file information on police department's strategic plan initiative and stakeholder meetings ([Staff Report #20-040-CC](#))
- F3. Approve payment of \$91,072 to the County of San Mateo for participation in the fiscal year 2019-20 office of emergency services joint powers agreement ([Staff Report #20-041-CC](#))
- F4. Approve interim city attorney services agreement with Jorgenson, Siegel, McClure & Flegel, LLP ([Staff Report #20-038-CC](#))
- F5. Receive and file an update on the Menlo Park Transportation Management Association feasibility study ([Staff Report #20-042-CC](#))
- F6. Adopt Resolution No. 6543 supporting the City's shuttle program for application for the San Mateo County shuttle program fiscal year 2020-21 and fiscal year 2021-22 and authorize the city manager to enter into funding agreements ([Staff Report #20-043-CC](#))
- F7. Adopt fiscal year 2020-21 budget principles ([Staff Report #20-044-CC](#))

G. Public Hearing

- G1. ~~Adoption of urgency Ordinance No. 1066 amending Chapter 16.79 and Section 16.04.295 [Definition of Dwelling Unit, Secondary] of the Menlo Park Municipal Code to comply with recent State legislation pertaining to accessory dwelling units and junior accessory dwelling units~~
Adoption of urgency Ordinance No. 1066 Amending Chapter 16.79 and Section 16.04.295 [Definition of Dwelling Unit, Secondary] of the Menlo Park Municipal Code to comply with recent State Legislation pertaining to accessory dwelling units and junior accessory dwelling units and direction regarding additional updates ([Staff Report #20-048-CC](#))
- G2. Adopt Resolution Nos. 6544, 6545, and 6546 establishing utility underground districts for Alma Street; Downtown Parking Plazas 7 and 8 and Menlo Avenue; and Middlefield Road ([Staff Report #20-045-CC](#))

H. Regular Business

- H1. Approve the interim service levels provided during the construction of the Belle Haven community center and library project, appropriate \$1 million for interim services, and waive purchasing requirements and increase the city manager purchasing authority to \$500,000 for interim services ([Staff Report #20-039-CC](#))

I. Informational Items

- I1. City Council agenda topics: March 2020 to May 2020 ([Staff Report #20-035-CC](#))
- I2. Transmittal of background information on the City's 2019-2024 capital improvement plan ([Staff Report #20-046-CC](#))

- I3. Government Alliance on Race and Equity (GARE) ([Staff Report #20-047-CC](#))
- I4. Update on potential marketing of United States Geological Survey (USGS) property and update on process for amending zoning ([Staff Report #20-051-CC](#))

J. City Manager's Report

K. City Councilmember Reports

L. 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 Council 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.

For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda 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.

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: 2/20/2020)



REGULAR MEETING MINUTES – DRAFT

Date: 1/28/2020
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

7:00 p.m. Regular Session

A. Call To Order

Mayor Taylor called the meeting to order at 7:03 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

Staff: City Manager Starla Jerome-Robinson, Assistant City Cara Silver, City Clerk Judi A. Herren

C. Pledge of Allegiance

Mayor Taylor led the Pledge of Allegiance.

D. Public Comment

- Judy Adams spoke in support of City Council joining the "Back from the Brink" campaign (Attachment).
- Richard Duda spoke in support of City Council joining the "Back from the Brink" campaign.
- Elias Blawie spoke on the City's big picture and priorities.
- Michael Doran spoke in support of a new or updated accessory dwelling unit ordinance.
- Patti Fry spoke on goal setting and prioritizing traffic relief and the jobs housing imbalance.
- Charlie Peter spoke on health and safety (Attachment).
- Gail Wilkerson spoke on rental restrictions on Willow Road.

E. Presentations and Proclamations

E1. 2019 STEM Winners

Mayor Taylor presented the Certificate of Recognition to Om Chhaya.

Om Chhaya accepted the Certificate of Recognition and made a presentation on his project.

E2. Midpeninsula Regional Open Space District

MidPen Open Space District Assistant General Manager Susanna Chan made the presentation (Attachment).

F. Consent Calendar

- F1. Accept the City Council meeting minutes for December 10, 2019 ([Attachment](#))
- F2. Reject bid for the Hydration Station Improvement project ([Staff Report #20-017-CC](#))
- F3. Authorize the city manager to execute a contract amendment with Accela, Inc. for direct access to the SaaS database for enhanced reporting and data recovery not to exceed \$74,967.98 ([Staff Report #20-013-CC](#))

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

G. Public Hearing

- G1. Adopt resolution no. 6535 to approve architectural control, a vesting tentative map, removal of one on-street parking space, and denial of a variance for a mixed use development at 706-716 Santa Cruz Avenue; and adopt resolution no. 6536 to approve a below market rate housing agreement with 706-716 Santa Cruz Ave, LLC. ([Staff Report #20-020-CC](#))

Senior Planner Kaitie Meador made the presentation ([Attachment](#)).

Applicant Bob Giannini made a presentation ([Attachment](#)).

Mayor Taylor opened the public hearing.

By acclamation, Mayor Taylor closed the public hearing.

The City Council discussed the below market rate (BMR) and electric vehicle (EV) parking requirements. The City Council made sufficient findings to approve the variance.

ACTION: Motion and second (Combs/ Carlton) to adopt resolution no. 6535 to approve architectural control, a vesting tentative map, removal of one on-street parking space, and approval of a variance for a mixed use development at 706-716 Santa Cruz Avenue; and adopt resolution no. 6536 to approve a below market rate housing agreement with 706-716 Santa Cruz Ave, LLC, passed unanimously.

City Council took a break at 8:58 p.m.

City Council reconvened at 9:08 p.m.

H. Regular Business

- H1. Resolution of intent for the construction of a new community center and library in the Belle Haven neighborhood ([Staff Report #20-014-CC](#))

Vice Mayor Combs was recused and exited the chambers at 9:09 p.m.

Deputy City Manager Justin Murphy made the presentation ([Attachment](#)).

Facebook representative Fergus O'Shea made a presentation (Attachment).

City Council took a break at 9:36 p.m.

City Council reconvened at 9:37 p.m.

- Pastor Teirrah McNair spoke in support of the project and retaining the name Onetta Harris Community Center.
- Greg Goodwin spoke in opposition of renaming the Onetta Harris Community Center.
- Gail Wilkerson spoke in support of retaining the Onetta Harris Community Center name.
- Adrian F. Perkins spoke in support of retaining the name Onetta Harris Community Center and expressed concerns on the cost to the public when using the facilities.
- John Joseph Contreras spoke in support of a basement level in the new project and in support of retaining the name Onetta Harris Community Center.
- Pamela Jones spoke in support of the project webpage and requested the inclusion of neighboring schools in project related conversations.
- David Harper spoke in support of retaining the Onetta Harris Community Center name.
- Israel Harris spoke in support of retaining the Onetta Harris Community Center name and requested upcoming important dates pertaining to the project be made easily available to the public.

The City Council discussed backup power fuel options, the public engagement process and translating information (past and future) into Spanish.

ACTION: Motion and second (Mueller/ Carlton) to adopt the Resolution of intent for the construction of a new community center and library in the Belle Haven neighborhood with a clarification to Item 9 that the community process for naming the new facility will include a timeline, passed 4-0-1 (Combs recused).

Vice Mayor Combs reentered the chambers at 10:28 p.m.

H2. Removed – applicants withdrew appeal.

H3. Authorize the city manager to execute an agreement with MidPen Housing for transportation improvements to support their affordable housing and sustainable communities funding application ([Staff Report #20-015-CC](#))

Deputy Community Development Director – Housing Rhonda Coffman and Interim Public Works Director Nikki Nagaya made the presentation (Attachment).

- Karen Grove, representing Menlo Together, spoke in support of this application.
- Pamela Jones spoke in favor of the MidPen project with the support of CalTrans.
- Jen Wolosin, representing Parents for Safe Routes, spoke in support of the project.
- Adina Levin, representing Menlo Together, spoke in support of the project.

The City Council received clarification on the timeline for the grant application, staff and consultant costs, and CalTrans involvement.

By acclamation, the City Council extended the meeting past 11 p.m.

ACTION: Motion and second (Mueller/ Nash) to authorize the city manager to execute an agreement with MidPen Housing for transportation improvements to support their affordable housing and sustainable communities funding application, passed unanimously.

- H4. Certify the project environmental documents, approve the 30 percent project plans, and authorize the city manager to enter into all necessary agreements and amendments with the Peninsula Joint Powers Board (Caltrain) for the Middle Avenue pedestrian and bicycle rail crossing project ([Staff Report #20-018-CC](#))

Senior Project Manager Morad Fakhrai introduced the item.

- Jen Wolosin, representing Parents for Safe Routes, spoke in support of the project.

The City Council received clarification on the restrictions around the completion dates and reasons around the reduction in estimated project cost estimate.

ACTION: Motion and second (Mueller/ Carlton) to certify the project environmental documents, approve the 30 percent project plans, and authorize the city manager to enter into all necessary agreements and amendments with the Peninsula Joint Powers Board (Caltrain) for the Middle Avenue pedestrian and bicycle rail crossing project, passed unanimously.

- H5. Receive subcommittee report on staff vacancies and provide direction to the city manager ([Staff Report #20-022-CC](#))

This item was continued to a future meeting.

- Karen Grove spoke in support of additional staff working on housing related projects.
- Adina Levin spoke in support of pushing this item to a meeting after City Council goal setting.
- Elias Blawie commented on the need to focus on the demand as well as the supply on City services and projects.

I. Informational Items

- I1. Short-term rental regulation – community engagement and outreach summary, overview and next steps ([Staff Report #20-019-CC](#))

- Elias Blawie spoke on the housing crisis, over-building of corporate units, and expressed concerns on public engagement.
- Karen Grove commented that more public outreach can be performed.

City Council received clarification on different models of corporate housing and accessory dwelling units State laws and discussed transient occupancy tax and regulation of corporate rentals.

- I2. City Council agenda topics: February 11 2020 – March 24 2020 ([Staff Report #20-012-CC](#))

The City Council received clarification on the upcoming regular meeting ordinance item.

J. City Manager's Report

None.

K. City Councilmember Reports

None.

L. Adjournment

Mayor Taylor adjourned the meeting at 11:39 p.m.

Judi A. Herren, City Clerk

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SPECIAL MEETING – CITY COUNCIL GOAL SETTING MINUTES – DRAFT

Date: 1/30/2020
Time: 1:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

1:00 p.m. Special Meeting

A. Call to Order

Mayor Taylor called the meeting to order at 1:05 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor
Absent: None
Staff: City Manager Starla Jerome-Robinson, Assistant City Cara Silver, City Clerk Judi A. Herren

Public Comment

- Greg Faris spoke in support of the annexation of the Menlo Triangle.
- Lisa William spoke in support of banning gas powered garden tools.
- Leah Elkins spoke in support of banning gas powered leaf blowers (Attachment).
- Mitch Slomiak spoke in support of greenhouse gas reduction targets.
- Pamela Jones spoke in support of an independent redistricting commission and increasing police transparency.
- Jen Wolosin, representing Menlo Together, spoke in support of housing, transportation, climate action, and equity as top priorities.
- Jennifer Bestor commented on updating the Education Code with a regional cost supplement for Belle Haven’s funding.
- Heyward Robinson commented on the importance of the goal setting meeting for the City Council to focus on goals and not projects and provided techniques to ensure that goals are being met throughout the year.
- Karen Grove, representing Menlo Together, spoke in support of prioritizing housing in downtown near the Caltrain station.
- Andrew Marcus spoke in support of creating a connection between M-2 and Belle Haven and requested revisiting eligibility requirements for below market rate (BMR) units.
- Florence Thompson spoke in support of more communication from the City to the Belle Haven neighborhood and joining the Government Alliance on Race and Equity (GARE).
- Julie Shanson spoke in support of joining GARE.
- Vicky Robledo spoke in support of joining GARE and expressed concerns of pollution in the Belle Haven neighborhood.

- Tom Kabat spoke in support of the City being a leader to combat climate crisis.
- Diane Bailey, representing Menlo Together and Menlo Spark, spoke in support of prioritizing climate actions.
- Pushpinder Lubana requested that City Council revisit the current culture of the City..

Public comment emails received on city.council@menlopark.org (CCIN) (Attachment).

C. Regular Business

C1. Annual goal-setting workshop ([Staff Report #20-023-CC](#))

City Manager Starla Jerome-Robinson introduced the item.

Assistant City Attorney Cara Silver and Community Service Director Deanna Chow made a presentation (Attachment).

The City Council discussed goals and priorities and received clarification on SB330 (Attachment).

Public Comment

- Ryann Price spoke in support of climate crisis as a priority.
- Robert Jones, Menlo Park Fire Protection District (MPFPD) President, submitted MPFPD's top eight priorities.
- Jim Lewis spoke in support of public safety, the need for an emergency operations center, and an updated disaster preparedness community plan.
- Katie Berhoozi commented on the interconnection of safety, climate, housing, and social justice.
- Michael Bostic spoke in support of equality across Menlo Park.

The City Council discussed how to prioritize new State mandates, utilization of City commissions and committees to support priorities and work plan, and the top projects that promote the greater good on the entire community.

City Council took a break at 3:13 p.m.

City Council reconvened at 3:42 p.m.

City Council discussed priorities: climate action, housing, compliance with State laws, residential requests, zero homelessness initiative, transportation, and GARE.

Vice Mayor Combs was recused and was excused at 5 p.m.

City Council discussed the timeline and needs of the Belle Haven community center and library project.

D. Adjournment

Mayor Taylor adjourned the meeting at 5:08 p.m.

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STAFF REPORT

City Council

Meeting Date: 2/25/2020
Staff Report Number: 20-040-CC

Consent Calendar: Receive and file information on police department's strategic plan initiative and stakeholder meetings

Recommendation

Staff recommends City Council receive and file information on the police department's strategic plan initiative and public stakeholder meetings.

Policy Issues

There are no policy issues related to this consent calendar item.

Background

The Menlo Park police department prides itself on providing our community with innovative solutions and best practices in the delivery of our law enforcement and related services. Since 2018, the police department has gone through a restructuring, which has resulted in a fully staffed traffic unit and community response team. We have added resources to code enforcement and communications along with maintaining robust community engagement. As these changes are now complete, the police department is embarking on a strategic plan initiative, which will be the roadmap in our continuous quest for a collaborative, transparent and trusting relationship with the many facets of the community we serve.

Analysis

The strategic plan initiative will involve both internal and external stakeholder input, including all employees of the police department, non-police employees of the City of Menlo Park, and community members. We will be hosting three facilitated stakeholder meetings for the public to attend and contribute their thoughts and priorities for the future direction of police department. The dates and locations for these meetings are:

- February 29, 10 a.m. to 11:30 a.m. – Menlo Park Senior Center 110 Terminal Avenue
- March 7, 10 a.m. to 11:30 a.m. – Upper Laurel School Atrium 275 Elliott Drive
- March 21, 10 a.m. to 11:30 a.m. – La Entrada Middle School 2200 Sharon Road

We invite all interested parties to attend these meetings to give a voice to your priorities, concerns and input for the police department strategic plan. The goal of these meetings is collaboration, where we will look for advice and innovation, which will be incorporated in the plan to the maximum extent possible.

Light refreshments will be served at all three community meetings.

We anticipate the entire strategic plan initiative to be completed by June 2020 at which time it will be presented to City Council.

Impact on City Resources

There is no impact of city resources.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it 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

None.

Report prepared by:
Dave Bertini, Chief of Police



STAFF REPORT

City Council
Meeting Date: 2/25/2020
Staff Report Number: 20-041-CC

Consent Calendar: **Approve payment of \$91,072 to the County of San Mateo for participation in the fiscal year 2019-20 office of emergency services joint powers agreement**

Recommendation

Staff recommends approving a payment of \$91,072 to the County of San Mateo for participation in the fiscal year 2019-20 office of emergency services joint powers agreement.

Policy Issues

City Council adopted Resolution No. 6247, accepting a joint powers agreement between the county of San Mateo and the City of Menlo Park. The amount of the invoice is above the city manager's authority and must be approved by City Council.

Background

On January 13, 2015, City Council adopted Resolution No. 6247, accepting a joint powers agreement between the county of San Mateo and the City of Menlo Park. The joint powers authority (JPA) agreement between the City of Menlo Park and the San Mateo County office of emergency services dates from 1997. In 2015, the JPA agreement was updated to reflect the current relationships between the county of San Mateo and the participating cities and other partners to provide a clear understanding of the mission of the emergency services council and the emergency coordinators within the county, cities and other participating partner agencies/jurisdictions. The JPA provides the City of Menlo Park with office of emergency services participation, state mandated planning services and hazardous materials response.

Analysis

On April 19, 2019, the Emergency Services Council (ESC) met and discussed the JPA agreement. At that meeting, an increase in the office of emergency services budget was approved (Attachment A.) The police department anticipated this increase (approximately \$20,000) and the currently budgeted amount will be sufficient for the current payment.

Impact on City Resources

The \$91,072 is within the budgeted amount for the JPA agreement services.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA)

Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

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

Attachments

- A. ESC memorandum and invoice
- B. Office of emergency service JPA agreement

Report prepared by:
Dave Bertini, Chief of Police

**SAN MATEO COUNTY EMERGENCY SERVICES
JOINT POWERS AUTHORITY**

Date: April 18, 2019
To: Emergency Services Council
From: Deniz Tunc, Sheriff's Office Management Analyst
Pam Deal, Sheriff's Office Finance Director
Subject: **FY 2019-20 Emergency Services JPA Proposed Budget**

Background

The Office of Emergency Services (OES) provides essential services that prepare and assist San Mateo County agencies in the event of disaster and other emergencies. The Emergency Services Council's collective goal is to provide coordinated plans for the protection of persons and property based on the five phases of emergency management including: prevention, protection, response, recovery and mitigation; and support existing regional public information and notification systems to include SMC Alert and TENS, as well as other situational awareness tools; and to continue support to the regional hazardous materials emergency response program.

The OES is funded through an agreement between the 20 incorporated cities and the County of San Mateo. The cities contribute money to fund the Joint Powers Authority (JPA) based upon a formula that takes into account the population and assessed property value of each city (detailed on pages 7-10). The County then matches the funds contributed by the cities. The remainder of the OES budget comes from State and Federal Emergency Management Assistance program funds, and a contribution from the San Francisco International Airport.

The services delivered under the JPA include:

- a) **Emergency Response** - coordination and planning during any regional emergency in accordance with adopted emergency plans.
- b) **Plans and Operations** - preparation, development, coordination, and integration of compatible and complimentary unified area wide emergency plans for approval by the State of California and adoption by the Council.
- c) **Communications** - coordination, development and maintenance of an area-wide emergency communications service, including public alert and warning, and other situational awareness tools.
- d) **Public Education and Information** - coordination and support of an area-wide public education and information program.
- e) **Training and Exercise** - coordination and assistance in the training and exercising of all County employees identified as Disaster Service Workers, as defined by Sect. 3100CGC and volunteers. The member cities will be responsible for the training and exercise of their identified employees; however, OES will provide needed support as requested.
- f) **Grant Program Administration** - coordination and assistance with designated emergency coordinators within the Operational Area in the securing and distribution of grant funds for regional emergency management initiatives and program support.
- g) **General Administration** - coordination and assistance in the procurement and inventory of emergency equipment, management of, maintenance and distribution of area-wide inventories of vital supplies and equipment.

The JPA is governed by the Emergency Services Council (Council). The Council is comprised of one representative from each city, and a member of the County Board of Supervisors. The Council approves budgets and provides strategic direction. The Finance Advisory Group meets once a year prior to the Council meeting when the budget is presented.

Discussion

The FY 2019-20 Emergency Services JPA Proposed Budget totals \$3,021,697 (Total Cost Share). This represents a \$186,737 or 6.6% increase from the FY 2018-19 Adopted Budget. The Emergency Services JPA budget is presented in two parts; the Sheriff's Office of Emergency Services, and the Environmental Health Division Hazardous Materials Response. Also, included is a training expense allocation of \$52,500 for State Mandated Planning Services.

	FY 2018-19	FY 2019-20
Sheriff's Office of Emergency Services	1,998,526	2,154,401
Environmental Health Division Hazardous Materials Response	783,932	814,795
State Mandated Planning Services	52,500	52,500
Emergency Services Total Budget	\$2,834,960	\$3,021,697

Service levels remain unchanged. The increase within the Sheriff's Office of Emergency Services budget is primarily due to negotiated salary and benefit increases, an increase to the San Mateo Consolidated Fire contract which includes a Fire Battalion Chief designated as a liaison between law enforcement and fire services, an increase in rent charges related to transitioning OES operations from their current office space to the Regional Operations Center (ROC), and other modest adjustments related to various operational support charges. The increase within the Environmental Health Division Hazardous Materials Response budget is due to the Belmont Fire Protection contract which provides hazmat services to the entire County. These budgets are detailed on pages 3-6.

A Reserve Trust Fund is held by the Emergency Services JPA and represents the gradual accumulation of operating surplus from the Sheriff's Office of Emergency Services and Environmental Health Division Hazardous Materials Response; interest earnings; and beginning in FY 2015-16, revenue from the San Francisco International Airport related to emergency response services support. Annual revenue from SFO has averaged approximately \$113,000 for the two prior fiscal years. In April 2017, the Council approved a Reserves cap of \$500,000.

For the last three fiscal years, the Council has authorized the use of Reserves to keep the share of costs flat to the member agencies. As of March 19, 2019, the balance of the fund totals \$865,787; however, \$406,745 is being utilized to offset a portion of the current years' operating costs as approved in the FY 2018-19 Adopted Budget. This leaves a projected balance of \$459,042 barring any additional savings or revenues realized at the close of the current fiscal year.

The budget includes two scenarios, "No Use of Reserves" and "Utilizing \$200,000 in Reserves." By utilizing Reserves of \$200,000, the cost to the 20 city agencies is reduced from \$1,391,489 to \$1,291,489; and the County's share is reduced from \$1,343,988 to \$1,243,988. This information is detailed on pages 1-2.

Recommendation

Adopt the FY 2019-20 Emergency Services JPA Proposed Budget utilizing \$200,000 in Reserves. The Finance Advisory Group met on April 1, 2019, and approved this recommendation.

Attachment:

Page 1	FY 2019-20 Summary of Charges (No Use of Reserves)
Page 2	FY 2019-20 Summary of Charges (Utilizing \$200,000 in Reserves)
Page 3	FY 2019-20 Budget: Sheriff's Office of Emergency Services (No Use of Reserves)
Page 4	FY 2019-20 Budget: Sheriff's Office of Emergency Services (Utilizing \$200,000 in Reserves)
Page 5	FY 2019-20 Budget: Environmental Health Division (No Use of Reserves)
Page 6	FY 2019-20 Budget: Environmental Health Division (Utilizing \$200,000 in Reserves)
Page 7	FY 2019-20 Cost Sharing Allocation: OES (No Use of Reserves)
Page 8	FY 2019-20 Cost Sharing Allocation: OES (Utilizing \$200,000 in Reserves)
Page 9	FY 2019-20 Cost Sharing Allocation: Environmental Health (No Use of Reserves)
Page 10	FY 2019-20 Cost Sharing Allocation: Environmental Health (Utilizing \$200,000 in Reserves)



Invoice

Bill-to Customer No. C00040
 Invoice No. PS-INV103300
 Document Date- December 11, 2019
 Due Date January 10, 2020

Cust. No.: C00040
 City of Menlo Park
 Attn: B Tong
 701 Laurel Street
 Menlo Park, CA 94025

San Mateo County Sheriff Office
 Attn: Fiscal Services
 400 County Center, 3rd Floor
 Redwood City, CA 94063
 650-363-4061

No.	Description	Quantity	Unit of Measure	Unit Price Excl. Tax	Tax %	Line Amount Excl. Tax
SV001	Participation in the FY 2019-20 Office of Emergency Services Joint Powers Agreement Jurisdiction: Menlo Park · Countywide Emergency Services - \$61,433.00 · State Mandated Planning Services - \$2,500.00 · Hazardous Materials - \$27,139.00 Sheriff's Office Use Only: 30544-1983 - \$61,433.00 30544-2064 - \$2,500.00 59720-1981 - \$27,139.00	1	Each	91,072.00	0	91,072.00

Subtotal	91,072.00
Total Tax	0.00
Total \$ Incl. Tax	91,072.00

Reviewed and Approved

Date

**First Revised and Restated
Joint Exercise of Powers Agreement
San Mateo County Operational Area Emergency Services Organization**

THIS JOINT POWERS AGREEMENT ("Agreement") is made as of the Effective Date by and between the public entities set forth below, creating the San Mateo County Operational Area Emergency Services Organization Authority ("Organization").

Each public entity executing this Agreement shall be referred to individually as a "Member Agency," with all referred to collectively as "Member Agencies."

RECITALS

Whereas the Member Agencies' goal is to establish a unified emergency services organization; and

Whereas the Member Agencies agree that the purpose of this Organization will be to operate pursuant to Presidential Directive 5, the National Response Framework, National Incident Management System (NIMS), Presidential Directive 8, the National Preparedness Goal and California's Standardized Emergency Management System (SEMS) and local adopted Emergency Operations Plans and Annexes.

Whereas the Member Agencies agree that the participants within this Organization may include all local governments within the geographic area of the County, special districts, unincorporated areas, and participating non-governmental entities; and

Whereas the Member Agencies agree that the collective goal is to provide coordinated plans for the protection of persons and property based on the phases of emergency management; and

Whereas the Member Agencies have the authority to enter into this Agreement under the Joint Exercise of Powers Act, California Government Code Section 6500 *et seq.* ("Act").

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the Member Agencies as herein contained, the Member Agencies agree as follows:

Article I - GENERAL PROVISIONS

1.01 Purpose

This Agreement creates an entity to exercise the powers shared in common by the Member Agencies to engage in local and regional cooperative planning and coordination and delivery of services. As part of this Organization's purpose, Member Agencies seek to meet or exceed the current Emergency Response Planning and Management Capabilities within the Operational Area. Further, Member Agencies seek to support existing regional Public Information and Notification Systems, and to continue to support the regional hazardous materials emergency response program. Such purposes are to be accomplished and the Members Agencies' common powers exercised as set forth in this Agreement.

1.02 Creation of Authority

Pursuant to the Joint Exercise of Powers Act, the Member Agencies hereby create a public entity to be known as the "San Mateo County Operational Area Emergency Services Organization Authority" ("Organization.") The Organization shall be a public entity separate and apart from the Member Agencies. The geographic jurisdiction of the Organization is all territory within the geographic

boundaries of the Member Agencies; however, the Organization may undertake any action outside those geographic boundaries as is necessary and incidental to accomplishing its purpose.

1.03 Membership in the Organization

Membership in the Organization is limited to public entities, as defined by the Joint Exercise of Powers Act, located or operating within San Mateo County that have approved and executed this Agreement, and contributed resources of any kind toward establishing and supporting the Organization (including, but not limited to financial, personnel, equipment, or other resources) as approved by the Emergency Services Council.

1.04 Participating Members/Partners in the Organization

Participation in the Organization is intended to ensure cooperative emergency planning and response; all participating Member Agencies and partners are expected to attend all regular and special meetings of the Emergency Services Council, encourage active participation by their jurisdictions in the development of plans and training programs, drills, exercises and training opportunities, and otherwise assist in supporting the implementation of this Agreement.

1.05 Powers of the Organization

The Organization may purchase, lease, own and/or dispose of property and equipment and enter into contract(s), as required to satisfy the purposes of this Agreement. The Organization may employ agents and/or employees, operate works and improvements, sue and be sued in its own name, and invest surplus funds.

Article II- COMMON TERMINOLOGY

2.01 Terminology Defined

Not all vocabulary of technical terms listed in the Agreement is used in the Agreement. In part, the terms are included as a resource to further clarify terminology utilized in documentation, field operations and/or applicable subject matter.

2.02 All-Hazards: "Grouping classification encompassing all conditions, environmental or manmade, that have the potential to cause injury, or death; damage to or loss of equipment, infrastructure services, or property; or alternately causing functional degradation to societal, economic or environmental aspects. Annotation: All-hazards preparedness ensures that if a disaster occurs, people are ready to get through it safely, and respond to it effectively. FEMA began development of an Integrated Emergency Management System with an all-hazards approach that included 'direction, control and warning systems which are common to the full range of emergencies from small isolated events to the ultimate emergency – war." (DHS, *Lexicon*, October 23, 2007, p. 1)

2.03 Catastrophe: An event during which a society incurs, or is threatened to incur, such losses to persons and/or property that the entire society is affected and extraordinary resources and skills are required, some of which must come from other nations.

2.04 Community Emergency Response Team (CERT): "Community Emergency Response Team" (CERT) training is one way for citizens to prepare for an emergency. CERT training is designed to prepare people to help themselves, their families and their neighbors in the event of a catastrophic disaster. Because emergency services personnel may not be able to help everyone immediately, residents can make a difference by using the training obtained in the CERT course to save lives and protect property. (DHS, *National Response Framework* (Comment Draft). DHS, September 10, 2007, p. 18)

2.05 Command: The act or directing and or controlling by virtue of explicit legal, agency or delegated authority. The term “Command” may also refer to the Incident Commander.

2.06 Emergency: Any incident, whether natural or manmade, that requires responsive action to protect life or property. Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an emergency means any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety or to lessen or avert the threat of a catastrophe in any part of the United States.

2.07 Emergency Management: A subset of incident management, the coordination and integration of all activities necessary to build, sustain and improve the capability to prepare for, protect against, respond to, recover from or mitigate against threatened or actual natural disasters, acts of terrorism or other manmade disasters.

2.08 Emergency Operations Center (EOC): The physical location at which the coordination of information and resources to support incident management activities normally takes place. An EOC may be a temporary facility or may be located in a more central or permanently established facility, perhaps at a higher level of organization within a jurisdiction.

2.09 Incident: An occurrence or event, natural or manmade, which requires a response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, civil unrest, wild land and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, tsunamis, war-related disasters, public health and medical emergencies and other occurrences requiring an emergency response.

2.10 Incident Command System (ICS): A standardized on-scene emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. It is used for all kinds of emergencies and is applicable to small as well as large and complex incidents.

2.11 Local Emergency: The duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and/or property within territorial limits of a county, city and county, or city caused by such conditions as fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, tsunami or other conditions which are likely to be beyond the control of the services, personnel, equipment and facilities of that local political subdivision to combat.

2.12 Local Government: A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law;) regional or interstate government entity or agency or instrumentality of a local government; an Indian tribe or authorized tribal entity, or in Alaska a Native Village or Alaska Regional Native Corporation; a rural community, unincorporated town or village or other public entity. See Section 2 (10), Homeland Security Act of 2002, P.L. 107-296, 116 Stat. 2135 (2002).

2.13 Mitigation: Activities providing a critical foundation in the effort to reduce the loss of life and/or property from natural and/or human-caused disasters by avoiding or lessening the impact of a disaster and providing value to the public by creating safer communities. Mitigation seeks to fix the cycle of disaster damage, reconstruction, and repeated damage. These activities or actions, in most cases, will have a long-term sustained effect.

2.14 National Incident Management System (NIMS): System that provides a proactive approach guiding government agencies at all levels, the private sector and nongovernmental organizations to work seamlessly to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location or complexity, in order to reduce the loss of life or property and harm to the environment.

2.15 National Response Framework: This document establishes a comprehensive, national, all-hazards approach to domestic incident response. It serves as a guide to enable responders at all levels of government and beyond to provide a unified national response to a disaster. It defines the key principles, roles, and structures that organize the way U.S. jurisdictions plan and respond.

2.16 Operational Area: An intermediate level of the state emergency services organization, consisting of the County and all political subdivisions within the county area. In a state of emergency, the operational area shall serve as a link in the system of communications and coordination between the political subdivisions comprising the operational area and the Regional or State Emergency Operations Center.

2.17 Preparedness: Actions that involve a combination of planning, resources, training, exercising and organizing to build, sustain and improve operational capabilities. Preparedness is the process of identifying the personnel, training and equipment needed for a wide range of potential incidents and developing jurisdiction-specific plans for delivering capabilities when needed for an incident.

2.18 Recovery: The development, coordination and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private-sector, nongovernmental and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental and economic restoration; evaluation of the incident to identify lessons learned; and post-incident reporting and development of initiatives to mitigate the effects of future incidents.

2.19 Resources: Personnel and major items of equipment, supplies and facilities available or potentially available for assignment to incident operations and for which status is maintained. Under the National Incident Management System, resources are described by kind and type and may be used in operational support or supervisory capacities at an incident or at an emergency operations center.

2.20 Response: Immediate actions to save and sustain lives, protect property and the environment, and meet basic human needs. Response also includes the execution of plans and actions to support short-term recovery.

2.21 Standardized Emergency Management System: The Standardized Emergency Management System (SEMS) is the cornerstone of California's emergency response system and the fundamental structure for the response phase of emergency management. SEMS is required by the California Emergency Services Act (ESA) for managing multiagency and multijurisdictional responses to emergencies in California. The system unifies all elements of California's emergency management

community into a single integrated system and standardizes key elements. SEMS incorporates the use of the Incident Command System (ICS), California Disaster and Civil Defense Master Mutual Aid Agreement (MMAA,) the Operational Area (OA) concept and multiagency or inter-agency coordination. State agencies and local governments are required to use SEMS in order to be eligible for any reimbursement of response-related costs under the state's disaster assistance programs.

Article III – GOVERNANCE

3.01 Composition of the Council

The Organization shall be administered by the Emergency Services Council (“Council”) consisting of the following members:

- a) A member of the San Mateo County Board of Supervisors, who shall be designated by the Supervisors.
- b) Each governing body of a Member Agency shall annually select and appoint a representative to serve on the Council and may select and appoint an alternate representative. Each representative and alternative representative must be a member of the governing body of the Member Agency.
- c) The Chair of the Emergency Services Council shall be the representative from the Board of Supervisors.
- d) A Vice-Chair shall be selected by the Council.

3.02 General Purpose of the Organization

The general purpose of the Organization is to:

- a) Provide structure for administrative and fiscal policies and procedures;
- b) Identify and pursue funding sources;
- c) Set policy;
- d) Maximize the utilization of available resources; and
- e) Oversee all committee activities.

3.03 Specific Responsibilities of the Council

The specific responsibilities of the Council shall be as follows:

- a) To review and recommend adoption by the Board of Supervisors and City Councils of each City, Emergency Plans, programs and agreements, in addition to the basic agreements as deemed necessary to carry out the purpose of the Organization.
- b) To approve an annual budget in an amount necessary to carry out the purposes of the Organization. Upon review and approval of the annual budget by the Council, each Member Agency shall recommend the budget to the governing body of the Member Agency for the purpose of securing from each the appropriations in accordance with each Member Agency's identified allocation (via Budget Sheets.)
- e) Each Member Agency's Executive Officer shall identify and designate at the beginning of each fiscal year, a local coordinator for regular participation in the San Mateo County Emergency Managers Association. Should the identified Coordinator change at any time during the year, the Member Agency shall advise the Director of Emergency Services within 30 days.
- d) If a Member Agency participates in a contract relationship for the provision of emergency services, it is still required to name a local emergency coordinator to the Emergency Managers Association who will assure the continuity of communication between the Member Agency, the County Office of Emergency Services (OES) and the Organization.

3.04 Meetings of the Organization.

- a) **Regular Meetings:** The Council shall approve a schedule for its regular meetings provided, however, that the Council shall hold at least one regular meeting quarterly. The Council shall fix the date, hour and location of regular meetings by resolution and the Secretary shall transmit a copy of the resolution to each Member Agency at the first meeting of the fiscal year.
- b) **Special Meetings:** Special meetings of the Council may be called in accordance with the Brown Act by the Chair, a majority of the Council or the Director.
- c) **Call, Notice and Conduct of Meetings:** All meetings of the Council, including without limitation, regular, adjourned regular and special meetings, shall be noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, California Government Code section 54950 *et seq.* As soon as practicable, but no later than the time of posting, the Secretary shall provide notice and the agenda to each Member Agency. Any Member Agency may request that an item be considered for placement on the Agenda by submitting the request to the Director of Emergency Services.
- d) Meetings of the Council shall be conducted by the Chair or by the Vice-Chair in the absence of the Chairperson. In the absence of both Chair and Vice-Chair, the meeting shall be chaired by member of the Council selected by a majority vote of the Council.

3.05 Minutes

The Secretary of the Organization shall cause to be kept a digital recording of each meeting, which shall be posted on the SMC OES Website. The Secretary will create brief summary written minutes for approval by the Council.

3.06 Voting

All power of the Organization shall reside with the Council. Each Member Agency shall have one vote. A Member Agency's alternate representative may participate and vote in the proceedings of the Council only in the absence of that Member Agency's regular representative. No absentee ballot or proxy voting is permitted.

3.07 Quorum; Required Votes; Approvals

A quorum of the Council is a majority of the representatives of the Member Agencies of the Organization. If the number of Member Agencies is an even number, a majority is fifty percent of the Member Agencies, plus one. The Council may not take any substantive action without a majority of the Member Agencies voting to take that action. Action on non-substantive procedural matters may be taken by a majority of a quorum.

Article IV – PARTICIPATING PARTNERS, EMPLOYEES AND ADVISORY COMMITTEES

4.01 Participating Partners

In order to ensure cooperative emergency planning and response, the following may be invited to attend, as non-voting members, all regular and special meetings of the Council, participate in the development of plans and training programs, and otherwise assist in supporting the implementation of this Agreement:

- a) A representative of the American Red Cross to be invited by the Chair with the approval of the Council.
- b) One representative each from the San Mateo County Fire Chiefs Association and the San Mateo County Police Chiefs and Sheriff Association as may be invited by the Chair with approval of the Council.
- c) One representative for Water Districts as may be invited by the Chair with approval of the Council.

- d) One representative for Sanitary Districts as may be invited by the Chair with approval of the Council.
- e) One representative for the San Mateo County Harbor District as may be invited by the Chair with approval of the Council.
- f) One representative for the Port Authority as may be invited by the Chair with approval of the Council.
- g) One representative for San Mateo County Transit District as may be invited by the Chair with approval of the Council.
- h) One representative for Pacific, Gas and Electric Company as may be invited by the Chair with approval of the Council.
- i) One representative for the Office of Education as may be invited by the Chair with approval of the Council.
- j) One representative for the Hospital Consortium as may be invited by the Chair with approval of the Council.
- k) One representative for the EMS Agency as may be invited by the Chair with approval of the Council.
- l) One representative for the San Mateo Emergency Managers Association as may be invited by the Chair with approval of the Council.

Should other interested parties be identified for participation, the Organization shall consider a written request for participation and may be invited by the Chair with approval of the Council.

4.02 Treasurer

The Treasurer of the County of San Mateo shall be the Treasurer of the Organization. The Treasurer shall be the depository, shall have custody of the accounts, funds and money of the Organization from whatever source, and shall have the duties and obligations set forth in the Joint Exercise of Powers Act.

4.03 Auditor and Financial Accountability

The Organization will ensure financial accountability as required by Section 6505 of the Government Code. The Organization will ensure that audits are conducted as required by that Section. Unless the Council votes to appoint a separate auditor, audits will be conducted by auditor selected to conduct the audit of the Sheriff's Office. In the event that the Council selects a separate auditor, the full cost of the audit will be the responsibility of the Organization.

The Auditor shall perform the functions of auditor for the Organization and shall make or cause an independent annual audit of the accounts and records of the Organization by a certified public accountant, in compliance with the requirements of the Joint Exercise of Powers Act and generally accepted auditing standards.

4.04 Legal Counsel

The San Mateo County Counsel's Office shall be the legal counsel for the Organization. To the extent permitted by the Joint Exercise of Powers Act, the Organization may change, by resolution, the legal counsel to the Organization. The full cost of outside legal counsel will be the responsibility of the Organization.

4.05 Secretary to the Organization

The San Mateo County Office of Emergency Services shall provide a Secretary and administrative support to the Organization.

4.06 Contractors

The Organization shall have the power by resolution to appoint and employ such other consultants and independent contractors as may be necessary to carry out the purposes of the Organization. The Organization will be responsible for any/all incurred costs.

4.07 Committees

The Organization may form and dissolve Committees as determined by the Council.

4.08 Director of Emergency Services

The Sheriff or his/her designee is the Director of the San Mateo County Area Office of Emergency Services ("Director"). The SMC Area Office of Emergency Services is responsible for the on-going operation of the San Mateo County Operational Area and is also responsible for achieving the purposes of the Organization as follows:

- a) Emergency Response - coordination and planning during any regional emergency in accordance with adopted emergency plans.
- b) Plans and Operations - preparation, development, coordination, and integration of compatible and complimentary unified area-wide emergency plans for approval by the State of California and adoption by the Council.
- c) Communications - coordination, development and maintenance of an area-wide emergency communications service, including public alert and warning systems, and other situational awareness tools.
- d) Public Education and Information - coordination and support of an area-wide public education and information program.
- e) Training and Exercise - coordination and assistance in the training and exercising of all County employees identified as Disaster Service Workers, as defined by Sect. 3100 of the California Government Code and volunteers. The Member Agencies will be responsible for the training and exercise of their identified employees; however, OES will provide needed support as requested.
- f) Grant Program Administration - coordination and assistance with designated emergency coordinators within the Operational Area in the securing and distribution of grant funds for regional emergency management initiatives and program support.
- g) General Administration - coordination and assistance in the procurement and inventory of emergency equipment, management of, maintenance and distribution of area-wide inventories of vital supplies and equipment.
- h) The Organization does not intend to acquire title to any property. But in the event that it does, pursuant to Section 6505.1 of the Government Code, the Organization designates the Director to handle that property. In the event that the Organization does acquire title to property, the Director will obtain a bond in the amount determined by the contracting parties.

4.09 Staffing Reimbursement

The County Office of Emergency Services is a bureau of the Sheriff's Office, staffed by sworn officers and other civil service employees of the County of San Mateo appointed by the Sheriff. The Office of Emergency Services supports the purposes of the Organization. A portion of the cost of Office of Emergency Services staff is reimbursed by the Organization in an amount determined by the funding allocation in this Agreement.

Article V – BUDGET AND COST-SHARING

In consideration of the mutual promises herein contained, it is hereby agreed that the cost of maintaining the Organization will be shared as described below.

- a) From the total amount of the annual budget there shall be deducted estimated revenue from federal "matching funds," state grants, and other service revenues.
- b) The balance of the annual budget remaining after anticipated revenues have been deducted shall be paid as follows:
 1. The county shall pay 50% of the remaining balance.
 2. The cities shall pay the remaining 50% of the balance, apportioned in accordance with the following formula:
 - i. One half of said 50% to be apportioned by people units or population.
 - a) Total population of all member cities divided into one-half of the total of the cities' share of the budget equals a factor in cents.
 - b) Population of each member city times the factor in cents equals the share for each city.
 - ii. The remaining one-half of said 50% to be apportioned on the basis of assessed valuation as follows:
 - a) Total assessed value of real and personal property in all member cities divided into one-half of the total of the city's share of the budget equals a factor in mils.
 - b) Assessed value of real and personal property of each member city times the factor in mils equals the share for each city.
- c) For the purpose of this Agreement the total assessed valuation of real and personal property in all Member Agencies shall be the most recent such total maintained by the offices of the County Assessor.
- d) The figures used for population in each city shall be determined by a method and from a source that is mutually acceptable to the majority of members.
- e) It is understood and agreed that the financial obligations incurred by the Member Agencies under the provisions of this Agreement will be incurred annually, subject to the limitation that the county and cities are financially able to make funds available.
- f) If the Member Agencies representing 25% or more of the county's population do not approve the budget in any fiscal year, the proposed budget will be referred back to the Director and the Finance Committee for revision and recommendation. If no resolution can be reached by the committee, the Member Agencies may proceed to adopt budgets that provide those services they deem necessary for adequate emergency services protection as a whole, but any Member Agency shall be financially responsible for that portion of the budget unilaterally adopted. Any Member Agency that does not meet its financial commitment under the adopted budget will lose its voting status and/or other such privileges of membership as determined by the Council.
- g) It is further agreed that any excess in federal or state funds, in any year, shall be reviewed by the Finance Committee, who will then make a recommendation to the Council, as to the disposition of the excess funds.
- h) With respect any Member Agency that is not a City or the County, the amount to be contributed is determined by a negotiation between those Member Agencies and the Director Emergency Services and must be approved by the Council. A letter memorializing the agreed contribution will be an attachment to this Agreement.

Article VI - INSURANCE

- a) The County shall add the Organization and Emergency Services Council to its existing excess liability insurance coverage and shall maintain such coverage in full force and effect during the life of the Agreement. Member Agencies understand that the County is partially self-insured. Unless the Organization decides otherwise, County shall provide for the defense of any claims or litigation within the self-insured retention. Legal representation by the County will ordinarily be provided by the County Counsel.

- b) Any out-of-pocket expense or loss, by way of judgment or settlement, arising out of the operation of this Agreement, within the limits of the County's self-insured retention shall be shared by the parties in accordance with the formula as described in Article V (b).

Article VII - EFFECTIVENESS

This Agreement shall be effective upon its execution by all Member Agencies. It is effective as to new Members Agencies upon adoption and approval by the Council and by the new Member Agency's governing body. This Agreement shall continue in effect until terminated as provided herein.

Article VIII – TERM AND TERMINATION

8.01 Withdrawal by Members

- a) Any Member Agency may withdraw from this Agreement by written notice given by such Member Agency to all other Member Agencies, which notice shall be given at least 120 days prior to the commencement of the fiscal year in which it is to take effect. For the purpose of such notice, a fiscal year is defined as July 1 of a calendar year through June 30 of the succeeding calendar year.
- b) Any former or prospective Member Agency may enter or re-enter the organization by petition to the Council by its governing body, and majority approval of the petition by the Council. Upon approval, the new Member Agency must agree in writing to all terms of this Agreement.
- c) Should a Member Agency withdraw less than 120 days prior to the commencement of the fiscal year, the withdrawal will be effective but that Member Agency will be responsible for its calculated contribution for that year pursuant to Article V.
- d) Should a Member Agency give required notice and withdraw from the Agreement, the prior contribution of that Member Agency will be divided equally by formula among the remaining Member Agencies.

8.02 Termination of Organization and Disposition of Surplus Money and Property

This Agreement shall terminate effective upon a vote of the Council, the County and by at least eleven (11) cities representing the majority of the population of the County. In the event that the Organization ceases to exist, surplus funds will be returned consistent with Section 6512 of the Government Code in proportion to the contributions made. The Organization does not intend to acquire title to any property. But in the event that it does, title to all property acquired by the Organization, shall be owned by the County of San Mateo to be used for "County Wide" purposes.

8.03 Amendments

Any proposed Amendments to this Agreement may be recommended by the Council but must be ratified by each Member Agency's governing body.

8.04 Review of this Agreement

The Council will conduct a review of this Agreement in 2020 and every five years thereafter to determine whether any changes to the Agreement are necessary or advisable. In the event that the Council concludes that changes should be made, each Member Agency representative will take those recommended changes to the governing body of the Member Agency for ratification.

8.05 Bylaws

The Council may, from time to time, adopt and/or amend Bylaws for the conduct of its affairs; provided the purpose is consistent with this Agreement and/or are necessary and appropriate.

Article IX - MISCELLANEOUS PROVISIONS

9.01 Notices

It shall be the responsibility of the Sheriff or his/her designee to ensure all notices are provided to Member Agencies and posted in compliance with the legal requirements of the Agreement.

9.02 Severability

If any one or more of the terms, provisions, promises, covenants, or conditions of this Agreement were, to any extent, adjudged invalid, unenforceable, void, or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

9.03 Supersession

It is mutually understood and agreed by the Member Agencies that this Agreement supersedes the 1997 San Mateo County Operational Area Joint Powers Agreement, any previous agreements on this subject matter and any amendments thereto.

9.04 Assignment

No Member Agency shall assign any rights or obligations under this Agreement without the prior written consent of the Council.

9.05 Governing Law

This Agreement is made and to be performed in the State of California, and as such, California substantive and procedural law shall apply. Venue for any litigation under this Agreement shall be in the County of San Mateo.

9.06 Headings

The section headings herein are for convenience only and are not to be construed as modifying or governing the language of this Agreement.

9.07 Counterparts

This Agreement may be executed in counterparts, each of which will be deemed an original and all of which shall constitute this Agreement.

9.08 No Third Party Beneficiaries

This Agreement and the obligations hereunder are not intended to benefit any party other than the Authority and its Members Agencies, except as expressly provided otherwise herein. No entity that is not a signatory to this Agreement shall have any rights or causes of action against any party to this Agreement as a result of that party's performance or non-performance under this Agreement, except as expressly provided otherwise herein.

9.09 Filing of Notice of Agreement

Within 30 days after the Effective Date, the Secretary shall cause to be filed with the Secretary of State the notice of Agreement required by the Act. Within 30 days after any amendment to this Agreement, the Secretary shall file the amendment with the Secretary of State.

9.10 Conflict of Interest Code

The Organization shall adopt a conflict of interest code as required by law. Member Agencies understand that representatives and alternate representatives are listed on the Organization's Conflict of Interest Code and will be responsible for filing a Form 700 with the Organization.

9.11 Indemnification

The Organization shall defend, indemnify and hold harmless each Member Agency (and each Member Agency's officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including attorney's fees,) arising from or as a result of any acts, errors or omissions of the Organization or its officers, agents or employees.

Each Member Agency shall defend, indemnify and hold harmless the other Member Agencies (and their officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including attorney's fees,) arising from or as a result of any acts, errors or omissions of that party or its officers, agents or employees.

9.12 Dispute Resolution/Legal Proceedings

Disputes regarding the interpretation or application of any provision of this Agreement shall, to the extent reasonably feasible, be resolved through good faith negotiations between the Member Agencies and/or the Organization.

9.13 Authorization to Enter Into Agreement

Each party warrants that the person signing this Agreement on its behalf is authorized to bind that party to this Agreement.

9.14 Confirmation of Jurisdictional Authority

By signing this Agreement, the Member Agencies retain all authority granted to them by the State and/or their respective Charters. The powers and/or authority granted pursuant to this Agreement shall in no way serve to limit or restrict an individual Member Agency's jurisdictional authority.

9.15 Participation Understanding

The Member Agencies understand that to facilitate proper emergency response, each public entity has an important role to play. By adopting this Agreement, the Member Agencies recognize the importance of that role. Descriptions of the activities that are expected of each Member Agency are contained in Attachment A to this Agreement. Attachment A may be modified by a majority of the Council at a meeting of the Organization.

(SIGNATURES ARE ON FOLLOWING PAGE)

IN WITNESS WHEREOF, each Member Agency has caused this Agreement to be executed and attested by its proper officers thereunto duly authorized, as follows:

Signatories	Resolution/Action Number	Date of Adoption
Atherton		
Belmont		
Brisbane		
Burlingame		
Colma		
Daly City		
East Palo Alto		
Foster City		
Half Moon Bay		
Hillsborough		
Menlo Park		
Millbrae		
Pacifica		
Portola Valley		
Redwood City		
San Bruno		
San Carlos		
San Mateo		
South San Francisco		
Woodside		
County of San Mateo		

ATTACHMENT A
SUPPLEMENTAL AGREEMENT

The following list of responsibilities was developed by a sub-committee of the Emergency Managers Association of San Mateo County. The determined need is to assure the Member Agencies meet the basic functional needs of the communities within San Mateo County during a disaster. To determine the readiness of Member Agencies to respond to an emergency, each Member Agency agrees to participate in an annual survey or other mechanism, developed by the EMA Policy & Continuity Working Group, to gather preparedness data from Member Agencies. An evaluation shall be presented to the Emergency Services Council as set forth in section 1.01 of this Supplemental Agreement.

Article I – MEMBER AGENCY RESPONSIBILITIES AND TRAINING

1.01 Emergency Preparedness and Planning Standards

The Member Agencies shall each accept primary responsibility for the readiness within their respective jurisdictions and development of disaster preparedness plans which shall be compatible with and complimentary to the area-wide emergency planning and organization, formulated pursuant to this Agreement. As such, each Member Agency agrees that it will adhere to current state and federal NIMS/SEMS requirements.

The Director will provide an annual report of each Member Agency’s attainment towards the current State and federal NIMS/SEMS requirements, as well as assist the Member Agencies in working towards full compliance.

1.02 Information Reporting

Member Agencies of the Organization shall report on the agreed adopted standards, cited in Section 1.01 of this Supplemental Attachment, annually to the Director of the Office of Emergency Services, who will compile the information and report to the Council at its January meeting.

- a. The following is an example of the type of information to be collected annually; other formats may be developed or used as needed. Adopt an Emergency Operations Plan and Annexes, review and update no less than every three years

City/Town	Percentage Complete											
1	0	10	20	30	40	50	60	70	80	90	100	

- b. Have a Local Hazard Mitigation Plan, internally reviewed annually and provide updates as required, and approved by FEMA. (Currently no less than every five years.

City/Town	Percentage Complete											
	0	10	20	30	40	50	60	70	80	90	100	

- c. Participate in the Operational Area Multi-year Training and Exercise Plan

City/Town	Percentage Complete											
	0	10	20	30	40	50	60	70	80	90	100	

d. Adopt use of the Homeland Security Exercise and Evaluation Program (HSEEP)												
City/Town	Percentage Complete											
	0	10	20	30	40	50	60	70	80	90	100	

e. Participate in meetings and activities including the Emergency Managers Association (EMA)												
City/Town	Percentage Complete											
	0	10	20	30	40	50	60	70	80	90	100	

f. Participate in Training and Exercises												
City/Town	Percentage Complete											
	0	10	20	30	40	50	60	70	80	90	100	

g. Prepare and maintain necessary plans and agreements to facilitate emergency sheltering												
City/Town	Percentage Complete											
	0	10	20	30	40	50	60	70	80	90	100	

1.03 Training and Exercises

A Training and Exercise Plan is a means to establishing a standard of readiness and initiates a basic knowledge and capability skill set. Full participation by Member Agency Emergency Managers and other Operational Area stakeholders is important to developing a multi-year training program. Training and exercise planning and development will be the responsibility of the EMA T&E Group to accommodate the needs of the stakeholders. Full commitment and participation by the Member Agencies and participating partners will also be recommended in at least one annual exercise, in some capacity, to ensure the preparedness level of our Operation Area. Further, Member Agencies agree to support the NIMS compliance of each of their jurisdictions.

1.04 Recommended Training for the Governing Bodies of Member Agencies

In an effort to ensure NIMS Compliance and a standardized understanding among Member Agencies, the following training curriculum, **is recommended for representatives of each Member Agencies' governing bodies:**

- a) 100: Introduction to ICS or equivalent
- b) FEMA IS 700.a: NIMS An Introduction
- c) ICS-402: Incident Command System (ICS) Overview for Executives/Senior Officials(G402)

1.05 Local Coordinator Responsibilities

All Member Agencies have adopted this Agreement with a commitment to engage in local and regional cooperative planning, coordination and delivery of services. Each Member Agency will provide local support via staff with primary and/or secondary responsibilities including, but not limited to the following:

- a) Management/Coordination of the Local Emergency Operations Center (EOC) – (functional and support services.)

- b) Provide liaison support to the County Emergency Operations Center (EOC) Director or his/her designee in emergency or disaster situations.
- c) Oversee the preparation and prepare and modify elements of the local Emergency Operations Plan and Disaster Recovery Plan to ensure compatibility with the Operational Area Emergency Operations Plan and Annexes.
- d) Develop relationships with representatives of local departments, public and private support and relief agencies, business, educational, homeowners' and other groups regarding emergency services; prepare specialized plans designed to meet the needs of various sections of the community.
- e) Prepare and disseminate training materials to ensure effective response in a disaster situation;
- f) Develop, train and maintain community engagement, through programs such as Community Emergency Response Team (CERT)
- g) Develop relationships with representatives of other emergency management and response agencies and organizations; review legislation, regulations and other documentation to ensure that the City is in compliance with such regulations and avail itself of all financial and other resources.
- h) Respond to the Emergency Operations Center when it is activated; ensure that appropriate documents are available at the center and provide liaison and coordinative support as required.

1.06 Operational Area District Coordinator Responsibilities

In addition to the roles and responsibilities identified in Section 4.09, The Director of Emergency Services will provide staff in direct support of the Local Coordinators. These Operational Area District Coordinators are not intended to replace local staff, as they do not have the required authority within local jurisdictions to operate as the primary coordinators. They will, however, provide the following services, which include but are not limited to:

- a) Develop, review and update emergency operations plans.
- b) Develop, review and update detailed standard operating procedures, checklists and resource documents.
- c) Compile data and prepare program papers and progress reports for the jurisdictions served.
- d) Compile and review jurisdictional data in support of the annual Standards Review.
- e) Support a Planning and Exercise Design Team as well as complete a 3-5 year Training and Exercise Program that is HSEEP compliant.
- f) Act as information, education and/or resource officer for the jurisdictions served.
- g) Speak to civic groups, clubs, and organizations to promote emergency services programs, encouraging public understanding and support. Notify local jurisdiction when appropriate.
- h) Work cooperatively with other office staff on area-wide projects and in training programs.
- i) Develop relationships with representatives of other emergency management and response agencies and organizations, review legislation, regulations and other documentation to ensure that the County is in compliance with such regulations and avail itself of all financial and other resources.

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STAFF REPORT

City Council

Meeting Date: 2/25/2020

Staff Report Number: 20-038-CC

Consent Calendar: Approve interim city attorney services agreement with Jorgenson, Siegel, McClure & Flegel, LLP

Recommendation

Staff recommends that the City Council approve an agreement between the City of Menlo Park and Jorgenson, Siegel, McClure & Flegel, LLP for interim city attorney services.

Policy Issues

There are no policy issues related to this consent item.

Background

The City Council is the hiring authority for the position and services of city attorney. The City currently contracts with William McClure of Jorgenson, Siegel, McClure & Flegel, LLP for city attorney services. On December 30, 2019, the City Council received and accepted Mr. McClure's notice of retirement effective March 1 (last day of employment February 29.) This notice fulfills the 60-day notice for termination of the agreement.

The City Council created an ad hoc committee, comprised of Vice Mayor Combs and City Councilmember Mueller, to discuss recruitment of city attorney services. Mr. McClure's agreement provided for compensation both as an employee and a contractor; an arrangement that is no longer allowable under the government code. After deliberating the advantages and disadvantages of hiring an employee or an independent contractor, the committee recommended, and the full City Council agreed to contract for full city attorney services. The City has issued a request for proposals (RFP) for city attorney services which has been widely distributed, including posting on the California League of Cities, city attorney list serve. While the City conducts the RFP process, the City must hire interim city attorney services.

To provide for continuity of services, the City Council agreed to seek an agreement with Jorgenson, Siegel, McClure & Flegel, LLP for a period of up to six months, designating Cara Silver as the city attorney effective March 1. The proposed agreement includes the same hourly rates under the current agreement with Mr. McClure. The substantial changes from the current contract with Mr. McClure and the proposed contract with Jorgenson, Siegel, McClure & Flegel, LLP are removal of references to the defunct redevelopment agency and removal of provisions relating to Mr. McClure's partial employment status (e.g., a retainer and employment and benefits with the City.)

Impact on City Resources

The City will no longer have pension and other benefit obligations for the position of city attorney, as all interim city attorney services will be filled through an independent contractor and not direct employment.

Environmental Review

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

Public Notice

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

Report prepared by:
Lenka Diaz, Administrative Services Director



STAFF REPORT

City Council Meeting Date: 2/25/2020
Staff Report Number: 20-042-CC

Consent Calendar: Receive and file an update on the Menlo Park Transportation Management Association feasibility study

Recommendation

Staff recommends that the City Council receive and file this update on the Menlo Park Transportation Management Association feasibility study.

Policy Issues

The development of a Transportation Management Association (TMA) supports the City's transportation demand management (TDM) program guidelines and is listed as program CIRC-6.B in the 2016 general plan circulation element to "assist local residents, employees, students, and other community members in identifying and taking advantage of travel options between employment centers and rail connections, downtown and nearby cities." The development of a TMA was identified as one of the City Council's priorities in the 2019 work plan, and is also a strategy in the adopted climate action plan.

Background

The City of Menlo Park has robust TDM programs to reduce vehicle trips generated by new developments by encouraging transit, bicycling, shuttles, carpooling/vanpooling, telecommuting and other programs. A TMA is one element of TDM, and is typically a member-controlled organization that coordinates and provides transportation services in a specific area such as a commercial district. TMAs have been established recently in the nearby cities of Palo Alto and Mountain View. Redwood City is currently exploring options for a TMA, while East Palo Alto is developing a TDM ordinance.

The City's general plan update and rezoning of the Bayfront area established Office, Life Sciences and Residential Mixed Use zones, in which proposed development is required to have a TDM plan to reduce new vehicle trips by 20 percent below standard generation rates for any new construction or additions to existing buildings of 10,000 square feet or more. To achieve these 20 percent reduction goals, there are a variety of eligible TDM measures including participation in a TMA.

A joint request for proposal was released on behalf of the City of Menlo Park and City of Foster City in April 2019 to search for qualified firms to conduct two separate TMA feasibility studies in Menlo Park and in Foster City. On July 15, 2019, City Council authorized the city manager to enter into an agreement with Steer Group. The scope of work includes gathering commute habit data and stakeholder outreach (Phase 1,) a detailed analysis of TMA options (Phase 2,) and an implementation plan for a potential TMA (Phase 3.) Phase 1 stakeholders include Menlo Park businesses of all sizes and those at a regional level. This staff report serves as a status update for the TMA feasibility study and progress report for the Phase 1 work conducted over the last six months.

Manzanita Talks background

Independent of the City-led initiatives, the City of Menlo Park was invited to participate in the Manzanita Talks (Attachment A) to discuss transportation challenges at a sub-regional level. These were convened by Joint Venture Silicon Valley, in partnership with the Bay Area Council, to create symposia of private and public entities to discuss first and last mile challenges, traffic mitigation, and the potential for coordinating with existing TMAs on a larger scale. A series of five discussions were held between April and October 2019, where the City was a participant. Other invitees included Mid-Peninsula cities and private sector businesses: City of East Palo Alto, City of Los Altos, City of Mountain View, City of Palo Alto, City of Redwood City, City of Sunnyvale, Town of Atherton, Good City Company, Facebook, Genentech, Google, Intuit, LinkedIn, Palantir, Salesforce and Tesla.

On January 14, the City Council received an update from Manzanita Works and Joint Venture Silicon Valley about the Manzanita Talks and authorized City Councilmember Mueller, who was Mayor at the time of the Talks, to sign the Manzanita Talks joint statement (Attachment B.) The work performed by Steer Group does not preclude any potential future membership or alliance with a sub-regional entity, such as that explored during the Manzanita Talks.

This feasibility study is being conducted in parallel with the Manzanita Talks, to identify potential options and benefits to operating TMA(s) in Menlo Park. This would give a future Menlo Park TMA(s) the flexibility to be independent and form without delays in case joining an alliance is not viable or takes longer than anticipated. The main challenge of joining a future sub-regional TMA is the loss of local control for the greater good. As part of Phase 1, stakeholder outreach was crucial to understanding local challenges and needs. Gathering this information will guide the future phases and any potential sub-regional alliance, as it allows stakeholders to share their interest or concerns in working with other portions of the Menlo Park, let alone other cities.

Analysis

Since the notice to proceed in August 2019, Steer Group has primarily focused on Phase 1 of their scope of work. Phase 1 entailed conducting outreach to stakeholders and organizations, gathering survey data and analyzing existing data. Based on geographic boundaries and the natural clustering of businesses: the City was divided into four study zones:

- Northern Menlo Park: businesses near U.S. 101
- Central Menlo Park: businesses such as the Veterans Affairs Medical Center, SRI, City Hall
- Downtown: businesses along Santa Cruz Avenue and nearby
- Southern Menlo Park: businesses near the Sand Hill Road corridor

Over the last six months, Steer Group reached out to stakeholders in Menlo Park, including both larger and medium/small-sized businesses, in these four zones and beyond. These stakeholders and organizations include the Menlo Park Chamber of Commerce, Tarlton Properties, Sobrato Organization, Facebook, Bohannon Companies, Palo Alto Veterans Affairs Medical Center (Menlo Park campus,) Stanford University, Commute.org, and Manzanita Talks representatives. Additionally, Steer Group developed a commute survey to share with the various stakeholders to better understand current opinions on commutes and how Menlo Park employees travel in general. Streetlight data, which is derived from geospatial data from devices such as mobile phones, was also analyzed to yield information on typical origin and destination (O&D) trips.

O&D data is valuable to answer commute pattern questions. For example, O&D data will yield information such as zones with the highest number of trips in and out, where the majority of trips originate, and how the

zones compare to one another. This data, along with feedback from employees, offers more insight on what tools to offer as alternatives to single-occupant vehicle (SOV) trips, such as shuttles, bicycle share, or advocacy for more transit service.

Steer compiled the data collected and findings from Phase 1 into an existing conditions report (Attachment C.) A brief summary of Steer’s findings is listed below:

- Menlo Park’s location at the San Mateo/Santa Clara County line and near Palo Alto presents limitations in public transportation options.
- There is an abundance of private shuttles, but access to the general public could help bridge the gaps in public transportation services.
- TDM is mandated at many project sites, but provided TDM programs may differ by site due to negotiations on a case-by-case basis.
- Individual TDM programs and services exist at larger businesses, but are not coordinated amongst businesses at a zonal or City level.
- TDM programs are strongest in the Northern Menlo Park zone, but this zone can still benefit from additional mode shift.
- Despite its location close to many transit lines, parking usage is still high in Downtown which leads to complaints amongst both residents and visitors.
- Commute.org is a TMA-like organization for San Mateo County, and any future partnership between Commute.org and a TMA should focus on efficiency and maximizing resources.

Next steps and schedule

Following this status update to City Council in February 2020, Steer Group will begin refining best-fit TMA models for Menlo Park as part of Phase 2 using the findings from Phase 1, best practices and local/national TMA models to propose potential models for Menlo Park. These options will account for the local needs of Menlo Park. They would also consider a potential future sub-regional alliance, as identified during the Manzanita Talks, if deemed viable based on a detailed analysis and progression of the Manzanita Talks.

Steer Group is anticipated to return to City Council in March 2020 requesting guidance on which TMA models are preferred for in-depth analyses. As a part of Phase 3, this option(s) will be investigated thoroughly with an emphasis on TMA governance, cost benefit analysis, and a final recommendation on framework for a TMA and the City’s future role both short-term and long-term. This study is anticipated to conclude by July 2020, and lays the foundation for the next steps to establish a TMA in Menlo Park. Table 1 shows the schedule for the feasibility study.

Completion of tasks	Schedule
Notice to proceed	August 2019
Phase 1: data collection	December 2019
Phase 1: Employer outreach	Ongoing through June 2020
City Council meeting Deliverable: existing conditions report	February 25, 2020
Phase 2: TMA background research	January 2020
Phase 2: Specific TMA model analyses	March 2020
City Council meeting Deliverable: TMA model analysis memo	Tent. March 24
Phase 3: cost benefit analysis	June 2020
Phase 3: final recommendations	July 2020
City Council meeting Deliverable: final report	July 2020

Impact on City Resources

There is no new impact to City resources associated with this update. This feasibility study was funded by a \$100,000 contribution by Facebook as required as part of the campus expansion project development 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 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. Hyperlink – Manzanita Talks: <https://jointventure.org/initiatives/mobility/manzanita-talks>
- B. Hyperlink – January 14: menlopark.org/DocumentCenter/View/23909/14-20200114-CC-Manzanita-Talks
- C. Hyperlink – Menlo Park TMA options analysis study: existing conditions:
menlopark.org/DocumentCenter/View/24326/2-Att-C---Menlo-Park-TDM-Existing-Conditions-Report

Report prepared by:
Nicholas Yee, Transportation Demand Management Coordinator

Report reviewed by:
Kristiann Choy, Acting Transportation Manager



STAFF REPORT

City Council
Meeting Date: 2/25/2020
Staff Report Number: 20-043-CC

Consent Calendar: **Adopt Resolution No. 6543 supporting the City's shuttle program for application for the San Mateo County shuttle program fiscal year 2020-21 and fiscal year 2021-22 and authorize the city manager to enter into funding agreements**

Recommendation

Staff recommends that the City Council adopt Resolution No. 6543 (Attachment A) in support of the Citywide shuttle program, for the San Mateo County shuttle program fiscal years 2020-21 and 2021-22 to continue funding for operations and administration of the program and authorize the city manager to enter into necessary funding agreements and any subsequent amendments within the budgeted amounts with grant agencies.

Policy Issues

This project is consistent with the 2016 general plan goal and policies to support local and regional transit that is efficient, frequent, convenient and safe. These policies seek to promote the use of public transit and to promote the use of alternatives to the single-occupant automobile. The grant requires an adopted resolution of support by the City Council as part of the application.

Background

The City of Menlo Park manages an extensive shuttle program that provides transit service to many residents, employees and visitors. The program is primarily funded by grants provided by the San Mateo City/County Association of Governments (C/CAG,) San Mateo County Transportation Authority (SMCTA) and Metropolitan Transportation Commission (via the San Mateo County Transit District.) These funds are typically made available following the successful completion of a competitive application process, an executed agreement between parties, and a demonstrated adherence to the agreement requirements.

On January 13, C/CAG and the SMCTA issued a joint call for shuttle projects for fiscal years 2020-21 and 2021-22. The program includes \$10,000,000 for this two-year funding cycle, and direct costs for operations, marketing, and administration of shuttles are eligible for funding. The City's shuttle program is currently supported by a grant through this program, expiring June 30, of which a successful application for this grant cycle will ensure continuation of funding. Applications are due February 21, and C/CAG and the SMCTA require a City Council resolution as part of the application submission. Prior notice was submitted to C/CAG and the SMCTA of the resolution's delayed submission date, and after adoption it will be submitted as soon as possible.

The shuttle program provides "around town" transportation to many residents, employees and visitors. The program includes the following services:

- The M1-Menlo Midday shuttle provides a midday, fixed-route service between Sharon Heights and downtown Menlo Park. It serves several senior housing facilities, Stanford Medical Center, Stanford Shopping Center, Palo Alto Medical Foundation, downtown Palo Alto, Draeger’s and the Caltrain station.
- The M2-Belle Haven shuttle provides an all-day, fixed-route service between Belle Haven and downtown Menlo Park. It serves several senior housing facilities, Menlo Park Senior Center, the Belle Haven library, the Veterans Affairs Medical Center, the main library, Caltrain station, Little House and Safeway.
- The M3-Marsh Road shuttle provides fixed-route, peak-hour service between the Caltrain station and the business parks and office complexes along Marsh Road, Bohannon Drive and the Bayfront Area.
- The M4-Willow Road shuttle provides fixed-route, peak-hour service between the Caltrain station and the business parks and office complexes along Willow Road and O’Brien Drive.
- The Shoppers’ Shuttle is a door-to-door service, which operates three days per week providing transportation for those not near a shuttle route or that have limited mobility. Destinations include Little House, Menlo Park Senior Center, downtown Menlo Park, the main library, Safeway, Caltrain station, Stanford Shopping Center, and retail destinations in Menlo Park and Redwood City.

Analysis

By applying for funds through the San Mateo County shuttle program call for projects, the City of Menlo Park is seeking to ensure the continuation of the City’s shuttle program. The City’s proposed application includes continuation of the current services, with schedule and route adjustments to the community shuttles based on current performance results.

The effectiveness of the City’s shuttle program is measured by two performance metrics, the average number of riders and the cost per rider, as compared to benchmarks for the type of service. The table below summarizes these metrics for each route. The benchmarks for service are set bi-annually by C/CAG and the SMCTA based on operations of the current routes in San Mateo County and shuttle management best practice information.

Shuttle route	Passengers per service hour		Cost per rider	
	Actual (fiscal year 2018-19)	Service benchmark (fiscal year 2018-20)	Actual (fiscal year 2018-19)	Service benchmark (fiscal year 2018-20)
M1-Menlo Midday ¹	1.1	Above 10	\$74.31	Less than \$10.00
M2-Belle Haven	6.3	Above 10	\$14.11	Less than \$10.00
M3-Marsh Road	17.4	Above 15	\$6.60	Less than \$8.00
M4-Willow Road	26.1	Above 15	\$6.90	Less than \$8.00
Shoppers’	2.3	Above 2	\$36.45	Less than \$20.00

Note: Fiscal year 2018-19 data are presented as the most recent complete fiscal year.

¹ Entire route suspended as of September 2018; benchmarks reflect poor ridership, drivers not complying with schedules, and ridership data from only two months of the fiscal year.

As shown in Table 1, the program’s cost effectiveness (cost per rider) and ridership (passengers per hour) exceed the County’s standards for commuter shuttles (M3-Marsh Road and M4-Willow Road.) The

performance of the M1-Menlo Midday, M2-Belle Haven and Shoppers' shuttles do not meet the cost effectiveness and/or ridership benchmarks, reflecting challenges over the past two years. The City's shuttle vendor, MV Transportation, has had a driver shortage since October 2017 leading to many service disruptions. However, the City's agreement with MV Transportation is part of a joint contract with Commute.org and is administered through SamTrans. Therefore, any changes to the contract requires all three parties to meet and confer. While this driver shortage has been a common occurrence recently amongst many Bay Area transit operators, it has affected the Menlo Park shuttle system as follows:

- The M1-Menlo Midday shuttle had experienced poor ridership due to drivers not complying with schedules, which is reflected in the benchmarks, and has been completely suspended since September 2018.
- The M2-Belle Haven shuttle has had one of its two regularly scheduled vehicles suspended since October 2017.
- The M3-Marsh Road shuttle had one of its two regularly scheduled vehicles suspended since October 2017 due to the driver shortage, but the second vehicle was resumed in April 2019.

Proposed service changes

As described in a 2018 staff report to City Council requesting funding for the fiscal year 2018-20 grant cycle, staff planned to combine the M1-Menlo Midday and M2-Belle Haven shuttles into a new M1-Crosstown shuttle route that would allow crosstown travel with no transfers. However, the challenges arising from the driver shortages required postponing the implementation of this new service. Given the unstable situation, marketing was kept at a minimum to prevent promoting services potentially at risk of daily or more permanent service suspensions, which would further erode trust and confidence in the shuttles.

With the fiscal year 2020-22 grant application, staff's goal is to increase ridership and better serve residents, employees and visitors of Menlo Park. With driver staffing levels becoming more stable, restoration of the second vehicle on the M2-Belle Haven shuttle route and resuming the M1-Menlo Midday shuttle is planned for spring 2020, with hopes to continue these services with the new grant cycle in fiscal year 2020-22 contingent on driver availability. More information will be posted to the City's shuttle website (Attachment B) to announce service increases as the information is finalized.

Per the grant requirements for existing shuttles that do not meet the performance benchmarks, the City of Menlo Park consulted with SamTrans staff for technical assistance to improve the shuttle service. Through this technical assistance, SamTrans recommended continuing to operate two distinct community shuttle routes to minimize the length of travel time to key destinations. These two routes will increase reliability, accessibility, and connectivity for Belle Haven and Sharon Heights and promote independence, quality of life and health with one-seat rides to Stanford Shopping Center, Hoover Pavilion, and the Palo Alto Medical Foundation and connections at Palo Alto Caltrain to the new Stanford Hospital and Stanford University via the Marguerite shuttle, Stanford Eye / Ear Institutes via the Stanford Healthcare TECH shuttle, and multiple regional transit connections.

In spring 2020, the future M1-Crosstown shuttle (renamed from the M2-Belle Haven) will extend the current M2-Belle Haven back to Palo Alto, adding destinations at Stanford Shopping Center, Hoover Pavilion, Palo Alto Medical Center, and the Palo Alto Caltrain station. Additional proposed changes include "short-turn" runs, which will allow quick turnarounds in the morning and afternoon peak periods. This will offer Belle Haven residents timed connections with Caltrain and an additional option for students at Menlo-Atherton High School. All other runs will operate the entire route to Palo Alto to serve the typical midday demographic focused on connectivity with various destinations across town. The goal is to have this shuttle serve residents of all ages and needs.

The future M2-Sharon Heights shuttle (renamed from the M1-Menlo Midday) is anticipated to return in spring 2020 connecting Sharon Heights with Downtown Menlo Park, Stanford Shopping Center, Hoover Pavilion, Palo Alto Medical Center, and the Palo Alto Caltrain station. The main change will be eliminating the one-way loop the shuttle drove to travel on Sand Hill Road and Santa Cruz Avenue. The M2-Sharon Heights shuttle will run in both directions on Santa Cruz Avenue to better serve residents along that corridor and supplement midday service for the peak-only SamTrans Route 286.

Proposed program budget

Similar to the last call for projects, the shuttle program requires a local match of at least 25 percent of the total program cost. The match can come from other grant sources or local City funds. The City’s program is currently funded through a variety of sources, including grants from C/CAG, SMCTA, the Metropolitan Transportation Commission’s Lifeline Grant Program, and the City’s Development Shuttle Fee. Table 2 below indicates the estimated program budget for fiscal years 2020-21 and 2021-22, since the San Mateo County shuttle program is administered in a two-year cycle.

Shuttle route	Fiscal year 2018-19 budget	Fiscal year 2019-20 budget	Fiscal year 2020-21 proposed budget	Fiscal year 2021-22 proposed budget
M1-Crosstown ¹ M2-Sharon Heights ²	\$580,300	\$587,400	\$594,600.00	\$602,200
M3-Marsh Road	\$274,400	\$278,000	\$310,200.00	\$314,600
M4-Willow Road	\$152,000	\$154,600	\$164,700.00	\$167,500
Shoppers’	\$59,100	\$60,200	\$68,300.00	\$69,600
Total	\$1,065,800	\$1,080,200	\$1,137,800.00	\$1,153,900

Note: The M1-Crosstown and M2-Sharon Heights shuttles are two branches of a single line on the grant application.

¹ M1-Crosstown was known as the M2-Belle Haven in fiscal year 2018-20, simply a route rename and no service loss.

² M2-Sharon Heights was known as the M1-Menlo Midday in fiscal year 2018-20, simply a route rename and no service loss.

If awarded, the San Mateo County shuttle program will fund up to 75 percent of program cost in fiscal years 2020-21 and 2021-22, with remaining program funds coming from sources outlined in Table 3 and 4 below. Staff recommends not applying for grant funding for the Shoppers’ shuttle at this time, as this route does not meet the benchmarks to be competitive in the call for projects and did not receive funding in the last round of the program. The City would need to continue to fund it at 100 percent of costs to maintain the service. This fiscal year, funding from the Measure A program for transportation programs was used to fund this service.

At the time staff prepared this report, some of the other funding sources available for the shuttle program are uncertain, as grant applications also would need to be submitted for these programs during the next call for projects cycles. As such, staff has prepared two funding allocation scenarios: one where the City continues to be awarded potential funds from the Metropolitan Transportation Commission (MTC) Lifeline grant program (Table 3) and one without (Table 4.) Lifeline funding, which the City will apply for when the call is released later in 2020, is applicable only to the M1-Crosstown and M2-Sharon Heights shuttles, as it mobilizes elderly and low-income neighborhoods in Menlo Park. Lifeline would fund up to 40 percent of the M1-Crosstown and M2-Sharon Heights shuttles, with the other 60 percent coming from the San Mateo

County shuttle program grant funding. If the City does not receive Lifeline funding, the City would contribute 25 percent with the remaining 75 percent coming from the San Mateo County shuttle program grant funding.

The local match the City would need to provide for the Shuttle Program differs, contingent on it receiving Lifeline funding or not. Table 3, which anticipates Lifeline funding, shows the City would need to contribute up to \$121,700 in fiscal year 2020-21 and \$124,900 in fiscal year 2021-22 toward the shuttle program, for a total of \$246,600 during the fiscal year 2020-22 grant cycle. This amount is consistent with the amount currently budgeted in fiscal year 2018-20. Table 4, which anticipates no Lifeline funding, shows the City would contribute \$270,400 in fiscal year 2020-21 and \$275,400 in fiscal year 2021-22 toward the shuttle program, totaling \$545,800 during the fiscal year 2020-22 grant cycle to maintain the proposed service levels. If the Lifeline application is not successful, staff would return to the City Council for direction on service levels, alternative funding sources, or other strategies to fund the shortfall.

**Table 3: Allocation of program budget by source fund
(with MTC lifeline award)**

Funding source	SMCTA and C/CAG request	MTC Lifeline award ¹	Developer fees ²	Local match ³	Total
Fiscal year 2020-21	\$713,000	\$237,800	\$65,300.00	\$121,700.00	\$1,137,800
Fiscal year 2021-22	\$722,900	\$240,900	\$65,300.00	\$124,900.00	\$1,153,900 ⁴
Two year total	\$1,435,900	\$478,700	\$130,600.00	\$246,600.00	\$2,291,700⁴

¹ Metropolitan Transportation Commission Lifeline funding will either be a two-year or three-year cycle.

² The City collects approximately \$65,300 per year from developer-required contributions to the City's shuttle program.

³ The local match from the City includes 100 percent of the cost for the Shoppers' shuttle (approximately \$60,000 annually) as the City will not apply for grant funding.

⁴ These amounts are off by \$100 due to a rounding other amounts in the table.

**Table 4: Allocation of program budget by source fund
(without MTC lifeline award)**

Funding source	SMCTA and C/CAG request	Developer fees ¹	Local match ²	Total
Fiscal year 2020-21	\$802,200	\$65,300.00	\$270,400.00	\$1,137,800 ³
Fiscal year 2021-22	\$813,200	\$65,300.00	\$275,400.00	\$1,153,900
Two year total	\$1,615,400	\$130,600.00	\$545,800.00	\$2,291,700³

¹ The City collects approximately \$65,300 per year from developer-required contributions to the City's shuttle program.

² The local match from the City includes 100 percent of the cost for the Shoppers' shuttle (approximately \$60,000 annually) as the City will not apply for grant funding.

³ These amounts are off by \$100 due to a due to rounding other amounts in the table.

If the City is able to receive all requested grant funding and local matches, the following is the budgeted shuttle service for fiscal year 2020-22:

- The M1-Crosstown shuttle will connect the Belle Haven neighborhood and Palo Alto via Willow Road and downtown Menlo Park, with two 20-passenger vehicles operating between 7 a.m. and 6 p.m.
- The M2-Sharon Heights shuttle will connect the Sharon Heights neighborhood and Palo Alto via Santa

Cruz Avenue and downtown Menlo Park, with one 20-passenger vehicle operating between 9 a.m. and 4 p.m.

- The M3-Marsh Road shuttle will connect the Menlo Park Caltrain and the Marsh Road business parks, with two 28-passenger vehicles operating between 7 a.m. and 10 p.m. and 3 p.m. and 6:30 p.m.
- The M4-Willow Road shuttle will connect the Menlo Park Caltrain and the Willow Road business parks, with one 28-passenger vehicle operating between 7 a.m. and 10 p.m. and 3 p.m. and 6:30 p.m.
- The Shoppers' Shuttle will provide door-to-door service, with one 20-passenger vehicle operating between 9:30 a.m. and 1:30 p.m. Service to Redwood City will be available on Tuesdays, with service around Menlo Park and parts of Palo Alto available on Wednesdays and Saturdays.

Impact on City Resources

The estimated total annual cost of the M1-Crosstown, M2-Sharon Heights, M3-Marsh Road, M4-Willow Road, and Shoppers' shuttle services is \$1,137,800 in fiscal year 2020-21 and \$1,153,900 in fiscal year 2021-22. The funding for the City's share of 25 percent comes from the City's Development shuttle fee, Measure A funds, and the MTC Lifeline Grant Program (this program provides a maximum of 40 percent for the M1-Crosstown and M2-Sharon Heights shuttles.)

Environmental Review

This proposed action is categorically exempt under the current California Environmental Quality Act Guidelines as this is a service already operated by the City.

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. 6543 supporting the City's shuttle program
- B. Hyperlink: menlopark.org/shuttles

Report prepared by:
Nicholas Yee, Transportation Demand Management Coordinator

Report reviewed by:
Kristiann Choy, Acting Transportation Manager

RESOLUTION NO. 6543**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
SUPPORTING THE CITY'S SHUTTLE PROGRAM AND SUBMITTING AN
APPLICATION FOR SAN MATEO COUNTY SHUTTLE PROGRAM FUNDING**

WHEREAS, there is a need for "around town" transportation to serve many residents, employees and visitors; and

WHEREAS, City of Menlo Park manages an extensive shuttle program to provide commuter service to and from the Menlo Park Caltrain station and community shuttle service to link residents to vital community services and destinations; and

WHEREAS, the cost of the City's shuttle program is estimated to be \$2,291,700 over fiscal years 2020-21 and 2021-22; and

WHEREAS, the City wishes to sponsor the City's shuttle program; and

WHEREAS, the City seeks up to \$1,615,400 for the Program in fiscal years 2020-21 and 2021-22; and

WHEREAS, June 7, 1988, the voters of San Mateo County approved a ballot measure to allow the collection and distribution by the San Mateo County Transportation Authority (TA) of a half-cent transactions and use tax in San Mateo County for 25 years, with the tax revenues to be used for highway and transit improvements pursuant to the transportation expenditure plan presented to the voters (Original Measure A); and

WHEREAS, November 2, 2004, the voters of San Mateo County approved the continuation of the collection and distribution by the TA the half-cent transactions and use tax for an additional 25 years to implement the 2004 transportation expenditure plan beginning January 1, 2009 (New Measure A); and

WHEREAS, the Board of Directors of the City/County Association of Governments (C/CAG) of San Mateo County at its February 14, 2002 meeting approved the Congestion Relief Plan and subsequently reauthorized the Congestion Relief Plan in 2007, 2010, 2015, and 2019; and

WHEREAS, a component of the C/CAG Congestion Relief Plan is to support local and employer based shuttle Programs; and

WHEREAS, the TA and C/CAG issued a joint call for projects for the San Mateo County shuttle program on January 13, 2020; and

WHEREAS, the TA and C/CAG require a governing board resolution from the City in support of the City's application for \$1,615,400 from the San Mateo County shuttle program for the City's shuttle program; and

WHEREAS, TA and C/CAG require a governing board resolution from the City committing the City to the completion of the City's shuttle program; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park

1. Directs staff to submit an application for funding from the San Mateo County Shuttle Program for \$1,615,400 for the City's Shuttle Program.
2. Authorizes the City Manager to execute a funding agreement with the San Mateo County Transportation Authority to encumber any Measure A local shuttle program funds and/or City/County Association of Governments Local Transportation Services Program funds awarded.
3. Let it be known the City commits to the completion of the City's shuttle program if awarded the requested funds from San Mateo County shuttle program.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-fifth day of February, 2020, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-fifth day of February, 2020.

Judi A. Herren, City Clerk



STAFF REPORT

City Council
Meeting Date: 2/25/2020
Staff Report Number: 20-044-CC

Consent Calendar: Adopt fiscal year 2020-21 budget principles

Recommendation

Staff recommends that the City Council adopt updated budget principles for fiscal year 2020-21 as provided in Attachment A.

Policy Issues

Menlo Park Municipal Code Section 2.08.080 (8) provides that the city manager must “prepare and submit to the city council the annual budget.” To ensure that the city manager’s proposed budget is built on foundational principles set by the City Council, the City Council must provide those principles by the end of February.

Background

Historically the City Council adopts its budget principles each year as part of the goal-setting process. The 2020 goal-setting process is not expected to conclude until April. Given that the budget is substantially complete in April, City Council action on the budget principles is required prior to completion of the goal-setting process.

Analysis

To ensure that the city manager’s proposed fiscal year 2020-21 budget reflects the City Council’s foundational budget principles, staff has overhauled the budget principles as outlined in the attached memorandum. Absent a specific discussion on budget principles, staff reflected on discussions and direction provided at recent City Council meetings for guidance.

Proposed City of Menlo Park’s foundational principles and action items for the fiscal year 2020-21 budget:

1. Promote the City’s long-term fiscal sustainability

- a) Monitor and report on changes in CalPERS liabilities and incorporate full payoff of unfunded pension liabilities by 2030-31; adjusted annually to reflect experience and assumption changes in the actuarial models
- b) Invest in technologies that minimize low value-add processes and most efficiently utilize our talented staff
- c) Strive to achieve City Council cost recovery goals for all fee-based services
- d) Continue to evaluate the most cost-effective method to provide services at a specified level that provide the City with flexibility in all economic conditions, including the use of contracted services, shared services, and regular and limited-term employees

- e) Proactively manage the loss of institutional knowledge through documentation of procedures, practices, and processes and succession planning efforts including the ability to provide for overlap in critical positions at the discretion of the city manager
 - f) Incorporate programs and initiatives that strengthen Menlo Park's standing as an employer of choice to retain highly qualified personnel
- 2. Provide City services and infrastructure that contribute to quality of life in Menlo Park**
- a) Prioritize City Council adopted initiatives and strategies that contribute to the quality of life in Menlo Park
 - b) Proactively maintain and improve existing infrastructure to minimize maintenance costs and decrease the City's greenhouse gas emissions
 - c) Strive to balance the resources and requirements of each area of the City in an equitable manner
 - d) Evaluate one-time revenues for highest and best investment recognizing the benefit of leveraging near term investments for long-term gains in financial sustainability and/or quality of life
 - e) Commit to continuous improvement in the communication of City financial information through a variety of media acknowledging that the City's professional staff and consultants are obligated to conform to accounting and reporting standards in order to provide balanced financial information that informs policymakers

Attachment A provides great detail on the proposed changes from fiscal year 2019-20.

Impact on City Resources

Preparation of the annual budget is part of the City's baseline services. Budget preparation for fiscal year 2020-21 will be more challenging as the City embarked on implementation of a new budget software system, then experienced the departure of the city's analyst responsible for budget preparation and analysis.

Environmental Review

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

Public Notice

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

Attachments

- A. Memorandum from Finance and Budget Manager Dan Jacobson to Administrative Services Director Lenka Diaz

Report prepared by:
Nick Pegueros, Assistant City Manager



MEMORANDUM

Date: 2/11/2020
To: Lenka Diaz, Administrative Services Director
From: Dan Jacobson, Finance and Budget Manager
Re: Proposed FY 2020–21 foundational budget principles

In preparation for the City’s budget, staff seeks City Council affirmation of budget principles to guide the process of developing the proposed budget. Budget principles were first introduced and approved by the City Council in the fiscal year 2013–14 budget and have seen incremental adjustments each subsequent fiscal year as a means to reflect new City Council priorities, improve clarity, and systematize budget refinements.

For the fiscal year 2020–21 budget, staff recommends a number of changes intended to more clearly communicate the City Council’s direction for budget development and reduce ambiguity. The recommended changes restructure the budget principles into foundational principles and action items in recognition that the principles extend beyond budget preparation and that there exists a need to identify a number of discrete tasks. The recommended foundational principles iterate on the first two budget principles from fiscal year 2019-20 and incorporate the concepts from the other budget principles while refining the elements inherent in the principles from prior years. The recommended changes are explained in Table 1 below. Due to the scope of recommended changes, the previously-adopted budget principles and recommended foundational principles are shown in full following Table 1.

Table 1: Recommended budget principle changes			
Fiscal year 2019-20 principle	Original location	Recommended changes	Recommended location
Promote the City's long-term fiscal sustainability	1	None	1
Monitor and report on changes in CalPERS liabilities and include those changes in the City's 10-year financial forecast; actively pursue strategies to reduce pension costs as opportunities arise	1 a	Remove reference to 10-year forecast; add specific action item to pay off all unfunded pension liabilities by 2030-31	1 a
Incorporate a budgetary assumption for salary savings resulting from employee vacancies in the current year budget and the 10-year financial forecast	1 b	Remove as separate principle and incorporate into comprehensive action item addressing service provision	1 d
Actively pursue revenue enhancements and strive to achieve full cost recovery for all fee-based services, except where the City Council sees a clear public interest in providing a subsidy	1 c	Remove pursuit of revenue enhancements; amend to clarify conformity with City Council cost recovery policy	1 c
Find areas, which may include shared services, to provide more efficient use of funds	1 d	Combine with other principles to explicitly communicate the range of options in methods of service delivery under consideration for City programs; amend to clarify the flexibility offered under all economic conditions	1 d

Enhance and maintain core City services and infrastructure	2	Emphasize provision of services rather than level; add quality of life as a express purpose	2
Strive to balance the resources and requirements of each area of the City in an equitable manner	2 a	None	2 c
Prioritize City Council adopted initiatives and strategies that contribute to the quality of life in Menlo Park	2 b	None	2 a
Evaluate one-time revenues for highest and best investment	2 c	Combine with item recognizing benefit of near-term investments on long-term outcomes	2 d
Recognize the benefit of leveraging near term investments for long-term gains in financial sustainability and/or quality of life	2 d	Remove and combine with previous item	2 d
Manage staff capacity to efficiently deliver services to the community	3	Combine with other principles to recognize the importance of the service provision outcome	1 d
Invest in new technologies that drive efficiency and productivity	3 a	Amend to communicate the priority of removing low value-add processes; incorporate into fiscal sustainability principle	1 b
Incorporate programs and initiatives that strengthen Menlo Park's standing as an employer of choice to retain and attract highly qualified personnel	3 b	Focus on retention of staff; incorporate into fiscal sustainability principle	1 f
Proactively manage the loss of institutional knowledge through documentation of procedures, practices, and processes and succession planning efforts including the ability to provide for overlap in critical positions at the discretion of the City Manager	3 c	Incorporate into fiscal sustainability principle	1 e
Communicate the City's financial position	4	Incorporate into provision of City services as recognition that financial communication is a core service	2 e
Continue to refine the budget document and provide additional finance-related communication to enhance the public's access to the City's financial information	4 a	Amend to recognize different service provision options and prioritize pursuit of improvements	2 e
Document, review, and maintain proper internal controls over the City's resources with transparency	4 b	Incorporate into service provision principle; emphasize a commitment to improvement and the critical nature of properly maintaining and reporting financial position	2 e
(Not previously included)	N/A	Emphasize proactive maintenance and improvement of existing infrastructure and emphasize the City's commitment to reducing greenhouse gas emissions	2 b

Adopted City of Menlo Park fiscal year 2019–20 budget principles

1. Promote the City’s long-term fiscal sustainability

- a) Monitor and report on changes in CalPERS liabilities and include those changes in the City’s 10-year financial forecast; actively pursue strategies to reduce pension costs as opportunities arise
- b) Incorporate a budgetary assumption for salary savings resulting from employee vacancies in the current year budget and the 10-year financial forecast
- c) Actively pursue revenue enhancements and strive to achieve full cost recovery for all fee-based services, except where the City Council sees a clear public interest in providing a subsidy
- d) Find areas, which may include shared services, to provide more efficient use of funds

2. Enhance and maintain core City services and infrastructure

- a) Strive to balance the resources and requirements of each area of the City in an equitable manner
- b) Prioritize City Council adopted initiatives and strategies that contribute to the quality of life in Menlo Park
- c) Evaluate one-time revenues for highest and best investment
- d) Recognize the benefit of leveraging near term investments for long-term gains in financial sustainability and/or quality of life

3. Manage staff capacity to efficiently deliver services to the community

- a) Invest in new technologies that drive efficiency and productivity
- b) Incorporate programs and initiatives that strengthen Menlo Park’s standing as an employer of choice to retain and attract highly qualified personnel
- c) Proactively manage the loss of institutional knowledge through documentation of procedures, practices, and processes and succession planning efforts including the ability to provide for overlap in critical positions at the discretion of the City Manager

4. Communicate the City’s financial position

- a) Continue to refine the budget document and provide additional finance-related communication to enhance the public’s access to the City’s financial information
- b) Document, review, and maintain proper internal controls over the City’s resources with transparency

Proposed City of Menlo Park’s foundational principles and action items for the fiscal year 2020-21 budget:

1. Promote the City’s long-term fiscal sustainability

- a) Monitor and report on changes in CalPERS liabilities and incorporate full payoff of unfunded pension liabilities by 2030-31; adjusted annually to reflect experience and assumption changes in the actuarial models
- b) Invest in technologies that minimize low value-add processes and most efficiently utilize our talented staff
- c) Strive to achieve City Council cost recovery goals for all fee-based services
- d) Continue to evaluate the most cost-effective method to provide services at a specified level that provide the City with flexibility in all economic conditions, including the use of contracted services, shared services, and regular and limited-term employees
- e) Proactively manage the loss of institutional knowledge through documentation of procedures,

practices, and processes and succession planning efforts including the ability to provide for overlap in critical positions at the discretion of the City Manager

- f) Incorporate programs and initiatives that strengthen Menlo Park's standing as an employer of choice to retain highly qualified personnel

2. Provide City services and infrastructure that contribute to quality of life in Menlo Park

- a) Prioritize City Council adopted initiatives and strategies that contribute to the quality of life in Menlo Park
- b) Proactively maintain and improve existing infrastructure to minimize maintenance costs and decrease the City's greenhouse gas emissions
- c) Strive to balance the resources and requirements of each area of the City in an equitable manner
- d) Evaluate one-time revenues for highest and best investment recognizing the benefit of leveraging near term investments for long-term gains in financial sustainability and/or quality of life
- e) Commit to continuous improvement in the communication of City financial information through a variety of media acknowledging that the City's professional staff and consultants are obligated to conform to accounting and reporting standards in order to provide balanced financial information that informs policymakers



STAFF REPORT

City Council

Meeting Date:

2/25/2020

Staff Report Number:

20-048-CC

Public Hearing:

**Adoption of urgency Ordinance No. 1066
Amending Chapter 16.79 and Section 16.04.295
[Definition of Dwelling Unit, Secondary] of the
Menlo Park Municipal Code to comply with recent
State Legislation pertaining to accessory dwelling
units and junior accessory dwelling units and
direction regarding additional updates**

Recommendation

Staff recommends that the City Council:

1. Adopt the attached urgency ordinance amending Chapter 16.79 and Section 16.04.295 [Definition of Dwelling Unit, Secondary] of the Menlo Park Municipal Code to comply with recent State legislation pertaining to accessory dwelling units and junior accessory dwelling units (Attachment A.)
2. Provide direction on additional steps, including time frame for tracking efficacy of urgency ordinance, efficiently leveraging possible grant funds and coordination between advisory committee roles. (This direction can be deferred to a subsequent City Council meeting, but is included here to allow for coordination between City Council goals and advisory commission work.)

Policy Issues

To respond to the current state housing crisis, the Legislature passed a series of bills designed to encourage the production of accessory dwelling units (ADU) and junior accessory dwelling units (JADU.) This legislation went into effect January 1. Cities are expected to update their local ordinances to comply with the state legislation. If cities fail to conform their local ordinances, applicants are permitted to develop under the state legislation. The attached ordinance is drafted to comply with the more permissive state regulations. The attached ordinance is consistent with the City Council Districts 2-5 subcommittee's recommendation to enact a more permissive ADU ordinance.

Background

Governor Newsom signed six bills related to ADUs (previously referred to as secondary dwelling units in Menlo Park.) These new laws became effective January 1 and pre-empt all local ordinances that do not comply with the new standards. The City of Menlo Park's ADU regulations require updating to comply with state law. If the City does not update its existing ordinance, the new state laws automatically apply. The state laws are unclear in some areas and many cities are struggling with how to implement them. The Department of Housing and Development (HCD) announced that it would be publishing a model ordinance, but HCD has not yet published one given the complexities and inconsistencies within the state law.

Due to the uncertainties surrounding the enforceability of cities' existing noncompliant ADU ordinances, some cities are electing to adopt an urgency ordinance to bring their local codes into compliance. By adopting an urgency ordinance, a city may ensure that its local ordinance is consistent with the broad mandates of state law. More importantly, it allows the city to clarify the gaps and uncertainties contained in state law and to incorporate local regulations to protect long-standing community values. The urgency ordinance amends local ADU/JADU standards needed to comply with state law, carries forward former code provisions which previously exceeded state law, and fills in the gaps contained in state law. For example, state law requires cities to approve an 800 square foot minimum ADU, but contains other provisions inferring that cities must permit an 850 square foot ADU if the unit contains one bedroom and up to 1,000 square feet ADU if the unit provides more than one bedroom. Presumably state law intended to distinguish between these size categories, but as written the language is confusing and arguably inconsistent. A local ordinance is needed to reconcile these provisions and provide clarity for applicants and the public.

The attached urgency ordinance requires approval from four-fifths of the City Council and becomes effective immediately.

Summary of new legislation

Below is a summary of the state-mandated changes with references to the five relevant bills:

- AB 68 (Ting) / AB 881 (Bloom) / SB 13 (Wieckowski:) Together these three bills amend existing ADU law as follows:
 - One ADU and one JADU permitted by right on a single-family lot, subject to certain constraints.
 - ADUs allowed by right in multifamily and mixed-use zones permitting residential. Up to two detached ADUs, plus conversion of uninhabited spaces for multiple ADUs (up to 25 percent of units in multifamily buildings.)
 - No minimum lot size for ADUs.
 - Zero setback if conversion of an existing structure at property line.
 - Maximum 4 feet side and rear setbacks for newly constructed ADUs.
 - Lot coverage, floor ratios or open space requirements must allow at least an 800 square feet ADU.
 - Minimum 16 feet height allowed.
 - Cannot set maximum square footage less than 850 for one-bedroom ADU, or 1,000 square feet for two+ bedrooms.
 - JADUs are no longer limited to smaller kitchen appliances and sewer connections.
 - Sixty-day permit processing timeline.
 - No replacement parking for garage conversions.
 - Proximity to transit must be “walkable” to qualify for parking waiver.
 - No impact fees on ADUs less than 750 square feet, if larger, impact fees to be proportional to main house.
 - Five-year moratorium on local owner-occupancy restrictions until January 1, 2025.
 - Five-year stay of building code enforcement available on unpermitted ADUs if they meet health and safety standards.
 - ADUs count toward RHNA.
 - No short-term rentals of ADUs or JADUs for newly created units.
 - HCD and attorney general can enforce compliance if new local ordinance is out of compliance, but cities must be given 30-day right to cure or state findings to support ordinance.

- AB 670 (Friedman:) Homeowners associations must allow ADUs and JADUs.
- AB 671 (Friedman:) Housing elements will need to incentivize and promote the creation of ADUs at all income levels. HCD will develop, and post, a list of existing state grants and financial incentives for ADUs.
- AB 587 (Friedman:) Allows a nonprofit to separately convey title to ADUs. This is known as the “Habitat for Humanity” exception. Staff has included a local provision in case the need arises.

Planning Commission study session

On February 10, the Planning Commission conducted a study session on the new legislation. The Commissioners all seemed to be generally in favor of making ADUs easier and going beyond the requirements of state law. One commissioner noted a desire to conduct more community engagement before adopting an urgency ordinance. The following were the main discussion items:

- A desire to work with the Housing Commission on possible ordinance updates
- Allowing ADUs with two bathrooms
- The possibility of increasing height limits and allowing two-story ADUs, especially over garages or on larger lots
- Property owners’ fears of trying to legalize existing ADUs because of building code requirements
- Encouraging the building official to waive some building code requirements for conversions and legalizations of existing ADUs
- Providing standard ADU plans to the public
- Possible rent caps
- Impacts on schools if ADUs don’t pay school impact fees

Analysis

While the Planning Commission reviews all changes to Title 16 ordinances, the adoption of an urgency ordinance is not subject to Planning Commission review.

Overview of urgency ordinance

The proposed urgency ordinance (Attachment A) primarily includes modifications to the Menlo Park Municipal Code Title 16 necessary to comply with state law. In cases where the state law is unclear or contains gaps, the City’s local ordinance implements clarifying changes. The urgency ordinance also carries forward aspects of the current City ordinance that are more permissive than state law. Key modifications are as follows:

- Includes definitions for ADU, detached ADU, attached ADU, interior ADU, JADU
- Deletes requirements regarding minimum lot sizes.
- Increases the number of ADUs that can be developed on a single-family lot to two (one exterior and one interior.)
- Allows ADUs in multifamily lots consistent with state law.
- For ADUs 800 square feet or less, modifies existing side and rear setback regulations throughout the ordinance that exceed the 4-foot setbacks authorized by state law.
- Updates FAR, lot coverage, and maximum unit size to permit at least an 800 square feet ADU.
- Adds new categories of ADUs that must be ministerially approved: including one JADU or interior ADU plus one detached ADU; non-livable space in multifamily buildings; up to two detached ADUs on multifamily lots.
- Updated parking requirements to comply with state law.

- Eliminates subjective design compatibility regulations.
- Removes owner-occupancy requirements for ADUs built after January 1 and maintains the previous provisions for non-tenancy status for units issued a building permit before January 1.
- Removes all discretionary processes, except for ADUs greater than 1,000 square feet.
- Creates a new category of ADUs called JADUs and allows for permitting.
- Decreases the permit processing time from 120 days to 60 days.
- Deleted mitigation monitoring and reporting program (MMRP) requirement for consistency with CEQA exemption (Public Resources Code Section 21080.17.)

A table summarizing the ordinance changes is included as Attachment B.

The majority of the above changes are required to implement state law. Further, some of the changes are needed to clarify state law, as the new legislation contains many ambiguous and internally inconsistent provisions. While the Legislature is expected to adopt further cleanup legislation, it has not done so yet. Since Menlo Park currently has several ADU applications pending, adopting the local updates on an urgency basis will allow the City to process current and future applications with more clarity.

HCD approval

State law now requires HCD to approve all newly adopted ADU ordinances. The City is not aware of any City ordinance that has yet been approved by HCD. The City's urgency ordinance contains a "savings clause" providing that to the extent there is any inconsistency between the City's ordinance and the state law, state law shall govern. As mentioned, the new state law is extremely complicated and unclear in places. The City has made its best effort at interpreting and implementing the state law (and even going beyond the state law in places where previous relaxed regulations existed,) but there is no guarantee that HCD will agree with the City's interpretations. To help gain HCD approval, the urgency ordinance contains a savings clause providing that to the extent our local ordinance is inconsistent with state law, the state law controls. (See ordinance section 16.79.130.)

Next steps

The state law permits significantly more ADUs than currently allowed under the City's Code. In fact, many of the suggestions for expanding ADU production previously discussed by the Planning Commission and Housing Commission have been incorporated into state law. The Housing Endowment and Regional Trust of San Mateo County (HEART) is developing a set of off-the-shelf ADU design plans for public use. It is likely other toolkits will be developed.

The City may elect to adopt further regulations to incentivize ADU production. Further, staff anticipates the need for additional cleanup changes to address items not specifically spelled out in the state legislation, internal consistency in the zoning code (e.g., updating 'secondary dwelling unit' to accessory dwelling unit' in each of the single-family residential zoning districts and adding ADUs as a permitted use in the multifamily and mixed-use districts,) and to address issues that arise in connection with implementing comprehensive state law changes on an expedited basis.

Both the Planning Commission and Housing Commission have expressed interest in forming subcommittees to work on additional updates; however, many of the issues raised by the committees have been addressed through the urgency ordinance. 21 Elements has also been leading a county wide effort to decipher and implement the new State law changes. In addition, the City has applied for an SB 2 grant and plans to apply for a further HCD grant both of which could help fund consultant services to assist with ADU development. Finally, the Legislature plans on adopting some additional ADU clean up legislation.

At this point, staff recommends giving the urgency ordinance some time to take effect. The changes adopted through the urgency ordinance are quite substantial and staff resources will be required to effectively roll out. Once the grant funding has been secured, staff can come back to the City Council with suggestions on how to best leverage the funds and utilize the City's advisory committees.

Impact on City Resources

Additional planning and legal time would likely be needed during implementation of the new regulations. In addition, staff or consultant resources would likely be needed to proceed with an ADU reach code or development of ADU construction incentives, depending on the prioritization of the City Council's work plan.

Environmental Review

This urgency ordinance implements new state law requirements related to ADUs and JADUs as established in Government Code Section 65852.2. The ordinance is therefore statutorily exempt from review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which states that CEQA does not apply to a city's adoption of an ordinance to implement the provisions of Government Code Section 65852.2. The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") Guidelines sections 15061(b)(3,) 15301, 15302 and 15305 because it constitutes minor adjustments to the City's zoning ordinance to implement state law requirements related to ADUs and JADUs which will likely result in additional dwelling units dispersed throughout the City over the course of a number of years. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on 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. Public notification also consisted of publishing a notice in the local newspaper and an email to potentially interested parties.

Attachments

- A. Urgency Ordinance No. 1066 adopting state compliant ADU/JADU regulations
- B. Summary table showing new ADU requirements in single-family districts

Report prepared by:

Cara Silver, Assistant City Attorney

Deanna Chow, Interim Community Development Director

ORDINANCE NO. 1066**URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING CHAPTER 16.79 [SECONDARY DWELLING UNITS] AND SECTION 16.04.295 [DEFINITION OF DWELLING UNIT, SECONDARY] OF THE MENLO PARK MUNICIPAL CODE TO COMPLY WITH RECENT STATE LEGISLATION PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

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

SECTION 1. FINDINGS AND DETERMINATIONS.

- A. California is experiencing a housing supply crisis, with housing demand far outstripping supply. In 2018, California ranked 49th out of the 50 states in housing units per capita.
- B. Consequently, existing housing in this state, especially in its largest cities, has become very expensive. Seven of the 10 most expensive real estate markets in the United States are in California. Menlo Park's median house price according to Zillow is \$2,241,112.
- C. California is also experiencing rapid year-over-year rent growth with three cities in the state having had overall rent growth of 10 percent or more year-over-year, and of the 50 United States cities with the highest United States rents, 33 are cities in California.
- D. California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over the next 7 years.
- E. The State of California has enacted legislation to encourage the construction of accessory dwelling units and junior accessory dwelling units. The new ADU state legislation consists of five bills which amend and supplement existing legislation. The five bills were rushed through the legislative process to address the housing supply crisis. While the intent of the new legislation is clear, the legislation itself is ambiguous, internally inconsistent, and incomplete. Further it does not take into account individual communities' existing zoning and land uses and local values.
- F. Government Code Section 65852.2 requires cities to adopt accessory dwelling unit zoning regulations consistent with the new legislation but does not provide cities sufficient time to go through their normal zoning process. If cities fail to adopt compliant local ADU ordinances, the state law provisions preempt inconsistent local regulations and in some cases could override a city's entire ADU code. The effect of this preemption would be to cause confusion among applicants and planning staff which

would ultimately defeat the intent of the new legislation which is to encourage additional and expedient construction of new housing.

G. The purpose and intent of the proposed Urgency Ordinance is to implement the new accessory dwelling units and junior accessory dwelling units legislation to resolve ambiguities and allow for construction of new housing units in a transparent and expedient manner, while promoting the health, safety, and well-being of the City and its residents.

H. This ordinance is enacted under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code Section 37100, and the authority provided to cities to regulate by ordinance the uses of land and the intensity or land use by Government Code sections 65850.

I. An urgency ordinance that is effective immediately is necessary to avoid an immediate threat to public peace, health, and safety as failure to adopt this urgency ordinance could result in the exacerbation of the current housing supply crisis, nullification of the local values expressed in the City's ADU regulations and result in construction of housing inconsistent with well-established community values.

SECTION 2. AMENDMENT OF CODE. Chapter 16.79 [Secondary Dwelling Units] of Title 16 [Zoning] is hereby amended as follows:

Chapter 16.79
ACCESSORY DWELLING UNITS

Sections:

16.79.010 Purpose.

16.79.020 Definitions.

16.79.030 Permitted use.

16.79.040 Conditional use

16.79.050 Regulations applicable to single family districts.

16.79.060 Additional development standards.

16.79.070 Regulations applicable to JADUs

16.79.080 Parking.

16.79.090 Regulations applicable to multi-family districts.

16.79.100 Other standards.

16.79.110 Processing requirements.

16.79.120 Delay in enforcement of unpermitted ADUs.

16.79.130 Compliance with State Law

16.79.010. Purpose.

1. Increase the supply of smaller units and rental housing units by allowing accessory dwelling units to locate on lots which contain existing or proposed single-family dwellings and existing two-family and multifamily dwellings;

2. Establish standards for accessory dwelling units to ensure that they are compatible with existing neighborhoods; and

3. Comply with state law regarding accessory dwelling units (California Government Code Sections 65852.2 and 65852.22).

16.79.020. Definitions

In addition to the terms defined in Chapter 16.04 (Definitions), the following terms shall have the following meanings:

1. “Accessory dwelling unit” (ADU) means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. The unit shall contain permanent provisions for:

- a. Living.
- b. Sleeping.
- c. Eating.
- d. Cooking.
- e. Sanitation.
- f. Exterior access separate from the primary dwelling.

The following units are also considered ADUs:

- a. An efficiency unit as defined in the building code; and
- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

2. "Attached accessory dwelling unit" means an accessory dwelling unit that is constructed as a physical expansion (i.e., addition) of an existing primary dwelling unit, including construction of a new basement underneath a primary dwelling unit to accommodate an ADU. In some cases attached accessory dwelling unit is used interchangeably with “interior accessory dwelling unit.”

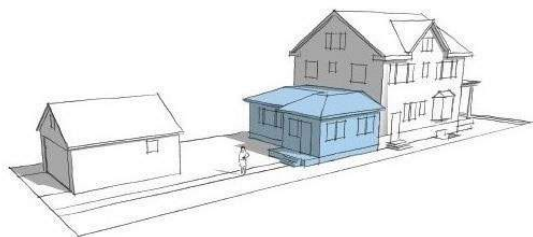


Figure 1: Attached accessory dwelling unit

3. "Detached accessory dwelling unit" means a dwelling unit that is (1) constructed as a separate structure from the primary dwelling unit; (2) contained within the existing space of an accessory structure; or (3) constructed as an addition to an existing or proposed accessory building.

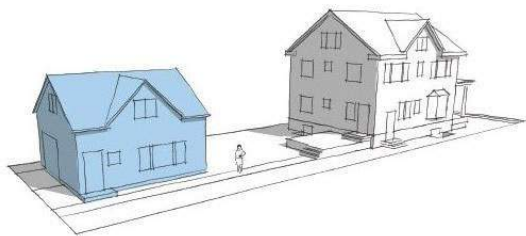


Figure 2: Detached accessory dwelling unit

4. "Interior accessory dwelling unit" means a dwelling unit that is (1) contained within the existing space of a primary dwelling unit, including within its living area, basement, or attached garage; (2) constructed as part of a proposed primary dwelling unit; or (3) created from non-livable space of a multifamily dwelling. In some cases, an interior accessory dwelling unit is used interchangeably with "attached accessory dwelling unit."

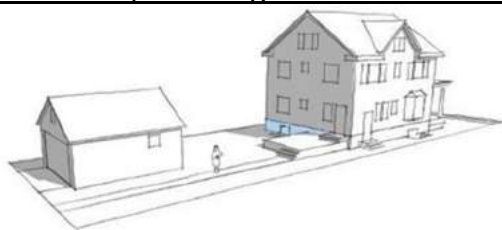


Figure 3: Interior accessory dwelling unit

5. "Junior accessory dwelling unit" (JADU) means a dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU shall include cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. A JADU may include separate sanitation facilities or may share sanitation facilities with the primary dwelling. A JADU must have exterior access separate from the primary dwelling.

6. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

16. 79.030 Permitted Uses.

1. Attached or Interior ADUs. Attached or interior ADUs which do not exceed 800 square feet or 50% of an existing primary dwelling, whichever is greater, and have no more than one bedroom, and ADU's greater than 850 square feet and no more than 1,000 square feet and have up to two bedrooms are a permitted use in all zoning districts which allow single-family, multi-family or mixed use which permits residential use.

2. Detached ADUs. Detached ADUs which do not exceed 850 square feet and have no more than one bedroom and ADU's greater than 850 square feet and no more than 1,000 square feet and have up to two bedrooms are a permitted use in all zoning

districts which allow single-family, multi-family or mixed use which permits residential use.

3. JADUs. JADUs are a permitted use in all single-family districts.

16.79.040 Conditional Uses.

Secondary dwelling units that require modification to the development regulations set forth in this chapter, except for Sections 16.79.050 (1), Number of units, and 16.79.100 (3), Subdivision, are conditionally permitted in the single-family residential zoning districts, subject to the use permit requirements of Chapter 16.82.

16.79.050. Regulations applicable to single-family districts

1. Number of units. A maximum of three units, including the primary dwelling, shall be allowed on a single-family lot. An applicant may have only one JADU or attached/interior ADU on a single-family lot, but not both.

2. Interior/Attached ADUs. One interior ADU or one attached ADU per single-family lot is permitted, subject to the following requirements:

a. Access. The ADU must have exterior access independent of the main unit.

b. Setbacks.

i. For interior ADUs created within the living space of an existing single family home, the side and rear setbacks must be sufficient for fire and safety.

ii. For new attached ADUs, the side and rear setbacks shall be four (4) feet.

iii. Interior and attached ADUs shall comply with the front yard setback applicable to the primary dwelling.

c. Size. The total floor area of an attached or interior ADU may not exceed 50% of an existing primary home or 800 square feet, whichever is greater.

d. Overall floor area limit/lot coverage. An ADU may exceed the total floor area and/or building coverage applicable to the parcel by up to 800 square feet provided the ADU is built concurrently with, or after, the existing or proposed primary unit and other structures on site.

e. Height. An ADU may not exceed the maximum height allowed for the primary dwelling and must comply with the daylight plane requirement.

3. Detached ADUs. One detached ADU per single-family lot is permitted, subject to the following requirements:

a. Detached ADUs 800 square feet or less in size:

i. Setbacks. Detached ADUs 800 square feet or less in size shall not encroach into a four-foot side and rear yard setback. The ADU shall comply with the front yard setback applicable to the primary dwelling.

ii. Overall floor area/parcel coverage. An ADU 800 square feet or less in size may exceed the total floor area and/or building coverage applicable to the parcel by up to 800 square feet provided the ADU is built concurrently with, or after, the existing or proposed primary unit and other structures on site.

iii. Height. An ADU may not exceed 16 feet in height and is exempt from the daylight plan requirement applicable to the primary dwelling.

iv. Conversions. If any of the regulations conflict with the regulations in Section 16.79.060(2), an ADU created by conversion of an existing building shall be subject to Section 16.79.060 (2).

b. Detached ADUs greater than 800 square feet in size:

i. Setbacks. A detached ADU greater than 800 square feet in size shall meet the side setback applicable to the primary dwelling and not encroach into a ten-foot rear yard setback. The ADU shall comply with the front yard setback applicable to the primary dwelling.

ii. Size. An ADU may not exceed a total floor area of 1,000 square feet. ADUs between 850 square feet and 1,000 square may provide up to two bedrooms.

iii. Overall floor area/parcel coverage. An ADU over 800 square feet in size may not exceed the total floor area and/or building coverage applicable to the parcel.

iv. Height. An ADU may not exceed 17 feet in height and must comply with the daylight plane that shall begin at a horizontal line nine (9) feet, six (6) inches above the average natural grade at a line three (3) feet from the side property lines and shall slope inwards at a forty-five (45) degree angle. There are no permitted intrusions into the daylight plane. "Average natural grade" means the average of the highest and lowest points of the natural grade of the portion of the lot directly below a line three (3) feet from the side property lines. .

v. Conversions. If any of the regulations conflict with the regulations in Section 16.79.060(2), an ADU created by conversion of an existing building shall be subject to Section 16.79.060 (2).

16.79.060. Additional development standards

1. Lot size. No minimum lot size shall be required for a newly created ADU.

2. Conversions. No setbacks shall be required for ADU conversions of (1) existing living space in the primary dwelling (2) accessory buildings constructed in the same location and to the same dimensions (3) attached or detached garages in single-family neighborhoods.

3. Other standards. Except as specified in this chapter, ADUs shall comply with lot coverage, floor area limit, open space and other zoning standards applicable to the primary dwelling, except in no event shall the application of any of these standards preclude at least an 800 square foot ADU that is up to 16 feet in height.

16.79.070. Regulations applicable to JADUs

1. A permitted junior accessory dwelling unit must be constructed within the walls of the existing or proposed primary dwelling unit.

2. A JADU may not exceed 500 square feet.

3. No minimum lot size shall be required for a JADU.

4. The bathroom may be shared with the primary dwelling or may be separate (if separate it counts towards 500 sf.)

5. A JADU must have a separate entrance from the primary dwelling.

6. No parking is required for the JADU.

7. Owner occupancy required. The property owner must reside in either the remaining portion of the primary dwelling unit or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

8. The owner must record a deed restriction, which shall run with the land, and shall include both of the following:

a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this chapter.

16.79.080. Parking

1. An ADU must provide one off-street parking space. The parking space may be covered or uncovered, in any configuration and may be located in the front, side or rear setback.

2. If off-street parking is removed to allow for an ADU in a single-family district, the on-site parking need not be replaced.

3. If the garage is converted to an ADU, no replacement parking for the primary dwelling in a single-family district is required.

4. No parking for the ADU is required if the ADU is:

- a. Located within ½ mile walking distance of public transit;
- b. Located within an architecturally and historically significant historic district;
- c. An interior ADU;
- d. Not eligible for on-street parking permits, but on-street permits are available; or
- e. Within one block of a car share vehicle.

16.79.090. Regulations applicable to multi-family districts

1. Interior ADUs. ADUs are allowed within portions of existing multifamily dwelling structures that are not used as livable space including storage rooms, boiler rooms, passageways, attics, basements, and garages, subject to the following requirements:

a. Number of ADU's. At least one ADU within an existing multifamily building shall be permitted and no more than 25 percent of the existing multifamily dwelling units may take advantage of developing ADUs under this provision.

b. Building Standards. Each newly created ADU unit must comply with California building standards and related requirements.

c. Livable space conversions prohibited. Existing livable space may not be converted into a full or partial ADU.

d. JADUs prohibited. JADUs are not permitted.

2. Detached ADUs. Up to 2 detached ADUs are permitted on a multi-family lot that has an existing multifamily building subject to the following requirements:

a. Setbacks. The maximum rear and side yard setback is four feet. The front setback shall be the same as applicable to the multi-family building;

b. Height. The maximum height is 16 feet.

c. Up to 2 detached ADUs are permitted on a multi-family lot in addition to the Interior ADU's described above.

16.79.100. Other requirements

1. Tenancy. For ADUs built after January 1, 2020, no owner occupancy requirements shall apply to either the primary dwelling or the ADU. For ADUs built before January 1, 2020, either the main dwelling or the secondary dwelling unit shall be occupied by the property owner when both units are occupied as dwelling units. If a property owner does not occupy one (1) of the dwelling units, the property owner may apply for a nontenancy status for a term of one (1) year through a registration process established by the

community development director. To be eligible for the registration process, a property owner must have lived at the subject property for a minimum of two (2) years of the previous five (5) years from the date of application. The property owner may renew the registration annually, not to exceed four (4) years in total, subject to the review and approval of the community development director, pursuant to the following criteria and process established by the community development director:

a. The application for the registration and renewal(s) shall be accompanied by a fee, set by the city council.

b. The application for registration and renewal shall state the reason for the request and provide supporting documentation. The registration shall be approved for any of the following reasons: (i) temporary job relocation, with the intent to return, (ii) relocation for school (e.g., mid-year career change), and (iii) physically unable to live in the house.

c. The application shall provide a property management plan that includes the name and contact information to address issues or concerns about the use of the property should they arise. The plan should also include information about parking, including (i) a site plan with the parking layout for the property, (ii) how parking will be assigned between tenants, and (iii) an action plan that demonstrates how parking issues will be resolved effectively and efficiently between tenants if tandem parking is provided.

d. A use permit is required for nontenancy status longer than four (4) years or for waiver of the requirement that the owner reside in the unit for not less than two (2) of the previous five (5) years prior to the date of application or for a reason other than those stated in subsection (1)(b) of this section.

2. Short-term rentals. For ADUs built after January 1, 2020, the rental of an ADU must be for a term longer than 30 days. Short-term ADU rental for less than 30 days is prohibited.

3. Subdivision. An ADU may be rented separately from the primary dwelling but may not be sold or otherwise conveyed separately from the primary residence. (This requirement shall not apply to a unit complying with AB 587 (i.e. "Habitat for Humanity" exception).)

16.79.110. Delay in enforcement of unpermitted ADUs. For any unpermitted ADU built before January 1, 2020, upon an owner's request, the City's Building Official shall delay enforcing any building standards if the Building Official determines that correcting the violation is not necessary to protect health and safety.

16.79.120 Application review and approval process. Each development of an ADU or JADU requires review for compliance with this chapter as part of the building permit review process for the creation of an ADU or JADU.

1. Application. Concurrent with the submittal of a complete building permit application for the ADU or JADU, the ADU/JADU checklist, which demonstrates compliance with all of the ADU/JADU development regulations, shall be submitted. The application shall include plans showing the details of the proposed unit per submittal guidelines established by the community development director.

2. Compliance Determination. The community development director or designee shall make a determination of compliance prior to issuance of the building permit for the ADU/JADU. The determination of the community development director is final and not subject to appeal.

3. All applications for ADU/JADUs that meet and comply with the requirements under this chapter shall be approved without discretionary review or a hearing within sixty (60) days after receipt of a substantially complete application. The application shall be denied if the proposed ADU/JADU does not comply with all applicable requirements of this chapter or it may be conditionally approved subject to conditions that will bring the proposed secondary dwelling unit into compliance with this chapter.

16.79.130 Compliance with State Law. To the extent any provision of this ordinance is inconsistent with State law governing ADUs or JADUs, the applicable State law shall govern.

~~16.79.010 Purpose.~~

~~The purpose of this chapter is to provide for the creation of secondary dwelling units in single-family residential zones and to set forth criteria and regulations of those secondary dwelling units.~~

~~16.79.020 Permitted use.~~

~~Secondary dwelling units as defined in Section 16.04.295 are a permitted use in the city's single-family residential zoning districts for residential use that is consistent with the city's general plan and the specific zone for the lot on which the secondary dwelling unit is to be located. Secondary dwelling units must comply with the development standards applicable to the single-family zoning district in which the lot is located, including, but not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size, and other standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places, except as otherwise provided elsewhere in this chapter.~~

~~16.79.030 Conditional use.~~

~~Secondary dwelling units that require modification to the development regulations set forth in this chapter, except for Sections 16.79.040(3), Density, and (4), Subdivision, are conditionally permitted in the single-family residential zoning districts, subject to the use permit requirements of Chapter 16.82.~~

~~16.79.040 Development and use regulations.~~

~~Secondary dwelling units are permitted within single-family residential zones, subject to the following standards, restrictions and regulations. Development and use regulations for secondary dwelling units are as follows:~~

~~(1) Minimum lot area: six thousand (6,000) square feet.~~

~~(2) Primary Residence.~~

~~(A) A single-family residence must be located on the lot.~~

~~(B) The secondary dwelling unit may not be sold separately from the primary residence.~~

~~(3) Density. No more than one (1) secondary dwelling unit may be allowed on any one (1) lot.~~

~~(4) Subdivision. A lot having a secondary dwelling unit may not be subdivided in a manner that would allow for the main dwelling and secondary dwelling unit to be located on separate lots that do not meet the minimum lot area, width and/or depth required by the single-family zoning district in which the lot is located.~~

~~(5) Minimum Yards.~~

~~(A) Attached secondary dwelling units shall comply with all minimum yard requirements for the main dwelling established by the single-family zoning district in which the lot is located;~~

~~(B) Detached secondary dwelling units shall comply with all minimum yard requirements for the main dwelling established by the single-family zoning district in which the lot is located, with the exception that the minimum rear yard is ten (10) feet. Furthermore, the interior side and rear yards may be reduced to five (5) feet, subject to written approval of the owner(s) of the contiguous property abutting the portion of the encroaching structure. If the contiguous interior side or rear property line is an alley, the minimum setback is five (5) feet. If a secondary dwelling unit is constructed above an existing detached garage, the side and rear yard setback is five (5) feet. The provisions of Section 16.62.020(1) shall not apply to a detached secondary dwelling unit.~~

~~(6) Unit Size.~~

~~(A) Detached secondary dwelling units shall not exceed six hundred forty (640) square feet, except buildings complying with all aspects of the disabled access requirements for kitchens, bathrooms, and accessible routes established in the California Building Code for adaptable residential dwelling units shall have a maximum square footage of seven hundred (700) square feet.~~

~~(B) Attached secondary dwelling units shall not exceed fifty percent (50%) of the existing living area, with a maximum increase in floor area of six hundred forty (640) square feet, except buildings complying with all aspects of the disabled access requirements for kitchens, bathrooms, and accessible routes established in the California Building Code for adaptable residential dwelling units shall have a maximum square footage of seven hundred (700) square feet.~~

~~(C) All secondary dwelling units shall be limited to studio or one (1) bedroom units and one (1) bathroom.~~

~~(D) No passageway shall be required in conjunction with the construction of a secondary dwelling unit.~~

~~(E) Secondary dwelling units shall count towards the total floor area for the lot, and the entire floor area of all buildings may not exceed the permitted floor area limit (FAL) established by the single family zoning district in which the lot is located.~~

~~(7) Building Coverage. Secondary dwelling units shall count towards the total building coverage for the lot, and the entire building coverage of all buildings may not exceed the permitted building coverage established by the single family zoning district in which the lot is located.~~

~~(8) Height. The maximum permitted height of a secondary dwelling unit is the same as the maximum permitted height for the single family zoning district in which the lot is located, except that in no instance shall the maximum total height for any detached secondary dwelling unit exceed seventeen (17) feet.~~

~~(9) Daylight Plane. A daylight plane shall begin at a horizontal line nine (9) feet, six (6) inches above the average natural grade at a line three (3) feet from the side property lines and shall slope inwards at a forty-five (45) degree angle. There are no permitted intrusions into the daylight plane. "Average natural grade" means the average of the highest and lowest points of the natural grade of the portion of the lot directly below a line three (3) feet from the side property lines.~~

~~(10) Parking. One (1) off-street parking space is required, except as provided in subsection (11) of this section (Parking Exceptions), in addition to the required parking for the main dwelling unit, that may be provided in the following configurations and areas in addition to the areas allowed for the main dwelling:~~

~~(A) In tandem, meaning one (1) car located directly behind another car, including a single-car driveway leading to two (2) required parking spaces for the main dwelling;~~

~~(B) Within required interior side yards;~~

~~(C) Within required front yards if no more than five hundred (500) square feet of the required front yard are paved for motor vehicle use (inclusive of the main residence driveway and parking areas) and a minimum setback of eighteen (18) inches from the side property lines is maintained.~~

~~The required off-street parking can be provided in either a covered or uncovered space, but all covered parking shall comply with the setback requirements of the main dwelling, if the parking is attached, or the accessory building regulations, if the parking is detached.~~

~~(11) Parking Exceptions. The off-street parking requirement of subsection (10) of this section, Parking, does not apply to the following secondary dwelling units:~~

~~(A) Secondary dwelling units located within one-half (1/2) mile of public transit as determined by the community development director.~~

~~(B) Secondary dwelling units located within an architecturally and historically significant historic district.~~

~~(C) Existing secondary dwelling units that were permitted without additional parking.~~

~~(D) When on-street parking permits are required but not offered to the occupant of the secondary dwelling unit.~~

~~(E) When a car share vehicle is located within one (1) block of the secondary dwelling unit as determined by the community development director.~~

~~(12) Consistency. All secondary dwelling units shall comply with all applicable development regulations for the single-family zoning district in which the lot is located and building code requirements set forth in Title 12, Buildings and Construction, unless otherwise specifically provided for in this section.~~

~~(13) Aesthetics. The secondary dwelling unit shall have colors, materials, textures and architecture similar to the main dwelling.~~

~~(14) Tenancy. Either the main dwelling or the secondary dwelling unit shall be occupied by the property owner when both units are occupied as dwelling units. If a property owner does not occupy one (1) of the dwelling units, the property owner may apply for a nontenancy status for a term of one (1) year through a registration process established by the community development director. To be eligible for the registration process, a property owner must have lived at the subject property for a minimum of two (2) years of the previous five (5) years from the date of application. The property owner may renew the registration annually, not to exceed four (4)~~

~~years in total, subject to the review and approval of the community development director, pursuant to the following criteria and process established by the community development director:~~

~~(A) The application for the registration and renewal(s) shall be accompanied by a fee, set by the city council.~~

~~(B) The application for registration and renewal shall state the reason for the request and provide supporting documentation. The registration shall be approved for any of the following reasons: (i) temporary job relocation, with the intent to return, (ii) relocation for school (e.g., mid-year career change), and (iii) physically unable to live in the house.~~

~~(C) The application shall provide a property management plan that includes the name and contact information to address issues or concerns about the use of the property should they arise. The plan should also include information about parking, including (i) a site plan with the parking layout for the property, (ii) how parking will be assigned between tenants, and (iii) an action plan that demonstrates how parking issues will be resolved effectively and efficiently between tenants if tandem parking is provided.~~

~~(D) A use permit is required for nontenancy status longer than four (4) years or for waiver of the requirement that the owner reside in the unit for not less than two (2) of the previous five (5) years prior to the date of application or for a reason other than those stated in subsection (14)(B) of this section.~~

~~;~~

~~**16.79.045 Conversion of accessory buildings.**~~

~~(a) An accessory building may be eligible to convert into a secondary dwelling unit, subject to meeting criteria as outlined in subsection (b) of this section and approval through the process outlined in Section 16.79.060. No additional off-street parking shall be required to convert an accessory building into a secondary dwelling unit.~~

~~(b) Eligibility. The following criteria must be met in order to be eligible for the conversion of an accessory building:~~

~~(1) The accessory building must have received building permits and commenced construction prior to January 1, 2017. Other supporting documentation to show the building was legally built may be substituted for a building permit subject to review by the community development director.~~

~~(2) The accessory building must be upgraded to meet the building code requirements based on the change of occupancy at the time of the conversion.~~

~~(3) The accessory building must meet all of the development regulations of Section 16.79.040, with the exception of Sections 16.79.040(5), Minimum Yards, (8), Height, and (9), Daylight Plane.~~

~~(c) — All or any portion of an accessory building that meets the eligibility criteria as provided in this section may be demolished and reconstructed to meet the building code requirements based on the change of occupancy at the time of conversion. The secondary dwelling unit that replaces the accessory building may retain the setbacks and the footprint of the legally constructed accessory building. The existing setbacks and footprint of the accessory building must be evidenced by valid building permits or other supporting documentation subject to review by the community development director. Nothing in this section shall be deemed to authorize the expansion of the footprint or reduction of the setbacks beyond that evidenced by a valid building permit or other supporting documentation subject to review by the community development director or to allow the continuation of any other nonconformity.~~

~~16.79.050 Mitigation monitoring.~~

~~All second unit development shall comply, at a minimum, with the mitigation monitoring and report program (MMRP) established through Resolution No. 6149 associated with the housing element update, general plan consistency update, and zoning ordinance amendments environmental assessment prepared for the housing element adopted on May 21, 2013.~~

~~16.79.060 Application review and approval process.~~

~~Each development of a secondary dwelling unit requires review for compliance with this chapter as part of the building permit review process for the creation of a secondary dwelling unit.~~

~~(1) — Application. Concurrent with the submittal of a complete building permit application for the secondary dwelling unit, the secondary dwelling unit checklist, which demonstrates compliance with all of the secondary dwelling unit development regulations, shall be submitted. The application shall include plans showing the details of the proposed secondary dwelling unit per submittal guidelines established by the community development director.~~

~~(2) — Compliance Determination. The community development director or his or her designee shall make a determination of compliance prior to issuance of the building permit for the secondary dwelling unit. The determination of the community development director is final and not subject to appeal.~~

~~(3) — All applications for secondary dwelling units that meet and comply with the requirements under this chapter shall be approved without discretionary review or a hearing within one hundred twenty (120) days after receipt of a substantially complete application. The application shall be denied if the proposed secondary dwelling unit does not comply with all applicable requirements of this chapter or it may be conditionally approved subject to conditions that will bring the proposed secondary dwelling unit into compliance with this chapter.~~

SECTION 3. AMENDMENT OF CODE. Section 16.04.295 [Dwelling unit, secondary] of Chapter 16.04 [Definitions] of Title 16 [Zoning] is hereby amended as follows:

16.04.295 Dwelling unit, secondary accessory.

~~A "secondary dwelling unit" (which is referred to as an "accessory dwelling unit" in State law) means a dwelling unit on a residential lot which provides complete independent living facilities for one or more persons, and shall include permanent provisions for living, sleeping, eating, cooking, and sanitation independent of the main dwelling existing on the residential lot. For purposes of a secondary dwelling unit, permanent provisions for eating and cooking include the following: (1) permanent range, (2) counters, (3) refrigerator, and (4) sink. There are two (2) types of secondary dwelling units: (1) units attached to the existing dwelling, including units located within the living area of an existing dwelling unit ("Attached Secondary Dwelling Units"); and (2) units detached from the existing dwelling unit and located on the same lot as the existing dwelling unit ("Detached Secondary Dwelling Units").~~

~~An "accessory dwelling unit" shall have the meaning set forth in Section 16.79.020(1).~~

SECTION 4. SEVERABILITY. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

This urgency ordinance implements new State law requirements related to accessory dwelling units and junior accessory dwelling units as established in Government Code Section 65852.2. The ordinance is therefore statutorily exempt from review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which states that CEQA does not apply to a city's adoption of an ordinance to implement the provisions of Government Code Section 65852.2. The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") Guidelines sections 15061(b)(3), 15301, 15302 and 15305 because it constitutes minor adjustments to the City's zoning ordinance to implement State law requirements related to accessory dwelling units and junior accessory dwelling units which will likely result in additional dwelling units dispersed throughout the City over the course of a number of years. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment.

SECTION 6. EFFECTIVE DATE. This urgency ordinance shall take effect immediately.

INTRODUCED AND ADOPTED as an adopted ordinance of the City of Menlo Park at a regular meeting of said City Council on the twenty-fifth day of February, 2020, by the following vote:

//

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Cecilia Taylor, Mayor

ATTEST:

Judi A. Herren, City Clerk

City of Menlo Park – ADUs/JADUs in Single-Family Residential Districts	
Overall Regulations	
Minimum Lot Size	None
Maximum Number of ADUs	Two (2): <ul style="list-style-type: none"> • One (1) Detached ADU • One (1) Interior/Attached ADU or Junior ADU (JADU)
Sale/Subdivision of Individual Units	Not permitted, except for units subject to AB 587 (16.79.100(3))
Aesthetic Similarity with Main Dwelling	Not required
Exterior Access	Must provide exterior access separate from the primary dwelling for all ADU/JADUs
Sanitation Facilities	Must be independent for ADU, JADU can be shared with primary dwelling
Cooking Facilities	Must be independent of the primary dwelling
Owner-Occupancy Requirement	None for ADUs permitted after 1/1/2020; owner occupancy for ADUs receiving a building permit before January 1, 2020; for JADU owner required to reside in either the primary dwelling unit or JADU
Rental Term	30 days, minimum for ADUs permitted after 1/1/2020; no rental term for ADUs issued a building permit prior to January 1, 2020 and JADUs

City of Menlo Park – ADUs/JADUs in Single-Family Residential Districts

Development Regulation ¹	Detached ADUs				Attached/Interior ADUs				JADU
Maximum Unit Size	Up to 800 sf	800 sf to 850 sf	850 sf to 1,000 sf	More than 1,000 sf	50 percent of existing primary dwelling (if addition)				500 sf – must be within existing or proposed primary unit
Number of Bedrooms	1 max	1 max	2 max	n/a	Up to 800 sf	800 sf to 850 sf	850 sf to 1,000 sf	More than 1,000 sf	n/a
					1 max	1 max	2 max	n/a	
Minimum Setback: Front	Same as main building								
Minimum Setback: Side	4 ft	Same as primary dwelling			Interior ADU conversions: sufficient for compliance with Fire and Life Safety				n/a
					Attached ADUs: 4 ft				
Minimum Setback: Rear	4 ft	10 ft			Interior ADU conversions: sufficient for compliance with Fire and Life Safety				n/a
					Attached ADUs: 4 ft				
Maximum Height	16 ft	17 ft			Same as the primary dwelling				n/a
Daylight Plane	n/a	At 3 ft setback, measure up 9.5 ft, then slope inwards at 45 degrees			Same as the primary dwelling				n/a
Permitted to exceed overall parcel FAL and Building Coverage limit	Yes, if built with, or after, primary unit and other structures	No			Yes, if built with, or after, primary unit and other structures	No			n/a
Parking	One off-street parking space required; OK in tandem/setback configuration; No replacement parking is required for garage conversions No off-street parking space required if any of the following are met: <ul style="list-style-type: none"> • JADU • Located within a 0.5-mile walking distance of public transit. • Located within an architecturally and historically significant historic district • When on-street parking permits are required but not offered to the occupant of the ADU • When there is a car share vehicle located within one block of the ADU 								None

¹.An applicant may seek a use permit to modify any development regulations of this chapter, except subdivision and number of units.



STAFF REPORT

City Council

Meeting Date: 2/25/2020
Staff Report Number: 20-045-CC

Public Hearing: Adopt Resolution Nos. 6544, 6545, and 6546 establishing utility underground districts for Alma Street; Downtown Parking Plazas 7 and 8 and Menlo Avenue; and Middlefield Road

Recommendation

Staff recommends that the City Council adopt Resolution Nos. 6544, 6545, and 6546 establishing utilities underground districts at:

1. Alma Street across from Burgess Park (Attachment A)
2. Downtown Parking Plazas 7 and 8 and Menlo Avenue (Attachment B)
3. Middlefield Road from Ravenswood Avenue to southern city limits (Attachment C)

Policy Issues

Undergrounding of overhead utilities is consistent with the City's general plan and El Camino Real/downtown specific plan. General plan policy LU-2.6 underground utilities require all electric and communications lines serving new development to be placed underground and broadly addresses several other goals for improving safety and aesthetics along the City's major roadway corridors. Specific plan guideline E.3.7.07, which applies to properties in the specific plan area, notes that all utilities in conjunction with new residential and commercial development should be placed underground.

According to the City's municipal code section 13.12.020, the City Council must hold a public hearing and adopt a resolution to establish a utility undergrounding district.

Background

At a study session September 24, 2019, staff provided the City Council an overview of the Rule 20A Utilities Undergrounding program, including benefits of undergrounding, and information on past projects within the City (Attachment D.)

Staff presented information on the current level of Rule 20A funding available for undergrounding projects and recommended that the City Council direct staff to move forward with adopting the resolution to underground the Parking Plazas 7 and 8 and Menlo Avenue, which is a previously identified project in the City's capital improvement program. In addition, staff provided a list of other corridors to be considered for future undergrounding, as well as a priority criteria by which those additional projects will be ranked. The City Council provided direction for staff to return with a revised, completed priority ranking list.

Staff also informed the City Council of a recent California Public Utilities Commission (CPUC) resolution requiring that PG&E reallocate Rule 20A work credits to the community of Live Oak from the allocations of those communities that were deemed "inactive." Menlo Park, among 92 other jurisdictions, was identified as inactive, since it did not have a recent Rule 20A project completed, nor had an established undergrounding

district for a new project. PG&E has informed staff that communities have until March 8 to establish an undergrounding district to protect their accrued allocations. Approximately \$29,000 in allocations would be granted to the City of Live Oak if the City does not establish an undergrounding district before March 8.

On February 11, staff provided an informational update to the City Council summarizing progress made to date on this item and preliminary rankings for the corridors previously presented to the City Council. A copy of the staff report could be found in Attachment G.

Analysis

Staff has prepared a citywide map showing project corridors that are both qualified and unqualified for Rule 20A funding utilization as an aid in providing a comprehensive view of the City for utility undergrounding purposes (Attachment E.) As shown, local streets are not eligible for Rule 20A funding undergrounding due to the low volume characteristics of the streets. Several corridors are shown as multijurisdictional (Haven Avenue, Ivy Drive, sections of Marsh Road & Bay Road, Encinal Avenue and Valparaiso Avenue) where other agencies (Town of Atherton, San Mateo County, City of Redwood City, and the San Francisco Public Utilities Commission) have oversight of parts of the street infrastructure which may make these projects more difficult or infeasible to deliver in a reasonable timeframe.

Per the direction of City Council given at the September 24 study session, staff has further refined and developed a list of prioritization criteria to identify appropriate future undergrounding project locations, including those suggested by the City Council. These criteria include:

- High vehicle and pedestrian traffic
- Number of panel conversions (lower=better)
- Accessibility considerations (e.g., where utility poles interfere with accessibility)
- Visual impact
- Ability to combine with other projects
- Enhancement for emergency/fire suppression
- Electric service upgrade for commercial properties
- Opportunities for electric vehicle (EV) charging stations
- Constructability
- Presence of high voltage lines

Staff evaluated the criteria listed above for each of the qualified corridors and ranked them (Attachment F.) The top-ranking corridors are listed below in Table 1.

In December 2019, staff met with representatives from various utility companies, including PG&E, AT&T and Comcast to review the potential proposed projects and received support for the top priority ranked projects.

Staff recommends the City Council adopt a resolution to establish one or more undergrounding district(s.) The suggested corridors to be considered for establishing underground district are summarized in Table 1, and enabling resolutions and district maps for each district are included as Attachments A, B and C. The projects are presented in alphabetical order, and the City Council may elect to choose to establish a district for any or all of the projects listed below. The rationale for choosing more than one district is further explained following Table 1.

Table 1: Corridors prioritized and rationale	
Alma Street across from Burgess Park (800 feet,) Attachment A	<ul style="list-style-type: none"> • Would accommodate and could be delivered as part of the Middle Avenue pedestrian and bicycle rail crossing project. • Properties along this corridor also have previously converted their overhead services to underground, so impacts to private property owners would be minimal for this potential district.
Downtown Parking Plazas 7 and 8 and Menlo Avenue (2,850 feet,) Attachment B	<ul style="list-style-type: none"> • This project was previously identified by the City Council and is included in the current fiscal year 2019-20 capital improvement program (CIP.) • The downtown area serves a high volume of vehicle and pedestrian traffic and could be combined with reconstructing parking plazas 7 and 8. • Removal of utility poles would improve pedestrian accessibility on Menlo Avenue.
Middlefield Road from Ravenswood Avenue to southern city limits (4,400 feet,) Attachment C	<ul style="list-style-type: none"> • This corridor is one of the busiest in the city with a high traffic volume. • All properties along this corridor have previously converted their overhead services to underground, so impacts to private property owners would be minimal for this potential district. • A short section of high voltage overhead lines and utility poles would remain from Ravenswood Avenue to Ringwood Avenue (see map provided in Attachment B.) • Street pavement reconstruction on Middlefield Road is included in the five-year CIP

Establishing an underground district does not obligate the City to move forward immediately with those specific projects. It also does not restrict the City from changing or reprioritizing other projects. However, establishing a new undergrounding district will protect the city’s allocations from being diverted to other jurisdictions.

Additionally, City Council’s selection of potential districts would provide clarity on next steps for several capital improvement projects:

- If Alma Street is selected, staff would incorporate the undergrounding work with the Middle Avenue bicycle and pedestrian rail crossing project currently in the design phase.
- If the City Council selects downtown parking plazas 7 and 8 and Menlo Avenue as a potential district, staff would incorporate that work into the reconstruction of plazas 7 and 8. If City Council chooses not to proceed with undergrounding in parking plazas 7 and 8 and Menlo Avenue, staff would then proceed with plaza reconstruction without undergrounding.
- If Middlefield Road is selected, staff would consider undergrounding work in parallel with street resurfacing work in the five-year CIP.

Following the establishment of the underground district(s,) staff would begin design of the undergrounding and the associated infrastructure project. City Council may also choose to provide staff priority to proceed

with design of one or more of these projects.

Impact on City Resources

Establishing utility underground districts has no impact on City resources, but would preserve \$29,000 in Rule 20A credits. The Downtown parking utility underground project was included in the CIP in fiscal year 2014-15 with a budget of \$200,000 for this project for preliminary investigations and outreach. Additionally, the fiscal year 2019-20 CIP includes \$200,000 each for preliminary design for reconstruction of parking plazas 7 and 8 projects. No additional staff or financial resources are requested at this time.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment. Additionally, undergrounding overhead utilities are categorically exempt from environmental review pursuant to the CEQA.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Staff published a notice of this public hearing in the local newspaper February 13, and would run again February 16. Staff has also sent letters to specific property owners impacted by the potential establishment of the districts as noted in Table 1 above. Staff will notify potentially impacted property owners of any established district again within 10 days after City Council action, per Chapter 13.12 of Menlo Park Municipal Code.

Attachments

- A. Resolution No. 6544 for Alma Street
- B. Resolution No. 6545 for Downtown Parking Plazas 7 and 8 and Menlo Avenue
- C. Resolution No. 6546 for Middlefield Road
- D. Hyperlink – September 24, 2019 City Council report: menlopark.org/DocumentCenter/View/22929/SS1--20190924-Undergrounding-Overhead-Utilities-CC
- E. Undergrounding corridor ranking list
- F. Citywide undergrounding map
- G. Hyperlink – February 11 City Council staff report: menlopark.org/DocumentCenter/View/24182/K2-20200211-Overhead-Utilities

Report prepared by:
Morad Fakhrai, Senior Project Manager

Report reviewed by:
Chris Lamm, Assistant Public Works Director

RESOLUTION NO. 6544**RESOLUTION OF THE MENLO PARK CITY COUNCIL ESTABLISHING UNDERGROUND UTILITY DISTRICT 11 LOCATED ALONG ALMA STREET BETWEEN BURGESS SKATE PARK AND BURGESS DRIVE**

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32, and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground, and

WHEREAS, the Menlo Park City Council has consulted with the affected public utilities and such utilities have agreed that the proposed underground conversion district, designated the Underground Utility District 11 and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit,

- 1) That the street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public, and

WHEREAS a public hearing was called for on February 25, 2020, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures, and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service, within that certain area of the City described as follows: Alma Street between Burgess Skate Park and Burgess Drive; and

WHEREAS, each year the City of Menlo Park is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations, and

WHEREAS, the Menlo Park City Council has consulted with PG&E and determined that the City has accumulated Rule 20A work credits or PG&E has agreed that the City may borrow against future credits sufficient to complete the proposed overhead to underground conversion project, and

WHEREAS, the City of Menlo Park and the affected utilities have agreed that each utility shall complete the engineering of their respective portion of the Alma Street Overhead to Underground Utility Conversion Project, and

WHEREAS, the Menlo Park City Council and the affected utilities have agreed that the City of Menlo Park shall be designated as the "design and trench lead" to manage the design, trenching, installation of substructures, and pavement restoration and such other work; and

WHEREAS to the extent required, the City of Menlo Park has agreed to identify property owners/persons responsible for the properties identified by PG&E as requiring easements, and to make initial contact with the property owners/responsible persons, mail PG&E easement documents, and coordinate meetings for the purpose of assisting PG&E with acquisition of necessary easements, and

WHEREAS, each property served from such electric overhead facilities shall have installed in accordance with PG&E's rules for underground service, all electrical facility changes on the premises necessary to receive service from the underground facilities of PG&E as soon as it is available.

WHEREAS, the Menlo Park City Council has now received the report from the Director of Public Works recommending that the area identified in Exhibit "A" should be designated as an underground utility district within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, upon the recommendation of the Director of Public Works, the Menlo Park City Council has determined that the proposed Underground Utility District 11 is categorically exempt from environmental review pursuant to the California Environmental Quality Act, and

WHEREAS, the City of Menlo Park will authorize PG&E to discontinue its overhead electric service upon completion of the underground distribution system, and

WHEREAS, the City of Menlo Park will seek to notify all affected City property owners within the proposed Underground Utility District 11 and inviting same to attend a public hearing to discuss formation of the proposed district, and

WHEREAS, the Menlo Park City Council held a public hearing at which time the City Council did receive and consider the recommendation of the City Engineer and did hear any and all objections or protests that were raised by the owners of property within the above described district pertaining to designating this area an underground utility district;

NOW, THEREFORE, BE IT RESOLVED, by the Menlo Park City Council that:

The public interest requires the removal of all existing utility poles [excepting those poles supporting streetlights or traffic signals], overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit "A", attached hereto, with such area being designated as the Underground Utility District 11, and

RESOLVED FURTHER that the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in the Underground Utility District 11 and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be

notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines, and

RESOLVED FURTHER that the electric utility which undertakes underground installation of its facilities shall use the underground conversion allocation computed pursuant to decisions of the Public Utilities Commission of the State of California for the purpose of providing to each property in said Underground Utility District which requires it, a maximum of one hundred feet of individual electric service trenching and conductor, as well as backfill, paving and conduit, if required. Each other serving utility will provide service trenching and conductor in accordance with its tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the City of Menlo Park.

RESOLVED FURTHER that once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities in the Underground Utility District 11, by a date to be determined and agreeable to all parties.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-fifth day of February, 2020, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-fifth day of February, 2020.

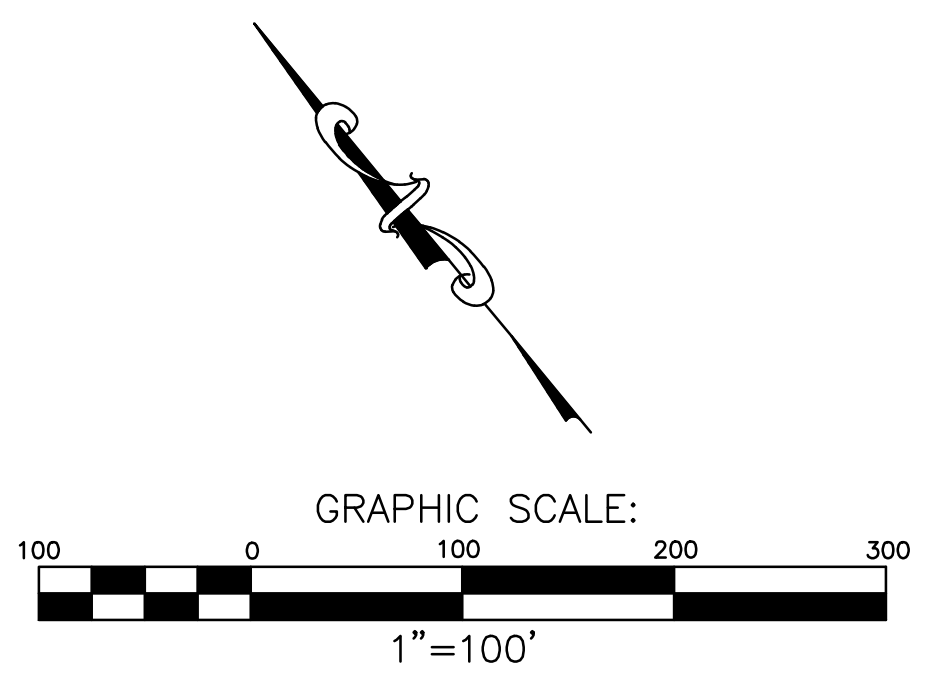
Judi A. Herren, City Clerk



LEGEND

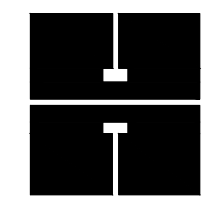
--- BOUNDARY LINE

■ AREA IN DISTRICT



THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ENGINEER AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ENGINEER. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND FIELD DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF THE ENGINEER PRIOR TO THE START OF ANY WORK.

NO.	DATE	BY	DESCRIPTION



Harris & Associates
 1401 Willow Pass Rd. Ste. 500, Concord CA. 94520
 WeAreHarris.com (925) 827-4900



CITY OF MENLO PARK

**PROPOSED ALMA ST
 UTILITY UNDERGROUND DISTRICT**

RESOLUTION NO. 6545**RESOLUTION OF THE MENLO PARK CITY COUNCIL ESTABLISHING UNDERGROUND UTILITY DISTRICT 12 LOCATED ALONG MENLO AVENUE BETWEEN EL CAMINO REAL AND UNIVERSITY DRIVE, AND PARKING LOTS 7 AND 8**

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32, and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground, and

WHEREAS, the Menlo Park City Council has consulted with the affected public utilities and such utilities have agreed that the proposed underground conversion district, designated the Underground Utility District 12 and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit,

- 1) That the streets or roads or rights-of-way are extensively used by the general public and carry a heavy volume of pedestrian and vehicular traffic, and
- 2) That the streets or roads or rights-of-way adjoin or pass through a civic area or public recreation area or an area of unusual scenic interest to the general public, and

WHEREAS a public hearing was called for February 25, 2020, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures, and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service, within that certain area of the City described as follows: Menlo Avenue between El Camino Real and University Drive and Parking Lots 7 and 8; and

WHEREAS, each year the City of Menlo Park is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations, and

WHEREAS, the Menlo Park City Council has consulted with PG&E and determined that the City has accumulated Rule 20A work credits or PG&E has agreed that the City may borrow against future credits sufficient to complete the proposed overhead to underground conversion project, and

WHEREAS, the City of Menlo Park and the affected utilities have agreed that each utility shall complete the engineering of their respective portion of the Menlo Avenue/Parking Lots 7 and 8 Overhead to Underground Utility Conversion Project, and

WHEREAS, the Menlo Park City Council and the affected utilities have agreed that the City of Menlo Park shall be designated as the “design and trench lead” to manage the design, trenching, installation of substructures, and pavement restoration and such other work; and

WHEREAS to the extent required, the City of Menlo Park has agreed to identify property owners/persons responsible for the properties identified by PG&E as requiring easements, and to make initial contact with the property owners/responsible persons, mail PG&E easement documents, and coordinate meetings for the purpose of assisting PG&E with acquisition of necessary easements, and

WHEREAS, each property served from such electric overhead facilities shall have installed in accordance with PG&E’s rules for underground service, all electrical facility changes on the premises necessary to receive service from the underground facilities of PG&E as soon as it is available.

WHEREAS, the Menlo Park City Council has now received the report from the Director of Public Works recommending that the area identified in Exhibit “A” should be designated as an underground utility district within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, upon the recommendation of the Director of Public Works, the Menlo Park City Council has determined that the proposed Underground Utility District 12 is categorically exempt from environmental review pursuant to the California Environmental Quality Act, and

WHEREAS, the City of Menlo Park will authorize PG&E to discontinue its overhead electric service upon completion of the underground distribution system, and

WHEREAS, the City of Menlo Park will seek to notify all affected City property owners within the proposed Underground Utility District 12 and inviting same to attend a public hearing to discuss formation of the proposed district, and

WHEREAS, the Menlo Park City Council held a public hearing at which time the City Council did receive and consider the recommendation of the City Engineer and did hear any and all objections or protests that were raised by the owners of property within the above described district pertaining to designating this area an underground utility district;

NOW, THEREFORE, BE IT RESOLVED, by the Menlo Park City Council that:

The public interest requires the removal of all existing utility poles [excepting those poles supporting streetlights or traffic signals], overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit “A”, attached hereto, with such area being designated as the Underground Utility District 12, and

RESOLVED FURTHER that the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in the

Underground Utility District 12 and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines, and

RESOLVED FURTHER that the electric utility which undertakes underground installation of its facilities shall use the underground conversion allocation computed pursuant to decisions of the Public Utilities Commission of the State of California for the purpose of providing to each property in said Underground Utility District which requires it, a maximum of one hundred feet of individual electric service trenching and conductor, as well as backfill, paving and conduit, if required. Each other serving utility will provide service trenching and conductor in accordance with its tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the City of Menlo Park.

RESOLVED FURTHER that once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities in the Underground Utility District 12, by a date to be determined and agreeable to all parties.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-fifth day of February, 2020, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-fifth day of February, 2020.

Judi A. Herren, City Clerk

RESOLUTION NO. 6546**RESOLUTION OF THE MENLO PARK CITY COUNCIL ESTABLISHING UNDERGROUND UTILITY DISTRICT 13 LOCATED ALONG MIDDLEFIELD ROAD BETWEEN RAVENSWOOD AVENUE AND THE CITY LIMIT**

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32, and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground, and

WHEREAS, the Menlo Park City Council has consulted with the affected public utilities and such utilities have agreed that the proposed underground conversion district, designated the Underground Utility District 13 and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit,

- 1) That the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian and vehicular traffic, and
- 2) That the street or road or right-of-way is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines, and
- 3) That the street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public

WHEREAS a public hearing was called for February 25, 2020, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures, and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service, within that certain area of the City described as follows: Middlefield Road between Ravenswood Avenue and the City Limit, and

WHEREAS, each year the City of Menlo Park is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations, and

WHEREAS, the Menlo Park City Council has consulted with PG&E and determined that the City has accumulated Rule 20A work credits or PG&E has agreed that the City may borrow against future credits sufficient to complete the proposed overhead to underground conversion project, and

WHEREAS, the City of Menlo Park and the affected utilities have agreed that each utility shall complete the engineering of their respective portion of the Middlefield Road Overhead to Underground Utility Conversion Project, and

WHEREAS, the Menlo Park City Council and the affected utilities have agreed that the City of Menlo Park shall be designated as the “design and trench lead” to manage the design, trenching, installation of substructures, and pavement restoration and such other work; and

WHEREAS to the extent required, the City of Menlo Park has agreed to identify property owners/persons responsible for the properties identified by PG&E as requiring easements, and to make initial contact with the property owners/responsible persons, mail PG&E easement documents, and coordinate meetings for the purpose of assisting PG&E with acquisition of necessary easements, and

WHEREAS, each property served from such electric overhead facilities shall have installed in accordance with PG&E’s rules for underground service, all electrical facility changes on the premises necessary to receive service from the underground facilities of PG&E as soon as it is available.

WHEREAS, the Menlo Park City Council has now received the report from the Director of Public Works recommending that the area identified in Exhibit “A” should be designated as an underground utility district within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, upon the recommendation of the Director of Public Works, the Menlo Park City Council has determined that the proposed Underground Utility District 13 is categorically exempt from environmental review pursuant to the California Environmental Quality Act, and

WHEREAS, the City of Menlo Park will authorize PG&E to discontinue its overhead electric service upon completion of the underground distribution system, and

WHEREAS, the City of Menlo Park will seek to notify all affected City property owners within the proposed Underground Utility District 13 and inviting same to attend a public hearing to discuss formation of the proposed district, and

WHEREAS, the Menlo Park City Council held a public hearing at which time the City Council did receive and consider the recommendation of the City Engineer and did hear any and all objections or protests that were raised by the owners of property within the above described district pertaining to designating this area an underground utility district;

NOW, THEREFORE, BE IT RESOLVED, by the Menlo Park City Council that:

The public interest requires the removal of all existing utility poles [excepting those poles supporting streetlights or traffic signals], overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit “A”, attached hereto, with such area being designated as the Underground Utility District 13, and

RESOLVED FURTHER that the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in the Underground Utility District 13 and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines, and

RESOLVED FURTHER that the electric utility which undertakes underground installation of its facilities shall use the underground conversion allocation computed pursuant to decisions of the Public Utilities Commission of the State of California for the purpose of providing to each property in said Underground Utility District which requires it, a maximum of one hundred feet of individual electric service trenching and conductor, as well as backfill, paving and conduit, if required. Each other serving utility will provide service trenching and conductor in accordance with its tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the City of Menlo Park.

RESOLVED FURTHER that once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities in the Underground Utility District 13, by a date to be determined and agreeable to all parties.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-fifth day of February, 2020, by the following votes:

AYES:

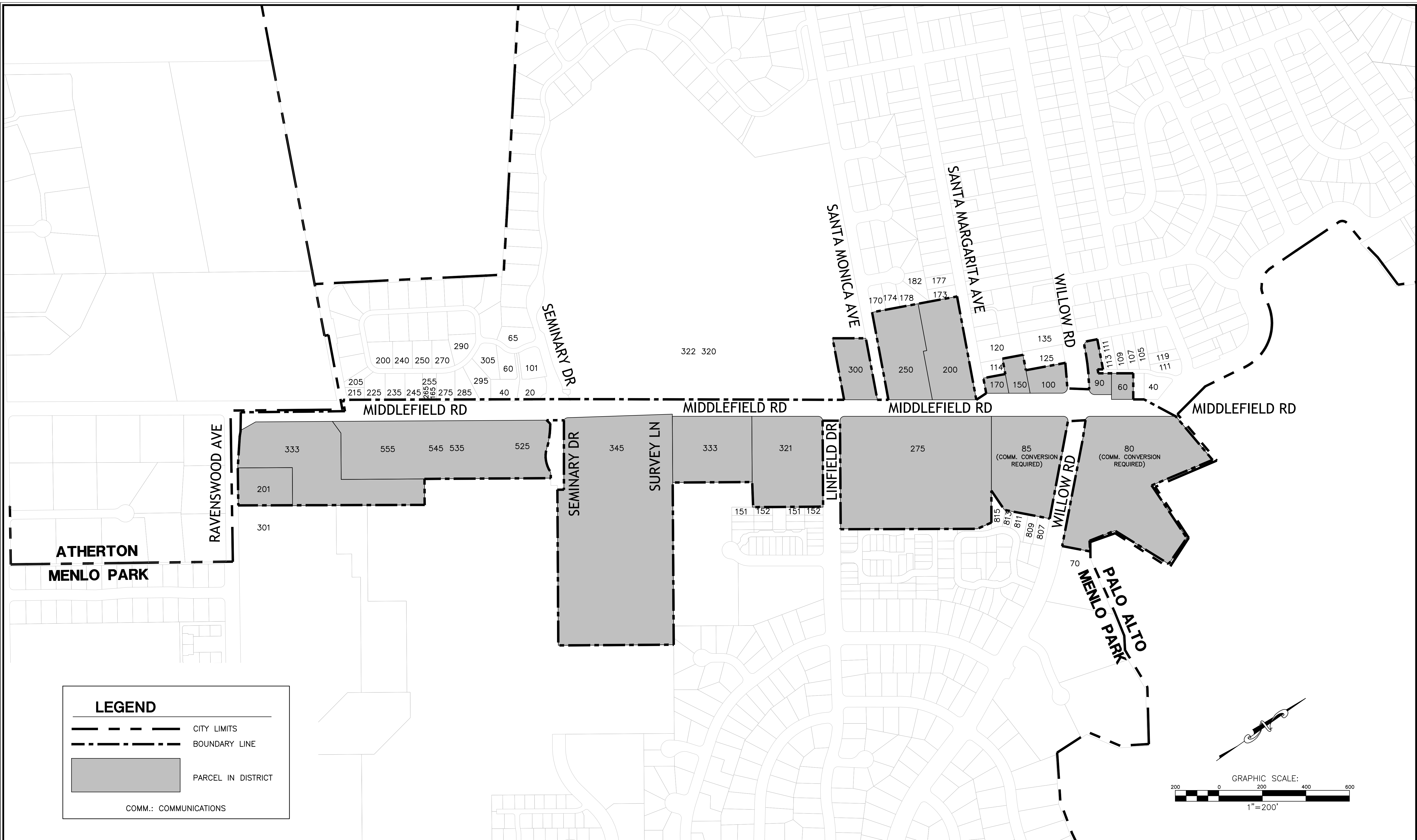
NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-fifth day of February, 2020.

Judi A. Herren, City Clerk



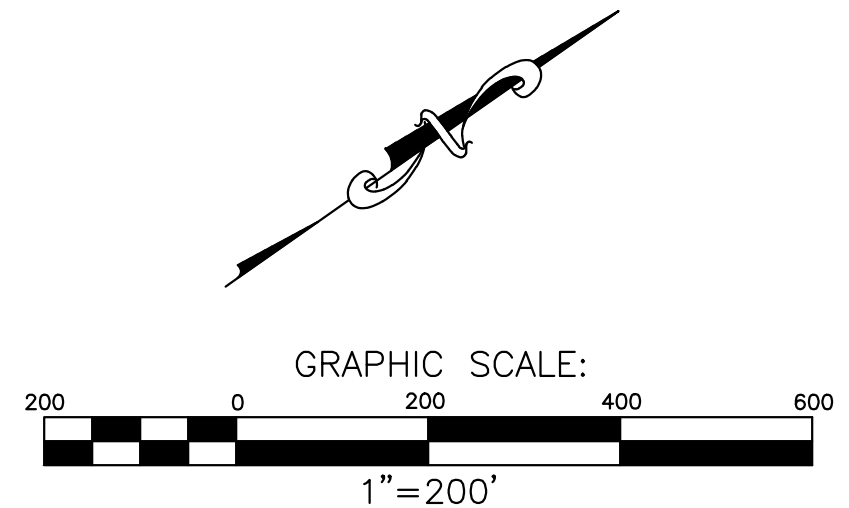
LEGEND

--- CITY LIMITS

--- BOUNDARY LINE

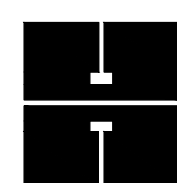
■ PARCEL IN DISTRICT

COMM.: COMMUNICATIONS



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CITY OF MENLO PARK

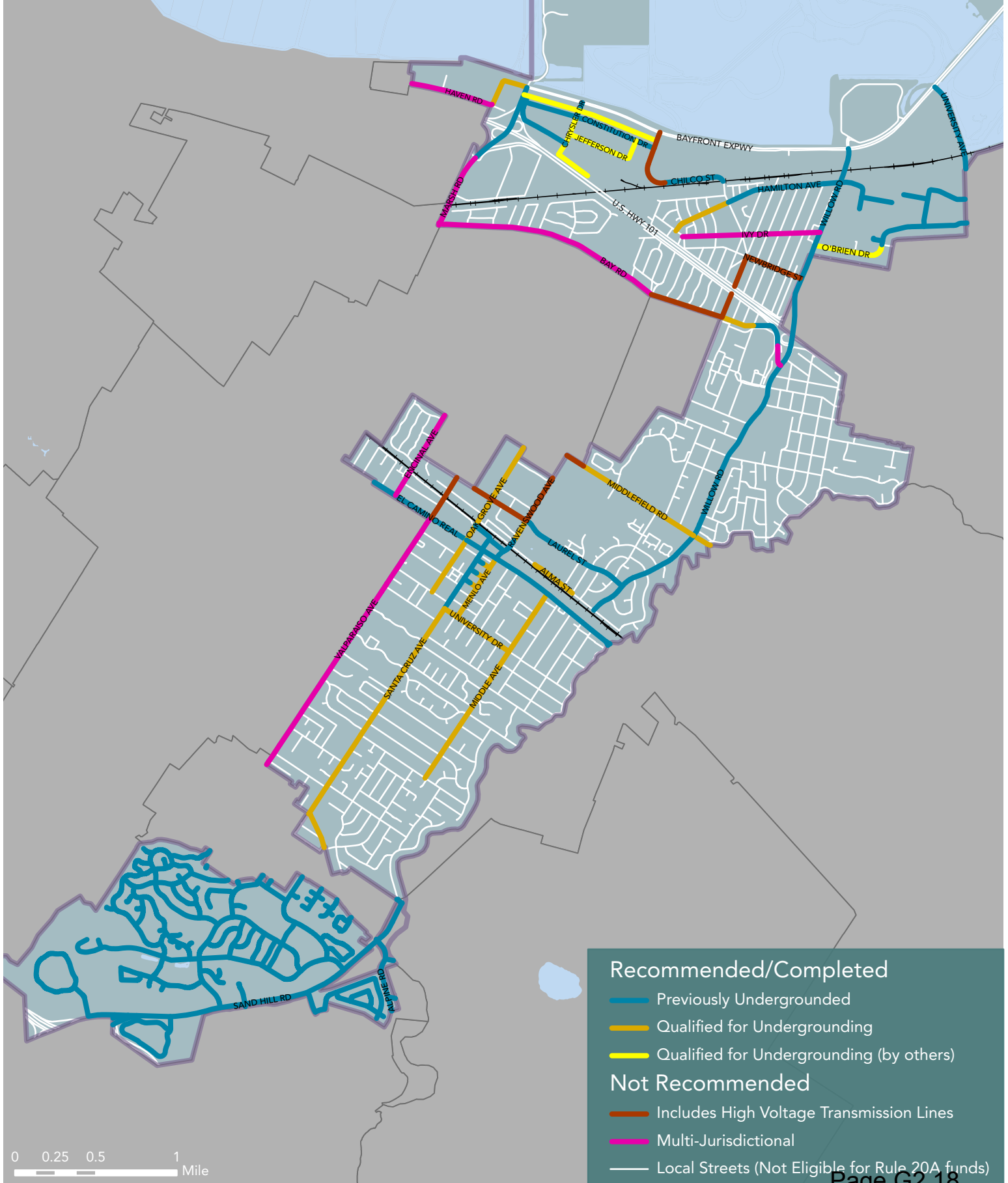
**PROPOSED MIDDLEFIELD RD
 UTILITY UNDERGROUND DISTRICT**

Undergrounding Corridor Ranking List

Project	Points Scale	PL 7&8 & Menlo Ave	Alma Street	Middlefield Road	PL 1&3 & Oak Grove Ave	Middle Avenue	Santa Cruz Avenue	Ravenswood Avenue	Hamilton Avenue	Newbridge Street
From		<i>El Camino Real</i>	<i>Burgess Dr</i>	<i>Ravenswood Ave</i>	<i>El Camino Real</i>	<i>El Camino Real</i>	<i>University Dr</i>	<i>Middlefield Rd</i>	<i>Market Pl</i>	<i>Willow Rd</i>
To		<i>University Dr</i>	<i>Skate Park</i>	<i>City Limit</i>	<i>University Dr</i>	<i>Cotton St</i>	<i>Elder Ave</i>	<i>Noel Dr</i>	<i>Chilco St</i>	<i>Windermere Ave</i>
Length (ft)		2,850	800	4,400	3,300	5,000	4,800	2,440	1,550	1,500
Estimated Cost		\$ 3,420,000	\$ 960,000	\$ 5,280,000	\$ 3,960,000	\$6,000,000	\$5,760,000	\$ 2,928,000	\$1,860,000	\$ 1,800,000
Vehicle and pedestrian traffic	1 to 5 (1 = low volume/5 = high volume)	2	1	4	3	3	5	3	2	2
Visual impact	1 to 5 (1 = few / 5 = more destinations)	3	4	3	3	3	5	3	4	0
Number of panel conversions	1 to 5 (1 = few / 5 = more panels per foot)	3	5	5	2	2	2	4	0	3
Constructability	1 to 7 (1 = narrow / 7 = wide street width)	6	6	7	6	6	5	4	3	1
Ability to combine with other projects*	1 to 16 (number/ratings of projects combined)	16	9	6	10	9	3	7	0	6
High voltage lines	0 to -10 (0 = none / -10 = longer HV lines)	0	0	-1	0	0	0	-8	0	-8
TOTAL		30	25	24	24	23	20	13	9	4
RANK		1	2	3	3	5	6	7	8	9

Ability to combine with other projects includes:
 Enhancement for emergency/fire suppression
 Electric service upgrade for commercial properties
 Opportunities for EV charging stations
 Accessibility considerations
 New Paving
 TMP Improvements

Overhead Utilities Undergrounding



0 0.25 0.5 1 Mile



STAFF REPORT

City Council

Meeting Date:

2/25/2020

Staff Report Number:

20-039-CC

Regular Business:

Approve the interim service levels provided during the construction of the Belle Haven community center and library project, appropriate \$1 million for interim services, and waive purchasing requirements and increase the city manager purchasing authority to \$500,000 for interim services

Recommendation

Staff recommends that the City Council:

1. Approve interim service levels for the Belle Haven Youth Center, Onetta Harris Community Center, and Menlo Park Senior Center provided during construction of a new facility as outlined in Table 2;
2. Appropriate \$1 million to the Belle Haven community center and library project to provide interim services, at the City Council approved service levels, for up to 30 months;
3. Waive purchasing requirements to secure facilities, goods, and services required to provide interim services promptly;
4. Increase the city manager's purchasing authority from \$75,000 to \$500,000 for any single agreement or purchase related to interim services during construction of the new Belle Haven community center and library; and
5. Direct the city manager to report on the exercise of this authority through an informational item provided to the City Council at a regularly scheduled meeting.

Policy Issues

City Council is responsible for setting service levels. City Council Procedure # CC-19-001 sets the city manager's purchasing authority, currently at \$75,000 for fiscal year 2019–20, and requires bidding for goods and services above \$37,500 and formal bids for public projects above \$200,000 unless modified or temporarily waived.

Background

In October 2019, Facebook announced its intent to collaborate with the community and the City to build a new multigenerational community center and library on the site of the current Onetta Harris Community Center (OHCC,) Menlo Park Senior Center and Belle Haven Youth Center located at 100-110 Terminal Avenue. On December 10, 2019, staff provided an informational item staff report to provide an update to City Council while awaiting a written offer. In addition, the City Council appointed City Councilmembers Carlton and Taylor to an ad hoc subcommittee on this project. On December 16, 2019, Facebook submitted its offer for the City Council's consideration.

On December 30, 2019, a staff committee was formed from several city departments to investigate the transition from services provided at the current locations to services provided in interim locations should the

City Council accept the offer from Facebook. On January 28, the City Council approved a resolution of intent to collaborate with Facebook and accept the offer. On February 11, City Council conducted a study session to discuss current service levels and directed staff regarding changes to the preliminary recommendations.

Analysis

Following the study session, staff incorporated the City Council’s feedback and refined the criteria for potential sites to provide interim services. For comparison, staff attempted to create a benchmark for the appropriate space and necessary service requirements. This benchmark is for comparison purposes only and does not necessarily represent a recommended solution.

Interim facility benchmarks

Staff gathered quotes and related costs to develop an interim services estimated net cost (the cost above our normal operating budget) for providing service in portable buildings on unoccupied, City-owned land. Based on the recommended service levels and types of portable units available, the estimated costs are described below in Table 1. It is important to note that two options are presented, with a mobile kitchen estimate included as one method to continue provision of the senior meal program.

Table 1: Interim services facility benchmark requirements		
Facility/service	Description	Cost estimate
Large portable (60’ x 48’)	Assembly area, multipurpose	\$155,000
Medium portable (60’ x 12’)	Classroom, multipurpose	\$42,000
Small portable (44’ x 12’)	Classroom, multipurpose	\$40,000
Mobile kitchen	Meal preparation facility	\$145,000
Siting requirements	Utility hook-ups, paving, site work, permits	\$430,000
Low-end total estimate	Minimal facilities, no kitchen	\$627,000
High-end total estimate	Expanded facilities, including kitchen	\$812,000

Current service inventory

The current service inventory (Attachment A) is a listing of all services provided at the project site and grouped by current facility.

Priority tier for interim services

While all of the current services are valued and important, not all services are as critical or practical to provide during the construction period. There is a strong commitment to continue providing services related to the health and safety of vulnerable populations (e.g., seniors, children.) Three priority tiers are identified that help distinguish between these categories. The rating factors are described in greater detail below:

Tier 1

A vulnerable population is the primary service user and the service provided is of critical importance to their health or safety

Tier 2

The program or service provided is not critical

AND

Alternative space for the program or service can be reasonably acquired

Tier 3

The program or service provided is not critical

AND

There are no reasonable alternatives for space which are not cost prohibitive

Interim service levels

In addition to prioritizing the services currently provided, a recommendation was developed for the degree of services to be provided in the interim, ranging from the current level at the high end to temporary discontinuation at the low end. All service level ratings include all factors necessary to provide the service, including appropriate building floor space and room configuration, transportation (if necessary) and staff workspaces. The ratings are described below:

- Same level – The service is critical and cannot be provided at a lower level without severe disruption
- Reduced level – A change in service level has been identified which meets most or all program goals
- Outsource – There exists another provider or location for service in the interim
- Suspend – Providing this service is not feasible during project construction but may resume afterward

It is important to note that these recommended interim service levels would be considered the low end for providing service but would not prevent increasing service if a cost-effective solution were identified.

Direction provided during the study session

At the February 11, study session on interim services, discussion included youth drop-in gym sessions and maintaining the full range of senior services. Staff estimates that the gym at the OHCC currently serves approximately 10 youth-aged drop-ins per week. Staff does not recommend changing the interim service level for this category. Staff also investigated the impact of maintaining health and wellness programs and social events for senior center participants at the current level.

Requirements for a dedicated space or without reducing hours to accommodate after-school users would likely increase the space needed by one portable or equivalent alternate option. This marginal cost is reflected in the option labeled small portable in Table 1. Additional site costs for additional portable units are minimal, but it may require a larger lot to accommodate additional units. Staff recommends a preference for a dedicated senior space, but allowing the flexibility to reduce service depending on options available.

Recommended interim service summary

The services currently offered, ordered alphabetically by current location, are summarized in Table 2 below.

The specific recommendations are included in Attachment A.

Table 2: Recommended interim service level			
Service	Current location	Tier	Recommended interim service level
Pool operations	Belle Haven Pool	3	Suspended
After school child care and summer camp	Belle Haven Youth Center	1	Same level
Sports field group rentals	Kelly Field	2	Same level
Second Harvest program	OHCC	1	Same level
Recreation classes, community special events	OHCC	2	Reduced level
Drop-in fitness/gym classes, room rentals	OHCC	3	Suspended
Senior meals, transportation, health and counseling programs	Senior Center	1	Same level
Senior recreation classes, special events, game room	Senior Center	2	Reduced level
Seniors' community garden	Senior Center	2	Outsourced
Senior community meeting rooms	Senior Center	3	Suspended

Requested authority and action

If the recommended interim service levels are approved, staff requests authority for the city manager to negotiate on behalf of the City in order to find the best mix of interim locations to provide services during construction. Due to the extent of combinations possible, this could feasibly include a commercial rental with some tenant improvements, shared use agreements with local organizations, portable rentals, or some combination of the above. The requested authority of \$1 million provides some latitude when determining whether lower priority current services could potentially be included at a relatively low marginal cost as well as providing flexibility when including other factors such as transportation. The requested action will include a report on any agreements pursued, or, if no satisfactory method of providing interim services can be determined, returning to City Council with updated estimates. Finally, the requested action includes a waiver of competitive bidding requirements in recognition of the requirement for timeliness for providing interim services.

Subcommittee review

The City Council ad hoc subcommittee was not available to review the recommended service levels and benchmark cost estimate prior to publication of the staff report.

Next steps

If approved, staff will begin negotiations with owners of potential interim sites with the intention of procuring the mix which prioritizes according to the following criteria:

1. Attainment of minimum interim service level provision according to City Council direction
2. Lower impact to affected service populations
3. Greater collocation of services
4. Lower overall cost
5. Within the City boundaries

If a suitable location or mix of locations can be identified within the \$1 million authority, the city manager will provide an informational item report during a regularly scheduled City Council meeting detailing any agreements which were entered. If no suitable location or mix of locations can be identified within the \$1

million authority, staff will return with an updated cost estimate and request for consideration by City Council.

Impact on City Resources

This action appropriates \$1 million to the Belle Haven community center and library project in fiscal year 2019-20 and uses available fund balance in the City's library system improvements fund and general capital improvement fund. The project funding will be consolidated into one fund as part of the midyear budget report in March 2020. Requests for additional appropriations will be necessary once the formal agreement between the City and Facebook regarding the City's financial obligation to the new facility is determined.

Environmental Review

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

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. In addition, the City sent electronic notices via Nextdoor, Facebook, the Weekly Digest and directly to project email and text update subscribers from the project page (Attachment B.)

Attachments

- A. Current service inventory
- B. Hyperlink – project page: menlopark.org/bellehaven

Report prepared by:
Dan Jacobson, Finance and Budget Manager
Darek Schweigart, Community Services Director

Report reviewed by:
Justin Murphy, Deputy City Manager

Service inventory, priority tiers and interim service levels					
Ref #	Service	Current location	Priority tier	Recommended interim level	Notes
1	Senior nutrition program (senior meals)	Senior Center	1	Same level	
2	Senior recreation classes	Senior Center	2	Reduced level	Focus on movement/exercise
3	Senior special events	Senior Center	2	Reduced level	Focus on movement/exercise
4	Senior Center rentals	Senior Center	3	Suspend	
5	Senior Center community meeting rooms	Senior Center	3	Reduced level	
6	Senior transportation program	Senior Center	1	Same level	
7	Seniors brown bag program	Senior Center	1	Same level	
8	Seniors health screenings	Senior Center	1	Same level	
9	Seniors counseling programs	Senior Center	1	Same level	
10	Seniors community garden	Senior Center	2	Outsource	Coordinate with Belle Haven Community Garden
11	Seniors social opportunities (game room)	Senior Center	2	Reduced level	
12	Samaritan House	Senior Center	3	Outsource	
13	Senior Center program storage space	Senior Center	1	Reduced level	
14	OHCC - recreation classes	OHCC	2	Reduced level	
15	OHCC - rentals	OHCC	3	Suspend	
16	OHCC - Gym rentals	OHCC	3	Suspend	
17	OHCC - Drop-in Gym (b-ball / v-ball)	OHCC	3	Suspend	
18	OHCC - Drop-in Fitness Room	OHCC	3	Suspend	
19	OHCC - community special events	OHCC	2	Reduced level	
20	OHCC - community rooms	OHCC	3	Suspend	
21	OHCC - Second Harvest	OHCC	1	Same level	
22	After School Program	Youth Center	1	Same level	
23	Camp Menlo (Summer)	Youth Center	1	Same level	
24	Recreation swim*	BH Pool	3	Suspend	
25	Lap swim*	BH Pool	3	Suspend	
26	Youth swim school*	BH Pool	3	Suspend	
27	Youth water polo*	BH Pool	3	Suspend	
28	Swim camps*	BH Pool	3	Suspend	
29	Sports field user group rentals	Kelly Field	2	Same level	Use of field limited during construction hours

* Operator will explore alternative delivery.



STAFF REPORT

City Council

Meeting Date: 2/25/2020

Staff Report Number: 20-035-CC

Informational Item: City Council agenda topics: March 2020 to May 2020

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. 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, through May 12. 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 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. City Council agenda topics: March 2020 to May 2020

Report prepared by:
Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type
1	Goal setting, second session		
5	Investment portfolio review as of March 31, 2020, Receive and file	ASD	Consent
6	Quarterly financial review of general fund operations as of March 31, 2020, Receive and file	ASD	Consent
7	ERAF, budgeting	ASD	Informational
8	2019-20 budget amendment, service level enhancements re-visit, resolution adoptions	ASD	Regular
9	Executive summary of city manager's proposed budget for fiscal year 2020-21	ASD	Regular
10	Salary schedule, update	ASD	Regular
11	Safe storage ordinance, second reading and adoption	CA	Consent
12	Safe storage ordinance, first reading	CA	Regular
13	Adoption of Building Inspection Mutual Aid, Agreement	CDD	Consent
14	Housing element annual, review	CDD	Consent
15	Short term rental regulation, recommendation	CDD	Presentation
16	Newsrack regulations ordinance, first reading	CDD	Regular
17	Samaritan House, report on tenant relocation funds	CDD	Regular
2	2020 priorities and work plan, Adoption	CMO	Regular
3	Solid Waste Ordinance, introduction and first reading	CMO	Regular
4	Community EV Infrastructure Policy and Program Analysis	CMO	Study Session
18	Consider applicants and make appointments to fill vacancies on the various City commissions and committees	CMO	Committee Report
19	Commission/committee attendance report, review	CMO	Consent
20	Follow-up Grand Jury Response to EV Purchasing	CMO	Consent
21	Minutes: 2/11	CMO	Consent
22	Minutes: 2/25	CMO	Consent
23	Minutes: 3/10 and 3/24	CMO	Consent
24	Minutes: 4/21	CMO	Consent
25	Reach code, City Council appointed body for restaurants	CMO	Consent

Tentative City Council Agenda

#	Title	Department	Item type
26	City Council agenda topics: April 21 2020 – June 9 2020	CMO	Informational
27	City Council agenda topics: Mar 24 2020 – May 26 2020	CMO	Informational
28	City Council agenda topics: May 12 2020 – June 23 2020	CMO	Informational
29	City Council agenda topics: May 26 2020 – July 14 2020	CMO	Informational
30	Climate Action Plan 2.0, Study session	CMO	Study Session
31	Foodware Ordinance (Zero Waste Plan), Study Session	CMO	Study Session
32	Regular meeting schedule ordinance, second reading and adoption	CMO, CA	Consent
33	Regular meeting schedule ordinance, first reading	CMO, CA	Regular
34	"My Community" Youth Poster Exhibition, presentation	LIB	Presentation
35	Mental Health Awareness Month, proclamation	LIB	Presentation
36	Automated license plate readers (ALPR), Annual report	PD	Informational
37	Tasers, Annual report	PD	Informational
38	2020 Urban Water Management Plan, Agreement	PW	Consent
39	Nealon Park Tennis Court Restoration, award construction contract	PW	Consent
40	Santa Cruz Ave. / Middle Ave., award construction contract	PW	Consent
41	Terminal Avenue, notice of intent to vacate	PW	Consent
42	Five-year water rates for Menlo Park Municipal Water, resolution adoption	PW	Public Hearing
43	Willows neighborhood turn restrictions, resolution adoption	PW	Regular
44	Water rate, study	PW	Study Session

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STAFF REPORT

City Council
Meeting Date: 2/25/2020
Staff Report Number: 20-046-CC

Informational Item: Transmittal of background information on the City's 2019-2024 capital improvement plan

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

The City Council adopts the capital improvement plan (CIP) as part of the budget adoption process annually in June. The City Council's annual goal-setting process provides clarity on the use of city resources as well as prioritization of services and projects for the upcoming 12 to 18 months. Goals and priorities identified in the City Council's annual goal-setting process are incorporated into the CIP each year.

Background

The City Council's goal-setting process kicked off with the January 14 study session on resource capacity. At their January 28 meeting, the City Council adopted a resolution of intent that prioritizes construction of a new community center and library in the Belle Haven neighborhood. At their January 30 special meeting, the City Council held a goal-setting workshop to hear ideas of priorities for 2020 from the public and share their individual ideas.

Analysis

On January 30, the City Council requested a future study session on the current CIP, which is tentatively scheduled for March 24. Staff anticipates to provide:

- Summary of the process to develop the annual CIP
- Description of the prioritization process used to deliver CIP projects
- Status updates on all 73 funded projects
- Summary of financials for the major funds supporting CIP projects: general fund capital, water capital, transportation impact fees, building construction street impact fee, and Measure T bond funds.

In preparation for the upcoming study session, staff is transmitting a copy of the current 2019-24 CIP (Attachment A.) This document is part of the 2019-20 budget, found on pages 129 to 198 as linked in Attachment B.

Public Notice

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

Attachments

- A. Hyperlink – 2019-24 CIP: menlopark.org/DocumentCenter/View/24331/2-Att-A-CIP-2019-2024
- B. Hyperlink – 2019-20 adopted budget. CIP can be found on pages 129 to 198:
menlopark.org/ArchiveCenter/ViewFile/Item/9688

Report prepared by:
Nikki Nagaya, Interim Public Works Director



STAFF REPORT

City Council
Meeting Date: 2/25/2020
Staff Report Number: 20-047-CC

Informational Item: Government Alliance on Race and Equity (GARE)

Recommendation

As an informational item, there is no action required by the City Council. This information may be helpful as the City Council considers its 2020 priorities.

Policy Issues

The City Council's annual goal-setting process informs the development of the city manager's proposed budget.

Background

At the City Council's January 30 goal-setting workshop, several community members identified the need to elevate the discussion on racial equity in city operations. As part of the February 11 informational item on the goal-setting process, staff provided a brief three-year plan to make progress toward racial equity.

Analysis

One organization that helps to advance racial equity is the Local and Regional Government Alliance on Race and Equity (GARE), a joint project between the Hass Institute for a Fair and Inclusive Society, the Center for Social Justice, and the Racial Equity Alliance. Members of the public commonly referenced GARE in their recommendations to the City Council for 2020 priorities.

As the City Council considers a project to elevate the discussion on racial equity, the City Council may find the Attachments A, B, and C useful. If the City Council a racial equity effort, the effort requires more action and resources than merely joining GARE. The GARE membership application asks new members to commit to specific steps in the first six months of membership. While GARE is not the only organization that may assist in this effort, Mayor Taylor and three members of the city's executive team attended the GARE annual convening in Fall 2019.

Impact on City Resources

There is no impact on City resources.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it 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. Hyperlink – GARE homepage: <https://www.racialequityalliance.org/>
- B. Hyperlink – GARE’s Advancing Racial Equity and Transforming Government – A Resource Guide to Put Ideas into Action https://racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf
- C. Hyperlink – GARE’s racial equity toolkit – An Opportunity to Operationalize Equity <https://www.racialequityalliance.org/resources/racial-equity-toolkit-opportunity-operationalize-equity/>

Report prepared by:
Nick Pegueros, Assistant City Manager



STAFF REPORT

City Council

Meeting Date: 2/25/2020
Staff Report Number: 20-051-CC

Informational Item: Update on potential marketing of United States Geological Survey (USGS) property and update on process for amending zoning

Recommendation

This is an Informational Item and no City Council action is required.

Policy Issues

In the next housing element cycle, the State will likely require Menlo Park to add significantly more housing sites to its housing inventory. The City of Menlo Park has been discussing the overall need for more housing opportunities in the City, particularly closer to the downtown area where there is existing transit. The recent disclosure that the United States Geological Survey (USGS) property may be up for sale creates an opportunity for the city to rezone all or a portion of this site to residential.

Background

The USGS property located at 345 Middlefield consists of two separate parcels totaling 17.3 acres. The first parcel is 12.8 acres and the second parcel is 4.5 acres. The site contains several buildings which have historically been occupied by USGS (see Attachment A site plan.) The property currently has a land use designation of public/quasi public and has a zoning designation of public facility (PF.) (see Attachments B and C.) the federal government is exempt from the City's zoning requirements.

USGS has occupied the buildings since 1954. The property is owned by the General Services Administration (GSA,) the federal government agency that manages federal office buildings. The GSA is obligated under federal law to charge market-rate rent for its properties. According to news reports, the USGS was paying about \$7.5 million per year under a 10-year lease which expired in late 2017. In anticipation of a significant rent increase, USGS began exploring alternative locations for its operations. In 2017, USGS entered into a lease at Moffett Field to relocate to the NASA campus. For the past three years, USGS has slowly been vacating its Menlo Park campus and the relocation is near completion.

The GSA recently announced that it intends to put the former USGS campus up for sale, perhaps as early as the next few months. The GSA must follow federal requirements for disposing of property. These regulations require the GSA to consult with other public agencies before disposing of the property. This process can be lengthy.

Analysis

The following uses are permitted in the public facility zone:

1. All public facilities used and operated for government purposes by the city of Menlo Park, the county

- of San Mateo, the state of California, and the government of the United States;
2. All public facilities, owned by a school district but not used for school use.

The following uses are conditionally permitted:

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

There are no development regulations in the P-F zoning district, except the floor area ratio (FAR) shall not exceed 30 percent (30%.) For conditional uses, a 60 percent (60%) FAR may be allowed with use permit approval on sites with a lot area of two (2) acres or less.

Under the existing PF regulations, it would be difficult to accommodate medium to high density housing.

If the City Council desires to rezone the USGS property it must take the following steps:

1. Initiate a rezoning request by adopting a Resolution of Intent;
2. Public hearing and recommendation by Planning Commission
3. Public hearing by City Council.

Public noticing is required for zone changes and a robust community engagement process would be anticipated. Zoning is required to be consistent with the general plan. As the general plan designation is currently public/quasi public, a zone change will also require a general plan amendment. The general plan amendment and zone change will also require environmental review under the California Environmental Quality Act (CEQA.) The specific level of review will depend on the proposed zoning change.

Attachment C shows the existing surrounding zoning districts.

The City Council has previously discussed rezoning the property to residential. Before the property goes on the market, it could be helpful for the City Council to indicate whether it has an intention to rezone as this would help set market expectations and help ensure that the price is reflective of the anticipated zoning.

Impact on City Resources

Adding a general plan amendment, zone change and environmental review to the City Council's work plan would have an impact on both planning and city attorney staff. If the property is rezoned to multifamily housing, future staff time associated with locating additional housing sites needed to satisfy the City's regional housing needs allocation (RHNA) allocation may be minimized.

Environmental Review

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

Public Notice

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

Attachments

- A. USGS site plan
- B. USGS general plan map
- C. USGS and surrounding properties zoning map

Report prepared by:
Cara Silver, Assistant City Attorney

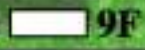
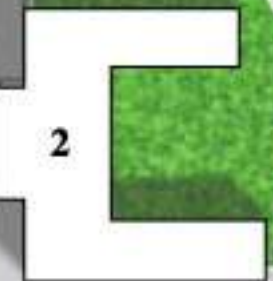
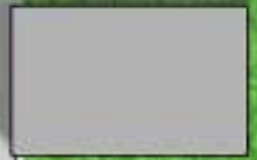
Survey Lane

GeoKids

Credit Union

Snack Bar

Homewood Place



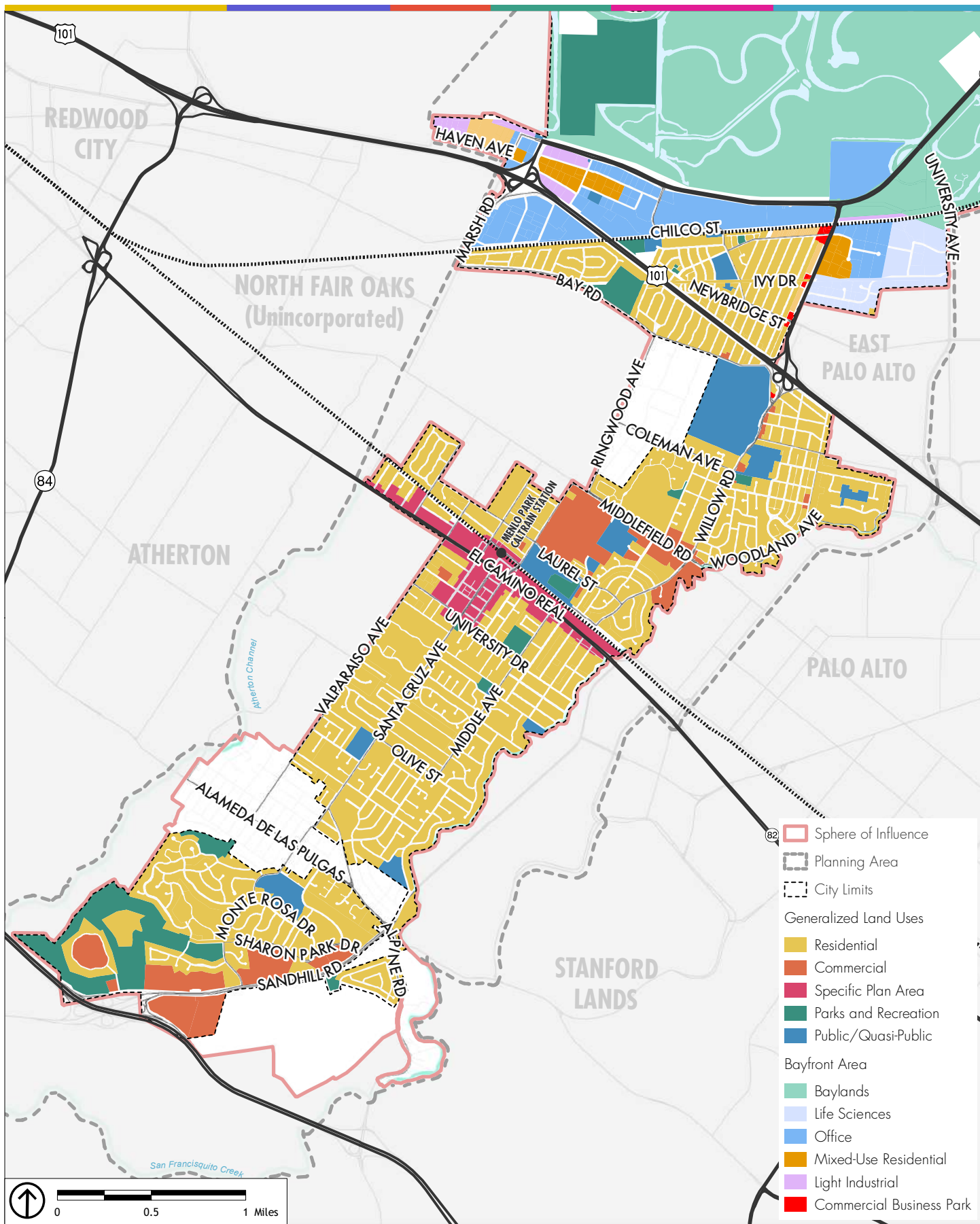


FIGURE 5: GENERAL PLAN LAND USE DESIGNATIONS
Page 14.5

