



REGULAR MEETING AGENDA

Date: 10/12/2021
Time: 5:00 p.m.
Location: [Zoom.us/join](https://zoom.us/join) – ID# 998 8073 4930

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

Consistent with Government Code section 54953(e), and in light of the declared state of emergency, the meeting will not be physically open to the public and all members will be teleconferencing into the meeting via a virtual platform. To maximize public safety while still maintaining transparency and public access, members of the public can listen to the meeting and participate using the following methods.

- How to participate in the meeting
 - Submit a written comment online up to 1-hour before the meeting start time:
menlopark.org/publiccommentOctober12*
 - Access the meeting real-time online at:
[Zoom.us/join](https://zoom.us/join) – Meeting ID 998 8073 4930
 - Access the meeting real-time via telephone at:
(669) 900-6833
Meeting ID 998 8073 4930
Press *9 to raise hand to speak

*Written public comments are accepted up to 1-hour before the meeting start time. Written messages are provided to the City Council at the appropriate time in their meeting.

- Watch meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
Channel 26
 - Online:
menlopark.org/streaming

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website www.menlopark.org. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.org/agenda).

According to City Council policy, all 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.

Closed Session ([Zoom.us/join](https://zoom.us/join) – ID# 998 8073 4930)

A. Call To Order

B. Roll Call

C. Agenda Review

Agenda Review provides advance notice to members of the public and City staff of any modifications to the agenda order and any requests from City Councilmembers under City Councilmember reports.

D. Closed Session

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

- D1. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding labor negotiations with unrepresented management; City Attorney and; City Manager

Attendees: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, City Attorney Nira F. Doherty, Legal Counsel Charles Sakai, Interim Human Resources Manager Kristen Strubbe

- D2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code § 54956.9)

Michael Zeleny v. Rob Bonta, et al (Case No. 17-cv-07357-RS)

Claimant: Michael Zeleny

Agency Claimed Against: City of Menlo Park

- D3. Closed session conference pursuant to Government Code §54957(b)(1) regarding public employee performance evaluation of the City Attorney

E. Adjournment

Regular Session ([Zoom.us/join](https://zoom.us/join) – ID# 998 8073 4930)

F. Call To Order

G. Roll Call

H. Report from Closed Session

I. Presentations and Proclamations

- I1. Proclamation: Recognizing Hispanic Heritage Month ([Attachment](#))

- I2. Proclamation: Domestic Violence Awareness Month ([Attachment](#))

[Web form public comment on item I2.](#)

- I3. Presentation: Update on the Menlo Park Community Campus Project ([Presentation](#))

J. Study Session

- J1. Provide direction on purchasing options for renewable microgrid, electric vehicle charging, and solar thermal pool heating for the Menlo Park Community Campus project ([Staff Report #21-203-CC](#)) ([Presentation](#))

[Web form public comment on item J1.](#)

K. 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.

[Web form public comment on item K.](#)

L. Consent Calendar

- L1. Accept the City Council meeting minutes for September 8, 14, and 20, 2021 ([Attachment](#))
- L2. Authorize the Mayor to sign the City’s response to the San Mateo County’s Civil grand jury report: “Building Greater Trust Between the Community & Law Enforcement via the Racial and Identity Profiling Act” ([Staff Report #21-191-CC](#))
- L3. Adopt Resolution No. 6672 supporting the City’s shuttle program for application for the sustainable transportation planning grant fiscal year 2022-23 ([Staff Report #21-189-CC](#))
- L4. Award a construction contract to Casey Construction, Inc. for the 2021 water main replacement project for Haven Avenue ([Staff Report #21-190-CC](#))
- L5. Waive the second reading and adopt Ordinance No. 1078 repealing and replacing Menlo Park Municipal Code Section 16.86.025 ([Staff Report #21-192-CC](#))
- L6. Adopt Resolution No. 6673 authorizing the city manager to accept a grant for fiscal years 2021-2023 of up to \$350,000 from County of San Mateo to implement the Big Lift at the Belle Haven Child Development Center and to execute a contract to enhance services to complete the scope of work ([Staff Report #21-193-CC](#))
- L7. Adopt Resolution No. 6675 authorizing the city manager to enter into a memorandum of understanding with the South Bayside Waste Management Authority to implement Senate Bill 1383 Short-Lived Climate Pollutants regulations ([Staff Report #21-200-CC](#))
- L8. Adopt Resolution No. 6676 to authorize the city manager to enter in a memorandum of understanding with the County of San Mateo for the establishment of an Edible Food Recovery

Program ([Staff Report #21-201-CC](#))

- L9. Receive and file the annual inflation protection adjustment of \$0.50 per hour for an approved local minimum wage effective January 1, 2022 of \$15.75 per hour ([Staff Report #21-199-CC](#))
- L10. Receive and file climate action plan progress report, reporting methodology and goal clarity going forward, and Environmental Quality Commission recommendations ([Staff Report #21-198-CC](#)) ([Presentation](#))

[Web form public comment on item L10.](#)

Recess

M. Regular Business

- M1. Adopt Resolution No. 6671 to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public ([Staff Report #21-194-CC](#))
- M2. Request for a subdivision ordinance variance to reduce the front setback requirement for a single-family residential property at 491 Middle Court ([Staff Report #21-202-CC](#)) ([Presentation](#))
- M3. Adopt the Transportation Management Association feasibility study final report ([Staff Report #21-184-CC](#)) ([Presentation](#)) – **continued from September 21, 2021**
- M4. Approve an update to the Complete Streets Commission 2021-22 work plan and adopt Resolution No. 6674 to support Seamless Transit Principles ([Staff Report #21-196-CC](#)) ([Presentation](#))

N. City Council Initiated Items

- N1. Engage an outside consultant to conduct an Independent 360 degree evaluation of the city attorney and an independent analysis of legal billings for the current and past three fiscal years ([Staff Report #21-197-CC](#))

O. Informational Items

- O1. City Council agenda topics: October – November 2021 ([Staff Report #21-195-CC](#))

P. City Manager's Report

Q. City Councilmember Reports

R. 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 by request by emailing the city clerk at jaherren@menlopark.org. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 10/7/2021)

Proclaiming October 2021 as Hispanic Heritage Month

WHEREAS, Latino Californians are a diverse group of 15.6 million people with roots stretching throughout North, Central and South America, and many trace their heritage to the original Indigenous communities of Latin America and Africa, and

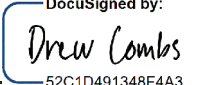
WHEREAS, Latino heritage is rooted in California’s identity with almost four in ten Californians identifying as Latino and where the majority of Latino immigrants are from Mexico, El Salvador and Guatemala. Throughout the entire year, but especially during Hispanic Heritage Month, we honor and celebrate the state’s Latino community, and

WHEREAS, throughout California history, our Latino communities have fought inequalities and injustices, shaping the state’s social, political and economic landscapes, and that legacy continues today. We recognize and are grateful to the Latino Californians who help keep our neighborhoods, communities vibrant and prosperous. They are teachers and business owners, scientists and soldiers, farmworkers and first responders, artists and activists, colleagues and friends, and

WHEREAS, their extraordinary contributions to the fight against the COVID-19 pandemic show that they have met the moment with an indomitable spirit and unwavering resilience. We also recognize that this once-in-a-lifetime pandemic has brought incalculable loss and despair to their communities. Coupled with generational health disparities, Latino Californians have faced devastating and disproportionate challenges. This Hispanic Heritage Month, we acknowledge these disparities and continue to pursue a more equal and just society that will ensure we all recover equitably from the COVID-19 pandemic, and

WHEREAS, diversity is California’s strength and Latino communities contribute to this strength every day. This month, we honor the heritage of all Latinos in the state and celebrate the Independence Days of our neighbors Mexico, El Salvador, Guatemala, Costa Rica, Honduras, Chile, Nicaragua and Belize We urge all Californians to join us during Hispanic Heritage Month in honoring these remarkable communities and their essential contributions to our state.

NOW THEREFORE, BE IT RESOLVED that I, Drew Combs, Mayor of the City of Menlo Park, on behalf of the City Council and the City, do hereby proclaim October 2021, as “Hispanic Heritage Month.”

DocuSigned by:

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Drew Combs, Mayor
October 12, 2021

Proclaiming October 2021 as National Domestic Violence Awareness Month

WHEREAS, October is annually recognized as National Domestic Violence Awareness Month, and although progress has been made toward preventing and ending domestic violence and providing support to survivors and their families, important work remains to be done;

WHEREAS, domestic violence programs in California provide essential, lifesaving services for survivors, their children, and communities;

WHEREAS, there is a need to provide education, awareness and understanding of domestic violence and its causes, as well as the individualized needs of domestic violence survivors;

WHEREAS, approximately 40% of California women experience physical intimate partner violence in their lifetimes, and women 18-24 years of age are significantly more likely to be survivors of physical intimate partner violence than women in other age groups;

WHEREAS, domestic violence affects people of all genders, sexual orientations, ages, racial, ethnic, cultural, social, religious, and economic groups in the United States and here in California;

WHEREAS, the marginalization of certain groups in society, including undocumented individuals, 54% of transgender and gender-nonconforming individuals who have experienced domestic violence in their lifetime, and people living with disabilities who have a 40% greater risk of intimate partner violence than those without;

WHEREAS, approximately 4 out of every 10 non-Hispanic Black women, 4 out of every 10 American Indian or Alaska Native women, and 1 in 2 multiracial non-Hispanic women have been the victim of rape, physical violence, and/or stalking by an intimate partner in their lifetime. These rates are 30%-50% higher than those experienced by Hispanic, White non-Hispanic women and Asian or Pacific non-Hispanic women;

WHEREAS, domestic violence is the third leading cause of homelessness among families in the United States, having a significant economic impact on women at an estimated 8 million days of paid work lost in the United States each year as the result of intimate partner violence;

WHEREAS, children exposed to domestic violence can experience long-term consequences including difficulty at school, substance abuse, behavioral problems in adolescence, and serious adult health problems;

WHEREAS, all survivors deserve access to culturally responsive programs and services to increase their safety and self-sufficiency, and all communities deserve access to culturally responsive prevention programs and initiatives to improve overall community health and safety by challenging the societal norms that perpetuate violence;

WHEREAS, Menlo Park recognizes the vital role that all Californians can play in preventing and one day ending domestic violence; and

NOW THEREFORE, BE IT RESOLVED that I, Drew Combs, Mayor of the City of Menlo Park, on behalf of the City Council and the City, do hereby proclaim October 2021, as "National Domestic Violence Awareness Month."

DocuSigned by:
Drew Combs
52C1D491348F4A3...
Drew Combs, Mayor
October 12, 2021

Agenda item 12
Shabana Ansari, resident

Good Evening Honorable Mayor, council members and the members of the public:

My name is Shabana Ansari, I am a resident of Menlo Park. Today, I stand here as an advocate for victims and survivors of domestic violence to commemorate Domestic Violence Awareness month and thank you for adopting the proclamation to commemorate October as domestic violence awareness month.

I represent Maitri, an organization devoted to serving victims and survivors of domestic violence and want to take few moments to talk about an epidemic that is pervasive in our homes, cities, state, country and all over the world. Domestic Violence is an ill that exists in all communities irrespective of culture, religion, sexual orientation, financial status and immigration realities.

We have been living through 2020 in a pandemic, raging fire and climate change induced extreme weather in California. Whereas these extraneous circumstances have turned many lives upside down, we remember the most vulnerable –victims and survivors of domestic violence. Increased requests for intervention and legal remedies over the past few months have shed light on the ongoing need for resources. Last year in a single day 76, 586 individuals reached out to seek help with domestic violence related help and in California the number is as high as 6000 people a day. There has never been a more poignant time for prevention focused activities. State based responses, community based organizations and members of the community in general- we all have our parts to play.

The need for comprehensive plan to address domestic violence in our communities is urgent and we thank the City of Menlo Park for providing much needed assistance in many areas as well as request to stepping up the effort.

I request the City Council to consider the following:


1. Enact and Support policies that address inter sectional approach to addressing domestic violence; homelessness, pay equity, poverty reduction to name a few;
 2. Support funding for Domestic violence service providers at the Federal, State, County and city levels.
 3. Rethink Law Enforcement responses to crisis situations with special focus on stopping brutality against people of color
 4. Evaluate and improve Language Access at city facilities
 5. Offer training on Cultural responsiveness to various local government employees and agencies
Involve non- governmental organizations as thought partners while planning city activities
 7. Uplift the voices of the minority groups whenever possible as they lack representation in committees and other policy making spaces.
- To the community members: I urge you to recognize domestic violence as a pressing issue, exemplify healthy relationship for the children at home, elect leaders and policies that contribute towards building a just and equitable future for all of us.

I thank you for your time.



MENLO PARK COMMUNITY CAMPUS PROJECT UPDATE

Rondell Howard, Acting Recreation Supervisor





Onetta Harris
Community Center





1112



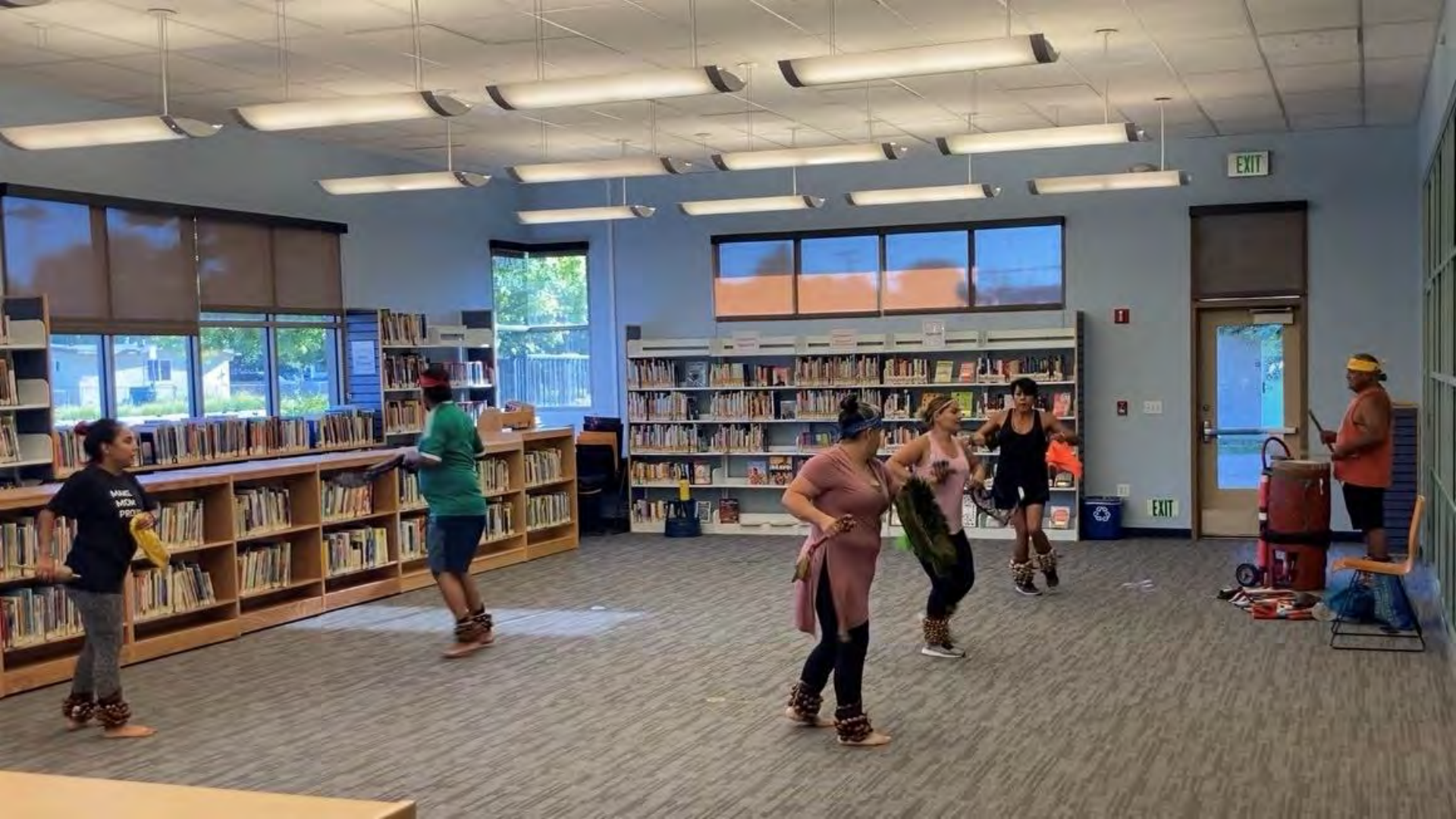




BTI

1-822-220-2800 tank rental
WWW.BTIEURMENTAL.COM







PROJECT WEBSITE

- menlopark.org/communitycampus

SAVE THE DATE - GROUNDBREAKING

- Saturday, November 6, 2021



THANK YOU



STAFF REPORT

City Council
Meeting Date: 10/12/2021
Staff Report Number: 21-203-CC

Study Session: Provide direction on purchasing options for renewable microgrid, electric vehicle charging, and solar thermal pool heating for the Menlo Park Community Campus project

Recommendation

Provide direction on purchasing options for renewable microgrid, electric vehicle (EV) charging, and solar thermal pool heating for the Menlo Park Community Campus (MPCC) project to support staff in preparing and negotiating a contract with a preferred vendor for award consideration in November.

Policy Issues

Building a new community center in the Belle Haven neighborhood is one of the City's top priorities. In addition, goal No. 5 of the 2030 climate action plan includes eliminating fossil fuels from city operations, and goal No. 3 includes increasing equitable access to EV charging particularly for multifamily/apartment complexes. The project also supports community resiliency by being able to "island" itself off the electrical grid and produce on-site power during an outage. Timely direction is needed on how to finance these sustainable aspects of the project to maintain the project schedule.

Background

In January 2021, the City Council approved a number of sustainable project enhancements as part of Facebook's generous offer to build a new community center in the Belle Haven neighborhood that is known as the MPCC project. The city agreed to fund the additional sustainable project enhancements and dedicate staff resources to implement the project enhancements with Facebook.

This included incorporating a renewable microgrid (microgrid) that would generate clean on-site solar electricity for the facility during the day and store extra solar energy in a battery for evening/nighttime energy needs. A key objective of the microgrid is to increase resilience and provide the ability to operate the facility as an emergency community center during short power outages without installing diesel generators. However, a mobile backup diesel generator could be used if necessary during an emergency.

Based on the current design, the microgrid will have the added benefits of avoided greenhouse gas (GHG) emissions as well as energy cost savings over the lifetime of the project. The project enhancements also included installing 27 EV charging spaces in a neighborhood where less than 3 percent of multifamily properties have access to charging at or near their home. An additional feature for consideration is inclusion of solar thermal pool heating to reduce electric loads and reliance on the power grid as well as other benefits described in the analysis below.

In February, Optony Inc. was selected to manage the procurement process to find qualified microgrid vendors. Optony also previously supported the city in a collaborative group solar purchase through the

Alameda County regional renewable energy project from 2012 to 2016. It resulted in installing solar on four city facilities using a 20-year power purchase agreement (PPA.)

MPCC clean energy procurement progress to date

Since early 2021 a procurement effort has been underway. The process also found an opportunity to streamline procurement for a set of energy measures as part of the microgrid, which includes EV charging spaces and solar thermal pool heating as part of a single bid package (Attachment A.) In April, the Optyony team worked with staff, Facebook, and the MPCC electrical engineering team to issue a request for proposal (RFP), hold a pre-bid webinar, and respond to bidder questions. In May, the city received four qualified bids and held interviews with prospective vendors. Bids were scored by a selection committee including representatives from the city, Facebook, and the MPCC electrical design team. In July, shortlisted bidders were requested to provide best and final pricing. A preferred vendor has now been selected after reviewing best and final cost, scoring across bidder qualifications, implementation plan, and factors of the technical microgrid system.

City Council direction request

Staff and the Optyony team are currently continuing discussions with the preferred vendor to finalize the scope and details of construction, operations and maintenance, and a pathway to financing. Staff is seeking direction from City Council on three items relating to the MPCC clean energy procurement:

1. Whether to directly purchase the renewable microgrid or pursue third party financing (a power purchase agreement-PPA)
2. Whether to include a photovoltaic thermal system to heat the pool at MPCC, and if so, determine whether to directly purchase or incorporate into the microgrid PPA
3. Whether to purchase EV charging stations directly or add onto the microgrid PPA

The direction received will support staff in preparing a final contract for the City Council to consider awarding in November. When the project was originally scoped in 2020, it was anticipated that a PPA would be used to finance the project. However, the RFP process did request quotes for a direct purchase as well, and may have benefits that the City Council would like to consider instead of a PPA. The direct purchase option provides the least risk, avoids potential impacts to the project timeline, and has shorter payback periods resulting in greater savings. It would require an initial investment between \$4.7 million and \$5.2 million to directly buy all elements of the clean energy package. However, there are options to direct purchase some elements while using a PPA for other elements of this package.

Analysis

The costs provided in this analysis have not been finalized, and there are design elements currently being resolved that may affect final pricing. The City Council could also seek direct purchase for some elements of this clean energy package, and a PPA for other elements. For example, the City Council could provide direction to use a PPA for the microgrid (solar plus battery) and directly purchase the solar thermal pool heating and EV charging. Regardless of direct purchase or PPA, contracting will include an operation and maintenance service plan throughout the useful life of all elements the energy package. The operation and maintenance service plan will ensure the performance of the systems for at least 20 years, with options to extend to the full duration of 25 to 30 years.

If the City Council seeks a direct purchase, the general fund would be the likely source for funding. However, staff will evaluate other funds or lower interest financing options that could be considered.

Renewable microgrid (solar plus battery storage) procurement options

The City Council is asked to decide between two options which are available for this procurement: direct purchase or long-term financing through a PPA.

The Solar Energy Industries Association defines a PPA as a financial agreement where a developer arranges for the design, permitting, financing and installation of a solar/renewable energy system on a customer's property at little to no cost. The developer sells the power generated to the host customer at a fixed rate that is typically lower than the local utility's retail rate. This lower electricity price serves to offset the customer's purchase of electricity from the grid while the developer receives the income from the electricity sales as well as any tax credits and other incentives generated from the system. PPAs typically range from 10 to 25 years and the developer remains responsible for the operation and maintenance of the system for the duration of the agreement. There are also options to buy the system at certain points over the PPA term (typically at 7, 10 and 15 years.) At the end of the PPA contract term, a customer may be able to extend the PPA, have the developer remove the system or choose to buy the renewable energy system from the developer at market value.

When the City Council added this element to the MPCC project, it was originally envisioned that a PPA would be used to reduce upfront costs. However, a direct purchase would be the most cost effective and the lowest risk path to procurement, and would require an upfront cost anticipated to be up to \$3.5 million for the solar plus battery system on its own.

The risks associated with a PPA involve financing that is highly dependent on the federal investment tax credit and the PPA owner may change during the life of the microgrid as these tax credits are depleted. A direct purchase of the system could also reduce budget risks regarding construction delay. The federal solar tax credit has specific rules around timing of construction and requires separate metering to prevent the use of solar energy to heat swimming pools. A PPA also requires additional staff and city attorney resources to review and negotiate contract terms for a PPA.

The planned microgrid solar panels located on the roof of the building and on solar carports in the main parking lot and the Kelly Park parking lot (Attachment B), will have a performance warranty for 25 years and can have a useful life span of up to 30 years. Optony has analyzed the estimated simple payback period of the microgrid in a direct purchase scenario at 15 years, at which time the City will have recovered the initial investment of \$3.5 million.

The microgrid is then estimated to produce an added \$6.28 million in net energy savings recouped by the city under a direct purchase scenario between the 15th year of operation up until the 30-year maximum lifetime of the system. This savings is in addition to recovering the initial investment \$3.5 million. The simple payback period is likely 20 years or more for a PPA. The total maximum lifetime net energy savings realized by the city under a PPA scenario are estimated at \$1.68 (25 years) to \$4.17 million (30 years.)

Photovoltaic thermal system to heat the pool at MPCC

City Council is also asked to provide guidance regarding the option for a solar thermal energy system for pool heating as part of the microgrid.

The swimming pools will be heated electrically because the designs for the MPCC do not allow for natural gas service. The pool heating electrical load will be a large portion of the total energy load at the new facility. The energy needed for pool heating only is estimated to range from roughly 30-60 percent of the total campus facility electrical load (not including EV charging load.)

To address this large energy need, the microgrid procurement asked bidders to provide pricing for a solar-thermal pool heating system that would circulate pool water under the microgrid solar panels to draw excess heat from the panels in order to reduce the heat pump electrical load/costs. The preferred vendor has provided an option to integrate solar pool heating into the microgrid system design. The system would increase energy self-sufficiency by reducing electrical purchases from the grid as well as protecting against grid price fluctuations. In addition, using solar thermal has the added benefit of reducing fan noise from heat pumps.

The thermal system comes with an additional cost anticipated to be up to \$1.1 million for direct purchase, or a proportional increase to the monthly payments if financed with the PPA.

Incorporating the solar thermal with the microgrid project would slightly increase the payback period to 17 years (instead of 15) under the direct purchase option, slightly reducing the near-term savings. However, over 30 years, it would increase the total estimated lifetime net energy savings of the microgrid to \$6.51 million (compared to \$6.28 million savings for microgrid only), and increases slightly under a PPA scenario to \$4.18 million (compared to \$4.17 million savings for microgrid only.)

EV charging stations at MPCC

The funding question regarding direct purchase or PPA financing is also relevant for EV charging. The MPCC development plans include 27 new EV charging spaces, including three fast charging spaces and four spaces that will be able to operate in the event of a power outage.

At this point it appears that purchasing the stations outright and using the discounted pricing available from Peninsula Clean Energy (PCE) would be the more favorable and cost effective path compared to taking financing from the preferred microgrid vendor.

In order to purchase these EV charging stations outright, it is estimated that the City would need to provide \$290,000 (installation and equipment.) The cost to the City would be further reduced later on by roughly \$110,000 in expected rebates from PCE. Thus, the total cost after rebates would be \$180,000.

If directly purchasing from the preferred vendor, the EV charging stations is anticipated to cost up to \$500,000 (installation and equipment.) At this time, using the PPA to finance the EV charging stations does not appear to be cost effective.

Impact on City Resources

The most significant impact on City resources is the staff time required to finance the project. A direct purchase requires a City Council budget amendment at a future date. A PPA requires extensive staff work in several departments including the city manager's office, city attorney's office, administrative services and public works. The direct buy option allows staff to focus on other City Council priorities.

A direct purchase is anticipated to require an upfront capital investment of up to \$3.5 million for the solar/battery microgrid, up to \$1.1 million for the solar thermal pool enhancements, and \$290,000 (\$180,000 after PCE rebates) for EV charging. Total direct purchase of all elements of the clean energy procurement is anticipated to be between \$4.7 and \$5.2 million. The City maintains sufficient unassigned fund balance, \$6.5 million, in the General Fund to support the direct purchase option. Alternatively, City Council may fund the direct purchase using \$23 million in general fund committed reserve accounts for emergency contingency or economic stabilization.

Environmental Review

On January 12, the City Council found demolition and building of the MPCC project categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 Replacement of Existing Facilities.

Public Notice

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

Attachments

- A. RFP documents
- B. Solar carport locations

Report prepared by:

Rebecca Lucky, Sustainability Manager
Byron Parker, Optony Inc.

Reviewed by:

Nick Pegueros, Assistant City Manager
Justin Murphy, Deputy City Manager



Request for Proposals
(RFP)

Professional Consulting Services for:

Solar PV Microgrid and Electric Vehicle
Charger Design, Installation and Operation at
Menlo Park Community Campus

Proposals Due:

May 18, 2021 at 5:00 p.m.

Attn:
Department of Public Works
701 Laurel St.
Menlo Park, CA 94025

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I. Glossary of Terms & Abbreviations

- **AC:** Alternating Current
- **BESS:** Battery Energy Storage System
- **BMS:** Building Management System
- **DC:** Direct Current
- **DER:** Distributed Energy Resource
- **EV:** Electric Vehicle
- **GHG:** Greenhouse Gas
- **Hart Howerton:** Hart Howerton is the organization designing and coordinating the construction of the new Menlo Park Community Campus.
- **LCFS:** Low Carbon Fuel Standard is designed and implemented by the California Air Resources Boards to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and therefore, reduce GHG emissions and decrease petroleum dependence in the transportation sector.
- **LEED:** Leadership in Energy and Environmental Design
- **LT Mode:** Long Term Red Cross emergency shelter operation and associated microgrid operational mode.
- **MEMS:** Microgrid Energy Management Systems
- **MPCC:** Menlo Park Community Campus
- **PAE:** PAE is the Mechanical, Electrical and Plumbing consultant supporting development of Hart Howerton designs.
- **PCE:** Peninsula Clean Energy is the Community Choice Energy (CCE) energy generation provider for the City of Menlo Park.
- **PG&E:** Pacific Gas and Electric is the incumbent distribution system owner presiding over City of Menlo Park.
- **Planet Bids:** Online platform used by the City of Menlo Park as a procurement agent to manage the process of issuing, monitoring, conducting evaluations, and awarding formal and informal bids.
- **PPA:** Power Purchase Agreement
- **Proposer:** All organizational members of the responding team that will, through combined efforts and abilities, perform all aspects of site development.
- **PV:** Photovoltaic
- **ST Mode:** Short Term Red Cross emergency shelter operation and associated microgrid operational mode.

II. Introduction & Overview

Statement of Purpose. The primary purpose of this Request for Proposals (RFP) is to identify qualified providers/developers of solar installations, battery energy storage systems (BESS), microgrid energy management systems (MEMS) and electric vehicle (EV) charging stations to support the City of Menlo Park (City) in developing a resilient and cost-effective renewable energy project and islandable MEMS at the Menlo Park Community Campus.

The City seeks proposals from qualified Proposers for the design, procurement of materials, permitting, installation, interconnection, and all associated documentation, financing, maintenance, and warranties of Solar PV, BESS, MEMS, and EV Charging Stations (collectively referred to as “Systems”) to be located at the Community Campus. It is anticipated that the Systems within the scope of this project may be purchased outright by the City or may be financed, owned, and operated by the Proposer under a Power Purchase Agreement (PPA). To provide best value for the City, various financing options are sought in the proposals so that the City can select from appropriate choices including, but not limited to, direct purchase, PPA, and other cost-effective options recommended by the Proposer.

The project is intended to support **six primary goals**:

1. Ensure the availability of resilient power and support Red Cross operations for selected areas on the first floor the Menlo Park Community Campus
2. Provide solar generation sufficient to achieve net-zero energy consumption at the site and reach LEED platinum certification
3. Reduce the City’s lifetime levelized costs of energy (LCOE) related to the Community Campus
4. Reduce the City’s environmental impacts, including greenhouse gas emissions
5. Provide EV charging capabilities for 27 electric vehicles at the Community Campus parking lot (12 dual-port, Level 2 chargers, 3 DC fast chargers)
6. Increase local Menlo Park community experience and knowledge of DERs, microgrids and advanced energy solutions

To achieve these goals, proposers are expected to complete **six primary objectives**:

1. Install Solar Photovoltaic (PV) Systems
2. Install Battery Energy Storage System (BESS)
3. Install & integrate microgrid controls, DER controls, load controls, monitoring and interfaces
4. Install Electric Vehicle Chargers
5. Complete utility interconnection and permitting
6. Install a visual display system that projects real-time microgrid operations

Submission of a Proposal signifies the Proposer’s careful examination of Proposal Documents and complete understanding of the nature, extent and location of Work to be performed.

Background Information. The proposed new Menlo Park Community Campus (MPCC), funded by Facebook Inc., is located at 100 Terminal Ave, Menlo Park, CA 94025, adjacent to Kelly Park and is currently in the final stages of the design development phase. The facility is being designed to function as a Red Cross emergency shelter with associated connection points for temporary portable diesel emergency generators and solar powered microgrid to back up shelter loads, in the event of a power outage. The building is being designed to meet LEED v4 Platinum certification and will also be designed with “all-electric” HVAC and plumbing systems. Additional information and specification sheets for the building and generator can be found in Attachment A and Attachment B. MPCC will be served by Peninsula Clean Energy (PCE).

Desired Technology Configurations. The City is interested in receiving system designs and pricing proposals for a complete microgrid integrating new PV, battery energy storage and temporary portable diesel generators. This system must be capable of providing electric bill savings and back-up power pursuant to the City’s resilience goals defined below.

Proposers should use the PV and battery storage system sizes identified below and the project energy data provided in Attachment A, to guide their proposed system designs.

Solar PV (kW-DC)	Battery Storage (kW/kWh)	Electric Vehicle Charging Station
<ul style="list-style-type: none"> ● Building Roof Arrays: Estimated at 160 kW ● Parking Carport Arrays: Estimated at 215 kW ● Kelly Park Parking Carport Arrays: Estimated at 240 kW 	250kW/1,600 kWh	<ul style="list-style-type: none"> ● (12) Level 2, Dual-Port EV Charging Stations ● (3) Level 3 DC Fast EV Charging Stations

The project falls within the boundaries of Pacific Gas and Electric Company’s (PG&E) service area. The electrical service requested from PG&E will be rated at 480/277V, 3-phase, 4-wire.

The PV systems will be connected on the load side of the main service switchboard via AC combiner panelboards and a single dedicated low voltage power circuit breaker for interconnection at the main switchboard. The BESS will be connected on the load side of the main service switchboard via a single dedicated low voltage power circuit breaker for interconnection at the main switchboard.

For both PV and battery system sizing, system capacities in the RFP are intended as general guidance, not as requirements. *Proposers should propose system sizes that fit within the physical spaces identified in Attachment A, Exhibits A.1 and A.2, and which align with the City’s LEED Certification, resilience and economic goals.*

The selected vendor will assist the City to determine the optimal metering configuration for the EV charging stations. The single line diagram shown in Attachment A, Exhibit A.7, reflects a configuration with EV load metered under the building main switch board with seven (7) 5-inch conduits from the transformer serving a 2400A Main Switchboard (MSB). However, an alternative electrical design would use five (5) 5-inch conduits from the transformer serving a 1600A Main Switchboard (MSB), and two (2) 5-inch conduits from the transformer serving an 800A separate, dedicated electric vehicle charger panel located in the main parking lot.

Electric Vehicle Charging Stations. The City is seeking the installation of 15 total EV charging stations:

- Two (2) Level 2, dual-port electric vehicle charging stations (i.e. 4 ports) with dedicated circuits for each port enabled to operate during the LT microgrid mode
- Ten (10) Level 2 dual-port electric vehicle charging stations (i.e. 20 ports) with dedicated circuits for each port NOT enabled to operate during any microgrid mode
- And three (3) Level 3 DC Fast, single port stations NOT enabled to operate during any microgrid mode

The basis of design for Level 2 charger is the Chargepoint CT4000 series or equivalent, where each port receives its own circuit for full charging capability. The basis of design for Level 3 charger is the Chargepoint Express 250 Series or equivalent. All stations will be available for public use by staff and visitors.

EV Chargers to be Served by the Microgrid: As indicated above, two (2) of the Level 2, dual-port stations will be served from a circuit breaker within the microgrid switchboard section of the 1600A main service to allow for resilience of EV charging operations during the microgrid LT mode. Proposers should confirm that their microgrid configuration when operating in LT mode will have sufficient capacity to serve electric vehicle charging at these two Level 2 stations (4 ports) without compromising building resilience or off-grid ride-through. Proposers are expected to describe their plan for microgrid operation and managed EV charging during both outage scenarios and normal operations (i.e. define if or when EV charger power level would be throttled, or cut off during normal and microgrid operation).

The remaining ten (10) electric vehicle charging stations, NOT enabled to operate during any microgrid mode, are planned to be served by PG&E's BEV rate on a separate 800A electrical service branching from a PG&E transformer (assume 480/277V feed). Solar PV is not expected to be sized for the additional consumption from these chargers.

However, if Proposers determine that an alternate metering configuration minimizes operational costs (i.e. total charging impacts to utility billing) and meets other City goals such as emissions reductions, they are encouraged to submit proof of such savings. Some examples of alternate configurations may include:

- Remaining 10 chargers are served under the same circuit of the main building service switchboard. Solar PV is sized to accommodate additional electricity consumption from charging. Interconnection is through NEM.
- Remaining 10 chargers are separately metered [on a BEV rate]. Solar is sized for consumption on both meters. Interconnection is through NEMA.

Proposers are required to complete modeling with the example EV load profiles provided in Exhibit A.5 to make a projection of utility billing costs and any proposal for a metering configuration

which minimizes these costs. ****Please note that these profiles were estimated from other charger data in Menlo Park or surrounding communities and should not be assumed to precisely represent future charger electricity consumption at the Menlo Park Community Campus**** The City and its affiliates make no guarantees of the accuracy of the example load profiles.

Proposers shall also comment on the assumed EV load profiles related to whether they believe the utilization realistically reflects the future load created by this EV charger deployment. Proposers should comment on whether they believe the energy profile to be higher or lower than the example profile.

Microgrid Performance Criteria & Resilience Goals. There will be two microgrid operation modes: Short Term mode (referred to as ST in this RFP), and Long Term mode (referred to as LT in this RFP). The Battery Energy Storage System (BESS) and PV systems only will support the Short Term (ST) Red Cross Emergency Shelter loads (provided as assumed in Attachment A, Exhibit A.3). During LT mode, the electrical system will include temporary generator docking stations so that the microgrid can connect up to (2) 200 kW portable standby generators that may be operated in parallel with each other and the PV+BESS system. The diesel generation capacity will support Long Term (LT) Red Cross Emergency Shelter loads (provided as assumed in Attachment A, Exhibit A.3). The final proposed microgrid design must accommodate the areas and equipment that will be served separately under both ST and LT microgrid operation modes as further defined below as well as in Attachment A, Exhibit A.3.

ST Mode

Spaces/Equipment:

- 1st floor lighting, receptacles and HVAC
- Commercial kitchen refrigeration equipment
- 1st floor domestic hot water heating for bathrooms
- Exclusions:
 - Commercial kitchen exhaust (hoods) and makeup air
 - Commercial kitchen cooking appliances
 - 1st floor locker room hot water for showers
 - 2nd floor lighting, receptacles and HVAC

Functional Requirements:

- This function will enable initial mobilization and deployment of the Red Cross shelter at the Menlo Park Community Campus following a natural disaster or Public Safety Power Shutoff (PSPS) event.
- ST mode will be supported exclusively by stored BESS energy and PV energy harvested during daylight hours.
- Short Term duration is expected to be 24 hours or less. This is the lead time to secure portable diesel generation at the site and coordinate Red Cross space setup.
- Service functions will be communications, shelter, sanitation with minimal food storage and preparation (refrigeration, food reheating).

Operational Requirements:

- The microgrid will automatically detect loss of Utility power and without the presence of connected temporary generators will move into the ST Mode of operation which will provide power to the ST Mode spaces and equipment.

- ST Mode will utilize PV and BESS power to provide power to the ST spaces and equipment for as long as possible or until the portable generators are connected. **BESS sizing will ensure power continuity for 24 hours following a grid outage.** Note that ST Mode duration could be longer than 24 hours depending on PV insolation (sunlight).
- Microgrid will automatically exit ST mode when Utility power is restored at the facility.

LT Mode

Spaces/Equipment:

- All ST Mode spaces/equipment
- Commercial kitchen exhaust (hoods) and makeup air
- Commercial kitchen cooking appliances
- 1st floor locker room hot water for showers
- (2) level 2 electric vehicle (EV) charging stations
- Exclusions:
 - 2nd floor lighting, receptacles and HVAC

Functional Requirements

- This function will enable indefinite operation of the Red Cross shelter at the Menlo Park Community Campus (assuming diesel fuel is available). Resiliency operation will continue until Utility power is restored or until diesel refueling is interrupted.
- Service functions will include all short term shelter in place functions with the addition of hot showers, food preparation and dining amenities.

Operation Requirements

- The microgrid will manually transition to LT Mode following interconnection of portable generators via camlock docking stations and will continue to dynamically manage on-site energy production resources and loads to enable ongoing operation of Red Cross Emergency Shelter ST and LT areas in islanded mode.
- An operator will need to manually start LT Mode from the microgrid user interface following a safety check of all generator power and controls wiring. A user manual will be produced by the microgrid design-build contractor to facilitate this sequence of operations.
- LT Mode of operation will provide power to the LT Mode spaces and equipment. LT Mode operation will be a minimum of 72 hours but will continue indefinitely as long as refueling of gensets occurs.
- Microgrid will automatically exit LT mode when Utility power is restored at the facility.

Normal Operation Cost Savings Requirements

- During normal, grid-connected operation, the microgrid control system will manage local storage of PV energy production via the BESS for demand charge reduction, peak shifting, load shifting, etc. to optimize PG&E electricity service costs. BESS capacity for electricity rate optimization will be limited to a fixed percentage of BESS energy to ensure adequate battery charge is retained for unplanned 24-hour building resiliency operation as described above.

Additional Microgrid Energy Management System Functions

The microgrid control systems should be designed and integrated to perform these additional energy management system functions:

- Optimize PV self-consumption as required by California Self Generation Incentive Program (SGIP)
- Communicate load shedding scene commands to the facility building management system (BMS)
- Software should be updatable so that any changes in tariff rates/rules, the center's backup power needs or future grid services can be incorporated without the need for major changes to the system.
- Support emerging communications standards to enable interactive participation in Utility demand response and ancillary services programs.

It is important to note that the microgrid system and associated components will be required to operate as an Emergency Power (NEC 700), Legally Required Standby (NEC 701) or Optional Standby (NEC 702) system.

Proposers should refer to Attachment B for more information about required MEMS performance criteria.

Solar PV+Thermal (Bid Alternate). Because the Community Campus will have no natural gas service, proposers are encouraged to respond with microgrid designs that use waste heat from the PV panels to provide thermal energy to the MPPC swimming pools. The goals for the solar thermal system are to minimize lifetime utility cost and to minimize lifetime GHG emissions (e.g. emissions associated with heat pump refrigerants, emissions relating to real time electricity purchases, etc.) Given that the MPCC is prioritizing the available rooftop space for photovoltaic panels to provide electrical energy to the microgrid, proposers are asked to propose a solar thermal design which will also collect solar thermal energy from these rooftop PV panels to heat the MPCC pool (e.g. a hybrid solar electric and solar thermal solution).

Pool drawings and dimensions are included in Attachment A, Exhibit A.8. The base design plan set includes a pool mechanical room (pump station) with proposed heat pumps. Proposers should identify and clearly explain how their proposed solar thermal energy system will function in combination with electrically driven heat pumps, and describe how heat will be provided from the solar collectors in order to reduce the cost of development and/or operation of the heat pumps.

Proposers should assume that any proposed solar-thermal energy system will be capable of providing year round pool heating in combination with a set of electric heat pumps. It is assumed that financing structures and requirements of the Investment Tax Credit relating to the microgrid will result in a separate and dedicated pool heating utility meter. Therefore, the electrical loads for the pool will be served under a *separate utility-metered electrical service* which does not connect to the facility microgrid and the main building meter. Proposers are asked to confirm their rationale for metering and serving the pool and microgrid electrical needs as it relates to any financing plan.

Using the pool heating requirements provided in Attachment A Exhibit A.11, proposers should complete energy modeling and cost/benefit analysis to forecast a net annual benefit of collecting waste heat from the PV panels to provide solar pool heating. Please explain how energy requirements are affected for heat pumps and any other associated systems which must be powered (either increased or decreased). Specify pumping requirements and ensure compatibility with pool equipment and confirm if a control system is required, to stop/start pumping. Also confirm if a chemical treatment system is required, e.g. glycol and if so, clarify scope and

requirements for this system. ****Please note that final pool design has not been completed and drawings and heating requirements are subject to change****

Proposers should provide a list of past projects completed and identify if the proposed thermal energy system has been rated by the Solar Rating and Certification Corporation or any other independent product testing accreditation laboratory. Accredited products should identify test standards that apply to their certification. Provide warranty information for the thermal system components and any performance guarantee, as well as approximate total hours of field operation for these systems, number of systems deployed and a schedule of anticipated maintenance and major service or component replacement.

Two 2-inch insulated pipes will be provided one return and one supply line between PV thermal array and mechanical room. Proposers should comment whether a 2 inch pipe provides sufficient flow based on their design.

Pricing Proposals. *Proposers must provide a minimum of two types of pricing proposals: 1) Direct Purchase, with City ownership of Systems; and 2) Financed Installation, via PPA, that would result in minimal to no upfront cash outlay from City.* Pricing for solar PV, battery energy storage, microgrid balance of system costs, electric vehicle charging stations and solar thermal equipment (if applicable) shall be listed separately as individual line items to enable the City to understand cost increases for each added level of system complexity. Proposed pricing must reflect general conformance with technical requirements in Attachment B, and must also address foreseeable construction issues. The pricing proposals must be submitted using the spreadsheet form provided as Attachment E, which includes input cells for both direct purchase and PPA.

Technical Requirements. Proposers are expected to utilize industry best practices in responding to this RFP and in performing their responsibilities under a contract with the City. Proposers must comply generally with all technical requirements as specified in Attachment B, but it is expected that the sections found in Exhibits B.3 - B.5 will be revised by PPA design-build partners providing PV, BESS and microgrid equipment. Proposers will be required to acquire Building Permits for solar PV equipment and EV chargers, as well as local business licenses, before starting construction. Proposers will be expected to provide necessary documentation required by MEP for incorporation into electrical documentation. Proposers may be responsible for submitting deferred energy storage permits in conjunction with the larger building permit submission.

Contracting and Bonding Requirements. Key contract terms and conditions have been identified and included in Attachment D, Exhibit D.1 and a Decommissioning Guaranty in Attachment D, Exhibit D.3. The City will require Payment and Performance Bonds during construction.

Insurance and Indemnification Requirements. Attachment D, Exhibit D.2 provides the City's insurance and indemnification requirements. If you do not currently carry the type/limit of insurance stated herein, please submit your Proposal with any differences clearly noted. Indicate if you would be able to obtain the proposed insurance and, if so, indicate the dollar amount, if any, that your Proposal would be increased due to the cost of this insurance. Finally, please indicate any other problems you or your insurance carriers may have with the proposed insurance requirements and why. Shortlisted proposers should be prepared to provide both Certificates of Insurance (COI) and a copy of the full insurance policy.

Pricing and Assumptions. In addition to requirements as specified in this RFP and Attachments, Proposers should use the following assumptions when providing pricing and project cash flow analysis:

- Annual utility escalation rate shall be assumed to be 3%.
- Electricity rate schedules may be changed for optimal savings, but only if a facility is eligible for the recommended change.
- Assume construction start date between **August - December 2021** for pricing calculations. Actual start dates will depend on contract negotiations, public and permitting approvals, financier and supplier lead-times, weather, and other variables.
- Pricing must include complete design and construction of the proposed systems, with maintenance included in PPA pricing and as a separate line item for direct purchase proposals. Design shall include all aspects, including, but not limited to, structural investigation, electrical modification, and aesthetics of proposed systems.

Contract Negotiations. It is expected that the City and selected Proposer will commence a common process for negotiating final terms and conditions of any contracts resulting from this procurement. These negotiations will utilize the template contract provided by the City (see Attachment D, Exhibit 1). *Exceptions to key terms must be listed by Proposers.* Selection of a Proposer in no way implies City acceptance of exceptions to the City's key terms.

The City has issued this RFP with the desire to pursue microgrid energy management system, EV charger and solar thermal development at the identified site, but Proposers submitting responses to this RFP do so with the understanding that the City does not guarantee the award of any contract or work. The City reserves the right, in their sole and absolute discretion, to abolish, refresh, amend, or extend the scope or limitations of this Project.

Establishing a Field Office. Proposer will work with City to develop procedures to maximize City's receipt of sales and use taxes resulting from design and construction of the Project (Taxable Purchasing Procedures). Taxable Purchasing Procedures must include, without limitation:

- According to the California Department of Tax and Fee Administration (CDTFA), the jobsite is considered the place of business of a construction contractor or subcontractor. As such, District Taxes must be paid based on the City of Menlo Park address of the site. If a contractor or subcontractor paid a lower rate at the location where the items were purchased than the rate where the items were installed (City of Menlo Park), then the contractor or subcontractor owes the difference.
- Local tax is a portion of the state tax that is allocated to the local city or county. Contractor and subcontractors must allocate the local tax on their sales tax and use returns based on the job location.
- Requirements that Proposer, and Subcontractors and Designers of all tiers that perform a significant portion of their Project Work or Services on the Project Site or within any portion of the City of Menlo Park, use an address within the City of Menlo Park, for purchases and leases of Project-related tangible personal property (goods, materials, fixtures, equipment, tools, supplies, etc.) (Project Personal Property), to the greatest reasonably feasible extent.
- To the greatest reasonably feasible extent, sellers and lessors of Project Personal Property either:
 - have a physical presence within California; or
 - if located out of state, collect and pay California use tax.

- Taxable Purchasing Procedures must also include periodic Proposer reporting (on behalf of itself and its Subcontractors and Designers), and City monitoring, audit and enforcement rights.

III. RFP Requirements & Process Schedule

The RFP documents, including addenda, are available through the City's PlanetBids website.

Enabling Legislation. Per California Government Code Section 4217.12 and related sections, public entities have the statutory authority to seek and deliver energy-related projects using a selection process defined by the individual public entity. This Request for Proposals is issued by the City of Menlo Park utilizing this enabling legislation. Any Proposer who wishes to be considered for a contract with the City must submit the required information per this RFP and conform to the process described herein.

Timeline/Key RFP dates. Following is the preliminary RFP selection process timetable, subject to change at the City's sole discretion

- Tuesday, 4 / 13 / 2021:** Request for Proposals issued
- Wednesday, 4 / 21 / 2021 at 11:00 AM PT:** Optional pre-proposal webinar
- Friday, 4 / 23 / 2021:** Teaming survey responses posted to PlanetBids
- Tuesday, 5 / 4 / 2021:** Deadline for Proposer submittal of questions
- Tuesday, 5 / 11 / 2021:** Final Q&A Addendum issued
- Tuesday, 5 / 18 / 2021:** *Deadline for submittal of Proposals*
- Week of 5 / 31 / 2021:** Vendor interviews
- Week of 6 / 7 / 2021:** Select firm for negotiation
- June - July 2021:** Vendor begins contract negotiations
- August 2021:** Contract Presented to City Council for Approval (August 24th)

Survey for Contractor Teaming. The City encourages interested proposers to create teams and submit one holistic proposal covering all aspects of the scope. Please fill out the survey at the link posted on PlanetBids to have your information shared with other prospective proposers for teaming purposes. The survey link can be found on PlanetBids under Description > Notes. The list will be shared with all prospective proposers **Friday, 4 / 23 / 21**, two days after the optional pre-proposal webinar. Proposers are expected to facilitate the teaming process. The City will not be responsible for facilitating communications between or among vendors.

Pre-Proposal Webinar. The City of Menlo Park will host an online pre-proposal webinar via Zoom at **11:00 AM PT** on **Wednesday, 4 / 21 / 2021**. Any Proposer wishing to submit a proposal to this RFP may attend this meeting. Interested parties should RSVP through the link posted on PlanetBids under "PreBid Meeting Information." *A link to the webinar will be sent via email to prospective bidders who have RSVP'd. Please RSVP at least 2 hours prior to the webinar.* For those who cannot attend the webinar, a recording will be posted on PlanetBids and the City will also issue an addendum with information shared at the webinar. The intention of this meeting is to provide clarification on content in the RFP. Guided access to the site will not be available but proposers are welcome to access the site as they please.

Deadline for Written Questions. Before 5:00pm PT on **Tuesday, 5 / 4 / 2021** Proposers must submit all questions about the meaning or intent of this RFP and other Proposal Documents to the City via PlanetBids Q&A portal. All questions and requests for information and clarification received before the stated time and date will be addressed by the City through formal written Addenda, which will be posted on the City's PlanetBids website by **Tuesday, 5 / 11 / 2021**. Only

questions answered by formal written Addenda shall be binding. Oral and other interpretations or clarifications will be without legal effect. Any attempt by a Proposer to contact any other City staff member regarding this RFP may result in disqualification of the Proposer.

Addenda. If the City deems advisable, the City may also issue Addenda to modify the Proposal Documents. Addenda shall be acknowledged by submission of Attachment F by number and shall be part of the Proposal. It is the proposer's responsibility to ensure that all requirements of addenda are included in the proposer's Proposal. Proposers may obtain a complete listing of Addenda from the City's PlanetBids website.

RFP Due Date. The City of Menlo Park shall receive, no later than 5:00pm PT on **Tuesday, 5 / 18 / 2021**, a digital PDF of the full proposal, including all required signed forms, as well as a completed Pricing and Proposal form (Attachment E) in Microsoft Excel format. All materials, including copyrights for original design work, submitted by Proposer in response to this Request for Proposals shall become the property of the City. All materials shall be submitted to the City of Menlo Park via Planet Bids.

Proposer Interviews. During the **Week of 5 / 31 / 2021**, the City may conduct individual interviews with selected Proposers. Those Proposers will comprise a short-list of preferred vendors and will be notified of the time and virtual location in advance of the interview. The purpose of these interviews is to confirm information provided in proposals submitted by the Proposers, and to allow Proposers to respond to City questions and to provide clarifications and expand on the information provided in their proposals. Each Proposer shall have their proposed key personnel assigned to the project present as the primary representatives during this process. Presentation materials shall typically include Electronic Media (PowerPoint) and supporting materials.

Upon completion of interviews and proposal evaluations, selected Proposer or Proposers shall be notified, and contract negotiations with the City may begin. If the selected Proposer(s) are unable to effectively execute contracts with the City, other shortlisted Proposers may be contacted in an effort to develop the proposed projects.

Evaluation & Selection. The RFP evaluation is solely for the purpose of determining which Proposers are deemed responsible, qualified, and able to offer the best value to the City. Qualifications of applicants will be reviewed and determined by the City and their consultants based upon the submitted documents and any other information available to them. Proposals shall be deemed to include any written responses of a Proposer to any questions or requests for information of the City made as part of the Proposal evaluation process after submission of the Proposal. Applicants may be asked to submit additional information pertinent to the Projects, or to be present for a virtual interview. The City also reserves the right to investigate and rely upon information from other available sources in addition to any documents or information submitted by the Proposer.

The City retains the sole discretion to determine issues of compliance and to determine whether a Proposer is responsive and responsible. The City will determine a Proposer's quality, fitness and capacity to perform the project satisfactorily. Proposers are encouraged to submit a single bid that includes solutions and subcontractors required to complete all three system elements (Microgrid, EVs and Solar Thermal). There will only be one contract holder/counterparty. Each submittal will be judged as a demonstration of the Proposer's capabilities of delivering the services requested with high quality and low total lifetime costs. Evaluation of the responses will be based on a competitive selection process, in which the evaluation of proposals will not be limited to price

alone. The Selection Committee's decision will be based on the evaluation of several factors including, but not limited to, the following:

Proposer Qualifications & Experience (25 points)

- Strength of qualifications and experience of partner firms and key personnel
- Strength of project references with regards to customer satisfaction, completion of projects equivalent to those included in this RFP, and success in maintaining project budgets and schedules
- Financial stability and proof of funding for these projects with proven financing track record
- Team delivers the most complete energy development package to successfully address all the identified systems

Technical Proposal (30 points)

- Preliminary system designs appropriate for site needs and accounting for site conditions
- Module, inverter, racking, battery cells, panels and monitoring components are high-quality, available, and have strong track record and warranty coverage, with stable and financially strong manufacturers
- Microgrid architecture described is capable of meeting all City requirements and is clearly presented
- Projected energy production is realistic and appropriate
- Resilience Analysis Exercise is complete and projected resilience duration meets City goals
- EV Charger proposal meets specification requirements (quantity, power). EV charger interconnection configuration is clearly explained and supported with rate and cost modeling using consumption profiles provided.

Project Costs (30 points)

- PPA levelized cost of energy over 20-year contract term
- Direct Purchase cost
- Operations & Maintenance costs over first 20 years of system life
- Financial analysis of total system costs and benefits, including possible rate schedule changes

Implementation Plan and Schedule (10 points)

- Project schedule is realistic and accounts for maximization of ITC benefits
- Complete and thoughtful Risk Management & Safety Plan
- Proposal is complete and addresses requirements and preferences stated in the RFP and demonstrates experience working with public agencies

Contract Terms & Conditions (5 points)

- Ability to work with desired City Contract Terms and Conditions, Insurance and Indemnification requirements
- None or minor objections to key terms and requirements

[OPTIONAL] PV Thermal Proposal (up to 20 additional points)

- Preliminary system designs are appropriate for projected pool usage and account for specific site conditions
- Thermal components are high-quality, available, and have strong track record and warranty coverage, with stable and financially strong manufacturers.

- Financial analysis shows system savings compared to air-source heat pump
- Incremental PPA cost over a 20-year contract term
- Direct purchase cost

The City will develop preliminary scores, which will then be augmented for short-list Proposers during or after Proposer interviews. The Proposer with the highest consensus score will be invited to enter into contract negotiations with the City.

Proposers are urged to review evaluation factors listed above and tailor the response in order to provide clarity in all areas including, but not limited to, financial options and cash flow analysis, technical design, projected system production, warranties, performance guarantees, and company experience.

Award. Any contract(s) for this Project will be awarded to the qualified Proposer able to effectively negotiate terms for the project that provide the “best value” to the City as determined solely by the City and its agents. The City reserves the right to reject any or all proposals or any part of an individual proposal; to waive any irregularity in any proposal; and to determine which, in its sole judgment, best meets the goals of this RFP.

Confidentiality. The City is a public agency subject to the disclosure requirements of the California Public Records Act (“CPRA”). If proprietary information is contained in documents or information submitted to the City, and Proposer claims that such information falls within one or more CPRA exemptions, Proposer must clearly mark such information “Confidential and Proprietary”, and identify the specific lines containing the information. In the event of a request for such information, the City will make best efforts to provide notice to Proposer prior to such disclosure. If a Proposer contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it shall be required to obtain a protective order, injunctive relief or other appropriate remedy from an applicable court of law before the City’s deadline for responding to the request. If Proposer fails to obtain such remedy within the City’s deadline for responding to the CPRA request, then the City may disclose the requested information. Proposer further agrees that it shall defend, indemnify and hold City harmless against any claim, action or litigation (including but not limited to all judgments, costs, fees, and attorneys’ fees) that may result from denial by the City of a CPRA request for information arising from any representation, or any action (or inaction) by the Proposer. The City reserves the right to delay production of information which would reveal the number of proposals submitted or the identities of the Proposers, as well as copies of all proposal documents, until after negotiations are completed.

Prevailing Wage Requirements and Other Requirements. Proposers are notified and informed that they will be subject to and must comply with all of the requirements under the California Labor Code to pay the general prevailing rate of per diem wages and for holiday and overtime work to all workers engaged in the performance of any work under the proposed contracts. Copies of prevailing rates of per diem wages are available from the Department of Industrial Relations, State of California. Proposer and any subcontractors shall comply with all federal, state and local laws and regulations applicable to the performance of the work hereunder, including but not limited to, the California Building Code, local building codes, utility interconnection regulations, the Americans with Disabilities Act, and any copyright, patent or trademark law. Proposer’s Failure to comply with any law(s) or regulation(s) applicable to the performance of the work hereunder shall constitute a breach of contract.

AB 1768 (effective January 1, 2020), amended the definition of “construction” work for which prevailing wages must be paid to include “work performed during the design, site assessment,

feasibility study, and other pre-construction phases of construction...regardless of whether any further construction work is conducted..." Proposers shall comply with all applicable provisions of the California Labor Code relating to the payment of prevailing wages.

Non-Discrimination. Contractors shall not discriminate against any employee, subcontractor or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental handicap, or medical condition. Contractor will take affirmative action to ensure that employees are treated without regard to race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental handicap, or medical condition.

The RFP specifications, terms, conditions, Attachments, and Addenda, and Proposer's proposal, in whole or in part, may be incorporated into and made a part of any contract that is awarded as a result of this RFP.

IV. Proposal Preparation & Submittal

Each Proposer must conform with and be responsive to the submittal formats required by the City. Any deviation from the standard application forms (where applicable) or failure to provide the required information may be considered non-responsive and grounds for rejection of the proposal. The City may reject any or all proposals or any part of an individual proposal, or waive any irregularities in any responses received, at its sole discretion. Submittals for past projects with the City are not applicable to this RFP.

Proposal submittals must be submitted as a single electronic PDF file (with Attachment C and E as a separate Excel spreadsheet files), must not exceed 25 pages (excluding attachments as identified below and team resumes) and must follow the ordering format as shown below:

Section 1. Executive Summary (1 - 2 pages) - Company name and contact information. High-level description of the professional background of the company and project team, proposed project scope, project management approach, proposed PV systems, proposed battery energy storage systems, financing methods and track record, and description of relevant company experience with equivalent projects.

Section 2. Relevant Project Experience (1 - 2 pages) - Description of relevant project experience for organizational team members and key personnel, both prior to and during their time at the current firm. Description of the Proposer team structure, including firm address(es), key contacts, and roles in the proposed project for each Proposer team member. The proposer must identify subcontractors and show how the scope will be divided between the Prime and these subcontractors. This description must be supplemented by an organizational chart for the project.

Section 3 Project References (3 pages) - Minimum of five (5) references for successfully completed projects of similar size and scope, with contact information for each client's key project liaison. Proposers should focus on PV and battery storage projects that a) were capable of islanding from the grid and providing back-up power; b) were contracted with public agencies; and/or c) were developed through a financed option, such as a PPA. Note that the City and/or its designated representatives may contact some or all of the provided references. The City reserves the right to: (a) check all, any, or no references that the City deems necessary, to assess a firm's past performance; (b) contact all or as many references the City determines are representative projects demonstrating experience that

is relevant to this scope of services; and (c) check any other reference(s) that might be indicated through the explicitly specified contacts or that result from communication with other entities involved with similar projects, including other industry sources and users of similar services known to the City.

Section 4. Preliminary System Design (2 - 4 pages) - Designs should adhere to specifications according to Attachment B and include the following:

- **PV site overview** with proposed module layout, including proposed azimuth and tilt
- Product **spec sheets** and **warranty information** for proposed racking, modules, batteries, smart inverters, monitoring, EV charger equipment, solar thermal equipment (if applicable) - *Not included in page count*
- First-year **solar PV production estimates**, as demonstrated and detailed by an industry-recognized modeling tool. Production estimates shall accurately reflect location and proposed system specifications (components, azimuth, tilt, under-module clearance, etc.). Production estimates from the modeling tool must be used for completing Attachment E, as noted in Section 10 below. Additional documentation of modeling outputs may be requested to confirm methodologies and accuracy.
- **Battery storage specifications** including energy (kWh), power (kW), chemistry, manufacturer, model and any other information deemed pertinent by the Proposer.
- List of **balance of system equipment** required, including manufacturer and model, such as microgrid controller, smart panels, relays and any other equipment required to achieve the operational goals of the microgrid.
- A discussion of the **monitoring platform** associated with the system and how it enables the City to track system performance and emissions reductions.
- Description of the **visual display system** to be installed
- Description of and reasoning for **electric vehicle charger** metering choice
- (If applicable) **Solar thermal system** specifications including collector type, average thermal performance rating (Btu/month), etc.

Section 5. Description of MEMS Control Architecture (2 pages) - Description of microgrid energy management system architecture and how each aspect of the system; existing generator, PV, battery energy storage, smart panels and other balance of system equipment, is integrated by the microgrid controller and any associated software into a cohesive system. Responsive proposals shall describe how DERs and controllable loads will be signaled during normal utility operations as well as during outages, and shall explain how connectivity and control of all integrated systems will be maintained during utility outages. The proposed load shed strategy, including the equipment required, to isolate critical loads should also be described. If grid services could be provided by the system during on-grid mode, this section should describe how that is enabled by the control architecture.

Section 6. Resilience Analysis (1 - 2 pages) - As described in the RFP section, "Microgrid Objectives and Resilience Goals," the City is seeking a system that can provide 24 hours of carbon free back-up power to support critical loads in ST mode, and then have the ability to connect to generators and continue to power additional spaces in LT mode. The system should be sized to account for degradation factors and be able to successfully meet resilience goals at the end of the term. This section should describe in narrative how the proposed system is sufficient to meet these requirements. Additionally, proposers should complete and submit **Attachment C - Resilience Analysis Exercise** to illustrate

the expected resilience that can be provided by the proposed system size. Directions for completing this exercise are included in the first tab of the worksheet. Additional information about required MEMS functionality can be found in Attachment B, Exhibit B.5. The completed worksheet should be included with proposers' proposal as an attachment in .xls or .xlsx format. Proposers are also encouraged to submit any simulation reports or documentation from their modeling software. Attachment C and any additional simulation reports or documentation will not be counted towards the final page count.

Section 7. Financial Analysis (2 - 3 pages) - Analyze the financial impact of proposed distributed energy resource development and microgrid energy management on expected facility electricity bills and cash flows summarizing the cost-benefit proposition of the entire project. This section should specifically address how the chosen rate schedules and metering configurations for electric vehicle chargers minimizes City operational costs. If applicable, proposers shall provide a separate month-by-month estimate for utility bill savings which would result from the proposed solar thermal energy systems as compared to an assumed air source heat pump pool heater.

Proposers shall also describe all incentives being leveraged as part of the project and illustrate the impact of these incentives on the project cash flows. Proposers should provide an approach to maximizing Low Carbon Fuel Standard and Renewable Energy Credit revenues. Approaches that minimize administrative burden to the City and City Staff are preferred.

See Attachment A, Exhibits A.5 and A.6 for historical energy usage and critical load information. See "Pricing and Assumptions" part of Section II of this RFP for additional information for developing pro forma financial analyses.

Section 8. Alternative Financing Options (1 page) - If applicable, alternative financing option(s) beyond PPA and direct purchase, such as a Microgrid Services Agreement. Describe terms and conditions and indicate costs and benefits to the City of proceeding with alternative financing. Proposer should include documentation of each alternative financing option included, either via a separate spreadsheet or other format, to a similar degree of detail to that required for the PPA and direct purchase options in Attachment E. If not applicable, state "Not Applicable".

Section 9. Project Schedule (1 - 2 pages) - High-level overall project schedule for the project, assuming contract negotiations beginning in July/August 2021. Proposer should note mandatory project milestones and deadlines needed to ensure the equipment safe harbor required to maximize ITC benefits. A Gantt chart or similar project management software illustration with narrative explanation is the desired format

Section 10. Risk Management and Safety Plan (2 - 3 pages) - Describe considerations and contingency plans for supply risk-management related to COVID-19 or other delays. Please provide a safety plan related to construction and operation of the microgrid (e.g. annual testing to prove the functionality of the microgrid). This plan should include considerations for staff training and fire safety including any testing certifications achieved (i.e. UL 9540A as specified in NFPA 855, UL 9540). The plan should also include an explanation of how the team plans to implement changes in the 2021 International Fire Code (to be implemented in California in July 2021).

Section 11. Proof of Valid Licensing - Proof of valid and current Contractor's license. Only Proposers with a California B, C-10, and/or C-46 Contractor's license and who have been approved through this process will be eligible to contract for the Project. Proposers should also be prepared to obtain a Menlo Park business license upon selection. This section will not be counted towards the final page count.

Section 12. Cost Proposal and Production Form (Attachment E) - Cost proposal for power purchase agreements and direct purchase of Systems, including payment of Prevailing Wages, must be submitted on the form included as Attachment E. Pricing for 20-year Operations and Maintenance shall be included as a separate line item, which will be evaluated with and separately from the direct purchase price. Pricing for proposed electric vehicle charging stations, and solar thermal (if applicable) shall also be included as separate line items and will be evaluated with and separately from the direct purchase price. Pricing must include all aspects of providing a turn-key a microgrid solution and must address the requirements and constraints noted in Attachment B and foreseeable contracting and site conditions, including, but not limited to, those identified in Attachment A, site walks, and RFP Addenda.

Attachment E also requires the input of proposed system components and projected solar generation, which must match production modeled as described in Proposal Section 4 above. In the electronic submission, Attachment E must be attached in Microsoft Excel spreadsheet format (.xls or .xlsx). This section will not be counted towards the final page count.

Section 13. Key Contract Term Exceptions (1 page) - Any exceptions to the City's key contract terms, conditions and requirements in Attachment D of this RFP must be stated in this section. This list is NOT comprehensive, but rather provides certain specific areas that should be addressed in a Proposer-provided PPA template (See section 14 below)

Section 14. Response Checklist & Other Materials - Signed Response Checklist (Attachment F) & Other Materials Listed Below. These materials will not be counted towards the final page count.

- **Attachment F - Non-Collusion Declaration**, subscribed and sworn before a notary public. No Proposer may make or file or be interested in more than one Proposal for the same supplies, services or both.
- **Attachment G - Mandatory Safety Program Requirements**, All proposers are required to meet the safety qualification guidelines outlined in Attachment G. The proposer's sub-consultant or sub-contractor shall be exempt from this section unless otherwise requested by the Engineer in writing. This section will not be counted towards the final page count
- **Attachment H - Iran Contracting Act Certifications**, signed and completed as indicated therein.
- **Letter from Surety** - A letter from a surety duly licensed to do business in the State of California, having a financial rating from A. M. Best Company of A-, VII or better, confirming that surety has agreed to provide Proposer with performance and payment bonds in accordance with the requirements set forth in the Construction Performance Bond and Construction Labor and Material Payment Bond, with minimum penal sums in the amounts set forth therein.
- **Letter from Insurer** - A letter from an insurance underwriter, having a financial rating identified in the Insurance Requirements, confirming that the insurer will

provide the coverages and amounts required for Proposer specified in the Contract Documents.

- **Sample PPA Contract** - In addition to exceptions to key contract terms, Providers must submit a sample PPA for evaluation.

Cost of Proposal Development. The City shall not bear any financial responsibility for costs incurred by the Proposer in responding to this RFP or any subsequent proposal, whether or not the Proposer's proposal is successful, including the costs for bonding, legal costs for any reason, visitation costs, reproduction, postage/mailing and other related costs.

V. Project Scope

Responsive proposals shall propose a task scope that addresses all six of the Project Objectives described above. More detail and information around technical specifications of each task item can be found in Attachment B.

The City will review and approve design documentation based on the requirements in this RFP and as detailed in Attachment B. The City may request additional documents as needed. Prior to the first design submission, the Contractor and City shall agree upon precise organization and format of the design submittals. The City and Engineer of Record, PAE, will review all submittals, provide written comments, and conduct Design Review Meetings for each stage of the process. Contractor shall provide additional detail, as required, at each successive stage of the Design Review. Contractor shall not order equipment and materials until Schematic Design submittals have been approved. Contractor shall not begin construction until Construction Documents have been approved and all required permits have been obtained. **The City will formally approve, in writing, each phase of the design and is the sole arbiter of whether each phase of the design has been completed.** The Contractor shall not enter a subsequent design phase without the approval of the City. Contractor is responsible for providing designs approved by the Engineer of Record for the larger MPCC project.

The proposed scope shall include, at a minimum, the following project Tasks:

1. Complete full design and engineering for entire project (PV, Energy Storage microgrid)
 - Review and update analysis of energy load data provided by PAE.
 - Review and revise electrical distribution infrastructure plans provided by PAE, including but not limited to:
 - Electrical feeder connection from main switchboard to BESS.
 - Remote-controlled, electrically operated circuit breakers integral to the main switchboard (MSB).
 - Submeters for all feeder breakers at main switchboard as required by LEED and described in the LEED requirements section (see Attachment A).
 - Separation of building loads into separate distribution branches for "ST" and "LT" modes, described above.
 - Produce product-specific PV production capacities and generation profiles (building-mounted PV, building parking carport PV, Kelly Park parking carport PV)
 - Prepare and submit engineering and design documents for Facebook and PAE review and approval including but not limited to:
 - Site plans, elevations, schedules, equipment arrangement and detailed drawings with location and layout of all system equipment (Include control panels and mounting at roof and carports; pulling cables from PV to main

- electrical panels; racking, blocking, and roof protection; any emergency shut-off switches required by local jurisdiction)
 - Single-line diagrams including local utility system tie-ins
 - All other drawings, calculations, details, and schedules required for the system design.
- Proposers will be responsible for sizing, specifying and integrating the BESS equipment.
- Coordinate mounting and final locations of microgrid system equipment with Structural Engineer and Architect. Microgrid system equipment may include battery systems, microgrid controls, and additional space for electrical distribution equipment (if meeting microgrid criteria results in increased size/quantity of electrical distribution equipment).
- Safety, code, and efficiency recommendations resulting from onsite systems review.

DELIVERABLES

- As-built system review documentation and remediation recommendations.
- Documentation of design modeling and cash-flow modeling.
- Three (3) sets of project final plans, signed by a California registered professional engineer, printed and signed on 11"x17" paper, with additional electronic versions in editable native file format and text-searchable PDF format.
- One (1) high resolution, electronic version of the final construction-grade specifications in editable native file format and text-searchable PDF.
- Updated construction, integration, and commissioning plan and schedule.
- Notice to proceed with construction from the City of Menlo Park.

2. Secure all required permits and approvals

- Identify, secure, adhere to, and submit all government permits and approvals required for installation of solar PV
- Provide documentation of battery system, microgrid controls and EV chargers specifically required for permits to PAE for incorporation into electrical documentation, for which PAE will serve as EOR
 - Alternatively produce and submit permit documentation as EOR
- Submit deferred permits for energy storage
- Complete and submit PG&E Rule 21 interconnection application, coordinate interconnection study processes and disconnect requirements, and support PAE and City engagement with PG&E throughout the interconnection application and agreement process.
 - Provide itemized estimated cost for the interconnection application, study, and approval fees for the proposed microgrid (including any fees that are to be paid by PAE or Facebook directly to PG&E), as well as budgeted costs for interconnection control and protection systems and installation.
 - Carry out verification, testing, and startup related to microgrid and PV systems as required by PG&E for utility power engagement.
- Complete documentation for LEED credits in coordination with LEED consultant

DELIVERABLES:

- All required filings, notices, permits, and approvals
- PG&E interconnection application
- PG&E interconnection agreement
- Updated budget for interconnection control and protection systems

3. Procure and deliver all equipment, supplies, services, etc. (tax exempt)

- Coordinate with the City to develop delivery schedule and storage plans
- Update detailed specifications and equipment schedule to reflect any changes or additions established during permitting and pre-construction inspection processes.
- Arrange and manage procurement, delivery, and secure storage of all equipment and materials.

DELIVERABLES:

- Approved Procurement Plan
- Delivery schedule and materials storage plan
- Bill of lading for all procured and delivered equipment and materials
- Manufacturer/vendor manuals, specifications, and other documentation

4. Complete construction and installation of solar PV, microgrid and balance of systems

- Coordinate all schedules and sequencing of construction and electrical work with designated City and PAE staff.
- Install all microgrid systems (cabling, communications, switching, DAS; carports, PV systems, charge controllers, EV chargers; BESS, inverters; interconnection control and protection systems; and microgrid controls, DER controls, energy management and load controls)
- Provide conduit from roof stub and carport stubs to the microgrid system.
- Execute Quality Control Plan (QCP) including quality assurance reviews, final inspections, and code check.

DELIVERABLES:

- Executed construction NTP from the City
- Construction Management and Safety Plan, Construction Schedule, and other construction submittals noted in Attachment B
- Quality Control Plan
- Inspection reports
- Construction kickoff meeting presentation
- Documentation of any approved changes in scope and plans (if applicable)

5. Complete integration and configuration of all system controls

Complete all tasks necessary to configure all communications, telemetry, controls, and human interfaces required to manage and execute all microgrid functions including but not limited to:

- Provision and validate integrated control and communications, including integration of DAS to provide inputs such as weather forecast data, market pricing data, and any APIs or other required interoperating systems.
- Properly configure and document settings for microgrid components including microgrid controls, DER controls, energy management systems, and load controls.
- Develop, program, and provide simple user-interface tools for user-configurable operating modes to manage BESS SoC to support the following use cases: ST mode,

LT mode and normal economic optimization as described in the “Microgrid Performance Criteria and Resilience Goals” section of this RFP.

- Provide documentation and diagrams illustrating the capabilities of proposed interfaces for all systems requiring operator interaction (at a minimum the microgrid user-configurable controls, DAS, and public information visualization system), including as applicable, product cut sheets, screen shots, and preliminary process flow diagrams.
- Provide for City review and approval complete Microgrid Integration Plan.

DELIVERABLES

- Microgrid Integration Plan
- Integration validation brief

6. Complete full microgrid system testing and commissioning

- Prepare for City of Menlo Park review and approval, a Microgrid Commissioning Plan that describes in detail all procedures and tests that will be performed to validate operational performance of all systems during commissioning.
- Carry out PG&E-required field tests as required
- Attend PG&E inspections and testing as required

DELIVERABLES

- Microgrid Commissioning Plan
- Documentation of Functional Test Procedures and Testing Results
- Commissioning Test Certification and Verification of PG&E-approved Settings
- PG&E Authorization of Synchronization and Parallel Operation
- Final Commissioning Report

7. Complete construction closeout

Submit digital as-built record drawings, final punch list, complete microgrid system manuals and other documentation as required by the City.

DELIVERABLES

- As-built record drawings and documentation
- Construction closeout report including completed punch lists
- Updated performance guarantee agreement

8. Train City staff on microgrid system operations and maintenance

- Deliver complete microgrid system O&M documentation including Microgrid Control Manual.
- Deliver DAS Manual and Visualization System Manual and associated documentation.
- Deliver Security Manual describing user authentication and cybersecurity and physical protection systems, protocols, and procedures
- Deliver Operator Training Document Set and provide formal training in all functions to be performed by site staff, including configuring and adjusting control modes,

monitoring and analyzing performance, managing transitions between grid-connected and islanded states, retrieving system data logs and reports, and basic troubleshooting.

- Deliver schedule of recommended periodic maintenance and testing, including identification of maintenance and testing steps required for manufacturer warranties and compliance with safety protocols and other operating standards.

All operator manuals shall be subject to City of Menlo Park review and approval before they are deemed final and accepted for system operation and training.

DELIVERABLES:

- Microgrid Manual
- DAS Manual
- Visualization System Manual
- Security Manual
- Operator Training Document Set
- Other system O&M Manuals as appropriate
- Schedule of Periodic Maintenance and Testing

9. Design, procure & install electric vehicle charging stations

- Design, procure and install twelve (12) dual-port Level-2 EV charging stations and three (3) DC fast Level 3 stations at the Community Campus Parking Lot. A map of the locations for these chargers is included in Attachment A, Exhibit A.4
- Integrate two (2) EV charging stations under microgrid control, enabling use during LT mode operation
- Develop and provide Charge Control and Integration Manual, describing operations, maintenance, and control of the EV charging systems.
- Identify any rebates or incentives that Proposer has already secured or plans to secure (i.e. Cal eVIP, LCFS)

DELIVERABLES

- EV Charging System Design
- Charge Control and Integration Manual

10. Procure visual display equipment to support public education

The City's public outreach and education objectives include informing community members and visitors about the benefits and performance of the microgrid. To support these objectives, the microgrid shall include public information visualization and display functionality that, at a minimum:

- Produces a real-time/near real-time visualization of the microgrid in operation
- Presents current status and lifetime production information, for example, with data from microgrid telemetry and data-logging systems

DELIVERABLES

- Visual display (television screen) in the Community Campus

11. Design, procure and install solar thermal panels (BID ALTERNATE)

- Design and specify solar thermal panels, supports, extension of piping from roof stub-out, and any controls specific to the solar thermal system (if required)
- All Additive Alternative must be of high quality, add significant value, provide benefit to the City, and are beyond the minimum requirements established in the RFP.

City of Menlo Park & General Contractor Scope Items (*not in microgrid provider scope*)

- Trench and install underground conduit (not cable)
- Procure supplies and complete construction of concrete pads and mounting systems for generators and BESS
- Line-voltage electrical distribution.
- Specific subdivision of Mechanical (HVAC), Plumbing, and Electrical systems to separate critical microgrid backup areas from other building areas
- Sizing of electrical distribution infrastructure for each branch of power including:
 - Backup power for code-required emergency loads; integration within microgrid infrastructure.
 - Mechanical controls (BMS), based on criteria provided by microgrid design.
- Coordinate with microgrid team to provide locations for equipment.
- Assist with shading studies, and space coordination
- Provide dimensioned layouts of PV arrays in Revit model
- Install required firebreaks and vegetation control systems around the BESS and generator

ATTACHMENT A: Technical Site Overview Documents

Exhibits are available for download on Planet Bids

All information possessed by the City related to future infrastructure and systems on site is provided in Attachment A. Additional information collected by the City will be shared with interested Proposers as it becomes available. Design is ongoing and any designs and projected energy use profiles are subject to change.

- **Exhibit A.1 - Map of PV Site & Rooftop Plan**
- **Exhibit A.2 - Map of BESS Site Plan**
- **Exhibit A.3 - ST and LT Mode Space Layout**
- **Exhibit A.4 - Map of Proposed EV Charger Layout**
- **Exhibit A.5 - Projected Electricity Use & Production Profiles (hourly intervals)**
 - **Building Consumption (kWh)** - main service, grid-connected operation
 - **Two (2) L2 EV chargers (kWh)** - main service, supported by microgrid in LT mode
 - **Ten (10) L2 EV chargers (kWh)** - dedicated service, not supported by microgrid
 - **Three (3) DC Fast chargers (kWh)** - dedicated service, not supported by microgrid

- **Exhibit A.6 - Kitchen Utility Information**
- **Exhibit A.7 - Electrical Drawings & SLD**
- **Exhibit A.8 - Pool Drawings**
- **Exhibit A.9 - Combined Design Development Drawing Set**
- **Exhibit A.10 - Portable Paralleling Generator Basis of Design**
- **Exhibit A.11 - Pool Heating Requirements**

ATTACHMENT B: Microgrid Specifications & Requirements

Available for download on Planet Bids

Exhibits B.1 and B.2 are generalized guidelines which the larger MPCC General Contractor is anticipated to be held to. It is expected that the sections found in Exhibits B.3 - B.5 will be revised by PPA design-build partners providing PV, BESS and microgrid equipment. Exhibits B.3 - B.5 can be found within Exhibit B.2 (Volume 2), but are listed as separate documents in Attachment B for proposer convenience.

- **Exhibit B.1 - MPCC_Final DD Specifications-Volume 1**
- **Exhibit B.2 - MPCC_Final DD Specifications-Volume 2**
- **Exhibit B.3 - 26 06 30 - Solar PV Systems**
- **Exhibit B.4 - 26 33 63 - Battery Energy Storage System**
- **Exhibit B.5 - 26 37 13 - Microgrid Energy Management System**

ATTACHMENT C: Resilience Analysis Exercise

Available for download on Planet Bids

Instructions for completing the Resilience Analysis Exercise are included in the first tab of Attachment C (.xlsx file). Proposers are to complete Attachment C and return as part of Proposal.

ATTACHMENT D: Key Contract Terms & Insurance Requirements

Available for download on Planet Bids

Exhibits in Attachment D are selected key terms and conditions that the City of Menlo Park (“Purchaser”) desire to be included in contracts with Proposers (“Provider”), using substantially similar language. This list is NOT comprehensive, but rather provides certain specific areas that should be addressed in a Proposer-provided PPA template. Proposers must provide exceptions (if any) to these key terms as well as a sample PPA template.

- **Exhibit D.1 - Key PPA Terms & Conditions**
- **Exhibit D.2 - Insurance & Indemnification Requirements**
- **Exhibit D.3 - PPA Decommissioning Guaranty**

ATTACHMENT E: Pricing Proposal & Production Form

Available for download on Planet Bids

Proposers are to complete Attachment E and return as part of Proposal.

ATTACHMENT F: Response Checklist & Other Materials

Available for download on Planet Bids

Proposers are to complete Attachment F and return as part of Proposal.

ATTACHMENT G: Mandatory Safety Program Requirements

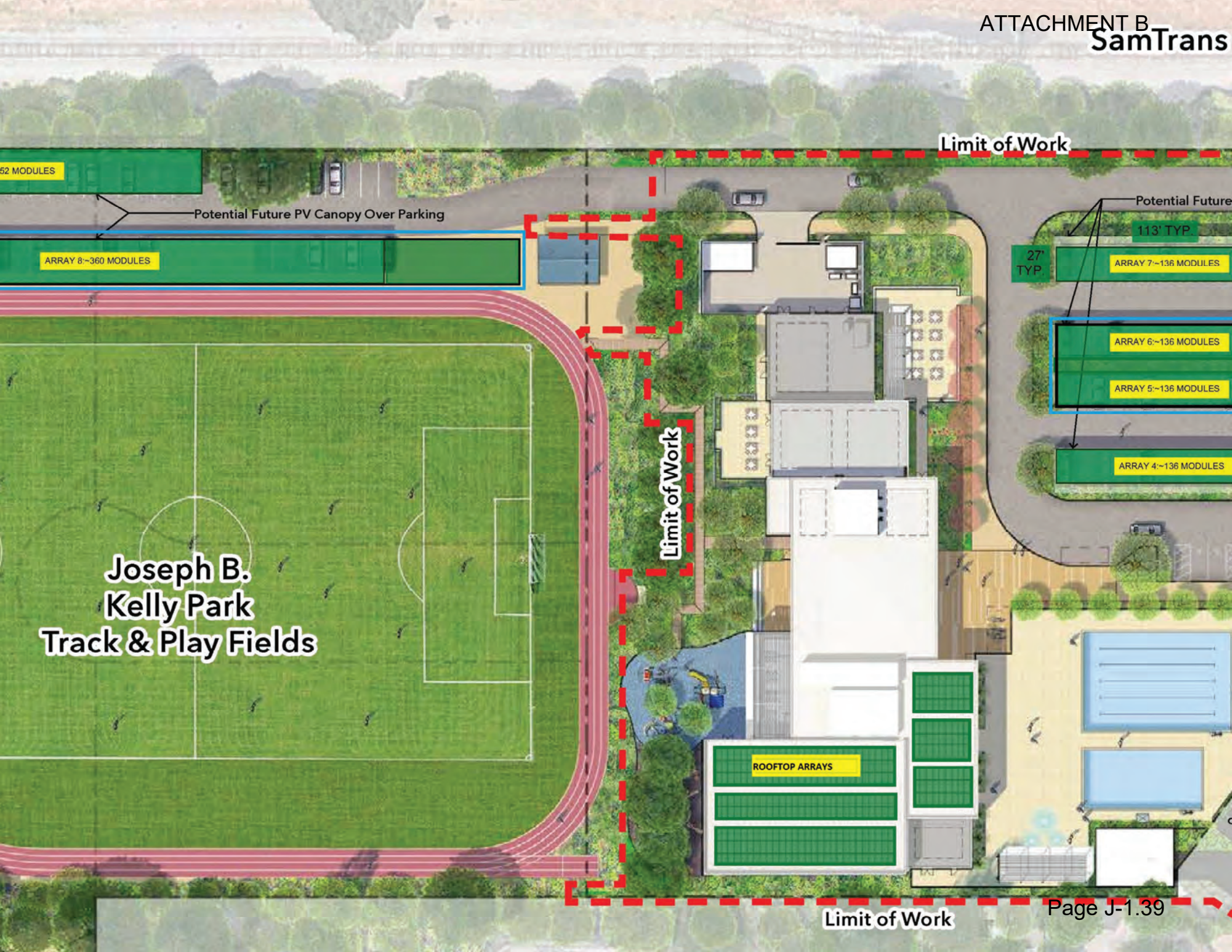
Available for download on Planet Bids

Proposers are to complete Attachment G and return as part of Proposal.

ATTACHMENT H: Iran Contracting Act Certification

Available for download on Planet Bids

Proposers are to complete Attachment H and return as part of Proposal.



Limit of Work

52 MODULES

Potential Future PV Canopy Over Parking

ARRAY 8~360 MODULES

Potential Future

113' TYP.

27' TYP.

ARRAY 7~136 MODULES

ARRAY 6~136 MODULES

ARRAY 5~136 MODULES

ARRAY 4~136 MODULES

Limit of Work

ROOFTOP ARRAYS

Joseph B.
Kelly Park
Track & Play Fields

Limit of Work

Agenda item J1
Linh Dan Do, resident

Dear Mayor Combs and City Council Members,

I am writing to express my excitement and support for the city's actions to "green the city," with the sustainable features that will be incorporated at the Belle Haven Community Center. I look forward to this being one of many critical steps the city takes towards reducing emissions and implementing the CAP.

Thank you,
Linh Dan Do



CLEAN ENERGY PROCUREMENT

Rebecca Lucky, Sustainability Manager

ANNIE MCGEE FAMILY
GYMNASIUM

RECOMMENDATION

- Consider a direct purchase for the clean energy infrastructure package for the Menlo Park Community Campus (MPCC) project:
 - Solar plus battery storage microgrid
 - Solar thermal pool heating
 - 27 electric vehicle (EV) charging spaces
- Purchasing options include direct purchase or a 20-year power purchase agreement (PPA)

PROCUREMENT HIGHLIGHTS

- A procurement process has been underway since early this year, and a preferred vendor has been selected after extensive review by staff, Optony Inc., Facebook team, and the MPCC electrical design team
- Negotiations, design elements, and pricing are still being finalized
- Tonight's direction will support staff in finalizing a contract for city council to consider awarding in November
- A PPA was originally scoped for this project, but after further review it would be advantageous for the city to consider a direct purchase

ADVANTAGES OF DIRECT BUY

- Energy savings after return on the investment is \$6.87 between year 15 and 30.
 - PPA savings would occur after 20 years with \$4.18 million in energy savings
- Avoid any construction delays to recalculate financing if design changes are needed
- Reduces impact on staff time to negotiate, review, and approve a PPA to maintain focus on other city council priorities

DIRECT PURCHASE AND PPA FINANCING COSTS

- Solar plus battery storage microgrid
 - Direct buy up to \$3.5 million
 - Leased under PPA for 20 years at implied interest rate of 4-5%

- Solar thermal pool heating
 - Direct buy up to \$850,000 (reduced pricing from \$1.1 million)
 - Leased under PPA for 20 years at implied interest rate of 6-7% under previous purchase price

- 27 electric vehicle (EV) charging spaces
 - Up to \$290,000 (deep discounted rate offered by Peninsula Clean Energy)
 - After PCE rebates, total is \$180,000
 - Leased under the PPA for 20 years at implied interest rate of 12-13%
 - Includes replacement of stations at 10 years

- Note that there are typically options to buy at year 7 and 14 under a PPA

STAFF RECOMMENDATION

- Directly purchase all elements (between \$4.6 and \$4.8 million) using the General Fund
 - City maintains a sufficient unassigned fund balance of \$6.5 million



THANK YOU

Agenda item K
Anonymous, resident

As a born and raised resident of Menlo Park, I find it disappointing that the City has not updated the adult wing of the main public library. There are no places to work or study and if there are they are isolated tables, they have no outlets or lighting. If I want to use a library to work from, I have to drive to Portola Valley or Palo Alto to use their updated/21st century libraries. I personally feel like the Menlo Park main branch library should be at the 21st century level, as we are in the heart of Silicon Valley and an affluent/educated city.



SPECIAL MEETING MINUTES – DRAFT

Date: 9/8/2021
Time: 5:00 p.m.
Location: Zoom

Closed Session (Zoom.us/join – ID# 858 3376 3711)

A. Call To Order

Mayor Combs called the meeting to order at 5:06 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin
Absent: None
Staff: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, City Attorney Nira F. Doherty, Police Chief David Norris

C. Closed Session

- C1. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding labor negotiations with the 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 Confidential employees; unrepresented management; City Attorney and; City Manager

Attendees: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, City Attorney Nira F. Doherty, Legal Counsel Charles Sakai, Interim Human Resources Manager Kristen Strubbe

No reportable actions.

- C2. Closed session conference pursuant to Government Code §54957(b)(1) regarding public employee performance evaluation of the City Attorney

No reportable actions.

- C3. Closed session conference pursuant to Government Code §54957(b)(1) regarding public employee performance evaluation of the City Manager

No reportable actions.

- C4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (One potential cases)

No reportable actions.

D. Adjournment

Mayor Combs adjourned the meeting at 6:51 p.m.

Judi A. Herren, City Clerk

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the closed session and regular meeting
 - Submit a written comment online up to 1-hour before the meeting start time:
menlopark.org/publiccommentSeptember8 *
 - Access the meeting real-time online at:
[Zoom.us/join](https://zoom.us/join) – Meeting ID 858 3376 3711
 - Access the meeting real-time via telephone at:
(669) 900-6833
Meeting ID 858 3376 3711
Press *9 to raise hand to speak
Written public comments are accepted up to 1-hour before the meeting start time. Written messages are provided to the City Council at the appropriate time in their meeting.
- Watch meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
Channel 26
 - Online:
menlopark.org/streaming

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website www.menlopark.org. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.org/agenda).

According to City Council policy, all 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.



REGULAR MEETING MINUTES – DRAFT

Date: 9/14/2021
Time: 5:00 p.m.
Location: Zoom

Closed Session (Zoom.us/join – ID# 998 8073 4930)

A. Call To Order

Mayor Combs called the meeting to order at 5:02 p.m.

B. Roll Call

Present: Combs, Mueller (arrived at 5:50 p.m.), Nash, Taylor, Wolosin
Absent: None
Staff: City Manager Starla Jerome-Robinson, City Attorney Nira F. Doherty, City Clerk Judi A. Herren

C. Agenda Review

None.

D. Closed Session

- C1. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding labor negotiations with the 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 Confidential employees; unrepresented management; City Attorney and; City Manager

Attendees: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, City Attorney Nira F. Doherty, Legal Counsel Charles Sakai, Interim Human Resources Manager Kristen Strubbe

No reportable actions.

- C2. Closed session conference pursuant to Government Code §54957(b)(1) regarding public employee performance evaluation of the City Attorney

No reportable actions.

- C3. Closed session conference pursuant to Government Code §54957(b)(1) regarding public employee performance evaluation of the City Manager

No reportable actions.

E. Adjournment

Mayor Combs adjourned to the regular session at 6:04 p.m.

Regular Session (Zoom.us/join – ID# 998 8073 4930)

F. Call To Order

Mayor Combs called the regular meeting to order at 6:08 p.m.

G. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin

Absent: None

Staff: City Manager Starla Jerome-Robinson, City Attorney Nira F. Doherty, City Clerk Judi A. Herren

H. Report from Closed Session

None.

I. Presentations and Proclamations

I1. Proclamation: Recognizing Ali and Bistro Vida Small Business of the Year (Attachment)

Mayor Combs read the proclamation.

Ali El Safy accepted the proclamation.

I2. Proclamation: Recognizing the Suburban Park Association (Attachment)

Mayor Combs read the proclamation.

Renee Spooner and Raji Pillai accepted the proclamation.

I3. Proclamation: Recognizing Linda Hubbard (Attachment)

Mayor Combs read the proclamation.

Linda Hubbard accepted the proclamation.

I4. Presentation: City manager recruitment (Presentation)

The Hawkins Company Executive Search Consultant Yonnine Hawkins Garr made the presentation (Attachment).

J. Public Comment

None.

K. Consent Calendar

K1. Adopt Resolution No. 6664 accepting the revised joint exercise of powers agreement – San Mateo County Operational Area Emergency Services Organization (Staff Report #21-174-CC)

K2. Authorize the city manager to execute an agreement with Baker & Taylor for the purchasing and processing of library materials in an amount not to exceed \$90,000 (Staff Report #21-175-CC)

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

L. Public Hearing

L1. Consider two appeals of the Planning Commission certification of a final environmental impact report and approval of a use permit, architectural control, below market rate housing agreement, and community amenities operating covenant, and consider the Planning Commission recommendation to approve a vesting tentative map for a major subdivision for the proposed Menlo Uptown project with 483 multifamily dwelling units comprised of 441 rental units and 42 for-sale condominium units and approximately 2,940 square feet of commercial space at 141 Jefferson Drive and 180-186 Constitution Drive (Staff Report #21-169-CC) (Staff Presentation) (Applicant Presentation) – **continued from August 31, 2021**

Senior Planner Tom Smith made a presentation (Attachment).

Greystar Sr. Development Director Andrew Morcos made a presentation (Attachment).

Appellants Sequoia Union High School District Legal Counsel Harold Freiman and Sequoia Union High School District Board President Alan Sarver made a presentation.

Senior Planner Tom Smith made a presentation (Attachment).

Appellants Sequoia Union High School District Legal Counsel Harold Freiman and Sequoia Union High School District Board President Alan Sarver made their rebuttal.

Mayor Combs opened the public hearing.

- Kris Johnson spoke in support of the Sequoia Union High School District (SUHSD) appeal.
- Adina Levin provided issues discussed at the Complete Streets Commission.
- Victoria Robledo spoke in support of the SUHSD appeal.
- Lynne Bramlett spoke in support of the SUHSD appeal and in opposition of ConnectMenlo.
- Katie Behroozi spoke on concerns related to bicycle and pedestrian safety impacts.
- Pam Jones spoke in support of the City pursuing sole control of Willow Road and in support of increasing the below market rate requirement to 20 percent.

Mayor Combs closed the public hearing.

The City Council received clarification on student safety when crossing streets, student enrollment decline, number of public hearing limitations and ramifications under Senate Bill 330 (SB 330), implementation of fees and conditionals of approval related to the fiscal impact analysis, transportation impact analysis requirements, requirements for level of service (LOS) intersection improvements studied under the project's transportation impact analysis, the number of SB 330 projects currently in Menlo Park, and the Housing Crisis Act provisions related to this project.

The City Council discussed a payment in lieu of tax (PILOT) agreement proposal, SB 330 requirements, removal of non- transportation impact fee (TIF) LOS requirements, mitigation measures, exploring the inclusion of intersection improvements for Willow Road and Newbridge

Street, Van Buren Road and Ringwood Avenue, Willow Road and Ivy Drive, considering a comprehensive sea level rise plan for District 1 including an evacuation plan, exploring the relinquishment of Willow Road, process to include bike and pedestrian safety, and reexamining TIF projects.

ACTION: Motion and second (Nash/ Wolosin), to adopt Resolution No. 6660 making the required findings per the California Environmental Quality Act (CEQA) and certifying the final environmental impact report (EIR) that analyzes the potential environmental impacts of the proposed project, and adopt an associated Mitigation, Monitoring and Reporting Program (MMRP); and adopt Resolution No. 6662 approving a vesting tentative map for a major subdivision to create 42 condominium townhome units and adjust the lot lines of the three existing parcels on the site; and adopt and amend Resolution No. 6661 denying the appeal of the SUHSD, upholding the Planning Commission’s approval of and approving a use permit, architectural control, below market rate (BMR) housing agreement, and community amenities operating covenant and denying the appeal of the City Council call up with two additional considerations of approval:

- 1) Regarding intersections to read all conditions of approval mandating improvements to the following intersections will remain as drafted in the conditions of approval, but may, at a time, determined by the City Council be analyzed and potentially removed from the approved conditions of approval if the City Council does not analyze and/or remove said conditions of approval, the applicant shall continue to be bound by the existing conditions of approval, regarding the following: intersections Willow Road and Coleman Avenue, Willow Road and Gilbert Avenue, those are the near term conditions. Cumulative scenario Chrysler Drive and Jefferson Drive, Chilco Street and Bayfront Expressway, and Chilco Street and Constitution Drive.
- 2) Regarding the proposed PILOT agreement which would read as follow; prior to issuance of the first building permit the applicant shall enter into a payment in lieu of taxes agreement, the PILOT agreement with the City of Menlo Park and shall record the executed PILOT agreement in the San Mateo County Recorder’s Office. The PILOT agreement shall require that in the event the owner, or any of its operators or lessees or their successors are assigned, applies for and it's granted a welfare exemption pursuant to Section 214 of the California Revenue And Taxation Code or any successor provision or any other exemption from the payment of real or personal property taxes of that nature, owner shall pay annually to the City of payment in lieu of taxes in an amount equal to the portion of the real personal property tax levy the City would have received but for the exemption, as determined by the City and is increased annually by the amount permitted under the provisions of Article 8a, Section 2 of the California Constitution, and the PILOT agreement shall run with the land; and a meeting to be scheduled between Greystar and SUHSD passed 4-1 (Taylor dissenting).

The City Council took a recess at 10:00 p.m.

The City Council reconvened at 10:22 p.m.

- L2. Consider an appeal of the Planning Commission certification of the final environmental impact report impact report and approval of a use permit, architectural control, below market rate housing agreement, and community amenities operating covenant, and consider the Planning Commission’s recommendation to approve a public utilities easement abandonment for the proposed Menlo Portal project with 335 multifamily dwelling units and an approximately 34,499-square-foot office space which includes approximately 1,600 square feet of non-office commercial space located at 115 Independence Drive and 104 and 110 Constitution Drive (Staff Report #21-176-CC) (Staff Presentation) (Applicant Presentation)

Contract Principal Planner Payal Bhagat made a presentation (Attachment).

Greystar Sr. Development Director Andrew Morcos made a presentation (Attachment).

Appellants Sequoia Union High School District Legal Counsel Harold Freiman and Sequoia Union High School District Board President Alan Sarver made a presentation.

Contract Principal Planner Payal Bhagat made a presentation (Attachment).

Appellants Sequoia Union High School District Legal Counsel Harold Freiman and Sequoia Union High School District Board President Alan Sarver made their rebuttal.

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

Mayor Combs opened the public hearing

- Pam Jones clarified stance on childcare.

Mayor Combs closed the public hearing.

The City Council received clarification on SUHSD appeals in other cities to Greystar projects, childcare, community amenities, and in-lieu fee options, and non-TIF related modifications that could be further reviewed.

The City Council directed Menlo Park City Attorney's office meet with SUHSD.

ACTION: Motion and second (Combs/ Nash), to adopt Resolution No. 6665 and make the required findings for the California Environmental Quality Act (CEQA) certifying the final environmental impact report (EIR) that analyzes the potential environmental impacts of the proposed project, and adopt an associated Mitigation, Monitoring and Reporting Program (MMRP); and adopt Resolution No. 6667 approving the public utility easement abandonment, which would allow relocation of existing utilities outside the footprints of the proposed buildings and into a new easement within the project site; and adopt Resolution No. 6666 denying the appeal of SUHSD, upholding the Planning Commission's approval of and approving a use permit, architectural control, below market rate (BMR) housing agreement, and community amenities operating covenant with two additional considerations of approval:

- 1) All conditions of approval mandating improvements to the following intersections will remain as drafted and the conditions of approval that may, at a time, determine by City Council be analyzed and potentially removed from the approved conditions of approval. If the City Council does not analyze and/or remove said conditions of approval, the applicant shall continue to be bound by the existing in our conditions of approval related to the following intersections:
Chrysler Drive and Independence Drive
Bayfront Expressway and Chrysler Drive
Turn pocket on Jefferson Drive
- 2) Regarding the proposed PILOT agreement which would read as follow; prior to issuance of the first building permit the applicant shall enter into a payment in lieu of taxes agreement, the PILOT agreement with the City of Menlo Park and shall record the executed PILOT agreement in the San Mateo County Recorder's Office. The PILOT agreement shall require that in the event the owner, or any of its operators or lessees or their successors are assigned, applies for and it's granted a welfare exemption pursuant to Section 214 of the California Revenue And Taxation Code or any successor provision or any other exemption from the payment of real or personal property taxes of that nature, owner shall pay annually to the City of payment in lieu of taxes in an amount equal to the portion of the real personal property tax levy the City would have received but for the exemption, as determined by the City and is

increased annually by the amount permitted under the provisions of Article 8a, Section 2 of the California Constitution, and the PILOT agreement shall run with the land, passed 4-1 (Taylor dissenting).

M. Regular Business

- M1. Adopt Resolution No. 6663 to approve permanent installation of the Belle Haven neighborhood traffic management plan (Staff Report #21-173-CC) (Presentation)

This item was continued to a future meeting.

N. Informational Items

- N1. City Council agenda topics: September – October 12, 2021 (Staff Report #21-171-CC)
- N2. Personnel activity report as of July and August 2021 (Staff Report #21-172-CC)

O. City Manager's Report

None.

P. City Councilmember Reports

None.

Q. Adjournment

Mayor Combs adjourned the meeting at 12:01 a.m.

Judi A. Herren, City Clerk

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

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- How to participate in the closed session and regular meeting
 - Submit a written comment online up to 1-hour before the meeting start time:
menlopark.org/publiccommentSeptember14 *
 - Access the meeting real-time online at:
[Zoom.us/join](https://zoom.us/join) – Meeting ID 998 8073 4930
 - Access the meeting real-time via telephone at:
(669) 900-6833
Meeting ID 998 8073 4930
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Channel 26
 - Online:
menlopark.org/streaming

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SPECIAL MEETING MINUTES – DRAFT

Date: 9/20/2021

Time: 5:30 p.m.

Location: Zoom

Closed Session (Zoom.us/join – ID# 818 2442 0768)

A. Call To Order

Mayor Combs called the meeting to order at 5:44 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin

Absent: None

Staff: None

C. Closed Session

- C1. Closed session conference pursuant to Government Code §54957(b)(1) regarding public employee performance evaluation of the City Attorney

No reportable actions.

D. Adjournment

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

Judi A. Herren, City Clerk

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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- How to participate in the meeting
 - Submit a written comment online up to 1-hour before the meeting start time:
[menlopark.org/publiccommentSeptember20*](https://menlopark.org/publiccommentSeptember20)
 - Access the meeting real-time online at:
Zoom.us/join – Meeting ID 818 2442 0768
 - Access the meeting real-time via telephone at:
(669) 900-6833
Meeting ID 818 2442 0768
Press *9 to raise hand to speak
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STAFF REPORT

City Council

Meeting Date: 10/12/2021

Staff Report Number: 21-191-CC

Consent Calendar: **Authorize the Mayor to sign the City’s response to the San Mateo County’s Civil grand jury report: “Building Greater Trust Between the Community and Law Enforcement via the Racial and Identity Profiling Act”**

Recommendation

Staff recommends that the City Council approve the City’s response to San Mateo County’s Civil grand jury report: “Building Greater Trust Between the Community and Law Enforcement via the Racial and Identity Profiling Act” and authorize the Mayor to sign the letter.

Policy Issues

California Penal Code Section 933 (c) requires governing bodies requested to respond to Civil Grand Jury reports to do so within 90 days of the final report submission.

Background

The San Mateo County Civil grand jury is an independent judicial body composed of 19 citizens who serve as the “watchdog for the citizens of the County.” Empowered by the state judicial system, the San Mateo County Civil grand jury is a fact-finding body who makes specific recommendations to a wide range of topics to help improve local government operations. The 2020-20 Civil grand jury issued eight final reports, all available online and included via hyperlink in Attachment A.

On July 27, 2021, the 2020-21 San Mateo County Civil Grand Jury issued a report titled “Building Greater Trust between the Community and Law Enforcement via the Racial Identity Profiling Act,” included as Attachment B. The City of Menlo Park, like other jurisdictions in the County of San Mateo, is required to submit comments on the findings and recommendations pertaining to the matters over which it has some decision-making authority within 90 days. The City Council’s response to the report is due no later than October 27, 2021. Response letters must be approved by the governing body of each jurisdiction at a public meeting.

Analysis

The 2019-20 San Mateo Civil grand jury selected to explore how the County of San Mateo and its cities are responding to the requirements of the Racial Identity Profiling Act (RIPA), Assembly Bill 953, which requires all law enforcement agencies in California to collect specific data related to stops and detentions by police beginning in January 2022. The data derived from this new requirement must be reported to the California Department of Justice (DOJ.) Through their report, the Grand Jury identified eight (8) findings, and made eight (8) recommendations related to RIPA collection and reporting by law enforcement agencies.

The City's police department is prepared to collect this data in advance of the required date, and have strategies in place to gather, process, and relay this data as required by DOJ.

Additionally, the City has established a City Council Re-Imagining Public Safety Subcommittee to discuss various facets of progressive policing and police reform, and the subcommittee was consulted for feedback regarding the transparency components of the Civil Grand Jury findings and recommendations.

The City's response to the Civil Grand Jury's findings and recommendations are included in Attachment C.

Impact on City Resources

Approving and submitting a response to the Civil grand jury has no direct impact on City resources. During the most recent budget review process for fiscal year 2021-22, the City acknowledged the additional effort upcoming with collection and sorting of RIPA data, and restored an additional full-time equivalent position in the department's records bureau. Full labor and fiscal impacts of this significant change in practice are yet to be determined, pending the actual practice of compliance with RIPA.

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 – San Mateo County Civil grand jury 2020-21 final reports:
sanmateocourt.org/court_divisions/grand_jury/2020.php
- B. Grand jury report: "Building Greater Trust Between the Community and Law Enforcement via the Racial and Identity Profiling Act"
- C. City of Menlo Park response letter

Report prepared by:
Dave Norris, Chief of Police



Superior Court of California, County of San Mateo
Hall of Justice and Records
400 County Center
Redwood City, CA 94063-1655

ATTACHMENT B

NEAL TANIGUCHI
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 261-5066
FAX (650) 261-5147
www.sanmateocourt.org

July 27, 2021

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

Re: Grand Jury Report: "Building Greater Trust between the Community & Law Enforcement via the Racial and Identity Profiling Act"

Dear Councilmembers:

The 2020-2021 Grand Jury filed a report on July 27, 2021 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Amarra A. Lee. Your agency's response is due no later than October 27, 2021. **Please note that the response should indicate that it was approved by your governing body at a public meeting.**

For all findings, your responding agency shall indicate one of the following:

15. The respondent agrees with the finding.
16. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

29. The recommendation has been implemented, with a summary regarding the implemented action.
30. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
31. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
32. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Kindly submit your responses in ALL of the following formats:

22. Responses to be placed on file with the Clerk of the Court by the Court Executive Office.

- Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to:

Hon. Amarra A. Lee
Judge of the Superior Court
c/o Jenarda Dubois
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655.

23. Responses to be placed at the Grand Jury website.

- Scan response and send by e-mail to: grandjury@sanmateocourt.org. (Insert agency name if it is not indicated at the top of your response.)

24. Responses to be placed with the clerk of your agency.

- File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 261-5066.

If you have any questions regarding these procedures, please do not hesitate to contact David Silberman, Chief Deputy County Counsel, at (650) 363-4749.

Very truly yours,



Neal Taniguchi
Court Executive Officer

Enclosure

cc: Hon. Amarra A. Lee
David Silberman



BUILDING GREATER TRUST BETWEEN THE COMMUNITY & LAW ENFORCEMENT VIA THE RACIAL AND IDENTITY PROFILING ACT

ISSUE

California enacted the Racial and Identity Profiling Act in 2015 (RIPA, Assembly Bill 953), to highlight one of the more serious problems that can obstruct effective and fair law enforcement: implicit bias and racial and identity profiling. By requiring “stop data,” be documented and reported, law enforcement agencies will gain a tool to improve racial and identity awareness in law enforcement.

Are San Mateo County Law Enforcement Agencies (LEAs) ready to collect and report the RIPA stop data? Will the LEAs use the data to build trust within the community and improve their departments?

SUMMARY

Professor Paul Butler of Georgetown University Law Center in an NPR interview shared:

In my class at Georgetown, I have a real-life police officer come and talk to my students about what it's like to be a cop in D.C. And to demonstrate how much power he has, he plays a game with the students where he invites them to come on a ride-along, sit in the back seat of his car for a night, and the game is called “**Pick That Car.**” And he tells the student, **pick any car you want on the street, and I'll stop it. He's a good cop. He waits until he finds a legal reason.** But he says that he can follow any car for four or five minutes, and he'll find a reason. There are so many traffic infractions that any time you drive, you commit one. And **that gives police an extraordinary amount of power**, and we know that they selectively use this power against Black and brown people.¹

Peace officers² have a great deal of individual discretion on who they stop. And, as is true of all humans, they have implicit biases. Addressing implicit bias is key to addressing racism, reducing inequities in policing, and helping to eliminate needless or unwarranted peace officer-initiated

¹ NPR Interview with Paul Butler, April 16, 2021, <https://www.npr.org/transcripts/987956420> (emphasis added)

² The terms peace officer and police officer are used interchangeably in this report. The RIPA Board prefers “peace officer.”

shootings.³ The connection between racism and implicit bias is well documented,⁴ as is the fact that racism is present at individual and institutional levels.⁵

California's 2015 Racial and Identity Profiling Act, AB 953, seeks to address potential racial and identity profiling by peace officers.⁶ RIPA requires law enforcement agencies (LEAs) to collect data on every stop⁷ and capture the officer's *initial perception* of the people stopped. This data can help identify whether one demographic group is being stopped and searched more frequently than others due to implicit biases. The data collection requirement began in 2018 for the State's largest LEAs and expanded each year to the next largest LEAs. Every LEA in the County must collect stop data starting January 1, 2022 and submit stop data to the California Department of Justice (CA DOJ) annually, starting April 1, 2023.

The RIPA Advisory Board (RIPA Board) publishes an annual report examining the stop data and complaint data collected in the prior year. The report notes problems, shares successes, and offers informed recommendations on preventing and addressing racial and identity profiling. The report is released to the public at the end of the year or start of the next year. Thus, there is a significant lag time between the data collection and the RIPA Board report. Accordingly, the 2021 report, issued in January of this year, covers the stop data from 2019. If an LEA submits data identifying a potential problem but takes no action until the Board report is issued, it will be a reaction to the data versus a proactive response by the LEA in a timelier fashion.

For this Grand Jury report, all seventeen of the County's LEAs were surveyed and subsequently interviewed to ascertain their progress and plans for:

- RIPA data collection and reporting;
- using insights gained from the RIPA data to improve the operation of their departments by combating implicit bias in policing; and

³ Racial Equity Tools, Act, Communicating, Implicit Bias

<https://www.racialequitytools.org/resources/act/communicating/implicit-bias>

⁴ Gaertner S, Dovidio JF. "The aversive form of racism." In: Dovidio JF, Gaertner S, editors. *Prejudice, discrimination, and racism*. Orlando: Academic Press; 1986. pp. 61–89

⁵ Jones CP. "Levels of racism: a theoretic framework and a gardener's tale." *Am J Public Health*. 2000;90(8):1212-1215. doi:10.2105/ajph.90.8.1212

⁶ RIPA definition: "'[P]eace officer,' ... is limited to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions. "Peace officer," as used in this section, does not include probation officers and officers in a custodial setting." (Gov. Code, § 12525.5 (g)(1).)

⁷ RIPA definition: "'[S]top' means any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control." (Gov. Code, § 12525.5 (g)(2).)

- pursuing greater community trust by implementing the RIPA Board’s growing list of policing best practices.

Those best practices include “community-based accountability.”⁸

The Board encourages law enforcement agencies to partner with local community-based organizations or colleges or universities to help with analyzing the data that drives the implementation of these best practices.⁹

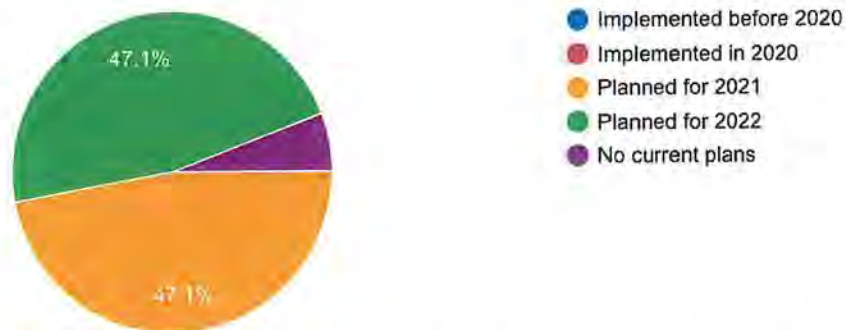
The Grand Jury found, as of the first quarter of 2021, two of the County’s LEAs are ahead in preparing for RIPA data collection, others are on track and should be able to comply, and a few are lagging in implementation. The Grand Jury survey asked each LEA their “plans for RIPA recommendation: ‘regularly analyze data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population.’” Their responses are summarized in the chart below:

⁸ Racial & Identity Profiling Advisory Board, 2021, “Annual Report 2021,” at p. 91, <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2021.pdf>

⁹ 2021 RIPA Report Best Practices (ca.gov) <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021.pdf>

What are your plans for RIPA recommendation: "regularly analyze data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

17 responses



The Grand Jury recommends that all LEAs, in collaboration with their governing bodies:

1. finalize, implement, and test departmental systems and processes to collect and analyze RIPA stop data;
2. *start* collecting RIPA stop data *as soon as possible*, including earlier than the mandatory data collection date, to gain time to test, validate, and improve processes, and begin evaluating the collected data to identify possible signs of biased-policing;
3. plan how to analyze the RIPA stop data to improve local policing activities by “regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population;” and
4. evaluate and consider RIPA Board recommendations and peer-LEA examples of community engagement and transparency to build community trust and provide bias-free policing, sought by all stakeholders.¹⁰

¹⁰ Stakeholders include local governance leaders (city/town councils, Boards of Supervisors), residents, local community leaders and organizers, to name a few.

GLOSSARY

Bias – prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.¹¹

Bias by proxy – “when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against.”¹² The bias starts outside the agency.

BOS – Board of Supervisors, San Mateo County.

CAD – Computer Aided Dispatch; used by public safety agencies to dispatch public safety personnel and to respond to calls.

CA DOJ – California Department of Justice.

Contracting Entities – The Sheriff’s Office “provides contract law enforcement services for the cities of Half Moon Bay, Millbrae, San Carlos ... the towns of Portola Valley and Woodside, as well as for the Peninsula Corridor Joint Powers Board and the San Mateo County Transit District.”¹³ This report restricted itself to the contracting entities that are towns and cities.

County – San Mateo County.

Implicit Bias – The RIPA Board defines implicit bias as “the attitudes or stereotypes that affect a person’s understanding, actions, and decisions in an unconscious manner.”

LEA – Law Enforcement Agency – a police department or the County Sheriff’s Office.

POST – The California Commission on Peace Officer Standards and Training (POST), established by the Legislature in 1959.

RIPA – The Racial and Identity Profiling Act of 2015, California Assembly Bill 953.¹⁴

RIPA Advisory Board – Racial and Identity Profiling Advisory Board, created by AB 953.

¹¹ Unconscious Bias | diversity.ucsf.edu <https://diversity.ucsf.edu/resources/unconscious-bias>

¹² Racial & Identity Profiling Advisory Board, “2021 Best Practices,” p. 3, available at Racial and Identity Profiling Advisory Board | State of California - Department of Justice - Office of the Attorney General <https://oag.ca.gov/ab953/board>

¹³ San Mateo County Sheriff’s Office. “Patrol Services.” Undated, <https://www.smcsheriff.com/patrol-services>

¹⁴ An act to add Section 12525.5 to the Government Code, and to amend Sections 13012 and 13519.4 of the Penal Code, relating to racial profiling.

SDCS – Stop Data Collection System, the CA DOJ RIPA data input portal.

SMC – San Mateo County.

Stop – “means (1) any detention by a peace officer of a person; or (2) any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control.”¹⁵

Stop data – the specific racial and identity data required to be collected under RIPA.

BACKGROUND

RIPA: The Racial and Identity Profiling Act (AB 953) & the RIPA Advisory Board

The 2015 Racial and Identity Profiling Act (AB 953) is designed to address potential racial and identity profiling by peace officers. Key provisions of RIPA:

1. required all LEAs in the State to collect peace officer *perceived* demographic and relevant data on all pedestrian and traffic stops and provide that data to the CA DOJ for public reporting and analysis purposes;
2. created the Racial and Identity Profiling Advisory Board (RIPA Board) to oversee RIPA implementation and guide LEAs on appropriate procedures, training and best practices; and
3. changed existing laws on the reporting of civilian complaints (Pen. Code, § 13012) and updated POST training guidelines.¹⁶

This report focuses on the first two provisions. The *annual* data collection requirement began with the State’s largest LEAs, which submitted their initial data, covering the last half of 2018, to the CA DOJ in 2019. RIPA expanded each year to smaller LEAs each year. All County LEAs are required to start collecting RIPA data on January 1, 2022 and to submit the data to CA DOJ by April 1, 2023. The data collection focuses on implicit bias by capturing the officer’s *initial perception* of the person’s race, sex, gender identity, sexual preference, age, physical or mental handicap, and English fluency.

Unlike existing data on traffic citations, arrests, and other interactions, the focus of the RIPA data is on the officer’s observation and *perception* of the stopped person’s race and identity. AB

¹⁵ Cal. Govt. Code § 12525.5(g)(2)

¹⁶ California DOJ webinar presentation “Reporting Stop Data for the Racial & Identity Profiling Act” for the California Police Chiefs Association. October 21, 2020.

953 also expanded and clarified the definition of racial and identity profiling as “the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description.”¹⁷

The law specifically requires that “the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped.”¹⁸ RIPA also requires that *any detention* of a person by a peace officer, *or* any peace officer interaction with a person in which the officer conducts a search, including a consensual search, is recorded.¹⁹ Thus, a traffic stop that only resulted in a warning also generates a RIPA data record, unlike previous practice where citations resulted in a record, but warnings did not.

In California there are two main types of local law enforcement agencies: first, police departments, which operate in cities and towns (or special districts) and are headed by a police chief. The police chief is hired by and reports to a city or town manager, who in turn are governed by a city or town council. The other LEA in a county is the county sheriff. A sheriff is elected by the county residents. The Sheriff does *not* report to the county board of supervisors. And a county board of supervisors is specifically barred from obstructing the “constitutionally and statutorily designated investigative ... functions of the sheriff of the county...”²⁰

The 19-member RIPA Board includes a wide range of stakeholders, representing law enforcement, academia, religious clergy, and the community.²¹ Annually, the RIPA Board:

- analyzes the stop data information, by LEA;
- analyzes current law enforcement training;
- works in partnership with State and local law enforcement agencies to review and analyze racial/identity profiling policies/practices across geographic areas in California;

¹⁷ <https://oag.ca.gov/ab953> The entirety of the new definition can be found in Penal Code section 13519.4, subdivision (e).

¹⁸ Govt. Code §12525.5(b)(6)

¹⁹ California DOJ webinar presentation “Reporting Stop Data for the Racial & Identity Profiling Act” for the California Police Chiefs Association. October 21, 2020.

²⁰ California Government Code Section 25303

²¹ California Penal Code Section 13519.4(j)(2)

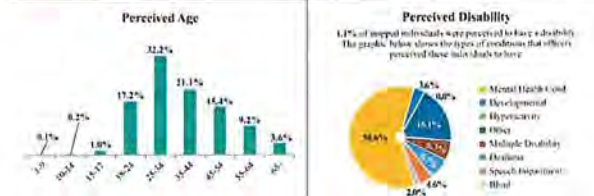
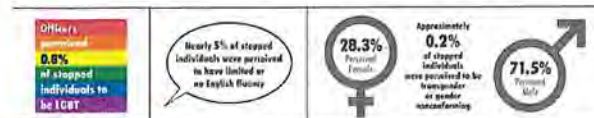
- makes policy recommendations for eliminating racial and identity profiling,²² and
- publishes the following three reports:

RIPA | RACIAL AND IDENTITY PROFILING ACT 2020 REPORT QUICK FACTS

Between July 1, 2019
to December 31, 2019
the eight largest agencies
in California collected data on
vehicle and pedestrian stops.
80% deliver a stop as
a detention or search.



Demographics of Stopped Individuals



followed-up with interviews of all seventeen LEAs in SMC. The aggregate results are available in the Discussion section.²⁴

○ An Annual Report detailing the past and current status of racial and identity profiling,

○ A Quick Facts document showing a statewide summary of the stop data (see Appendices F and G), and

○ A Best Practices document²³ This Grand Jury report examines: 1) the status of local LEA preparation for compliance with the RIPA data collection and submission requirements, 2) LEA plans to use the data to improve their agency, and 3) LEA willingness to adopt RIPA Board recommendations and peer-LEA examples to build trust between their departments and the community.

To investigate their readiness to implement and utilize RIPA to identify and/or address bias and improve relationships between law enforcement and the communities it serves, the Grand Jury surveyed and

²² California DOJ webinar presentation “Reporting Stop Data for the Racial & Identity Profiling Act”

²³ [RIPA Board Reports and Videos | State of California - Department of Justice - Office of the Attorney General](#)

²⁴ As previously mentioned, the Grand Jury is not allowed to reveal information it obtained during interviews, or via the survey, in ways that might identify the source.

Implicit Bias

The RIPA Board defines implicit bias as “the attitudes or stereotypes that affect a person’s understanding, actions, and decisions in an unconscious manner.”²⁵ These biases could be favorable or unfavorable assessments, and they are activated involuntarily and without an individual’s awareness or intention. Implicit biases differ from explicit biases, which are known to the individual and include biases that the individual may not be comfortable revealing.²⁶

All humans have biases. Explicit bias is easier to identify and address, if people are willing to speak up and have a growth mindset.²⁷ Overt racism and racist comments are examples of explicit biases.²⁸

Implicit bias affects our decision making, even when we are unaware of it. Multiple academic studies, dating back into the 1990s and repeated many times since, show that when an identical resume is sent to a large and diverse set of evaluators for a clearly defined job, a majority of evaluators – regardless of their own race, age, sex, etc. – offer the job to white males more often, and at a higher salary. The only difference is the candidate names on the resume. The researchers intentionally used names that are historically connected to a particular sex/gender, or race/ethnicity.²⁹

Similarly, orchestras that recognize the problem of implicit bias switched to curtained live auditions, thus blinding the evaluator’s view of the auditioning musician’s visible race or gender. The result: more women and people of color were hired into nationally renowned orchestras.³⁰ A pop-culture acknowledgement of the role of implicit bias is seen in the TV show “The Voice,” where the coaches conduct blind auditions of contestants.³¹

²⁵ RIPA Board 2021 Report, p. 23.

²⁶ RIPA Board 2020 Report – Best Practices; see also Eberhardt 2020 Ted Talk.

²⁷ Great Schools Partnership, “Glossary of Education Reform, Growth Mindset” August 29, 2013, <https://www.edglossary.org/growth-mindset/>

²⁸ Lorie Fridell, “This Is Not Your Grandparents’ Prejudice: The Implications of the Modern Science of Bias for Police Training,” *Translational Criminology*, Fall 2013: 10-11, <http://cebcp.org/wp-content/TCmagazine/TC5-Fall2013>

²⁹ Steinpreis, R.E., Anders, K.A. & Ritzke, D. The Impact of Gender on the Review of the Curricula Vitae of Job Applicants and Tenure Candidates: A National Empirical Study. *Sex Roles* 41, 509–528 (1999). <https://doi-org.stanford.idm.oclc.org/10.1023/A:1018839203698>

³⁰ *Orchestrating Impartiality: The Impact of “Blind” Auditions on Female Musicians*, Claudia Goldin and Cecilia Rouse *AMERICAN ECONOMIC REVIEW* VOL. 90, NO. 4, SEPTEMBER 2000 (pp. 715-741)

³¹ [https://en.wikipedia.org/wiki/The_Voice_\(American_TV_series\)](https://en.wikipedia.org/wiki/The_Voice_(American_TV_series))

Although we generally associate implicit bias in policing with racial biases, implicit bias can also be expressed in relation to non-racial factors such as gender, age, religion, or sexual orientation. As with all types of bias, implicit bias can distort one's perception and subsequent treatment either in favor of or against a given person or group. Although most police officers do not intentionally discriminate, we as a nation have been confronted with multiple episodes of officers relying on racial stereotypes in judging who to stop and search. Last year's heavily reported incidents of police violence show that implicit biases may unconsciously link African American motorists and pedestrians with crime or with a propensity towards violence or hostility. The result could explain a tendency for police to shoot unarmed black people at a higher rate than white people (per capita).³²

What is Bias-Free Policing?

LEAs committed to bias-free policing provide services and enforce laws in a professional, nondiscriminatory, fair, and equitable manner. This keeps the community and officers safe and protected. It requires LEAs to recognize explicit and implicit biases can occur at individual and institutional levels, and a focused commitment to examining and eradicating both. This results in greater effectiveness of the LEA and builds mutual trust and respect with the diverse communities the LEAs serve.³³

Why Stops Matter

A 2020 guidebook³⁴ for LEAs and stakeholders on RIPA data collection, analysis and response, prepared by New York University researchers, notes: "Despite the prominence of stops, there is much we still do not know about them, including their efficacy in achieving public safety and their impact on the public. These questions, asked by law enforcement executives and communities alike, go largely unanswered because the data needed to answer them are lacking."³⁵ This research indicates that vehicle stops and pedestrian stops disproportionately burden non-white communities and the operational realities of stops—particularly vehicle stops—pose dangers both to those stopped and to law enforcement officers.³⁶ This research concludes that collecting and analyzing stop data can shed light on all of these issues.³⁷ By

³² The Stanford Open Policing Project, <https://openpolicing.stanford.edu>

³³ RIPA Board 2020 Report – Best Practices, p.2

³⁴ Pryor, Marie, Phillip Atiba Goff, Farhang Heydari, and Barry Friedman. 2020. "Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities." New York. https://policingequity.org/images/pdfs-doc/COPS-Guidebook_Final_Release_Version_2-compressed.pdf

³⁵ Pryor, *Guidebook for LEAs*, *ibid.*, at 7.

³⁶ Pryor, *Guidebook for LEAs*, *ibid.*

³⁷ Pryor, *Guidebook for LEAs*, *ibid.*

embracing stop data collection and analysis in a transparent way, law enforcement can realize a range of benefits, such as:

- obtaining concrete evidence about whether stops are achieving law enforcement and public safety objectives;
- providing a better understanding of how stops impact the community and whether certain groups bear a disproportionate burden from those stops;
- permitting agencies to better assess the conduct of individual officers; and
- building community trust through improved transparency and dialogue about policing practices.

Again, the only way to answer these questions is to collect and analyze data.”³⁸

RIPA data: What is collected? And why *perceived* identity information?

For each stop the officer will collect RIPA Data regarding the stop, the officer’s perception of the person(s) stopped, and information about the officer. The 2021 RIPA Board report groups the information as shown in the table.³⁹

Officer Reporting Requirements
Information Regarding Stop
1. Date, Time, and Duration 2. Location 3. Reason for Stop 4. Was Stop in Response to Call for Service? 5. Actions Taken During Stop 6. Contraband or Evidence Discovered 7. Property Seized 8. Result of Stop
Information Regarding Officer’s Perception of Person Stopped

³⁸ Ibid.

³⁹ 2021 RIPA Board Annual Report, p. 21

Officer Reporting Requirements
1. Perceived Race or Ethnicity 2. Perceived Age 3. Perceived Gender 4. Perceived to be LGBT 5. Limited or No English Fluency 6. Perceived or Known Disability
Information Regarding Officer
1. Officer's Identification Number 2. Years of Experience 3. Type of Assignment

A full list of the fields for which data is collected is available in Appendix A.

The RIPA-recorded perception is intended to be the first one the officer has of the stopped person. For example, in a traffic stop of a car with tinted windows, or at night, the officer may not see the driver until they roll down the window. The perception is the one at that moment, when the officer first sees the driver.⁴⁰ Capturing perception allows implicit biases to be examined. It does not matter if the actual identity information differs; what counts is how the officer perceives the person and deals with them.

Data Integrity & Is Data Collection a Burden?

Any set of data is only as useful as the quality of its components. Incomplete and contradictory data must be minimized to make the data useful. Recognizing the importance of RIPA data integrity, the CADOJ produced a five-minute video on the subject in May 2019. [RIPA – Data Integrity](#), available on YouTube.⁴¹ A LEA that collects data without following the CA DOJ requirements will have its data rejected, requiring reexamination of the data and resubmission.⁴²

How much time does it take to gather this valuable data? Experienced LEAs elsewhere in California have found that data collection, on average, only took three- to -five minutes per

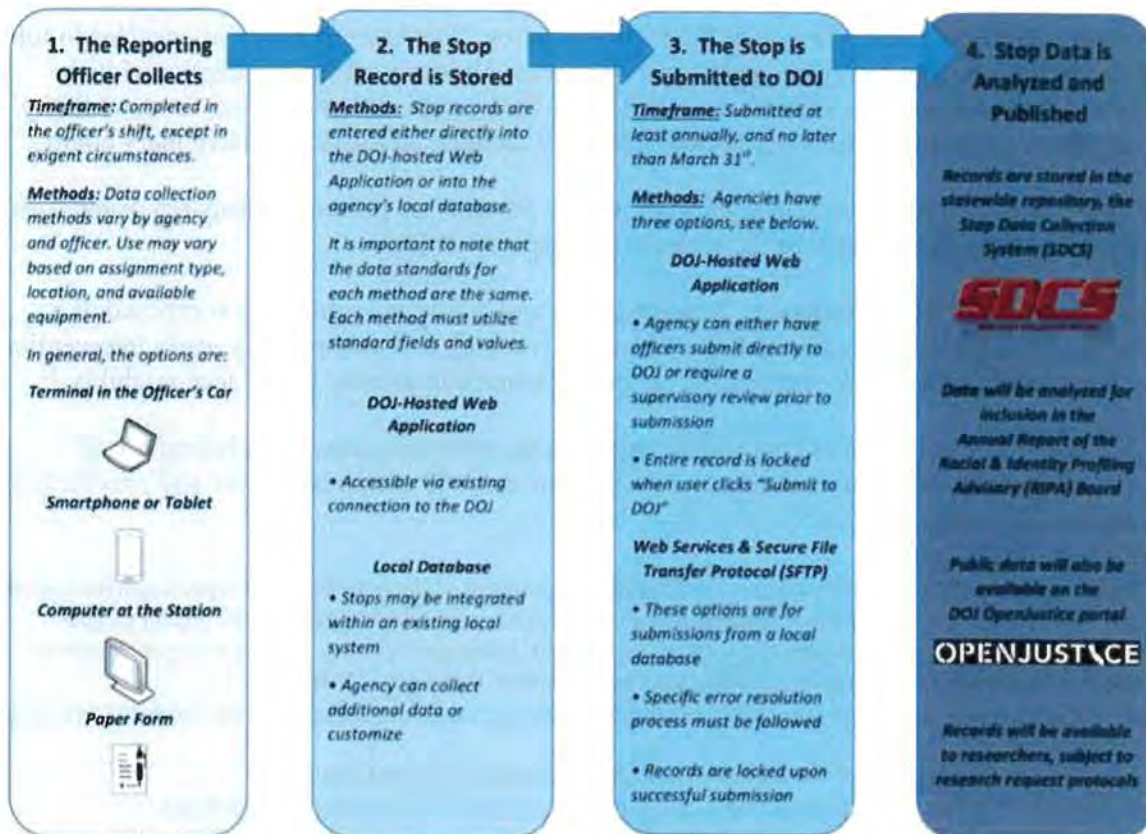
⁴⁰ DOJ webinar, “Reporting Stop Data for the Racial & Identity Profiling Act (RIPA / AB 953)”, slide 42 of 111.

⁴¹ RIPA Data Integrity, California Department of Justice, May 2, 2019, available at <https://youtu.be/F2evScIOFo0>

⁴² RIPA Stop Data Collection Stop Presentation, 2018, Slide 14 of 16

person stopped.⁴³ Private software vendors have created RIPA solutions for LEAs. See Appendix B for screenshots of one vendor’s RIPA application.

The illustration below, from the 2019 RIPA Board report, illustrates the collection, submission, and analysis process:



RIPA Board Best Practices and Learning from Peer LEAs

The RIPA Board offers “policy recommendations for eliminating racial/identity profiling” via an annually published RIPA Board Best Practices Report. An outline of the 2020 and 2021 Best Practices Report is available in Appendix C.

⁴³ Grand Jury Interviews.

The RIPA Board Best Practices Report includes recommendations for policies, training, and interactions with the community to eliminate “racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement.”⁴⁴

Many peer LEAs have begun implementing community advisory boards for community-based accountability and trust building, unrelated to RIPA. These include, but are not limited to, the University of California, Berkeley⁴⁵, Chula Vista⁴⁶, Davis⁴⁷, Walnut Creek⁴⁸, Fremont⁴⁹, Hayward⁵⁰, Salinas⁵¹, and others. The RIPA Board notes: “For law enforcement agencies to fully practice accountability, the community must be included in those efforts to keep individual officers and the agency as a whole accountable. The Board will review avenues for community involvement, including community participation in oversight, advisory, or disciplinary boards.”⁵²

The RIPA best practices and Statewide LEA actions intended to promote transparency and trust building that are most relevant to the scope of this report include:

- **Accountability practices** to improve police and community relations composed of a comprehensive system which includes: data tracking and transparency, early intervention systems, supervisory oversight, clear policies, and community-based accountability.⁵³
- Peer-LEA examples of community engagement and transparency, including use of **community advisory boards** as a mechanism to build community trust and provide bias-

⁴⁴ Penal Code §13519.4 (j)(1)

⁴⁵ “Recommendation 15 states each campus would create independent advisory boards with representatives from the campus who can facilitate and enhance communication between the police department and the greater campus community as well as work collaboratively with the departments on issues involving campus safety and security” University of California, UC Berkeley, “Update On Campus Safety Task Force” March, 2021.

<https://www.ucop.edu/research-policy-analysis-coordination/policies-guidance/campus-safety/updates-on-campus-safety-task-forces.pdf>

⁴⁶ Chula Vista Police Department. “Community Advisor Committee” Accessed May 2021.

<https://www.chulavistaca.gov/departments/police-department/programs/chief-s-advisory-committee>

⁴⁷ Davis Police Department, “Community Advisory Board”, (board formed in 2005), Accessed May 2021.

<https://www.cityofdavis.org/city-hall/police-department/administration/community-advisory-board>

⁴⁸ Walnut Creek, City of. “Chief’s Community Advisory Board.” Undated. Accessed May 2021.

<https://www.walnut-creek.org/government/commissions-committees/chief-s-community-advisory-board>

⁴⁹ Fremont Police Department. “Community Advisory Group (CAG).” Undated.

<https://www.fremontpolice.gov/about-us/office-of-the-chief-of-police/community-advisory-group>

⁵⁰ <https://www.hayward-ca.gov/your-government/boards-commissions/hpd-community-advisory-panel>

⁵¹ <https://www.cityofsalinas.org/our-government/boards-commissions/police-community-advisory-committee>

⁵² Racial & Identity Profiling Advisory Board, *2021 Annual Report*, p. 91,

⁵³ Racial & Identity Profiling Advisory Board, *2021 Best Practices*, p. 2,

<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021.pdf?>

free policing, sought by all stakeholders⁵⁴. The 2021 RIPA Board notes: “13 of the 25 agencies surveyed indicated that they have a civilian review board. Of those agencies, five reported discussing the RIPA Board’s findings with their civilian review boards.”⁵⁵

- **A Stand-alone Bias-free Policing Policy** which should: use clear language, including definitions of relevant terms; express the agency’s responsibility to identify and eliminate racial and identity profiling; include references to relevant training that agency personnel receive on racial and identity profiling and bias; include components on encounters with the community, data analysis, accountability, and supervisory review; be easily accessible to both agency personnel and the public; and include cross references to other relevant agency policies on subjects such as civilian complaints, stops, use of force, training, and accountability.⁵⁶
- **Processes to Address Bias by Proxy** which occurs “when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against.”⁵⁷ The RIPA Board recommends that all LEAs adopt a policy to prevent bias by proxy or bias-based call by filtering out the biased information.
- **Civilian Complaints practices** - The RIPA Board has in- depth recommendations on how a LEA should handle complaints from members of the public so that they are not all dismissed as unfounded.⁵⁸
- **Training on Bias** - The RIPA Board also makes recommendations related to Racial and Identity Profiling training. In California, the Commission on Peace Officers Standards and Training (POST) creates training programs and materials for use by LEAs Statewide. The RIPA Board specifically recommends that POST training: uses stop data findings from RIPA reports to examine the disparities between racial and identity groups to identify topic areas of concern for future course development; provides courses with deeper discussions on possible officer bias that leads to a stop, how the situation evolves during the stop, and communication skills to prevent stops from escalating; provides guidance and discussion about the legal implications and consequences of bias; connects recruitment academy training to field officer training and determines how implicit bias

⁵⁴ Stakeholders include local governance leaders (city/town councils, Boards of Supervisors), residents, local community leaders and organizers, to name a few.

⁵⁵ RIPA Board 2021 Annual Report, p. 85

⁵⁶ RIPA Board 2021 Best Practices, *supra*, at p. 2

⁵⁷ RIPA Board 2021 Best Practices, *supra*, at p. 3

⁵⁸ RIPA Board 2021 Best Practices, *supra*, at p. 5

and racial and identity profiling and cultural awareness training are being applied; and, ensures that field training officers have up-to-date racial and identity profiling training.⁵⁹

RIPA Stop Data Impact on New Legislation

RIPA data has triggered the creation of new legislation. For example, early in 2021, a California assemblyman proposed a change in the State's laws regarding jaywalking (AB-1238, 2021, Ting and Friedman).⁶⁰ The bill was prompted, in part, by RIPA data showing that African Americans were four and one-half times more likely to be ticketed for jaywalking than whites. A ticket for jaywalking can escalate into a violent confrontation with law enforcement.⁶¹ On June 2, 2021, AB-1238, passed in the Assembly, it has moved to the State Senate.

DISCUSSION

Do SMC LEAs Have a Bias Problem?

It is easy to believe that biased policing is only a problem of big cities in other counties. Los Angeles, Oakland, Sacramento, San Francisco, and San Jose have all had publicized problems with documented episodes of their respective peace officers exhibiting biases in their interactions with civilians.⁶²

⁵⁹ RIPA Board 2021 Best Practices, *supra*, at pp. 4-5

⁶⁰ Bill Text - AB-1238 Pedestrian access. (ca.gov)

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1238

⁶¹ Ting Proposes to Eliminate Jaywalking Tickets In California | Official Website - Assemblymember Phil Ting Representing the 19th California Assembly District (asmdc.org) <https://a19.asmdc.org/press-releases/20210325-ting-proposes-eliminate-jaywalking-tickets-california>

⁶² Edwards, Ezekiel, "San Francisco Is a Hotbed of Illegal Race-Based Policing" San Francisco Is a Hotbed of Illegal Race-Based Policing | American Civil Liberties Union (aclu.org) 2018, <https://www.aclu.org/blog/criminal-law-reform/reforming-police/san-francisco-hotbed-illegal-race-based-policing>; Louie, David, (April 10, 2015) "Report: SJPd has a big problem being racially biased," ABC, KGO-TV, <https://abc7news.com/san-jose-police-department-sjpd-report-racial-bias/649558/>; Eberhardt, Jennifer, "To end racial disparities in policing, we must look beyond the data" The Guardian, April 18, 2019, <https://www.theguardian.com/commentisfree/2019/apr/17/race-policing-oakland-biased-jennifer-eberhardt>; Bretón, Marcos, "'Implicit bias' replaces the 'R' word. This is how we explain cops killing black men." Sacramento Bee, April 8, 2018, <https://www.sacbee.com/news/local/news-columns-blogs/marcos-bretón/article208230624.html>; Times Editorial Board, "Editorial: The more LAPD changes...", Los Angeles Times, May 28, 2021, <https://www.latimes.com/opinion/story/2021-05-28/lapd-changes-reform-needed>; see also FiveThirtyEight, February 4, 2021, <https://fivethirtyeight.com/features/the-biden-administration-wants-to-address-racial-bias-in-policing-what-cities-should-it-investigate/>

When asked, SMC LEAs generally do not think they have a problem with biased policing, based in part, on how few public bias-complaints they get.⁶³ Few departments have more than a small handful of complaints annually alleging any type of bias. All have both policies and training designed to eliminate biased policing.

Analysis of data shows that speaking up or complaining to authorities such as the local police are not reliable indicators of bias-free policing. For example, in Los Angeles, from 2012 to 2014, there were 1,356 allegations of biased policing. None of the complaints were upheld.⁶⁴

“AB 953 expanded the type of complaints that agencies are required to report to the Department of Justice, as well as the specific data to be reported for complaints.”⁶⁵ Complaint data for the County’s LEAs shows that while there were a total of 43 racial or identity profiling complaints reported during 2016 to 2019, none were sustained. The complaints were examined and resolved by the LEAs. (See Appendix H).

Are the County’s LEAs prepared for RIPA?

As previously mentioned, the RIPA timeline for County LEAs requires official data collection to begin on January 1, 2022, and submission to the CA DOJ by April 1, 2023. In order to comply, each individual LEA must have processes, technology, training, and system debugging completed before the end of 2021.

Are County LEAs prepared for RIPA data collection and submission? Do they have qualified personnel to analyze and use the data? How will they use the data for greater local transparency, training, and trust building? These are the questions this investigation set out to answer. The data for all local LEAs is based on the Grand Jury’s survey⁶⁶ and subsequent interviews with the leadership of all seventeen LEAs that took place in January and February 2021. The LEAs will have moved ahead with specific RIPA-related plans since the interviews.

The survey and interview results indicate levels of preparedness across LEAs that fall along a classic bell curve.⁶⁷ Some LEAs began collecting RIPA stop data in early 2021. The majority

⁶³ Grand Jury Interviews.

⁶⁴ Mather, Kate. “LAPD found no bias in all 1,356 complaints filed against officers.” Los Angeles Times, Dec. 15, 2015.

⁶⁵ AB 953: The Racial and Identity Profiling Act of 2015 | State of California - Department of Justice - Office of the Attorney General <https://oag.ca.gov/ab953#complaints>

⁶⁶ See Appendix D for the survey form.

⁶⁷ Grand Jury Confidentiality rules dictate that the identity of individuals interviewed is kept confidential.

have begun looking at solutions to comply, and a few are lagging and relying on other LEAs to lead the way. As of the first quarter of 2021:

- Burlingame announced it would begin collecting RIPA data early.⁶⁸
- Menlo Park indicated it purchased the necessary software.⁶⁹
- Most LEAs had either decided on their technology platform for RIPA data collection or had narrowed their approach to two or three alternatives.
- A few of the LEAs had barely begun their RIPA preparations.
- At least one of the contracted entities did not know about RIPA nor that it will be able to request RIPA data from the Sheriff.⁷⁰
- Some LEAs were confused and believed the County Dispatch System would collect the RIPA data. The dispatch system is part of the existing traffic citation writing procedure. The Grand Jury did not find any technology platforms that rely on County-level dispatch systems for RIPA data collection and question the efficacy of such a system.
- None of the LEAs had a firm plan for what personnel will be needed to ensure accurate data collection and analysis. Some thought they might add the task to the existing command group while others indicated a possible need for a data analyst. For the smaller departments, sharing one data analyst may make sense.

While each LEA is responsible for its own RIPA compliance, the LEAs in SMC can consult each other through the San Mateo Police Chiefs & Sheriff Association. The group meets monthly and has a RIPA Subcommittee.⁷¹

⁶⁸ Walsh, Austin. "Police address policy reforms in Burlingame - Chief details variety of efforts department has adopted in the wake of George Floyd's killing." The Daily Journal. December 28, 2020. https://www.smdailyjournal.com/news/local/police-address-policy-reforms-in-burlingame/article_4ff4a732-48ca-11eb-9dcf-f3b429ebbeb7.htm

⁶⁹ Menlo Park City Manager's Office. "Staff Report 20-150-CC: Add institutionalized bias reform as a top priority for City staff in 2020-21 and provide input to staff on how to address police" for July 16, 2020 meeting. <https://menlopark.org/DocumentCenter/View/25679/F2-20200714-CC-Institutionalized-bias-reform>

⁷⁰ Grand Jury interviews.

⁷¹ Grand Jury interviews.

Costs

The range of technology solutions for RIPA compliance include using existing systems without the purchase of new software or hardware, using the CA DOJ option which requires human labor, or acquiring technology for budget and time-friendly solutions.

City and town LEAs anticipated initial *direct* costs to range from \$0 - \$30,000. Some had existing systems which offer RIPA add-ons as part of the annual software fee, others expected to purchase either an add-on or standalone solution. None expressed budgetary concerns.⁷²

The County's largest LEA, the Sheriff's Office, has designated patrol services for the unincorporated parts of the county. The Sheriff's Office also provides contracted law enforcement services for the cities of Half Moon Bay, Millbrae, San Carlos, for the towns of Portola Valley and Woodside, as well as for the Peninsula Corridor Joint Powers Board and the San Mateo County Transit District.⁷³ Its preliminary estimate of RIPA costs range from \$15,000 to \$250,000, depending on the technology platform.

There are also *indirect* costs involved in complying with RIPA. They include:

- basic startup costs of any new program: installation of software and debugging, which may, or may not, be included in the direct costs mentioned above;
- training of officers on the use of the software, the purposes of RIPA, RIPA compliant data collection, etc.;
- personnel costs to audit the data collection to ensure, at a minimum, accurate data collection and reporting; and
- resources required to regularly analyze and use the data for improving bias-free policing.

Technology cost miscalculations can occur as evidenced by the experience of larger agencies. For example, a 2018 San Diego Police Department news report shared that the Peace Officers Research Association of California and the California State Sheriffs' Association had raised concerns that the RIPA requirements, which began in July 2018 for the State's largest agencies, would be expensive. In February 2017, then-Police Chief Shelley Zimmerman mentioned potential RIPA-related expenses to the city council. Later in May, council members budgeted an additional \$200,000 to cover the cost of implementation. SDPD Lieutenant Jeff Jordon said the money was intended to pay for the development of new tools to meet the mandate, but the agency instead received a free mobile application and program from the San Diego County Sheriff's Department. Ultimately, the department spent \$6,228, Jordon said, and the remaining

⁷² Grand Jury interviews.

⁷³ <https://www.smcsheriff.com/index.php/patrol-services>

\$193,772 went back to the city’s general fund at the end of the fiscal year in June, a mayor’s office spokesman confirmed.⁷⁴

To prevent such miscalculations and deliver on community and local-governance expectations, SMC LEAs would benefit from early planning and consultation with peer-LEAs that are leading in this effort.

RIPA’s Bias Free Policing Opportunity

The RIPA Board recommendations map out a path for local LEAs to deliver on the aspirations of bias-free -policing. The 2020-Summer-of-Race-Reckoning and ongoing national coverage of the subject⁷⁵ reinforces the need for racial equity in policing everywhere, including San Mateo County.

The Annual RIPA Report summarizes and publishes stop data findings along with recommendations to improve bias-free-policing. Local LEAs, in collaboration with their city/town councils and residents, can review their local RIPA data. A quarterly review, engaging internal and external stakeholders, can identify opportunities for addressing potential biases and course-correcting before the Annual RIPA Report is published. The appended table below summarizes: 1) legislated requirement (**bold**), and 2) RIPA Board intent and recommendations (italics).

RIPA Components	Understanding the RIPA Opportunity for Moving Toward Bias-Free Policing	Suggestions for Implementing RIPA ⁷⁶	Delivering on RIPA goal of Bias-Free-Policing
Stop Data	Collection & Reporting to CA DOJ (legislated)	<i>Regularly analyzing RIPA data at the LEA level</i>	<i>Training and mentoring officers and dispatch teams; evolving policies, etc.</i>

⁷⁴ Mento, Tarryn. “SDPD Didn’t Need Additional \$200K To Implement New Anti-Racial Profiling Law.” KPBS. December 20, 2018. <https://www.kpbs.org/news/2018/dec/20/sdpd-didnt-need-additional-200k-implement-new-anti/>

⁷⁵ Chang, Ailsa, Rachel Martin, Eric Marrapodi. “Summer of Racial Reckoning.” KQED. August 16, 2020. <https://www.npr.org/2020/08/16/902179773/summer-of-racial-reckoning-the-match-lit>

⁷⁶ Grand Jury Interviews

RIPA Components	Understanding the RIPA Opportunity for Moving Toward Bias-Free Policing	Suggestions for Implementing RIPA⁷⁶	Delivering on RIPA goal of Bias-Free-Policing
<i>Technology Platform</i>	<i>Easy plug-in for quick data collection</i>	<i>Ongoing and auto-auditing</i>	<i>Sophisticated, regular reporting at LEA level for local management via neighborhoods, etc.</i>
<i>Training front line officers for data collection; Training Supervisors for data collection & auditing</i>	<i>A mindset shift whereby all LEA teams understand the need to address implicit bias aka perceptions. Noting: we're all human</i>	<i>Awareness via ongoing Implicit bias training and discussions. Creating safe and brave spaces for learning from human frailty of implicit bias.</i>	<i>Transparency with external stakeholders on the need for the journey to learn and grow in order to deliver bias-free-policing</i>
<i>Community Engagement</i>	<i>Community is aware of stop data reports via annual RIPA Reports and easily accessible online data</i>	<i>LEAs engage City or Town Councils and the public on local RIPA data on a regular basis. Data should be easily accessible</i>	<i>Engage diverse stakeholders to advise, inform, guide collaborative bias-free-public safety</i>

Analysis of Stop Data

The RIPA stop data will require analysis using statistical or analytical tools. The RIPA Board's annual analysis compares the stop data-breakdown by race and identity against that of the community. But that comparison can be misleading when the diversity of day visitors doesn't match that of the residents. For example, populations vary in Half Moon Bay with a high beach-day-use or seasonal-agricultural workers; and Colma has day-work, transient populations. When the day-population diversity is different from the fulltime resident population, RIPA data could either suggest or hide biases.

The mandated data collection creates an opportunity for local LEAs to use their data on a regular basis as an early alert of possible individual or unit bias. Collection and analysis could promote early addressing of potential issues via training or mentorship. Sharing the data with the local

community on a regular basis, and engaging them in ascertaining possible solutions, is a RIPA Advisory Board recommendation implemented by many California LEAs.

Using RIPA to Improve Law Enforcement

A few SMC LEAs have plans to review the data monthly or quarterly, to identify patterns of bias; but a majority don't. Pryor, et al. *Guidebook for LEAs, supra*, recommends:⁷⁷

- Data analysis is crucial; thus LEAs should either allocate resources to hire experts or look to partner with universities or researchers;
- Analysis can be used to assess both the effectiveness of specific tactics and any disparities in how those tactics are applied in the community; and
- Three levels of explanation for police-data analysis, namely: *community, department, and relationship* between community and department.

What Could Governing Bodies Expect of Their LEAs Regarding RIPA?

Municipal governing bodies (city or town councils) should already be aware of RIPA, *and* of the plans of their respective LEAs to implement it. This is important because the LEA interviews raised the following concerns:⁷⁸

- LEA may request additional funding to implement RIPA data collection;
- LEA may need to reassign personnel to enable it to make use of RIPA data to improve its operation;
- LEA may show an initial drop in traffic citations and other interactions with the public when it starts collecting RIPA data;
- RIPA data will be analyzed by CA DOJ and department deficiencies will become public for citizens, advocacy groups, and academic researchers to view and further analyze and question; and

⁷⁷ Pryor, Marie, Phillip Atiba Goff, Farhang Heydari, and Barry Friedman. 2020. "Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities." New York. https://policingequity.org/images/pdfs-doc/COPS-Guidebook_Final_Release_Version_2-compressed.pdf

⁷⁸ Grand Jury Interviews

- RIPA data may bring to light a policing problem that is not otherwise apparent to the council.

IN SUMMARY

RIPA provides LEAs with an opportunity to improve operations. Explicit bias is readily identified in the words and actions of individuals, as well as in organizations. Implicit bias, in contrast, operates subtly, often without awareness by the person whose behavior the bias affects. Collecting and analyzing stop data can shed light on ways in which implicit biases are leading to uneven and unfair law enforcement. Once the problem is known, steps can be taken to minimize the bias and reduce its impact. It is crucial for the community to trust law enforcement.

FINDINGS

All seventeen LEAs responded to the Grand Jury survey on RIPA-readiness and participated in one or more interviews. Grand Jury confidentiality rules prevent specific identification of the responses of each LEA. The Grand Jury's aggregate relevant findings are:

RIPA Data Collection and Reporting

- F1. LEAs in SMC are aware of RIPA data requirements, including the requirement that data collection starts on January 1, 2022.
- F2. County LEAs vary in their degree of understanding of: RIPA data collection requirements, technological options for collecting the data, and the need for procedures and training to collect and report the data. The LEA's RIPA-preparedness correlates to their understanding of RIPA requirements.
- F3. Burlingame and Menlo Park are to be commended for publicly announcing their plans for early implementation of RIPA data collection and reporting to the CA DOJ. The other fifteen LEAs were in various stages of planning and acquiring their RIPA data collection system.
- F4. The San Mateo County Police Chiefs & Sheriff Association RIPA Subcommittee provides a convenient forum for LEAs to benefit from peer learning and collaboration for RIPA planning, testing, deployment and best practices.
- F5. Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

Using RIPA Data for Transparent Community Trust Building

- F6. LEAs vary in their understanding that implementing RIPA Board recommendations would build greater trust with their communities.

- F7. Some contracting entities were unaware of the RIPA requirements, and that RIPA data breakdown for their respective cities could be requested from the Sheriff's Office beginning in the spring of 2022.
- F8. Between now and 2022, sixteen county LEAs have plans for "regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

RECOMMENDATIONS

RIPA Data Collection and Reporting – Milestones for January 1, 2022 compliance

- R1. Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies and procedures, roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 30, 2021.
- R2. Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 30, 2021, in order to complete testing within 30 days and to go live by January 1, 2022.
- R3. Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.
- R4. Each LEA should provide regular updates to their governing entities, on their progress *toward preparing* for the required RIPA data collection starting on October 15, 2021.

Using RIPA Data for Transparent Community Trust Building – don't wait for the annual report

- R5. Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.
- R6. By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from the RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board's growing list of policing best practices.
- R7. By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of "academics, police commissions, civilian

review bodies, or advisory boards” as a mechanism to build community trust and provide bias-free policing.

R8. In the second quarter of 2022, each of the contracting entities should begin requesting RIPA stop data for its jurisdiction, separate from the rest of the Sheriff’s stop data.

REQUEST FOR RESPONSES

Penal Code Section 933.05 (emphasis added)

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall report one of the following:

- (1) The respondent **agrees** with the finding.
- (2) The respondent **disagrees** wholly or partially with the finding, in which case the response shall **specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.**

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, **with a summary regarding the implemented action.**
- (2) The recommendation has not yet been implemented, but will be implemented in the future, **with a timeframe for implementation.**
- (3) The recommendation requires further analysis, **with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.**
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, **with an explanation therefor.**

Pursuant to Gov. Code § 933.05, the Grand Jury requests responses from the following entities, for the listed **Findings**:

Responses to FINDINGS from City/Town Councils and the Sheriff									
FINDINGS	F1	F2	F3	F4	F5	F6	F7	F8	
Atherton	X	X	X	X	X	X		X	
Belmont	X	X	X	X	X	X		X	

Responses to FINDINGS from City/Town Councils and the Sheriff									
FINDINGS	F1	F2	F3	F4	F5	F6	F7	F8	
Brisbane	X	X	X	X	X	X		X	
Burlingame	X	X	X	X	X	X		X	
Colma	X	X	X	X	X	X		X	
Daly City	X	X	X	X	X	X		X	
East Palo Alto	X	X	X	X	X	X		X	
Foster City	X	X	X	X	X	X		X	
Hillsborough	X	X	X	X	X	X		X	
Menlo Park	X	X	X	X	X	X		X	
Pacifica	X	X	X	X	X	X		X	
Redwood City	X	X	X	X	X	X		X	
San Bruno	X	X	X	X	X	X		X	
San Mateo	X	X	X	X	X	X		X	
South San Francisco	X	X	X	X	X	X		X	
Broadmoor Police District Board	X	X	X	X	X	X		X	
Millbrae	X	X	X	X	X	X	X	X	
San Carlos	X	X	X	X	X	X	X	X	
Portola Valley	X	X	X	X	X	X	X	X	
Woodside	X	X	X	X	X	X	X	X	
Half Moon Bay	X	X	X	X	X	X	X	X	
Sheriff	X	X	X	X	X	X	X	X	

Pursuant to Gov. Code § 933.05, the Grand Jury requests responses from the following entities for the listed Recommendations:

Responses to RECOMMENDATIONS from City/Town Councils and the Sheriff									
RECOMMENDATIONS	R1	R2	R3	R4	R5	R6	R7	R8	
Atherton	X	X	X	X	X	X	X	X	
Belmont	X	X	X	X	X	X	X	X	
Brisbane	X	X	X	X	X	X	X	X	
Burlingame	X	X	X	X	X	X	X	X	
Colma	X	X	X	X	X	X	X	X	
Daly City	X	X	X	X	X	X	X	X	

Responses to RECOMMENDATIONS from City/Town Councils and the Sheriff								
RECOMMENDATIONS	R1	R2	R3	R4	R5	R6	R7	R8
East Palo Alto	X	X	X	X	X	X	X	
Foster City	X	X	X	X	X	X	X	
Hillsborough	X	X	X	X	X	X	X	
Menlo Park	X	X	X	X	X	X	X	
Pacifica	X	X	X	X	X	X	X	
Redwood City	X	X	X	X	X	X	X	
San Bruno	X	X	X	X	X	X	X	
San Mateo	X	X	X	X	X	X	X	
South San Francisco	X	X	X	X	X	X	X	
Board of the Broadmoor Police Protection District	X	X	X	X	X	X	X	
Millbrae	X	X	X	X	X	X	X	X
San Carlos	X	X	X	X	X	X	X	X
Portola Valley	X	X	X	X	X	X	X	X
Woodside	X	X	X	X	X	X	X	X
Half Moon Bay	X	X	X	X	X	X	X	X
Sheriff	X	X	X	X	X	X	X	X

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

METHODOLOGY

Documents

Reports, presentations, and other documents from the California RIPA Board were reviewed, along with websites for the Sheriff’s Office, police departments, and city and town councils. In response to the survey (below) certain LEAs provided additional documents. The California Department of Justice also provided materials to inform the investigation. For a comprehensive list of the documents reviewed and consulted, see the Bibliography below.

Site Tour(s)

Due to the Covid-19 pandemic, no physical site tours were scheduled for this report.

Interviews & Surveys

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

All interviews were conducted by videoconference using Zoom or Google Meets. For this report the Grand Jury interviewed:

- Law enforcement personnel at the commander, captain, or chief level, or equivalent from each LEA in the County
- Current and past members of the RIPA advisory boards
- Members of law enforcement with experience outside of the County
- At least one city manager

A comprehensive survey on RIPA preparedness and bias-free policing was sent to all 17 active LEAs in the County. All 17 responded. Appendix D shows the form used in the survey. Some of the answers from that survey, anonymized, are shown in Appendix E.

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APPENDIX A: List of RIPA Data Fields and Variables

https://www.sanmateocourt.org/documents/grand_jury/2020/ripa_appendix_a.pdf

APPENDIX B: Screenshots of RIPALog Software



APPENDIX C: Outline of RIPA Board Best Practices Documents for 2020 and 2021

2020 Best Practices Document (21 pgs.) - [Best Practices - 2020 RIPA Board Report - Racial and Identity Profiling Advisory \(RIPA\) Board \(ca.gov\)](#)

<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2020.pdf>

- 1) Model Bias-Free Policing Polices
 - a) Policy Language
 - b) Definitions
 - c) Exception language - when characteristics may be considered
 - d) Encounters with Community
 - e) Training
 - f) Data Collection & Analysis
 - g) Accountability & Adherence to the Policy
 - h) Supervisory Review
- 2) Bias by Proxy Recommendations
 - a) [multiple subparts]
- 3) Civilian Complaint Forms best practices
 - a) Background
 - b) General Complaint Information
 - c) Complaint Information
 - d) Incident Information
 - e) Processing of Complaints
- 4) Lack of Uniformity in what is a complaint and how to quantify
- 5) Accessibility & Knowledge of LEA's Complaint Process
- 6) Barriers to Reporting Civilian Complaints
- 7) Complaint Access for the Disabled

2021 Best Practices Document (6 pgs.) [2021 RIPA Report Best Practices \(ca.gov\)](#)

<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021.pdf>

- 1) Explicit Bias, Implicit Bias, and Other Driving Forces for Stop Data Disparities
- 2) Racial and Identity Profiling Policies and Accountability
- 3) Calls for Service and Bias by Proxy
- 4) Civilian Complaints: Policies and Data Analysis
- 5) California Commission on Peace Officer Standards and Training (Post) Training Related to Racial and Identity Profiling

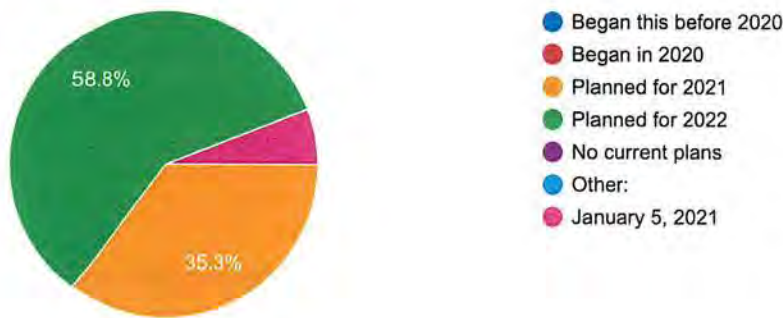
APPENDIX D: Grand Jury Survey – Delivering on DEI & Ready for RIPA

https://www.sanmateocourt.org/documents/grand_jury/2020/RIPA_appendix_d.pdf

APPENDIX E – Selected LEA Responses to GJ RIPA Survey

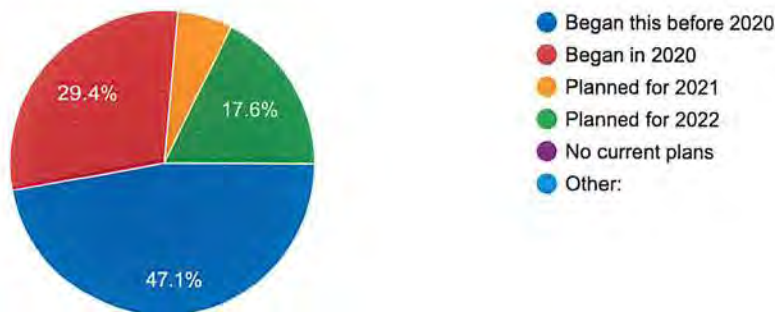
When did you begin collecting stop data with race and identity, as defined by RIPA demographics?

17 responses



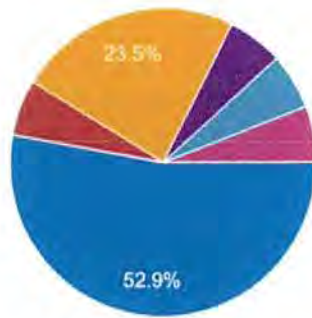
Has your LEA started preparing for compliance with Racial and Identity Profiling Act of 2015 (AB 953)? *

17 responses



Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which is clearly written and easily accessible by all employees?

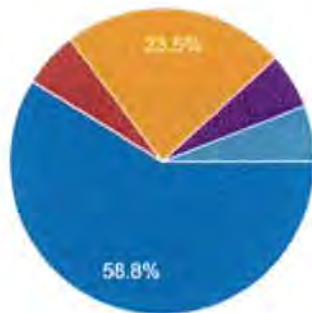
17 responses



- Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans
- Our stand-alone Bias-Free policy meets the intent of the RIPA recommendations
- Policy #402 Racial/Bias Based Profiling

Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which uses concrete definitions of Bias-Free Policing and/or Racial & Identity Profiling?

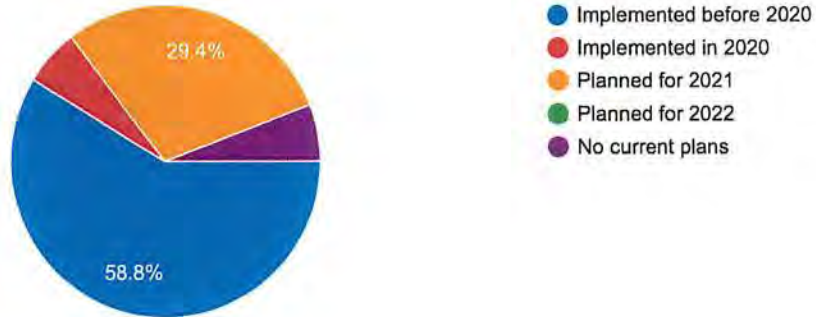
17 responses



- Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans
- Policy #402 Racial/Bias Based Profiling

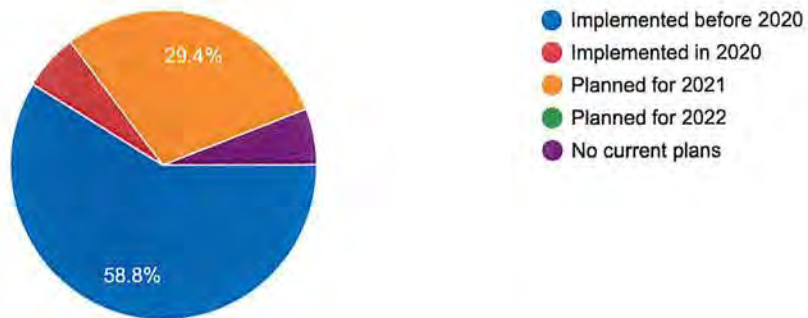
Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on limited circumstances in which characteristics of individual may be considered?

17 responses

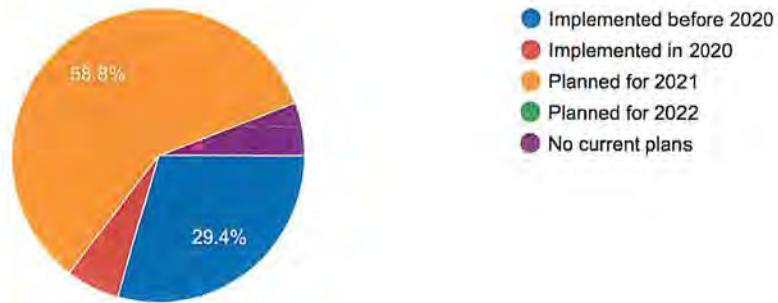


Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on encounters with community?

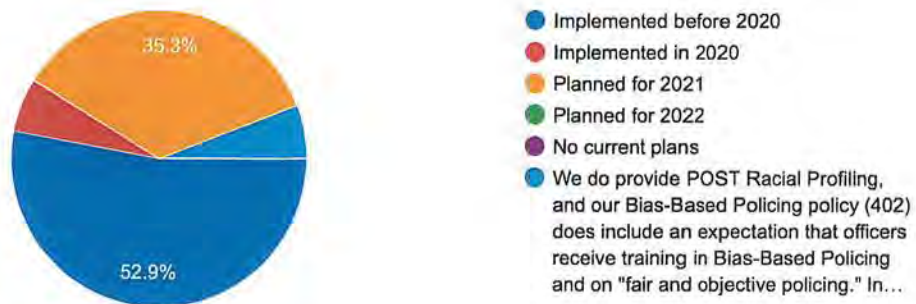
17 responses



What is the status of your LEA's RIPA recommended: "Agencies should have a policy detailing how sworn personnel and dispatchers should respond to ...or integrated into the bias-free policing policy."
 17 responses

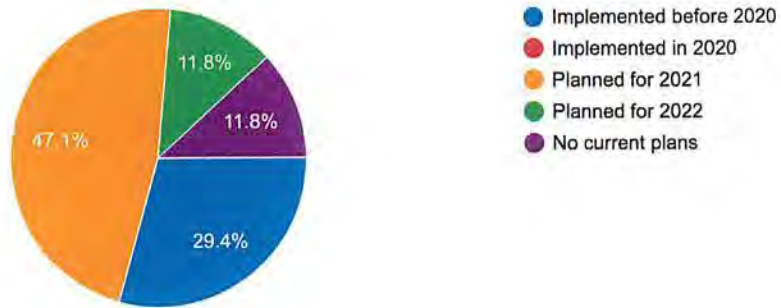


Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on Racial and Identity Profiling Training?
 17 responses



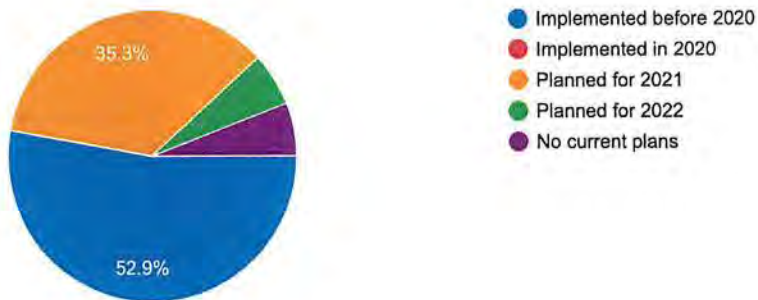
Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on Data Analysis?

17 responses



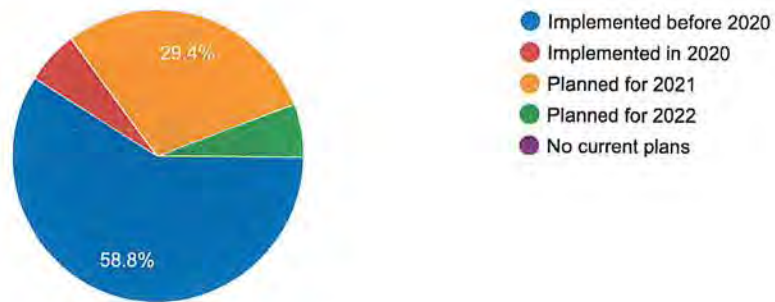
Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on requiring accountability?

17 responses



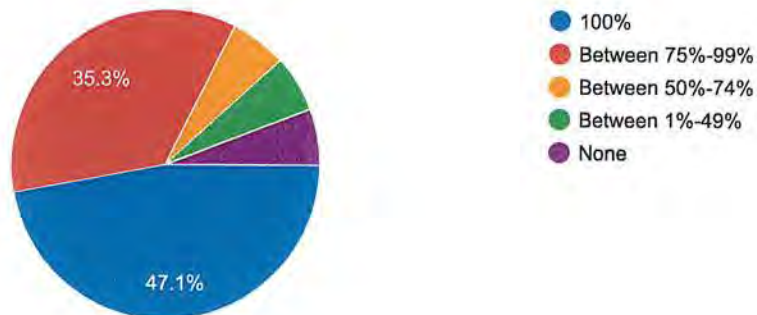
Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on required Supervisory Review?

17 responses

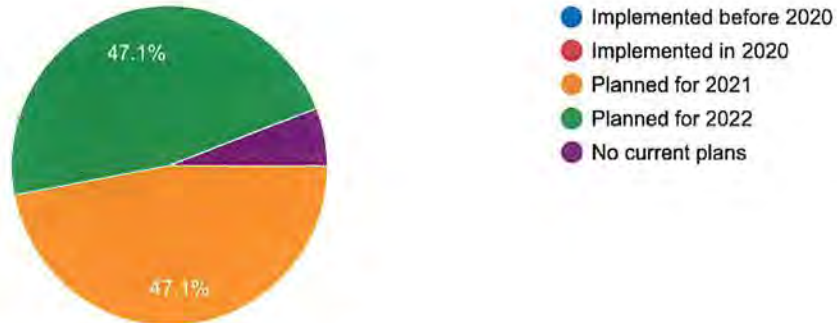


What percent of your officers have completed comprehensive training on bias free policing in the last 2 years?

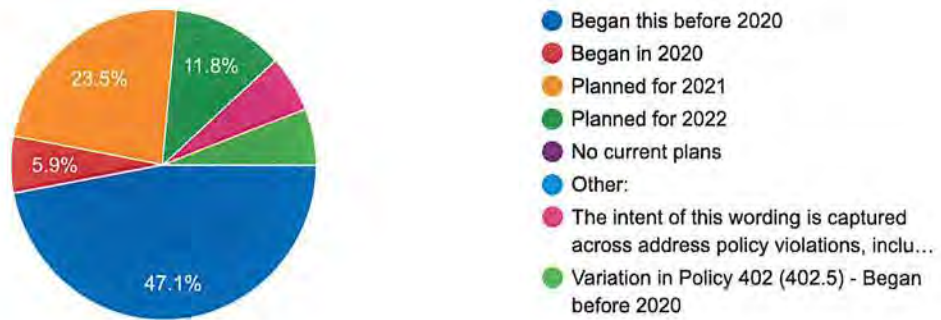
17 responses



What are your plans for RIPA recommendation: "regularly analyze data, in consultation with [academics, police commissions, civilian review bod... on any group relative to the general population."
 17 responses

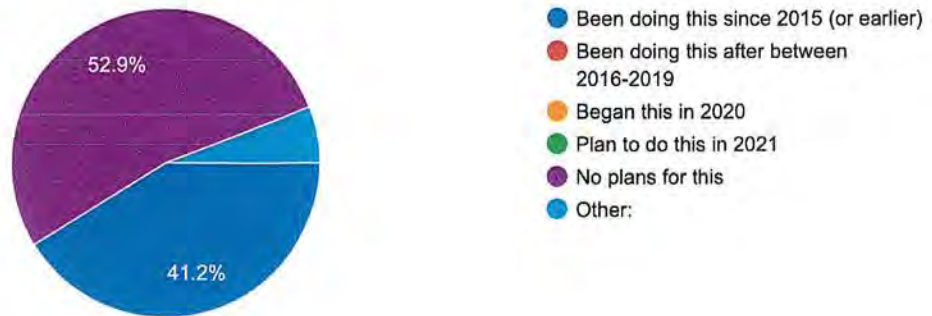


RIPA Model Policy Language for Supervisory Review: " Supervisors shall ensure that all personnel under their command, including dispatchers and no...s and procedures for review should be included."
 17 responses



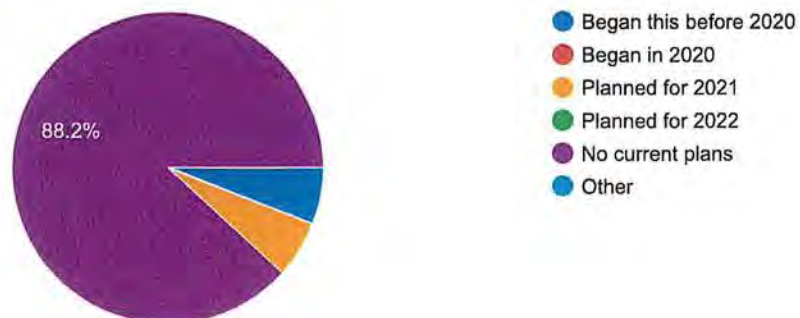
Do you currently proactively and formally seek community input when making decisions about hiring and resource allocation?

17 responses



Do you currently have a formal community advisory board for your LEA?

17 responses



APPENDIX F: RIPA Quick Facts 2020

https://www.sanmateocourt.org/documents/grand_jury/2020/RIPA_appendix_f.pdf

APPENDIX G: RIPA Quick Facts 2021

https://www.sanmateocourt.org/documents/grand_jury/2020/RIPA_appendix_g.pdf

APPENDIX H: Summary of Profiling Complaints for San Mateo County Law Enforcement Agencies 2016-2019

AB 953 amended “Penal Code section 13012 pertaining to the collection and reporting of Citizens’ Complaints Against Peace Officers (CCAPO).” To add as a separate category “complaints involving racial or identity profiling.” This took effect January 1, 2016. For more information see [Information Bulletin: Citizens' Complaints Against Peace Officers \(ca.gov\)](#)⁷⁹

Total Racial or Identity Profiling Complaints SMC LEAs 2016-2019						
Reported	Exonerated	Not Sustained	Unfounded	Pending	Sustained	(missing)
43	9	9	19	4	0	2

Source: CA DOJ, OpenJustice Data, Citizens Complaints Against Peace Officers, file: CCAPO_2016-2019_Agency_0.xlsx
from <https://openjustice.doj.ca.gov/data>

File was sorted by agency name, the SMC LEAs Identified and separately totaled, for the Racial Profiling Complaints category, which was defined in the Readme file as “The total number of complaints reported with a racial or identity profiling component.” The number of complaints for any particular agency ranged from 0 to 5 per year. Some agencies had none for the four years of available data.

⁷⁹ https://oag.ca.gov/sites/all/files/agweb/pdfs/law_enforcement/dle-2015-06.pdf?



September 27, 2021

The Honorable Amarra A. Lee
Judge of the Superior Court c/o Jenarda Dubois
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

RE: Grand Jury Report: “Building Greater Trust Between the Community & Law Enforcement via the Racial and Identity Profiling Act”

Dear Judge Lee,

The Menlo Park City Council received the above referenced San Mateo County Civil Grand Jury Report in July of 2021. The report identifies certain findings and recommendations, and requests that the City Council respond in writing to those findings no later than October 27, 2021. **On October XX, 2021**, the Menlo Park City Council held a public meeting and approved this response.

Regarding the “findings” of the San Mateo County Civil Grand Jury, Council is requested to respond with one of the following:

1. Council agrees with the finding.
2. Council disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons thereafter.

Regarding the “recommendations” of the San Mateo County Civil Grand Jury, Council is requested to report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable with an explanation therefore.

FINDINGS:

- F1. LEAs in SMC are aware of RIPA data requirements, including the requirement that data collection starts on January 1, 2022.

Response

The City of Menlo Park agrees with this finding.

- F2. County LEAs vary in their degree of understanding of: RIPA data requirements, technological options for collecting the data, and the need for procedures and training to collect and report the data. The LEAS's RIPA-preparedness correlates to their understanding of RIPA requirements.

Response

The City of Menlo Park agrees with this finding.

- F3. Burlingame and Menlo Park are to be commended for publicly announcing their plans for early implementation of RIPA data collection and reporting to the CA DOJ. The other fifteen LEAs were in various stages of planning and acquiring their RIPA data collection system.

Response

The City of Menlo Park agrees with this finding.

- F4. The San Mateo County Police Chiefs and Sheriff Association RIPA subcommittee provides a convenient forum for LEAs to benefit from peer learning and collaboration for RIPA planning, testing, deployment and best practices.

Response

The City of Menlo Park agrees with this finding.

- F5. Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

Response

The City of Menlo Park partially disagrees with this finding. It is the experience of delegates of this City participating in Countywide Technology Committee meetings discussing RIPA extensively that there has been no indication from municipal police agencies to correspond with this finding – municipal agencies are well aware of their responsibilities. The City cannot speak for any considerations by contract cities served by the County.

- F6. LEAs vary in their understanding that implementing RIPA Board recommendations would build greater trust with their communities.

Response

The City of Menlo Park agrees with this finding.

- F7. Some contracting entities were unaware of the RIPA requirements and that RIPA data breakdown for their respective cities could be requested from the Sheriff's Office beginning in the spring of 2022.

Response

The City of Menlo Park is not required to respond to this finding, as it is not a contract city.

F8. Between now and 2022, sixteen county LEAs have plans for “regularly analyzing data, in consultation with {academics, police commissions, civilian review bodies, or advisory boards}, to assist in identifying practices that may have a disparate impact on any group relative to the general population.

Response

The City of Menlo Park agrees with this finding.

RECOMMENDATIONS:

R1. Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies and procedures, roll-out plans, personnel allocation, systems testing and auditing. The plan should be reviewed and approved by October 30,2021.

Response

The recommendation has been implemented.

The City of Menlo Park Menlo Park started implementing the recommendation the first week of January 2021 in order to prepare sworn officers for the new requirements of RIPA and is integrated in the FTO (Field Training Officer) program for any newly hired sworn officers.

Online trainings from CA DOJ were offered, the RMS/CAD (record management system/computer aided dispatching) system had instructional videos on how to fill out the RIPA forms and several handouts were provided from the online CA DOJ trainings. The CAD/RMS captures the data where statistics can be pulled and analyzed when requested. Prior to sending live data, over 100 or more test records must be sent via the CA DOJ testing website to work out any errors. AS CA DOJ modifies any requirements, any updates that need to be pushed out will be done via training memos to the department. At this time, 1-5 minutes of extra time has been allocated in sworn personnel schedule to complete the required RIPA data.

R2. Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 30, 2021, in order to complete testing within 30 days and go live by January 1, 2022.

Response

The recommendation has been implemented.

All software and hardware was already in use with our CAD/RMS software and we were able to start the implementation of RIPA the first week of January 2021. CA DOJ has requested test records be sent to starting September 1, 2021 and Menlo Park is on schedule to send records and will report live data no later than January 1, 2022.

R3. Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.

Response

This recommendation has been implemented.

The City of Menlo Park will began testing their records in September 2021 and will have completed their testing no later than November 30, 2021 - though testing will most likely be completed well before the recommended deadline.

- R4. Each LEA should provide regular updates to their governing entities, on their progress toward preparing for the required RIPA data collection starting on October 15, 2021.

Response

This recommendation has been implemented.

The Menlo Park Police Department has updated the City Council on our planning and intent to begin collecting reportable RIPA data by the required start date of January 1, 2022, and is in the process of establishing a practice of regular reports to Council on the data derived from collection. Exact information to be reported and the timing of those reports is a topic of discussion within the City Council's Re-Imagining Public Safety Subcommittee meetings, which are ongoing.

- R5. Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA board). The report should be posted and easily viewable on the entity's website.

Response this recommendation has not yet been implemented but will be implemented in the future.

As the Menlo Park Police Department begins revising its web-presence and transparency in coordination with the upcoming transition to a new website Citywide, the Department will be constructing a page on which RIPA data is easily available and understandable, with updates from the Department on learning points from the data and any training needs being addressed. The Department anticipates enough data to display and interpret following the first quarter of reported data by April 2022.

- R6. By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from the RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing RIPA Board's growing list of policing best practices.

Response

This recommendation has not yet been implemented but will be implemented in the future.

The information that will be available by April 2022 as described in the response to Recommendation R5 above will be evaluated with the RIPA Board's list of best practices in mind

and referenced by hyperlink.

R7. By February 1, 2022, each LEA should consider community engagement and transparency, including the possibly use of “academics, police commissions, civilian review bodies, or advisory boards” as a mechanism to build community trust and provide bias-free policing.

Response

This recommendation has not yet been implemented but will be implemented in the future.

The City Re-Imagining Public Safety Subcommittee is in the process of re-establishing a local advisory body composed of a cross-section of the community. One of the duties of the advisory body moving forward will be to review periodic RIPA data reporting and discuss any trends and their impacts on police-community relations.

R8. In the second quarter of 2022, each of the contracting entities should begin requesting RIPA stop data for its jurisdiction, separate from the rest of the Sheriff’s stop data.

Response

The recommendation does not require a response, since we are not a contracting entity.

Most sincerely,

Drew Combs
Mayor, City of Menlo Park

Attachment:

San Mateo County Grand Jury Report “Building Greater Trust Between the Community & Law Enforcement via the Racial and Identity Profiling Act”



STAFF REPORT

City Council

Meeting Date: 10/12/2021

Staff Report Number: 21-189-CC

Consent Calendar: **Adopt Resolution No. 6672 supporting the City's shuttle program for application for the sustainable transportation planning grant fiscal year 2022-23**

Recommendation

Staff recommends that the City Council adopt Resolution No. 6672 (Attachment A) in support of the City's shuttle program, for the California Department of Transportation's (Caltrans) sustainable transportation planning grant fiscal year 2022-23 to conduct a service analysis of the shuttle program and authorize the city manager to enter into necessary funding agreements if the grant is awarded.

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. This project is also consistent with goals of the climate action plan and the transportation master plan to provide mobility choices, encourage the use of transit and reduce greenhouse gas emissions. An adopted City Council resolution of support is not required by this specific grant at time of application, but strengthens the application as supplemental materials and is required before accepting grant funds.

Background

The City manages an extensive shuttle program through a contract that provides "around town" transportation to many residents, employees and visitors. This includes the M1 Crosstown route; the M3 and M4 routes co-branded with Commute.org that serve business on the Marsh Road and Willow Road corridors, respectively; and a door-to-door "shopper shuttle." This is possible due to generous funding from agencies including the San Mateo City/County Association of Governments (C/CAG), San Mateo County Transportation Authority (SMCTA), the Metropolitan Transportation Commission (via C/CAG and the San Mateo County Transit District), and one-time or annual private contributions from local employers as part of conditions of approval of land use development projects. While many cities offer community shuttles, the City's system is more robust, as it offers a combination of commuter shuttles, community fixed-route shuttles and community door-to-door shuttles.

The city has also been exploring opportunities to expand transportation demand management programs through the Transportation Management Association (TMA) feasibility study, which may lead to additional opportunities to expand or coordinate the shuttle system in Menlo Park. While two of the City shuttles are branded as Commute.org shuttles, the City is not currently a member of Commute.org. At the same time, new sub-regional TMA options are being developed by Manzanita Works (and outgrowth of the Manzanita Talks aimed at coordinating public and private transit services on the Peninsula.)

Caltrans has released a call for applications for the fiscal year 2022-23 sustainable transportation planning

grants program. This grant program provides approximately \$17 million to fund transportation planning projects that support multimodal transportation and the State's greenhouse gas (GHG) reduction targets of 40 and 80 percent below 1990 levels by 2030 and 2050, respectively.

Staff continuously monitors and adjusts shuttle services to meet changes in Caltrain scheduling, commuting patterns and community needs, although a comprehensive service analysis has not been conducted in the last 10 years. Shuttle ridership has declined due to the COVID-19 pandemic, so this evaluation would be timely in helping to determine adjustments to the shuttle program as travel patterns continue to evolve. In addition, the City anticipates that residents and employees in the Bayfront area would benefit from the shuttle system and reduce reliance on single occupant vehicles. The Caltrans sustainable transportation planning grant program offers an opportunity for the City to pursue funds to conduct this much-needed comprehensive service analysis, as further described below.

Staff had submitted a similar application for this grant in February 2021 (Attachment B) for the fiscal year 2021-22 sustainable transportation planning grants but was unsuccessful. Caltrans staff provided a debrief to city staff noting that, while the City's application fit the grant program, many applications require multiple submittals before obtaining a grant award. Caltrans staff also provided guidance on how to improve and strengthen the application. Staff is using this guidance to update and revise the grant application.

Analysis

The Caltrans sustainable transportation planning grant offers an opportunity for the City to pursue funds to conduct a comprehensive service analysis with the goal of better serving current and future riders, while improving the cost-efficiency of the system. This analysis will investigate the current system's strengths and weaknesses serving existing residents and employees, how it can serve future residents and employees in the Bayfront area, and opportunities to integrate transportation technologies to best serve people in Menlo Park citywide. The study will be used to guide future service changes for the shuttle program.

The grant application deadline is October 27. Staff is finalizing the grant application and would be seeking approximately \$150,000 in funds toward the comprehensive shuttle service analysis. The total cost of the study is anticipated to be \$180,000, and the City would contribute the remainder of the cost as part of the required local match in the form of staff time and other direct expenses. The City's contribution would exceed the required 11.47 percent local match, providing a more competitive application. Pending successful award of the grant funds, the City would proceed with a request for proposal (RFP) to have qualified consultants propose to conduct analysis, public outreach and develop a final report/recommendation for the City's shuttle program. At this point, staff anticipates that the comprehensive shuttle service analysis may contain:

- Analyses of routes, travel patterns, key destinations and anonymized cellphone travel data
- Community and employer outreach
- Opportunities to build on the TMA feasibility study, such as coordinating any potential TMA shuttle offerings with City-operated shuttles
- A final report, providing recommendations for route changes or new service, along with identifying funding opportunities and partnerships

Staff recommends the City Council adopt the resolution (Attachment A) in support of the Caltrans sustainable transportation planning grant. If awarded funds, the service analysis timeline is anticipated to be as follows:

- Award of Caltrans funds in spring 2022
- Add comprehensive shuttle program evaluation to the five-year capital improvement program for

- adoption by end of June 2022
- Release RFP and authorize consultant agreement in fall 2022
- Study duration from 2023 to 2024, final report by end of 2024

Impact on City Resources

The estimated total cost of the comprehensive shuttle program evaluation is \$180,000, and the City is requesting \$150,000 from the Caltrans sustainable transportation planning grant, which requires an 11.47 percent local match. The City would contribute its local match in the form of staff time including acting as project manager overseeing the consultant developing the comprehensive shuttle program evaluation. funding for city staff time is provided by San Mateo County Measure A funds, the half-cent sales tax administered by the San Mateo County Transportation Authority for transportation projects and programs.

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. Resolution No. 6672
- B. Staff report for fiscal year 2021-22 Caltrans sustainable planning grant application for this project:
menlopark.org/DocumentCenter/View/27353/F3-20210209-CC-Shuttle-program

Report prepared by:
Kristiann Choy, Senior Transportation Engineer

Report reviewed by:
Hugh Louch, Assistant Public Works Director - Transportation

RESOLUTION NO. 6672

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
SUPPORTING THE CITY'S SHUTTLE PROGRAM, SUBMITTING AN
APPLICATION FOR THE SUSTAINABLE TRANSPORTATION PLANNING
GRANT AND AUTHORIZING THE CITY MANAGER TO EXECUTE
AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION FOR THE SHUTTLE PROGRAM EVALUATION STUDY**

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 California Department of Transportation (Caltrans) has established the Sustainable Transportation Planning Grant to assist in funding projects that 1) support local and regional planning that create a sustainable, efficient, and integrated transportation system and 2) are intended to reduce the State of California’s greenhouse gas levels to below 1990 levels; and

WHEREAS, Caltrans is conducting a competitive call for projects for the Sustainable Transportation Planning Grant for fiscal year 2022-23; and

WHEREAS, the City will submit a project in response to the competitive call for projects; and

WHEREAS, the City Council of the City of Menlo Park is eligible to receive Federal and/or State funding for certain transportation planning related plans, through the Caltrans; and

WHEREAS, a Restricted Grant Agreement is needed to be executed with the Caltrans before such funds can be claimed through the Transportation Planning Grant Programs; and

WHEREAS, the City Council wishes to delegate authorization to execute these agreements and any amendments thereto; and

WHEREAS, the City will use this Grant to conduct a Comprehensive Shuttle Program Evaluation to improve the Shuttle Program for its residents, employers, and visitors; 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 Sustainable Transportation Planning Grant for the Comprehensive Shuttle Program Evaluation.
2. Authorizes the City Manager to execute all Restricted Grant Agreements, and any amendments thereto with the California Department of Transportation.

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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 of said City Council on the twelfth day of October, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this __ day of October, 2021.

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date: 10/12/2021

Staff Report Number: 21-190-CC

Consent Calendar: Award a construction contract to Casey Construction, Inc. for the 2021 water main replacement project for Haven Avenue

Recommendation

Staff recommends that the City Council award a construction contract (Attachment A) to Casey Construction, Inc. for \$1,488,790 for the water main replacement project (Project), and approve contingency in the amount of \$300,000 (held by the City) for the 2021 water main replacement project for Haven Avenue.

Policy Issues

In May 2018, the City Council accepted the water system master plan (WSMP.) The WSMP includes a pipeline condition assessment that was performed to develop a long-term pipeline rehabilitation/replacement plan. The analysis included a risk assessment to prioritize pipelines with the highest risk of failure for replacement.

As a water purveyor, the goal of Menlo Park Municipal Water (MPMW) is to provide customers with safe, high-quality drinking water at all times and to comply with drinking water regulations. Compliance with regulatory standards requires that the operation of the distribution system be managed accordingly to State regulations. By replacement of existing old pipelines, MPMW would continue to ensure that the system is designed, constructed and operated safely while meeting all regulatory standards. The MPMW's goals and primary mission is "the preservation of the public welfare, health, peace, and safety of the City of Menlo Park and its inhabitants" (Ordinance 222, 1952.)

Background

MPMW serves approximately 19,000 customers through approximately 4,400 service connections. The water distribution system consists of 55 miles of water mains, three distribution zones, two reservoirs, one pump station, 366 fire hydrants and 1,392 valves. On average, customers use 2.8 million gallons a day. The majority of water mains in the City are over 60 years old and are in need of replacement.

On an ongoing basis, staff reviews sections of water main that need to be replaced due to age and condition. The new water mains will increase system reliability and capacity in order to better serve existing and new customers. This project will install approximately 2,055 linear feet of new 12," 8," and 6" water mains, including valves, water meters and water services to customers at the following locations (Attachment B):

1. Haven Avenue (from 3592 Haven Avenue to 3499 Haven Avenue - Redwood City, city limit)
2. Energy Court (a private cul de sac serving 3565 to 3603 Haven Avenue)
3. Water line within existing easement at 3586 and 3592 Haven Avenue

For construction at 3586 and 3592 Haven Avenue, staff coordinated with the property owner and obtained approval to enter the site to replace the existing water line within the City’s easement. Both 3586 and 3592 Haven Avenue are located in the City of Redwood City, and Casey Construction, Inc. will obtain necessary permits from Redwood City to perform this work.

Analysis

Project plans and specifications were completed in July for construction bidding. On July 16, the City solicited bids from prospective contractors for the project. In addition to the water infrastructure upgrades, Haven Avenue will be repaved. Project bids were opened August 11, with results shown per Table 1.

Table 1: Bid results (Engineer’s estimate \$1,650,000)	
Bidder	Bid price
1. Casey Construction, Inc.	\$1,488,790
2. Devaney Engineering, Inc.	\$1,623,725
3. Golden Bay Construction, Inc.	\$1,719,868
4. Con-Quest Contractors, Inc.	\$1,852,290
5. McGuire and Hester	\$2,025,345
6. EPS, Inc.	\$2,197,125
7. DPI Inc.	\$2,334,680

Of the seven bids received, Casey Construction, Inc. offered the lowest price at \$1,488,790. Staff has verified the background and references of the contractor and is satisfied with their past performance. Additionally, staff determined the low bidder to be both responsive and responsible per the project contract and public contracting code.

Summary

Staff recommends the City Council award a construction contract to Casey Construction, Inc. in the amount of \$1,488,790 and approve a contingency of \$300,000, and additional funds to cover on-call material testing services, design and construction support, and construction inspection services.

Impact on City Resources

The anticipated project budget is summarized in Table 2, with the expected cost of construction, contingency, construction administration, and other construction support services in the amount \$2,088,790. This figure includes 20 percent contingency based on the construction award and construction administration costs.

The water main replacement project is included in the five-year capital improvement program (CIP) with an available budget of \$4,081,197, funded by the water capital fund. When construction of the project is complete, the balance remaining would be used for the following year CIP.

Table 2: Construction budget	
Item	Amount
Construction bid	\$1,488,790
20% Contingency (rounded to 10,000)	\$300,000
Construction administration, inspection services, material testing services, design and construction support tasks	\$300,000
Total construction cost	\$2,088,790

Environmental Review

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

Public Notice

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

Attachments

- A. Construction contract
- B. Location map

Report prepared by:
Fariborz Heydari, Senior Civil Engineer

Report approved by:
Karen E. Pachmayer, Interim Assistant Director of Public Works

CONSTRUCTION AGREEMENT

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



Agreement #:
AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND FIRST PARTY
THIS CONSTRUCTION CONTRACT ("Contract") is made and entered into this ____ day of _____, _____ ("Execution Date") by and between the CITY OF MENLO PARK, a California municipal corporation, ("City") and <u>Casey Construction, Inc.</u> ("Contractor").
RECITALS
<p>A. Contractor is a <u>California Coorporation</u> duly organized and in good standing in the State of California, License Number <u>798190</u>. Contractor represents and warrants that it has the background and experience set forth in the Contractor's responses to the notice inviting bids.</p> <p>B. Contractor represents that it is duly licensed by the State of California and has the background, knowledge, experience and expertise to perform the obligations set forth in this Contract.</p> <p>C. On <u>July 16, 2021</u>, the City issued a Notice to Contractors inviting bids for the Project. A copy of the Contractor's Bid proposal and List of Subcontractors is attached herein and incorporated by this reference.</p> <p>D. The City desires to retain Contractor as an independent contractor to provide the construction and other services identified in this Contract for the Project upon the terms and conditions contained herein.</p>
AGREEMENT
<p>NOW, THEREFORE, in consideration of performance by the parties of the promises, covenants and conditions contained herein, the parties hereby agree as follows:</p> <p>1. DEFINITIONS. Capitalized terms used throughout the Contract Documents shall have the meanings set forth in this Contract and/or the Special Provisions. If there is a conflict between the definitions in this Contract and the Special Provisions, the definitions in this Contract shall prevail.</p> <p>2. PROJECT. The project is the construction of <u>2021 Water Main Replacement Project for Haven Avenue Fire Flow Improvements Project NO. CPW010</u> ("Project"). The work includes all labor, materials, equipment, services, permits, licenses and taxes, and all other things necessary for Contractor to perform its obligations and complete the Project, including, without limitation, any Change Orders executed by City and Contractor in</p>

accordance with the requirements of the Contract Documents (“Work”).

3. CONTRACT DOCUMENTS.

3.1 List of Documents. The Contract Documents (sometimes collectively referred to as “Agreement” or “Bid Documents”) consist of the following documents which are on file with the Public Works Department and are hereby incorporated by reference.

- 1) Change Orders
- 2) Field Orders
- 3) Contract
- 4) Bidding Addenda
- 5) Special Provisions
- 6) Project Plans and Drawings
- 7) Technical Specifications
- 8) City Standard Details
- 9) State of California Department of Transportation Specifications, 2006 Edition (Cal Trans specifications)
- 10) Notice to Contractors
- 11) Contractor's Bid
- 12 Bidder Certifications, Questionnaire and Statements
- 13) Reports listed in the Contract Documents
- 14) City of Menlo Park Waste Management Form, Waste Management Daily Transport Report
- 15) City of Menlo Park Truck Route Map and Regulations
- 16) Performance, Payment and Maintenance Bonds

3.2 Order of Precedence. For the purposes of construing, interpreting and resolving inconsistencies between and among the provisions of this Contract, the Contract Documents shall have the order of precedence as set forth in the preceding section. If a claimed inconsistency cannot be resolved through the order of precedence, the City shall have the sole power to decide which document or provision shall govern as may be in the best interests of the City.

4. PERMITS. Contractor, at its sole expense, shall obtain and maintain during the term of this Contract, all appropriate permits, licenses and certificates that may be required in connection with the performance of the Work, including, but not limited to, a City business license.

5. DEPARTMENT OF INDUSTRIAL RELATIONS. Contractor and any subcontractor performing Work on this Project shall be registered with the Department of Industrial Relations (“DIR”) pursuant to Labor Code Section 1725.5. No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the DIR pursuant to Labor Code Section 1725.5, with limited exceptions from this requirement for bid purposes only under Labor Code Section 1771.1(a). This Project is subject to compliance monitoring and enforcement by the DIR. It is the responsibility of the Contractor to ensure all DIR requirements and regulations are met and stay current. For more information see <http://dir.ca.gov/Public-Works/SB854.html>.

6. TERM. This Contract is effective on the Execution Date set forth in the initial paragraph of

this Contract and shall remain in effect until the Project has been satisfactorily completed by Contractor, unless earlier terminated pursuant to the terms of this Contract.

7. TIME OF COMPLETION. Time is of the essence with respect to all time limits set forth in the Contract Documents. Contractor shall commence the Work on the date specified in the City's Notice to Proceed. Contractor shall diligently prosecute the Work to Substantial Completion within 140 calendar days after the date specified in the City's Notice to Proceed ("Contract Time"). The Contract Time may only be adjusted for extensions of time approved by the City and agreed to by Change Order executed by City and Contractor in accordance with the requirements of the Contract Documents.

8. COMPENSATION. The City agrees to compensate Contractor for its satisfactory completion of the Work in compliance with the Contract Documents for the not to exceed amount of One Million Four Hundred Eighty-Eight Thousand Seven Hundred Ninety (\$1,488,790) ("Contract Sum"). Payment shall be as set forth in the Plans, Special Provisions and/or Technical Specifications. The Contract Sum may only be adjusted by Change Orders issued, executed and satisfactorily performed by Contractor in accordance with the requirements of the Contract Documents. The Contract Sum shall be adjusted (upward or downward) only to account for Change Orders. The Contract Sum is and shall be full compensation for all Work performed by Contractor. The Contract Sum shall cover all losses arising out of the nature of the Work or from the elements or any unforeseen difficulties or obstructions which may arise or be encountered in performance of the Work until its Acceptance by the City, all risks connected with the Work and any and all expenses incurred due to the suspension or discontinuance of the Work.

9. STANDARD OF PERFORMANCE. As a material inducement to the City to enter into this Contract, Contractor hereby represents and warrants that it has the qualifications and experience necessary to undertake the Work to be provided and the Project to be completed pursuant to this Contract. Contractor agrees that the Work shall be performed by qualified, experienced and well-supervised personnel. The Work performed pursuant to this Contract shall be performed in a manner consistent with the standard of care under California law applicable to those who specialize in providing such services for projects of the type, scope and complexity of the Project.

10. COMPLAINT WITH LAW. This Project constitutes a public work within the meaning of California Labor Code Section 1720 et. seq. and is subject to prevailing wage laws. The Work performed by Contractor pursuant to this Contract shall be provided in accordance with all ordinances, resolutions, statutes, rules and regulations of the City, and any federal, state or local governmental agency having jurisdiction in effect at the time the work is rendered.

11. REPRESENTATIVE. James G. McGrillen is hereby designated as the project manager/superintendent/foreman of Contractor authorized to act on its behalf with respect to the Work specified in this Contract. It is expressly understood that the experience, knowledge, capability and reputation of Casey Construction, Inc. were a substantial inducement for City to enter into this Contract. Therefore, James G. McGrillen shall be responsible during the term of this Contract for directing all activities of Contractor and devoting sufficient time to personally

supervise the services hereunder. The representative may not be changed by Contractor without the express written approval of the City.

12. LIQUIDATED DAMAGES.

12.1 Entitlement. City and Contractor acknowledge and agree that if Contractor fails to fully and satisfactorily complete the Work within the Contract Time, the City will suffer, as a result of Contractor's failure, substantial damages which are both extremely difficult and impracticable to ascertain. Such damages may include, but are not limited to: (a) loss of public confidence in the City and its contractors; (b) loss of public use of public facilities; and (c) extended disruption to public.

12.2 Daily Amount. City and Contractor have reasonably endeavored, but failed, to ascertain the actual damage that the City will incur if the Contractor fails to achieve Substantial Completion of the Work within the Contract Time. Therefore, the parties agree that in addition to all other damages to which the City may be entitled other than delay damages, in the event the Contractor shall fail to achieve Substantial Completion of the Work within the Contract Time, Contractor shall pay City as liquidated damages the amount of Five Hundred Dollars (\$500) per day for each calendar day after the expiration of the Contract Time until Contractor achieves Substantial Completion of the Work. The liquidated damages amount is not a penalty, but a reasonable estimate of the amount of damages the City will suffer.

12.3 Apportionment. Such liquidated damages shall be subject to reduction for delays for which Contractor is entitled to receive an extension of time under the Contract Documents ("Apportionment"). Such Apportionment shall not be affected by the fact that liquidated damages may not be applied for periods of time during which delays have occurred that are caused by both City and Contractor. It is agreed that the liquidated damages shall not be applied for portions of the Work completed prior to the expiration of the Contract Time.

12.4 Exclusive Remedy. City and Contractor acknowledge and agree that this Section 11, Liquidated Damages, shall be the City's only remedy for delay damages caused by the Contractor's failure to achieve Substantial Completion of the Work within the Contract Time.

12.5 Damages upon Abandonment. In the event that the Contractor either abandons the Work or is terminated for default in accordance with the provisions of this Contract, City shall have the right, in its sole discretion exercised by written notice issued either before or after Substantial Completion, to elect to either assert or waive its right to liquidated damages. If City elects to assert its right to liquidated damages, then the liquidated damages shall be calculated from expiration of the Contract Time to the date that Substantial Completion of the Work is achieved by the City or its replacement contractor employed to complete Contractor's performance. If City elects to waive its right to liquidated damages, then Contractor shall be liable to the City, in lieu of the liquidated damages, for all actual Losses (as defined in the General Conditions) proximately resulting from Contractor's failure to complete the Work within the Contract Time.

12.6 Other Remedies. The parties further acknowledge and agree that the City is entitled to

any and all available legal and equitable remedies City may have where City's Losses are caused by any reason other than Contractor's failure to achieve Substantial Completion of the Work within the Contract Time.

13. INDEPENDENT CONTRACTOR. Contractor is, and shall at all times remain as to the City, a wholly independent contractor and not an agent or employee of the City. Contractor shall receive no premium or enhanced pay for work normally understood as overtime, nor shall Contractor receive holiday pay, sick leave, administrative leave, or pay for any other time not actually worked. The intention of the parties is that Contractor shall not be eligible for benefits and shall receive no compensation from the City except as expressly set forth in this Contract. Contractor shall have no power to incur any debt, obligation, or liability on behalf of the City or otherwise act on behalf of the City as an agent. Neither the City, nor any of its agents shall have control over the conduct of Contractor, any of Contractor's employees, or any subcontractors, except as set forth in this Contract. Contractor shall at no time, or in any manner, represent that it or any of its agents or employees or subcontractors are in any manner employees of the City. Contractor agrees to pay all required taxes on amounts paid to Contractor under this Contract, and to indemnify and hold the City harmless from any and all taxes, assessments, penalties, and interest asserted against the City by reason of the independent contractor relationship created by this Contract. Contractor shall fully comply with the worker's compensation law regarding Contractor, Contractor's employees and subconsultants. Contractor further agrees to indemnify and hold the City harmless from any failure of Contractor and any subconsultants to comply with applicable worker's compensation laws.

14. CONFLICT OF INTEREST. Contractor covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which may be affected by the work to be performed by Consultant under this Contract, or which would conflict in any manner with the performance of its services hereunder. Contractor further covenants that, in performance of this Contract, no person having any such interest shall be employed by it. Furthermore, Contractor shall avoid the appearance of having any interest which would conflict in any manner with the performance of the work pursuant to this Contract. Contractor agrees not to accept any employment during the term of this Contract which is or may make Contractor financially interested, as provided in California Government Code Sections 1090 and 87100, in any decision made by the City on any matter in connection with which Contractor has been retained pursuant to this Contract. However, nothing herein shall preclude Contractor from accepting other engagements with the City.

15. INDEMNIFICATION.

15.1 To the fullest extent permitted by law, Contractor shall indemnify, defend, with independent counsel approved by the City, and hold harmless the City, and its elective or appointive boards, officers, employees agents and volunteers ("Indemnitee") from and against any and all claims, losses, or liability that may arise out of or result from damages to property or personal injury received by reason of, or in the course of work performed under this Contract due to the acts or omissions of Contractor or Contractor's officers, employees, agents or subcontractors. The indemnification provisions survive completion of the Work or the

termination of this Contract. The acceptance of such services shall not operate as a waiver of such right of indemnification. Notwithstanding the foregoing, nothing contained herein shall be construed as obligating Contractor to indemnify any Indemnitee for any claims, losses or liability resulting from the sole or active negligence or willful misconduct of the Indemnitee. Contractor shall pay City for any costs incurred in enforcing this provision.

15.2 The City does not and shall not waive any rights that they may possess against Contractor because of the acceptance by the City or the deposit with the City of any insurance policy or certificate required pursuant to this Contract. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

15.3 Pursuant to Public Contract Code Section 9201, the City shall timely notify Contractor upon receipt of any third-party claim relating to the Contract.

16. ASSIGNABILITY. The parties agree that the experience and qualifications of Contractor as set forth in the Contractor's Bid are material considerations for the City entering into this Contract. Consultant shall not assign or transfer any interest in this Contract, without the prior written consent of the City, and any attempt by Contractor to do so shall be void and of no effect and a breach of this Contract. For purposes of this section, the sale, assignment, transfer or other disposition of any of the issued and outstanding capital stock of Contractor or of any general partner or joint venturer or syndicate member of Contractor, if a partnership or joint venture or syndicate or co-tenancy exists, which shall result in changing the control of Contractor, shall be construed as an assignment of this Construction Contract. Control means more than fifty percent (50%) of the voting power of the corporation or other entity.

17. INSURANCE AND BOND REQUIREMENTS.

17.1 Prior to the commencement of any Work, the Contractor shall provide the City with evidence that it has obtained the insurance required by this Section and all bonds, including, but not limited to, payment and performance bonds, required in the Special Provisions. Failure to obtain and maintain the required insurance and bonds to so shall be deemed a material breach of this Contract.

17.2 Insurance Requirements. Contractor shall obtain the following insurance.

A. Worker's Compensation and Employer's Liability Insurance: The CONTRACTOR shall have in effect during the entire life of this Contract workers' compensation and Employer's Liability Insurance providing full statutory coverage. In signing this Contract, the CONTRACTOR makes the following certification, required by Section 18161 of the California Labor Code: "I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of this Contract."

B. Commercial General Liability Insurance: The CONTRACTOR shall take out and maintain

during the life of this Contract such Bodily Injury Liability and Property Damage Liability Insurance (Commercial General Liability Insurance) on an occurrence basis as shall protect it while performing work covered by this Contract from any and all claims for damages for bodily injury, including accidental death, as well as claims for property damage which may arise from the CONTRACTOR's operations under this Contract, whether such operations be by CONTRACTOR or by any sub-consultant or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall be not less than two million dollars (\$2,000,000) per occurrence and four million dollars (\$4,000,000) in aggregate, or four million dollars (\$4,000,000) combined single limit bodily injury and property damage for each occurrence. CONTRACTOR shall provide the City with acceptable evidence of coverage, including a copy of all declarations of coverage exclusions.

C. Automobile Liability Insurance: CONTRACTOR shall maintain Automobile Liability Insurance pursuant to this Contract in an amount of not less than one million dollars (\$1,000,000) for each accident combined single limit or not less than one million dollars (\$1,000,000) for any one (1) person, and one million dollars (\$1,000,000) for any one (1) accident, and Three Hundred Thousand Dollars, (\$300,000) property damage.

17.3 CITY and its subsidiary agencies, and their officers, agents, employees and servants shall be named as additional insured on any such policies of Commercial General Liability and Automobile Liability Insurance, (but not for the workers' compensation), which shall also contain a provision that the insurance afforded thereby to the CITY, its subsidiary agencies, and their officers, agents, employees, and servants shall be primary insurance to the full limits of liability of the policy, and that if the CITY, its subsidiary agencies and their officers and employees have other insurance against a loss covered by a policy, such other insurance shall be excess insurance only.

17.4 In the event of the breach of any provision of this Section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, CITY, at its option, may, notwithstanding any other provision of this Contract to the contrary, immediately declare a material breach of this Contract and suspend all further work pursuant to this Contract.

17.5. Before the execution of this Contract, any deductibles or self-insured retentions must be declared to and approved by CITY.

18. SUSPENSION. The City may, at any time and from time to time, without cause, order Contractor, in writing ("Suspension Order"), to suspend, delay, or interrupt the Work in whole or in part for such period of time, up to an aggregate of fifty percent (50%) of the Contract Time, as City may determine, with such period of suspension to be computed from the date of the Suspension Order. Upon receipt of a Suspension Order, Contractor shall, at City's expense, comply with its terms and take all reasonable steps to minimize costs allocable to the Work covered by the Suspension Order during the period of work stoppage. Within the period of the above noted aggregate time, or such extension to that period as is agreed upon by Contractor and City, City shall either cancel the Suspension Order or delete the work covered by the Suspension Order by issuing a Change Order. If a Suspension Order is canceled or expires,

Contractor shall resume and continue with the Work. A Change Order will be issued to cover any adjustments of the Contract Sum or the Contract Time necessarily caused by such suspension.

19. BOOKS AND RECORDS. Contractor shall keep full and detailed accounts and exercise such controls as may be necessary for proper financial management under this Contract in accordance with generally accepted accounting principles and practices consistently applied. City and City's accountants shall be afforded access at all times during normal business hours, to inspect, audit and copy Contractor's records, books, estimates, take-offs, cost reports, ledgers, schedules, correspondence, instructions, drawings, receipts, subcontracts, purchase orders, vouchers, memoranda and other data relating to this Project, and Contractor shall preserve these for a period of three years after the later of (i) final payment or (ii) final resolution of all Contract Disputes and other disputes or for such longer period as may be required by law. Contractor's compliance with any request by City pursuant to this Section 18 shall be a condition precedent to filing or maintenance of any legal action or proceeding by Contractor against City and to Contractor's right to receive further payments under the Contract Documents. Any failure by Contractor to provide access to its business records for inspection or copying by City shall be specifically enforceable by issuance of a writ or a provisional or permanent mandatory injunction by a court of competent jurisdiction based on affidavits submitted to such court, without the necessity of oral testimony.

20. WAIVER. Waiver by either party of any breach or violation of any one or more terms or conditions of this Contract shall not be deemed to be a waiver of any other term or condition contained herein or a waiver of any subsequent breach or violation of the same or any other term or condition. Acceptance by the City of the performance of any work by the Contractor shall not be deemed to be a waiver of any term or condition of this Contract. In no event shall the City's making of any payment to Contractor constitute or be construed as a waiver by the City of any breach of this Contract, or any default which may then exist on the part of Contractor, and the making of any such payment by the City shall in no way impair or prejudice any right or remedy available to the City with regard to such breach or default.

21. DEFAULT. In the event the City determines, in its sole discretion, that Contractor has failed or refused to perform any of the obligations set forth in the Contract Documents, or is in breach of any provision of the Contract Documents, the City may give written notice of default to Contractor in the manner specified for this giving of notices in this Contract. Except for emergencies, Contractor shall cure any default in performance of its obligations under the Contract Documents within two (2) business days after receipt of written notice. However, if the breach cannot be reasonably cured within such time, Contractor will commence to cure the breach within two (2) days and will diligently and continuously prosecute such cure to completion within a reasonable time, which shall in no event be later than ten (10) days after receipt of such written notice.

22. CITY RIGHTS AND REMEDIES.

22.1 Remedies Upon Default. In the event that Contractor fails to cure any default of this Contract within the time period set forth in Section 20, then City may pursue any remedies

available under law or equity, including, without limitation, the following: (1) the City may, without terminating the Contract, delete certain portions of the Work, reserving to itself all rights to losses related thereto; (2) the City may, without terminating the Contract, engage others to perform the Work or portion of the Work that has not been performed by the Contractor and withhold the cost thereof to City from future payments to the Contractor, reserving to itself all rights to Losses related thereto; or (3) the City may, without terminating the Contract and reserving to itself all rights to Losses related thereto, suspend all or any portion of this Construction Contract for as long a period of time as City determines, in its sole discretion, appropriate, in which event City shall have no obligation to adjust the Contract Sum or Contract Time, and shall have no liability to Contractor for damages if City directs Contractor to resume Work; (4) the City may terminate all or any part of this Contract for default, reserving to itself all rights of Losses related thereto; or (5) the City may, without terminating the Contract and reserving to itself all rights to Losses related thereto, exercise its rights under the Performance Bond.

22.2 Additional Provisions. All of City's rights and remedies under this Contract are cumulative, and shall be in addition to those rights and remedies available in law or in equity. Designation in the Contract Documents of certain breaches as material shall not be construed as implying that other breaches not so designated are not material nor shall such designations be construed as limiting City's right to terminate the Contract, or the exercise of its other rights or remedies for default, to only material breaches. City's determination of whether there has been noncompliance with the Contract so as to warrant exercise by City of its rights and remedies for default under the Contract, shall be binding on all parties. No termination or action taken by City after such termination shall prejudice any other rights or remedies of City provided by law or equity or by the Contract Documents upon such termination; and City may proceed against Contractor to recover all liquidated damages and Losses suffered by City.

22.3 Delays by Sureties. Without limitation to any of City's other rights or remedies under the law, City has the right to suspend the performance by Contractor's sureties in the event of any of the following: (1) failure of the sureties to begin Work within a reasonable time in such manner as to insure full compliance with the Contract within the Contract Time; (2) abandonment of the Work; (3) if at any time City is of the opinion the Work is unnecessarily or unreasonably delayed; (4) willful violation of any terms of the Contract; (5) failure to perform according to the Contract Documents; or (6) failure to follow instructions of City for its completion within the Contract Time. City will serve notice of such failure upon the sureties and in the event the sureties neglect or refuse to cure the breach within the time specified in such notice, City shall have the power to suspend the performance or any part thereof of the sureties.

22.4 Damages to the City. The City will be entitled to recovery of all Losses under law or equity in the event of Contractor's default under the Contract Documents. In the event that City's Losses arise from Contractor's default under the Contract Documents, City shall be entitled to withhold monies otherwise payable to Contractor until Final Completion, as defined in the General Conditions, of the Project. If City incurs Losses due to Contractor's default, then the amount of Losses shall be deducted from the amounts withheld. Should the amount withheld exceed the amount deducted, the balance will be paid to Contractor or its designee upon Final

Completion of the Project. If the Losses incurred by City exceed the amount withheld, Contractor shall be liable to City for the difference and shall promptly remit same to City.

22.5 Termination of the Contract for Default. Without limitation to any of City's other rights or remedies at law or in equity, and reserving to itself all rights to Losses related thereto, City shall have the right to terminate this Contract, in whole or in part, upon the failure of Contractor to promptly cure any default. City's election to terminate the Contract for default shall be communicated by giving Contractor a written notice of termination in the manner specified for the giving of notices in the Contract. Any notice of termination given to Contractor by City shall be effective immediately, unless otherwise provided therein.

22.6 Termination Without Cause. City shall have the option, at its sole discretion and without cause, of terminating this Contract in part or in whole by giving thirty (30) days written notice to Contractor. Contractor agrees to accept such sums as allowed under this Section as its sole and exclusive compensation and waives any claim for other compensation or Losses, including, but not limited to, loss of anticipated profits, loss of revenue, lost opportunity, or other consequential, direct, indirect or incidental damages of any kind.

22.7 Compensation. Following termination without cause and within forty-five (45) days after receipt of a billing from Contractor seeking payment of sums authorized by this Section, City shall pay to Contractor as its sole compensation for performance of the Work the following: (1) the amount of the Contract Sum allocable to the portion of the Work properly performed by Contractor as of the date of termination, less sums previously paid to Contractor; (2) reasonable costs of Contractor and its Subcontractors and Sub-subcontractors for demobilizing and administering the close-out of its participation in the Project (including, without limitation, all billing and accounting functions, not including attorney or expert fees) for a period of no longer than thirty (30) days after receipt of the notice of termination in an amount not to exceed the daily sum payable to Contractor for Compensable Delays; (3) previously unpaid cost of any items delivered to the Project Site which were fabricated for subsequent incorporation in the Work.

22.8 Subcontractors. Contractor shall include provisions in all of its subcontracts, purchase orders and other contracts permitting termination for convenience by Contractor on terms that are consistent with this Contract and that afford no greater rights of recovery against Contractor than are afforded to Contractor under this Section.

22.9 Contractor's Duties Upon Termination. Upon receipt of a notice of termination for default or for convenience, Contractor shall, unless the notice directs otherwise, do the following: (1) immediately discontinue the Work to the extent specified in the notice; (2) place no further orders or subcontracts for materials, equipment, services or facilities, except as may be necessary for completion of such portion of the Work as is not discontinued; (3) provide to City a description, in writing no later than fifteen (15) days after receipt of the notice of termination, of all subcontracts, purchase orders and contracts that are outstanding, including, without limitation, the terms of the original price, any changes, payments, balance owing, the status of the portion of the Work covered and a copy of the subcontract, purchase order or contract and any written changes, amendments or modifications thereto, together with such other

information as City may determine necessary in order to decide whether to accept assignment of or request Contractor to terminate the subcontract, purchase order or contract; (4) promptly assign to City those subcontracts, purchase orders or contracts, or portions thereof, that City elects to accept by assignment and cancel, on the most favorable terms reasonably possible, all subcontracts, purchase orders or contracts, or portions thereof, that City does not elect to accept by assignment; and (5) hereafter do only such Work as may be necessary to preserve and protect Work already in progress and to protect materials, plants, and equipment on the Project Site or in transit thereto.

23. CONTRACTOR'S RIGHTS AND REMEDIES. Contractor may terminate this Construction Contract for cause only upon the occurrence of one of the following: (1) the Work is stopped for sixty (60) consecutive days, through no act or fault of Contractor, any subcontractor or any employee or agent of Contractor or any subcontractor, due to issuance of an order of a court or other public authority other than City having jurisdiction or due to an act of government, such as a declaration of a national emergency making material unavailable; or (2) if the City does not make payment of sums that are not in good faith disputed by the City and does not cure such default within ninety (90) days after receipt of notice from Contractor, then upon an additional thirty (30) days' notice to City, Contractor may terminate the Contract.

23.1 Damages to Contractor. In the event of termination for cause by Contractor, City shall pay Contractor the sums provided for in Section 21 above. Contractor agrees to accept such sums as its sole and exclusive compensation and agrees to waive any claim for other compensation or Losses, including, but not limited to, loss of anticipated profits, loss of revenue, lost opportunity, or other consequential, direct, indirect and incidental damages, of any kind.

24. NOTICES. Any notices or other communications required or permitted to be given under this Contract shall be given in writing by personal delivery, by a recognized courier service, or by U.S. mail, postage prepaid, and return receipt requested, addressed to the respective parties as follows:

To City:

Assistant Public Works Director/City Engineer
City of Menlo Park
City Hall, 701 Laurel St.
Menlo Park, CA 94025

To Contractor:

Casey Construction, Inc.
619 Sylvan Way
Emerald Hills, CA 61062

25. Notice shall be deemed communicated on the earlier of actual receipt or 48 hours after deposit in the U.S. mail, or the date of delivery shown on deliverer's receipt. In the event of any change of address, the moving party is obligated to notify the other party of the change of address in writing within a reasonable period of time.

In addition, copies of all Claims by Contractor under this contract shall be provided to the City Attorney as follows:

To City Attorney:

City Attorney
Burke, Williams & Sorensen, LLP
181 Third Street, Suite 200
San Rafael, CA 94901

All claims shall be delivered personally or sent by certified mail.

26. NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY. In the performance of this Contract, Contractor shall not discriminate against any employee, subcontractor or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental handicap, or medical condition. Contractor will take affirmative action to ensure that employees are treated without regard to race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental handicap, or medical condition.

27. CONTRACT DOCUMENTS AND PRECEDENCE. The Contract Documents shall consist of the following documents. In case of inconsistencies between Contract Documents, the documents are listed in order of precedence.

28. PUBLIC WORKS CLAIMS. This Contract is subject to Public Contracts Code Section 9204 governing contractor claims.

29. ATTORNEYS' FEES; VENUE. In the event that any party to this Contract commences any legal action or proceeding to enforce or interpret the provisions of this Contract, the prevailing party in such action or proceeding shall be entitled to recover reasonable attorneys' fees and other costs incurred in that action or proceeding, in addition to any other relief to which the successful party may be entitled. The venue for any litigation shall be San Mateo County.

30. COOPERATION. In the event any claim or action is brought against the City relating to Contractor's performance or services under this Agreement, Contractor shall render any reasonable assistance and cooperation which City might require.

31. NUISANCE. Contractor shall not maintain, commit, nor permit the maintenance or commission of any nuisance in connection with the performance of services under this Contract.

32. GOVERNING LAW. This Contract shall be construed in accordance with and governed by the laws of the State of California.

33. COMPLETE AGREEMENT; SEVERABILITY. This Contract, and any other documents incorporated herein by reference, represent the entire and integrated agreement between the City and Contractor. This Contract supersedes all prior oral and written negotiations, representations or agreements. No prior oral or written understanding shall be of any force or

effect with respect to those matters covered hereunder. This Contract may only be modified by a written amendment duly executed by the parties to this Contract. In case a provision of this Contract is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not be affected.

34. COUNTERPARTS. This Contract may be signed in multiple counterparts, which shall, when executed by all the parties constitute a single binding contract.

Signatures on next page.

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

FOR FIRST PARTY:

Signature

Date

Printed name

Title

Tax ID#

APPROVED AS TO FORM:

Nira F. Doherty, City Attorney

Date

FOR CITY OF MENLO PARK:

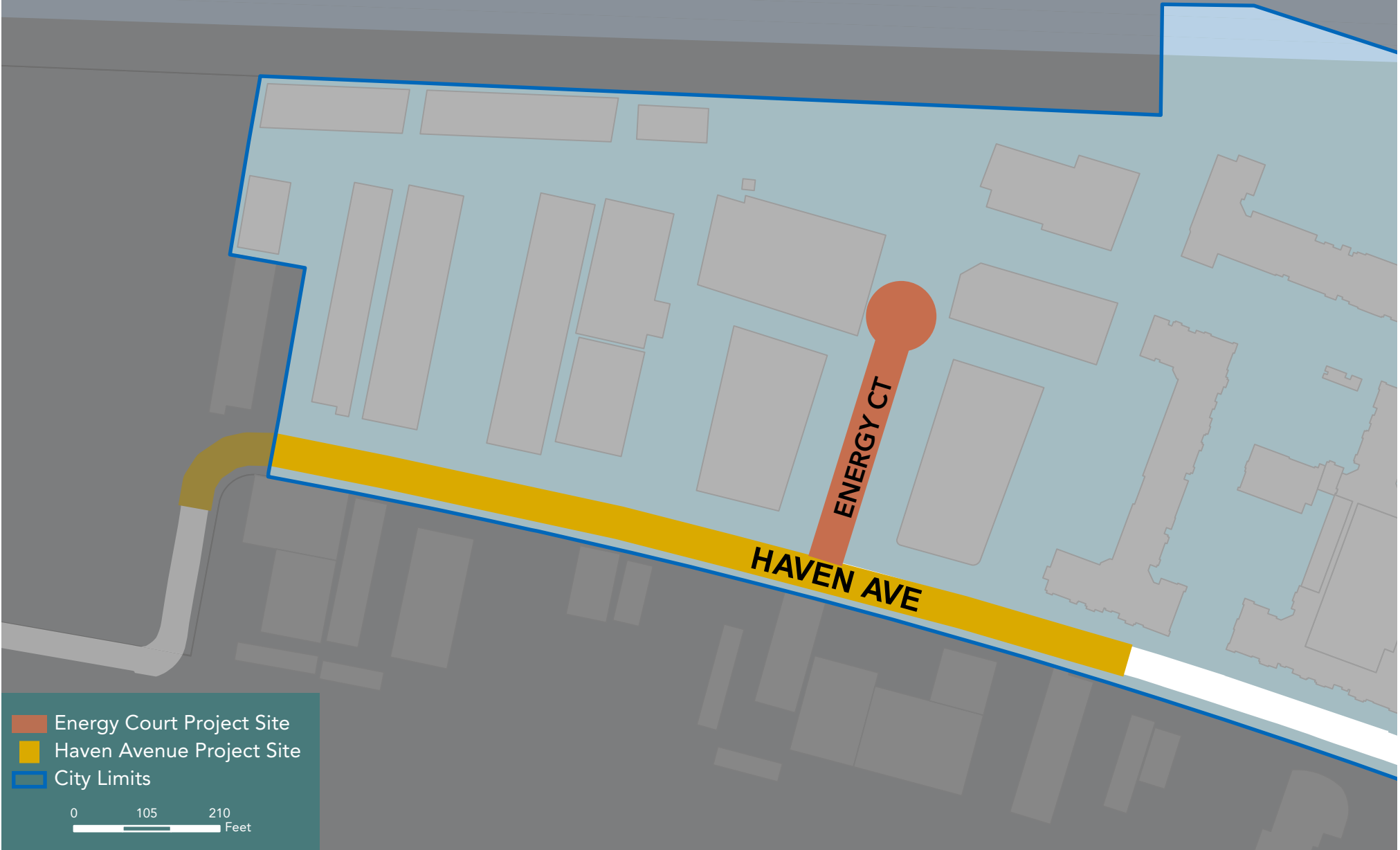
Starla Jerome-Robinson, City Manager

Date

ATTEST:

Judi A. Herren, City Clerk

Date





STAFF REPORT

City Council

Meeting Date: 10/12/2021

Staff Report Number: 21-192-CC

Consent Calendar: Waive the second reading and adopt Ordinance No. 1078 repealing and replacing Menlo Park Municipal Code Section 16.86.025

Recommendation

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 1078 (Attachment A) repealing and replacing Menlo Park Municipal Code (MPMC) section 16.86.025.

Policy Issues

The MPMC Section 16.86.025 establishes a procedure for the City Council or any individual City Councilmember to appeal decisions of the Planning Commission, and provides that the City Council may meet to decide whether the appeal is on behalf of an individual City Councilmember or on behalf of the entire City Council.

Background

On September 14, 2021, the Menlo Park City Council waived the first reading and referred to second reading of Ordinance No. 1078 repealing and replacing MPMC section 16.86.025. Staff now recommends the City Council waive the second reading and adopt Ordinance No. 1078. If adopted, the ordinance would become effective 30 days following adoption.

It is customary for cities to have procedures and regulations under which a City Council can call-up a Planning Commission's final decision on the matter. The MPMC does not have such a procedure. Instead, MPMC 16.86.025 requires City Councilmembers to formally appeal a decision of the Planning Commission if the City Councilmember wishes to call up and discuss the Planning Commission's decision. This requirement limits the City Council's ability to review Planning Commission decisions and the policy implications of such decisions. Furthermore, the manner in which section 16.86.025 is drafted suggests the City Council can be both the appellant and the decision maker on a City Council appeal.

Analysis

Staff recommends revising MPMC section 16.86.025 to establish procedures in which the City Council may call up final Planning Commission decisions. The proposed revisions would repeal the current procedures which require City Councilmembers to formally appeal a decision of the Planning Commission in order to discuss, reconsider and uphold or deny such decision. The proposed revisions would also remove the provisions of section 16.86.025, which require that where a City Councilmember appeals a Planning Commission decision, the entire City Council must decide whether the appeal will be considered a full City Council appeal. This requirement is undesirable for a number of reasons, including that it suggests the full City Council must consider an appeal before the actual hearing on said appeal. Removing this provision

would enable any one City Councilmember to call-up any decision of the Planning Commission, as opposed to requiring a majority of the City Councilmember to agree to an appeal of any decision of the Planning Commission.

Impact on City Resources

There is no impact on City resources.

Environmental Review

The proposed action does not constitute a project as defined by the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq. and 14 Cal. Code Regs. §§ 15000 et. seq) as the proposed Ordinance does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15061(b)(3)) and is also exempt from CEQA pursuant to Guidelines Section 15378(b)(5) as the proposed actions would be an organizational/administrative activity of a government entity that will not result in a direct or indirect physical change to the environment.

Public Notice

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

Attachments

A. Ordinance No. 1078

Report prepared by:
Nira Doherty, City Attorney

ORDINANCE NO. 1078**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
REPEALING AND REPLACING MENLO PARK MUNICIPAL CODE SECTION
16.86.025 OF THE MENLO PARK MUNICIPAL CODE**

WHEREAS, Menlo Park Municipal Code Chapter 16.86 – Appeals, governs the appeal process for decisions of the City of Menlo Park’s (“City”) Planning Commission; and

WHEREAS, Menlo Park Municipal Code section 16.86.025 empowers City Councilmembers to appeal decisions of the City’s Planning Commission, and moreover, requires that the City Council consider whether the City Councilmember’s appeal would be considered an appeal from the individual City Councilmember or an appeal from the City Council as a whole;

WHEREAS, Menlo Park Municipal Code section 16.86.025 also includes provisions relating to the payment of fees for appeal; and

WHEREAS, California Government Code section 65905.5(a) provides that a City may only hold five hearings to determine whether a proposed housing development project complies with applicable regulations; and

WHEREAS, the City Council has determined that repealing and replacing Section 16.86.025 of the Municipal Code will facilitate greater compliance with State law and will ensure that applicants received full due process protections.

NOW THEREFORE, BE IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

SECTION 1. Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

SECTION 2. Section 16.86.025 is hereby repealed in its entirety and replaced as follows:

16.86.025 Call-up by city council or councilmember

The city council or any member of the city council may call-up any final decision of the planning commission by filing a notice of call-up with the city clerk. Said notice shall identify the final decision of the planning commission that is being called up and shall be submitted to the city clerk no later than fifteen (15) days following the decision of the planning commission. A call-up hearing before the city council shall be held at a city council meeting, insofar as practicable no later than forty-five (45) days following the city clerk’s receipt of the notice of call-up.

SECTION 3. Severability

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by a final judgment of any court or competent jurisdiction, such invalidity shall not affect other provisions or clauses or

application, and to this end, the provisions and clauses of this ordinance are declared to be severable.

SECTION 4. California Environmental Quality Act

The City Council finds that the adoption and implementation of this Ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

SECTION 5. Publication; Effective Date. This Ordinance shall be published once, in full or in summary form, after its final passage, in a newspaper of general circulation, published, and circulated in the City of Menlo Park, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of Menlo Park, County of San Mateo, State of California.

INTRODUCED on the twenty-first day of September 2021.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the XXXX day of XXXX, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Drew Combs, Mayor

ATTEST:

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

10/12/2021

Staff Report Number:

21-193-CC

Consent Calendar:

Adopt Resolution No. 6673 authorizing the City Manager to accept a grant for fiscal years 2021-2023 of up to \$350,000 from County of San Mateo to implement the Big Lift at the Belle Haven Child Development Center and to execute a contract to enhance services to complete the scope of work

Recommendation

Staff recommends that the City Council authorize the city manager to accept a two-year Big Lift grant from and execute an agreement with County of San Mateo for reimbursement to the City of up to \$350,000 to enhance full day child care services at the Belle Haven Child Development Center (BHDCDC.)

Policy Issues

The recommendation does not represent any change to existing City policy as BHDCDC already receives substantial grant funding including the Big Lift.

Background

BHDCDC is a licensed preschool child care center operated by the City of Menlo Park. The program seeks to build children's self-esteem by offering developmentally appropriate materials and activities supporting social, emotional, physical and cognitive abilities. Children are provided breakfast, lunch and snacks daily. The teacher-to-child ratio is 1:8 and a highly trained and experienced staff teaches up to approximately 96 children, 3-5 years of age.

BHDCDC is eligible for and regularly receives grant funding to supplement and support program operations, from entities including the California Department of Education, USDA Child and Adult Care Food Program, and County of San Mateo – Big Lift.

BHDCDC program enrollees' fees are subsidized through the California Department of Education (CDE) Child Development Division (CDD) State Preschool Program. State funding restrictions require all parents of children enrolled in the BHDCDC's subsidized slots to be working, in school, in training, seeking permanent housing, actively seeking employment or incapacitated. All families of children enrolled at BHDCDC must meet income eligibility requirements set by the State. Similar eligibility requirements apply to The Big Lift grant.

The Big Lift request for proposals invited proposals from the seven San Mateo County communities where 2013-14 third grade reading proficiency scores were close to or below the county average that had not previously received funding from The Big Lift. Eligible communities, as defined by school district boundaries, included Bayshore, Brisbane, Pacifica, Ravenswood, Redwood City, San Bruno Park and San

Mateo-Foster City. In 2015, BHDCDC partnered with Ravenswood School District for The Big Lift grant but neither was awarded a grant. In 2016, BHDCDC partnered again with Ravenswood School District and both were awarded funding for a three-year grant. In July 2021, the County of San Mateo assumed authority for the grant and issued it on a two-year fiscal basis with the possibility of multiple years in the future.

Analysis

The Big Lift utilizes a collective impact approach where Ravenswood School District will partner with nonprofit preschool programs such as BHDCDC and Head Start and community based agencies to work toward the long-term goal of improving third grade reading success. This collaborative is led by Silicon Valley Community Foundation, the San Mateo department of education and the County of San Mateo. There are five conditions that, together, lead to meaningful results from collective impact and that are integral to The Big Lift's approach: a shared vision for changes or common agenda, shared measurement, mutually reinforcing activities, continuous communications and backbone support. To achieve this ambitious goal, The Big Lift has committed to advancing the national Campaign for Grade-Level Reading framework, which specifies the following evidence-based interventions, or the four strategic "pillars" which include:

- High-quality preschool
- Family engagement
- Inspiring summers
- Attendance matters

The Big Lift grant funding would enable the City to provide enhanced services to program enrollees in alignment with these four pillars, in the form of additional classroom supplies, small equipment, qualified staff to support data reporting requirements, training for parents and staff, and funding for family engagement activities. Additionally, the 2021-23 grant would continue grant funding to support a full-time teacher to enhance quality in the classroom through providing a consistent permanent staff person to replace temporary aides. The annual cost of this position is included in the proposal and has no direct cost impact to the City.

Big Lift funding in previous years supported various other enhancements to the BHDCDC program including increased technology in each classroom through new iPads, digital software to engage parents during the pandemic, parent engagement workshops, materials to beautify the classrooms as well as allowing staff to attend additional trainings for professional development.

Under the terms of the 2021-23 grant agreement, if City Council authorizes the city manager to execute it, the City would be eligible to receive reimbursements from the Big Lift to offset up to \$350,000 in eligible program operating costs. The City would also be required to meet standard data reporting requirements. The agreement also specifies that the BHDCDC must meet the minimum days of operation requirement of 244 days of service provided during the fiscal year, which the city already meets. These terms are substantially the same as the terms of the City's previous Big Lift grant.

Impact on City Resources

If the City Council authorizes the city manager to accept the Big Lift grant, the City will receive up to \$350,000 in grant funded reimbursements during fiscal years 2021-23 to support the BHDCDC's operations. No matching funds are required from the City.

Environmental Review

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

Public Notice

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

Attachments

- A. Resolution No. 6673
- B. County of San Mateo grant agreement

Report prepared by:
Kira Storms, Library and Community Services Supervisor

Report reviewed by:
Theresa DellaSanta, Interim Assistant Community Services Director

RESOLUTION NO. 6673

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING AN AGREEMENT WITH COUNTY OF SAN MATEO TO
RECEIVE GRANT FUNDING FOR THE BIG LIFT FOR FISCAL YEARS 2021-23**

WHEREAS, the City of Menlo Park has operated the Belle Haven Child Development Center for over 30 years; and

WHEREAS, the program offers developmentally appropriate materials and activities that support social, economic, physical and cognitive abilities; and

WHEREAS, the program receives funding from the State of California Department of Education; and

WHEREAS, a resolution must be adopted after the expiration of the previous grant in order to certify the approval of the funding by the City Council receiving the reimbursement and authorizing the designated personnel to enter into the contract.

NOW THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore do hereby authorize entering into local agreement number CFDA 94.019 reimbursing the City up to \$350,000 for implementation of The Big Lift at the Belle Haven Child Development Center for fiscal years 2021-23.

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 twelfth day of October, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ___ day of October, 2021.

Judi A. Herren, City Clerk

Agreement No. _____

AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND THE CITY OF MENLO PARK

This Agreement is entered into this _____ day of _____, 20____, by and between the County of San Mateo, a political subdivision of the state of California, hereinafter called "County," and the City of Menlo Park, hereinafter called "Contractor."

* * *

Whereas, pursuant to Section 31000 of the California Government Code, County may contract with independent contractors for the furnishing of such services to or for County or any Department thereof; and

Whereas, it is necessary and desirable that Contractor be retained for the purpose of operating The Big Lift early learning initiative to reduce learning loss, increase kindergarten readiness, and grow third grade reading proficiency in San Mateo County.

Now, therefore, it is agreed by the parties to this Agreement as follows:

1. Exhibits and Attachments

The following exhibits and attachments are attached to this Agreement and incorporated into this Agreement by this reference:

Exhibit A—Services

Exhibit B—Payments and Rates

2. Services to be performed by Contractor

In consideration of the payments set forth in this Agreement and in Exhibit B, Contractor shall perform services for County in accordance with the terms, conditions, and specifications set forth in this Agreement and in Exhibit A.

3. Payments

In consideration of the services provided by Contractor in accordance with all terms, conditions, and specifications set forth in this Agreement and in Exhibit A, County shall make payment to Contractor based on the rates and in the manner specified in Exhibit B. County reserves the right to withhold payment if County determines that the quantity or quality of the work performed is unacceptable. In no event shall County's total fiscal obligation under this Agreement exceed three hundred fifty thousand dollars (\$350,000). In the event that the County makes any advance payments, Contractor agrees to refund any amounts in excess of the amount owed by the County at the time of contract termination or expiration. Contractor is not entitled to payment for work not performed as required by this agreement.

4. Term

Subject to compliance with all terms and conditions, the term of this Agreement shall be from July 1, 2021, through June 30, 2023.

5. Termination

This Agreement may be terminated by Contractor or by the County Manager or his/her designee at any time without a requirement of good cause upon thirty (30) days' advance written notice to the other party. Subject to availability of funding, Contractor shall be entitled to receive payment for work/services provided prior to termination of the Agreement. Such payment shall be that prorated portion of the full payment determined by comparing the work/services actually completed to the work/services required by the Agreement.

County may terminate this Agreement or a portion of the services referenced in the Attachments and Exhibits based upon the unavailability of Federal, State, or County funds by providing written notice to Contractor as soon as is reasonably possible after County learns of said unavailability of outside funding.

County may terminate this Agreement for cause. In order to terminate for cause, County must first give Contractor notice of the alleged breach. Contractor shall have five business days after receipt of such notice to respond and a total of ten calendar days after receipt of such notice to cure the alleged breach. If Contractor fails to cure the breach within this period, County may immediately terminate this Agreement without further action. The option available in this paragraph is separate from the ability to terminate without cause with appropriate notice described above. In the event that County provides notice of an alleged breach pursuant to this section, County may, in extreme circumstances, immediately suspend performance of services and payment under this Agreement pending the resolution of the process described in this paragraph. County has sole discretion to determine what constitutes an extreme circumstance for purposes of this paragraph, and County shall use reasonable judgment in making that determination.

6. Contract Materials

At the end of this Agreement, or in the event of termination, all finished or unfinished documents, data, studies, maps, photographs, reports, and other written materials (collectively referred to as "contract materials") prepared by Contractor under this Agreement shall become the property of County and shall be promptly delivered to County. Upon termination, Contractor may make and retain a copy of such contract materials if permitted by law.

7. Relationship of Parties

Contractor agrees and understands that the work/services performed under this Agreement are performed as an independent contractor and not as an employee of County and that neither Contractor nor its employees acquire any of the rights, privileges, powers, or advantages of County employees.

8. Hold Harmless

a. General Hold Harmless

Contractor shall indemnify and save harmless County and its officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, and description resulting from this Agreement, the performance of any work or services required of Contractor under this Agreement, or payments made pursuant to this Agreement brought for, or on account of, any of the following:

- (A) injuries to or death of any person, including Contractor or its employees/officers/agents;
- (B) damage to any property of any kind whatsoever and to whomsoever belonging;

(C) any sanctions, penalties, or claims of damages resulting from Contractor's failure to comply, if applicable, with the requirements set forth in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and all Federal regulations promulgated thereunder, as amended; or

(D) any other loss or cost, including but not limited to that caused by the concurrent active or passive negligence of County and/or its officers, agents, employees, or servants. However, Contractor's duty to indemnify and save harmless under this Section shall not apply to injuries or damage for which County has been found in a court of competent jurisdiction to be solely liable by reason of its own negligence or willful misconduct.

The duty of Contractor to indemnify and save harmless as set forth by this Section shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

9. Assignability and Subcontracting

Contractor shall not assign this Agreement or any portion of it to a third party or subcontract with a third party to provide services required by Contractor under this Agreement without the prior written consent of County. Any such assignment or subcontract without County's prior written consent shall give County the right to automatically and immediately terminate this Agreement without penalty or advance notice.

10. Insurance

a. General Requirements

Contractor shall not commence work or be required to commence work under this Agreement unless and until all insurance required under this Section has been obtained and such insurance has been approved by County's Risk Management, and Contractor shall use diligence to obtain such insurance and to obtain such approval. Contractor shall furnish County with certificates of insurance evidencing the required coverage, and there shall be a specific contractual liability endorsement extending Contractor's coverage to include the contractual liability assumed by Contractor pursuant to this Agreement. These certificates shall specify or be endorsed to provide that thirty (30) days' notice must be given, in writing, to County of any pending change in the limits of liability or of any cancellation or modification of the policy.

b. Workers' Compensation and Employer's Liability Insurance

Contractor shall have in effect during the entire term of this Agreement workers' compensation and employer's liability insurance providing full statutory coverage. In signing this Agreement, Contractor certifies, as required by Section 1861 of the California Labor Code, that (a) it is aware of the provisions of Section 3700 of the California Labor Code, which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Labor Code, and (b) it will comply with such provisions before commencing the performance of work under this Agreement.

c. Liability Insurance

Contractor shall take out and maintain during the term of this Agreement such bodily injury liability and property damage liability insurance as shall protect Contractor and all of its employees/officers/agents while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all claims for property damage which may arise from Contractor's operations under this Agreement, whether such operations be by Contractor, any subcontractor, anyone directly or indirectly employed by either of them, or an agent of either of them.

Such insurance shall be combined single limit bodily injury and property damage for each occurrence and shall not be less than the amounts specified below:

- (a) Comprehensive General Liability... \$1,000,000
- (b) Motor Vehicle Liability Insurance... \$1,000,000

County and its officers, agents, employees, and servants shall be named as additional insured on any such policies of insurance, which shall also contain a provision that (a) the insurance afforded thereby to County and its officers, agents, employees, and servants shall be primary insurance to the full limits of liability of the policy and (b) if the County or its officers, agents, employees, and servants have other insurance against the loss covered by such a policy, such other insurance shall be excess insurance only.

In the event of the breach of any provision of this Section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, County, at its option, may, notwithstanding any other provision of this Agreement to the contrary, immediately declare a material breach of this Agreement and suspend all further work and payment pursuant to this Agreement.

11. Compliance With Laws

All services to be performed by Contractor pursuant to this Agreement shall be performed in accordance with all applicable Federal, State, County, and municipal laws, ordinances, and regulations, including but not limited to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Federal Regulations promulgated thereunder, as amended (if applicable), the Business Associate requirements set forth in Attachment H (if attached), the Americans with Disabilities Act of 1990, as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in programs and activities receiving any Federal or County financial assistance. Such services shall also be performed in accordance with all applicable ordinances and regulations, including but not limited to appropriate licensure, certification regulations, provisions pertaining to confidentiality of records, and applicable quality assurance regulations. In the event of a conflict between the terms of this Agreement and any applicable State, Federal, County, or municipal law or regulation, the requirements of the applicable law or regulation will take precedence over the requirements set forth in this Agreement.

Contractor will timely and accurately complete, sign, and submit all necessary documentation of compliance.

12. Non-Discrimination and Other Requirements

a. General Non-discrimination

No person shall be denied any services provided pursuant to this Agreement (except as limited by the scope of services) on the grounds of race, color, national origin, ancestry, age, disability (physical or mental), sex, sexual orientation, gender identity, marital or domestic partner status, religion, political beliefs or affiliation, familial or parental status (including pregnancy), medical condition (cancer-related), military service, or genetic information.

b. Equal Employment Opportunity

Contractor shall ensure equal employment opportunity based on objective standards of recruitment, classification, selection, promotion, compensation, performance evaluation, and management relations for all employees under this Agreement. Contractor's equal employment policies shall be made available to County upon request.

c. Section 504 of the Rehabilitation Act of 1973

Contractor shall comply with Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual with a disability shall, solely by reason of a disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in the performance of any services this Agreement. This Section applies only to contractors who are providing services to members of the public under this Agreement.

d. Compliance with County's Equal Benefits Ordinance

Contractor shall comply with all laws relating to the provision of benefits to its employees and their spouses or domestic partners, including, but not limited to, such laws prohibiting discrimination in the provision of such benefits on the basis that the spouse or domestic partner of the Contractor's employee is of the same or opposite sex as the employee.

e. Discrimination Against Individuals with Disabilities

The nondiscrimination requirements of 41 C.F.R. 60-741.5(a) are incorporated into this Agreement as if fully set forth here, and Contractor and any subcontractor shall abide by the requirements of 41 C.F.R. 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.

f. History of Discrimination

Contractor certifies that no finding of discrimination has been issued in the past 365 days against Contractor by the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, or any other investigative entity. If any finding(s) of discrimination have been issued against Contractor within the past 365 days by the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, or other investigative entity, Contractor shall provide County with a written explanation of the outcome(s) or remedy for the discrimination prior to execution of this Agreement. Failure to comply with this Section shall constitute a material breach of this Agreement and subjects the Agreement to immediate termination at the sole option of the County.

g. Reporting: Violation of Non-discrimination Provisions

Contractor shall report to the County Manager the filing in any court or with any administrative agency of any complaint or allegation of discrimination on any of the bases prohibited by this Section of the Agreement or the Section titled "Compliance with Laws". Such duty shall include reporting of the filing of any and all charges with the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, or any other entity charged with the investigation or adjudication of allegations covered by this subsection within 30 days of such filing, provided that within such 30 days such entity has not notified Contractor that such charges are dismissed or otherwise unfounded. Such notification shall include a general description of the circumstances involved and a general description of the kind of discrimination alleged (for example, gender-, sexual orientation-, religion-, or race-based discrimination).

Violation of the non-discrimination provisions of this Agreement shall be considered a breach of this Agreement and subject the Contractor to penalties, to be determined by the County Manager, including but not limited to the following:

- i. termination of this Agreement;
- ii. disqualification of the Contractor from being considered for or being awarded a County contract for a period of up to 3 years;
- iii. liquidated damages of \$2,500 per violation; and/or
- iv. imposition of other appropriate contractual and civil remedies and sanctions, as determined by the County Manager.

To effectuate the provisions of this Section, the County Manager shall have the authority to offset all or any portion of the amount described in this Section against amounts due to Contractor under this Agreement or any other agreement between Contractor and County.

13. Compliance with County Employee Jury Service Ordinance

Contractor shall comply with Chapter 2.85 of the County's Ordinance Code, which states that Contractor shall have and adhere to a written policy providing that its employees, to the extent they are full-time employees and live in San Mateo County, shall receive from the Contractor, on an annual basis, no fewer than five days of regular pay for jury service in San Mateo County, with jury pay being provided only for each day of actual jury service. The policy may provide that such employees deposit any fees received for such jury service with Contractor or that the Contractor may deduct from an employee's regular pay the fees received for jury service in San Mateo County. By signing this Agreement, Contractor certifies that it has and adheres to a policy consistent with Chapter 2.85. For purposes of this Section, if Contractor has no employees in San Mateo County, it is sufficient for Contractor to provide the following written statement to County: "For purposes of San Mateo County's jury service ordinance, Contractor certifies that it has no full-time employees who live in San Mateo County. To the extent that it hires any such employees during the term of its Agreement with San Mateo County, Contractor shall adopt a policy that complies with Chapter 2.85 of the County's Ordinance Code." The requirements of Chapter 2.85 do not apply unless this Agreement's total value listed in the Section titled "Payments", exceeds two-hundred thousand dollars (\$200,000); Contractor acknowledges that Chapter 2.85's requirements will apply if this Agreement is amended such that its total value exceeds that threshold amount.

14. Retention of Records; Right to Monitor and Audit

(a) Contractor shall maintain all required records relating to services provided under this Agreement for three (3) years after County makes final payment and all other pending matters are closed, and Contractor shall be subject to the examination and/or audit by County, a Federal grantor agency, and the State of California.

(b) Contractor shall comply with all program and fiscal reporting requirements set forth by applicable Federal, State, and local agencies and as required by County.

(c) Contractor agrees upon reasonable notice to provide to County, to any Federal or State department having monitoring or review authority, to County's authorized representative, and/or to any of their respective audit agencies access to and the right to examine all records and documents necessary to determine compliance with relevant Federal, State, and local statutes, rules, and regulations, to determine compliance with this Agreement, and to evaluate the quality, appropriateness, and timeliness of services performed.

15. Merger Clause; Amendments

This Agreement, including the Exhibits and Attachments attached to this Agreement and incorporated by reference, constitutes the sole Agreement of the parties to this Agreement and correctly states the rights, duties, and obligations of each party as of this document's date. In the event that any term, condition, provision, requirement, or specification set forth in the body of this Agreement conflicts with or is inconsistent with any term, condition, provision, requirement, or specification in any Exhibit and/or Attachment to this Agreement, the provisions of the body of the Agreement shall prevail. Any prior agreement, promises, negotiations, or representations between the parties not expressly stated in this document are not binding. All subsequent modifications or amendments shall be in writing and signed by the parties.

16. Controlling Law; Venue

The validity of this Agreement and of its terms, the rights and duties of the parties under this Agreement, the interpretation of this Agreement, the performance of this Agreement, and any other dispute of any nature arising out of this Agreement shall be governed by the laws of the State of California without regard to its choice of law or conflict of law rules. Any dispute arising out of this Agreement shall be venued either in the San Mateo County Superior Court or in the United States District Court for the Northern District of California.

17. Notices

Any notice, request, demand, or other communication required or permitted under this Agreement shall be deemed to be properly given when both: (1) transmitted via facsimile to the telephone number listed below or transmitted via email to the email address listed below; and (2) sent to the physical address listed below by either being deposited in the United States mail, postage prepaid, or deposited for overnight delivery, charges prepaid, with an established overnight courier that provides a tracking number showing confirmation of receipt.

In the case of County, to:

Name/Title: Iliana Rodriguez, Deputy County Manager
Address: 400 County Center, 1st Floor, Redwood City, CA 94063
Telephone: (650) 363-4130
Email: irodriguez@smcgov.org

In the case of Contractor, to:

Name/Title: Starla Jerome-Robinson, City Manager
Address: 701 Laurel Street, Menlo Park, CA 94025
Telephone: (650) 330-6610
Email: srobinson@menlopark.org

18. Electronic Signature

Both County and Contractor wish to permit this Agreement and future documents relating to this Agreement to be digitally signed in accordance with California law and County's Electronic Signature Administrative Memo. Any party to this Agreement may revoke such agreement to permit electronic signatures at any time in relation to all future documents by providing notice pursuant to this Agreement.

19. Payment of Permits/Licenses

Contractor bears responsibility to obtain any license, permit, or approval required from any agency for work/services to be performed under this Agreement at Contractor's own expense prior to commencement of said work/services. Failure to do so will result in forfeit of any right to compensation under this Agreement.

20. Reimbursable Travel Expenses

To the extent that this Agreement authorizes reimbursements to Contractor for travel, lodging, and other related expenses as defined in this section, the Contractor must comply with all the terms of this section in order to be reimbursed for travel.

- a. Estimated travel expenses must be submitted to authorized County personnel for advanced written authorization before such expenses are incurred. Significant differences between estimated and actual travel expenses may be grounds for denial of full reimbursement of actual travel expenses.
- b. Itemized receipts (copies accepted) for all reimbursable travel expenses are required to be provided as supporting documentation with all invoices submitted to the County.
- c. Unless otherwise specified in this section, the County will reimburse Contractor for reimbursable travel expenses for days when services were provided to the County. Contractor must substantiate in writing to the County the actual services rendered and the specific dates. The County will reimburse for travel at 75% of the maximum reimbursement amount for the actual costs of meals and incidental expenses on the day preceding and/or the day following days when services were provided to the County, provided that such reimbursement is reasonable, in light of travel time and other relevant factors, and is approved in writing by authorized County personnel.
- d. Unless otherwise specified within the contract, reimbursable travel expenses shall not include Local Travel. "Local Travel" means travel entirely within a fifty-mile radius of the Contractor's office and travel entirely within a fifty-mile radius of San Mateo County. Any mileage reimbursements for a Contractor's use of a personal car for reimbursable travel shall be reimbursed based on the Federal mileage reimbursement rate.
- e. The maximum reimbursement amount for the actual lodging, meal and incidental expenses is limited to the then-current Continental United States ("CONUS") rate for the location of the work being done (i.e., Redwood City for work done in Redwood City, San Mateo for work done at San Mateo Medical Center) as set forth in the Code of Federal Regulations and as listed by the website of the U.S. General Services Administration (available online at <http://www.gsa.gov/portal/content/104877> or by searching www.gsa.gov for the term 'CONUS'). County policy limits the reimbursement of lodging in designated high cost of living metropolitan areas to a maximum of double the then-current CONUS rate; for work being done outside of a designated high cost of living metropolitan area, the maximum reimbursement amount for lodging is the then-current CONUS rate.
- f. The maximum reimbursement amount for the actual cost of airfare shall be limited to fares for Economy Class or below. Air travel fares will not be reimbursed for first class, business class, "economy-plus," or other such classes. Reimbursable car rental rates are restricted to the mid-level size range or below (i.e. standard size, intermediate, compact, or subcompact); costs for specialty, luxury, premium, SUV, or similar category vehicles are not reimbursable. Reimbursable ride-shares are restricted to standard or basic size vehicles (i.e., non-premium vehicles unless it results in a

cost-saving to the County). Exceptions may be allowed under certain circumstances, such as unavailability of the foregoing options, with written approval from authorized County personnel. Other related travel expenses such as taxi fares, ride-shares, parking costs, train or subway costs, etc. shall be reimbursable on an actual-cost basis. Reimbursement of tips for taxi fare, or ride-share are limited to no more than 15% of the fare amount.

- g. Travel-related expenses are limited to: airfare, lodging, car rental, taxi/ride-share plus tips, tolls, incidentals (e.g. porters, baggage carriers or hotel staff), breakfast, lunch, dinner, mileage reimbursement based on Federal reimbursement rate. The County will not reimburse for alcohol.
- h. Reimbursement of tips are limited to no more than 15 percent. Non-reimbursement items (i.e., alcohol) shall be excluded when calculating the amount of the tip that is reimbursable.

21. Prevailing Wage

When applicable, Contractor hereby agrees to pay not less than prevailing rates of wages and be responsible for compliance with all the provisions of the California Labor Code, Article 2-Wages, Chapter 1, Part 7, Division 2, Section 1770 et seq. A copy of the prevailing wage scale established by the Department of Industrial Relations is on file in the office of the Director of Public Works, and available at www.dir.ca.gov/DLSR or by phone at 415-703-4774. California Labor Code Section 1776(a) requires each contractor and subcontractor keep accurate payroll records of trades workers on all public works projects and to submit copies of certified payroll records upon request.

Additionally,

- No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations

* * *

In witness of and in agreement with this Agreement's terms, the parties, by their duly authorized representatives, affix their respective signatures:

For Contractor: CITY OF MENLO PARK

Contractor Signature

Date

Contractor Name (please print)

COUNTY OF SAN MATEO

By:

President, Board of Supervisors, San Mateo County

Date:

ATTEST:

By:

Clerk of Said Board

Exhibit A

In consideration of the payments set forth in Exhibit B, Contractor shall provide the following services:

- The Big Lift Early Learning Program (July 1, 2021 – June 30, 2023)

Contractor will participate in all aspects of The Big Lift; including partnering with participating school districts and the community at large to work toward the long-term goal of third grade reading success.

The sections below provide additional detail regarding the services Contractor will provide as part of The Big Lift Early Learning Program.

I. THE BIG LIFT EARLY LEARNING INITIATIVE PROGRAM OVERVIEW

The Big Lift is a collective impact initiative where school districts partner with nonprofit preschool programs and the community at large to work toward the long-term goal of third grade reading success. The collaborative is led by three agencies, the Silicon Valley Community Foundation (SVCF), the San Mateo County Office of Education (SMCOE), and the County of San Mateo (County), and County funding for this agreement is made available through San Mateo County Measure K tax dollars.

There are five conditions that, together, lead to meaningful results from collective impact and are integral to The Big Lift's approach: a shared vision for change or common agenda, shared measurement, mutually reinforcing activities, continuous communication and backbone support. To achieve this ambitious goal, The Big Lift has committed to advancing the national Campaign for Grade-Level Reading framework, which specifies the following evidence-based interventions, or "four pillars," and maintains rigorous and ongoing evaluation for continuous improvement:

- 1) Quality Preschool: A comprehensive school readiness strategy focused on high-quality preschool for 3- and 4-year-olds, leading to an aligned and sequenced set of high-quality learning experiences in kindergarten through third grade;
- 2) Attendance: A focus on reducing chronic absence in the early grades, based on research about the importance of attendance in the early years to improve academic outcomes;
- 3) Inspiring Summers: Development of inspiring summer learning opportunities that enable children to maintain their academic and developmental gains from high-quality preschool throughout the early grades; and
- 4) Family Engagement: Strengthening family and community engagement through investments in strategies that support meaningful partnerships between families and schools.

Big Lift communities are defined by school district boundaries and include the following school districts: Cabrillo Unified, Jefferson Elementary, South San Francisco Unified, San Bruno Park Elementary, La Honda-Pescadero Unified, Redwood City, and Ravenswood City.

The Big Lift strives for a diversity of income levels to be represented within the classrooms, while giving overall priority to low-income families. The Big Lift's definition of low-income households is those earning up to 80 percent of San Mateo County's area medium income. The Big Lift programs are required to prioritize children whose family income meets this definition.

The Big Lift uses the [Department of Housing and Urban Development](#) income guidelines to establish eligibility, following 80% of Area Median Income thresholds as per above, for the 2021-2022 and 2022-2023 years.

II. CONTRACTOR REQUIREMENTS

As part of this scope of work, Contractor will meet the following requirements:

- a. Licensure in Good Standing: Contractor must have a license to operate preschool facilities and must ensure that licensed sites are in good standing with Community Care Licensing.
- b. Compliance with Contractor Monitoring Activities: Monitoring activities include, but are not limited to, site visits by San Mateo County staff, progress reports on implementation of goals and objectives, and submission of financial records, as required by the County. The County will conduct in-person site visits of Contractor throughout the course of the Agreement to ensure compliance with the terms of this Agreement. Contractor is required to address all site visits and report findings by the deadline as set forth by the County.
- c. State and Other Federal Funding Compliance: Contractor must maintain compliance with the terms of any other funding sources they may receive. Any Contractor receiving Title 5 or Head Start funds must maintain good standing with the California Department of Educational/Child Development Division and/or the Administration for Children and Families. Failure to do so may jeopardize Big Lift funding.
- d. Timely Reporting: The County will track and monitor Contractor's reporting and will require timely and accurate submissions of data, progress reports and requests for reimbursement, and Contractor agrees to correct and implement improvements to any areas of concern identified at a site visit or at any other point during the term of the Agreement. Patterns of late and/or inaccurate reporting and/or failure to improve compliance with this Agreement will be taken into consideration when making future funding recommendations, and in egregious cases may affect continued funding for the current term of the Agreement.
- e. Utilization of The Big Lift Name and Logo: Contractor must use The Big Lift name and logo on all public facing materials, signs, banners, press releases, social media and publications related to their Big Lift program.
- f. Communication Collaboration: Contractor must participate in The Big lift's efforts to disseminate information about Big Lift program(s) and The Big Lift through social media and other communication channels. This includes obtaining photo releases to be provided to the County for the purposes of communicating information about The Big Lift, when applicable, through social media, publications, reports, etc.

Contractor is expected to participate in all aspects of The Big Lift, to support the implementation of all four of the pillars, to work collaboratively with SVCF, SMCOE, and the County of San Mateo, to participate in evaluation efforts, to contribute to the larger Big Lift community collaborative, and to be active partners in leading this effort.

III. CONTRACTOR GOALS AND ACTIVITIES

Contractor agrees to work towards the following six goal areas by completing the major activities listed as follows:

Quality Preschool Goal: Children are prepared for kindergarten with the social-emotional, academic, linguistic and physical foundations they need to be successful.

<p>a. Provide up to 96 preschool spaces in Menlo Park with Big Lift quality supports for 3-and 4-year old children, working toward a minimum of 50% in-person enrollment in Big Lift-funded spaces by October 15, 2021, and increasing to a 70% in-person enrollment in Big Lift-funded spaces by January 1, 2022. If a program cannot meet these targets, they should provide a justification as to why, and also provide a community outreach/recruitment plan to The Big Lift. The plan should demonstrate a multi-tiered outreach and recruitment strategy that includes partnering with local community-based organizations, the use of social media and other communications strategies, the use of school district communication channels for school district run programs (including outreach to families of elementary age students with younger children), and word-of-mouth strategies (including consideration of door-to-door outreach efforts).</p>
<p>b. Maintain quality standards at a minimum of Tier 3 on the San Mateo Quality Rating and Improvement System (QRIS)</p>
<p>c. Submit an annual program Quality Improvement Plan (QIP) by October 1st of each year to SMCOE that accomplishes the following:</p> <ul style="list-style-type: none"> a. At least one Big Lift classroom and one site level QIP goal focuses on early literacy, at a minimum. Leadership, coaches and preschool staff work together to ensure that intentional, evolving literacy activities – following a defined scope and sequence and known language and literacy skill progressions – are provided to all children in Big Lift classrooms b. Big Lift preschool programs demonstrate that, within this larger literacy focus, they have a specific plan for phonological awareness activities, following a scope and sequence c. Number sense is also a priority area for QIPs, using the Counting Collections strategy d. Leadership staff (directors, site supervisors) review QIP goals monthly, work with their staff to support progress on goals, and identify for staff concrete examples of what progress looks like, actively monitoring classroom progress e. All teachers, site supervisors and program director staff participate in professional development, technical assistance and coaching offered through The Big Lift to meet the goals established in the QIP f. Complete a majority of QIP action items by school year-end
<p>d. Participate in Big Lift community collaborative meetings, the countywide Big Lift Collaborative meetings and Big Lift Knowledge Network grantee meetings</p>

<p>Attendance Goal: Families understand the importance of and prioritize attendance in preschool and early elementary school.</p>
<p>a. Participate in Big Lift efforts to improve preschool attendance through the partnership with SMCOE and In ClassToday (dba EveryDay Labs)</p>
<p>b. Educate families about the importance of attendance and how chronic absence undermines kindergarten readiness, and identify family challenges that are causing attendance issues and support families to address them</p>

Family Engagement Goal: Families have the tools and information they need to promote literacy at home, support and advocate for their children’s well-being and academic success.

- a. Implement Raising A Reader (RAR) early literacy program for children in all Big Lift preschool spaces in alignment with the program model provided by SMCL, and communicate with SMCL for training support where needed to ensure fidelity to the RAR national program
- b. Implement meaningful and culturally responsive family engagement strategies that build a culture of literacy in the home and promote student success
- c. Designate family engagement staff to participate in Big Lift alignment activities to improve and deepen family support practices across programs. Alignment work will focus on practices such as intake and assessment, resource and referral, case management, goal setting, motivational interviewing, trauma informed care, and other activities designed to meet critical family needs and improve family functioning
- d. Conduct parent conferences for each child twice per year and share individual school readiness information with partners of children who will be entering kindergarten

Evaluation and Assessment Goal: Evaluation efforts demonstrate the effectiveness of The Big Lift approach and interventions. Child-level assessments inform curriculum and program development and identify each child’s unique needs.

- a. Participate in the external evaluation of The Big Lift, which may include surveys, focus groups, interviews and assessments so that progress is documented and that data are available to support continuous curriculum and program improvement
- b. Implement data-sharing agreements with SMCOE and Big Lift evaluators
- c. Complete Big Lift preschool data requirements, including those specified in “Data Collection Activities for The Big Lift Preschool Grantees – School Year Checklist”
- d. Conduct observational assessments twice per year of all children in Big Lift preschool classrooms using a valid and reliable child assessment tool aligned with the CA Foundations and Frameworks (e.g. DRDP-PS)

IV. CONTRACTOR REPORTING REQUIREMENTS

- a. Progress Reports: Contractor is required to submit a mid-year and year-end narrative, using the San Mateo County approved form that describes progress toward meeting identified goals from the approved scope of work and success and challenges in implementation. Contractor is also asked to share interesting or inspiring stories and anecdotes that reflect the value of their program that may be disseminated and/or published via The Big Lift’s social media channels and reports. Reporting schedule will be as follows:
 - a. January 31st: Midyear Narrative & Budget Report
 - b. July 31st: Year-end Narrative & Budget Report

Contract period: July 1, 2021 to June 30, 2023

- b.** Record Retention: As a Contractor, it is important to maintain financial records, supporting documents, and all other records pertinent to your Agreement. Contractor must retain all financial books, documents, papers and records directly related to this Agreement for a period of seven (7) years after the County makes its final payment.

Exhibit B

In consideration of the services provided by Contractor described in Exhibit A and subject to the terms of the Agreement, County shall pay Contractor based on the following fee schedule and terms:

The Program Budget below provides a not-to-exceed amount for The Big Lift Early Learning Program. Funding may be shifted within sections of the budget without prior County approval. Funding may be shifted between sections of the budget only with the prior written approval of the Deputy County Manager or designee. For example, funding may be shifted within the personnel budget or within the operating expenses budget without prior County approval. But to shift funding from personnel to operating expenses, for example, the County's prior written approval is required.

County will pay Contractor within thirty (30) calendar days of receipt of a quarterly invoice from Contractor itemizing the work completed, on the invoicing schedule in Exhibit A ("Contractor Reporting Requirements"). Contractor shall submit an invoice indicating the work performed during that billing period and accompanied by the progress report required by Exhibit A ("Progress Reports"). In the event that County staff determines that the invoice is inadequate or fails to provide enough information for County staff to assess Contractor's compliance with the terms and timing of services under this Agreement, the County will return the invoice to Contractor with an explanation and request for missing information. The County shall not be obligated to pay Contractor until Contractor submits a corrected invoice, demonstrating satisfactory compliance with the terms of this Agreement.

In no case shall the total amount payable under this Agreement for the work indicated in Exhibit A exceed \$350,000 without prior written consent of County in the form of an amendment to this Agreement.

Fiscal Reporting

Invoices will be submitted on a quarterly basis using the San Mateo County approved invoice template and general ledger documenting expenses incurred during that term. Fiscal reporting schedule will be as follows:

- a. October 31st: Term of July 1st – September 30th
- b. January 31st: Term of October 1st – December 31st
- c. April 30th: Term of January 1st – March 31st
- d. July 31st: Term of April 1st – June 30th

CONTRACTOR BUDGET

Big Lift Early Learning Program - \$350,000

I. PERSONNEL	\$ 261,200
A. Preschool Teachers (1 FTE)	\$ 108,000
B. Classroom Support (.5 FTE)	\$ 50,000
C. Office Assistant (.5 FTE)	\$ 60,000
Benefits @40%	\$ 43,200

II. PROGRAM COSTS	\$ 74,000
A. Educational materials and supplies	\$ 26,000

C. NOHO Database	\$	4,200
D. Professional Development	\$	6,000
E. Behavioral & Mental Health Services consultant (StarVista)	\$	17,000
F. Family Engagement sub-contractor (TBD)	\$	10,800
G. Family Engagement sub-contractor (Bloomz)	\$	4,000
H. Enrichment activities	\$	6,000

III. INDIRECT COSTS (5.67%)	\$	14,800
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Program Costs are those activities, materials or services that are necessary for program delivery and scope of work outlined in Exhibit A. They may include meeting expenses, materials and supplies, mailing or printing costs, travel, training, conferences, subcontractors, consultants and evaluation expenses.

Indirect (Administrative) Costs are those activities or services that are necessary for organizational operations and could benefit more than one program or project. Their precise benefits to a specific program or project are often difficult to trace. Examples include support services such as accounting, information technology, and legal services; criminal background checks; occupancy costs such as rent, utilities, office equipment and supplies; personnel related to human resources and payroll processing; and insurance.



STAFF REPORT

City Council

Meeting Date:

10/12/2021

Staff Report Number:

21-200-CC

Consent Calendar:

Adopt Resolution No. 6675 authorizing the city manager to enter into a memorandum of understanding with the South Bayside Waste Management Authority to implement Senate Bill 1383 Short-Lived Climate Pollutants regulations

Recommendation

City staff recommends that the City Council adopt Resolution No. 6675 (Attachment A) authorizing the city manager to enter into a memorandum of understanding (MOU) with the South Bayside Waste Management Authority (Attachment B) to implement Senate Bill 1383 Short-Lived Climate Pollutants regulations.

Policy Issues

On November 3, 2020, CalRecycle completed formal adoption of regulations pursuant to Senate Bill (SB) 1383 Short-Lived Climate Pollutants, requiring cities to reduce greenhouse gas emissions in California. To accomplish these statewide goals, SB 1383 regulations include prescriptive requirements for jurisdictions related to recycling and organics collection, inspection, and enforcement policies and programs and edible food recovery. The South Bayside Waste Management Authority (SBWMA) and its member agencies must comply with nearly all SB 1383 requirements by January 1, 2022, with the significant exception that enforcement actions do not need to commence until January 1, 2024.

Background

On September 21, the City Council directed city staff to prioritize resources to meet the January 1, 2022 implementation deadline (Attachment C.) As a result, city staff and the City Attorney's Office identified the adoption of a resolution to join a multiagency MOU with SBWMA to meet the regulatory requirements of SB 1383 as a priority.

Analysis

The SBWMA Board of Directors approved the SBWMA SB 1383 Compliance Plan (Attachment D) November 19, 2020, which outlines anticipated SB 1383 requirements of SBWMA and its member agencies. SBWMA drafted an Implementation of SB 1383 MOU detailing the roles and responsibilities of the SBWMA and its member agencies to efficiently execute SB 1383 requirements. The draft MOU was provided to the SBWMA Technical Advisory Committee at their May 13 and June 10 meetings. The SBWMA Board considered the MOU at its June 24, 2021, regular meeting and recommended its approval by member agencies.

SB 1383 allows a jurisdiction to designate a public or private entity to fulfill its SB 1383 responsibilities. As detailed in the SBWMA SB 1383 Compliance Plan, the SBWMA will take on a significant portion of the SB

1383 program responsibilities. These responsibilities have been detailed in the MOU between SBWMA and all 11 member agencies.

The MOU identifies six important areas of technical support that, once approved, SBWMA staff would execute on behalf of its member agencies:

1. Education and outreach
The SBWMA shall provide educational materials and community outreach to organic waste generators in English, Spanish, and Chinese that explain and provide information on the requirements of the SB 1383 regulations.
2. Procurement
The SBWMA shall annually notify each member agency of its organic waste product procurement target, as required and determined by CalRecycle. Before CalRecycle releases the official procurement targets for each Jurisdiction January 1, 2022 and every five years thereafter, the SBWMA shall assist the Jurisdictions in calculating estimates of the procurement targets.
3. Reporting and recordkeeping
The SBWMA will be the primary record-keeper for all the information and documents required in the Implementation Record. Each Member Agency will be given access to their own set of records through a cloud-based software.
4. Organics waste processing capacity and diversion planning
The SBWMA will work with the County of San Mateo to estimate existing organics processing and edible food recovery capacities available in the service area, and if either are found lacking, SBWMA will assist member agencies in creating an implementation plan to expand capacity.
5. Model tools
The SBWMA will revise the Model tools (draft franchise amendments, waste disposal reduction ordinance and procurement), which were created by CalRecycle and HF&H to aid the SB 1383 implementation process, to better fit the member agencies' needs. The SBWMA will assist the member agencies in tailoring the language further as necessary, although it will ultimately be the member agencies' responsibility to use or adopt them.
6. Complaints and waivers
The SBWMA will support the member agencies in complaint and violation investigations. They will also collect and forward complaints alleging non-compliance to member agencies, including the names and associated contact information of generators who repeatedly refuse to comply with the regulations, and will support member agencies in complaint investigation.

SB 1383 allows for the ability of public entities to waive organic waste collection for de minimus volumes and physical space limitations. The SBWMA will administer the waiver program on behalf of the member agencies, including collecting waiver requests, verifying waiver eligibility and approving waivers.

Member agencies, such as City of Menlo Park, would be responsible for:

1. All other parts of the SB 1383 regulations not detailed in the MOU
For example, while SB 1383 allows for delegation of responsibilities to others, it states that, "a jurisdiction shall remain ultimately responsible for compliance with the requirements of this chapter." It also states that a jurisdiction may not delegate its authority to impose civil penalties, or to maintain an action to impose civil penalties, to a private entity.
2. Sharing of information
Sharing information with the SBWMA as information is available including all data, documents, contact information and other necessary information for the SBWMA to carry out responsibilities in the MOU.

3. Staff and funding

The SBWMA has hired one full-time program manager II to manage the SB 1383 program on the participating member agency's behalf. Additional costs shall be jointly shared by member agencies through the garbage tipping fee rate. Budget changes related to the MOU will be integrated into the Agency's regular budget process, as approved by the SBWMA Board.

Impact on City Resources

Implementation costs of SB 1383 are paid by ratepayers and not general taxes. There may be some cost in city staff time associated to implementing and enforcing SB 1383, which may impact some work capacity for other projects.

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. Resolution No. 6675
- B. MOU with SBWMA
- C. Hyperlink – September 21 City Council study session staff report:
menlopark.org/DocumentCenter/View/29675/H1-20210921-CC-SB1383
- D. Hyperlink – SBWMA SB 1383 Compliance Plan: rethinkwaste.org/wp-content/uploads/2020/11/8_B_Attachment-A_WEBONLY-SBWMA-SB-1383-Plan_Board-111920_v3_HFH-without-Notes.pdf

Report prepared by:
Joanna Chen, Management Analyst I

Report reviewed by:
Nick Pegueros, Assistant City Manager

RESOLUTION NO. 6675**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF
UNDERSTANDING (MOU) WITH THE SOUTH BAYSIDE WASTE
MANAGEMENT AUTHORITY (SBWMA) REGARDING THE IMPLEMENTATION
OF SENATE BILL 1383 REGULATIONS**

WHEREAS, the State of California passed SB 1383 (Chapter 395, Statutes of 1383), which required the California Department of Resources Recycling and Recovery (CalRecycle) to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025, and

WHEREAS, CalRecycle has finalized regulations and revised Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations ("SB 1383 Regulations"), and

WHEREAS, the SB 1383 Regulations require local agencies or jurisdictions, among other things, to implement programs requiring organic waste generators and waste haulers to meet minimum standards for organic waste collection services, inspect waste containers for prohibited contamination of materials, provide education and outreach information to organic waste generators, report to CalRecycle on compliance with SB 1383 Regulations, and maintain records of compliance with SB 1383 Regulations, and

WHEREAS, jurisdictions may designate a public or private entity to fulfill its requirements of Chapter 12: Short-lived Climate Pollutants, including utilizing a Joint Powers Authority, except that the Jurisdictions shall remain ultimately responsible for compliance, and

WHEREAS, the SBWMA developed an Implementation of SB 1383 Memorandum of Understanding (MOU) detailing the roles and responsibilities between SBWMA and its Member Agencies, and

WHEREAS, the SBWMA Board of Directors considered the Implementation of SB 1383 MOU to its Member Agencies at its regularly scheduled meeting held June 24, 2021, and adopted Resolution 2021-17 recommending that Member Agencies approve the MOU, and

WHEREAS, the City of Menlo Park agrees with the roles and responsibilities detailed in the Implementation of SB 1383 MOU, and

WHEREAS, Environmental review is not required because adoption of the MOU is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15378 (b)(5) (organizational or administrative activities of governments not project).

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

The City manager is authorized to enter into a Memorandum of Understanding (MOU) with the SBWMA Member Agencies regarding the implementation of Senate Bill 1383 regulations.

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 twelfth day of October, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ___ day of October, 2021.

Judi A. Herren, City Clerk

**Memorandum of Understanding
Between the Jurisdictions of Belmont, Burlingame, East Palo Alto, Foster City,
Hillsborough, Menlo Park, Redwood City, San Carlos, San Mateo, West Bay
Sanitary District, and the County of San Mateo and
The South Bayside Waste Management Authority
Regarding Implementation of SB 1383 Regulations**

This Memorandum of Understanding (“MOU”) is made this ____ day of _____, 2021 (“Effective Date”) by and between the **COUNTY OF SAN MATEO**, a political subdivision of the State of California, the **CITIES OF BELMONT, BURLINGAME, EAST PALO ALTO, FOSTER CITY, HILLSBOROUGH, MENLO PARK, REDWOOD CITY, SAN CARLOS, SAN MATEO**, each a municipal corporation of the State of California, the **WEST BAY SANITARY DISTRICT**, a California independent district, (the County and Cities and West Bay Sanitary District are referred to individually herein as a “Jurisdiction”) and the **SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY**, a California joint powers authority (“Agency”) (collectively the “Parties”).

RECITALS

WHEREAS, the Agency is a joint powers authority established pursuant to the California Joint Exercise of Powers Act (Gov. Code section 6500 *et seq.*); and

WHEREAS, each of the Jurisdictions is a member of the Agency, and the Agency operates certain core programs on behalf of and for the benefit of the Jurisdictions, including but not limited to providing education regarding recycling, composting, and other methods of waste diversion to the Jurisdictions and the public, and conducting, preparing, and submitting all monitoring and reporting pursuant to the Integrated Waste Management Act (California Public Resources Code §§40000 *et seq.*); and

WHEREAS, the State of California passed SB 1383 (Chapter 395, Statutes of 1383), which required the California Department of Resources Recycling and Recovery (CalRecycle) to adopt regulations to reduce statewide disposal of organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

WHEREAS, CalRecycle has finalized SB 1383 Regulations that among other things created new Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations (“SB 1383 Regulations”); and

WHEREAS, the SB 1383 Regulations require local agencies or jurisdiction to implement Edible Food Recovery programs; to promote consistency within jurisdictions throughout San Mateo County and leverage economies of scale, the County has offered to lead the creation of a County-wide Edible Food Recovery Program on behalf of the unincorporated areas of the county and all the cities in the county and has developed a separate MOU to be entered into by the cities in conjunction with that program;

WHEREAS, in addition, the SB 1383 Regulations require local agencies or jurisdictions, among other things, to implement programs requiring organic waste generators and waste haulers to meet minimum standards for organic waste collection services, inspect waste containers for prohibited contamination of materials, provide education and outreach information to organic waste generators, report to CalRecycle on compliance with SB 1383 Regulations, and maintain records of compliance with SB 1383 Regulations; and

WHEREAS, Jurisdictions may designate a public or private entity to fulfill the requirements of Chapter 12: Short-lived Climate Pollutants, except that the Jurisdictions shall remain ultimately responsible for compliance; and

WHEREAS, the Parties are entering into this MOU to designate certain roles and responsibilities that the Agency shall assume on behalf of the Jurisdictions to implement the SB 1383 Regulations (excluding the Edible Food Recovery Program requirements undertaken by the County in the separate MOU) that will take effect on January 1, 2022 under the terms and conditions as set forth herein.

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

AGREEMENT

1. **Term.** This MOU shall commence on the Effective Date and remain in full force and effect until terminated as set forth in Section 6 of this MOU.

2. **Definitions.**

(a) "Agency" means the South Bayside Waste Management Authority.

(b) "CalRecycle" or "Department" means the California State Department of Resources Recycling and Recovery.

(c) "City" means one of the cities or towns that is a member of the Agency.

(d) "County" means the County of San Mateo.

(e) "Edible Food" means food intended for human consumption.

(f) "Generator" means a person or entity that is responsible for the initial creation of organic waste.

(g) "Hauler" means a person or entity who collects material from a Generator and delivers it to a reporting entity, end user, or a destination outside of the state. "Hauler" includes public contract haulers, private contract haulers, food waste

self-haulers, and self-haulers. A person who transports material from a reporting entity to another person is a transporter, not a hauler.

(h) “Implementation Record” means all records, physical or electronic, that must be stored in one central location and are required by Chapter 12: Short-lived Climate Pollutants.

(i) “Jurisdiction” means a City, or West Bay Sanitary District, or the County, each of which provides solid waste collection services within their jurisdictional boundaries.

(j) “Local Enforcement Agency” or “LEA” means the San Mateo County Department of Health Services, Solid Waste Local Enforcement Agency.

(k) “Organics,” or “Organic Waste” are materials that originate from living organisms and their metabolic waste products, including but not limited to, food, green material, landscape and pruning waste, organic textiles, paper products, printing and writing paper, vegetables, grain, meat, bones, paper towels, leaves, and wood.

(l) “Route review” means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras.

(m) “SB 1383 Regulations,” “Regulations,” or “Chapter” means, for the purposes of the MOU, Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations. Regulatory references to specific sections listed in the MOU shall be to the SB 1383 Regulations, unless specifically noted otherwise.

(n) “Waste evaluation” means collecting samples from garbage, recycling, and organics from different areas in the jurisdiction so that the samples are representative of the jurisdiction’s waste stream.

3. **Responsibilities of the Agency.**

(a) **General.** The Agency shall conduct the services described in this Section for the Jurisdictions. The Jurisdictions are delegating certain responsibilities related to Chapter 12 to the Agency as described in this Section. The Agency shall conduct the services described in this Section for the Jurisdictions in a manner in which each Jurisdictions receives services in an equitable manner.

(b) **Education and outreach.** The Agency shall provide educational materials and community outreach to organic waste Generators in English, Spanish, and Chinese that explain and provide information on the requirements of the SB 1383 Regulations, as more specifically described below, and will be consistent with the scope of work listed in the three-year Public Education and Recycling Technical Assistance Plan.

(i) Prior to February 1, 2022, the Agency will make available to Generators, through print and/or electronic media, information regarding §§ 18984.9, 18984.10, 18985.1, 18985.2, 18988.3, 18991.3, 18991.4, and 18991.5 of the Regulations. This information shall be maintained and updated at least annually.

(ii) The Agency shall send letters to residential and commercial Generators who have not subscribed to Recyclable Materials or Organics Collection Services and those who are found to have prohibited container contaminants. The letters shall provide information and resources to comply with the Regulations related to the collection and recovery of Recyclable Materials and Organic Waste. The Agency shall work with each individual Jurisdiction and the franchise Hauler to tailor the letters to the Jurisdiction's needs.

(c) **Procurement.** The Agency shall annually notify each Jurisdiction of its Organic Waste product procurement target, as required and determined by CalRecycle. Before CalRecycle releases the official procurement targets for each Jurisdiction on January 1, 2022 and every five years thereafter, the Agency shall assist the Jurisdictions in calculating estimates of the procurement targets. (§18993.1)

(d) **Reporting and recordkeeping.**

(i) The Agency shall submit reports for Organics processing capacity and Edible Food recovery planning requirements according to the County within 120 days of the County's request as required by Article 11 of Chapter 12 (§ 18992.3).

(ii) The Agency will be the primary recordkeeper for all the information and documents required in the Implementation Record. (§ 18995.2) Each Jurisdiction will be given access to their own set of records through a cloud-based software. Agency staff will upload documents within the 60-day timeframe as required in the Chapter, provided that the information is made available to the Agency by the necessary parties in a timeframe that allows for such uploading.

(iii) Upon request by a CalRecycle representative or the public through a Public Records Act request, either the Agency or the Jurisdiction will provide access to the Implementation Record. Agency and Jurisdiction shall notify the other of the request and coordinate a response.

(iv) The Agency shall submit the Initial Jurisdiction Compliance Report and Jurisdiction Annual Reports to CalRecycle as detailed in §§ 18994.1, 18994.2.

(e) **Organic waste processing capacity and diversion planning.** The Agency shall work with the County of San Mateo to estimate existing Organics processing and Edible Food recovery capacities available in the service area (§§ 18992.1, 18992.2). If it is found that either are lacking, the Agency shall assist the Jurisdictions in creating an implementation plan to expand capacity.

(f) **Model Tools.** The Agency shall revise three Model Tools, which were created by CalRecycle and HF&H, to better fit the Jurisdictions' needs. The Agency shall assist the Jurisdictions in tailoring the language further if necessary, although it will ultimately be the Jurisdictions' responsibility to use or adopt them. The Model Tools are:

- (i) Model Franchise Agreement Amendment and Exhibits with Recology;
- (ii) Model Mandatory Organic Waste Disposal Reduction Ordinance; and
- (iii) Model Procurement Policy

(g) **Complaints and violations.** Agency shall forward to the Jurisdictions all complaints alleging non-compliance with the Regulations for investigation. The Agency shall also provide to the Jurisdictions the names and associated contact information of Generators who repeatedly refuse to comply with the Regulations. The Agency shall notify the Jurisdictions of these complaints and violations within 10 business days of receipt of such complaints by the Agency.

(h) **Waivers.**

(i) Since the authority to issue waivers cannot be delegated to a private entity, the Agency shall approve or deny each waiver request, with support from Jurisdiction as needed, except as otherwise provided herein. Waivers may be granted by the Agency for de minimis volumes and physical space limitations. (§ 18984.11). Eligibility for waivers will be reviewed by the Agency every 5 years after written verification of eligibility is provided by the Commercial Business or property owner. The Agency will provide Jurisdictions with a list of Generators who are approved and denied a waiver.

(1) The Agency will create a standardized waiver request form for Jurisdictions and Haulers to distribute or make available to Generators. This form will be a printable document maintained on the Agency's website.

(2) De Minimis Waivers: The Agency may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Recyclable Materials and Organic Waste requirements of each Jurisdiction's ordinance if the Commercial Business provides documentation that the business' total Solid Waste, Recyclable Materials, and Organic Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in the Organic Waste Container comprises less than 20 gallons per week or the Paper Products and Printing and Writing Paper subject to collection in the Recyclable Materials Container; or if the total Solid Waste, Recyclable Materials, and Organic Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in the Green Container comprises less than 10 gallons per week or

the Paper Products and Printing and Writing Paper subject to collection in the Recyclable Materials Container.

(3) **Physical Space Waivers:** The Agency may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the Agency has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Recyclable Materials and Organic Waste collection requirements specified in each Jurisdictions' ordinance or municipal code.

(4) Since weekly pickup of solid waste is required by the LEA, Collection Frequency Waivers will not be granted to Generators in any of the Jurisdictions.

(i) **Emergency Circumstances – Waivers for Jurisdiction**

(i) The Agency will notify CalRecycle and apply for a waiver to landfill organics if any of the Jurisdictions experience a natural disaster, uses a recyclable materials or organic waste processing facility that has a temporary operational failure, or unforeseen operational restrictions have been imposed upon it by a regulatory agency. (§18984.13)

4. **Responsibilities of the Jurisdictions.**

(a) The Jurisdictions shall assume responsibility for all other requirements specified for Jurisdictions in the Regulations not expressly stated to be covered by the Agency in this MOU.

(b) **Sharing of information.** Within thirty (30) days of request by the Agency, or as soon as such information is available to the Jurisdictions, the Jurisdictions shall share with the Agency all data, documents, contact information for Generators within the Jurisdiction, or any other information necessary for the Agency to carry out the responsibilities listed in this MOU.

(c) **Staff and funding.** In order for the Agency to carry out its responsibilities in connection with the administration and implementation of the SB 1383 Regulations as specified in this MOU, costs shall be jointly shared by participating Jurisdictions through the garbage tipping fee rate. Budget changes related to this MOU will be integrated into the Agency's regular budget process, as approved by the Board of Directors.

5. **Indemnification/Hold Harmless.** Agency shall indemnify, defend, and hold harmless the Jurisdictions, their legislative bodies, officials, consultants, agents, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, including reasonable attorney's fees, arising from Agency's performance of this MOU, with the exception of matters that are based upon the negligent or

intentional acts or omissions of the Jurisdictions, their legislative bodies, officials, consultants, agents and employees.

6. **Withdrawal of Jurisdictions; Termination by Agency.** Any Jurisdiction may withdraw as a Party to this MOU upon giving one hundred and eighty (180) calendar days' prior written notice to the other Parties. Further, the Agency may terminate this MOU upon giving three hundred and sixty-five (365) days' prior written notice to the Jurisdictions.

(a) Upon termination of this MOU, the Agency shall have no further obligations to carry out the Agency Responsibilities as described in this MOU. The Agency will provide the Jurisdiction all records related to the Implementation Record (§ 18995.2). If a Jurisdiction withdraws from this MOU, the Jurisdiction will be required to pay the Agency, for its full portion of expense and consultant contract costs, to conduct the services described in Section 3 under this MOU including costs generated through the end of the Agency's fiscal year of the Jurisdiction withdrawal.

(b) The costs of services under the MOU will be reapportioned to the remaining Jurisdictions. Reapportioned costs will be brought to the SBWMA Board of Directors through the regular budgeting process.

7. **Notice.** During the Term of this MOU, all notices shall be made in writing and either served personally, sent by first class mail, or sent by email provided confirmation of delivery is obtained at the time of email transmission, addressed as follows:

To: Agency
South Bayside Waste Management Authority
Attention: Executive Director
610 Elm Street, Suite 202
San Carlos, CA 94070
Telephone Number:
Email:

To City of Belmont:
City of Belmont
Attention: City Manager

Belmont, CA _____
Telephone Number:
Email:

To City of Burlingame:
City of Burlingame
Attention: City Manager

Burlingame, CA _____
Telephone Number:
Email:

To City of East Palo Alto: City of East Palo Alto
Attention: City Manager

East Palo Alto, CA _____
Telephone Number:
Email:

To City of Foster City: City of Foster City
Attention: City Manager

Foster City, CA _____
Telephone Number:
Email:

To Town of Hillsborough: Town of Hillsborough
Attention: City Manager

Hillsborough, CA _____
Telephone Number:
Email:

To City of Menlo Park: City of Menlo Park
Attention: City Manager

Menlo Park, CA _____
Telephone Number:
Email:

To City of Redwood City: City of Redwood City
Attention: City Manager

Redwood City, CA _____
Telephone Number:
Email:

To City of San Carlos: City of San Carlos
Attention: City Manager

San Carlos, CA _____
Telephone Number:
Email:

To City of San Mateo: City of San Mateo
Attention: City Manager

San Mateo, CA _____
Telephone Number:
Email:

To County of San Mateo: County of San Mateo
Attention: County Manager

Redwood City, CA _____
Telephone Number:
Email:

To West Bay San. District: West Bay Sanitary District
Attention: District Manager

Menlo Park, CA _____
Telephone Number:
Email:

Any Party may change the address to which notice is to be given by providing the other Parties with written notice of such change at least fifteen (15) calendar days prior to the effective date of the change.

Service of notices shall be deemed complete on the date of receipt if personally served or if served using email provided confirmation of delivery is obtained at the time of email transmission. Service of notices sent by first class mail shall be deemed complete on the fifth (5th) day following deposit in the United States mail.

8. **Governing Law and Venue.** This MOU shall be deemed to be executed within the State of California and construed in accordance with and governed by laws of the State of California. Venue in any proceeding or action among the participating Jurisdictions arising out of this MOU shall be in San Mateo County, California.

9. **Amendment.** This MOU and the exhibits hereto may only be amended in writing signed by all Parties, and any purported amendment shall be of no force or effect. This MOU may be amended to both extend the term and conditions, as well as to add tasks. Agency shall not begin new tasks without express written permission of the Cities.

10. **Entire Agreement.** This MOU and its exhibits constitute the entire agreement between the Jurisdictions and the Agency and supersedes all prior negotiations, representations, or agreements, whether written or oral.

[Signatures on following page]

SIGNATURE PAGE FOR MEMORANDUM OF UNDERSTANDING
Between the Jurisdictions of Belmont, Burlingame, East Palo Alto, Foster City,
Hillsborough, Menlo Park, Redwood City, San Carlos, San Mateo, West Bay
Sanitary District, and the County of San Mateo and
The South Bayside Waste Management Authority
Regarding Implementation of SB 1383

IN WITNESS WHEREOF, the Parties hereto have executed this agreement in duplicate on the day and year first above written.

CITY OF BELMONT, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF BURLINGAME, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF EAST PALO ALTO, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF FOSTER CITY, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

TOWN OF HILLSBOROUGH, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF MENLO PARK, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF REDWOOD CITY, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF SAN CARLOS, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF SAN MATEO, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

COUNTY OF SAN MATEO, A Municipal Corporation of the State of California

By: _____

County Administrator

APPROVED AS TO FORM:

County Counsel

WEST BAY SANITARY DISTRICT, An Independent District of the State of California

By: _____

District Manager

APPROVED AS TO FORM:

District Counsel

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY, A California Joint Powers Authority

By: _____

Executive Director

APPROVED AS TO FORM:

Agency Counsel



STAFF REPORT

City Council

Meeting Date: 10/12/2021

Staff Report Number: 21-201-CC

Consent Calendar: **Adopt Resolution No. 6676 to authorize the city manager to enter in a memorandum of understanding with the County of San Mateo for the establishment of an Edible Food Recovery Program**

Recommendation

City staff recommends that the City Council adopt Resolution No. 6676 (Attachment A) authorizing the city manager to enter in a memorandum of understanding (MOU) (Attachment B) with the County of San Mateo for the establishment of an Edible Food Recovery consistent with California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants.

Policy Issues

On November 3, 2020, CalRecycle completed formal adoption of regulations pursuant to SB 1383 Short-Lived Climate Pollutants, requiring cities to reduce greenhouse gas emissions in California. The regulations go into effect January 1, 2022 and the goal is to reduce organic waste by 50 percent by January 1, 2020 and by 75 percent by January 1, 2025.

Background

On September 21, the City Council directed city staff to prioritize resources to meet the January 1, 2022 implementation deadline (Attachment C.) As a result, city staff and the City Attorney's Office focused on bringing forward a resolution to enter a MOU with the San Mateo County Office of Sustainability (OSS) to establish a countywide Edible Food Recovery Program on the City's behalf.

While SB 1383 is a climate change legislation, it includes statewide goals to reduce the disposal of organic waste and recover 20 percent of edible food (that would otherwise be sent to landfills) for human consumption.

According to State of California Department of Resources Recycling and Recovery (CalRecycle), landfills in California are filled with 11.2 billion pounds of food each year, some still fresh to feed those do not have enough to eat. In May 2020, approximately 9.2 million Californians (23 percent) did not have enough to eat. Therefore, it is important for organic materials to be disposed of in the organics collection where they can be turned into compost or for jurisdictions to create programs to collect surplus food for people in need to eat.

Redistributing the collected edible food that would otherwise go to the landfill, would help feed Californians in need through food banks, soup kitchens and other food recovery organizations and services. Edible food is food intended to be eaten, including food not sold due to the appearance, age, freshness, size, grade and surplus. It also includes, but not limited to prepared and packaged foods, and produce. Not only would establishing the food recovery programs help reduce food waste and address food insecurity, but also to save landfill space and lower methane emissions.

Analysis

Beginning in 2018, the OOS began to research what would be required for all jurisdictions in San Mateo County to comply with SB 1383 and subsequently proposed that the County offer to run one program on behalf of all the jurisdictions. The County is required by the State to ensure that all the jurisdictions, most of which have very many generators, have complied with the analysis, infrastructure developments and capacity planning, to recover the more than 36 million pounds of edible food estimated being wasted in San Mateo County each year.

The OOS determined that one countywide program, instead of 20 independent ones, would increase the likelihood that the maximum amount of edible food would be recovered and would produce an efficient economy of scale saving time and money in the long run. The proposed OOS Edible Food Recovery program is a hybrid of two successful models between an expansion of the grocery rescue work that has been conducted by Second Harvest for 40 years and ongoing commercial solid waste/ recycling/ composting collection services.

The City's approval of MOU (Attachment B) allows Menlo Park to participate in the countywide Edible Food Recovery program. The MOU outlines that the program would operate within the city boundaries and replace the need for the City to create such a program on its own. Approving the MOU with the County would allow the City to formally delegate the program responsibilities to them and the MOU would become effective January 1, 2022. However, the state would ultimately continue to hold the City responsible for compliance with SB 1383.

If approved, the County would establish the Edible Food Recovery program on the City's behalf, if the City performs, but not limited to, the following actions:

- Adopt an ordinance to establish an Edible Food Recovery program;
- Provide the County with a list and schedule of "large events" with an average of more than 2,000 attendees per day within the city boundaries;
- Coordinate the required edible food recovery regulations for the "large events" occurring in the City of Menlo Park; and
- Develop a method to accept written complaints.

The County's program would charge a fee to edible food generators required to comply with SB 1383 edible food recovery provisions to run a regular pickup of edible food from their business and immediately re-distributing that food at food distribution sites organized by Second Harvest. Tier One Commercial Generators (supermarkets, grocery stores, food service providers, food distributors and wholesale vendors) would need to comply by January 1, 2022 and Tier Two Commercial Generators (large restaurants, hotels, health facilities, event venues, local education agency with on-site food facility and events) would need to comply by January 1, 2024. Second Harvest of Silicon Valley will receive diverted edible foods to augment their support to their clients.

Next steps

City staff would present the City Council with an Edible Food Recovery Ordinance. As part of the enforcement component of the ordinance, the County (as the Designee for the Edible Food Recovery program) would inspect, investigate, hold hearings, issue citations, and/or assess administrative fines on the behalf of the City. The ordinance is required to be adopted by each jurisdiction to implement the program as outlined in the MOU.

Impact on City Resources

There is no direct impact on City resources. The edible food recovery program implemented by the County will charge a fee to edible food generators required to comply with SB 1383 edible food recovery provisions. There may be some cost in city staff time associated to implementing and enforcing SB 1383, which may impact some work capacity for other projects.

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. Resolution No. 6676
- B. MOU with the OOS
- C. Hyperlink – September 21 City Council study session staff report:
menlopark.org/DocumentCenter/View/29675/H1-20210921-CC-SB1383

Report prepared by:
Joanna Chen, Management Analyst I

Reviewed by:
Nick Pegueros, Assistant City Manager

RESOLUTION NO. 6676

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF
UNDERSTANDING (MOU) WITH THE COUNTY OF SAN MATEO FOR THE
ESTABLISHMENT OF AN EDIBLE FOOD RECOVERY PROGRAM
CONSISTENT WITH CALIFORNIA CODE OF REGULATIONS, TITLE 14,
DIVISION 7, CHAPTER 12 SHORT-LIVED CLIMATE POLLUTANTS**

WHEREAS, in September 2016, Governor Edmund Brown Jr. set methane emissions reduction targets for California (SB 1383 Lara, Chapter 395, Statutes of 2016) in a statewide effort to reduce emissions of Short-Lived Climate Pollutants (SLCP), and

WHEREAS, the City of Menlo Park is a South Bayside Waste Management Authority (SBWMA) Member Agency and proactively collaborates closely with CalRecycle as well as regional partner agencies, including the SBWMA, Recology, and San Mateo County, to implement SB 1383 programs in accordance with state guidelines and requirements, and

WHEREAS, San Mateo County's Board of Supervisors has enacted a Mandatory Organic Waste Disposal Reduction Ordinance as required by the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants, and

WHEREAS, to promote consistency within jurisdictions throughout San Mateo County and leverage economies of scale, the County of San Mateo has offered to lead the creation of a County-wide Edible Food Recovery Program on behalf of the unincorporated areas of the county and all the jurisdictions in the county, and

WHEREAS, the Menlo Park City Council adopts this Memorandum of Understanding and authorizes the County to operate an Edible Food Recovery Program on behalf of and within the City of Menlo Park.

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

The City Manager is authorized to enter into a Memorandum of Understanding (MOU) with the County of San Mateo for the establishment of an Edible Food Recovery Program consistent with California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants.

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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 twelfth day of October, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ___ day of October, 2021.

Judi A. Herren, City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN CITY OF MENLO PARK AND COUNTY OF SAN MATEO FOR THE
ESTABLISHMENT OF AN EDIBLE FOOD RECOVERY PROGRAM CONSISTENT
WITH CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER
12 SHORT-LIVED CLIMATE POLLUTANTS**

THIS MEMORANDUM OF UNDERSTANDING (MOU), entered into this 1st day of December 2021, by and between the County of San Mateo, hereinafter called "the County" and the City of Menlo Park hereinafter called "the City";

W I T N E S S E T H:

WHEREAS, the County's Board of Supervisors has enacted a Mandatory Organic Waste Disposal Reduction Ordinance as required by the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants; and

WHEREAS, to promote consistency within jurisdictions throughout San Mateo County and leverage economies of scale, the County has offered to lead the creation of a County-wide Edible Food Recovery Program on behalf of the unincorporated areas of the county and all the jurisdictions in the county; and

WHEREAS, the Menlo Park City Council adopted this Memorandum of Understanding on _____, 2021 and authorizes the County to operate an Edible Food Recovery Program on behalf of and within the Jurisdiction.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Tasks to be Completed by the City

- A. The County will create and coordinate the Edible Food Recovery program on behalf of the City, if the City performs each of the following actions:
- a) Adopts and makes part of its municipal code an enforceable ordinance establishing an Edible Food Recovery program as required under the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants, including the specific provisions provided to the City by the County of San Mateo for edible food recovery definitions, requirements for Tier One and Tier Two Edible Food Generators, and requirements for Food Recovery Organizations and Food Recovery Services; and
 - b) Enters into this Memorandum of Understanding; and
 - c) Provides the County with a list and schedule of "large events" as defined by the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants occurring in the Jurisdiction; and

- d) After consultation with the County, is responsible for coordinating the required edible food recovery regulations for those “large events” occurring in the City; and
- e) Authorizes, by ordinance, the County to enforce California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants in Section (a) above, and to incorporate such authorization to include, without limitation, the authority to inspect, investigate, hold hearings, issue citations, and/or assess administrative fines on behalf of the City as its Designee for Edible Food Recovery; and
- f) Shall develop a method to accept written complaints, including anonymous complaints, regarding an entity that may be potentially non-compliant with the Edible Food Recovery requirements as required under the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants, and direct all such complaints to the County; and
- g) Acknowledges, by ordinance, that, notwithstanding this Memorandum of Understanding, the City is, as stated in California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants, ultimately responsible for compliance with the said Code.

Note: Some County of San Mateo Jurisdictions are Member Agencies of the South Bayside Waste Management Authority (SBWMA), a joint powers agency located within San Mateo County that provides solid waste and recyclables processing services for its Members; nothing in this MOU precludes the SBWMA from assisting its Member Agencies with the Tasks described in this MOU.

2. Services to be Performed by the County

- A. The County shall create and coordinate an Edible Food Recovery Program compliant with California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants on behalf of the City so long as this Memorandum of Understanding is in effect in its entirety.
- B. The County shall provide such services and activities for the City as described in Exhibit A, attached hereto and incorporated by reference herein.
- C. The County shall offer only to provide services relating directly to the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants Edible Food Recovery regulations with the exception of a yearly analysis to be conducted by the County to estimate the amount of Green House Gas (GHG) emissions reduction to be attributed to edible food recovery activities in the City for use in their climate action plans.
- D. The County shall provide the City with the information and data necessary for the City to make their required reports to CalRecycle.

- E. The County will not be obligated to provide services if modifications are made to the ordinance by the City, which omits existing provisions and/or reduces the impact of the ordinance in any way.

3. Consideration

The benefit of this MOU to the City is that it alleviates the need for staff, cost analysis, capacity assessment, expenditures for infrastructure, labor, administration, and record keeping for the edible food recovery activities in their jurisdiction.

The benefit of this MOU to both the County and the City is that this approach will create one uniform, standardized, and coordinated effort throughout the incorporated and unincorporated areas of San Mateo County.

4. Relationship of Parties

It is expressly understood that this is an agreement between two independent entities, the County and the City, and that no individual agency, employee, partnership, joint venture, or other relationship is established by this MOU. The intent by both the County and the City is to create an independent collaborative relationship.

5. Hold Harmless

- A. Except as provided in subsection b. below, the City of Menlo Park shall indemnify and save harmless the County and its officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, and description resulting from this Memorandum of Understanding, brought for, or on account of, any of the following:
 - a) Injuries to or death of any person, including the City or its employees/officers/agents;
 - b) Damage to any property of any kind whatsoever and to whomsoever belonging; or
 - c) Any other loss or cost, including but not limited to that caused by the concurrent active or passive negligence of the County and/or its officers, agents, employees, or servants. However, the City’s duty to indemnify and save harmless under this Section shall not apply to injuries or damage for which the County has been found in a court of competent jurisdiction to be solely liable by reason of its own negligence or willful misconduct.

The duty of the City to indemnify and save harmless as set forth by this Section shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

- B. With respect to coordinating, implementing, and/or enforcing the required edible food recovery regulations for those “Large Events” (as defined by the California Code of Regulations, Title 14, Division 7, Chapter 12) occurring in the City pursuant to section 1.A.d. above,

- a) The County shall indemnify, defend, and hold harmless the City and its officers, agents, employees, and servants against all damages, claims, liabilities, losses, and other expenses, including without limitation attorneys' fees and related costs, whether or not a lawsuit or other proceeding is filed, to the extent that they arise out of the negligence or willful misconduct of County staff arising out of coordinating, implementing, and/or enforcing the required edible food recovery regulations for those Large Events occurring in the City.
 - b) The City shall indemnify, defend, and hold harmless the County and its officers, agents, employees, and servants against all damages, claims, liabilities, losses, and other expenses, including without limitation attorneys' fees and related costs, whether or not a lawsuit or other proceeding is filed, to the extent they arise out of the negligence or willful misconduct of City staff arising out of coordinating, implementing, and/or enforcing the required edible food recovery regulations for those Large Events occurring in the City.
- C. A party seeking indemnity and defense under this section shall provide the indemnifying and defending party with prompt notice of any claim and give control of its defense and settlement to the indemnifying and defending party. The party seeking indemnity and defense shall also cooperate in all reasonable respects with the indemnifying and defending party, its insurance company, and its legal counsel in its defense of such claim. The obligation to defend and indemnify pursuant to this section shall not cover any claim in which there is a failure to give the indemnifying and defending party prompt notice, but only to the extent that such lack of notice prejudices the defense of the claim. The indemnifying and defending party may not settle any potential suit hereunder without the other party's prior written approval, which will not to be unreasonably withheld, conditioned, or delayed. If a party who owes indemnity and defense under this section fails to promptly indemnify and defend a covered claim, the other party shall have the right to defend itself, and in such case, the party owning indemnity and defense shall promptly reimburse the other party for all of its associated costs and expenses.
- D. The obligations imposed by this section shall survive termination or expiration of the Memorandum of Understanding.

6. Amendment of MOU and Merger Clause

This MOU, including the Exhibit attached hereto and incorporated herein by reference, constitutes the sole MOU of the parties hereto and correctly states the rights, duties, and obligations of each party as of this document's date. In the event that any term, condition, provision, requirement or specification set forth in this body of the MOU conflicts with or is inconsistent with any term, condition, provision, requirement, or specification in any exhibit and/or attachment to this MOU, the provisions of this body of the MOU shall prevail. Any prior MOU, promises, negotiations, or representations between the parties not expressly stated in this document are not binding. All subsequent modifications shall be in writing and will become effective when signed by both parties.

7. Records

The County shall maintain and preserve all records relating to this MOU in its possession and those of any third-party performing work related to this MOU for a period of five (5) years from the termination of this MOU.

8. Assignability

The County shall have the right to assign this MOU or any portion thereof to a third party or subcontract with a third party to perform any act required under this MOU without the prior written consent of the Jurisdiction.

9. Notices

Any written notice, request, demand, or other communication required or permitted hereunder shall be deemed to be properly given when deposited with the United States Postal Service, postage prepaid, or when transmitted by email communication, addressed:

In the case of the County, to:

Carolyn Bloede, Director
County of San Mateo Office of Sustainability
455 County Center, 4th Floor
Redwood City, CA 94065
Email: cbloede@smcgov.org

In the case of the City, to:

Starla Jerome-Robinson, City Manager
City of Menlo Park
701 Laurel St, CA 94025
Email: slrobinson@menlopark.org

10. Controlling Law and Venue

The validity of this MOU, the interpretation of its terms and conditions, and the performance of the parties hereto shall be governed by the laws of the State of California. Any action brought to enforce this action must be brought in the Superior Court of California in and for the County of San Mateo.

11. Term and Termination

Subject to compliance with the terms and conditions of the MOU, the term of this MOU shall commence on January 1, 2022 and shall automatically be renewed from year to year on the same terms and conditions. This MOU may be terminated without cause by the City or the County’s Director of Office of Sustainability or the Director’s designee at any time upon thirty (30) days written notice to the other party.

12. Authority

The parties warrant that the signatories to the MOU have the authority to bind their respective entities.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have affixed their hands.

COUNTY OF SAN MATEO

CITY OF MENLO PARK

By: _____
Carolyn Bloede
Director, Office of Sustainability

By: _____
Starla Jerome-Robinson
City Manager, City Manager's Office

Date: _____

Date: _____

EXHIBIT A - SCOPE OF ACTIVITIES

The activity listed below relating to the County of San Mateo's Edible Food Recovery Program will be conducted by the County and the City of Menlo Park.

I. Establishment

1. The County will develop and coordinate a standardized and uniform San Mateo County-wide Edible Food Recovery Program consistent with and compliant to California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants. The program will operate within the City's boundaries and replace the need for the City to create such a program on their own. This program will operate in the unincorporated areas of the county as well as all jurisdictions in the county agreeing to similar MOUs.

II. Enforcement

1. The County will conduct enforcement of the ordinance within the City using a complaint-based system consistent with the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants. The County will respond to complaints, investigate, and resolve reported issue(s).
2. The County will follow enforcement provisions detailed in the ordinance and described in the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants.
3. The County will keep detailed records of enforcement in the City for a minimum of five (5) years.
4. The County will provide the necessary records to the City for the City's required reporting about Edible Food Recovery work to CalRecycle.
5. The County will notify the City promptly about any related issues that arise that require the City's assistance or to request the City lead in resolving the issue(s) related to noncompliance.
6. The City will work with the County on any related issues requiring jurisdictional assistance or lead in resolving the issue(s) related to complaints and/or noncompliance by any Tier 1 and Tier 2 Edible Food Generator or Food Recovery Organization and Service as defined in the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants and operating within the Jurisdiction's boundaries.



STAFF REPORT

City Council

Meeting Date: 10/12/2021

Staff Report Number: 21-199-CC

Consent Calendar: **Receive and file the annual inflation protection adjustment of \$0.50 per hour for an approved local minimum wage effective January 1, 2022 of \$15.75 per hour**

Recommendation

Receive and file the automatic annual inflation protection adjustment to the approved local minimum wage effective January 1, 2022. City Council retains the option of suspending the automatic increase by directing City staff to returns with applicable action required by Menlo Park Municipal Code (Attachment A.) The January 1, 2022 approved local minimum wage in Menlo Park will increase by \$0.50 per hour, from \$15.25 to \$15.75 per hour. The local minimum wage ordinance contains no mandate to increase wages for employees with hourly wages at or higher than the approved local minimum wage.

Policy Issues

Menlo Park Municipal Code Section 5.76.030, paragraphs (b) and (c), provide an automatic annual inflation protection adjustment to the approved local minimum wage and an allowance for City Council to suspend the adjustment. The Municipal Code stipulates that the annual inflation adjustment is calculated using the August to August increase in consumer price index for the San Francisco Area (CPI-W, CWURS49BSA0) as reported by the Bureau of Labor Statistics.

Background

On September 24, 2019 the City Council adopted Ordinance No. 1058, codified as Municipal Code Chapter 5.76, establishing a local minimum wage of \$15.00 for each hour worked within the geographic boundaries of the city of Menlo Park. The approved local minimum wage increased to \$15.25 with the January 1, 2021 inflation protection adjustment.

Analysis

City Council's findings and determinations when adopting the local minimum wage ordinance included the following:

- The Bay Area in general and Menlo Park in particular are becoming increasingly expensive places to live and work.
- Payment of a minimum wage advances the interests of the City as a whole, by creating jobs that keep workers and their families out of poverty.
- A minimum wage will enable a worker to meet basic needs and avoid economic hardship.
- The local minimum wage ordinance (Ordinance No. 1058) is intended to improve the quality of services provided in the City to the public by reducing high turnover, absenteeism and instability in the workplace.

Effective January 1, 2022, the approved local minimum wage will automatically increase by the maximum allowed inflation adjustment of 3 percent or \$0.46 per hour, rounded up to \$0.50 as the next increment of \$0.05. The increase results in approximately \$87 per month or \$1,040 annually for a full-time worker currently paid at the currently approved minimum wage of \$15.25 per hour. Absent the inflation cap set by Municipal Code, the full CPI-W of 4.9 percent would have resulted in an increase of \$0.75 per hour.

The local minimum wage ordinance does not mandate wage increases for employees making at or more than the approved local minimum wage. For example, an employee whose hourly wage is \$15.75 or more December 31, will see no mandated increase in their hourly wage January 1, 2022. An employee whose hourly wage is less than \$15.75 December 31, will receive an increase to \$15.75 per hour effective January 1, 2022.

City Council may direct City staff to return with a resolution to suspend the January 1 adjustment for up to one year upon adoption of the following finding: "local or other economic conditions justify temporarily suspending the inflation adjustment."

Impact on City Resources

Annual notification to businesses is included in the City's fiscal year 2021-22 budget. City employed individuals are paid in accordance with the City Council adopted salary schedule but not less than the approved local minimum wage. Currently 8 temporary city employees earn less than \$15.75 per hour.

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. Municipal Code Chapter 5.76 – Local Minimum Wage

Report prepared by:
Nick Pegueros, Assistant City Manager

Chapter 5.76 LOCAL MINIMUM WAGE

Sections:

5.76.010 Purpose.

5.76.020 Definitions.

5.76.030 Minimum wage.

5.76.040 Exemptions.

5.76.050 Waiver through collective bargaining.

5.76.060 Notice, posting and payroll records.

5.76.070 Retaliation prohibited.

5.76.080 Implementation.

5.76.090 Enforcement.

5.76.100 Relationship to other requirements.

5.76.010 Purpose.

This ordinance codified in this chapter shall be known as the "Minimum Wage Ordinance." (Ord. 1058 § 2 (part), 2019).

5.76.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings set forth in this section, except where the context clearly indicates a different meaning:

(a) "City" shall mean city of Menlo Park or any agency designated by the city of Menlo Park to perform various investigative, enforcement and informal resolution functions pursuant to this chapter.

(b) "Employee" shall mean any person who:

- (1) In a calendar week performs at least two (2) hours of work for an employer as defined below;
- and

(2) Qualifies as an employee entitled to payment of a minimum wage from any employer under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission.

(c) "Employer" shall mean any person, including corporate officers or executives, as defined in Section 18 of the California Labor Code, who directly or indirectly through any other person, including through the services of a temporary employment agency, staffing agency, or similar entity, employs or exercises control over the wages, hours, or working conditions of any employee and who is either subject to the city's business license requirements, conducts business in Menlo Park or maintains a business facility in the city.

(d) "Minimum wage" shall have the meaning set forth in Section 5.76.030. (Ord. 1058 § 2 (part), 2019).

5.76.030 Minimum wage.

(a) Employers shall pay employees no less than the minimum wage set forth in this section for each hour worked within the geographic boundaries of the city of Menlo Park.

(b) Effective January 1, 2020, the minimum wage shall be an hourly rate of fifteen dollars (\$15.00). To prevent inflation from eroding its value, beginning on January 1, 2021, and each first day of January thereafter, the minimum wage shall increase by an amount corresponding to the increase, if any, in the cost of living, not to exceed three percent (3%). The prior year's increase in the cost of living shall be measured by the percentage increase, if any, as of August of the immediately preceding year of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for San Francisco – Oakland – Hayward, or its successor index, as published by the U.S. Department of Labor or its successor agency, with the amount of the minimum wage increase rounded to the nearest multiple of five cents (\$0.05). If there is no net increase in the cost of living, the minimum wage shall remain unchanged for that year. The adjusted minimum wage shall be announced by the first day of October of each year, or as soon as practicable thereafter if the Consumer Price Index for August has not yet been published, and shall become effective as the new minimum wage on the first day of January of each year.

(c) The city council may, by resolution and upon a majority vote of the city council, temporarily suspend the inflation adjustment in the upcoming calendar year for a period of no more than one (1) calendar year. At the end of the suspension period, the minimum wage shall be automatically adjusted by the change in Consumer Price Index in accordance with subsection (b) of this section and without further notice or action by the city council.

In a resolution granting a temporary suspension of the annual inflation adjustment, the city council shall make the following finding: local or other economic conditions justify temporarily suspending the inflation adjustment.

Nothing herein shall prohibit the city council from adopting consecutive temporary suspension periods, as provided herein.

(d) A violation for unlawfully failing to pay the minimum wage shall be deemed to continue from the date immediately following the date that the wages were due and payable as provided in Part 1 (commencing with Section 200) of Division 2 of the California Labor Code, to the date immediately preceding the date the wages are paid in full. (Ord. 1058 § 2 (part), 2019).

5.76.040 Exemptions.

(a) State, federal and county agencies, including school districts, shall not be required to pay minimum wage when the work performed is related to their governmental function. However, for work that is not related to their governmental function, including, but not limited to: booster or gift shops, non-K-12 cafeterias, on-site concessions and similar operations, minimum wage shall be required to be paid. Minimum wage shall also be required to be paid by lessees or renters of facilities or space from an exempt organization.

(b) Any organization claiming "auxiliary organization" status under California Education Code Section 89901 or Section 72670(c) shall not be required to pay minimum wage. The organization, upon request of the city, shall provide documentary proof of its auxiliary organization status.

(c) Any learner who has no previous or related experience in the occupation for which they are hired as identified in California Labor Code Section 1192. This exemption shall only apply to the first one hundred sixty (160) hours of employment as specified in California Labor Code Section 1192. (Ord. 1058 § 2 (part), 2019).

5.76.050 Waiver through collective bargaining.

To the extent required by federal law, all or any portion of the applicable requirements of this chapter may be waived in a bona fide collective bargaining agreement; provided, that such waiver is explicitly set forth in such agreement in clear and unambiguous terms. (Ord. 1058 § 2 (part), 2019).

5.76.060 Notice, posting and payroll records.

(a) By the first day of December of each year, the city shall publish and make available to employers a bulletin announcing the adjusted minimum wage rate for the upcoming year, which shall take effect on the first day of January of each year. In conjunction with this bulletin, the city shall, by the first day of December of each year, publish and make available to employers a notice suitable for posting by employers in the workplace informing employees of the current minimum wage rate and of their rights under this chapter. Such notice shall be in English and other languages as provided in any regulations promulgated under Section 5.76.080(a).

(b) Every employer shall post in a conspicuous place at any workplace or job site where any employee works the notice published each year by the city informing employees of the current minimum wage rate and of their rights under this chapter. Every employer shall post such notices in any language spoken by at least five percent (5%) of the employees at the workplace or job site. Every employer shall also provide each employee at the time of hire with the employer's name, address and telephone number in writing.

(c) Employers shall retain payroll records pertaining to employees for a period of four (4) years, and shall allow the city access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this chapter. Where an employer does not maintain or retain adequate records documenting wages paid or does not allow the city reasonable access to such records, the employee's account of how much he or she was paid shall be presumed to be accurate, absent clear and convincing evidence otherwise. (Ord. 1058 § 2 (part), 2019).

5.76.070 Retaliation prohibited.

(a) It shall be unlawful for an employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this chapter. Rights protected under this chapter include, but are not limited to: the right to file a complaint or inform any person about any party's alleged noncompliance with this chapter; and the right to inform any person of his or her potential rights under this chapter and to assist him or her in asserting such rights. Protections of this chapter shall apply to any person who mistakenly, but in good faith, alleges noncompliance with this chapter.

(b) Taking adverse action against a person within ninety (90) days of the person's exercise of rights protected under this chapter shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights. (Ord. 1058 § 2 (part), 2019).

5.76.080 Implementation.

(a) Guidelines. The city manager or designee shall be authorized to coordinate implementation and enforcement of this chapter and may promulgate appropriate guidelines or rules for such purposes. Any guidelines or rules promulgated by the city shall have the force and effect of law and may be relied on by employers, employees and other parties to determine their rights and responsibilities under this chapter. Any guidelines or rules may establish procedures for ensuring fair, efficient and cost effective implementation of this chapter, including supplementary procedures for helping to inform employees of their rights under this chapter, for monitoring employer compliance with this chapter and for providing administrative hearings to determine whether an employer or other person has violated the requirements of this chapter.

(b) Reporting Violations. An employee or any other person may report to the city in writing any suspected violation of this chapter. The city shall encourage reporting pursuant to this subsection by

keeping confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the employee or person reporting the violation; provided, however, that with the authorization of such person, the city may disclose his or her name and identifying information as necessary to enforce this chapter or other employee protection laws. In order to further encourage reporting by employees, if the city notifies an employer that the city is investigating a complaint, the city shall require the employer to post or otherwise notify its employees that the city is conducting an investigation, using a form provided by the city.

(c) Investigation. The city or its designated agent shall be responsible for investigating any possible violations of this chapter by an employer or other person. The city or its designated agent shall have the authority to inspect workplaces, interview persons and request the city attorney to subpoena books, papers, records or other items relevant to the enforcement of this chapter.

(d) Informal Resolution. The city shall make every effort to resolve complaints informally, in a timely manner. (Ord. 1058 § 2 (part), 2019).

5.76.090 Enforcement.

(a) Where prompt compliance is not forthcoming, the city shall take any appropriate enforcement action to secure compliance. In addition to all other civil remedies, the city may enforce this chapter pursuant to Title 1. To secure compliance, the city may use the following enforcement measures:

- (1) The city may issue an administrative citation with a daily fine for each day or portion thereof and for each employee or person as to whom the violation occurred or continued.
- (2) The city may issue an administrative compliance order.
- (3) The city may initiate a civil action for injunctive relief and damages and civil penalties in a court of competent jurisdiction.

(b) Any person aggrieved by a violation of this chapter, any entity a member of which is aggrieved by a violation of this chapter or any other person or entity acting on behalf of the public as provided for under applicable state law may bring a civil action in a court of competent jurisdiction against the employer or other person violating this chapter and, upon prevailing, shall be awarded reasonable attorneys' fees and costs and shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any back wages unlawfully withheld, the payment of an additional sum as a civil penalty in the amount of fifty dollars (\$50.00) to each employee or person whose rights under this chapter were violated for each day that the violation occurred or continued, reinstatement in employment and/or injunctive relief; provided, however, that any person or entity enforcing this chapter on behalf of the public as provided for under applicable state law shall, upon prevailing, be entitled only to equitable, injunctive or restitutionary relief to employees, and reasonable attorneys' fees and costs.

- (c) This section shall not be construed to limit an employee's right to bring legal action for a violation of any other laws concerning wages, hours or other standards or rights, nor shall exhaustion of remedies under this chapter be a prerequisite to the assertion of any right.
- (d) Except where prohibited by state or federal law, city agencies or departments may revoke or suspend any registration certificates, permits or licenses held or requested by the employer until such time as the violation is remedied.
- (e) Relief. The remedies for violation of this chapter include, but are not limited to:
- (1) Reinstatement, and the payment of back wages unlawfully withheld, and the payment of an additional sum as a civil penalty in the amount of fifty dollars (\$50.00) to each employee or person whose rights under this chapter were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this code or state law.
 - (2) Interest on all due and unpaid wages at the rate of interest specified in subdivision (b) of Section 3289 of the California Civil Code, which shall accrue from the date that the wages were due and payable as provided in Part 1 (commencing with Section 200) of Division 2 of the California Labor Code, to the date the wages are paid in full.
 - (3) Reimbursement of the city's administrative costs of enforcement and reasonable attorney's fees.
- (f) Posted Notice. If a repeated violation of this chapter has been finally determined, the city may require the employer to post public notice of the employer's failure to comply in a form determined by the city. (Ord. 1058 § 2 (part), 2019).

5.76.100 Relationship to other requirements.

This chapter provides for payment of a local minimum wage and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement, policy or standard that provides for payment of higher or supplemental wages or benefits, or that extends other protections. (Ord. 1058 § 2 (part), 2019).



STAFF REPORT

City Council

Meeting Date: 10/12/2021

Staff Report Number: 21-198-CC

Consent Calendar: Receive and file climate action plan progress report, reporting methodology and goal clarity going forward, and Environmental Quality Commission recommendations

Recommendation

Receive and file climate action plan (CAP) progress report (Attachment A), reporting methodology and goal clarity going forward, and Environmental Quality Commission (EQC) recommendations (Attachment B, D and E.)

Policy Issues

In 2019, the City Council declared a climate emergency (Resolution No. 6535) committing to catalyze accelerated climate action implementation. In July 2020, the City adopted a new 2030 CAP with the bold goal to reach carbon neutrality by 2030.

Background

The goal of the annual CAP progress report is to communicate progress and/or gaps toward reaching carbon neutrality by 2030, and guide discussions with the city council on status of existing work and any additional work scope and/or resources needed to achieve the 2030 goal. Attachment A includes the progress report, and the analysis section provides highlights from the report.

There is downward trend in overall community greenhouse gas (GHG) emissions (except for natural gas consumption in buildings.) However, it is unlikely to be enough to achieve the city's carbon neutral goal by 2030. Agenda items will be brought before EQC and City Council to consider additional resource needs and consider conducting a high impact analysis to facilitate discussion on how to achieve the 2030 CAP goal over the next few months.

It is also important to note that EQC continues to advise that the current adopted strategy goals (strategies) and 2021 scope of work in the CAP are not substantial enough to achieve carbon neutrality by 2030. Considering the COVID-19 pandemic, the EQC presented an intentionally pared down plan to the city council with the understanding that some action is better than no action. The 2030 CAP acknowledges the six adopted strategies are by no means the best plan, simply the highest impact actions, and should be expanded upon when feasible. The EQC has provided a memorandum to the City Council advising them on next steps to reach carbon neutrality (Attachment B.) It includes considering increasing resources, reframing of some of the existing strategies and addition of new strategies when the CAP is updated or amended at a future time.

This is the first year of reporting under the new 2030 CAP since it was adopted in 2020, and as such, opportunities were presented to help communicate progress (particularly on the six adopted CAP strategies.) In addition to conducting a traditional annual community GHG emissions inventory, the CAP includes nine

progress metrics to communicate local action. However, while compiling the necessary data to report on the metrics, some challenges were identified and require modification to accurately capture current conditions and provide information on the progress of the six adopted CAP strategies. For some metrics, the data is not obtainable at this time. As a result, it is recommended that two of the nine metrics in the 2030 CAP continue to be used for the annual report along with the recommended replacement metrics. See Attachment C for additional information on challenges encountered and metrics that would support reporting on an annual basis. In addition, a few of the adopted strategies require clarification or expansion to better understand the intent for reporting.

Going forward, the progress and strategies will be reported as shown in the analysis section of this report to support efficient and accurate communication to the city council, EQC, and community on whether the city is on a path to achieve its 2030 carbon neutrality goal. It does not require an amendment or update to the CAP at this time, and can be incorporated when the City Council directs a formal update or amendment to the CAP in the future.

The EQC has reviewed the progress report and has provided additional metrics for consideration (Attachment D) as well as identifying how to incorporate some the metrics that are not being pursued for future annual reporting (Attachment E.) The feedback from the EQC has resulted in changes to the progress report's executive summary by including a condensed "report card" to easily identify if the city is making progress, and responded to some concerns raised regarding clarification of the strategies.

If the city council would like to include the EQC recommendations from Attachment D and/or E, staff can further evaluate and return at a future meeting to facilitate discussion for a final decision by the city council. This would delay work on CAP No. 3 (electric vehicle charging incentive project for multifamily properties), CAP No. 1 (existing building electrification projects and tasks), and bringing forward analysis on resources needs based on the progress report.

Lastly, the timing of the annual report will be moved from typically being presented in the summer to January to align with city council annual work plan development and budget planning.

Analysis

Community GHG inventory results

The City of Menlo Park adopted its first CAP in 2009. The goal of this plan was to reduce communitywide GHG emissions 27 percent below 2005 levels by 2020. The most recent data shows the City has reached this goal even with continued development. This can be attributed to reductions from:

Building energy use: electricity related emissions (-64,591 tons) due to:

- State mandates requiring energy providers, such as Pacific Gas & Electric and Peninsula Clean Energy (PCE) to obtain power with lower emissions and from renewable sources
- Menlo Park subscribing all residents and businesses to the community choice aggregate, PCE. PCE provides Menlo Park with cleaner electricity, from more renewable sources (e.g., solar, wind and geothermal) to reduce the consumption of fossil fuels (like natural gas.) As of 2021, all electricity provided by PCE is 100 percent carbon-free and is on track to be 100 percent renewable by 2025. It should be noted this single measure reduced building energy use: electricity related emissions by 24,689 tons in one year (2016-2017.)

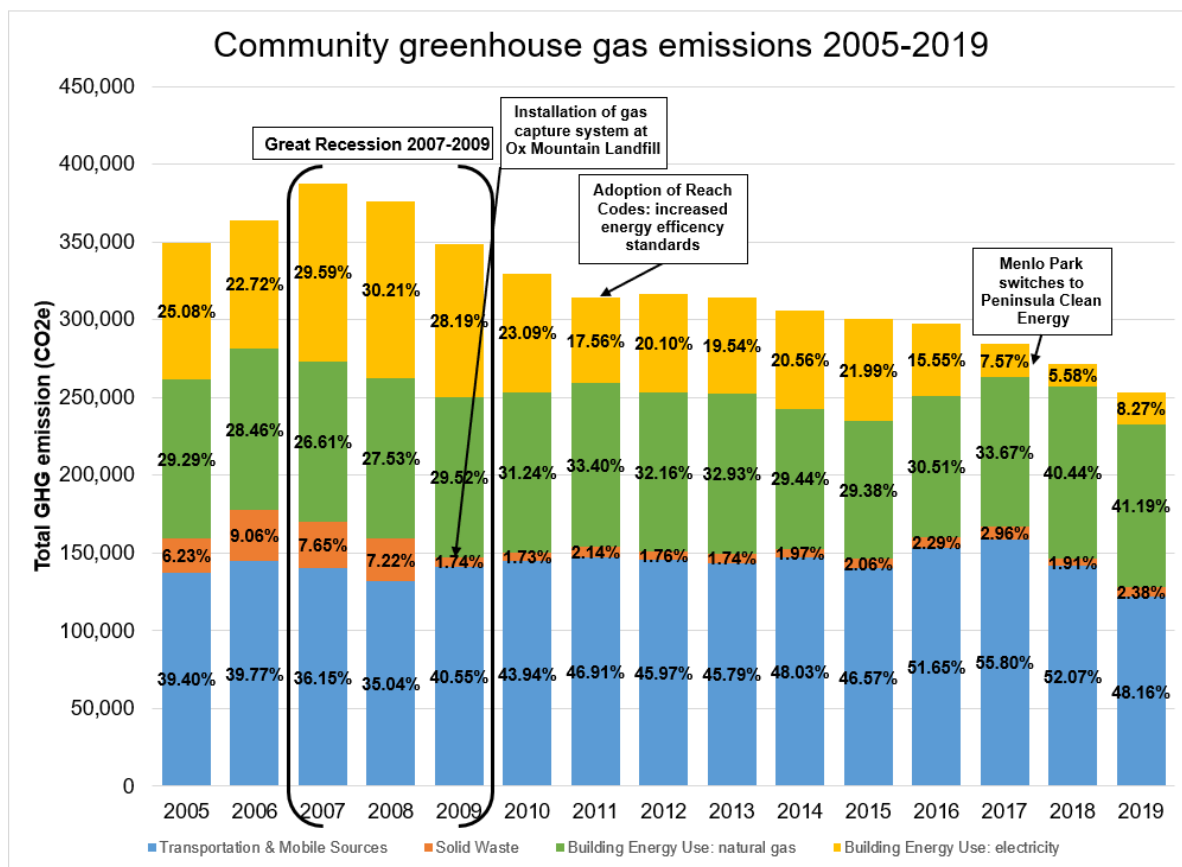
Transportation related emissions (-36,657 tons between 2017 and 2019) due to:

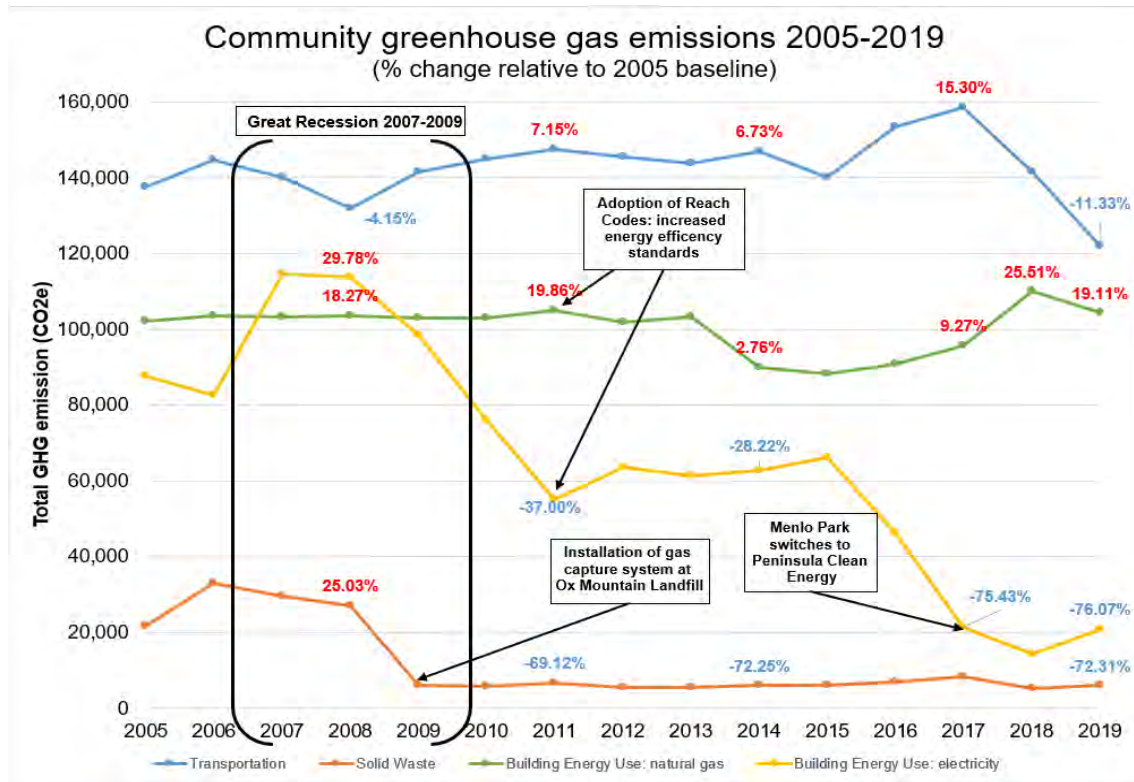
- Increased state mandated fuel efficiency and emission standards.
- This is also a possible indication of increased zero emission vehicle adoption and/or local trip and vehicle miles traveled reduction measures.

Waste related emissions (-15,723 tons) due to:

- Installation of gas capture devices at the primary landfill that services Menlo Park, Ox Mountain landfill.
- Improved sorting and waste diverted from landfill. Note, this is largely due to statewide requirements and regional cooperation.

It should be noted, despite recent reduction, the most significant source of emissions continue to be transportation (48.2 percent) and natural gas used in buildings (41.19 percent.) The graphs below show the overall total GHG emissions trends.





Progress on the six adopted strategy goals

Table 1 describes the progress on the six adopted strategies as well as the status on the scope of work approved by city council for 2021. While Menlo Park shows encouraging overall emissions reductions in some of the sectors, evaluation of the adopted strategies to achieve the 2030 show that additional work, support, and resources will be needed to achieve carbon neutrality by 2030. As a result of the progress report findings, staff will return to the EQC and city council on resources needs and conducting a high impact analysis to facilitate discussion on how to achieve the 2030 CAP goal. Table 1 also shows how the goals and metrics will generally be communicated and reported going forward. It does not require an amendment or update to the CAP at this time.

Table 1: 2030 CAP strategy goal progress summary

CAP strategy goal	2021 Scope of work status	Metric(s) to measure progress going forward	Results	On track to achieve carbon neutrality by 2030
No. 1- Explore policy/program options to convert 95% of existing buildings to all-electric by 2030	Completed: city council directed cost effectiveness and policy options analysis ¹ (August 2021) New work underway: Implement council direction from August	Changes/trends in terms of natural gas consumed (commercial and residential.)	From 2017-2019, natural gas consumption has increased an average of 4.61% per year primarily in the commercial sector. However, this was before all-electric reach codes became effective for new construction in 2020. It is anticipated that natural gas emissions will flatten going forward.	No. There is an upward trend in consumption of natural gas and related emissions, particularly in the commercial sector, and even with the new construction reach codes, existing buildings will need to reduce consumption
No. 2 Increase <i>total</i> electric vehicles (EVs) in the community and decrease gasoline sales 10% per year from a 2018 baseline *Reframed to reflect overall community transition to EVs rather than new vehicle purchases to capture ability to reach carbon neutrality by 2030	Ongoing, currently underway or being implemented: Beyond Gas Initiative under Joint Venture Silicon Valley	Changes/trends in total full battery EVs registered in Menlo Park. Change/trends in total gallons of fossil fuel gasoline/diesel sales	Since the DMV began tracking vehicle population (2010), there has been a steady and persistent upward trend of EV adoption in Menlo Park. However, EVs make up only 6.71% of total vehicles registered in Menlo Park. From 2017-2019 ² , fossil fuel (gasoline/diesel) sales have decreased an average of 6.62% per year.	No. While there is an upward trend in EV adoption and downward trend in gasoline consumption, current rates are not rapid enough to meet the 2030 carbon neutrality goal
No. 3 Expand access to EV charging for multifamily and commercial properties	Completed: EV charging gap analysis ³ (Fall 2020) Ongoing, currently underway or being implemented: – Monitor effectiveness of state and regional incentives – Local outreach of the incentives (Fall 2021) – Launch additional incentive for multifamily EV charging (Fall 2021)	Change/trends in multifamily households with access to on-site EV charging. Change/trends in multifamily households with access to public EV charging within 0.25 miles. Change/trends of commercial properties with EV charging.	Currently 0.97% of multifamily households have EV charging on-site. Currently 2.46% of multifamily households have EV charging within 0.25 miles. Commercial property reporting to be included in reporting next year	No. To achieve necessary EV adoption levels, all multifamily units will need convenient (at minimum within 0.25 miles, on-site preferred) access to readily available and affordable EV charging
Reduce vehicle miles traveled by 25% <i>by increasing/enhancing multimodal opportunities and infrastructure to reduce community</i>	Ongoing, currently underway or being implemented: – Transportation Master Plan (2020) implementation	Increases in participation in mode share programs and change/trends in	To be included in reporting next year	Not clear yet. It is anticipated that as a result of the projects and programs underway or ongoing that there

¹ Menlo Park City Council staff report 21-170-CC, August 31, 2021: menlopark.org/DocumentCenter/View/29521/F1-20210831-CC-CAP-No-1-SS

² Note, while 2020 fossil fuel sale data is available, it will be excluded until the impacts due to COVID-19 pandemic are known.

³ Menlo Park City Council staff report 20-239-CC, October 27, 2020: menlopark.org/DocumentCenter/View/26523/G4-20201027-CC-EV-charging

Table 1: 2030 CAP strategy goal progress summary

CAP strategy goal	2021 Scope of work status	Metric(s) to measure progress going forward	Results	On track to achieve carbon neutrality by 2030
<p><i>dependence on personal vehicle travel.</i></p> <p>*Reframed with additional context on city ability to influence behavior through infrastructure/program development</p>	<ul style="list-style-type: none"> - Transportation Management Association development - General Plan update (Senate Bill 2 housing grant) 	<p>mode sharing behavior</p> <p>Miles of multimodal infrastructure installed and/or improved</p>		<p>will be an increase in multimodal participation and opportunities. However, it is unclear if it will be enough to meet the 2030 carbon neutrality goal</p>
<p>Eliminate the use of fossil fuels from municipal operations</p>	<p>Ongoing, currently underway or being implemented:</p> <ul style="list-style-type: none"> - Clean energy package for Menlo Park Community Campus. - Long-term planning and strategy development to eliminate fossil fuels at city facilities. - Electric leaf blower pilot. 	<p>Percent change/trends in tons of GHG emissions from municipal operations</p> <p>Change/trends in fossil fuel (gasoline/diesel) consumption by vehicle type/use and natural gas consumption by building</p>	<p>Available inventories from 2016-2019 show an average reduction of 7.45% per year</p> <p>Trends in gasoline/diesel by department and natural gas consumption by building will be reported on next year</p>	<p>No. Despite downward trends, it is unlikely to be enough to meet the 2030 carbon neutrality goal. Requires longer term resources to address</p>
<p><i>Increase community resiliency to adapt to climate change</i></p> <p>*Reframed to expand scope to address impacts beyond sea level rise and multiple long-term planning efforts underway to address climate resiliency</p>	<p>Ongoing, currently underway or being implemented:</p> <ul style="list-style-type: none"> - SAFER Bay Project - Partnership with OneShoreline. - Local Hazard Mitigation Plan adoption and implementation. - Safety and Environmental Justice (General Plan) Element adoption and implementation 	<p>Implementation status of long-term planning efforts</p> <p>Miles of shoreline protected against sea level rise</p>	<p>There are multiple long-term planning efforts and groundbreaking project underway and are detailed in the progress report (Attachment A)</p> <p>Miles of shoreline to be included in reporting next year</p>	<p>Not applicable. GHG reductions cannot be measured for climate resiliency and adaptation. However, based on the long-term plans currently underway, it is anticipated that additional resources will be needed to proactively protect the community's quality of life from climate change impacts</p>

Next steps

The recommended next step is to receive and file Attachments A, B, D and E. Staff will return to the EQC and city council on resources needs and consideration of conducting a high impact analysis to facilitate discussion on how to achieve the 2030 CAP goal.

Impact on City Resources

For this report, sustainability division staff dedicated roughly 220 hours and 50 hours from other departments to complete, including presenting and discussing with the EQC and related EQC subcommittee members. It is anticipated with the modifications to the metrics and clarifications of the goals that the time to complete and

present the progress report will be significantly reduced by half.

Receiving and filing these reports will not impact staff resources. If the city council would like to discuss and consider any of the EQC's recommendations (Attachment B, D and E), additional staff time will be needed to evaluate and analyze the recommendations and would delay work on CAP No. 3 (electric vehicle charging incentive project for multifamily properties), CAP No. 1 (existing building electrification projects and tasks), and ability to bring forward for city council consideration resource needs to implement certain CAP strategies and consider conducting a high impact analysis to facilitate discussion on how to achieve the 2030 CAP goal.

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. 2030 CAP progress report
- B. Memorandum from the EQC on recommendations to implement the 2030 CAP
- C. Memorandum on 2030 CAP reporting metrics challenges and modifications
- D. Memorandum from the EQC on CAP tracking metrics
- E. EQC recommendations to continue to include the report metrics as part of the six adopted CAP goals

Report prepared by:

Rebecca Lucky, Sustainability Manager

Candise Almendral, MuniPC Sustainability Contractor



MENLO PARK CLIMATE ACTION PLAN PROGRESS REPORT

October 2021

Prepared for the City of Menlo Park, Office of Sustainability

Prepared by Municipal Plan Check Services



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EXECUTIVE SUMMARY

Climate Action Plan

The City of Menlo Park adopted its first Climate Action Plan in 2009. The goal of this plan was to reduce communitywide greenhouse gas (GHG) emissions 27 percent below 2005 levels by 2020. The most recent data shows the City has reached this goal even with continued development. This can be attributed to reductions from:

- Waste related emissions (-15,723 tons) due to:
 - Installation of gas capture devices at the primary landfill that services Menlo Park, Ox Mountain landfill.
 - Improved sorting and waste diverted from landfill. Note, this is largely due to statewide requirements and regional cooperation.
- Building energy use: electricity related emissions (-64,591 tons) due to:
 - State mandates requiring energy providers, such as Pacific Gas & Electric and Peninsula Clean Energy to obtain power with lower emissions¹ and from renewable sources².
 - Menlo Park subscribing all residents and businesses to the community choice aggregate, Peninsula Clean Energy (PCE)³. PCE provides Menlo Park with cleaner electricity, from more renewable sources (e.g., solar, wind, and geothermal) to reduce the consumption of fossil fuels (like natural gas). As of 2021, all electricity provided by PCE is 100% carbon-free and is on track to be 100% renewable by 2025. It should be noted this single measure reduced building energy use: electricity related emissions by 24,689 tons in one year (2016-2017).
- Transportation related emissions (-36,657 tons between 2017 and 2019) due to:
 - Increased state mandated fuel efficiency and emission standards.
 - This is also a possible indication of increased zero emission vehicle adoption and/or local trip and vehicle miles traveled reduction measures.

It should be noted, despite recent reduction, the most significant source of emissions continue to be transportation (48.2 percent) and building energy use: natural gas (41.2 percent). For detailed inventory, refer to Communitywide Greenhouse Gas Inventory section.

At the time of adoption, the community, City Council, and staff believed this would be a challenging and costly goal to achieve. Fortunately, due to progressive state policy allowing for the formation of community choice aggregation programs (CCAs), Menlo Park has

¹ Assembly Bill 32, the California Global Warming Solutions Act (2006) arb.ca.gov/cc/ab32/ab32.htm

² Senate Bill X1-2, Renewables Portfolio Standard (2011) leginfo.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sbx1_2_bill_20110412_chaptered.pdf

³ Peninsula Clean Energy: peninsulacleanenergy.com

achieved the GHG reduction needed to meet this goal. Through CCAs cities and counties can now buy or generate more renewable and/or lower carbon intensive electricity for residents and businesses using Pacific Gas and Electric's transmission and distribution infrastructure. In 2016, Peninsula Clean Energy (PCE) was formed and began delivering carbon-free and renewable energy to San Mateo County and all 20 of its cities and towns, including Menlo Park.

The CCA program, through PCE electricity, is the largest contributing factor in Menlo Park meeting its 2020 GHG emissions reduction goal. Additionally, this measure was and continues to be cost effective for the community and city operations.

This paved the way for, Menlo Park to amend the building codes (known as reach codes) in 2019 to require new buildings to be all-electric. The reach codes allow the community to capitalize on PCE's carbon-free electricity and eliminate the use of natural gas in new buildings, curbing climate change impacts in new construction.

Even though Menlo Park has reached its 2020 GHG reduction goal, the urgency to address climate change remains unchanged. As a result, the community, the Environmental Quality Commission, and the City Council remain committed to addressing climate change. In alignment with the United Nations Intergovernmental Panel on Climate Change's and the City Council declaring a climate emergency in 2019, a new Climate Action Plan was adopted in July 2020. The 2030 Climate Action Plan (CAP) outlines six initial strategies to achieve carbon neutrality by 2030⁴:

1. Explore policy/program options to convert 95% of existing buildings to all-electric by 2030
2. Set citywide goals for increasing electric vehicles to 100% of new vehicles by 2025 and decreasing gasoline sales 10% a year from a 2018 baseline
3. Expand access to electric vehicle (EV) charging for multifamily and commercial properties
4. Reduce vehicle miles traveled (VMT) by 25% or an amount recommended by the Complete Streets Commission
5. Eliminate the use of fossil fuels from municipal operations
6. Develop a climate adaption plan to protect the community from sea level rise and flooding

Results and adopted CAP strategies progress

This is the first progress report for 2030 CAP (2020) since its adoption, and largely reflects data from 2019 under the previous plan. However, it does provide important clues on next steps to achieve carbon neutrality by 2030. In addition, adjustments to reporting methodology and reframing of some CAP goals were identified to increase efficiency, accuracy, and help communicate city level actions from year to year.

⁴ Menlo Park Climate Action Plan: menlopark.org/305/Climate-Action-Plan

The following table provides an overview of the formal metrics/methodology and communication of strategy results for future progress reports. This information will be included when the 2030 Climate Action Plan is updated and/or amended. Note, in addition to proposed metrics, reporting for each strategy will include a short narrative describing the status of related projects, initiatives, and/or activities implemented by the city and/or its partners. This reporting will be supplemental to GHG inventories.

2030 CAP strategy progress summary				
CAP strategy	2021 Scope of work status	Metric(s) to measure progress going forward	Results	On track to achieve carbon neutrality by 2030
Explore policy/program options to convert 95% of existing buildings to all-electric by 2030	<p>Completed: Completed Council directed cost effectiveness and policy options analysis⁵</p> <p>New work underway: Implement council direction from August 31 meeting</p>	1. Changes/trends in terms of natural gas consumed (commercial and residential)	From 2017-2019, natural gas consumption has increased an average of 4.61% per year primarily in the commercial sector. However, this was before all-electric reach codes became effective for new construction in 2020. It is anticipated that natural gas emissions will flatten	No. There is an upward trend in consumption of natural gas and related emissions, particularly in the commercial sector
<p>Increase <i>total</i> EVs in the community and decrease gasoline sales 10% per year from a 2018 baseline</p> <p>*Reframed to reflect overall community transition to EVs rather than new vehicle purchases</p>	<p>Ongoing, currently underway or being implemented: Beyond Gas Initiative under Joint Venture Silicon Valley</p>	<p>1. Changes/trends in total full battery EVs registered in Menlo Park</p> <p>2. Changes/trends in total gallons of fossil fuel (gasoline/diesel) sales</p>	<p>1. Since the DMV began tracking vehicle population (2010), there has been a steady and persistent upward trend EV adoption in Menlo Park. However, EVs make up only 6.71% of total vehicles</p> <p>2. From 2017-2019⁶, fossil fuel (gasoline/diesel) sales have decreased an average of 6.62% per year</p>	No. While there is an upward trend in EV adoption and downward trend in gasoline consumption, current rates are not rapid enough to meet the 2030 carbon neutrality goal

⁵ Menlo Park City Council staff report 21-170-CC, August 31, 2021: [menlopark.org/DocumentCenter/View/29521/F1-20210831-CC-CAP-No-1-SS](https://www.menlopark.org/DocumentCenter/View/29521/F1-20210831-CC-CAP-No-1-SS)

⁶ Note, while 2020 fossil fuel sale data is available, it will be excluded until the impacts due to COVID-19 pandemic are known.

2030 CAP strategy progress summary				
CAP strategy	2021 Scope of work status	Metric(s) to measure progress going forward	Results	On track to achieve carbon neutrality by 2030
Expand access to EV charging for multifamily and commercial properties	<p>Completed: EV charging gap analysis⁷ (Fall 2020)</p> <p>Ongoing, currently underway or being implemented:</p> <ul style="list-style-type: none"> - Monitor effectiveness of state and regional incentives - Local outreach of the incentives (Fall 2021) - Launch additional incentive for multifamily EV charging (Fall 2021) 	<ol style="list-style-type: none"> 1. Changes/trends in multifamily households with access to onsite EV charging 2. Changes/trends in multifamily households with access to public EV charging within 0.25 miles 3. Changes/trends of commercial properties with EV charging 	<ol style="list-style-type: none"> 1. Currently 0.97% of multifamily households have EV charging onsite. 2. Currently 2.46% of multifamily households have EV charging within 0.25 miles. 3. To be included in reporting next year 	<p>No. To achieve necessary EV adoption levels, all multifamily units will need convenient (at minimum within 0.25 miles, onsite preferred) access to readily available and affordable EV charging</p>
<p>Reduce vehicle miles traveled by 25% by increasing/enhancing multi-modal opportunities and infrastructure to reduce community dependence on personal vehicle travel.</p> <p>*Reframed with additional context on city ability to influence behavior through infrastructure/program development</p>	<p>Ongoing, currently underway or being implemented:</p> <ul style="list-style-type: none"> - Transportation Master Plan (2020) implementation - Transportation Management Association development - General Plan update (Senate Bill 2 housing grant) 	<ol style="list-style-type: none"> 1. Increases in participation in mode share programs and percent change trends in mode sharing behavior (if available) 2. Miles of multi-modal infrastructure installed and/or improved 	<ol style="list-style-type: none"> 1. To be included in reporting next year 2. To be included in reporting next year 	<p>Not clear yet. It is anticipated that as a result of the projects and programs underway or ongoing that there will be an increase in multi-modal participation and opportunities. However, it is unclear if it will be enough to meet the 2030 carbon neutrality goal</p>

⁷ Menlo Park City Council staff report 20-239-CC, October 27, 2020: menlopark.org/DocumentCenter/View/26523/G4-20201027-CC-EV-charging

2030 CAP strategy progress summary				
CAP strategy	2021 Scope of work status	Metric(s) to measure progress going forward	Results	On track to achieve carbon neutrality by 2030
Eliminate the use of fossil fuels from municipal operations	<p>Ongoing, currently underway or being implemented:</p> <ul style="list-style-type: none"> - Clean energy package for Menlo Park Community Campus. - Long-term planning and strategy development to eliminate fossil fuels at city facilities. - Electric leaf blower pilot 	<ol style="list-style-type: none"> 1. Changes/trends in tons of greenhouse gas emissions from municipal operations 2. Changes/trends in gasoline consumption by vehicle type/use 3. Changes/trends in natural gas consumption by building 	<ol style="list-style-type: none"> 1. Available inventories from 2016-2019 show an average reduction of 7.45% per year 2. To be included in reporting next year 3. To be included in reporting next year 	<p>No. Despite downward trends, it is unlikely to be enough to meet the 2030 carbon neutrality goal. Requires longer term resources to address</p>
<p><i>Increase community resiliency to adapt to climate change</i></p> <p>*Reframed to expand scope beyond sea level rise impacts and include multiple long term planning efforts underway</p>	<p>Ongoing, currently underway or being implemented:</p> <ul style="list-style-type: none"> - SAFER Bay Project - Partnership with OneShoreline. - Local Hazard Mitigation Plan adoption and implementation. - Safety and Environmental Justice (General Plan) Element adoption and implementation 	<ol style="list-style-type: none"> 1. Implementation status of long term planning efforts 2. Miles of shoreline protected against sea level rise 	<ol style="list-style-type: none"> 1. There are multiple long term planning efforts and groundbreaking project underway. Further detail is provided in Strategy No. 6 section of this report 2. To be included in reporting next year 	<p>Not applicable. GHG reductions cannot be measured for climate resiliency and adaptation. However, based on the long-term plans currently underway, it is anticipated that additional resources will be needed to proactively protect the community's quality of life from climate change impacts</p>

For a detailed summary of efforts to date, refer to 2021 scope of work and progress to date section. For Environmental Quality Commissions (EQC) selected metrics including data limitations and considerations, refer to Climate action plan metrics section. However, note that the EQC metrics are best suited for individual policy/program development and will not be used going forward for annual reporting.

While Menlo Park shows encouraging emissions reductions, the adopted strategies and scope of work are not substantial enough to achieve carbon neutral by 2030. Considering the COVID-19 pandemic, the EQC presented an intentionally pared down plan, with the understanding that some action is better than no action. The 2030 CAP acknowledges these six strategies are by no means the best plan, simply the highest impact actions, and should be expanded upon when feasible.

Furthermore, current staffing constraints are such that, city council has only approved city work for strategies no. 1 (existing building electrification), no. 3 (expand access to EV charging), and no. 5 (eliminate fossil fuels from municipal operations). To achieve carbon neutrality in the next 8 years, additional resources are required to not only to successfully implement the six adopted strategies, but also scope and develop long term, aggressive reductions strategies.

CLIMATE ACTION PLAN STRATEGIES

2021 scope of work and progress to date

In April, the City Council approved a 2021 scope of work to implement the adopted six CAP strategies. The following is a summary of progress including related projects, initiatives, and/or activities related to the 2030 Climate Action Plan strategy implementation.

Strategy No. 1: Explore policy/program options to convert 95% of existing buildings to all-electric by 2030

Scope of work: Like the reach codes for new construction, Menlo Park is seeking to capitalize on Peninsula Clean Energy's carbon-free and increasingly renewable electricity by developing and implementing all-electric codes and/or programs for existing buildings.

The project is well underway and is considered a top priority⁸ of the City Council's 2021 annual work plan. The following is a summary of project milestones:

- May/June 2021: Complete cost effectiveness analysis on various policy/program pathways toward achieving 95% electrification by 2030
- June/July 2021: Environmental Quality Commission provides advice to City Council on cost effectiveness analysis and potential pathways to achieve electrification goals for existing buildings
- August 2021: City Council reviews policy/program

Progress and next steps

This project is anticipated to meet the milestones listed.

Additionally, in 2019, the City adopted local building codes known as reach codes⁹ requiring new buildings to be all-electric with limited exceptions. Considering, all Menlo Park residents and businesses receive carbon-free electricity¹⁰, this measure is expected to maintain current levels or even slightly reduce, natural gas consumption emissions in the community.

As of May 2021, 87 new building permits (84 single family residential and 3 mixed use commercial/multifamily residential) have been subject to the provisions of the reach code.

⁸ Menlo Park City Council 2021 annual work plan priorities: menlopark.org/DocumentCenter/View/27924/F1-20210420-CC-CC-priorities

⁹ Menlo Park reach codes: menlopark.org/1583/Reach-codes

¹⁰ As mandated by the state and through automatic enrollment in Peninsula Clean Energy service.

Strategy No. 2: Set citywide goals for increasing electric vehicles (EVs) to 100% of new vehicles by 2025 and decreasing gasoline sales 10% a year from a 2018 baseline

Scope of work: Implementation deferred to the Beyond Gas Initiative (BGI) under Joint Venture Silicon Valley¹¹.

Progress and next steps

BGI is currently gathering data on gasoline consumption and electric vehicle adoption at the county, city, and zip code level. BGI also signed a memorandum of understanding with Joint Venture Silicon Valley in September 2020 to promote climate, health & equity by speeding the transition from gasoline to cleaner alternatives in Silicon Valley.

BGI goals:

- Reduce gasoline consumption in Silicon Valley 50% by 2030.
- Shift transportation culture to reject gasoline and embrace cleaner alternatives.

BGI's methods to achieve those goals are:

- Build a coalition of government, business, and organization leaders to advance effective gasoline reduction policies.
- Collect data regarding gasoline use, the adoption of alternative transportation and city and business gasoline reduction policies, and commitments in Silicon Valley in collaboration with Joint Venture's Institute for Regional Studies.
 - Note: city staff has coordinated estimated fossil fuel (e.g., gasoline and diesel) sales and zero-emissions vehicles registration data collection to be shared with local stakeholders, such as Beyond Gas Initiative.
- Partner with cities to adopt gasoline reduction measures such as public fleet electrification, vendor clean delivery requirements, and citywide gasoline sales reduction goals.
 - Note: In addition to the goal outlined in this strategy, in March 2020, Menlo Park adopted the Sustainable Fleet Policy prioritizing the purchase of zero-emission vehicles as a first option and establishing a fossil fuel (e.g., gasoline and diesel) reduction goal of 5 percent annually over 2018 baseline.
- Partner with businesses interested in making gasoline-reduction commitments to take actions such as electrifying corporate fleets, reducing gas-powered deliveries, and enabling employees to avoid using gasoline in connection with work.
- Inspire Silicon Valley elected officials to call publicly for a gasoline-free future; gain news and media coverage of the Beyond Gasoline Initiative; convene performance art and cultural events.
- Publish a gasoline picture book and promote it to elementary school districts and library branches. Launch a Beyond Gasoline website and digital campaign.

¹¹ Beyond Gasoline Initiative: jointventure.org/initiatives/climate-change/beyond-gasoline

Strategy No. 3: Expand access to electric vehicle (EV) charging for multifamily and commercial properties

Scope of work: To align with Governor Executive Order N-79-20¹² banning the sale of new fossil fuel (e.g., gasoline and diesel) vehicles by 2035 and take advantage of available EV charging incentive programs, the City will:

- Monitor the effectiveness of state and regional charging infrastructure incentives.
- Promote/market the state and regional charging infrastructure incentives to multifamily property owners.
- Offer up to \$10,000 in additional incentives to multifamily property owners.

Progress and next steps

In Fall 2020, city staff completed an electric vehicle charging gap analysis to identify barriers to accelerate zero-emission (specifically full battery electric) vehicle adoption¹³. A key finding was adoption rates are closely linked to access to at-home charging. While this is not typically a problem for single-family homes, it is problematic for multifamily properties.

Though there are several public EV charging spaces available in Menlo Park, they are located at a limited number of sites; primarily on the Facebook campus and/or other public locations that are not convenient for overnight charging. This indicates a severe deficiency of on-site EV charging infrastructure at multifamily properties.

The analysis found less than 2.5 percent of existing multifamily properties have EV charging available at or near (within 0.25 miles) their respective locations. Multifamily property residents, roughly 40 percent of Menlo Park's population, do not have ready access to on-site charging. This lack of on-site EV charging infrastructure results in substantial equity and barrier issues for EV ownership and/or use.

The deficiency of on-site charging at multifamily properties will also negatively impact the implementation of CAP strategies No.2 (increase EV purchase/use and decrease gasoline sales) and No. 4 (reduce vehicle miles traveled).

These findings are consistent with analysis¹⁴ performed for East Bay Community Energy, a local community choice energy provider servicing Alameda County and 14 cities (Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Tracy, and Union City).

The next steps include:

¹² Executive Order N-79-20: library.ca.gov/Content/pdf/GovernmentPublications/executive-order-proclamation/40-N-79-20.pdf

¹³ Menlo Park City Council staff report 20-239-CC, October 27, 2020: menlopark.org/DocumentCenter/View/26523/G4-20201027-CC-EV-charging

¹⁴ Innovations in Electric Vehicle Charging for Multi-unit Dwellings: res.cloudinary.com/diactiwk7/image/upload/v1614128486/FINAL-REPORT_Ecology-Action_Innovation_in_EV_Charging_for_MUDs_kgtbh3.pdf

- Continue to monitor and track incentive penetration for multifamily properties in Menlo Park by tracking:
 - Number of new electric vehicle charging stations installed at multifamily and commercial properties
 - Participation in regional funding programs

To determine the number of new electric vehicle charging stations installed at multifamily and commercial properties, staff evaluated city permit data. Relevant permits were identified as alterations or additions which specified installation of EV charging stations or infrastructure (i.e., electrical upgrades, wiring, etc.).

Data limitation(s) and/or consideration(s): Level 1 charger installation (120v household plug) may not be included if no electrical upgrade (permit) was required.

Table 1 and 2 describes the number of building permits issued to install electric vehicle charging infrastructure in existing multifamily and commercial properties:

Table 1: Electric vehicle charging permits at multifamily properties		
Year	Total related permits	Comments
2017	5	4 charging ports installed (dedicated parking spaces). 1 upgrade to electrical service for future EV charging installation.
2018	6	29 charging stations installed (at least 3 in dedicated parking spaces, total port/spaces unknown).
2019	3	2 charging stations installed (total port/spaces unknown). 10 prewired spaces for future EV charging installation.
2020	1	1 charging station installed (total port/spaces unknown).

Table 2: Electric vehicle charging permits at commercial properties		
Year	Total related permits	Comments
2017	9	33 charging stations installed (total port/spaces unknown).
2018	13	65 charging stations installed (total port/spaces unknown), and 4 EV chargers relocated. This includes the installation of three 120v household plugs (Level 1) in addition to two Level 2 chargers in one location.
2019	0	None.
2020	3	51 charging stations installed (total port/spaces unknown).

- Participation in regional funding programs was reported to the City by Peninsula Clean Energy (PCE). Currently, PCE is administrating its EV Ready Program¹⁵ which features \$24M in incentives. These incentives are available to all PCE customers. PCE reports five multifamily properties in Menlo Park have applications that are currently under review. The scope of these projects is currently unknown,

¹⁵ Peninsula Clean Energy, EV Ready Program: peninsulacleanenergy.com/ev-ready/

and the properties vary in size from 4 to 41 units. Note, two locations have yet to confirm total units in the building/complex.

- Implement an additional Menlo Park incentive for multifamily properties to install EV charging stations. Work anticipated to begin Fall 2021.
- Market and educate multifamily property owners about EV charging and available incentives. Work anticipated to begin in Fall of 2021.

Strategy No. 4: Reduce vehicle miles traveled (VMT) by 25% or an amount recommended by the Complete Streets Commission

Scope of work: Reduce VMT through the implementation of the Transportation Master Plan, utilization of Senate Bill 2 Housing grant, formation of a Transportation Management Association, and implementation of the VMT guidelines for new development.

Progress and next steps

Transportation Master Plan implementation

In November 2020, the City Council adopted the Transportation Master Plan (TMP)¹⁶. The 2020-21 Capital Improvement Plan (CIP) has 14 projects in the TMP either underway or programmed. Many of these projects are beneficial to reducing VMT since they will improve bicycle and pedestrian infrastructure by either closing gaps or upgrading existing facilities, encouraging more bicycle and pedestrian usage. One project is also expected improve transit travel times, encouraging more transit use. Table 3 summarizes the status of these projects and describes expected VMT benefit:

¹⁶ Menlo Park Transportation Master Plan: menlopark.org/1147/Transportation-Master-Plan

Table 3: Status of Transportation Master Plan Projects in Capital Improvement Plan			
Project	TMP Project Number (Priority)	VMT Benefit	Status
Active Projects			
Haven Avenue Streetscape	1, 2 (Tier 1)	Close bicycle and pedestrian gap	Construction to start in FY21-22
Middle Avenue Bicycle and Pedestrian Crossing	81 (Tier 1)	Improve bicycle and pedestrian infrastructure	Design phase
Traffic Signal Modifications: Ravenswood/Laurel	74 (Tier 1)	Improve bicycle and pedestrian infrastructure	Construction to start in 2021
Willow Oaks Bike Connector	59 (Tier 1)	Improve bicycle and pedestrian infrastructure	Design phase
Funded/On Hold Projects			
Caltrain Grade Separation	Regional	Provide pedestrian and bicycle infrastructure, Reduce transit travel times	On hold
Future Year Programmed Projects			
El Camino Real Crossings Improvements	85, 91, 92, 95 (Tier 1)	Improve pedestrian and bicycle infrastructure	Not started, programmed for FY 21-22
Middle Avenue Complete Streets	118 (Tier 1)	Provide pedestrian and bicycle infrastructure	Not started, programmed for FY 21-22
Middlefield-Linfield Santa Monica Crosswalk	65 (Tier 1)	Improve pedestrian and bicycle infrastructure	Not started, programmed for FY 21-22
Willow Road and Newbridge Bicycle and Pedestrian Improvements	28, 37 (Tier 2)	Improve pedestrian infrastructure	Not started, programmed for FY 22-23

Note: the named projects may encompass multiple TMP efforts which may result in a single project name having multiple project numbers.

In addition to the 20-21 CIP projects, the following multi-modal transportation projects were funded prior to TMP adoption and are underway or have been completed:

- Chilco Street and Sidewalk Installation
- Oak Grove Safe Routes to School and Green Infrastructure
- Pierce Road sidewalk and San Mateo Drive bike route installation
- Santa Cruz Avenue repaving (including sidewalk and bike lane installation)
- Sharon Road sidewalks
- Sidewalk Repair and Replacement program

Required infrastructure that can also reduce VMT:

- Bayfront Pedestrian and Bicycle Bridge: required condition for the Facebook West Campus project
- Garwood Way bicycle route: required mitigation measure for the 1300 El Camino Real project

Walk audits were added to the TMP as part of the Safe Routes to School program. Due to the most students being remote or partially remote for the 2020 school year, virtual walk audits were performed for most schools in the spring with staff participating in an in-person walk audit for Belle Haven Elementary.

The VMT guidelines in the Transportation Master Plan also call out reducing the VMT per capita and VMT per employee metrics which are aligned with the VMT standards in the City's Transportation Impact Analysis guidelines.

Implementation of vehicle miles traveled (VMT) guidelines for new development:

In June 2020, the City Council adopted new standards and updated the Transportation Impact Analysis¹⁷ (TIA) guidelines¹⁸. The TIA guidelines have been adopted with the purpose of disclosing potential transportation impacts, such as increased VMT, resultant from new development or capital improvement projects in Menlo Park. TIA guidelines ensure compliance with both state (California Environmental Quality Act) and local (e.g., General Plan, Climate Action Plan, etc.) requirements.

The timing of how often VMT will be measured has not been established. However, development of the methodology, reporting mechanism, and a reduction target are expected to be part of the Complete Streets Commission work plan in 2022-23.

- Note: The VMT standards in TIA guidelines were developed using the City's Travel Demand Model and may have different results than other methodologies (i.e., Google Environmental Insight Explorer, California Department of Transportation Highway Performance Monitoring System, etc.).
- Approved development project subject to new VMT reduction guidelines:
 - 111 Independence Drive¹⁹
 - Note: project is also subject to the City's Transportation Demand Management Ordinance²⁰ that requires a 20 percent reduction in trip generation.

Transportation Management Association (TMA)

The goal of a TMA is to coordinate logistics and transportation demand management (TDM) services amongst multiple member businesses. Instead of an individual business providing TDM services (e.g., shuttles, public transportation discount programs, etc.) for their employees, a TMA allows multiple businesses to share resources and creates cost-efficiency, allowing smaller businesses to access services that may otherwise be unaffordable. These services provide customized alternative transportation options to reduce single-vehicle travel amongst commuters.

¹⁷ The TIA is a tool used for development or capital projects to ensure that a thorough transportation analysis occurs for all projects that might result in impacts under the California Environmental Quality Act and in conformance with the City's General Plan.

¹⁸ Menlo Park Transportation Impact Analysis: menlopark.org/DocumentCenter/View/302/Transportation-Impact-Analysis-Guidelines

¹⁹ 111 Independence Drive: menlopark.org/1571/111-Independence-Drive

²⁰ Menlo Park Transportation Demand Management Ordinance (Municipal Code Section 16.45.090): codepublishing.com/CA/MenloPark/#!/MenloPark16/MenloPark1645.html#16.45.090

Since the adoption of this CAP strategy there have many external factors which impact commute patterns and the transportation system. Specifically, the COVID-19 pandemic which shifted attitudes toward public transportation and remote work policies, and the formation of the subregional TMA, Manzanita Works²¹. In responses to these factors, the following three TMA objectives were developed²²:

- Objective 1: Endorse and support regional and sub-regional TDM efforts
- Objective 2: Ensure TDM is available for all businesses
- Objective 3: City can serve as an example of an employer with a robust and collaborative TDM program

The TMA feasibility study to achieve these objectives is nearing completion. A final report and proposed next steps will be presented to City Council in August 2021.

Senate Bill 2 Housing grant

The City was awarded a grant under Senate Bill 2²³ (SB 2) to accelerate/encourage housing production within Menlo Park. These actions are designed to locate additional units in already urban/built-up areas, such as existing single-family neighborhoods that are potentially walkable/bikeable to transit and jobs, or downtown near local and regional transit lines as well as near the commercial core of Menlo Park. This type of infill development reduces dependence on vehicles for everyday activities/errands and vehicle miles traveled.

The City's housing grant application to accelerate/encourage housing production, specifically in urban/built-up areas will be considered part of the 2023-2031 Housing Element Update²⁴. The City is currently updating its required Housing Element and Safety Element, and preparing a new Environmental Justice Element.

Strategy No. 5: Eliminate the use of fossil fuels from municipal operations

Scope of work: The City owns, operates, and manages an array of equipment and facilities to provide the community with specialized services. To reduce related emissions in the provision of these services, the following direction was given by City Council:

- Utilize current resources and available budget toward eliminating fossil fuels in building the new Menlo Park Community Campus.
- Replace fossil fuel appliances/assets at the end of life with non-fossil fuel options unless infeasible.
- Pilot program to transition landscaping equipment from gas to electric.

²¹ Manzanita Works: [manzanita.works](https://www.manzanita.works)

²² Menlo Park City Council staff report 21-074-CC, April 13, 2021: [menlopark.org/DocumentCenter/View/27882/L3-20210413-CC-TMA-update](https://www.menlopark.org/DocumentCenter/View/27882/L3-20210413-CC-TMA-update)

²³ Senate Bill No. 2 Chapter 364: [leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB2](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB2)

²⁴ 2023-2031 Housing Element update: [menlopark.org/housingelement](https://www.menlopark.org/housingelement)

Progress and next steps

Menlo Park Community Campus (MPCC)

In collaboration with Facebook, the City is in the process of building a new multigenerational community center and library on the site of the current Onetta Harris Community Center, Menlo Park Senior Center, Belle Haven Youth Center, and Belle Haven Pool (100-110 Terminal Avenue).

To showcase Menlo Park's sustainability leadership, this project aims to achieve:

- LEED Platinum certification
- Full building/facility including pool electrification (no natural gas consumption)
- Installation of a renewable power microgrid system. To support the development of a resilient and cost-effective islandable (off-grid for operation as a Red Cross emergency center), renewable energy project, the system will include:
 - Solar PV (building/facility energy use) and solar water heating (Belle Haven Pool)
 - Battery energy storage systems
 - Microgrid energy management systems (MEMS)
 - Electric vehicle charging stations

A renewable power microgrid feasibility study was completed in 2020 and City Council approved developing a request for proposals to consider the installation of a renewable power microgrid system. Proposals for Solar PV Microgrid and Electric Vehicle Charger Design, Installation, and Operation²⁵ (renewable power microgrid system) were submitted May 2021 and are currently under review. Contract award will be conducted during a public hearing anticipated in August/September 2021. If approved, this would eliminate the use of fossil fuel consumption at this site (including the Belle Haven Pool which is the largest greenhouse gas contributor).

Electrification of existing city facilities

The City of Menlo Park currently owns and operates the following city facilities and buildings:

- Menlo Park Civic Center Complex:
 - City Hall & Police Department (701 Laurel Street)
 - City Council Chambers (Laurel Street)
 - Library (800 Alma Street)
 - Arrillaga Family Gymnasium & Burgess Pool (600 Alma Street)
 - Arrillaga Family Gymnastics Center (501 Laurel Street)
 - Arrillaga Family Recreation Center (700 Alma Street)
 - Child Care Center (801 Laurel Street)
- Coporation Yard (333 Burgess Drive)
- Menlo Park Community Campus (100-110 Terminal Ave): the following buildings are currently closed due to development of a new multigenerational facility (MPCC):

²⁵ Solar PV Microgrid and Electric Vehicle Charger Design, Installation and Operation at Menlo Park Community Campus: pbsystem.planetbids.com/portal/46202/bo/bo-detail/82009

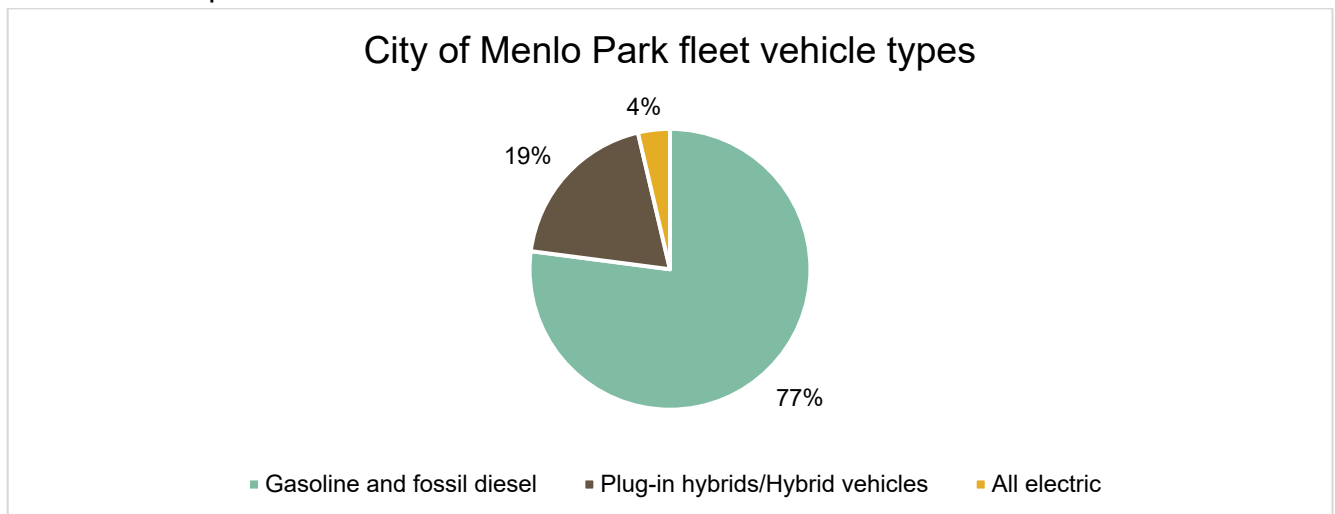
- Onetta Harris Community Center
- Menlo Park Senior Center
- Belle Haven Youth Center
- Belle Haven Pool

In addition to the MPCC project, design projects to replace the HVAC equipment in the Arrillaga Family Recreation Center (700 Alma Street) and Gymnasium (600 Alma Street) buildings are currently underway, and all-electric options are planned. This equipment is likely to be replaced in 2022.

A consultant has also been hired to assist and support Public Works in long-term planning and strategy development to eliminate fossil fuels at city facilities.

Municipal Fleet

Menlo Park's municipal fleet of vehicles and equipment comprise the largest collection of fossil fuel (e.g., gasoline and diesel) assets. The City currently manages 109 fleet vehicles (including light-, medium-, heavy-duty and pursuit-rated vehicles, motorcycles, and parking enforcement). Figure 1 summarizes the characterization by fuel type of the current municipal fleet:



In March 2020, the City Council adopted the Sustainable Fleet Policy to reduce greenhouse gas emissions related to fleet operation²⁶. This policy prioritizes the purchase of zero-emission vehicles as a first option. This policy also establishes a purchasing hierarchy to ensure vehicle purchases are the lowest emissions option available and a fossil fuel (e.g., gasoline and diesel) reduction goal of 5 percent annually over 2018 baseline. While the City did achieve a 5.54 percent reduction relative to baseline in 2020, this data is expected to be an outlier due to the COVID-19 pandemic and shelter-in-place orders. Staff expects to begin tracking municipal fleet fossil fuel reduction once 2021 data is available.

²⁶ Menlo Park City Council Sustainable Fleet Policy: menlopark.org/DocumentCenter/View/24571/F3-20200326-CC-Follow-up-grand-jury-response

Given vehicle availability and market trends, city staff estimates approximately 40 percent of the current municipal fleet will have EV options available now or in the next three years. Table 4 summarizes Menlo Park’s municipal fleet characterization by vehicle category and EV market availability:

Vehicle category	% of municipal fleet (109 total vehicles)	EV market ready	EV market available in less than three years	EV market available in more than three years
Light-duty passenger vehicles, motorcycle, and parking enforcement	14%	X		
Light-duty trucks and cargo van	26%		X	
Police patrol vehicles	35%			X
Medium and heavy-duty truck	25%			X

It is important to note that much of the City’s fleet is specialized, and electrification of specialized fleets are not as readily available as passenger light duty vehicles. For example, there are currently no police pursuit-rated vehicles, and the market lacks medium- and heavy-duty vehicles that are full battery electric. Electric prototypes and vehicle conversion technology exists but using early technologies can run the risk of reduced performance or safety for the community and employees.

Even with this barrier, city staff has continued to seek out GHG reduction strategies for the fleet. For example, the City reserved five full battery electric Ford F-150 light-duty trucks, which are planned to go into production in 2022.

Additionally, in April 2021, the City transitioned to renewable diesel to fuel diesel vehicles and equipment. Unlike conventional fossil fuel diesel, renewable diesel is made from sustainable sources such as animal fats, and plant and cooking oils. Renewable diesel can also be intermixed with conventional fossil fuel diesel; no specialized equipment or infrastructure modifications are required. This means any vehicle or equipment using fossil fuel diesel can begin using renewable diesel immediately. Per the manufacturer, Neste, use of this product can reduce related emissions by up to 80 percent.

Several other County of San Mateo jurisdictions are currently using this fuel including City of San Mateo and Menlo Park Fire Protection District. San Francisco International Airport (SFO) also uses a similar product called sustainable aviation fuel (SAF) to fuel aircraft. SFO is currently working with the California Air Resources board, airlines, and supply chains with a goal of 5 percent SAF by 2025.

Expansion of city-owned electric vehicle (EV) charging infrastructure

The City of Menlo Park currently owns and operates the following electric vehicle charging infrastructure:

- Four public, Level 2 EV charging stations (8 total charging spaces)
 - Two (4 charging spaces) located at City Hall (701 Laurel Street)
 - Two (4 charging spaces) located at Downtown Parking Lot 2 (Crane Street)
- Three Level 2 EV charging stations (6 total space) that are exclusive for municipal fleet charging
 - Two (4 charging spaces) located at City Hall (701 Laurel Street)
 - One (2 charging spaces) located at the Corporation Yard (333 Burgess Drive)
- One Level 1 charging port (120v household plug) is also located at City Hall (701 Laurel Street) for exclusive for parking enforcement vehicle charging

Based on available EV charging infrastructure and best management practices (2:1 vehicle/charging ratio), the City can support 14 electric vehicles (approximately 12 percent of the current municipal fleet). To support the electrification of the municipal fleet for the next 10 years, staff estimates the following infrastructure is needed:

- City Hall (701 Laurel Street):
 - Three modular direct current (DC) fast charging systems
 - One exclusive for police department use
 - Nine Level 2 charging stations for exclusive police department use
- Corporation Yard (333 Burgess Drive)
 - One modular DC fast charging system

In August 2020, an existing System and Load Analysis (load monitoring) of the Civic Center Complex (701 Laurel Street) main switchboard and emergency distribution panel was completed. This analysis found the main switchboard available capacity can accommodate a maximum of four Level 2 EV charging stations (8 charging spaces) and two DC fast charging (2 charging spaces) and the emergency distribution panel available capacity can accommodate a maximum of four Level 2 EV charging stations (8 charging spaces).

Installation of additional EV charging stations at city facilities are currently in the design phase. This includes 12 Level 2 and three DC fast charging stations (27 charging spaces) at MPCC. It is anticipated that additional charging stations will also be added at the civic center where most of the city's vehicle fleet is located.

Electric leaf blower pilot

To maintain all 14 of the City's parks, the Public Works department performs several recurrent tasks each week, including:

- Mowing fields
- Trimming vegetation
- Adjusting and repairing irrigation
- Picking up litter

- Clearing debris (i.e., leaves, small branches, trimmings, etc.) along landscape and hardscape (e.g., walking pathways and parking lots) to ensure public safety

In 2020, the City purchased four full battery electric leaf blowers to pilot their use in the maintenance of city parks. Leaf blowers are used daily to complete approximately 90 percent of the park maintenance tasks throughout all city parks and sports fields. Each city park may require up to eight hours of using the leaf blowers per week during heavy leaf season; this requires up to 40 per week.

Currently the City uses seven gasoline-fueled and four full battery electric leaf blowers. One electric leaf blower (including the equipment, battery fast charger, and battery pack) costs approximately \$1,600. On average each battery pack lasts for 1.5 hours and costs \$1,100. Typically, two city staff members work together at each park. Therefore, two fully charged electric leaf blower with six extra battery packs would provide the duo team approximately 4.5 hours of leaf blower duties a day: up to 22.5 hours total per week. This is not enough to complete daily responsibilities, especially when considering other recurrent maintenance tasks (mowing, trimming, etc.).

Initial results of the pilot have found that while quieter and less greenhouse gas emitting, the electric leaf blowers are not as powerful as their gas counterparts. They simply cannot move large volumes of debris (i.e., leaves, small branches, trimmings, etc.), especially in the fall when the amount of leaves is greatest.

To fully transition to electric leaf blowers, hand raking and extra work to collect the leaves during the fall season will be required. This will result in a 50 percent increase in work per site/time required to complete daily maintenance duties. If more time is spent collecting debris (i.e., leaves, small branches, etc.), other maintenance tasks/projects may be eliminated or deprioritized. More community engagement would also be required to explain slower response times to maintenance requests, and park and facility beautification efforts.

Also, identification and/or installation of more charging infrastructure (i.e., 120v household plugs, mobile storage solutions, facility upgrades, etc.) to charge the batteries while in the field is needed. City facilities, such as sports field sheds, may require electrical upgrade to meet battery pack charging needs. If charging is limited to facilities with larger capacity (i.e., City Hall, Corporation Yard, etc.), this would increase vehicle miles traveled and related tail pipe emissions until the fleet is transitioned to full battery electric vehicles. Note, a battery pack may take up to two hours to fully charge.

The City will continue to explore the full transition to electric landscaping equipment with a recently hired Public Works consultant working to eliminate city operations' fossil fuel use.

Strategy No. 6: Develop a climate adaption plan to protect the community from sea level rise and flooding:

Scope of work: To mitigate public safety risk associated with sea level rise and flooding, the following direction was provided by the City Council:

- Update the Safety Element in Menlo Park’s General Plan to bring it into compliance with recent changes in General Plan law, including Senate Bill 379 (Climate Adaptation and Resiliency)
- Continue progress on the Menlo Park SAFER Bay grant application
- Continue to participate in and monitor OneShoreline
- Hold a City Council study session by July 2021 on the City’s local hazard mitigation plan

Progress and Next Steps

SAFER Bay grant application

In early July 2021, the City was notified by the Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (CalOES) that the application submitted to the Building Resilient Infrastructure and Communities (BRIC) program to design and construct portions of the SAFER Bay sea level rise protection project has been selected for further review²⁷. Based on FEMA’s provided definition, a subapplication that is Selected for Further Review means a “*subapplication is eligible (or potentially eligible pending some additional information) and there is available funding under the applicable subtotals.*” In other words, of the \$500M allocated for all proposed BRIC projects, \$50M has been set aside for the Menlo Park SAFER Bay Project pending further review. This is not a guarantee of receiving the funding, but it is very significant advancement in the process.

City staff will continue to work with FEMA and CalOES to provide requested information for the project, as well as continuing to work on a memorandum of understanding between the funding and project delivery partners, including Facebook, PG&E, and the San Francisquito Creek Joint Powers Authority. A City Council study session on the project is planned for late August 2021, followed by consideration of the memorandum of understanding in fall 2021.

Continue to participate in and monitor OneShoreline

City staff and the City Council liaison frequently attend OneShoreline board meetings, which are held approximately monthly. In addition, Menlo Park is collaborating with Redwood City, Atherton, San Mateo County, and OneShoreline to develop a diversion structure to mitigate flooding impacts from high/rising tides, up to 25-year storm event, the

²⁷ BRIC 2020, City of Menlo Park, Menlo Park SAFER bay Project: [fema.gov/grants/mitigation/building-resilient-infrastructure-communities/fy2020-subapplication-status#2020-chart](https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities/fy2020-subapplication-status#2020-chart)

Bayfront Canal and Atherton Channel flood protection and ecosystem restoration project²⁸.

The City has allocated \$1.2M as part of the fiscal year 2020-21 capital improvement program budget and committed to construct by December 2021 to preserve \$1.135M Department of Water Resources grant funding.

In fall 2020, the City entered a memorandum of understanding (MOU) and drainage easement agreement for the construction and maintenance of the Bayfront Canal and Atherton Channel Flood Protection project²⁹. This MOU establishes terms and responsibilities for cost-sharing related to construction, operation and maintenance (O&M), and mitigation monitoring. OneShoreline will serve as contracting and managing agency for all work funded by MOU, except O&M. Note, MOU expires five years after completion of construction.

Construction began in June 2021 and is expected to continue through the end of 2021.

Local Hazard Mitigation Plan

The Local Hazard Mitigation Plan (LHMP) identifies strategies that would reduce risk or eliminate long-term risk to life and property from a hazard event. Mitigation planning is the systematic process of learning about the hazards that could affect the community, including hazards that are a direct result of climate change, such as extreme heat, fires, and sea level rise. The plan aims to set clear goals, identify appropriate actions, and follow through with an effective mitigation strategy. Mitigation could also protect critical community facilities, reduce exposure to liability, and minimize post-disaster community disruption.

Adopting a LHMP allows jurisdictions to be eligible for various types of pre- and post-disaster grants from the Federal Emergency Management Agency (FEMA) and California Governor's Office of Emergency Services (CalOES), such as the \$5M Hazard Mitigation Grant program for the Chrysler Pump Station reconstruction and the \$50M Building Resilient Infrastructure and Communities (BRIC) grant pending FEMA review for constructing a portion of the SAFER Bay sea level rise protection project (described above).

To comply with the federal mandates in the Disaster Mitigation Act of 2000 (Public Law 106-390) and Menlo Park Municipal Code Section 2.44.050(5), the local hazard mitigation plan typically gets updated every five years. Menlo Park City Council last adopted Resolution No. 6339 on August 30, 2016 to approve an update to the Menlo Park Local

²⁸ For the past several decades, high tides have kept flows in the Bayfront Canal from draining to the Bay. Even minor rainfall events have resulted in the flooding with nearby properties experiencing flooding 40 times over the past 70 years – most recently in 2017.

²⁹ City Council staff report, October 27, 2020: menlopark.org/DocumentCenter/View/26509/G1-20201027-CC-Bayfront-Canal-and-Atherton-Channel

Hazard Mitigation Plan Annex to the San Mateo County Hazard Mitigation Plan. The 2021 update is currently underway.

Due to changes in the City Council meeting calendar in summer 2021, an update for the City Council is now tentatively planned for late August 2021. The City Council, along with other agencies and the Board of Supervisors for San Mateo County, will need to adopt the LHMP by the end of 2021.

Once adopted, the LHMP will be used to help update the Safety Element, which is part of the City's General Plan. The Safety Element update is anticipated to be adopted by the end of 2022.

Climate action plan metrics

The following metrics were developed by the Environmental Quality Commission as part of the 2030 Climate Action Plan (CAP) to assess progress of local initiatives, policies, and programs. The CAP was adopted in July 2020, so this is the first year these metrics and related data have been aggregated. While compiling, city staff experienced challenges with both internal and external (e.g., third-party) stakeholders to source the necessary data. Data limitations and/or considerations are listed with each metric.

1. Metric no.1: Number of gas hot water heaters citywide that are replaced with electric versions.

To determine the number of gas hot water heaters replaced with electric versions in existing buildings, staff evaluated city permit data. Relevant permits were identified as alterations or additions which specified replacement, repair, or relocation of water heaters and are not limited to replacement of electric for natural gas units.

Data limitation(s) and/or consideration(s):

Municipal software (formerly TideMark and currently Accela) has limitations. Specifically, the type of water heater is not explicitly and/or consistently reported; there is no notation to define water heater fuel type (natural gas or electric).

Due to lack of notation, staff used technician notes to glean more insight on relevant projects. However, these notes are entered manually and vary widely; they may simply list "water heater" or include additional details like 30-gallon, tankless, etc.

Additional comments provide more information about permits that specifically identified electric appliances.

Tables 5, 6, and 7 describe the total number permits issued by Menlo Park related to hot water heaters in existing buildings by type:

Table 5: Climate Action Plan Metric No. 1: commercial properties

Year	Total related permits	Comments
2017	1	None.
2018	3	1 permit describes the replacement of electric water heater; note, this may be a like for like replacement and represent no reduction in natural gas consumption.
2019	2	None.
2020	0	None.

Table 6: Climate Action Plan Metric No. 1: multifamily properties

Year	Total related permits	Comments
2017	16	None.
2018	12	None.
2019	27	None.
2020	0	None.

Table 7: Climate Action Plan Metric No. 1: single family properties

Year	Total related permits	Comments
2017	77	None.
2018	54	None.
2019	56	1 permit describes the removal and replacement of electric water heater; note, this may be a like for like replacement and represent no reduction in natural gas consumption.
2020	8	None.

2. Metric no. 2: Number of gas furnaces citywide that are replaced with electric versions.

To determine the number of gas furnaces replaced with electric versions in existing buildings, staff evaluated city permit data. Relevant permits were identified as alterations or additions which specified replacement, repair, or relocation of furnaces and are not limited to replacement of electric for natural gas units.

Data limitation(s) and/or consideration(s):

Municipal software (formerly TideMark and currently Accela) has limitations. Specifically, the type of furnace is not explicitly or consistently reported; there is no notation to define furnace fuel type (natural gas or electric).

Due to lack of notation, staff used technician notes to glean more insight on relevant projects. However, these notes are entered manually and vary widely; they may simply list “furnace” or include additional details like 70k BTU, 95%/AFUE/60k BTU, etc.

Additional comments provide more information about permits that specifically identified electric appliances.

Tables 8, 9, and 10 describe the total number permits issued by Menlo Park related to furnaces in existing buildings by type:

Table 8: Climate Action Plan Metric No. 2: commercial properties		
Year	Total related permits	Comments
2017	0	None.
2018	2	None.
2019	2	1 permit describes the replacement of a furnace with a heat pump.
2020	3	None.

Table 9: Climate Action Plan Metric No. 2: multifamily properties		
Year	Total related permits	Comments
2017	18	None.
2018	19	None.
2019	14	1 permit describes the addition of new heat pump system. Note, may be in addition to existing natural gas infrastructure and represent no reduction in natural gas consumption.
2020	8	1 permit describes the installation of new heat pump system. Note, this may be like for like replacement and represent no reduction in natural gas consumption.

Table 10: Climate Action Plan Metric No. 2: single family properties		
Year	Total related permits	Comments
2017	55	None.
2018	77	1 permit describes the replacement of a furnace with a heat pump.
2019	66	3 permits describe the replacement of a furnace with a heat pump. 3 permits describe the replacement of heat pumps. Note, this may be like for like replacement and represent no reduction in natural gas consumption.
2020	31	2 permits describe the installation of new heat pump systems. Note, may be in addition to existing natural gas infrastructure and represent no reduction in natural gas consumption.

3. Metric no. 3: Number of utility natural gas accounts terminated.

Data limitation(s) and/or consideration(s): Upon contacting the local natural gas provider, Pacific Gas & Electric, city staff was informed this metric is not currently tracked and is not anticipated to be available to the public in the near future. Therefore, this data is not obtainable.

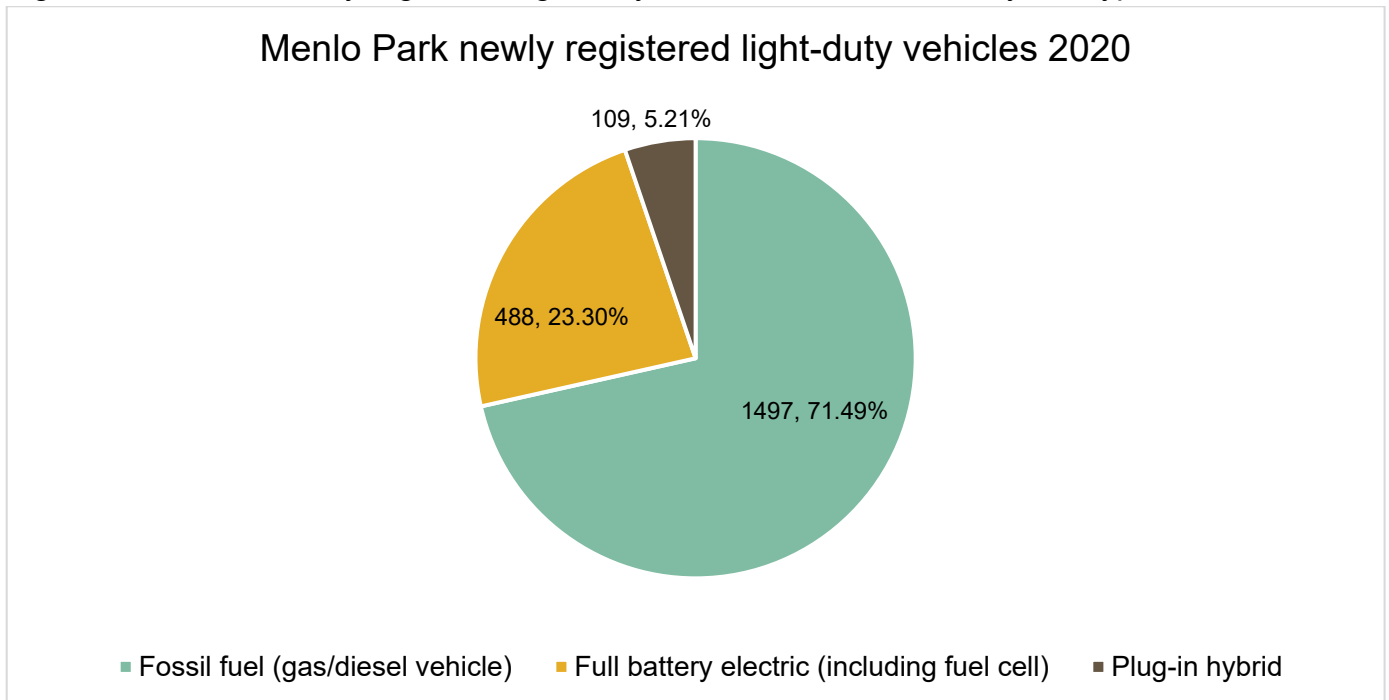
4. Metric no. 4: Number of light-duty vehicles newly registered that are fossil fuel (e.g., gasoline and diesel) vs. electric.

Data limitation(s) and/or consideration(s): This is a synthesized data point provided by third party; city staff does not have access to raw or referenced data sets. This number is from a staff member at the California Energy Commission (CEC) using the Department of Motor Vehicles (DMV) Registration Data³⁰. CEC staff used the following criteria to determine new registrations:

- A recent model year (model years 2019+ are be considered “new”)
- The owner took possession of the vehicle within the reporting period
- A low odometer reading (under 50 miles)
- No history of prior ownership

Additionally, while the CEC does provide total new zero emission (including electric) vehicle sales data, it does not provide *total* vehicle sales data. Continued provision of this data point is considered a special (not regularly analyzed/reported) request and is not readily available to the public. For ongoing report of this metric, CEC staff recommends submitting formal requests for information to the DMV. Note, because this is considered a special request, no estimate on availability or timelines for future data requested is currently available.

Figure 2 describes newly registered light-duty vehicles in Menlo Park by fuel type:

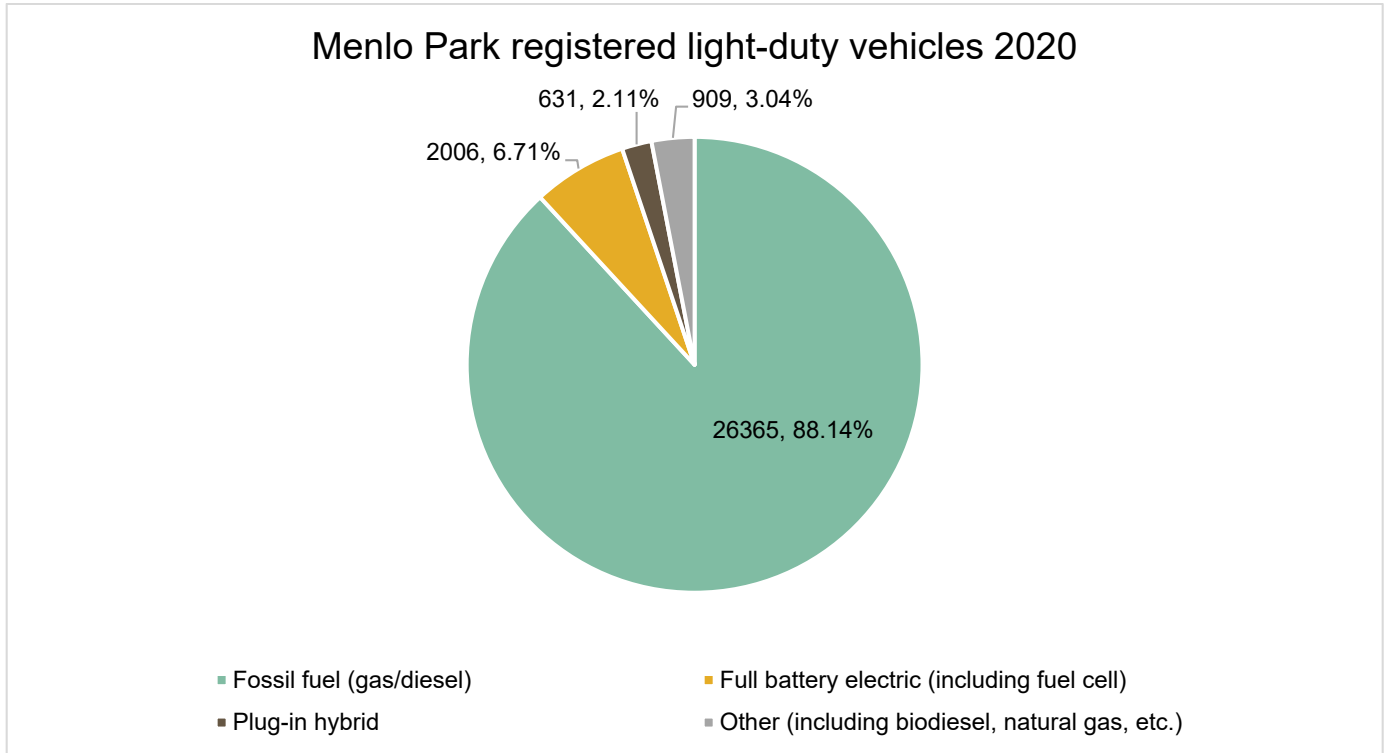


5. Metric no. 5: Number of total light-duty vehicles registered that are fossil fuel (gasoline) vs. electric.

³⁰ California Energy Commission Staff analysis of DMV Vehicle Registration Data. Provided May 25, 2021, from energy.ca.gov/zevstats

Data limitation(s) and/or consideration(s): Data published and publicly available on California Energy Commission Zero Emission Vehicle and Infrastructure dashboard³¹.

Figure 3 describes the vehicle population, including total number of light-duty, fully battery electric vehicles registered in Menlo Park:



6. Metric no. 6: Gallons of gasoline sold in Menlo Park.

Data limitation(s) and/or consideration(s): Per the Climate Action Plan, gallons of fossil fuel (e.g., gasoline and diesel) are estimated using revenue data reported to the California Board of Equalization and average state gas prices.

Table 11 describes the estimated volume of fossil fuel sold in Menlo Park:

Year	Gasoline (g)	Diesel (g)	Total Fuel
2001	16,459,982.14	914,443.45	17,374,425.60
2002	17,328,807.69	962,711.54	18,291,519.23
2003	16,203,111.70	900,172.87	17,103,284.57
2004	14,624,502.30	812,472.35	15,436,974.65

³¹ California Energy Commission Zero Emission Vehicle and Infrastructure Statistics. Data last updated April 30, 2021. Retrieved October 1, 2021 from energy.ca.gov/files/zev-and-infrastructure-stats-data

2005	14,239,357.14	791,075.40	15,030,432.54
2006	15,013,421.05	834,078.95	15,847,500.00
2007	14,551,615.38	808,423.08	15,360,038.46
2008	13,837,500.00	768,750.00	14,606,250.00
2009	14,825,472.53	823,637.36	15,649,109.89
2010	15,235,079.62	846,393.31	16,081,472.93
2011	15,437,310.16	857,628.34	16,294,938.50
2012	15,298,218.27	849,901.02	16,148,119.29
2013	15,172,023.26	842,890.18	16,014,913.44
2014	15,491,960.21	860,664.46	16,352,624.67
2015	14,790,242.24	821,680.12	15,611,922.36
2016	16,178,600.72	898,811.15	17,077,411.87
2017	16,730,094.82	929,449.71	17,659,544.53
2018	15,145,466.57	841,414.81	15,986,881.38
2019	13,055,148.55	725,286.03	13,780,434.59
2020	9,584,281.54	532,460.09	10,116,741.62

7. Metric no. 7: Percentage of municipal assets converted from gas or diesel to electric.

Data limitation(s) and/or consideration(s): To determine percentage, city staff would need to audit all current assets. For the purposes of this metric, staff has defined an asset as city owned property or equipment with a purchase price/value of \$5,000 or greater.

While not represented in a percentage, the following summarizes the addition or replacement of fossil fuel (e.g., gasoline, conventional diesel, and natural gas) assets with electric and lower GHG emitting versions. Note, in July 2021, the City hired a consultant to assist Public Works with a long-term strategy for converting municipal assets from fossil fuel to electric.

Buildings

The Menlo Park Community Campus (MPCC) project includes the demolition and replacement of four existing buildings, including the Belle Haven Pool facility (currently the largest greenhouse gas emitter on-site). The new facility will be all-electric (no natural gas consumption), including solar heating for the pool.

Design projects replace the HVAC equipment in the Arrillaga Family Recreation Center (700 Alma Street) and Gymnasium (600 Alma Street) buildings are also currently underway, and all-electric options are planned. This equipment is likely to be replaced in 2022.

Fleet

In alignment with the Sustainable Fleet Policy, city staff proposes the following vehicle replacement for fiscal year 2021-22:

- Seven gasoline hybrid police vehicles; six replacing gasoline vehicles and one would replace an existing gasoline hybrid.
- Five heavy-duty trucks; four renewable diesel and one gasoline. The proposed gasoline truck would replace an older diesel truck due to its inefficiencies and high maintenance costs. One of the four renewable diesel heavy-duty trucks includes a hybrid component; the vehicle would run on renewable diesel to travel to/from job sites but use an electric battery in operation at the jobsite.

City staff continue to strive towards the benchmarks outlined in Sustainable Fleet Policy and research electric options for fleet vehicles as the technology becomes more readily available. For example, the City reserved five full battery electric Ford F-150 light-duty trucks, which are planned to go into production in 2022. Light-duty trucks are used for daily operations, such as carrying tools and small equipment.

Additionally, in 2020, the City added four all-electric leaf blowers to existing equipment to pilot their use for daily maintenance duties.

8. Metric no. 8: Vehicle miles traveled, including trips inbound, outbound, and within the City.

Data limitation(s) and/or consideration(s): Per the 2030 Climate Action Plan, this metric was sourced from Google Environmental Insights Explorer³². Google EIE uses proprietary data derived from Google Maps Location History data to estimate trips taken within a city's boundaries. These estimates are multimodal (passenger vehicle, bus, cycling, rail, and walking) and including vehicles traveling into (inbound), leaving (outbound), and within (in-boundary).

Note: The vehicle miles traveled standards in Transportation Impact Analysis (TIA) guidelines were developed using the City's Travel Demand Model and may have different results than other methodologies (i.e., Google Environmental Insight Explorer, California Department of Transportation Highway Performance Monitoring System).

Table 12 describes the total vehicle kilometers (approximate miles) traveled:

Table 12: Climate Action Plan Metric No. 8		
Year	Total vehicle km (mi) traveled	% change (year to year)
2018	1,140,000,000 km (~708,363,156 mi)	
2019	1,160,000,000 km (~720,790,580 mi)	1.75%

³² Google Environmental Insights Explorer: insights.sustainability.google

2020	610,000,000 km (~379,036,425 mi)	-47.41% ³³
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9. Metric no. 9: number of other cities that query and/or copy Menlo Park's climate policies and programs

Data limitation(s) and/or consideration(s): There is currently no tracking system in place to record these queries and/or incidents, especially if policies and/or programs are templated from publish reports which are readily available to the public.

³³ Note: In March 2020, in response to the COVID-19 pandemic the state of California issued a shelter-in-place order.

COMMUNITYWIDE GREENHOUSE GAS INVENTORY

Overview

To track progress of Climate Action Plan strategies and programs, the City calculates and tracks its greenhouse gas (GHG) emissions. The City Council had a GHG reduction goal of 27 percent below 2005 levels by 2020. In 2005, the community generated 349,284 tons of GHG emissions in four categories: transportation, solid waste, building energy use: natural gas consumption, and building energy use: electricity. This means Menlo Park's 2020 GHG emission target is 254,977 tons or a 94,307 ton reduction.

The most recent data shows the City has achieved notable emission reductions in the face of continued development and has successfully achieved its target. Between 2005 and 2019, communitywide greenhouse gas emissions have decreased to 253,371 tons. This reflects a 27.5 percent decrease relative to the 2005 baseline. This can be attributed to reductions from:

- Waste related emissions (-15,723 tons) due to:
 - Installation of gas capture devices at the primary landfill that services Menlo Park, Ox Mountain landfill.
 - Improved sorting and waste diverted from landfill. Note, this is due to statewide requirements and regional cooperation.
- Building energy use: electricity (-64,591 tons) due to:
 - State mandates requiring energy providers, such as Pacific Gas & Electric to obtain power with lower emissions and from renewable sources.
 - Menlo Park subscribing all residents and businesses to the community choice aggregate organization, Peninsula Clean Energy (PCE). PCE provides Menlo Park with cleaner electricity, from more renewable sources (e.g., solar, wind, and geothermal) to reduce the consumption of fossil fuels (like natural gas). As of 2021, all electricity provided by PCE is 100% carbon-free and is on track to be 100% renewable by 2025. It should be noted this single measure reduced electricity related emissions by 24,689 tons in one year (2016-2017).
- Transportation related emissions (-36,657 tons between 2017 and 2019) due to:
 - Increased state mandated fuel efficiency and emission standards.
 - This is also a possible indication of increased zero emission vehicle adoption and/or local trip and vehicle miles traveled reduction measures.

Community greenhouse gas emissions results

A communitywide greenhouse gas emissions inventory involves measuring the energy and fuel consumed, and solid waste generated in the community to calculate the resultant greenhouse gases. The City completed an inventory of its 2005 communitywide greenhouse gas emissions, which serves as its baseline. The initial 2005 inventory was conducted in conjunction with ICLEI-Local Governments for Sustainability, an organization that specializes in climate change and greenhouse gas inventories for cities and counties. To maintain consistency, staff has continued to use the ICLEI methodology. Greenhouse gas emissions in Menlo Park were measured from:

- Estimated fossil fuel (gasoline and diesel) consumption
- Estimated vehicle miles traveled
- Reported solid waste sent to the landfill
- Building energy usage (natural gas and electricity consumption) by account type

Figure 4 describes annual communitywide emissions with percentage by category. Figure 5 summarizes communitywide emissions for the most recent inventory year (2019). As shown in Figures 4 and 5, the most significant source of emissions is transportation (48.2 percent), followed by natural gas consumption (41.2 percent). For comprehensive data summary, refer to Appendix A.

Figure 4-Community greenhouse gas emission 2005-2019 by category

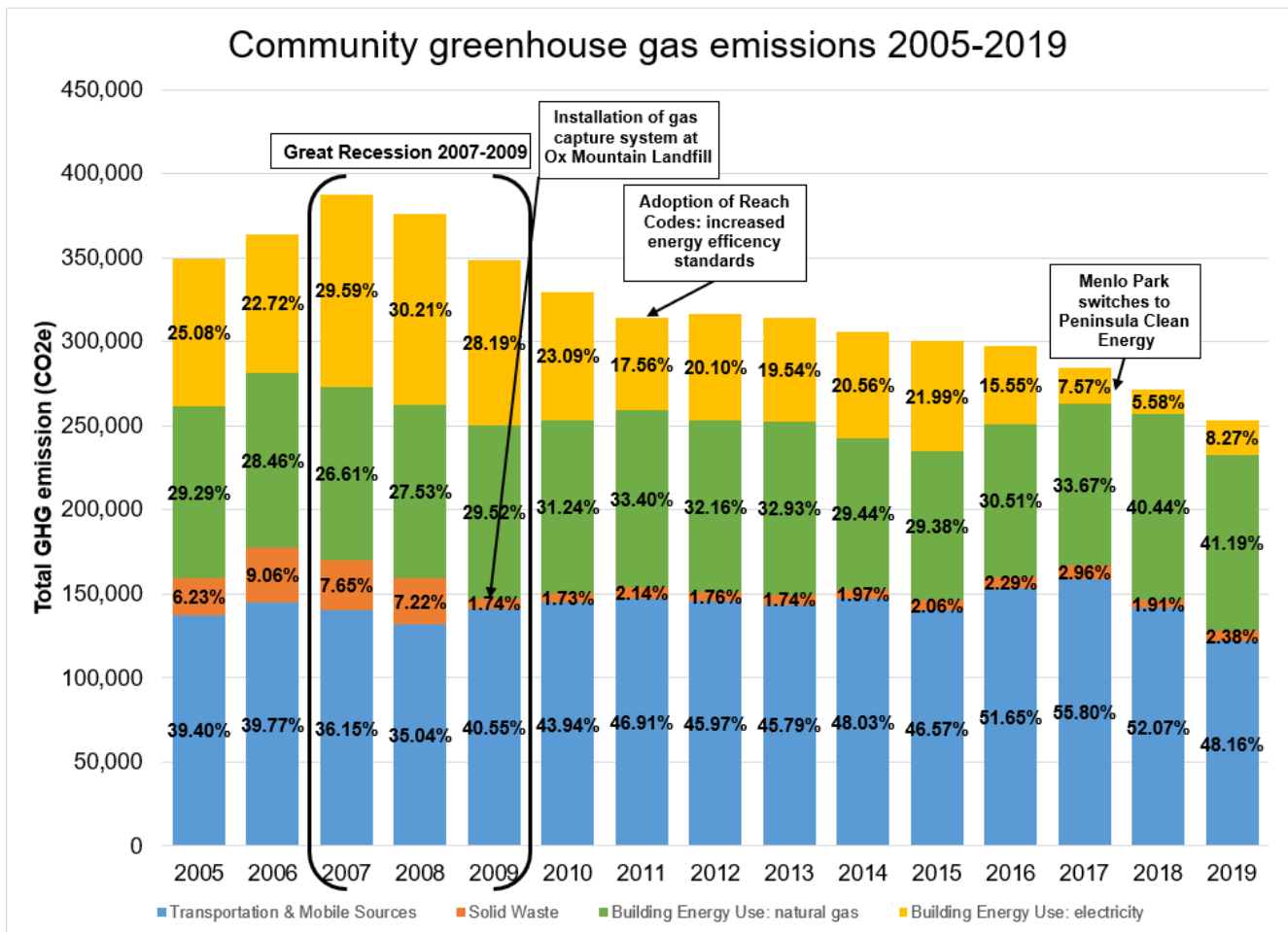


Figure 5-City of Menlo Park communitywide greenhouse gas emissions 2019

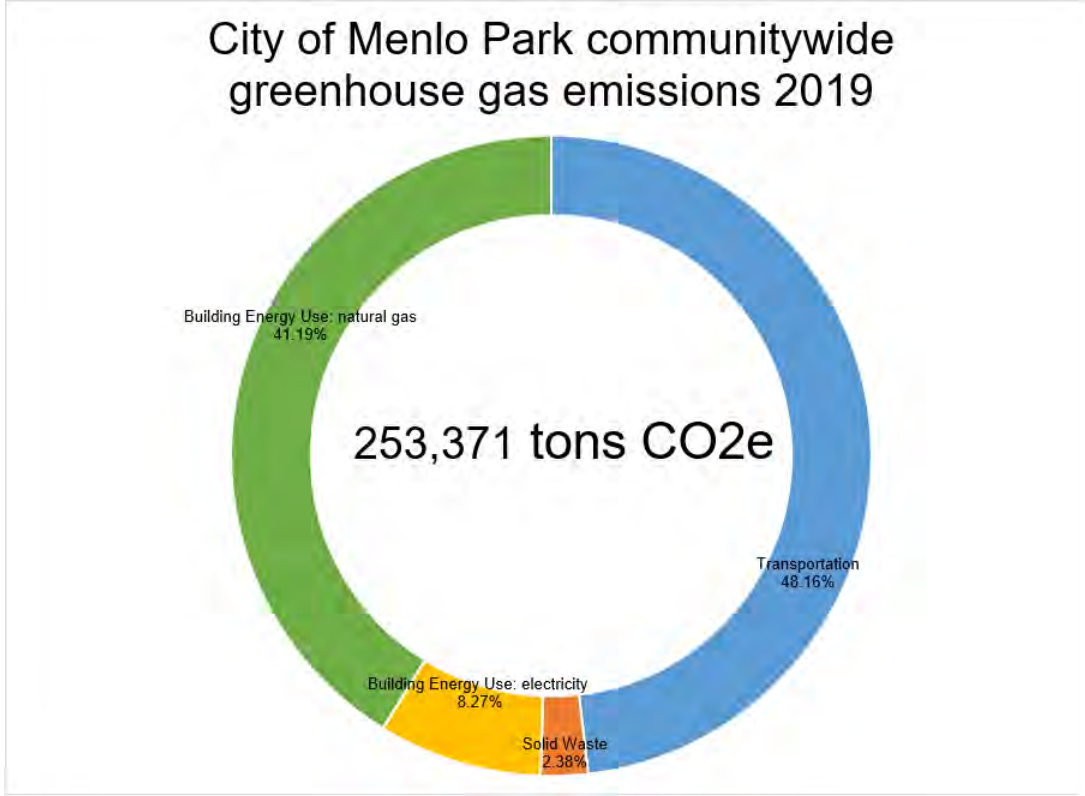
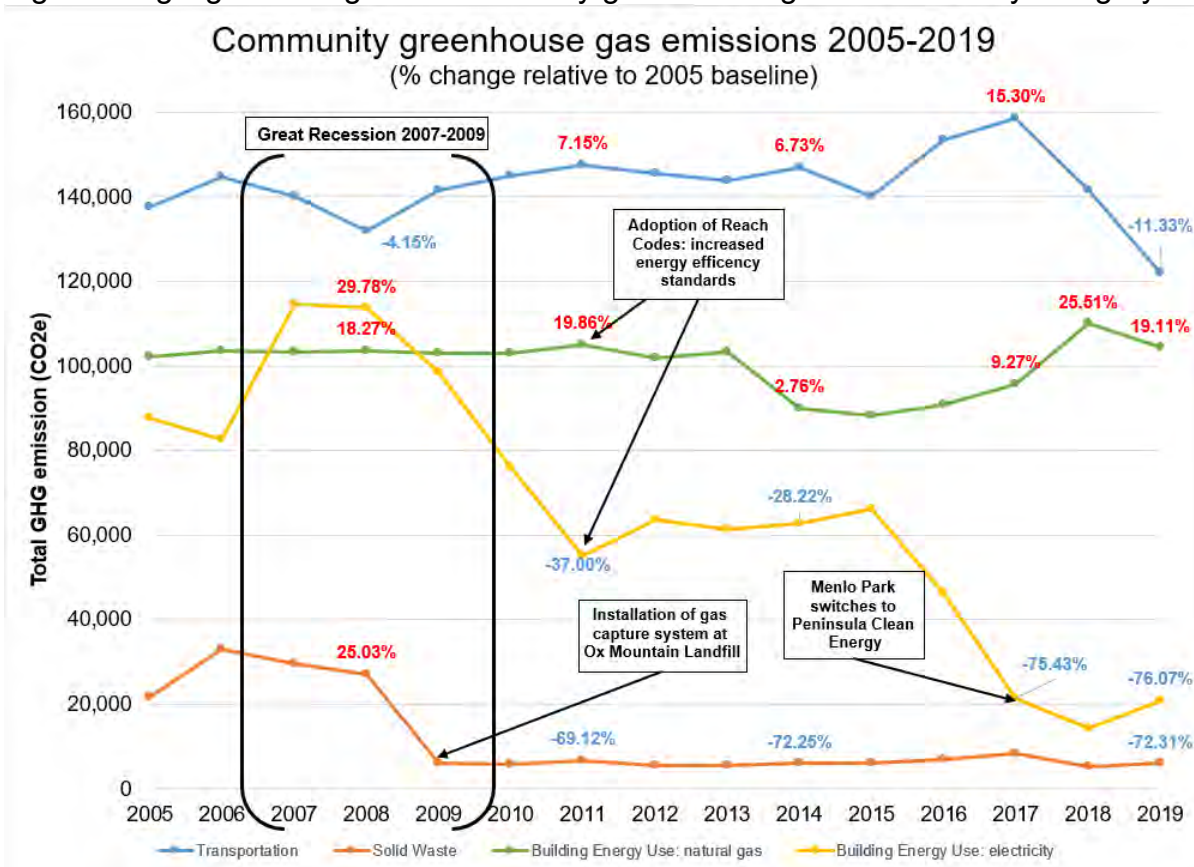


Figure 6 highlights changes in community greenhouse gas emissions by category:



Economic/development events are also noted, such as the Great Recession, installation of gas capture devices at Ox Mountain Landfill (primary landfill that services Menlo Park), and city implemented reduction strategies (adoption of local ordinance, automatic enrollment in Peninsula Clean Energy). These noteworthy events show while local strategies can affect communitywide greenhouse gas emissions, they can also be influenced by factors outside the City's purview (e.g., economic event, state, or regional efforts, etc.).

Methodology/measurement notes and considerations

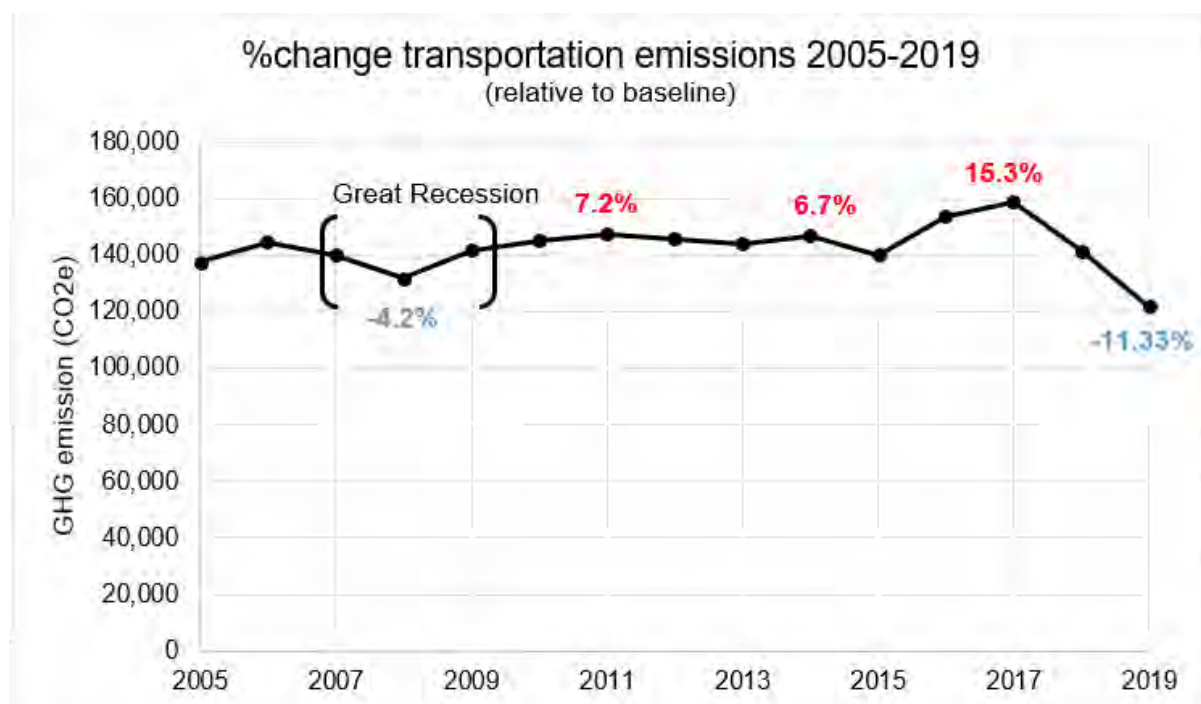
It is important to note that any greenhouse gas emissions inventory represents an estimate using the best available data and calculation methodologies at the time it was conducted. These estimates are subject to change as better data and calculation methodologies become available.

Current data and calculation methodologies also have limitations, for example solid waste emissions include only the direct emissions due to waste breakdown and do not represent emissions associated with the sourcing, production, or transportation of goods (cradle-to-grave emissions). Limitations such as these may underrepresent related emissions.

Inventory data for 2020 will not be available until Fall 2021.

Transportation

Despite recent overall reductions (11.3 percent relative to 2005 baseline), fossil fuel (gasoline and diesel) vehicle travel continues to be the largest source of greenhouse gas emissions in Menlo Park. In 2019, transportation related emissions were 122,029 tons (48.2 percent of the communitywide total). For comprehensive summary of data, refer to Appendix A. Figure 7 describes the change in transportation related emissions relative to the 2005 baseline:



The transportation category includes emissions related to passenger vehicle travel within (in-boundary) Menlo Park. Emissions are estimated using both vehicle miles travel (VMT) estimates from the California Department of Transportation (Caltrans) Highway Performance Monitoring System data and estimated fuel usage derived from fuel vehicle sales tax reported to State of California Board of Equalization and average gas prices. These data sets (VMT and fuel usage) are used to estimate different transportation related greenhouse gases:

- Estimated vehicle miles traveled are used to calculate methane (CH₄) and nitrous oxide (N₂O) emissions
- Estimated fuel usage is used to calculate carbon dioxide (CO₂) emissions

It should be noted, VMT or fuel usage have been used in past inventories to approximate total transportation related emissions independently to prevent double counting. However, this calculation method allows for the use of both since they calculate different GHG emissions.

Also note, Caltrans Highway Performance Monitoring System vehicle miles travel estimate methodology may differ from City VMT standards for specific development and city capital projects. Thus, estimates may differ.

The Bay Area has experienced a period of increased development. In addition to development completed in 2018 and 2019, the City expects the replacement and rebuild of 100 new homes and the addition of 21 new buildings that include high-rise residential, retail, office, and hotels over the next three years (2020 to 2023). The estimated daytime (resident and employee) population is estimated to be 64,152 by the end of this code cycle (2023).

It is important to note, that while the State has had established vehicle emissions reduction requirements since 2002³⁴ and in 2012 the California Air Resources Board (CARB) adopted mandates for emissions standards³⁵, these programs affect new vehicles only. As of 2020, the average age of cars on the road in California is estimated to be 11.9 years³⁶. Average car age in the United States has increased since this metric started being tracked and is predicted to increase especially in regions, like the Bay Area, where the cost of living is higher than average.

Furthermore, in September 2020, Governor Gavin Newsom signed Executive Order N-79-20³⁷, setting a target for all new passenger cars and light truck sales to be zero-emission (ZEV) by 2035. While this may increase the adoption of new ZEVs (i.e., electric vehicles), considering this order relates to new vehicles sales only, it may further increase the average age of cars on the road in Menlo Park.

³⁴California Assembly Bill 1493 Vehicular emissions: greenhouse gas emissions (also known as the Pavely legislation) establishing emissions standards for new passenger vehicles manufactured in 2009-2016

³⁵Advanced Clean Car Programs a set of regulations to control emissions from passenger vehicles arb.ca.gov/our-work/programs/advanced-clean-cars-program/about

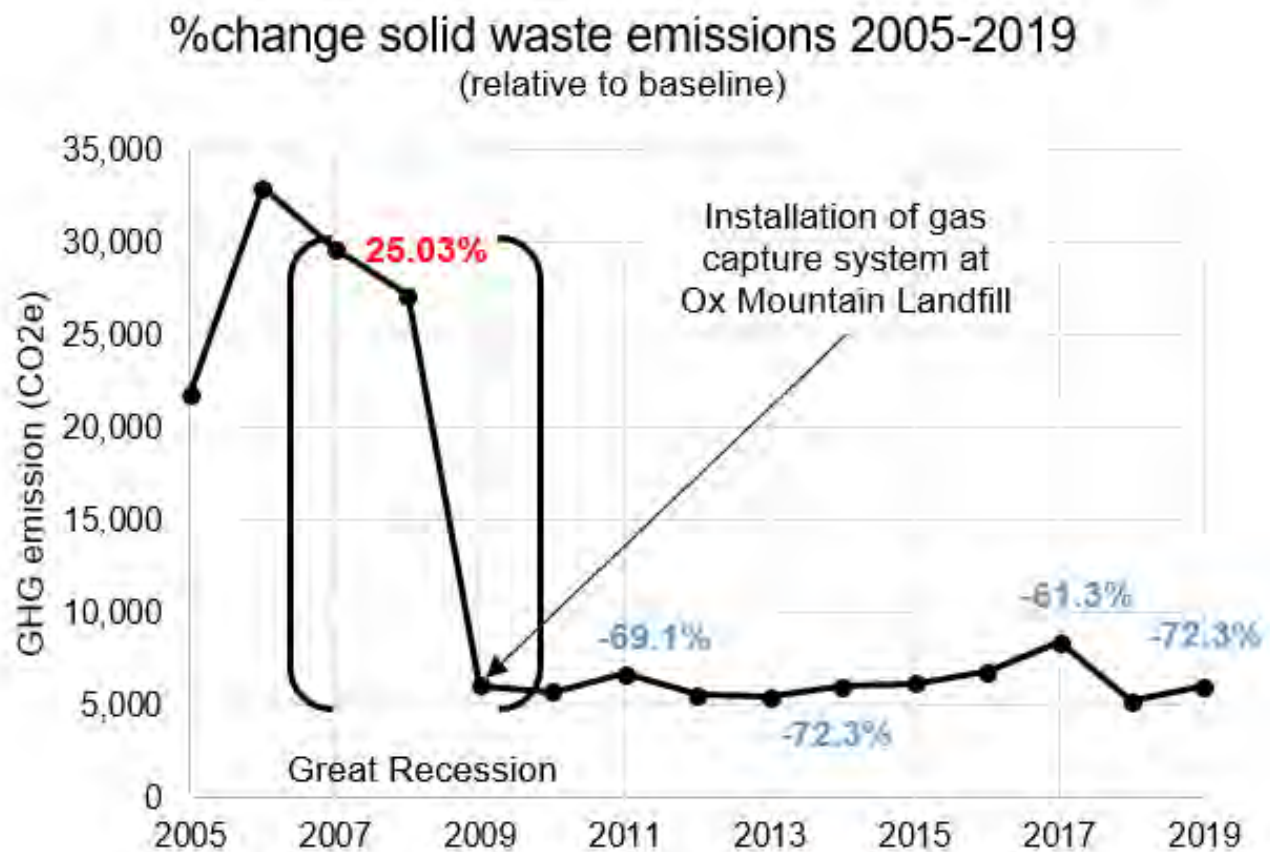
³⁶Bureau of Transportation Statistics: bts.gov/content/average-age-automobiles-and-trucks-operation-united-states

³⁷ Governor Newsom's Zero-Emission by 2035 Executive Order (N-79-20): arb.ca.gov/resources/fact-sheets/governor-newsoms-zero-emission-2035-executive-order-n-79-20

Solid Waste

The current greenhouse emission calculation methodology shows direct emissions from solid waste to be the smallest source of emissions in Menlo Park. However, solid waste emissions include only the direct emissions due to waste breakdown and do not represent emissions associated with the sourcing, production, or transportation of goods (cradle-to-grave emissions). If the cradle-to-grave emissions were accounted for, the emissions associated with waste would be significantly higher.

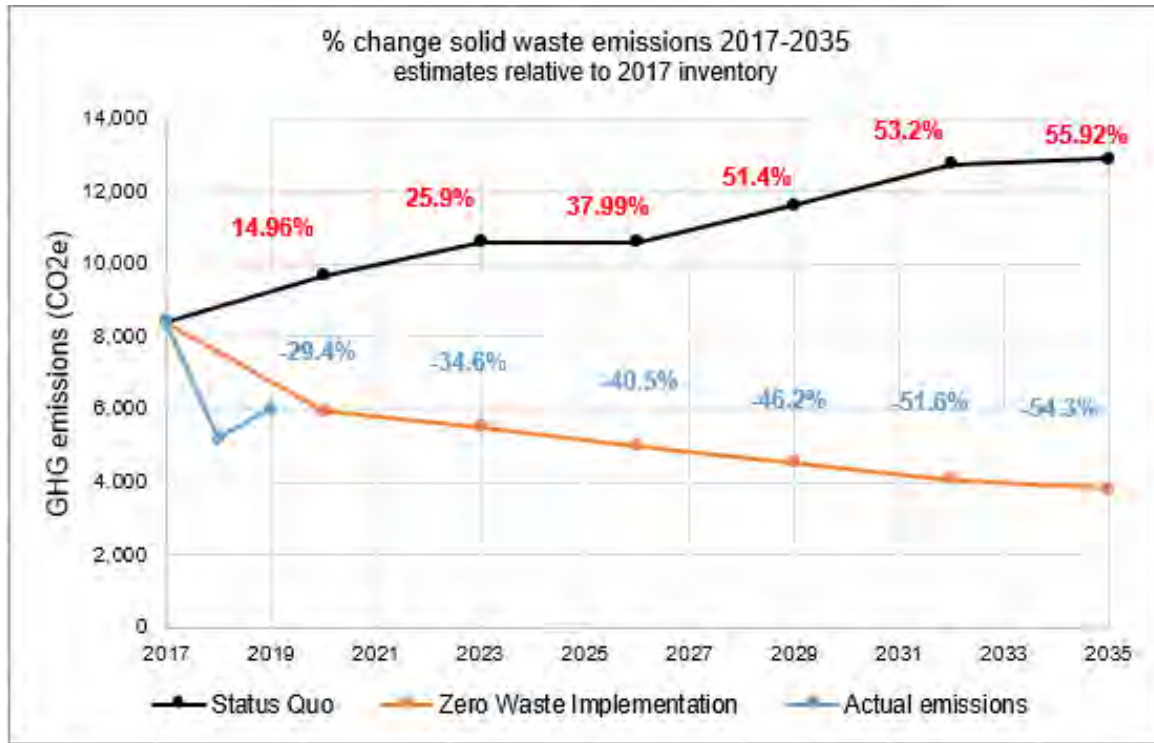
The solid waste category reflects emissions related to total community waste sent to landfill reported to California Department of Resources Recycling and Recovery (CalRecycle). In 2019, solid waste related emissions were 6,022 tons (2.38 percent of the communitywide total). For comprehensive summary of data, refer to Appendix A. Figure 8 describes the change in solid waste related emissions relative to the 2005 baseline:



In 2017, City Council adopted the Community Zero Waste Plan. This plan could reduce waste related emissions by over 50 percent over 2017 levels. The following figure shows emissions forecasts for both status quo (no new measures undertaken) and fully implementation of the Community Zero Waste Plan (reduction of waste per capita from 5.0 to 3.1 pounds per person per day).

As of 2019, solid waste emissions are on trend with zero waste implementation estimates. Reductions in this category may be attributed to improved sorting and waste diverted from landfill. Note, this is due to statewide requirements and regional cooperation

Figure 9-Estimated solid waste related emissions 2017-2035



Building Energy Use: natural gas and electricity

In 2016, all electricity customers in the City of Menlo Park began being automatically enrolled in Peninsula Clean Energy service. This action alone reduced greenhouse gas emissions related to electricity 24,689 tons in a single year (2016-2017).

Due to significant reductions in electricity related emissions, staff has separated building energy use into two distinct categories, building energy use: natural gas and building energy use: electricity. Analysis at this level provides more granular data to support 2030 Climate Action Plan strategies such as existing building electrification (No. 1).

In 2019, building energy use: natural gas was the second largest contributor communitywide emissions, 104,358 tons (41.2 percent of the communitywide total). For comprehensive summary of data, refer to Appendix A.

Figure 10 describes overall building energy use emissions by type (natural gas versus electricity):

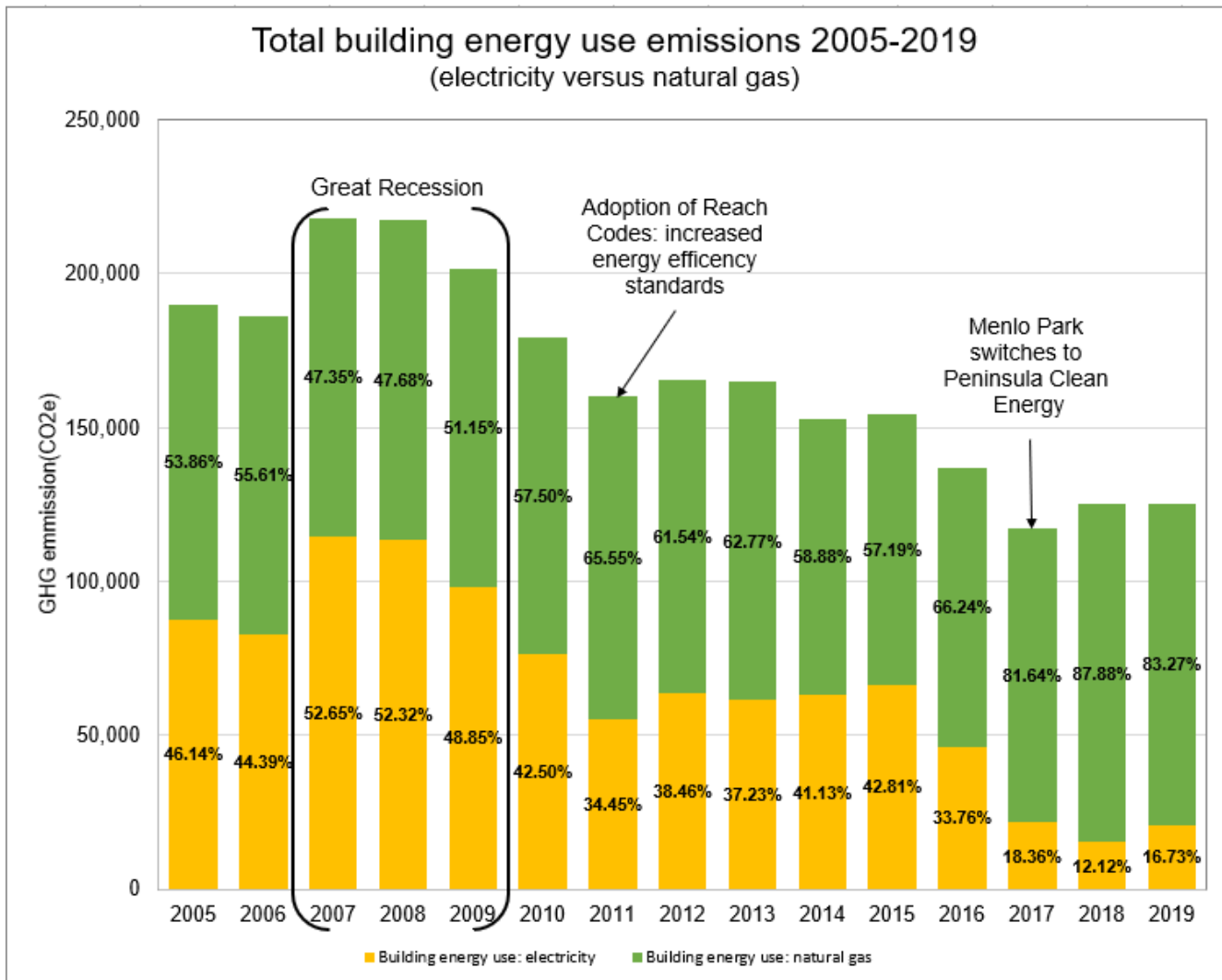
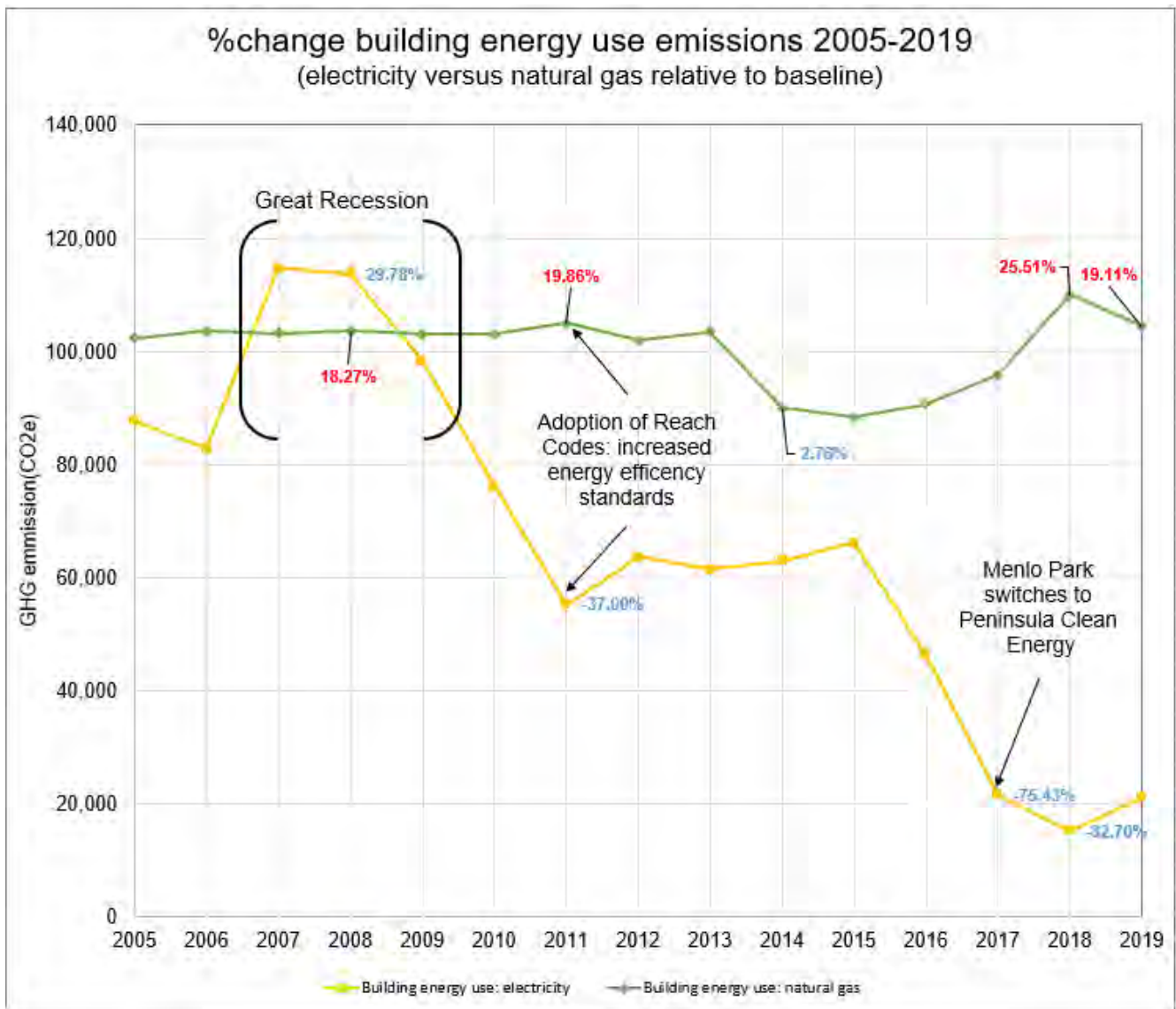


Figure 11 highlights changes in building energy use relative to the 2005 baseline by type (natural gas versus electricity):



The building energy use category includes both natural gas consumption and electricity use reported by Pacific Gas & Electric (PG&E) and Peninsula Clean Energy (PCE). In April 2017, all San Mateo County electricity customers (including Menlo Park) were fully transitioned to PCE service, therefore PCE data is available for 2017 to 2019 inventories only.

Automatic enrollment in PCE service comes with the ability to opt-out (retain PG&E service) if desired. As of May 2021, Peninsula Clean Energy services 98.6 percent of all electricity customers in Menlo Park.

Since launching in 2016, PCE has provided cleaner energy every year; though significantly lower than PG&E, the PCE provided electricity did have associated carbon emissions with the goal of being carbon-free. Emissions related to electricity use are expected to decrease further in 2020 as energy sources increasingly become carbon neutral or free.

In March 2021, Peninsula Clean Energy accomplished its carbon-free goal and reported all electricity provided is 100 percent carbon-free, at least 50 percent renewable, and non-

nuclear. Nominal emission related to electricity consumption are expected after 2021 for customers who have opted out of PCE service.

While emissions related building energy use: electricity have and are expected to decreased to near minimal levels, the emissions related to natural gas are likely to remain unchanged or increase until natural gas-powered appliances in existing building stock are replaced.

It should be noted, in Fall 2019, the City adopted building codes eliminating the installation of natural gas infrastructure in new commercial and residential buildings. These codes were implemented in 2020. Building code updates related to existing buildings are currently being explored.

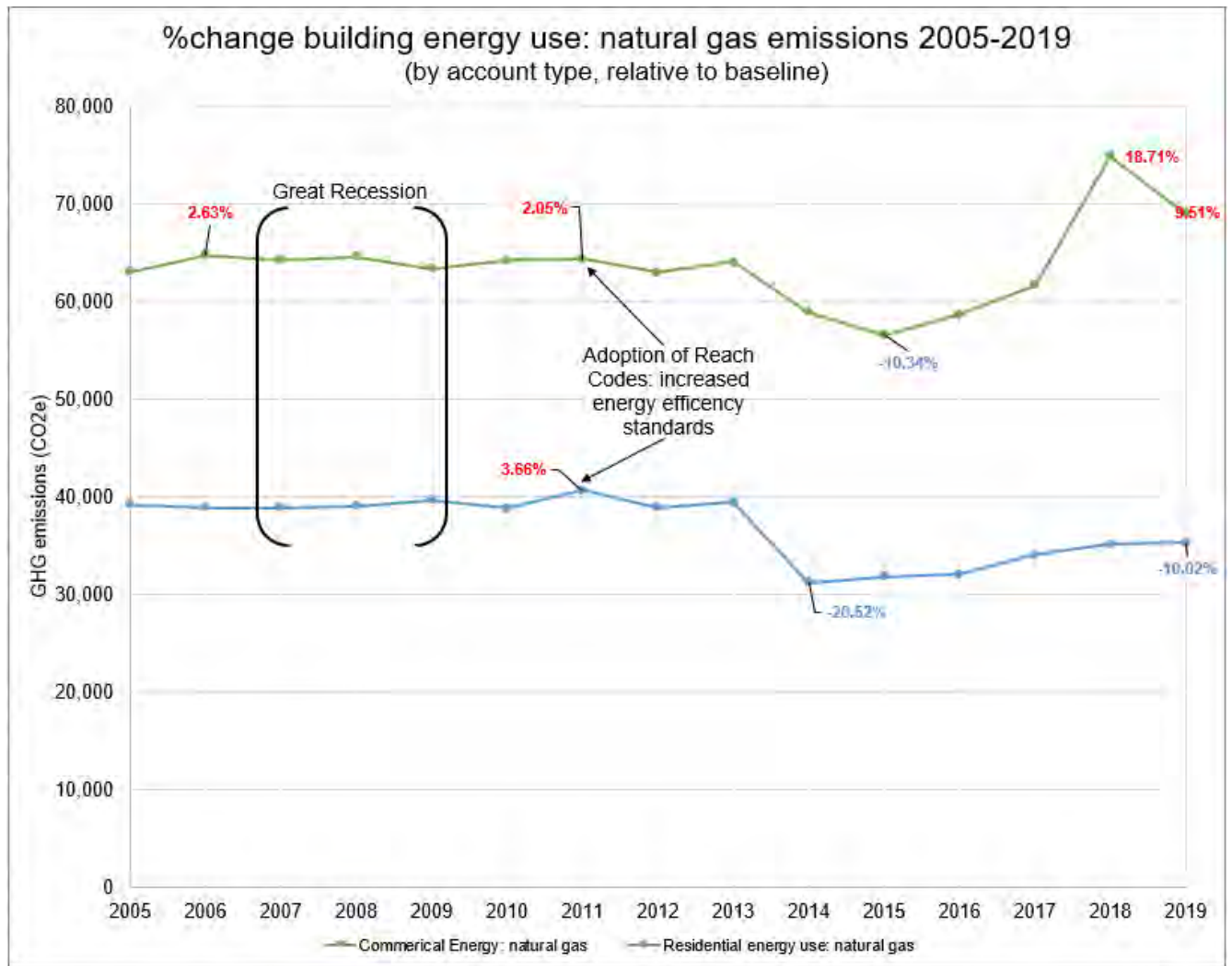
Building energy use by account type

Natural gas is the second largest contributor to communitywide GHG emissions, evaluating natural gas separately by account type can provide insights for future policy and programs around building electrification.

Commercial accounts are the largest GHG contributor in the building natural gas use. In 2019, building natural gas emissions from commercial accounts were 69,049 tons from or approximately 55.1 percent total building natural gas consumption. In 2019, building natural gas use emissions from residential accounts were 35,309 tons or approximately 28.2 percent of natural gas emissions for buildings. For comprehensive summary of data, refer to Appendix A.

The emissions related to natural gas are likely to remain unchanged or increase until natural gas-powered appliances in existing building stock are replaced. Note, all new construction projects are subject to 2020 reach codes prohibiting the installation of natural gas infrastructure (all-electric) with limited exception.

Figure 12 highlights changes in building energy use: natural gas emissions relative to baseline (2005) by account type (commercial and residential):



As of May 2021, Peninsula Clean Energy services 1,727 commercial customers, 1 industrial customer (included in commercial energy category), and 13,766 residential customers. This data also includes usage from customers who opt out (decline) PCE service.

Note, direct access accounts have emissions related to electricity use only. For building energy use related to direct access accounts, refer to Appendix B.

MUNICIPAL GREENHOUSE GAS INVENTORY

Overview

To track progress of Climate Action Plan strategies and programs, the City calculates and tracks its greenhouse gas emissions. In 2016, municipal operations generated 2,812 tons of GHG emissions in six categories: natural gas consumption, electricity use, vehicle fleet, employee commute, waste generation, and emissions from decommissioned Bedwell Bayfront landfill.

The City Council has adopted communitywide GHG reduction goals of 27 percent below 2005 levels by 2020 and zero net emissions by 2030 but does not currently have a specific target for municipal operations. Though there is no specific target, the most recent data shows the City has successfully reduced emissions to 2,178 (22.6 percent relative to 2016 levels) in 2019. This can be attributed to reductions from:

- Building/facility energy use related emissions (-540 tons) due to:
 - Menlo Park city buildings and facilities subscribing to the community choice aggregate, Peninsula Clean Energy (PCE). In 2017, Menlo Park took formal action to enroll all municipal accounts in ECO100 which provides 100% renewable electricity to subscribers. This means, all electricity provided to the City by PCE is Green-e certified; 100% from renewable sources (i.e., solar and wind) and carbon-free.
- Solid waste related emissions (-120 tons) due to:
 - Incremental reduction at Bedwell Bayfront Landfill. Note, this landfill has been decommissioned (no new material is being disposed) so emissions will continue to decrease with no intervention.
 - Improved sorting and waste diverted from landfills. Note, this is due to statewide requirements and regional cooperation.

Municipal greenhouse gas emissions inventory results

The City completed an inventory of its municipal greenhouse gas emissions from 2016-2019. The aim is to update the municipal inventories every five years to use resources efficiently. The inventory was conducted in conjunction with ICLEI-Local Governments for Sustainability, an organization that specializes in climate change and greenhouse gas inventories for cities and counties.

Greenhouse gas emissions in Menlo Park were measured from:

- Reported vehicle fleet fuel consumption, vehicles miles traveled, and equipment run time
- Estimated solid waste sent to the landfill (both municipal solid waste/trash and organics)
- Reported gas captured at Bedwell Bayfront Landfill
- Reported energy usage by type (natural gas and electricity)
- Reported commuter program participation with transportation method and vehicle miles traveled estimates

Note, the 2009 inventory included emissions related to water/sewage and excluded emissions related to employee commute and the Bedwell Bayfront Landfill. Also, emissions related to buildings and streetlights are included as separate categories. However, due to the formal action taken in 2017 to enroll all municipal accounts in ECO100, staff now calculates emissions related to natural gas consumption and electricity use separately (regardless of location, i.e., building/facility or streetlight). For previous inventory, refer to Appendix B.

Figure 13 describes annual municipal emissions with percentage by category. Figure 14 is a summary of total municipal emissions from 2019. As shown in Figure 13 and 14, the most significant source of emissions is natural gas consumption (35.35 percent), followed by vehicle fleet (23.46 percent).

Figure 13-Municipal greenhouse gas emission 2016-2019 by category

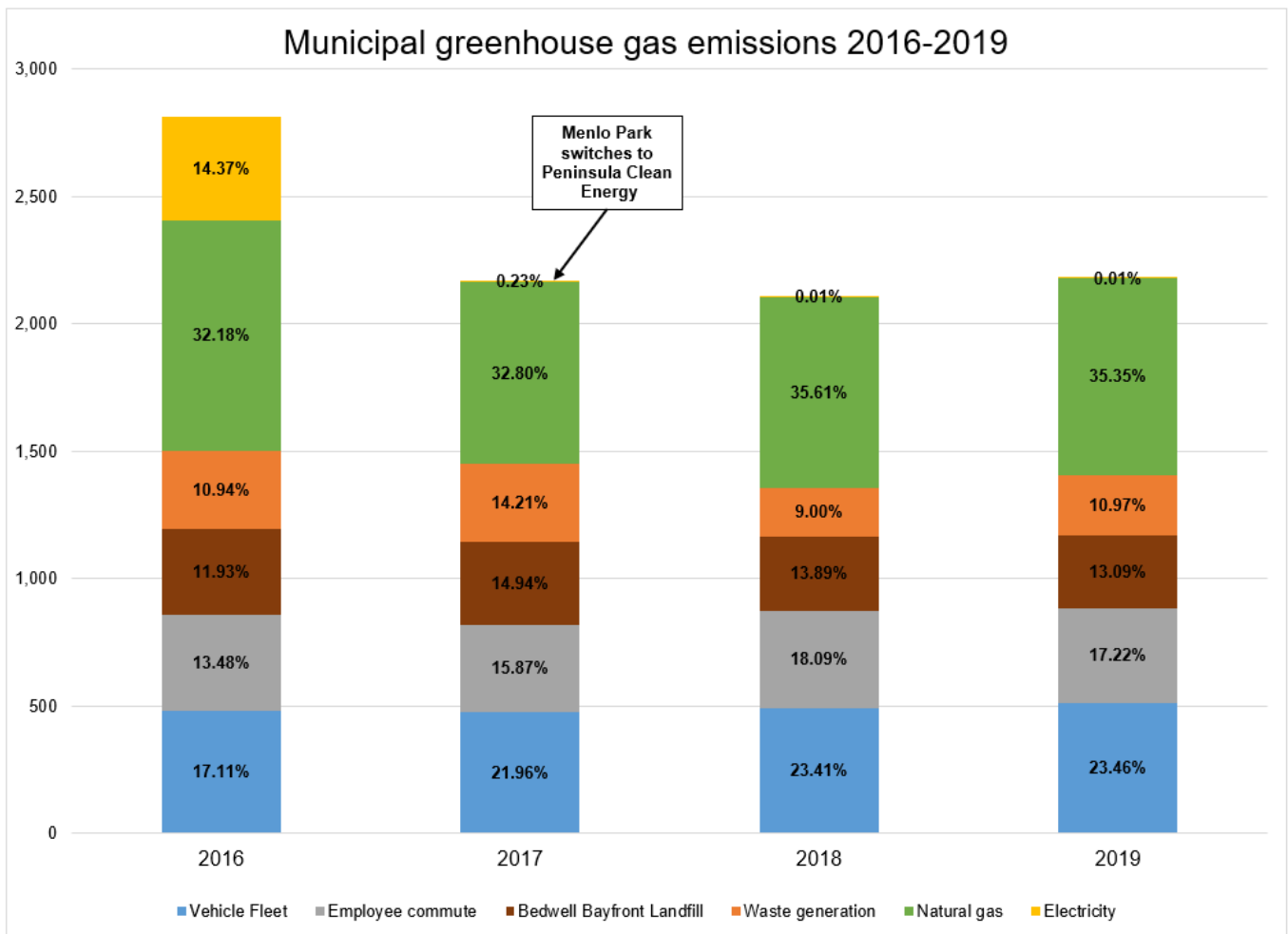


Figure 14-City of Menlo Park municipal greenhouse gas emissions 2019

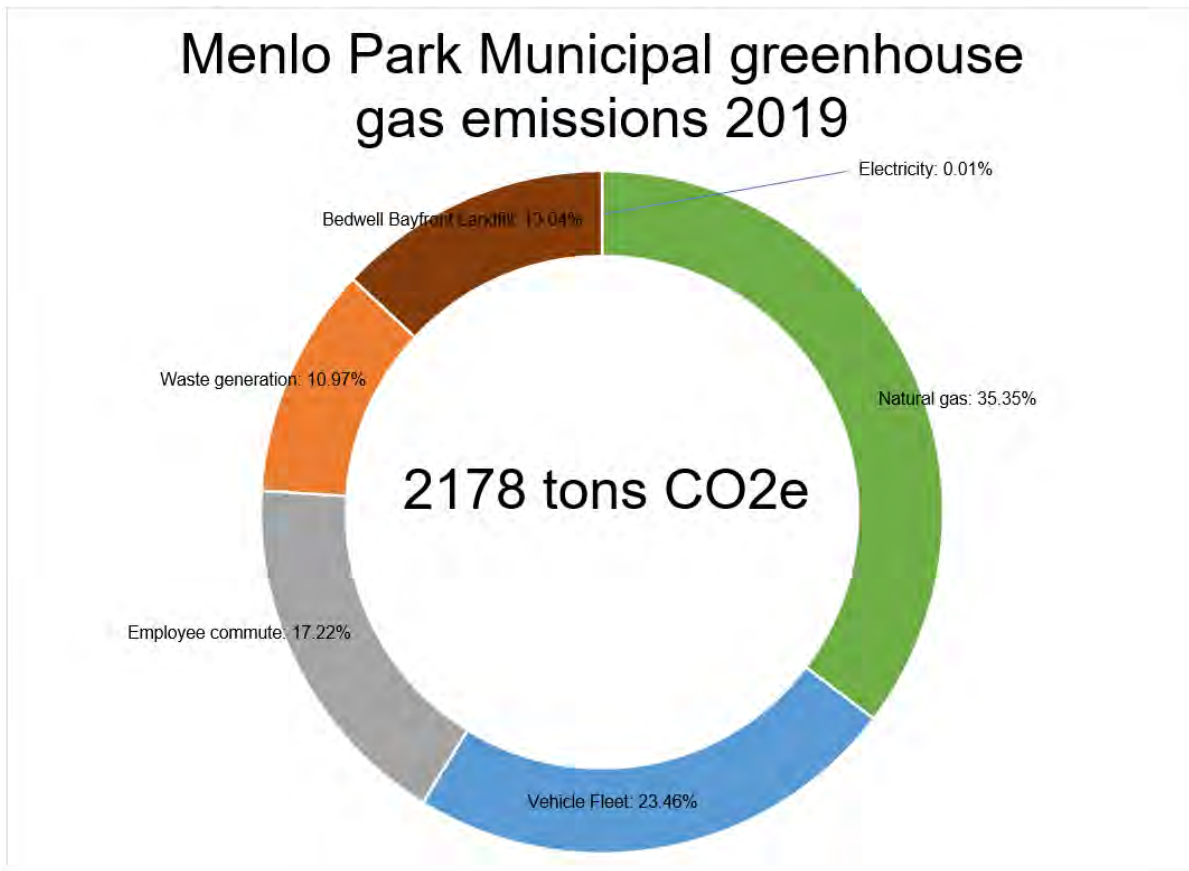
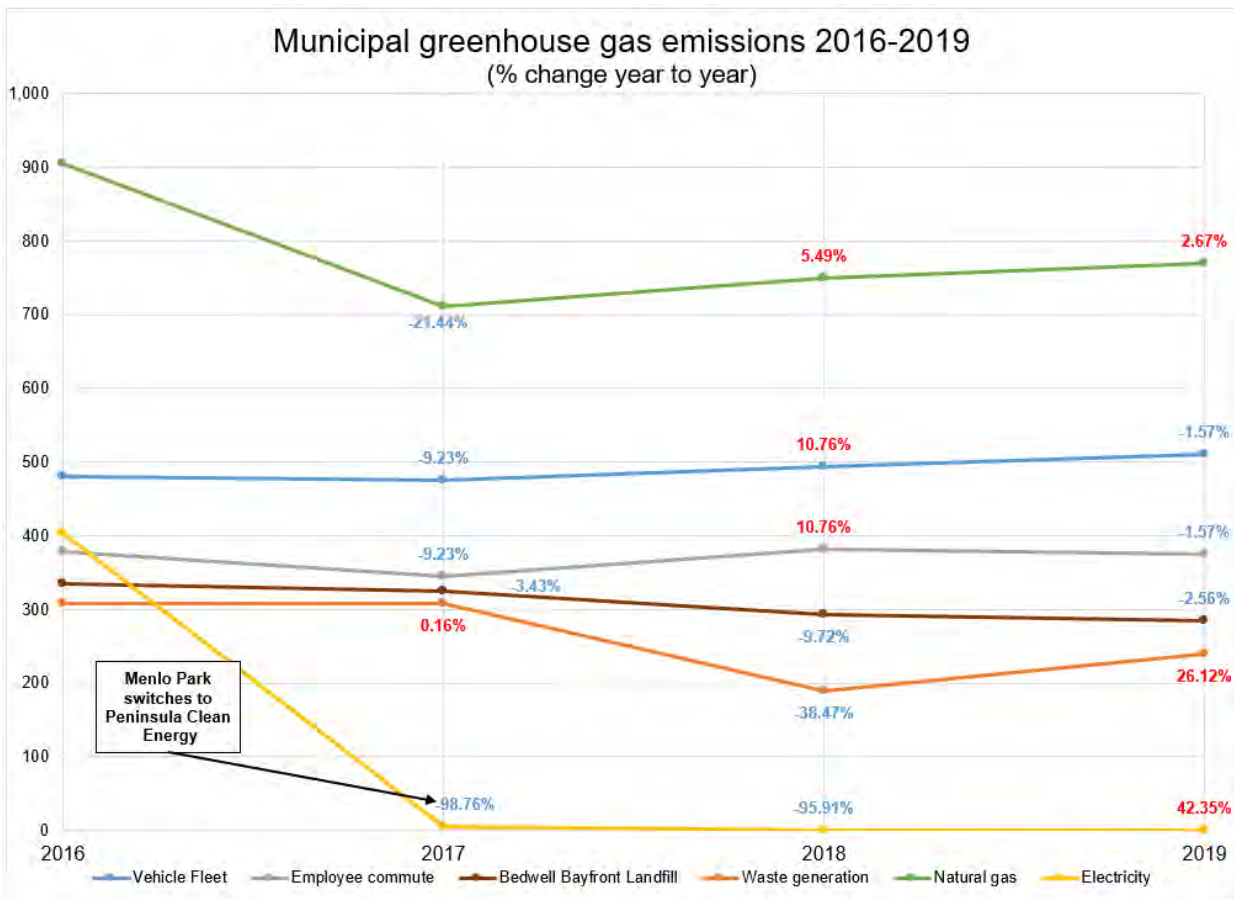


Figure 15 highlights changes in municipal greenhouse gas emission by category:



Methodology and measurement notes

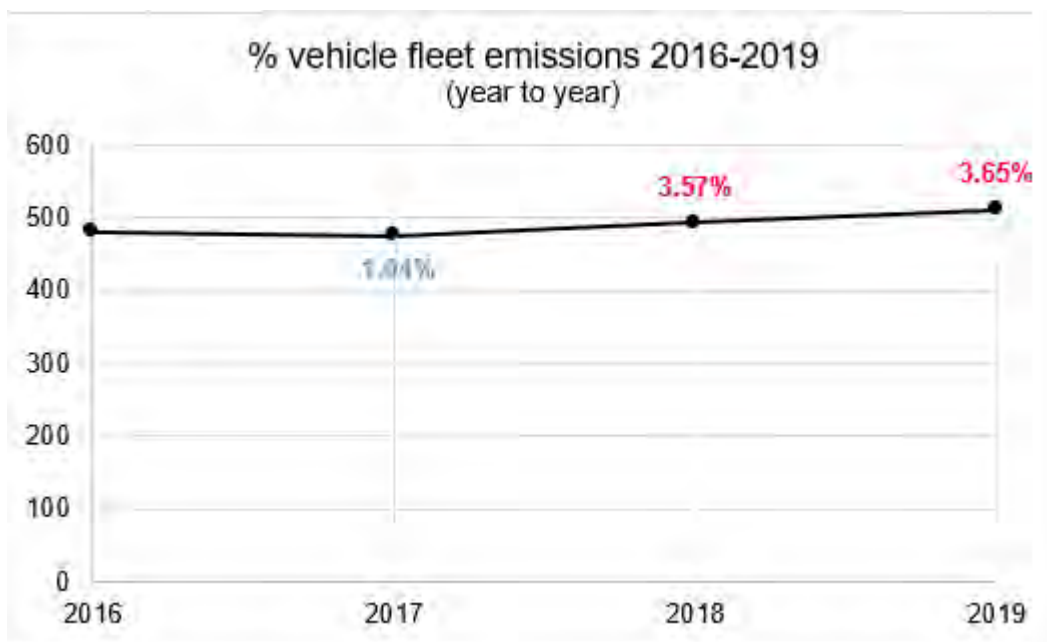
The City can calculate emissions generated by municipal operations related to water and wastewater emissions, fugitive point sources, and more. However, the city has elected to calculate greenhouse gas emissions in six categories (natural gas consumption, electricity use, vehicle fleet, employee commute, waste generation, and emissions from decommissioned Bedwell Bayfront landfill) to provide the most accurate measure of progress in the sectors under the City's purview which will receive the greatest impact from local action.

It is also important to note that any greenhouse gas emissions inventory represents an estimate using the best available data and calculation methodologies at the time it was conducted. These estimates are subject to change as better data and calculation methodologies become available.

Inventory data for 2020 will not be available until Fall 2021.

Vehicle Fleet

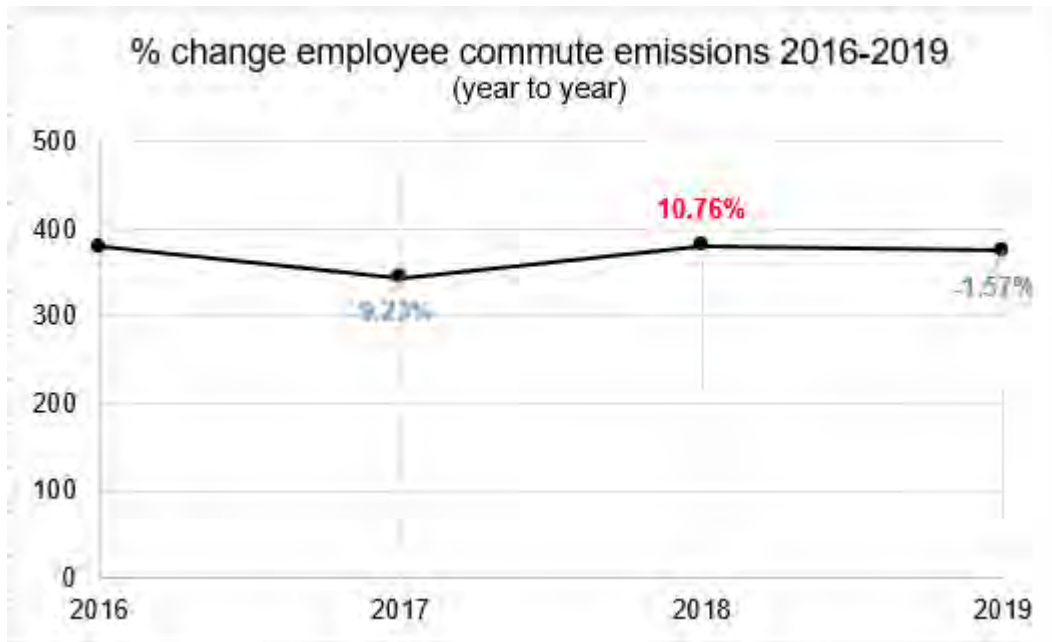
The transportation category includes emissions related to vehicle fleet fuel consumption, vehicles miles traveled, and equipment run time recorded and reported by Menlo Park Public Works, Maintenance Division. As of 2019, vehicle fleet emissions are the second largest contributor to municipal greenhouse gas emissions; 511 tons (23.46 percent of total). Figure 16 highlights the change in emission from 2016 to 2019:



Vehicle fleet related emissions are expected to reduce due to the Sustainable Fleet Policy which prioritizes the purchase of zero-emission vehicles as a first option and establishes a fossil fuel (e.g., gasoline and diesel) reduction goal of 5 percent annually over 2018 baseline.

Employee commute

The employee commute category includes emissions related to commuter program participation reported by Menlo Park Public Works, Transportation Division, and transportation method³⁸ and vehicle miles traveled³⁹ estimates derived from regional data reported by the Metropolitan Transportation Commission. As of 2019, vehicle fleet emissions are 375 tons (17.22 percent of total). Figure 17 highlights the change in emission from 2016 to 2019:



Employee commute related emissions are expected to reduce in the near term due to a significant increase in telecommuting/working remote because of the COVID-19 pandemic. At date of publication, though the prevalence of telecommuting/working remote remains, it is unclear if will persist as state, regional, and city restrictions lift.

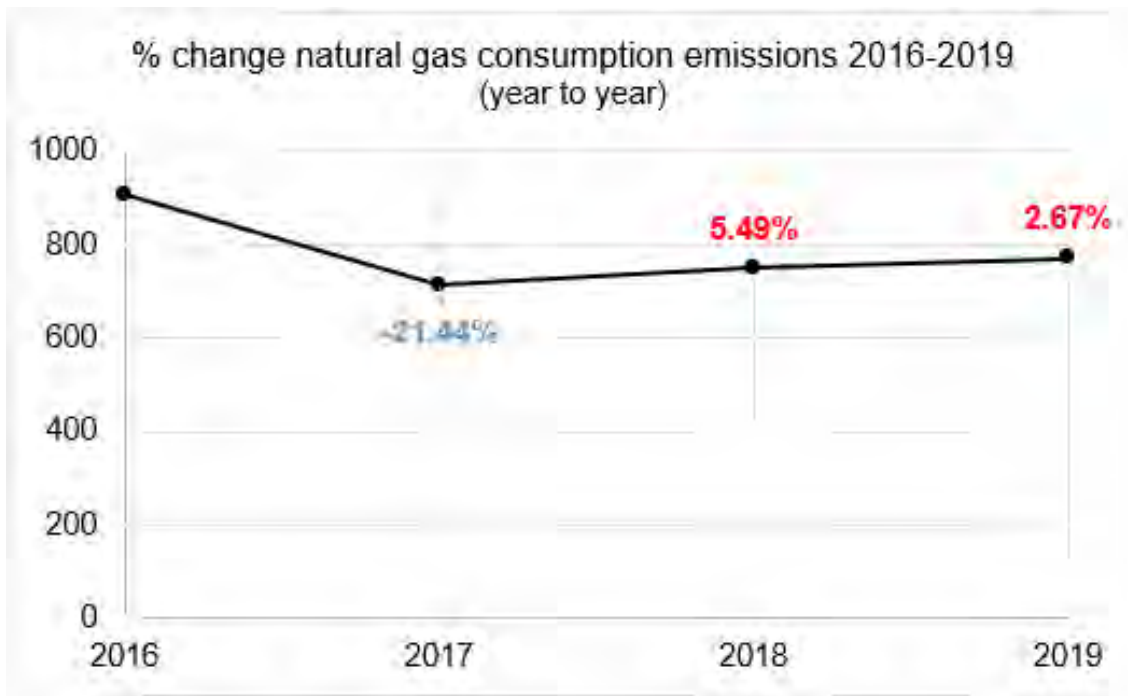
Considering the previous need for social distancing requirements (COVID-19 prevention measure), if employees do return to office, significant outreach and education must be done to reengage those who previously utilized public transportation and successfully transition more employees away from single vehicle travel.

Natural gas consumption

The natural gas consumption category includes emissions related to natural gas usage reported by Pacific, Gas & Electric. As of 2019, natural gas consumption emissions are the largest contributor to municipal greenhouse gas emissions; 770 tons (35.35 percent of total). Figure 18 highlights the change in emission from 2016 to 2019:

³⁸ Metropolitan Transportation Commission, Vital Signs: Commute Mode Choice: vitalsigns.mtc.ca.gov/commute-mode-choice

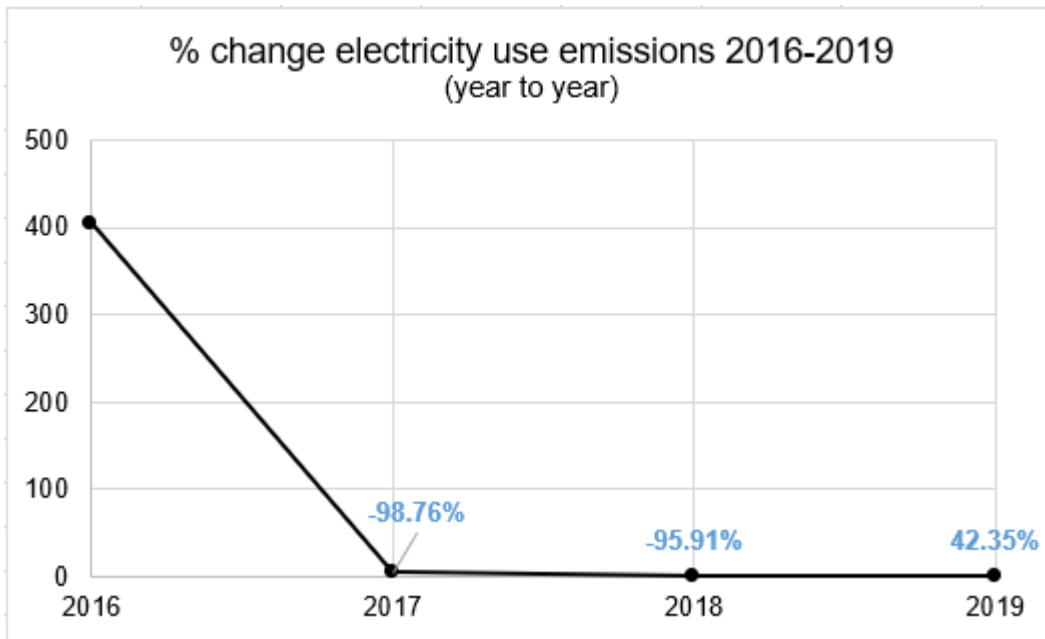
³⁹ Metropolitan Transportation Commission, Vital Signs: Daily Vehicle Miles Traveled: vitalsigns.mtc.ca.gov/daily-miles-traveled



Natural gas consumption emissions are expected to remain constant or decrease as more municipal assets and facilities are electrified. For example, the City is currently evaluating proposals to install an all-electric, fully islandable (operation off-grid through the use of on-site solar and battery arrays) microgrid system at the new Menlo Park Community Center (100-110 Terminal Avenue). All-electric options for HVAC equipment replacements in the Arrillaga Family Recreation Center (700 Alma Street) and Gymnasium (600 Alma Street) buildings are also planned.

Electricity use

The electricity use category includes emissions related to electricity usage reported by Pacific, Gas & Electric (2016 to current) and Peninsula Clean Energy (2017 to current). As of 2019, electricity use emissions are an insignificant contributor to municipal greenhouse gas emissions; 0.2909 tons (0.01 percent of total). Figure 19 highlights the change in emission from 2016 to 2019:



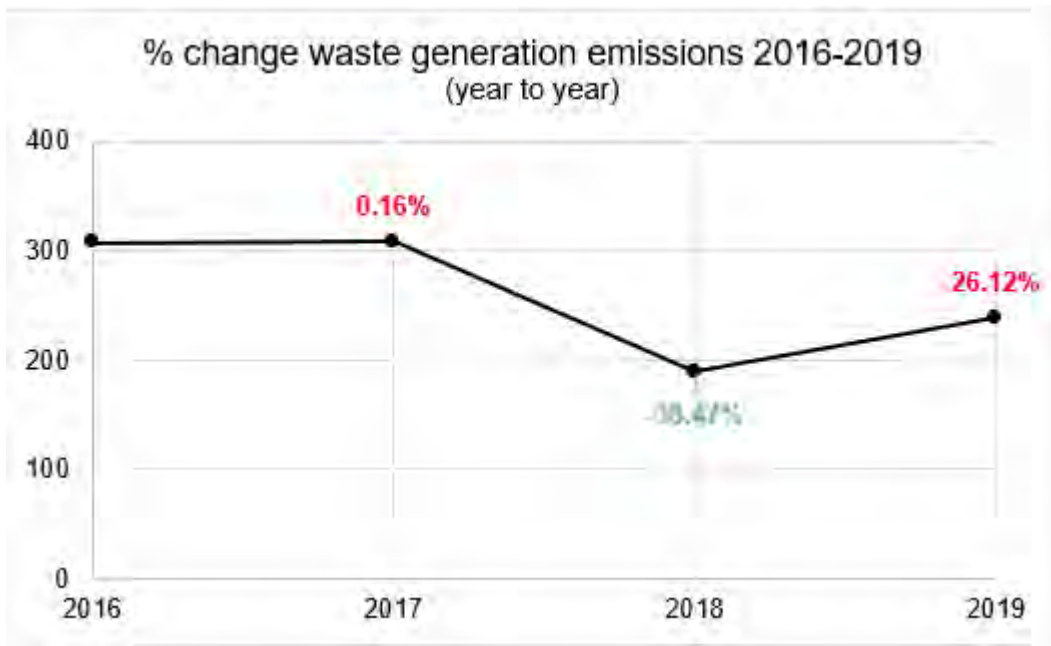
Electricity use emissions were expected to be zero due to the 2017 formal action taken to enroll all municipal accounts in ECO100 (electricity is Green-e certified; 100% from renewable sources (i.e., solar and wind) and carbon-free). However, while staff was performing the municipal inventory, it was discovered that a small amount of electricity from PG&E is still provided to municipal accounts. While it is a very small amount (2706 kWh in 2019) resulting in negligible emissions (0.2909 tons), more investigation is necessary to determine the reason for this discrepancy.

Waste generation

The waste category includes direct emissions related to the breakdown of estimated solid waste (municipal solid/trash waste and organics) sent to the landfill. Estimates were derived service levels for all municipal accounts described in the City's franchise agreement with Recology⁴⁰. Note, any emissions related to the collection and processing of recyclable material or the sourcing, production, or transportations of goods (cradle-to-grave emissions) are not included.

As of 2019, waste generation emissions are 239 tons (10.97 percent of total). Figure 20 highlights the change in emission from 2016 to 2019:

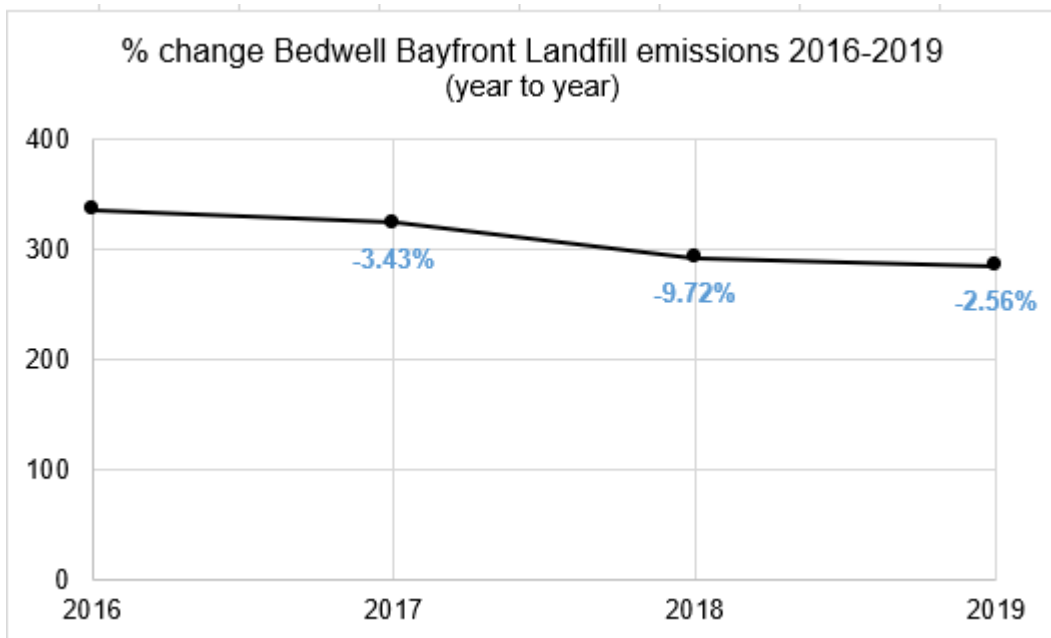
⁴⁰ Menlo Park City Council staff report, April 24, 2018: menlopark.org/DocumentCenter/View/17285/11---Recology-Agreement



If calculation methodology remains the same, waste generation emissions are expected to decrease due improved sorting and waste diverted from landfills. Note, this is due to statewide requirements and regional cooperation. Emissions could be further reduced through the implementation of the Community Zero Waste Plan (2017)⁴¹.

Bedwell Bayfront Landfill

The Bedwell Bayfront Landfill category includes emissions related to captured gas reported by Menlo Park Public Works, Engineering Division. As of 2019, Bedwell Bayfront Landfill emissions are 285 tons (13.09 percent of total). Figure 21 highlights the change in emission from 2016 to 2019:



⁴¹ Menlo Park Community Zero Waste Plan: menlopark.org/1132/Community-Zero-Waste-Plan

Bedwell Bayfront Landfill emissions are expected to continue decreasing because it has been decommissioned (no new material is being introduced).

APPENDIX A: GREENHOUSE GAS EMISSIONS DATA TABLES

The following table summarizes calculated communitywide greenhouse gas emissions from 2005 to 2019.

Table 13-Communitywide greenhouse gas emissions 2005-2019

Table 13: Communitywide greenhouse gas emissions			
Year	GHG emissions (tons)	%change (year to year)	%change (relative to baseline)
2005	349,284		
2006	364,090	4.24%	4.24%
2007	387,731	6.49%	11.01%
2008	376,435	-2.91%	7.77%
2009	348,934	-7.31%	-0.10%
2010	329,777	-5.49%	-5.58%
2011	314,412	-4.66%	-9.98%
2012	316,761	0.75%	-9.31%
2013	313,981	-0.88%	-10.11%
2014	305,845	-2.59%	-12.44%
2015	300,834	-1.64%	-13.87%
2016	297,239	-1.20%	-14.90%
2017	284,378	-4.33%	-18.58%
2018	271,903	-4.39%	-22.42%
2019	253,371	-6.50%	-27.46%

The following tables summarizes calculated greenhouse gas emissions from 2005 to 2019 by category (transportation, solid waste, build energy use: natural gas, and building energy use: electricity).

Table 14-Transportation related emissions 2005-2019

Table 14: Transportation

Year	GHG emissions (tons)	%change (year to year)	%change (relative to baseline)
2005	137,628		
2006	144,795	5.21%	5.21%
2007	140,176	-3.19%	1.85%
2008	131,917	-5.89%	-4.15%
2009	141,478	7.25%	2.80%
2010	144,892	2.41%	5.28%
2011	147,475	1.78%	7.15%
2012	145,627	-1.25%	5.81%
2013	143,757	-1.28%	4.45%
2014	146,885	2.18%	6.73%
2015	140,111	-4.61%	1.80%
2016	153,518	9.57%	11.55%
2017	158,686	3.37%	15.30%
2018	141,568	-10.79%	2.86%
2019	122,029	-13.80%	-11.33%

Table 15- Building energy use related emissions by type (natural gas and electricity) 2005-2019.

Table 15: Total building energy use: natural gas

Year	GHG emissions (tons)	%change (year to year)	%change (relative to baseline)
2005	102,295		
2006	103,611	1.29%	1.29%
2007	103,165	-0.43%	0.85%
2008	103,621	0.44%	1.30%
2009	103,012	-0.59%	0.70%
2010	103,027	0.01%	0.72%
2011	105,021	1.94%	2.66%
2012	101,885	-2.99%	-0.40%
2013	103,406	1.49%	1.09%
2014	90,036	-12.93%	-11.98%
2015	88,375	-1.84%	-13.61%
2016	90,689	2.62%	-11.35%
2017	95,742	5.57%	-6.41%
2018	109,971	14.86%	7.50%
2019	104,358	-5.10%	2.02%

Table 15: Total building energy use: electricity

Year	GHG emissions (tons)	%change (year to year)	%change (relative to baseline)
2005	87,617		
2006	82,715	-5.59%	-5.59%
2007	114,718	38.69%	30.93%
2008	113,712	-0.88%	29.78%
2009	98,368	-13.49%	12.27%
2010	76,142	-22.59%	-13.10%
2011	55,203	-27.50%	-37.00%
2012	63,677	15.35%	-27.32%
2013	61,342	-3.67%	-29.99%
2014	62,891	2.53%	-28.22%
2015	66,150	5.18%	-24.50%
2016	46,217	-30.13%	-47.25%
2017	21,528	-53.42%	-75.43%
2018	15,161	-29.57%	-82.70%
2019	20,963	47.26%	-76.07%

The following tables summarizes calculated greenhouse gas emissions related to building energy use (natural gas and electricity) from 2005 to 2019 by account type (commercial,

residential, and direct access). Note, direct access accounts have only electricity related emissions.

Table 16-Commercial energy related emissions 2005-2019

Table 16: Commercial energy use: natural gas			
Year	GHG emissions (tons)	%change (year to year)	%change (relative to baseline)
2005	63,053		
2006	64,709	2.63%	2.63%
2007	64,238	-0.73%	1.88%
2008	64,535	0.46%	2.35%
2009	63,358	-1.82%	0.48%
2010	64,188	1.31%	1.80%
2011	64,344	0.24%	2.05%
2012	62,956	-2.16%	-0.15%
2013	64,000	1.66%	1.50%
2014	58,847	-8.05%	-6.67%
2015	56,533	-3.93%	-10.34%
2016	58,638	3.72%	-7.00%
2017	61,656	5.15%	-2.22%
2018	74,849	21.40%	18.71%
2019	69,049	-7.75%	9.51%

Table 16: Commercial energy use: electricity			
Year	GHG emissions (tons)	%change (year to year)	%change (relative to baseline)
2005	57,508		
2006	54,035	-6.04%	-6.04%
2007	76,323	41.25%	32.72%
2008	76,486	0.21%	33.00%
2009	66,151	-13.51%	15.03%
2010	50,710	-23.34%	-11.82%
2011	34,020	-32.91%	-40.84%
2012	39,856	17.15%	-30.69%
2013	38,765	-2.74%	-32.59%
2014	40,191	3.68%	-30.11%
2015	42,913	6.77%	-25.38%
2016	26,205	-38.93%	-54.43%
2017	13,206	-49.61%	-77.04%
2018	10,297	-22.03%	-82.09%
2019	7,610	-26.09%	-86.77%

Table 17-Residential energy related emissions 2005-2019

Table 17: Residential energy use: natural gas

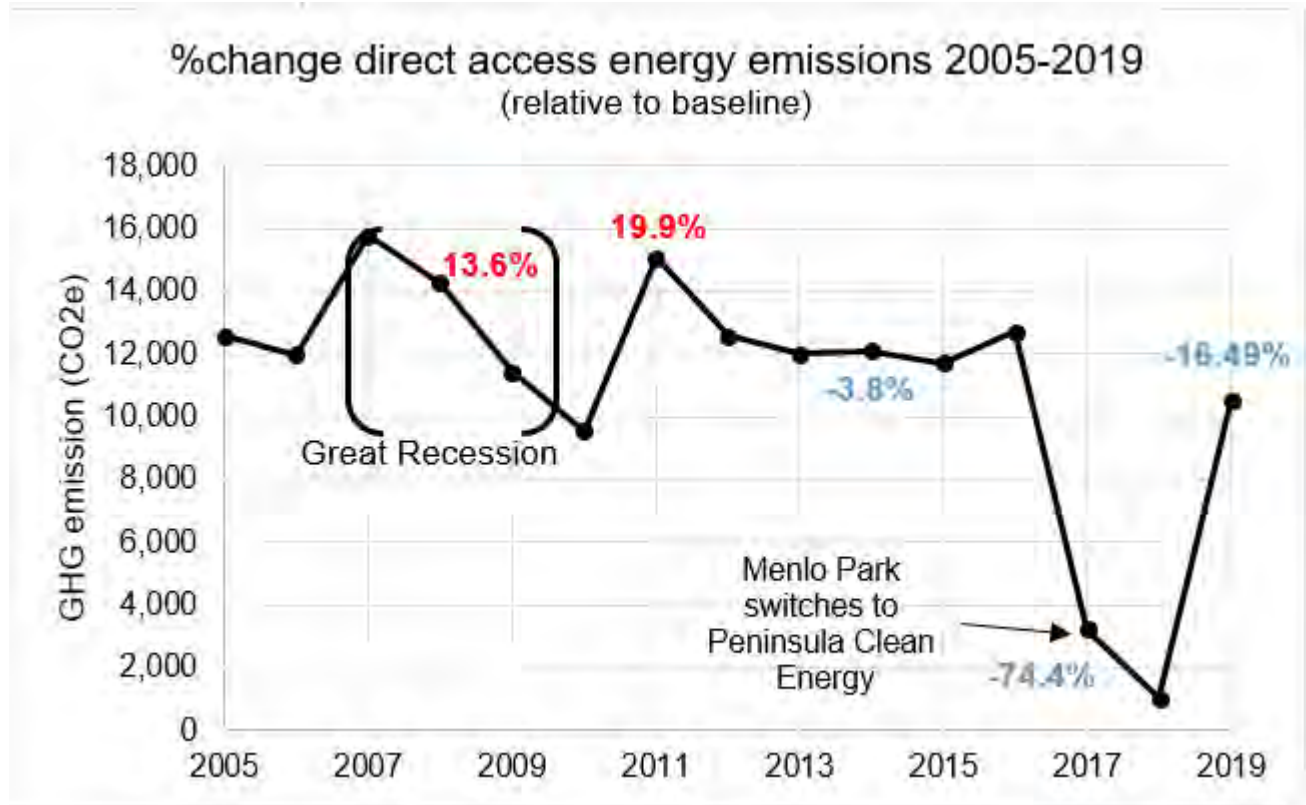
Year	GHG emissions (tons)	%change (year to year)	%change (relative to baseline)
2005	39,242		
2006	38,902	-0.87%	-0.87%
2007	38,927	0.06%	-0.80%
2008	39,086	0.41%	-0.40%
2009	39,654	1.45%	1.05%
2010	38,839	-2.06%	-1.03%
2011	40,677	4.73%	3.66%
2012	38,929	-4.30%	-0.80%
2013	39,406	1.23%	0.42%
2014	31,189	-20.85%	-20.52%
2015	31,842	2.09%	-18.86%
2016	32,051	0.66%	-18.32%
2017	34,086	6.35%	-13.14%
2018	35,122	3.04%	-10.50%
2019	35,309	0.53%	-10.02%

Table 17: Residential energy use: electricity

Year	GHG emissions (tons)	%change (year to year)	%change (relative to baseline)
2005	17,534		
2006	16,709	-4.71%	-4.71%
2007	22,626	35.41%	29.04%
2008	22,943	1.40%	30.85%
2009	20,789	-9.39%	18.56%
2010	15,895	-23.54%	-9.35%
2011	13,967	-12.13%	-20.34%
2012	15,690	12.34%	-10.52%
2013	14,875	-5.19%	-15.16%
2014	14,636	-1.61%	-16.53%
2015	14,817	1.24%	-15.50%
2016	14,434	-2.58%	-17.68%
2017	5,104	-64.64%	-70.89%
2018	3,837	-24.83%	-78.12%
2019	2,852	-25.67%	-83.74%

APPENDIX B: BUILDING ENERGY USE: DIRECT ACCESS

The current greenhouse emission calculation methodology shows direct access accounts to be the smallest contributor the building energy use category. In 2019, building energy use related emissions from direct access accounts was 10,501 tons (4.14 percent of the communitywide total). Figure 22 highlights changes direct access building energy use related emission 2005-2019:



Note, all PCE provided electricity (irrespective of account type) is tracked by PG&E as direct access energy. To avoid double counting, total electricity use reported by PCE is subtracted from PG&E direct access energy category. This process likely resulted in the abnormal (91.8 percent relative to baseline) emissions reduction in 2018.

The direct access energy category reflects electricity consumption reported by Pacific Gas & Electric (from 2005 inventory to current) and Peninsula Clean Energy (from 2017 inventory to current). As of 2019 emissions related to direct access energy use represent approximately 8.4 percent of building energy use related emissions.

Emissions related to electricity use are expected to continue decreasing as energy sources increasingly become carbon neutral or free.

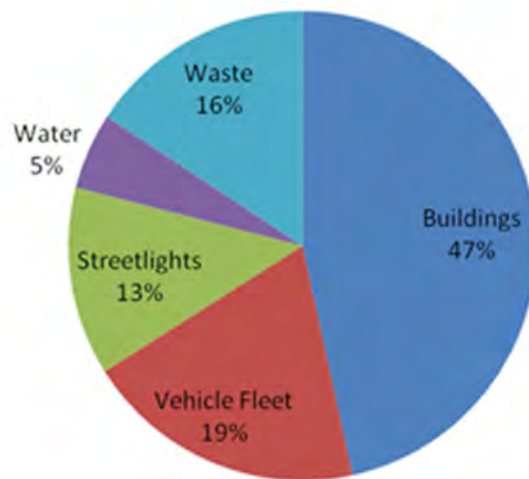
Table 18-Direct access energy related emissions 2005-2019. Note, all PCE provided electricity (irrespective of account type) is tracked by PG&E as direct access energy. To avoid double counting, total electricity use reported by PCE is subtracted from PG&E direct access energy category.

Table 18: Direct Access Energy			
Year	GHG emissions (tons)	% change (year to year)	%change (relative to baseline)
2005	12,575		
2006	11,971	-4.80%	-4.80%
2007	15,769	31.73%	25.40%
2008	14,283	-9.42%	13.58%
2009	11,428	-19.99%	-9.12%
2010	9,537	-16.55%	-24.16%
2011	15,073	58.05%	19.86%
2012	12,580	-16.54%	0.04%
2013	12,020	-4.45%	-4.41%
2014	12,092	0.60%	-3.84%
2015	11,716	-3.11%	-6.83%
2016	12,696	8.36%	0.96%
2017	3,218	-74.65%	-74.41%
2018	1,028	-68.05%	-91.83%
2019	10,501	10195.10%	-16.49%

APPENDIX C: PREVIOUS MUNICIPAL GREENHOUSE GAS INVENTORY

The following is the last published Municipal Greenhouse Gas Inventory (included as part of the 2015 Climate Action Plan update⁴²).

Municipal Operations Greenhouse Gas Emissions Inventory 2009 By Source (2,889 tons CO₂e)



Emissions from the City are embedded within the community-wide totals. Government operations are therefore a subset of total community emissions. In the year 2009, the City of Menlo Park's municipal operations generated 2,889 tons of CO₂e, which constitutes 0.004% of the community's total greenhouse gas emissions. This is a 25% increase compared to 2005 total emissions (2,305 tons).

Electricity and natural gas use in the City's buildings contributed to 47%, the vehicle fleet contributed 19% of this total, and the remainder of CO₂e came from streetlights, waste, and the electricity for pumping water and storm water.

Municipal Buildings - Electricity and natural gas use in the City's buildings contributed to 47% of CO₂e from municipal operations. This is up 14% compared to City buildings contributing 33% of CO₂e toward municipal operations in 2005. This increase can be attributed to a couple reasons; PG&E's greenhouse gas CO₂ emission rates for electricity increased from kWh x (0.489 lbs/kWh / 2,204.6 lbs/metric ton) in 2005 to kWh x (0.641 lbs/kWh / 2,204.6 lbs/metric ton) in 2009. The increase in emissions rates means that each kWh consumed in 2009 contributed approximately 31.1% more CO₂ than in 2005. Another reason for the increase in fuel and electricity consumption from municipal buildings is the construction of new buildings from 2005-2009.

⁴² Menlo Park Environmental Quality Commission staff report, August 26, 2015: menlopark.org/DocumentCenter/View/7879/B5---CAP?bidId=

Vehicle Fleet - In 2009, Menlo Park's municipal vehicle fleet is responsible for the second largest share of overall municipal emissions at 19%. Compared to 2005's 28.4%, this is a 9.4% reduction. Menlo Park's vehicle fleet consists of analyzing the fuel consumed by City vehicles and equipment, such as police vehicles, and the tractors used for landscaping

Streetlights - The energy consumed by the City's street lights accounted for 13% of municipal operations greenhouse gas emissions in 2009. This analysis included the energy consumed by streetlights, traffic signals, park lighting, decorative lights, and parking lot lights. Compared to 2005's 11.9%, this is a 1.1% increase. This increase can be attributed to the addition of more streetlights, including signal cameras added throughout the city in 2008.

Water/Sewage - The emissions resulting from the energy used to pump water and waste water remained the same at 5% in 2005 and 2009. This analysis excludes pumping and treatment of wastewater that is carried out by the West Bay Sanitary District (WBSD), East Palo Alto Sanitary District (EPASD), and the South Bayside System Authority (SBSA).

Waste - In 2009, the relative contribution of landfilled waste from municipal operations to greenhouse gas emissions is 16%. Compared to landfilled waste contributing 20.8% to municipal operations in 2005, there is a 4.8% decrease. This decrease can be attributed to the reduction of solid waste sent to the landfill from year to year.

UPDATED MEMORANDUM

Date: 5/11/2021
Revised 9/15/2021
From: Environmental Quality Commission
(Commissioner Gaillard, Kabat, and Chair Payne)
To: City Council
Re: Post-Crisis Implementation of the 2020 Climate Action Plan

Attached please find the EQC CAP Subcommittee's recommendations for implementation of the city's 2020 Climate Action Plan, following resolution of the city's COVID-related budget crisis. This memo has been revised to provide better context for our recommendations and updated to reflect current events.

Special note: City staff resources have not been appropriated to review/analyze the proposed recommendations at this time. The city council would review the Environmental Quality Commission's recommendations and provide further direction on next steps to city staff.

Implementing the 2020 Climate Action Plan

Introduction

In July of last year, Menlo Park set a net-zero carbon emissions target of 2030 and initiated a few unique initiatives to inspire action among other cities in an effort to magnify our climate preservation efforts. Those initiatives were presented as part of Menlo Park's Climate Action Plan (CAP), and outlined the first six core actions the city would take on the road to reaching its net-zero carbon emissions target. **These actions were never intended to encompass all activity on the CAP, but were merely the first in a yearly set of actions intended to be taken up by the city in order to achieve the goals approved in the CAP.** In fact, the CAP authors acknowledged that the first six actions proposed would only achieve 40% of the required emissions reductions:

"In fact, the plan only addresses 40% of the sought-after reductions. This simplified 6-action plan is significantly scaled back from the more comprehensive plans envisioned before COVID-19 struck, a compromise the CAP subcommittee felt was warranted, given the City's projected budget short-falls" (Menlo Park Climate Action Plan Adopted by City Council July 2020, p. 7).

When the CAP was approved in July 2020, the City Council authorized budget and resources to work on three of the six CAP goals above. This included CAP #1 (existing building electrification), CAP #3 (electric vehicle charging infrastructure), and CAP #5 (eliminating fossil fuel use from city operations). On April 6 2021, the City Council further refined the scope of work for implementation in 2021. It is important to note that CAP implementation for 2022 and beyond will be discussed during the annual CAP updates provided to the City Council every summer. Progress on each CAP goal should be discussed during the annual CAP update and additionally through quarterly reports regarding the City Council's work plan. The current slate of CAP Measures for 2021 includes the following:

1. Explore policy/program options to convert 95% of existing buildings to all-electric by 2030
2. Set citywide goal for increasing EVs and decreasing gasoline sales
3. Expand access to EV charging for multifamily and commercial properties
4. Reduce vehicle miles traveled (VMT) by 25% or an amount recommended by the Complete Streets Commission
5. Eliminate the use of fossil fuels from municipal operations
6. Develop a climate adaptation plan to protect the community from sea level rise and flooding

If fully implemented, the six core measures above would collectively reduce almost 100,000 tons of GHG per year, equal to roughly 40% of the carbon reductions needed to meet.

However, there is much work to do to complete these measures, as well as defining the next slate of measures to address the remaining 60% of reductions necessary and agreed to.

Because of the COVID-19 crisis, fast developing at that time, these first six actions were limited by uncertainty surrounding city resources. Now, one year later, we are thankful to be on our way out of, rather than into, the COVID-19 crisis and recommend that the city organize its CAP activities and resources in such a way to more fully address the entirety of the CAP. None of this should come as a surprise as it was clearly laid out in the approved CAP. The first six actions were intended to be begun and completed within the first year and to be followed by another fuller set of recommendations in July 2021 as described here:

“The Environmental Quality Commission expects the significantly truncated six-action plan presented above to be completed within one year and strongly advises City Council to revisit the original, more comprehensive plan in July 2021, so that as the economy improves, those actions can be reincorporated into the plan” (Menlo Park Climate Action Plan Adopted by City Council July 2020, p. 7).

The full set of actions considered by the CAP Subcommittee prior to COVID were listed in Appendix B of the Council -approved 2020 CAP and are attached to the end of this memo for reference. This memo recommends 6 high-level strategic goals for organizing resources effectively to implement the full 2020 CAP and includes our view of staffing requirements critical to successful execution of the CAP. Unfortunately, while COVID raged across the globe and our attention was focused there, the problem of climate change has continued its steady march of increasing destruction, marked by ever greater wildfires, devastating drought, deadly hurricanes, polar vortex events and the documented acceleration in melting of earth’s ice caps. The US recently reaffirmed its commitment to the Paris Climate Agreement, which sets a goal of keeping global temperatures under 2°C, preferably 1.5°C; **however, Menlo Park is currently not on track to lower emissions to hit either goal.** According to a study published in the respected scientific journal Nature, **we must retire all existing fossil fuel equipment at the end of its life in order to stay under 2°C.** If we wish to stay under the much preferred 1.5°C, **we must retire all existing fossil fuel equipment early, starting immediately.**¹

In August, the Intergovernmental Panel on Climate Change (IPCC) issued a stunning report that is directly relevant to Menlo Park’s CAP. It is the IPCC’s 6th Assessment on climate change and is described by United Nations Secretary-General Antonio Guterres in the following way:

“Today’s IPCC ... report is a code red for humanity. The alarm bells are deafening, and the evidence is irrefutable: greenhouse gas emissions from fossil fuel burning and deforestation are choking our planet and putting billions of people at immediate risk. Global heating is affecting every region on Earth, with many of the changes becoming irreversible.”

Thankfully, responding appropriately to the climate crisis will not upend our lives like the COVID-19 crisis did, if we listen now to the clear messages our scientists are giving us about what is required. However, we can not afford to delay. Every moment of delay exponentially increases the sacrifices or acceleration that will have to be made tomorrow. Had decisive action on climate been taken in the 1990s, when the United Nations Framework Convention on Climate Change and the Kyoto Protocol were first established, even less disruption to our lives would have been required now. If we wait another decade to take decisive action, a far greater disruption to our lives will be required and far more climate damage and suffering will be locked in for our offspring, who are now too young to make the needed policy moves we adults face.

We have examined the landscape that Menlo Park finds itself in today, on its way out of the COVID-19 crisis, and attempted to determine the most impactful actions our city can take in 2021 to begin to confront the climate crisis. Our city faces unique threats from climate change – many of our residents and businesses are located mere feet above sea level – but also possesses unique strengths that will serve us well in this fight. The major challenge we face involves our energy sources, pivoting from dirty fossil fuels to clean electric devices that provide the same or better services. Thankfully, our electricity from Peninsula Clean Energy is now 100% carbon free, making our path forward clear: by electrifying our infrastructure currently powered by fossil fuels, we will be powering it with 100% clean energy. The bold leadership that Menlo Park showed on building electrification with the passage of the Reach Codes in 2019 has already rippled to dozens of additional cities and has even influenced the State of California to

¹ “Committed Emissions from Existing Energy Infrastructure Jeopardize 1.5°C Climate Target,” Nature, July 2019, <https://www.nature.com/articles/s41586-019-1364-3>.

slightly accelerate the normalization of all-electric construction in the 2022 energy code. The sooner we act, the more impactful our leadership will be.

Menlo Park stands to benefit significantly from early action to reduce fossil fuel use and address the climate crisis, not just setting a great example for our neighbors but directly prospering from the actions. The [U.S. EPA asserts](#) that **near-term action to mitigate GHG emissions can significantly reduce and avoid impacts** such as extreme weather, heat, wildfires, and draught. Reducing our use of fossil fuels will dramatically improve our air quality. For example, transitioning from gas use to all-electric homes and buildings in California is estimated to reduce unhealthy smog and soot pollution, preventing 1,500 premature deaths and saving \$17 billion, [according to a recent Harvard School of Public study](#).

Addressing Some Recent Misunderstandings about the CAP

Now that the city's target of net zero carbon by 2030 has been official for nearly a year, we have heard overwhelming support from community members, and polling data shows that the vast majority of Americans want to see more local climate action. However, several concerns have emerged from a few community members about the actions that will be required to meet this goal and these are important to address. Before describing the actions we propose for 2021, we will briefly respond to some of the concerns raised.

1. Is this too expensive?

The truth is that the cost of inaction on climate change is far higher than the cost of acting. Building a seawall 10 feet high to protect Menlo Park from just three feet of sea level rise is estimated to cost \$100 million², and since a seawall two times higher requires four times as much material, twice as much land and extends much further up our once shallow creeks, the costs of a seawall to protect Menlo Park from the, at minimum, 20 feet of sea level rise it will experience at our current level of action will be far, far higher. Sea walls built this high also raise the risk of quake breach and catastrophe.

Next, we must compare the cost of combatting climate change to the costs we already face today combatting public health problems brought on by fossil fuel use. A recent study estimated that outdoor air pollution from natural gas appliances costs California \$3.5 billion a year³ (to say nothing of indoor air pollution, or outdoor pollution from gasoline-powered vehicles), while another study determined that use of a gas stove in a house is as detrimental to a child's health as secondhand tobacco smoke⁴.

The best way to keep climate-related costs down isn't inaction, or delayed action, but rapid action. Every furnace installed this year leads to enormous costs borne by all of us today and in the future: higher seas and the higher seawalls we will be forced to build; more asthma in our children; more COPD and bronchitis in our citizens. Ultimately a gas furnace will also cost the owner dearly, when the device must be torn out early due to the accelerating climate crisis and the increasingly drastic actions society will take in response. By installing a heat pump today instead of a furnace, or a heat pump water heater instead of a gas water heater, an induction

² [Public Draft Feasibility Report, SAFER Bay Project, Strategy to Advance Flood protection, Ecosystems and Recreation along San Francisco Bay, East Palo Alto and Menlo Park](#), October 2016, p. 37.

³ UCLA Fielding School of Public Health, "Effects of Residential Gas Appliances on Indoor and Outdoor Air Quality and Public Health in California," April 2020, <https://coeh.ph.ucla.edu/effects-residential-gas-appliances-indoor-and-outdoor-air-quality-and-public-health-california>

⁴ Kicking the Gas Habit: How Gas is Harming Our Health, <https://www.climatecouncil.org.au/wp-content/uploads/2021/05/Kicking-the-Gas-Habit-How-Gas-is-Harming-our-Health.pdf>.

stovetop instead of a gas range, an EV (or a bike) instead of a gasoline-powered car, we are paying a small premium today that will pay for itself many times over in avoided climate damage. Even oil companies tell us we should plan to spend \$200 per ton to remove the carbon we emit using their products today, making that gas furnace look more like a frivolous and deadly extravagance than like a prudent choice, when all costs are considered. The upfront cost to replace natural gas equipment with electric heat pump equipment is higher. However, incentives can greatly reduce the cost making it cost effective when using high efficiency equipment. Incentives are currently offered in Menlo Park for high efficiency heat pumps for residential space and water heating.

The bill impact for heat pump water heating is nominal with monthly bill increases in the first year (\$1) or in some cases no increases depending on a building's age. On average, there will be monthly savings between \$6 and \$8 over the life of heat pump water heaters due to changes in future energy prices. The bill impact for space heating is mixed depending on type of equipment used and age of the building. For high efficiency space heating equipment there are nominal bill increases in the first year between \$3 and \$6 per month, but over the life of the equipment there will be monthly bill savings between \$7 and \$18.

For space and water heating, using heat pumps are cost effective when considering time of use energy pricing and the societal costs of climate change for all types of buildings and heat pump equipment regardless of energy efficiency rating.

When heat pumps are combined with solar on buildings, it can yield even greater savings and protect against bill cost increases.

2. Can't we just use "carrots" (incentives) instead of "sticks" (ordinances)?

Three major electric providers around us (Peninsula Clean Energy, Silicon Valley Clean Energy and Palo Alto Utilities) have been offering large incentives for heat pump water heaters for about 6, 24 and 48 months respectively. They marketed incentives of \$1,500 to \$2,500 for heat pump water heater replacements of gas water heaters. They were able to attract voluntary participation equaling on average only 1% of the targeted water heaters, as estimated by the number of water heaters burning out during their program offering periods.

While it may feel tempting for Menlo Park leaders to follow in the footsteps of these energy providers, using all "carrots" and no "sticks", the collective experience of these neighboring agencies calls into question whether incentives are a significant motivator (compared to inertia) for those in our relatively affluent communities. It is possible that we simply cannot provide big enough carrots to motivate the changes we need to make on the timescale that is required. Ordinances prohibiting new fossil fuel devices are necessary if we want to meet the Paris Agreement commitments. While a voluntary incentive program might slowly transform the market over a 15-20 year timeframe, the climate crisis requires that we make this transition in a much shorter timeframe to keep global temperatures below 2°C (Paris limit, with a goal of 1.5°C). Incentives may play a role in some programs, but we urge decision-makers to focus our limited resources on aiding disadvantaged groups to help them transition to clean, safe appliances, and not squander precious resources on those who can already afford it.

3. Is the public ready?

The Paris Climate Agreement is supported by nearly 70% of American voters, and likely an even higher percentage of Menlo Park residents. The policies we are suggesting are merely

those necessary to fulfill the Paris Climate Agreement's goal of limiting global warming to 2°C.⁵ It is true that many residents may not realize the scale of action needed to meet that goal. The job of leaders is to lead the public, explaining clearly what is required and removing as many barriers as possible. As was done with COVID, leaders must listen to scientists and technical experts and translate that advice into policy, even when the public is not yet fully aware or informed of what policies are needed to avert disaster.

4. Should the city government stick to repairing potholes?

While several levels of government are involved in making sure that appliances are safe and efficient, the only entity that directly controls, through permits, what type of heating appliances are installed in your house is the city – not the county, not the state, not the federal government. The city has the means and the responsibility to only allow appliances in buildings that are safe, not only for the occupants, but for members of the community at large, and for the community's continued survival.

5. Can low-income families afford this?

Mirroring our response to “it's too expensive” above, the members of our community who struggle the most economically can even less afford inaction on climate change. Low-income residents disproportionately and unjustly suffer the greatest costs from climate change – both to their health and from climate disasters such as sea level rise – and they have the fewest resources to handle these crises. Recognizing that these residents also have the fewest resources to spend updating their appliances, we must design our policies with this in mind, making the best use of limited city resources to assist those most in need with making these transitions necessary for the survival of our city.

While it is true that some members of our community have raised concerns about climate action, we also see that there is broad agreement on several core issues:

- the need to take action on climate change
- the need to listen to scientists
- support for the goals of the Paris Climate Agreement
- and the responsibility of the city to protect its most vulnerable and disadvantaged residents.

After studying the science, assessing the economic feasibility of various options and weighing community readiness, we present what we believe is the most effective way for Menlo Park to meet the goals set forth in the Paris Climate Agreement, aimed at keeping global warming under 2°C, and in so doing, protecting our most vulnerable and disadvantaged residents.

This way forward started years ago, with the establishment of Peninsula Clean Energy (PCE) and the passage of the Reach Codes being two major milestones, and the city's 2020 Climate Action Plan building on those with its goal of achieving zero carbon by 2030. We now turn to the actions we believe would be most effective at propelling the city forward to a cleaner, safer future for all residents.

⁵ “Committed Emissions from Existing Energy Infrastructure Jeopardize 1.5°C Climate Target,” *Nature*, July 2019, <https://www.nature.com/articles/s41586-019-1364-3>.

High-Level CAP Goals & Proposed 2021 Priorities

Following are six high-level CAP goals that, if all accomplished, would achieve Menlo Park's established 2030 target of a **90% reduction in greenhouse gas (GHG) emissions and sequestration of the remaining 10%**, thus resulting in net-zero emissions by 2030. It is important to note that *the initial six core measures* of the CAP lay a strong foundation for achieving the CAP target, but much more needs to be done, not just in implementing the six core measures – a significant undertaking – but also in evaluating additional measures to continue progress.

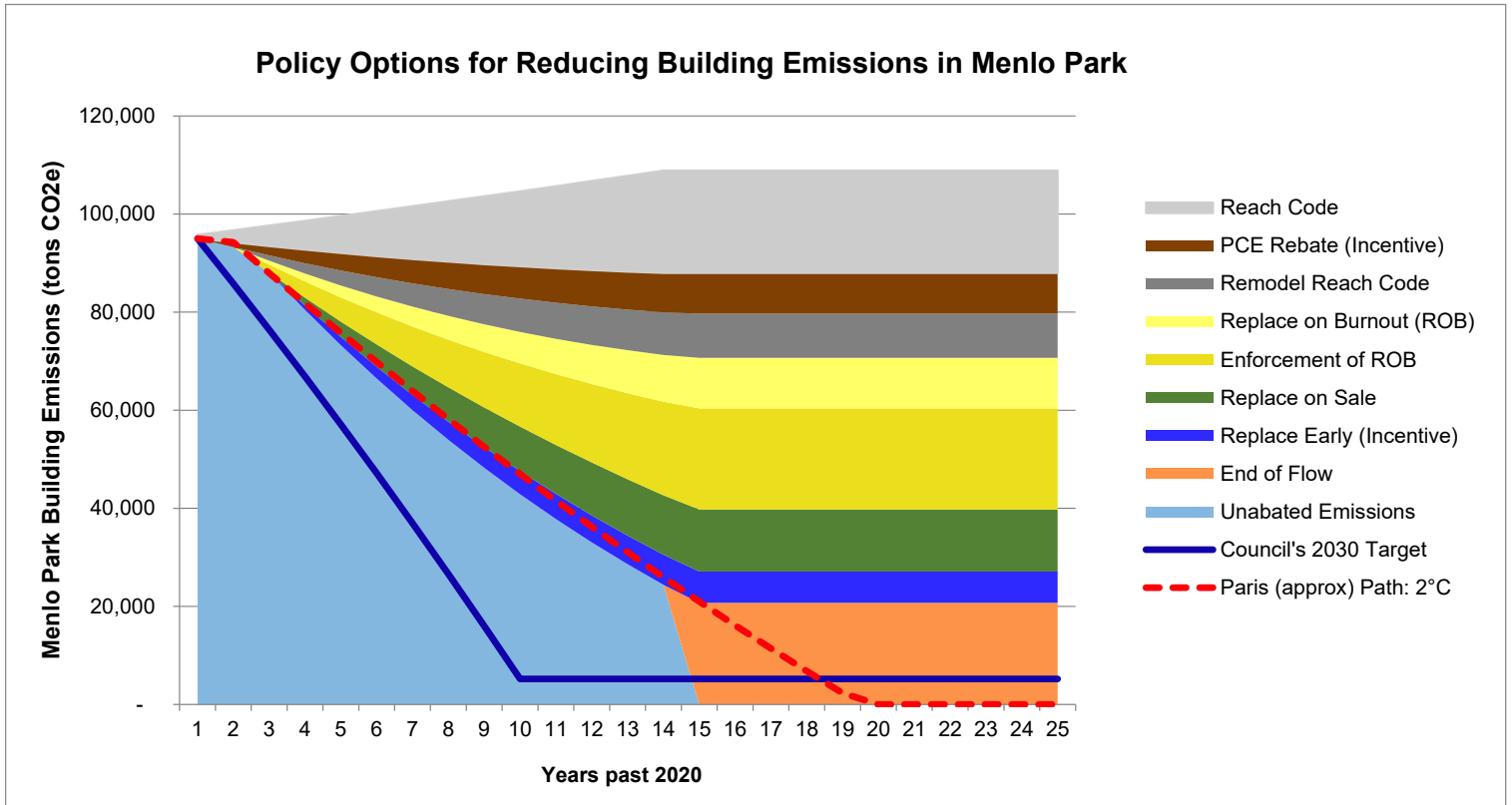
In order to accomplish an overall 90% reduction, we could achieve a 90% reduction in each of the sectors of emissions the city produces – the goals have been written in that format. Conversely, if a heavier lift is accomplished in one sector, a proportionately smaller lift is needed in others. Included underneath each goal are the proposed priorities for 2021 that would work toward that goal, along with graphs showing the potential impact of various policy options for the two biggest emissions categories: buildings and vehicles.

Goal #1: Reduce emissions from buildings by 90% by 2030

Note: this goal has overlap with two existing 2020 CAP goals – “Explore policy/program options to convert 95% of existing buildings to all-electric by 2030” and “Eliminate the use of fossil fuels from municipal operations”, as well as the Reach Codes passed in 2020. We recommend continuing with these core measures, “CAP #1” and “CAP #5”, as well as continuing implementation of the Reach Code. We recommend enhancing these current commitments, through the following improvements that will lead to greater efficacy and success of the measures.

Proposed 2021 Priorities:

- Conduct community outreach for CAP #1 policies
- Draft policies, i.e. Burnout Ordinance, and related code language
- Develop plan for enforcing CAP #1 policies
- Simplify permit application and process for electrification
- Create and begin implementing electrification plan for all municipal buildings



The EQC’s CAP subcommittee quantified the impact of various policy and program options in the graph. The graph shows that a combination of decisive policies will be required to meet the CAP and Paris targets. The chart also shows how a few years of delayed action can make the current targets exceedingly difficult to achieve.

Goal #2: Reduce emissions from vehicles by 90% by 2030

Note: this goal has overlap with four existing 2020 CAP goals – “Set citywide goals for increasing electric vehicles to 100% of new vehicles by 2025 and decreasing gasoline sales 10% a year from a 2018 baseline”, “Expand access to electric vehicle (EV) charging for multifamily and commercial properties”, “Reduce vehicle miles traveled (VMT) by 25% or an amount recommended by the Complete Streets Commission”, and “Eliminate the use of fossil fuels from municipal operations”. The city has two main levers for achieving this goal: electrifying transportation and reducing miles traveled, with the second lever including many possible options: bicycle/pedestrian infrastructure, public transportation, increasing housing near public transit and amenities, increasing amenities near housing, etc. We considered splitting this goal into separate goals, electrification and VMT reduction, but having them unified in a single goal provides opportunities to see how these strategies interact with one another.

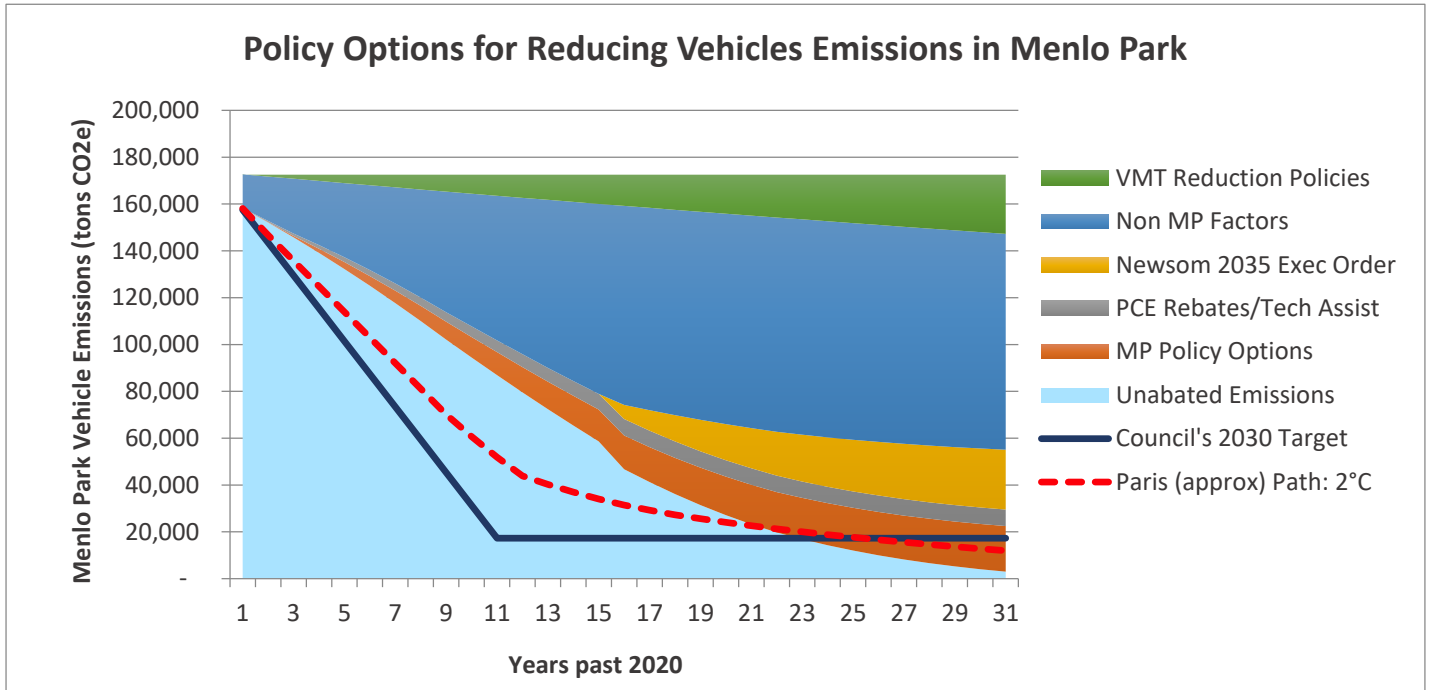
We recommend continuing with these core measures, “CAP #2,” “CAP #3” and “CAP #4”, and enhancing them through the following improvements that will lead to greater efficacy and success of the measures.

Proposed 2021 Priorities:

- Explore and implement policies/programs to increase employer-based EV charging
- Explore and implement policies/programs to increase EV charging at multi-family buildings

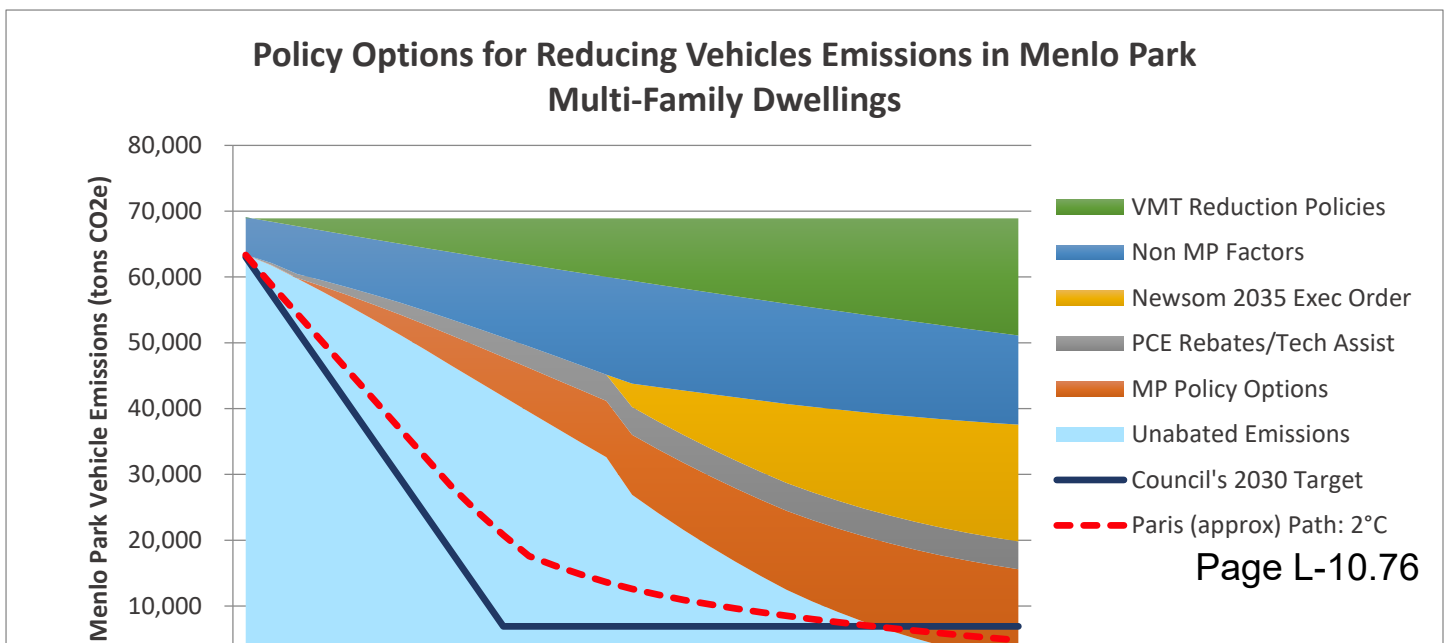
- Explore and implement policies to both concentrate, and increase the density of, development near transit in order to reduce VMT
- Explore other policies/programs to reduce gasoline sales and usage
- Implement the current municipal fleet vehicle electrification plan that was adopted by resolution in April 2020

Graph of impact of proposed 2021 priorities:



The graph above shows that market developments and other factors (depicted in dark blue above and not specific to Menlo Park), are projected to drive the bulk of vehicle conversions. However, the city does have an opportunity to adopt policies that support accelerated EV adoption and thereby increase our chances of achieving the Paris goals.

One notable finding was that city policies directed at vehicles owners (in orange) had a much higher impact among residents living in multi-family housing than among those living in single-family dwellings. In other words, the city can make a bigger impact on vehicle emissions by focusing on policies that support multi-family dwelling residents.



Goal #3: Reduce emissions from waste by 90% by 2030

Note: this goal has overlap with the community zero waste plan passed in 2017. This category accounts for roughly 3% of the total GHG inventory in Menlo Park. Therefore, staff and city resources should be allocated proportionally, recognizing the minor role that waste plays in achieving carbon neutrality.

Proposed 2021 Priorities:

- Continue implementation of the city's adopted Zero Waste Plan

Goal #4: Implement programs to sequester remaining emissions in 2030, equivalent to 10% of 2005 emissions

Note: this goal has potential overlap with goal 1, if emissions associated with construction are included in that goal, and goal 6, as building materials are a potential opportunity for negative emissions.

Proposed 2021 Priorities:

- Explore and implement policies/programs to sequester 35,000 tons/year of CO₂e by 2030

Goal #5: Develop climate adaptation plans to protect portions of Menlo Park that are threatened by climate change

Note: this goal has overlap with one existing 2020 CAP goal – “Develop a climate adaption plan to protect the community from sea level rise and flooding”. In addition to sea level rise, the city should also explore adaptations to defend against increased fire risk, drought and extreme heat. We recommend continuing with the core measure, “CAP #6,” and enhancing it through the following improvements that will lead to greater efficacy and success of the measures. .

Proposed 2021 Priorities:

- Develop plan for protecting community from sea level rise
- Develop plan for protecting community from drought, extreme heat and wildfires
- Develop plan for adapting urban forest to changing climate
- Propose a risk-limiting building moratorium or other policy to indemnify City against increased climate related damages on or near future developments on flood-prone property near the Bay, including release of any obligation to maintain critical infrastructure: roads, sewers, etc. for future developed at-risk properties.

Goal #6: Reduce emissions from construction 90% by 2030

Note: this goal addresses industrial emissions from construction materials such as concrete and steel, which are significant and not currently included in Menlo Park's GHG inventory because they occur outside of the city's boundaries

Proposed 2021 Priorities:

- Explore policies/programs requiring low embodied carbon building materials for new construction and remodels

Proposed Staffing Requirements to Achieve CAP Goals

Menlo Park's ability to achieve its climate goals will be determined in large measure by the creativity, skill and technical expertise of staff working on the problem. Climate change is somewhat unique among issues that cities typically face in its breadth, technical complexity, and urgency, requiring high levels of cross-functional collaboration across departments and even with other agencies. Fortunately Menlo Park is not alone in setting bold goals for climate action. Neighboring cities, Palo Alto and Mountain View, have done the same and may already be a few steps ahead of us in staffing these effort to match the scope and scale of the problem. As Menlo Park considers its staffing options, there may be a benefit in looking to these neighboring cities for lessons learned and guidance on how to staff appropriately.

Given both the climate-related technical expertise and the professional resource planning skills maintained by members of the EQC's CAP Subcommittee, it is possible that the subcommittee is uniquely positioned to identify staffing challenges and opportunities that could either threaten or enhance successful implementation of the city's CAP. In an effort to transfer as much knowledge as possible to key decision makers, the subcommittee has attempted to document its knowledge about key staffing requirements in the following staffing matrix, entitled "Staffing Requirements to Achieve CAP Goals." This is intended to assist the critical conversation between staff, community and council as to the best response to the unfolding climate emergency.

Staffing Requirements to Achieve CAP Goals

CAP Goal	Actions	#	Staff Skills Required	Skills Required															City Department													
				Policy	Legal	Engineering	Building Science	Building Codes	Energy Analytics	Urban Planning	Finance/Agriculture	Economics	Climate Damage Analysis	Public Relations	Marketing	Stakeholder Engagement	Organizational Design	Process Improvement	Information Technology	Dept	Sustainability	Legal	Public Works	Planning	Public Engagement	Information Technology	Skills Gaps	2020-21	2021-22	Beyond 2022	CAP Goal #	
#1 Reduce emissions from buildings by 90% by 2030	Research and analyze CAP #1 policy options	1	Policy, engineering, building science, quantitative analysis, finance	x	x	x		x		x										Sustainability	x						Engineering, building science, quantitative analysis, finance	x			1	
	Analyze cost effectiveness of CAP #1 policies	2	Finance, economics, energy analytics, building science, climate damage analysis	x		x	x		x		x	x		x						Sustainability	x						Finance, economics, energy analytics, building science, climate damage analysis	x			1	
	Analyze legal implications of policies	3	Legal, policy	x	x			x												Legal		x						x			1	
	Conduct community outreach for CAP #1 policies	4	Public relations, marketing, market analysis, stakeholder engagement, engineering, finance			x					x			x	x	x				Public Engagement, Sustainability	x			x			Engineering, finance, market analysis		x		1	
	Draft policies and related code language	5	Legal, policy, code enforcement, engineering, finance	x	x	x		x			x									Legal, Planning (Building Dept), Sustainability	x	x		x					x		1	
	Develop plan for enforcing CAP #1 policies	6	Organizational design, change management, building codes expertise					x							x		x			Planning (Building Dept), Sustainability	x			x			Organizational design, change management		x		1	
	Simplify permit application and process for electrification	7	Process improvement, change management, information technology (Accela system design), building codes expertise						x							x	x	x		Planning (Building Dept), Information Technology, Sustainability	x			x		x	Process improvement, change management		x		1	
	Create and implement electrification plan for all municipal buildings	8	Engineering, finance, building science, energy analytics			x	x	x	x		x			x	x					Public Works, Sustainability	x		x				Energy analytics, climate damage analysis, economics		x		1	
#2 Reduce emissions from vehicles by 90% by 2030	Explore and implement policies/programs to increase employer-based EV charging	9	Policy, legal, engineering, urban planning, energy analytics, finance, stakeholder engagement	x	x	x			x	x	x								x	Sustainability, Planning, Legal, Public Engagement	x	x		x	x		Engineering, energy analytics, finance		x		2	
	Explore and implement policies/programs to increase EV charging at multi-family buildings	10	Policy, legal, engineering, urban planning, energy analytics, finance, stakeholder engagement	x	x	x			x	x	x								x	Sustainability, Planning, Legal, Public Engagement	x	x		x	x		Engineering, energy analytics, finance		x		2	
	Develop clear network of protected pedestrian/bike paths throughout town in order to reduce VMT	11	Engineering, urban planning, stakeholder engagement																x	Sustainability, Planning (Transportation), Public Works, Public Engagement	x		x	x	x		Multi-modal transportation engineer			x		2
	Explore and implement policies to both concentrate, and increase the density of, development near transit in order to reduce VMT	12	Engineering, urban planning, stakeholder engagement	x	x														x	Sustainability, Legal, Planning (Transportation), Public Engagement	x	x		x	x				x		2	

Staffing Requirements to Achieve CAP Goals

CAP Goal	Actions	#	Staff Skills Required	Skills Required														City Department												
				Policy	Legal	Engineering	Building Science	Building Codes	Energy Analytics	Urban Planning	Finance	Economics	Aboriculture	Climate Damage Analysis	Public Relations	Marketing	Stakeholder Engagement	Organizational Design	Process Improvement	Information Technology	Dept	Sustainability	Legal	Public Works	Planning	Public Engagement	Information Technology	Skills Gaps	2020-21	2021-22
	Explore and implement policies/programs to sequester carbon in building materials, such as concrete	24	Policy, legal, engineering, building science, building codes, climate damage analysis, finance, stakeholder engagement, public relations, marketing, information technology	x	x	x		x						x	x	x		x	Sustainability, Legal, Planning, Public Engagement, Information Technology	x	x		x	x	x	Engineering, Finance			x	4
#5 Develop adaptation plans to protect people and property threatened by climate collapse	Develop plan for protecting community from sea level rise	25	Policy, legal, engineering, building codes, urban planning, climate damage analysis, stakeholder engagement	x	x	x		x								x		Sustainability, Legal, Planning Public Works, Public Engagement	x	x	x	x	x		Engineering, climate damage analysis			x	5	
	Develop plan for protecting community from drought, extreme heat and wildfires	26	Policy, legal, engineering, building codes, urban planning, climate damage analysis, stakeholder engagement	x	x	x		x								x		Sustainability, Legal, Planning Public Works, Public Engagement	x	x	x	x	x		Engineering, climate damage analysis			x	5	
	Develop plan for adapting urban forest to changing climate	27	Aboriculture, urban planning, climate damage analysis, hydrology, stakeholder engagement														x		Public Works, Public Engagement				x	x	x	Climate damage analysis			x	5
	Propose building moratorium or other policy to indemnify City against climate related damages on or near flood-prone property being developed on the Bay, inc. release of any obligation to maintain critical infrastructure: roads, sewers, etc.	28	Climate damage analysis, legal, engineering, urban planning, stakeholder engagement, policy	x	x	x											x		Planning, Legal, Public Engagement, Public Works, Finance			x	x	x	x	Engineering, climate damage analysis			x	5
#6 Substantially reduce emissions from construction by 2030	Explore policies/programs requiring low embodied carbon building materials for new construction and remodels	29	Policy, legal, engineering, building science, building codes, energy analytics, finance, climate damage analysis, marketing, stakeholder engagement, process improvement	x	x	x	x	x	x								x		Sustainability, Legal, Planning, Public Engagement, Information Technology	x	x	x	x	x	x	Engineering, building science, energy analytics, finance, climate damage analysis			x	6
	Explore policies/programs requiring zero emissions construction equipment for new construction and remodels	30	Policy, legal, engineering, building codes, finance, climate damage analysis, marketing, stakeholder engagement	x	x	x	x									x		Sustainability, Legal, Planning, Public Engagement	x	x	x	x	x		Engineering, building science, finance, climate damage analysis				x	6
Totals				21	18	23	5	9	8	8	21	1	11	3	4	20	2	1	4	27	17	12	17	20	3	3	16	11		



MEMORANDUM

Date: 9/6/2021
To: City Council
From: City Manager's Office: Sustainability Division
Re: 2030 CAP reporting metrics challenges and modifications

Background

The 2030 Climate Action Plan (CAP) suggests the addition of nine progress metrics to communicate local action. However, while compiling the necessary data to report these metrics, some challenges were identified and require modification to accurately capture current conditions and provide information on the progress of the six adopted CAP goals.

The following review summarizes the challenges for each metric, and identifies metrics that are best suited for annual report purposes. As a result it is recommended that two out of the nine metrics in the 2030 CAP continue to be used for the annual report along with the recommended replacement metrics.

Metrics No.1 and No.2: Number of gas hot water heaters and furnaces citywide that are replaced with electric versions.

Although a building permit is required when changing out a gas water heater and space heating equipment, the building division estimates the rate of compliance is 10% of total replacements that occur in the community. This means an overwhelming majority of replacements are not captured in permit data, and would not accurately reflect the trends experienced in the community.

Furthermore, the total number of units in service are unknown so total permit applications cannot be related to changes in the total community share and it is difficult to determine increase/decreases in emissions related to natural gas consumption.

This type of metric would be better suited for specific policy and program analysis. It would be more accurate and reliable to track participation in gas to electric incentive programs through BayREN and/or Peninsula Clean Energy (PCE).

Metric No. 3: Number of utility natural gas accounts terminated.

Staff was unable to include this metric in the 2020 CAP progress report because data was not obtainable. Pacific Gas and Electric Company (PG&E) does not track the removal/installation of gas meters. PG&E also expressed concern for customer privacy when discussing how this data may be obtained.

The City already collects therm data for greenhouse gas inventory to calculate related building energy use emissions. Total therms reported by PG&E accurately reflect the natural gas consumed by the community, and any related changes such as gas to electric conversions occurring. This data is very easy to obtain and readily available, through simple and well-established request process.

Metric No. 4: Total new light-duty vehicles registered that are fossil fuel (gasoline/diesel) vs. electric.

Data for this metric is difficult to obtain. While new zero emissions vehicles (battery electric, plug-in hybrid, and hydrogen) sales data set¹ is readily available, total new vehicle sales/registrations (including fossil fuel vehicles, new community members, and used car sales) is not publicly available.

This data point is only available by special request from the California Department of Motor Vehicles (DMV) through the California Energy Commission (CEC). The CEC receives quarterly reports which include more detail than publicly available data sets.

Also, while reductions in transportation emissions can be inferred from increased electrification of total community fleet, reporting changes in new vehicle sales/registrations may misrepresent changes in the total community fleet. Note, as of 2020, EVs represent less than 7 percent of the total community fleet.

Metric No. 5: Number of total light-duty vehicles registered that are fossil fuel (gasoline) vs. electric

This metric will continue to be included in annual reporting. A data set describing total vehicle population by zip code is regularly published by the CEC which receives quarterly reports from the DMV. Tracking changes in overall fleet population (increases in total EVs in the community) will accurately capture corresponding changes in transportation emissions.

Metric No. 6: Gallons of fossil fuel (gasoline/diesel) sold in Menlo Park

This metric will continue to be included in annual reporting. Gallons of fossil fuel (gasoline/diesel) can be estimated from annual sales revenue reported to the state or is reported to CEC annually. This metric is also used to estimate transportation related emissions.

Metric No. 7: Percentage of municipal assets converted from gas or diesel to electric

Staff was unable to include this metric in the 2020 CAP progress report because data was not obtainable. The City does not currently have a comprehensive inventory of all municipal assets therefore it cannot calculate a percent converted. Furthermore, even if an inventory were available, percentage of assets converted does not necessarily

¹ California Energy Commission (2021). California Energy Commission Zero Emission Vehicle and Infrastructure Statistics. Data last updated 7-30-2021. Retrieved 9-27-21 from energy.ca.gov/zevstats

reflect reduction in fossil fuel (gasoline/diesel) consumption and related emissions.

Note, it is unclear how the 2030 CAP defines “asset.” When requesting information for this metric, staff has defined an asset as city owned property or equipment with a purchase price/value of \$5,000 or greater.

The City has and will continue to perform GHG inventories annually for municipal operations. Staff has established data sources, methodology, and request processes.

The annual report of municipal emissions allows the city to evaluate its reductions holistically and capture any divisions/department efforts to reduce emissions (not limited to fossil fuel consumption). Note, in future reporting, emissions related to natural gas consumption will be reported by building/facility (individual meters allowing).

Metric No. 8: Vehicle miles traveled (VMT), including trips inbound, outbound, and within the City.

This metric may be appropriate to revisit after city VMT calculation methodology has been established.

Unfortunately, there is no way to directly track all VMT in Menlo Park. Although Google Environmental Insights Explorer (EIE)² publishes an estimate annually. Google conditions proprietary application data and *regional* assumptions to provide a refined, synthesized estimate; no data set is publicly available. Also, Google has only been providing these estimates from 2018 to date.

Note, VMT is used to calculate transportation related greenhouse gas emissions. However, the City currently uses California Department of Transportation Highway Performance Monitoring System data to estimate VMT (different calculation methodology).

Transportation Master Plan (2020) includes *reduced VMT* as a performance metric. The VMT calculation methodology and reporting frequency is likely to be determined by the Complete Streets Commission in its 2022-23 workplan. This methodology may produce estimates which differ from those provided by Google EIE.

Once the city methodology is established, staff recommends updating GHG inventories to have consistent VMT calculation in all performance reporting. Note, data set will dictate reporting interval.

Data from established programs (such as Safe Routes to School, city shuttle program, etc.) is readily available and data for newly adopted measures (such as the Transportation Demand Management Ordinance) will be available once reporting requirements have been established.

In addition to reflecting transportation related emissions reductions, reporting mode

² Google EIE: insights.sustainability.google/places/ChIJ_4ByEbGmj4ARq4nyXY6Zv-s

share also more clearly communicates local/city ability to influence behavior/community dependence on personal vehicle travel.

Miles of improvement or installation of multi-modal infrastructure. Multi-modal infrastructure includes bike lanes, sidewalks, transit only lane, pedestrian only zones, etc. will be included in annual reporting.

Sustainability staff is coordinating with Transportation staff to establish this metric. Staff will use geographic information system software to create a map of multi-modal infrastructure and city managed roadways.

In addition to reflecting transportation related emissions reductions, reporting changes in multi-modal infrastructure also more clearly communicates local/city ability to influence behavior/community dependence on personal vehicle travel. Note, current focus of city managed multi-modal infrastructure is bike lane and sidewalk improvement/expansion.

Metric No. 9: Number of cities that query and/or copy Menlo Park's climate policies and programs.

Staff was unable to include this metric in the 2020 CAP progress report because data was not obtainable.

There is no accurate way to track or record these queries and/or incidents, especially if policies and/or programs are templated from published reports which are readily available to the public.

Memo

Date: August 18, 2021
To: Environmental Quality Commission
From: EQC Climate Action Plan Subcommittee
 (Commissioner Gaillard, Kabat, and Chair Payne)
Subject: Recommendation on CAP tracking metrics

The CAP sub committee discussed the merits of different tracking systems for helping staff, council and community see if we are rising quickly enough to meet the climate emergency in line with the aggressive goals of the city's adopted CAP.

Recommendations

The subcommittee recommends the commission vote to advise council on these items:

- 1) Ensure processes are in place to support frequent and automated reporting of all CAP metrics related to vehicle and infrastructure appliance commitments. (vehicle registrations and building permits)
- 2) In light of the council declared Climate Emergency, suggest frequent updates from staff and discussions with staff to enable new and streamlined methods to bring policies to council for addressing the need to get in front of the climate problem.

Special note: City staff resources have not been appropriated to review/analyze the proposed recommendations at this time. The city council would review the Environmental Quality Commission's recommendations and provide further direction on next steps to city staff.

Background and rationale

The subcommittee recommends freeing up time and effort by decreasing the frequency of reporting of slow moving non-actionable metrics like calculated community wide emissions (tons of CO₂e) to a cycle of approximately every three or four years. Alternatively, the city may farm it out to RICAPS (Regional Integrated Climate Action Planning Suite) to have a single entity easily assemble the utility and gasoline and regional miles data for several cities at once if more frequent reporting is needed.

The subcommittee recommends that the city put automated systems in place to collect more actionable data that reveals two types of things:

- 1) What fossil-fueled or electric devices are residential and non-residential buildings installing? What vehicle types are they registering? This addresses how quickly and in what sectors our community is installing the electric solutions vs. continuing to install the fossil fired problems.
- 2) How quickly and effectively are city processes working to take actions to respond to the council declared Climate Emergency? This addresses how quickly and effectively are we developing and implementing policy and programs to achieve installation of the solutions such as building electrification and vehicle electrification.

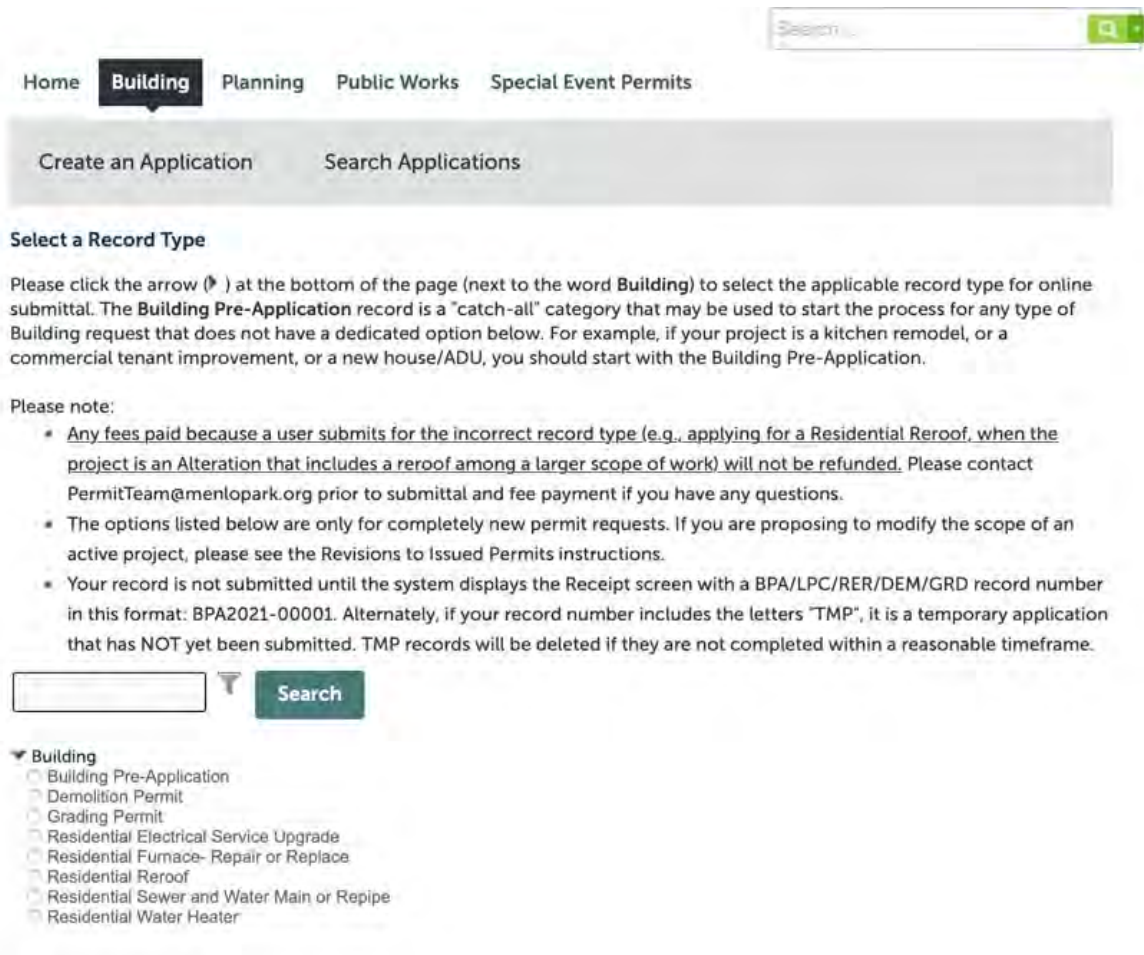
The EQC may also want to recommend that staff report on the calendar time and work hours spent on implementing policy changes so management and council can discuss if there is a need to find faster methods to make progress during the growing climate emergency.

Requested Changes to tracking forms

With regards to tracking the permitted installation of new and replacement equipment that directly reflects progress on the CAP, the

subcommittee recommends staff modify the following forms to collect and report the data needed.

Below are example screenshots from the current Menlo Park online building permit application forms and suggested changes to them to gather and report pertinent information about community uptake of electrification devices or continued installation of gas fired devices.



To this form we recommend adding a wiring permit type:

- Residential Wiring for Electrification

(discussed in more detail on page 5)

The “Furnace Repair or Replace” item can be replaced by a more general item addressing cooling as well since we recommend moving from furnaces to two-way heat pumps that both heat and cool.

- o Residential Space Heating and/or Cooling

The screenshot shows a web browser window with the URL `aca-prod.accela.com`. The page title is "Residential Furnace- Repair or Replace". A progress bar at the top indicates the current step is "3 Project Details", with other steps being "1 Location", "2 Contacts", "4 Documents", "5 Review", "6", and "7". Below the progress bar, the heading "Step 3: Project Details > Details" is displayed. A note states "* indicates a required field." The main section is titled "Application Specific Information" and is divided into a "GENERAL" section. This section contains three required fields: "* Furnace Type:" with a dropdown menu showing "FAU: Res Install up to 10*", "* Repair or Replace:" with a dropdown menu showing "Replace", and "* Valuation:" with a text input field containing "3000" and the label "dollars". At the bottom of the form, there are two buttons: "Continue Application »" and "Save and resume later". The footer of the page reads "City of Menlo Park".

In place of asking about Furnaces (since we no longer encourage them) it can lead to a page that says:

“The city encourages the use of efficient two-way heat pumps instead of separate machines for heating and cooling.

- Heating Type.

--Select—

- Heat Pump (electric) (preferred alternative)
- Electric resistance
- Gas fired furnace Central Forced Air
- Gas fired furnace Wall type or floor type

- Cooling type.

--Select—

- Heat Pump (electric) (preferred alternative)
- Mini split heat pump (preferred alternative)
- Packaged Heat Pump through the wall
- Packaged cooling through the wall
- One way A/C coil on central gas furnace

The button (from the first form) that asked if they were seeking a permit for:

- Residential Wiring for Electrification

Could lead to a page with these choices:

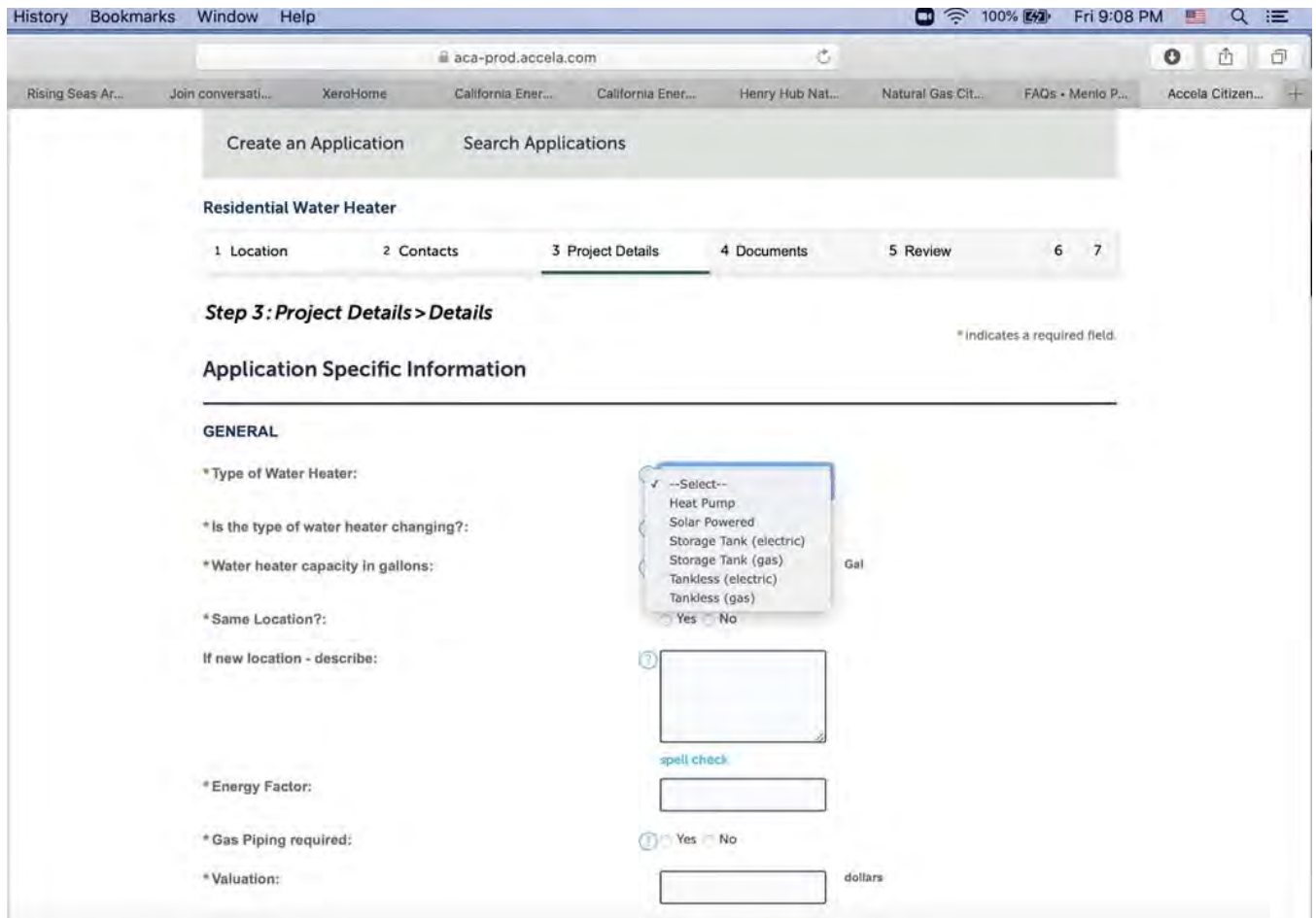
- Are you prewiring now to make it easy for other electric devices to be included in future projects?

--Select all that apply—

- Pre-wiring now (preferred alternative)
- For Future Heat Pump Water Heater
- For Future Induction cooking

- For future electric clothes drying
- For Future Heat Pump heat and cooling
- For Future EV charging

The water heating page could be changed as follows:



The “Select” box in the center could be revamped to show this....



--Select--

Heat Pump (electric) (preferred alternative)

Solar Thermal Preheat

Storage Tank (electric resistance)

Tankless (electric resistance)

Storage Tank (gas fired)

Tankless (gas fired) (hardest to decarbonize)

Water heater storage capacity in gallons stored

Other climate impacting projects applicants may be pursuing can be recorded by a box like this one:

--Select--

- Cooking (electric) (preferred alternative)
- Cooking (gas)
- Clothes Dryer (electric) (preferred)
- Clothes Dryer (gas)
- Fireplace (electric) (preferred alternative)
- Fireplace (gas)
- Pool Heating (elec. heat pump) (preferred)
- Pool Heating (solar) (preferred)
- Pool Heating (gas)

Many of the projects on these pages are applicable to non-residential projects also.

Perhaps it makes sense to remove the word “Residential” from the items and have the items occur on both **residential pages** and **non-residential pages**.

EV Charging Questions

The subcommittee recommends adding “EV Chargers installed” to the list of CAP metrics tracked and present the figure to EQC quarterly broken out by building type (which is already captured in Accela):

- - Single-family
- - Multi-family
- - Commercial public charger or employee charger
- - Retail public charger or employee charger
- - Municipal public charger or employee charger
- - Other public charger or employee charger

The term “EV Chargers” may need to be clarified as EV Charger connector ports (or connection cords to vehicles) as some modern EV charging equipment can serve multiple EVs from multiple connection cords coming from a single “charger”.

The subcommittee recommends that the full commission be provided with the automated reports from this tracking system on a monthly basis and that a regular agenda item be sharing the results with the commission.

Reporting on Vehicle Types Registered in Menlo Park

In addition to the stationary equipment data, the subcommittee suggests that staff use this CEC data presented here for tracking the total

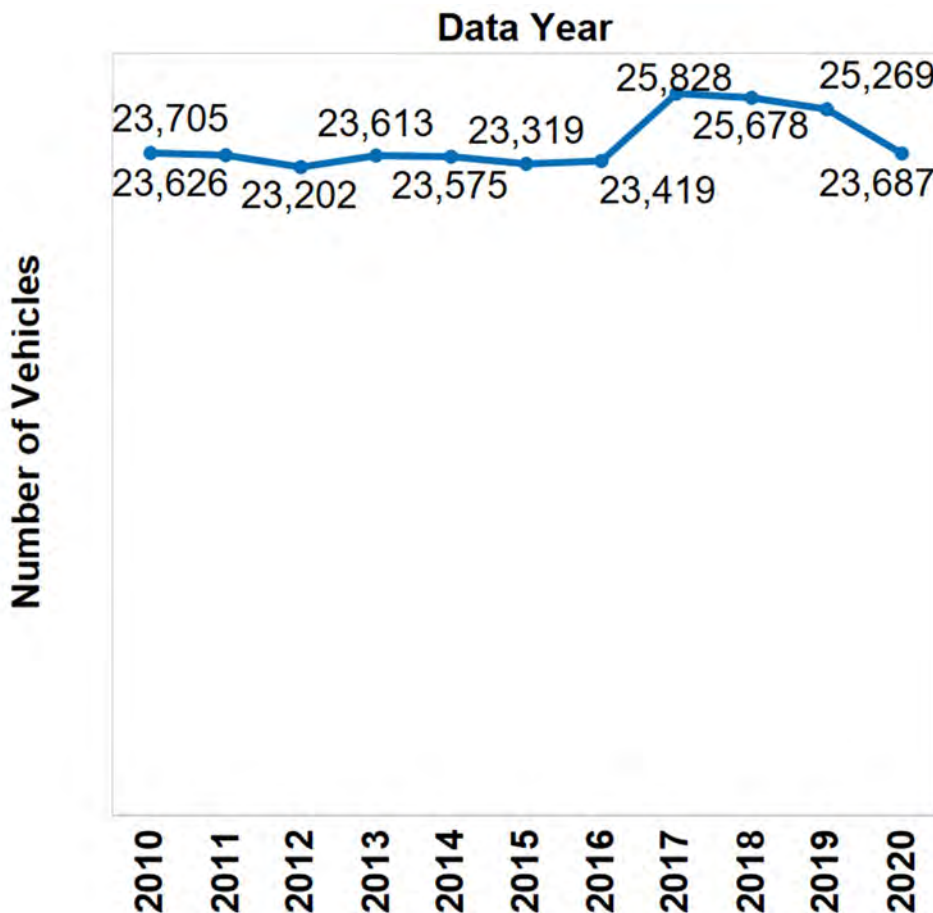
number of vehicle registrations in Menlo Park for gasoline cars, hybrid cars, battery electric cars etc. : <https://www.energy.ca.gov/data-reports/energy-insights/zero-emission-vehicle-and-charger-statistics>

This state provided detailed report makes it easily track new registrations of EVs and the percentage of total registered vehicle fleet that is EV. This report can be generated in a few minutes for the 94025 zip code and it is updated frequently with the recent update being April 30 2021.

For instance, it shows that gasoline-fueled car registrations are starting to decline in Menlo Park.

Gasoline make up **79.192%** of the total ZEV and Non-ZEV count

23,687 gasoline vehicles are on the road as of the end of **2020**



Below is an alternative showing a one-page version of a tracking form that collects information and shows builders what types of equipment is in line with the direction of Menlo Park’s Climate Action Plan.

Menlo Park... Building with Climate in Mind

“Menlo Park has committed to eliminating its carbon emissions to avert climate change and the disastrous impacts climate change will have on our city. This goal is only possible if we eliminate the use of fossil fuels, including natural gas for appliances, all of which can be replaced with high-efficiency electric alternatives. Since the city gets 100% of its electricity from renewable sources, this eliminates carbon emissions from these appliances. Does your proposed project involve the addition or replacement of any of the following appliances, and if so, will the new appliances be electric or gas?”

Regarding your project applying for these permit(s), please **circle** the applicable answers in the *Existing Equipment column* and one of the *shaded columns*:

Energy Type used for each category in permit project	Existing Equipment <i>Circle what’s been in place</i>	Climate Prefers Electric! <i>Circle if you’re installing Electric Device</i>	<i>Circle if you’re retaining unsustainable old equipment</i>	<i>Circle if you’re installing unsustainable new equipment</i>
Heating	Elec Gas None	Heat Pump	Gas	Gas
Air Conditioning (A/C)	Heat Pump A/C None	2-way Heat Pump	One-way A/C	One-way A/C
Water Heating	Elec Gas None	Heat Pump	Gas	Gas
Cooking	Elec Gas None	Electric	Gas	Gas
Clothes drying	Elec Gas None	Electric	Gas	Gas

Pool heating or spa heating	Elec Gas None	Electric or solar	Gas	Gas
	Elec Gas None	Electric or solar	Gas	Gas
Fireplace	Elec Gas Wood None	Electric	Gas	Gas
Electric Car Charging	110V 220V None	110V 220V		

Note: Installing gas-fired equipment (even installing one way air conditioners instead of heat pumps for cooling) may be uneconomic due to the possible limited future of methane in our area. New gas fired equipment may need to be removed before the end of its planned life. Retrofitting is proving to be more costly than going electric from the start with a planned project.



PLEASE NOTE

- The Environmental Quality Commission received the following informational presentation on September 22, 2021
- **Blue text** reflects Environmental Quality Commission recommendations



MODIFICATION OF 2030 CAP PROGRESS REPORTING METHODOLOGY AND CLARIFICATION OF GOALS

Rebecca Lucky, Sustainability Manager

Candise Almendral, MuniPC Sustainability

BACKGROUND

- Environmental Quality Commission reviewed draft progress report in July
- Staff proposed to return with recommendations on improving reporting methodology for future reports based on first year reporting experience
- EQC deferred to the climate action plan subcommittee consisting of Commissioner Gaillard, Kabat, and Chair Payne to provide feedback



CHALLENGES AND OPPORTUNITIES IDENTIFIED



- Some metrics identified in the CAP were challenging to obtain or not well suited for annual reporting at this time
- Challenges in aligning metrics with progress on the six adopted CAP goals
- Need for clarity on the goals as it relates to current and future work
- Better alignment with showing progress at a local/city level for the six adopted CAP goals
- Helped to understand opportunities and constraints through department/division narratives
- Helped to identify potential areas where additional resources and support is needed (e.g., CAP No.5 and No.6)

CRITERIA FOR PROGRESS REPORTING

- Capture progress in the form of emissions reduced/increased as it relates to achieving carbon neutrality goal
- Accurate, easy to obtain, publically available, and can be done on an annual basis
- Ability to communicate at a high level the current state at the local level while also providing context on progress constraints or opportunities
- Incorporation of 2030 Climate Action Plan metrics to the greatest extent possible

MODIFICATIONS AND CLARIFICATIONS

- Strategy (change to action for all strategies) no. 1 (existing buildings electrification):
 - Total therms of natural gas consumed in Menlo Park
 - Include CAP metrics 1-3
 - Metric No. 1: Number of gas hot water heaters citywide that are replaced with electric versions
 - Metric No. 2: Number of gas furnaces citywide that are replaced with electric versions
 - Metric No. 3: Number of utility natural gas accounts terminated
 - Report out on any special programs or polices implemented by the city and/or its partners (education and outreach, permit streamlining, etc.)

- Strategy no. 2 (increase electric vehicles and decrease gasoline sales)
 - Reframe goal with the intent to drive/capture increases in the total community fleet- (only change to “achieve” rather than “set” and if council decides to set a goal for total vehicles instead of new then 100% should be achieved by no later than 2030)
 - Total light-duty vehicles registered that are fossil fuel (gasoline/diesel) vs. electric
 - Include CAP metrics 4 and 5
 - Metric No. 4: Number of new cars registered that are gas vs. EV
 - Metric No. 5: Number of total cars registered that are gas vs. EV
 - Gallons of fossil fuel (gasoline/diesel) sold in Menlo Park
 - Report out on any related programs and policies implemented by the city and/or its partners such as the Beyond Gas Initiative

MODIFICATIONS AND CLARIFICATIONS CONT.

- Strategy no. 3 (expand access to electric vehicle (EV) charging):
 - Total available electric vehicle charging stations/spaces accessible to multifamily and commercial properties
 - Report out on any related programs and policies implemented by the city and/or its partners such as Peninsula Clean Energy incentive programs

- Strategy no. 4 (reduce vehicle miles traveled):
 - ~~Reframe the goal with the intent to expand and enhance multimodal opportunities and infrastructure to reduce community dependence/reliance on personal vehicle travel (do not change)~~
 - Mode share (methods of travel used by community)
 - Revert to CAP metric No.8
 - Metric No. 8: Vehicle miles traveled, including trips inbound, outbound and within the City
 - Miles of multimodal infrastructure improved and/or installed
 - Report out on any related programs and policies implemented by the city and/or its partners

MODIFICATIONS AND CLARIFICATIONS CONT.

- Strategy no. 5 (eliminate the use of fossil fuels from municipal operations):
 - GHG inventory
 - Total therms of natural gas consumed to be reported by municipal building/facility
 - Report out on any related programs and policies implemented by the city
 - **Tracking conversions of fossil fuel equipment to electric and also tracking any new fossil fuel equipment**

- Strategy no. 6 (climate adaption):
 - Reframe the goal with the intent to address climate resiliency beyond sea level rise
 - Report out on any related programs and policies implemented by the city and/or its partners, such as:
 - Adoption and implementation of Local Hazard Mitigation Plan (LHMP)
 - Adoption and implementation of Safety and Environmental Justice (General Plan) Element
 - SAFER Bay construction implementation progress/status
 - Partnerships with other agencies to complete flood protection and ecosystem restoration projects along the bay shoreline to comply with new construction building reach codes.



GREENHOUSE GAS INVENTORY



- Both the communitywide and municipal greenhouse gas inventories to be updated annually
- Municipal inventory provides holistic review of all operations related emissions
 - Can capture all department/division programs to reduce emissions (waste reduction, employee commuter programs, remote work policy, etc.) that may not be captured in fossil fuel consumption
- Due to the impact of external factors to tracking communitywide GHG emissions year-to-year, emissions will be considered on a rolling average (e.g., the most recent three reporting years)

NEXT STEPS

- Informational item to City Council to present final progress report and inform the city council on reporting methodology and goal clarification going forward
- These modifications and clarifications would be incorporated when the City Council directs a formal review/update or amendment to the CAP goals or annual scope of work



THANK YOU

Agenda item L10
Linh Dan Do, resident

Dear Mayor Combs and City Council Members,

Thank you so much for including discussion of the CAP tonight.

However, the staff report indicates that Menlo Park is not on track to achieve its 2030 carbon neutral goal. I urge the City Council to increase staff and to accelerate and focus efforts to implement the Climate Action Plan, in order to achieve Menlo Park's zero carbon goal by 2030.

Thank you so much!

Linh Dan Do



STAFF REPORT

City Council

Meeting Date: 10/12/2021

Staff Report Number: 21-194-CC

Regular Business: **Adopt Resolution No. 6671 to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public**

Recommendation

Staff recommends that the City Council adopt Resolution No. 6671 (Attachment A) to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public.

Policy Issues

Assembly Bill 361 (AB 361) was signed into law September 16, 2021 allowing cities to continue holding virtual meetings during any emergency proclaimed by the governor. AB 361 sunsets January 1, 2024. The City Council would need to declare every 30 days that the City's legislative bodies must continue to meet remotely in order to ensure the health and safety of the public.

Background

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19.

On March 11, 2020, the City Council adopted Resolution No. 6550 declaring a local emergency due to COVID-19.

On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act (Brown Act) in order to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all nonessential personnel to work from home. Staff quickly worked to set up virtual meetings for all City Council and advisory body meetings. The virtual meetings have allowed the City Council and advisory bodies to continue to conduct City business from the safety of members' homes. The usage of virtual meetings for public meetings has allowed the City to ensure the public's continued access to government meetings while also ensuring the public's safety.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for agencies to transition back to public meetings held in full compliance with the Brown Act. Since the Governor issued Executive Order N-08-21, the Delta variant has emerged, causing a spike in cases throughout the state. As a result, the San Mateo County Health Department issued a Health Order requiring masks indoors in public places, regardless of vaccination status, starting August 3, 2021.

Analysis

The California Legislature recently approved AB 361, which was signed by the governor September 16, 2021. for signature. The bill allows local legislative bodies to continue to meet remotely through January 1, 2024. A local agency will be allowed to continue to meet remotely when:

- The local agency holds a meeting during a declared state of emergency
- State or local health officials have imposed or recommended measures to promote social distancing
- Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees

The City meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The City is still under a local state of emergency
- County Health orders require that all individuals in public spaces maintain social distancing and wear masks
- At this time, the City cannot maintain social distancing requirements for the public, staff, City Councilmembers, and advisory body members in their meeting spaces

At this time, the City has not been able to ensure that City Councilmembers, Planning Commissioners, and advisory body members can sit six feet apart of each other. Moreover, the County's indoor mask order is still in effect, making it difficult to hear what City Councilmembers, Commissioners, advisory body members, staff and public speakers are saying.

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 is an organizational structure change that will not result in any direct or indirect physical change in the environment.

Public Notice

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

Attachments

A. Resolution No. 6671

Report prepared by:
Judi A. Herren, City Clerk

Report reviewed by:
Nira F. Doherty, City Attorney

RESOLUTION NO. 6671**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54952(b) AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 (GOVERNMENT CODE SECTION 54953(e) TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS**

WHEREAS, the City Council is committed to ensuring public access to observe and participate in local government meetings; and

WHEREAS, all meetings of the City Council and other legislative bodies created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

WHEREAS, the AB 361, codified at Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID 19) and that State of Emergency is still in effect in the State of California; and

WHEREAS, on March 11, 2020 the City Council proclaimed the existence of a local state of emergency within the City, pursuant to Section 8625 of the California Emergency Services Act in response to the COVID-19 pandemic; and

WHEREAS, COVID-19 continues to threaten the health and lives of City residents; and

WHEREAS, the SARS-CoV-2 Delta Variant (Delta Variant) is highly transmissible in indoor settings; and

WHEREAS, on July 28, 2021, the California Department of Public Health issued guidance calling for the use of face coverings and stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, the Delta Variant accounts for over 80% of cases sequenced, and cases and hospitalizations of COVID-19 are rising throughout the state; and

WHEREAS, the Delta Variant has caused, and will continue to cause, conditions of imminent peril to the health and safety of persons within the City; an

WHEREAS, the City Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as "Legislative Bodies"), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the

requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

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

1. Find that Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. Based on the California Governor's continued declaration of a State of Emergency and current conditions, the City Council finds that meeting in person would present imminent risks to the health or safety of attendees, such that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.
2. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.

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 twelfth day of October, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ___ day of October, 2021.

Judi A. Herren, City Clerk



STAFF REPORT

City Council
Meeting Date: 10/12/2021
Staff Report Number: 21-202-CC

Regular Business: Request for a subdivision ordinance variance to reduce the front setback requirement for a single-family residential property at 491 Middle Court

Recommendation

Staff recommends the City Council adopt Resolution No. 6677 to approve the request for a variance to modify the subdivision ordinance front setback to allow the construction of a new two-story, single-family residence in the R-1-S (Single Family Suburban Residential) zoning district, at 491 Middle Court. The recommended actions are included in Attachment A.

Policy Issues

Each variance request is considered individually. The City Council should consider whether the required subdivision ordinance variance findings can be made for the proposal. The subdivision ordinance front setback requirement for properties on curved frontages, as described later in this report, differs from the 20-foot zoning ordinance front setback requirement for properties zoned R-1-S. The differing front setback requirements between the subdivision ordinance and zoning ordinance sometimes result in a required front setback greater than 20 feet. As a separate item and at a later date, staff may present potential modifications to the subdivision ordinance front setback requirements for the City Council's consideration. Modifying the subdivision ordinance front setback requirement may reduce confusion among homeowners and the development community, and would permit development on the affected subset of residential properties to fit within the pattern of other properties in the same zoning district.

Background

Subdivision ordinance front setback

The majority of the rules governing what can be built, and where, on a property are development regulations found within the zoning ordinance. However, the other titles of the Municipal Code may also affect the development of a project site. Chapter 15.16.110 of the subdivision ordinance specifies that for lots on a curve, where the radius of the curve is less than 100 feet, the front setback shall extend to the point at which the width of the lot meets the minimum lot width for the zoning district. The building setback shall be at least as great as the applicable zoning requirements. Attachment C illustrates the subdivision ordinance front setback requirement. A request to build within the subdivision ordinance front setback requires a variance from the subdivision ordinance. The City Council is the deciding body for such variance requests in the subdivision ordinance, whereas the Planning Commission would be the acting body for variance requests from development regulations set by the zoning ordinance. The subdivision ordinance variance request does not require review and input from the Planning Commission before City Council review and action on the requested variance.

Analysis

Project description

The applicant is proposing to demolish the existing one-story, single-family residence and construct a new two-story, single-family residence. The subject property is located in the West Menlo neighborhood at 491 Middle Court. All parcels in the immediate vicinity are also located within the R-1-S zoning district, and contain one- and two-story, single-family residences. The area represents a variety of architectural styles, with the majority featuring a traditional ranch design, and a newly-constructed home with a contemporary design in the same cul-de-sac as the subject property. The property is located at the end of a cul-de-sac where the radius of the curve is 100 feet or less, and therefore, it is subject to the subdivision ordinance for determining its front setback. The subject site is considered a standard lot as it meets the minimum lot width per the subdivision ordinance, lot depth and lot area. Therefore, a use permit for the construction of a new two-story home is not required. There are 10 trees located on or surrounding the subject property, four of which are considered to be heritage in size. No tree removals are proposed as part of this project and all trees would remain, including three heritage southern magnolia trees at the rear of the property and a valley oak street tree in front of the property. A location map is included as Attachment B.

The new residence is proposed to comply with all of the R-1-S development regulations. However, given the lot configuration, the property is subject to the subdivision ordinance, which establishes the front setback at 45 feet, 10 inches instead of the R-1-S front setback of 20 feet for this property. The project is proposing a front setback of 21 feet, 2 inches. While the proposed residence would comply with the standard 20-foot front setback for the R-1-S zoning district, it would require a variance from the subdivision ordinance front setback requirement. The variance request is discussed in more detail later in this report. For reference, a data table summarizing parcel and project attributes is included as Attachment D. The project plans and the applicant's project description letter are included as Attachments E and F, respectively.

Variance request

As part of this proposal, the applicant is requesting a variance to modify the required subdivision ordinance front setback from approximately 45 feet, 10 inches to 21 feet, 2 inches for the construction of a new residence. The variance request is limited to the subdivision ordinance front setback.

The applicant has provided a variance request letter that is included as Attachment G and outlines the applicant's justification for the proposed variance. The required variance findings are evaluated below in succession. All findings are required to be met in order for a variance to be granted.

- A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity;
 - i. The applicant has indicated that the request would not constitute a special privilege, in part due to the fact that the standard minimum front setback of 20 feet for the zoning district would be maintained. The proposed setback would be greater than the setback of the existing residence and would be similar to the setback of the neighboring properties. Staff finds that the implementation of the development regulations would meet the first finding, by preventing special privilege.
- B. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity;

- ii. The applicant's letter describes the site characteristics, highlighting that the subdivision ordinance would establish a front setback which would be more than twice the minimum front setback for other properties in the R-1-S zoning district and would not fit the neighborhood context. Staff recognizes the lot shape, specifically the narrow angle of the side property lines from the curved frontage that result in a significantly longer subdivision ordinance front setback, as a special circumstance. Application of the subdivision ordinance would preclude use of approximately 46 feet of an approximate 132-foot-deep lot and limit the buildable area. Staff finds that through strict literal application of the title, it deprives the subject property development potential that another lot with a curved frontage or typical rectangular lot would enjoy, particularly because other lots on the street may be shaped differently or are not subject to the subdivision ordinance front setbacks.
- C. That under the circumstances of this particular case, the variance, rather than the sections at issue in this title, actually carries out the spirit and intent of this title.
- iii. The applicant refers to the variance as necessary to review certain regulations that may cause an undue burden on development given unique characteristics of the site. The applicant indicates that the variance, if granted, would not be a privilege, but would provide for an equal opportunity to enjoy the property as other lots within the R-1-S district. To this end, the applicant has prepared a design that would meet all the development regulations for the R-1-S zoning district. In looking at the spirit and intent of the title, the title was adopted for "the purpose of promoting the public health, safety, convenience and general welfare..." and staff believes that this finding can be made due to the fact that the zoning ordinance requirements would be met and that the variance would maintain the development pattern of nearby residences and other properties in the same zoning district.

Correspondence

Staff has not received any written correspondence regarding this item.

Conclusion

As outlined in the Variance section of the staff report, staff believes that the variance request for the new residence is justifiable based upon the characteristics of the site and would not be a granting of special privileges not enjoyed by other properties. The proposed variance would allow for the construction of a new residence, similar in location and scale of the neighboring properties, and the overall neighborhood. Staff recommends that the City Council approve the variance.

Impact on City Resources

The project sponsor is required to pay planning, building and public works permit fees, based on the City's master fee schedule, to fully cover the cost of staff time spent on the review of the project.

Environmental Review

The project is categorically exempt under Class 5 (Section 15305, "Minor Alterations in Land Use Limitations") of the current California Environmental Quality Act (CEQA) Guidelines.

Public Notice

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

Attachments

- A. Resolution No. 6677 adopting findings for the project variance, including project conditions of approval
- B. Location Map
- C. Hyperlink: Subdivision ordinance front setback handout:
menlopark.org/DocumentCenter/View/12768/Subdivision-Ordinance-Front-Setback
- D. Data table
- E. Project plans
- F. Project description letter
- G. Variance letter

Report prepared by:
Chris Turner, Assistant Planner

Report reviewed by:
Deanna Chow, Assistant Community Development Director

RESOLUTION NO. 6677**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
APPROVING A VARIANCE FROM THE SUBDIVISION ORDINANCE TO
ESTABLISH A FRONT SETBACK FOR THE PROPERTY AT 491 MIDDLE
COURT (APN: 071-180-730)**

WHEREAS, a request for consideration of a variance from the subdivision ordinance was submitted by Thomas James Homes to establish the front setback at 21 feet, two inches where the setback established by the subdivision ordinance is 45 feet, 10 inches, on a standard lot in the R-1-S (Single Family Suburban Residential) zoning district (hereinafter the "Project"), as depicted in the plan set prepared by Dahlin Group on October 4, 2021; and

WHEREAS, that pursuant to Section 15.32.020 of the subdivision ordinance pertaining the granting of a variance to permit a 21-foot, two-inch front setback for the construction of the new residence is appropriate; and

WHEREAS, the variance granted shall be subject to the conditions in Exhibit A, as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity. The proposed variance is to reduce the front setback from 45 feet, 10 inches to 21 feet, two inches, which is consistent with the front setback requirement of the R-1-S zoning district in which the property is located. Furthermore, the proposed new residence shall be subject to review relative to the development regulations for the R-1-S zoning district and other requirements of the zoning ordinance, to which other properties in the vicinity are subject, therefore not granting the subject property special privilege; and

WHEREAS, due to special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity. Due to the irregular pie-shape of the lot, the width of the property at the street is approximately 44 feet. Because the setback for this lot is established at the point where the width of the lot measures 80 feet, the developable area would be excessively limited by a front setback of 45 feet, 10 inches, established by the subdivision ordinance, whereas other properties in the vicinity are subject to a front setback of 20 feet, as established by the zoning ordinance; and

WHEREAS, under the circumstances of this particular case, the variance, rather than the sections at issue in Title 15, carries out the spirit and intent of the subdivision ordinance. In looking at the spirit and intent of the title, the title was adopted for "the purpose of promoting the public health, safety, convenience and general welfare..." The proposed size and location of the residence would comply with the standard zoning ordinance setback requirements and follow the development pattern of the subject zoning district; therefore, the variance, rather than the sections at issue in Title 15, carries out the spirit and intent of the title; and

WHEREAS, after notice having been lawfully given, a public meeting was scheduled and held before the City Council of the City of Menlo Park on October 12, 2021 whereat all persons interested therein might appear and be heard; and

WHEREAS, the City Council reviewed the project on October 12, 2021, and found the project to be categorically exempt under Class 5 (Section 15305, "Minor Alterations in Land Use Limitations") of the current California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the City Council of the City of Menlo Park having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter voted affirmatively to make findings and approve the proposed variance.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park, independently, after reviewing all of the evidence before it and holding a public hearing, hereby approves the Subdivision Ordinance variance with associated conditions, which are attached hereto as Exhibit A, and incorporated herein by this reference.

SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

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 of said City Council on the twelfth day of October, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ___ day of October, 2021.

Judi A. Herren, City Clerk

Exhibits

A. Conditions of approval

491 Middle Court – Recommended Actions

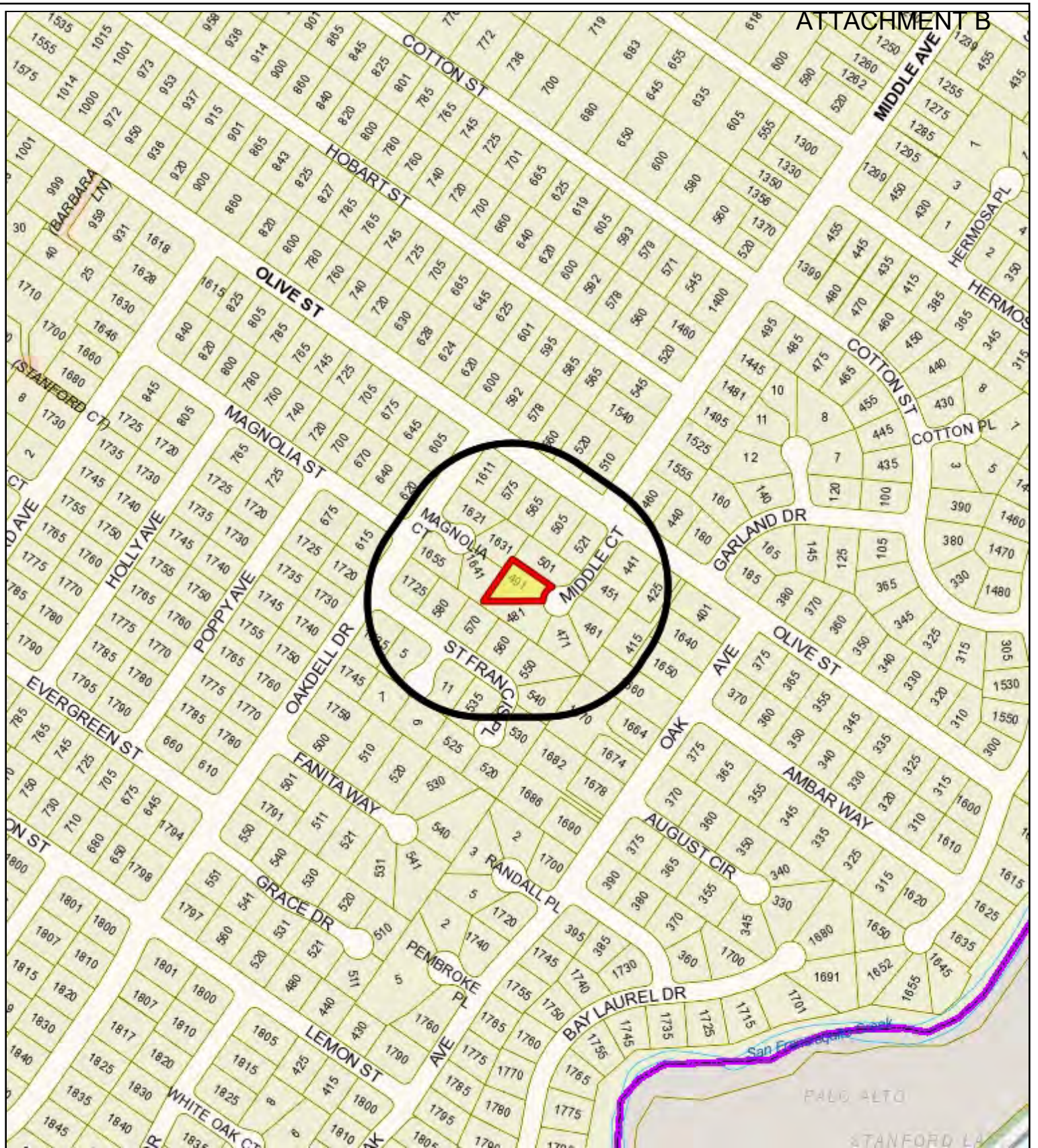
LOCATION: 491 Middle Court (APN 071-180-730)	PROJECT NUMBER: PLN2021-00019	APPLICANT: Thomas James Homes	OWNER: Sidart and Celine Deb
PROPOSAL: Request for a variance from the Subdivision Ordinance to establish the front setback at 21 feet, two inches where the setback established by the Subdivision Ordinance is 45 feet, 10 inches, on a standard lot in the R-1-S (Single Family Suburban Residential) zoning district (hereinafter the “Project”), as depicted in the plan set prepared by Dahlin Group and submitted by Thomas James Homes on October 4, 2021 and approved by the City Council on October 12, 2021.			
DECISION ENTITY: City Council	DATE: October 12, 2021	ACTION: The City Council determines that the project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15305, and approves a variance, subject to conditions set forth herein, for the Project.	
VOTE: TBD (Combs, Mueller, Nash, Taylor, Wolosin)			
<p>FINDINGS:</p> <p>The City Council of the City of Menlo Park hereby makes the following findings:</p> <ol style="list-style-type: none"> 1. That the project is categorically exempt under Class 5 (Section 15305, “Minor Alterations in Land Use Limitations”) of the current California Environmental Quality Act (CEQA) Guidelines. 2. That, pursuant to Section 15.32.020 of the subdivision ordinance pertaining the granting of a variance to permit a 21-foot, two-inch front setback for the construction of the new residence is appropriate because: <ol style="list-style-type: none"> a. The variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity. The proposed variance is to reduce the front setback from 45 feet, 10 inches to 21 feet, two inches, which is consistent with the front setback requirement of the R-1-S zoning district in which the property is located. Furthermore, the proposed new residence shall be subject to review relative to the development regulations for the R-1-S zoning district and other requirements of the zoning ordinance, to which other properties in the vicinity are subject, therefore not granting the subject property special privilege; b. Due to special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity. Due to the irregular shape of the lot, the developable area would be excessively limited by a front setback of 45 feet, 10 inches, established by the subdivision ordinance, whereas other properties in the vicinity are subject to a front setback of 20 feet, as established by the zoning ordinance; c. Under the circumstances of this particular case, the variance, rather than the sections at issue in Title 15, carries out the spirit and intent of the subdivision ordinance. In looking at the spirit and intent of the title, the title was adopted for “the purpose of promoting the public health, safety, convenience and general welfare...” The proposed size and location of the residence would comply with the standard zoning ordinance setback requirements and follow the development pattern of the subject zoning district; therefore the variance, rather than the sections at issue in Title 15, carries out the spirit and intent of the title. 			

491 Middle Court – Exhibit A: Recommended Actions

LOCATION: 491 Middle Court (APN 071-180-730)	PROJECT NUMBER: PLN2021-00019	APPLICANT: Thomas James Homes	OWNER: Sidart and Celine Deb
PROPOSAL: Request for a variance from the Subdivision Ordinance to establish the front setback at 21 feet, two inches where the setback established by the Subdivision Ordinance is 45 feet, 10 inches, on a standard lot in the R-1-S (Single Family Suburban Residential) zoning district (hereinafter the “Project”), as depicted in the plan set prepared by Dahlin Group and submitted by Thomas James Homes on October 4, 2021 and approved by the City Council on October 12, 2021.			
DECISION ENTITY: City Council	DATE: October 12, 2021	ACTION: The City Council determines that the project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15305, and approves a variance, subject to conditions set forth herein, for the Project.	
VOTE: TBD (Combs, Mueller, Nash, Taylor, Wolosin)			
<p>ACTION:</p> <p>The City Council of the City of Menlo Park hereby approves the variance to permit a 21-foot, two-inch front setback for the Project.</p> <p>This approval is conditioned upon and subject to the following standard conditions:</p> <ul style="list-style-type: none"> d. Development of the project shall be substantially in conformance with the plans prepared by Dahlin Group Architecture Planning consisting of 19 plan sheets, attached to this report and approved by the City Council on October 12, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division. e. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project. f. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project. g. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes. h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division. i. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits. j. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by California Tree and Landscaping Consulting, Inc. (CalTLC), dated July 20, 2021. 			

491 Middle Court – Exhibit A: Recommended Actions

LOCATION: 491 Middle Court (APN 071-180-730)	PROJECT NUMBER: PLN2021-00019	APPLICANT: Thomas James Homes	OWNER: Sidart and Celine Deb
PROPOSAL: Request for a variance from the Subdivision Ordinance to establish the front setback at 21 feet, two inches where the setback established by the Subdivision Ordinance is 45 feet, 10 inches, on a standard lot in the R-1-S (Single Family Suburban Residential) zoning district (hereinafter the “Project”), as depicted in the plan set prepared by Dahlin Group and submitted by Thomas James Homes on October 4, 2021 and approved by the City Council on October 12, 2021.			
DECISION ENTITY: City Council	DATE: October 12, 2021	ACTION: The City Council determines that the project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15305, and approves a variance, subject to conditions set forth herein, for the Project.	
VOTE: TBD (Combs, Mueller, Nash, Taylor, Wolosin)			
<p>k. The applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant’s or permittee’s duty to so defend, indemnify, and hold harmless shall be subject to the City’s promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City’s full cooperation in the applicant’s or permittee’s defense of said claims, actions, or proceedings.</p>			



City of Menlo Park
 Location Map
 491 Middle Court



491 Middle Court – Attachment C: Data Table

	PROPOSED PROJECT	EXISTING PROJECT	ZONING ORDINANCE
Lot area	10,961.0 sf	10,961.0 Sf	10,000 sf min.
Lot width	80.0 ft.	80.0 ft.	80 ft. min.
Lot depth	132.4 ft.	132.4 ft.	100 ft. min.
Setbacks			
Front	21.2 ft.	18.8 ft.	45.8 ft. min.
Rear	34 ft.	42.2 ft.	20 ft. min.
Side (left)	10.3 ft.	4.5 ft.	10 ft. min.
Side (right)	10.2 ft.	7.8 ft.	10 ft. min.
Building coverage	2,924.5 sf 26.7 %	2,562.4 Sf 23.4 %	3,836.3 sf max. 35.0 % max.
FAL (Floor Area Limit)	3,523 sf	2,478.7 sf	3,790.2 sf max.
Square footage by floor	1,729 sf/1 st 1,337 sf/2 nd 457 sf/ garage 686 sf/ porches 52.5 sf/ accessory building	2,099.1 sf/1st 379.6 sf/garage 31.2 sf/ fireplaces 52.5 sf/accessory building	
Square footage of buildings	4,261.5 sf	2,562.5 sf	
Building height	25.5 ft.	12.8 ft.	28 ft. max.
Parking	2 covered	2 covered	1 covered/1 uncovered
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			

Trees			
Heritage trees	4*	Non-Heritage trees	6**
New Trees	0	Total Number of Trees	10
Heritage trees proposed for removal	0	Non-Heritage trees proposed for removal	0

*Three trees are on the subject property and one is in the public right-of-way.

**Five trees are on the subject property and One tree is on the neighboring property to the left.

PLANNING SUBMITTAL FOR:

491 MIDDLE COURT

MENLO PARK, CA



VICINITY MAP:



PROJECT TEAM INFO:

Developer
Thomas James Homes
 255 Shoreline Dr Suite 428
 Redwood City, CA 94065
 Tel: (408) 402-3024

Architect
Dahlin Group
 5865 Owens Drive
 Pleasanton, CA 94588
 Tel: (925) 251-7200
 Contact: Jaime Matheron
 jaime.matheron@dahlingroup.com

Landscape
Roach & Campbell
 111 Scripps Drive
 Sacramento, CA 95825
 Tel: (916) 945-8003
 Contact: Aimee Hendrie
 aimee@roachcampbell.com

DEVELOPMENT SUMMARY

PROJECT NAME: DEB RESIDENCE
 LOCATION: 491 MIDDLE COURT
 ASSESSOR'S PARCEL NUMBER: 071-189-730
 PARCEL AREA - GROSS: 10,961 SF 0.25 AC
 ZONING DESIGNATION: R1S
 MAX. FLOOR AREA LIMIT: 3790.25 SF
 MAX. LOT COVERAGE: 3826 SF
 MAX. BUILDING HEIGHT: 28'
 SETBACKS:
 FRONT - STREET (FT): 20'
 SIDE - INT (FT): 10'
 SIDE - STREET (FT): 12'
 REAR (FT) - FIRST STORY: 20'
 REAR (FT) - SECOND STORY: 20'

PARKING REQUIRED:
 4 TOTAL SPACES (2 MUST BE IN A GARAGE)
 MIN. GARAGE DIMENSIONS: 20'X20'
 EXISTING LIVING: 2953 SF (1 FLOOR)
 PROPOSED LIVING: 3789 SF (2 FLOORS)
 EXISTING EXTERIOR AREAS:
 EXISTING POOL TO REMAIN: 324 SF
 EXISTING UNCOVERED PATIO: 1030 SF
 PROPOSED EXTERIOR AREAS:
 EXISTING POOL TO REMAIN: 324 SF
 PROPOSED COVERED CAL ROOM: 330 SF
 PROPOSED DECK ABOVE: 434 SF

EXISTING USE: ONE SINGLE FAMILY DETACHED RESIDENCE OF APPROX. 2,953 SF TO BE DEMOLISHED

PROPOSED USE: ONE NEW SINGLE FAMILY DETACHED RESIDENCE

CODES AND REGULATIONS GOVERNING THE PROJECT: CURRENT 2019 CALIFORNIA CODES

SHEET INDEX:

- ARCHITECTURAL:**
 A.1 TITLE SHEET
 A.2 SITE AERIAL & PHOTOS
 AP-1 AREA PLAN
 A.3 STREETScape AND LOT DIAGRAMS
 A.4 SITE PLAN
 A.5 EXISTING FLOOR PLAN
 A.6 FLOOR PLAN 1
 A.7 FLOOR PLAN 2
 A.8 ROOF PLAN
 A.9 FLOOR AREA DIAGRAMS
 A.10 EXISTING ELEVATIONS
 A.11 ELEVATIONS
 A.12 ELEVATIONS
 A.13 DAYLIGHT PLANE DIAGRAM
 A.14 SECTIONS
 A.15 PERSPECTIVE VIEW
 A.16 COLORS & MATERIALS

- CIVIL:**
 1 TOPOGRAPHIC & BOUNDARY SURVEY

- ARBORIST:**
 T.1 TREE PROTECTION

FRONTAGE IMPROVEMENTS

ALL EXISTING CRACKED OR DAMAGED FEATURES ALONG THE PROPERTY FRONTAGE MUST BE REPAIRED IN KIND. ADDITIONALLY, ANY FRONTAGE IMPROVEMENTS WHICH ARE DAMAGED AS A RESULT OF CONSTRUCTION WILL BE REQUIRED TO BE REPLACED. ALL FRONTAGE IMPROVEMENT WORK SHALL BE IN ACCORDANCE WITH THE LATEST VERSION OF THE CITY STANDARD DETAILS.

ANY ENCROACHMENT PERMIT FROM THE ENGINEERING DIVISION IS REQUIRED PRIOR TO ANY CONSTRUCTION ACTIVITIES, INCLUDING UTILITY LATERALS, IN THE PUBLIC RIGHT OF WAY.

FLOOR AREA		LOT COVERAGE	
FIRST FLOOR	1729 SQ. FT.	FIRST FLOOR	1729 SQ. FT.
SECOND FLOOR	1603 SQ. FT.	GARAGE	457 SQ. FT.
TOTAL LIVING	3332 SQ. FT.	PORCH	22 SQ. FT.
GARAGE	457 SQ. FT.	CAL. ROOM	664 SQ. FT.
FAL	3789 SQ. FT.	TOTAL:	2873 SQ. FT.
MAX FAL	3790.25 SQ. FT.	MAX LOT COVERAGE	3836 SQ. FT.
THOMAS JAMES HOMES STANDARD: (LIVING + 9 SQ. FT.)	3340 SQ. FT.		

TITLE SHEET

491 MIDDLE COURT, MENLO PARK

THOMAS JAMES HOMES



DATE: 08-02-2021
 JOB NO.: 1641.001

5865 Owens Drive
 Pleasanton, CA 94588
 925-251-7200

A.0



NOT TO SCALE

SITE AERIAL & PHOTOS

491 MIDDLE COURT, MENLO PARK

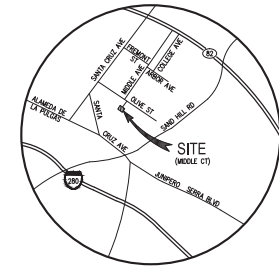
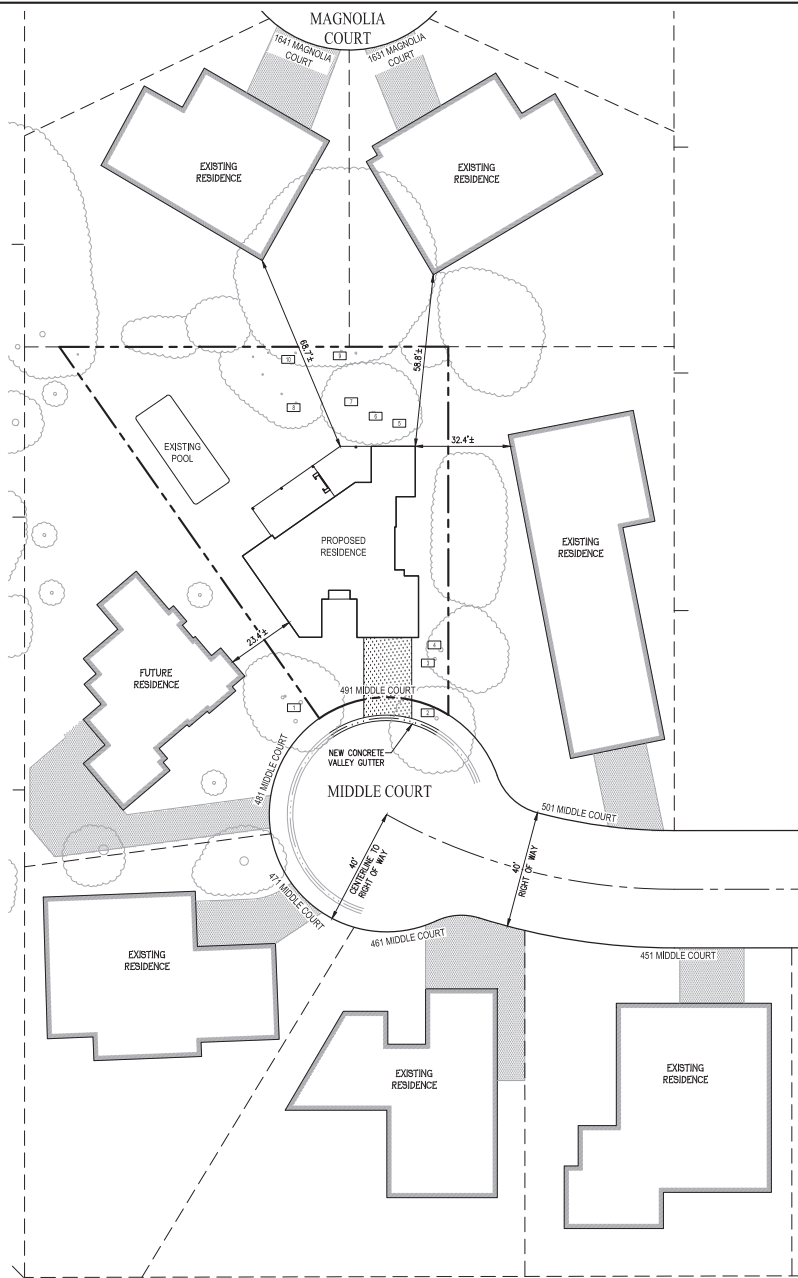
THOMAS JAMES HOMES



DATE 08-02-2021
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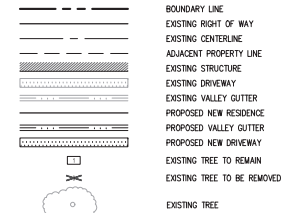
A.1



VICINITY MAP
NOT TO SCALE

EXISTING TREES TO REMAIN				
TREE NUMBER	COMMON NAME	DBH (IN)	HERITAGE TREE	OFF-SITE
1	BLUE GUM	14	NO	YES
2	VALLEY OAK	15	YES	YES
3	ALEPPO PINE	9	NO	NO
4	ALEPPO PINE	14	NO	NO
5	SOUTHERN MAGNOLIA	15	YES	NO
6	SOUTHERN MAGNOLIA	20	YES	NO
7	SOUTHERN MAGNOLIA	16	YES	NO
8	EUROPEAN WHITE BIRCH	8	NO	NO
9	PITTSPOREUM	8	NO	NO
10	PITTSPOREUM	7	NO	NO

LEGEND

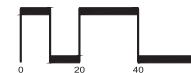


NOTES:

1. THE TABLES ABOVE CONTAIN A SUMMARY OF INFORMATION PRESENT IN THE ARBORIST REPORT DATED JUNE 28, 2021. PLEASE REFER TO THE ARBORIST REPORT PREPARED BY CALIFORNIA TREE AND LANDSCAPE CONSULTING, INC FOR MORE INFORMATION.
2. TREE 2 IS AN OFF-SITE STREET TREE.

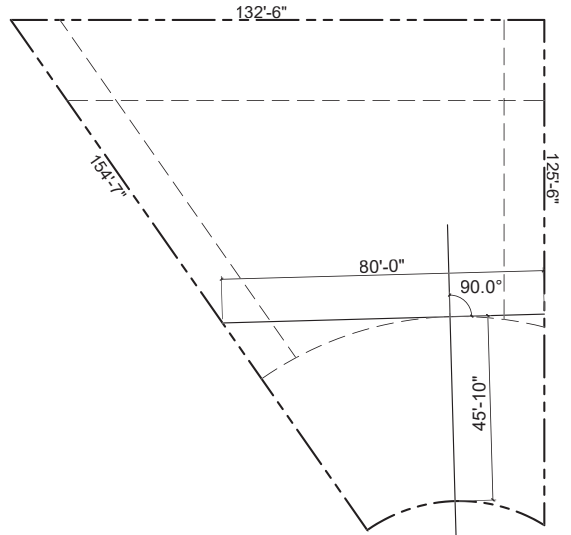
491 MIDDLE COURT
AREA PLAN
THOMAS JAMES HOMES

CITY OF MENLO PARK SAN MATEO COUNTY CALIFORNIA
SCALE: 1" = 20' DATE: JULY 20, 2021

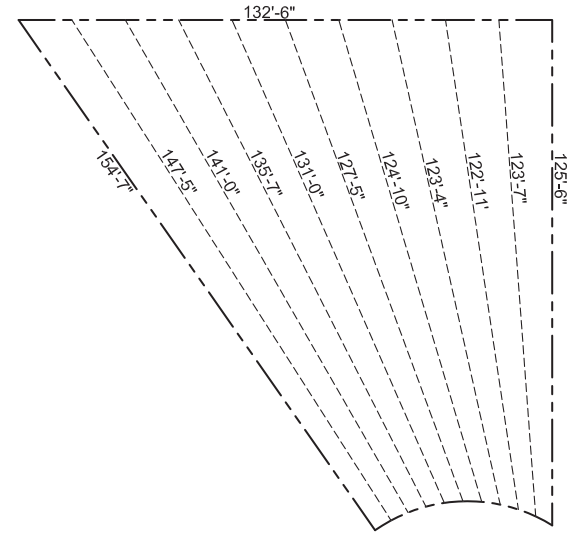


SAN RAMON : (925) 866-0322
SACRAMENTO : (916) 375-1877
WWW.CBANG.COM
CIVIL ENGINEERS • SURVEYORS • PLANNERS

SHEET NO.
AP-1
OF 1 SHEETS



Front Setback



Lot depth = 132'-5"



STREETSCAPE NOT TO SCALE

STREETSCAPE AND LOT DIAGRAMS

491 MIDDLE COURT, MENLO PARK

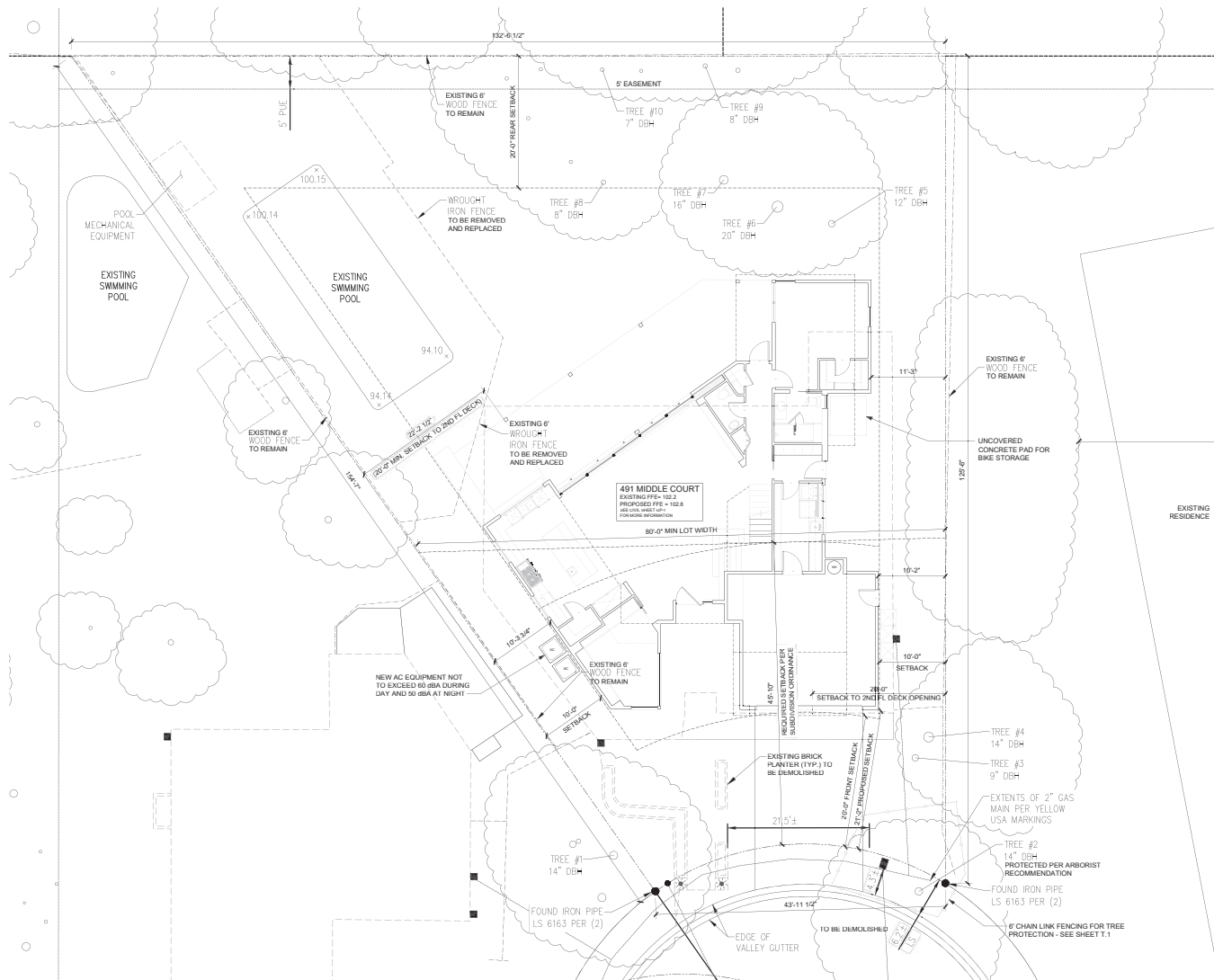
THOMAS JAMES HOMES



DATE 08-02-2021
JOB NO. 1641.001

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

A.2



EXISTING TREES TO REMAIN				
TREE NUMBER	COMMON NAME	DBH (IN)	HERITAGE TREE	OFF-SITE
1	BLUE GUM	14	NO	YES
2	VALLEY OAK	15	YES	YES
3	ALEPPO PINE	9	NO	NO
4	ALEPPO PINE	14	NO	NO
5	SOUTHERN MAGNOLIA	15	YES	NO
6	SOUTHERN MAGNOLIA	20	YES	NO
7	SOUTHERN MAGNOLIA	16	YES	NO
8	EUROPEAN WHITE BIRCH	8	NO	NO
9	PITTIOSPORUM	8	NO	NO
10	PITTIOSPORUM	7	NO	NO

- NOTES:
- THE TABLES ABOVE CONTAIN A SUMMARY OF INFORMATION PRESENT IN THE ARBORIST REPORT DATED JUNE 28, 2021. PLEASE REFER TO THE ARBORIST REPORT PREPARED BY CALIFORNIA TREE AND LANDSCAPE CONSULTING, INC FOR MORE INFORMATION.
 - TREE 2 IS AN OFF-SITE STREET TREE.

FLOOR AREA	
FIRST FLOOR	1729 SQ. FT.
SECOND FLOOR	1603 SQ. FT.
TOTAL LIVING	3332 SQ. FT.

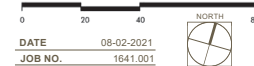
GARAGE	457 SQ. FT.
FAL	3789 SQ. FT.
MAX FAL	3790.25 SQ. FT.
THOMAS JAMES HOMES STANDARD: (LIVING + 9 SQ. FT.)	3340 SQ. FT.

LOT COVERAGE	
FIRST FLOOR	1729 SQ. FT.
GARAGE	457 SQ. FT.
PORCH	22 SQ. FT.
CAL. ROOM	664 SQ. FT.
TOTAL:	2873 SQ. FT.
MAX LOT COVERAGE	3836 SQ. FT.

SITE PLAN

491 MIDDLE COURT, MENLO PARK

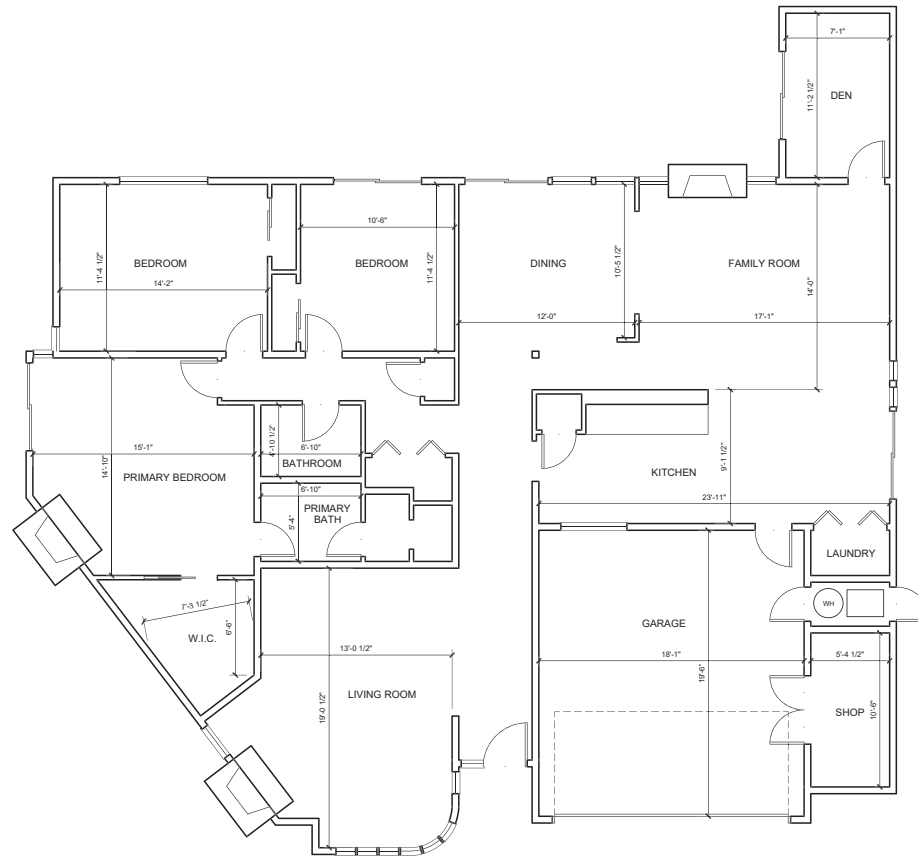
THOMAS JAMES HOMES



DATE: 08-02-2021
JOB NO.: 1641.001

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

A.3



EXISTING FLOOR PLAN

491 MIDDLE COURT, MENLO PARK

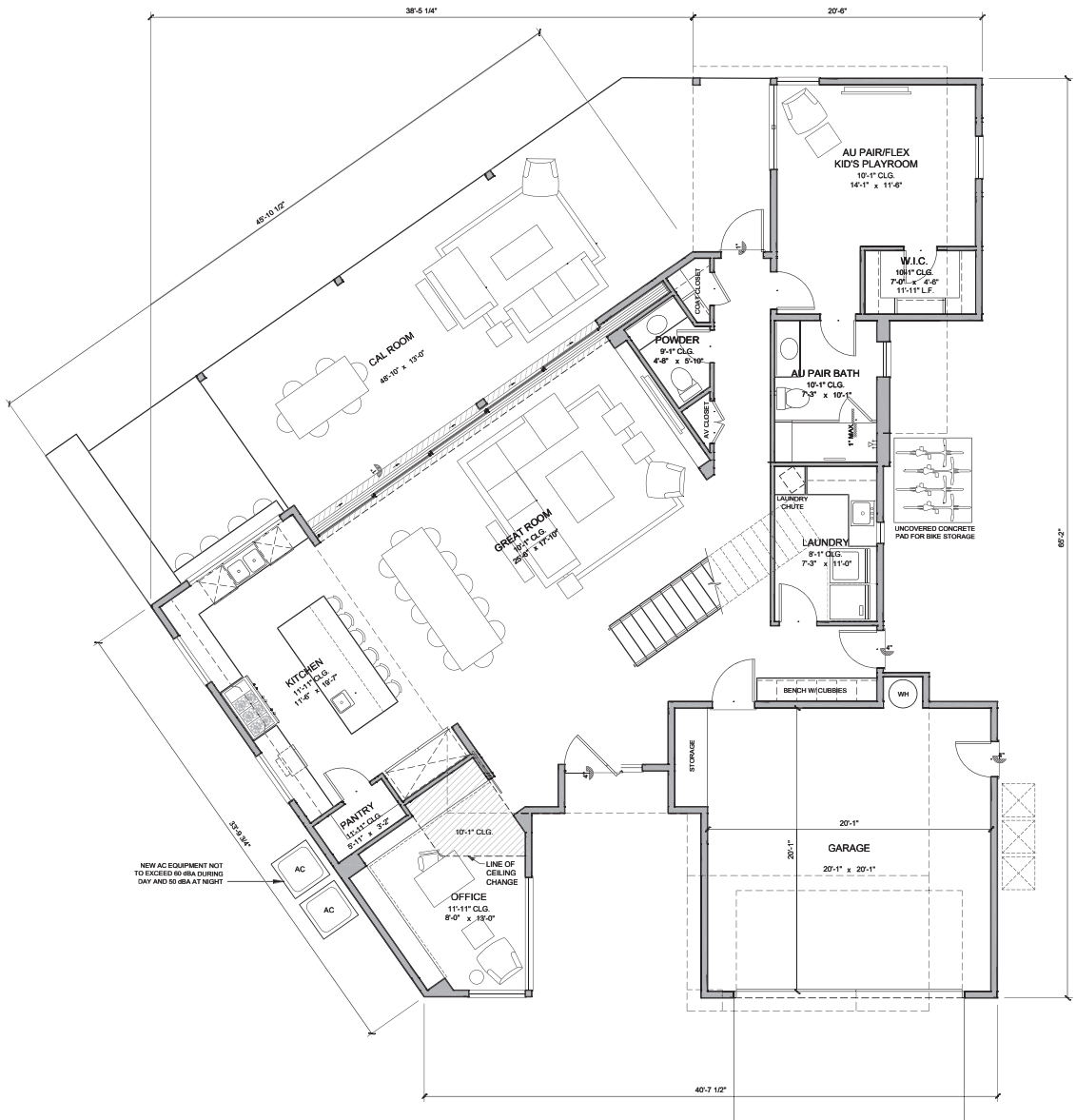
THOMAS JAMES HOMES



DATE 08-02-2021
JOB NO. 1641.001

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

A.4



FLOOR AREA		LOT COVERAGE	
FIRST FLOOR	1729 SQ. FT.	FIRST FLOOR	1729 SQ. FT.
SECOND FLOOR	1603 SQ. FT.	GARAGE	457 SQ. FT.
TOTAL LIVING	3332 SQ. FT.	PORCH	22 SQ. FT.
		CAL. ROOM	664 SQ. FT.
		TOTAL:	2873 SQ. FT.
		MAX LOT COVERAGE	3836 SQ. FT.

GARAGE	457 SQ. FT.
FAL	3789 SQ. FT.
MAX FAL	3790.25 SQ. FT.
THOMAS JAMES HOMES STANDARD: (LIVING + 9 SQ. FT.)	3340 SQ. FT.

FLOOR PLAN 1

491 MIDDLE COURT, MENLO PARK

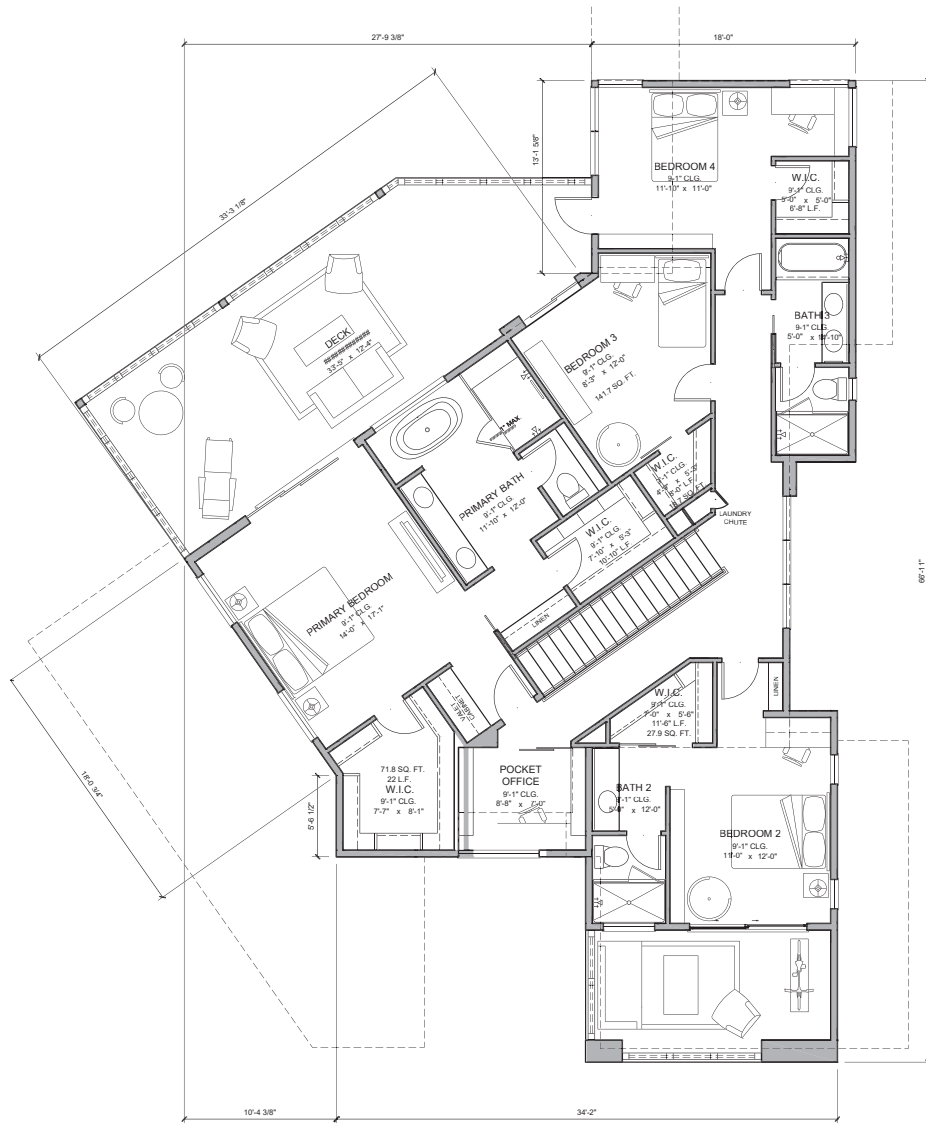
THOMAS JAMES HOMES



DATE 08-02-2021
JOB NO. 1641.001

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

A.5



FLOOR AREA	
FIRST FLOOR	1729 SQ. FT.
SECOND FLOOR	1603 SQ. FT.
TOTAL LIVING	3332 SQ. FT.
GARAGE	457 SQ. FT.
FAL	3789 SQ. FT.
MAX FAL	3790.25 SQ. FT.
THOMAS JAMES HOMES STANDARD: (LIVING + 9 SQ. FT.)	3340 SQ. FT.

LOT COVERAGE	
FIRST FLOOR	1729 SQ. FT.
GARAGE	457 SQ. FT.
PORCH	22 SQ. FT.
CAL. ROOM	664 SQ. FT.
TOTAL:	2873 SQ. FT.
MAX LOT COVERAGE	3836 SQ. FT.

FLOOR PLAN 2

491 MIDDLE COURT, MENLO PARK

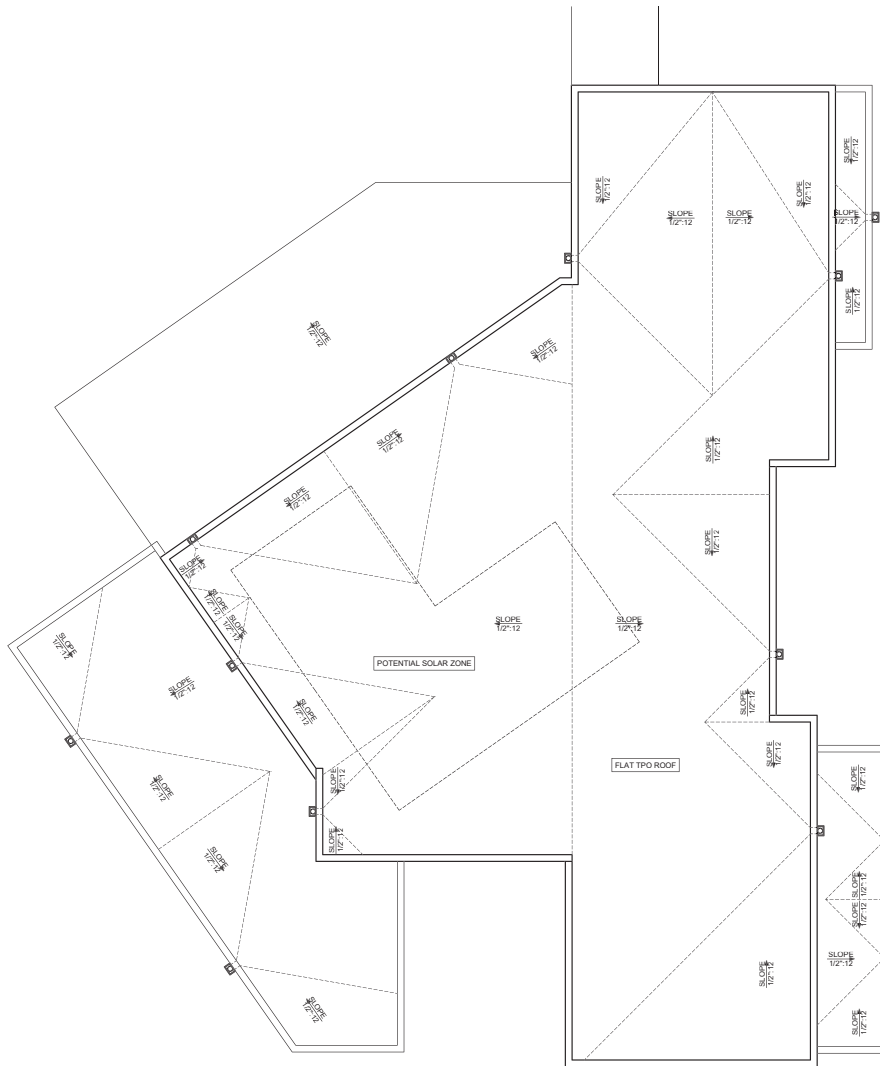
THOMAS JAMES HOMES



DATE 08-02-2021
JOB NO. 1641.001

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925-251-7200

A.6



ROOF PLAN

491 MIDDLE COURT, MENLO PARK

THOMAS JAMES HOMES

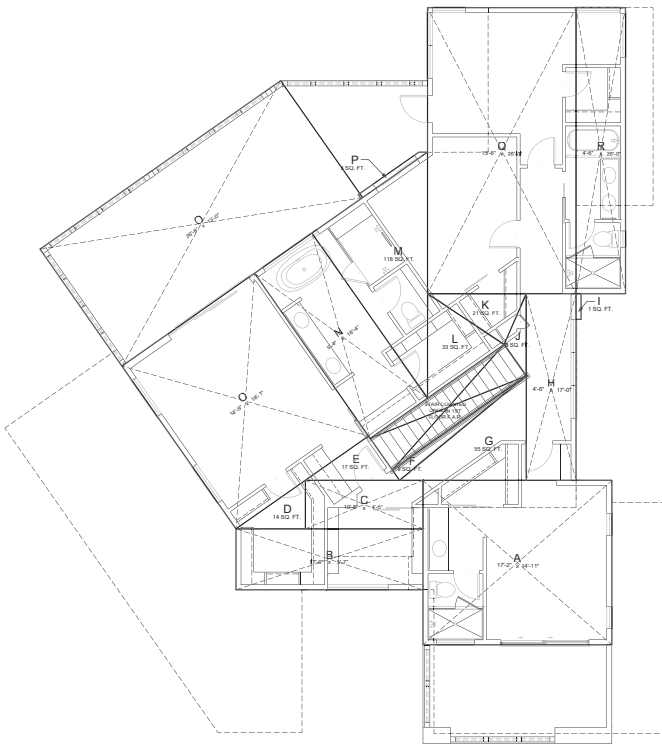


DATE 08-02-2021
 JOB NO. 1641.001

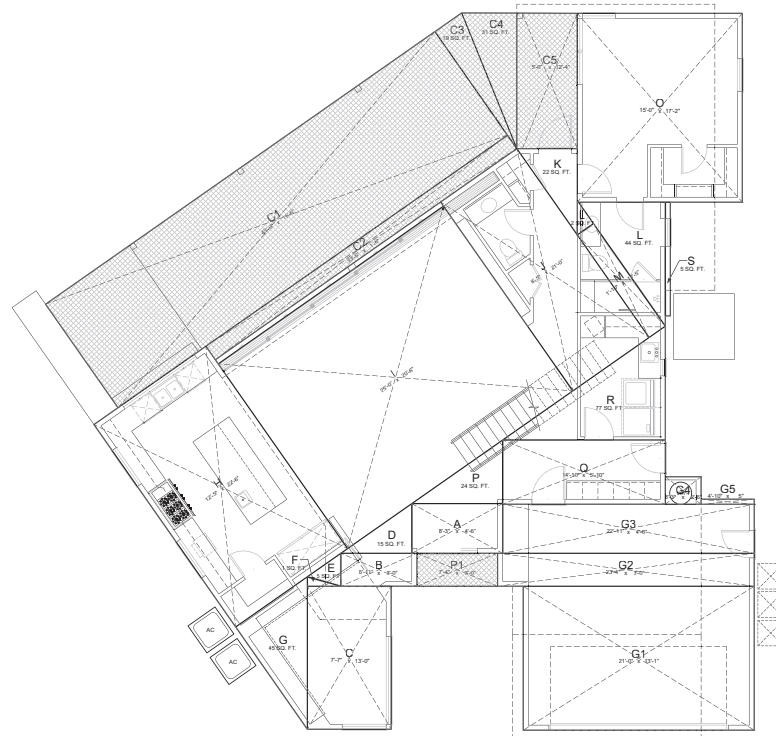


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 925-251-7200

A.7



SECOND FLOOR AREA DIAGRAM



FIRST FLOOR AREA DIAGRAM

FIRST FLOOR AREA		FLOOR AREA RATIO	
A	37 SQ. FT.	FIRST FLOOR	1729 SQ. FT.
B	21 SQ. FT.	GARAGE	457 SQ. FT.
C	99 SQ. FT.	TOTAL	3789 SQ. FT.
D	15 SQ. FT.		
E	5 SQ. FT.	MAX. F.A.L.	3790 SQ. FT.
F	1 SQ. FT.		
G	45 SQ. FT.	LOT COVERAGE	
H	279 SQ. FT.	FIRST FLOOR	1729 SQ. FT.
I	513 SQ. FT.	GARAGE	457 SQ. FT.
J	177 SQ. FT.	PORCH	22 SQ. FT.
K	22 SQ. FT.	CAL ROOM	664 SQ. FT.
L	2 SQ. FT.	TOTAL	2872 SQ. FT.
M	20 SQ. FT.	MAX. LOT COVERAGE	3836 SQ. FT.
N	44 SQ. FT.		
O	258 SQ. FT.		
P	24 SQ. FT.		
Q	86 SQ. FT.		
R	77 SQ. FT.		
S	5 SQ. FT.		
TOTAL	1729 SQ. FT.		
GARAGE			
G1	275 SQ. FT.		
G2	70 SQ. FT.		
G3	102 SQ. FT.		
G4	8 SQ. FT.		
G5	250 SQ. FT.		
TOTAL	457 SQ. FT.		
PORCH			
P1	22 SQ. FT.		
TOTAL	22 SQ. FT.		
CAL ROOM			
C1	497 SQ. FT.		
C2	50 SQ. FT.		
C3	19 SQ. FT.		
C4	31 SQ. FT.		
C5	68 SQ. FT.		
TOTAL	664 SQ. FT.		
SECOND FLOOR AREA			
A	257 SQ. FT.		
B	94 SQ. FT.		
C	47 SQ. FT.		
D	14 SQ. FT.		
E	17 SQ. FT.		
F	9 SQ. FT.		
G	55 SQ. FT.		
H	77 SQ. FT.		
I	1 SQ. FT.		
J	8 SQ. FT.		
K	21 SQ. FT.		
L	33 SQ. FT.		
M	118 SQ. FT.		
N	117 SQ. FT.		
O	266 SQ. FT.		
P	3 SQ. FT.		
Q	351 SQ. FT.		
R	117 SQ. FT.		
TOTAL	1603 SQ. FT.		

FLOOR AREA DIAGRAMS

491 MIDDLE COURT, MENLO PARK

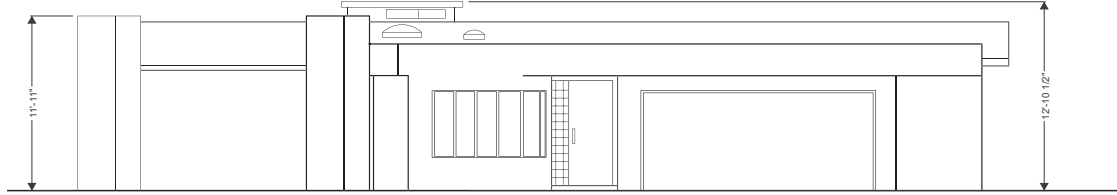
THOMAS JAMES HOMES



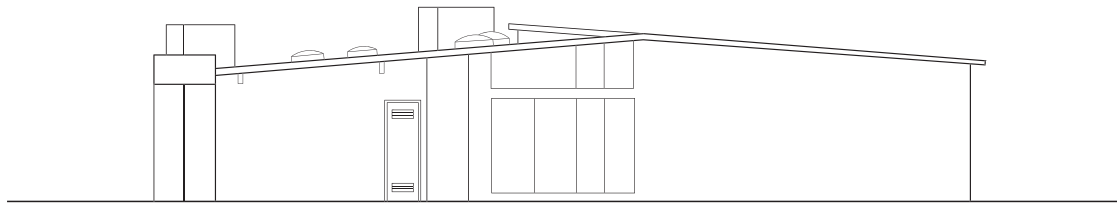
DATE 08-02-2021
JOB NO. 1641.001

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925-251-7200

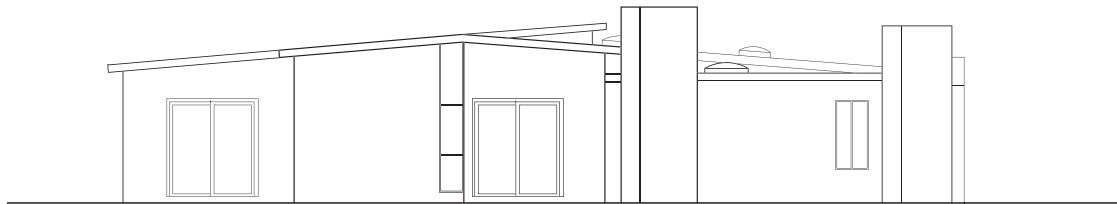
A.8



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



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



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

EXISTING ELEVATIONS

491 MIDDLE COURT, MENLO PARK

THOMAS JAMES HOMES



DATE 08-02-2021
JOB NO. 1641.001

5865 Owens Drive
Pleasanton, CA 94588
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A.9

ACCENT MATERIAL
3/4 CORRUGATED METAL PANELS
Dark Gray

BODY COLOR 1
STUCCO
Snowbound SW 7004

BODY COLOR 2
STUCCO
Domino SW 6989

ACCENT MATERIAL
SIDING
Cedar Stain

BODY COLOR 3
STUCCO
Red Tomato SW 6607



FRONT ELEVATION

1/4" = 1'-0"

BODY COLOR 2
STUCCO
Domino SW 6989

ACCENT MATERIAL
SIDING
Cedar Stain

BODY COLOR 1
STUCCO
Snowbound SW 7004



REAR ELEVATION

1/4" = 1'-0"

WINDOWS
MARVIN ESSENTIAL FIBERGLASS
(ALL ULTREX)

FRAME COLOR: BRONZE
 NO GRID - SINGLE LITE



DATE 08-02-2021
 JOB NO. 1641.001

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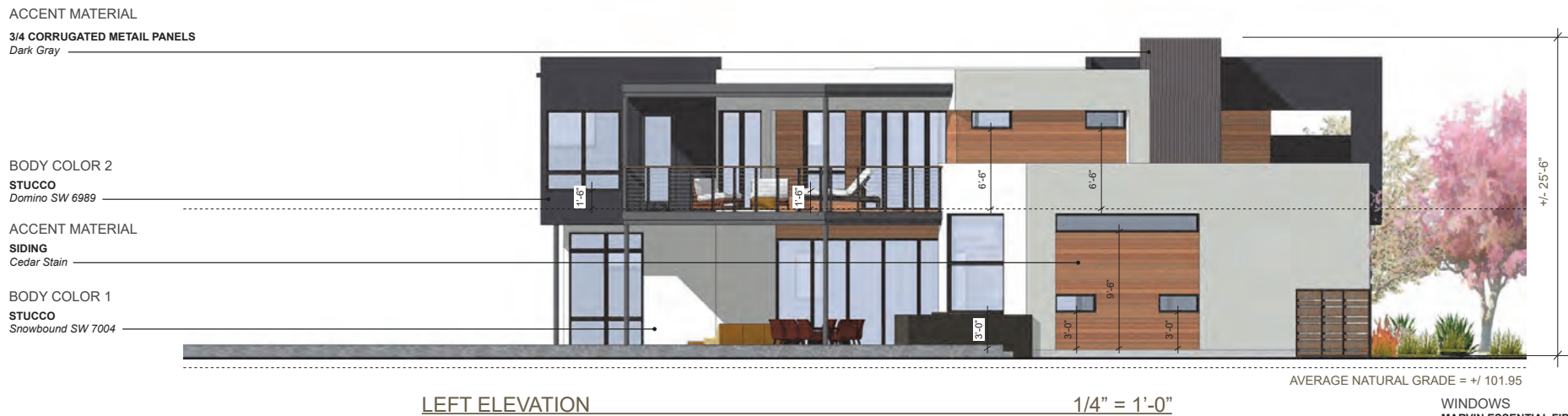
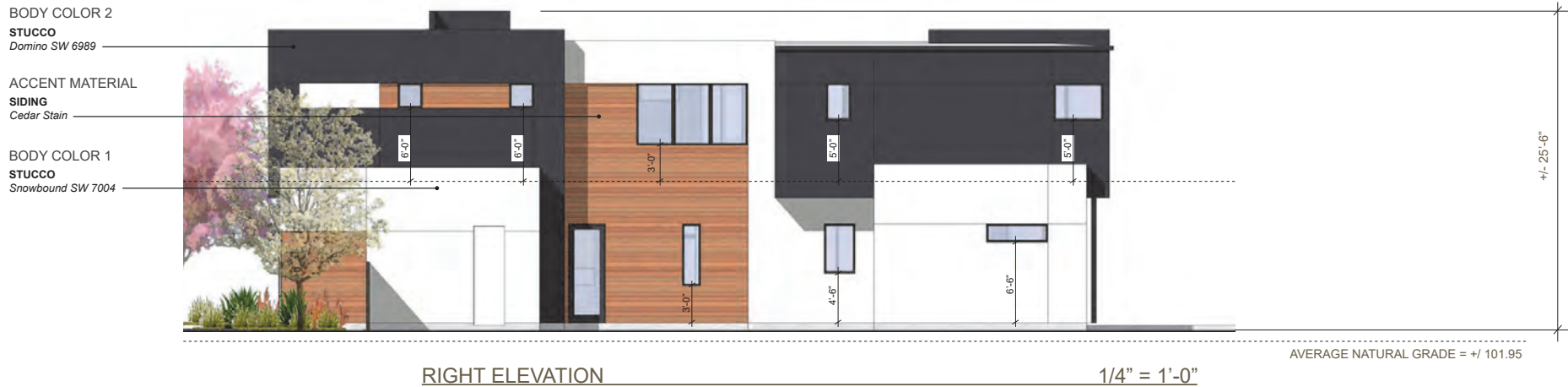
A.10

ELEVATIONS

491 MIDDLE COURT, MENLO PARK

THOMAS JAMES HOMES





WINDOWS
MARVIN ESSENTIAL FIBERGLASS
(ALL ULTREX)

FRAME COLOR: BRONZE
NO GRID - SINGLE LITE



ELEVATIONS

491 MIDDLE COURT, MENLO PARK

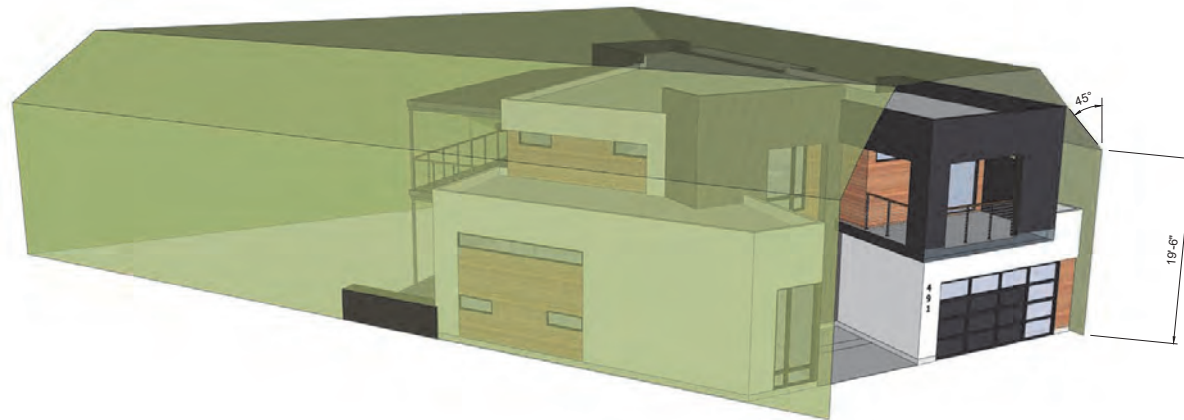
THOMAS JAMES HOMES



DATE 08-02-2021
JOB NO. 1641.001

5865 Owens Drive
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925-251-7200

A.11



Daylight Plane Exhibit per City of Menlo Park Section 16.67.020

Daylight Plane intrusion on one side elevation is 27'-0" in length by 11.5" depth.

Length of Intrusion (27'-0") does not exceed maximum allowable length of 30'-0".

ADU is located in rear and side setbacks and is not subject to Daylight Plane restrictions.

DAYLIGHT PLANE DIAGRAM

491 MIDDLE COURT, MENLO PARK

THOMAS JAMES HOMES



DATE 08-02-2021
JOB NO. 1641.001

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925-251-7200

A.12



PLAN 1 - SECTION - A 1/4" = 1'-0"



PLAN 1 - SECTION - B 1/4" = 1'-0"

SECTIONS

491 MIDDLE COURT, MENLO PARK

THOMAS JAMES HOMES



DATE 08-02-2021
JOB NO. 1641.001

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925-251-7200

A.13



PERSPECTIVE VIEW

491 MIDDLE COURT, MENLO PARK

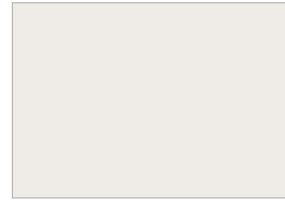
THOMAS JAMES HOMES



DATE 08-02-2021
JOB NO. 1641.001

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Pleasanton, CA 94588
925-251-7200

A.14



BODY COLOR 1
STUCCO
Snowbound SW 7004



BODY COLOR 2
STUCCO
Domino SW 6989



ACCENT MATERIAL
SIDING
Cedar Stain



ACCENT MATERIAL
3/4\"/>



BODY COLOR 3
STUCCO
Red Tomato SW 6607

COLORS & MATERIALS

491 MIDDLE COURT, MENLO PARK

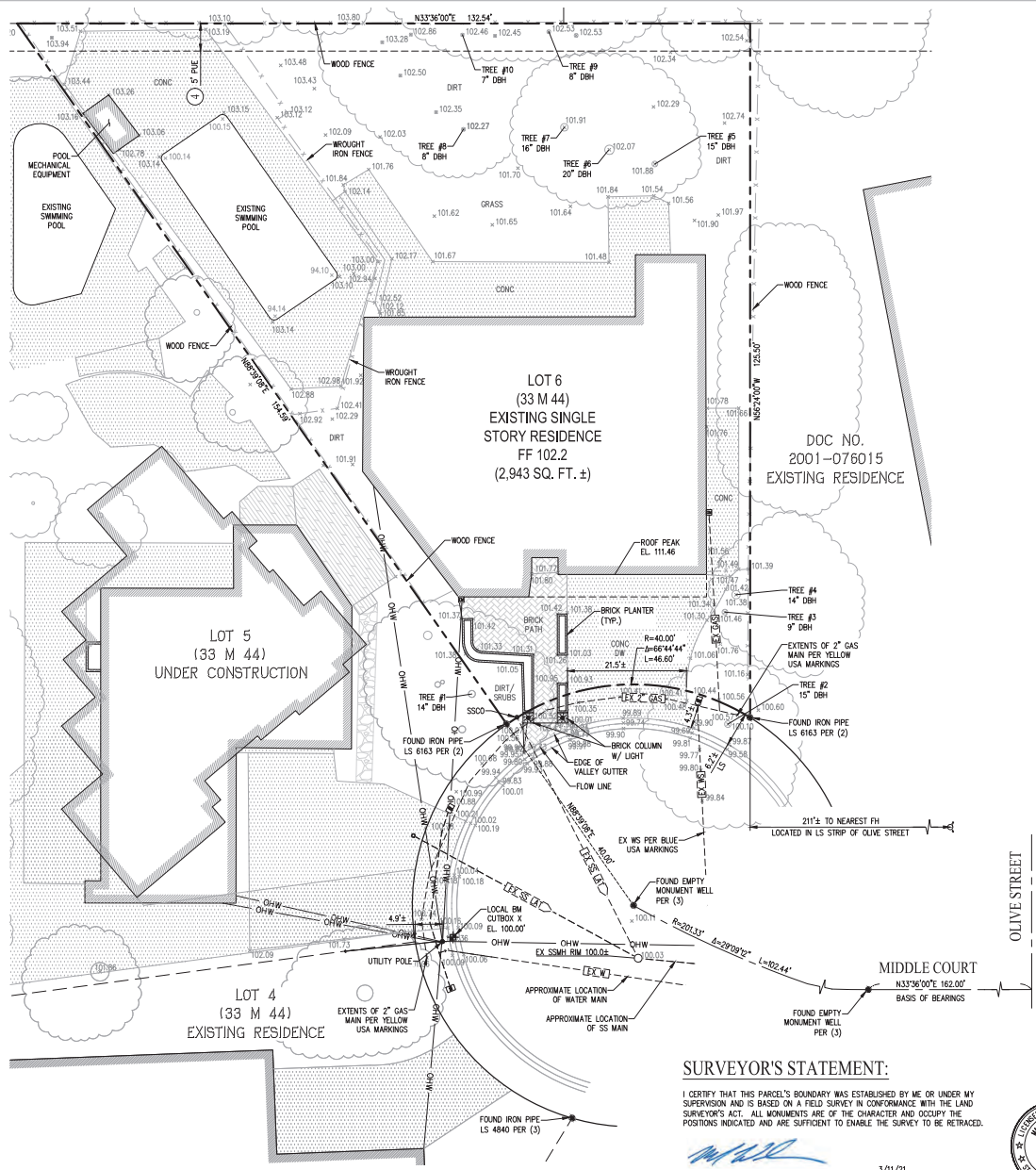
THOMAS JAMES HOMES



DATE 08-02-2021
JOB NO. 1641.001

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

A.15



TITLE REPORT

FIDELITY NATIONAL TITLE COMPANY
 TITLE NO. FNSM-102100555-BD
 DATED MARCH 4, 2021

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MENLO PARK, COUNTY OF SAN MATEO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:
 LOT 6, AS DELINEATED UPON THAT CERTAIN MAP ENTITLED "DAMDLELL PARK, MENLO PARK, SAN MATEO COUNTY, CALIFORNIA", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON SEPTEMBER 28, 1991 IN BOOK 33 OF MAPS, AT PAGE 44.

EXCEPTIONS AND EXCLUSIONS:

- ② INDICATES TITLE REPORT ITEM NUMBER
- ITEMS ① THROUGH ③ RELATE TO TAXES AND LIENS AND CANNOT BE PLOTTED.
- ④ EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS DELINEATED OR AS OFFERED FOR DEDICATION, ON THE MAP OF SAID TRACT/PLAT;
- PURPOSE: PUBLIC UTILITIES AND INCIDENTAL PURPOSES AFFECTS: THE NORTHWESTERLY 5 FEET OF SAID LAND
- ITEMS ⑤ THROUGH ⑦ RELATE TO THE TITLE AND DEEDS OF TRUST AND CANNOT BE PLOTTED.

BENCHMARK:

BENCHMARK ID: LOCAL BENCHMARK
 DESCRIPTION: CUT BOX X IN THE CONCRETE VALLEY GUTTER FLOW LINE LOCATED AT THE SOUTH END OF MIDDLE COURT.

BASIS OF BEARINGS:

THE BASIS OF BEARING FOR THIS SURVEY IS THE CENTERLINE OF MIDDLE COURT, BEING N153°00'00"E PER THE MAP ENTITLED, "DAMDLELL PARK, MENLO PARK, SAN MATEO COUNTY, CALIFORNIA" (33 M 44).

ASSESSOR'S PARCEL NUMBER:

071-180-730

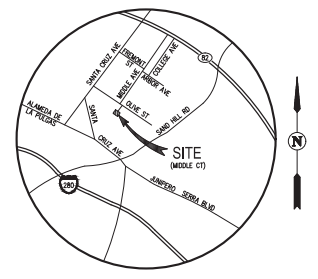
AREA:

10,961 SQ. FT.

LEGEND & ABBREVIATIONS

---	BOUNDARY LINE
---	STREET CENTER LINE
---	EXISTING RIGHT OF WAY
---	ADJACENT PROPERTY LINE
---	EXISTING STRUCTURE
---	EXISTING UTILITY PIPE
---	ROOF OVERHANG
---	OVERHEAD WIRES
---	FENCE LINE
---	THE LINE
---	EXISTING ELECTRIC METER
---	EXISTING GAS METER
---	EXISTING WATER METER
---	EXISTING GROUND ELEVATION
---	EXISTING FIRE HYDRANT
---	LOCAL BENCHMARK
---	FOUND MONUMENT

BM	BENCHMARK
CONC	CONCRETE
DW	DRIVEWAY
EL	ELEVATION
FF	FINISHED FLOOR
FH	FIRE HYDRANT
LAT	LATERAL
LS	LANDSCAPE
OHW	OVERHEAD WIRES
PUE	PUBLIC UTILITY EASEMENT
SS	SANITARY SEWER
SSCO	SANITARY SEWER CLEANOUT
SSMH	SANITARY SEWER MANHOLE
W	WATER
WM	WATER METER
WS	WATER SERVICE



VICINITY MAP
 NOT TO SCALE

NOTES:

- 1) RECORD INFORMATION AND PROPERTY DESCRIPTION ARE PER TITLE REPORT LISTED HEREIN.
- 2) UTILITIES SHOWN ARE BASED ON OBSERVED EVIDENCE AT THE TIME OF THE FIELD SURVEY. ADDITIONAL RESEARCH AND INVESTIGATION WOULD BE REQUIRED TO DETERMINE THE EXACT LOCATIONS OF UNDERGROUND UTILITIES. DO NOT RELY ON THIS SURVEY FOR SUCH LOCATIONS. SOME UTILITIES COULD BE COVERED BY STRUCTURES OR OBJECTS SUCH AS AUTOMOBILES, TRUCKS, CONTAINERS, ETC.
- 3) ALL DISTANCES SHOWN ARE FEET AND DECIMALS THEREOF.
- 4) ALL TIES SHOWN HEREON ARE PERPENDICULAR UNLESS OTHERWISE NOTED.
- 5) SURVEY UPDATED 7/1/21 TO REFLECT TREE TAG INFORMATION REFERENCED FROM TREE INVENTORY IN THE PROJECT ARBORIST REPORT DATED JUNE 28, 2021 AND PREPARED BY CALIFORNIA TREE AND LANDSCAPE CONSULTING, INC.

REFERENCES:

- (1) DAMDLELL PARK (33 M 44)
- (2) CORNER RECORD 2282
- (3) CORNER RECORD 389
- (4) DOC NO. 2001-076015

FLOOD ZONE:

ZONE X: AREAS OF MINIMAL FLOOD HAZARD.
 SOURCE: FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). FLOOD INSURANCE RATE MAP, MAP NUMBER 060803012E
 DATED: OCTOBER 16, 2012

SURVEYOR'S STATEMENT:

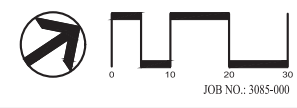
I CERTIFY THAT THIS PARCEL'S BOUNDARY WAS ESTABLISHED BY ME OR UNDER MY SUPERVISION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

[Signature]
 MARK H. WEBER
 REGISTERED L.S. NO. 7960
 DATE: 3/11/21



**491 MIDDLE COURT
 TOPOGRAPHIC & BOUNDARY SURVEY**

CITY OF MENLO PARK COUNTY OF SAN MATEO CALIFORNIA
 SCALE: 1" = 10' DATE: MARCH 11, 2021



cbg CIVIL ENGINEERS SURVEYORS PLANNERS
 SAN RAMON (925) 866-0322
 SACRAMENTO (916) 375-1877
 WWW.CBGINC.COM

SHEET NO.
1
 OF 1 SHEETS

APPENDIX 3 – GENERAL PRACTICES FOR TREE PROTECTION

Definitions:

Root zone: The roots of trees grow fairly close to the surface of the soil, and spread out in a radial direction from the trunk of trees. A general rule of thumb is that they spread 2 to 3 times the radius of the canopy, or 1 to 1.5 times the height of the tree. It is generally accepted that disturbance to root zones should be kept in fact as possible from the trunk of a tree.

Inner Bark: The bark on large valley oaks and coast live oaks is quite thick, usually 1" to 2", if the bark is knocked off a tree, the inner bark, or cambial region, is exposed or removed. The cambial zone is the area of tissue responsible for adding new layers to the tree each year, so by removing it, the tree can only grow new tissue from the edges of the wound. In addition, the wood of the tree is exposed to decay fungi, as the trunk present at the time of the injury becomes susceptible to decay. Tree protection measures require that no activities occur which can knock the bark off the trees.

Methods Used in Tree Protection:

No matter how detailed Tree Protection Measures are in the initial Arborist Report, they will not accomplish their stated purpose unless they are applied to individual trees and a Project Arborist is hired to oversee the construction. The Project Arborist should have the ability to enforce the Protection Measures. The Project Arborist should be hired as soon as possible to assist in design and to become familiar with the project. He must be able to read and understand the project drawings and interpret the specifications. He should also have the ability to cooperate with the contractor, incorporating the contractor's ideas on how to accomplish the protection measures, whenever possible. It is advisable for the Project Arborist to be present at the pre-bid tour of the site; to answer questions the contractors may have about Tree Protection Measures. This allows the contractors know how important tree preservation is to the developer.

Root Protection Zone (RPZ): Since in most construction projects it is not possible to protect the entire root zone of a tree, a Root Protection Zone is established for each tree to be preserved. The minimum Root Protection Zone is the area underneath the tree's canopy (out to the dripline, or edge of the canopy), plus 1'. The Project Arborist must approve work within the RPZ.

Irrigate, Fertilize, Mulch: Prior to grading on the site near any tree, the area within the Tree Protection fence should be fertilized with 4 pounds of nitrogen per 1000 square feet, and the fertilizer irrigated in. The irrigation should penetrate at least 24 inches into the soil. This should be done no less than 2 weeks prior to grading or other root disturbing activities. After irrigating, cover the RPZ with at least 12" of leaf and twig mulch. Such mulch can be obtained from chipping or grinding the limbs of any trees removed on the site. Acceptable mulches can be obtained from nurseries or other commercial sources. Fibrous or shredded redwood or cedar bark mulch (that is not used anywhere on site).

Fence: Fence around the Root Protection Zone and restrict activity therein to prevent soil compaction by vehicles, foot traffic or material storage. The fenced area shall be off limits to all construction equipment, unless there is express written notification provided by the Project Arborist, and impacts are discussed and mitigated prior to work commencing.

No storage or cleaning of equipment or materials, or parking of any equipment can take place within the fenced off area, known as the RPZ.

The fence should be highly visible, and stout enough to keep vehicles and other equipment out. I recommend the fence be made of orange plastic protective fencing, kept in place by t-posts set no farther apart than 6';

in areas of intense impact, a 6' chain link fence is preferred.

In areas with many trees, the RPZ can be fenced at one unit, rather than separately for each tree.

Where tree trunks are within 2' of the construction area, place 2" by 4" boards vertically against the tree trunk, and if spaced off, hold the boards in place with wire. Do not nail them directly against the tree. The purpose of the boards is to protect the trunk, should any equipment stray into the RPZ.

Prune/Follow: Where indicated, remove lower foliage from a tree to prevent limb breakage by equipment. Low foliage can usually be removed without harming the tree, unless more than 25% of the foliage is removed. Branches need to be removed at the anatomically correct location in order to prevent decay organisms from entering the trunk. For this reason, a contractor who is an ISA Certified Arborist should perform all pruning on protected trees.⁶

Expose and Cut Roots: Breaking roots with a backhoe, or crushing them with a grader, causes significant injury, which may subject the roots to decay. Ripping roots may cause them to splinter toward the base of the tree, causing much more injury than a clean cut would make. At any location where the root zone of a tree will be impacted by a trench or a cut (including a cut required for a fill and compaction), the roots shall be exposed with either a backhoe digging radially to the trunk, by hand digging, or by a hydraulic air saw, and then cut cleanly with a sharp instrument, such as chainsaw with a carbide chain. Once the roots are exposed, the area behind the cut should be moistened and mulched. A root protection fence should also be erected to protect the remaining roots, if it is not already in place. Further grading or backhoe work required outside the established RPZ can then continue without further protection measures.

Protect Roots in Deeper Trenches: The location of utilities on the site can be very detrimental to trees. Design the project to suit as few trenches as possible, and to keep them away from the major trees to be protected. Whenever possible, in areas where trenches will be very deep, consider boring under the roots of the trees, rather than digging the trench through the roots. This technique can be quite useful for utility trenches and pipelines.

Protect Roots in Small Trenches: After all construction is complete on a site, it is not unusual for the landscape contractor to come in and sever a large number of "preserved" roots during the installation of irrigation systems. The Project Arborist must therefore approve the landscape and irrigation plans. The irrigation system needs to be designed so the main lines are located outside the root zone of major trees, and the secondary lines are either laid on the surface (rip systems), or carefully dug with a hydraulic air spade, and the flexible pipe fed underneath the major roots.

Design the irrigation system so it can slowly apply water (no more than 1" to 1.5" of water per hour) over a longer period of time. This allows deep soaking of root zones. The system also needs to accommodate infrequent irrigation settings of once or twice a month, rather than several times a week.

Monitoring Tree Health During and After Construction: The Project Arborist should visit the site at least twice a month during construction to be certain the tree protection measures are being followed. To monitor the health of impacted trees, and make recommendations as to irrigation or other needs. After construction is

⁶ International Society of Arboriculture (ISA) maintains a program of Certifying Individuals. Each Certified Arborist has a number and must maintain continuing education credits to remain Certified.

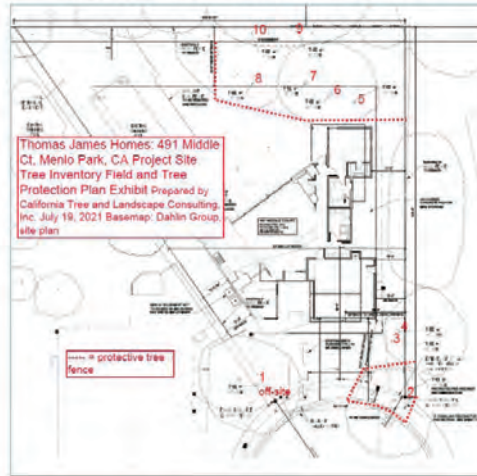
complete, the arborist should monitor the site monthly for one year and make recommendations for care where needed. If longer term monitoring is required, the arborist should report this to the developer and the planning agency overseeing the project.

Root Structure

The majority of a tree's roots are contained in a radius from the main trunk outward approximately two to three times the canopy of the tree. These roots are located in the top 6" to 3' of soil. It is a common misconception that a tree underground resembles the canopy (see Drawing A below). The correct root structure of a tree is in Drawing B. All plants' roots need both water and air for survival. Surface roots are a common phenomenon with trees grown in compacted soil. Poor canopy development or canopy decline in mature trees is often the result of inadequate root space and/or soil compaction.



APPENDIX 1 – TREE INVENTORY FIELD AND TREE PROTECTION PLAN EXHIBIT



TREE PROTECTION SHEET

491 MIDDLE DRIVE, MENLO PARK

T.1



THOMAS JAMES HOMES
255 Shoreline Dr Suite 428,
Redwood City, CA 94065

**491 MIDDLE COURT – USE / VARIANCE PERMIT
PROJECT DESCRIPTION**

August 3, 2021

PARCEL GENERAL INFORMATION

The 10,961 sq. ft. parcel located at 491 Middle court is a standard lot per the subdivision ordinance. The existing lot is 45'-10" in radial width and 132'-5" average in depth. Per the subdivision improvement standards 15.16.110, where frontage abuts the outside of any curve of a radius, the lot is required to have a front setback of equal length to the minimum radial lot width, in this case the setback is 45'-10" which creates an 80ft minimum lot width. The width and depth comply with R1-S zoning ordinance which requires 80' in width and 100' in depth. However, for a standard R1-S lot, the front setback is typically 20'-0". Therefore, we are requesting a front setback reduction from 45'-10" to 20'-0" to parallel the typical front setback required for the R1-S district and is the reason for the variance submittal.

Ten trees were analyzed including two trees off-site and eight trees on site. Three trees onsite are considered Heritage trees. All trees are proposed to be retained.

EXISTING HOME TO BE DEMOLISHED

The existing house is a Ranch style home built in 1952. It originally had 1,760 sf home including an attached carport. The home was added onto in 1988 and is now 2,050 sf with an attached garage and an accessory covered patio of 324sf.

PROPOSED SINGLE FAMILY RESIDENCE

The proposed two-story single-family residence has a modern design, with a combination of materials, stucco and accents of horizontal siding and metal panels. Given the eclectic neighborhood, we believe the home will be a great addition to the court. The house has different roofs to step from one story elements up to a two-story element creating relief and articulation to the overall home. The new home will have 5 bedrooms and 4.5 baths including an attached garage and an ADU in the rear yard. An open floor plan and the attention paid to indoor-outdoor living space is designed to appeal to growing families.

Best,

Anna Felver, Planning Manager at **Thomas James Homes**
afelver@tjhusa.com | 650. 402.3024

April 22, 2021

**CITY OF MENLO PARK
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**
701 Laurel Street
Menlo Park, CA 94025

RE: 491 MIDDLE COURT, MENLO PARK

Address: 491 Middle Court, Menlo Park

APN number: 071-180-730

Zoning: R1-S

The subject parcel is a pie-shaped parcel on a cul-de-sac with an existing older home that will be demolished and a new two story house will be constructed in its place. The existing square footage to be demolished is 2,050 square footage of living space including a 450 square foot garage. The new proposed square footage is 3,332 and the new proposed garage square footage is 457. The existing house has the garage facing the cul-de-sac and is setback approximately 20' from the front property line. Due to the shape of the lot, the width of the existing house is considerably less along the street frontage compared to the rear of the house. The proposed home will have a similar relationship to the public street with the garage and the entry oriented towards the street with the rest of the house behind. The variance being sought with the application is a reduction to the front setback. The front setback for the subject property as per ordinance 15.16.110 is 45'-8". We are proposing a setback reduction to 20' similar to a typical front setback for a standard lot in the R1-S district. We are not requesting any variances to the rear and side setbacks.

Section 15.32.020 of the City of Menlo Park's Municipal code states that the City Council may grant variances from the foregoing requirements, when all of the following conditions are found to apply:

- (1) *That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity;*

The request for this variance is not based upon a desire for special privileges inconsistent with the limitations upon other properties, but instead to be given the right to use this "pie-shaped" parcel, with curved and narrow frontage, in the same manner consistent with lots of similar size in the vicinity. Without some relief, a significant portion of the site cannot be developed. The variance would allow for typical modifications that other properties with a standard 20' setback could easily achieve. Additionally, most homes in the vicinity, both irregular and standard in shape are sited similarly with a +/- 20' setback from the front property line.

- (2) *That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity;*

The strict interpretation of the setbacks as per the Municipal Code severely limits the development potential of the site. The subject parcel is pie-shaped with a curved, narrow frontage along a cul-de-sac. Due to this, the required setback along the front is +/45'-8" based on the definition of front setback as per Ordinance 15.16.110. This would severely limit the potential to develop a home that suits the neighborhood context. A variance request to reduce the front setback to 20' is to allow for redevelopment of the site consistent with the neighborhood in scale and form. If this were a standard rectangular lot, this project would be subject to a 20' setback per the R1-S Zoning designation.

- (3) *That under the circumstances of this particular case, the variance, rather than the sections at issue in this title, actually carries out the spirit and intent of this title. (Prior code § 24.10(2)).*

The goal of a variance is to allow for discretionary review of certain regulations and standards that may place an undue burden on the development of a specific site given its unique characteristics. If the setback requirements of the municipal code were to be applied strictly in this case, it would create an unnecessary hardship for the Owner. This variance, if granted, will provide the owners, not a privilege, but an equal opportunity to enjoy their property in the same manner as their neighbors and others in the same zoning district.

Sincerely,



Jaime Matheron, AIA
Senior Associate / Architect



M2-PRESENTATION



491 MIDDLE COURT SUBDIVISION ORDINANCE VARIANCE

City Council Regular Business Item M2 – October 12, 2021

SUBDIVISION ORDINANCE FRONT SETBACK REQUIREMENT AND VARIANCE REQUEST

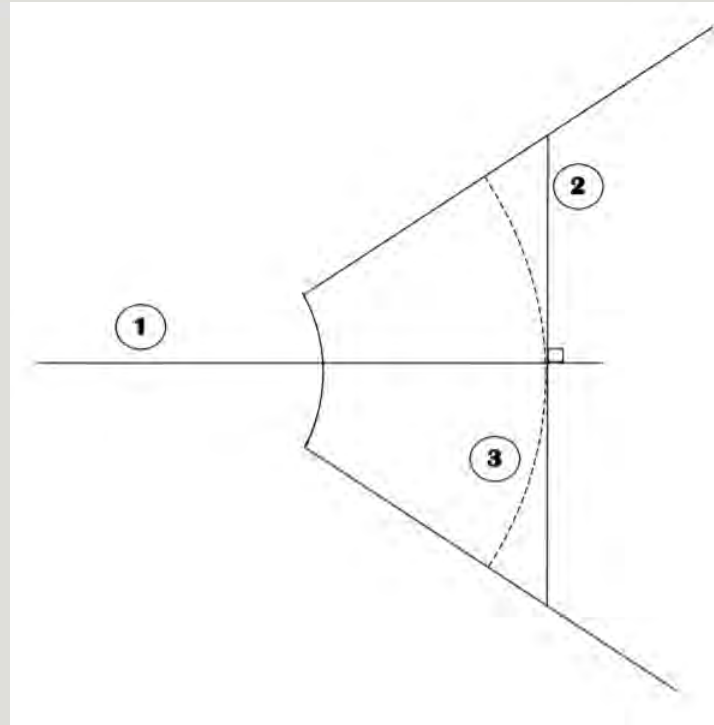


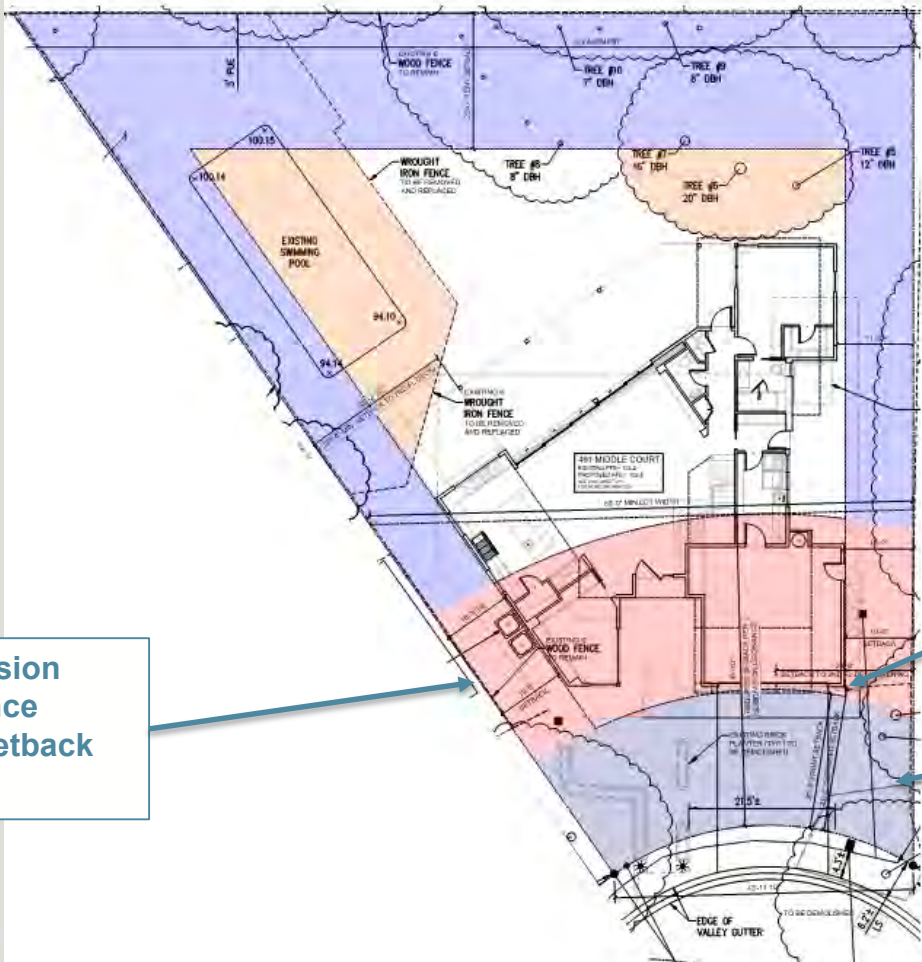
491 Middle Court

- Standard R-1-S property.
- No use permit required for new two-story home.

Title 15 - Subdivision Ordinance

- Applies to existing lots with a curved frontage
 - Front setback established at the point where the lot meets the minimum lot width for the applicable zoning district.
- Variance request to reduce front setback from 45'-10" to 21'-2"





Subdivision Ordinance Front Setback (~46ft.)

Proposed front setback (21'-2")

Zoning Ordinance Front Setback (20ft.)

SUBDIVISION ORDINANCE VARIANCE FINDINGS



15.32 Variances - 15.32.020 Criteria for Granting

- The City Council may grant variances from the foregoing requirements, when all of the following conditions are found to apply:
 1. That any variance granted shall **not constitute** a grant of a **special privilege**;
 2. **Special circumstances** apply to the subject property, which deprive the property of privileges enjoyed by other properties in the vicinity;
 3. That the variance **carries out the spirit and intent of the subdivision ordinance**.

RECOMMENDED ACTION

Approve the request for a variance to modify the Subdivision Ordinance front setback per the recommended actions in Exhibit A of Resolution No. 6677.



THANK YOU



STAFF REPORT – CONTINUED FROM 9/21/2021

City Council

Meeting Date: ~~9/21/2021~~ 10/12/2021

Staff Report Number: 21-184-CC

Regular Business: **Adopt the Transportation Management Association feasibility study final report**

Recommendation

Staff recommends that the City Council adopt the Transportation Management Association (TMA) feasibility study final report (Attachment A.)

Policy Issues

The development of a 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.”

Background

The development of a TMA is identified in the 2021 City Council work plan, and is a strategy in the adopted 2020 climate action plan (CAP No. 4.) The goal of a TMA is to coordinate logistics and TDM services amongst multiple member businesses. Instead of an individual business providing TDM services for their employees, a TMA allows multiple businesses to share TDM resources and creates cost-efficiencies that allow smaller businesses to access services that otherwise would not be affordable.

City staff and the consultant, Steer Group, started the TMA feasibility study in the summer of 2019. Since then, the COVID-19 pandemic and its impact on businesses as well as the launch of a new sub-regional transportation program, Manzanita Transit, led the team to pivot from evaluating creating a city-led TMA (whether at the sub-regional or citywide level) to pursuing a more cost-effective hybrid model that leverages existing services and fills in gaps to ensure that businesses of all sizes have access to commute program planning and implementation services. The project timeline was delayed in order to gather more details about the state of commuting in the Bay Area due to the ongoing COVID-19 pandemic and the operational start in November 2020 of Manzanita Transit’s Ravenswood Transit Consortium in the Mid-Peninsula sub-region. On April 13, 2021, staff provided the City Council with a project update (Attachment B.) On April 14, 2021 staff presented an update and requested feedback from the Complete Streets Commission (Attachment C.)

Since April 2021, staff refined the feasibility study based on feedback from the City Council and Complete Streets Commission, along with ongoing regional initiatives around the Bay Area and feedback from Manzanita Transit and San Mateo County’s Commute.org. Several strategies are discussed to help the City achieve these objectives, all of which involve collaborating with Manzanita Transit and Commute.org, as

described further below.

Analysis

Since July 2020, many external factors have caused the City to reevaluate its original strategy in recommending the Citywide or region/sub-regional TMA options. Specifically, new information regarding the ongoing COVID-19 pandemic, the Metropolitan Transportation Commission (MTC) telework policy, and the operational start of Manzanita Transit programs have necessitated that the feasibility study plan for a new normal.

Therefore, the City creating a TMA would be duplicative of Manzanita Works' efforts, an inefficient use of resources, and potentially confusing to the public. The creation of Manzanita Transit's Ravenswood Transit Consortium in November 2020 gives it a head start on any City-related TMA actions. The timing and its collaboration across San Mateo and Santa Clara counties gives it great potential to be effective. Additionally, some potential larger employers in a future Citywide Menlo Park TMA may have already or are planning to join the Ravenswood Transit Consortium. The lack of membership from larger employers, along with their commensurate membership dues, may not allow for the viability for a cost-efficient Citywide TMA.

The hybrid approach

New regional initiatives and the ongoing pandemic led Steer Group to recommend a hybrid approach to offer the benefits of both the Citywide and regional/sub-regional TMA options, while also being fiscally responsible. These options, shown in Table 1, were provided to the City Council in an informational item and presented to the Complete Streets Commission in April 2021. Three objectives and six strategies were proposed as alternatives for the City to pursue in lieu of the Citywide and regional/sub-regional TMA options.

Table 1: April 2021 draft TMA/TDM options	
Objective	Strategy
Objective 1: Endorse and support regional and sub-regional TDM efforts	Strategy 1.1: City joins Commute.org as a member Cost: City Council time as Commute.org board representative
	Strategy 1.2: City encourages employers and developers to participate in Manzanita Works, when possible Cost: Transportation Division, Planning Division staff time
Objective 2: Ensure TDM support is available for all businesses	Strategy 2A: City partners with Commute.org, who will provide contracted service to provide tailored education and engagement support to all Menlo Park businesses Cost: \$100,000 for contracted part-time employee (0.5 FTE)
	Strategy 2B: City sponsors small to medium-sized businesses to join Manzanita Works Cost: Estimated at \$100,000 for 50 small businesses
Objective 3: City can serve as an example of an employer with a robust and collaborative TDM program	Strategy 3.1: City joins Manzanita Works to as way to offer more commuter benefits Cost: Estimated at \$50,000-\$100,000 as medium-sized employer
	Strategy 3.2: City promotes Commute.org's full suite of free services to its employees Cost: TDM Coordinator staff time

After the City Council and Complete Streets Commission meetings, the feedback indicated that this draft plan needed to be further refined. The Complete Streets Commission approved a motion to pursue Strategies 1.1, 1.2, 3.2 and take action immediately, while pursuing Strategies 2A/2B, 3.1 more slowly as the City needed more information from the organizations and pandemic situation. Additional feedback at the City Council meeting affirmed doubt for Strategy 2A/2B, specifically why select just one entity rather than being able to draw from both organization's programs and strengths.

Since April 2021, City staff has worked with Steer Group to further refine recommendations to bring forth in the TMA feasibility study final report. City staff and Steer Group have worked more closely with representatives from Commute.org (San Mateo County's Transportation Demand Management agency) and Manzanita Transit. Through these conversations, the City has learned more about what both Commute.org and Manzanita Transit can offer. The end goal of both organizations are similar, with their synergistic relationship working to better commutes for employers and residents in San Mateo County. As an established entity with many programs, Commute.org has many services that Manzanita Transit can collaborate on and not need to duplicate. Conversely, Manzanita Transit's end goals are some programs and services that Commute.org may not offer. Ultimately, the City understands that working with both Commute.org and Manzanita Transit can offer programs and services that can fit its TDM needs.

While working with Commute.org and Manzanita Transit over the last few months has offered clarity for one aspect of the TMA feasibility study, there are still other unknowns as the COVID-19 pandemic continues to influence travel behaviors. The return of workers to offices and commutes, are still a moving target. There was optimism that many employees working remotely would begin returning to offices in September 2021, given that many seniors, adults, adolescent, and vulnerable populations had received vaccinations. Additionally, many major transit agencies in the Bay Area, such as Caltrain, BART, SamTrans

and Muni, have returned to near pre-pandemic service levels in August and September 2021 to accommodate the anticipated transit demand.

However, the rise of the highly transmissible Delta variant of the virus amongst vaccinated and non-vaccinated populations has created cause for concern, since its official declaration in June 2021. That concern has led Facebook, a major employer in Menlo Park, to push back its office return to January 2022 from September 2021. This move is similar to other large technology companies in the region, such as Apple and Google. As employers in Menlo Park, including the City itself, contemplate return to work and the integration of hybrid work-from-home schedules, commuting patterns and demands will continue to be unknown in the near future.

After working with Commute.org and Manzanita Transit, along with identifying potential obstacles to commuting, Steer Group revised the recommendations that were shared in April 2021. These short-term and longer-term strategies are described in Chapter 5 of the TMA feasibility study final report (Attachment A) with Table 2 listing the revised objectives and strategies.

Objective	Strategy	Implementation timeline
Objective 1: Endorse regional TDM efforts	Action 1 (formerly Strategy 1.1): City joins Commute.org as a member Cost: City Council time as Commute.org board representative	Year 1: Late 2021/Early 2022
	Action 2 (formerly Strategy 1.2): City encourages employers and developers to participate in Manzanita Works, when possible Cost: Transportation Division, Planning Division staff time	Year 1: Late 2021/Early 2022
Objective 2: City can serve as an example of an employer with a robust and collaborative TDM program	Action 3 (formerly Strategy 3.2): City promotes Commute.org's full suite of free services to its employees Cost: TDM Coordinator staff time	Year 1: Late 2021/Early 2022
	Action 4 (formerly Strategy 3.1): City joins Manzanita Works to as way to offer more commuter benefits Cost: Estimated at \$40,000	Year 2 to 3: FY 2022-23, 2023-24
Objective 3: Ensure TDM support is available to all businesses	Action 5 (formerly Strategy 3.2): Invest in sub-regional resources (Commute.org, Manzanita Transit) to provide targeted Citywide support Cost: Estimated at \$30,000-\$120,000	Year 2 to 3: FY 2022-23, 2023-24

Staff recommendations

Staff recommends that the City pursue a phased implementation of the objectives and actions in Table 2. This will allow the City to strategically phase in TDM support and services in response to how the region recovers from the COVID-19 pandemic. The phased approach will be implemented over the next few years in order to adequately budget and understand the new commuting patterns.

Actions 1, 2, and 3 are more straightforward for implementation in fiscal year 2021-22, and this phased approach is in line with the Complete Streets Commission recommendation in April 2021. In order to pursue Action 4, the City will need to identify its commuter benefits needs in fiscal year 2021-22. Additionally, budget will need to be identified for commuter benefits, such as the Caltrain Go Pass, and membership dues to join Manzanita Transit. Staff will return to City Council for action to join Commute.org and to appropriate funds to expand programs as part of the midyear budget review (early 2022) or annual budget adoption process (April through June 2022.)

Lastly, to pursue Action 5 the City will need to survey businesses to understand new commuting patterns post-COVID, along with budgeting for both the survey and implementation of Action 5 programs with Commute.org and Manzanita Transit. While surveying could begin in year one of the schedule, it is anticipated to be more effective in year two based given the unknowns of the COVID-19 pandemic and full return to work. It is anticipated that Action 5 will require planning, monitoring and research over the next few years.

Additional long-term strategies to aid with longer-term deployment of TDM services to all businesses in Menlo Park are listed in Chapter 5 of the TMA feasibility study final report, including:

- Research post-pandemic commute patterns with surveys, Streetlight data (anonymized location data from smartphones and navigation devices), and programs that incentivize tracking/logging trips.
- Identify new funding sources to support these new initiatives.
- Revise TDM program guidelines for new developments to codify more current TDM requirements for reducing trips. This could include an update to the Municipal Code for certain zoning districts and/or updating the 2015 TDM program guidelines.
- Update the TDM program guidelines, which are based on C/CAG's, based on City needs and/or C/CAG's updates, such as their current revision process in 2021.

The end goal is to have the City and employers achieve tangible shifts from single-occupant vehicle commutes to transit, bicycling, walking and carpool/vanpool. This approach to innovating the commute through the hybrid strategies will reduce congestion and greenhouse gas emissions, which supports other City-led initiatives such as the general plan, transportation master plan and CAP.

Impact on City Resources

This feasibility study was funded by a \$100,000 contribution required as part of the Facebook campus expansion project development agreement. Additional staff resources and budget may be needed depending on which TMA implementation strategies are identified to move forward.

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. Each strategy or action proposed would be subject to environmental review at the time of approval or implementation.

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. TMA feasibility study final report
- B. Hyperlink – TMA feasibility study, April 13, 2021, City Council staff report:
menlopark.org/DocumentCenter/View/27882/L3-20210413-CC-TMA-update
- C. Hyperlink – TMA feasibility study, April 14, 2021, Complete Streets Commission staff report:
menlopark.org/DocumentCenter/View/27881/SR-TMA-Implementation-Plan-Update-to-CSC

Report prepared by:
Nicholas Yee, Transportation Demand Management Coordinator

Report reviewed by:
Kristiann Choy, Senior Transportation Engineer
Hugh Louch, Assistant Public Works Director - Transportation

Report
September 2021

City of Menlo Park Feasibility Study Final Report



City of Menlo Park Feasibility Study Final Report

Prepared by:

Steer
800 Wilshire Blvd, Suite 1320,
Los Angeles, CA 90017
USA

+1 (213) 425 0990
www.steergroup.com

Prepared for:

City of Menlo Park
701 Laurel St.,
Menlo Park, CA 94025

23642101

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1 Executive Summary

The City of Menlo Park has a goal to reduce vehicle trips and increase access to transportation options in accordance with its Climate Action Plan, Complete Streets Policy, and Transportation Plan. A Transportation Management Association (TMA), an organization dedicated to providing programs and services to help employers, developers, and other stakeholders address local transportation and air quality concerns by encouraging more efficient modes of travel, was identified as a viable option.

The City commissioned a TMA Feasibility Study in spring of 2019 to examine the potential for TMA, who it could serve, and what the organization could look like. The study kicked off with an existing conditions analysis to understand current commute patterns as well as inventory TDM resources already available within the city. An options analysis followed in which the different TMA structures were compared against the City's goals, needs, and priorities. The last phase of the study as originally scoped involved the development of an implementation plan for the formation of a TMA. City Council, the Complete Streets Commission, and stakeholders were consulted throughout the process to provide input and direction.

The emergence of the COVID-19 pandemic at the beginning of 2020 coincided with the initiation of the last phase and caused a delay in the study. When efforts resumed in Fall 2020, the Project Team quickly realized that much has changed. As a result of the Shelter in Place Order, many businesses had to reduce capacity or furlough staff, large portions of the employee population were working from home, and a consortium focused on providing sub-regional TDM services, Manzanita Works' Ravenswood Transit Consortium, officially launched. Given the changes, the Project Team determined the formation of a TMA would not be necessary. Instead, it would be more cost-effective to partner with existing TDM organizations to expand TDM services within the city.

This document, therefore, lays out the findings for the entire study, including the justification for not forming a Menlo Park TMA and the revised recommendations for the City going forward. Based on feedback from the Complete Streets Commission and partner organizations and in response to the continually changing landscape, the report recommends several potential actions partnerships and additional studies to explore but stops short of outlining an implementation plan and budget. This would allow the City to continue to assess the impact of the pandemic on commute patterns and transportation needs within the city, keep apprised of how the new sub-regional organization develops, and explore how it could best collaborate with partner organizations to expand TDM support throughout the city.

This report outlines the following objections as well as recommended actions for the City to consider:

Table 1 Summary of TDM Objectives and Recommended Actions

Objective	Action
Endorse regional TDM efforts	Action 1: Join Commute.org JPA
	Action 2: Encourage employers to participate in Manzanita Transit
Position the City as an example of a robust employer program	Action 3: Promote Commute.org’s full suite of services to its employees
	Action 4: Join Manzanita Transit to supplement existing employee commuter benefits
Ensure TDM support is available to all businesses	Action 5: Invest in existing sub-regional resources to provide targeted Citywide support

2 Introduction

2.1 Study Goals

In the spring of 2019, the City of Menlo Park published a Request for Proposals seeking guidance on the development of a Transportation Management Association (TMA). While TDM exists in many worksites across Menlo Park already, the City was seeking support in the form of an organization that would help to leverage partnerships across the city and sub-region and support the provision of TDM service to a broader group of employers. The study was meant to explore four unique options for TMA structure, and compare their expected success in reducing citywide vehicle miles traveled, changing travel behavior, and supporting stakeholder engagement and partnerships.

2.2 Existing Conditions Analysis

The study started with an information gathering phase in which the Project Team analyzed anonymized mobile phone data to map travel patterns throughout the city, interviewed employers and business groups to understand their transportation-related challenges and needs, and distributed a commute survey to ask employees about their current commute habits and what would help them try an alternative mode of transportation.

Following the Existing Conditions analysis, the Project Team was asked to consider potential options for a TMA in the city. Based on the information gleaned from the prior analysis and input from City Council, the Project Team proposed five potential models:

- Status Quo – no TMA is established and TDM requirements continue to flow through Development Agreements, conditions of approval, and/or mitigation measures identified through the environmental review process to reduce potential environmental effects
- Regional/Sub-Regional TMA – the City would work with neighboring municipalities to join or create a sub-regional organization.
- Large Employer TMA – the Menlo Park TMA would be set up to serve large employers and multi-tenant office buildings with 250 or more employees
- Small Employer TMA – the TMA would serve small employers and organizations, prioritizing those in the Downtown zone
- Citywide TMA – the TMA would serve both small and large employers across the city.

Each model was evaluated based on three categories:

- Estimated impact: employees and stakeholders engaged, mode share, and VMT reduced;
- Estimated cost: start up and ongoing cost as well as membership potential; and
- Alignment with City goals and City role.

The Project Team presented the findings to City Council and were given direction to further explore the Regional/Sub-Regional and Citywide models.

2.3 New Direction

In light of recent developments, such as the COVID-19 pandemic and the launch of Manzanita Transit (Manzanita Works' Program), it was determined that creating a separate TMA, whether at the sub-regional or citywide level, would no longer be the most cost-effective and efficient strategy for the City. Instead, the Project Team determined that the City will be better served by adopting a hybrid model leveraging existing services and filling in gaps to ensure that all businesses have access to commute program planning and implementation services.

In addition, given the current landscape (including the continued growth and evolution of the Manzanita Transit program, uncertainty surrounding available budgets and what types of services would be most impactful as businesses return to the worksite) and in coordination with partner organizations, the intent of this report shifted from recommending clearly-defined actions with distinct budgets to the identification of opportunities for the City and partners to explore further. This change in direction still provides the City with next step actions while allowing for flexibility in how to best build off of and expand current TDM efforts within the city during these uncertain times.

2.4 Alignment with Regional and City Goals and Plans

“Menlo Park provides thoroughly-connected, safe and convenient transportation, adequate emergency vehicle access, and multiple options for people traveling by foot, bicycle, shuttle, bus, car, and train, including daily service along the Dumbarton Rail Corridor.”

-City of Menlo Park General Plan

The objectives laid out in this report support the City's goals to reduce vehicle trips and increase access to transportation options. The strategies identified here align with the City's plans and policies, including:

- **General Plan, Circulation Element** – The Circulation Element of the General Plan describes the key issues and opportunities in the community. Program CIRC-6 B recommends the formation of a TMA to provide assistance to 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. In addition, it requires new, large commercial and residential developments to participate in the TMA, once formed. While the formation of a TMA is no longer recommended, the strategies recommended in this report serve the same purpose of providing assistance, education, and support to help members of the community make informed decisions about how they travel.
- **Climate Action Plan** – The City's 2030 Climate Action Plan (CAP) updated in 2020 calls for a 25% reduction in vehicle miles traveled (VMT) (Plan Item #4). The actions identified in this

report will not only assist in reducing VMT by encouraging the use of alternative modes of transportation, including transit, carpool, vanpool, biking and walking, but would also help reduce congestion, lower GHG emissions, reduce the carbon footprint in Menlo Park.

- **Complete Streets Policy** – The Complete Streets Policy acknowledges the benefits and value for the public health and welfare of reducing vehicle miles traveled and increase transportation by walking, bicycling, and public transportation through the provision of supportive infrastructure.
- **Transportation Master Plan** – The TMP seeks to identify and prioritize key projects to implemented as a path forward to achieving the City’s General Plan goals of: Safety, Sustainability, Mobility Choice, and Congestion Management. By promoting and encourage the use of non-drive along modes, this Plan are in line with these goals.

By leveraging existing TDM programs, the City will be able to provide supportive services and amenities in the most cost-effective manner, allowing for more resources and funds to be redirected toward efforts to raise awareness and encourage adoption of non-drive alone modes of travel.

3 Existing Conditions

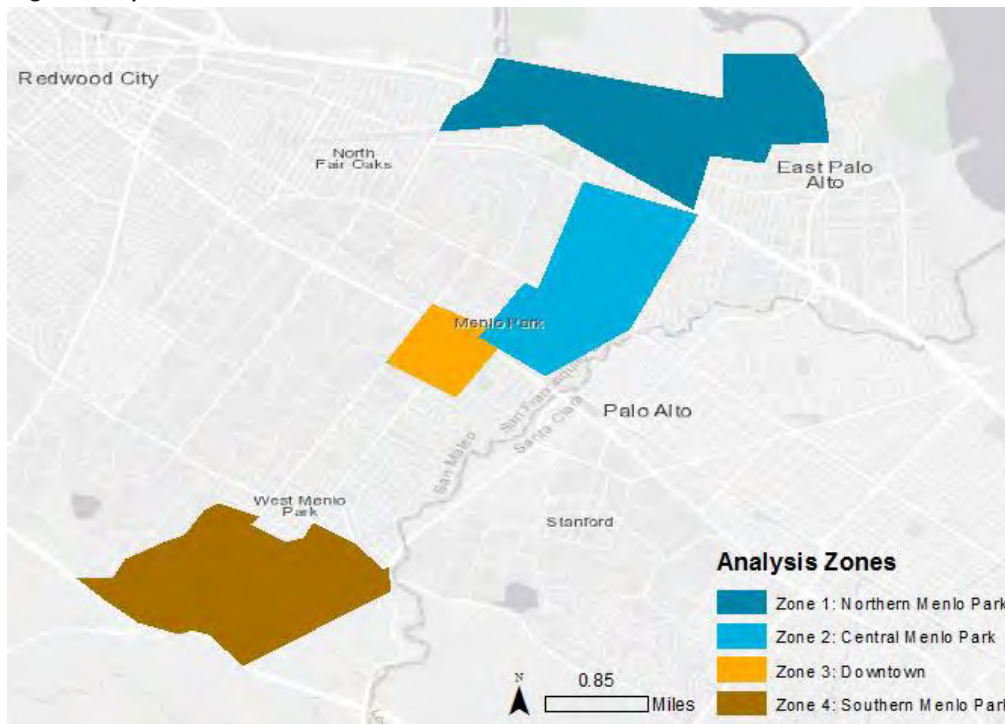
In 2019, the Project Team conducted an Existing Conditions Analysis to understand the travel patterns, transportation challenges, and available TDM resources within the city. Of note, this information was recorded prior to the COVID-19 Pandemic.

3.1 Travel Patterns

StreetLight Data, which anonymizes location records from smart phones and navigation devices, was used to understand vehicular travel patterns within and through the city. Data was pulled for the four Focus Area Zones:

- **Northern Menlo Park** – also known as the Bayfront area, this zone includes the area north of the 101 Freeway and north of the Dumbarton corridor.
- **Central Menlo Park** – the area between the 101 and Freeways which includes City Hall, the Menlo Park Library, and the Veterans Affairs (VA) campus.
- **Downtown Menlo Park** – which encompasses either side of Santa Cruz Ave. between University Dr. and Alma St.
- **Southern Menlo Park** – this zone covers the area abutting Sand Hill Rd. and the 280 Freeway as well as the SLAC area.

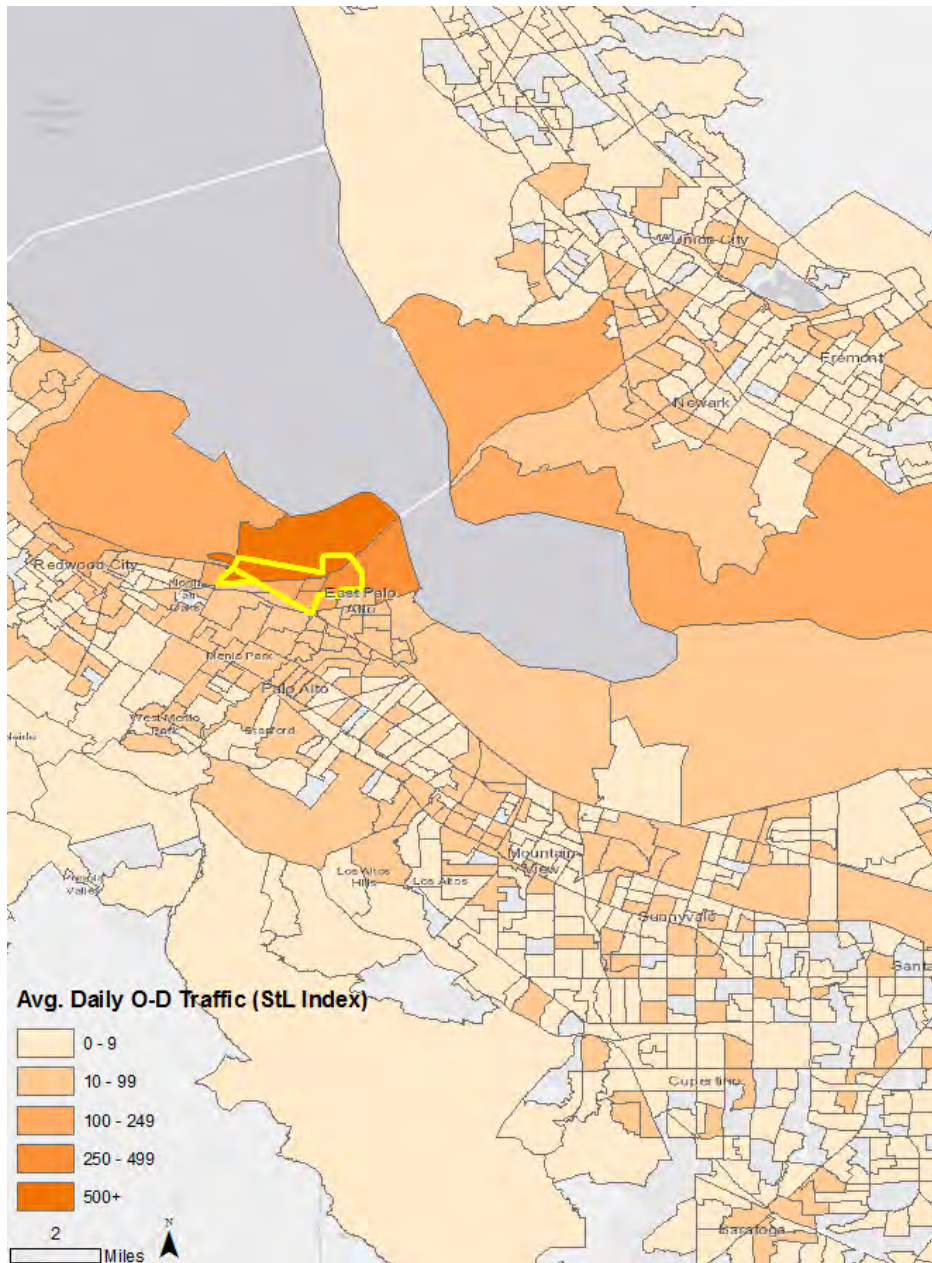
Figure 1 Map of Menlo Park Zones



3.1.1 Northern Menlo Park

Home to some of the city’s largest employers, including Facebook and life sciences employers within the Menlo Park Labs life sciences park,, Northern Menlo Park attracts and contributes to the most trips of all four zones analyzed. Trip origin and destination counts tend to follow a traditional commute-style pattern, with more trips coming into the zone during the morning peak (between 6am and 10am) and leaving the zone during the evening peak (between 3pm and 7pm). The greatest concentration of trips arriving into the zone originate from the adjacent block group, indicating that many employees live and work locally and have relatively short commute trips. The next highest concentration of employees arrive from across the Dumbarton Bridge.

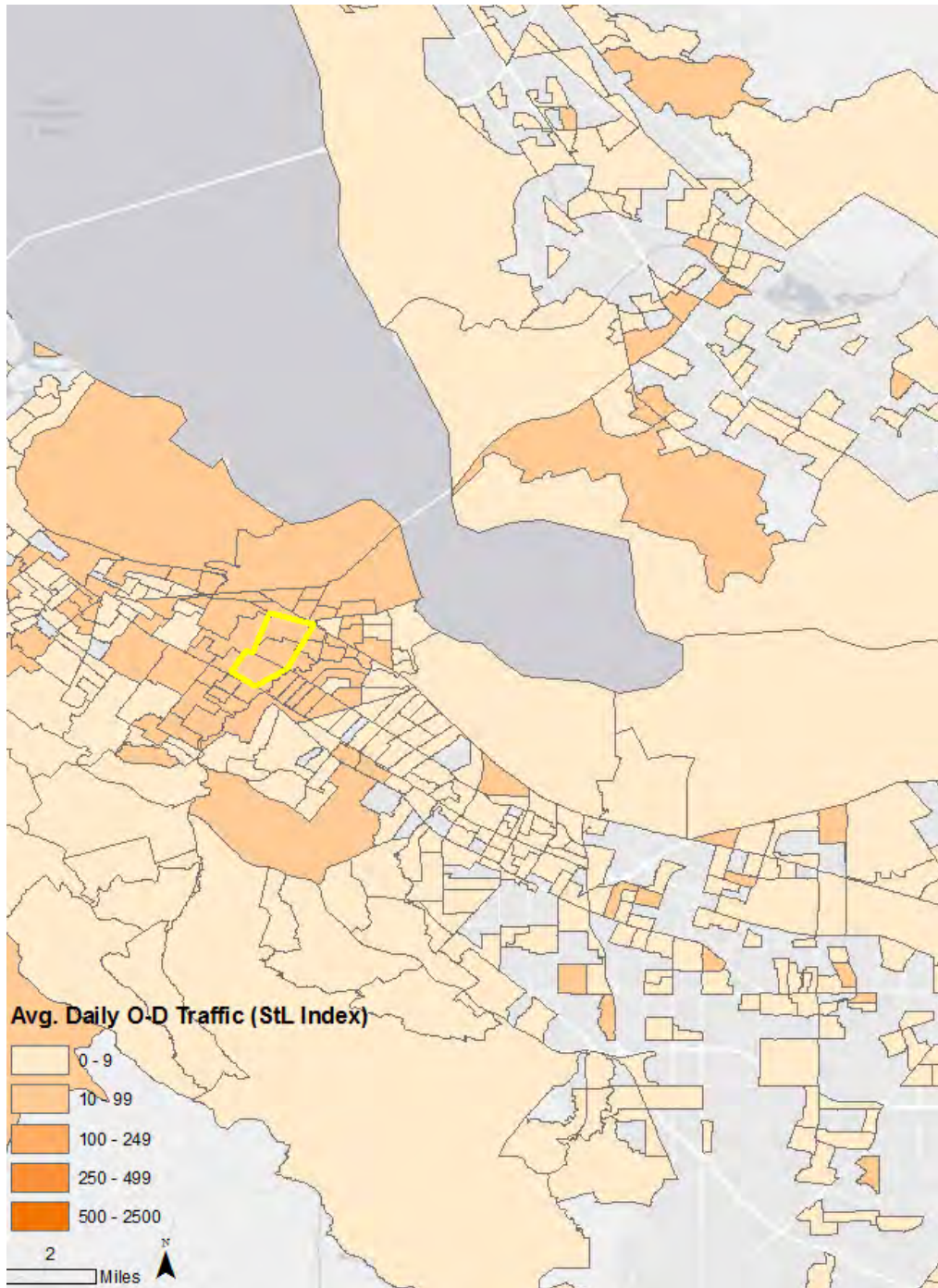
Figure 2 Northern Menlo Park AM Peak Trip Origin Zones



3.1.2 Central Menlo Park

Travel volumes are higher both into and out of this zone during the evening peak, which indicates that the zone likely attracts non-work-related trips after traditional morning peak hours. During the morning peak, the majority of trips come from nearby, with concentrations originating in neighboring Atherton and Redwood City.

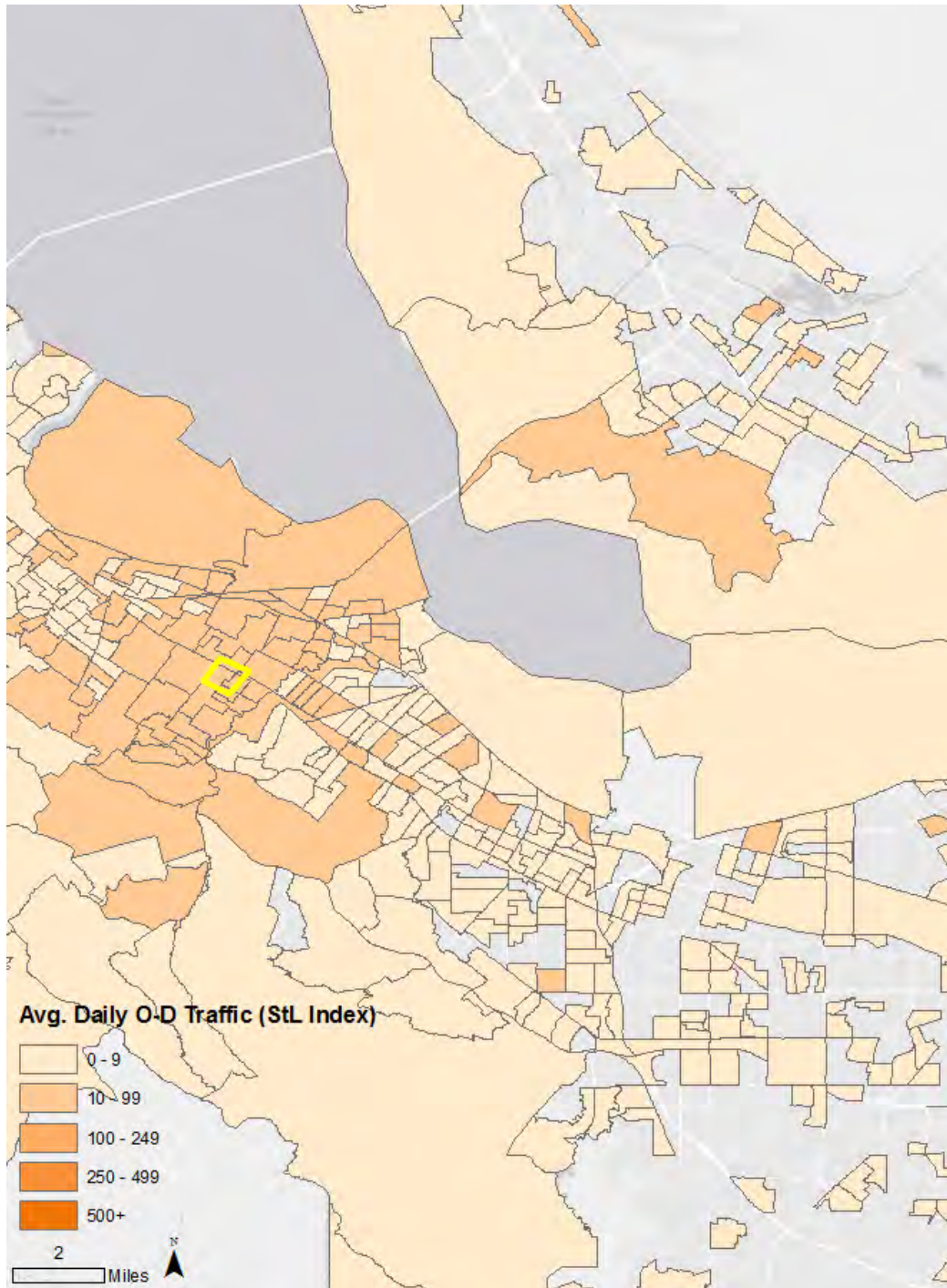
Figure 3 Central Menlo Park AM Peak Trip Origin Zones



3.1.3 Downtown Menlo Park

The Downtown Zone both attracts and originates more trips in the evening peak than it does in the morning peak, possibly due to the many retail and restaurant establishments in the area which tend to have later operating hours. The majority of trips originate within 2-3 miles from Downtown Menlo Park.

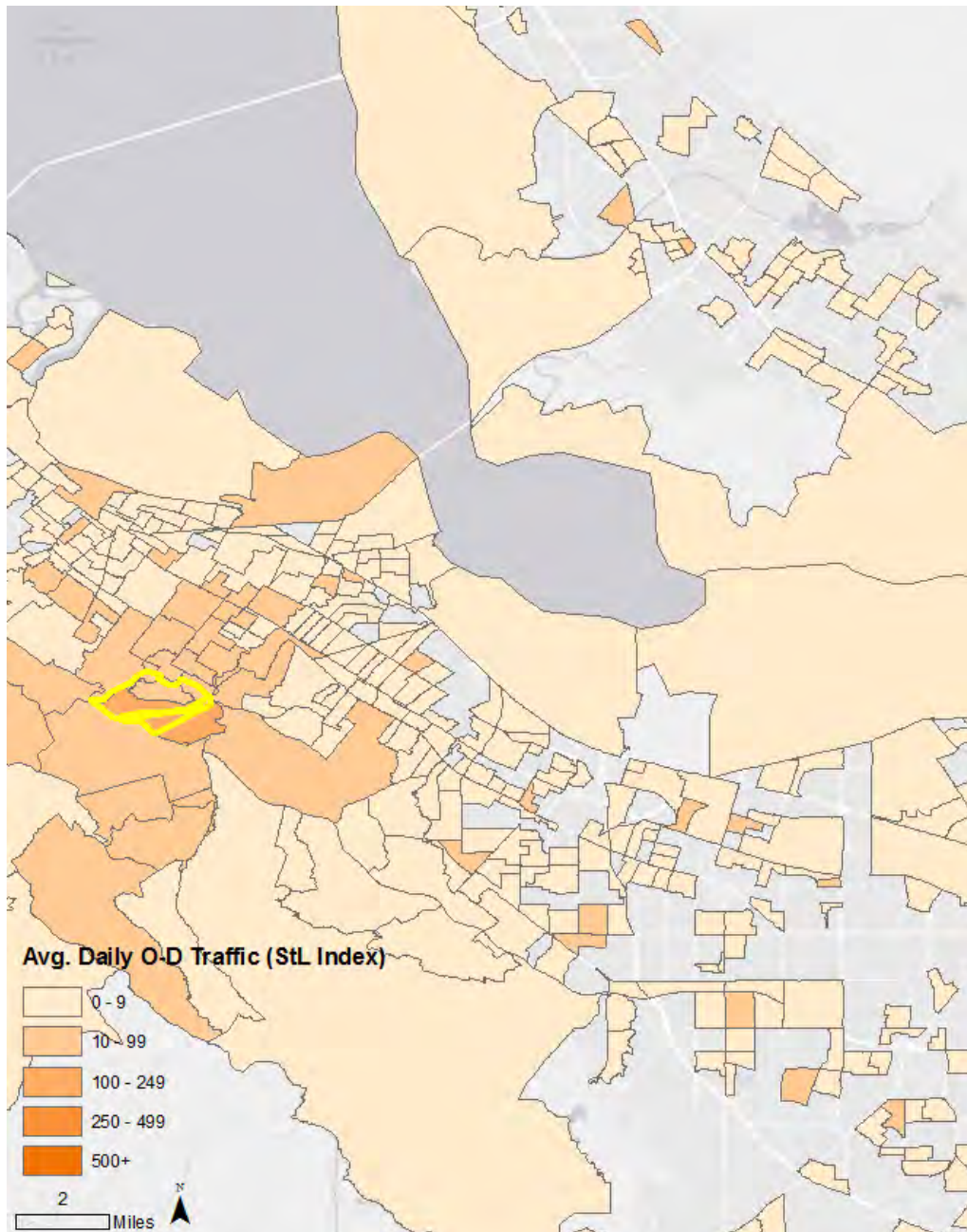
Figure 4 Downtown Menlo Park AM Peak Trip Origin Zones



3.1.4 Southern Menlo Park

Similar to the Northern Menlo Park Zone, the Southern Menlo Park Zone’s travel pattern is in line with what is expected of traditional commute travel, with a higher concentration of trips entering during the morning peak and leaving during the evening peak. However, the number of trips both in and out of the zone is less than half of those coming in and out of the Northern Menlo Park area. Of note, this zone does not include the neighboring Stanford University campus, which likely contributes to additional congestion along the same roadways. While trips originate from across Menlo Park, this area received the fewest trips from the East Bay.

Figure 5 Southern Menlo Park AM Peak Trip Origin Zones



3.2 Current TDM Efforts

3.2.1 Citywide Efforts

The City requires that developers of new projects which trigger the TDM Program Guidelines (i.e., create between 0.5 to 1.0 second of delay to any of the impacted study intersections or projects within the M-2 area including a proposed change of land use) work with the Transportation Division to put together TDM plans guided by the City/County Association of Government's (C/CAG) TDM Program Guidelines, which include both site and programmatic elements. In addition, TDM measures may be required based on the project's environmental impact analysis or as part of development agreement negotiations. These plans are then meant to be reviewed periodically by City staff in order to ensure that current owners and managers are implementing the agreed upon programs, but the City does not have the resources nor a formal mechanism in place for regular review or monitoring.

The City's policies are more comprehensive for projects located within the M-2 area along the Bayfront, where the Zoning Ordinance requires developers to submit TDM Plans and reduce trips by 20% in order to simplify their permitting and approvals on projects. On a case by case basis, City staff work with developers to agree upon TDM services and programs that will be offered. These may include the requirement of first/last mile shuttles to and from transit stations or requirements to provide the City with traffic count information daily and demonstrate that trip reduction goals are met.

In addition, projects subject to the El Camino Real and Downtown Specific Plan are required to include a range of measures to mitigate the environmental impact of the Specific Plan. To mitigate anticipated traffic as a result of future development in the Plan area, new developments are required to have in place a City-approved TDM program prior to project occupancy (Impact TR-2).

TDM requirements are applied by the City to projects based on applicability under the following:

- i. Conditions of approval from Zoning Ordinance
- ii. Conditions of approval from the Specific Plan
- iii. Compliance with the City's TDM guidelines
- iv. Applied mitigation measures from environmental analyses where the TDM is used to reduce a potential impact; and
- v. Negotiated requirements from development agreements.

3.2.2 Site Level Efforts

The City's policies are more comprehensive for projects located within the Bayfront Area meeting a certain threshold (i.e., 10,000 or more square foot of new construction or tenant improvements), where developers are required to submit TDM Plans and reduce trips by 20%. On a case by case basis, City staff work with developers to agree upon TDM services and programs that will be offered. These may include the requirement of first/last mile shuttles to and from transit stations, or, in the case of the City's largest employer (Facebook), requirements of negotiated development agreements for the East and West Campus require Facebook to provide the City with traffic count information daily and demonstrate that trip reduction goals are met. These requirements were adopted as part of the land use entitlements for the East and West Campus and predate the City's Zoning Ordinance TDM requirements.

Due to the parking limitations in the Downtown Area, larger businesses located in that zone tend to provide Go Passes (Caltrain's corporate pass) to their employees. However, because Downtown businesses are primarily made up to smaller retail employers, they tend to lack the resources and support to implement a more robust TDM Program at their worksites.

3.2.3 Sub-Regional Efforts

In addition to site-based and municipal programs, TMAs and similar organizations provide services across the Bay Area and in Menlo Park.

TMAs

The closest TMAs in proximity to Menlo Park are the Palo Alto TMA, which focuses primarily on providing transit subsidies to small downtown businesses, and the Stanford Research Park's SRPGO program which provides shuttle service and other TDM programs to their tenants. Also nearby is the Mountain View TMA, and neighboring Redwood City is exploring the idea of developing a TMA as well.

Commute.org

Commute.org is a Joint Powers Authority (JPA) governed by a board of 18 elected officials, one from each of the 17 cities and the County of San Mateo. As San Mateo County's Transportation Demand Management Agency, its mission is to reduce traffic congestion and greenhouse gas emissions while enhancing the quality of life in San Mateo County by promoting the use of sustainable transportation and commute alternatives. The agency does this by providing information and commute planning assistance to residents, employees, employers, and city transportation demand management partnerships.

All San Mateo County employers, residents, and commuters have access to Commute.org's services, including:

- Assistance with Bay Area Commuter Benefits Program Compliance;
- First/last mile shuttle services;
- Guaranteed Ride Home;
- Vanpool and Carpool ridematching services and subsidies;
- Free Transit Ticket Program;
- Reward and Incentives Program;
- Employee commute program consultation;
- Employee transportation coordinator (ETC) support;
- Employee surveying for TDM compliance and mode split analysis;
- On-site events (e.g., bicycle safety education); and
- TDM Agency of Record for San Mateo County for worksites required to provide TDM benefits.

Funded by C/CAG, the San Mateo County Transportation Authority (TA), the Bay Area Air Quality Management District (BAAQMD) and the Metropolitan Transportation Commission (MTC), the organization is a free service available to all employers in San Mateo County.

Commute.org is also assisting C/CAG with their updated TDM Guidelines and Compliance program. The program will require new developments that exceed certain vehicle trip counts to comply with countywide TDM measures. Commute.org will work with local officials, C/CAG,

developers, and tenants to collect and report on compliance with the program. Commute.org envisions that the database will be used by the agency to assist municipalities with compliance tracking for existing developments when appropriate.

While the City has not joined the Commute.org JPA, the City does leverage some of Commute.org's services for their own employees and Staff, such as promoting the Guaranteed Ride Home and incentives program.

Manzanita Works' Ravenswood Transit Consortium

A non-profit organization founded in 2014, Manzanita Works brings together public and private employers in the region with the goal of improving the welfare of workers and their families through increased access to transit, housing, food, health services, and childcare. The organization's Manzanita Transit program incorporates guiding principles gleaned from recommendations made by local elected officials and prominent regional tech employers shared during the 2019 Manzanita Talks which sought to explore the coordination of TDM services throughout the Bay Area. The organization legally ratified the "Ravenswood Transit Consortium" in May 2020, a sub-regional consortium to better connect commuters between home and their place of work, with Google and the Ravenswood Family Health Network as founding members. Since then, the program has:

- Convened stakeholders in discussions about regional challenges;
- Launched a free long-haul shuttle service for essential workers;
- Collaborated with Caltrain on their GoPass distribution pilot;
- Initiated a bike loan program feasibility study;
- Offered bike repair and maintenance events in collaboration with Good Karma Bikes; and
- Is in the process of initiating a bikeshare feasibility study in partnership with Bay Area cities.

While Manzanita Transit is the overarching program bringing together stakeholders and partners throughout the region, consortiums are organized based on subregional geography to ensure more focused discussions on existing local problems the members seek to address and crafting solutions that take into consideration local leadership from voluntary civic society from within the local community. Because commutes may span multiple cities and counties, these sub-regions may cross county lines and jurisdictions. Menlo Park falls under the Ravenswood Subregion, which encompasses the Mid-Peninsula from Sunnyvale in Santa Clara County to Redwood City in San Mateo County.

The consortium model offers a forum for members and stakeholders to discuss current challenges and identify solutions and provides the connections and administrative support to bring them to fruition. For example, as a result of COVID-19 and state-mandated Shelter in Place Orders, there was both a reduced demand for employer-provided shuttles and an increased need to assist essential workers to their worksites. The organization led the effort in developing the agreement and process by which employers were able to donate their unused shuttle vehicles to be used by essential workers free-of-charge. They led the creation of six routes connecting the eight cities of Livermore, Richmond, Oakland, Daly City, Hayward, San Leandro, Fremont and South San Jose to East Palo Alto with connecting service to Palo Alto, Mountain View and Sunnyvale within the Ravenswood subregion.

Table 2 Essential Workers Commute Shuttle Pilot Routes

	Route
Route 1A	Livermore to East Palo Alto
Route 4A	Richmond to East Palo Alto
Route 7A	Daly City to East Palo Alto
Route 9A	Hayward to East Palo Alto
Route 10A	Fremont to East Palo Alto
Route 14A	South San Jose to East Alto

As a member-based organization, employers join their local consortium and pay an annual fee based on the type of employer category under which they fall. Employers in Menlo Park who join the Ravenswood Transit Consortium as members have access to:

- A “seat at the table” with their local Consortium to initiate and shape services;
- Caltrain GoPasses for eligible employees as available through Caltrain’s pilot;
- Access to Essential Express long-haul shuttle services for essential and returning workers as available;
- Bike Commuter Support; and
- Employee commute program consultation including promoting existing community resources including Commute.org’s programs and services, SamTrans, Caltrain and other public transportation options.

As a consortium, the Ravenswood Transit Consortium plans to implement additional programs in the near future based on member requests, priorities and participation. The consortium currently includes Menlo Park employers such as JobTrain, the Ravenswood City School District, and the US Geological Survey has completed its approval process to join. Facebook has sponsored the overall Manzanita Transit program of subregional consortium creation, facilitation and management.

3.3 Behavioral Insights

3.3.1 Employer Insights

In addition to the quantitative analysis via StreetLight data, outreach to local employers and business groups was conducted to provide the full picture of what types of resources and services are currently available and being utilized within the city. The Project Team conducted eight interviews with Menlo Park employers, property owners, and business organizations. Many employers had similar responses, including:

- While there is plenty of TDM support and programming available for large employers, smaller employers tend to lack the capacity and resources to implement similar measures;
- There tends to be poor connections between transit providers and bike and pedestrian infrastructure which present first/last mile challenges;
- There is a potential to open use of private employer shuttles to wider populations;
- Some employers need marketing and education support to make their employees aware of their options; and
- Many employers expressed interest in more subsidies and incentives to encourage non-SOV commutes.

To reach small businesses, the Project Team also visited 39 businesses in Downtown Menlo Park and asked them about their employee's commuting habits and challenges. The businesses ranged in size from 2-65 employees with just under half of the businesses employing 10 or fewer employees. Key takeaways include:

- Almost 65% of interviewed businesses indicated that their employee's shifts coincide with regular business hours (8am-6pm);
- Driving alone was by far the most popular commute mode, followed by Caltrain, bus, walk, carpool, and bike;
- The biggest challenge employees face as part of their commute were traffic and parking; and
- Parking is a particular issue for retail workers for whom monthly parking passes are too costly and inflexible. Instead, many park on the street or move their cars periodically throughout the day within the timed lots.

3.3.2 Employee insights

The Project Team distributed an online survey to Menlo Park employees, with the goal of understanding more about travel behavior from small and medium-size businesses. Menlo Park's largest employers (primarily Facebook and tenants within Menlo Park Labs) typically conduct their own surveys annually and, rather than have their employees take a new survey, they provided insights from those processes in their interviews, as referenced in section 3.1.1. The survey received 98 responses in total, primarily from small to medium-sized employers in the Downtown and Central Menlo Park areas. Results are as follows:

- Most survey respondents traveled during the peak period (7-10am and 4-8pm);
- While drive alone was the main commute mode reported, 24% of respondents indicated biking as their primary commute mode;
- Of those who typically drive alone, 75% would be willing to try another mode of travel, with train, bike, and carpool as the top choices; and
- When asked about their main motivators for behavior change, commuters were most interested in saving time.

3.4 Conclusions

The TDM efforts and needs within the city may be summarized as follows:

- While employers are supportive of TDM efforts within the city, they are wary of overlapping programming and services and sensitive to costs;
- TDM programming is already strong in the Northern Menlo Park Zone. To ensure all businesses have access to TDM resources, focus should be on facilitating and connecting other small and medium-sized employers to TDM services.
- Strong TDM resources already exist within the city from Commute.org and Manzanita Works. Rather than duplicating efforts, the City should leverage these existing resources by helping them better connect with Menlo Park employers.

4 Recommendations

4.1 Recommendation Development Process

The Project Team consulted with and received valuable feedback from the Complete Streets Commission and partner organizations, Commute.org and Manzanita Works. Below is a summary of the feedback received.

4.1.1 Complete Streets Commission

The Project Team presented the initial report to the Complete Streets Commission on April 14, 2021. The Commissioners were in favor of the City advancing regional/sub-regional efforts by joining Commute.org's Board of Directors, promoting both Commute.org to its staff, and directing developers and businesses who may need additional TDM support to Manzanita Works. The Commissioners were interested but wanted more information before taking action to join the Manzanita Transit Consortium and deciding on how to best provide citywide TDM services.

4.1.2 Commute.org and Manzanita Works

The Project Team met with Commute.org and Manzanita Works several times throughout the project development process for input, updates on new services, and to brainstorm how both organizations could help expand TDM services to all Menlo Park businesses. Both organizations are supportive of the City's goals to provide citywide TDM services and would be able to assist in these efforts. However, rather than delineating the tasks between the two organizations, they agreed that a partnership in which both organizations worked together would be more cost-effective and collaborative.

Based on the above feedback and the current evolving landscape, it was determined that more time and information would be needed to ensure the City will be able to respond to changes in commute patterns and employee needs in a post-COVID environment and the growth of regional and subregional TDM programming. As such, the Project Team shifted gears from developing an implementation plan with distinct actions and budgets to outlining next steps and potential opportunities for the City to continue exploring ways to provide citywide TDM services in a manner that is cost-effective while still in line with current needs and priorities.

4.2 Recommended Actions

Informed by the existing conditions exercise, discussions with stakeholders, and direction from City Council, three objectives were identified based on the identified needs and opportunities for TDM implementation throughout the city.

2. Endorse regional TDM efforts
3. Position the City as an example of a robust employer program
4. Ensure TDM support is available to all businesses

The sections below provide additional context for each objective and outline recommended actions to support them.

4.2.1 Endorse Regional and Sub-Regional TDM Efforts

Through analysis of Streetlight data, as discussed in Section 3.1, the Project Team found that many employees commute into the city from neighboring cities as well as across the Dumbarton Bridge. Because of the regional nature of commutes, as well as the need for inter-city travel options, coordination with neighboring cities, transit agencies, and regional bodies was identified as a key objective for the City.

The City Council has also expressed interest in facilitating coordination between the City of Menlo Park and regional/sub-regional partners toward advancing TDM implementation, as evidenced by its participation and support for Manzanita Talks in 2018 and 2019. As described above, the City of Menlo Park and its employers have access to two organizations that provide TDM services across San Mateo County and beyond, Commute.org and Manzanita Works. It is recommended that the City partner with these existing regional/sub-regional organizations to provide TDM support and services to its businesses.

Action 1: Join Commute.org JPA

As an alliance of 17 cities and the County of San Mateo, cities are invited to join the organization's board and help guide its programming free of charge. Commute.org is governed by a Board of Directors made up of elected officials from each of the 18 member agencies. Menlo Park is one of only 3 jurisdictions in the County not currently a member of Commute.org.

While City Council had previously supported a recommendation to authorize the Mayor to sign a letter to join Commute.org in 2018, the passing of *Assembly Bill 1912 Public Employees' Retirement: Joint Powers Agreements: Liability* (AB1912) presented temporary challenges to Commute.org's ability to add new members and the effort was stalled. Commute.org has since determined that AB 1912 will not present an issue and have included in their new Strategic Plan the goal to "complete the alliance" to bring in the remaining non-member jurisdictions. They are prepared to draft Memorandums of Understandings (MOUs) with each city in the first quarter of Fiscal Year 2021 (July-September 2021).

The City would be asked to appoint a City Councilmember (and an alternate) to participate on the Commute.org Board of Directors, which would require up to eight additional hours per month of Councilmember attendance at meetings or City Staff time should City Council ask Staff to participate in one of the organization's Advisory Committees.

With representation on the Board, the City would have the ability to help guide the development of the organization’s Strategic Plan and annual Work Plans, ensuring that the agency’s programming and services are aligned with the city’s transportation goals and plans, and connect with peer cities and agencies.

Table 3 Action 1 Cost & Benefit Summary

Action	Cost	Benefit
<ul style="list-style-type: none"> Appoint member of City Council to Commute.org Board of Directors 	<ul style="list-style-type: none"> No direct cost Up to 8 hrs/month of Councilmember or City Staff time 	<ul style="list-style-type: none"> Increased ability to guide countywide TDM implementation to support City needs Increased ability to coordinate TDM efforts with cities in San Mateo County

Action 2: Encourage employers to participate in Manzanita Works’ Ravenswood Transit Consortium

The City should encourage businesses with the means to join Manzanita Works’ Ravenswood Transit Consortium to do so through efforts such as:

- Connecting employers with transportation questions to the Manzanita Works team;
- Inviting the Manzanita Works team to present at City informational or committee meetings on a regular basis; and
- Where appropriate, requiring Ravenswood Transit Consortium membership in Conditions of Approval and similar conditions as part of the entitlement process.

Members of Ravenswood Transit Consortium have access to transit benefits, including shuttle service, outreach support, and transportation counseling. By encouraging businesses to join, the City would be pushing for more standardized and consistent TDM implementation and reporting among employers. In addition, these employers would benefit from gaining access to regional stakeholders to share best practices and identify partnership opportunities.

Table 4 Action 2 Cost & Benefit Summary

Action	Cost	Benefit
<ul style="list-style-type: none"> Informally encourage Manzanita Works membership by increasing the organization’s visibility Where feasible, require that new projects commit to joining Manzanita Works 	<ul style="list-style-type: none"> No direct cost for City Cost associated with membership for employers to be agreed upon with Manzanita Transit 	<ul style="list-style-type: none"> Increased regional and sub-regional collaboration for Menlo Park employers Improved standardization among site-based programming offered across City

4.2.2 Position the City as an example of a robust employer program

The City currently provides transportation benefits to encourage its employees to use non-drive alone modes to commute to work, including a \$75 commuter check for additional transit costs, which has been temporarily increased to \$150, \$1.50 per day transportation allowance for biking, walking, or carpooling to work as primary modes, on-site employee bikeshare, as well as two-week trial loans of e-scooters/e-bikes. Prior to the COVID-19 pandemic, the City participated in the Caltrain Go Pass Program to provide employees with free rides on Caltrain. However, due to the state-wide Stay at Home order last year and with employees working from home, the City has suspended the program for the time being and plan to reassess next year.

As an employer in San Mateo County, the City also leverages and promotes several of Commute.org's services to its employees:

- Promotion of Commute.org's incentives program to reward employees for every sustainable commute trip and as part of large annual events such as the Commuter Challenge;
- Distribution of Commute.org materials (e.g. brochures, flyers, etc.) as part of New Hire Orientation and annual Employee Health Fair; and
- Guaranteed Ride Home Program.

The City has the opportunity to serve as a model providing an enhanced Commuter Benefits Program for its employees. By fully leveraging and collaborating with TDM partners, the City will be able to lead by example as it encourages other Menlo Park employers to do the same.

Action 3: Promote Commute.org's full suite of services to its employees

Given the full suite of services available to the City free of charge of Commute.org (see Section 3.2.1), the City should consult with Commute.org to identify ways to better leverage and promote Commute.org's services and programs. For example, the City could promote Commute.org's Vanpool and Carpool Programs, which provides incentives for commuters to start or join new vanpool or carpool, on the City's intranet and as part of New Hire Orientation. In addition, the City would also direct employees to Commute.org's STAR platform which can be used to find carpool, vanpool, and bike partners.

Acknowledging that Staff have limited capacity to actively promote these services year-around, there may be opportunities for Commute.org to assist the City putting forth a one-time effort (e.g., incorporating its full suite of services into the City's intranet) or developing a regular schedule for promotions (Commute.org could plan to host or participate in one event a year to raise awareness of the organization and educate employees on their options). The goal would be to make employees aware of their commuter options and benefits with minimal additional administrative burden placed on the City. The City should work with Commute.org to explore this opportunity.

Table 5 Action 3 Cost & Benefit Summary

Action	Cost	Benefit
<ul style="list-style-type: none"> Consult with Commute.org on opportunities to offer more Commute.org services to City employees 	<ul style="list-style-type: none"> While Commute.org’s services are free of cost to the City, additional City Staff time may be required to expand and actively promote the services. 	<ul style="list-style-type: none"> Enhanced Commuter Benefits Program to its employees may serve to encourage behavior change and reduce parking demand on City lots while also serving as an example of a Menlo Park employer investing in commuter benefits to help employees reduce their reliance on their vehicles.

Action 4: Join Manzanita Works’ Ravenswood Transit Consortium as an Employer

Based on the City’s assessment of transportation benefits in a post-COVID environment, the City could decide to either repurpose a portion of City funds currently dedicated to transportation benefits (e.g., the Caltrain Go Pass) or expand funding to in order to join Manzanita Works’ Ravenswood Transit Consortium. As a member of the Ravenswood Transit Consortium, the City would have a “seat at the table” to participate in the sub-regional organization (which encompasses the Mid-Peninsula from Sunnyvale to Redwood City) as well as the wider regional discussions regarding ways to improve the quality of life for employees, including improving access to transportation options. This congregation of public and private sector employers provides not only an opportunity to guide TDM implementation in the region but to also identify cost efficiencies and collaboration opportunities, such as shared shuttle service. It is important to note that because the City is joining as an employer, only the City staff would have access to the organization’s services.

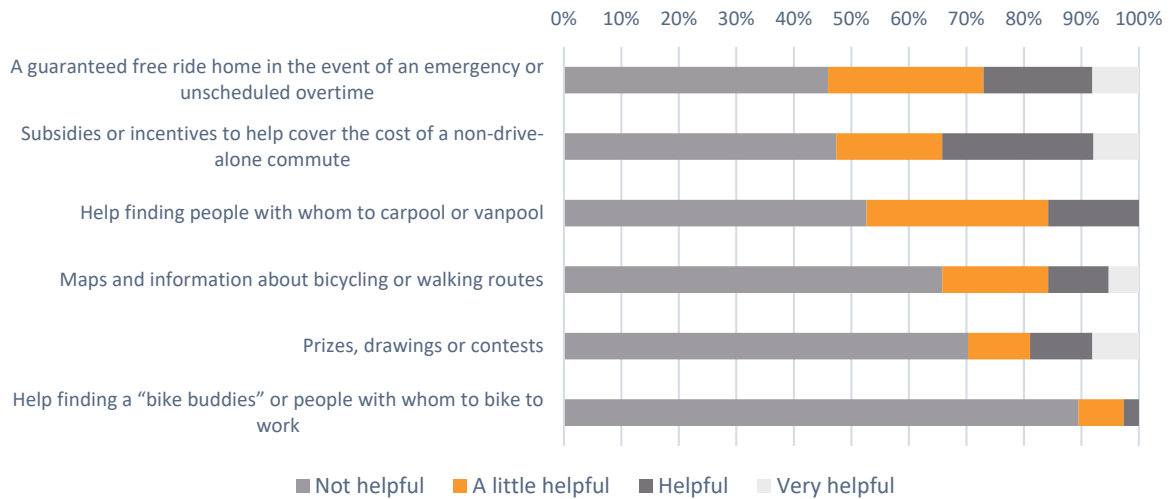
Table 6 Action 4 Cost & Benefit Summary

Action	Cost	Benefit
<ul style="list-style-type: none"> When ready, join the Ravenswood Consortium to supplement services for employees 	<ul style="list-style-type: none"> \$40,000 annual member dues for the City of Menlo Park to join as a public agency. 	<ul style="list-style-type: none"> Access to additional mobility options and services, such as the essential workers shuttle service, for City employees.

4.2.3 Ensure TDM Support is Available for All Businesses

Based on feedback received from the Chamber of Commerce, interviews with small business employers, and a survey to employees of small businesses gathered in Fall 2019, both employers and employees have expressed an interest in receiving more support for the provision of transportation information and resources as well as marketing assistance (see Figure 6)**Error! Reference source not found.** When asked, many were not aware of the fact that these services were already available free of charge from Commute.org or through a membership with Manzanita Works.

Figure 6 “How useful would the following services be to you?” Survey Response



Since these services are already available to Menlo Park employers, the remaining gap lies in raising awareness and connecting employers to these organizations. The City should focus on ensuring businesses understand the TDM services and resources they have available to them, especially as employers navigate the changing work schedule and commuting patterns, long-term work from home policy, and mode preferences related to recovery from the COVID-19 Pandemic.

Action 5: Invest in existing sub-regional resources to provide targeted Citywide support

As uncovered during stakeholder interviews, many small businesses are not able to offer TDM benefits to their employees, either due to the lack awareness of available resources or the capacity to manage a TDM program internally. While the City could choose to manage these education and engagement efforts itself, it would be most cost-effective to partner with the organizations like Manzanita Works and Commute.org to provide more dedicated support to Menlo Park businesses. This would allow for economies of scale and extend the City’s reach by tapping into each organizations’ resources and network while minimizing any potential confusion for employers as it relates to the different organizations they should work with.

Both Manzanita Works and Commute.org offer resources and services to help employers in their efforts to meet TDM and sustainability goals and employees choose non-drive alone modes of

travel. Therefore, it is recommended that the City consider partnerships with both organizations to provide TDM support to Menlo Park businesses. Following a comprehensive review of the transportation needs and priorities within the city post COVID-19 pandemic, the City should work with both organizations to identify potential partnership opportunities. For example, the City could commission both organizations to provide dedicated employer support to Menlo Park employers in a way which leverages each organization's unique offerings to maximize the TDM support and opportunities for employers. Alternatively, the City could elect to commission specific services from either organization for a fee. This would also be affected by the funding available and should allow for annual evaluation and adjustment to the scope.

Moreover, as Commute.org and Manzanita Works are exploring collaboration with each other, the City should consult with both organizations regularly to engage and provide employers in Menlo Park with coordinated TDM outreach and education support.

These partnerships may include both short and long-term strategies such as:

Short-Term/High-Priority:

- Working with the City to identify target employers for engagement;
- Educating employers lead contacts on TDM programs and services available to them;
- Consulting with employers to get them to provide enhanced benefits to employees;
- Assisting with Bay Area Commuter Benefits Program compliance (for employers with 50+ employees);
- Distributing Caltrain GO Passes to small and medium-sized employers; and
- Providing first/last mile shuttle services;

Long-Term/Low to Medium Priority:

- Developing an engagement strategy for varying tiers of employers, including paid local advertising, direct mail, telemarketing, and canvassing;
- Identifying opportunities to incentivize engagement and program performance measures;
- Assisting with survey development, administration, and analysis;
- Hosting online and in-person (when appropriate) forums for TDM program promotion;
- Developing customized monthly newsletters to include local content;
- Participating in the Caltrain Go Pass donation program; and
- Taking advantage of regional coordination and partnerships on new mobility services.

It is recommended that the City continue conversations between City Staff and staff from both Manzanita Works and Commute.org to identify potential opportunities for formal partnerships between the City and both organizations. When appropriate, it is recommended that the City consider an investment between \$30,000 - \$120,000 to provide TDM services for the estimated 20,000 employees within the city. This is based on examples from comparable cities in California (such as San Francisco, Palo Alto, Santa Monica, and Glendale) providing TDM services directly or through a TMA. The range is dependent on the amount of TDM services provided as well as the amount of oversight and involvement by the cities.

Table 7 Action 5 Cost & Benefit Summary

Action	Cost	Benefit
<ul style="list-style-type: none"> Meet with Manzanita Works and Commute.org at least quarterly When appropriate, invest in paid partnerships with regional/subregional organizations to provide dedicated support to Menlo Park small and medium-sized businesses. 	<ul style="list-style-type: none"> \$30,000 - \$120,000 recommended annually 	<ul style="list-style-type: none"> Improved access to TDM services for employers that need it Increased sub-regional collaboration and ability to hear from smaller businesses

4.3 Summary of Recommended Actions

The objectives and actions described in detail above have been summarized in the below table.

Table 8 Summary of TDM Objectives and Recommended Actions

Objective	Action
Endorse regional TDM efforts	Action 1: Join Commute.org JPA
	Action 2: Encourage employers to participate in Manzanita Transit
Position the City as an example of a robust employer program	Action 3: Promote Commute.org’s full suite of services to its employees
	Action 4: Join Manzanita Transit to supplement existing employee commuter benefits
Ensure TDM support is available to all businesses	Action 5: Invest in existing sub-regional resources to provide targeted Citywide support

5 Next Steps

Due to the COVID-19 pandemic, there is uncertainty surrounding when businesses will return to the office, how employees will commute to work, and priorities and available budget for the City, which all factor into how the City would implement the strategies outlined in this document. The Project Team has identified both short and long-term steps needed for the City to continue to advance and implement the actions outlined in Section 4.

These include:

- Understanding post-COVID needs and priorities
- Identifying long-term funding sources for TDM
- Implementing the short-term actions outlined in Figure 7 above.

5.1 Implement Short-Term Strategies

Some of the recommended actions identified in this document are able to be carried out for either low or no cost or have already been partially initiated. Therefore, the City should consider implementing the strategies identified below as 'low hanging fruit' within the 2022-2023 FY.

Those strategies include:

- City joining the Commute.org JPA
- City connecting employers and developers to Manzanita Works during the development/redevelopment process
- City promoting Commute.org's services to its employees, employers, and residents
- City promoting Manzanita Works' services to its employees, employers, and residents

The City could also consider engaging with Manzanita Works on one or several studies or projects before it considers how a longer-term partnership could look, such as:

- Bike-loaner program feasibility study (cost: \$10K)
- Subregional bike share feasibility study (cost: \$25K)
- Outreach to employers to understand economic and community impacts of COVID-19 (cost: TBD based on scope). Manzanita Works is currently doing a similar outreach on behalf of the City of Redwood City.

5.2 Understand Post-COVID Needs and Priorities

5.2.1 Comprehensive Study

While an initial analysis of Streetlight data and interviews with employers were conducted as part of this effort, in light of the COVID-19 pandemic and the potential changes in travel patterns, it is recommended that the City conduct a comprehensive market research to better understand how

citywide travel behavior have changed. Similar to how the City will reassess its own participation in the Go Pass program, as businesses return to the office, this data will also help the City understand how community needs and priorities, traveling patterns, and current transportation options have changed as a result of the pandemic. This data will also form the baseline to measure the impact of the various strategies proposed in this document as well as identify key corridors and modes to target for intervention. The Comprehensive Study may be conducted in various forms:

Survey

A market research survey of employees working in Menlo Park would provide insight about how their commute patterns have changed, their main challenges and concerns with commuting to work, and how the City/their employers could support them. The citywide survey could be administered by a division within the Community Development Department (i.e., Transportation with input from Planning and Economic Development, etc.) or in partnership with the Chamber of Commerce, Commute.org, or another third party.

Streetlight Data

As part of the TMA Feasibility Study, Streetlight data was obtained and analyzed in 2019 to understand travel habits throughout the city. Using anonymized data from smartphones and navigation devices, the four Focus Area Zones (Northern, Central, Downtown, and Southern) were analyzed for trip origin and destination by Census Block Group. For example, Northern Menlo Park, home to some of the city's largest employers, contributed to the most trips and followed a traditional commute-style pattern with more trips coming into the zone in the morning peak (6am – 10am) and leaving during the even peak (3pm – 7pm), with significant volume coming from across the Dumbarton Bridge. On the other hand, the Central and Downtown Focus Area Zones which includes many public facilities and small retail establishments, respectively, experienced more in trips in the evenings and with many trips originating within a 2-3-mile radius.

While this provided valuable insights into the travel patterns throughout the City, due to the COVID-19 pandemic and its impact on travel patterns, another analysis is recommended using updated Streetlight Data.

Trip Tracking Technology

In addition to anonymized smartphone data traveling into and out of the city, the City also has the option to gather individualized travel data through various technology platforms. The Miles reward applications, for example, rewards users who sign up and enable location-sharing for every mile travelled, with higher points awarded to sustainable modes such as biking, walking, and transit. By partnering with Miles, the City could provide incentives and rewards to encourage Menlo Park employees to participate.

Alternatively, the City could partner with Commute.org to promote its STAR platform and Commute Tracker app where participants can earn points for each commute trip logged. While the Miles app allows for passive tracking, which increases the likelihood of users signing up and the amount of data gather, leveraging an existing platform through Commute.org could require less work on the City's part.

5.3 Identify Funding Sources

Some of the recommended strategies identified in Section 4 include monetary contributions from the City. Below are several options for further consideration and exploration by the City:

5.3.1 Shuttle Program Recommendations

The City currently manages four shuttle routes, two of which serve to connect the business parks along Marsh Road and Willow Road with the Caltrain station during commute hours. The City is interested in conducting a shuttle assessment study related to route optimization. As part of that study, there is an opportunity to consider alternative uses, cost-efficiencies with privately-operated shuttles, and review the fee structure. For example, if it has been determined that there is an existing privately-operated shuttle which could serve the same group of commuters, the study could explore the ability to partner with the operator to run a single, joint shuttle and reallocate the funds toward other TDM efforts.

5.3.2 Grant Opportunities

Federal, state, and regional grants are also viable sources of funding. Based on the grant stipulations, the funds could be used for additional analysis, the launch of a new program, or towards incentives and subsidies. For example, the City is currently tracking Caltrans Planning Grants that may be used toward the Comprehensive Study.

5.3.3 Adjusted Parking Revenue

Based on a 2016 Parking Study of Downtown Menlo Park, there are a total of 1,602 parking spaces in Downtown, including 405 on-street and 1,197 off-street spaces. While most are not metered, 395 of the three-hour spaces in Plazas 1 and 5 may be used for a longer duration for a fee: \$1 per hour after the first three hours. Two types of parking permits are available: annual permits and temporary (daily) permits. As of 2016, 685 annual permits were available for purchase at \$592 and temporary permits cost \$10 per day. Since 2018, annual and day permit purchases have been on a downward trend, with 2020 being exceptionally low due to the suspension of parking enforcement due to the COVID-19 pandemic.

During the Existing Conditions process the Project Team asked small business representatives questions about their primary challenges to commute to work and their employee commute habits. Parking was identified as the second most important challenge for employees after traffic. Employees cited that parking is an issue for not only customers but also themselves as they oftentimes must decide between looking for a space in the neighborhood (which can be difficult) or in the on- and off-street lots with temporary free parking (which means they must move their vehicles every two or three hours). The high cost of an annual pass is also cost prohibitive for many retail and hospitality workers working in Downtown.

The City could consider undertaking another Parking Study to identify possible revenue streams to help fund TDM efforts within the City. Potential areas to consider include the feasibility of expanding permitted spaces or providing daily passes for employees which would generate revenue and open up the free parking spaces for customers, increasing the cost of a temporary permit, or adding meters to on-street spaces. This will be especially useful as the City undertakes

the planned maintenance and construction of several existing parking plazas. As a result, parking revenue will be needed for parking lot maintenance as well as for TDM going forward.

5.4 Revise TDM Program Guidelines

Many large developments in the city are subject to TDM Plan requirements through environmental mitigation measures, conditions of approval for compliance with the Zoning Ordinance, Specific Plan, or TDM program guidelines, and/or negotiated requirements as part of a development agreement. These requirements range from the provision of shuttles to the installation of bike racks and lockers. While existing plans cannot be altered, there is an opportunity to revise the TDM program guidelines and Menlo Park Municipal Code.

The City's TDM program guidelines are due for a revision since its last release in 2015. These guidelines are based on C/CAG's TDM guidelines, which is currently in the process of revising their guidelines. Revisions could include recommending joining a TMA or other regional transportation organization (as approved by the Public Works Director or designee). Additionally, C/CAG is investigating a tier system that may award more points for joining a TMA based on a development's size and/or type. Compared to the current system where five peak hour trips are credited to anyone who joins a TMA, this tier system incentivizes joining a TMA where benefits are greater to the development.

The Municipal Code has specific TDM guidelines for the Office (Chapter 16.43), Life Sciences (Chapter 16.44), and Residential Mixed Use (Chapter 16.45) Districts, where developments of 10,000 or more square feet must reduce vehicle trips by at least 20 percent. Participating in a TMA is an option to reduce vehicle trips, but language could be changed so that participation in a TMA or other regional transportation organization (as approved by the Public Works Director or designee) is a requirement for all new, future developments within these zones. In the meantime while the Municipal Code is being updated, conditions of approval could include language requiring participation in a TMA for developments subject to the TDM ordinance.

5.5 Consider Implementation Plan for Long-Term Actions

For the recommended actions which have associated costs or require the City to enter into contractual commitments, it is recommended that the City take a more cautious 'wait-and-see' approach. In addition to the impacts of the pandemic, regional organizations such as Manzanita Transit and Commute.org are still evolving and changing to respond to the post-COVID environment. As such, it would be prudent for the City to remain apprised of each organization's plans while it similarly conducts a comprehensive review of the new travel habits, needs, and challenges for employers and employees in Menlo Park. The City should then engage with both organizations to explore partnership opportunities.

5.6 Expected Timeline

Below is the proposed timeline for implementation of the actions outlined in this report.

Figure 7 TDM Implementation Timeline

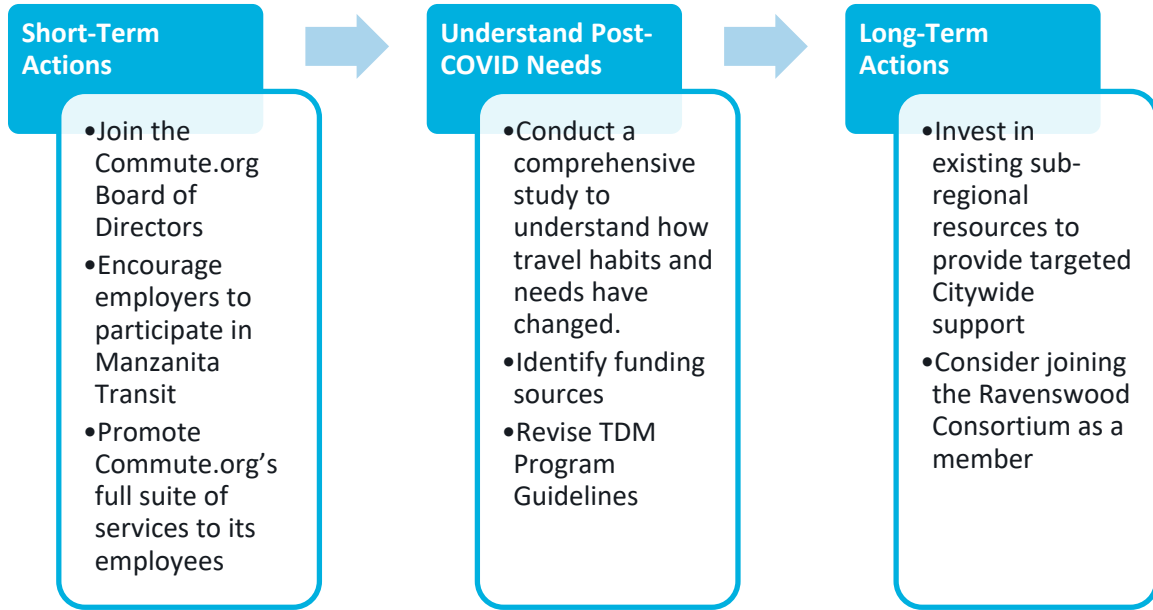


Table 9 Yearly Ramp Up Schedule

Year	Fiscal Year	Recommended Policy	Amount
1	2021-2022	Implement Short-Term Actions	Current TDM services budget + cost to reinstate Caltrain Go Pass (or equivalent service) + cost to implement short-term actions
2	2022-2023	Understand post-COVID needs	Year 1 budget + budget for additional consultant services, if needed
3	2023-2024	Explore Long-Term Actions	Year 2 budget + cost for long-term actions

6 Conclusion

Because the City of Menlo Park recognizes the value of TDM in mitigating congestion, reducing GHG emissions, and improving the quality of life for its employees, the City commissioned a study on how it could best advance TDM throughout the city. While the initial intent was to create a Transportation Management Association (TMA), the study identified the availability of several TDM services with existing presence within the city as well as the launch of a new regional TDM initiative. Therefore, it was determined that it would be most cost-effective and impactful for the City to partner with these existing organizations and dedicate its time and resources toward promoting and connecting employers to these existing services.

The study identified several key objectives as well as actions the City can undertake to advance TDM within and throughout the City. They are summarized in Table 10.

Table 10 Summary of TDM Objectives and Recommended Actions

Objective	Action
Endorse regional TDM efforts	Action 1: Join Commute.org JPA
	Action 2: Encourage employers to participate in Manzanita Transit during the development/redevelopment process
Position the City as an example of a robust employer program	Action 3: Promote Commute.org’s full suite of services to its employees
	Action 4: Join Manzanita Transit to supplement existing employee commuter benefits
Ensure TDM support is available to all businesses	Action 5: Invest in existing sub-regional resources to provide targeted Citywide support

Several actions may be taken immediately, such as joining the Commute.org JPA or encouraging employers to participate in Manzanita Transit, because the City has either already initiated those efforts or they wouldn’t require additional funding or resources. Other actions, such as for the City to partner with Commute.org and Manzanita Works to provide citywide TDM support, would require additional research and consideration. Due to the unprecedented impacts of the pandemic, additional studies would help the City understand how commute patterns and transportation needs have changed and how the City would best work with both organizations to address those changes.

Control Information

Prepared by

Steer
800 Wilshire Blvd, Suite 1320,
Los Angeles, CA 90017
USA
+1 (213) 425 0990
www.steergroup.com

Prepared for

City of Menlo Park
701 Laurel St.,
Menlo Park, CA 94025

Steer project/proposal number

23642101

Client contract/project number**Author/originator**

Jenny Hong

Reviewer/approver

Julia Wean

Other contributors**Distribution**

Client: City of Menlo Park Steer:

Version control/issue number

4.1

Date

9/16/2021

Menlo Park TMA Feasibility Study

City Council Update, September 21, 2021



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Agenda

1. Project Background
 - Existing Conditions
 - Options Analysis
2. Recommendations
3. Implementation Plan
4. Next Steps

Project Background

Phase 1: Existing Conditions

September 2019-January 2020

- Stakeholder Outreach
 - One-on-one interviews
 - Small business drop-ins
 - Online employee survey
 - On-site tabling
- Travel Data Analysis (Streetlight Data)
 - Four areas or “zones” within the City of Menlo Park.
 - Each zone faces unique challenges

Phase 2: Options Analysis

January-July 2020

- Review of potential TMA models based on cost and opportunity:
 - VMT reduction
 - Mode shift
 - Stakeholder reach
 - Employee reach

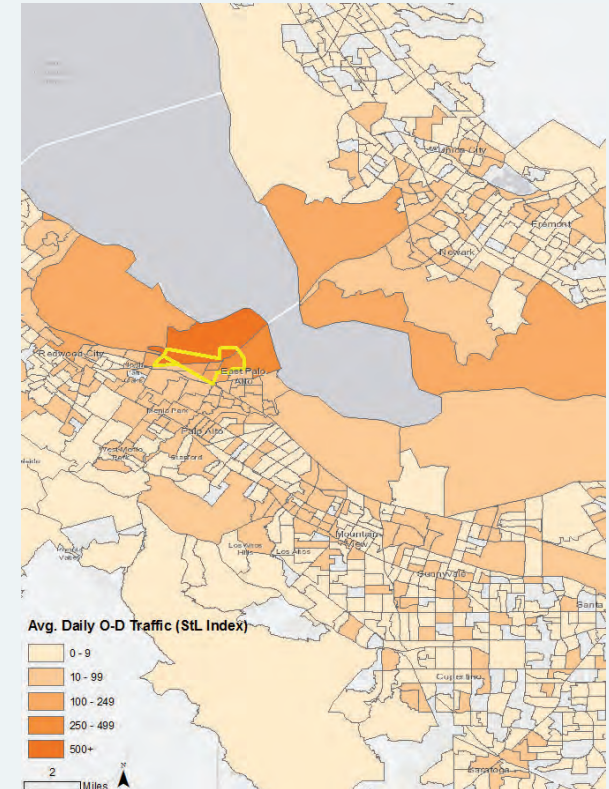
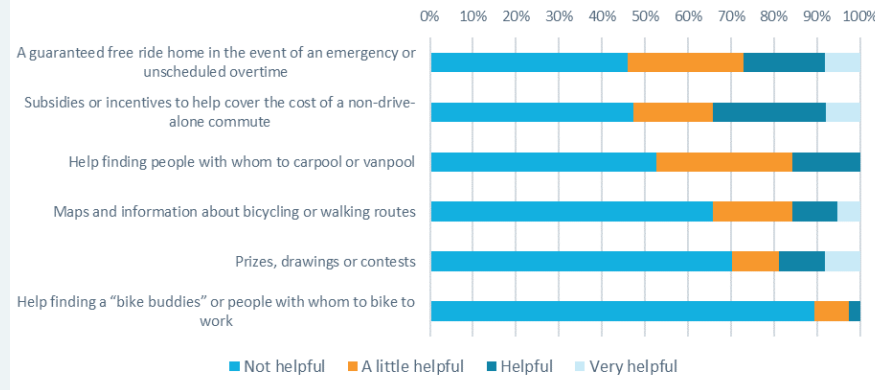
Phase 3: Implementation Plan

July 2020-Present

- Determine preferred model and recommendations
- Identify potential funding sources
- Outline City involvement/engagement

Project Background: Existing Conditions

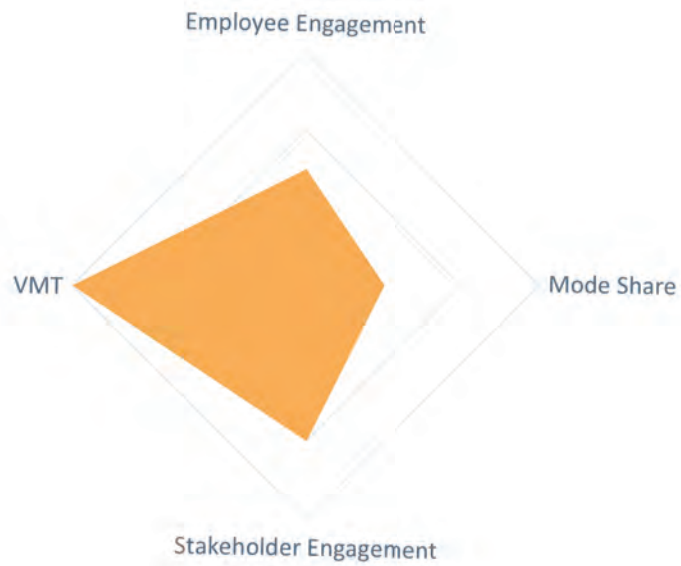
- Edge of county location challenges transit access
- Inconsistencies in TDM requirements at site-level create duplication of services
- Most-demanded services already available; need relates to education/information



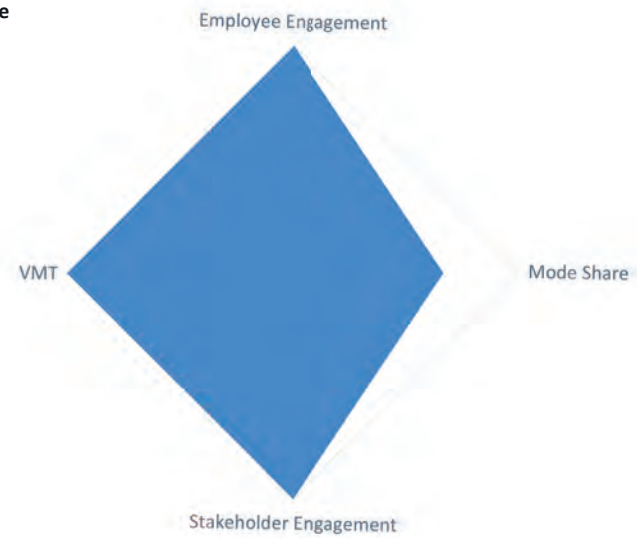
Project Background: Options Analysis

Models selected by City Council (July 2020)

Subregional



Citywide



Project Background: Options Analysis

Changing TDM Landscape

- COVID-19 Pandemic has caused employers to be more cost-conscious
- *Manzanita Works and the Manzanita Transit Ravenswood Consortium* is officially up and running; our team has a better understanding of their offer and business model

Concerns with original TMA Models

Subregional:

- City can't join on behalf of all employers
- Investment in membership may be more difficult for employers than it was before COVID-19 Pandemic

Citywide:

- A separate citywide TMA, if asking for membership dues, is likely to duplicate services already offered by Manzanita Works and Commute.org.
- Investment in membership may be more difficult for employers than it was before COVID-19 Pandemic

Existing Regional/Subregional TDM Organizations



- Non-profit organization supporting workers in the Bay Area, with Manzanita Transit focusing on regional transportation issues
- Membership-based employer-led consortiums across the region allow for sub-regional specific collaboration
- Long-haul shuttle pilot between south and east-bay locations and East Palo Alto for essential workers
- Transportation program consultation, outreach, education
- Partnerships and advocacy through consortium connections
- Connects members and others with existing resources
- Collaborates with Caltrain on GoPass distribution
- Exploring programming such as Guaranteed Ride Home and vanpool support

Existing Regional/Subregional TDM Organizations



- San Mateo County's Transportation Management Agency
- Provides TDM services for free to all who live or work in county:
 - Guaranteed Ride Home
 - Carpool and vanpool ridematching
 - Carpool and vanpool subsidies
 - Free Transit Ticket program
 - Rewards and Incentives
 - Education materials
- All Commute.org services offered for free, but City can join Commute.org Board to support subregional partnerships (most jurisdictions in the County are represented)

Recommendations



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Collaboration with local committees and organizations

Original recommendations presented to Complete Streets Commission April 2021

- Appreciation for value brought to the City by current TDM organizations
- Openness to the idea of investing in TDM for the City
- Concern with committing to financial investment immediately given uncertainty
- Interest in learning more given COVID-19 sizable impact on travel

Subsequent revision of recommendations included collaboration between City, consultant team, Manzanita Works and Commute.org

- Meeting with both organizations
- Discussion surrounding collaboration between them
- Opportunities for both organizations to review updated recommendations

Recommendations: Objectives

1. Endorse and support regional and sub-regional TDM efforts

2. Position the City as an example of a robust employer program

3. Ensure TDM support is available to all businesses

Recommendations

Objective 1: Endorse and support regional and subregional TDM efforts

Action 1: Join Commute.org Board of Directors:

- City Council representative and alternate to participate on Board and in Advisory Committees

Cost	No direct cost to City, estimated 8 hours time per month
Benefit	<ul style="list-style-type: none">• Increased buy-in from community, ability to encourage support for city-specific needs• Increased collaboration with other jurisdictions already participating

Action 2: Encourage employers and developers to participate in Manzanita Works' Ravenswood Transit Consortium

- Endorsement of Manzanita Works as a valuable asset to employers and property managers
- Consider outlining recommendation to join TMAs in Conditions of Approval, Development Agreements, etc.

Cost	No direct cost to City
Benefit	<ul style="list-style-type: none">• Collaboration between City and sub-regional stakeholders better supports needs of commuters• Improved standardization among site-based programming offered across the City

Recommendations

Objective 2: Serve as an example of an employer with a robust and collaborative TDM program

Action 3: Promote Commute.org's full suite of services to City employees

- Promote free Commute.org services (i.e. vanpool subsidies, bicycle/pedestrian support) to City of Menlo Park employees
- Consult with Commute.org to identify opportunities for further engagement

Cost	No direct cost to City; potential staff time involved in outreach and event attendance
Benefit	Employees more likely to take advantage of pre-existing programs

Action 4: City Joins Manzanita Works' Ravenswood Transit Consortium as an employer

- City pays to join as an employer member to supplement current employee benefits
- Employees have access to services offered by Manzanita Transit (i.e. essential workers shuttle services)

Cost	\$40,000 Annually
Benefit	<ul style="list-style-type: none">• One-on-one support for City employees• Ability for City to have 'seat at the table' within consortium

Recommendations

Objective 3: Ensure TDM support is available for all businesses

Action 5: Invest in existing sub-regional resources to provide targeted Citywide Support

- Short term – meet with Manzanita Works and Commute.org representatives at least quarterly
- Longer term – invest in paid partnerships Manzanita Works and Commute.org to provide dedicated support to Menlo Park businesses

Cost	\$30,000 - \$120,000 annually
Benefit	<ul style="list-style-type: none">• Improved access to TDM services for employers who need it• Increased regional and subregional collaboration

Implementation Plan



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Implementation Plan

Implementation Process: Short Term

1. Implement Short Term Actions

(2021-2022)

Implement low/no cost strategies including:

- Join the Commute.org Board
- Connect employers/projects to the Ravenswood Transit Consortium
- Actively promote free TDM services and programs among City staff.
- Consider low-commitment engagement with Manzanita Works

2. Understand Post-COVID Needs/Priorities

(2022-2023)

Undertake further assessment to understand how needs have shifted in past 18 months. Options may include:

- Market research survey of Menlo Park employees and/or residents, or survey specifically geared at City staff
- Employ trip tracking technology (i.e. Miles) and incentivize use to receive trip-level data
- Conduct updated and continuous Streetlight Data analysis

3. Identify Funding Sources

(2023)

Prior to undertaking TDM efforts with associated cost, the City must identify sources for funding. Suggestions include:

- Utilizing forthcoming shuttle assessment to identify cost efficiencies that could be repurposed
- Apply for grant opportunities (i.e. Caltrans Planning Grant)
- Consider study of current parking pricing and policy to identify revenue streams for TDM
- Other funding opportunities

Implementation Plan

Implementation Process: Medium-Long Term

4. Revise City TDM Guidelines

(2023-2024)

Adjust City guidelines for new projects/developments (current guidelines from 2015):

- Align with forthcoming C/CAG guidelines
- Consider benefits or requirements for joining TMAs or similar organizations
- Consider adopting tiered system if consistent with C/CAG

5. Consider Long-Term Actions

(2023-2024)

Based on regular check-ins with regional/subregional organizations, identify path forward for long-term investment in City-specific TDM services

- Join Ravenswood Transit Consortium as an employer
- Work directly with Manzanita Works and Commute.org to solicit dedicated support for Menlo Park

Next Steps

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Recommendations

We request that you adopt the final TMA Feasibility Study today.

Immediate Actions

1. Implement Short Term Actions
 - Join Commute.org Board
 - Support and provide connections between Manzanita Works and new projects/employers
 - Expand upon free services promoted to City Staff
2. Undertake research to better understand post-COVID needs
3. Identify funding sources for future activities

Long Term Actions

1. Revise City TDM guidelines
2. Undertake Long-Term Actions as appropriate:
 - Join the Ravenswood Transit Consortium as an employer
 - Work with existing TDM organizations to invest in dedicated support in Menlo Park

Thank you!

Nick Yee

Project manager

Ngjee@menlopark.org

Julia Wean

Consultant project manager

Julia.wean@steergroup.com

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STAFF REPORT

City Council
Meeting Date: 10/12/2021
Staff Report Number: 21-196-CC

Regular Business: **Approve an update to the Complete Streets Commission 2021-22 work plan and adopt Resolution No. 6674 to support Seamless Transit Principles**

Recommendation

Staff recommends the City Council approve an update to the Complete Streets Commission (Commission) 2021-22 work plan (Attachment A) and adopt Resolution No. 6674 (Attachment B) to support Seamless Transit Principles as recommended by the Complete Streets Commission

Policy Issues

The approval of the Commission work plan is consistent with City Council Policy CC-21-004 (Attachment C), Commissions/Committees policies and procedures and roles and responsibilities. Each commission is required to develop an annual work plan and seek City Council approval each year. Once approved, the Commission is expected to report out on progresses made to City Council at least annually, but recommended twice a year.

Background

Commission charges

On March 5, 2019, the City Council adopted Resolution No. 6477 to create Complete Streets Commission permanently as a nine-member body following a two-year pilot program that began February 28, 2017 by merging the former Bicycle and Transportation Commissions.

The Commission is charged primarily with advising the City Council on realizing the City's adopted goals for complete streets, vision zero and the climate action plan, and to provide input on major land use and development projects as it relates to transportation. This includes strategies to encourage safe travel, improve accessibility, and maintain a functional and efficient transportation network for all modes and persons traveling within and around the City.

Commission 2020-21 work plan

On March 23, 2021, the City Council approved the Commission 2020-21 work plan, which is summarized in Table 1.

Table 1: Commission work plan			
Ref #	Goals/priorities	Tasks	Action
1	Climate Action Plan goals	<ul style="list-style-type: none"> Review and recommend projects from TMP¹ Provide input on major developments 	<ul style="list-style-type: none"> Provides feedback to CC² Receives updates on development projects
2	Transportation Master Plan	<ul style="list-style-type: none"> Advise CC on TMP implementation 	<ul style="list-style-type: none"> Provides feedback to CC
3	Middle Ave crossing and complete streets projects	<ul style="list-style-type: none"> Advise CC on Middle Ave crossing Advise CC on Middle Ave complete streets project 	<ul style="list-style-type: none"> Provides feedback to CC
4	Downtown access programs	<ul style="list-style-type: none"> Advise CC on ongoing initiatives 	<ul style="list-style-type: none"> Monitors downtown related projects
5	Safe routes to school (SRTS) program	<ul style="list-style-type: none"> Provide guidance to SRTS coordinator and advocate institutionalization of role 	<ul style="list-style-type: none"> Participates in SRTS Task Force meetings
6	Multimodal and transportation demand management (TDM) programs	<ul style="list-style-type: none"> Advise CC on regional multimodal and TDM projects 	<ul style="list-style-type: none"> Monitors regional and local projects

Notes:

- 1. TMP = Transportation Master Plan
- 2. CC = City Council

Analysis

City Council direction

In June 2020, the City Council approved the current transportation impact analysis (TIA) guidelines and referred the following item for Commission evaluation and feedback:

- Update the City’s TIA guidelines to include multimodal study metrics. The CSC has formed a Multimodal Metrics Subcommittee to lead this task.

On June 28, 2021, the City Council adopted the City’s 2021-22 annual budget. Through this budget discussion, the City Council referred the following two items for Commission evaluation and feedback:

- Current state of the safe routes to school program (consistent with item 5 in the 2020-2021 work plan)
- Process and procedure of the neighborhood traffic management program (consistent with item 2 of the 2020-2021 work plan)

Since then, the Commission has begun identifying the appropriate subcommittees to commence their evaluations in this upcoming year.

Complete Streets Commission Multimodal Subcommittee requests

On July 14 and August 11, 2021, the Commission’s Multimodal Subcommittee presented to the Commission information on a nonprofit organization called Seamless Bay Area and its mission to “transform the Bay Area’s fragmented public transit...” for the better. Through the presentation, the subcommittee submitted two action items that require City Council approval, to be included in the Commission 2021-22 work plan:

- Adopt the resolution (Attachment B) to support the Seamless Transit Principles, compiled by Seamless Bay Area
- Allocate staff resources to assist the Multimodal Subcommittee to review future transit related study

recommendations that could impact the City of Menlo Park and, where appropriate, develop action items or potential policies for City Council approval

Multimodal Subcommittee member Adina Levin also has disclosed her separate role as the Seamless Bay Area's Advocacy Director and was cleared of legal conflict through consultant with the City Attorney's Office, prior to participating in this item.

For the first recommendation, staff reviewed the Seamless Transit Principles and believes they are consistent with specific goals in the City's Circulation Element (e.g., Goals CIRC-2 and CIRC-5) and one of the project prioritization criteria in the TMP (e.g., Transportation Sustainability.) Other cities in San Mateo County, including Redwood City, San Mateo, Millbrae, Pacifica, Half Moon Bay and East Palo Alto, have adopted a version of this resolution. Adopting this resolution will result in the City of Menlo Park being listed as a public supporter.

If the second recommendation is approved by the City Council, the first study likely to be reviewed would be the Transit Fare Coordination and Integration Study prepared by the Metropolitan Transportation Commission's Fare Integration Task Force. After review, if staff and the Commission mutually identify recommendations that could impact the City, staff will prepare a staff report for Commission and City Council approval that includes:

- Identification of specific recommendations for further evaluation/implementation
- Quantification of necessary resources to complete evaluation/implementation
- Estimation of potential schedule delays to existing and/or future projects as a result of the new tasks

After discussion, the Commission voted 8-0, with one commissioner absent, to recommend to City Council to approve the Commission 2021-22 work plan, including all additions listed above.

Impact on City Resources

Resources expended for the completion of the Commission work plan is considered part of the City's baseline operations.

If the second Multimodal Subcommittee request is approved, staff anticipates up to four hours of document review time and up to 16 hours of staff time to prepare staff reports for Commission and City Council approvals. This task will primarily be assigned to the City's transportation demand management coordinator with support from other transportation division staff and have minor impacts to non-prioritized projects.

Commission requests beyond the approved Commission work plan that require one hour or more of staff time must be approved and directed by the City Council.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§15378. Any projects identified through the Commission's pursuit of these goals and priorities would be subject to environmental review under CEQA in the future.

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. Complete Streets Commission 2021-22 work plan
- B. Resolution 6674
- C. City Council Policy CC-21-004 – Commission/Committees policies and procedures, roles and responsibilities

Report prepared by:
Kevin Chen, Senior Transportation Engineer

Report reviewed by:
Hugh Louch, Assistant Public Works Director – Transportation
Nikki Nagaya, Public Works Director



MEMORANDUM

Date: 10/12/2021
To: City Council
From: Complete Streets Commission
Re: Complete Streets Commission 2021-22 Work Plan

Mission Statement:

"The Complete Streets Commission shall advise the City Council on realizing the City's adopted goals for Complete Streets, Vision Zero, Climate Action Plan, and provide input on major land use and development projects as it relates to transportation."

Goals/Priorities (and near-term actionable tasks):

1. To advance the goals of the city's newly adopted Climate Action plan by making alternatives to driving safer and more attractive, namely by:
 - Reviewing the city's Transportation Master Plan (TMP) and recommending the projects most likely to reduce Vehicle Miles Traveled (VMT)
 - Providing input on major development projects by looking at them through the lens of transportation accessibility, especially bicycle/pedestrian/public transportation accessibility and update the transportation impact analysis guidelines to include multimodal study metrics
2. Advise City Council on the implementation of the TMP:
 - Evaluate the current process and procedure of the neighborhood traffic management program (TMP Project #165)
3. Continue to advocate for and advise the Council on the planning and installation of the Middle Avenue pedestrian and bicycle rail crossing, and safe cycling/pedestrian infrastructure connecting the Burgess complex to the Middle Avenue corridor to Olive Street, and north on Olive Street to Hillview Middle School.
4. Continue to support Council in ongoing initiatives to improve access to Downtown and support downtown businesses.
5. Continue to support the implementation of the Safe Routes to School strategy and advocate for community engagement, program continuity and engineering implementation:
 - Evaluate the current state of the safe routes to school program
6. Continue to support City Council's role as a stakeholder with regard to regional multimodal and transportation demand management programs projects to increase sustainable transportation for Menlo Park:

- Request the City Council to sign the Seamless Transit Principles
- Request the City Council to allocate staff resources to assist the Multimodal Subcommittee to review future transit related study recommendations that could impact the City of Menlo Park and develop an action list for City Council approval

Current Commission Subcommittees

- Climate Action Plan Subcommittee
- Downtown Access and Parking Subcommittee
- Multimodal Metrics Subcommittee
- Multimodal Subcommittee
- Safe Routes to School Program Subcommittee
- Transportation Master Plan Implementation Subcommittee
- Zero Emission Subcommittee

RESOLUTION NO. 6674**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
SUPPORTING SEAMLESS BAY AREA'S SEAMLESS TRANSIT PRINCIPLES**

WHEREAS, the San Francisco Bay Area, despite being an exceptional place to live, faces an uncertain future due to several interrelated crises -- decreasing housing affordability, increasing congestion, rising pollution, widening inequality, and the recent COVID-19 public health crisis -- all of which are exacerbated by an inadequate and poorly-performing public transportation system; and,

WHEREAS, since 1970, more than 75% of commute trips have been made by automobile each year, compared to at most 12% being made by public transit; and,

WHEREAS, the quality of and usage of public transit in the Bay Area has declined in recent years, with transit trips per capita declining by 10%, average bus speeds declining by 9%, and transit commute times increasing by 11% between 2001 and 2016; and,

WHEREAS, the California Air Resources Board reported in 2018 that no California regions, including the Bay Area, are on track to meet their greenhouse gas reduction targets, with increasing Vehicle Miles Travelled (VMT) and declines in transit ridership cited as a primary factors; and,

WHEREAS, using public transit in the Bay Area is inconvenient and costly for many types of trips, requiring riders to: use multiple transit systems operated independently with little coordination; pay multiple separate fares; experience unpredictable transfers; and navigate different wayfinding systems and brand identities; and,

WHEREAS, low income people, many of whom have experienced displacement and have long commutes requiring multiple transit services, are among the most adversely affected the Bay Area's poorly integrated public transportation system, experiencing a significant financial burden from needing to pay multiple separate transit fares or being forced into costly vehicle ownership; and,

WHEREAS, regions with high-ridership public transportation systems are, by contrast, characterized by highly integrated networks of quality local and regional transit services that make traveling without a private automobile convenient and easy for all types of trips, featuring aligned routes and schedules, coordinated transfers, high quality transit hubs, common branding and customer information, and other common regional customer experience standards; and,

WHEREAS, regions that have successfully integrated and simplified transit fares have experienced many broad social benefits, including a shift in travel from private cars to public transit, an increase in overall public transit usage, and expanded mobility options and cost savings for riders; and,

WHEREAS, a well-functioning and coordinated transit system plays a critical role in supporting public health and safety during an emergency, with 31% of Bay Area essential workers relying on public transit to get to work. It also plays a critical role in supporting an economic recovery. During and in the aftermath of major disruptions to our transit system, close coordination among transit agencies facilitates prioritization of the most critical needs, efficient deployment of resources, and clear communication to customers; and,

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore.

NOW, THEREFORE, BE IT RESOLVED, the City Council of Menlo Park does hereby:

- Affirm commitment to working collaboratively with State agencies, the Metropolitan Transportation Commission (“MTC”), municipalities, transit providers (e.g., SamTrans and Caltrain), and other public agencies to develop a highly integrated regional transportation system that provides convenient, seamless, and affordable transit for customers
- Supports the Seamless Transit Principles listed in Exhibit A, and agrees to be publicly listed as a supporter

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 of said City Council on the twelfth day of October, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ___ day of October, 2021.

Judi A. Herren, City Clerk

The Seamless Transit Principles Viewable at: www.seamlessbayarea.org/seamless-transit-principles



1) Run all Bay Area transit as one easy-to-use system

Public transit should work as one seamless, connected, and convenient network across the San Francisco Bay Area and beyond. Getting around on transit should be as fast and easy as driving a car. Coordinated bus, rail, and ferry routes and schedules should encourage effortless transfers. Consistent and clear customer information, branding, and maps should make using transit simple and dignified.



2) Put riders first

Riders should feel comfortable when using transit and be treated like valued customers. Public transit agencies must do more to listen to riders and continuously improve service. They must prioritize riders' needs above all else, and overcome all operational, political and bureaucratic barriers to provide an excellent and seamless customer experience.



3) Make public transit equitable and accessible to all

People of all income levels, ages, abilities, genders, and backgrounds should have access to world-class public transit. People who are the most reliant on transit are best served by a universal, inclusive, regionally integrated, connected system that is used by all. People with limited means to pay for transit should be provided with discounts.



4) Align transit prices and passes to be simple, fair, and affordable

Transit should provide good value for money. Fares across the region's 27 public transit agencies must be aligned into a consistent, fair, and affordable system that encourages using transit for all types of trips and doesn't punish riders for transferring. Cost-effective monthly passes should work across the Bay Area and should be widely available to individuals, employers, and schools.



5) Connect effortlessly with other sustainable transportation

A person's journey does not end when they get off a bus or exit a station. Excellent pedestrian, bicycle, and other pollution-free transportation options should seamlessly connect public transit to communities and destinations, supporting door-to-door trips that don't require a car.



6) Plan communities and transportation together

High quality public transit should be at the heart of communities across the Bay Area. Transportation should be closely aligned with our region's land use, promoting a connected network of transit-oriented, walkable communities that expands access to affordable housing and job opportunities, and reduces car travel and greenhouse gas emissions.



7) Prioritize reforms to create a seamless network

A regionally integrated, world-class transit system won't happen on its own -- it will take leadership, unprecedented levels of cooperation, and changes to existing local, regional, and state policies. The cities, counties, public transit agencies, regional authorities, business leaders, advocacy groups and elected representatives of the San Francisco Bay Area and Northern California megaregion must prioritize the broad public interest and urgently work together collaboratively to advance critical reforms. Our future depends on it!

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Procedure #CC-21-004
 Effective 6/08/2021
 Resolution No. 6631



Purpose
To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.
Authority
Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park.”
Background
<p>The City of Menlo Park currently has eight active Commissions and Committees. The active advisory bodies are: Community Engagement and Outreach Committee, Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, and Planning Commission. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Seven of the eight commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel and Expense Policy (CC-91-002), which are also applicable to all advisory bodies.</p>
Policies and Procedures
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council’s attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council annual work plan. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council’s adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq, 65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services.

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of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City's duly elected representatives, the City Council.

- Additional or other staff support may be provided upon a formal request to the City Council.
- The staff liaison shall act as the commission/committee's lead representative to the media concerning matters before the commission/committee. Commission/Committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that his or her statements do not represent the position of the City Council.
- Commission/Committee members will have mandatory training every two years regarding the Brown Act and parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.
- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete, must be directed by the City Council.

Role of City Council commission/committee liaison

City Councilmembers are assigned to serve in a liaison capacity with one or more city commission/committee. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, City Councilmembers may elect to attend commission/committee meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission/committee chair on a regular basis.

City Councilmembers should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committee, City Councilmembers are to reflect the views of the City Council as a body. Being a commission/committee liaison bestows no special right with respect to commission/committee business.

Typically, assignments to commission/committee liaison positions are made at the beginning of a City Council term in December. The Mayor will ask City Councilmembers which liaison assignments they desire and will submit recommendations to the full City Council regarding the various committees, boards, and commissions which City Councilmembers will represent as a liaison. In the rare instance where more than one City Councilmember wishes to be the appointed liaison to a particular commission, a vote of the City Council will be taken to confirm appointments.

City Staff Liaison

The City has designated staff to act as a liaison between the commission/committee and the City Council. The City shall provide staff services to the commission/committee which will include:

- Developing a rapport with the Chair and commission/committee members
- Providing a schedule of meetings to the City Clerk's Office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.
- Ensuring the City Clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.

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- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with City policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes)
- Maintain a minute book with signed minutes

Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Commission/Committee Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

City Council referrals

The City Clerk shall transmit to the designated staff liaison all referrals and requests from the City Council for advice and recommendations. The commissions/committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

Public appearance of commission/committee members

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

Disbanding of advisory body

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

Meetings and officers

1. Agendas/notices/minutes

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and

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minutes shall be provided to the City Council, City Manager, City Attorney, City Clerk and other appropriate staff, as requested.

- Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.

2. *Conduct and parliamentary procedures*

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

3. *Lack of a quorum*

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
- The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

4. *Meeting locations and dates*

- Meetings shall be held in designated City facilities, as noticed.
- All commissions/committees with the exception of the Community Engagement and Outreach Committee, Planning Commission, and Finance and Audit Committee shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month, the Community Engagement and Outreach Committee shall hold meetings as need, and the Finance and Audit Committee shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the commission/committee to conduct its meeting in a most efficient

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and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

The schedule of Commission/Committee meetings is as follows:

- Community Engagement and Outreach Committee – as needed
- Complete Streets Commission – Every second Wednesday at 7 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:00 p.m.
- Finance and Audit Committee – Third Wednesday of every quarter at 5:30 p.m.,
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month at 7 p.m.

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

5. *Off-premises meeting participation*

While technology allows commission/committee members to participate in meetings from a location other than the meeting location (referred to as “off-premises”), off-premises participation is discouraged given the logistics required to ensure compliance with the Brown Act and experience with technological failures disrupting the meeting. In the event that a commission/committee member believes that his or her participation is essential to a meeting, the following shall apply:

- Any commission/committee member intending to participate from an off-premise location shall inform the staff liaison at least two weeks in advance of the meeting.
- The off-premise location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at the off-premise location.
- The off-premise location must be accessible to the public and be ADA compliant.
- The commission/committee member participating at a duly noticed off-premises location does not count toward the quorum necessary to convene a meeting of the commission/committee.
- For any one meeting, no more than one commission/committee member may participate from an off-premise location.
- All votes must be by roll call.

6. *Selection of chair and vice chair*

- The chair and vice chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each commission/committee shall annually rotate its chair and vice chair.

G. Memberships

Appointments/Oaths

- The City Council is the appointing body for all commissions/committees. All members serve at the pleasure of the City Council for designated terms.
- All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.
- Before taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the City Clerk or his/her designee.
- Appointments made during the middle of the term are for the unexpired portion of that term.

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Application and selection process

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

Attendance

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

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Compensation

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

Conflict of interest and disclosure requirements

- A Conflict of Interest Code has been updated and adopted by the City Council and the Community Development Agency pursuant to Government Code §87300 et seq. Copies of this Code are filed with the City Clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Planning Commission are required to file a Statement of Economic Interest with the City Clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
- If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. Questions in this regard may be directed to the City Attorney.
- In accordance with Resolution No. 6622, current and future members of the Community Engagement and Outreach Committee, Complete Streets Commission, and Housing Commission, are required to report any and all real property in Menlo Park for impacting land use, real property, and the housing element.

Qualifications, compositions, number

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
- Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
- There shall be seven (7) members on each commission/committee with the exception of:
 - Community Engagement and Outreach Committee – fourteen (14) members
 - Complete Streets Commission – nine (9) members
 - Finance and Audit Committee – five (5) members
 - Housing Commission – seven (7) members
 - Library Commission – eleven (11) members

Reappointments, resignations, removals

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

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Term of office

- Unless specified otherwise, the term of office for all commission/committee shall be four (4) years unless a resignation or a removal has taken place. The Finance and Audit Committee term of office shall be two (2) years. The Community Engagement and Outreach Committee term is for eighteen (18) months.
- If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
- Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
- If a member resigns before the end of his/her term, a replacement serves out the remainder of that term.

Vacancies

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are listed on the City Council agenda and posted by the City Clerk in the City Council Chambers bulletin board and on the city website.
- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least 10 working days after posting of the notice (Government Code 54974).
- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the City Clerk and posted in the City Council Chambers bulletin board and on the City's website. This list is also available to the public. (Government Code 54972, Maddy Act).

Roles and Responsibilities

Community Engagement and Outreach Committee

The Housing Element Community Engagement and Outreach Committee (CEOC) assists the City in ensuring a broad and inclusive community outreach and engagement process. Committee members help guide and provide feedback on the types and frequency of activities/events/meetings and the strategies and methods for communicating with the various stakeholders in the community.

Roles and responsibilities:

- Serve as an ambassador of the project and encourage people to participate in the process
- Help guide and provide feedback on the community engagement plan
- Serve as a community resource to provide information to and receive input from the community on matters related to community engagement and public outreach

Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on multi-modal transportation issues according to the goals and policies of the City's general plan. This includes strategies to encourage safe travel, improve accessibility, and maintaining a functional and efficient transportation network for all modes and persons traveling within and around the City. The Complete Streets Commission's responsibilities would include:

- Coordination of multi-modal (motor vehicle, bicycle, transit and pedestrian) transportation facilities
- Advising City Council on ways to encourage vehicle, multi-modal, pedestrian and bicycle safety and accessibility for the City supporting the goals of the General Plan
- Coordination on providing a citywide safe routes to school plan
- Coordination with regional transportation systems
- Establishing parking restrictions and requirements according to Municipal Code sections 11.24.026 through 11.24.028

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Environmental Quality Commission

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

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

Finance and Audit Committee

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

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

Housing Commission

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

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City
- Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974
- Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program
- Review and recommend to the City Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the City
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan
- The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals Board (City Resolution 4290, adopted June 25, 1991).

Library Commission

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

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

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City Council Policy #CC-21-004

Effective 6/08/2021

Resolution No. 6631

Parks and Recreation Commission

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

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

Planning Commission

The Planning Commission is organized according to State Statute.

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

Special Advisory Bodies

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

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

Procedure history

Action	Date	Notes
Procedure adoption	1991	Resolution No. 3261
Procedure adoption	2001	
Procedure adoption	2011	
Procedure adoption	2013	Resolution No. 6169
Procedure adoption	2017	Resolution No. 6377
Procedure adoption	6/8/2021	Resolution No. 6631

Complete Streets Commission Workplan

1. Advance the goals of the city's newly adopted Climate Action plan by making alternatives to driving safer and more attractive, namely by:
 - Providing input on major development projects by looking at them through the lens of transportation accessibility, especially bicycle/pedestrian/public transportation accessibility and update the transportation impact analysis guidelines to include multimodal study metrics

2. Advise City Council on the implementation of the TMP:
 - Evaluate the current process and procedure of the neighborhood traffic management program (TMP Project #165)

Complete Streets Commission Workplan (2)

5. Continue to support the implementation of the Safe Routes to School strategy and advocate for community engagement, program continuity and engineering implementation:

- Evaluate the current state of the safe routes to school program

Creating a Seamless Transit System

October 12, 2021
Menlo Park Complete Streets
Commission
Multimodal Subcommittee
Adina Levin



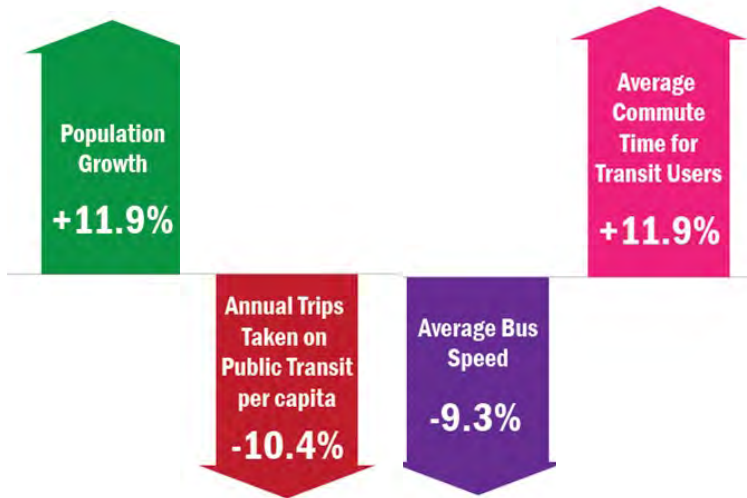


Regional transit challenges for Menlo Park

- Menlo Park depends on regional transit to achieve goals to alleviate congestion and reduce climate emissions
- But Menlo Park does not control regional transit...

Transit should be the backbone of the Bay Area, but is not keeping up

Between 2001 and 2016 in the Bay Area:



Many people want to use transit -- but don't because it's too difficult

“It takes too long to get around on transit.”

“It's not frequent enough”

“It's too confusing”

“It doesn't take me where I need to go”

“It's not reliable”



In a Seamless customer focused regional network:

- A connected rapid transit network is strategically planned at regional level to work as a system
- Transit agencies work together to operate different parts of the integrated network
- Service quality, fares, student discounts, schedules, and wayfinding is standardized to be a reliable and as simple as possible for users
- More funding for more service

The Seamless Transit Principles

The Seamless Transit Principles have been developed by a coalition of public groups to guide local, regional, and state decision makers to pursue a seamlessly integrated, world class transit system that works for people.



**Run
all Bay Area
transit as one
easy-to-use
system**



**Put
riders first**



**Make
public transit
equitable and
accessible
to all**



**Align
transit prices
to be simple,
fair, and
affordable**



**Connect
effortlessly
with other
sustainable
transportation**



**Plan
communities
and
transportation
together**



**Prioritize
reforms to
create a
seamless
network**

Supporters of Seamless Transit Principles

17 Cities/Counties/Cities' Associations



- San Francisco County Transportation Authority
- Alameda County
- Cities of Redwood City, East Palo Alto, San Mateo, Millbrae, Pacifica, Half Moon Bay, Fremont, Jan Jose
- Cities Association of Santa Clara County

2 Transit Agencies



- 2000 members of public signed petition
- www.seamlesstransitprinciples.org

52 Non-Profit Groups & Businesses





Seamless Bay Area's mission is to transform the Bay Area's fragmented public transit into a **seamless**, unified, equitable, and **widely** used system by building a diverse movement for change and promoting policy reforms.



STAFF REPORT

City Council Meeting Date: 10/12/2021
Staff Report Number: 21-197-CC

City Council Initiated Items: Engage an outside consultant to conduct an Independent 360 degree evaluation of the city attorney and an independent analysis of legal billings for the current and past three fiscal years

Recommendation

City staff seek City Council direction on requests from Mayor Combs, with support from City Councilmember Taylor, to engage an outside consultant or consultants to conduct an independent 360-degree evaluation of the city attorney and an independent analysis of legal billing for the current and past three fiscal years.

Per City Council Procedure #CC-20-013 – “City Councilmember requests” a majority of the City Council may direct the following:

- Direct the city manager to prioritize staff resources to prepare a formal staff report for further City Council consideration and/or action, or
- Direct the item to an advisory body for preparation of a formal staff report with no additional staff support required, or
- Direct the city manager to prepare a formal staff report for further City Council consideration as resources are available, or
- Defer action to the City Council’s annual goal setting process.

If the request does not receive sufficient City Council support, the item is not considered further.

Policy Issues

City Council adopted City Council Procedure #CC-20-013 – “City Councilmember requests,” assist in determining the City Council’s desire to move forward with work requested by one or two City Councilmembers.

Background

At the September 21, 2021 City Council meeting, Mayor Combs requested a future agenda item to consider hiring an independent consultant to conduct a 360 performance review of the city attorney which would include soliciting feedback from City staff and conduct a review of the City’s legal billings both currently and historically. City Councilmember Taylor supported the consideration.

Analysis

This agenda item is for the sole purpose of obtaining direction from the City Council on whether to authorize City staff to identify and engage an independent consultant or consulting firm to assist with the evaluation of the city attorney and an independent analysis of legal billings both currently and historically. Mayor Combs is tasked with the managing the city attorney evaluation process, but believes that an experienced outside consultant would be better equipped to provide a full and independent review and provide its findings to the City Council for purposes of evaluation.

The City Council is cautioned that this item is solely related to City Council direction on engaging an independent consultant and is not an agenda item that can include discussion of any evaluation of the city attorney or reasons underlying the need for an independent consultant. Government Code 54957 allows performance evaluation be conducted in a duly noticed closed session, which is advisable and is the City's historical practice. Furthermore, the City Council is reminded that any prior discussion of performance or related issues of the city attorney cannot lawfully be disclosed under this agenda item or in open session of the City Council. Government Code 54963 prohibits disclosure of communications from closed session.

Pending City Council direction, City staff will analyze the impact on staff.

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

None.

Report prepared by:
Genevieve Ng, Legal Counsel



STAFF REPORT

City Council

Meeting Date: 10/12/2021

Staff Report Number: 21-195-CC

Informational Item: City Council agenda topics: October – November 2021

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 November 9, 2021. 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: October – November 2021

Report prepared by:
Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type	City Council action
1	Ratify successor MOU - POA	ASD	Regular	Adopt resolution
2	1105 O'Brien discussion	CA	Closed Session	No action, Direction to staff
3	1350 Adams Court water supply assessment approval	CDD	Regular	Approve
4	BMR fund recommendation - MidPen Pierce Rd. housing	CDD	Regular	Adopt resolution
5	Housing Element - Preferred Land Use Strategy	CDD	Regular	Approve
6	Samaritan House agreement amendment	CDD	Consent	Approve
7	2021 priorities and work plan quarterly report as of September 30	CMO	Informational	Receive and file
8	Adopt Community Amenity Implementing Regulations and Updated Amenities List	CMO	Regular	Adopt resolution
9	Approve and appropriate \$10,000 for seed money to support the newly formed Menlo Park Sister Cities Association and ongoing sister cities program	CMO	Consent	Approve
10	Approve EQC bi-annual work plan	CMO	Consent	Approve
11	Proclamation: United Against Hate Week (11/14-11/20/2021)	CMO	Proclamation	No action
12	Resource needs for Climate Action Plan	CMO	Regular	Direction to staff, Decide
13	SBWMA ordinance in the SB1383	CMO	Consent	Adopt ordinance
14	Library Commission work plan	LCS	Consent	No action
15	Parks and Recreation Commission work plan	LCS	Consent	No action
16	Adopt Resolution removing the left-turn restriction at 105/125 Constitution Drive	PW	Consent	Adopt resolution
17	Approval of the 2021-2022 vehicle purchase	PW	Consent	Approve
18	FEMA BRIC grant study session	PW	Study Session	Direction to staff
19	Left-Turn Restriction on Garwood at Oak Grove	PW	Regular	Approve
20	Meter Audit Agreement for AMI Project	PW	Consent	Approve
21	Middle Avenue (800 ECR) Purchase and sale agreement	PW	Regular	Approve
22	Professional services for Measure T issuance	PW, ASD	Consent	Approve
23	Response to grand jury report on Sea Level Rise	PW, CMO	Consent	Approve
24	Resource request traffic enforcement	PW, PD	Informational	No action