



## STAFF REPORT

### City Council

Meeting Date:

6/25/2024

Staff Report Number:

24-115-CC

### Public Hearing:

**Adopt a resolution overruling protests, ordering the improvements, confirming the diagram/area of assessment and ordering the levy and collection of assessments for Landscaping Assessment District for fiscal year 2024-25**

### Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) overruling protests, ordering the improvements, confirming the diagram/area of assessment, and ordering the levy and collection of assessments. The tree assessment would increase by 3% to \$94.12 per single family equivalent (SFE) per year and the sidewalk assessment would increase by 3% to \$50.28 per SFE per year for the Landscaping Assessment District (District) for fiscal year 2024-25.

### Policy Issues

The Landscape and Lighting Act of 1972 is a California state law that allows cities to annually levy an assessment on properties which benefit from the services funded by the assessment. The City formed the District in 1983 and revenue from the assessments partially cover three city-provided services: street tree maintenance, street sweeping and sidewalk, curbs, gutters, parking strip repair and replacement for areas damaged by street trees. If the City Council does not adopt the resolution required for the collection of the assessments, the lack of adequate funding would result in reduced or suspended service levels required for the proper care and maintenance of the City's trees and sidewalks.

### Background

In 1983, the City established a District for the proper care and maintenance of City street trees. In 1990, the City added an assessment for the repair and maintenance of sidewalks, curb, gutter, and parking strips in the public right-of-way that were damaged by City street trees. Funds generated by the District are partially used for street sweeping services to clean fallen tree debris from public streets. Each year, the City must act to continue the collection of assessments.

On June 11, the City Council adopted Resolution No. 6907 preliminarily approving the engineer's report and Resolution No. 6905 stating its intention to order the levy and collection of assessments for the District for fiscal year 2024-25.

### Analysis

The District fee partially covers three city-provided services:

- Street tree maintenance;
- Street sweeping; and

- Sidewalk, curbs, gutters, parking strip repair and replacement.

To cover the tree maintenance program's budget for fiscal year 2024-25, the engineer's report proposes an assessment of \$94.12 per SFE per year. This reflects a 3% increase from last year's assessment of \$91.38 (an increase of \$2.74). The increase accounts for additional tree care required due to pests and disease, and higher tree pruning and street sweeping costs.

The engineer's report also proposes a sidewalk, curb, gutter, and parking strip assessment of \$50.28 per SFE per year. This reflects a 3% increase from last year's assessment of \$48.82 (an increase of \$1.46). The increase addresses the annual sidewalk replacement needs and the current backlog.

For example, for a single-family house that has a sidewalk and one street tree in front of the property, the property owner would pay a District assessment of \$144.40. With revenue from the assessment, the City provides the following services:

- Conducts a five-year routine maintenance schedule to trim the trees;
- Addresses any service requests, which may include street tree health assessments, trimmings, removals and street tree plantings. City staff also removes fallen tree limbs and dangling branches;
- Sweeps the streets to remove tree debris; and
- Repairs or replaces the sidewalk if the City's street tree damages it. The resident may request the sidewalk to be evaluated and placed in queue for it to be fixed. Staff visits the site, assesses the tripping hazard, and schedules the repairs accordingly. This may include city staff to temporarily patch the minor tripping hazards, a contractor to saw cut a portion of the sidewalk, or a contractor to prune the street tree roots and replace a section of the sidewalk. On average, the wait time for a complete sidewalk replacement is typically 1.5 to two years.

The assessments are subject to an annual adjustment based on the engineering news record construction cost index for the San Francisco Bay Area. The 3% increase from last year's assessment is less than the maximum assessment authorized rate of \$132.33 per SFE for tree maintenance and \$59.08 per SFE for sidewalk, curb, gutter, parking strip maintenance. Although staff does not recommend implementing the maximum rate, if City Council chose to implement it, the increase would be legally permissible without additional ballot proceedings.

On June 11, the City Council adopted Resolution No. 6905 which initiated the period in which any property owners can protest the amount of their proposed assessments up to the hour of the public hearing date. As of the published date of the staff report, no protests had been received. Before taking any final action, the City Council must conduct the public hearing and give direction regarding any protests received. If the City Council confirms and approves the assessment rates by adopting the resolution, the levies would be submitted to the county controller for inclusion on the property tax roll for fiscal year 2024-25.

### **Impact on City Resources**

Funding of the District's tree maintenance, street sweeping, and sidewalk repair programs come from a variety of sources, including the carry-over of unspent funds from prior years, annual tax assessment revenues, Measure M and contributions from the general fund (Table 1). The Measure M funding, administered by the City/County Association of Governments of San Mateo County, imposes an annual fee of \$10 on registered motor vehicles for congestion and water pollution mitigation programs. If the City Council does not order the levy and collection of assessments, the impact on City general fund resources would be \$1,182,523 unless the services are reduced or suspended. This represents the total amount of the proposed tree and sidewalk assessments. Without the levy, the City would not provide services to repair

sidewalks, maintain street trees and sweep streets.

<b>Table 1: Landscape assessments for proposed fiscal year 2024-25 budget</b>	
Projected beginning fund balance	\$538,775.40
Estimated revenues:	
Landscape assessment revenue	\$1,182,523.00
General fund contribution	\$578,774.23
Measure M funds	\$142,000.00
<b>Total</b>	<b>\$1,903,297.23</b>
Estimated expenses:	
Street tree maintenance	\$916,136.00
Debris removal (including street sweeping services)	\$309,625.48
Sidewalk, curb, gutter, parking strip repair/replacement	\$600,000.00
Administrative and County assessment fees	\$286,912.00
<b>Total</b>	<b>\$2,112,673.48</b>
Projected ending fund balance	\$329,399.15

It is reasonable to assume that a portion of the usage and enjoyment of the improvements is for the greater public, since the District results in preservation of the City’s tree canopy, provision of safe walking facilities, and debris removal by street sweeping. Therefore, the general fund must contribute a portion of the total cost of the program. An estimate of 25% contribution by the general fund was established by the City and assessment engineer when the assessment was created in 1998 and must occur annually. For fiscal year 2024-25, the minimum general fund contribution requirement is \$528,168.37, which is 25% of the anticipated program expenses of \$2,112,673.48. The contributions from the general capital fund for fiscal year 2024-25 will meet this required amount. The entire program budget for fiscal year 2024-25 is included in the engineer’s report (Attachment B). The program fund balance would be used to fund the difference between assessment revenue and total costs this fiscal year.

**Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§15378.

**Public Notice**

Public notification was achieved by posting a legal notice in The Examiner, a local newspaper, June 14 and June 21, and posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

- A. Resolution

Staff Report #: 24-115-CC

B. Engineer's report

Report prepared by:  
Joanna Chen, Management Analyst II

Report reviewed by:  
Azalea Mitch, Public Works Director

**RESOLUTION NO. XXXX****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
OVERRULING PROTESTS, ORDERING THE IMPROVEMENTS, CONFIRMING  
THE DIAGRAM AND ORDERING THE LEVY AND COLLECTION OF  
ASSESSMENTS AND INCREASING THE TREE ASSESSMENT AND THE  
SIDEWALK ASSESSMENT BY THE ENGINEERING NEWS RECORD  
CONSTRUCTION COST INDEX FOR THE CITY OF MENLO PARK  
LANDSCAPING ASSESSMENT DISTRICT FOR FISCAL YEAR 2024-25**

WHEREAS, on the twelfth day of March, 2024, said City Council adopted Resolution No. 6895, describing improvements and directing preparation of the engineer's report for the City of Menlo Park Landscaping Assessment District for fiscal year 2024-25, pursuant to provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972; and

WHEREAS, on the eleventh day of June, 2024, said City Council thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act and said Resolution No. 6907 including (1) plans and specifications of the existing improvements and the proposed new improvements; (2) estimate of costs; (3) diagram of the District; and (4) an assessment according to benefits; all of which were done in the form and manner required by said Act; and

WHEREAS, said City Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, whereupon said City Council pursuant to the requirements of said Act, appointed Tuesday, the twenty-fifth day of June, 2024, at the hour of 6:00 p.m., or as soon thereafter as the matter may be heard, by hybrid meeting, at which time and place interested persons may participate and be heard on, and the same are hereby appointed and fixed as the time and place for a Public Hearing by this City Council on the question of the continuation and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written protests made or filed by any interested person at or before the conclusion of said hearing, against said improvements, the boundaries of the assessment district and any zone therein, the proposed diagram or the proposed assessment, to the engineer's estimate of the cost thereof, and when and where it will consider and finally act upon the engineer's report; and

WHEREAS, on the twenty-fifth day of June, 2024, at the hour of 6:00 p.m., or as soon thereafter as the matter may be heard, by hybrid meeting, the Public Hearing was duly and regularly held as noticed, and all persons interested and desiring to be heard were given an opportunity to speak and be heard, and all matters and things pertaining to the levy were fully heard and considered by this City Council, and all oral statements and all written protests or communications were duly considered; and

WHEREAS, persons interested, objecting to said improvements, including the maintenance or servicing, or both, thereof, or to the extent of the assessment district, or to the proposed assessment or diagram or to the engineer's estimate of costs thereof, were provided an opportunity to file written protests with the City Clerk of said City at or before the conclusion of said hearing, and all persons interested desiring to be heard were given an opportunity to be

heard, and all matters and things pertaining to the continuation and collection of the assessments for said improvements, including the maintenance or servicing, or both, thereof, were fully heard and considered by said City Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Menlo Park does hereby make the following findings:

1. That a majority protest, pursuant to the Act, was not filed, and therefore the protests against said improvements, including the maintenance or servicing, both, thereof, or to the extent of the assessment district, or to the proposed continued assessment or diagram, or to the engineer's estimate of costs thereof, for fiscal year 2024-25 be, and each of them are hereby overruled.
2. That the public interest, convenience, and necessity require and said City Council does hereby order the continuation and collection of assessments pursuant to said Act, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in said engineer's report and made a part hereof by reference thereto.
3. That the City of Menlo Park Landscaping Assessment District and the boundaries thereof benefited and to be assessed for said costs for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are situated in Menlo Park, California, and are more particularly described by reference to a map thereof on file in the office of the City Clerk of said City. Said map indicates by a boundary line the extent of the territory included in said District and the general location of said District.
4. That the plans and specifications for the existing improvements and for the proposed improvements to be made within the assessment district contained in said report, be, and they are hereby, finally adopted and approved.
5. That the engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and it is hereby, finally adopted and approved.
6. That the public interest and convenience require, and said City Council does hereby order the improvements to be made as described in, and in accordance with, said engineer's report, reference to which is hereby made for a more particular description of said improvements.
7. That the diagram showing the exterior boundaries of the assessment district referred to and described in Resolution No. 6905 therein and the lines and dimensions of each lot or parcel of land within said District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which it applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed.
8. That the continued assessment of the total amount of the costs and expenses of the said improvements upon the several lots or parcels of land in said District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements, and the maintenance or servicing, or both, thereof and of the expenses incidental thereto contained in said report be, and the same is hereby, finally approved and confirmed.
9. Based on the oral and documentary evidence, including the engineer's report, offered and received at the hearing, this City Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the

improvements at least in the amount if not more than the amount, of the continued assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

10. That the authorized maximum assessment rates for the District include an annual adjustment by an amount equal to the annual change in the Engineering News Record Index, not to exceed 3% per year, plus any uncaptured excesses, and therefore, the assessments are not being increased above their authorized maximum amounts.
11. That said engineer's report for fiscal year 2024-25 be, and the same is hereby, finally adopted and approved as a whole.
12. That the City Clerk shall forthwith file with the Auditor of San Mateo County the said continued assessment, together with said diagram thereto attached and made a part thereof, as confirmed by the City Council, with the certificate of such confirmation thereto attached and of the date thereof.
13. That the order for the levy and collection of assessment for the improvements and the final adoption and approval of the engineer's report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the continued assessment as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, revised, or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by this City Council.
14. That the San Mateo County Controller and the San Mateo County Tax Collector apply the City of Menlo Park Landscaping District assessments to the tax roll and have the San Mateo County Tax Collector collect said continued assessments in the manner and form as with all other such assessments collected by the San Mateo County Tax Collector.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-fifth of June, 2024, 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 \_\_\_ of June, 2024.

---

Judi A. Herren, City Clerk

Fiscal Year 2024-25

# ENGINEER'S REPORT

## City of Menlo Park

Landscaping Assessment District

June 2024

Final Report



Pursuant to the Landscape and Lighting Act of 1972 and Article XIID of the California Constitution

**Engineer of Work:**

**SCI Consulting Group**

Public Finance Consulting Services

4745 Mangles Boulevard  
Fairfield, California 94534

707.430.4300

[www.sci-cg.com](http://www.sci-cg.com)

Page H-1.8





# City of Menlo Park

---

**Menlo Park City Council**

Mayor Cecilia Taylor  
Vice Mayor Drew Combs  
Councilmember Maria Doerr  
Councilmember Betsy Nash  
Councilmember Jen Wolosin

---

**City Manager**

Justin Murphy

---

**City Clerk**

Judi A. Herren

---

**City Attorney**

Nira Doherty

---

**Engineer of Work**

SCI Consulting Group  
Edric Kwan, P.E.



# Table of Contents

**Introduction..... 1**

    Assessment Background..... 1

    Legal Analysis..... 4

**Plans & Specifications ..... 7**

**Method of Assessment..... 8**

    Discussion of Benefit ..... 8

    Benefit Factors ..... 10

    General vs. Special Benefit ..... 12

    Method of Assessment..... 13

    Assessment Apportionment - Street Trees ..... 14

    Assessment Apportionment - Sidewalk Program..... 16

    Assessment Apportionment - Other Properties..... 16

    Appeals and Interpretation ..... 17

**Assessment..... 19**

**Assessment Diagram ..... 24**

    Appendix A – Assessment Roll, FY 2024-25..... 26

## List of Figures

Figure 1 – Residential Assessment Factors .....	14
Figure 2 – Tree Maintenance Assessments .....	18
Figure 3 – Sidewalk, Curb, Gutter, Parking Strip Assessments .....	18
Figure 4 – Summary Cost Estimate .....	19
Figure 5 – Engineer’s Cost Estimate, Fiscal Year 2024-25.....	22

## Introduction

### Assessment Background

Between 1960 and 1982, the City of Menlo Park had one three-person crew to care for approximately 9,000 City trees. As the trees grew, it took considerably more time per tree to provide proper care. Consequently, one tree crew was unable to perform the necessary work to maintain all of the street trees in proper condition. The Landscape Assessment District was originally formed in 1983 for the purpose of levying annual special assessments in order to properly maintain street trees in the City of Menlo Park. Currently, there are approximately 11,000 street trees that are maintained by the assessments.

Prior to 1990, property owners and the City would split the cost of repairing sidewalks damaged by City trees. The City would annually enter into an agreement with approximately 200 individual property owners. The one-time cost was a financial burden to some residents on fixed incomes. In order to make the program more cost-effective and less of a financial burden for property owners, an assessment for repair of sidewalks/parking strips due to City street-tree related damages was established in 1990.

The increased cost of the necessary work made the assessment amounts levied in Fiscal Year 1997-98 insufficient for adequately maintaining the City's street trees, curbs, gutters, and sidewalks. An increase in the assessments was required to provide funding for continued tree maintenance and sidewalk repairs. However, with the passage of Proposition 218 on November 6, 1996, assessments can only be raised after the City conducts an assessment ballot proceeding and the ballots submitted in opposition to the assessments do not exceed the ballots in favor of the assessments. (Each ballot is weighted by the amount of assessment for the property it represents.)

---

### **Assessment Process**

In 1998, the City conducted an assessment ballot proceeding for increased tree maintenance and sidewalk repair assessments pursuant to the requirements of Article XIID of the California Constitution (Proposition 218) and the Landscaping and Lighting Act of 1972. The proposed tree maintenance assessments for Fiscal Year 1998-99 were \$64.28 per single family equivalent unit and the proposed sidewalk repair assessments were \$28.70 per single family equivalent. The proposed maximum assessments also included an annual assessment cost escalator tied to the annual change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area ("ENR Index"). These proposed assessments were supported by 73% of assessment ballots received from property owners (with each ballot weighted by the amount of assessments it represented). Therefore, on June 16, 1998 by its Resolution Number 4840-D, the City Council levied the new assessments.

---

### **Engineer's Report and Continuation of Assessments**

In each subsequent year for which the assessments will be continued, the City Council must direct the preparation of an Engineer's Report, budgets, and proposed assessments for the upcoming fiscal year. After the Engineer's Report is completed, the City Council may preliminarily approve the Engineer's Report and proposed assessments and establish the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the Council.

The maximum authorized assessment rate, as increased each year by the change in the ENR Index, is the maximum assessment rate that can be levied in the given fiscal year without approval from property owners in another assessment ballot proceeding. In Fiscal Year 1998-99, the assessments were levied at the maximum rate for that fiscal year. Since this first fiscal year after the ballot proceeding, the assessments for tree maintenance have been levied below the maximum authorized rate, and the assessment rate for sidewalk repairs has not been increased above the original rate.

From December 2022 to December 2023, the ENR Index increased 3.59%. The maximum amount assessments can be increased annually is the ENR Index plus any uncaptured excess reserved from prior years, to a maximum increase to the ENR not to exceed 3%.

Based on accumulated excess reserves from prior years, the maximum authorized rates for Fiscal Year 2024-25 are \$132.33 for trees and \$59.08 for sidewalks without another ballot proceeding. (No additional ballot proceeding is required because the maximum authorized assessment rates, including the annual adjustments in these rates, were approved in the 1998 ballot proceeding. The actual rate levied in any given fiscal year can be revised up, with an annual maximum increase of 3%, or down, by any amount that does not cause the actual rates levied to exceed the maximum authorized assessment rates.)

The City reduced the assessment rate for tree maintenance in Fiscal Year 2000-01 and increased the assessment rate in Fiscal Years 2002-03, 2005-06 through 2009-10, 2014-15, and 2016-17 through 2023-24. In other fiscal years, it was not necessary to increase the rate, due to sufficient reserve funds carried forward from prior fiscal years, combined with general benefit contributions. For fiscal Year 2024-25, the proposed assessments for tree maintenance were proposed to increase 3.00% from Fiscal Year 2023-24, and the assessments for sidewalk maintenance are proposed to increase 3.00%. The proposed rates are \$94.12 per Single Family Equivalent (SFE) for tree maintenance and \$50.28 per SFE for sidewalk maintenance. The comparison of actual rates levied in Fiscal Year 2023-24 and the proposed rates for Fiscal Year 2024-25 are shown below.

#### Sidewalk Maintenance

FY 2023-24 Rate	ENR Increase Applied	FY 2024-25 Rate	Increase
\$48.82	3.00%	<b>\$50.28</b>	\$1.46

#### Tree Maintenance

FY 2023-24 Rate	ENR Increase Applied	FY 2024-25 Rate	Increase
\$91.38	3.00%	<b>\$94.12</b>	\$2.74

If the Council approves this Engineer's Report and the continuation of the assessments by resolution, a notice of assessment levies must be published in a local newspaper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10-day time period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 25, 2024. At this hearing, the Council will consider approval of a resolution confirming the continuation of the assessments for Fiscal Year 2024-25. If so confirmed and approved, the assessments will be submitted to the County Controller for inclusion on the property tax roll for Fiscal Year 2024-25.



## Legal Analysis

### Proposition 218

This assessment is consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996 and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process used to establish this assessment.

The original assessment existed prior to the passage of Proposition 218. Although the original assessment is also consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as “grandfathered assessments” and held them to a lower standard than post-Proposition 218 assessments.

### Silicon Valley Taxpayers Association, Inc. v Santa Clara County Open Space Authority

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority (“SVTA vs. SCCOSA”). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general, benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

---

**Dahms v. Downtown Pomona Property**

On June 8, 2009, the 4<sup>th</sup> Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e., 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

---

**Bonander v. Town of Tiburon**

On December 31, 2009, the 1<sup>st</sup> District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

---

**Beutz v. County of Riverside**

On May 26, 2010 the 4<sup>th</sup> District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside (“Beutz”) appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

---

**Golden Hill Neighborhood Association v. City of San Diego**

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

---

**Compliance with Current Law**

This Engineer's Report is consistent with the requirements of Article XIII C and XIII D of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz, Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and proportional special benefit to each property.

## Plans & Specifications

Following is a description of the Services that are provided for the benefit of property in the Assessment District. Prior to the residential development in Menlo Park, the Level of Service on these improvements was effectively zero. The formula below describes the relationship between the final level of improvements, the baseline level of service (pre-development) had the assessment not been instituted, and the enhanced level of improvements funded by the assessment.

<b>Final Level of Service</b>	=	<b>Baseline Level of Service (≈zero, pre-development)</b>	+	<b>Enhanced Level of Service</b>
-------------------------------	---	---	---	----------------------------------

The City of Menlo Park maintains street trees, sidewalks, curbs, gutters, and parking strips throughout the City. The proposed improvements to be undertaken by the City of Menlo Park and financed by the levy of the annual assessment provide special benefit to Assessor Parcels within the District as defined in the Method of Assessment herein. The said improvements consist of maintaining, trimming, disease treatment, and replacement of street trees; street sweeping to remove debris; and the repair and replacement of damaged sidewalks, curbs, gutters, and parking strips damaged by street trees throughout the City of Menlo Park.

## Method of Assessment

This section of the Engineer's Report includes an explanation of the benefits to be derived from the maintenance, repair, and replacement of street trees, sidewalks, curbs, gutters, and parking strips throughout the City, and the methodology used to apportion the total assessment to properties within the Landscaping Assessment District.

The Landscaping Assessment District consists of all Assessor Parcels within the boundaries of the City of Menlo Park as defined by the County of San Mateo tax code areas. The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the Landscaping Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the improvements and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

### Discussion of Benefit

In summary, the assessments can only be levied based on the special benefit to properties. This benefit is received by property over and above any general benefits and such benefit is not based on any one property owner's use of the amenities or a property owner's specific demographic status. With reference to the requirements for assessment, Section 22573 of the Landscaping and Lighting Act of 1972 states:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."*

Article XIID, Section 4 of the California Constitution has confirmed that assessments must be based on the special benefit to property:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of landscaping and lighting improvements to be provided with the assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from maintenance and improvements such as those within by the District. These types of special benefit are summarized as follows:

- A. Proximity to improved landscaped areas within the Assessment District.
- B. Access to improved landscaped areas within the Assessment District.
- C. Improved views within the Assessment District.
- D. Enhanced environment because of the vigorous street tree program for owners of property in the Landscaping Assessment District.
- E. Increased safety against tripping and other hazards caused by cracked or damaged sidewalks, curbs, and gutters.
- F. Enhanced desirability of the property.
- G. Reduced liability for landscape maintenance.

In this case, the recent the SVTA v. SCCOSA decision provides enhanced clarity to the definitions of special benefits to properties in three distinct areas:

- ◆ Proximity
- ◆ Expanded or Improved Access
- ◆ Views

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that landscaping improvements are a direct advantage and special benefit to property that is proximate to landscaping that is improved by an assessment:

*The characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g. proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g. general enhancement of the district's property values).*

Proximity, improved access, and views, in addition to the other special benefits listed above further strengthen the basis of these assessments.

## Benefit Factors

The special benefits from the Improvements are further detailed below:

---

### **Proximity to improved landscaped areas within the Assessment District**

Only the specific properties within close proximity to the Improvements are included in the Assessment District. Therefore, property in the Assessment District enjoys unique and valuable proximity and access to the Improvements that the public at large and property outside the Assessment District do not share.

In absence of the assessments, the Improvements would not be provided and the landscaping areas in the Assessment District would be degraded due to insufficient funding for maintenance, upkeep and repair. Therefore, the assessments provide Improvements that are over and above what otherwise would be provided. Improvements that are over and above what otherwise would be provided do not by themselves translate into special benefits, but when combined with the unique proximity and access enjoyed by parcels in the Assessment District, they provide a direct advantage and special benefit to property in the Assessment District.

---

### **Access to improved landscaped areas within the Assessment District**

Since the parcels in the Assessment District are nearly the only parcels that enjoy close access to the Improvements, they directly benefit from the unique close access to improved landscaping areas that are provided by the Assessments. This is a direct advantage and special benefit to property in the Assessment District.

---

### **Improved views within the Assessment District**

The City, by maintaining these landscaped areas, provides improved views to properties in the Assessment District. The properties in the Assessment District enjoy close and unique proximity, access and views of the Improvements; therefore, the improved and protected views provided by the Assessments are another direct and tangible advantage that is uniquely conferred upon property in the Assessment District. The Landscaping Assessment District provides funding to maintain and protect these public resources and facilities of the City. For example, the assessments provide funding to trim and maintain the street trees to maintain them in a healthy condition. This benefits properties by maintaining and improving the public resources in the community.

In order to allocate the proposed assessments, the Engineer begins by identifying the types of special benefit arising from the maintenance, repair, and replacement of the aforementioned facilities and that would be provided to property within the District. These types of special benefit are as follows:

---

**Enhanced environment because of the vigorous street tree program for owners of property in the Landscaping Assessment District**

Residential properties benefit from the enhanced environment provided by a vigorous program to install and maintain the street trees at a level beyond that followed by other cities throughout the County. The increased use of street trees provides an atmosphere of beauty beyond the norm. The improvements to the trees will be available to residents and guests of properties within the District.

Non-residential properties also will benefit from these improvements in many ways. The use of street trees softens the environment making it more pleasant for employees during commute time and at breaks from their work. These improvements, therefore, enhance an employer's ability to attract and keep quality employees. The benefits to employers ultimately flow to the property because better employees improve the employment prospects for companies and enhanced economic conditions benefit the property by making it more valuable.

---

**Increased safety against tripping and other hazards caused by cracked or damaged sidewalks, curbs and gutters**

An aggressive inspection program identifies hazardous conditions in sidewalks, curbs and gutters caused by street trees and allows for these conditions to be repaired on a timely basis. Timely repair of hazardous conditions greatly improves the overall safety of the environment, thereby providing for safer use of property.

---

**Enhanced desirability of the property**

The assessments will provide funding to improve the City's street tree program, raising the quality to a more desired level, and to ensure that the sidewalks, curbs, and gutters remain operable, safe, clean and well maintained. Such improved and well-maintained facilities enhance the overall desirability of property. This is a benefit to residential, commercial and industrial properties.

---

**Reduced liability for landscape maintenance**

The assessments will reduce the liability for landscape maintenance to street trees and other improvements. This is a benefit to residential, commercial and industrial properties.



## General vs. Special Benefit

Article XIII D of the Constitution specifies that only special benefits are assessable, and that the City must separate the general benefits from the special benefits conferred on any parcel. The complete analysis of special benefits and their allocation are found elsewhere in this report. For the Landscaping Assessment District, the City has identified a general benefit and has separated it from the special assessments.

The City's maintenance of street trees and sidewalk facilities provides a general benefit to the community and to the general public to some degree. The measure of this general benefit is the enhancement of the environment and safety provided to the greater public at large. This general benefit can be measured by the proportionate amount of time that the City's sidewalks and street trees are used and enjoyed by the greater public at large<sup>1</sup>. It is reasonable to assume that approximately 1/4 or 25% of the usage and enjoyment of the improvements is by the greater public. Therefore, approximately 25% of the benefits conferred by the improvements are general in nature.

The City's total budget for maintenance and improvement of its trees and sidewalk facilities is \$2,112,673.48. Of this total budget amount, the City will contribute \$250,000.00 from sources other than the assessments for sidewalk repair and \$328,774.23 for street tree maintenance. These contributions by the City, as well as \$142,000.00 in funds from Measure M, total \$720,774.23, equating to approximately 34.1% of the total budget for maintenance and more than offset the cost of the general benefits resulting from the improvements.

---

<sup>1</sup> . The greater public at large is generally defined as those who are not residents, property owners, customers or employees within the City, and residents who do not live in close proximity to the improvements.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund improvements and services directly provided within the Assessment District and every benefiting property in the Assessment District enjoys proximity and access to the Improvements. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments. However, in this Report, the general benefit is more conservatively estimated and described, and then budgeted so that it is funded by sources other than the Assessment.

### Method of Assessment

The second step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single-family home, or, in other words, on the basis of Single-Family Equivalents ("SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single-family home on one parcel. The "benchmark" property is the single family detached dwelling, which is one Single Family Equivalent, or one SFE.

As stated previously, the special benefits derived from the assessments are conferred on property and are not based on a specific property owner's use of the improvements, on a specific property owner's occupancy of property, or the property owner's demographic status such as age or number of dependents. However, it is ultimately people who enjoy the special benefits described above, use and enjoy the City's trees and sidewalks, and control property values by placing a value on the special benefits to be provided by the improvements. In other words, the benefits derived to property are related the average number of people who could potentially live on, work at or otherwise could use a property, not how the property is currently used by the present owner. Therefore, the number of people who could or potentially live on, work at, or otherwise use a property is an indicator of the relative level of benefit received by the property.

## Assessment Apportionment - Street Trees

### Properties with Street Trees

All improved residential properties that represent a single residential dwelling unit and have a street tree on or fronting the property are assigned 1.0 SFE. All single-family houses with tree(s) and those units in R-2 zones that are being used as single-family dwellings (with trees) are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property and the relative number of people who reside in multi-family residential units compared to the average number of people who reside in a single-family home. The population density factors for the County of San Mateo from the 1990 US Census (the most recent data available when the Assessment was established) are depicted below. The SFE factors for condominium, townhouse, and multi-family parcels, as derived from relative dwelling unit population density, are also shown below.

**Figure 1 – Residential Assessment Factors**

<i>Property Type</i>	<i>Total Population</i>	<i>Occupied Households</i>	<i>Persons per Household</i>	<i>SFE Factor*</i>
Single Family Residential	412,685	140,248	2.94	1.0
Condominium/Townhouse	54,284	19,331	2.81	0.9
Multi-Family Residential	158,004	65,981	2.39	0.8

Source: 1990 Census, San Mateo County

The SFE factor for condominium, townhouse, and multi-family parcels is based on the ratio of average persons per household for the property type versus the average persons per household for a single-family residential home. Multi-family units are assessed at 0.80 per unit up to a maximum of 4.0 SFE per parcel (maximum of 5 units multiplied by 0.80). Condominium and townhouse parcels are assessed at 0.90 per unit, up to a maximum of 4.5 SFEs per development (maximum of 5 units multiplied by 0.90).

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single-family residential property and the average commercial/industrial property. The average size of a parcel for a single-family home in the District is approximately 0.18 acres, and such single-family property has an SFE value of 1.0. Using the equivalence of benefit on a land area basis, improved commercial and industrial parcels of approximately 0.20 acres or less would also receive an SFE benefit factor of 1.0. Commercial and industrial parcels in excess of a fifth of an acre in size are assigned 1.0 SFE per 0.20 acre or portion thereof, and the maximum benefit factor for any commercial/industrial parcel is 5.0 SFE.

Vacant parcels are also benefited from the street tree improvement and maintenance program. An example of a benefit is enhancement of the visual appeal that will accrue to a vacant parcel from the presence or proximity of the community's street trees based on its future potential use. Undeveloped property also benefits from the installation and maintenance of street trees, because if the property is developed during the year, the street trees will be available to the developed property. The relative benefit to vacant property is determined to be generally equal to the benefit to a single-family home property. Therefore, vacant property with street tree(s) are assessed 1 SFE.

---

### **Properties without Street Trees**

The special benefit factors conferred on property can be defined by the benefits conferred to properties with and without street trees. The types of benefits conferred to all property in the community include protection of views, screening, and resource values and enhanced desirability of the property. A higher level of special benefits is conferred directly on parcels with street trees because these parcels obtain additional benefits from well-maintained, healthy trees fronting the property. The types of special benefits that are increased for properties with street trees include enhanced levels of safety, desirability, unique proximity, access and views of resources and facilities from healthy trees on the property. Therefore, individual properties without street trees but in close proximity to parcels with street trees receive a direct benefit from the street trees and should pay 50% of the rate for a similar property with street trees. Such properties are assigned an SFE benefit factor that is 50% of that for a similar property with street trees.

### Assessment Apportionment - Sidewalk Program

The benefits to property for sidewalks, curbs, gutters, and parking strips are closely related to a parcel's proximity to these improvements and the parcel's proximity to street trees. Street trees are the most common cause of sidewalk problems. Therefore, the highest benefit from the proposed sidewalk improvements is to properties with street trees and sidewalks, curbs and gutters, or street trees and parking strips and gutters, because without the maintenance work, these improvements would degrade more quickly, which would affect the parcel's appearance and safety. It is estimated that 1/3 of the special benefits are conferred to property with street trees and sidewalks or parking strips. Another 1/3 of the special benefits are conferred to property with street trees and curbs and gutters. Special benefit factors are also conferred on property without street trees or adjoining sidewalk, curb, gutter and/or parking strip improvements that are in close proximity to these types of improvements. It is estimated that the remaining 1/3 of the special benefit factors from the Sidewalk Program are conferred to these parcels that are in close proximity to the improvements but that do not have improvements directly adjacent to their property.

Consequently, properties with street trees and sidewalks or parking strips and curbs and gutters or valley gutters are assigned a benefit factor of 1 SFE. Properties with street trees, curbs, and gutters are assigned a benefit factor of 0.67 SFE. If there are street trees but no improvements along the frontage of a parcel, or no street trees on a parcel, its benefit is 1/3 or 0.33 SFE.

### Assessment Apportionment - Other Properties

Improved, publicly owned parcels that are used for residential, commercial, or industrial purposes are assessed at the rates specified previously. Other improved public property; institutional property and properties used for educational purposes, typically generate employees on a less consistent basis than other non-residential parcels. Moreover, many of these parcels provide some degree of on-site amenities that serve to offset some of the benefits from the District. Therefore, these parcels, with or without street trees, receive minimal benefit and are assessed an SFE factor of 1 for street tree assessments and an SFE factor of 1 for sidewalks, curbs, and gutter assessments.

All properties that are specially benefited have been assessed. Agricultural parcels without living units, public right-of-way parcels, well, reservoir or other water rights parcels, unimproved open space parcels, watershed parcels and common area parcels generally provide recreational, open space and/or scenic benefits to the community. As such, they tend to provide similar benefits as provided by the improvements in the District. Any benefits they would receive from the landscaping maintenance are generally offset by the equivalent benefits they provide. Moreover, these parcels typically do not generate employees, residents, or customers. Such parcels are, therefore, not specially benefited and are not assessed.

### Appeals and Interpretation

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Public Works Director of the City of Menlo Park or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Public Works Director or his or her designee will promptly review the appeal and any information provided by the property owner. If the Public Works Director or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County of San Mateo for collection, the Public Works Director or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Public Works Director or his or her designee shall be referred to the City Council of the City of Menlo Park and the decision of the City Council of the City of Menlo Park shall be final.

Figure 2 – Tree Maintenance Assessments

Property Type	2024-25 Assessment Rates	
<b>Parcels with Trees</b>	<b>Assessment Rate</b>	
Single Family	\$94.12	(per Parcel)
R-2 Zone, in use as single family	\$94.12	(per Parcel)
Condominium/Townhouse	\$84.71	(per Unit, \$423.54 max. per Project)
Other Multi-family	\$75.30	(per Unit, \$376.49 max. per Project)
Commercial	\$94.12	(per 1/5 acre, \$470.610 max. per Project)
Industrial	\$94.12	(per 1/5 acre, \$470.610 max. per Project)
Parks, Educational	\$94.12	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)
<b>Parcels without Trees</b>		
Single Family	\$47.06	(per Parcel)
R-2 Zone, in use as single family	\$47.06	(per Parcel)
Condominium/Townhouse	\$42.35	(per Unit, \$211.77 max. per Project)
Other Multi-family	\$37.65	(per Unit, \$188.24 max. per Project)
Commercial	\$47.06	(per 1/5 acre, \$235.3 max.)
Industrial	\$47.06	(per 1/5 acre, \$235.3 max.)
Parks, Educational	\$47.06	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)

Figure 3 – Sidewalk, Curb, Gutter, Parking Strip Assessments

Property Type	2024-25 Assessment Rates	
<b>Parcels with Trees</b>	<b>Assessment Rate</b>	
Sidewalks, curbs, gutters	\$50.28	(per Parcel)
Parking strips and gutters	\$50.28	(per Parcel)
Curbs and/or gutters only	\$33.69	(per Parcel)
No improvements	\$16.59	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)
<b>Parcels without Trees</b>		
Parcels with or without improvements	\$16.59	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)

Note: All total combined tree and sidewalk assessment amounts are rounded to the lower even penny.

## Assessment

WHEREAS, on March 12, 2024, the City Council of the City of Menlo Park, County of San Mateo, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIII D of the California Constitution (collectively “the Act”), adopted its Resolution Initiating Proceedings for the Levy of Assessments within the Landscaping Assessment District; and

WHEREAS, said Resolution directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the assessment district and an assessment of the estimated costs of the improvements upon all assessable parcels within the assessment district, to which Resolution and the description of said proposed improvements therein contained, reference is hereby made for further particulars.

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of said City of Menlo Park, hereby make the following assessment to cover the portion of the estimated cost of said improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amount to be paid for said improvements and the expense incidental thereto, to be paid by the Landscaping Assessment District for the Fiscal Year 2024-25 is generally as follows:

**Figure 4 – Summary Cost Estimate**

		<b><i>FY 2024-25 Budget</i></b>
Street Tree Program	\$	916,136.00
Street Sweeping	\$	309,625.48
Sidewalk Program	\$	600,000.00
Incidental Expenses	\$	286,912.00
	<b>TOTAL BUDGET</b>	<b>\$2,112,673</b>
Plus:		
Projected Fund Balance	\$	329,399.43
Less:		
City Contribution for General Benefits	\$	(720,774.23)
Contribution from Carry-Over Fund Balances	\$	(538,775.40)
	<b>NET AMOUNT TO ASSESSMENTS</b>	<b>\$1,182,523</b>



As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Landscaping Assessment District. The distinctive number of each parcel or lot of land in the said Landscaping Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion said net amount of the cost and expenses of said improvements, including the costs and expenses incidental thereto, upon the parcels and lots of land within said Landscaping Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is made upon the parcels or lots of land within the Landscaping Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from said improvements.

The assessment is subject to an annual adjustment tied to the Engineering News Record (ENR) Construction Cost Index for the San Francisco Bay Area, with a maximum annual adjustment not to exceed 3%. Any change in the ENR in excess of 3% shall be cumulatively reserved as the "Unused ENR" and shall be used to increase the maximum authorized assessment rate in years in which the ENR is less than 3%. The maximum authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied adjusted annually by the minimum of 1) 3% or 2) the change in the ENR plus any Unused ENR as described above. The initial, maximum assessment rate balloted and established in Fiscal Year 1998-99 was \$64.28 per single family equivalent benefit unit for tree maintenance, and \$28.70 per single family equivalent benefit unit for sidewalk maintenance.

Based on the preceding annual adjustments, the maximum assessment rate for Fiscal Year 2023-24 was \$128.47 for tree maintenance and \$57.36 for Sidewalk maintenance. The change in the ENR from December 2022 to December 2023 was 3.59%. Therefore, the maximum authorized assessment rate for Fiscal Year 2024-25 has been increased from \$128.47 to \$132.33 per single family equivalent benefit unit for tree maintenance, and from \$57.36 to \$59.08 per single family equivalent benefit unit for sidewalk maintenance. However, the estimate of cost and budget in this Engineer's Report proposes assessments for Fiscal Year 2024-25 at the rate of \$94.12 per single family equivalent benefit unit for tree maintenance, which is less than the maximum authorized assessment rate and is a 3.00% increase over the rate assessed in the previous fiscal year. The proposed assessment rate for Fiscal Year 2024-25 for sidewalk maintenance is \$50.28 per single family equivalent benefit unit, which is also less than the maximum authorized assessment rate and is a 3.00% increase over the rate assessed in the previous fiscal year.

Property owners in the Assessment District, in an assessment ballot proceeding, approved the initial fiscal year benefit assessment for special benefits to their property including the ENR adjustment schedule. As a result, the assessment may continue to be levied annually and may be adjusted by up to the maximum annual ENR adjustment without any additional assessment ballot proceeding. In the event that in future years the assessments are levied at a rate less than the maximum authorized assessment rate, the assessment rate in a subsequent year may be increased up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of San Mateo for the Fiscal Year 2024-25. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the Fiscal Year 2024-25 for each parcel or lot of land within the said Landscaping Assessment District.

Dated: June 15, 2024

Engineer of Work



By

Edric W. H. Kwan, P.E.  
License No. C062829

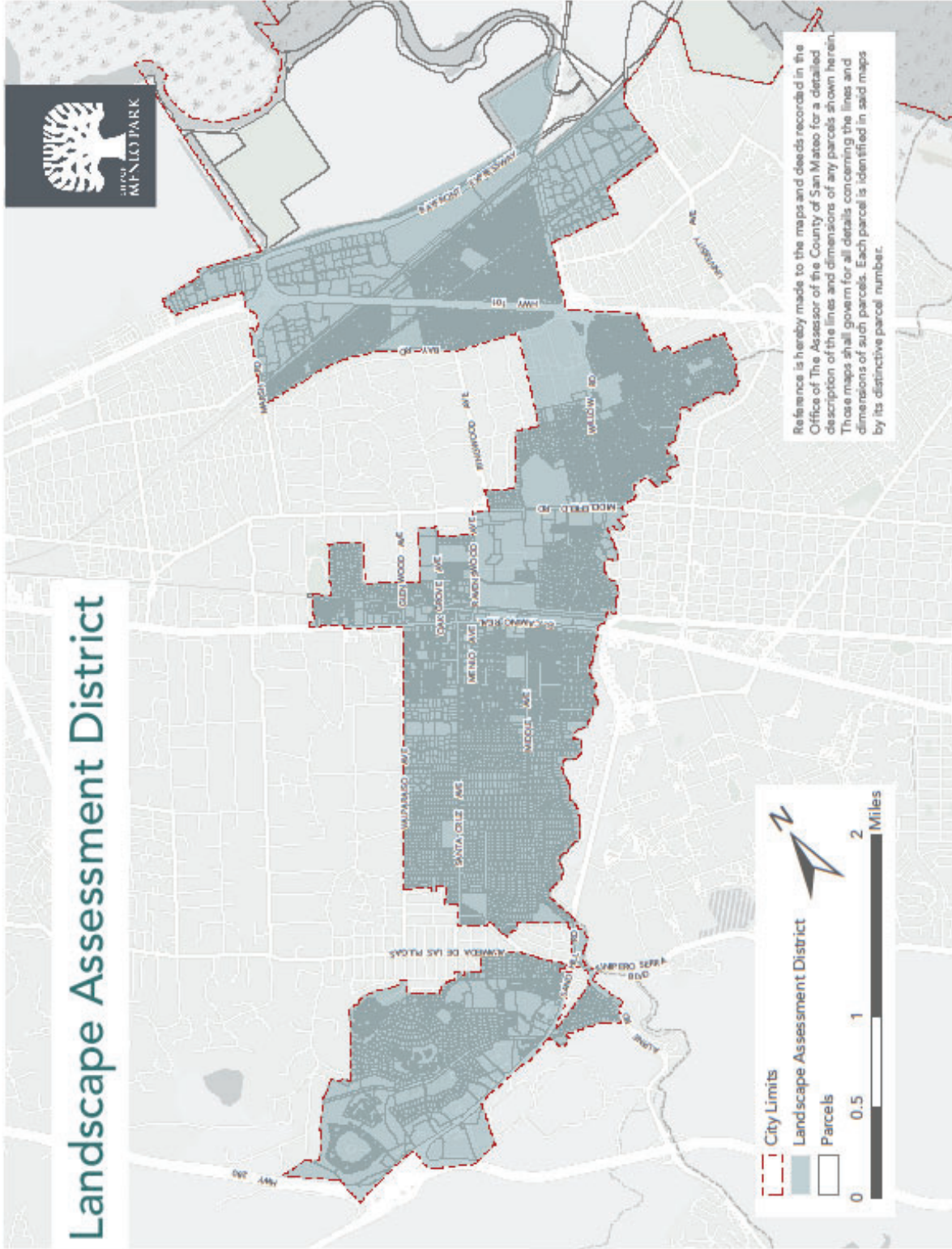
Figure 5 – Engineer’s Cost Estimate, Fiscal Year 2024-25

Fiscal Year 2024-25 CITY OF MENLO PARK LANDSCAPING ASSESSMENT DISTRICT ENGINEER'S COST ESTIMATE		
A. Tree Maintenance		
Salaries & Benefits	\$	425,936.00
Operating Expense	\$	60,950.00
Fixed Assets & Capital Outlay	\$	3,500.00
Vehicle & Equipment Maintenance	\$	15,750.00
Professional Services (Tree Spraying, Tree Trimming, Misc.)	\$	410,000.00
Subtotal - Tree Maintenance		\$ 916,136.00
B. Debris Removal		
Salaries & Benefits	\$	81,430.00
Street Sweeping Contract	\$	228,195.48
Subtotal - Debris Removal		\$ 309,625.48
C. Sidewalk, Curb, Gutter, Parking Strip Repair/Replacement		
Construction Costs	\$	600,000.00
Design & Inspection	\$	-
Subtotal - S/W,C,G, & PS Repair/Replace		\$ 600,000.00
Subtotal Tree/Debris/Reforestation/Sidewalk		\$ 1,825,761.48
D. Incidentals		
Indirect Costs & Administration	\$	271,912.00
County Collection Fees	\$	15,000.00
Subtotal - Incidentals		\$ 286,912.00
<b>Total Cost</b>		<b>\$ 2,112,673.48</b>

<b>Engineer's Cost Estimate, Fiscal Year 2024-25 (continued)</b>		
Projected Fund Balance		\$ 329,399.43
Tree Maintenance Ending Fund Balance		\$ (447,944.40)
Less General Fund Contribution		\$ (328,774.23)
Measure M		\$ (142,000.00)
Sidewalk Fund Ending Balance		\$ (90,831.00)
Less General Fund CIP Contribution to Sidewalk Fund		\$ (250,000.00)
<b>Net to Assessment</b>		<b>\$ 1,182,523.28</b>
Revenue		
Single Family Equivalent Benefit Units - Trees		8,925.41
Single Family Equivalent Benefit Units - Sidewalks		6,810.26
	2024-25	2023-24
Assessment Rate for Tree Fund/ SFE	\$94.12	\$91.38
Assessment Rate for Sidewalk Fund/ SFE	\$50.28	\$48.82
Revenue for Tree Fund		\$840,072.08
Revenue for Sidewalk Fund		\$342,451.20
<b>Total Revenue *</b>		<b>\$1,182,523.28</b>
<p>* Total revenue is slightly less than SFEs times the assessment rate because all combined assessments are rounded down to the even penny.</p>		

## Assessment Diagram

The Landscaping Assessment District includes all properties within the boundaries of the City of Menlo Park. The boundaries of the Landscaping Assessment District are displayed on the following Assessment Diagram.



**Appendix A – Assessment Roll, FY 2024-25**

Reference is hereby made to the Assessment Roll in and for the assessment proceedings on file in the office of the City Clerk of the City of Menlo Park, as the Assessment Roll is too voluminous to be bound with this Engineer's Report.