



**SPECIAL AND REGULAR MEETING AGENDA**

**Date:** 4/17/2018  
**Time:** 6:30 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

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

**6:30 p.m. Closed Session (City Hall - “Downtown” Conference Room, 1st Floor)**

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

- CL1.** Closed session conference with legal counsel on anticipated litigation pursuant to Government Code §54956.9(d)(2) – one case

Attendees: City Manager Alex McIntyre, Community Development Director Arlinda Heineck, Community Development Director Mark Muenzer, Outside Counsel Barbara Kautz

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

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

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

- E. Presentations and Proclamations**
- F. Study Session**

- F1.** Provide direction on the next steps for the Water System Master Plan Capital Improvement Plan funding strategy and staffing recommendations ([Staff Report #18-080-CC](#))

**G. 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.



## **H. Commission Report**

### **I. Consent Calendar**

- I1. Second reading and adoption of Ordinance No. 1045 amending Chapters 16.96, below market rate program, and 16.97, state density bonus, of Menlo Park Municipal Code and adoption of Resolution No. 6432 updating the city's below market rate program guidelines ([Staff Report #18-081-CC](#))
- I2. Adopt Resolution No. 6431 accepting dedication of a public access easement for the 1275 El Camino Real project ([Staff Report #18-074-CC](#))

### **J. Public Hearing**

- J1. Receive input on the final five-district map and election sequencing and introduction and first reading of an ordinance amending Municipal Code Chapter 2.04, City Council, of Title 2, Administration and Personnel, to establish a district-based electoral system and to adopt a map describing the boundaries of each district ([Staff Report #18-076-CC](#))
- J2. Amendment to the City's Comprehensive Master Fee Schedule for Community Development, Community Services, Library, Police and Public Works (This public hearing item will be open for public comment, but continued to the April 24, 2018, City Council meeting.)

### **K. Regular Business**

- K1. Adopt a resolution No. 6430 extending the Bicycle Commission and Transportation Commission pilot merger to form a Complete Streets Commission ([Staff Report #18-075-CC](#))
- K2. Receive an update on the Transportation Master Plan and provide direction on regional infrastructure priorities ([Staff Report #18-084-CC](#))
- K3. Complete the biennial review of the El Camino Real/Downtown Specific Plan and provide direction ([Staff Report #18-079-CC](#))

### **L. Informational Items**

- L1. Update on 241 El Camino Real (The Oasis) and 201-211 El Camino Real/610 Cambridge Ave. ([Staff Report #18-073-CC](#))
- L2. Participation in the 2018 San Mateo County Gun Buyback Program ([Staff Report #18-082-CC](#))
- L3. Update on employee engagement and organizational development project ([Staff Report #18-072-CC](#))
- L4. Biannual review of data captured by Automated License Plate Readers (ALPR) for the period beginning October 2, 2017 through April 2, 2018, and request to transition to annual reports ([Staff Report #18-078-CC](#))
- L5. Biannual review of Taser program for the period beginning October 2, 2017 and ending April 2, 2018, and transition to annual reports ([Staff Report #18-077-CC](#))

**M. City Manager's Report**

**N. Councilmember Reports**

**O. Adjournment**

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

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

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

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at [menlopark.org/agenda](http://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](http://menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 4/12/2018)

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## STAFF REPORT

### City Council

Meeting Date:

4/17/2018

Staff Report Number:

18-080-CC

Study Session:

**Provide direction on the next steps for the Water System Master Plan Capital Improvement Plan funding strategy and staffing recommendations**

### Recommendation

Staff requests that the City Council provide feedback on the Water System Master Plan capital improvement recommendations and proposed funding strategy and addition of water staff to continue providing reliable service and delivery of drinking water to Menlo Park Municipal Water customers.

### Policy Issues

In May 2015, the City Council identified the development of the Water System Master Plan as a priority project and was included in the Work Plan. The development of the Water System Master Plan is consistent with the Menlo Park Municipal Water's goals and primary mission, "the preservation of the public welfare, health, peace and safety of the City of Menlo Park and its inhabitants" (Ordinance No. 222, 1952).

### Background

Menlo Park Municipal Water provides water to approximately 16,000 customers through 4,200 service connections. The remainder of the City receives water from the California Water Company (Cal Water), the O'Connor Tract Cooperative Water Company, and the Palo Alto Park Mutual Water Company. The water service area includes the Upper Zone, which covers the Sharon Heights area, and the Lower and High Pressure Zones, which include areas extending from east of El Camino Real to the San Francisco Bay (Attachment A). All of the water provided in the service area is purchased from the San Francisco Public Utilities Commission.

In 2015, staff began working on a Water System Master Plan to develop a capital improvement program and long-term maintenance and operational recommendations for the water system. The scope of work for the Water System Master Plan focused on an update of the Water System Evaluation conducted in 2000 and the development of a capital improvement program and long-term maintenance and operational recommendations for the next 25 years. The work also consisted of a number of other tasks, including an inventory and evaluation of the water system, a comprehensive analysis of Menlo Park Municipal Water's current operations, water system condition assessment and a recycled water/water reuse study.

As part of the development of the Water System Master Plan, staff has kept the City Council updated on the progress made on a number of tasks. The summary presented below provides an overview of the staff reports, their content and City Council actions.

- March 15, 2016 – Staff provided an update on the recycled water / water reuse alternatives assessment by the consultant, which focused on quantifying the recycled water demand in the Menlo Park Municipal Water service area, assessed the opportunities for purchasing recycled water from the cities of Redwood

- City and Palo Alto and evaluated graywater use (Staff Report #16-050-CC)
- March 14, 2017 – This update focused on the findings from the consultant’s comprehensive analysis of Menlo Park Municipal Water’s current operations, services and organizational structure. This analysis assessed the staffing level needs required for the provision of safe and efficient services and the implementation of operational and preventive maintenance standards established by the American Water Works Association (AWWA) (Staff Report #17-056-CC)
- March 28, 2017 – A presentation to the City Council on the staffing assessment findings was made during this time. This update also included a history of the water system (Staff Report #17-067-CC)
- May 2, 2017 – Per the City Council’s direction, staff explored opportunities for outsourcing some of the functions currently done in-house by water staff (Staff Report #17-102-CC)
- January 23, 2018 – An update on the draft capital improvement plan, based on the recommendations from the consultant, was provided to City Council (Staff Report #18-021-CC)

**Analysis**

Capital Improvement recommendations

The Water System Master Plan evaluated the water system based on existing and future water demand conditions, fire flow capacity, pipe age and material, emergency supply, seismic vulnerability and water quality. From this assessment, the consultant developed recommendations for several improvement projects to be implemented by 2040, associated costs and priority. The projects were categorized by improvement type, which focused on capacity, reliability, rehabilitation, and replacement and other, such as recommended studies and programs. The proposed Capital Improvement Plan is significant, with a total capital cost of \$90.31 million (Attachment B). A summary of the preliminary costs is presented in Table 1 below:

<b>Improvement type</b>	<b>Very high</b>	<b>High</b>	<b>Medium</b>	<b>Priority total</b>
Capacity	-	\$4.49M	\$18.49M	\$22.98M
Reliability	\$10.80M	\$7.83M	\$0.25M	\$18.88M
Rehabilitation and replacement	\$42.15M	\$0M	\$0M	\$42.15M
Other	\$0.26M	\$4.52M	\$1.52M	\$6.30M
<b>Total</b>	<b>\$53.21M</b>	<b>\$16.84M</b>	<b>\$20.26M</b>	<b>\$90.31M</b>

Due to the magnitude of the improvements, the projects were prioritized based on very high, high and medium priority. Very high priority projects are intended to improve the resiliency of the system by addressing the aging infrastructure and seismic vulnerability. The projects in this category total \$53.21 million and include doubling the funding for the water main pipe replacement program to \$1.8 million annually and conducting a seismic assessment of the Sand Hill Road reservoirs. It is important to note that the CIP includes replacement of the reservoir roofs. However, it does not comprehensively include costs for implementing any seismic upgrades to the reservoirs since the magnitude of the improvements is not known at this time. Once the assessment is done, the complete CIP needs at the reservoirs will be determined.

The cost also includes the installation of two additional emergency wells. The first emergency water supply well at the Corporation Yard was drilled in 2017 and will be completed early next year. With three wells, the water system would have the capacity to deliver the average day demand and provide fire flow. The next phase of the well project involves assessing sites that are feasible and that can provide adequate flow and meet water quality criteria. Staff is in discussions with the Menlo Park Fire Protection District to assess the feasibility of a drilling a well on newly acquired land next to the fire station on Middlefield Road or on

adjacent land still owned by St. Patrick's Seminary. The Menlo Park Fire Protection District recently purchased land from St. Patrick's seminary.

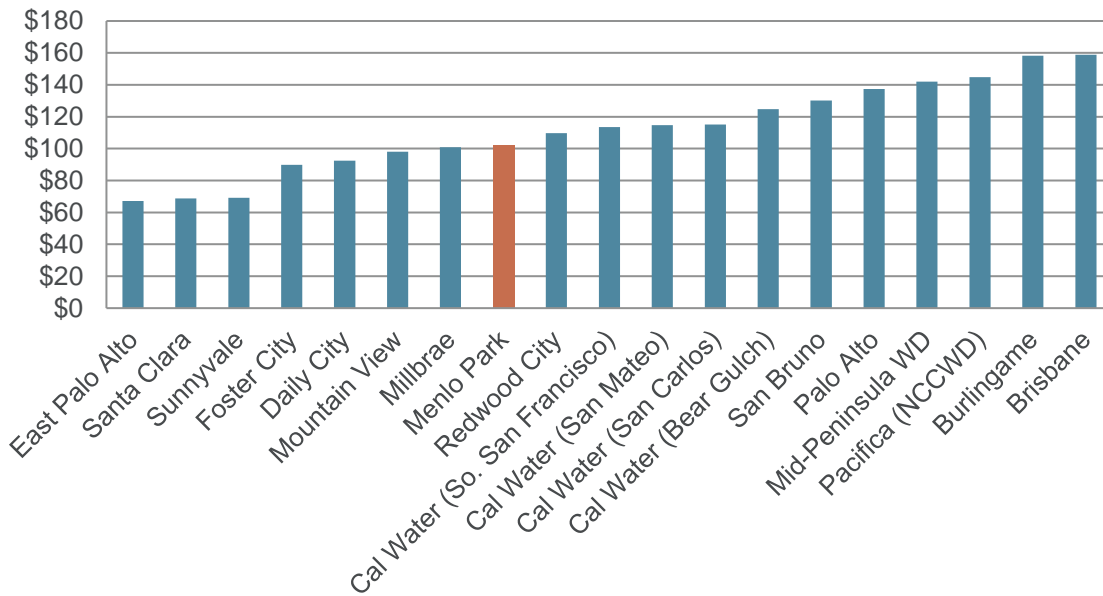
The high priority projects total \$16.84 million and include a number of pipeline improvements to improve fire flow. The Water System Master Plan revealed that certain geographic zones within Menlo Park Municipal Water's service area have greater infrastructure improvement needs than others. For example, a number of fire flow capacity improvements have been identified in the Facebook Willow Campus and Life Sciences District. Due to the increased development in this area, Menlo Park Municipal Water is currently in the process of conducting a more detailed study to assess the total costs associated with the recommended infrastructure improvements. Facebook and Tarlton Properties have agreed to fund this assessment.

Medium priority projects total \$20.26 million and focus on improvements that target operational efficiency. Included under this category is building 2.5 million gallons of water storage in the Lower Zone of the service area. Storage of this size would require an acre of land for a tank 20 feet in height and 210 feet in diameter for example. These requirements approximate the size of one of the Sand Hill Reservoirs. The development of water storage, particularly in areas with the greatest water demand (such as those on the bayside of Highway 101 where the installation of wells is not feasible due to low yields and water quality), would enable the system to have greater flexibility in meeting water demand during emergency scenarios. However, land acquisition would be challenging and expensive. While still recommended for further evaluation, potable water storage was determined to be a lower priority as the Menlo Park Municipal Water is continuing to focus on the development of additional wells for emergency use.

The Water System Master Plan is available for review on the city website at [menlopark.org/waterprojects](http://menlopark.org/waterprojects) (Attachment C) and it recommends a \$90.31 million capital investment that would be implemented over the next couple of decades through 2040. As an enterprise fund, Menlo Park Municipal Water relies solely on revenues generated from water rates to fund the total cost of providing water services to its customers. Menlo Park Municipal Water has no debt obligations.

In May 2015, a five-year water rate study was completed, which recommended a change to the water rate structure. The City Council adopted new rates July 21, 2015, which are in effect, and include annual increases through June 30, 2020. The adopted rates include a \$6.87 million capital investment during fiscal years 2015-20. Compared to a number of other agencies, the adopted 2015 water rates for Menlo Park Municipal Water are lower and reflect a low capital investment based on the specific needs of the system. Figure 1 compares Menlo Park Municipal Water monthly water charges (for a typical resident using 14 one hundred cubic feet or 10,473 gallons a month) to other local water agencies that also purchase SFPUC water. Ten of the agencies (including Sunnyvale, California Water Service, Mountain View and Palo Alto) adopted new rates in 2015. Menlo Park Municipal Water's single-family residential monthly charge falls in the lower middle range compared to the other agencies. Cal Water (Bear Gulch district), which serves the central part of the City, as well as the Towns of Atherton, Woodside and Portola Valley has higher rates than those of Menlo Park Municipal Water. It is important to note that these lower rates, although attractive to customers, do not account for the adequate capital improvement needs required to prevent the deterioration and premature failure of the water system.

Figure 1 – Monthly Single Family Residential Water Rates, FY2016-17 SFPUC Agencies



Note: Cost is based on the use of 14 ccf / 10,473 gallons a month.

The current rates include a \$6.87 million capital investment during fiscal years 2015-20. For comparison, the Water System Master Plan findings recommend a \$29 million in capital improvement needs over the next five years. These improvements include addressing the recommendations that have a “very high” priority and five years of water pipeline replacements, fire capacity improvements, implementation of an advanced metering infrastructure system to automate water meter reads to improve leak detection and reduce water loss, construction of emergency interconnections with other water providers, development of a second emergency well, the replacement of the roof on Reservoir No. 2, and water quality and seismic vulnerability improvements. For fiscal year 2018-19, specifically, the proposed budget will include \$7 million in improvements. While infrastructure needs for Menlo Park Municipal Water have been typically funded through a pay-as-you-go financing model, the magnitude of the capital investment would result in a significant increase to water rates in the short term. As a result, other options for the funding of the recommended capital improvements will need to be considered to provide safe and reliable water services.

Funding options

The nature of Menlo Park Municipal Water, like all water businesses, involves the operation of a capital-intensive system that must be available on a 24/7 basis to its customers which comprise approximately half of the City’s overall population. To ensure equitable treatment of all Menlo Park residents, especially those who receive their water service from a provider other than the City, the City has accounted for the water service as an independent enterprise that is fully supported by ratepayers and receives no subsidy from general taxes. A large percentage of the costs required to operate the water system are fixed – meaning that the base costs do not fluctuate widely with the amount of water sold to customers, which changes from season to season and year to year. As a result, the system must be managed to ensure financial sufficiency, while maintaining the reliability of the water assets.

To address the improvement needs required to maintain and improve the water assets for the provision of services to Menlo Park Municipal Water customers, staff is proposing the development of a strategy that includes a number of funding options. As discussed earlier, Menlo Park Municipal Water has used the pay-as-you-go model (adjusting rates as necessary to make capital improvements on a cash basis) to fund



capital improvements. However, the significance of the recommended improvements require the evaluation of other models, such as debt financing (revenue bonds which amortize the cost of improvements over 20 to 30 years). In addition to funding the improvements through traditional ratepayer based methods, staff will explore grant opportunities for water infrastructure projects as well as cost-sharing opportunities with private developers. It is likely that recommended options will propose investments through a mixture of the possibilities outlined above.

Grant and other loan opportunities are available through the State Water Resources Control Board (State Water Board) Division of Financial Assistance, which manages the Safe Drinking Water State Revolving Fund (DWSRF) and Proposition 1 (Prop 1) - the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Assembly Bill 1471, Rendon) funding for drinking water projects. Through DWSRF and Prop 1, public water systems have access to 20-year financing at an interest rate of 1.7 percent. Additional funding for water projects may be available through future State ballot measures. On March 27, 2018, City Council authorized the Mayor to sign a letter of support for Proposition 68, the Parks, Environment and Water Bond. If passed, \$1.19 billion in grants would be available for water projects.

While grant opportunities and cost share agreements are possibilities that require more thorough exploration, the issuance of water revenue bonds for the funding of infrastructure improvements is the most timely, efficient, and common option for financing large scale projects. It is unlikely that the cost of water infrastructure improvements of the scale required in Menlo Park can be reasonably paid for on a cash basis which would impose significant increases on ratepayers. The single greatest benefit of debt financing of major capital improvements is that the model spreads the cost of improvements over the life of the improvements, to be paid incrementally by the benefactors of the improvements. Debt financing, therefore, ensures intergenerational equity resulting in the current customers bearing their fair share of the infrastructure improvement. Revenue bonds are available to self-supporting operations, such as water enterprises, which have a revenue source (i.e., water rate / fees) and do not require voter approval since the debt service is paid by ratepayers. Because water services are essential and provide a steady revenue stream, the municipal revenue bond market offers competitive interest rates.

Options for funding and implementing improvements in specific sections within the water service area that require more investment than others will also be evaluated. For example, a number of fire flow deficiencies have been identified in the Life Sciences District due to the configuration of the existing water system, inadequate pipe sizing and pipe material. Staff is currently in the process of working with Tarlton Properties and Facebook on the development of an infrastructure and fire supply assessment of the area that will identify the water system improvement needs.

#### Staffing recommendations

As part of this task, the consultant conducted a comprehensive analysis of Menlo Park Municipal Water's current operations, service offerings and organizational structure and assessed the staffing levels required to provide safe and efficient services. During the time of the assessment in fiscal year 2016-17, the system was maintained and operated by a water system supervisor (the position was vacant during this time), a water quality specialist and a water system operator II. The consultant's findings indicate that Menlo Park Municipal Water is understaffed in operations, compared to AWWA guidelines and comparable cities.

In order to provide safe and efficient services and ensure the reliability of the water system, State certified operators are not only responsible for operating the system, but they should also aim to properly maintain the existing infrastructure based on industry standards and best management practices. First established in 1881, AWWA "is the largest nonprofit, scientific and educational association dedicated to managing and treating water, the world's most important resource." The industry standard, operators therefore depend on AWWA manuals to implement best management practices for the operation and maintenance of water

systems. Overall, routine tasks involved in the operation of the water system consist of the following:

- Operation and monitoring of the water system;
- Water quality testing;
- Inspection and maintenance of equipment;
- Regulatory compliance and reporting;
- Hydrant flow testing;
- Emergency response and repairs;
- Utility marking as requested due to construction activity;
- Management of contracts with private contractors;
- Inspection services for construction associated with water capital improvement projects, development and new/upgraded connections; and
- Customer service.

The goal of Menlo Park Municipal Water is to provide customers with safe, high-quality drinking water at all times, to fully comply with all drinking water regulations and standards and to provide fire protection services. In order to ensure the reliability of the water distribution system, an adequate number of staff is required. Due to the age and condition of the water system and staffing levels, the nature of the operation is reactive as staff frequently respond to emergencies. As a result, staff cannot implement a preventive maintenance program and best management practices, as recommended by AWWA, to prolong the useful life of the system and to avoid costly emergency repairs that can happen at any time of the day or night. To properly maintain the system based on AWWA recommended practices, the consultant's recommendation is for 4 additional full-time certified operators, for a total water operations staff of 7.

As part of the assessment, the consultant and City staff gathered organizational and staffing level information from municipal water agencies of similar size to Menlo Park Municipal Water and neighboring agencies. Based on the information, the comparison to other Bay Area Water Supply and Conservation Agency (BAWSCA) agencies, for example, revealed that Menlo Park Municipal Water has fewer employees than those of similar size (Table 1). Also, by assessing the number of connections per staff as a metric for comparison to larger agencies, the findings show that each Menlo Park Municipal Water staff is responsible for 1,401 water connections – the highest of all the agencies surveyed. A San Bruno and Burlingame water operator, for example, maintains and operates between 680 and 609 connections, respectively, numbers that are less than half than those for MPMW staff. Overall, the findings indicate that the Menlo Park Municipal Water is operating at staffing levels that are much lower than the agencies surveyed. By increasing the number of water operators by 4, the number of connections per staff would drop from 1,401 to 600, aligning Menlo Park Municipal Water with staffing levels of other agencies.

Staff presented the staffing level findings and recommendations at the March 28, 2017, City Council meeting, and proposed a phased approach to the staff augmentation strategy. Phase 1 consisted of 2 additional positions in fiscal year 2017-18 and the other 2 positions for fiscal year 2018-19. As part of the fiscal year 2017-18 budget, City Council approved two additional positions that were filled earlier this calendar year. With two new water operators, the number of connections per staff decreased to 840. To continue to align with other agencies of similar size and best practices, staff is recommending the implementation of Phase 2 through the addition of one operations / maintenance position and one administrative position as part of the fiscal year 2018-19 budget process.

It is important to note that the City is in the process developing the first of 2 or 3 emergency water supply wells, which is a consideration for staffing needs. Drilling began in February and the project is expected to be completed by early 2019. The new well will require routine maintenance, operation and treatment. With an additional water operator position, staff would be able to implement a preventive maintenance program

and meet the testing and operational requirements of the new well.

The administrative position would focus on performing tasks, such as regulatory compliance requirements, work order management, contract administration and customer service. Many of these tasks that are currently being done by the licensed water operations staff. With administrative support, water staff would have the ability to focus more time on the operational and maintenance activities required of the water system. With one additional water operator, the number of connections per staff would drop from 840 to 700. While this would still be slightly higher than other agencies, the administrative assistance would help further align Menlo Park Municipal Water with staffing levels of other agencies.

Table 2: Staffing level comparison to other BAWSCA municipalities	
Utility	Number of water connections per staff
MPMW (3 Staff in 2017)	1,401
MPMW (5 Staff in 2018)	840
MPMW (5 Staff Existing + 1 New Operations / Maintenance + 1 New Administrative in 2018/19)	700 (Not including administrative position)
Neighboring BAWSCA agencies – similar size (based on number of water connections)	
East Palo Alto*	750
Hillsborough	431
Neighboring BAWSCA agencies – Not of similar size (based on number of water connections)	
Redwood City	1,045
Mountain View	850
Palo Alto	945
San Bruno	680
Burlingame	609
Millbrae	936
Mid-Peninsula Water District (Belmont, CA)	613

\*Note: East Palo Alto’s water system is managed by American Water, a private operator.

Next steps

For the past 66 years, Menlo Park Municipal Water has been serving its customers with safe drinking water and fire suppression services at reasonable costs. Based on the Water System Master Plan findings and recommendations, staff requests that the City Council provide feedback on the proposed approach, which consists of the following:

- Evaluation of a strategy that considers a number of funding mechanisms, such as revenue bonds, for implementing the recommended capital improvement plan and for the development of a new water rate study;
- Continued work with Tarlton Properties and Facebook on the development of an infrastructure and fire supply assessment of the Life Sciences District and Facebook Willow Campus;
- Inclusion of a number of high priority projects estimated at approximately \$7 million in the fiscal year 2018-19 budget;
- Request for inclusion of Phase 2 of the staffing augmentation plan in the fiscal year 2018-19 budget,

which includes two additional staff based on the WSMP recommendations. With the additional staff, Menlo Park Municipal Water would be able to implement a preventive maintenance program to improve the reliability of the water system while avoiding costly repairs associated with unexpected failures resulting from the inability to implement effective maintenance programs; and

- Request City Council approval of the Water System Master Plan as a consent item in May 2018, incorporating any applicable feedback from the City Council study session.

### **Impact on City Resources**

Staffing level changes would temporarily impact Menlo Park Municipal Water's capital and operating reserve funds until new water rates are adopted. The cost of the additional water staff would be \$230,000 a year, which represents an annual increase to the water enterprise of approximately 1.7 percent.

### **Environmental Review**

There is no environmental review required for this action.

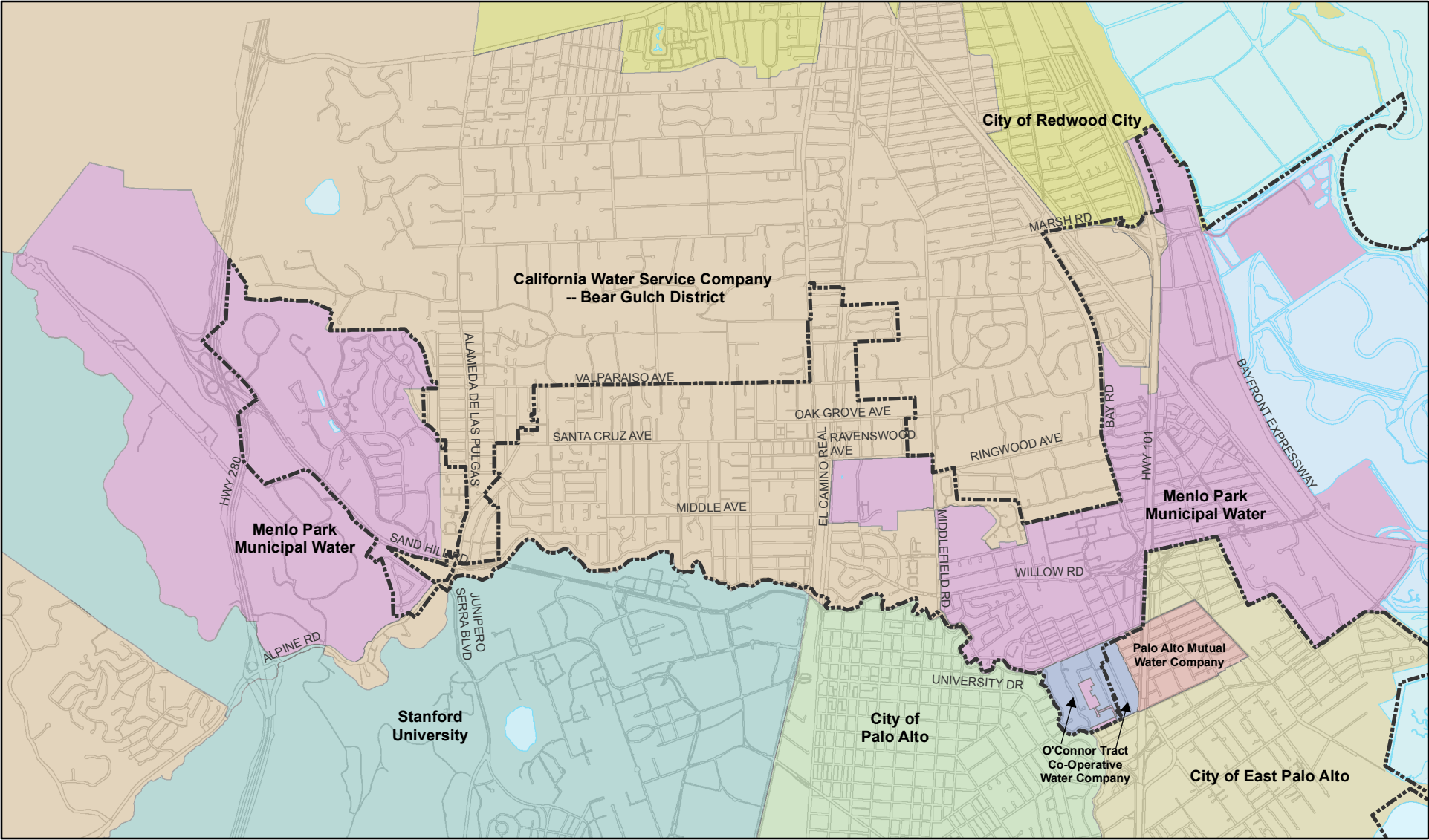
### **Public Notice**

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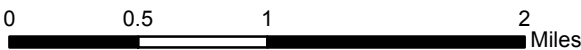
### **Attachments**

- A. Menlo Park Municipal Water service area map
- B. Capital Improvement Plan Table 9-1
- C. Water System Master Plan – Hyperlink: <https://www.menlopark.org/DocumentCenter/View/17167>

Report prepared by:  
Azalea Mitch, City Engineer



City Limits	<b>Water Provider</b>
Travel Ways	California Water Service Company -- Bear Gulch District
Water	City of East Palo Alto
	City of Palo Alto
	City of Redwood City
	Menlo Park Municipal Water
	Stanford University
	Palo Alto Mutual Water Company
	O'Connor Tract Co-Operative Water Company



# Water Providers Within and Surrounding Menlo Park



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**Table ES-4. Recommended Water Distribution System Capital Improvement Program<sup>(a)</sup>**

CIP ID	Zone	Improvement Type	Reason for Improvement	Improvement Description	Location	Priority	Estimated Construction Cost <sup>(b)</sup>	Capital Cost (includes mark-ups) <sup>(c)</sup>
<b>Capacity Improvements</b>								
<b>Fire Flow Improvements</b>								
CAP-01	High Pressure	Fire Flow	Improvements listed in this section are needed to address fire flow deficiencies identified in the hydraulic analysis	2,030 feet of new 12-inch pipe	Along Haven Avenue west of 3585 Haven Avenue	High	\$975,000	\$1,268,000
CAP-02	High Pressure	Fire Flow		740 feet of replace 12-inch pipe	Along Chilco Street between Constitution Drive and Chilco Street	High	\$354,000	\$460,000
CAP-03	Lower	Fire Flow		600 feet of new 12-inch pipe	Along private easements between O'Brien Drive and alley south of O'Brien Drive west of 1330 Obrien Drive; Along private easements between O'Brien Drive and alley south of O'Brien Drive west of 1460 Obrien Drive	High	\$285,000	\$371,000
CAP-04	Lower	Fire Flow		2,110 feet of replace 12-inch pipe	Along O'Brien Drive between Willow Road and Kelly Court; Along private easement east of Willow Road and north of Ivy Drive	High	\$1,014,000	\$1,318,000
CAP-05	Lower	Fire Flow		360 feet of replace 8-inch pipe, 440 feet of replace 10-inch pipe, 440 feet of replace 12-inch pipe	Along Laurel Street West of Burgess PRV Station; along private easement west of Burgess PRV Station	High	\$508,000	\$660,000
CAP-06	Lower	Fire Flow		770 feet of replace 10-inch pipe	Within Corporate Yard	High	\$318,000	\$413,000
Subtotal							\$3,454,000	\$4,490,000
<b>Storage Improvements</b>								
CAP-07	Lower	Storage	Tank and booster pump station improvements are recommended to meet operational, emergency, and fire flow storage needs of the Lower and High Pressure Zone	2.5 MG Storage Tank (partially buried) <sup>(d)</sup>	TBD <sup>(f)</sup>	Medium	\$10,948,000	\$14,233,000
CAP-08	Lower	Storage		7.5 mgd (firm capacity) booster pump station and associated on-site back up generator for storage tank <sup>(e)</sup>		Medium	\$3,272,000	\$4,253,000
Subtotal							\$14,220,000	\$18,486,000
<b>Total Capacity Improvements</b>							<b>\$17,674,000</b>	<b>\$22,976,000</b>
<b>Reliability Improvements</b>								
REL-01	Upper	Reliability Improvement	Mitigate seismic and geotechnical hazards. Specific project dependent on findings of Project REL-07	Upgrade/replace wood roofs on Sand Hill Reservoirs and mitigate geotechnical concerns. Value is a placeholder budget and should be revised with the findings from MISC-03 <sup>(g)</sup>	Sand Hill Reservoirs	High	\$3,900,000	\$5,070,000
REL-02	Lower, High Pressure, Upper	Reliability Improvement	Mitigate seismic hazard.	Implement a non-structural anchorage program as part of the regular maintenance budget	System-Wide	Very High	\$20,000	\$26,000
REL-03	Lower	Reliability Improvement	Improves emergency supply reliability	New metered interconnection with Cal Water at the Alma Street Crossing. Project assumes an estimated 2,000 LF of 12-inch pipeline, with a portion within a new pedestrian bridge, and meter within a vault.	At the intersection of El Camino Real and Middle Avenue	Very High	\$1,112,000	\$1,500,000
REL-04	Lower	Reliability Improvement	Improves emergency supply reliability	New metered interconnection with City of Palo Alto at the Pope Chaucer Bridge (San Francisquito Creek). Project assumes an estimated 250 LF of new 12-inch pipeline, all assumed to be within a new bridge, and a meter within a vault	Along Chaucer Street, between Woodland and Palo Alto Avenues.	Very High	\$228,000	\$297,000

**Table ES-4. Recommended Water Distribution System Capital Improvement Program<sup>(a)</sup>**

CIP ID	Zone	Improvement Type	Reason for Improvement	Improvement Description	Location	Priority	Estimated Construction Cost <sup>(b)</sup>	Capital Cost (includes mark-ups) <sup>(c)</sup>
REL-05	Lower	Reliability Improvement	Allows more use of Chilco and Madera PRV stations, with less reliance on Burgess PRV station.	Implement a residential/commercial pressure regulator program in the lower zone to help keep customer service pressures from exceeding 80 psi, allowing Chilco and Madera pressure regulating station settings to be set equal to the Burgess PRV station <sup>(h)</sup>	Various	High	\$1,872,000	\$2,434,000
REL-06	Lower Zone	Reliability Improvement	Cannot maintain water quality in large-diameter pipeline	Conversion of Dumbarton pipeline (12-inch) into a non-potable pipeline	Dumbarton Bridge	High	\$100,000	\$130,000
REL-07	Lower, High Pressure, Upper	Reliability Improvement	Improve water quality	Installation of automated blowoffs at dead-end locations	System-Wide	High	\$150,000	\$195,000
REL-08	Upper	Reliability Improvement	Improve water quality	Reservoir Mixers at Sand Hill Reservoirs to avoid reservoir stratification and improve water quality	Sand Hill Reservoirs	Very High	\$120,000	\$156,000
REL-09	Lower	Reliability Improvement	Planned as part of the Supplemental Emergency Water Supply Project to provide emergency supply to Lower Zone.	New well with a design flow of 1,500 gpm and dynamic head of 265 feet, 100 feet of 12-inch pipe	TBD <sup>(j)</sup>	Very High	\$3,295,000	\$4,284,000
REL-10	Lower	Reliability Improvement	Planned as part of the Supplemental Emergency Water Supply Project, only if two wells cannot supply program objective of 3,000 gpm	New Well required if REL-01 is unable to meet a design production of 1,500 gpm.	TBD <sup>(j)</sup>	Very High	\$3,295,000	\$4,284,000
REL-11	Lower	Reliability Improvement	SRI is served directly from the SFPUC Burgess turnout without pressure regulation. Replacing the existing normally closed valve with a check valve would interconnects Lower Zone to SRI if the SFPUC Burgess turnout is out of service. Under normal conditions, the check valve would prevent unregulated high pressure water from flowing into the Lower Zone.	One 10-inch check valve, required to be able to provide supply from the Lower Zone to SRI in the event that the Burgess SFPUC turnout is out of service. Check valve assumed to be installed near the existing normally closed valve between the 10-inch bypass and the Burgess PRV station.	At Burgess PRV Station	Very High	\$65,000	\$85,000
REL-12	High Pressure	Reliability Improvement	The High Pressure Zone is served directly from the SFPUC Hill Turnout. Replacing the existing normally closed valves with check valves would interconnect the Lower Zone and High Pressure Zone if the Hill turnout is out of service. Under normal conditions, the check valve would prevent unregulated high pressure water from flowing into the Lower Zone.	Two 12-inch check valve, required to be able to provide supply from the Lower Zone if the Hill SFPUC turnout is out of service. Both check valves are assumed to be installed at existing normally closed valve locations.	One at intersection of Del Norte Avenue and Terminal Avenue; One at intersection of Del Norte Avenue and Market Place	Very High	\$130,000	\$169,000
REL-13	Upper	Reliability Improvement	Improves pressure management in Upper Zone during outage of Sand Hill Reservoirs.	Equip Sharon Heights Pump Station with VFD's to improve pressure management in Upper Zone	Sharon Heights Pump Station	Medium	\$195,000	\$254,000
<b>Total Reliability Improvements</b>							<b>\$14,482,000</b>	<b>\$18,884,000</b>



**Table ES-4. Recommended Water Distribution System Capital Improvement Program<sup>(a)</sup>**

CIP ID	Zone	Improvement Type	Reason for Improvement	Improvement Description	Location	Priority	Estimated Construction Cost <sup>(b)</sup>	Capital Cost (includes mark-ups) <sup>(c)</sup>
<b>Rehabilitation and Replacement Improvements</b>								
RR-01	Lower, High Pressure, Upper	Program	Needed to maintain and improve the system. Pipelines identified in the Seismic Vulnerability Assessment are targeted as highest priority. As part of this program, MPMW should also identify opportunities to re-locate pipelines on private property to current rights-of-way	Pipeline replacement program, budgeted at \$1.6M/year (Constructions cost with contingencies in current dollars, or \$2.0M/yr in capital costs in current dollars) from 2018 through 2040. Capacity projects to improve fire flow shown above (\$3.45M) are budgeted separately, but assumed to be part of this program.  Therefore, remaining overall cost equals: [ \$1.6M/year x 23 years ] - \$3.45M	System-Wide, with focus on pipelines identified in Seismic Vulnerability Assessment and Capacity Evaluation as Highest Priority	Very High	\$32,426,000	\$42,150,000
<b>Total Rehabilitation and Replacement Improvements</b>							<b>\$32,426,000</b>	<b>\$42,150,000</b>
<b>Other System Improvements and Studies</b>								
MISC-01	Lower, High Pressure, Upper	Other	Refines information for pipeline replacements to address seismic hazards.	Conduct pipeline hazard assessment (including field survey of geologic conditions along critical pipeline segments, review of boreholes, update liquefaction and landslide models) <sup>(g)</sup>	System-Wide	Medium	\$50,000	\$65,000
MISC-02	Lower, High Pressure, Upper	Other	Refine information for pipeline replacements to address seismic hazards.	Update Pipeline analysis based on updated hazard assessment <sup>(g)</sup>	System-Wide	Medium	\$20,000	\$26,000
MISC-03	Upper	Other	Addresses current codes which are more stringent than codes in place when structures were designed.	Conduct a structural, geotechnical, and seismic evaluation of Sand Hill Reservoir site <sup>(g)</sup>	Sand Hill Reservoirs	Very High	\$60,000	\$78,000
MISC-04	--	Other	Assess condition and identify retrofit needs to mitigate seismic hazards.	Conduct evaluation of Maintenance Building <sup>(g)</sup>	Burgess Drive	Medium	\$20,000	\$26,000
MISC-05	Lower, High Pressure, Upper	Other	Provide plan for operational response and recovery following earthquake	Develop post earthquake operational and recovery plan <sup>(g)</sup>	System-Wide	Very High	\$40,000	\$52,000
MISC-06	Lower, High Pressure, Upper	Other	Specific recommendations to be developed in operational and recovery plans.	Develop a plan and acquire equipment for re-fueling generators following an earthquake	System-Wide	Very High	\$50,000	\$65,000
MISC-07	--	Other	MPMW is currently developing standard details and design guidelines. This project should incorporate seismic design procedures or reference ASCE manual of practice for seismic design of water and sewer pipelines.	Develop Standard Details and Design Guidelines	System-Wide	Very High	\$50,000	\$65,000
MISC-08	Lower, High Pressure, Upper	Other	Replace aging meters, facilitate data collection and monitoring, reduce water loss.	Meter Replacement/Enhancement Program (assumes full system upgrade to AMI) <sup>(k)</sup>	System-Wide	High	\$3,475,183	\$4,518,000
MISC-09	Lower and High Pressure	Other	Improve system monitoring	Install pressure monitors and connect all turnouts to SCADA System	At Burgess, Chilco, Madera and Hill turnouts	Medium	\$780,000	\$1,014,000
MISC-10	Lower, High Pressure, Upper	Other	Protects system from cross-contamination.	Continued Implementation of the Backflow Prevention Program	System-Wide	Underway	--	--
MISC-11	--	Other	Increase sustainability of potable water supply.	Conduct further recycled water studies for continued development of this program	System-Wide	Medium	\$150,000	\$195,000
MISC-12	Lower	Other	Provides MPMW with a means for metering water that may need to be supplied to East Palo Alto in the event of an emergency.	Construct metered connections and replace valves at interties with East Palo Alto	University Avenue, O'Brien Drive and Willow Road	Medium	Cost to be Determined	

**Table ES-4. Recommended Water Distribution System Capital Improvement Program<sup>(a)</sup>**

CIP ID	Zone	Improvement Type	Reason for Improvement	Improvement Description	Location	Priority	Estimated Construction Cost <sup>(b)</sup>	Capital Cost (includes mark-ups) <sup>(c)</sup>	
MISC-13	Lower, High Pressure, Upper	Program	Improves dated distribution system and decreases the chance of lead poisoning.	Development of a Lead Service Replacement Program	System-Wide	Very High	Cost to be Determined		
MISC-14	Lower, High Pressure, Upper	Other	Provides MPMW with a roadmap for future capital expenditures in an effort uphold customer service by making targeted improvements to assets that are most critical in function or condition.	Development of an Asset Management Program	System-Wide	Medium	\$150,000	\$195,000	
<b>Total Other System Improvements</b>							<b>\$4,845,183</b>	<b>\$6,299,000</b>	
<b>TOTAL CAPITAL IMPROVEMENT PROGRAM</b>							<b>\$69,427,183</b>	<b>\$90,309,000</b>	
							<b>Very High Priority</b>	<b>\$40,891,000</b>	<b>\$53,211,000</b>
							<b>High Priority</b>	<b>\$12,951,183</b>	<b>\$16,837,000</b>
							<b>Medium Priority</b>	<b>\$15,585,000</b>	<b>\$20,261,000</b>
							<b>Total</b>	<b>\$69,427,183</b>	<b>\$90,309,000</b>

(a) Costs shown are based on the August 2017 San Francisco ENR CCI of 12,037 and are rounded to nearest \$1,000.

(b) Costs include mark-ups equal to 30 percent (Base Construction Costs plus Construction Contingency).

(c) Costs include mark-ups equal to 69 percent (Base Construction Costs plus Construction Contingency: 30 percent and; Professional Services: 30 percent of Base Construction Cost plus Contingency).

(d) Costs for the proposed tank include a land purchase/lease cost (to be purchased from the City) totaling \$4.6M, which is based on the land lease price of the existing emergency well (\$105/sq. ft.) site and assumes a one-acre site is required.

(e) Booster pump station capacity was assumed to be 7.5 mgd, capable of draining a 2.5 mgd tank in 8 hours.

(f) Storage Tank and Booster Pump station location unknown. Additional siting evaluations are recommended to confirm size and locations of proposed future storage.

(g) Costs directly from Vulnerability Assessment and do not include additional contingency. However, Capital Costs mark-ups are equal to 30 percent to budget staff time to implement improvement.

(h) Assumes 1,800 meter connection retrofits at \$800 each.

(i) From Vulnerability Assessment.

(j) For the purposes of the hydraulic evaluation, the new well location was assumed to be near the intersection of Willow Road and Coleman Avenue. However, actual location is unknown, and groundwater well siting analyses and testing are required to determine the location and production capacity (which may result in two wells being needed).

(k) Costs directly from Advanced Meter Infrastructure Evaluation TM (West Yost, October 2017) and includes the software cost of \$25,000 per year through buildout (i.e., through 2040 or 23 years), shown in current dollars (i.e. 23 years x \$25,000/yr).



## STAFF REPORT

### City Council

Meeting Date:

4/17/2018

Staff Report Number:

18-081-CC

Public Hearing:

**Second reading and adoption of Ordinance No. 1045 amending Chapters 16.96, below market rate program, and 16.97, state density bonus, of Menlo Park Municipal Code and adoption of Resolution No. 6432 updating the city's below market rate program guidelines**

### Recommendation

Staff recommends that the City Council:

1. Waive further reading, conduct second reading and adopt Ordinance No. 1045 amending Chapters 16.96, below market rate program, and 16.97, state density bonus, of the Menlo Park Municipal Code (Attachment A);
2. Adopt a Resolution No. 6432 updating the city's below market rate program guidelines to make corresponding changes (Attachment B).
3. Make a finding that the actions are exempt under the California environmental quality act.

### Policy Issues

The City's housing element includes a program (H.4.B) to implement inclusionary housing requirements to assist in providing housing affordable to extremely low, very low, low and moderate-income households in Menlo Park. The proposed update to the below market rate housing ordinance would further the city's affordable housing goals by allowing the city of Menlo Park to again impose inclusionary requirements on rental housing.

### Background

The City Council established the BMR housing program (BMR program) in 1987 to increase the housing supply for people who live and/or work in Menlo Park and have very low, low, or moderate incomes as defined by the Department of Housing and Urban Development (HUD). The BMR program is also referred to as "inclusionary zoning." In 2011, the City stopped applying inclusionary zoning requirements to rental housing projects pursuant to State case "Palmer/Sixth Street Properties LP v. City of Los Angeles." Effective January 1, 2018, AB 1505 supersedes the court's ruling in Palmer v. City of Los Angeles and once again legislatively authorizes cities to apply inclusionary housing ordinances to rental projects. The attached ordinance and updates to the BMR program guidelines implement AB 1505 by restoring the city's inclusionary housing policy for rental projects. In compliance with AB 1505, the ordinance allows rental projects to comply with the BMR program through alternative means.

On March 13, 2018, the City Council held a study session to consider both the proposed updates to the BMR program citywide as well as the impact of AB 1505 on the bonus level of development in the residential mixed-use (R-MU) zoning district. At the study session, the City Council directed staff to proceed with the updates to the citywide BMR program. The City Council also directed staff to clarify that projects in

the R-MU zoning district would be required to provide inclusionary rental housing in accordance with the BMR program and that the community amenity value would no longer be required to be spent first on an additional 15 percent affordable housing, but could be used for additional affordable housing or other community amenities.

On March 27, 2018, the City Council conducted a public hearing on the proposed ordinance and BMR guidelines. Additionally, the City Council directed staff to make several clarifying changes to the BMR program guidelines discussed below.

### Analysis

At the public hearing, a member of the public recommended three changes be made to the BMR program guidelines to clarify their applicability to moderate income housing. These changes and staff's response are presented below.

1. Clarify in Section 4.1.2 and 11.1.2 that the maximum rents may be based on moderate-income rents as set forth in the appropriate rent table.
  - Staff response: Table B has been updated to incorporate moderate-income rents.
2. Update Table B to incorporate moderate-income maximum monthly rent levels.
  - Staff response: Table B has been updated to include all affordable rent levels.
3. Clarify that monthly rental amounts for BMR units (subsidized or unsubsidized) may exceed 75 percent of comparable market rate rents provided they comply with the rent table.
  - Staff response: This change does not appear to be necessary as the moderate-income rent levels are currently 75 percent below of the comparable market rate rents. The BMR guidelines provide that the maximum monthly housing cost limits for BMR rental units shall not exceed 75 percent (75 percent) of comparable market rate rents. The following table is provided for informational purposes only based on example market rate housing costs in 2018 and shows that in 2018 maximum monthly BMR housing costs amounts identified in Table B of the BMR guidelines do not exceed 75 percent of market rate housing costs. If the rental market changes, this issue can be re-visited at that time.

Unit size	Market rate monthly rent	75% of market rate
Studio	\$2,750-\$2,900	\$2,063-\$2,175
1 unit	\$3,190-\$3,935	\$2,393-\$2,951
2 units	\$4,050-\$5,085	\$3,038-\$3,814
3 units	\$5,860-\$5,985	\$4,395-\$4,489

The City Council made no changes to the BMR Housing ordinance (Attachment A) at the first reading.

Resolution No. 6432 (Attachment B), adopting BMR housing guidelines, incorporates the earlier changes to the BMR guidelines proposed by staff March 27, 2018. In addition, Attachment B has been updated and redlined to reflect changes 1 and 2 above. Also, staff made some additional non-substantive clean up changes to the guidelines which are also shown in redlined format.

Additional changes to city's housing regulations

Changes to the R-MU zoning district will be presented at the April 11, 2018, Housing Commission meeting the May 7, 2018, Planning Commission meeting and a City Council meeting in June 2018.

Staff is reviewing the series of recent housing bills and will likely come forward with additional ordinance changes in the upcoming year. These changes may include updates to the secondary unit ordinance and implementation of SB 35 (affordable housing streamlining).

**Impact on City Resources**

This action may result in additional in lieu fees to the city's BMR program.

**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. Public notification also consisted of publishing a notice in the local newspaper.

**Attachments**

- A. Ordinance No. 1045 amending Chapter 16.96 [Below Market Rate Housing Program] and Chapter 16.97 [State Density Bonus Law] of Title 16 [Zoning] of the Menlo Park Municipal Code
- B. Resolution No. 6432 adopting revisions to the city's below market rate housing guidelines

Report prepared by:

Cara E. Silver, Assistant City Attorney

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**ORDINANCE NO. 1045****ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING CHAPTER 16.96 [BELOW MARKET RATE HOUSING PROGRAM] AND CHAPTER 16.97 [STATE DENSITY BONUS LAW] OF TITLE 16 [ZONING] OF THE MENLO PARK MUNICIPAL CODE**

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

**SECTION 1. FINDINGS AND DETERMINATIONS.**

- A. There is an increased need for housing in the San Francisco Bay Area as more than two million new residents will be added by 2040.
- B. An inadequate supply of housing exists in the city and an increasing demand continues to grow for such housing.
- C. On September 15, 2017, the Legislature recently adopted a series of 15 housing bills.
- D. In order to fully comply with the most recent California legislation, the City of Menlo Park must amend its Zoning Code.
- E. The City Council of the City of Menlo Park finds and declares an amendment to Chapters 16.96 and 16.97 is necessary for the reasons above.

**SECTION 2. AMENDMENT OF CODE.** Chapter 16.96 [Below Market Rate Housing Program] of Title 16 [Zoning] is hereby amended as follows with additions shown in underline and deletions shown as ~~strikeout~~:

**Chapter 16.96  
BELOW MARKET RATE HOUSING PROGRAM**

Sections:

- [16.96.010](#) Purpose.
- [16.96.020](#) Residential development projects.
- [16.96.030](#) Commercial development projects.
- [16.96.040](#) Development regulations for below market rate units.
- [16.96.050](#) Below market rate housing fund.
- [16.96.060](#) Below market rate housing program guidelines.
- [16.96.070](#) Rental housing alternative means of compliance.
- [16.96.072](#) Treatment of Contiguous Parcels
- [16.96.080](#) Administrative relief

**16.96.010 Purpose.**

The purpose of the below market rate (BMR) housing program is to increase the housing supply for households that have very low, low and moderate incomes compared to the median household income for San Mateo County. The primary objective is to create actual housing units, either "rental" or "for purchase" units, rather than equivalent cash.

The below market rate requirements associated with residential development projects are a form of "inclusionary zoning." The below market rate requirements associated with commercial development projects are a form of "linkage." This chapter authorizes the below market rate housing program. The program is implemented through guidelines as adopted and amended from time to time by the City Council.

**16.96.020 Residential development projects.**

(a) Applicability. This section shall apply to conditional use permits, conditional development permits, planned development permits, subdivision approvals, architectural control approvals, variance approvals, and building permits for any residential development project of five (5) or more units. This section also applies to condominium conversions.

(b) Requirements. For residential development projects of less than twenty (20) units, the developer shall provide not less than ten percent (10%) of the units at below market rates to very low-, low- and moderate-income households. For residential development projects of twenty (20) or more units, the developer shall provide not less than fifteen percent (15%) of the units at below market rates to very low-, low- and moderate-income households. If the number of units required for a residential development project includes a fraction of a unit, the developer shall provide either a whole unit or a prorata in lieu payment on account of such fraction as determined in the below market rate housing program guidelines. The requirements of this section may be met through the provision of on-site or off-site below market rate units as determined by the housing commission and the reviewing body (i.e., planning commission or City Council).

(c) Review Process. As part of an application for an applicable residential development project, the developer shall submit a below market rate housing agreement. The agreement shall set forth the developer's plan to meet the requirements of this section. The agreement shall be reviewed by the housing commission and forwarded with a recommendation to the reviewing body for the application request. The reviewing body shall act on the agreement prior to or concurrently with the action on the application request. No building permit or other land use authorization may be issued or approved unless the requirements of this section have been met.

**16.96.030 Commercial development projects.**

(a) Applicability. This section shall apply to conditional use permits, conditional development permits, planned development permits, subdivision approvals, architectural control approvals, variance approvals, and building permits for any commercial development project or the construction of such project or any portion thereof which includes any new square footage or any square footage that is converted from an exempt use to a non-exempt use or from a Group B (all other commercial/industrial uses) use to a Group A (office/R&D) use.

(b) Exemptions. The following uses are exempt from this section:

- (1) Private schools and churches;
- (2) Public facilities;
- (3) Commercial development projects of less than ten thousand (10,000) square



feet;

(4) Projects that generate few or no employees.

(c) Requirements. The developer shall mitigate the demand for affordable housing created by the commercial development project. The below market rate housing program guidelines provides various alternatives for mitigation. A commercial development project may be required to provide below market rate housing on-site (if allowed by the zoning district) or off-site. If it is not feasible to provide below market rate housing units, the developer shall pay an in-lieu fee prior to issuance of a building permit as follows:

(1) Group A use: Eleven dollars and eighty-nine cents (\$11.89) per square foot of new gross floor area;

(2) Group B use: Six dollars and forty-eight cents (\$6.48) per square foot of new gross floor area.

The in-lieu fee shall be adjusted annually on the first of July, in accordance with the guidelines.

(d) Review Process. As part of an application for a commercial development project, the developer shall submit a below market rate housing agreement. The agreement shall set forth the developer's plan to meet the requirements of this section. The agreement shall be reviewed by the housing commission and forwarded with a recommendation to the reviewing body (i.e., planning commission or City Council) for the application request. The reviewing body shall act on the agreement prior to or concurrently with the action on the application request. No building permit or other land use authorization may be issued or approved unless the requirements of this section have been met.

#### **16.96.040 Development regulations for below market rate housing units.**

(a) Generally. The provisions of this section shall apply only to housing developments and mixed-use developments that include housing that provide one (1) or more below market rate units in accordance with the provisions of this chapter. This section is intended as an alternative to the State Density Bonus Law, the enabling ordinance for which is set forth in Chapter 16.97 of the Menlo Park Municipal Code. Housing developments and mixed-use projects including housing may elect to utilize the bonuses and incentives under this Chapter or Chapter 16.97, but not both.

(b) Density and FAR bonuses. For each below market rate unit provided under the below market rate housing program, a developer shall be permitted to build one (1) additional market-rate unit and, in the case of a subdivision, to create a legal lot or condominium unit for such additional unit. In addition, a developer shall be permitted to increase the floor area associated with the residential development project by an amount that corresponds to the increase in allowable density. Requests for density bonuses of a maximum of fifteen percent (15%) are subject to approval of the reviewing body (i.e., planning commission or City Council) associated with the required application.

(c) Incentives. The following incentives may be requested, if applicable:

(1) To accommodate the increase in allowable density and floor area ratio described in subsection (b) of this section, the developer may request exceptions from all development regulations of the applicable zoning district of a residential development project that includes below market rate units, except for floor area ratio and density.

(2) Development on a parcel of less than one (1) acre in area but greater than or equal to twenty thousand (20,000) square feet where the number of BMR units developed

on the site exceeds the required number of BMR units by a fractional equivalent of more than one-half (0.5) of a unit may request exceptions from development regulations as specified in Sections [16.82.050](#) through [16.82.100](#) Conditional Development Permits.

**16.96.050 Below market rate housing fund.**

Fees paid pursuant to this chapter shall be deposited in the below market rate housing fund as described in the below market rate housing program guidelines.

**16.96.060 Below market rate housing program guidelines.**

The provisions of this chapter shall be implemented through the below market rate housing program guidelines as adopted by the City Council on January 12, 1988, and subsequently amended.

**16.96.070 Rental housing alternative means of compliance.**

For any rental housing development subject to this chapter, the applicant may comply with the requirements of this chapter by providing in-lieu fees, land dedication, off-site construction, or acquisition and rehabilitation of existing units. Any alternative means of compliance shall be approved by the City Council upon findings that the alternative is commensurate with the applicable on-site requirement and complies with applicable program guidelines.

**16.96.072 Treatment of contiguous parcels**

(a) For purposes of this Chapter 16.96, new residential and commercial development projects on contiguous properties and that are submitted by the same applicant, are under common ownership, and/or under common control shall be treated as one development project.

(1) “Common ownership” means two or more legally created parcels that share an Owner, are owned or controlled by an Owner’s spouse, or are under the direct or indirect control of one person or legal entity through ownership, management, contract, or otherwise.

(2) “Owner” means an owner of record or the holder of an equitable or legal interest in property. For purposes of this Chapter, an Owner shall include any person, persons, or entity with at least a 10% interest in the property, either directly or by owning or controlling an entity with at least a 10% interest in the property.

(3) “Common Control” means two or more Owners that directly or indirectly (1) share a managing member or members in the case of a limited liability company; (2) share a managing general partner or partners in the case of a partnership; or (3) are under the management or control of boards of directors or officers that overlap by 50% or more in the case of a corporation.

(b) An applicant for a development project shall not avoid the BMR requirements of Chapter 16.96 by submitting piecemeal applications. At the time of the application for first approval for a development project, the applicant shall identify all contiguous property under common ownership or common control. The applicant shall not be required to contribute BMR units or pay in-lieu fees based on common ownership or control of the contiguous property at the time of the application for first approval;

however, the applicant shall be required to include the contiguous property under common ownership or control in its below market rate housing agreement. The agreement shall be recorded against the development project and all contiguous property under common ownership or control and shall require compliance with Chapter 16.96 upon development of each contiguous property under common ownership or control at such time as there are development project applications on such properties that would authorize the application of the BMR requirements contained in Chapter 19.96 to the initial development project and the subsequent development project on the contiguous property under common ownership or control.

**16.96.080 Administrative relief.**

(a) As part of the initial application submittal for a residential or nonresidential project to which this chapter is applicable, a developer may request that the requirements of this chapter be waived or modified by the City Council, based upon a showing that applying the requirements of this chapter would result in an unconstitutional taking of property or would result in any other unconstitutional result.

(b) The request for a waiver or modification shall set forth in detail the factual and legal basis for the request.

(c) Any request for a waiver or modification shall be reviewed and considered at the same time as the project application.

(d) The waiver or modification may be approved only to the extent necessary to avoid an unconstitutional result, based upon legal advice provided by or at the behest of the city attorney, after adoption of written findings, based on legal analysis and substantial evidence.

SECTION 3. AMENDMENT OF CODE. Chapter 16.97 [State Density Bonus Law] of Title 16 [Zoning] is hereby amended as follows with additions shown in underline and deletions shown in ~~strikeout~~:

**Chapter 16.97  
STATE DENSITY BONUS LAW**

Sections:

- [16.97.010](#) Purpose.
- [16.97.020](#) Definitions.
- [16.97.030](#) Applicability.
- [16.97.040](#) Application requirements.
- [16.97.050](#) Density bonus.
- [16.97.060](#) Incentives.
- [16.97.070](#) Discretionary approval authority retained.
- [16.97.080](#) Waivers.
- [16.97.085](#) Specific plan exemptions.
- [16.97.090](#) Affordable housing agreement.
- [16.97.100](#) Design and quality.

**16.97.010 Purpose.**

The purpose of this chapter is to adopt an ordinance that specifies how compliance with Government Code Section 65915 ("State Density Bonus Law") will be implemented in an effort to encourage the production of low income housing units in developments proposed within the city.

**16.97.020 Definitions.**

Unless otherwise specified in this chapter, the definitions found in state density bonus law shall apply to the terms contained herein.

**16.97.030 Applicability.**

This chapter shall apply to all zoning districts, including mixed use zoning districts, where residential developments of five (5) or more dwelling units are proposed and where the applicant seeks and agrees to provide low, very low, senior or moderate income housing units in the threshold amounts specified in state density bonus law such that the resulting density is beyond that which is permitted by the applicable zoning. This chapter and state density bonus law shall apply only to the residential component of a mixed use project and shall not operate to increase the allowable density of the nonresidential component of any proposed project.

**16.97.040 Application requirements.**

(a) Any applicant requesting a density bonus, incentive(s) and/or waiver(s) pursuant to state density bonus law shall provide the city with a written proposal. The proposal shall be submitted prior to or concurrently with filing the planning application for the housing development and shall be processed in conjunction with the underlying application.

(b) The proposal for a density bonus, incentive(s) and/or waiver(s) pursuant to state density bonus law shall include the following information:

(1) Requested Density Bonus. The specific requested density bonus proposal shall evidence that the project meets the thresholds for state density bonus law. The proposal shall also include calculations showing the maximum base density, the number/percentage of affordable units and identification of the income level at which such units will be restricted, additional market rate units resulting from the density bonus allowable under state density bonus law and the resulting unit per acre density. The density bonus units shall not be included in determining the percentage of base units that qualify a project for a density bonus pursuant to state density bonus law.

(2) Requested Incentive(s). The request for particular incentive(s) shall include a pro forma or other report evidencing that the requested incentive(s) results in identifiable, financially sufficient and actual cost reductions that are necessary to make the housing units economically feasible. The report shall be sufficiently detailed to allow the city to verify its conclusions. If the city requires the services of specialized financial consultants to review and corroborate the analysis, the applicant will be liable for all costs incurred in reviewing the documentation.

(3) Requested Waiver(s). The written proposal shall include an explanation of the waiver(s) of development standards requested and why they are necessary to make the construction of the project physically possible. Any requested waiver(s) shall not exceed

the limitations provided by Section 16.97.080 and to the extent such limitations are exceeded will be considered as a request for an incentive.

(4) Fee. Payment of the fee in an amount set by resolution of the city council to reimburse the city for staff time spent reviewing and processing the state density bonus law application submitted pursuant to this chapter.

**16.97.050 Density bonus.**

(a) A density bonus for a housing development means a density increase over the otherwise maximum allowable residential density under the applicable zoning and land use designation on the date the application is deemed complete. The amount of the allowable density bonus shall be calculated as provided in state density bonus law. The applicant may select from only one of the income categories identified in state density bonus law and may not combine density bonuses from different income categories to achieve a larger density bonus.

(b) In the sole discretion of the city council, the city council may approve a density bonus and/or incentive(s) in accordance with state density bonus law for a project that does not maximize the underlying base zoning density. Additionally, nothing herein prevents the city from granting a greater density bonus and additional incentives or waivers than that provided for herein, or from providing a lesser density bonus and fewer incentives and waivers than that provided for herein, when the housing development does not meet the minimum thresholds.

(c) The density bonus, incentives and waivers provided pursuant to state density bonus law are not additive with and shall not be combined with the density bonus provided pursuant to Chapter 16.96.040 (FAR and Density Bonus) or Chapter 16.98 (Affordable Housing Overlay).

(d) An applicant shall be ineligible for a density bonus or any other incentives or waivers under this Chapter if the housing development displaces qualifying rental dwelling units, unless the development replaces those units in accordance with State law.

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

SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") under Sections 15378 and 15061(b)(3) of the of the CEQA Guidelines. The ordinance is a clean up ordinance and has no potential for resulting in physical change to the environment either directly or indirectly.

SECTION 6. EFFECTIVE DATE AND PUBLISHING. This ordinance shall take effect 30 days after adoption. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after

the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the council members voting for and against the amendment.

INTRODUCED on the \_\_\_ day of \_\_\_\_\_, 2018.

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

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVED:

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_  
Judi A. Herren, City Clerk

**RESOLUTION NO. 6432**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO  
ADOPTING REVISIONS TO THE BELOW MARKET RATE HOUSING  
PROGRAM GUIDELINES**

WHEREAS, the City Council of the City of Menlo Park adopted the Below Market Rate Housing Program Guidelines on the twelfth of January, 1988; and

WHEREAS, the City of Menlo Park wishes to make clarifications and corrections to those Guidelines to resolve inconsistencies and questions concerning aspects of the operation of the program.

NOW, THEREFORE, IT IS RESOLVED that the revisions to the Guidelines recommended by staff and presented to the City Council on the twenty seventh day of March, 2018, and the seventeenth day of April, 2018, incorporated herein as Exhibit A, govern the operation of the program from this date forward.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the seventeenth day of April 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this seventeenth day of April, 2018.

---

Judi A. Herren  
City Clerk

# **BELOW MARKET RATE HOUSING PROGRAM GUIDELINES**

## **Income Limits/Section 14, Tables A and B Updated for 2017-18**

Originally Adopted by City Council on January 12, 1988

Revised by City Council on the following dates:

- December 17, 2002 (No Resolution)
- March 25, 2003 (Resolution No. 5433)
- January 13, 2004 (No Resolution)
- March 22, 2005 (Resolution No. 5586)
- March 2, 2010 (Resolution No. 5915)
- May 10, 2011 (No Resolution)
- May 6, 2014 (Resolution No. 6196)
- April 17, 2018 (Resolution No. XX)



# BELOW MARKET RATE HOUSING PROGRAM GUIDELINES

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## 1. OVERVIEW

The high cost and scarcity of housing in Menlo Park have been caused in large part because the number of jobs in Menlo Park has grown, but the supply of housing has not increased significantly. A majority of new employees earn low- and moderate-incomes and are most severely impacted by the lack of affordable housing in Menlo Park. Because of the high cost of housing, families who seek to live in Menlo Park cannot afford to purchase homes here and are forced to rent. Many renters pay a disproportionately high amount of their incomes in rent.

**1.1 Purpose.** The City of Menlo Park's Below Market Rate (“BMR”) Housing Program is intended to increase the housing supply for households that have very low, low- and moderate-incomes compared to the median income for San Mateo County. The primary objective is to obtain actual housing units, either "rental" or "for sale," rather than equivalent cash. Occupancy of BMR units is determined according to these City Council established guidelines from those on a numbered waiting list maintained by the City or its designee.

**1.2 Enabling Legislation.** The ~~Below Market Rate~~BMR Housing Program is governed by Chapter 16.96 of the Municipal Code. The BMR Housing Program is administered under these ~~Below Market Rate~~BMR Housing Program Guidelines (“Guidelines”).

## 2. BMR HOUSING AGREEMENT AND REVIEW PROCESS

**2.1 BMR Housing Agreement.** Before acceptance of plans for review by the City of Menlo Park staff, a developer should provide a proposal for meeting the requirements of the ~~Below Market Rate~~BMR Housing Program. The proposal should include one or a combination of the following alternatives: a) Provision of BMR units on site; and/or b) Provision of BMR units off site; and/or c) Payment of an in-lieu fee. These alternatives are listed in order of preference.

**2.2 Review Steps.** The following review steps apply to most development projects:

- City ~~Staff~~staff will review a BMR For-Sale Agreement or ~~the an~~ Affordability ~~Restriction~~Housing Agreement (~~collectively~~either, a “BMR Housing Agreement”), that has been prepared by the developer’s attorney on a form substantially similar to that provided by the City and shall make a recommendation with respect to it to the Housing Commission, Planning Commission and, if applicable, the City Council.
- The Planning Commission will review the application for development with the BMR Housing Agreement. The City Attorney must approve the BMR Housing Agreement prior to its review by the Planning Commission. If the City Council has final approval authority for the project, the Planning Commission will recommend the BMR Housing Agreement for

City Council approval. Otherwise the Planning Commission will approve the BMR Housing Agreement.

- The City Council grants approval of the BMR Housing Agreement for projects which it reviews. The BMR Housing Agreement must be immediately signed and recorded after City Council approval.

### 3. REQUIREMENTS FOR DEVELOPMENTS BY TYPE

**3.1 Commercial Developments.** The ~~Below Market Rate~~BMR Housing Program requires commercial developments which bring employees to Menlo Park to provide BMR units or to contribute to the BMR Housing Fund that is set up to increase the stock of housing for very low-, low- and moderate\_-income households, with preference for workers whose employment is located in the City of Menlo Park, and for City residents.

**3.1.1 Commercial Development Requirements.** Commercial buildings of ~~ten thousand (10,000)~~ square feet or more gross floor area are required to mitigate the demand for affordable housing created by the commercial development project. In order to do so, it is preferred that a commercial development project provide ~~below market rate~~BMR housing on-site (if allowed by zoning); or off-site; (if on-site BMR units are infeasible). A density bonus of up to ~~fifteen percent (15%)~~ above the density otherwise allowed by zoning may be permitted when ~~below market rate~~BMR housing is provided on-site. The BMR Housing Agreement will detail the BMR Housing Program participation of a particular development.

Although the provision of actual BMR units is strongly preferred, it is not always possible to provide BMR housing units. In such cases, the developer shall pay a commercial in-lieu fee rather than provide actual BMR housing units. Commercial in-lieu fees must be paid prior to the issuance of a building permit.

Commercial in-lieu fees are charged at different rates to two groups based on the employee housing demand the uses produce. Group A uses are office and research and development ("R-&D"). Group B uses are all other uses not in Group A.

Commercial in-lieu fee rates are adjusted annually on July 1st. The amount of the adjustment is based on a five-year moving average of the percentage increase in the Consumer Price Index (Shelter Only) for All Urban Consumers in the San Francisco-Oakland-San Jose area.

~~(Refer to Section 14, Table D, for the current year's Commercial In-lieu Fee Rates, which may be updated by City staff from time to time.)~~

**3.1.2 Applicability.** The BMR Housing Program applies to conditional use permits, conditional development permits, planned development permits, subdivision approvals, architectural control approvals, variance approvals and building permits for any commercial development. The BMR Housing Program also applies to

the construction of any new square footage or any square footage that is converted from an exempt use to a non-exempt use. Finally, the BMR Housing Program applies to the conversion of floor area from a less intensive use (Commercial/Industrial uses) to a more intensive use (Office/R&D).

**3.1.3 Exemptions.** The following are exempted from the BMR Housing Program:

- (a) Private schools and churches;
- (b) Public facilities;
- (c) Commercial development projects of less than ~~ten thousand~~ (10,000) square feet; and
- (d) Projects that generate few or no employees.

**3.2 Residential Developments.** The ~~Below Market Rate~~**BMR** Housing Program requires residential developments which use scarce residentially zoned land in Menlo Park to provide BMR units or to contribute to the BMR Housing Fund. The BMR Fund is set up to increase the stock of housing for very low-, low- and moderate-income families, with preference for workers whose employment is located in the City of Menlo Park, and for City residents.

**3.2.1 Residential Development Requirements.** Residential developments of five ~~(5)~~ or more units are subject to the requirements of the ~~Below Market Rate~~**BMR** Housing Program. These requirements also apply to condominium conversions of five ~~(5)~~ units or more. As part of the application for a residential development of five ~~(5)~~ or more units, the developer must submit a ~~Below Market Rate~~**BMR** Housing Agreement, in a form substantially similar to that provided by the City, which details the developer's plan for participation in the BMR Housing Program. No building permit or other land use authorization may be issued or approved by the City unless the requirements of the BMR Program have been satisfied.

**3.2.2 Condominium Conversions.** If an apartment complex already participating in the BMR Housing Program ~~program~~ elects to convert the complex to condominiums, then the existing BMR rental apartments shall be converted to BMR condominium units under the BMR Housing Program.

When market rate rental units are removed from the rental housing stock for conversion to condominiums, and they are not already participating in the BMR Housing Program, then the project shall meet the same requirements as new developments to provide BMR units in effect at the time of conversion. When the property owner notifies the City of the intent to sell, the property owner shall notify any BMR tenants of such units of the pending sale and non-renewal of lease. Such tenant(s) shall be given the right of first refusal to purchase the unit. If the tenant seeks to purchase the unit, at the close of escrow the unit shall exist as a ~~for-sale~~**For-Sale**

BMR unit. If the tenant does not seek to purchase, the tenant shall vacate the unit at the expiration of the current lease term and the unit will be sold to an eligible third party according to the BMR Guidelines and held as a for-sale BMR unit. The tenant who vacates will have priority to move to other vacant BMR rental units in the City for two ~~(2)~~ years from the date the lease expired, regardless of the place of residence of the displaced BMR tenant.

**3.3 Mixed Use Developments.** Mixed use developments must comply with the requirements for commercial developments in the commercial portion of the development and must comply with the requirements for residential developments for the residential portion of the development.

**3.4 Required Contribution for Residential Development Projects.** All residential developments of five ~~(5)~~ units or more are required to participate in the BMR Housing Program. The preferred BMR Housing Program contribution for all residential developments is on-site BMR units. For rental residential development projects, the applicant may comply with the City's BMR requirements by providing in-lieu fees, land dedication, off-site construction, or acquisition and rehabilitation of existing units. Any alternative means of compliance shall be approved by the City Council upon findings that the alternative is commensurate with the applicable on-site requirement and complies with applicable BMR Guidelines~~program guidelines~~.

For ownership residential development projects, if providing on-site BMR units is not feasible as confirmed by the City, developers are required to pay an in-lieu fee as described in Section 4.3. The requirements for participation increase by development size as shown below:

**One (1) to Four (4) Units.** Developers are exempt from the requirements of the BMR Housing Program.

**Five (5) to Nine (9) Units.** It is preferred that the developer provide one ~~(1)~~ unit at below market rate to a very low-, low-, or moderate-income household.

**Ten (10) to Nineteen (19) Units.** The developer shall provide not less than ~~ten percent (10%)~~ of the units at below market rates to very low-, low- and moderate-income households.

**Twenty (20) or More Units.** The developer shall provide not less than ~~fifteen percent (15%)~~ of the units at below market rates to very low-, low- and moderate-income households. On a case-by-case basis, the City will consider creative proposals for providing lower cost units available to lower income households such as smaller unit size, duet-style, and/or attached units that are visually and architecturally consistent with the market-rate units on the exterior, and that meet the City's requirements for design, materials, and interior features of BMR units.

**3.4.1 Fraction of a BMR Housing Unit.** If the number of BMR units required for a residential development project includes a fraction of a unit, the

developer shall provide either a whole unit, the preferred form of participation, or make a pro rata residential in lieu payment on account of such fraction per Section 4.3 or 4.4, as applicable.

*Example: A residential project is developed with 25 condominium units. The BMR requirement of 15% equates to 3.75 units. The preferred BMR Housing Program participation is four (4) BMR units. In this case if four BMR units are provided, the developer would pay no in-lieu fee. Alternatively, if three BMR units are provided, the developer would have to pay an in-lieu fee for the remaining fractional BMR unit. If the developer is able to demonstrate that producing four BMR units is not feasible, the developer would provide three BMR units, which is the required amount for a 20 unit project. The developer would be eligible for three bonus units for the three BMR units, and would pay in lieu fees for the remaining two market rate units in the development.*

#### **4. BMR PROGRAM REQUIREMENTS FOR ON-SITE BMR UNITS, OFF-SITE BMR UNITS AND IN-LIEU FEES**

##### **4.1 On-Site BMR Units.**

**4.1.1 Initial Price for For-Sale Unit.** The initial selling price of BMR ~~For-Sale-for-sale~~ units for extremely low (30% AMI), very low (50% AMI), subsidized low (60% AMI), low (80% AMI) or moderate (110% AMI) income households is based on what is affordable to households with incomes at the identified percentage of One Hundred Ten Percent (110%) of the area median income (“AMI”) related to household size, as established from time to time by the State of California Housing and Community Development Department (“HCD”) for San Mateo County. See Section 14, Table A, which may be updated by City staff from time to time.

**4.1.2 Initial Price for Rental Unit.** The initial monthly rental amounts for BMR rental units will be equal to or less than thirty percent (30%) of the applicable sixty percent (60%) of median-income limits for extremely low, very low, subsidized low, low and moderate income households adjusted for occupancy. The number of occupants used to calculate the maximum monthly housing cost limits for BMR rental units will be the minimum occupancy for the unit size as identified in Table C. ~~for City subsidized projects and thirty percent (30%) of the applicable income limits for non-subsidized private projects, minus eligible housing costs.~~ In no case shall the monthly rental amounts for BMR units ~~(subsidized or unsubsidized)~~ exceed seventy-five percent (75%) of comparable market rate rents. The maximum rent for specific BMR units will be based on Section 14, Table B of the BMR Guidelines, which may be updated by City staff from time to time. See also Sections 11.1.1 and 11.1.2.

For purposes of these BMR Guidelines, monthly housing cost means the total of monthly payments actually made by the household for (a) use and occupancy of each BMR unit and land and facilities associated therewith, (b) any separately charged fees or service charges which are required of all households, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, and which are not paid directly by the household, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration

fuels, but not including telephone service, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity.

The purchase or rental price for BMR units shall be established and agreed upon in writing in the BMR Housing Agreement per Section 2.2, prior to final building inspection for such BMR units. The provision of affordable units at extremely low, very low, low and/or moderate income levels shall be roughly equivalent to the provision of all of the affordable units at the low income level.

**4.1.3 Bonus Unit.** For each BMR unit provided, a developer shall be permitted to build one additional market rate (bonus) unit. However, in no event shall the total number of units in a development be more than fifteen percent (15%) over the number otherwise allowed by zoning.

**4.2 Off-Site BMR Units.** If authorized by the City as described in Section 2.2, developers may propose to provide BMR units at a site other than the proposed development. These off-site BMR units must be provided on or before completion of the proposed development and must provide the same number of units at below market rates to very low-, low- and moderate\_-income households as required for on-site developments. Such units may be new or existing. Provision by the developer and acceptance by the City of off-site units shall be described in the BMR Housing Agreement. Size, location, amenities and condition of the BMR units shall be among the factors considered by the City in evaluating the acceptability of the off-site BMR units. For existing units, the developer shall be responsible for correcting, at his developer's expense, all deficiencies revealed by detailed inspection of the premises by qualified inspectors, including a certified pest inspector.

The initial price or rent for the BMR units shall be established as stated in Sections 4.1.1 and 4.1.2 and in accordance with the BMR Income Guidelines in Section 14 in effect at the time the BMR unit is ready for sale or rent. Fractions of required BMR units shall be handled by provision of an in-lieu fee for the market rate units for which no BMR unit is provided.

#### **4.3 Ownership Residential In Lieu Payments Based on Sales Price.**

**4.3.1 Developments of Ten (10 or More Units.** In developments of ~~ten (10)~~ or more units, the City will consider an in-lieu payment alternative to required BMR units only if the developer substantiates to the City's satisfaction that the BMR units cannot be provided on or off site. In developments of ~~ten (10)~~ or more units which provide BMR units, upon the close of escrow on the sale of each unit in the subdivision for which a BMR unit has not been provided, the developer shall pay to the City an in-lieu payment calculated at three percent (3%) of the actual sales price of each unit sold. In lieu payments for fractions of BMR units shall be determined by disregarding any bonus units and as three percent (3%) of selling price of each market rate unit sold if the developer substantiates to the City's satisfaction that the BMR units cannot be provided on or off-site.

If a portion of a BMR requirement is met by a provision of BMR units, and the developer substantiates to the City's satisfaction that a sufficient number of BMR units cannot be provided on or off site, then BMR in-lieu payments will be required from the sales of the number of market rate units (excluding bonus units) that is in proportion to the BMR requirement that is not met.

#### 4.3.2 Developments of Five (5) to Nine (9) Units.

**Residential In-Lieu Payments Based on Sales Price.** In developments of five ~~(5)~~ to nine ~~(9)~~ units, the City will consider an in-lieu payment alternative to required BMR units only if the developer cannot provide an additional BMR unit. If providing an additional BMR unit is not feasible, developers are required to pay a residential in lieu fee as described below.

<u>Unit No.</u>	<u>In lieu fee for each unit</u>
1, 2 and 3	1% of the sales price
4, 5 and 6	2% of the sales price
7, 8 and 9	3% of the sales price

*Example: In a development of seven 7 units, the BMR contribution would be, in order of preference: a) One BMR unit out of the seven units, with the possibility of a density bonus of one unit, or, if that is not feasible, b) Three units designated to pay an in-lieu fee of one percent (1%) of the sales price, three units to pay in-lieu fees of two percent (2%) of their sales prices and one unit to pay three percent (3%) of its sales price.*

Units paying in-lieu fees are designated so that they are distributed by unit size and location throughout the project.

In developments of 10 or more units which provide BMR units, upon the close of escrow on the sale of each unit in the subdivision for which a BMR unit has not been provided, the developer shall pay to the City an in lieu payment calculated at three percent (3%) of the actual sales price of each unit sold.

*Example: Two possible plans to meet the BMR requirement for a project of 15 housing units are, in order of preference: a) Two BMR units are provided, and no in-lieu fees are paid, or b) One BMR unit is provided out of the first ~~ten 10~~ units, one bonus unit is granted for the provision of the BMR unit, and four units pay in-lieu fees.*

**Units held as rental, in-lieu fee.** If the developer retains any completed unit as a rental, either for its own account or through subsidiary or affiliated organizations, the BMR contribution including BMR housing unit or in-lieu payment for such unit shall be negotiated between the developer and the City. If an in-lieu fee is paid, the market value shall be based on an appropriate appraisal by an appraiser



agreed upon by the City and the developer and paid for by the developer. The basis for such appraisal shall be as a condominium rather than as a rental.

#### **4.4 Rental Residential In Lieu Payments Based on Cost.**

The City Council shall establish a rental residential in-lieu fee by Resolution, which fee may be updated from time to time. The fee shall be based on the cost to develop, design, construct, and maintain a standard one-bedroom unit in Menlo Park. The fee shall also include the proportionate costs of associated common area as well as land acquisition costs. The fee shall be adjusted on a project-by-project basis depending on size, location and other factors relevant to cost. The fee can be adjusted by a pre-set formula or by a consultant selected by the City and funded by the applicant.

### **5. CHARACTERISTICS OF BMR UNITS**

**5.1 Size and Location of BMR Units.** BMR housing units shall generally be of the same proportionate size (number of bedrooms and square footage) as the market-rate units. The BMR units should be distributed throughout the development and should be indistinguishable from the exterior. BMR units shall contain standard appliances common to new units, but need not have luxury accessories, such as Jacuzzi tubs. The Planning Commission and/or City Council shall have the authority to waive these size, location and appearance requirements of BMR units in order to carry out the purposes of the BMR Housing Program and the Housing Element.

**5.2 Design and Materials in BMR Units.** The design and materials used in construction of BMR units shall be of a quality comparable to other new units constructed in the development, but need not be of luxury quality.

**5.3 The BMR Price Must Be Set Before Final Building Inspection.** There shall be no final inspection of BMR housing units until their purchase or rental prices have been agreed upon in writing by the developer and the City Manager, or his or her designee. Also, the sale or rental process will not begin until the sales price is set.

#### **5.3.1 Final Inspection Schedule for Smaller and Larger Developments.**

**Less Than Ten (10) Units.** In developments of less than ~~ten (10)~~ units with one ~~(1)~~ or more BMR units, all BMR units must pass final inspection before the last market rate unit passes final inspection.

**Ten (10) to Nineteen (19) Units.** In developments of ~~ten (10)~~ or more units, including developments that are constructed in phases, for the first ~~ten (10)~~ housing units, a BMR unit must pass final inspection before nine ~~(9)~~ market rate units may pass final inspection. For each additional group of ~~ten (10)~~ housing units, one ~~(1)~~ additional BMR unit must pass final inspection before nine ~~(9)~~ additional market rate units may pass final inspection.

**Twenty (20) or More Units.** In developments of ~~twenty (20)~~ or more units, including developments that are constructed in phases, for the first ~~ten (10)~~ housing units, a BMR unit must pass final inspection before nine ~~(9)~~ market rate units may pass final inspection. In addition, two ~~(2)~~ additional BMR units must pass final inspection before eight ~~(8)~~ additional market rate units may pass final inspection. For each additional group of ~~Twenty (20)~~ housing units, three ~~(3)~~ additional BMR units must pass final inspection before ~~seventeen (17)~~ additional market rate units may pass final inspection. No project or phase may pass final inspection unless all the BMR units, which equal ~~fifteen percent (15%)~~ or more of the housing units in that phase or project, have passed final inspection for that phase or project.

**Last Unit.** In no case may the last market rate unit pass final inspection before the last BMR unit has passed final inspection.

**5.4 Sales Price Determination for BMR For-Sale Units.** The maximum sales price for BMR units shall be calculated as affordable to households on the BMR waiting list, which are eligible by income at the time that the maximum prices are set and which are of the smallest size eligible for the BMR units (excluding two-bedroom units, which shall be based on incomes for two person households even when units are made available to one person households). See Section 14, Table A, for income eligibility limits which may be updated by City staff from time to time for the current year. The affordability of maximum prices will take into consideration mortgage interest rates, minimum down payments, mortgage debt-to-income ratios and other qualifying criteria used by lenders at the time the sales prices are set, as well as cost of insurance, taxes, homeowners' dues and any other necessary costs of homeownership.

**5.4.1 Price Determination for Projects with Condominium Maps That Will Rent for an Indefinite Period of Time.** Projects with condominium subdivision maps that will rent BMR units for an indefinite period shall have basic sales prices established at the outset for such BMR units in accordance with the Guidelines. Such initial sales prices shall be adjusted for the period between the month of completion of the BMR units and the month of notification of intent to sell the units, with further adjustments for improvements and deterioration per the Guidelines. The adjustments shall be based on one-third of the increase in the Consumer Price Index, All Urban Consumers, San Francisco-Oakland-San Jose, published by the U.S. Department of Labor, Bureau of Labor Statistics, plus certain other equitable adjustments.

**5.5 Legal Characteristics of BMR Units: Right of First Refusal and Deed Restrictions.** All BMR units shall be subject to deed restrictions and conditions which include a right of first refusal in favor of the City for a period of ~~fifty-five (55)~~ years under which the City or its designee will be entitled to purchase the property at the lower of (1) market value, or (2) the purchase price paid by seller, plus one-third of the increase (during the period of seller's ownership) in the Consumer Price Index ("CPI"), All Urban Consumers, San Francisco-Oakland-San Jose, published by the U.S. Department of Labor, Bureau of Labor Statistics, plus certain other equitable adjustments. The deed restrictions will also prohibit sales or transfers of the property

except with the written consent of the City and at a price computed as above. Exceptions from all prohibitions against sale or transfer will include:

- (1) Demonstrated unlikelihood of obtaining a qualified buyer within a reasonable period;
- (2) Transfer by termination of joint tenancy or by gift or inheritance to parents, spouse, children, grandchildren or their issue.

The prohibition against sales or transfers will not terminate at the end of ~~fifty-five (55)~~ years in the event of an exempt transfer by termination of joint tenancy or by gift or inheritance to family members. The prohibition against sales or transfers will terminate in the event of an exempt sale or transfer when there is a demonstrated unlikelihood of obtaining a qualified buyer within a reasonable period of time.

In the event of an exempt sale when there is a demonstrated unlikelihood of obtaining a qualified buyer within a reasonable period of time, the seller will be entitled to receive the lesser of (A) market value or (B) the purchase price paid by the seller plus one-third of the increase (during the seller's ownership) in the CPI, plus certain other equitable adjustments, as specified in the deed restrictions. The balance of the proceeds shall be paid to the City of Menlo Park to be deposited in the BMR Housing Fund. Any transferee pursuant to an exempt transfer by termination of joint tenancy or by gift or inheritance to family members must reside in the BMR unit and must qualify under the income criteria of the BMR Program at the time of the transfer of the BMR unit.

## **6. ELIGIBILITY REQUIREMENTS FOR HOUSEHOLDS APPLYING TO PURCHASE BMR UNITS**

**Note: Eligibility requirements for households that wish to be placed on the BMR waiting list are identified in Section 7. The requirements identified below apply at the actual time of application to purchase a BMR unit. In order for a household to be eligible at the time of application to purchase, ALL of the following requirements must be met:**

**6.1 BMR Waiting List.** Applicants are eligible to have their names placed on the BMR waiting list if they meet the following three requirements at the time they submit an application for the waiting list: (1) currently live or work within incorporated Menlo Park; (2) meet the current income limit requirements (per household size) for purchase of a BMR unit; and (3) all applicants currently live together as a household.

**6.1.1 Definition of Household.** For the purposes of this program, household is defined as a single person, or two or more persons sharing residency whose income resources are available to meet the household's needs. To be considered a household, all applicants/household members must live together in a home that is their primary residence. To be considered part of the household and included in household size, children under the age of 18 (including foster children)

must reside in the home at least part-time or parents must have at least partial (50%) custody of the child/children.

**6.2 Live and/or Work Eligibility.** Households that live and/or work within incorporated Menlo Park shall be eligible for the Below Market Rate Housing Program in accordance with the following provisions:

**6.2.1 Eligibility by Living in Menlo Park.** To qualify as living in Menlo Park, the applicant household must meet the following two requirements at the time of application: (1) currently live in Menlo Park as the household's primary residence and (2) must have continuously lived in Menlo Park for a minimum of one (1) year prior to the date of actual application to purchase.

**6.2.2 Eligibility by Working in Menlo Park.** To qualify as a household that works in Menlo Park, a member of the applicant's household must meet the following two requirements at the time of application: (1) currently work in Menlo Park at least ~~twenty (20)~~ hours per week, or (if currently less than 20 hours per week) hours worked over the course of the one year prior to application averages a minimum of ~~twenty (20)~~ hours per week and (2) must have continuously worked in Menlo Park for a minimum of one ~~(1)~~-year prior to the date of actual application to purchase.

**6.2.2.1 Types of Work.** Work is defined as (1) owning and operating a business at a Menlo Park location; (2) employment for wages or salary by an employer located at a Menlo Park location; (3) contract employment where the actual work is conducted at a Menlo Park location for one ~~(1)~~-year; or (4) commission work, up to and including a ~~one hundred percent (100%)~~ commission arrangement, conducted in Menlo Park.

**6.2.2.2 Employer-Based Work.** If employed for wages or salary by an employer, working in Menlo Park is defined as the employer is located in Menlo Park AND the employment/actual work is performed within incorporated Menlo Park.

**6.2.2.3 Owning and Operating a Business at a Menlo Park Location.** This does NOT include owning (either wholly or in part) a residential or commercial property for investment purposes only.

**6.2.2.4 Work does NOT include volunteer or unpaid work.**

**6.3 Household Requirement.** To constitute a household, all members of the applicant household must currently live together (in a location that is their primary residence) at the time of application. Also, at the time of application and regardless of where they currently live, all members who make up the applicant household must have continuously lived together for a minimum of one ~~(1)~~-year prior to the date of application.

**Exceptions.** Exceptions to this minimum one ~~(1)~~-year joint-residency requirement include:

- Children under the age of 18 who have recently joined the household in conjunction with marriage, separation, or divorce, or similar family re-organization, and for whom there is evidence of a custody agreement or arrangement. This also applies to foster children.
- Children born into a household.
- Households newly formed as a result of marriage.

**6.4 First Time Homebuyer.** All members of the applicant household must be first time homebuyers, defined as not having owned a home as your primary residence within the last three ~~(3)~~ years prior to the date of application. First time homebuyers DO include owners of mobile homes, as well as applicants whose names are on title for properties they have not lived in as their primary residences for the last three years (for instance rental properties, which must be considered as part of the applicant's eligibility per assets).

**Exceptions.** Exceptions to this requirement are:

- Applicants who are current BMR homeowners and are otherwise eligible for the BMR Housing Program, are eligible to place their names on the BMR waiting list and to purchase a smaller or larger home needed due to changes in household size or family needs, such as for handicap accessibility (per Section 7.2.6, below).
- Applicants whose names were placed on the BMR waiting list prior to March 2, 2010.
- Applicant households that currently and/or within the last three ~~(3)~~ years prior to the date of application own homes as their primary residences more than ~~fifty (50)~~ miles outside Menlo Park city limits, that are otherwise eligible for the BMR Housing Program.

**6.5 Complete One-Time Pre-Purchase Homebuyer Education.** After an applicant's name is placed on the BMR waiting list and before receiving an offer to purchase a BMR property, all adult applicants/household members must complete a one-time homebuyer education workshop, class, or counseling session. When applicants' names are placed on the waiting list to purchase BMR units, program staff provides them with a list of approved local organizations that provide pre-purchase homebuyer education. Applicants choose an education provider or program from the approved list and may choose to attend in either a group or individualized setting. It is the applicants' responsibility to provide the City or the City's BMR Housing Program ~~program~~-provider with evidence that a pre-purchase homebuyer education workshop or session was completed. In most cases, the education providers will provide applicants with certificates of completion, which applicants can submit to the City's BMR Housing Program ~~program~~-provider as proof that the pre-purchase education requirement was completed. Households on the waiting list that have not completed the homebuyer education requirement will retain their rank on the list but will NOT be

invited to apply to purchase BMR units. Only households on the waiting list that have completed the education requirement will be invited to apply when units become available. Elderly parents of applicants living in the household need not complete the education requirement.

**6.5.1 Prior Completion of Pre-Purchase Homebuyer Education.** At the time of application to the BMR waiting list, applicants who provide written evidence of having completed an approved homebuyer education workshop, class, or counseling session within the previous twelve months prior to the date of application to the waiting list are not required to complete an additional workshop, class, or counseling session.

**6.5.2 Homebuyer Education Provider.** At the City's discretion, the City may elect to work exclusively with one or more homebuyer education providers/organizations. The City may also choose to contract with a particular person or organization to provide this educational component.

**6.5.3 Long-Term Education or Counseling Required for Certain Applicants.** Applicants who are invited to apply to purchase BMR units and are twice denied (on separate occasions) due to long-term or significant credit problems, will be required to meet individually with a credit counseling professional in order to remain on the waiting list. The applicant must provide evidence of completion of credit counseling within six ~~(6)~~ months to the City's BMR provider or the applicant will be removed from the BMR waiting list. This does not exclude the applicant from applying to the waiting list again, to be placed at the bottom of the list.

**6.6 Ownership Interest.** A minimum of ~~fifty percent (50%)~~ of the ownership interest in the property must be vested in the qualifying applicant(s), regardless of income.

**6.7 Income and Asset Limits for Purchasers of BMR Units.** Income eligibility limits are established by the State of California Housing and Community Development Department ("HCD"). Income limits are updated by the State of California HCD on an annual basis. BMR units shall only be sold to very low-, low-, and moderate\_-income households. Only households having gross incomes at or below ~~one hundred ten percent (110%)~~ of the ~~Area Median Income (AMI)~~ for San Mateo County, adjusted for household size, are eligible to purchase and occupy BMR for-sale units, either upon initial sale or upon any subsequent resale, as specified in the deed restrictions.

~~(Refer to Section 14, Table A, for the current year's income eligibility limits, which may be updated by City staff from time to time.)~~

An asset is a cash or non-cash item that can be converted into cash. Only households having non-retirement assets that do not exceed the purchase price of the BMR units are considered eligible.

- Assets Include: cash held in checking accounts, savings accounts, and safe deposit boxes; equity in real property; cash value of stocks (including options), bonds, Treasury bills, certificates of deposit, money market accounts, and revocable trusts; personal property held as an investment such as gems, jewelry, coin and art collections, antiques, and vintage and/or luxury cars; lump sum or one-time receipts such as inheritances, capital gains, lottery winnings, victim's restitution, and insurance settlements; payment of funds from mortgages or deeds of trust held by the applicant(s); boats and planes; and motor homes intended for primary residential use.
- Assets DO NOT Include: cars and furniture (except cars and furniture held as investments such as vintage and/or luxury cars, and antiques); company pension and retirement plans; Keogh accounts; dedicated education funds/savings accounts; and funds dedicated to federally recognized retirement programs such as 401K's and IRA's.

Note that equity in real property or capital investments is defined as follows: the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable costs (e.g. broker/realtor fees) that would be incurred in selling the asset.

**6.7.1 Senior or Disabled Households That Use Assets for Living Expenses.** An exception to the income and asset limit requirement is a household whose head is over ~~sixty-two (62)~~ years of age, or permanently disabled and unable to work, with assets valued up to two ~~(2)~~ times the price of the BMR unit. The applicant must be able to demonstrate that the sole use of his/her assets has been for household support for at least the three ~~(3)~~ previous years, and that the total annual household income meets the BMR Guidelines.

## 7. BMR WAITING LIST FOR RENTAL AND FOR-PURCHASE UNITS

**7.1 Waiting List Eligibility Requirements.** A numbered waiting list of households eligible for rental and/or for-purchase BMR units is maintained by the City or the City's designee. Households are eligible to be placed on the BMR waiting list if they meet the following four ~~(4)~~ requirements at the time they submit applications for the waiting list:

- The household currently resides within incorporated Menlo Park as its primary residence OR a member of the household currently works at least 20 hours per week within incorporated Menlo Park.
- The household meets the current income limit requirements (per household size) for rent and/or purchase of a BMR unit. See Section 14, Table A, for income eligibility limits, which may be updated by City staff from time to time for the current year.

- All persons included as members of the household currently live together in a residence that is their primary home. Applicant households may submit applications and, if eligible, will be placed on the numbered BMR waiting list in the order in which their applications were received.
- In accordance with Section 6.4, all members of the household must be first time homebuyers.

**7.2 Waiting List Management.** BMR units available for rent or purchase are offered to households on the BMR waiting list in the order in which the waiting list applications were received.

**7.2.1 Annual affirmation of continued interest in remaining on the BMR waiting list.** On an annual basis, all households on the BMR waiting list will be required to confirm their continued interest in remaining on the list. At or around the same time each year, the City's BMR ~~Housing Program program~~ provider will mail and/or email annual update forms/applications to all current households on the waiting list. Households on the waiting list that wish to remain on the list are asked to complete the form and return it to the City's BMR ~~Housing Program program~~ provider within a specified period of time (usually about one month) with a \$10 annual fee for processing. Households who do not respond by completing and returning the forms and the fee by the specified deadline, or whose mail is returned undeliverable to the City's BMR ~~Housing Program program~~ provider or who otherwise cannot be reached, shall be removed from the BMR waiting list. This does not exclude households removed from the waiting list from re-applying to the list, to be added to the bottom of the list in accordance with normal procedures.

**7.2.2 Complete One-Time Pre-Purchase Homebuyer Education for Households That Would Like to Purchase a BMR Unit.** For households that indicate they would like to purchase BMR units, after households are placed on the BMR waiting list and before receiving offers to purchase BMR properties, all adult applicants/household members must complete a one-time homebuyer education workshop, class, or counseling session, per Section 6.5.

**7.2.3** When a BMR unit is offered for purchase or rent, applicants must enter into a purchase agreement or lease within a defined, reasonable period of time. If an applicant fails to do so, the BMR unit will be offered to the next eligible applicant on the waiting list. The City of Menlo Park reserves the right to establish other criteria to give preference to certain categories of eligible participants on the waiting list.

**7.2.4** A tenant of a BMR rental unit who is required to vacate the BMR rental unit due to its conversion to a BMR for sale unit, shall have first priority for vacant BMR rental units for which the tenant is eligible and qualifies for two ~~(2)~~ years from the expiration of the lease, regardless of the place of residence of the displaced tenant.



**7.2.5 Preference for Handicap Accessible Units for Bona Fide Wheelchair Users.** If the BMR unit is wheelchair accessible, then bona fide wheelchair users on the BMR waiting list who are otherwise eligible for the BMR unit, including by household size and income, will receive preference over other applicants, and the BMR unit will be offered to the bona fide wheelchair users in the order that their applications were received.

**7.2.6** Households who are current BMR homeowners are eligible to place their name on the BMR waiting list and to purchase a smaller or larger home needed due to changes in their household size or family needs, such as for a handicapped accessible unit.

## **8. THE BMR UNIT PURCHASE PROCESS: BUYER SELECTION AND SALE PROCEDURES**

### **8.1 New Units and Condominium Conversions.**

**8.1.1** The participating developer informs the City or its designee in writing that the BMR unit has received its final building inspection and that the BMR unit is ready for sale and occupancy. "The City" shall mean the City Manager, or his or her designee.

**8.1.2** City of Menlo Park staff or the City's BMR Housing Program ~~program~~-provider inspects the BMR unit. After approval of the unit, the City or the City's BMR Housing Program ~~program~~-provider writes a certifying letter that states the BMR unit meets the BMR Housing Program's requirements and satisfies the BMR Agreement's provisions. The certifying letter will also state the price for the BMR unit. The price for the BMR unit will be determined based on the information described in the next three sections.

**8.1.3** The City or its designee obtains necessary information for determining the price of the BMR unit. These include, but may not be limited to, the estimated tax figures from the developer and the County Assessor, as well as Homeowner's Association dues, Covenants, Conditions and Restrictions, and insurance figures from the developer. Also included will be all associated Homeowner Association documentation.

**8.1.4** Household size and income qualifications are established. In households in which an adult holds ~~fifty percent (50%)~~ or more custody of a minor child or children through a legally binding joint custody settlement, each such child shall count as a person in determining the household size.

**8.1.5** The City or its designee determines the maximum price of the BMR unit based on an income up to ~~one hundred ten percent (110%)~~ of the San Mateo County AMI median income-for the smallest household size eligible for the BMR unit (excluding two-bedroom units, which are based on income for a two person household), monthly housing costs including current mortgage rates, insurance costs,

homeowners' dues, taxes, closing costs and any other consideration of costs of qualifying for a first mortgage and purchase of the BMR unit. See Section 14, Table A, for income eligibility limits ~~for the current year, which may be updated by City staff from time to time~~. When these documents and the information described in this and preceding sections have been received, the City will provide the developer with a certifying letter in which the City states the price for the BMR unit, accepts the BMR unit as available for purchase and the purchase period will commence.

**8.1.6** If there is a standard pre-sale requirement by the BMR applicant's lender for a certain percentage of units in the project to be sold before the BMR applicant's lender will close, then the time for the City's purchase or the buyer's purchase will be extended until that requisite number of units has closed.

**8.1.7** The City may retain a realtor to facilitate the sale of the property.

**8.1.8** Contact is established between the City or its designee and the developer's representative to work out a schedule and convenient strategy for advertisements, if needed, when the units will be open for viewing, and for when the interested applicants may obtain detailed information about the units.

**8.1.9** All marketing and sales procedures for BMR units must be approved by the City and will be subject to review on a periodic basis for compliance.

**8.1.10** An information packet and application forms are designed and duplicated by the City or its designee. The developer provides information about the unit, including a floor plan of the unit and of the building showing the location of the unit, dimensions, appliances, amenities, and finishes.

**8.1.11** The City or the City's BMR ~~Housing Program program~~ provider holds an application orientation meeting(s). Households on the waiting list with the lowest numbers are contacted and invited to attend the orientation meeting(s). Only households that are eligible by household size and have completed the one-time pre-purchase education requirement are contacted and invited to attend the orientation. Applications to purchase BMR units can only be obtained by attending an application orientation meeting. At the meeting, potential applicants are provided with the following information:

- A detailed description of the BMR ~~Housing Program program~~, including the rights, restrictions, and responsibilities of owning a BMR ~~homeunit~~.
- A complete description of the property or properties being offered for sale including buyer eligibility requirements, the purchase price, home owner association costs (if any), estimated property taxes, and home features.
- An overview of the home loan application process and description of necessary costs including down payment (if required), closing costs, real estate taxes, and mortgage insurance.

- A description of the BMR and home loan approval process. Potential applicants are informed they must work with one of the program's approved mortgage providers. Per the City's discretion the potential applicants are also informed of the kinds of acceptable mortgage financing, and also of mortgage financing not allowed at that time (for instance negative amortizing loans).
- Based on the purchase price, estimates are provided on the minimum annual income required to purchase, as well as possible monthly housing costs including principal and interest, property taxes, and insurance payments.
- A step-by-step explanation of the BMR purchase application. If there are several sizes of units for which applicants may be eligible, applicants are instructed where to indicate their unit size preferences.

Potential applicants are invited to ask questions. Meeting attendees are invited to sign up to tour the property or properties for sale. Attendees are given applications and a reasonable deadline to submit their completed applications.

**8.1.12** Completed applications are submitted to the City or its designee along with income and asset verifications.

**8.1.13** When the application period closes, the City or its designee reviews the completed applications. The complete, eligible, qualifying applications are ranked in order by BMR waiting list numbers and/or other criteria established by the City. The complete applications with the lowest numbers, and meeting other qualifying criteria for each unit, if any, are selected, and the households that submitted them are notified of the opportunity to purchase the BMR unit, in the order of their numbers on the BMR waiting list. They are invited to an orientation meeting.

**8.1.14** If the leading applicant for a unit fails to contact the developer, provide a deposit, or obtain appropriate financing within the period of time specified in the notification letter, the City or its designee will contact the next household on the list.

**8.1.15** The City of Menlo Park or its designee submits to the title insurance company the Grant Deed, BMR Agreement and Deed Restrictions, and Request for Notice to be recorded with the deed to the property.

**8.1.16** The developer shall be free to sell a BMR unit without restriction as to price or qualification of buyer if all of the following criteria are met, unless the BMR applicant's lender has a loan condition that a specific number of units in the development must be sold before the loan can be approved: (1) the City and the developer are unable to obtain a qualified buyer within six ~~(6)~~ months after the City has provided written notice both certifying that the unit is available for purchase and setting the price for the BMR unit, (2) the City or its designee does not offer to purchase the BMR unit within said six ~~(6)~~ months period, and complete said purchase within not

more than ~~sixty (60)~~ days following the end of the six ~~(6)~~-month period, (3) the developer has exercised reasonable good faith efforts to obtain a qualified buyer. A qualified buyer is a buyer who meets the eligibility requirements of the BMR Housing Program and who demonstrates the ability to complete the purchase of the BMR unit. Written notice of availability shall be delivered to the City Manager, City of Menlo Park, 701 Laurel Street, Menlo Park, CA 94025. Separate written notice of availability shall also be delivered to the City Manager, City of Menlo Park, 701 Laurel Street, Menlo Park, CA 94025.

## 9. OCCUPANCY REQUIREMENTS FOR OWNER-OCCUPIED BMR UNITS

**9.1 Primary Residence.** The owners listed on title to the BMR property must occupy it as their primary residence and remain in residence for the duration of the Deed Restrictions (~~fifty-five~~55 years). Occupancy is defined as a minimum stay of ~~ten-10~~ months in every ~~twelve-12~~ month period. BMR owners may not terminate occupancy of the BMR property and allow the property to be occupied by a relative, friend, or tenant. Failure of the purchaser to maintain a homeowner's property tax exemption shall be construed as evidence that the BMR property is not the primary place of residence of the purchaser. As necessary, the City may request that BMR owners provide evidence that their units are currently occupied by them as their primary residences. Examples of such evidence may include current copies of any of the following: homeowner's insurance, car/vehicle registration, and utility bills.

**9.2 Refinancing and BMR Valuations.** BMR owners may refinance the debt on their property at any time following purchase, however, they must contact the City's designated BMR Housing Program program-provider first, prior to a refinance or equity line. The City's BMR ~~contractor~~Housing Program provider will provide the owner with clear instructions to ensure program compliance. At that time and at any other time the owner requests it, the BMR ~~contractor~~Housing Program provider will provide the owner and/or the lender with the current BMR value of the home, in accordance with the formula specified in the ~~BMR~~-Deed Restrictions. Only the City's BMR ~~contractor~~Housing Program provider can determine the appraised value of a BMR ~~property-unit~~ and it is the owner's responsibility to inform their lender that the property is a BMR ~~propertyunit~~. BMR owners are not allowed to take out loans against their property that exceed the BMR value of the home. There is a fee for refinancing a BMR ~~home-unit~~ that is set by the City's BMR Housing ~~contractor~~Program provider.

**9.3 Transfers of Title.** Prior to adding an additional person to title or transferring title to the BMR ~~propertyunit~~, BMR owners must contact the City for clear instructions to ensure program compliance.

The following transfers of title are exempt from the City's right of first refusal and do NOT re-start the fifty-~~five (55)~~ year deed restriction clock:

- Transfer by devise or inheritance to the owner's spouse.

- Transfer of title by an owner's death to a surviving joint tenant, tenant in common, or a surviving spouse of community property (that is, another owner already on title).
- Transfer of title to a spouse as part of divorce or dissolution proceedings.
- Transfer of title or an interest in the property to the spouse in conjunction with marriage.

Transfers by devise or inheritance (such as to a child or other family member), are permitted under certain terms and conditions identified in the ~~BMR-Deed Restrictions~~. These kinds of transfers must first be reviewed and approved by the City or the ~~BMR Housing Program provider~~~~program contractor~~. If the person inheriting the property meets the following terms and conditions, then that person may take title, assume full ownership, and reside in the BMR unit. This would then restart the ~~fifty-five (55)~~ year deed restriction clock. If the person inheriting the property does NOT meet the following terms and conditions they may still inherit the property but are not allowed to live there. In such case, the inheriting party must sell the property and shall be entitled to receive any proceeds from the sale after payment of sales expenses and all liens against the property. The property would then be sold by the City through the ~~BMR Housing~~ Program to an eligible, qualified household on the BMR waiting list.

For transfers of title by devise or inheritance, the inheriting party (Transferee) must meet the following terms and conditions in order to live in the BMR unit:

- Transferee shall occupy, establish and maintain the property as the Transferee's primary residence.
- The Transferee must meet all current eligibility requirements for the ~~BMR Housing~~ Program, as identified at the time of transfer in the BMR Guidelines.
- The Transferee must sign a new BMR ~~Deed Restrictions~~-Agreement and Deed Restrictions for the property. This restarts the ~~fifty-five (55)~~ year clock.

## 10. PROCESS FOR RESALE OF BMR UNITS

**10.1** The seller notifies the City by certified mail that he/she wishes to sell the unit. The City notifies its designee, if applicable. The unit must be provided in good repair and salable condition, or the cost of rehabilitating the unit will be reimbursed to the City out of the proceeds of the sale. The definition of "salable condition" for any given unit shall be provided on a case-by-case basis following the City's inspection of the unit, and shall be at the discretion of the City Manager or his/her designee. "Salable condition" shall refer to the general appearance, condition, and functionality of all: flooring; painted surfaces; plumbing, heating, and electrical systems; fixtures; appliances; doors; windows; walkways; patios; roofing; grading; and landscaping. In

addition for each unit, the City reserves the right to withhold the cost of having it professionally cleaned from the seller's proceeds. Once cleaning is complete, the seller will be refunded any difference between the amount withheld and the actual cost to clean the unit.

**10.2** When the seller notifies the City or the City's BMR Housing Program provider~~contractor~~, and it has been determined that the unit is in good repair and salable condition, and the City has set the price for the BMR unit, then the City or the City's BMR ~~contractor~~Housing Program provider will state in writing that the ~~one-hundred and eighty day~~ (180) day period for completing the sale of the BMR unit shall commence. The price will be set using information in Sections 10.3 through 10.6 below.

**10.3** The City or its designee obtains an appraisal made to ascertain the market value of the unit, giving consideration to substantial improvements made by the seller, if needed.

**10.4** The City or its designee obtains figures for homeowners' dues, insurance, and taxes from the seller.

**10.5** The City or its designee checks major lending institutions active in this market to ascertain current mortgage information (prevailing interest rates, length of loans available, points, and minimum down payments). Monthly housing costs are estimated.

**10.6** The City or its designee establishes a sales price, based on the original selling price of the unit, depreciated value of substantial improvements made by the seller, and 1/3 of the increase in the cost of living index for the Bay Area. The selling price is established for the unit at the appraised market value or the computed price whichever is the lower.

**10.7** The City retains a realtor to facilitate the sale of the property.

**10.8** Agreement is reached between seller and the City or its designee for a schedule of open houses for the unit, at the seller's convenience.

**10.9** The procedure continues the same as in Sections 8.1.7 – 8.1.16 above, with the seller substituted for the developer.

**10.10** The City or its designee submits to the title insurance company the Grant Deed, BMR Agreement and Deed Restrictions, and Request for Notice and the seller's release from the ~~old previous Deed Restrictions~~deed restrictions, to be recorded with the new deed to the property.

## **11. REQUIREMENTS FOR BMR RENTAL DEVELOPMENTS**

### **11.1 Income and Rent Standards.**

**11.1.1 Income Limits upon Occupancy of BMR Rental Units.** Unless otherwise approved by the Planning Commission or City Council in the BMR Housing Agreement for the proposed project, only households having gross incomes at or below ~~the~~ Low Income for San Mateo County, adjusted for household size, are eligible to occupy BMR rental units, either when initially rented or upon filling any subsequent vacancy. See Section 14, Table A (Below Market Rate Household Income Limits), which may be updated by City staff from time to time. Any variation in the affordability mix to assist the City in meeting its Regional Housing Needs Assessment (including very ~~low~~, low or moderate income households) shall require a finding by the approving body that the mix is roughly equivalent to the provision of all of the affordable units at the low income level.

**11.1.2 BMR Rent.** BMR units may be rented for monthly amounts not exceeding thirty percent (30%) of the income limit for extremely low, very low, subsidized low, low or moderate income households adjusted for occupancy. The number of occupants used to calculate the maximum monthly housing cost limits for BMR rental units will be the minimum occupancy for the unit size as identified in Table C sixty (60%) of median household income limits for City subsidized projects and thirty percent (30%) of income limits for non-subsidized private projects, minus eligible housing costs. In no case shall the monthly rental amounts for BMR units ~~(subsidized or unsubsidized)~~ exceed 75% of comparable market rate rents. The maximum rental amounts are listed in Section 14, Table B, (Maximum Monthly Housing Cost Limits for BMR Rental Units-), which may be updated by City staff from time to time. BMR rents may be adjusted from time to time to reflect any changes to the then current Income limits.

For purposes of these BMR Guidelines, monthly housing cost means the total of monthly payments actually made by the household for (a) use and occupancy of each BMR unit and land and facilities associated therewith, (b) any separately charged fees or service charges which are required of all households, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, and which are not paid directly by the household, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone service, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity.

**11.1.3 Tenant Selection and Certification Procedures.** Priority for occupancy of all BMR rental units shall be given to those eligible households who either live or work in the City of Menlo Park. During the ~~fifteen (15)~~ day period following the date the City and its designee receive notification from the owner (or owner's agent) of an impending availability or vacancy in a BMR rental unit, priority for occupancy of that unit, when available, shall be given to eligible households on the Waiting List, on a first-come, first-served basis. The selected household shall be allowed up to ~~thirty (30)~~ days to move into the unit after it is ready for occupancy.

If no qualified household living or working in Menlo Park is available to occupy the vacated unit as aforesaid, the owner shall be free to rent the BMR unit to any other eligible BMR tenant.

**11.1.4 BMR Waiting List.** The qualifications of BMR rental tenants will be independently verified by the City or its designee. The City of Menlo Park or the City's designee shall maintain the waiting list for BMR rental units.

**11.1.5 One-Year Lease Offer.** Each BMR tenant shall be offered the opportunity to enter into a lease, which has a minimum term of one (1)-year. Such offer must be made in writing. If the tenant rejects the offer, such rejection must also be in writing. A lease may be renewed upon the mutual agreement of both parties.

**11.1.6 Vacation of Units and Re-Renting.** When a BMR tenant vacates, the owner must provide notice to the City, and re-rent the unit to a qualified BMR tenant in accordance with these BMR Guidelines and the BMR Housing Affordability Restriction Agreement for the unit.

**11.1.7 Annual Recertification of BMR Units.** The City of Menlo Park or the City's BMR ~~contractor~~ Housing Program provider will recertify annually, by procedures to be established in the BMR Housing Affordability Restriction Agreement, the provision of BMR rental units as agreed at the time of application for the permit. If, at the time of recertification, for two consecutive years, a ~~T~~Tenant's household income exceeds the eligibility requirements set forth in the BMR Guidelines ("Ineligible Tenant"), the Ineligible Tenant shall no longer be qualified to rent the BMR unit and the ~~L~~Lease shall provide that the ~~L~~Lease term shall expire and the ~~t~~tenant shall vacate the BMR unit on or prior to ~~sixty (60)~~ days after delivery of a notice of ineligibility by the property manager or City or City's designee to the ~~t~~tenant. Upon expiration of the ~~L~~Lease term pursuant to the foregoing, if the ~~t~~tenant has not vacated the BMR unit as required, the property manager shall promptly take steps to evict the Ineligible Tenant and replace the BMR unit with an ~~E~~Eligible ~~t~~tenant as soon as reasonably possible.

**11.1.8 Annual Report.** On an annual basis on or before July 1 of each year, the ~~d~~developer or subsequent owner shall submit a report (the "Annual Report") to the City which contains, with respect to each BMR unit, the name of the ~~e~~eligible ~~t~~tenant, the rental rate and the income and household size of the occupants. The Annual Report shall be based on information supplied by the ~~t~~tenant or occupant of each BMR unit in a certified statement executed yearly by the ~~t~~tenant on a form provided or previously approved by the City or designee. Execution and delivery thereof by the ~~t~~tenant may be required by the terms of the ~~L~~Lease as a condition to continued occupancy at the BMR rate. In order to verify the information provided, City shall have the right to inspect the books and records of ~~D~~Developer and its rental agent or bookkeeper upon reasonable notice during normal business hours. The Annual Report shall also provide a statement of the owner's management policies, communications with the tenants and maintenance of the BMR unit, including a statement of planned repairs to be made and the dates for the repairs.



## 12. EQUIVALENT ALTERNATIVES

Nothing set forth herein shall preclude the City from approving reasonably equivalent alternatives to these BMR Guidelines, including, but not limited to, in lieu fees, land dedication, off-site construction or acquisition and rehabilitation of units. Additionally, the City reserves the right to approve reasonably equivalent alternatives to the characteristics of the proposed BMR units and the affordability mix. Any modifications to these guidelines shall be approved by the City in writing and shall contain findings— that the alternative is commensurate with the applicable guideline requirement and is consistent with the goals of the BMR Guidelines~~guidelines'~~ ~~goals~~.

## 13. BELOW MARKET RATE HOUSING FUND (“BMR FUND”) AND SEVERABILITY CLAUSE

**13.1 Purpose.** The City of Menlo Park ~~Below Market Rate~~ BMR Housing Fund is a separate City fund set aside for the specific purpose of assisting the development of housing that is affordable to very low, low and moderate -income households. The BMR Housing Fund is generated by such income as in-lieu fees. All monies contributed to the BMR Housing Fund, as well as repayments and interest earnings accrued, shall be used solely for this purpose, subject to provisions set forth below.

**13.2 Eligible Uses.** The BMR Housing Fund will be used to reduce the cost of housing to levels that are affordable to very low, low and moderate -income households, as defined in the Housing Element of the City's General Plan. A preference will be given to assisting development of housing for households with minor children; however, this preference does not preclude the use of funds for other types of housing affordable to households with very low, low and moderate - incomes.

**13.3 Eligible Uses in Support of Very Low -, Low - and Moderate -Income Housing Development.** The BMR Housing Fund may be used for, but is not limited, to the following:

- Provision of below market rate financing for homebuyers.
- Purchase of land or air rights for resale to developers at a reduced cost to facilitate housing development for very low, low or moderate -income households.
- Reduction of interest rates for construction loans or permanent financing, or assistance with other costs associated with development or purchase of very low, low or moderate -income housing.
- Rehabilitation of uninhabitable structures for very low, low or moderate - income housing.

- On-site and off-site improvement costs for production of affordable housing.
- Reduction of purchase price to provide units that are very low, low or moderate cost.
- Rent subsidies to reduce the cost of rent for households with limited incomes.
- Emergency repair and/or renovation loan program for BMR owners of older units.
- Loan program to assist BMR condominium owners who have no other way to pay for major special assessments.
- City staff time and administrative costs associated with implementation of the BMR Housing Program program.

**13.4 Procedures.** Requests for use of BMR Housing Fund money shall be submitted to staff for review and recommendation to the City Council. A request for funding shall provide the following minimum information:

- A description of the proposal to be funded and the organizations involved in the project. Public benefit and relevant Housing Element policies and programs should be identified.
- Amount of funding requested.
- Identification of the number of very low, low and moderate -income households to be assisted and the specific income range of those assisted.
- Reasons why special funding is appropriate.
- Identification of loan rate, financial status of applicants, and source of repayment funds or other terms.
- Identification of leverage achieved through City funding.

**13.5 Annual Report.** At the close of each fiscal year, City staff shall report on activity during the previous year (deposits and disbursements) and available funds. The City's auditor shall periodically examine this report and all other BMR Housing Fund financial records, and shall report the results of this examination. In addition, City staff shall report annually on activities assisted by monies from the BMR Housing Fund. The report will review how the program is serving its designated purpose. It will include a discussion of the timely use of funds for actions taken to provide Below Market Rate-BMR housing units, a review of management activities, and staff

recommendations for policy changes to improve the program's performance. In addition, it will provide, for each activity, information corresponding to that required of funding requests listed above in Section 13.4.

**13.6 Severability Clause.** If any one or more of the provisions contained in the ~~Below Market Rate Housing Program~~ BMR Guidelines shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, then such provisions shall be deemed severable from the remaining provisions contained in the BMR Guidelines, and the BMR Guidelines shall be construed as if such invalid, illegal or unenforceable provision(s) had never been contained herein.

**13.7 Administrative Updates.** Future updates to tables in Section 14 may be made annually without City Council approval when data becomes available from the appropriate state and federal agencies.

## 14. TABLES

**Table A**

**Below Market Rate Household Income Limits**

<i>Household Size</i>	<i>HUD &amp; State Very Low</i>	<i>60% of Median</i>	<i>HUD &amp; State Low</i>	<i>Median</i>	<i>110% of Median</i>	<i>120% of Median</i>
1	46,100	48,420	73,750	80,700	88,770	96,840
2	52,650	55,350	84,300	92,250	101,475	110,700
3	59,250	62,250	94,850	103,750	114,125	124,500
4	65,800	69,180	105,350	115,300	126,830	138,360
5	71,100	74,700	113,800	124,500	136,950	149,400
6	76,350	80,250	122,250	133,750	147,125	160,500
7	81,600	85,770	130,650	142,950	157,245	171,540
8	86,900	91,320	139,100	152,200	167,420	182,640

Source: Based on median income for a household of four persons as reported in the Income Guidelines for San Mateo County published by the Department of Housing and Community Development Division of Housing Policy Development for 2017.

<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/inc2k17.pdf>

<i>Household Size</i>	<i>Extremely Low (30% AMI)</i>	<i>Very Low (50% AMI)</i>	<i>City Subsidized Low (60% AMI)</i>	<i>Low (80% AMI)</i>	<i>Area Median Income (100% AMI)</i>	<i>Moderate (110% AMI)</i>
1	27,650	46,100	55,320	73,750	80,700	88,770
2	31,600	52,650	63,180	84,300	92,250	101,475
3	35,550	59,250	71,100	94,850	103,750	114,125
4	39,500	65,800	78,960	105,350	115,300	126,830
5	42,700	71,100	85,320	113,800	124,500	136,950
6	45,850	76,350	91,620	122,250	133,750	147,125
7	49,000	81,600	97,920	130,650	142,950	157,245
8	52,150	86,900	104,280	139,100	152,200	167,420

Source: Based on median income for a household of four persons as reported in the Income Guidelines for San Mateo County published by the Department of Housing and Community Development Division of Housing Policy Development for 2017.

<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/inc2k17.pdf>

**Table B**

**Maximum Monthly Housing Cost\* Limits for BMR Rental Units\*\***

<u>Unit Size</u>	<u>Extremely Low (30% AMI)</u>	<u>Very Low (50% AMI)</u>	<u>City Subsidized Low (60% AMI)</u>	<u>Low (80% AMI)</u>	<u>Area Median Income (100% AMI)</u>	<u>Moderate Income (110% AMI)</u>
<u>Studio***</u>	<u>605****</u>	<u>1,008</u>	<u>1,210</u>	<u>1,613</u>	<u>1,765</u>	<u>1,942</u>
<u>1</u>	<u>691</u>	<u>1,153</u>	<u>1,383</u>	<u>1,844</u>	<u>2,018</u>	<u>2,219</u>
<u>2</u>	<u>790</u>	<u>1,316</u>	<u>1,580</u>	<u>2,108</u>	<u>2,306</u>	<u>2,537</u>
<u>3</u>	<u>889</u>	<u>1,481</u>	<u>1,778</u>	<u>2,371</u>	<u>2,594</u>	<u>2,853</u>
<u>4</u>	<u>988</u>	<u>1,645</u>	<u>1,974</u>	<u>2,634</u>	<u>2,883</u>	<u>3,171</u>

\* Monthly housing cost means the total of monthly payments actually made by the household for (a) use and occupancy of each BMR unit and land and facilities associated therewith, (b) any separately charged fees or service charges which are required of all households, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, and which are not paid directly by the household, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone service, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity.

\*\*Maximum monthly housing cost limit for rental units calculated by taking 30% of the annual income limit for each income category based on number of occupants which is determined based upon the minimum number of persons per unit identified in Table C and dividing by twelve (12) monthly.

\*\*\*Studio and one-bedroom units both have a minimum occupancy of one individual. To adjust for unit size, the housing cost limit for a studio is reduced by twelve and one-half percent (12.5%) from the one-bedroom.

\*\*\*\*All numbers in the chart are rounded to the nearest whole number.

<b>Table B</b>		
<b>Maximum Monthly Housing Cost Limits for BMR Rental Units</b>		
<u>Unit Size</u>	<u>30% of 60% of Median</u>	<u>30% of HUD &amp; State Low</u>

Studio	1,211		1,844
1	1,384		2,108
2	1,556		2,371
3	1,730		2,634
4	1,868		2,845
5	-	2,006	-
			3,056

**Table C**

**Table C**

**Occupancy Standards**

Occupancy of BMR units shall be limited to the following:

<u>Unit Size</u>	<u>Number of Persons</u>	
	<u>Minimum</u>	<u>Maximum</u>
Studio	1	2
1	1	4
2	2	5
3	3	7
4	4	9

Note: Smallest household size for purposes of determining the maximum rental amount shall be one (+) person per bedroom or studio. The City Manager or his/her designee has the discretion to vary the persons per unit for unusually large units, not to exceed one (+) person per bedroom, plus one (+).

**Table D**

**Commercial In-Lieu Fees for 2017-18**

<b>Group A</b> uses are Research & Development and Office.	Fee: \$16.90 per square foot of gross floor area.
--	---

<b>Group B</b> uses are all other Commercial Uses not in Group A.	Fee: \$9.17 per square foot of gross floor area.
---	--

Commercial In-Lieu Fees are adjusted annually on July 1.

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## STAFF REPORT

### City Council

Meeting Date:

4/17/2018

Staff Report Number:

18-074-CC

Consent Calendar:

**Adopt Resolution No. 6431 accepting dedication of a public access easement for the 1275 El Camino Real project**

### Recommendation

Staff recommends that the City Council adopt Resolution No. 6431 accepting the dedication of a public access easement from 1275 LLC.

### Policy Issues

In order for the access easement to become public, it must be accepted by the City Council. The easement will be dedicated to the public as part of the parcel map for the project. City Council authorization is required to allow the city clerk to sign the parcel map. The acceptance of the access easement is consistent with the approved conditions of approval for the 1275 El Camino Real project.

### Background

On September 12, 2016, the Planning Commission approved the architectural control and use permit for a new three-story mixed-use development consisting of 589 square feet of commercial space on the first floor, 9,066 square feet of nonmedical office space on the second floor and three residential units totaling 6,893 square feet on the third floor. The parcel map is for condominium purposes in which the nonresidential uses on the first two floors will be a single-condominium unit and the three residential units will be condominium units for a combined total of four condominium units.

### Analysis

The project site is located at 1275 El Camino Real between the intersections of Valparaiso/Glenwood Avenue and Oak Grove Avenue. The subject parcel is located in the El Camino Real/Downtown Specific Plan (Specific Plan) zoning district. The Specific Plan specifies that the sidewalk along the property frontage should have a 12-foot total width, made up of a four-foot furnishings zone and an eight-foot clear walking zone. A portion of the sidewalk would extend onto the subject property.

The architectural control and use permit approval for the project required the applicant to dedicate public access easement along the property frontage to accommodate the full 12-foot wide sidewalk (as measured from back of curb) along the frontage of 1275 El Camino Real. The width of the public access easement is 4 feet and the total area of the easement is approximately 407 square feet.

### **Impact on City Resources**

The staff time associated with review and acceptance of the easement dedications and access agreement are recoverable through fees collected from the applicant.

### **Environmental Review**

The acceptance of the dedication of the public access easement is categorically exempt under class 1 of the current State of California Environmental Quality Act 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.

### **Attachments**

- A. Resolution No. 6431
- B. Parcel map showing the public access easement

Report prepared by:  
Shaun Mao, Associate Civil Engineer

**RESOLUTION NO. 6431**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
ACCEPTING A PUBLIC ACCESS EASEMENT FROM 1275 LLC (1275 EL  
CAMINO REAL)**

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 therefor,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby accept the public access easement from 1275 LLC (1275 El Camino Real) as shown in Exhibits A and B.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said City Council on this seventeenth day of April, 2018, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this seventeenth day of April, 2018.

---

Judi A. Herren, City Clerk

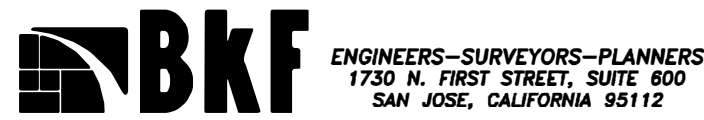
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# PARCEL MAP FOR CONDOMINIUM PURPOSES 1275 EL CAMINO REAL

CONSISTING OF 2 SHEETS

\*\*\*\*\*  
PORTION OF LOTS 6 & 8, BLOCK LETTERED "A", AS DESIGNATED ON THE MAP ENTITLED "PARAISO 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 NOVEMBER 15, 1921 IN BOOK 10 OF MAPS AT PAGES 50 AND 51

\*\*\*\*\*  
LYING ENTIRELY WITHIN THE  
CITY OF MENLO PARK, SAN MATEO COUNTY, CALIFORNIA  
\*\*\*\*\*  
DATE: MARCH 2018

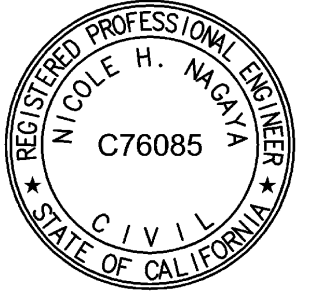


### CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF CHAPTER 2 OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE VESTING TENTATIVE PARCEL MAP, HAVE BEEN COMPLIED WITH.

DATE \_\_\_\_\_

\_\_\_\_\_  
NICOLE H. NAGAYA, R.C.E. 76085  
ASSISTANT PUBLIC WORKS DIRECTOR  
CITY OF MENLO PARK



### CITY SURVEYOR'S STATEMENT

I, MICHAEL J. MIDDLETON, CITY SURVEYOR OF CITY OF MENLO PARK, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP, AND I AM SATISFIED THAT THE SURVEY DATA SHOWN THEREON IS TECHNICALLY CORRECT.

DATE \_\_\_\_\_

\_\_\_\_\_  
MICHAEL J. MIDDLETON  
R.C.E. 29485  
SURVEYOR, CITY OF MENLO PARK



### CITY CLERK'S STATEMENT

I, JUDI A. HERREN, CITY CLERK AND EX-OFFICIO CLERK OF THE CITY COUNCIL OF MENLO PARK, STATE OF CALIFORNIA HEREBY CERTIFY THAT SAID COUNCIL BY RESOLUTION ADOPTED AT A REGULAR MEETING ON THE DAY OF \_\_\_\_\_ 20\_\_\_\_, DID (DULLY APPROVE THE WITHIN MAP AND SUBDIVISION AND DID) ACCEPT ON BEHALF OF THE PUBLIC, ALL PARCELS OF LAND OFFERED FOR DEDICATION FOR PUBLIC USE.

DATE \_\_\_\_\_

\_\_\_\_\_  
Judi A. Herren  
City Clerk of the City of Menlo Park

### COUNTY RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_, AT \_\_\_\_\_ M.

IN BOOK \_\_\_\_\_ OF PARCEL MAPS, AT PAGES \_\_\_\_\_ AND \_\_\_\_\_

AT THE REQUEST OF BKF ENGINEERS.

SERIES NO. \_\_\_\_\_ MARK CHURCH, COUNTY RECORDER

FEE: \$ \_\_\_\_\_ BY: \_\_\_\_\_ DEPUTY

### OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP; AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY; AND THAT WE HEREBY CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER.

WE ALSO HEREBY DEDICATE TO PUBLIC USE, PUBLIC ACCESS EASEMENT FOR PEDESTRIAN INGRESS AND EGRESS OVER AND ACROSS THOSE PORTIONS OF LAND DESIGNATED AND DELINEATED AS "P.A.E." (PUBLIC ACCESS EASEMENT). SAID EASEMENT AREA IS TO BE KEPT OPEN AND FREE FROM BUILDING STRUCTURES OF ANY KIND EXCEPT LAWFUL FENCES, SURFACE PAVEMENT, LAWFUL UNSUPPORTED ROOF OVERHANGS, IRRIGATION SYSTEMS, UTILITY COMPANY STRUCTURES AND APPURTENANCES THEREOF.

AS OWNERS:

1275 LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_  
SEAN CORRIGAN  
ITS MANAGER

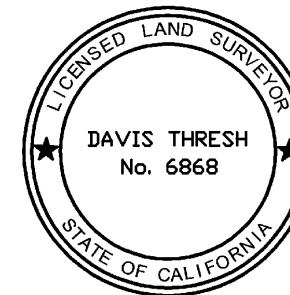
BY: \_\_\_\_\_  
ERIK CORRIGAN  
ITS MANAGER

### SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF 1275 LLC, ON JUNE 14, 2017. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

DATE \_\_\_\_\_

\_\_\_\_\_  
DAVIS THRESH  
P.L.S. NO. 6868



### OWNER ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF \_\_\_\_\_ )SS.  
COUNTY OF \_\_\_\_\_ )

ON \_\_\_\_\_ 20 \_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC,

PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

NOTARY'S SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

COMMISSION No.: \_\_\_\_\_

COMMISSION EXPIRATION DATE: \_\_\_\_\_

# PARCEL MAP FOR CONDOMINIUM PURPOSES 1275 EL CAMINO REAL

CONSISTING OF 2 SHEETS

\*\*\*\*\*  
PORTION OF LOTS 6 & 8, BLOCK LETTERED "A", AS DESIGNATED ON THE MAP ENTITLED "PARAISO 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 NOVEMBER 15, 1921 IN BOOK 10 OF MAPS AT PAGES 50 AND 51

LYING ENTIRELY WITHIN THE  
CITY OF MENLO PARK, SAN MATEO COUNTY, CALIFORNIA

DATE: MARCH 2018



## BASIS OF BEARINGS

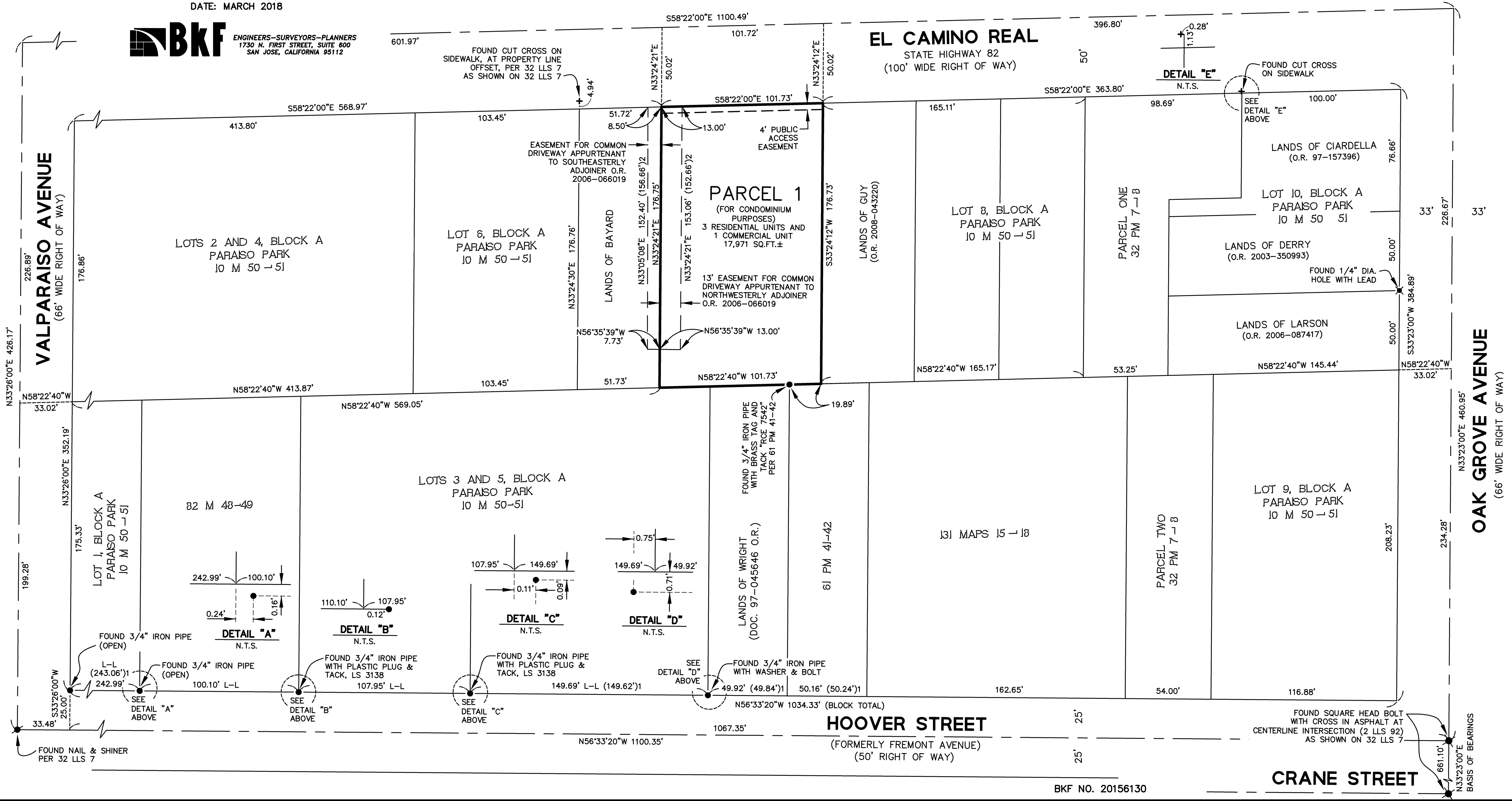
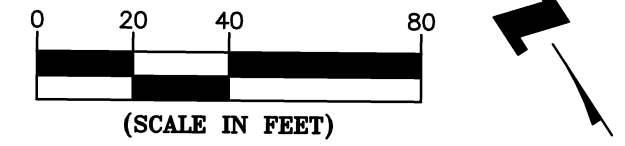
THE BEARING NORTH 33°23'00" EAST OF THE CENTERLINE OF OAK GROVE AVENUE, BETWEEN FOUND MONUMENTS AT HOOVER STREET AND CRANE STREET, AS SAID BEARING IS SHOWN ON THAT CERTAIN RECORD OF SURVEY, FILED FOR RECORD ON AUGUST 13, 2008 IN BOOK 32 OF LLS MAPS AT PAGE 7, SAN MATEO COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

## NOTES

1. ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. THE DISTINCTIVE BORDER LINE INDICATES THE BOUNDARY OF THE LAND SUBDIVIDED BY THIS MAP AND CONTAINS A MERGED AREA OF 17,971 SQUARE FEET, MORE OR LESS.

## LEGEND

- FOUND SQUARE HEAD BOLT WITH CROSS IN ASPHALT AT CENTER LINE INTERSECTION (2 LLS 92)
- FOUND IRON PIPE AS NOTED
- FOUND NAIL & SHINER AS INDICATED
- DISTINCTIVE BOUNDARY LINE
- LOT LINE
- EASEMENT LINE
- CENTER LINE
- P.U.E. (1)
- P.U.E. (2)
- PUBLIC UTILITY EASEMENT LOT LINE TO LOT LINE
- RECORD DATA PER RS NO. 1743 32 MAPS 7
- RECORD DATA PER DEED O.R. 2006-066019



BKF NO. 20156130



## STAFF REPORT

### City Council

Meeting Date:

4/17/2018

Staff Report Number:

18-076-CC

### Public Hearing:

**Receive input on the final five-district map and election sequencing and introduction and first reading of an Ordinance No. 1044 amending municipal code Chapter 2.04, City Council, of Title 2, administration and personnel, to establish a district-based electoral system and to adopt a map describing the boundaries of each district**

## Recommendation

Staff recommends that the City Council conduct a public hearing to:

1. Receive input on final five-district map and election sequencing;
2. Introduce and conduct a first reading of Ordinance No. 1044 amending Chapter 2.04, City Council, of Title 2, administration and personnel, to establish a district based electoral system and to adopt a map describing the boundaries of each district (Attachment A); and
3. Make a finding that adoption of the Ordinance No. 1044 is exempt from the California Environmental Quality Act.

## Policy Issues

Ordinance No. 1044 implements the City Council's previous direction to transition from at-large to by-district elections before the November 2018 general municipal election.

## Background

### Menlo Park's recent voting rights challenge

Menlo Park's current transition to district elections was precipitated by an August 21, 2017, letter from Kevin Shenkman of Shenkman & Hughes ("Shenkman Letter"). The Shenkman letter alleged that Menlo Park's voting process was racially polarized, resulting in minority vote dilution and that the City's at-large elections violated the California Voting Rights Act (CVRA). Mr. Shenkman has filed similar letters with agencies throughout the State.

On October 4, 2017, the City Council voted 5-0 to adopt resolution number 6404 declaring its intent to transition to by-district elections. The City Council also expressed a desire to consider other types of voting systems.<sup>1</sup>

<sup>1</sup> Because Menlo Park is currently a general law city it is not able to avail itself of certain voting methods, such as ranked choice and cumulative voting. Unlike by-district elections, these other voting methods do not provide automatic immunity from a CVRA claim. However, in many cities alternative voting systems permit minority groups to effectively elect candidates of their choice without running afoul of the CVRA. These other systems also avoid the community concern that by-district elections oftentimes result in "balkanization". Accordingly, the City Council has directed the City Attorney to explore a limited charter that would enable Menlo Park to eventually transition to other voting methods while also advancing the goals of the CVRA. As charters can only be voted on in even number election years, the next available time to submit a charter to the voters is November 2018.

On October 30 and November 29, 2017, the City Council conducted two public hearing to solicit community input on district formation.

#### Advisory Districting Committee formation

On December 12, 2017, the City Council adopted resolution number 6418 establishing an Advisory Districting Committee consisting of nine members. The City Council charged the committee with providing five- and six-district maps and related election sequencing recommendations to the City Council no later than February 23, 2018. The City Council also required the committee recommendations be made by a 2/3 vote of the seated members. The City Council resolution provided that it was the City Council's intention was to adopt one of the districting maps recommended by the committee.

#### Advisory Districting Committee recommendation

In drawing the maps, the committee relied on criteria outlined in the City Council resolution and supplemented it with the following:

Primary criteria:

- Compliance with Federal and State voting rights acts (FVRA and CVRA)
- Respect for the integrity of traditional neighborhoods
- "Reasonably balanced" population – to the extent possible minimizing population differences among districts, yet recognizing it may cause carve outs or boundary shifts
- "Eyeball test" (boundaries should make logical sense to the average voter)

Secondary criteria:

- School attendance areas
- Compactness
- Consideration for common neighborhood issues
- Use of obvious boundaries (e.g., major roads)
- Possible consideration of how district boundaries affect the ability of incumbents/other likely candidates to run for office
- Consideration of other relevant "communities of interest"
- Owner versus renter or single-family versus multifamily

(Note some of these criteria overlap with the legally required criteria.)

On February 23, 2018, the committee issued a final report consisting of recommendations for a five-district map (map 5-007a), a six-district map with an elected at large mayor (map 6-007b) and related election sequencing. In addition, the committee issued an advisory recommendation expressing a preference for a five-district solution over a six-district solution. The committee's final report is contained in attachment B.

#### City Council approval of Committee recommendation

On March 21, the City Council conducted its third public hearing to consider the committee's recommendation. The City Council voted 5-0 to select the five-district map and related election sequencing recommended by the committee.



## **Analysis**

### CVRA “Safe Harbor” process

In transitioning from at-large to by-district elections, the City is proceeding under recently enacted “safe harbor” legislation. This legislation insulates the City from litigation if it follows a prescribed process and timeline for converting to “by district” elections. The safe harbor requires a prospective plaintiff to send notice to a city alleging a CVRA violation, before that prospective plaintiff may file a CVRA lawsuit against the City.<sup>2</sup> Then, the prospective plaintiff may not file a lawsuit until forty-five (45) days after the letter, and may only file if the city does not adopt a resolution declaring the council's intent to transition from at-large elections to district-based elections within that time.<sup>3</sup>

If a resolution of intention is adopted pursuant to the requirements of elections code §10010, a prospective plaintiff may not commence an action within ninety (90) days of the resolution of intention's passage.<sup>4</sup> During the ninety (90) day period, a city must hold four (4) public hearings and at the last public hearing adopt an ordinance establishing district-based elections as required by elections code § 10010(a) in order to avoid a potential CVRA lawsuit.<sup>5</sup> The public hearings give the community an opportunity to weigh in on the content of the draft maps and the proposed sequence of elections. Within thirty (30) days of an ordinance's adoption, the potential plaintiff who sent the notice may demand attorney's fees in an amount not to exceed \$30,000.<sup>6</sup>

To take advantage of this streamlined approach, the City Council adopted ordinance must include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the CVRA.<sup>7</sup>

### Ordinance implementing by-district elections

The proposed ordinance (Attachment A) implements by-district elections in accordance with both the “safe harbor” discussed above and the Advisory Districting Committee's recommendation (Attachment B). The ordinance incorporates the five-district map recommended by the Advisory Districting Committee as well as the committee's recommended election sequencing. In accordance with State law, all incumbent council members will remain seated until their term expires. When their term expires, they will only be permitted to run for the district seat in which they live. Under the ordinance, districts 1, 2 and 4 will conduct their district elections in November 2018 and every four years thereafter. Districts 3 and 5 will conduct their district elections in November 2020 and every four years thereafter.

### Next steps

The district elections transition timeline is included as Attachment C. The San Mateo County Registrar of Voters needs the final map by May 1, 2018. Candidates running in a newly created district must be residents of that district at the time they receive their nomination papers from the county registrar.<sup>8</sup> Likewise, registered voters signing nomination petitions or voting for a member of the legislative body must be residents of the district.<sup>9</sup>

<sup>2</sup> Elections Code §10010(e)(1).

<sup>3</sup> Elections Code §10010(e)(2), (3)(a).

<sup>4</sup> Elections Code §10010(a).

<sup>5</sup> Mr. Shenkman has informed the city attorney he will not file a lawsuit against the city provided the city's schedule allows the transition to be completed in time for the November 2018 election.

<sup>6</sup> Elections Code §10010(f).

<sup>7</sup> Government Code §34886.

<sup>8</sup> Government Code § 34882.

<sup>9</sup> Government Code § 34883.

**Impact on City Resources**

Expenditures associated with the transition to district elections and support for the Advisory Districting Committee including staffing, legal and consultant support were approved by the City Council and added to the current fiscal year budget.

**Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) guidelines section 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. Proposed Ordinance No. 1044 implementing by-district elections
- B. Advisory Districting Committee recommendation
- C. District elections transition timeline

Report prepared by:

Cara E. Silver, Assistant City Attorney

**ORDINANCE NO. 1044****ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING CHAPTER 2.04, CITY COUNCIL, OF TITLE 2, ADMINISTRATION AND PERSONNEL TO ESTABLISH A DISTRICT BASED ELECTORAL SYSTEM AND TO ADOPT A MAP DESCRIBING THE BOUNDARIES OF EACH DISTRICT (ELECTIONS CODE § 10010)**

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

**SECTION 1. FINDINGS AND DETERMINATIONS.**

A. The City of Menlo Park supports the full participation of all citizens in electing council members; and

B. The City of Menlo Park currently elects its five (5) council members using an at-large election system, where candidates may reside in any part of the City and each council member is elected by the voters of the entire City; and,

C. Under the provisions of California Elections Code Section 10010, a city that changes from at-large City Council method of election to a district-based City Council method of election requires a total of four public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district map(s); and,

D. At a regular meeting of the City Council of the City of Menlo Park held on October 4, 2017, the City Council adopted Resolution No. 6404 expressing its intent to transition from an at-large to a district-based election system; and,

E. On October 30, 2017, pursuant to California Elections Code Section 10010(a)(1), the City Council held a public hearing where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn, and the City Council of the City of Menlo Park considered and discussed the same; and,

F. On November 29, 2017, the City Council conducted a second public hearing to invite public input to provide input regarding the composition of the City's voting districts before any draft maps were drawn. In addition, the City Council elected to form an advisory districting committee.

G. On December 12, 2017, the City Council adopted Resolution 6418 establishing an Advisory Districting Committee consisting of nine members. Many aspects of the Advisory Committee were modeled after the independent districting committee provided under State law. Committee members were required to adhere to

strict pre-, during- and post-service conflict of interest rules. Commissioners were also required to file Disclosure of Economic Interest Statements (Form 700) and the Committee was subject to the Brown Act.

H. The City Council directed the Committee to provide recommendations to the City Council on districting boundaries and election sequencing. The City Council charged the Committee with providing five and six district maps and related election sequencing recommendations to the City Council no later than February 23, 2018. The Committee recommendations must be made by a 2/3 vote of the seated members. The City Council resolution provided that it was the City Council's intention to adopt one of the districting maps recommended by the Committee; and

I. The Committee was provided staff, legal and demographic consultant support as well as access to an online mapping tool and specialize training. The Committee met eight times in six weeks and considered over 40 draft maps. On February 23, 2018, the Committee issued a final report consisting of recommendations for a five district map (Map 5-007a), a six district map with an elected at large mayor (Map 6-007b) and related election sequencing. In addition, the Committee issued an advisory recommendation expressing a preference for a five district solution over a six district solution; and

J. On March 21, 2018, the City Council conducted a third public hearing and to consider the Committee' recommendations. The City Council directed staff to move forward with the five district map and related election sequencing recommended by the Committee; and

K. On April 17, 2018, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the five district voting district map and the election sequence recommended by the Advisory Districting Committee, which was introduced for a first reading at the same regular meeting of the City Council of the City of Menlo Park; and

L. Throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010, but not limited to soliciting public input through fliers, "sandwich boards" placed at strategic locations, Nextdoor, and public meetings at City Hall and in Belle Haven. The Advisory Districting Committee also drafted and posted a poll on Nextdoor and Facebook and established a Districting Committee website that allowed for email comments from the public. All of the Committee's meetings were open to the public and complied with the Brown Act.; and,

M. The purpose of this Ordinance is to enact an ordinance providing for the election of Members of the City Council of the City of Menlo Park on a district-based system for single-member districts as reflected in Exhibit A to this Ordinance, in furtherance of the purposes of the California Voting Rights Act of 2001, Elections Code

Section 14025 *et seq.*, and to implement the guarantees of Section 7 of Article 1 and of Article II of the California Constitution.

SECTION 2. AMENDMENT OF CODE. Chapter 2.04 [City Council] of Title 2 [Administration and Personnel] is hereby amended as follows with additions shown in underline and deletions shown as ~~strikeout~~:

**“Chapter 2.04  
CITY COUNCIL**

Sections:

2.04.210 District Based Electoral System

2.04.220 Establishment of City Council Electoral Districts

2.04.230 Election Schedule

. . .

2.04.210 District-Based Electoral System.

Pursuant to California Government Code Section 34886 and 34871 (c), council members shall be elected on a district-based electoral system from five (5) single-member City Council Districts. For purposes of this Chapter, the term 'district-based electoral system' shall mean the election of City Council members by the voters of the district alone. The City's district-based electoral system shall be conducted in accordance with California Government Code Section 34871, subdivision (a).

2.04.220 Establishment of City Council Electoral Districts.

a. Pursuant to Section 2.04.210 of this Chapter, council shall be elected on a district-based electoral system, from the five City Council Districts described as follows, which shall continue in effect until they are amended or repealed in accordance with law:

1. City Council District 1 shall comprise all that portion of the City reflected in Exhibit A.
2. City Council District 2 shall comprise all that portion of the City reflected in Exhibit A.
3. City Council District 3 shall comprise all that portion of the City reflected on Exhibit A.
4. City Council District 4 shall comprise all that portion of the City reflected in Exhibit A.
5. City Council District 5 shall comprise all that portion of the City reflected in Exhibit A.

b. City Council members shall be elected in the electoral districts established by this Section and subsequently reapportioned pursuant to applicable State and federal law.

c. Except as provided in subdivision d herein and notwithstanding any other provision of this Chapter, once this Ordinance is fully phased in, the council member elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must live in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to Elections Code 10227. Termination of residency in a district by a council member shall create an immediate vacancy for that City Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.

d. Notwithstanding any other provision of this Section, and consistent with the requirements of California Government Code Section 35612, the council members in office at the time the Ordinance codified in this Chapter takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. At the end of the term of each council member, the successor of that council member shall be elected on a district-based system in the districts established in this Section.

#### **2.04.230 Election Schedule.**

Except as otherwise required by California Government Code Section 36512, the council members of the City Council shall be elected in City Council Districts Nos. 1, 2 and 4 beginning at the General Municipal Election in November, 2018, and every four years thereafter, as such City Council Districts shall be amended. City Council members shall be elected from City Council Districts Nos. 3 and 5 beginning at the General Municipal Election in November 2020, and every four years thereafter, as such City Council Districts shall be amended."

**SECTION 3. MAP.** A map showing the districts described in this Ordinance and codified in Section 2.210.020 of the City of Menlo Park Municipal Code is attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 4. TECHNICAL ADJUSTMENTS.** If necessary to facilitate the implementation of this Ordinance, the City Clerk is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Clerk shall consult with the City Manager and City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

Section

SECTION 5. SEVERABILITY. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Section 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.

SECTION 7. EFFECTIVE DATE AND PUBLISHING. Under Government Code Section 36937(a), this ordinance shall take effect immediately as it relates to elections.

INTRODUCED on the \_\_\_\_ day of \_\_\_\_\_, 2018.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

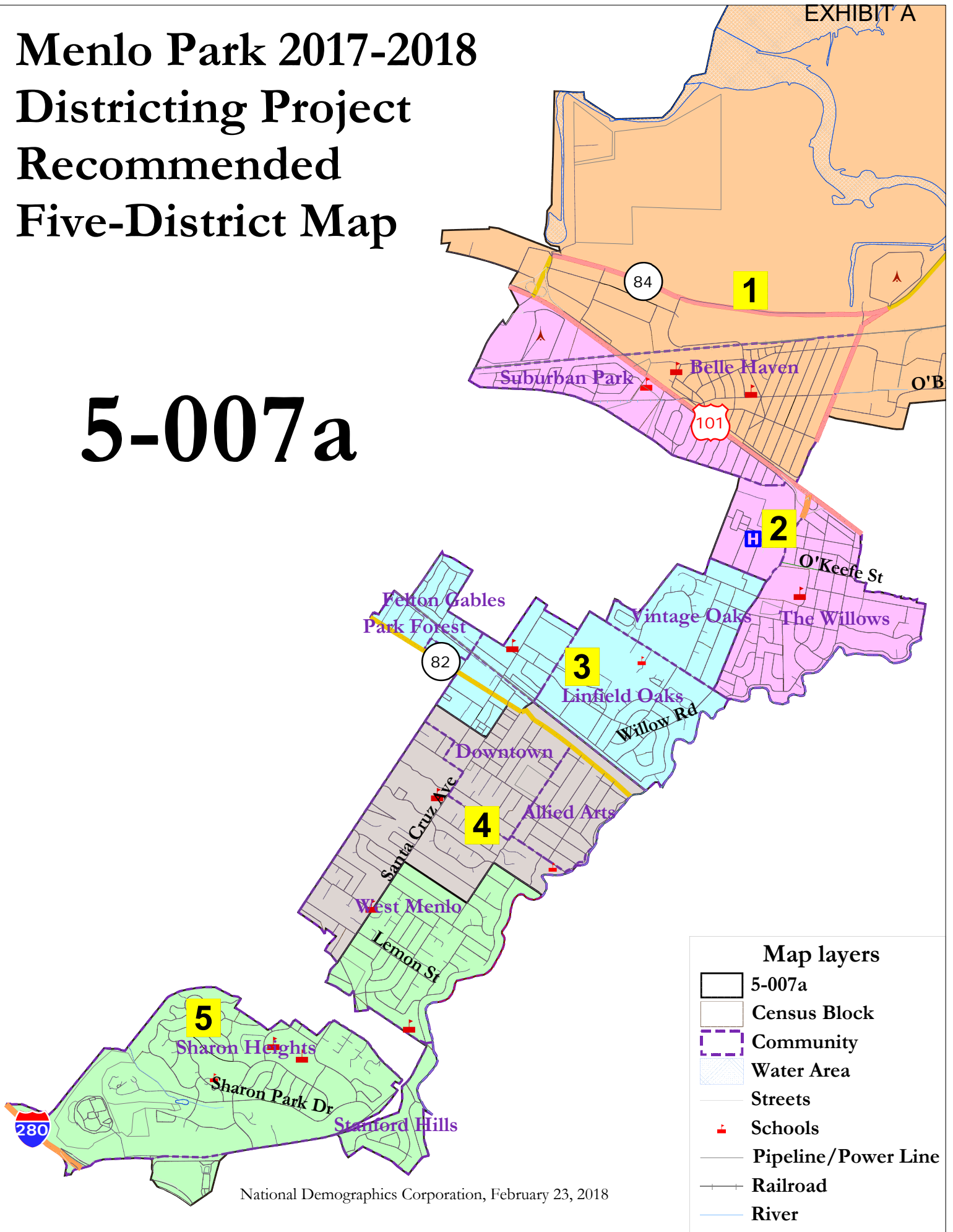
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Judi A. Herren, City Clerk

# Menlo Park 2017-2018 Districting Project Recommended Five-District Map

## 5-007a







## MEMORANDUM

**Date:** 2/23/2018  
**To:** City Council  
**From:** Advisory Districting Committee  
**Re:** Recommendations

The Advisory Districting Committee is pleased to present its results to the City Council, consisting of:

1. A recommendation for dividing the City into five voting districts
2. A recommendation for dividing the City into six voting districts (with an at-large elected mayor)
3. A recommendation for election sequencing for each map, taking into account the City's practice of staggering elections every two years. In accordance with State law it shall not cut short any existing councilmember's term
4. An advisory recommendation to adopt the five-district solution over the six-district plan.

The Committee met eight times in six weeks. During the process, the Committee relied on criteria outlined in the City Council resolution and federal and state voting rights laws. The Committee supplemented these criteria and organized them into primary and secondary categories.

Primary criteria included:

- Compliance with Federal and State voting rights acts (FVRA and CVRA)
- Respect for the integrity of traditional neighborhoods
- "Reasonably balanced" population – to the extent possible minimizing population differences among districts, yet recognizing it may cause carve outs or boundary shifts
- "Eyeball test" (boundaries should make logical sense to the average voter)

Secondary criteria included:

- School attendance areas
- Compactness
- Consideration for common neighborhood issues
- Use of obvious boundaries (e.g., major roads)
- Possible consideration of how district boundaries affect the ability of incumbents/other likely candidates to run for office
- Consideration of other relevant "communities of interest"
- Owner versus renter or single-family versus multifamily

The Committee recognized early on that there are major issues involved in the districting process, including how to keep the Belle Haven neighborhood together, and how best to represent the various interests among those near the El Camino Real corridor and in downtown along Santa Cruz Avenue.

To help address these issues, the Committee conducted outreach efforts, including distributing flyers in various neighborhoods, conducting polls on Nextdoor and Facebook, and held a meeting in the Belle Haven district. The Committee received input from the public on these and other issues, in the form of statements at the meetings, submitted maps and email comments.

In the course of the process, the Committee recognized several factors that impacted the possible solutions. The outline of the city's boundary is very irregular and includes natural bottlenecks. Consideration was limited to the 2010 census data, which does not reflect recent residential developments, and by the shape and populations of the defined census blocks. The requirement to balance populations in some cases resulted in awkward shapes of the districts, especially in the six-district map.

In the end, after taking into account all these factors, the original criteria and public input and considering almost 40 maps, the committee arrived at its recommendations.

The Committee is grateful for the opportunity to serve the city in this capacity, and to the many concerned citizens who took the time to attend meetings, or to submit maps and comments. The Committee would also like to express its appreciation of the efforts of the demographics consultant NDC, and the dedicated support of the city staff.

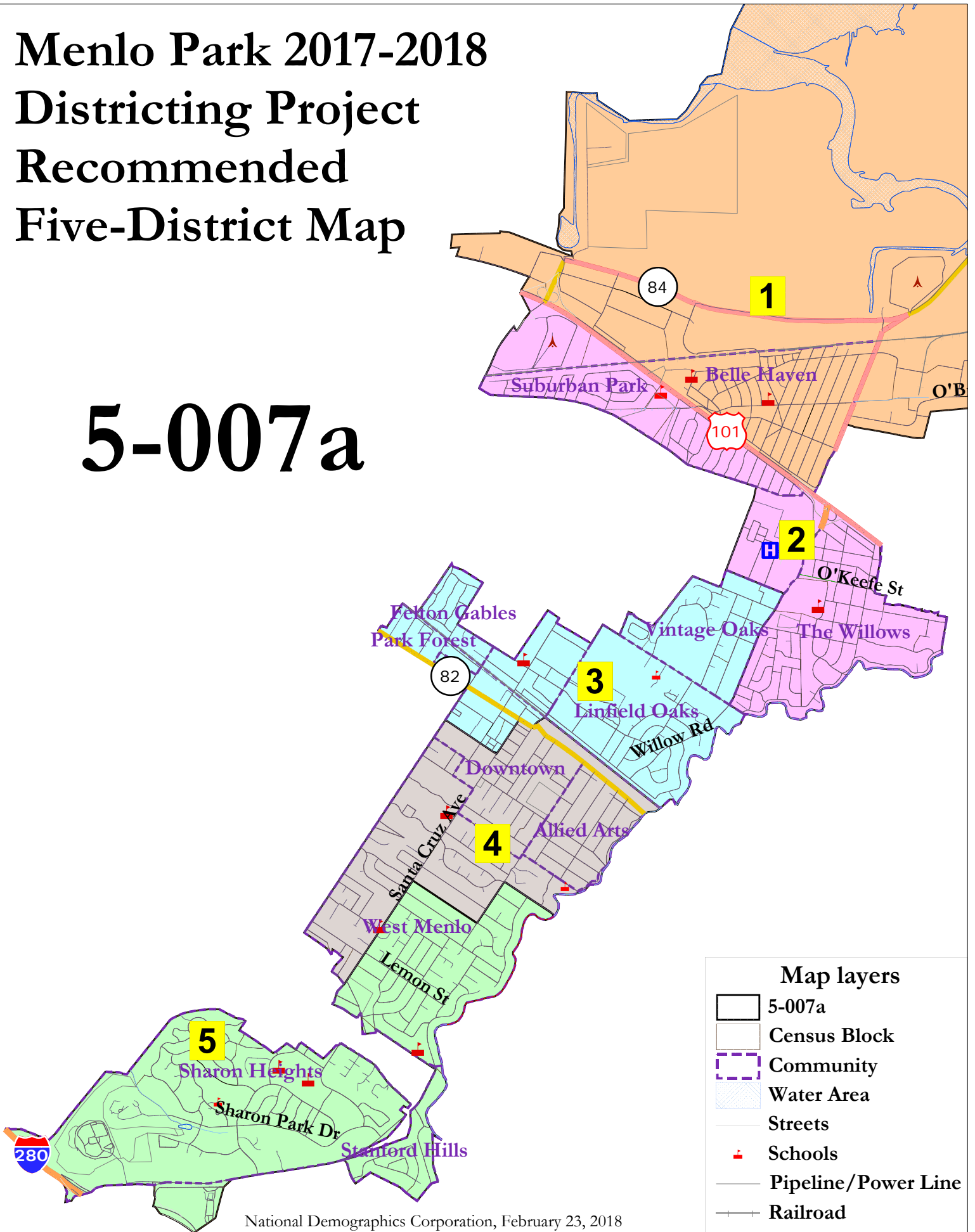
Attachments:

- A. Recommended 5-district map
- B. Recommended 6-district map
- C. Recommended election sequencing

For more information on the districting process, please visit [menlopark.org/districtelections](http://menlopark.org/districtelections).

# Menlo Park 2017-2018 Districting Project Recommended Five-District Map

## 5-007a



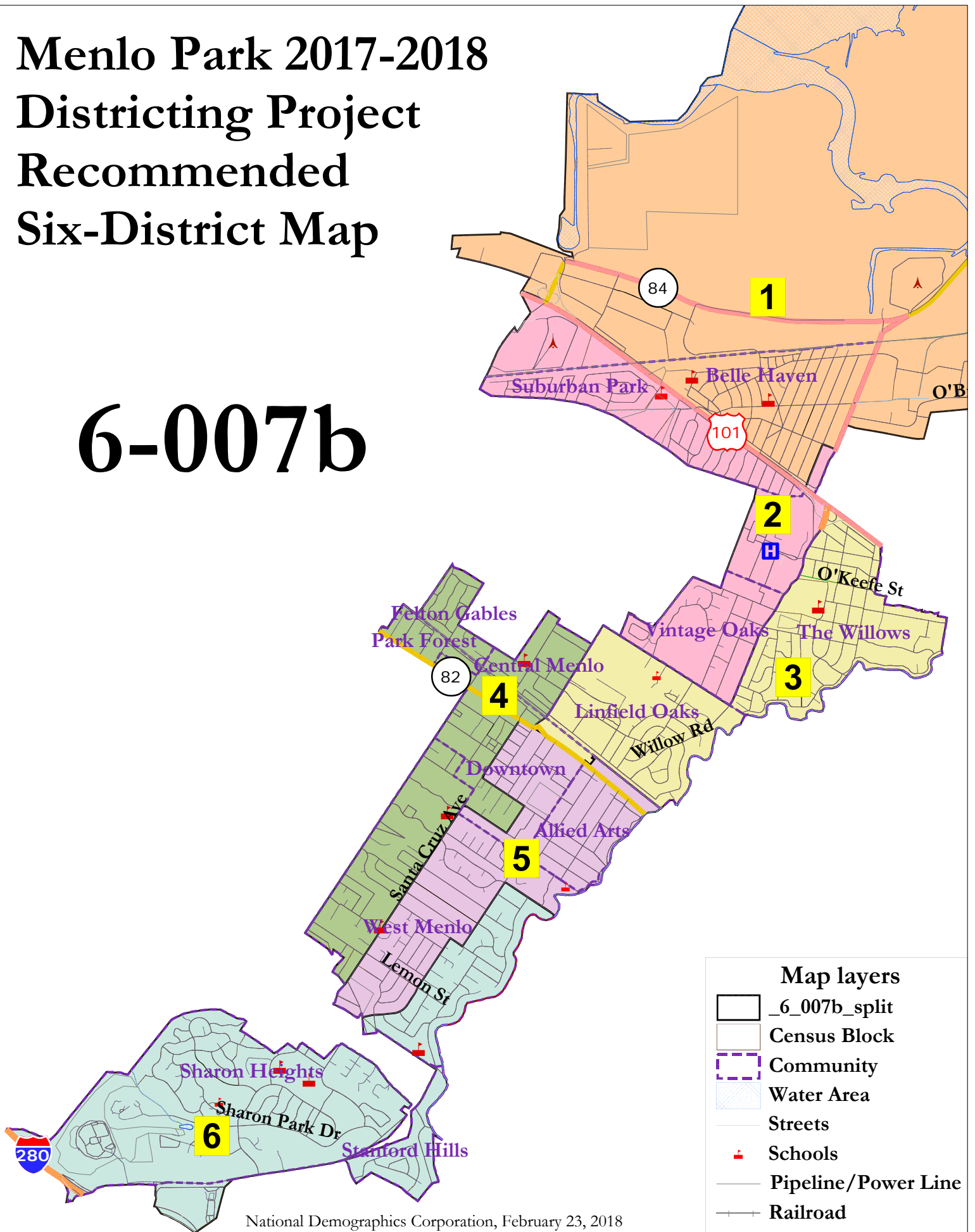
Map layers	
	5-007a
	Census Block
	Community
	Water Area
	Streets
	Schools
	Pipeline/Power Line
	Railroad
	River

## City of Menlo Park - Recommended Map 5-007a

District		1	2	3	4	5	Total
Ideal	Total Pop	5,975	6,479	6,483	6,538	6,551	32,026
6,405	Deviation from ideal	-430	74	78	133	146	576
	% Deviation	-6.71%	1.16%	1.22%	2.08%	2.28%	8.99%
Total Pop	% Hisp	69%	10%	8%	6%	4%	18%
	% NH White	4%	72%	72%	80%	79%	62%
	% NH Black	18%	4%	2%	1%	1%	5%
	% Asian-American	3%	12%	16%	12%	16%	12%
Citizen Voting Age Pop	Total	2,593	4,737	4,270	4,381	4,335	20,317
	% Hisp	51%	11%	7%	3%	4%	12%
	% NH White	10%	66%	74%	81%	84%	68%
	% NH Black	32%	8%	1%	1%	1%	6%
	% Asian/Pac.Isl.	7%	15%	18%	14%	11%	13%
Voter Registration (Nov 2016)	Total	2,395	3,952	4,048	4,365	4,399	19,160
	% Latino est.	51%	7%	6%	4%	3%	10%
	% Asian-Surnamed	4%	8%	9%	7%	8%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	46%	6%	5%	3%	2%	9%
	% NH White est.	8%	80%	83%	87%	89%	75%
	% NH Black	34%	4%	1%	1%	1%	6%
Voter Turnout (Nov 2016)	Total	1,697	3,355	3,448	3,767	3,783	16,051
	% Latino	52%	7%	6%	3%	3%	10%
	% Asian-Surnamed	4%	8%	9%	7%	7%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	47%	6%	5%	3%	2%	9%
	% NH White est.	8%	81%	83%	88%	89%	77%
	% NH Black	33%	4%	1%	1%	1%	5%
Voter Turnout (Nov 2014)	Total	618	2,326	2,088	2,566	2,601	10,199
	% Latino	40%	5%	5%	3%	2%	6%
	% Asian-Surnamed	3%	5%	7%	5%	5%	5%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	7%	85%	86%	91%	91%	84%
	% NH White est.	49%	4%	2%	1%	1%	5%
	% NH Black est.	36%	5%	4%	2%	2%	5%
ACS Pop. Est.	Total	5,400	6,959	6,779	6,874	6,633	32,644
Age	age0-19	31%	29%	25%	24%	28%	27%
	age20-60	58%	56%	58%	57%	47%	55%
	age60plus	11%	15%	17%	19%	25%	18%
Immigration	immigrants	39%	23%	23%	24%	19%	25%
	naturalized	36%	45%	47%	41%	54%	44%
Language spoken at home	english	28%	68%	77%	76%	81%	68%
	spanish	65%	15%	7%	4%	3%	17%
	asian-lang	4%	8%	6%	6%	7%	6%
	other lang	3%	9%	10%	14%	9%	9%
Language Fluency	Speaks Eng. "Less than Very Well"	31%	11%	6%	7%	5%	11%
Education (among those age 25+)	hs-grad	49%	29%	17%	14%	16%	23%
	bachelor	13%	29%	36%	35%	29%	30%
	graduatedegree	5%	33%	44%	48%	54%	39%
Child in Household	child-under18	42%	40%	31%	31%	36%	35%
Pct of Pop. Age 16+	employed	66%	64%	67%	66%	58%	64%
Household Income	income 0-25k	23%	9%	6%	9%	5%	9%
	income 25-50k	25%	11%	12%	10%	9%	12%
	income 50-75k	14%	16%	11%	11%	6%	11%
	income 75-200k	34%	35%	43%	33%	36%	36%
	income 200k-plus	3%	29%	29%	36%	44%	31%
Housing Stats	single family	74%	72%	49%	58%	71%	63%
	multi-family	26%	28%	51%	42%	29%	37%
	rented	57%	38%	52%	52%	26%	44%
	owned	43%	62%	48%	48%	74%	56%
Total population data from the 2010 Decennial Census.							
Surname-based Voter Registration and Turnout data from the California Statewide Database.							
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2011-2015 American Community Survey and Special Tabulation 5-year data.							

# Menlo Park 2017-2018 Districting Project Recommended Six-District Map

## 6-007b



**City of Menlo Park - Recommended Map 6-007b**

District		1	2	3	4	5	6	Total
Ideal	Total Pop	5,622	5,172	5,410	5,197	5,236	5,389	32,026
5,338	Deviation from ideal	284	-166	72	-141	-102	51	450
	% Deviation	5.32%	-3.11%	1.35%	-2.64%	-1.91%	0.96%	8.43%
Total Pop	% Hisp	68%	15%	8%	7%	5%	4%	18%
	% NH White	3%	61%	76%	78%	80%	77%	62%
	% NH Black	18%	6%	2%	2%	0%	1%	5%
	% Asian-American	3%	14%	14%	12%	12%	17%	12%
Citizen Voting Age Pop	Total	2,413	3,460	3,968	3,429	3,416	3,630	20,317
	% Hisp	51%	10%	10%	6%	4%	3%	12%
	% NH White	9%	65%	67%	82%	82%	84%	68%
	% NH Black	32%	10%	2%	1%	1%	1%	6%
	% Asian/Pac.Isl.	7%	14%	21%	11%	14%	12%	13%
Voter Registration (Nov 2016)	Total	2,298	2,823	3,563	3,365	3,483	3,627	19,160
	% Latino est.	51%	9%	5%	5%	4%	3%	10%
	% Asian-Surnamed	4%	8%	10%	7%	7%	8%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	46%	8%	5%	5%	3%	2%	9%
	% NH White est.	8%	79%	82%	85%	87%	88%	75%
	% NH Black	35%	4%	2%	1%	1%	1%	6%
Voter Turnout (Nov 2016)	Total	1,628	2,387	3,032	2,879	3,018	3,107	16,051
	% Latino	53%	8%	5%	5%	3%	3%	10%
	% Asian-Surnamed	4%	7%	9%	7%	7%	8%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	47%	7%	5%	5%	3%	3%	9%
	% NH White est.	7%	80%	83%	85%	88%	89%	77%
	% NH Black	34%	4%	2%	1%	1%	1%	5%
Voter Turnout (Nov 2014)	Total	596	1,476	2,075	1,873	2,106	2,074	10,199
	% Latino	40%	7%	4%	3%	3%	2%	6%
	% Asian-Surnamed	3%	7%	6%	5%	5%	6%	5%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	6%	82%	86%	91%	91%	91%	84%
	% NH White est.	50%	4%	3%	0%	1%	1%	5%
	% NH Black est.	36%	6%	4%	3%	2%	2%	5%
ACS Pop. Est.	Total	5,081	5,394	5,859	5,360	5,461	5,490	32,644
Age	age0-19	31%	29%	26%	24%	25%	27%	27%
	age20-60	58%	55%	59%	56%	56%	47%	55%
	age60plus	11%	17%	15%	19%	19%	26%	18%
Immigration	immigrants	39%	20%	26%	22%	22%	20%	25%
	naturalized	36%	54%	40%	43%	42%	54%	44%
Language spoken at home	english	28%	72%	68%	78%	77%	81%	68%
	spanish	65%	12%	16%	4%	4%	3%	17%
	asian-lang	4%	7%	7%	5%	6%	7%	6%
	other lang	3%	9%	9%	12%	13%	9%	9%
Language Fluency	Speaks Eng. "Less than Very Well"	31%	8%	12%	6%	7%	5%	11%
Education (among those age 25+)	hs-grad	49%	29%	23%	13%	14%	16%	23%
	bachelor	13%	30%	31%	37%	34%	29%	30%
	graduatedegree	5%	34%	36%	48%	48%	55%	39%
Child in Household	child-under18	42%	41%	35%	30%	33%	35%	35%
Pct of Pop. Age 16+	employed	66%	64%	66%	67%	66%	57%	64%
Household Income	income 0-25k	23%	8%	8%	7%	8%	6%	9%
	income 25-50k	25%	9%	13%	12%	10%	9%	12%
	income 50-75k	14%	15%	15%	9%	11%	6%	11%
	income 75-200k	34%	36%	38%	40%	34%	36%	36%
	income 200k-plus	3%	32%	27%	32%	38%	42%	31%
Housing Stats	single family	74%	84%	52%	50%	62%	66%	63%
	multi-family	26%	16%	48%	50%	38%	34%	37%
	rented	57%	29%	52%	53%	47%	28%	44%
	owned	43%	71%	48%	47%	53%	72%	56%

Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2011-2015 American Community Survey and Special Tabulation 5-year data.

## Advisory Districting Committee Recommendation

2/23/2018

In a five-district option, the current election cycle of three councilmember seats up in 2018 and two up in 2020 would remain.

Election Year Sequencing for a 5-district option		
Map	2018 Election (3 districts)	2020 Election (2 districts)
5-007a	D1 (Vacant) - 4 year term D2 (Keith) - 4 year term D4 (Cline and Ohtaki) - 4 year term	D3 (Vacant) - 4 year term D5 (Carlton and Mueller) - 4 year term

In a six-district option, with an at-large Mayor, in 2018 three City Council districts would elect councilmembers to four-year terms; a fourth City Council district would elect a councilmember to a two-year term; and an at-large Mayor would be elected. In 2020, the remaining two districts would elect councilmembers to four-year terms, as would the district that in 2018 elected a councilmember to an initial two-year term.

Election Year Sequencing for a 6-district option		
Map	2018 Election (4 districts and Mayor)	2020 Election (3 districts)
6-007b	D1 (Vacant) - 4 year term D2 (Vacant) - 4 year term D3 (Keith) - 2 year term D4 (Cline and Ohtaki) - 4 year term At-large Mayor	D3 - 4 year term D5 (Mueller) - 4 year term D6 (Carlton) - 4 year term

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DISTRICT ELECTIONS TRANSITION DRAFT TIMELINE		
Dates	Event	Status
October 4, 2017	City Council adopted Resolution of Intent to Transition to District Elections and to Explore other voting methods	Completed
October 30, 2017	<b>1st public hearing:</b> City Council gather public input on the composition of districts	Completed
November 29, 2017	<b>2nd public hearing:</b> Gather public input on the composition of districts	Completed
December 12, 2017	City Council adopts guidelines and approves application form for an up to 9-member Advisory Districting Committee. Committee recruitment opens	Completed
January 8, 2018	Deadline to receive commission applications (29 applications received)	Completed
January 16, 2018	Three committee members selected by random draw	Completed
January 19, 2018	Three original committee members convene to select remaining committee members	Completed
January 22, 2018	First meeting of Advisory Districting Committee: provide Brown Act and Form 700 training, discuss districting criteria and conduct interactive map training; schedule public meetings; discuss public outreach	Completed
January 22-February 22	Advisory Districting Committee meetings (eight meetings). All meetings open to the public; conducted at different times and location to encourage full public participation	Completed
February 23, 2018	Advisory Districting Committee submits recommended maps and sequencing to City Clerk for publishing	Completed
February 24 – March 20	Advisory Districting Committee's recommended maps posted (7 day posting required)	Completed
March 21, 2018	<b>3rd public hearing:</b> City Council considers Advisory Districting Committee recommended maps	Completed
March 22 – April 9, 2018	If City Council rejects first map, Advisory Districting Committee submits second map(s) and proposed sequencing to City Clerk for publishing – must be published at least 7 days before 4 <sup>th</sup> hearing.	N/A
April 17, 2018	<b>4th public hearing:</b> Public input on draft maps and election sequencing; introduction of districting ordinance	
April 24, 2018	<b>5th public meeting:</b> Second reading and final adoption of districting ordinance (election ordinances take effect immediately)	
May 1, 2018	Map submitted to San Mateo County Registrar of Voters	
November 6, 2018	First by-district election in three districts (and possibly Mayor)	
November 2020	First by-district elections in remaining districts	
2021	Districts redrawn to reflect 2020 census data	

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## STAFF REPORT

### City Council

Meeting Date:

4/17/2018

Staff Report Number:

18-075-CC

Regular Business:

**Adopt a Resolution No. 6430 extending the Bicycle Commission and Transportation Commission pilot merger to form a Complete Streets Commission**

### Recommendation

Staff recommends City Council adopt a Resolution No. 6430 (Attachment A) extending the Bicycle Commission and Transportation Commission pilot merger to form a Complete Streets Commission.

### Policy Issues

The proposed action is consistent with section 2.04.200 of the City of Menlo Park Municipal Code, which states that City Council shall establish commissions by resolution. The establishment of the commission with a one-year pilot period was added to City Council policy CC-01-0004, commissions/committees policies, procedures, roles and responsibilities.

### Background

During the City Council's annual goal setting workshop January 27, 2017, a suggestion was made to combine the Bicycle Commission and the Transportation Commission. On February 7, 2017, the City Council discussed their 2017 workplan, including consideration of a one-year trial to combine the Bicycle Commission and Transportation Commission to form the commission in order to provide additional staff capacity and efficiency to undertake additional workplan items (i.e., Safe Routes to School Program). On February 28, 2017, the City Council adopted a resolution to form the commission with a one-year pilot period.

As stated in the adopted resolution, the commissions' responsibilities include:

- Coordination of motor vehicle, bicycle, transit and pedestrian transportation facilities
- Advising City Council on ways to encourage 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

The commission had their first meeting in May 2017. In the first meeting, the commission elected a chair, vice chair, and created new subcommittees to ensure consistency with the commission's new responsibilities. The commission has held public meetings in the City Council Chambers on every second Wednesday of the month since May 2017 and is scheduled to continue through April 2018.

The commission began with 10 commission seats and currently seats nine due to one resignation in September 2017. There are four commission seats that will be eligible to apply for reappointment in April 2018 and the incumbents have been notified of their status. If vacancy occurs due to lack of applications,

the vacancy would not be filled unless it results in fewer than seven seats.

## **Analysis**

An evaluation of the pilot commission merger is outlined below, based on observations from staff and the commission.

### Staff evaluation

As anticipated, staff has observed that many project schedules have benefited from a streamlined process of channeling project discussions and recommendation efforts to a single commission. Since May 2017, the commission has heard and provided guidance and recommendations to many topics and projects, including:

- Neighborhood traffic management program projects
- Red curb installation projects
- Support for grant applications
- Middle Avenue pedestrian and bicycle rail crossing project
- Oak Grove university crane bike project
- Ravenswood avenue railroad crossing project
- Transportation master plan
- Willow Road/U.S. 101 interchange construction phases

Further, a consolidated commission has also provided a platform for discussions of transportation issues that require balancing a multimodal approach (i.e., trade-offs between provision of bicycle lanes and parking or a vehicular travel lane as part of a street design). A single commission allows debate and discussion to occur with a single recommendation informing staff and the City Council, resulting in more clarity and consideration of all aspects of a project. In addition, it provides a consolidated resource for residents to request an item be considered. In the past, issues that related to bicycling needs often were reviewed by both the Bicycle and Transportation Commission, requiring residents to participate in two meetings to provide input for consideration. The staff time to support two commissions versus one is another consideration that is further described in the analysis section below.

### Commission evaluation

The Commission agendized and led two informal self-assessments, one in October 2017 and one in March 2018. In October 2017, the commission generally communicated neutral or positive feedback on the status of the commission and no public comment was received. Some of the topics discussed include continuing staff support, sensitivity to overall meeting time and understanding of commission missions/charges.

In March 2018, the commission expressed displeasure and frustration on the lack of new completed projects and progression on other projects, with emphasis on the Citywide Safe Routes to School Program and the Willows neighborhood complete streets study. Other commissioners also cited concerns with the lack of a platform that focuses solely on bicycle and pedestrian projects and concerns that the former Bicycle Commission was able to provide, which had encouraged and advocated for projects such as the Oak Grove, University, Crane bicycle improvement pilot project. One public comment was received echoing some of the similar concerns as the Commission provided. After an extensive discussion, the commission voted 8-1 (Levin opposed) to recommend against merging the Bicycle Commission and Transportation Commission to form a permanent Complete Streets Commission. At the March 27, 2018, City Council meeting, the chair and three other commission members also addressed the City Council to provide an update on the merger.

Staff anticipates the change in feedback between October 2017 and March 2018 might be primarily due to

available staff capacity caused by two ongoing vacancies in the transportation division. The first vacancy occurred in July 2017 and a second in October 2017. Operating with two of six engineering positions vacant on top of several emerging, urgent priorities in late 2017 and early 2018 (including responding to the Willow Road/U.S. 101 construction impacts in the Willows neighborhood, the Stanford University general use permit draft environmental impact report and the Stanford University center for academic medicine project and appeal) significantly reduced the division's ability to commence new projects, execute other existing work efforts and even respond to baseline concerns and complaints. Staff has requested proposals from consultants to help expedite some work efforts, including design of crosswalk improvements and transportation analyses, but has received no more than one proposal on these efforts, as several firms have expressed a lack of ability to provide staffing assistance due to heavy workloads, especially for smaller tasks and projects. Recruitments for the two vacancies in the division were advertised in March 2018 and, pending qualified applicants are found, staff anticipates filling these two vacancies by the end of June 2018 at the earliest.

### Alternatives and Next Steps

In short, staff has outlined three alternatives for the City Council to consider as a next step. The anticipated timeline for implementation, advantages and disadvantages, and workload impacts of each are summarized below.

1. Revert to the two separate Bicycle and Transportation Commissions
2. Extend the pilot merger through the end of the calendar year to continue to evaluate the merger as the Division returns to full staffing levels
3. Make permanent the merger/elimination of the Bicycle and Transportation Commissions and establish a Complete Streets Commission

#### *Alternative one*

Alternative one would revert to two separate Bicycle and Transportation Commissions, effective with the June 2018 meetings. Commissioners would return to their original appointment body. Five current members of the Complete Streets Commission would return to the Bicycle Commission; leaving two vacancies. Four current members of Complete Streets Commission would return to the Transportation Commission; leaving three vacancies. New commissioners could be chosen by the City Council through the annual appointment process currently scheduled for April 24, 2018. While this alternative would increase the number of commission volunteers, it will impact staff capacity to deliver projects as planned immediately through May and June, as well as into the future. Staff estimates that to provide the role of staff liaison, it takes approximately 10-12 hours per month to prepare the agenda, meeting materials, attend meetings and prepare minutes. Further time will be needed to prepare presentations for items that should be heard by both commissions and to engage with commissioners on questions, concerns and suggestions as they arise. Staff anticipates this will delay a number of critical priorities, including the Safe Routes to School Program and establishment of a Transportation Management Association. Staff will summarize the impacts to these project milestones in the first quarterly workplan update, anticipated for City Council review April 24, 2018. If the City Council chooses this alternative, staff anticipates returning to the City Council for direction on the meeting location for the two commissions, whether to video record the commission meetings, and to update the city of Menlo Park guide for advisory bodies to reflect these changes.

#### *Alternative two*

Alternative two would continue the pilot merger through the end of the 2018 calendar year. At that point, staff would return to the Complete Streets Commission in December 2018 for additional feedback. Then, staff would return to the City Council in January 2019 for final consideration on the pilot commission merger. While this alternative would not immediately address the commission's request to return to two bodies, it will allow project delivery schedules to continue as planned through June 2019 while staff works to fill the two remaining staff vacancies. It also provides an opportunity for staff to find ways to address the

commissioner’s concerns before a final determination by the City Council on the pilot program merger.

*Alternative three*

Alternative three would make permanent the merger and eliminate the former Bicycle and Transportation Commissions and establish a Complete Streets Commission. Given the recent feedback from the Complete Streets Commission, this alternative of a permanent change could be pre-mature. It would not provide an opportunity for staff to address the commissioner’s feedback or the commission to consider the implications to city priorities.

Staff surveyed neighboring cities as listed below to review their commission structure. The cities surveyed include both adjacent neighbors and similar cities within Santa Clara and San Mateo County. Additionally, some of the listed cities are larger than Menlo Park (e.g., San Mateo), but are listed for comparison purposes. The results are summarized in the table below, and demonstrate that none of the other surveyed cities has two bodies to advise the City Council on transportation issues that meet monthly. Atherton and Palo Alto are the only two cities that have two appointed bodies. Atherton has smaller committees with five members that meet every other month or quarterly; Palo Alto has two bodies – the Planning and Transportation Commission that serves as a regulatory body on certain land use items and the Pedestrian and Bicycle Advisory Committee that advises staff on issues related to its charge.

City	Transportation advisory bodies	Advises	Members	Meeting frequency
Atherton	Transportation Committee	City Council	5	Every other month
	Bicycle and Pedestrian Committee	City Council	5	as needed -approximately quarterly.
Belmont	None. Parks and Recreation Commission has served some functions.	City Council	9	monthly
Burlingame	Traffic, Safety & Parking Commission	City Council	5	monthly
Los Altos	Complete Streets Commission	City Council	7	monthly
Mountain View	Bicycle/Pedestrian Advisory Committee	City Council	5	nine times per year
Palo Alto	Planning and Transportation Commission	regulatory body as relates to Planning decisions; advisory to City Council	7	twice per month
	Pedestrian and Bicycle Advisory Committee	staff	14	monthly
Redwood City	Complete Streets Advisory Committee	staff	7	quarterly, plus as needed
San Carlos	Transportation and Circulation Commission	City Council	5	monthly
San Mateo	Public Works Commission	City Council	5	monthly

The City recently adopted the 2018 City Council workplan and identified six priority projects with specific milestone goals and objectives. The transportation division is current leading or indirectly involved in five of six identified projects. The continuation of a merged commission and a streamlined process would continue to assist staff in achieving those milestone goals within the designated timelines as outlined in the 2018 workplan. As such, staff recommends the City Council chose alternative two, continuation of the pilot merger through the end of the 2018 calendar year and adopt Resolution No. 6430 (attachment A).

Alternative one is not recommended at this time due to the resource implications and anticipated project delays. Alternative three is not recommended due to the fact that it does not address the commission's feedback and need for additional dialogue with the commissioners on this topic.

### **Impact on City Resources**

City staff will continue to serve as a liaison to the commission(s), as directed by the City Council, by attending monthly meetings, preparing agendas and minutes, interacting with Commission members and stakeholders, and providing information as requested by other city staff, other commissions and the City Council regarding the commission's activities. Resource implications to other work efforts are further summarized above.

### **Environmental Review**

Environmental review is not required for this agenda item.

### **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. 6430

Report prepared by:  
Kevin Chen, Associate Transportation Engineer

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**RESOLUTION NO. 6430****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AUTHORIZING THE EXTENSION OF THE COMPLETE STREETS  
COMMISSION THROUGH DECEMBER 2018**

WHEREAS, circulation and mobility needs have been identified as a high priority for the coming year; and,

WHEREAS, continuing the one-year pilot of a Complete Street Commission composed of a minimum of seven (7) and a maximum of nine (9) members, all of whom shall be residents who represent varying interests in transportation circulation and safety, was identified to support the City Council's 2018 workplan; and,

WHEREAS, the Complete Street Commission will continue to address the following subject areas:

- Coordination of motor vehicle, bicycle, transit, and pedestrian transportation facilities,
- Advising City Council on ways to encourage 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,
- Review of the proposed circulation plans for major development projects, and
- Coordination with regional transportation systems.

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 extend the one-year trial of the Complete Streets Commission through December 2018.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the seventeenth day of April, 2018, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this seventeenth day of April, 2018.

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Judi A. Herren, City Clerk

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## STAFF REPORT

### City Council

Meeting Date:

4/17/2018

Staff Report Number:

18-084-CC

**Regular Business:**

**Receive an update on the Transportation Master Plan and provide direction on regional infrastructure priorities**

### Recommendation

Staff requests the City Council receive an update and provide direction regarding next steps and schedule on the Transportation Master Plan.

### Policy Issues

The development of a transportation master plan is included as one of the top six priority projects in the City Council's adopted 2018 workplan and is one of the highest priority implementation programs in the 2016 general plan circulation element.

### Background

The Transportation Master Plan and Transportation Impact Fee program is the highest priority program following the adoption of the ConnectMenlo general plan land use and circulation elements in November 2016. On March 27, 2018, staff provided an informational update (Attachment A) on the status of the plan. The City Council discussed the item and requested staff schedule a regular business item for the City Council to provide direction on the next steps.

### Analysis

Staff is returning to the City Council to ensure the scope of work is clear and with a request to provide direction on regional infrastructure priorities. Based on the feedback received from the City Council's March 27, 2018, meeting, councilmembers Carlton and Keith have agreed to serve as co-chairs for the Transportation Master Plan Oversight and Outreach Committee.

Further, a meeting of the Transportation Master Plan Subcommittee (Carlton and Keith) is scheduled for April 16, 2018, and staff plans to present feedback from that meeting at the April 17, 2018, City Council meeting. Staff anticipates the presentation will:

- Summarize the approved scope of work (Attachment B)
- Explain the potential improvement options for Bayfront Expressway and Willow Road, as presented at the March 20, 2018, Transportation Master Plan Oversight and Outreach Committee meeting and available on the project webpage at [menlopark.org/tmp](http://menlopark.org/tmp).
- Request City Council direction on any scope, schedule and budget amendments necessary to respond to the City Council and Transportation Master Plan Oversight and Outreach Committee's feedback

Based on the information presented, staff will also request City Council direction on how to address the

regional infrastructure priorities in the Bayfront Expressway and Willow Road corridors.

### **Impact on City Resources**

No additional resources are requested at this time, but according to City Council direction staff may return with a request for additional funding as a future item.

### **Environmental Review**

The City Council's direction on development of the Transportation Master Plan is not a project under the California Environmental Quality Act (CEQA) Guidelines. Future project actions will comply with environmental review requirements under CEQA.

### **Public Notice**

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

### **Attachments**

- A. March 27, 2018, City Council staff report
- B. Transportation master plan scope of work

Report prepared by:  
Nicole H. Nagaya, Assistant Public Works Director



## STAFF REPORT

### City Council

Meeting Date:

3/27/2018

Staff Report Number:

18-068-CC

Informational Item:

Update on the Transportation Master Plan Status

### Recommendation

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

### Policy Issues

The development of a Transportation Master Plan is included as one of the top six priority projects in the City Council's adopted 2018 workplan and is also one of the highest priority implementation programs in the 2016 General Plan Circulation Element.

### Background

The Transportation Master Plan is the highest priority program following the adoption of the ConnectMenlo General Plan Land Use and Circulation Elements adopted in November 2016.

The Transportation Master Plan will bridge the policy framework adopted within the Circulation Element and project-level efforts to modify the transportation network within Menlo Park. Broadly, it provides the ability to identify appropriate projects to enhance the transportation network, conduct community engagement to ensure such projects meet the communities' goals and values, and prioritize projects based on need for implementation. The Transportation Master Plan, when completed, will provide a detailed vision, set goals and performance metrics for network performance, and outline an implementation strategy for both improvements to be implemented locally and for local contributions toward regional improvements. It will serve as an update to the City's Bicycle and Sidewalk Plans. Following development of the Master Plan, the Transportation Impact Fee program update would provide a mechanism to modernize the City's fee program to collect funds toward construction of the improvements identified and prioritized in the Master Plan.

On March 13, 2018, staff provided an informational update on the status of the Plan which summarized the consultant selection process, appointments to the 11-member Outreach & Oversight Committee, project initiation, and the first round of community engagement conducted between August and October 2017. The outreach efforts, resulting in approximately 1,000 participants, led to the identification of the top priorities from the community:

- Safer bike and pedestrian crossings
- Reducing delays and travel time
- Safe and convenient bicycle connectivity
- Minimizing cut-through traffic on residential streets

On October 30, 2017, the Committee discussed the performance measures and prioritization criteria for the

Transportation Master Plan, building on the community engagement feedback described above. Feedback from the Committee further highlighted safety, congestion relief, complete streets, quality of life, sustainability, education and enforcement, and advanced transportation technologies as considerations for the criteria.

Following the October 30, 2017, Committee meeting, City staff and the W-Trans team worked together to compile existing traffic and collision history data to develop initial strategies and recommendations that the City could implement to address transportation challenges. The recommendations will include program strategies and infrastructure projects that address safety, active transportation, congestion relief, green infrastructure, transit, safe routes to school, and transportation demand management. However, when the W-Trans team analyzed the data, the collision history highlighted four key corridors (Willow Road, Bayfront Expressway, El Camino Real, and Sand Hill Road) in the City that should be prioritized due to higher volumes and the severity of collision patterns. In addition, some of the recommendations will require potential trade-offs due to limiting factors such as available right-of-way and costs. The second Committee meeting, held on March 20, 2018, focused on discussion of trade-offs and potential modifications to Bayfront Expressway and Willow Road.

## **Analysis**

The presentation and materials from the March 20, 2018 Committee meeting are available on the City project webpage ([menlopark.org/TMP](http://menlopark.org/TMP)). The purpose of this meeting was to request feedback on the recommendations, with a particular focus on potential trade-offs. The alternatives were developed building upon those presented in the Dumbarton Transportation Corridor Study prepared by SamTrans in November 2017 and considering City input on the Study alternatives ([http://samtrans.com/Planning/Planning\\_and\\_Research/DumbartonTransportationCorridorStudy.html](http://samtrans.com/Planning/Planning_and_Research/DumbartonTransportationCorridorStudy.html)).

The City's Plan, to be successful in guiding future project implementation efforts, will need to resolve many long-standing trade-offs between preferences for vehicle throughput and capacity, transit accessibility and frequency, and multi-modal access and safety. The range of alternatives to modify Bayfront Expressway and Willow Road were presented as a first step in the development of strategies and recommendations for two high priority regional corridors. This discussion was necessary early in the Plan process to clarify preferences for potential major infrastructure changes. The Committee's discussion of these corridors provided feedback on both the Plan development process and specific corridor recommendations, as summarized below.

## **Plan development and next steps**

The Committee conducted a deliberate and extensive discussion providing feedback on the overall Plan development and process. Several of the Committee members expressed a desire to see the high priority corridors in context of the overall City recommendations, without which some expressed concern that they could not provide comprehensive feedback at this stage. Further, because the recommendations focused on major infrastructure projects on regional routes, several Committee members expressed a desire to see recommendations instead focus on higher level goals and priorities and/or demonstrated safety issues that are more in line with the goals and policy context set by the ConnectMenlo Circulation Element to encourage multi-modal travel and reduce demand for single-occupant vehicle travel. Committee members and public comment also reflected a desire to see comprehensive bicycle and pedestrian network recommendations, which will come forward to the Committee at their next meeting.

In response to the feedback provided, staff is working with the Committee members to schedule the third meeting in May 2018 to review the Citywide recommendations prior to conducting the next round of community engagement. Staff concurs with the Committee's request for an additional meeting at this stage,

and is evaluating options to do so within the workplan milestones established by the Council. Staff is currently polling Committee members to finalize a meeting time including weeknight evenings and Saturdays in May. Staff anticipates hosting the next meeting at the Menlo Park Senior Center or the Laurel School Upper Campus. Depending on the date determined, the next phase of community engagement, targeted for May and June 2018, may not be feasible prior to the end of this school year and may need to be rescheduled for early fall 2018 to maximize the ability of community members to participate.

Two options for the project schedule going forward are summarized below, depending on the date for the next Committee meeting.

Project Schedule Alternatives, pending Committee availability	Option 1	Option 2
Oversight & Outreach Committee Meeting #3: Draft Citywide Strategies and Recommendations	Early May 2018	Late May 2018
Community Open House (in-person and online)	June 2018	September 2018
Draft Transportation Master Plan	December 2018	March 2019
Final Transportation Master Plan	June 2019	September 2019
Draft Transportation Impact Fee Update	September 2019	December 2019
Final Transportation Impact Fee Update	December 2019	March 2020

The Plan’s scope of work called for four Committee meetings during the course of the project, three during the Plan development and one for the transportation impact fee program update. Staff is currently evaluating the potential of using all four meetings for the Plan development. If additional meetings are necessary, staff would return to the Council with a contract amendment and budget appropriations request for this effort.

**Bayfront Expressway**

Four alternatives were presented, ranging from conversion of the existing roadway shoulder to bus lanes to converting Bayfront Expressway to a freeway-type facility by removing existing traffic signals, modifying local access and providing a connection to US 101 at Marsh Road. The Committee members voiced concerns about projects that included grade separations along Bayfront Expressway which would limit local access and remove several existing traffic signals. One major area of concern was that initial engineering investigations have shown that due to high water table levels and the proximity to the San Francisco Bay marshlands, grade separations would likely need to be elevated structures; i.e., lowering of Bayfront Expressway or connecting roadways would not be cost effective and is likely not feasible for long term operations and maintenance. While some support for an improved elevated connection between Bayfront Expressway and US 101 via Marsh Road was expressed, concerns were conveyed about the utility of such a connection absent other significant improvements to increase capacity in both the Dumbarton bridge and US 101 corridors.

Further concerns were raised about the ability to fund both major highway and transit improvements along the Bayfront and Dumbarton corridors. Due to these concerns, staff will direct the W-trans team to not pursue further plans for grade separations and freeway-type improvements. Possible recommendations for shoulder bus lanes and a request to evaluate a potential reversible at-grade lane (similar to the ‘zipper’ lane on the Golden Gate Bridge, US 101, connecting San Francisco and Marin Counties) will be further explored

instead. Additionally, impacts of these suggestions on bicycle and pedestrian connectivity, and other strategies to improve bicycle and pedestrian connectivity, will be explored as part of development of the Citywide recommendations. Staff plans to request a meeting of the Bayfront Expressway Council subcommittee prior to the next Committee meeting to discuss this approach and next steps.

### **Willow Road**

The scope of options presented included the length of Willow Road between Middlefield Road and Bayfront Expressway, and ranged from spot improvements at each signalized intersection to several corridor options for enhanced transit service along Willow Road. The W-trans team presentation focused on the alternatives that required discussion of trade-offs, and due to limited meeting time did not walk through every recommendation for the corridor. Significant discussion occurred on the potential desirability to widen Willow Road, especially as proposed in the Dumbarton Transportation Corridor Study to add bus lanes between Bayfront Expressway and US 101 and eliminate the existing bicycle lanes in favor of a multi-use path on one side of the roadway. Through this discussion, the Committee members raised concerns about widening of Willow Road for any purpose and expressed a desire to see improvements provided to reduce crossing distances and improve safety and bicycle connections along the corridor. Modifications to the intersection of Willow Road and Middlefield Road were presented, but will come back to the Committee for further discussion at the next meeting to allow for more discussion regarding trade-offs.

Major project milestone progresses and deliverables will continue to be posted on the City project website ([menlopark.org/TMP](http://menlopark.org/TMP)).

### **Attachments**

There are no attachments.

Report prepared by:  
Kristiann Choy, Senior Transportation Engineer

Report reviewed by:  
Nicole H. Nagaya, Assistant Public Works Director



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## Scope of Work

This Scope of Work outlines the proposed tasks, roles, and specific deliverables to provide Menlo Park with a Transportation Master Plan (TMP) that provides a detailed vision, set goals, performance metrics, and an implementation strategy. The TMP will bridge the gap between several high level policy documents and the individual mitigation measures recommended in development studies, creating one unified plan. The TMP will incorporate a robust public engagement component so that the priorities established in the plan reflect both need as well as the community's vision.

### TASK1: Project Initiation

#### ***1.1 Project Kick-Off Meeting***

W-Trans will meet with City staff, key stakeholders identified by the City, and/or a Steering Committee/Technical Advisory Committee to discuss the final scope of work and project schedule, establish communication protocols, coordinate preparation activities, and collect studies, data, and other information that will be used throughout the project. During the kick-off, W-Trans will conduct a brainstorming session to clarify key roles, schedules, and the community engagement strategy.

#### ***1.2 Final Scope of Work and Project Schedule***

Based on the discussions at the project kick-off meeting and follow-up correspondence, W-Trans will work with the City to finalize the Scope of Work and Project Schedule, including the Community Engagement Schedule.

#### *Deliverables:*

- i. Meeting Notes
- ii. Final Scope of Work
- iii. Project Schedule

### TASK 2: Transportation Information Summary

The W-Trans Team will review transportation-related studies under three categories and briefly summarize the needs, opportunities and recommendations identified in these studies. The purpose of this task is to reconcile the various recommendations, identify any policy conflicts, and bring the information to a common point in time (2017).

The three categories are:

- i. Concurrent projects such as the Citywide Safe Routes to School Program, the Willows Complete Streets Plan, and the Middle Avenue Pedestrian/Bicycle Rail Crossing Project;
- ii. Relevant state/regional requirements that would apply to the City for future consideration (SB 743, e.g.);
- iii. Recent transportation-related studies conducted for the City, including:
  - Plan Bay Area 2040
  - C/CAG San Mateo County Transportation Plan
  - Connect Menlo Circulation Element
  - Downtown Parking Study
  - Dumbarton Rail Corridor Alternatives Study

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- Dumbarton Transportation Corridor Study
  - Grand Boulevard Initiative
  - Menlo Park El Camino Real/Downtown Specific Plan
  - Menlo Park Circulation System Assessment
  - Menlo Park 2005 Comprehensive Bicycle Development Plan
  - Menlo Park El Camino Real Corridor Study
  - Menlo Park 2009 Sidewalk Master Plan
  - Menlo Park Transportation Impact Fee
  - Ravenswood Avenue Railroad Crossing Study
  - San Mateo 101 Managed Lanes Project
  - 2020 Peninsula Gateway Corridor Study
  - US 101/Willow Road Interchange Reconstruction Project
  - Willow Road Transportation Improvement Options (Study Session Staff Report, 8/23/16)
  - Development Project Transportation Impact Analyses, such as:
    - 500 El Camino Real
    - 1300 El Camino Real
    - Commonwealth Corporate Center
    - Facebook Campus Expansion Project
    - Menlo Gateway

The W-Trans Team will compile and summarize existing and Year 2040 data and transportation operating conditions as noted for the following areas:

**Vehicle Traffic:** We will compare 2014 and 2017 traffic counts provided by the City to analyze historical data and establish trends. We will then summarize existing and cumulative 2040 AADT, a.m. and p.m. peak hour turning movement counts, collision data, intersection and roadway operations (delay, LOS). No new traffic counts or quantitative analysis are assumed. The list of study intersections and roadway segments will be the same as that in the ConnectMenlo document.

**Safety:** We will contact MPPD to get collision data and compile the most recent 5-year set of reported collisions in Menlo Park. We will map all high crash location intersections and segments.

**Heavy Vehicles/Trucks:** We will compile known truck volumes and composition (i.e. % truck mix) as available and identify existing designated truck routes (using data and information in ConnectMenlo).

**Bicycles:** Starting with the Menlo Park Comprehensive Bicycle Development Plan and the Downtown Specific Plan documents, we will identify any changes that have been implemented or recommended since 2005. Gaps in the bicycle network will be identified. We will compare 2014 and 2017 bicycle counts provided by the City to analyze historical data and establish trends. No new field inventory or counts are assumed.

**Pedestrians:** Starting with the Menlo Park Sidewalk Master Plan and the Downtown Specific Plan documents, we will identify any changes that have been implemented or recommended since 2009. We will compare 2017 pedestrian counts to any prior counts provided by the

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City, and analyze historical data and establish trends. Gaps or needed improvements in the pedestrian network will be identified. No new field inventory or counts are assumed.

**Parking:** We will summarize the parking inventory and utilization data in downtown Menlo Park from prior documents.

**Transit:** We will identify all transit services and key stops in Menlo Park. To the extent that information is available, we will compile CalTrain, SamTrans, Dumbarton Express (AC Transit), and City shuttle ridership trends in the City. Future planned transit services will be noted.

**Transportation Infrastructure Projects:** We will summarize the status of major transportation infrastructure projects in Menlo Park.

**Land Use:** We will assess if the trip distribution and gateway information from the City's 2009 Circulation System Assessment is still valid. To do this, we will research the trip distribution patterns in the current C/CAG travel forecast model, and look at other relevant data (employment surveys, census data, etc.)

Following the assembly of the information outlined above, The W-Trans Team will prepare and circulate for comment a draft Transportation Conditions technical memorandum for review and comment.

*Deliverables:*

- i. Draft Transportation Conditions Technical Memorandum

### TASK 3: Public Engagement (1)– Defining the Vision and Goals

The W-Trans Team will facilitate a range of community engagement tools and events to solicit feedback from City residents, business owners, and other stakeholders in the following areas:

- opportunities and challenges with the existing transportation system
- their vision for Menlo Park's near- and long-term transportation system, and
- specific policies, goals, or actions they would like to see advanced through the TMP

As part of this task, with each subtask we will explain the purpose of a TMP and how it fits in within the various city documents (i.e., General Plan, TIF, etc).

#### **3.1 Project Branding**

D&B will develop a logo, color palette, and graphic styles definition for the project consistent with the City's graphic guidelines so that all products produced have a consistent look and feel, and so that the project is recognizable to the public. The logo and styles will be used on outreach materials, the project website (to be hosted by the City), and the final Plan.

#### **3.2 Online Engagement**

EnviroIssues will develop an online "open house" and survey, before the in-person outreach begins. The objective of the survey at this stage will be to solicit input on ideas, priorities, and vision. The survey question and supporting materials will be provided by W-Trans and D&B, and will mimic questions and activities posed at the in-person events. Comments will be tracked using the EnviroLytical public involvement tracking software. EnviroIssues will provide a brief summary report and synthesis of comments gathered in the online forum and survey.

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### **3.3 Pop-Up Outreach (2)**

D&B will design, attend and host activities at up to two public meetings at various venues throughout Menlo Park, with locations and audiences at Staff's choosing. For example, these could be at a Farmers' Market, Menlo Summerfest, an open house held at a school, library, or other ongoing public event. The online survey would be advertised at these events, as well as made available for participants to fill out at the event, on tablets or similar.

### **3.4 Road Show Materials**

So that staff can extend the reach of public input beyond what the consultant team can attend, D&B will provide "road show" outreach materials to staff that can be used at other events. This way, a similar set of questions can be asked and input can be collected in the same format.

### **3.5 Neighborhood Walk-Shops (3)**

D&B will design and host up to three neighborhood "walk-shops"—walking tours of neighborhoods focusing on local transportation issues and opportunities. The "walk-shops" will be designed to be about two-hours in length and would take place on a summer/early fall weekday evening (e.g. 5-7 p.m.) or a weekend morning. Locations and routes will be determined with City staff input (i.e., one east, one central, and one west).

### **Optional Tasks:**

#### **3A Community-wide Workshop**

We could organize a standard workshop as an optional task at this stage of the project. An alternative (for the same budget) would be to do one pop-up event instead of two, two walk-shops instead of three, and then one community-side traditional workshop.

#### **3B Speaker Series**

W-Trans will organize and lead an educational/speaker series. Speakers could be transportation staff and officials in the area, company TDM representatives, elected officials, or others. There could be individual speakers or panel discussions that cover one or more topics, such as:

- Regional Transportation - what's happening in San Mateo County?
- Transit and TDM – How can we reduce trips local trips in Menlo Park?
- Self-Driving Cars – What will this mean for Menlo Park?
- Through Traffic vs. Regional Traffic – Why do we have congestion?

#### *Deliverables:*

- i. Meeting materials and notes
- ii. Materials for City-hosted Project Website and Social Media
- iii. Survey and Results Memo
- iv. Education and Outreach Materials for Tasks 3.1 to 3.5
- v. Draft Transportation Vision and Goals Statement

#### TASK 4: Identify Performance Metrics and Prioritization Criteria

W-Trans will identify a draft list of performance metrics and prioritization criteria to be used to evaluate alternatives. The metrics and criteria will consider industry standard operational considerations as well as conditions particular to Menlo Park. The initial list, which can be modified in consultation with the Steering Committee/TAC and City staff, may include the following:

- safety (based on collision data analysis)
- corridor travel time and speed
- intersection level of service
- pedestrian network connectivity, crossing facilities and/or level of activity
- bicycle network connectivity, volumes and/or level of stress
- transit services
- costs
- prioritization criteria to facilitate project ranking and phasing

*Deliverable:*

- i. Draft and Final Performance Metrics and Prioritization Criteria Memo

#### TASK 5: Initial Strategies and Recommendations

Based on the City’s transportation vision, stakeholder input, and the assessment of existing and future conditions, The W-Trans Team will develop a preliminary set of near- and long-term transportation improvement strategies. We anticipate these strategies will include the following items:

##### **5.1 Capacity and Operational Improvements**

These will be focused at intersections, on local roadways, and on regional roadways to accommodate anticipated growth and minimize cut-through traffic on residential streets across all modes of transportation. The W-Trans team will also identify operational deficiencies based on the data review in Task 2, along with system gaps, conflicts, pinch points, and other barriers to seamless and safe movement by all modes. We will illustrate these as a “gap analysis.” Particular consideration will be given to policies that influence the demand for driving.

As part of this task, we will incorporate green infrastructure concepts in three ways:

- i. Recommend guidelines for the integration of green and transportation infrastructure, using previously published or developed details and concepts;
- ii. Identify locations and develop mapping where green infrastructure can be incorporated into transportation projects;
- iii. Develop concept sketches for specific combinations of green and transportation infrastructure.

Traffic operations, vehicular congestion and safety analysis will be performed to test the efficacy of potential improvements, through better signal timing, revised lane utilization, additional linkages, improvements to roadway geometry, construction of additional capacity, or other structural or non-structural improvements. We will use the ConnectMenlo Vistro Model as the basis for testing improvements, and will use other tools (such as the C/CAG model) if needed. The analysis year will be the same as the General Plan so that we can test with and without improvement scenarios in a common year.

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## **5.2 Roadway Classification Design Details**

Using background information and concepts that were developed as part of ConnectMenlo, we will provide cross-sections for each street classification showing sample widths and facilities.

## **5.3 Updated Bicycle network**

Alta and W-Trans will work to identify a comprehensive bicycle network and present infrastructure and programmatic strategies to resolve network gaps and enhance bicycling comfort and safety. These may not only resolve facility gaps but intersection delays, needed lighting, conflicting vehicle movements, and information and wayfinding gaps. We will examine best practice examples from around the region and the country and evaluate how they can be applied in Menlo Park. Alta will also complete a Levels of Traffic Stress (LTS) analysis, ranking streets from low stress (LTS 1, suitable for children) to high stress (LTS 4, suitable only to 'strong and fearless' bicyclists). We will use a simple, hierarchical approach to network coding to facilitate this process. We will focus on critical network changes that often create the most stress for bicyclists and pedestrians, such as lane drops at intersections and lack of protection for turns. We will illustrate how stress barriers create areas of disconnectivity and islands along what otherwise may be low-stress roadways.

## **5.4 Updated Sidewalk Master Plan**

Alta and W-Trans will consider several elements to update the Sidewalk Master Plan into a Pedestrian Master Plan. We will identify priority pedestrian areas, taking into account common pedestrian concerns such as access to schools, commercial areas, transit/rail stations, and similar, as well as information from the Downtown Specific Plan and other relevant plans. We will work with the City to identify the top priorities for this analysis. We will overlay information on pedestrian counts and pedestrian safety data to understand how these priority pedestrian areas (and the whole city street network) performs. Finally, we will identify a range of improvement types, including sidewalk completion, crossing improvements, urban design elements (building frontages and streetscapes), amenities (benches, street furniture), and landscaping and aesthetics.

## **5.5 Parking supply, demand, and operational strategies**

We will incorporate information and recommendations from the Downtown Parking Study.

## **5.6 Transit, Shuttle and TDM Programs**

We will review future transit plans (regional and local) that will affect Menlo Park, as well as the potential for community-based options to address identified needs and opportunities. We will identify major gaps in current and future planned transit services, and provide examples of current transit service between key points in Menlo Park to illustrate usability (or lack thereof).

As part of this task we will also summarize some of the current shuttle and TDM programs in Menlo Park and discuss how those interact with other transit services. The need and potential benefits of citywide shuttle improvements or the development of a Transportation Management Association (TMA) will be assessed based on the findings in this task.

## **5.7 Modifications to Designated Truck Routes**

We will incorporate information and recommendations from the ConnectMenlo report.

## **5.8 Draft Strategies and Recommendations Working Paper**

We will identify the strategies and recommendations, including phasing (i.e. near-term, long-term), define the specific activities, implementing partners, preliminary cost estimates, and potential funding/financing options. Recommendations will be shown graphically as much as possible (i.e. concept plans, simple layouts that can clearly relay complex ideas).

*Deliverables:*

- i. Draft Strategies and Recommendations Working Paper

TASK 6: Public Engagement (2)– Options, Strategies and Recommendations

The W-Trans Team will facilitate a second round of public engagement to seek feedback on the options and strategies developed as a result of the visioning and development of initial strategies. A variety of tools and methods will be used to solicit feedback from City residents, business owners, and other stakeholders on the preliminary strategies and recommendations before drafting the TMP.

**6.1 Online Survey/Open House #2**

EnviroIssues will set up a second online survey/open house, similar to that developed in Task 3, to solicit feedback from the public on various options and strategies. The online tool will be set up prior to the in-person open house and will utilize content developed by W-Trans and D&B. Results from the online engagement will be summarized in a short report.

**6.2 Community Open House**

Preliminary strategies and recommendations will be shared with the community at an open house. Following a short presentation, participants will be invited to visit various “stations” that present different concepts or topics, designed to share ideas and solicit feedback. Input gathered at the open house will inform the refinement of the strategies and recommendations to be included in the Draft TMP.

*Deliverables:*

- i. Meeting materials and notes
- ii. Online Survey and Results Memo
- iii. Community Open House Education and Outreach Materials

TASK 7: Transportation Master Plan

The W-Trans Team will prepare an Administrative Draft Menlo Park Transportation Master Plan that incorporates each element noted above. The Administrative Draft Transportation Master Plan will be provided to City staff electronically for review and comment. Upon receipt of comments, a Draft TMP will be prepared for review by the Complete Streets Commission and the City Council. A Final Menlo Park TMP will be prepared incorporating comments by decision making bodies.

Working with W-Trans, D&B will design the TMP to be engaging, user-friendly, and accessible, emphasizing maps, graphics and other images. The document will be prepared following the basic graphic style established in Task 3. We will create a layout template and sample pages to review with staff, which will then be revised based on comments before the final document layout is prepared.

The TMP will include the vision, goals, performance metrics, and analysis of each mode in separate chapters, implementation plan, and financing strategy.

*Deliverables:*

- i. Administrative Draft TMP (electronic)

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- ii. Draft TMP (electronic)
  - iii. Final Transportation Plan (5 hard copies & all electronic files)

## TASK 8: Transportation Impact Fee (TIF) Update

The Menlo Park Transportation Impact Fee will be updated upon completion and adoption of the TMP, including recommended projects and fee estimates.

### **8.1 Research Transportation Impact Fee Programs**

W-Trans will research “alternative” TIF programs that go beyond LOS. VMT or trip based programs and make a recommendation to City staff regarding the appropriate approach for Menlo Park. We will submit a research memo for discussion.

*Note – the following subtasks 8.2-8.4 are based on a “traditional” TIF and a vehicle trips analysis. If an alternative approach is used to prepare the TIF, then these tasks and associated fee estimate will be modified at that time.*

### **8.2 Trip Generation and Improvement Measures**

The number of daily, a.m. and p.m. peak hour trips to be generated under cumulative conditions will be taken from the ConnectMenlo documentation. The data will be summarized, along with a description of the intersections, roadways or other facilities impacted, and their recommended improvement measures from the TMP.

### **8.3 Cost Estimation**

Planning level cost estimates will be developed for each improvement measure. If a measure was previously identified in the TIF or Downtown Plan Supplemental TIF, and not yet built or funded but still included in the TMP, then we will update the information as accordingly. We will confirm with City staff that no outside funding is anticipated for any of these projects, such as developer fees, grants or Caltrans-funded projects. If there is other funding for any project, we will deduct the amount as needed from the cost estimate. The cost estimates will include unit costs for specific elements, but will not include detailed design or CAD drawings of the improvements. All estimates and assumptions will be documented.

### **8.4 Impact Fee Structure**

An impact fee structure based on daily and/or peak hour trips will be developed that would provide a fee per trip. The fee will be based on the total cost estimate of all improvements, and not a subset of the total amount, with a goal of collecting adequate monies to fund all of the mitigation measures.

### **8.5 TIF Reports (Draft, Final)**

A Draft Transportation Impact Fee Report will be prepared that details all of the data utilized, assumptions applied, procedures followed, results and recommendations, with appropriate tables and appendices. This report will provide the City with the information needed to establish the basis of the fee as well as the fee itself. One Draft TIF Report is assumed.

Comments on the Draft TIF Report will be addressed and a Final TIF Report will be prepared. One Final Report is assumed.

#### *Deliverables:*

- i. Research Memo of alternative approaches to TIF programs
- ii. Draft TIF (electronic)
- iii. Final TIF (electronic)



## TASK 9: Meetings and Project Administration

We anticipate a series of in-person meetings with City staff and a Steering Committee/Technical Advisory Committee (TAC), as well as ongoing project coordination via conference calls, video conferencing, e-mail or other means.

### Project Schedule

1. Project Initiation	June 2017
2. Transportation Information Summary	June –July 2017
3. Public Engagement (1)	July - September 2017
4. Identify Performance Metrics/Prioritization Criteria	September 2017
5. Initial Strategies and Recommendations	September – December 2017
6. Public Engagement (2)	January 2018
7. Admin Draft TMP	February 2018
Draft TMP	March 2018
Final TMP	April 2018
8. Transportation Impact Fee	April– June 2018
9. Meetings	Ongoing

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## STAFF REPORT

### City Council

**Meeting Date:** 4/17/2018  
**Staff Report Number:** 18-079-CC

**Regular Business:** Complete the biennial review of the El Camino Real/Downtown Specific Plan and provide direction

### Recommendation

Staff recommends that the City Council complete the biennial review of the El Camino Real/Downtown Specific Plan. The review includes consideration of the maximum allowable development status and other informational updates, and requests direction regarding potential modifications to the Specific Plan.

### Policy Issues

The Specific Plan's ongoing review requirement was established to ensure that it is functioning as intended, as well as to consider the policy-related implications of various Plan aspects. The staff-recommended modifications described in this report are intended to support and enhance the adopted Guiding Principles and City Council may consider additional modifications and overall policy issues as part of this review.

### Background

#### Vision Plan and Specific Plan development

Between 2007 and 2012, the City conducted an extensive long-range planning project for the El Camino Real Corridor and the Downtown area. The project started with a visioning project (Phase I: 2007-2008) to identify the core values and goals of the community and to define the structure of the second phase of planning. The Specific Plan process (Phase II: 2009-2012) was a planning process informed by review of an Environmental Impact Report (EIR) and Fiscal Impact Analysis (FIA). A key Specific Plan goal was the establishment of a comprehensive, action-oriented set of rules, which would establish much greater clarity and specificity with regard to development, both with respect to rights as well as requirements.

In June 2012, the City Council unanimously approved the El Camino Real/Downtown Specific Plan and related actions, following a unanimous recommendation for approval from the Planning Commission. The Specific Plan contains extensive standards, guidelines and illustrations for development. Full information on the Vision and Specific Plan projects (including staff reports, meeting video, environmental and fiscal review documents, analysis memos, and workshop presentations and summaries) is available on the City's website at [menlopark.org/specificplan](http://menlopark.org/specificplan).

#### Initial review (2013)

The initial implementation of the Ongoing Review requirement occurred in 2013, one year after the Specific Plan's adoption, at which point the Planning Commission and City Council received public input, discussed a wide range of options and directed that staff prepare formal amendments for the following topics:

- Revise text to clarify that implementation of the "Burgess Park Linkage/Open Space Plaza" public space improvement is not dependent on the High Speed Rail project;

- Eliminate “Platinum LEED Certified Buildings” as a suggested Public Benefit Bonus element; and
- For new medical/dental office uses on El Camino Real, establish an absolute maximum of 33,333 square feet per development project.

Following that direction in late 2013, the Planning Division had a number of staffing changes that delayed work on the Specific Plan amendments, but the formal revisions were presented and approved in October 2014, and are currently in effect.

The second biennial review occurred in 2015, as discussed later in this report.

## **Analysis**

### Maximum allowable development and recent/current development proposals

The Specific Plan establishes a maximum allowable net new development cap, which was intended to reflect likely development over the Specific Plan’s intended 20-30-year timeframe. Development in excess of these thresholds requires amending the Specific Plan and conducting additional environmental review.

Specifically, the approved Specific Plan states the following as part of Chapter G (“Implementation”):

#### *Maximum Allowable Development*

The Specific Plan establishes the maximum allowable net new development as follows:

- Residential uses: 680 units; and
- Nonresidential uses, including retail, office and hotel: 474,000 square feet

The Specific Plan divides the maximum allowable development between residential and nonresidential uses as shown, recognizing the particular impacts from residential development (e.g., on schools and parks) while otherwise allowing market forces to determine the final combination of development types over time.

The Planning Division shall at all times maintain a publicly available record of:

- The total amount of allowable residential units and nonresidential square footage under the Specific Plan, as provided above;
- The total number of residential units and nonresidential square footage for which entitlements and building permits have been granted;
- The total number of residential units and nonresidential square footage removed due to building demolition; and
- The total allowable number of residential units and nonresidential square footage remaining available.

The Planning Division shall provide the Planning Commission and City Council with yearly informational updates of this record. After the granting of entitlements or building permits for 80 percent or more of either the maximum residential units or maximum nonresidential square footage, the community development director will report to the City Council. The City Council would then consider whether it wished to consider amending the Plan and completing the required environmental review, or the City Council could choose to make no changes in the Plan. Any development proposal that would result in either more residences or more commercial development than permitted by the Specific Plan would be required to apply for an amendment to the Specific Plan and complete the necessary environmental review.

The following totals were included in the City Council staff report for the November 12, 2015, hearing as part of the 2015 biennial review of the Specific Plan:

Table 1: Development Totals as of November 2015		
	Net new residential units	Net new nonresidential sq.ft.
Total entitlements approved	18	84,532
Percentage of Specific Plan maximum allowable development	3%	18%
Total entitlements proposed	462	278,692
Percentage of Specific Plan maximum allowable development	68%	59%
Total entitlements approved and proposed	480	363,224
Percentage of Specific Plan maximum allowable development	71%	77%
Total building permits issued	3	73,798
Percentage of Specific Plan maximum allowable development	0%	16%
<b>Specific Plan maximum allowable development</b>	<b>680</b>	<b>474,000</b>

The project summary table included as Attachment A represents an updated summary of applications with square footage implications that have been submitted since the Specific Plan became effective. The table does not include applications that only affect the exterior aesthetics of an existing structure. Staff is aware of other potential in-fill development proposals throughout the Specific Plan area but has not received project applications for these proposals so they are not included in the table.

The Specific Plan area has also benefited from the redevelopment of existing structures. The Marriott Residence Inn (555 Glenwood Avenue), the Hotel Lucent (727 El Camino Real), and a renovation and small expansion of a commercial building at 889 Santa Cruz have all completed construction. Construction is in progress for the following approved projects:

- 612 College Ave. (four new residential units)
- 1295 El Camino Real (new mixed-use residential and commercial development)
- 1020 Alma St. (new office building)
- 1400 El Camino Real (new 61-room boutique hotel)
- 1149 Chestnut St. (renovation of existing commercial building)
- 650 Live Oak Ave. (new office-residential development)
- 133 Encinal Ave. (new townhome style development)
- Station 1300 (new mixed-use office, residential and retail development)

Additionally, the following projects have obtained discretionary approvals but have not yet started construction:

- 1275 El Camino Real (new mixed-use development)
- Middle Plaza at 500 El Camino Real (new mixed-use office, residential and retail development)
- 1540 El Camino Real (new mixed-use office and residential development)

Six applications are pending for new mixed-use developments, all proposed at the Base density level:

- 840 Menlo Ave. (new mixed-use office and residential development)
- 706 Santa Cruz Ave. (new mixed-use retail, office and residential development)
- 1125 Merrill St. (new mixed-use office and residential development)
- 506 Santa Cruz Ave. (new mixed-use retail, office and residential development)

- 556 Santa Cruz Ave. (new mixed-use retail, office and residential development)
- 115 El Camino Real (new mixed-use commercial and residential development)

The Planning Commission approved the 840 Menlo Ave. project March 12, 2018, but its approval is on hold due to a pending appeal to the City Council. The City Council is tentatively scheduled to hear the appeal at its June 5, 2018, meeting.

Additionally, the proposed renovation of the Guild Theatre into a live entertainment venue is scheduled for an April 23, 2018, Planning Commission hearing and a May 22, 2018, City Council public hearing. The proposed addition of 6,462 square feet at this site would not exceed the permitted development caps; however, associated Specific Plan amendments, as well as a Specific Plan EIR addendum, would be required as part of an approval for this project. The only other pending application that includes the addition of square footage is for a proposed Hampton Inn at 1704 El Camino Real, which is proposed at the Public Benefit Bonus level. At the March 12, 2018, study session for this project, the Planning Commission indicated transient occupancy tax revenue is sufficient for the public benefit and provided design comments.

The following chart shows the total net new residential units and nonresidential square footages that have either approved or pending entitlements and/or issued building permit:

Table 2: Development Totals as of April 2018		
	Net new residential units	Net new nonresidential sq.ft.
Total entitlements approved *	485	370,121
Percentage of Specific Plan maximum allowable development	71%	78%
Total entitlements proposed	39	67,522
Percentage of Specific Plan maximum allowable development	6%	14%
Total entitlements approved and proposed	523	437,643
Percentage of Specific Plan maximum allowable development	77%	92%
<b>Specific Plan maximum allowable development</b>	<b>680</b>	<b>474,000</b>

\* Of the total entitlements approved, 431 residential units (63 percent of the total) and 349,141 square feet of net new nonresidential square footage (74 percent of the maximum allowed development) either has issued building permits, or in the case of 500 El Camino Real, an approved development agreement.

Any increase to the residential or commercial development maximums would require environmental review. Although the type of environmental review would be dependent on how the development caps are modified, the environmental review would likely take at least a year.

2015 biennial review

On October 6, 2015, staff presented the biennial review for the El Camino Real/Downtown Specific Plan to City Council. Several members of the public spoke and voiced concerns over downtown parking and housing primarily, as well as the jobs-housing-use balance, and retail and funding mechanisms. The item was continued to the November 17, 2015, meeting for further discussion. (The biennial review was also presented to the Planning Commission August 3, 2015.)

On November 17, 2015, the City Council continued discussion of the biennial review, and City Council gave



general direction for staff to pursue the short-term and long-term changes to the Specific Plan outlined in Table 3 below. (The November 17, 2015, staff report provides more detailed descriptions of the proposed changes.)

<b>Table 3: Specific Plan changes and next steps</b>		
<b>SHORT-TERM changes by CITY</b>		<b>Status</b>
Public amenity fund	Create a public amenity fund for public benefit bonus financial contributions. Monies would go toward specific plan transportation-related projects.	Fund creation completed: Additional contributions and use considered on an ongoing basis
<b>SHORT-TERM changes needing text/graphic edits only</b>		<b>Status</b>
Rear setback	Clarify that rear setbacks apply to Specific Plan area boundary.	Preliminary work started
Maximum setbacks	Allow variances to exceed 50% for districts with maximum front and side setbacks.	Work not started
Sidewalks	Provide sidewalk standards for streets where no such standards exist.	Preliminary work started
Affordable housing overlay	Add affordable housing overlay citation in Specific Plan text to reflect existing ordinance that already applies. Allows additional density for affordable housing projects up to public benefit bonus level without the need to prepare an economic analysis and Public Benefit Bonus (PBB) study session.	Work not started
Hotel incentives (allow at public benefit bonus FAR)	Allow hotel uses at the Public Benefit Bonus level without the need to prepare an economic analysis and PBB study session.	Work not started
Transportation Demand Management (TDM) programs	Formalize the City's TDM program criteria.	Citywide planning started
Electric vehicle recharging stations	Incorporate EV charging station requirements in commercial developments.	Citywide update in progress
Hotel parking rate	Clarify that hotel parking rate would be a range (likely between 0.8 to 1.25 spaces per room) determined through case-by-case review.	Preliminary work started

<b>SHORT-TERM changes needing text/graphic edits and potentially research/analysis by CONSULTANT</b>		<b>Status</b>
Personal improvement services parking rate	Establish a parking rate for personal improvement service uses, and eliminate the need for case-by-case review.	Preliminary work started
Parking rate changes in station area and station area sphere of influence	Reduce parking rate based on proximity to Caltrain station.	Preliminary work started
Maximum sign area for larger parcels	Allow more sign area for larger developments.	Preliminary work started
<b>LONG-TERM changes needing policy decisions by CITY and research/analysis by CONSULTANT</b>		<b>Status</b>
Hotel Incentives (General)	Explore potential incentives for hotel uses.	Work not started
Infrastructure project list, outreach	Compile a list of public benefit infrastructure projects, including fiscal modeling, costs and funding mechanisms.	Work not started
Encourage housing (esp. affordable housing)	Explore incentives for creating more affordable housing.	Work not started (but part of Housing Commission policy recommendations)
Parking in lieu fees, parking reduction	Explore parking in lieu fees to reduce parking requirements, including potentially establishing a transportation management association (TMA).	Citywide planning started
Preserve small businesses and retail uses	Explore protections and incentives for retaining small businesses and retail uses.	Work not started

Due to a large number of pending individual development projects in the Specific Plan area as well as ongoing staff vacancies, many of the tasks have not been completed. As noted in the table above, a public amenity fund has been created, with a current balance of \$1,236,678 (the bulk of which consists of the first half of the Station 1300 public benefit bonus payment). This fund will be used for infrastructure and public space improvements in the Plan area.

Staff, with help from consultants, has done some work related to updating the development standards for setbacks, sidewalks, signage and parking rates. It should be noted, the short-term items that have not been started are text edits that may not require intensive work. In addition, citywide planning has started on formalizing requirements for TDM programs, including potentially establishing a transportation management association, and updating the requirements for electric vehicle charging stations. The City Council may wish to consider whether all of the tasks continue to be important to pursue. Staff believes the short-term items

should be pursued, especially since many require text changes that would most efficiently be done as part of one update.

One important change to be considered in the near future is increasing the maximum sign area allowed for larger parcels. During review of the 500 El Camino Real ("Middle Plaza") and 1300 El Camino Real ("Station 1300") proposals, staff determined that revisions to add flexibility regarding sign area may be necessary. For reference, the Zoning Ordinance limits commercial sign area based on lot frontage, with signage maxing out at 100 square feet for a parcel with lot frontage of 80 feet or more. The 500 and 1300 El Camino Real proposals both involve the mergers of multiple parcels to create comprehensive redevelopments with lot frontages of multiple hundreds of feet, for which 100 square feet of sign area is likely insufficient.

Other tasks, such as hotel incentives, especially the proposed short term change of allowing hotels at the public benefit bonus level FAR (floor area ratio) without the need for a fiscal analysis, may be less urgent. The only pending hotel proposal, located at 1704 El Camino Real, is proposed at the bonus level FAR; however, the applicants submitted a third party fiscal analysis as part of their March 12, 2018, Planning Commission study session, at which the Planning Commission indicated the transient occupancy tax revenue the city would receive from the hotel is sufficient as a public benefit to allow development at the public benefit bonus level. Although staff is not currently aware of any other hotel proposals in the Specific Plan area, the market analysis of hotel viability that is part of the Specific Plan indicates there may still be room for hotel growth and a reason to pursue the incentives.

Housing and Economic Development staff have continued working on a possible downtown parking structure(s) project, which was a long-term task but has been removed from this list as it is now on the City Council's 2018 priority project list. Staff will work with the City Council on this proposed structure and if it will contain other land uses in addition to parking, which would necessitate a Specific Plan amendment. The topic is scheduled to be reviewed by the City Council at an April 24, 2018, study session. However, the other long-term tasks that are not part of citywide efforts, including general hotel incentives, the infrastructure project list, encouraging affordable housing, and preserving small businesses and retail uses, need more definition, and if the City Council would like staff to pursue these, more specific direction would be needed.

#### December 5, 2017, City Council meeting

On December 5, 2017, staff presented an information item to the City Council on the Specific Plan maximum allowable development status. The City Council discussed the next steps to be addressed in the biennial update and provided feedback on possible amendments to the Specific Plan as discussed below.

#### *Entertainment use*

One councilmember expressed a desire for a dedicated entertainment use in the Specific Plan, possibly combined with a mixed-use parking structure, and inquired as to whether the commercial caps could take into account this use, and the possibility of GFA (gross floor area) being reserved for this use. Staff does not believe the language in the Specific Plan allows gross floor area to be reserved for a specific use; however, the overall caps could be raised to allow for additional future projects, including an entertainment use.

The proposed renovation of the Guild Theatre into a live entertainment venue is scheduled for an April 23, 2018, Planning Commission hearing and a May 22, 2018, City Council public hearing, and the proposed addition of 6,462 square feet at this site, would not exceed the permitted development caps. As noted previously, if the Plan was not amended and the development maximums were reached, then future development proposals, including any proposal for additional entertainment uses, would need to apply for individual increases to the development caps.

### *Heights in the Plan Area*

Several councilmembers noted that the height requirements differ in various parts of the Specific Plan and that the height and FAR requirements in the El Camino Real Southeast (ECR SE) district, as they are currently higher than other districts, should be reviewed. A councilmember also raised a question on whether height limits deterred development on Santa Cruz Avenue. Although changes to height limits could be pursued, it should be noted that the height limits currently in the Plan resulted from public input throughout the process of creating the Plan.

In addition to the character of the existing downtown, the Specific Plan describes a slightly different environment in the ECR SE district. For example, on page E16, the Plan states that higher development intensities are focused on the east side of El Camino Real, south of Ravenswood, since these larger parcels can accommodate more development and are isolated from adjacent residential uses by El Camino Real to the west and the rail road tracks and Alma Street to the east. The higher permitted maximum FAR in this district also allows for development of housing. Additionally, the Specific Plan states that the retail node at Middle Avenue could be more focused on cafes or restaurants to avoid direct competition with retail in the downtown and station areas.

Regarding Downtown and Santa Cruz Avenue, the first goal of the Vision Plan was to retain village character, especially in the downtown area. Additionally, the Plan states on page C16, "The concept for downtown emphasizes the existing small-town character, ensuring...smaller-scale buildings complementary to the existing character of the area." It should also be noted, several projects are pending in the downtown area, including 706 Santa Cruz Ave., 506 Santa Cruz Ave., 556 Santa Cruz Ave. and 1125 Merrill St., with proposals that conform to the current height limitations.

### *Parking*

Several councilmembers mentioned parking concerns in the Specific Plan, expressed interest in the construction of parking structures, and inquired about the ownership of the public parking plazas. The Contract City Attorney has indicated that the City owns the parking plazas and can develop them with parking structures, but other non-parking uses, including an entertainment use, would not be permitted on these sites. (Due to a conflict of interest with the City Attorney, who leases property within the Plan area, the City has contracted with a Contract City Attorney to provide legal services for the Specific Plan update.) It should be noted that the Specific Plan currently allows for up to two parking structures, which would not require an amendment to the Plan, as combining a structure with other uses would. However, construction of a parking structure may not occur for several years, as funding would need to be determined and parking related studies would likely be needed.

### *Housing*

The City Council stated an interest in increasing the number of residential units in the Specific Plan area, especially near the train station and other transit. Comments about increasing residential units also came from the public comment portion of the meeting, as well as emails to the City Council. Options that could be considered to increase residential housing supply include removing density limits, reducing or removing parking requirements, providing additional affordable housing incentives as well as allowing a certain level of residential density through an administrative, rather than a discretionary review process.

### Direction for staff

As noted previously, staff believes the short-term tasks should be pursued, while the long-term tasks require further definition and direction before they are pursued. Staff will summarize both the short-term and long-term tasks at the City Council meeting. Additional questions on the update of the Specific Plan include:

- Should both commercial and residential caps be increased or only the residential development cap?
- If the Guild renovation project is approved, is another entertainment use still a priority or is the addition of a parking structure, without other uses, a priority?
- Is there further interest in modifying height limits in the Specific Plan?

### Next steps

As noted in the City Council's Goal Setting and Priorities, implementing the Specific Plan review and amendments is a priority. As discussed further under the Environmental Review and Impact to City Resources sections of this report, potential changes to the Specific Plan would require consideration under CEQA, and staff believes the work required for the Specific Plan modifications, excluding the environmental review required for an increase in the development caps, could possibly be absorbed within the Community Development Department budget, although it would affect the Planning Division's ability to address other projects and plans. The work required for more significant modifications to the Specific Plan will require consideration of a new budget appropriation and the 2018-2019 proposed department budget anticipates an increase in funding for those contract consulting services

If the Plan was not amended and the development maximums were reached, possibly within the next few years, then future development proposals would need to apply for individual increases to the development caps. However; it should be noted that the Specific Plan recognized the strong redevelopment potential for the 500 El Camino Real site, which took up a large percentage of the development maximums, in addition to the 1300 El Camino project. (The 1300 El Camino Real project was expected to be developed under previous project approvals.) Future projects will likely be smaller in scale.

As noted above, staff asks City Council for direction on amendments to the Specific Plan, which could be turned into a scope of work to be presented at a future City Council hearing.

### Correspondence

Staff has received correspondence from the Environmental Quality Commission requesting the same environmental standards in place in the former M-2/Bayfront Area be applied to developments in the Specific Plan Area (Attachment C). Staff has received no other correspondence.

## **Environmental Review**

### Specific Plan Program EIR

The Specific Plan process included detailed review of projected environmental impacts through a program Environmental Impact Report (EIR), as required by the California Environmental Quality Act (CEQA). The Final EIR was certified along with the final Plan approvals in June 2012.

### Project-level review under the Specific Plan

As specified in the Specific Plan EIR and the CEQA Guidelines, program EIRs provide the initial framework for review of discrete projects. Aside from smaller projects that are categorically exempt from CEQA and require no further analysis, most new proposals are required to be analyzed with regard to whether they would have impacts not examined in the program EIR. This typically takes the form of a checklist that analyzes the project in relation to each environmental category in appropriate detail. Depending on the results of such analysis, the City could determine that the program EIR adequately considered the project, or the City could determine that additional environmental review is required.

Regardless of the CEQA review process, all projects must incorporate feasible mitigation measures

included in the Specific Plan EIR's Mitigation Monitoring Program.

### CEQA requirements for potential changes to the Specific Plan

As noted earlier, potential changes to the Specific Plan would require consideration under CEQA, although this may vary based on the nature and extent of the changes. Based on the experience with the 2014 changes, staff believes that the currently-recommended short-term and text revisions, not the changes to the development caps or other larger policy issues, could potentially be considered under a Negative Declaration process, as a result of their nature as enhancements to existing Plan objectives. However, this is not certain until the required Initial Study is conducted. More substantive changes to the Specific Plan, including increases to the development caps, could require a more extensive review process, with the likely need for an EIR, which typically requires approximately a year to prepare.

### **Impact on City Resources**

As part of the Specific Plan adoption, an El Camino Real/Downtown Specific Plan Preparation Fee was approved. This fee is charged to projects adding square footage, to recover the costs associated with the preparation of the Specific Plan. The current fee is established at \$1.13/square foot for all net new development, and \$484,778 has been collected to date. (The projected year-end amount is \$500,000).

Staff believes the work required for the Specific Plan modifications, excluding the environmental review required for an increase in the development caps, could possibly be absorbed within the Community Development Department budget, although it would affect the Planning Division's ability to address other projects and plans. The work required for more significant modifications to the Specific Plan, as noted above, will likely require consideration of a new budget appropriation for more significant technical consultant services.

The preparation of the Specific Plan in 2012 required staff resources, consultant and contract attorney services, and operating costs (meeting materials, mailing costs, etc.). The total breakdown of project costs is as follows:

<b>Table 4: Project costs</b>	
Consultant costs:	\$1,191,390
Contract attorney:	\$100,000
Operating costs:	\$25,000
Staff costs:	\$374,850
<b>Total costs:</b>	<b>\$1,691,240</b>

Considering that an increase in the development caps, as well as the proposed changes to the plan, are a smaller project, the cost could potentially be estimated at about a fourth of the Specific Plan cost, or approximately \$425,000. However, this represents a rough estimate for the purposes of discussion, and staff would need to return with a more formal cost projection once the overall scope of work is determined.

### **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. Project summary table
- B. Project area map
- C. Correspondence

Report prepared by:

Corinna Sandmeier, Senior Planner

Ceci Conley, Contract Assistant Planner

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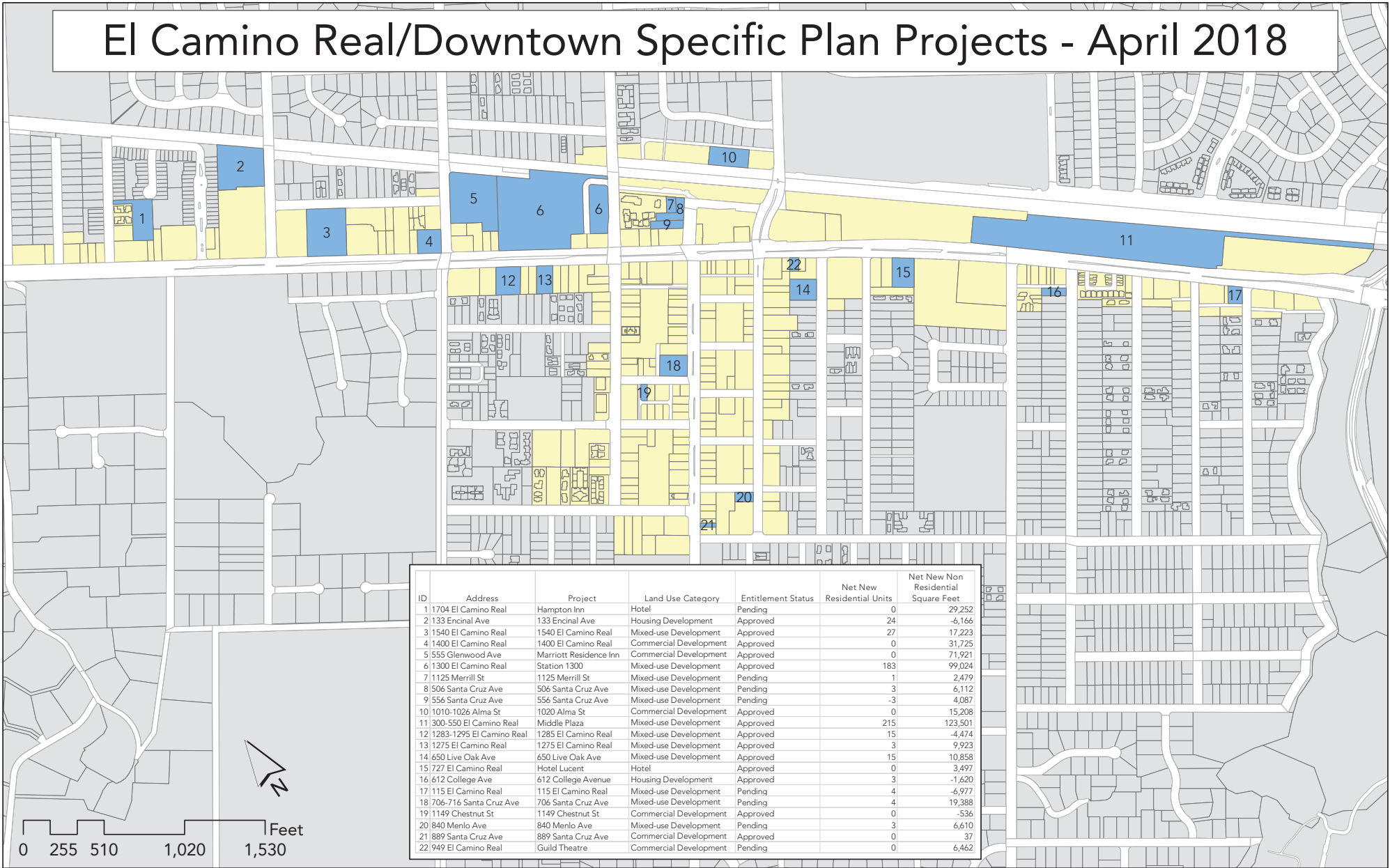


# ATTACHMENT A

Project	Address	Description	Development Level	Entitlement Status	Building Permit Status	Net New Res. Units	Net New Non-Res. SF	Notes
Marriott Residence Inn	555 Glenwood Avenue	Conversion of a senior citizens retirement living center to a 138-room limited-service, business-oriented hotel	Public Benefit Bonus	Approved	Issued 11/12/13; Completed 4/30/15	0	71,921	No new square footage was constructed, but the net new vehicle trips associated with the conversion are considered equivalent to the listed square footage
Hotel Lucent	727 El Camino Real	Comprehensive renovation of an existing hotel, including an eight-room expansion	Base	Approved	Issued 5/14/14; Completed 4/10/17	0	3,497	
889 Santa Cruz Ave	889 Santa Cruz Ave	Renovation of an existing commercial building, with small expansion	Base	Approved	Issued on 2/2/17; Completed 10/26/17	0	37	
612 College	612 College Avenue	Demolition of a residence and a commercial warehouse building, and construction of four new residential units	Base	Approved	Issued 9/29/15; Construction in progress	3	-1,620	
1295 El Camino Real	1283-1295 El Camino Real	Demolition of two commercial buildings and construction of a new mixed-use residential and commercial development	Base	Approved	Issued 12/22/2016; Construction in progress	15	-4,474	
1020 Alma St	1010-1026 Alma St	Demolition of existing commercial buildings and construction of new office development	Public Benefit Bonus	Approved	Issued 11/21/16; (Phase 2 issued 10/23/17) Construction in progress	0	15,208	
1400 El Camino Real	1400 El Camino Real	Construction of new 61-room hotel	Public Benefit Bonus	Approved	Issued 11/16/16; (Phase 2 issued 6/15/17) Construction in progress	0	31,725	
1149 Chestnut Street	1149 Chestnut Street	Renovation of an existing commercial building	Base	Approved	Issued 10/4/16; Construction in progress	0	-536	
1300 El Camino Real	1258-1300 El Camino Real, 550-580 Oak Grove Avenue, and 540-570 Derry Lane	Construction of a new mixed-use office, residential, and retail development	Public Benefit Bonus	Approved	Issued 9/6/17; Construction in progress	183	99,024	The approved 1300 El Camino Real project is credited like an existing building, since it received full CEQA clearance; active square footage also credited
650 Live Oak Ave	650 Live Oak Ave	Demolition of commercial building and construction of new office-residential development	Public Benefit Bonus	Approved	Issued 11/14/17; Construction in progress	15	10,858	Linked with 660 Live Oak Ave proposal, although that parcel is not in the Specific Plan area and as such is not included in this table.
133 Encinal Ave	133 Encinal Ave	Demolition of existing commercial buildings and construction of a new townhome-style development	Base	Approved	Under review	24	-6,166	
1275 El Camino Real	1275 El Camino Real	Construction of new mixed-use development on a vacant site	Base	Approved	Under review	3	9,923	
500 El Camino Real	300-550 El Camino Real	Construction of a new mixed-use office, residential, and retail development	Base	Approved	Under review	215	123,501	
1540 El Camino Real (former Beltramo's)	1540 El Camino Real	Demolition of a retail building and construction of a new mixed-use office and residential development	Base	Approved	n/a	27	17,223	
Hampton Inn	1704 El Camino Real	Demolition of existing hotel and construction of a new hotel.	Public Benefit Bonus	Pending	n/a	0	29,252	goal final action is late second quarter 2018
840 Menlo Avenue	840 Menlo Avenue	Construction of a new mixed-use office and residential development on a vacant parcel	Base	Pending	n/a	3	6,610	
706-716 Santa Cruz Avenue	706-716 Santa Cruz Avenue	Demolition of existing commercial building and onstruction of a new mixed-use retail, office, and residential development	Base	Pending	n/a	4	19,388	goal final action is late first quarter 2018
1125 Merrill St	1125 Merrill St	Demolition of the existing building and construction of a new mixed-use office and residential development	Base	Pending	n/a	1	2,479	Linked with 506 and 556 Santa Cruz Ave projects, but tallied individually - goal final action early second quarter 2018
506 Santa Cruz Ave	502-540 Santa Cruz Ave	Demolition of the existing building and construction of a new mixed-use retail/office/residential development	Base	Pending	n/a	3	6,112	Linked with 1125 Merrill St and 556 Santa Cruz Ave projects, but tallied individually - goal final action early second quarter 2018
556 Santa Cruz Ave	556-558 Santa Cruz Ave	Demolition of the existing building and construction of a new mixed-use retail/office/residential development	Base	Pending	n/a	-3	4,087	Linked with 1125 Merrill St and 506 Santa Cruz Ave projects, but tallied individually - goal final action early second quarter 2018
115 El Camino Real	115 El Camino Real	Demolition of existing building and construction of a new mixed-use development consisting of commercial space on the first floor, and residential units on the second and third floors	Base	Pending	n/a	4	-6,868	goal final action is early third quarter 2018
949 El Camino Real	949 El Camino Real	Renovation of existing Guild Theatre cinema facility into a live entertainment venue	Public Benefit Bonus	Pending	n/a	0	6,462	goal final action second quarter 2019
<b>Total Entitlements Approved</b>						<b>485</b>	<b>370,121</b>	
<i>Percentage of Specific Plan Maximum Allowable Development</i>						<i>71%</i>	<i>78%</i>	
<b>Total Entitlements Proposed</b>						<b>39</b>	<b>67,522</b>	
<i>Percentage of Specific Plan Maximum Allowable Development</i>						<i>6%</i>	<i>14%</i>	
<b>Total Entitlements Approved and Proposed</b>						<b>524</b>	<b>437,643</b>	
<i>Percentage of Specific Plan Maximum Allowable Development</i>						<i>77%</i>	<i>92%</i>	
<b>Total Building Permits Issued</b>						<b>216</b>	<b>225,640</b>	
<i>Percentage of Specific Plan Maximum Allowable Development</i>						<i>32%</i>	<i>48%</i>	
<b>Specific Plan Maximum Allowable Development</b>						<b>680</b>	<b>474,000</b>	

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# El Camino Real/Downtown Specific Plan Projects - April 2018



ID	Address	Project	Land Use Category	Entitlement Status	Net New Residential Units	Net New Non Residential Square Feet
1	1704 El Camino Real	Hampton Inn	Hotel	Pending	0	29,252
2	133 Encinal Ave	133 Encinal Ave	Housing Development	Approved	24	-6,166
3	1540 El Camino Real	1540 El Camino Real	Mixed-use Development	Approved	27	17,223
4	1400 El Camino Real	1400 El Camino Real	Commercial Development	Approved	0	31,725
5	555 Glenwood Ave	Marriott Residence Inn	Commercial Development	Approved	0	71,921
6	1300 El Camino Real	Station 1300	Mixed-use Development	Approved	183	99,024
7	1125 Merrill St	1125 Merrill St	Mixed-use Development	Pending	1	2,479
8	506 Santa Cruz Ave	506 Santa Cruz Ave	Mixed-use Development	Pending	3	6,112
9	556 Santa Cruz Ave	556 Santa Cruz Ave	Mixed-use Development	Pending	-3	4,087
10	1010-1026 Alma St	1020 Alma St	Commercial Development	Approved	0	15,208
11	300-550 El Camino Real	Middle Plaza	Mixed-use Development	Approved	215	123,501
12	1283-1295 El Camino Real	1285 El Camino Real	Mixed-use Development	Approved	15	-4,474
13	1275 El Camino Real	1275 El Camino Real	Mixed-use Development	Approved	3	9,923
14	650 Live Oak Ave	650 Live Oak Ave	Mixed-use Development	Approved	15	10,858
15	727 El Camino Real	Hotel Lucent	Hotel	Approved	0	3,497
16	612 College Ave	612 College Avenue	Housing Development	Approved	3	-1,620
17	115 El Camino Real	115 El Camino Real	Mixed-use Development	Pending	4	-6,977
18	706-716 Santa Cruz Ave	706 Santa Cruz Ave	Mixed-use Development	Pending	4	19,388
19	1149 Chestnut St	1149 Chestnut St	Commercial Development	Approved	0	-536
20	840 Menlo Ave	840 Menlo Ave	Mixed-use Development	Pending	3	6,610
21	889 Santa Cruz Ave	889 Santa Cruz Ave	Commercial Development	Approved	0	37
22	949 El Camino Real	Guild Theatre	Commercial Development	Pending	0	6,462

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April 2018

Re: Recommendation to incorporate Green Design Standards in the Downtown Specific Plan

Dear Mayor and Councilmembers,

The Environmental Quality Commission is pleased that the City Council may be considering amendments to the Downtown/El Camino Real Specific Plan this year through the Biennial Review process. This creates an important opportunity to incorporate the goals and policies adopted as part of the 2016 General Plan Update that focused on the M2/Bayfront area.

As development continues in downtown Menlo Park, it is paramount that the same environmental standards enacted in M2/Bayfront area are applied to new projects in Downtown/El Camino Real district.

Updating the Downtown Specific Plan Green Design Standards is an important step to ensure equity across all of Menlo Park. It also shows continued commitment to meet Climate Action Plan goals.

The General Plan's nine Guiding Principles "describe the kind of place that community members want Menlo Park to be." The ninth Guiding Principle applies to environmental sustainability, which is:

*"Menlo Park is a leader in efforts to address climate change, adapt to sea-level rise, protect natural and built resources, conserve energy, manage water, utilize renewable energy, and promote green building."*

See <https://www.menlopark.org/DocumentCenter/View/15014>, page I-9.

The recently adopted zoning regulations for Menlo Park's ConnectMenlo area codify these principles into an exemplary set of environmental standards that highlight Menlo Park's leadership.

We recommend Council consider all aspects of the M2 green building standards when updating the Downtown Specific Plan, and particularly the following:

1. While the state of California is on track to usher in zero net energy (ZNE) homes by 2020 and commercial buildings by 2030, Menlo Park has implemented a novel approach that enables zero carbon buildings before the state ZNE standards kick in. The new zoning standards in the ConnectMenlo area now require new developments to use **100 percent renewable energy**, which guides a gradual transition to fossil-fuel-free buildings. The policy has flexible options built in to ease the transition, such as purchasing renewable energy from multiple providers, installing solar or other renewables within the City of Menlo Park, or purchasing renewable energy credits equal to the energy demand of the project each year. This is a remarkable step to address the growing carbon emissions from natural gas uses, which account for more than twice the GHG emissions of electricity in Menlo Park.
2. The new zoning in the ConnectMenlo area also requires new development projects to complete an on-site renewable energy feasibility study and install at least 30 percent of the maximum renewables feasible on-site. This will likely lead to significant financial savings from building

utility bills. It also provides flexibility for developers who prefer to focus on rooftop gardens and shade trees.

We advise that other similar green design standards be analyzed and evaluated for consideration if the Downtown Specific Plan is amended. We appreciate your attention to this issue, and welcome the chance to discuss further and answer any questions you may have.

Sincerely

Janelle London

Chair, Environmental Quality Commission



## STAFF REPORT

### City Council

Meeting Date:

4/17/2018

Staff Report Number:

18-073-CC

Informational Item:

Update on 241 El Camino Real (The Oasis) and 201-211 El Camino Real/610 Cambridge Ave.

### Recommendation

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

### Policy Issues

Mayor Pro Tem Ray Mueller has asked for a status update on the subject property, where The Oasis restaurant and lounge ceased operations as of March 7, 2018. Specifically inquiring if the existing building is eligible for historic designation for the National Register of Historic Places and the California Register of Historical Resources. Additional information has been requested for a proposed mixed-use development at an adjacent property located at 201-211 El Camino Real/610 Cambridge Ave.

### Background

The subject building has been evaluated as being eligible for both the federal and California Historic Registers. A 1990 historic resources inventory and a 2013 Historic Resource Evaluation (HRE) confirmed the building's historic eligibility. As a result, any exterior alterations/additions would need to be conducted in compliance with the secretary of the interior's standards for rehabilitation, as evaluated by a qualified architectural historian. Demolition of the building would likely not be permitted without an environmental impact report (EIR) and associated statement of overriding considerations.

In 2001, the Planning Commission granted a use permit and architectural control for new wireless equipment, specifically new cell antennas within an enclosure were added to the building's roof. In 2012-2013, Sprint applied for a use permit revision to replace the previously-installed antennas with new enclosed roof-mounted antennas. The proposed design of the antennas and their faux chimney enclosure were found to be not compatible with the secretary of the interior's standards for rehabilitation and the project was never installed.

On March 8, 2018, City staff held a preliminary development review meeting for a proposed three-story 17-residential unit/mixed-use (medical office) project immediately south of the Oasis site at 201-211 El Camino Real/610 Cambridge Ave. That project is discussed in more detail later in this staff report.

### Analysis

As noted above, the subject building has been evaluated as being eligible for both the federal and California Historic Registers. As described in the 2013 HRE (Attachment A), conducted by an independent architectural historian, the existing building is historically significant for its rarity as a remnant of Camp Fremont, which was established in Menlo Park during World War I, and for its continued use as a long-term

commercial use in Menlo Park. The building was constructed in 1917 and moved to its present location in approximately 1920. The Beltramo family purchased the building in 1920, after it was abandoned by the U.S. Army, and remains the building's present owners.

The building is also listed in the El Camino Real/Downtown Specific Plan (El Camino Real mixed-use district) as a landmark for its inclusion in the 1990 historic resources inventory and is subject to mitigation measure CUL-1, requiring project sponsors to complete site-specific historic evaluations for projects located at or adjacent to buildings that are at least 50 years old. However, the City has not conveyed local historic recognition and the site is not zoned as a Historic Site District (H). The Planning Commission could recommend to the City Council that the building be designated a landmark by resolution of the City Council or through an application by the property owner. The city's General Plan land use element also contains policies (Policy LU-7.8) encouraging the preservation of cultural and historic resources. Further information on the building's historic eligibility, its historical connection to the Menlo Park community and city General and Specific Plan requirements can be found in the 2013 HRE.

Regarding a potential future use of the existing building, the below options discuss some possible scenarios:

- A new restaurant serving beer/wine and with no exterior changes to the building would be permitted by right. The applicant would need to obtain a business license, a building permit for any interior tenant improvements and a sign permit for any new/modified signage.
- A new restaurant that wants to add distilled spirits to the beer/wine service would need an administrative permit, in addition to the other permits noted above. An administrative permit is a non-discretionary approval issued by the community development director and further described in zoning ordinance section 16.82.140.
- Any land use that is not a restaurant would need to provide information on the exact proposed use, any additions or exterior modifications made to the building, parking requirements (including use of the rear parking spaces that are located at 615-617 Partridge Avenue) and other project information to determine if the use would be permitted or if it needs Planning Commission review of a use permit.
- Similar uses permitted by right (with no exterior modification) in the El Camino real mixed-use district include takeout only restaurants and food and beverage sales. All permitted, conditional, administrative and other use types are listed on E6-7 and parking rates on F-19 of the specific plan.

#### 201-211 El Camino Real/610 Cambridge Ave.

This 16,348 square-foot neighboring and separately owned site is proposed to be developed as a 25,000 square-foot three-story mixed-use building at a bonus density level of 1.49 FAR where 1.5 FAR is permitted at the bonus level. The new building would include 17 for-sale residential units (2 below market rate units), 5,095 square-foot of medical office and parking for 67 cars, mostly within a below grade garage. The building would be 38-feet in height with the upper floors stepping back at the two higher levels.

The new building would replace an existing one-story commercial building and seven surface parking spaces at 201 El Camino Real, a 28-space surface parking lot to the west of the commercial building and a one-story residential building at 610 Cambridge Avenue preliminary project plans as discussed with staff at the afore-mentioned March 8, 2018, meeting and a site survey are available in attachment B.

As to how this project could primarily affect the adjacent Oasis property, the applicant is proposing a publically accessible open space at the west corner of the site for the project's primary public benefit. They are also proposing to purchase from the city a section of Alto Lane and relocate the access drive (off Cambridge Avenue) 65-feet west so that it is placed between the open space and the new building. The relocation of this access drive may affect customers accessing the parking associated with the former Oasis building and would need to be analyzed in conjunction with this proposal. Staff additionally raised concerns



related to utilities under Alto Lane, flooding issues, traffic signal coordination and lift/shared parking. The project remains preliminary in nature and staff has not received an updated proposal from the applicant following the March 8, 2018, meeting.

**Attachments**

- A. 2013 historic resource evaluation
- B. 201-211 El Camino Real/610 Cambridge Ave. preliminary plans

Report prepared by:  
Mark Muenzer, Community Development Director

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## HISTORIC RESOURCE EVALUATION

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Beltramo Building (The Oasis)  
241 El Camino Real, Menlo Park, San Mateo County, California  
(071-413-360)



Prepared for:

City of Menlo Park  
Attn: Thomas Rogers, Senior Planner  
Planning Division, Department of Community Development  
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Prepared by:



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*May (revised August 14), 2013*

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Cover image: Svanevik, Michael and Shirley Burgett. *Menlo Park: Beyond the Gate*. Menlo Park: Menlo Park Historical Association, 2000.

## INTRODUCTION

The commercial property located at 241 El Camino Real in Downtown Menlo Park is undergoing a site-specific historic resources study to re-evaluate the historic significance of the site and building, and if found to be significant under the California Environmental Quality Act, to determine if a project proposed for the site would or would not have an adverse effect on a historic resource. The evaluation consists of a records search, an intensive-level field survey, an evaluation for significance using criteria of the National Register of Historic Places and the California Register of Historical Resources, City of Menlo Park policies and regulations, and recordation of the property on California Department of Parks and Recreation DPR523 series forms.

In 2001, the Menlo Park Planning Commission granted a use permit and architectural control for a new wireless telecommunications facility at this location, for Sprint. Specifically, new cellular antennas were added to the roof of the 241 El Camino Real building, within a 6.5-inch diameter pole extending seven feet from the top of the roof, designed to look like a typical utility vent. A ground-mounted equipment enclosure was also added at the rear, on the 615 Partridge property.

In August 2012, Sprint applied for a use permit revision to modify the roof-mounted antennas from the thin pole to a larger chimney-style enclosure. Around the same time, the City of Menlo Park became aware that a trellis had recently been added to the Oasis outdoor dining area without any permits. Planning staff determined that because the structure is greater than 50 years old, both changes require review for potential cultural resources impacts under Mitigation Measure CUL-1 from the El Camino Real/Downtown Specific Plan EIR.

The City of Menlo Park has contracted with Archives & Architecture, LLC, to prepare this report, pursuant to regulations outlined within the El Camino Real/Downtown Specific Plan, adopted June 2012. The regulations require that this review be done by a qualified preservation professional when a project involves a historic resource identified in the Plan.

Archives & Architecture, LLC is a partnership of Leslie A.G. Dill, Historic Architect, Franklin Maggi, Architectural Historian, and Charlene Duval, Public Historian. The partners of the firm, in addition to staff Historians Jessica Kusz and Sarah Winder, are preservation professionals. The firm was founded in 1989 by the late Glory Anne Laffey, Historian, and has been constituted in its current form since 2003.

This report is being prepared for review by staff of the Planning Division of Menlo Park's Department of Community Development.

### Summary of Findings

The commercial property at 241 El Camino Real is within the El Camino Real/Downtown Specific Plan area and is subject to regulations of the Plan consistent

with findings with the Plan Environmental Impact Report (EIR), and the Menlo Park Historic Resources Element of the General Plan. The property was surveyed in 1990 by the San Mateo County Historical Association for the City, who found that the property appears to meet the criteria for listing on the National Register of Historic Places. The El Camino Real/Downtown Specific Plan was adopted with specific regulatory requirements regarding identified historic properties in the Plan area, including the subject property, which is identified as a landmark in the Plan, despite a lack of any formal declaration by the City Council or Planning Department. The Plan requires compliance with mitigation measures when deemed necessary by the City on significant architectural resources.

The City of Menlo Park maintains no local register of historic resources. An historical resources survey of Menlo Park in 1990 found that the subject building was individually eligible for listing in the National Register of Historic Places and given a status code of "3S" (eligible for the National Register).

The Beltramo Building is historically significant within the larger context of Interwar Period Menlo Park buildings for its rarity as a remnant of Camp Fremont, which was established in what is now Menlo Park during World War I. The building however is not a distinctive example of the utilitarian style of building typically used by the military in the twentieth century, and due to changes in location and a 1920 remodeling, it no longer sufficiently represents its original use. The property is historically significant however, as reflects a early pattern of commercial development in Menlo Park, and continues to be an important representative of the evolution of the City of Menlo Park out of its roots as an Army base during World War I. The rare remnant of Camp Fremont that the building encompasses, and it continued use as an early and long-term commercial site in Menlo Park for over 90 years, appears to enable eligibility for the National Register of Historic Places under Criteria (A) and the California Register of Historical Resources under (1).

This report presents supplementary information that collaborates the prior findings, and provides additional information on the history of the property, including the correct date of construction, individual and later owners and occupants, character-defining features of the buildings, and an evaluation of significance according to the Criteria of the California Register of Historical Resources. It is the professional opinion of the consultants that modifications and additions to the site should be done in a sensitive way in order to retain the historic character of the building. Planning staff can make a determination that the project will not have an adverse effect on a historic resource, although the property appears eligible for local listing, local designation, the California Register of Historical Resources, and the National Register of Historic Places.

## Qualifications

The principal author of this report was Franklin Maggi, Architectural Historian, who consults in the field of historic architecture and urban development. Mr. Maggi has a

professional degree in architecture with an area of concentration in architectural history from the University of California, Berkeley.

Leslie A.G. Dill, Architect, provided the technical architectural description for this report, and assessed the project for consistency with the Secretary of the Interior's Standards for Rehabilitation. Ms. Dill has a Master of Architecture with a Historic Preservation Program Certificate from the University of Virginia, Charlottesville.

Sarah Winder collaborated on the investigation and provided supplemental research on the property's history and the writing of this report. Ms. Winder has a Master of Art in History from San Jose State University, and undergraduate degrees in History and Anthropology from the University of Colorado-Boulder.

The investigators, Franklin Maggi, Leslie Dill, and Sarah Winder, are listed as qualified to do this work within the California Historical Resources Information System (CHRIS), which is operated under authority of the California State Office of Historic Preservation.

Franklin Maggi, Leslie Dill, and Sarah Winder meet the Secretary of the Interior's qualifications to perform identification, evaluation, registration, and treatment activities within the field of Architectural History, Historic Architecture, and History respectively, in compliance with state and federal environmental laws. CHRIS utilizes the criteria of the National Park Service outlined in 36 CFR Part 61.

## Methodology of this Review

This document is presented in a report format, and addresses the extant multi-use building on the project site. Archives & Architecture, LLC, prepared updated DPR523 series forms appending information from the prior recording prepared by the San Mateo Historical Association in 1990 for the City of Menlo Park. The original recording by the San Mateo Historical Association was the result of a historic building reconnaissance survey conducted on properties in Menlo Park, and throughout San Mateo County. (see **Attachments** for both recordings.)

The site was examined in May 2013 by Franklin Maggi, Leslie Dill, and Sarah Winder. Notes on the architecture, characteristic features of the buildings, and the neighborhood context were made. Photographs of the exterior and interior of the building and related ancillary structure and views of the adjacent setting were taken at this time. Photographic documentation attached as an appendix to this report were taken digitally by Franklin Maggi.

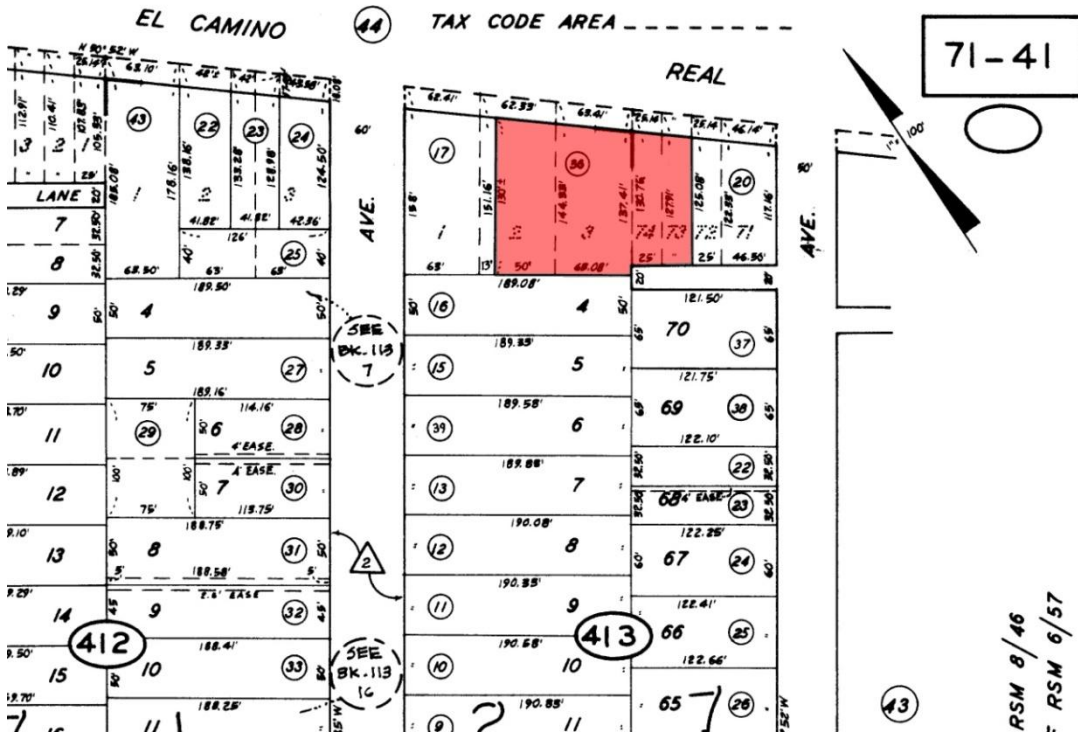
Supplemental historical research was conducted by Sarah Winder and included review of Sanborn Fire Insurance maps, city directories, building permits, census enumerations, newspaper articles, local histories, and vital statistics. The research and historical investigation was prepared utilizing the methodology recommended by the National Park Service, as outlined in Preservation Briefs #17 -*Architectural Character: Identifying the*

*Visual Aspects of Historic Buildings as an Aid to Preserving Their Character* (1988), and #35 - *Understanding Old Buildings: The Process of Architectural Investigation* (1994).

### Survey Status

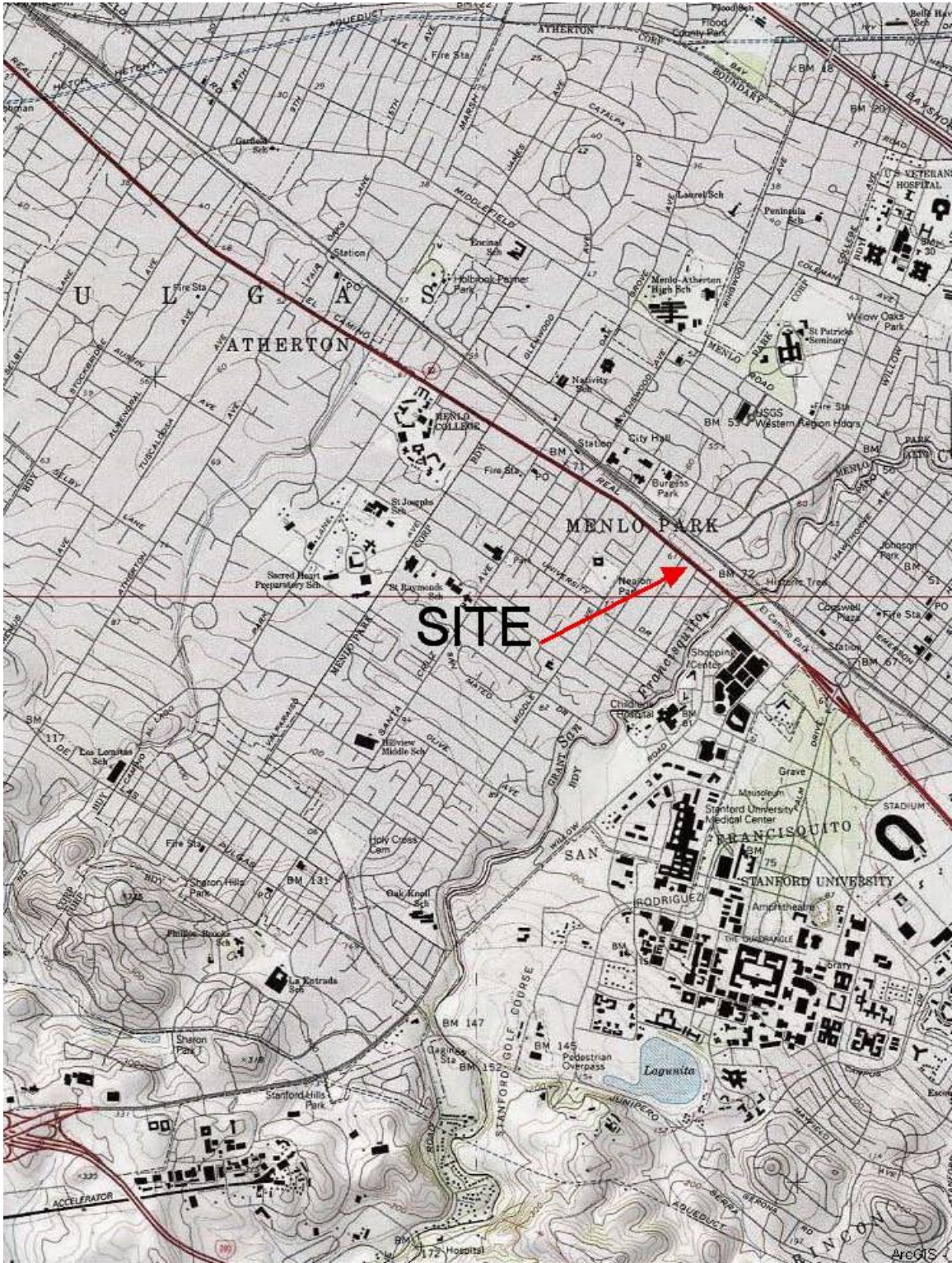
The property at 241 El Camino Real is presently identified within the City of Menlo Park El Camino Real/Downtown Specific Plan as a Landmark, although the City of Menlo Park does not have an official Historical Resources Inventory or Landmark list. The property was surveyed in 1990 by the San Mateo County Historical Association for the City, who found that the property appears to meet criteria for individual listing as a historic resource on the National Register of Historic Places with a status code of "3S". The DPR523 recording is on file with the Planning Division of Menlo Park's Department of Community Development. The property is not listed on any other local, state, or national registers of historic properties.

### Assessor's Parcel Map-(Assessor's parcel number 071-413-360)

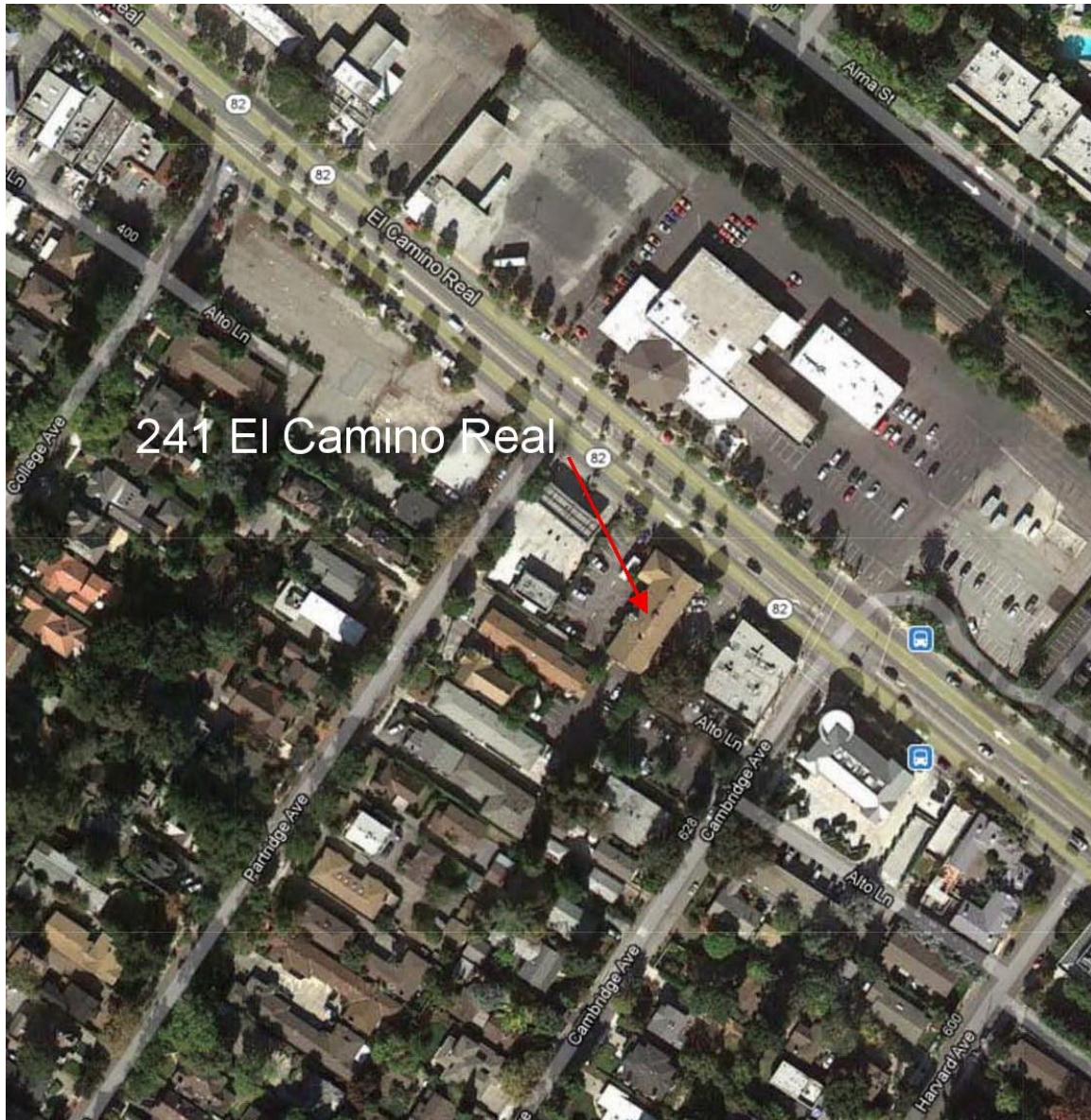




## Area Map



## Aerial View



### Locational Information

Street Address: 241 El Camino Real, Menlo Park, San Mateo County, California

Universal Transverse Mercator (UTM): Zone 10S, 573010mE/4144953 mN

Coordinates (WGS84): Lat. 37.44856°, Long. -122.17458°

USGS Map: 7.5' Palo Alto Quadrangle, 1997 T.5S.; R.3W. ; Mount Diablo Base Meridian

## HISTORICAL AND ARCHITECTURAL INFORMATION

### Historical Background

The attached DPR523 series recording forms prepared by Archives & Architecture, LLC, present historical background of the property at 241 El Camino Real in Menlo Park. It is an update of the forms prepared by the County of San Mateo Historical Association in 1990. The attached recording forms prepared in 1990 by the San Mateo County Historical Association present technical description of the property at 241 El Camino Real in Menlo Park in *Section 7*, references the construction history in *Section 8*, and provides a brief historical context for the property in *Section 20*. Supplemental historical research was conducted as a part of this study, and this information is provided in *Section B10* of the DPR523 forms.

The *B10* section consists of a discussion of the historic context of Menlo Park during the initial period of residential development, Camp Fremont, as well as the city's development during the twentieth century. This research identified owners, occupants and uses that could be reasonably identified, and confirmed the construction date of 1917, and the approximate date upon which the building was moved to its current location, 1920. The building was constructed by the Young Men's Christian Association (YMCA), for use by the United States Army. When Camp Fremont was abandoned by the Army in 1920 after World War I, the subject building was auctioned off and purchased by Alexander Beltramo, and the Beltramo family continues to own the building today. Dates of modifications to the building were included, when known, although some are based on visual characteristics.

### Property Technical Description

The updated forms also include an architectural context for the property and a detailed integrity statement, based on a detailed onsite investigation of the property which was done as a part of this study. The DPR523 forms also contain digital photographs of the exterior of the exterior of the commercial structure and related parking areas along the side and to the rear taken in April 2013.

### Historical Evaluation Process

### Regulatory and Policy Background

This portion of the report constitutes an historical and architectural evaluation of the property that is the subject of this report. More specifically, three sets of guidelines were used; the City of Menlo Park policies and regulations, the National Park Service's criteria for listing on the National Register of Historic Places, and the California State

Historic Resources Commission's requirements for listing on the California Register of Historical Resources.

### **City of Menlo Park General Plan (1994)**

The following policy from the Land Use Element of the General Plan pertains to the Project with regard to the protection of cultural resources (cultural resources include historic-era architectural and structural resources, archaeological resources, paleontological resources, and human remains).

*Policy I-H-11:* Buildings, objects, and sites of historic and/or cultural significance should be preserved.

The following goal and policy from the Open Space and Conservation Element of the City's General Plan also pertains to the Project with regard to the protection of cultural resources.

**Goal 8:** To preserve historic building, objects, and sites of historic and cultural significance.

*Policy 6:* Protect conservation and scenic areas, historic and cultural sites from deterioration or destruction by vandalism, private actions or public actions.

### **El Camino Real/Downtown Specific Plan**

The El Camino Real/Downtown Specific Plan builds upon the El Camino Real/Downtown Vision Plan, unanimously accepted by the Menlo Park City Council on July 15, 2008. In general, a specific plan is a tool for the systematic implementation of the general plan. It effectively establishes a link between implementing policies of the general plan and the individual development proposals in a defined area. A specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development from the type, location and intensity of uses to the design and capacity of infrastructure. The El Camino Real/Downtown Specific Plan establishes the location and character of streetscape and public space improvements; the character and intensity of commercial and residential development; and the circulation pattern (vehicular, pedestrian, bicycle and transit) and parking strategy to support businesses and overall vitality, and enhance east-west connectivity. The Specific Plan includes standards and guidelines for public and private enhancements to the area, and it offers strategies for financing and implementing public improvements.

The following mitigation measure was included in the Plan to reduce impacts to historic architectural resources to a less-than-significant level, and has been utilized in the evaluation of this project:

**Mitigation Measure CUL-1: Site Specific Evaluations and Treatment in Accordance with the Secretary of the Interior’s Standards:**

*Site-Specific Evaluations:* In order to adequately address the level of potential impacts for an individual project and thereby design appropriate mitigation measures, the City shall require project sponsors to complete site-specific evaluations at the time that individual projects are proposed at or adjacent to buildings that are at least 50 years old. The project sponsor shall be required to complete a site-specific historic resources study performed by a qualified architectural historian meeting the Secretary of the Interior’s Standards for Architecture or Architectural History. At a minimum, the evaluation shall consist of a records search, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of all identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The evaluation shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources.

*Treatment in Accordance with the Secretary of the Interior’s Standards.* Any future proposed project in the Plan Area that would affect previously recorded historic resources, or those identified as a result of site-specific surveys and evaluations, shall conform to the *Secretary of the Interior’s Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995). The *Standards* require the preservation of character defining features which convey a building’s historical significance, and offers guidance about appropriate and compatible alterations to such structures. Individual projects that would demolish or substantially alter historic resources would be required to undergo separate CEQA environmental review.

## **National Register of Historic Places**

The National Park Service considers the quality of significance in American history, architecture, archeology, engineering, and culture that are present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and are evaluated for the National Register according to the following criteria:

- Criterion A that are associated with events that have made a significant contribution to the broad patterns of our history; or
- Criterion B that are associated with the lives of persons significant in our past; or
- Criterion C that embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D that have yielded, or may be likely to yield, information important in prehistory or history.

Properties that are listed on or formally determined eligible for the National Register are automatically listed on the California Register.

### **California Register of Historical Resources.**

The significance criteria for the California Register of Historical Resources are similar to those used for determining eligibility for the National Register of Historic Places (see Section 4.4), but oriented to document the unique history of California. The California Register includes properties listed in or formally declared eligible for the National Register, California State Landmarks above #770, certain Points of Historical Interest, and properties listed by application and acceptance by the California Historical Resources Commission. The California Register is a guide used by state and local agencies, private groups and citizens to identify historical resources throughout the state. The types of historical resources eligible for listing in the California Register include buildings, sites, structures, objects and historical districts. [California Code of Regulations Section 4852(a)]

Under California Code of Regulation Section 4852(b) and Public Resources Code Section 5024.1, an historical resource generally must be greater than 50 years old and must be significant at the local, state, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual, or possesses high artistic values.

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

If nominated for listing in accordance with the procedures outlined in Public Resources Code Section 5024.1(f), the California Register may include:

- (1) Individual historical resources.
- (2) Historical resources contributing to the significance of an historic district under criteria adopted by the Commission.
- (3) Historical resources identified as significant in historical resources surveys, if the survey meets the criteria in Public Resources Code Section 5024.1(g).
- (4) Historical resources and historic districts designated or listed as city or county landmarks or historic properties or districts pursuant to any city or county ordinance, if the criteria for designation or listing under the ordinance have been determined by the State Historic Resources Officer to be consistent with California Register criteria adopted by the Commission.
- (5) Local landmarks or historic properties designated under any municipal or county ordinance.

California Code of Regulations Section 4852(c) addresses the issue of “integrity” which is necessary for eligibility for the California Register. Integrity is defined as “the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” Section 4852(c) provides that historical resources eligible for listing in the California Register must meet one of the criteria for significance defined by 4852(b)(1 through 4), and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data.

## **Local Regulations**

Section 16.54 of the City of Menlo Park Zoning Ordinance provides for an Historic Site District (H) for “the protection, enhancement, perpetuation and use of structures, sites

and areas that are reminders of people, events or eras, or which provide significant examples of architectural styles and the physical surroundings in which past generations lived.” This section of the ordinance allows the City Council to designate historical resources or sites, and restricts the Department of Community Development from approving or issuing a permit for any construction, alteration, removal or demolition of a designated structure, unless it is in keeping with various architectural controls provided in Section 16.68.

### **Evaluation (from DPR523)**

241 El Camino Real is not currently designated or listed on any local, state or national registers. The property was surveyed in 1990 by the San Mateo County Historical Association for the City, who found that the property appears to meet federal criteria for listing as a historic resource on the National Register of Historic Places.

Criterion A of the National Register and Criterion (1) of the California Register addresses the association of the buildings with events significant to broad patterns of history. The rarity of the subject building in Menlo Park as a remnant of the historic Camp Fremont (only three buildings from the Camp remain extant) makes it important as a unique physical reminder of the early era of Menlo Park development. Since the building was moved, expanded, and reused in 1920, it has remained identified as an early and prominent commercial feature along El Camino Real in downtown Menlo Park, and is recognizable as such. The establishment of a popular eatery and tavern at this location in the 1930s that has been and continues to be well-known to residents and non-residents alike from around the region, and its later identification as an important place in the history of Silicon Valley for its association with the Home Brew Computer Club has created a sense of special place that is embodied in the physical building that is iconic in today’s modern culture. As a key historic building within the context of Menlo Park as a whole, the property appears to qualify for the National and California Registers under Criterion A and (1) respectively.

Criterion B of the National Register and Criterion (2) of the California Register addresses the association of the property resources with significant historic personalities. The Beltramo family has been directly tied to this property for over 90 years, and the California founders of the family are locally recognized for their influence in the development of the community. The property however, although initially owned by Giovanni Beltramo, is not directly related to his importance as a founder of one of the earliest wholesale/retail wine businesses on the Peninsula. The business was briefly re-established at this location by Giovanni’s son Alexander after Prohibition, but the business was moved further into Menlo Park from Stanford by 1935. While the early family members associated with the property are important to the history of Menlo Park, the property itself is not individually representative of those personages, and their association would not enable eligibility to the National or California Registers under Criterion B or (2) respectively.



Criterion C of the National Register and Criterion (3) of the California Register addresses distinction in architectural design and construction. Portions of the extant building continue to represent an early YMCA structure from Camp Fremont. The building was initially utilitarian in design, and was raised and modified slightly after its relocation to El Camino Real in 1920. The original building was not a distinctive architectural design, but did represent a specific type and era in building construction associated with the proliferation of YMCA buildings on military sites during World War I. This building type is now rare. However, the relocation, expansion, and renovations have limited the ability of the building to fully represent its origins. Nevertheless, the building, even in its current form, continues to be linked to this early past in a visual way, and the expansion at the first floor appears to have utilized materials salvaged from the Army base providing a sense of provenance to the extant site. The property does not appear to qualify for the National or California Registers under Criterion C or (3) respectively, as the existing building lacks sufficient integrity to represent its original construction. However, as noted in the discussion regarding Criterion A and (1), the building continues to convey an important sense of its historic past, as it has evolved over the last 90+ years.

Criterion D addresses the potential for yielding important information in the future. The determination of the presence and integrity of subsurface resources, however, is beyond the scope of this study.

The City of Menlo Park's zoning ordinance (revised and adopted July 2012) dealing with Historic Preservation can be found under Chapter 16.54 Historic Site District. The El Camino Real/Downtown Specific Plan states that the subject property at 241 El Camino Real is a landmark, although it has not been officially designated by the City Council. Under the zoning ordinances, the Planning Commission can recommend to the City Council that it be officially designated a landmark structure, by resolution of the City Council or by written application of the property owners. Zoning Ordinance 16.54.010 states that the purpose of this legislation is to promote the general welfare of the public through:

- (1) The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of people, events or eras, or which provide significant examples of architectural styles and the physical surroundings in which past generations lived;
- (2) The development and maintenance of appropriate settings for such structures, sites or areas;
- (3) The enhancement of property values, the stabilization of neighborhoods and the increase of economic and financial benefits to the city and its residents;
- (4) The enrichment of the cultural and educational dimensions of human life by encouraging study and enjoyment of our historical heritage.

## REVIEW AND RECOMMENDATIONS

The Beltramo building at 241 El Camino Real is historically significant according to the criteria of the California Register of Historical Resources, and thus is considered a historic resource under CEQA. Any alteration, proposed demolition, removal, relocation, or otherwise change in any manner to exterior architectural features must be reviewed by the City of Menlo Park Department of Community Development for consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

A review of the proposed project for compliance with the Standards is attached.

## SOURCES CITED AND CONSULTED

### Primary and Unpublished Sources

City of Menlo Park

Building Permits

Planning Files

County of San Mateo

Deeds and Official Records.

Recorded Maps.

R. L. Polk & Co.

Redwood City Directories.

Palo Alto Directories.

Menlo Park Directories.

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Perkins +Will. *Menlo Park El Camino Real/Downtown Specific Plan*. Adopted July 12, 2012.

"Recreation Buildings for Officers and Men at the National Army Cantonments," in *The Architectural Forum* Vol. 29 (July-December 1918): 41-48.

Svanevik, Michael and Shirley Burgett. *Menlo Park: Beyond the Gate*. Menlo Park: Menlo Park Historical Association, 2000.

YMCA. *Summary of World War Work of the American YMCA*. Geneva: International Committee of the Young Men's Christian Associations, 1920.

[www.menloathertonglass.com](http://www.menloathertonglass.com)

[www.beltramos.com](http://www.beltramos.com)

## ATTACHMENTS

DPR523 recording for 241 El Camino Real, prepared by San Mateo Historical Association, 1990.

DPR523 series forms, including photographic documentation, prepared by Archives & Architecture, LLC, 2013.

Secretary of the Interior's Standards Review for Proposed Patio Arbor Addition Project.

Secretary of the Interior's Standards Review for Proposed False Chimney Antenna Addition Project.

MENLO PARK HISTORIC RESOURCES INVENTORY

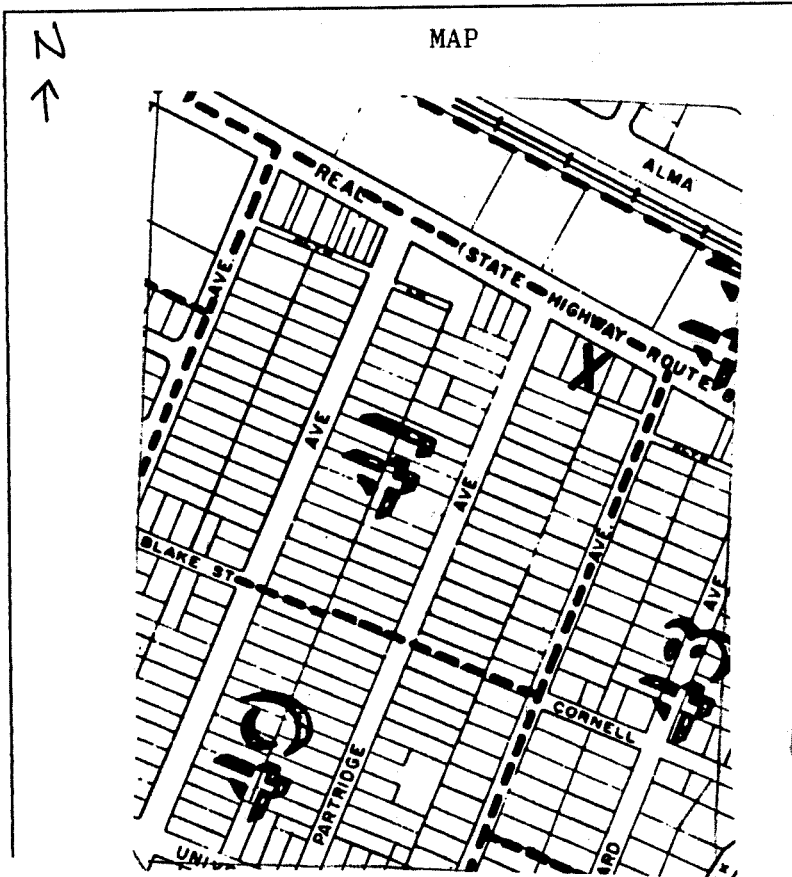
<p>1. Historic name: <u>The Oasis</u></p> <p>2. Common name: <u>Same</u></p> <p>3. Address: <u>241 El Camino Real</u> Cross-Corridor: _____</p> <p>City: <u>Menlo Park</u> Vicinity Only _____ Zip: <u>94025</u> County: <u>SMA</u></p> <p>4. Quad Map No. <u>4282</u> UTM:Z <u>10/573090/4144760</u></p> <p>5. Parcel No. <u>071-413-360</u> Other: _____</p> <p>6. Property Category: <u>Building</u> Number of District Resources: _____</p> <p>7. Description: This is a large three-story structure of simple design and construction. At some time in the past, the building was raised and a first story constructed beneath the original one; the two parts, however, blend fairly well. The building is clad in weatherboard. The main building is a long, rectangular structure covered with a gable roof. Small monitors perch along the ridge line. On the north side is a hipped roof wing which has a balcony-like section facing the street. Along the south elevation is a one-story flat roof section. The majority of the double-hung, six over six windows are arranged symmetrically on the second story. The first floor street level appears to have been designed for various commercial purposes. It is composed of a small door and window along the south end; the middle section has a two large window openings: one is a single picture window; the second is the same size but sectioned into five panels surrounding a single door. Balancing this set of windows is a set of double doors, suitable for a large truck or construction materials. Next to this is a narrow, double hung window with an upper sash divided into four sections. The north end of the building is recessed, with a staircase leading to the second floor balcony. Ornmentation is limited to a line of dentils between the first and second floors and two simple pilasters and one matching post along the front of the building. Signs identifying the main businesses within are located on the front of the building.</p> <p>8. Alterations/Dates: <u>lower story added ca. 1920</u></p> <p>9. Related Features: _____</p>	<p>Ser. No. _____</p> <p>NR Status <u>3S</u></p> <p>Local Des. _____</p>
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<p>10. Planning Agency: <u>Menlo Park Planning Dept.</u></p> <p>11. Owner/Address: <u>D. A. Beltramo</u> <u>1540 El Camino Real, M.P.</u> <u>94025</u></p> <p>12. Type/Owner.: <u>private</u></p> <p>13. Present Use: <u>commercial</u></p> <p>14. Zoning: <u>C-4</u></p> <p>15. Threats: <u>zoning</u></p>
---

- Santa Cruz
16. Construction date(s): 1917A      Original location: & Chestnut      Date Moved: 1920
17. Architect: None      Builder: U.S. Government
18. Historic Attributes: 3 - Commerical bldg. 14 - government building
19. Context for Evaluation: Theme Institutions/Commercial Area Menlo Park
- Period 1850-1940 Property Type Govt/Retail Context Formally Developed? yes
20. Evaluation: The significance of this building rests with its original construction and use on Camp Fremont as the YMCA and later when it was purchased by Alex Beltramo and converted to commercial uses. According to local newspaper accounts the Camp Fremont buildings were auctioned off in 1919 after the camp closed. While local historians and surveyors suspected several structures as being from Camp Fremont, the documentation of most of these buildings proved extremely difficult. (Government records appear to be housed in Washington D.C.) Local agreement that this structure was the original YMCA seemed to be unanimous, even though the survey project could not verify this through written records or photographs. In 1932 Alex Beltramo opened a beer garden named the Oasis. He also operated a package store next door; above was the Beltramo residence. In 1935 Beltramo was forced to move his restaurant farther north on El Camino in order to comply with a state law prohibiting the sale of liquor within a mile and a half of Stanford University. The Oasis is one of the few older buildings along El Camino which appears to have changed little since the 1920s. It remains an informal gathering place for Stanford students and the local business community. Its clear associations with Camp Fremont, Stanford University, and the Beltramo family combine to make it one of the best known local landmarks.
21. Sources: Menlo-Atherton Recorder, 10/5/82  
Menlo-Atherton Recorder, Centennial Edition, 1974

22. Applicable NR Criteria: A
23. Other Recognition:  
 State Landmark No.:
24. Evaluator/Yr.:  
 L. Wickert/1990
25. Survey Type:  
 Comprehensive
26. Survey Name:  
 Menlo Park Historical  
 Building Survey
27. March 1990  
 San Mateo Co. Hist. Assoc.  
 1700 W. Hillside Blvd.  
 San Mateo, CA 94402  
 (415) 574-6441



State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
 HRI #  
 Trinomial  
 NRHP Status Code

Other Listings  
 Review Code

Reviewer

Date

Page 1 of 26 \*Resource Name or #: (Assigned by recorder) Beltramo Building

P1. Other Identifier: The Oasis Beer Garden

\*P2. Location:  Not for Publication  Unrestricted \*a. County San Mateo

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad Palo Alto Date 1997 T.5S.; R.3W.; Mount Diablo B.M.

c. Address 241 El Camino Real City Menlo Park Zip 94025

d. UTM: (Give more than one for large and/or linear resources) Zone 10S; 573010mE/4144953mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Assessor's Parcel Number: 071-413-360,

west side of El Camino Real, between Partridge and Cambridge Avenues.

\*P3a Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This large commercial building along El Camino Real was initially constructed as a YMCA building at Camp Fremont, a World War I training base, and at the current location has been a functioning as a mixed-use building with a popular eatery in downtown Menlo Park. The building has been relocated, altered and expanded over time, reflecting almost a century of reuse. The broad, gabled form of the original building was raised a full level when it was relocated to El Camino Real in 1920. The architect of the original structure, Neil McMillan, Jr., was responsible for the design of many similar YMCA buildings nationally. Today, the building is utilized for a variety of purposes, including: a restaurant/beer garden known as The Oasis (241 El Camino Real), the Menlo-Atherton Glass Company (243 El Camino Real), and two apartment/office spaces (245 and 247 El Camino Real).  
 (Continued on page 2, DPR523L)

\*P3b. Resource Attributes: (List attributes and codes) HP6. 1-3 story commercial building

\*P4 Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #)

View facing South, May 2013.

\*P6. Date Constructed/Age & Sources:  Historic  Prehistoric  Both

1917, city assessments. 96 years old.

\*P7. Owner and Address:

Daniel and John Beltramo  
 1540 El Camino Real  
 Menlo Park, CA 94025-4111

\*P8. Recorded by: (Name, affiliation, and address)

F. Maggi, L. Dill, S. Winder  
 Archives & Architecture, LLC  
 PO Box 1332  
 San Jose CA 95109-1332

\*P9. Date Recorded: 8/13/2013

\*P10. Survey Type: (Describe)  
 Intensive

\*P11. Report Citation: (Cite survey report and other sources, or enter "none".)

Archives & Architecture, LLC: *Historic Resource Evaluation. Beltramo Building, 241 El Camino Real, Menlo Park, San Mateo County, California, 2013.*

\*Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure and Object Record  Archaeological Record  District Record  Linear Feature Record  Milling State Record  Rock Art Record  Artifact Record  Photograph Record  Other (List)



*(Continued from page 1, DPR523a, P3a Description)*

The larger setting for the subject property is the active and multidimensional commercial streetscape of El Camino Real as it runs the length of the San Francisco Peninsula; it is regionally referred to as running north-south. The building is set at the sidewalk, facing nominally east. The footprint is a proportionately long and narrow rectangle perpendicular to the street frontage. There are parking lots on both the north and south sides and to the rear (west). Street trees are spaced regularly along the El Camino Real footage. Mature oaks and large hedges are clustered near the southwest corner of the building, shading an outdoor eating area. Much smaller trees and some low plantings are located between the north parking lot and the north side of the building.

The central mass of the two-and-one-half-story building has a primarily rectangular footprint and is topped by a full-width gabled roof. The building has been expanded to the north and south sides at the El Camino Real property line, creating a lower "T" of additions. To the north is a two-story hipped-roof addition. The addition has a recessed first floor and open stairway at the sidewalk. The east face of the second story is aligned with the front façade of the main wing. To the south is a one-story foyer addition with a flat roof. It is topped by a neon sign for the restaurant. The simple underlying form of the building has been made more complex by small projecting fire escapes, porches, and arbors, as well as through modifications to the entrance patterns.

The moderately-pitched roof features exposed rafter tails at the shallow eaves and rake eaves. The roofline is interrupted by three gabled monitor vents. The building is clad in channel-rustic siding. This material is more typical of the late-nineteenth century than the early-twentieth century. The first floor walls, added in 1920, are clad in matching siding; it is possible that the siding was salvaged from the army base at the same time as the building was salvaged and relocated. On the rear and sides there is a slightly flared watertable between the first and second floors. The front façade has a Greek-revival first-floor storefront. Fluted pilasters frame the central wing, and a cornice with dentils spans the façade. Openings for the retail space at this address include a large display window and glazed entry door with sidelights and a transom; these are set near the south corner of the main wing, surrounded by the channel-rustic siding of the building. To the side of this entry is a garage-bay opening with a pair of wooden swinging doors. A relatively small 4/1 double-hung wood window is set individually near the north corner of the channel-rustic-clad wall. At the second level are three replacement windows; some changed in siding indicate that the windows were once symmetrical with a fourth opening; it is likely that these new sash are located within original window openings. At the third level is a pair of what appear to be original 3/3 double-hung wood windows, with the muntins arranged vertically. A wooden vent is located at the apex of the composition.

The one-story south addition features a wood entry door and a single window at the sidewalk; both are protected with added security grills and set within channel-rustic siding. The north addition has no fenestration at the recessed entry, but features large picture windows wrapping the front corner at the second story. The dentil course continues across the recessed outdoor foyer. At the rear of this addition is an enclosed shed-roof porch with ventilation openings under the change in roofline.

The second-story of the sides and rear of the main wing are punctuated by a regular pattern of windows placed individually along the perimeter. It is likely that these windows are at the location of original openings, but the sash has been replaced. On the south side second floor, these windows are obscured by huge lattice screens, seemingly added as part of the restaurant entrance decor. At the center of the south-side first floor is the main entrance for the restaurant. The entrance is highlighted by a large, angled arbor built of wood beams on massive round wood posts. There are added service doors to the east side of the main entrance.

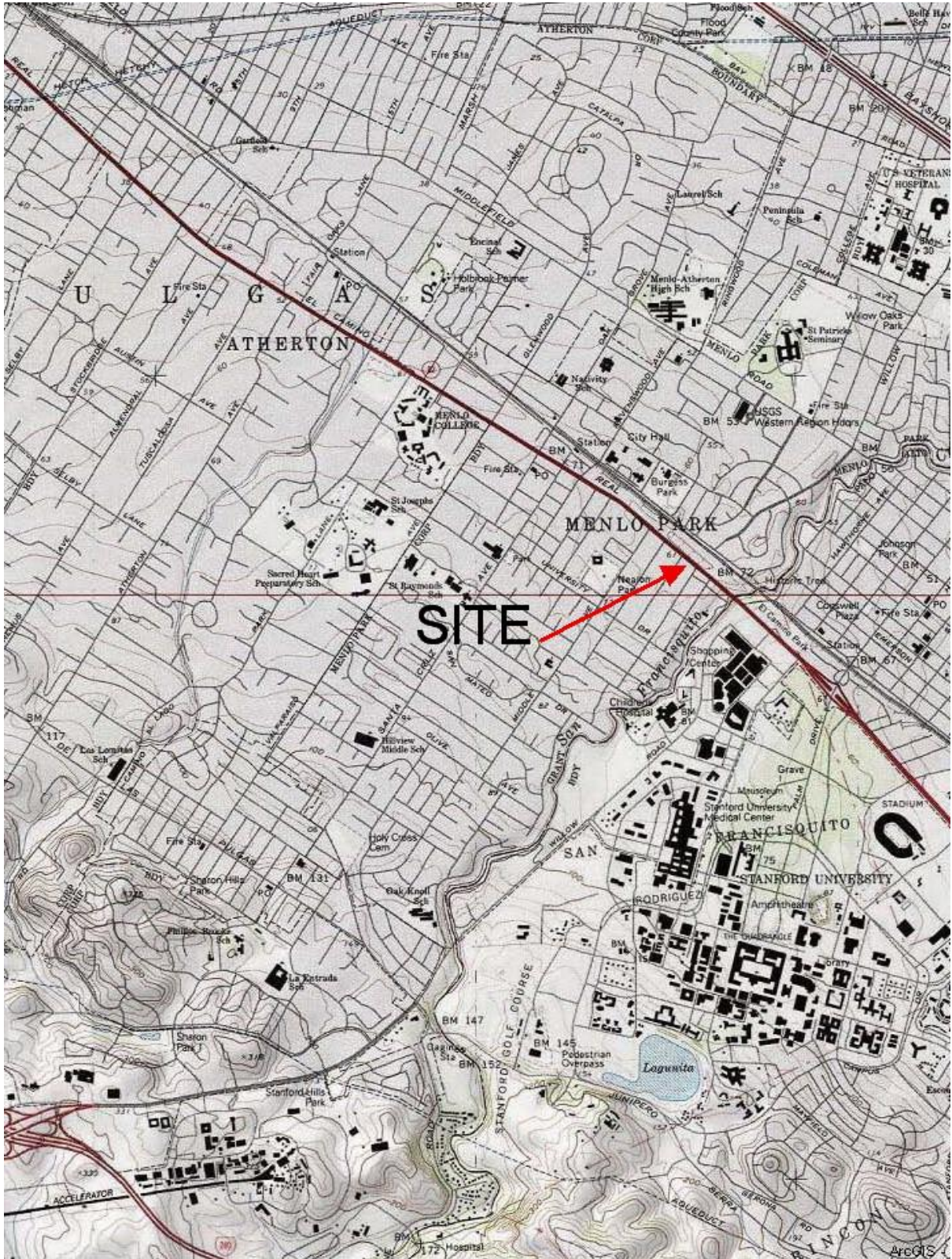
*(Continued on next page)*

*(Continued from previous page)*

To the west side of the entry is a restaurant patio, enclosed by a high wood fence. This area is covered by a wood arbor that is supported on wood posts. On the first floor of the north side, a variety of door openings has been added, along with a fire escape and other access structures. The rear façade is very similar to the north side, with replacement windows set symmetrically at the second floor and door openings at the first floor. A covered two-story porch structure frames doorways at the center of the first and second floor, and an exterior staircase leads to the second floor apartment/office spaces. At the third floor there is a pair of symmetrical openings. One features an original 3/3 double-hung wood window and one has been altered with a louvered vent.

Integrity and character-defining features:

The property maintains little of its original historic integrity as per the National Register's seven aspects of integrity, but it has assumed a new sense of integrity based on an early relocation and longevity at its current location. Although its original location was in Camp Fremont, the building was relocated early in the twentieth century and for over nine decades it has been at its current location on El Camino Real in Menlo Park. It is a part of a long-time linear retail and light-industrial setting with little continuity of design or type of building; the setting has been active throughout the twentieth century. The original structure was one-and-one-half stories, but the structure has been two-and-one-half stories since its relocation, so the raised form has gained significance over time. The altered property retains its wood-frame quasi-residential scale and feeling although much of the original materials have been lost, including the majority of the windows and doors. Because the broad, gabled, rectangular form is so perceptible, the associations with the former YMCA design remain understandable to the local community. The historic design is considerably diminished by the alteration of the doors and windows, but much of these changes are reversible.



State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
 BUILDING, STRUCTURE, AND OBJECT RECORD

Primary #  
 HRI #

Page 5 of 26

\*NRHP Status Code 3S

\*Resource Name or # (Assigned by recorder) Beltramo Building

B1. Historic Name: YMCA Activities Building

B2. Common Name: The Oasis Beer Garden

B3. Original use: Military recreation facility

B4. Present Use: Mixed-use

\*B5. Architectural Style: Utilitarian

\*B6. Construction History: (Construction date, alterations, and date of alterations)

Original construction in 1917. Building relocated to current location and raised, with first-floor addition constructed in 1920. Various additions and alterations throughout twentieth century (City of Menlo Park building permits from 1951-on).

\*B7. Moved?  No  Yes  Unknown

Date: 1920

Original Location: Camp Fremont, Menlo Park

\*B8. Related Features:

None.

B9a Architect: Neil McMillan, Jr. (1917)

b. Builder: YMCA (1917)

\*B10. Significance: Theme Commerce/military Area El Camino Real Southwest

Period of Significance 1917-1939 Property Type Mixed-use Applicable Criteria A (1)

(Discuss importance in terms of historical or architectural context as defined by them e, period, and geographic scope. Also address integrity.)

The building was originally a one-story YMCA gymnasium constructed for Camp Fremont in Menlo Park during World War I, and it is one of the few historic buildings left in the City from that era. At the end of the War, Giovanni Beltramo had purchased the building at auction and moved it to its present location where it was elevated and made into a multi-use two-story building. The current property consists of Lots 2 and 3 of Block 2 of the Partridge Subdivision (recorded in 1909), and Lots 73 and 74 of the Stanford Park Subdivision (recorded in 1907 and 1913). This European concept of businesses downstairs and living quarters upstairs is now an idea that is exhibited all along the San Francisco Bay Peninsula. The building was used as an automobile repair and parking garage on the ground floor during the 1920s, as is indicated in both city directories and the 1925 Sanborn Fire Insurance Company maps for Menlo Park. A succession of operators for the garage are indicated in city directories in the 1920s and early 1930s (many of whom resided in the upper floor apartments), but by 1932, the building was vacant of this use. The Oasis Beer Garden business was started in 1932 by Alex Beltramo, the son of Giovanni Beltramo, after the repeal of Prohibition, at the subject building at 241 El Camino Real, where it has remained ever since.

(Continued on next page, DPR523L)

B11. Additional Resource Attributes: (List attributes and codes) HP14. Military building

\*B12. References:

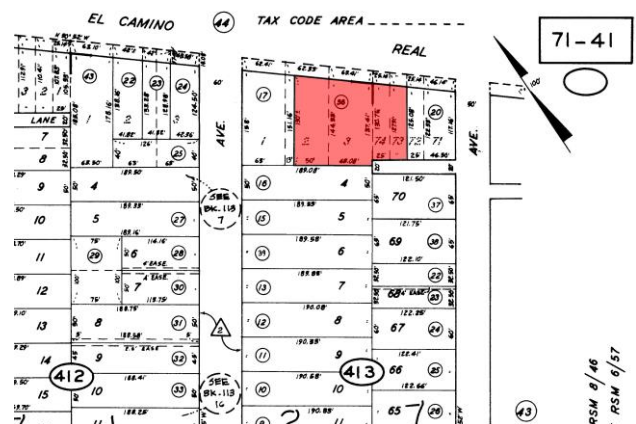
(See page 11, DPR523L Continuation Sheet)

B13. Remarks: Proposed for alterations

\*B14. Evaluator: Franklin Maggi

\*Date of Evaluation: 5/15/2013

(This space reserved for official comments.)



DPR 523B

RSM 8/48  
 RSM 9/17

*(Continued from previous page, DPR523b, B10 Significance)*

**Historic Setting**

In August 1854, Menlo Park received its official name when two Irishmen, Dennis J. Oliver and D. C. McGlynn, whose wives were sisters, purchased 1,700 acres of the former *Rancho de las Pulgas*, bordering present day El Camino Real, and built two houses with a common entrance and erected a huge wooden gate with tall arches on which the name of their estate *Menlo Park* (named after their home county in Ireland) was displayed. When the railroad came through in 1863, the Menlo Park station was unnamed, so a railroad official looked over at the gates and decided that "Menlo Park" would be officially adopted.

On March 23, 1874, Menlo Park became the second incorporated city in San Mateo County, although only for a short time. The purpose was to provide a quick way to raise money for road repairs. This incorporation, which included Fair Oaks (later Atherton) and Ravenswood (later East Palo Alto) lasted only until 1876. Menlo Park remained relatively rural until World War I, when it was suddenly populated by 43,000 soldiers in training at Camp Fremont, on land which extended from Valparaiso Avenue to San Francisquito Creek and El Camino Real to the Alameda de las Pulgas, which included the subject property at 241 El Camino Real.

Menlo Park reincorporated in 1923 with much the same boundaries as the earlier town. Incorporation planning involving Menlo Park and Atherton culminated in a dramatic race to the County Courthouse to file differing plans. Atherton representatives arrived only minutes before those from Menlo Park who had wished to include Atherton in their plans. Final incorporation of Menlo Park took place in November 1927.

With the closing of Camp Fremont after World War I, Menlo Park returned to its rural roots and small town feel for the next few decades. However, following World War II, Menlo Park, along with the rest of the San Francisco bay area underwent a transformation from sleepy hamlet to burgeoning metropolis. In 1947, Stanford Research Institute (now SRI International) was founded here. The United States Geologic Service established their western headquarters here in 1954, and in 1957 Raychem Corporation was founded here, as was Round Table Pizza in 1959. Today, the City of Menlo Park is home to some of the biggest names in Silicon Valley business, including Facebook, Sunset **Magazine and key venture capital firms. The City borders the communities of Atherton, Redwood City, Woodside, East Palo Alto, and Palo Alto, as well as unincorporated San Mateo County lands. In addition, the City is adjacent to Stanford University, along the City's southeastern border. As reported in the 2010 Census, the City is home to a total of 32,026 residents.**

**Camp Fremont**

In preparation for possible entry into World War I, the United States Army needed a west coast post to train National Guard units for deployment. When the U.S. officially entered World War I in the spring of 1917, Menlo Park was little more than a quiet community of 2,300 residents. Chosen as the site for a military training ground, Menlo Park's rolling hills and gnarled oak trees mimicked the French countryside in which the battle for Europe was being fought.

Construction of the camp was begun on July 24, 1917, but was halted for three weeks by the War Department due to a disagreement with state authorities over funding for a proposed sewage system designed to prevent the influx of thousands of troops from overtaxing the local system. This delay forced the 41<sup>st</sup> Infantry Division to be rerouted to Camp Greene in North Carolina, and Camp Fremont eventually received the 8<sup>th</sup> Infantry Division. Menlo Park received its first paved streets and its first municipal water and gas services during World War I, both of which were constructed by the 8th Division engineers.

*(Continued on next page)*

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Named in honor of Major General John C. Fremont, Camp Fremont was one of the largest military training sites (7,200 acres) west of the Mississippi. Within a span of two years, more than 43,000 soldiers trained there. Intended to serve as a short-term training ground, Camp Fremont was comprised of more than 1,000 temporary buildings that included a YWCA hostess house (designed by noted California architect Julia Morgan), nine YMCA recreation buildings (including the subject building), two theaters, a 3,500-book library and a branch post office of the Bank of Palo Alto. The soldiers who trained at Camp Fremont lived in a massive encampment of 6,000 tents while they were being trained to go to France and fight in trenches, but were actually deployed to Russia as a part of the Siberia Intervention.

After the war ended, the post was closed and in January of 1920, the army abandoned Camp Fremont. The buildings and livestock were sold at auction, and eventually completely scrapped. Today, MacArthur Park Restaurant (on University Avenue) and the Oasis Beer Garden (the subject property), as well as the post hospital (which became the Veterans Administration hospital after the war, and now houses Stanford's Arbor Free Clinic) are the only known surviving buildings from the original Camp Fremont structures.

#### **YMCA in World War I**

During World War I, at the invitation of President Wilson's anti-prostitution agency, both the Young Men's Christian Association (YMCA) and the Young Women's Christian Association (YWCA) transferred their attention from urban spaces to the Army training camps, and both welfare agencies constructed buildings designed by their own architects to house their recreational programs. The YMCA buildings and YWCA hostess houses differed substantially in terms of both architecture and the activities taking place within them, but their builders shared a conviction that the spaces they created provided a necessary antidote to the physical and aesthetic severity of Army life. Between 1917 and 1919, the YMCA erected and operated for the U. S. Army over 4,000 gathering places around the world (known as "huts") at a total cost of over \$20 million for construction and equipment. It also spent over \$70,000 operating these facilities during the War. A total of 952 wooden buildings were constructed on American soil, at a cost of over \$8 million.

Upon the United States' declaration of war in April 1917, the YMCA quickly realized that the task of providing huts for the rapidly-growing army would be no small task, and they must be properly organized to fulfill their duty. The Building Bureau of the International Committee of the YMCA drew up the plans for the first hut within weeks, and the National War Work Council (formed immediately upon declaration of war to represent only the YMCA in the United States) created a Bureau of Materials (later divided into the Bureau of Construction and the Bureau of Equipment) to construct these huts. On average, between nine and fourteen huts were erected in each of the National Army cantonments, including: an auditorium, administrative building, five to seven service buildings, a garage, and sometimes a hospital.

YMCA buildings were designed to be adaptable to a multitude of uses simultaneously functioning as a home, club, church, schoolhouse, and entertainment center for the young men newly in uniform. Facilities for movies, lectures, religious talks, and place for men to write home, buy a stamp or money order, wrap a package, borrow a book, play a board game, or hang out with friends. The YMCA used architecture to identify their recreation centers as soldiers' homes away from home, as specifically domestic spaces as opposed to the surrounding Army environment both in the training camps on American soil, and abroad. The YMCA's World War I hut program led directly to its focus during the 1920s on smaller, more flexible community recreation centers. It may also have influenced the centralization of the YMCA's architectural program.

The YMCA huts, one per regiment of soldiers, were built according to standardized plans developed by the wartime manifestation of the organization's new Building Bureau. New York architect Neil McMillan, Jr. oversaw the YMCA's training-camp building program. McMillan, born in Scotland in 1878, received a BS in architecture from the University of Illinois before holding various positions with the YMCA. In 1915 he was appointed head of the Building Bureau, at which time he commenced a planning study of the United States' existing YMCA buildings. After the war he transformed the Building Bureau from an advisory board into a comprehensive architectural service. *(Continued on next page)*

*(Continued from previous page)*

Buildings were of single-storied wooden construction (similar to the army barracks), with an outer covering of siding and painted with a dark green stain. Numerous broad windows and double dormer windows on both sides of the pitched roof flooded the interior with natural light, and doors were placed at convenient intervals. Two types of Y huts were erected: the "E" type, and the "F" type. The "E" type had a large room, with a smaller room connected to the larger one by a broad passageway. The larger wing was the auditorium, the smaller one the social hall. The auditorium had permanent benches with a stage at the far end with a piano on it, and a movie screen. Shelf desks, for writing, ran all around the walls. The "F" type consisted of only the one long room. Based upon a map of Camp Fremont, it is likely that the subject building was originally of the "E" type, and the smaller room was left attached, but cut off when it was moved to the current location.

#### **Building History**

After World War I, the buildings were auctioned off to interested buyers, and those that went unsold were demolished and used for scrap. The subject building was moved from its original location at this time within the camp grounds, and moved to its current location on the El Camino Real, between Partridge and Cambridge Avenues. It is also likely that the materials for the subject building's first floor addition that occurred at this same time came from the camp, as the materials appear to be of the same era and type as those used in the initial construction. Visual assessments support this theory.

The front office of The Oasis, located at the front northeast corner of the building along El Camino Real was utilized as the neighborhood air raid warden's headquarters during World War II. The 1944 Sanborn Fire Insurance Company map supports this, showing the existence of the office by this time. By 1944, the building had also been divided into two pieces on the ground floor, with two apartments/office spaces located on the second floor. Various businesses occupied the second space on the ground floor after it was vacated by the Beltramo's liquor retail business in 1935, including a real estate office. In 1961, the space was leased to the Menlo Atherton Glass Company, which continues to operate at this location under the direction of owner Mark Shafran, who acquired the company from the original owner in 1988.

In 1958, Bernie Tougas took over the operation of the Oasis. He and his wife, Doris, expanded their restaurant ownership beyond the Oasis by opening a similar location called The Boardwalk in Los Altos in 1971, and The Garrett in Campbell in 1971 as well. The Garrett closed and later reopened in the Pruneyard Shopping Center in 1996. Today, Tougas Enterprises, Inc. continues to operate these three restaurants, as well as Jake's of Sunnyvale, Jake's of Saratoga, and Jake's of Willow Glen.

Bernie Tougas, born and raised in Edmonton, Alberta, Canada, first arrived in the Peninsula in the 1950s. While working for Safeway in Redwood City, he was invited to become a partner in the Oasis restaurant, which by then had been passed around by a succession of lessees while the property was still owned by the Beltramo family. Bernard Tougas passed away in 2005, but his wife Doris continues to head the overall parent company under which the six restaurants, including the Oasis, are operated.

El Camino Real was widened in the early 1930s, and the sidewalk in front of the building was made smaller. A deed dated March 25, 1931 states that John and Madeleine Beltramo sold about 18 feet of the front of the subject property (consisting of four lots) along El Camino Real to the State of California for the purposes of widening what is now California State Route 82. Building permits for the City of Menlo Park only date back to the 1940s, so any additions or alterations to the structure predating these records are speculative. The oldest permit for 241 El Camino Real dates to 1951, and refers to the alteration of a sign. Permits dating to 1955 and 1959 refer to the addition of new signs to the property. In 1960, the bar was altered, and it was also altered/updated in 1971. The roof was repaired in 1983. A 1985 permit refers to commercial alterations. In the 1980s, parking and traffic problems in the area forced the owners of the building to expand the parking areas around the building to the rear, into the adjacent parcels addressed along Partridge Avenue as 615 and 617 Partridge Avenue.

*(Continued on next page)*

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

Primary #  
HRI #  
Trinomial

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\*Resource Name or # (Assigned by recorder) Beltramo Building

\*Recorded by F. Maggi, L. Dill, and S. Winder

\*Date 5/15/2013

Continuation  Update

*(Continued from last page)*

The Oasis' central location on the San Francisco Peninsula, as well as in the heart of Silicon Valley as it entered its heyday in the 1970s and 1980s, made it an ideal location for informal get-togethers and meetups of those in the tech industry. The Homebrew Computer Club, an early computer hobbyist users' group in the Valley that featured members who would go on to define the newly emerging personal computer industry met at the nearby Community Computer Center in Menlo Park. After their official meetings, the group would oftentimes reconvene at The Oasis, and became known as "Homebrew's other staging area." Members of the club included Steve Wozniak (Apple), Harry Garland and Roger Melen (Comemco), George Morrow (Morrow Designs), Adam Osborne (Osborne Computer), and Bob Marsh (Processor Technology).

**Beltramo Family**

Giovanni (John) Beltramo was born in 1860 and immigrated to California from the Asti region of Italy in 1880, to work with his cousin Alessandro Fillipello in John T. Doyle's Las Palmas vineyard. He arrived in California with vine clippings from the Barbera, Bonardo, Freisa, Grignolino, and Nebbiola wine grape varieties, and little else. Within a few years Giovanni had settled on Glenwood Avenue near the corner of Middlefield Road in Menlo Park, and begun cultivating his own vineyard. He married Maddalena (Madeleine) Bargetto, whose family would later establish the Bargetto Winery in Santa Cruz in 1933. Together, Giovanni and Maddalena started a boarding house for Italian immigrants that also featured a café and sold wine to locals. From this, they established one of the first wholesale/retail wine businesses on the Peninsula.

Giovanni and Maddalena had five children: Louis, Alexander, Josephine, Emily, and Jeanette. The Beltramos were forced to relocate their store and café to Redwood City (now the site of Sigona's Farmer's Market) in 1917, when the United States Army established a three mile dry zone around the newly-built training post in Menlo Park. Two years later, the Volstead Act of 1919 enacting prohibition nationwide forced the Beltramos to completely shut down their wine business, although they continued to run their hotel/restaurant on Glenwood and Giovanni converted his vineyards to growing Isabella grapes for table wine. Giovanni died in 1948.

In 1932, Prohibition was repealed, and one of Giovanni's two sons, Alexander, reestablished the family wine business at the subject property in Menlo Park, along with the Oasis Beer Garden, and he and his wife occupied one of the apartments located on the second floor. Three years later, the state licensing board, under pressure from Stanford University, begun enforcing a state law dating back to 1906, prohibiting the sale of alcoholic beverages stronger than 3.2 within one-and-half miles of the Stanford campus., creating a dry zone around the campus. In 1935, Alex Beltramo measured off the zone, and immediately purchased the former Highway Garage Building located at 1540 El Camino Real in Menlo Park, and he and his wife, Theresa, relocated the family wine business to this location. Here, they were the first on the Peninsula to offer a diverse selection of both domestic and imported wines, and Beltramo's Wines and Spirits continues to operate from this location today. Still a family-owned business, Giovanni's grandsons, John and Daniel Beltramo have been guiding the store since the mid-1960s.

The Oasis (believed by many to be the oldest beer garden and hamburger restaurant in the area) has been in continuous operation since it first opened at the subject property in 1932. The Beltramo family still owns the property and the building to this day, although Alex Beltramo began leasing the operation of the Oasis in 1939.

**EVALUATION**

The intent of this evaluation is to determine if the property qualifies as a historic resource. The property has been previously surveyed, but is not listed on any local, state, or federal registers of historic resources. As part of this study, the building and site were evaluated for historical and architectural significance according to the National Register of Historic Places, the California Register of Historical Resources, and under the City of Menlo Park's policies and regulations.

*(Continued on next page)*



*(Continued from last page)*

Criterion A of the National Register and Criterion (1) of the California Register addresses the association of the buildings with events significant to broad patterns of history. The rarity of the subject building in Menlo Park as a remnant of the historic Camp Fremont (only three buildings from the Camp remain extant) makes it important as a unique physical reminder of the early era of Menlo Park development. Since the building was moved, expanded, and reused in 1920, it has remained identified as an early and prominent commercial feature along El Camino Real in downtown Menlo Park, and is recognizable as such. The establishment of a popular eatery and tavern at this location in the 1930s that has been and continues to be well-known to residents and non-residents alike from around the region, and its later identification as an important place in the history of Silicon Valley for its association with the Home Brew Computer Club has created a sense of special place that is embodied in the physical building that is iconic in today's modern culture. As a key historic building within the context of Menlo Park as a whole, the property appears to qualify for the National and California Registers under Criterion A and (1) respectively.

Criterion B of the National Register and Criterion (2) of the California Register addresses the association of the property resources with significant historic personalities. The Beltramo family has been directly tied to this property for over 90 years, and the California founders of the family are locally recognized for their influence in the development of the community. The property however, although initially owned by Giovanni Beltramo, is not directly related to his importance as a founder of one of the earliest wholesale/retail wine businesses on the Peninsula. The business was briefly re-established at this location by Giovanni's son Alexander after Prohibition, but the business was moved further into Menlo Park from Stanford by 1935. While the early family members associated with the property are important to the history of Menlo Park, the property itself is not individually representative of those personages, and their association would not enable eligibility to the National or California Registers under Criterion B or (2) respectively.

Criterion C of the National Register and Criterion (3) of the California Register addresses distinction in architectural design and construction. Portions of the extant building continue to represent an early YMCA structure from Camp Fremont. The building was initially utilitarian in design, and was raised and modified slightly after its relocation to El Camino Real in 1920. The original building was not a distinctive architectural design, but did represent a specific type and era in building construction associated with the proliferation of YMCA buildings on military sites during World War I. This building type is now rare. However, the relocation, expansion, and renovations have limited the ability of the building to fully represent its origins. Nevertheless, the building, even in its current form, continues to be linked to this early past in a visual way, and the expansion at the first floor appears to have utilized materials salvaged from the Army base providing a sense of provenance to the extant site. The property does not appear to qualify for the National or California Registers under Criterion C or (3) respectively, as the existing building lacks sufficient integrity to represent its original construction. However, as noted in the discussion regarding Criterion A and (1), the building continues to convey an important sense of its historic past, as it has evolved over the last 90+ years.

Criterion D addresses the potential for yielding important information in the future. The determination of the presence and integrity of subsurface resources, however, is beyond the scope of this study.

*(Continued on next page)*

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
CONTINUATION SHEET

Primary #  
HRI #  
Trinomial

Page 11 of 26

\*Resource Name or # (Assigned by recorder) Beltramo Building

\*Recorded by F. Maggi, L. Dill, and S. Winder

\*Date 5/15/2013

Continuation  Update

(Continued from last page)

The City of Menlo Park's zoning ordinance (revised and adopted July 2012) dealing with Historic Preservation can be found under Chapter 16.54 Historic Site District. The El Camino Real/Downtown Specific Plan states that the subject property at 241 El Camino Real is a landmark, although it has not been officially designated by the City Council. Under the zoning ordinances, the Planning Commission can recommend to the City Council that it be officially designated a landmark structure, by resolution of the City Council or by written application of the property owners. Zoning Ordinance 16.54.010 states that the purpose of this legislation is to promote the general welfare of the public through:

- (1) The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of people, events or eras, or which provide significant examples of architectural styles and the physical surroundings in which past generations lived;
- (2) The development and maintenance of appropriate settings for such structures, sites or areas;
- (3) The enhancement of property values, the stabilization of neighborhoods and the increase of economic and financial benefits to the city and its residents;
- (4) The enrichment of the cultural and educational dimensions of human life by encouraging study and enjoyment of our historical heritage.

(Continued from page 5, DPR523B Section B12. References)

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[www.menloathertonglass.com](http://www.menloathertonglass.com)

[www.beltramos.com](http://www.beltramos.com)

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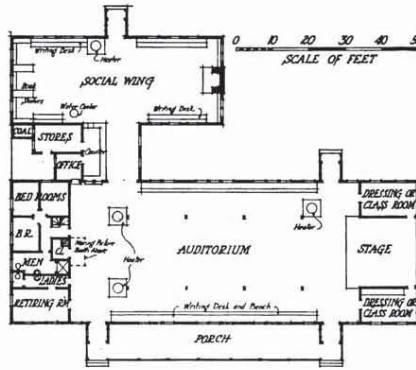
THE ARCHITECTURAL FORUM

iences and attractive furnishings they have established clubs. In other camps, as at Camp Upton, a special building has been erected. The one at Upton is particularly interesting in showing what attractive results may be had by good architectural treatment of the simplest type of inexpensive wooden construction. The white painted, clapboarded exterior with inviting porches presents a spot of relief in the great sea of unpainted barracks and military structures that can only fully be appreciated by the men living there. The interiors show open timbered ceilings formed by the floor construction, and walls of wide battened boards, stained in soft colors. Large stone fireplaces and comfortable furniture add the touch of comfort and refinement that is needed in the hours of relaxation from military duty.

The benefit to the morale of the men through the contact with such elements that preserve the associations of civil life has been proved without question and in this work architects have played a large part. Many have freely given of their best effort to the design-

ing of these buildings with no financial compensation. In doing so they have contributed a valuable service which, consciously or unconsciously, is felt by the thousands of men training in the camps, to the great benefit of their mental and physical stamina. Appreciation of simple art and ingenuity of design have enabled these architects to model out of inexpensive and homely materials restful centers of recreation. The welcome with which their efforts are received and the satisfying manner in which they fulfil a great need prove once again how fundamentally important is the art of architecture in our daily life and how necessary its expression to civilized and educated people.

The work of the war relief organizations is not confined to this country alone; it precedes our men to Europe and there under more trying circumstances the same cheerful spirit of helpfulness is dispensed, not always in equally well appointed buildings, as the fighting front is approached, but in Paris, London, Manchester and other cities of our Allies well equipped clubs for Americans are now in operation.



Floor Plan of the Typical Y. M. C. A. Cantonment Hut, Type "E"



Y. M. C. A. Eagle Hut, Bryant Park, New York City  
 This is similar to the Typical "F" Hut of the Cantonments

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Plan of Type E YMCA Hut. Published in "Recreation Buildings for Officers and Men at the National Army Cantonments," *Architectural Forum* 29, no. 2 (August 1918): 48.



Photo of YMCA Building No. 2, Camp Fremont, Menlo Park, California, ca. 1917. Courtesy of Menlo Park Historical Association.



Photo of YMCA Building (Number unknown, credited as what is now 241 El Camino Real), Camp Fremont, Menlo Park, California, ca. 1917. Courtesy of Menlo Park Historical Association.

San Jose Mercury News article - GenealogyBank

http://www.genealogybank.com/gbnk/newspapers/doc/v2:1126156B6E3...

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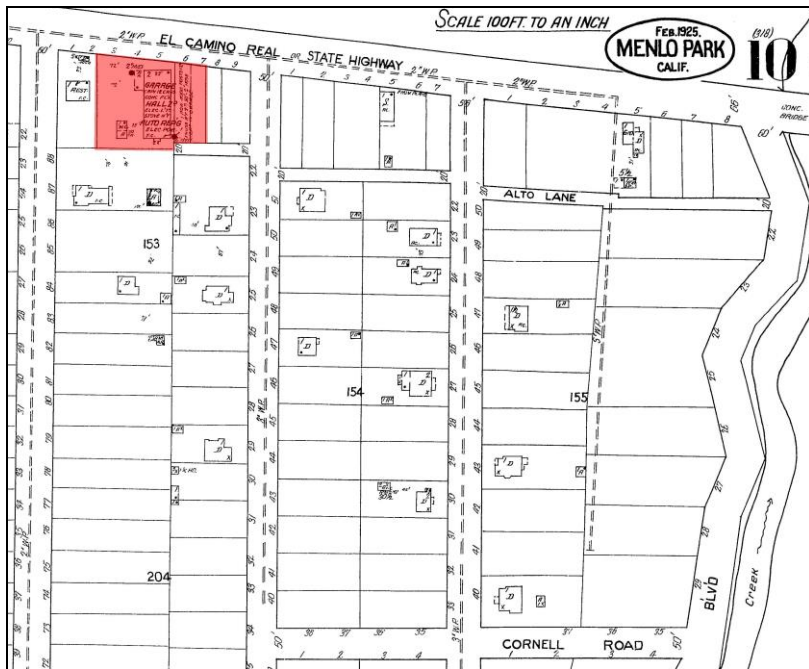
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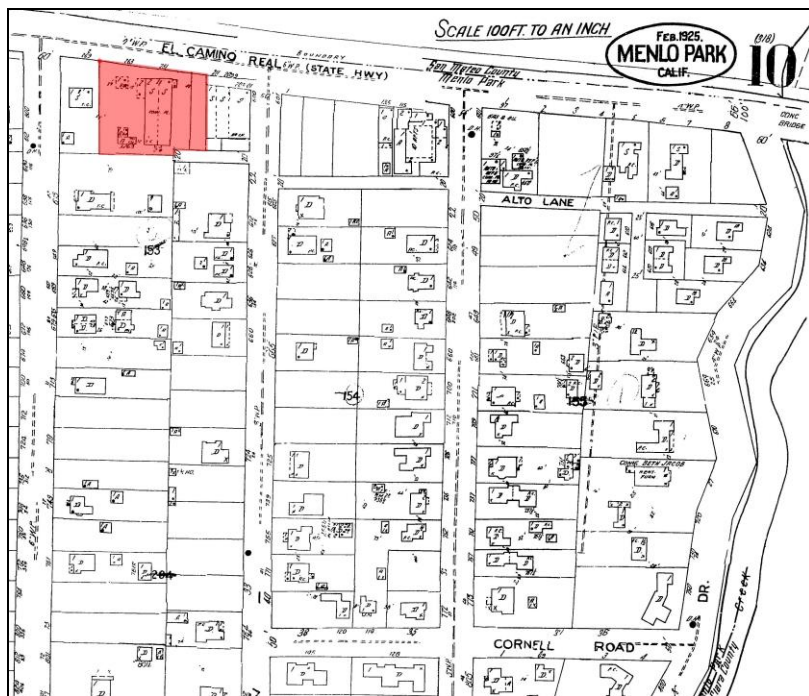
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Advertisement for Sale of YMCA Building at Camp Fremont, and other buildings for sale at auction. San Jose Mercury News, 23 January, 1919.



Detailed view of subject property at 241 El Camino Real, Sanborn Fire Insurance Map, 1925.



Detailed view of subject property at 241 El Camino Real, Sanborn Fire Insurance Map, updated to 1944.

Page 16 of 26 \*Resource Name or # (Assigned by recorder) Beltramo Building

\*Recorded by F. Maggi, L. Dill, and S. Winder \*Date 5/15/2013  Continuation  Update



Front façade from El Camino Real, viewed facing south.



Detail of front façade at office extension, viewed facing south.



Front façade, viewed facing northwest.





Detail of front façade, viewed facing west.



Detail view of Oasis neon sign, viewed facing southwest.



Side elevation at front, viewed facing northwest.



Side elevation at Oasis entry showing outdoor patio area, viewed facing west.



Detail view of lattice screen and entry trellis on side elevation, viewed facing west.



Entry to Oasis, viewed facing northwest.



Outdoor patio area and trellis, viewed facing north.



Detail of trellis, viewed facing northwest.



Rear elevation, viewed facing northeast.



Rear of site, viewed facing east.



Front side wing, viewed facing east.



Side elevation from rear of site, viewed facing east.

Page 24 of 26 \*Resource Name or # (Assigned by recorder) Beltramo Building

\*Recorded by F. Maggi, L. Dill, and S. Winder \*Date 5/15/2013  Continuation  Update



West (rear) corner of building, viewed facing southeast.



Roof detail with existing antenna, viewed facing southeast.



#1  
Showing the Oasis building from the South  
*More than 30ft. across driveway.*



#2  
Showing the Oasis building from the North

Photos of various elevations of subject property at 241 El Camino Real, Menlo Park, dated 1953. City of Menlo Park Planning File for Property at 241 El Camino Real, Planning Division, Department of Community Development.





Photos of various elevations of subject property at 241 El Camino Real, Menlo Park, dated 1985. City of Menlo Park Planning File for Property at 241 El Camino Real, Planning Division, Department of Community Development.

**SECRETARY OF THE INTERIOR'S STANDARDS REVIEW**

**PROPOSED PATIO ARBOR ADDITION PROJECT  
at the  
Beltramo Building**

Oasis Beer Garden Restaurant  
241 El Camino Real  
(Parcel Number 071-413-360,  
Menlo Park, San Mateo County  
California

For:

City of Menlo Park  
Attn: Thomas Rogers, Senior Planner  
Planning Division, Department of Community Development  
701 Laurel Street  
Menlo Park, CA 94025

Prepared by:

**ARCHIVES & ARCHITECTURE LLC**  
PO Box 1332  
San Jose, CA 95109  
408.369.5683 Vox  
408.228.0762 Fax

Leslie A. G. Dill, Partner and Historic Architect

May 17, 2013

## INTRODUCTION

### Executive Summary

The proposed project meets the *Secretary of the Interior's Standards for Rehabilitation*. The analysis is described more fully in the report below.

### Report Intent

Archives & Architecture, LLC was retained by City of Menlo Park Planning Division, Department of Community Development to conduct a Secretary of the Interior's Standards Review of a proposed restaurant remodel and addition project at the Beltramo Building, Menlo Park, California. Archives & Architecture was asked to review the exterior elevations, plans, and site plan of the project to determine if the proposed project is in compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation Standards* (Standards). The Standards are understood to be a common set of guidelines for the review of historic buildings and are used by many communities during the environmental review process to determine the potential impact of a project on an identified resource.

### Qualifications

Leslie A. G. Dill, Partner of the firm Archives & Architecture, has a Master of Architecture with a certificate in Historic Preservation from the University of Virginia. She is licensed in California as an architect. Ms. Dill is listed with the California Office of Historic Preservation as meeting the requirements to perform identification, evaluation, registration, and treatment activities within the professions of Historic Architect and Architectural Historian in compliance with state and federal environmental laws. The Northwest Information Center utilizes the criteria of the National Park Service as outlined in 36 CFR Part 61.

### Review Methodology

For this report, Leslie Dill viewed the exterior of the site. She then reviewed the conclusions within the Department of Parks and Recreation form 523 (DPR 523) written by Archives & Architecture, LLC (F. Maggi, S. Winder and herself), dated May 15, 2013. Then Ms. Dill evaluated, according to the Standards, the proposed design that was electronically provided for this project by the City of Menlo Park with its Request for Proposal. This set of three drawing sheets is dated October 24, 2012, and is shown as drafted by "Whiteside". The project has already been constructed, so photographs are included in the drawing set, and the arbor design was observed in person.

### Disclaimers

This report addresses the project plans in terms of historically compatible design of the exterior design only. The Consultant has not undertaken and will not undertake an evaluation or report on the structural conditions or other related safety hazards that might or might not exist at the site and building, and will not review the proposed project for structural soundness or other safety concerns. The Consultant has not undertaken analysis of the site to evaluate the potential for subsurface resources.

## PROJECT DESCRIPTION:

### Character of the Existing Resource

Archives & Architecture, LLC evaluated the architectural significance of the Beltramo Building property in a DPR 523 form dated May 15, 2013. The report notes, "The rarity of the subject building in Menlo Park as a remnant of the historic Camp Fremont (only three buildings from the Camp remain extant) makes it important as a unique physical reminder of the early era of Menlo Park development. Since the building was moved, expanded, and reused in 1920, it has remained identified as an early and prominent

commercial feature along El Camino Real in downtown Menlo Park, and is recognizable as such. The establishment of a popular eatery and tavern at this location in the 1930s that has been and continues to be well-known to residents and non-residents alike from around the region, and its later identification as an important place in the history of Silicon Valley for its association with the Home Brew Computer Club has created a sense of special place that is embodied in the physical building that is iconic in today's modern culture. As a key historic building within the context of Menlo Park as a whole, the property appears to qualify for the National and California Registers under Criterion A and (1) respectively."

### **Summary of the Proposed Project**

The proposed project, as presented in the current set of drawings noted above, includes the addition of a freestanding arbor that will cover a restaurant patio outside the south corner of the building. The project includes a series of wood posts and beams above and around the space, as well as a board fence that encloses the space.

### **SECRETARY'S STANDARD'S REVIEW:**

The *Secretary of the Interior's Standards for Rehabilitation* (Standards), originally published in 1977 and revised in 1990, include ten standards that present a recommended approach to repair, while preserving those portions or features that convey a resource's historical, cultural, or architectural values. Accordingly, Standards states that, "Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values". Following is a summary of the review with a list of the Standards and associated analysis for this project:

#### **Analysis**

1. **"A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships."**

Analysis: The proposal does not change the current use of this property.

2. **"The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided."**

Analysis: There is no removal of historic fabric proposed in this project. The proposed arbor structure is freestanding and does not physically connect to the historically significant building fabric.

The spatial relationships and spaces embodied in the design are not adversely impacted by the proposed project. Although the fence encloses a large exterior area, the overall form and materials of the first floor corner of the building remain generally visible, so the rectangular original footprint is preserved and the wood siding continues.

3. **“Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other historic properties, will not be undertaken.”**

Analysis: The proposed addition has appropriately differentiated form and materials and does not include conjectural features. See also Standard 9.

4. **“Changes to a property that have acquired historic significance in their own right will be retained and preserved.”**

Analysis: For this report, it is understood that the first floor of the building has acquired historic significance in its own right. This portion of the building is included in all analyses contained within this report. This part of the building is retained and preserved, as the proposed structure is freestanding.

5. **“Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.”**

Analysis: The features, finishes, and construction techniques or examples of craftsmanship that characterize the property are generally preserved in this proposal. Specifically, the form, siding, original windows, and other related character-defining features of the building are shown as preserved as a part of the project.

6. **“Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.”**

Analysis: No deteriorated historic features are proposed for repair in this project.

7. **“Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.”**

Analysis: No chemical treatments are shown as proposed in this project.

8. **“Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.”**

Analysis: Archeological resources are not evaluated in this report.

9. **“New additions, exterior alterations or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”**

Analysis: The proposed rear-corner arbor addition is compatible with the original building design in size, massing, location, and scale. The footprint is relatively small in square footage compared with the original building, and its open, one-story angled form is subordinate to the two-story original massing. The new construction is compatible with the original design in its use of wood

as the primary material, and the use of repetitive members, which creates a residential scale related to the horizontal wood siding and original double-hung windows of the former YMCA building and historic restaurant design. The arbor addition is differentiated by its angled form and use of modern materials.

10. **“New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”**

Analysis: The essential form and integrity of the historic property would be maintained in this project. The arbor design is reversible, and the structure is freestanding.

### **Conclusion**

The proposed project meets the *Secretary of the Interior’s Standards for Rehabilitation*.

**SECRETARY OF THE INTERIOR'S STANDARDS REVIEW**

**PROPOSED FALSE CHIMNEY ANTENNA ADDITION PROJECT  
at the  
Historic Beltramo Building**

241 El Camino Real  
(Parcel Number 071-413-360,)  
Menlo Park, San Mateo County  
California

For:

City of Menlo Park  
Attn: Thomas Rogers, Senior Planner  
Planning Division, Department of Community Development  
701 Laurel Street  
Menlo Park, CA 94025

Prepared by:

**A R C H I V E S & A R C H I T E C T U R E L L C**  
PO Box 1332  
San Jose, CA 95109  
408.369.5683 Vox  
408.228.0762 Fax

Leslie A. G. Dill, Partner and Historic Architect

May 17, 2013  
Revised August 13, 2013

## INTRODUCTION

### Executive Summary

The proposed project does not meet the *Secretary of the Interior's Standards for Rehabilitation*. The analysis is described more fully in the report below. The analysis is summarized here in list form and described more fully in the report below:

It is recommended that the design of the proposed antenna enclosure be revised to be visually smaller, less weighty, and otherwise more compatible with the historic roof form, proportions, rhythm and spatial characteristics of the projecting elements, as well as the perceived mass of the historic design (Standards 2 and 9).

It is recommended that the design of the proposed antenna enclosure be revised so that it does not create a sense of false historicism (Standard 3).

### Report Intent

Archives & Architecture, LLC was retained by City of Menlo Park Planning Division, Department of Community Development to conduct a Secretary of the Interior's Standards Review of a proposed antenna replacement project at the Historic Beltramo Building, Menlo Park, California. Archives & Architecture was asked to review the exterior elevations, plans, and site plan of the project to determine if the proposed project is in compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation Standards* (Standards). The Standards are understood to be a common set of guidelines for the review of historic buildings and are used by many communities during the environmental review process to determine the potential impact of a project on an identified resource.

### Qualifications

Leslie A. G. Dill, Partner of the firm Archives & Architecture, has a Master of Architecture with a certificate in Historic Preservation from the University of Virginia. She is licensed in California as an architect. Ms. Dill is listed with the California Office of Historic Preservation as meeting the requirements to perform identification, evaluation, registration, and treatment activities within the professions of Historic Architect and Architectural Historian in compliance with state and federal environmental laws. The Northwest Information Center utilizes the criteria of the National Park Service as outlined in 36 CFR Part 61.

### Review Methodology

For this report, Leslie Dill viewed the exterior of the site. She then reviewed the conclusions within the Department of Parks and Recreation form 523 (DPR 523) written by Archives & Architecture, LLC (F. Maggi, S. Winder and herself), dated May 15, 2013. Then Ms. Dill evaluated, according to the Standards, the proposed design that was electronically provided for this project by the City of Menlo Park with its Request for Proposal. This set of five drawing sheets (Sheets A-1, A-4 through A-6 and Sheet REV. A) is dated April 14 and 18, 2012, and is shown prepared by Zalzali & Associates, Inc., of Irvine, CA.

### Disclaimers

This report addresses the project plans in terms of historically compatible design of the exterior design only. The Consultant has not undertaken and will not undertake an evaluation or report on the structural conditions or other related safety hazards that might or might not exist at the site and building, and will not review the proposed project for structural soundness or other safety concerns. The Consultant has not undertaken analysis of the site to evaluate the potential for subsurface resources.



## PROJECT DESCRIPTION:

### Character of the Existing Resource

Archives & Architecture, LLC evaluated the architectural significance of the Historic Beltramo Building property in a DPR 523 form dated August 15, 2013. The report notes, “The rarity of the subject building in Menlo Park as a remnant of the historic Camp Fremont (only three buildings from the Camp remain extant) makes it important as a unique physical reminder of the early era of Menlo Park development. Since the building was moved, expanded, and reused in 1920, it has remained identified as an early and prominent commercial feature along El Camino Real in downtown Menlo Park, and is recognizable as such. The establishment of a popular eatery and tavern at this location in the 1930s that has been and continues to be well-known to residents and non-residents alike from around the region, and its later identification as an important place in the history of Silicon Valley for its association with the Home Brew Computer Club has created a sense of special place that is embodied in the physical building that is iconic in today’s modern culture. As a key historic building within the context of Menlo Park as a whole, the property appears to qualify for the National and California Registers under Criterion A and (1) respectively.”

### Summary of the Proposed Project

The proposed project, as presented in the current set of drawings noted above, includes the removal of an existing antenna and the installation of a new antenna contained within a painted faux chimney. The chimney structure is shown to be set to one side of the ridge beam in the back half of the roof, and approximately 8’-6” in height above the peak of the main roof.

## SECRETARY’S STANDARD’S REVIEW:

The *Secretary of the Interior’s Standards for Rehabilitation* (Standards), originally published in 1977 and revised in 1990, include ten standards that present a recommended approach to repair, while preserving those portions or features that convey a resource’s historical, cultural, or architectural values. Accordingly, Standards states that, “Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values”. Following is a summary of the review with a list of the Standards and associated analysis for this project:

### Analysis

1. **“A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.”**

Analysis: The proposal does not change the current use of this property.

2. **“The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.”**

Analysis: There is no removal of historic fabric proposed in this project.

The dimensions and location of the proposed faux chimney would adversely alter the spatial characteristics of the original roof design. The broad, full-width gable roof and the three regularly spaced monitor vents comprise one of the recognizable original forms of the historic YMCA building, as evidenced in historic photos. The chimney-like structure interrupts the visual rhythm

of the roof form. The height of the chimney form is considerably larger than the low monitors, is offset on the roof, and is centralized to an extent that it dominates the roofline. This form is not compatible with this Standard. It is recommended that the antenna enclosure design be revised to have less visual prominence and less physical impact, and to preserve the original spatial relationship of the large gabled roof and three historic monitor vents.

3. **“Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other historic properties, will not be undertaken.”**

Analysis: The proposed addition is intended to represent a large brick chimney. This proposed design is, in essence, utilizing an architectural element that is evident in other historic properties but not original to this one. The large brick chimney is not compatible with the historic ongoing uses of the building. It is recommended that the proposed antenna enclosure design be revised to have a more compatible design with respect to false historicism.

4. **“Changes to a property that have acquired historic significance in their own right will be retained and preserved.”**

Analysis: For this report, it is understood that the first floor of the building has acquired historic significance in its own right. This portion of the building is included in all analyses contained within this report. This part of the building is retained and preserved, as the proposed structure would be added at the roof.

5. **“Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.”**

Analysis: The features, finishes, and construction techniques or examples of craftsmanship that characterize the property are generally preserved in this proposal. No details or historic fabric are proposed for removal.

6. **“Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.”**

Analysis: No deteriorated historic features are proposed for repair in this project.

7. **“Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.”**

Analysis: No chemical treatments are shown as proposed in this project.

8. **“Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.”**

Analysis: Archeological resources are not evaluated in this report.

9. **“New additions, exterior alterations or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”**

Analysis: Although the painted finishes might be similar in color, the proposed antenna addition is too strongly differentiated from the historic design of the Beltramo Building in terms of size, massing, location, and scale. The mass and height of the false chimney is proportionately large and prominent compared with the original gabled monitor vents. The structure is offset within the otherwise symmetrical original roof design and interrupts the broad expanse of gabled roof. Brick as a material is not found in the historic design of the main building, so its use as part of the antenna enclosure is conspicuous. The use of masonry as a perceived building material creates a heaviness that is out of scale with the wood frame design. It is recommended that the proposed project be revised to change the massing and scale, and likely the location, of the new antenna enclosure.

An antenna in this location is not automatically inappropriate—the size and prominence of the faux chimney, as noted above, are the traits that suggest a revised design. Possibilities for a revised design include a more utilitarian design, such as an exposed mast. It is the experience of this consultant that utilitarian structures are often less visually intrusive, as people in general are less likely to notice service structures than large-scale, boxy objects. Plumbing vent stacks, kitchen equipment, electrical drops, and other services are visual “background noise” in this day and age, and it would seem that for this particular property, a utilitarian cell antenna might also fade into the background against the significant character-defining roofline and surrounding design. The existing antenna, for example, is more appropriate in scale, proportion, low-visibility of materials, and more compatible historic intent than the proposed design. Other concealed designs might also be more compatible in scale and massing than the currently proposed design. In the recent past, cell antennas have been concealed as flagpoles, and this alternative would be considerably more appropriate than the faux chimney.

10. **“New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”**

Analysis: The essential form and integrity of the historic property would be maintained in this project. The false chimney design is reversible, and no loss of historic materials is proposed.

### **Conclusion**

The proposed design is not currently compatible with the *Secretary of the Interior’s Standards for Rehabilitation*. The large and tall structure interrupts the historic roof form which remains intact with its regularly spaced, low monitor vents (Standard 2), the false chimney design presents a false sense of historicism (Standard 3); and the design is too strongly differentiated in size and visual appearance, and not adequately compatible with the historic form and design of the Beltramo Building (Standard 9). Therefore, the project should be revised to be both less prominent and less historically inappropriate in design.

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**SHEET INDEX**

- A0.1 COVER & ZONING
- A0.2 RENDERING
- A0.3 RENDERING
- A1.0 VICINITY PLAN
- A1.1 SITE PLAN
- A1.2 1ST FLOOR PLAN
- A1.3 2ND FLOOR PLAN
- A1.4 3RD FLOOR PLAN
- A1.5 GARAGE PLAN
- A1.6 PARKING SYSTEM
- SU-1 BOUNDARY & TOPO SURVEY

**PROPOSED SCOPE OF GREEN DESIGN**

Green programming features will include:

- Near-zero energy net consumption
- Recycled, Re-used materials at walls, roofs, floors.
- Recycling of 85% of Construction Waste
- High Efficiency Heating and Cooling Systems
- Passive & Mechanical Ventilation for Indoor Air Quality
- Plentiful, well oriented Daylighting
- Tankless or High Efficiency Water Heaters
- On-Demand Hot Water Recirculation Pumps
- Photovoltaic and/or Hot Water Panels on Roofs
- Use of Fly Ash and Recycled Rebar in Concrete
- Heat dissipating technologies at exterior walls
- Low-E, thermally insulated Windows
- Drought Tolerant, Water Efficient Landscaping
- Electrical Vehicle charging stations
- Improved Energy Performance above

RE: **Menlo Park - 201 El Camino Real & 610 Cambridge**  
**Design DRT Mtg:**

Attached here please find our current plan set proposal for 201 El Camino & 610 Cambridge.

Environmental Innovations in Design (EID) Architects, on behalf of the owners of 201 El Camino Real and 610 Cambridge Avenue, Menlo Park, California, are pleased to propose a new three story, sustainable, mixed-use design over a parking structure. A gateway center piece of the design is a generous park with many publicly accessible amenities, shaded seating areas, and landscaped gardens. These high performance and health enhancing residential and commercial condominiums are designed to create a strong sense of community with an abundance of beautifully landscaped open space. The Residential character of the neighborhood is enhanced by enclosing the majority of the automobile parking below grade; and, a few conveniently placed drop-off and temporary parking spaces are above grade are subtly integrated into the new park area via pervious pavers and ecologically balanced gardens. The proposed styling of the homes references traditional Monterey Spanish architectural forms and detailing while rendering them in a clean, bright, modern, eco-functional manner with care and sensitivity to the surrounding environment, solar orientation, neighborhood homes and El Camino Real businesses. (Please see sustainable features section of cover sheet narrative.)

Existing at the project parcels are the following:

- a) 1-story Commercial space at 201 El Camino Real, approximately 5,000 sqft, and 7 surface parking spaces, non-conforming in size and arrangement;
- b) An open, surface parking lot with 28 parking spaces, some of which are non-conforming in arrangement;
- c) 1-story Residential building at 610 Cambridge Ave, which is utilizing 4 of the neighboring 28 spaces for parking since it has no parking of it's own.

Tabulations for the Proposed design have been updated and enlarged on Sheet A0.1 to account for:

- 1.5 F.A.R. max. = approx. 24,997 sqft total;
- 18 Res. Units Total (including 2 BMR's) = approx. 19,316 sqft,
- 1st Floor Commercial/Medical area = approx. 5,095 sqft

Proposed Parking includes Total of 67 spaces:

- 5 surface parking/dropoff/move-in/move-out spaces;
- 62 parking spaces using a Parking Rail system at approx.. 8 ft. below grade;

We are proposing a 3 story building (Max. 38 ft. tall to top of roof, and approx.. 34 ft. to top of upper story balcony guardrail), with upper floors setting back as they rise (Sheet A1.3 illustrates typical cross section). Vertical circulation is via (1) Elevator and (2) Exterior Exit Stairs properly spaced, and serving Exterior Exit Balconies.

We're proposing to purchase from the City, the short section of Alto Lane north of Cambridge, and relocating this drive access approximately 65' to the West so that it runs between the new park and the 1st floor of the proposed new building.

The Existing Residential Building on Cambridge will be eliminated to allow the Park to be built between the Cambridge Residential neighborhood and the new Mixed-Use design consolidated eastward toward the El Camino Real/Cambridge corner in keeping with the goal to enhance Commercial vitality outlined in the El Camino Real design guidelines, while also allowing this Residential Neighborhood to enjoy the greatly expanded, publicly accessible, and beautifully landscaped open space.

While incorporating the R-3 parcel into the design, relocating the ROW onto the R-3 lot, and developing the remaining area as a publicly accessible open space park, we would not seek to rezone this parcel as the FAR and density calculations for the project would still be determined by the lot area of the SP-ECR/D lots plus Alto Lane. A Public Benefit increase in allowable FAR and Density may be justified by the creation of the open space.

**201 El Camino Real, MENLO PARK**

**Zoning Analysis**

APN/Parcel ID: 071-413-200, 071-413-370, 071-413-380  
 JPN/Tax Map ID: 071-041-413-20 and 071-041-413-21A

Site Area: 16748 sf

	PERMITTED DEVELOPMENT INTENSITY		PROPOSED INTENSITY
	BASE ZONING	PERMITTED WITH PUBLIC BENEFIT	
Floor Area Ratio	1.1	1.5	PROPOSED CONSTRUCTION: 1.49
Total floor area:	18,423 s.f.	25,122 s.f.	24,997 s.f.
<b>Commercial:</b>			
Max FAR for medical offices: 33% of FAR			
Max. Medical Area:	6,135 s.f.	8,366 s.f.	5,095 s.f.
Med. Parking:	28 cars	38 cars	23 cars
at 4.5 per 1,000 sf			
Max FAR for offices, inclusive of medical offices: 50% of FAR			
Office/ Meeting:	9,211 s.f.	12,561 s.f.	586 s.f.
Office Parking	41 cars	57 cars	
@ 3.8 per 1,000 sf			2
<b>Residential:</b>			
Permitted Density:	25 Units/acre	40 Units/acre	39 Units/acre
# Res. Units:	9 Units	15 Units	15 Units
BMR requirement:	0.9	2.25	2 Units
@10%			
Additional Market Rate Units allowed per BMR ordinance:			
	1	2	1
Total Res Units:	11	19	18 max 17 proposed
Max. Residential floor area is limited to total FAR less any non-residential floor area. The sum of the gross floor area of all uses on site shall never exceed the allowable FAR for the zoning district.			
Res. floor area:	≤ 18,423	≤ 25,122	19,316 s.f.
(Based on 100% residential floor area and must decrease to account for non-residential floor area)			
Res. Parking:	17 cars	28 cars	
at 1.85 per Unit			31 cars
<b>Total</b>			
Required Parking:	44 cars	65 cars	57
Parking Provided:			
In Garage: 62			
Surface Parking: 5			
Total Provided: 67			



**VICINITY MAP**



ECO FUNCTIONAL ARCHITECTURE

412 OLIVE AVE.  
PALO ALTO CA.  
94306-2225

650-226-8770



201 EL CAMINO REAL  
at CAMBRIDGE AVE  
MENLO PARK, CALIFORNIA 94025

CONCEPTUAL RENDERING  
ZONING ANALYSIS

REVISIONS:

CHECKED: \_\_\_\_\_  
PLOT DATE: MARCH 01, 2018

PROJ. NO. 17-1007  
ISSUED: ---  
DWG. SCALE: as noted  
DRAWN BY: MW

SHEET NO.

A0.1



201 EL CAMINO REAL  
at CAMBRIDGE AVE  
MENLO PARK, CALIFORNIA 94025

CONCEPTUAL RENDERING  
EL CAMINO REAL & CAMBRIDGE AVE.

REVISIONS:

CHECKED: \_\_\_\_\_  
PLOT DATE: MARCH 01, 2018

PROJ. NO. 17-1007  
ISSUED: ---  
DWG. SCALE: as noted  
DRAWN BY: MW

SHEET NO.

A0.2



VIEW FROM EL CAMINO REAL AND CAMBRIDGE AVENUE



VIEW FROM ALLIED ARTS COMMUNITY ENTRANCE AT CAMBRIDGE AVENUE

**EID**  
ARCHITECTS

ECO FUNCTIONAL  
ARCHITECTURE

412 OLIVE AVE.  
PALO ALTO CA.  
94306-2225

650-226-8770



201 EL CAMINO REAL  
at CAMBRIDGE AVE  
MENLO PARK, CALIFORNIA 94025

SHEET NO.

CONCEPTUAL RENDERING  
VIEW FROM CAMBRIDGE AVENUE

REVISIONS

CHECKED: \_\_\_\_\_  
PLOT DATE: MARCH 01, 2018

PROJ. NO. 17-1007  
ISSUED: ---  
DWG. SCALE: as noted  
DRAWN BY: MW

SHEET NO.

A0.3



**EID**  
ARCHITECTS

ECO FUNCTIONAL  
ARCHITECTURE

412 OLIVE AVE.  
PALO ALTO CA.  
94306-2225

650-226-8770



201 EL CAMINO REAL  
at CAMBRIDGE AVE  
MENLO PARK, CALIFORNIA 94025

SHEET NO.

VICINITY PLAN

REVISIONS

CHECKED: \_\_\_\_\_  
PLOT DATE: MARCH 01, 2018  
PROJ. NO. 17-1007  
ISSUED: ---  
DWG. SCALE: as noted  
DRAWN BY: MW  
SHEET NO.

PROPOSED SITE PLAN SCALE: 3/32" = 1'-0" 1

A1.0







201 EL CAMINO REAL  
at CAMBRIDGE AVE  
MENLO PARK, CALIFORNIA 94025

SHEET No:

1st FLOOR PLAN

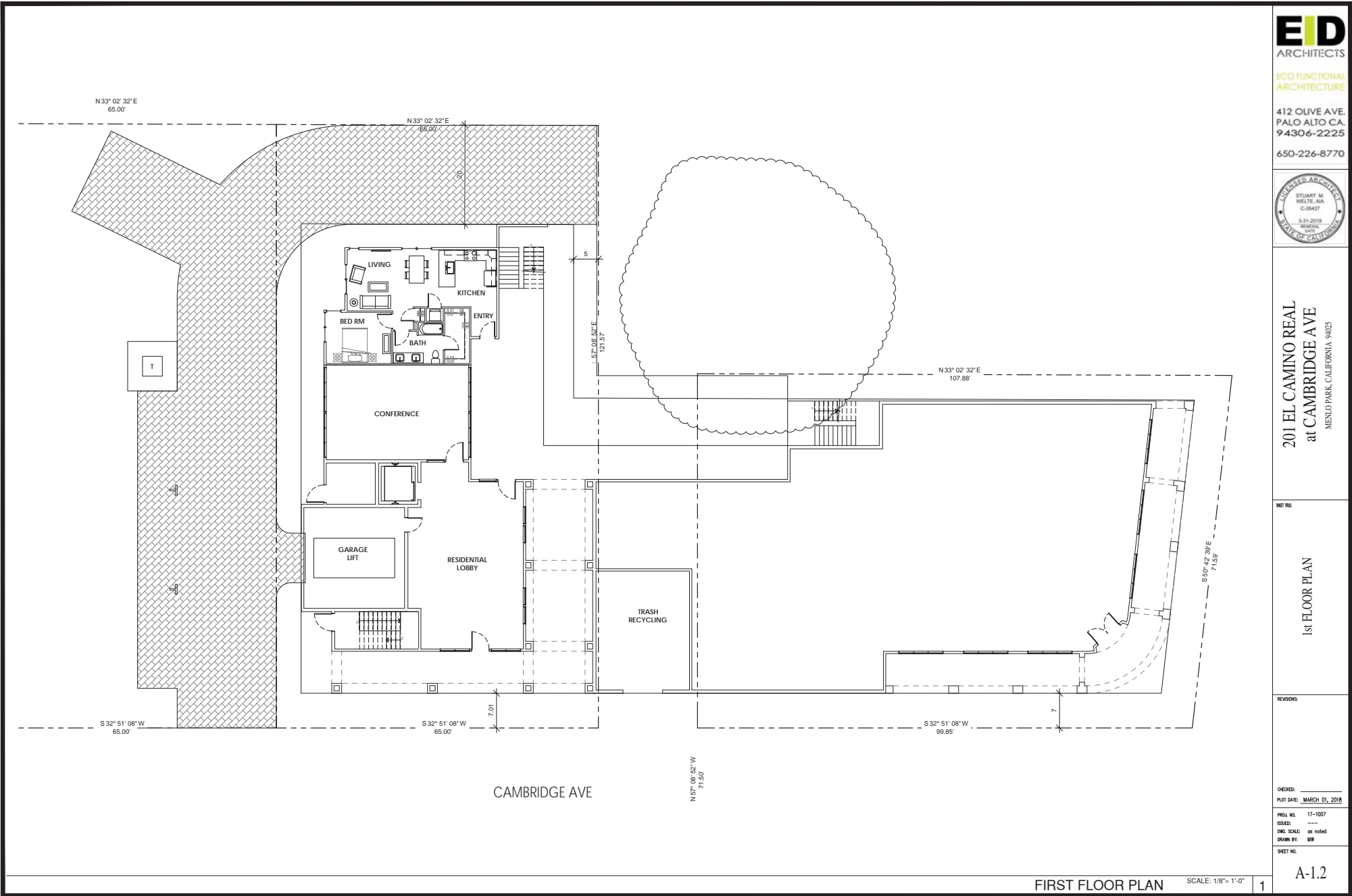
REVISIONS:

CHECKED:  
PLOT DATE: MARCH 01, 2018

PROJ. NO. 17-1007  
ISSUED: ---  
DWG. SCALE: as noted  
DRAWN BY: MW

SHEET NO.

A-1.2



FIRST FLOOR PLAN SCALE: 1/8" = 1'-0" 1



201 EL CAMINO REAL  
at CAMBRIDGE AVE  
MENLO PARK, CALIFORNIA 94025

SHEET NO.

2nd FLOOR PLAN

REVISIONS:

CHECKED:

PLOT DATE: MARCH 01, 2018

PROJ. NO. 17-1007

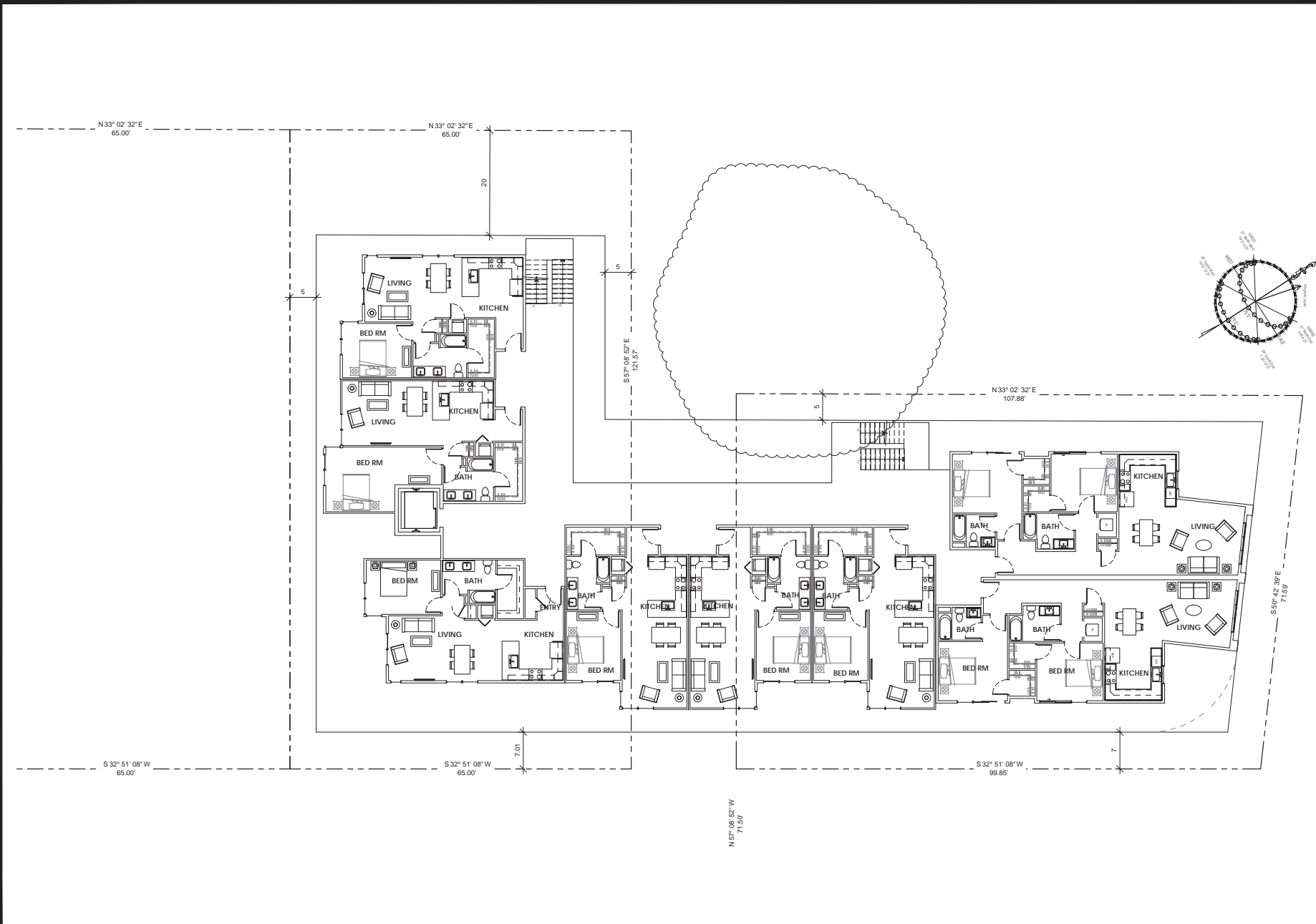
ISSUED: ---

DRG. SCALE: as noted

DRAWN BY: MW

SHEET NO.

A1.3



SECOND FLOOR PLAN SCALE: 1/8" = 1'-0" 1



201 EL CAMINO REAL  
at CAMBRIDGE AVE  
MENLO PARK, CALIFORNIA 94025

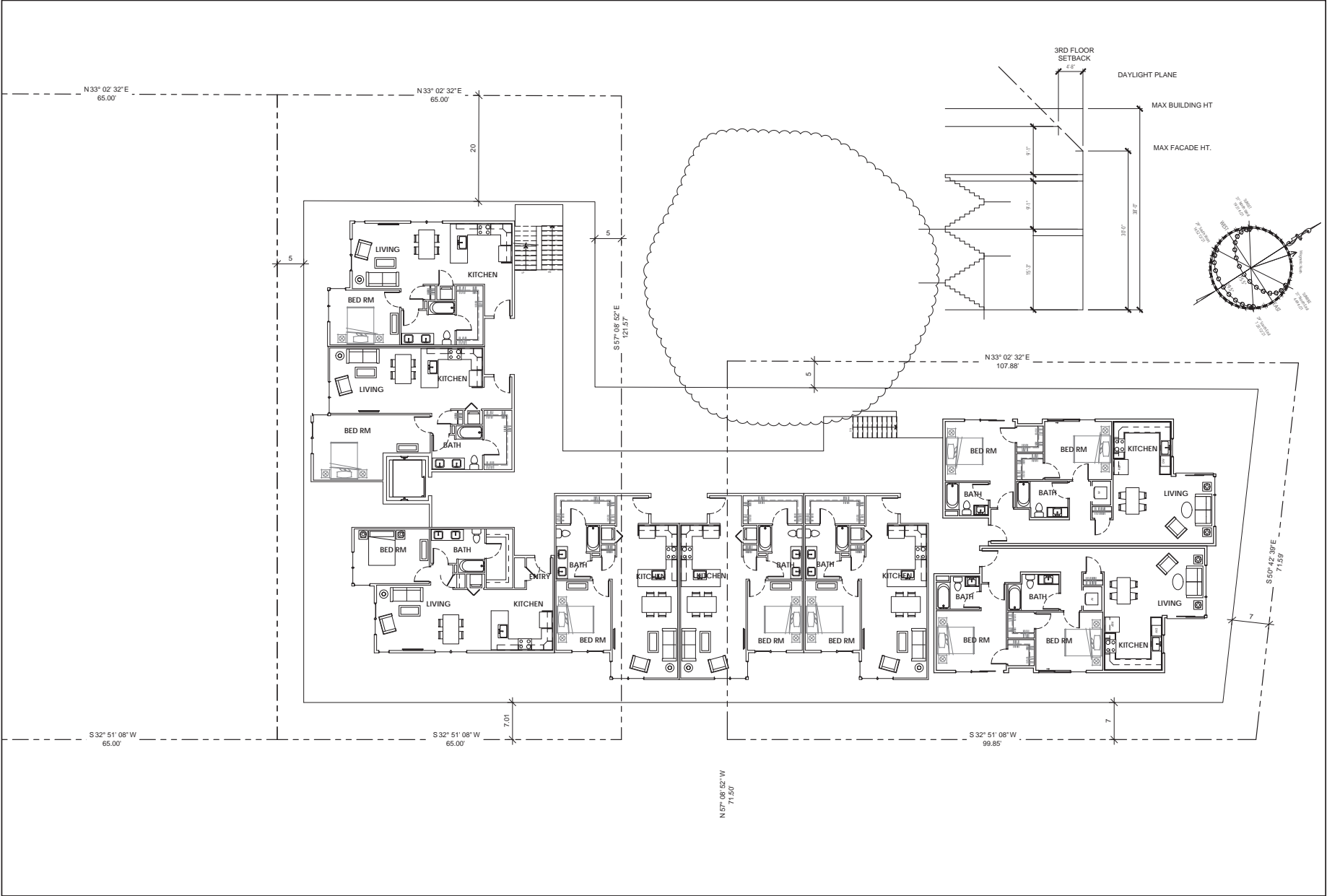
SHEET NO.

3rd FLOOR PLAN

REVISIONS

CHECKED:  
PLOT DATE: MARCH 01, 2018  
PROJ. NO. 17-1007  
ISSUED: ---  
DWG. SCALE: as noted  
DRAWN BY: MW  
SHEET NO.

A-14



THIRD FLOOR PLAN SCALE: 1/8" = 1'-0" 1



201 EL CAMINO REAL  
at CAMBRIDGE AVE  
MENLO PARK, CALIFORNIA 94025

SHEET NO.

GARAGE LEVEL

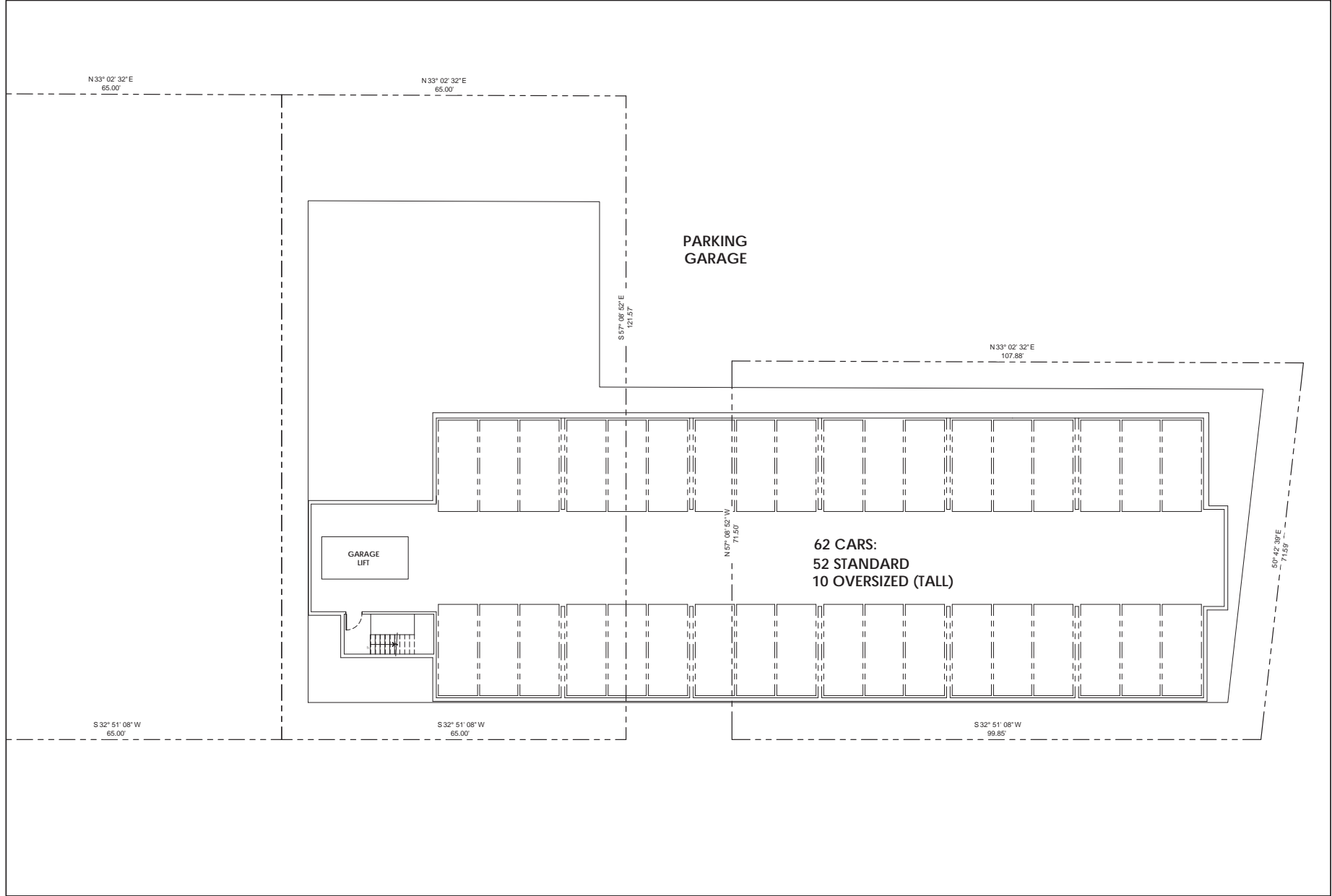
REVISIONS

CHECKED:  
PLOT DATE: MARCH 01, 2018

PROJ. NO. 17-1007  
ISSUED: ---  
DWG. SCALE: as noted  
DRAWN BY: MW

SHEET NO.

A-1.5



PARKING  
GARAGE

62 CARS:  
52 STANDARD  
10 OVERSIZED (TALL)

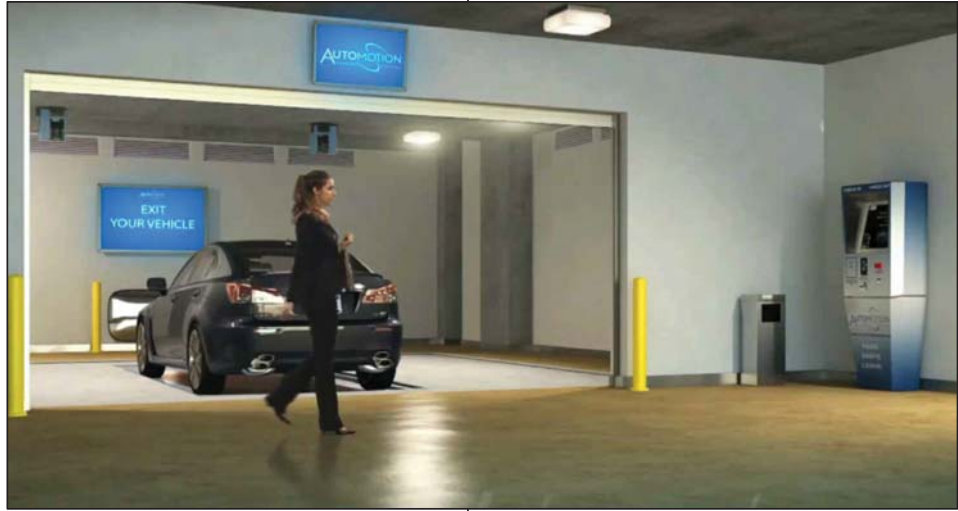
GARAGE  
LIFT



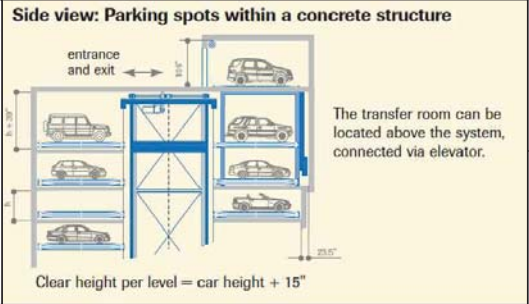
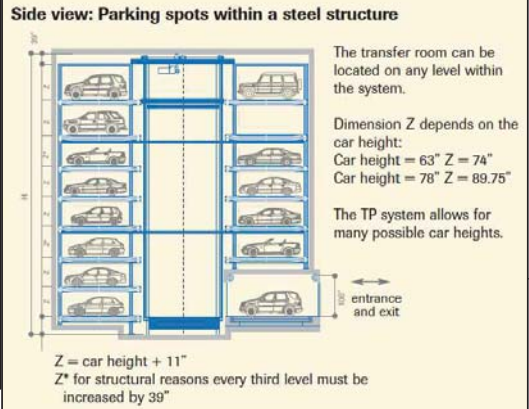
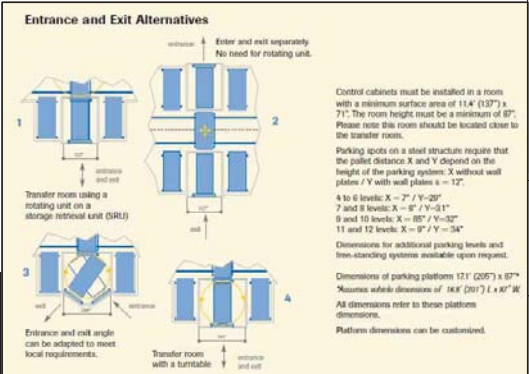
## CAR PARKING

### SP system

SP System	TP System
<p><b>Parking solution for a large number of parking spots and high-volume traffic</b></p> <ul style="list-style-type: none"> <li>Customized configurations</li> <li>Retrieves cars quickly, minimizing driver wait times</li> <li>Turntable allows drivers to enter and exit in driving direction</li> <li>Accommodates a variety of vehicle heights</li> <li>Suitable for public use</li> <li>Works best in concrete buildings</li> </ul>	<p><b>Parking solution for spaces with minimum surface area and high headroom</b></p> <ul style="list-style-type: none"> <li>Customized configurations</li> <li>Installation above or below grade</li> <li>Retrieves cars quickly, minimizing driver wait times</li> <li>Turntable allows drivers to enter and exit in driving direction</li> <li>Accommodates a variety of vehicle heights</li> <li>Suitable for public use</li> </ul>



### Automotion - the Benefits



EEO FUNCTIONAL ARCHITECTURE

412 OLIVE AVE.  
PALO ALTO CA.  
94306-2225

650-226-8770



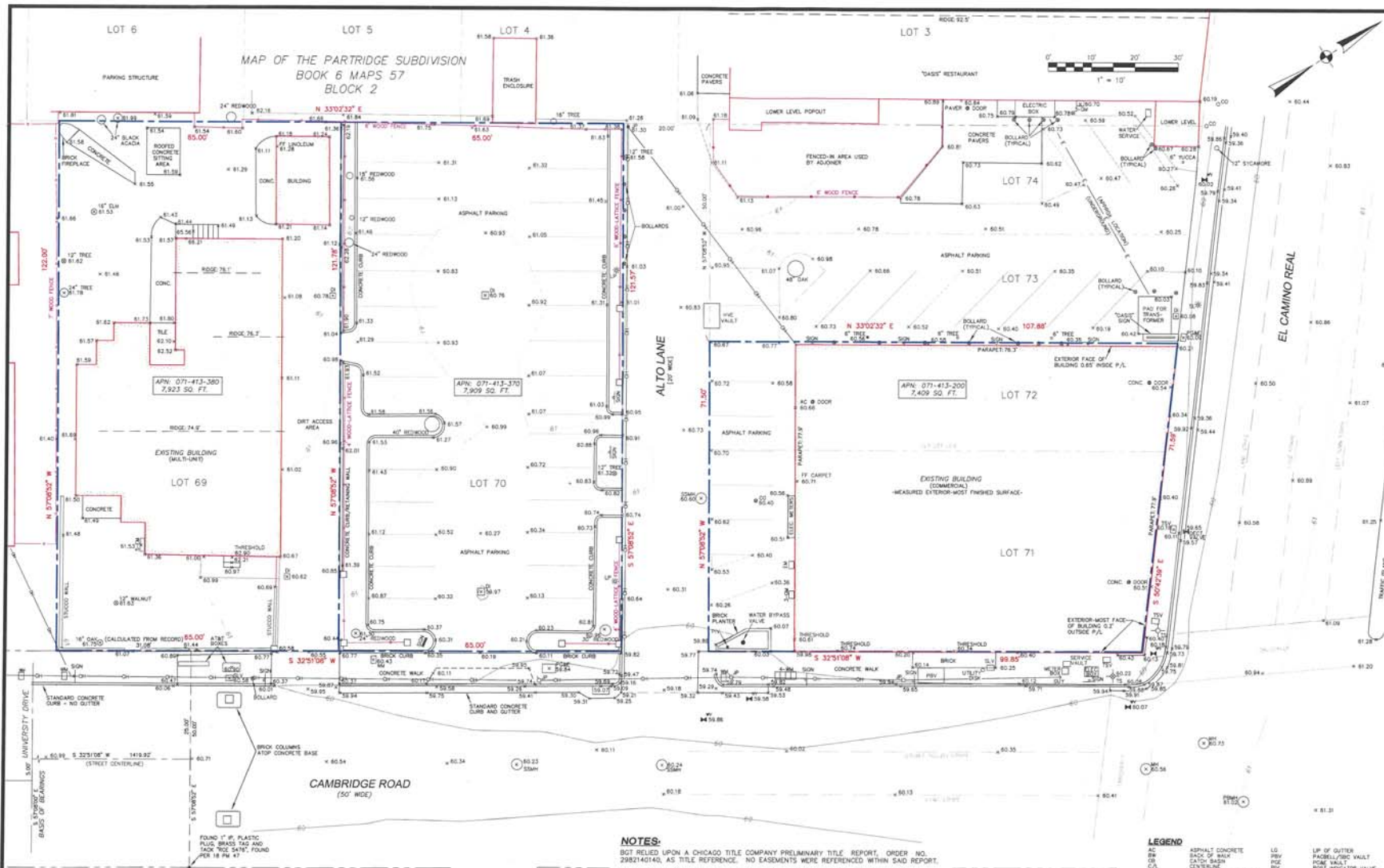
201 EL CAMINO REAL  
at CAMBRIDGE AVE  
MENLO PARK, CALIFORNIA 94025

CONCEPTUAL AUTOMATED PARKING SYSTEM

REVISIONS:

CHECKED: MARCH 01, 2018  
 PLOT DATE:

PROJ. NO. 17-1007  
 ISSUED: ---  
 DWG. SCALE: as noted  
 DRAWN BY: MW  
 SHEET NO.



**BOUNDARY AND TOPOGRAPHIC SURVEY**  
 LOTS 69-70, PORTION OF LOTS 71 AND 72, BLOCK 7, "MAP NO. 2 STANFORD PARK" (BOOK 8 MAPS 46)  
**201 EL CAMINO REAL/612 CAMBRIDGE ROAD**  
 MENLO PARK, SAN MATEO COUNTY, CALIFORNIA

Assessor Parcel Number:  
 071-413-370  
 071-413-370  
 071-413-380

Prepared For:  
 Client Name:  
 Address:  
 City, State, Zip:  
 Telephone:

Date: AUG. 2015  
 Scale: 1" = 10'  
 Contour Interval: 1'  
 Drawn as: L14L  
 Author:

**SU-1**  
 Job No. 15-119

**BASIS OF BEARINGS**  
 THE BEARING, SOUTH 57°08' EAST, OF UNIVERSITY ROAD (FORMERLY YALE ROAD), AS SHOWN ON THAT CERTAIN SUBDIVISION MAP ENTITLED, "MAP NO. 2 STANFORD PARK" WHICH WAS FILED FOR RECORD IN BOOK 8 OF MAPS PAGE 46, SAN MATEO COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

**BENCHMARK**  
 ELEVATIONS SHOWN HEREON ARE BASED UPON NVD 1929 (MEAN SEA LEVEL) DATUM.

**NOTES:**  
 BGT RELIED UPON A CHICAGO TITLE COMPANY PRELIMINARY TITLE REPORT, ORDER NO. 2982140140, AS TITLE REFERENCE. NO EASEMENTS WERE REFERENCED WITHIN SAID REPORT.  
 UTILITIES SHOWN HEREON TAKEN FROM VISUAL SURFACE EVIDENCE AND SHOULD BE CONSIDERED AS APPROXIMATE ONLY. ACTUAL LOCATIONS OF UTILITIES MAY VARY. TRUE LOCATION OF UTILITIES CAN ONLY BE OBTAINED BY EXPOSING THE UTILITY.  
 TREE LOCATIONS SHOWN HEREON ARE SHOWN SYMBOLICALLY WITH SYMBOL SIZES BASED UPON TRUNK DIAMETER AT CHEST HEIGHT. AT THE LOCATION WHERE THE TREE ENTERS THE GROUND SURFACE LOCATIONS AND SIZES OF TREE TRUNKS CAN ONLY BE CONSIDERED APPROXIMATE UNLESS OTHERWISE STATED ON THE MAP. TREES OF TRUNK DIAMETER SIZES OF 6 INCHES OR GREATER WERE LOCATED BY THE FIELD DREW.  
 SURVEY PERFORMED BY: BGT LAND SURVEYING  
 www.bgtlandsurveying.com  
 DATE OF FIELD SURVEY: AUGUST, 2015  
 JOB NUMBER: 15-119

**LEGEND**

AC	ASPHALT CONCRETE	LG	LIP OF GUTTER
BR	BRICK	LP	LEAD PIPING
CB	CATCH BASIN	MS	METAL SHEET PILING
CC	CONCRETE	PC	POWER POLE
CD	CONCRETE DRAIN	PP	POST AND RAIL FENCE
CP	CONCRETE PAVEMENT	RM	ROOF MANHOLE
CS	CURB	SL	STREET LIGHT
CT	CURB TOP	ST	STREET SIGN
CU	CURB UNDER	TR	TRAFFIC SIGNAL
CV	CONCRETE VENT	TR	TRUCK STOP
DC	DRAINAGE CHANNEL	W	WATER MAIN
DE	DRAINAGE DITCH	W	WATER MAIN
DF	DRAINAGE FLOW	W	WATER MAIN
DI	DRAINAGE INLET	W	WATER MAIN
DJ	DRAINAGE JUNCTION	W	WATER MAIN
DK	DRAINAGE KICK	W	WATER MAIN
DL	DRAINAGE LINE	W	WATER MAIN
DM	DRAINAGE MANHOLE	W	WATER MAIN
DN	DRAINAGE NEST	W	WATER MAIN
DO	DRAINAGE OUTFALL	W	WATER MAIN
DP	DRAINAGE PILE	W	WATER MAIN
DQ	DRAINAGE POINT	W	WATER MAIN
DR	DRAINAGE RAMP	W	WATER MAIN
DS	DRAINAGE SIGN	W	WATER MAIN
DT	DRAINAGE TIE	W	WATER MAIN
DU	DRAINAGE UPRAMP	W	WATER MAIN
DV	DRAINAGE VALVE	W	WATER MAIN
DW	DRAINAGE WALL	W	WATER MAIN
DX	DRAINAGE WALK	W	WATER MAIN
DY	DRAINAGE YARD	W	WATER MAIN
DZ	DRAINAGE ZONE	W	WATER MAIN

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**STAFF REPORT**

**City Council**

**Meeting Date:**

**4/17/2018**

**Staff Report Number:**

**18-082-CC**

**Informational Item:**

**Participation in the 2018 San Mateo County Gun Buyback Program**

**Recommendation**

This is an informational item and no action is required.

**Background**

Citizens for a San Mateo County Gun Buyback is an organization working with the County of San Mateo Office of the Sheriff to hold a community gun buyback program this year. The Sheriff's Office last held a gun buyback event in 2013. At that time, they were able to purchase and destroy 420 guns. The purpose of the program is to remove guns from circulation and make the streets of San Mateo County safer for those who live and work here.

Based on experience, the Sheriff's Office estimates the event will cost \$75,000 to conduct this year. The Citizens for a San Mateo County Gun Buyback is assisting with the fundraising aspects of the program. The Sheriff's Office will manage all other aspects of the program.

**Analysis**

The gun buyback program will be fully managed by the Sheriff's Office, including advertising, staffing the event and destroying the guns. The program will pay \$100 for each pistol and rifle, and \$200 for each assault weapon. Residents will be able to bring guns to the event in the trunk of the car, and the Sheriff's Office will secure the gun(s) at that point. All firearms collected will be destroyed.

The Citizens for a San Mateo County Gun Buyback is requesting financial contributions from jurisdictions in San Mateo County to fund the program. The funds raised will be used as cash for purchasing the weapons; the Sheriff's Office will take care of all other event expenses.

Any excess funds not utilized at the event will be rolled over to a future event or utilized for gun safety education for children to prevent injuries.

Menlo Park's planned contribution is \$5,000. A sample of pledged contributions by other cities is included in Table 1.

Table 1: Contributions by jurisdiction	
Jurisdiction	Pledged contribution
City of Belmont	\$5,000
City of Redwood City	\$5,000
City of San Carlos	Match up to \$50,000
City of San Mateo	\$5,000
Town of Portola Valley	Contribute \$10,000 and match up to an additional \$5,000
Town of Woodside	Contribute \$10,000 and match up to an additional \$5,000

**Impact on City Resources**

The City has sufficient funds in the current fiscal year 2017-18 budget to cover the cost of participation at the proposed \$5,000 level.

**Public Notice**

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

Report prepared by:  
Clay J. Curtin, Assistant to the City Manager



## STAFF REPORT

### City Council

Meeting Date:

4/17/2018

Staff Report Number:

18-072-CC

Informational Item:

**Update on employee engagement and organizational development project**

### Recommendation

This is an informational item and no City Council action is required.

### Policy Issues

The City Council continues to pursue an aggressive work plan in response to a highly engaged community with expectations of excellence. A skilled, engaged and fully staffed workforce enjoying a positive workplace culture is needed to attract and retain the best talent available to meet community expectations and achieve City Council goals.

### Background

City management has taken the pulse of the city organization through an internally managed annual employee survey for the last 10 years. Recent surveys, as well as an increasing vacancy rate (the city currently has 37 vacancies or 13 percent of the authorized workforce), indicate a growing sense of disconnect between line level employees, the organizational mission and upper management as well as feelings of “burn out” and other symptoms of low employee engagement. Additionally, even though new positions have been added, on-going vacancies are straining remaining staff resources. The robust local economy has introduced intense competition for qualified staff and contractors up and down the peninsula.

Following last year’s survey, the city manager directed the city’s team of management analysts to conduct a series of representative staff interviews that further highlighted growing concerns about organizational culture and climate. In September, the City’s 22-member management team met for an intensive two-day facilitated retreat to strengthen the team and discuss challenges and opportunities facing the organization. From that meeting, a priority was placed on exploring the direct effects of the current robust economy as well as the unprecedented number of projects, both city-run and private, affecting our work culture. Given the pressures of numerous projects and high community expectations, it was determined that a more focused employee survey, done by a consultant skilled in addressing these issues, would be used to provide baseline information and suggest strategies that could be utilized in an employee engagement effort.

The pending retirement of the community services director and a strong management bench in that department allowed the creation of an organizational development project manager to support the exploration of innovative opportunities for staff development, engagement and organizational communication. We’re calling this effort, which also includes engaging staff in creating an organizational development plan, Menlo PERK.

## Analysis

Research by the international public management association for human resources has revealed that engaged public sector employees are:

- Four times more likely to stay in their current jobs
- Five times more likely to recommend their workplaces to others
- Five times more likely to be very satisfied with their employer and their work

Research also reveals that engagement is linked to outcomes that are important in the public sector, like achieving strategic goals, stimulating innovation, delivering more responsive customer service, retaining employees, building employee pride, improving attendance and keeping workplaces safe.

In order to assess our current level of engagement, the city manager hired Bob Lavigna, a well-known expert in employee engagement and director of the Institute for Public Sector Employee Engagement, a unit of CPS HR Consulting (CPS), to conduct the annual employee survey. In November 2018, all permanent and temporary staff were provided with a personalized link to the survey. The survey included 104 questions in 11 categories, plus 13 demographic questions, including one question asking if the employee plans to stay or leave during the next year. Sixty-one percent (202) of Menlo Park permanent and temporary employees responded to the survey.

Results indicate that 29 percent of Menlo Park employees are “fully engaged,” which is below the federal government, State government and Local government benchmarks. The 49 percent of Menlo Park employees who are “somewhat engaged” is higher than all benchmarks, suggesting significant potential to improve the fully engaged percentage.

Results also indicate that more than 30 percent of all employees report they are considering leaving the organization in the next year – similar to the benchmark.

CPS performed statistical analysis to determine the extent to which each factor measured in the survey influences (drives) the overall Menlo Park engagement score, to reveal the overall workplace areas that are likely to have the biggest impact on the engagement score if maintained or improved. This analysis indicated areas to maintain and improve include: employee understanding of and connection to the Organization’s Mission; Leadership; the workplace culture supporting a “good work-life balance”; “My opinions count at work”; and “I believe I would be supported if I try a new idea, even if it may not work.”

CPS will continue to advise the management team on recommendations for improvement in eight areas that have been proven effective in increasing employee engagement including:

- Leadership: which has been the number one driver of the rankings, both government wide and for individual agencies. This category reflects employees' views on their supervisors, fairness, empowerment and senior leaders.
- Strategy: Successful engagement efforts also result from making engagement a strategic priority. A key component of the Menlo PERK process is development of an organizational plan for engagement, with multiple opportunities for all staff to participate, addressing specific engagement strategies employees believe will be effective.
- Performance Management: including making sure employees know what is expected and how their work links to the agency mission; meeting regularly with employees; providing employees with opportunities to grow and develop; conducting at least semiannual discussions about performance, strengths and developmental needs; Holding employees accountable, including dealing with poor performers.
- Recognition: including things like a simple thank you; a handwritten note sent to the employee's home; a direct compliment in earshot of others; a peer recognition award; an employee-of-the-month

- award; a supervisor-of-the-month award; simply asking for an employee's opinion.
- Having a say: Employees want to know that their opinions count when it comes to how their work units operate. Responding to this need can range from supervisors simply asking for input from their staffs, to more comprehensive strategies.
- Work Life Balance: Employees with flexible work arrangements are typically more engaged than employees who do not have these options.
- Onboarding: a comprehensive set of activities to ensure that the new hire receives the support, resources and information needed to succeed.
- Building a culture of engagement: A culture of engagement is a set of accepted organizational values, behaviors, and practices that promote engagement as a cultural norm.

The PERK effort kicked off in November, with the introduction of the survey and 125 employees participating in small group discussions about what could be done to improve engagement in the organization. Management staff utilized a coffee cart to follow up on that event and have small employee gatherings to encourage survey participation and discussion.

After the holidays, staff was invited to share their ideas about the organization's mission statement and values through input stations in all facilities. On February 5, 2018, the results of the survey were presented at an all staff meeting. Additionally, survey results were processed more fully through focus groups at the end of February. The final step in the planning process will be action workshops April 10–12, 2018, where departmental teams will meet to develop strategies to address the highest priority engagement issues. These will be assembled into a final plan for all staff review in May 2018. Implementation will begin in June 2018.

Staff will continue to work with CPS who will facilitate the action workshops to inform the development and prioritization of engagement strategies to include in the plan. With roughly six months of implementation time before the next employee survey, we anticipate improvements in engagement scores, although CPS will also be conducting interim "spot polls" to check progress in late summer.

Report prepared by:  
Cherise Brandell, Organizational Development project manager

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## STAFF REPORT

### City Council

Meeting Date:

4/17/2018

Staff Report Number:

18-078-CC

Informational Item:

**Biannual review of data captured by Automated License Plate Readers (ALPR) for the period beginning October 2, 2017 through April 2, 2018, and request to transition to annual reports**

### Recommendation

This is an informational item and no action is required.

### Policy Issues

Pursuant to the Menlo Park Municipal Code, staff is required to present a biannual review of the data captured from police department's automated license plate readers. Staff recommends that reporting shift from biannually to annually.

### Background

On September 24, 2013, the City Council approved the purchase and installation of mobile Automated License Plate Readers (ALPRs) mounted on three police vehicles.

At the May 13, 2014, City Council meeting, the City Council approved Ordinance No. 1007 regarding the use of automated license plate readers. It states, "Northern California Regional Information Center (NCRIC) will give a quarterly report to the police department which shall indicate the number of license plates captured by the ALPR in the city of Menlo Park, how many of those license plates were "hits" (on an active wanted list), the number of inquiries made by Menlo Park personnel along with the justifications for those inquiries, and information on any data retained beyond six months and the reasons for such retention." Staff has consistently complied with the reporting requirement.

On February 9, 2016, City Council approved moving the ALPR reviews from quarterly to biannually.

### Analysis

From October 2, 2017, through April 2, 2018, the ALPR system captured 212,950 license plates. The data captured resulted in 118 "hits" that a captured license plate was currently on an active wanted list. The vast majority of the hits were subsequently deemed to be a "false read" after further review by the ALPR operator. A "false read" is when a photograph of the license plate and the computer's interpretation of the number / letter combination from the photo do not match. For example, a photograph of a license plate with the number "8" could be digitally interpreted as a "B."

During this period, the ALPR system was responsible for the recovery of no stolen vehicles. Also during this period, staff made 12 inquiries into the database during the investigation of crimes occurring in Menlo Park

or where a Menlo Park resident was known to have an active warrant for their arrest or was wanted as a named suspect in connection to criminal activity.

There were no captured license plate data retained beyond the six-month limitation set forth in the municipal code.

Recently, a question was raised regarding “Vigilant Solutions” which is a third party ALPR storage system along with concerns that this company was selling or giving ALPR information wholesale to private organizations and federal agencies, including immigration. The Police Department does not use “Vigilant Solutions” to store our ALPR data and in fact uses a closed, law enforcement sensitive storage system through NCRIC. In fact, the ALPR hardware that was purchased in 2014 is not compatible with the vigilant solutions system.

Interim Chief Bertini has had several discussions with NCRIC Director Michael Sena, who advised him that data from the ALPR system is not pushed to any other third party service, including “vigilant solutions,” nor do federal immigration enforcement officials have access to the system. Director Sena advised staff that if Immigration and Customs Enforcement (ICE) agents wanted to access the database for a specific case, they would have to make a formal request and any data release would have to be in compliance with California SB 54, which was the basis for the safe city ordinance passed by the City Council (e.g., data requested would have to be connected with a qualifying criminal investigation and not solely for immigration status offenses).

The biannual reporting of this data has been ongoing for over two years and there has been limited public and City Council comment on this information. Based on this history, staff recommends that reporting on these statistics shift from biannually to annually, although the Police Department will continue to collect the statistics biannually.

### **Public Notice**

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

Report prepared by:  
William A. Dixon, Police Commander





## STAFF REPORT

### City Council

Meeting Date:

4/17/2018

Staff Report Number:

18-077-CC

Informational Item:

**Biannual review of Taser program for the period beginning October 2, 2017 and ending April 2, 2018, and transition to annual reports**

### Recommendation

This is an informational item and no City Council action is required.

### Policy Issues

This informational report is being presented to comply with City Council direction requesting a regular assessment and reporting of the Police Department's Taser program.

### Background

On October 7, 2014, staff presented the one-year results of the Police Department Taser assessment. Following that review, City Council approved the purchase and deployment of the Taser device department-wide and to continue a quarterly assessment of the Taser program. Staff reported out quarterly as required.

On February 9, 2016, City Council approved moving the Taser reviews from quarterly to biannually.

### Analysis

The Police Department has trained and issued the Taser device to 100 percent of the department's officers, detectives and sergeants.

Between October 2, 2017 and April 2, 2018, the department had one active Taser use.

In the one instance, the Taser was deployed at the conclusion of foot pursuit. The suspect failed to respond to lawful orders and was ultimately tased. Upon safely taking the suspect into custody, it was determined that the Taser probes failed to penetrate the suspect's outer garment.

During the same period, a Taser was utilized on five occasions in a "display only" manner. In all of these situations, officers displayed their Taser device in an effort to control suspects who were disobeying lawful orders and actively resisting or threatening officers. In all cases, the suspects immediately complied when confronted by the Taser device.

The biannual reporting of this data has been ongoing for over two years and there has been little public or City Council comment on this information. Based on this history, staff recommends that these reports shift to an annual basis.

**Public Notification**

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Report prepared by:  
William A. Dixon, Police Commander