



REGULAR MEETING AGENDA

Date: 3/22/2022
Time: 6:00 p.m.
Location: [Zoom.us/join](https://zoom.us/join) – ID# 831 3316 9409

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

Consistent with Government Code section 54953(e), and in light of the declared state of emergency, and maximize public safety while still maintaining transparency and public access, members of the public can listen to the meeting and participate using the following methods.

How to participate in the meeting

- Submit a written comment online up to 1-hour before the meeting start time:
city.council@menlopark.org *
Please include the agenda item number you are commenting on.
- Access the meeting real-time online at:
[Zoom.us/join](https://zoom.us/join) – Meeting ID 831 3316 9409
- Access the meeting real-time via telephone at:
(669) 900-6833
Meeting ID 831 3316 9409
Press *9 to raise hand to speak

*Written public comments are accepted up to 1-hour before the meeting start time.

- Watch meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
Channel 26

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

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

Regular Session ([Zoom.us/join](https://zoom.us/join) – ID# 831 3316 9409)

A. Call To Order

B. Roll Call

C. Agenda Review

D. 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.

E. Consent Calendar

E1. Accept the City Council meeting minutes for February 8, 15, 17, 18, March 1, 8, 10, and 16, 2022 ([Attachment](#))

E2. Adopt a resolution to continue conducting the City’s Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings ([Staff Report #22-052-CC](#))

E3. Adopt a resolution amending City Council Policy CC-22-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities to update the application and selection process and receive an update to the Complete Streets Commission membership ([Staff Report #22-053-CC](#))

E4. Accept the 2021 Housing Element annual progress report and the annual housing successor report ([Staff Report #22-049-CC](#))

E5. Waive the second reading and adopt an ordinance to amend Municipal Code Chapter 7.35 on Water Conservation which provides for enforcement of conservation measures in the Water Shortage Contingency Plan ([Staff Report #22-050-CC](#))

E6. Adopt a resolution authorizing the annual destruction of obsolete records ([Staff Report #22-034-CC](#))

E7. Adopt a resolution to 1) withdraw from California Community Housing Agency membership and 2) provide notice to California Community Housing Agency of the withdrawal from the joint exercise of powers agreement relating ([Staff Report #22-058-CC](#))

F. Regular Business

F1. Consider and adopt a resolution approving the Water Supply Assessment for the Commonwealth Building 3 Project ([Staff Report #22-051-CC](#)) ([Presentation](#))

F2. Authorize the city manager to execute an amendment to the professional services agreement with the M-Group for the Housing Element update project and appropriate funds ([Staff Report #22-055-CC](#))

G. Informational Items

- G1. City Council agenda topics: April 2022 ([Staff Report #22-057-CC](#))
- G2. Receive and file City Council and advisory body annual attendance report for March 2021 – February 2022 ([Staff Report #22-054-CC](#))
- G3. Briefing on 2030 Climate Action Plan Strategies No. 1, 3, and 5 ([Staff Report #22-056-CC](#))

H. City Manager's Report

I. City Councilmember Reports

J. Closed Session

- J1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: (one potential case)

K. Adjournment

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

At every special meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at jaherren@menlopark.org. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 3/17/2022)



REGULAR MEETING MINUTES – DRAFT

Date: 2/8/2022
Time: 6:00 p.m.
Location: Zoom

Regular Session

A. Call To Order

Mayor Nash called the meeting to order at 6:05 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin
Absent: None
Staff: Interim City Manager Justin Murphy, City Attorney Nira Doherty, City Clerk Judi A. Herren

C. Agenda Review

The City Council pull item G2. for discussion and reordered the agenda bringing item I3. before I2.

D. Report from Closed Session

No reportable actions.

E. Public Comment

None.

F. Presentations and Proclamations

F1. Proclamation: Black History Month (Attachment)

Mayor Nash read the proclamation (Attachment).

G. Consent Calendar

G1. Adopt a resolution to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings (Staff Report# 22-022-CC)

G2. Receive and file the Parks and Recreation Commission's work plan (Staff Report #22-024-CC)

The City Council continued this item to a future meeting.

G3. Receive the annual comprehensive financial report for the fiscal year ended June 30, 2021 (Staff Report #22-025-CC)

G4. Receive and file 2021 priorities and work plan quarterly report as of December 31, 2021 (Staff Report #22-029-CC)

ACTION: Motion and second (Mueller/ Nash), to approve the consent calendar excluding item G2., passed unanimously.

H. Public Hearing

H1. Introduce zoning ordinance text amendment to modify Municipal Code Chapter 16.92 (Signs-Outdoor Advertising) to allow increased signage for qualifying projects within the SP-ECR/D (El Camino Real/Downtown specific plan) zoning district (Staff Report #22-230-CC)

Acting Principal Planner Corinna Sandmeier made a presentation (Attachment).

Presidio Bay Ventures Managing Director Cyrus Sanandaji made a presentation (Attachment).

Mayor Nash opened the public hearing.

- Fran Dehn spoke in support of amending the zoning ordinance.

Mayor Nash closed the public hearing.

The City Council discussed the sizes of the proposed signage updates.

ACTION: Motion and second (Wolosin/ Taylor), that the City Council waive the first reading and introduce an ordinance approving a zoning ordinance text amendment to modify Municipal Code Chapter 16.92 (Signs-Outdoor Advertising) to allow increased signage for certain large projects within the SP-ECR/D (El Camino Real/Downtown specific plan) zoning district, passed 4-0 (Mueller recused).

I. Regular Business

I1. Authorize the city attorney and city manager to draft and execute an amendment to the professional services agreement with Team Sheeper, Inc. for continued operation of the Burgess Pool for 12 additional months; and direct staff to prepare a Request for Proposals for an aquatics operator at Burgess Pool and the future Menlo Park Community Campus aquatics center now under construction and anticipated to open in Summer 2023 (Staff Report #22-026-CC)

City Councilmember Mueller was recused from this item and exited the meeting.

Library and Community Services Director Sean Reinhart made the presentation (Attachment).

- Janet Davis spoke in support of the reinstatement of the wellness program.

The City Council received clarification on an upcoming aqua wellness therapy program provided by Team Sheeper Inc., pricing and accessibility to classes, outreach and input for the request for proposals (RFPs), and in-house service options.

The City Council discussed a City survey on pool use and programs.

ACTION: Motion and second (Combs/ Wolosin), to authorize the city attorney and city manager to draft and execute an amendment to the professional services agreement between the City of Menlo Park and Team Sheeper, Inc., to extend the term of the agreement through August 31, 2023 or the opening of the Menlo Park Community Campus aquatics center, whichever comes first, passed 3-1 (Taylor dissenting and

Mueller recused).

ACTION: Motion and second (Combs/ Wolosin), direct staff to prepare a RFP (including outreach and in-house management options) to be issued in Autumn 2022 – and to which Team Sheeper, Inc. would be invited and encouraged to respond – for an aquatics operator at Burgess Pool and the future Menlo Park Community Campus aquatics center, with said operator agreement to become effective at both locations when the latter opens to the public, direct staff to schedule a study session on outreach before the release of the RFP, passed 4-0 (Mueller recused).

City Councilmember Mueller rejoined the meeting.

13. Consider and adopt a resolution approving the Water Supply Assessment for the 1350 Adams Court project (Staff Report #22-028-CC)

Acting Principal Planner Tom Smith made the presentation (Attachment).

The City Council received clarification on purple piping (recycled water) in Downtown area.

ACTION: Motion and second (Nash/ Combs), to adopt a resolution approving the water supply assessment prepared for the 1350 Adams Court project and incorporating changes read into the record through the presentation, 4-0 (Mueller recused).

12. Consider and adopt resolution approving the Water Supply Assessment for the Willow Village mixed-use masterplan project (Staff Report #22-027-CC)

City Councilmember Combs was recused from this item and exited the meeting.

Acting Planning Manager Kyle Perata made the presentation (Attachment).

The City Council received clarification on project site identification.

ACTION: Motion and second (Mueller/ Taylor), to adopt a resolution approving the water supply assessment (WSA) prepared for the Willow Village mixed-use masterplan project and incorporating changes read into the record through the presentation, passed 4-0 (Combs recused).

City Councilmember Combs rejoined to the meeting.

14. Consider 1) modifications to the composition and charge of the Housing Element Community Engagement and Outreach Committee, and 2) the use of a Community Based Organization to supplement the housing element update's community outreach and engagement efforts (Staff Report #22-032-CC)

Assistant Community Development Director Deanna Chow made the presentation (Attachment).

Mayor Nash reported out on communicating with Housing Element Community Engagement and Outreach Committee (CEOC) current and former members.

The City Council received clarification on District 1 outreach aligned with the Environmental Justice and Safety Elements and the needs of outreach City-wide criteria.

The City Council discussed communication efforts with the CEOC, staff, and City Councilmembers.

ACTION: Motion and second (Nash/ Mueller), to

1. Direct staff to return with a contract amendment for M-group to include hiring a Community-based Organization with experience in Belle Haven to be a trusted outreach partner in the community; and
2. instruct the CBO to involve in its community outreach those residents who served on CEOC and are interested in participating, as well as other community members particularly from District 1; and
3. disband CEOC; and
4. direct staff to return with proposal for outreach to engage community with fast-tracked residential projects, passed unanimously.

J. Informational Items

J1. City Council agenda topics: February – March 8, 2022 (Staff Report #22-023-CC)

- Adina Levin spoke in support of community outreach on housing development in the near-term and extending that outreach to community members that can benefit from housing.

J2. Release of the Downtown market study (Staff Report #22-031-CC)

K. City Manager's Report

Interim City Manager Justin Murphy reported out on the February 12, 2022 housing element community meeting and provided updates related to the new City website.

L. City Councilmember Reports

City Councilmember Taylor reported out on SFO Roundtable meeting, C/CAG meeting, and a meeting with Vice Mayor Wolosin and City Councilmember Taylor with residents related to interest in access to quality education.

Mayor Nash reported out on the Peninsula Clean Energy meeting.

M. Adjournment

Mayor Nash adjourned the meeting at 8:48 p.m.

Judi A. Herren, City Clerk

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SPECIAL MEETING MINUTES – DRAFT

Date: 2/15/2022

Time: 6:00 p.m.

Location: Zoom

Closed Session

A. Call To Order

Mayor Nash called the meeting to order at 6:00 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin

Absent: None

Staff: City Clerk Judi A. Herren

C. Closed Session

- C1. Closed Session pursuant to Government Code Section 54957
PUBLIC EMPLOYMENT
Title: City Manager

No reportable actions.

D. Adjournment

Mayor Nash adjourned the meeting at 8:14 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 2/17/2022

Time: 5:00 p.m.

Location: Zoom

Closed Session

A. Call To Order

Mayor Nash called the meeting to order at 5:01 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin

Absent: None

Staff: City Clerk Judi A. Herren

C. Closed Session

C1. Closed Session pursuant to Government Code Section 54957

PUBLIC EMPLOYMENT

Title: City Manager

No reportable actions.

D. Adjournment

Mayor Nash adjourned the closed session at 8:01 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 2/18/2022

Time: 4:00 p.m.

Location: Zoom

Closed Session

A. Call To Order

Mayor Nash called the meeting to order at 4:02 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin

Absent: None

Staff: City Clerk Judi A. Herren

C. Closed Session

C1. Closed Session pursuant to Government Code Section 54957

PUBLIC EMPLOYMENT

Title: City Manager

No reportable actions.

D. Adjournment

Mayor Nash adjourned the meeting at 5:12 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 3/1/2022
Time: 5:30 p.m.
Location: Zoom

Regular Session

A. Call To Order

Mayor Nash called the meeting to order at 5:33 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin
Absent: None
Staff: Interim City Manager Justin Murphy, City Attorney Nira Doherty, City Clerk Judi A. Herren

C. Agenda Review

None.

D. Closed Session

D1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: David Fogel et al. v. City of Menlo Park, Case No. 21-CIV-06674

Adjournment

Mayor Nash adjourned to the regular session at 6:52 p.m.

E. Report from Closed Session

No reportable actions.

F. Consent Calendar

- F1. Accept the City Council meeting minutes for January 11, 25, and 28, 2022 (Attachment)
- F2. Adopt a resolution (1) amending City Council Policy CC-21-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities to disband the City’s Housing Element Community Engagement and Outreach Committee (CEOC) and (2) amending Resolution No. 6622 to remove the CEOC from the City’s real property reporting requirements (Staff Report #22-037-CC)
- F3. Authorize the city manager to extend the Joint-Use Library Initiative Memorandum of Understanding with Ravenswood City School District for Belle Haven branch library operations at Belle Haven School (Staff Report #22-035-CC)
- F4. Adopt a resolution accepting and appropriating a California State Library grant in the amount of \$20,000 to develop and circulate Read Together Diversity Kits through the Belle Haven branch

library (Staff Report #22-036-CC)

- F5. Adopt a resolution to update the following of the Below Market Rate Housing Program Guidelines:
1) purchase and rental interest list eligibility criteria and 2) general programming-related descriptions
(Staff Report #22-043-CC)

- Pam Jones spoke in support of including a mandatory reporting requirement.

The City Council received clarification on reporting requirements by developers to the City.

- F6. Adopt a resolution to continue conducting the City’s Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings
(Staff Report# 22-038-CC)

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

G. Public Hearing

- G1. Declare a water shortage emergency pursuant to Water Code section 350, adopt Stage 1 Drought Measures pursuant to City’s 2020 Water Shortage Contingency Plan, and adopt a Water Conservation Plan implementing State Water Resources Control Board emergency regulations
(Staff Report #22-042-CC)

Senior Civil Engineer Pam Lowe made the presentation (Attachment).

Mayor Nash opened the public hearing.

- Pam Jones spoke in support of a stable and permanent plan and requested clarification on limit establishment and encouraging people to have drought resistant yards.
- Victor spoke in support of water conservation and requested clarification on household limit establishment.

Mayor Nash closed the public hearing.

The City Council received clarification on household limits, budgets, and tiers.

ACTION: Motion and second (Wolosin/ Combs), to declare the existence of a water shortage emergency condition, adopt and implement the City’s stage 1 Water Shortage Contingency Plan, and adopt a Water Conservation Plan by resolution pursuant to Menlo Park Municipal Code Chapter 7.35 to enforce the State Water Resources Control Board’s emergency regulations prohibiting wasteful water use practices, passed unanimously.

- G2. Introduce an ordinance to amend Municipal Code Chapter 7.35 on Water Conservation which provides for enforcement of conservation measures in the Water Shortage Contingency Plan
(Staff Report #22-033-CC)

Senior Civil Engineer Pam Lowe made the presentation (Attachment).

Mayor Nash opened the public hearing.

Mayor Nash closed the public hearing.

ACTION: Motion and second (Wolosin/ Combs), to introduce and waive the first reading of the ordinance, by title only, to amend Municipal Code Chapter 7.35 on Water Conservation which provides for enforcement of conservation measures in the Water Shortage Contingency Plan, passed unanimously.

H. Regular Business

H1. Adopt a resolution determining the Utility Users Tax is necessary to the financial health of the City pursuant to Section 3.14.310 of the Municipal Code (Staff Report #22-044-CC)

Interim Finance Director Marvin Davis introduce item.

- Adina Levin spoke in support of the utility users tax (UUT) if it is necessary to the financial health of the City.
- James Pistorino spoke on concerns on the resolution language related to years 2020 and 2021 necessity finding.
- Victor spoke on concerns to the resolution language and in opposition to the cost of UUT to residents.
- Kaitlin Hartwell spoke in opposition of an UUT increase.

The City Council discussed the 2020-21 budgeting session related to UUT findings.

The City Council received clarification on the proposed resolution.

The City Council directed staff to pause work on researching the increase of the UUT.

ACTION: Motion and second (Combs/ Wolosin), to adopt a resolution determining that the Utility Users Tax is necessary for the financial health of the City for fiscal years 2020-21 and 2021-22, passed unanimously.

The City Council took a recess at 7:55 p.m.

The City Council reconvened at 8:06 p.m.

H2. Adopt a resolution to install no parking restrictions on a portion of El Camino Real and timed parking restrictions on a portion of College Avenue (Staff Report #22-039-CC)

Senior Transportation Engineer Kristiann Choy made the presentation (Attachment).

- Adina Levin commented on the Complete Streets Commission discussions and in support the parking restrictions.
- Frank Schumann spoke in opposition of the parking restrictions.
- Misha Silin spoke in support of the parking restrictions.
- Alexis spoke in opposition to the parking restrictions.
- Cherith Spicer spoke in opposition of the parking restrictions.
- Michael Simon spoke in opposition of the parking restrictions

The City Council discussed shifting the median to allow for parking to remain, mitigating drop-in customers impacts on El Camino Real, potential for separated bike lanes, and impacts to increase

the width of the pedestrian refuge.

The City Council received clarification on Middle Plaza specs related to the parking (e.g., free, paid, validated, etc.), Stanford Middle Plaza public parking requirements, El Camino Real lane impacts, size of buffer for bike lanes, impacts to sidewalk widths and other projects.

ACTION: Motion and second (Nash/ Wolosin), to adopt a resolution to (1) install no parking restrictions on the west side of El Camino Real from Middle Avenue to College Avenue and on the east side of El Camino Real from the southerly driveway of 700 El Camino Real to the Menlo Park/Palo Alto city limit and (2) to implement one-hour time limited parking on College Avenue from El Camino Real to approximately 160 feet westerly, failed 2-3 (Combs, Mueller, and Taylor dissenting).

The City Council directed staff to return with implications from postponing this item.

H3. Consider an appeal of the Complete Streets Commission’s approval of two on-street parking removal requests on University Drive (Staff Report #22-040-CC)

Senior Transportation Engineer Kevin Chen made the presentation (Attachment).

- Appellant John Borcich spoke in opposition of the on-street parking removal.
- Steve Russell spoke in support of the on-street parking removal.
- Derek Pecson spoke in support of the on-street parking removal.
- Stephane Mouradian, Ph.D. spoke in support of the on-street parking removal.

The City Council discussed the hazards at the two intersections

ACTION: Motion and second (Wolosin/ Nash), to take the following actions regarding an appeal of the Complete Streets Commission’s approval to remove parallel on-street parking spaces on the west side of University Drive (north-south), immediately adjacent to two local streets, Millie and Rose Avenues that form T intersections:

1. Deny the appeal, as these modifications are important for addressing resident concerns by achieving the required minimal sight distance for drivers turning onto University Drive; and,
2. Adopt a resolution to remove two spaces to the north and two spaces to the south at Millie Avenue; and,
3. Adopt a resolution to remove one space to the north and one space to the south at Rose Avenue, passed unanimously.

I. Informational Items

I1. City Council agenda topics: March 8 – March 22, 2022 (Staff Report #22-041-CC)

J. City Manager’s Report

Interim City Manager Justin Murphy reported out on the upcoming a hybrid community meeting related to Middle Avenue complete streets, foundation pour at the Menlo Park Community Campus, employee recognition event, and the Independent Redistricting Commission virtual public hearing.

K. City Councilmember Reports

City Councilmember Combs reported on standing with the people of Ukraine.

Mayor Nash reported out on the upcoming Council of Cities meeting.

L. Adjournment

Mayor Nash adjourned the meeting at 10:16 p.m.

Judi A. Herren, City Clerk



REGULAR MEETING MINUTES – DRAFT

Date: 3/8/2022
Time: 6:00 p.m.
Location: Zoom

Regular Session

A. Call To Order

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

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin
Absent: None
Staff: Interim City Manager Justin Murphy, Assistant City Attorney Greg Rubens, City Clerk Judi A. Herren

C. Agenda Review

None.

D. Report from Closed Session

No reportable actions.

E. Public Comment

- Jeff Schmidt spoke in support of community centers, teachers, parents, and creating a destination for community activities.

F. Presentations and Proclamations

F1. Introduction: Menlo Park Fire Protection District Chief Mark Lorenzen

Mayor Nash introduced Menlo Park Fire Protection District Chief Mark Lorenzen.

F2. Presentation: Downtown market study (Attachment)

Interim City Manager Justin Murphy introduced the item.

HdL ECONSolutions representatives Barry Foster and Kirstin Hinds made the presentation (Attachment).

- Katie Behroozi spoke in support of reviewing the Downtown Specific Plan and pedestrian and bike safety considerations, and requested clarification on economic issues facing businesses.
- Fran Dehn spoke in support of improving and revitalizing the Downtown.
- Adina Levin spoke in support of the opportunity in the housing element for improving the Downtown.
- Jeff Schmidt expressed challenges for commercial brokers connecting to property owners.

City Councilmember Mueller exited the meeting.

The City Council discussed bringing vibrancy to the Downtown, parking garage mixed-use with housing, housing element to expand the Downtown mix-use options, grants to restaurants in Downtown, next steps for short, min, and long-term, need for economic Development Director.

The City Council received clarification on consumer demand and market supply and sales tax revenue.

City Councilmember Mueller rejoined the meeting.

G. Consent Calendar

- G1. Adopt a resolution authorizing the city manager to execute a software service agreement with PerfectMind for a parks and recreation registration management platform per the recommendations in the City Council approved Information Technology Master Plan (Staff Report #22-045-CC)
- G2. Adopt a resolution initiating the Menlo Park landscape assessment district proceedings for fiscal year 2022-23 (Staff Report #22-046-CC)
- G3. Waive second reading and adopt an ordinance amending Municipal Code Chapter 16.92 (Signs-Outdoor Advertising) to allow increased signage for qualifying projects within the SP-ECR/D (El Camino Real/Downtown specific plan) zoning district (Staff Report #22-047-CC)

ACTION: Motion and second (Taylor/ Combs), to approve the consent calendar with the exception of item G3., passed unanimously.

ACTION: Motion and second (Combs/ Taylor), to waive a second reading and adopt an ordinance amending Municipal Code Chapter 16.92 (Signs-Outdoor Advertising) to allow increased signage for qualifying projects within the SP-ECR/D (El Camino Real/Downtown specific plan) zoning district, passed 4-0 (Mueller recused).

H. Regular Business

- H1. Adopt a resolution to install no parking restrictions on a portion of El Camino Real and timed parking restrictions on a portion of College Avenue (Staff Report #22-048-CC)

Assistant Public Works Director Hugh Louch made the presentation (Attachment).

- Katie Behroozi spoke in support of bike and pedestrian safety and the pedestrian median.
- Frank Schumann spoke in opposition of the parking removal.
- Cherith Spicer spoke in opposition of the parking removal.
- Adina Levin spoke in support of the parking removal and crosswalk implementation.
- Karen Grove spoke in support of the parking removal.
- John Donahoe spoke in support of the parking removal and crosswalk implementation.

The City Council received clarification on the safety of the median related to the removal of parking and costs and project delays if median construction is postponed,

The City Council discussed the value-add of removing parking, future bike lane plans on El Camino

Real, adding the green stripe bike lane on the eastside of El Camino Real, the new residential impacts, and voting at the March 1, 2022 meeting on this item.

ACTION: Motion and second (Combs/ Mueller) to remove parking on east side of El Camino Real in front of Middle Plaza & Stanford Park Hotel (67 spaces), implement one-hour time limit parking between 9 a.m. and 6 p.m. Monday to Friday except Holidays on the south side of College Avenue from El Camino Real to approximately 160 feet westerly, modify El Camino Real and Middle Avenue intersection to add a crosswalk on the south leg, and direct staff to return with median options, failed 2-3 (Taylor, Nash, and Wolosin dissenting).

ACTION: Motion and second (Wolosin/ Nash), to adopt a resolution to Install no parking zone on the east side of El Camino Real from the southerly driveway of 700 El Camino Real to the Menlo Park/Palo Alto city limit. Install no parking zone on the west side of El Camino Real from Middle Avenue to College Avenue. Implement one-hour time limit parking between 9 a.m. and 6 p.m. Monday to Friday except Holidays on the south side of College Avenue from El Camino Real to approximately 160 feet westerly. Update existing one-hour time limit parking on the north side of College Avenue from the end of the existing no parking zone to approximately 50 feet westerly to between 9 a.m. and 6 p.m. Monday to Friday except Holidays, and direct staff to modify two residential parking on College Avenue to timed parking, passed 3-2 (Combs and Mueller dissenting).

I. Informational Items

- I1. City Council agenda topics: March 22 – April 12, 2022 (Staff Report #22-041-CC)

J. City Manager's Report

Interim City Manager Justin Murphy reported out on current advisory body recruitment, the Independent Redistricting Commission public hearing review of submitted maps, and Springline project below market rate housing drawing.

K. City Councilmember Reports

City Councilmember Taylor reported out on upcoming C/CAG, SFO Roundtable, and District based Reimagining Public Safety Subcommittee meetings.

Mayor Nash reported out on MidPen Housing's Gateway Rising wall rising.

L. Closed Session

- L1. CONFERENCE WITH LEGAL COUNSEL— ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: (one potential case)
- L2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Paragraph (1) of subdivision (d) of Section 54956.9
Name of case: City of Menlo Park vs. Pacific Gas and Electric Co., et al. (San Mateo County Superior Court No. 21-CIV-06284)

Call to Order

Mayor Nash reconvened the meeting at 9:56 p.m.

Report from Closed Session

Assistant City Attorney Greg Rubens reported out on item L1., the City Council voted 5-0 to intervene in litigation and no reportable actions for item L2.

M. Adjournment

Mayor Nash adjourned the meeting at 9:57 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 3/10/2022

Time: 5:30 p.m.

Location: Zoom

Closed Session

A. Call To Order

Mayor Nash called the meeting to order at 5:33 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin

Absent: None

Staff: City Attorney Nira F. Doherty, Executive Assistant to the City Manager Nicole Casados

C. Closed Session

C1. Closed session pursuant to Government Code 54957
Public Employee Appointment – City Manager

C2. Closed session pursuant to Government Code 54957.6: Conference with Labor Negotiator
Agency Designated Representative: Mayor
Unrepresented Employee: City Manager

Mayor Nash reconvened the meeting.

No reportable actions.

D. Adjournment

Mayor Nash adjourned the meeting at 6:44 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 3/16/2022
Time: 4:00 p.m.
Location: Zoom

Closed Session

A. Call To Order

Mayor Nash called the meeting to order at 4 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin
Absent: None
Staff: City Attorney Nira F. Doherty, City Clerk Judi A. Herren

C. Closed Session

- C1. Closed session pursuant to Government Code 54957
Public Employee Appointment – City Manager
- C2. Closed session pursuant to Government Code 54957.6: Conference with Labor Negotiator
Agency Designated Representative: Mayor
Unrepresented Employee: City Manager

Mayor Nash reconvened the meeting.

No reportable actions.

D. Adjournment

Mayor Nash adjourned the meeting at 5:32 p.m.

Judi A. Herren, City Clerk



STAFF REPORT

City Council
Meeting Date: 3/22/2022
Staff Report Number: 22-052-CC

Consent Calendar: **Adopt a resolution to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings**

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings.

Policy Issues

Assembly Bill 361 (AB 361) was signed into law September 16, 2021 allowing cities to continue holding virtual meetings during any emergency proclaimed by the governor. AB 361 sunsets January 1, 2024. The City Council would need to declare every 30 days that the City's legislative bodies must continue to meet remotely in order to ensure the health and safety of the public.

Background

The California Legislature approved AB 361, which was signed by the governor September 16, 2021 for signature. The bill allows local legislative bodies to continue to meet remotely through January 1, 2024. A local agency will be allowed to continue to meet remotely when:

- The local agency holds a meeting during a declared state of emergency
- State or local health officials have imposed or recommended measures to promote social distancing
- Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees

The City meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The City is still under a local state of emergency
- County Health orders require that all individuals in public spaces maintain social distancing and wear masks

Analysis

The City is still under a local state of emergency and the emergency findings required under AB 361 are still in effect. It is recommended that the use of facial coverings be exercised when not speaking inside the City Council Chambers. The resolution authorizes the use of hybrid meetings, whereby City Councilmembers and staff may choose to attend either remotely or in person.

Although the City has returned to in-person meetings, due to the increase in infection rates of COVID-19 as a result of the Omicron and Delta variants, the City Council finds that reducing the number of persons present in City Council chambers is necessary to reduce imminent health risks associated with large groups and/or members of varying households gathering indoors.

Impact on City Resources

There is no impact on City resources.

Environmental Review

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

Public Notice

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

Attachments

A. Resolution

Report prepared by:
Judi A. Herren, City Clerk

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54952(b) AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 (GOVERNMENT CODE SECTION 54953(e) TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS**

WHEREAS, the City Council is committed to ensuring public access to observe and participate in local government meetings; and

WHEREAS, all meetings of the City Council and other legislative bodies created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

WHEREAS, the AB 361, codified at Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting solely in person would present imminent risks to the health or safety of attendees, and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID 19) and that State of Emergency is still in effect in the State of California; and

WHEREAS, on March 11, 2020 the City Council proclaimed the existence of a local state of emergency within the City, pursuant to Section 8625 of the California Emergency Services Act in response to the COVID-19 pandemic; and

WHEREAS, COVID-19 continues to threaten the health and lives of City residents; and

WHEREAS, the SARS-CoV-2 Delta and Omicron Variants are highly transmissible in indoor settings; and

WHEREAS, San Mateo County, the State of California and the Country in general, are currently facing a surge in infection rates due to the Omicron variant. According to data from the County's Health Administrator and County website, the County is averaging approximately 225 new cases of COVID-19 per day; and

WHEREAS, although the City has returned to in-person meetings, due to the increase in infection rates of COVID-19 as a result of the Omicron and Delta variants, the City Council finds that reducing the number of persons present in City Council chambers is necessary to reduce imminent health risks associated with large groups and/or members of varying households gathering indoors; and

WHEREAS, The State of California and the City of Menlo Park continue to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), California Department of Public Health (DPH), and/or County of San Mateo, as applicable, including facial coverings when required; and based upon that

guidance, in-person attendance indoors at public meetings continues to present a health risk for certain segments of the population, necessitating the need to reduce the number of in-person meeting attendees; and

WHEREAS, the City Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as “Legislative Bodies”), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

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

1. Find that current conditions authorize teleconference public meetings of Legislative Bodies. Based on the California Governor’s continued declaration of a State of Emergency and current conditions, the City Council finds that meeting in person, without the option for certain populations and persons to participate remotely, would present imminent risks to the health or safety of attendees. The City Council does therefore find that Legislative Bodies and members of Legislative Bodies of the City may elect to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.
2. Authorize Legislative Bodies to conduct teleconference meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.
3. Authorize Legislative Bodies to conduct hybrid meetings. The Legislative Bodies are hereby further authorized to conduct meetings in a “hybrid” format, where both members of the Body may elect to be present in person, utilizing appropriate distancing and masking practices, or participate by teleconferencing technology. Such meetings of the Legislative Bodies that occur using teleconferencing technology will provide an opportunity for any and all members of the public who wish to address Legislative Bodies and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing

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I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-second day of March, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this __ day of March, 2022.

Judi A. Herren, City Clerk



STAFF REPORT

City Council
Meeting Date: 3/22/2022
Staff Report Number: 22-053-CC

Consent Calendar: **Adopt a resolution amending City Council Policy CC-22-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities to update the application and selection process and receive an update to the Complete Streets Commission membership**

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) amending City Council Policy CC-22-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities to update the application and selection process and receive an update to the Complete Streets Commission (CSC) membership.

Policy Issues

The City Council Policy CC-22-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities application and selection process has been updated to better serve both in-person and virtual voting and appointment.

Background

The current selection and appointment process calls for nominations to be made and a vote to be called for each nomination at a City Council meeting. Applicants who receive the highest number of “yes” votes from a majority of the City Council present at the meeting are appointed. This current process was drafted before the use of widespread virtual and hybrid meetings.

The CSC pilot began in May 2017 as a result of combining the Bicycle and Transportation Commissions (Attachment B.) April 17, 2018, the City Council adopted Resolution No. 6430 (Attachment C) extending the CSC pilot through December 2018. The City Council permanently established the CSC March 5, 2019 (Attachment D.)

All Menlo Park advisory bodies are comprised of seven members, with the following exceptions:

- CSC – nine members
- Finance and Audit Committee – five members

Analysis

Staff recommends updating the application and selection process to better serve both in-person and virtual voting and appointment. The proposed revisions would require each City Councilmember to nominate an applicant for each vacancy. The applicant receiving a majority of nominations from City Councilmembers

will be appointed.

The CSC discussed the current member count (nine) at their March 9, 2022, meeting and, by unanimous vote, requested to retain their current commission size.

Impact on City Resources

There is no impact on City resources.

Environmental Review

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

Public Notice

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

Attachments

- A. Resolution and Exhibit A
- B. Resolution No. 6377
- C. Resolution No. 6430
- D. Resolution No. 6477

Report prepared by:
Judi A. Herren, City Clerk

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING CITY COUNCIL POLICY CC-22-004
COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND
RESPONSIBILITIES TO UPDATE THE APPLICATION AND SELECTION
PROCESS SECTION REGARDING SELECTION OF APPLICANTS FOR
VACANT COMMISSION POSITIONS**

WHEREAS, the current application and selection process calls for nominations to be made and a vote to be called for each nomination at a City Council meeting, with applicants receiving the majority of affirmative votes being appointed to the vacant position; and

WHEREAS, the application and selection process has been updated to function for both in-person and virtual voting; and

WHEREAS, the City Council desires to update the application and selection process for commission vacancies.

NOW, THEREFORE, IT IS RESOLVED, that City Council Policy CC-22-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities is hereby amended as set forth in Exhibit A.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-second of March, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this __ day of March, 2022.

Judi A. Herren, City Clerk

Exhibits:

- A. City Council Policy CC-22-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Procedure #CC-22-004

Effective 03/04/2022

Resolution No. XXXX



Purpose
To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.
Authority
Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park.”
Background
<p>The City of Menlo Park currently has eight active Commissions and Committees. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, and Planning Commission. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Seven of the eight commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel and Expense Policy (CC-91-002), which are also applicable to all advisory bodies.</p>
Policies and Procedures
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council’s attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council annual work plan. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council’s adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq, 65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-22-004

Effective 03/04/2022

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of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City's duly elected representatives, the City Council.

- Additional or other staff support may be provided upon a formal request to the City Council.
- The staff liaison shall act as the commission/committee's lead representative to the media concerning matters before the commission/committee. Commission/Committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that his or her statements do not represent the position of the City Council.
- Commission/Committee members will have mandatory training every two years regarding the Brown Act and parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.
- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete, must be directed by the City Council.

Role of City Council commission/committee liaison

City Councilmembers are assigned to serve in a liaison capacity with one or more city commission/committee. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, City Councilmembers may elect to attend commission/committee meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission/committee chair on a regular basis.

City Councilmembers should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committee, City Councilmembers are to reflect the views of the City Council as a body. Being a commission/committee liaison bestows no special right with respect to commission/committee business.

Typically, assignments to commission/committee liaison positions are made at the beginning of a City Council term in December. The Mayor will ask City Councilmembers which liaison assignments they desire and will submit recommendations to the full City Council regarding the various committees, boards, and commissions which City Councilmembers will represent as a liaison. In the rare instance where more than one City Councilmember wishes to be the appointed liaison to a particular commission, a vote of the City Council will be taken to confirm appointments.

City Staff Liaison

The City has designated staff to act as a liaison between the commission/committee and the City Council. The City shall provide staff services to the commission/committee which will include:

- Developing a rapport with the Chair and commission/committee members
- Providing a schedule of meetings to the city clerk's office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.
- Ensuring the city clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-22-004

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- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with City policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes)
- Maintain a minute book with signed minutes

Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Commission/Committee Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

City Council referrals

The city clerk shall transmit to the designated staff liaison all referrals and requests from the City Council for advice and recommendations. The commissions/committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

Public appearance of commission/committee members

When a commission/committee member appears in a non-official, non-representative capacity before the public, for example, at a City Council meeting, the member shall indicate that he or she is speaking only as an individual. This also applies when interacting with the media and on social media. If the commission/committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a commission/committee member's appearance inappropriate. Conversely, when a member who is present at a City Council meeting is asked to address the City Council on a matter, the member should represent the viewpoint of the particular commission/committee as a whole (not a personal opinion).

Disbanding of advisory body

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

Meetings and officers

1. Agendas/notices/minutes

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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minutes shall be provided to the City Council, city manager, city attorney, city clerk and other appropriate staff, as requested.

- Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.

2. *Conduct and parliamentary procedures*

- Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
- A majority of commission/committee members shall constitute a quorum and a quorum must be seated before official action is taken.
- The chair of each commission/committee shall preside at all meetings and the vice chair shall assume the duties of the chair when the chair is absent.
- The role of the commission/committee chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if s/he thinks it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by his/her signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

3. *Lack of a quorum*

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
- The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

4. *Meeting locations and dates*

- Meetings shall be held in designated City facilities, as noticed.
- All commissions/committees with the exception of the Planning Commission, and Finance and Audit Committee shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month and the Finance and Audit Committee shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the commission/committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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The schedule of Commission/Committee meetings is as follows:

- Complete Streets Commission – Every second Wednesday at 7 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:00 p.m.
- Finance and Audit Committee – Third Wednesday of every quarter at 5:30 p.m.,
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month at 7 p.m.

Each commission/committee may establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council.

5. *Off-premises meeting participation*

While technology allows commission/committee members to participate in meetings from a location other than the meeting location (referred to as “off-premises”), off-premises participation is discouraged given the logistics required to ensure compliance with the Brown Act and experience with technological failures disrupting the meeting. In the event that a commission/committee member believes that his or her participation is essential to a meeting, the following shall apply:

- Any commission/committee member intending to participate from an off-premise location shall inform the staff liaison at least two weeks in advance of the meeting.
- The off-premise location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at the off-premise location.
- The off-premise location must be accessible to the public and be ADA compliant.
- The commission/committee member participating at a duly noticed off-premises location does not count toward the quorum necessary to convene a meeting of the commission/committee.
- For any one meeting, no more than one commission/committee member may participate from an off-premise location.
- All votes must be by roll call.

6. *Selection of chair and vice chair*

- The chair and vice chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each commission/committee shall annually rotate its chair and vice chair.

G. Memberships

Appointments/Oaths

- The City Council is the appointing body for all commissions/committees. All members serve at the pleasure of the City Council for designated terms.
- All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.
- Before taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the city clerk or his/her designee.
- Appointments made during the middle of the term are for the unexpired portion of that term.

Application and selection process

- The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
- The application period will normally run for a period of four weeks from the date the vacancy occurs.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the city clerk's office and on the City's website.

- The city clerk shall notify members whose terms are about to expire whether or not they would be eligible for reappointment. If reappointment is sought, an updated application will be required.
- Applicants are required to complete and return the application form for each commission/committee they desire to serve on, along with any additional information they would like to transmit, by the established deadline. Applications sent by email are accepted; however, the form submitted must be signed.
- After the deadline of receipt of applications, the city clerk shall schedule the matter at the next available regular City Council meeting. All applications received will be submitted and made a part of the City Council agenda packet for their review and consideration. If there are no applications received by the deadline, the city clerk will extend the application period for an indefinite period of time until sufficient applications are received.
- Upon review of the applications received, the City Council reserves the right to schedule or waive interviews, or to extend the application process in the event insufficient applications are received. In either case, the city clerk will provide notification to the applicants of the decision of the City Council.
- If an interview is requested, the date and time will be designated by the City Council. Interviews are open to the public.
- The selection/appointment process by the City Council shall be conducted open to the public at a City Council meeting. Nominations will be made and a vote will be called for each nomination in the order received. Applicants receiving the highest number of affirmative votes from a majority of the City Council present shall be appointed. The number of votes for each City Councilmember is limited to the number of vacancies. The city clerk will ask each City Councilmember for their nominations; the number of nominations is limited to the number of vacancies. The candidate that receives a majority of nominations will be appointed. If there is a tie, multiple rounds of voting will occur.
- Following a City Council appointment, the city clerk shall notify successful and unsuccessful applicants accordingly, in writing. Appointees will receive copies of the City's Non-Discrimination and Sexual Harassment policies, and disclosure statements for those members who are required to file under State law as designated in the City's Conflict of Interest Code. Copies of the notification will also be distributed to support staff and the commission/committee chair.
- An orientation will be scheduled by the city clerk following an appointment (but before taking office) and a copy of this policy document will be provided at that time.

Attendance

- An Attendance Policy (CC-91-001), shall apply to all advisory bodies. Provisions of this policy are listed below.
- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- Absences, which result in attendance at less than two-thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the City Council.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that he/she will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

Compensation

- Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses.

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City Council Policy #CC-22-004

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incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-91-002).

Conflict of interest and disclosure requirements

- A Conflict of Interest Code has been updated and adopted by the City Council and the Community Development Agency pursuant to Government Code §87300 et seq. Copies of this Code are filed with the city clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Planning Commission are required to file a Statement of Economic Interest with the city clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
- If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. Questions in this regard may be directed to the city attorney.
- In accordance with Resolution No. 6622, current and future members of the Complete Streets Commission and Housing Commission, are required to report any and all real property in Menlo Park for impacting land use, real property, and the housing element.

Qualifications, compositions, number

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
- Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
- There shall be seven (7) members on each commission/committee with the exception of:
 - Complete Streets Commission – nine (9) members
 - Finance and Audit Committee – five (5) members

Reappointments, resignations, removals

- Incumbents seeking a reappointment are required to complete and file an application with the city clerk by the application deadline. No person shall be reappointed to a commission/committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that commission/committee (the one-year period is flexible subject to City Council's discretion).
- Resignations must be submitted in writing to the city clerk, who will distribute copies to City Council and appropriate staff.
- The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.

Term of office

- Unless specified otherwise, the term of office for all commission/committee shall be four (4) years unless a resignation or a removal has taken place. The Finance and Audit Committee term of office shall be two (2) years.
- If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
- Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.

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- If a member resigns before the end of his/her term, a replacement serves out the remainder of that term.

Vacancies

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are listed on the City Council agenda and posted by the city clerk in the City Council Chambers bulletin board and on the city website.
- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least 10 working days after posting of the notice (Government Code 54974).
- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the city clerk and posted in the City Council Chambers bulletin board and on the City's website. This list is also available to the public. (Government Code 54972, Maddy Act).

Roles and Responsibilities

Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on multi-modal transportation issues according to the goals and policies of the City's general plan. This includes strategies to encourage safe travel, improve accessibility, and maintaining a functional and efficient transportation network for all modes and persons traveling within and around the City. The Complete Streets Commission's responsibilities would include:

- Coordination of multi-modal (motor vehicle, bicycle, transit and pedestrian) transportation facilities
- Advising City Council on ways to encourage vehicle, multi-modal, pedestrian and bicycle safety and accessibility for the City supporting the goals of the General Plan
- Coordination on providing a citywide safe routes to school plan
- Coordination with regional transportation systems
- Establishing parking restrictions and requirements according to Municipal Code sections 11.24.026 through 11.24.028

Environmental Quality Commission

The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, improvement and sustainability. Specific focus areas include:

- Preserving heritage trees
- Using best practices to maintain city trees
- Preserving and expanding the urban canopy
- Making determinations on appeals of heritage tree removal permits
- Administering annual Environmental Quality Awards program
- Organizing annual Arbor Day Event; typically, a tree planting event
- Advising on programs and policies related to protection of natural areas, recycling and waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation.

Finance and Audit Committee

The Finance and Audit Committee is charged primarily to support delivery of timely, clear and comprehensive reporting of the City's fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City's external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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Housing Commission

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City
- Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974
- Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program
- Review and recommend to the City Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the City
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan
- The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals Board (City Resolution 4290, adopted June 25, 1991).

Library Commission

The Library Commission is charged primarily with advising the City Council on matters related to the maintenance and operation of the City's libraries and library systems. Specific focus areas include:

- The scope and degree of library activities
- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and ESL programs

Parks and Recreation Commission

The Parks and Recreation Commission is charged primarily with advising the City Council on matters related to City programs and facilities dedicated to recreation. Specific focus areas include:

- Those programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment
- Adequacy, operation and staffing of recreation programs
- Modification of existing programs and facilities to meet developing community needs
- Long range planning and regional coordination concerning park and recreational facilities

Planning Commission

The Planning Commission is organized according to State Statute.

- The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.
- The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council.
- The Commission serves as a recommending body to the City Council for major subdivisions, rezoning's, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with those projects.

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- The Commission works on special projects as assigned by the City Council.

Special Advisory Bodies

The City Council has the authority to create standing committees, task forces or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the City Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the City Council.

Any requests of city commissions or committees to create such ad hoc advisory bodies shall be submitted in writing to the city clerk for City Council consideration and approval.

Procedure history

Action	Date	Notes
Procedure adoption	1991	Resolution No. 3261
Procedure adoption	2001	
Procedure adoption	2011	
Procedure adoption	2013	Resolution No. 6169
Procedure adoption	2017	Resolution No. 6377
Procedure adoption	6/8/2021	Resolution No. 6631
Procedure adoption	3/1/2022	Resolution No. XXXX
<u>Procedure adoption</u>	<u>3/8/2022</u>	<u>Resolution No. XXXX</u>

RESOLUTION NO. 6377**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MENLO PARK AUTHORIZING THE CREATION OF THE
COMPLETE STREETS COMMISSION FOR A ONE-YEAR
PERIOD**

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

WHEREAS, establishing a one-year pilot of a Complete Street Commission composed of a minimum of seven (7) and a maximum of ten (10) members, all of whom shall be residents who represent varying interests in transportation circulation and safety, was identified to support the City Council's 2017 Work Plan; and,

WHEREAS, the Complete Street Commission will 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 establish the one-year trial of the Complete Streets Commission.

I, Pamela Aguilar, 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 twenty-eighth day of February, 2017, by the following votes:

AYES: Carlton, Keith, Mueller, Ohtaki

NOES: Cline

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-eight day of February, 2017.

Pamela Aguilar

Pamela Aguilar, CMC
City Clerk

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: Ohtaki, Keith, Carlton

NOES: Mueller, Cline

ABSENT: None

ABSTAIN: None

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

RESOLUTION NO. 6477**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO RESCINDING CITY COUNCIL POLICY NO. CC-01-0004 AND ADOPTING UPDATED COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES POLICY NO. CC-19-0004 AND ESTABLISH THE COMPLETE STREETS COMMISSION AS A PERMANENT COMMISSION**

WHEREAS, this policy defines policies, procedures, and roles and responsibilities for Menlo Park appointed commissions and committees.

WHEREAS, this policy satisfies the requirements of Government Code sections 65100 et seq., 65300-65401, 87300, 54974, and 54972.

WHEREAS, the Complete Street Commission is composed 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 multi-modal (motor vehicle, bicycle, transit and pedestrian) transportation facilities,
- Advising City Council on ways to encourage vehicle, multi-modal, pedestrian and bicycle safety and accessibility for the City supporting the goals of the General Plan,
- Coordination on providing a citywide safe routes to school plan,
- Review of the proposed circulation plans for major development projects, and
- Coordination with regional transportation systems.
- Establishing parking restrictions and requirements according to Municipal Code sections 11.24.026 through 11.24.028

NOW, THEREFORE, IT IS RESOLVED, the City Council of Menlo Park does hereby establish the Complete Streets Commission as a permanent commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby rescinds policy No. CC-01-0004 and in its place adopts the City of Menlo Park commissions/committees policies and procedures, roles and responsibilities policy No. CC-19-0004 recommended by staff and presented to the City Council on the fifth of March, 2019, incorporated herein as Exhibit A.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fifth day of March, 2019, by the following vote:

AYES: Carlton, Combs, Nash, Mueller, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this fifth day of March, 2019.



Judi A. Herren, City Clerk

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Procedure #CC-19-0004

Effective 3/5/2019

Resolution No. 6477



<p>Purpose</p>
<p>To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.</p>
<p>Authority</p>
<p>Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park.”</p>
<p>Background</p>
<p>The City of Menlo Park currently has eight active Commissions and Committees. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, and the Sister City Committee. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Seven of the eight commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel and Expense Policy (CC-91-002), which are also applicable to all advisory bodies.</p>
<p>Policies and Procedures</p>
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council's attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council annual work plan. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council's adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq, 65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City's duly elected representatives, the City Council.

- Additional or other staff support may be provided upon a formal request to the City Council.
- The staff liaison shall act as the commission/committee's lead representative to the media concerning matters before the commission/committee. Commission/Committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that his or her statements do not represent the position of the City Council.
- Commission/Committee members will have mandatory training every two years regarding the Brown Act and parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.
- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete, must be directed by the City Council.

Role of City Council commission/committee liaison

City Councilmembers are assigned to serve in a liaison capacity with one or more city commission/committee. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, City Councilmembers may elect to attend commission/committee meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission/committee chair on a regular basis.

City Councilmembers should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committee, City Councilmembers are to reflect the views of the City Council as a body. Being a commission/committee liaison bestows no special right with respect to commission/committee business.

Typically, assignments to commission/committee liaison positions are made at the beginning of a City Council term in December. The Mayor will ask City Councilmembers which liaison assignments they desire and will submit recommendations to the full City Council regarding the various committees, boards, and commissions which City Councilmembers will represent as a liaison. In the rare instance where more than one City Councilmember wishes to be the appointed liaison to a particular commission, a vote of the City Council will be taken to confirm appointments.

City Staff Liaison

The City has designated staff to act as a liaison between the commission/committee and the City Council. The City shall provide staff services to the commission/committee which will include:

- Developing a rapport with the Chair and commission/committee members
- Providing a schedule of meetings to the City Clerk's Office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.
- Ensuring the City Clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.

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- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with City policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes)
- Maintain a minute book with signed minutes

Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Commission/Committee Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

City Council referrals

The City Clerk shall transmit to the designated staff liaison all referrals and requests from the City Council for advice and recommendations. The commissions/committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

Public appearance of commission/committee members

When a commission/committee member appears in a non-official, non-representative capacity before the public, for example, at a City Council meeting, the member shall indicate that he or she is speaking only as an individual. This also applies when interacting with the media and on social media. If the commission/committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a commission/committee member's appearance inappropriate. Conversely, when a member who is present at a City Council meeting is asked to address the City Council on a matter, the member should represent the viewpoint of the particular commission/committee as a whole (not a personal opinion).

Disbanding of advisory body

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

Meetings and officers1. Agendas/notices/minutes

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, City Manager, City Attorney, City Clerk and other

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appropriate staff, as requested.

- Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.

2. *Conduct and parliamentary procedures*

- Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
- A majority of commission/committee members shall constitute a quorum and a quorum must be seated before official action is taken.
- The chair of each commission/committee shall preside at all meetings and the vice chair shall assume the duties of the chair when the chair is absent.
- The role of the commission/committee chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if s/he thinks it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by his/her signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

3. *Lack of a quorum*

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
- The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

4. *Meeting locations and dates*

- Meetings shall be held in designated City facilities, as noticed.
- All commissions/committees with the exception of the Planning Commission, Finance and Audit Committee and Sister City Committee shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month. The Finance and Audit Committee and Sister City Committee shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the commission/committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

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The schedule of Commission/Committee meetings is as follows:

- Complete Streets Commission – Every second Wednesday at 7 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:00 p.m.
- Finance and Audit Committee – Third Wednesday of every quarter at 5:30 p.m.,
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month at 7 p.m.
- Sister City Committee – Quarterly; Date and time to be determined

Each commission/committee may establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council.

5. *Off-premises meeting participation*

While technology allows commission/committee members to participate in meetings from a location other than the meeting location (referred to as “off-premises”), off-premises participation is discouraged given the logistics required to ensure compliance with the Brown Act and experience with technological failures disrupting the meeting. In the event that a commission/committee member believes that his or her participation is essential to a meeting, the following shall apply:

- Any commission/committee member intending to participate from an off-premise location shall inform the staff liaison at least two weeks in advance of the meeting.
- The off-premise location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at the off-premise location.
- The off-premise location must be accessible to the public and be ADA compliant.
- The commission/committee member participating at a duly noticed off-premises location does not count toward the quorum necessary to convene a meeting of the commission/committee.
- For any one meeting, no more than one commission/committee member may participate from an off-premise location.
- All votes must be by roll call.

6. *Selection of chair and vice chair*

- The chair and vice chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each commission/committee shall annually rotate its chair and vice chair.

G. Memberships

Appointments/Oaths

- The City Council is the appointing body for all commissions/committees. All members serve at the pleasure of the City Council for designated terms.
- All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.
- Before taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the City Clerk or his/her designee.
- Appointments made during the middle of the term are for the unexpired portion of that term.

Application and selection process

- The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
- The application period will normally run for a period of four weeks from the date the vacancy occurs.

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If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the City Clerk's office and on the City's website.

- The City Clerk shall notify members whose terms are about to expire whether or not they would be eligible for reappointment. If reappointment is sought, an updated application will be required.
- Applicants are required to complete and return the application form for each commission/committee they desire to serve on, along with any additional information they would like to transmit, by the established deadline. Applications sent by email are accepted; however, the form submitted must be signed.
- After the deadline of receipt of applications, the City Clerk shall schedule the matter at the next available regular City Council meeting. All applications received will be submitted and made a part of the City Council agenda packet for their review and consideration. If there are no applications received by the deadline, the City Clerk will extend the application period for an indefinite period of time until sufficient applications are received.
- Upon review of the applications received, the City Council reserves the right to schedule or waive interviews, or to extend the application process in the event insufficient applications are received. In either case, the City Clerk will provide notification to the applicants of the decision of the City Council.
- If an interview is requested, the date and time will be designated by the City Council. Interviews are open to the public.
- The selection/appointment process by the City Council shall be conducted open to the public. Nominations will be made and a vote will be called for each nomination. Applicants receiving the highest number of affirmative votes from a majority of the City Council present shall be appointed.
- Following a City Council appointment, the City Clerk shall notify successful and unsuccessful applicants accordingly, in writing. Appointees will receive copies of the City's Non-Discrimination and Sexual Harassment policies, and disclosure statements for those members who are required to file under State law as designated in the City's Conflict of Interest Code. Copies of the notification will also be distributed to support staff and the commission/committee chair.
- An orientation will be scheduled by the City Clerk following an appointment (but before taking office) and a copy of this policy document will be provided at that time.

Attendance

- An Attendance Policy (CC-91-001), shall apply to all advisory bodies. Provisions of this policy are listed below.
- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- Absences, which result in attendance at less than two-thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the City Council.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that he/she will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

Compensation

- Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-91-002).

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Conflict of interest and disclosure requirements

- A Conflict of Interest Code has been updated and adopted by the City Council and the Community Development Agency pursuant to Government Code §87300 et seq. Copies of this Code are filed with the City Clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Planning Commission are required to file a Statement of Economic Interest with the City Clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
- If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. Questions in this regard may be directed to the City Attorney.

Qualifications, compositions, number

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
- Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
- There shall be seven (7) members on each commission/committee with the exception of:
 - Finance and Audit Committee – five (5) members
 - Housing Commission – seven (7) members
 - Complete Streets Commission – nine (9) members
 - Library Commission – eleven (11) members

Reappointments, resignations, removals

- Incumbents seeking a reappointment are required to complete and file an application with the City Clerk by the application deadline. No person shall be reappointed to a commission/committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that commission/committee (the one year period is flexible subject to City Council's discretion).
- Resignations must be submitted in writing to the City Clerk, who will distribute copies to City Council and appropriate staff.
- The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.

Term of office

- Unless specified otherwise, the term of office for all commission/committee shall be four (4) years unless a resignation or a removal has taken place.
- If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
- Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
- If a member resigns before the end of his/her term, a replacement serves out the remainder of that term.

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Vacancies

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are listed on the City Council agenda and posted by the City Clerk in the City Council Chambers bulletin board and on the city website.
- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least 10 working days after posting of the notice (Government Code 54974).
- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the City Clerk and posted in the City Council Chambers bulletin board and on the City's website. This list is also available to the public. (Government Code 54972, Maddy Act).

Roles and Responsibilities

Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on multi-modal transportation issues according to the goals and policies of the City's general plan. This includes strategies to encourage safe travel, improve accessibility, and maintaining a functional and efficient transportation network for all modes and persons traveling within and around the City. The Complete Streets Commission's responsibilities would include:

- Coordination of multi-modal (motor vehicle, bicycle, transit and pedestrian) transportation facilities
- Advising City Council on ways to encourage vehicle, multi-modal, pedestrian and bicycle safety and accessibility for the City supporting the goals of the General Plan
- Coordination on providing a citywide safe routes to school plan
- Coordination with regional transportation systems
- Establishing parking restrictions and requirements according to Municipal Code sections 11.24.026 through 11.24.028

Environmental Quality Commission

The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, improvement and sustainability. Specific focus areas include:

- Preserving heritage trees
- Using best practices to maintain city trees
- Preserving and expanding the urban canopy
- Making determinations on appeals of heritage tree removal permits
- Administering annual Environmental Quality Awards program
- Organizing annual Arbor Day Event; typically a tree planting event
- Advising on programs and policies related to protection of natural areas, recycling and waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation.

Finance and Audit Committee

The Finance and Audit Committee is charged primarily to support delivery of timely, clear and comprehensive reporting of the City's fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City's external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

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Housing Commission

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City
- Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974
- Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program
- Review and recommend to the City Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the City
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan
- The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals Board (City Resolution 4290, adopted June 25, 1991).

Library Commission

The Library Commission is charged primarily with advising the City Council on matters related to the maintenance and operation of the City's libraries and library systems. Specific focus areas include:

- The scope and degree of library activities
- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and ESL programs

Parks and Recreation Commission

The Parks and Recreation Commission is charged primarily with advising the City Council on matters related to City programs and facilities dedicated to recreation. Specific focus areas include:

- Those programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment
- Adequacy, operation and staffing of recreation programs
- Modification of existing programs and facilities to meet developing community needs
- Long range planning and regional coordination concerning park and recreational facilities

Planning Commission

The Planning Commission is organized according to State Statute.

- The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.
- The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council.
- The Commission serves as a recommending body to the City Council for major subdivisions, rezoning's, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with those projects.
- The Commission works on special projects as assigned by the City Council.

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Sister City Committee

The Sister City Committee is primary charged with promoting goodwill, respect and cooperation by facilitating cultural, educational and economic exchanges

- Develop a mission statement and program plan consisting of projects, exhibits, contacts and exchanges of all types to foster and promote the objectives of the mission statement
- Implement the approved program plan upon request of the City Council
- Keep the community informed concerning the Sister City program
- Advise the City Council on matters pertaining to any sister city affairs
- Perform other duties as may be assigned to the committee by the City Council

Special Advisory Bodies

The City Council has the authority to create standing committees, task forces or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the City Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the City Council.

Any requests of city commissions or committees to create such ad hoc advisory bodies shall be submitted in writing to the City Clerk for City Council consideration and approval.



STAFF REPORT

Planning Commission

Meeting Date: 3/22/2022
Staff Report Number: 22-049-CC

Consent Calendar: **Accept the 2021 Housing Element annual progress report and the annual housing successor report**

Recommendation

Staff recommends that the City Council accept the 2021 Housing Element annual progress report (APR) (Attachment A) and the annual housing successor report (Attachment B), and authorize the transmittal to the California Governor's Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD.)

Policy Issues

California Government Code Section 65400 requires the preparation and submittal of an APR to HCD and OPR. The APR documents past housing-related activities and may identify the timing of upcoming activities, but does not authorize the implementation of programs or expenditure of funds.

Background

Every city and county in California is required to prepare an annual report on the status and progress of implementing the jurisdiction's adopted fifth cycle Housing Element for the 2015 to 2023 planning period using forms and definitions adopted by HCD. For reference, the 2015-2023 Housing Element is included as Attachment C. The APR is due by April 1 each year and documents the status of housing-related activities from the previous calendar year. This year's report evaluates the progress of implementation programs and housing development applications and production for the period between January 1 and December 31, 2021.

On February 28, 2022, the Planning Commission unanimously approved a recommendation for City Council to accept the 2021 APR. The Planning Commission discussed multiple areas of the APR during their review. Those items included, but are not limited to the following:

- Discussion of the increase in very low income, low income, and moderate income unit production and factors that may have contributed to the increase, particularly the development of the MidPen Housing project on the 1300 block of Willow Road, as well as accessory dwelling unit (ADUs);
- Discussion of factors that would encourage additional future affordable housing developments, such as funding assistance from government sources, the potential for increased residential unit density, reductions in parking and other factors;
- Acknowledgement of the increase in ADU production during 2021 and a request that the City Council be provided with information regarding the number of ADUs produced in each City Council district. The information is presented in Table 2 of this report.

On March 2, 2022, the Housing Commission approved a recommendation for the City Council to accept the 2021 APR by a vote of 4-0 (Bigelow and Nguyen absent.) The Housing Commission also discussed

multiple areas of the APR during their review. Those items included, but are not limited to the following:

- Due to the way the APR includes extremely low income units within the very low income category, there is a need to highlight the importance of producing extremely low income units (0 to 30 percent of area median income [AMI]) in Menlo Park. The 2021 income limit for a one-person household at the extremely low income level in San Mateo County is \$38,400. The 2021 income limit for a four-person household at the extremely low income level in San Mateo County is \$54,800. (A complete 2021 San Mateo County Income Limits table is available as Attachment D.) According to the Bay Area Equity Atlas, Black full-time workers who live in Menlo Park earned a median of \$41,333 and Latinx full-time workers in Menlo Park earned a median of \$43,255. Extremely low and very low income affordability is needed by these residents and others in the community;
- Production of extremely low and very low income housing units would also help to address displacement and minimize the risk of households becoming homeless;
- Production of above moderate-income housing has been much higher than the Regional Housing Needs Allocation (RHNA) target during the fifth cycle, and the Commission believes that the City's affordable housing policies should be enhanced to create a better balance between the production of market-rate housing and affordable housing.

Analysis

This staff report highlights key accomplishments from 2021 and work items that will continue through 2022. A broader assessment of the status of implementation programs and housing development activity from 2021 can be found in the APR (Attachment A.) The APR is a document that reflects the past calendar year's housing-related efforts; it is not intended to establish current or future work priorities for staff.

Accomplishments and milestones

The following sections outline multiple activities the City of Menlo Park embarked on and accomplishments during the 2021 APR reporting period.

Funding agreements

One of the primary purposes of the below market rate (BMR) housing program is to increase the supply and assist in the development of housing that is affordable to very low, low and moderate income households. Compliance with the City's BMR housing program can be met with the development of affordable units, the payment of in-lieu fees, or a combination of the two. The BMR housing fund is comprised primarily of commercial development in-lieu fees. Payment of BMR fees typically occurs before building permit issuance for a project, unless specific provisions are included as part of the BMR agreement.

Housing Element Program H1.H (Utilize the City's BMR Housing Fund) requires the City to administer and advertise at least every two years the availability of funds in the BMR housing fund through a notice of funding availability (NOFA.) The objective of the NOFA is to support the acquisition, rehabilitation, preservation or new construction of housing that will provide long-term affordability. The funding is intended to fill the financing gap between projected total development costs and other available funding sources.

On November 18, 2020, a NOFA of approximately \$10 million from the BMR housing fund was released to support the preservation and/or production of permanent affordable housing. The City received three

proposals before the January 23, 2021 deadline. All applications were received from nonprofit housing organizations with a strong track record of assisting residents in Menlo Park and throughout San Mateo County. The proposals were diverse and included property acquisition for affordable housing conversion, a home rehabilitation program, and construction of BMR ownership units.

In February 2021, the City Council approved \$5.5 million of BMR housing funds to HIP Housing to acquire a 14-unit apartment building. The purchase allowed HIP Housing to convert market rate units to deed restricted BMR rental housing and secure additional affordable housing opportunities for the Menlo Park community. HIP Housing completed the purchase in March 2021 and filled all vacant units with qualified, low income tenants.

In May 2021, the City Council authorized \$1.2 million from the BMR housing fund to support Habitat for Humanity Greater San Francisco's proposal to create a Homeownership Preservation Program. The program will assist low income homeowners in Menlo Park's Belle Haven neighborhood with major repairs and rehabilitation projects that address acute safety issues and enable homeowners to age in place and remain in the community. The program is scheduled to begin in 2022.

A third proposal received from MidPen Housing to build 12 low income ownership units at 335 Pierce Road is under review and a potential predevelopment loan for \$200,000 is anticipated for City Council consideration in Spring 2022. The full \$3.6 million proposal for 335 Pierce Road was reviewed by the Housing Commission in March 2021, which recommended the City Council approve funding for the project. The City Council held a study session on the proposal in November 2021 and directed staff to work with MidPen Housing to better understand the proposed development and the financing structure of the project. The property has also been identified as a potential housing opportunity site in the upcoming Housing Element cycle (2023-2031.)

Housing Assistance Program

Housing Element Program H1.I (working with non-profits on housing) calls for the City to work with non-profits to assist in achieving the City's housing goals and implementing programs. In 2019, the City Council approved the establishment of a community housing fund, known as the Tenant Assistance Program (TAP.) This program is administered by a local nonprofit, Samaritan House San Mateo. With support from the City, they have continued to offer financial assistance to lower income tenants experiencing hardships and/or potential displacement.

In October 2021, the City Council approved the allocation of \$250,000 in American Rescue Plan funds to the Housing Assistance Program, formerly known as TAP. The program provides rental and mortgage assistance to qualified households related to the COVID-19 pandemic or other emergency circumstances. At the time the additional funding was approved, Samaritan House had distributed a total of approximately \$96,000 of the program's initial \$100,000 funding allocation. The funding assisted 32 households comprised of 86 individuals in remaining housed despite experiencing financial hardship and economic instability. The program is expected to run through 2024 or until all program funds are exhausted. Samaritan House provides periodic program reports to the City. Staff will continue to work closely with Samaritan House to assess the status of program funds.

Housing production

As part of HCD’s Senate Bill (SB) 35 statewide determination summary, Menlo Park is one of only 29 jurisdictions in California that has met its pro-rated lower (very low and low) and above moderate-income RHNA for the previous 2020 reporting period. This means that Menlo Park is not currently subject to SB 35 (the Housing Accountability and Affordability Act), which became effective January 1, 2018 and created a streamlined approval process for housing when a jurisdiction is not meeting its RHNA.

In 2021, the City issued building permits for 96 net new dwelling units, which is a 62.5 percent decrease from the 2020 total (256 net new units.) However, the City Council and Planning Commission entitled 890 net new residential units in 2021, as further described below. The reduced number of issued residential building permits was primarily due to a decrease in above moderate-income unit production. Approximately 72 percent of net new residential building permits issued in 2021 were for very low income housing units, approximately 11.5 percent of permits were for low income units, and another approximately 11.5 percent of permits were for moderate-income units. Above moderate units made up approximately five percent of the total number of net new units permitted in 2021. The City exceeded its RHNA for above moderate-income units earlier in the current Housing Element cycle and is currently almost 790 percent above the required total.

A majority of the net new very low income units can be attributed to the 1345 Willow Road project (58 net new units, 140 units total), which is a 100 percent affordable residential project. The new units will be located along the Willow Road corridor with access to job centers in the Bayfront area and transit corridors such as U.S. Highway 101 and State Route 84. A majority of the remaining building permits issued in 2021 were for ADUs (36 net new units.) The APR data also shows an approximately 177 percent increase in ADU building permits for 2021 over the 2020 ADU building permit total. The increase is likely due to recent state ADU laws that became effective on January 1, 2020, which were intended to streamline the approval of ADUs and incentivize production by relaxing applicable zoning requirements.

Table 1 shows the City’s overall progress in housing unit production by income level as of the current RHNA cycle.

Table 1: Fifth cycle RHNA (2015-2023) progress (net new units)					
	Very low	Low	Moderate	Above moderate	Total new housing units
Fifth cycle RHNA allocation	233	129	143	150	655
Net new units through 2020	148	80	11	1,177	1,416
2021 Net new units	69	11	11	5	96
Total net new units (2015-2021)	217	91	22	1,182	1,512
Percent complete	93.1%	70.5%	15.4%	788%	N/A

Table 2 shows the number of ADUs in each City Council district, as requested by the Planning Commission during its February 28, 2022 review of the APR.

Table 2: ADUs issued building permits in 2021 by City Council District	
District number	Units
District 1	4
District 2	13
District 3	0
District 4	5
District 5	14
Total	36

Although building permits are the only metric used for the purposes of determining progress toward RHNA (fields 7, 8 and 9 in APR Table A2), the APR form also includes data on new housing units that have either received entitlements or a certificate of occupancy during the reporting period. As previously mentioned, the City Council and Planning Commission entitled 890 net new residential units in 2021, an increase of over 3,600 percent compared to net new units entitled in 2020. At this time, building permits have not been issued for these units, and they do not appear in the APR. Table 3 below highlights the approved large residential projects from 2021.

Table 3: Proposals of 100 dwelling units or more approved in 2021					
Project (Address)	Very low	Low	Moderate	Above moderate	Total units
111 Independence Drive	4	9	5	87	105
Menlo Uptown – 141 Jefferson Drive, 180-186 Constitution Drive	7	23	37	374	441
Menlo Portal – 115 Independence Drive, 104-110 Constitution Drive	3	14	31	287	335
Total new housing units	14	46	73	748	881

A number of large housing projects or mixed-use developments are currently under review, but are not listed in Table A or Table A2 of the APR because they were not deemed complete or approved in the 2021 calendar year. Housing proposals of 100 dwelling units or more that are currently under review are listed below in Table 4, and could count towards future APRs if approved and issued building permits.

Table 4: Proposals of 100 dwelling units or more currently under review

Project (Address)	Proposed units
123 Independence Drive	432
Menlo Flats – 165 Jefferson Drive	158
Willow Village	1,729
Total housing units	2,319

While the City’s housing production during the first six years of the planning period has exceeded the City’s RHNA of 655 units, the City continues to seek opportunities to increase housing production and will strive to meet its numbers for affordable housing. All of the proposed projects in Table 4, in addition to other projects under review with 20 or more units, would be subject to the City’s 15 percent BMR requirement, and the projects listed above could produce approximately 393 BMR units.

Looking ahead

Preparation of the sixth cycle (2023-2031) Housing Element is a City Council priority and a state mandate that applies to all Bay Area jurisdictions. The City’s sixth cycle RHNA fair share, including a 30 percent buffer as recommended by HCD, is 3,830 units. Following seven months of community meetings, pop-up events, public meetings, and interviews and discussions with local groups and housing developers, the City released a notice of preparation (NOP) in December 2021 initiating the environmental impact report (EIR) for the Housing Element Update project. The EIR will study the development of up to 4,000 net new housing units in order to meet the City’s RHNA (specifically the City’s net new affordable RHNA of 1,490 units.) A draft of the Housing Element is anticipated to be shared with the public in April 2022 prior to submittal for review and comment by HCD, with a draft EIR release in summer 2022. The City will also continue to address other components of the project, including further public engagement, site refinement to meet the City’s anticipated RHNA allocation, the preparation of the Safety and Environmental Justice Elements, and a fiscal impact analysis. The Housing Element Update is anticipated for review by City Council in December 2022, prior to the HCD deadline of January 31, 2023.

On March 1, 2022, the City Council adopted a resolution to amend the interest list preference criteria in the City’s BMR Guidelines. Staff is evaluating a second stage of amendments that may study changes to the commercial linkage fees, inclusionary requirement standards and in-lieu fees for inclusionary residential developments. Staff anticipates a minimum of six to eight months before proposals would return to the Housing Commission for initial review. This timeline is subject to change as staff continues to evaluate the scope of work, costs of a potential study, and staffing resources.

Annual housing successor report

As part of the 2011 Budget Act, the dissolution of California redevelopment agencies (RDA) took effect on February 1, 2012 and eliminated the use of property tax revenues as a funding source for affordable housing. In accordance with SB 341, passed in 2013, housing successor agencies of former RDAs must provide an annual report that details compliance with the expenditure limitations detailed in state law. The report (Attachment B) is required to be submitted to HCD annually by April 1, which is the same due date as the APR. The City of Menlo Park is identified as the successor agency to the former Menlo Park

Redevelopment Agency.

For the fiscal year ending June 30, 2021, the low and moderate income housing asset fund had a cash balance of \$1,204,393 and a fund balance of \$6,424,028. The fund received \$24,189 from housing loans and \$161,138 for interest earned on cash in the fund.

The housing successor does not have any interests in real property acquired by the former redevelopment agency. The last remaining real property acquired by the former agency was sold in August 2013 and the proceeds were remitted to the County of San Mateo. The housing successor also does not have any remaining housing replacement or production obligations.

Impact on City Resources

There are no impacts on City resources aside from the staff time spent preparing the APR. Implementation of certain housing programs may have impacts on staffing resources and/or projects and priorities, which would be considered as part of the City's annual Capital Improvement Plan and budget process.

Environmental Review

The Housing Element APR and housing successor report are not considered a project under the California Environmental Quality Act (CEQA.) Implementation of individual housing programs may be subject to CEQA, and each program will be evaluated on a case-by-case basis.

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. 2021 Housing Element APR
- B. Annual Housing Successor Report for fiscal year ending June 30, 2021
- C. Hyperlink – Adopted fifth cycle Housing Element for the 2015-2023 planning period:
menlopark.org/DocumentCenter/View/4329/Adopted-Housing-Element-2015-2023?bidId=
- D. Hyperlink – 2021 San Mateo County income limits:
housing.smcgov.org/sites/housing.smcgov.org/files/2021%20Income%20Limits%20revised%20042721.pdf

Report prepared by:

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Report reviewed by:
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Jurisdiction	Menlo Park
Reporting Year	2021 (Jan. 1 - Dec. 31)
Planning Period	5th Cycle 01/01/2016 - 01/01/2022

**ANNUAL ELEMENT PROGRESS REPORT
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Note: "*" indicates an optional field
Cells in grey contain auto-calculation formulas

(CCR Title 25 §6202)

**Table A
Housing Development Applications Submitted**

Project Identifier				Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes							Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Applications		Application Status	Notes			
1				2	3	4	5							6	7	8	9	10		11	12		
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA, SFD, 2 to 4, 5+, ADU, MH)	Tenure R= renter O= owner	Date Application Submitted* (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Was a Density Bonus requested for this housing development?	Was a Density Bonus approved for this housing development?	Please indicate the status of the application.	Notes*	
Summary Row: Start Data Entry Below																							
	71103320	1340 Hoover Street		BLD2021-00023	SFD	O	10/19/2021							1	1			No	No	No	Approved		
	63430740	342 O'Connor Street		BLD2021-00026	ADU	R	5/11/2021		1						1			No	No	No	Approved		
	71175140	680 Lemon Street		BLD2021-00104	ADU	R	7/26/2021						1		1			No	No	No	Approved		
	71171150	700 Magnolia Street		BLD2021-00234	ADU	R	11/8/2021						1		1			No	No	No	Approved		
	71412140	641 College Avenue		BLD2021-00318	ADU	R	4/16/2021						1		1			No	No	No	Approved		
	71021060	1107 Elder Avenue		BLD2021-00445	ADU	R	9/9/2021						1		1			No	No	No	Approved		
	71172150	1745 Stanford Avenue		BLD2021-00640	ADU	R	10/27/2021						1		1			No	No	No	Approved		
	71288120	697 Menlo Avenue		BLD2021-00782	ADU	R	3/25/2021						1		1			No	No	No	Approved		
	71402040	333 University Drive		BLD2021-00803	ADU	R	9/16/2021						1		1			No	No	No	Approved		
	71131020	1810 White Oak Drive		BLD2021-00956	ADU	R	6/24/2021						1		1			No	No	No	Approved		
	62354270	1911 Menallo Avenue		BLD2021-00978	ADU	R	8/9/2021						1		1			No	No	No	Approved		
	62354260	1909 Menallo Avenue		BLD2021-00979	ADU	R	8/9/2021						1		1			No	No	No	Approved		
	71232170	520 Hobart Street		BLD2021-01183	ADU	R	9/2/2021						1		1			No	No	No	Approved		
	61022010	943 Timothy Lane		BLD2021-01600	ADU	R	9/1/2021						1		1			No	No	No	Approved		
	71381180	355 San Mateo Drive		BLD2021-01643	ADU	R	10/12/2021						1		1			No	No	No	Approved		
	62341300	303 Robin Way		BLD2021-01689	ADU	R	9/7/2021						1		1			No	No	No	Approved		
	71382330	1290 Bay Laurel Drive		BLD2021-01691	ADU	R	9/14/2021			1					1			No	No	No	Approved		
																0							

Jurisdiction	Menlo Park	
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This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
 Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
Income Level	RHNA Allocation by Income Level	2									3	4	
		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	233	84	42	-	-	-	-	58	-	-	217	16
	Non-Deed Restricted		1	3	8	9	1	-	11	-	-		
Low	Deed Restricted	129	20	-	2	1	14	13	-	-	-	91	38
	Non-Deed Restricted		2	4	4	5	2	13	11	-	-		
Moderate	Deed Restricted	143	-	-	-	2	6	-	-	-	-	22	121
	Non-Deed Restricted		-	-	1	1	1	-	11	-	-		
Above Moderate		150	712	17	20	26	172	230	5	-	-	1,182	-
Total RHNA		655											
Total Units			819	66	35	44	196	256	96	-	-	1,512	175

Note: units serving extremely low-income households are included in the very low-income permitted units totals and must be reported as very low-income units.

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will include units that were permitted since the start of the planning period.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

Jurisdiction	Menlo Park	
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Table C																	
Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law																	
Project Identifier				Date of Rezone	RHNA Shortfall by Household Income Category				Rezone Type	Sites Description							
1				2	3				4	5	6	7	8		9	10	11
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Date of Rezone	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Rezone Type	Parcel Size (Acres)	General Plan Designation	Zoning	Minimum Density Allowed	Maximum Density Allowed	Realistic Capacity	Vacant/Nonvacant	Description of Existing Uses
Summary Row: Start Data Entry Below																	

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Jurisdiction	Menlo Park		
Reporting Year	2021	(Jan. 1 - Dec. 31)	
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
H1.A Establish City Staff Work Priorities for Implementing Housing Element Programs	Establish staff priorities for implementing Housing Element Programs	Annually	This will be done annually as part of the annual Housing Element review.
H1.B Review the Housing Element Annually	Review and monitor Housing Element implementation; conduct public review with the Housing Commission, Planning Commission and City Council, and submit Annual Report to HCD	Annually	Annual review for the 2020 calendar year was accepted by the City Council on March 23, 2021 and submitted to HCD for review. Using forms provided by HCD, the 2021 annual review was completed by staff between January to February 2022, and public reviews were conducted by the Housing Commission, Planning Commission and City Council in February and March 2022.
H1.C Publicize Fair Housing Laws and Respond to Discrimination Complaints	Obtain and distribute materials (see Program H1.D)	Ongoing	Materials are available at the 1st floor counter located at Menlo Park City Hall and on the City's website. In 2021, fair housing and legal services referrals were provided primarily by phone and email with in person limited as a result of the pandemic. Fair housing and legal services information was updated and available on the City website.

<p>H1.D Provide Information on Housing Programs</p>	<p>Obtain and distribute materials at public locations; conduct staff training</p>	<p>Annually</p>	<p>During the COVID-19 pandemic, staff primarily directed the public to the City's website in addition to assisting patrons via phone or email. Prior to the pandemic, materials were available at the 1st floor counter located at Menlo Park City Hall. In 2021, the Housing Commission conducted all ten of their public meetings virtually as a result of the COVID-19 pandemic.</p>
<p>H1.E Undertake Community Outreach When Implementing Housing Element Programs</p>	<p>Conduct community outreach and distribute materials (see Programs H1.C and 1H.D)</p>	<p>Consistent with program timelines</p>	<p>In 2021, materials and information were primarily available on the City's Web site. Housing Commission meetings are conducted monthly. The public may opt-in for an available email subscription to receive Housing Commission agendas and general updates. Additional public outreach is conducted based on program type. In 2021, the Housing Commission conducted ten public meetings. Agendas and notices are posted at City Hall and on the City's website.</p>
<p>H1.F Work with the San Mateo County Department of Housing</p>	<p>Coordinate with County efforts to maintain and support affordable housing</p>	<p>Ongoing</p>	<p>Continued participation and coordination has occurred as part of the countywide 21 Elements organization. Working with the County Department of Housing and other jurisdictions on housing-related topics such as accessory dwelling units and short-term rentals, and coordination in implementing Housing Element programs. The City continues to participate in the Home for All Learning Network and Community Convenings, all efforts that aim to support affordable housing.</p>
<p>H1.G Adopt an Anti-Discrimination Ordinance</p>	<p>Undertake Municipal Code amendment and ensure effective implementation of anti-discrimination policies and enforcement as needed</p>	<p>2016</p>	<p>Completed. On August 6, 2018, the City Council approved the Anti-Discrimination ordinance. The City will be considering additional ordinances to address housing challenges as part of its ongoing discussion about housing supply, affordable housing and displacement.</p>

<p>H1.H Utilize the City's Below Market Rate (BMR) Housing Fund</p>	<p>Accumulate and distribute funds for housing affordable to extremely low, very low, low and moderate income households</p>	<p>Ongoing</p>	<p>On November 18, 2020, a Notice of Funding Availability (NOFA) of approximately \$10 million in BMR housing funds was released to support the preservation or production of permanent affordable housing. Qualified developers of affordable housing were permitted to submit proposals prior to the submission due date of January 22, 2021. The City received three proposals prior to the submission deadline. In February 2021, the City Council approved \$5.5 million of below market rate (BMR) housing funds awarded to HIP Housing to acquire a 14 unit apartment building. The purchase allowed HIP Housing to convert market rate units to deed restricted BMR rental housing and secure additional affordable housing opportunities for the Menlo Park community. HIP Housing completed the purchase in March and filled all vacant units with qualified, low income tenants. In May 2021, the City Council authorized \$1.2 million from the BMR housing fund to support Habitat for Humanity Greater San Francisco's proposal to create a Homeownership Preservation Program. The program will assist low income homeowners in Menlo Park with major repairs and rehabs that address acute safety issues and enable homeowners to age in place and remain in the community they have been a part of for many years. The program is scheduled to begin in early 2022. A third proposal received from MidPen Housing to build 12 low income ownership units at 335 Pierce Road is under review and a potential predevelopment loan for \$200K is expected for City Council consideration in March 2022. The full \$3.6 million proposal for 335 Pierce Road was reviewed by the Housing Commission in March 2021, who recommended the City Council approve funding for the project. Staff is working closely with MidPen Housing to address specific site constraints and financing structure.</p>
<p>H1.I Work with Non-Profits on Housing</p>	<p>Maintain a working relationship with non-profit housing sponsors</p>	<p>Ongoing</p>	<p>The Council approved the establishment of a community housing fund, known as the Tenant Assistance Program (TAP), administered by local nonprofit, Samaritan House San Mateo, in 2019. Samaritan House, with support from the City, has continued to offer financial assistance to lower income tenants experiencing hardships and/or potential displacement. In October 2021, the City Council approved \$250,000 in American Rescue Plan funds to increase funding of the Housing Assistance Program, formerly TAP, administered by Samaritan House. The program provides rental and mortgage assistance to qualified households related to the COVID-19 pandemic or other emergency circumstances. At the time additional funding was approved, Samaritan House had distributed a total of approximately \$96,000 of the program's initial \$100,000 funding allocation, which has assisted 32 households comprised of 86 individuals remain stably housed while experiencing financial hardship and economic instability.</p>

H1.J Update the Housing Element	Assure consistency with SB375 and Housing Element law	2023	Completed. The City Council adopted the 2015-2023 Housing Element on April 1, 2014, and was certified by HCD on April 16, 2014. The City was awarded both SB2 and a LEAP grant to assist with the preparation of the Housing Element for the RHNA 6 cycle. In December 2020, the City issued an RFQ for consultant services to prepare the Housing Element Update. The City continues to collaborate and participate in 21 Elements as part of the Housing Element Update process.
H1.K Address Rent Conflicts	Resolve rent conflicts as they arise	Ongoing	In November 2019, the City Council passed an urgency ordinance to enact state law AB 1482 locally prior to the January 1, 2020 effective date, enacting rent increase and just cause protections. In 2021, the City has continued to be an informational resource for local tenants unfamiliar with new state laws. Informative material is available on the City's website, including contact information for free legal services.
H1.L Update Priority Procedures for Providing Water Service to Affordable Housing Developments	Comply with Government Code Section 65589.7	2015 and 2020 (as part of Urban Water Management Plan updates)	Program completed in February 2014. No additional work on this program is needed at this time.
H1.M Lobby for Changes to State Housing Element Requirements	Work with other San Mateo County jurisdictions and lobby for modifications to Housing Element law (coordinate with Program H1.B)	Ongoing	The City continues to participate in the 21 Elements organization to review, discuss, analyze and provide comment on various housing and planning related legislation.
H2.A Adopt Ordinance for "At Risk" Units	Protect existing affordable housing	2016	There are no "at risk" subsidized affordable units in Menlo Park at the current time. "At risk" units are those that appear to be in danger of conversion from subsidized housing units to market rents. In 2021, the City did exercise its right to purchase two BMR ownership units, which had a sales term of only 90 days for the City to find a new, qualified BMR owner. The City's purchase preserves the units and allows the City to identify and sell the unit to a new BMR buyer outside the original 90 day sales term; new purchase agreements include an updated resale term that gives the City 180 days to find a qualified buyer for potential resales. One unit has been sold to a qualified BMR household and the second unit purchased in 2021 is expected to be sold to a qualified BMR buyer in 2022.

H2.B Promote Energy Efficient/Renewable Programs	50 or more homes and businesses participating in a program	Establish policy and programs by 2017; Participation rate by 2022	An estimated 98% of residents and businesses are served by Peninsula Clean Energy (PCE) that provides greenhouse gas free (fossil fuel free) electricity to homes and businesses in Menlo Park. Menlo Park continues to participate and promote regional energy efficiency/renewable energy regional programs, such as the Bay Area Regional Energy Network (BayREN). The city also requires all new buildings to be all-electric with no to little natural gas (fossil fuel) usage to capitalize on PCE's clean electricity offerings and support the City in meeting its 2030 Climate Action Plan goal to be carbon neutral by 2030.
H2.C Amend the Zoning Ordinance to Protect Existing Housing	Protect existing rental housing as part of infill implementation and other Zoning Ordinance changes	Consider as part of the City's General Plan Update (2014-2017)	The zoning ordinance efforts during the General Plan process focused on the creation of new housing in an area that previously did not allow residential uses. Staff recognizes that potential ordinance changes to limit the loss of residential units or the conversion of units can be strategies to maintain the City's housing stock. This is an ongoing item staff will evaluate along with other housing priorities.
H2.D Assist in Implementing Housing Rehabilitation Programs	Apply to the County for CDBG funds to provide loans to rehabilitate very low and low income housing (20 loans from 2015-2023)	2015-2023	The County has temporarily stopped administering the CDBG rehabilitation loan program, except in emergency situations. The City continues to service existing loans in the portfolio.
H3.A Zone for Emergency Shelter for the Homeless	Amend the Zoning Ordinance	2014; concurrent with RHNA 5 Housing Element Update	Completed. Ordinance adopted on April 29, 2014. Ordinance identifies the location of the overlay to allow an emergency shelter for the homeless for up to 16 beds as a use by right and includes standards consistent with State law as established in SB2.
H3.B Zone for Transitional and Supportive Housing	Amend the Zoning Ordinance	2014; concurrent with RHNA 5 Housing Element Update	Completed. Ordinance adopted on April 29, 2014 to update the definitions of transitional and supportive housing to be consistent with State law and adds transitional, supportive housing and small (6 or fewer) residential care facilities as part of the definition of a "dwelling" in the Zoning Ordinance so these uses are treated the same way as other residential uses as required by State law under SB2.
H3.C Adopt Procedures for Reasonable Accommodation	Amend the Zoning Ordinance and/or modify administrative procedures; create public handout	2014; concurrent with RHNA 5 Housing Element Update	Completed. Ordinance adopted April 29, 2014 to establish procedures, criteria and findings for enabling individuals with disabilities to make improvements and overcome barriers to their housing.
H3.D Encourage Rental Housing Assistance Programs	Provide assistance at current Section 8 funding levels to assist 220 extremely low and very low-income households per year (assumes continued funding of program)	2015-2023	There are approximately 248 housing vouchers issued for incorporated Menlo Park in 2021, which assist a total of 521 individuals. Of the total, 157 households include elderly or disabled persons and 80 are households with children. This information is supplied to the City by the County of San Mateo's Department of Housing.

H3.E Investigate Possible Multi-Jurisdictional Emergency Shelter	Coordinate in the construction of homeless facility (if determined feasible)	Longer term program as the opportunity arises	There are no plans for a specific facility at this time.
H3.F Assist in Providing Housing for Persons Living with Disabilities	Provide housing and services for disabled persons	Ongoing	Continued participation and coordination has occurred as part of the countywide 21 Elements organization. Working with the County Department of Housing and other jurisdictions on housing-related topics such as accessory dwelling units and short-term rentals. Participation in the County's Home For All initiative has continued and aims to identify housing needs for all sectors of the community. The City also supports the activities of local non-profit housing providers, such as HIP Housing, whom provide services for disabled persons.
H3.G Develop Incentives for Special Needs Housing	Amend the Zoning Ordinance to provide opportunities for housing and adequate support services for seniors and people living with disabilities	Consider as part of the City's General Plan Update (2014-2017)	The City's Affordable Housing Overlay (AHO), which was established in 2013, was applied to MidPen's 90-unit affordable, senior housing development. Along with financial incentives, the AHO provides density bonuses and a parking reduction for senior housing.
H3.H Continue Support for Countywide Homeless Programs	Support housing and services for the homeless and at-risk persons and families	Ongoing	In 2021, city staff continued to lead and support the Menlo Park Homeless Outreach Team (Team), which consists of staff from the Housing Division, Police Department and community based organizations that provide homeless outreach and support services. City staff work closely with community based organizations and the San Mateo County Human Services Agency to coordinate outreach and referral services, with the goal of ending homelessness in Menlo Park. The Team meets regularly to discuss case management, strategize coordinated outreach and intervention, streamline resources and prepare action plans for homeless individuals.
H3.I Work with the Department of Veterans Affairs on Homeless Issues	Coordination in addressing the needs of the homeless	2014; ongoing thereafter	The Veteran Affairs Medical Center in Menlo Park awarded a project proposal to local non-profit housing developer, MidPen Housing. The City held initial meetings to assist in the support the project. As opportunities arise, staff will continue to work with the VA and non-profit housing partners.
H4.A Modify R-2 Zoning to Maximize Unit Potential	Amend the Zoning Ordinance to minimize underutilization of R-2 development potential	Consider as part of the City's General Plan Update (2014-2017)	Staff plan to revisit modifications to the R-2 in the future and assess the utilization of the allowed density for this zoning district.

<p>H4.B Implement Inclusionary Housing Regulations</p>	<p>Implement requirements to assist in providing housing affordable to extremely low, very low, low and moderate income households in Menlo Park</p>	<p>Ongoing</p>	<p>In March 2021, staff began working with members of the Housing Commission appointed to the BMR guidelines ad hoc subcommittee to assess potential edits to the BMR housing program guidelines. In October 2021, the subcommittee provided a presentation to the public and Housing Commission to summarize their findings. In 2022, staff will be utilizing the subcommittee's recommendations to inform potential policy changes to the BMR guidelines. Staff plans to divide the updates into two areas of focus, the first will address expanding the BMR applicant preference criteria and the second may include a contracted study to assess potential changes to the inclusionary housing standards and BMR commercial development fees.</p>
<p>H4.C Modify BMR Guidelines</p>	<p>Amend the Zoning Ordinance to require affordable units in market rate developments</p>	<p>2015</p>	<p>The last revision to the BMR housing program guidelines was approved by Menlo Park City Council in 2018. Staff began working with the Housing Commission in 2021 on potential updates to the BMR guidelines and expects potential amendments to be recommended to City Council in 2022.</p>
<p>H4.D Update the BMR Fee Nexus Study</p>	<p>Update to fees consistent with the nexus of potential impacts on affordable housing need</p>	<p>2015</p>	<p>The City participated in the 21 Elements BMR nexus fee study in 2016 and 2017. There were no changes made to housing impacts fees as a result of the study. In 2020, BAE Urban Economics, Inc. completed their study known as the Inclusionary Housing Feasibility Analysis. As a result of the COVID-19 pandemic and changing economic conditions, staff will be re-evaluating recommended updates from both the nexus fee study and inclusionary housing feasibility analysis. Staff is expected to complete its evaluation in 2022.</p>
<p>H4.E Modify Second Dwelling Unit Development Standards and Permit Process</p>	<p>Achieve Housing Element target for new second units (40 new secondary dwelling units between 2015-2023, with 5 per year) — 18 very low, 18 low and 4 moderate income second units.</p>	<p>2014; ongoing thereafter</p>	<p>In 2020, 13 building permits were issued for new secondary units. Given changes in state law effective January 1, 2020, an urgency ordinance was passed by City Council on February 25, 2020 to ensure the City's ordinance complies with state law. The assessment of additional adjustments to City regulations will be studied with the use of SB 2 funding grant.</p>
<p>H4.F Establish a Process and Standards to Allow the Conversion of Accessory Buildings and Structures to a Secondary Dwelling Unit</p>	<p>Adopt procedures and requirements to allow conversion of accessory structures and buildings (15 new secondary dwelling units — 6 very low income, 6 low income and 3 moderate income units)</p>	<p>2014; review the effectiveness of the ordinance in 2015</p>	<p>Of the 13 building permits issued for ADUs in 2020, six were for conversions of existing accessory buildings. In this case, a conversion may include complete demolition of the existing accessory building and reconstruction of the ADU in the same footprint. Given changes in state law effective January 1, 2020, an urgency ordinance was passed by City Council on February 25, 2020 to ensure the City's ordinance complies with state law. In 2019, the City submitted an SB 2 planning grant application for consideration, with a accessory dwelling unit ordinance amendment and secondary applicant navigation tools identified as the primary activities to be funded and implemented if awarded funds.</p>

H4.G Implement First-Time Homebuyer Program	Provide referrals	2015-2023	The City is referring first time homebuyers to HEART of San Mateo County for down payment assistance since BMR funds are no longer available for this program. Information is available on the City's Housing webpage per Housing Programs H1.C and H1.D. The City continues to maintain a BMR ownership interest list for other potential BMR unit sale and resale opportunities as they occur.
H4.H Work with Non-Profits and Property Owners on Housing Opportunity Sites	Identify incentives and procedures to facilitate development of housing affordable to extremely low, very low, low and moderate income households on higher density housing sites	Ongoing	In February 2021, the City Council approved \$5.5 million of below market rate (BMR) housing funds awarded to HIP Housing to acquire a 14 unit apartment building. The purchase allowed HIP Housing to convert market rate units to deed restricted BMR rental housing and secure additional affordable housing opportunities for the Menlo Park community. HIP Housing completed the purchase in March 2021 and filled all vacant units with qualified, low income tenants. The City will continue to identify partnership opportunities that further the development of affordable units in Menlo Park.
H4.I Create Multi-Family and Residential Mixed Use Design Guidelines	Adopt design guidelines for multi-family and mixed use housing developments	Consider as part of the City's General Plan Update (2014-2017)	As part of the General Plan and M-2 Area Zoning Update, the City Council adopted the new R-MU (Residential Mixed Use) zoning district. The proposed zoning district includes design standards, which include a number of provisions addressing building modulation, height variation, site design, and open space requirements.
H4.J Consider Surplus City-Owned Land for Housing	Identify opportunities for housing as they arise	Consider as part of the City's General Plan Update (2014-2017)	The City currently does not have surplus City-owned property available for housing, but could consider housing as opportunities arise.
H4.K Work with the Fire District	Undertake local amendments to the State Fire Code and approve City Council Resolution ratifying the Fire District's local amendments	2014 (in progress)	There have been no changes or updates to report during the 2020 reporting year. Menlo Park Fire District developed a draft ordinance to the 2019 Fire Code, which was approved by their board of directors in October 2019. The City Council approved a resolution ratifying the Fire District's amendments to the Fire Code in December 2019.
H4.L Coordinate with School Districts to Link Housing with School District Planning Activities	Coordinate and consider school districts long-range planning, resources and capacity in planning for housing	Ongoing with Housing Element program implementation. Consider as part of the City's General Plan Update (2014-2017)	City staff have continued to be in contact with local school districts to share information on new residential development proposals. Staff have also been participating in the Home for All effort to convene school districts throughout the county to help identify development opportunities and to support the process.
H4.M Review the Subdivision Ordinance	Modify the Subdivision Ordinance as needed	Consider as part of the City's General Plan Update (2014-2017)	No activity to date.

<p>H4.N Create Opportunities for Mixed Use Development</p>	<p>Conduct study and establish regulations to allow housing in commercial zones</p>	<p>Consider as part of the City's General Plan Update (2014-2017)</p>	<p>As part of the General Plan and M-2 Area Update approval in December 2016, the Council adopted zoning amendments to the C-2-B zoning district to allow residential uses to create mixed-use opportunities in key areas along the Willow Road Corridor and created the R-MU zoning district. A number of properties that were previously zoned for commercial and industrial uses were rezoned with the new zoning district to create opportunities for higher density housing and mixed use developments. Consideration of the amended C-2-B and the new R-MU zoning districts will continue on an as-needed basis.</p>
<p>H4.O Review Transportation Impact Analysis Guidelines</p>	<p>Modify Transportation Impact Analysis (TIA) guidelines</p>	<p>Consider as part of the City's General Plan Update (2014-2017)</p>	<p>In December 2016, the City Council adopted a new Circulation Element, recognizing that work on the Transportation Master Plan (TMP) was a high priority. A consultant team was hired in 2017 to lead the TMP effort and an 11-member city-led Oversight and Outreach Committee (OOC) was formed to help guide the process. In 2019, the City Council added update of the TIA guidelines to their work plan. In early 2020, the City Council provided feedback on the approach to modify the TIA guidelines. An updated version of the TIA Guidelines was adopted by City Council on June 16, 2020. On January 11, 2022, the City Council updated the TIA guidelines to reflect the latest vehicle miles traveled thresholds.</p>
<p>H4.P Update Parking Stall and Driveway Design Guidelines</p>	<p>Modify Parking Stall and Driveway Design Guidelines</p>	<p>2014</p>	<p>In 2017, the City began a preliminary review of the parking stall and driveway design guidelines. Review of these guidelines is still underway.</p>
<p>H4.Q Achieve Long-Term Viability of Affordable Housing</p>	<p>Establish project management and other ongoing project coordination needs</p>	<p>As developments are proposed and ongoing thereafter</p>	<p>The City continues to contract the administration and retain the records of a ownership and rental interest list. In coordination with the owners, developers and/or property managers of BMR units, the City oversees marketing plans and tenant onboarding practices in addition to assisting with outreach to the BMR lists.</p>

<p>H4.R Modify Overnight Parking Requirements to include the R-4-S Zoning District</p>	<p>Modify Section 11.24.050 [Night Parking Prohibited] of the Municipal Code as needed</p>	<p>2014</p>	<p>In October 2015, the City Council approved the removal of on-street parking along the north side of Haven Avenue as part of the Haven Avenue Streetscape Project. Identified as housing opportunity sites in the Housing Element, two parcels along Haven Avenue were redeveloped with 540 multi-family residential units. The objective of the Haven Avenue Streetscape Project is to provide a direct connection for bicyclists and pedestrians between the Bay Trail and the City of Redwood City's bikeway and sidewalk network by constructing sidewalks and bicycle facilities along Haven Avenue. The removal of on-street parking is helping facilitate the enhanced multi-modal improvements along this corridor. Bike lanes along a portion of Haven Avenue have been installed. The City is working with Caltrans to complete the remaining portion by 2022-2023.</p>
<p>H4.S Explore Creation of a Transportation Management Association</p>	<p>Explore creation of a Transportation Management Association</p>	<p>Consider as part of the City's General Plan Update (2014-2017)</p>	<p>In April 2019, the City released a joint RFP with the City of Foster City to solicit bids from prospective firms to assist with TMA Feasibility Studies. Two independent contracts were awarded to Steer Group to conduct the studies, with the City of Menlo Park awarding Steer Group's contract in July 2019. The initial phase of work included data collection and analysis, along with stakeholder outreach and surveying. A progress report of the work conducted so far was presented to the City Council on February 25, 2020. On July 16, 2020, an options analysis was presented to the City Council and direction was given to further investigate the citywide and sub regional TMA options. Although the original completion date of the feasibility study was July 2020, it was pushed back to account for the COVID-19 pandemic changing commute patterns, along with the operational start of a sub regional TMA, Manzanita Transit, in November 2020. Due to the unknowns from the COVID-19 pandemic and the start of Manzanita Transit, the study pivoted from pursuing the creation of a new TMA to leveraging existing resources and organizations such as Commute.org and Manzanita Transit. Now accounting for these latest regional updates, Steer Group will conduct a detailed analysis on the two options to identify how to structure a potential TMA. A draft Final Report was shared with the City Council and the Complete Streets Commission in April 2021 to garner feedback. The Final Report and recommendation was approved by City Council in October 2021, with the goal of accomplishing short and long term report recommendations over the next few years.</p>

<p>H4.T Explore Pedestrian and Bicycle Improvements</p>	<p>Coordinate with Redwood City on potential pedestrian and bicycle improvements</p>	<p>Consider as part of the City's General Plan Update (2014-2017)</p>	<p>In November 2020, the City adopted the Transportation Master Plan that now serves as an update to the City's previous Sidewalk Master Plan and Comprehensive Bicycle Development Plan. In 2021, the City completed new sidewalk projects on: Pierce Road, Coleman Avenue, and Chilco Street and new bicycle facility projects on: Ringwood Avenue, San Mateo Drive, and Chilco Street. In 2022, the City anticipates to complete new pedestrian and bicycle facilities on: Sharon Road, Haven Avenue, and Middle Avenue.</p>
<p>H1.E Undertake Community Outreach When Implementing Housing Element Programs</p>	<p>Conduct community outreach and distribute materials (see Programs H1.C and 1H.D)</p>	<p>Consistent with program timelines</p>	<p>Housing Commission meetings are conducted monthly. In 2021, the Housing Commission conducted ten meetings. Agendas and notices are posted at City Hall and on the City's website. Email notifications are also sent to interested parties. Additional outreach is performed to targeted populations depending on program needs. The Housing Commission's last annual work plan was approved by City Council on November 17, 2020. Many of the work plan goals were directly related to the recommendations contained in the Investment and Disinvestment study prepared in 2020, https://www.menlopark.org/DocumentCenter/View/25939/Housing-Inventory-and-Supply-Study?bidId</p>
<p>H1.I Work with Non-Profits on Housing</p>	<p>Maintain a working relationship with non-profit housing sponsors</p>	<p>Ongoing</p>	<p>In October 2021, the City Council approved \$250,000 in American Rescue Plan funds to increase funding of the Housing Assistance Program, formerly TAP, administered by Samaritan House. The program provides rental and mortgage assistance to qualified households related to the COVID-19 pandemic or other emergency circumstances. At the time additional funding was approved, Samaritan House had distributed a total of approximately \$96,000 of the program's initial \$100,000 funding allocation, which has assisted 32 households comprised of 86 individuals remain stably housed while experiencing financial hardship and economic instability.</p>

Jurisdiction	Menlo Park	
Reporting Period	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table E									
Commercial Development Bonus Approved pursuant to GC Section 65915.7									
Project Identifier				Units Constructed as Part of Agreement				Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
1				2				3	4
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
Summary Row: Start Data Entry Below									

Jurisdiction	Menlo Park	
Reporting Period	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Note: "+" indicates an optional field
 Cells in grey contain auto-calculation formulas

Table F

Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type	Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only				Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 ⁺
	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units			14	14					Units acquired using City BMR funds and converted to deed-restricted low-income BMR rental housing
Mobilehome Park Preservation									
Total Units by Income			14	14					

Jurisdiction	Menlo Park	
Reporting Period	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

NOTE: This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Table G						
Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of						
Project Identifier						
1				2	3	4
APN	Street Address	Project Name⁺	Local Jurisdiction Tracking ID⁺	Realistic Capacity Identified in the Housing Element	Entity to whom the site transferred	Intended Use for Site
Summary Row: Start Data Entry Below						

Jurisdiction	Menlo Park	
Reporting Period	2021	(Jan. 1 - Dec. 31)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Table H						
Locally Owned Surplus Sites						
Parcel Identifier				Designation	Size	Notes
1	2	3	4	5	6	7
APN	Street Address/Intersection	Existing Use	Number of Units	Surplus Designation	Parcel Size (in acres)	Notes
Summary Row: Start Data Entry Below						

Jurisdiction	Menlo Park	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	58
	Non-Deed Restricted	11
Low	Deed Restricted	0
	Non-Deed Restricted	11
Moderate	Deed Restricted	0
	Non-Deed Restricted	11
Above Moderate		5
Total Units		96

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	0	2	1
2 to 4	0	0	0
5 +	0	0	0
ADU	0	36	16
MH	0	0	0
Total	0	38	17

Housing Applications Summary	
Total Housing Applications Submitted:	17
Number of Proposed Units in All Applications Received:	17
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

Jurisdiction	Menlo Park	
Reporting Year	2021	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT
Local Early Action Planning (LEAP) Reporting
 (CCR Title 25 §6202)

Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.

Total Award Amount	\$	-	Total award amount is auto-populated based on amounts entered in rows 15-26.
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Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary			
Income Level			Current Year
Very Low	Deed Restricted		15
	Non-Deed Restricted		0
Low	Deed Restricted		48
	Non-Deed Restricted		0
Moderate	Deed Restricted		73
	Non-Deed Restricted		0
Above Moderate			754
Total Units			890

Building Permits Issued by Affordability Summary			
Income Level			Current Year
Very Low	Deed Restricted		58
	Non-Deed Restricted		11
Low	Deed Restricted		0
	Non-Deed Restricted		11
Moderate	Deed Restricted		0
	Non-Deed Restricted		11
Above Moderate			5
Total Units			96

Certificate of Occupancy Issued by Affordability Summary			
Income Level			Current Year
Very Low	Deed Restricted		0
	Non-Deed Restricted		0
Low	Deed Restricted		0
	Non-Deed Restricted		17
Moderate	Deed Restricted		0
	Non-Deed Restricted		0
Above Moderate			4
Total Units			21



City of Menlo Park as Housing Successor for the
former City of Menlo Park Redevelopment Agency
701 Laurel Street, Menlo Park, CA 94025
Telephone (650) 330-6640 www.menlopark.org

**SENATE BILL 341 ANNUAL HOUSING SUCCESSOR REPORT
For the Fiscal Year Ending June 30, 2021**

- 1) During the fiscal year, the Low and Moderate Income Housing Asset Fund received \$182,168 in amounts deposited. It received \$24,189 from housing loans and \$157,979 for interest earned on cash in the fund. There are no amounts deposited for items listed on the Recognized Obligation Payment Schedule.
- 2) At June 30, 2021, the Low and Moderate Income Housing Asset Fund had a cash balance of \$1,204,393 and a fund balance of \$6,424,028. There are no amounts held for items listed on the Recognized Obligation Payment Schedule.
- 3) During the fiscal year, the fund spent \$3,005 in combined expenditures to administer housing loans for preserving the long-term affordability of housing units.
- 4) Values as of June 30, 2021:

Real property -	\$0
Loans receivable -	<u>\$5,600,980</u>
Total -	\$5,600,980

There were no funds transferred during the fiscal year. The Low and Moderate Income Housing Asset Fund does not have any projects on the Recognized Obligation Payment Schedule and will not have any transfers into or out of the fund in the foreseeable future.
- 5) The Low and Moderate Income Housing Asset Fund does not have any projects for which the housing successor holds or receives property tax revenue pursuant to the Recognized Obligation Payment Schedule.
- 6) As of June 30, 2021, the Housing Successor does not have interests in real property acquired by the former redevelopment agency. The last remaining real property acquired by the former redevelopment agency was sold in August 2013 and the proceeds were remitted to the County of San Mateo.
- 7) As of June 30, 2021, the Housing Successor does not have any remaining obligations.

Senate Bill 341 Annual Housing Report, continued

- 8) With the limited funds, the Housing Successor is only providing maintenance on low and moderate income housing loans.
- 9) As of June 30, 2021, the Low and Moderate Income Housing Fund does not foresee any loan repayments.
- 10) The former redevelopment agency area does not contain any deed-restricted senior rental housing.
- 11) As of June 30, 2021, the Low and Moderate Income Housing Fund does not have any excess surplus.
- 12) As of June 30, 2021, the Low and Moderate Income Housing Fund has no inventory of homeownership units.



STAFF REPORT

City Council
Meeting Date: 3/22/2022
Staff Report Number: 22-050-CC

Consent Calendar: **Waive the second reading and adopt an ordinance to amend Municipal Code Chapter 7.35 on Water Conservation which provides for enforcement of conservation measures in the Water Shortage Contingency Plan**

Recommendation

Staff recommends that the City Council waive the second reading and adopt an ordinance (Attachment A) to amend Municipal Code Chapter 7.35 on Water Conservation which provides for enforcement of conservation measures in the Water Shortage Contingency Plan.

Policy Issues

On March 1, the City Council adopted Resolution No. 6716 to declare a water shortage emergency, adopt Stage 1 drought measures pursuant to the City’s 2020 Water Shortage Conservation Plan, and adopt a Water Conservation Plan implementing State Water Resources Control Board (State Water Board) regulations. Staff recommends adopting this ordinance to amend Chapter 7.35 to provide for clearer enforcement mechanisms under the Menlo Park Municipal Code for enforcement of mandatory conservation requirements in the City’s adopted 2020 Water Shortage Contingency Plan for Menlo Park Municipal Water (MPMW.)

Background

State law mandates that every urban water supplier adopt an Urban Water Management Plan to support long-term resource planning in order to maintain adequate water supplies. One of the mandatory components of this strategic planning document is a Water Shortage Contingency Plan, which helps the supplier facilitate preparedness for water supply shortage conditions. The Water Shortage Contingency Plan must list anticipated response measures to reduce demand and augment available supply in the event of a shortage. State law requires that the Water Shortage Contingency Plan be based on a water supply reliability analysis, and include locally appropriate “shortage response actions” for six standard water shortage levels, varying from an up to 10 percent shortage condition to a greater than 50 percent shortage condition, and state the enforcement measures that would be available to the supplier to enforce any conservation measures as might be necessary to achieve conservation to reduce gaps between demand and available supply.

On March 1, the City Council introduced an ordinance to amend Municipal Code Chapter 7.35 on Water Conservation.

Analysis

The City recently adopted its 2020 Water Shortage Contingency Plan, setting forth expected voluntary or mandatory conservation measures to be adopted during various stages of water shortage conditions, ranging from an up to 10 percent shortage to a greater than 50 percent shortage. The City has the ability to adopt emergency regulations for the operation of MPMW pursuant to the authority set forth in Water Code section 350 et seq. However, the adoption of such regulations requires a public hearing, after appropriate notice is published in a newspaper enabling the public the opportunity to protest. Staff recommends that the City adopt provisions related to the enforcement of the mandatory conservation measures of the water shortage conservation plan into its Municipal Code, as the City has the discretion to adopt various enforcement mechanisms under its general police power to achieve water conservation during a drought and prevent water waste, ranging from education, civil penalties and criminal enforcement, which are likely to be stronger than its authority to adopt emergency regulations under Water Code section 350.

Additionally, the existing Municipal Code requires that the City adopt a “water conservation plan” by resolution to implement any emergency regulations or requirements that are promulgated by the State Water Resources Control Board (SWRCB) or MPMW’s sole wholesaler, the San Francisco Public Utilities Commission (SFPUC.) New SWRCB regulations often create new state law with its own enforcement mechanisms, such that the regulations are already punishable as violations of state law without the need for any local adoption. Therefore, staff recommends modifying the existing code to allow, but not require, the City to act to expressly adopt such regulations. This ordinance would take effect 30 days after adoption.

Impact on City Resources

Amending the ordinance text for Chapter 7.35 (Water Conservation) will make it optional, and not a requirement, to adopt a resolution implementing any emergency regulations or requirements promulgated by the SWRCB or SFPUC.

Environmental Review

City Council’s adoption of the proposed ordinance is categorically exempt from California Environmental Quality Act (CEQA) under CEQA Guidelines 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and Section 15308 (Actions by Regulatory Agencies for Protection of 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 to amend Chapter 7.35 (Water Conservation)
- B. Menlo Park Municipal Code, Chapter 7.35 (Water Conservation)

Report prepared by:
Sergio Rudin, Assistant City Attorney
Pam Lowe, Senior Civil Engineer

Staff Report #: 22-050-CC

Reviewed by:
Nicole Nagaya, Public Works Director

ORDINANCE NO. XXXX**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING CHAPTER 7.35 (WATER CONSERVATION) TO PROVIDE FOR
ENFORCEMENT OF CONSERVATION MEASURES IN WATER SHORTAGE
CONTINGENCY PLAN**

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

SECTION 1. FINDINGS AND DETERMINATIONS.

- A. State law, as set forth in Water Code sections 10610 through 10657, requires every urban water retailer to adopt, every five years, an Urban Water Management Plan to support longer-term resource planning to ensure that adequate water supplies are available to meet existing and future water needs.
- B. State law mandates that every urban water supplier, as part of the Urban Water Management Plan, also adopt a Water Shortage Contingency Plan to facilitate preparedness for water supply shortage conditions, including providing anticipated response measures to reduce demand and augment available supply. State law requires that the Water Shortage Contingency Plan be based on a water supply reliability analysis, and includes locally appropriate “shortage response actions” for six standard water shortage levels, varying from an up to 10 percent shortage condition to a greater than 50 percent shortage condition, and state the enforcement measures that would be available to the supplier to enforce any conservation measures as might be necessary to achieve conservation to reduce gaps between demand and available supply.
- C. Article XI, section 7 of the California Constitution provides the City with general police powers to enact laws for the protection, public health, and safety of its citizens, and the City has the power to enact regulations to mandate conservation in the event of a drought or water shortage for the preservation of public health.
- D. Chapter 7.35 of the Menlo Park Municipal Code currently provides the City with the ability to respond to a drought emergency, by requiring enforcement of any emergency regulations adopted by the State Water Board, or drought-related actions imposed by the San Francisco Public Utilities Commission. The City Council desires to amend such chapter to provide for clear enforcement mechanisms of mandatory conservation measures that may be adopted by the City under its Water Shortage Contingency Plan for operation of Menlo Park Municipal Water and other conservation measures as may be needed to ensure sufficient water is available for sanitation, human consumption, and fire protection.

SECTION 2. AMENDMENT OF CODE.

Chapter 7.35 [Water Conservation] of Title 7 [Health and Sanitation] is hereby repealed and replaced to read in its entirety as follows:

Chapter 7.35
WATER CONSERVATION

- 7.35.010 Purpose.
- 7.35.020 Water conservation.

7.35.030 Penalties and enforcement.

7.35.010 Purpose.

The purpose of this chapter is to promote water conservation and provide the City with the flexibility to respond to any drought emergency or reductions in available water supply, by providing for enforcement of mandatory conservation measures in its Water Shortage Contingency Plan, emergency conservation regulations adopted by the State Water Board, or other drought requirements as may be imposed by the San Francisco Public Utilities Commission or the City of Menlo Park.

Water uses regulated or prohibited under the City's Water Shortage Contingency Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition is deemed to constitute a waste of water and a public nuisance and shall subject the offender to penalties as prescribed by this chapter.

7.35.020 Water conservation.

Upon the declaration by the City Council of the existence of a condition of water shortage or drought emergency, or upon the adoption of any emergency regulations by the State Water Board related to water use or conservation, or upon the adoption of drought-related conservation measures or reduction in supply by the San Francisco Public Utilities Commission, the City Council of the City of Menlo Park may, by resolution, adopt a water conservation plan imposing mandatory conservation and water use reduction requirements on all persons in Menlo Park, including such measures as may be set forth in the City's Water Shortage Contingency Plan and such additional measures as may be determined necessary to address the water shortage or emergency water supply condition.

The City Council shall set forth by resolution the conservation and water reduction requirements subject to enforcement, which shall remain in effect until the termination of such resolution by the City Council.

7.35.030 Penalties and enforcement.

Penalty amounts for violations of mandatory measures adopted under Section 7.35.020 may be prescribed by resolution of the City Council. Any violations of the water conservation plan adopted by resolution shall be subject to penalty as set forth as set forth in Chapter 1.12, or enforceable by civil penalty, if so prescribed in the terms of the resolution adopted by the City Council. Penalties shall be in addition to any other remedy available to the City under any other law or provision of this code.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds and determines that enactment of this ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and Section 15308 (Actions by Regulatory Agencies for Protection of the Environment), in that the ordinance is intended to provide additional enforcement mechanisms for the conservation of water resources in the event of a drought or water shortage emergency.

SECTION 4. SEVERABILITY

The City Council hereby declares every section, paragraph, sentence, clause and phrase of this ordinance to be severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or

unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5. EFFECTIVE DATE

This ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

SECTION 6. PUBLICATION

The City Clerk is hereby ordered and directed to certify the passage of this ordinance by the City Council of the City of Menlo Park, California and cause the same to be published in accordance with State law.

INTRODUCED on the first day of March, 2022.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the twenty-second day of March, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Betsy Nash, Mayor

ATTEST:

Judi A. Herren, City Clerk

Chapter 7.35 WATER CONSERVATION

Sections:

7.35.010 Purpose.

7.35.020 Water conservation.

7.35.030 Penalty.

7.35.010 Purpose.

The purpose of this chapter is to promote water conservation and provide the city with the flexibility to respond to a drought emergency whether it be emergency regulations adopted by the State Water Board, or drought-related actions imposed by the San Francisco public utilities commission. (Ord. 1011 § 4 (part), 2014; Ord. 1010 § 4 (part), 2014).

7.35.020 Water conservation.

Upon the adoption of emergency water conservation regulations by the State Water Board and within the timelines prescribed by the State Water Board, or drought-related actions imposed by the San Francisco public utilities commission, the city council of the city of Menlo Park shall adopt by resolution a water conservation plan that mandates those water conservation measures. (Ord. 1011 § 4 (part), 2014; Ord. 1010 § 4 (part), 2014).

7.35.030 Penalty.

Any violations of the water conservation plans shall be an infraction or enforced as provided in the resolution adopted pursuant to Section 7.35.020. (Ord. 1011 § 4 (part), 2014; Ord. 1010 § 4 (part), 2014).

The Menlo Park Municipal Code is current through Ordinance 1084, passed December 7, 2021.

Disclaimer: The city clerk's office has the official version of the Menlo Park Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.menlopark.org/>

City Telephone: (650) 330-6600

Code Publishing.com any

**STAFF REPORT****City Council****Meeting Date:****3/22/2022****Staff Report Number:****22-034-CC****Consent Calendar:****Adopt a resolution authorizing the annual
destruction of obsolete records****Recommendation**

Staff recommends adoption of a resolution authorizing the disposal of obsolete City records for the following departments: city clerk, library and community services, police, and public works departments as specified in Exhibits A – D to the proposed resolution (Attachment A.)

Policy Issues

The proposed action is consistent with the City's current policy and adopted records retention schedule.

Background

Section 2.54.110 of the Menlo Park Municipal Code authorizes the destruction of obsolete records according to the established retention schedule.

The proposed resolution complies with the City's records retention schedule as amended May 26, 2020, by Resolution No. 6554 (Attachment B.)

The program provides for the efficient and proper management and protection of the City's records. The program also allows for the destruction of records deemed obsolete according to the City's adopted records retention schedule.

Analysis

The City is committed to managing its records according to best practices to ensure business, audit, legal and regulatory requirements are met. The California legislature has established guidelines, resources and support for retention of records by local governments and upon which the City's current schedule is largely based.

An adopted records retention schedule certifies the life, care and disposition of all agency records, and provides an agency with the legal authority to dispose of records entrusted in its care when they are no longer needed. Disposition may include sending appropriate records to an off-site storage facility, recycling unneeded records, and/or destroying unneeded records. Once records have fulfilled their administrative, fiscal or legal function, they should be disposed of as soon as possible in accordance with the established retention schedule. Keeping records beyond the retention period causes a burden on staff with more documents to manage and may affect response time to public records requests. Compliance with the records retention schedule is highly recommended as it improves staff efficiency and customer service when the status of information is up-to-date and available when needed. State law governs the

timeframe that cities must retain records and provides that certain categories of documents may be destroyed upon adoption of a resolution by the City Council.

Exhibits A – D lists the documents that exceed the timeframe for retention according to Government Code sections 34090 and 34090.6 and Menlo Park Municipal Code Chapter 2.54.

Impact on City Resources

There is no impact on City resources.

Environmental Review

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

Public Notice

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

Attachments

- A. Resolution
- B. Resolution No. 6554

Report prepared by:
Judi A. Herren, City Clerk

Report reviewed by:
Nira F. Doherty, City Attorney

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE DESTRUCTION OF OBSOLETE CITY RECORDS**

WHEREAS, the City of Menlo Park is committed to managing its records according to best practices to ensure business, audit, legal, historical and regulatory requirements are met; and

WHEREAS, the City of Menlo Park has an adopted Records Retention Schedule adopted November 27, 2001, by City Council Resolution No. 5351 and amended May 26, 2020, by City Council Resolution No. 6554; and

WHEREAS, Section 2.54.110 of the Menlo Park Municipal governs the destruction of public records; and

WHEREAS, the City's Records Management Program provides for the efficient and proper management and protection of the City's records and allows for the destruction of records deemed obsolete according the City's adopted Records Retention Schedule.

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore does hereby authorize the destruction of the obsolete records described in Exhibits A, B, C, and D, attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that once the records are destroyed, the City Clerk will maintain all original Certificates of Destruction.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-second day of March, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

Exhibits

- A. City Clerk's Office
- B. Library and Community Services Department
- C. Police Department
- D. Public Works Department

REQUEST FOR DESTRUCTION OF OBSOLETE RECORDS


Date: March 15, 2022

Department: City Clerk's Office (CMO)

Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule established by City Council resolution and in accordance with Government Code Section 34090 and 34090.6.

RECORD TITLE	DATES OF RECORDS	RETENTION PERIOD*
Subpoenas, Requests for Public Records, Miscellaneous (CC-056) -Courtesy copy - Grand Jury Report	2008	2 years
Agenda Packets: City Council (CC-002)	2012	1 year onsite – permanent electronic
Agenda Packets: City Council (CC-002)	2017-2019	1 year onsite – permanent electronic
Boards, Commissions & Committees – APPLICATIONS: UNSUCCESSFUL (CC-011)	2018	2 years
Correspondence – ROUTINE (Content relates in a substantive way to the conduct of the public's business) (e.g. Administrative, Chronological, General Files, Letters, Memorandums, Miscellaneous Reports, Reading, Working Files, etc.) (CW-012) -Minute survey - correspondence, printed emails, notes -DIVCA AB 2987 ORD - printed emails, notes	2001-2003, 2008	2 years
Claim Forms (CC-013)	2006-2018	5 years
Claim Forms (CC-013)	2013-2016	5 years
FPPC Form 806 (Agency Report of Public Official Appointments) (CC-024)	2012	7 years
Elections – Campaign Reports (FPPC 400 Series Forms & Form 501): SUCCESSFUL CANDIDATES (CC-025)	2006, 2008, 2010, 2012	2 years onsite – permanent electronic
Elections – Campaign Reports (FPPC 400 Series Forms & Form 501): UNSUCCESSFUL CANDIDATES (CC-026)	2006, 2008, 2010, 2012	5 years
Elections – Campaign Reports (FPPC 400 Series Forms & Form 501): OTHER COMMITTEES (PACS) (CC-027)	2006, 2008, 2010, 2012	7 years
Elections – GENERAL, WORKING, or ADMINISTRATION Files (Correspondence, Applications for Vacancies for City Council, County Election Services, etc.) (CC-032)	2014	2 years
Elections – Nomination Papers: SUCCESSFUL CANDIDATES (CC-034)	2008, 2010, 2012	Duration of office + 4 years
FPPC 700 Series Forms: Public Officials/87200 fliers (elected & not elected. Includes City Council Members, Planning Commission Members, City Manager, City Treasurer & City Attorney) (CC-041)	2001-2005, 2010	4 years
Speaker Slips (Requests to Speak at Council Meetings) (CC-055)	2019	After adoption of minutes
Requests for Public Records (CC-056)	2014	2 years

CC-056 Subpoenas, Requests for Public Records, Miscellaneous	2011,2013-2016	2 years
Council Member Correspondence (CM-003) -photocopies, letters sent by Mayor Cline -CCIN emails -Council of Cities agenda, email correspondence	2010, 2011, 2014, 2015	2 years
Reference Materials: Policies, Procedures, Brochures, Manuals, Newsletters & Reports: Produced by OTHER Departments (CW-026) -Emergency notification system policy – copy -Departmental Quarterly reports – copy -Emergency preparedness plan – copy	2007, 2009, 2010, 2011	When superseded or no longer required
Accounts Payable / Vendor Files (All Records and Reports – Includes Invoices, P.O.s (Purchase Orders), Travel Expense Reimbursements, Postage, Credit Card Transmittals, Redemption Records, etc.) (FIN-002) -Invoices - Gladwell Governmental Services -City Council pre-travel expense authorization forms - Check requests – Granicus	2001, 2007, 2008, 2009, 2010, 2011, 2012, 2014	2 years onsite – 3 years electronic
Alcohol Beverage Applications (Non-records) (PD-001)	2011, 2015	When no longer required

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 Department Head _____ 3/16/2022
 Date _____

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 City Manager _____ 3/17/2022
 Date _____

DocuSigned by:

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 City Attorney _____ 3/17/2022
 Date _____

 City Clerk for City Council _____
 Date _____

*based on approved records retention schedule

REQUEST FOR DESTRUCTION OF OBSOLETE RECORDS

Date: 3/10/2022

Department: Library Community Services (LCS)

Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule establish by City Council resolution and in accordance with Government Code Section 34090 and 34090.6.

ARC/GYM

RECORD TITLE	DATES OF RECORDS	RETENTION PERIOD*
Box 1:		
Insurance Certificates (e.g. Facility Rentals, etc.) (CS-014)	2006	5 years
Insurance Certificates (e.g. Facility Rentals, etc.) (CS-014)	2007	5 years
Insurance Certificates (e.g. Facility Rentals, etc.) (CS-014)	2008	5 years
Insurance Certificates (e.g. Facility Rentals, etc.) (CS-014)	2009-2010	5 years
Insurance Certificates (e.g. Facility Rentals, etc.) (CS-014)	2012-2013	5 years
Accident/Incident Reports (medical and non-medical) (CS-010)	2011	5 years
Accident/Incident Reports (medical and non-medical) (CS-010)	2012	5 years
Accident/Incident Reports (medical and non-medical) (CS-010)	2013	5 years
Accident/Incident Reports (medical and non-medical) (CS-010)	2014	5 years
Box 2:		
Insurance Certificates (e.g. Facility Rentals, etc.) (CS-014)	2014	5 years
Insurance Certificates (e.g. Facility Rentals, etc.) (CS-014)	2015	5 years
Insurance Certificates (e.g. Facility Rentals, etc.) (CS-014)	2016	5 years
Insurance Certificates (e.g. Facility Rentals, etc.) (CS-014)	2017	5 years
Insurance Certificates (e.g. Facility Rentals, etc.) (CS-014)	2018	5 years

BHCDC

RECORD TITLE	DATES OF RECORDS	RETENTION PERIOD*
Licensed Child Care: Family File for Childcare Programs (includes registration forms and hold harmless, liability waiver agreements) (CS-003) (Box 1)	2014-2015	5 years
Licensed Child Care: Family File for Childcare Programs (includes registration forms and hold harmless, liability waiver agreements) (CS-003) (Box 2)	2014-2015	5 years
Permissions: Field Trip, Authorization to give Medicine, etc. (CS-007) (Box 2)	2016	2 years
Evaluations/ Surveys (of programs) (CS-012) (Box 3-1/2 box)	2016	2 years

LIBRARY

RECORD TITLE	DATES OF RECORDS	RETENTION PERIOD*
Library Commission: Agendas, Summaries, Notices, Correspondence, etc. (LIB-009)	7/1/2018-7/1/2019	2 years
Incident Reports (medical and non-medical) (LIB-008)	7/1/2018-7/1/2019	2 years
Facility Use Applications (Room Reservations, etc.) (LIB-003)	7/1/2018-7/1/2019	2 years
Contract Services: Performers, Machines, Heating, Instructors, Entertainment, Officials, etc. (LIB-001)	7/1/2018-7/1/2019	Completion +2 years

MCC

RECORD TITLE	DATES OF RECORDS	RETENTION PERIOD*
2012-Box 1		
Licensed Child Care: Registration Forms and Emergency Cards: Part of Program Files (Includes Hold Harmless, Liability, & Waiver Agreements) (CS-004)	2012	5 years
2013-Box 1		
Accident/Incident Reports (Child Care) (CS-001)	2013	5 years
Licensed Child Care: Sign-in/Sign out sheets (CS-005)	2013	5 years
Licensed Child Care: Registration Forms and Emergency Cards: Part of Program Files (CS-004)	2013	5 years
2014-Box 2		
Accident/Incident Reports (Child Care) (CS-001)	2014	5 years
Licensed Child Care: Sign-in/Sign out sheets (CS-005)	2014	5 years
Licensed Child Care: Registration Forms and Emergency Cards: Part of Program Files (Includes Hold Harmless, Liability, & Waiver Agreements) (CS-004)	2014	5 years
2015-Box 3		
Licensed Child Care: Sign-in/Sign out sheets (CS-005)	2015	5 years
Licensed Child Care: Registration Forms and Emergency Cards: Part of Program Files (Includes Hold Harmless, Liability, & Waiver Agreements) (CS-004)	2015	5 years
2016- Box 4		
Licensed Child Care: Sign-in/Sign out sheets (CS-005)	2016	5 years
Licensed Child Care: Registration Forms and Emergency Cards: Part of Program Files (Includes Hold Harmless, Liability, & Waiver Agreements) (CS-004)	2016	5 years

OHCC

RECORD TITLE	DATES OF RECORDS	RETENTION PERIOD*
Licensed Child Care: Sign-in/Sign-out sheets (CS-005)	2011-2015	5 years
Registration Forms and Emergency Cards: Part of Program Files (Includes Hold Harmless, Liability, & Waiver Agreements) (CS-019)	2010-2015	5 years
Facility Use Applications (Room Reservations, Parks, Tennis Key Forms, etc.) (CS-013)	2015-2016	2 years
Registration Forms and Emergency Cards: Part of Program Files (Includes Hold Harmless, Liability, & Waiver Agreements) (CS-019)	2016	5 years
Permission: Field Trip, Authorization to give Medicine, etc. (CS-007)	2015	2 years
Class Instructor Agreements (all others go to Finance) (CS-011)	2015	Completion +5 years
Licensed Child Care: Staff Files/Employee Certifications (CS-006)	2005-2010	Separation + 5 years

DocuSigned by:

Sean Reinhart

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Department Head

3/11/2022

Date

DocuSigned by:

Justin Murphy

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City Manager

3/17/2022

Date

DocuSigned by:

Mra Doherty

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City Attorney

3/17/2022

Date

City Clerk for City Council

Date

*based on approved records retention schedule

OBSELETE RECORDS DESTRUCTION REQUEST

City Clerk

701 Laurel St., Menlo Park, CA 94025

tel 650-330-6620



Date: 02/22/2022

Department: Police

Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule establish by City Council resolution and in accordance with Government Code § 34090 and 34090.6.

Record Title	Container	Dates	Retention Period*
Correspondence – Routine / Supervisor Report (CW-012)	Folder	09/02/2017	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	01/20/2018	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	02/04/2018	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	03/08/2018	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	05/31/2018	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	06/13/2018	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	01/02/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	01/21/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	01/31/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	02/09/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	02/13/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	04/12/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	04/16/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	04/17/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	05/10/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	06/04/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	06/27/2017	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	07/08/2017	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	07/14/2017	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	07/15/2017	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	07/22/2017	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	08/02/2017	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	08/14/2017	2 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	04/08/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	03/20/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	03/20/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/09/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/15/2013	Final Disposition + 5 years

OBsolete RECORDS DESTRUCTION REQUEST

City Clerk

701 Laurel St., Menlo Park, CA 94025

tel 650-330-6620



Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	12/06/2013	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/09/2013	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/21/2013	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/16/2013	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/09/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/09/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/09/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/13/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/19/2013	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/13/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	11/06/2013	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	12/17/2013	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/13/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/29/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	03/28/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	03/19/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	03/21/2014	Final Disposition + 5 years

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Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	07/21/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	04/16/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	04/07/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	04/23/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	05/01/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	04/24/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	04/29/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	04/15/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	05/20/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	08/18/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	07/01/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/02/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	07/22/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/25/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/25/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	10/13/2014	Final Disposition + 5 years

OBSELETE RECORDS DESTRUCTION REQUEST

City Clerk

701 Laurel St., Menlo Park, CA 94025

tel 650-330-6620



Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	10/16/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	11/20/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	12/31/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	12/31/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	12/31/2014	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	12/31/2014	Final Disposition + 5 years
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Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	11/12/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	04/21/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	11/19/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	07/23/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	10/20/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	08/18/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	10/10/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/28/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	11/30/2015	Final Disposition + 5 years

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Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/03/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/28/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/02/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	11/12/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/06/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	10/06/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	10/01/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	11/12/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	11/02/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/04/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/06/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	12/25/2015	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/12/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/12/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/25/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	02/02/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	05/03/2016	Final Disposition + 5 years

OBsolete RECORDS DESTRUCTION REQUEST

City Clerk

701 Laurel St., Menlo Park, CA 94025

tel 650-330-6620



Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	03/01/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	01/31/2017	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	04/12/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	03/08/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	12/01/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	11/30/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	06/01/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	05/24/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	09/11/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	02/17/2017	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	08/23/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	10/19/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	10/26/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	10/19/2016	Final Disposition + 5 years
Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings (PD-016)	Folder	11/28/2016	Final Disposition + 5 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	09/18/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	09/26/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	09/29/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	10/06/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	11/23/2019	2 years

OBSELETE RECORDS DESTRUCTION REQUEST

City Clerk
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620



Correspondence – Routine / Supervisor Report (CW-012)	Folder	12/02/2019	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	01/29/2020	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	02/16/2020	2 years
Correspondence – Routine / Supervisor Report (CW-012)	Folder	02/22/2020	2 years

DocuSigned by:
David Norris
98C09985041742E...

3/14/2022

Department Head
DocuSigned by:

Date

Justin Murphy
8379C4D5DD3E486...

3/14/2022

City Manager
DocuSigned by:

Date

Mra Dolerty
44FFE23C8E6B458...

3/15/2022

City Attorney

Date

City Clerk for City Council

Date

*based on approved records retention schedule

RESOLUTION NO. 6554

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE CITY RECORDS RETENTION SCHEDULE**

WHEREAS, pursuant to Chapter 2.54 of the Menlo Park Municipal Code, the City Council is responsible for the management of public records and is required to approve any retention schedules affecting the destruction of such public records; and

WHEREAS, the City strives to have a retention schedule for all pertinent public records; and

WHEREAS, the City Clerk has recommended amendments as outlined in Exhibit A and attached hereto and incorporated herein by this reference.

NOW, THEREFORE, 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,

BE IT RESOLVED by the City Council of the City of Menlo Park that said City Council does hereby approve the amendments to the retention schedule as presented to the City Council for consideration at its meeting of May 12, 2020.

BE IT FURTHER RESOLVED, that the city clerk will incorporate the changes into the retention schedule, update the page numbers and update the index.

BE IT FURTHER RESOLVED, that Resolution 6031 is superseded by this resolution.

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


AYES: Carlton, Combs, Mueller, Nash, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twelfth day of May, 2020

DocuSigned by:

39280A20D0BE491...

Judi A. Herren, City Clerk

HOW TO USE RETENTION SCHEDULES

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A legend explaining the information presented in the retention schedule has been printed on the back of each page for your easy reference; an index to locate records is also provided.

The specified retention period applies regardless of the media of the record: If a record is stored on paper and a computer file on a hard drive, both records should be destroyed (or erased) after the specified period of time has elapsed.

Copies or duplicates of records should never be retained longer than the prescribed period for the original record.

STRUCTURE: CITYWIDE, DEPARTMENTS & DIVISIONS

The City-wide retention schedule includes those records all departments have in common (letters, memorandums, purchase orders, etc.). These records are NOT repeated in the Department retention schedule, unless that department is the Office of Record, and therefore responsible for maintaining the original record for the prescribed length of time.

Each department has a separate retention schedule that describes the records that are unique to their department, or for which they are the Office of Record. Where appropriate, the department retention schedules are organized by Division within that Department. If a record is not listed in your department retention schedule, refer to the City-wide retention schedule. An index will be provided for your reference.

BENEFITS

This retention schedule has been developed by Diane R. Gladwell, MMC, an expert in Municipal Government records, and will provide the City with the following benefits:

- Reduce administrative expenses, expedite procedures
- Free filing cabinet and office space
- Reduce the cost of records storage
- Eliminate duplication of effort within the City
- Find records faster
- Easier purging of file folders
- Determine what media should be used to store records

For questions, please contact the City Clerk.

AUTHORIZATION TO DESTROY RECORDS:

Destruction of an original record that has exceeded its retention period must be authorized according to City Policies & Procedures prior to destroying it.

- If there is a **minimum** retention ("**Minimum 2 years**"), destruction of the document must be authorized before it is destroyed, as it is an original record.

Copies, drafts, notes and non-records do NOT require authorization, and can be destroyed "When No Longer Required."

- If there is **NOT** a minimum retention ("When No Longer Required"), it does NOT need to be authorized prior to destruction, as it is a preliminary draft / transitory record or a copy.

On every page of the schedules (near the top, just under the column headings) are important instructions, including instructions regarding holds on destroying records. "**Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).**"

RECORDS RETENTION SCHEDULE LEGEND

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OFR (Office of Record): The department that keeps the original or “record copy.” Usually it is the department that originates the record, unless the item is for a City Council meeting (then it is the City Clerk.)

Records Description: The record series (a group of like records).

Transitory Records not retained in the ordinary course of business, that do NOT have substantive content: Preliminary drafts, notes, or interagency or intra-agency memoranda and records having only transitory value. Examples: Telephone messages, meeting room reservation schedules, logs, source records entered into a computer system that qualifies as a “trusted system”, etc.

Non-Record: Documents, studies, books and pamphlets produced by outside agencies, preliminary drafts not retained in the ordinary course of business.

Retention/Disposition:
Active: How long the file remains in the immediate office area (*guideline*)
Inactive: How long the file is in off-site storage, stored on Optical Disk or Microforms (*guideline*)
Total Retention: The total number of years the record will be retained

For file folders containing documents with different retention timeframes, use the document with the longest retention time.

P = Permanent

Indefinite = No fixed or specified retention period; used for databases, because the data fields are interrelated.

Vital? = Those records that are needed for basic operations in the event of a disaster.

Media Options (*guideline*) – the form of the record:
Mag = Computer Magnetic Media (hard drive, disks, tapes, USB Drives, thumb drives, etc.)
Mfr = Microforms (aperture cards, microfilm, microfiche, or jackets)
Ppr = Paper
OD = Optical Disk, CD-r, DVD-r, WORM, or other **media** which **does not allow changes**

Scan / Import (*guideline*):
“S” indicates the record should be scanned into the document imaging system;
“I” indicates the record should be electronically imported into the document imaging system;
“M” indicates the record should be microfilmed

Destroy Paper after Imaged & QC’d: “Yes” indicates the electronic record may serve as the OFFICIAL record (and the paper version may be destroyed) **IF** the document has been imaged (electronically generated, scanned or imported **and** placed on **Unalterable Media – DVD-R, CD-R, or WORM, or microfilmed**), and both the images and indexing Quality Checked (“QC’d”). The electronic record or image must contain all significant details from the original and be an adequate substitute for the original document for all purposes, and other legal mandates apply. Includes all electronic records which are to serve as the Official Record.

Legend for legal citations (§: Section)

CC: Civil Code (CA)

CFC: California Fire Code

EVC: Evidence Code (CA)

FTB: Franchise Tax Board (CA)

HUD: Housing & Urban Develop. (US)

PC: Penal Code (CA)

USC: United States Code (US)

B&P: Business & Professions Code (CA)

CCP: Code of Civil Procedure (CA)

CFR: Code of Federal Regulations (US)

FA: Food & Agriculture Code

GC: Government Code (CA)

LC: Labor Code (CA)

R&T: Revenue & Taxation Code (CA)

VC: Vehicle Code (CA)

CBC: California Building Code

CCR: California Code of Regulations (CA)

EC: Elections Code (CA)

FC: Family Code (CA)

H&S: Health & Safety Code (CA)

Ops. Cal. Atty. Gen.: Attorney General Opinions (CA)

UFC: Uniform Fire Code

W&I: Welfare & Institutions Code (CA)

INDEX – RECORDS RETENTION SCHEDULES

Abbreviations:

CW – City Wide

- AS/FIN - Administrative Services / Finance
- AS/HR - Administrative Services / Human Resources
- AS/IT – Administrative Services / Information Technology
- CA – City Attorney
- CC – City Clerk
- CD – Community Development
- CM – City Manager
- CS – Community Services
- L – Library
- PD – Police
- PW – Public Works
- SUS - Sustainability

1099's / W-9s / 1096, etc.	AS/FIN-1
941 Forms, PERS / FICA & Medicare Adjustments, etc.	AS/FIN-6
A	
AB 939 Compliance / Tonnage Reports	SUS-1
Abandonments	PW-4
Accident / Incident Reports (Child Care)	CS-1
Accident / Incident Reports (medical and non-medical)	CS-2
Accident / Incident Reports that Don't result in a Claim	AS/FIN-8
Accident Reports (vehicles and equipment) - NOT a Police Report	PW-9
Accident Reports (vehicles and equipment) - Police Reports – copies	PW-9
Accounting	AS/FIN-1 – AS/FIN-5
Accounts Payable / Vendor Files (All Records and Reports - Includes Invoices, P.O.s, Travel Expense Reimbursements)	AS/FIN-1

Retention Schedule Index – Menlo Park

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Administrative Correspondence	CW-2
Administrative Files – Agreements & Contracts.....	CW-1
Administrative Polices	CM-1
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Affordable Housing Plan	CD-4
Agency NHS Portfolio Files / Portability Files (loans to others, emergency repair loans, appraisals	CD-2
Agenda Packets: City Council, Community Development Agency,.....	CC-1
Agendas – City Council Subcommittees	CW-2
Agendas - Library Commission.	L-2
Agendas, Boards & Commissions: Citizens Advisory Formed by CITY COUNCIL	CW-1
Agreement - Library Consortium	L-2
Agreements & Contracts - Forward ALL originals to City Clerk, a copy to Finance (copies).....	CW-1
Agreements & Contracts ALL, whether Approved by Council or not: INFRASTRUCTURE	CC-1
Agreements & Contracts ALL, whether Approved by Council or not: NON-INFRASTRUCTURE	CC-1
Agreements & Contracts Approved by Council: Land Use, Subdivisions, etc.	CC-2
Agreements & Contracts Approved by Council: Mutual Aid, Joint Powers (JPAs)	CC-1
Agreements & Contracts Approved by Council: Retirement Agreements (PERS)	CC-2
Agreements & Contracts Approved by Council: Title Insurance, Land Records	CC-2
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Agreements, Housing Loans	AS/FIN-4
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Applications & Agreements – Volunteers (Child Care Only)	CS-2
Applications & Agreements, Volunteer - Unsuccessful Applicants	CS-4
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Applications, Volunteer (Library)	L-3
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Background Files - Employees, Volunteers & Reservists (Police)	PD-1
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Bank Reconciliation & Statements (includes housing and loan bond statements), Trustee Statements	AS/FIN-2
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Budgets - Adopted	AS/FIN-7
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Building Permit Database	CD-1
Building Permits (includes sub-permits - e.g. electrical, plumbing, mechanical, etc.)	CD-1
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Contracts ALL, whether Approved by Council or not: INFRASTRUCTURE	CC-1
Contracts Approved by Council: Land Use, Subdivisions, etc.	CC-2
Contracts Approved by Council: Mutual Aid, Joint Powers (JPAs)	CC-1
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RECORDS RETENTION SCHEDULE: CITY-WIDE STANDARDS

Office of Record	Retention No.	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>Retentions apply to the department that is NOT the Office of Record (OFR), or the "Lead Department". If you are the OFR, refer to your department retention schedule.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
CITY-WIDE (Used by All Departments)										
City Clerk	CW-001	Agreements & Contracts - Forward ALL originals to City Clerk, a copy to Finance	Upon Completion		Upon Completion	Yes: Before Completion	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090.7
Lead Dept.	CW-002	Agreements & Contracts: ADMINISTRATIVE RECORDS (Correspondence, Insurance Certificates, Project Administration, RFPs, Schedules, etc.)	Completion	5 years	Completion + 5 years	Yes: Before Completion	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §§336(a), 337 et. seq., GC §34090
Lead Dept.	CW-003	Agreements & Contracts: Unsuccessful bids	Bid Opening +2 years		Bid Opening +2 years		Ppr			City records are a minimum of 2 years; Special Districts are required to keep public works unaccepted bids for 2 years; GC §§34090, 34090.1
Lead Dept.	CW-004	Boards & Commissions: Citizens Advisory Formed by CITY COUNCIL (AGENDAS, NOTICES, PROOF OF PUBLICATION , etc.)	2 years		2 years		Mag, Ppr			GC §34090
Lead Dept.	CW-005	Boards & Commissions: Citizens Advisory Formed by CITY COUNCIL (MINUTES)	P		P	Yes	Mag, Mfr, OD, Ppr	S	Yes: After 2 years	GC §34090
Staffing Dept.	CW-006	Boards, Commissions, & Committees: AUDIO RECORDINGS of Meetings	6 months		6 months		Tape (Mag)			City preference; Only required for 30 days; GC §54953.5(b)

RECORDS RETENTION SCHEDULE: CITY-WIDE STANDARDS

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Staffing Dept.	CW-007	Boards, Commissions, & Committees: VIDEO RECORDINGS of meetings (ALL)	Indefinite		Indefinite			Tape (Mag)		City preference (stored in Granicus database); Video recordings are only required for 90 days; GC §34090.7
Staffing Depart.	CW-008	City Council Subcommittees: (AGENDAS, ANNOTATED AGENDAS, MINUTES, NOTICES, CORRESPONDENCE, etc.)	2 years		2 years			Mag, Ppr		All recommendations are given to full Council for action; Brown Act challenges must be filed within 30 or 90 days of action; GC §§34090, 54960.1(c)(1)
Lead Dept.	CW-009	Committees: Internal attended by employees	2 years		2 years			Mag, Ppr		GC §34090
Lead Dept.	CW-010	Complaints / Service Orders (operational)	3 years		3 years			Mag Ppr		Statute of Limitations for personal property, fraud, etc. is 3 years; Claims must be filed in 6 months; CCP §§338 et seq., 340 et seq., 342, GC §§945.6, GC §34090
	CW-011	Copies or duplicates of any record	When No Longer Required		When No Longer Required			Mag Ppr		GC §34090.7
Dept. that Authors Document or Receives the City's Original Document	CW-012	Correspondence - ROUTINE (Content relates in a substantive way to the conduct of the public's business) (e .g. Administrative, Chronological, General Files, Letters, Memorandums, Miscellaneous Reports, Reading, Working Files, etc.)	2 years		2 years			Mag, Ppr		GC §34090

RECORDS RETENTION SCHEDULE: CITY-WIDE STANDARDS

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>									
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>									
Dept. that Authors Document or Receives the City's Original Document	CW-013	<p>Correspondence - TRANSITORY / PRELIMINARY DRAFTS, Interagency and Intraagency Memoranda not retained in the ordinary course of business</p> <p>Content NOT Substantive, or NOT made or retained for the purpose of preserving the informational content for future reference</p> <p>(e.g. calendars, checklists, e-mail or social media posting, invitations, instant messaging, logs, mailing lists, meeting room registrations, supply inventories, telephone messages, text messages, transmittal letters, thank yous, requests from other cities, undeliverable envelopes, visitors logs, voice mails, webpages, etc.)</p>	When No Longer Required		When No Longer Required			Mag, Ppr	<p>Electronic and paper records are filed and retained based upon their CONTENT. E-mails, electronic records, or social media postings where either the Content relates in a substantive way to the conduct of the public's business, or ARE made or retained for the purpose of preserving the informational content for future reference are saved outside the e-mail system by printing them out and placing them in a file folder, or saving them electronically, and retaining them for the retention period, based upon the content of the record. If not mentioned here, consult the Town Attorney to determine if a record is considered transitory / preliminary draft. GC §34090, GC §6252; 64 Ops. Cal. Atty. Gen. 317 (1981)); City of San Jose v. Superior Court (Smith). S218066. Supreme Court of California. 2017</p>

RECORDS RETENTION SCHEDULE: CITY-WIDE STANDARDS

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<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Lead Dept.	CW-014	Drafts & Notes: Drafts that are revised (retain final version), Telephone messages, etc.	When No Longer Required		When No Longer Required			Mag, Ppr		As long as the drafts and notes are not retained in the "Regular Course of Business". Consult the City Clerk to determine if a record is considered a draft. GC §34090, GC §6252
Lead Dept.	CW-015	Grants / CDBG / Reimbursable Claims / FEMA or OES Reimbursement Claims (SUCCESSFUL Reports, and Financial Information) Send copy of application and award to Finance	2 years	After Funding Agency Audit, if Required - Minimum 5 years	After Funding Agency Audit, if required - Minimum 5 years			Mag, Mfr, OD, Ppr	S / I	Yes: When Inactive Meets auditing standards; Grants covered by a Consolidated Action Plan are required for 5 years; Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report or final payment of grantee or subgrantee; statewide guidelines propose 4 years; 2 CFR 200.333; 24 CFR 91.105(h), 92.505, & 570.502(a), 29 CFR 97.42; OMB Circular A-133; GC §34090; GC §8546.7
Lead Dept.	CW-016	Grants (UNSUCCESSFUL Applications, Correspondence)	2 years		2 years			Mag, Ppr		GC §34090
Lead Dept.	CW-017	Insurance Certificates for Vendors / Agreements (e.g. A & C Insurance Certificates, General liability, workers compensation, errors and omissions, auto - required to do business with the City)	Expiration + 10 years		Expiration + 10 years	Yes: Before Expiration		Ppr		Departments are responsible for ensuring their contractors maintain appropriate insurance; Covers all statute of limitations; CCP §§337., 337.1(a), 337.15GC §34090

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Staffing Dept.	CW-018	Notices: Public Hearing Notices	2 years		2 years			Mag, Ppr		Statute of Limitations on Municipal Government actions is 3 - 6 months; CCP§337 et seq; GC §34090
Human Resources	CW-019	Personnel Files (Department-level: Only the Supervisor's Folder should be maintained in the Department)	Transfer to Human Resources When Separated		Transfer to Human Resources When Separated	Before Separation		Mag, Ppr		Ensure records kept in Department files comply with City policy; Originals are maintained by Personnel; State & Federal laws require 2 -3 years; 29 CFR 1602.31 & 1627.3(b)(ii), 8 CCR §3204(d)(1) et seq., GC §§12946, 34090
Lead Dept.	CW-020	Personnel Work Schedules	2 years		2 years			Mag, Ppr		GC §34090
Lead Dept.	CW-021	Press Releases	2 years		2 years			Mag, Ppr		GC §34090
Lead Dept.	CW-022	Prop. 218 proceedings / Protest Letters, Mailing List, Notices		2 years	2 years			Ppr		GC §53753(e)(2)
Lead Dept.	CW-023	Real Estate Appraisal Reports: Property NOT purchased	2 years		2 years			Mag, Ppr		Statewide Guidelines show 2 years; GC §§34090, 6254(h)
Lead Dept.	CW-024	Real Estate Appraisal Reports: Purchased Property	2 years	3 years	5 years			Mag, Mfr, OD, Ppr	Yes: After Inactive	Consistent with other Financial records; time is sufficient to establish tax increment, if applicable; Statewide Guidelines show 2 years; GC §§34090, 6254(h)
Lead Dept.	CW-025	Reference Materials: Policies, Procedures, Brochures, Manuals, Newsletters & Reports: Produced by YOUR Department	Minimum of 2 years		Minimum of 2-years			Mag, Ppr		GC §34090

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Lead Dept.	CW-026	Reference Materials: Policies, Procedures, Brochures, Manuals, Newsletters & Reports: Produced by OTHER Departments	When Superseded or No Longer Required		When Superseded, or No Longer Required			Mag, Ppr			Copies; GC §34090.7
Lead Dept.	CW-027	Reports and Studies (other than Historically significant reports - e.g. Department Annual Reports, Customer Service Reports, etc.)	2 years		2 years			Mag, Ppr			Statewide guidelines propose 2 years; If historically significant, retain permanently; GC §34090
Lead Dept.	CW-028	Reports and Studies (Historically significant)	10 years	P	P			Mag, Mfr, OD, Ppr	S/I	Yes: After 10 years	Administratively and Historically significant, therefore retained permanently; GC §34090
Lead Dept.	CW-029	Surveys / Questionnaires (that the City issues). If a summary of the data is compiled, the survey forms are considered a draft or transitory record, and can be destroyed as drafts (When No Longer Required)	2 years		2 years			Mag, Ppr			GC §34090

RECORDS RETENTION SCHEDULE: CITY-WIDE STANDARDS

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Lead Dept.	CW-030	Training - ALL COURSE RECORDS (Attendance Rosters, Outlines and Materials; includes Ethics Training, Harassment Prevention, Safety Training & Tailgate Training Meetings)	2 years	5 years	7 years			Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference; Ethics Training is 5 years; Statewide guidelines propose 7 years; Calif. Labor Division is required to keep their OSHA records 7 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 - 3 years for personnel actions; 8 CCR §3203 et seq., 29 CFR 16202.31; LC §6429(c); GC §§12946, 34090, 53235.2(b); 53237.2(b)
Lead Dept.	CW-031	WORM / DVD-r / CD-r / Blue Ray-R or other unalterable media that does not permit additions, deletions, or changes		P	P			OD			For legal compliance for Trustworthy Electronic Records (when the electronic record serves as the official record); GC 60200, 12168.7, EVC 1550, 2 CCR 22620 et seq..
Lead Dept.	CW-032	Video Recordings - Department Activity (Employees Performing Work, Cashiering, Building Security, etc.) See City Clerk's schedule for City Council Video Recordings	1 year		1 year			Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Does not record regular ongoing operations of the City; GC §34090.6 et seq.

RECORDS RETENTION SCHEDULE: CITY-WIDE STANDARDS

Office of Record (OFR)	Retention No.	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
<i>Retentions apply to the department that is NOT the Office of Record (OFR), or the "Lead Department". If you are the OFR, refer to your department retention schedule.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Lead Dept.	CW-033	Video Recordings - Public Activity (Parks, Public Areas, etc.) See City Clerk's schedule for City Council Video Recordings	When No Longer Required		When No Longer Requires		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Does not record regular ongoing operations of the City; GC §34090.6 et seq.

RECORDS RETENTION SCHEDULE - ADMINISTRATIVE SERVICES / FINANCE

Office of Record	Classification OR	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
FINANCE / ACCOUNTING										
Admin. Services / Finance	FIN-001	1099's / W-9s / 1096, etc.	2 years	3 years	5 years			Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD Department Preference; IRS: 4 years after tax is due or paid (longer for auditing & contractor delinquency); Ca. FTB: 3 years; Published articles show permanent; Other city shows permanent; IRS Reg §31.6001-1(e)(2), R&T §19530, GC §34090
Admin. Services / Finance	FIN-002	Accounts Payable / Vendor Files (All Records and Reports - Includes Invoices, P.O.s (Purchase Orders), Travel Expense Reimbursements, Postage, Credit Card Transmittals, Redemption Records, etc.)	2 years	3 years	5 years	Yes: Until Paid		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD Statewide guidelines propose audit + 4 years; Published articles show 3 - 7 years; other cities show 7 - 10 years; GC §34090
Admin. Services / Finance	FIN-003	Accounts Receivable (All Records and Reports, including Housing loans, Utilities, Business Licenses, TOT, etc.)	2 years	3 years	5 years	Yes: Until Paid		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD Statewide guidelines propose audit + 4 years; Published articles show 3 - 7 years; other cities show 7 - 10 years; GC §34090
Admin. Services / Finance	FIN-006	Audit Management Letters (not CAFR)	P		P			Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD Department Preference; GC §34090
Admin. Services / Finance	FIN-007	Audits - Working Papers, Confirmation Letters, Schedules, Detail, Street Reports, Gas Tax Audits	5 years		5 years			Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD Department Preference; Longer than 2 years for auditing purposes; GC §34090
Admin. Services / Finance		Audits (Consolidated Annual Financial Report)	2 years	P	P			Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD GC §34090

RECORDS RETENTION SCHEDULE - ADMINISTRATIVE SERVICES / FINANCE

Office of Record	Classification OR	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Admin. Services / Finance	FIN-008	Bank Reconciliation & Statements (includes housing and loan bond statements), Trustee Statements, Transaction Statements, Wire Transfers, Check Listing Audit Trail, Deposits, Returned Checks	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	For auditing purposes; Published articles show 3 - 4 years; Other cities show 7 - 10 years; GC §34090, 26 CFR 1.6001-1
Admin. Services / Finance	FIN-009	Bond Binders (issuing documents) See Bank Statements for statement retention.	Fully Defeased	10 years	Fully Defeased + 10 years	Yes: Until Maturity	Mag, Ppr			Department Preference; Statute of Limitations for bonds, mortgages, trust deeds, notes or debentures is 6 years; Bonds issued by local governments are 10 years; There are specific requirements for disposal of unused bonds; CCP §§336, 337.5(2); 26 CFR 1.6001-1(e); GC §43900 et seq.
Admin. Services / Finance	FIN-011	Check Registers	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Statute of Limitations is 4 years; statewide guidelines propose Audit + 2 years; GC §34090, CCP § 337
Admin. Services / Finance	FIN-012	Checks - Canceled (Cashed) or Voided	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Statute of Limitations is 4 years; statewide guidelines propose Audit + 5 years; GC §34090, CCP § 337
Admin. Services / Finance	FIN-013	Comprehensive Annual Financial Report (CAFR)	P		P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; City Clerk retains original permanently; statewide guidelines propose 7 years; Other city shows 7 years; GC §34090.7

RECORDS RETENTION SCHEDULE - ADMINISTRATIVE SERVICES / FINANCE

Office of Record	Classification OR	Records Description	Retention / Disposition						Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>									
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>									
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>									
Admin. Services / Finance	FIN-014	Deposits, Daily Cash Reports & Cash Receipts	2 years	3 years	5 years		Mag, Ppr		Department Preference; Published articles show 3 - 6 years; Other city shows permanent; GC §34090
Admin. Services / Finance	FIN-015	Depreciation Schedules	2 years	P	P		Mag, Ppr	S / I	Yes: After QC & OD Published articles show 7 years after disposal; GC §34090
Admin. Services / Finance	FIN-016	Escheat (Unclaimed property or money)	5 years		5 years		Mag, Ppr		Department preference; Meets municipal government auditing standards; Statute of Limitations is 1 year for seized property; CCP §340(4); GC §34090
Admin. Services / Finance	FIN-017	FEMA Reimbursement Records	2 years	After Federal Audit, if required - Minimum 5 years	After Federal Audit, if required - Minimum 5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD Consistent with other grants; 2 CFR 200.333; 24 CFR 570.502(b), 29 CFR 97.42, GC §34090
Admin. Services / Finance	FIN-018	Financial Services Database	Indefinite		Indefinite	Yes	Mag		Data Fields / Records are interrelated; GC §34090
Admin. Services / Finance	FIN-019	Fixed Assets - Auction / Disposal / Sales / Surplused	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD Consistent with Accounts Receivable; Statute of limitations is 3 years; statewide guidelines propose 2 - 4 years; published articles show 3 - 6 years; GC §34090, CCP §337

RECORDS RETENTION SCHEDULE - ADMINISTRATIVE SERVICES / FINANCE

Office of Record	Classification OR	Records Description	Retention / Disposition						Comments / Reference		
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?	
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>											
Admin. Services / Finance	FIN-020	Fixed Assets - Inventory, Schedule of Infrastructure and Buildings	P		P			Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Includes permanent assets; GC §34090
Admin. Services / Finance	FIN-021	Grants (Financial Reports)	2 years	After Federal Audit, if required - Minimum 5 years	After Federal Audit, if required - Minimum 5 years			Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Meets auditing standards; Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report or final payment of grantee or subgrantee; statewide guidelines propose 4 years; 2 CFR 200.333; 24 CFR 91.105(h), 92.505, & 570.502(a), 29 CFR 97.42; OMB Circular A-133; GC §34090
Admin. Services / Finance	FIN-022	Housing Loan Agreements and Documents (Rehab, BMR, etc.)	Loan Payoff + 4 years		Loan Payoff + 4 years	Yes: Until Paid		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Statewide guidelines propose audit + 4 years for accounts receivable; Published articles show 3 - 7 years; GC §34090
Admin. Services / Finance	FIN-023	Investments / Bonds / Arbitrage (Direct Investments)	2 years	Disposal + 7 years	Disposal + 7 years	Yes: Until Disposal		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Published articles show disposal + 7 years for security brokerage slips; other cities show audit + 7 - 10 years; statewide guidelines propose permanent; Bond destruction must be approved by Council; FTC Reg's rely on "self-enforcement"; GC§§ 34090, 43900
Admin. Services / Finance	FIN-025	Journal Entries	2 years	3 years	5 years			Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; Statute of Limitations is 4 years; Published articles show 6-7 years; GC §34090, CCP §337

RECORDS RETENTION SCHEDULE - ADMINISTRATIVE SERVICES / FINANCE

Office of Record	Classification OR	Records Description	Retention / Disposition						Comments / Reference	
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Admin. Services / Finance	FIN-026	Journals, Ledgers, Reconciliations, Registers, Treasurer's Reports, Transaction Histories, Balance Sheets, Budget Adjustments (MONTHLY OR PERIODIC)	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; Published articles show 3 - 6 years; statewide guidelines propose 2 years; GC §34090
Admin. Services / Finance	FIN-027	Purchase Orders	2 years	3 years	5 years	Yes: Until Paid	Mag, Ppr			Consistent with Accounts Payable; Published articles show 3 years; Statute of Limitations is 4 years; Other city shows permanent; GC §34090, CCP §337
Admin. Services / Finance	FIN-028	State Board of Equalization (Sales tax reports)	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Not accessible to the Public; consistent with Accounts Payable; GC §34090
Admin. Services / Finance	FIN-029	Reports: Annual State or Federal: State Controller's Report, Street Report, Local Government Compensation Report, Property Management Plan, Obligation Payment Schedules, Due Diligence Reviews, Gas Tax, MOE (Maintenance of Effort) Report, Fixed Charge Special Assessment Report, Public Self Insurer Report (SIP Report) Housing Successor Agency Housing Assets Fund Report etc.	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; Meets Auditing Standards; GC §34090
Admin. Services / Finance	FIN-030	Vehicle & Equipment Ownership & Title (Pink Slips)	Until Disposal		Until Disposal	Yes	Mag, Mfr, OD, Ppr	S / I	No	Transfer to new owner; GC §34090
PAYROLL										

RECORDS RETENTION SCHEDULE - ADMINISTRATIVE SERVICES / FINANCE

Office of Record	Classification OR	Records Description	Retention / Disposition						Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>									
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>									
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>									
Admin. Services / Payroll	FIN-031	DE-6, DE-7, DE-9, W-3, & DE-166, 941 Forms, PERS / FICA & Medicare Adjustments - Quarterly Payroll Tax Returns / OASDI, Federal Tax Deposits, Adjustments, etc.	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD Department Preference; IRS: 4 years after tax is due or paid; Ca. FTB: 3 years; Published articles show permanent; Other city shows permanent; IRS Reg §31.6001-1(e)(2), R&T §19530, GC §34090
Admin. Services / Payroll	FIN-032	Deferred Compensation Statements (Provider information, guides, prospectus, etc.)	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD Consistent with proposed statewide guidelines; published articles for bank statements show 4 -7 years; GC §34090, 26 CFR 16001.1
Admin. Services / Payroll	FIN-033	Payroll Checks (retained by ADP)	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD Department Preference; Statute of Limitations is 4 years; statewide guidelines propose Audit + 5 years; GC §34090, CCP § 337
Admin. Services / Payroll	FIN-034	Payroll Registers	2 years	3 years	5 years		Mag, OD, Mfr, Ppr	S / I	Yes: After QC & OD Consistent with periodic journals & reports; Published articles show 3 - 10 years; Other Cities have adopted 8 - 20 years; statewide guidelines propose Permanent; 29CFR 516.5 - 516.6, GC §34090

RECORDS RETENTION SCHEDULE - ADMINISTRATIVE SERVICES / FINANCE

Office of Record	Classification OR	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Admin. Services / Payroll	FIN-035	Time Sheets / Time Cards	2 years	3 years	5 years	Yes: Until Paid	Mag, OD, Mfr, Ppr	S / I	Yes: After QC & OD	Department Preference; statewide guidelines propose audit + 7 years; IRS requires 4 years; Ca. requires 2 yr min.; FTB keeps 3 years; Published articles show 4 - 10 years; Other cities show 2 - 20 years; IRS Reg §31.6001-1(e)(2), R&T §19530; LC § 1174(d); GC §34090
Admin. Services / Payroll	FIN-036	W-2's	5 years		5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; IRS: 4 yrs after tax is due or paid; Ca. FTB: 3 years; Articles show 7 years; IRS Reg §31.6001-1(e)(2), R&T §19530; 29CFR 516.5 - 516.6, 29USC 436, GC §34090
BUDGETING										
Admin. Services / Budgeting	FIN-038	Budget Hearing and/or Review - Working Files (Development Documents & Proposed Budget)	When No Longer Required		When No Longer Required		Mag, Ppr			Drafts; GC §34090.7
Admin. Services / Budgeting	FIN-039	Budget Transfer Requests & Journals	2 years	3 years	5 years	Yes: Current Fiscal Year	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; longer for administrative value; GC §34090.7
Admin. Services / Budgeting	FIN-040	Budgets - Adopted	P		P	Yes: Current Fiscal Year	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; Must be filed with County Auditor; GC §34090, 40802, 53901
Admin. Services / Budgeting	FIN-041	Treasurer's Reports	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; Consistent with periodic reports; Published articles show 3 - 6 years; statewide guidelines propose 2 years; GC §34090

RECORDS RETENTION SCHEDULE - ADMINISTRATIVE SERVICES / FINANCE

Office of Record	Classification OR	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
RISK MANAGEMENT										
Admin. Services / Risk Manage	FIN-042	Accident / Incident Reports that Don't result in a Claim	2 years		2 years	Yes	Mag, Mfr, OD, Ppr	S	No	GC §34090
Admin. Services / Risk Manage	FIN-043	Claims (See City Attorney for Litigation)	Settle + 5 years		Settle + 5 years	Yes: Until Settlement	Mag, Mfr, OD, Ppr	S	Yes: After Settled	Claim must be filed within 1 year, lawsuit within 2 years; complaints against peace officers within 5 years; Statute of Limitations for contracts is 4 years; wrongful death for construction is completion + 5 years; CCP §§ 337 et seq.; GC §§ 911.2, 945, 34090, 34090.6; PC §832.5
Admin. Services / Risk Manage	FIN-044	Insurance Policies, Bonds & Certificates (City-owned): Liability (General & Public), Workers Compensation, Joint Powers Insurance Authority	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After Expiration	For protection from litigation; GC §34090
Admin. Services / Risk Manage	FIN-045	Insurance Policies, Bonds & Certificates (City-owned): Fire, Life, Marine, Glass, Damage, etc.	Expiration + 10 years		Expiration + 10 years	Yes: Until Expiration	Mag, Mfr, OD, Ppr	S	Yes: After Expiration	Department Preference for policies that do not involve liability; GC §34090
Admin. Services / Risk Manage	FIN-046	Insurance: Loss Runs (from Insurance Carrier)	5 years		5 years		Mag, Ppr			Protection from litigation; GC §34090

RECORDS RETENTION SCHEDULE - ADMINISTRATIVE SERVICES / FINANCE

Office of Record	Classification OR	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
TAX ENFORCEMENT										
Public Works	FIN-047	Assessment District Projects (Maps, Diagrams, Spreadsheets, Improvement Plans - e.g. landscape, sidewalk) (Accounting / Payment Administration Records)	Payoff of District + 5 years		Payoff of District + 5 years	Yes: Until Payoff	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference; Covers auditing standards; Public Works Maintains original Diagrams and Improvement Plans; GC §34090.7
Admin. Services / Tax Enforce.	FIN-048	Business License Applications, Renewals, Notices, Audits, Register and Certificates	2 years	3 years	5 years	Yes: Until Expiration	Ppr			Consistent with proposed statewide guidelines; Other cities show 5 - 7 years; GC §34090
Admin. Services / Tax Enforce.	FIN-049	Permits: Home Occupation	P		P		Mag, Mfr, OD, Ppr	S / I	No	Difficult to determine when occupation ceases; GC §34090
Admin. Services / Tax Enforce.	FIN-050	Permits: Taxicabs, Massage, Secondhand, Consignment, Solicitors, etc.	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	No	Sheriff maintains copy; consistent with Accounts Receivable; GC §34090
UTILITIES - Meter Reading, Billing and Collection is Contracted Out										
Admin. Services / Utilities	FIN-051	Applications (Utility Connects / disconnects)	P		P		Mag, Ppr, Mfr, OD	S	Yes: After QC & OD	Department Preference; GC §34090
Admin. Services / Utilities	FIN-052	Billing Records - Monthly (customer name, service address, meter reading, usage, payments, receipts)	2 years	3 years	5 years	Yes: When Account Open	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Consistent with Accounts Receivable; GC §34090
Admin. Services / Utilities	FIN-053	Customer Accounts (Closed)	3 years after terminated		3 years after terminated		Mag, Ppr, Mfr, OD	S	Yes: After QC & OD	Department preference; Published articles show 7 years for customer ledgers; GC §34090

RECORDS RETENTION SCHEDULE - ADMINISTRATIVE SERVICES / FINANCE

Office of Record (OFR)	Classification OR	Records Description	Retention / Disposition							Comments / Reference	
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?		
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>											
Admin. Services / Utilities	FIN-054	Water Billing: Appeals - Payment Delinquency & Impending Discontinuation	Final Decision + 2 years		Final Decision + 2 years			Mag, Ppr, Mfr, OD	S	Yes: After QC & OD	Documented or attached to Customer Record in database GC §34090; H&S §116908
Admin. Services / Utilities	FIN-055	Water Billing: Non-payment Notices / Notice of Payment Delinquency & Impending Discontinuation (Initial, Final)	When No Longer Required		When No Longer Required			Mag, Ppr, Mfr, OD	S	Yes: After QC & OD	Documented or attached to Customer Record in database GC §34090; H&S §116908
Admin. Services / Utilities	FIN-056	Water Billing: NSF Checks / Adjustments to Customer accounts	When No Longer Required		When No Longer Required			Mag, Ppr, Mfr, OD	S	Yes: After QC & OD	Documented or attached to Customer Record in database GC §34090; H&S §116908
Admin. Services / Utilities	FIN-057	Water Billing: Payment Plans: Amortization, Alternative Payment Plans, Deferrals, etc.	Expiration or Completion of Payment Plan		Expiration or Completion of Payment Plan			Mag, Ppr, Mfr, OD	S	Yes: After QC & OD	Documented or attached to Customer Record in database GC §34090; H&S §116910
Admin. Services / Utilities	FIN-058	Water Billing: Policy on Discontinuation of Residential Service for Nonpayment	When Superseded - Minimum 2 years		When Superseded; Minimum 2 years			Mag, Ppr, Mfr, OD	S	Yes: After QC & OD	Must post to Website; H&S §116906; GC §34090
Admin. Services / Utilities	FIN-059	Water Billing: Report of Annual Discontinuations of Residential Service	Minimum 2 years		Minimum 2 years			Mag, Ppr, Mfr, OD	S	Yes: After QC & OD	Must post to Website; H&S §116918; GC §34090

RECORDS RETENTION SCHEDULE: ADMIN. SERVICES / HUMAN RESOURCES

Office of Record	Retention No.	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
HUMAN RESOURCES										
Admin. Services / Human Resources	HR-001	Applications for Employment: Solicited , but candidates not hired	6 months	2 1/2 years	3 years			Ppr		EEOC / FLSA / ADEA (Age) requires 3 years; State Law requires 2 - 3 years; 29 CFR 1627.3(a)(5) and (6), 8 CCR §11040.7(c), GC §§12946, 34090
Admin. Services / Human Resources	HR-002	Background Files - Employees, Volunteers & Reservists	Transferred from Police upon Termination	20-years, or Termination of Benefits + 5 years, Whichever is Longer	Separation + 30 years, or Termination of Benefits 5 years, Whichever is Longer			Mag, Mfr, OD, Ppr	S	Yes: When Inactive Department Preference to match the Personnel File Retention; EEOC / FLSA / ADEA (Age) requires 1-3 years; State Law requires 2 - 3 years; 29 CFR 1602 et seq & 1627.3(a)(5) and (6), 2 CCR 11013(c), 8 CCR §11040.7(C), GC §§12946, GC §34090
Admin. Services / Human Resources	HR-003	Classification Studies and Salary Surveys	Minimum 2 years		Minimum 2 years			Mag, Ppr		Department preference; GC §34090
Admin. Services / Human Resources	HR-004	Department of Fair Employment & Housing (DFEH or EEOC) Claims	Final Disposition + 2 years		Final Disposition + 2 years			Mag, Ppr		All State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; GC §§12946, 34090

RECORDS RETENTION SCHEDULE: ADMIN. SERVICES / HUMAN RESOURCES

Office of Record	Retention No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Admin. Services / Human Resources	HR-005	DMV Pull Notices - WITH Suspension of a driver's license or DUI	When Superseded or Upon Separation		When Superseded or Upon Separation			Mag, Ppr		Transitory or source records not retained in the ordinary course of business; CHP audits every 2 years; Bureau of National Affairs recommends 2 years for all supplementary Personnel records; GC §34090
Admin. Services / Human Resources	HR-006	Drug & Alcohol Testing	3 years	2 years	5 years			Ppr		D.O.T. Requires 5 years for positive tests, 1 year for negative tests; EEOC/FLSA/ADEA (Age) requires 3 years physical examinations; State Law requires 2 years; 29 CFR 1672.3(b)(v), GC §§12946, 34090, 49 CFR 655.71 et seq.; 49 CFR 382.401 et seq; 49 CFR 653.71 et seq.
Admin. Services / Human Resources	HR-007	EEO-4 Reports	2 years		2 years			Mag, Ppr		EEOC / FLSA has not adopted retention requirements; California allows substitution of EEO-4 reports for CEIR (2 year retention); 29 CFR 1602.12, 2 CCR §11013(c) 7287.0, GC §34090
Admin. Services / Human Resources	HR-008	Employee Assistance Program (Annual Reports, etc.)	2 years		2 years			Mag, Ppr		GC § 34090

RECORDS RETENTION SCHEDULE: ADMIN. SERVICES / HUMAN RESOURCES

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Admin. Services / Human Resources	HR-009	I-9s	Separation + 3 years		Separation + 3 years					Required for 1 year from termination or 3 years from hiring, whichever is later; EEOC / FLSA / ADEA (Age) requires 3 years for "any other forms of employment inquiry"; State Law requires 2 -3 years; 8 CFR 274a.2; 29 CFR 1627.3(b)(1); GC §§12946, 34090
Admin. Services / Human Resources	HR-010	Ethics Training & Harassment Prevention Training Certificates - All Required Filers	5 years		5 years			Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year GC §53235.2(b); GC §53237.2(b); GC §34090
Admin. Services / Human Resources	HR-011	Insurance Plans (Health, Dental, Vision, etc.)	Plan Termination + 2 years		Plan Termination + 2 years			Mag, Ppr		EEOC / FLSA requires 1 year after plan termination; State requires 2 years after action; 29 CFR 1627.3(b)(2), GC §§12946, 34090
Admin. Services / Human Resources	HR-012	Memorandas of Understanding	P		P	Yes: Until Superseded		Mag, Mfr, OD, Ppr	S/I	No Department Preference; EEOC / FLSA requires 3 years for MOUs; State requires 2 years; 29 CFR 516.5, GC §§12946, 34090
Admin. Services / Human Resources	HR-013	Military Leave Orders & Confirmations	2 years		2 years			Mag, Ppr		GC §34090

RECORDS RETENTION SCHEDULE: ADMIN. SERVICES / HUMAN RESOURCES

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Admin. Services / Human Resources	HR-014	Negotiations: Employee Associations	Superseded + 10 years		Superseded + 10 years			Mag, Mfr, OD, Ppr	S/I	Yes: When Inactive Department Preference; For use in interpreting intent of MOU provisions; EEOC / FLSA requires 3 years for MOUs; State requires 2 years; statewide guidelines propose permanent; 29 CFR 516.5, GC §§12946, 34090
Admin. Services / Human Resources	HR-015	OSHA Logs, Inspections & Citations	5 years		5 years			Mag, Ppr		OSHA requires 5 years; Calif. Labor Division is required to keep their records 7 years; State law requires 2 years; 8 CCR §3203(b)(1), GC §34090, LC §6429c; OMB 1220-029
Admin. Services / Human Resources	HR-016	Personnel "Green" Files (Medical Records, Workers Compensation , Grievances, DOJ clearances, backgrounds & fingerprints)	Separation + 1 year	29 years, or Termination of Benefits + 5 years, Whichever is Longer	Separation + 30 years, or Termination of Benefits 5 years, Whichever is Longer	Yes: Until Separation		Mag, Mfr, OD, Ppr	S	Yes: After Separation + 1 year Department preference; Files maintained separately; Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., GC §§12946, 34090; 29 CFR 1910.1020(d)(1)(i); 29 CFR 1627.3

RECORDS RETENTION SCHEDULE: ADMIN. SERVICES / HUMAN RESOURCES

Office of Record	Retention No.	Records Description	Retention / Disposition						Comments / Reference	
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Admin. Services / Human Resources	HR-017	Personnel Files (Includes Appeals Findings, Personnel Action Forms, Retirement Subscriptions, Form 1095-C (Employer-Provided Health Insurance Offer and Coverage) W-4 Forms - Excludes Medical Records)	Separation + 1 year	29 years, or Termination of Benefits + 5 years, Whichever is Longer	Separation + 30 years, or Termination of Benefits 5 years, Whichever is Longer	Yes: Until Separation	Mag, Mfr, OD, Ppr	S	Yes: After Separation	Department Preference; retirement benefits is 6 years from last action; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; ; 29 CFR 1602.14; 29 CFR 1602.31 & 1627.3(b)(ii), GC §§12946, 34090; 29 USC 1113, LC §1198.5; GC §3105
Admin. Services / Human Resources	HR-018	Personnel Rules & Regulations	Superseded + 10 years		Superseded + 10 years	Yes: Until Superseded	Mag, Ppr			Department Preference; GC §§ 12946, 34090
Admin. Services / Human Resources	HR-019	Recruitment Files / Cal Ops: Brochure, advertisement, unsuccessful applications, selection materials, tests, etc.	3 years		3 years		Mag, Ppr			Department preference; EEOC / FLSA / ADEA (Age) requires 1-3 years; State Law requires 2 - 3 years; 29 CFR 1602 et seq & 1627.3(a)(5) and (6), 2 CCR 11013(c); 8 CCR §11040.7(c), GC §§12946, 34090
Admin. Services / Human Resources	HR-020	Safety Committee	5-years		5 years		Mag, Ppr			OSHA requires 5 years; 8 CCR §3203(b)(1), GC §34090; LC §6429c; OMB 1220-029

RECORDS RETENTION SCHEDULE: ADMIN. SERVICES / HUMAN RESOURCES

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Admin. Services / Human Resources	HR-021	Training - includes Safety Training (Attendance Rosters, Outlines and Materials)	2 years	5 years	7 years		Mag, Mfr, OD, Ppr	S	Yes: When Inactive	Department preference; Ethics Training is 5 years; Statewide guidelines propose 7 years; Calif. Labor Division is required to keep their OSHA records 7 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years for personnel actions; 8 CCR §3203 et seq., 29 CFR 16202.31; LC §6429(c); GC §§12946, 34090, 53235.2(b); 53237.2(b)
Admin. Services / Human Resources	HR-022	Training - Terminated Police Employees (Attendance Rosters, Outlines and Materials)	Transferred from Police upon Separation	Separation + 7 years	Separation + 7 years		Mag, Mfr, OD, Ppr	S	Yes: When Inactive	Department preference; Ethics Training is 5 years; Statewide guidelines propose 7 years; Calif. Labor Division is required to keep their OSHA records 7 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years for personnel actions; 8 CCR §3203 et seq., 29 CFR 16202.31; LC §6429(c); GC §§12946, 34090, 53235.2(b); 53237.2(b)
Admin. Services / Human Resources	HR-023	Workers Compensation Annual & Monthly Reports	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S/I	Yes: When Inactive	Consistent with Accounts Payable; Published articles show 3 - 6 years; Other cities show 7 - 10 years; GC §34090

RECORDS RETENTION SCHEDULE: ADMIN. SERVICES / HUMAN RESOURCES

Office of Record	Retention No.	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Admin. Services / Human Resources	HR-024	Workers Compensation Claims (Employee Accident Reports)	Close or Settlement + 2 years	28 years, or Termination of Benefits, Whichever is Longer, or Death of Employee	Separation + 30 years, or Termination of Benefits, Whichever is Longer, or Death of Employee	Yes: Until Separation	Mag, Mfr, OD, Ppr	S	Yes: After Separation + 1 year	Department preference; Files maintained separately; Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., GC §§12946, 34090; 29 CFR 1910.1020(d)(1)(i); 29 CFR 1627.3

RECORDS RETENTION SCHEDULE: ADMIN. SERVICES / INFORMATION TECHNOLOGY

Office of Record	Retention No.	Records Description	Retention / Disposition						Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	
(OFR)									
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>									
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>									
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>									
INFORMATION TECHNOLOGY									
Admin. Services / Information Technology	IT-001	Backups - DAILY - Network, All Files on Shared Drives (includes e-mail)	When No Longer Required		When No Longer Required	Yes	Mag.		Department preference; Used for Disaster Recovery Purposes Only; Considered a copy and can be destroyed when no longer required; retention based on administrative value; recycle tapes; GC §34090 et seq.
Admin. Services / Information Technology	IT-002	Backups - MONTHLY or QUARTERLY - Network, All Files on Shared Drives (excludes e-mail)		When No Longer Required	When No Longer Required	Yes	Mag.		Department preference; Used for Disaster Recovery Purposes Only; Store off-site in commercial storage for disaster recovery; Considered a copy and can be destroyed when no longer required; retention based on administrative value; recycle tapes; GC §34090 et seq.

RECORDS RETENTION SCHEDULE: CITY ATTORNEY

Office of Record	Retention No.	Records Description	Retention / Disposition						Comments / Reference		
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?	
(OFR)											
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>											
CITY ATTORNEY											
City Attorney	CA-001	Legal Opinions (Formal)	5 years	P	P			Mag, Mfr, OD, Ppr	S	Yes: After Inactive	City Clerk also maintains copies; Statewide guidelines propose superseded + 2 years; GC §34090
City Attorney	CA-002	Litigation Files / Legal Case Files	Settlement or Final Judgment / Appeal Exhaustion + 1 year	4 years	Settlement or Final Judgment / Appeal Exhaustion + 5 years	Yes: Until Settlement		Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Statute of Limitations runs 6 months - 5 years; for contracts is 4 years; wrongful death for construction is completion + 5 years; Civil Courts retain their records for 10 years; CCP §§ 337 et seq.; GC §34090, 34090.6, 68150; PC §832.5
City Attorney	CA-003	Subject Files	When No Longer Required - Minimum 2 years		When No Longer Required Minimum 2 years	Yes: Until Settlement		Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Statute of Limitations runs 6 months - 5 years; for contracts is 4 years; wrongful death for construction is completion + 5 years; Civil Courts retain their records for 10 years; CCP §§ 337 et seq.; GC §34090, 34090.6, 68150; PC §832.5

RECORDS RETENTION SCHEDULE: CITY CLERK

Office of Record	Retention No.	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
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CITY CLERK										
City Clerk	CC-001	Affidavits of Postings	2 years		2 years			Mag, Ppr		Brown Act challenges must be filed within 30 or 90 days of action; GC §§34090, 54960.1(c)(1)
City Clerk	CC-002	Agenda Packets: City Council, Community Development Agency, (excluding petitions to City Council and speaker cards)	1 year	P	P			Mag, Mfr, OD, Ppr	S	Yes: After QC & OD Retained for administrative value; GC §34090
City Clerk	CC-003	Agreements & Contracts ALL , whether Approved by Council or not: INFRASTRUCTURE: Buildings, bridges, park improvements, reservoirs, sewers, sidewalks, street & alley improvements, utilities, water. Exceptions: Demolitions, landscaping, street paving	Completion + 2 years	P	P	Yes: Before Completion		Mag, Mfr, OD, Ppr	S	Yes: After Inactive All infrastructure, JPAs, & Mutual Aid contracts are permanent for emergency preparedness; Statute of Limitations is 4 years; 10 years for Errors & Omissions; CCP §§337, 337.1(a), 337.15, 343; GC §34090, Contractor has retention requirements in 48 CFR 4.703
City Clerk	CC-004	Agreements & Contracts Approved by Council: Mutual Aid, Joint Powers (JPAs)	Superseded + 2 years	P	P	Yes: Before Expiration		Mag, Mfr, OD, Ppr	S	No Administrative & legal value (Emergency Preparedness), GC §34090
City Clerk	CC-005	Agreements & Contracts ALL , whether Approved by Council or not: NON-INFRASTRUCTURE: Consultants, Landscaping, Slurry Seals / Repaving, Tree Trimming, Leases, Professional Services, (Not Infrastructure projects)	Completion + 2 years	3 years	Completion + 5 years	Yes: Before Completion		Mag, Mfr, OD, Ppr	S	Yes: After Inactive See above. Statewide guidelines propose completion + 5 years for non-capital improvement contracts & completion + 4 years for transportation and concessionaire agreements.

RECORDS RETENTION SCHEDULE: CITY CLERK

Office of Record (OFR)	Retention No.	Records Description	Retention / Disposition							Comments / Reference
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City Clerk	CC-006	Agreements & Contracts Approved by Council: Retirement Agreements (PERS)	2 years	P	P	Yes: Before Expiration	Mag, Mfr, OD, Ppr	S	No	EEOC / ADEA (Age) requires 1 year after benefit plan termination; State Law requires 2 years after action; 29 CFR 1627.3(b)(2); GC §§12946, 34090
City Clerk	CC-007	Agreements & Contracts Approved by Council: Land Use, Subdivisions, etc.	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	No	Land Records; GC §34090
City Clerk	CC-008	Agreements & Contracts Approved by Council: Title Insurance, Land Records	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	No	GC §34090
City Clerk	CC-009	Annexations	2 years	P	P		Mag, Mfr, OD, Ppr	S/I	No	GC § 34090
City Clerk	CC-010	Boards, Commissions & Committees - APPLICATIONS: APPOINTED	4 years		4 years		Mag, Ppr			Department preference; GC §34090
City Clerk	CC-011	Boards, Commissions & Committees - APPLICATIONS: UNSUCCESSFUL	2 years		2 years		Mag, Ppr			GC §34090 et seq.
City Clerk	CC-012	Boards & Commission Maddy Act List	2 years		2 years		Mag, Ppr			GC §34090
City Clerk	CC-013	Claim Forms	5 years		5 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference (Risk Management and Third Party Administrator manage the claim); GC §34090
City Clerk	CC-014	Conflict of Interest Code	Superseded by Resolution		Superseded by Resolution		Mag, Mfr, OD, Ppr	S	No	GC §34090.7

RECORDS RETENTION SCHEDULE: CITY CLERK

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AS / City Manag.	CC-015	Council Policies & Procedures	Superseded + 2 years		Superseded + 2 years			Mag, Mfr, OD, Ppr	S	No	Historic and Administrative Value; GC §34090
City Clerk	CC-016	Deeds: Property owned by City (property acquisition & disposition / sale / auction)	2 years	P	P	Yes (all)		Mag, Mfr, OD, Ppr	S	No	GC §34090
City Clerk	CC-017	Easements	2 years	P	P	Yes (all)		Mag, Mfr, OD, Ppr	S	No	GC §34090
City Clerk	CC-018	Economic Interest Filings (FPPC Form 602 / 635) - Lobbyist Authorization / Reporting	7 years		7 years			Mag, Ppr			Department preference; 2 CCR 18615(d)
City Clerk	CC-019	FPPC Form 801 (Gift to Agency Report)	7 years		7 years			Mag, Ppr			Must post on website; FPPC Forms Retention Summary for Filing Officers; GC §81009(e)
City Clerk	CC-020	FPPC Form 802 (Event Ticket / Pass Distributions Agency Report)	7 years		7 years			Mag, Ppr			Should post on website for 4 years; FPPC Forms Retention Summary for Filing Officers; GC §81009(e)
City Clerk	CC-021	FPPC Form 803 (Behested Payment Report)	7 years		7 years			Mag, Ppr			FPPC Regulation 18734(c); FPPC Forms Retention Summary for Filing Officers; GC §81009e
City Clerk	CC-022	FPPC Form 804 (Agency Report of New Positions)	P		P			Mag, Ppr			FPPC Regulation 18734(c); FPPC Forms Retention Summary for Filing Officers; GC §81009e
City Clerk	CC-023	FPPC Form 805 (Agency Report of Consultants)	P		P			Mag, Ppr			FPPC Forms Retention Summary for Filing Officers; GC §34090; GC §81009(e)

RECORDS RETENTION SCHEDULE: CITY CLERK

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City Clerk	CC-024	FPPC Form 806 (Agency Report of Public Official Appointments)	7 years		7 years		Mag, Ppr			Must post on website; 2 CCR 18702.5; GC §34090; GC §81009(e)
ELECTIONS - CONSOLIDATED										
City Clerk	CC-025	Elections - Campaign Reports (FPPC 400 Series Forms & Form 501): SUCCESSFUL CANDIDATES	2 years	P	P		Mfr, OD, Ppr	S	After 2 years	Paper must be retained for at least 2 years; CCP§583.320(a)(3); GC §81009(b)(g)
City Clerk	CC-026	Elections - Campaign Reports (FPPC 400 Series Forms & Form 501): UNSUCCESSFUL CANDIDATES	5 years		5 years		Ppr			Paper must be retained for at least 2 years; GC §81009(b)(g)
City Clerk	CC-027	Elections - Campaign Reports (FPPC 400 Series Forms): OTHER COMMITTEES (PACS)	7 years		7 years		Mfr, OD, Ppr	S	After 2 years	Paper must be retained for at least 2 years; GC §81009(c)(g)
City Clerk	CC-028	Elections - Campaign Reports (FPPC 400 Series Forms): THOSE NOT REQUIRED TO FILE ORIGINAL WITH CITY CLERK (copies)	4 years		4 years		Mfr, OD, Ppr	S	After 2 years	Paper must be retained for at least 2 years; GC §81009(b)(g)
City Clerk	CC-029	Campaign Filings (FPPC 400 Series Forms – ALL – Successful, Unsuccessful, etc): ELECTRONICALLY FILED	10 years		10 years		Mfr, OD, Ppr	S	n/a	Per FPPC Retention requirements; Statements filed electronically are required for 10 years; GC §81009 et seq.; GC §84615

RECORDS RETENTION SCHEDULE: CITY CLERK

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<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
City Clerk	CC-030	Elections - Candidate Statements (to be printed in the sample ballot)	Duration of Office + 4 years		Duration of Office + 4 years		Ppr	S / M / I	After 2 years	Department Preference; No specific legal requirement; Statewide guidelines propose 4 years; recommend term + 4 years for administrative value; GC § 34090
City Clerk	CC-031	Elections - Certificates of Election	8 years	P	P		Ppr	S	Yes: After Inactive	Department Preference; No specific legal requirement; Statewide guidelines propose 4 years; GC § 34090
City Clerk	CC-032	Elections - GENERAL, WORKING or ADMINISTRATION Files (Correspondence, Applications for Vacancies for City Council, County Election Services, etc.)	2 years		2 years		Mag, Ppr			Used for a model for the next election, GC §34090
City Clerk	CC-033	Elections - HISTORICAL File (Sample ballot, copies of all Resolutions (calling the election, canvass, etc.), election summary)	8 years	P	P		Mag, Mfr, OD, Ppr	S	No	Retained for Historical Value, GC §34090
City Clerk	CC-034	Elections - Nomination Papers: SUCCESSFUL CANDIDATES	Duration of Office + 4 years		Duration of Office + 4 years		Mag, Mfr, OD, Ppr			Department Preference; Statewide guidelines proposes 4 years for successful candidates, 2 years for unsuccessful; CA law states term of office and 4 years after the expiration of term and does not delineate between the two; EC §17100

RECORDS RETENTION SCHEDULE: CITY CLERK

Office of Record	Retention No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
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City Clerk	CC-035	Elections - Nomination Papers: UNSUCCESSFUL CANDIDATES	Election + 4 years		Election + 4 years			Mag, Mfr, OD, Ppr		Statewide guidelines proposes 4 years for successful candidates, 2 years for unsuccessful; CA law states term of office and 4 years after the expiration of term and does not delineate between the two; EC §17100
City Clerk	CC-036	Elections - Petitions (Initiative, Recall or Referendum. Applies to successful or unsuccessful petitions)	Results + 8 months or Final Examination + 1 year after petition examination if insufficient		Results + 8 months or Final Examination + 1 year after petition examination if insufficient			Ppr		Not accessible to the public; The 8 month retention applies after election results, or final examination if no election, unless there is a legal or FPCC proceeding. EC §§17200(b)(3), 17400
City Clerk	CC-037	Elections - Precinct Maps	When No Longer Required		When No Longer Required			Mag, Ppr		No specific legal requirement; Statewide guidelines propose 2 years; County Clerk sends to Secretary of State; EC §17501, GC §34090
(End of Elections - Consolidated Section)										
City Clerk	CC-038	Enterprise System Catalogue (posted online)	2 years		2 years			Mag, Ppr		GC §34090
City Clerk	CC-039	Ethics Training Certificates - All Required Filers	5 years		5 years			Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year GC §53235.2(b) GC §34090

RECORDS RETENTION SCHEDULE: CITY CLERK

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City Clerk	CC-040	FPPC 700 Series Forms (Statement of Economic Interests): DESIGNATED EMPLOYEES & CONSULTANTS (specified in the City's Conflict of Interest code)	2 years	5 years	7 years		Mag, Mfr, OD, Ppr	S	Yes	City maintains original statements; GC §81009(e)(g)
City Clerk	CC-041	FPPC 700 Series Forms (Statement of Economic Interests): PUBLIC OFFICIALS / 87200 FILERS (elected & not elected. Includes City Council Members, Planning Commission Members, City Manager, City Treasurer & City Attorney)	2 years	2 years	4 years		Mfr, OD, Ppr	S	After 2 years	City maintains copies only; original statements are filed with FPPC; GC §81009(f)(g)
City Clerk	CC-042	FPPC 700 Series Forms (Statement of Economic Interests): ALL ELECTRONICALLY FILED	10 years		10 years		Mfr, OD, Ppr	S	n/a	Per FPPC Retention requirements; Statements filed electronically are required for 10 years; GC §81009 et seq.; GC §84615
City Clerk	CC-043	Historical Records	P		P		Mag, Mfr, OD, Ppr	S	No	City Manager Determines Historical Significance; GC §34090
City Clerk	CC-044	Minutes: City Council, Community Development Agency	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S	No	GC §34090
City Clerk	CC-045	Municipal Code Administration, Distribution, etc.	When No Longer Required		When No Longer Required		Mag, Ppr			Preliminary Drafts; GC § 34090

RECORDS RETENTION SCHEDULE: CITY CLERK

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City Clerk	CC-046	Oaths of Office (required of all "City Officers")	Separation + 6 years		Separation + 6 years			Mag, Mfr, OD, Ppr	S	Yes: When Inactive Statute of Limitations: Public official misconduct is discovery of offense + 4 years, retirement benefits is 6 years from last action; statewide guidelines propose Termination + 6 years; GC §§36507, 34090; PC §§801.5, 803(c); 29 USC 1113
City Clerk	CC-047	Ordinances	P		P	Yes (all)		Mag, Mfr, OD, Ppr	S	No GC §34090 et. seq.
City Clerk	CC-048	Petitions - Dog Parks, Traffic, etc. (submitted to Council on any subject. Also see Elections for Initiative, Recall or Referendum)	1 year		1 year			Ppr		Department Preference; Law requires 1 year for petitions; GC §50115
City Clerk	CC-049	Presentations / Proclamations / Commendations / Memoriums	2 years		2 years			Mag, Ppr		GC § 34090
City Clerk	CC-050	Proof of Publication, Public Hearing Notices (all subjects)	2 years		2 years			Mag, Mfr, OD, Ppr		The original is maintained with the subject file; Statute of Limitations for mailings for annexations, special districts, bonds is 60 days; Municipal Government actions is 3 - 6 months; CCP §§337 et seq, 349.4; GC §34090
City Clerk	CC-051	Recorded Documents: Deeds, Easements, Encroachments, etc.	2 years	P	P	Yes (all)		Mag, Mfr, OD, Ppr	S	Yes: After Inactive Land records; GC § 34090
City Clerk	CC-052	Records Management: Retention Schedules	2 years	P	P			Mag, Mfr, OD, Ppr	S	Yes: After Inactive GC §34090 et. seq.

RECORDS RETENTION SCHEDULE: CITY CLERK

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<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
City Clerk	CC-053	Resolutions: City Council, Community Development Agency	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S	No	GC §34090
City Clerk	CC-054	Secretary of State Statement of Facts	2 years		2 years					GC §34090 et. seq.
City Clerk	CC-055	Speaker Slips (Requests to Speak at Council Meetings)	After Adoption of the Minutes		After Adoption of the Minutes		Mag, Ppr			Transitory records used to produce the minutes; GC §34090 et seq.
City Clerk	CC-056	Subpoenas, Requests for Public Records, Miscellaneous	2 years		2 years		Mag, Ppr			GC §34090
City Clerk	CC-057	Video Recordings of Council meetings	Indefinite		Indefinite		Tape (Mag)			Department preference (stored in Granicus database); Video recordings are only required for 90 days; GC §34090.7

RECORDS RETENTION SCHEDULE - COMMUNITY DEVELOPMENT

Office of Record	Retention No.	Records Description	Retention / Disposition							Comments / Reference
			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
COMMUNITY DEVELOPMENT / BUILDING										
Comm. Dev. / Building	CD-001	Building Permit Database	Indefinite		Indefinite	Yes (all)	Mag			Department Preference - Data is interrelated; GC §34090, H&S §19850
Comm. Dev. / Building	CD-002	Building Permits (includes sub-permits - e.g. electrical, plumbing, mechanical, etc.)	1 year	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; GC §34090, H&S §19850
Comm. Dev. / Building	CD-003	Building Plans - COMMERCIAL, BUILDINGS OF COMMON INTEREST / MULTI-UNIT DWELLINGS, POOLS, SPAS, ACCESSORY BUILDINGS	2 years	Life of Building	Life of Building	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; Law requires for the life of the building for commercial only; Statewide guidelines propose 2 years for blueprints & specifications; CBC 104.7 & 107.5; H&S§19850, GC §34090
Comm. Dev. / Building	CD-004	Building Plans - RESIDENTIAL, APPURTENANCES (e.g. Fences)	Completion + 180 days		Completion + 180 days	Yes: Until Completion	Mag, Ppr			Department preference; Law requires for the life of the building for commercial only; Statewide guidelines propose 2 years for blueprints & specifications; CBC and UAC require plans be retained 180 days from completion date for residential and appurtenances; CBC §104.7 & 107.5; H&S§19850, GC §34090
Comm. Dev. / Building	CD-005	California Building Codes / Uniform Building Codes (CBC, UBC, UPC, UEC, etc.)	Current + 1 Prior		Current + 1 Prior		Mag, Ppr			GC §50022.6
Comm. Dev. / Building	CD-006	Certificates of Occupancy (Commercial only)	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Statewide guidelines propose life of building; GC §34090

RECORDS RETENTION SCHEDULE - COMMUNITY DEVELOPMENT

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			Active (On-Site)	Inactive (Off-Site / Imaged)	Total Retention	Vital?	Media	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Comm. Dev. / Building	CD-007	Code Enforcement (Only Substandard Housing Conditions - other cases are handled by Police)	Case Closure + 2 years		Case Closure + 2 years	Yes: Until Resolution	Mag, Ppr			Case is open until satisfactorily resolved; GC §34090
Comm. Dev. / Building	CD-008	Construction Notices / Inspection Notices (correction notices, compliance orders, stop work notices, etc.)	Until Cleared or Project Completion		Until Cleared or Project Completion		Mag, Ppr			Preliminary documents not retained in the ordinary course of business; GC §34090
Comm. Dev. / Building	CD-009	Grading Plans / Soil Reports	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; GC §34090
Comm. Dev. / Building	CD-010	Requests & Permissions to Receive Copies of Plans (to and from architects)	2 years		2 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090 et seq.
HOUSING & ECONOMIC DEVELOPMENT										
Comm. Dev. / Hous. & Econ Dev.:	CD-011	Agency NHS Portfolio Files / Portability Files (loans to others, emergency repair loans, appraisals, loans originating from other agencies, etc.)	Loan Pay-off + 5 years		Loan Pay-off + 5 years		Mag, Mfr, OD, Ppr			Required for 3-4 years from expenditure or performance report; 24 CFR 570.502, 29 CFR 97.42, HUD 2228.2 Rev 3
Comm. Dev. / Hous. & Econ Dev.:	CD-012	Annual Report (BMR Housing Program, etc.)	P		P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; Required for 3-4 years from expenditure or performance report; 24 CFR 570.502, 29 CFR 97.42, HUD 2228.2 Rev 3
Comm. Dev. / Hous. & Econ Dev.:	CD-013	Applications for Loans: Rejected	5 years		5 years		Mag, Mfr, OD, Ppr			Required for 3-4 years from expenditure or performance report; 24 CFR 570.502, 29 CFR 97.42, HUD 2228.2 Rev 3

RECORDS RETENTION SCHEDULE - COMMUNITY DEVELOPMENT

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Comm. Dev. / Hous. & Econ Dev.:	CD-014	Below Market Rate Loans (BMR Purchase Program) NO Recapture or Resale Restrictions	Loan Pay-off + 5 years		Loan Pay-off + 5 years	Yes: Before Completion	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Required for 3-4 years from expenditure or performance report; 24 CFR 570.502, 29 CFR 97.42, HUD 2228.2 Rev 3
Comm. Dev. / Hous. & Econ Dev.:	CD-015	Below Market Rate Rental Program (BMR Rental Program) NO Recapture or Resale Restrictions	Termination of Tenancy + 5 years		Termination of Tenancy + 5 years	Yes: Before Tenancy Terminates	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Required for 3-4 years from expenditure or performance report; 24 CFR 570.502, 29 CFR 97.42, HUD 2228.2 Rev 3
Comm. Dev. / Hous. & Econ Dev.:	CD-016	Below Market Rate Waiting List (BMR Purchase or Rental Program)	10 years		10 years	Yes	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC 34090
Comm. Dev. / Hous. & Econ Dev.:	CD-017	Economic Development Projects and Programs	When No Longer Required - Minimum 2 years		When No Longer Required - Minimum 2 years	Yes: While Active Issues	Mag, Ppr			Department preference; GC §34090
Comm. Dev. / Hous. & Econ Dev.:	CD-018	Esstoppel Certificate of Completion / Signed Agreements	2 years	P	P	Yes: Before Completion	Mag, Mfr, OD, Ppr	S	No	GC §34090

RECORDS RETENTION SCHEDULE - COMMUNITY DEVELOPMENT

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Comm. Dev. / Hous. & Econ Dev.	CD-019	Housing Programs: Homeownership Housing Projects BMR, CDBG & HOME, WITH Recapture or Resale Restrictions	5 years after the Affordability Period Terminates, or the Written Agreement Terminates, Whichever is Longer		5 years after the Affordability Period Terminates, or the Written Agreement Terminates, Whichever is Longer			Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	HUD requires 5 years after the project completion; documents imposing recapture / resale restrictions are 5 years after the affordability period terminates; Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report; statewide guidelines propose 4 years; 24 CFR 92.508(a)&(c) & 570.502(a), 29 CFR 97.42, GC §34090
Comm. Dev. / Hous. & Econ Dev.	CD-020	Loans / Promissory Notes NO Recapture or Resale Restrictions	Loan Pay-off + 5 years		Loan Pay-off + 5 years	Yes: Before Completion		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Required for 3-4 years from expenditure or performance report; 24 CFR 570.502, 29 CFR 97.42, HUD 2228.2 Rev 3
Comm. Dev. / Hous. & Econ Dev.	CD-021	Management Files: Reports, Surveys, Collections, etc.	Minimum 2 years		Minimum 2 years			Mag, Mfr, OD, Ppr			GC §34090
Comm. Dev. / Hous. & Econ Dev.	CD-022	Minutes (Redevelopment Agency or Housing Authority)	2 years	P	P	Yes		Mag, Mfr, OD, Ppr	S	No	GC §34090
Comm. Dev. / Hous. & Econ Dev.	CD-023	Plans (e.g. Affordable Housing, Redevelopment Implementation Plan)	P		p			Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC 34090

RECORDS RETENTION SCHEDULE - COMMUNITY DEVELOPMENT

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Comm. Dev. / Hous. & Econ Dev.:	CD-024	Program Information: Reports from Housing Assistance Agencies	5 years		5 years			Mag, Ppr		Required for 3-4 years from expenditure or performance report; 24 CFR 570.502, 29 CFR 97.42, HUD 2228.2 Rev 3	
Comm. Dev. / Hous. & Econ Dev.:	CD-025	Redevelopment Projects	2 years	P	P	Yes: Before Completion		Mag, Mfr, OD, Ppr	S	No	GC §34090
Comm. Dev. / Hous. & Econ Dev.:	CD-026	Sale of Property by Private Parties (NOT City property), Including BMR Units	P		P	Yes: Before Tenancy Terminates		Mag, Mfr, OD, Ppr	S / I	Yes: After QC &OD	Department preference; Required for 3-4 years from expenditure or performance report; 24 CFR 570.502, 29 CFR 97.42, HUD 2228.2 Rev 3
PLANNING											
Comm. Dev. / Plann.	CD-027	Annexation / Deannexation Files	P		P			Mag, Mfr, OD, Ppr	S	No	GC §34090.7
Comm. Dev. / Plann.	CD-028	Census, Demographics - Selected Historical Information	10 years	P	P			Mag, Mfr, OD, Ppr	S	Yes: After QC &OD	Department Preference; GC §34090.7
Comm. Dev. / Plann.	CD-029	Code Enforcement (all except Substandard Housing Conditions, which is Building Department)	Case Closure + 2 years		Case Closure + 2 years	Yes: Until Resolution		Mag, Ppr			Case is open and retained until satisfactorily resolved (2 years starts after all issues are resolved); GC §34090
Comm. Dev. / Plann.	CD-030	Environmental Determinations - Environmental Impact Reports (EIRs), Negative Declarations, etc. Outside City boundaries	When No Longer Required		When No Longer Required			Ppr			Non-records

RECORDS RETENTION SCHEDULE - COMMUNITY DEVELOPMENT

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Comm. Dev. / Plann.	CD-031	Environmental Determinations - Environmental Impact Reports (EIRs), Negative Declarations, etc. Within City boundaries	5 years	P	P	Yes: Until Project Completed	Mag, Mfr, OD, Ppr	S / I	Yes: After QC &OD	Department Preference; Final EIRs are required to be kept a "reasonable period of time"; 14 Cal Code Regs §15095(c); GC §34090.7
Comm. Dev. / Plann.	CD-032	General Plan Elements and Amendments	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S / I	Yes: After Amended	GC §34090
Comm. Dev. / Plann.	CD-033	Historical Landmarks (Buildings on National or State Registers)	5 years	P	P		Mag, Mfr, OD, Ppr	S	Yes: After QC &OD	GC §34090
Comm. Dev. / Plann.	CD-034	Land Use and other Studies	5 years	P	P		Mag, Mfr, OD, Ppr	S or I	Yes: After QC &OD	Department Preference; GC §34090
Comm. Dev. / Plann.	CD-035	Property Address Files: Includes staff reports and environmental determinations (EIRs), Conditional Use Permits, Environmental Assessments and Determinations, Rezone, Tentative Maps, Variance, Zone Amendments, etc. (Including associated Plans & Maps)	P		P		Mag, Mfr, OD, Ppr	S	Yes: After QC &OD	GC §34090.7
Comm. Dev. / Plann.	CD-036	Specific Plans	5 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After QC &OD	Department Preference (Copies); City Clerk Maintains originals of all documents that were presented to Council; GC §34090
Comm. Dev. / Plann.	CD-037	Unclaimed Mailings (Returned Mail)	When No Longer Required		When No Longer Required		Ppr			GC §34090

RECORDS RETENTION SCHEDULE - COMMUNITY DEVELOPMENT

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Comm. Dev. / Plann.	CD-038	Zoning Maps	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S	No	Department Preference; City Clerk Maintains originals of all documents that were presented to Council; GC §34090.7
Comm. Dev. / Plann.	CD-039	Zoning Ordinance Amendments	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	No	Department Preference; City Clerk Maintains originals of all documents that were presented to Council; GC §34090.7

RECORDS RETENTION SCHEDULE: CITY MANAGER

Office of Record	Retention No.	Records Description	Retention / Disposition						Comments / Reference		
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CITY MANAGER, ADMINISTRATION											
City Manag.	CM-001	Administrative Polices	Superseded + 2 years		Superseded + 2 years			Mag, Ppr			Department preference; GC §34090
City Manag.	CM-002	Closed Session Materials and Memorandas	2 years		2 years			Mag, Ppr			Not accessible to the public; GC §34090
City Manag.	CM-003	Council Member Correspondence	2 years		2 years			Mag, Ppr			GC §34090
City Manag.	CM-004	Council Report (Weekly)	2 years		2 years			Mag, Ppr			GC §34090
City Manag.	CM-005	Historical List (Roster) of Council Members	P		P			Mag, Mfr, OD, Ppr	S / I	Yes: When Inactive	Historical value; GC 34090
City Manag.	CM-006	Historical Photographs, articles (Council Member Photographs are transferred to the Historical Society)	P		P			Ppr			Select those of historical significance for preservation; GC §34090
City Manag.	CM-007	Management Team Meetings (Agendas, Minutes)	2 years		2 years			Mag, Ppr			GC §34090
City Manag.	CM-008	Projects (Issues and/or projects will vary over time - e.g. Train Station, Solid Waste, etc.)	When No Longer Required - Minimum 2 years		When No Longer Required - Minimum 2 years	Yes: While Active Issues		Mag, Ppr			Department preference; GC §34090

RECORDS RETENTION SCHEDULE: COMMUNITY SERVICES

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COMMUNITY SERVICES / CHILDREN'S SERVICES										
Comm. Service	CS-001	Accident / Incident Reports (Child Care)	5 years		5 years			Mag, Ppr		Consistent with other State Licensing Requirements; GC §34090
Comm. Service	CS-002	Evaluations / Surveys (of programs)	2 years		2 years			Mag, Ppr		Department Preference (Transitory record); GC §34090
Comm. Service	CS-003	Licensed Child Care: Family File for Childcare Programs (includes registration forms and hold harmless, liability waiver agreements)	5 years		5 years	Yes: During Class or Program		Mag, Mfr, OD, Ppr		Meets State Licensing requirements; GC §34090
Comm. Service	CS-004	Licensed Child Care: Registration Forms and Emergency Cards: Part of Program Files (Includes Hold Harmless, Liability, & Waiver Agreements)	5 years		5 years	Yes: During Class or Program		Mag, Mfr, OD, Ppr		Meets State Licensing requirements; GC §34090; Education Code 8482.3(g)(1)(F) and (2); 22 CCR 101221
Comm. Service	CS-005	Licensed Child Care: Sign-in / Sign-out sheets	5 years		5 years			Mag		GC §34090
Comm. Service	CS-006	Licensed Child Care: Staff Files / Employee Certifications	Separation + 5 years		Separation + 5 years			Mag, Ppr		Meets State Licensing requirements; GC §34090; Education Code 8482.3(g)(1)(F) and (2); 22 CCR 101221
Comm. Service	CS-007	Permissions: Field Trip, Authorization to give Medicine, etc.	2 years		2 years	Yes: During Class or Program		Ppr		Meets State Licensing requirements; GC §34090

RECORDS RETENTION SCHEDULE: COMMUNITY SERVICES

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Comm. Service	CS-008	Volunteer Applications & Agreements (Child Care Only)	Separation + 5 years		Separation + 5 years			Mag, Mfr, OD, Ppr	S	Yes: 1 year	Department preference; Consistent with employee personnel files (some Courts have treated volunteers as employees); 29 CFR 1602.31 & 1627.3(b)(ii), 8 CCR §3204(d)(1) et seq., GC §§12946, 34090
Comm. Service	CS-009	Volunteer Applications & Agreements - Unsuccessful Applicants (Child Care Only)	3 years		3 years			Ppr			Consistent with employee personnel files (Courts treat volunteers as employees); 29 CFR 1602.31 & 1627.3(b)(ii), 8 CCR §3204(d)(1) et seq., GC §§12946, 34090
COMMUNITY SERVICES / RECREATION SERVICES											
Comm. Service	CS-010	Accident / Incident Reports (medical and non-medical)	5 years		5 years			Mag, Ppr			Department preference; GC §34090
Comm. Service	CS-011	Class Instructor Agreements (all others go to Finance)	Completion + 2 years	3 years	Completion + 5 years	Yes: Until Completion		Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Consistent with City-wide standards; Statewide guidelines propose completion + 5 years for non-capital improvement contracts & completion + 4 years for transportation and concessionaire agreements.
Comm. Service	CS-012	Evaluations / Surveys (of programs)	2 years		2 years			Mag, Ppr			Transitory record; GC §34090
Comm. Service	CS-013	Facility Use Applications (Room Reservations, Parks, Tennis Key Forms, etc.)	2 years		2 years			Mag, Ppr			GC §34090

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Comm. Service / City Clerk	CS-014	Insurance Certificates (e.g. Facility Rentals, etc)	5 years		5 years	Yes: Before Event	Ppr			Department Preference; GC §34090
Comm. Service	CS-015	Medical Release Forms (Given to site provider - Coach, Instructor, etc.)	Upon Conclusion of Class or Program		Upon Conclusion of Class or Program	Yes: During Class or Program	Ppr			Transitory record used to contact relatives in the event of an emergency; GC §34090
Comm. Service	CS-016	Newsletters of Historical Value	2 years	P	P	Yes: Until Project Completed	Mag, Mfr, OD, Ppr	S / I	Yes: 1 year	Department Preference; GC §34090.7
Comm. Service	CS-017	Program Files (e.g. Recreation)	2 years		2 years		Mag, Ppr			Department Preference; GC §34090
Comm. Service	CS-018	Registration Database	Indefinite		Indefinite	Yes	Mag			Data Fields / Records are interrelated; GC §34090
Comm. Service	CS-019	Registration Forms and Emergency Cards: Part of Program Files (Includes Hold Harmless, Liability, & Waiver Agreements)	5 years		5 years	Yes: During Class or Program	Mag, Mfr, OD, Ppr			Department Preference; GC §34090
Comm. Service	CS-020	School District Facility Use Forms	2 years		2 years		Mag, Ppr			GC §34090
Comm. Service	CS-021	Volunteer Applications & Agreements	Separation + 3 years		Separation + 3 years		Mag, Mfr, OD, Ppr	S	Yes: 1 year	Department preference; (some Courts have treated volunteers as employees); 29 CFR 1602.31 & 1627.3(b)(ii), 8 CCR §3204(d)(1) et seq., GC §§12946, 34090

RECORDS RETENTION SCHEDULE: COMMUNITY SERVICES

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Comm. Service	CS-022	Volunteer Applications & Agreements - Unsuccessful Applicants	3 years		3 years			Ppr		Consistent with employee personnel files (Courts treat volunteers as employees); 29 CFR 1602.31 & 1627.3(b)(ii), 8 CCR §3204(d)(1) et seq., GC §§12946, 34090

RECORDS RETENTION SCHEDULE: LIBRARY

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LIBRARY										
Library	LIB-001	Contract Services: Performers, Machines, Heating, Instructors, Entertainment, Officials, etc.	Completion + 2 years		Completion + 2 years	Yes: Before Completion	Mag, Mfr, OD, Ppr	S	Yes: After Inactive	GC §34090
Library	LIB-002	Emergency Contact List	When Superseded		When Superseded		Mag, Ppr			Transitory Record; GC §34090
Library	LIB-003	Facility Use Applications (Room Reservations, etc.)	2 years		2 years	Yes: Before Event	Mag, Ppr			GC §34090
Library	LIB-004	Friends of the Library	When No Longer Required		When No Longer Required		Mag, Ppr			Non-records; GC §34090
Library	LIB-005	Gifts & Donations (Private)	2 years	2 years	4 years		Mag, Mfr, OD, Ppr	S	Yes: When Inactive	Matches other grant retentions; 24 CFR 85.42 & 570.502 & 982.158, 29 CFR 97.42, GC §§34090, 60201
Library	LIB-006	Grants: LSCA (Library Services and Construction), LSTA (Library Services and Technology), SLRC (State Literacy Resource Centers), CLLS (California Library Literacy Services); CLSA (California Library Services Act, IMLS (Institute of Museum & Library Services) , and PLF (Public Library Foundation) ONLY . For all others, follow City-wide Schedule. (SUCCESSFUL Reports, and Financial Information)	Final Expenditure + 5 years		Final Expenditure + 5 years		Mag, Mfr, OD, Ppr			Per California State Library Records Management Program Requirements (April 27, 1998); GC §34090

RECORDS RETENTION SCHEDULE: LIBRARY

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Library	LIB-007	Historical Records and Photographs	P		P			Mag, Mfr, OD, Ppr	S	No	Department preference for historically significant material; GC §34090
Library	LIB-008	Incident Reports (medical and non-medical)	2 years		2 years			Mag, Ppr			GC §34090
Library	LIB-009	Library Commission: Agendas, Summaries, Notices, Correspondence , etc..	2 years		2 years			Mag, Ppr			Department Preference; Brown Act challenges must be filed within 30 or 90 days of action; GC §§§34090, 60201, 54960.1(c)(1)
Library	LIB-010	Library Commission: Bylaws, Minutes, Resolutions, Articles of Incorporation, Appointments, Resignations	P		P			Mag, Mfr, OD, Ppr	S	Yes: When Inactive	GC §§34090, 60201
Library	LIB-011	Library Consortium Agreement and Annual Reports	P		P			Mag, Mfr, OD, Ppr	S/I	No	Department Preference; GC §34090
Library	LIB-012	Library Consortium Monthly Reports	2 years		2 years			Mag, Ppr			GC §34090
Library or Finance	LIB-013	LSTA Grants: Grants given to local Non-profit organizations (REPORTS & PAYMENTS)	5 years		5 years			Mag, Ppr			Department Preference (meets auditing requirements); GC §34090
Library	LIB-014	Programs (e.g. Summer Reading)	2 years		2 years			Mag, Ppr			Consistent with Registration Forms; GC §34090

RECORDS RETENTION SCHEDULE: LIBRARY

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Library	LIB-015	Volunteer Applications & Agreements	Separation + 3 years		Separation + 3 years			Mag, Mfr, OD, Ppr	S	Yes: 1 year	Courts treat volunteers as employees; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; retirement benefits is 6 years from last action; 29 CFR 1602.31 & 1627.3(b)(ii), 8 CCR §3204(d)(1) et seq., GC §§12946, 34090; 29 USC 1113
Library	LIB-016	Volunteer Emergency Contact Forms	When Superseded or Separated		When Superseded or Separated	Yes: While volunteer is active		Mag, Ppr			GC §34090

RECORDS RETENTION SCHEDULE: POLICE

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POLICE										
	PD-001	Alcohol Beverage Applications	When No Longer Required		When No Longer Required			Ppr		Non-records; GC §34090
Human Resources	PD-002	Background Files - Employees, Volunteers & Reservists	Transfer to Human Resources upon Separation		Transfer to Human Resources upon Separation			Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year GC §34090
Human Resources	PD-003	Background Files - Unsuccessful Applicants	3 years		3 years			Mag, Ppr		Eligibility Lists are 1 year and can be extended 1 year; EEOC / FLSA / ADEA (Age) requires 3 years; State Law requires 2 - 3 years; 29 CFR 1627.3(a)(5) and (6), 8 CCR §11040.7(c), GC §§12946, 34090
Police	PD-004	Citations - Payment Plans for outstanding parking citations received by indigent persons	Fully Paid, Written off, or Forgiven + 5 years		Fully Paid, Written off, or Forgiven + 5 years			Mag, Ppr		Department preference (the Statute of Limitation for collections is 5 years from the date of the last violation); CVC 40222(b); GC §34090
Police	PD-005	Citations: Infractions & Parking	Minimum 2 years		Minimum 2 years			Ppr		Department preference; GC §34090
Police	PD-006	Citations: Marijuana / Cannabis Citations or Reports (less than 28.5 grams)	2 years		2 years			Ppr		GC §34090, H&S §11361.5
Police	PD-007	Citations: Misdemeanor or Criminal	Minimum 2 years		Minimum 2 years			Ppr		GC §34090
Police	PD-008	Code Enforcement (all except Substandard Housing Conditions, which is Building Department)	Case Closure + 2 years		Case Closure + 2 years	Yes: Until Resolution		Mag, Ppr		Case is open until satisfactorily resolved; GC §34090

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Police	PD-009	Crime Statistics: ANNUAL	2 years	P	P			Mag, Mfr, OD, Ppr	S / I	Yes: When Inactive	Historical Value; GC §34090
Police	PD-010	Crime Statistics: PERIODIC (Monthly, Bi-monthly, etc.)	2 years		2 years			Mag, Ppr			GC §34090
Police	PD-011	Daily Crime Report No. Log: Case Numbers Books (Old Cases)	P		P			Mag, Ppr			GC §34090
Police	PD-012	Department of Justice Validation Lists	2 years		2 years			Mag, Ppr			Information received by DOJ; GC §34090
Police	PD-013	Drug Registrants (maintained in Suspect ID Jackets)	5 years		5 years			Mag, Ppr			Registration is required for 5 years; GC §34090, H&S §11590 et seq., H&S §11594(a)
Police	PD-014	Evidence Sheets (Property packaging)	(Police Report Retention)		(Police Report Retention)			Ppr			Statute of Limitations is 1 year for property seized by officers; CCP §340(4); GC §34090
Police	PD-015	Guns: Dealers Record of Sale	When No Longer Required		When No Longer Required			Mag, Ppr			Dealers have an automated link to DOJ; PC §12070
Police	PD-016	Internal Investigations and Civilian Complaints: Sustained, Not Sustained, Use of Force, and Officer Involved Shootings	Final Disposition + 5 years		Final Disposition + 5 years			Mag, Ppr			Department Preference; State & Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; Statute of Limitations is 4 years after the discovery of the offense for misconduct in office; EVC §1045, GC §§12946, 34090, PC §§801.5, 803(c), 832.5, VC §2547

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Police	PD-017	Massage Establishments & Technicians: Background Checks	Expiration of License + 2 years		Expiration of License + 2 years		Mag, Mfr, OD, Ppr	M / S / I	No	GC §34090
Police	PD-018	Officer Recordings: Body-Worn Cameras – LOGS of Access or Deletion of Data	P		P		Mag			PC§ 832.18(b)(5)(E); GC §34090.6 et seq.
Police	PD-019	Officer Recordings: Body-Worn Cameras - that ARE evidence, Officer Involved Shootings / Detention or Arrest / Complaints	Follows retention for Evidence, Minimum 2 years		Follows the Retention of the Evidence, Minimum 2 years		Mag			PC§ 832.18(b)(5)(B)&(C); GC §34090.6 et seq.
Police	PD-020	Officer Recordings: Body-Worn Cameras - that are NOT evidence	60 days		60 days		Mag			PC§ 832.18(b)(5)(A); GC §34090.6 et seq.
Police	PD-021	Parking Permits / Overnight Parking Permits	2 years		2 years		Mag, Ppr			GC §34090
Police	PD-022	Pawn Slips	When No Longer Required		When No Longer Required		Ppr			Non-records used for investigations; Originals entered into the State Automated Property System; most agencies retain for 2 years; GC §34090
Police	PD-023	Police Report Log (for Press - posted on Web)	2 years		2 years		Mag, Ppr			GC §34090
Police	PD-024	Police Report Log (Police only - contains confidential information)	2 years		2 years		Mag, Ppr			GC §34090

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Police	PD-025	Police Reports: Felonies and Misdemeanors - ALL except those otherwise specifically mentioned in this retention schedule	7 years or upon DOJ Notification		7 years or upon DOJ Notification	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S / I	No	Department Preference; Provided there are no outstanding warrants, unrecovered weapons, criminal deaths, they are not historically significant, and it is not classified under PC §800 & 290 and H&S §11850; Stat. of Limit. is 2 yrs; Destroy juvenile marijuana after age18; H&S §11361.5, GC §34090, PC §802, PC §§187, 800 et seq.
Police	PD-026	Police Reports: Homicide, Child Abuse (Substantiated) or Severe Neglect; Bank Robberies, Fatal Traffic Collisions, Suspicious Deaths, Falsification of Public Records, Kidnapping, Unsolved Child or Elder Abuse, Sexual Assault & Neglect, Rape, Misuse of Public Funds, Train-wrecking, Treason, Suicide, Officer Involved shootings (Crimes Subject to Death Penalty or without statute of Limitations -- Includes Attempts)	3 years	P	P	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S / I	Yes: When Inactive	Department Preference; Most have no limitations on commencement of action; PC §§ 261, 286, 288, 288a, 288.5, 289, 289.5, and 799
Police	PD-027	Police Reports: Marijuana / Cannabis less than 28.5 grams	2 years or subject 18 years old		2 years or subject 18 years old		Ppr			GC §34090, H&S §11361.5
Police	PD-028	Police Reports: Missing Person Reports (unsolved)	2 years or Until Located	P	P	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S / I	Yes: When Inactive	Dept. Preference; Also see Crime Reports; GC §34090

RECORDS RETENTION SCHEDULE: POLICE

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Police	PD-029	Police Reports: Sealed ("Factual Innocence")	Date of Arrest + 3 years		Date of Arrest + 3 years	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	Individual petitions District Attorney; Sheriff concurs that person is factually innocent, then seals record ("Shall" Destroy); GC §34090; PC §851.8(a)
Police	PD-030	Police Reports: Sealed Juvenile Cases	Sealing date + 5 years (or Court Order)		Sealing date + 5 years (or Court Order)		Mag, Mfr, OD, Ppr			Statute of Limitations turns up to age of majority + 8 years; Sealing for Juveniles and Wards of the Court retained for 5 years; CCP §§340.1, GC §34090; W&I §781(d)
Police	PD-031	Police Reports: Child Abuse or Neglect Investigation Reports - Unsubstantiated or Inconclusive	No Further Report on Suspected Abuser + 10 years		No Further Report on Suspected Abuser + 10 years		Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	PC §§11169(c), 11170(a)(3)
Police	PD-032	Police Reports: Weapons, Lost / Stolen, Serialized, if no activity from date of report and CLETS purge	Until Found - Minimum 7 years		Until Found - Minimum 7 years		Ppr			PC§ 11108.2(b); GC §34090
Support Operations	PD-033	Recordings of Telephone & Radio Communications / Dispatch Tapes, Tape Recordings (CAD)	1 year		1 year		Mag			State law requires 100 days; Statute of Limitations for Civil Rights Claims is one year; other claims is 180 days; CCP§337 et Seq., GC §§34090, 34090.6
Police	PD-034	Registrants: Sex Offenders - Juveniles	P or Sealing Date + 5 years (or Court Order)		P or Sealing Date + 5 years (or Court Order)		Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	Department Preference; After 2021, Offenders can petition Court for removal 10 or 20 years after offense, provided there are no subsequent offenses; Pursuant to PC §290 et seq.; W&I §781(D)

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Police	PD-035	Registrants: Sex Offenders - Adults	P, or Death of Registrant		P, or Death of Registrant			Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	Department Preference; After 2021, Offenders can petition Court for removal 10 or 20 years after offense, provided there are no subsequent offenses; Pursuant to PC §290 et seq.
Police	PD-036	Restraining Orders	Expiration of Order		Expiration of Order			Ppr			Department Preference; Non-records (Superior Court is OFR); GC §34090
Police	PD-037	RMS Database	Indefinite		Indefinite	Yes	Mag				Data Fields / Records are interrelated; GC §34090
Police	PD-038	Subpoenas and Subpoena Logs	2 years		2 years			Ppr			GC §34090
Police	PD-039	Suspect ID Jackets	No Activity + 10 years		No Activity + 10 years			Mag, Ppr			Consistent with Felony Crime Report retentions; Registration is required for 5 years; GC §34090, H&S §11590 et seq., H&S §11594(a)
Police	PD-040	Traffic Complaints	2 years		2 years			Mag, Ppr			GC §34090
Police	PD-041	Training Records	Transfer to Human Resources upon Separation		Transfer to Human Resources upon Separation			Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year	Department Preference; GC §34090

RECORDS RETENTION SCHEDULE: PUBLIC WORKS

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PUBLIC WORKS										
Fire, Public Works	PW-001	Employee Exposure Records: HazMat Exposure Records / OSHA Log 200, MSDS (Material Safety Data Sheets) / SDS (Safety Data Sheets)	2 years	28 years	30 years	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: When Inactive	Claims can be made for 30 years for toxic subst. exposure; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 29 CFR 1627.3(b)(ii), 8 CCR §3204(d)(1) et seq., GC §§12946, 34090
Public Works	PW-002	Equipment Inventory, Maintenance & Operations (e.g. pump stations, reservoir stations, etc.)	5 years		5 years	Yes	Mag, Ppr			Covers auditing standards; Statute of Limitations for contracts is 4 years; CCP §§ 337 et seq.; GC §34090
Plann. / Public Works	PW-003	Flood Control & Disaster Files (e.g. pump systems, CIP systems)	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: 1 year	statewide guidelines propose 2 years; GC §34090
Public Works	PW-004	Offers of Dedication	When No Longer Required		When No Longer Required		Mag, Mfr, OD, Ppr	S	Yes: After Inactive	GC §34090
Public Works	PW-005	Potential Claims	2 years		2 years	Yes (all)	Mag, Ppr			GC §34090
Lead Dept: City Manag., Plann., or Public Works	PW-006	Real Estate Appraisal Reports: Property NOT purchased	2 years		2 years		Mag, Ppr			Statewide Guidelines show 2 years; GC §§34090, 6254(h)

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Lead Dept: City Manag., Plann., or Public Works	PW-007	Real Estate Appraisal Reports: Purchased Property	2 years	5 years	7 years	Yes: Until Purchase	Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Auditing standards are 7 years after audit; time is sufficient to establish tax increment; Statewide Guidelines show 2 years; GC §§34090, 6254(h)
Finance	PW-008	Refundable Deposits (Building or Planning Permits, etc.)	When No Longer Required		When No Longer Required	Yes: Until Closed	Mag, Mfr, OD, Ppr			Finance maintains originals; GC §34090.7
Public Works	PW-009	State of California Information Files (CalTrans)	2 years	10 years	10 years		Mag, Mfr, OD, Ppr	S	Yes: 1 year	Administrative Value; GC §34090
Human Resources	PW-010	Training, Including Safety Training (Not Hazardous Materials)	Copies - When No Longer Required		Copies - When No Longer Required		Mag, Ppr			HR is OFR (all originals should be sent to HR, the department maintains a copy); OSHA requires 1 year; 8 Cal. Cod Reg. 3203(b)(2); GC §34090
Public Works	PW-011	Traffic Collision Reports (copies of Sheriff's report)	10 years		10 years		Mag, Ppr			Department Preference; GC §34090
Public Works	PW-012	Traffic Counts, Summaries, Reports	5 years		5 years		Mag, Ppr			Department Preference; GC §34090
Public Works	PW-013	Traffic Information Files	5 years		5 years		Mag, Mfr, OD, Ppr	S	Yes: 1 year	Department Preference; GC §34090
Public Works	PW-014	Traffic Legends (painting)	5 years	P	P		Mag, Mfr, OD, Ppr	S	Yes: 1 year	Department Preference; GC §34090
Public Works	PW-015	Traffic Signals: Maintenance, Timing, Signs & Marking installations	5 years	P	P		Mag, Mfr, OD, Ppr	S	Yes: 1 year	Department Preference; GC §34090

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Public Works	PW-016	Traffic Speed Surveys	5 years		5 years			Mag, Ppr		Department Preference; Statewide guidelines propose 2 years; GC §34090
Public Works	PW-017	Underground Service Alerts from Utility Companies "USA's" - (Digging on Property)	3 years		3 years			Ppr		GC §§4216.2(fd) & 4216.3(d), GC §34090
Public Works	PW-018	Vehicle Maintenance History (Public Works Vehicles only)	Life of Vehicle + 2 years		Life of Vehicle + 2 years			Mag, Ppr		Covers all statute of limitations; CHP requires life of vehicle; OSHA requires 1 year; GC §34090
Public Works / Division Providing Service / Work	PW-019	Work Orders / Service Requests / Job Requests / Service Repair Orders CMMS DATABASE (Computerized Maintenance Management System)	Indefinite		Indefinite			Mag		Data is interrelated; GC §34090
Public Works / Division Providing Service / Work	PW-020	Work Orders / Service Requests / Job Requests / Service Repair Orders - All Information Entered in CMMS Database	When No Longer Required		When No Longer Required			Mag, Ppr		Preliminary drafts (the database is the original); GC §34090
Public Works / Division Providing Service / Work	PW-021	Work Orders / Service Requests / Job Requests / Service Repair Orders - NOT entered in CMMS Database (or partial information entered into CMMS Database) (Division providing service retains originals; Division requesting service is considered a copy)	5 years		5 years			Mag, Ppr		City preference; CCP §§338 et seq., 340 et seq., 342, GC §§945.6, GC §34090

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ENGINEERING										
Public Works / Engineer.	PW-022	Annexations, Abandonments	2 years	P	P	Yes: Until Completed	Mag, Mfr, OD, Ppr	S	Yes: 1 year	GC §34090
Public Works / Engineer.	PW-023	Assessment District Projects (Maps, Engineer's Report, Diagrams, Spreadsheets, Improvement Plans - e.g. water, sewer, undergrounding)	2 years	P	P	Yes: Until Completed	Mag, Mfr, OD, Ppr	S	Yes: 1 year	City Clerk Maintains Originals; GC §34090
Public Works / Engineer.	PW-024	Bonds - Project Funding	When No Longer Required		When No Longer Required	Yes: Until Completed	Mag, Mfr, OD, Ppr			Finance is OFR; GC §34090.7
Public Works / Engineer.	PW-025	Capital Improvement Projects (CIP): Administration File Project Administration, Certified Payrolls, Construction Manager's Logs, Daily Inspections, Daily Logs, Hazardous Materials Plans, Meeting Minutes, Photos, Project Schedules, Progress meetings, Punch Lists, Real Estate Appraisals, RFIs & Responses, Soil Reports, Studies, Submittals, Successful Proposal, Surveys, etc.	Upon Completion	10 years or After Funding Agency Audit, if required, whichever is longer	Completion + 10 years or After Funding Agency Audit, if required, whichever is longer	Yes: Until Completed	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Some grant funding agencies require audits; Statute of Limitations for Errors & Omissions is 10 years; Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §337 et. seq., GC §34090

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Public Works / Engineer.	PW-026	Capital Improvement Projects (CIP): Permanent File Specifications & Addenda, Change Orders, CEQA / Environmental Documents - EIRs, Negative Declarations, Exemptions, Materials Testing Reports, etc.	Upon Completion	P	P	Yes: Until Completed	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Department preference; retained for disaster preparedness purposes; Statewide guidelines propose Permanent for Infrastructure plans; Final environmental determinations are required to be kept a "reasonable period of time"; 14 CCR §15095(c); CCP §337 et. seq., GC §34090
Public Works / Engineer.	PW-026	Drawings / As-Builts (Improvement Plans, Grading, Utility)	Completion + 2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: 1 year	Some maps are also retained by Planning; Selected maps are retained in Public Works for administrative purposes; GC §34090, 34090.7
Public Works / Engineer.	PW-027	Easements	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Department Preference; Recorded, therefore also maintained by City Clerk; GC §34090, 34090.7
Planning	PW-028	Encroachments (Planning Review File)	When No Longer Required		When No Longer Required		Mag, Ppr			Planning is OFR; GC §34090.7
Public Works / Engineer.	PW-029	Encroachments (Structures - e.g. awnings, signs, etc.)	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Statewide guidelines propose Permanent; GC § 34090
Public Works / Engineer.	PW-030	Encroachments (Temporary - e.g. construction street openings, sidewalk ramps, debris box, etc.)	2 years		2 years		Mag, Ppr			GC §34090

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Public Works / Engineer.	PW-031	Maps, Base Maps - Final (Drainage, Grading, Subdivision, Survey, Parcel Maps, Lot Line Adjustments, Utility, Street Light, Water, etc.)	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: 1 year	Some maps are recorded and maintained by City Clerk; some maps are also retained by Planning; Selected maps are retained in Public Works for administrative purposes; GC §34090, 34090.7
Public Works / Engineer.	PW-032	NPDES - National Pollutant Discharge Elimination System Program (includes enforcement actions)	5 years		5 years		Mag, Mfr, OD, Ppr	S	Yes: 1 year	Statewide guidelines propose permanent; Federal law requires between 3-5 years for hazardous materials discharge; 40 CFR 122.28
Public Works / Engineer.	PW-033	Offers of Dedication (property)	2 years	P	P		Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Land records; GC §34090
Public Works / Engineer.	PW-034	Plan Drawings (e.g. water, sewer, storm drain, etc.)	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: 1 year	Some maps are also retained by Planning; Selected maps are retained in Public Works for administrative purposes; GC §34090, 34090.7
Public Works / Engineer.	PW-035	Preliminary Studies / Project Assessments (Not Acquired): Title Reports, Environmental Reports, etc.	2 years	8 years	10 years		Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Department Preference; GC §34090
Public Works / Engineer.	PW-036	Prevailing Wages, Disadvantaged Business Enterprises	2 years after revised		2 years after revised		Mag, Ppr			Non-record used for reference; GC § 34090

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Public Works / Engineer.	PW-037	Projects & Facilities: INFRASTRUCTURE Final Specifications and Plans (Buildings, Improvement Plans, Park Improvements, Right of Way, Sewers, Street Widening, etc.)	Completion + 2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: 1 year	Statewide guidelines propose 7 years; 2 years for blueprints & specifications; Statute of Limitations is 4 years; 10 years for Errors & Omissions; CCP §§337.337.1(a), 337.15, GC §34090
Public Works / Engineer.	PW-038	Projects: NON-INFRASTRUCTURE Final Specifications and Plans (Curb repairs, Slurry Seals, Street Paving, Tree Trimming, etc).	Completion + 2 years	3 years	Completion + 5 years	Yes: Until Completed	Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Statewide guidelines propose Term + 5 years, 2 years for blueprints & specifications; Statute of Limitations is 4 years; 10 years for Errors & Omissions; CCP §§337.337.1(a), 337.15, GC §34090
Finance	PW-039	Property Acquisition Projects (All): Correspondence, copies of permanent documents, etc.	Copies - When No Longer Required		Copies - When No Longer Required	Yes: Until Completed	Mag, Ppr			Original Deeds or other Recorded Documents are maintained by the City Clerk, depending upon the project; All original agreements are maintained by Finance; GC §34090.7
Public Works / Engineer.	PW-040	Refundable and Security Deposits (Charged to developers to cover project fees)	2 years	3 years	5 years	Yes: Until Completed	Mag, Ppr			For auditing purposes; published articles show 3 years; Other city shows permanent; GC §34090
Public Works / Engineer.	PW-041	Resource Files: (ABAG, etc.)	When No Longer Required		When No Longer Required		Mag, Ppr			GC §34090
Public Works / Engineer.	PW-042	Staff Reports (City Council)	P		P	Yes: Until Completed	Mag, Mfr, OD, Ppr	S	Yes: 1 year	City Clerk Maintains Originals for 5 years; GC §34090

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Public Works / Engineer.	PW-043	Streets, Storm Drains, Lot Line Adjustments, Parcel Maps, etc.	P		P	Yes (all)				Department Preference; Planning also maintains some originals; GC § 34090 et seq.
Public Works / Engineer.	PW-044	Subdivisions	Completion + 2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: 1 year	Department Preference (City Clerk is OFR); GC §34090.7
Public Works / Engineer.	PW-045	Survey Information (Legal plats and descriptions, Survey data and maps)	Completion + 2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: 1 year	Department Preference; GC §34090
Public Works / Engineer.	PW-046	Tree Database (West Coast Arborists)	Indefinite		Indefinite	Yes	Mag			Data Fields / Records are interrelated; GC §34090
ENVIRONMENTAL PROGRAMS										
Public Works / Env.	PW-047	Energy Conservation	5 years		5 years		Mag, Mfr, OD, Ppr	S	No	Department Preference; GC §34090 et. seq.
Public Works / Env.	PW-047	NPDES - Public Information	5 years		5 years		Mag, Mfr, OD, Ppr	S	No	Department Preference; Monitoring records required for 3 years; 40 CFR §§122.21, 122.41; 122.44; GC §34090 et. seq.
Public Works / Env.	PW-048	Tree Maps & Plats	Until Superseded	P	P		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Department Preference; GC §34090
Public Works / Env.	PW-049	Tree Maintenance	2 years	1 year	3 years		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Department Preference; GC §34090
Public Works / Env.	PW-050	Tree Removal Permits	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Department Preference; GC §34090

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Public Works / Env.	PW-051	Solid Waste Recycling and Administration	5 years		5 years			Mag, Mfr, OD, Ppr	S	No	Department Preference; GC §34090 et. seq.
Public Works / Env.	PW-052	Water Pollution Prevention Program (NPDES)	5 years		5 years			Mag, Mfr, OD, Ppr	S	No	Department Preference; Monitoring records required for 3 years; 40 CFR §§122.21, 122.41; 122.44 GC §34090 et. seq.
MAINTENANCE / FLEET SECTION											
Maint. / Fleet	PW-053	Accident Reports (vehicles and equipment) - NOT a Police Report	3 years		3 years			Mag, Ppr			Covers statute of limitations; CCP §337 et seq.; GC §34090
Police	PW-054	Accident Reports (vehicles and equipment) - Police Reports	Copies - When No Longer Required		Copies - When No Longer Required			Mag, Ppr			Police is OFR - Do not retain in Department because it contains some private information; GC §34090.7
Maint. / Fleet	PW-055	Equipment Work Request	When No Longer Required		When No Longer Required			Mag, Ppr			The "original" record (Pink) is maintained in other departments; GC §34090
Maint. / Fleet	PW-056	Vehicle Maintenance History	Life of Vehicle + 2 years		Life of Vehicle + 2 years			Mag, Ppr			Consistent with CHP requirements; OSHA requires 1 year; 8 CCR §3203(b)(1); GC §34090
Maint. / Fleet	PW-057	Vehicle Service Requests, Inspections, or Work Orders	Life of Vehicle or CHP Inspection		Life of Vehicle or CHP Inspection			Mag, Ppr			Some functions are outsourced to Contractors; GC §34090

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MAINTENANCE / STREETS											
Maint. / Streets	PW-058	Material Data Safety Sheet (MSDS) / Safety Data Sheets (SDS) / Chemical Use Report Form (or records of the chemical / substance / agent, where & when it was used)	30 years		30 years			Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Previous MSDS may be obtained from a service; MSDS may be destroyed as long as a record of the chemical / substance / agent, where & when it was used is maintained for 30 years; Applies to qualified employers; 8 CCR 3204(d)(1)(B)(2 and 3), 29 CFR 910.1020(d)(1)(ii)(B), GC §34090
Maint. / Streets	PW-059	Pavement Maintenance Inventory Records	Data Superseded		Data Superseded			Mag, Mfr, OD, Ppr	S	Yes: After 1 year	GC § 34090
Maint. / Streets	PW-060	Pavement Maintenance Inventory Records - "Deep Lift" or "Skin Patching" (repair)	2 years		2 years			Mag			GC § 34090
Maint. / Streets	PW-061	Streets	5 years		5 years			Mag, Ppr			Department Preference; GC § 34090
Maint. / Streets	PW-062	Traffic Legends (painting)	5 years		5 years			Mag, Ppr			Covers all Statute of Limitations; Department Preference; GC §34090, CCP §337 et seq.
Maint. / Streets	PW-063	Traffic Signs	5 years		5 years			Mag, Ppr			City Clerk maintains originals of installation / ownership, etc; Covers all Statute of Limitations; Department Preference; GC §34090, CCP §337 et seq.

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Maint. / Streets	PW-064	Tree Database (West Coast Arborists)	Indefinite		Indefinite	Yes	Mag			Data Fields / Records are interrelated; GC §34090
Public Works / Division Providing Service / Work	PW-065	Work Orders / Service Requests / Job Requests / Service Repair Orders CMMS DATABASE (Computerized Maintenance Management System)	Indefinite		Indefinite		Mag			Data is interrelated; GC §34090
Public Works / Division Providing Service / Work	PW-066	Work Orders / Service Requests / Job Requests / Service Repair Orders - All Information Entered in CMMS Database	When No Longer Required		When No Longer Required		Mag, Ppr			Preliminary drafts (the database is the original); GC §34090
Public Works / Division Providing Service / Work	PW-067	Work Orders / Service Requests / Job Requests / Service Repair Orders - NOT entered in CMMS Database (or partial information entered into CMMS Database) (Division providing service retains originals; Division requesting service is considered a copy)	3 years		3 years		Mag, Ppr			City preference; CCP §§338 et seq., 340 et seq., 342, GC §§945.6 , GC §34090
MAINTENANCE / WATER										
Water	PW-068	Backflow Inspections / Approvals	5 years		5 years		Ppr			Domestic water system inspection with County administration (State Program - Title 17) GC §34090 (City took over from San Mateo County in 2009)

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<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>											
Water	PW-069	Chains of Custody	2 years	10 years	12 years			Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Lead and Copper are required for 12 years or 2 compliance cycles (some compliance cycles are nine years); 22 CCR 64400.25; 22 CCR §64470, 40 CFR 141.33(a); 40 CFR 141.91
Water	PW-070	Chemical Reports, includes Bacterial Analysis (Chlorine, Nitrates, etc.) weekly water testing	2 years	8 years	12 years			Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	State law requires 12 years, Federal 10 years; 40 CFR 141.33(a); 22 CCR §64692
Water	PW-071	Correspondence: EPA, DHS	2 years	3 years	5 years			Mag, Mfr, OD, Ppr	S	Yes: 2 years	Department Preference; GC §34090
Water	PW-072	Customer Concerns / Customer Complaints: Odor / Taste / Visual Complaints about Potable Water	5 years		5 years			Mag, Ppr			5 years is required in State and Federal law for any complaints; 40 CFR 122.41(j)(2) & 40 CFR 141.33(b); 22 CCR 64470(a)
Water	PW-073	FEMA Community Assistance	2 years	8 years	10 years			Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Department Preference; GC §34090
Water	PW-074	FEMA Flood Insurance Maps, Letters of Map Amendments	Until Superseded	P	P			Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Department Preference; GC §34090
Water	PW-075	Geothermal Logs	2 years	P	P			Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Historical Data; GC §34090
Water	PW-076	Groundwater Contamination	2 years	P	P			Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Historical Data; GC §34090

RECORDS RETENTION SCHEDULE: PUBLIC WORKS

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Water	PW-077	Groundwater Levels, Data Trends	2 years	P	P		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Historical Data; GC §34090
Water	PW-078	Groundwater Monitoring Well Route Book	P		P		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Department Preference; GC §34090
Water	PW-079	Lab Analysis (e.g. Bayfront Park)	2 years	8 years	12 years		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Lead and Copper are required for 12 years or 2 compliance cycles (some compliance cycles are nine years); 22 CCR 64400.25; 22 CCR §64470, 40 CFR 141.33(a); 40 CFR 141.91
Water	PW-080	Meter Installation & Maintenance	Life of Meter		Life of Meter		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	GC §34090
Water	PW-081	NPDES Reports (e.g. 1/2 year deliverable)	3 years		3 years		Mag, Ppr			Monitoring records required for 3 years; 40 CFR §§122.21, 122.41, 122.44
Water	PW-082	Permits: Road Work (issued by Others)	Completion of Project + 2 years		Completion of Project + 2 years		Ppr			GC §34090
Water	PW-083	Test Wells (e.g. Bayfront Park - may be done by private entities)	2 years	Closing of Well	Closing of Well		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Administrative Value for monitoring wells; GC §34090
Water	PW-084	Variances, Exemptions (water)	Expiration + 5 years		Expiration + 5 years		Mag, Mfr, OD, Ppr	S	No	40 CFR 141.33(d)
Water	PW-085	Violations, Investigations and Corrective Actions: WATER DISTRIBUTION	Last Action + 5 years		Last Action + 5 years		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	40 CFR 141.33(b)

RECORDS RETENTION SCHEDULE: PUBLIC WORKS

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Water	PW-086	Vulnerability Assessment / Emergency Response Plan / Risk & Resiliency Assessment / Hazard Mitigation Plan	When Superseded Minimum 2 years		When Superseded Minimum 2 years			Mag, Ppr			Confidential; 42 USC 300i-2(d); GC §34090 et seq.
Water	PW-087	Water - General	10 years		10 years			Mag, Mfr, OD, Ppr			GC § 34090
Water	PW-088	Water Level Data Sheets - Reservoirs	P		P			Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Administrative Value; GC §34090
Water	PW-089	Water Plans (Various Projects)	Completion + 5 years	P	P			Mag, Mfr, OD, Ppr	S	Yes: When Inactive	Drafts should be destroyed; All infrastructure contracts are permanent for emergency preparedness; Statute of Limitations is 4 years; 10 years for Errors & Omissions; CCP §§337.337.1(a), 337.15, GC §34090
Water	PW-090	Water Service Connections	2 years	3 years	5 years			Mag, Ppr			Department preference; covers auditing standards; GC §34090
Water	PW-091	Water Suppliers	10 years		10 years			Mag, Mfr, OD, Ppr			GC § 34090
Water	PW-092	Water Permit Index / Key	P		P	Yes		Mag, Mfr, OD, Ppr	S / I	No	GC §34090
Water	PW-093	Well Logs (e.g. Bayfront Park)	When No Longer Required		When No Longer Required			Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Non-records (private entities perform this); GC §34090

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<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Water	PW-094	Well Measurements, Production: Daily Water Production, Water Meters	2 years	P	P		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Department Preference; GC §34090
Water	PW-095	Well Record Books, Graphs, Monitoring	2 years	P	P		Mag, Mfr, OD, Ppr	S / I	Yes: 2 years	Department Preference; GC §34090
TRANSPORTATION										
Public Works. / Trans.	PW-096	Traffic Counts, Summaries, Reports	5 years	15 years	20 years		Mag, Ppr			Department Preference; GC §34090
Public Works. / Trans.	PW-097	Bicycle Safety Training Program	2 years		2 years		Mag, Ppr			GC §34090
Public Works. / Trans.	PW-098	Streets, Intersections	5 years	5 years	10 years		Mag, Ppr			Department Preference; GC §34090
Public Works. / Trans.	PW-099	Traffic Information Files (does not include Accident Reports)	5 years	5 years	10 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; GC §34090
Public Works. / Trans.	PW-100	Traffic Legends (painting)	5 years	P	P		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; GC §34090
Public Works. / Trans.	PW-101	Traffic Signals: Maintenance, Timing, Signs & Marking installations	5 years	P	P		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; GC §34090
Public Works. / Trans.	PW-102	Traffic Reports (except those that are historically significant)	5 years	5 years	10 years		Mag, Ppr			Department Preference; Statewide guidelines propose 2 years; GC §34090

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Public Works. / Trans.	PW-103	Traffic Speed Surveys	5 years	5 years	10 years		Mag, Ppr			Department Preference; Statewide guidelines propose 2 years; GC §34090
Public Works. / Trans.	PW-104	Transportation Funding Programs (ISTEA, etc.)	2 years	After Funding Agency Audit, if Required - Minimum 4 years	After Funding Agency Audit, if required - Minimum 4 years		Mag, Mfr, OD, Ppr	S / I	Yes: When Inactive	Uniform Admin. Require. for Grants to Local Govern. is 3 years from expenditure report; HUD 2228.2 rev-3, 24 CFR 85.42, 24 CFR 982.158, 29 CFR 97.42, GC §34090; Grant issuer has requirements under various CFR's
Public Works. / Trans.	PW-105	Transportation Plans, Projects & Infrastructure	5 years	P	P		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; GC §34090
Public Works. / Trans.	PW-106	Transportation Systems Management Program (TSM) - Shuttles	5 years		5 years		Mag, Ppr			Consistent with CHP inspection requirements; OSHA Requires 1 year; Cal. Code Reg. 3203(b)(1), GC §34090
Public Works. / Trans.	PW-107	Traffic Studies	5 years	5 years	10 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090
Public Works. / Trans.	PW-108	Truck Permits	4 years		4 years	Yes: While Active	Mag, Ppr			Covers all Statute of Limitations; GC §34090, CCP §337 et seq.

RECORDS RETENTION SCHEDULE: SUSTAINABILITY

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, claims, complaints, pending records requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
SUSTAINABILITY										
Sustainability	SUS-001	Construction & Demolition Debris Re-use and Recycling	2 years		2 years			Mag, Ppr		GC §34090
Sustainability	SUS-002	Construction & Demolition Debris Re-use and Recycling Database (Green Halo)	Indefinite		Indefinite	Yes		Mag		Data Fields / Records are interrelated; GC §34090
Sustainability	SUS-003	Recycling / AB 939 Compliance / Tonnage Reports	2 years		2 years			Mag, Ppr		GC §34090
Sustainability	SUS-004	Sustainability Initiatives (Other)	2 years		2 years			Mag, Ppr		GC §34090



STAFF REPORT

City Council

Meeting Date:

3/22/2022

Staff Report Number:

22-058-CC

Consent Calendar:

Adopt a resolution to 1) withdraw from California Community Housing Agency membership and 2) provide notice to California Community Housing Agency of the withdrawal from the joint exercise of powers agreement relating

Recommendation

Staff recommends that the City Council adopt a resolution to 1) withdraw from California Community Housing Agency (CalCHA) membership and 2) provide notice to California Community Housing Agency of the withdrawal from the joint exercise of powers agreement (JPA) relating (Attachment A.)

Policy Issues

The City of Menlo Park supports a full range of housing options affordable to different income levels, as identified in the City's 2015-2023 Housing Element.

Background

In July 2019, the City Council adopted Resolution No. 6510 (Attachment B) authorizing the City to become a member agency of CalCHA. The City Council further authorized the City to enter into a JPA with CalCHA and to enter into purchase option agreements with CalCHA.

CalCHA was formed pursuant to a joint powers authority with two original charter members, Kings County and the Housing Authority of Kings County. CalCHA is a political subdivision of the State of California under the Joint Powers Act and is authorized to issue revenue bonds and to conduct a range of activities including acquisition, ownership, maintenance and operation of any property. Additional cities, counties, and other local government entities may, and have, joined CalCHA. This includes the cities of Mountain View, Hayward, Walnut Creek, Dublin, Livermore, Larkspur, Santa Rosa, Fairfield and Napa, among others.

CalCHA currently partners with Catalyst Capital to issue revenue bonds and redevelop housing developments. Because CalCHA is a quasi-governmental entity, the revenue bonds can be issued without certain tax credit-based financing limitations.

In 2019 Catalyst Housing Group intended to submit an offer to purchase 777 Hamilton Avenue, with CalCHA bond financing, contingent upon City Council approval of the resolution to become a member of CalCHA. Catalyst Housing Group was not successful in acquiring the property. Staff is not aware of any essential middle-income rental housing created within City limits.

Staff has become aware of concerns of these arrangements in terms of property tax implications and ability

to actually produce the desired affordable housing as reflected in the November 2021 memo on the JPA Bond Proposals for Government-Owned Middle-Income Housing in California by the California Housing Partnership, CSG Advisors and HR&A Advisors Inc. (Attachment C.)

Analysis

Staff has prepared the attached resolution for the City Council's consideration. At this time, staff believes it would be in the best interest of the City to withdraw membership from CalCHA until staff can more fully analyze the implications of being a member. Staff does not believe that withdrawing from CalCHA would preclude the City from rejoining CalCHA or another similar JPA acting on behalf of private developers, at a future time.

Impact on City Resources

This action has no impact on City resources.

Environmental Review

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

Public Notice

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

Attachments

- A. Resolution
- B. Resolution No. 6510
- C. JPA Bond Proposals for Government-Owned Middle-Income Housing in California

Report prepared by:
Justin Murphy, Interim City Manager

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
RESCINDING RESOLUTION NO. 6510 AND DIRECTING THE CITY MANAGER
TO (1) WITHDRAW THE CITY OF MENLO PARK FROM CALIFORNIA
COMMUNITY HOUSING AGENCY (CALCHA) MEMBERSHIP, AND (2)
PROVIDE NOTICE TO CALCHA OF THE CITY OF MENLO PARK'S
WITHDRAWAL FROM THE JOINT EXERCISE OF POWERS AGREEMENT
RELATING TO THE CALIFORNIA COMMUNITY HOUSING AGENCY**

WHEREAS, one of the primary goals of the City of Menlo Park (the City) is to meet the growing housing needs of its residents by actively supporting the production, preservation and protection of market-rate and affordable rental housing for all; and

WHEREAS, the City proposes to withdrawal membership from CalCHA pursuant to Section 12 of the joint exercise of powers agreement relating to the California Community Housing Agency; and

WHEREAS, the City proposes to authorize its city manager or designee to notify CalCHA of the City's withdrawal from the Purchase Option Agreements with CalCHA for all essential middle-income rental housing created within City limits.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby resolves as follows:

1. Resolution No. 6510 (Exhibit A) is hereby rescinded and shall have no further force or effect; as such the City no longer supports and approves CalCHA's issuance of tax-exempt bonds and the City no longer authorizes the city manager to enter into purchase option agreements with CalCHA.
2. The City hereby withdraws its membership in the California Community Housing Agency (CalCHA) and directs the City Manager to issue written notice of such withdrawal to CalCHA.
3. The City hereby withdraws from the Joint Exercise of Powers Agreement Relating to the California Community Housing Agency between CalCHA and the City (Exhibit B) and directs the city manager to issue written notice to CalCHA regarding the City's withdrawal from said Agreement pursuant to section

SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

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I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-second day of March, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this __ day of March, 2022.

Judi A. Herren, City Clerk

Exhibits

- A. Resolution No. 6510
- B. Joint Exercise of Powers Agreement Relating to the California Community Housing Agency between CalCHA and the City

RESOLUTION NO. 6510

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AUTHORIZING THE CITY TO BECOME AN ADDITIONAL MEMBER OF THE CALIFORNIA COMMUNITY HOUSING AGENCY (CALCHA"); SUPPORTING CALCHA'S ISSUANCE OF TAX-EXEMPT BONDS FOR THE PRODUCTION, PRESERVATION AND PROTECTION OF ESSENTIAL MIDDLE-INCOME RENTAL HOUSING; AND AUTHORIZING [CITY STAFF] TO ENTER INTO PURCHASE OPTION AGREEMENTS WITH CALCHA FOR ESSENTIAL MIDDLE-INCOME RENTAL HOUSING CREATED WITHIN CITY LIMITS

WHEREAS, one of the primary goals of the City of Menlo Park (the City) is to meet the growing housing needs of its residents by actively supporting the production, preservation and protection of market-rate and affordable rental housing for all; and

WHEREAS, no existing Federal, State or local subsidies, programs or motivations currently exist to meaningfully address the growing shortfall of protected middle-income rental housing; and

WHEREAS, CalCHA is a Joint Powers Authority created specifically to produce, preserve and protect quality affordable rental housing made available to California's essential middle-income workforce; and

WHEREAS, CalCHA intends to acquire existing rental properties within City limits and restrict future occupancy to middle-income households earning no more than 120 percent of area median income; and

WHEREAS, CalCHA will avoid the displacement of existing residents, implement regulatory agreements restricting the incomes and rents of future residents, and impose caps on the annual rent increases of qualified middle-income households; and

WHEREAS, CalCHA will finance its acquisitions through the issuance of tax-exempt bonds, and in order for CalCHA to issue tax-exempt bonds in Menlo Park, the City must be an additional member of CalCHA; and

WHEREAS, the City proposes to become an additional member of CalCHA pursuant to Section 12 of the joint exercise of powers agreement, exhibit a, relating to the California Community Housing Agency; and

WHEREAS, subsequent to becoming an additional member of CalCHA, any existing rental housing within City limits which CalCHA intends to acquire and finance with tax-exempt bonds must receive support and approval from the City; and

WHEREAS, such approval shall take into account the following City Council policies: (1) a tenant selection criteria which includes, to the extent legally feasible, a Menlo Park live and work preferences in addition to reasonable exceptions to standard property management credit and criminal history tenant qualification policies; (2) all revenue derived from these assets to be reserved and allocated to support affordable housing activities and programs; and (3) the City's commitment to preserve such assets as affordable housing and implement a strategy to exercise the purchase option between year 15 and year 30 (the end of the life) of the bonds; and

WHEREAS the City proposes to support and approve CalCHA's issuance of tax-exempt bonds for the acquisition of existing rental properties as a means toward the preservation and protection of essential middle-income rental housing within City limits; and

WHEREAS, CalCHA's issuance of tax-exempt bonds will provide public benefit through the production,

preservation and protection of below-market-rate rental housing, as well as the granting of all surplus project revenues to the City; and

WHEREAS, pursuant to one or more purchase option agreements (the purchase option agreements), between CalCHA and the City, CalCHA will grant the City the option, but never the obligation, to purchase each essential middle-income rental housing property commencing on the date 15 years after CalCHA's acquisition of such property; and

WHEREAS, the purchase option agreements will additionally provide the City with all surplus project revenues from each essential middle-income rental housing property; and

WHEREAS, the City will maintain the option to exercise such purchase option agreements for a period of 14 years following the commencement dates of the purchase option agreements for each essential middle-income rental housing property; and

WHEREAS, the City proposes to authorize its city manager to enter into purchase option agreements with CalCHA for all essential middle-income rental housing created within City limits.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby authorizes the City to become an additional member of CalCHA and authorizes its city manager to execute the joint exercise of powers agreement relating to the California Community Housing Agency, subject to approval as to form by the city attorney.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby supports and approves CalCHA's issuance of tax-exempt bonds as a means toward the production, preservation and protection of essential middle-income rental housing within City limits.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby authorizes its city manager to enter into purchase option agreements, Exhibit B, with CalCHA, consistent with the terms and provisions of this Resolution, for all essential middle-income rental housing created within City limits, subject to approval as to form by the city attorney.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council resolution was duly and regularly passed and adopted at a meeting of said City Council on the sixteenth day of July, 2019, by the following votes:

AYES: Carlton, Combs, Mueller, Nah, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this sixteenth day of July, 2019.



Judi A. Herren, City Clerk

**JOINT EXERCISE OF POWERS AGREEMENT
RELATING TO THE CALIFORNIA COMMUNITY HOUSING AGENCY**

THIS AGREEMENT, dated as of January 29, 2019, among the parties executing this Agreement (all such parties, except those which have withdrawn as provided herein, are referred to as the "Members" and those parties initially executing this Agreement are referred to as the "Charter Members"):

WITNESSETH

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the California Government Code (in effect as of the date hereof and as the same may from time to time be amended or supplemented, the "Joint Exercise of Powers Act"), two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, each of the Members is a "public agency" as that term is defined in Section 6500 of the Joint Exercise of Powers Act; and

WHEREAS, each of the Members is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare; and

WHEREAS, each of the Members may accomplish the purposes and objectives described in the preceding preamble by various means; and

WHEREAS, each Member is also empowered by law to acquire, construct, improve, operate and dispose of real property for a public purpose; and

WHEREAS, the Joint Exercise of Powers Act authorizes the Members to create a joint exercise of powers entity with the authority to exercise any powers common to the Members, including but not limited to acquiring, constructing, improving, operating and disposing of real property for a public purpose, all as specified in this Agreement, and to exercise the additional powers granted to it in the Joint Exercise of Powers Act and any other applicable provisions of the laws of the State of California; and

WHEREAS, a public entity established pursuant to the Joint Exercise of Powers Act is empowered to issue or execute non-recourse debt, which may include bonds, notes, commercial paper or any other evidences of indebtedness, leases, installment sale or other financing agreements or certificates of participation therein (herein "Obligations"), and to otherwise undertake financing programs under the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California to accomplish its public purposes; and

WHEREAS, the Members have determined to specifically authorize a public entity authorized pursuant to the Joint Exercise of Powers Act to issue non-recourse Obligations pursuant to the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California; and

WHEREAS, it is the desire of the Members to use a public entity established pursuant to the Joint Exercise of Powers Act to undertake the financing and/or refinancing of projects that provide, preserve and support affordable local housing for low-income, moderate-income and middle-income families and individuals within the jurisdictions of the Members, including, but not limited to, capital or working capital projects, purchase or acquisition of property, receivables, commodities, bonds, other revenue streams or assets of any kind, liability or other insurance, or retirement programs, or facilitating Members use of existing or new financial instruments and mechanisms in the furtherance of this purpose; and

WHEREAS, by this Agreement, each Member desires to create and establish the "California Community Housing Agency" for the purposes set forth herein and to exercise the powers provided herein;

NOW, THEREFORE, the Members, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

Section 1. Purpose.

This Agreement is made pursuant to the provisions of the Joint Exercise of Powers Act. The purpose of this Agreement is to establish a public entity for the joint exercise of powers common to the Members and for the exercise of additional powers given to a joint powers entity under the Joint Powers Act or any other applicable law, including, but not limited to, the issuance of non-recourse Obligations for any purpose or activity permitted under the Joint Exercise of Powers Act or any other law; provided, however that such purpose shall be solely for the acquisition, construction, rehabilitation, ownership, operation, maintenance, administration and/or financing of multifamily housing for low-income, moderate-income and middle-income families and individuals (the "Purpose"). Such Purpose will be accomplished and said power exercised in the manner hereinafter set forth.

Section 2. Term.

This Agreement shall become effective in accordance with Section 17 as of the date hereof and shall continue in full force and effect until such time as it is terminated in writing by all the Members; provided, however, that this Agreement shall not terminate or be terminated until all Obligations issued or caused to be issued by the Agency (defined below) shall no longer be outstanding under the terms of the indenture, trust agreement, resolution or other instrument pursuant to which such Obligations are issued.

Section 3. Agency.

A. CREATION AND POWERS OF AGENCY.

Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the "California Community Housing Agency" (the "Agency"), and said Agency shall be a public entity separate and apart from the Members. Its debts, liabilities and obligations do not constitute debts, liabilities or obligations of any Members, and the Obligations of the Agency shall only be non-recourse obligations.

B. BOARD.

The Agency shall be administered by the Board of Directors (the "Board," or the "Directors" and each a "Director") whose members shall be, at all times, members of the Board of Supervisors (the "Board of Supervisors") of Kings County, California, with each such Director serving in his or her individual capacity as Director of the Board. The term of office as a member of the Board shall terminate when such member shall cease to be a member of the Board of Supervisors and the successor to such member of the Board of Supervisors shall become a member of the Board.

Notwithstanding the preceding paragraph, the Board may by resolution or bylaws provide for changes in the qualifications, composition and number of Directors, the appointment of Directors, successors, their respective terms of office and any other provisions relating to the qualification and office of the Directors, including provision for alternative Directors (in which case all references in this Agreement to any Director shall be deemed to refer to and include the applicable alternate Director, if any, when so acting in place of a regularly appointed Director).

The Board shall be the administering agency of this Agreement and, as such, shall be vested with the powers set forth herein, and shall administer this Agreement in accordance with the purposes and functions provided herein.

Directors shall not receive any compensation for serving as such, but shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a Director, if the Board shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

C. OFFICERS; DUTIES; OFFICIAL BONDS.

The officers of the Agency shall be the Chair, Vice-Chair, Secretary and Treasurer (defined below). The Board, in its capacity as administering agent of this Agreement, shall elect a Chair, a Vice-Chair, and a Secretary of the Agency from among Directors to serve until such officer is re-elected or a successor to such office is elected by the Board. The Board shall appoint one or more of its officers or employees to serve as treasurer, auditor, and controller of the Agency (the "Treasurer") pursuant to Section 6505.6 of the Joint Exercise of Powers Act to serve until such officer is re-elected or a successor to such office is elected by the Board.

Subject to the applicable provisions of any resolution, indenture, trust agreement or other instrument or proceeding authorizing or securing Obligations (each such resolution, indenture, trust agreement, instrument and proceeding being herein referred to as an "Indenture") providing for a trustee or other fiscal agent, and except as may otherwise be specified by resolution of the Board, the Treasurer is designated as the depository of the Agency to have custody of all money of the Agency, from whatever source derived and shall have the powers, duties and responsibilities specified in Sections 6505, 6505.5 and 6509.5 of the Joint Exercise of Powers Act.

The Treasurer of the Agency is designated as the public officer or person who has charge of, handles, or has access to any property of the Agency, and such officer shall file an official bond with the Secretary of the Agency in the amount specified by resolution of the Board but in no event less than \$1,000.

The Board shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

The Board shall have the power, by resolution, to the extent permitted by the Joint Exercise of Power Act or any other applicable law, to delegate any of its functions to one or more of the Directors or officers, employees or agents of the Agency and to cause any of said Directors, officers, employees or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Board or the Agency.

D. MEETINGS OF THE BOARD.

(1) Ralph M. Brown Act.

All meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California), or any successor legislation hereinafter enacted (the "Brown Act").

(2) Regular Meetings.

The Board shall provide for its regular meetings; provided, however, it shall hold at least one regular meeting each year. The date, hour and place of the holding of the regular meetings shall be fixed by resolution of the Board. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(3) Special Meetings.

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the Government Code of the State of

California. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(4) Minutes.

The Secretary of the Agency shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(5) Quorum.

A majority of the Board shall constitute a quorum for the transaction of business. No action may be taken by the Board except upon the affirmative vote of a majority of the Directors present at the meeting, except that less than a quorum may adjourn a meeting to another time and place.

E. RULES AND REGULATIONS.

The Agency may adopt, from time to time, by resolution of the Board such bylaws, policies or rules and regulations for the conduct of its meetings and affairs as may be required.

Section 4. Powers.

The Agency shall have the power, in its own name, to exercise the common powers of the Members and to exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for the Purpose authorized under this Agreement. Such powers shall include the common powers specified in this Agreement and may be exercised in the manner and according to the method provided in this Agreement. The Agency is hereby authorized to do all acts necessary for the exercise of such power, including, but not limited to, any of all of the following: to make and enter into contracts; to employ agents and employees; to acquire, construct, improve, own, maintain and operate, or provide for maintenance and operation, and sell, lease, pledge, assign, mortgage or otherwise dispose, of any property, improvements, commodities, leases, contracts, receivables, bonds or other revenue streams or assets of any kind relating to the Purpose; to exercise the power of condemnation; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from person, firms, corporations and any governmental entity; to sue and be sued in its own name; to establish and collect fees; to form public benefit nonprofit corporations or other affiliate entities to accomplish any of its Purposes; to make grants, loans or provide other financial assistance to governmental, nonprofit and for profit organizations to accomplish any of its Purposes; and generally to do any and all things necessary or convenient to accomplish its Purposes. The boundaries of the Agency shall encompass the boundaries of all the Members and the powers of the Agency may be exercised anywhere within those boundaries or to the extent permitted by the laws of the State of California, including, but not limited to the Joint Exercise of Powers Act,

outside of those boundaries, which may be outside of the State of California, provided that the power of condemnation may only be exercised within the jurisdictional boundaries of the Charter Members.

Without limiting the generality of the foregoing, the Agency may issue or cause to be issued Obligations, and pledge any property, contracts or revenues as security to the extent permitted under the Joint Exercise of Powers Act, or any other applicable provision of law.

The manner in which the Agency shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California county could exercise such powers and perform such duties. The manner in which the Agency shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

Section 5. Fiscal Year.

For the purposes of this Agreement, the term "Fiscal Year" shall mean the fiscal year as established from time to time by resolution of the Board, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year which shall be the period from the date of this Agreement to June 30, 2019.

Section 6. Disposition of Assets.

At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 2, after payment of all expenses and liabilities of the Agency, all property of the Agency both real and personal shall automatically vest in the Members in the manner and amount determined by the Board in its sole discretion and shall thereafter remain the sole property of the Members; provided, however, that any surplus money on hand shall be returned in proportion to the contributions made by the Members.

Section 7. Obligations.

From time to time the Agency shall issue Obligations, in one or more series, for the purpose of exercising its powers and raising the funds necessary to carry out its Purposes under this Agreement, including but not limited to acquiring, constructing, improving, operating and disposing of real property for a public purposes.

The services of bond counsel, financing consultants and other consultants and advisors working on the projects and/or their financing or refinancing or on post-issuance compliance or administration may be used by the Agency. The expenses of the Board shall be paid from the proceeds of the Obligations, payments made by Obligation obligors or other third parties, or any other unencumbered funds of the Agency available for such purpose.

Section 8. Obligations Only Limited and Special Obligations of Agency.

The Obligations, together with the interest and premium, if any, thereon, shall not be deemed to constitute a debt of any Member or pledge of the faith and credit of the Members or the Agency. The Obligations shall be only special non-recourse obligations of the Agency, and the Agency shall under no circumstances be obligated to pay the Obligations except from revenues and other funds pledged therefor. Neither the Members nor the Agency shall be obligated to pay the principal of, premium, if any, or interest on the Obligations, or other costs incidental thereto, except the Agency from the revenues and funds pledged and available therefor, and neither the faith and credit nor the taxing power of the Members nor the faith and credit of the Agency shall be pledged to the payment of the principal of, premium, if any, or interest on the Obligations nor shall the Members or the Agency in any manner be obligated to make any appropriation for such payment.

No covenant or agreement contained in any Obligation or related document shall be deemed to be a covenant or agreement of any Director, or any officer, employee or agent of the Agency in his or her individual capacity, and neither the Board of the Agency nor any Director or officer thereof executing the Obligations shall be liable personally on any Obligation or be subject to any personal liability or accountability by reason of the issuance of any Obligations.

Section 9. Accounts and Reports.

All funds of the Agency shall be strictly accounted for. The Agency shall establish and maintain such funds and accounts as may be required by good accounting practice and by any provision of any Indenture (to the extent such duties are not assigned to a trustee of Obligations). The books and records of the Agency shall be open to inspection at all reasonable times by each Member.

The Treasurer of the Agency shall cause an independent audit to be made of the books of accounts and financial records of the Agency by a certified public accountant or public accountant in compliance with the provisions of Section 6505 of the Joint Exercise of Powers Act. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member and also with the county auditor of each county in which a Member is located; provided, however, that to the extent permitted by law, the Agency may, instead of filing such report with each Member and such county auditor, elect to post such report as a public record electronically on a website designated by the Agency. Such report if made shall be filed within 12 months of the end of the Fiscal Year or Years under examination.

The Treasurer is hereby directed to report in writing on the first day of July, October, January, and April of each year to the Board and the Charter Members which report shall describe the amount of money held by the Treasurer for the Agency, the amount of receipts since the last such report, and the amount paid out since the last such report (which may exclude

amounts held by a trustee or other fiduciary in connection with any Obligations to the extent that such trustee or other fiduciary provided regular reports covering such amounts.)

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section, shall be borne by the Agency and shall be a charge against any unencumbered funds of the Agency available for that purpose.

In any Fiscal Year the Board may, by resolution adopted by unanimous vote, replace the annual special audit with an audit covering a two-year period.

Section 10. Funds.

Subject to the applicable provisions of any Indenture, which may provide for a trustee or other fiduciary to receive, have custody of and disburse Agency funds, the Treasurer of the Agency shall receive, have the custody of and disburse Agency funds pursuant to the accounting procedures developed under Sections 3.C and 9, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions of purposes of this Agreement.

Section 11. Notices.

Notices and other communications hereunder to the Members shall be sufficient if delivered to the clerk of the governing body of each Member; provided that, to the extent permitted by law, the Agency may provide notices and other communications and postings electronically (including, without limitation, through email or by posting to a website).

Section 12. Additional Members/Withdrawal of Members.

Qualifying public agencies may be added as parties to this Agreement and become Charter Members upon: (1) the filing by such public agency with the Agency of an executed counterpart of this Agreement, together with a copy of the resolution of the governing body of such public agency approving this Agreement and the execution and delivery hereof; and (2) adoption of a resolution of the Board approving the addition of such public agency as a Charter Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

Qualifying public agencies may also be added as Non-Charter Members ("Additional Members") of the Agency upon: (1) the filing by such public agency with the Agency of a resolution of the governing body of such public agency requesting to be added as an Additional Member of the Agency, and (2) adoption of a resolution of the Board approving the addition of such public agency as an Additional Member. An Additional Member may limit in the aforementioned resolution the scope of its Additional Membership to what is necessary or appropriate to facilitate the financing or refinancing of one or more specified projects or programs.

A Member may withdraw from this Agreement upon written notice to the Board; provided, however, that at least one Member shall be a Charter Member and no such withdrawal shall result in the dissolution of the Agency so long as any Obligations remain outstanding. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Board, which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing.

Section 13. Indemnification.

To the full extent permitted by law, the Board may authorize indemnification by the Agency of any person who is or was a Director or an officer, employee or other agent of the Agency, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Director or an officer, employee or other agent of the Agency, against expenses, including attorneys fees, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith in a manner such person reasonably believed to be in the best interests of the Agency and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Agency, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. The Board may purchase a policy or policies of insurance in furtherance of any indemnification obligation created or otherwise in protection of Directors, officers, employees or other agents.

Section 14. Contributions and Advances.

Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Agency by the Members for any of the Purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution or advance. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Agency and the Member making such advance at the time of such advance. It is mutually understood and agreed to that no Member has any obligation to make advances or contributions to the Agency to provide for the costs and expenses of administration of the Agency, even though any Member may do so. The Members understand and agree that a portion of the funds of the Agency that otherwise may be allocated or distributed to the Members may instead be used to make grants, loans or provide other financial assistance to governmental units and to nonprofit organizations to accomplish any of the governmental unit's or nonprofit organization's purposes.

Section 15. Immunities.

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, and other benefits which apply to the activity of officers, agents or employees of Members when performing their respective functions within the territorial limits of their respective public agencies, shall apply to the same degree and extent to the Directors, officers, employees, agents or other representatives of the Agency while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

Section 16. Amendments.

Except as provided in Sections 3B and 12 above, or to cure any error, omission or ambiguity in this Agreement, this Agreement shall not be amended, modified, or altered except with (i) written consent of all holders of any outstanding bonds of the Agency, (ii) written consent of each of Charter Member, and (iii) negative consent of each Additional Member. To obtain the negative consent of each such Additional Member, the following negative consent procedure shall be followed: (a) the Agency shall provide each such Additional Member with a notice at least sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and this negative consent procedure; (b) the Agency shall provide each such Additional Member who did not respond a reminder notice with a notice at least thirty (30) days prior to the date such proposed amendment is to become effective; and (c) if no such Additional Member objects to the proposed amendment in writing within sixty (60) days after the initial notice, the proposed amendment shall become effective with respect to all Members.

Section 17. Effectiveness.

This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each of the Members on the date that the Board shall have received from two of the Charter Members an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Charter Member approving this Agreement and the execution and delivery hereof.

Section 18. Partial Invalidity.

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

Section 19. Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the other Members.

Section 20. Miscellaneous.

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

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

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement shall be governed under the laws of the State of California.

This Agreement is the complete and exclusive statement of the agreement among the Members, which supercedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

Charter Member:

KINGS COUNTY

By Joe Neves
Name: Joe Neves
Title: Chairman JAN 29 2019

ATTEST:

By Melanie Curtis
Name: Melanie Curtis
Title: Deputy Clerk to the Board of Supervisors

Charter Member:

HOUSING AUTHORITY OF THE
COUNTY OF KINGS

By Joe Neves
Name: Joe Neves
Title: Chairman

ATTEST:

By Jennifer Malum
Name: Jennifer Malum
Title: Deputy Clerk to the Board of Supervisors

RECORDING REQUESTED BY
California Community Housing Agency

WHEN RECORDED RETURN TO:
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, CA 94105
Attention: Jesse Albani

PURCHASE OPTION AGREEMENT

By and Between

CALIFORNIA COMMUNITY HOUSING AGENCY

and

CITY OF [CITY]

Dated as of [DATE]

Relating to

**CALIFORNIA COMMUNITY HOUSING AGENCY
ESSENTIAL HOUSING REVENUE BONDS, [SERIES]
([PROPERTY NAME])**

and

**CALIFORNIA COMMUNITY HOUSING AGENCY
SUBORDINATE ESSENTIAL HOUSING REVENUE BONDS, [SERIES]
([PROPERTY NAME])**

PURCHASE OPTION AGREEMENT

This PURCHASE OPTION AGREEMENT ("Option Agreement") is made effective as of [DATE] ("Effective Date") by and between the CALIFORNIA COMMUNITY HOUSING AGENCY a joint exercise of powers agency organized and existing under the laws of the state of California (including its successors and assigns, "Owner") and City of [CITY] ("Host").

BACKGROUND

WHEREAS, the Owner proposes to issue Bonds (as hereinafter defined) to finance Owner's acquisition of the certain multifamily rental housing project (the "Project") located at [ADDRESS] in [CITY], California, located on the real property site described in Exhibit A hereto; and

WHEREAS, the Owner intends to offer the Project to the Host pursuant to this Option Agreement.

AGREEMENT

In consideration of the mutual covenants herein contained, and such other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Owner and Host mutually agree as follows:

Section 1. Grant of Option. Owner hereby grants to Host an option ("Option") to purchase the Optioned Property (as herein defined) upon payment of the Option Price (as herein provided) within the Option Term (as herein defined) and in compliance with and observance of all of the terms and conditions of this Option Agreement.

Section 2. Definitions. Capitalized terms used in this Option Agreement shall have the meanings assigned to them in this Section 2; capitalized terms used in this Option Agreement and not defined in this Section 2 or elsewhere herein shall have the meanings assigned to them in the Indenture (herein defined).

(a) "Authority Indemnified Parties" – the Owner and each of its officers, governing members, directors, officials, employees, attorneys, agents and members.

(b) "Bonds" – collectively, (i) the California Community Housing Agency Essential Housing Revenue Bonds, [SERIES] ([PROPERTY NAME]) (the "Series A Bonds"), and (ii) the California Community Housing Agency Subordinate Essential Housing Revenue Bonds, [SERIES] ([PROPERTY NAME]) (the "Series B Bonds"), with such other series and sub-series designations as may be set forth in the Indenture, originally issued to finance Owner's acquisition of the Project and related transaction costs.

(c) "Bond Trustee" – Wilmington Trust, National Association or any successor trustee under the Indenture.

(d) "Closing" – shall have the meaning set forth in Section 9 hereof.

(e) “Conveyance” – that transaction or series of transactions by which Owner shall transfer, bargain, sell and convey any and all right, title or interest in and to the Optioned Property to Host.

(f) “Extraordinary Costs and Expenses” – shall have the meaning set forth in the Indenture.

(g) “Indenture” – the Indenture of Trust dated as of [DATE] between Owner, as issuer, and the Bond Trustee, as trustee, pursuant to which the Bonds were issued.

(h) “Manager” – Catalyst Housing Group LLC and its successors and assigns.

(i) “Option Price” – the sum of the amounts set forth below:

i. an amount sufficient to either prepay, redeem in whole or fully defease for redemption on the earliest call date all Project Debt; plus

ii. any fees or other amounts not identified in clause (i) that may be necessary to effect the complete release from and discharge of any lien, mortgage or other encumbrance on the Optioned Property; plus

iii. any amounts due to Owner (including the Authority Indemnified Persons, as provided in the Indenture), the Bond Trustee or any predecessor or successor, or any other Person under any indenture, loan agreement, bond, note or other instrument relating to any Satisfied Indebtedness (including, without limitation, indemnification amounts, Owner’s Extraordinary Costs and Expenses, recurrent and extraordinary fees and expenses, and reimbursable costs and expenses of any kind or nature); plus

iv. Transaction Costs; minus

v. The amount of any Project Debt assumed by Host; and minus

vi. Any funds held by or for Owner under the Indenture applied to the retirement of Project Debt.

(j) “Option Exercise Date” – the date fifteen (15) years from the issuance of the Bonds.

(k) “Option Term” – shall commence on the Option Exercise Date and, if not exercised, shall terminate at 11:59 p.m. local time on the date that is fourteen (14) years from the Option Exercise Date.

(l) “Optioned Property” – means all of Owner’s right, title and interest (which includes fee simple title to the real property) in and to all property and assets used in or otherwise related to the operation of the Project including, without limitation, all real property and interests in real property, all tangible and intangible personal property including furniture, fixtures, equipment, supplies, intellectual property, licenses, permits, approvals, and contractual rights of any

kind or nature together with the right to own and carry on the business and operations of the Project.

(m) “*Outstanding*” – with respect to Bonds, as of any given date, all Bonds which have been authenticated and delivered by the Trustee under the Indenture, except: (i) Bonds cancelled at or prior to such date or delivered to or acquired by the Trustee or prior to such date for cancellation; (ii) Bonds deemed to be paid in accordance with Article VIII of the Indenture; and (iii) Bonds in lieu of which other Bonds have been authenticated under the Indenture.

(n) “*Project Debt*” – any debt secured by the Project and incurred to finance or re-finance Owner’s acquisition of the Project and related transaction costs, including any portion of the Bonds and any bonds, notes or other indebtedness issued by Owner to refund the Bonds in whole or in part.

(o) “*Transaction Costs*” – to the extent not otherwise described herein, any costs or expenses of any kind or nature associated with or incurred by Owner and Host in connection with the consummation of the Conveyance, any refinancing of the Project or assumption of Project Debt regardless of whether such costs and expenses are customarily borne by the seller or purchaser in any such transaction, including but not limited to taxes, recording fees and other impositions, Owner’s and Host’s legal and other professional fees, fees for verification agents, bidding agents, escrow agents, custodians or trustees, assumption fees, prepayment fees, the cost of the appraisal, surveys, inspections, title commitments, title insurance premiums and other title-related fees, and all amounts required for indemnification of Authority, Trustee and Manager.

Section 3. Effectiveness; Term and Termination. The Option shall become effective on the Option Exercise Date and may be exercised during the Option Term. Owner agrees that it will not enter into any agreement to sell all or any part of the Optioned Property during the Option Term, without the specific written request of the Host and written consent of the Owner, which consent shall not be unreasonably withheld, and delivery of an Opinion of Bond Counsel to the Owner substantially to the effect that such sale will not, in and of itself, adversely affect the exclusion of interest on the Bonds from gross income for purposes of federal income taxation. After expiration of the Option Term, Host shall not be precluded from purchasing all or any portion of the Optioned Property from Owner at a price and on the terms agreed upon by Host and Owner, but Owner shall not be precluded from seeking or agreeing to sell, or consummating the sale of, all or any portion thereof to any third person.

Section 4. Manner of Exercise.

(a) Owner’s Notice. At least six (6) months prior to the Option Exercise Date, Owner shall provide Host notice of the Option Exercise Date; provided, however, that failure to provide such notice shall not affect the sufficiency or validity of any proceedings taken in connection with the exercise of the Option.

(b) Host’s Notice. To exercise the Option, Host shall provide a notice (an “*Exercise Notice*”) to Owner at any time prior to the end of the Option Term.

(c) Owner's Response. Within fifteen (15) business days of its receipt of the Exercise Notice, Owner shall provide Host with written estimate of the amounts comprising the Option Price.

(d) Host's Response. Within fifteen (15) business days of its receipt of Owner's estimate under Subsection (c), Host shall notify Owner in writing either (i) that it is withdrawing its Exercise Notice, or (ii) that it intends to proceed with the purchase of the Optioned Property.

(e) Fixing of Option Price; Contractual Obligation. Unless Host notifies Owner in writing that it is withdrawing its Exercise Notice within fifteen (15) business days of its receipt of Owner's estimate under Section 4(c) hereof, Host shall deliver to Owner a purchase agreement therefor in form and substance satisfactory to Owner and its counsel subject to the terms and conditions of this Option Agreement. Unless Owner shall have objected to the form of purchase agreement within fifteen (15) business days of its receipt thereof, Owner shall be deemed to have accepted the terms of the purchase agreement without the need for the signature of Owner thereon, and Host shall be obligated to purchase and Owner shall be obligated to sell and convey to Host good and marketable title to the Optioned Property at the Option Price within ninety (90) days thereafter.

Section 5. Determination of Option Price. Unless the parties otherwise agree, Owner shall cooperate with Host and provide Host with all information and records in its possession, and access to counsel and other professionals, to assist Host in determining and updating the Option Price.

Section 6. Surplus Cash. The Owner shall cause the Trustee to create an account (the "Excess Revenue Fund") under (i) the Indenture or (ii) in the event that the Bonds have been retired and the Indenture discharged, a separate trust agreement identifying Owner as trustor, a trustee selected by Owner as trustee, and Host as beneficiary, into which excess revenue over expenses shall be deposited. Upon the commencement of the Option Term, after full payment of the fees, charges and expenses of the Owner and the Trustee and other amounts required to be paid pursuant to the Indenture or other documents relating to then-outstanding Project Debt, amounts remaining in the Excess Revenue Fund shall be transferred to the Host. Thereafter, amounts in the Excess Revenue Fund shall be transferred to the Host periodically.

The Host shall apply amounts in the Excess Revenue Fund to the payment of the Option Price and thereafter shall apply such funds in its sole discretion.

Section 7. Terms of Conveyance.

(a) The Conveyance shall be in the nature of a grant deed in which Owner shall deliver one or more deeds, bills of sale, or other instruments of transfer without recourse or warranty of any kind or nature.

(b) The Optioned Property will be conveyed to Host in AS IS CONDITION, WITH ALL FAULTS, and without representations or warranties of any kind or nature as to the condition of the Property. Host acknowledges that Owner will convey the Optioned Property AS IS and that OWNER IS MAKING NO WARRANTIES AND REPRESENTATIONS, EXPRESS OR IMPLIED, with reference to the condition of the Property. HOST WAIVES ANY AND ALL

CLAIMS AGAINST OWNER, INCLUDING BUT NOT LIMITED TO, CLAIMS BASED IN PART, INCLUDING, BUT NOT LIMITED TO, NEGLIGENCE, STRICT LIABILITY AND STRICT RESPONSIBILITY, IN CONTRACT, IN WARRANTY, IN EQUITY, OR UNDER ANY STATUTE, LAW OR REGULATION ARISING DIRECTLY OR INDIRECTLY OUT OF ANY CONDITION OF THE PROPERTY.

(c) There shall be no partial transfer and that, upon consummation of the Conveyance, Owner shall be fully divested of any and all right, title or interest in and to the Optioned Property.

(d) Upon payment of the Option Price, as adjusted for any prorations, credits and charges, Owner shall convey title to the Optioned Property by quit claim deed reasonably satisfactory in form and substance to Host.

Section 8. Closing. The closing of the Conveyance ("Closing") shall take place not later than the ninetieth (90th) calendar day following the date on which the parties agree on the terms of the purchase agreement pursuant to Section 4(e) hereof at such time within normal business hours and at such place as may be designated by Host.

(a) Prorations. All general and special real property taxes and assessments, and rents shall be prorated as of the Closing, with Host responsible for all such items to the extent arising or due at any time following the closing. General real property taxes shall be prorated at the time of Closing based on the net general real property taxes for the year of Closing.

(b) Limitation. If, after taking into account all adjustments and prorations, the net amount due Owner at Closing is less than the Option Price, the Option Price, as the case may be, shall instead be the Option Price, it being understood and agreed that in no event shall Owner receive proceeds less than the amount necessary to fully retire or defease, as the case may be, the Series A Bonds and the Series B Bonds and otherwise satisfy all of the payments constituting the components of the Option Price.

Section 9. Recording. This Option Agreement, and any amendment thereto, shall be recorded with the recorder's office of the County of Solano; *provided*, that in the event Host fails to exercise the Option, then upon termination of the term of this Option Agreement, Host shall cooperate with Owner to remove any such recorded Option Agreement or amendment thereto from title to the Optioned Property upon Owner's reasonable request therefor and, in any event, by no later than thirty (30) days after the expiration of the original term of this Option Agreement. In the event that, within said time, Host fails to so cooperate and provide its original signature to a termination of such recorded Option Agreement or amendment thereto, then Host hereby irrevocably constitutes and appoints Owner as Host's true and lawful attorney (and agent-in-fact) to execute in Host's name any such termination.

Section 10. Possession. Physical possession of the Optioned Property shall be delivered to Host at the time of Closing.

Section 11. Title Insurance, Title Defects.

(a) Within fifteen (15) business days after it receives the Option Exercise Notice, Owner shall provide Host with a title commitment (the "Title Commitment") in the customary ALTA form of Standard Owner's Policy of Title Insurance in Host's favor, for the amount equivalent to the Option Price (whichever is applicable), with a commitment to insure good and marketable fee simple title to the Optioned Property in Host, issued by a title insurance company licensed to do business in the State of California and acceptable to Host (the "Title Company"). The policy shall show the status of title to the Optioned Property and show all exceptions, including easements, restrictions, rights-of-way, covenants, reservations, and other conditions of record, if any, affecting the subject real estate. Accompanying the Title Commitment, Owner shall also have Title Company furnish Host with true, correct, complete, and legible copies of all documents affecting title to the subject real estate. The cost and expense of such Standard Owner's Title Commitment shall be payable as a Transaction Cost. Host shall pay the additional premium due if Host elects to obtain an extended coverage policy of title insurance and/or extended coverage endorsements. Owner shall cooperate with Host, at no expense to Owner, by providing an affidavit to Title Company to induce Title Company to issue to Host at Closing a "GAP" endorsement to the Title Commitment showing the effective date of the Title Commitment to be the time and date of Closing.

(b) If the Title Commitment shows exceptions to title which are unacceptable to Host, Host shall, within ten (10) business days after receipt of the Title Commitment and not later than twenty (20) business days before the date for Closing, notify Owner of such fact and Owner shall have twenty (20) business days after Owner receives Host's written objections to cure such defects and to present a Title Commitment on the basis of which Closing may occur or to notify Host that Owner will not cure same. If Owner cannot or will not cure such defects within such twenty (20) day period and thereafter convey title to the Property as required in this Agreement, then Host shall have the right (at Host's option) to either:

(i) Rescind the Option Exercise Notice and Owner may proceed to close the sale under the terms of the third-party offer, if there is a third-party offer; or

(ii) Accept whatever title Owner can or will convey, without reduction in the purchase price because of such title defects. Any exceptions to title disclosed on the Title Commitment to which Host does not timely object to in writing or to which Host objects but thereafter accepts by Closing shall be included as a "Permitted Exception."

Section 12. Assignment. The Host shall not assign the Option without the prior written consent of the Owner, which consent shall not be unreasonably withheld, and delivery of an Opinion of Bond Counsel to the Owner substantially to the effect that such assignment will not, in and of itself, adversely affect the exclusion of interest on the Bonds from gross income for purposes of federal income taxation. Notwithstanding the foregoing, neither party to this Option Agreement shall assign its interests, obligations, rights and/or responsibilities under this Option Agreement without the prior written consent of the other party.

Section 13. No Individual Liability. No Authority Indemnified Person shall be individually or personally liable for the payment of any sum hereunder or be subject to any personal liability or accountability by reason of the execution and delivery of this Option Agreement, or

by any proceedings for the determination of the Option Price, or Host's exercise or waiver of same, or otherwise except in the case of such Authority Indemnified Person's own willful misconduct.

Section 14. Notices, Governing Law, Binding Effect and Other Miscellaneous Provisions.

(a) Notices. All notices provided for in this Option Agreement shall be in writing and shall be given to Owner or Host at the address set forth below or at such other address as they individually may specify thereafter by written notice in accordance herewith:

If to Owner: California Community Housing Agency
1400 W. Lacey Blvd., Building 1
Hanford, California 93230
Attention: Michael LaPierre

With a copy to: Catalyst Housing Group
21 Ward Street, Suite 2
Larkspur, California 94939
Attention: Jordan Moss

If to Host: City of [CITY]
[ADDRESS]
Attention: [NAME, DEPARTMENT]

Such notices shall be deemed effective upon actual delivery or upon the date that any such delivery was attempted and acceptance thereof was refused, or if mailed, certified return receipt requested, postage prepaid, properly addressed, three (3) days after posting.

(b) Consents and Approvals. All consents and approvals and waivers required or asserted hereunder shall be in writing, signed by the party from whom such consent, approval, waiver or notice is requested, provided that no written consent or approval of Owner shall be required for any action that Host may, in its reasonable good faith judgment, find it necessary to take in the event of an emergency.

(c) Cooperation. Owner will keep Host advised of its complete name at all times, including any change of such name. Host will keep Owner advised of its complete name at all times, including any change of such name.

(d) Pronouns. Where appropriate to the context, words of one gender include all genders, and the singular includes the plural and vice versa.

(e) Amendments. This Option Agreement may not be modified except in a written instrument signed by Host and Owner.

(f) Complete Agreement. This Option Agreement together with all schedules and exhibits attached hereto and made part thereof supersedes all previous agreements, understandings and representations made by or between the parties hereto.

(g) Governing Law. This Option Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to conflicts of law principles. All claims of whatever character arising out of this Option Agreement, or under any statute or common law relating in any way, directly or indirectly, to the subject matter hereof or to the dealings between Owner and any other party hereto, if and to the extent that such claim potentially could or actually does involve Owner, shall be brought in any state or federal court of competent jurisdiction located in Kings County, California. By executing and delivering this Option Agreement, each party hereto irrevocably: (i) accepts generally and unconditionally the exclusive jurisdiction and venue of such courts; (ii) waives any defense of forum non-conveniens; and (iii) agrees not to seek removal of such proceedings to any court or forum other than as specified above. The foregoing shall not be deemed or construed to constitute a waiver by Owner of any prior notice or procedural requirements applicable to actions or claims against or involving governmental units and/or political subdivisions of the State of California that may exist at the time of and in connection with such matter.

(h) Legal Construction. In case any one or more of the provisions contained in this Option Agreement shall for any reason be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalid provision shall be deemed severable, and shall not affect the validity or enforceability of any other provisions of this Option Agreement, all of which shall remain fully enforceable.

(i) Term. This Agreement shall terminate upon the earlier of (a) the Conveyance or (b) the first date on which all Project Debt has been retired and Owner has made an absolute assignment to Host of all future Surplus Cash.

(j) Captions. The captions used in this Option Agreement are solely for convenience, and shall not be deemed to constitute a part of the substance of the Option Agreement for purpose of its construction.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Option Agreement as of the date set forth above.

**CALIFORNIA COMMUNITY HOUSING
AGENCY**

By:

CITY OF [CITY]

By:

Signature Page to Purchase Option Agreement

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 California)
County of _____)

On _____, before me, _____,
(insert name and title of the officer)

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 and official seal.

Signature _____

(Seal)

EXHIBIT A

LEGAL DESCRIPTION OF REAL PROPERTY



RESOLUTION NO. 6510

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AUTHORIZING THE CITY TO BECOME AN ADDITIONAL MEMBER OF THE CALIFORNIA COMMUNITY HOUSING AGENCY (CALCHA"); SUPPORTING CALCHA'S ISSUANCE OF TAX-EXEMPT BONDS FOR THE PRODUCTION, PRESERVATION AND PROTECTION OF ESSENTIAL MIDDLE-INCOME RENTAL HOUSING; AND AUTHORIZING [CITY STAFF] TO ENTER INTO PURCHASE OPTION AGREEMENTS WITH CALCHA FOR ESSENTIAL MIDDLE-INCOME RENTAL HOUSING CREATED WITHIN CITY LIMITS

WHEREAS, one of the primary goals of the City of Menlo Park (the City) is to meet the growing housing needs of its residents by actively supporting the production, preservation and protection of market-rate and affordable rental housing for all; and

WHEREAS, no existing Federal, State or local subsidies, programs or motivations currently exist to meaningfully address the growing shortfall of protected middle-income rental housing; and

WHEREAS, CalCHA is a Joint Powers Authority created specifically to produce, preserve and protect quality affordable rental housing made available to California's essential middle-income workforce; and

WHEREAS, CalCHA intends to acquire existing rental properties within City limits and restrict future occupancy to middle-income households earning no more than 120 percent of area median income; and

WHEREAS, CalCHA will avoid the displacement of existing residents, implement regulatory agreements restricting the incomes and rents of future residents, and impose caps on the annual rent increases of qualified middle-income households; and

WHEREAS, CalCHA will finance its acquisitions through the issuance of tax-exempt bonds, and in order for CalCHA to issue tax-exempt bonds in Menlo Park, the City must be an additional member of CalCHA; and

WHEREAS, the City proposes to become an additional member of CalCHA pursuant to Section 12 of the joint exercise of powers agreement, exhibit a, relating to the California Community Housing Agency; and

WHEREAS, subsequent to becoming an additional member of CalCHA, any existing rental housing within City limits which CalCHA intends to acquire and finance with tax-exempt bonds must receive support and approval from the City; and

WHEREAS, such approval shall take into account the following City Council policies: (1) a tenant selection criteria which includes, to the extent legally feasible, a Menlo Park live and work preferences in addition to reasonable exceptions to standard property management credit and criminal history tenant qualification policies; (2) all revenue derived from these assets to be reserved and allocated to support affordable housing activities and programs; and (3) the City's commitment to preserve such assets as affordable housing and implement a strategy to exercise the purchase option between year 15 and year 30 (the end of the life) of the bonds; and

WHEREAS the City proposes to support and approve CalCHA's issuance of tax-exempt bonds for the acquisition of existing rental properties as a means toward the preservation and protection of essential middle-income rental housing within City limits; and

WHEREAS, CalCHA's issuance of tax-exempt bonds will provide public benefit through the production,

preservation and protection of below-market-rate rental housing, as well as the granting of all surplus project revenues to the City; and

WHEREAS, pursuant to one or more purchase option agreements (the purchase option agreements), between CalCHA and the City, CalCHA will grant the City the option, but never the obligation, to purchase each essential middle-income rental housing property commencing on the date 15 years after CalCHA's acquisition of such property; and

WHEREAS, the purchase option agreements will additionally provide the City with all surplus project revenues from each essential middle-income rental housing property; and

WHEREAS, the City will maintain the option to exercise such purchase option agreements for a period of 14 years following the commencement dates of the purchase option agreements for each essential middle-income rental housing property; and

WHEREAS, the City proposes to authorize its city manager to enter into purchase option agreements with CalCHA for all essential middle-income rental housing created within City limits.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby authorizes the City to become an additional member of CalCHA and authorizes its city manager to execute the joint exercise of powers agreement relating to the California Community Housing Agency, subject to approval as to form by the city attorney.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby supports and approves CalCHA's issuance of tax-exempt bonds as a means toward the production, preservation and protection of essential middle-income rental housing within City limits.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby authorizes its city manager to enter into purchase option agreements, Exhibit B, with CalCHA, consistent with the terms and provisions of this Resolution, for all essential middle-income rental housing created within City limits, subject to approval as to form by the city attorney.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council resolution was duly and regularly passed and adopted at a meeting of said City Council on the sixteenth day of July, 2019, by the following votes:

AYES: Carlton, Combs, Mueller, Nah, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this sixteenth day of July, 2019.



Judi A. Herren, City Clerk

**JOINT EXERCISE OF POWERS AGREEMENT
RELATING TO THE CALIFORNIA COMMUNITY HOUSING AGENCY**

THIS AGREEMENT, dated as of January 29, 2019, among the parties executing this Agreement (all such parties, except those which have withdrawn as provided herein, are referred to as the "Members" and those parties initially executing this Agreement are referred to as the "Charter Members"):

WITNESSETH

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the California Government Code (in effect as of the date hereof and as the same may from time to time be amended or supplemented, the "Joint Exercise of Powers Act"), two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, each of the Members is a "public agency" as that term is defined in Section 6500 of the Joint Exercise of Powers Act; and

WHEREAS, each of the Members is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare; and

WHEREAS, each of the Members may accomplish the purposes and objectives described in the preceding preamble by various means; and

WHEREAS, each Member is also empowered by law to acquire, construct, improve, operate and dispose of real property for a public purpose; and

WHEREAS, the Joint Exercise of Powers Act authorizes the Members to create a joint exercise of powers entity with the authority to exercise any powers common to the Members, including but not limited to acquiring, constructing, improving, operating and disposing of real property for a public purpose, all as specified in this Agreement, and to exercise the additional powers granted to it in the Joint Exercise of Powers Act and any other applicable provisions of the laws of the State of California; and

WHEREAS, a public entity established pursuant to the Joint Exercise of Powers Act is empowered to issue or execute non-recourse debt, which may include bonds, notes, commercial paper or any other evidences of indebtedness, leases, installment sale or other financing agreements or certificates of participation therein (herein "Obligations"), and to otherwise undertake financing programs under the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California to accomplish its public purposes; and

WHEREAS, the Members have determined to specifically authorize a public entity authorized pursuant to the Joint Exercise of Powers Act to issue non-recourse Obligations pursuant to the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California; and

WHEREAS, it is the desire of the Members to use a public entity established pursuant to the Joint Exercise of Powers Act to undertake the financing and/or refinancing of projects that provide, preserve and support affordable local housing for low-income, moderate-income and middle-income families and individuals within the jurisdictions of the Members, including, but not limited to, capital or working capital projects, purchase or acquisition of property, receivables, commodities, bonds, other revenue streams or assets of any kind, liability or other insurance, or retirement programs, or facilitating Members use of existing or new financial instruments and mechanisms in the furtherance of this purpose; and

WHEREAS, by this Agreement, each Member desires to create and establish the "California Community Housing Agency" for the purposes set forth herein and to exercise the powers provided herein;

NOW, THEREFORE, the Members, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

Section 1. Purpose.

This Agreement is made pursuant to the provisions of the Joint Exercise of Powers Act. The purpose of this Agreement is to establish a public entity for the joint exercise of powers common to the Members and for the exercise of additional powers given to a joint powers entity under the Joint Powers Act or any other applicable law, including, but not limited to, the issuance of non-recourse Obligations for any purpose or activity permitted under the Joint Exercise of Powers Act or any other law; provided, however that such purpose shall be solely for the acquisition, construction, rehabilitation, ownership, operation, maintenance, administration and/or financing of multifamily housing for low-income, moderate-income and middle-income families and individuals (the "Purpose"). Such Purpose will be accomplished and said power exercised in the manner hereinafter set forth.

Section 2. Term.

This Agreement shall become effective in accordance with Section 17 as of the date hereof and shall continue in full force and effect until such time as it is terminated in writing by all the Members; provided, however, that this Agreement shall not terminate or be terminated until all Obligations issued or caused to be issued by the Agency (defined below) shall no longer be outstanding under the terms of the indenture, trust agreement, resolution or other instrument pursuant to which such Obligations are issued.

Section 3. Agency.

A. CREATION AND POWERS OF AGENCY.

Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the "California Community Housing Agency" (the "Agency"), and said Agency shall be a public entity separate and apart from the Members. Its debts, liabilities and obligations do not constitute debts, liabilities or obligations of any Members, and the Obligations of the Agency shall only be non-recourse obligations.

B. BOARD.

The Agency shall be administered by the Board of Directors (the "Board," or the "Directors" and each a "Director") whose members shall be, at all times, members of the Board of Supervisors (the "Board of Supervisors") of Kings County, California, with each such Director serving in his or her individual capacity as Director of the Board. The term of office as a member of the Board shall terminate when such member shall cease to be a member of the Board of Supervisors and the successor to such member of the Board of Supervisors shall become a member of the Board.

Notwithstanding the preceding paragraph, the Board may by resolution or bylaws provide for changes in the qualifications, composition and number of Directors, the appointment of Directors, successors, their respective terms of office and any other provisions relating to the qualification and office of the Directors, including provision for alternative Directors (in which case all references in this Agreement to any Director shall be deemed to refer to and include the applicable alternate Director, if any, when so acting in place of a regularly appointed Director).

The Board shall be the administering agency of this Agreement and, as such, shall be vested with the powers set forth herein, and shall administer this Agreement in accordance with the purposes and functions provided herein.

Directors shall not receive any compensation for serving as such, but shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a Director, if the Board shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

C. OFFICERS; DUTIES; OFFICIAL BONDS.

The officers of the Agency shall be the Chair, Vice-Chair, Secretary and Treasurer (defined below). The Board, in its capacity as administering agent of this Agreement, shall elect a Chair, a Vice-Chair, and a Secretary of the Agency from among Directors to serve until such officer is re-elected or a successor to such office is elected by the Board. The Board shall appoint one or more of its officers or employees to serve as treasurer, auditor, and controller of the Agency (the "Treasurer") pursuant to Section 6505.6 of the Joint Exercise of Powers Act to serve until such officer is re-elected or a successor to such office is elected by the Board.

Subject to the applicable provisions of any resolution, indenture, trust agreement or other instrument or proceeding authorizing or securing Obligations (each such resolution, indenture, trust agreement, instrument and proceeding being herein referred to as an "Indenture") providing for a trustee or other fiscal agent, and except as may otherwise be specified by resolution of the Board, the Treasurer is designated as the depository of the Agency to have custody of all money of the Agency, from whatever source derived and shall have the powers, duties and responsibilities specified in Sections 6505, 6505.5 and 6509.5 of the Joint Exercise of Powers Act.

The Treasurer of the Agency is designated as the public officer or person who has charge of, handles, or has access to any property of the Agency, and such officer shall file an official bond with the Secretary of the Agency in the amount specified by resolution of the Board but in no event less than \$1,000.

The Board shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

The Board shall have the power, by resolution, to the extent permitted by the Joint Exercise of Power Act or any other applicable law, to delegate any of its functions to one or more of the Directors or officers, employees or agents of the Agency and to cause any of said Directors, officers, employees or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Board or the Agency.

D. MEETINGS OF THE BOARD.

(1) Ralph M. Brown Act.

All meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California), or any successor legislation hereinafter enacted (the "Brown Act").

(2) Regular Meetings.

The Board shall provide for its regular meetings; provided, however, it shall hold at least one regular meeting each year. The date, hour and place of the holding of the regular meetings shall be fixed by resolution of the Board. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(3) Special Meetings.

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the Government Code of the State of

California. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(4) Minutes.

The Secretary of the Agency shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(5) Quorum.

A majority of the Board shall constitute a quorum for the transaction of business. No action may be taken by the Board except upon the affirmative vote of a majority of the Directors present at the meeting, except that less than a quorum may adjourn a meeting to another time and place.

E. RULES AND REGULATIONS.

The Agency may adopt, from time to time, by resolution of the Board such bylaws, policies or rules and regulations for the conduct of its meetings and affairs as may be required.

Section 4. Powers.

The Agency shall have the power, in its own name, to exercise the common powers of the Members and to exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for the Purpose authorized under this Agreement. Such powers shall include the common powers specified in this Agreement and may be exercised in the manner and according to the method provided in this Agreement. The Agency is hereby authorized to do all acts necessary for the exercise of such power, including, but not limited to, any of all of the following: to make and enter into contracts; to employ agents and employees; to acquire, construct, improve, own, maintain and operate, or provide for maintenance and operation, and sell, lease, pledge, assign, mortgage or otherwise dispose, of any property, improvements, commodities, leases, contracts, receivables, bonds or other revenue streams or assets of any kind relating to the Purpose; to exercise the power of condemnation; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from person, firms, corporations and any governmental entity; to sue and be sued in its own name; to establish and collect fees; to form public benefit nonprofit corporations or other affiliate entities to accomplish any of its Purposes; to make grants, loans or provide other financial assistance to governmental, nonprofit and for profit organizations to accomplish any of its Purposes; and generally to do any and all things necessary or convenient to accomplish its Purposes. The boundaries of the Agency shall encompass the boundaries of all the Members and the powers of the Agency may be exercised anywhere within those boundaries or to the extent permitted by the laws of the State of California, including, but not limited to the Joint Exercise of Powers Act,

outside of those boundaries, which may be outside of the State of California, provided that the power of condemnation may only be exercised within the jurisdictional boundaries of the Charter Members.

Without limiting the generality of the foregoing, the Agency may issue or cause to be issued Obligations, and pledge any property, contracts or revenues as security to the extent permitted under the Joint Exercise of Powers Act, or any other applicable provision of law.

The manner in which the Agency shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California county could exercise such powers and perform such duties. The manner in which the Agency shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

Section 5. Fiscal Year.

For the purposes of this Agreement, the term "Fiscal Year" shall mean the fiscal year as established from time to time by resolution of the Board, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year which shall be the period from the date of this Agreement to June 30, 2019.

Section 6. Disposition of Assets.

At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 2, after payment of all expenses and liabilities of the Agency, all property of the Agency both real and personal shall automatically vest in the Members in the manner and amount determined by the Board in its sole discretion and shall thereafter remain the sole property of the Members; provided, however, that any surplus money on hand shall be returned in proportion to the contributions made by the Members.

Section 7. Obligations.

From time to time the Agency shall issue Obligations, in one or more series, for the purpose of exercising its powers and raising the funds necessary to carry out its Purposes under this Agreement, including but not limited to acquiring, constructing, improving, operating and disposing of real property for a public purposes.

The services of bond counsel, financing consultants and other consultants and advisors working on the projects and/or their financing or refinancing or on post-issuance compliance or administration may be used by the Agency. The expenses of the Board shall be paid from the proceeds of the Obligations, payments made by Obligation obligors or other third parties, or any other unencumbered funds of the Agency available for such purpose.

Section 8. Obligations Only Limited and Special Obligations of Agency.

The Obligations, together with the interest and premium, if any, thereon, shall not be deemed to constitute a debt of any Member or pledge of the faith and credit of the Members or the Agency. The Obligations shall be only special non-recourse obligations of the Agency, and the Agency shall under no circumstances be obligated to pay the Obligations except from revenues and other funds pledged therefor. Neither the Members nor the Agency shall be obligated to pay the principal of, premium, if any, or interest on the Obligations, or other costs incidental thereto, except the Agency from the revenues and funds pledged and available therefor, and neither the faith and credit nor the taxing power of the Members nor the faith and credit of the Agency shall be pledged to the payment of the principal of, premium, if any, or interest on the Obligations nor shall the Members or the Agency in any manner be obligated to make any appropriation for such payment.

No covenant or agreement contained in any Obligation or related document shall be deemed to be a covenant or agreement of any Director, or any officer, employee or agent of the Agency in his or her individual capacity, and neither the Board of the Agency nor any Director or officer thereof executing the Obligations shall be liable personally on any Obligation or be subject to any personal liability or accountability by reason of the issuance of any Obligations.

Section 9. Accounts and Reports.

All funds of the Agency shall be strictly accounted for. The Agency shall establish and maintain such funds and accounts as may be required by good accounting practice and by any provision of any Indenture (to the extent such duties are not assigned to a trustee of Obligations). The books and records of the Agency shall be open to inspection at all reasonable times by each Member.

The Treasurer of the Agency shall cause an independent audit to be made of the books of accounts and financial records of the Agency by a certified public accountant or public accountant in compliance with the provisions of Section 6505 of the Joint Exercise of Powers Act. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member and also with the county auditor of each county in which a Member is located; provided, however, that to the extent permitted by law, the Agency may, instead of filing such report with each Member and such county auditor, elect to post such report as a public record electronically on a website designated by the Agency. Such report if made shall be filed within 12 months of the end of the Fiscal Year or Years under examination.

The Treasurer is hereby directed to report in writing on the first day of July, October, January, and April of each year to the Board and the Charter Members which report shall describe the amount of money held by the Treasurer for the Agency, the amount of receipts since the last such report, and the amount paid out since the last such report (which may exclude

amounts held by a trustee or other fiduciary in connection with any Obligations to the extent that such trustee or other fiduciary provided regular reports covering such amounts.)

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section, shall be borne by the Agency and shall be a charge against any unencumbered funds of the Agency available for that purpose.

In any Fiscal Year the Board may, by resolution adopted by unanimous vote, replace the annual special audit with an audit covering a two-year period.

Section 10. Funds.

Subject to the applicable provisions of any Indenture, which may provide for a trustee or other fiduciary to receive, have custody of and disburse Agency funds, the Treasurer of the Agency shall receive, have the custody of and disburse Agency funds pursuant to the accounting procedures developed under Sections 3.C and 9, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions of purposes of this Agreement.

Section 11. Notices.

Notices and other communications hereunder to the Members shall be sufficient if delivered to the clerk of the governing body of each Member; provided that, to the extent permitted by law, the Agency may provide notices and other communications and postings electronically (including, without limitation, through email or by posting to a website).

Section 12. Additional Members/Withdrawal of Members.

Qualifying public agencies may be added as parties to this Agreement and become Charter Members upon: (1) the filing by such public agency with the Agency of an executed counterpart of this Agreement, together with a copy of the resolution of the governing body of such public agency approving this Agreement and the execution and delivery hereof; and (2) adoption of a resolution of the Board approving the addition of such public agency as a Charter Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

Qualifying public agencies may also be added as Non-Charter Members ("Additional Members") of the Agency upon: (1) the filing by such public agency with the Agency of a resolution of the governing body of such public agency requesting to be added as an Additional Member of the Agency, and (2) adoption of a resolution of the Board approving the addition of such public agency as an Additional Member. An Additional Member may limit in the aforementioned resolution the scope of its Additional Membership to what is necessary or appropriate to facilitate the financing or refinancing of one or more specified projects or programs.

A Member may withdraw from this Agreement upon written notice to the Board; provided, however, that at least one Member shall be a Charter Member and no such withdrawal shall result in the dissolution of the Agency so long as any Obligations remain outstanding. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Board, which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing.

Section 13. Indemnification.

To the full extent permitted by law, the Board may authorize indemnification by the Agency of any person who is or was a Director or an officer, employee or other agent of the Agency, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Director or an officer, employee or other agent of the Agency, against expenses, including attorneys fees, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith in a manner such person reasonably believed to be in the best interests of the Agency and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Agency, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. The Board may purchase a policy or policies of insurance in furtherance of any indemnification obligation created or otherwise in protection of Directors, officers, employees or other agents.

Section 14. Contributions and Advances.

Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Agency by the Members for any of the Purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution or advance. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Agency and the Member making such advance at the time of such advance. It is mutually understood and agreed to that no Member has any obligation to make advances or contributions to the Agency to provide for the costs and expenses of administration of the Agency, even though any Member may do so. The Members understand and agree that a portion of the funds of the Agency that otherwise may be allocated or distributed to the Members may instead be used to make grants, loans or provide other financial assistance to governmental units and to nonprofit organizations to accomplish any of the governmental unit's or nonprofit organization's purposes.

Section 15. Immunities.

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, and other benefits which apply to the activity of officers, agents or employees of Members when performing their respective functions within the territorial limits of their respective public agencies, shall apply to the same degree and extent to the Directors, officers, employees, agents or other representatives of the Agency while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

Section 16. Amendments.

Except as provided in Sections 3B and 12 above, or to cure any error, omission or ambiguity in this Agreement, this Agreement shall not be amended, modified, or altered except with (i) written consent of all holders of any outstanding bonds of the Agency, (ii) written consent of each of Charter Member, and (iii) negative consent of each Additional Member. To obtain the negative consent of each such Additional Member, the following negative consent procedure shall be followed: (a) the Agency shall provide each such Additional Member with a notice at least sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and this negative consent procedure; (b) the Agency shall provide each such Additional Member who did not respond a reminder notice with a notice at least thirty (30) days prior to the date such proposed amendment is to become effective; and (c) if no such Additional Member objects to the proposed amendment in writing within sixty (60) days after the initial notice, the proposed amendment shall become effective with respect to all Members.

Section 17. Effectiveness.

This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each of the Members on the date that the Board shall have received from two of the Charter Members an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Charter Member approving this Agreement and the execution and delivery hereof.

Section 18. Partial Invalidity.

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

Section 19. Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the other Members.

Section 20. Miscellaneous.

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

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

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement shall be governed under the laws of the State of California.

This Agreement is the complete and exclusive statement of the agreement among the Members, which supercedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

Charter Member:

KINGS COUNTY

By Joe Neves
Name: Joe Neves
Title: Chairman JAN 29 2019

ATTEST:

By Melanie Curtis
Name: Melanie Curtis
Title: Deputy Clerk to the Board of Supervisors

Charter Member:

HOUSING AUTHORITY OF THE
COUNTY OF KINGS

By Joe Neves
Name: Joe Neves
Title: Chairman

ATTEST:

By Jennifer Malum
Name: Jennifer Malum
Title: Deputy Clerk to the Board of Supervisors

RECORDING REQUESTED BY
California Community Housing Agency

WHEN RECORDED RETURN TO:
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, CA 94105
Attention: Jesse Albani

PURCHASE OPTION AGREEMENT

By and Between

CALIFORNIA COMMUNITY HOUSING AGENCY

and

CITY OF [CITY]

Dated as of [DATE]

Relating to

**CALIFORNIA COMMUNITY HOUSING AGENCY
ESSENTIAL HOUSING REVENUE BONDS, [SERIES]
([PROPERTY NAME])**

and

**CALIFORNIA COMMUNITY HOUSING AGENCY
SUBORDINATE ESSENTIAL HOUSING REVENUE BONDS, [SERIES]
([PROPERTY NAME])**

PURCHASE OPTION AGREEMENT

This PURCHASE OPTION AGREEMENT ("Option Agreement") is made effective as of [DATE] ("Effective Date") by and between the CALIFORNIA COMMUNITY HOUSING AGENCY a joint exercise of powers agency organized and existing under the laws of the state of California (including its successors and assigns, "Owner") and City of [CITY] ("Host").

BACKGROUND

WHEREAS, the Owner proposes to issue Bonds (as hereinafter defined) to finance Owner's acquisition of the certain multifamily rental housing project (the "Project") located at [ADDRESS] in [CITY], California, located on the real property site described in Exhibit A hereto; and

WHEREAS, the Owner intends to offer the Project to the Host pursuant to this Option Agreement.

AGREEMENT

In consideration of the mutual covenants herein contained, and such other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Owner and Host mutually agree as follows:

Section 1. Grant of Option. Owner hereby grants to Host an option ("Option") to purchase the Optioned Property (as herein defined) upon payment of the Option Price (as herein provided) within the Option Term (as herein defined) and in compliance with and observance of all of the terms and conditions of this Option Agreement.

Section 2. Definitions. Capitalized terms used in this Option Agreement shall have the meanings assigned to them in this Section 2; capitalized terms used in this Option Agreement and not defined in this Section 2 or elsewhere herein shall have the meanings assigned to them in the Indenture (herein defined).

(a) "Authority Indemnified Parties" – the Owner and each of its officers, governing members, directors, officials, employees, attorneys, agents and members.

(b) "Bonds" – collectively, (i) the California Community Housing Agency Essential Housing Revenue Bonds, [SERIES] ([PROPERTY NAME]) (the "Series A Bonds"), and (ii) the California Community Housing Agency Subordinate Essential Housing Revenue Bonds, [SERIES] ([PROPERTY NAME]) (the "Series B Bonds"), with such other series and sub-series designations as may be set forth in the Indenture, originally issued to finance Owner's acquisition of the Project and related transaction costs.

(c) "Bond Trustee" – Wilmington Trust, National Association or any successor trustee under the Indenture.

(d) "Closing" – shall have the meaning set forth in Section 9 hereof.

(e) “Conveyance” – that transaction or series of transactions by which Owner shall transfer, bargain, sell and convey any and all right, title or interest in and to the Optioned Property to Host.

(f) “Extraordinary Costs and Expenses” – shall have the meaning set forth in the Indenture.

(g) “Indenture” – the Indenture of Trust dated as of [DATE] between Owner, as issuer, and the Bond Trustee, as trustee, pursuant to which the Bonds were issued.

(h) “Manager” – Catalyst Housing Group LLC and its successors and assigns.

(i) “Option Price” – the sum of the amounts set forth below:

i. an amount sufficient to either prepay, redeem in whole or fully defease for redemption on the earliest call date all Project Debt; plus

ii. any fees or other amounts not identified in clause (i) that may be necessary to effect the complete release from and discharge of any lien, mortgage or other encumbrance on the Optioned Property; plus

iii. any amounts due to Owner (including the Authority Indemnified Persons, as provided in the Indenture), the Bond Trustee or any predecessor or successor, or any other Person under any indenture, loan agreement, bond, note or other instrument relating to any Satisfied Indebtedness (including, without limitation, indemnification amounts, Owner’s Extraordinary Costs and Expenses, recurrent and extraordinary fees and expenses, and reimbursable costs and expenses of any kind or nature); plus

iv. Transaction Costs; minus

v. The amount of any Project Debt assumed by Host; and minus

vi. Any funds held by or for Owner under the Indenture applied to the retirement of Project Debt.

(j) “Option Exercise Date” – the date fifteen (15) years from the issuance of the Bonds.

(k) “Option Term” – shall commence on the Option Exercise Date and, if not exercised, shall terminate at 11:59 p.m. local time on the date that is fourteen (14) years from the Option Exercise Date.

(l) “Optioned Property” – means all of Owner’s right, title and interest (which includes fee simple title to the real property) in and to all property and assets used in or otherwise related to the operation of the Project including, without limitation, all real property and interests in real property, all tangible and intangible personal property including furniture, fixtures, equipment, supplies, intellectual property, licenses, permits, approvals, and contractual rights of any

kind or nature together with the right to own and carry on the business and operations of the Project.

(m) “*Outstanding*” – with respect to Bonds, as of any given date, all Bonds which have been authenticated and delivered by the Trustee under the Indenture, except: (i) Bonds cancelled at or prior to such date or delivered to or acquired by the Trustee or prior to such date for cancellation; (ii) Bonds deemed to be paid in accordance with Article VIII of the Indenture; and (iii) Bonds in lieu of which other Bonds have been authenticated under the Indenture.

(n) “*Project Debt*” – any debt secured by the Project and incurred to finance or re-finance Owner’s acquisition of the Project and related transaction costs, including any portion of the Bonds and any bonds, notes or other indebtedness issued by Owner to refund the Bonds in whole or in part.

(o) “*Transaction Costs*” – to the extent not otherwise described herein, any costs or expenses of any kind or nature associated with or incurred by Owner and Host in connection with the consummation of the Conveyance, any refinancing of the Project or assumption of Project Debt regardless of whether such costs and expenses are customarily borne by the seller or purchaser in any such transaction, including but not limited to taxes, recording fees and other impositions, Owner’s and Host’s legal and other professional fees, fees for verification agents, bidding agents, escrow agents, custodians or trustees, assumption fees, prepayment fees, the cost of the appraisal, surveys, inspections, title commitments, title insurance premiums and other title-related fees, and all amounts required for indemnification of Authority, Trustee and Manager.

Section 3. Effectiveness; Term and Termination. The Option shall become effective on the Option Exercise Date and may be exercised during the Option Term. Owner agrees that it will not enter into any agreement to sell all or any part of the Optioned Property during the Option Term, without the specific written request of the Host and written consent of the Owner, which consent shall not be unreasonably withheld, and delivery of an Opinion of Bond Counsel to the Owner substantially to the effect that such sale will not, in and of itself, adversely affect the exclusion of interest on the Bonds from gross income for purposes of federal income taxation. After expiration of the Option Term, Host shall not be precluded from purchasing all or any portion of the Optioned Property from Owner at a price and on the terms agreed upon by Host and Owner, but Owner shall not be precluded from seeking or agreeing to sell, or consummating the sale of, all or any portion thereof to any third person.

Section 4. Manner of Exercise.

(a) Owner’s Notice. At least six (6) months prior to the Option Exercise Date, Owner shall provide Host notice of the Option Exercise Date; provided, however, that failure to provide such notice shall not affect the sufficiency or validity of any proceedings taken in connection with the exercise of the Option.

(b) Host’s Notice. To exercise the Option, Host shall provide a notice (an “*Exercise Notice*”) to Owner at any time prior to the end of the Option Term.

(c) Owner's Response. Within fifteen (15) business days of its receipt of the Exercise Notice, Owner shall provide Host with written estimate of the amounts comprising the Option Price.

(d) Host's Response. Within fifteen (15) business days of its receipt of Owner's estimate under Subsection (c), Host shall notify Owner in writing either (i) that it is withdrawing its Exercise Notice, or (ii) that it intends to proceed with the purchase of the Optioned Property.

(e) Fixing of Option Price; Contractual Obligation. Unless Host notifies Owner in writing that it is withdrawing its Exercise Notice within fifteen (15) business days of its receipt of Owner's estimate under Section 4(c) hereof, Host shall deliver to Owner a purchase agreement therefor in form and substance satisfactory to Owner and its counsel subject to the terms and conditions of this Option Agreement. Unless Owner shall have objected to the form of purchase agreement within fifteen (15) business days of its receipt thereof, Owner shall be deemed to have accepted the terms of the purchase agreement without the need for the signature of Owner thereon, and Host shall be obligated to purchase and Owner shall be obligated to sell and convey to Host good and marketable title to the Optioned Property at the Option Price within ninety (90) days thereafter.

Section 5. Determination of Option Price. Unless the parties otherwise agree, Owner shall cooperate with Host and provide Host with all information and records in its possession, and access to counsel and other professionals, to assist Host in determining and updating the Option Price.

Section 6. Surplus Cash. The Owner shall cause the Trustee to create an account (the "Excess Revenue Fund") under (i) the Indenture or (ii) in the event that the Bonds have been retired and the Indenture discharged, a separate trust agreement identifying Owner as trustor, a trustee selected by Owner as trustee, and Host as beneficiary, into which excess revenue over expenses shall be deposited. Upon the commencement of the Option Term, after full payment of the fees, charges and expenses of the Owner and the Trustee and other amounts required to be paid pursuant to the Indenture or other documents relating to then-outstanding Project Debt, amounts remaining in the Excess Revenue Fund shall be transferred to the Host. Thereafter, amounts in the Excess Revenue Fund shall be transferred to the Host periodically.

The Host shall apply amounts in the Excess Revenue Fund to the payment of the Option Price and thereafter shall apply such funds in its sole discretion.

Section 7. Terms of Conveyance.

(a) The Conveyance shall be in the nature of a grant deed in which Owner shall deliver one or more deeds, bills of sale, or other instruments of transfer without recourse or warranty of any kind or nature.

(b) The Optioned Property will be conveyed to Host in AS IS CONDITION, WITH ALL FAULTS, and without representations or warranties of any kind or nature as to the condition of the Property. Host acknowledges that Owner will convey the Optioned Property AS IS and that OWNER IS MAKING NO WARRANTIES AND REPRESENTATIONS, EXPRESS OR IMPLIED, with reference to the condition of the Property. HOST WAIVES ANY AND ALL

CLAIMS AGAINST OWNER, INCLUDING BUT NOT LIMITED TO, CLAIMS BASED IN PART, INCLUDING, BUT NOT LIMITED TO, NEGLIGENCE, STRICT LIABILITY AND STRICT RESPONSIBILITY, IN CONTRACT, IN WARRANTY, IN EQUITY, OR UNDER ANY STATUTE, LAW OR REGULATION ARISING DIRECTLY OR INDIRECTLY OUT OF ANY CONDITION OF THE PROPERTY.

(c) There shall be no partial transfer and that, upon consummation of the Conveyance, Owner shall be fully divested of any and all right, title or interest in and to the Optioned Property.

(d) Upon payment of the Option Price, as adjusted for any prorations, credits and charges, Owner shall convey title to the Optioned Property by quit claim deed reasonably satisfactory in form and substance to Host.

Section 8. Closing. The closing of the Conveyance ("Closing") shall take place not later than the ninetieth (90th) calendar day following the date on which the parties agree on the terms of the purchase agreement pursuant to Section 4(e) hereof at such time within normal business hours and at such place as may be designated by Host.

(a) Prorations. All general and special real property taxes and assessments, and rents shall be prorated as of the Closing, with Host responsible for all such items to the extent arising or due at any time following the closing. General real property taxes shall be prorated at the time of Closing based on the net general real property taxes for the year of Closing.

(b) Limitation. If, after taking into account all adjustments and prorations, the net amount due Owner at Closing is less than the Option Price, the Option Price, as the case may be, shall instead be the Option Price, it being understood and agreed that in no event shall Owner receive proceeds less than the amount necessary to fully retire or defease, as the case may be, the Series A Bonds and the Series B Bonds and otherwise satisfy all of the payments constituting the components of the Option Price.

Section 9. Recording. This Option Agreement, and any amendment thereto, shall be recorded with the recorder's office of the County of Solano; *provided*, that in the event Host fails to exercise the Option, then upon termination of the term of this Option Agreement, Host shall cooperate with Owner to remove any such recorded Option Agreement or amendment thereto from title to the Optioned Property upon Owner's reasonable request therefor and, in any event, by no later than thirty (30) days after the expiration of the original term of this Option Agreement. In the event that, within said time, Host fails to so cooperate and provide its original signature to a termination of such recorded Option Agreement or amendment thereto, then Host hereby irrevocably constitutes and appoints Owner as Host's true and lawful attorney (and agent-in-fact) to execute in Host's name any such termination.

Section 10. Possession. Physical possession of the Optioned Property shall be delivered to Host at the time of Closing.

Section 11. Title Insurance, Title Defects.

(a) Within fifteen (15) business days after it receives the Option Exercise Notice, Owner shall provide Host with a title commitment (the "Title Commitment") in the customary ALTA form of Standard Owner's Policy of Title Insurance in Host's favor, for the amount equivalent to the Option Price (whichever is applicable), with a commitment to insure good and marketable fee simple title to the Optioned Property in Host, issued by a title insurance company licensed to do business in the State of California and acceptable to Host (the "Title Company"). The policy shall show the status of title to the Optioned Property and show all exceptions, including easements, restrictions, rights-of-way, covenants, reservations, and other conditions of record, if any, affecting the subject real estate. Accompanying the Title Commitment, Owner shall also have Title Company furnish Host with true, correct, complete, and legible copies of all documents affecting title to the subject real estate. The cost and expense of such Standard Owner's Title Commitment shall be payable as a Transaction Cost. Host shall pay the additional premium due if Host elects to obtain an extended coverage policy of title insurance and/or extended coverage endorsements. Owner shall cooperate with Host, at no expense to Owner, by providing an affidavit to Title Company to induce Title Company to issue to Host at Closing a "GAP" endorsement to the Title Commitment showing the effective date of the Title Commitment to be the time and date of Closing.

(b) If the Title Commitment shows exceptions to title which are unacceptable to Host, Host shall, within ten (10) business days after receipt of the Title Commitment and not later than twenty (20) business days before the date for Closing, notify Owner of such fact and Owner shall have twenty (20) business days after Owner receives Host's written objections to cure such defects and to present a Title Commitment on the basis of which Closing may occur or to notify Host that Owner will not cure same. If Owner cannot or will not cure such defects within such twenty (20) day period and thereafter convey title to the Property as required in this Agreement, then Host shall have the right (at Host's option) to either:

(i) Rescind the Option Exercise Notice and Owner may proceed to close the sale under the terms of the third-party offer, if there is a third-party offer; or

(ii) Accept whatever title Owner can or will convey, without reduction in the purchase price because of such title defects. Any exceptions to title disclosed on the Title Commitment to which Host does not timely object to in writing or to which Host objects but thereafter accepts by Closing shall be included as a "Permitted Exception."

Section 12. Assignment. The Host shall not assign the Option without the prior written consent of the Owner, which consent shall not be unreasonably withheld, and delivery of an Opinion of Bond Counsel to the Owner substantially to the effect that such assignment will not, in and of itself, adversely affect the exclusion of interest on the Bonds from gross income for purposes of federal income taxation. Notwithstanding the foregoing, neither party to this Option Agreement shall assign its interests, obligations, rights and/or responsibilities under this Option Agreement without the prior written consent of the other party.

Section 13. No Individual Liability. No Authority Indemnified Person shall be individually or personally liable for the payment of any sum hereunder or be subject to any personal liability or accountability by reason of the execution and delivery of this Option Agreement, or

by any proceedings for the determination of the Option Price, or Host's exercise or waiver of same, or otherwise except in the case of such Authority Indemnified Person's own willful misconduct.

Section 14. Notices, Governing Law, Binding Effect and Other Miscellaneous Provisions.

(a) Notices. All notices provided for in this Option Agreement shall be in writing and shall be given to Owner or Host at the address set forth below or at such other address as they individually may specify thereafter by written notice in accordance herewith:

If to Owner: California Community Housing Agency
1400 W. Lacey Blvd., Building 1
Hanford, California 93230
Attention: Michael LaPierre

With a copy to: Catalyst Housing Group
21 Ward Street, Suite 2
Larkspur, California 94939
Attention: Jordan Moss

If to Host: City of [CITY]
[ADDRESS]
Attention: [NAME, DEPARTMENT]

Such notices shall be deemed effective upon actual delivery or upon the date that any such delivery was attempted and acceptance thereof was refused, or if mailed, certified return receipt requested, postage prepaid, properly addressed, three (3) days after posting.

(b) Consents and Approvals. All consents and approvals and waivers required or asserted hereunder shall be in writing, signed by the party from whom such consent, approval, waiver or notice is requested, provided that no written consent or approval of Owner shall be required for any action that Host may, in its reasonable good faith judgment, find it necessary to take in the event of an emergency.

(c) Cooperation. Owner will keep Host advised of its complete name at all times, including any change of such name. Host will keep Owner advised of its complete name at all times, including any change of such name.

(d) Pronouns. Where appropriate to the context, words of one gender include all genders, and the singular includes the plural and vice versa.

(e) Amendments. This Option Agreement may not be modified except in a written instrument signed by Host and Owner.

(f) Complete Agreement. This Option Agreement together with all schedules and exhibits attached hereto and made part thereof supersedes all previous agreements, understandings and representations made by or between the parties hereto.

(g) Governing Law. This Option Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to conflicts of law principles. All claims of whatever character arising out of this Option Agreement, or under any statute or common law relating in any way, directly or indirectly, to the subject matter hereof or to the dealings between Owner and any other party hereto, if and to the extent that such claim potentially could or actually does involve Owner, shall be brought in any state or federal court of competent jurisdiction located in Kings County, California. By executing and delivering this Option Agreement, each party hereto irrevocably: (i) accepts generally and unconditionally the exclusive jurisdiction and venue of such courts; (ii) waives any defense of forum non-conveniens; and (iii) agrees not to seek removal of such proceedings to any court or forum other than as specified above. The foregoing shall not be deemed or construed to constitute a waiver by Owner of any prior notice or procedural requirements applicable to actions or claims against or involving governmental units and/or political subdivisions of the State of California that may exist at the time of and in connection with such matter.

(h) Legal Construction. In case any one or more of the provisions contained in this Option Agreement shall for any reason be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalid provision shall be deemed severable, and shall not affect the validity or enforceability of any other provisions of this Option Agreement, all of which shall remain fully enforceable.

(i) Term. This Agreement shall terminate upon the earlier of (a) the Conveyance or (b) the first date on which all Project Debt has been retired and Owner has made an absolute assignment to Host of all future Surplus Cash.

(j) Captions. The captions used in this Option Agreement are solely for convenience, and shall not be deemed to constitute a part of the substance of the Option Agreement for purpose of its construction.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Option Agreement as of the date set forth above.

**CALIFORNIA COMMUNITY HOUSING
AGENCY**

By:

CITY OF [CITY]

By:

Signature Page to Purchase Option Agreement

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 California)
County of _____)

On _____, before me, _____,
(insert name and title of the officer)

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 and official seal.

Signature _____

(Seal)

EXHIBIT A
LEGAL DESCRIPTION OF REAL PROPERTY



To: California Local Governments
Date: November 2021
Re: **JPA Bond Proposals for Government-Owned Middle-Income Housing in California**

PURPOSE OF THIS MEMO

During the last two years, local governments in California have been inundated with proposals to authorize government-owned middle-income housing funded by tax-exempt bonds and paired with an exemption from property taxes. Proponents argue that these proposals will help local governments meet housing demand in the “missing middle” – i.e., households who earn too much to qualify for subsidized housing, but not enough to afford market-rate housing. The proposals are sponsored by Joint Powers Authorities (“JPAs”) that serve as conduit issuers of financing on behalf of local governments. JPAs work with private sector real estate investors acting as asset managers.

To date, approximately \$5 billion of such bonds have closed to buy 9,000 apartments at an average investment per unit over \$540,000, with a portion of such units restricted for middle-income households. The total financing is quickly dwarfing the \$3.7 billion in annual allocations of Low-Income Housing Tax Credits for low- and very low-income households in California.

Yet these proposals involve a type of unrated bond, ownership structure, asset management roles, and affordability levels which have rarely been used before. They create major risks for the projects themselves and the long-term affordability for which all local taxing entities are foregoing property tax revenues. The JPA proposals do not fully describe these risks but rather emphasize the potential windfall when local government gain control of the buildings (typically between the 15th and 30th year of bond financing) and limited liability. There is no current limit on the number of such potential transactions or the fiscal or real estate risks this program will create in California.

Our organizations – leading advisors and consultants on affordable housing for public agencies in California and nationally – have been asked by more than a dozen local governments to evaluate these proposals, identify issues and challenges, and make recommendations. Having spent decades working on affordable housing financing for public agencies, we are highly committed to finding solutions that create and maintain affordability at a wide range of income levels. We are equally committed to doing so in ways that are effective and safe in the long run, and do not result in enormous and avoidable problems. Our organizations are independent and have no financial stake one way or the other in local government decisions on these projects. Our experience is described in an Appendix. Our only purpose and role are to help address affordability and financing needs in ways that will be successful and sustainable long-term for the projects, their tenants, their communities, and local governments.

Given the importance of this issue, we have worked together to outline the major features of the JPA proposals, their potential risks and the specific conditions and criteria under which we collectively believe local governments can safely and prudently consider proposals for such government-owned middle-income housing. Especially since no State law regulates government-owned middle-income housing bond programs to assure meaningful affordability benefits, in the way that State law now governs housing owned and financed by housing authorities, these criteria are essential for local governments reviewing these proposals. More specifically these three criteria are:

1. The local government *believes that government-owned middle-income housing is itself a good idea and would itself be willing to own and finance such developments on these terms with this same type of debt – whether or not the JPA was involved.*
2. *The direct affordability benefit, on units where rents are being reduced more than 10% below existing rents, is greater than the total local property taxes all taxing entities would receive if the property were sold to a private owner.*
3. *To avoid the project being extraordinarily risky – and jeopardizing its future affordability – the project must be able to pay off all debt without relying on future income growth. The debt service coverage ratio (the reasonably projected cash flow compared to the debt and related payments required to amortize all debt) must therefore be at least 1 to 1 from the beginning.*

PART ONE: JPA PROPOSALS FOR GOVERNMENT-OWNED MIDDLE-INCOME HOUSING

While the individual proposals differ slightly, each involves the following eight structural elements. Our focus is on the fundamental features being proposed, recognizing that there are continuing variations and changes as these proposals evolve in response to local concerns.

1. **Require local government use its power to purchase, own and finance property through the JPA.** By joining the JPA program, the local government’s authority to own and finance **public facilities** -- such as city halls and parks, and which has almost never been used for rental housing – is transferred to the JPA. The JPA uses that local government power to acquire large, generally high-end apartment complexes. Such governmental authority has rarely been used for housing, and almost always by experienced housing authorities.
2. **Restrict rents at limited discount to market rents for middle income households.** In return for agreeing to government ownership and the resulting exemption from property taxes, a portion of the units are restricted to tenants typically earning 80% to 120% of Area Median Income (“AMI”) for as long as the bonds are outstanding (i.e., typically 15-30 years). The percentage of units for different income brackets varies from one proposal to the next, as does the reduction from current market rents. The maximum rent has typically been set at 35% of the maximum income, as opposed to the 30% of maximum income (net of tenant-paid utilities) required by federal and state housing programs. (In response to this concern, some proposals now show rents at 30% of maximum income or have focused benefits on lower income tenants).

While some projects provide a significant reduction from current market rent for units restricted below 80%, there is generally little or no reduction for units at 120% of AMI. Such 120% units are effectively at market rates and would be the same regardless of the program.

The cash flow assumptions require significant ongoing *growth* in net operating income on both restricted and market units to repay the bonds.

3. **Require foregoing the property taxes on such middle-income housing, including on both the restricted and non-restricted units.** The approving local government and all other taxing entities give up the property taxes for both the restricted and unrestricted units as long as the project remains government owned. This has several important consequences.

- Given that the seller has offered the property for sale, the taxes being foregone are not simply the same amount that has been paid in the past, but the amount **a new private buyer** would otherwise pay based on the sale price today (and any proposed rehabilitation). This is often substantially greater than the past taxes.
- The local government is not the only taxing entity impacted. The total amount foregone by K-12 and community college school districts (or back-filled by the State), counties and other taxing entities not involved in the approval process is five to eight times greater than that lost by the local government. In each of the proposals we have examined, the **total property taxes foregone** by all taxing entities **are greater than the annual reduction in rents, often by significant margins.**
- While some recent proposals offer the local government a 'host' fee to make up the reduction from past taxes, they do not cover the far greater lost taxes of other entities.
- The greater the number of units acquired under these proposals, the more severe the financial impact.
- From the appraisals we have reviewed, the values and prices being paid for these properties inappropriately include the future value of the taxes the governments are being asked to forego – leading project sponsors to pay the for-profit private sellers more than private buyers might on the open market.
- Some more recent proposals have sought to compensate the local government itself (but not the other taxing entities), further differentiating the benefits to the local government versus other public agencies and, in many cases, reducing the debt service coverage on the bonds.

4. **Utilize unrated tax-exempt bonds with riskier features than almost all affordable and rental housing financing in the United States.** These bond issues have several key features:

- There is no credit enhancement, unlike publicly sold multifamily revenue bonds for other affordable housing developments; no bank or federal agency provides any security for the bonds.
- The bonds are structured as interest only (i.e., non-amortizing).
- The loan to value ratio is more than 100% (compared to a typical maximum of 75% to 80% on bank, Fannie Mae and Freddie Mac financings).
- The initial debt service coverage ratio, which compares the net income after payment of operating costs to the debt service payments, even on an interest-only basis is less than 1.0.
- Instead of being able to show the strong positive coverage for fully amortizing debt required by major lenders, the initial income from the JPA projects is far below that needed to amortize the bonds. Instead of the 1.15 coverage required by major lenders, many of these projects start out at less than .70.
- As a result, unlike virtually all financing for affordable and market-rate rental housing, the debt cannot be repaid based on current net operating income, but depends on assumed future growth.
- In addition to a Series A Bond to pay for acquisition, financing, reserves and other costs, the structure includes a subordinate Series B Bond. This B bond does not provide any moneys to cover project costs, but is given to the private project sponsor who initiates the deal. This B Bond, effectively a form of preferred equity, carries a tax-exempt interest rate that is typically 10%, and

is required to be paid by the project prior to the local government in the repayment schedule. It is typically structured as a capital appreciation bond that compounds until it is finally paid.

- In the event of a bond default, since there is no credit enhancer, loan servicer or majority holder of the A bonds to make decisions, a committee of bondholders would have to be created to work with the bond trustee to try to arrange a workout or foreclosure sale, with potential losses to bondholders and substantial litigation costs.
5. **Provide an extraordinary level of compensation for the service providers** on such government-owned housing – the JPA, private developer acting as project sponsor and bond underwriter. They receive compensation in the form of up-front and/or ongoing fees and subordinate bonds, which have totaled more than \$10 million on each of the projects we have reviewed.
 6. **No traditional landlord or responsible party.** The projects are structured without financial responsibility by any party for future cash shortfalls. None of the parties – the local government who is the beneficial owner, the JPA and the project sponsor – have any legal responsibility or obligation to provide any funds to cover future problems or debt service. Therefore, if the building does not achieve rent growth expectations or runs into other financial issues, the only monies available are temporary reserves that must ultimately be repaid to bondholders. There is no landlord or owner with any financial responsibility for covering problems.
 7. **Make the local government the beneficial owner of the property, with the right to purchase (and or re-sell) the property in 15 years, after paying off all outstanding bonds.** Since the property is being acquired and the bonds are being issued on behalf of the local government, the local government is the beneficial owner, and has the right after 15 years to purchase the property under a public benefit agreement by paying off all outstanding Series A and Series B Bonds (together with any additional debt that may be incurred under the bond indenture, without the local government's consent). The local government may retain the property or sell it, and may do either without maintaining the affordability for which the project was initially acquired. Indeed, there is a tension between retaining the affordability and such potential gain.

This ownership right may or may not result in any upside to the local government. Proposals assume net operating income (including from rent-restricted units) grows at the same pace as operating expenses -- whereas lenders and California agencies require assuming that expenses grow faster than income. Such projections, with no recessions, problems or unanticipated major repair needs, therefore show highly optimistic windfall returns to local government, as they would for any buyer of 100% leveraged real estate. These assumed returns are highly speculative.

8. **Restrict affordability for the term of the bond on a portion of the units.** Affordability is controlled through a regulatory agreement administered by the JPA. Sample forms of regulatory agreement we have reviewed:
 - Do not allow the local government (or tenants) to have any ability to enforce it;
 - Provide no minimum compliance period, which terminates upon final payment of the bonds;
 - Terminate in the event of foreclosure because of default on the A or B Bonds;
 - Are limited to 'best efforts' at compliance;

- Can be removed if bond counsel for the JPA determines the restrictions are not required to maintain tax-exemption on the on the bonds.

These limitations are very different than the 55-year affordability covenant required for tax credit projects and many other affordable housing programs in California. Projects structured with these minimum terms do not qualify for Regional Housing Needs Allocation (“RHNA”) credit under state law.

Indeed, recently passed AB 787 allows 25% RHNA credit for the units in those projects which are restricted to tenants below 100% of median income, with at least a 10% reduction from current rents and 55-year affordability requirements. Meeting at least this standard is one of the criteria we believe local government would benefit from requiring in evaluating JPA proposals.

PART TWO. RISKS INVOLVED IN THESE PROPOSALS

Although these proposals are being presented as a new approach for addressing housing affordability, the fundamental idea of local governments using tax-exempt bonds to directly acquire market housing has been tried by public agencies in the past. So have efforts to finance apartment projects with unrated housing bonds or using underwriting standards that do not meet market norms.

California local governments should be aware of the results of these past efforts and the problems that have arisen. This is especially important since the success, sustainability and positive reputation of affordable housing in California and the U.S. for the past 40 years has been based on using standard loan underwriting and adequate financial resources, rather than on taking significant financial risks to cover the typical ‘gap’ to acquire or develop housing with below-market rents.

Reasons for Standard Underwriting Requirements. Major lenders who make permanent multi-family loans – both for affordable and market-rate housing developments – require the project show that net operating income can amortize all debt with level debt service payments (as on a home mortgage) *without relying on future inflation*. This is required by all major banks, affordable lender consortiums, such as CCRC (the California Community Reinvestment Consortium), Freddie Mac, Fannie Mae and the Federal Housing Administration.

There is a reason why lenders consistently require projects to meet at least 1.15 debt coverage. There is an extensive history of financial problems and defaults on projects which take greater risks, and which have no financial cushion to deal with downturns, recessions, inflation in operating expenses, and needs for major repairs. This is especially relevant for projects such as those proposed, which have 100%+ financing with no equity and no ownership entity with resources or providing guarantees to deal with future problems.

We have outlined in the Appendix decade after decade the extraordinary problems that have occurred when public agencies, bond underwriters and investors, lenders, rating agencies and some of the most successful developers in the country have deviated from standard underwriting requirements – in ways that were in fact *less risky* than these JPA proposals.

The lesson from all these examples is simple. Rather than assume there will not be significant problems, they are in fact likely to occur, and the greater the deviation from normal underwriting standards the more likely this is.

Should This Past History Be Ignored? Proponents of these JPA proposals give four reasons why local governments should not view these projects as risky.

- 1. The Bond Structure Does Not Require Scheduled Amortization of Principal and Funds Large Reserves.** The JPA financings, like interest-only loans prior to the 2008-2009 financial crisis, do not require scheduled amortization. This provides more temporary flexibility as do the reserves funded by bond proceeds. Nonetheless all the principal on the A and B Bonds is required to be repaid, and all the reserves must be replenished and paid back to bondholders. While providing temporary liquidity, these features do not change the fundamental risk of being able to pay back all bond interest and principal. Indeed, the more such reserves are planned to be used, the more the project's net income will need to grow to ever repay those advances.
- 2. That Bond Investors Are Willing to Purchase These Bonds Indicates That the Risks Are Minimal.** Experience over many decades shows that purchasers of unrated municipal bonds have less ability, time and discipline for evaluating the risks of multi-family financings than major banks, Fannie Mae and Freddie Mac. A simple example was in the 1980s when Oxford development, then one of the largest developers in the country, structured 26 issues of unrated bonds for rental projects across the country; investors were more than willing to buy the bonds that were marketed for all of them, , yet all of these 26 defaulted, except one in San Mateo County that CSG helped design with provisions to avoid a bond default. That investors are willing to buy these JPA bonds shows their desire to obtain extra yield in today's low-rate environment while discounting risks, rather than a lack of risk. It was precisely the willingness of bond investors to buy unrated bonds for market-rate housing that led to workouts and defaults for several Pacific Northwest housing authorities.
- 3. These Projects -- Being Purchased at This Time and in California's Housing Markets -- Are Different and Will Be Less Risky.** The demand for rental housing in many markets in California and the rents being commanded are, indeed, at all-time highs. This can lead to the assumption that historical market forces – future recessions, inflation in operating costs, competition from other projects – will not apply and that net operating income will always continue to grow. Such a picture of the future is not new. All the past projects described in the Appendix were undertaken with precisely the same type of optimistic beliefs in future projections.

There are, in fact, particular reasons to be wary of the risks involved today. These current proposals are designed to purchase high-end apartment complexes at a time when income capitalization rates are extraordinarily low; many of these projects are based on capitalization rates of about 4%, and some well below that. That means that the projects are being sold for 25 or more times the current net operating income (before rents are reduced). The last time capitalization rates were so low was in 2006 and 2007 before the national financial crisis, and before that just prior to 1990s real estate recession and the savings and loan crisis. That is, prices are at historic highs relevant to rents. Such prices are driven not only by low interest rates for borrowers but, as project sponsors have indicated to us, by real estate investment funds with significant amounts of capital seeking alternative investments as they shy away from retail and office developments because of the pandemic.

Trying to buy multi-family housing properties at these prices, with no equity and relying on 100% financing – while reducing rents with no other source of funding to cover the affordability gap except the elimination of property taxes – means that the proposals ‘solve’ the affordability gap by relying on assumed future inflation. Like loans made in the run-up to past financial crises, these proposals seek to make financings work by stretching underwriting standards and making optimistic assumptions about the future.

Indeed, there is no better illustration of the uncertainties and risks in these JPA projections than the official Notices posted in October 2021 by the JPA for the first of these transactions in Santa Rosa from 2019. Since issuance, the actual results have varied so much from projections that the JPA has issued multiple notes for additional funds at 10% interest from the project sponsor, and is considering restructuring the entire bond issue. While other JPA transactions have somewhat different provisions for subordination of sponsor and JPA fees, what matters is that *the original revenue projections have not been met, starting just months after closing – let alone for the next 30 years.*

4. **The Local Government Is Not At Risk.** JPA proponents’ simplest answer to the question of risk is that *no party* – neither the local government, the project sponsor nor the JPA itself – bears any legal risk if there is a future problem with the project. That no party, including the local government itself, is legally or financially responsible *is precisely why* local government should care about what may happen.
- The project is being undertaken under the powers of and for the local government to benefit a portion of its future tenants over the long-term – the only public purpose for which it can be undertaken – at significant cost to the local government and all taxing entities. Projects which fail, which run out of cash reserves to pay debt service, operating expenses and repair costs, and especially when they go through protracted default proceedings, typically result in major management and maintenance problems. These adversely affect tenants, neighbors, public safety and the community. And in the event of foreclosure, the affordability for which the local government and other taxing entities forewent all their property taxes, is lost.
 - If tenants or neighbors have problems or complaints, there is only one logical local party to raise them with. Since there is no traditional landlord, it is a government-owned property, the property was purchased on behalf of the local government who approved the transaction and is the beneficial owner, and the local government is the one party with deep pockets who could address the problems, the place to complain and seek help will be the local government’s legislative body. This has happened in numerous cities on publicly acquired properties. Experience has shown that a large, concerned and geographically concentrated group of middle-income tenants worried about conditions at their property can provide a powerful and articulate voice at local council meetings.
 - Problems with these unusually risky financings for middle-income housing can jeopardize support at all levels for the entire affordable housing finance system that all local governments, together with non-profit and for-profit developers, tax credit investors, advocates and others have built for helping very low- and low-income tenants in California.

We have outlined these risks and their consequences to be certain that housing efforts to help moderate and middle-income households are designed in ways that can be sustained in the long run.

PART THREE: CRITERIA FOR DECIDING ON PROPOSALS FOR GOVERNMENT-OWNED MIDDLE-INCOME HOUSING

Following are the key criteria we believe local officials would benefit from using in deciding whether to approve government-owned middle-income housing.

1. Would the local government undertake such ownership and financing itself, regardless of the offer from the sponsor and JPA?

The power to acquire, own, finance and exempt such apartments from the tax rolls rests with local government and no one else. The local government *should approve such a project if it believes that government-owned middle-income housing is itself a good idea and if it would be willing to own and finance such developments on these terms itself with this type of debt.*

The JPA is solely a **means** for carrying out the project on the local government's behalf, and is a mechanism for limiting the local government's direct legal risk. It is a means, not a reason for undertaking the project. Simply being able to distance itself from the use of its own powers for a project of which it is the beneficial owner is **not** a reason for a local government to undertake the project in the first place.

This criterion is especially important because, while the local government legally has no financial liability, if tenants or neighbors have problems or complaints, they will be raised most likely with the local government, which is the party that approved the transaction, on whose behalf the purchase and financing has occurred, which invested its own and other local governments' foregone property taxes, and which has all the financial upside from the property.

2. Are the housing affordability benefits greater than the foregone property tax?

Before considering the risks involved in these proposals, the most basic question is whether the affordability benefits are at least equal to the foregone property taxes. This criterion has several key components.

First, housing affordability is the only reason for considering such a proposal. The local government should evaluate a JPA proposal **solely** as a means of providing housing affordability, **not as a speculative investment** in the future value of apartment buildings. The only public purpose for which local government can provide its powers for acquiring, owning and financing privately owned apartment buildings is providing affordable housing, rather than speculating on future values in real estate. This should therefore be the basis of its decision.

We stress this point because the proposals received by the local government often focus on the local government's possible upside from reselling the property in the future. We do not think any local government should make decisions based on the speculative returns provided, because of the (i) many market uncertainties involved as to future rents and operating expenses, interest rates and market capitalization rates, (ii) the uncertainties that will affect any such future local government

decision given the need and demand for affordability at the property itself, and most fundamentally, (iii) local government is not in the business of, nor has as its purpose, buying up private properties in the hope of making windfall profits in the future. Indeed, counting on future windfall financial gains to the local government from maximizing sale proceeds run against the very purpose for which it undertook the project: providing housing affordability.

Focusing on the public purpose the local government knows it is achieving in approving such a proposal makes decisions simpler and clearer.

Second, make certain the affordability benefits are real. Since affordability is the local government's only purpose for such a proposal, it is important to know what is being achieved.

Given the complexity of the proposals – multiple tiers of units, rents based on 35% of maximum income rather than 30%, uncertainties as to market rents because of the pandemic, often modest reductions compared to those market rents which are often still well above median given the high end nature of the buildings involved, and gradual phase-in of restrictions since existing higher income tenants will not be displaced – it is not particularly easy to measure the actual affordability benefit of many JPA proposals.

From our experience and as required in AB 787 to receive even partial RHNA credit, the only units for which a local government should consider affordability benefits are those restricted to tenants below 100% of median income where rents will be reduced at least 10%. We also think that to assure affordability, rents should be limited to 30% of the maximum of any income band.

Having narrowed down which units are providing affordability, the local government can then measure what would be the rent reduction for tenants in these units.

Third, target the affordability to meet local needs. In reviewing JPA proposals, various cities have required that affordability be designed to meet local needs, including focusing on units below 80% of median income where affordability is generally most needed according to each community's Housing Element and RHNA goals, and prioritizing tenant groups such as teachers, public employees and others, whose ability to remain in the community may be especially crucial. Since local taxing entities are paying for the affordability, local government should design it to provide meaningful public benefit. The California Housing Partnership's analysis of proposed rent data from a number of JPA transactions collected by the Los Angeles Times versus median rents indicate that while the proposed rents may offer slight reductions from current rents charged in the luxury apartments being purchased on a portion of the units, they are still above median market rents for the area, leading us to question whether there is any real public benefit in terms of creating access to affordable rentals.

Fourth, assure the affordability benefits will be provided and maintained. Since the local government and all other taxing entities are giving up their property taxes to provide such affordability, it is essential to know that the affordability benefits will occur for the duration of the promised period. Therefore, local government should require for any such government-owned middle-income housing:

- the 55-year covenant under AB 787,
- that the local government have the right to enforce such agreement,
- that the local government receive annual compliance reports, and
- since the affordability agreement is the reason local government is providing its powers for the purchase and financing of the property, that the affordability requirements remain, whether or not they may be required for federal tax law.

Fifth, compare the affordability benefits against the taxes being foregone. As noted above, the foregone taxes are those that **a private buyer purchasing at the same price** would have to pay.

Since the cost of these foregone taxes falls not only on the local government itself but on other taxing entities as well, and their ability to provide services in the community, the foregone taxes are the total for all taxing entities.

Proponents of these proposals have argued that tax reductions for school districts may be backfilled by the state. We understand, however, that under the current tests in Proposition 98 for public school funding, the state would no longer back-fill such foregone taxes. More broadly, given the plethora of JPA proposals and their ability to convert essentially all market-rate major apartment developments in the state, local governments should take into account all the property taxes that will be lost.

Affordable housing developments for very low-income tenants are, of course, exempted from property taxes in California. What distinguishes these JPA proposals are the much higher level of rents, the modest amount of rental reductions, and the level of risk of these proposals that can jeopardize the proposed affordability.

3. Are the financial risks of the project limited and reasonable?

The one public purpose for which the local government would give its powers to the JPA to undertake such projects – and for which taxing entities are foregoing their property taxes – depends on the project’s future financial sustainability. If the property is foreclosed, the affordability provisions are terminated. This is true of typical tax credit projects as well, but they are structured with standard 1.15 debt coverage, whereas these JPA projects are far riskier and at far greater risk of losing all their affordability.

Such loss of affordability, together with the concern about what happens to the tenants, neighbors, community and complaints to local government itself if there are future problems, means that the local government should **take very seriously the financial soundness of the government-owned project being undertaken on its behalf**.

That the local government itself is not legally and financially responsible, and indeed that no entity is financially responsible for the future of the project, is not a reason to approve such a project. Local governments in California that have gone through past recessions and financial crises and their impacts should be acutely aware of what can happen in real estate and financial market cycles.

As organizations with decades of experience in housing finance throughout California, we think that deviating from the normal underwriting standards of all major banks and federal entities creates serious risks. The greater the deviation, the greater the risk. We particularly think that relying on future growth in net operating income to repay debt is extremely dangerous.

We would therefore not recommend that any local government approve a project where **current net operating income (reduced by the rent restrictions on all restricted units) would not be able to pay level amortizing debt service on all the bonds over a 35-year amortization period.** This standard of 1:1 coverage on what will be needed to pay back the bonds is significantly lower than required by banks and federal entities but is to us an absolute minimum.

That the bonds do not require scheduled amortization and fund reserves is desirable and creates greater flexibility. This is a useful additional feature, not a substitute for the most basic standard of loan underwriting and of local government financing itself – looking at what a project can support today, not relying on how much better one hopes it could do if there is inflation tomorrow.

Why These Criteria Are Essential

The criteria outlined above provide a **minimum threshold**, in our view, for proceeding with government-owned middle-income housing. Whether projects are feasible within these criteria will depend on the prices being paid, the compensation to service providers, the actual economics and the taxes being foregone. **Waiving such criteria does not solve the long-term problem of providing affordability sustainably to targeted income households.**

That proposed financings may not be feasible with even this very minimum level of underwriting standards does not mean that local governments should ignore the needs of tenants in these income groups. Indeed, that local governments are willing to consider foregoing property taxes to help provide affordability for such tenants means that they should find ways of using their tax revenues to address these needs in ways that are financially sound.

There have been various efforts around the country to help meet the needs of households in these income groups, particularly those earning between 60% and 100% of median income who still need help in higher cost urbanized coastal areas. Any local government focused on these needs, especially given the affordability crisis in California, and willing to consider foregoing (or using) its tax revenues to help them, should actively explore more established options that are financially sound.

Proposals for borrowing and spending tens and hundreds of millions of dollars for government-owned middle-income housing are **not a cost-free nor risk-free way** to address these needs. Such proposals should **only be considered where they meet a very minimum standard to assure future sustainability.**

An approach that a local government considering such proposals could follow is:

- First establish these most basic requirements to avoid future problems for tenants, neighbors, projects and communities, and

- Then use a competitive process for selecting service providers who compete on the minimum level of affordability they will deliver, how they will assure long-term affordability, the type of properties that will be targeted, and the compensation that service providers will receive – while meeting and being committed to these most basic requirements.
- The regulatory agreement should give local government the power to enforce all the terms of the regulatory agreement.

What we have learned from many decades of helping local governments deal with housing needs is that precisely because housing is an opportunity-driven activity – as economics change, as owners decide to sell – it is **that much more essential** for government to have a **clear, disciplined approach and standards** for dealing with those opportunities. The Appendix describes what has happened when this has not been the case.

APPENDIX

OUR EXPERIENCE IN HOUSING FOR PUBLIC AGENCIES

CSG Advisors has been the leading financial advisor on housing revenue bonds in the United States for each of the last 20 years, according to Securities Data. Headquartered in San Francisco, we have advised public agencies on more than 3,000 multi-family projects; served as HUD's national consultant on complex multi-family bond refunding requests; served as the Resolution Trust Corporation's national financial advisor on all tax-exempt assets from savings and loans; helped design what became the U.S. Treasury's New Issue Bond Program after the financial crisis, financing homes for 110,000 first-time homebuyers and 40,000 affordable rental units; and have represented more than 50 California municipalities on affordable housing since 1980.

HR&A Advisors, Inc. is a national real estate advisory, economic development and public policy consultant. The firm was founded in Los Angeles 45 years ago and has deep experience in all aspects of affordable housing needs analysis, and the design of plans, programs, policies, regulations and financing programs to encourage the production of affordable housing. These services are provided to a wide range of governmental agencies, non-profit organizations and institutions. HR&A also works extensively with private developers to analyze the feasibility of new market-rate housing and many other kinds of real estate developments.

The California Housing Partnership is a state-created private nonprofit technical assistance organization that creates and preserves affordable and sustainable homes for Californians with low incomes by providing expert financial and policy solutions to nonprofit and public partners. Since 1988, the Partnership's on-the-ground technical assistance, applied research, and legislative leadership has leveraged more than \$25 billion in private and public financing to preserve and create more than 75,000 affordable homes and to provide training to more than 30,000 people.

HISTORY OF BOND FINANCINGS FOR RENTAL HOUSING

Following are some examples of experience with past bond financings for rental housing that were generally structured *with less risky underwriting* than the new JPA proposals. The troubled history of these financings is therefore especially critical in understanding the risks in these new proposals.

- CSG served as the national financial advisor for all tax-exempt assets for the Resolution Trust Corporation, established by Congress in the 1990s to manage failed savings and loan associations. This included over 800 apartment developments, many in the Inland Empire and Southern California generally. We also served as financial advisor to numerous California issuers on restructurings of troubled multi-family bond issues with developers as strong as The Irvine Company and Lincoln Properties.

Like the JPA proposals, these projects had rents close to market rates (based on units rented to households at 80% of median income). Initial loan to cost was sometimes 90% or even approached 100% but, unlike these JPA proposals, not over 100%. Debt to income ratios were sometimes as low as 1.1 to 1, but not, like these JPA proposals, initially negative.

Nonetheless, these projects defaulted, and federal regulatory agencies required that banks not rely on the type of trended rents assumed in these JPA proposals.

- In the mid-2000s, a major, highly regarded national non-profit developer evaluated what had happened on bond financings it had completed without any cash equity, and underwritten at 1.1 to 1 for fully amortizing debt service (far above the approximately .8 or less for fully amortizing debt service on JPA proposals). Competition from newer apartment developments in markets with little constraint on land for new development had weakened rents and created competition; this put pressure on having adequate funds to adequately cover operating expenses.
- Standard & Poor's for several decades issued ratings of apartment developments that – like the JPA proposals – did not have any bank, Fannie Mae, Freddie Mac or other credit enhancer that had underwritten the project and recognized that it was at direct financial risk. Rather such bonds, initially rated A or higher, under S&P's Affordable Housing Program, were simply sold to the public. Again, the loan underwriting was less aggressive than on the JPA proposals, but a significant number of these bond issues defaulted, and Standard & Poor's dropped its ratings on many more.
- Perhaps the example most germane to the JPA proposals is that of housing authorities in the Pacific Northwest. Starting in the mid-1980s, several of these authorities began to purchase existing market-rate apartment developments using 100% tax exempt bond financing and the exemption from property taxes – the same basic model as the JPA proposals.

King County Housing Authority, the most successful of these, used such governmental purpose bonds, but with **several key differences** from the JPA model.

- All these properties had net operating income at least equal to fully-amortized debt service; it did not rely on projections of continuing growth in net operating income to repay debt.
- Properties purchased had relatively modest rents and thus some insulation from competition from new development.
- The Authority set aside monies from its own reserves, not simply bond proceeds that had to be repaid, to cover potential shortfalls, and did indeed have to advance its funds.
- The Authority as the issuer of the bonds had public staff with decades of experience in dealing with apartment development and understanding the risks involved, and.
- The Authority recognized that it was ultimately financially responsible for solving problems that might arise.

Despite these additional safeguards, the Authority did have to advance its own funds on one of these projects. It also learned a hard lesson from the 'turbo-charged' debt repayment structure, requiring all increased net operating income to pay down the bond deb. This feature is promoted as a benefit of the JPA proposals. However, the Authority found that in fact created enormous problems. When major repair needs arose, the Authority could not use the increased

income to address those needs. The Authority ultimately refinanced 5 of these properties solely to remove this feature.

Much more disturbing, however, was the experience of several other Pacific Northwest housing authorities that used 100% bond financing, again with at least positive debt coverage to start. There were numerous project shortfalls, reserves were depleted, with adverse impacts on properties, the authorities and/or bondholders, and at least one authority had to be taken over by its County.

- As a current example, the BondBuyer is replete with stories of defaults and bankruptcies on a series of projects financed by the Illinois Finance Authority between 2016 and 2018 for the non-profit Better Housing Foundation to purchase 5 portfolios of existing apartment developments. By 2019, all 5 portfolios financed, totaling over \$170 million, were in default. Unlike the JPA transactions, these bond issues initially were rated, many with BBB to A ratings from Standard and Poor's. Nonetheless, these defaults are leading to investor lawsuits have drawn the scrutiny of the Securities and Exchange Commission.

This history of bond financings is sobering. When issuers have stretched normal underwriting standards to borrow more money or try to create affordability by taking on more risk the results have undermined – rather than strengthened – support for affordable housing.



STAFF REPORT

City Council
Meeting Date: 3/22/2022
Staff Report Number: 22-051-CC

Regular Business: Consider and adopt a resolution approving the Water Supply Assessment for the Commonwealth Building 3 Project

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) approving the water supply assessment (WSA) prepared for the proposed Commonwealth Building 3 Project located at 162-164 Jefferson Drive.

Policy Issues

In determining whether to approve the WSA for the proposed project, the City Council is acting as the governing body for Menlo Park Municipal Water (MPMW) and shall consider if sufficient water supply is available during normal, single dry, and multiple dry years within a 20-year projection to meet the projected demand associated with the proposed project. In considering water supply availability, MPMW is charged with determining if the City's water supplies are sufficient to serve the project, taking into consideration planned growth within the MPMW service area. In considering water availability, MPMW is not considering the merits of the proposed project. Approving the WSA is not equivalent to a commitment to serve the proposed project. Further, this action does not obligate the City to approve the proposed project. The State Water Code requires that the governing body of the water provider approve the WSA. These requirements were subsequently added to Section 15155(b) of the State California Environmental Quality Act (CEQA) Guidelines for the Implementation of the CEQA Guidelines. The proposed project requires the preparation of an environmental impact report (EIR) pursuant to CEQA. Approving the WSA allows the City to incorporate the WSA into the EIR for the proposed project.

The Planning Commission and the City Council will ultimately be required to consider the merits of the proposed project, including its consistency with the City's general plan, municipal code, zoning ordinance regulations and development standards, and other adopted policies and programs of the City such as below market rate (BMR) housing program and provision of community amenities in exchange for bonus level development. The Planning Commission will make recommendations to the City Council regarding applications for land use approvals required for the proposed project and the City Council will be the final decision-making body regarding the certification of the final EIR and the conditional development permit (CDP) amendment.

Background

Senate Bill 610 added Section 10910 to the California State Water Code and requires the availability of

water supplies be considered for large development projects, including office complexes with more than 250,000 square feet of office space or more than 1,000 employees. While the proposed project would be slightly less than 250,000 square feet, the building is anticipated to be occupied by more than 1,000 employees, and thus would be subject to the requirements of Section 10910. The State Water Code requires that a WSA analyze current and future water supplies as well as the current and projected water demands within the utility's service area. If the assessment identifies deficiencies in the local water supplies, the water provider is required to identify measures to reduce water usage or to identify additional water supplies.

The proposed project is within the Bayfront area that was comprehensively rezoned to office, life sciences and residential mixed-use zoning districts as part of the City's general plan update (known as ConnectMenlo.) ConnectMenlo enabled development potential for up to 4,500 new multifamily residential units, 2.3 million square feet of new non-residential uses (including 1.4 million square feet of life sciences research and development uses), and 400 new hotel rooms. The proposed project is located within the ConnectMenlo study area and is included within the development capacity. MPMW's 2015 and 2020 Urban Water Management Plan accounted for the development potential from ConnectMenlo in its water demand projections.

Site location

The project site encompasses three parcels totaling 13.3 acres. The project site is directly north of US Highway 101 and bounded by Jefferson Drive and office buildings to the north, the currently inactive Dumbarton Corridor rail line to the east, Highway 101 to the south, and office and light industrial buildings to the west. Farther north of the project site are other properties zoned O-B (Office-Bonus) and R-MU-B (Residential Mixed Use, Bonus) with a mix of office, research and development (R&D), and light industrial uses; State Highway 84 (Bayfront Expressway); and the San Francisco Bay. Kelly Park, the Menlo Park Community Campus project (under construction), and other properties zoned P-F (Public Facilities) and U (Unclassified) are located east of the project site in the Belle Haven neighborhood. The Sequoia Union High School District's TIDE Academy is located at 150 Jefferson Drive, approximately 185 feet west of the project site.

The project site is accessible from Commonwealth Drive and Jefferson Drive through a private access road that connects the two public streets. Two office buildings were constructed on the project site in 2015 through a CDP. A location map is included as Attachment B.

Proposed Commonwealth Building 3 Project

The project applicant, The Sobrato Organization, proposes to demolish existing surface parking lots and landscape areas along the Jefferson Drive frontage, as well as parking and landscape areas north and east of the two existing office buildings on the project site. A new four-story office building with approximately 249,500 square feet of gross floor area (GFA), anticipated to accommodate approximately 1,996 employees, would be constructed north of the existing office buildings, a four-level parking structure would be constructed in the triangular area east of the existing office buildings that would include 1,061 parking spaces. The proposed project also would convert a portion of the existing parking lot near Jefferson Drive into publicly accessible open space. Since the existing site development was permitted through a CDP, a CDP amendment would be required for the proposed project. A link to the most recent plans for the proposed PROJECT is included as Attachment C. The City anticipates releasing the Draft

EIR for the proposed project during the second quarter of 2022.

MPMW

MPMW provides water services to approximately half of the city in two zones (the Upper Zone and Lower Zone), with 4,296 service connections as of 2020. The remainder of the City is served by California Water Service, O'Connor Tract Co-operative Water Company, and Palo Alto Park Mutual Water Company. MPMW purchases all potable water supplies from the Regional Water System, which is operated by the San Francisco Public Utilities Commission (SFPUC.) The project WSA is included as Exhibit A to Attachment A and provides more detail on MPMW and its water supply.

The SFPUC Regional Water System supplies water to both retail and wholesale customers. Retail customers include residents, businesses, and industries located within the City and County of San Francisco's boundaries. Wholesale customers include 26 cities and water supply agencies in Alameda, San Mateo and Santa Clara counties, including MPMW.

MPMW is a member agency of the Bay Area Water Supply and Conservation Agency (BAWSCA) and purchases treated water from the SFPUC Regional Water System in accordance with the November 2018 Amended and Restated Water Supply Agreement between the City and County of San Francisco and Wholesale Customers in Alameda, San Mateo and Santa Clara counties, which was adopted in 2019. The term of the agreement is 25 years, with a beginning date of July 1, 2009, and an expiration date of June 30, 2034. Per the agreement, MPMW has an individual supply guarantee (ISG) of 1,630 million gallons per year, supplied by the SFPUC Regional Water System. Over the last five years (2016-2020) MPMW has purchased between 52 percent to 66 percent of its ISG.

As summarized in the WSA, the reliability of the MPMW potable water supply is described in the 2020 Urban Water Management Plan, adopted by the City Council in May 2021, and the SFPUC 2020 Urban Water Management Plan, adopted in June 2021. The reliability of potable water supply via the SFPUC Regional Water System is highly dependent on the potential implementation of the 2018 Bay-Delta Plan Amendment. The Amendment would require the release of 40 percent of the "unimpaired flow" of the Stanislaus, Merced, and Tuolumne Rivers in order to increase the salmonid fish populations from February to June in every type of year, whether wet, normal or critically dry, making the reliability to provide sufficient potable water in dry years uncertain. However, the Bay-Delta Plan Amendment has not been implemented at this time. Therefore, the WSA provides two analyses of water availability, with and without implementation of the Bay-Delta Plan Amendment. Consistent with assumptions in the 2020 Urban Water Management Plan, implementation of the Bay-Delta Plan Amendment is assumed to begin in 2023.

Analysis

The WSA evaluates the demand for water and available water supplies over a 15-year period, in five year increments, starting in 2025 through 2040.

According to the WSA, the projected water demand for the proposed project is 13.7 million gallons per year (MG/yr.) The WSA prepared for the proposed project does not include the use of recycled water but the proposed project would be dual plumbed in order to be ready to use recycled water if recycled water becomes available in the Bayfront Area. Planning for a recycled water facility in the Bayfront area is

ongoing and is being led by West Bay Sanitary District (WBSD.) The ConnectMenlo total annual potable water demand at buildout is expected to be 343 MG/yr of which this proposed project would be using approximately 4 percent.

In the MPMW 2020 Urban Water Management Plan, projected normal year supplies are shown to be adequate to satisfy MPMW’s projected normal year demands. However, in the MPMW 2020 Urban Water Management Plan and as reflected in the WSA for the proposed project, MPMW’s purchased supplies from the SFPUC Regional Water System assume dry year supply reductions as a result of the implementation of the Bay-Delta Plan Amendment, which significantly reduces dry year allocations for the SFPUC wholesale customers. Based on the above mentioned uncertainty, the WSA for the proposed project provides findings for two scenarios, one assuming implementation of the Bay-Delta Plan Amendment and one assuming that the Bay-Delta Plan Amendment is not implemented. The findings of each scenario are summarized in Table 1 below.

Table 1: Summary of WSA findings		
	Implementation of Bay-Delta Plan Amendment	No Bay-Delta Plan Amendment
Normal years	Sufficient supply exists	Sufficient supply exists
Single dry year	27 to 32 percent reductions required	Sufficient supply exists
Multiple dry years	27 to 44 percent reductions required	16.5 percent reduction required in fourth and fifth consecutive dry year
Actions required to respond to shortfalls	Implementation of Water Shortage Contingency Plan, up to shortage level 5	Implementation of Water Shortage Contingency Plan, up to shortage level 2

As shown, under the scenario where implementation of the Bay-Delta Plan Amendment is assumed (the most conservative scenario from a water supply perspective), there are significant water reductions required in single and multiple dry years. In case there is a shortage, MPMW expects to meet these supply shortfalls through water demand reductions or other shortage response actions by implementation of its Water Shortage Contingency Plan, which was adopted by the City Council along with the 2020 Urban Water Management Plan in May 2021. Additional information on MPMW’s Water Shortage Contingency Plan is provided in Chapter 8 of MPMW’s 2020 Urban Water Management Plan. A link to the 2020 Urban Water Management Plan is included in Attachment D.

Assuming implementation of the Bay-Delta Plan Amendment, up to shortage level 5 of the Water Shortage Contingency Plan may be reached. These shortage levels include actions such as the following to reduce water consumption:

- Increase public outreach, with a focus on the top 30 percent of water users in each customer category;
- Set limits on irrigation, including frequency, hours, new installations and methods (such as drip, micro-spray and hand watering), and more significant restrictions on turf irrigation;
- Set limits on use of potable water for pools, washing vehicles, construction and dust control, and commercial vehicles (street sweeping, cleaning, etc.);
- Halt installation of new connections (for projects that are not necessary to protect health, safety and

- welfare) and halt statements of availability to serve new potable water connections; and/or
- Develop water budgets for all customers.

Under the scenario where the Bay-Delta Plan Amendment is not implemented, the projected supply shortfalls are significantly less. Similar to the above described scenario, should a water supply shortage occur, the MPMW expects implementation of its Water Shortage Contingency Plan, but at a less significant shortage level with less severe restrictions.

Other actions that MPMW will take in event of a shortage include utilizing its recently constructed emergency supply well as supply augmentation, coordination with other agencies, implementing a drought surcharge, and increasing water waste education and patrols. Future emergency water supply and shortage projects are also continuing to be developed.

The water demand associated with buildout of ConnectMenlo, which includes the proposed project, is included in the MPMW water demand projections in its 2020 Urban Water Management Plan, and the proposed project would be subject to the same water conservation and water use restrictions as other users within the MPMW system. Based on the data and analysis in the WSA and the 2020 Urban Water Management Plan, MPMW would have an adequate supply to provide water for the proposed project during normal, single dry year, and multiple dry years for at least 20 years, and actions have been identified in the 2020 Urban Water Management Plan and Water Shortage Contingency Plan that would help address any potential shortages if the Bay-Delta Plan Amendment is implemented. The actions would ensure that water deliveries are available for all service connections within the MPMW service area and would apply to all users, similar to the actions taken by the City Council March 1, 2022, in response to the ongoing drought. In light of these current conditions, the City Council declared a water shortage emergency condition pursuant to Water Code section 350 and adopted a resolution to implement the Water Shortage Contingency Plan Stage 1 and adopt a Water Conservation Plan to enforce the State Water Resources Control Board's emergency regulations prohibiting wasteful water use practices.

The City Council's action at this time is limited to approving the WSA. Approval of the WSA does not commit the City to certifying the EIR or approving the proposed project when those actions are eventually considered by the Planning Commission and City Council. The recommended resolution approving the WSA is included in Attachment A and the WSA is appended to the resolution as Exhibit A.

Impact on City Resources

The project applicant is required to pay planning, building and public works permit fees, based on the City's master fee schedule, to fully cover the cost of staff time spent on the review of the proposed project. The project applicant is also required to fully cover the cost of work by consultants performing environmental review and additional analyses to evaluate potential impacts of the proposed project, including the cost of preparing the WSA.

Environmental Review

City approval of the WSA does not require review under CEQA. The proposed project for which the WSA was prepared will be evaluated for its environmental impacts in compliance with CEQA. The EIR for the

proposed project is being prepared to evaluate the effects of the proposed project on the environment. The EIR will be considered by the Planning Commission and City Council as the proposed project proceeds through the public hearing process.

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. Draft City Council resolution approving the WSA for the Commonwealth Building 3 project; Exhibit A to Attachment A – WSA
- B. Project location map
- C. Hyperlink – project plans: beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/162-164-jefferson-drive/20210712-commonwealth-building-3-project-plans.pdf
- D. Hyperlink – City’s 2020 Urban Water Management Plan: beta.menlopark.org/files/sharedassets/public/public-works/documents/water/2020-urban-water-management-plan-june-2021_202107152258020921.pdf

Report prepared by:
Payal Bhagat, Contract Principal Planner

Report reviewed by:
Kyle Perata, Acting Planning Manager
Nikki Nagaya, Public Works Director
Michael Biddle, Assistant City Attorney

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
APPROVING THE WATER SUPPLY ASSESSMENT FOR THE
COMMONWEALTH BUILDING 3 PROJECT**

WHEREAS, the City of Menlo Park (“City”) through Menlo Park Municipal Water is the public water supplier; and

WHEREAS, the City Council of the City is the governing body of Menlo Park Municipal Water; and

WHEREAS, the City approved and adopted the 2020 Urban Water Management Plan on May 25, 2021; and

WHEREAS, California Water Code Section 10910 and Section 15155 of the State CEQA Guidelines require a public water utility to prepare a water supply assessment for development applications for “water-demand projects” which include, but are not limited to, commercial office projects having more than 250,000 square feet of office space or more than 1,000 employees; and

WHEREAS, The Sobrato Organization (applicant) has submitted land use application for the development of a 249,500 square foot, four story office building, which would accommodate approximately 1,996 employees, a four-level parking structure accommodating 1,061 parking spaces, and conversion of an existing parking lot into publicly accessible open space on property located at currently addressed 162 and 164 Jefferson Drive, Menlo Park, California (“Project”); and

WHEREAS, the proposed Project qualifies as a “water-demand project”, and therefore, the City required the Applicant to fund the contract for the preparation of a Water Supply Assessment for the proposed Project; and

WHEREAS, Section 10910(g) of the California Water Code and Section 15155(b) of the CEQA Guidelines require the governing body of a public water system that will serve a “water-demand project” to consider a water supply assessment at a regular or special meeting; and

WHEREAS, the Water Supply Assessment for the proposed Project, prepared by West Yost for Menlo Park Municipal Water, completed on February 7, 2022, attached hereto as Exhibit A and incorporated herein by this reference (Project WSA), was provided to and considered by the City Council at a regularly scheduled meeting on March 22, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby resolves as follows:

1. The Project WSA identified in this resolution, is attached to this resolution as Exhibit A and incorporated herein by this reference as it set forth in full.

2. The City Council hereby approves the Project WSA as a water supply assessment for the proposed Project in compliance with Water Code section 10910 *et seq.* and CEQA Guidelines section 15155 and directs City staff to include the Project WSA in the environmental review of the proposed Project pursuant to the provisions of CEQA.
3. The City Council's action as reflected in this resolution is limited to approving the Project WSA for the proposed Project. Nothing in this resolution or the City Council's approval of the Project WSA shall be construed as requiring the City or its City Council to consider, act on approve, conditionally approve, deny, or take any other action on the land use applications for the proposed Project.

SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the proposed Project, shall continue in full force and effect unless amended or modified by the City.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-second day of March, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ___ day of March, 2022.

Judi A. Herren, City Clerk

Exhibits

A. Project Water Supply Assessment

FEBRUARY 2022

Commonwealth Building 3 Project Water Supply Assessment

PREPARED FOR

Menlo Park Municipal Water

PREPARED BY



Commonwealth Building 3 Project Water Supply Assessment

Prepared for

Menlo Park Municipal Water

Project No. 648-12-18-03



Project Manager: Elizabeth Drayer, PE

02-07-22

Date

Polly L. Boissevain

QA/QC Review: Polly Boissevain, PE

02-07-22

Date

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Appendix B. Regional Water System Supply Reliability and UWMP 2020 (June 2021)

LIST OF ACRONYMS AND ABBREVIATIONS

AF	Acre-Feet
AWSP	Alternative Water Supply Planning Program
BAWSCA	Bay Area Water Supply and Conservation Agency
CEQA	California Environmental Quality Act
City	City of Menlo Park
DWR	State of California Department of Water Resources
EIR	Environmental Impact Report
FERC	Federal Energy Regulatory Commission
gal/yr	Gallons Per Year
gsf	Gross Square Foot
ISG	Individual Supply Guarantee
MG/yr	Million Gallons Per Year
mgd	Million Gallons Per Day
MPMW	Menlo Park Municipal Water
MWEO	Model Water Efficient Landscape Ordinance
Proposed Project	Commonwealth Building 3 Project
RWS	San Francisco Public Utilities Commission Regional Water System
SB	Senate Bill
SFPUC	San Francisco Public Utilities Commission
SGMA	Sustainable Groundwater Management Act
SWRCB	State Water Resources Control Board
UWMP	Urban Water Management Plan
WBSD	West Bay Sanitary District
WRF	Water Reuse Facility
WSA	Water Supply Assessment
WSAP	Water Shortage Allocation Plan
WSCP	Water Shortage Contingency Plan
WSE Study	Water Supply Evaluation Study
WSIP	Water System Improvement Program

Commonwealth Building 3 Project Water Supply Assessment

EXECUTIVE SUMMARY

Overview

This Water Supply Assessment (WSA) has been prepared for Menlo Park Municipal Water (MPMW) by West Yost in accordance with California Water Code sections 10910 through 10915 in connection with the proposed Commonwealth Building 3 Project (Proposed Project). The Proposed Project includes a new approximately 249,500 gross square foot (gsf) office building (Building 3) that would accommodate approximately 1,996 employees, an approximately 404,464 gsf parking structure with 1,340 parking spaces, and the conversion of an existing surface parking lot to a community park that would be privately owned but publicly accessible.

The Proposed Project is located in the Bayfront Area of the City of Menlo Park (City) within the Lower Zone of MPMW's service area. The Bayfront Area is between Highway 101 and Bayfront Expressway and is generally comprised of office, life sciences, mixed use residential, light industrial, commercial, and commercial business park land uses.

In 2016, the City completed a multi-year planning effort to update the Land Use and Circulation Elements of its General Plan for the 2040 planning horizon. This General Plan Update process was known as ConnectMenlo. ConnectMenlo reaffirmed existing remaining development potential throughout the City and incorporated land use changes in the Bayfront Area, including development potential for up to 4,500 new multi-family residential units, 2.3 million square feet of new non-residential uses (including 1.4 million square feet of Life Sciences research and development (R&D) uses), and 400 new hotel rooms. The Proposed Project, located within the ConnectMenlo study area, is within this development capacity.

Projected Water Demands

The projected water demands for buildout of the Proposed Project have been calculated based on CALGreen and Model Water Efficient Landscape Ordinance (MWELO) standards. The projected water demand for the Proposed Project is 13.7 million gallons per year (MG/yr).

ConnectMenlo identifies the maximum development that could occur in the ConnectMenlo study area, including potential bonus-level increased development, and the ConnectMenlo EIR further studied the maximum development potential by more specific land uses. MPMW and the City's Planning Division are actively tracking projects within the ConnectMenlo study area on a cumulative basis to ensure that developed projects remain within the maximum development permitted through ConnectMenlo and that the approved projects would be consistent with the ConnectMenlo EIR. The Proposed Project, if approved, would be within this permitted cumulative development total identified in ConnectMenlo and studied in the EIR. Because the Proposed Project is within the maximum development studied in ConnectMenlo, the water demand for the Proposed Project is included in the ConnectMenlo EIR and MPMW 2020 Urban Water Management Plan (UWMP) water demand assumptions.

The Proposed Project does not include the use of recycled water, but will include the installation of water efficient fixtures and implementation of water conservation practices. The Proposed Project will also be dual-plumbed for recycled water use, should recycled water use become feasible in the future. Summaries of the availability and reliability of potable water supplies to serve the projected water demands for the Proposed Project are discussed below.

Commonwealth Building 3 Project Water Supply Assessment

Water Supply Availability and Reliability

As discussed in this WSA, MPMW purchases all of its potable water supplies from the Regional Water System (RWS), which is operated by the San Francisco Public Utilities Commission (SFPUC). MPMW is a Wholesale Customer of the SFPUC. The availability and reliability of MPMW's water supplies as described in this WSA are based primarily on information contained in the MPMW 2020 UWMP and the SFPUC 2020 UWMP. The MPMW 2020 UWMP is incorporated by reference into this WSA.

The reliability of the SFPUC RWS supply is highly dependent on the assumption of whether or not the 2018 Bay-Delta Plan Amendment is implemented. The Bay-Delta Plan Amendment was adopted in December 2018 by the State Water Resources Control Board (SWRCB) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of 40 percent of the "unimpaired flow" on the three tributaries from February through June in every year type, whether wet, normal, dry, or critically dry. The implementation of the Bay-Delta Plan Amendment significantly impacts the SFPUC RWS supply reliability in dry years; however, the actual implementation of the Bay-Delta Plan Amendment is uncertain.

Because of the uncertainties surrounding the implementation of the Bay-Delta Plan Amendment, this WSA presents findings for two scenarios, one assuming the Bay-Delta Plan Amendment is implemented and one assuming that the Bay-Delta Plan Amendment is not implemented.

Under the scenario where it is assumed the Bay-Delta Plan Amendment is implemented, the total projected water supplies determined to be available for the Proposed Project in normal years will meet the projected water demand associated with the Proposed Project, in addition to MPMW's existing and planned future uses through 2040. However, with the implementation of the Bay-Delta Plan Amendment, significant supply shortfalls are projected in dry years for agencies that receive water supplies from the SFPUC RWS, as well as other agencies whose water supplies would be affected by the Amendment. For MPMW, supply shortfalls are projected in single dry years (ranging from 27 to 32 percent) and in multiple dry years (ranging from 27 to 44 percent) through 2040, with similar shortfalls through 2045 based on SFPUC's analysis.

If supply shortfalls do occur, MPMW expects to meet these supply shortfalls through water demand reductions and other shortage response actions by implementation of its Water Shortage Contingency Plan (WSCP). The projected single dry year shortfalls would require implementation of Stage 3 or 4 of the MPMW WSCP, and the projected multiple dry year shortfalls would require implementation of Stage 3, 4 or 5 of the MPMW WSCP. The Proposed Project would be subject to the same water conservation and water use restrictions as other water users within the MPMW system.

Under the scenario where it is assumed the Bay-Delta Plan Amendment is not implemented, the total projected water supplies determined to be available for the Proposed Project in normal years, single dry years and multiple dry years will meet the projected water demand associated with the Proposed Project, in addition to MPMW's existing and planned future uses through 2040. A 16.5 percent supply shortfall is projected during the fourth and fifth consecutive dry years for base year 2045 based on SFPUC's analysis. These projected supply shortfalls are significantly less than the projected supply shortfalls if the Bay-Delta Plan Amendment is implemented. If supply shortfalls do occur, MPMW expects to meet these supply shortfalls through water demand reductions and other shortage response actions by implementation of

Commonwealth Building 3 Project Water Supply Assessment

its WSCP. The projected multiple dry year shortfalls in 2045 would require implementation of Stage 2 of the MPMW WSCP. The Proposed Project would be subject to the same water conservation and water use restrictions as other water users within the MPMW system.

As described in this WSA, the SFPUC is implementing an Alternative Water Supply Planning Program to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS. Also, MPMW is implementing an Emergency Water Storage/Supply Project to provide a backup water supply to MPMW's Lower Zone, which the project site is located within.

Commonwealth Building 3 Project Water Supply Assessment

1.0 INTRODUCTION

The Commonwealth Building 3 Project (Proposed Project) includes a proposed four-story 249,500 gross square foot (gsf) office building, a four-story 404,464 gsf parking structure, and the conversion of an existing surface parking lot to a community park in the Bayfront Area of the City of Menlo Park (City) in the Menlo Park Municipal Water (MPMW) service area.

The purpose of this Water Supply Assessment (WSA) is to support the Environmental Impact Report (EIR) for the Proposed Project. The following sections describe the legal requirement for the WSA and the project background.

1.1 Legal Requirement for a Water Supply Assessment

California Senate Bill 610 (SB 610) and Senate Bill 221 (SB 221) amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 and SB 221 were companion measures which sought to promote more collaborative planning between local water suppliers and cities and counties. Both statutes require detailed information regarding water availability to be provided to the city and county decision-makers prior to approval of specified large development projects. The purpose of this coordination is to ensure that prudent water supply planning has been conducted, and that planned water supplies are adequate to meet existing demands, anticipated demands from approved projects and tentative maps, and the demands of proposed projects.

SB 610 amended California Water Code sections 10910 through 10915 (inclusive) to require land use lead agencies to:

- Identify any public water purveyor that may supply water for a proposed development project¹
- Request a WSA from the identified water purveyor

The purpose of the WSA is to demonstrate the sufficiency of the purveyor's water supplies to satisfy the water demands of the proposed development project, while still meeting the water purveyor's existing and planned future uses. Water Code sections 10910 through 10915 delineate the specific information that must be included in the WSA.

SB 221 amended State law (California Government Code section 66473.7) to require that approval by a city or county of certain residential subdivisions² requires an affirmative written verification of sufficient water supply. SB 221 was intended as a fail-safe mechanism to ensure that collaboration on finding the needed water supplies to serve a new large residential subdivision occurs before construction begins. It should be noted that SB 221 does not apply to the Proposed Project as the Proposed Project does not include a residential subdivision.

¹ The definition of a "project" is provided in Water Code section 10912(a) and is discussed further in Section 3.1 of this WSA.

² Per Government Code Section 66473.7(a)(1) subdivision means a proposed residential development of more than 500 dwelling units.

Commonwealth Building 3 Project Water Supply Assessment

1.2 Need for and Purpose of Water Supply Assessment

The purpose of this WSA is to perform the evaluation required by SB 610 (Water Code sections 10910 through 10915) in connection with the Proposed Project, located within MPMW's service area.

This WSA does not reserve water, or to function as a "will serve" letter or any other form of commitment to supply water (see Water Code section 10914). The provision of water service will continue to be undertaken in a manner consistent with applicable policies and procedures, consistent with existing law.

This WSA for the Proposed Project has been prepared by West Yost, as requested by MPMW, the responsible water purveyor for the Proposed Project.

1.3 Water Supply Assessment Preparation, Format, and Organization

The format of this WSA is intended to follow Water Code sections 10910 through 10915 to clearly delineate compliance with the specific requirements for a WSA. This WSA includes the following sections:

- Section 1: Introduction
- Section 2: Description of the Proposed Project
- Section 3: Required Determinations
- Section 4: Menlo Park Municipal Water System
- Section 5: Menlo Park Municipal Water Demands
- Section 6: Menlo Park Municipal Water Supplies
- Section 7: Water Supply Reliability
- Section 8: Determination of Water Supply Sufficiency Based on the Requirements of SB 610
- Section 9: Water Supply Assessment Approval Process
- Section 10: References

Relevant citations of Water Code sections 10910 through 10915 are included throughout this WSA in *italics* to demonstrate compliance with the specific requirements of SB 610.

Commonwealth Building 3 Project Water Supply Assessment

2.0 DESCRIPTION OF THE PROPOSED PROJECT

The following sections describe the Proposed Project, including the Proposed Project’s location, proposed land uses, and projected water demand.

2.1 Proposed Project Location and Overview

The Proposed Project is located in the Bayfront Area of the City, in MPMW’s service area. The Bayfront Area is generally comprised of office, life sciences, mixed use residential, light industrial, commercial, and commercial business park land uses between Highway 101 and the Bayfront Expressway.

The Proposed Project consists of two sites, the Commonwealth Site and the Jefferson Site, and is bounded by Jefferson Drive and office buildings to the north, the currently inactive Dumbarton Rail Corridor to the southeast, and US 101 to the south. The Proposed Project site is shown on Figure 2-1.



Source: Figure 2-1, Initial Study Commonwealth Building 3 Project, prepared by ICF, dated May 2019.

Figure 2-1. Proposed Project Location

Commonwealth Building 3 Project Water Supply Assessment

The Sobrato Organization (Project Sponsor) is proposing to construct an approximately 249,500 gsf office building and an approximately 404,464 gsf parking structure as part of the proposed Commonwealth Building 3 Project. The Proposed Project site is within the existing Commonwealth Corporate Center property, which includes the Commonwealth Site at 162 and 164 Jefferson Drive and the Jefferson Site (also 164 Jefferson Drive). Two existing buildings (Buildings 1 and 2), currently occupied by Meta (referred to by Meta as Buildings 27 and 28), were constructed as part of the Commonwealth Corporate Center Project. The Proposed Project would add a four-story office building (Building 3) and a four-story parking structure with 1,340 parking spaces to the Proposed Project site. In addition to the proposed Building 3 and parking structure at the Commonwealth Site, the Jefferson Site would be converted from an existing surface parking lot to a community park that would be privately owned but publicly accessible. The Proposed Project site plan is shown on Figure 2-2.



Source: Commonwealth Building 3 Planning Application Sheet L1.01 Illustrative Landscape Plan, prepared by Architectural Technologies, Inc., dated July 2021.

Figure 2-2. Proposed Project Site Plan

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2.2 Projected Water Demand for the Proposed Project

The Proposed Project site was rezoned Office-Bonus (O-B) in 2016 through the ConnectMenlo process. As such, its development is required to comply with the City Municipal Code Chapter 16.43 O Office District, including specifically Section 16.43.140 Green and Sustainable Building. In that section of the Municipal Code, the following specific requirements for water use efficiency and recycled water use are provided:

16.43.140 (3) Water Use Efficiency and Recycled Water.

- A. Single pass cooling systems shall be prohibited in all new buildings.
- B. All new buildings shall be built and maintained without the use of well water.
- C. Applicants for a new building more than one hundred thousand (100,000) square feet of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the City. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all City-approved non-potable applications. The water budget and calculations shall be reviewed and approved by the City's Public Works Director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the City to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the City's Public Works Director, shall be implemented. Twelve (12) months after City approval of the water conservation program, the building owner shall submit data and information sufficient to allow the City to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the City's Public Works Director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.
- D. All new buildings shall be dual plumbed for the internal use of recycled water.
- E. All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all City-approved non-potable applications. An alternative water source may include, but is not limited to, treated non-potable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed non-potable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be approved by the City's Public Works Director and Community Development Director. If Menlo Park Municipal Water has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the City Council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of City-approved non-potable applications, but in no case shall the reduction be less than 30 percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

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- F. Potable water shall not be used for dust control on construction projects.
- G. Potable water shall not be used for decorative features, unless the water recirculates.

As required by the City Municipal Code described above, the Project Applicant prepared a Water Use Budget for the Proposed Project (see Appendix A). Because the Proposed Project building is less than 250,000 square feet, an Alternative Water Source Assessment is not required. It should be noted that recycled water use is not proposed for the Proposed Project; instead, the Proposed Project will install water efficient fixtures and implement water conservation measures, both in the design of the base building and tenant spaces, and in the optimization of the operations and employee practices. The Proposed Project will also be dual-plumbed for recycled water use, should recycled water use become feasible in the future.

The Proposed Project will comply with the City’s water use regulations by using ultra-low-flow fixtures within the building. Flow rates for the selected fixtures would be equal to or less than the 2016 CALGreen flow rates for commercial fixtures. The Project Applicant estimated water use for the Proposed Project using the following assumptions:

- Water usage for plumbing fixtures (including water closets, urinals, public lavatories, kitchen faucets and showerheads) were estimated using CALGreen standards
- Water usage for food services were based on average of modeled water use for office buildings, restaurants, and efficient restaurants
- Water usage for irrigation is estimated based on the Maximum Applied Water Allowance in accordance with the Model Water Efficient Landscape Ordinance (MWELO)
- Water usage for cooling towers is estimated based on operational assumptions for the proposed building and weather data for the site.

A summary of the water demands for the Proposed Project, as estimated by the Project Applicant, is provided in Table 2-1. As shown, the projected water demand for the Proposed Project is 13.7 million gallons per year (MG/yr). Additional information on the water demand projections for the Proposed Project is provided in Appendix A.

Water Use	Estimated Annual Demand, gallons/yr
Plumbing Fixtures and Fittings (toilets, urinals)	1,393,408
Plumbing Fixtures and Fittings (lavatories, kitchen faucets, showers)	1,089,816
Food Services	9,081,800
Irrigation	892,323
Cooling Tower	1,273,144
Total (gallons per year, gal/yr)	13,730,491
Total (million gallons per year, MG/yr)	13.7

(a) As estimated for the Proposed Project by the Project Applicant in July 2020 (see Appendix A).

Commonwealth Building 3 Project Water Supply Assessment

2.3 Proposed Project Relationship to ConnectMenlo

In 2016, the City completed a multi-year planning effort to update the Land Use and Circulation Elements of its General Plan for the 2040 planning horizon. This General Plan Update process was known as ConnectMenlo. ConnectMenlo reaffirmed existing remaining development potential within the City and incorporated land use changes in the Bayfront Area, including development potential for up to 4,500 new multi-family residential units, 2.3 million square feet of new non-residential uses, and 400 new hotel rooms.

A program-level EIR was prepared for ConnectMenlo. In conjunction with the ConnectMenlo EIR, a Water Supply Evaluation Study (WSE Study) was prepared to evaluate whether there would be sufficient water supply to meet the current and planned water demands within the service area during normal and dry hydrologic years over a 20-year time horizon. More specifically, the WSE Study includes:

- A summary of the WSA requirements articulated in Water Code §10910-10915 and a description of how they have been addressed in the WSE Study
- A description and analysis of the current and projected future water demands for the ConnectMenlo project through the year 2040
- A description and analysis of the historical, current, and projected future water demands for the MPMW service area through the year 2040
- A description and analysis of the current and projected future water supplies for the MPMW service area through the year 2040
- A comparison of the water supplies and demands for MPMW's water service area, including the projected water demands associated with the ConnectMenlo project

The data in the WSE Study were based primarily on the MPMW 2010 UWMP, the draft MPMW 2015 UWMP (which was being developed at the same time as the WSE Study), information from City staff, and specific information from PlaceWorks (preparer of the 2016 ConnectMenlo General Plan Update and program-level EIR). The final adopted MPMW 2015 UWMP and the MPMW 2020 UWMP incorporated the ConnectMenlo projections.

ConnectMenlo identifies the maximum development potential that could occur within the ConnectMenlo study area, including potential bonus-level increased development, and the associated program-level EIR further defines the maximum development that can occur by specific land uses. MPMW and the City's Planning Division are actively tracking projects within the ConnectMenlo study area on a cumulative basis to ensure that developed projects remain within the maximum development permitted by ConnectMenlo and are consistent with the program-level EIR.³ The Proposed Project, if approved, would be within this permitted cumulative development total for both ConnectMenlo and the associated program-level EIR.

Table 2-2 shows the Proposed Project's impact on the cumulative water demand permitted for ConnectMenlo.

³ For projects that require a water budget, the City includes Conditions of Approval requiring annual monitoring to document water usage at or below the limits identified in the approved water budget. Exempt projects (below the water budget threshold) are not tracked.

Commonwealth Building 3 Project Water Supply Assessment

Table 2-2. Proposed Project Impact on ConnectMenlo Study Area Potable Water Demand	
Demand Source	Annual Water Demand, MG/yr
ConnectMenlo Total Potable Water Demand at Buildout ^(a)	343
Proposed Project Potable Water Demand ^(b)	14
Remaining Potable Water Demand for Other Projects within ConnectMenlo Study Area^(c)	329
<p>(a) Water Supply Evaluation Study for ConnectMenlo – General Plan and M-2 Area Zoning Update (Table 2), prepared by EKI, February 2016. The Water Supply Evaluation Study assumed that total water demand in the ConnectMenlo study area would be met using potable water.</p> <p>(b) From Table 2-1 above.</p> <p>(c) Other projects in the ConnectMenlo study area currently in the planning stages include Willow Village with a projected net potable water demand of approximately 85 MG/yr and 1350 Adams Court with a projected potable water demand of approximately 5 MG/yr. These projects are still in the planning stage so their projected water demands are subject to change. Recently approved projects subject to water budgets and annual water usage limits include Menlo Portal and Menlo Uptown which are anticipated to use 12.6 and 9.1 MG/yr, respectively.</p>	

The remaining potable water demand for other projects within the ConnectMenlo study area shown in Table 2-2 is available to serve both approved, but not yet constructed, and future projects (whether or not they require a WSA).

Commonwealth Building 3 Project Water Supply Assessment

3.0 REQUIRED DETERMINATIONS

The following sections describe the required determinations for a WSA.

3.1 Does SB 610 Apply to the Proposed Project?

10910 (a) Any city or county that determines that a project, as defined in Section 10912, is subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) under Section 21080 of the Public Resources Code shall comply with this part.

10912 (a) "Project" means any of the following:

- (1) A proposed residential development of more than 500 dwelling units.*
- (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.*
- (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.*
- (4) A proposed hotel or motel, or both, having more than 500 rooms.*
- (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.*
- (6) A mixed-use project that includes one or more of the projects specified in this subdivision.*
- (7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.*

As shown in Table 3-1, the Proposed Project does meet the definition of a "Project" as specified in Water Code section 10912(a). The Proposed Project has not been the subject of a previously adopted WSA and has not been included in an adopted WSA for a larger project. Therefore, according to Water Code section 10910(a), a WSA is required for the Proposed Project.

SB 610 Project Definition Components	Proposed Project Quantity	Meets the SB 610 Definition of a "Project"?
Residential > 500 dwelling units	N/A	NO
Retail > 1,000 employees or > 500,000 sf	N/A	NO
Commercial Office Building > 1,000 employees or > 250,000 sf	1,996 employees 249,500 sf	YES
Hotel/Motel > 500 rooms	N/A	NO
Industrial Plant/Park > 1,000 employees or > 40 acres or > 650,000 sf	N/A	NO
Mixed Use Project that includes one or more of the above	N/A	NO
A Project that would demand the amount of water required by a 500-dwelling unit project	N/A	NO
SB 610 Required?	--	YES

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The City has also determined that the Proposed Project is subject to the California Environmental Quality Act (CEQA) and that an EIR is required. Because the Proposed Project's location and development parameters are consistent with ConnectMenlo, the ConnectMenlo Program-level EIR serves as the first tier environmental analysis for the Project. However, an EIR will be prepared for the Proposed Project to address impacts that need further discussion and/or mitigation beyond that provided in the ConnectMenlo EIR, as well as to satisfy the requirements of a settlement agreement between the City of Menlo Park and the City of East Palo Alto. The EIR will utilize the findings of this WSA as appropriate in the EIR for the Proposed Project.

3.2 Does SB 221 Apply to the Proposed Project?

In 2001, SB 221 amended State law to require that approval by a city or county of certain residential subdivisions requires an affirmative written verification of sufficient water supply. Per California Government Code section 66473.7(a)(1), a subdivision means a proposed residential development of more than 500 dwelling units. The Proposed Project does not include a residential subdivision, so the requirements of SB 221 do not apply to the Proposed Project.

3.3 Who is the Identified Public Water System?

10910(b) The city or county, at the time that it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act pursuant to Section 21080.1 of the Public Resources Code, shall identify any water system that is, or may become as a result of supplying water to the project identified pursuant to this subdivision, a public water system, as defined by Section 10912, that may supply water for the project

10912 (c) "Public water system" means a system for the provision of piped water to the public for human consumption that has 3,000 or more service connections...

The Proposed Project is located in the City within MPMW's service area. MPMW's service area consists of three zones: the Lower Zone (located north and east of El Camino Real and serves residential, small commercial, and light industrial land uses), the High Pressure Zone (located in northern Menlo Park between Highway 101 and Bayfront Expressway, north of Chilco Street, and serves multi-family residential, commercial and light industrial, and a mobile home park outside the City's northern-most boundary), and the Upper Zone (located in the southwest portion of Menlo Park near Interstate 280 and geographically and hydraulically disconnected from the other pressure zones). The Proposed Project is located in MPMW's Lower Zone. Therefore, MPMW is the identified public water system for the Proposed Project.

Commonwealth Building 3 Project Water Supply Assessment

3.4 Does the Identified Public Water Supplier have an adopted UWMP and does the UWMP include the projected water demand for the Proposed Project?

10910(c)(1) The city or county, at the time it makes the determination required under Section 21080.1 of the Public Resources Code, shall request each public water system identified pursuant to subdivision (b) to determine whether the projected water demand associated with a proposed project was included as part of the most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610).

The City’s most recently adopted UWMP is the 2020 UWMP, which was adopted in May 2021. The MPMW 2020 UWMP is incorporated by reference into this WSA.

The MPMW 2020 UWMP incorporated the future population, employment and water demand projections for buildout of the General Plan, including the additional allowable development associated with ConnectMenlo and other major development projects within the MPMW service area.⁴ As described in Section 2.3 of this WSA, ConnectMenlo identifies the maximum development potential that could occur within the ConnectMenlo study area, including potential bonus-level increased development, and the associated program level EIR further defines the maximum development that can occur by specific land uses. MPMW and the City’s Planning Division are actively tracking projects within the ConnectMenlo study area on a cumulative basis to ensure that developed projects remain within the maximum development permitted in ConnectMenlo and would be consistent with the program-level EIR. The Proposed Project, if approved, would be within this permitted total development potential permitted for both ConnectMenlo and the associated program-level EIR. Therefore, the water demand for the Proposed Project is included in the MPMW 2020 UWMP water demand.

Table 3-2 presents the projected future water demand for buildout of the General Plan, which would include the Proposed Project, in normal years as presented in the MPMW 2020 UWMP. Additional discussion on the MPMW’s existing and projected water demands is provided in Section 5 of this WSA.

2020 (Actual), MG	Projected Water Demand after Passive and Active Conservation, MG			
	2025	2030	2035	2040
1,069	1,296	1,345	1,410	1,483

Source: MPMW 2020 UWMP, Table 4-5.

⁴ MPMW 2020 UWMP, Section 3.2 Land Uses within Service Area, page 18.

Commonwealth Building 3 Project Water Supply Assessment

4.0 MENLO PARK MUNICIPAL WATER SYSTEM

The following sections describe the MPMW existing water service area, including existing and projected population.

4.1 Water Service Area

MPMW is located within the City, along the San Francisco Peninsula in San Mateo County, between the cities of Palo Alto, East Palo Alto, and Redwood City. MPMW provides water service to approximately half of the City, serving an area of approximately 9 square miles. The remainder of the City is served by California Water Service, O'Connor Tract Co-operative Water Company, and Palo Alto Park Mutual Water Company.

There were 4,296 MPMW service connections as of 2020. Land uses throughout the water service area consist primarily of residential, commercial, and industrial land uses. Customer service connections include residential users, industrial connections, commercial service connections, irrigation accounts, and 'Other' connections (including temporary services and sales, private fire services, and hydrant services).

4.2 Population

The MPMW service area is largely built-out, with future growth trends principally due to redevelopment within the Bayfront Area. As shown in Table 4-1, the total population within the MPMW service area is projected to increase to 30,184 people by 2040, a 65 percent increase from the current 2020 population of 18,276 people. The City's Planning Division expects more than 40 percent of the projected population increase to occur within the next five years (2020 through 2025) based on approved and pending projects in the Bayfront Area (driven by the ConnectMenlo General Plan). The MPMW service area includes areas outside of the Bayfront Area; however, given the focus of the ConnectMenlo General Plan Update on land use changes within the Bayfront Area, most population growth through 2040 is expected to occur in that geographic area.⁵

Year	2020	2025	2030	2035	2040
Population Served	18,276	23,383	25,166	27,675	30,184

Source: MPMW 2020 UWMP, Table 3-1.

⁵ The City is conducting the required update to its Housing Element that would likely increase population growth outside of the Bayfront Area, some of which may be located within the MPMW's Upper Zone.

Commonwealth Building 3 Project Water Supply Assessment

5.0 MENLO PARK MUNICIPAL WATER DEMANDS

10910(c)(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f) and (g).

The descriptions provided below for the City’s water demands are based on the MPMW 2020 UWMP (adopted in May 2021).

5.1 Historical and Existing Water Demand

Table 5-1 shows the MPMW water demand (based on water production) for 2010 through 2020. According to MPMW’s 2020 UWMP, from 2010 through 2020, the service area population had grown by about 24 percent, while the total volume of water sold increased by just 1.6 percent. The decrease in water demand from 2013 to 2016 can be attributed to mandatory statewide restrictions issued by the State Water Resources Control Board (SWRCB) during the drought and water conservation efforts by the City’s residents and businesses. Since 2016, there has been a rebound in demand.

Year	Potable Water Demand, MG
2010	1,052
2011	1,033
2012	1,079
2013	1,189
2014	1,030
2015	883
2016	898
2017	1,003
2018	1,108
2019	1,028
2020	1,069

Source: MPMW 2020 UWMP, Table 4-2.

5.2 Future Water Demand

Table 5-2 shows MPMW’s projected normal year water demands through 2040 as included in MPMW’s 2020 UWMP. These projections are based on anticipated future water demands corresponding to buildout of the City’s current General Plan, including development of ConnectMenlo and other planned projects within MPMW’s service area. The projected increase in demand reflects a rebound in water use following the end of the suppressed demands due to the 2015-2016 drought and an accelerated growth in employment due to planned development projects.

Commonwealth Building 3 Project Water Supply Assessment

2020 (Actual), MG	Projected Water Demand after Passive and Active Conservation, MG			
	2025	2030	2035	2040
1,069	1,296	1,345	1,410	1,483

Source: MPMW 2020 UWMP, Table 4-5.

5.3 Dry Year Water Demand

As shown in Table 5-1, MPMW’s 2015 and 2016 demands were significantly lower than the demand in previous years. This reduction in demands occurred in response to the drought and mandated statewide reductions in urban potable water usage.

Following the drought, MPMW updated the stages of action to be taken in response to water supply shortages. The updated stages of action are included in Chapter 8 of the MPMW 2020 UWMP and are reflected in MPMW’s Water Shortage Contingency Plan (WSCP) (included in Appendix K of the MPMW 2020 UWMP). MPMW has also implemented a demand management program with mandatory prohibitions that are in force at all times, as described in Chapter 8 of the MPMW 2020 UWMP. The projected future water demand presented in Table 5-2 includes continued implementation of the existing demand management program and is based on future normal hydrologic years.

Under dry water year conditions, MPMW anticipates implementing the demand reduction measures outlined in the WSCP as appropriate to reduce water demands to match the reduction in the supply. However, to be conservative, the MPMW 2020 UWMP and this WSA do not assume additional water conservation will occur in single dry or multiple dry years, even though additional water conservation is likely to occur during dry years or other water supply shortages as a result of MPMW implementing additional water conservation measures.

Table 5-3 presents the projected future single and multiple dry year water demand, as presented in the MPMW 2020 UWMP.

Hydrologic Condition	Demand Reduction ^(a)	Projected Water Demand, MG			
		2025	2030	2035	2040
Single Dry Year ^(b)	0%	1,296	1,345	1,410	1,483
Multiple Dry Years ^(c,d)	0%	1,296	1,345	1,410	1,483

(a) Conservatively assumes no demand reduction in dry years. Demands may be reduced in dry years as a result of MPMW’s implementation of its Water Shortage Contingency Plan; however, such a demand reduction is not assumed or relied upon for the purposes of the Single Dry Year and Multiple Dry Year evaluations for this WSA.

(b) Source: MPMW 2020 UWMP, Table 7-5.

(c) Source: MPMW 2020 UWMP, Table 7-6.

(d) Represents demands for each year of the 5-year multiple dry year period.

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6.0 MENLO PARK MUNICIPAL WATER SUPPLIES

10910(c)(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f) and (g).

10910(d)(1) The assessment required by this section shall include an identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system...under the existing water supply entitlements, water rights, or water service contracts.

10910(e) If no water has been received in prior years by the public water system...under the existing water supply entitlements, water rights, or water service contracts, the public water system...shall also include in its water supply assessment...an identification of the other public water systems or water service contract holders that receive a water supply or have existing water supply entitlements, water rights, or water service contracts, to the same source of water as the public water system.

10910(f) If a water supply for a proposed project includes groundwater, the following additional information shall be included in the water supply assessment.

- (1) A review of any information contained in the urban water management plan relevant to the identified water supply for the proposed project.*
- (2) A description of any groundwater basin or basins from which the proposed project will be supplied. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most recent bulletin of the department that characterizes the condition of the groundwater basin, and a detailed description by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), of the efforts being undertaken in the basin or basins to eliminate the long-term overdraft condition.*
- (3) A detailed description and analysis of the amount and location of groundwater pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), for the past five years from any groundwater basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historical use records.*
- (4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), from any basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historical use records.*
- (5) An analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project. A water assessment shall not be required to include the information required by this paragraph if the public water system determines, as part of the review required by paragraph (1), that the sufficiency of groundwater necessary to meet the initial and projected water demand associated with the project was addressed in the description and analysis required by paragraph (4) of subdivision (b) of Section 10631.*

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As described in Section 3.4 of this WSA, the projected water demand associated with buildout of ConnectMenlo, which includes the Proposed Project, was accounted for in MPMW's most recently adopted UWMP. The descriptions provided below for MPMW's water supplies are based on the MPMW 2020 UWMP (adopted in May 2021) and the SFPUC 2020 UWMP (adopted in June 2021).

6.1 Water Supply Overview

MPMW currently purchases all of its potable water supplies from the SFPUC RWS. MPMW has reservoirs in its Upper Zone to provide for emergency supply and an emergency groundwater well has been constructed at MPMW's Corporation Yard. Additional groundwater wells and reservoirs for emergency supply are in the planning stages for the Lower Zone and the High Pressure Zone.

Recycled water supplied by West Bay Sanitary District (WBSD) is currently utilized within the MPMW service area for irrigation at the Sharon Heights Golf & Country Club and is under development for the Bayfront Area. According to the MPMW 2020 UWMP, MPMW plans to utilize up to 120 MG/yr of recycled water from WBSD for landscape and golf course irrigation and commercial non-potable applications at Sharon Heights and in the Bayfront Area.

6.2 Water Supply from the SFPUC RWS

The SFPUC RWS supplies water to both retail and wholesale customers. Retail customers include residents, businesses, and industries located within the City and County of San Francisco's boundaries. Wholesale customers include 26 cities and water supply agencies in Alameda, San Mateo, and Santa Clara counties, including MPMW.

MPMW is a member agency of Bay Area Water Supply and Conservation Agency (BAWSCA) and purchases treated water from the SFPUC RWS in accordance with the November 2018 Amended and Restated Water Supply Agreement between the City and County of San Francisco and Wholesale Customers in Alameda, San Mateo and Santa Clara Counties which was adopted in 2019. The term of the agreement is 25 years, with a beginning date of July 1, 2009 and an expiration date of June 30, 2034. Per the agreement, MPMW has an Individual Supply Guarantee (ISG) of 4.456 million gallons per day (mgd), or 1,630 million gallons per year, supplied by the SFPUC RWS. Over the last five years (2016-2020) MPMW has purchased between 52 percent and 66 percent of its ISG.

Additional discussion of the SFPUC RWS water supplies is provided in MPMW's 2020 UWMP and SFPUC's 2020 UWMP.

6.3 Groundwater Supply

MPMW does not rely upon groundwater supplies for its potable water supply since the entirety of the MPMW supply is purchased from the SFPUC RWS. However, MPMW has undertaken a multi-year Emergency Water Storage/Supply Project to construct emergency groundwater wells. As such, this WSA evaluates groundwater basin conditions pursuant to Section 10910(f).

6.3.1 Groundwater Basin Description

The MPMW service area overlies the southern end of the Santa Clara Valley Groundwater Basin's San Mateo Plain Groundwater Subbasin (DWR basin number 2-9.03; DWR, 2004; or "subbasin"). The subbasin is not adjudicated, nor has it been found by the Department of Water Resources (DWR) to be in a condition

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of overdraft. As part of the implementation of the Sustainable Groundwater Management Act (SGMA), the subbasin was ranked as a “very low priority” basin under the California Statewide Groundwater Elevation Monitoring basin prioritization process. As such, the basin is not subject to the requirements of SGMA.

Located within the 45-square mile San Francisquito Creek Watershed, the MPMW service area contains both mountainous bedrock terrain and comparatively flat alluvial deposits. Coarse- and fine-grained alluvial deposits from the San Francisquito Creek can be found in the MPMW service area. There is a shallow aquifer and a deep aquifer that has an upper and a lower zone in the MPMW service area. Both aquifers lie beneath a laterally extensive confining layer. The shallow aquifer is unconfined while the deep aquifer is semi-confined. Pump tests and empirical transmissivity data show that it is feasible to develop a municipal supply from the groundwater subbasin. It is estimated that the groundwater subbasin can be as thick as 1,000 feet in some locations.

Groundwater in the Santa Clara Valley Groundwater Basin naturally flows toward the San Francisco Bay from the uplands in the southwest. Reverse groundwater gradients, from the San Francisco Bay toward the uplands, have been seen when pumping has exceeded the rate of recharge. The estimated annual recharge rate of the San Francisquito Creek watershed ranges from 4,000 to 8,000 AF per year, 3.6 to 7.2 mgd.

Additional discussion of the groundwater conditions and groundwater management is provided in MPMW’s 2020 UWMP.

6.3.2 Emergency Water Storage/Supply Project

The MPMW Emergency Water Storage/Supply Project intends to provide a backup water supply to MPMW’s Lower Zone, which lacks emergency storage, in the event water from the SFPUC RWS is reduced or unavailable. The MPMW Emergency Water Storage/Supply Project will provide a total capacity of up to 3,000 gpm, or approximately 4.32 mgd, between two to three wells at separate locations. MPMW initiated the project in 2010 and completed site screening, site ranking, and detailed engineering and hydrologic evaluation in 2013, including extensive community engagement. The City selected the Corporation Yard at 333 Burgess Drive for the first well, completed the CEQA evaluation in 2016, and drilled the well in 2017. Construction of the well facility (e.g., generator, disinfection equipment, associated piping) was completed in late 2020, and MPMW is working with the State Water Resources Control Board (SWRCB) to permit the well. MPMW is also investigating locations for a future underground reservoir for the Lower Zone and High Pressure Zone.

The SWRCB Division of Drinking Water classifies wells as “active” or “standby.” Active wells, with water quality testing requirements every 3 years, must meet all primary and secondary standards and have no restrictions on when the well can be used. Standby wells, with water quality testing requirements every 9 years, must meet all primary standards (but not secondary standards) and have restrictions that the well cannot be used for more than 14 days per year or more than 5 consecutive days. To provide flexibility, the City plans to permit its emergency wells as “active” wells as long as primary and secondary standards can be met. The City’s plan is to use the wells for emergency purposes only, but have the flexibility to provide well water during emergencies that last more than 14 days per year or more than 5 consecutive days.

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6.4 Recycled Water Supply

WBSD provides wastewater collection services to the MPMW service area. WBSD also acts as the recycled water purveyor in MPMW’s Upper Zone and WBSD is developing a recycled water system to serve the Lower Zone and High Pressure Zone.

Currently, recycled water is only used at the Sharon Heights Golf & Country Club, which is a 170-acre property located in the Upper Zone of MPMW’s service area. The recycled water system consists of the Sharon Heights Recycled Water Facility, a pump station, recycled water distribution pipelines to the golf course irrigation system, and a solids disposal pipeline. In 2020, the satellite wastewater treatment plant (WWTP) provided 20 MG of recycled water to the Sharon Heights Golf & Country Club, offsetting demand in potable water purchased from SFPUC. A second phase of the project, in the very early planning stages, could supply approximately 28 MG of recycled water over seven months a year to the Stanford Linear Accelerator Center for irrigation and industrial uses such as for cooling towers.

Planning for a similar recycled water facility in the Bayfront Area is ongoing. WBSD has completed a feasibility study exploring the viability of a Resource Recovery Center at WBSD’s former treatment plant behind Bedwell Bayfront Park, which could produce approximately 500,000 gallons per day of recycled water for reuse (the MPMW 2020 UWMP projects an annual recycled water supply of 72 MG/yr from this new facility). The feasibility study concluded that the project is feasible. In a public/private partnership with Meta, the WBSD Board of Directors spearheaded the effort to install 2,800 feet of purple recycled water pipe parallel with the storm drainpipe Meta was replacing on Chilco Street. This pipe will be used to distribute recycled water in the area. According to WBSD, recycled water will be used for irrigation, industrial purposes, firefighting, public fill stations and toilet flushing in the Bayfront Area.

6.5 Summary of Existing and Additional Planned Future Water Supplies

Table 6-2 provides a summary of MPMW’s current and projected future normal year supplies as presented in MPMW’s 2020 UWMP. The availability and reliability of MPMW’s water supplies in dry years is discussed in Section 7 of this WSA.

Water Source	Water Supply, MG				
	2020 Actual ^(a,b)	2025 ^(c)	2030 ^(c)	2035 ^(c)	2040 ^(c)
Potable Water - Purchased from SFPUC RWS	1,069	1,630	1,630	1,630	1,630
Recycled Water – Sharon Heights Recycled Water Facility	20	48	48	48	48
Recycled Water – Bayfront Recycled Water Facility	--	0	72	72	72
Total	1,089	1,678	1,750	1,750	1,750

(a) 1,069 MG represents only 65.5% of the ISG to MPMW.
 (b) Source: MPMW 2020 UWMP, Table 4-7.
 (c) Source: MPMW 2020 UWMP, Table 6-9.

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7.0 WATER SUPPLY RELIABILITY

10910(c)(4) If the city or county is required to comply with this part pursuant to subdivision (b), the water supply assessment for the project shall include a discussion with regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.

10911(a) If, as a result of its assessment, the public water system concludes that its water supplies are, or will be, insufficient, the public water system shall provide to the city or county its plans for acquiring additional water supplies, setting forth the measures that are being undertaken to acquire and develop those water supplies. If the city or county, if either is required to comply with this part pursuant to subdivision (b), concludes as a result of its assessment, that water supplies are, or will be, insufficient, the city or county shall include in its water supply assessment its plans for acquiring additional water supplies, setting forth the measures that are being undertaken to acquire and develop those water supplies. Those plans may include, but are not limited to, information concerning all of the following:

- (1) The estimated total costs, and the proposed method of financing the costs, associated with acquiring the additional water supplies.*
- (2) All federal, state, and local permits, approvals, or entitlements that are anticipated to be required in order to acquire and develop the additional water supplies.*
- (3) Based on the consideration set forth in paragraphs (1) and (2), the estimated timeframes within which the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), expects to be able to acquire additional water supplies.*

The current reliability of MPMW's water supply is largely dependent upon its water supply contract with SFPUC and SFPUC's water supply reliability. The reliability discussion provided below is based on the MPMW 2020 UWMP (adopted in May 2021) and the SFPUC 2020 UWMP (adopted in June 2021). It should be noted that SFPUC's 2020 UWMP extends to a 2045 horizon year, which is beyond the statutorily required horizon year of 2040 presented in the MPMW 2020 UWMP.

7.1 SFPUC RWS Reliability

Information regarding the reliability of the SFPUC RWS was provided to MPMW by BAWSCA, in coordination with SFPUC, during the preparation of the MPMW 2020 UWMP. The following sections describe the potential impacts of the 2018 Bay-Delta Plan Amendment on SFPUC RWS reliability, allocation of RWS supplies during supply shortages, as well as SFPUC's Alternative Water Supply Planning Program designed to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS.

7.1.1 Potential Impacts of the 2018 Bay-Delta Plan Amendment on SFPUC RWS Reliability

In December 2018, the SWRCB adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The SWRCB is required by law to regularly review this plan. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of 40 percent

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of the “unimpaired flow” on the three tributaries from February through June in every year type, whether wet, normal, dry, or critically dry.

The SWRCB has stated that it intends to implement the Bay-Delta Plan Amendment on the Tuolumne River by the year 2022, assuming all required approvals are obtained by that time. But implementation of the Plan Amendment is uncertain for several reasons:

- Since adoption of the Bay-Delta Plan Amendment, over a dozen lawsuits have been filed in both state and federal court, challenging the SWRCB’s adoption of the Bay-Delta Plan Amendment, including two legal challenges filed by the federal government, at the request of the U.S. Department of Interior, Bureau of Reclamation in state and federal courts. These cases are in the early stage and there have been no dispositive court rulings to date.
- The Bay-Delta Plan Amendment is not self-implementing and does not allocate responsibility for meeting its new flow requirements to the SFPUC or any other water rights holders. Rather, the Plan Amendment merely provides a regulatory framework for flow allocation, which must be accomplished by other regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, the 401 certification process in the Federal Energy Regulatory Commission’s (FERC) relicensing proceeding for Don Pedro Dam. The license amendment process is currently expected to be completed in the 2022-23 timeframe. This process and the other regulatory and/or adjudicatory proceedings would likely face legal challenges and have lengthy timelines, and quite possibly could result in a different assignment of flow responsibility (and therefore a different water supply impact on the SFPUC).
- In recognition of the obstacles to implementation of the Bay-Delta Plan Amendment, SWRCB Resolution No. 2018-0059 adopting the Bay-Delta Plan Amendment directed staff to help complete a “Delta watershed-wide agreement, including potential flow measures for the Tuolumne River” by March 1, 2019, and to incorporate such agreements as an “alternative” for a future amendment to the Bay-Delta Plan to be presented to the SWRCB “as early as possible after December 1, 2019.” In accordance with the SWRCB’s instruction, on March 1, 2019, SFPUC, in partnership with other key stakeholders, submitted a proposed project description for the Tuolumne River that could be the basis for a voluntary substitute agreement with the SWRCB (“March 1st Proposed Voluntary Agreement”). On March 26, 2019, the Commission adopted Resolution No. 19-0057 to support SFPUC’s participation in the Voluntary Agreement negotiation process. To date, those negotiations are ongoing under the California Natural Resources Agency and California Environmental Protection Agency and the leadership of the Newsom administration. The negotiations for a voluntary agreement have made significant progress since an initial framework was presented to the SWRCB on December 12, 2018. The package submitted on March 1, 2019 is the product of renewed discussions since Governor Newsom took office. While significant work remains, the package represents an important step forward in bringing together diverse California water interests.⁶

⁶ In late October 2021, State regulators announced that these negotiations stopped before an agreement was reached. It is unclear whether or when negotiations might be reinitiated.

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Because of the uncertainties surrounding the implementation of the Bay-Delta Plan Amendment, the SFPUC 2020 UWMP analyzed two supply scenarios, one with the Bay-Delta Plan Amendment assuming implementation starting in 2023, and one without the Bay-Delta Plan Amendment. Results of these analyses are summarized as follows:⁷

- If the Bay-Delta Plan Amendment is implemented, SFPUC will be able to meet its contractual obligations to its wholesale customers as presented in the SFPUC 2020 UWMP in normal years but would experience significant supply shortages in dry years. In single dry years, supply shortages would range from 36 to 46 percent. In multiple dry years, supply shortages would range from 36 to 54 percent. Implementation of the Bay-Delta Plan Amendment will require rationing in all single dry and multiple dry years through 2045.
- If the Bay-Delta Plan Amendment is not implemented, SFPUC would be able to meet 100 percent of the projected purchases of its wholesale customers during all year types through 2045 except during the fourth and fifth consecutive dry years for base year 2045 when 15 percent wholesale supply shortages are projected.

In June 2021, in response to various comments from wholesale customers regarding the reliability of the RWS as described in SFPUC's 2020 UWMP, the SFPUC provided a memorandum describing SFPUC's efforts to remedy the potential effects of the Bay-Delta Plan Amendment. As described in the memorandum (included in Appendix B of this WSA), SFPUC's efforts include the following:

- Pursuing a Tuolumne River Voluntary Agreement
- Evaluating the drought planning scenario in light of climate change
- Pursuing alternative water supplies
- In litigation with the State over the Bay-Delta Plan Amendment
- In litigation with the State over the proposed Don Pedro FERC Water Quality Certification

7.1.2 Allocation of RWS Supplies During Supply Shortages

The wholesale customers and SFPUC adopted the November 2018 Amended and Restated Water Supply Agreement in 2019, which included a Water Shortage Allocation Plan (WSAP) to allocate water from the RWS to retail and wholesale customers during system-wide shortages of 20 percent or less, including such shortages occurring as a result of implementation of the Bay-Delta Plan Amendment. The WSAP has two tiers which are described below.

- The Tier One Plan allocates water between SFPUC and the wholesale customers collectively based on the level of the shortage (up to 20 percent). This plan applies only when SFPUC determines that a system-wide water shortage exists and issues a declaration of a water shortage emergency under California Water Code Section 350. The SFPUC may also opt to request voluntary cutbacks from San Francisco and the wholesale customers to achieve necessary water use reductions during drought periods. The allocations outlined in the Tier One Plan are provided in Table 7-1.

⁷ BAWSCA Drought Allocation Tables by Agency (Table E: Percent Cutback to the Wholesale Customers With Bay-Delta Plan and Table N: Percent Cutback to the Wholesale Customers Without Bay-Delta Plan), dated April 1, 2021.

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System-Wide Reduction Required, percent	Share of Available Water, percent	
	SFPUC	Wholesale Customers
≤ 5	35.5	64.5
6 to 10	36.0	64.0
11 to 15	37.0	63.0
16 to 20	37.5	62.5

- The Tier Two Plan allocates the collective wholesale customer share among the wholesale customers based on a formula that accounts for each wholesale customer’s ISG, seasonal use of all available water supplies, and residential per capita use. BAWSCA calculates each wholesale customer’s Allocation Factors annually in preparation for a potential water shortage emergency.

BAWSCA recognizes that the Tier Two Plan was not designed for RWS shortages greater than 20 percent, and in a memorandum dated March 1, 2021, BAWSCA provided a refined methodology to allocate RWS supplies during projected future single dry and multiple dry years in the instance where supply shortfalls are greater than 20 percent for the purposes of the BAWSCA member agencies’ 2020 UWMPs. The revised methodology developed by BAWSCA allocates the wholesale supplies as follows:

- When the average Wholesale Customers’ RWS shortages are 10 percent or less, an equal percent reduction will be applied across all agencies. This is consistent with the existing Tier Two requirements in a Tier Two application scenario.
- When average Wholesale Customers’ shortages are between 10 and 20 percent, the Tier Two Plan will be applied.
- When the average Wholesale Customers’ RWS shortages are greater than 20 percent, an equal percent reduction will be applied across all agencies.

In another memorandum dated February 18, 2021, BAWSCA explains that in actual RWS shortages greater than 20 percent, BAWSCA Member Agencies would have the opportunity to negotiate and agree upon a more nuanced and equitable approach. This would likely consider basic health and safety needs, the water needs to support critical institutions, and minimizing economic impacts on individual communities and the region. As such, the allocation method described in the MPMW 2020 UWMP is only intended to serve as the preliminary basis for the 2020 UWMP supply reliability analysis. The analysis provided in the SFPUC 2020 UWMP and the MPMW 2020 UWMP does not in any way imply an agreement by BAWSCA member agencies as to the exact allocation methodology. BAWSCA member agencies are in discussions about jointly developing an allocation method that would consider additional equity factors in the event that SFPUC is not able to deliver its contractual supply volume, and its cutbacks to the RWS supply exceed 20 percent.

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7.1.3 Alternative Water Supply Program

In early 2020, the SFPUC began implementation of the Alternative Water Supply Planning Program (AWSP), a program designed to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities of the RWS particularly in light of the possible implementation of the Bay-Delta Plan Amendment.

Included in the AWSP is a suite of diverse, non-traditional supply projects that, to a great degree, leverage regional partnerships and are designed to meet the water supply needs of the SFPUC Retail and Wholesale Customers through 2045. As of the most recent Alternative Water Supply Planning Quarterly Update, SFPUC has budgeted \$264 million over the next ten years to fund water supply projects. The drivers for the program include: (1) the adoption of the Bay-Delta Plan Amendment and the resulting potential limitations to RWS supply during dry years; (2) the net supply shortfall following the implementation of SFPUC's Water System Improvement Plan (WSIP)⁸; (3) San Francisco's perpetual obligation to supply 184 mgd to the Wholesale Customers; (4) adopted Level of Service Goals to limit rationing to no more than 20 percent system-wide during droughts; and (5) the potential need to identify water supplies that would be required to offer permanent status to interruptible customers.

The SFPUC is considering several water supply options and opportunities to meet all foreseeable water supply needs, including surface water storage expansion, recycled water expansion, water transfers, desalination, and potable reuse. These efforts and their expected benefit to supply reliability are listed below, and described in further detail in the MPMW 2020 UWMP and SFPUC 2020 UWMP:

- Daly City Recycled Water Expansion (Regional; Normal and Dry-Year Supply)
- Alameda County Water District – Union Sanitary District Purified Water Partnership (Regional; Normal and Dry-Year Supply)
- Crystal Springs Purified Water (Regional; Normal and Dry-Year Supply)
- Los Vaqueros Reservoir Expansion (Regional; Dry Year Supply)
- Bay Area Brackish Water Desalination (Regional; Normal and Dry-Year Supply)
- Calaveras Reservoir Expansion (Regional; Dry Year Supply)
- Groundwater Banking (Dry Year Supply)
- Inter-Basin Collaborations

Capital projects under consideration would be costly and are still in the early feasibility and conceptual planning stages. The exact yields from these projects are not quantified at this time, as these supply

⁸ The Water System Improvement Program (WSIP) is a \$4.8 billion dollar, multi-year capital program to upgrade the SFPUC's regional and local water systems. The program repairs, replaces, and seismically upgrades crucial portions of the Hetch Hetchy Regional Water System. The program consists of 87 projects (35 local projects located within San Francisco and 52 regional projects) spread over seven counties from the Sierra foothills to San Francisco. The San Francisco portion of the program is 100 percent complete as of October 2020. The Regional portion is approximately 99 percent complete. The current forecasted date to complete the overall WSIP is May 2023. Additional information on the WSIP is provided in Chapter 7 of MPMW's 2020 UWMP.

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projects would take 10 to 30 years to implement and the exact amount of water that can be reasonably developed is currently unknown.

As with traditional infrastructure projects, there is a need to progress systematically from planning to environmental review, and then on to detailed design, permitting, and construction of these alternative water supply projects. Given the complexity and inherent challenges, these projects will require a long lead time to develop and implement. SFPUC staff have developed an approach and timeline to substantially complete planning and initiate environmental review by July 2023 for a majority of the alternative water supply projects under consideration.

Additional information on the AWSP is provided in Chapter 7 of MPMW’s 2020 UWMP.

7.2 MPMW Water Supply Reliability

In the MPMW 2020 UWMP, projected normal year supplies are shown to be adequate to satisfy MPMW’s projected normal year demands. However, in the MPMW 2020 UWMP, and this WSA, MPMW’s purchased supplies from the SFPUC RWS assume dry year supply reductions as a result of the implementation of the Bay-Delta Plan Amendment, which significantly reduces dry year allocations for SFPUC wholesale customers. Recycled water is estimated to be available during all hydrologic years at a volume that meets MPMW’s projected recycled water demands.

Table 7-2 shows MPMW’s projected supplies during normal, single dry and multiple dry years through 2040 based on the assumptions in the MPMW 2020 UWMP which assumes implementation of the Bay-Delta Plan Amendment. Based on the SFPUC’s analysis, similar water supply quantities would be available to MPMW in 2045 under the various hydrologic conditions.⁹

Hydrologic Condition	Projected Water Supply, MG ^(a)			
	2025	2030	2035	2040
Normal Year ^(b)	1,678	1,750	1,750	1,750
Single Dry Year ^(c)	877	978	1,018	1,062
Multiple Dry Years – Year 1 ^(d)	877	978	1,018	1,062
Multiple Dry Years – Year 2 ^(d)	760	854	887	927
Multiple Dry Years – Year 3 ^(d)	760	854	887	927
Multiple Dry Years – Year 4 ^(d)	760	854	887	832
Multiple Dry Years – Year 5 ^(d)	760	854	824	832

(a) Includes projected potable water supply from the SFPUC RWS and projected recycled water supply (48 MG/yr in 2025 and 120 MG/yr for 2030 to 2040) (see Table 6-1).
 (b) Source: MPMW 2020 UWMP, Table 7-4.
 (c) Source: MPMW 2020 UWMP, Table 7-5.
 (d) Source: MPMW 2020 UWMP, Table 7-6

⁹ BAWSCA Drought Allocation Tables by Agency (Table K: Individual Agency Drought Allocations, Base Year 2045, With Bay-Delta Plan), dated April 1, 2021.

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The water supply estimates provided in Table 7-2 use the best available data at the time of the MPMW 2020 UWMP, but do not account for the following factors:

- Potential changes to the implementation of the Bay-Delta Plan Amendment as discussed in Section 7.1.1 of this WSA
- Climate change impacts on the SFPUC RWS
- Potential delays in completion of the WSIP¹⁰

For comparison purposes, the SFPUC 2020 UWMP also evaluated a scenario without implementation of the Bay-Delta Plan Amendment. Table 7-3 shows MPMW’s projected supplies during normal, single dry and multiple dry years for 2025 through 2040 assuming that the Bay-Delta Plan Amendment is not implemented. SFPUC’s analysis indicated that it would be able to meet 100 percent of the wholesale projected purchases during all year types through 2045 except during the fourth and fifth consecutive dry years for base year 2045 when a 16.5 percent supply shortfall is projected for MPMW (note that 2045 supplies are not shown in Table 7-3 as they were not shown in MPMW’s 2020 UWMP).

Table 7-3. Projected MPMW Water Supplies <u>without</u> Bay-Delta Plan Amendment				
Hydrologic Condition	Projected Water Supply, MG ^(a)			
	2025	2030	2035	2040
Normal Year ^(b)	1,678	1,750	1,750	1,750
Single Dry Year ^(c)	1,344	1,465	1,530	1,603
Multiple Dry Years – Year 1 ^(c)	1,344	1,465	1,530	1,603
Multiple Dry Years – Year 2 ^(c)	1,344	1,465	1,530	1,603
Multiple Dry Years – Year 3 ^(c)	1,344	1,465	1,530	1,603
Multiple Dry Years – Year 4 ^(c,d)	1,344	1,465	1,530	1,603
Multiple Dry Years – Year 5 ^(c,d)	1,344	1,465	1,530	1,603

(a) Includes projected potable water supply from the SFPUC RWS (based on projected purchases) and projected recycled water supply (48 MG/yr in 2025 and 120 MG/yr for 2030 to 2040) (see Table 6-1).

(b) Source: MPMW 2020 UWMP, Table 7-4.

(c) Source: BAWSCA Drought Allocation Tables by Agency (Table A: Wholesale RWS Actual Purchases in 2020 and Projected Purchases for 2025, 2030, 2035, 2040 and 2045), dated April 1, 2021. Totals include projected recycled water supply.

(d) A 16.5 percent reduction in supply from the SFPUC RWS is projected for MPMW in the fourth and fifth years of a multiple dry year drought, but not until 2045 (BAWSCA Drought Allocation Tables by Agency (Table O2: Individual Agency Drought Allocations, Base Year 2045, Without Bay-Delta Plan), dated April 1, 2021).

¹⁰ The San Francisco portion of the WSIP is 100 percent complete as of October 2020. The Regional portion of the WSIP is approximately 99 percent complete. The current forecasted date to complete the overall WSIP is May 2023.

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8.0 DETERMINATION OF WATER SUPPLY SUFFICIENCY BASED ON THE REQUIREMENTS OF SB 610

10910(c)(4) If the city or county is required to comply with this part pursuant to subdivision (b), the water supply assessment for the project shall include a discussion with regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.

10911 (a) If, as a result of its assessment, the public water system concludes that its water supplies are, or will be, insufficient, the public water system shall provide to the city or county its plans for acquiring additional water supplies, setting forth the measures that are being undertaken to acquire and develop those water supplies.

Because of the uncertainties surrounding the implementation of the Bay-Delta Plan Amendment, this WSA presents findings for two scenarios, one assuming the Bay-Delta Plan Amendment is implemented and one assuming that the Bay-Delta Plan Amendment is not implemented.

Table 8-1 summarizes the scenario where it is assumed the Bay-Delta Plan Amendment is implemented. Under this scenario, the total projected water supplies determined to be available for the Proposed Project in normal years will meet the projected water demand associated with the Proposed Project, in addition to MPMW's existing and planned future uses, through 2040. However, with the implementation of the Bay-Delta Plan Amendment, significant supply shortfalls are projected in dry years for agencies that receive water supplies from the SFPUC RWS, as well as other agencies whose water supplies are affected by the Amendment. For MPMW, supply shortfalls are projected in single dry years (ranging from 27 to 32 percent) and in multiple dry years (ranging from 27 to 44 percent) through 2040. Based on SFPUC's analysis, similar supply shortfalls would occur through 2045.

If supply shortfalls do occur, MPMW expects to meet these supply shortfalls through water demand reductions and other shortage response actions by implementation of its WSCP.¹¹ The projected single dry year shortfalls would require implementation of Stage 3 or 4 of the MPMW WSCP, and the projected multiple dry year shortfalls would require implementation of Stage 3, 4 or 5 of the MPMW WSCP.

As described in Section 7.1.3 of this WSA, the SFPUC is implementing an Alternative Water Supply Planning Program to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS. Also, as described in Section 6.3.2 of this WSA, MPMW is implementing an Emergency Water Storage/Supply Project to provide a backup water supply to MPMW's Lower Zone. However, because these potential additional supplies are still being developed, they are not included in Table 8-1.

¹¹ A main focus of MPMW's planned demand reduction measures is to increase public outreach and keep customers informed of the water shortage emergency and actions they can take to reduce consumption. The City will utilize its emergency supply well(s) as supply augmentation during WSCP Stages 5 and 6. Other actions that the City will take will include coordination with other agencies, implementing drought surcharge, increasing water waste patrols, etc. Additional information on MPMW's WSCP is provided in Chapter 8 of MPMW's 2020 UWMP.

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Table 8-1. MPMW Summary of Water Demand Versus Supply with Bay-Delta Plan Amendment During Hydrologic Normal, Single Dry, and Multiple Dry Years					
Hydrologic Condition	Supply and Demand Comparison, MG				
	2025	2030	2035	2040	
Normal Year					
Available Water Supply ^(a)	1,678	1,750	1,750	1,750	
Total Water Demand ^(b)	1,296	1,345	1,410	1,483	
Potential Surplus (Deficit)	382	405	340	267	
Percent Shortfall of Demand	-	-	-	-	
Single Dry Year					
Available Water Supply ^(c)	877	978	1,018	1,062	
Total Water Demand ^(d)	1,296	1,345	1,410	1,483	
Potential Surplus (Deficit)	(419)	(367)	(392)	(421)	
Percent Shortfall of Demand	32%	27%	28%	28%	
Multiple Dry Years					
Multiple-Dry Year 1	Available Water Supply ^(c)	877	978	1,018	1,062
	Total Water Demand ^(d)	1,296	1,345	1,410	1,483
	Potential Surplus (Deficit)	(419)	(367)	(392)	(421)
	Percent Shortfall of Demand	32%	27%	28%	28%
Multiple-Dry Year 2	Available Water Supply ^(c)	760	854	887	927
	Total Water Demand ^(d)	1,296	1,345	1,410	1,483
	Potential Surplus (Deficit)	(536)	(491)	(523)	(557)
	Percent Shortfall of Demand	41%	37%	37%	38%
Multiple-Dry Year 3	Available Water Supply ^(c)	760	854	887	927
	Total Water Demand ^(d)	1,296	1,345	1,410	1,483
	Potential Surplus (Deficit)	(536)	(491)	(523)	(557)
	Percent Shortfall of Demand	41%	37%	37%	38%
Multiple-Dry Year 4	Available Water Supply ^(c)	760	854	887	832
	Total Water Demand ^(d)	1,296	1,345	1,410	1,483
	Potential Surplus (Deficit)	(536)	(491)	(523)	(652)
	Percent Shortfall of Demand	41%	37%	37%	44%
Multiple-Dry Year 5	Available Water Supply ^(c)	760	854	824	832
	Total Water Demand ^(d)	1,296	1,345	1,410	1,483
	Potential Surplus (Deficit)	(536)	(491)	(586)	(652)
	Percent Shortfall of Demand	41%	37%	42%	44%
(a) From Table 6-1 of this WSA. (b) From Table 5-2 of this WSA. (c) From Table 7-2 of this WSA. (d) From Table 5-3 of this WSA.					

Commonwealth Building 3 Project Water Supply Assessment

Table 8-2 summarizes the scenario where it is assumed the Bay-Delta Plan Amendment is not implemented. Under this scenario, the total projected water supplies determined to be available for the Proposed Project in normal years, single dry years and multiple dry years will meet the projected water demand associated with the Proposed Project, in addition to MPMW's existing and planned future uses, through 2040. As described in Section 7.2, based on SFPUC's analysis, a 16.5 percent supply shortfall is projected during the fourth and fifth consecutive dry years for base year 2045 (note that 2045 supplies and demands are not shown in Table 8-2 as they were not shown in MPMW's 2020 UWMP). These projected supply shortfalls are significantly less than the projected supply shortfalls if the Bay-Delta Plan Amendment is implemented.

If supply shortfalls do occur, MPMW expects to meet these supply shortfalls through water demand reductions and other shortage response actions by implementation of its WSCP.¹² The projected multiple dry year shortfalls in 2045 would require implementation of Stage 2 of the MPMW WSCP.

The water demand associated with buildout of ConnectMenlo, which includes the Proposed Project, is included in the MPMW water demand projections in its 2020 UWMP, and the Proposed Project would be subject to the same water conservation and water use restrictions as other water users within the MPMW system.

¹² A main focus of MPMW's planned demand reduction measures is to increase public outreach and keep customers informed of the water shortage emergency and actions they can take to reduce consumption. The City will utilize its emergency supply well(s) as supply augmentation during WSCP Stages 5 and 6. Other actions that the City will take will include coordination with other agencies, implementing drought surcharge, increasing water waste patrols, etc. Additional information on MPMW's WSCP is provided in Chapter 8 of MPMW's 2020 UWMP.

Commonwealth Building 3 Project Water Supply Assessment

Table 8-2. MPMW Summary of Water Demand Versus Supply <u>without</u> Bay-Delta Plan Amendment During Hydrologic Normal, Single Dry, and Multiple Dry Years					
Hydrologic Condition	Supply and Demand Comparison, MG				
	2025	2030	2035	2040	
Normal Year					
Available Water Supply ^(a)	1,678	1,750	1,750	1,750	
Total Water Demand ^(b)	1,296	1,345	1,410	1,483	
Potential Surplus (Deficit)	382	405	340	267	
Percent Shortfall of Demand	-	-	-	-	
Single Dry Year					
Available Water Supply ^(c)	1,344	1,465	1,530	1,603	
Total Water Demand ^(d)	1,296	1,345	1,410	1,483	
Potential Surplus (Deficit)	48	120	120	120	
Percent Shortfall of Demand	-	-	-	-	
Multiple Dry Years					
Multiple-Dry Year 1	Available Water Supply ^(c)	1,344	1,465	1,530	1,603
	Total Water Demand ^(d)	1,296	1,345	1,410	1,483
	Potential Surplus (Deficit)	48	120	120	120
	Percent Shortfall of Demand	-	-	-	-
Multiple-Dry Year 2	Available Water Supply ^(c)	1,344	1,465	1,530	1,603
	Total Water Demand ^(d)	1,296	1,345	1,410	1,483
	Potential Surplus (Deficit)	48	120	120	120
	Percent Shortfall of Demand	-	-	-	-
Multiple-Dry Year 3	Available Water Supply ^(c)	1,344	1,465	1,530	1,603
	Total Water Demand ^(d)	1,296	1,345	1,410	1,483
	Potential Surplus (Deficit)	48	120	120	120
	Percent Shortfall of Demand	-	-	-	-
Multiple-Dry Year 4	Available Water Supply ^(c)	1,344	1,465	1,530	1,603
	Total Water Demand ^(d)	1,296	1,345	1,410	1,483
	Potential Surplus (Deficit)	48	120	120	120
	Percent Shortfall of Demand	-	-	-	-
Multiple-Dry Year 5	Available Water Supply ^(c)	1,344	1,465	1,530	1,603
	Total Water Demand ^(d)	1,296	1,345	1,410	1,483
	Potential Surplus (Deficit)	48	120	120	120
	Percent Shortfall of Demand	-	-	-	-
(a) From Table 6-1 of this WSA. (b) From Table 5-2 of this WSA. (c) From Table 7-3 of this WSA. (d) From Table 5-3 of this WSA.					

Commonwealth Building 3 Project Water Supply Assessment

9.0 WATER SUPPLY ASSESSMENT APPROVAL PROCESS

10910 (g)(1) Subject to paragraph (2), the governing body of each public water system shall submit the assessment to the city or county not later than 90 days from the date on which the request was received. The governing body of each public water system, or the city or county if either is required to comply with this act pursuant to subdivision (b), shall approve the assessment prepared pursuant to this section at a regular or special meeting.

The Menlo Park City Council must approve this WSA at a regular or special meeting. This WSA will be included in the Draft EIR being prepared for the Proposed Project.

Commonwealth Building 3 Project Water Supply Assessment

10.0 REFERENCES

- Architectural Technologies, Inc., 2021. Commonwealth Building 3 Planning Application, Sheet L1.01 Illustrative Landscape Plan. July 2021.
- Bay Area Water Supply and Conservation Agency, 2021. Drought Allocation Tables by Agency. April 1, 2021.
- City of Menlo Park. City Municipal Code Chapter 16.43 O Office District.
- Erler & Kalinowski, Inc., 2016a. *Water Supply Evaluation Study, ConnectMenlo – General Plan and M-2 Area Zoning Update, Menlo Park, California*. Prepared for: City of Menlo Park. February 3, 2016.
- Erler & Kalinowski, Inc. 2016b. *2015 Urban Water Management Plan for Menlo Park Municipal Water District*. June 2016.
- EKI Environment and Water, Inc. 2021. *2020 Urban Water Management Plan for Menlo Park Municipal Water District*. June 2021. Includes the MPMW Water Shortage Contingency Plan as Appendix K.
- ICF. 2019. *Initial Study for Commonwealth Building 3 Project*. May 2019.
- PlaceWorks. 2016. *ConnectMenlo Draft Environmental Impact Report*. General Plan Land Use & Circulation Elements and M-2 Area Zoning Update. June 2016
- San Francisco Public Utilities Commission. 2016. *2015 Urban Water Management Plan for the City and County of San Francisco*. April 2016.
- San Francisco Public Utilities Commission. 2019. *Water Supply Reliability Information for BAWSCA Member Agencies' Water Supply Assessments*. July 2019.
- San Francisco Public Utilities Commission. 2021. *2020 Urban Water Management Plan for the City and County of San Francisco*. June 2021.
- San Francisco Public Utilities Commission. 2021. Memorandum regarding Regional Water System Supply Reliability and UWMP 2020. June 2021.
- Winzler & Kelly. 2014 (originally published June 2011 and amended November 2014). *City of Menlo Park Final 2010 Urban Water Management Plan and Update to the Water Shortage Contingency Plan*.

Appendix A

Commonwealth Building 3 Project Water Use Budget

General Project Information:

Project Name	Commonwealth
General Description/Background	The project is a 4-story 249,500 SF Class-A office building with a 4-story parking structure. The project expands the existing campus 2 building campus.
Applicant Information	The Sobrato Organization: 599 Castro Street, Suite 400, Mountain View, CA 94041
Project Address	TBD Jefferson Drive Menlo Park, CA
Project Lot Size	578,472 Sq. Ft.
Building Size (Gross Sq. Ft.)	249,500 Sq. Ft.
Land Use Designation	Zoning: O-B General Plan Land Use: Office
Estimated Project Completion Date:	2021

Water Budget Calculator Information:

Description: This spreadsheet is used to analyze the water usage for a project. It provides gallons per year water usage and as well water available for collection & treatment. This spreadsheet is a tool for determining the best water conservation options for a project. This spreadsheet auto creates graphs to include in reports/presenations.

Spreadsheet Information:

Overview:

- A. "Green Tabs" Provide primary input and output information for the Water Budget
- B. "Blue" Tabs - Contain Reference Information, Reference Tabs further explained below. Specific project calculation assumptions are given within each tab.

Tab 1: Fixture Water Usage Tab

1a. Basis of design for individual fixture flow rates and daily usage have been input. Assumptions given within Tab.

Tab 2: Annual Fixture Water Usage Tab

2a. Fixture flow rates and daily usage have been utilized to calculate annual fixture and water usage.

Tab 3: Cooling Tower

3a. Cooling tower water consumption calculated based on annual weather conditions for the site and assumptions based on total cooling load for the buidling type. Assumptions given within tab.

Tab 4: Water Use Per Meal

4a. Provides snips from a Formal document referenced to provide a quantitative figure for water consumed in the food service portion of the building (gal/meal).

Tab 5: Irrigation Demand

4a. Provides snips from the WELO report generated by the Irrigation consultant to document the assumption made for water consumed by irrigation at the site.

Public Occupancy								
Program	Area (sf)	Operation (days/year)	Occupant Density (sf/person)	Occupancy Ratio M/F (-)	Male (#/day)	Female (#/day)	Total People (#/day)	Occupancy Type
General Office	249,500	260	125	0.50	998	998	1,996	Employees
Retail, general	0	365	500	0.50	0	0	0	Retail
Service (e.g. financial, auto)	0	310	500	0.50	0	0	0	Employees
Restaurant	0	310	435	0.50	0	0	0	Transients
Grocery Store	0	365	550	0.50	0	0	0	Transients
Medical office	0	240	225	0.50	0	0	0	Transients
R&D or laboratory	0	240	400	0.50	0	0	0	Retail
Warehouse, distribution	0	310	2,500	0.50	0	0	0	Transients
Warehouse, storage	0	310	20,000	0.50	0	0	0	Transients
Educational, daycare	0	180	630	0.50	0	0	0	Students
Educational, K-12	0	180	1,300	0.50	0	0	0	Students
Educational, postsecondary	0	180	2,100	0.50	0	0	0	Students
User Defined	0	288	30	0.50	0	0	0	Retail
User Defined	0	250	100	0.50	0	0	0	
User Defined	0	250	100	0.50	0	0	0	
Total	249,500	-	-	-	998	998	1,996	

Residential Occupancy					
Program	Area (sf)	Operation (days/year)	Bedrooms (#)	Occupancy (people/bedroom)	Total People (#/day)
Market Rate Multifamily	0	365	0	1.5	0
Low Income Multifamily	0	365	0	2.0	0
Total	0	-	0	-	0

Water Usage - Plumbing Fixtures	
Fixture	CALGreen
Water Closet (gal/year)	1,328,538
Residential Water Closet (gal/year)	0
Urinal (gal/year)	64,870
Public Lavatory (gal/year)	389,220
Public Lavatory - Metered (gal/year)	0
Residential Lavatory (gal/year)	0
Kitchen Faucet (gal/year)	233,532
Residential Kitchen Faucet (gal/year)	0
Showerhead (gal/year)	467,064
Residential Showerhead (gal/year)	0
Residential Clothes Washer (gal/year)	0
Residential Dishwasher (gal/year)	0
Total Flushing Water Use (gal/year)	1,393,408
Total Flow Fixture Water Use (gal/year)	1,089,816
Total Water Use (gal/year)	2,483,224
Total Greywater Available (gal/year)	856,284
Total Water Use (gal/day)	6,803
Total Water Use (gal/sf/year)	10
Total Water Use (gal/person/day)	3
Total Water Use (gal/person/year)	1,244

Water Usage - Food Service		
Food Service Operating Days per Year (#/year)	260	Consistent with Building Operational Days
Total Occupants Using Food Service Facility	1,996	Consistent with Occupants assumptions for building.
Breakfast Meals served/day (% of Occupants)	25%	Meals per day has been updated to reflect the maximum assumed meals per day. Previously provided the minimum.
Lunch Meals served/day (%of occupants)	100%	
Dinner Meals served/day (% of occupants)	50%	
Total Meals served/day	3,493	Based on % occupants which eat meals per day
		See Note 5.
Water Usage (gal/meal)	10.0	Based on Average of Modeled Water Use for Office buildings, Restaurants and Efficient Restaurants.
Total Water Use (gal/day)	34,930	
Total Water Use (gal/year)	9,081,800	
Total Water Use (gal/sf/year)	36	
Total Water Use (gal/person/day)	17.5	
Total Water Use (gal/person/year)	4,550	

Water Usage - Irrigation				
Total Landscape Area (sf)	94,866 sf	see note # 1	Percent Monthly Usage	
Evaporation Rate (ET _e)	43.00		January	0%
Effective Precipitation (Eppt)	4.25		February	1%
Plant Water Use (PF) - Medium	0.50		March	5%
Plant Water Use (PF) - Low	0.30		April	9%
Irrigation Efficiency (IE) - Overhead Sprinkler	0.75		May	14%
Irrigation Efficiency (IE) - Drip	0.75		June	15%
			July	18%
Total Water Use (gal/day)	2,445		August	16%
			September	
Total Water Use (gal/year)	892,323	Max. Applied Water Allowance for site.		14%
Total Water Use (gal/sf/year)	9	Refer to Ref-Irrigation Tab	October	8%
Total Water Use (gal/person/day)	1		November	2%
Total Water Use (gal/person/year)	447		December	0%

Water Usage - Cooling Tower				
Water Consumption (gal/year)	1,273,144	Refer to Ref-CoolingTowerCalc for assumptions	Percent Monthly Usage	
			January	1%
			February	2%
Total Water Use (gal/day)	3,488		March	5%
Total Water Use (gal/year)	1,273,144		April	8%
Total Water Use (gal/sf/year)	5		May	10%
Total Water Use (gal/person/day)	2		June	12%
Total Water Use (gal/person/year)	638		July	20%
			August	20%
			September	12%
		October	7%	
		November	2%	
		December	1%	

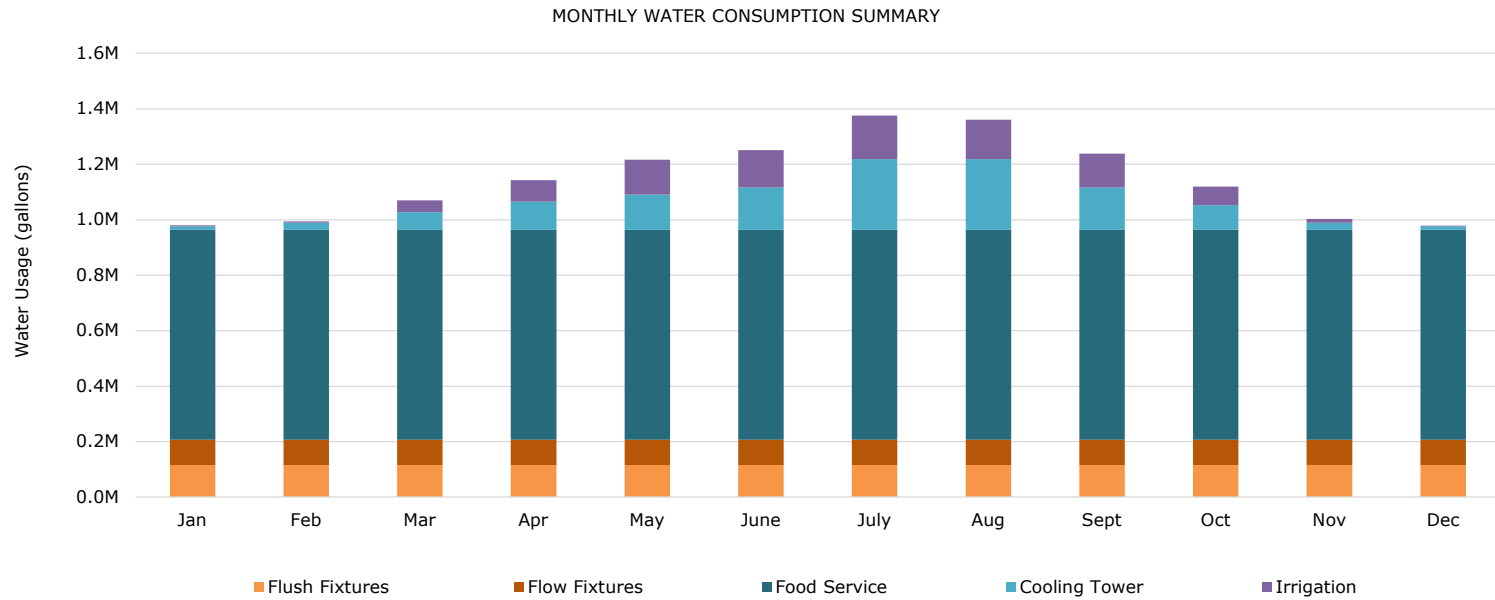
ASSUMPTIONS & NOTES:

1. Refer to Landscape Reference Tab, landscape data provided 02/20/2019. Landscape irrigation water volume utilized in water balance assumes irrigation uses Maximum Allocated Water Allowance value provided within WELO water budget for the site
2. Occupant density based on assumption given by Architects on 02/06/2019
3. Total Building area and program provided by Owner on 01/30/2019
4. Operational days per year assumes business calendar year which excludes weekends and federal holidays
5. Water usage per meal (gal/meal) is based on Appendix E (page 62) Modeled Water Use in Office Buildings, Water Supply Evaluation Study Feb 2016

WEB LINK:

<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/>

<https://www.menlopark.org/DocumentCenter/View/9587/020916-ConnectMenlo-WSE-2016-02-04-FINAL?bidId=>



Water Usage Summary (gal)													
Water Source	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Flush Fixtures	116,117	116,117	116,117	116,117	116,117	116,117	116,117	116,117	116,117	116,117	116,117	116,117	1,393,408
Flow Fixtures	90,818	90,818	90,818	90,818	90,818	90,818	90,818	90,818	90,818	90,818	90,818	90,818	1,089,816
Irrigation	3,805	4,566	42,613	76,854	126,061	134,432	157,260	142,041	121,749	66,963	13,443	2,536	892,323
Cooling Tower	12,731	25,463	63,657	101,852	127,314	152,777	254,629	254,629	152,777	89,120	25,463	12,731	1,273,144
Food Service	756,817	756,817	756,817	756,817	756,817	756,817	756,817	756,817	756,817	756,817	756,817	756,817	9,081,800
Total	980,288	993,781	1,070,022	1,142,458	1,217,128	1,250,961	1,375,640	1,360,422	1,238,279	1,119,835	1,002,658	979,020	13,730,491

Individual Fixture Water Usage

Fixture Water Consumption	
Fixture Type	CalGreen (gal/use)
Water Closet (male)	1.28
Water Closet (female)	1.28
Urinal	0.125
Public Lavatory	0.25
Kitchen Faucet	0.45
Showerhead	9.00

Water Usage - CALGreen								
Fixture Type	Maximum Installed		Duration (sec)	Default Uses per Day (FTE)				
	IP			Employees	Transients	Retail	Students	Residential
Water Closet (male)	1.28	gpf	n/a	1.0	0.1	0.1	1.0	0.0
Water Closet (female)	1.28	gpf	n/a	3.0	0.5	0.2	3.0	0.0
Urinal	0.125	gpf	n/a	2.0	0.4	0.1	2.0	0.0
Public Lavatory	0.50	gpm	30	3.0	0.5	0.2	3.0	0.0
Kitchen Faucet	1.80	gpm	15	1.0	0.0	0.0	0.0	0.0
Showerhead	1.80	gpm	300	0.1	0.0	0.0	0.0	0.0

ASSUMPTIONS & NOTES:

1. Fixture frequency of use and duration time per occupant and gender ratio are based on LEED Water Use Reduction - Additional Guidance
2. Baseline flow rates are based on CalGreen, LEED flow rates and project design flow rates are given for reference

Annual Fixture Water Usage

Water Usage - CALGreen						
Program	Public Uses/Year (dependant on occupant type)					
	Public Water Closet	Public Urinal	Public Lavatory	Public Lavatory - Metered	Public Kitchen Faucet	Public Showerhead
General Office	1,037,920	518,960	1,556,880	1,556,880	518,960	51,896
Retail, general	0	0	0	0	0	0
Service (e.g. financial, auto)	0	0	0	0	0	0
Restaurant	0	0	0	0	0	0
Grocery Store	0	0	0	0	0	0
Medical office	0	0	0	0	0	0
R&D or laboratory	0	0	0	0	0	0
Warehouse, distribution	0	0	0	0	0	0
Warehouse, storage	0	0	0	0	0	0
Educational, daycare	0	0	0	0	0	0
Educational, K-12	0	0	0	0	0	0
Educational, postsecondary	0	0	0	0	0	0
User Defined	0	0	0	0	0	0
User Defined	0	0	0	0	0	0
User Defined	0	0	0	0	0	0
Total:	1,037,920	518,960	1,556,880	1,556,880	518,960	51,896

Water Usage - CALGreen			
Fixture Type	gal/use	Uses/Year	Gal/Year
Public Water Closet	1.28	1,037,920	1,328,538
Residential Water Closet	1.28	0	0
Public Urinal	0.13	518,960	64,870
Public Lavatory	0.25	1,556,880	389,220
Public Lavatory - Metered	0.00	1,556,880	0
Residential Lavatory	1.20	0	0
Public Kitchen Faucet	0.45	518,960	233,532
Residential Kitchen Faucet	1.80	0	0
Public Showerhead	9.00	51,896	467,064
Residential Showerhead	0.00	0	0
Residential Clothes Washer	0.00	0	0
Residential Dishwasher	0.00	0	0
Total			2,483,224

1,393,408 Flush
1,089,816 Flow
2,483,224



Cooling Tower Water Use

Description: The intent of this spreadsheet is to calculate the water consumption for a cooling tower based on anticipated building loads and TMY3 weather data for the site.

Instructions:

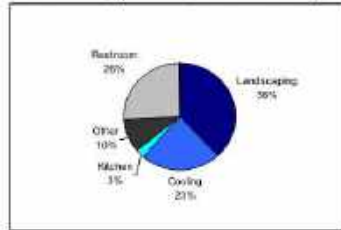
- 1 Enter facility data into table below.
- 2 Enter TMY3 weather data into "TMY3" tab, from this website:
http://rredc.nrel.gov/solar/old_data/nsrdb/1991-2005/tmy3/by_state_and_city.html

INPUTS		NOTES
Cooling Design Day Dry Bulb Temperature (F)	88.1	Refer to ASHRAE weather table "Cooling DB - 0.4%" for the site. Outdoor Air Temperature where it is assumed that the chiller will be off (air-side economizer limit). Peak chiller capacity based 375 sq. ft. per ton. Manufacturer based value. 0.001 to 0.005% of the circulation rate are typical. 3-6 are typical, 10 is high. Varies greatly depending on make-up water quality. Daily Start Time Daily End Time Days of the Week
Chiller at Zero Capacity Dry Bulb Temperature (F)	55	
Peak Chiller Capacity (Tons)	0	
Chiller Efficiency at Peak Output (kW/Ton)	0.55	
Drift (%)	0.005%	
Cycles of Concentration	5	
Facility Hours of Operation	7:00 AM 7:00 PM Weekdays	

OUTPUTS		NOTES
Cooling Plant Hours of Operation per Year	2581	Hours of the year during operating hours when Outdoor Air Temperature is above 55 deg F. One pound of water evaporated for 1,000 BTUH cooling tower load, water density is 8.337 lbs/1 gallon.
Cooling Tower Load	9,365,963 BTUH	
Full Load Evaporation Rate	1,123 GPH	
Full Load Drift Rate	6 GPH	
Full Load Blowdown	281 GPH	
Full Load Water Use	1,410 GPH	

Chiller Plant Operating Capacity	Hours	Percent	Water Consumption
>=100% Capacity	21	0.80%	29,214 gallons
75-99% Capacity	114	4.40%	140,955 gallons
50-74% Capacity	542	21.01%	481,706 gallons
25-49% Capacity	771	29.89%	413,434 gallons
0-24% Capacity	1134	43.92%	207,835 gallons
Total	2581	100%	1,273,144 Gallons

Figure E-1
Water Use, by End Use, in Office Buildings



Source: Calculated from MWD audit data of selected office buildings (MWD 2000).

Comparison of GED-derived Estimate to Modeled Water Use

We modeled water use in office buildings, using published estimates of restroom visits by employees, irrigated turf area, cooling requirements etc. We compared our GED-derived estimate of water use per employee to that predicted by the model Table E-2. The end-use calculations in the GED-derived estimate are from Figure E-1 and the model's assumptions are derived from the end use data in Appendix D.

Table E-2
Modeled Water Use in Office Buildings (2000)

End Use	Unit	Rate	Number	Modeled Water Use (GED)	GED-derived (GED)
Toilets¹					
Employee use	gpf	3.00	2.60 flushes/day	7.8	
Visitor use	gpf	3.00	0.33 flushes/day	1.0	
Urinals¹					
Employee use	gpf	1.60	1.25 flushes/day	2.0	
Visitor use	gpf	1.60	0.17 flushes/day	0.3	
Faucets¹					
Employee use	gpf	0.11	3.85 flushes/day	0.4	
Visitor use	gpf	0.11	0.50 flushes/day	0.1	
Total restrooms				11.6	33.0
Cooling	gal/sq ft/day	0.07 ²	350 ³ sq ft/employee	25.3	29.2
Landscaping	gal/sq ft	0.08 ³	547 ³ sq ft/employee	20.7	48.3
Kitchens	gal/meal	10.1 ⁴	0.33 meals/employee/day	3.3	3.8
Other				12.7	12.7
Total				72	127

¹ See Appendix D.

Table E-18
Modeled Daily Water Use in Restaurants (2000)

Water End Use	Volume ¹	Times Per Day ¹	Use Gal/Day	Use Gal/Meal/Day	Use Efficient Gal/Meal/Day ²
Dishwasher					
Pre-rinse nozzles	2.5 gpm	60 min	150	0.6	0.40
Pot and pan sink	40 gal	3 sinks * 2 fills ³	300	1.20	1.20
Garbage disposal	4.5 gpm	30 min	135	0.54	0.20
Dishwasher	2.4 gal/rack	0.5 racks/meal, 70 percent capacity ⁴	429	1.71	0.79
Restrooms⁵					
Employee use restrooms	2.8 gal/visit	25 employees * 4.6 visits/day gal/day	322	1.3	0.72
Customer use restrooms	2.7 gal/visit	250 customers * 50 percent of customers	338	1.4	0.79
Food Prep					
Preparation sink	15 gal	2 fills/day	30	0.12	0.12
Water used in food	0.5 gal/meal	250 meals/day	125	0.50	0.50
Ice maker					
Ice maker	1 gal/lb ⁶	1.5 lb/meal ⁶ *250 meals	338	1.5	1.2
General Sanitation					
Floor wash	12 gal/clean	3 cleans ⁶	36	0.14	0.14
Other ⁷	30 gal		125	0.50	0.50
Miscellaneous					
Miscellaneous	100 gal		100	0.40	0.40
Total			25,607	9.91	6.96

¹ Volume and use were estimated from data in several case studies (LADWP, 1991 (a & b), MWD, 1992, MWRA, 1990), except where otherwise noted.

² See Appendix D.

³ Three pot sinks of 50 gallons capacity are filled and emptied twice daily.

⁴ The amount of dishes generated was assumed to be 2.5 racks/guest (Bohlig 2002).

⁵ See Appendix D.

Table E-19
Comparison of Estimates of Water Use in a Typical Restaurant

	GED-derived (gallons/meal)	Model 1 (typical use)	Model 2 (efficient use)
Total	12.9¹	9.9	7.0

¹ Using 163 TAF in 2000 for SIC code 58 and dividing this by the number of meals per day and then by 365 days in a year, we got about 12.9 gal/meal.

Irrigation Water Use

PER UPDATE ON 02/18/2019

This table includes the "special landscape area"

This table is used for the MAWA for the site and to calculate the curve / monthly % irrigation

Total Irrigation consumption for site includes a 10% safety factor added to the MAWA to account for adjustments to landscape area design.

- What is the basis of the assumed Plant Factor (PF) for each hydrozone. Provide additional detail.

GUZZARDO: PLANT FACTORS ARE BASED ON THE WUCOLS LIST FOR THE HIGHEST WATER USE PLANT WITHIN EACH HYDROZONE.

- Why does Zone 3 utilize an Irrigation Efficiency (IE) of 0.81? If overhead spray, should assume 0.75.

GUZZARDO: SPREADSHEET INPUT ERROR. 75% IS THE CORRECT IE. ATTACHED ADJUSTED WATER ESTIMATES INCLUDED IN RESPONSE.

MAWA 1,394,255 gallons
Site Irrigation Assumption 892,323 gallons

jan 3,806 0%
feb 4,567 1%
mar 42,623 5%
apr 76,873 9%
may 126,092 14%
jun 134,465 15%
jul 157,298 18%
aug 142,076 16%
sep 121,779 14%
oct 66,979 8%
nov 13,446 2%
dec 2,537 0%
total 892,541


Palo Alto Area		Emitted Water Use-Historical Weather Data																			
Valve	Zone	SO FT	Ks	Kd	Kmc	AKC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	EFF	ANN GAL	
Warm Season Turf-HW.Spray	1	7262	0.80	1.00	1.30	0.80	724	869	810	14922	23984	26577	29920	27025	23163	12740	2558	483	0.75	169,773	
Ground Cover/Strubs-MW.Drip	2	13298	0.80	1.00	1.00	0.50	167	921	850	15495	26417	27104	17737	28638	24541	13501	2710	111	0.81	179,910	
Ground Cover/Strubs-LW.Spray	3	74308	0.29	1.00	1.00	0.25	2316	2778	25924	46756	78691	81784	95671	86413	74068	40738	8178	1543	0.75	642,858	
TOTAL		94,866					3,806	4,567	42,623	76,873	126,092	134,465	157,298	142,076	121,779	66,979	13,446	2,537	77%	892,541	
MAWA =70% of Annual ETo		1,394,255																			
																					64% of MAWA



Appendix B

Regional Water System Supply Reliability and UWMP 2020 (June 2021)



TO: SFPUC Wholesale Customers 
FROM: Steven R. Ritchie, Assistant General Manager, Water
DATE: June 2, 2021
RE: Regional Water System Supply Reliability and UWMP 2020

This memo is in response to various comments from Wholesale Customers we have received regarding the reliability of the Regional Water System supply and San Francisco's 2020 Urban Water Management Plan (UWMP).

As you are all aware, the UWMP makes clear the potential effect of the amendments to the Bay-Delta Water Quality Control Plan adopted by the State Water Resources Control Board on December 12, 2018 should it be implemented. Regional Water System-wide water supply shortages of 40-50% could occur until alternative water supplies are developed to replace those shortfalls. Those shortages could increase dramatically if the State Water Board's proposed Water Quality Certification of the Don Pedro Federal Energy Regulatory Commission (FERC) relicensing were implemented.

We are pursuing several courses of action to remedy this situation as detailed below.

Pursuing a Tuolumne River Voluntary Agreement

The State Water Board included in its action of December 12, 2018 a provision allowing for the development of Voluntary Agreements as an alternative to the adopted Plan. Together with the Modesto and Turlock Irrigation Districts, we have been actively pursuing a Tuolumne River Voluntary Agreement (TRVA) since January 2017. We believe the TRVA is a superior approach to producing benefits for fish with a much more modest effect on our water supply. Unfortunately, it has been a challenge to work with the State on this, but we continue to persist, and of course we are still interested in early implementation of the TRVA.

Evaluating our Drought Planning Scenario in light of climate change

Ever since the drought of 1987-92, we have been using a Drought Planning Scenario with a duration of 8.5 years as a stress test of our Regional Water System supplies. Some stakeholders have criticized this methodology as being too conservative. This fall we anticipate our Commission convening a workshop

London N. Breed
Mayor

Sophie Maxwell
President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager



regarding our use of the 8.5-year Drought Planning Scenario, particularly in light of climate change resilience assessment work that we have funded through the Water Research Foundation. We look forward to a valuable discussion with our various stakeholders and the Commission.

Pursuing Alternative Water Supplies

The SFPUC continues to aggressively pursue Alternative Water Supplies to address whatever shortfall may ultimately occur pending the outcome of negotiation and/or litigation. The most extreme degree of Regional Water System supply shortfall is modeled to be 93 million gallons per day under implementation of the Bay-Delta Plan amendments. We are actively pursuing more than a dozen projects, including recycled water for irrigation, purified water for potable use, increased reservoir storage and conveyance, brackish water desalination, and partnerships with other agencies, particularly the Turlock and Modesto Irrigation Districts. Our goal is to have a suite of alternative water supply projects ready for CEQA review by July 1, 2023.

In litigation with the State over the Bay-Delta Plan Amendments

On January 10, 2019, we joined in litigation against the State over the adoption of the Bay-Delta Water Quality Control Plan Amendments on substantive and procedural grounds. The lawsuit was necessary because there is a statute of limitations on CEQA cases of 30 days, and we needed to preserve our legal options in the event that we are unsuccessful in reaching a voluntary agreement for the Tuolumne River. Even then, potential settlement of this litigation is a possibility in the future.

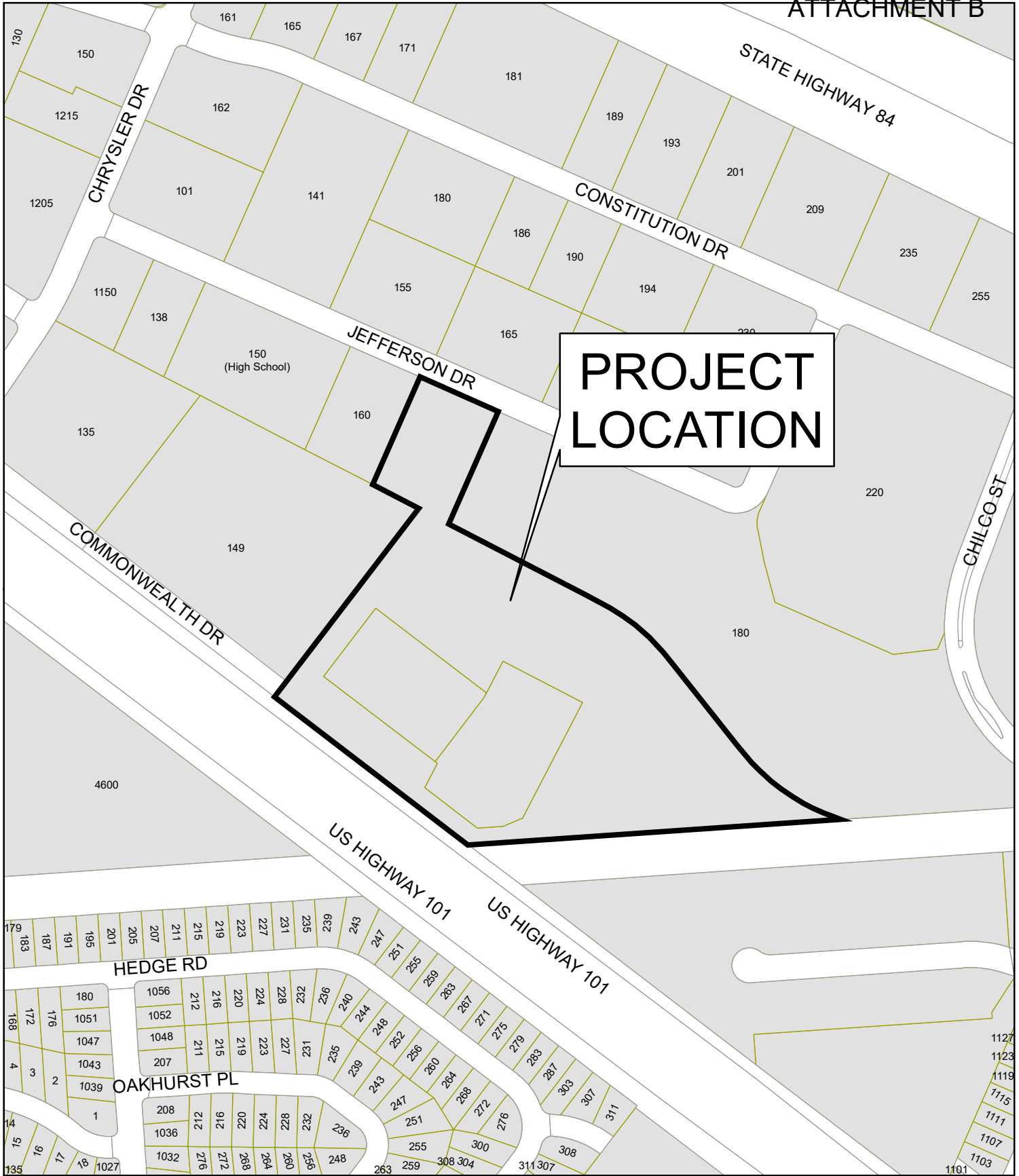
In litigation with the State over the proposed Don Pedro FERC Water Quality Certification

The State Water Board staff raised the stakes on these matters by issuing a Water Quality Certification for the Don Pedro FERC relicensing on January 15, 2021 that goes well beyond the Bay-Delta Plan amendments. The potential impact of the conditions included in the Certification appear to virtually double the water supply impact on our Regional Water System of the Bay-Delta Plan amendments. We requested that the State Water Board reconsider the Certification, including conducting hearings on it, but the State Water Board took no action. As a result, we were left with no choice but to once again file suit against the State. Again, the Certification includes a clause that it could be replaced by a Voluntary Agreement, but that is far from a certainty.

I hope this makes it clear that we are actively pursuing all options to resolve this difficult situation. We remain committed to creating benefits for the Tuolumne River while meeting our Water Supply Level of Service Goals and Objectives for our retail and wholesale customers.

cc.: SFPUC Commissioners

Nicole Sandkulla, CEO/General Manager, BAWSCA



**PROJECT
LOCATION**



CITY OF MENLO PARK

LOCATION MAP

164 JEFFERSON DRIVE

DRAWN: TAS CHECKED: KTP DATE: 06/03/19 SCALE: 1" = 300' SHEET: 1





COMMONWEALTH BUILDING 3 PROJECT WSA
162-164 JEFFERSON DRIVE
March 22, 2022 City Council Meeting



- Meeting Purpose
- Proposed Project
- Projected Water Demand
- Water Supply Availability
- Recommendation





MEETING PURPOSE

- Consider a water supply assessment (WSA) for the Commonwealth Building 3 project
 - Council is acting as the governing body for Menlo Park Municipal Water (MPMW)
 - WSA is required because the proposed project includes more than 250,000 s.f. of office (life sciences/R&D uses)

- The WSA evaluates whether sufficient water supply is available during normal, single dry, and multiple dry years to meet project demand over 15-year period, starting 2025 through 2040
 - Also accounts for planned growth in service area

- Approving the WSA would **not**:
 - Commit the City to serve water to the proposed project
 - Consider and/or endorse the merits of the project
 - Approve the project



MEETING PURPOSE

- Approving the WSA would allow the City to incorporate the document into the project environmental impact report (EIR)
 - California Environmental Quality Act (CEQA) requires governing body of water system that would supply water to the project to:
 - Determine whether the projected water demand of the project was included in the most recent urban water management plan (UWMP)
 - Prepare a water supply assessment to be adopted at a regular or special meeting of the governing body



PROPOSED PROJECT



- Site zoned O-B (Office-Bonus)
- 13.3-acre parcel contains two existing office buildings, 1,061 parking spaces, onsite amenities
- 249,500 s.f. of additional office use, parking garage, publicly accessible open space proposed
 - Existing buildings would remain
- Floor area ratio (FAR) for entire site would be 88%
- Located in Lower Zone of MPMW service area





PROJECTED WATER DEMAND

- Proposed project incorporates conservation measures
 - Ultra-low-flow fixtures within the building equipment
 - Water use for irrigation based on maximum applied water allowance in accordance with the Model Water Efficient Landscape Ordinance (MWELO)
- Purple pipe installation would allow the project to use recycled water when it becomes available in the area
- Project is within permitted cumulative development totals in:
 - ConnectMenlo General Plan Update
 - ConnectMenlo water supply evaluation and EIR
 - MPMW 2015 and 2020 UWMPs



WATER DEMAND



Table 2-2. Proposed Project Impact on ConnectMenlo Study Area Potable Water Demand

Demand Source	Annual Water Demand, MG/yr
ConnectMenlo Total Potable Water Demand at Buildout ^(a)	343
Proposed Project Potable Water Demand ^(b)	14
Remaining Potable Water Demand for Other Projects within ConnectMenlo Study Area^(c)	329

(a) Water Supply Evaluation Study for ConnectMenlo – General Plan and M-2 Area Zoning Update (Table 2), prepared by EKI, February 2016. The Water Supply Evaluation Study assumed that total water demand in the ConnectMenlo study area would be met using potable water.

(b) From Table 2-1 above.

(c) Other projects in the ConnectMenlo study area currently in the planning stages include Willow Village with a projected net potable water demand of approximately 85 MG/yr and 1350 Adams Court with a projected potable water demand of approximately 5 MG/yr. These projects are still in the planning stage so their projected water demands are subject to change. Recently approved projects subject to water budgets and annual water usage limits include Menlo Portal and Menlo Uptown which are anticipated to use 12.6 and 9.1 MG/yr, respectively.



WATER SUPPLY AVAILABILITY

- MPMW purchases all potable water from Regional Water System (RWS) operated by San Francisco Public Utilities Commission
 - MPMW has an individual supply guarantee of 1,630 million gallons/year through 2034
- Reliability of water supply in drought years affected by 2018 Bay-Delta Amendment implementation
 - Would require release of 40% of unimpaired flow of three San Joaquin River tributaries to increase salmonid fish populations each year from February through June
- WSA evaluates findings for a scenario where Bay-Delta Plan is implemented and one where it is not implemented



WATER SUPPLY AVAILABILITY



Table 2: Summary of WSA findings

	Implementation of Bay-Delta Plan amendment	No Bay-Delta Plan amendment
Normal years	Sufficient supply exists	Sufficient supply exists
Single dry year	27 to 32 percent reductions required	Sufficient supply exists
Multiple dry years	27 to 44 percent reductions required	16.5 percent reduction required in fourth and fifth consecutive dry years
Actions required to respond to shortfalls	Implementation of Water Shortage Contingency Plan, up to shortage level 5	Implementation of water shortage contingency plan, up to shortage level 2



RECOMMENDATION

- Adopt resolution approving the WSA
 - Incorporate changes staff read into the record through this presentation
 - Approval of WSA does not approve the proposed project



THANK YOU



STAFF REPORT

City Council

Meeting Date:

3/22/2022

Staff Report Number:

20-055-CC

Regular Business:

Authorize the city manager to execute an amendment to the professional services agreement with the M-Group for the Housing Element Update project and appropriate funds

Recommendation

Staff recommends the City Council authorize the city manager to execute an amendment to the professional services agreement with the M-Group for the Housing Element Update (Attachment A), in the amount of \$ \$490,052 for a total contract amount of \$1,472,052 and appropriate \$1,423,785 from unassigned fund balance in the general fund.

Policy Issues

Under California law every jurisdiction in the State is required to update its housing element every eight years and have it certified by the California Department of Housing and Community development (HCD.) The Housing Element must be consistent with the City's General Plan and updated for compliance with State law and include goals, policies and implementing programs to facilitate the construction of new housing and preservation of existing housing to meet the needs across all income levels in the City. Similarly, the City has obligations to meet State law requirements to update the City's Safety Element for compliance with SB 379 and the preparation of an Environmental Justice Element per SB 1000. The proposed contract amendment would support the work needed to prepare the documents necessary to meet the requirements and the technical studies to help inform members of the public and decision-makers about the potential environmental and fiscal impacts associated with the project.

Background

In recognition of the state-mandated timeline, the complexity and the importance of the Housing Element process and its related work, the City Council unanimously identified the Housing Element Update as one of its top five project priorities in August 2020 for fiscal year 2020-21. Subsequently, the City Council amended the fiscal year 2020-21 budget by \$1.69 million, including \$1.5 million for the project components and the remaining funds for partial-year funding for 2.0 full-time equivalent personnel. The City was able to successfully recruit a senior planner to assist with the project, but the Community Development Director position has remained vacant. The City Council has continued to express support for the Housing Element Update as a top City priority.

In December 2020, staff issued an initial request for qualifications (RFQ) to seek a "prime consultant" to work with the City to assemble and manage a team of qualified consultants to accomplish the project. The RFQ was followed by a request for proposals (RFP) from two qualified firms and on March 23, 2021, after recommendation from two Housing Element interview panels, the City Council authorized the city manager to negotiate a scope of work and fee not to exceed \$982,000, and execute a professional services agreement with the M-Group for the Housing Element update. The executed contract is included as

Attachment B. Table 1 below identifies the consultant team members and their primary role for the project.

Table 1: Consultant team	
Consultant	Project component
M-Group	Lead consultant; Housing Element, Environmental Justice Element and Safety Element
ESA	Environmental impact report and water supply assessment
Hexagon	Transportation analysis for environmental review
BAE	Fiscal impact analysis, Affirmatively Furthering Fair Housing (AFFH) analysis and school construction cost estimates
ChangeLab Solutions	Environmental Justice policy and engagement advisor
Climate Resilient Communities*	Lead public engagement and outreach for the Environmental Justice and Safety Elements

*Proposed subconsultant as part of contract amendment

In addition to the contract with the M-Group, the City has also engaged the services of other vendors to support the Housing Element Update. These services include printing and mailing citywide newsletters and simulcast Spanish interpretation at many of our virtual community meetings. The City works directly with these vendors and the fees for services are within the city manager’s contracting authority.

Analysis

The Housing Element Update is a complex, technical, and fast-moving project in order to meet state-mandated requirements and deadlines. The original scope of work and budget includes a considerable amount of work for the consultant team and the team has accomplished a number of milestones in the past 10 months, including robust outreach, identification of potential housing opportunity sites, land use strategies, and policy themes to meet the City’s RHNA, and completion of the notice of preparation (NOP) to initiate the environmental review process. M-Group, the prime consultant, and the subconsultant team have remained committed to the project and responsive to meeting the project needs. As identified previously, this has required the consultants to perform tasks outside of the original scope and budget, and additional consultant resources to meet the demand and timeline of the project. The continued pace and expectations for the project would also require adjustments to the contract to complete the project by the State-mandated deadline. Staff is requesting a scope and budget amendment to M-Group’s professional service agreement for the Housing Element Update in the amount of \$490,052 for a total contract amount of \$1,472,052. Of this proposed budget augment, \$44,860 would be for optional tasks for additional meetings, if needed. Staff is recommending the optional tasks at this time to provide flexibility and be timely in responding to meeting needs. The proposed scope and fees by consultant are provided in more detail in Attachment A and summarized below in Table 2 below.

Table 2: Proposed scope and budget amendments				
Consultant	Original budget	Proposed budget augmt	Optional tasks	Total budget with optional tasks
Prime consultant				
M-Group	\$471,112	\$197,525	\$42,400	\$711,037
Subconsultants				
ESA	\$318,060	No change		\$318,060
Hexagon	\$64,250	\$33,000		\$97,250
BAE	\$56,395	No change		\$56,395
ChangeLab Solutions	\$30,000	\$8,610	\$2,460	\$41,070
Climate Resilient Communities (CRC)	N/A	\$186,318		\$186,318
M-Group 9% contract management fee	\$42,183	\$19,739*		\$61,922
	\$982,000	\$445,192	\$44,860	\$1,472,052

*Applied to Hexagon and CRC

Consultant services scope and budget

The proposed amendments are generally categorized into three areas: 1) community outreach and engagement, 2) data and technical review and 3) project administration.

Community engagement

A key component of the Housing Element Update is community engagement and outreach. Over the past 10 months, the project team has conducted extensive outreach and engaged with the community members and other stakeholders across multiple touchpoints, including community, Commission and City Council meetings, smaller focus group discussions, pop up events and both print and digital media. These opportunities offered interested persons ways to learn about the project and/or provide their input. The requested budget includes tasks that have been performed to support these efforts. The proposed budget also includes work expected to occur during the remainder of the project and would strengthen the engagement and outreach efforts.

At the February 8, 2022 meeting, the City Council provided direction to staff to collaborate with a community based organization (CBO) to lead the outreach and engagement for the Environmental Justice and Safety Elements. In response, the project team is proposing to partner with Climate Resilient Communities (CRC.) CRC is a CBO focused on serving the underrepresented and empowering communities to implement climate solutions that bring unity and resilience. CRC was identified for their work in nearby communities of East Palo Alto and North Fair Oaks and more importantly, for their established relationships with the Belle Haven community, which is the primary area for the focus of the Environmental Justice element. CRC would be a new subconsultant to the M-Group and their proposed scope of work would be conducted in two primary phases: 1) community outreach and engagement before the release of the draft Environmental Justice and Safety Elements, 2) outreach after the release of the draft environmental impact report (EIR) and Environmental Justice and Safety Elements. Their scope includes an intense series workshops, focus groups, and a survey to further engage and solicit input from residents suffering from environmental injustices.

A key feature of the community engagement will include the Belle Haven Climate Change Community Team (CCCT), which is currently being established and would be comprised of residents, community service providers, faith-based leaders, business owners, community-based organizations and city affiliates. The CCCT conducted its first meeting on March 16 and is expected to have monthly meetings from March to December to support the work effort. While CRC facilitates the group, the CCCT would be community-

driven and community-led. CRC will also partner with additional CBOs through the engagement process and a consultant (City Systems) to conduct a survey. CRC's proposal is \$186,318, which is a considerable portion of the proposed budget amendment, and would include personnel and subconsultants, translation of materials and interpretation at meetings, printing and mailing, as well as funding for food at meetings, gift cards for workshop and focus groups attendees, survey participants, and overhead costs. CRC would be the lead for all outreach and engagement related to the Environmental Justice and Safety Elements with M-Group and staff having limited roles, although some support and coordination will be needed. M-Group anticipates an additional \$10,000 would be needed to support the CBO efforts. CRC has been collaborating with M-Group and staff on the preparations for an upcoming community meeting regarding the Environmental Justice and Safety Elements planned for April 5.

Data and technical review

The Housing Element Update has new technical and site inventory requirements. Given the complexity of the analysis and various considerations based upon feedback at City Council, Commission and community meetings, additional geographic information system (GIS) analysis for the land use inventory and mapping were performed and is anticipated to be needed to finalize maps for the final documents.

Staff is also requesting additional funding to support the preparation of a level of service (LOS) traffic analysis from Hexagon. While LOS is no longer an environmental threshold as part of the California Environmental Quality Act (CEQA), the City's Transportation Impact Analysis (TIA) Guidelines requires an LOS analysis, unless exempt. Given the programmatic analysis of the Housing Element and the lack of any specific residential development project details, the LOS analysis would be at a higher level than typical, but still would be helpful as another point of information. The cost of the LOS analysis is \$30,000.

ChangeLab solutions was brought on as part of the initial consultant team as a policy advisor for the preparation of the Environmental Justice Element. The proposed budget augmentation is to support the preparation and attendance at the upcoming community meeting planned for April 5 on the topic of Environmental Justice and two subsequent Planning Commission and/or City Council study sessions. There is an optional task for two additional Planning Commission and/or City Council meetings to support the adoption of the Environmental Justice element, and staff recommends that the optional tasks for a total of \$11,070 be approved as part of the proposed budget.

Project Administration

A project of this scale requires close collaboration and coordination. The project team meets routinely once a week, in addition to topic-specific calls to discuss various work products and/or tasks. These meetings are important to keep the project advancing on the aggressive timeline, and an \$49,000 is requested. In addition, the M-Group has assisted with a variety of Spanish translations, including presentations and proofreading newsletters, as well as and anticipates that additional time beyond what was originally budgeted will be needed for the remainder of Commission and City Council meetings. The proposed scope also includes an optional task for additional community, Commission, and City Council meetings in the event that the meetings are needed to support or review the project beyond what is already planned. The cost associated with this optional item is \$42,400. Staff would recommend that the additional \$42,400 be used as a contingency budget to support any unforeseen tasks rather than solely for additional meetings. Staff believes that providing for this flexibility now would be helpful to prevent delays in the work. The M-Group as the prime consultant is also the project manager and responsible for coordinating all of the subconsultant work. A nine percent management fee is applied to the proposed subconsultant work, for a total of approximately \$20,000. M-Group did not apply the management fee to ChangeLab Solution's proposed scope.

Budget appropriation

As part of the fiscal year 2020-21 budget, the City Council appropriated \$1.5 million from the General Fund to support the Housing Element Update. The original M-Group professional services agreement amount was \$982,000, which was encumbered that fiscal year. The remaining budget was anticipated to be left unassigned, but available for work on the Housing Element Update. With the proposed augmentations, the total contract amount would be \$1,472,052, which would be within the allocated \$1.5 budget.

As part of the fiscal year 2021-22 budget, any remaining contract amount and budgeted amount would typically be carried forward if a project is still active. In this case, the carryover would have been \$905,785, for the contract and \$518,000 as part of the unassigned \$1.5 million budget. However, staff has determined that these funds were inadvertently not transferred, resulting in the Housing Element without a formal budget. The team has continuously worked to not delay the project while the budget was reviewed in more detail. To help with payments of invoices, funds from the General Capital Fund have been temporarily assigned to this project. An appropriation is now needed to support the Housing Element work that has been performed and to complete the contract. Staff is requesting the City Council appropriate funding from the unassigned fund balance (fund 100) to the general fund CIP (fund 501) to account for paid invoices and for future work associated with the proposed budget augmentation. The total appropriation would be \$1,423,785 to restore the original \$1.5 million budget from fiscal year 2020-21.

The City has been awarded two grants (Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP)) totaling \$190,491 for qualifying work on the Housing Element. In addition, the City was awarded a SB 2 grant for \$160,000, which approximately \$75,000 of the funds could be used to support zoning regulation amendments that reduce barriers to maximizing density and development. As part of the Housing Element, consideration will be given to potential zoning amendments in the El Camino Real/Downtown Specific Plan area that would help foster the production of housing. These grant funds totaling \$265,491 could help offset the \$1.5 million budget allocated to the Housing Element.

Impact on City Resources

As part of the fiscal year 2020-21 budget, the City Council appropriated \$1.5 million from the general fund to support the Housing Element Update, which is a City Council priority. Staff is seeking use of the full \$1.5 million budget to support work for the completion of the Housing Element Update. The total M-Group contract amount would be \$1,472,052. The remainder of the \$1.5 million would be used to support services such as the newsletter production and mailing, court reporter for the EIR public hearing and other support services. The budget appropriation would need to amend the fiscal year 2021-22 budget by \$1,423,785.

Environmental Review

This action is not a project within the meaning of the CEQA Guidelines §§15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment. An EIR is being prepared to evaluate the Housing Element Update.

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. First amendment to contract with M-Group for Housing Element Update
- B. Executed contract with M-Group for Housing Element Update

Report prepared by:

Deanna Chow, Assistant Community Development Director

Report reviewed by:

Justin Murphy, Interim City Manager

AGREEMENT AMENDMENT

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



Amendment #: 3223.1

AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND METROPOLITAN PLANNING GROUP (M-GROUP)

THIS FIRST AMENDMENT is made and entered into this _____, by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY," and METROPOLITAN PLANNING GROUP (M-GROUP), hereinafter referred to as "FIRST PARTY."

1. Pursuant to Section 4 Compensation and Payment of Agreement No. 3223, ("Agreement"), Section 4A Compensation and Payment [amendment to section] to read as follows"

"CITY shall pay FIRST PARTY an all-inclusive fee that shall not exceed \$1,472,052 (an amendment of \$490,052) as described in Exhibit "A," Scope of Services. All payments shall be inclusive of all indirect and direct charges to the Project incurred by FIRST PARTY. The CITY reserves the right to withhold payment if the City determines that the quantity or quality of the work performed is unacceptable."

Except as modified by this Amendment, all other terms and conditions of Agreement No. 3223 remain the same.

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

SIGNATURE PAGE TO FOLLOW

FOR FIRST PARTY:

Signature

Date

Printed name

Title

Tax ID#

APPROVED AS TO FORM:

Nira F. Doherty, City Attorney

Date

FOR CITY OF MENLO PARK:

Justin I.C. Murphy, Interim City Manager

Date

ATTEST:

Judi A. Herren, City Clerk

Date



MEMORANDUM

Date: March 17, 2022

To: Deanna Chow, Assistant Community Development Director

From: Geoff I. Bradley, AICP, Principal, M-Group

Subject: **Menlo Park Housing Element Update – Budget Augment Request**

This memo is updated and supersedes the previous budget request memos dated August 10, 2021, September 17, 2021, and December 6, 2021.

As M-Group moves forward with this multi-faceted project, we are seeing where task budgets are being exceeded due to unanticipated levels of effort required and out of scope tasks and meetings.

As indicated in the prior budget memos the following efforts have occurred outside the original scope of work or involved significantly more effort than planned for:

- 1) City Council Kick-off Meeting on May 25, 2021
- 2) Additional CEOC & Subcommittee meetings
- 3) Multiple reviews of documents including the city-wide housing survey
- 4) Additional Focus Groups and Pop-up events
- 5) Weekly project management meetings (every 2 weeks anticipated in scope)
- 6) Policy focused Housing Commission meeting (November 17, 2021)
- 7) Anticipated additional Commission and Council meetings as needed
- 8) Addition of a Community Based Organization to the project team
- 9) City request for Level of Service traffic analysis not required by CEQA

As a result, we find the need to request additional budget in the following tasks:

M-Group Budget Augment

Task 1.1 – Project Kick off meeting. This task was envisioned for a traditional kick off meeting with city staff but was used to cover a meeting with the City Council as well as the city staff meeting. We request an additional budget to cover this overage. Request: **\$5,856**

Task 1.2 – Updates to HC & PC. This task has exceeded the budgeted amount in an effort to cover a policy focused meeting with the Housing Commission, we request additional budget to cover the overage for the report, presentation and meeting time. Request: **\$2,626.**

Task 1.4 – Project Management & Coordination. This task has exceeded the budgeted amount only part way through the project. We request this budget be increased to account for the numerous weekly meetings on a variety of topics (scope assumed one meeting every two weeks) as well as higher than expected project management time required.

We have also provided a variety of Spanish translations, including presentations, flashing solar signs and survey handouts. Additionally, M-Group staff is helping to record the Spanish version of meetings. This task budget increase would be to cover both the overages and an additional anticipated work through the project's completion. Request: **\$49,000**

Task 2.1 – CEOC Meetings (4) meetings and (2) CEOC subcommittee meetings. The time required for staff reports, presentations and meeting attendance has greatly exceeded what we expected for a committee of this type. M-Group has worked closely with staff for seven planned meetings and six attended due to a last minute cancellation due to lack of quorum. We request a budget increase to account for the expanded effort. Request: **\$18,000.**

Task 2.3 – Community Engagement Plan. This task has exceeded the budgeted amount to address needed updates based on staff and CEOC input. Request: **\$3,269**

Task 2.4 – Update Master Contact List. In response to expanded outreach efforts management of the Master Contact list has exceeded the budgeted amount. This task budget increase is to cover current overages and an anticipated additional work to maintain the list. Request: **\$2,249**

Task 2.9 – General Survey. This task is over budget by which we request as a budget increase. The survey required numerous revisions and. We also assigned one of our Spanish speaking planners to support us in this effort including other on-going outreach efforts. Request: **\$6,915**

Task 2.11 – Focus Groups. This task has expanded from five (5) focus groups to seven (7). We request a task budget increase consistent with the original budget's cost per meeting. Request: **\$7,320**

Task 2.12 – Interviews and Small Group Meetings. This task shifted from up to twenty-four (24) phone and/or video conference interviews to 14 small group interviews with additional outreach and coordination. We request a task budget increase to cover current overages. Request: **\$5,658**

Task 2.13 – Community Meetings. Originally this task covered five (5) general outreach meetings, one for each council district. However, this task shifted to providing (6) city-wide meetings organized by topic and project process. Request: **\$16,888**

Task 2.14 – Project Gallery. This task increase would cover budget overages and an additional anticipated work required for coordination at the two gallery locations. Request: **\$2,700**

Task 2.15 – Farmers' Market Pop-ups. This task has expanded from four (4) to eight (8) separate pop-up events and are requiring more staff people than anticipated due to the multiple simultaneous locations. We request an additional budget for this task to cover existing overages and an additional budget for additional events. Request: **\$9,296**

Task 2.18 – Coordination with Community Based Organization. In anticipation of a Community Based Organization (Climate Resilient Communities or CRC) partnering with the City to lead additional outreach efforts, this increase would cover M-Group services relating to those efforts. This includes document preparation and review, as well as staff attendance at outreach events. Request: **\$9,500**

Tasks 3.3 & Task 3.4 – Planning Commission and City Council Meetings. Extensive work for the preparation of staff reports and presentations was required for the October 4, 2021, joint meeting with the Planning Commission and Housing Commission, as well as the October 26, 2021, and December 8, 2021, City Council meeting. Request: **\$18,768** and **\$8,348** for Tasks 3.3 and 3.4, respectively.

Task 3.5 – Planning Commission Preferred Land Use Concept. This task exceeded the budget due to revisions to the Planning Commission Land Use Concepts in preparation of the October 26 City Council meeting. Request: **\$3,855**

Tasks 4.6 & 4.7 – Compile and use GIS for Site Selection & AFFH. These tasks required more hours than planned due to the new requirements for fair housing as it affects the location of new housing. Here are some of the recent examples of GIS work required: *Mapping all access maps (transit, employment, food, healthcare, park, school), AFFH data maps (median income, race demographics, TCAC Opportunity Areas), and Safety Element Maps (Earthquake Hazard, Evac Routes, FEMA Flood Hazard, Fire Hazard, Hazardous Waste, Sea Level Rise)*. Request: **\$1,258** and **\$10,119** to Tasks 4.6 and 4.7, respectively.

Task 4.14 – General GIS Mapping Services. This is a new task that addresses the general GIS Mapping Services that M-Group will provide in completing the project documents. The requested amount reflects time to prepare, edit and finalize additional maps. Request: **\$2,900**

Tasks 7.1 & 7.2 – Draft plans to Planning Commission and Joint HC & PC Meeting. Based on the experience of preparing for prior meetings and resulting budget overages; an increase in budget is proposed for Tasks 7.1 and 7.2, respectively. Request: **\$2,000** per task.

Task 8 – Hexagon Transportation Services. Per the request of City staff, Hexagon Transportation Services is including a Level of Service (LOS) analysis. Request: **\$33,000** (plus 9% contract management fee).

Tasks 9.12, 9.13, 10.2, & 10.4 – NOP/Scoping Meeting, Draft EIR at Planning Commission, PC Adoption Hearing, Council Adoption Hearings (2). Collectively these tasks reflect the remaining formal meetings anticipated in the approved budget. Based on the experience of preparation and attendance efforts for prior meetings the budget augment includes the following additional increases: **\$1,000** for Task 9.12, **\$3,000** for Task 9.13, **\$1,000** for Task 10.2, and **\$4,000** for Task 10.4

Optional Augments. In the event that the City anticipates additional meetings with the community, Housing Commission, Planning Commission, and City Council an optional augment of included in the proposed budget. This amount would cover the cost of two of each meeting type. Cost per meeting type is as follows: Community Meeting (\$4,200), Housing Commission (\$5,000), Planning Commission (\$6,000), and City Council (\$6,000). Request: **\$42,400**

In summary, M-Group is requesting **\$197,525** base budget increase. This will provide for past budget overages as well as future work to project completion. This budget proposal has been prepared in anticipation of future efforts and to accommodate changes to the previously approved project scope. Should the City desire to provide greater flexibility for additional public meetings, an additional **\$42,400** optional budget is included. This would be a total budget augment for M-Group of **\$239,925**.

Subconsultants - Additional Work

In addition to M-Group’s work several subconsultant scope additions are proposed:

ChangeLab Solutions. (Task 2.17) This task increase for **\$8,610** which includes participation of ChangeLab Solutions in Community Workshop #6, focused on Environmental Justice and Safety policies, and up to two study sessions with the Planning Commission or City Council. An additional augment of **\$2,460** noted in the ‘Optional’ increases category below would cover ChangeLab Solutions’ participation in an additional two (2) public meetings, either with the Planning Commission or City Council. Please see attached scope of work. (No Contract Management Fee).

Climate Resilient Communities (CRC) (Task 2.18)

CRC will lead outreach efforts on Safety and Environmental Justice. CRC’s budget request is **\$186,318** (plus 9% Contract Management Fee). Please see attached scope of work for more details.

Hexagon Transportation Services. (Task 8)

Per the request of City staff, Hexagon Transportation Services is including a Level of Service (LOS) analysis in addition to the VMT analysis included in the current budget. The additional LOS analysis would increase the budget for this task by **\$33,000** (plus 9% Contract Management Fee). Please attached scope of work.

Total Contract Augment

Total Contract amendment **\$490,052.**

Please see below for the summary of this request:

Task No.	Task	Budget Augment Request
1.1	Project Kick off meeting	\$5,856
1.2	Updates to HC & PC	\$2,626
1.4	Project Management & Coordination	\$49,000
2.1	CEOC Meetings	\$18,000
2.3	Community Engagement Plan	\$3,269
2.4	Update Master Contact List	\$2,249
2.9	General Survey	\$6,915
2.11	Focus Groups	\$7,320
2.12	Interviews/Small Group Meetings	\$5,658
2.13	Community Meetings	\$16,888
2.14	Project Gallery	\$2,700
2.15	Farmers’ Market Pop-ups	\$9,296
2.18	Partner with Community Based Org.	\$9,500
3.3	Planning Commission	\$18,768
3.4	City Council	\$8,348
3.5	PC Preferred Land Use Concept	\$3,855
4.6	Compile GIS Shapefiles for Analysis	\$1,258
4.7	Use of GIS for Site Selection & AFFH	\$10,119
4.14	General GIS Mapping Services	\$2,900
7.1	Draft plans to PC	\$2,000
7.2	Joint HC & PC Meeting	\$2,000
9.12	NOP/Scoping Meeting	\$1,000
9.13	Draft EIR at Planning Commission	\$3,000
10.2	PC Adoption Hearing	\$1,000
10.4	Council Adoption Hearings (2)	\$4,000
SUB-TOTAL		\$197,525
*Optional	As Needed Public Meetings (2 of each type)	\$42,400
M-Group TOTAL		\$239,925

2.17	ChangeLab Solutions (CLS)	\$8,610
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*Optional	As Needed Public Meetings (2 w/CLS)	\$2,460
2.18	Climate Resilient Communities (CRC)	\$186,318
8.0	Hexagon – Transportation Analysis	\$33,000
	<i>9% contract management fee</i>	\$19,739
Subconsultant Subtotal		\$250,127
Total Budget Augment		\$490,052

Thank you for your consideration and please do not hesitate to contact me with any questions or concerns.

- Attachment A: Budget Augment No. 1
- Attachment B: Overall Budget
- Attachment C: ChangeLab Solutions scope of work
- Attachment D: Hexagon scope of work
- Attachment E: CRC scope of work

ATTACHMENT A – Budget Augment No. 1

Task No.	Task	Budget Augment Request
1.1	Project Kick off meeting	\$5,856
1.2	Updates to HC & PC	\$2,626
1.4	Project Management & Coordination	\$49,000
2.1	CEOC Meetings	\$18,000
2.3	Community Engagement Plan	\$3,269
2.4	Update Master Contact List	\$2,249
2.9	General Survey	\$6,915
2.11	Focus Groups	\$7,320
2.12	Interviews/Small Group Meetings	\$5,658
2.13	Community Meetings	\$16,888
2.14	Project Gallery	\$2,700
2.15	Farmers' Market Pop-ups	\$9,296
2.18	Partner with Community Based Org.	\$9,500
3.3	Planning Commission	\$18,768
3.4	City Council	\$8,348
3.5	PC Preferred Land Use Concept	\$3,855
4.6	Compile GIS Shapefiles for Analysis	\$1,258
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4.14	General GIS Mapping Services	\$2,900
7.1	Draft plans to PC	\$2,000
7.2	Joint HC & PC Meeting	\$2,000
9.12	NOP/Scoping Meeting	\$1,000
9.13	Draft EIR at Planning Commission	\$3,000
10.2	PC Adoption Hearing	\$1,000
10.4	Council Adoption Hearings (2)	\$4,000
	Subtotal	\$197,525
*Optional	Optional Public Meetings (2 of each)	\$42,400
	M-Group Subtotal	\$239,925
2.17	ChangeLab Solutions (CLS)	\$8,610
*Optional	Optional Public Meeting (2 w/CLS)	\$2,460
2.18	Climate Resilient Communities (CRC)	\$186,318
8.0	Hexagon – Transportation Analysis	\$33,000
	<i>9% Subconsultant Fee</i>	<i>\$19,739</i>
	Subconsultant Subtotal	\$250,127
TOTAL BUDGET AUGMENT REQUEST		\$490,052

ATTACHMENT B – Overall Budget

Consultant	Original Budget (sub fees incl. in M-Group)	4.16.22 Budget Augment	Total New Budget
M-Group	\$ 513,295	\$ 239,925	\$ 753,220
ESA	\$ 318,060	\$ 0	\$ 318,060
Hexagon	\$ 64,250	\$ 33,000	\$ 97,250
9% sub fee	-	\$ 2,970	\$ 2,970
BAE	\$ 56,395	-	\$ 56,395
9% sub fee	-	-	-
ChangeLabs	\$ 30,000	\$ 11,070	\$ 41,070
9% sub fee	-	-	-
Climate Resilient Comm.	-	\$ 186,318	\$ 186,318
9% sub fee	-	\$ 16,769	\$ 16,769
	\$ 982,000	\$ 490,052	\$ 1,472,052



2201 Broadway, Suite 502
Oakland, CA 94612
510.302.3380
changelabsolutions.org

March 11, 2022

To: Geoff I. Bradley, AICP, Principal & President, M-Group
Sung H. Kwon, MCRP MBA AICP, Principal Planner, M-Group
From: Erik Calloway, Managing Director, ChangeLab Solutions
CC: Myla Howard, Development Manager, ChangeLab Solutions
Subject: City of Menlo Park Housing Element Update: Community Engagement & Policy Consultation

ChangeLab Solutions is pleased to submit this scope proposal to M-Group for additional services related to the Menlo Park Housing Element update. ChangeLab Solutions will assist by participating in public meetings to give presentations and address questions about grounding the General Plan update in the most current and effective approaches to building healthy and equitable communities.

ABOUT CHANGELAB SOLUTIONS

ChangeLab Solutions is a nonprofit based in Oakland, California that works across the state and nation to advance equitable laws and policies that ensure healthy communities for all. The firm’s multidisciplinary team of over 50 lawyers, planners, policy analysts, and other professionals works with community-based organizations, advocacy groups, state, local, and tribal governments, and anchor institutions to create thriving communities. ChangeLab Solutions holds a strong record of nearly 25 years of experience in building the capacity of diverse stakeholders to engage in policy and planning processes to create lasting systemic change.

ChangeLab Solutions works at the intersection of community engagement, equity-forward and context-sensitive policy and planning solutions, and innovative state and local legal interventions. Their services include convening diverse stakeholders and community members, undertaking in-depth legal research, developing model policies and planning documents, providing technical assistance, and delivering trainings. ChangeLab Solutions holds longstanding relationships with stakeholders and communities across California and is trusted for their evidence-based, community-centered solutions and vast array of expertise across a range of topic areas including land use, sustainability, housing, transportation, food systems, good governance, tobacco control, child care and schools, and more.

PROJECT UNDERSTANDING AND OBJECTIVE

ChangeLab Solutions understands that M-Group is assisting the City of Menlo Park to update the Housing Element of the City’s General Plan. As part of this update, the city is also preparing an Environmental Justice Element pursuant to the requirements of CA Senate Bill No. 1000 ([SB1000](#)). ChangeLab Solutions will provide technical assistance to this process to help ensure the updated Housing Element and Environmental Justice Element meet the following objectives stated in [SB1000](#):

ChangeLab Solutions

“(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civic engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.”

SCOPE OF WORK:

Additional Task 1: Environmental Justice Support for Community Meeting #6

In collaboration with M-Group and City Staff, ChangeLab Solutions will prepare and present slides on environmental justice at Community Meeting #6. The content of the slides will be focused on the definition of environmental justice, CA state requirements for addressing environmental justice in General Plans, environmental justice conditions present in Menlo Park, and potential strategies to address those environmental justice conditions. M-Group will be responsible for setting deadlines and coordinating City Staff’s review of slide deck material as required. ChangeLab Solutions will attend, present, and be available to answer questions about these topics at Community Workshop #6.

TASK 1 BUDGET

Environmental Justice Support for Community Meeting #6	\$6,150
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ChangeLab Solutions

Additional Task 2: Planning Commission and/or City Council Study Sessions

ChangeLab Solutions will review study session packet materials produced by M-Group and/or City staff to help prepare for up to two Planning Commission and/or City Council Study Sessions. Additionally, ChangeLab Solutions will attend up to two Planning Commission, City Council, or Joint Study Sessions. At these meetings, ChangeLab Solutions will be available to answer questions about goals and policies in the public review draft general plan that advance community health and equity, as well as questions about how the public review draft general plan meets the requirements of SB1000. Please share study session dates with ChangeLab Solutions at least 3 weeks in advance of the meeting to ensure our staff is available to attend.

TASK 2 BUDGET

(2) x Study Sessions	\$2,460
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Optional Additional Task 3: Planning Commission and/or City Council Adoption Hearings

ChangeLab Solutions will review adoption hearing packet materials produced by M-Group and/or City staff to help prepare for up to two Planning Commission and/or City Council Adoption Hearings. Additionally, ChangeLab Solutions will attend up to two Planning Commission and/or City Council adoption hearings. At these hearings, ChangeLab Solutions will be available to answer questions about goals and policies in the public review draft general plan that advance community health and equity, as well as questions about how the public review draft general plan meets the requirements of SB1000. Please share study session dates with ChangeLab Solutions at least 3 weeks in advance of the meeting to ensure our staff is available to attend.

TASK 3 BUDGET

(2) x Adoption Hearings	\$2,460
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TOTAL ADDITIONAL SERVICES BUDGET

The total cost for completion of Additional Tasks 1-2 is \$8,610. The total cost for completion of Additional Tasks 1, 2, and optional Task 3 is \$11,070. ChangeLab Solutions strongly prefers to be compensated upon completion of the deliverables, versus on an hourly basis.

TIMELINE

The timeline, scope of services, and budget for this project is subject to mutual agreement between ChangeLab Solutions and M-Group.



HEXAGON TRANSPORTATION CONSULTANTS, INC.

March 2, 2022

Mr. Sung Kwon
M-Group
51 E. Campbell Avenue #1247
Campbell, Ca 95009

Re: Additional Service #1 for the Menlo Park Housing Element Update.

Dear Mr. Kwon:

Hexagon Transportation Consultants, Inc. is pleased to submit this additional service proposal to conduct a level of service analysis for the Menlo Park Housing Element Update. Although level of service is no longer used in determining environmental impacts related to transportation, the analysis is still needed to ensure conformance with City's performance policies. The level of service analysis will supplement the EIR analysis in determining adverse effects to key intersections in Menlo Park. The following tasks would be needed to complete the analysis:

- 1. Identification of Study Intersections.** Hexagon will work with City staff to identify a list of key intersections to study based on the proposed sites and development intensities. This scope assumes 30 study intersections. Additional study intersections would require additional budget and will be analyzed upon authorization.
- 2. Data Collection.** It is assumed that the City's 2019 data collection effort included AM (7:00 – 9:00 AM) and PM (4:00 – 6:00 PM) peak-hour traffic volumes for all study intersections. This scope does not include collection of new intersection turning movement data.
- 3. Evaluation of Existing Conditions.** Existing traffic conditions will be evaluated based on existing AM and PM peak-hour traffic volumes at the study intersections. The existing traffic conditions will be analyzed using the *Highway Capacity Manual 6th Edition* methodology, implemented in the Vistro software. Hexagon will utilize the citywide Vistro file to conduct the study. It is assumed that signal timing data for all study intersections contained in the Vistro file is correct. This scope does not include conducting field work to ascertain signal timing and phasing details.
- 4. Evaluation of Near-Term Conditions.** Hexagon will utilize the City of Menlo Park travel demand model to forecast intersection traffic volumes under near-term (year 2031) conditions without the additional Housing Element development. The Vistro model will be used to evaluate AM and PM peak hour intersection levels of service under cumulative conditions.
- 5. Evaluation of Cumulative Conditions.** Hexagon will utilize the City of Menlo Park travel demand model to forecast intersection traffic volumes under cumulative (year 2040) conditions without the additional Housing Element development. The Vistro model will be used to evaluate AM and PM peak hour intersection levels of service under cumulative conditions.



- 6. **Trip Generation, Distribution, and Assignment.** Hexagon will group the potential HEU sites into up to 8 subareas and estimate trip generation for each subarea individually using trip rates from the Institute of Transportation Engineers' *Trip Generation, 11th Edition*. Hexagon will utilize the travel demand model to inform the distributions for each subarea's trips on roadways immediately adjacent to the subareas. Hexagon will assign traffic to the study intersections based on the trip generation and distribution assumptions. The trip generation, distribution and assignment results will be provided to City staff for review and authorization before conducting the tasks below.
- 7. **Evaluation of with Project Conditions.** Trips generated by each subarea in Task 6 above will be added onto the near-term and cumulative volumes derived in Task 4 and Task 5 to generate with-project conditions traffic volumes under near-term and cumulative conditions. The Vistro model will be used to evaluate AM and PM peak hour intersection levels of service under the with-project conditions. The LOS results will be compared to the relative no-project conditions to determine intersection non-compliance based on City's TIA guidelines.
- 8. **Description of Deficiencies and Recommendations.** Based on the results of the level of service calculations, intersection non-compliance resulting from the Housing Element Update will be identified and described. Recommendations will be formulated that identify the locations and types of improvements or modifications that might be feasible to address deficiencies.
- 9. **Report.** Our findings and recommendations will be added to our traffic study report for this project. Hexagon will respond to editorial comments on the draft and prepare a final report.

This additional work will require \$33,000 of additional budget. Including our current budget of \$64,250, this additional service proposal would bring the total budget to \$97,250. All other provisions of our existing contract remain in effect. Please authorize the additional services by sending Hexagon a signed copy of this letter. We look forward to continuing work with you on this project.

Sincerely,

HEXAGON TRANSPORTATION CONSULTANTS, INC.

Approved by:

Gary Black, AICP
President

M-Group
Authorized Signature

Printed Name

Date

ATTACHMENT E – CRC Scope of Work

Climate Resilient Communities (CRC) Proposal

Climate Resilient Communities (CRC) is a community-based organization working hand-in-hand with the Peninsula's underrepresented communities by empowering community voices to implement climate solutions that bring about unity, resilience, and justice. Recognizing that in the Bay Area, as throughout the world, under-resourced communities are disproportionately vulnerable to the impacts of climate change, we work to support the frontline communities of East Palo Alto, North Fair Oaks, and Belle Haven through community action and engagement.

We emphasize community-based approaches to organizing and advocacy in relation to environmental justice. Through education and advocacy, CRC engages community members to encourage community action around climate change in the hopes of building resilience in the face of widespread changes and disasters, many of which will disproportionately affect those who CRC engages with.

Through the leadership of the City and the Climate Change Community Team, CRC will implement a robust, multifaceted community outreach and engagement program to evaluate community values and priorities for EJ and Safety Element strategies and policies. The information gained through this community outreach and engagement will be utilized to inform technical and environmental analysis, and to inform the final EIR recommendations.

A key feature of the community engagement will include the Belle Haven Climate Change Community Team (CCCT) that is currently being established. Modeled off of similar groups that CRC has helped to establish and manage in North Fair Oaks and East Palo Alto, the CCCT is comprised of motivated residents, community service providers, faith-based leaders, business owners, community-based organization and city affiliates. Together, this group aims to identify local vulnerabilities and learn how the community can be better prepared to face the impacts of climate change. While CRC facilitates the group, the team remains at its core, community-driven and community-led.

In East Palo Alto, the CCCT voices the climate and sea level related concerns of the EPA community and coordinates efforts to meet those needs, such as conducting a [Climate Change Community Survey](#), exploring residents' attitudes about climate change and its impacts; and the development of a [Community Vulnerability Assessment pilot project](#), the findings of which the CCCT presented to the City Council to advocate for climate change priorities and to showcase practical, community-developed solutions to flooding, water security, and food security. The North Fair Oaks Climate Ready Team advocated and received funding to support a tree planting project to combat the urban heat island effect. The development of the Belle Haven team is already in progress, and team members thus far identified include representatives of the Neighborhood Association, Belle Haven Community Development Fund, Boys and Girls Club, Ravenswood School District, MPC Ready, Belle Haven Action, Boys and Sequoia Union High District, Menlo Spark, Sharper Image, Fit to Core Training, Community Gardens, and Menlo Together.

Through this work as well as other projects, CRC has extensive experience building information distribution channels through local CBOs and community events. We are adept at conducting surveys and focus groups, specializing in outreach to historically excluded communities. Just last year, CRC worked with the County of San Mateo to conduct community outreach and convene workshops to inform their local hazard mitigation plan. We convened more than 60 hard-to-reach residents from three communities (East Palo Alto, Belle Haven, and North Fair Oaks). In collaboration with the County's

Office of Sustainability, we facilitated a workshop and held focus group discussions in Spanish and English in the summer of 2021. Although many workshops often try to offer simultaneous translation for workshops, we have found that non-native English speakers are far more likely to participate when immersed in a workshop hosted solely in their language. In this kind of culturally appropriate setting, residents are more comfortable expressing themselves. We took rigorous notes throughout the process and documented points of discussion in order to return a report on the findings of the focus group, identifying specific community priorities, to the County. We compensated attendees for their time and expertise.

Focus groups were also a critical part of the Vulnerability Assessment project in East Palo Alto with CalTrans and the County of San Mateo. We were able to convene four separate focus groups composed of people from our communities. As with all of our projects, we ensured that these groups were culturally and linguistically appropriate, convening a group of youth, a group of Pacific Islanders who had access to Samoan and Tongan translation, a group of Black residents, and a group of Latino residents. CRC conducted the outreach to assemble these groups, facilitated the conversation, noted important themes, and summarized the content for the County. In doing so, we had an opportunity to educate these community members about some of the threats climate change can pose to them and built their confidence and capacity to participate in these conversations.

In partnership with the City of Menlo Park and M-Group, Climate Resilient Communities' proposed engagement plan will capture the interconnected and interdependent nature of people, transportation, housing, and ecology in Menlo Park concentrating on the communities of concern. In particular, CRC will gather the lived experiences of historically marginalized people to develop a comprehensive set of goals and policies aimed to reduce exposure to environmental and health hazards as instructed by SB1000.

Given the need and requirements to fully engage the community, CRC proposes a plan as follows:

Phase 1: Community Outreach and Engagement before the release of the draft Environmental Justice and Safety Elements.

Climate Resilient Communities (CRC) will lead and manage all outreach and communication to achieve deliverables in collaboration with the City and M-Group.

Task A. Collaborate with the CCCT and other Community Based Organizations (CBOs) to refine the proposed outreach approach and methodology.

To engage with communities effectively, CRC will work with the CCCT to co-develop outreach activities and strategies that will ensure community buy-in and commitment to the project. These activities will include the Community Kick-Off Workshop, focus groups, and a survey specific to the drafting of policies for Menlo Park's Environmental Justice and Safety Elements.

CRC will also subcontract with three CBOs within the Belle Haven community to assist with the proposed focus groups and surveys. The Belle Haven CCCT will assist in this effort by recommending CBOs for consideration by CRC who will manage their work and provide a Memorandum of Understanding between the CBOs and CRC for the services. The CRC will work with CBO partners to leverage their expertise in culturally and linguistically competent community outreach and relationships of trust with the communities they serve to ensure they engage with the EJ and Safety Element process. Proposed community-based organization (CBO) partners include Boys and Girls Club, Belle Haven Action and Community Gardens. This approach was successfully implemented by CRC in East Palo Alto to build community participation and

trust during a [Community Vulnerability Assessment pilot project](#) funded by the County of San Mateo Office of Sustainability and Caltrans in 2019.

Deliverables: CRC will provide a community outreach and engagement plan developed with feedback from the Belle Haven CCCT. Activities will include but not be limited to: a community workshop and focus group meetings (both online and in-person depending on health conditions related to Covid-19) that are targeted to critical key stakeholders and demographics; survey questions and input collection methods (both online and in-person) and a detailed timeline and/or event sequence that is tied to specific project deliverables. To achieve this, CRC will coordinate directly with the CCCT and facilitate CCCT monthly meetings. CRC will provide a summary of any CCCT feedback from their monthly meetings to M-Group within one week of the meeting. In consultation with CCCT, CRC will refine the identification of focus group participants, as well as identify three Community Based Organizations (CBOs) that will further assist in outreach efforts. CRC will prepare and submit an MOU to the City for each selected CBO.

Total costs for CCCT Coordination and Outreach Plan: \$12,250. This covers personnel costs, including attendance, preparation of any materials, MOU efforts/coordination with CBOs, and creating meeting summaries for M-Group.

Task B. Conduct a Community Workshop focused on the Environmental Justice and Safety Element

The goal of this workshop is to convene community residents and leaders to build understanding and advocacy capacity around environmental justice and safety issues within the community. The subjects will be explained within the context of the Environmental Justice and Safety elements and the General Plan updating process. Residents will be shown what actions they can take in the planning process and on other fronts to advocate for amelioration of their environmental justice concerns. Secondly, the workshop will offer an opportunity to confirm the existing environmental justice and safety issues identified by CalEnviroScreen data analysis (as summarized in the neighborhood profiles), identify gaps, ground-truth the observations, and determine some immediate community priorities.

Deliverables: M-Group to provide draft presentation materials. CRC will compile presentation materials and finalize for the workshop. CRC will provide final materials to M-Group and the City for review in advance of the workshop. CRC will lead the workshop, obtain sign in/participation records, and provide an outcome summary.

Total Cost of Meeting: \$15,565. This covers personnel costs (prep, attendance, summary), food costs and gift card costs.

Task C. Conduct 3 Focus Groups

CRC will develop and implement 3 focus groups to engage with community residents and leaders on environmental justice issues to further identify priorities and to receive extensive guidance on potential policies, programs, and investment solutions to include in the Environmental Justice and Safety elements. Rooted in an understanding that those closest to the problems are often closest to the solutions, CRC will develop and implement three focus groups, as recommended by the CCCT, to address multicultural and language barriers to meet residents where they are. In collaboration with the CBOs, CRC will lead distinct focus groups for the LatinX community in Spanish, an English-speaking group and either a youth group or a group

for elderly residents. CRC will seek guidance from the CCCT to finalize the selection of focus groups for this process.

Deliverables: CRC and CBO partners will facilitate the focus group meetings and outreach. Prior to meetings or notification of meetings, CRC will provide draft outreach materials for review to M-Group and the City. CRC will provide a summary of findings in a report to M-Group.

Cost per Meeting: \$14,793.33. This covers personnel costs, CBO costs, translation costs, printing, food costs and gift card costs.

Total Cost of all 3 Meetings: \$44,380. This covers personnel costs, CBO costs, translation costs, printing, food costs and gift card costs.

Task D. Prepare and Distribute Survey

This task will augment, acknowledge, and respond to community feedback from the previous city-wide survey. CRC will conduct an Environmental Justice/Safety Elements survey to more deeply engage and solicit input from our residents suffering environmental injustices. The survey will seek to get community wide input on Environmental Justice and Safety element issues and affirm priorities and policies that emerged from the Environmental Justice Community Workshop and community focus groups. CRC will lead the development and implementation of the survey with guidance from the CCCT and support as needed from the City and M-Group. CRC will work directly with the Belle Haven CCCT to finalize survey questions and survey methodology. The survey will include comprehensive qualitative and quantitative elements and robust demographic and socioeconomic profiles of respondents. Responses will be analyzed with statistical rigor. Building off our previous collaboration with the Climate Change survey in East Palo Alto, CRC will subcontract to bring City Systems onboard to assist with the EJ and Safety Element Survey.

City Systems will assist CRC in facilitation of meetings with the Belle Haven CCCT and other community stakeholders to co-design the survey questionnaire, based on stakeholder-identified gaps in understanding of community awareness, concerns, and priorities regarding environmental justice and hazards. Second, City Systems will assist in preparing digital and paper-based survey forms, collaborating with other partners to provide all necessary translation of materials. Third, City Systems will prepare an online performance tracking tool that will enable volunteer surveyors to be assigned specific census blocks in which to conduct door-to-door outreach and log real-time progress. Using 2020 Decennial Census data, the tool will enable targeting of outreach efforts in specific blocks so as to align the demographic distribution of responses as much as possible with the population distribution. Fourth, City Systems will lead data cleaning and analysis, including the tabulation of responses by demographic and socioeconomic characteristics. These anonymized results will be disseminated in the form of static graphics as well as an interactive web dashboard. Fifth, City Systems will be available to assist CRC to give presentations about the survey results with community stakeholders, as needed.

Deliverables: CRC, in coordination with City Systems, the CBOs, and CCCT will craft and administer the survey questions. Prior to administering the survey CRC will provide a draft for review to M-Group and the City. CRC will also coordinate with City Systems to provide a final Survey report to M-Group and City of Menlo Park. CRC will also provide a signed MOU by City Systems for their services to the City for approval.

Total Cost: \$53,650. Covers personnel costs, City Systems costs, CBO costs, translation, printing and mail costs, and gift card costs for survey completion and lottery.

Task E. Provide a final summary report of outreach efforts to M-Group and the City.

CRC will prepare a final summary of the community outreach and engagement efforts with key outcomes collected and shared in summary form in a final report delivered to M-Group and the City.

Deliverables: CRC will provide a summary report of the outreach efforts (workshop, focus groups, and survey outreach efforts) to the City and M-Group for the purpose of drafting the Environmental Justice and Safety Elements.

Total Cost: \$7,433. Covers personnel costs.

Phase 2: Outreach after the release of the draft EIR and EJ and Safety Elements

Task A. Coordinate with CCCT on messaging for the delivery of draft EIR and Environmental Justice & Safety Elements

CRC will present findings and the draft EIR and Elements to the CCCT in collaboration with the City and M-Group.

Deliverables: CRC to provide a memo with recommendations on how to share documents with the community based on feedback and conversations with the CCCT.

Total Costs: \$15,075. Covers personnel costs, including attendance, preparation of materials, and summaries for M-Group.

Task B. Get feedback from Community through outreach events

CRC will coordinate with M-Group and the City to present the draft EIR and Environmental and Safety Elements to the community over three community meetings or workshops. CBOs will support the outreach with culturally and linguistically appropriate messaging for the population they serve.

Deliverables: CRC will conduct three meetings or workshops with the community on various documents related to the drafts EJ and Safety Elements. CRC will provide final materials to M-Group and the City for review in advance of the events. CRC will then provide summary reports of the community outreach and engagement efforts to M-Group and the City.

Cost per Meeting: \$7,048.33. This covers personnel costs (preparation, attendance, and creation of summaries for M-Group), translation costs, printing, food costs and gift card costs.

Total Cost of all 3 Meetings: \$21,145. This covers personnel costs (preparation, attendance, and creation of summaries for M-Group), translation costs, printing, food costs and gift card costs.

Work Plan and Preliminary Timeline

Task Description	Projected Time (2022)
1) CCCT Meetings	Monthly meetings from March-December
2) EJ Community Workshop	Week of March 28 th (Potential Date: March 31 st)
3) Focus Groups	Mid-April, Submit report of findings in late-April

<p>4) EJ/Safety Elements Survey</p>	<p>Begins following Mid-May focus groups and will continue through the end of June.</p> <p>Preliminary findings of survey at the end of May.</p> <p>Survey Final Report submission at the end of June.</p>
<p>5) Community Engagement to respond to Draft EJ/Safety Elements in advance of adoption hearings</p>	<p>June - October</p>

<u>Proposed Budget for EJ and Safety Element Community Engagement</u>		
Item	Description	Cost
Phase 1		
Task A: Outreach Strategy and CCCT Coordination		
Executive Director	Execution of Deliverables, 100 hrs @ \$63/hr	\$6,300
Outreach Coordinator	Execution of Deliverables, 120 hrs @ \$30/hr	\$3,600
Program Manager	Execution of Deliverables, 50 hrs @ \$47/hr	\$2,350
<i>Subtotal Task A</i>		\$12,250
Task B: Community Workshop		
Executive Director	Execution of Deliverables, 80 hrs @ \$63/hr	\$5,040
Outreach Coordinator	Execution of Deliverables, 100 hrs @ \$30/hr	\$3,000
Program Manager	Execution of Deliverables, 75 hrs @ \$47/hr	\$3,525
Translation of Materials	3 hours X \$80/hr (4 languages)	\$320
Interpreter at Meeting	3 hours X \$80/hr	\$480
Gift Cards for Workshop attendees	40 attendees X \$50	\$2,000
Food	40 attendees X \$20	\$800
Notification Materials	Printing	\$400
<i>Subtotal Task B</i>		\$15,565
Task C: Focus Groups		
Executive Director	Execution of Deliverables, 50 hrs @ \$63/hr	\$3,150
Outreach Coordinator	Execution of Deliverables, 150 hrs @ \$30/hr	\$4,500
Program Manager	Execution of Deliverables, 90 hrs @ \$47/hr	\$4,230
CBO partnerships	Personnel time for outreach and consultation, \$7,500 each X 3	\$22,500
Translation of Materials	3 hours X \$80/hr (4 languages)	\$240
Interpreter at Meeting	12 hours X \$80/hr	\$960
Gift Cards for (3) Focus Groups	40 attendees X \$50 X 3 groups	\$6,000
Food for (3) Focus Groups	40 attendees X \$20 X 3 groups	\$2,400
Notification Materials	Printing	\$400
<i>Subtotal Task C</i>		\$44,380
Task D: Survey		

Executive Director	Execution of Deliverables, 100 hrs @ \$63/hr	\$6,300
Outreach Coordinator	Execution of Deliverables, 100 hrs @ \$30/hr	\$3,000
Program Manager	Execution of Deliverables, 100 hrs @ \$47/hr	\$4,700
CBO partnerships	Personnel time for outreach and consultation, \$7,500 each X 3	\$22,500
Translation of Materials	3 hours X \$80/hr (4 languages)	\$240
Interpreter at Meeting	2 hours X \$80/hr	\$160
Consultant (City Systems) For survey	110 hours X \$125/hr	\$13,750
Mailing of Postcards for Survey	Mailing Post	\$500
Lottery associated with Survey	10 X \$100 gift Card	\$1,000
Survey Gift Cards	300 surveys X \$5	\$1,500
<i>Subtotal Task D</i>		\$53,650
Task E: Final Summary		
Executive Director	Execution of Deliverables, 61 hrs @ \$63/hr	\$3,843
Outreach Coordinator	Execution of Deliverables, 10 hrs @ \$30/hr	\$300
Program Manager	Execution of Deliverables, 70 hrs @ \$47/hr	\$3,290
<i>Subtotal Task E</i>		\$7,433
Subtotal Phase 1		\$133,278
Phase 2		
Task A: Outreach Strategy and CCCT Coordination		
Executive Director	Execution of Deliverables, 115 hrs @ \$63/hr	\$7,245
Outreach Coordinator	Execution of Deliverables, 120 hrs @ \$30/hr	\$3,600
Program Manager	Execution of Deliverables, 90 hrs @ \$47/hr	\$4,230
<i>Subtotal Task A</i>		\$15,075
Task B: Community Workshops/Meetings x3		
Executive Director	Execution of Deliverables, 50 hrs @ \$63/hr	\$3,150
Outreach Coordinator	Execution of Deliverables, 120 hrs @ \$30/hr	\$3,600
Program Manager	Execution of Deliverables, 85 hrs @ \$47/hr	\$3,995
Translation of Materials	10 hours (for 4 languages) X \$80/hr	\$800
Interpreter at Meeting	10 hours X \$80/hr	\$800
Gift Cards for Workshop attendees	40 people X \$50 X 3 meetings	\$6,000
Food	40 people X \$20 X 3 meetings	\$2,400

Notification Materials	Printing	\$400
<i>Subtotal Task B</i>		\$21,145
Subtotal Phase 2		\$36,220
Indirect Cost		
Overhead	10% Overhead Cost	\$16,820
Total		\$186,318

CONSULTANT AGREEMENT

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



Agreement #: 3223
AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND METROPOLITAN PLANNING GROUP (M-GROUP)
THIS AGREEMENT made and entered into at Menlo Park, California, this <u>6/14/2021</u> , by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY," and METROPOLITAN PLANNING GROUP (M-GROUP), hereinafter referred to as "FIRST PARTY."
<p>WITNESSETH:</p> <p>WHEREAS, CITY desires to retain FIRST PARTY to provide certain professional services for CITY in connection with that certain project called: Housing element update</p> <p>WHEREAS, FIRST PARTY is licensed to perform said services and desires to and does hereby undertake to perform said services.</p> <p>NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND CONDITIONS of each of the parties hereto, it is hereby agreed as follows:</p>
1. SCOPE OF WORK
In consideration of the payment by CITY to FIRST PARTY, as hereinafter provided, FIRST PARTY agrees to perform all the services as set forth in Exhibit "A," Scope of Services.
2. SCHEDULE FOR WORK
<p>FIRST PARTY's proposed schedule for the various services required pursuant to this agreement will be as set forth in Exhibit "A," Scope of Services. CITY will be kept informed as to the progress of work by written reports, to be submitted monthly or as otherwise required in Exhibit "A." Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents or other events beyond the control of the other, or the other's employees and agents.</p> <p>FIRST PARTY shall commence work immediately upon receipt of a "Notice to Proceed" from CITY. The "Notice to Proceed" date shall be considered the "effective date" of the agreement, as used herein, except as otherwise specifically defined. FIRST PARTY shall complete all the work and deliver to CITY all project related files, records, and materials within one month after completion of all of FIRST PARTY's activities required under this agreement.</p>
3. PROSECUTION OF WORK
FIRST PARTY will employ a sufficient staff to prosecute the work diligently and continuously and will complete the work in accordance with the schedule of work approved by the CITY. (See Exhibit "A," Scope of Services).

4. COMPENSATION AND PAYMENT

- A. CITY shall pay FIRST PARTY an all-inclusive fee that shall not exceed \$982,000 as described in Exhibit "A," Scope of Services. All payments shall be inclusive of all indirect and direct charges to the Project incurred by FIRST PARTY. The CITY reserves the right to withhold payment if the City determines that the quantity or quality of the work performed is unacceptable.
- B. FIRST PARTY's fee for the services as set forth herein shall be considered as full compensation for all indirect and direct personnel, materials, supplies and equipment, and services incurred by FIRST PARTY and used in carrying out or completing the work.
- C. Payments shall be monthly for the invoice amount or such other amount as approved by CITY. As each payment is due, the FIRST PARTY shall submit a statement describing the services performed to CITY. This statement shall include, at a minimum, the project title, agreement number, the title(s) of personnel performing work, hours spent, payment rate, and a listing of all reimbursable costs. CITY shall have the discretion to approve the invoice and the work completed statement. Payment shall be for the invoice amount or such other amount as approved by CITY.
- D. Payments are due upon receipt of written invoices. CITY shall have the right to receive, upon request, documentation substantiating charges billed to CITY. CITY shall have the right to perform an audit of the FIRST PARTY's relevant records pertaining to the charges.

5. EQUAL EMPLOYMENT OPPORTUNITY

- A. FIRST PARTY, with regard to the work performed by it under this agreement shall not discriminate on the grounds of race, religion, color, national origin, sex, handicap, marital status or age in the retention of sub-consultants, including procurement of materials and leases of equipment.
- B. FIRST PARTY shall take affirmative action to insure that employees and applicants for employment are treated without regard to their race, color, religion, sex, national origin, marital status or handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training including apprenticeship.
- C. FIRST PARTY shall post in prominent places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- D. FIRST PARTY shall state that all qualified applications will receive consideration for employment without regard to race, color, religion, sex, national origin, marital status or handicap.
- E. FIRST PARTY shall comply with Title VI of the Civil Rights Act of 1964 and shall provide such reports as may be required to carry out the intent of this section.
- F. FIRST PARTY shall incorporate the foregoing requirements of this section in FIRST PARTY's agreement with all sub-consultants.

6. ASSIGNMENT OF AGREEMENT AND TRANSFER OF INTEREST

- A. FIRST PARTY shall not assign this agreement, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the CITY thereto, provided, however, that claims for money due or to become due to the FIRST PARTY from the CITY under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of an intended assignment or transfer shall be furnished promptly to the CITY.
- B. In the event there is a change of more than 30 percent of the stock ownership or ownership in FIRST PARTY from the date of this agreement is executed, then CITY shall be notified before the date of said change of stock ownership or interest and CITY shall have the right, in event of such change in stock ownership or interest, to terminate this agreement upon notice to FIRST PARTY. In the event CITY is not notified of any such change in stock ownership or interest, then upon knowledge of same, it shall be deemed that CITY has terminated this agreement.

7. INDEPENDENT WORK CONTROL

It is expressly agreed that in the performance of the service necessary for compliance with this agreement, FIRST PARTY shall be and is an independent contractor and is not an agent or employee of CITY. FIRST PARTY has and shall retain the right to exercise full control and supervision of the services and full control over the employment, direction, compensation and discharge of all persons assisting FIRST PARTY in the performance of FIRST PARTY's services hereunder. FIRST PARTY shall be solely responsible for its own acts and those of its subordinates and employees.

8. CONSULTANT QUALIFICATIONS

It is expressly understood that FIRST PARTY is licensed and skilled in the professional calling necessary to perform the work agreed to be done by it under this agreement and CITY relies upon the skill of FIRST PARTY to do and perform said work in a skillful manner usual to the profession. The acceptance of FIRST PARTY's work by CITY does not operate as a release of FIRST PARTY from said understanding.

9. NOTICES

All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid or by overnight courier service. Notices required to be given to CITY shall be addressed as follows:

Deanna Chow
Community Development
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025
650-330-6733
dmchow@menlopark.org

Notices required to be given to FIRST PARTY shall be addressed as follows:

Geoff Bradley
Metropolitan Planning Group (M-Group)
307 Orchard City Drive, Suite 10
Campbell, CA 9500
408-340-5642
GBradley@m-group.us

Provided that any party may change such address by notice, in writing, to the other party and thereafter notices shall be addressed and transmitted to the new address.

10. HOLD HARMLESS

The FIRST PARTY shall defend, indemnify and hold harmless the CITY, its subsidiary agencies, their officers, agents, employees and servants from all claims, suits or actions that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the FIRST PARTY brought for, or on account of, injuries to or death of any person or damage to property resulting from the performance of any work required by this agreement by FIRST PARTY, its officers, agents, employees and servants. Nothing herein shall be construed to require the FIRST PARTY to defend, indemnify or hold harmless the CITY, its subsidiary agencies, their officers, agents, employees and servants against any responsibility to liability in contravention of Section 2782.8 of the California Civil Code.

11. INSURANCE

- A. FIRST PARTY shall not commence work under this agreement until all insurance required under this Section has been obtained and such insurance has been approved by the City, with certificates of insurance evidencing the required coverage.
- B. There shall be a contractual liability endorsement extending the FIRST PARTY's coverage to include the contractual liability assumed by the FIRST PARTY pursuant to this agreement. These certificates shall specify or be endorsed to provide that thirty (30) days' notice must be given, in writing, to the CITY, at the address shown in Section 9, of any pending cancellation of the policy. FIRST PARTY shall notify CITY of any pending change to the policy. All certificates shall be filed with the City.
1. Workers' compensation and employer's liability insurance:
The FIRST PARTY shall have in effect during the entire life of this agreement workers' compensation and Employer's Liability Insurance providing full statutory coverage. In signing this agreement, the FIRST PARTY makes the following certification, required by Section 18161 of the California Labor Code: "I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of this agreement" (not required if the FIRST PARTY is a Sole Proprietor).
 2. Liability insurance:
The FIRST PARTY shall take out and maintain during the life of this agreement such Bodily Injury Liability and Property Damage Liability Insurance (Commercial General Liability Insurance) on an occurrence basis as shall protect it while performing work covered by this agreement from any and all claims for damages for bodily injury, including accidental death, as well as claims for property damage which may arise from the FIRST PARTY's operations under this agreement, whether such operations be by FIRST PARTY or by any sub-consultant or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall be not less than one million dollars (\$1,000,000) per occurrence and one million dollars (\$1,000,000) in aggregate, or one million dollars (\$1,000,000) combined single limit bodily injury and property damage for each occurrence. FIRST PARTY shall provide the CITY with acceptable evidence of coverage, including a copy of all declarations of coverage exclusions. FIRST PARTY shall maintain Automobile Liability Insurance pursuant to this agreement in an amount of not less than one million dollars (\$1,000,000) for each accident combined single limit or not less than one million dollars (\$1,000,000) for any one (1) person, and one million dollars (\$1,000,000) for any one (1) accident, and Three Hundred Thousand Dollars, (\$300,000) property damage.
 3. Professional liability insurance:
FIRST PARTY shall maintain a policy of professional liability insurance, protecting it against claims arising out of the negligent acts, errors, or omissions of FIRST PARTY pursuant to this agreement, in the amount of not less than one million dollars (\$1,000,000) per claim and in the aggregate. Said professional liability insurance is to be kept in force for not less than one (1) year after completion of services described herein.
- C. CITY and its subsidiary agencies, and their officers, agents, employees and servants shall be named as additional insured on any such policies of Commercial General Liability and Automobile Liability Insurance, (but not for the Professional Liability and workers' compensation), which shall also contain a provision that the insurance afforded thereby to the CITY, its subsidiary agencies, and their officers, agents, employees, and servants shall be primary insurance to the full limits of liability of the policy, and that if the CITY, its subsidiary agencies and their officers and employees have other insurance against a loss covered by a policy, such other insurance shall be excess insurance only.
- D. In the event of the breach of any provision of this Section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, CITY, at its option, may, notwithstanding any other provision of this agreement to the contrary, immediately declare a material breach of this agreement and suspend all further work pursuant to this agreement.
- E. Before the execution of this agreement, any deductibles or self-insured retentions must be declared to and approved by CITY.

12. PAYMENT OF PERMITS/LICENSES

Contractor shall obtain any license, permit, or approval if necessary from any agency whatsoever for the work/services to be performed, at his/her own expense, before commencement of said work/services or forfeit any right to compensation under this agreement.

13. RESPONSIBILITY AND LIABILITY FOR SUB-CONSULTANTS AND/OR SUBCONTRACTORS

Approval of or by CITY shall not constitute nor be deemed a release of responsibility and liability of FIRST PARTY or its sub-consultants and/or subcontractors for the accuracy and competency of the designs, working drawings, specifications or other documents and work, nor shall its approval be deemed to be an assumption of such responsibility by CITY for any defect in the designs, working drawings, specifications or other documents prepared by FIRST PARTY or its sub-consultants and/or subcontractors.

14. OWNERSHIP OF WORK PRODUCT

Work products of FIRST PARTY for this project, which are delivered under this agreement or which are developed, produced and paid for under this agreement, shall become the property of CITY. The reuse of FIRST PARTY's work products by City for purposes other than intended by this agreement shall be at no risk to FIRST PARTY.

15. REPRESENTATION OF WORK

Any and all representations of FIRST PARTY, in connection with the work performed or the information supplied, shall not apply to any other project or site, except the project described in Exhibit "A" or as otherwise specified in Exhibit "A."

16. TERMINATION OF AGREEMENT

- A. CITY may give thirty (30) days written notice to FIRST PARTY, terminating this agreement in whole or in part at any time, either for CITY's convenience or because of the failure of FIRST PARTY to fulfill its contractual obligations or because of FIRST PARTY's change of its assigned personnel on the project without prior CITY approval. Upon receipt of such notice, FIRST PARTY shall:
1. Immediately discontinue all services affected (unless the notice directs otherwise); and
 2. Deliver to the CITY all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated or produced by FIRST PARTY in performing work under this agreement, whether completed or in process.
- B. If termination is for the convenience of CITY, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.
- C. If the termination is due to the failure of FIRST PARTY to fulfill its agreement, CITY may take over the work and prosecute the same to completion by agreement or otherwise. In such case, FIRST PARTY shall be liable to CITY for any reasonable additional cost occasioned to the CITY thereby.
- D. If, after notice of termination for failure to fulfill agreement obligations, it is determined that FIRST PARTY had not so failed, the termination shall be deemed to have been effected for the convenience of the CITY. In such event, adjustment in the contract price shall be made as provided in Paragraph B of this Section.
- E. The rights and remedies of the CITY provided in this Section are in addition to any other rights and remedies provided by law or under this agreement.
- F. Subject to the foregoing provisions, the CITY shall pay FIRST PARTY for services performed and expenses incurred through the termination date.

17. INSPECTION OF WORK

It is FIRST PARTY's obligation to make the work product available for CITY's inspections and periodic reviews upon request by CITY.

18. COMPLIANCE WITH LAWS

It shall be the responsibility of FIRST PARTY to comply with all State and Federal Laws applicable to the work and services provided pursuant to this agreement, including but not limited to compliance with prevailing wage laws, if applicable.

19. BREACH OF AGREEMENT

- A. This agreement is governed by applicable federal and state statutes and regulations. Any material deviation by FIRST PARTY for any reason from the requirements thereof, or from any other provision of this agreement, shall constitute a breach of this agreement and may be cause for termination at the election of the CITY.
- B. The CITY reserves the right to waive any and all breaches of this agreement, and any such waiver shall not be deemed a waiver of any previous or subsequent breaches. In the event the CITY chooses to waive a particular breach of this agreement, it may condition same on payment by FIRST PARTY of actual damages occasioned by such breach of agreement.

20. SEVERABILITY

The provisions of this agreement are severable. If any portion of this agreement is held invalid by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect unless amended or modified by the mutual consent of the parties.

21. CAPTIONS

The captions of this agreement are for convenience and reference only and shall not define, explain, modify, limit, exemplify, or aid in the interpretation, construction, or meaning of any provisions of this agreement.

22. LITIGATION OR ARBITRATION

In the event that suit or arbitration is brought to enforce the terms of this agreement, the prevailing party shall be entitled to litigation costs and reasonable attorneys' fees. The Dispute Resolution provisions are set forth on Exhibit "B," 'Dispute Resolution' attached hereto and by this reference incorporated herein.

23. RETENTION OF RECORDS

Contractor shall maintain all required records for three years after the City makes final payment and all other pending matters are closed, and shall be subject to the examination and /or audit of the City, a federal agency, and the state of California.

24. TERM OF AGREEMENT

This agreement shall remain in effect for the period of May 10, 2021 through January 31, 2023 unless extended, amended, or terminated in writing by CITY.

25. ENTIRE AGREEMENT

This document constitutes the sole agreement of the parties hereto relating to said project and states the rights, duties, and obligations of each party as of the document's date. Any prior agreement, promises, negotiations, or representations between parties not expressly stated in this document are not binding. All modifications, amendments, or waivers of the terms of this agreement must be in writing and signed by the appropriate representatives of the parties to this agreement.

26. STATEMENT OF ECONOMIC INTEREST

Consultants, as defined by Section 18701 of the Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations, are required to file a Statement of Economic Interests with 30 days of approval of a contract services agreement with the City of its subdivisions, on an annual basis thereafter during the term of the contract, and within 30 days of completion of the contract.

Based upon review of the Consultant's Scope of Work and determination by the City Manager, it is determined that Consultant IS NOT required to file a Statement of Economic Interest. A statement of Economic Interest shall be filed with the City Clerk's office no later than 30 days after the execution of the agreement.

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

FOR FIRST PARTY:

DocuSigned by:
Geoff Bradley
C006EBC3FB304D1...
Signature

6/3/2021
Date

Geoff Bradley
Printed name

President
Title

20-525208
Tax ID#

APPROVED AS TO FORM:

DocuSigned by:
Nira Doherty
44FFE23C8E6B458...
Nira F. Doherty, City Attorney

6/14/2021
Date

FOR CITY OF MENLO PARK:

DocuSigned by:
Starla Jerome-Robinson
6BD907BD261744C...
Starla Jerome-Robinson, City Manager

6/14/2021
Date

ATTEST:

DocuSigned by:
Judi A. Herren
39280A20D0BE491...
Judi A. Herren, City Clerk

6/14/2021
Date

EXHIBIT “A” – SCOPE OF SERVICES**A1. SCOPE OF WORK**

FIRST PARTY agrees to provide consultant services for CITY’s Community Development Department. In the event of any discrepancy between any of the terms of the FIRST PARTY’s proposal and those of this agreement, the version most favorable to the CITY shall prevail. FIRST PARTY shall provide the following services:

Provide general consultant services for projects as determined by the CITY. The detailed scope of work for each task the CITY assigns the consultant shall be referred to as Exhibit A -1, which will become part of this agreement. A notice to proceed will be issued separately for each separate scope of work agreed to between the CITY and FIRST PARTY.

FIRST PARTY agrees to perform these services as directed by the CITY in accordance with the standards of its profession and CITY’s satisfaction.

A2. COMPENSATION

CITY shall pay FIRST PARTY an all-inclusive fee not-to-exceed \$982,000 as described in Exhibit A-1, Scope of Services – “Menlo Park Housing & Environmental Justice Elements Budget”. All payments, shall be inclusive of all indirect and direct charges to the Project incurred by FIRST PARTY. The CITY reserves the right to withhold payment if the CITY determines that the quantity or quality of the work performed is unacceptable.

FIRST PARTY’s fee for the services as set forth herein shall be considered as full compensation for all indirect and direct personnel, materials, supplies and equipment, and serviced incurred by FIRST PARTY and used in carrying out or completing the work.

FIRST PARTY shall be paid within thirty (30) days after approval of billing for work completed and approved by the CITY. Invoices shall be submitted containing all information contained in Section A5 below. In no event shall FIRST PARTY be entitled to compensation for extra work unless an approved change order, or other written authorization describing the extra work and payment terms, has been executed by CITY before the commencement of the work.

A3. SCHEDULE OF WORK

FIRST PARTY’S proposed schedule for the various services required will be set forth in Exhibit A-1.

A4. CHANGES IN WORK -- EXTRA WORK

In addition to services described in Section A1, the parties may from time to time agree in writing that FIRST PARTY, for additional compensation, shall perform additional services including but not limited to:

- Change in the services because of changes in scope of the work.
- Additional tasks not specified herein as required by the CITY.

The CITY and FIRST PARTY shall agree in writing to any changes in compensation and/or changes in FIRST PARTY’s services before the commencement of any work. If FIRST PARTY deems work he/she has been directed to perform is beyond the scope of this agreement and constitutes extra work, FIRST PARTY shall immediately inform the CITY in writing of the fact. The CITY shall make a determination as to whether such work is in fact beyond the scope of this agreement and constitutes extra work. In the event that the CITY determines that such work does constitute extra work, it shall provide compensation to the FIRST PARTY in accordance with an agreed cost that is fair and equitable. This cost will be mutually agreed upon by the CITY and FIRST PARTY. A supplemental agreement providing for such compensation for extra work shall be negotiated between the CITY and the FIRST PARTY. Such

supplemental agreement shall be executed by the FIRST PARTY and may be approved by the City Manager upon recommendation of the Assistant Community Development Director.

A5. BILLINGS

FIRST PARTY's bills shall include the following information: A brief description of services performed, project title and the agreement number; the date the services were performed; the number of hours spent and by whom; the current contract amount; the current invoice amount; Except as specifically authorized by CITY, FIRST PARTY shall not bill CITY for duplicate services performed by more than one person. In no event shall FIRST PARTY submit any billing for an amount in excess of the maximum amount of compensation provided in Section A2.

The expenses of any office, including furniture and equipment rental, supplies, salaries of employees, telephone calls, postage, advertising, and all other expenses incurred by FIRST PARTY in the performances of this agreement shall be incurred at the FIRST PARTY's discretion. Such expenses shall be FIRST PARTY's sole financial responsibility.

EXHIBIT "B" - DISPUTE RESOLUTION

- B1.0** All claims, disputes and other matters in question between the FIRST PARTY and CITY arising out of, or relating to, the contract documents or the breach thereof, shall be resolved as follows:
- B2.0 Mediation**
- B2.1** The parties shall attempt in good faith first to mediate such dispute and use their best efforts to reach agreement on the matters in dispute. After a written demand for non-binding mediation, which shall specify in detail the facts of the dispute, and within ten (10) days from the date of delivery of the demand, the matter shall be submitted to a mutually agreeable mediator. The Mediator shall hear the matter and provide an informal opinion and advice, none of which shall be binding upon the parties, but is expected by the parties to help resolve the dispute. Said informal opinion and advice shall be submitted to the parties within twenty (20) days following written demand for mediation. The Mediator's fee shall be shared equally by the parties. If the dispute has not been resolved, the matter shall be submitted to arbitration in accordance with Paragraph B3.1.
- B3.0 Arbitration**
- B3.1** Any dispute between the parties that is to be resolved by arbitration as provided in Paragraph B2.1 shall be settled and decided by arbitration conducted by the American Arbitration Association in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association, as then in effect, except as provided below. Any such arbitration shall be held before three arbitrators who shall be selected by mutual agreement of the parties; if agreement is not reached on the selection of the arbitrators within fifteen (15) days, then such arbitrator(s) shall be appointed by the presiding Judge of the court of jurisdiction of the agreement.
- B3.2** The provisions of the Construction Industry Arbitration Rules of the American Arbitration Association shall apply and govern such arbitration, subject, however to the following:
- B3.3** Any demand for arbitration shall be writing and must be made within a reasonable time after the claim, dispute or other matter in question as arisen. In no event shall the demand for arbitration be made after the date that institution of legal or equitable proceedings based on such claim, dispute or other matter would be barred by the applicable statute of limitations.
- B3.4** The arbitrator or arbitrators appointed must be former or retired judges, or attorneys at law with last ten (10) years' experience in construction litigation.
- B3.5** All proceedings involving the parties shall be reported by a certified shorthand court reporter, and written transcripts of the proceedings shall be prepared and made available to the parties.
- B3.6** The arbitrator or arbitrators must be made within and provide to the parties factual findings and the reasons on which the decisions of the arbitrator or arbitrators is based.
- B3.7** Final decision by the arbitrator or arbitrators must be made within ninety (90) days from the date of the arbitration proceedings are initiated.
- B3.8** The prevailing party shall be awarded reasonable attorneys' fees, expert and non-expert witness costs and expenses, and other costs and expenses incurred in connection with the arbitration, unless the arbitrator or arbitrators for good cause determine otherwise.
- B3.9** Costs and fees of the arbitrator or arbitrators shall be borne by the non-prevailing party, unless the arbitrator or arbitrators for good cause determine otherwise.
- B3.10** The award or decision of the arbitrator or arbitrators, which may include equitable relief, shall be final, and judgment may be entered on it in accordance with applicable law in any court having jurisdiction over the matter.

WORK PLAN OVERVIEW

The process to develop the Housing and Environmental Justice Elements update is comprised of ten major task items which are further detailed by subtasks, optional tasks, and deliverables. The Scope, Budget and Schedule are all structured on the following 10 major tasks:

- TASK 1 - Project Administration
- TASK 2 - Community Outreach & Engagement
- TASK 3 - Housing Element and Related Work
- TASK 4 - Environmental Justice and Safety Element
- TASK 5 - Environmental, VMT and Fiscal Reviews
- TASK 6 – Fiscal Analysis
- TASK 7 – Public Review of Documents
- TASK 8 – Transportation Analysis
- TASK 9 – Environmental Analysis
- TASK 10 – Adoption & Certifications

TASK 1 | PROJECT ADMINISTRATION

Task 1.1. Project Kick-off Meeting with City Council

M-Group will present a kick-off meeting with the City Council to over the approach to the Housing Element. M-Group will present the draft community outreach plan, schedule, and roles & expectations for the decision-making bodies.

Deliverable(s): Kick-off meeting presentation

Task 1.2. Housing Element Update to Housing Commission and Planning Commission

After the kick-off meeting with the City Council, M-Group with City staff will provide an update to the Housing Commission and the Planning Commission on the Housing Element project. It is anticipated the community outreach will commence after the establishment of the Community Engagement and Outreach Committee.

Deliverable(s): One (1) Housing Commission Update Presentation
One (1) Planning Commission Update Presentation

Task 1.3. Finalize and Update Schedule

M-Group will prepare a detailed schedule with milestones and dates for completion of tasks. Monthly updates will also be provided in the schedule. In the event of project delays, we will advise the City's project manager on the strategies to correct and mitigate. The schedule will reflect tasks and milestones for City Council adoption of the Housing Element by December 15, 2022, and related project components.

Deliverable(s): One (1) final Schedule in MS Excel

Task 1.4. Project Management and Coordination

M-Group will communicate with City staff via telephone, video conferencing, and email throughout the project to ensure objectives and milestones are being achieved. It is assumed that there will be regular meetings (approximately every two weeks) with Planning staff, including staff with other departments and organizations. M-Group will provide regular email progress reports to the City project manager. M-Group and City staff will maintain an online file transfer folder on Box (or other agreed-to platform) for all project materials, which will be accessible to City staff and consultants. We will coordinate with 21 Elements to ensure a cohesive product.

Deliverable(s): Bi-weekly meetings or phone calls with City staff (1 hour)
Other scheduled calls/meetings
Agendas for calls/meetings with City staff (electronic copies in PDF)
Call summaries with follow up items (electronic copies in PDF), M-Group staff will type notes during meetings
Set up document sharing folder

Task 1.5. Coordination with HCD

M-Group will coordinate with HCD for the adoption of the housing element throughout the project. M-Group will utilize any HCD consultation work completed by 21 Elements.

Deliverable(s): Written call summaries or correspondence with HCD (electronic copies in PDF)

TASK 2 | COMMUNITY OUTREACH & ENGAGEMENT

M-Group is dedicated to effective community outreach and engagement. We use proven methods and are always developing new tools for engagement, including online tools, videos and physical exercises to broadcast and elicit ideas. We are assuming that initial outreach for this plan will be conducted virtually due to the Covid-19 pandemic. Our outreach approach draws from experience leading and facilitating complex planning processes as well as serving as City staff. Visual tools for envisioning changes to the City will be developed graphically for understanding by everyone. The core team are seasoned facilitators of public meetings who will tailor the approach to speak to a range of audiences through multiple media.

Focused and meaningful community engagement is an integral part of the Housing Element Update process both because it leads to a higher-quality, implementable plan, and because it's required by the State. Government Code 65583(c)(7) requires: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." This is a crucial component towards developing inclusive and equitable housing strategies.

M-Group will develop a tailored community outreach program designed to reach all segments of the community, including disadvantaged people and others who find it challenging to engage with local government. Our comprehensive outreach approach could include but is not limited to community-wide and focus group meetings, website materials, online surveys, and other techniques to ensure broad participation of the affected public, including language interpretation and translated materials.

The following table summarizes the plan to ensure various groups are engaged in the process.

Outreach strategies

Group	Strategy
Monolingual speakers	<ul style="list-style-type: none"> • Flyers, Survey, and Website provided in Spanish • Individual Phone calls with translation services • Website with translation to a variety of languages • Partner with local advocacy groups on translation services
Lower income groups	<ul style="list-style-type: none"> • Flyers and outreach materials provided to Social Service Providers and advocacy groups. • Partner with Religious Organizations as many of these organizations represent a diverse group of people
People of color	<ul style="list-style-type: none"> • Have community outreach meetings in all neighborhoods/Council Districts • Partner with specific local advocacy groups to spread message • Involve local advocacy groups in the public outreach process. This allows for a higher level of trust when the advocacy groups are part of the outreach effort. • Partner with local advocacy groups for translation services
Renters	<ul style="list-style-type: none"> • Obtain multifamily building addresses from the San Mateo County Assessors office to provide outreach to renters. • Obtain single family home addresses which are not owner occupied. This will list will provide house rentals. • Develop a list of ADU addresses to also add to the renters list. • City Staff can mail bilingual flyers to these addresses

Students	<ul style="list-style-type: none"> Flyers will be provided to local schools to assist with reaching families with young children. Flyers will be distributed to the local libraries Flyers will be distributed to local universities and community colleges.
Families with young children	<ul style="list-style-type: none"> Flyers will be provided to local schools to assist with reaching families with young children. Flyers provided to daycare facilities Flyers will be distributed at the local Farmers' Markets
Seniors	<ul style="list-style-type: none"> Flyers will be distributed to senior centers, senior living facilities, and local community colleges with adult learning classes. Flyers will be distributed to the local libraries
Veterans	<ul style="list-style-type: none"> Provide information to the local US Department of Veteran Affairs
Physically disabled	<ul style="list-style-type: none"> Ensure that all in person meetings are handicap accessible and have handicap parking.
Hearing Impaired	<ul style="list-style-type: none"> Provide closed captioning for virtual meetings and sign language translator on-request at in-person meetings
Visually impaired	<ul style="list-style-type: none"> Encourage the use of "Be My Eyes" app

Task 2.1. Housing Element Community Engagement and Outreach Committee (CEOC) Meetings

Introduction/Training

M-Group and City staff will begin Community Engagement and Outreach (CEOC) meetings by conducting an online training session with the CEOC. There will be time for introductions so that the group will be able to meet each other, City staff, and M-Group consultants.

We will go over expectations for this group and provide guidance on meeting and communication protocols outlined in the Brown Act, as necessary. We will also explain how community outreach and their role as an advisory group will fit into the overall project.

Tour of Menlo Park Neighborhoods

City staff and M-Group will provide a tour of various neighborhoods in Menlo Park. The purpose of this tour is to ensure that all members have an awareness of issues in each of the various neighborhoods throughout Menlo Park. This tour is also intended for all members to meet in person to further build the relationship prior to providing feedback to City staff and project consultants. This will also help the group get to know each other better before delving into the meetings and discussions.

Due to Covid-19, it is expected that everyone will drive individual cars to each tour location. Everyone will also be required to wear masks and maintain proper social distancing from each other.

Monthly Meetings

It is anticipated that the group will meet monthly from approximately June 2021 to November 2021 or as necessary to cover the period of active community engagement for the project. The purpose of the monthly meetings is for the advisory group to discuss outreach events and provide feedback, course corrections and suggestions. As a body subject to the Brown Act, these meetings will be open to the public; and a public comment period will be provided.

At these meetings, the project consultant will provide a status update on the community engagement program and an outline of the planned outreach events for the month. The advisory group can provide feedback and suggestions on the planned events.

Project consultants will provide summary notes for each monthly meeting.

Community Engagement Plan Review

The advisory group will review and provide comments on the community engagement plan. Affirmatively Furthering Fair Housing will be a strong focus of the draft community engagement plan. Members of the public who attend this meeting will also be given the opportunity to provide suggestions on the plan.

Deliverable(s): One (1) Training Session
One (1) Walking Tour
Monthly reports to the Community Outreach Advisory Group
Meeting Notes

Task 2.2. City Council Housing Subcommittee Updates

M-Group along with City staff will provide periodic updates the City Council Housing Subcommittee. We anticipate three (3) update meetings with the City Council Housing Subcommittee. The first meeting will mostly consist of M-Group and City staff asking the subcommittee about priorities for the Housing Element Update.

Deliverable(s): Five (5) update meetings to the City Council Housing Subcommittee
Meeting Notes

Task 2.3. Community Engagement Plan

In collaboration with City staff, M-Group will draft an innovative and inclusive community engagement plan that emphasizes contacting groups that are traditionally under-represented in a public outreach process, such as non-English language speakers, disadvantaged communities, evening-time workers, people of color, renters, students, small businesses, seniors, families with young children, and other groups. The outreach will address affirmatively furthering fair housing (AFFH) opportunities and environmental justice. M-Group will use web-based tools to supplement outreach as part of community engagement. M-Group will work with the City to provide outreach and community engagement that accommodates traditionally hard-to-reach populations within the community.

For all community engagement and public meetings, M-Group will facilitate meetings, as needed, and produce relevant display materials and handouts for the public meetings in English and Spanish. M-Group will also create detailed written meeting notes for distribution. City staff will be responsible for scheduling, coordinating, noticing, facilities, and set-up for the public meetings. The Community Engagement Plan will include a list and all planned outcomes of all expected meetings, events, and activities.

Deliverable(s): One (1) electronic copy (MS Word) of the Community Engagement Plan
One (1) electronic copy (PDF) general fact sheets
Attend at One (1) Joint Housing Commission/Planning Commission Meeting

Task 2.4. Master Contact List

M-Group will develop and maintain a master contact list for the distribution of materials, meeting notices and announcements. As part of the Master Contact List, we anticipate providing information to various organizations and request that they further distribute information to their individual contact lists. The list will include the Housing Authority of the County of San Mateo, Housing Advocates, Schools, Libraries, Recreation Center, Religious Organizations (in and near Menlo Park), Community Groups, Major Employers, Senior Centers, and Survey respondents.

Deliverable(s): One (1) master contact list in MS excel format

Task 2.5. Partner with Local Non-Profit Community Groups

As part of the overall outreach approach, M-Group will partner with local non-profit community groups and involve them in the outreach program. We would also ask for their assistance with translation services.

Deliverable(s): Involve non-profit community groups in the outreach process

Task 2.6. Social Media

M-Group will create and maintain a Facebook Page in English and Spanish for this project. M-Group will also maintain a Twitter account in English and Spanish for this project. We will periodically provide updates on these social media platforms regarding outreach and project milestones.

Deliverable(s): Two (2) Facebook page (English and Spanish)
Two (2) Twitter accounts (English and Spanish)

Task 2.7. Electronic Media

M-Group will develop email blasts and social media blurbs to provide consistent communication with individuals on the master contact list.

Deliverable(s): Various email blasts and social media blurbs

Task 2.8. Print Media/PDF Utilization

M-Group will utilize flyers prepared by 21 Elements. M-Group assumes 21 Elements will provide flyers in English and Spanish. M-Group assumes that the City will mail out the Flyers or print out hard copies to be distributed to various organizations. Flyers will be used in the following ways:

- M-Group will work with City staff to obtain multifamily building addresses from the San Mateo County Assessor's office to provide outreach to renters. City staff can mail flyers to these renters.
- M-Group will work with City staff to obtain single-family home addresses which are not owner occupied. This will list will show addresses house rentals. City staff can mail flyers to these renters.
- M-Group will work with City staff to get a list of known ADU address to also add to the renters list. City staff can mail flyers to these renters.
- Provided to local schools to assist with reaching families with young children.
- Distributed to senior centers, senior living facilities, and local community colleges with adult learning classes.
- Distributed to the local libraries to be provided to their mailing lists.
- Provided to all religious organizations, as religious organizations can have a spectrum of economic classes.
- Provided to the local US Department of Veteran Affairs
- Provided to Major Employers
- Provided to Daycare Facilities
- Provided to Park and Recreation List
- Provided to Social Service Providers
- Distributed to all individuals and organizational contacts in our Master Contact List.
- Provided to all City facilities including the Belle Haven Neighborhood Service Center
- Boys and Girls Club of the Peninsula (Belle Haven)

M-Group will utilize Posters (in English and Spanish) provided by 21 Elements. We assume City staff can print posters and assist with distributing posters to the following places: Grocery Stores, Goodwill, Walgreens, Menlo Park Library, Post Office, Local Hospitals and Clinics.

Deliverable(s): Assist City staff with various tasks regarding the distribution of print material

Task 2.9. General Survey

M-Group will develop a survey in conjunction with City staff to gain information about the community, housing needs, housing related concerns, and issues that may not be readily evident. This survey will be provided in English and Spanish (with other languages upon request). Results of the survey will be available on the website.

Deliverable(s): One (1) electronic survey (In English and Spanish)

Task 2.10. Housing Introduction Seminar

M-Group will provide a Housing Introduction Seminar online for people who want to understand Housing Issues in Menlo Park. This would be done in conjunction with 21 Elements. This seminar would also outline the major themes of the housing element update.

Deliverable(s): One (1) virtual housing introduction seminar

Task 2.11. Focus Groups

M-Group will work with City staff to identify appropriate community groups or other interest groups to engage as focus groups early in the planning process. We will conduct up to five (5) focus groups for groups up to ten participants as part of the Community Engagement at the beginning of the outreach program. One of the focus groups will include the San Mateo County Housing Authority and housing advocates. Meetings will be visually recorded and facilitated in Miro, an online whiteboarding tool. Real-time polling can be used in these stakeholder meetings.

Deliverable(s): Five (5) Focus Groups
Notes for each stakeholder meeting

Task 2.12. Individual Interviews (and/or small group meetings)

M-Group will conduct up to twenty-four (24) phone and/or video conference interviews as part of the community outreach. Individual interviews provides for communication with people who may have a difficulty speaking English, and translation services can be provided. Individual phone calls can provide flexibility when contacting people with disabilities. In addition, individuals without reliable internet access may be able to provide comment over the phone.

Deliverable(s): Up to twenty-four (24) individual interviews, with translation services
One (1) electronic copy (MS Word) of the notes for each interview

Task 2.13. General Outreach Meetings by Council District

M-Group will conduct up to five (5) general outreach meetings, one for each council district. Possible locations for outdoor outreach meetings could include: Government centers, farmers' markets, parks/outdoor public spaces, schools, community centers, and libraries.

Deliverable(s): Up to five (5) general outreach meetings, with translation services
One (1) electronic copy (MS Word) of the notes for each meeting interview

Task 2.14. Project Gallery (Main Library & Belle Haven Library)

M-Group will work with City staff to prepare a gallery in a large conference room in the Library or other publicly accessible space (that is handicap accessible) or large room for the project. This would allow people to come and understand the project without internet access. This Gallery will have maps, a project website kiosk, a survey kiosk, comment box, posters, and project schedule. In addition, educational videos from the housing symposium can be provided. People would be able to come as go as is convenient for them during the hours of operation.

Deliverable(s): Assist City staff with setting up and maintaining two project gallery spaces, one in the main library and one in the Belle Haven neighborhood.

Task 2.15. Farmers' Market Pop-up Booth

M-Group will host four (4) Downtown Farmers' Market Pop-up booths. The pop-up booths will provide flyers, posters and other information about the housing element update and the outreach program. As an option (not included in this scope), additional pop-ups can be coordinated with the Menlo Park Chamber of Commerce events. To the extent the Belle Haven Market has transitioned to a drive-thru mobile farmers' market, we would collaborate an appropriate method to participate with them.

Deliverable(s): Host four (4) pop-up booths at the farmers' markets

Task 2.16. Webpage (optional)

M-Group will create and maintain a project web page that collects all comments, GIS resources, project documents, current activities/calendars, surveys, and links to related agencies and non-profits. The webpage will be designed to receive comments from the public throughout the Housing Element Update process, including the Public Review Draft of the Housing Element and Environmental Documents. M-Group will also create and maintain an email distribution list (master contact list) for providing project updates as outlined in Task 2.3.

Deliverable(s): One (1) webpage (in English and Spanish)

Task 2.17. Non-Profit Policy and Engagement Technical Support (optional)

M-Group will partner with a Bay Area based non-profit (i.e., ChangeLab Solutions) to provide technical support and recommendations on community engagement and policy issues. This additional member of the consulting team will assist in making recommendations to ensure that the policy making, and community engagement has a strong grounding in the most current and effective strategies for healthy and equitable community building.

Deliverable(s): Technical support, on-going as needed.

TASK 3 | LAND USE STRATEGY**Task 3.1. Preliminary Land Use Strategies Descriptions with Housing Commission**

M-Group in conjunction with 21 Elements, will provide an overview of site selection and specific strategies to implement the RHNA allocation. We will outline different type of site selection options could including:

- Analyze ConnectMenlo Zoning Changes
- 5th Cycle site Reuse
- Accessory Dwelling Units
- Consider Downtown Parking Lots
- Increased housing opportunities in the El Camino Real/Downtown Specific Plan Area
- Housing opportunities at Religious Facilities per AB 1851 (new state law)
- Convert Commercial Zoning to Mixed-Use
- Consider micro units on sites less than 0.5 acre
- Increase housing opportunities in single family residential areas

We anticipate that the Housing Commission and the public will provide comment and feedback on the strategies presented.

Deliverable(s): Presentation at a special Housing Commission meeting for Land Use Strategies

Task 3.2. Housing Workshop

M-Group will develop and lead a housing meeting that would allow people to provide input on where housing should go. This meeting will not be about what the options are, rather this meeting will give people the opportunity to place housing units on the various sites with the strategies outlined at the Housing Commission meeting. We will use online tools such as "Maptionnaire Community Engagement Platform" to gain location-based feedback. We will summarize the comments at the end of the public workshop.

Deliverable(s): One (1) Community Workshop via video conference call, electronic agenda (pdf), and notes (MS Word) from the workshop

Task 3.3. Land Use Meeting with Planning Commission

M-Group present findings of the housing workshop to the Planning Commission. Comments from the Planning Commission would help form the three land use alternatives.

Deliverable(s): One (1) Planning Commission Meeting via video conference call, electronic agenda (pdf), and notes (MS Word) from the workshop

Task 3.4. Preliminary Land Use Alternatives: City Council

Based on the comments from the Housing Workshop and Planning Commission meeting, M-Group will prepare three (3) Draft Land Use Alternatives. These three (3) land use alternatives will be developed in conjunction with the Community Outreach and information provided by 21 Elements. Each land use alternative will have pros and cons for each alternative, a summary of total units achieved, zoning changes, and land use changes that would be required. This meeting would allow the City Council and the Public to provide feedback on the three alternatives. These alternatives would be adjusted appropriately for the Planning Commission Decision on the preferred land use alternative.

Deliverable(s): One (1) City Council Meeting via video conference call, electronic agenda (pdf), and notes (MS Word)

Task 3.5. Preferred Land Use Concept: Planning Commission Meeting

Based feedback on form the City Council Meeting, M-Group will provide three (3) land use alternatives for the Planning Commission. Each land use alternative will have pros and cons for each alternative, a summary of total units achieved, zoning changes, and land use changes that would be required. In addition, our team will provide fiscal and VMT considerations for each alternative to assist with the decision making.

Deliverable(s): M-Group will assist in the facilitation of a PC workshop to decide on which land use concept to move forward on as the project description

Task 3.6. Objective Design Standards (Optional)

M-Group will prepare Objective Design Standards as needed for sites that are designated for by-right development. These Objective Design Standards could also potentially be weaved into an update for the Menlo Park El Camino Real/Downtown Specific Plan. Updating the Menlo Park El Camino Real/Downtown Specific Plan would require additional budget.

Subtask 3.6.1 Document Review

M-Group will review the General Plan and Zoning Regulations, as well as any other documents identified by City staff. This task will also include field visits and a physical survey of existing housing developments, following all relevant San Mateo County Covid-19 related safety requirements, as well as a review of recent developments in Menlo Park and neighboring communities. Based on a review of these documents and a survey debriefing, M-Group will develop a list of existing design guidance for which objective standards need to be developed. Where necessary, M-Group will develop potential solutions, illustrated by graphic representation and/or recommended development metrics.

Subtask 3.6.2 Staff Meetings

After the land use alternative is chosen, M-Group will work with City staff during a series of up to three (3) meetings to review and discuss how objective development standards would be developed.

Subtask 3.6.3 Stakeholder Meetings

M-Group will hold up to five (5) outreach stakeholder meetings on the objective design standards.

Subtask 3.6.4 Public Review Draft of Objective Design Standards

After receiving comments from City staff, M-Group will provide a public review draft of the Objective Design Standards for review at a joint Housing Commission/Planning Commission meeting.

Subtask 3.6.5 Final Draft of Objective Design Standards

Based on comments and direction from this meeting, M-Group will provide revisions for adoption of Objective Design Standards for City Council Review. M-Group anticipates that the Objective Design Standards will move forward after the adoption of the Housing Element.

Deliverable(s): Three (3) meetings with City staff
Five (5) stakeholder meetings
Attendance at One (1) joint Housing Commission/Planning Commission Meeting
Draft Objective Design Standards
Final Objective Design Standards

TASK 4 | HOUSING ELEMENT

Task 4.1. Document Review

M-Group will review all applicable City, regional, and State documents pertaining to the Housing Element update, including but not limited to the City’s Comprehensive Plan, Coordinated Area Plans, Zoning Ordinance, building codes, State Memos regarding Housing Element Requirements/Affirmative Furthering Fair Housing (AFFH), and

any other City of Menlo Park and State housing policies and programs. We will provide a memo of documents that will need to be updated.

Deliverable(s): One (1) electronic Memo (PDF) outlining documents that need to be updated

Task 4.2. List of Current General Plan Policies and Programs

M-Group will develop a word document of all current General Plan (Connect Menlo) policies and programs by chapter. We will refer to this list for internal consistency with the General Plan and to note if any current General Plan policies needs changes or revisions. The 2015-2023 Housing Element Policies and Programs will be part of this General Plan Policies and Programs list and will be analyzed as part of the 6th Cycle Housing Element Update.

Deliverable(s): One (1) word document of the current General Plan (Connect Menlo) policies and programs

Task 4.3. Review and Evaluation of Current Housing Element

M-Group will work closely with the City staff and 21 Elements to determine the status, effectiveness, and appropriateness of the 2015–2023 Housing Element and the entire General Plan. M-Group will review and evaluate the current 2015-2023 Housing Element and Housing Work Plan to:

- Evaluate the status, effectiveness, and appropriateness of the current housing policies and programs and identify any barriers to implementation
- Evaluate the existing Housing Element in relation to current State housing laws and identify any omissions or deficiencies
- Preliminary analysis on General Plan policies to combat housing discrimination in compliance with the recently adopted affirmatively furthering fair housing state law

Deliverable(s): One (1) electronic copy (PDF) Baseline Report that summarizes the findings and identifies missing information, revisions needed, and critical issues requiring further analysis.

Task 4.4. Review the City's RHNA Allocation

M-Group will review the City of Menlo Park's RHNA allocation. This will include an analysis of previous RHNA construction, existing goals and policies, housing needs and projected needs, and an opportunities and constraints analysis. This will also include preliminary analysis on General Plan policies to combat housing discrimination in compliance with the recently adopted AFFH state law. M-Group will integrate 21 Elements templates and information as a starting point for this review.

Deliverable(s): One (1) Baseline Review report in MS Word and PDF

Task 4.5. Review City's Vacant and Underutilized Land Inventory

M-Group will review the City's vacant and underutilized land inventory based on the 21 Elements inventory. We will augment this information as necessary. The zoning designations, land use designations, and development capacity will be also be assessed.

Deliverable(s): One (1) Electronic table of the vacant and underutilized sites in MS Excel. This table will note Assessor's Parcel Number (APN), address, size of the parcel, address, Zoning Designation, Land Use Designation, description of existing use, availability of utilities, whether the site is publicly owned or leased, number of units that can currently be accommodated, income category anticipated to accommodate, and whether the site was identified in a previous planning period
One (1) Digital shapefile (ArcGIS) showing each vacant and underutilized site

Task 4.6. Compile GIS Shapefiles for Analysis

M-Group will compile various GIS shapefiles for analysis. Shapefiles will include the 5th Cycle Reuse sites, Infrastructure, Zoning, Creeks, Roads, and Fire Hazard areas. These shapefiles will be provided on the City GIS portal. M-Group will keep a local copy of these shapefiles for our internal processes including site selection and land use alternative development.

Deliverable(s): No specific deliverable

Task 4.7. Use of GIS for Site Selection in the context of AFFH

M-Group will use GIS to ensure lower-income housing sites are not concentrated in low-resourced areas (lack of access to high performing schools, proximity to jobs, location disproportionately exposed to pollution or other health impacts) or areas of segregation and concentrations of poverty. We will also assess:

- Proximity to transit.
- Access to high performing schools and jobs.
- Access to amenities, such as parks and services.
- Access to health care facilities and grocery stores.
- Available locational scoring criteria for Low-income Housing Tax Credit (TCAC) Program funding
- Proximity to available infrastructure and utilities.

Deliverable(s): No specific deliverable

Task 4.8. Prepare Land Use Options in GIS

M-Group will provide the three (3) land use options and the preferred land use option in GIS link so that interested persons can see the options. The preferred land use option will also be provided. These shapefiles will be made available for the City GIS portal.

Deliverable(s): Three (3) land use option shapefiles
One (1) chosen land use option shapefile

Task 4.9. Site Inventory and Regional Housing Needs Allocation (RHNA)

M-Group, in conjunction with information provided by 21 Elements, will prepare a site inventory, map, and analysis clearly illustrating the City's capacity to accommodate the new RHNA. The inventory will identify appropriately zoned sites with necessary infrastructure and services. In keeping with state law, we will document each parcel's realistic capacity and prepare a map showing all identified sites. M-Group will compare the inventory of available land to the RHNA and draft the adequate sites analysis to clearly describe how the City will accommodate the needs of households at all income levels. The Housing Element Land Inventory and Identification of Sites shall be prepared through the lens of affirmatively furthering fair housing.

M-Group will, as needed, incorporate RHNA figures and data calculations as provided by the Association of Bay Area Governments (ABAG) and current demographic data. We will provide the Adequate Sites table and analysis for the Housing Element Update, which will include: analysis of housing opportunities, along with an "adequate sites analysis" showing the relationship between the City's RHNA allocation and the City's dwelling unit capacity, availability of potential housing sites based on zoning, infrastructure, and General Plan policies, requirements, and limitations. M-Group will also work with City staff and 21 Elements to identify potential zoning strategies to address need for additional housing unit capacity.

We will work with the City to determine viable sites based on new State Law requirements, requiring additional analysis for sites smaller than one-half acre, larger than 10 acres, and underutilized sites. We will also identify sites included in the past two housing element cycles that per AB 1397 are now required to allow affordable housing "by-right" in order to continue to count these sites in the inventory. No annexations will be analyzed as part of the site inventory and RHNA allocation.

If sites under one-half acre need to be utilized to meet the RHNA allocation, we can review the potential for micro units allow for an adequate density on a particular site. We will prepare a conceptual design to determine minimum lot widths. We will review parking standards and the potential need for tiny home building code allowances (such as the use of ship ladders and lower ceiling heights) to provide flexibility in the design. In addition, we will use walking score ranking to further determine suitability of individual sites for micro units. Additional options can be reviewed as needed.

In terms of affirmatively furthering fair housing, the identified sites will be assessed for the ability to replace segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity. Site selection will ensure that sites zoned to accommodate

housing for lower-income households are not concentrated in lower resource areas and segregated, concentrated areas of poverty, but rather dispersed throughout the community, including in areas with access to greater resources, amenities, and opportunity.

Where sites zoned to accommodate housing for lower-income households are located in lower resource areas and segregated concentrated areas of poverty, incorporating policies and programs in the housing element that are designed to remediate those conditions, including place-based strategies that create opportunity in areas of disinvestment (such as investments in enhanced infrastructure, services, schools, jobs, and other community needs).

Opportunity Sites

- Listing of properties will be identified by:
 - ✓ Address
 - ✓ Assessor Parcel Number
 - ✓ Size of Parcel
 - ✓ General plan land use designation
 - ✓ Zoning designation
 - ✓ For non-vacant sites, a description of the existing use of each parcel
 - ✓ Whether the site is publicly owned or leased
 - ✓ Number of dwelling units that the site can realistically accommodate. (including detailing number of units by income category)
 - ✓ Whether the parcel has available or planned and accessible infrastructure
 - ✓ The RHNA income category the parcel is anticipated to accommodate
 - ✓ If the parcel was identified in a previous planning period site inventory
- The site inventory will be prepared using the standards, form, and definitions adopted by HCD.
- If a site included in the inventory is owned by the city or county, the housing element will include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act
- Vacant sites zoned for nonresidential use that allow residential development, residentially zoned sites that are capable of being developed at a higher density (non-vacant sites, including underutilized sites), Sites owned or leased by a city, county, or city and county, Sites zoned for nonresidential use that can be redeveloped for residential use and a program is included to rezone the site to permit residential use.
- General description of environmental constraints to the development of housing.
- General description of infrastructure (planned/available) including water, sewer, and other dry utilities, including availability and access to distribution facilities.
- For non-vacant sites, specify the additional development potential for each site within the planning period and explain the methodology to determine development potential. If Menlo Park relies on non-vacant sites to accommodate 50% or more of its housing need for lower-income households, the "existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period."
- Sites identified for housing development that currently or within the last five years contained residential units occupied by lower-income households, or were subject to an affordability requirement or local rent control policy, must be replaced one-for-one with units affordable to the same or lower income levels.
- Demonstration of zoning to accommodate the housing need for lower-income households.
- Determination of the consistency with affirmatively furthering fair housing (AB 686)
- Map of sites will be included in the inventory.

RHNA Considerations

- Number of units built (i.e., building permits issued) between the start of the projection period (June 30, 2022) and the deadline for adopting the housing element (January 15, 2023) - (optional).
- Number of units proposed using alternative provisions such as rehabilitation, conversion, preservation, or accessory dwelling units (optional).
- Analysis of whether inventory provides for a variety of housing types (Multifamily rental housing, Factory-built housing, Mobile homes, Housing for agricultural employees, Emergency Shelters, Transitional and supportive housing).

- Replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.
- Determination of Adequate Sites.
- Site suitability for lower-income RHNA based HCD best practices
- No Net Loss will be addressed as part of the analysis.

Junior ADUs/ADU's (in conjunction with 21 Elements)

- Analysis of JADU/ADU to meet RHNA numbers, including a description of zoning available to permit ADU/JADUs, development standards and analysis of potential constraints on the development of ADUs. This analysis will also include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and potential for state grants and financial incentives connected with the planning, construction and operation of affordable ADUs. (Gov. Code § 65583 and Health and Safety Code § 50504.5.)
- The ADU calculation will include a three-part approach: 1) development trends, 2) anticipated affordability (provided by 21 Elements) and 3) resources and incentives. Development trends will consider ADUs permitted in the prior planning period and may also consider more recent trends. M-Group will utilize a rent survey in assessing the potential for ADU/JADUs and affordability. M-group will also describe resources, incentives, policies, programs to encourage ADU/JADUs. (Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures and affordability monitoring programs.)
- The housing element will include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. M-Group will include programs as appropriate to address identified constraints. In addition, we will include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires the California Department of Housing and Community Development to develop a list of state grants and financial incentives in connection with the planning, construction.

Deliverable(s): Site Inventory Analysis will be included in the Administrative Draft Housing Element
Map of sites will be included in the Administrative Draft Housing Element

Task 4.10. Housing Needs Assessment

M-Group will review the Housing Needs Assessment (including special needs) analysis provided by 21 Elements. M-Group will provide a memo with the noting the results of the review and if applicable noting any informational gaps that may need to be filled, particularly in the realm of affirmatively furthering fair housing (AFFH). Specific AFFH components include:

- An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.
- An assessment of the contributing factors for the fair housing issues
- An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
- Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.
- A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and outreach capacity.
- An assessment of the contributing factors for the fair housing issues: Recommended Housing Element Sections.
- An identification of the jurisdiction's fair housing priorities and goals, with priority to those factors identified that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights

compliance. This requirement includes identification of metrics and milestones for determining what fair housing results will be achieved.

Deliverable(s): One (1) electronic memo in MS Word or PDF format reviewing the housing needs assessment

Task 4.11. Potential Governmental and Non-Governmental Constraints

M-Group will review the Governmental and Non-Governmental Constraints provided by 21 Elements as an extension of City staff. M-Group will provide a memo noting any informational gaps that may need to be filled.

Deliverable(s): One (1) electronic memo in MS Word or PDF format reviewing the Governmental and Non-Governmental Constraints

Task 4.12. At-Risk Units

M-Group will provide an inventory and analysis of existing affordable units at risk of converting to market-rate during the planning period. This will include:

- At-risk Units: Inventory of at-risk units (10 years from the housing element due date)
- Estimate of replacement versus preservation costs
- Identification of qualified entities and assess risk of loss
- Identification of potential funding

BAE will provide replacement construction cost estimates of at-risk housing as part of Task 5.24.

Deliverable(s): This analysis will be included in the administrative draft housing element

Task 4.13. Housing Objectives, Policies, and Programs

M-Group will work with City staff (and 21 Elements) to prepare the 2023–2031 Housing Implementation Program. This will involve updating goals, policies, programs, and quantified objectives (pursuant to Government Code Sections 65583 et seq.) to address identified housing needs and constraints based on the effectiveness and continued appropriateness of existing programs, information received through public outreach, the analysis of constraints, and findings from the needs assessment. A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing will be provided. In addition, M-Group will work with 21 Elements on the Missing Middle Analysis.

Programs will describe specific steps for implementation and will identify a time frame and responsible department. Programs will include, but not be limited to, a schedule of actions during the planning period; quantifiable objectives and programs to address housing needs for all income levels, the elderly, veterans, and populations with disabilities, special needs, or experiencing homelessness; and meaningful actions to affirmatively further fair housing. Objectives, Programs, and Policies will reflect community values and needs. Strategies and actions to implement those priorities and goals identified in the housing needs assessment may include, but are not limited to:

- Enhancing mobility strategies and promoting inclusion for protected classes
- Encouraging development of new affordable housing in high-resource areas
- Place-based strategies to encourage community revitalization, including preservation of existing affordable housing
- Protecting existing residents from displacement

M-Group will address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, fostering and maintaining compliance with civil rights, and must affirmatively further fair housing.

General Housing Issues

- All new state requirements since the adoption of the existing Housing Element
- Consistency and compliance with the rest of the City General Plan elements and community goals
- Development controls and regulatory incentives

- Working to provide housing opportunities for all county residents, including the elderly, veterans, those with disabilities, the homeless, and other special needs groups.
- Fair housing programs
- Facilitating development of adequate housing and infrastructure to meet the needs of low- and moderate-income households in keeping with the regional fair share allocation
- Mitigating any governmental constraints to providing and improving housing
- Programs to rezone and any other programs needed to address a shortfall of sites to accommodate the regional housing need, if applicable, and any programs included pursuant to Section 65583.2(h) and (i) or carryover obligation pursuant to Section 65584.09.
- Quantified Objectives and Housing Programs: Provide statement of quantified objectives; Maximum number of units, by income group, including extremely low-income of: New construction; Rehabilitation; and Conservation.
- Programs to rezone and any other programs needed to address a shortfall of capacity for housing for farmworkers that could not be accommodated on sites identified in the inventory, if applicable.
- If applicable, programs to facilitate a variety of housing types, including multifamily rental, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single room occupancy, emergency shelters and transitional and supportive housing.
- Program(s) to promote housing opportunities for all persons. M-Group will update financial and programmatic resources available for affordable housing programs and removal of identified constraints, including local and state funding programs, as well as private sector resources. M-Group will assess current and potential housing programs to recommend future programs that will support the City's housing objectives.
- Program(s) to preserve at-risk units.
- A program that promotes and affirmatively furthers fair housing opportunities and fair choice throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (FEHA), Government Code Section 65008, and any other state and federal fair housing and planning law.

Affordable housing

- Sources of affordable housing funding
- Preserving and improving existing affordable housing
- Transitional/Supportive Housing
- Inclusionary Housing (Menlo Park's Affordable Impact fee and Inclusionary Ordinance)
- Schedule of specific actions
- Timeline for implementation with a beneficial impact in the planning period; and Identification of agencies and officials responsible for implementing each program.
- Programs to assist in the development of housing for extremely low, very low, low and moderate-income households.
- Programs to address governmental constraints and, where appropriate and legally possible, to remove constraints to the maintenance, improvement and development of housing including JADU/ADUs. This will also include an analysis of Menlo Park's JADU/ADU compliance.
- Program(s) to conserve and improve the condition of the existing affordable housing stock.

Other Requirements

In addition to the program analysis, M-Group will provide the following analysis as required by State Law:

- Description of general plan consistency and zoning consistency.
- Analysis of construction, demolition, and conversion of housing for lower-income households.
- Water and Sewer Priority Analysis.
- An assessment of how Menlo Park will comply with the Housing accountability act.
- An inventory and analysis of opportunities to encourage the incorporation of energy-saving features, energy-saving materials, and energy-efficient systems and design for residential development.

Deliverable(s): This analysis will be included in the Administrative Draft Housing Element

TASK 5 | ADMINISTRATIVE DRAFT DOCUMENTS

M-Group will prepare an Administrative Draft Housing Element (2023-2031) with an implementation program that includes, but not limited to, a schedule of actions during the planning period; quantifiable objectives and programs to address housing needs for all income levels, the elderly, veterans, and populations with disabilities, special needs, or experiencing homelessness; and meaningful actions to affirmatively further fair housing. In addition, M-Group will update the Safety Element, create an Environmental Justice Element, and update the Land Use Element. These updates will follow the timeline of the housing element update. Staff will provide the existing documents in electronic format so amendments and new sections will match the format of the General Plan.

Task 5.1. Administrative Draft Housing Element

M-Group will update the Goals, Policies, and Implementing Programs in the current Housing Element along with the housing need, opportunities, and constraints analysis. The Housing Element shall contain programs specific to the unique needs and challenges facing the City of Menlo Park, and shall satisfy the applicable requirement of the State Housing Law.

Deliverable(s): One (1) electronic copy (PDF and MS Word) of the Administrative Draft Housing Element

Task 5.2. Administrative Draft Land Use Element

Based on the RHNA allocation and the results of the public outreach program, a change to the land use map and changes to the land use densities may be required. M-Group will make those changes, as necessary for one (1) land use concept. M-Group will update Land Use Policies as necessary.

Deliverable(s): One (1) electronic copy (PDF and MS Word) of the Administrative Draft Land Use and Circulation Element (Connect Menlo)
One (1) electronic copy (pdf) of the new land use map, as necessary

Task 5.3. Administrative Draft Zoning Ordinance and Zoning Map

M-Group will provide one administrative draft of the changes to the zoning map and zoning text for the chosen land use plan. M-Group will revise the Zoning Text and Map per City staff comments. M-Group staff will attend one Planning Commission Hearing and one City Council Hearing for the adoption of the revised Zoning Code and Zoning Map.

Deliverable(s): One (1) electronic Copy (MS Word) of draft ordinance language and map

Task 5.4. Administrative Draft Environmental Justice Element (SB 1000)

As of January 1, 2018, cities and counties are required to either adopt an Environmental Justice Element in their General Plan or integrate environmental justice policies and goals into the elements of the General Plan "upon the adoption or next revision of two or more elements concurrently" (Government Code Section 65302[h][2]). With the update to the Safety Element and Housing Element, an Environmental Justice Element or environmental justice policies integrated into the General Plan is required. The City has elected to prepare a stand-alone element. The environmental justice element will be reviewed with the General Plan for internal consistency.

There are disadvantaged communities adjacent to Menlo Park. In addition, we are aware of the investment and disinvestment study done for the areas near the Facebook campus, in particular in the Belle Haven neighborhood.

Subtask 5.4.1. Existing Conditions Memo

As part of this document review task, we will use available online resources to research the underlying issues of pollution exposure, chronic health problems, and other factors leading to the identification of local disadvantaged communities.

As part of preparing the Environmental Justice Element, M-Group will conduct a comprehensive analysis regarding environmental pollution exposure. Using CalEnviroScreen and other available resources. We will research the social, economic, and pollution data sets. We will review other environmental and health databases and resources to identify indicators measuring city-wide inclusivity and equity, as well as underlying socio-economic variables including home purchasing power, unemployment rate, educational attainment, and poverty levels.

This memo will also note Environmental Justice element requirements. The background information will be consolidated into a memorandum with a text summary and map information. The memorandum will be submitted

electronically to the City for staff review. The City will be responsible for collecting all staff comments into a single document using Microsoft Word's track changes function. This scope and budget assume two rounds of comments and revisions with City staff. M-Group will incorporate these comments into the Environmental Justice Element.

Subtask 5.4.2. Environmental Justice Element

M-Group will prepare an Environmental Justice Element. We anticipate that policy will focus on strategies to reduce pollution exposure and environmental burdens affecting low-income and minority populations, together with improving air quality and minimizing impacts on sensitive population groups. We will also look at collaborative policies (e.g., coordination and funding agreements with other public agencies) to encourage greater access to education and job skills training at all age levels. Goals and policies will address the full range of environmental justice issues of relevance to Menlo Park, cross referencing as appropriate environmental justice concerns that may already be addressed in other General Plan elements. We anticipate Environmental Justice Element topics will encompass:

- Pollution exposure
- Food access
- Access to public parks and other community facilities
- Physical activity and residents' health
- Public transit access
- Reduced impacts of climate change
- Education
- Adequate housing (to parallel policies in the updated Housing Element being prepared during the same time period)
- Civic engagement in decision making

As part of our outreach strategy, M-Group will include the following for Environmental Justice:

- Hold a synchronous community meeting/open house (virtual or in person) focused on EJ issues if in person- encourage local folks to attend, but make it open to the community at large and publicize it well (with Spanish Translation)
- Create an online, asynchronous open house that mirrors the "live" community event (with Spanish Translation)
- Information about how to engage in the GP process and the EJ element will be in the flyer Task 2.7 (with Spanish translation)
- The survey will include questions for specific neighborhoods, that covers EJ questions focused on direct experience and challenges/vision for the future for these specific neighborhoods. (with Spanish translation)
- Include a QR code to the survey in the mailer
- Post posters around the neighborhoods with the QR code and information about the planning process trying to get folks to participate ((with Spanish translation)
- Offer a gift card drawing (i.e. 5-10 \$25 gift cards) to encourage people to participate

The farmers' market pop-up will have Environmental Justice related material.

M-Group will prepare an administrative draft Environmental Justice Element, submitted electronically to the City for staff review. The City will be responsible for collecting all City staff comments into a single document using Microsoft Word's track changes function, from which M-Group will revise the administrative draft.

Deliverable(s): One (1) electronic copy (PDF and MS Word) Existing Conditions /Environmental Justice Element requirements Memo (electronic)
One (1) electronic copy (PDF and MS Word) Administrative Draft Environmental Justice Element

Task 5.5. Administrative Draft Safety Element (SB 379)

M-Group will update the City's Safety Element to bring it into compliance with recent changes in California General Plan law and to be consistent with SB 379. The safety element will be reviewed with the General Plan for internal consistency. In addition to the safety element, M-Group will provide a memo of safety element requirements.

Residential Development Evacuation Routes

SB 99 now requires jurisdictions to review the Safety Element upon the next update of the Housing Element on or after January 1, 2020 and update as necessary to identify residential developments in any hazard area identified in the safety element that do not have at least two emergency evacuation routes. M-Group will work with City staff and local emergency service providers to identify any such developments and create a map of residential developments that do not have at least two evacuation routes. This map will be included in the Safety Element, along with policies and actions to direct future efforts and funding to provide the necessary evacuation routes for the identified communities.

Climate Adaptation and Resiliency

As required by SB 379, M-Group will address climate adaptation in the Safety Element. M-Group will create a short, easily digestible "state of the science" about historic and future climate hazards, such as flooding and drought, extreme heat events, and wildfires in Menlo Park. Using this climate-related hazard data, M-Group will first prepare a vulnerability assessment describing the potential impacts of climate change on vulnerable physical assets and populations.

The vulnerability analysis will seek to uncover a broad range of direct and indirect climate impacts across key sectors, including infrastructure, buildings, natural systems, economic assets, and populations. The analysis will identify key sectors and their assets exposed to climate hazards, assess the sensitivity and adaptive capacity of each sector, and evaluate the vulnerability of each consistent with the California Adaptation Planning Guide and in alignment with SB 379.

The vulnerability assessment will combine qualitative and quantitative analysis. M-Group will map Menlo Park's critical infrastructure (e.g., roads and highways, railways, water systems), sensitive population groups and disadvantaged communities (none in Menlo Park), parks and open space areas, and other key assets to better understand exposure to each climate hazard. This spatial/quantitative analysis will be combined with an assessment of existing plans and efforts underway to minimize the impacts of climate change to ascertain vulnerability. Where possible, the relative vulnerability will be mapped for each asset category, using maps in combination with text and tables that provide insight into the vulnerabilities.

The vulnerability assessment will help Menlo Park develop a strong basis for understanding the implications for adaptation planning and will help identify goals, objectives, and actions to include in the General Plan's Safety Element, among others.

Adaptation and Resilience Strategy

M-Group will develop a set of policies and actions guided by the Vulnerability Assessment that will improve resiliency and reduce or eliminate risks from natural hazards in Menlo Park. M-Group will work closely with City staff to ensure resilience policies and strategies are effective and implementable.

The Adaptation and Resilience Strategy will include suggested projects, programs, and funding sources for natural hazard mitigation and response. The strategy will be developed in coordination with City staff, including the Public Works and Community Development Department, local emergency response providers, State Board of Forestry and Fire Protection, and elected officials.

The Administrative Draft Safety Element will be provided to the California Geological Survey of the Department of Conservation and the State Board of Forestry and Fire Protection for review and comment.

Outreach & Engagement

M-Group will host up to five (5) meetings regarding safety element topics including sea level rise & adaption.

These meetings will focus on providing information and obtaining feedback from the community.

Deliverable(s):

- One (1) electronic memo noting safety element requirements
- One (1) electronic copy (MS Word) of the Administrative Draft Safety Element
- One (1) complete PDF copy of the Administrative Draft Safety Element
- Up to Five (5) meetings for various safety element topics

Up to Five (5) PowerPoint presentations, one for each meeting

TASK 6 | FISCAL ANALYSIS

Task 6.1. BAE: Kick-off Meeting

BAE will attend a kick-off meeting with City staff and the rest of the consultant team to discuss project expectations regarding coordination, reporting, deliverables, community engagement, and relevant information. As a part of this task, BAE will review relevant documents and other background information pertaining to the Housing Element Update and the related fiscal impact analysis.

Deliverable(s): Attendance at one (1) kick-off meeting

Task 6.2. BAE: Public Study Sessions and/or Hearings

BAE will attend up to six public study sessions and hearings (e.g., Housing Commission, Planning Commission, and City Council meetings) related to the Housing Element Update. BAE will present findings, respond to questions, and receive comments related to the fiscal impact analysis and affirmatively furthering fair housing analysis, and will prepare presentation materials as needed.

Deliverable(s): Attendance at six (6) public study sessions/hearings

Task 6.3. BAE: Affirmatively Furthering Fair Housing (AFFH) Data and Analysis

BAE will assist with the preparation of the Housing Element by conducting analysis to address the new requirements under AB 686 to affirmatively furthering fair housing. This will include analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.

BAE will also request information on fair housing complaints from the HUD Office of Fair Housing and Equal Opportunity and the California Department of Fair Employment and Housing, as well as any information available from local fair housing service providers. BAE will also request information regarding hate crimes from the Federal Bureau of Investigations and the Menlo Park Police Department. BAE will also request information from the City of Menlo Park regarding the availability of fair housing services, education, and outreach, and will review the most recent Assessment of Fair Housing for the City.

Based on the findings from this analysis, BAE will provide input on the Housing Element sites inventory and policies and programs to address affirmatively furthering fair housing requirements. This analysis will also inform the Environmental Justice Element of the General Plan.

Deliverable(s): Meetings and memo to convey input

Task 6.4. BAE: Cost to Replace At-Risk Units

BAE will estimate the total cost of producing new rental housing to replace any assisted units that are identified as being at risk of conversion from low-income use during the next ten years, as well as the cost to preserve these units. BAE will review applications submitted to the California Tax Credit Allocation Committee (TCAC) to identify new construction and rehabilitation projects in or near Menlo Park that are comparable in size and rent levels to any units that are at risk of conversion. BAE will review the construction cost information provided in the TCAC applications for these projects to identify the typical cost associated with replacing or preserving units similar to those that are at risk of conversion.

Deliverable(s): Provided as part of the administrative draft housing element

Task 6.5. BAE: Fiscal Impact Analysis

BAE will conduct a fiscal impact analysis that will provide a detailed estimate of the net fiscal impacts that each land use strategy will have on the City of Menlo Park as well as key special districts that serve the areas that would be affected by each strategy. This analysis will evaluate the revenue and cost implications of up to three (3) land use strategy alternatives for the City, the Menlo Park Fire Protection District, the school districts that

serve Menlo Park, the San Mateo Community College District, the San Mateo County Office of Education, the Midpeninsula Regional Open Space District, and the Sequoia Healthcare District.

BAE will estimate the General Fund revenues that each land use strategy will generate for the City of Menlo Park on an annual basis, including property tax, sales tax, business license fees, utility user tax, franchise fees, and any other applicable revenues. In addition, BAE will estimate one-time revenue from the impact fees that would apply to the development associated with each land use strategy. BAE will also estimate the annual City of Menlo Park General Fund operating expenditures associated with providing City services under each land use strategy, including police, public works, recreation and library services, and general government services. The analysis of operating costs will identify fixed and variable City service costs to determine the portion of City service costs that would need to increase to maintain current service levels as the City's population grows. Fiscal impacts will be presented in current dollars on a net annual and cumulative basis over a 20-year period.

BAE will also estimate the property tax revenue and other revenue sources that each land use strategy will generate for the special districts that serve Menlo Park, as well as General fund operating expenditures for special districts that provide services to the City. This analysis will focus on annual operating revenues and expenditures rather than one-time capital costs. For the school districts, BAE will estimate the cost to serve new elementary, middle, and high school students resulting from each strategy based on each school district's estimated student generation rates. If requested by City staff, BAE will conduct phone interviews or prepare questionnaires to contact representatives from the Menlo Park Fire Protection District and the school districts that serve Menlo Park to assess existing capacity, potential facility and equipment needs, and the potential impact of each land use strategy.

BAE will prepare and submit a Draft Fiscal Impact Analysis report that will include a concise and highly accessible executive summary. Following receipt of a single set of consolidated comments on the draft report, BAE will make modifications to the draft report as needed and prepare a draft for public review.

Deliverable(s): One (1) administrative draft electronic Fiscal Impact Analysis Report in MS Word
One (1) final electronic Fiscal Impact Analysis Report in MS Word

Task 6.6. BAE: Estimate School Construction Costs

BAE will provide a high-level estimate of the cost to construct any new public school facilities that would be needed to serve the public school students that each land use strategy alternative will generate. BAE will rely on the DEIR to determine the total number of public school students that each land use strategy will generate and the extent to which any increase in students would necessitate construction of new public school facilities, based upon information to be requested from the school district regarding existing school facilities capacity, facility needs, and estimated costs. If necessary, BAE will collect and analyze information on recently-constructed public schools and public school expansion projects in the region to develop an estimate of the approximate range of construction costs per student served. Based on these data, BAE will provide a total estimated range of the incremental cost associated with constructing the school facilities that would be needed for each land use strategy alternative. This analysis will focus on the range of typical per-student costs, rather than determining the specific types and locations of school facilities needed (e.g., school expansion or construction of a new school site) or the total cost to construct any specific facility.

Deliverable(s): This will be integrated into the Fiscal Analysis

TASK 7 | PUBLIC REVIEW OF DOCUMENTS

Task 7.1. Draft Environmental Justice and Safety Elements to Planning Commission

M-Group will present the preliminary draft Environmental Justice Element, Safety Element to the Planning Commission for review and comment.

Deliverable(s): One (1) Planning Commission Meeting via video conference call, electronic agenda (pdf), and notes (MS Word)

Task 7.2. Draft Housing Element, Land Use Element, and Municipal Code Update

M-Group will present the preliminary draft *Housing Element, Land Use Element, and Municipal Code Update* to the Planning Commission for review and comment.

Deliverable(s): One (1) Joint Housing Commission/Planning Commission Meeting via video conference call, electronic agenda (pdf), and notes (MS Word)

Task 7.3. Public Review Draft Housing Element, Safety Element, Environmental Justice Element, Land Use Element, and Municipal Code Update (Joint Housing Commission/Planning Commission)

City staff will provide M-Group with comments on the Administrative Draft within 21 calendar days for preparation of the Public Review Draft. M-Group will provide two (2) rounds of edits based on City staff review of the Public Review Draft Housing Element, Safety Element, Environmental Justice Policies, Land Use and Community Design Element, and Municipal Code Update based on City staff comments and Housing Commission/Planning Commission.

Deliverable(s): One (1) electronic copy of the Draft Housing Element (PDF and MS Word) provided to City staff and HCD. City staff will provide copies to the City Council, Planning Commission for review and comment

Task 7.4. Final Draft Housing Element, Environmental Justice Element, Safety Element, Land Use Element, and Municipal Code Update

In response to comments from public review and HCD, M-Group will amend the Public Review Draft Documents and provide the Final Draft Documents (Housing Element, Environmental Justice Element, Safety Element, Land Use Element, and Zoning Code/Map changes). This will be used as the project description for the CEQA Analysis.

Deliverable(s): One (1) electronic copy of the Final Documents (PDF and MS Word)

TASK 8 | TRANSPORTATION ANALYSIS**Task 8.1. Hexagon: Travel Demand Model**

Pursuant to SB 743, Vehicle-Miles Traveled (VMT) replaces intersection LOS as the transportation impact criteria for CEQA purposes. VMT is calculated by the multiplication of the project trip generation and the average trip length. Hexagon proposes to utilize the Connect Menlo Travel Demand Model to conduct the VMT analysis. The model uses socioeconomic inputs and various mathematical models to estimate project trip generation and average trip length.

Deliverable(s): No specific deliverable

Task 8.2. Hexagon: With-Project Land Use and Roadway Network

Hexagon will rely on City staff to provide input on the locations and numbers of households as well as any potential roadway network improvements to be analyzed under the "with-project" scenario. Hexagon will convert this information into model-ready inputs for evaluation.

Deliverable(s): Memo documenting decisions

Task 8.3. Hexagon: Evaluation of 3 Preliminary Alternatives

Hexagon will evaluate 3 preliminary HEU alternatives. Hexagon will set up the model inputs (land use, roadway network) specific for the 3 alternatives based on City staff input. VMT analysis will be run for existing and cumulative scenarios with and without the project, separately for all 3 alternatives. Hexagon will document our findings in a memorandum.

Deliverable(s): One (1) electronic memo outlining analysis of the three preliminary land use alternatives

Task 8.4. Hexagon: VMT Analysis

Existing VMT and Existing plus project VMT will be evaluated. A VMT impact discussion will be provided based on City's VMT impact criteria. Cumulative no project and Cumulative plus project VMT will also be evaluated. A Cumulative VMT impact discussion will also be provided as necessary.

Deliverable(s): This task will be completed as part of the traffic impact analysis report

Task 8.5. Hexagon: Bicycle, Pedestrian and Transit Facilities

Hexagon will qualitatively evaluate the proposed Housing Element Update's potential impacts on City's existing and planned bicycle, pedestrian, and transit facilities. Hexagon will also identify any potential conflicts with City's adopted policies on bicycle, pedestrian, and transit facilities. Potential mitigation strategies would be identified in coordination with City staff.

Deliverable(s): This task will be completed as part of the traffic impact analysis report

Task 8.6. Hexagon: Potential Mitigation Strategies

If the analysis identifies potential VMT impacts, Hexagon will coordinate with City staff to determine the appropriate mitigation strategies to eliminate the potential VMT impacts.

Deliverable(s): This task will be completed as part of the traffic impact analysis report

Task 8.7. Hexagon: Meetings

The fee estimate includes Hexagon staff attendance at five staff meetings in connection with the project. Attendance at public hearings is not part of the main scope.

Deliverable(s): Attendance at five (5) meetings with City staff and M-Group

Task 8.8. Hexagon: Traffic Impact Assessment

Hexagon will summarize findings and a write-up of the existing multimodal transportation conditions will also be included. Hexagon Transportation Consultants will respond to editorial comments on the draft and prepare a final TIA report.

Deliverable(s): One (1) electronic draft traffic impact analysis report
One (1) electronic final traffic impact analysis report

Task 8.9. Hexagon: Data Provisions for Other EIR Analysis

Hexagon staff will provide any requested transportation data to other EIR consultants.

Deliverable(s): No specific deliverable

Task 8.10. Hexagon: Response to EIR Comments

Hexagon will respond to transportation-related comments on the Draft EIR.

Deliverable(s): Assistance to response to comments regarding transportation

TASK 9 | ENVIRONMENTAL ANALYSIS

ESA's proposed scope of work for the environmental review component of the Housing Element Update (HEU), which expands on the scope of work outlined in the RFP. In addition, this section summarizes the general approach to the EIR, as well as the interrelatedness of the various HEU components. The EIR will also need to make note of several streamlined processes that have derived from changes to state law since the last cycle.

The City is fortunate in that it has a recently certified EIR for its 2016 General Plan. The General Plan EIR and its supporting studies will form the basis for much of the HEU EIR's environmental setting, so it therefore seems reasonable to present the HEU EIR as a Subsequent EIR to the 2016 General Plan EIR. Where necessary, the

information in the General Plan EIR would need to be updated to consider changed conditions and revised regulatory requirements.

Task 9.1. ESA: Project Initiation and Data Collection

We recognize that a number of scenarios are likely to be developed as part of the HEU process. The development of those scenarios will be undertaken as part of the various tasks outlined elsewhere in this proposal. For purposes of the EIR, we assume that the EIR process will not formally commence until those scenarios have been defined and vetted with City decision-makers and the Menlo Park community. We would assume that the following component of the HEU to be essentially settled prior to commencement of work on the project description and the EIR in general:

- Identification of housing opportunity sites;
- Identification of distribution scenarios (alternatives) for additional housing; and
- Identification of amendments to the General Plan's Housing Element, as well as amendments to other elements within the General Plan (Safety, Land Use, new Environmental Justice Element).

To begin the process, ESA will attend the project kickoff meeting with City staff and the rest of the project team. It is expected that all meetings would occur via teleconference. With respect to the EIR, subjects for discussion at the meeting will include, but not be limited to:

- Identify any prior environmental documentation that may be relevant to the HEU, most notably the 2016 General Plan EIR;
- Identify project databases, sources of information, and key contacts;
- Establish and confirm the scope of work, level of analysis, structure of the EIR, budget, schedule, and communication protocols; and
- Identify key issues known to be of concern to agencies, interest groups, and the public.

We assume that the City will provide any site-specific studies prepared to date, exhibits, project description details, and materials for development of the environmental document at the kick-off meeting. If additional data is required, ESA will submit a memo detailing data needs to the City with recommendations on how best to fill them.

Deliverable(s): Attendance at One (1) kick-off meeting
One (1) electronic memo (MS Word) detailing data needs

Task 9.2. ESA: Prepare Project Description and Alternatives

At the conclusion of the scenario vetting process, and in concert with City staff and the project team, ESA will prepare a draft project description technical memorandum for City review, which will include: relevant maps; a description of the regional and local setting; the housing element history; project objectives; planning context; population and housing characteristics and trends; opportunity sites; General Plan and/or zoning text/map revisions; potential alternative scenarios; and other information important to provide an understanding the proposed project. The project description will be used as the basis for preparing the Draft Program EIR. Upon receipt of the City's consolidated comments, ESA will make necessary changes to the project description and submit it for the City's final review and approval. ESA assumes that two iterations of the project description will be required and that required technical analyses will begin immediately after receipt of the City's comments on the draft.

Deliverable(s): One (1) electronic copy of the technical memorandum outlining planning and growth assumptions, detailed project description, and alternatives to be analyzed in the Program EIR

Task 9.3. ESA: Prepare Notice of Preparation

ESA will prepare a Notice of Preparation (NOP) that will build from the project description developed as part of Task 5.2 to describe the proposed HEU and the scope of the Program EIR. The NOP will be supported by maps and figures, as appropriate. The NOP will include:

- A description of the HEU and the environmental setting;
- Applicable maps and figures;
- An overview of the topics that will be evaluated in the EIR; and

- An overview of the environmental review and approval processes, including announcement of a public scoping meeting.

ESA will submit an electronic version of the NOP for City review. Upon receipt of the City's consolidated comments, ESA will make necessary changes to the NOP and submit for the City's final review and approval. We assume that the City will be responsibility for circulation of the NOP to area stakeholders, though ESA can submit the NOP to the State Clearinghouse through our Sacramento office.

Deliverable(s): One (1) electronic copy of the Administrative Draft NOP package
One (1) electronic copy of the NOP package for 30-day public review; and Submittal of NOP package to the State Clearinghouse, if requested by the City

Task 9.4. ESA: Conduct Scoping Meeting

ESA will attend an NOP scoping meeting held before the Planning Commission. ESA staff will assist in the preparation of a presentation that will provide an overview of the HEU and the CEQA process. Upon completion of the NOP comment period, we will prepare and submit a scoping report that summarizes the comments and identifies substantive issues warranting additional evaluation in the EIR.

Deliverable(s): Assistance with preparation of meeting presentation
One (1) electronic copy of a scoping report that summarizes comments and responses

Task 9.5. ESA: Conduct Agency Consultation

ESA will informally consult with agencies that provided substantive comments on the NOP. Much of this work would already occur as part of the EIR's preparation, but this task will provide the opportunity to receive more detailed guidance from relevant agencies. Of particular interest will be likely input received from neighboring jurisdictions, utility and service providers, Caltrans, and transit providers.

Deliverable(s): One (1) electronic copy of summarized meeting notes from each meeting/call

Task 9.6. ESA: Prepare Administrative Draft Program EIR

ESA will prepare an Administrative Draft Program EIR in compliance with local requirements, CEQA requirements (Public Resources Code 21000 et. seq), and the State CEQA Guidelines (California Code of Regulations, Section 15000 et. seq).

The scope of the environmental impact analyses in the Draft EIR will utilize the standard list of environmental topics and checklist questions contained within Appendix G of the CEQA Guidelines. Thresholds of significance will be discussed and confirmed with the City prior to the commencement of work. Topics

Aesthetics

ESA will discuss the visual character of the City and the potential visual and aesthetics impacts to surrounding land uses as a result of implementation of the HEU.

Agricultural and Forestry Resources

There are currently no agricultural or forestry resources in the City. Thus, we anticipate that there would be no impact.

Air Quality

ESA will assess the criteria air pollutant emissions likely to derive from implementation of the HEU. The section will include a description of the existing air quality setting for the area. We will present relevant regulatory background information, addressing the federal Clean Air Act, the California Clean Air Act, and BAAQMD regulations, and policies that could affect the HEU or the air quality analysis presented in the EIR. The air quality assessment will meet the CEQA requirements of the Bay Area Air Quality Management District (BAAQMD) and will be evaluated for consistency with the Bay Area Clean Air Plan: Spare the Air, Cool the Climate (2017 Clean Air Plan).

To the extent required and practicable in a program-level analysis, we will estimate criteria air pollutant emissions from mobile, stationary, and area sources. Emissions will be compared to BAAQMD thresholds for criteria air pollutants. ESA will evaluate local carbon monoxide emissions first based on BAAQMD traffic volume screening

criteria and, if necessary, based on modeling to compare to the 1- and 8-hour California standards of 20 ppm and 9 ppm, respectively. We will also evaluate potential odor emissions qualitatively by considering the screening level distances and typical odor sources. However, in general, the uses proposed as part of the HEU are not anticipated to generate substantial odors. If potentially significant impacts are identified related to criteria pollutants or odors, we will develop programmatic mitigation measures to address and reduce the significant impacts.

Pursuant to the recent Friant Ranch decision, the EIR will qualitatively discuss health consequences of ozone precursor emissions that would be associated with the proposed HEU. The explanation will discuss the level of detail needed to provide a meaningful analysis, and contrast that to the programmatic nature of the EIR and the available information and assumptions being used in the analysis.

Because of the location and potential future land uses for the HEU, in terms of residences and other sensitive receptors, a project-level and cumulative assessment of health risks associated with emissions of toxic air contaminants (TAC) will be completed to compare the risks resulting from the project to BAAQMD thresholds, as described below.

Health Risk Assessment

ESA will conduct a refined health risk assessment (HRA) to determine health risks and hazards resulting from TAC emissions from construction and operation of (stationary and mobile sources) of new development under the HEU at full buildout. We will estimate health risks from Diesel Particulate Matter (DPM), and annual average exhaust and dust particulate matter (PM_{2.5}) concentrations at off-site sensitive receptor locations within 1,000 feet of potential HEU opportunity site boundaries. TAC sources are anticipated to include off-road construction equipment, on-road diesel haul trucks, operational vehicle traffic, and operational heavy-duty diesel truck traffic. The HRA will be conducted following methods in BAAQMD's Health Risk Screening Analysis Guidelines and in the Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance. The AERMOD model requires numerous inputs, such as general meteorological data, source parameters, topographical data, and receptor characteristics. Where project-specific information is not available, ESA will use default parameter sets that are designed to produce conservative (i.e., overestimates of) air concentrations. If necessary, ESA will identify mitigation measures to reduce off-site and on-site health risks.

Cumulative Health Risk Assessment

ESA will also prepare a cumulative HRA for the project. For the cumulative HRA, ESA will conduct a survey of the land uses and other TAC emission sources surrounding the potential development areas to determine the potential nearby sources of PM_{2.5} and TACs, such as Highway 24 and other major roadways, and any reasonable and foreseeable future developments in the area. ESA will use internet sources including Google Earth, Google Maps, and data from the BAAQMD to survey major sources of PM_{2.5} and TACs within 1,000 feet of the potential development sites. ESA will rely primarily on the BAAQMD screening tools for permitted stationary sources and highways within the project area to identify nearby sources of TACs and their associated health risks. Consistent with the BAAQMD Guidelines, ESA will calculate the cumulative lifetime excess cancer risks and annual average PM_{2.5} concentrations from the project (construction and operation). We will also assess the background cumulative sources in the surrounding area that are within a 1,000-foot radius of the potential development areas. Health risks will be calculated at the Maximally Exposed Individual Sensitive Receptor (MEISR) location for existing off-site receptors. The MEISR will be determined in the project-level HRA described above. If necessary, ESA will identify mitigation measures to reduce cumulative health risks at onsite and offsite receptors.

Biological Resources

The City is generally already developed and is surrounded by areas of existing development. As a result, the HEU is expected to have a minimal effect on local biological resources. Areas of sensitivity within the City limits, such as the wetlands of San Francisco Bay, are assumed to be unavailable for development, and are thus unlikely to be impacted by implementation of the HEU. Key issues that are anticipated, which are common to many urban build projects, include potential effects to nesting birds during construction, the potential effects to wetlands and other waters of the U.S. for parcels near drainages, and consistency with the City's Heritage Tree Ordinance. As part of the analysis in the Program EIR, we will:

- Verify existing biological studies relating to the project area and determine the applicability of the biological analysis in other planning and site-specific CEQA documents for the region.

- Consult with the California Department of Fish and Wildlife California Natural Diversity Database, as well as California Native Plant Society publications.
- Obtain additional information on special-status species, natural communities of concern, and permit requirements through the U.S. Fish and Wildlife Service "Information for Planning and Consultation" (IPaC) online system.
- Summarize and evaluate federal, state, and local policies and regulations as they pertain to biological resources in the area.
- Identify any potentially significant impacts to biological resources, and recommend measures that would reduce impacts to less-than-significant.

Cultural Resources

Portions of the City are located in an area known for a high sensitivity for prehistoric archaeological resources; numerous burials and occupation sites have been identified in Menlo Park. The City also contains numerous local historic built-environment resources, some of which have been listed on national and state registers. Therefore, consistent with General Plan Goal OSC-3: Protect and Enhance Historic Resources, and Policy LU-7.8: Cultural Resource Preservation, the Program EIR will characterize potential impacts to archeological resources, historic architectural resources, human remains, and tribal resources.

ESA will provide measures to avoid, minimize, or mitigate potential impacts to these types of resources. Mitigation measures could include project planning requirements to avoid areas of high archaeological sensitivity; requirements for subsurface investigations in known sensitive areas to identify resources prior to project construction; monitoring during construction; and data recovery efforts through scientific research and/or consultation with Native American tribes. For historic resources, in addition to compliance with the Secretary of the Interior's Standards, mitigations may include additional resource surveys and evaluations, documentation and interpretation plans, and building relocation. As part of the Program EIR's preparation, ESA will:

- Review City documents and conduct a records search at the Northwest Information Center of the California Historical Resources Information System to identify known cultural resources in the planning area;
- Identify areas of archaeological and historic sensitivity utilizing existing planning documents, geologic maps, soil studies, historic maps, and previous archaeological and historic studies;
- For historic architectural resources, the effort above will be augmented with a reconnaissance-level survey to assess the architectural character of the area and relative potential for additional historic resources; no formal survey ("DPR" forms) will be prepared.
- Contact the Native American Heritage Commission to request information on any known sacred sites within the vicinity of the planning area and to request a list of contacts for Native American tribes who may have an interest in the planning area. In compliance with Assembly Bill 52 and Senate Bill 18, on behalf of the City, ESA can prepare a certified letter to each of the NAHC-listed contacts, requesting information/comments regarding any Native American cultural resources that may be of concern.
- Identify any potentially significant impacts to cultural resources, and recommend measures that would reduce impacts to less-than-significant.

Energy

ESA will consider the increase in energy resources associated with the implementation of the HEU. This analysis will consider the potential for any significant direct, indirect, and cumulative energy impacts, and associated mitigation measures. The section will be closely coordinated with the project description and GHG analysis to ensure the project and associated environmental effects are consistently characterized.

Geology, Paleontology, and Mineral Resources

The key geology issues of concern in the region are the presence of nearby active and potentially active faults. The San Andreas Fault, located just west of the City, has had destructive earthquakes in historic time, as have other nearby regional faults. In addition, areas of high liquefaction potential are present in areas of the City near San Francisco Bay and San Francisquito Creek. As part of the Program EIR's preparation, ESA will:

- Review reports, maps, and data published by the USGS, CGS, Natural Resources Conservation Service, and other sources to identify and summarize geologic, seismic, and soil conditions, and paleontological resources within the program area and develop a comprehensive understanding of the potential risks from seismic events, unstable soils, and other CEQA Appendix G criteria.

- Identify the relevant regulations and codes that would apply to construction and operation of projects within the program, and determine the manner and extent to which compliance would address potential impacts.
- Describe methods to manage stormwater to prevent erosion; and determine if, where, and to what extent geologic hazards to structures would remain after compliance with building codes and geotechnical recommendations.
- Identify which, if any, impacts are significant, and present mitigation, where applicable and feasible, to reduce the impacts to below applicable significance thresholds.

Greenhouse Gas Emissions

The Greenhouse Gas Emissions (GHG) section will include the current setting, regulatory background, impact analyses, consistency with applicable GHG significance thresholds and guidance, and mitigation. Short-term emissions due to construction and long-term operational emissions will be evaluated using CalEEMod and other tools. The information contained in the project transportation and traffic analysis will be used to estimate transportation-related GHG emissions. The evaluation will also consider other aspects of construction and operation of likely new housing, including energy consumption, water consumption, and solid waste generation, that would contribute to emissions.

The project's GHG emissions will be compared to applicable GHG significance thresholds and BAAQMD CEQA guidance for assessing emissions from land development and stationary sources. Additionally, the project will be assessed for consistency with the state's 2017 Climate Change Scoping Plan Update for achieving the statewide GHG target mandated by SB 32, the San Francisco Bay Area's Sustainable Communities Strategy/Regional Transportation Plan (Plan Bay Area 2040), the San Mateo County Climate Action Plan, and the City's Climate Action Plan. If applicable, ESA will identify measures to mitigate any adverse impacts.

Hazards and Hazardous Materials

The primary hazards and hazardous materials issues would be previous uses of the properties where development could occur under the HEU, as well as nearby properties, and whether any residual contamination may be present that would affect the construction or operation of projects within the program. Numerous sites within the City have undergone cleanup treatments, several are currently undergoing treatment, and several others have had restrictions placed on them which may limit the types of future development that can occur. These types of occurrences are not unusual in an urban area, but they can interfere with future development opportunities. Portions of the City's southern perimeter are also adjacent to fire hazard severity zones.

ESA will discuss the potential for amendments of the City's Safety Element pursuant to Government Code Section 65302.15(b) with City staff and will address the potential hazards and hazardous materials-related impacts of the proposed HEU and any concurrent general plan amendments in accordance with CEQA requirements. As part of this effort, ESA will:

- Describe the setting of environmental conditions using available information, with a focus on the housing opportunity sites.
- Identify the relevant regulations and codes that would apply to construction and operation of the program, and determine the manner and extent to which compliance would address potential impacts.
- Identify which, if any, impacts are significant, and present mitigation, where applicable and feasible, to reduce the impacts to below applicable thresholds.

Hydrology and Water Quality

The key hydrology and water quality issues of concern for the HEU would be water quality impacts during construction, and the presence of 100- and 500-year FEMA flood hazard zones within the City. As part of this effort, ESA will:

- Review reports, maps, and data published by the state, county, FEMA, and other sources to identify and summarize hydrologic and water quality conditions in the program area, with a focus on the housing opportunity sites.
- Identify the relevant regulations and codes that would apply to construction and operation of projects within the program, and determine the manner and extent to which compliance would address potential impacts. This will include discussing how the state Construction General Permit, local MS4 permit, and low impact development (LID) requirements would address erosion and runoff issues. The degree to which such requirements will reduce potential effects and any additional actions that might be required will receive careful consideration.

- Describe program methods to manage stormwater, and determine if, where, and to what extent impacts would remain after compliance with standard codes and geotechnical recommendations.
- Identify which, if any, impacts are significant, and present mitigation, where applicable and feasible, to reduce the impacts to below applicable thresholds.

Land Use and Planning

The analysis of land use impacts will evaluate the HEU's consistency with existing land use plans and zoning. This section will discuss the existing land use and planning setting and the potential for environmental impacts associated with the HEU and identify mitigation measures, where appropriate. It will also discuss the General Plan Amendment associated with implementation of the HEU and identify any potential environmental issues.

Noise and Vibration

The analysis will focus on noise and vibration levels generated by construction activities as well as from increases in traffic volumes due to potential build-out under the HEU. Noise and vibration levels will be determined relative to the City's applicable noise level criteria in Chapter 8.06 of the City's Municipal Code and General Plan Noise Element.

ESA will prepare a noise analysis that will describe the noise impacts resulting from construction and on-site noise levels associated with existing and future traffic on local roadways, as well as noise from Caltrain operations. ESA will compile an inventory of existing long-term noise data from the 2016 General Plan EIR and other recent CEQA documents for developments within the City to the extent possible. Traffic noise on local streets generated by vehicles will be quantitatively assessed using algorithms of the federal Transportation Noise Model. The noise analysis will identify nearby sensitive receptors—primarily residences—and assess impacts on these receptors. The analysis will also provide estimations of potential exposure to noise and vibration levels at various distances from construction and transportation sources; any findings of impact; and the need for any mitigation measures, if necessary.

Population and Housing

The HEU will include programs to increase housing within the City and, as a result, it is anticipated that population would increase. ESA will evaluate the potential for the HEU to directly or indirectly induce population, housing, and employment growth within the City. The evaluation will rely on information within the General Plan, other City sources, Census data, and projections provided by ABAG, and will evaluate the HEU's effects, particularly those that would translate to significant physical impacts on the environment.

Public Services and Recreation

The HEU would include programs that could increase population growth and demand for public services, including fire protection, police protection, schools, parks, and other public facilities such as libraries. ESA will evaluate whether the expansion of these services under the HEU would result in any direct or indirect physical changes to the environment.

Transportation and Circulation

Using the vehicle miles traveled (VMT) and transportation impact analysis prepared by Hexagon Transportation Consultants, ESA will prepare the Transportation/Traffic section of the EIR. The analysis of transportation impacts will be conducted consistent with the City's adopted VMT methodology and thresholds. As an optional task, Hexagon can provide an intersection LOS analysis in a stand-alone report, separate from the environmental impact analysis, that could be used to evaluate conformance with the City's performance policies.

The analysis of Transportation/Traffic Impacts will include the following analysis topics:

- Impacts attributable to vehicle miles traveled (VMT) generated by the project, consistent with the City's adopted VMT methodology and thresholds. Hexagon will conduct the VMT analysis based on the ConnectMenlo Travel Demand Model.
- Impacts to bicycling, walking and transit.
- Comparison of transportation impacts for up to three scenarios.

Where potentially significant transportation impacts are identified, the Transportation/Traffic section will identify feasible mitigations which could include transportation demand management (TDM) measures to reduce VMT.

Tribal Cultural Resources

As stated previously under Cultural Resources, ESA will assist the City in preparing AB 52 letters. ESA assumes that the City will conduct consultation with tribal representatives who have requested notification of projects within the City. Effects of the HEU on identified resources will be evaluated.

Utilities and Service Systems

The HEU would include proposed programs that could increase population growth and demand for utilities and services systems, including water, wastewater, stormwater drainage, electric power, natural gas, telecommunication systems, and solid waste. ESA will evaluate whether any direct or indirect physical changes to the environment would result as to utilities and service systems. No Water Supply Assessment (WSA) will be prepared, however ESA will consult with several service providers regarding water and wastewater services to the City.

Wildfire

According to the City 2016 General Plan EIR, portions of the City's southern perimeter are also to moderate and high fire hazard severity zones in a State Responsibility Area. ESA will evaluate whether the implementation of the HEU would result in any direct or indirect physical changes to the environment. (Also see Hazards and Hazardous Materials section above.)

Alternatives

In addition to the No Project Alternative, the EIR will evaluate up to three additional alternative development scenarios. The analysis will be qualitative for most issues, but will be quantified for issues where it is reasonable to do so (i.e., air quality, transportation). The selection of alternatives for inclusions in the EIR will occur in coordination with the City, and will be primarily directed towards alternatives that anticipate potential policy options that could lessen identified significant impacts associated with the HEU.

Deliverable(s): One (1) electronic copy of the Administrative Draft EIR

Task 9.7. ESA: Prepare Public Draft Program EIR

ESA will revise the Administrative Draft Program EIR to reflect the City's recommended changes, and will prepare a Final Screencheck EIR for final review by the City prior to public circulation. After any minor changes, this version of the document will constitute the Public Draft Program EIR and will be distributed for a 45-day public review period.

ESA will prepare the Notice of Completion (NOC) and Notice of Availability (NOA), and will assist the City in distributing the Draft Program EIR to the public. Per the requirements of the RFP, ESA staff will participate in a public hearing during the Draft EIR's circulation period.

Deliverable(s): Fifteen (15) hard copies of the Draft Program EIR
One (1) electronic copy of the Draft Program EIR

Task 9.8. ESA: Prepare Responses to Comments

We assume that a moderate number of comments will be received, and that the draft responses will be able to be prepared per the schedule and budget provided. ESA will review the comments and coordinate with the City to discuss issues raised and establish an approach for responding to comments. If the number or complexity of comments cannot be responded to with the time and budget provided, we will share this information with the City and discuss additional schedule and budget requirements, if needed. ESA will then prepare a draft response to comments document and submit it to the City for review.

Deliverable(s): One (1) electronic copy of the draft response to comments

Task 9.9. ESA: Prepare Final Program EIR, Findings, and Mitigation Monitoring and Reporting Plan

ESA will prepare a Final Program EIR and Mitigation Monitoring and Reporting Plan (MMRP)The Final EIR will consist of:

- Comment letters received during the public review period, with responses.

- Any changes, corrections, or modifications to the Draft Program EIR resulting from the comments received (one round of City review assumed).

The draft MMRP will contain a list of mitigation measures to be adopted as part of project implementation, identify responsible parties for mitigation implementation, as well as those responsible for monitoring and enforcement (one round of City review assumed).

- A summary of findings, as required by CEQA (one round of City review assumed). It is assumed that the City will prepare any accompanying resolutions to the findings and the adoption of the HEU.
- ESA will also prepare a Notice of Determination (NOD), for delivery to the County Clerk and the State Clearinghouse.
- The ESA project director and project manager will attend one public hearing as part of the EIR's certification process.

Deliverable(s): Five (5) hard copies of the draft Final Program EIR, Findings, and MMRP
Notice of Determination
One (1) electronic copy of the draft Final Program EIR, Findings, and MMRP
Notice of Determination

Task 9.10. ESA: Project Coordination Meetings and Project Management

ESA's Project Manager will be the task leader for all tasks identified in this scope of work, and will oversee preparation of each component of the environmental analysis, coordinating interaction between the City and ESA staff. ESA's Project Director and Project Manager will be available to work with the City on the strategy and design of the CEQA process and documents, and will provide internal quality control for the environmental document.

For purposes of budgeting for this task, we have considered the overall project duration (12 months) and have assumed a set number of meetings during that period, together with a monthly hourly average for project management purposes. We have assumed that all of the project team meetings will occur via video or teleconference. We have assumed that meetings will occur on a monthly basis (12 months), though we recognize that during certain periods more frequent meetings may be required. To that end, we have provided budget for up to 16 meetings with up to 4 hours allotted for each to account for preparation, meeting, and coordination time. We have also provided time to account for occasional attendance by ESA's project director and technical specialists as the need arises. For purposes of general project management duties, we have allotted 6 hours monthly for this purpose.

Deliverable(s): Attendance at sixteen (16) meetings including a kick-off meeting

Task 9.11. ESA: Water Supply Assessment

Water supply planning requires reviewing and identifying adequate available water supplies necessary to meet the demand generated by the changes associated with the Housing Element Update, as well as the cumulative demand over the next 20 years, under a range of water year conditions. Tasks within this effort include: 1) Analysis of past, current, and projected water demand; 2) Past, current, and projected water supply; 3) Consideration of variability in demand and supply based upon hydrologic conditions; and 4) Identification of potential water shortages. If it is determined that there are insufficient supplies to meet demand over the next 20 years, the City will need to identify where those water supplies will come from.

Finally, according to Section 10910 (f) of the Water Code, if groundwater is identified as a possible source, a description of the groundwater basin or basins from which the proposed Project will be supplied must be included in the WSA. This includes an analysis of the amount and location of past and current groundwater pumping, as well as the amount and location of groundwater projected to be pumped to meet the future water demand associated with the Housing Element Update, as well as the projected cumulative demand, based on "information that is reasonably available, including, but not limited to, historic use records, groundwater adjudications, groundwater management plans, etc."

The water demand associated with Housing Element Update will be calculated and added to existing water

demands and the demands that were projected in the 2015 UWMP. In addition, since the UWMP is currently being updated, to the extent feasible and available, updated water supply and demand projections that will be included in the 2020 UWMP will be reviewed and used in this WSA.

Task 9.11.1. Prepare Administrative Draft WSA

The WSA will be prepared consistent with the requirements of the Water Code. ESA will review existing information including MPMWD's 2015 UWMP, data from the other water purveyors for the City, if applicable and available data/information from the current version of the 2020 UWMP. This task includes the following sub-tasks:

- Determine available water supplies for the region and service areas, then summarize this information according to the source of the supply.
- Determine what the future demand will be in the service area in terms of number and types of connections, as well as the expected demand per class of connection. Develop an analysis of projected water supplies over the next 20 years based on projections contained within MPMWD's 2015 UWMP and the other water purveyors. This analysis will include consideration of water source reliability in terms of water supply and water quality, as well as availability during wet, normal and dry years, as well as multiple dry years. This analysis will include a discussion of water supplies that meet the requirements these under the guidelines of SB 610.
- Identify reasonable alternative sources of water (if available) to meet any recognized shortfalls between projected supply and demand, as well as a description of recommended future studies or actions needed to identify and/ or acquire additional water.
- Determine the number and types of water service connections associated with the proposed Project, as well as the additional demand generated within the City's local service area, and allocate water demand to various types of service connections.
- Carry the demand analysis out for a projected twenty-year period in 5-year increments beginning in 2020 through 2040, and present this information in a tables for easy comparison purposes.
- Conduct an assessment of the potential demand versus the available supplies as identified in the above tasks and present this information in a technical report, the WSA.

Task 9.11.2. Prepare Draft and Final Water Supply Assessment

The draft version of the WSA will be prepared based on task 1 and its subtasks as presented above. Tables and figures will be developed based on existing information as gathered, reviewed and compiled based on task 5.27.1 above. Following preparation of the Admin Draft WSA, ESA will prepare the draft and final WSA which will include the following:

- Based on one consolidated set of comments from reviewers, ESA will incorporate any corrections or revisions and prepare a Draft version of the WSA. It is assumed that any comments on the Draft version will be editorial and no new analysis will be required.
- Based on one consolidated set of comments from City staff on the Draft WSA, ESA will incorporate any corrections/revisions and prepare a Final WSA for review prior to publication. It is assumed that any comments on the Final WSA will be editorial and no new analysis will be required.

The Final WSA will be provided to the City for adoption. It is expected that the information contained in the WSA will also be available for use in the CEQA review process and the Final WSA will be appended to the EIR.

Deliverable(s): One (1) electronic copy of the Administrative Draft WSA
One (1) electronic copy (PDF) of the Draft and Final WSA and findings

Task 9.12. M-Group: NOP/Scoping Meeting at Planning Commission

M-Group will attend one Planning Commission meeting for the Notice of Preparation.

Deliverable(s): One (1) Planning Commission Meeting via video conference call, electronic agenda (pdf), and notes (MS Word)

Task 9.13. M-Group: Draft EIR at Planning Commission

M-Group will attend one Planning Commission meeting for the Draft EIR.

Deliverable(s): One (1) Planning Commission Meeting via video conference call, electronic agenda (pdf), and notes (MS Word)

TASK 10 | ADOPTION & CERTIFICATION

Task 10.1. Housing Commission Meeting (Final Adoption Review)

M-Group will attend one (1) Housing Commission meeting for the recommendation of adoption of the Housing Element and General Plan Amendments. M-Group staff members will be available for each meeting. M-Group will prepare a presentation for the meeting. M-Group will make minor changes to the documents as necessary for this meeting. It is assumed the City staff will prepare staff reports, prepare and distribute notices, and schedule the meeting.

Deliverable(s): One (1) Housing Commission meeting attendance by M-Group staff members
One (1) PowerPoint presentation

Task 10.2. Planning Commission Meeting (Final Adoption Recommendation)

M-Group will attend one (1) Planning Commission meetings for the recommendation of adoption of the Housing Element and General Plan Amendments. M-Group staff members will be available for each meeting. M-Group will prepare a presentation for the meeting. M-Group will make minor changes to the documents as necessary for this meeting. It is assumed the City staff will prepare staff reports, prepare and distribute notices, and schedule the meeting.

Deliverable(s): One (1) Planning Commission meetings attended by M-Group staff members
One (1) PowerPoint presentation

Task 10.3. City Council Meetings (Final Adoption)

M-Group will attend two (2) City Council meetings for the adoption of the Housing Element, General Plan Elements, and Zoning Changes. M-Group staff members will be available for each meeting. M-Group will make minor changes to the documents as necessary for this meeting. M-Group will prepare a presentation for each meeting. It is assumed the City staff will prepare staff reports, prepare and distribute notices, and schedule the meetings.

Deliverable(s): Two (2) City Council meetings attendance by three (3) M-Group staff members
Two (2) PowerPoint presentations

Task 10.4. HCD Certification

M-Group shall follow through with assisting the City (in coordination with 21 Elements) in obtaining HCD certification of the Housing Element following its adoption by the City. M-Group will work closely with the City and HCD to ensure the City meets State requirements and will recommend any modifications to the Housing Element, if required, to obtain certification.

Deliverable(s): One (1) Cover letter summarizing changes and final Housing Element for certification

MENLO PARK HOUSING & ENVIRONMENTAL JUSTICE ELEMENTS BUDGET									
Updated May 7, 2021									
Task Number / Description	M-GROUP								
	Geoff Bradley, PIC/Proj. Manager	Sung Kwon, Dep. Project Manager	Christina Paul, Comm. Engage. Lead	Payal Bhagat, Principal Planner	Justin Shiu, Senior Planner	Associate Planner	Assistant Planner	M-Group Hours (without optional items)	Subtotal (without optional items)
Hourly Billing Rate	\$250	\$165	\$165	\$165	\$145	\$125	\$95		
TASK 1 PROJECT ADMINISTRATION									
1.1 Project Kick-off meeting	4	4	4	0	0	10	0	22	\$3,570
1.2 Updates to the Housing Commission and Planning Commission	8	8	8	0	0	8	0	32	\$8,640
1.3 Finalize and Update Schedule	4	8	4	0	0	10	0	26	\$4,230
1.4 Project Management and Coordination	80	70	30	0	0	32	0	212	\$40,500
1.5 Coordination with HCD	20	24	0	0	0	8	0	52	\$9,960
Task 1 Subtotal:	116	114	46	0	0	68	0	344	\$63,900
TASK 2 COMMUNITY OUTREACH & ENGAGEMENT									
2.1 CEOC Meetings	40	40	12	0	0	28	0	120	\$22,080
2.2 City Council Subcommittee Updates	6	6	0	0	0	20	0	32	\$4,990
2.3 Community Engagement Plan	2	8	42	0	10	0	0	62	\$10,200
2.4 Provide updates to the Master Contact List	0	0	0	0	0	0	8	8	\$760
2.5 Partner with Local Non-Profit Community Groups	2	12	4	0	0	18	18	54	\$7,100
2.6 Social Media	0	4	8	0	0	24	32	68	\$8,020
2.7 Electronic Media (email content)	2	6	2	0	0	16	28	54	\$6,480
2.8 Print Media/ PDF Utilization	0	6	4	0	0	16	24	50	\$5,930
2.9 General Survey	2	8	2	0	16	10	24	62	\$8,000
2.10 Housing Introduction Seminar	2	4	16	0	0	20	30	72	\$9,150
2.11 Focus Groups	4	8	4	0	24	24	12	76	\$10,600
2.12 Individual Interviews (or small group meetings)	2	4	0	0	0	4	24	34	\$3,940
2.13 General Outreach Meetings by Council District	8	20	0	0	0	20	20	68	\$9,700
2.14 Project Gallery	2	4	12	0	0	14	0	32	\$4,890
2.15 Farmers' Market Pop-Up Booth	4	8	0	0	0	12	12	36	\$4,960
2.16 Standalone Project Website (Optional - See Below for Cost)									
2.17 Non-Profit Policy & Engagement Advisor (See Below for Cost)									
Task 2 Subtotal:	76	138	106	0	50	226	232	828	\$116,800
TASK 3 LAND USE STRATEGY									
3.1 Preliminary Land Use Strategies: Housing Commission	8	20	0	12	0	32	0	72	\$11,280
3.2 Housing Workshop	4	8	20	0	12	12	4	60	\$9,240
3.3 Land Use Meeting: Planning Commission	8	24	0	0	0	52	0	84	\$12,460
3.4 Preliminary Land Use Alternatives: City Council	8	24	0	0	0	40	0	72	\$10,960
3.5 Preferred Land Use Concept: Planning Commission	4	16	0	0	0	24	0	44	\$6,640
3.6 Objective Design Standards (Optional - See Below for Cost)									
Task 3 Subtotal:	32	92	20	12	12	160	4	332	\$50,580
TASK 4 HOUSING ELEMENT									
4.1 Document Review	0	12	0	0	0	8	8	28	\$3,740
4.2 List of Current General Plan Policies and Programs	0	2	0	0	0	8	0	10	\$1,330
4.3 Review and Evaluation of Current Housing Element	4	12	0	8	0	16	0	40	\$6,300
4.4 Review City's RHNA Allocation	2	4	0	0	0	8	0	14	\$2,160
4.5 Review City's Vacant and Underutilized Land Inventory	0	8	0	2	20	32	0	62	\$8,550
4.6 Compile GIS Shapefiles for Analysis	0	2	0	0	0	24	0	26	\$3,330
4.7 Use of GIS for Site Selection & AFFH	0	16	0	0	0	40	0	56	\$7,640
4.8 Prepare Land Use Options in GIS	8	32	0	0	0	46	16	102	\$14,550
4.9 Site Inventory and RHNA	8	16	0	6	16	44	0	90	\$13,450
4.10 Housing Needs Assessment	2	24	0	0	16	42	12	96	\$13,170
4.11 Potential Governmental and Non-Governmental Constraints	2	16	0	0	20	24	0	62	\$9,040
4.12 At-Risk Units	2	16	0	0	0	16	0	34	\$5,140
4.13 Housing Objectives, Policies, and Programs	18	22	0	10	24	40	32	146	\$21,300
Task 4 Subtotal:	46	182	0	26	96	348	68	766	\$109,700
TASK 5 ADMINISTRATIVE DRAFT DOCUMENTS									
5.1 Admin. Draft Housing Element	10	30	0	12	26	40	0	118	\$18,200
5.2 Admin. Draft Land Use Element	8	14	0	12	20	40	0	94	\$14,190
5.3 Admin. Zoning Ordinance and Zoning Map	6	20	0	16	18	40	0	100	\$15,050
5.4 Admin. Draft Environmental Justice Element	12	22	0	0	16	40	0	90	\$13,950
5.5 Admin. Draft Safety Element	8	12	0	0	24	32	0	76	\$11,460
Task 5 Subtotal:	44	98	0	40	104	192	0	478	\$72,850
<i>See Below (Subconsultant Technical Studies) for detail</i>									
TASK 7 PUBLIC REVIEW OF DOCUMENTS									
7.1 Draft EJ & Safety Element to Planning Commission	4	8	0	0	0	12	0	24	\$3,820
7.2 Joint HC & PC Meeting on Admin. Draft Housing, Land Use Elements + Zoning Code and Map	4	8	0	0	0	12	0	24	\$3,820
7.3 Public Review Draft Housing, Safety, Environmental Justice, Land Use Elements + Zoning Code and Map	8	24	0	0	0	40	0	72	\$10,960
7.4 Final Draft Housing, Safety, Environmental Justice, Land Use Elements + Zoning Code and Map	2	8	0	0	0	32	16	58	\$7,340
Task 7 Subtotal:	18	48	0	0	0	96	16	178	\$25,940
TASK 8 TRANSPORTATION ANALYSIS									
<i>See Below (Subconsultant Technical Studies) for detail</i>									
TASK 9 ENVIRONMENTAL ANALYSIS									
9.12 NOP/Scoping Meeting at Planning Commission (M-Group)	4	4	0	0	0	0	0	8	\$1,660
9.13 Draft EIR at Planning Commission (M-Group)	4	4	0	0	0	0	0	8	\$1,660
Task 9 Subtotal:	8	8	0	0	0	0	0	16	\$3,320
TASK 10 ADOPTION									
10.1 Housing Commission Adoption Meeting	8	8	0	0	0	4	4	24	\$4,200
10.2 Planning Commission Adoption Meeting	8	8	0	0	0	4	4	24	\$4,200
10.3 City Council Adoption Meetings (2)	16	16	0	0	0	4	8	44	\$7,900
10.4 HCD Certification	10	40	0	0	0	0	0	50	\$9,100
Task 10 Subtotal:	42	72	0	0	0	12	16	142	\$25,400
Project Subtotal (hours + budget)	382	752	172	78	262	1,102	336	3,084	\$468,490
Direct Costs (extra printing, postage, fees)									\$2,622
M-Group Subtotal									\$471,112
									Total Cost
SUBCONSULTANTS									
Task 2.17 ChangeLab Solutions - Non-Profit Policy & Engagement Advisor									\$30,000
Task 6 BAE - AFFH support and Fiscal Impact Analysis									\$49,920
Task 6 BAE - Estimate School Construction Costs									\$6,475
Task 8 Hexagon - Transportation (VMT) Analysis									\$64,250
Task 9 ESA - Environmental Impact Report									\$295,990
Task 9 Water Supply Assessment (if needed)									\$22,070
Subtotal all Subconsultants									\$468,705
9% Contract Management Fee									\$42,183

		<i>Subtotal all Subconsultants Including 9% Contract Mgmt. Fee</i>	\$510,888
Project Total (without Optional Items)			\$982,000
OPTIONAL TASKS			
Task 2.16	Standalone Project Website		<i>\$10,000</i>
Task 3.6	Objective Design Standards		<i>\$90,000</i>
		<i>Subtotal for all Optional Items</i>	\$100,000
Project Total (with all Optional Items)			\$1,082,000

NOTES

- 1 M-Group reserves the right to re-allocate hours and include assistance from other planners within M-Group to complete the tasks, as necessary, but within the total budget.
- 2 Cost Proposal is for a Fixed-Fee Contract with monthly invoicing based on percentage task completion.
- 3 Travel time and expenses have been factored into the budget.
- 4 Unexpected issues out of scope or extended timeline out of the control of M-Group may necessitate the need for additional budget.



STAFF REPORT

City Council

Meeting Date: 3/22/2022

Staff Report Number: 22-057-CC

Informational Item: City Council agenda topics: April 2022

Recommendation

The purpose of this informational item is to provide the City Council and members of the public access to the anticipated agenda items that will be presented to the City Council. The mayor and city manager set the City Council agenda so there is no action required of the City Council as a result of this informational item.

Policy Issues

In accordance with the City Council procedures manual, the mayor and city manager set the agenda for City Council meetings.

Analysis

In an effort to provide greater access to the City Council's future agenda items, staff has compiled a listing of anticipated agenda items, Attachment A, through April 26, 2022. The topics are arranged by department to help identify the work group most impacted by the agenda item.

Specific dates are not provided in the attachment due to a number of factors that influence the City Council agenda preparation process. In their agenda management, the mayor and city manager strive to compile an agenda that is most responsive to the City Council's adopted priorities and work plan while also balancing the business needs of the organization. Certain agenda items, such as appeals or State mandated reporting, must be scheduled by a certain date to ensure compliance. In addition, the meeting agendas are managed to allow the greatest opportunity for public input while also allowing the meeting to conclude around 11 p.m. Every effort is made to avoid scheduling two matters that may be contentious to allow the City Council sufficient time to fully discuss the matter before the City Council.

Public Notice

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

Attachments

A. City Council agenda topics: April 2022

Report prepared by:
Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type	City Council action
1	Receive and file report on labor relations and receive public input on upcoming labor negotiations with Menlo Park Police Sergeants' Association	ASD	Regular	Receive and file
2	Adopt ARPA resolution electing standard allowance/allocation of funds	ASD	Regular	Adopt resolution
3	Adopt Measure T General Obligation Bond Resolutions/Financing Documents	ASD	Regular	Approve
4	FY 2022-23 Budget Principles, Revenue and Expense Assumptions	ASD	Regular	Approve
5	Master Fee Schedule update effective July 1, 2022	ASD	Public Hearing	Adopt resolution
6	Personnel activity report as of March 2022	ASD	Informational	Receive and file
7	Approve funding for 335 Pierce Rd	CDD	Regular	Approve
8	Authorize the city manager to enter into a contract prepare an environmental impact report for 1005 O'Brien/1320 Willow	CDD	Consent	Contract award or amend
9	Discussion on and direction to staff regarding residential zoning changes to the R-MU zoning district in the Bayfront Area of District 1	CDD	Regular	Direction to staff
10	Willow Village Community Amenities Review	CDD	Study Session	Direction to staff
11	Adopt Community Amenity Implementing Regulations and Updated Amenities List	CMO	Regular	Adopt resolution
12	Adopt Resolution to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public	CMO	Consent	Adopt resolution
13	Advisory body appointments	CMO	Advisory Body Reports	Appointments
14	Authorize the Mayor to Join ICELEI Race to Zero to receive free technical assistance and support on Climate Action Plan Science Based Targets	CMO	Consent	Adopt resolution
15	Consider BlocPower Partnership	CMO	Regular	Direction to staff
16	Consider matching Peninsula Clean Energy's electric vehicle charging incentive for existing multi-unit properties in Menlo Park to support CAP strategy goal no. 3	CMO	Regular	Approve
17	MPMC 2.04.220 (identifies the district map adopted by IRC through resolution)	CMO	Regular	Adopt resolution
18	Proclamation: April as National Poetry Month	CMO	Proclamation	No action
19	Receive and file 2021 priorities and work plan quarterly report	CMO	Consent	Receive and file
20	Reach Codes 2.0	CMO	Study Session	Direction to staff
21	Adopt a resolution accepting and appropriating a County of San Mateo grant to provide summer enrichment programs for children	LCS	Consent	Adopt resolution
22	Community access to Belle Haven School field	LCS	Informational	Receive and file
23	Gymnastics program reactivation options, next steps	LCS	Regular	Direction to staff
24	MPCP operational plan milestones	LCS	Informational	No action
25	Receive and file the Parks and Recreation Commission's work plan	LCS	Consent	Receive and file
26	Introduce ordinance in compliance with AB 481	PD	Regular	Decide
27	Adopt Resolution approving the 2021 amended water supply agreement with the City and County of San Francisco; and Adopt resolution approving a minimum purchase transfer from the City of Mountain View to the City of East Palo Alto	PW	Consent	Adopt resolution
28	Approve concept design for Willow Oaks and Burgess Park improvements	PW	Regular	Approve
29	Automated water meter reading project agreement	PW	Consent	Approve
30	Ravenswood resurfacing and bike lane pilot update	PW	Consent	Direction to staff



STAFF REPORT

City Council
Meeting Date: 3/22/2022
Staff Report Number: 22-054-CC

Informational Item: Receive and file City Council and advisory body annual attendance report for March 2021 – February 2022

Recommendation

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

Policy Issues

City Council Policy CC-22-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities requires an annual attendance report (Attachment A) for each advisory body and the City Council.

Background

For advisory bodies to function effectively and accomplish their respective goals and work plans, it is important that all members be active participants by attending the regularly scheduled monthly or quarterly advisory body meetings.

In accordance with City Council policy CC-22-004, a report regarding advisory body attendance annually reflecting data for the previous 12 months. This data is collected from the meeting minutes of each advisory body and the City Council.

Analysis

Before the posting of a meeting agenda, staff liaisons communicate with their respective advisory body members, to ensure a quorum will be met in order to properly conduct the advisory body meeting. In most cases, advisory body members advise the staff liaison in advance of their absence and typically, absences are due to pre-planned vacations or scheduled work travel and are considered reasonable. Overall, advisory body liaisons have reported the absences do not have a significant impact on discussion or deliberation of agenda items.

Because the City places a high value on the work of the advisory bodies and strives to provide sufficient support to all advisory body members in order to facilitate their work, removal from an advisory body appointment is rarely recommended and instead staff liaisons prefer to reach out to the advisory body member(s) falling in the 67 percent or below category to determine the reasons for the absences and assess the ability to continue in their advisory body service.

Environmental Review

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

Public Notice

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

Attachments

A. Attendance data for each advisory body and City Council

Report prepared by:
Judi A. Herren, City Clerk

CITY COUNCIL					Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Second and fourth Tuesdays of the month at 5 p.m.					2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2022	2022
	Sworn in	Total no. of meetings	Total meetings attended	Percentage attended												
Combs, Drew	12/11/2018	47	46	97.87%	5	4	3	7	2	3	4	4	2	4	4	4
Mueller, Ray	12/15/2022	47	44	93.62%	5	4	2	7	2	3	4	4	2	4	3	4
Nash, Betsy	12/11/2018	47	47	100.00%	5	4	3	7	2	3	4	5	2	4	4	4
Taylor, Cecilia	12/11/2018	47	45	95.74%	5	4	3	6	1	3	4	5	2	4	4	4
Wolosin, Jen	12/15/2022	47	46	97.87%	5	4	3	7	2	3	4	5	1	4	4	4

- 5/18/2021 Mueller excused absence
- 6/22/2021 Taylor excused absence
- 7/20/2021 Taylor excused absence
- 10/12/2021-special meeting Combs excused absence
- 10/12/2021-special meeting Mueller excused absence
- 11/16/2021 Wolosin excused absence
- 1/11/2022 Mueller excused absence

COMPLETE STREETS			Total no. of meetings	Total meetings attended	Percentage attended	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Second Wednesday of the month at 7 p.m.	Appointed	Re-appointed				2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021
Altman, Brian	5/25/2021		8	8	100.00%	*	*	*	1	1	1	1	1	1		1	1
Behroozi, Katie	5/3/2016	6/10/2020	11	9	81.82%	1	1		1		1	1	1	1		1	1
Cebrian, Jacquie	4/16/2019		11	10	90.91%	1	1	1	1	1	1	1		1		1	1
Cole, Sally	5/25/2021		8	6	75.00%	*	*	*	1	1	1	1	1				1
Cromie, John	4/16/2019		11	4	36.36%		1			1				1			1
Espinosa, Patrice	6/10/2020		2	1	50.00%	1		*	*	*	*	*	*	*		*	*
Jensen, Jk	5/25/2021		8	7	87.50%	*	*	*	1	1	1	1	1			1	1
King, Lizbeth	5/25/2021		11	5	45.45%	*	*	*	1		1	1	1				1
Kirsch, William	5/7/2013	5/16/2017	2	2	100.00%	1	1	*	*	*	*	*	*	*		*	*
Lee, Lydia	5/6/2014	4/24/2018	11	10	90.91%	1	1	1	1		1	1	1	1		1	1
Levin, Adina	4/16/2013	5/6/2014 & 4/24/2018	11	11	100.00%	1	1	1	1	1	1	1	1	1		1	1
Meyer, Michael	8/20/2013	5/16/2017	2	2	100.00%	1	1	*	*	*	*	*	*	*		*	*

* not on commission

- 3/10/2021 Cromie excused absence
- 4/14/2021 Espinosa excused absence
- 4/21/2021 *Espinosa resign*
- 5/12/2021 Behroozi excused absence
- 5/12/2021 Cromie excused absence
- 6/9/2021 Cromie excused absence
- 7/14/2021 Behroozi excused absence
- 7/14/2021 King excused absence
- 7/14/2021 Lee excused absence
- 8/11/2021 Cromie excused absence
- 9/8/2021 Cromie arrived at 7:12 p.m.
- 10/13/2021 Cromie excused absence
- 10/13/2021 Cebrian excused absence
- 11/10/2021 Cole excused absence
- 11/10/2021 Jensen excused absence
- 11/10/2021 King excused absence
- December 2021 meeting cancelled
- 1/12/2022 King excused absence
- 1/12/2022 Cole excused absence
- 2/9/2022 Cromie excused absence

ENVIRONMENTAL QUALITY						Mar 2021	Apr 2021	May 2021	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022
Third Wednesday of the month at 6 p.m.	Appointed	Re-appointed	Total no. of meetings	Total meetings attended	Percentage attended												
						Elkins, Leah	10/13/2020		10	10	100.00%	1	1	1		1	1
Evens, Angela	5/25/2021		7	7	100.00%	*	*	*		1	1	1	1	1	1		1
Gaillard, Josie	4/16/2019		10	10	100.00%	1	1	1		1	1	1	1	1	1		1
Kabat, Tom	4/24/2018		10	10	100.00%	1	1	1		1	1	1	1	1	1		1
London, Janelle	5/3/2016	6/10/2020	10	8	80.00%		1	1		1	1		1	1	1		1
Martin, Deborah	6/22/2013	5/16/2017	3	3	100.00%	1	1	1		*	*	*	*	*	*		*
Payne, James	4/24/2018		8	8	100.00%	1	1	1		1	1	1	1	1	*		*
Price, Ryann	4/24/2018		10	8	80.00%	1	1	1		1			1	1	1		1

* not on commission

3/17/2021 London excused absence

5/19/2021 Price arrived at 6:15 p.m. and exited at 8:06 p.m.

5/19/2021 Martin exited at 7:06 p.m.

June 2021 meeting cancelled

7/21/2021 Payne arrived at 7:11 p.m.

7/21/2021 London exited at 7:30 p.m.

8/18/2021 Price excused absence

9/22/2021 Price excused absence

9/22/2021 London excused absence

10/20/2021 Price exited at 9:03 p.m.

11/15/2021 Payne resign

11/17/2021 Evans arrived at 7:42 p.m. and exited at 9:14 p.m.

11/17/2021 Price arrived at 6:07 p.m.

January 2022 meeting cancelled

FINANCE AND AUDIT						Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Special meetings as needed at 5:30 p.m.	Appointed	Re-appointed	Total no. of meetings	Total meetings attended	Percentage attended	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2022	2022
						Combs, Drew	1/29/2019	12/15/2020	3	3	100.00%	1					1
Keet, Theo	6/10/2020		1	1	100.00%	1					*				*		
Maguire, Shaun	7/16/2019		1	1	100.00%	1					*				*		
Mueller, Ray	12/12/2017	12/18/2019 & 12/15/2020	3	1	33.33%	1											
Norrington, Matt	5/25/2021		2	2	100.00%	*					1				1		
Royse, Roger	4/24/2018	6/10/2020	3	3	100.00%	1					1				1		
Shepherd, Ron	5/16/2017	4/16/2019	1	1	100.00%	1					*				*		
Soffer, Stuart	9/21/2021		1	0	0.00%	*					*						
Taylor, Cecilia	12/14/2021		0	0	N/A	*					*				*		
Westcott, Brian	6/4/2019	5/25/2021	3	2	66.67%	1					1						
Wolosin, Jen	12/14/2021		0	0	N/A	*					*				*		
Wong, Carol	5/25/2021		2	2	100.00%	*					1				1		

* not on committee

No April - July 2021 meetings

8/2/2021 Mueller excused absence

No September - November 2021 meetings

12/13/2021 Mueller excused absence

No January - February 2022 meetings

HOUSING						Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
First Wednesday of the month at 6:30 p.m.	Appointed	Re-appointed	Total no. of meetings	Total meetings attended	Percentage attended	2021	2021	2021	2021	2021	2021	2021	2021	2021	2022	2022	
						Bigelow, Lauren	4/16/2019		10	9	90.00%	1		1		1	1
Conroy, Curtis	4/16/2019		2	1	50.00%	1				*	*	*	*	*			*
Grove, Karen	7/18/2017		10	10	100.00%	1		1		1	1	1	2	2			1
Horst, Rachel	4/24/2018		7	7	100.00%	1		1		1	1	1	2	*			*
Leitch, Heather	5/25/2021		8	7	87.50%	*		*		1	1	1	2	2			
McPherson, Wendy	4/24/2018		2	2	100.00%	1		1		*	*	*	*	*			*
Merriman, Nevada	5/16/2017		10	9	90.00%	1		1			1	1	2	2			1
Nguyen, Chelsea	5/25/2021		8	6	75.00%	*		*		1	1	1	1	1			1
Pimentel, John	6/10/2020		10	8	80.00%	1		1			1	1	2	1			1

* not on commission

April 2021 meeting cancelled

5/5/2021 Conroy excused absence

5/5/2021 Pimentel exited at 6:45 p.m.

June 2021 meeting cancelled

7/7/2021 Merriman excused absence

7/7/2021 Pimentel excused absence

9/1/2021 Bigelow excused absence

10/4/2021 Nguyen excused absence

11/3/2021 Merriman exited at 6:35 p.m. and rejoined at 6:42 p.m.

11/3/2021 Nguyen exited at 7:02 p.m.

11/17/2021 Nguyen excused absence

11/17/2021 Pimentel excused absence

December 2021 meeting cancelled

January 2022 meeting cancelled

2/2/2022 Nguyen arrived at 6:36 p.m.

2/2/2022 Leitch excused absence

LIBRARY						Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Third Monday of the month at 6:30 p.m.	Appointed	Re-appointed	Total no. of meetings	Total meetings attended	Percentage attended	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2022	2022
						Bunyangidj, Mayrin	6/10/2020		3	2	66.67%	1	1		*	*	*
Cohen, Alan	4/24/2018		11	11	100.00%	1	1	1	1	1	1	1	1	1		1	1
Ernhart, David	4/16/2019		11	10	90.91%	1	1		1	1	1	1	1		1	1	1
Guha, Sukanya	6/10/2020		5	3	60.00%	1	1			1	*	*	*	*		*	*
Hadrovic, Katie	4/24/2018		11	10	90.91%	1	1	1	1	1	1	1		1		1	1
Lee, Aldora	5/25/2021		8	3	37.50%	*	*	*	1		1	1					
Leep, Kristen	5/12/2015	4/30/2019	11	11	100.00%	1	1	1	1	1	1	1	1	1		1	1
Singh, Pavneet	9/21/2021		4	4	100.00%	*	*	*	*	*	*	*	1	1		1	1
Velagapudi, Vamsi	5/25/2021		8	7	87.50%	*	*	*	1	1	1	1	1	1		1	

* not on commission

12/21/2020 meeting cancelled

5/17/2021 Bunyangidj excused absence

absence

absence

6/21/2021 Leep excused absence

7/19/2021 Lee excused absence

8/15/2021 Guha resign

9/20/2021 Lee arrived at 6:53 p.m.

10/18/2021 Lee excused absence

10/18/2021 Hadrovic excused absence

11/15/2021 Lee excused absence

1/24/2022 Lee excused absence

PARKS AND RECREATION						Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Fourth Wednesday of the month at 6:30 p.m.	Appointed	Re-appointed	Total no. of meetings	Total meetings attended	Percentage attended	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2022	2022
						Baskin, Jennifer	5/3/2016	6/10/2020	12	10	83.33%	1	1	1	1	1	1
Brosnan, Aurora	6/8/2021		9	5	55.56%	*	*	*	1	1			1		1		1
Bryman, Marc	4/16/2019		12	7	58.33%	1	1	1	1		1		1	1			1
Diepenbrock, Peter	10/15/2019		12	12	100.00%	1	1	1	1	1	1	1	1	1	1	1	1
Harris, Christopher	1/28/2014	5/16/2017	3	2	66.67%	1	1		*	*	*	*	*	*	*	*	*
Johnson, Jennifer	5/3/2016	6/10/2020	1	1	100.00%	1	*	*	*	*	*	*	*	*	*	*	*
Joshua, Peter	5/25/2021		9	7	77.78%	*	*	*	1	1	1	1		1			1
Payne, Dana	4/24/2018		9	7	77.78%	1	1		1	1	1		1	1	*	*	*
Staley Shenk, Sarah	5/16/2017		3	2	66.67%	1	1		*	*	*	*	*	*	*	*	*
Thomas, David	6/8/2021		9	9	100.00%	*	*	*	1	1	1	1	1	1	1	1	1

* not on commission

- 4/1/2021 Johnson resign
- 5/26/2021 Harris excused absence
- 5/26/2021 Staley Shenk excused absence
- 6/23/2021 Bryman excused absence
- 7/28/2021 Diepenbrock exited at 8:02 p.m.
- 7/28/2021 Joshua arrived at 6:40 p.m. 6:44 p.m.
- 8/25/2021 Brosnan excused absence
- 8/25/2021 Thomas arrived at 6:40 p.m.
- 9/22/2021 Brosnan excused absence
- 9/22/2021 Bryman excused absence
- 9/22/2021 Payne excused absence
- 10/27/2021 Joshua excused absence
- 11/1/2021 Payne resign
- 11/15/2021 Baskin excused absence
- 11/15/2021 Brosnan excused absence
- 12/8/2021 Bryman excused absence
- 12/8/2021 Joshua excused absence
- 1/26/2022 Brosnan excused absence
- 1/26/2022 Bryman excused absence
- 2/23/2022 Bryman excused absence

PLANNING						Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Twice a month on Mondays (varies) at 7 p.m.		Total no. of meetings		Total meetings attended	Percentage attended	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2022	2022
Appointed	Re-appointed																
Barnes, Andrew	5/3/2016	6/10/2020	24	21	87.50%	1	2	2	2	2	2		2	3	1	2	2
DeCardy, Chris	4/16/2019		24	24	100.00%	2	2	2	2	2	2	2	2	3	1	2	2
Doran, Michael	1/29/2019		24	22	91.67%	2	1	2	2	2	1	2	2	3	1	2	2
Harris, Cynthia	5/25/2021		18	17	94.44%	*	*	*	2	2	2	2	2	2	1	2	2
Kahle, Larry	10/15/2019		6	5	83.33%	1	2	2	*	*	*	*	*	*	*	*	*
Kennedy, Camille	4/24/2018		24	18	75.00%		1	2	2	2	1	2	2	1	1	2	2
Riggs, Henry	5/3/2016	6/10/2020	24	23	95.83%	2	2	2	2	2	2	2	2	2	1	2	2
Tate, Michele	4/16/2019		24	18	75.00%	1	2	1	2	1	2	1	1	3	1	1	2

* not on commission

- 3/8/2021 Barnes excused absence
- 3/8/2021 Kennedy excused absence
- 3/8/2021 Tate exited the meeting at 9 p.m.
- 3/22/2021 Kahle excused absence
- 3/22/2021 Kennedy excused absence
- 3/22/2021 Tate excused absence
- 4/26/2021 Doran excused absence
- 4/26/2021 Kennedy excused absence
- 5/10/2021 Tate excused absence
- 7/12/2021 Tate excused absence
- 8/9/2021 Doran excused absence
- 8/9/2021 Kennedy excused absence
- 9/13/2021 Barnes excused absence
- 9/13/2021 Tate excused absence
- 10/4/2021 Barnes arrived at 7:20 p.m.
- 10/4/2021 Riggs arrived at 7:12 p.m.
- 10/4/2021 Kennedy exited at 11:17 p.m.
- 10/18/2021 Tate excused absence
- 11/1/2021 Kennedy excused absence
- 11/1/2021 Riggs excused absence
- 11/15/2021 Harris excused absence
- 11/22/2021 Kennedy excused absence
- 12/13/2021 Barnes arrived at 8:17 p.m.
- 1/10/2022 Tate excused absence



STAFF REPORT

City Council

Meeting Date: 3/22/2022

Staff Report Number: 22-056-CC

Informational Item: Briefing on 2030 Climate Action Plan Strategies No. 1, 3 and 5

Recommendation

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

Policy Issues

In 2019, the City Council declared a climate emergency (Resolution No. 6535) committing to catalyze accelerated climate action implementation. In July 2020, the City adopted a new 2030 Climate Action Plan (CAP) with the bold goal to reach carbon neutrality by 2030.

Background

On October 12, 2021, staff provided the City Council an update on 2030 CAP initiatives (Attachment B.) Various activities continue with the involvement of staff, the CAP No. 1 Environmental Quality Commission (EQC) subcommittee members (Angela Evans, Tom Kabat and former commissioner Josie Galliard), the City Council CAP 1-5 subcommittee (Mayor Nash and Vice Mayor Wolosin), and local environmental advocacy organization, Menlo Spark. In December, a new City Council subcommittee (Mayor Nash and City Councilmember Taylor) formed for CAP strategy No. 6 addressing climate adaptation and resiliency.

The purpose of this report is to brief the City Council on CAP activities related to prior direction. Please note that this is a summary focused on staff's work and is not intended to capture all of the subcommittees' or Menlo Spark's substantial work on moving the CAP forward.

In April 2021, the City Council directed staff work on three of the six CAP strategies, which are (Attachment A):

- No. 1: Explore policy/program options to convert 95 percent of existing buildings to all-electric by 2030
- No. 3: Expand access to electric vehicle (EV) charging for multifamily and commercial properties
- No. 5: Eliminate the use of fossil fuels from municipal operations

This direction remains the priority for sustainability staff to continue to investigate, explore and provide proposals to the EQC and City Council that will support meeting the above CAP strategies.

It is important to note the remaining CAP strategies (No. 2, 4 and 6) also have significant work underway as shown in Attachment B, but are not the main focus for sustainability division resources at this time.

Below is a high-level status summary CAP No. 1, 3 and 5 activities. Of particular importance is staff's recommendation to pause addressing permit barriers for building electrification to explore (along with other

Bay Area communities) possible options for “reach codes” applicable to existing buildings this year as part of the triannual State code cycle. Reach codes allow cities and counties to adopt building codes more advanced than those required by the state. It is efficient and productive to consider these during a State building code update, which is occurring now in 2022 for an effective date of January 1, 2023.

Analysis

CAP Strategy No. 1 (explore policy/program options to electrify 95 percent of existing buildings by 2030)

The City Council provided additional direction related to this strategy August 31, 2021. Below is a summary of the City Council’s direction and the status.

1. Allow user utility tax (UUT) to be collected at voter-approved levels (City Council action required) and establish a dedicated fund to support building decarbonization.
 - On March 1, 2022, the City Council directed staff to forgo pursuing this direction.
2. Identify building electrification partners for funding and financing programs, including a specific low-income turnkey program
 - EQC member Angela Evans and Diane Bailey from Menlo Spark are working on demonstration projects with BlocPower.
 - Mayor Nash, Menlo Spark, and Commissioner Evans are exploring a larger program with BlocPower for all buildings in Menlo Park. Mayor Nash provided an update to the City Council January 11. Staff is currently evaluating the City’s role in such a potential partnership to bring forward to the City Council in the next couple of months.
 - Sustainability manager is exploring possible demonstration projects with Commissioner Evans related to affordable housing.
3. Develop program proposals to reduce building electrification “hassle factor” for building owners
 - Sustainability manager, community engagement manager, and building official sent a survey to building professionals and general community members in November 2021 to determine barriers to electrification with a focus on what permit processes or incentives could help motivate permit applicants to electrify. The results are attached (Attachment C), and were sent to the EQC December 16, 2021 and the CAP City Council subcommittee.
 - Staff is proposing to pause this activity in order to explore possible reach codes for existing buildings (along with other Bay Area cities through the Bay Area Reach Code Initiative- Attachment D.) This is supported by the related subcommittees to advance to the EQC and City Council for consideration over the next year. Initial direction from City Council is tentatively scheduled for a study session in April. The EQC reviewed this matter March 16, and is supportive of moving forward with staff’s proposed reach code option if additional measures can be incorporated for existing buildings. The staff recommendation and EQC advice will be provided in the upcoming study session.
 - Exploring reach code options requires resources from the sustainability and building division, making it difficult to work on reducing permitting barriers to electrification at the same time. Thus, staff is prioritizing activities based on available resources and the greatest greenhouse gas (GHG) reductions to advance the community in meeting the CAP goal to be carbon neutral by 2030. Pausing electrification permit processes was also supported by the related subcommittees. Depending on the City Council’s direction for a reach code, it may require the city attorney’s involvement.
4. Begin formal public engagement immediately
 - In October and November 2021, informational virtual library events were held on the CAP and building electrification. Presenters included the sustainability manager, Diane Bailey from Menlo Spark, Commissioner Tom Kabat and former commissioner Josie Gaillard. Approximately 10-15

people attended and asked follow up questions after the events. City Council digest items also included articles that supported information/resources around the electrification of existing buildings and the CAP progress report.

5. Develop long term plan/roadmap to meet CAP No. 1 goal

- Initially paused due to sustainability manager resource needs for the clean energy infrastructure project for the Menlo Park Community Campus (MPCC) project after departure of assistant public works director.
- A high-level framework is likely to occur as part of reach code discussions this year.

CAP Strategy No. 3: Expand access to EV charging for multifamily and commercial properties

City Council direction from April 2021 consists of the following:

Resources will be used to monitor the effectiveness of state and regional charging infrastructure incentives, and the City will promote/market the incentives to multifamily property owners using existing databases and communication mediums. In addition, \$5,000 to \$10,000 in additional incentives will be allocated to further motivate at least two multifamily property owners with existing units/buildings to install EV charging infrastructure.

Since many of the incentives started in the last year, staff wasn't able to monitor the effectiveness of state and regional charging incentives. Marketing efforts were to begin in Fall of 2021, and the sustainability manager met with Peninsula Clean Energy (PCE) to inquire about their outreach efforts and participation in incentives particularly for multifamily. At-home charging is a key factor in whether someone will purchase or continue to use an EV.

At least 4 to 5 Menlo Park multifamily properties have used the free technical assistance offered by PCE and are eligible for PCE EV charging incentives. However, no applicants appear to be moving forward to install EV charging. The rebates do not appear to be enough in the current market. Challenges in property layouts and construction market issues (contractor availability and costs) appear to be a major factor (particularly for smaller multifamily properties.) Offering the City Council's additional \$5,000 to \$10,000 to current Menlo Park applicants would not be enough to motivate property owners.

Menlo Park has a significant number residents living on small multifamily unit properties with shared parking and no access to at-home charging. Gasoline consumption in the community is the greatest contributor to Menlo Park's GHG emissions (48 percent.) The community will be unable to reach carbon neutrality by 2030 if at-home charging is not addressed for existing multifamily properties (particularly renters.) In addition, at-home charging raises equity issues, as there is a higher cost and time investment to charge at public stations. Four potential EV charging mandates were presented to the City Council in October 2020 (Attachment E), but the City Council declined given the potential impacts to rental rates. The next best-case approach is to provide adequate incentives to achieve the CAP goal. It is important to note that PCE marketed the incentives in Menlo Park, and education is provided to property owners through the PCE technical assistance program.

The multifamily PCE incentive findings were presented to the EQC in November 2021 and February 2022 with possible strategies to consider, such as Menlo Park matching the PCE EV charging incentives for existing Menlo Park multifamily properties. The EQC was split on providing a matching incentive. Staff will bring forward the proposal to the City Council to consider later this Spring with consideration to the EQC's feedback in the proposal. There are sufficient funds in the CAP budget to support the program if the City Council desires to use the funds for this purpose.

CAP Strategy No. 5: Eliminate the use of fossil fuels from municipal operations

City Council direction from April 2021 consists of the following:

Utilize current resources and available budget toward eliminating fossil fuels in building the new Menlo Park Community Campus. In addition, if there are fossil fuel appliances or assets at the end of its life, a non-fossil fuel option as a replacement will be the default unless infeasible. Additional appropriations may be required for non-fossil fuel assets or appliances that have a cost premium. Specifically in 2021-22, the City will focus on expanding a pilot program to transition landscaping equipment from gas to electric. In future years, as City contractor agreements are procured, the City will incorporate a request for landscaping equipment as well. A Sustainable Fleet Policy was adopted in 2020. There will be additional opportunities for comprehensive non-fossil fuel asset or appliance replacement planning through the upcoming Corporation Yard Master Plan and Facilities Maintenance Master Plan, subject to funding in the 2021-22 capital improvement plan.

The MPCC clean energy infrastructure project was approved by the City Council in January. In addition, sustainability staff also worked to bring forward a recommendation to purchase three Tesla patrol vehicles for a pilot to advance transition of gas vehicles in the police department. The police department has the highest use of city vehicles contributing to most of the city operation emissions next to natural gas used for pool heating.

The City Council also approved a master agreement with Optony Inc. for construction project management of the clean energy infrastructure at the MPCC. They will also be developing a strategic roadmap to transition all fossil fuel assets for presentation to city departments, EQC and the City Council.

Impact on City Resources

Staff maintains the resources and budget to support City Council's direction on CAP strategies 1, 3, and 5 with the caveat that multiple activities are prioritized and scheduled accordingly. On March 14, the sustainability division hired a management analyst to assist with CAP implementation.

The City Council has requested information regarding funds available in the CAP budget (\$285,000) and anticipated expenditures this fiscal year 2021-22 (\$128,000.) The available budget could allow the city to explore a matching PCE EV charging rebate for existing multifamily properties and potential demonstration building electrification projects. Each year through the Capital Improvement Plan budget process, the City Council considers providing an annual \$100,000 to the CAP budget. Any unused funds roll into the next fiscal year.

Staff have been able to leverage its network, partnerships, and free technical assistance to support analysis efforts as well as hiring knowledgeable and efficient consultants and contractors with reasonable rates. The city currently works with two contractors to support implementation of the CAP.

Environmental Review

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

Public Notice

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

Attachments

- A. Hyperlink – 2030 CAP: beta.menlopark.org/files/sharedassets/public/city-managers-office/documents/sustainability/2030-climate-action-plan-amended-2021.pdf
- B. Hyperlink – 2030 CAP progress report- October 12, 2021: menlopark.org/DocumentCenter/View/29886/Menlo-Park-Climate-Action-Plan-progress-report
- C. Building electrification survey results
- D. Hyperlink – Bay Area Reach Code initiative: bayareareachcodes.org/
- E. Hyperlink – Menlo Park EV charging gap analysis: menlopark.org/DocumentCenter/View/26523/G4-20201027-CC-EV-charging

Report prepared by:
Rebecca Lucky, Sustainability Manager

Summary of Existing Building Electrification Survey Results

The purpose of the survey was to understand barriers related to electrification and possible incentives and resources that could motivate building professionals and property owners to electrify existing buildings. The survey was emailed using the City’s publicinput.com platform. It was also advertised once in the weekly digest and was circulated by residents on NextDoor as well. The city’s building permit database was used to obtain a list of email addresses from building professionals (804 contractors and 253 architects). The survey was open from November 9 to December 3, 2021.

Building Professionals (up to 15 responses)	Property Owners (up to 113 responses)
<p>Top three barriers were:</p> <ol style="list-style-type: none"> 1. Cost associated with consumption of electricity as a result of electrification 2. Cost associated with the conversion of gas to electric (permit fees, equipment costs, contractor costs) 3. Insufficient knowledge about electric panel capacity options <p>Remaining ranking of less importance were concerns about increased project time, product knowledge, contractor qualifications, installation knowledge, and insufficient knowledge of electrification benefits</p>	<p>Top three barriers were:</p> <ol style="list-style-type: none"> 1. Cost associated with conversion (permit fees, equipment costs, contractor costs, etc.) 2. Cost associated with higher consumption of electricity as a result of electrification 3. Insufficient knowledge about electric panel capacity options <p>Remaining ranking of less importance were concerns about product knowledge, installation, contractor qualifications, increased project time, an insufficient knowledge of electrification benefits</p>
<p>Top three ways to incentivize this group include to electrify:</p> <ol style="list-style-type: none"> 1. Monetary incentives (rebates, permit cost reductions, etc.) (Information was provided later in the survey) 2. Education on how to convert to an electric building 3. Access to a specialist (Information was provided later in the survey) 	<p>Top three ways to incentivize this group include to electrify:</p> <ol style="list-style-type: none"> 1. Monetary incentives (rebates, reduction in permitting costs) (Information was provided later in the survey) 2. Access to a specialist (Information was provided later in the survey) 3. Permit plan review time reduction
<p>Not as motivated by providing an equipment database, reducing permit plan review times, and providing a contractor database</p>	<p>Not as motivated by providing a contractor database, equipment database, and education on how to convert</p>
<p>Rebates would motivate 47% of this group to electrify</p>	<p>Rebates would motivate 41% of this group to electrify</p>
<p>Reduction of building permit fees would motivate 33% to electrify</p>	<p>Reduction in permit fees would motivate 33% to electrify</p>
<p>Reduction in building permit plan review times would motivate 53% to electrify</p>	<p>Reduction in building permit plan review times would motivate 34% to electrify</p>
<p>80% prefer digital educational material</p>	<p>77% prefer information in digital format</p>
<p>60-80% were not aware of programs and incentives offered Links and information were provided in the survey</p>	<p>63%-72% of this group was not aware of incentives and resources offered Links and information were provided in the survey</p>