



REGULAR MEETING AGENDA

Date: 5/10/2022
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

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

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

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

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

A. Call To Order

B. Roll Call

C. Agenda Review

D. Presentations and Proclamations

D1. Proclamation: Recognizing May 2022 as Bike Month ([Attachment](#))

D2. Proclamation: May Mental Health Month ([Attachment](#))

D3. Presentation: Update on West Bay Sanitary District's water reclamation efforts in Menlo Park ([Presentation](#))

E. Public Comment

Under "Public Comment," the public may address the City Council on any subject not listed on the agenda. Each speaker may address the City Council once under public comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under public comment other than to provide general information.

F. Advisory Body Vacancies and Appointments

F1. Consider applicants and make appointments to fill vacancies on the Finance and Audit Committee and the Parks and Recreation Commission ([Staff Report #22-085-CC](#))

G. Study Session

G1. Study session for a master plan to redevelop the SRI Campus with a residential, office, research and development, and retail mixed-use project located at 333 Ravenswood Avenue ([Staff Report #22-091-CC](#)) ([Applicant Presentation](#))

H. Consent Calendar

H1. Accept the City Council meeting minutes for March 22, April 12 and 26, 2022 ([Attachment](#))

H2. 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 #22-084-CC](#))

H3. Waive the second reading and adopt Ordinance no. 1089 of the City Council of the City of Menlo Park adding Chapter 2.70 to the Menlo Park Municipal Code, approving a Military Equipment Use Policy for police services ([Staff Report #22-088-CC](#))

H4. Award a construction contract to Granite Rock Company and approve budget amendment for the Sharon Road sidewalk project and appropriation from the general fund unassigned fund balance ([Staff Report #22-090-CC](#))

I. Regular Business

- I1. Approve concept designs for the Burgess Park and Willow Oaks Park improvement projects
([Staff Report #22-086-CC](#)) ([Presentation](#))

J. Informational Items

- J1. City Council agenda topics: May – June 14, 2022 ([Staff Report #22-089-CC](#))
J2. Pilot project for neighborhood access to Belle Haven School field ([Staff Report #22-087-CC](#))

K. City Manager's Report

L. City Councilmember Reports

M. Closed Session

- M1. 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)

N. Report from Closed Session

O. Adjournment

At every regular meeting of the City Council, in addition to the public comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right to directly address the 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: 5/5/2022)

RECOGNIZING MAY 2022 AS BIKE MONTH

WHEREAS, National Bike Month was established in 1956 to recognize the month of May as an annual recognition of bicycling as a convenient, fun, popular, and healthy form of transportation in the United States; and

WHEREAS, the City of Menlo Park acknowledges that bicycling to work, school, shops, parks, libraries, or just wherever is an integral commute mode in the multimodal transportation network which alleviates traffic congestion, reduces air pollution, and decreases fuel consumption; and

WHEREAS, bike-to-whenever days have proven effective in promoting adults and children to bicycle and educating residents about the environmental importance of biking regularly; and

WHEREAS, the City of Menlo Park encourages its residents and visitors to bike in order to improve air quality and promote the health benefits of cycling; and

WHEREAS, the City of Menlo Park Safe Routes to School program encourages children to bicycle and walk to school to develop life-long skills and independence; and

WHEREAS, the Bay Area will participate in the 11th Annual National Bike-to- School Day on Wednesday, May 4, 2022 and the 28th Annual Bike-to- Work/Wherever Day event on Friday, May 20, 2022 partnering with local bicycle coalitions, public school districts, private schools, and non-profit agencies in promoting a month-long message that bicycling is a fun, healthy, and environmentally viable form of transportation; and

NOW, THEREFORE, BE IT PROCLAIMED, that I, Betsy Nash, Mayor of the City of Menlo Park, on behalf of the City Council, do hereby proclaim the month of May 2022 Bike Month in the City of Menlo Park.

DocuSigned by:

Betsy Nash

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Betsy Nash, Mayor
May 10, 2022

MENTAL HEALTH AWARENESS MONTH

WHEREAS, mental health conditions are one of the most common health conditions worldwide, and the COVID-19 pandemic has triggered a 25% increase in the prevalence of anxiety and depression; and

WHEREAS, last year, the U.S. Surgeon General issued a health advisory on the youth mental health crisis that has been further exposed by the COVID-19 pandemic; and

WHEREAS, one out of every 24 Californian's with a serious mental health condition have difficulty functioning in everyday life and if left untreated, have life expectancies 25 years shorter than the general population; and

WHEREAS, every day, millions of people face stigma related to mental health and substance use conditions and may feel isolated and alone, going years before receiving any help; and

WHEREAS, mental health and substance use conditions are treatable health conditions, and people who have mental health and substance use conditions can recover and lead full and meaningful lives; and

WHEREAS, this year's May Mental Health Month theme, #SMCTakeAction4MH, encourages everyone to take actionable steps towards addressing mental health and substance use conditions with the overarching goal to support mental wellness; and

WHEREAS, Menlo Park has joined the San Mateo County Mayors Mental Health Initiative where mayors across the 20 cities in San Mateo County have come together with the mission of promoting awareness of and access to mental health resources in their communities; and

WHEREAS, the Menlo Park's City Council wishes to increase the public's knowledge of signs and symptoms of mental health and substance use conditions, professional and self-help resources and self-care practices; and

NOW, THEREFORE, be it resolved by the City Council of Menlo Park, State of California, thereof concurring, that the City of Menlo Park hereby recognizes May 2022 as Mental Health Awareness Month to enhance public awareness of mental health to help end the stigma and direct members of the community to resources and support for mental health and substance use conditions.

DocuSigned by:
Betsy Nash
415F4B216DBF480...

Betsy Nash, Mayor
May 10, 2022



City of Menlo Park and West Bay Sanitary District

Bayfront Recycled Water Project

Project Overview

May 10, 2022





Outline

- City of Menlo Park and West Bay Sanitary District (WBSD) Recycled Water Collaboration
- Bayfront Recycled Water Project Overview and Proposed Recycled Water Service Area
- Recycled Water Demands and Customers
- Funding and Support
- Q&A and Discussion





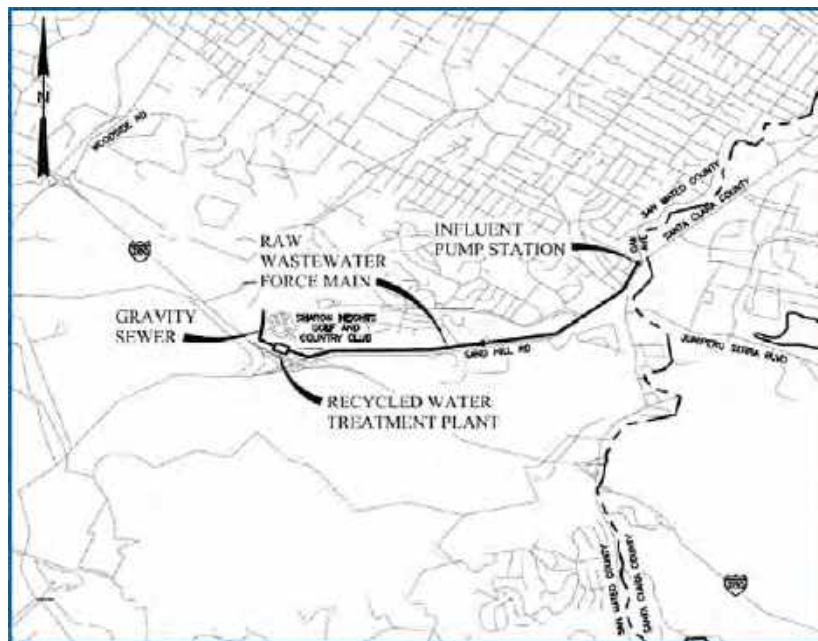
City of Menlo Park and WBSD Collaboration

- ▶ WBSD is committed to increasing the use of recycled water. Efforts include
 - Sharon Heights and Bayfront Recycled Water Projects
 - Installation of recycled water distribution pipelines in advance (e.g., Chilco Street)
- ▶ City of Menlo Park and WBSD collaborated in the past for the Sharon Heights Recycled Water Project (existing MOU)
- ▶ City of Menlo Park's Onsite Water Management requirements positively driving recycling
- ▶ City of Menlo Park's support for the Bayfront Recycled Water Project crucial to project success
- ▶ WBSD's recycled water projects are included in City of Menlo Park's water management plans

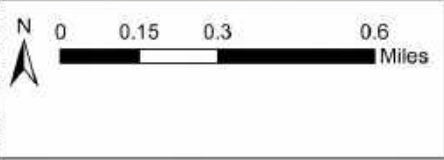
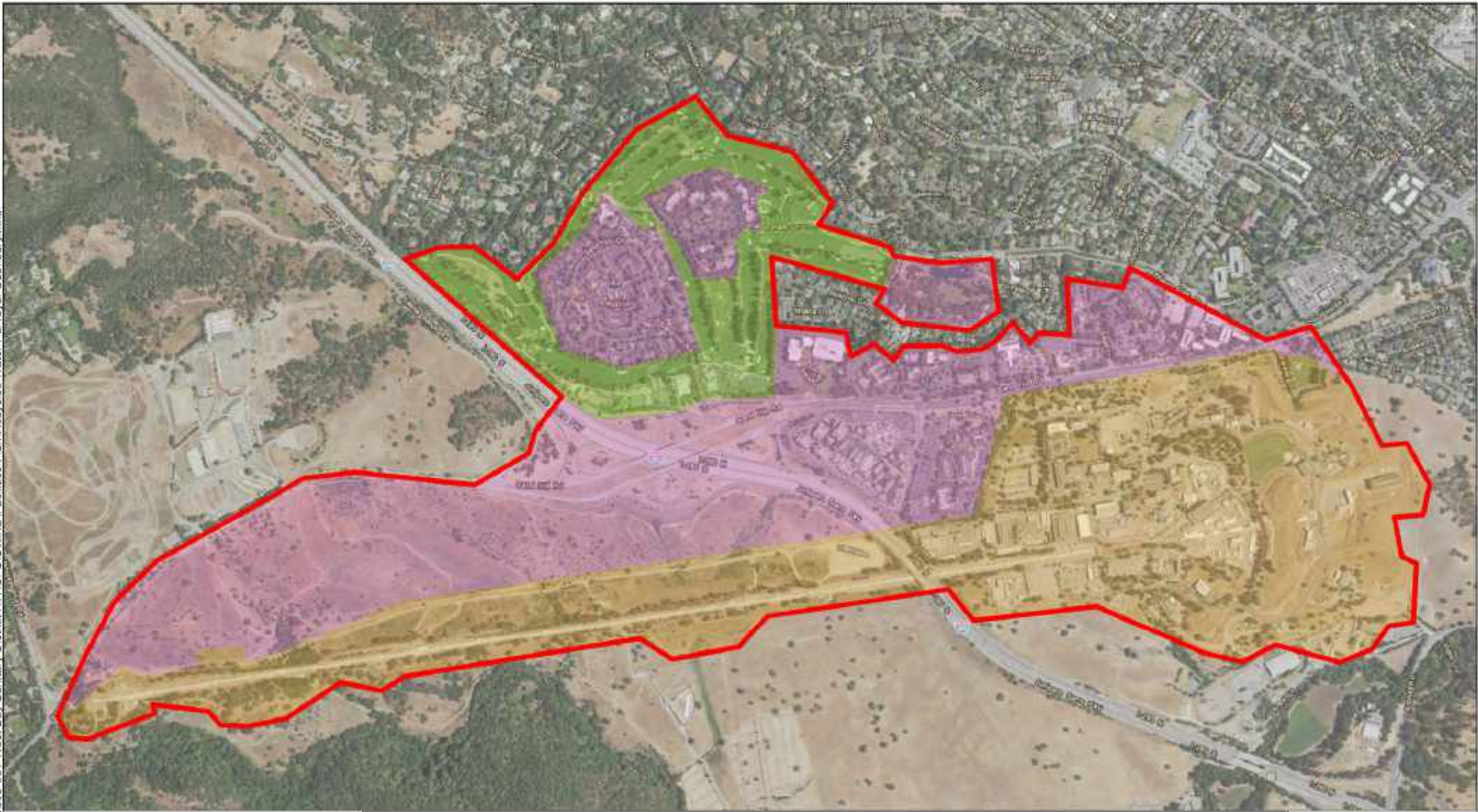
City of Menlo Park and WBSD Recycled Water Experience

Sharon Heights (Existing Facility)

- Design Capacity: 0.5 MGD
- Operations began in July 2020
- Delivered 54 MG of recycled water in 2021 (offset City of Menlo Park's potable water and met City goals)



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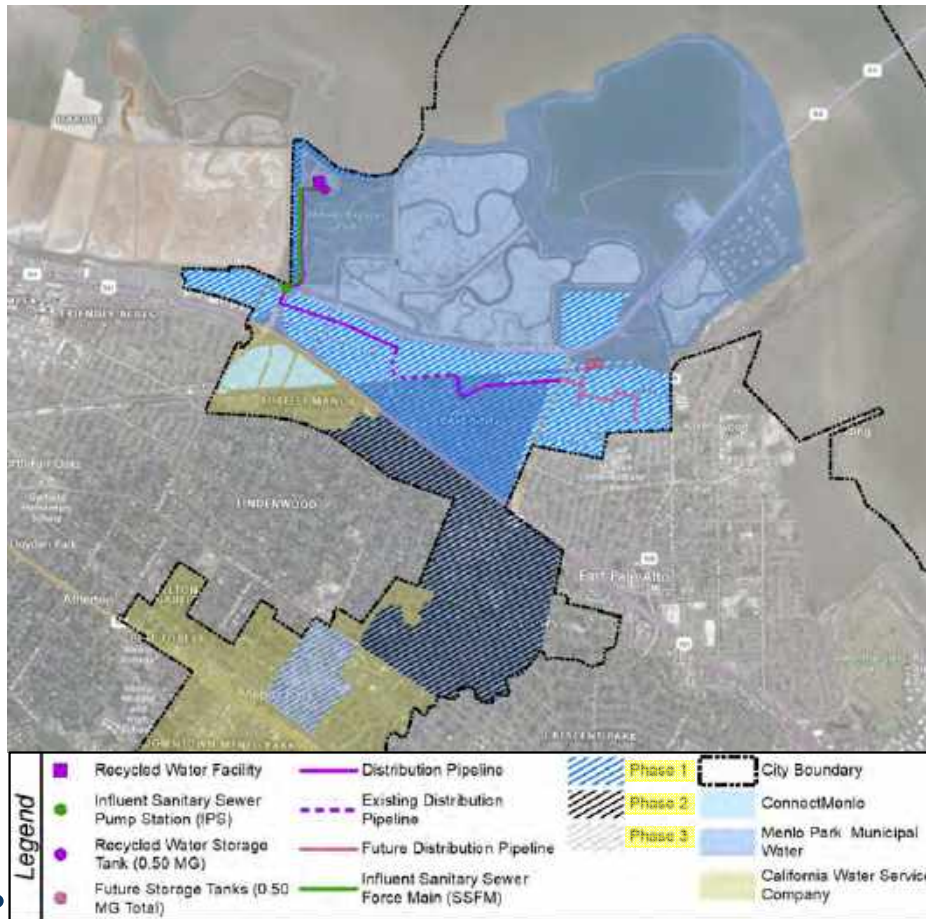


-  Purveyor Boundary
-  Sharon Heights Golf and Country Club
-  SLAC
-  All Other Areas Within Boundary

**Recycled Water
Purveyor Boundary**

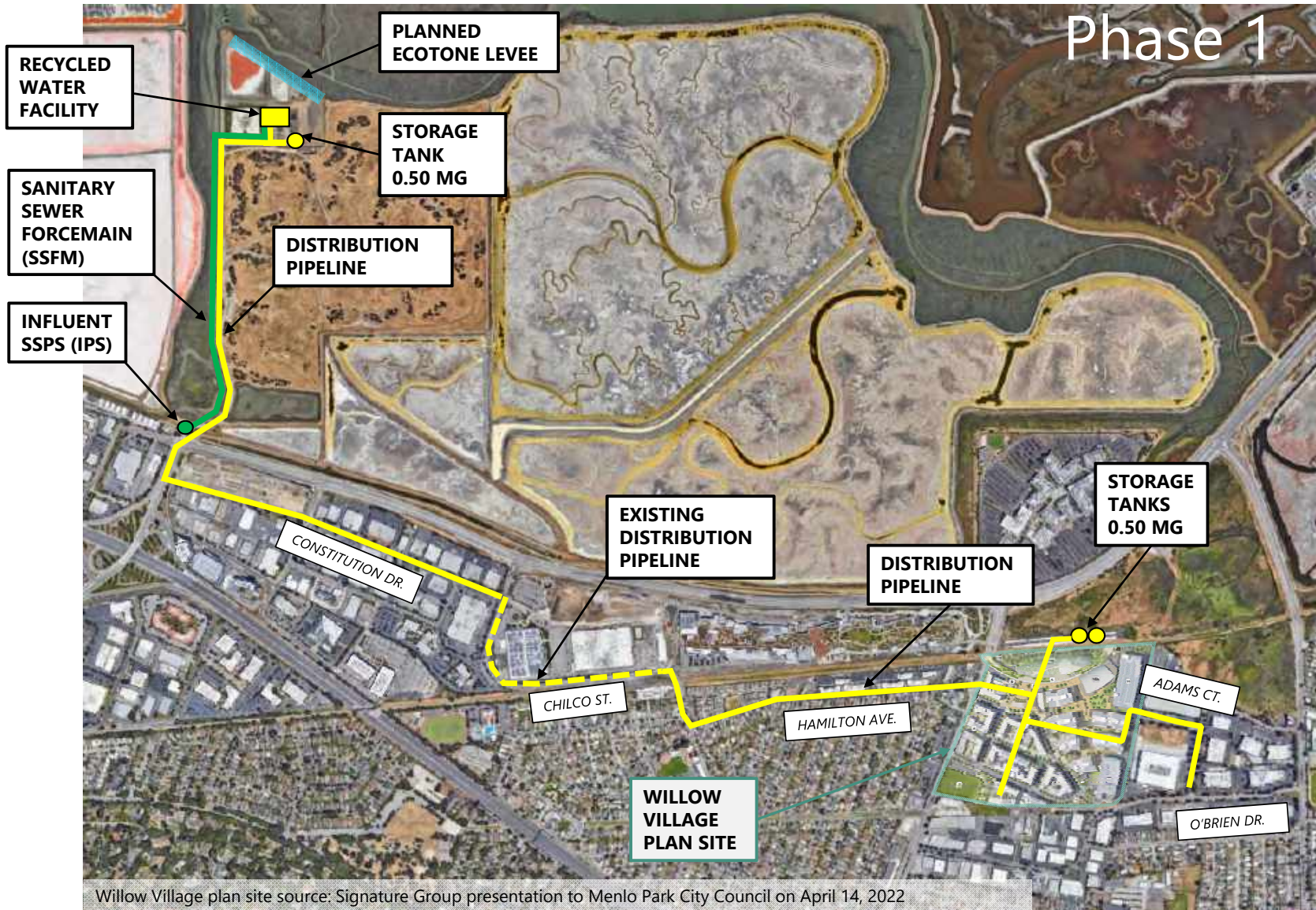
**West Bay
Sanitary District**

WBSD Bayfront Recycled Water Project



- ▶ Design Capacity: 0.6 MGD with ability to expand to 0.8 MGD
- ▶ Facilities Plan completed in May 2019
- ▶ EIR Notice of Determination submitted in May 2021
- ▶ RW Distribution System: 3 phases
- ▶ Service area would be phased
- ▶ RW Uses
 - Irrigation
 - Dual plumbing
 - Cooling water

Phase 1



Willow Village plan site source: Signature Group presentation to Menlo Park City Council on April 14, 2022

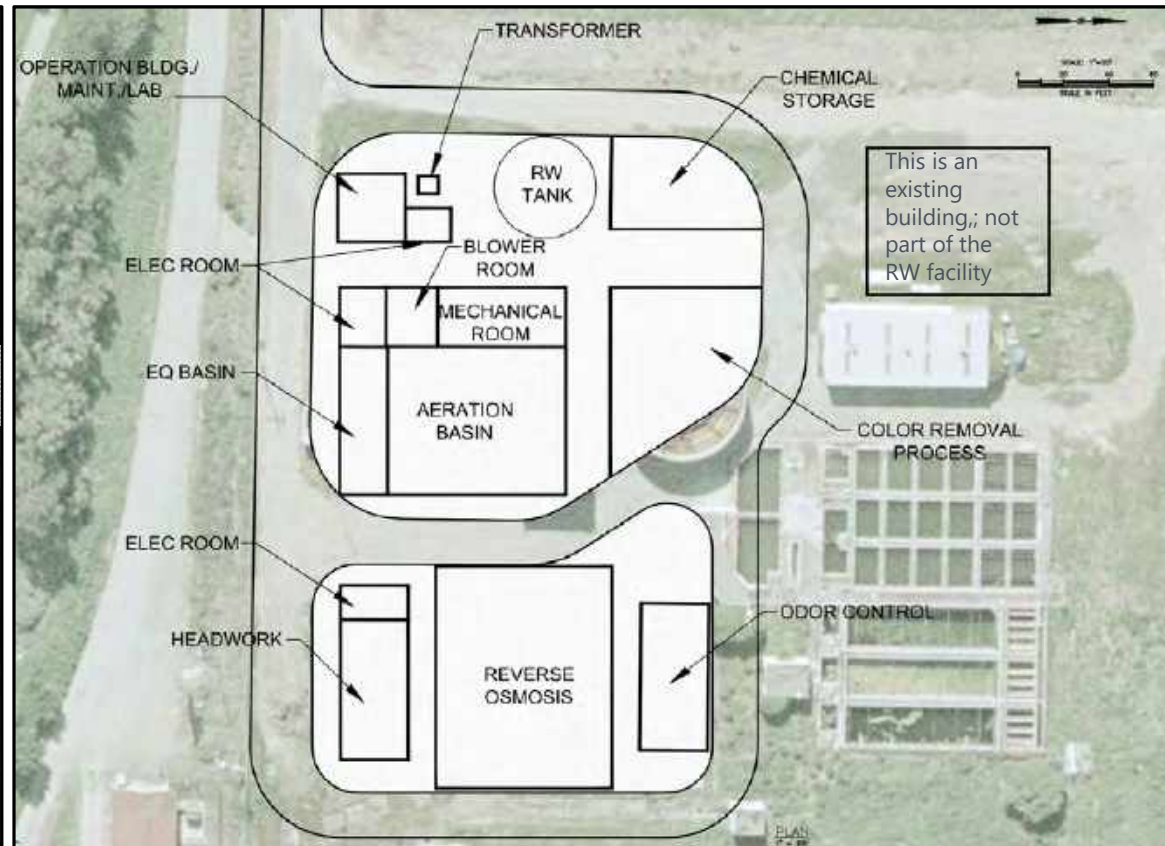
Phase 1 and Potential Future Phase



WBSD Bayfront Recycled Water Project Layout

Influent Pump Station

Proposed Layout (at decommissioned treatment plant site)





Proposed Developments in WBSD's Boundaries

Name of Development	Project Type	Dwelling Units	Nonresidential Square Feet	Location
Willow Village - Facebook	Mixed use	1,729	1,600,000	Willow Village
Parkline – SRI International	Mixed use	400	1,100,000	Laurel Street and Ravenswood
123 Independence	Mixed use	432	88,750	123 Independence Drive
Commonwealth Corporate Center Building 3	Office		249,500	162-164 Jefferson Dr.
CSBio Phase 3	Office and R & D		126,291	1075 O'Brien Drive and 20 Kelly Court
1005 O'Brien Drive and 1320 Willow Road	R & D		236,050	1005 O'Brien Dr & 1320 Willow Rd
1105-1165 O'Brien Dr	R & D		131,285	1105-1165 O'Brien Drive
1350 Adams Court	R & D		260,000	1350 Adams Court
Hampton Inn	Hotel		36,410	1704 El Camino Real
Hotel Moxy	Hotel		58,000	3723 Haven Ave
Menlo Flats	Mixed Use	158	14,400	165 Jefferson Drive
Menlo Portal	Mixed use	320	34,708	104 Constitution Dr., 110 Constitution Dr., and 115 Independence Dr.
Menlo Uptown	Mixed use	483	2,000	141 Jefferson Dr. and 180-186 Constitution Dr.
TOTAL	--	3,522	3,927,000	--

Sources:

- West Bay Sanitary District, Questionnaire Response, 10/13/21.



Projected Recycled Water Demands

Project/Developer	Average Day Peak Month (GPD)
Willow Village (Signature)	260,000
Menlo Park Community Campus	3,000
Planned Developments	10,000 - 80,000
Other Developments*	<i>Unknown</i>
Potential Existing Demands	30,000 - 200,000
TOTAL	300,000 - 540,000 GPD

*Other developments may include: 1005 O'Brien Drive and 1320 Willow Road, 1105-1165 O'Brien Dr, Hampton Inn, Hotel Moxy, Parkline – SRI International.

Funding and Support

- ▶ State Revolving Fund application completed in December 2021
- ▶ \$4.9M from National Fish and Wildlife Foundation grant for ecotone levee
- ▶ Letters of support from:
 - City of Menlo Park
 - Silicon Valley Clean Water dated June 14, 2021
 - SFEI dated May 12, 2021
 - Save the Bay dated February 16, 2020



WEST BAY
SANITARY DISTRICT



Q&A and Discussion





Proposed Developments in WBSD's Boundaries

Name of Development	Developer	Project Type	Dwelling Units	Nonresidential Square Feet	Location	Status
Willow Village - Facebook	Peninsula Innovation Partners, LLC and Signature Development Group	Mixed use	1,729	1,600,000	Willow Village	Under review
Parkline – SRI International	Lane Partners, LLC	Mixed use	400	1,100,000	Laurel Street and Ravenswood	Under review
123 Independence	Sobrato	Mixed use	432	88,750	123 Independence Drive	Under review
Commonwealth Corporate Center Building 3	Sobrato	Office		249,500	162-164 Jefferson Dr.	Under review
CSBio Phase 3	CSBio	Office and R & D		126,291	1075 O'Brien Drive and 20 Kelly Court	Under review
1005 O'Brien Drive and 1320 Willow Road	Tarlton	R & D		236,050	1005 O'Brien Dr & 1320 Willow Rd	Under review
1105-1165 O'Brien Dr	Tarlton	R & D		131,285	1105-1165 O'Brien Drive	Under review
1350 Adams Court	Tarlton	R & D		260,000	1350 Adams Court	Under review
Hampton Inn	Sagar Patel	Hotel		36,410	1704 El Camino Real	Under review
Hotel Moxy	FPG Development Group	Hotel		58,000	3723 Haven Ave	Under review
Menlo Flats	Greystar	Mixed Use	158	14,400	165 Jefferson Drive	Under review
Menlo Portal	Greystar	Mixed use	320	34,708	104 Constitution Dr., 110 Constitution Dr., and 115 Independence Dr.	Approved
Menlo Uptown	Greystar	Mixed use	483	2,000	141 Jefferson Dr. and 180-186 Constitution Dr.	Approved
TOTAL			3,522	3,927,000		

Sources:

- West Bay Sanitary District, Questionnaire Response, 10/13/21.
- City of Menlo Park Website, <https://www.menlopark.org/509/Under-review> accessed on 12/30/21.





Potential RW Demands (Capacity: 0.6 MGD)

Project/Developer	Average Day Peak Month (MGD)	Average Day (Annual) (MGD)	Annual Total (MG)	Anticipated Percentage of Annual Average Demand Needed				
				2023	2024	2025	2026	2027
Willow Village (Signature)	0.26	0.17	58			62%	62%	100%
123 Independence (Sobrato)	0.00058	0.00039	0.14	<i>Information needed (assumes 100% by 2027)</i>				100%
Commonwealth 3 (Sobrato)		<i>Information needed</i>					100%	100%
Tarlton	0.039	0.026	9.5	<i>Information needed (assumes 100% by 2027)</i>				100%
Menlo Portal (Greystar)	0.013	0.0085	3.1	50%	80%	100%	100%	100%
Menlo Uptown (Greystar)	0.012	0.0079	2.9	50%	80%	100%	100%	100%
Menlo Flats (Greystar)	0.007	0.0044	1.6		50%	100%	100%	100%
CS Bio		0.004	1.5		100%	100%	100%	100%
Mid Pen Housing		<i>Small demand</i>		100%	100%	100%	100%	100%
Subtotal (New Development)	0.34	0.22	77	3 MG	7 MG	45 MG	45 MG	77 MG
Menlo Park Community Campus	0.0029	0.0019	0.7	<i>Information needed (assumes 100% by 2027)</i>				100%
Other Future Developments	0.263	0.18	64	100%	100%	100%	100%	100%
TOTAL	0.60 MGD	0.40 MGD	141 MG	67 MG	71 MG	109 MG	109 MG	141 MG
<i>Sharon Heights (for reference)</i>	<i>0.5</i>	<i>0.14</i>	<i>50</i>					



Potential RW Customers & Demands

Project/Developer	Average Day Peak Month (MGD)
Willow Village (Signature)	0.26
Menlo Park Community Campus	0.0029
123 Independence (Sobrato)	0.00058
Commonwealth 3 (Sobrato)	<i>No demand data at the moment</i>
1350 Adams Court (Tarlton)	0.039
Menlo Portal (Greystar)	0.013
Menlo Uptown (Greystar)	0.012
Menlo Flats (Greystar)	0.007
CS Bio	0.006
Mid Pen Housing	<i>Small demand</i>
Subtotal	0.34
WBSD Extra Capacity	0.263
TOTAL	0.60 MGD



STAFF REPORT

City Council

Meeting Date: 5/10/2022
Staff Report Number: 22-085-CC

Advisory Body Vacancies: Consider applicants and make appointments to fill vacancies on the Finance and Audit Committee and the Parks and Recreation Commission

Recommendation

Staff recommends the City Council consider applicants for appointment to vacant or expired term seats on the following advisory bodies:

- Finance and Audit Committee (FAC)
- Parks and Recreation Commission (PRC)

Policy Issues

City Council Policy CC-22-004 (Attachment A) establishes the policies, procedures, roles and responsibilities for the City's appointed advisory bodies, including the manner in which members are selected.

Background

Annually, staff conducts a recruitment to fill advisory body vacancies that exist due to expiring terms, members terming out or unexpected vacancies (e.g., resignations.) The recruitment period typically involves a 1-2 month period of advertisements and announcements. Incumbent members who were not terming out were informed of their ability to apply for reappointment. Incumbent members who were terming out were informed of their ability to apply for a different advisory body.

Following City Council's appointment, the city clerk's office provides onboarding and orientation for the new members. This includes the oath of office, commissioner handbook, introduction of advisory body liaison staff, Form 700 Statement of Economic Interests filing (if applicable) and Brown Act training. For appointments made annually in April, the city clerk's office coordinates with the city attorney's office to provide this training jointly in May of each year. Training includes ethics, Brown Act and Public Record Act Request.

The city clerk's office regularly reviews all agendas and minutes, tracks attendance (Attachment B) and serves as the principal staff contact for all advisory body members. The City has designated staff to act as a subject matter expert and serves as a liaison between the advisory body and the City Council.

The City Council made appointments to various advisory bodies on April 26, 2022 and directed staff to extend recruitment for the FAC and PRC through May 4, 2022. The City Council also directed staff to return with an item related to the Complete Streets Commission membership size. Staff will be returning with a consent calendar item on May 24, 2022.

Analysis

Pursuant to City Council Policy CC-22-004, members must be residents of the City of Menlo Park and serve for designated terms of four years, or through the completion of an unexpired term or as otherwise designated. Residency for all applicants has been verified by the city clerk's office. In addition, the City Council's policy states the selection/appointment process by the City Council shall be conducted open to the public. Nominations will be made and a vote will be called for each nomination in the order received. Applicants receiving the highest number of affirmative votes from a majority of the City Council present shall be appointed. The number of votes for each City Councilmember is limited to the number of vacancies.

Appointments terms will be:

- Two FAC appointments (designed to be 2-year terms) expiring April 30, 2024.
- One PRC appointment to fill unexpired terms ending April 30, 2026.

Note, all applications will be provided to the City Council under separate cover and are also available for public viewing at the city clerk's office during regular business hours or by request (Attachment C.) The City Council also has the opportunity to ask applicants if they would consider appointments to an alternate commission. Attachment D lists all applicants including their residency District and Attachment E lists currently seated members and their residency District. These appointments can be made by the City Council at this meeting.

The City received the following applicants, presented by advisory body and listed in alphabetical order by last name.

Finance and Audit Committee – two vacancies:

- Michael DeMoss (also applied for PRC)
- Susannah Hill

Parks and Recreation Commission – one vacancy:

- Mayrin Bunyagidj
- Michael DeMoss (also applied FAC)
- Brian Kissel
- Yuanyuan Li
- Lawrence Parish
- Roger Royse

Impact on City Resources

Staff support for advisory bodies and funds for recruitment advertising are provided in the annual budget.

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 Policy CC-22-004
- B. Hyperlink – March 22 City Council attendance Staff Report #22-054-CC (page 436):
beta.menlopark.org/files/sharedassets/public/agendas-and-minutes/city-council/2022-

[meetings/agendas/20220322-city-council-agenda-packet.pdf](#)

- C. Applications
- D. Applications by District
- E. Current advisory body members by District

Report prepared by:
Judi A. Herren, City Clerk

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-22-004
 Adopted March 8, 2022
 Resolution No. 6718



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 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.
- 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 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.

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. 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 at a City Council meeting. 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 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 – seven (7) 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.
- 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

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.

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. 6706
Procedure adoption	3/8/2022	Resolution No. 6718

Advisory body application



Submission date: 10 April 2022, 2:44PM

Receipt number: 17

Related form versions: 4

Applicant's full name (first and last)

Michael DeMoss

Desired advisory body (check all that apply)

Complete Streets Commission
 Environmental Quality Commission
 Finance and Audit Committee
 Housing Commission
 Housing Element Community Engagement and Outreach Committee
 Library Commission
 Parks and Recreation Commission
 Planning Commission

Applicant interest, experience and qualifications

Education

University of Minnesota, B.A. Mathematics
 Mitchell Hamline Law School, Juris Doctor
 Attorney, County Trial Judge, Law School Dean and Professor
 Extensive Court Trial and Commercial Real Estate experience

Civic affiliations and community activities, including service on other advisory bodies, commissions or committees

I currently serve as a Menlo Park Community Emergency Response Team member (CERT) and I am Ham Radio licensed.
 Minnesota Service, prior to moving to Menlo Park:
 Founder of the Regina Neighborhood and Business group
 Volunteer Attorney for the County Juvenile Delinquent Diversion Program
 Founder of two Law Schools
 Founder and owner of Community Bank Plymouth

Describe your understanding of the responsibilities of the advisory body that you are applying for and how your personal community or professional experience relate to these responsibilities

As a former Actuary (professional mathematician), former Combat Crew Commander (Captain, Top Secret Crypto, USAF, SAC) and Trial Attorney, County Court Judge and Law School Dean (supervised 22 attorneys and staff) and Law Professor; I have been responsible for numerous financial and personal matters.

Describe why you want to serve on this advisory body and what you hope to accomplish as a member

I have a great desire to make, and keep, Menlo Park as a first class city for my children and grandchildren. Due to my extensive experience, I have the ability to see, and solve, problems before they become emergencies.

Contact and residency information

Email

[REDACTED]

Cell phone	[REDACTED]
Home phone	[REDACTED]
Bus ness phone	[REDACTED]
Address 1	[REDACTED]
Address 2	
C ty	Menlo Park
State	CA
Z p code	94025
Bus ness address	[REDACTED]
Number of years as a Menlo Park res dent	7
Current C ty Council d str ct	District 5
How d d you hear about th s opportunity (check all that apply)	Email
If I am appo nted, the C ty s author zed to post the follow ng nformat on on the c ty webs te (please select at least one):	Cellphone: No Bus ness phone: No Home phone: No Email: Yes

Application acknowledgement and submittal

I cert fy that the answers g ven here n are true and complete to the best of my knowledge. I agree

Signature 
[Link to signature](#)

Advisory body application



Submission date: 2 May 2022, 4:49PM

Receipt number: 24

Related form versions: 4

Applicant's full name (first and last)

Susannah Hill

Desired advisory body (check all that apply)

Finance and Audit Committee

Applicant interest, experience and qualifications

Education

MBA, Massachusetts Institute of Technology (MIT)
A.B., Brown University

Civic affiliations and community activities, including service on other advisory bodies, commissions or committees

Menlo Park Independent Redistricting Commission, just completed.
League of Women Voters of South San Mateo County, including candidate forum org committee for 2020 elections for MP City Council, EPA city council.
Transportation Coordinator consultant for MP City School District: worked with MP city and San Mateo County officials to improve safety

Describe your understanding of the responsibilities of the advisory body that you are applying for and how your personal community or professional experience relate to these responsibilities

This committee is responsible for reviewing the financial reporting process of the city and the auditors' work on annual audits as well as selecting auditors if needed. I've reviewed audits and reworked them when necessary, as this committee is charged to do. My job as Executive Director of the Menlo Park Atherton Education Foundation applies directly to this work. I reviewed and replaced the auditors; then worked with them to re-write the tax and audit reports so the information was connected to our business operations and explained how we spent money. Also, the education acquired during my MBA studies at MIT provided financial statement analysis, accounting and finance training that would be useful to this committee.

Describe why you want to serve on this advisory body and what you hope to accomplish as a member

I'd like to continue serving the city because it was enjoyable and challenging to serve on the Independent Redistricting Commission – it was rewarding. My experience on finance and audit work as a nonprofit leader would be applicable and valuable to the committee. It would be useful to be able to make any improvements that might be needed, and to help the business of the committee to be well done.

Contact and residency information

Email

[REDACTED]

Cell phone

[REDACTED]

Home phone

[REDACTED]

Business phone

none

Address 1	[REDACTED]
Address 2	
City	Menlo Park
State	CA
Zip code	94025
Business address	none
Number of years as a Menlo Park resident	21
Current City Council district	District 3
How did you hear about this opportunity (check all that apply)	Other: City Clerk Judi Herren
If I am appointed, the City is authorized to post the following information on the city website (please select at least one):	Cellphone: No Business phone: No Home phone: No Email: Yes

Application acknowledgement and submittal

I certify that the answers given herein are true and complete to the best of my knowledge. I agree

Signature 

[Link to signature](#)

Advisory body application



Submission date: 2 May 2022, 10:36PM

Receipt number: 25

Related form versions: 4

Applicant's full name (first and last)

Mayrin Bunyagidj

Desired advisory body (check all that apply)

Parks and Recreation Commission

Applicant interest, experience and qualifications

Education

Resident for 12 years in District 1., educator for over 20 years, current teacher at Beechwood School, mother of 2 elementary-age children that have utilized city's parks & rec. services (both facilities in West MP and former Onetta Center), and want to be part of upcoming program process for new MPCC in my district.

Civic affiliations and community activities, including service on other advisory bodies, commissions or committees

Former library commissioner during pandemic 2020-2021, active participant in various parks & rec. events/programs as a resident with children and as an educator that have students that access the programs as well as ties to the senior center.

Describe your understanding of the responsibilities of the advisory body that you are applying for and how your personal community or professional experience relate to these responsibilities

I want to be a voice for District 1 with the new MPCC opening to make sure there is a diverse range of programs and access for all residents with the lens as a teacher, a parent, a Belle Haven resident, and prioritize the needs of our underserved communities.

Describe why you want to serve on this advisory body and what you hope to accomplish as a member

Just as with my former experience in the library commission, I would like to provide another perspective for parks & rec. services through the lens of District 1 residents (seniors, parents, children) and their various needs.

Contact and residency information

Email

[REDACTED]

Cell phone

[REDACTED]

Home phone

[REDACTED]

Business phone

[REDACTED]

Address 1

[REDACTED]

Address 2

City

MENLO PARK

State

CA

Zip code

94025

Business address



Number of years as a Menlo Park resident

12

Current City Council district

District 1

How did you hear about this opportunity (check all that apply)

Email
Nextdoor

If I am appointed, the City is authorized to post the following information on the city website (please select at least one):

Cellphone: **No**
Business phone: **No**
Home phone: **No**
Email: **Yes**

Application acknowledgement and submittal

I certify that the answers given here are true and complete to the best of my knowledge. I agree

Signature

[Link to signature](#)

Advisory body application



Submission date: **10 April 2022, 2:44PM**

Receipt number: **17**

Related form version: **4**

Applicant's full name (first and last)

Michael DeMoss

Desired advisory body (check all that apply)

**Complete Streets Commission
Environmental Quality Commission
Finance and Audit Committee
Housing Commission
Housing Element Community Engagement and Outreach Committee
Library Commission
Parks and Recreation Commission
Planning Commission**

Applicant interest, experience and qualifications

Education

**University of Minnesota, B.A. Mathematics
Mitchell Hamline Law School , Juris Doctor
Attorney, County Trial Judge, Law School Dean and Professor
Extensive Court Trial and Commercial Real Estate experience**

Civic affiliations and community activities, including service on other advisory bodies, commissions or committees

**I currently serve as a Menlo Park Community Emergency Response Team member (CERT) and I am Ham Radio licensed.
Minnesota Service, prior to moving to Menlo Park:
Founder of the Regina Neighborhood and Business group
Volunteer Attorney for the County Juvenile Delinquent Diversion Program
Founder of two Law Schools
Founder and owner of Community Bank Plymouth**

Describe your understanding of the responsibilities of the advisory body that you are applying for and how your personal community or professional experience relate to these responsibilities

As a former Actuary (professional mathematician), former Combat Crew Commander (Captain, Top Secret Crypto, USAF, SAC) and Trial Attorney, County Court Judge and Law School Dean (supervised 22 attorneys and staff) and Law Professor; I have been responsible for numerous financial and personal matters.

Describe why you want to serve on this advisory body and what you hope to accomplish as a member

I have a great desire to make, and keep, Menlo Park as a first class city for my children and grand children. Due to my extensive experience, I have the ability to see, and solve, problems before they become emergencies.

Contact and residency information

Email

Lawreview@mac.com

Cell phone	9529137048
Home phone	9529137048
Business phone	9529137048
Address 1	1843 Santa Cruz Avenue
Address 2	
City	Menlo Park
State	CA
Zip code	94025
Business address	1843 Santa Cruz Avenue
Number of years as a Menlo Park resident	7
Current City Council district	District 5
How did you hear about this opportunity (check all that apply)	Email

If I am appointed, the City is authorized to post the following information on the city website (please select at least one):

Cellphone: **No**
Business phone: **No**
Home phone: **No**
Email: **Yes**

Application acknowledgement and submittal

I certify that the answers given herein are true and complete to the best of my knowledge. **I agree**

Signature 

[Link to signature](#)

Advisory body application



Submitted on date: 13 April 2022, 9:21PM

Receipt number: 22

Related form versions: 4

Applicant's full name (first and last)

Brian K Kissel

Desired advisory body (check all that apply)

Housing Commission

Parks and Recreation Commission

Applicant interest, experience and qualifications

Education

BS Mechanical Engineering, US Naval Academy

MBA, Stanford Graduate School of Business

Licensed Professional Mechanical Engineer, State of California (expired)

Work history via my LinkedIn profile:

<https://www.linkedin.com/in/briankkissel/>

Civic affiliations and community activities, including service on other advisory bodies, commissions or committees

1. 2022 Menlo Park Independent Redistricting Committee (alternate)

2. Habitat for Humanity of Greater San Francisco home building and rehabilitation projects

3. Board member, ClimateDonor.org (501c3 nonprofit crowd funding for environmental sustainability projects)

4. Strategy Consultant, Stanford Alumni Consulting Team

(<https://www.gsb.stanford.edu/organizations/leverage-gsb/act-nonprofits>)

Describe your understanding of the responsibilities of the advisory body that you are applying for and how your personal community or professional experience relate to these responsibilities

Housing Commission:

[https://beta.menlopark.org/Government/Commissions-and-](https://beta.menlopark.org/Government/Commissions-and-committees/Housing-Commission)

[committees/Housing-Commission](https://beta.menlopark.org/Government/Commissions-and-committees/Housing-Commission). I have worked with fellow residents to understand the housing needs and goals of the city, especially in view of the current housing element planning sessions; statewide housing bills SB8, SB9, and SB10; and the 9 guiding principles of the City Master Plan Update of Oct 15, 2019.

Parks & Recreation Commission:

[https://beta.menlopark.org/Government/Commissions-and-](https://beta.menlopark.org/Government/Commissions-and-committees/Parks-and-Recreation-Commission)

[committees/Parks-and-Recreation-Commission](https://beta.menlopark.org/Government/Commissions-and-committees/Parks-and-Recreation-Commission). I believe our parks are a distinguishing attribute and critical resource for the residents of Menlo Park and a treasure to be protected and enhanced per the City Master Plan. I have been an advocate of protecting our parks in the context of the current housing element planning process. Additionally I have been an advocate and supporter of additional pickleball court capacity for this growing social, community-building sport.

Describe why you want to serve on this advisory body and what you hope to accomplish as a member

Housing Commission: I hope to work with other commission members, fellow residents, businesses, and developers to ensure safe, affordable, equitable housing that retains the charter and character of our city, while addressing the critical housing shortage we're experiencing as a city and state-wide.

Parks & Recreation Commission: I believe that our parks are a treasure and critical resource for the city and our residents. I hope to work with other members of the commission, fellow residents, contractors, and service providers to ensure we maintain and enhance our parks and recreational resources for the physical, mental, and emotional health of our community as well to create greater connections and sense of community among our residents.

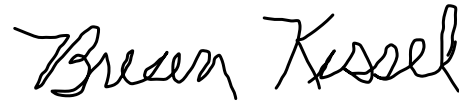
Contact and residency information

Email	[REDACTED]
Cell phone	[REDACTED]
Home phone	[REDACTED]
Business phone	[REDACTED]
Address 1	[REDACTED]
Address 2	
City	Menlo Park
State	CA
Zip code	94025
Business address	
Number of years as a Menlo Park resident	10 years
Current City Council district	District 5
How did you hear about this opportunity (check all that apply)	City website Email
If I am appointed, the City is authorized to post the following information on the city website (please select at least one):	Cellphone: No Business phone: No Home phone: No Email: Yes

Application acknowledgement and submittal

I certify that the answers given here in are true and complete to the best of my knowledge. I agree

Signature

A handwritten signature in black ink that reads "Breem Kessel". The script is cursive and fluid, with the first name "Breem" and last name "Kessel" clearly distinguishable.

[Link to signature](#)

[REDACTED]

Advisory body application



Submitted on date: 28 April 2022, 1:32PM

Receipt number: 23

Related form versions: 4

Applicant's full name (first and last) Lawrence E. Parish

Desired advisory body (check all that apply) Parks and Recreation Commission

Applicant interest, experience and qualifications

Education BA from UCLA, Education Major

Civic affiliations and community activities, including service on other advisory bodies, commissions or committees

For 10 years I worked with the staff and customer at both the Menlo Park Gymnastics and Gymnasium centers. Resident of Menlo Park for 32 years participating in school and coaching activities.

Describe your understanding of the responsibilities of the advisory body that you are applying for and how your personal community or professional experience relate to these responsibilities

Parks and Recreation is a wonderful service to the community. I have enjoyed that experience and have a good understanding of its obligation to the community. As an active member of the commission I am in a good position to be a cooperative, informed, and positive member to its advisory responsibilities.

Describe why you want to serve on this advisory body and what you hope to accomplish as a member

I love this city, especially the parks and recreation. They have provided an abundant amount of joy and pleasure to me and my family. I would like to give back

Contact and residency information

Email [REDACTED]

Cell phone [REDACTED]

Home phone [REDACTED]

Business phone [REDACTED]

Address 1 [REDACTED]

Address 2

City Menlo Park

State CA

Zip code 94025

Business address

Number of years as a Menlo Park resident 32

Current City Council district District 2

How did you hear about this opportunity (check all that apply)

Local newspaper

If I am appointed, the City is authorized to post the following information on the city website (please select at least one):

Cellphone: **Yes**

Business phone: **No**

Home phone: **No**

Email: **Yes**

Application acknowledgement and submittal

I certify that the answers given here are true and complete to the best of my knowledge.

I agree

Signature

A handwritten signature in black ink, appearing to be "J. Smith", written over a horizontal line.

[Link to signature](#)

Advisory body application



Submitted on date: 11 April 2022, 9:20AM

Receipt number: 19

Related form versions on: 4

Applicant's full name (first and last)

Roger Royse

Desired advisory body (check all that apply)

Parks and Recreation Commission

Applicant interest, experience and qualifications

Education

- LL.M., New York University School of Law
- University of North Dakota
- B.S., Accounting, University of North Dakota

Civic affiliations and community activities, including service on other advisory bodies, commissions or committees

former Chair City of Menlo Park Finance and Audit Committee and former member of Menlo Park General Plan Advisory Committee (GPAC)
Fellow of the American College of Tax Counsel • California Co-Chair of the Fellows of the American Bar Foundation • American Bar Association ("ABA") Business Law Section Liaison to the Section of Taxation • Member, Executive Committee, California Lawyers Association, Taxation Section

Describe your understanding of the responsibilities of the advisory body that you are applying for and how your personal, community or professional experience relate to these responsibilities.

I understand that the commission advises the council on matters relating to recreation and facilities. Having been on Finance and Audit for 6 years and GPAC before that, I have a good sense of Menlo Park's governance and how commissions interact with council.

Describe why you want to serve on this advisory body and what you hope to accomplish as a member.

I hope to help advise on what Menlo Park residents would like to see in terms of park and community programs.

Contact and residency information

Email

[REDACTED]

Cell phone

[REDACTED]

Home phone

[REDACTED]

Business phone

[REDACTED]

Address 1

[REDACTED]

Address 2

City

Menlo Park

State

CA

Zip code

94025

Business address

[REDACTED]

Number of years as a Menlo Park resident

23

Current City Council district

District 4

How did you hear about this opportunity (check all that apply)

Email

If I am appointed, the City is authorized to post the following information on the city website (please select at least one):

Cellphone: **No**

Business phone: **Yes**

Home phone: **No**

Email: **Yes**

Application acknowledgement and submittal

I certify that the answers given here are true and complete to the best of my knowledge.

I agree

Signature



[Link to signature](#)

Table 1: Finance and Audit Committee by District		
Advisory body	Applicant	District
Finance and Audit Committee	Michael DeMoss	5
Finance and Audit Committee	Susannah Hill	3

Table 2: Parks and Recreation Commission by District		
Advisory body	Applicant	District
Parks and Recreation Commission	Mayrin Bunyagidj	1
Parks and Recreation Commission	Michael DeMoss	5
Parks and Recreation Commission	Brian Kissel	5
Parks and Recreation Commission	Yuanyuan Li	1
Parks and Recreation Commission	Lawrence Parish	2
Parks and Recreation Commission	Roger Royse	4

Table 1: Finance and Audit Committee by District

Applicant	Last appointment date	District
Taylor, Cecilia-City Council	12/14/2022	1
Norrington, Matt	5/25/2021	3
Westcott, Brian	6/4/2019	5
Wolosin, Jen-City Council	12/14/2022	3
Wong, Carol	5/25/2021	4

Table 2: Parks and Recreation Commission by district

Applicant	Last appointment date	District
Baskin, Jennifer	6/9/2020	4
Brosnan, Aurora	6/8/2021	4
Bryman, Marc	4/16/2019	3
Diepenbrock, Peter	10/15/2019	4
Joshua, Peter	5/25/2021	2
Therault, Kelsey	4/26/2022	1



STAFF REPORT

City Council
Meeting Date: 5/10/2022
Staff Report Number: 22-091-CC

Study Session: Study session for a master plan to redevelop the SRI Campus with a residential, office, research and development, and retail mixed-use project located at 333 Ravenswood Avenue

Recommendation

Staff recommends that the City Council receive a presentation from the Applicant team (Lane Partners), solicit public comments, and request clarifying information from staff, as needed, regarding Lane Partners, LLC/333 Ravenswood Avenue (the “Applicant’s”) request for a master plan development to comprehensively redevelop the SRI campus with a residential, office, research and development (R&D), and retail mixed-use project. As a study session item, the City Council will not be taking any actions associated with the project at the meeting and will not be taking a position on the proposed project.

Policy Issues

The proposed project would require the Planning Commission and ultimately the City Council to consider the merits of the proposed project along with the appropriateness of the Applicant’s general plan and zoning ordinance amendments, and consistency with adopted policies and programs of the City. The City Council would be the decision-making body for the environmental impact report (EIR), general plan amendment, zoning ordinance amendment, and rezoning to allow the proposed mix of uses and densities/intensities requested by the Applicant, and the conditional development permit (CDP) to enable comprehensive planning of the project. The City Council would also be the acting body on the development agreement, which would provide vested rights in exchange for community benefits, and the vesting tentative map to merge the existing lots and re-subdivide in a manner consistent with the proposed improvements. The Planning Commission would be the acting body for architectural control for all proposed new buildings and the recommending body on all other entitlements.

Background

SRI International (formerly known as the Stanford Research Institute) is an independent, nonprofit research institute located on an approximately 63-acre campus at 333 Ravenswood Avenue. The existing development on the SRI campus is regulated through a CDP, which was first approved in 1975. The most recent amendment to the CDP took place in 2004 for the construction of Building T, near Burgess Drive. The CDP establishes standards for the use and development of the campus.

The site area of SRI’s campus has been reduced over time. In 1978, an amendment to the CDP was approved in order to remove approximately 10.3 acres from SRI’s campus for the development of the

McCandless office complex on Middlefield Road, and in 1997, the size of the campus was further reduced when part of the property was sold to Classic Communities for the development of 33 homes.

The Applicant submitted a pre-application package in April 2021 and gave an introductory presentation on the project to the City Council on June 22, 2021. Although the City Council didn't provide specific feedback, public comment was received. In October 2021, the Applicant submitted a formal application package, with a resubmittal package submitted in January 2022.

Site location

For purposes of this staff report, Ravenswood Avenue is used in an east to west geographic orientation. The project site is located at 333 Ravenswood Avenue and generally bound by Laurel Street to the west, Ravenswood Avenue to the north, Middlefield Road to the east and the Burgess Drive right of way to the south. The site contains 38 existing buildings, totaling approximately 1.38 million gross square feet, which include a mix of office, research and development (R&D), and support uses. The surrounding zoning and land uses are provided in Table 1 below and a location map is included as Attachment A.

Table 1: Surrounding land uses and zoning		
Item	Existing land uses	Zoning
North	Single-Family and Multi-Family Residential/Trinity Church	R-1-S/R-2/R-3/Town of Atherton
South	City Corp. Yard/USGS/Multi-Family Residential	PF/R-3(A)
East	Menlo Atherton High School/First Church of Christ, Scientist/Office (McCandless office complex)	Town of Atherton/C-1-X
West	Civic Center/Burgess Park/Single-Family Residential (Classic Communities)	PF/R-3(X)

The project site is located between various land uses and neighborhoods, being bordered by residential, civic, and commercial uses. Most nearby buildings are one to three stories in height. Ravenswood Avenue and Middlefield Road are major city through streets. Civic uses and park space along Laurel Street form an edge on the western side of the property. The railroad tracks along Alma Street further define this edge although proximity to Menlo Park Station (Caltrain) and the Downtown/El Camino Real area is within walking and biking distance.

Planning Commission study session

The Planning Commission reviewed the proposed project at a study session during its meeting on March 28, 2022, took public comments and asked clarifying questions.

Planning Commissioners discussed the following at the study session:

- Interest in increasing residential densities and inquiries regarding an acre of land being used for a fully affordable project, in addition to the required 15% below market rate (BMR) housing units;
- Interest in reducing proposed parking and/or placing parking underground;
- Questions about the programming for the sports field and potential conflict with the adjacent church;
- Questions about the pre-pandemic parking needs and number of employees at SRI;
- Concerns about traffic congestion and interest in increased transit use for future site occupants; and
- Interest in the potential realignment of Ravenswood Avenue and Ringwood Avenue.

This current study session is an early opportunity for the City Council and members of the community to learn more about the proposed project and request clarifying information from staff and the Applicant team. The City Council may wish to consider the same topic areas that staff prepared for the Planning Commission to consider and ask clarifying questions on the following:

- Proposed land uses and site density and intensity;
- Site layout, including building orientations;
- Site access, including vehicular, pedestrian and bicycle;
- Conceptual architectural styles;
- Design and layout of open space;
- Parking locations and ratios; and
- Proposed sustainability measures.

Analysis

Project description

The Applicant is proposing to comprehensively redevelop the SRI campus with a residential, office, research and development (R&D), and retail mixed-use project. The proposed project would be divided into an approximately 53-acre office/R&D/life sciences campus covering most of the existing project site and a 10-acre residential area along the Laurel Street edge of the project site extending slightly down Ravenswood Avenue. Site circulation, open space, and landscape (other than retained trees) would be redesigned and rebuilt per a new comprehensive campus plan, including new bicycle and pedestrian connections. There would be no net increase of non-residential square footage. Primary program elements include:

- Approximately 284,000 square feet of existing office/R&D (retained in Buildings P, S, and T);
- Approximately 1.1 million square feet of new office/R&D in five main structures, three to five stories in height, along with a smaller amenity building;
- Three new parking structures for the non-residential uses;
- 400 residential rental units (19 townhomes at two stories) and (381 apartments at three to five stories) in approximately 500,000 square feet of floor area;
- 25 acres of landscaped, publicly-accessible open space, including a large central open space between office/R&D buildings;
- A sports field and one-story community building adjacent to the Ravenswood Avenue/Middlefield Road intersection; and
- Paths, landscaping, and other site improvements.

The applicant's project description letter is included as hyperlink Attachment B and the project plans are included as hyperlink Attachment C. Select plan sheets are also included as Attachment D.

Office/R&D

The office/R&D district would be located in the middle of the site and extend to the eastern and southern property lines as well as to a portion of the northern property line. The Applicant proposes that the new office/R&D buildings would be designed for established and emerging businesses. Table 2 below provides information on the buildings that would comprise the non-residential uses.

Table 2: Non-Residential buildings	
Building	Square footage
Bldg. 1 (3 stories)	165,000 sf
Bldg. 2 (5 stories)	244,000 sf
Bldg. 3 (5 stories)	244,000 sf
Bldg. 4 (4 stories)	198,000 sf
Bldg. 5 (4 stories)	198,000 sf
Office Amenity Bldg. (2 stories)	44,719 sf
Community Bldg. (1 story)	2,000 sf
Sub-Total (new)	1,095,719 sf
Bldg. P (existing to remain)	180,519 sf
Bldg. S (existing to remain)	21,241 sf
Bldg. T (existing to remain)	82,066 sf
Sub-total (existing to remain)	283,826 sf
Total	1,379,545 sf

The Applicant proposes that the non-residential portion of the project would be accessible to vehicles from two entrances along Ravenswood Avenue and two entrances along Middlefield Road. The Applicant indicates the proposed R&D buildings would be arranged to form a central aggregated, publicly-accessible open space, and the proposed architectural character of the buildings would be modern, with building masses defined by main entrances, first floor articulations such as loggias, elevated exterior balconies, and the use of natural materials. Since the proposed project is in the early stages of review, the plans contain preliminary renderings of the proposed buildings. Detailed architectural plans have not been submitted at this time.

An approximately 44,719-square-foot, two-story office amenity building is proposed near the center of the site, south of Building P. The building would contain a full-service café and other amenities, including a possible fitness center, for SRI and the site’s commercial tenants.

The preliminary project plans identify that parking for the non-residential uses would be provided in three parking garages, three to four stories tall, and surface parking areas located throughout the site. Parking Garages 1 and 2 would be located along the eastern property line and Parking Garage 3 would be located more centrally in the southwest portion of the project site, just south of the office amenity building. Buildings 1 and 5 would each have some underground parking spaces as well. Overall, the parking rate for the non-residential uses would be approximately two spaces per 1,000 square feet. According to City records, the current parking rate for the project site is approximately 2.3 spaces per 1,000 square feet. For comparison, the LS (Life Sciences) district in the Bayfront area requires a maximum of 2.5 parking spaces per 1,000 square feet and a minimum of 1.5 parking spaces per 1,000 square feet for R&D uses and the O

(Office) district requires a maximum of three spaces and a minimum of two spaces per 1,000 square feet of office space. Within the nearby El Camino Real/Downtown Specific Plan, 3.8 parking spaces are required per 1,000 square feet of office space.

Community building

An approximately 2,000-square-foot, one-story, community-serving building is proposed to be located on the northeast corner of the site, across Middlefield Road from Menlo Atherton High School. The Applicant indicates this building would include community-serving retail uses, which may include a bicycle repair shop and juice bar, and publicly-accessible restrooms. As project review continues, the uses within this building would be further refined by the Applicant. This building is proposed to be adjacent to a publicly-accessible open space, which could provide community functions, such as a recreational field, public parking, and a children’s play area. The public parking would be available to users of the publicly-accessible open space and community building, and the neighboring church would use some spaces, as they currently use some SRI parking spaces per parking agreements. The Applicant indicates specific programming functions for the community building and surrounding facilities would be determined in coordination with the City and community.

Residential units

The proposed 400 housing units would consist of approximately 381 apartments and 19 townhomes, with 15 percent of units proposed to be affordable units pursuant to the City’s BMR housing program. Table 3 below indicates the proposed unit types and totals. As currently proposed, the totals include BMR units, but the specific numbers of BMR units for each unit type and income level have not been determined. Staff is also evaluating whether the proposed project would be subject to the commercial linkage requirement.

Unit type	Unit total
Studio	70
1 bedroom/1 bath	175
2 bedroom/2 bath	125
3 bedroom/2 bath	11
3 bedroom/2 bath (townhouse)	19
Total	400

The housing is located on an approximate 10-acre site, which is about 40 dwelling units per acre. As part of the City’s Housing Element Update, the site is being considered as a housing opportunity site to meet the City’s Regional Housing Needs Allocation (RHNA) of approximately 3,000 units.

The residential district would extend from the Classics of Burgess neighborhood along Laurel Street north to Ravenswood Avenue and east, partially along Ravenswood Avenue. Approximately 19 rental townhouses would be located between the apartment buildings and the Classics of Burgess neighborhood to further diversify the housing mix and provide a scaled transition from the multi-family buildings to the

single-family residences. The 381 apartments would be distributed between three buildings, three to five stories in height, and a total of approximately 500,000 square feet of gross floor area. All residential units are noted in the project description to have some type of exterior deck or patio.

Parking for the apartments is proposed to be above-grade, in one-story garages, creating a podium on the second floor for private open space for each apartment building. The majority of the garages would not be visible as apartments would partially wrap the sides of the parking structures on the first level. There would also be some surface parking along the private street adjacent to apartment buildings for short-term and visitor parking. The townhome portion of the project would be organized around its vehicle access, with the parking spaces for the townhomes in attached garages.

The parking rate for the residential dwelling units would be approximately one space per apartment and two spaces per townhome. The Applicant indicates in their project description letter that shared parking would be available for residential visitors on evening and weekends at the office/R&D surface lots and parking structures. While parking rates vary throughout the zoning districts, the R-MU (Residential Mixed Use) zoning district, one of the newest districts with an emphasis on residential, requires a minimum of one parking space per unit. This district also limits permitted parking to a maximum of 1.5 spaces per unit. In the area near the train station, the El Camino Real/Downtown Specific Plan also requires a minimum of one parking space per unit, with a maximum of 1.5 spaces permitted per unit.

The project description indicates the residential buildings would be Mission Style (i.e., Spanish derivative) with white stucco walls, heavy timber brackets and detailing, and clay tile roofs. Building massing is proposed to not exceed three stories in height along streets and feature peaked/sloped rooflines. Additionally, the Applicant indicates main building entrances would be highlighted along the street with landscaping, human-scaled plazas, lighting, and trellis structures. The project plans are preliminary and include typical renderings of the architectural style proposed for the residential units; as the project is further developed detailed elevations would be provided for review.

The Applicant is pursuing long term ground leases for the development, which limits the ability to include for-sale units.

Vehicular access and site circulation

The proposal includes separate vehicular circulation for the residential and office/R&D uses although paths for pedestrian and bicycle access would provide connections between the two elements. A loop road, with access off Ravenswood Avenue and Middlefield Road, would provide access to the office/R&D buildings and the community building. The apartment buildings are proposed to have their own access road with entry points at Laurel Street and Ravenswood Avenue. The townhomes are proposed to have a separate access directly from Laurel Street, which would not connect to the road between the apartment buildings or the loop road. As shown on page 27 of the project plans, there would also be Emergency Vehicle Access (EVA) lanes allowing access from the apartment buildings to the loop road and from the loop road to Laurel Street. There would also be emergency vehicle access to the loop road from Burgess Drive. The Applicant indicates a security gate for emergency access and limited service vehicles would likely be located where Burgess Drive intersects the loop road, however, the gate would not impede bicycle or pedestrian circulation.

The Applicant's proposal states the circulation design would achieve the following objectives:

- Establishment of private internal streets and roads;
- Separation of office/R&D from residential access and circulation;
- Creation of on-site roads to manage internal vehicular circulation and access to office/R&D and residential buildings;
- Minimization of additional vehicular circulation to and from Laurel Street;
- Three access points to the residential portion of the site (one along Ravenswood Avenue, toward the west side of the site, one along Laurel Street for the multi-family residential buildings, and a separate driveway entrance along Laurel Street for the townhouses);
- An internal road to the three main residential buildings and vehicular access to parking garages and loading areas;
- Four access points to the office/R&D portion of the site (two along Ravenswood Avenue and two along Middlefield Road, with one at Ringwood Avenue and one at Seminary Drive); and
- An internal loop road to provide access to all of the office/R&D buildings, office amenity building, community building, parking garages, surface parking areas, loading areas, as well as emergency vehicle access.

Pedestrian and bicycle circulation

The Applicant proposes a landscape zone featuring existing trees and new, winding, pedestrian and bike paths along the Ravenswood Avenue edge of the project site. Because of the existing church property at 330 Ravenswood Avenue, the paths would not continue to the Ravenswood Avenue/Middlefield Road intersection, instead turning into the project site near the parking lot for the proposed community building and sports field and then exiting to Middlefield Road at Ringwood Avenue. The Applicant indicates this design is intended to provide safe access to Menlo-Atherton High School and connect to the existing bicycle path on Middlefield Road. Starting at Laurel Street, a bicycle and pedestrian path would also extend from Burgess Drive along the south side of the site, connecting to Middlefield Road at Seminary Drive.

The proposed bicycle and pedestrian connections through the site would link with a broader network of existing and planned infrastructure, as can be seen on the map included as Attachment E from the City's Transportation Master Plan. The proposed Middle Avenue undercrossing would connect bicycle/pedestrian infrastructure to the west of El Camino Real with the bicycle/pedestrian path along the southern edge of the project site. At Middlefield Road, bicyclists would be able to travel east along Ringwood Avenue to the US 101 bicycle and pedestrian bridge, through the Belle Haven neighborhood and access the Bay Trail through the recently opened bicycle/pedestrian bridge over Bayfront Expressway at the Meta West Campus. Connectivity to, and interactions with, the adjacent United States Geological Survey (USGS) campus should also be considered.

On the project site, the pedestrian and bicycle pathways are proposed to meander throughout the site in a parklike setting. Additionally, the loop road around the office/R&D campus would include class 2 and class 3 bicycle lanes, and bicycle and pedestrian access would be available to the loop road from Burgess Drive.

Trees, landscaping, and open space

The Applicant indicates their landscape concept is to create a network of publicly-accessible pedestrian and bicycle trails, parks, open spaces, and active/passive recreational areas, incorporating many existing and new trees. Additionally, the Applicant indicates open space would also be utilized to create welcoming edges along Ravenswood Avenue, Laurel Street and Middlefield Road. The five new office/R&D buildings and office amenity building would surround the main open space, with smaller open space areas located around these buildings and throughout the site. The main open space would not be directly visible from any public way as Office Building 1 closes off views from Ravenswood Avenue to the central open space and the office amenity building partially cuts off views from Laurel Street and Burgess Park.

The second largest open space within the project site would be located next to the community building in the northeast corner of the site. As previously noted, this open space area could provide community functions, such as a recreational field and a children's play area. In order to meet identified needs of Menlo Park Municipal Water, staff intends to explore a possible partnership with Parkline to evaluate opportunities for emergency water supply and/or storage facilities on-site, such as an emergency water supply well or underground reservoir with open space/fields above.

The site currently contains 565 heritage trees, of which 351 would be retained and 214 would be removed. Including non-heritage trees, 692 trees would be retained on site and an additional 797 trees are proposed to be planted. The size/age of the trees to be planted has not yet been determined, but as the plans develop, staff will work with the Applicant to determine appropriate tree sizes/ages. A complete tree survey and disposition plan is included as hyperlink Attachment F. The Applicant indicates their tree management and retention plan is based on the following:

- The preservation of healthy heritage trees that are of a desirable tree species;
- Special effort to preserve coastal live oaks, valley oaks, and coast redwoods based on their native habitat and ecological significance; and
- Incorporation of existing heritage trees into the overall design.

As the project review continues, the Planning Division and City Arborist team will review and evaluate the arborist report, the tree disposition and removal plans, and determine whether the requested heritage tree removals are supportable based on the information to be provided with heritage tree removal permit applications. If the City Arborist approves some or all of the removals, his or her decision is appealable to the Environmental Quality Commission. Further, as part of that review, the City will evaluate the potential impacts of the project on the heritage trees proposed to remain and work with the Applicant team to identify preservation measures. The heritage tree replacement plan would be subject to the City's valuation requirements for replacement trees. The replacement plan will be incorporated into subsequent reviews of the proposed project.

Sustainability

The Applicant indicates the project would incorporate the following sustainability measures:

- Minimum LEED Gold certification by the USGBC or equivalency verified through the City of Menlo Park's LEED Performance Program, and related certifications;
- Use of photovoltaic panels to generate power on-site for electric vehicle charging stations and to offset energy use by buildings;

- Minimization of construction and operational carbon emissions;
- Responsible management and reduction of potable water use including, where feasible, the option for greywater use and recycled water use for landscape irrigation;
- Use of native and drought tolerant plants and low-flow drip irrigation systems; and
- Use of bio-retention ponds and the possible use of larger, centralized treatment areas that may also serve as open space.

Requested entitlements

A master plan project provides a vision and framework for growth and development of the site. The Applicant is requesting general plan and zoning ordinance amendments to enable the proposed master plan development. The new general plan land use designation would allow for residential dwelling units, public and quasi-public uses, office, R&D, and supporting uses. As currently proposed, the designation would apply to the entire site and establish a maximum residential density at 40 dwelling units per acre and a maximum commercial floor area ratio (FAR) of 0.6, based on the amount of existing square footage on-site, to allow up to approximately 1.38 million square feet of non-residential uses. As previously noted, the non-residential square footage would not exceed the current square footage of all buildings on the project site.

The proposal would create both a new residential and a new non-residential zoning district although the proposed master plan could also be encompassed by one zoning district. The Applicant has not yet confirmed whether they intend to propose a single, new zoning district or multiple adjacent zoning districts. The requested rezoning of the project site would apply the new district(s) and likely a conditional development "X" overlay. Pursuant to Chapter 16.56 of the Zoning Ordinance, the "X" Overlay/conditional development district, also referred to as combining district, is a zoning district specifically established for the purpose of combining special regulations or conditions with a zoning district, and requires approval of a CDP. Pursuant to Section 16.56.030 of the Zoning Ordinance, development regulations in the "X" district are as specified in the conditional development permit, but in no event shall the number of dwelling units, floor area ratio (FAR), or floor area limit (FAL), exceed the development regulations as set forth in the zoning district with which the X conditional development district is combined. The Applicant indicates they're requesting a CDP to address discrete construction, design, phasing and operation requirements. A CDP for the project could also specify general compliance with the project plan set, allowed uses and conditions of approval including mitigation measures from the EIR.

The Applicant is also requesting a development agreement (DA), which would provide vested rights in exchange for community benefits and allow for phased construction, as needed. Architectural control may also be required for design review of the proposed buildings (unless incorporated into the CDP) along with the other entitlements or in a phased approach, depending on buildout timing/phasing for the project.

In addition, the Applicant is requesting a vesting tentative map to merge the existing lots and re-subdivide in a manner consistent with the new improvements, as well as to provide flexibility for phased construction. The Applicant indicates multiple final maps may be prepared to match project phasing and that each new building would be located on its own parcel, with most of open space, private streets, and other common areas being located on a separate parcel (or parcels.) The proposed mapping approach is under review by staff.

Project phasing

The Applicant anticipates constructing the project in one single phase, with site preparation occurring over the course of 12 to 15 months and buildout of site infrastructure and vertical improvements occurring afterwards over the course of 30 to 36 months. However, because phasing may change based on market conditions, it is also possible that the project would be constructed in phases with the initial phases as outlined in the Applicant's project description letter. City staff and the Applicant team will continue to discuss the potential phasing for complete build out of the proposed project and will incorporate the phasing as appropriate into the environmental analysis for the proposed project. Staff will provide recommendations to the Planning Commission and City Council regarding tying certain public improvements and infrastructure to certain phases of development to ensure public improvements are constructed and finalized if the project is indeed constructed in multiple phases.

Next steps

The next steps will be for the City to select an environmental consultant to prepare an environmental impact report (EIR.) Staff will bring the item for review and approval at a future City Council meeting anticipated for early summer 2022. As noted in the environmental review section below, the EIR process includes several additional public hearings.

Correspondence

The Applicant indicates they hosted a series of community meetings in July and August 2021 to obtain initial community feedback that was used to inform the proposed project description. The Applicant states in the project description letter that these meetings were attended by more than 130 community members and stakeholders, and as the project moves forward, they will schedule further outreach meetings with a variety of community stakeholders and members of the public.

Staff has received five items of correspondence on the project since the Planning Commission study session. (Attachment G.) Some of the correspondents expressed a desire to see additional affordable housing at the project, including a desire for the project to donate land to a non-profit housing developer to create a fully affordable housing development, and some of the correspondents expressed concerns about the amount of non-residential square footage and potential impacts to the Classics of Burgess neighborhood.

Impact on City Resources

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

Environmental Review

An EIR will be prepared for the project. After the selection of an EIR consultant, the next step in the process will be the release of the notice of preparation (NOP) which will be followed by an EIR public scoping meeting to share information regarding the Project and the environmental review process and to provide information on how interested parties can provide written comments. The public scoping meeting will allow the public, the Planning Commission, and public agencies to ask questions about the NOP and environmental review of the project. A draft EIR will then be prepared. Following the release of the Draft

EIR, a public hearing will be held by the Planning Commission to provide an opportunity for the Commission, agencies, organizations and members of the public to provide verbal comments on the Draft EIR. Written comments on the Draft EIR will also be solicited at that time. Comments will then be addressed as part of the Final EIR, which would be reviewed at a subsequent meeting. The City Council will ultimately be charged with considering whether to certify the Final EIR for the proposed project.

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. Location map
- B. Hyperlink – Project description letter:
beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/parkline/parkline-project-description-letter.pdf
- C. Hyperlink – Project plans:
beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/parkline/20220107-parkline-poject-plans.pdf
- D. Select plan sheets
- E. Existing and proposed bike paths from Transportation Master Plan
- F. Hyperlink – Tree disposition plan:
beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/parkline/parkline-tree-disposition-plan.pdf
- G. Correspondence

Report prepared by:
Corinna Sandmeier, Acting Principal Planner

Report reviewed by:
Deanna Chow, Assistant Community Development Director
Nira Doherty, City Attorney

LOCATION MAP



EXISTING PARCELIZATION MAP



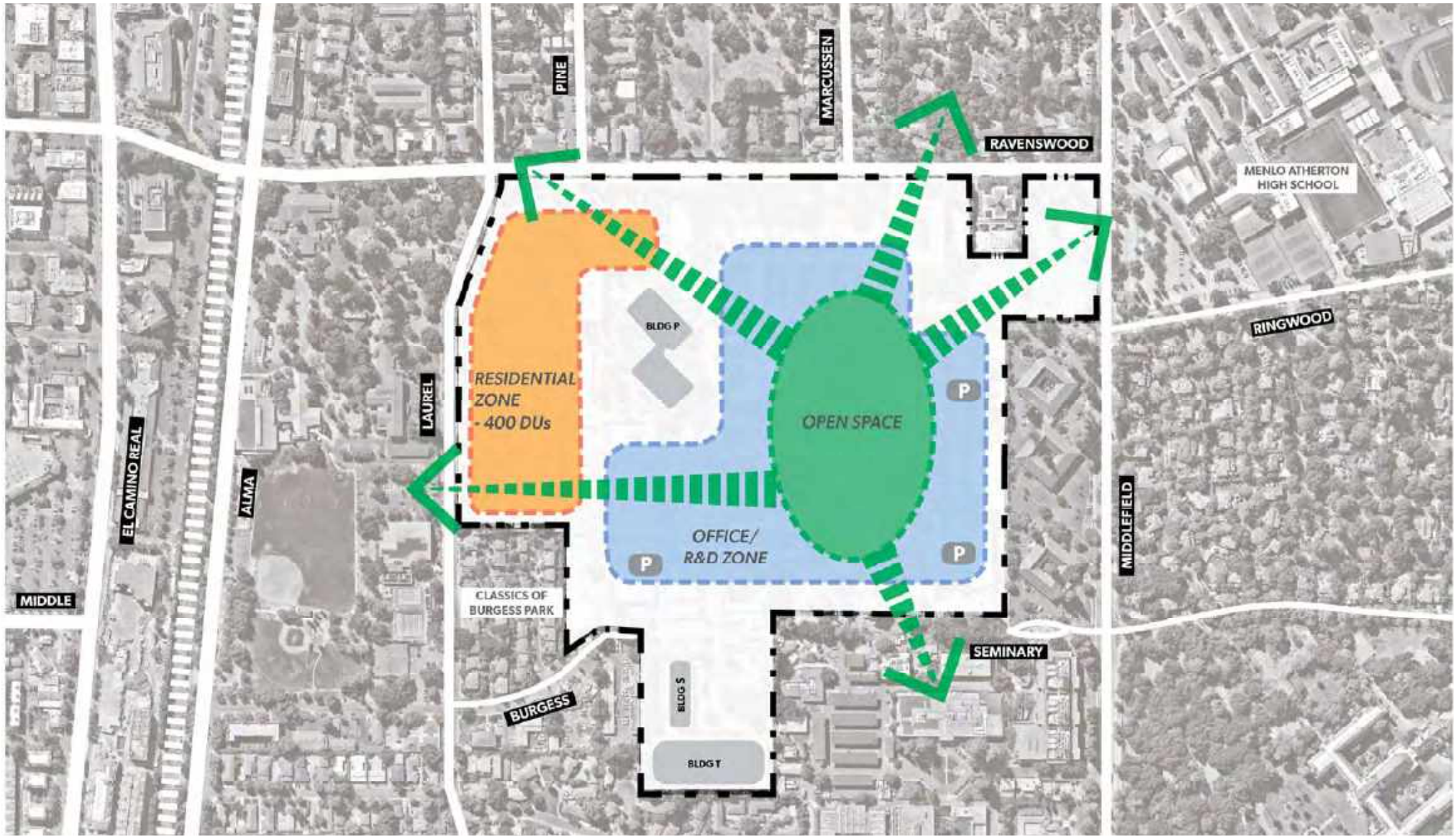
SITE MAP

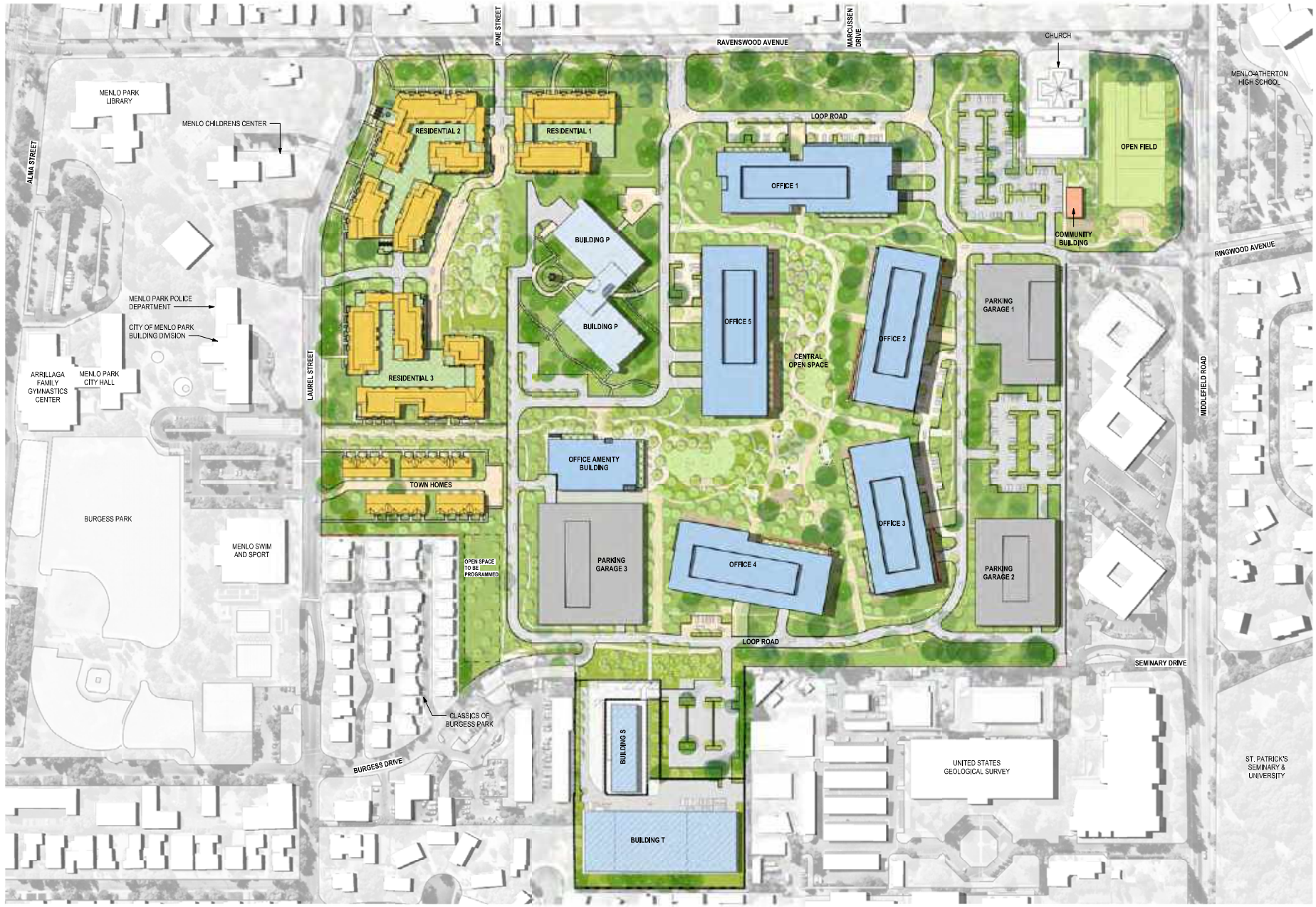


SITE DIAGRAM









LEGEND

- RESIDENTIAL
- OFFICE
- PARKING GARAGE
- COMMUNITY AMENITY
- EXISTING BUILDINGS
- UPPER TERRACES

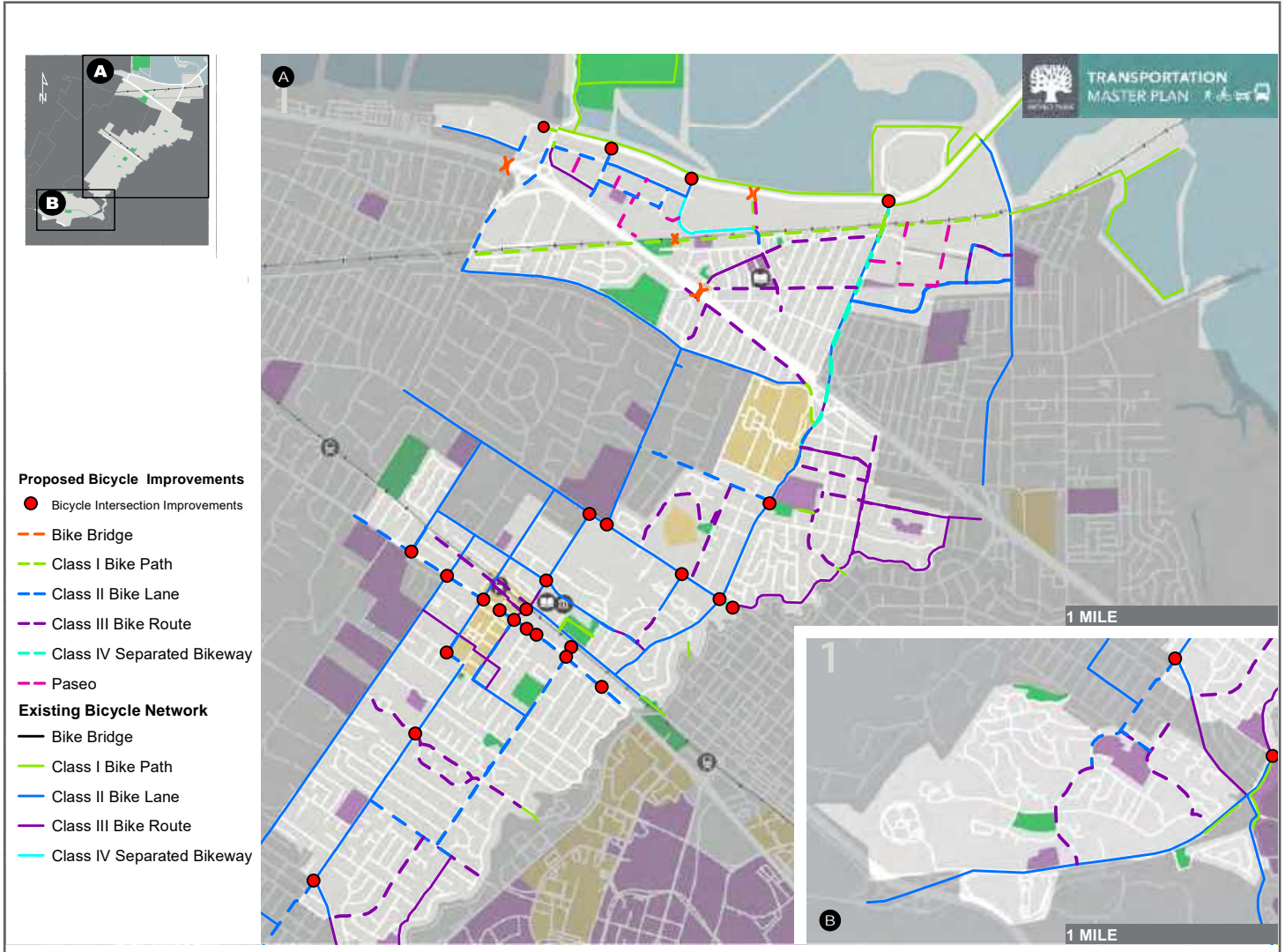
0 10 20 30 40 50
SCALE : 1" = 100'





Recommended TMP Projects

EXISTING BIKE NETWORK AND RECOMMENDATIONS



Recommendations for people biking at various locations throughout Menlo Park will help improve safety and connections to the existing bicycle network.

From: [Annabel R. Chang](#)
To: [PlanningDept](#)
Subject: [Sent to Planning]Support - Affordable and low-income housing at SRI Location
Date: Monday, April 4, 2022 12:44:47 PM

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Dear Planning Department,

As a Menlo Park resident and constituent, I want to express my support for the addition of affordable housing at the current SRI International location.

SRI International's central location is a convenient hub to schools, transit, city amenities, and the downtown. It will also create a walkable living community for our residents and future residents.

With gratitude,

Annabel R. Chang

A large black rectangular redaction box covering the signature and contact information of Annabel R. Chang.

Annabel R. Chang

From: [Sue Connelly](#)
To: [Planning Commission](#)
Subject: Three solutions to potential ParkLine problems.
Date: Tuesday, March 29, 2022 8:47:10 AM

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Dear members of the Planning Commission,

In your review of the SRI/ParkLine proposed plans, I'd like to request that you take the following into consideration:

PROBLEM #1:

ParkLine offices increase the Housing Element shortage

With the serious housing shortage in Menlo Park largely due to the much higher employee concentrations per square foot from the rapid increase of office buildings, we really need to reduce the amount of new office buildings being added to our community.

The new offices, which will have more than 10x the number of employees per floor than currently used at SRI, plus the increase in the height number of buildings will further exacerbate the very high housing quotas for which we are so behind.

Massive building projects of offices and residences is putting tremendous pressure on an already stretched infrastructure with schools, traffic, bike/student safety, water and police/fire emergency services.

SOLUTION #1:

Reduce the height and number of office buildings to allow the 400 planned housing units to be spread out more on the property to reduce the height and reduce the density for a better living environment for the residents and more in line with the surrounding neighborhoods (e.g. more grass, shared open spaces, small playground, BBQ area, etc.).

This will also reduce the pressure and increase of the required units these offices are putting on the Housing Element quotas.

PROBLEM #2:

Privacy and Security for Burgess Classics with new Garage close to homes

The 3-story garage, just behind single-family homes in Burgess Classics presents a privacy, noise, light and security issue for the homeowners. To date, SRI has been fenced off and private, with a

security patrol.

The 24x7 use of the garage will be a major problem. It will let the public look directly into private spaces including bedrooms and the kitchen and family rooms of all of the homes along the shared wall with SRI. The noise and traffic from all cars starting up and coming and going at all hours is a severe sound problem, plus lights that will remain on all night.

SOLUTION #2:

Enclose three of the four walls of the parking garage planned right behind the back wall of Burgess Classics for privacy and sound protection.

Ensure the garage is for office workers only, and that it is not used for parking and 24x7 car start and transit noise for the 400 new apartments and town houses — nor for the amenities building proposed next to that garage.

The garage needs to have a gate with badge access for office workers only, so it doesn't become a security risk.

PROBLEM #3:

Preventing crime and unhoused persons issues on the grass between the ParkLine garage and Burgess Classics homes

There has been a continuing challenge for over three years with unhoused people camping and leaving belongings, shopping carts, trash and human waste near SRI's locked back gate on Burgess and next to Burgess Classics homes. Many humanitarian attempts by neighbors have been made to assist the unhoused persons with safe housing and supportive services, but help has been consistently rejected even during the cold winters. Also, some have a history of mental health challenges and although there has been no violence to date, small children playing in front of their homes

have been frightened by the aggressive and erratic behaviors.

SRI has been unwilling to do anything, despite complaints from SRI employees and requests from Burgess Classics residents.

If the proposed Bike Path is approved, this will increase the traffic and safety issues.

SOLUTION #3:

Fence in the grass area between the new ParkLine garage and the Burgess Classics homes to prevent crime by easy access over the back wall, and to ensure against homeless encampments and illicit activities after hours.

Thank you for considering ways to avert some of the bigger challenges this large development will create.

Your dedication and efforts to find ways to allow for growth while mitigating the negative impacts on Menlo Park are greatly appreciated!

Thanks so much,

Sue Connelly

From: [Kenneth Everett Mah](#)
To: [Planning Commission](#)
Subject: SRI/ParkLine Project limits
Date: Monday, March 28, 2022 6:23:24 PM

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Hi Planning Commission,

My wife, 3 year old daughter, and I live at [REDACTED] St in The Classics of Burgess Park and are respectfully writing to request your thoughtful consideration of minimizing the impact of the SRI/ParkLine development to our neighborhood, home, and lives. In particular, please consider 1) limiting house density at least to the currently agreed/proposed # including the total number of units and affordability allotments, 2) limiting traffic on Laurel especially car given more accessible thoroughfares of Ravenswood and Middlefield, 3) limiting structures near our neighborhood including the townhomes and parking structures, and 4) limiting unmonitored/unenforced green space near our neighborhood. Our neighborhood is a special place for our family which is quiet and quaint. We would like to maintain this feel and its accompanying safety, while also encouraging Menlo Park's development with mixed used at SRI. There are many areas of the property especially on Ravenswood and Middlefield that housing and structures could be placed with monitored green space in between that our homes.

Thanks,
Kenneth

March 28, 2022

Planning Department
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025

**Re: Menlo Park Planning Commission SRI Parkline Study Session - Menlo Together
Public Comment**

Dear Members of the Menlo Park Planning Commission,

We are individuals who worship at Trinity Church, [REDACTED] located directly across the street from SRI and the proposed Parkline development.

In addition to the imperative of addressing the legacy of redlining, we want Menlo Park to become a more integrated and diverse, multi-generational, and environmentally sustainable community. To reach that goal, we have to build homes across all levels of affordability, especially near transit and downtown services.

The 400 proposed mixed-income homes in the Parkline proposal are a great start, but we can do more. To make sure that we meet the needs of all our residents, including those with extremely low income and/or special needs, we support donating an acre of land within the development to a non-profit housing developer to create deeply affordable housing for our city's families and people of all abilities. We also support increasing the inclusionary below market rate requirement from 15% to 20%.

These additional affordable units can be feasible if the project is allowed to increase the number of market rate units (by allowing greater height and density) and by reducing minimum parking requirements. The site is very close to a public transit hub, and could be designed to attract residents who prefer not to own or drive their own car. This would help reduce local traffic, and our city's climate impact. In particular, the deeply affordable housing should have flexibility with regard to number of parking spots in the development, because according to [a study by Housing Leadership Council and Transform](#), the lower the income of a household, the more likely they are to take public transit instead of driving.

No matter where you begin, success in life starts at home for all ages and all people. When we have safe, secure places to live, parents earn more, kids learn better, health and well-being improve, and our community is strengthened because it now has the building blocks needed to thrive.

We can make this happen by taking full advantage of the Parkline project to build a strong community of people and families of all incomes and abilities who thrive.

March 28, 2022

Planning Department
City of Menlo Park

SIGNATURE	NAME	CITY OF RESIDENCE
<u><i>Lynn PIERON</i></u>	<u>Lynn PIERON</u>	<u>Portola Valley</u>
<u><i>KASMA SEVERIAN</i></u>	<u>KASMA SEVERIAN</u>	<u>Menlo Park</u>
<u><i>BARBARA NEWTON</i></u>	<u>BARBARA NEWTON</u>	<u>Menlo Park</u>
<u><i>Kathrine MACHESER</i></u>	<u>Kathrine MACHESER</u>	<u>Redwood City</u>
<u><i>Curtis GRISHAM</i></u>	<u>Curtis GRISHAM</u>	<u>Woodside</u>
<u><i>Daniel MACHESER</i></u>	<u>Daniel MACHESER</u>	<u>Redwood City</u>
<u><i>JANET LITTLEFIELD</i></u>	<u>JANET LITTLEFIELD</u>	<u>Menlo Park</u>
<u><i>AGAIW L. TAVE</i></u>	<u>AGAIW L. TAVE</u>	<u>Menlo Park</u>
<u>JOHN MORGAN</u>	<u>J. MORGAN</u>	<u>MENLO PARK</u>
<u><i>Ron Mancini</i></u>	<u>Ron Mancini</u>	<u>MENLO PARK</u>
<u><i>HANNAH SOWERWINE</i></u>	<u>HANNAH SOWERWINE</u>	<u>Menlo Park</u>
<u><i>Mary Sweeney</i></u>	<u>Mary Sweeney</u>	<u>Portola Valley</u>
<u><i>Rob VOYLE</i></u>	<u>Rob VOYLE</u>	<u>MENLO PARK</u>
<u><i>Nancy Walsworth</i></u>	<u>Nancy Walsworth</u>	<u>Menlo Park</u>

Worshippers at
Trinity Church in Menlo Park











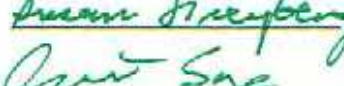

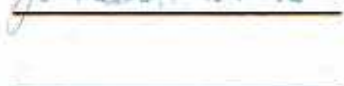
March 28, 2022

Planning Department
City of Menlo Park

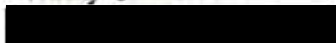
SIGNATURE

NAME

CITY OF RESIDENCE

	Julie A Hill	San Francisco
	Julie C TAVE	Menlo Park
	Lucite Sparlock	Menlo Park
	Perry Shippen	Menlo Park
	Karen Paese	Menlo Park
	Benjamin DeShazo-Couchot	Redwood City
	Estelle Bertolucci	Menlo Park
	Mary Class	Redwood City
	Susan Freyberg	Menlo Park
	Robert Sage	Los Altos
	Jim Newton	Menlo Park


Worshippers at
Trinity Church in Menlo Park



March 28, 2022

Planning Department
City of Menlo Park

SIGNATURE	NAME	CITY OF RESIDENCE
<u>Roy Stehle</u>	<u>ROY STEHLE</u>	<u>PALO ALTO</u>
<u>Cathy Sage</u>	<u>Cathy Sage</u>	<u>Los Altos</u>
<u>Frances Blackburn</u>	<u>Frances Blackburn</u>	<u>Menlo Park</u>
<u>Margaret Stehle</u>	<u>Margaret Stehle</u>	<u>Palo Alto</u>
<u>Patricia B. Larson</u>	<u>Patricia B. Larson</u>	<u>Menlo Park</u>
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Worshippers at
Trinity Church in Menlo Park


From: [Karen Grove](#)
To: [CCIN](#); [Noce, Michael R](#); [Planning Commission](#)
Subject: Willow Village, Parkline, and BMR Guidelines for future projects
Date: Wednesday, May 4, 2022 7:02:50 PM

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Dear City Council, Planning Commission, Housing Commission, and City Staff,

When I joined the Housing Commission four years ago, I joined the BMR ad-hoc committee to update our Below Market Rate Housing Program guidelines and requirements. While we made some incremental progress, we have not yet made the leveraged changes needed to ensure that our BMR requirements serve the needs of our most impacted residents.

Today, we are experiencing the consequence of our inaction. So many large housing developments are getting through the approval process and meeting the terms of our BMR Program without meeting the needs of our community. We need to prioritize updating our requirements, and until we do, we need to be asking developers to exceed our requirements.

For the Willow Village project, for example, I encourage the Housing Commission, Planning Commission and City Council to raise the bar for Below Market Rate Housing relative to what is being proposed. Specifically, our community needs more affordable homes, and deeper affordability, especially for people at the lowest incomes and most challenging circumstances (people with disabilities, with large families, extremely low income seniors, etc).

As a starting point for discussion, I encourage the city to ask the developer for:

- 15% inclusionary in the market rate developments
 - at a mix of Very Low, Low and Moderate Incomes, per our BMR guidelines.
 - *As a note for future BMR policy updates, a good example to follow is Redwood City, which uses a point system rather than an equivalent subsidy calculation to determine how many Very Low vs. Low vs. Moderate Income units are required.*
- In addition to the 15% inclusionary BMR homes, the developer of this nearly 70 acre property should donate 1-2 acres and partner with a nonprofit housing developer to produce 100% affordable homes on site (this should become part of our BMR policy going forward, for large-site projects, as a strategy to produce deeply affordable homes)
 - The population served could be seniors, or another high need group, such as large families, or people with disabilities.
 - Incomes served should align with other 100% affordable developments, and should

include no income, acutely low income, extremely low income, very low income and low income (on a curious note, the current proposal sets a minimum income requirement of 25% AMI for the proposed senior housing, which is not a threshold used by the County to delineate income bands).

- The Willow Village developer should make a significant financial contribution to the 100% affordable project on behalf of Menlo Park in such a way that Menlo Park is able to apply our BMR preferences to a portion of the units in the development.
 - Financing for such a project will come from several sources, and each funder can apply conditions to their funding in terms of who qualifies to apply for the homes.
 - In the absence of significant Menlo Park financing of the project, preferences will be set by other funding sources and could fail to meet the needs of our most vulnerable Menlo Park households.
 - Note that this is a very large project, and the developer has access to vast resources. They can afford to invest in meeting the most urgent and costly needs in our community.
- Set rents for the inclusionary units at 30% of the mid-range income level. Mountain View does this, and we have found that it is necessary to address a structural problem with the Income Limits as defined by the State and County.
 - The problem is that households with incomes at the low end of the range do not qualify as earning enough to pay rents set at 30% of incomes set at the high end of the range.
 - In effect, our program, as designed, does not serve households with incomes in the lower range of the income bands.
 - Setting rents at 30% of the mid-range income could solve the problem.
- We should NOT eliminate our policy that BMR rents may never exceed 75% of market rate rents, as has been requested by the developer.
 - The 75% BMR rent cap policy has been effective! Without it, BMR rents would have exceeded market rate rents during COVID and at other times in the past.

Ideally, we will expeditiously create a BMR policy that meets the housing security needs of our city and region. Until that happens, we must negotiate with each developer of large projects in our city and ask them to step up to meet the dire need of our most deeply impacted residents.

I'm hopeful that we have the will and the ability to do so, because at the Planning Commission study session for SRI/Parkline, the Planning Commission significantly raised the bar for BMR housing, and the developer was amenable to their request. Let's apply that higher bar – a bar that actually acknowledges and seeks to address the dire need in our community – to the Willow Village project too. And let's update our BMR policy so that future projects that follow the public meeting constraints of SB330 better serve our housing needs.

Karen Grove (she/her)

resident of Menlo Park and former housing commissioner



Figure 1: Aerial view of SRI campus and environs.

PARKLINE MASTER PLAN

CITY COUNCIL STUDY SESSION: MAY 10, 2022

PARKLINE'S VISION FOR THE 63.2-ACRE SITE:



1. RESIDENTIAL

- 400 new rental housing units: affordable and market rate rental housing



2. SUSTAINABLE DESIGN

- High performance building design
- Vast reduction in impervious surface
- Reduce greenhouse gas emissions by 50%



3. TREE PRESERVATION

- Preserve heritage trees
- 1,375 existing trees, 1,489 after redevelopment



4. OPEN SPACE & CONNECTIVITY

- Over 25 acres of landscaped, publicly accessible open space
- A network of new bike and pedestrian pathways



5. REVITALIZATION

- Replacement of 1.1 million square feet of outdated research buildings



Figure 2: Public Outreach Meeting.



Figure 3: Public Outreach Meeting.

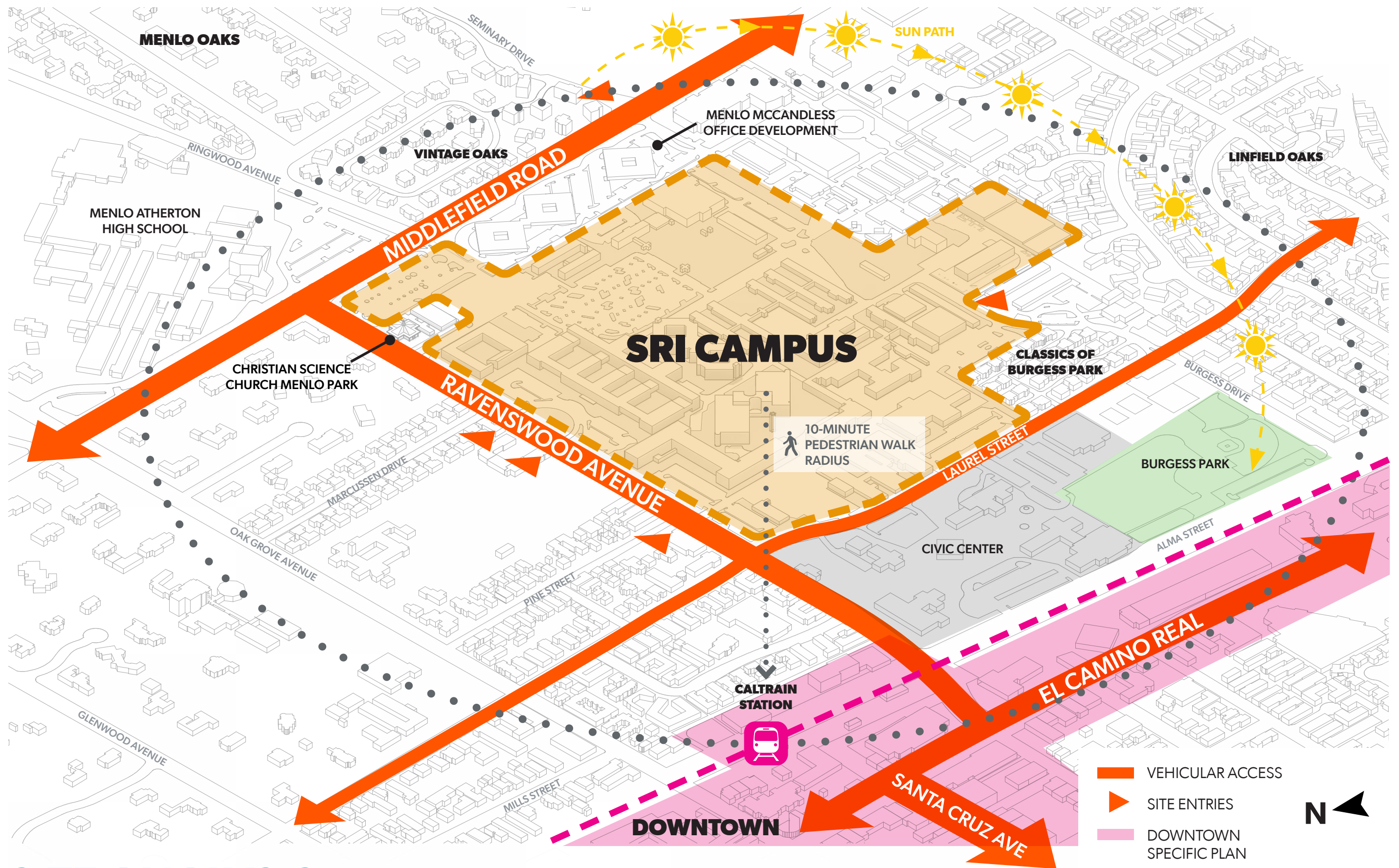


Figure 4: Public Outreach Meeting.



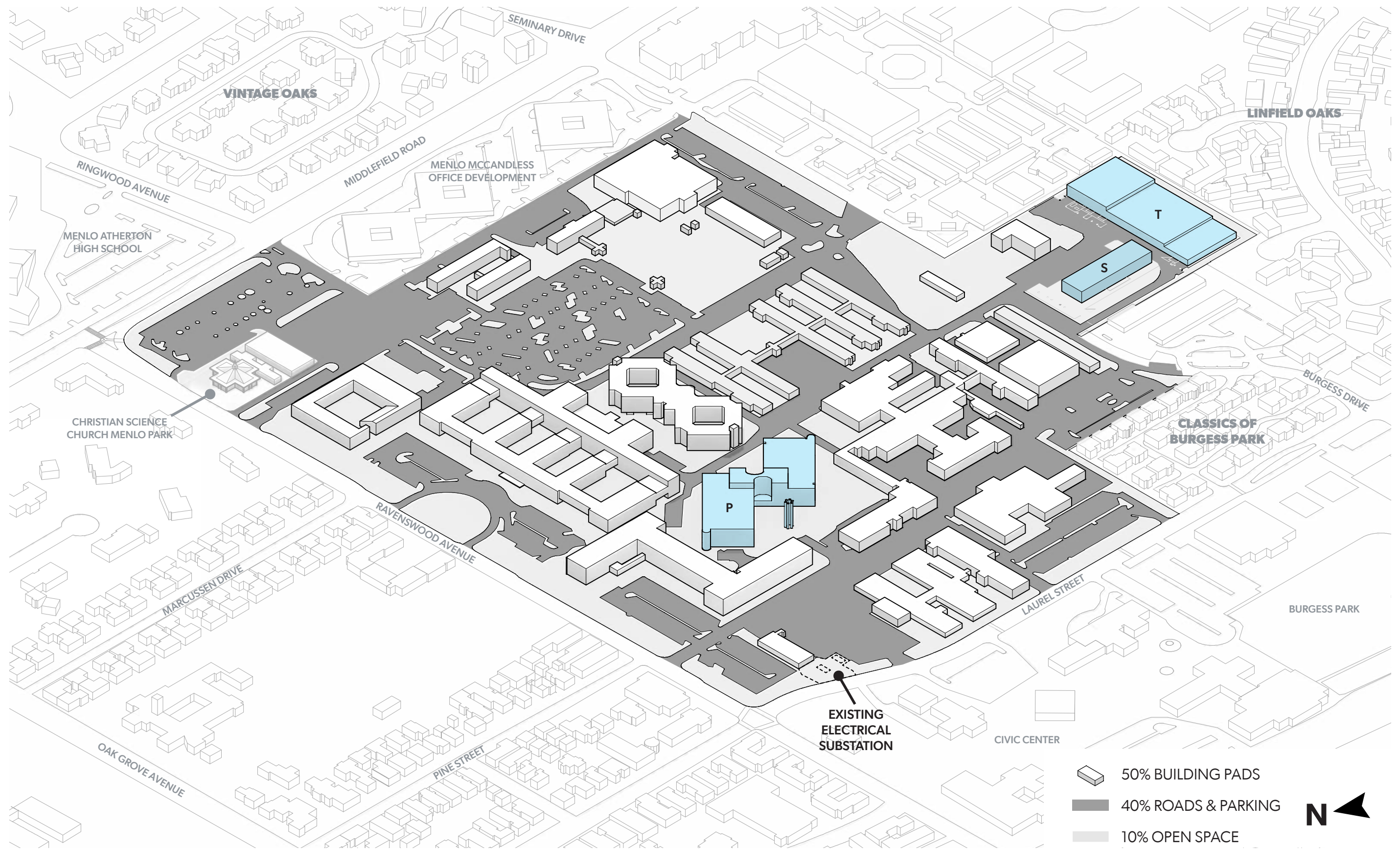
Figure 5: Public Outreach Meeting.

COMMUNITY OUTREACH



SITE ANALYSIS





EXISTING SRI CAMPUS



Figure 6: View on Laurel Street Toward South



Figure 7: View on Laurel Street Toward North



Figure 8: East Existing Tree Grove



Figure 9: View on Laurel Street Toward East



Figure 10: View on Middlefield Toward Church



Figure 11: Existing East Driveway

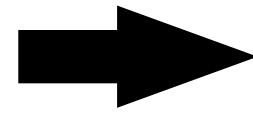
EXISTING CONDITIONS



EXISTING TREES

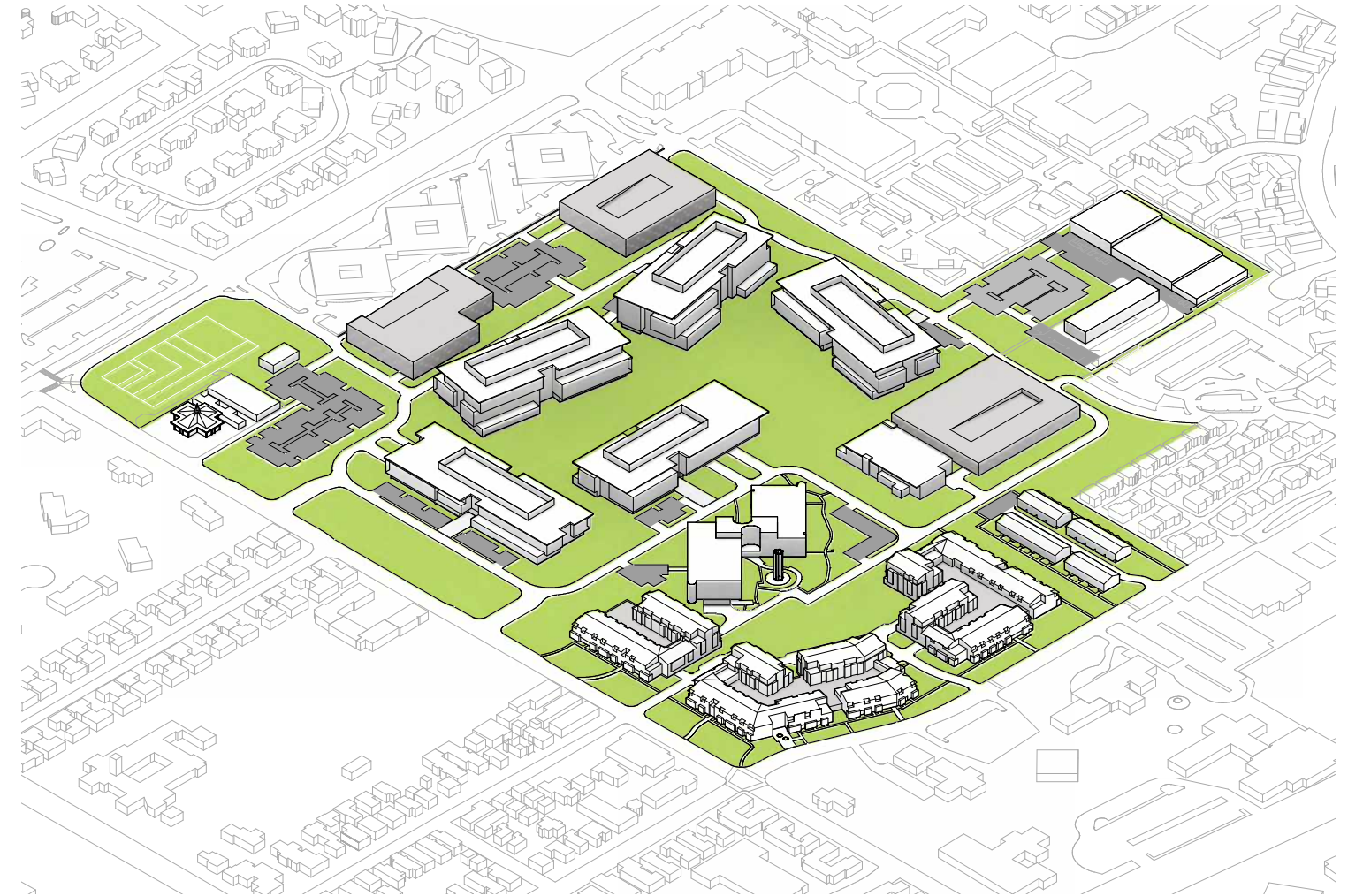
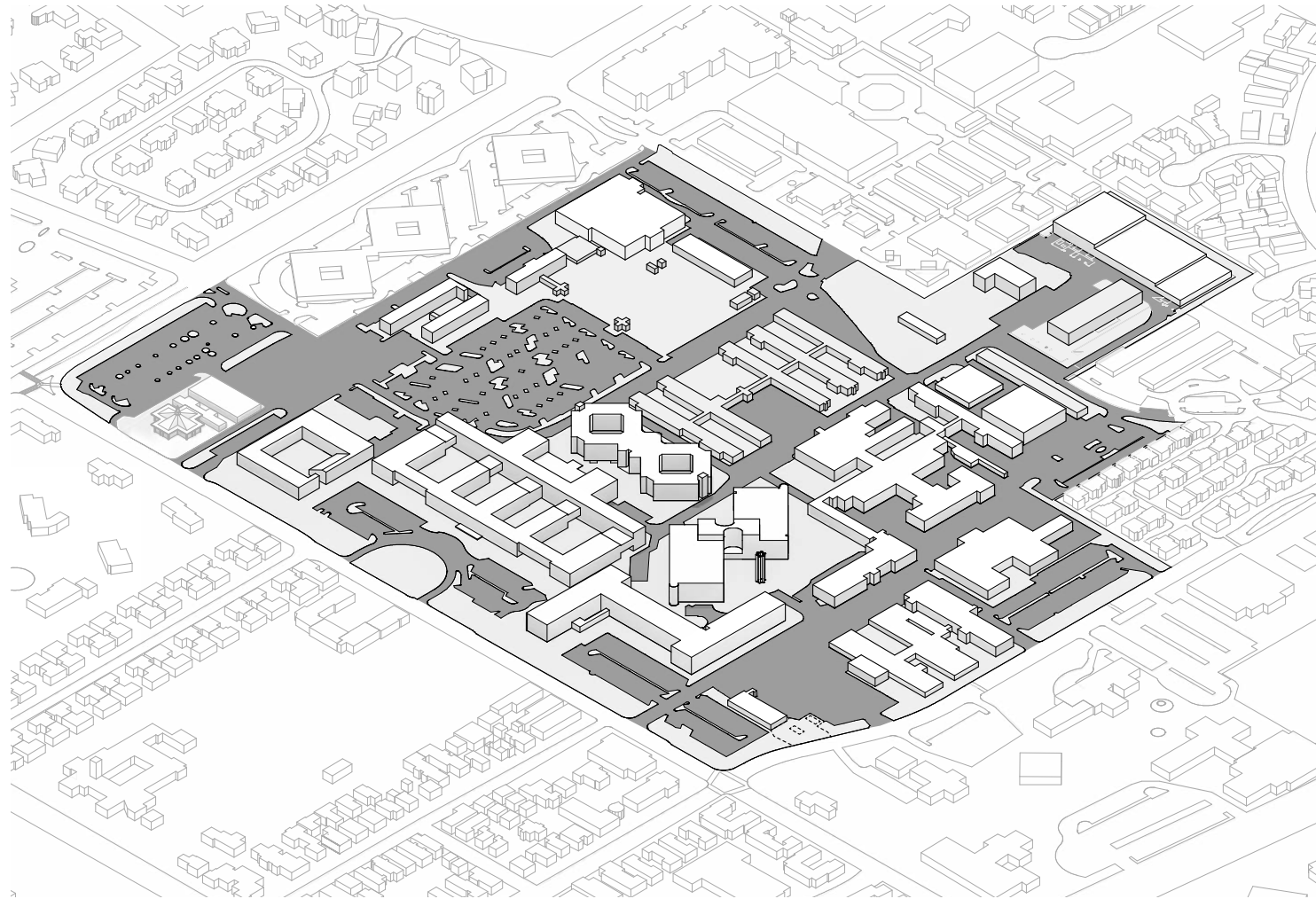
EXISTING:

PERVIOUS SURFACE IS **10%** OF SITE AREA

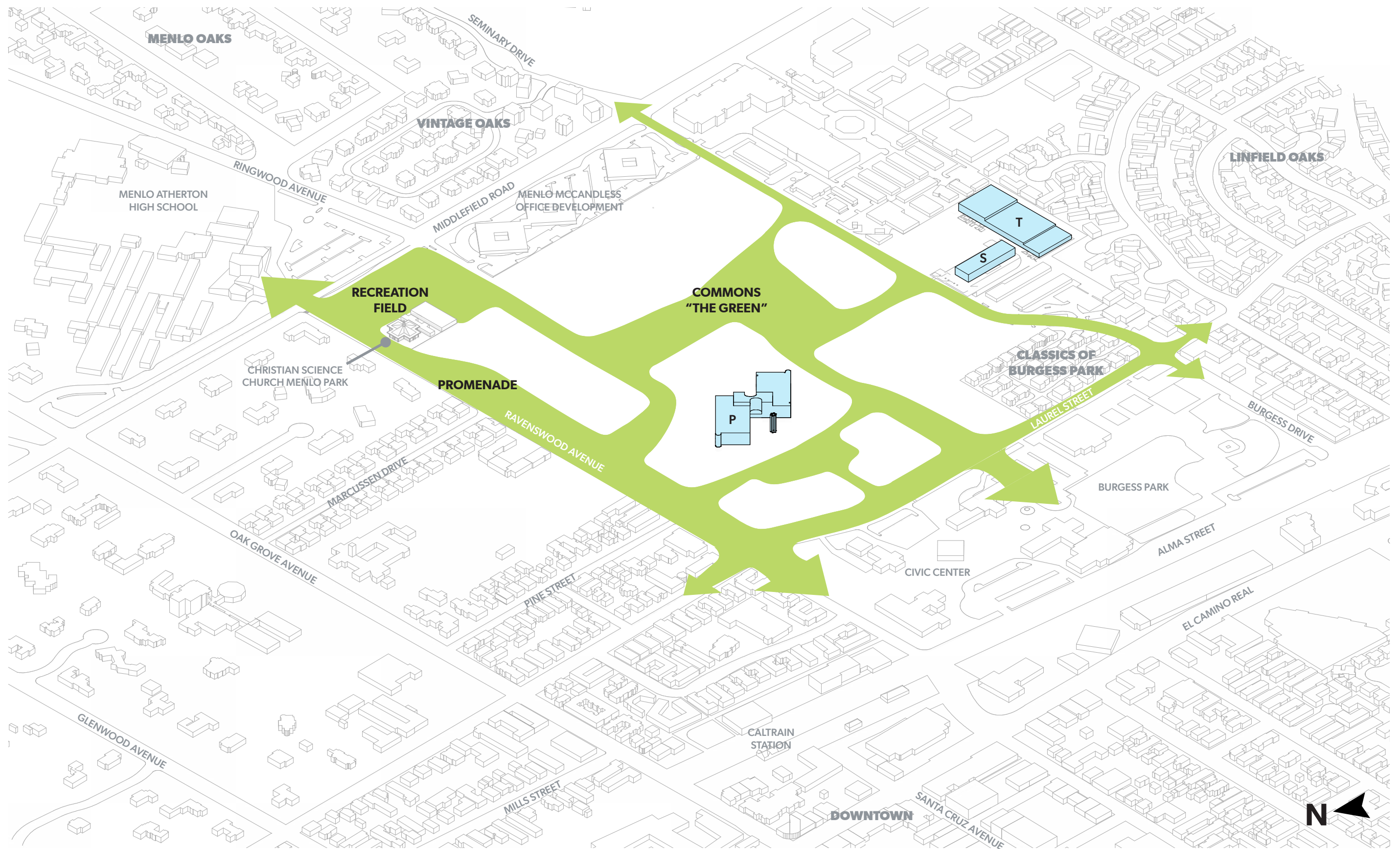


PROPOSED:

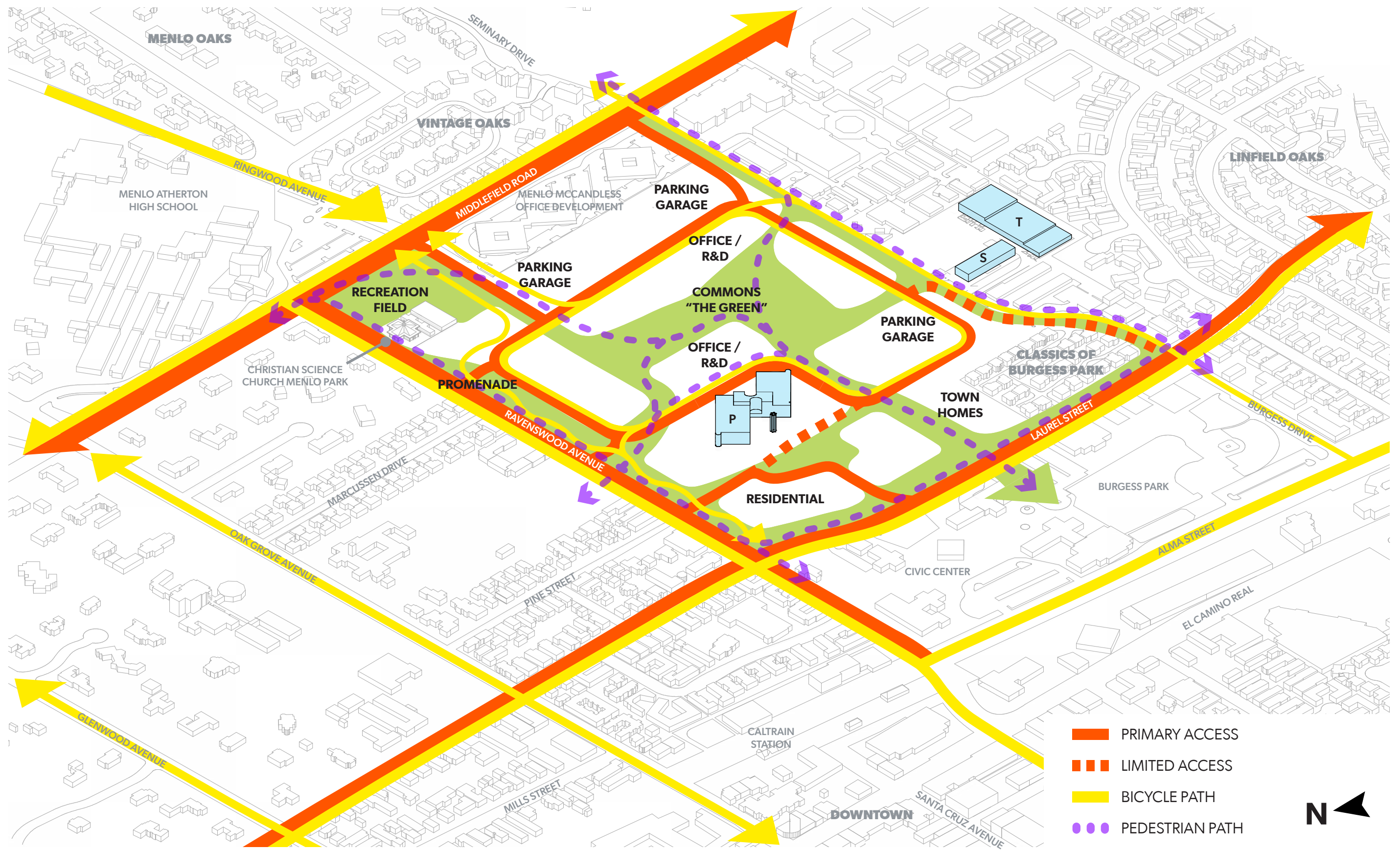
PERVIOUS SURFACE IS **48%** OF SITE AREA



CONVERT IMPERVIOUS SURFACE TO PERVIOUS SURFACE



CREATE AN OPEN SPACE NETWORK



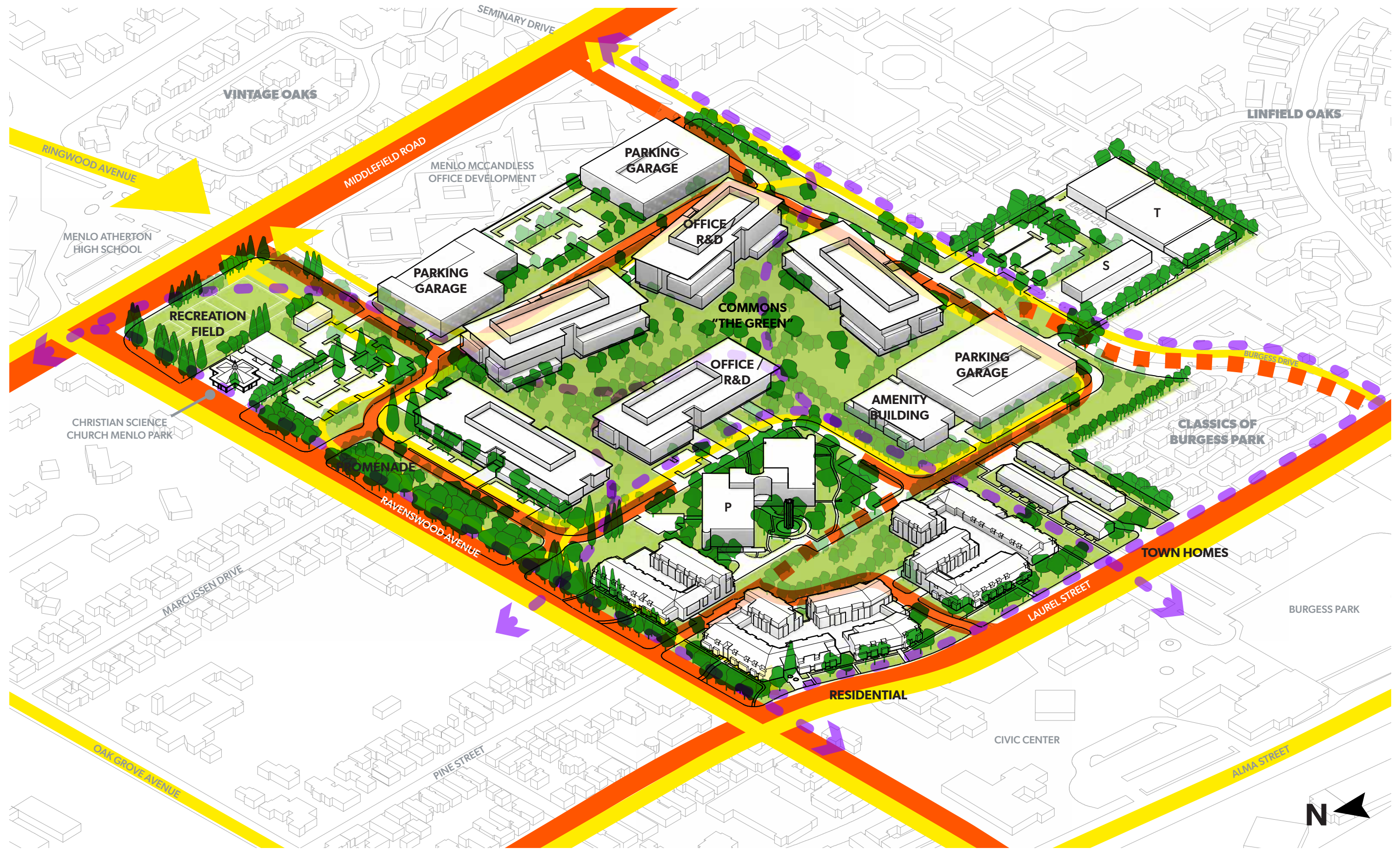
- PRIMARY ACCESS
- LIMITED ACCESS
- BICYCLE PATH
- PEDESTRIAN PATH



WEAVE CIRCULATION INTO SITE



BUILD IN AREAS THAT PRESERVE THE BEST TREES



PARKLINE MASTER PLAN

CONTEXTUAL + CONNECTIONS



ALLIED ARTS GUILD, MENLO PARK, CA



CASA DE HERRERO, MONTECITO, CA



CASA DORINDA, SANTA BARBARA, CA

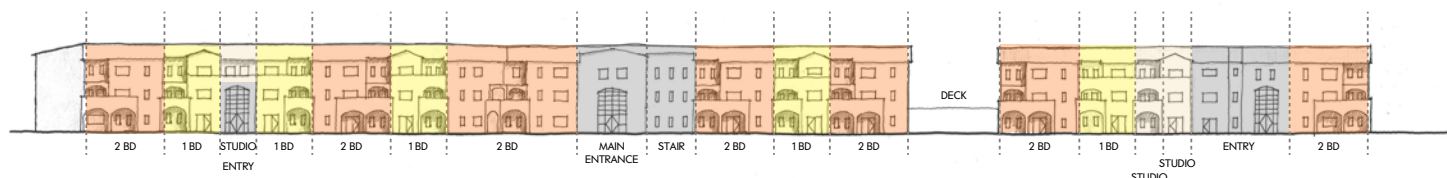


RIVERSIDE ART MUSEUM, RIVERSIDE, CA; ARCHITECT: JULIA MORGAN



DAVIS POLK LAW OFFICE, MENLO PARK, CA

RESIDENTIAL INSPIRED BY HISTORIC ROOTS



UNIT PAGINATION



UNIT PROGRAM DIVISION



ELEVATION STUDY ALONG RAVENSWOOD AVENUE



VIEW OF RESIDENTIAL FROM RAVENSWOOD AVENUE



VIEW AT RESIDENTIAL ENTRY ON LAUREL STREET



VIEW AT TOWN HOMES



VIEW IN RAVENSWOOD GREENWAY



VIEW AT RAVENSWOOD AVENUE SITE ENTRY



VIEW FROM COMMONS LOOKING WEST AT OFFICE BUILDINGS



VIEW AT RECREATION FIELD

RESPONSE TO FEEDBACK FROM PLANNING COMMISSION STUDY SESSION & COMMUNITY OUTREACH

CITY COUNCIL STUDY SESSION: MAY 10, 2022

SITE INTENSIFICATION

	SRI (2019)	SRI (CDP ALLOWED)	PROPOSED (400 SF/PERSON)	PROPOSED (330 SF/PERSON)	PROPOSED (250 SF/PERSON)
SQUARE FEET (SF)					
EXISTING	1,380,000	1,380,000	284,000	284,000	284,000
PROPOSED			1,056,000	1,056,000	1,056,000
TOTAL SF	1,380,000	1,380,000	1,340,000	1,340,000	1,340,000
<i>EXCLUDES PROPOSED AMENITY BUILDING</i>			40,000	40,000	40,000
HEADCOUNT	1,500	3,300	3,340	3,900	4,924
INCREASE VS. CDP ALLOWED			40	600	1,624
INCREASE VS. 2019			1,840	2,400	3,424

HOUSING IMPACT

% LIVING IN
MENLO PARK

4%
7%
10%
15%

2,400
NEW EMPLOYEES
UNITS NEEDED

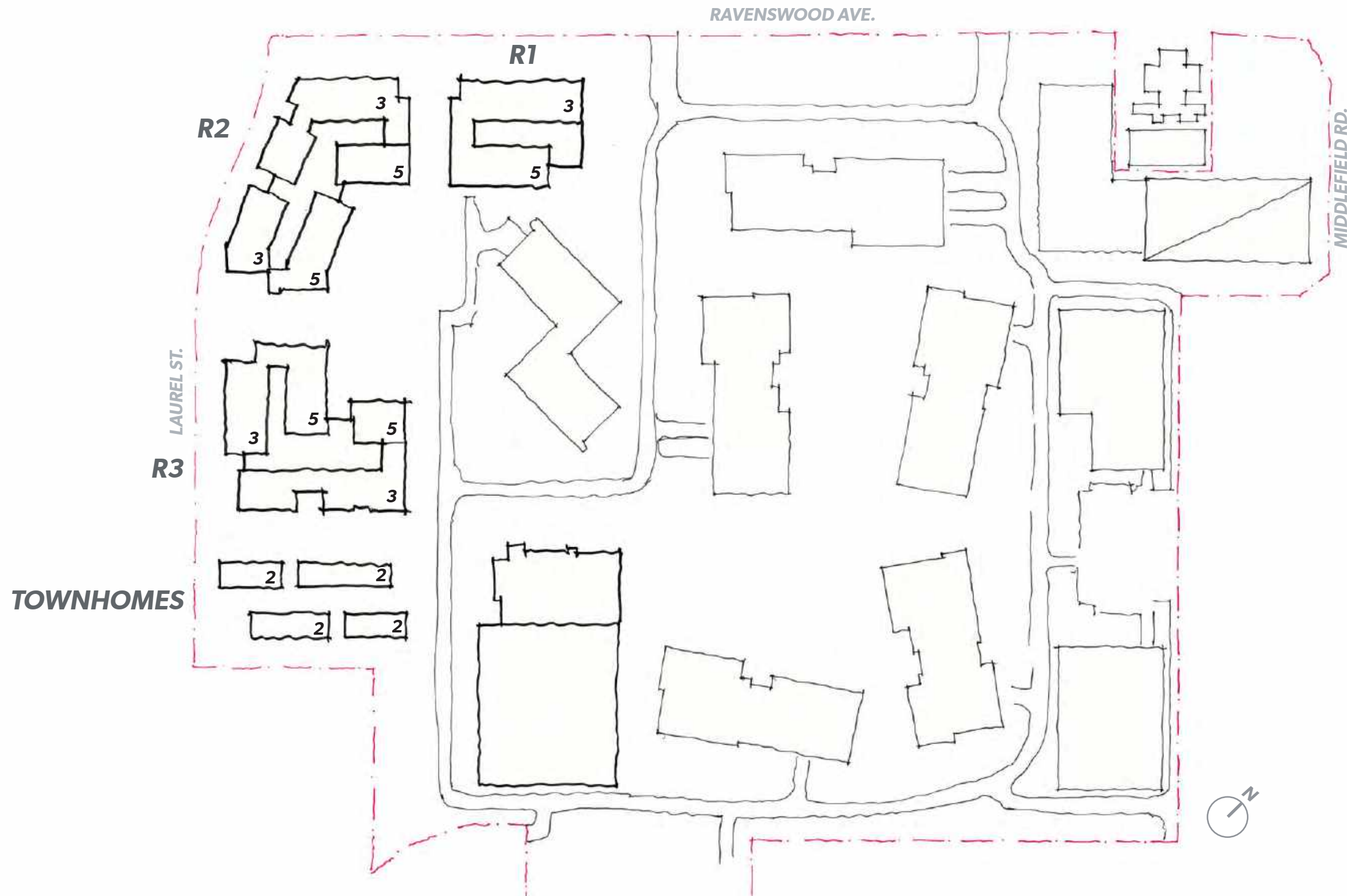
96
168
240
360

3,424
NEW EMPLOYEES
UNITS NEEDED

137
240
342
514

SITE INTENSIFICATION AND HOUSING IMPACT

BASE SCHEME



HOUSING UNIT COUNT

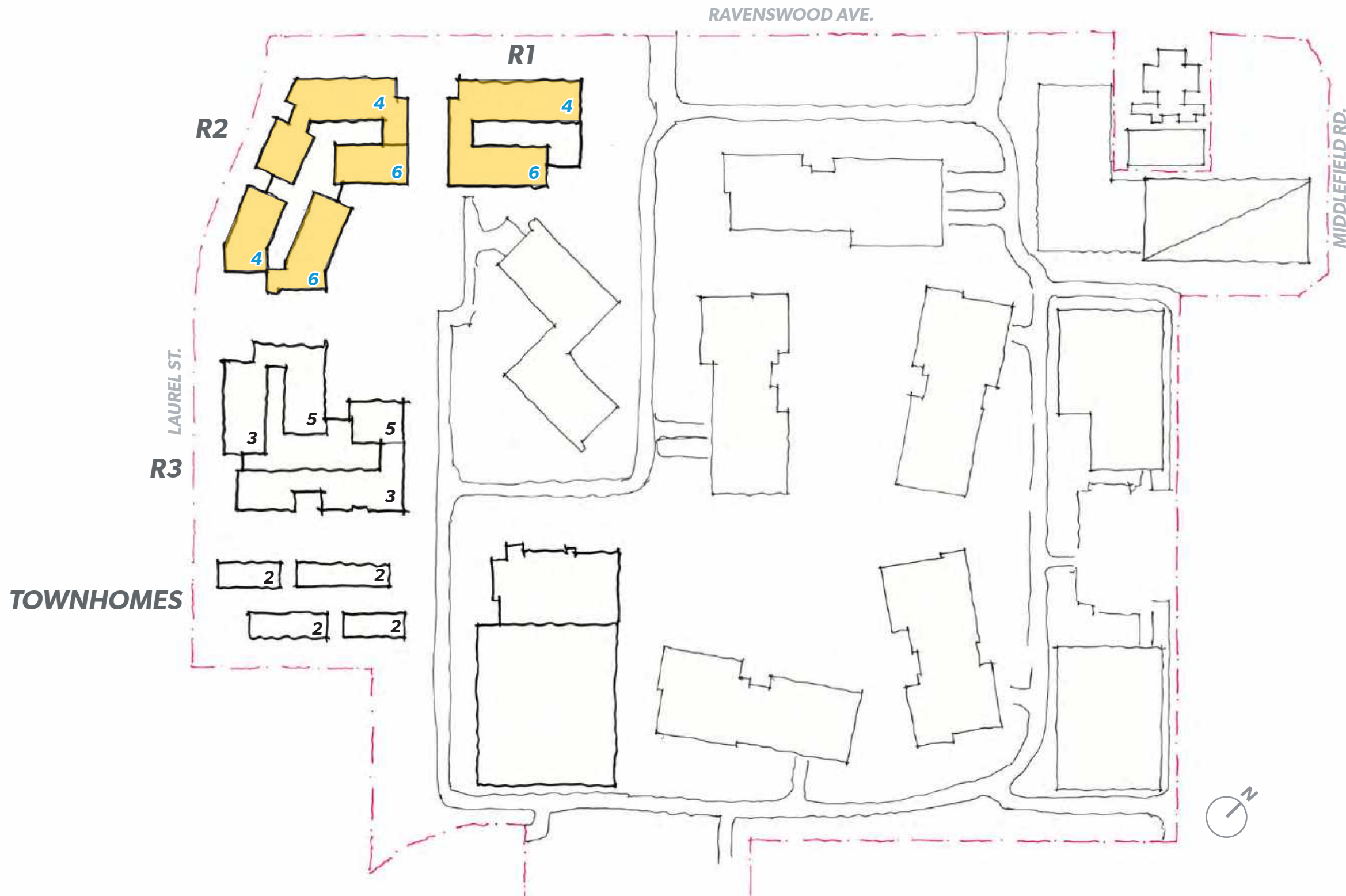
	R1: 89
	R2: 146
	R3: 146
+	TH: 19
<hr/>	
	TOTAL = 400

15%
AFFORDABLE

60 UNITS

INCREASE RESIDENTIAL DENSITY

ADD 50 UNITS



HOUSING UNIT COUNT

R1: 89 + 25 = 114
R2: 146 + 25 = 171
R3: 146
+ TH: 19

TOTAL = 450

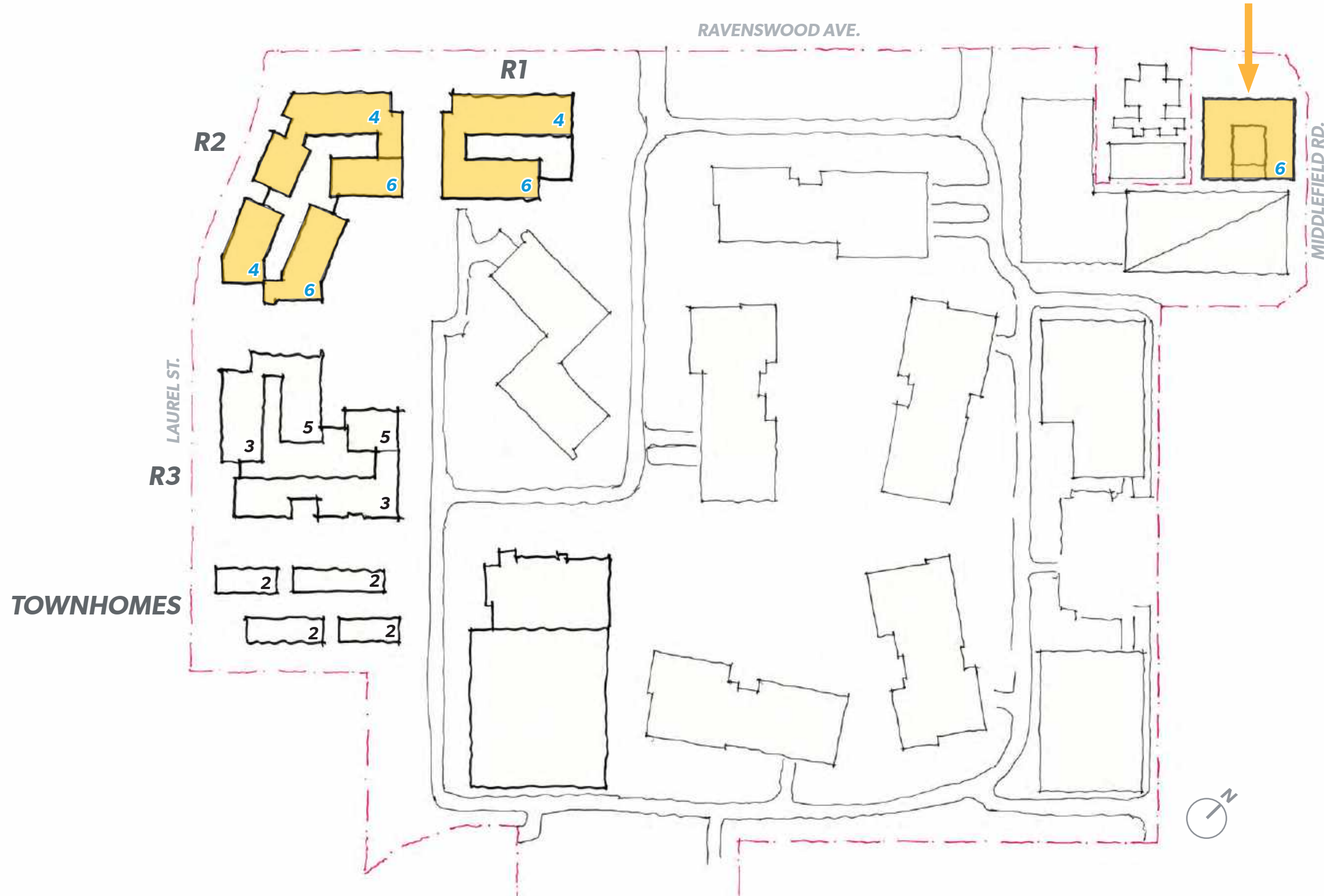
15%
AFFORDABLE

68 UNITS

INCREASE RESIDENTIAL DENSITY

ADD 130 UNITS

POTENTIAL SITE FOR
STAND-ALONE 100%
AFFORDABLE HOUSING



HOUSING UNIT COUNT

R1:	89 + 25 =	114
R2:	146 + 25 =	171
R3:		146
TH:		19
	+	80

TOTAL = 530

28%
AFFORDABLE
148 UNITS

INCREASE RESIDENTIAL DENSITY

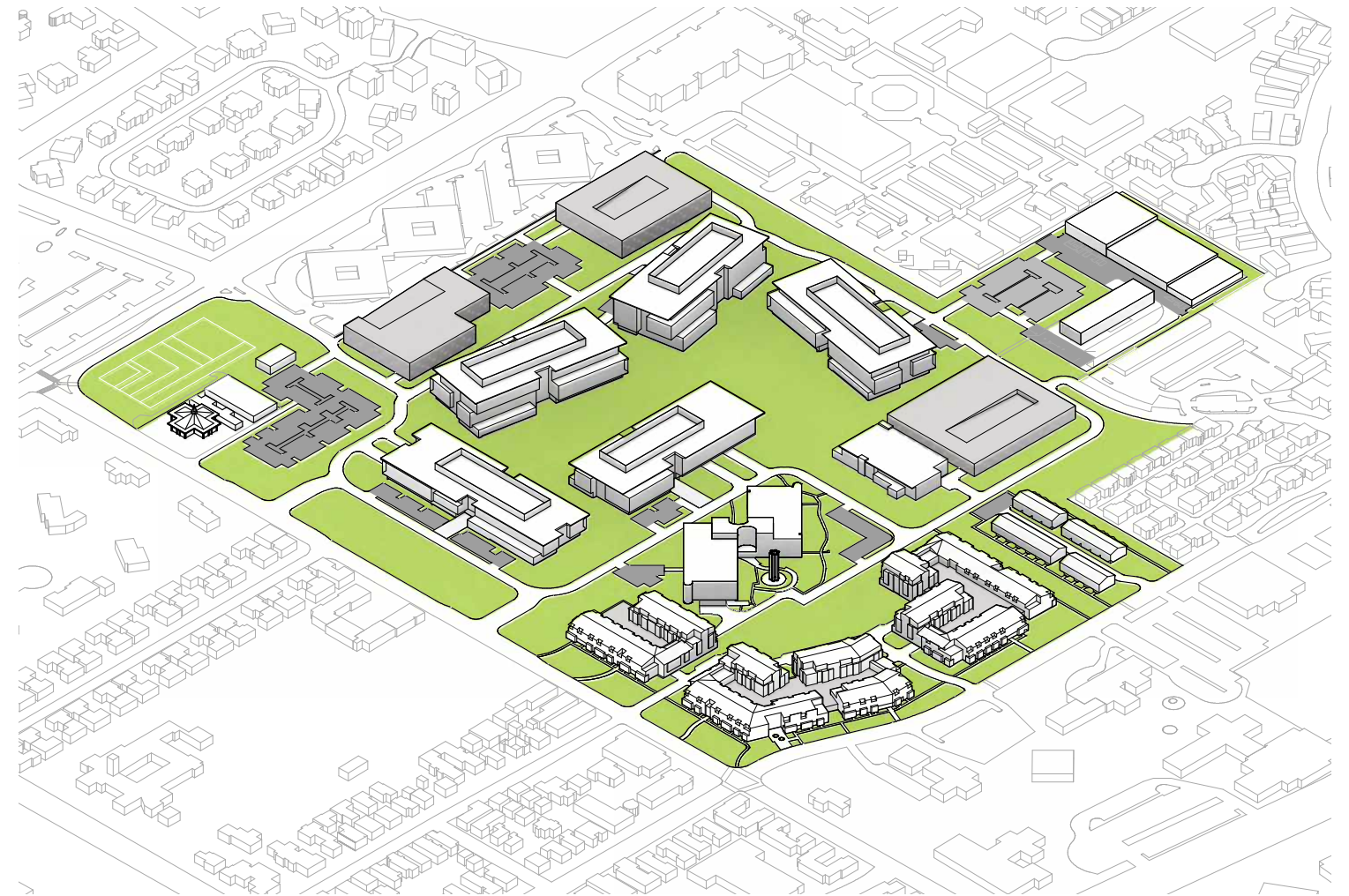
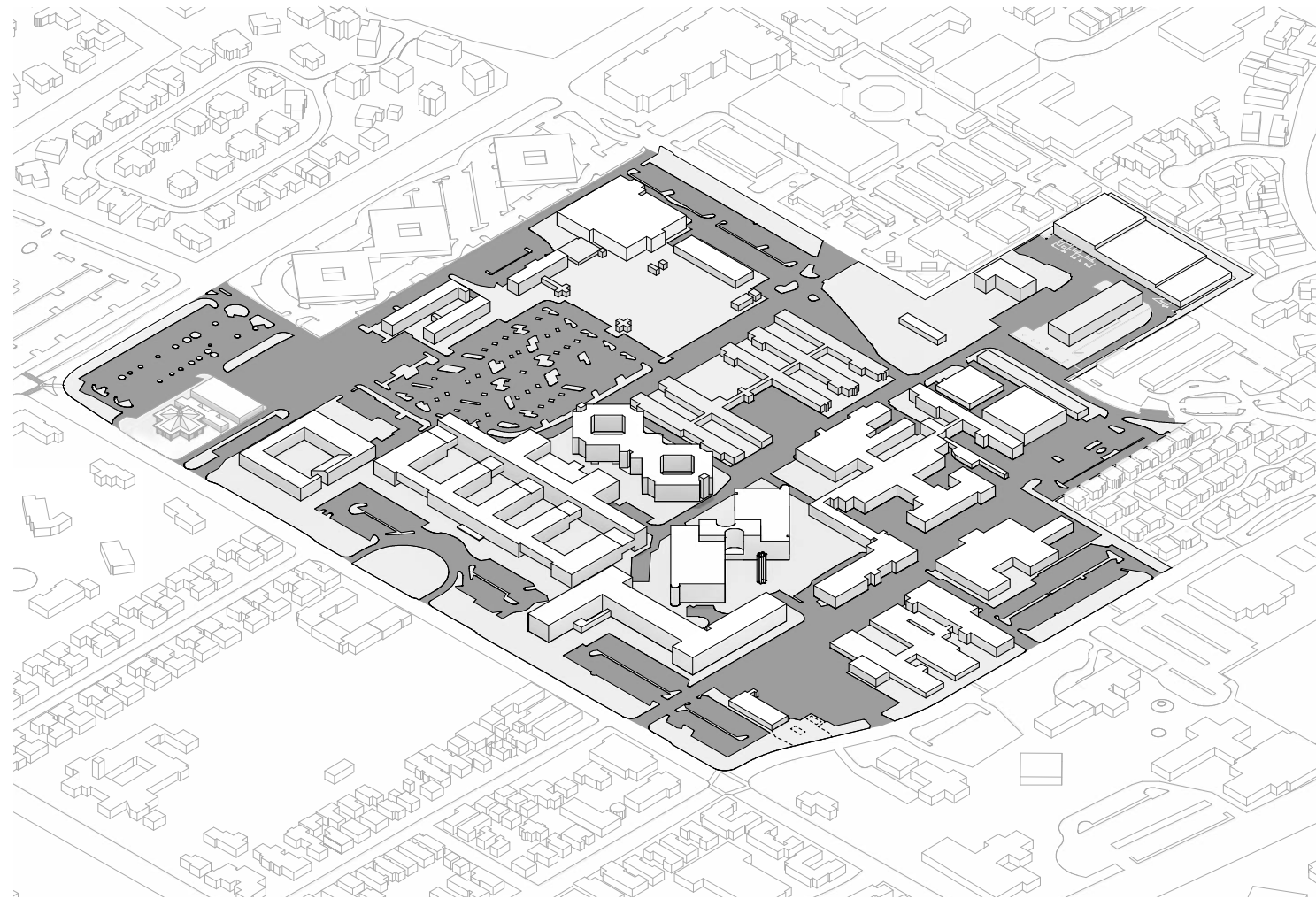
EXISTING:

PARKING IS **37%** OF SITE AREA



PROPOSED:

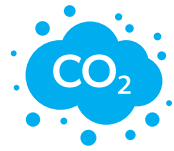
PARKING IS **14%** OF SITE AREA



- OPEN SPACE EXPANSION
- HERITAGE TREE PRESERVATION
- LOWER PARKING RATIO
- PARKING DISTRIBUTION

OFFSTREET PARKING APPROACH - CONVERSION TO OPEN SPACE 26

PARKLINE WILL REDUCE CARBON SIGNIFICANTLY



1. REDUCE GREENHOUSE GAS EMISSIONS BY 50%



2. ALL-ELECTRIC BUILDINGS



3. MEETING REACH CODES



4. USING RENEWABLE ENERGY

PARKLINE'S VISION FOR THE 63.2-ACRE SITE:



1. RESIDENTIAL

- 400 new rental housing units: affordable and market rate rental housing



2. SUSTAINABLE DESIGN

- High performance building design
- Vast reduction in impervious surface
- Reduce greenhouse gas emissions by 50%



3. TREE PRESERVATION

- Preserve heritage trees
- 1,375 existing trees, 1,489 after redevelopment



4. OPEN SPACE & CONNECTIVITY

- Over 25 acres of landscaped, publicly accessible open space
- A network of new bike and pedestrian pathways



5. REVITALIZATION

- Replacement of 1.1 million square feet of outdated research buildings

PARKLINE

SRI International

LANE PARTNERS

STUDIOS
architecture



REGULAR MEETING MINUTES – DRAFT

Date: 3/22/2022
Time: 6:00 p.m.
Location: Zoom

Regular Session

A. Call To Order

Mayor Nash called the meeting to order at 6:04 p.m.

B. Roll Call

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

C. Agenda Review

Staff pulled items E3. and G2. To provide updates.
City Council pulled item E6. for clarification.

D. Public Comment

- Susan Erhart spoke in support of the police departments bike patrol at and near Bedwell Bayfront Park and building positive relationships between officers and the public.

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)

City Clerk Judi Herren updated the policy to reflect seven members, from five, on the Finance and Audit Committee (FAC).
- E4. Accept the 2021 Housing Element annual progress report and the annual housing successor report (Staff Report #22-049-CC)
 - Karen Grove and Heather Leitch spoke on income levels related to below market rate (BMR) housing rates and concerns related to BMR income levels mismatched with income levels in Menlo Park.



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)

The City Council received clarification on retention periods and the police department records relating to reimagining public safety.

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)

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

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)

Contract Planner Payal Bhagat made the presentation (Attachment).

ACTION: Motion and second (Mueller/ Taylor), to adopt a resolution approving the water supply assessment prepared for the proposed Commonwealth Building 3 Project located at 162-164 Jefferson Drive, passes unanimously.

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)

Assistant Community Development Director Deanna Chow introduced the item.

- Annie H. requested clarification on transportation analysis.

The City Council discussed the use of level of service (LOS) and vehicle miles travels (VMT) and revisiting the General Plan's use of LOS and VMT.

The City Council received clarification on LOS and VMT metrics and analysis related to California Environmental Quality Act (CEQA) and future environmental impact reports (EIR), completed tasks, original agreement tasks that are still in process and the remaining budget, the proposed agreement services related to a community based organization (CBO), and additional public engagement.

The City Council directed staff to provide information on what has been spent to date and future spending.

ACTION: Motion and second (Nash/ Taylor), to authorize the city manager to execute an amendment to the professional services agreement with the M-Group for the Housing Element Update, 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, passed unanimously.

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)

City Clerk Judi Herren updated the FAC report to include the November 3, 2021 meeting.

- G3. Briefing on 2030 Climate Action Plan Strategies No. 1, 3, and 5 (Staff Report #22-056-CC)

H. City Manager's Report

Interim City Manager Justin Murphy reported out on the 2021 Menlo Park employee excellence award winners, the Independent Redistricting Commission meeting on March 24, 2022, the environmental justice and safety element meeting on April 5, 2022, and advisory body recruitment deadline of April 13, 2022.

I. City Councilmember Reports

None.

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)

Mayor Nash adjourned to the closed session at 7:07 p.m.

No reportable actions.

K. Adjournment

Mayor Nash adjourned the meeting at 7:20 p.m.

Judi A. Herren, City Clerk



REGULAR MEETING MINUTES – DRAFT

Date: 4/12/2022
Time: 6:00 p.m.
Location: Zoom

Regular Session

A. Call To Order

Mayor Nash called the meeting to order at 6:06 p.m.

B. Roll Call

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

C. Agenda Review

None.

D. Presentations and Proclamations

D1. Proclamation: April as National Poetry Month (Attachment)

Mayor Nash read the proclamation (Attachment).

San Mateo County Poet Laureate Aileen Cassinetta accepted the proclamation.

E. Closed Session

E1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code § 54956.9)
Michael Zeleny v. Rob Bonta, et al (Case No. 17-cv-07357-RS)
Claimant: Michael Zeleny

~~E2. 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)~~

E3. 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

Mayor Nash adjourned to the closed session at 6:14 p.m.

Mayor Nash reconvened the regular meeting at 6:52 p.m.

F. Report from Closed Session

No reportable actions.

G. Study Session

- G1. Provide direction on developing a partnership agreement with BlocPower to support implementation of the 2030 Climate Action Plan through a voluntarily building electrification program (Staff Report #22-060-CC)

Sustainability Manager Rebecca Lucky and BlocPower representatives Donnel Baird, Roopak Kandasamy, and Grace Park-Bradbury made the presentation (Attachment).

- Angela Evans spoke in support of an agreement with BlocPower to support implementation of the 2030 Climate Action Plan.
- Bruce Karney spoke in support of an agreement with BlocPower to support implementation of the 2030 Climate Action Plan.
- Catharina Clark spoke in support of an agreement with BlocPower to support implementation of the 2030 Climate Action Plan.
- Adina Levin spoke in support of an agreement with BlocPower to support implementation of the 2030 Climate Action Plan.
- Karen Grove spoke in support of an agreement with BlocPower to support implementation of the 2030 Climate Action Plan.
- Tom Kabat spoke in support of an agreement with BlocPower to support implementation of the 2030 Climate Action Plan.

The City Council discussed various aspects of a potential public-private partnership with BlocPower, including the types of resources and funding needed, Bloc-Power serving as a preferred vendor over other providers, customer buyout/upgrade options after the conclusion of the 15-year lease, recourse for residents if they encounter a negative experience with BlocPower, consider trial period with exit language and how any raised capital would be handled as result, desire to have quarterly report requirements for the City Council in addition to the sustainability division, track rental pricing changes after decarbonization projects are completed and survey customers in general, and allow other providers to list their services with the City.

The City Council received clarification on the necessity of a partnership with the city for a voluntary building electrification program with a private company, the requirements for a procurement process, the use of data gathered by BlocPower, maintenance guarantees, regulations related to climate action plan (CAP) goals for 2030, utility rate savings, and termination of the agreement.

H. Public Comment

- Adina Levin spoke in support of federal funding for major projects.

I. Consent Calendar

- I1. Accept the City Council meeting minutes for March 2, 2022 (Attachment)
- I2. 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 #22-061-CC)

13. Approve increased compensation for interim city manager services (Staff Report #22-062-CC)
14. Authorize the Mayor to Join the Race to Zero (Staff Report #22-063-CC)
15. Authorize the city manager to enter into a contract with Dudek to prepare an environmental impact report and housing needs assessment for the proposed life science project at 1005 O'Brien Drive and 1320 Willow Road for the amount of \$244,863 and future augments as may be necessary to complete the environmental review and housing needs assessment for the proposed project (Staff Report #22-064-CC)
16. Adopt a resolution accepting and appropriating a San Mateo County Summer 2022 Enrichment Grant in the total amount of \$33,152 to support and expand summer camp enrichment programs for children at the Belle Haven Youth Center (Staff Report #22-065-CC)
17. Receive and file 2021 priorities, work plan quarterly report as of March 31, 2022, and advisory body work plan update (Staff Report #22-066-CC)

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

J. Regular Business

- J1. Receive and file report on labor relations and receive public input on upcoming labor negotiations with Menlo Park Police Sergeant's Association (Staff Report #22-059-CC)

Interim Human Resources Director Kristen Strubbe introduced the item.

ACTION: Motion and second (Combs/ Wolosin), to receive and file report on employee compensation and receive public input on upcoming labor negotiations with Menlo Park Police Sergeant's Association, passed unanimously.

- J2. Adopt resolutions authorizing the issuance of 2022 General Obligation Refunding Bonds and 2022 General Obligation Bonds for the purpose of renovating and expanding the City's parks and recreation facilities and approving related documents (Staff Report #22-067-CC)

Interim Finance Director Marvin Davis introduced the item and Urban Futures Inc. representative Wing-See Fox and Jones Hall representative Chris Lynch made the presentation (Attachment).

- Pam Jones spoke in opposition of higher taxes but in support of the Parks and Recreation master plan.

The City Council discussed Measure T bonds uses, deadline/timelines, limiting the withdrawal to the needed \$8 million, and bifurcating the resolutions.

The City Council received clarification on impact to residents' taxes, terms of the bonds, the amount being requested, and associated costs of postponing withdrawing the full Measure T amount.

ACTION: Motion and second (Combs/ Nash), to adopt a resolution authorizing the issuance of 2022

General Obligation Refunding Bonds and related documents and actions for the purpose of refinancing the City's 2012 General Obligation Refunding Bonds in order to realize debt service savings for taxpayers in the City including the addition of a new sentence at the end of the first paragraph of Section 3: "The Refunding Bonds may be sold as federally tax-exempt bonds or federally taxable bonds" and adopt a resolution authorizing the issuance of 2022 General Obligation Bonds and related documents and actions for the purpose of renovating and expanding the City's parks and recreation facilities, as approved by City voters in 2001, passed 4-1 (Mueller dissenting)

The City Council took a recess at 9:36 p.m.

The City Council reconvened at 9:50 p.m.

J3. Discussion on and direction to staff regarding potential residential zoning changes (Staff Report #22-068-CC)

Assistant Community Development Director Deanna Chow and M-Group representative Geoff Bradley introduced the item.

- David Bohannon spoke about the ConnectMenlo process and creating a live/work/play ecosystem and in opposition of downzoning in the R-MU district of the Bayfront Area, concerns of meeting Housing Element RHNA (regional housing need allocation) goals, expressed support for more housing in West Menlo and concerns about potential housing sites on other properties near Marsh Road they own would not be financially infeasible at 30 dwelling units/acre.
- Ali Sapirman spoke about the severe housing shortage, housing affordability, need to meet housing at all income levels and the RHNA targets, bolstering housing, equitably, and in opposition of downzoning as a mechanism to create equitable outcomes.
- Michal Bortnik noted that downzoning is complicated, expressed support for finding a way to do something about even if the process is complicated, and expressed concerns about potential housing opportunity sites.
- Adina Levin spoke in support of upzoning areas in downtown and central area of the city near services and transit to have at least the same zoning as Bayfront Area, which would help meet Housing Element goals, and expressed concerns about moving capacity from known sites to new sites.
- Karen Grove spoke in support of maximizing the use of all neighborhoods to meet housing goals and increased density in District 5.
- Brittani Baxter spoke in support of an even share of the growth of homes and resources across the City, including in District 3, and spoke on the need to find suitable housing sites on the West side of Highway 101.
- Katie Behroozi spoke in support of increased housing across the City.
- Pam Jones spoke in support of directing staff to initiate the downzoning changes in R-MU zoning district and increase elsewhere so they could research and provide information for further discussion and commented that building in District 1 is greater than other areas of the City.

The City Council discussed impacts of projects in District 1 throughout the City, the increase of housing in District 1, studying impacts to reduce density and removing the bonus level, the California Department of Housing and Community Development (HCD) regulations and timing of including extremely low income (ELI) housing.

The City Council received clarification on shifting units from District 1 to another District, communications with current parcel owners, current Regional Housing Need Allocation (RHNA) numbers, density bonus offsetting, affordable housing overlays, and R-MU amenities.

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

The City Council directed staff to include ELI in the housing element.

K. Informational Items

- K1. City Council agenda topics: April – May 10, 2022 (Staff Report #22-069-CC)
- K2. Menlo Park Community Campus draft operation plan milestones (Staff Report #22-070-CC)
- K3. Gymnastics program reactivation capacity and timeline update (Staff Report #22-071-CC)

L. City Manager's Report

Interim City Manager Justin Murphy reported on the Willow Village environmental impact report (EIR), advisory body recruitment, reimaging public safety meeting in District 3, and the Independent Redistrict Commission meeting.

M. City Councilmember Reports

Vice Mayor Wolosin reported out on meeting with the Transportation Authority funding group related to grade separation and that CalTrain is offering 50 percent off to riders in the month of April.

Mayor Nash reported on Menlo Spark expressing interest in an ICLEI (International Council for Local Environmental Initiatives) grant, Mayor Nash and City Councilmember Taylor attended a PG&E live action drill for joint gas emergency response, and Mayor Nash and City Councilmember Taylor had convened an informal working group related to the Menlo Park Community Campus.

N. Adjournment

Mayor Nash adjourned the meeting at 11:36 p.m.

Judi A. Herren, City Clerk



REGULAR MEETING MINUTES – DRAFT

Date: 4/26/2022
Time: 6:00 p.m.
Location: Zoom

Regular Session

A. Call To Order

Mayor Nash called the meeting to order at 6:12 p.m.

B. Roll Call

Present: Combs, Mueller (arrived at 7:16 p.m.), Nash, Taylor, Wolosin
Absent: None
Staff: Interim City Manager Justin I.C. Murphy, City Attorney Nira F. Doherty, City Clerk Judi A. Herren

C. Agenda Review

The City Council requested clarification on item J2.

D. Presentations and Proclamations

D1. Proclamation: Earth Day

Mayor Nash read the proclamation (Attachment).

Environmental Quality Commission Chair Angela Evans and Commissioner Tom Kabat accepted the proclamation.

E. Public Comment

- Kathleen Daly spoke in support of new housing, especially for teachers, on the Flood School site.
- Shivani Saran spoke on concerns related to the shootings on Windermere Avenue and in support of the urgent need for mitigation measures.
- Todd Stiers spoke on concerns related to the shootings on Windermere Avenue and in support of the urgent need for mitigation measures

Police Chief David Norris commented on the April 25, 2022 Windermere Avenue shooting.

M. Closed Session – public comment only

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: (two potential cases)

None.

F. Advisory Body Vacancies and Appointments

- F1. Consider applicants and make appointments to fill vacancies on the various City advisory bodies (Staff Report #22-075-CC)

City Clerk Judi Herren introduced the item.

- Karen Grove spoke in support of appointing Jackelyn Campos and Adriana Walker to the Housing Commission.
- Michal Bortkin spoke on their application to the Housing Commission and in support of increased affordable housing.
- Linh Dan Do spoke on their application to the Planning Commission.
- Adriana Walker spoke on their application to the Housing Commission.

The City Council directed staff to return the remaining two Complete Street Commission appointments and membership size to the City Council and to hold a special recruitment for the Parks and Recreation Commission and Finance and Audit Committee for City Council appoint on May 10, 2022.

The City Council made appointments to fill vacancies on the Complete Streets, Environmental Quality, Housing, Library, and Planning Commissions:

Complete Streets Commission:

Sally Cole – term expiring April 30, 2026

Christopher Kollmann – term expiring April 30, 2026

Environmental Quality Commission:

Tom Kabat – term expiring April 30, 2023

Jeffrey Lin – term expiring April 30, 2024

Nancy Larocca Hedley – term expiring April 30, 2026

Jeff Schmidt – term expiring April 30, 2026

Housing Commission: (spin for term selection)

Adriana Walker – term expiring April 30, 2025

Jackelyn Campos – term expiring April 30, 2026

Library Commission:

Alan Cohen – term expiring April 30, 2026

Sarah Zasslow – term expiring April 30, 2026

Parks and Recreation Commission:

Kelsey Theriault – term expiring April 30, 2026

Planning Commission:

Linh Dan Do – term expiring April 30, 2026

David Thomas – term expiring April 30, 2026

G. Study Session

- G1. Provide direction on pedestrian and bicycle pilot improvements to be included in the Ravenswood Avenue resurfacing project (Staff Report #22-076-CC)

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

- Adina Levin spoke in support of safety improvements related to the transportation master plan (TMP).
- Jacqui Cebrian spoke in support of the pedestrian and bicycle pilot improvements project.
- Bill Kirsch spoke in support of the pedestrian and bicycle pilot improvements project.
- Katie Behroozi spoke in support of the pedestrian and bicycle pilot improvements project.
- Caio Arellano spoke in support of the pedestrian and bicycle pilot improvements project and to reprioritize grade separation.

The City Council discussed safety hazards at the intersection and a crosswalk and timed traffic lights

The City Council received clarification on safety and congestion challenges leading to the pilot, public engagement, and the pilot timeline.

H. Consent Calendar

- H1. Accept the City Council meeting minutes for April 6, 2022 (Attachment)
- H2. 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 #22-077-CC)
- H3. Adopt a resolution approving the 2021 amended water supply agreement with the City and County of San Francisco; and adopt a resolution approving a minimum purchase transfer from the City of Mountain View to the City of East Palo Alto (Staff Report #22-078-CC)
- H4. Adopt fiscal year 2022-23 budget principles and confirm direction on potential service level enhancements and the capital improvement program (Staff Report #22-079-CC)

The City Council received clarification on the reactivation of the gymnastics program.

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

I. Regular Business

- I1. Assembly Bill 481 Compliance – police department acquisition and use – military equipment ordinance introduction and Use Policy (Staff Report #22-074-CC)

Police Chief David Norris made the presentation (Attachment).

- Nabil Saad requested specific instances of the deployment of equipment.

The City Council discussed appreciation for the increased transparency of the item.

The City Council received clarification on additional language to the ordinance's Section 4 and rare instances of deployment of equipment in Menlo Park being only in response to very specific public safety and/or officer safety threats.

ACTION: Motion and second (Mueller/ Wolosin), to waive first reading and introduce an ordinance regarding police department acquisition and use of military equipment including the additional language to Section 4 of the ordinance "Menlo Park Police Department Policy 708 setting forth a military equipment use policy is hereby adopted", to include trend lines on the deployment of equipment in the quarterly reporting to the City Council, and approve the Military Equipment Use Policy, passed unanimously.

12. Adopt a resolution affirming the Independent Redistricting Commission's Redistricting Plan and the new City Council district boundaries set forth in Map 131.1 as adopted by the Independent Redistricting Commission (Staff Report #22-080-CC)

City Clerk Judi Herren introduced the item.

Independent Redistricting Commission Chair Caio Arellano reported out to the City Council (Attachment).

- Pam Jones spoke in support of the process, the demographer, and Independent Redistricting Commission.

The City Council discussed future process for additional City Council check and resident's concerns.

ACTION: Motion and second (Nash/ Taylor), to adopt a resolution affirming the Independent Redistricting Commission's Redistricting Plan and the new City Council district boundaries set forth in Map 131.1 as adopted by the Independent Redistricting Commission, passed unanimously.

J. Informational Items

- J1. City Council agenda topics: May 2022 (Staff Report #22-081-CC)
- J2. Short term rental compliance update (Staff Report #22-082-CC)

The City Council requested an update within six-months and to include map of rental unit locations, owner and renter information, and additional analysis related to rental lengths per unit.

K. City Manager's Report

Interim City Manager Justin Murphy reported on the Youth Advisory Committee Earth Day event, the excepting of bids for the Sharon Road sidewalk project, San Francisquito Creek meetings, and an update on the FEMA/BRIC grant application for the SaferBay project.

L. City Councilmember Reports

Vice Mayor Wolosin reported out on the Commute.org board meeting.

- L1. Direction on drafting a policy to sunset unused capacity from tax measures (Staff Report #22-083-CC)

City Councilmember Mueller introduced the item.

- Adina Levin spoke on the process of this item given the lack of 2022 goals and priorities, city manager transition, and staffing capacity.

The City Council received clarification on the policy related to adding agenda items and current individual City Council requests in queue.

ACTION: Motion and second (Mueller/), to direct the item to the Finance and Audit Committee for preparation of a formal staff report with no additional staff support required, failed with no second.

M. Closed Session

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: (two potential cases)

Mayor Nash adjourned to closed session at 9:32 p.m.

Mayor Nash reconvened the meeting at 11:18 p.m.

No reportable action.

N. Adjournment

Mayor Nash adjourned the meeting at 11:19 p.m.

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

5/10/2022

Staff Report Number:

22-084-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 recommends 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 prevalence of BA.2 strain of the SARS-CoV-2 virus and the BA.2 overtaking other variants in San Mateo County, 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, the BA.2 strain of the SARS-CoV-2 virus is overtaking other variants in San Mateo County; and

WHEREAS, San Mateo County, the State of California and the Country in general, are expecting a surge in infection rates due to the BA.2 strain. According to data from the County's Health Administrator and County website, the County is averaging approximately 27 new cases per 100,000 of COVID-19 per day; and

WHEREAS, although the City has returned to in-person meetings, due to the prevalence of BA.2 strain of the SARS-CoV-2 virus and the BA.2 overtaking other variants in San Mateo County, 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 tenth day of May, 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 May, 2022.

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

5/10/2022

Staff Report Number:

22-088-CC

Consent Calendar:

Waive the second reading and adopt Ordinance no. 1089 of the City Council of the City of Menlo Park adding Chapter 2.70 to the Menlo Park Municipal Code, approving a Military Equipment Use Policy for police services

Recommendation

Waive the second reading and adopt Ordinance no. 1089 of the City Council of the City of Menlo Park adding Chapter 2.70 to the Menlo Park municipal code, approving a Military Equipment Use Policy for police services (Attachment A.)

Policy Issues

California Assembly Bill 481 (AB 481) was signed into law September 30, 2021. This law requires that law enforcement agencies like Menlo Park Police Department obtain the approval of City Council, through the adoption of a Military Equipment Use Policy, by ordinance at a regular meeting held pursuant to specified open meeting laws, before taking certain actions relating to the funding, acquisition or use of military equipment, as defined. By law this action must be commenced by applicable agencies no later than May 1, 2022.

Background

On September 30, 2021, California AB 481 was signed into law. Subsequently, California Government Code Sections 7070, 7071, and 7072 were adopted to codify the requirements set forth in AB 481. The text of AB 481 and the above-mentioned California Government Codes are attached to this staff report for reference (Attachment C.)

AB 481 requires a law enforcement agency to obtain the approval of its governing body, through the adoption of a Military Equipment Use Policy, by ordinance at a regular meeting held pursuant to specified open meeting laws, before taking certain actions relating to the funding, acquisition or use of military equipment, as defined. The bill allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. AB 481 requires the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type of military equipment or amend the military equipment use policy if it determines, based on an Annual Military Equipment Report prepared by the law enforcement agency that the military equipment does not comply with the above-described standards for approval. A draft ordinance is attached as Attachment A.

California Government Code Section 7070 provides a list of types of equipment that are to be considered "Military Equipment" for purposes of compliance with AB 481 and the Government Code. It is important to note that the Menlo Park Police Department does not possess any tactical equipment that it has obtained

from the military, nor does it possess any equipment that was designed uniquely for military use. However, Menlo Park Police Department, like many police agencies nationwide, does possess some types of equipment that are listed in Section 7070. Additionally, the Menlo Park Police Department participates in a regional Special Weapons and Tactics (SWAT) team, which possesses and utilizes additional types of equipment that qualify as “Military Equipment” according to the Government Code.

It is also important to note that while the equipment listed in Attachments D and E meets the definitions of “Military Equipment” in alignment with this law, this equipment remains the same equipment that has been available to handle high-risk situations that occasionally arise in this jurisdiction up to this point in time, as part of the regular public safety business of this agency. Further, every law enforcement jurisdiction in the state of California is bringing similar lists before their local governing bodies to comply with this new law. There is nothing unique in Menlo Park Police Department’s compliance effort that is significantly different from any of our partnering police agencies statewide.

In order to comply with AB 481 and the California Government Code, staff is recommending that the City Council review and adopt a new ordinance, to be included as Chapter 2.70 of the Municipal Code, Military Equipment Use Ordinance. A summary of the sections of the proposed ordinance is provided below.

On April 26, 2022, the City Council introduced the ordinance regarding police department acquisition and use of military equipment and referred the ordinance to second reading for adoption. The City Council also approved the attached Military Equipment Use Policy (Attachment B) after determining that it is in compliance with state law and the draft ordinance.

Analysis

Discussion of proposed Military Equipment Use Policy

California Government Code Section 7070(d) defines a Military Equipment Use Policy as:

“Military equipment use policy’ means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

1. A description of each type of military equipment, the quantity sought, its capabilities, expected life span, and product descriptions from the manufacturer of the military equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the commission on peace officer standards and training that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
6. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the

law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

California Government Code Section 7071(b) requires that the police department post to its website the Military Equipment Use Policy that it plans to propose to the City Council at least 30 days before any public hearing concerning the policy. The police department complied with this requirement by posting the policy (Attachment B) to its public website March 25, 2022.

California Government Code Section 7071(d) stipulates that the City Council shall only approve the Military Equipment Use Policy if it determines all of the following:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights and civil liberties.
3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

California Government Code Section 7070(e) establishes that the police department is responsible for delivering to the City Council an Annual Military Equipment Report, which the City Council can utilize to confirm compliance with the Military Equipment Use Policy and the accompanying Military Equipment Use Ordinance (Chapter 2.70.050.)

The Menlo Park Police Department has not obtained any equipment from military surplus programs, known as 1033 Programs, it does not possess any tactical equipment that it has obtained from the military, and it does not possess any equipment that was designed for military use.

That said, California Government Code Section 7070 provides a list of 16 types of equipment that are to be considered "Military Equipment" for the purpose of compliance with AB 481 and the associated California Government Codes, and the police department does possess and use some of these listed types of equipment. Of the sixteen (16) types of equipment specified, the police department possesses only two (2) types – four (4) items total. The list of the sixteen (16) types of Military Equipment per California Government Code Section 7070 and the items possessed by the Menlo Park Police Department is included as Attachment D.

- Equipment types that the police department possesses are noted in **bold type**.
- Equipment listed by legislation but not in possession of this department has been ~~stricken through~~.

In addition to equipment possessed solely by Menlo Park Police Department, the department participates in a regional SWAT team in collaboration with the police departments of Redwood City and Atherton. The regional SWAT Team jointly possesses and utilizes additional types of equipment that qualify as "Military Equipment" according to California Government Code Section 7070. While the equipment possessed by SWAT is not purchased, owned, or maintained by the Menlo Park Police Department, it could be used in the City of Menlo Park if SWAT is deployed. Therefore, in a manner consistent with other municipalities in San Mateo County, the Menlo Park Police Department for the sake of transparency is disclosing in the Menlo Park Police Department Military Use Policy the equipment available to our regional SWAT team in the extraordinarily rare instance of a SWAT operation in this city. It is important to note that SWAT is generally only deployed in extreme circumstances such as active shooter incidents, hostage situations and the

execution of high-risk search and arrest warrants. While the equipment SWAT possesses is rarely deployed, it could prove essential to emergency operations when needed.

Of the sixteen (16) types of equipment specified, the SWAT Team possesses only eight (8) types. The list of the sixteen (16) types of Military Equipment per California Government Code Section 7070 and the items possessed by our regional SWAT Team with Redwood City and Atherton is included as Attachment E.

- Equipment types that the SWAT Team possesses are noted in **bold type**.
- Equipment listed by legislation but not in possession of SWAT has been ~~stricken through~~.

While nearly all possible rare circumstances requiring an elevated tactical response might be handled using the equipment listed in Attachments D and E detailing the department and SWAT Team's equipment, we must acknowledge that an extraordinary and exigent circumstance could unpredictably arise that might require additional equipment not listed. Should this department encounter a circumstance that requires the exigent acquisition, borrowing, and/or use of equipment not listed, this department will:

1. Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
2. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
3. Include the Military Equipment in the police department's next annual Military Equipment Report.

The Military Equipment Use Policy includes detailed information for each type of Military Equipment listed, as required by California Government Code Section 7070. This information includes the equipment's capabilities, its purpose/authorized uses, the legal/procedural rules governing its use, and the training required of staff before its use.

Pursuant to California Government Code §7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment in this policy by any of the following means:

1. Via email to: policechief@menlopark.org
2. Via phone call to: 650-330-6300
3. Via mail sent to: Menlo Park Police Department
Attn: Military Equipment Use Coordinator
701 Laurel St.
Menlo Park, CA 94025

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

California Government Code Section 7071(b) requires that the police department post to its website the Military Equipment Use Policy that it plans to propose to the City Council at least 30 days before any public hearing concerning the policy. The police department posted the policy (Attachment B) to its public website March 25, 2022.

Attachments

- A. Ordinance No. 1089
- B. Menlo Park Police Department Lexipol Policy 708 – Military Equipment Use
- C. Text of AB 481
- D. Menlo Park Police Department equipment list
- E. Regional SWAT equipment list

Report prepared by:
Dave Norris, Police Chief

ORDINANCE NO. 1089

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK,
ADDING CHAPTER 2.70 TO THE MENLO PARK MUNICIPAL CODE,
APPROVING A MILITARY EQUIPMENT USE POLICY FOR POLICE SERVICES**

WHEREAS, effective January 1, 2022, Assembly Bill 481 (AB 481) (Government Code sections 7071 *et. seq.*) sets forth a process by which law enforcement agencies are to obtain approval from their governing bodies of a military equipment use policy through the adoption of an ordinance; and

WHEREAS, pursuant to Government Code Section 7071(a)(1), such an ordinance must be timely adopted before a law enforcement agency may acquire or use new or existing military equipment and engage in other specified activities; and

WHEREAS, the Menlo Park Police Department currently has military equipment (as that term is defined in Government Code section 7070(c)) in its inventory; and

WHEREAS, the Menlo Park Police Department works closely with other local, county, state and federal law enforcement agencies within San Mateo County on police related matters, including safeguarding the public's welfare and safety, working on regional task forces, conducting training exercises, providing mutual aid and responding to emergencies; and

WHEREAS, in exigent circumstances, there is sometimes the need to deploy military equipment from or lend military equipment to outside entities to promote the safety and security of community members; and

WHEREAS, the continued collaboration with other law enforcement agencies in the deployment or other use of military equipment within the City is necessary to safeguard the public's welfare, safety, civil rights and civil liberties and there is no reasonable alternative that can achieve the same objective of officer and civilian safety; and

WHEREAS, Menlo Park Police Policy 708 sets forth a military equipment use policy that is consistent with the Police Department's current practices, has been posted on the Department's website for at least thirty (30) days, complies with all the requirements of AB 481, will ensure ongoing regulation and compliance with the law going forward and will provide a means of community engagement and transparency regarding use of military equipment by the Department; and

WHEREAS, public notice has been provided in accordance with applicable law; and

WHEREAS, the City Council desires to approve a military use policy in compliance with AB 481.

NOW, THEREFORE, the City Council of the City of Menlo Park, California, DOES HEREBY ORDAIN as follows:

Section 1. All of the statements and facts set forth above in the recitals are true and correct and incorporated herein by this reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this ordinance.

Section 2. The City Council finds that this ordinance and Menlo Park Police Policy 708 are exempt from the provisions of the California Environmental Quality Act (“CEQA”) because they will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a “project,” as defined in Section 15378 of the CEQA Guidelines.

Section 3. The Menlo Park Municipal Code is hereby amended to add Chapter 2.06 to read as follows: See Exhibit A attached hereto.

Section 4. Menlo Park Police Department Policy 708 setting forth a military equipment use policy is hereby adopted.

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. Effective Date. This ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Menlo Park shall cause this ordinance to be published pursuant to the provisions of Government Code Section 36933.

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INTRODUCED on the twenty-sixth day of April, 2022.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Betsy Nash, Mayor

ATTEST:

Judi A. Herren, City Clerk

Exhibits:

A. Chapter 2.70

EXHIBIT A

Chapter 2.70

“MILITARY EQUIPMENT” USE ORDINANCE

Sections:

2.70.010 Name of Ordinance

2.70.020 Definitions

2.70.030 Military Equipment Use Policy Requirement

2.70.040 Use In Exigent Circumstances

2.70.050 Reports on the Use of Military Equipment

2.70.060 Severability

2.70.010 Name of Ordinance

- A. This Ordinance shall be known as the Military Equipment Use Ordinance.

2.70.020 Definitions

- A. “Military Equipment” includes all of the following (Per CA Gov. Code §7070):
1. Unmanned, remotely piloted, powered aerial or ground vehicles.
 2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
 3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
 4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
 5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
 6. Weaponized aircraft, vessels, or vehicles of any kind.
 7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
 8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
 9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
 11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
 12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
 13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
 14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
 15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
 16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.
- B. "City" means any department, agency, bureau, and/or subordinate division of the City of Menlo Park.
- C. "Police Department" means any division, section, bureau, employee, volunteer and/or contractor of the Menlo Park Police Department.
- D. "City Council" means the governing body that is the Menlo Park City Council.
- E. "Military Equipment Use Policy" means a publicly released, written document that includes, at a minimum, all of the following:
1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
 2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
 3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
 4. The legal and procedural rules that govern each authorized use.
 5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
 6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if

applicable, what legally enforceable sanctions are put in place for violations of the policy.

7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.
- F. "Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.
- G. "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.
- H. "Type" means each item that shares the same manufacturer model number.

2.70.030 Military Equipment Use Policy Requirement

- A. The Menlo Park Police Department shall obtain approval of the City Council, by a resolution adopting a Military Equipment Use Policy (MEUP) at a regular meeting of the City Council held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) prior to engaging in any of the following:
1. Requesting Military Equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 2. Seeking funds for Military Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
 3. Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.
 4. Collaborating with another law enforcement agency in the deployment or other use of Military Equipment within the territorial jurisdiction of the City of Menlo Park.
 5. Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.
 6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Military Equipment.
 7. Acquiring Military Equipment through any means not provided by this section.
- B. No later than May 1, 2022, if seeking to continue the use of any Military Equipment that was acquired prior to January 1, 2022, the Menlo Park Police Department shall commence a City Council approval process in accordance with this section. If the City

Council does not approve the continuing use of Military Equipment, including by adoption pursuant to a Military Equipment Use Policy submitted pursuant to this code, within 180 days of submission of the proposed Military Equipment Use Policy to City Council, the Menlo Park Police Department shall cease its use of the Military Equipment until it receives the approval of City Council in accordance with this code.

- C. In seeking the approval of City Council, the Menlo Park Police Department shall submit a proposed Military Equipment Use Policy to the City Council and make those documents available on the Police Department's internet website at least 30 days prior to any public hearing concerning the Military Equipment at issue.
- D. The City Council shall only approve a Military Equipment Use Policy pursuant to this chapter if it determines all of the following:
 - 1. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - 2. The proposed Military Equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
 - 3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 - 4. Prior Military Equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
- E. In order to facilitate public participation, any proposed or final Military Equipment Use Policy shall be made publicly available on the internet website of the Police Department for as long as the Military Equipment is available for use.
- F. The City Council shall review this ordinance at least annually and vote on whether to renew it at a regular meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

2.70.040 Use in Exigent Circumstances

- A. Notwithstanding the provisions of this Chapter, the Police Department may acquire, borrow and/or use Military Equipment in Exigent Circumstances without following the requirements of this code.
- B. If the Police Department acquires, borrows, and/or uses Military Equipment in Exigent Circumstances, in accordance with this section, it must take all of the following actions:

1. Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
2. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
3. Include the Military Equipment in the Police Department's next annual Military Equipment Report.

2.70.050 Reports on the Use of Military Equipment.

- A. The Police Department shall submit to City Council an annual Military Equipment Report for each type of Military Equipment approved by the City Council within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.
- B. The Police Department shall also make each annual Military Equipment Report required by this section publicly available on its internet website for as long as the Military Equipment is available for use.
- C. The annual Military Equipment Report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Military Equipment:
 1. A summary of how the Military Equipment was used and the purpose of its use.
 2. A summary of any complaints or concerns received concerning the Military Equipment.
 3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
 4. The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Military Equipment in the calendar year following submission of the annual Military Equipment Report.
 5. The quantity possessed for each type of Military Equipment.
 6. If the law enforcement agency intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.
- D. Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual Military Equipment report and the law enforcement agency's funding, acquisition, or use of Military Equipment.

- E. The City Council shall determine, based on the annual Military Equipment Report submitted pursuant to this section, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in this code and the Military Equipment Use Policy. If the City Council determines that a type of Military Equipment identified in that annual Military Equipment Report has not complied with the standards for approval, the City Council shall either disapprove a renewal of the authorization for that type of Military Equipment or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance.

2.70.060 Severability

- A. If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter.
- B. The City Council hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

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708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

The Menlo Park Police Department ("MPPD") does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use. MPPD also does not possess any equipment through military surplus programs such as the 1033 Program. Notwithstanding the foregoing, California Government Code § 7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing board for approval.

California Government Code § 7070 provides a list of equipment types that are considered to be "military equipment" for purposes of this policy requirement, and this Military Equipment Use Policy includes information for any such equipment types that are possessed by the MPPD, or reasonably likely to be deployed in Menlo Park by other law enforcement partners.

708.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

"Department" means the City of Menlo Park Police Department.

"Governing body" means the elected or appointed body that oversees the Department.

"Military equipment" includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.

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- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

708.2 POLICY

It is the policy of the Menlo Park Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

708.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Menlo Park Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

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708.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

- Attachment 1: qualifying equipment that is owned and/or utilized by the Menlo Park Police Department. [See attachment: ATTACHMENT 1 - MPPD Military Equipment Use Policy - Equipment of MPPD.pdf](#)
- Attachment 2: qualifying equipment that is not owned or regularly utilized by the MPPD, but which is known to be owned and/or utilized by law enforcement agencies which the MPPD collaborates and/ or participates for law enforcement purposes. [See attachment: ATTACHMENT 2 - MPPD Military Equipment Use Policy - Applicable to Regional SWAT.pdf](#)

708.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

708.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

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708.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

708.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Attachments

ATTACHMENT 1 - MPPD Military Equipment Use Policy - Equipment of MPPD.pdf

**ATTACHMENT 1
MENLO PARK MILITARY EQUIPMENT USE POLICY
EQUIPMENT OF MENLO PARK PD APPLICABLE TO GOV CODE 7070***

The Menlo Park Police Department has not obtained any equipment from military surplus programs, known as 1033 Programs, it does not possess any tactical equipment that it has obtained from the military, and it does not possess any equipment that was designed for military use.

That said, California Government Code Section 7070 provides a list of sixteen (16) types of equipment that are to be considered "Military Equipment" for the purpose of compliance with AB 481 and the associated California Government Codes, and the Police Department does possess and use some of these listed types of equipment. Of the sixteen (16) types of equipment specified, the Police Department possesses only two (2) types – four (4) items total. The list of the sixteen (16) types of Military Equipment per California Government Code Section 7070 and the items possessed by the Menlo Park Police Department is included as follows:

- Equipment types that the Police Department possesses are noted in **bold type**.
 - Equipment listed by legislation but not in possession of this department has been stricken through.
- ~~1. Unmanned, remotely piloted, powered aerial or ground vehicles.~~
 - ~~2. Mine resistant ambush protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.~~
 - ~~3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one half ton trucks, five ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.~~
 - ~~4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.~~
 - ~~5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.~~
 - ~~6. Weaponized aircraft, vessels, or vehicles of any kind.~~
 - ~~7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.~~
 - ~~8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.~~
 - ~~9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.~~
 - ~~10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.~~

- a) * While the following equipment is exempt from this reporting process per California Government Code Section 7070(c)(10), we have included it in the interests of transparency. Every Menlo Park Patrol Officer is issued .223 caliber, Colt AR-15/ M4 Carbine rifles. The Patrol Rifles have been standard deployed equipment for our Patrol Personnel since about 2005. They may be deployed in special circumstances, such as when the subject is known to possess or is suspected of possessing a deadly weapon or firearm; the subject is beyond the effective range of issued handguns; the subject is known to wear, or is suspected of wearing, body armor; the subject is barricaded, and perimeter officers are at moderate to long distances from the target; the subject is barricaded behind cover that issued handgun ammunition may not effectively penetrate; a field supervisor or watch commander orders the rifle to be deployed; any other situation in which, based on his/her experience and training, the officer deems the deployment of the Patrol Rifle as necessary. Additionally, the Menlo Park Police Department possesses three .308 caliber semi Semi-Automatic rifles. These rifles are in the inventory for use by our SWAT snipers. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

~~11. Any firearm or firearm accessory that is designed to launch explosive projectiles.~~

12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

- a) **The Police Department possesses two (2) pepper ball launchers. The pepper ball launchers are intended for use as a less lethal use of force option. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**

~~13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).~~

14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

- a) **The Police Department possesses two (2) 40mm less lethal projectile launchers. The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**

~~15. Any other equipment as determined by a governing body or a state agency to require additional oversight.~~

16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

ATTACHMENT 2 - MPPD Military Equipment Use Policy - Applicable to Regional SWAT.pdf

ATTACHMENT 2
MENLO PARK MILITARY EQUIPMENT USE POLICY
EQUIPMENT OF REGIONAL SWAT APPLICABLE TO GOV CODE 7070

In addition to Department-specific operations, the Menlo Park Police Department participates in a regional Special Weapons and Tactics (SWAT) team, which possesses and utilizes additional types of equipment that qualify as "Military Equipment" according to California Government Code Section 7070. While the equipment possessed by SWAT is not purchased, owned, or maintained by the Police Department, it could be used in the City of Menlo Park if SWAT is deployed, and is therefore included in the proposed Military Equipment Use Policy. It is important to note that SWAT is generally only deployed in extreme circumstances such as active shooter incidents, hostage situations, and the execution of high-risk search and arrest warrants. The equipment SWAT possesses is rarely deployed but could prove essential to emergency operations when needed.

The list of the sixteen (16) types of Military Equipment per California Government Code Section 7070 is included below.

- Equipment types that the SWAT Team possesses are noted in **bold type**.
 - Equipment listed by legislation but not in possession of SWAT has been stricken through.
1. **Unmanned, remotely piloted, powered aerial or ground vehicles.**
 - a) **The SWAT Team has access to four (4) Robotex Avatar ground robots. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
 - ~~2. Mine resistant ambush protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.~~
 - ~~3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.~~
 - ~~4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.~~
 5. **Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.**
 - a) **The SWAT Team has access to two (2) command and control vehicles. One is a 2015 Chevy Tahoe and the other is a 2002 Workhorse P42 (Mattman custom built SWAT vehicle). This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
 - ~~6. Weaponized aircraft, vessels, or vehicles of any kind.~~
 7. **Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.**
 - a) **The SWAT Team has access to one (1) Remington 870 12 gauge breaching shotgun. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
 8. **Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.**
 - a) **The SWAT Team has access to one (1) Barrett .50 caliber rifle, model 82A1M. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**

9. **Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.**
 - a) **The SWAT Team has access to fifty-two (52) rounds of .50 caliber ammunition. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
10. **Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.**
 - a) **The SWAT Team has access to twelve (12) Colt M4 fully automatic rifles, thirty-one (31) Heckler & Koch MP5 submachine guns, four (4) Ingram M10 .45 caliber machine guns, one (1) Century Arms Zastava AK47 rifle, one (1) Swiss Arms Model SIG SG550 rifle, and one (1) Thompson submachine gun. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
- ~~11. Any firearm or firearm accessory that is designed to launch explosive projectiles.~~
12. **"Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.**
 - a) **The SWAT Team has access to sixty-one (61) Defense Technology Flashbangs. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
 - b) **The SWAT Team has access to the following chemical agents. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**

<u>Item</u>	<u>Quantity</u>	<u>Expiration</u>
Riot Control CS Grenade	10	2026
Triple Chaser CS Grenade	5	2026
Spede Heat CS Grenade	4	2026
Tri Chamber CS Flameless Grenade	10	2026
40mm Skat Shell CS	10	2026
40mm Muzzle Blast	10	2026
40mm Ferret CS Liquid	10	2026
40mm Ferret CS powder	10	2026

- ~~13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).~~
14. **The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.**
 - a) **The SWAT team has access to thirty-eight (38) Defense Technology 40mm launchers and two (2) Defense Technology 37mm launchers. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
- ~~15. Any other equipment as determined by a governing body or a state agency to require additional oversight.~~
16. **Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.**

Assembly Bill No. 481

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with
Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county.

(b) “Law enforcement agency” means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff’s department.

(3) A district attorney’s office.

(4) A county probation department.

(c) “Military equipment” means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight

authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

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**ATTACHMENT 1
MENLO PARK MILITARY EQUIPMENT USE POLICY
EQUIPMENT OF MENLO PARK PD APPLICABLE TO GOV CODE 7070***

The Menlo Park Police Department has not obtained any equipment from military surplus programs, known as 1033 Programs, it does not possess any tactical equipment that it has obtained from the military, and it does not possess any equipment that was designed for military use.

That said, California Government Code Section 7070 provides a list of sixteen (16) types of equipment that are to be considered "Military Equipment" for the purpose of compliance with AB 481 and the associated California Government Codes, and the Police Department does possess and use some of these listed types of equipment. Of the sixteen (16) types of equipment specified, the Police Department possesses only two (2) types – four (4) items total. The list of the sixteen (16) types of Military Equipment per California Government Code Section 7070 and the items possessed by the Menlo Park Police Department is included as follows:

- Equipment types that the Police Department possesses are noted in **bold type**.
 - Equipment listed by legislation but not in possession of this department has been stricken through.
- ~~1. Unmanned, remotely piloted, powered aerial or ground vehicles.~~
 - ~~2. Mine resistant ambush protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.~~
 - ~~3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one half ton trucks, five ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.~~
 - ~~4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.~~
 - ~~5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.~~
 - ~~6. Weaponized aircraft, vessels, or vehicles of any kind.~~
 - ~~7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.~~
 - ~~8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.~~
 - ~~9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.~~
 - ~~10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.~~

- a) * While the following equipment is exempt from this reporting process per California Government Code Section 7070(c)(10), we have included it in the interests of transparency. Every Menlo Park Patrol Officer is issued .223 caliber, Colt AR-15/ M4 Carbine rifles. The Patrol Rifles have been standard deployed equipment for our Patrol Personnel since about 2005. They may be deployed in special circumstances, such as when the subject is known to possess or is suspected of possessing a deadly weapon or firearm; the subject is beyond the effective range of issued handguns; the subject is known to wear, or is suspected of wearing, body armor; the subject is barricaded, and perimeter officers are at moderate to long distances from the target; the subject is barricaded behind cover that issued handgun ammunition may not effectively penetrate; a field supervisor or watch commander orders the rifle to be deployed; any other situation in which, based on his/her experience and training, the officer deems the deployment of the Patrol Rifle as necessary. Additionally, the Menlo Park Police Department possesses three .308 caliber semi Semi-Automatic rifles. These rifles are in the inventory for use by our SWAT snipers. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

~~11. Any firearm or firearm accessory that is designed to launch explosive projectiles.~~

12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

- a) **The Police Department possesses two (2) pepper ball launchers. The pepper ball launchers are intended for use as a less lethal use of force option. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**

~~13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).~~

14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

- a) **The Police Department possesses two (2) 40mm less lethal projectile launchers. The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**

~~15. Any other equipment as determined by a governing body or a state agency to require additional oversight.~~

16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

**ATTACHMENT 2
MENLO PARK MILITARY EQUIPMENT USE POLICY
EQUIPMENT OF REGIONAL SWAT APPLICABLE TO GOV CODE 7070**

In addition to Department-specific operations, the Menlo Park Police Department participates in a regional Special Weapons and Tactics (SWAT) team, which possesses and utilizes additional types of equipment that qualify as "Military Equipment" according to California Government Code Section 7070. While the equipment possessed by SWAT is not purchased, owned, or maintained by the Police Department, it could be used in the City of Menlo Park if SWAT is deployed, and is therefore included in the proposed Military Equipment Use Policy. It is important to note that SWAT is generally only deployed in extreme circumstances such as active shooter incidents, hostage situations, and the execution of high-risk search and arrest warrants. The equipment SWAT possesses is rarely deployed but could prove essential to emergency operations when needed.

The list of the sixteen (16) types of Military Equipment per California Government Code Section 7070 is included below.

- Equipment types that the SWAT Team possesses are noted in **bold type**.
 - Equipment listed by legislation but not in possession of SWAT has been stricken through.
1. **Unmanned, remotely piloted, powered aerial or ground vehicles.**
 - a) **The SWAT Team has access to four (4) Robotex Avatar ground robots. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
 - ~~2. Mine resistant ambush protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.~~
 - ~~3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.~~
 - ~~4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.~~
 5. **Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.**
 - a) **The SWAT Team has access to two (2) command and control vehicles. One is a 2015 Chevy Tahoe and the other is a 2002 Workhorse P42 (Mattman custom built SWAT vehicle). This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
 - ~~6. Weaponized aircraft, vessels, or vehicles of any kind.~~
 7. **Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.**
 - a) **The SWAT Team has access to one (1) Remington 870 12 gauge breaching shotgun. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
 8. **Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.**
 - a) **The SWAT Team has access to one (1) Barrett .50 caliber rifle, model 82A1M. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**

9. **Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.**
 - a) **The SWAT Team has access to fifty-two (52) rounds of .50 caliber ammunition. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
10. **Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.**
 - a) **The SWAT Team has access to twelve (12) Colt M4 fully automatic rifles, thirty-one (31) Heckler & Koch MP5 submachine guns, four (4) Ingram M10 .45 caliber machine guns, one (1) Century Arms Zastava AK47 rifle, one (1) Swiss Arms Model SIG SG550 rifle, and one (1) Thompson submachine gun. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
- ~~11. Any firearm or firearm accessory that is designed to launch explosive projectiles.~~
12. **"Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.**
 - a) **The SWAT Team has access to sixty-one (61) Defense Technology Flashbangs. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
 - b) **The SWAT Team has access to the following chemical agents. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**

<u>Item</u>	<u>Quantity</u>	<u>Expiration</u>
Riot Control CS Grenade	10	2026
Triple Chaser CS Grenade	5	2026
Spede Heat CS Grenade	4	2026
Tri Chamber CS Flameless Grenade	10	2026
40mm Skat Shell CS	10	2026
40mm Muzzle Blast	10	2026
40mm Ferret CS Liquid	10	2026
40mm Ferret CS powder	10	2026

- ~~13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).~~
14. **The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.**
 - a) **The SWAT team has access to thirty-eight (38) Defense Technology 40mm launchers and two (2) Defense Technology 37mm launchers. This equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.**
- ~~15. Any other equipment as determined by a governing body or a state agency to require additional oversight.~~
16. **Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.**



STAFF REPORT

City Council

Meeting Date: 5/10/2022
Staff Report Number: 22-090-CC

Consent Calendar: Award a construction contract to Granite Rock Company and approve budget amendment for the Sharon Road sidewalk project and appropriation from the general fund unassigned fund balance

Recommendation

Staff recommends that the City Council award a \$598,845 construction contract to Granite Rock Company (Attachment A), approve contingency in the amount of \$60,000 (held by the City), approve consultant services in the amount of \$40,000, approve construction administration in the amount of \$60,000, and approve budget amendment of \$40,000 appropriated from the general fund unassigned fund balance.

Policy Issues

The project is consistent with the 2016 General Plan circulation element and is included in the fiscal year 2021-22 capital improvement program. Circulation Element policy CIRC-1.9 supports Safe Routes to School programs which enhance the safety of school children who walk and bike to school.

Background

On January 26, 2021, the City Council reviewed design options for the project and approved a six-foot wide sidewalk along the north side of 2100 block of Sharon Road (even house numbers.) The City Council also approved Resolution 6610, establishing a 15 mph school zone per the California Vehicle Code and eliminating north side on-street parking within the project limits. Staff was further directed to install a bulb-out at Altschul Avenue, install traffic and speed reduction signs behind the sidewalk, narrow travel lanes to 10-feet where feasible, and protect existing heritage trees during construction.

In March 2021, Save Our Menlo Park Neighborhoods filed a petition alleging the City violated the California Environmental Quality Act (CEQA) during the deliberations on the project. On November 9, 2021, the City Council voted unanimously to authorize a settlement agreement with Save Our Menlo Park Neighborhoods. This settlement agreement was approved by the City Council on December 7, 2021 (Attachment B) and includes design modifications to reduce the sidewalk to five-feet wide, thereby shifting the street centerline approximately one-foot north from its previous design. Following this meeting, staff finalized project plans and specifications for bidding.

Analysis

Project design summary

The project design includes a five-foot wide elevated sidewalk between at-grade driveways. The new sidewalk shifts the proposed roadway centerline approximately one-foot north from its previous design,

resulting in 10.5-foot wide street lanes. Other project design features are further described in Table 1 and illustrated per Attachment C.

Table 1: Project design summary	
Sidewalk description	All sidewalk and driveways shall be designed per the Americans with Disabilities Act (ADA) and City standards. The concrete sidewalk includes a vertical curb and gutter between at-grade driveway approaches and is generally five feet wide maximum.
Intersection improvements	Accessible sidewalks, driveways, and curb ramps are included at Altschul Avenue and Alameda de las Pulgas. Alameda de las Pulgas is in San Mateo County’s jurisdiction and staff coordinated project improvements with the County during the design phase. To date, staff has submitted an encroachment permit with the County which is anticipated to be approved prior to construction. Staff is also coordinating a funding agreement with the County for work at Alameda de las Pulgas. The funding agreement is not a pre-requisite for working within the County’s right of way and is anticipated to be finalized prior to project completion.
Drainage improvements	The north side of Sharon Road includes a vertical curb and gutter to convey drainage and correct low points. The south side includes a valley gutter, varying from two to three feet wide, based on site constraints.
On-street parking	Northside on-street parking is eliminated within the project limits. Southside on-street parking would remain within the asphalt strip spanning 2131 and 2141 Sharon Road.
Bicyclist safety	Sharon Road is categorized as a bicycle boulevard, a low volume, residential street with shared bicycle and vehicle access. Class III bicycle route signs and shared lane markings (sharrows) are included.
Speed reduction	To date, 15 mph zone speed signs have been installed along Sharon Road per Resolution 6610.
Tree protection	All trees are to be protected with the exception of one heritage tree at the southwest intersection of Altschul Avenue. Per the Heritage Tree Ordinance (Municipal Code 13.24), tree removals shall be mitigated with a like for like replacement. Alternatively, if a tree replacement is not feasible, payment of a heritage tree in-lieu fee is required. Upon review of the site conditions, the City Arborist determined that replacing this heritage tree on-site would be difficult due to utility and site constraints. Therefore, the project will be subject to a heritage tree in-lieu fee (evaluated at \$800 by a licensed arborist per Municipal Code 13.24.) Tree protections during construction will occur according to the project’s arborist report.

Construction bidding

On March 24, the City solicited bids from prospective contractors for the project. Five bids were opened on April 27 with results per Table 2. The project bid consists of a base bid for all work related to sidewalk and signing and striping improvements in addition to a bid alternate for slurry sealing Sharon Road and performing asphalt repairs where surface cracking was observed. Staff recommends awarding both the base bid and the bid alternate to promote the structural longevity of Sharon Road.

Although ASG Builders and JJR Construction, Inc. offered the lowest and second lowest bids respectively, staff discovered omissions in their proposal violating the Public Contracting Code. Upon conferring with the City Attorney, these omissions constitute grounds for a non-responsive bid and staff distributed bid rejection

notices to both contractors. Consequently, Granite Rock Company was determined to be the lowest bidder, with a combined base bid and bid alternate total of \$598,845 (against the engineer’s estimate of \$600,000.) Staff found Granite Rock Company to be experienced with projects involving similar scopes of work and determined the contractor to be responsive and responsible per the public contracting code.

Table 2: Bid results (Engineer’s estimate \$600,000)	
Contractor	Base bid and bid alternate total
Granite Rock Company	\$598,845
Redgwick Construction Company	\$611,811
FBD Vanguard Construction, Inc.	\$639,984
ASG Builders (Non-Responsive)	\$447,834
JJR Construction, Inc. (Non-Responsive)	\$547,892

Next steps

Subject to the City Council’s award of contract, the project is tentatively scheduled for construction during La Entrada Middle School’s summer break (from mid-June to mid-August) with the goal of being substantially complete prior to the 2022-23 school year. To date, staff distributed construction notice letters and exhibits to residents of Sharon Road, La Entrada Middle School, San Mateo County, and utility agencies servicing the site. Staff will continue to coordinate with these stakeholders prior to, and during, construction.

Impact on City Resources

The project is included in the fiscal year 2021-22 capital improvement program with \$720,000 in available funds from the general capital fund. The estimated budget is summarized in Table 3 with construction costs, contingencies, consultant services, and construction administration fees totaling \$758,845. Consequently, a \$40,000 budget amendment is required to ensure adequate funding for construction.

Consultant services include engineering design, project arborist, and geotechnical support during construction. For example, a project arborist is required to ensure compliance with the arborist report and specifications where work overlaps tree roots. Additionally, a geotechnical consultant certifies that any concrete or asphalt work is consistent with project compaction standards. Any surplus in project funds will be released to the general capital fund upon completion of construction.

Staff is also negotiating a funding agreement with San Mateo County for work within its right of way (approximate limits of work are illustrated in Attachment C.) The County’s contribution is estimated at \$46,700 and the City Council may delegate the City Manager to enter into the agreement. The agreement includes funding in full all concrete and landscaping improvements at the intersection of Sharon Road and Alameda de las Pulgas. Note that this cost estimate may vary based on actual construction costs incurred. The funding agreement is anticipated to be finalized and the costs would be reimbursed to the City after construction which would offset the project’s appropriation.

Table 3: Estimated construction funding	
Description	Cost
Construction Sub-total	\$598,845
Construction contingency	\$60,000
Consultant services	\$40,000
Construction administration	\$60,000
Construction total	\$758,845
Available funding	\$720,000
Appropriation	\$40,000
Estimated County reimbursement	(\$46,700)

Staff recommends that the City Council award a \$598,845 construction contract to Granite Rock Company, approve \$60,000 in contingency (held by the City), approve \$40,000 in consultant services, approve \$60,000 in construction administration, and approve a \$40,000 budget amendment appropriated from the general fund unassigned fund balance.

Environmental Review

The project is categorically exempt under Section 15301 – Class 1 and Section 15304 – Class 4 of the current California Environmental Quality Act Guidelines. Both sections allow for minor alterations of existing facilities, including existing highways and streets, sidewalks, gutters, bicycle and pedestrian access, and similar facilities, as long as there is negligible or no expansion of use.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Staff also advertised the meeting in La Entrada Middle School’s Parent–teacher association Newsletter, the City’s project webpage, and on the City’s Safe Routes to School webpage.

Attachments

- A. Construction contract
- B. Hyperlink – Sharon Road Staff Report December 7, 2021:
menlopark.org/DocumentCenter/View/27212/G1-20210126-CC-Sharon-Rd-sidewalk-project
- C. Site improvement plan

Report prepared by:
 Michael Fu, Senior Civil Engineer

Report reviewed by:
 Tanisha Werner, Assistant Public Works Director – Engineering

CONSTRUCTION AGREEMENT

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



Agreement #:
AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND FIRST PARTY
THIS CONSTRUCTION CONTRACT ("Contract") is made and entered into this ____ day of _____, _____ ("Execution Date") by and between the CITY OF MENLO PARK, a California municipal corporation, ("City") and Granite Rock Company ("Contractor").
RECITALS
<p>A. Contractor is a <u>California Corporation</u> duly organized and in good standing in the State of California, License Number <u>22</u>. Contractor represents and warrants that it has the background and experience set forth in the Contractor's responses to the notice inviting bids.</p> <p>B. Contractor represents that it is duly licensed by the State of California and has the background, knowledge, experience and expertise to perform the obligations set forth in this Contract.</p> <p>C. On <u>March 24, 2022</u>, the City issued a Notice to Contractors inviting bids for the Project. A copy of the Contractor's Bid proposal and List of Subcontractors is attached herein and incorporated by this reference.</p> <p>D. The City desires to retain Contractor as an independent contractor to provide the construction and other services identified in this Contract for the Project upon the terms and conditions contained herein.</p>
AGREEMENT
<p>NOW, THEREFORE, in consideration of performance by the parties of the promises, covenants and conditions contained herein, the parties hereby agree as follows:</p> <p>1. DEFINITIONS. Capitalized terms used throughout the Contract Documents shall have the meanings set forth in this Contract and/or the Special Provisions. If there is a conflict between the definitions in this Contract and the Special Provisions, the definitions in this Contract shall prevail.</p> <p>2. PROJECT. The project is the construction of <u>Sharon Road Sidewalk Installation Project, No. 20-079</u> ("Project"). The work includes all labor, materials, equipment, services, permits, licenses and taxes, and all other things necessary for Contractor to perform its obligations and complete the Project, including, without limitation, any Change Orders executed by City and Contractor in</p>

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

3. CONTRACT DOCUMENTS.

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

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

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

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

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

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

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

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

8. COMPENSATION. The City agrees to compensate Contractor for its satisfactory completion of the Work in compliance with the Contract Documents for the not to exceed amount of Five hundred ninety eight thousand and eight hundred forty five (\$598,845) ("Contract Sum"). Payment shall be as set forth in the Plans, Special Provisions and/or Technical Specifications. The Contract Sum may only be adjusted by Change Orders issued, executed and satisfactorily performed by Contractor in accordance with the requirements of the Contract Documents. The Contract Sum shall be adjusted (upward or downward) only to account for Change Orders. The Contract Sum is and shall be full compensation for all Work performed by Contractor. The Contract Sum shall cover all losses arising out of the nature of the Work or from the elements or any unforeseen difficulties or obstructions which may arise or be encountered in performance of the Work until its Acceptance by the City, all risks connected with the Work and any and all expenses incurred due to the suspension or discontinuance of the Work.

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

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

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

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

12. LIQUIDATED DAMAGES.

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

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

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

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

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

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

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

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

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

15. INDEMNIFICATION.

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

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

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

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

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

17. INSURANCE AND BOND REQUIREMENTS.

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

17.2 Insurance Requirements. Contractor shall obtain the following insurance.

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

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

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

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

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

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

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

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

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

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

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

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

22. CITY RIGHTS AND REMEDIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To City:

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

To Contractor:

Granite Rock Company
5225 Hellyer Avenue, Suite 220
San Jose, CA 95138

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

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

To City Attorney:

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

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

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

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

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

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

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

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

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

33. COMPLETE AGREEMENT; SEVERABILITY. This Contract, and any other documents incorporated herein by reference, represent the entire and integrated agreement between the City and Contractor. This Contract supersedes all prior oral and written negotiations, representations or agreements. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Contract may only be modified by

a written amendment duly executed by the parties to this Contract. In case a provision of this Contract is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not be affected.

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

Signatures on next page.

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

FOR FIRST PARTY:

Signature

Date

Printed name

Title

Tax ID#

APPROVED AS TO FORM:

Nira F. Doherty, City Attorney

Date

FOR CITY OF MENLO PARK:

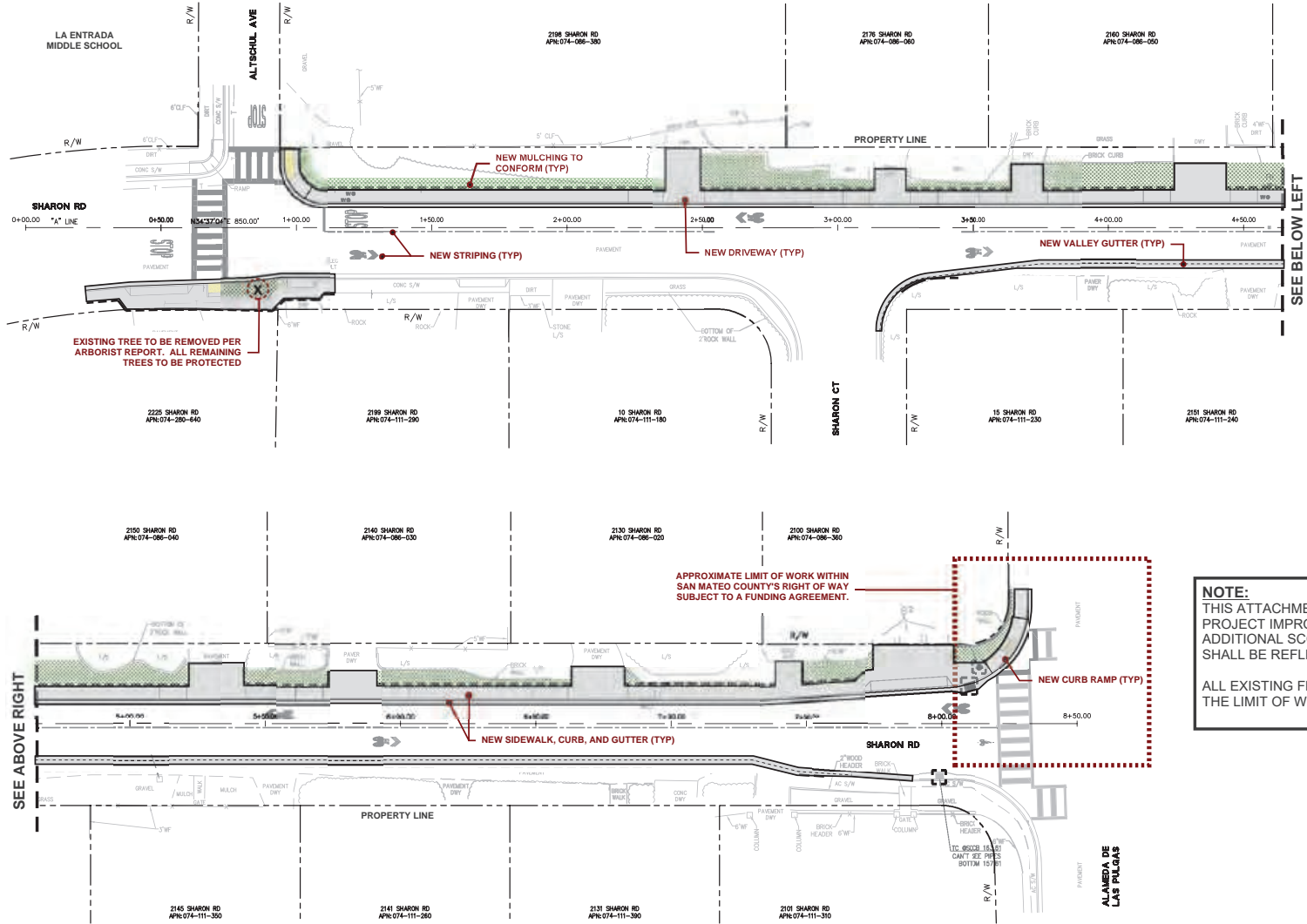
Justin I. C. Murphy, Interim City Manager

Date

ATTEST:

Judi A. Herren, City Clerk

Date



NOTE:
 THIS ATTACHMENT IS MEANT TO CONVEY GENERAL PROJECT IMPROVEMENTS FOR REFERENCE. ADDITIONAL SCOPES OF WORK NOT SHOWN HEREIN SHALL BE REFLECTED IN THE PROJECT PLANS.
 ALL EXISTING FRONTAGE OR SITE FEATURES BEYOND THE LIMIT OF WORK SHALL BE PROTECTED IN PLACE.

ATTACHMENT C
SITE IMPROVEMENT PLAN



STAFF REPORT

City Council
Meeting Date: 5/10/2022
Staff Report Number: 22-086-CC

Regular Business: Approve concept designs for the Burgess Park and Willow Oaks Park improvement projects

Recommendation

Staff recommends that the City Council approve the concept plans for the park improvement projects for Burgess Park playground (Attachment A) and Willow Oaks Park (Attachment B.)

Policy Issues

The improvements proposed are consistent with the City’s General Plan Policy LU-6.1 and the Recreation Master Plan goals adopted in October 2019 by developing and maintaining parks and a recreation system that provides areas for play fields and facilities conveniently located and properly designed to serve the recreation needs of Menlo Park residents and all visitors alike. In keeping with the City’s General Plan Policy both Burgess Park and Willow Oaks Park offer areas for recreational activities, playing, exercising, a small dog park at Willow Oaks Park, picnic areas, and gathering by being conveniently located, suitably maintained, and designed to serve park goers chosen needs.

Background

Burgess Park children’s play area

The improvements in Burgess Park are focused on the children’s play area, as well as on site accessibility. The play area is located along Burgess Drive, separated from the street by a low fence and a concrete sidewalk. The play area is surrounded by a grass area to the south, a parking lot to the north, and tennis courts to the west, which are separated from the play area by a cyclone fence draped with a green colored screen. The present play components were prioritized in a 2015 comprehensive Playground Safety Inspection Report as needing update to meet California Safety Standards. The improvements include a replacement of the fir bark surface, which limits the ability of children with physical disabilities to use the play area equipment. Within the present play area, there are seven mature oak trees that provide shade. The trees will remain under the proposed project.

Willow Oaks Park area and facilities

The improvements for Willow Oaks Park include a master plan for the entire park, as well as connectivity to the surrounding neighborhood. Willow Oaks Park has a primary entrance to a parking lot from Willow Road, with a secondary pedestrian access point via a 16-foot wide asphalt path that connects to Gilbert Street to the south. The north side of the park is bounded by a turf field that belongs to the Ravenswood School District and the school’s parking lot, which has an entrance at Pope Street. Pedestrians can access the park from the school parking lot as well. Willow Oaks Park is bounded on the south by residential properties.

Community feedback and Parks and Recreation Commission review

The Preferred Concept Plans for the Burgess Park and Willow Oaks Park Improvement projects closely reflect preferences received in late 2021 from the public’s virtual outreach survey. The Burgess Park

Playground Improvements received 363 responses from 46 participants (Attachment C); the Willow Oaks Park Improvements received 1,200 responses from 170 participants (Attachment D.)

On February 23, 2022 staff and Callander Associates Landscape Architecture Inc. (CALA), consultant for the parks' project presented the preliminary designs for the Burgess Park and Willow Oaks Park to the Parks and Recreation Commission (PRC.) The presented design incorporated preferences from the survey and comments received to that point.

Analysis

The concept designs for each park identify the elements to be replaced or improved based on public preferences and feedback from the PRC provided during the design process.

At Burgess Park, the preferred concept plan (Attachment A) includes:

- New modern play equipment that includes equipment for use by a children of a variety of ages and abilities
- Replacement of the existing bark with a new rubber and engineered wood surfaces that provide accessibility to children and adults who face mobility challenges, while preserving existing heritage oak trees
- A new Americans with Disabilities Act (ADA) compliant concrete pathway leading to the play area entrance from the parking area lot
- Relocation of two ADA compliant parking stalls closer to the new pathway leading to the play area entrance

At Willow Oaks Park, the preferred concept plan (Attachment B) includes:

- New play equipment and an expanded children's play area
- Separated areas for small and large dogs and a shade structure for dog owners
- New picnic tables and seating areas at several parts of the park
- New surfaces for the play area and dog park that are more accessible and easier to maintain
- New pickle ball courts replacing the basketball court
- A new paved pathway linking Willow Road to Pope Street for pedestrians and bicyclists
- An improved path connecting the park to Gilbert Street that also addresses drainage issues
- A new restroom with two all gender accessible rest rooms. The design of the restroom is based on previous public outreach and approved by the Parks and Recreation Commission in May 2017
- Relocation of ADA parking spaces to be closer to the new restroom

In addition, in recent months there have been significant issues with off-leash dogs accessing the existing school playing field at Willow Oaks Park. This unintended use of the facility has damaged the field and generated conflicts between park visitors. Staff proposes to fence the perimeter of the park with a permanent low fence and gates. This will allow the general public to access the field from specific points of entry, rather than accessing it from all areas. It will also serve as a deterrent to off-leash dogs, and reduce the need for more staff-intensive intervention and enforcement actions. The proposed enclosure will be a 4-foot high steel chain link fence with black finish, ringing the perimeter of the facility, with two access gates. The fence is an element that staff is exploring and requests City Council feedback and direction in terms of whether this element is desired and should be included in the project scope.

If the City Council approves the concept plans, CALA will proceed to the development of construction documents, which are anticipated to be completed by the end of 2022. The earliest the project would be bid

for construction is spring 2023 and with construction taking six to nine months. This overall schedule was shared with the Parks and Recreation Commission.

Impact on City Resources

The fiscal year 2021-22 Capital Improvement Plan (CIP) included approximately \$900,000 for the Burgess Park and Willow Oaks Park improvement projects. Approximately \$250,000 has been dedicated to project design and community outreach to date. The remaining budget of approximately \$650,000 will cover the cost to develop final construction documents.

Based on the conceptual plans developed to date, construction costs are expected to total \$970,000 for the Burgess Park improvements and nearly \$3.7 million for the Willow Oaks Park improvements. Cost estimates will be updated during the development of construction documents. The final cost estimate will reflect selection of final elements and assessment of the condition of underground utilities required for the new restroom.

On April 12, 2022, City Council adopted a resolution authorizing the issuance of the 2022 General Obligation Bonds. The purpose of these bonds was the renovation and expansion of the City's parks and recreation facilities, as approved by City voters in 2001 via ballot Measure T. Attachment E summarizes information provided to City Council about the expected use of the bond proceeds, which included approximately \$3.1 million for Willow Oaks Park and approximately \$725,000 for the Burgess Park playground upgrades. Attachment F outlines where previous Measure T funds were appropriated.

If the City Council approves the concept plans, funding for construction will be considered as part of the fiscal year 2022-23 budget, utilizing Measure T bonds. The Measure T Bonds are paid from an ad valorem tax on all taxable property within the City, not the City's General Fund.

Environmental Review

The project is categorically exempt under Section 15301 – Class 1 and Section 15304 – Class 4 of the California Environmental Quality Act Guidelines. Both Burgess Park and Willow Oaks Park are considered exempt because the project involves operation, maintenance, replacement or reconstruction of facilities and minor alterations to land that the state has determined not to have a significant effect on the environment.

Public Notice

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

Attachments

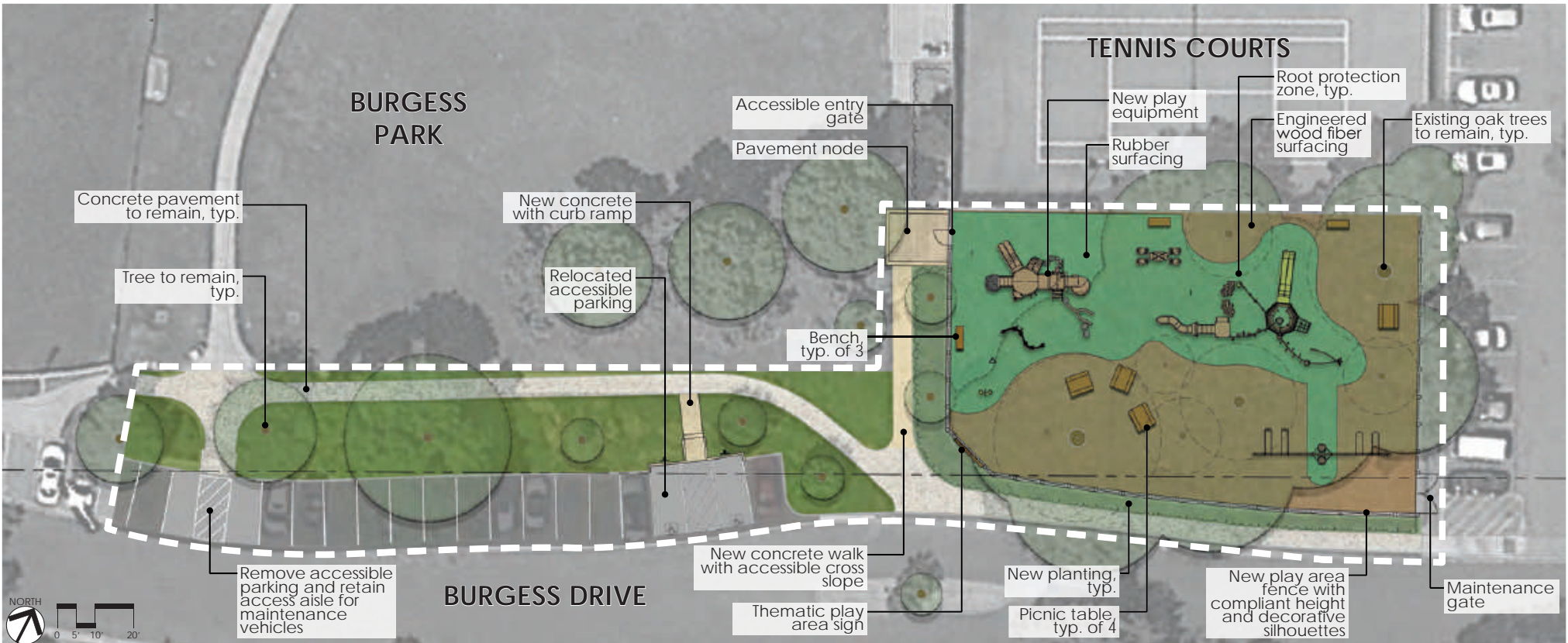
- A. Preferred Concept Plan for Burgess Park Improvement project
- B. Preferred Concept Plan for Willow Oaks Park Improvement project
- C. Burgess Park Improvement survey results
- D. Willow Oaks Park Improvement survey results
- E. Use of bond proceeds
- F. Completed Measure T Projects

Staff Report #: 22-086-CC

Report prepared by:
Rodolfo Ordonez, Associate Engineer

Reviewed by:
Hugh Louch, Assistant Public Works Director – Transportation
Tanisha Werner, Assistant Public Works Director – Engineering
Nicole Nagaya, Public Works Director

PREFERRED CONCEPT PLAN



INSPIRATION IMAGES

6X6 wood corner posts
Thematic sign with plastic wood backing and metal letters



PLAY AREA SIGN

Metal picket fence, 4' high
Laser cut sheet metal welded to fence, oak leaf and acorn silhouettes



PLAY AREA FENCE



PAVEMENT NODE - STAMPED CONCRETE



BENCH - BLACK COLOR



PICNIC TABLE

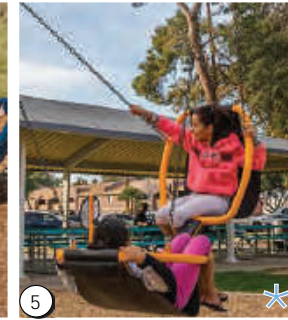
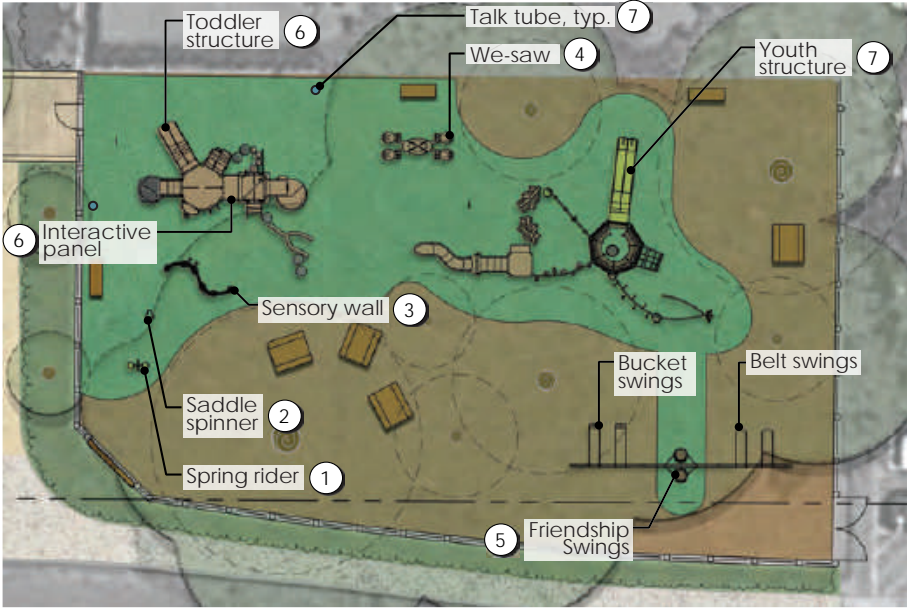


TRASH RECEPTACLE



PLAY EQUIPMENT

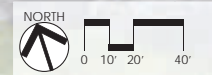
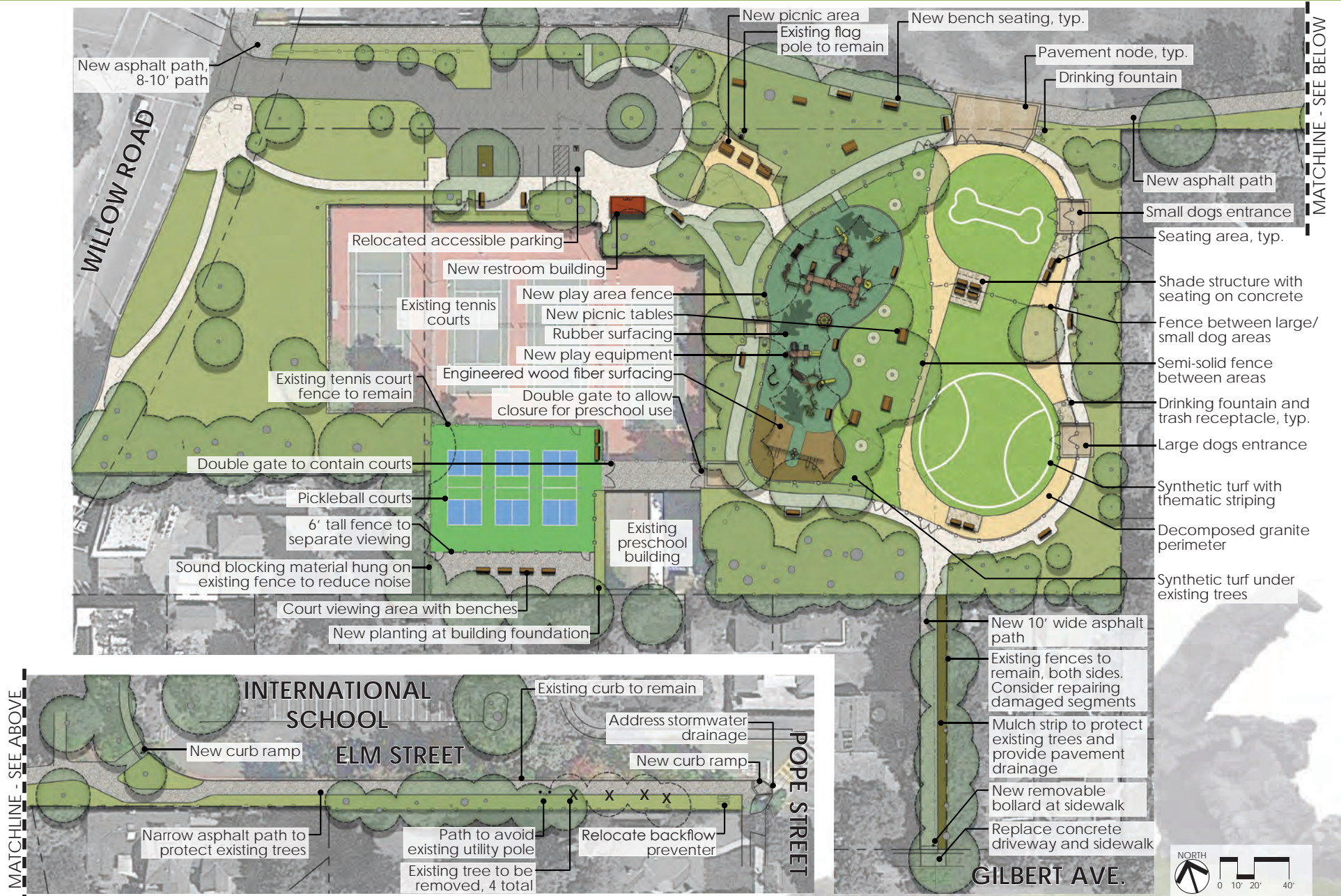
PLAN VIEW



- * Inclusive Play Elements
- * Wheelchair Accessible Elements

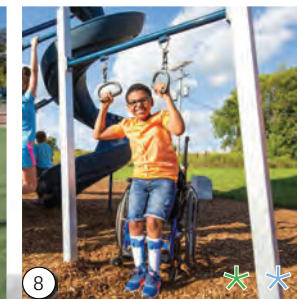
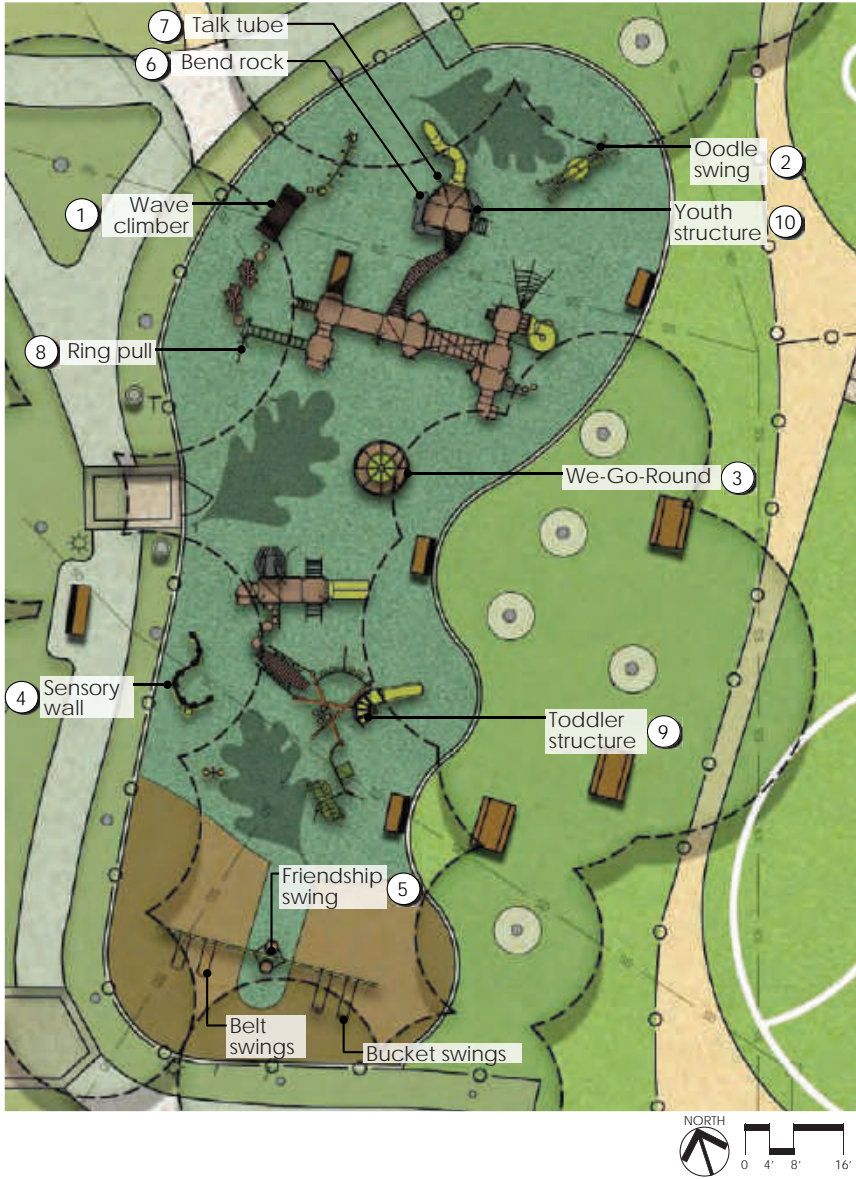


PREFERRED CONCEPT PLAN



PLAY EQUIPMENT

PLAN VIEW



✦ Inclusive Play Elements
✦ Wheelchair Accessible Elements



PLAY EQUIPMENT



9 TODDLER STRUCTURE



10 YOUTH STRUCTURE



SITE FURNISHINGS



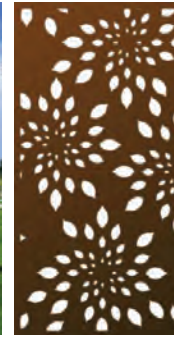
BENCH - BLACK COLOR



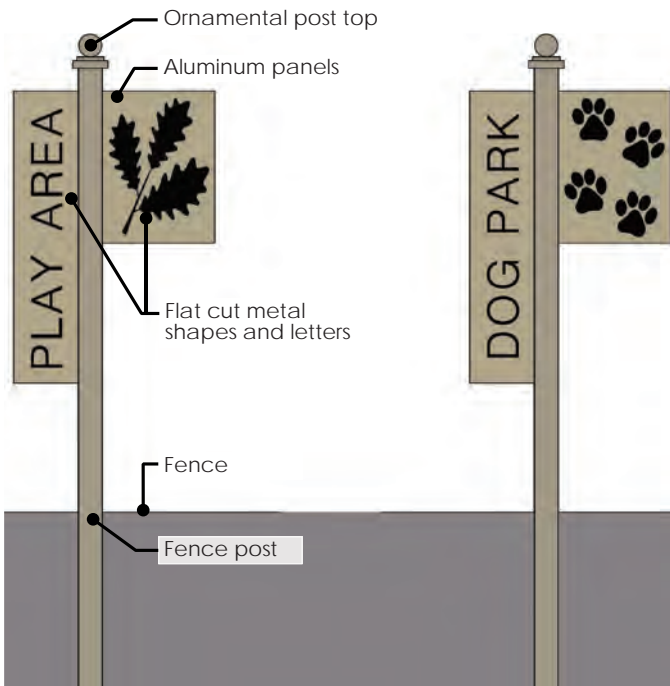
PICNIC TABLE



DOG PARK SHADE STRUCTURE



PET DRINKING FOUNTAIN



WAYFINDING SIGNS



PAVEMENT NODE - STAMPED CONCRETE



PLAY AREA FENCE

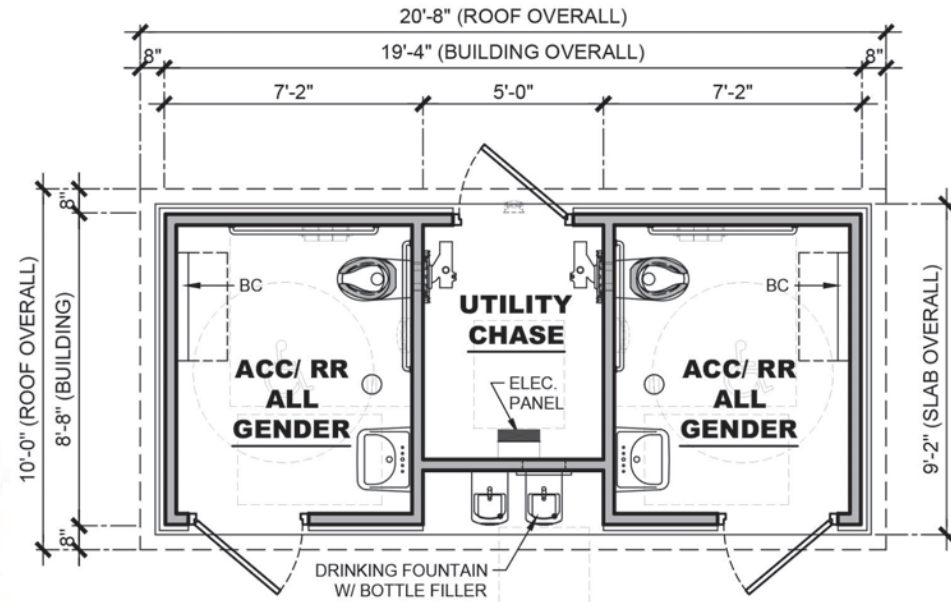


TRASH RECEPTACLE



RESTROOM BUILDING

Design is based on previous public outreach, and was approved by the Parks and Recreation Commission in May of 2017. Drinking fountain added to improve functionality.



Burgess Park Playground Improvements

Project Engagement

VIEWS

113

PARTICIPANTS

46

RESPONSES

363

COMMENTS

28

SUBSCRIBERS

16

MOVE

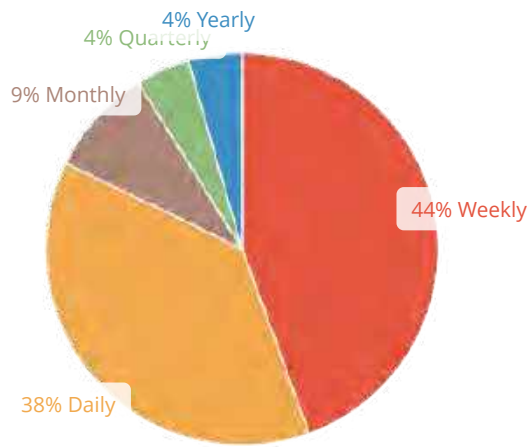
TOGGLE COMMENTS

FILTER BY SEGMENT

OPTIONS



How often do you visit the park?



45 respondents

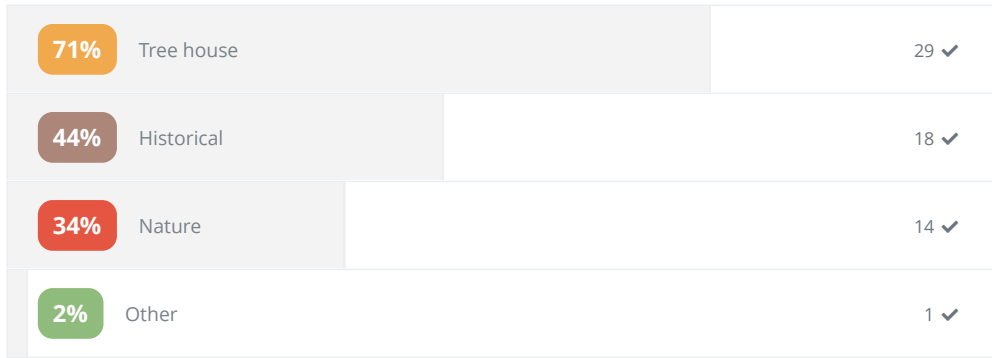
Download Graph Data

What age group does/do your child/children fall into? (select all that apply)

61%	3-5	27 ✓
57%	0-2	25 ✓
32%	5-12	14 ✓
5%	12+	2 ✓
2%	Not applicable	1 ✓

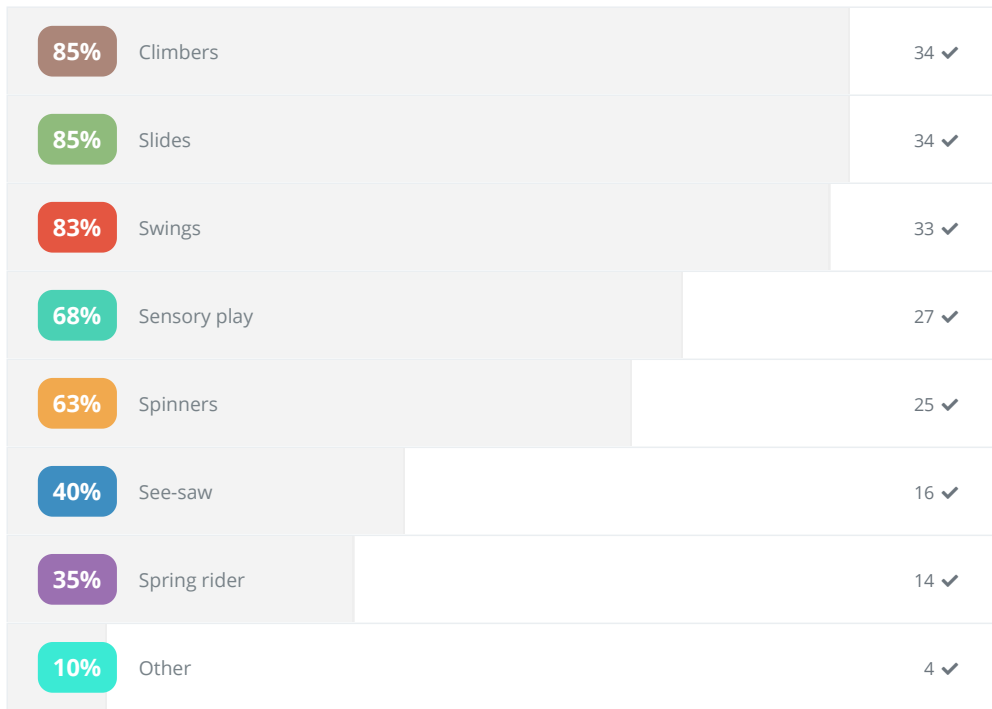
44 Respondents

What type of theme would you prefer? (Check all that apply. Sample images below)



41 Respondents

What type of play equipment would you prefer? (Check all that apply. Sample images below.)



40 Respondents

Is there any other feedback you would like to provide?

Nealon park is a great example of what to strive for. The zip line is a hit. Consider installing one at Burgess

3 days ago

Surface other than tan bark is often easier for kids/parents who need wheelchair or walker access

4 days ago

Better locking gates please

5 days ago

Keep the intervention short in time please. We really enjoy this playground

5 days ago

Thank you!

7 days ago

Separate structures for little and big kids makes it safer for the little ones to explore

10 days ago

Very excited to see the changes, thanks!

11 days ago

No tanbark or sand would be helpful. Soft ground (unsure of what it's called) throughout the playground. It's similar to what is currently at the end of each slide

11 days ago

Sand box please!

14 days ago

Please give our kids the chance to play in the sand. It's the best (and pretty much only!) sensory play that kids can do on the playground. Thank you!

14 days ago

Climbing trees please

15 days ago

My most important ask is to not have wood chips, or at least have large sections of that rubber flooring so that it's easier for strollers and to walk while carrying a baby. The wood chips there are really deep, so it's dangerous to try to walk while carrying a baby, and they stay wet for so long.

Please keep the trees. Please put baby swings in a shadier area, closer to the park than the street.

Please be thoughtful about the area geared towards 2-5: really low monkey bars, climbing rungs, low slide, for gross motor development.

There don't need to be so many picnic tables—maybe one, with a few benches.

Ideally the younger kid's play area would be closer to the grass field and older kids area would be closer to the parking lot.

If you provide a really engaging play structure for 2-5 year olds, they don't end up on the big kid structure as much, which makes everyone happier.

I think the playground at Lyle is a good example, but with more thought to accessibility. It would be great to avoid the spinning type structures that are at Nealon—it's not a big enough area to do it safely and they're constantly causing problems where little kids get hit.

We don't need a sand box. They get so gross.

I'd love to help in any way! It's our closest playground and we go a lot!

18 days ago

Sand boxes are very versatile play areas and attractive for many age groups. It would be great to get one at Burgess.

19 days ago

Non-mulch surface, canopy over non-tree covered areas.

19 days ago

Reasonable equipment, no steep slides, working usable equipment, suitable for small age. Park is mostly used by little kids. The old structure works perfect for many years. We are using it for 20 years and it works for all our kids perfectly

19 days ago

More swings, more benches, less wood chip.

19 days ago

Prefer soft play surfaces over mulch. Great to have shade — so save the trees if possible! Lots of seating areas for adults and kid-friendly picnic tables

20 days ago

Thank you! Replace tan bark with soft / sponge flooring

21 days ago

I don't like tanbark, so if we could avoid that with the next playground that would be great. It gets stuck in the kids shoes and can cause splinters. A soft sponge flooring like Nealon park would be optimal . Thank you.

21 days ago

Squishy floor

23 days ago

Tan bark on the ground is horrible: choking hazard for small children, splinter hazard for all ages, gets in shoes and is basically tinder for fires.

24 days ago

Less tan bark in the young kid areas and maybe more kid friendly turf. Little ones want to eat the bark and it's a bit of a choking hazard

24 days ago

Please do away with the mulch and replace with a soft turf (like Nealon Park). Keep seating areas for parents.

27 days ago

Good visibility to see children play. Mind the big drops seen at places like beresford Park!

27 days ago

Very few playgrounds with natural open ended equipment like tree trunks etc- would love to see this. Imaginative area like little people playground in portola valley

27 days ago

Optional: Please provide your contact information so that we can keep you informed as the project moves forward.

No data to display...

Willow Oaks Park Improvements

Project Engagement

VIEWS

366

PARTICIPANTS

170

RESPONSES

1,200

COMMENTS

93

SUBSCRIBERS

58

MOVE

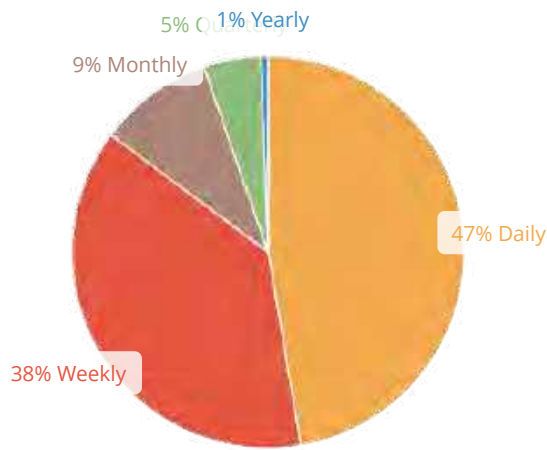
TOGGLE COMMENTS

FILTER BY SEGMENT

OPTIONS



How often do you visit the park?



169 respondents

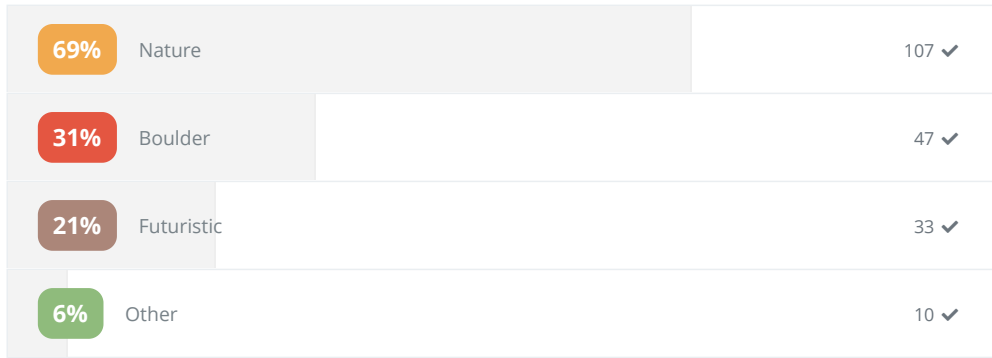
Download Graph Data

What age group does/do your child/children fall into? (select all that apply)

33%	5-12	56 ✓
30%	3-5	51 ✓
26%	0-2	43 ✓
23%	Not applicable	38 ✓
14%	12+	24 ✓

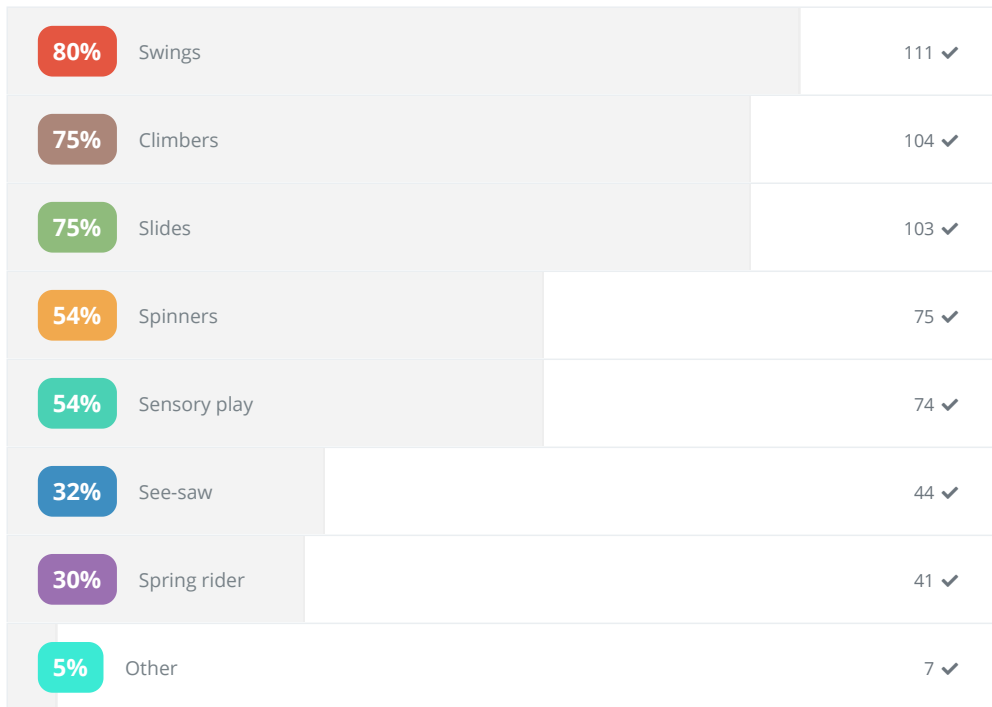
168 Respondents

What type of theme would you prefer? (Check all that apply. Sample images below)



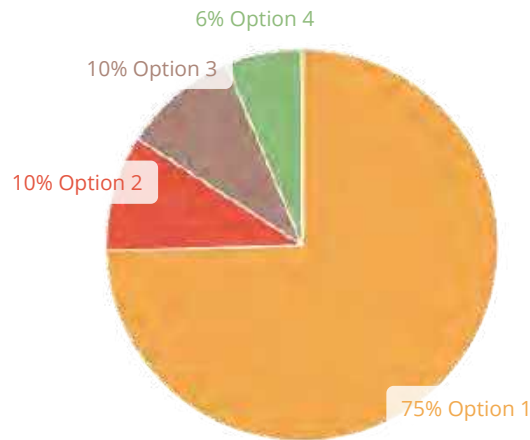
154 Respondents

What type of play equipment would you prefer? (Check all that apply. Sample images below.)



138 Respondents

What type of shade structure would you prefer? (Sample images below)



63 respondents

Is there any other feedback you would like to provide?

Bathroom please

2 days ago

The visit frequency options made no sense, it should be average weekly visits. The shade question had no images so I answered randomly. I'd just want a lot of shade.

3 days ago

Would love the dog park to have a small dog area!

3 days ago

I didn't see options of shade structures so I randomly picked option 4

4 days ago

If possible, Please make playground on turf (like Nealon park) instead of mulch as it gets in our shoes and can cause splinters.

In survey I didn't see sample images of shade structure?

4 days ago

It would be great to add a grass dog park

4 days ago

More tennis courts

4 days ago

Water slides and an obstacle course

4 days ago

No sample images were displayed. Tbd playground is nice as is. What is needed are restrooms and tables for gatherings.

5 days ago

While there are a lot of families in the neighborhood, there are also a lot of dog owners. This is the closest park for many of us without needing to drive else where. The fenced dog park is not well maintained. It's very dusty (makes the dogs dirty, not enjoyable for us standing inside the park), no running water, and the wood chips get into the dogs eyes and are uncomfortable to play on. Grass would be highly preferred, as well as expanding the park to allow more room for the larger dogs to run and also a dedicated space for the small dogs. There is a lot of unused space at the park in general, maybe a new larger dog run can be built in the grass.

6 days ago

The city needs a safe place for teens to hang out outdoors as well. There is a skate park and basketball court but teenage girls tend to need someplace fun to sit and talk—bench swings away from the playground area, a fountain structure with seating, etc. that isn't for smaller kids and can be a fun, safe, well-lit place for teenagers to meet up.

6 days ago

I would like to request enhancements to the dog park. It is not large enough to play fetch for bigger dogs who need to run. The wood chips get in the dog's mouths and the area is really dusty, dirty, and dry. I have a hard time staying in there for more than 10 minutes playing with my dog because the dust clouds irritate my eyes. She then needs to be wiped off when we get home because she's covered in dirt and wood chips. Plus there's no running water for the dogs. I know small dog owners would prefer a small dog park also. The park is really big and often very empty, so there is a better way to utilize the space for the community who uses it, which includes a ton of dog owners.

6 days ago

Dog ownership has greatly expanded and is a known benefit to the health of both adults and children, both emotional and physical. Dog owners these days consider dogs family. They deserve a decent surface and area to play.

6 days ago

I am a childless dog park user, so that is my priority. I would like a larger area, but if that is not possible, I would like to see a greatly improved surface, whether grass, artificial turf, or some other alternative to dirt and bark. All the complaints about dog users on the sports field are related to the poor dog park amenities. We also need water. See the fountain at Nealon for an ideal water fountain area.

6 days ago

please improve dog park.... Add a water fountain for the dogs in or next to dog park. add more grass for them, maybe things to climb on etc....

7 days ago

We need a bathrooms

7 days ago

We need a bathroom

7 days ago

The shade example is not showing. So I did not choose an option. But good shade is very important here in CA.

8 days ago

The entire park has an issue with dogs running wild and pooping everywhere - the baseball field is a mess - please fix it. Maybe another small dog park area? (I don't understand why people don't use the dark park). None of us want to step in dog poop

9 days ago

Estaría muy bien si pudieran incluir un baño

12 days ago

You should build a pokemon structure

14 days ago

Dog park - too much mud when it rains; needs to be divide in Two. One half for big and/or active dogs; the other side for small / inactive / old dogs.

16 days ago

There are no shade structure images.
The more shade the better.

18 days ago

Natural shade by the mature tree will be the best

18 days ago

Please don't close the dog park during construction! Options for off-leash dog play is so limited locally.

19 days ago

I love hearing a restroom will be added. This is our favorite park but we often go to Burgess or Nealon because of the lack of a bathroom at Willow Oaks.

19 days ago

No images offered for shade at

19 days ago

Please upgrade the dog park. Running water and perhaps turf.

20 days ago

Renovate dog park with synthetic grass amd separate areas for large and small dogs.

20 days ago

Please fix the drainage grates at the dog park asap - they're a danger and dogs have broken legs in the large openings and create a separate area for little dogs. Add a water spigot.

20 days ago

We need renovate the dog park, there is dirty, dusty, because of this my dog can't play there. We need gravel, grass or artificial floor, please and there is no even separated for small and large dogs, also water inside the park would be fantastic. This is vital.

20 days ago

Na

20 days ago

I don't see images for shade structures

20 days ago

I was shown no options for the shade structure.

20 days ago

Thank you for working to improve our city

21 days ago

My kids like the structures already there. Although we will look forward to something new.

21 days ago

I didn't see pictures of shade structures on the survey.

21 days ago

No images of shade structures. Prefer tree canopy and some benches in the dog park. Water in or closer to the dog park would be a huge asset.

21 days ago

We love the trees as they are!

21 days ago

No images were attached for the shade options

21 days ago

I didn't see any option photos for shade structure. I'd like to make a request that the ground surface be rubberized instead of wood chips. Thanks

22 days ago

Please do rubber footing no mulch or wood chips

22 days ago

Can you please consider a separate gated area for small dogs?

22 days ago

The shade images didn't show. Our kids actually outgrew the play structure so I picked their favorites. Would love a larger dog park. I have a breed who needs to run (didn't think that through!) and there is nowhere nearby (if one is to obey the leash rules!)

22 days ago

Also, please put in crosswalk at Gilbert entrance

22 days ago

No sand or tan bark. Rubber playmat is ideal. Structure and swing options for little and big kids.

22 days ago

Artificial turf in dog park please. Also for playground use that rubber mat stuff and not tanbark or sand

22 days ago

Shade structures not shown

2 distinct sections for kids 0-3 and 3-10

Maintain trees

22 days ago

Excited for park updates!

22 days ago

Preserve *all* trees - they are superb shade and cool. Keep dogs off the soccer pitch and in the dog park.

23 days ago

Pictures for shade options are NOT visible.

23 days ago

Crosswalk needed at Gilbert entrance.

23 days ago

Cross walk at park entry on Gilbert

23 days ago

Don't know what these options are. Can't see them

23 days ago

I can't see the sample images for shade structure.

23 days ago

I can't see the shade structure examples

23 days ago

No shade photos are showing up. The trees there give such nice shade.

23 days ago

Separate walkway and bike path connecting Willow and Pope is needed so haphazard bicyclists are not endangering walkers.

*No shade structure sample images are loading.

23 days ago

No shade structure needed as there are ample trees.

23 days ago

I use the park for the dog park, which is very important to me (and my pup).

Adding a crosswalk at Gilbert and Barton to improve access to the park for pedestrians, kids, and dogs would be really valuable for me.

23 days ago

Please keep the dog park

23 days ago

Please preserve the trees - the shade is lovely.

Please add a crosswalk on Gilbert so that we can safely walk to the park.

Please please please add bathrooms!

23 days ago

Please consider a crosswalk at Barton, across from the park entrance on Gilbert. This has been a dangerous crossing for over 20 years.

23 days ago

no samples

23 days ago

Yes. Th shade samples are not visible so I can't pick one. We need lots and lots of shade.

23 days ago

None

23 days ago

We could really use a water spigot at the dog park! Plus a better surface: maybe a THICK layer of bark on top of a sandy base?

23 days ago

Self triggered crosswalk entry to Willows park on Gilbert Ave.

Toddler bike lanes on Gilbert Ave park entry.

"What type of shade structure would you prefer?" question didn't have any images

23 days ago

Lower monkey bars for smaller kids would be great!

24 days ago

Shade structure pictures are not loading on mobile phone.

25 days ago

Can't see the images

25 days ago

There are no photos examples showing for the question number four regarding the type of shade structure one would like to see at the park.

25 days ago

Dog park!! Playground is fine

25 days ago

Dog park needs attention!! 100 people a day use it it's a the worst dog park

25 days ago

Work on the dog park!!! Put benched a water fountain and clean up the mulch

25 days ago

There are no images in the shade structure question. Shade is super important - we go to Willow Oaks as it has a lot of shade.

It's also brilliant that there is a picnic table next to the park where we have food and little parties for the children. A restroom would be great for parents, grandparents and nannies.

Consider changing the woodchip flooring to something safer - lots of cuts and scrapes from the flooring.

We love willow oak park - thank you for investing in it!

26 days ago

Por favor necesitamos urgente servicios higiénicos (baños)

26 days ago

Needs a restroom!!

26 days ago

Back asphalt needs to be replaced with concrete flat path. Add trees around it. Natural boundaries to discourage kids from heading toward gas station would be nice. Replace fences in easement from Gilbert that are in disrepair. Upgrade chain link blocking access to easement, plus sign hanging on it is very sharp and dangerous to kids. Basketball court asphalt is uneven. Add lights. Open up access from other sides (Willow Road?) as it feels dangerous to have only one exit from basketball courts.

26 days ago

No thanks

26 days ago

Más iluminado
Gracias

27 days ago

Ps. Couldn't see any shade samples for the last question.

27 days ago

The Rotary Play Garden in San Jose is AMAZING if you're looking for a model!

27 days ago

Can't see options for shade

28 days ago

Optional: Please provide your contact information so that we can keep you informed as the project moves forward.

No data to display...

Use of Bond Proceeds

Bond proceeds will be used for renovating and expanding the City's parks and recreation facilities as approved by voters. Acquisition and construction of a portion of all or a portion of the following parks and recreation facilities are anticipated, though any or all of the projects, except Menlo Park Community Campus which is under construction, may not be completed, or different projects may be undertaken at direction of the City Council:

1. Menlo Park Community Campus. The City expects to use approximately \$8.8 million of Bond proceeds to finance construction of a new community center, library, youth center, senior center and pool facility at 100 Terminal Avenue in conjunction with Meta (formerly Facebook, Inc.) The improvements are expected to be completed in calendar year 2023.
2. Willow Oaks Park. The City expects to use approximately \$3.1 million of Bond proceeds to fund acquisition and construction of a new restroom and dog park improvements, upgrade a play structure and convert a basketball court to a pickle ball court. The Bonds are expected to fund 100% of this project. This project is expected to be complete by the end of calendar year 2023.
3. Playground Update of Burgess Park. The City expects to use approximately \$725,414 of Bond proceeds to finance a play structure update at Burgess Park. The City expects this project to be complete in calendar year 2023.
4. Bedwell Bayfront Park Entrance Improvements. The City expects to use approximately \$950,000 of Bond proceeds to finance entrance beautification and bicycle/pedestrian access improvements. This project is in design and expected to be complete in calendar year 2024.
5. Menlo Children's Center. The City expects to use approximately \$724,586 of Bond proceeds to finance renovation of an existing building, remove a wall, and create kitchen, storage and reception space. The City expects this project to be completed as part of the City's Parks and Recreation master plan by calendar year 2026.

2022 Bond Proceeds	Amount
CPB001 Menlo Park Community Center	8,800,000
CPP011 Willow Oaks Park Improvements	3,100,000
CPP007 Park Playground Equipment	725,414
CPP003 Bedwell Bayfront Park Entrance	950,000
CPP008 Master Plan: Menlo Children's Center	724,586
Total	14,300,000

Completed Measure T Projects	
Menlo Children's Center	\$ 1,279,000.00
Burgess Park	\$ 3,327,000.00
Oak Knoll School	\$ 195,000.00
Nealon Park	\$ 1,427,000.00
Encinal School	\$ 28,000.00
Tinker Park	\$ 59,000.00
La Entrada School	\$ 273,000.00
Fremont Park	\$ 80,000.00
Stanford Hills Park	\$ 231,000.00
Burgess Pool and Pool House	\$ 6,559,000.00
Sharon Park	\$ 107,000.00
Sharon Hills Park	\$ 58,000.00
Arrillaga Family Recreation Center	\$ 1,464,000.00
Arrillaga Family Gymnasium	\$ 6,950,000.00
Arrillaga Family Gymnastics Center	\$ 3,032,000.00
Other Park and Facility Improvements	\$ 185,000.00
Total Estimate	\$ 25,254,000.00



Burgess Park and Willow Oaks Park Improvement Projects

City Council Meeting
May 10, 2022



INTRODUCTION

PROJECT OVERVIEW

- Combined public outreach and design process for Burgess Park and Willow Oaks Park
- Burgess Park - focused on play area
- Willow Oaks Park - master plan for the entire park and construction of highest priority elements

PROCESS TO DATE

- Conducted site analysis
- Collected community input on play areas and dog park
- Created preliminary plans with design alternatives
- Received feedback from Parks and Recreation Commission
- Created preferred concept plan

PRESENTATION GOALS

- Summarize outreach results and present preferred concept plan
- Collect Council and public comments





BURGESS PARK

PROJECT SUMMARY AND GOALS

PROJECT SUMMARY

- Develop a new design for the existing play area while preserving the surrounding park features.
- Expand improvements outside of the play area as needed to create an accessible path of travel.
- Implement project construction.

PROJECT GOALS

- GOAL 1** Encourage community participation throughout the design process.
- GOAL 2** Emphasize a unique design theme to create a strong park identity.
- GOAL 3** Ensure the play area is accessible and meets the needs of children of all abilities.
- GOAL 4** Create an exciting play experience!



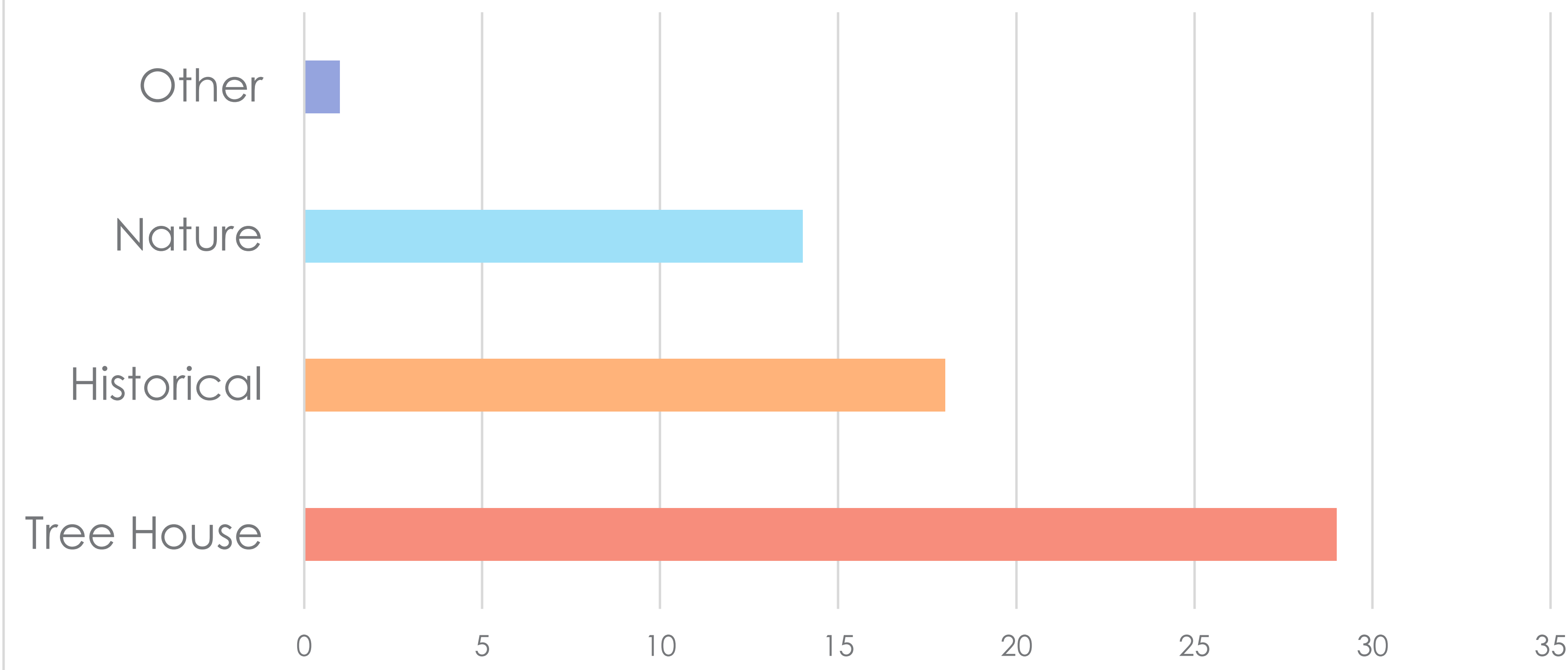
EXISTING CONDITIONS



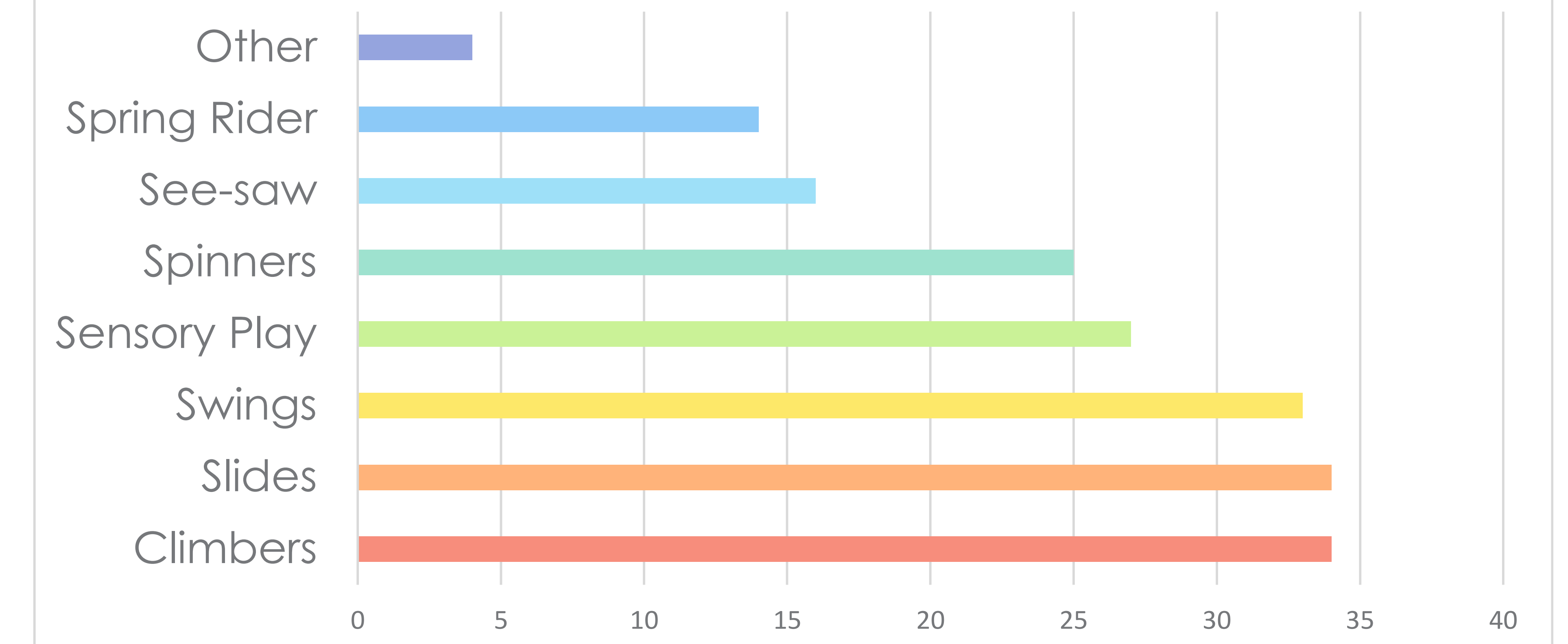
BURGESS PARK IMPROVEMENT PROJECT

PUBLIC OUTREACH

What type of theme would you prefer?



What type of play equipment would you prefer?



TREE HOUSE THEME



NATURE THEME



HISTORICAL THEME



SLIDES



SEE-SAW



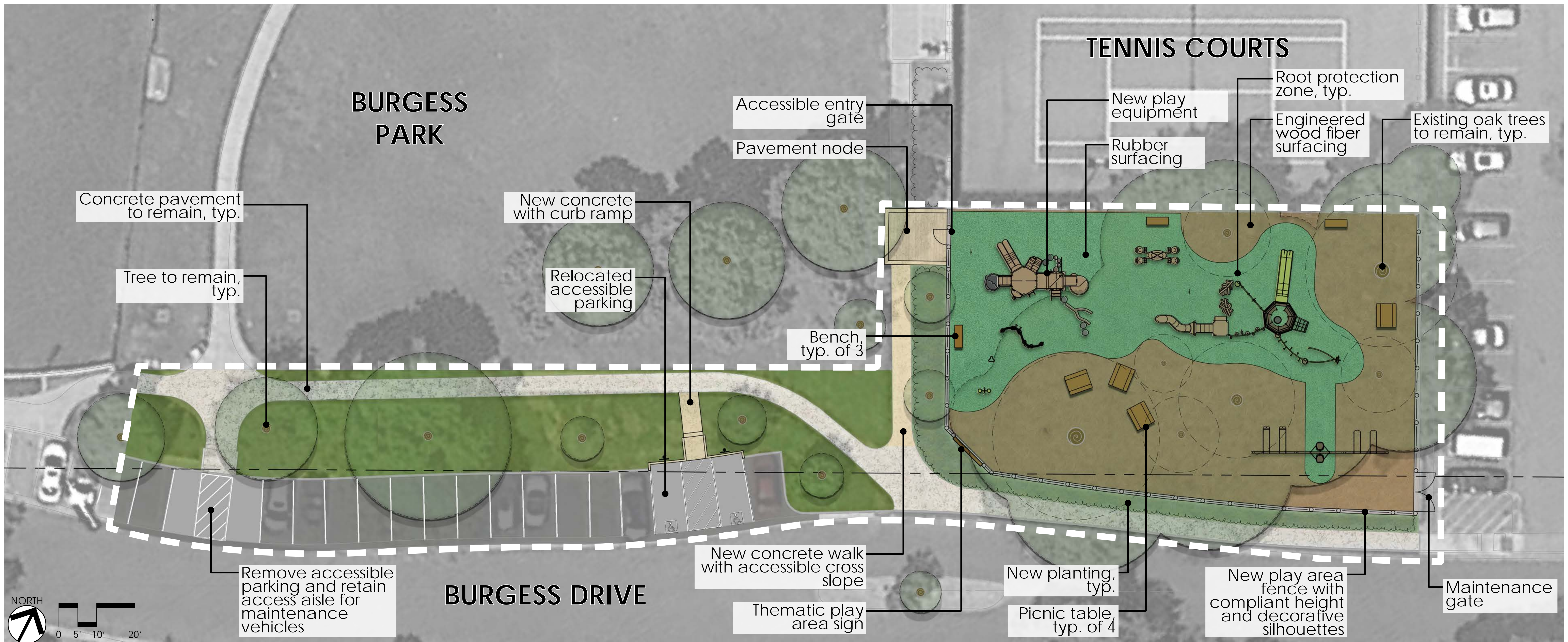
SPRING RIDER



SENSORY PLAY



PREFERRED CONCEPT PLAN



INSPIRATION IMAGES

6X6 wood corner posts
Thematic sign with plastic wood backing and metal letters



PLAY AREA SIGN

Metal picket fence, 4' high
Laser cut sheet metal welded to fence, oak leaf and acorn silhouettes



PLAY AREA FENCE



PAVEMENT NODE - STAMPED CONCRETE



BENCH - BLACK COLOR



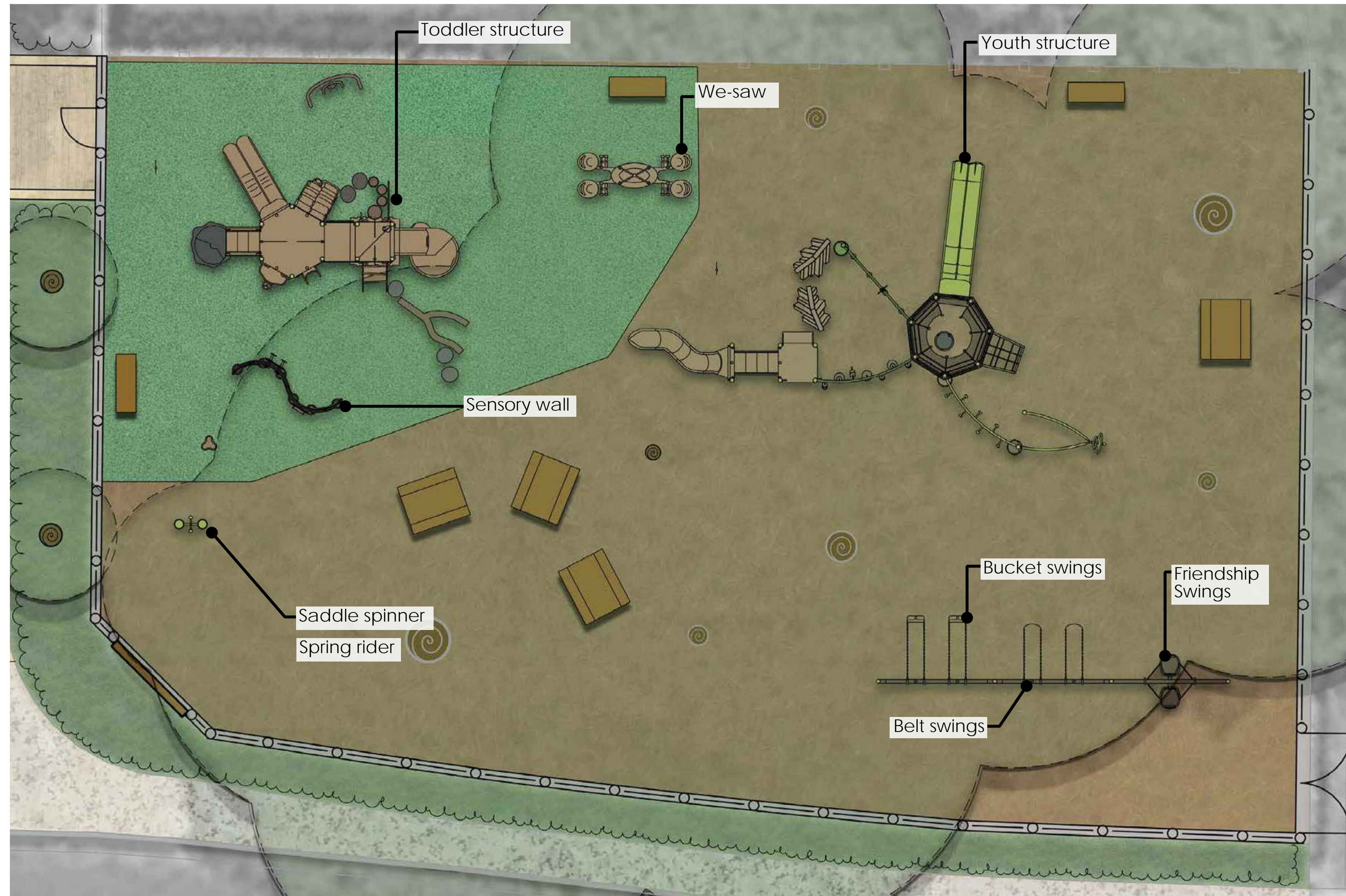
PICNIC TABLE



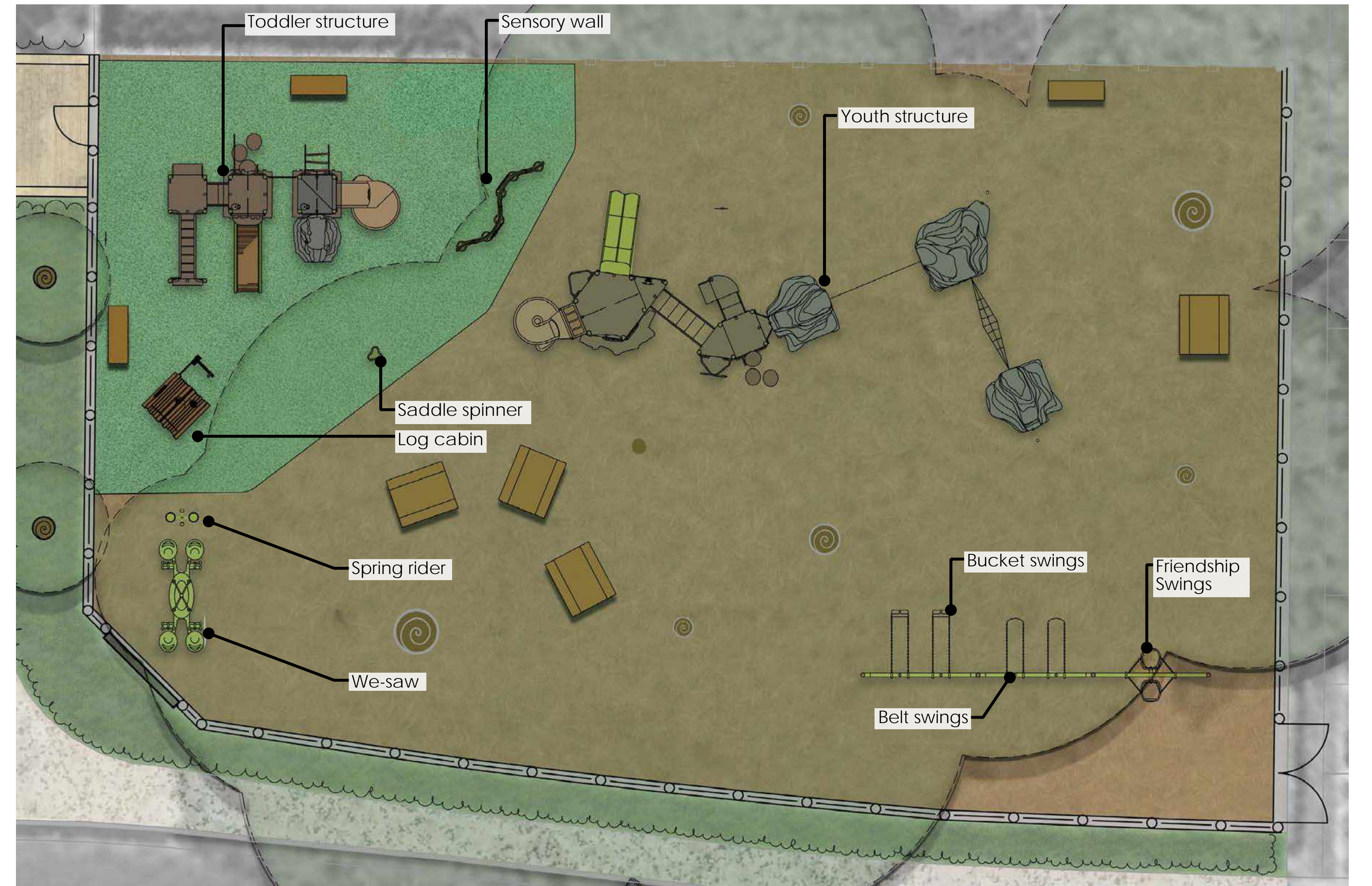
TRASH RECEPTACLE

PLAY AREA DESIGN ALTERNATIVES

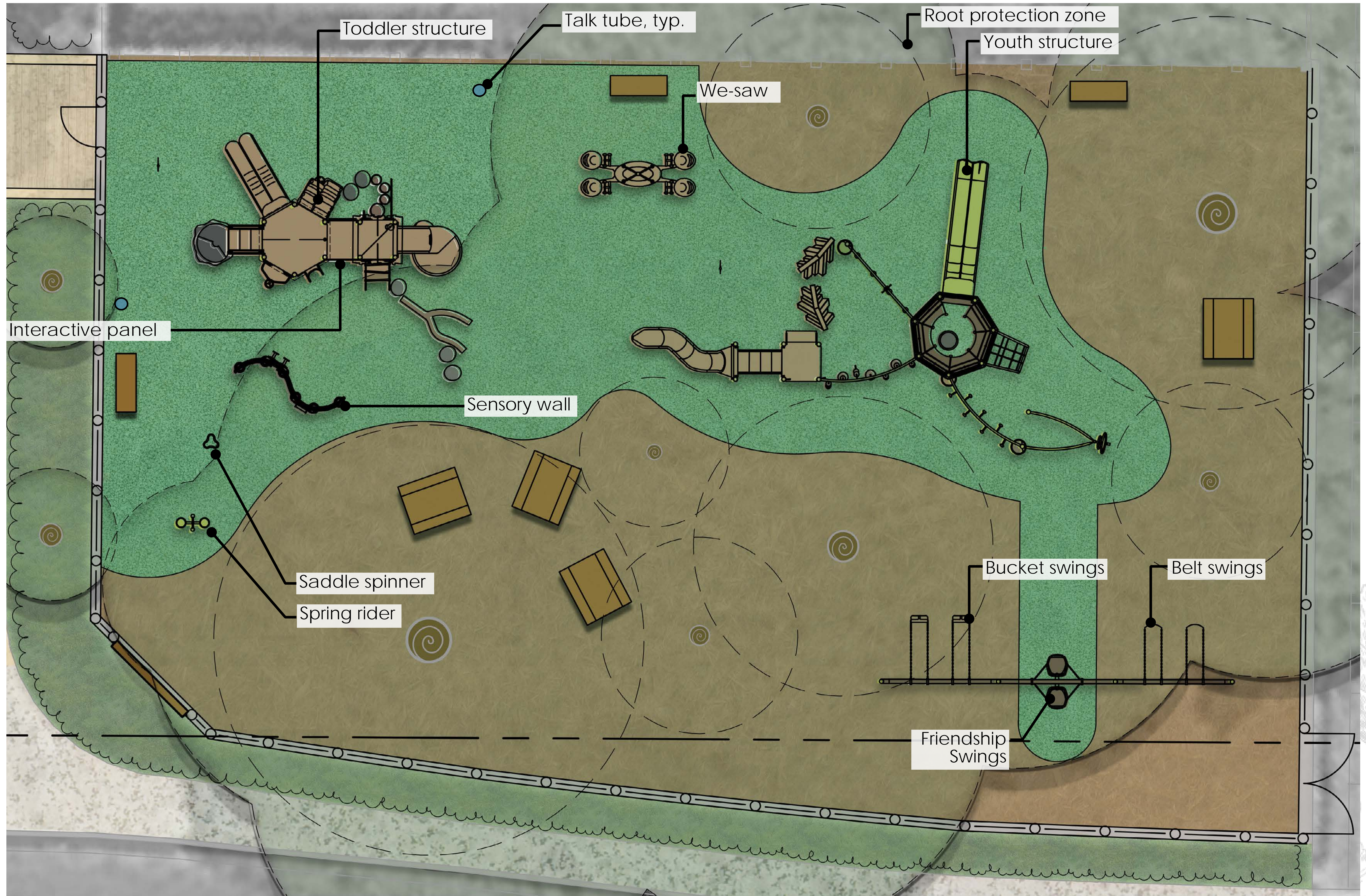
Option 1



Option 2



PREFERRED PLAY AREA DESIGN



STAND-ALONE PLAY COMPONENTS



Sensory Wall



We-Saw



Spring Rider



Saddle Spinner



Interactive Panel



Talk Tube



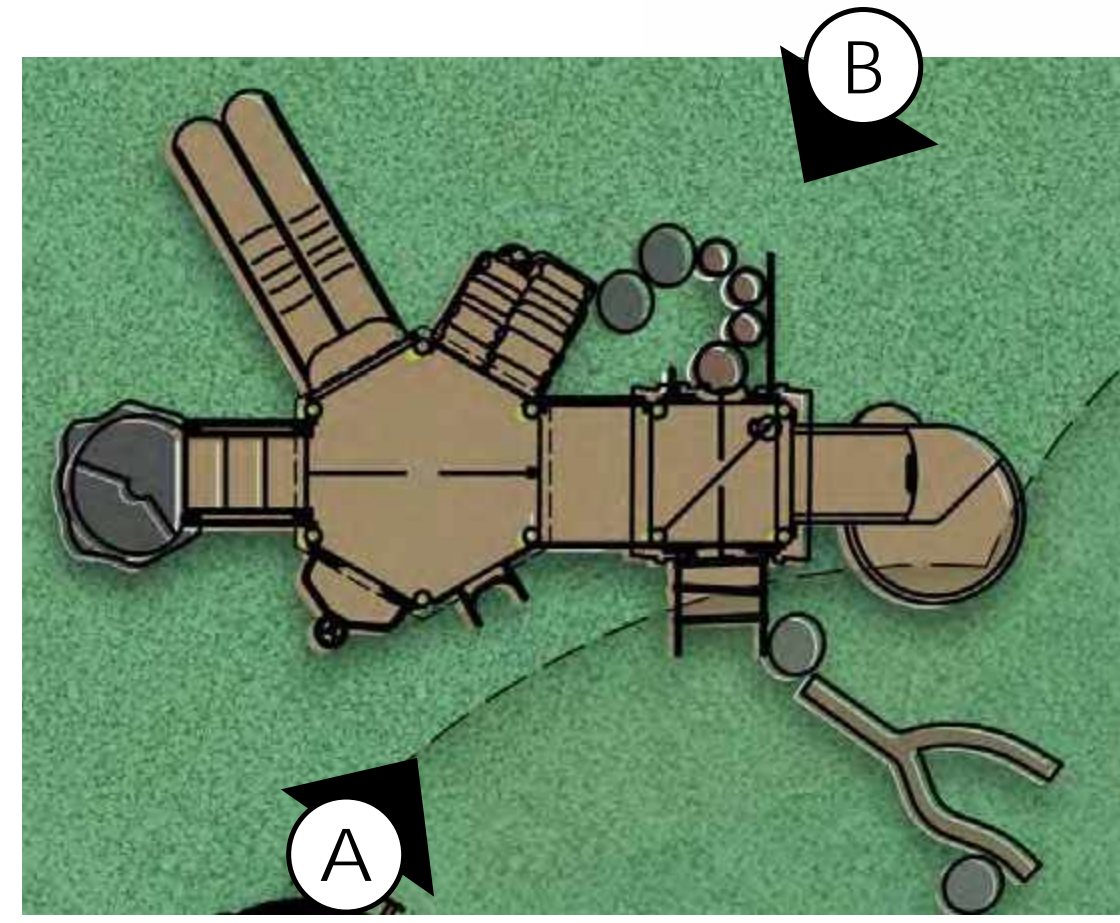
Friendship Swing



★ Inclusive Play Elements

★ Wheelchair Accessible Elements

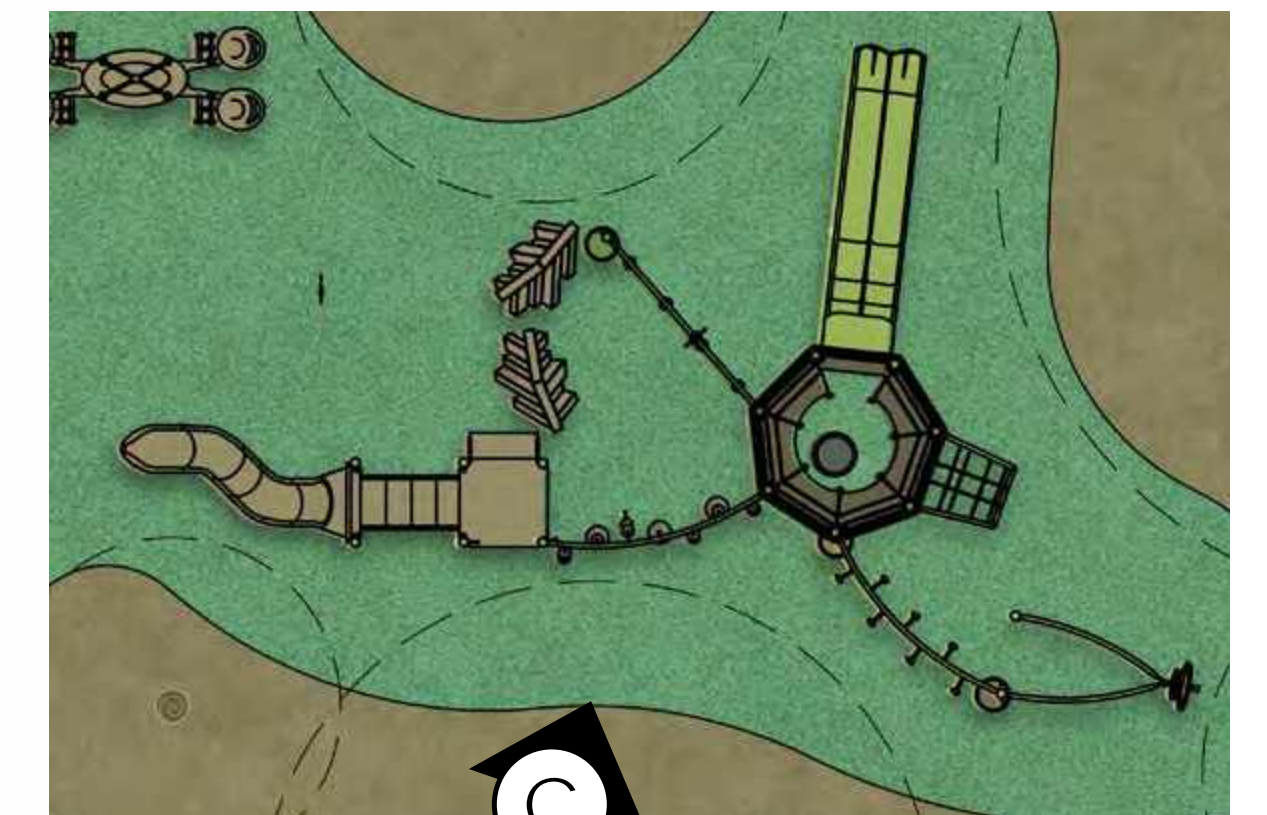
TODDLER PLAY STRUCTURE



PLAN VIEW



YOUTH PLAY STRUCTURE



PLAN VIEW





WILLOW OAKS PARK



PROJECT SUMMARY AND GOALS

PROJECT SUMMARY

- Develop a master plan for park improvements that focuses on the main park use areas and connectivity to the surrounding neighborhood.
- Incorporate previous design and planning efforts.
- Construct the highest priority improvements when funding becomes available.

PROJECT GOALS

- GOAL 1** Build on the previous outreach process and carry forward prior decisions.
- GOAL 2** Encourage community participation throughout the design process.
- GOAL 3** Emphasize a unique design theme to create a strong park identity.
- GOAL 4** Improve neighborhood connectivity and access into the park.
- GOAL 5** Prioritize improvements to focus on areas that will provide the greatest benefit.
- GOAL 6** Ensure all park improvements are accessible and meet the needs of users of all abilities.

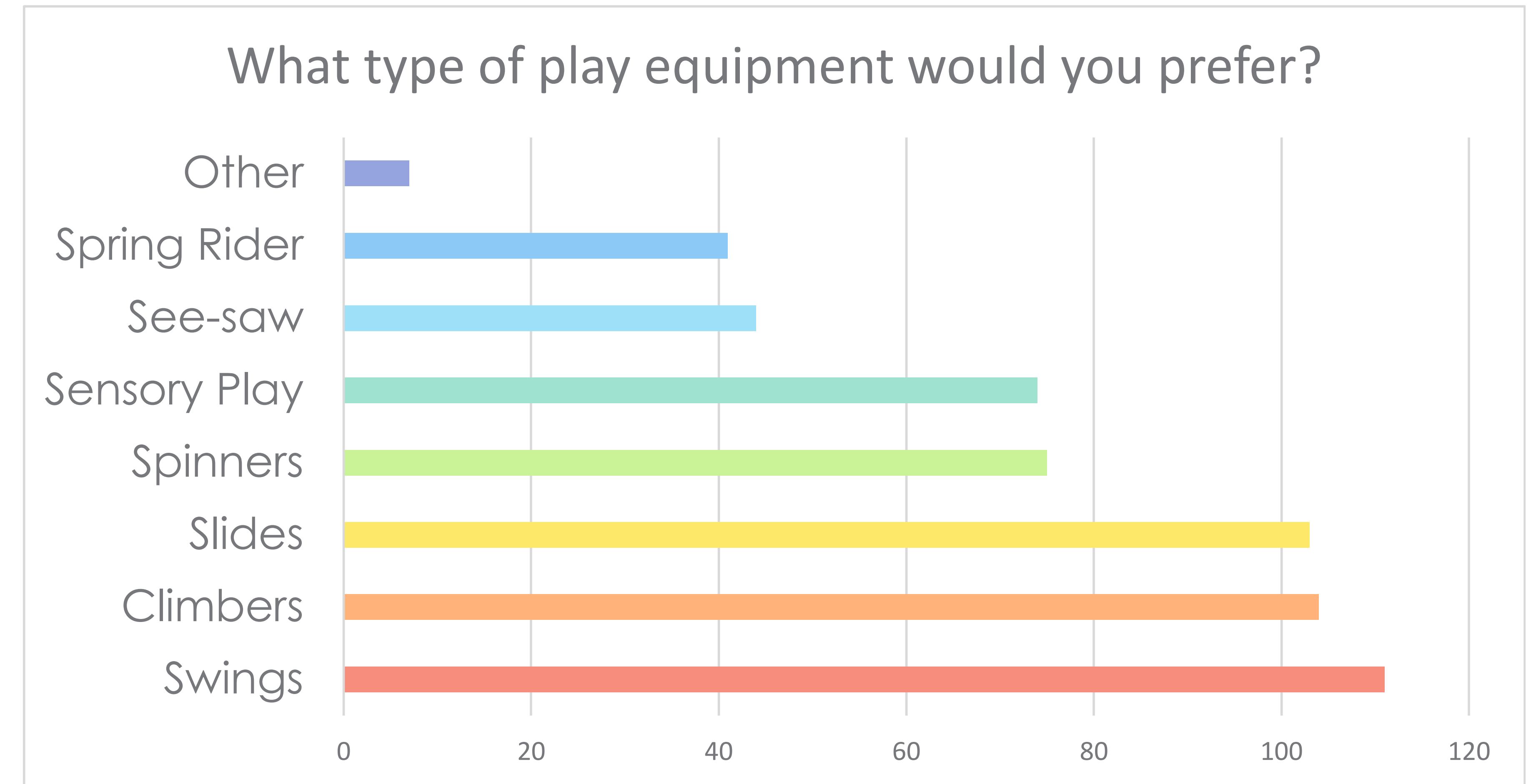
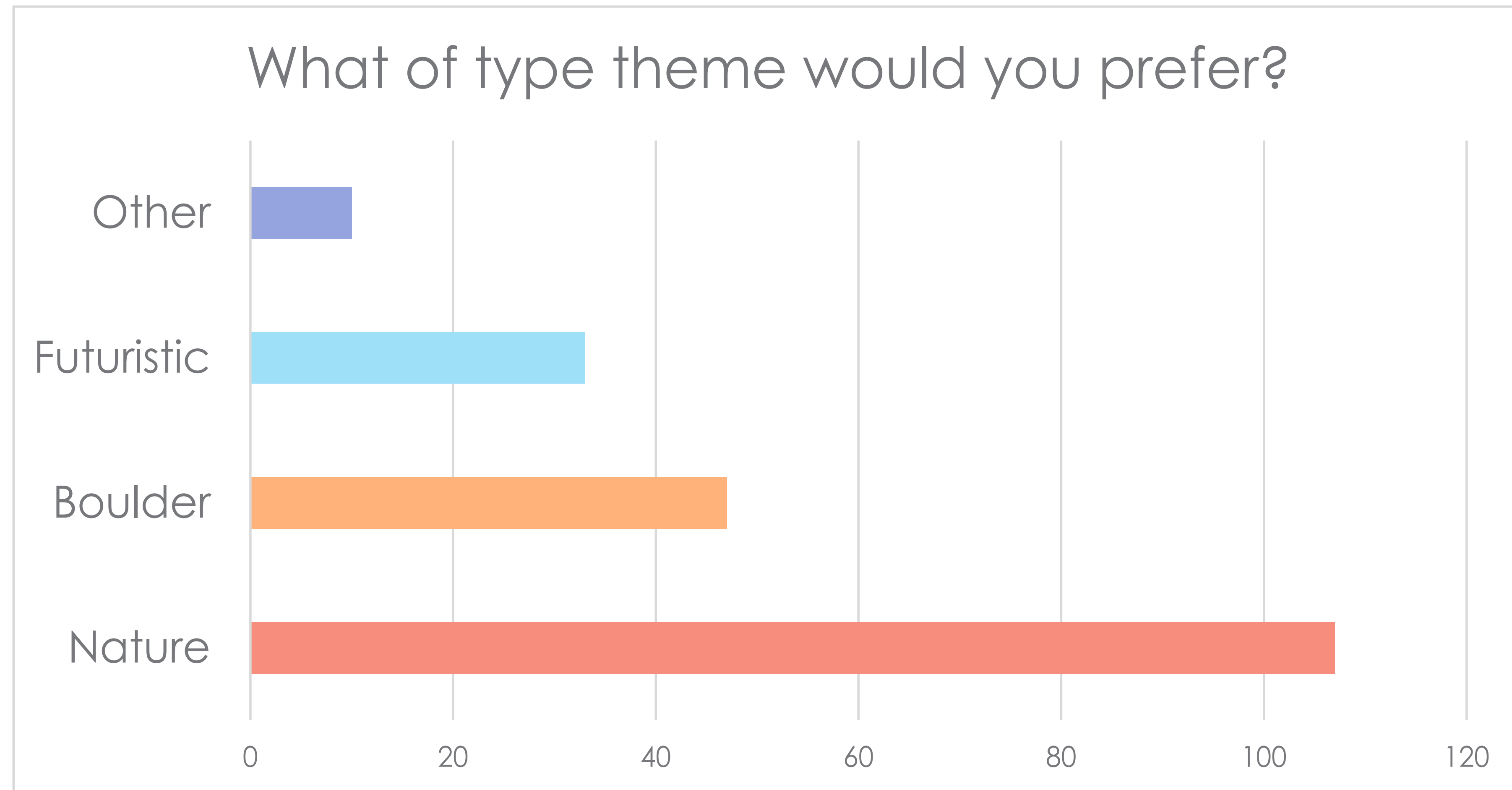


EXISTING CONDITIONS



WILLOW OAKS PARK IMPROVEMENT PROJECT

PUBLIC OUTREACH



NATURE THEME



BOULDER THEME



FUTURISTIC THEME



SLIDES



SEE-SAW



Group See-saw



Traditional See-saw



Double Rider



Traditional Rider

SPRING RIDER

SENSORY PLAY



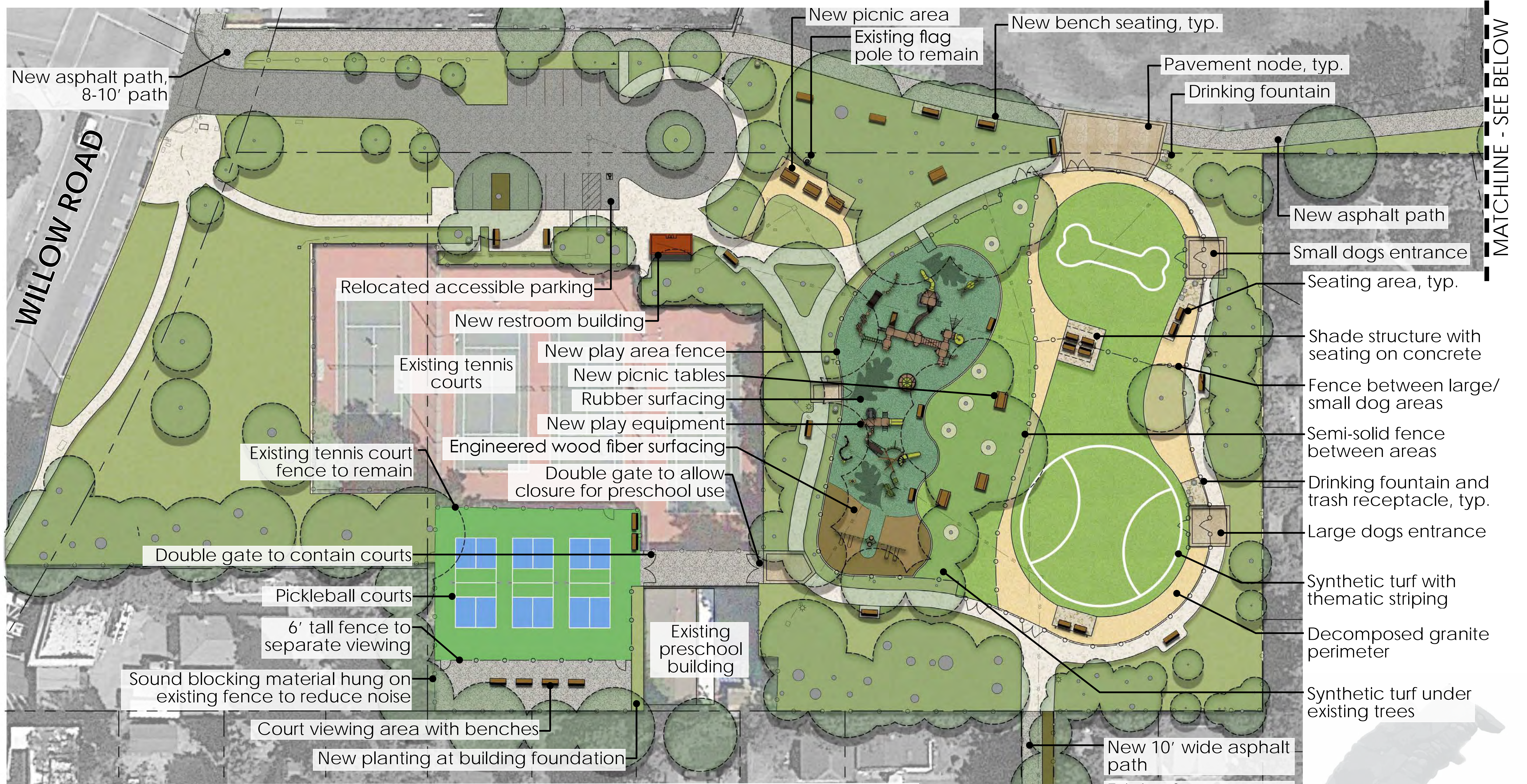
Metallophone & Drums

Musical Chimes

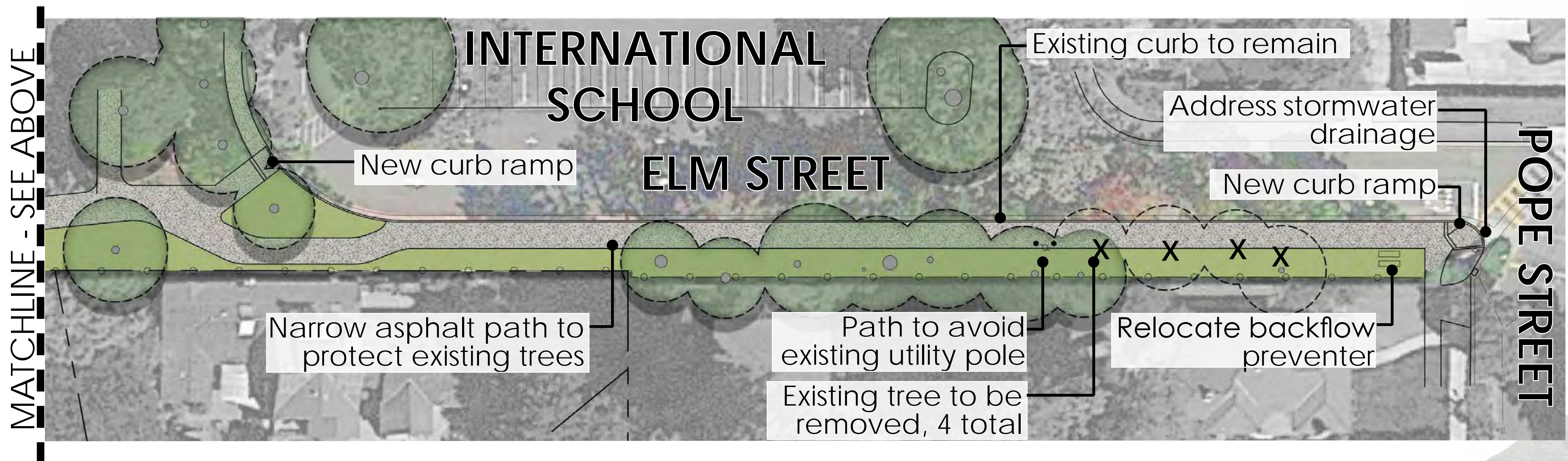
Pulse Table Tennis

Learning Panel

PREFERRED CONCEPT PLAN



MATCHLINE - SEE BELOW

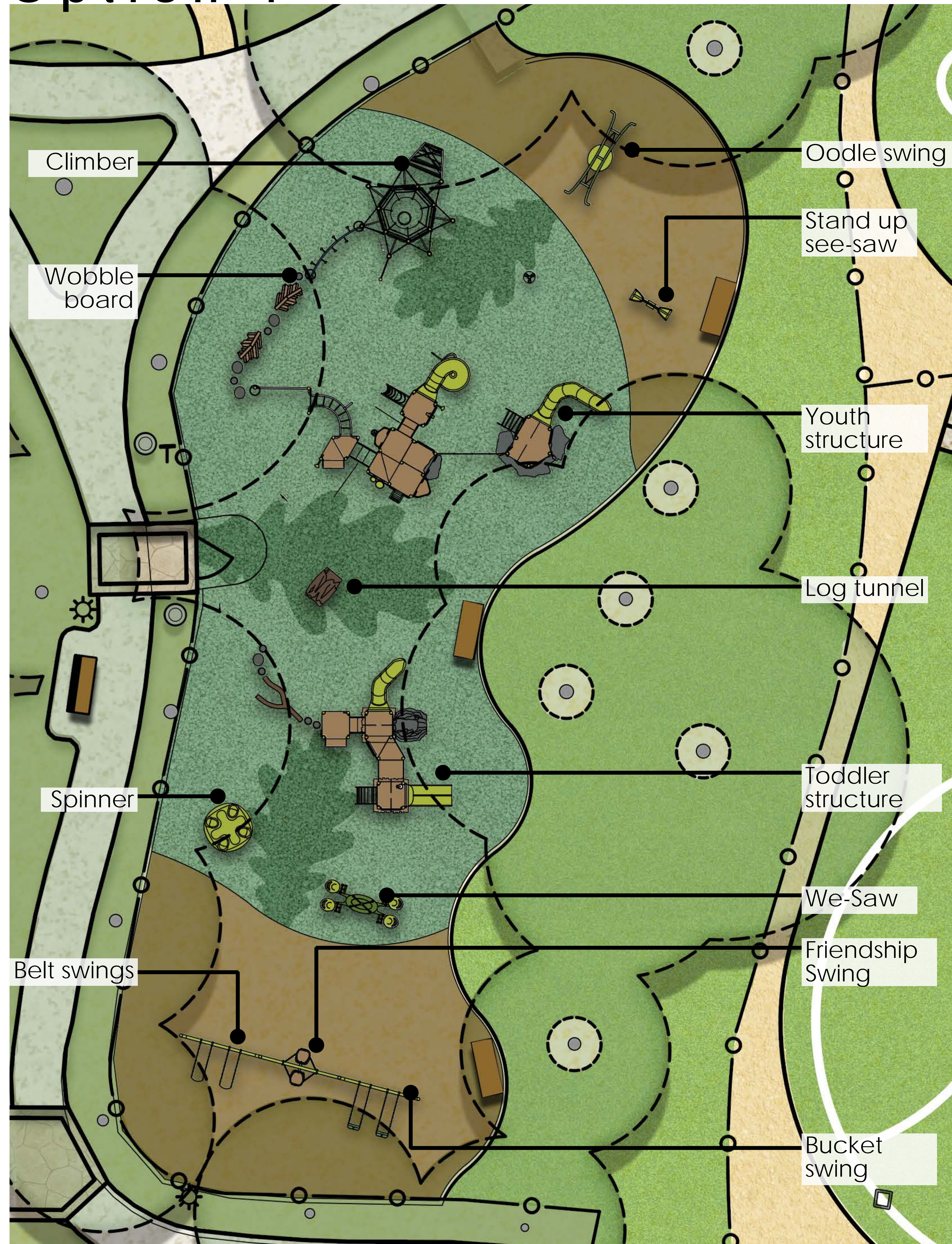


MATCHLINE - SEE ABOVE

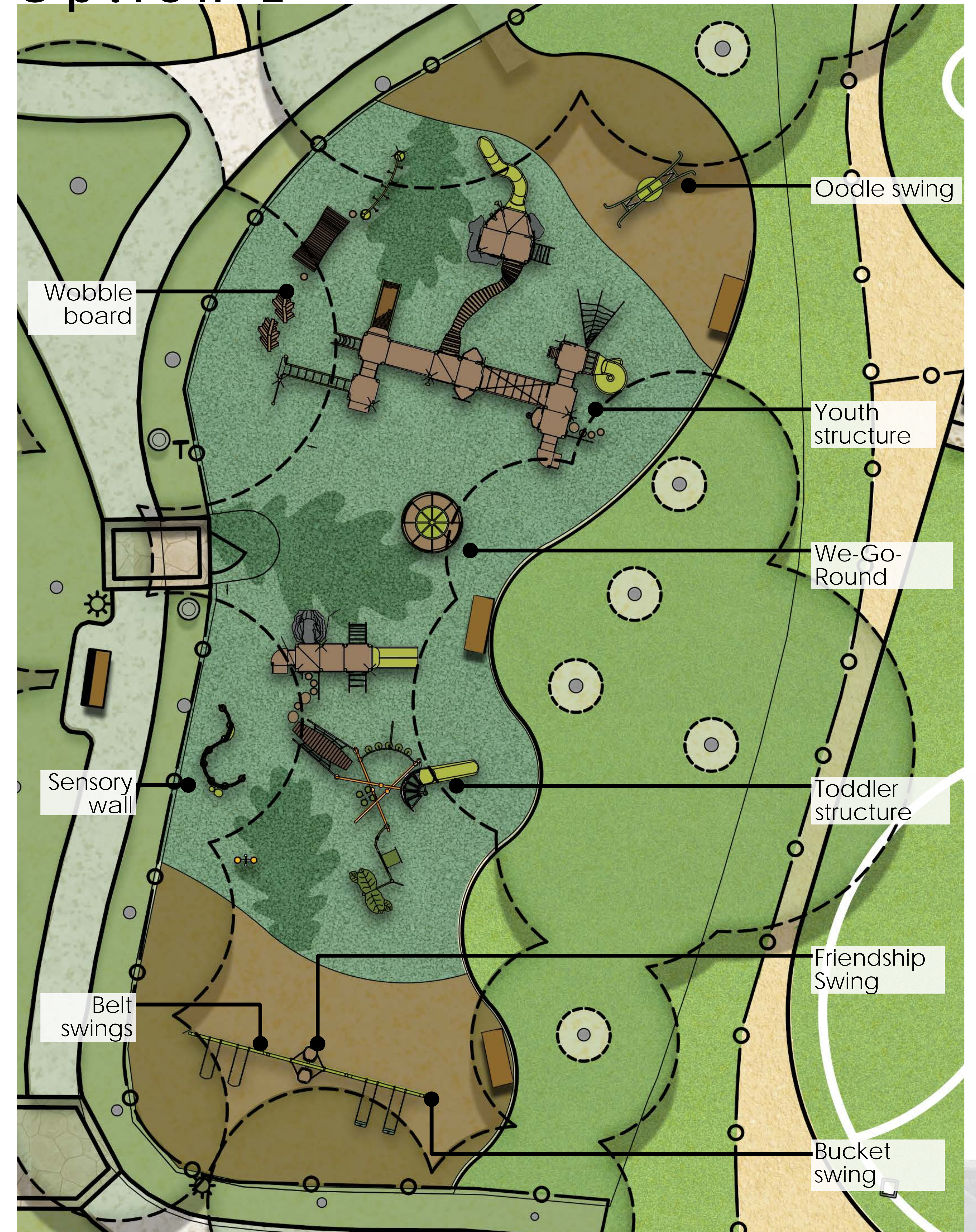


PLAY AREA DESIGN ALTERNATIVES

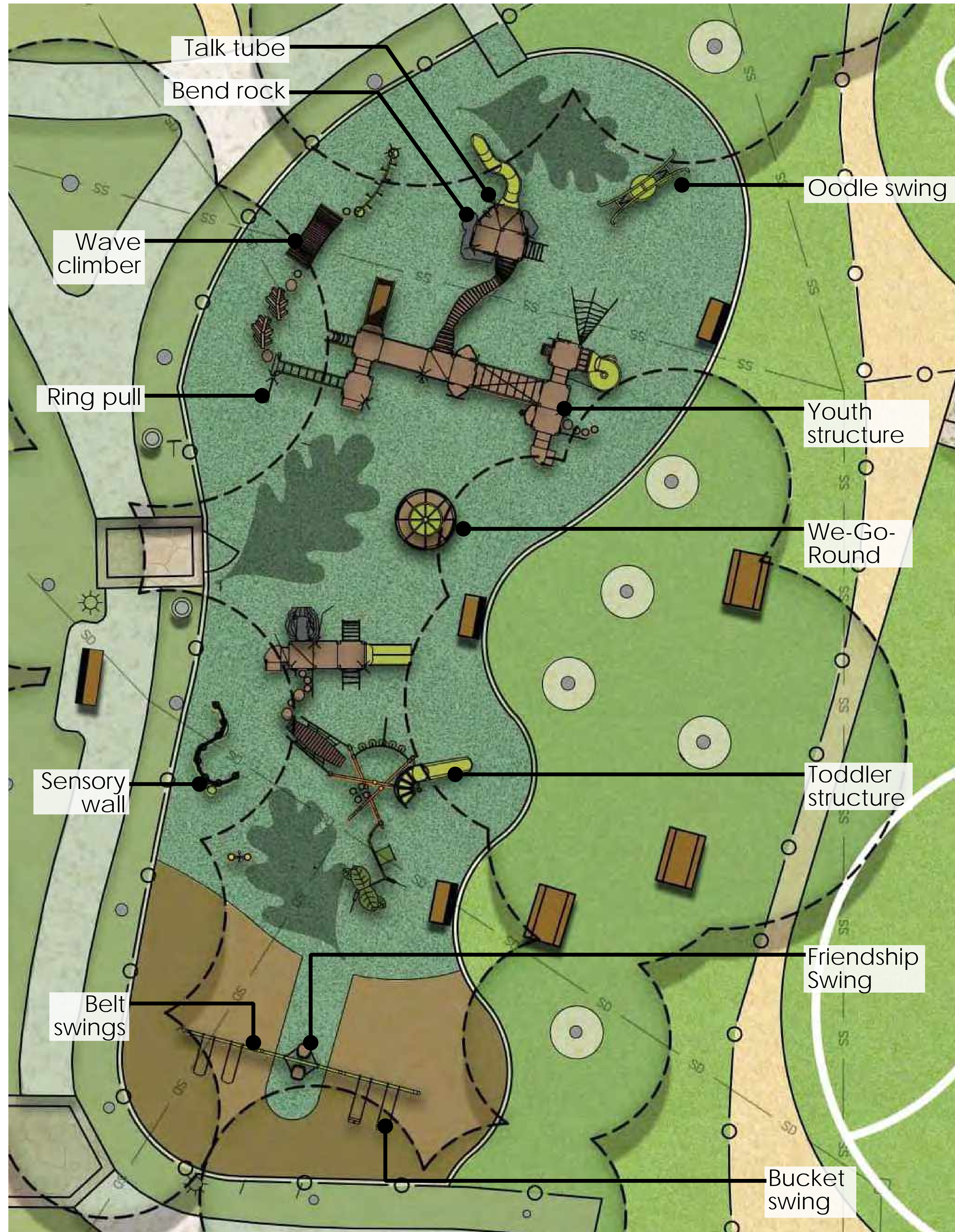
Option 1



Option 2



PREFERRED PLAY AREA DESIGN



Wave Climber



Friendship Swing *



Oodle Swing *



We-Go-Round * *



Sensory Wall * *



Bend Rock * *



Talk Tube * *

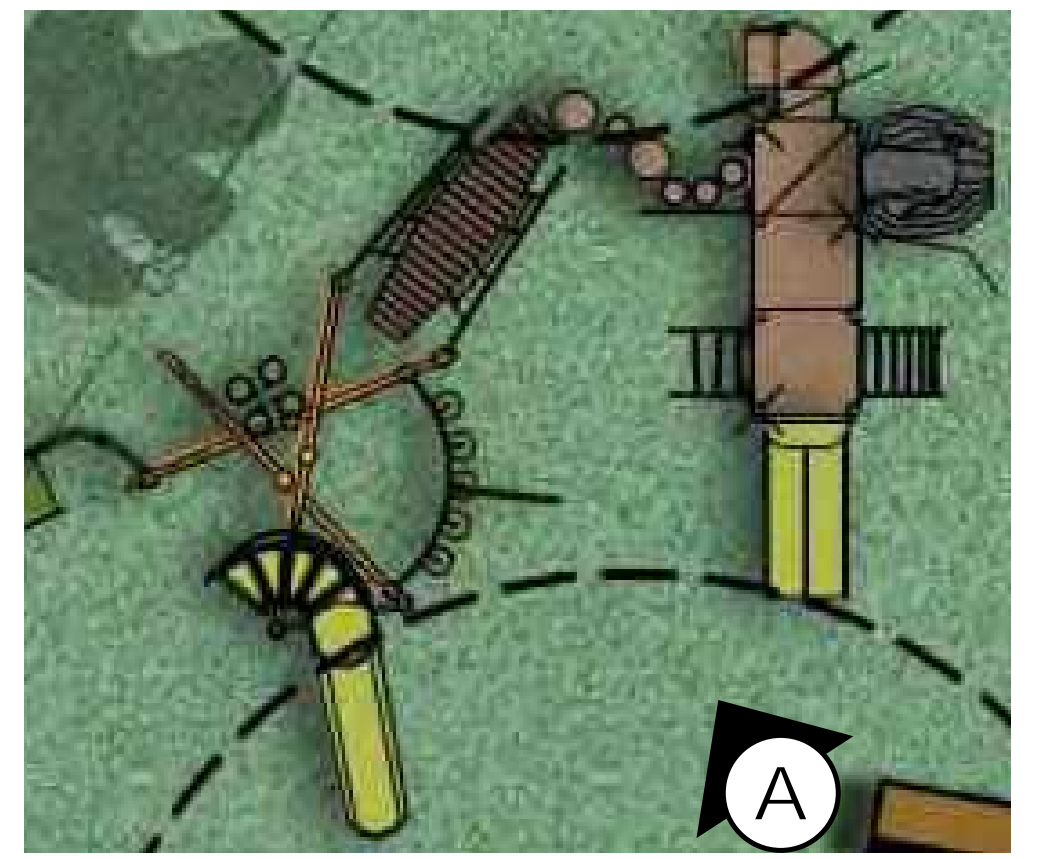


Ring Pull * *

* Wheelchair Accessible Elements

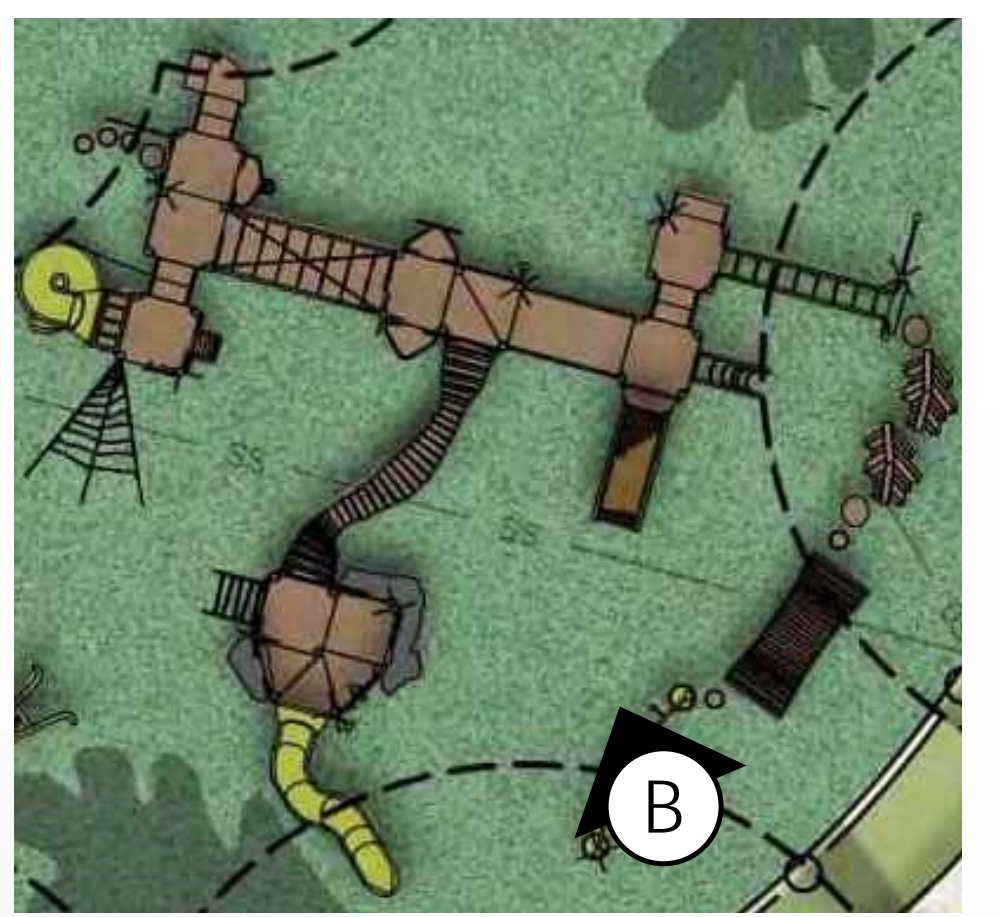
* Inclusive Play Elements

TODDLER PLAY STRUCTURE



PLAN VIEW

YOUTH PLAY STRUCTURE



PLAN VIEW

WILLOW OAKS PARK IMPROVEMENT PROJECT

DOG PARK



Small dogs entrance
Seating area, typ.

Shade structure with seating on concrete

Fence between large/
small dog areas

Synthetic turf with thematic striping

Drinking fountain and trash receptacle, typ.

Large dogs entrance

Decomposed granite perimeter



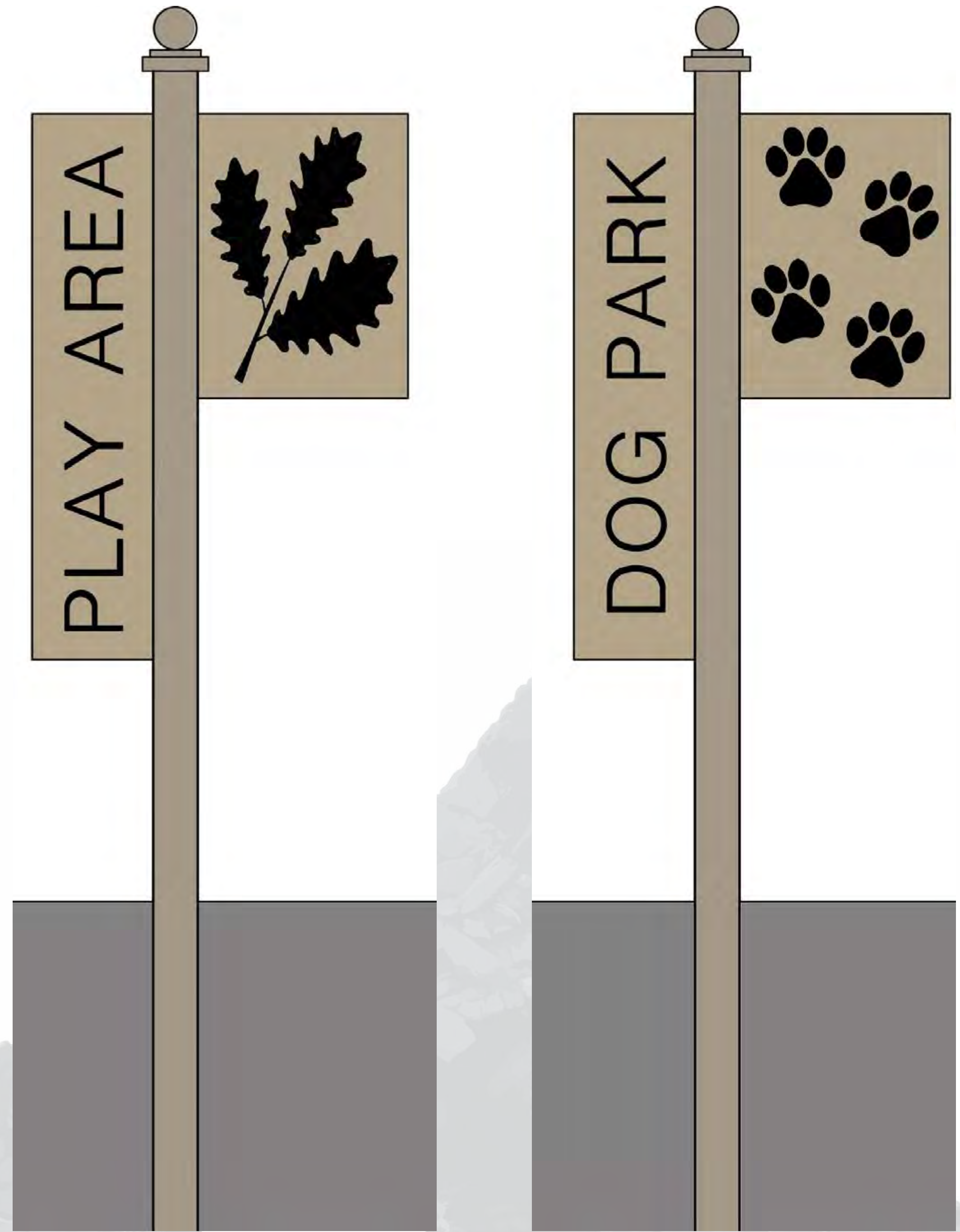
Shade Structure



Pet Drinking Fountain

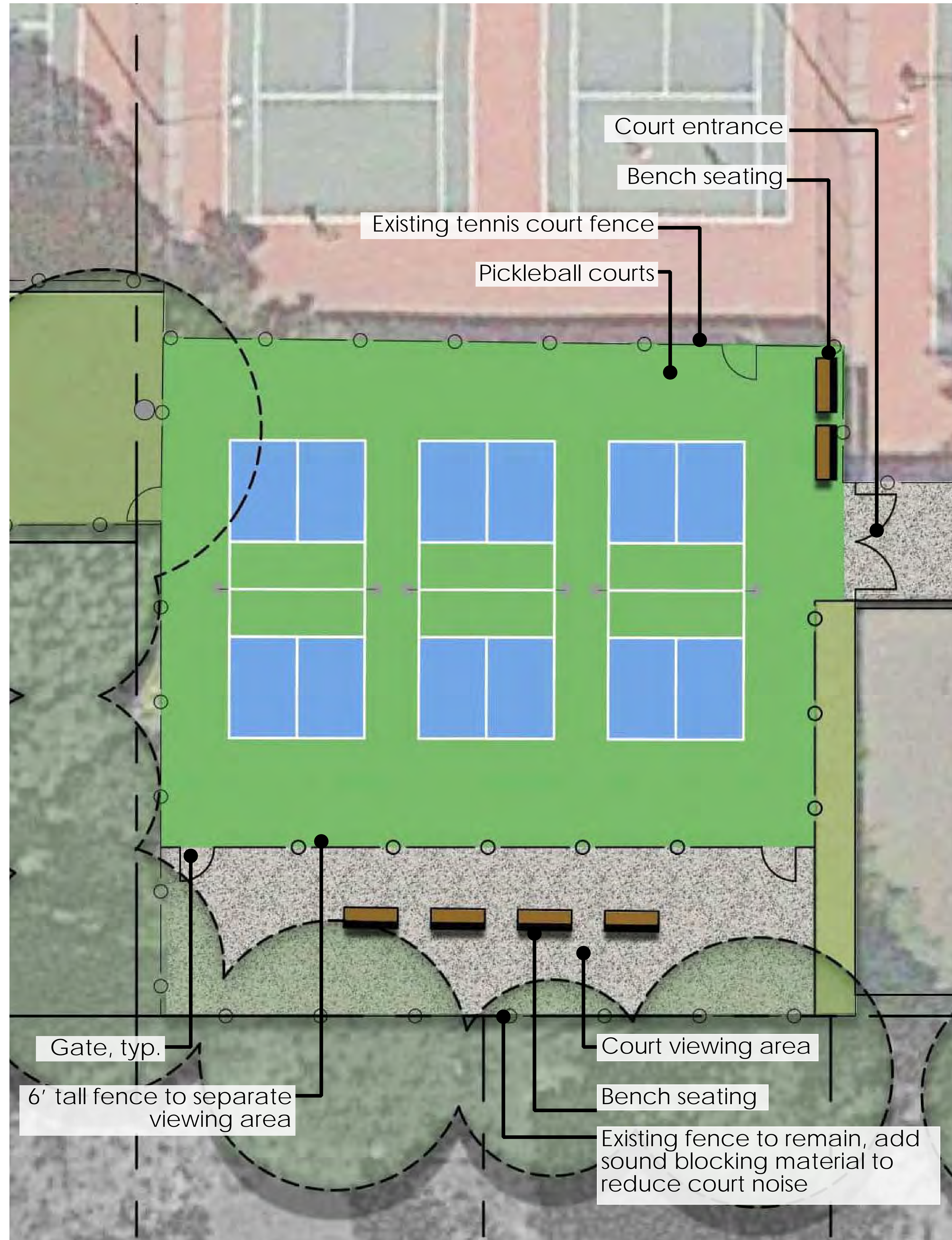


Pavement Node -
Stamped Concrete



Wayfinding Signs

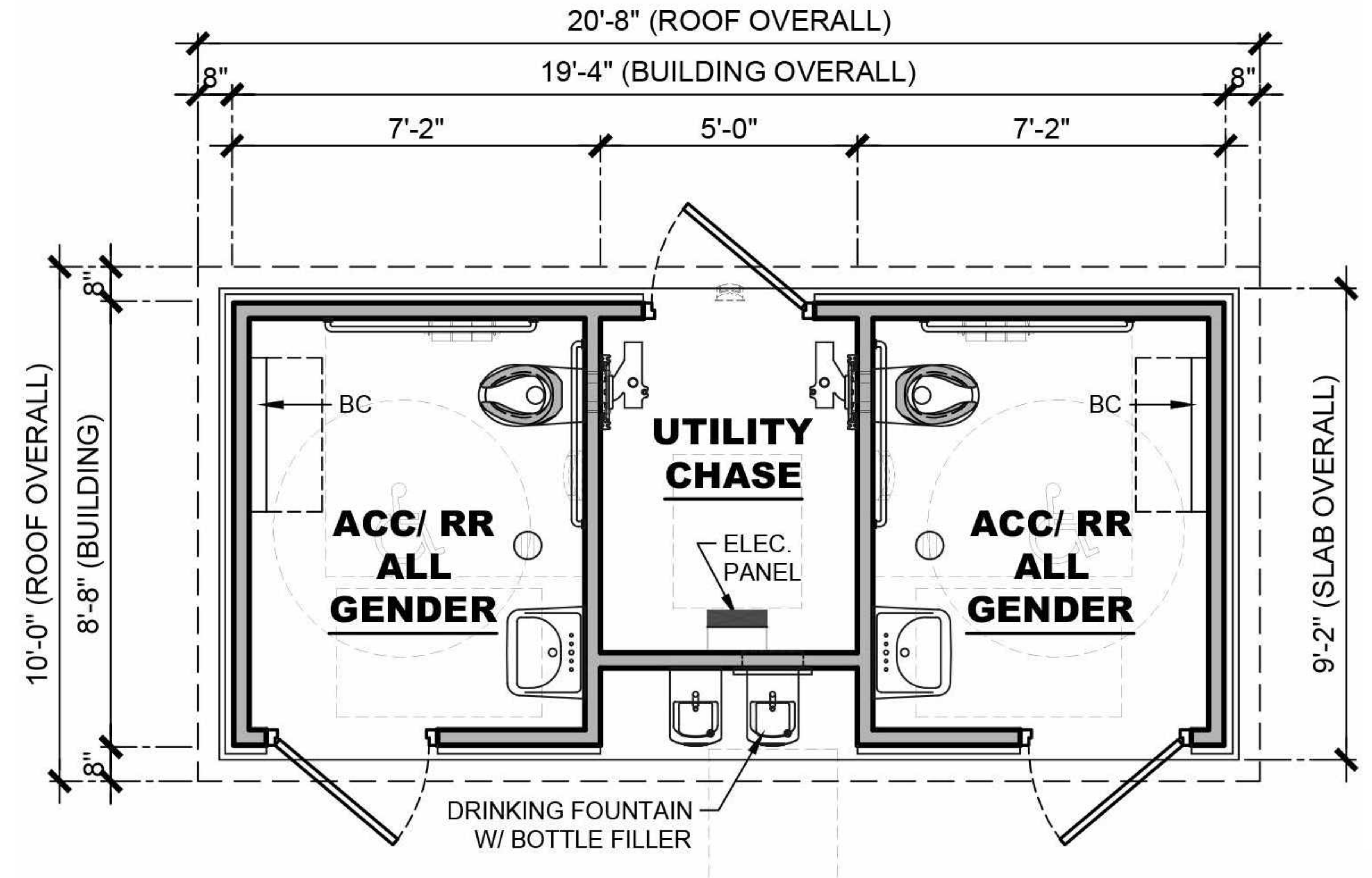
PICKLEBALL COURTS



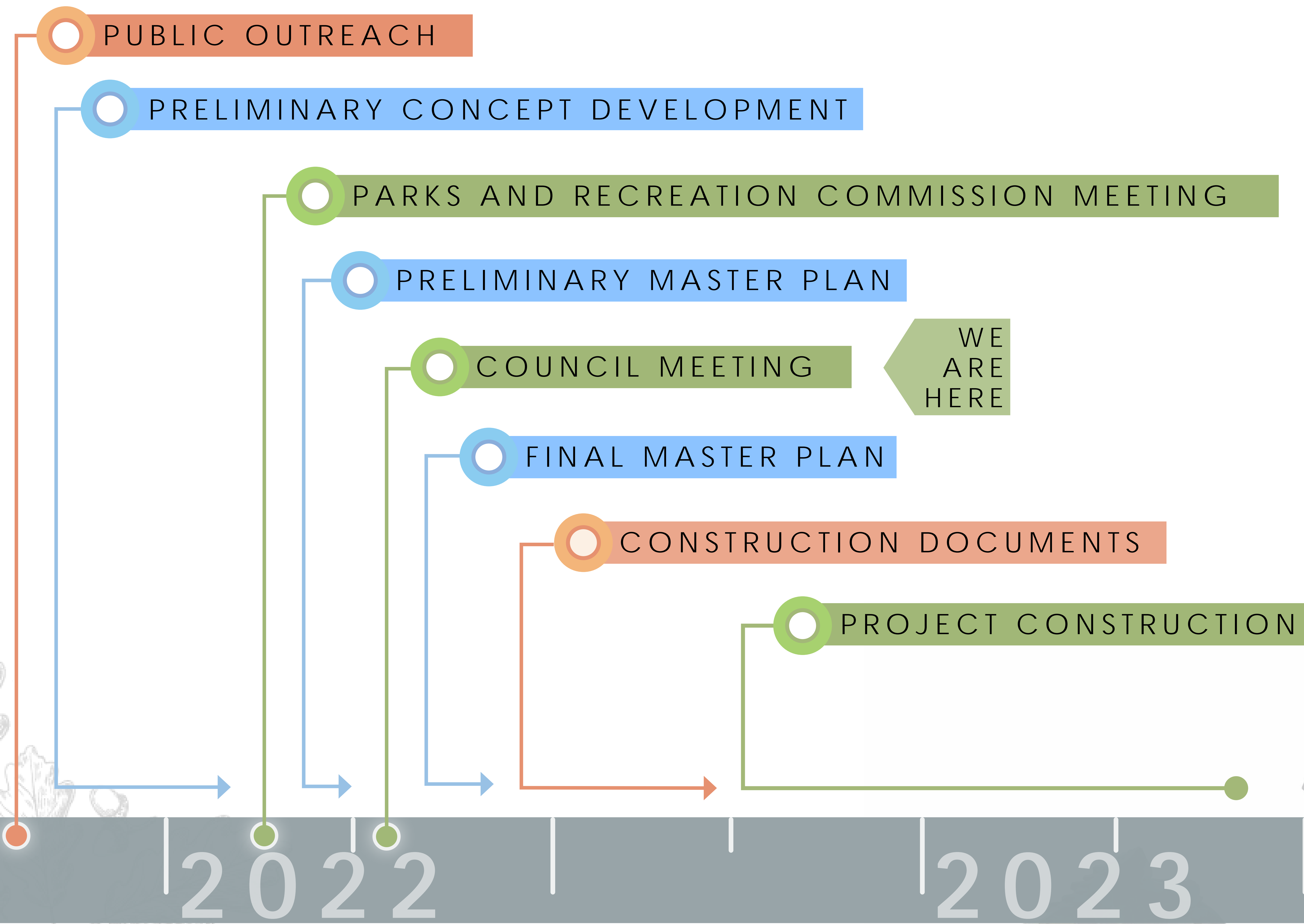
Character Photo

RESTROOM BUILDING

Design is based on previous public outreach, and was approved by the Parks and Recreation Commission in May 2017. Drinking fountain added to improve functionality.



PROJECT TIMELINE





QUESTIONS & COMMENTS?



CONTEXT MAP



WILLOW OAKS PARK IMPROVEMENT PROJECT



STAFF REPORT

City Council

Meeting Date: 5/10/2022

Staff Report Number: 22-089-CC

Informational Item: City Council agenda topics: May – June 14, 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 June 14, 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: May – June 14, 2022

Report prepared by:
Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type	City Council action
1	Budget	ASD	Public Hearing	Direction to staff
2	Budget workshop	ASD	Public Meeting	
3	Master Fee Schedule	ASD	Public Hearing	Approve
4	PSA labor agreement	ASD	Regular	Approve
6	Approve funding for 335 Pierce Rd (predevelopment CLT, loan authorization docs)	CDD	Regular	Approve
7	Review of Draft Housing Element	CDD	Regular	Direction to staff
8	Willow Village Community Amenities Review	CDD	Study Session	Direction to staff
9	Adopt a resolution amending City Council Policy CC-22-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities to update the Complete Streets Commission membership	CMO	Consent	Approve
10	Adopt a resolution calling and consolidating election	CMO	Consent	Adopt resolution
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 recognition/training event	CMO		
14	Approve BlocPower MOU	CMO	Consent	Approve
15	Consider matching Peninsula Clean Energy's electric vehicle charging incentive for existing multi-unit properties in Menlo Park to support Climate Action Plan strategy goal no. 3 – increase access to electric vehicle charging	CMO	Regular	Approve
16	Proclamation: Juneteenth	CMO	Proclamation	No action
17	Proclamation: Pride Month	CMO	Proclamation	No action
18	Special events ordinance-first read	CMO	Regular	Decide
19	Special events ordinance-second read/adopt	CMO	Consent	Adopt ordinance
20	Study Session Reach Codes 2.0	CMO	Study Session	Direction to staff
21	Community events and observances timeline and update	LCS	Informational	No action
22	MPCC operational plan milestones	LCS	Study Session	Direction to staff
23	Police department quarterly updates – Q2 & Q3 Oct 2021 – Mar 2022	PD	Informational	No action
24	Adopt Reso No. x, preliminary approval of the engineer's report for the Menlo Park Landscaping Assessment District, and Reso No. x, intention to order the levy and collection of assessments for the Landscaping Assessment District for fiscal year 2022-23	PW	Consent	Adopt resolution
25	Adopt Resolution No. XXX approving the list of projects eligible for fiscal year 2022-23 funds from Senate Bill 1: The Road Repair and Accountability Act of 2017	PW	Consent	Adopt resolution
26	Agreement for stormwater business inspections	PW	Consent	Approve
27	Approve the final map and accept the dedication of easements for Menlo Uptown	PW	Consent	Adopt resolution
28	Automated water meter reading project agreement	PW	Consent	Approve
29	Bayfront Circulation Update	PW	Study Session	Direction to staff
30	Contract Amendment for Aptim through the end of the year	PW	Consent	Approve
31	Recognizing Public Works Week, May 15-21	PW	Proclamation	No action

Tentative City Council Agenda

#	Title	Department	Item type	City Council action
32	Resolution supporting application for a SMCTA Alternative Commute Reduction - Transportation Demand Management Grant to fund crossing improvements at El Camino Real and Ravenswood	PW	Consent	Adopt resolution
33	Stage 2 drought declaration	PW	Regular	Adopt resolution



STAFF REPORT

City Council

Meeting Date:

5/10/2022

Staff Report Number:

22-087-CC

Informational Item:

Pilot project for neighborhood access to Belle Haven School field

Recommendation

Staff recommends that the City Council review this informational report about a pilot project to facilitate neighborhood access to the Belle Haven School field.

Policy Issues

City Council sets policy and goals and provides direction to staff regarding municipal services to the Menlo Park community; provides authorization to the city manager to negotiate and execute agreements with external partners; and sets prioritization for the use of City resources to serve the community.

Background

As noted in the 2019 Parks and Recreation Facilities Master Plan, the total area of all City-owned parklands and open spaces (including the 155-acre Bedwell Bayfront Park) is 221.76 acres. The Belle Haven neighborhood of Menlo Park includes three City-owned parks (Kelly Park, Hamilton Park, and Karl E. Clark Park) on a combined total 10.5 acres. The largest of the three is Kelly Park, on 8.3 acres, which is dominated by a lighted artificial turf athletic field and track that is in high demand by organized sports groups and attracts many participants from outside the Belle Haven neighborhood. Hamilton Park (1.2 acres) and Karl E. Clark Park (1.0 acre) are small, neighborhood-oriented parks that feature modestly sized playgrounds and pockets of green space. Karl E. Clark Park also features a storyboard dedicated to the life and legacy of war hero and local community leader Karl E. Clark.

Community members including neighborhood advocacy group Belle Haven Action have long expressed interest in expanding opportunities for Belle Haven neighborhood residents to access green spaces within the neighborhood. Belle Haven School is centrally located in the neighborhood and includes approximately 1.6 acres of green space including a field, walking path, youth baseball diamond and tennis court. The City of Menlo Park (City) and Ravenswood City School District (District) jointly maintain and share access to the Belle Haven School field through a Joint Use Agreement executed in 2001 (Attachment A.) The City's past use of the Belle Haven School field has been primarily to rent space on the field to organized sports teams during afterschool and weekend hours; however, the Joint Use Agreement allows and expressly calls for the District and the City "to promote the widest reasonable range of usage of the Use Area [school field] by all the school children and citizens of the community."

Analysis

City staff is preparing to implement a pilot project to provide neighborhood access to the Belle Haven School field for neighborhood-oriented informal play, gathering, walking, and exercise on weekdays after

school and weekends starting on July 1 with the new fiscal year. The pilot project is consistent with and can be implemented within the terms of the Joint Use Agreement. Mutual confirmation of the pilot project details, including the hours of operation, project duration, roles and responsibilities can be memorialized in a letter of commitment signed by authorized officers of the City and District, such as the city manager and superintendent of schools (Attachment B.)

Pilot project overview

- Neighborhood access: Through the existing sliding gate on the Almanor Avenue side of the property
- Hours of access: Weekdays 4:30 p.m. to sunset; weekends 9 a.m. to sunset
- Tentative start date: July 1, 2022
- Report back on pilot: October 2022

Preparatory work and coordination

City and District staff are engaged in interagency coordination and preparatory work to implement the pilot project and open the school field to neighborhood access during designated hours, consistent with the terms of the Joint Use Agreement. This coordination includes:

- A. Present this informational report about the pilot project to the City Council for awareness, comments, feedback and/or direction
- B. Present an informational report to the Ravenswood City School District Board of Education (RCSD Board) for awareness, comments, feedback and/or direction; tentatively scheduled on May 12, 2022.
- C. Finalize a letter of commitment (Attachment B) outlining the pilot project details
- D. Install signage with park rules consistent with the rules in other City-operated public parks
- E. Install waste/recycling receptacles and removal services
- F. Schedule clean up and maintenance of the field area consistent with the schedule in other parks
- G. Update locks on the sliding gate on the Almanor Ave. side of the property
- H. Coordinate staff support to open and close the gate at the scheduled times
- I. Work with neighborhood-based partner groups like Belle Haven Action to inform and engage the neighborhood with community outreach to raise awareness about the pilot project, coordinate neighborhood-oriented uses of the space, and gather feedback, concerns and suggestions from neighborhood residents
- J. Put tools in place to evaluate the pilot project's progress (for example: by collecting qualitative feedback from neighborhood users of the field, estimating field use levels through spot checks, direct counts and usage surveys, assessing the impacts to field maintenance and repairs resulting from the increased use, and evaluating impacts, if any to the school's operations)

Additional considerations

East Palo Alto Tennis and Tutoring (EPATT) is a local youth development organization that provides afterschool tennis instruction and academic enrichment. The organization offers afterschool enrichment programs at Belle Haven School and has expressed interest in utilizing the tennis court in that location to support their programming. The organization is currently using the tennis courts at Kelly Park for this purpose, which necessitates the use of a shuttle to transport the children from the school to Kelly Park, which takes time and resources that could otherwise be applied toward afterschool enrichment programming. The tennis court at Belle Haven School has been unused for the past several years and as a result has fallen into disrepair and would require resurfacing or possible reconstruction to be returned to safe public service. Under the terms of the Joint Use Agreement, the City is responsible for providing regularly scheduled maintenance of the tennis court. Neighborhood residents, the EPATT organization, and District staff have expressed interest in restoring the tennis court to service, pending a more complete renovation of the school site as envisioned in the District's 2015 Facilities Master Plan and January 2022 Board Facilities Study Session (Attachment C.) City staff is coordinating with the District to evaluate the

extent of repairs that would be needed, their estimated cost, and a feasibility timeline for potentially restoring the tennis court to service, and will report back to City Council by the pilot project's start date on July 1.

Impact on City Resources

The pilot project to provide neighborhood access to the Belle Haven School field will have some impact to City resources in the form of modest one-time costs and ongoing costs. These include the one-time costs of installing park rules signs, new gate locks, and community outreach such as flyers; and ongoing costs for waste/recycling removal services, maintenance and cleaning, and staff time (by current staff; no new staff positions are needed.) Staff is preparing cost estimates and will include them in the proposed fiscal year 2022-23 operating budget for City Council's consideration. Potential repairs and/or restoration of the tennis court would have additional impact to City resources, including impacts to financial resources and potential impacts to staff's capacity to timely complete other City Council identified priority capital projects.

Environmental Review

This informational item 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. Belle Haven School Joint Use Agreement, 2001
- B. Letter of commitment – pilot project
- C. Hyperlink – Ravenswood City School District Facilities Planning: ravenswoodschools.org/About-Ravenswood/Facilities/Facilities-Planning/index.html

Report prepared by:
Sean S. Reinhart, Library and Community Services Director

**BELLE HAVEN SCHOOL
JOINT USE AGREEMENT**

THIS AGREEMENT made and entered into this 11th day of December , 2001, by and between the Ravenswood School District ("District"), the City of Menlo Park ("City") and the Community Development Agency of the City of Menlo Park ("CDA") upon the following terms and conditions:

RECITALS

WHEREAS, Section 10902 of the California Education Code authorizes public agencies to enter into agreements for the purpose of organizing, promoting and conducting programs of community recreation; and

WHEREAS, Section 10910 of the California Education Code provides that the governing body of any school district may use or grant the use of any of the buildings or grounds of the school district to any other public authority for the organizing, promoting and conducting of community recreation; and

WHEREAS, the governing bodies of the above-named public authorities have jurisdiction over the same territory, which includes the authority to organize, promote and conduct community recreation programs; and

WHEREAS, it is to the advantage of the City for the City to use the District facilities and to the advantage of the District for the City to maintain District facilities; and

WHEREAS, the District and the City promote the joint use of recreation facilities; and

WHEREAS, the District and the City agree to work together to look for other opportunities to partner in the promotion of maximizing recreational programs for the benefit of the community; and

WHEREAS, at the Belle Haven School ("Site") there currently exists improvements, as more particularly shown in Exhibit A, hereto ("Existing Improvements"); and

WHEREAS the parties desire to upgrade the Existing Improvements and other portions of the Site by removing the existing baseball field and building a tennis court in its place, laying new sod, installing a new irrigation system for the new sod, constructing a new baseball field soccer field, a learning garden with outdoor classrooms, a play area, relocating three (3) basketball courts, and doing landscaping improvements throughout the Site, all as more particularly shown in Exhibit B, hereto ("Future Improvements"); and

WHEREAS, CDA has agreed to pay for the Future Improvements, as more particularly set forth below; and

WHEREAS, the City warrants that the CDA has the authority to and the City warrants that the CDA will carry out its obligations under this Agreement; and

WHEREAS, the parties agree and the District therefore determines that this Agreement will not interfere with the educational program or activities of any school or class conducted upon the real property or in any building subject to this Agreement; and

WHEREAS, the parties to this Agreement agree to take all reasonable precautions to prevent disruption to the community and safety risks to children in connection with this Agreement and the District therefore determines that this Agreement will neither unduly disrupt the residents in the surrounding neighborhood nor jeopardize the safety of the children of the school district.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. **FUTURE IMPROVEMENTS.** Contingent upon Board of the CDA approving a contract for construction, the CDA shall construct the Future Improvements at the Site as generally shown on attached Exhibit B, at the cost and expense of the CDA.

1.1 The CDA shall pay up to One Million Five Hundred Thousand Dollars (\$1,500,000.00) toward the construction of the Future Improvements, which shall include all soft costs including, but not limited to costs for project management, professional services, construction permits, etc.

1.2 The City and/or the CDA shall have the sole control of the construction of the Future Improvements, including, but not limited to, the bidding process, the negotiation and award of related contracts, and the supervision of contracted work. The CDA shall indemnify and hold the District harmless from any liability and injury to any person or property that arises during construction of the Future Improvements, including, but not limited to, any and all construction claims associated with the construction of the Future Improvements (e.g., contractor claims, overrun costs, etc.).

1.3 All construction work contemplated in connection with this Agreement shall be completed in compliance with all applicable City, County, State, and Federal laws, rules and regulations, for which compliance the CDA is solely responsible.

1.4 CDA shall use its best efforts to obtain bids, commence construction, and complete the Future Improvements within a reasonable period of time. During construction, the CDA may make changes to the Future Improvements at its sole discretion, subject to consultation with the District, in order to meet budgetary concerns, so long as said changes total an amount less than or equal to the cost of fifteen (15) percent of the cost of the Future Improvements. If any proposed changes are substantial, i.e., if

they total an amount greater than fifteen (15) percent of the cost of the Future Improvements, the CDA may make such changes only if the District agrees to the changes in writing. It is the intent of the District and the CDA to relocate the basketball courts, lay the sod and the new irrigation system for the baseball field and soccer field and construct the tennis court and tot lot prior to the other future improvements in order to meet the budget.

- 1.5 The CDA may construct the Future Improvements while school is in session. If work is constructed while school is in session, the construction shall be phased in order to reduce any inconvenience and avoid any danger to the Site. Upon completion of all the Future Improvements contemplated by this Agreement, such Future Improvements as so constructed shall become and remain the property of the District free of any claim thereon by the City and the CDA, except as hereinafter provided.

2. USE. The City and District shall have joint use of the tennis court, baseball field, soccer field and tot lot which shall be fenced and referred to as the "Use Area", and in connection therewith, the parties agree that the Use Area shall be used as follows:

- 2.1 Use Area: Exclusive Use. The District shall have exclusive control of the Use Area (excluding the tot lot) during "Normal School Hours," which are currently Mondays through Fridays from 8:00 a.m. to 3:30 p.m. The District will notify the City one year in advance of any change in the Normal School Hours during the course of this Agreement. The City shall have exclusive control of the Use Area for scheduled league events during the weekends, holidays and after normal school hours, and any other times during which school is not in session.
- 2.2 Use Area: Joint Use. The City and the District shall have joint use of the Use Area during all weekends, holidays, after normal school

hours, and any other times during which school is not in session throughout the school year and when there are no City scheduled league events. The area shown as the tot lot shall be available for joint use by both the District and the City at all times.

- 2.3 Cooperation and Communication on Scheduling. It is the intent of the District and the City to avoid scheduling conflicts, to promote the widest reasonable range of usage of the Use Area by all the school children and citizens of the community, and to permit each party access to the Use Area when not in use by the other parties. To that end, the parties shall cooperate in good faith in scheduling events for the Use Area and on communicating the various needs and desires of the respective parties for the use of the Use Area.
- 2.4 The parties agree that during the times in which they are making and coordinating their respective schedules during the time they have joint use of the Use Area, the activities for children on District property will be given priority over programs for adults.

3. MAINTAINANCE; COSTS.

- 3.1 The District and the City shall each be responsible for fifty (50) percent of all costs associated with providing water for irrigation to the Use Area, as improved by the Future Improvements. In the event the City declares that water rationing is required, the District shall only be responsible for payment of fifty (50) percent of the water usage for the allocated water amounts as set by the City.
- 3.2 The City shall, at its sole expense, provide regularly scheduled maintenance of the baseball field, soccer field, tennis court and tot lot, as improved by the Future Improvements, and keep the same in as good an order, condition and repair as when constructed, reasonable wear and tear excepted. Both the District and the City shall assume shared clean up responsibilities in connection with their use of the Future Improvements and land subject to this Agreement. Costs for repair over and above normal maintenance

shall be appropriated to the responsible agency at the time the damage occurred.

- 3.3 The City shall, at its sole expense, provide regularly scheduled maintenance of the Play Area/Tot Lot within the fenced area, as improved by the Future Improvements, and keep the same in as good an order, condition and repair as when constructed, reasonable wear and tear excepted.
- 3.4 The District shall, at its sole expense, provide regularly scheduled maintenance of the asphalted areas, learning garden, and landscaping in and around the Site and keep the same in as good an order, condition and repair as when constructed, reasonable wear and tear excepted.

4. MISCELLANEOUS.

- 4.1 The District shall maintain, at its sole expense, fire and property damage insurance on the Future Improvements in an amount not less than the replacement cost value. Said insurance shall be evaluated as per the District's normal schedule to determine if there should be a change in the amount of coverage. The District shall promptly repair, restore and replace all or any portion of the Future Improvements destroyed or damaged by fire or other catastrophe. The proceeds from said insurance shall be used for said purposes, but if the proceeds are insufficient to repair, restore or replace the Future Improvements to a condition substantially the same as when first constructed, then the District and the City (and/or the CDA) shall each bear one-half of the difference between the insurance proceeds and the cost of the necessary repair, restoration or replacement of the Improvements within the Use Area.
- 4.2 (a) The District shall indemnify, defend and hold the City harmless from any injury to any person which occurs as a result of the negligence of the District, its officers, employees or agents in the performance of this Agreement. (b) The City shall indemnify, defend and hold District, its officers, employees and agents,

harmless from any and all loss, damage or injury to any person or property which occurs as a result of the negligence of the City, its officers, employees or agents in the performance of this Agreement. (c) The CDA shall indemnify, defend and hold the District, its officers, employees, and agents harmless from any and all loss, damage, or injury to any person or property which occurs as a result of the negligence of the Agency, its officers, employees or agents in the performance of this Agreement. (d) In the event of concurrent negligence, liability for any claims, suits, or actions arising out of this Agreement shall be apportioned between the Parties under the established California rules of comparative negligence.

- 4.3 City's right to use the Use Area under this Agreement shall extend for a period of twenty five (25) years, beginning on the date the Agreement is executed and ending on the last day of calendar year 2026. This Agreement shall automatically extend from calendar year to calendar year thereafter unless the party(ies) give(s) notice to the other party(ies) of the termination this Agreement by December 31 of any year, at which point the Agreement will be terminated at the end of the following calendar year.
- 4.4 All of the provisions of this Agreement shall extend to, be binding upon, and inure to the benefit of the successors, assigns, and successors-in-interest of the parties hereto.
- 4.5 If any term, covenant, condition, restriction or reservation in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
- 4.6 This Agreement may be amended, modified or terminated at any time only by the mutual consent in writing of the parties hereto.
- 4.7 The aforementioned indemnity provisions shall survive the termination of this Agreement. Each party shall maintain all

insurance coverage necessary to enable it to fulfill the indemnity provisions herein.

- 4.8 Waiver. The failure of either party to enforce any provision of this Agreement shall not be deemed a waiver of that provision unless such party acknowledges, in writing, that it is waiving that provision.
- 4.9 Prohibited activities on District property. (a) Prohibitions. No alcohol, smoking, drugs, or dogs or other animals (other than seeing eye dogs), shall be permitted upon or within any of the District property covered by this Agreement while the property is being used by the City, or during the course of any activities or programs sponsored by the City. The City shall also make reasonable efforts to have these prohibitions observed by members of the general public, and will, at the request of the District or at its own initiation, adopt suitable ordinances if such action is deemed necessary and appropriate for enforcement purposes. (b) Excessive use. The City will limit or restrict the activities under its own control to avoid undue stress or damage to the District property covered by this Agreement.
- 4.10 Notices. Any notices given to the other party under this Agreement shall be in writing and shall be either personally delivered to the other party or sent by certified mail, return receipt requested, addressed to the other party as follows:

To the City: City of Menlo Park
 Attention: City Manager
 701 Laurel Street,
 Menlo Park , CA. 94025

To the District: Ravenswood City School District
 Attention: Superintendent
 2160 Euclid Avenue
 East Palo Alto, CA 94303

IN WITNESS WHEREOF District, City and CDA have caused this Agreement to be executed by their duly authorized officials as of the day and year first above written.

District: Ravenswood School District

Date: 12/7/01

By: *Mark McElhannon*

Its: Chief Business Officer

Attest: *[Signature]*

City: City of Menlo Park

Date: 12-17-01

By: *[Signature]*

Its: City Manager

Attest: *Susan G. Ramms*

**CDA: Community Development Agency
of the City of Menlo Park**

Date: 12-17-01

By: *[Signature]*

Its: Executive Director

Attest: *Susan G. Ramms*

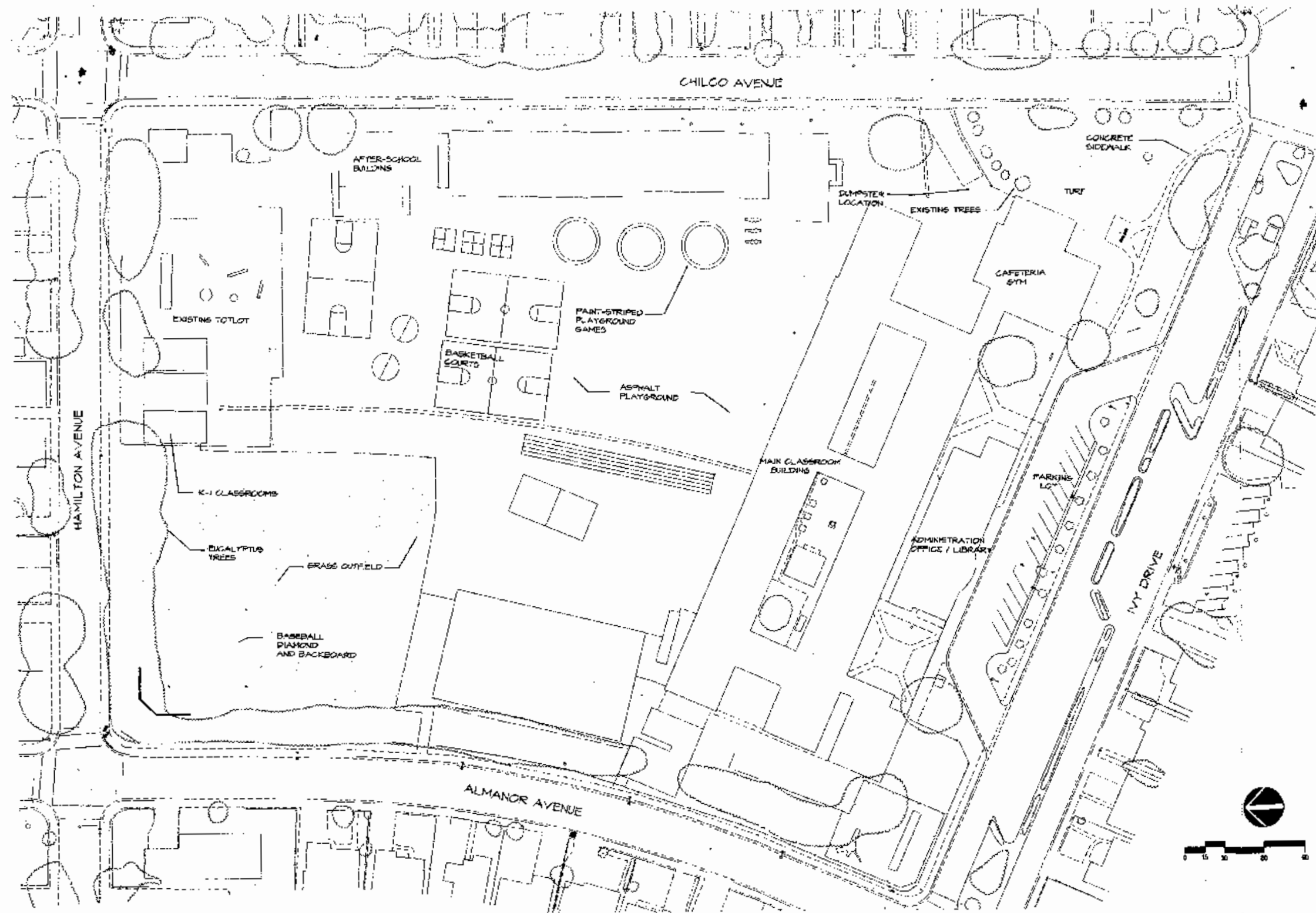


EXHIBIT A: EXISTING IMPROVEMENTS

DATE: _____
 SCALE: _____
 DRAWN BY: BLW
 DRAWING NAME: _____
 DESIGNED BY: _____
 CHECKED BY: _____
 SURVEYED BY: _____

APPROVED: _____
 RICHARD R. HINGO, DIRECTOR OF ENGINEERING SERVICES
 CITY OF MENLO PARK
 DATE: 4/21/00
 S.C.E. # _____
 EXPIRES: _____

NO. 57 DATE: 4/21/00



CITY OF MENLO PARK SUB-CONSULTANT
ENGINEERING DIVISION
 701 LAUREL STREET, MENLO PARK, CA 94025-2483
 PHONE (650) 558-3420 FAX (650) 558-3478

CONSULTANT

MELVIN LEE ASSOCIATES, AIA
 LANDSCAPE ARCHITECTS - PLANNERS
 1850 PACIFIC AVE. SAN FRANCISCO
 CALIFORNIA 94109-2581 415/441-9988

BELLE HAVEN SCHOOL

SHEET 1

OF SHEETS
 PROJ. NAME
BELLEHAVEN SCHOOL

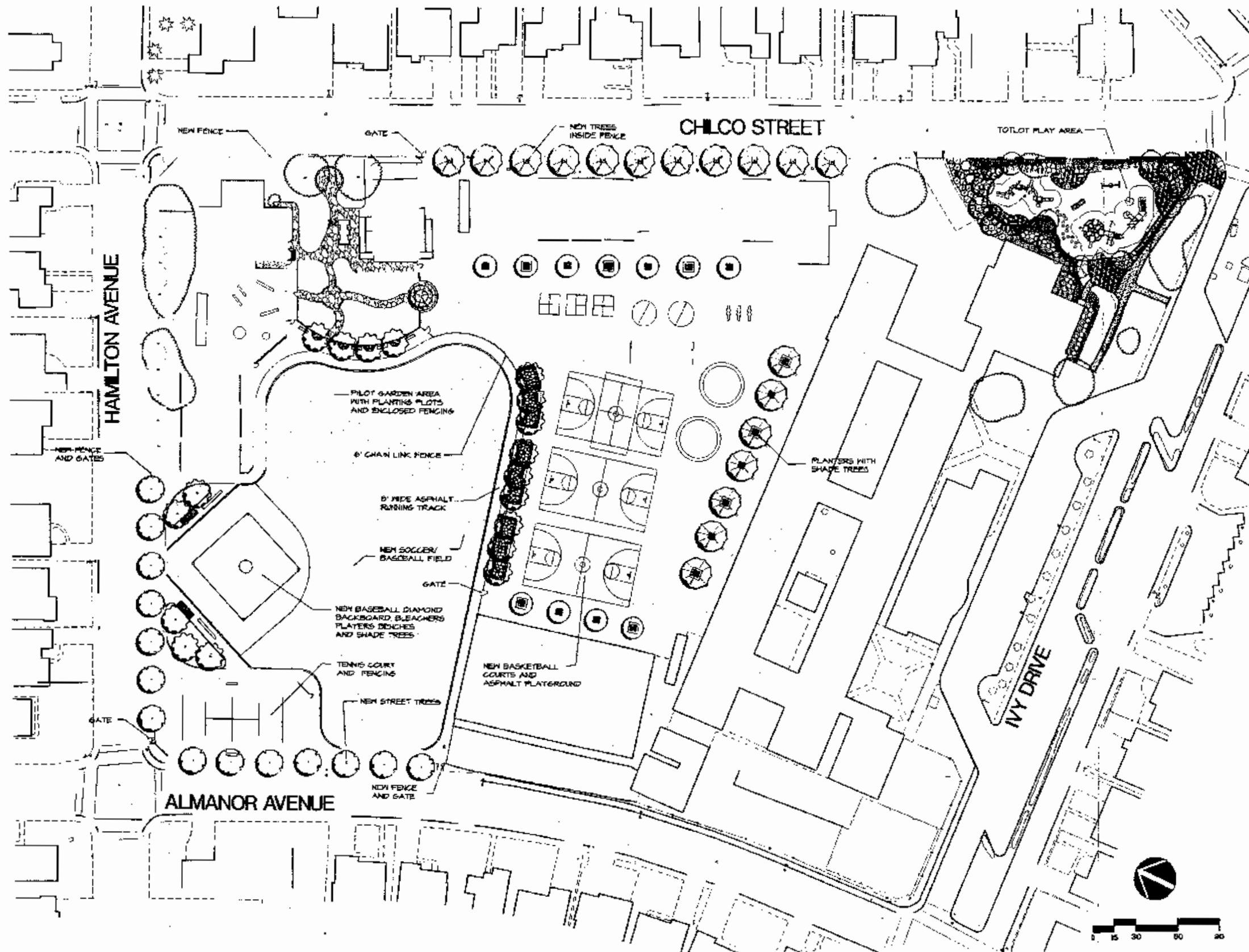


EXHIBIT B: FUTURE IMPROVEMENTS
BELLE HAVEN SCHOOL

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

MELVIN LEE ASSOCIATES, ASLA
 LANDSCAPE ARCHITECTS, PLANNERS
 1650 PACIFIC AVE. SAN FRANCISCO
 CALIFORNIA 94109-2549 (415)441-9988

Date: 11-06-01



May 11, 2022

Gina Sudaria, Superintendent
Ravenswood City School District
2120 Euclid Avenue
East Palo Alto, CA 94303

RE: Confirmation of pilot Project for neighborhood access to Belle Haven School field

This letter confirms that pursuant to Section 2 of the Belle Haven School Joint Use Agreement (“Agreement”) between the City of Menlo Park (“City”) and Ravenswood City School District. (“District”), herein referred to collectively as “Parties,” the Parties desire to implement a pilot project to facilitate neighborhood access to the Belle Haven School field,

Pursuant to the authorities and obligations already set forth in the Agreement, both Parties agree that:

1. The Parties mutually commit to implement a pilot project to provide neighborhood access to the Belle Haven School field for neighborhood-oriented informal play, gathering, walking, and exercise
2. The pilot project will be implemented in accordance with all terms and conditions of the Agreement, which remains in full effect without alteration
3. Neighborhood access to the field will be provided through the existing gate on the Almanor Ave. side of the Belle Haven School property
4. Hours of neighborhood access on weekdays will extend no earlier than 4:30 p.m. and no later than sunset; and on weekends no earlier than 9:00 a.m. and no later than sunset
5. Neighborhood access will begin on or after July 1, 2022
6. The Parties will evaluate the pilot project on or around October 1, 2022
7. The Parties expect the pilot project will end on October 15, 2022
8. Pursuant to sections 2.3 and 2.4 of the Agreement, The Parties will coordinate and share the responsibility for opening and closing the neighborhood gate at the designated times, on a rotation mutually established by the Parties
9. Pursuant to section 3.2 of the Agreement, City will be responsible for waste and recycling collection and removal related to neighborhood access to the field
10. City will post rules and policies for neighborhood access, and enforcing them during neighborhood access hours
11. Pursuant to section 3.2 of the Agreement, City will be responsible for field maintenance related to neighborhood access to the field
12. District will continue to implement measures District deems necessary to secure the school campus against unauthorized access by way of the

neighborhood access field.

The Parties mutually commit to the above by signature of their duly authorized officers:

CITY OF MENLO PARK

Justin Murphy, City Manager

Date

RAVENSWOOD CITY SCHOOL DISTRICT

Gina Sudaria, Superintendent

Date