



**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**NOVEMBER 14, 2007**

**6:00 P.M.**

**Meeting Room**  
**Town Administrative Offices**

91 Ashfield Road  
Atherton, California

**Special Meeting**

**6:00 P.M.     ROLL CALL             Janz, J. Carlson, Marsala, A. Carlson, McKeithen**

**6:02 P.M.     PUBLIC COMMENTS**

**6:05 P.M.     CLOSED SESSION**

**A.     CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to subsection (b) of Government Code Section 54956.9:**

**One (1) potential case**

**B.     CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9**

**Case # Civ 467582 in the Superior Court, State of California, County of San Mateo, entitled John P. Johns Petitioner, v. Town of Atherton et al Respondents**

**C.     LIABILITY CLAIMS – pursuant to Government Code Section 54956.95**

**Claimant: John P. Johns**  
**Agency Claimed Against: Town of Atherton**

**Claimant: Dr. Frank L. Altick**  
**Agency Claimed Against: Town of Atherton**

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*Please contact the City Clerk's Office at 650.752.0500 with any questions.* Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)



**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**NOVEMBER 14, 2007**

**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California

**SPECIAL MEETING**

**PLEASE NOTE:** *Times listed on the Agenda are an approximation and not a time certain. The Council may take up items out of order. Please arrive well in advance of the time listed for any item in which you are interested.*

- 7:00 P.M.     1.     **PLEDGE OF ALLEGIANCE**
- 7:03 P.M.     2.     **ROLL CALL**     Janz, J. Carlson, Marsala, A. Carlson, McKeithen
- 7:05 P.M.     3.     **PRESENTATIONS**
- A.     Police Department Swearing In - Dispatcher Nicole Amore  
B.     Annual Red Ribbon Week Presentation
- 7:30 P.M.     4.     **PUBLIC COMMENTS** (only for items which are not on the agenda – limit of three minutes per person)
- 7:45 P.M.     5.     **STAFF REPORTS**
- 7:55 P.M.     6.     **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed by Resolution No. 99-6)
- A.     Park and Recreation Commission  
B.     Arts Committee
- 8:15 P.M.     **CONSENT CALENDAR** (Items 7-14)

*(Consent Calendar items are routine in nature and are generally considered in one motion and adopted by a single vote of the City Council. If discussion regarding a Consent Calendar item is desired, the member(s) of the City Council, public, and/or staff wishing to pull the item should so indicate at the time the Mayor calls for consideration of the Consent Calendar.)*

7. **APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL CLOSED SESSION MEETING AND REGULAR MEETING OF OCTOBER 17, 2007**
8. **APPROVAL OF BILLS AND CLAIMS FOR OCTOBER IN THE AMOUNT OF \$ 677,586**
9. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR OCTOBER 2007**
10. **ACCEPTANCE OF THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2007**
11. **APPROVAL OF A CONDITIONAL USE PERMIT - HELICOPTER LANDING – 150 VALPARAISO (APN 070-390-010)**

**Recommendation:** Staff recommends that the City Council find that the landing of a helicopter at 150 Valparaiso (Sacred Heart Schools) in Atherton can be done without endangering the general welfare and safety of the persons at the site and of the surrounding properties and approve the Conditional Use Permit.

12. **ADOPTION OF ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING CHAPTER 8.54 OF THE ATHERTON MUNICIPAL CODE BY ADDING A NEW SECTION 8.54.050 ADOPTING DRAINAGE GUIDELINES**

**Recommendation:** Adopt ordinance establishing drainage criteria for the Town. The ordinance was introduced for a first reading at the regular City Council meeting on October 17, 2007, and is before the Council for second reading and adoption.

13. **A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON UPHOLDING APPEAL OF THE PLANNING COMMISSION DECISION DENYING USE PERMIT FOR 94 TALLWOOD BY GRANTING A USE PERMIT AND FINAL CERTIFICATE OF OCCUPANCY**

**Recommendation:** Staff recommends that the City Council adopt the Resolution upholding appeal of the Planning Commission decision denying use permit for 94 Tallwood Court by granting a use permit and final certificate of occupancy.

14. **ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS AND QUANTITY CHANGES IN THE AMOUNT OF \$237,053 FOR THE STREET RECONSTRUCTION PHASE 3 PROJECT NUMBER 05-005**

**Recommendation:** Accept work, authorize recording of a notice of completion, and approve contract change orders in the amount of \$237,053 for the Street Reconstruction Phase 3 Project, Project No. 05-005.

**PUBLIC HEARINGS** (Item 15)

- 8:20 P.M. 15. **APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING APPLICATION FOR HERITAGE TREE REMOVAL AT 44 TUSCALOOSA** (*Continued from the October 17, 2007, City Council meeting.*)

**Recommendation:** Staff recommends that the City Council conduct the public hearing, deny the appeal and uphold the decision of the Planning Commission to deny the heritage tree removal permit for the reasons outlined in this report.

**REGULAR AGENDA** (Items 16-27)

- 8:20: P.M. 16. **CONSIDERATION OF EXECUTION OF SETTLEMENT AGREEMENT-TOWN OF ATHERTON V. SEQUOIA UNION HIGH SCHOOL DISTRICT**

**Recommendation:** Consider settlement agreement between the Town and the Sequoia Union High School District relative to pending litigation in the case of Town of Atherton v. Sequoia Union High School District, et al., Case No. CIV 458899, Superior Court of California, County of San Mateo. Approval of the agreement is recommended.

- 8:50 P.M. 17. **QUARTERLY CONSULTATION WITH THE MENLO PARK FIRE PROTECTION DISTRICT – (Oral Report)**

- 9:00 P.M. 18. **INTRODUCTION OF AN ORDINANCE AMENDING TITLE 15 OF THE ATHERTON MUNICIPAL CODE, REPEALING ORDINANCE 537, AND ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND ADOPTING CURRENT BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, ENERGY, HISTORICAL BUILDING CODE, HOUSING CODE, AND SEISMIC HAZARDS CODES, RETAINING EXISTING ABATEMENT OF DANGEROUS BUILDINGS CODE, AND RATIFYING FIRE CODE**

**Recommendation: Adopt the 2007 California Building Codes and provide for the administration thereof; amend and adopt other related ordinances.**

- 9:30 P.M. 19. CONSIDERATION AND POSSIBLE APPROVAL OF LETTER TO RESIDENTS PERTAINING TO ACCESS AND FIRE/SUPPRESSION WATER SUPPLY PREPARED BY MENLO PARK FIRE PROTECTION DISTRICT**

**Recommendation: Consider draft letter which has been prepared by the Menlo Park Fire Protection District (“Fire District”) for distribution to Atherton residents. Provide direction to Staff for any revisions to the letter and direct further action with respect to possible distribution of the letter.**

- 9:40 P.M. 20. REQUEST TO RECONSIDER THE EXTENSION OF TENTATIVE PARCEL MAP AT 64 MOULTON DRIVE (APN0 61-350-020)**

**Recommendation: Deny request to reconsider the parcel map extension as previously granted by the City Council for 64 Moulton Avenue**

- 9:55 P.M. 21. COMMITTEES AND COMMISSION MASTER SCHEDULE**
- A. ADOPTION OF A GOVERNING RESOLUTION REGARDING COMMITTEES AND COMMISSIONS**
  - B. ADOPTION OF A RESOLUTION AMENDING COUNCIL’S RULES OF PROCEDURE**
  - C. INTRODUCTION OF AN ORDINANCE RESCINDING SECTIONS 2.37 AND 2.40 OF ATHERTON’S MUNICIPAL CODE**
  - D. ADOPTION OF A RESOLUTION RESCINDING RESOLUTION NO. 98-06 ESTABLISHING AN ARTS COMMITTEE**

**Recommendation: Review resolution which is designed to provide one master document governing all Town committees with the exception of the Planning Commission. If adopted, proceed with Items B, C, and D.**

- 10:10 P.M. 22. CITIZEN REQUEST TO MODIFY THE RULES, REGULATIONS AND PROCEDURES FOR MANAGING TRAFFIC (TRAFFIC PROGRAM)**

**Recommendation: Council provide direction and refer to the Transportation Subcommittee to prepare recommendations in accordance with Council direction.**

- 10:25 P.M. 23. STUDY OF TRAFFIC DATA 1996 V. 2006**
- Recommendation: Review the comparison of the 1996 Traffic Enforcement Study to 2006 traffic data and provide direction to staff.**
- 10:35 P.M. 24. TRAFFIC ON HOLBROOK LANE**
- Recommendation: Receive data from traffic counts made before and after signal timing changes at Marsh Road and give direction to staff.**
- 10:45 P.M. 25. LANDSCAPING FOR 12 SELBY LANE**
- Recommendation: Review report by Arborist Kevin Kielty pertaining to replacement landscaping following improper heritage tree removal at 12 Selby Lane. Provide direction to Staff regarding replacement landscaping and expenditure of funds for this purpose.**
- 11:00 P.M. 26. IMPROVEMENTS FOR TOWN HOME**
- Recommendations: Staff is developing two plans for Town Home improvements. The first plan is for required improvements; the second for enhancements recommended by staff, the Park and Recreation Commission and the Facilities Committee (the Facilities Committee has not yet addressed this issue). Council to give additional direction or recommendations.**
- 11:15 P.M. 27. ABSENCE OF OVERCHARGES IN BUILDING PERMIT FEES UNIFORM BUILDING CODE TABLE 1-A/ CALIFORNIA BUILDING CODE TABLE 1-A (Continued from the City Council meeting of October 17, 2007.)**
- Recommendation: Direct Staff regarding actions to recover under charges for building permit fees. An issue has arisen concerning the possible overcharge of building permit and inspection fees. As may be seen from the memorandum dated September 29, 2007, from the Building Official on the subject of charges for public services, building permit and inspection fees, it appears that the Town has not been overcharging for fees. In fact, it appears that the Town may have collected less than it was entitled to collect, although this amount may not exceed some \$30,000.00.**
- 11:30 P.M. 28. DISCUSSION AND POSSIBLE ACTION TO CANCEL THE REGULAR CITY COUNCIL MEETING OF DECEMBER 19, 2007, AND SCHEDULE A SPECIAL CITY COUNCIL MEETING FOR DECEMBER 12, 2007**

- 11:35 P.M. 29. COUNCIL REPORTS
- 11:45 P.M. 30. PUBLIC COMMENTS
- 11:55 P.M. 31. ADJOURNMENT

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**DRAFT MINUTES**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**October 17, 2007**  
**5:00 P.M.**  
**Meeting Room**  
**Town Administrative Offices**  
91 Ashfield Road  
Atherton, California  
**Special Meeting**

The meeting was called to order by Mayor Alan Carlson at 5:00 p.m.

**ROLL CALL**

**PRESENT:** James R. Janz  
Jerry Carlson  
Charles E. Marsala  
Alan B. Carlson  
Kathy McKeithen

**PUBLIC COMMENTS**

There were no public comments.

**CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9**

**Charles W. King III and Leslie King v. Town of Atherton, et al. Superior Court of California, San Mateo County, CIV 461513**

**Town of Atherton vs. Sequoia Union High School District, et al.**  
**Superior Court of California, San Mateo County, CIV 458899**

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
**Significant exposure to litigation pursuant to subsection (b) of Government Code Section 54956.9:**

**One (1) potential case**

**RECONVENE TO OPEN SESSION**

**Report of action taken.**

**City Attorney Marc Hynes reported out of Closed Session that no reportable action was taken on either Item A or B.**

**ADJOURN**

**The meeting was adjourned by Mayor Alan Carlson at 6:55 p.m.**

**Respectfully submitted,**

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**Alan B. Carlson**  
**Mayor**

**Minutes Prepared by:**  
**Kathi Hamilton**



**DRAFT MINUTES**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**OCTOBER 17, 2007**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

Mayor Alan Carlson called the meeting to order at 7:01 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**

**PRESENT:** James R. Janz  
Jerry Carlson  
Charles E. Marsala  
Alan B. Carlson  
Kathy McKeithen

Interim City Manager Wendé Protzman and City Attorney Marc Hynes were also present.

3. **PRESENTATIONS**

**REPORT FROM LAFCo – Martha Poyatos**

Martha Poyatos, Executive Officer, Local Agency Formation Commission (LAFCo), gave a PowerPoint presentation and explained a special process being undertaken by LAFCo to study the 20 cities and special districts in San Mateo County. LAFCo was an independent commission created by the Legislature with jurisdiction over the regulation of boundaries in cities and special districts. LAFCo was responsible for adopting and renewing Spheres of Influence as well as conducting Municipal Service Reviews (MSR). Atherton's Sphere of Influence Review and MSR were to be prepared based on completion of the annual audit for Fiscal Year Ending June 2007. The Atherton Drainage District would be reviewed as well.

Council Member McKeithen raised issues regarding the Atherton Drainage District for review.

#### **4. PUBLIC COMMENTS**

**Jim Dobbie, Atherton, asked that the Public Works Department review implementation of left- and right-hand turn lanes at Middlefield Road and Watkins Avenue.**

**Karen Bacon, Atherton, requested that Council reconsider its decision extending the Tentative Parcel Map at 64 Moulton Drive. Access at the west end of the lot was approximately 14 feet and encumbered by a heritage Valley Oak, a fire hydrant, a telephone pole, and electrical panel. In the interest of the safety of the neighborhood and accessibility of fire apparatus, she asked Council to reconsider its decision.**

**City Attorney Marc Hynes explained reconsideration options for Council.**

**Mayor Alan Carlson had no objection of putting the question on the next agenda to determine whether a majority of Council wanted to reconsider its decision.**

**Deputy Town Planner Lisa Costa Sanders said she would meet with the Menlo Park Fire Protection District regarding potential safety issues in advance of the meeting.**

**Clarice Merrill, Atherton, the property owner at 64 Moulton Drive, explained the unfortunate circumstances, which led to the delay of the project. She explained that the request for an extension was done in a timely manner as prescribed by law. The house was built and finished. Moving the driveway was not something to reconsider.**

**Mayor Carlson asked staff to include in the staff report any adverse impacts to the property owner by delaying the project.**

**Virginia Ruggeiro, Atherton, spoke regarding an announcement that five cities in San Mateo County received a share of \$2 million to transform El Camino Real into a Grand Blvd. Atherton was not among them, and she suggested the Town needed to pursue whatever grants were available. Additionally, she proposed all the signs that said Town of Atherton with the words “City Limits” be changed to “Town Limits.” Additionally she wanted emphasize the words from the City Manager’s recruitment brochure that said streets in Atherton were “scenic routes, not speed of travel.”**

**Public Works Director Duncan Jones noted that the transformation of El Camino Real was mostly the rejuvenation of commercial properties.**

**Randy Lamb, Atherton, said the judge issued a ruling regarding the litigation between the Town and the Lambs that recommended the Town’s Historic Artifacts Ordinance be reviewed as it related to the Lambs, or any future, applications. He queried when the ordinance might be reviewed. Additionally, he noted he found information on the internet regarding two contracts involving Finance Director John Johns, one of which was for 400 hours starting in February 2007 with the County of Sutter.**

**John Sisson Atherton, spoke regarding the failure of Lloyd Park's disaster preparedness. He heard from Council Member McKeithen that the \$100,000 allocated for disaster preparedness had been allocated/spent. An exercise was planned for November 14<sup>th</sup>, and Lloyd Park did not have the necessary equipment to participate. Further, he asked what conditions established a hostile work environment.**

**Mayor Carlson stated the question was inappropriate during the Public Comment period.**

**Council Member McKeithen said she communicated with the Menlo Park Fire Protection District regarding a possible meeting to discuss what could be done to acquire the necessary equipment to participate in the disaster preparedness exercise.**

## **5. STAFF REPORTS**

- **City Attorney Marc Hynes reported out of Closed Session as follows:**

**A. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9**

**Charles W. King III and Leslie King v. Town of Atherton, et al.  
Superior Court of California, San Mateo County, CIV 461513**

**There was no reportable action.**

**Town of Atherton vs. Sequoia Union High School District, et al.  
Superior Court of California, San Mateo County, CIV 458899**

**There was no reportable action.**

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to subsection (b) of Government Code Section 54956.9:**

**One (1) potential case**

**There was no reportable action.**

- **Interim City Manager Wendé Protzman introduced Letty Juarez, who was helping the Town with its Human Resources and Risk Management functions, and Bill Yeomans, who was working as a consultant in the Finance Department.**
- **Council Member McKeithen asked the City Attorney to report on the P.G.&E. issue in November.**

6. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**Victoria Manor Homeowners' Association – James Yoshida**

**James Yoshida, represented Victoria Manor Homeowners' Association, which was comprised of 29 households, a very small community surrounded by Menlo College and Menlo School. The Association was formed in 1997 due to traffic problems with the school and commute traffic at Victoria, Valparaiso, and El Camino Real. The Association was involved with an emergency preparedness project and hoped to form a working committee in 3 to 6 months.**

**CONSENT CALENDAR (Items 7– 14)**

**Council Member McKeithen asked for clarification on Item Nos. 11, 13, and 14.**

**MOTION – to approve the Consent Calendar as presented.**

**M/S J.Carlson/McKeithen**

**Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**7. APPROVED MINUTES OF THE SPECIAL CITY COUNCIL CLOSED SESSION MEETINGS OF SEPTEMBER 4 AND SEPTEMBER 12, 2007; THE SPECIAL CITY COUNCIL CLOSED SESSIONS OF SEPTEMBER 19, 2007; AND THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 19, 2007**

**8. APPROVED BILLS AND CLAIMS FOR SEPTEMBER IN THE AMOUNT OF \$ 742,509**

**9. ACCEPTED MONTHLY FINANCIAL REPORT FOR JULY, AUGUST, AND SEPTEMBER**

**10. ACCEPTED QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2007**

**11. REVIEW AND APPROVAL OF RESOLUTION ACKNOWLEDGING PARTICIPATION IN THE SAN MATEO COUNTY SUB-REGION FOR THE REGIONAL HOUSING NEEDS ALLOCATION PROCESS (RHNA) AND ACCEPTANCE OF THE ASSIGNED HOUSING SHARE**

**Adopted Resolution No. 07-28 acknowledging participation in the San Mateo County Sub-region for the Regional Housing Needs Allocation (RHNA) Process and acceptance of the assigned housing share in accordance with the Sub-regional Technical Advisory Committee and Policy Advisory Committee recommendations.**

**12. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH HEXAGON TRANSPORTATION CONSULTANTS TO PREPARE A TRAFFIC STUDY FOR SACRED HEART SCHOOLS**

**Approved the attached Professional Services Agreement with Hexagon Transportation Consultants to prepare a traffic study to be used as part of an Initial Study and Draft Negative Declaration for Sacred Heart Schools.**

**13. APPROVAL OF CONTRACT FOR TEMPORARY SERVICES, SUSAN TSAI, STAFF MEMBER, FINANCE DEPARTMENT**

**Approved a contract with Susan Tsai for services in connection with the Town's Finance and Building Departments. The contract envisions the performance of services by Ms. Tsai as a Staff Member in the Department of Finance.**

**14. APPROVAL OF CONSULTANT CONTRACT, WILLIAM H. "BILL" YEOMANS, TEMPORARY FINANCE OFFICER SERVICES**

**Approved an agreement with Mr. William H. Yeomans for services in connection with the Town's Finance Department. The agreement envisions Mr. Yeomans' services on a 3-day per week basis. Mr. Yeomans has previously served as Acting Director of Finance for the Town.**

**PUBLIC HEARINGS (Items 15-17)**

**15. A. APPEAL OF THE PLANNING COMMISSION DECISION DENYING A CONDITIONAL USE PERMIT FOR 94 TALLWOOD** *(Continued from the September 19, 2007, City Council meeting.) (Due to the length of some attachments, they will be available for review at the library and/or Town Hall.)*

**Mayor Alan Carlson recused himself from the matter. Vice Mayor Janz presided over the item.**

**City Attorney Marc Hynes introduced Attorney Jean Savoree who would be the attorney of record for the Council. Bryan Winter would be the attorney for staff, and Chris Carrigan represented the Town in the ongoing litigation between the Kings and the Town.**

**Vice Mayor Janz said requests were also received for two other Council Members to recuse themselves.**

**Council Member Charles Marsala stated he was prepared to hear the evidence as presented, to keep an open mind, and to listen to the discussion to make a determination on what was presented.**

**Council Member Kathy McKeithen stated she had not formed an opinion on the matter and believed she could hear the item in a fair and impartial manner.**

**Deputy Town Planner Lisa Costa Sanders presented the staff report. The item before the Council was an appeal of the Planning Commission's (PC) decision to deny a Conditional Use Permit (CUP) at 94 Tallwood Court. The subject**

property was a flag lot, approximately 1.42 acres, and the property owner applied for a CUP to exempt the basement area from the requirement of calculating the floor area when the basement exceeded 2 feet in height above the surrounding average natural grade. The exception could be made by the PC on properties where the average cross slope exceeded 20% as determined under section 16.24.050 of the Municipal Code. The PC reviewed the item at its July 25<sup>th</sup> meeting and did not approve the request for the following reasons: 1) the property did not meet the hillside code requirement of greater than 20%; 2) the PC relied on strict compliance with the code; 3) any modification to the ordinance with respect to the item should be done by the City Council; and 4) the purpose of the PC was to enforce the ordinances currently on the books. The engineering report as presented by the appellant indicated the site had an average cross slope of 18.6 %. Based on the information provided by the appellant, staff did not believe the site met the objective criteria as stated in the ordinance. Staff recommended denial of the appeal consistent with the action taken by the PC.

Vice Mayor Janz opened the public hearing.

William Ross, Attorney for appellants Charles and Leslie King, outlined the bases for the appeal and gave a timeline from the original application in January of 2005. He and the appellants were before the Council with regard to the CUP in an effort to settle the litigation. There were two concepts that Council might wish to consider in issuing a Certificate of Occupancy: 1) substantial compliance with the standards of the Zoning Code; and 2) estoppel, the concept of fairness. After approval of the plans on June 21st, 11 inspections took place in the progressive construction of the residence (June 24, 2005; October 3, 2005; December 3, 2005; January 7, 2006; May 9, 2006; May 18, 2006; June 9, 2006; June 28, 2006; September 27, 2007; October 6, 2006; and November 21, 2006). As of October, when the Town issued the abatement notice, the structure was 99.5% completed. What was at issue before the Council was a matter of fairness. He believed there was substantial compliance with regard to the 18.6% average cross slope, which was 93% of the 20% requirement. No authority had been presented that stated actual compliance was required with respect to zoning ordinances. He asked Council to consider the fairness aspects in implementing what was an exercise of police power, the public health, safety, and welfare. All the criteria of the public health, safety and welfare had been met legally by evidence and factually under the circumstances that the Kings proceeded in the construction of the home until October 2006, expended funds in compliance with what was represented to them as the applicable standards for development of the home, and had been denied occupancy for 82 days which presented a hardship to their family. He urged Council to grant the appeal based on substantial compliance and estoppel. The Kings were entitled to rely on the representations of Town officials even if they were in error or incorrect.

Leslie King, appellant, said her family was granted temporary occupancy of 94 Tallwood Court on the basis of agreeing to pursue a settlement and putting

litigation on hold. She was bewildered why the issue had not been resolved. She urged Council to grant a CUP or drop the notice of abatement. Since the issue was a matter of principle, she would continue in order to prevent anyone else from enduring what her family endured. She was appalled the Town used tax dollars to fight such cases. She did not believe the Town should assess any additional fees since her family had been penalized enough. Mistakes were made, and the time had come to move forward.

Steve Nachtsheim, Atherton, expressed frustration at all the negative articles written about the Town. He would rather spend money to fix the park or streets. He could not comment on the merits of the case; however, he urged Council to grant the appeal.

Suzanne Legallet, Atherton, concurred with the previous speaker. In fairness to the Kings, they should be given the privilege to live in the home. She, too, was embarrassed by what she read in the press.

Steve Dostart, Atherton, believed unless there was bad faith, unless the property owners intentionally misled the public or brokered an illegal deal with the former Building Official, they should be given their home.

Gary Ahern, the project architect for 94 Tallwood Court, had also been the architect on many other projects in the Town. Every city had different zoning ordinances, and he evaluated each one before he began a project. Since the King's property was a unique site, he explored all the issues, and met with the former Building Official. The Uniform Building Code (UCB) gave the Building Official the power to render interpretations of the UCB and to adopt and enforce the rules and supplemental regulations to clarify the applications of its provisions. The Town hired the Building Official to make those decisions. Based on information after the plan review, the architect believed the basement was not included in the square footage and the 10,323 square feet represented what was above grade. The rules changed after the Town's audit of the Building Department, and the basement became an issue. Mr. Ahern proceeded on the interpretation of the former Building Official, who had not made the interpretation capriciously or in bad faith. He believed estoppel was correct, i.e. in all fairness grant the appeal and move forward.

Michael Reed, attorney for the Kings, clarified the elevation of each floor, as noted on the plans, was expressly set forth on the final set of plans that were reviewed and approved without comment as to the height of the basement. He recalled that if the measurement were taken from the interior ceiling of the basement, the height differential above the permitted height would be a matter of inches; whereas, if the measurement were taken from the finished first floor height, the differential would be closer to 2 feet.

Jim Dobbie, Atherton, Planning Commission Member, said relying on substantial compliance was a dangerous precedent for the Planning

**Commission. If the Council were to approve the appeal, Council should do so on the basis of fairness .**

**Charles King, Atherton, agreed with Mr. Dobbie. He understood the Planning Commission's position. He was hoping that the Council would look at the situation, accept the situation, and approve the appeal. He submitted 40 letters from neighbors in support of the project.**

**Lisa Lamb, Atherton, was a builder in the Town. She was worried that at the discretion of a Town official, that the same thing could happen to one of her projects. She believed what the Kings went through was shameful.**

**Sherry Shank, Atherton, lived in the Town for 55 years. She thought the Town was in total disarray. She did not understand what difference it made whether the interpretation was 2 inches or 15 inches on a hillside that no one looked at and did not seem fair.**

**Vice Mayor Janz closed the public hearing.**

**Council Member McKeithen said the issue was not meant to be part of the Building Department audit but had become an unfortunate offspring. Both parties made mistakes. Council needed to look to whether anyone was being hurt, i.e. was there a safety issue, was there a health issue, and was the general welfare of the community being hurt. She looked at whether there were any conditions of approval for a CUP, which might adversely affect anyone in the community. The only issue she saw was the excessive square footage and permit cost. She believed an additional fee should be paid for the additional square footage and saw it as an equity issue. She believed Council should grant the appeal and approve the CUP with the understanding that any additional fee for additional square footage, plus any late fee, should be assessed.**

**In response to Vice Mayor Janz, Attorney Chris Carrigan clarified if the Building Official made a mistake, and it's clear from the zoning ordinance that a mistake was made, an ignorance of the zoning ordinance was not a defense to proceed with construction on the face of such a violation. The courts had stated that the law was harsh on applicants, but the Town and its citizenry should not be punished for a mistake of an official in issuing a permit, not in interpretation, but in its face was in violation of the code. The current issue was a unique circumstance and would not set a precedent for other occurrences. The law said if the project was approved but was in facial violation of the code, the project would not be allowed to proceed. The Council had discretion to grant a waiver from the interpretation and grant the CUP on the basis that it substantially complied with the zoning code. Council could find evidence that supported findings that there was no impact to surrounding neighbors in terms of view and no impacts in terms of excessive grading.**

**Council Member Marsala said the project contained a very complicated slope, different calculations came out in the Phase III audit, and the issue had gone on**

way too long. He believed the code needed to be reviewed in regard to determining basement height, i.e. calculating basement height based on the first floor was incorrect. He reviewed the history of the basement ordinance. Government was a process and sometimes laws needed to be modified. Perhaps the original ordinance did not consider what happened west of the Alameda. He was in favor of granting the appeal and approving the CUP without assessing any additional fees. In the future, the General Plan needed to be reviewed and receiving input from citizens west of the Alameda was imperative.

Council Member Jerry Carlson was tired of the Building Department fiasco. Attorney Chris Carrigan clarified the only way substantial compliance could set a precedent was if the exact set of circumstances existed, which would be highly unlikely. Council Carlson said the question was whether Council wanted to place conditions on the CUP. He queried whether a fee for the extra square feet of 1183 and possibly a fee would be fair at the present time.

Attorney Savoree said if Council was moving in the direction of granting the CUP, it would need to determine the findings to support that decision based on section 17.52.050 of the Municipal Code.

Vice Mayor Janz said resolving the issue was preeminent. He disagreed with Council Member Marsala to speculate on how the law might evolve. The issue before the Council was the fact that there was more square footage than was contemplated in the code.

Council Member McKeithen believed the proper procedure was to pay what would have been paid at the time of application and whatever late fee would be assessed.

Council Member Marsala wanted to move incrementally. He was not in favor of charging a square footage or late fee. Basements did not count in square footage; therefore, no fee should be attached.

Council Member Carlson wanted to focus on the concept of fairness. He tried to balance what was fair for the Town, as well as what was fair to the Kings. In the end, he favored granting the appeal to approve the CUP with some conditions to reach a fair resolution.

Council Member Marsala believed the Kings had been penalized enough by being kept from their home and made the following motion:

**MOTION – to approve the appeal and issue a Conditional Use Permit with no penalty and no fee based upon the findings articulated in Municipal Code section 17.52.050, i.e., the proposed use that will not be detrimental or injurious to persons, property, or improvements in the area; Further, direction to staff to prepare the appropriate resolution of findings to be returned to the Council**

**The motion died for lack of a second.**

**MOTION – to approve the appeal and issue a Conditional Use Permit with the understanding that 1) applicable fees for the additional square footage will be paid with a waiver of any penalty; with the finding that the proposed project will not be detrimental nor injurious to person, property, or any improvement in the vicinity and will not be injurious to public health, safety, peace, comfort, or general welfare; 3) because the project is a single-family residence and is zoned for single-family residence; 4) because the lines of sight depicted on the exhibits submitted by the applicant show the project will have no adverse visual impact on surrounding property owners beyond those ordinarily attendant to a single-family structure; 5) given the fact the condition imposing applicable fees, notwithstanding the waiver of any penalties for the additional square footage, assures that any potential detriment to the Town or its residents arising from circumstances due to the excess Floor Area Ratio are offset; 6) the proposed project on the subject site is consistent with the General Plan and the Zoning Code and due to the unique slope, lot, and unique circumstances of the Town’s issuance of a building permit, the project substantially complies with the General Plan and Zoning Code; and 7) for equitable purposes; Additionally, the issuance of a CUP will in no way be deemed to be a precedent for other CUPs except for in the limited circumstances that the property is identical to the subject property; Further, the attorneys are directed to prepare a set of findings for approval at the City Council meeting of November 14, 2007**

**Mr. Ross requested that the public hearing be reopened since he did not have an opportunity to respond to: 1) the joint procedure and motion for the CUP; and 2) the imposition of fees and a penalty.**

**Vice Mayor Janz reopened the public hearing.**

**Attorney Ross did not believe there was evidence to support the imposition of additional building fees nor penalties for a late payment. Additionally, there was no indication on October 24, 2006 (prior to filing the lawsuit, prior to the stay of the litigation, and prior to the suggestion of the remedy) that there would be an imposition of any fees. He further reserved the right to contest the legal ability and the evidence in the records to impose it. There was no gift of public funds, which was the critical issue.**

**Charles King, the appellant, queried whether he would have to pay taxes on the extra square footage in perpetuity. He stated 10 to 11 months prior, he came to the Council and said he would pay the fee for the extra square footage in order to avoid litigation. He never received a response, forcing him to go down that path. He believed the Council was just trying to “save face.”**

**Vice Mayor Janz closed the hearing.**

**Attorney Carrigan clarified the imposition of fees would be based upon the fees at the time the permit was issued.**

M/S McKeithen/Janz      Ayes: 3   Noes: 1 (Marsala)   Absent: 0   Abstain: 0  
Recuse: 1 (A.Carlson)

Vice Mayor Janz called for a recess at 9:40 p.m.

**B.    APPEAL REGARDING 94 TALLWOOD** *(Continued from the September 19, 2007, City Council meeting.)*

Based on the outcome of Item 15A, there was no need to hear Item 15B.

Mayor Alan Carlson returned to the meeting and the meeting reconvened at 9:50 p.m.

**16.   APPEAL OF THE PLANNING COMMISSION DECISION DENYING APPLICATION FOR HERITAGE TREE REMOVAL AT 44 TUSCALOOSA** *(Continued from the September 19, 2007, City Council meeting.)*

**MOTION** – to continue the item, at the request of the appellant, to the Special City Council meeting of November 14, 2007

M/S McKeithen/Janz      Ayes: 5   Noes: 0   Absent: 0   Abstain: 0

**17.   INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 8 OF THE ATHERTON MUNICIPAL CODE REGULATING DRAINAGE** *(Continued from the September 19, 2007, City Council meeting.)*

Public Works Director Duncan Jones presented a brief staff report and noted the Drainage Criteria included the annotations as requested by Council. He responded to Council questions.

Mayor Alan Carlson opened the public hearing.

Jeff Wise, Atherton, thought staff picked all the requirements from the various plans and developed the Cadillac of drainage plans, the logic being homes were expensive and should be protected. He agreed with the sentiment; however, he was concerned that Council would be passing requirements that had far-reaching impacts on all developments in the Town. His civil engineer thought it was a good plan for civil engineers. The 100-year flood event was an estimate and theoretical. Anticipating new regulations and requiring them before they were passed was not a good idea. He recommended additional study.

Jim Chesler, Chesler Construction, attempted to read the Drainage Criteria three times. He believed it provided a lot of opportunity for soil and civil engineers. More than tens of thousands of dollars would be needed just to prepare the documents.

Mayor Carlson closed the public hearing.

**Council Member Marsala wanted to wait until the state laws were enacted. He thought more input should be sought.**

**Council Member McKeithen said a year of study went into the development of the Criteria, two public sessions were held, along with informal requests for comments. No matter what the people wanted, most of the regulations were previously required or new requirements were added in response to complaints. Council looked to staff as specialists, and Council needed to listen to what they said was needed. If problems arose, Public Works Director Jones would inform Council of the issue. She was in favor of passing the ordinance.**

**Mayor Carlson agreed with Council Member McKeithen's comments. Originally, he thought staff was reinventing the wheel and asked that the ordinance be annotated. He saw, for the most part, most of the regulations were already required or would be required. Expert opinion was sought, public comment was sought, and he was in favor of passing the ordinance.**

**Council Member Jerry Carlson noted the annotations were extremely helpful. He asked what whether any Town liability would be involved.**

**City Attorney Marc Hynes said the only liability he foresaw was if the Federal Government told you to do something and you did not do it, you could be subject to fines. The biggest concern was to ensure the Town was keeping abreast of the federal regulations.**

**In response to Council Member Carlson, Public Works Director Jones said the downstream protection requirements had been in place for almost ten years, arising out of potential lawsuits. The issues of protecting adjacent homeowners and homeowners themselves were the impetus for the study.**

**Council Member Carlson queried how many new regulations fell into the category that the 100-year flood might impact a homeowner and were not mandated by law. He was trying to ascertain whether requirements were being imposed that would affect the entire Town that were the result of one or two misadventures.**

**Public Works Director Jones responded one or two. He believed it was practical to design a project to divert the 100-year flood elsewhere on the property with grading. In the past three years, there were dozens of examples of problems related to drainage and drain failures.**

**Vice Mayor Janz said if the Town was actually doing something draconian and was causing doubling or tripling of fees, the Town would hear about it. However, the professionals recommended the Criteria and he was in favor of passing the ordinance.**

**MOTION – to introduce the ordinance “AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING CHAPTER 8.54 OF THE ATHERTON MUNICIPAL CODE BY ADDING A NEW SECTION 8.54.050 ADOPTING DRAINAGE CRITERIA” based on the fact the proposed amendment is**

required to adopt Drainage Criteria in order to achieve the objectives of the City Council to upgrade the Town's Drainage Criteria for development projects

M/S McKeithen/Janz      Ayes: 4    Noes: 1 (Marsala)    Absent: 0    Abstain: 0

**REGULAR AGENDA (Items 18-22)**

**18. COMMITTEE AND COMMISSIONS MASTER SCHEDULE**

- A. ARTS COMMITTEE**
- B. AUDIT COMMITTEE DISCUSSION REGARDING ITS CHARTER**  
*(Continued from the September 19, 2007, City Council meeting.)*
- C. FINANCE COMMITTEE**
- D. PARKS AND RECREATION COMMISSION**

City Attorney Marc Hynes said a number of action items were before the Council. An effort was made to put all the Town's committees/commission in one location with the exception of the Planning Commission, which would remain in the Atherton Municipal Code because it was established by ordinance. The resolution could be adopted that evening and the additional resolutions could also be adopted, which would carry out conforming amendments to the Town's Rules of Procedure, eliminate the chapters that established the General Plan Committee and the Park and Recreation Commission, and rescind the resolution that established the Arts Committee.

Council Member McKeithen suggested the title of the resolution should be "Governing Committees/Commissions" rather than "Establishing." She noted that not all voting members were recommended by the Screening Committee. Additionally, the Screening Committee might not have the right expertise for selecting members of certain committees, as well as delaying the process. With respect to the Audit Committee, she believed they needed to meet more often than biannually. Members of the Crime Prevention Committee needed to be designated as members of the community. The Environmental Programs Committee was expanded to even number of members, and she questioned whether that made sense. She further clarified and asked for clarification on the supporting documents.

Vice Mayor Janz believed the item required more thought. The changes were a big departure from the current system. He suggested Council individually give the City Attorney their comments and return the item to the next meeting.

Council Member Jerry Carlson suggested identifying a staff person who was responsible for the committee. He believed the City Manager should not be assigned as the staff person.

City Attorney Hynes said he used the terminology that the staff person would be determined by the City Manager to ensure a clear delineation as to who appoints which staff members to a committee. Some committees might not need much staff assistance, etc.

**Council Member Marsala did not believe the Crime Prevention Committee should be included, as it was more on the order of the Heritage Association. Some of the groups were not necessarily “Town” groups that would be subjected to terms.**

**John Ruggeiro, Atherton, spoke regarding the Transportation Committee. He noted there was no authority regulating the number of members. Council Member McKeithen cited the resolution indicated there were five members, two Council Members and three resident advisors.**

**Jean Schaaf, Atherton, spoke regarding the Arts Committee. The committee had great success with the annual art exhibit and reception. She did not believe a standard 4-year term for the Arts Committee would work. She urged Council to leave the terms open ended.**

**Vice Mayor Janz said with regard to the Atherton Rail Committee, membership should consist of “up to” 13 members and could apply to the Environmental Programs Committee and others.**

**Council Member Marsala noted the Environmental Programs Committee met quarterly.**

**Council would provide any additional comments to City Attorney Hynes.**

**With respect to the Audit Committee’s request to discuss its charter, Council Member Jerry Carlson said one of the original tasks given to the Committee was to assist the outside auditors and have a dialogue on how to improve Town procedures, etc. He thought that should be continued. The Committee should act in an advisory capacity to the Council as requested.**

**Vice Mayor Janz did not have a problem with those items related to finance; however, he would delete those items relating to management controls and operational issues. He would change Item “g” to say “Provide advice and counsel to the City Council as requested.” He suggested the following language, “Act in an advisory capacity to the City Council in all matters pertaining to financial issues including...”**

**Council Member McKeithen said with the exception of changing the wording from City Manager to City Council, she believed the list should be left as it was. The early warning capability was an important function.**

**Mayor Alan Carlson said he would not change the Audit Committee’s charter in any way. He expressed disappointment in the committee and believed some members had recently acted irresponsibly. He lacked confidence in the committee at the present time. In regards to an email by a member of the committee who indicated he would immediately resign if the proposed changes were not adopted, Mayor Carlson was prepared to accept the resignation.**

**Council Member Jerry Carlson thought the Audit Committee’s responsibility regarding the annual audit should be spelled out. He thought all the people who served**

on Town committees tried to do the best job they could with the information they had. He thanked all those who volunteered to serve on committees. The members of the Audit Committee were professionals whose expertise was beneficial to the Town.

Vice Mayor Janz agreed with Council Member Jerry Carlson's conclusion. He referred to the Recommended Practices of the Government Financial Officers' Association and thought the scope of the Audit Committee should be limited to financial and audit items and not management operations.

Council Member Marsala agreed with his colleagues. He thought the Town's audits should receive a second opinion, to have a check and balance, to ensure its accuracy.

Council Member Jerry Carlson made the following motion:

**MOTION – that the Audit Committee's duties reflect: a) interfacing with the auditors regarding the annual audit; b) acting in an advisory capacity to the City Council on items as enumerated in the Governing Resolution, with the exception of "g"**

Mayor Carlson believed the City Manager form of government would be subverted by putting those who were not elected in functions that properly belonged to the Council. The Audit Committees referred to in the Recommended Practices were comprised of elected officials. He reiterated his disappointment in the recent conduct of the committee. The proposal as written subverts the administration of the Town and was a mistake.

Council discussion continued on the proper wording to be included in the Governing Resolution.

Council Member Jerry Carlson withdrew his motion.

Direction was given to the City Attorney to include the following language in the Governing Resolution: **The Audit Committee's duties reflect: a) interfacing with the auditors regarding the annual audit; and b) to act in an advisory capacity to the City Council through special projects as requested by the City Council.**

With regard to the Finance Committee, Council Member Marsala thought the Committee should be assigned a special project to evaluate how staff expenses were handled. He thought there was a need for better checks and balances.

Mayor Carlson said the review of expense reports properly resided with the City Manager.

Council Member McKeithen said she looked into the purchase of computers and discovered Town staff did not follow proper protocol. She suggested to the Town administration that a check sheet was needed in order to ensure items were being purchased according to the IT provider.

Interim City Manager Wendé Protzman stated that she and the Interim Finance Director had a discussion that day. Mr. Yeomans was reviewing expense accounts and would be implementing policy and procedures in the near future. Staff would be trained on the proper procedures.

**19. CITIZEN REQUEST TO MODIFY TRAFFIC PROGRAM TO ALLOW SPEED HUMPS** *(Continued from the September 19, 2007, City Council meeting.)*

Mayor Carlson said the Town's Traffic Program, which was written in 1995, needed updating and suggested the Public Works and Police Departments should review it. A specific issue raised was whether or not, as a policy matter, speed bumps or humps should be part of the traffic calming devices that were used in Town. Council could approach the issue by 1) referring the item to staff for review, including the issue of speed humps; and 2) the City Council could give guidance, as a policy matter, to staff whether or not the City Council wanted those types of devices included in its arsenal of traffic control devices.

Public Works Director Duncan Jones said due to the fact there was a rural section on almost all Town streets except in Lloyd Park, speed humps were not usually used because people tried to avoid them by driving off the road. However, there were places speed humps could be used. He suggested allowing the entire arsenal of devices from the Institute of Traffic Engineers and the *Canadian Traffic Calming Guide*.

Council Member Jerry Carlson concurred that the program needed updating. He was in favor of including a wider variety of modern-day technology in the toolbox of traffic-calming devices.

Vice Mayor Janz suggested referring the item back to staff for analysis and recommendations. He supported the concept of having more tools in the toolbox unless the Council wanted to prohibit speed humps altogether.

Council Member McKeithen agreed staff should review the program and consider expanding it to include all the possibilities.

Greg Conlon, Atherton, said several people testified about traffic speeding on Fair Oaks at the Transportation Subcommittee meeting. Fair Oaks was very dangerous by its nature. Utility poles and trees blocked visibility. There were several good examples in neighboring areas where speed humps worked well.

Virginia Ruggeiro, Atherton, noted areas of unincorporated Redwood City had speed humps that worked well. She requested speed humps for Stockbridge Avenue.

Jack Ringham, Atherton, said adding to the toolbox and revising the manual with up-to-date technology was important. Menlo Park had a manual that was easier to use than the Town's. He emphasized that all the devices/technology should be added to the toolbox. He urged Council to refer the item to the Transportation Subcommittee and staff.



**24. PUBLIC COMMENTS**

**There were no public comments.**

**25. ADJOURNMENT**

**Mayor Alan Carlson adjourned the meeting at 12.14 a.m.**

**Respectfully submitted,**

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**Kathi Hamilton  
Acting City Clerk**

**TOWN OF ATHERTON**  
**CLAIMS LIST**  
 October, 2007

Payroll Checks	10383 - 10546	\$ 22,911
Electronic Transfers		104,609
A/P Checks	24889 - 25061	550,065
<b>TOTAL</b>		<b>\$ 677,586</b>

I, Wende' Protzman, Interim City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 10383 - 10546 (payroll) and 24889 - 25061 (accounts payable), and electronic transfers for employees' wages, federal payroll taxes and fees, inclusive, amount to \$677,586; are true and correct, and that there are sufficient funds for payment.

---

Wende' Protzman  
Interim City Manager

The above claims, check numbers 10383 - 10546 (payroll) and 24889 - 25061 (accounts payable), and electronic transfers for employees' wages, federal payroll taxes and fees, inclusive, amount to \$677,586; are true and correct, and are authorized for payment.

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Alan Carlson  
Mayor, Town of Atherton

**SOURCE OF FUNDS**

<b>101</b>	General Fund	\$508,858
<b>105</b>	Tennis Fund	-
<b>201</b>	Special Parcel Tax	-
<b>202</b>	Transportation	-
<b>203</b>	Gas Tax Fund	-
<b>210</b>	Road Construction Impact Fees	-
<b>211</b>	Park Grants Fund	-
<b>213</b>	Library Special Revenue Fund	577
<b>401</b>	General Capital Projects	-
<b>402</b>	Storm Drainage	-
<b>403</b>	Atherton Channel District	2,317
<b>406</b>	Facilities Construction	-
<b>411</b>	Park Well	-
<b>610</b>	Vehicle Replacement	22,768
<b>611</b>	Computer Maint. & Replacement	10,388
<b>612</b>	Administrative Services	4,817
<b>715</b>	Evans Estate	340
<b>740</b>	Tree Committee	-
<b>TOTAL</b>		<b>\$550,065</b>



**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
WENDÉ C. PROTZMAN, INTERIM CITY MANAGER**

**FROM: BILL YEOMANS, TEMPORARY FINANCE OFFICER**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: MONTHLY FINANCIAL REPORT, OCTOBER, 2007**

**RECOMMENDATION:**

Receive the Monthly Financial Report for October, 2007.

**INTRODUCTION:**

The attached schedules revenues and expenditures for all funds as of October 31, 2007.

**HIGHLIGHTS:**

For Atherton, revenues run behind expenditures for the first half of the year as the property tax and special parcel tax collections are received by San Mateo County in December and April and distributed a few weeks later. The County informed us this month that the total property tax to be distributed this fiscal year is \$4,449,000, which is \$230,000 more than budget estimate.

Expenditures are within expected levels (28%) except:

1. The City Council at 62% of budget includes several annual membership payments paid in July and August.
2. Insurance deposits are paid at the start of the fiscal year increasing expenditures in the Administrative Services Fund.

**FISCAL IMPACT:**

Informational only.

Prepared by:

Approved by:

---

Bill Yeomans  
Temporary Finance Officer

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Wendé C. Protzman  
Interim City Manager

**TOWN OF ATHERTON**  
**Revenue Summary**  
for the Month ended Octobert 31, 2007

<b>Fund</b>	<b>Revenue source</b>	<b>2007-08 Estimate</b>	<b>Current Period Revenue</b>	<b>Year to date Revenues</b>	<b>% received</b>
	Property Tax	4,286,303	0	16,446	0%
	Sales & Use Tax	147,756	0	46,273	31%
	Other Taxes	1,162,774	33,113	133,011	11%
	License & Permits	2,128,188	166,447	561,521	26%
	Fines & Forfeitures	35,000	1,953	14,818	42%
	Revenue from Other Agencies	190,500	35,831	127,495	67%
	Charges for Services	293,808	26,730	118,011	40%
	Investment & Rental Income	489,478	6,000	32,988	7%
	Other Revenues	229,000	1,568	6,775	3%
	<b>Total General Fund Revenues</b>	<b>8,962,807</b>	<b>271,642</b>	<b>1,057,337</b>	<b>12%</b>
	Interfund (Operating Transfers) In	900,000			
101	<b>General Fund Total</b>	<b>9,862,807</b>	<b>271,642</b>	<b>1,057,337</b>	
	<b>Special Revenue Funds</b>				
105	Tennis	8,000	0	580	7%
201	Special Parcel Tax	1,858,000			0%
202	Transportation	265,000	0	87,853	33%
203	Street Improvement (Gas Tax)	150,000	0	26,478	18%
209	Law Enforcement	100,000			0%
210	Road Construction Impact Fees	1,132,102	74,797	223,553	20%
211	State Park Grants Fund	104,800			0%
212	Library	284,000			0%
	<b>Total</b>	<b>3,901,902</b>	<b>74,797</b>	<b>338,464</b>	<b>9%</b>
	<b>Capital Project Funds:</b>				
401	Capital Improvement	2,000			0%
402	Storm Drainage	1,000			0%
403	Channel Drainage District	46,000	0	202	0%
406	Facilities Construction				
	<b>Total</b>	<b>49,000</b>	<b>0</b>	<b>202</b>	<b>0%</b>
	<b>Internal Service Funds:</b>				
610	Vehicle Replacement	104,049			0%
611	Information Technology	109,637			0%
612	Administrative Services	312,599			0%
614	Workers Compensation Insurance				
	<b>Total</b>	<b>526,285</b>	<b>0</b>	<b>0</b>	<b>0%</b>
	<b>Trust and Agency Funds:</b>				
715	Evans Creative Design	14,500			0%
740	Tree Committee	1,400			0%
	<b>Total</b>	<b>15,900</b>	<b>0</b>	<b>0</b>	<b>0%</b>
	<b>Total Revenues</b>	<b>14,355,894</b>	<b>346,439</b>	<b>1,396,004</b>	<b>10%</b>

**TOWN OF ATHERTON**  
**Expenditure Summary**  
for the Month Ended October 31, 2007

Fund	Description	2007-08 Estimate	Current Period Expenditures	Year to date Expenditures	% spent
101	General Fund				
	11 City Council	24,122	2,034	14,901	62%
	12 City Manager	565,206	21,985	195,280	35%
	16 City Attorney	197,728	16,999	85,038	43%
	18 Finance	445,758	31,715	148,126	33%
	25 Building	1,487,474	269,466	565,747	38%
	40 Police	4,886,587	364,697	1,601,406	33%
	50 Public Works	2,237,939	139,952	695,111	31%
	Contingency	100,000	0	0	0%
	Total General Fund Expenditures	<b>9,944,814</b>	<b>846,848</b>	<b>3,305,609</b>	<b>33%</b>
	Interfund (Operating Transfers) out				
101	<b>General Fund Total</b>	<b>9,944,814</b>	<b>846,848</b>	<b>3,305,609</b>	
	<b>Special Revenue Funds</b>				
	105 Tennis	5,521	0	1,160	21%
	201 Special Parcel Tax	1,506,535	0	104,977	7%
	202 Transportation	229,500	0	0	0%
	203 Street Improvement (Gas Tax)	145,000	0	28,765	20%
	209 Law Enforcement	100,000	0	0	0%
	210 Road Construction Impact Fees	1,000,000	48,377	280,592	28%
	211 State Park Grants Fund	306,710	0	0	0%
	213 Library	78,326	753	3,948	5%
	<b>Total</b>	<b>3,371,592</b>	<b>49,130</b>	<b>419,442</b>	<b>12%</b>
	<b>Capital Project Funds:</b>				
	401 Capital Improvement	67,755	0	0	0%
	402 Storm Drainage	21,394	0	0	0%
	403 Channel Drainage District	55,000	0	6,993	13%
	<b>Total</b>	<b>144,149</b>	<b>0</b>	<b>6,993</b>	<b>5%</b>
	<b>Internal Service Funds:</b>				
	610 Vehicle Replacement	64,060	0	14,978	23%
	611 Information Technology	108,304	19,052	66,089	61%
	612 Administrative Services	351,532	19,406	171,705	49%
	614 Workers Compensation Insurance				
	<b>Total</b>	<b>523,896</b>	<b>38,458</b>	<b>252,772</b>	<b>48%</b>
	<b>Trust and Agency Funds:</b>				
	715 Evans Creative Design	11,500	340	3,053	27%
	740 Tree Committee	0	0	742	
	<b>Total</b>	<b>11,500</b>	<b>340</b>	<b>3,795</b>	<b>33%</b>
	<b>Total Expenditures</b>	<b>13,995,951</b>	<b>934,776</b>	<b>3,988,611</b>	<b>28%</b>



**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
WENDÉ C. PROTZMAN, INTERIM CITY MANAGER**

**FROM: BILL YEOMANS, TEMPORARY FINANCE OFFICER**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: QUARTERLY INVESTMENT REPORT, SEPTEMBER 2007**

**RECOMMENDATION:**

Note, receipt, and file.

**INTRODUCTION:**

This is the quarterly status report of the Town's investments in the Local Agency Investment Fund (LAIF) and the San Mateo County Investment Pool (SMCIP) for the quarter ending September 30, 2007.

**DISCUSSION**

As of September 30, 2007, the Town had a total investment of \$12,914,159. The total interest earnings for the quarter ending September 30, 2007, amounted to \$439,485. The funds are invested in the Local Agency Investment Fund (LAIF) and the San Mateo County Investment Pool (SMCIP).

During the third quarter of 2007, the SMCIP reported a gross pool earnings rate of 4.76% percent. The LAIF reported an average interest rate of 5.24%.

The interest income and effective yields reported by the San Mateo County Treasurer and by the State of California Treasurer include interest payments on fixed income securities held by these entities as well as any gains or losses realized on securities sold during the

reporting interval. Calculations of interest income earned or reported yields do not reflect any changes in the market value of the fixed income securities held by either the San Mateo County Pool or the State of California Local Agency Investment Fund.

To account for the increase or decrease in the economic value of fixed income securities (unrealized gains or losses) held directly or indirectly through investment pool Governmental Accounting Standards Board Statement Number 31 requires municipalities to report such unrealized gains or losses separately at year end. This “mark to market” accounting entry is recorded on the financial statements as current year income. Additionally, fund balance is reserved in an amount that is equivalent to the amount of the unrealized gain that has been recorded as current year income.

**Investment at SMCIP:** The San Mateo County Investment Pool was created and is managed by the County Treasurer.

As of September 30, 2007, the County’s investment pool carried investment with a total value of \$2.5 billion and an average duration of about 220 days. The Town’s investment with the San Mateo County Investment Pool as of September 30, 2007, amounted to \$7,845,154, or 61% of the Town’s total investment holdings.

Attachment 1 to this staff report provides a summary of the investment earnings and investment holdings for the San Mateo County Investment Pool as of September 30, 2007.

**Investment at LAIF:** The Local Agency Investment Fund (LAIF) was created and is managed by the California State Treasurer in conjunction with the Pooled Money Investment Account (PMIA).

As of September 30, 2007, PMIA had total assets of \$57 billion and an average duration of 214 days. The Town’s investment with LAIF as of September 30, 2007, amounted to \$5,069,005, or 39% of the total funds invested.

Attachment 2 to this report provides a summary of the composition of the LAIF and PMIA according to the investment fund.

**FISCAL IMPACT:**

Informational only.

Prepared by:

Approved by:

---

Bill Yeomans  
Temporary Finance Officer

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Wende’ Protzman  
Interim City Manager

**Quarterly Investment Report**

Town of Atherton, CA

September 30, 2007

**Cash and Investment Portfolio at Quarter End**

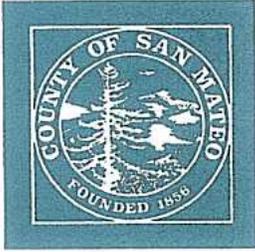
<b>Investments</b>	<b>Value</b>	<b>Percent</b>	<b>Interest</b>	<b>Return</b>
Local Agency Investment Fund	\$ 5,069,005.27	39%	\$ 66,055.90	5.24%
San Mateo County Investment Pool	7,845,153.59	61%	373,429.31	4.76%
Other				
<b>TOTALS</b>	<u>\$ 12,914,158.86</u>		<u>\$ 439,485.21</u>	

Verification

---

William Yeomans  
Finance Officer

Office of the County Treasurer



LEE BUFFINGTON  
TAX COLLECTOR - TREASURER

COUNTY OF SAN MATEO

CHARLES M. TOVSTEIN  
ASSISTANT TREASURER

555 COUNTY CENTER • REDWOOD CITY • CALIFORNIA 94063 • PHONE (650) 363-4580 • FAX (650) 363-4944

DATE: October 10, 2007  
TO: San Mateo County Pool Participants  
FROM: Lee Buffington, Tax Collector-Treasurer  
SUBJECT: Monthly Investment Reports

Gross earnings for the month of September 30, 2007 were 4.65% and for the quarter ended September 30, 2007 was 4.76%. The current average maturity of the portfolio is .7 years with an average duration of .6 years. The portfolio continues to hold no derivative products.

San Mateo County Pool fulfills Government Code Section 53646, which states its ability to meet its expenditure requirements for the next six months.

I certify these reports are in compliance with the investment policy dated January 2007. If you have any questions regarding any of these reports, please call Charles Tovstein or myself at (650) 363 - 4580.

A handwritten signature in black ink, appearing to read "Lee Buffington".

Lee Buffington  
Tax Collector-Treasurer

**COUNTY OF SAN MATEO  
ESTIMATED SUMMARY OF POOL EARNINGS  
SEPTEMBER 2007**

	<u>09/30/07 Par Value</u>	<u>Gross Earnings</u>
<b><u>Fixed Income Investments</u></b>		
U S Treasury Notes	\$200,000,000	\$412,199
Federal Agencies	\$190,000,000	\$610,822
Corporate Notes	\$91,000,000	\$265,711
Floating Rate Securities	\$414,000,000	\$1,545,484
Asset Backed Securities	\$10,000,000	\$21,938
<b><u>Short Term Investments</u></b>		
U S Treasury Notes	\$250,000,000	\$448,549
Federal Agencies	\$245,000,000	\$892,503
Corporate Notes	\$107,800,000	\$294,241
Floating Rate Securities	\$155,000,000	\$511,567
Commercial Paper	\$374,750,000	\$451,185
Certificate of Deposit	\$353,000,000	\$1,136,093
Repurchase Agreements	\$42,000,000	\$13,650
LAIF	\$37,000,000	\$164,311
<b>SUBTOTAL - ACCRUED INCOME</b>	<b>\$2,469,550,000</b>	<b>\$6,770,254</b>
<b><u>Realized Gain/Loss &amp; Interest Received</u></b>		
U S Treasury Notes		\$99,793
Federal Agencies		\$132,294
Corporate Notes		\$20,531
Floating Rate Securities		\$454,431
Asset Backed Securities		\$19,945
Commercial Paper		\$798,141
Certificate of Deposit		\$678,505
Repurchase Agreements		\$226,764
LAIF Interest		\$3,648
Securities Lending Income		\$294,047
<b>GROSS POOL RATE/EARNINGS*</b>	<b>4.65%</b>	<b>\$9,198,353</b>

POOL 1 NET EARNINGS RATE*	4.50%
POOL 2 NET EARNINGS RATE*	4.51%
POOL 3 NET EARNINGS RATE*	4.52%

\* - Earnings %'s are based on SEPTEMBER 2007 Average Daily Balance  
Pool 1 & 2 rates include banking charges

**COUNTY OF SAN MATEO  
ESTIMATED SUMMARY OF POOL EARNINGS  
FOR THE 1ST QUARTER ENDED SEPTEMBER 30, 2007**

	<u>09/30/07 Par Value</u>	<u>Gross Earnings</u>
<b><u>Fixed Income Investments</u></b>		
U S Treasury Notes	\$200,000,000	\$1,004,832
Federal Agencies	\$190,000,000	\$1,163,533
Corporate Notes	\$91,000,000	\$657,365
Floating Rate Securities	\$414,000,000	\$2,572,020
Asset Backed Securities	\$10,000,000	\$21,950

<b><u>Short Term Investments</u></b>		
U S Treasury Notes	\$250,000,000	\$1,234,385
Federal Agencies	\$245,000,000	\$2,489,251
Corporate Notes	\$107,800,000	\$730,097
Floating Rate Securities	\$155,000,000	\$886,331
Commercial Paper	\$374,750,000	\$451,185
Certificate of Deposit	\$353,000,000	\$1,643,914
Repurchase Agreement	\$42,000,000	\$13,650
LAIF	\$37,000,000	\$491,489

SUBTOTAL - ACCRUED INCOME	\$2,469,550,000	\$13,360,002
---------------------------	-----------------	--------------

**Realized Gain/Loss & Interest Received**

U S Treasury Notes	\$1,857,704
Federal Agencies	\$1,483,763
Corporate Notes	\$324,241
Floating Rate Securities	\$3,908,574
Asset Backed Securities	\$65,000
Commercial Paper	\$4,928,233
Certificate of Deposit	\$3,658,417
Repurchase Agreement	\$847,526
LAIF Interest	\$3,648

Securities Lending Income	\$402,197
---------------------------	-----------

GROSS POOL RATE/EARNINGS*	4.76%	\$30,839,304
---------------------------	-------	--------------

<u>POOL BREAKDOWN</u>	<u>Pool 1</u>	<u>Pool 2</u>	<u>Pool 3</u>	<u>TOTAL</u>
Average Balance	312,794,473	471,600,369	1,795,237,874	2,579,632,716
Gross Earnings	3,739,433	5,637,945	21,461,926	30,839,304
Admin Fees	(98,282)	(148,180)	(564,077)	(810,540)
Bank Fees	(2,351)	(1,568)		(3,919)
Net Earnings	<u>3,638,799</u>	<u>5,488,197</u>	<u>20,897,849</u>	<u>30,024,845</u>
Net Earnings %	4.63%	4.63%	4.63%	4.63%

Earnings %'s are based on Q1 07-08 average daily balance of investment pools.  
Pool 1 and Pool 2 are charged with bank fees associated with their disbursement/depository activity.

SAN MATEO COUNTY TREASURER'S OFFICE  
**FIXED INCOME DISTRIBUTION - SETTLED TRADES**  
**SAN MATEO COUNTY POOL**  
 September 30, 2007

**Summary Information**

<u>Totals</u>		<u>Weighted Averages</u>	
Par Value	2,469,550,000	Average YTM	8.5
Market Value	2,473,123,524.88	Average Maturity (yrs)	0.7
Total Cost	2,471,976,579.49	Average Coupon (%)	3.824
Net Gain/Loss	1,146,945.39	Average Duration	0.6
Annual Income	94,438,354.50	Average Moody Rating	Aa2
Accrued Interest	17,040,199.72	Average S&P Rating	AA
Number of Issues	93		

**Distribution by Maturity**

<u>Maturity</u>	<u>Number</u>	<u>Mkt Value</u>	<u>% Bond Holdings</u>	<u>Average Y T M</u>	<u>Average Coupon</u>	<u>Average Duration</u>
Under 1 Yr	70	1,981,039,146.91	80.1	9.5	3.776 %	0.2
1 Yr - 3 Yrs	17	376,303,814.59	15.2	4.6	3.897 %	1.7
3 Yrs - 5 Yrs	4	95,952,403.38	3.9	4.5	4.437 %	3.9
5 Yrs - 7 Yrs	2	19,828,160.00	0.8	4.8	4.253 %	5.2

**Distribution by Coupon**

<u>Coupon %</u>	<u>Number</u>	<u>Mkt Value</u>	<u>% Bond Holdings</u>	<u>Average Y T M</u>	<u>Average Coupon</u>	<u>Average Duration</u>
Under 1%	3	374,495,357.81	15.1	11.7	0.000 %	0.0
1% - 3%	7	300,794,648.07	12.2	4.3	2.629 %	0.7
3% - 5%	33	714,057,344.94	28.9	4.6	3.902 %	1.4
5% - 7%	50	1,083,776,174.06	43.8	11.1	5.436 %	0.4

**Distribution by Duration**

<u>Duration</u>	<u>Number</u>	<u>Mkt Value</u>	<u>% Bond Holdings</u>	<u>Average Y T M</u>	<u>Average Coupon</u>	<u>Average Duration</u>
Under 1 Yr	71	1,991,040,649.41	80.5	9.4	3.774 %	0.2
1 Yr - 3 Yrs	17	391,727,659.31	15.8	4.5	3.941 %	1.8
3 Yrs - 5 Yrs	4	80,290,806.16	3.2	4.5	4.403 %	4.4
5 Yrs - 7 Yrs	1	10,064,410.00	0.4	4.8	4.500 %	5.4

**Distribution by Moody Rating**

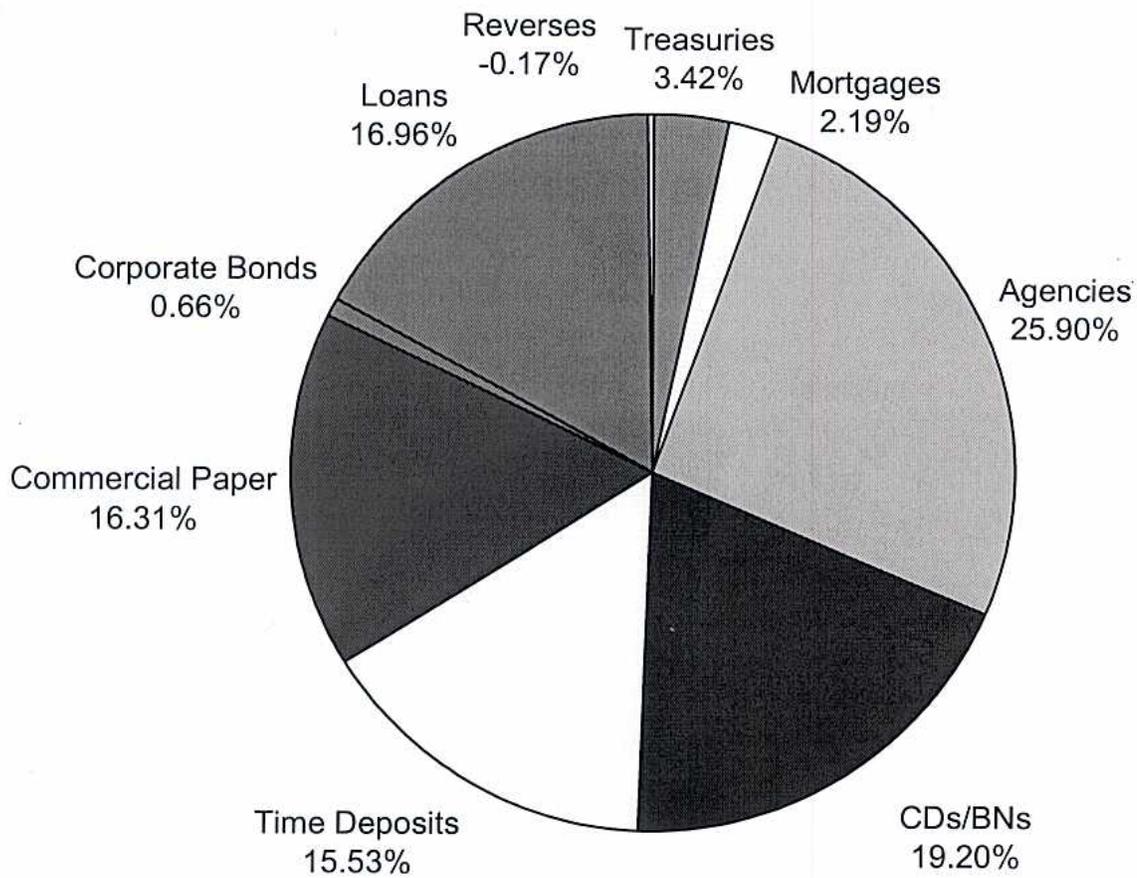
<u>Rating</u>	<u>Number</u>	<u>Mkt Value</u>	<u>% Bond Holdings</u>	<u>Average Y T M</u>	<u>Average Coupon</u>	<u>Average Duration</u>
Aaa	43	1,436,713,078.09	58.1	6.5	2.912 %	0.9
Aa1	11	399,796,134.72	16.2	8.7	5.067 %	0.3
Aa2	5	69,699,790.00	2.8	9.3	4.163 %	0.5

# POOLED MONEY INVESTMENT ACCOUNT

## SUMMARY OF INVESTMENT DATA A COMPARISON OF AUGUST 2007 WITH AUGUST 2006 (DOLLARS IN THOUSANDS)

	AUGUST 2007	AUGUST 2006	CHANGE
Average Daily Portfolio	\$ 59,657,942	57,570,790	\$ +2,087,152
Accrued Earnings	\$ 265,425	\$ 241,832	\$ +23,593
Effective Yield	5.253	4.946	+0.307
Average Life-Month End (In Days)	214	161	+53
<b>Total Security Transactions</b>			
Amount	\$ 40,229,445	\$ 24,426,165	\$ +15,803,280
Number	844	508	+336
<b>Total Time Deposit Transactions</b>			
Amount	\$ 5,942,000	\$ 4,331,000	\$ +1,611,000
Number	292	186	+106
Average Workday Investment Activity	\$ 2,007,454	\$ 1,250,311	\$ +757,143
<b>Prescribed Demand Account Balances</b>			
For Services	\$ 249,284	\$ 243,323	\$ +5,961
For Uncollected Funds	\$ 138,881	\$ 178,293	\$ -39,412

**Pooled Money Investment Account  
Portfolio Composition  
\$57.1 Billion  
08/31/07**





**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
WENDÉ C. PROTZMAN, INTERIM CITY MANAGER**

**FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: 150 VALPARAISO (APN 070-390-010)  
CONDITIONAL USE PERMIT - HELICOPTER LANDING**

**RECOMMENDATION:**

Staff recommends that the City Council find that the landing of a helicopter at 150 Valparaiso (Sacred Heart Schools) in Atherton can be done without endangering the general welfare and safety of the persons at the site and of the surrounding properties and approve the Conditional Use Permit.

**INTRODUCTION:**

The Atherton Police Department is requesting a Conditional Use Permit to allow a helicopter landing at the Sacred Heart School campus for a St. Joseph's School D.A.R.E event (Drug Abuse Resistance Education). The Police Department is currently working with the National Guard for a Blackhawk helicopter. The Use Permit is requested to be effective for one landing event to occur sometime during the next twelve months to allow flexibility in planning with the National Guard, Police Department and school schedules.

The Police Department previously conducted this event for St. Joseph's school on October 28, 2002. The event was very well received by the students and faculty and was conducted without incident.

**ANALYSIS:**

Atherton Municipal Code, chapter 12.28, allows for helicopter landing on private property with a Conditional Use Permit from the Planning Commission. The code requires a determination by the City Council prior to the issuance of the use permit that the landing of a helicopter on such property can be done without endangering the general welfare and safety of the residents of such

property and of the surrounding properties. The code also requires property owners within a 1,500 foot radius of the landing site be notified of the public hearings. Staff mailed the required notice ten days prior to the Planning Commission hearing, which included notice of the City Council meeting.

The code further states that the City Council will set a public hearing 30 days after Planning Commission consideration. The Planning Commission heard this item at its October 24, 2007, meeting and recommended the City Council approve the Conditional Use Permit.

As stated above, the Atherton Police Department would like to hold a drug awareness event for the St. Joseph school with the landing of a helicopter. The helicopter would land at the football field near Valparaiso Avenue during a regular school day, between the hours of 9:00 a.m. and 3:00 p.m.

The helicopter is a National Guard Blackhawk helicopter and would be drawn from the 129<sup>th</sup> Rescue Wing based at Moffett Field. The focus of this aircraft is rescue and is not armed in any way. Upon landing the helicopter, the crew would talk to the students. The use of the helicopter is intended as a display of technology. The onboard instruments are rather sophisticated. At other events, the children have been inspired with the job of the pilot and computer programmer. The message to students during the event will be; “to succeed, you need to stay in school and don’t do drugs.”

Police Staff will coordinate the necessary permits and safety inspections for the landing site from the Federal Aviation Administration and the California Department of Transportation.

The Town’s General Plan and Zoning designates this site for public facilities and schools.

As stated earlier, there is a significant coordination effort with multiple agencies necessary to schedule this event;

- Planning Commission and City Council approval
- Coordination with the school schedule
- Atherton Police Department
- National Guard
- Federal Aviation Administration
- California Department of Transportation.

In recognition of the difficulty in scheduling this event, Staff recommends the use permit be valid for only one occurrence within one year from the effective date of the Use Permit. Staff has also added a condition of approval that all property owners within 1,500 feet of the subject site be notified at least ten days prior to the actual landing event. Similar conditions were imposed on the Use Permit granted in 2002 (including allowing the event to occur during one date within the next year).

**CONCLUSION:**

It is Planning Staff’s professional opinion that the proposed project is not in conflict with the General Plan.

**ALTERNATIVES:**

The Council could deny the request or add conditions of approval to the Conditional Use Permit.

**FISCAL IMPACT:**

The General Fund (Building Division) is charged with the cost of processing of this application.

**ENVIRONMENTAL IMPACT:**

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA 15322; Educational or training programs involving no physical changes.

Prepared by:

Approved by:

\_\_\_\_\_  
Lisa Costa Sanders  
Deputy Town Planner

\_\_\_\_\_  
Wendé C. Protzman  
Interim City Manager

**Attachments:**

1. Draft Conditional Use Permit
2. Site Plan
3. Chapter 12.28 of the Atherton Municipal Code

**draft**

**TOWN OF ATHERTON  
PLANNING COMMISSION and CITY COUNCIL**

**CONDITIONAL USE PERMIT**

This is to certify that the Atherton Planning Commission at a regular meeting thereof, held on October 24, 2007, and the Atherton City Council at a special meeting thereof, held on November 14, 2007 did grant a Conditional Use Permit to the Atherton Police Department pursuant to Atherton Municipal Code Section 12.28 for a helicopter landing to commemorate Red Ribbon Week at the Sacred Heart School campus at 150 Valparaiso Avenue in Atherton (Assessor's Parcel Number 070-390-010). This Permit was approved subject to the following conditions:

1. The helicopter landing is limited one day only within twelve months from the effective date of this Use Permit. The landing shall occur during a normal school day, between the hours of 9:00 a.m. and 3:00 p.m. at the football field near Valparaiso Avenue at Sacred Heart School campus.
2. The approach and departure pattern shall be at a normal and safe altitude until directly over the landing site.
3. Property owners within 1,500 feet of the subject site shall be notified 10-days prior to the event. Staff shall also notify Menlo Park Police Department and Menlo Fire Department.
4. The applicant shall obtain all necessary permits and clearances from the Federal Aviation Administration and the California Department of Transportation.

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Lisa Costa Sanders  
Deputy Town Planner

Effective Date: \_\_\_\_\_  
Atherton, CA

**Chapter 12.28**  
**HELICOPTER LANDING AREAS**

**Sections:**

**12.28.010 Permit required for landing.**

**12.28.020 Permit—Issuance conditions.**

**12.28.030 Permit—Application—Hearing.**

**12.28.040 Permit—Term—Revocation.**

**12.28.010 Permit required for landing.**

No helicopter shall land on any property in the town, except in an emergency landing, without the operator thereof, or the owner or lessee of the property on which a landing is to be made, first obtaining a use permit allowing such a landing. (Ord. 177 § 1, 1950)

**12.28.020 Permit—Issuance conditions.**

No use permit shall be issued unless there first be a determination by the city council that the landing of a helicopter on such property can be done without endangering the general welfare and safety of the residents of such property and of the surrounding properties. (Ord. 177 § 2, 1950)

**12.28.030 Permit—Application—Hearing.**

Application for such a use permit shall be filed with the planning commission, which commission shall set a date for a public hearing on the application. Notice of such hearing must be given to all property owners residing within one thousand five hundred feet of the property on which the landings are to be made. Within thirty days after such public hearing the planning commission shall file its recommendation as to the granting of the use permit with the city council, who will thereafter set a public hearing of the application before the council, notice of which shall be given in such a manner as may be directed by the city council. In the event the planning commission recommends against the issuance of a use permit, the city council cannot authorize the issuance of such a use permit except by a four-fifths vote. (Ord. 177 § 3, 1950)

**12.28.040 Permit—Term—Revocation.**

A use permit issued under this chapter shall be revocable upon thirty days' notice by the city council, and shall only be issued for a period of one year. (Ord. 177 § 4, 1950)



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: ADOPTION OF ORDINANCE OF THE CITY COUNCIL  
OF THE TOWN OF ATHERTON AMENDING CHAPTER 8.54  
OF THE ATHERTON MUNICIPAL CODE BY ADDING  
A NEW SECTION 8.54.050 ADOPTING DRAINAGE GUIDELINES**

### **RECOMMENDATION:**

Adopt ordinance establishing drainage criteria for the Town. The ordinance was introduced for a first reading at the regular City Council meeting on October 17, 2007, and is before the Council for second reading and adoption. A vote of three Council Members will be required to adopt the ordinance.

### **BACKGROUND:**

The City Council has previously reviewed and approved drainage criteria presented by the Director of Public Works and BKF Engineers. Should the Council adopt these criteria, they will be in full force and effect within 30 days of this date.

Prepared By:

Approved By:

/s/ Marc Hynes

Marc G. Hynes  
City Attorney

\_\_\_\_\_  
Wendé C. Protzman  
Interim City Manager

Attachment

## **Town of Atherton**

### **Drainage Criteria**

- A. Standard Specifications**
- B. Storm Drain Design Standards**
  - 1. Project Documents**
  - 2. Hydrologic Criteria**
  - 3. Hydraulic Criteria**
- C. Additional Permit and Notification Requirements**
- D. Basement Construction Hydraulic Criteria**
- E. Criteria References**

#### Tables

Tables 1A – 1D	Precipitation Values
Table 2	Adjustment of Intensities with Mean Annual Precipitation

#### Appendix

Exhibit 1	Mean Annual Precipitation (MAP) Isohyetals
Exhibit 2	Groundwater Map
Attachment A	NPDES Permit Requirements Checklist
Attachment B	Operation and Maintenance Agreement

## Town of Atherton Drainage Criteria

The following Manual of Standards for Storm Drainage supplements Chapter 8.50 and 8.54 of the Atherton Municipal Code (MC).

### **A. STANDARD SPECIFICATIONS**

Storm drain facilities, manholes and appurtenances shall meet product and installation requirements listed in the current Caltrans Standard Specifications and Standard Plans, current APWA “Standard Plans for Public Works Construction” (commonly referred to as “The Green Book”) and associated Specifications. Standard details from Bay Area Cities and Agencies may be used with prior approval of the City Engineer.

### **B. STORM DRAIN DESIGN STANDARDS**

#### **1. PROJECT DOCUMENTS**

- a) A Drainage Area Master Plan, Storm Water Management Plan and Storm Water Pollution Prevention Plan are to be submitted with all Improvement Plans. Exemptions to this requirement are listed in MC Chapter 8.54. The three plans each must be signed and stamped by a Professional Civil Engineer registered in the State of California.
  
- b) Drainage Area Master Plans shall include the following information:
  - 1) A scaled Engineering topographic map for the on-site drainage. The on-site drainage map shall document that either, (1) proposed improvements do not block subsurface or overland flow across the property, or, (2) appropriate drainage facilities are proposed to direct subsurface and overland flows around existing and proposed improvements.
  
  - 2) A second map of appropriate scale, preferably 1"= 100' scale, as necessary to show large offsite drainage basins.

3) Delineated and labeled project site plan showing all existing drainage basins, both before and after development. The boundaries of the site plan shall extend a minimum of 10 feet outside the property line, and to the centerline of all adjacent streets and channels.

4) The area in acres and the flow (Q) in cubic feet per second (cfs) of all drainage entering and leaving the site before and after development for the design storm event with associated calculations.

5) Drainage area and peak rate flows for all the drainage facilities for the design storm and 100-year storm. Hydrologic computations shall be provided that document flow rates.

6) Hydraulic computations for channel, structure and pipe sizing. Hydraulic gradients (for proposed structures or systems) shall be shown on a set of drainage plans.

7) A schedule for drainage improvements. For projects that construct greater than 5,000 square feet impervious area, stormwater detention facilities shall be in-place prior to construction of the impervious area. The schedule shall document that structures have required freeboard and that off-site flows are able to pass through the property without increasing off-site water levels through all phases of project construction.

8) For any project that will include excavation of soils, depth to groundwater shall be reported. For portions of the Town east of Alameda de las Pulgas, groundwater depth from either Plate 2 or from a site specific Geotechnical investigation may be used. For areas west of Alameda de las Pulgas, a Geotechnical investigation is required that includes depth to groundwater.

9) A Geotechnical Report or additional soils information may be required at the discretion of the City Engineer. The Geotechnical Report is required if percolation is included as a Treatment Measure or if the lowest point of

excavation is within 10 feet of the groundwater table. The Geotechnical Report shall include documentation of the soil percolation rate at the treatment measure location.

10. An Arborist Report shall be submitted in conjunction with the Storm Drain Report. The Storm Drain Report shall state measures proposed to comply with drainage recommendations contained within the Arborist Report.

c) Storm Water Management Plans shall include the following information:

1) A project description including graphics from the Drainage Area Master Plan.

2) The hydrologic setting of the site including flows from the Drainage Area Master Plan.

3) A listing of stormwater quality opportunities and constraints.

4) Best Management Practices for Source Control that would be implemented as a part of the project. A checklist shall be provided showing Town mandated source control measures. A description of supplemental source control measures shall be provided.

5) Best Management Practices for Treatment of site runoff that would be implemented as a part of the project. Calculations shall be included that document compliance with Regional Water Quality Control Board C.3 Permit with San Mateo County. The C.3 Stormwater Technical Guidance Manual can be acquired from San Mateo County Water Pollution Prevention Program (STOPPP) at [www.flowstobay.org](http://www.flowstobay.org).

A Monitoring and Maintenance Program shall be provided that includes an agreement to be recorded in the County property roles stating that the property owner will maintain the Source Control and Treatment measures. The plan shall include monitoring and cleanout access points. The plan shall provide for the facility being operable for the life-time of the system.

- d) Storm Water Pollution Prevention Plans shall be provided prior to start of construction. Projects with less than 5,000 square feet of impervious area shall include the San Mateo County, Construction BMP Plan Sheet, currently found at: <http://www.flowstobay.org/pdfs/bmp/Construction%20Series/SWPPP.pdf>.

For projects with a development area greater than 5,000 square feet of impervious area, the Construction BMP Plan Sheet shall be supplemented with the following information:

- 1) A project description including graphics from the Drainage Area Master Plan.
- 2) The hydrologic setting of the site including flows from the Drainage Area Master Plan.
- 3) A listing of pollutants at the site during construction.
- 4) Best Management Practices for Source Control that will be implemented during construction.
- 5) Best Management Practices for Treatment of site runoff that will be implemented as a part of the project in compliance with both the San Mateo Countywide National Pollution Discharge Elimination System (NPDES) municipal stormwater permit CAS002992 1 and Waste Discharge Requirements (WDRS) for Discharge of Storm Water Runoff Associated with Construction Activity NPDES General Permit No. CAS000002 and with future amendments and revisions to these permits. Calculations shall be included that document that proposed construction and post-construction measures are in compliance with both of these permits.
- 6) A schedule stating dates or actions that trigger the need for source control and treatment measures.

7) If applicable based on the area of the project, the Notice of Intent and WDID Number for the project.

## 2. HYDROLOGIC CRITERIA

a) On-site structures, on-site drainage facilities and on-site bridges shall be designed to convey the peak design flows for the following storm return periods for the total tributary basin area with full build-out based on general plan land use and shall provide the following freeboard.

1) Drainage Systems                      25-year event with at least 0.50 feet freeboard at lip of inlets.

2) Bridge Structures                      The abutment for the bridge shall be on the overbank at least five feet from the top of bank. At the abutment, there shall be at least 1 foot of freeboard to the lowest elevation on the bottom of the structure for the 100-year event or largest flood of record, whichever is greater. Alternatively, at least 1 foot of freeboard shall be provided above the higher of, (1) the top of bank of the Atherton Channel, and (2) the proposed overbank elevation 5 feet from the channel. If the top of bank/overbank elevation is used, the 1 foot freeboard shall be maintained between the top of bank and the abutment.

3) Buildings on Property                      Minimum Finished Floor Elevation at least one foot adjacent to Creeks                      above top of bank or 100 year flood elevation, if and Channels                      that is determined.

4) All Other Structures                      Project shall provide at least 1 foot freeboard to the minimum finished floor during a 100-year flood

based on a combination of overland flow and flow through the storm drain system. The Director of Public Works may allow the minimum finished floor elevation to be lower provided flood proofing is included that accommodates water levels up to one foot above the 100-year water level.

The level of protection may be required to be greater than the minimum cited above if, in the opinion of the Director of Public Works, project failure would cause potential loss of life and/or unreasonable economic loss.

- b) Documentation shall be provided that site improvements shall not increase water levels on upstream properties during the 2, 10, and 100-year storm events. Documentation shall show that runoff to the property and site runoff both have positive drainage across the site, and that runoff is directed away from on-lot structures.
- c) The Town requires stormwater detention for the purpose of reducing peak flows to downstream creeks and channels. Stormwater detention is required for projects that create or replace greater than 5,000 square feet impervious surface, with no credit given for existing impervious surface that is removed. Stormwater detention shall be based on storing 2-inches of rainfall over the proposed impervious area. The peak release rate shall be the 48-hour inflow volume over a 36 to 48-hour period. A higher rate of release is allowed if the calculated orifice size would be less than 1 inch diameter for a gravity release or less than that pumped by a 1/3 horsepower pumping unit, in which case, these minimum sizes are acceptable. Storage is required in all portions of the Town and within the Atherton Channel Drainage District. Detention basins may discharge to groundwater, gravity flow to the Town storm drain system, which includes gutter flow if no storm drain line is present, or be pumped to the Town storm drain system.
- d) Percolation from detention ponds is allowed only if a Geotechnical Report shows that there will be at least a 10-foot separation from the groundwater table and that

percolating water will not seep onto other properties. Raising the groundwater table by seepage is accepted. If the bottom of the storage basin is within 10 feet of the groundwater table or affects seepage to other properties, a low permeability barrier designed to mitigate the effects of the seepage is required. Infiltration devices shall be located at least 100 feet away from water supply wells.

If percolation is used, the Geotechnical Report shall verify that all soils to the groundwater level will percolate at the minimum rate recommended for design.

- e) Use of the Rational Method is satisfactory for small drainage areas (< 200 acres). Analyses for projects with drainage areas greater than 200 acres shall be based on Hydrograph Methods following procedures listed in either the current, at the time of permit application, (1) Santa Clara County Drainage Manual or (2) Bay Area Hydrographic Model.
- f) For areas less than 200 acres, use rational formula  $Q=CIA$  to determine the peak flow rate. The rainfall intensity shall be calculated using the following equations:

$$I_{2\text{-year}} = 3.67 * K_2 / \text{Time of Concentration}^{0.50}$$
$$I_{10\text{-year}} = 6.18 * K_2 / \text{Time of Concentration}^{0.50}$$
$$I_{25\text{-year}} = 7.39 * K_2 / \text{Time of Concentration}^{0.50}$$
$$I_{100\text{-year}} = 9.61 * K_2 / \text{Time of Concentration}^{0.51}$$

Where  $K_2$  is the correction factor for the Town of Atherton, which varies with Mean Annual Precipitation (MAP). Tables 1A, 1B, 1C, 1D and 2 present data used for the intensity-duration-frequency equation. Tables 1B lists the precipitation values for the San Francisco Bay Area modified for the Town of Atherton, 10-year event, with a Mean Annual Precipitation (MAP) of 18 inches. Exhibit 1 shows the MAP within Atherton. Table 2 is the adjustment in rainfall intensity with respect to different MAPs.

g) Runoff Coefficients shall be as follows:

"C" Factor (10-Year Event)	Description
0.30	Parks and Open Areas
0.50	Residential (R-1) Areas (predominate in Atherton)
0.70	Multiple Dwelling and Single-Family Attached Areas
0.90	Paved Areas
0.95	Roof Area

The 10-year Runoff Coefficients shall be multiplied by 1.1 for the 25-year event and by 1.25 for the 100-year event. The maximum runoff coefficient is 1.0.

(For combined paved and unpaved areas, a "weighted" C-factor shall be used, with a maximum C-coefficient of 1.0 used in the weighting equation.)

Runoff Coefficients for the Town of Atherton are assumed to be 0.5 for Residential suburban land uses. Specific exceptions are for schools, parks and other large land uses that are within the Town, and shall be calculated accordingly. The Runoff Coefficient of 0.5 was established by Nolte in the Town-wide Drainage Study dated June 28, 2001.

h) An initial time of concentration at the first catch point or concentration point of 5 minutes shall be used for steep (greater than 4:1 slope) and/or small (less than 100 feet to inlet) drainage areas and 10 minutes otherwise. The time of concentration shall be increased using the calculated flow time in pipe or drainage swale. For large drainage areas, the initial time of concentration is estimated from the equation below:

$$T_c = 10 + 0.0078 \left( \frac{L^{3/2}}{H^{1/2}} \right)^{0.77}$$

where: L = the maximum length of travel, in feet.

H = the difference in elevation along the effective slope line, in feet.

Tc = the time of concentration, in minutes.

i) Runoff to Adjoining Property

Runoff may flow to adjoining property so long as it meets all three of the following conditions:

- 1) The peak flow rate is consistent with the pre-development runoff pattern.
- 2) The portion of the flow associated with project development is detained in accordance with Town Requirements.
- 3) The flow is spread consistent with the pre-development release from the site.

Flow may be concentrated at a release point provided that an easement or written agreement is obtained from the downstream property owner. If an easement is not obtained, the peak flow rate and velocity at the property boundary shall be less than or equal to the pre-project condition peak flow and velocity for the 2, 10, 25 and 100-year storm events.

### 3. HYDRAULIC CRITERIA

a) Starting Water Level – Piped System

- 1) Discharge to a Creek or Channel – Where practical, the systems are analyzed using the peak 25-year water levels for Atherton Channel and Redwood Creek, whichever is applicable. In lieu of analyzing the 25-year water level in the Channel, a water level at the top of the channel bank may be used.
- 2) Discharge to (1) a Town Storm Drainage System, or (2) curb side system where a drainage system is not present – The on-lot drainage system shall be evaluated using a starting water level that is the 25-year water level in the downstream system. If approved by the City Engineer in advance, the 25-year water level in the off-site system may be determined using the following simplifying approaches:

- i. If discharging to a storm drain, a starting water level 1 foot below the rim elevation at the connection point may be used.
  - ii. If discharging to a roadside ditch, a starting water level 0.25 feet above edge of pavement may be used.
  - iii. If discharging through a curb drain to a gutter, a water level 0.5 feet above gutter flow line may be used.
- 3) Discharge to Storage Area – Storm drain systems sized to convey runoff to a storage facility shall be sized based on the storage facility being full at the peak of the storm event unless detailed hydrographic analyses are provided based on the methodology presented in the Santa Clara County Drainage Manual or Bay Area Hydrograph Model.
- b) The effect of debris, erosion, and channel bedload during flood flows shall be considered in the design of culverts and bridge structures.
- c) Where pump stations are used, discharge shall leave site as gravity flow with an air break provided, i.e., by a catch basin, that will: (a) protect the property by allowing the pumped flow to safely flow out if the gravity portion is clogged, and (b) readily indicate that the gravity portion of the system is clogged.
- d) All drainage facilities, including treatment devices, shall completely dewater within 96 hours of the end of a rainfall event. Pumping facilities may be required to assure that complete dewatering occurs within 96 hours.
- e) All drainage facilities draining into the channel or other drainage system that may cause backflow above the lowest rim in the drainage system during a 100-year storm event shall include a backflow prevention device. The top of bank may be used in-lieu of calculating a 100-year water level.

f) Hydraulic Analysis and Design

Storm drainage and flood protection systems must be sized so that design flows can be collected, conveyed, and safely discharged to receiving waters while meeting general drainage and freeboard requirements. Hydraulic analysis shall be conducted following current, at the time of permit application, Santa Clara County Drainage Manual guidelines. For drainage areas under 5 acres, overland flow depths may be calculated using Manning's Equation with normal depth. For drainage areas greater than 5 acres, a steady state, two dimensional flow model, such as the Army Corps of Engineers River Analysis System, HEC-RAS computer model shall be used.

**C. Additional Permit and Notification Requirements**

1. Every project shall provide the Town with a completed 'NPDES Permit Compliance Checklist' (Attachment "A"). The checklist shows the requirements needed in order to prevent stormwater pollution as part of the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP).
2. Projects with a disturbed land area (graded, cleared, or otherwise impacted) over one acre will need to obtain a Notice of Intent (NOI) with the State Water Resources Control Board, and must prepare a Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Management Plan.
3. Developers are required to sign an Operations and Maintenance Agreement for any new permanent control measures. The Operations and Maintenance Agreement shall be based on the Town's model Operations and Maintenance agreement (Attachment B).
4. San Mateo County Mosquito Abatement District shall be notified of location. See the County's Vector Control Plan for guidance on how to address potential mosquito breeding habitat.

## **D. Basement Construction Hydraulic Criteria**

1. Basement construction shall not impact groundwater within the Town. If any portion of a building is constructed below the existing ground surface, measures shall be taken to not impede seepage or groundwater flows. Construction shall not release contaminants into the groundwater. Measures to maintain seepage and groundwater flow around the basement include placement of a subdrain consisting of drain rock and perforated pipe that allows passage of flows around subsurface structures. Measures to prevent contamination of groundwater include placement of protective barriers to prevent the release of construction materials into the groundwater.
2. Pumping of groundwater to the Town drainage system during construction is accepted for a period not to exceed two weeks. If pumping is required for more than two weeks, pumping shall be to injection wells or by other means, with the approval of the City Engineer. For purposes of this requirement, a Geotechnical Engineer shall certify a Historical High Groundwater Level. The Geotechnical Engineer shall incorporate the groundwater levels presented in Exhibit 2. Seepage water, direct rainfall and nuisance flows may be pumped from the site at any time, however, the pump intake may not be lower than the historical high groundwater elevation except for during the two week period of allowed groundwater pumping.
3. No groundwater pumping is acceptable after completion of construction. Seepage water, direct rainfall and nuisance flows may be pumped from the site at any time, however, the pump intake may not be lower than the historical high groundwater elevation.
4. Basement areas shall be hydraulically isolated from runoff that would occur during a 100-year storm event. Runoff includes Creek flows and overland flows from upstream drainage areas. Calculations shall show that there is at least 1 foot of freeboard protecting all entrances to the basement. The 100-year water level shall consider local overland flow, regional drainage and Creek water levels.

5. All basement access points including ventilation facilities, windows, doors, etc. must either be (1) at least one foot above the 100-year water level, or (2) protected by waterproof barriers that provide one foot protection above the 100-year water level.
6. Calculations shall be provided that document that the building can withstand loadings, including buoyancy, based on a water level at the 100-year overland flow water level.

## **E. Criteria References**

1. The design of storm drainage facilities shall conform to standard accepted engineering practices. Common reference texts are:

"Handbook of Hydraulics," King & Brater

"Street and Highway Drainage," The Institute of Transportation, University of California

"Highway Design Manual," CalTrans

"Practices in Detention of Urban Stormwater Runoff, Special Report No. 43," American Public Works Association '

Suggested Criteria for Hydrologic Design of Storm Drainage Facilities in the San Francisco Bay Region, California, "United States Department of the Interior, Geological Survey

ASCE Manual of Engineering Practice No. 37

"Open-Channel Hydraulics," V.T. Chow

"HEC-1 Flood Hydrograph Package," U.S. Army Corps of Engineers

"HEC-2 Water Surface Profile Users Manual" U.S. Army Corps Engineers

"A Guide to Hydrologic Analysis Using SCS Methods," McCuen

**ORDINANCE NO. 07-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING CHAPTER 8.54 OF THE ATHERTON MUNICIPAL CODE BY ADDING A  
NEW SECTION 8.54.050 ADOPTING DRAINAGE CRITERIA**

The City Council of the Town of Atherton does hereby ordain as follows:

**Section 1: Amendment of Code.** Chapter 8.54 of the Atherton Municipal Code is hereby amended by adding thereto a new Section 8.54.050 to read as follows:

“Section 8.54.050. Drainage Criteria are hereby adopted. A copy of the criteria is attached to the report of the Director of Public Works for the City Council meeting of September 19, 2007, and incorporated here by this reference as if fully set forth. Revisions and/or amendments to the criteria may be adopted by resolution.”

**Section 2: CEQA Exemption.** This ordinance is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the public Resources Code (California Environmental Quality Act (CEQA)) pursuant to the State CEQA Guidelines Section 15308 as an action that assures the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

**Section 3:** That the City Council hereby declares that it would have passed this Ordinance word by word, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any word, sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**Section 4:** This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Introduced this 17<sup>th</sup> day of October, 2007.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

<i>Ayes:</i>	<i>Council Members</i>
<i>Noes:</i>	<i>Council Members</i>
<i>Abstain:</i>	<i>Council Members</i>
<i>Absent:</i>	<i>Council Members</i>

\_\_\_\_\_  
Alan B. Carlson, MAYOR

ATTEST:

\_\_\_\_\_  
Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

/s/ Marc Hynes  
\_\_\_\_\_  
Marc Hynes, City Attorney



**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
WENDÉ C. PROTZMAN, INTERIM CITY MANAGER**

**FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF  
ATHERTON UPHOLDING APPEAL OF THE PLANNING COMMISSION  
DECISION DENYING USE PERMIT FOR 94 TALLWOOD BY GRANTING  
A USE PERMIT AND FINAL CERTIFICATE OF OCCUPANCY**

**RECOMMENDATION:**

Staff recommends that the City Council adopt the Resolution upholding appeal of the Planning Commission decision denying use permit for 94 Tallwood Court by granting a use permit and final certificate of occupancy.

**INTRODUCTION:**

The City Council, at its October 17, 2007, meeting, heard the appeal of the Planning Commission decision to deny a use permit at 94 Tallwood. At that meeting, the Council voted to uphold the appeal and thereby grant a use permit to exempt the basement area from the floor area calculations for the property. The Council directed staff to prepare findings for consideration at its November 14, 2007, meeting.

The attached Resolution provides findings as directed by the City Council in its approval of the use permit.

Prepared by:

Approved by:

/s/ Lisa Costa Sanders

Lisa Costa Sanders  
Deputy Town Planner

\_\_\_\_\_  
Wendé C. Prtozman  
Interim City Manager

**Attachments:**

1. Resolution
2. Conditional Use Permit

**RESOLUTION NO. 07-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
UPHOLDING APPEAL OF THE PLANNING COMMISSION DECISION  
DENYING USE PERMIT FOR 94 TALLWOOD COURT BY GRANTING A USE  
PERMIT AND AUTHORIZING THE ISSUANCE OF A FINAL CERTIFICATE  
OF OCCUPANCY**

WHEREAS, having heard the matter, the City Council of the Town of Atherton (“Town”), in accordance with the provisions of Chapters 1.04, 17.04, 17.08, 17.20, 17.36, and 17.52 of the Atherton Municipal Code (“Code”), hereby makes the following findings and determinations in the appeal from the decision of the Planning Commission dated July 25, 2007, denying a conditional use permit for property located at 94 Tallwood Court, Atherton, California; and

WHEREAS, Charles W. King, III and Leslie A. King, Trustees of the KCP Trust, owners of property located at 94 Tallwood Court, Atherton, California (“Owners”), applied to build a new single-family home, cabana, and garage (“Project”); and

WHEREAS, the Owners’ application was processed, and building permits issued, by the Atherton Building Department; and

WHEREAS, an audit of the Building Department identified several potential Code compliance issues regarding the Project, including a potential inconsistency with the maximum floor area ratio (“FAR”) allowable under the Code; and

WHEREAS, Section 17.20.040(C) of the Code limits the FAR for the Project site to eighteen percent (18%) of the lot size; and

WHEREAS, Section 17.08.054 of the Code defines “basement” to include “that story below the finished floor of the first story of a building that is at no point in excess of two feet in height above the surrounding average natural grade”; and

WHEREAS, Section 17.08.054 of the Code requires that “any portion of the story below the finished floor of the first story of a building that is in excess of two feet in height above the surrounding average natural grade shall be included in the calculation of floor area” for purposes of determining FAR; and

WHEREAS, Section 17.08.054 of the Code also provides that basements are subject to the exception provisions of Section 17.36.190, which authorizes consideration of a conditional use permit to allow “basement” areas to exceed two feet in height above the surrounding average natural grade on hillside properties, “where the average cross-slope is greater than twenty percent as determined under Section 16.24.050”; and

WHEREAS, on October 24, 2006, the Atherton Building Department issued a letter to the Owners indicating that it would not conduct any further inspections of the

Project until a determination could be made regarding possible violations of the Code;  
and

WHEREAS, the Building Department determined that the Project's basement exceeds two feet in height above the surrounding average natural grade and should be included in the calculation of floor area for purposes of determining FAR; and

WHEREAS, the Building Department determined that, based on the allowable FAR, the maximum floor area for the site is 11,322 square feet, and the total floor area of the Project's structures is 12,505 square feet; and

WHEREAS, on March 9, 2007, the Building Department issued a Notice of Nuisance and Abatement Order, notifying the Owners that a nuisance is being maintained because the Project exceeds, by 1,183 square feet, the maximum allowable floor area, ordering the Owners to abate the nuisance created by the Code violation and to bring the Project into conformance with the Code, and determining that the building permit is null and void; and

WHEREAS, on March 19, 2007, the Owners appealed the Notice of Nuisance and Abatement Order to the City Council; and

WHEREAS, on April 18, 2007, the City Council continued the appeal hearing on the Notice of Nuisance and Abatement Order; and

WHEREAS, on June 7, 2007, the Owners filed an application for a Conditional Use Permit to allow the basement area to be excluded from the floor area calculations for the Project; and

WHEREAS, on July 25, 2007, the Planning Commission held a public hearing on the application for a Conditional Use Permit, received and considered written, documentary, and oral evidence, and denied the application;

WHEREAS, on August 1, 2007, the Owners appealed the Planning Commission's denial of a Conditional Use Permit to the City Council;

WHEREAS, written, documentary, and oral evidence was presented to and considered by the City Council at a public hearing on October 17, 2007, received without objection, and considered and discussed by the City Council members during the public hearing and thereafter in making their determination;

NOW THEREFORE, the City Council of the Town of Atherton hereby finds and resolves, based upon substantial evidence, that the appeal should be granted with a conditional use permit issued and, following the payment of building permit fees in the amount of \$6,647.53, the Owners issued a final certificate of occupancy for their property located at 94 Tallwood Court, Atherton, in accordance with approved plans for the following reasons:

1. *The proposed use at the proposed location will not be detrimental or injurious to person, property or improvements in the vicinity, and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.* The issuance of a Conditional Use Permit and final certificate of occupancy will not be detrimental to the Town or its residents because the proposed use is a single-family home, garage, and cabana in the R-1A Residential District, a zoning district allows single-family dwellings, accessory structures, and garages; and the lines of sight depicted on the application documents submitted by the Owners show that the Project will have no visual or other impacts on surrounding property owners beyond those ordinarily associated with single-family structures in this neighborhood.
  
2. *The proposed use will be located and conducted in a manner in accord with the general plan, the purposes of the general plan, and the zoning code.* In light of the unique slope of the Project site's flag lot and the unique circumstances regarding the Town's issuance of the building permit, the Project substantially complies with the terms and intent of the General Plan and Code.
  
3. Fairness to the Owners, in light of the extraordinary circumstances surrounding the approvals in this matter and the absence of any apparent adverse impact to the community, supports a determination that for this situation only and based upon the unique circumstances in which it has arisen, the denial of the conditional use permit by the Planning Commission is reversed.
  
4. Because the denial of the Conditional Use Permit is reversed and the issuance of a final certificate of occupancy is authorized, the March 9, 2007 Notice of Nuisance and Abatement Order is moot and without any force and effect.

This resolution shall become effective immediately upon adoption.

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a special meeting thereof held on this 14th day of November, 2007, by the following vote:*

<i>AYES:</i>	<i>Council Members:</i>
<i>NOES:</i>	<i>Council Members:</i>
<i>ABSENT:</i>	<i>Council Members:</i>
<i>ABSTAIN:</i>	<i>Council Members:</i>

ATTEST:

\_\_\_\_\_  
Alan Carlson, MAYOR  
Town of Atherton

\_\_\_\_\_  
Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

/s/ Marc Hynes\_\_\_\_\_  
Marc G. Hynes, City Attorney



## Town of Atherton

Town Administrative Offices  
91 Ashfield Road  
Atherton, California 94027  
650-752-0500  
Fax 650-688-6528

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**TOWN OF ATHERTON  
CITY COUNCIL  
CONDITIONAL USE PERMIT CERTIFICATE**

THIS IS TO CERTIFY THAT the Atherton City Council at a regular meeting thereof, held on Wednesday, October 17, 2007, did grant Conditional Use Permit to KCP Trust, pursuant to Atherton Municipal Code Section 17.08.054, to allow the basement area to be excluded from the floor area calculations for the property at 94 Tallwood Court in Atherton (Assessor's Parcel Number 074-130-310). The Permit was approved subject to the following conditions:

1. This and all other present and future improvements to the property shall comply with R1-A zoning provisions and other applicable ordinances.
2. The applicant shall pay building permit fees based on 1,183 square feet of building area based on the building permit fee schedule in effect at the time of the submittal of a building permit for the main residence at 94 Tallwood Court.

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Lisa Costa Sanders  
Deputy Town Planner

Effective Date: November 14, 2007  
Atherton, CA



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
INTERIM CITY MANAGER, WENDÉ C. PROTZMAN**

**FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD  
NOTICE OF COMPLETION AND APPROVAL OF CONTRACT  
CHANGE ORDERS AND QUANTITY CHANGES IN THE  
AMOUNT OF \$237,053 FOR THE STREET RECONSTRUCTION  
PHASE 3 PROJECT NUMBER 05-005**

### **RECOMMENDATION**

Accept work, authorize recording of a notice of completion, and approve contract change orders in the amount of \$237,053 for the Street Reconstruction Phase 3 Project, Project No. 05-005.

### **INTRODUCTION**

The Council awarded a contract in 2006 to O'Grady Paving, Inc., for \$883,930, with an \$88,393 construction contingency, for a total authorized amount of \$972,323. Work under the contract has been completed.

### **ANALYSIS**

The original contract price was for \$883,930. There were four (4) field directives/change orders and quantity changes totaling \$237,053.00, bringing the total contract to \$1,120,983.00. The contract changes were as follows:

- |  |              |
|--|--------------|
| 1. Original Contract   | \$883,930.00 |
| 2. Change Order No. 1 - additional AC on Austin to remove wet subgrade (due to early rain); removal of existing pipe | \$16,568.64  |

3. Extra work Normandy Lane and Redwood Way - special subgrade correction using drain rock	\$8,690.00
4. Extra work Watkins Avenue - alignment change	\$12,132.00
5. Extra work Watkins Avenue - fencing	\$2,208.00
Subtotal	\$923,528.64
6. Quantity changes (see below)	\$197,454.36
TOTAL	\$1,120,983.00

The quantity changes consisted of the following necessary items for the project:

1. Additional subgrade stabilization due to unexpected wet subgrade on Camino al Lago, Redwood Way, Normandy Lane and Barry Lane. \$98,631
2. Additional paving of driveway conforms to correct grades and provide drainage on Austin Avenue, Redwood Way, Normandy Lane and Barmetta Way. \$45,413.55
3. Additional paving quantity due to engineer's quantity error (did not include paving for special removal area around trees on Redwood Way). \$42,750
4. Additional milling and paving on Austin Avenue and Camino al Lago to repair cracked pavement at conform areas. \$14,692
5. Other quantity corrections and changes. -\$4,032.19

### **FISCAL IMPACT**

Funding for this project in the amount of \$800,000 was included in the FY 06/07 budget. Funding for street reconstruction in the amount of \$1,000,000 is included in the FY 07/08 budget. A portion of the FY 07/08 budget was projected for the anticipated increase in this project's cost. The final cost of this segment of work is \$148,660 (15.3%) more than the approved budget of \$972,323.

The final cost of this segment of work leaves \$679,017 in this year's budget for scheduled projects. This will be sufficient funding for the FY 07/08 Street Reconstruction projects.

Staff Report  
November 14, 2007  
Page 3 of 3

**CONCLUSION:**

It is appropriate for the Council to accept the work and authorize recording a Notice of Completion at this time.

Prepared by:

Approved by:

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Duncan L. Jones, P.E.  
Public Works Director

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Wendé C. Protzman  
Interim City Manager

Attachment: Notice of Completion  
Certificate of Completion

**RECORD REQUESTED BY:**

**TOWN OF ATHERTON**  
**AND WHEN RECORDED MAIL TO:**

**CITY CLERK, TOWN OF ATHERTON**

**91 ASHFIELD ROAD**  
**(Street Address)**  
**ATHERTON, CALIFORNIA 94027**  
**(City, State and Zip Code)**

No fee pursuant to Government Code Section 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**TOWN OF ATHERTON**  
**NOTICE OF COMPLETION**

**STREET RECONSTRUCTION PHASE 3**  
**PROJECT NO. 05-005**  
**ATHERTON, CALIFORNIA**

NOTICE IS HEREBY GIVEN THAT Duncan L. Jones, Engineer of Work for the Town of Atherton, County of San Mateo, California, on the 15th day of November 2007 did file with the City Clerk of said Town a Certificate of Completion for the work described in the construction contract awarded to O'Grady Paving, Inc. on the 19<sup>th</sup> day of July, 2006, said contract being executed on the 19<sup>th</sup> day of July, 2006.

That said work and improvements were accepted as completed on the 14<sup>th</sup> day of November, 2007 and that acceptance for completion of said work was ordered by Motion of the City Council of said Town, adopted on the 14<sup>th</sup> day of November, 2007, and that the name of the surety on the Contractor's bond for performance, labor and materials on said project is Travelers Casualty and Surety Company of America, 100 California Street, Suite 300, San Francisco, CA 94111.

That said work and improvements consisted of layout of work, removal and replacement of asphalt concrete pavement on streets and side streets, concrete valley gutters, ac dikes/berm, rock swales, new reinforced concrete slab and permanent striping as described in the plans an specification approved by the City Council of the Town of Atherton pursuant to motion, adopted the 17<sup>th</sup> day of May, 2006.

That I, Duncan L. Jones, City Engineer of the Town of Atherton, am authorized by said Motion to execute and file this notice with the County Recorder of the County of San Mateo.

BY: \_\_\_\_\_  
City Engineer  
\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
City Clerk  
\_\_\_\_\_  
Date

'I declare under penalty of perjury that the foregoing is true and correct.'

\_\_\_\_\_  
(Date and Place)

\_\_\_\_\_  
(Signature)

# CERTIFICATE OF COMPLETION

## TOWN OF ATHERTON

**PROJECT NAME:** Street Reconstruction Phase 3  
**PROJECT NUMBER:** 05-005  
**LOCATION:** Various Streets

**NOTICE IS HEREBY GIVEN:**

1. That on November 14, 2007, the Public Works project known as Street Reconstruction Phase 3 was completed in accordance with the plans and specifications as required by the Town of Atherton.

2. That the name and address of the party filling this notice is:

Town of Atherton  
91 Ashfield Road  
Atherton, California 94027.

3. That the name and address of the Contractor responsible for the construction of the project is:

O'Grady Paving, Inc.  
2513 Wyandotte Street  
Mountain View, CA 94043

4. That the name and address of the Contractor's surety is:

Travelers Casualty and Surety Company of America  
100 California Street, Suite 300  
San Francisco, CA 94111

5. Description of Work: Layout of work, removal and replacement of asphalt concrete pavement on streets and side streets, concrete valley gutters, ac dikes/berm, rock swales, new reinforced concrete slab and permanent striping, as more particularly described in the plans and specification approved by the City Council of the Town of Atherton pursuant to Motion, adopted the 17<sup>th</sup> day of May, 2006.

**BY:**

\_\_\_\_\_  
**Duncan L. Jones, P.E.**  
**Public Works Director**

\_\_\_\_\_  
**Date**

**ATTEST:**

\_\_\_\_\_  
**Kathi Hamilton**  
**Acting City Clerk**

\_\_\_\_\_  
**Date**

ITEM 15

**APPEAL REGARDING 44 TUSCALOOSA**

AT THE REQUEST OF THE APPELLANT, THIS ITEM WILL  
BE CONTINUED TO THE DECEMBER CITY COUNCIL  
MEETING.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: SETTLEMENT AGREEMENT – TOWN OF ATHERTON, SEQUOIA UNION HIGH SCHOOL DISTRICT**

#### **RECOMMENDATION:**

Consider settlement agreement between the Town and the Sequoia Union High School District relative to pending litigation in the case of Town of Atherton v. Sequoia Union High School District, et al., Case No. CIV 458899, Superior Court of California, County of San Mateo. Approval of the agreement is recommended.

#### **BACKGROUND:**

The Town has filed a lawsuit against the Sequoia Union High School District raising issues pertaining to a proposed performing arts center on the campus of the Menlo-Atherton High School. The lawsuit challenges the project on the basis of a failure to comply with requirements of the California Environmental Quality Act (CEQA). A number of issues are raised including drainage, noise and traffic impacts expected to be generated by the proposed project.

Counsel retained by the Town for this matter, the law firm of Colantuono & Levin, represented by Ms. Holly O. Whatley, have negotiated a settlement agreement with the District. It is attached as Exhibit A to the Staff Report. Ms. Whatley will be present to answer any questions the City Council may have regarding the provisions of this agreement which has been signed by the District Board.

Attached as Exhibit B are letters from the Lindenwood Homeowners Association and a number of Lindenwood residents expressing their concerns with the agreement.

Prepared By:

Approved By:

Attachments

/s/ Marc Hynes

Marc G. Hynes  
City Attorney

\_\_\_\_\_  
Wendé C. Protzman  
Interim City Manager

Attachments

**CONFIDENTIAL**  
SETTLEMENT AGREEMENT AND GENERAL RELEASE  
BETWEEN  
TOWN OF ATHERTON  
SEQUOIA UNION HIGH SCHOOL DISTRICT  
AND  
TRUSTEES OF THE SEQUOIA UNION HIGH SCHOOL DISTRICT  
RELATED TO THE PERFORMING ARTS CENTER  
AT  
MENLO-ATHERTON HIGH SCHOOL

This Settlement Agreement and General Release (“Agreement”) is entered into by and among the Town of Atherton (“Atherton” or “Petitioner”), , the Sequoia Union High School District (“District”), and the Trustees of the Sequoia Union High School District (“Trustees”) (or collectively “Respondents”).

WHEREAS, the District intends to build a performing arts center at the Menlo-Atherton High School Campus located in Atherton. The performing arts center (“Performing Arts Center) will serve school students as well as the community-at-large as a venue for outside performers and as a summer home for community arts programs including those offered by the City of Menlo Park. WHEREAS, Atherton has filed a Petition for a Writ of Mandate in the Superior Court for the County of San Mateo entitled *Town of Atherton v. Sequoia Union High School District and Trustees of the Sequoia Union High School*, Case No. CIV 458899 (“Court Action”). The Court Action alleges violations of the California Environmental Quality Act (CEQA), California Public Resources Code Sections 21000. et seq., by the District in connection with the Performing Arts Center project.

WHEREAS, other disputes have arisen between the parties regarding the application of Atherton’s zoning ordinances to the anticipated use of the Performing Arts Center.

WHEREAS, the parties desire to resolve fully and finally all claims by the Town against the District and Trustees, including but not limited to, the claims that have been asserted or that could have been asserted in the Court Action against any of the parties, and any and all existing claims related to the construction of the Performing Arts Center on the terms and conditions set forth below.

THEREFORE, in consideration of the promises, covenants, warranties and representations set forth below, the parties agree as follows:

1. The following actions will be taken by the parties in order to address issues related to the impact on the surrounding community as a result of the development of the Performing Arts Center.

Initials: \_\_\_\_\_  
Atherton

\_\_\_\_\_   
District

\_\_\_\_\_   
Trustee



shall be consistent with the parking and traffic protocols set forth memo regarding such protocols, which is attached hereto as Exhibit A and incorporated herein by reference.

Where it appears that concurrent events could result in overflow parking, every effort will be made to schedule such events on different days.

To the extent the District does not need to obtain discretionary approval of its parking plan from an appropriate agency, municipality or other governmental entity, then the District shall implement such plan as outlined above. To the extent the District needs to obtain discretionary approval of its parking plan, the District shall use its best efforts to obtain such approval from the appropriate agency, municipality or other governmental entity. If the District is unable to obtain such approval(s) despite using its best efforts, the District shall meet and confer in good faith with Atherton to ensure that the reasonably expected parking impacts of the Performing Arts Center are evaluated in compliance with professional standards and mitigated to the extent reasonably feasible

Noise. The District shall develop policies related to traffic and parking control in conjunction with the Performing Arts Center use along the lines of the District's existing post-game traffic and parking policies. The purpose of development and enforcement of such policies is to minimize noise related to traffic congestion in connection with entering and leaving the Menlo-Atherton High School campus in connection with events at the Performing Arts Center as well as the congregation of individuals in and around the Performing Arts Center before and after events. Policies shall be developed and enforced with respect to usage of the Performing Arts Center which will include, but not be limited to, requirements that during the operation of the Performing Arts Center doors will, to the maximum extent possible, remain shut in order to retain noise within the acoustic environment of the Performing Arts Center and to minimize noise emanating from the Performing Arts Center.

Any measures identified in the development of policies related to noise shall be implemented by the District to the extent such measures do not require the discretionary approval from an appropriate agency, municipality or other governmental entity. To the extent the District needs to obtain discretionary approval of any measure identified in its noise policy, the District shall use its best efforts to obtain such approval from the appropriate agency, municipality or other governmental entity. If the District is unable to obtain such approval(s) despite using its best efforts, the District shall meet and confer in good faith with Atherton to ensure that the reasonably expected noise impacts of the Performing Arts Center are evaluated in compliance with professional standards and mitigated to the extent reasonably feasible

Hour(s) of Operations Limitations. The parties have differing positions regarding whether certain uses of the Performing Arts Center are subject to Atherton's Special Events Ordinance, Chapter 17.38 of the Atherton Municipal Code, with School Event Guidelines related thereto and as amended. Without conceding their respective positions, the parties agree to the following regarding hours of operation.

The parties understand and agree that with respect to non-school related small attendance use of the Performing Arts Center (an activity or event having 200 or fewer attendees), no special

Initials: \_\_\_\_\_  
Atherton District Trustee



campus, (2) the raising of the existing berm in the vicinity of the fire road exiting onto Ringwood Avenue by 4 inches and, (3) if necessary, the installation of a small pump. Such improvements shall be installed in accordance with the recommendations of Brian-Kangas-Falk.

To the extent the District needs to obtain discretionary approval of any drainage improvement specified above, the District shall use its best efforts to obtain such approval from the appropriate agency, municipality or other governmental entity. If the District is unable to obtain such approval(s) despite using its best efforts, the District shall meet and confer in good faith with Atherton to agree on terms that achieve the spirit and intent of this section.

2. The parties hereto hereby agree that all rights they may have under section 1542 of the Civil Code of the State of California are hereby waived by them. Section 1542 provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

3. Notwithstanding the provisions of section 1542 of the Civil Code of the State of California, the parties without limitation hereby irrevocably and unconditionally release and forever discharge each other, their agents, alter egos, representatives, successors and assigns from any and all charges, complaints, claims, causes of action, debts, sums of money, controversies, agreements, promises, damages and liabilities of any kind or nature whatsoever, both at law and equity, known or unknown, actual or potential, suspected or unsuspected, arising from conduct occurring on or before the date of this Agreement incidental to, arising out of or encompassed by the planning and construction of the Performing Arts Center on the Menlo-Atherton High School site. This provision is intended by the parties to be all encompassing and to act as a full and total release of any claim, whether specifically enumerated herein or not, that the parties might have or have had, that exists or ever has existed on or prior to the effective date of this Agreement pertaining to the subject matter of this Agreement. All such claims, including related attorneys' fees and costs, are forever barred by this Agreement.

4. In the event a dispute arises between the parties over compliance with a term or condition of this agreement, the parties agree to meet and confer in good faith to resolve the dispute. If resolution satisfactory to all parties cannot be reached within sixty (60) days of notification by one party of the need to meet and confer, the parties agree to mediate the dispute before a mutually acceptable neutral mediator. The mediator selected by the parties shall be one qualified in the subject matter of the dispute, and the costs of the mediation shall be equally shared by the parties. Such mediation shall occur within the County of San Mateo and shall take place within forty-five days of service of a written demand for such mediation on by one party on the other parties. No party may file any legal action with respect to any dispute arising out of and encompassed by paragraph 1 until a mediation regarding such dispute is concluded. All legal actions arising out of this Agreement shall be filed and prosecuted in the San Mateo County

Initials: \_\_\_\_\_  
Atherton

\_\_\_\_\_  
District

\_\_\_\_\_  
Trustee

Superior Court.

5. Upon execution of this Agreement by Petitioner and Respondents as set forth in Paragraph 13, below, counsel for Atherton will file a dismissal with prejudice as to the Respondents of the Court Action.

6. The parties agree they shall each bear their own attorneys' fees and costs incurred in connection with the Court Action and negotiation of this Agreement. Although the parties have agreed to each bear its own attorneys' fees and costs, the District acknowledges that this settlement agreement represents meaningful relief for Atherton.

7. By entering into this Agreement, it is understood that the District does not admit and, to the contrary, expressly denies that they breached any duty, obligation or agreement, or engaged in any illegal, tortious or wrongful activity.

8. The parties acknowledge that the terms of this Agreement were negotiated and drafted by both parties with the assistance of counsel. Accordingly, any rule of construction to the effect that any ambiguity is to be construed against the drafting party shall not be applied to the interpretation of this Agreement.

9. Each of the parties warrants that no promise, inducement, or agreement not expressed herein has been made to them in connection with this Agreement, and that this Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior agreements and understandings of the parties relating to the subject matter hereof. It is expressly understood and agreed that this Agreement may not be altered, amended, modified or otherwise changed in any respect whatsoever except by an executed written agreement signed by all the parties. The parties hereto agree that they will make no claim at any time or place that this Agreement has been orally altered or modified or otherwise changed by oral communication of any kind or character.

10. This Agreement shall be construed pursuant to the laws of the State of California. If for any reason any provision of this Agreement is determined to be invalid, unenforceable or contrary to any existing or future law to any extent, such provision shall be enforced to the extent permissible under the law and such invalidity, unenforceability or illegality shall not impair the operation of or otherwise affect those portions of this Agreement which are valid, enforceable and legal.

11. The benefits and obligation of this Agreement shall inure to and be binding upon the representatives, agents, partners, joint venturers, heirs, successors and assigns of the parties hereto.

12. This Agreement may be executed in counterparts and when each party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original; and when taken together with other signed counterparts shall constitute one Settlement Agreement which shall be binding upon and effective as to all parties. Facsimile signatures are to be deemed equivalent to original signatures.

Initials: \_\_\_\_\_  
Atherton

\_\_\_\_\_  
District

\_\_\_\_\_  
Trustee

13. This Agreement is conditioned upon and will take effect only upon approval by, and execution on behalf of, each of the City Council of the Town of Atherton, Sequoia Union High School District, and the Trustees of the Sequoia Union High School District. The date the last of these events occurs constitutes the "Effective Date" hereunder.

TOWN OF ATHERTON

Dated: \_\_\_\_\_, 2007

By: \_\_\_\_\_

Its: \_\_\_\_\_

SEQUOIA UNION HIGH SCHOOL DISTRICT

Dated: \_\_\_\_\_, 2007

By: \_\_\_\_\_

Its: \_\_\_\_\_

TRUSTEES OF THE SEQUOIA UNION FILCH  
SCHOOL DISTRICT

Dated: \_\_\_\_\_, 2007

By: \_\_\_\_\_

Its: \_\_\_\_\_

Initials: \_\_\_\_\_  
Atherton

\_\_\_\_\_  
District

\_\_\_\_\_  
Trustee

# Menlo-Atherton High School

555 MIDDLEFIELD ROAD  
ATHERTON, CA 94027-3484

(650) 322-5311

Matthew Zito, Principal  
Steve Lippi, Instructional Vice Principal  
Judy Duran, Administrative Vice Principal  
Fred Kessler, Administrative Vice Principal  
Simone Kennel, Dean of Students

## BOARD OF TRUSTEES

Don Gibson  
Gordon Lewin  
Olivia G. Martinez  
Lorraine Rumley  
Sally D. Stewart

PATRICK R. GEMMA  
Superintendent

Performing Arts Center (PAC) at Menlo-Atherton High School  
Parking and Traffic Plans for Large Events:

During the instances in the year where our on-site parking is insufficient to accommodate the majority of vehicles on campus, the following steps are instituted to mitigate the disruption to our neighbors on the overall traffic flow:

1. SRI is contacted (Chuck Der or Tom Little) so the school can use their Middlefield parking lot near the Christ Scientist as overflow parking for approximately 125 to 195 vehicles.
2. The Atherton Police Department will deploy cadets to assist in directing traffic and parking on campus, while its sworn officers will assist on the streets in squad cars and through its traffic detail motorcycles.
3. For large events such as graduation or high profile sporting contests, we coordinate with Sunset magazine to use their main parking lot along Willow Road. Sequoia district coaches serve as shuttles to and from the school before, during, and after the event. This system is currently used for June's graduation.
4. Student helpers flag visitors into open parking lots and re-direct them from full lots and those reserved for handicapped visitors.
5. The San Mateo County Sheriff's Office is contacted to patrol Ringwood Avenue and the Menlo Oaks neighborhood directly across from the school so that overflow parking does not obstruct routine traffic or the safe passage of fire and safety vehicles.

6. The school utilizes internal spaces to accommodate extra parking (such as our basketball court area) to increase the number of vehicles housed on-site during high impact events.
7. At the conclusion of large scale events in the PAC, school or event personnel will direct traffic out of the main parking lot and set up orange cones to block vehicles from entering the lot so that a smooth and orderly exit occurs, much in the way crews set up the traffic flow in and out of Monster Park in San Francisco. Exit lanes will be clearly marked, local police notified of the tentative exit time for spectators, and ample staff on site to supervise and direct both pedestrian and vehicular traffic. If necessary, additional marked security staff will be hired as an additional presence.

Parking and Traffic Flow Key Personnel:

Fred Kessler- Vice Principal (fkessler@seq.org)

Dean of Students- Simone Kennel (srkennel@seq.org)

Sandy Nelson- Vice Principal Secretary (snelson@seq.org)

Anthony Kockler- Atherton Police Officer assigned to M-A (akockler@seq.org)

**THERE IS  
NO WRITTEN  
REPORT FOR  
ITEM NO. 17**



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL  
WENDÉ C. PROTZMAN, INTERIM CITY MANAGER**

**FROM: MIKE WASMANN, BUILDING OFFICIAL**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING TITLE 15 OF THE  
ATHERTON MUNICIPAL CODE, REPEALING ORDINANCE 537, AND  
ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE,  
AND ADOPTING CURRENT BUILDING, ELECTRICAL, PLUMBING,  
MECHANICAL, ENERGY, HISTORICAL BUILDING CODE, HOUSING  
CODE, AND SEISMIC HAZARDS CODES, RETAINING EXISTING  
ABATEMENT OF DANGEROUS BUILDINGS CODE, AND RATIFYING  
FIRE CODE**

### RECOMMENDATION

Adopt the 2007 California Building Codes and provide for the administration thereof; amend and adopt other related ordinances.

### INTRODUCTION

Building Codes are required by the State Legislature to be adopted every three years in conjunction with the most current codes being published by the Model Code Groups. Various building codes are published to establish minimum standards of safety for the construction, alteration, addition, repairs and maintenance of buildings and structures throughout the country. These published codes, known as the model codes, are then adopted and modified by the California Building Standards Commission, for the inclusion into Title 24 of the California Code of Regulations.

### ANALYSIS

The local adoption of Building Codes, specified in California Code of Regulations Title 24, is mandated by the State of California. The Building Official is required to administer and enforce

those building codes. The amending of certain portions of the Town of Atherton Municipal Code is necessary to maintain a consistency between the new building codes, procedures and terminology and our existing regulations.

### **CONCLUSION**

Staff recommends that the City Council approve the proposed ordinance adopting the building codes for the Town of Atherton, Menlo Park Fire Prevention District Fire Prevention Code and make modifications to identified municipal code sections to maintain consistency between all adopted regulations.

### **FISCAL IMPACT**

None

Prepared by:

Approved by:

---

Mike Wasmann  
Building Official

---

Wendé Protzman  
Interim City Manager

### **Attachments**

1. Title 15 of the Town of Atherton Municipal Code
2. Menlo Park Fire Protection District Staff Report
3. Menlo Park Fire Protection District Attachment A, B, & C

**ORDINANCE NO.**

**AN ORDINANCE OF THE TOWN OF ATHERTON  
AMENDING TITLE 15 OF THE ATHERTON MUNICIPAL CODE,  
REPEALING ORDINANCE 537, AND ALL OTHER  
ORDINANCES IN CONFLICT WITH THIS ORDINANCE,  
AND ADOPTING  
CURRENT BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, ENERGY,  
HISTORICAL BUILDING CODE, HOUSING CODE, AND SEISMIC HAZARDS CODES,  
RETAINING  
EXISTING ABATEMENT OF DANGEROUS BUILDINGS CODE,  
AND RATIFYING FIRE CODE**

The City Council of the Town of Atherton does ordain as follows:

**Section 1.** Chapter 15.04 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.04 is added to read as follows:

**Chapter 15.04**

**BUILDING CODE**

**Sections:**

- 15.04.010** Adopted.
- 15.04.020** Permit and license requirements.
- 15.04.025** Permit Fees.
- 15.04.030** Fee Disposition.
- 15.04.040** Cash Deposits – Early Utility Hookups
- 15.04.045** Cash Deposits – Road Damage.

**15.04.010 Adopted.**

That a certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2007 California Building Code", Volumes 1 and 2, as published by the International Codes Council and adopted by the California Building Standards Commission as Title 24 California Code of Regulations, is adopted as the Building Code of the Town for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the Town; control of excavation and grading; providing for the issuance of permits and collection of fees therefore; providing penalties for violation of such code; and each and all of the regulations, provisions, penalties of such 2007 California Building Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

**15.04.015 Administration.**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as “Appendix Chapter 1 – Administration” of the 2007 California Building Code is adopted for the purpose of providing for the administration and enforcement of the technical codes adopted by the Town; and each and all of the regulations, provisions and penalties of Appendix Chapter 1 are referred to adopted and made a part of this Chapter as if fully set out in this Chapter, subject to the amendments, deletions, and additions thereto, as provided in this Chapter.

**15.04.020 Permit and license requirements.**

No building permit shall be issued to any contractor unless that contractor holds a business license duly issued by the Town. The Town may refuse to grant a final inspection of a structure until such time as all subcontractors and contractors working on the structure have obtained all necessary permits and licenses from the Town.

**15.04.025 Permit Fees**

Permit fees are as established and amended by resolution of the City Council.

**15.04.030 Strong Motion Instrumentation Fee.**

There is a Strong Motion Instrumentation Fee collected by the Town on all permits for construction or alterations of residential and commercial buildings, (excluding plumbing, electrical or mechanical permits) and this fee is submitted to the State Department of Conservation.

**15.04.040 Cash Deposit – Early Utility Hookup.**

Every person who makes application for a temporary certificate of occupancy or makes application to receive gas and electrical service prior to the final inspection shall post a deposit or cash bond of five thousand dollars. The deposit or cash bond shall be returned after a satisfactory final inspection is made. Any costs related to work performed by Town staff to effect compliance with the intent of this section shall be deducted from this deposit.

**15.04.045 Cash Deposit – Road Damage.**

Every person who makes application for an excavation permit in excess of 500 cubic yards and where the excavated material is to be hauled on the public roads shall post a deposit or cash bond of five thousand dollars. The deposit or cash bond shall be returned after a satisfactory final inspection is made, and where no road damage has occurred. Any costs related to work performed by Town staff to effect repair of damaged roads shall be deducted from this deposit.

**Section 2.** Chapter 15.08 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.08 is added to read as follows:

**Chapter 15.08**

**ELECTRICAL CODE**

**Sections:**

**15.08.010 Adopted.**

**15.08.020 Permit Fees.**

**15.08.010 Adopted.**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2007 California Electrical Code," including Appendix Chapters as published by the National Fire Protection Association and adopted by the California Building Standards Commission as Title 24, California Code of Regulations, Part 3, is adopted as the Electrical Code of the Town for the purpose of providing for the issuance of permits for the installation or alteration of electrical systems, and the collection of fees for the same, defining certain terms, establishing minimum regulations for the installation or alterations or additions or repairs of electrical systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations, provisions, penalties, conditions and terms of such 2007 California Electrical Code, are referred to, adopted and made part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

**15.08.020 Permit Fees**

Permit fees are as established and amended by resolution of the City Council.

**Section 3.** Chapter 15.12 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.12 is added to read as follows:

**Chapter 15.12**

**PLUMBING CODE**

**Sections:**

**15.12.010 Adopted.**

**15.12.020 Permit Fees.**

**15.12.010 Adopted.**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2007 California Plumbing Code," including Appendix Chapters as published by the International Association of Plumbing and Mechanical officials, and adopted by the California Building Standards Commission as Title 24, California Code of Regulations, Part 5, is adopted as the Plumbing Code of the Town, requiring a permit for the installation or alteration of plumbing and drainage systems; defining certain terms; establishing minimum regulations for the installation or alteration or addition or repairs of plumbing and drainage systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations, provisions, penalties, conditions and terms of the 2007 California Plumbing Code are referred to, adopted and made a part of this chapter, as if fully set out in this chapter, subject to the amendments, deletions, and additions thereto, as provided in this chapter.

**15.12.020 Permit Fees.**

Permit fees are as established and amended by resolution of the City Council.

**Section 4.** Chapter 15.16 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.16 is added to read as follows:

**Chapter 15.16**

**MECHANICAL CODE**

**Sections:**

**15.16.010 Adopted.**

**15.16.020 Permit Fees.**

**15.16.010 Adopted.**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2007 California Mechanical Code," including Appendix Chapters, as published by the International Association of Plumbing and Mechanical officials, and adopted by the California Building Standards Commission as Title 24, Part 4, California Code of Regulations, is adopted as the Mechanical Code of the Town in order to provide complete requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems; and each and all of the regulations, provisions, and penalties of such 2007 California Mechanical Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

**15.16.020 Permit Fees.**

Permit fees are as established and amended by resolution of the City Council.

**Section 5.** Chapter 15.18 of the Atherton Municipal Code is hereby added to read as follows:

**Chapter 15.18**

**ENERGY CODE**

**Sections:**

**15.18.010 Adopted.**

**15.18.020 Permit Fees.**

**15.18.010 Adopted.**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2007 California Energy Code", including Appendix Chapters, as published by the California Building Standards Commission and identified as California Code of Regulations Title 24, Part 6, is adopted as the Energy Code for the Town regulating energy efficiency and conservation for all buildings and structures.

**15.18.020 Permit Fees.**

Permit fees are established and amended by resolution of the City Council.

**Section 6.** Chapter 15.20 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.20 is added to read as follows:

**Chapter 15.20**

**HISTORICAL BUILDING CODE**

**Sections:**

**15.20.010 Adopted.**

**15.20.020 Permit Fees.**

**15.20.010 Adopted.**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2007 California Historic Buildings Code," as published by the International Code Council, and adopted by the California Building Standards Commission as California Code of Regulations Title 24, Part 8, regulating construction in an effort to preserve the character and nature of Historical Buildings within the Town.

**15.20.20 Permit Fees.**

Permit fees are as established and amended by resolution of the City Council.

**Section 7.** Chapter 15.22 is hereby added to read as follows:

**Chapter 15.22**

**FIRE CODE**

**15.22.010 Ratified.**

**15.22.020 Permit Fees.**

**15.22.010 Ratified.**

The Menlo Park Fire Protection District Ordinance Number 30 entitled "District Prevention Code" which adopts the 2006 International Fire Code with necessary California amendments and is known generally as the 2007 California Fire Code and Local Amendments and which has been adopted by the Menlo Park Fire Protection District Board is hereby ratified.

**15.22.020 Permit Fees.**

Permit fees are established by the Board of the Menlo Park Fire Protection District.

**Section 8.** Chapter 15.24 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.24 is added to read as follows:

**Chapter 15.24**

**HOUSING CODE**

**Sections:**

**15.24.010 Adopted.**

**15.24.020 Permit Fees.**

**15.24.010 Adopted.**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "Uniform Housing Code, 1997 Edition," published by the International Conference of Building Officials, adopting only Chapters 4, 5 and 6, and Sections 701.2 and 701.3 are adopted as the Housing Code of the Town to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the Town; and each and all of the above-designated regulations, provisions, and penalties of such Uniform Housing Code, 1997 Edition, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

**15.24.020 Permit Fees.**

Permit fees are as established and amended by resolution of the City Council.

**Section 9.** Chapter 15.28 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.28 is added to read as follows:

**Chapter 15.28**

**DANGEROUS BUILDING CODE**

**Sections:**

**15.28.010 Adopted**

**15.28.020 Permit Fees.**

**15.28.010 Adopted**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition," published by the International Conference of Building Officials, is adopted by the City Council of the Town, for the purpose of providing a just, equitable and

practicable method, to be cumulative with and in addition to, any other remedy provided by the Building Code, Housing Code, or otherwise available at law, whereby buildings or structures which, from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished; and each and all of the regulations, provisions, penalties of such Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

**15.28.020 Permit Fees**

Permit fees are as established and amended by resolution of the City Council.

**Section 10. A new Chapter 15.44 is hereby added to read as follows:**

**Chapter 15.44**

**SEISMIC HAZARD CODE**

**15.44.010 Adopted.**

**15.44.020 Permit Fees.**

**15.44.010. Adopted.**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the “2007 California Existing Buildings Code” Appendix Chapter A1, as published by the International Code Council and adopted by the California Building Standards Commission, as California Code of Regulations Title 24, Part 10, is adopted as the code for the maintenance of existing buildings and structures throughout the Town that are constructed of Unreinforced Masonry and establishing a program for the same.

**15.44.020. Permit Fees.**

Permit fees are as established and amended by resolution of the City Council. INCLUDE?

**Section 11** Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

**Section 12. A public hearing is hereby set for December \_\_\_\_\_, 2007 for consideration of adoption of this ordinance. The City Clerk is directed to publish in a newspaper of general circulation once a week for two successive weeks prior to the public hearing notice of said hearing. At the time of the initial notice, copies of the codes to be adopted shall be made available for inspection in the Office of the City Clerk where they are to be on file and to remain on file through and including the date of adoption of this ordinance.**

**Section 13. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,**

distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 14.** This Ordinance shall be posted in at least three public places within the Town of Atherton and shall be effective from and after thirty (30) days following its adoption.

\* \* \* \* \*

*I hereby certify that the foregoing ordinance was introduced at a special meeting of the City Council of the Town of Atherton held on \_\_\_\_\_, 200\_\_, and was adopted by said City Council at a regular meeting held on \_\_\_\_\_, 200\_\_ by the following roll call vote:*

AYES: Council Members  
NOES: Council Members  
ABSENT: Council Members  
ABSTAIN: Council Members

\_\_\_\_\_  
Alan B. Carlson, MAYOR  
Town of Atherton

ATTEST:

\_\_\_\_\_  
Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc G. Hynes, City Attorney

**Item: RATIFICATION OF MENLO PARK FIRE PROTECTION DISTRICT'S ADOPTION OF THE 2007 CALIFORNIA FIRE CODE WITH LOCAL AMMENDMENTS**

\* \* \* \* \*

**Staff Recommendation**

1. That the Atherton Town Council accepts the report as presented. Ratification
2. That the Atherton Town Council ratifies the Menlo Park Fire District Ordinance that adopts the 2006 International Fire Code with necessary California amendments, hereafter known as the 2007 California Fire Code and local amendments.

**Background**

The California State Building Standards Commission began a program to adopt model Building Codes as a minimum standard to be used throughout the State of California. The State Building Standards Commission has selected the International Code Council and its family of Building Codes, including the *International Fire Code*, as its minimum standard.

To keep codes current with building technology, the California Building Standards Commission readopts the most current version of the model building codes available. This re-adoption occurred last January, giving local jurisdictions a full year to review the new codes and proceed with a formal local adoption process.

**Discussion**

Over the years, fire protection requirements have evolved to include some building standards. In accordance with State Law, Menlo Park Fire District is now required to have their local Ordinance which adopts the California Fire Code, and any other local amendments to the Fire Code, ratified by local cities it serves.

The Menlo Park Fire District conducts a formal adoption process of the Fire Code, and adds any other local amendments that promote fire safety within the community. Due to the "International" usability of the Fire Code, this year the Fire District added a number of Menlo Park Fire Protection District Standards to the Fire Prevention Code. These local standards were added to try and provide guidance to local code users by making some requirements more understandable or detailed.

**Fiscal Impact**

There should be no fiscal impact incurred by the Town of Atherton.

**Attachments:**

**Attachment A: Summery of Menlo Park Fire District's 2007 California Fire Code Ordinance**

**Attachment B: Menlo Park Fire Protection District, Ordinance 30-07 The District Fire Prevention Code, includes Local Amendments, a Fee Schedule, and Local Fire Protection Standards**

**Attachment C: Findings and Determinations Pursuant to State of California Health and Safety Code 17958 and 17958.5**

## **Attachment A**

### **Summary of Menlo Park Fire District's 2007 California Fire Code Ordinance**

The last time Menlo Park Fire District adopted the California Fire Code was in 2002. Over the last five years, the District has experienced major redevelopment, including an eleven story hotel, and several residential developments.

Since questions arose with the 2002 Fire Code as to which agency was responsible for fire and panic safety regulations in residential occupancies, the 2007 Fire District Ordinance allows the Fire Chief to take such responsibility. Since most of these regulations involved access for fire apparatus and water supplies from fire hydrants, a significant portion of the ordinance includes requirements for private driveways that extend greater than 150 feet and roadways in private housing developments. The San Mateo County Standard for traffic calming devices (speed bumps) on busy roadways is included so that these devices do not hamper emergency response from fire apparatus.

Each city served by Menlo Park Fire District has specific fire sprinkler requirements, so each city's requirements are individually acknowledged in the Ordinance. Additional items in the Ordinance address fire fighter safety issues such as guidelines for the installation of solar panels so fire fighters can safely commence rooftop operations, piping systems to refill firefighter air cylinders from inside buildings four or more stories in height, and enhanced antenna systems inside commercial buildings where fire fighter communications may be hampered.

Each building will require addresses that are clearly visible from the street and new commercial buildings will require a key box for fire fighter use only. For occupant safety in new buildings over 75 feet in height, the Fire District is now going to require helipads on rooftops for emergency escape and rescue operations, a requirement typical in larger cities.

**MENLO PARK FIRE PROTECTION DISTRICT  
DISTRICT FIRE PREVENTION CODE**

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**MENLO PARK FIRE PROTECTION DISTRICT**  
**ORDINANCE NO. 30**  
**DISTRICT FIRE PREVENTION CODE**  
(Version Adopted, Amended and Restated on September 5, 2007)

**Paragraph 1 Title**

This set of regulations, including provisions adopted and incorporated by reference, shall be known as the "District Fire Prevention Code" of the Menlo Park Fire Protection District ("the District") and may be cited as such. It is also referred to as "the Code" in these regulations.

**Paragraph 2 Authority**

The District Fire Prevention Code is adopted pursuant to the Fire Protection District Act of 1987 (California Health and Safety Code Sections 13800 et seq.) and in particular the following provisions of that Act: Section 13861(h), which empowers the District to adopt ordinances; Section 13861(i), which empowers the District to establish and enforce rules and regulations for the administration, operation and maintenance of the governmental services which it is authorized to provide; Section 13862, which empowers the District to provide certain governmental services including fire protection services; Section 13869, which empowers the District to adopt a fire prevention code by reference; Section 13870, which empowers the District's authorized representatives to order correction or elimination of fire and life hazards; Section 13871(b), which provides that failure to correct or eliminate a fire or life hazard after a duly issued order is a misdemeanor; Section 13872, which empowers the District's authorized representatives to issue citations for certain violations; Section 13873, which provides that the District's employees shall have the powers of peace officers while engaged in the prevention and suppression of fires and the preservation of life and property; and, Sections 13916, 13917, 13918 and 13919, which, among other things, empower the District Board to charge a fee to cover the cost of any services, which the District provides and the cost of enforcing any regulation for which a fee is charged.

**Paragraph 3 Adoption by Reference of the California Fire Code, which Code Adopts by Reference the 2006 Edition of the International Fire Code With Necessary Amendments.**

The California Fire Code (California Code of Regulations, Title 24, Part 9), which adopts by reference the 2006 edition of the International Fire Code (IFC) with necessary State amendments (which codes shall collectively be referred to in the District's Fire Prevention Code as "the Code" or the "IFC"), is adopted by reference and incorporated into the District Fire Prevention Code in its entirety except to the extent portions of the California Fire Code may be deleted, modified or amended by Paragraph 5 of this Code.

#### **Paragraph 4 Definitions**

The following definitions shall have the additional meaning indicated below:

(A) “Jurisdiction” shall mean the territorial boundaries of the Menlo Park Fire Protection District. In that case “Jurisdiction” would mean, as appropriate, the County of San Mateo, the City of East Palo Alto, the City of Menlo Park and the Town of Atherton. The Fire District’s map book shall be adopted by reference to indicate the territorial boundaries of the Menlo Park Fire Protection District.

Except where in the code the term "jurisdiction" is used in a context which implies the ability to exercise governmental powers, such as “the authority having jurisdiction,” then in that context "jurisdiction" shall mean the particular public agency authorized to and exercising that governmental power.

(B) “Fire code official” shall mean the District's Fire Chief, employees of the District’s Fire Prevention and Fire Suppression Divisions and such other representatives of the District as may be authorized by the Menlo Park Fire District Board of Directors or the Fire Chief

(C) “UL” is an abbreviation for Underwriters Laboratories, which is an approved independent testing agency. See also Chapter 45 of the IFC.

(D) “NFPA” is an abbreviation for the National Fire Protection Association which is a professional organization that develops national standards for fire protection. See also Chapter 45 of the IFC.

#### **Paragraph 5 Amendments, Modifications and Deletions to the International Fire Code (IFC)**

The following Sections of the IFC have been amended, modified or deleted as follows:

### **CHAPTER 1 ADMINISTRATION**

#### ***111.2.1 Enforcement.***

***111.2.1.1*** *The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the Office of the State Fire Marshal shall be as follows:*

- 1. The city or county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part of the California Building Standards Code, to the following:*

*1.1 The chief of the fire authority of the city, or county, or an authorized representative.*

*Item 1.2 is deleted. The remainder of Section 111.2.1.1 to remain unchanged.*

**111.9 Stop Work Order.** This Section is replaced with Appendix Section 111 and modified as indicated below.

## **APPENDIX CHAPTER 1 ADMINISTRATION**

### **Appendix Section 101 General**

**101.1 Title.** These regulations shall be known as the District Fire Prevention Code of Menlo Park Fire Protection District hereinafter referred to as “this Code.” See also Paragraph 3 of this ordinance.

### **Appendix Section 103 Fire Prevention Division**

**103.1 General.** The Fire Prevention Division is established within this Jurisdiction under the direction of the District’s Fire Chief. The function of the Fire Prevention Division shall be the implementation, administration and enforcement of the provisions of this code. The District Fire Prevention Code shall be enforced by the District’s Fire Chief, employees of the District’s Fire Prevention Division and such other representatives of the District as may be authorized to do so by the Menlo Park Fire District Board of Directors or the Fire Chief. The Fire Chief, employees of the Fire Prevention Division and employees of the Fire Suppression Division shall have the powers of a peace officer in performing their duties under this code.

**103.3 Deputies.** In accordance with the prescribed procedures of this Jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees. When requested to do so by the fire code official, a Police Chief or Sheriff is authorized to assign such available police officers or deputy sheriffs as necessary to assist the District in enforcing the provisions of this code.

**103.4 Liability.** This code shall not be construed to hold the public entity or any officer or employee responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein, or for failure to make any inspection or reinspection, or for the issuance or refusal to issue any permit provided for herein, or by reason of the approval or disapproval of any equipment or process authorized herein, or for any action in connection with the control or extinguishment of any fire, or in connection with any other official duties.

### **Appendix Section 104 General Authority and Responsibilities**

**104.10 Fire investigations.** The fire code official or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be

made part of the public record except as directed by a court of law. The fire code official may make such audio, visual or other recordings, including photographs, video tapes, audio tapes, diagrams, drawings, sketches and the like, in connection with the investigation of any actual or alleged violation of this code or in connection with the investigation of any incident as authorized by this Section.

### **Appendix Section 105 Permits**

**105.1.1 Permits required.** Permits required by this code shall be obtained from the fire code official. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

(a) A permit shall be required for every activity, material, process or occupancy specified in the District Fire Prevention Code, including the matters covered by IFC Sec. 105.

(b) No person shall engage in, conduct or maintain any activity, occupancy or business for which a permit is required without having first secured the proper permit from the District.

(c) No person shall continue to engage in, conduct or maintain any activity, occupancy or business for which a permit is required after the permit becomes invalid or expires.

(d) No person shall sell, deliver, transfer or cause to be sold, delivered or transferred any material, product or commodity to any other person not in possession of a valid permit when a permit is required by the provisions of this code.

**105.1.1.1 Permit Fees.** The District shall charge and collect fees for the services it provides for reviewing development plans, conducting inspections, issuing permits and enforcing the District's Fire Prevention Code, all in accordance with the District's Fee Schedule. Permit fees shall be paid prior to issuance of the permit. Annual permits that are paid late shall be subject to a 10% late fee that accrues monthly. In addition to the fees described in the Fee Schedule, the District shall be entitled to recover all of its actual expenses incurred to correct violations and / or to obtain compliance with the District's Fire Prevention Code.

(a) Fees shall be charged to other public agencies for services provided by the District except as provided in subparagraph (b) below and except that no fees shall be charged to another public agency for the construction of public improvements or facilities or for the acquisition of equipment.

(b) The District Board may, by resolution, establish policies and procedures by which waivers from payment of fees may be allowed by the Board when payment of a fee would not be in the public interest.

**105.6.4 Carnivals and fairs.** An operational permit is required to conduct a carnival or fair. For carnival and fair requirements, see Chapter 45 and Menlo Park Fire Protection District Standard, "Requirements to Conduct a Carnival or Fair".

**105.6 30 Open Burning.** A permit shall not be issued to burn any material or do any other act, which would not be permitted by any air pollution control district or an air quality management district or any other local, state or federal agency having jurisdiction with regard to such matters.

### **Appendix Section 108 Board of Appeals**

**108.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals.

Any person who is aggrieved within the meaning of this paragraph by an action of an authorized representative of the District may appeal the action to the Fire District's Board. The appeal must be in writing, must fully describe the action sought to be appealed and must be filed with the Clerk of the District Board within 30 days of the date of the action appealed. The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

**108.2 Limitations on authority.** A person shall be deemed to be aggrieved within the meaning of this Section if the person is the applicant or the permittee or is otherwise directly affected by the action in question. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent method of protection or safety is proposed. The action in question may also involve the approval or disapproval of a permit application submitted to the District, the grant or denial of a permit, or a decision concerning the interpretation, construction, operation or enforcement of the District's Fire Prevention Code.

**108.3 Qualifications.** The Board of Appeals shall consist of the Fire District Board of Directors or persons who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the jurisdiction. The Fire Chief shall be an ex officio member of said Board but shall have no vote on any matter before the Board.

### **Appendix Section 109 Violations**

**109.3 Violation Penalties.** Persons who shall violate a provision of a fire prevention code or a district ordinance shall be guilty of an infraction, which shall be punishable by a fine in accordance with Sections 17(d) of the California Penal Code. Any person who fails or refuses to correct or eliminate a fire or life hazard after written order of the District Board or its authorized representative is guilty of a misdemeanor, which shall be punishable by fine or imprisonment or both in accordance with Section 19 of the California Penal Code. The imposition of a punishment pursuant to this paragraph shall neither excuse the violation, nor shall it authorize the violation to continue or preclude the District from taking other action to enforce compliance with a fire prevention code or district ordinance. All violations shall be corrected within a reasonable time regardless of whether a conviction is obtained. Each day that a violation continues after due notice has been served, shall be deemed a separate offense.

## **Appendix Section 111 Stop Work Order**

**111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be liable to a fine as set forth in the Fire District's Fee Schedule, Item 39, "Code Enforcement Surcharge Fee".

## **CHAPTER 4 EMERGENCY PLANNING AND PREPAREDNESS**

### **Section 401 General**

**401.3.1 Making false report.** It shall be unlawful for a person to give, signal or transmit a false alarm. Making a false report shall also be liable to a fine as set forth in the Fire District's Fee Schedule, Item 40, "False Alarms".

## **CHAPTER 5 FIRE SERVICE FEATURES**

### **Section 503 Fire Apparatus Access Roads**

**503.3 Marking.** Where required by the fire code official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Fire lanes shall be identified in accordance with California Law. See also Menlo Park Fire Protection District's Standard, "Fire Lane Requirements".

### **Section 505 Premises Identification**

**505.1 Address numbers.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Structures up to 50 feet in height, shall have addresses a minimum of 1 inch stroke wide by 8 inches high. When the structure is more than 50 feet in height, a minimum of 2.5 inch stroke wide by 12 inches high is required.

**Exception:** Single family dwellings shall have approved address numbers in Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

**505.1(a) Inside Addressing of Multi-Tenant Buildings.** When a structure has interior corridors to individual tenant spaces, numbers or letters shall be placed on the interior doors on all occupancies inside the building. Size of the numbers shall be not less than 0.25 inch stroke width by 4 inches high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height not greater than 5 feet, 6 inches above the finished floor.

**505.1(b) Rear Addressing.** When required by the fire code official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly

visible and legible from any fire apparatus road at the back of a property. Number stroke and size shall comply with this section.

### **Section 506 Key Boxes**

**506.1 Where required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. When key boxes are mounted on a building, they shall be mounted 60 inches above the finished floor and in a location approved by the fire code official, near the main entrance to the structure or facility. Additional key boxes may be required at rear entrances to buildings. A decal shall be provided and installed adjacent to the key lock/latching device. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

**506.2.1 Keys.** The key provided in the key box shall be a master key to all spaces including multi-tenant spaces. Multi-tenant spaces that provide a labeled key for each tenant space or locations with 24-hour on-site security, need not provide a master key. Additional keys shall be included for elevator control, fire alarm control panels and fire sprinkler control valve access. Except for electronic locks that release upon loss of power, electronic card keys and codes may not be utilized as a substitute for manual keys.

### **508 Fire Protection Water Supplies**

**508.2 Type of water supply.** A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. Fire hydrants shall consist of one 4 ½ inch outlet and two 2 ½ inch outlets.

**508.3 Fire flow.** Fire flow requirements for buildings or portions of buildings and facilities, shall be determined in accordance with IFC Appendix B. Water supply for hydrants shall be a minimum of 2,000 gallons per minute (gpm) at 20 pounds per square inch (psi) flowing pressure in commercial and industrial areas.

**508.5.1 Where required.** Fire hydrants shall be located in accordance with IFC Appendix C. Fire hydrants shall also be provided at 300 ft. intervals and within 150 ft. of all portions of all buildings.

## **CHAPTER 6 BUILDING SERVICES AND SYSTEMS**

**610 Solar Panels.** When solar panels are installed on buildings or structures, they shall be installed in accordance with the Menlo Park Fire District Standard “Solar Power Requirements, Photovoltaic Systems.” See also Chapter 45 of this ordinance.

## CHAPTER 9 FIRE PROTECTION SYSTEMS

**901.1 Scope.** The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems.

Unless otherwise determined by the fire code official, fire protection devices including automatic sprinkler systems, smoke alarms, fire alarm systems, radio amplification systems and fire department breathing air systems shall be installed, operated and maintained in accordance with this Section and Menlo Park Fire Protection District Standards referenced in Chapter 45 of this ordinance.

### **Section 903 Automatic Sprinkler Systems**

**903.2 Where required.** New and existing buildings within the Menlo Park Fire District Jurisdiction shall comply with the following sections. Other requirements of IFC Chapter 9 and Chapter 45 of this ordinance shall apply. If there is a conflict between Menlo Park Fire District's local requirements and other provisions of Section 903.2 of the IFC, the more restrictive requirement shall apply. Partially sprinklered buildings or structures are not allowed.

**Exception:** For Group E occupancies that are public schools, Section 903.2.2 shall override requirements of this ordinance.

### **City of East Palo Alto**

(i) **New buildings and structures.** An automatic fire sprinkler system shall be installed in all new buildings or structures that are 1,000 square feet or larger. Any new building or structure having a basement that is 250 square feet or larger, shall be provided with an automatic fire sprinkler system throughout the building or structure, regardless of the building or structure's square footage.

(ii) **Existing Buildings or Structures.** All existing buildings and structures, regardless of type of occupancy or area, shall be provided with an automatic fire sprinkler system when any of the following conditions occur:

(A). Alterations or additions to any building with floor space 2,500 square feet or larger, when the alteration or addition exceeds (50%) percent of the existing floor space of the building, except as specified below:

(B) Alterations to any Group R-3 Occupancy, as defined by the Building Code, when the alterations are 40% or larger of the floor space for any size building. Any addition to a Group R-3 Occupancy that adds 50% or more to the existing square footage of any size building.

(C) When a change in occupancy classification, as defined within the Building Code, results in an increased fire hazard or risk due to business operations and/or number of occupants permitted in the building.

(D) When an existing occupancy constructs a basement that is 250 square feet or larger, a fire sprinkler system shall be provided throughout the basement and the rest of the building or structure.

### **Town of Atherton**

(i) **New buildings and structures.** An automatic fire sprinkler system shall be installed in all new buildings or structures that are 1,000 square feet or larger. Any new building or structure having a basement shall be provided with an automatic fire sprinkler system throughout the building or structure, regardless of the building or structure's square footage.

(ii) **Existing Buildings or Structures.** All existing buildings and structures, regardless of type of occupancy or area, shall be provided with an automatic fire sprinkler system when any of the following conditions occur:

(A) Alterations or additions to any building with floor space of 2,500 square feet or larger, when the alteration or addition exceeds (50%) percent of the existing floor space of the building.

(B) When a change in occupancy classification, as defined within the Building Code, results in an increased fire hazard or risk due to business operations and/or number of occupants permitted in the building.

(C) When an existing occupancy constructs a basement, a fire sprinkler system shall be provided throughout the basement.

### **City of Menlo Park**

(i) **New buildings and structures.** An automatic fire sprinkler systems shall be required in new buildings or structures if the new building or structure has a total floor area of 5,000 square feet or more, regardless of whether area separation walls exist, if the building is four or more stories in height, or if the building has a height of forty feet or more, as measured from the point of lowest access to the building or structure by Fire District emergency vehicles. Automatic sprinkler systems shall not be required in detached single family residences, except when required by IFC Appendix B to meet minimum Fire Flow requirements.

(ii) **Existing Buildings or Structures.** Automatic sprinkler systems shall be required in existing buildings or structure when the cost or value of the improvements made to the premises as a result of one or more improvement projects exceeds 50% of the assessed valuation of the building or structure, as of the effective date of the adoption of Menlo Park Fire District Ordinance No. 11, which was passed and adopted on May 14, 1984. In no case shall automatic sprinkler systems be required in any existing building or structure, if pursuant to subparagraph (i) above, such systems would not be required in a new building or structure of the same size and configuration as the existing building or structure in question.

### **County of San Mateo Areas**

New Provision, San Mateo County Ordinance Code, Division VII, Chapter 3, Article 1, Section 9114

1. The following requirements shall apply to all new buildings or structures which require a building permit issued by San Mateo County.
  - a. Except as otherwise provided by this Section, or as provided under Section 903.1 of the California State Building Standards Code, automatic fire sprinkler systems shall be installed and maintained in every new building or structure of any type of construction, use, occupancy or size which requires a building permit issued by San Mateo County.
  - b. The term “automatic fire sprinkler system” as used in this Section means an integrated system of underground and overhead piping, including a water supply such as a gravity tank, fire pump, reservoir, pressure tank, or connection by underground piping to a fire main, which system complies in all respects with the requirements for such systems contained in standards issued by the National Fire Protection Association based upon occupancy classification.
  - c. An automatic fire sprinklers system shall be provided throughout an existing structure when a building permit is issued to allow additions, alterations, or repairs within any 12-month period which increase the value of the structure by seventy-five percent (75%) for one- and two-family dwellings or fifty percent (50%) for all other structures.
  - d. Automatic fire sprinklers shall be installed in any garage or carport and breezeway attached to any structure for which a fire sprinkler system is required. A detached non-habitable garage, over 1,000 square feet in size that is two stories in height, or which has an attached studio or workshop shall require the installation of an NFPA-13 light hazardous automatic fire sprinkler system.
2. The following structures are exempt from the requirements of this Section.
  - a. Agricultural Buildings. For the purpose of this Section, an “agricultural building” is defined as a non-residential structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. “Agricultural building” includes a place of employment where agriculture products are processed, treated or packaged. Office uses within agricultural buildings shall not exceed ten (10) percent of the total floor area of the building unless such buildings are provided with an automatic fire sprinkler system throughout. “Agricultural Buildings” shall include greenhouses.
  - b. Non-residential structures less than 1,000 square feet.

- c. Mobile homes, recreational trailers, fifth wheels, and similar structures used for temporary housing during the construction of a permitted building.
  - d. Mausoleums of Type I construction, as defined by the California Building Standards Code, which do not contain offices, chapels, stores, or other places of public occupancy for purposes other than parking of vehicles.
  - e. Open air parking garages of Type I construction, as defined by the California Building Standards Code, which do not contain offices, chapels, stores, or other places of public occupancy for purposes other than parking and are detached from other buildings.
  - f. Car wash structures where no offices or waiting rooms are attached.
3. Additions, alterations or modifications to any existing structure containing automatic fire sprinklers shall require the extension or modification of the fire sprinkler system throughout the added, altered, or modified areas.

Plans for the installation, extension or modification of an automatic sprinkler system shall be submitted to the Planning and Building Division of San Mateo County for review and approval by the appropriate fire department or district prior to installation. Additions, alterations, or remodels to an existing dwelling previously equipped with automatic sprinklers shall require the submittal of three sets of sprinkler plans and hydraulic calculations. All components of the existing system shall be submitted for review to determine compliance with the applicable standards.

- 4. All automatic fire sprinkler systems shall comply with the most current adopted edition of NFPA 13, NFPA 13-D, NFPA 13-R and any additional County specifications, or modifications imposed by supplemental rules and regulations adopted by the County of San Mateo.
- 5. The installation of an automatic fire suppression system may be required when an alteration, addition or change in use or occupancy of a building or portion of a building thereof increases the hazard of fire or threat to life and safety.
- 6. The requirements of this Section are intended to represent minimum standards for new construction. Nothing in this Section shall prevent any fire authority having jurisdiction from adopting and enforcing any regulations which impose more stringent requirements. Further, any requirements of the Uniform Building Code, International Fire Code or the State Building Standards Code which is more restrictive, specifies higher standards or mandates specific locations within a structure for automatic sprinkler systems shall be applicable.

**903.3.1.2 NFPA 13R sprinkler systems.** Where in the code a NFPA 13R sprinkler system is allowed, a NFPA 13 sprinkler system shall be used.

**903.3.1.3 NFPA 13D sprinkler systems.** Where allowed, automatic sprinkler systems installed in one and two-family dwellings shall be installed throughout in accordance with NFPA 13D and the Menlo Park Fire District Standard, “Fire Protection Systems, Installation of Residential Sprinklers.” See also Chapter 45 of this ordinance.

**903.3.3 Obstructed locations.** Automatic sprinklers shall be installed with due regard to obstructions that will delay activation or obstruct the water distribution pattern. Automatic sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, laboratory fume hoods, bio safety cabinets or equipment that exceeds 4 feet (1219 mm) in width. Sprinklers shall be provided in all areas including combustible or noncombustible concealed spaces, 6 inches or more.

Not less than a 3-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers.

**Exception:** Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with Section 904.

**903.3.7 Fire Department Connections.** A Fire Department Connection shall be provided at the street and shall be equipped with brass plugs with substantial chains and **NOT** break-off caps. See also Section 912.

### **Section 906 Portable Fire Extinguishers**

**906.3 Size and distribution.** For occupancies that involve primarily Class A fire hazards, the minimum sizes and distribution shall comply with Table 906.3(1). Fire extinguishers for occupancies involving flammable or combustible liquids with depths of less than or equal to 0.25-inch (6.35 mm), shall be selected and placed in accordance with Table 906.3(2). Fire extinguishers for occupancies involving flammable or combustible liquids with a depth of greater than 0.25-inch (6.35 mm) or involving combustible metals shall be selected and placed in accordance with NFPA 10. Extinguishers for Class C fire hazards shall be selected and placed on the basis of the anticipated Class A or Class B hazard. The minimum rating for any fire extinguisher shall not be less than 2A-10BC. For new occupancies, fire extinguishers shall be installed prior to occupancy.

### **Section 907 Fire Alarm and Detection Systems**

**907.1 General.** This section covers the application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures. The requirements of Section 907.2 are applicable to new buildings and structures. The requirements of Section 907.3 are applicable to existing buildings and structures. Fire alarms systems in commercial structures shall obtain a UL Certificate prior to final inspection.

**907.2.10 Single- and multiple-station smoke alarms.** All new and existing residential occupancies shall have listed single- and multiple-station smoke alarms complying with UL 217. Smoke alarms shall be installed in accordance with the provisions of this code and the household fire-warning equipment provisions of NFPA 72. Bedroom smoke alarms shall sound an alarm

inside the room of origin. The building owner shall be responsible for assuring that smoke alarms are maintained in operable condition at all times.

**907.15 Monitoring.** Fire alarm systems required by this chapter or by the *International Building Code*, shall be monitored by an approved supervising station in accordance with NFPA 72.

**Exception:** Supervisory service is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.

When the code requires fire alarms to be monitored, and the monitoring is performed by a central station, the installation shall be certified by the organization that listed the central station in accordance with the requirements of NFPA 72. The building owner shall provide a copy of a valid UL Central Station Certificate, or other approved central station certificate, or placard that complies with NFPA 72 requirements before a fire alarm installation is approved. Certification is not required for the monitoring of Group R-3 Occupancies.

**907.17 Acceptance tests.** Upon completion of the installation of the fire alarm system, alarm notification appliances and circuits, alarm-initiating devices and circuits, supervisory-signal initiating devices and circuits, signaling line circuits, and primary and secondary power supplies shall be tested in accordance with NFPA 72. Fire alarm systems in commercial structures shall obtain a UL Certification prior to the final inspection.

**915 Firefighter Air Systems.** When required by the fire code official, a firefighter air system shall be installed in new buildings four or more stories in height and in existing buildings greater than 75 feet in height, not later than December 31, 2005, and any underground structures that are two or more floors below grade with an area greater than 10,000 square feet. See also Chapter 45 of this ordinance and the Menlo Park Fire Protection District Standard, "Section 915 Firefighter Air Systems."

**916 Firefighter Radio Signal Amplification Systems.** A Radio Signal Amplification System shall be installed in new buildings or structures four or more stories in height and any underground structures that are two or more floors below grade.

When the radio signal in any new or existing building or structure does not meet the performance criteria stated in Section 916.3 of the Menlo Park Fire Protection District Standard noted in Chapter 45, a radio signal amplification or booster system shall be installed not later than December 31, 2010. See also Chapter 45 of this ordinance and the Menlo Park Fire Protection District Standard, "Section 916 Firefighter Radio Signal Amplification Systems."

**Exception:** Single family dwellings are not required to install Firefighter Radio Signal Amplification Systems.

**CHAPTER 10  
MEANS OF EGRESS**

**Section 1026 Emergency Escape and Rescue**

**1026.6 Highrise Helipads.** When required by the fire code official, high rise occupancies shall be provided with a rooftop helipad for the emergency escape and rescue of building occupants. The rooftop helipad shall be constructed in accordance with the Menlo Park Fire Protection District Standard, “Helipads for Highrise Buildings.” See also Chapter 45 of this ordinance.

**CHAPTER 27  
HAZARDOUS MATERIALS – GENERAL PROVISIONS**

**Section 2701 General**

**2701.5.3 Hazardous Materials Business Plan locations.** When required by the fire code official, a current Hazardous Materials Business Plan (HMBP), including a current Hazardous Material Inventory Statement (HMIS) and facility floor plan(s), shall be provided in an exterior key box or shall be located in a clearly visible location in the front lobby of the facility.

**CHAPTER 32  
CRYOGENIC FLUIDS**

**3204.3.1.1 Location.** Stationary containers shall be located in accordance with Section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by local law. See the Planning Department for the City of Menlo Park, Town of Atherton, City of East Palo Alto or the County of San Mateo for the zones in which such storage is prohibited.

**CHAPTER 34  
FLAMMABLE AND COMBUSTIBLE LIQUIDS**

**3404.2.9.5.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by local law. See the Planning Department for the City of Menlo Park, Town of Atherton, City of East Palo Alto or the County of San Mateo for the zones in which such storage is prohibited.

**3406.2.4.4 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law. See the Planning Department for the City of Menlo Park, Town of Atherton, City of East Palo Alto or the County of San Mateo for the zones in which such storage is prohibited.

## **CHAPTER 38 LIQUIFIED PETROLEUM GASES**

**3804.2 Maximum capacity within established limits.** Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). See the Planning Department for the City of Menlo Park, Town of Atherton, City of East Palo Alto or the County of San Mateo for the zones in which such storage is prohibited.

## **CHAPTER 45 REFERENCED STANDARDS**

The following additional local Standards are added to this Chapter:

**Carnivals or Fairs.** Carnivals or Fairs shall be in accordance with the Menlo Park Fire Protection District Standard, “Requirements to Conduct a Carnival or Fair”.

**Fire Lane Requirements.** Installation and placement of signs, markings and designating fire lanes, shall be in accordance with Menlo Park Fire Protection District Standard, “Fire Lane Requirements”. See also Appendix D and the Menlo Park Fire Protection District Standard, “Private Roads and Driveways”, for roadway specifications.

**Fire Sprinkler Systems.** Installation of fire sprinkler systems shall be in accordance with Section 903 and the Menlo Park Fire District Standard, “Fire Protection Systems, Installation of Fire Sprinkler Systems”.

**Fire Sprinkler Systems, Residential.** Installation of residential fire sprinkler systems shall be in accordance with Section 903 and the Menlo Park Fire District Standard, “Fire Protection Systems, Installation of Residential Sprinklers”.

**Firefighter Air Systems.** When required by Section 915 of this ordinance, the installation of a Firefighter Air System shall be in accordance with the Menlo Park Fire District Standard, “Section 915 Firefighter Air Systems”.

**Firefighter Radio Amplification Systems.** When required by Section 916 of this ordinance, a Radio Signal Booster System shall be installed in accordance with the Menlo Park Fire District Standard, “Section 916 Firefighter Radio Signal Amplification Systems”.

**Helipad Specifications.** When a helipad is required by Section 1026.6, it shall be designed to accommodate the helicopters specified in the Menlo Park Fire District Standard, “Helipads for Highrise Buildings”.

**Private Roads and Driveways.** Installation of private roads and driveways shall be in accordance with Menlo Park Fire Protection District Standard “Private Roads and Driveways”.

See also Appendix D and the Menlo Park Fire Protection District Standard, “Fire Lane Requirements”, for required signs.

**Solar Panels.** Installation of Solar Panels shall be in accordance with the Menlo Park Fire District Standard “Solar Power Requirements, Photovoltaic Systems”.

**Traffic Calming Devices.** The installation of any traffic calming device shall be in accordance with Federal, State, and County guidelines and the requirements set forth in the Menlo Park Fire Protection District Standard “Appendix D, Fire Apparatus Access Roads, Section D103.7 Traffic Calming Devices”.

**Underground Water Piping.** Installation of underground water supply piping for fire suppression use shall be in accordance with the Menlo Park Fire District Standard, “Underground Standards”.

**Water Supplies.** Basic requirements for fire hydrants and their locations shall be in accordance with Menlo Park Fire District Standard, “Water Supplies, Fire Hydrants.”

## **APPENDIX A BOARD OF APPEALS**

Menlo Park Fire Protection District shall omit Appendix A from the code. See Appendix Chapter 1, Section 108.

## **APPENDIX D FIRE APPARATUS ACCESS ROADS**

**D103.6 Signs.** Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Menlo Park Fire Protection District Standard, “Fire Lane Requirements”, see Chapter 45. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

**D103.7 Traffic Calming Devices.** The installation of any traffic calming device shall be in accordance with Federal, State, and County guidelines and the requirements set forth in the Menlo Park Fire Protection District Standard “Appendix D, Fire Apparatus Access Roads, Section D103.7 Traffic Calming Devices”. See also Chapter 45.

**D103.8 Traffic Signal Control Devices.** When a government agency requires an Encroachment Permit at any intersection and new or existing traffic signals are involved, the traffic signals shall be provided with a traffic signal control device that is operated from the fire apparatus.



	<u>FEE</u>	<u>DURATION</u>
<b>8. Emergency Repair Permits</b> <i>To conduct emergency repairs to any automatic fire sprinkler, underground, private fire hydrant or overhead system, compressed gas piping systems, or hazardous materials systems</i>	<b>\$340 min</b>	<b>Per Project</b>
<b>9. Fire Alarm System (Commercial)</b> <i>To install a fire alarm system in a commercial occupancy</i> (Initiating devices include but are not limited to: heat, smoke, duct, water-flow, manual pull stations and fire notification devices, which include but are not limited to: strobes, horns, bells)	<b>\$715 + \$2/device</b> <b>\$150 per floor (floors above initial)</b>	<b>Per System</b>
<b>10. Fire Alarm System (Commercial) - Modification</b> <i>To make modifications or repairs to an existing fire alarm system; includes relocation of devices</i>	<b>\$490 + \$2/device</b>	<b>Per System</b>
<b>11. Fire Alarm Systems for R-3 &amp; R-3.1 (Group Care Facilities)</b> <i>To install a fire alarm system in a Residential Care Facility</i>	<b>\$300</b>	<b>Per System</b>
<b>12. Fire Pumps &amp; Related Equipment (Non-Residential Applications)</b> <i>For installation of or modification to fire pumps, related fuel tanks, jockey pumps, controllers &amp; generators</i>		
<b>New Installation</b>	<b>\$790</b>	<b>Per Project</b>
<b>Modification</b>	<b>\$340 min</b>	<b>Per Project</b>
<b>13. Firefighter Air System</b> <i>For installation of or modification to a Firefighter Air System in a building or structure as required by Section 915 of this ordinance</i>	<b>\$640</b>	<b>Per Project</b>
<b>14. Firefighter Radio Signal Amplification Systems</b> <i>To install and test a Firefighter Radio Signal Amplification System in a building or structure as required by Section 916 of this ordinance</i>	<b>\$490</b>	<b>Per Project</b>
<b>15. Flammable and Combustible Liquid Systems</b> <i>To construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used</i>	<b>Refer to Schedule A</b>	<b>Per Project</b>
<b>16. Hazardous Materials Systems</b> <i>To install, modify, abandon or remove any system using hazardous materials (including but not limited to lab hoods and pipeline) as regulated by Chapter 27 of the IFC</i>	<b>Refer to Schedule A</b>	<b>Per Project</b>
<b>17. Hazardous Materials Tanks</b> <b>(includes fuel tanks used for standby-generators)</b> <i>To install, remove, or abandon in place any aboveground or underground tank storing any type of hazardous materials. To temporarily close any aboveground or underground hazardous material storage tank for up to 12 months.</i>	<b>\$490</b> <b>\$190 each additional tank</b>	<b>Per Tank</b>

	<u>FEE</u>	<u>DURATION</u>
<b>18. Industrial Ovens</b> <i>For installation of industrial ovens covered by Chapter 21 of the IFC</i>	Refer to Schedule A	Per Project
<b>19. Site/Access Review (Residential Use)</b> <i>To review any residential plan for site access and adequate water supply and deliver written comments to a Local City Planning Department</i>	\$190	Per Project
<b>20. Site/Access Review (Commercial Use)</b> <i>To review any commercial plan for site access and adequate water supply and deliver written comments to a Local City Planning Department (Includes: Residential subdivisions of 3 or more parcels)</i>	\$500 min	Per Project
<b>21. Plan Review (Residential Use)</b> <i>For new construction or improvements to existing residential occupancies</i>	\$190	Per Project
<b>22. Plan Review (Commercial Use)</b> <i>For new construction or improvements to existing commercial occupancies</i>	Refer to Schedule A	Per Project
<b>23. Spray Booth - Installation</b> <i>Installation of a new spray booth or room and/or major modification to an existing spray booth or room</i>	Refer to Schedule A	Per Project
<b>24. Standpipe Systems - Installation</b> <i>Installation of a new system or major modification to an existing system when the system is not a combination sprinkler system</i>	\$490	Per Project
<b>25. Underground Piping Installation (Fire Systems)</b> <i>To install any fire service underground piping and associated appliances</i>	\$640 + \$1/ft	Per Project
<b>Administrative Fees</b>		
<b>26. Alternate Materials &amp; Methods Request</b> <i>To submit requests for alternate materials and methods for review by the Fire District staff</i>	\$380	Per Request
<b>27. Expedite Fee</b> <i>To reduce the plan review period to two weeks or less for plan submittals</i>	\$300	Per Project
<b>28. Fire District Consultation</b> <i>To provide for staff consultations with consultants, agents or representatives of a property owner/operator concerning reviews or projects</i>	\$190 \$150	Per Hour each additional hour
<b>29. Variance Request</b> <i>To submit a code variance request for review by the Fire District staff</i>	\$570	Per Request

	<u>FEE</u>	<u>DURATION</u>
<b>30. Fees for Additional Plan Review and/or Inspection Per Occurrence</b>	<b>\$190</b>	<b>Per Hour</b>
<i>Fire District permit fees assist in offsetting the cost of permit administration, an initial plan review, an initial fire inspection and one final inspection.</i>		
<i>Fees shall be assessed for each additional plan review and/or inspections; include but are not limited to:</i>		
<i>- It exceeds number of plan reviews and/or inspections covered by permit fee; or</i>		
<i>- The work is not ready at time of the scheduled inspection; or</i>		
<i>- The person requesting the inspection is not present and has not provided 24 hours notice of cancellation to the authority having jurisdiction.</i>		

**NON-OPERATIONAL PERMITS (NON-ANNUAL)  
AND ADMINISTRATIVE FEES**

	<u><b>FEE</b></u>	<u><b>DURATION</b></u>
<b>31. Amusement Buildings</b> <i>To operate a Special Amusement Building as defined by the Fire Code</i>	<b>\$190</b>	<b>Per Event</b>
<b>32. Carnivals and Fairs</b> <i>To conduct a carnival or fair</i>	<b>\$190</b>	<b>Per Event</b>
<b>33. Exhibits and Trade Shows</b> <i>To operate an exhibit or trade show</i>	<b>\$190</b>	<b>Per Event</b>
<b>34. Floor Finishing</b> <i>Floor finishing or surfacing operations exceeding 350 sq ft using Class I or II liquids</i>	<b>\$190</b>	<b>Per Site</b>
<b>35. Fireworks, Public Display or Pyrotechnical Special Effects Material</b> <i>To utilize fireworks for public display or special effects by a licensed pyrotechnic operator</i>	<b>\$570</b>	<b>Per Event</b>
<b>36. Liquefied Petroleum Gases (propane-limited use)</b> <i>To operate any stationary LP-gas appliance within any occupancy as approved by the Chief</i>	<b>Exempt</b>	
<b>37. Tents and Air-Supported Structures</b> <i>To erect or operate a tent or air-supported structure covering an area in of 200 sq. ft or more, unless such structures are used exclusively for camping or a canopy covering an area of 400 sq ft or more</i>	<b>\$190</b> <b>\$150</b>	<b>Per Event</b> <b>each additional tent</b>
<b>Administrative Fees</b>		
<b>38. Code Enforcement Re-Inspection Fee</b> <i>When it is necessary to charge for fire inspections as a result of outstanding code violations not corrected</i>	<b>\$190</b>	<b>Per Hour</b>
<b>39. Code Enforcement Surcharge Fee</b> <i>If the Menlo Park Fire District is required to file a lawsuit to correct code violations, or require a permit; the fee surcharge shall equal the cost of enforcement including the hourly costs for staff time (see Schedule B), expert fees, attorneys and court costs. Other Code Enforcement Surcharges may include, but are not limited to, Weed Abatement Administrative Fees, and late charges for Annual Fire Protection Permits.</i>	<b>Refer to Schedule B</b>	<b>Per Occurance</b>
<b>40. False Alarms</b> <i>For each response to fire alarm when an emergency does not exist, in excess of 2 false alarms in any 12 consecutive month period; OR (To increase incrementally) For each response to a fire alarm caused by person(s) working on a fire alarm system and failing to notify Menlo Park Fire District in advance. Time for Response to False Fire Alarms shall include staff and equipment for one (1) hour minimum.</i>	<b>\$570</b> <b>\$190</b>	<b>Initial Response</b> <b>Each Additional</b>

	<u>FEE</u>	<u>DURATION</u>
<b>41. File Review Request</b>		
<i>To submit a request to review Fire District records up to 5 parcels</i>	<b>\$40</b>	<b>Per Request</b>
<i>To review Fire District records up to 5 parcels</i>	<b>\$150</b>	<b>Per Request</b>
<i>For copies of Fire District files, See item 40</i>		
<b>42. Reproduction of Records</b>	<b>\$5 + .25/page</b>	<b>Per Request</b>
<i>For copying of Fire District records. Reproduction of documents not capable of reproduction by the Fire District's copying equipment shall be subject to the actual expense incurred by the Fire District to arrange for such reproduction plus an administrative fee as in Schedule B.</i>		
<b>43. Hazardous Materials Risk Management Plans</b>	<b>Refer to Schedule B</b>	<b>Per Address</b>
<i>To review a Hazardous Materials Risk Management Plan as required by State Law or as required by the Fire Chief for a community risk assessment</i>		
<b>44. Cost Recovery for Fire Suppression/Hazardous Materials Response Incident</b>	<b>Refer to Schedule B</b>	<b>Per Response</b>
<i>To recover cost for the suppression, mitigation, or investigation of a Fire or Hazardous Materials incident when the cause of the fire or hazardous materials incident is determined to be attributable to negligence or violation of the law. Costs are based on the hourly rate for all personnel, equipment and materials utilized for the suppression, mitigation, control and investigate the cause and origin of the incident.</i>		

## OPERATIONAL PERMITS (ANNUAL)

### ACTIVITY, OPERATION, PRACTICE OR FUNCTION

	<u>FEE</u>	<u>DURATION</u>
<b>45. Aerosol Products</b> <i>To store or handle an aggregate quantity of Level 2 or Level 3 (spray paints, etc.) aerosol products in excess of 500 pounds net weight</i>	<b>\$190</b>	<b>Annual</b>
<b>46. Apartment, Hotel, Motel</b> <i>To operate an apartment, hotel or motel (first two floors included)</i>	<b>\$190 + \$150/floor</b>	<b>Annual</b>
<b>47. Aviation Facilities</b> <i>To use any Group H or Group S occupancy as an aircraft hangar for the purpose of servicing, repairing, or aircraft fuel-servicing</i>	<b>\$190</b>	<b>Annual</b>
<b>48. Cellulose Nitrate Film</b> <i>To store, handle, use or display cellulose nitrite film in a Group A Occupancy</i>	<b>\$190</b>	<b>Annual</b>
<b>49. Combustible Dust-Producing Preparations</b> <i>To operate a grain elevator, flour starch mill, feed mill, or plant pulverizing aluminum, coal, coca, magnesium, spices, sugar or other material producing dust as defined in Chapter 2 of the IFC</i>	<b>\$190</b>	<b>Annual</b>
<b>50. Combustible Fiber</b> <i>To store or handle combustible fibers in quantities in excess of 100 cubic feet</i>	<b>\$190</b>	<b>Annual</b>
<b>51. Compressed Gases</b> <i>To store, use, or handle at normal temperature and pressure compressed gases in excess of amounts listed in Table 105.6.8 of the IFC</i>	<b>\$190</b>	<b>Annual</b>
<b>52. Covered Mall Buildings</b> <i>For the placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall, the display of liquid or gas-fired equipment in the mall, or the use of open flame producing equipment in the mall</i>	<b>\$190</b>	<b>Annual</b>
<b>53. Cryogenics</b> <i>To produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10 of the IFC</i>	<b>\$190</b>	<b>Annual</b>
<b>54. Cutting and Welding</b> <i>For cutting and welding operations</i>	<b>\$190</b>	<b>Annual</b>
<b>55. Dry Cleaning Plants</b> <i>To engage in the business of dry cleaning using, or to change to, a hazardous cleaning solvent</i>	<b>\$190</b>	<b>Annual</b>

	<u>FEE</u>	<u>DURATION</u>
<b>56. Explosives or Blasting Agents</b> <i>To manufacture, possess, store, sell, transport or use.</i>	<b>\$190</b>	<b>Per Event</b>
<b>57. Flammable and Combustible Liquids</b> <i>To store, transport, use, handle or dispense flammable or combustible liquids in accordance with the conditions listed in Section 105.6.16 of the IFC</i>	<b>\$190</b>	<b>Annual</b>
<b>58. Flammable and Combustible Aboveground Storage Tank (&gt;660 gallons)</b>	<b>\$190</b>	<b>Annual</b>
<b>59. Fruit Ripening</b> <i>An operational permit is required to operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas</i>	<b>\$190</b>	<b>Annual</b>
<b>60. Fumigation and Thermal Insecticidal Fogging</b> <i>To operate a business of fumigation of thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is stored</i>	<b>\$190</b>	<b>Annual</b>
<b>61. Hazardous Materials</b> <i>To store, transport on site, dispense, use or handle hazardous materials in excess of the quantities listed in Table 105.6.20 of the IFC</i>	<b>\$190</b>	<b>Annual</b>
<b>62. Hazardous Materials Aboveground Storage Tank (&gt;660 gallons)</b> <i>To store or dispense hazardous materials from Aboveground Storage Tanks</i>	<b>\$190</b>	<b>Annual</b>
<b>63. HPM Facilities</b> <i>An operational permit is required to store, handle or use hazardous production materials</i>	<b>\$190</b>	<b>Annual</b>
<b>64. High-Piled Storage</b> <i>An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m<sup>2</sup>)</i>	<b>\$190</b>	<b>Annual</b>
<b>65. Hot Work</b> <i>To conduct Hot-work operations in accordance with the conditions listed in Section 105.6.23 of the Fire Code</i>	<b>\$190</b>	<b>Annual</b>
<b>66. High-Rise Occupancy (not including R-2 occupancy)</b> <i>A high-rise building is 75' in height or 7 floors in height</i>	<b>\$190</b>	<b>Annual</b>
<b>67. Industrial Ovens</b> <i>For operation of industrial ovens regulated by Chapter 21 of the IFC</i>	<b>\$190</b>	<b>Annual</b>

	<u>FEE</u>	<u>DURATION</u>
<b>68. Institutional/Residential Care Occupancies</b>		
<i>To operate an institutional/residential care occupancy (except day care)</i>		
<i>(Exception: Fees do not apply to federally owned and operated facilities)</i>		
	50 +	<b>\$380</b>
	6 – 49	<b>\$190</b>
	< 6	<b>Exempt</b>
<b>69. Day Care</b>	<b>\$190</b>	<b>Annual</b>
<i>To operate a day care occupancy with an occupant load of 8 or more persons</i>		
<b>70. Institutional/Residential/Day Care Occupancy Pre-Licensing Inspection</b>	<b>\$150</b>	<b>Annual</b>
<b>71. Liquefied or Gas-Fueled Vehicles or Equipment (Assembly Buildings)</b>	<b>\$190</b>	<b>Annual</b>
<i>To display, operate or demonstrate liquid or gas-fueled vehicles, equipment or appliances in any occupancy as approved by the Chief</i>		
<b>72. Liquefied Petroleum Gas</b>	<b>\$190</b>	<b>Annual</b>
<i>For the storage and use of Liquefied Petroleum Gas in accordance with the conditions listed in Section 105.6.27 of the IFC</i>		
<b>73. Lumber Yards</b>	<b>\$190</b>	<b>Annual</b>
<i>To store lumber in excess of 100,000 board feet</i>		
<b>74. Magnesium Working</b>	<b>\$190</b>	<b>Annual</b>
<i>To melt, cast, heat, treat or grind more than 10 pounds of magnesium</i>		
<b>75. Miscellaneous Combustible Storage</b>	<b>\$190</b>	<b>Annual</b>
<i>To store in any building or upon any premises in excess of 2,500 cubic feet (71m<sup>3</sup>) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material</i>		
<b>76. Open Flames and Candles</b>	<b>\$190</b>	<b>Annual</b>
<i>To use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments</i>		
<b>77. Organic Coatings</b>	<b>\$190</b>	<b>Annual</b>
<i>For any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day</i>		
<b>78. Places of Assembly</b>	<b>Exempt</b>	
<i>To operate a place of assembly</i>		
<b>79. Pyroxylin Plastics</b>	<b>\$150</b>	<b>Annual</b>
<i>For storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics</i>		

	<u>FEE</u>	<u>DURATION</u>
<b>80. Refrigeration Equipment</b> <i>To operate a mechanical refrigeration unit or system regulated by Chapter 6 of the Fire Code</i>	<b>\$190</b>	<b>Annual</b>
<b>81. Repair Garages and Motor Fuel-Dispensing Facilities</b> <i>For operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities</i>	<b>\$190</b>	<b>Annual</b>
<b>82. Rooftop Heliports</b> <i>For the operation or maintenance of a rooftop heliport</i>	<b>\$190</b>	<b>Annual</b>
<b>83. Self-Inspection Occupancy</b> <i>Failure to return completed self-inspection form or request for inspection</i>	<b>\$40</b>	<b>Per Inspection</b>
<b>84. Spraying or Dipping</b> <i>To conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15 of the Fire Code</i>	<b>\$190</b>	<b>Annual</b>
<b>85. Tire-Rebuilding Plants</b> <i>For the operation and maintenance of a tire-rebuilding plant</i>	<b>\$190</b>	<b>Annual</b>
<b>86. Tire Storage</b> <i>To establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71m<sup>3</sup>) of total volume of scrap tires and for indoor storage of tires and tire byproducts</i>	<b>\$190</b>	<b>Annual</b>
<b>87. Waste Handling</b> <i>For the operation of wrecking yards, junk yards and waste material-handling facilities</i>	<b>\$190</b>	<b>Annual</b>
<b>88. Wood Products</b> <i>To store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m<sup>3</sup>)</i>	<b>\$190</b>	<b>Annual</b>

**SCHEDULE A**

**NEW BUILDING & TENANT IMPROVEMENT (TI) FEE MATRIX**

<b>Valuation</b>	<b>Fee</b>
\$1 - \$50,999	\$190
\$51,000 - \$100,999	\$380
\$101,000 - \$250,999	\$760
\$251,000 - \$500,999	\$1,140
\$501,000 - \$750,999	\$1,520
\$751,000 - \$999,999	\$1,900
* \$1,000,000	\$2,280
\$2,000,000	\$3,780
\$3,000,000	\$5,280
\$4,000,000	\$6,780
\$5,000,000	8,280

\* Over \$1,000,000 = \$2,280 plus \$1,500 each additional \$1,000,000 in valuation  
\$150 each additional \$100,000 in valuation

## SCHEDULE B

### HOURLY RATE MATRIX

#### **Personnel Charges (per hour)**

The following methodology shall be used for calculating hourly rates by classification and applies to conditions described throughout the District's Fee Schedule

#### **Classification**

Top Step/Monthly Rate as of (date of current MOU)

#### **Indicated one of the Following :**

Salary

Hourly @ 2,080 / Annually

Hourly @ 2,912 / Annually

#### **Speciality Pays if Applicable:**

Driver Pay

Adjutant Pay

Education Incentive

EMT Pay

FLSA Pay

Paramedic Pay

Other

#### **Stipends:**

Cellular & Computer

Uniform Allowance

#### **Retirement:**

Pers - Employer Safety

Pers - Employer Misc.

SDI-Misc. Employees Up to \$500.33

Medicare

#### **Benefits**

Cafeteria Plan

Dental Plan

Health Benefit-Mthly PEMCA  
Life Insurance

**Other**

Workers Compensation  
Overhead @ 15%

**Annual Salary**

**Hourly Rate Calculation**

Total Annual Hours

**Less PTO:**

Admin Leave  
Annual Leave  
Flex Time  
Holiday Hours  
Sick  
Vacation  
Other  
Billable Hours

**Hourly Rate**

**Houlrly Rate for OverTime @ 1.5**

**Apparatus Charges (per hour)**

<u>Apparatus type</u>	<u>Amount</u>
Fire Engine	\$300.00
Ladder Truck	\$400.00
Rescue	\$300.00
Command Vehicle	\$200.00
Support Vehicle	\$100.00

THE MENLO PARK FIRE PROTECTION DISTRICT

**FINDINGS AND DETERMINATIONS PURSUANT TO STATE OF CALIFORNIA HEALTH & SAFETY CODE 17958 AND 17958.5**

I. Changes or Modifications

Pursuant to Section 17958 of the State of California Health and Safety Code, the Board of Directors of the Menlo Park Fire Protection District, in its ordinance adopting and amending the 2001 Edition of the California Fire Code, changes or modifies such provisions which are described in the following document.

II. Finding

Pursuant to Section 17958.5 and 17958.7 of the State of California Health and Safety Code, the Board of Directors of the Menlo Park Fire District finds that the above changes or modifications are needed and are reasonably necessary because of certain local climatic, geological and topographic conditions as described below.

A. Climatic

The District, on average, experiences an annual rainfall of 19.7 inches. This rainfall can be expected between October and April of each year. However, during the summer months there is little, if any measurable precipitation. During this dry period the temperatures are usually between 70 – 95 F degrees with light to gusty westerly winds. These drying winds, combined with the natural and imported vegetation which is dominant throughout the area, create a hazardous fuel condition that can cause extensive encroaching into these wooded and grass covered areas where wind-driven fires can have severe consequences. This has been demonstrated in a number of like climatic areas within the State of California and the western United States.

Because of variable weather patterns, normal rainfall cannot always be relied upon. This can result in water rationing and water allocation programs, as demonstrated in past drought patterns. Water shortages may also be expected in the future due to limited water storage capabilities and increased consumption.

B. Geologic/Geographic:

(1) Geographic Location The District is located at the southeastern most part of San Mateo County. The District is bounded by San Francisco Bay on the east and the foothills of the Santa Cruz Coastal Range of mountains on the west.

- (2) Seismic Location. The District is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zones. The location makes it particularly vulnerable to damage to taller and older structures caused by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the District sits between two active earthquake faults (San Andreas and the Hayward/Calaveras), and numerous potentially active faults. A majority of the District's land surface is in the high-to-moderate seismic hazard zones.
- (3) Seismic and Fire Hazards Fires following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. A significant portion of the District's residential, commercial and industrial structures are located in seismic risk zones. Should a significant seismic event occur, fire suppression resources would have to be prioritized to mitigate the greatest threat, and may not be available for every structural fire. In such an event, individual structures should be equipped to help in mitigation of the risk of damage.

Other variables could aggravate the situation:

- i. The extent of damage to the water system.
  - ii. The extent of isolation due to bridge and/or freeway overpass collapse.
  - iii. The extent of roadway damage and/or amount of debris blocking the roadways
  - iv. Climatic conditions (hot, dry weather with high winds)
  - v. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours; and
  - vi. The availability of timely mutual aid or military assistance.
- (4) Mixed uses. Many taller structures are located near high-risk industries necessitating special precautions.
- (5) Transportation. The District is dissected by a major state

highway (El Camino Real) and two major freeways (I-280 and U.S. 101). However, the interconnecting road system is significantly less well developed. These conditions are likely to affect response times of fire suppression personnel and apparatus during periods of heavy traffic or conditions of major emergencies.

(6) Soil Conditions. The District lies near the southern end of San Francisco Bay and is built atop the alluvial deposits that surround the margins of the Bay. The alluvium was created by the flooding of the many streams emptying into San Francisco Bay depression, and from intermittent sea water inundation has occurred over the last two or three million years. The areas closest to the Bay are overlain by unconsolidated fine silty clay, known as Bay Mud which varies in thickness from a few feet to as much as 30 feet. Generally, the older more stable alluvium is to the south and the younger less stable material is to the north. Bedrock lies beneath the area at depths generally 300 feet or more. The predominant soils patterns actuate the adverse effects on structures that may be expected from major seismic events.

(7) Building Design. Many of the older and taller buildings are of designs which greatly limit accessibility by District resources.

#### C. Topographical:

The District's topographic conditions are closely associated with the geological /geographical element. With the elevation changes within the District, development has followed the path of least resistance, creating a meandering pattern. This circumstance does not lend itself to a good systematic street and road layout, which would promote easy traffic flow. It has, in fact, resulted in few major cross-town thoroughfares that tend to be heavily congested, primarily during commute hours and seasonal periods of the year. This creates barriers that reduce the response time of fire equipment and other emergency services.

The topography of the District is also challenged by major development patterns. Employment areas are located adjacent to and throughout the district. The people who work in these areas have added to the traffic congestion in the District thereby reducing the District's response time capabilities.

Inherent delays caused by these traffic patterns make it necessary to mitigate this problem by requiring additional built-in automatic fire protection systems that provide early detection and initial control until the arrival of the District's resources

Residential properties in the Fire District consist primarily of one-acre or smaller parcels, flag lots and single and multi-family infill developments. Common to these parcels in the last two years is the development of additional residential or in-law type occupancies for which fire department access is difficult based on existing driveway configurations for the original single-family parcels. Additionally, fire department response times are increased due to gated access roads, a lack of street or address illumination, and existing vegetation barriers.

#### D. Summary

The climatic conditions along the Peninsula affect the acceleration, intensity and size of a fire within the jurisdiction. Times of little or no rainfall, low humidity, and high temperatures have created extremely hazardous fire conditions, particularly as they relate to roof fires and conflagrations. The winds experienced in the Fire District can have a tremendous impact upon structure fires by carrying sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force the fire back into the structure, creating a blow torch effect, in addition to preventing the natural and cross ventilation efforts of firefighters. In 1997, a fire at Green Oaks School in East Palo Alto resulted in a multi-million dollar loss. The fire's unusually rapid spread was attributed to wind conditions occurring at the time of the event. Other fires within the jurisdiction's housing tracts have also experienced unusually rapid spread due to the gusty winds that occur daily off the San Francisco Bay.

By the use of automatic early fire detection and suppression systems, the Fire District will have the ability to curb losses of life and property attributed to the local climate's influence on fires. With the use of an early, automatic fire suppression system, major fire losses can be controlled. For example, in 1989, a flammable liquid fire occurred at Romic Environmental Services, a chemical recycling company located at the south end of the Fire District. The area suspected as the point of the fire's origin was an open-air, unsprinklered building subject to wind conditions. The fire grew rapidly. It was finally brought under control with the assistance of neighboring fire departments and resulted in a multi-million dollar loss of property, equipment and product. Two years later, after the area had been rebuilt and retrofitted with an automatic fire sprinkler system, another fire occurred at the same location. This fire was contained to a single piece of equipment and controlled by one fire crew.

The geological conditions experienced within the Fire District increase the magnitude, exposure and accessibility to fire events. For example, a fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number of people, should a significant seismic event occur. Fire protection resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single-family dwelling or smaller business occupancy fires. Other variable conditions could include damage to the water system, freeway

overpass collapse, roadways blocked by debris, and time of day, which could affect traffic patterns during or after the event.

In 1989 a 7.0 magnitude earthquake struck the San Francisco Bay Area via the San Andres Fault. For three hours following the event, firefighters from Menlo Park Fire District responded to over 100 incidents per hour. Though during this event, losses in the Fire District due to fire were minimal, however other neighboring jurisdictions were not as lucky. Had automatic fire sprinkler protection been a requirement at the time, it could have assisted firefighters in setting their priorities and assisting those citizens who needed emergency services the most.

Heavy traffic congestion on city streets already acts as a barrier to the timely response of fire equipment and emergency services. Continued growth, both residential and commercial from both inside and outside the Fire District will only serve to continue the traffic problem. In the event of an accident or other emergency at certain key point intersections, portions of the Fire District could be isolated or response times could be sufficiently slowed, thus increasing the risk of substantial injury and damage.

If fire apparatus is hindered in their response, automatic fire sprinkler protect will help. According to IFSTA Training Manuals, the temperature inside a structure can go from ambient to an excess of 1,000F within the first ten minutes of a fire. Delay of fire apparatus will only allow the fire to grow, thus making efforts to suppress the fire more difficult. Additionally, the ability to perform an effective rescue is diminished if fire fighters are delayed in their response. With the automatic fire sprinkler protection in place, the fire should be held to a controllable level, allowing the ability of citizens to escape from the burning structure, as well as allowing firefighters to contain the fire in a safe manner, in its beginning stages.

It is due to these climatic, geographical and topographical conditions that the Fire District supports the need for structures within the jurisdiction to at least be capable of initial fire suppression capacity.

NOW THEREFORE, it is for the above reasons, taken individually and cumulatively, that the Board of Directors of the Menlo Park Fire Protection District finds there to be building and fire hazards particular to the jurisdiction that require the increased fire protection detailed as set forth in this Ordinance.



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: CONSIDERATION AND POSSIBLE APPROVAL OF LETTER TO RESIDENTS PERTAINING TO ACCESS AND FIRE/SUPPRESSION WATER SUPPLY PREPARED BY MENLO PARK FIRE PROTECTION DISTRICT**

#### **RECOMMENDATION:**

Consider draft letter which has been prepared by the Menlo Park Fire Protection District ("Fire District") for distribution to Atherton residents. Provide direction to Staff for any revisions to the letter and direct further action with respect to possible distribution of the letter.

#### **BACKGROUND:**

At the regular City Council meeting on July 18, 2007, the City Council directed Staff to work with the Fire District in developing a letter to be sent to Town residents concerning issues pertaining to requirements of the Fire District concerning site access for fire equipment and fire flow requirements for water delivered to sites for fire fighting purposes. The Staff has worked with representatives of the Fire District who have prepared a form of letter which is attached to this report as Exhibit A.

It is noted that because the City Council has delegated authority for such matters as access and fire suppression water supplies to the Fire District, it is appropriate the Fire District take the leading role in connection with responding to concerns expressed by Town resident on these matters. Accordingly, the last paragraph of the letter which invites contacts to the Town does not appear appropriate. This reference to the Town could be removed with the results that contacts on these issues be made directly to the Fire District.

#### **FISCAL IMPACT:**

**None.**

Prepared By:

Approved By:

/s/ Marc Hynes

Marc G. Hynes  
City Attorney

\_\_\_\_\_  
Wendé C. Protzman  
Interim City Manager

Attachment: Exhibit A

# MENLO PARK FIRE PROTECTION DISTRICT

## STAFF REPORT

**To:** Board of Directors  
**From:** Fire Prevention  
**Date:** November 1, 2007

**Meeting Date** 11/20/07  
**Item #**  
**Prepared By:** Bob Blach  
**Approved By:** Geoffrey Aus

**Item:** **RESPONSE TO TOWN OF ATHERTON CITY COUNCIL  
MOTION FOR LETTER TO RESIDENTS WITH MENLO PARK  
FIRE DISTRICT**

### **Staff Recommendation**

Recommend that the joint information letter be accepted and mailed to affected residents.

### **Background**

The Menlo Park Fire District has requested access and water requirements to be reviewed for all of the Town of Atherton building permits according to CA State law. The Town of Atherton City Council, on June 20, 2007, made a motion to direct staff in cooperation with MPFPD to review 32 new active permits for new residences and all permits for any new basement, all projects that had not been reviewed for access and alterations/additions to any building with floor space greater than 2,500 square feet or larger when the alteration or addition exceeded 50% of the existing floor space. After review and inspection, the Town of Atherton City Council on July 18, 2007 made a motion to direct staff in cooperation with MPFPD to draft an informational letter to be sent to all twenty one (21) affected residents.

### **Discussion**

Twenty one (21) residents which were determined questionable were physically driven by platoon fire inspector Bill Moore for information on access and water supplies. A joint letter between the Menlo Park Fire District and Town of Atherton Building Department has been drafted for approval and distribution.

### **Fiscal Impact**

Minimal to none.

### **Attachment**

(A) Information letter to residents

## ATTACHMENT A

Dear Resident:

The Menlo Park Fire Protection District and the Town of Atherton recently conducted a visual survey of homes in Atherton from public sidewalks and streets. This survey showed that there may be some remodeled or improved single family residences which may not comply with California Fire Code requirements for site access and fire suppression water supply. This letter is therefore being sent to you solely for informational and safety purposes. **This letter is not a citation or notice of fines.**

The California Fire Code requires property owners to provide fire departments with sufficient access to their property so as to allow fire vehicles and personnel to effectively respond in the event of a medical or fire emergency. The maximum driveway distance should not exceed 150 feet unless there is an acceptable turnaround for fire vehicles. These driveway widths should not be less than 16 feet. Gates may also pose special concerns with regards to vehicle access. Minimum access width should not be less than 14 feet.

Water supply requirements for fire suppression focus on the amount of water available from the nearest fire hydrant. This is typically known as fire flow. A minimum of 1500 gallons of water per minute is required. Another concern is the distance from the fire hydrant to the residential structure. This distance should be a maximum of 500 feet from the location of the hydrant to the residence.

We wish to reiterate that our concerns have only arisen after a visual survey of your property from the public sidewalk or street. Actual on-site inspection or a review of plans and drawings within your possession may show otherwise. We raise these issues only because your safety and well being are our paramount concerns.

If you have any questions, we invite you to contact the Town Building Department at \_\_\_\_\_ or the Menlo Park Fire Protection District at \_\_\_\_\_ for further information.

Sincerely,

Town of Atherton

Menlo Park Fire Protection District



**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
WENDÉ C. PROTZMAN, INTERIM CITY MANAGER**

**FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: REQUEST TO RECONSIDER THE EXTENSION OF TENTATIVE PARCEL  
MAP AT 64 MOULTON DRIVE (APN0 61-350-020)**

**RECOMMENDATION:**

For the reasons outlined in this staff report, Staff does not recommend reconsideration of the parcel map extension as previously granted by the City Council for 64 Moulton Drive.

**INTRODUCTION:**

The City Council, at its September 19, 2007, meeting, granted an 18-month extension of the Tentative Parcel map for filing of a Final Parcel Map at 64 Moulton Drive. At the October 17, 2007, City Council meeting, Ms. Karen Bacon requested the City Council reconsider the parcel map extension. She expressed concern with Fire Department access to the parcel and inability to comment at the September 19, 2007, meeting.

Staff mailed notice of the September 19, 2007, City Council meeting on September 7, 2007, to all property owners located within 500' of the subject site (42 property owners). The notice was also posted on the official bulletin boards (located at Rosewood Drive and Greenoaks Drive, the Train Station, the Library, and at Town offices) as required by code. Neighboring property owners were in attendance of the September 19, 2007, City Council meeting but missed the item relating to 64 Moulton. After the meeting, they expressed concern that a lack of agendas present at the meeting caused them to miss the consideration of 64 Moulton. Staff was not made aware at the meeting that copies of the agenda had run out.

Mayor Carlson requested the Council consider whether or not to reconsider the parcel map extension at it November 14, 2007, meeting. If the Council chooses to reconsider the extension, the reconsideration would be scheduled for the December 19, 2007, Council meeting.

## **ANALYSIS:**

### **Background** *(as provided in the September 19, 2007, City Council Staff report):*

The Planning Commission originally approved the Tentative Parcel Map at its April 26, 2000, meeting. The item was then heard by the City Council on appeal at the July 19, 2000, meeting. The City Council voted 4-0 to approve the Tentative Parcel Map (thereby denying the appeal) with conditions listed in the attached Tentative Parcel Map certificate. The map then expired on July 19, 2002, as the applicant did not file a timely request to extend. The Planning Commission, at its April 27, 2005, meeting approved the Tentative Parcel Map. The City Council approved the Tentative Parcel Map at its meeting of May 18, 2005.

Tentative Parcel Maps expire after two years. One or more extensions of time, up to a total of 3 years, may be granted by the City Council provided that written application for each extension is made by the subdivider prior to the expiration of the map. Mr. Merrill submitted his letter requesting extension on May 10, 2007 (prior to the expiration of the map).

The conditions of approval for the subdivision of the property include relocation or removal of any and all structures either crossing a new property line or not meeting current setback requirements prior to recordation of a final map. Structures requiring relocation include; the main residence, two guest houses, a carport and a shed. The main residence is comprised of three pieces; the dining room was from a building at the Douglass estate (Menlo School) and was built around 1860, the old master bedroom was from the Hopkins estate from 1871 and a third piece (not sure of origin) was constructed during the same time period. Due to the age and unique character of the home, it was very difficult to relocate and preserve. Other structures on the property are also quite old and took some time to relocate.

Atherton Municipal Code section 16.20 outlines the process for final parcel maps. This code section states that “all conditions of approval of the tentative map shall be fulfilled prior to approval of a final map, except those conditions which are fulfilled by the filing of an agreement to perform those conditions”.

The applicant, in his letter, notes family hardships that have delayed his completion of all the conditions of approval.

### **Outstanding Issues** *(updated information):*

Ms. Bacon expressed concern with Menlo Fire access to the subject site. At the time of subdivision, the Town's Building Official was responsible for reviewing plans for conformance with Menlo Fire's access requirement. Mike Hood, former Building Official, reviewed the proposed subdivision, specifically the proposed access strip in relation to the existing Oak tree, and determined the proposed subdivision met the minimum access requirements. The issue of the driveway and the Oak tree was specifically discussed at the City Council hearing on July 19, 2000, with a condition of approval added that the portion of the driveway adjacent to the (Oak) tree be made of a pervious substance.

Staff met with Menlo Fire at the subject site and reviewed the approved subdivision plans. Menlo Fire staff expressed concern with the ability for a fire apparatus vehicle to access the driveway given the narrow paved right-of-way and the proximity of the Oak tree and fire hydrant. Several options were discussed at that meeting including; removing the Oak tree limb that hangs over the access strip, relocating the fire hydrant and adding an emergency vehicle access easement at an angle across the front parcel to the access strip for the rear parcel. Menlo Fire stated preference for a new emergency vehicle access easement to the south of the Oak tree. The location of the emergency vehicle access easement was also reviewed by Ms. Kathy Hughes Anderson, Town Arborist. She concurs with the location of the easement and also prefers this option as it preserves the Oak tree. In addition to including a new emergency vehicle access easement on the Final Parcel map, the applicant also agreed (at the request of Menlo Fire) to upgrade the existing Fire Hydrant. To formalize these discussions, the applicant is having his surveyor update the parcel map to include the new access easement and upgrades to the hydrant and will submit these plans to Menlo Fire for its review.

Staff has also established a process with Menlo Fire to ensure their review and approval on any new parcel map request prior to consideration by the Planning Commission and City Council.

The applicant is actively working to satisfy the requirements of the Menlo Park Fire Protection District, as well as remove/relocate structures on the property in compliance with the conditions of approval and improve the access strip. The applicant anticipates filing for the final Parcel Map within the next three to six months (as opposed to the 18-month extension granted by the Council).

Staff does not recommend reconsideration of the parcel map extension as previously granted by the City Council.

**CONCLUSION:**

It is Staff's professional opinion that the extension of the Tentative Parcel Map is appropriate under the Town's Subdivision Ordinance and General Plan.

**ALTERNATIVES:**

If the Council reconsiders the extension request, the reconsideration should be limited to the timing for filing of a Final Parcel Map. If the Council chooses to rescind the previously granted extension, the map would expire and the applicant could submit a new application for subdivision before the Planning Commission.

**FISCAL IMPACT:**

All costs covering the processing of this application are paid for by the applicants.

**ENVIRONMENTAL IMPACT:**

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15315 Minor Land Division involving four or fewer parcels.

Prepared by:

Approved by:

/s/ Lisa Costa Sanders

Lisa Costa Sanders  
Deputy Town Planner

\_\_\_\_\_  
Wendé C. Protzman  
Interim City Manager

**Attachments:**

1. Tentative Parcel Map
2. Letter from Thomas Croft dated October 11, 2007
3. Letter from Lisa Costa Sanders, Deputy Town Planner to Thomas Croft dated October 1, 2007
4. Letter from Thomas Croft dated September 19, 2007
5. Email correspondence with Karen Bacon dated October 16, 2007



Atherton City Council  
Town of Atherton CA

October 11, 2007

On September 19, I sent all of you this letter:

Some of us neighbors of 64 Moulton Drive most strongly object to the way the 7<sup>th</sup>-year parcel map extension was handled during your meeting this evening. We want the matter re-opened with timing that is known to us in advance so we can be in attendance this time.

Your agenda was in inadequate supply. I got there before the meeting commenced and all copies were already gone. I borrowed a copy from a friend. I rushed home, copied it, and rushed back to return my friend's copy, at about 7:30 pm. You were, I think, in item 3 – presentations. I again rushed home to make multiple copies for my neighbors.

At about 8 pm my neighbor, Eric Tashman, reached council chambers only to find that item 16, the 64 Moulton extension, had already been granted because none of us neighbors were there to present counterpoints.

(There's more to the letter, not repeated here. I sent it to you six and cc: Tashman, Bacon, Sanders. Tashman is mentioned in my letter. Bacon soon sent an e-mail to our mayor. Sanders, of Redwood City, apparently the only paid Atherton Council attendee and the one who writes its agenda and makes recommendations for Council votes that are almost invariably followed, soon wrote me a reply, copied on the back of this page. In essence she says agendas are on the web so the number printed is not relevant.

This claim by Sanders of Redwood City is false. If the presence of the agenda on the web is assumed to be known, then why did none of us 3 neighbors know of it? Why did Sanders of Redwood City fail to mention that in her letter to us all telling that the parcel map extension would come before the council on Sept. 19? Why is Sanders of Redwood City replying to me, a citizen of Atherton, appealing to the Atherton Town Council? Why did Sanders of Redwood City fail to send the same rejection letter to Tashman and to Bacon? (If she read my letter she should know of Tashman, and if she read our mayor's e-mail she would know about Bacon.)

From your map of our area, you will find that we 3 (Croft, Bacon, Tashman) have about half of the neighboring lots of 64 Moulton.

I realize you Council members serve without compensation, but that fact alone does not eliminate your legal responsibility for the exercise of your power. Handing off difficult matters to Sanders of Redwood City may be convenient but does not end your responsibility to us citizens of Atherton.



Thomas A. Croft  
76 Moulton, Atherton



## Town of Atherton

Town Administrative Offices  
91 Ashfield Road  
Atherton, California 94027  
650-752-0500  
Fax 650-688-6528

October 1, 2007

Thomas Croft  
76 Moulton Drive  
Atherton, CA 94027

Dear Mr. Croft,

I am in receipt of your letter dated September 19, 2007 and would like to respond on behalf of the Town. Your letter expressed concern with City Council action of the parcel map extension for 64 Moulton Drive at the September 19, 2007 Council meeting. Public notice of this item was mailed on September 7, 2007 to all property owners within 500' of the subject site. The public notice includes the contact phone number for the City Clerk. All City Council agendas are posted online ([www.ci.atherton.ca.us](http://www.ci.atherton.ca.us)) as well as at the Council Chambers the Friday prior to the meeting. The agenda listed consideration of 64 Moulton Drive on consent calendar, which is for the consideration of routine items that do not require a public hearing. The consent calendar is always heard at the beginning of the meeting. The City Council agenda lists approximate times in which items will be heard. The Council always has the ability to change the order of the agenda or remove and continue items. It is always best to arrive at the start of the meeting and stay until the item is heard.

The Council meeting of September 19, 2007 started late due to a long closed session just prior. Any member of the public wishing to remove an item from the consent calendar needs to do so prior to action by the Council. You had the opportunity to remove the item at the meeting, or could have submitted your concerns in writing prior to the hearing. At this time, Staff is unable to recommend reconsideration of the item as it was duly noticed and heard.

Please feel free to contact staff at anytime in the future if you need additional information prior to a City Council meeting. We are happy to assist and can provide you copies of the agenda prior to the meeting. If you would like to discuss any specific concern you have regarding 64 Moulton, please feel free to contact me directly. I can be reached at 650-333-0248 or email at [lisa@nealmartinassoc.com](mailto:lisa@nealmartinassoc.com)

Sincerely,

Lisa Costa Sanders  
Deputy Town Planner

Atherton City Council  
Town of Atherton CA

September 19, 2007

Some of us neighbors of 64 Moulton Drive most strongly object to the way the 7<sup>th</sup>-year parcel map extension was handled during your meeting this evening. We want the matter re-opened with timing that is known to us in advance so we can be in attendance this time.

#### DETAILS

Your agenda was in inadequate supply. I got there before the meeting commenced and all copies were already gone. I borrowed a copy from a friend. I rushed home, copied it, and rushed back to return my friend's copy, at about 7:30 pm. You were, I think, in item 3 – presentations. I again rushed home to make multiple copies for my neighbors.

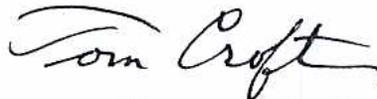
At about 8 pm my neighbor, Eric Tashman, reached council chambers only to find that item 16, the 64 Moulton extension, had already been granted because none of us neighbors were there to present counterpoints.

After copying the copied agenda I returned to the meeting but first dropped a copy at the Tashman residence, there to learn Eric had found item 16 a fait accompli already. I went to the meeting to find it far advanced beyond #16; I think it was #27.

#### OBJECTIONS

1. Too few agenda copies were available. This forced my departure.
2. The agenda gives no clue to the time one might expect the 23 items to be discussed. To participate, one must arrive shortly after 7 pm and stay until perhaps 11 pm. Even the times listed are grossly inaccurate. By 8:15 when the 23 items were to begin, many council actions had been taken. Citizens of Atherton are thus excluded from the governance process.
3. If the time of consideration of item 16 had been known, possibly by adequate and timely agendas, we neighbors of 64 Moulton would surely have been vocally present.

With regards,



Thomas A. Croft  
76 Moulton Drive  
Atherton CA 94027

cc: Tashman, Bacon, Sanders ✓ Lisa Costa Sanders

**From:** Karen Bacon <karen@talldalesfarm.com>

**To:** lisa@nealmartinassoc.com

**Cc:**

**Date:** Tuesday, October 16, 2007 07:25 pm

**Subject:** Re: 64 Moulton Drive,

Lisa,

Thank you very much for this. I believe the Crofts are out of town but I will arrange to be there for the duration of the meeting, until this issue arises and I have had a chance to speak.

Many thanks for your consideration.

Karen

On 10/16/07 5:12 PM, "lisa@nealmartinassoc.com" <lisa@nealmartinassoc.com> wrote:

Karen - We discussed your letter and request for reconsideration of the parcel map extension for 64 Moulton at our staff meeting this morning. I have also received a letter from Mr. Croft dated October 11, 2007. Staff recommends you or one of your neighbors attend the next City Council meeting, and under the public comment portion, request the City Council reconsider the parcel map extension. If the Council chooses to reconsider, it will be placed on the November 14 City Council meeting. The reconsideration will be limited to the extension of time for filing a final parcel map only, and not the design of the subdivision. I have attached the agenda for the next City Council meeting scheduled for tomorrow night, October 17 at 7:00pm (note public comment portion is towards the beginning of the agenda). Could you also please pass this information on to Mr. Croft. I do not have his phone number or his email address.

Thank you,

Lisa Costa Sanders, Deputy Town Planner  
Town of Atherton  
650-333-0248

-----Original Message-----

**From:** Karen Bacon [<mailto:karen@talldalesfarm.com>]

**Sent:** Monday, October 15, 2007 02:29 PM

**To:** lisa@nealmartinassoc.com

**Subject:** Re: 64 Moulton Drive, September 19, council meeting

Lisa,

Thank you for your reply. Perhaps this note will help clarify why the easement extension is of concern to us. I cannot speak for Mr. Croft in this note, so please consider the following to be the expressed opinions of my husband and I, the residents of 57 Moulton Drive.

Let me first say that we understand the Merrill's desire to subdivide their parcel and take no issue with that matter. Of greater concern is the proposed easement access.

Last year, we finished a three-year remodel of an historic 1880 carriage house/home on our property. During this process, we created two driveways to access our home, one on the west side of the property and one on the east side of the property (east referring in this discussion to the area closest to the entrance to Moulton Drive at Glenwood). Our experience in bringing trucks, construction equipment and supplies of any size or consequence on to the property

was that access on to the west side of the property (towards the end of the cul-de-sac) was nearly impossible. It was made possible only by creating an enormous entryway (over 40?) onto the property that enabled trucks to enter the west side at an angle. We were unencumbered by any trees on our property. It should be noted that Moulton drive narrows as you head west towards the end of the cul-de-sac and even this slight narrowing of the road makes turning into our current west driveway (15? wide) very difficult for trucks of any size (UPS, for instance).

The east driveway access is much easier and was much favored by our contractor, the fire department and currently, by any delivery trucks that require access to the property. This because of the wider road, and because the angle of entry is much less severe. So much so that when we approached the Fire Department to install our emergency vehicle entry box on the west driveway (closest to the garage, where most residential fires originate) we were declined permission to locate the box at that location. They insisted on putting the entry box on the east driveway due to the very issue of getting a large emergency vehicle into the driveway under circumstances of duress. The turn into the west driveway (about 25? east of the proposed easement for the Merrill subdivision, making their access even more difficult) is simply too severe for vehicles of any consequence to navigate. In the Merrill?s case this would require navigating around their heritage oak (which we very much admire) and the Croft?s property line. There is a fire hydrant between the oak and the Croft?s property. I assume that could be relocated, but it does little to change the physical realities of the 90 degree turn and narrow pathway that will constitute the easement.

Should the easement be located at the east side of the property, which is what we are requesting, vehicles entering or emerging to/from the Merrill property would not only have an easier turn-in, they would benefit from our east drive access, which provides an additional 10 feet (approximately) of width to the road. Mr. Croft posits that the difference between the ?turn in? on the west side of the property (90 degrees) is 20 degrees greater than that required at the east side of the property (70 degrees). I have not confirmed these numbers but given our experience, and the feedback from the fire department, it seems there is some truth to that math.

We are a young family and should an emergency of any consequence take place on the lot across the street from us, we would feel much more comfortable knowing that police, fire and other emergency vehicles would not be in struggle with space to assist any of our neighbors, and perhaps even us. Particularly if the consequences of such an event could have been avoided. This seems like basic logic. We certainly took it as such when advised against what we thought was our better judgment in the placement of the emergency access box (given the garage fire statistics), by the Fire Department. They assured us that they could work more quickly with ease of access to the property at large than proximity to the likely site of a fire. We cheerfully accommodated their request.

It seems that differing rules apply to the Merrill property from those that we were asked to follow by the planning department and the Fire Department when we were going through our construction project. This is disturbing to me and even more so given that feedback from all city and civil organizations was that ease of access for city and emergency vehicles was in the interest of everyone?s safety. I believe the approved easement on the west side of the Merrill property is in direct conflict with the guidelines we were asked to follow, and did.

This is not an issue to be taken lightly and it deserves more thought than a passing vote at a City Council meeting. The Fire Department and Building Department should be involved in the decision-making process on this issue. A double standard has been applied (between what we were asked to comply with and what has been approved on behalf of the Merrill property). The safety of the neighborhood has been jeopardized and that is unfair to the current residents, including those of us who have done our best to work with the city to ensure the well-being of our families, our neighbors and the civil servants who work in our best interests.

I appreciate your follow through.

Please contact me with any questions.

Sincerely,

Karen Bacon  
57 Moulton Drive  
Atherton, CA 94027  
650.324.4998

On 10/15/07 11:01 AM, "lisa@nealmartinassoc.com" <lisa@nealmartinassoc.com> wrote:

Karen - I have forwarded your email to the City Manager and City Attorney and will follow-up with you when I hear back from them (most likely tomorrow afternoon after our staff meeting). In the mean time, could you please let me know a bit more about the ongoing concerns you and Mr. Croft has expressed regarding this project. I would like to see if there are items that we can assist in resolving. I have spoken with another neighbor that called regarding landscape screening and will be working with her and the Town Arborist.

We are required by law to mail public notices to all property owners 10-days prior to the public hearing. I would be interested in other options for communication with residents. Please let me know if you have any specific suggestions.

Thanks - Lisa

>-----Original Message-----

>From: Karen Bacon [<mailto:karen@talltalesfarm.com>]

>Sent: Friday, October 12, 2007 11:27 PM

>To: lisa@nealmartinassoc.com

>Subject: Re: 64 Moulton Drive, September 19, council meeting

>

>Hi Lisa,

>

>Tom Croft was kind enough to provide me with a copy me of your  
>correspondence to him regarding the City Council meeting of September 19,  
>2007, and specifically, the 64 Moulton Drive parcel map extension.

>

>As a matter of fact, I was on the Atherton City Web site the day before the  
>meeting. To say that it is not well organized is beside the point, but a  
>fact nonetheless. I did find the information regarding time and location of  
>the meeting, who would have thought I needed to print out an agenda? In my  
>previous business experience, which is extensive, it is simply a given that  
>a PRINTED agenda is available to all meeting participants at the start of  
>the meeting. I don't recall a meeting where I was ever ask to print out a  
>copy or bring an agenda with me. That is ridiculous reasoning and I think  
>many business leaders would agree with me.

>

>Of equal importance, I did attend the meeting and there was not an agenda  
>available for my use. That is unprofessional. I was unable to stay and sent  
>my husband to follow up on his way home from work, but our timing was off  
>and we missed the item by less than 20 minutes (so go the joys of  
>babysitters and family care planning. Not your concern).

>

>As for the written notice of the meeting. I was not amused to find that that  
>very piece of mail was delivered to my home address (57 Moulton Drive) 3-4  
>days after the meeting had taken place! I sent the original notice, clearly  
>postmarked days after the meeting was held, to Alan Carlson with a note

>indicating that the mail service is not a dependable way to inform residents  
>of meetings and agendas.

>

>So, a problematic Web site (try to send an email directly from one of the  
>address links, it does not go through. The user has to retype the email  
>address into the address line of their email), and a notice mailed to my  
>home address days after the meeting took place.

>

>I suppose it is not presumptuous to assume that everyone has computer access  
>these days - but legally I do think that assumption should be considered.  
>Particularly if direct mail is the alternative means of informing residents  
>of key issues that will impact their lives dramatically, and said notices  
>are received days after the meeting takes place. That is simply  
>unacceptable.

>

>This is not the of service I would expect given the property taxes I pay, in  
>part to support a City Council that offloads controversial issues to the  
>next town. Cowardly at best. Lazy at worst.

>

>I do have strong objections to the parcel extension and as the immediate  
>neighbor to the lot, I would expect that the on-going concern Mr. Croft and  
>I have expressed deserves further consideration. I am formally requesting  
>that this item be reconsidered at a future City Council meeting.

>

>Sincerely,

>

>Karen Bacon

>57 Moulton Drive

>Atherton, Ca 94027

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>

>

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## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION GOVERNING COMMITTEES/COMMISSION**

### **RECOMMENDATION:**

Review resolution which is designed to govern all Town committees with the exception of the Planning Commission. The Planning Commission has been created by ordinance in compliance with State law and terms of provisions related to the Planning Commission will remain in Chapter 2.36 of the Atherton Municipal Code. Accordingly, it is not part of the resolution.

### **BACKGROUND:**

Fourteen committees have been created to assist the City Council in connection with matters affecting the Town. Atherton is a general law city in California. Power and authority is derived from state law. The Town has adopted a Council-Manager form of government authorized by state law. The City Council sets policy and appoints and directs the City Manager. The City Manager appoints and directs all other Town employees, except for the City Attorney who is appointed by and responsible to the City Council.

The committees are described alphabetically in the attached resolution. With the exception of the Arts Committee, the Crime Prevention Committee, the Park and Recreation Commission and the General Plan Committee, all other committees are presently described in the City Council Rules of Procedure. The Arts Committee was created by Resolution No. 98-06. The General Plan Committee and Parks and Recreation Commission were created by ordinances codified in the Atherton Municipal Code Chapters 2.37 and 2.40, respectively.

The Planning Commission is established and described in Chapter 2.36 of the Atherton Municipal Code. Under State Planning Law, Government Code section 65100 and following,

the Planning Commission must be established by ordinance. There is no similar requirement for establishment of the Park and Recreation Commission or the General Plan Committee. Accordingly, these two may be removed from the Atherton Municipal Code and placed in the resolution. Chapters 2.37 (General Plan Committee) and 2.40 (Park and Recreation Commission) will be rescinded as these entities will now be governed by the resolution. Paragraph 9 of the City Council Rules of Procedure will be amended to provide that Town committees are described as governed by this master resolution. Resolution No. 98-06 regarding the Arts Committee will be rescinded.

In May, and again in August of 2007, I sent a draft of the master resolution to the Chairs of the Town's Committees and Commissions. Responses were received from the Arts Committee, the Tree Committee, the Park and Recreation Commission and the Audit Committee.

I have incorporated the comments from the Arts Committee, and Park and Recreation Commission into the resolution. The Tree Committee requested that it be allowed to continue as an informal committee. I have not adopted that recommendation, but, instead, have incorporated them into the resolution and have incorporated its meeting schedule.

Recommendations provided by the Audit Committee were considered by the City Council at the meeting of October 17, 2007. The City Council's action regarding the Audit Committee is reflected in the revisions to paragraph 4 of Section 4 of the resolution.

**FISCAL IMPACT:**

None.

Prepared By:

Approved By:

/s/ Marc Hynes  
Marc G. Hynes  
City Attorney

\_\_\_\_\_  
Wendé C. Protzman  
Interim City Manager

Attachment

**RESOLUTION NO. 07-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
~~ESTABLISHING~~ GOVERNING TOWN COMMITTEES AND COMMISSIONS**

The City Council of the Town of Atherton hereby resolves as follows:

Section 1. Establishment of Committees.

The following committees are established for the Town of Atherton:

1. Arts Committee
2. Atherton Channel Drainage District Committee.
3. Atherton Rail Committee
4. Audit Committee
5. Budget and Finance Committee
6. Buildings and Facilities Committee
7. Crime Prevention Committee
8. Emergency Preparedness Committee
9. Environmental Programs Committee
10. General Plan Committee
11. Park and Recreation Commission
12. Screening Committee
13. Transportation Committee
14. Tree Committee

Section 2. Rules of Procedure. All committees of the Town shall follow the Rules of Procedure as adopted by and as amended by the City Council.

Section 3: Appointment of Voting Members to Committees – Powers and Duties.

**Unless otherwise set out below**, Members other than City Council Members shall be appointed following recommendation of the City Council Screening Committee and approval by the City Council. All appointed members shall be registered voters in the Town. Members shall serve at the pleasure of the City Council, or until the terms as set out in the respective committees described below.

Section 4. Composition – Terms - Powers and Duties.

The composition, terms, and powers and duties of the Town's committees shall be as described below:

1. Arts Committee.

Consists of up to, ~~but not exceeding~~, ten (10) members appointed by the City Council. The term of office shall be as follows: Five (5) of the members shall be appointed to a four (4) year term commencing 2007 and ending on April 30, 2011. The remaining members' terms shall be three (3) years commencing 2007 and ending on April 30, 2010. Thereafter, each term of office shall be for four (4) years. The Arts Committee meets on the 4<sup>th</sup> Tuesday of each month at

1:00 p.m. in the Holbrook-Palmer Park Garden Room. The Arts Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in matters regarding art awareness including, without limitation, the following goals and objectives:
  - i. Fulfill the requirements of the Rita Corbett-Evans estate;
  - ii. Develop a unique arts program specific to the needs of Atherton and the surrounding community;
  - iii. Provide a base and focal point for arts programs in Atherton;
  - iv. Include a multi-disciplinary range of artistic endeavors including fine, performing, and literary arts as well as crafts;
  - v. Attract and welcome all members of the community.

2. Atherton Channel Drainage District Committee.

Consists of three (3) members including two (2) Council Members, and one (1) resident of the Town. The committee meets on an as-needed basis in the City Council Chambers. The term of office for Town resident members shall be a four (4) year term commencing 2007 and ending on April 30, 2011. Council representatives are selected by the City Council to serve a one (1) year term. The Atherton Channel Drainage District Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to the Atherton Channel Drainage District.

3. Atherton Rail Committee.

Consists of **up to** thirteen (13) members including two (2) Council Members and up to eleven (11) residents of the Town. The committee meets on the first Tuesday of each month at 6:00 p.m. in the City Council Chambers. The term of office for Town resident members shall be a four (4) year term commencing 2007 and ending on April 30, 2011. Council representatives are selected by the City Council to serve a one (1) year term. The Atherton Rail Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to rail service in and through the Town. The Atherton Rail Committee will research and address the specific impact of high-speed rail and other rail improvements may have on the Town.

4. Audit Committee.

Consists of seven members, including two Council Members of the Budget and Finance Committee, and five residents of the Town. The committee meets ~~bi-annually~~ **monthly or as needed** in the Conference Room of the Town Administrative Offices. The term of office for three (3) Town resident members appointed in 2005 shall be for three years ending on April 20, 2008. The terms of two of the remaining two Town resident members shall be for four (4) years ending on April 30, 2009. Thereafter, the term of office shall be for four (4) years. Council representatives are selected by the City Council to serve a one (1) year term. The Audit Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters

pertaining to Town finances.

- b. Provide oversight of the annual audit.
- ~~c. Assist in formulating a long range financial plan.~~
- ~~d. Identify alternative sources of funding for the parcel tax.~~
- ~~e. Assist in evaluating the operational efficiency and effectiveness of selected programs and activities.~~
- ~~f. Serve as an "early warning" capability by assessing the existence and effectiveness of management controls that should be in place at the department and program level to ensure that the organization as a whole is functioning properly.~~
- ~~g. Provide advice and counsel to the City Manager as necessary.~~

5. Budget and Finance Committee.

Consists of two (2) Council Members. The Members also serve on the Audit Committee. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices. The term of office is one (1) year. The Budget and Finance Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to Town finances.

6. Buildings and Facilities Committee.

Consists of two (2) Council Members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices. The term of office is one (1) year. The Buildings and Facilities Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to Town buildings and facilities.

7. Crime Prevention Committee.

Consists of three (3) members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices. The term of office shall be a four (4) year term commencing 2007 and ending April 30, 2011. The committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to crime prevention in the Town.

8. Emergency Preparedness Committee.

Consists of two (2) Council Members. The committee meets on an as-needed basis in the Conference Room of the Town Administrative Offices. The term of office is one (1) year. The Emergency Preparedness Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to emergency preparedness in the Town.

9. Environmental Programs Committee.

Consists of **up to** twelve (12) members including two (2) Council Members and ten (10) residents of the Town. ~~The committee also includes the City Manager, Town Arborist, a South Bay Waste Management Authority (SBWMA) representative, and a representative of the franchise waste hauler.~~ The committee meets ~~monthly~~ **quarterly** on the first Wednesday of the month at 10:00 a.m. in the Conference Room of the Town Administrative Offices. The term of office shall be as follows: Five (5) of the Town resident members shall be appointed to a five-year term commencing 2007 and ending April 30, 2012. The remaining five (5) Town resident members' terms shall be four (4) years commencing 2007 and ending April 30, 2011. Thereafter, each term of office shall be for four (4) years. Council representatives are selected by the City Council to serve a one (1) year term. The Environmental Programs Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to environmental issues, including:
  - i. Global warming and CO2 emissions
  - ii. Green Building
  - iii. Earth Day events
  - iv. ABAG/PG&E Energy Watch Partnership
  - v. E-Waste Collection Day
  - vi. Mayors Agreement on Climatic Change
  - vii. Energy Awards for Homeowners
  - viii. Energy Consumption Reduction in Town and School Buildings.

10. General Plan Committee.

Consists of two (2) Council Members, two (2) Planning Commissioners and up to five (5) residents of the Town. The committee meets quarterly on the first Wednesday of the month at 6:00 p.m. in the Town Council Chambers. The term of office for Town resident members appointed by the City Council shall be one four (4) year term. Council and Planning Commission representatives are selected by their respective bodies for a term of one (1) year. The General Plan Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to planning.
- b. Review the General Plan and make recommendations to the City Council, Planning Commission and Town Staff regarding the operation of the ordinances and policies in the community on the subject of planning.

11. Park and Recreation Commission.

Consists of seven (7) members. One shall be a representative of the Holbrook-Palmer Park Foundation. One member shall be a representative of the Atherton Dames. Each of the foregoing representatives shall serve a term of two (2) years and no more than two consecutive terms. The term of office for the two (2) members ending April 30, 2008 shall continue for one additional four (4) year term ending April 30, 2012. The terms of office for the remaining three (3) members shall be four (4) years for members appointed in 2007 with terms ending April 30, 2011, and five (5) years if the member was appointed in 2008 with terms ending April 30, 2013, and thereafter for a period of four (4) years. Thereafter, each term of office shall be for four (4) years. No member shall serve for more than two (2) full consecutive terms. The Park and

Recreation Commission meets on the first Wednesday of each month at 6:30 p.m. in Holbrook-Palmer Park, 150 Watkins Avenue, Atherton, California. The Parks and Recreation Commission shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and civic groups in the advancement of the park and recreation planning and programming;
- b. Develop and maintain a master plan for park development for each park facility within the town and annually, in the month of April, present a report to the City Council detailing the changes to the plan enacted by the Council during the previous year and proposed study or change of the future year;
- c. Consider the annual budget for parks and recreation during the process of its preparation and make recommendations with respect thereto to the City Council. The budget should contain estimates and recommendations for such long-term capital outlay projects as may be necessary to provide for an orderly development of park and recreation areas and facilities;
- d. Study and make recommendations on the acquisition and development of recreation areas, activities and facilities such as playgrounds, parks, open space and other centers of recreation; and
- e. Assist in the planning of recreation programs for the community, promote and stimulate public interest therein, and to that end, solicit public and private agencies, interested therein.

12. Screening Committee.

Consists of two (2) Council Members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices. The term of office is one (1) year. The Screening Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to the interview of all applicants for Town committees and the Planning Commission, and to make recommendations for appointment to the City Council.

13. Transportation Committee.

Consists of five (5) members including two (2) Council Members and three residents of the Town. The committee meets quarterly on the second Tuesday of the month at 6:00 p.m. in the City Council Chambers. The term of office for Town resident members shall be four (4) years. Council representatives are selected by the City Council to serve a one (1) year term. The Transportation Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to transportation.

14. Tree Committee.

Consists of **up to** twelve (12) members. The committee meets on the third Thursday of each month at 4 p.m. in the Conference Room of the Town Administrative Offices. The term of office for Town resident members shall be four (4) years. The Tree Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council **upon request** in all matters pertaining to the Town's heritage trees.

This Resolution shall be effective immediately upon adoption. The operative date of this resolution ~~of~~ **on** the General Plan Committee and the Park and Recreation Commission shall be thirty (30) days from and after the date of adoption of the Ordinance rescinding Chapters 2.37 and 2.40 of the Atherton Municipal Code. Resolution 98-06 is hereby rescinded.

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote.*

<i>AYES:</i>	<i>Council Members:</i>
<i>NOES:</i>	<i>Council Members:</i>
<i>ABSENT:</i>	<i>Council Members:</i>
<i>ABSTAIN:</i>	<i>Council Members:</i>

ATTEST:

\_\_\_\_\_  
Alan Carlson  
Mayor, Town of Atherton

\_\_\_\_\_  
Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

/s/ Marc Hynes  
\_\_\_\_\_  
Marc G. Hynes, City Attorney

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
REPEALING CHAPTERS 2.37 AND 2.40 OF THE ATHERTON MUNICIPAL CODE  
PERTAINING TO THE GENERAL PLAN COMMITTEE AND THE PARKS AND  
RECREATION COMMISSION**

---

WHEREAS, the City Council has provided for the creation, maintenance and operation of Town committees and commissions by resolution;

NOW, THEREFORE, the City Council of the Town of Atherton does hereby ordain as follows

**SECTION 1:** Chapters 2.37 and 2.40 of the Atherton Municipal Code are hereby repealed.

**SECTION 2:** Upon the effective date of this Ordinance repealing Chapters 2.37 and 2.40, the terms and provisions of Resolution No. \_\_\_\_\_ governing Town committees and commissions adopted by the City Council on November 14, 2007, shall become operative.

**SECTION 3:** The City Council hereby declares that it would have passed this Ordinance word by word, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 4:** This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

<i>AYES:</i>	<i>Council Members</i>
<i>NOES:</i>	<i>Council Members</i>
<i>ABSTAIN:</i>	<i>Council Members</i>
<i>ABSENT:</i>	<i>Council Members</i>

---

Alan B. Carlson, MAYOR  
Town of Atherton

ATTEST:

---

Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

---

Marc G. Hynes, City Attorney

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON RESCINDING  
RESOLUTION NO. 98-06 PERTAINING TO THE ATHERTON ARTS COMMITTEE

WHEREAS, the City Council has adopted Resolution No. \_\_\_\_\_ pertaining to all of the  
Town's committees and commissions; and

WHEREAS, the foregoing action supersedes the provisions of Resolution No. 98-06  
pertaining to the Atherton Arts Committee;

NOW, THEREFORE, the City Council of the Town of Atherton does hereby resolve as  
follows:

Section 1. Resolution No. 98-06 pertaining to the Atherton Arts Committee is hereby  
superseded and rescinded.

This Resolution shall be effective immediately upon adoption.

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted  
by the City Council of the Town of Atherton at a regular meeting thereof held on the  
\_\_\_\_\_ day of November 2007, by the following vote:*

<i>AYES:</i>	<i>Council Members:</i>
<i>NOES:</i>	<i>Council Members:</i>
<i>ABSENT:</i>	<i>Council Members:</i>
<i>ABSTAIN:</i>	<i>Council Members:</i>

\_\_\_\_\_  
Alan B. Carlson, MAYOR  
Town of Atherton

ATTEST:

\_\_\_\_\_  
Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc G. Hynes, City Attorney

**RESOLUTION NO. 07-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING CITY COUNCIL RULES AND REGULATIONS BY REVISING  
PARAGRAPH 9 RELATING TO COMMITTEES OF THE TOWN**

The City Council of the Town of Atherton hereby resolves as follows:

Section 1. Section 9 “City Council Committees” is hereby amended by **revising the title**, rescinding paragraphs 9.3 and 9.4 “Committees of City Council” as the foregoing are the subject of a separate resolution, ~~and~~ revising paragraphs ~~9.2, 9.3~~ **9.1 and 9.2** and ~~9.5~~ **and renumbering paragraph 9.5 as 9.3** to read as set forth herein.

**“9. Town Committees**

9.1 Establishment. At the regular meeting in January, the Mayor shall appoint Council members to serve on various committees for a one year term. **Committees shall be created and members appointed thereto in accordance with rules and regulations set out by the City Council by separate Resolution No. \_\_\_ and as amended.**

9.2 Appointment of Voting Members to City Council Committees. Appointment of voting members to City Council Committees shall proceed as provided by the terms and provisions of separate resolution and as amended. Committees shall be created and members appointed thereto in accordance with rules and regulations set out by the City Council by ~~separate~~ **Resolution No. \_\_\_ and as amended.**

**9.3 City Council Review of Town Committee Decisions.** City Council Members on Town committees may bring any decision of the committee to the full City Council for final determination. Pending such action by the full City Council, any such decision shall be suspended.

This Resolution shall be effective immediately upon adoption.

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the \_\_\_\_\_ days of \_\_\_\_\_, 2007, by the following vote:*

**AYES:** Council Members:  
**NOES:** Council Members:  
**ABSENT:** Council Members:  
**ABSTAIN:** Council Members:

---

Alan B. Carlson, MAYOR  
Town of Atherton

ATTEST:

---

Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

/s/ Marc Hynes

Marc G. Hynes, City Attorney



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL  
WENDÉ C. PROTZMAN, INTERIM CITY MANAGER**

**FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: CITIZEN REQUEST TO MODIFY THE RULES, REGULATIONS AND  
PROCEDURES FOR MANAGING TRAFFIC (TRAFFIC PROGRAM)**

#### **RECOMMENDATION:**

Council provide direction and refer to the Transportation Subcommittee to prepare recommendations in accordance with Council direction.

#### **BACKGROUND:**

A resident requested that the Town's Rules, Regulations and Procedures for Managing Traffic (Traffic Program), adopted in 1992, be modified to include speed humps as an allowed traffic management measure.

#### **ANALYSIS:**

When the Traffic Program was adopted, speed humps and other measures were not well known. New measures are being developed as government agencies around the world deal with impacts on neighborhoods from increasing traffic volumes and speed. The Menlo Park Neighborhood Traffic Management Program is attached to show measures currently in use. The Town's Traffic Program does not contain all of these measures and is not flexible to adopt new measures.

In addition, the Traffic Program contains restrictions on the application of the program:

1. A traffic management project is appropriate only on streets with up to an average of 5000 vehicles per day.

2. A traffic management project for speed is supportable when it is demonstrated that over 50% of the vehicles using the street are exceeding the posted speed limit by more than 20%.
3. Speed related traffic projects shall only be considered on streets with a posted speed limit of 25 miles per hour or less.

Staff recommends that these restrictions be removed and the appropriateness of a traffic management project be determined based on the traffic problem presented.

**ALTERNATIVES:**

The following alternative approaches to this request are recommended for consideration:

1. No change - leave the program as is
2. Minimal change - add speed humps as an additional measure to be used
3. Conformity change - add all measures currently being used in other Peninsula cities
4. Universal change - include all measures available at the time of traffic study
5. Remove restrictions - revise the program to remove certain restrictions
6. Simplify the program - replace the multi-page rules and regulations with a resolution providing that the City Council, on the request of a resident(s), on recommendation from the Transportation Subcommittee, or on their own motion, may direct staff to address a traffic issue, with an initial neighborhood survey; a traffic study if the survey shows a majority of neighbors in favor; a public meeting to receive public input; Transportation Subcommittee review; and City Council approval of proposed traffic management measures and funding. The traffic study will address the problem with solutions designed to address the problem.
7. Rewrite the program - hire a consultant to prepare a Neighborhood Traffic Management Program similar to Menlo Park's.

**FISCAL IMPACT:**

Fiscal impact will vary based on the alternative(s) selected, and the fiscal impact of any traffic management project will depend on the solution chosen. Staff time will be expended on each request, and a consultant will need to be hired to conduct the traffic studies and design the traffic management measures.

Prepared by:

Approved by:

---

Duncan L. Jones, P.E.  
Public Works Director

---

Wendé C. Protzman  
Interim City Manager

Attachments: Menlo Park Neighborhood Traffic Management Program  
Belmont Neighborhood Traffic Calming Program

City of Menlo Park, California  
Transportation Division

# Neighborhood Traffic Management Program



City of Menlo Park  
Transportation Division  
November 16, 2004

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## INTRODUCTION

An increasing number of Menlo Park residents are concerned about vehicular traffic volumes and speeds in their neighborhoods. Safety conditions are of concern especially in the vicinity of schools. The City has responded to community concerns by installing traffic control devices, roadway features, as well as enforcement of traffic and parking regulations.

This Neighborhood Traffic Management Program (NTMP) is designed to provide consistent, citywide policies to neighborhood traffic management to ensure equitable and effective solutions. It represents the City of Menlo Park's commitment to enhance the safety and livability in its neighborhoods.

The information contained in this document aims at helping Menlo Park's residents in identifying appropriate traffic management measures to address neighborhood traffic issues. Traffic management measures consist of educational, enforcement, and physical measures used to influence the behavior of drivers (see TOOLBOX section in back of this document).

## PROGRAM PHILOSOPHY

- Stable residential neighborhood traffic requires efficient arterial and collector traffic flow to minimize incentives to cut through residential neighborhoods. The first line of defense against neighborhood traffic problems is an efficient arterial and collector grid.
- Streets are a community resource. Denial of public access by closing streets is not a goal of the Neighborhood Traffic Management Program (NTMP) except in cases of over-riding safety concerns. Furthermore, it is not the goal of the NTMP to modify traditional traffic patterns within a neighborhood or between neighborhoods.
- Residents of residential streets have a right to a safe and peaceful environment; right to a fair share of law enforcement resources; and, protection from disproportionate increases in undesirable traffic conditions.
- Residents of streets in the vicinity of traffic management project streets have a right to specified numerical limits to adverse consequences (traffic diversion or emergency vehicle delay, as an example) due to traffic controls on "project"



streets. This includes limits on cumulative effects from multiple traffic management measures.

- The public at large has an equal right to access public streets free of hazardous features designed to impede vehicular traffic.

## **PROGRAM GOALS**

The City of Menlo Park established its Neighborhood Traffic Management Program (NTMP) with a number of goals as follows:

- The primary goal of the NTMP is to correct demonstrably unsafe conditions, with priority to locations with higher accident incidences and higher measured speeds.
- A secondary goal of the NTMP is to provide residents of residential streets with protection and relief from disproportionate traffic increases.
- Provide a NTMP format that is responsive to all neighborhoods in the City of Menlo Park.
- Improve local residents' sense of well-being about their neighborhood streets and enhance traffic safety in residential areas.
- Incorporate the preferences and requirements of community members into the design and operation of streets within their neighborhoods.
- Provide objective criteria to help City staff prioritize projects.
- Ensure the program is cost effective by encouraging high standards of acceptance before trials are started.
- Clearly state procedures to avoid neighborhood divisiveness.

## PROGRAM OBJECTIVES

- Provide a format for citizen involvement in identifying traffic concerns and objectives, as well as the traffic management measures that best suit their neighborhood needs.
- Provide a process that includes clear opportunities for members of the affected community to either support or change the course of action with regard to the recommended plan, as well as temporary and permanent implementation of features.
- Integrate engineering, enforcement and education initiatives to encourage positive driver behavior in residential neighborhoods.
- Improve neighborhood livability by encouraging compliance with designated speed limits, and by possibly reducing posted speeds.
- Discourage cut-through traffic within residential neighborhoods.
- Maintain capacity and facilitate traffic flow on the City's arterial and collector roadways network.
- Effectively balance public safety interests including traffic mitigations and emergency response. In other words, recommend neighborhood traffic management plans that clearly address provisions for emergency response.

## PROGRAM GUIDELINES

***Compatibility with City Plans:*** Neighborhood traffic management projects are to be compatible with overall City transportation goals and objectives as set forth in the City's General Plan, Bicycle Plan, and adopted area plans.

***Compliance with Operational and Design Guidelines:*** Recommended traffic management measures must comply with applicable operational and design guidelines, including state and federal Manuals on Uniform Traffic Control Devices (MUTCD), the Institute of Transportation Engineers (ITE) manual on traffic calming, Caltrans Traffic Manual and Caltrans Highway Design Manual, the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, and the Americans with Disabilities Act requirements.



**City Liability:** Neighborhood traffic management plans must not result in unreasonable/unacceptable liability exposure for the City.

**Neighborhood Focus:** Implementation of traffic management plans will be undertaken on a neighborhood basis, rather than on a site or street specific basis, when excessive traffic volumes and/or speeds are expected to be shifted to other residential City streets.

**Cut-Through Traffic:** The NTMP is not used to upset traditional sharing of streets in neighborhoods or between adjacent neighborhoods. Neighborhood traffic management plans may be used to discourage extraordinary cut-through traffic from utilizing residential streets and route most through trips to state highways, as well as primary and minor arterial streets. This should be consistent with the functional roadway classifications identified in the City's General Plan. Cut-through traffic can be estimated based on an Origin-Destination (O-D) survey.

**Petitions and Surveys:** Definition of affected residents to include households and businesses of "project" streets, side streets within one block and streets likely to be adversely affected (i.e. diverted traffic, delayed emergency response, etc.) by traffic management measures, as determined by City staff.

- Petition to study: Supermajority of all Menlo Park households and businesses on "project" street as well as side streets within one block.
- Survey to test: Majority of all affected (as defined above) Menlo Park households and businesses, required before proceeding with installation.
- Survey to make permanent: Majority of all affected (as defined above) Menlo Park households and businesses is required.. This is done after 6-month trial period.

Surveys shall be mailed to each Menlo Park address within the study area. A follow up survey shall be mailed to those addresses that do not respond to the first survey. Only one survey from each household or business will count towards reported final results.

**Traffic Diversion:** All residential streets are protected by verifiable numeric limits to traffic diverted by NTMP projects, including cumulative diversion from a sequence of multiple projects. Verification requires that baseline volume counts be made for before/after comparison.



**Multi-Modal Traffic Movements:** Neighborhood traffic management plans and designs should integrate the travel needs of public transit, pedestrians and cyclists.

**Warrant Analysis:** Some traffic control devices, such as stop signs and traffic signals, may be installed when warrants are satisfied or when deemed appropriate by the City.

**On-Street Parking:** Some traffic management measures will require the removal of curb-side parking spaces. Parking loss at specific locations will be balanced with the neighborhood's desire to establish the traffic management measures.

**Commercial Vehicles:** Commercial vehicles and trucks will be routed onto the state highways and arterial streets per the City's adopted truck route map, even where such routing is not the shortest distance between two points.

**Emergency Response:** Emergency vehicle access and response should be preserved. To this end, the Fire District has developed a map shown on **FIGURE 1** indicating the primary routes of travel throughout the City of Menlo Park. The City will work with the Fire District to identify the potential delay (based on Fire District tests or generally accepted traffic engineering standards such as the ITE/FHWA Traffic Calming: State of the Practice's "Emergency Response Time Study Results") caused by each feature in the TOOLBOX, to be used for predicting net delay due to proposed projects. Predicted delays will take into account the range of possible profiles and dimensions of each feature in relation to the roadway and in relation to the characteristics of all vehicles to be affected. The net delay predicted for a project will be provided to residents along with other information on proposed installations. No project will be permitted which delays emergency response by more than one minute. The use of stop signs and all Level II features will be evaluated in consultation with the Fire District, and in consideration of the impacts on the Fire District's adopted emergency response times. Fire District officials will be notified if Level II measures are implemented on a trial or permanent basis. The same notification and consultation requirements shall apply to the Police Department

**Landscaping:** Agreements may be made with residents and/or neighborhood associations to pay for the landscaping and associated irrigation of Level II measures.

**Area Coverage:** The City may decide to combine two or more nearby projects in order to benefit a larger community, as well as to better investigate impacts throughout the neighborhood along with the most appropriate traffic management measures.

**Priority Ranking:** Level I projects will initially be carried out on a first-come first-served basis. Should a number of projects arrive around the same time, or as projects accumulate



on the City's work program, a priority ranking system may be triggered. At this point, projects will be ranked based on priority criteria, later detailed in this document, that contain factors such as collision history, pedestrian activity, as well as vehicular traffic volumes and speeds. The City's General Plan also prioritizes streets that are deemed to have unusual conditions, such as limited visibility of pedestrians, irregular roadway design features, or indication of unreported crashes. Level II projects will be ranked based on the criteria listed on Page 14, using the Prioritization Worksheet on Page 49.

**Funding:** The City will pursue funding through grants where possible to fund the implementation of neighborhood traffic management plans. Funding availability may affect timing of project implementation. Based on availability of funds, the more expensive projects may have lesser priority ranking in terms of implementation. More detailed information is later provided under a separate section on FUNDING.





## GENERAL PLAN GUIDELINES

Traffic congestion usually occurs on highways and arterial roadways. In congested urban areas, vehicular traffic tends to cut-through residential streets to avoid the more congested main roadway network. The City of Menlo Park General Plan identifies a number of street classifications, namely freeways/expressways, primary arterials, minor arterials, collectors, and local streets. State freeways, expressways and arterials are designed for efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and, when applicable, the number of access locations (intersections, property driveways, etc.) being provided. Collector streets provide access to abutting land parcels and enable moderate quantities of traffic to move between local streets and the arterial street network. Local streets provide access to immediately adjacent properties and are typically designed to serve short trip lengths, and relatively low vehicular traffic volumes and speeds. This NTMP is intended for application on residential streets, which would include local and collector streets within the City of Menlo Park.

Policy II-A-7 of the City's General Plan states "All streets should operate with the Roadway Classification System Guidelines of the General Plan. To protect local streets, the City shall develop and implement a Residential Traffic Management Program that defines a process to initiate and evaluate neighborhood traffic issues, identifies acceptable levels of traffic volumes; speeds and diversion, and establishes a process whereby the City will use good faith efforts to implement all reasonable design and traffic management improvements to attain traffic volumes on local residential streets not to exceed 1,500 to 2,500 vehicles per day depending on the size and characteristics of the street. In order to determine priority of funding and urgency, the Residential Traffic Management Program shall include a point system that includes rating of streets based on such criteria as speed, volume, accidents, near-accidents, and pedestrian activities. Any proposed design or traffic management improvements should not divert a substantial volume of traffic to other Menlo Park streets of the same or lower classification. Any proposed design changes or traffic management improvements shall invite public input from all residents living on adjacent streets which might be affected by any traffic management improvements and/or design changes which could divert traffic onto their street".

Policy II-A-9 of the General Plan states "The City shall establish, as a priority, the protection of local streets in residential areas from excessive speeding and excessive volumes of through traffic. For the purposes of this policy 'through traffic' shall mean traffic having nor an origin nor a destination within the relevant neighborhood. Adequate capacity on arterial streets should be provided to encourage, to the extent possible, their use for Menlo Park residential traffic."



## TRAFFIC MANAGEMENT MEASURES

Depending on the nature of the request, City staff will recommend and/or assist the community in identifying appropriate traffic management measures. Selection of measures will be from one of two categories depending on the type and extent of the investigated issues. These two categories are as follows:

### Level I “Express”

Level I (a.k.a. “Express”) measures include education and enforcement initiatives. They also include engineering measures that are relatively low in cost and simple in their implementation. These engineering measures could be signing, striping, curb marking, changes in signal timing, and improvement in street lighting as listed below.

- Educational programs
- Targeted police enforcement
- Regulatory signs
  - Speed Limit signs
  - STOP signs
  - Truck restriction signs
  - Parking prohibition signs
- Static warning and specialty signs
  - High visibility signs
  - School Area signs
  - Pedestrian Crossing signs
  - Neighborhood information signs
- Special striping and markings
  - Reduced lane width/edge line
  - Marking of street narrowing features
  - High visibility crosswalks
  - Red curbs
- Dynamic speed signs
- Radar speed trailer
- Improvement to street lighting
- Addition or removal of turn lanes
- Changes in traffic signal timing
- Street Trees



## Level II

Level II measures are more restrictive traffic management features that may divert traffic and impact access to properties. Measures under this category are generally higher in costs and include the following:

- Flashing Beacons <sup>(1)</sup>
- Crosswalk Warning Systems <sup>(1)</sup>
- Textured pavement <sup>(1)</sup>
- Gateways and entry treatments
- Turn Prohibition signs
- Traffic circles
- Speed humps and cushions
- Speed tables and raised crosswalks
- Bulbouts, curb extensions, and chokers
- Median island slow points
- Chicanes and angle points
- Median barriers <sup>(2)</sup>
- Forced-turn channelization <sup>(2)</sup>
- Diagonal diverters <sup>(2)</sup>
- Half (one-way) street closure <sup>(2)</sup>
- Full street closure <sup>(2)</sup>

Notes:

(1) City staff has the discretion to take implementation of these features directly to City Council for approval without a neighborhood survey process.

(2) These Level II measures may cause significant traffic diversion to other roadways. These features are prohibited by the program philosophy statement barring use of the NTMP to modify traditional traffic patterns, except in cases of over-riding safety concern.

## GENERAL IMPACTS

Measures listed under Levels I and II are described in detail under the TOOLBOX section of this document. In addition to the information provided in the TOOLBOX,



general potential advantages and disadvantages associated with Level II features are listed below.

**Advantages:**

- Permanent solution with one time capital expenditure
- Reducing travel speeds
- Reducing traffic volumes
- Reducing pedestrian crossing distances
- Improving motorist-pedestrian visibility of each other
- Breaking-up driver sight-lines on straight streets
- Enhancing identity of residential neighborhoods
- Adding space for pedestrians, landscaping, or installation of decorative features
- Placing signs closer to driver's cone of vision
- Reducing the number and severity of collisions
- Reducing the need for police enforcement
- Discouraging commercial trucks from cutting-through residential neighborhoods

**Disadvantages:**

- Vertical features and sharp curves have negative impacts on response times of emergency vehicles, especially fire apparatus and ambulances
- Hindering the movements of transit buses and utility trucks
- May reduce vehicle or pedestrian visibility
- Inconveniencing local residents who are forced to drive longer and more circuitous routes to/from their homes
- Preventing left-turns at driveways and converting them to downstream U-turns
- Diverting vehicular traffic to other neighboring residential streets
- Increasing vehicle queue at intersections
- May increase risk to bicyclists, roller skaters, and physically challenged pedestrians
- Increasing traffic noise at the features due to vehicles braking, and driving over and around the physical features
- Loss of curb-side parking spaces adjacent to the features



- Liability exposure to the City that can be associated with vehicle damage, personal injury, or delay in response time of emergency vehicles
- May require reworking of surface drainage and other utilities
- Some features, such as speed humps, can cause negative visual impacts
- Expensive design and construction costs
- Increasing street maintenance costs that can be associated with landscaping, signing, markings, and replacement of damaged features

## QUALIFYING CRITERIA

Requests for neighborhood traffic management must satisfy at least one of the minimum qualifying criteria as noted below.

1. The 85<sup>th</sup> percentile speed must be in excess of the posted speed limit by more than 5 miles per hour (mph). The 85<sup>th</sup> percentile speed is the speed at, or below which 85% of motorists travel. In other words, this criteria aims at capturing the peak travel speeds.
2. The street is primarily residential in nature, is classified as a local street and has an average daily vehicular traffic volume that exceeds 1500 vehicles per day (vpd), or, is primarily residential in nature, is classified as a collector street and has an average daily vehicular traffic volume that exceeds 3000 vehicles per day (vpd).
3. Collision data during the last available 36 months demonstrates that the numbers of accidents are above the City-wide average for a similar type of street/intersection.



## **LEVEL II PRIORITY CRITERIA**

Level II projects will be prioritized based on the following qualifying criteria. (Level I projects will be completed on first-come first-served method. Should the City receive a number of projects around the same time, or as projects accumulate on the City's work program, a priority ranking system may be triggered.)

1. Collision History – Locations with a larger number of preventable collisions receive a higher priority ranking.
2. Travel Speeds - The greater the 85<sup>th</sup> percentile speed exceeds the designated speed limit by more than 5 mph, the higher the priority ranking.
3. Traffic Volumes - The greater the vehicular traffic volume the higher the priority ranking.
4. Pedestrian Facilities – Locations that lack pedestrian paths or sidewalks will receive a higher priority.
5. Schools and Activity Centers – Streets that serve as a primary route to schools and activity centers receive a higher priority ranking.

A sample prioritization worksheet describing the calculation of ranking points is attached for reference.

## **NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM PROCESS**

Completion of a traffic management plan is described below.



### Process for Level I Measures (Express Process)

Implementation of Level I measures will follow the process described below.

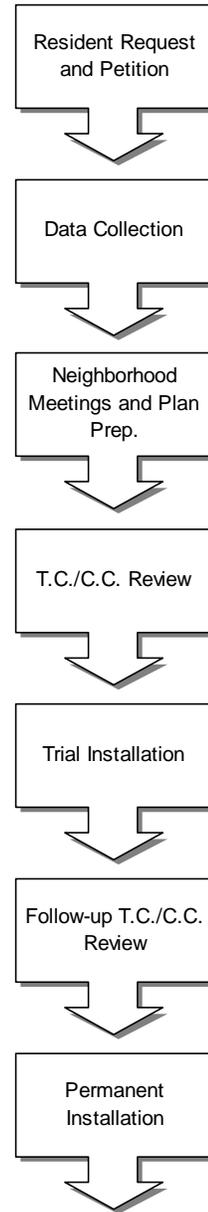
**Receipt of a Request:** A resident alerts the City about a problem area that involves speeding and/or large volumes of traffic, potentially associated with cut-through movements.

**Selection of Study Area and Submission of Neighborhood Action Request Form (NARF):** City staff will identify boundaries of the study area in consideration of the nature of reported traffic issues, requested corrective measures and areas potentially affected by diverted traffic, delayed emergency response or other consequences. At a minimum, the basic study area will include the project street and side streets within one block.

The person requesting the traffic management improvements will be responsible for completing a “Neighborhood Action Request Form” (NARF) which must include signatures from at least 60% of Menlo Park study area households and businesses. The completed form must include a written description of the location, nature of reported concerns, and requested corrective measures.

City staff may expand the study area/impacted area during any phase of the planning process prior to the implementation of features. This will take place if staff experience, gathered data or analysis results show that additional neighborhood streets may be impacted by any proposed feature. In some cases, the impacted area may include roadways under other City or county jurisdictions. In this situation, efforts will be made to coordinate with the other jurisdiction as appropriate to evaluate the plan impacts.

**Evaluation of NTMP Criteria:** City staff will undertake a cursory review of reported concerns including any needed data collection of collision statistics, and vehicular traffic volumes and speeds. This is to determine if raised traffic issues meet the NTMP qualifying criteria. If City staff determines that the reported traffic issues are not relevant to the NTMP, staff will either take no action or resolve issues without initiating the NTMP process. The contact resident will be notified if any action will be taken by the City.



**Project Prioritization:** Level I projects will be carried out on a first-come first-served basis in consideration of availability of City staff and availability of project funding.

**Transportation Commission Meeting:** The City's Transportation Commission will schedule a neighborhood meeting for each selected project. The meeting will be held to discuss reported traffic concerns and issues. It is important that the Transportation Commission hears the different views and experiences of the neighbors, as well as results of the preliminary City staff evaluation. Through this process, a shared definition of the reported issues can be developed, along with desired outcomes and applicable solutions that can be further investigated. The Transportation Commission has the discretion to deny the request, recommend an alternative action, or continue to pursue Level I measures. Residents disagreeing with the decision of the Transportation Commission may appeal to the City Council.

**City Staff Review and Recommendation:** City staff will prepare an existing conditions traffic analysis report, and recommend feasible Level I measures. Staff recommendations will be based on multi-modal traffic data, visibility conditions, any performed traffic control warrant analyses, land uses within the impacted area, emergency service routes, public transit routes, etc. This review is essential to reduce the potential for plans being advanced that are not feasible or warranted, or the implementation of measures that may need to be removed at some future time.

**Transportation Commission Review:** The City's Transportation Commission will review the staff report, and either deny or approve staff's recommendations.

**City Council Review:** City Council will review the staff report and Transportation Commission recommendation. The Council will either deny, recommend plan revisions, or approve its temporary implementation for a minimum four-month trial period. If approved, the Council will also decide if recommended measures should have a follow-up review after at least four months of their implementation.

**Implementation of Level I Measures:** If approved by the City Council, Level I traffic management options such as the installation of signing or pavement markings will be implemented within six weeks of the Council's meeting (whenever possible).

**Follow-Up Review:** In the case that the City Council's decision included a follow-up review, City staff will perform "After" studies following at least four months of implementing the Level I measures. Based on these "After" studies, staff will recommend either removing or retaining the Level I measures and may also recommend continuing the process on a Level II basis.



**City Council Review:** The City Council will review the staff follow-up analysis and associated recommendations. The Council will either deny or approve the staff’s recommendations resulting in retaining the Level I measures on a permanent basis, removing the measures, or continuing the process associated with Level II features.

### Process for Level II Measures

Implementation of Level II measures will follow the process described below.

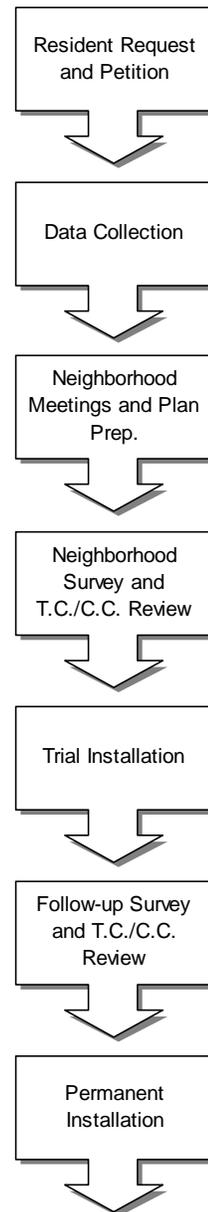
**Receipt of a Request:** A resident alerts the City about a problem area that involves speeding and/or large volumes of traffic, potentially associated with cut-through movements.

**Selection of Study Area and Submission of Neighborhood Action Request Form (NARF):** City staff will identify boundaries of the study area in consideration of the nature of reported traffic issues, requested corrective measures and areas potentially affected by diverted traffic, delayed emergency response or other consequences. At a minimum, the basic study area will include the project street and side streets within one block.

The person requesting the traffic management improvements will be responsible for completing a “Neighborhood Action Request Form” (NARF) which must include signatures from at least 60% of Menlo Park study area households and businesses. The completed form must include a written description of the location, nature of reported concerns, and requested corrective measures.

City staff may expand the study area/impacted area during any phase of the planning process prior to the implementation of features. This will take place if staff experience, gathered data or analysis results show that additional neighborhood streets may be impacted by any proposed feature. In some cases, the impacted area may include roadways under other City or county jurisdictions. In this situation, efforts will be made to coordinate with the other jurisdiction as appropriate to evaluate the plan impacts.

**Evaluation of NTMP Criteria:** City staff will undertake a cursory review of reported concerns including any needed data collection of collision statistics, and vehicular traffic volumes and speeds. This is to determine if raised traffic issues



meet the NTMP qualifying criteria. If City staff determines that the reported traffic issues are not relevant to the program, staff will either take no action or resolve issues without initiating the NTMP process. The contact resident will be notified if any action will be taken by the City.

***Project Prioritization:*** City staff will proceed to rank Level II projects based on the aforementioned priority criteria and attached prioritization worksheet. A ranking list of all Level II NTMP requests will be confirmed with the City's Transportation Commission on an annual basis. The Transportation Commission will schedule neighborhood meetings to address projects based on their approved priority ranking, availability of City staff, and availability of project funding.

***Transportation Commission Meeting:*** The City's Transportation Commission will schedule the first neighborhood meeting for each selected project. The meeting will be held to discuss reported traffic concerns and issues. It is important that the Transportation Commission hears the different views and experiences of the neighbors, as well as results of the preliminary City staff evaluation. Through this process, a shared definition of the reported issues can be developed, along with desired outcomes and applicable solutions that can be further investigated. The Transportation Commission has the discretion to deny the request, recommend an alternative action, or continue to pursue Level II measures. Residents disagreeing with the decision of the Transportation Commission may appeal to the City Council.

***Neighborhood Traffic Committee:*** Depending on the size of the project area and level of community participation, there may be a need to form a Neighborhood Traffic Committee (NTC) with representatives of the different community interests. This is to enable the community representatives to work closely with City staff, elected representatives, and other project stakeholders throughout the planning process. The public will be given notice of all meetings of the NTC. The meetings will be open to the public.

***Detailed Data Collection and Analysis:*** City staff will conduct detailed data collection that may include speeds, volumes, collision history, and other information needed to define the problem and later measure the success of the plan. The City may approach neighborhood representatives for volunteers to assist with the data collection. Enough data will be collected and evaluated to provide an accurate picture of the current conditions throughout the neighborhood. Performed analysis will help determine if/which Level II measures are warranted. This review will include items such as conformance with the state and federal laws, the City's General Plan, type and function of streets involved, compliance with engineering regulations, existing traffic conditions,



and projected traffic conditions, potential for traffic diversion to other residential streets and estimated delay of emergency vehicles.

**Consultation with Project Stakeholders:** Consultation with Police and Fire Departments will take place to determine if the street is a critical emergency vehicle response route, and therefore not eligible for certain features. Consultation will also take place with Santa Clara Valley Transportation Authority (VTA), SamTrans, school district, and any other service provider affected by the requested traffic management plan. Should the plan area contain designated bicycle routes or streets that are heavily used by pedestrians, this task may also involve consultation with bicycle and pedestrian activists.

**Development of Draft Traffic Management Plan (TMP):** City staff with the help of qualified consultants, if needed, will develop a draft neighborhood traffic management plan (TMP) based on the information gathered and desires of residents and other project stakeholders. The TMP will be based on the NTMP Program Goals, Objectives, and Guidelines, as well as approved measures included in the traffic management TOOLBOX.

**Neighborhood Meeting(s):** Once a draft TMP is prepared, City staff will hold a meeting with the NTC and other project stakeholders in order to obtain input on the level of their acceptance and needed plan changes. More than one neighborhood meeting may be held as necessary.

**Resident Survey for Trial Installation:** A survey describing the investigated issues and proposed TMP will be circulated to Menlo Park households and businesses throughout the study area. Goals, benefits, estimated costs, and potential delay to emergency vehicles will be stated in the survey. Support by at least 51% of households and businesses, based on the total number of surveys sent, must be demonstrated through this process prior to considering plan implementation. A second survey shall be circulated to those addresses that do not respond to the first survey. If supported by 51% of households and businesses as described above, the TMP will proceed for review by the City's Transportation Commission.

**Transportation Commission Review:** The City's Transportation Commission will review the TMP, and recommends either plan revisions, or Council approval for temporary implementation of the plan on a six-month trial basis. Based on the Commission's decision, necessary revisions will be made to the TMP.

**City Council Review:** City Council will review the prepared TMP along with its background information. The Council will either deny, recommend plan revisions, or



approve its temporary implementation for a six-month trial period. Based on the Council's direction, necessary revisions will be made to the TMP.

**Temporary Installation:** Subject to Council approval, recommended Level II measures will be installed using temporary materials at City expense for a trial period of six months when appropriate environmental clearances have been obtained. Emergency response access will be tested for various design options in the field using a response apparatus. Modifications will be made if necessary to ensure conformance to emergency response delay limits (stated elsewhere in this document). Depending on the type of traffic management feature, temporary materials may not be available that sufficiently replicated the permanent measure. Therefore, the trial installation may be constructed of permanent materials with the provision that it may be removed at the end of the trial period.

**Follow-up Review:** "Interim" studies will be conducted within six months of the installation of temporary features. The "Interim" studies should be comparable with the initial data collection and may include speed surveys, volume counts, and if feasible, an origin-destination survey. These follow-up studies will be conducted to evaluate the measures of success defined in advance by the NTC and to learn more about how individual features and a system of features affect drivers' behavior. This information can be used to determine whether the NTC's desired outcomes have been achieved. The follow-up studies will also be used to determine if the traffic problem has shifted to other neighborhood streets.

The Portland Impact Threshold Curve will be used to determine acceptability of diverted traffic. On each street receiving diverted traffic, acceptability will be based on the net diverted traffic from the current project plus all preceding projects under the NTMP. If the current project causes the net cumulative diverted traffic on any street to exceed the limit, the installation of temporary features will be modified to reduce the cumulative diversion to within acceptable limits.

Traffic volume shifts that exceed the thresholds contained in Menlo Park's Transportation Impact Analysis Guidelines regarding local streets may be considered potentially significant environmental impacts and may require additional environmental studies.

**Resident Survey for Permanent Installation:** At the conclusion of the trial period, a survey will be sent to study area households and businesses to determine whether they consider the Level II traffic management plan measures to be successful and if they wish them to be implemented on a permanent basis. Results of the "After" studies, including numerical results, will be conveyed to study area households and businesses to assist them in making this decision. The survey language will explain and graphically show the



location and nature of proposed changes. Support by at least 51% of households and businesses, based on the total number of surveys sent, must be demonstrated through this survey process prior to considering permanent implementation. A second survey shall be circulated to those addresses that do not respond to the first survey.

**Transportation Commission Review:** After reaching community consensus in favor of the permanent implementation of features, the City's Transportation Commission will vote to approve or deny this recommendation. The Commission recommendation for permanent implementation will proceed to the City Council.

**City Council Review:** City Council will review the Commission's recommendation and decide to either deny or approve the permanent establishment of measures. Based on the Council's decision, the temporary traffic management features will be either removed or replaced with permanent features.

**Permanent Implementation:** If permanent implementation is decided, detailed design drawings are prepared either in-house or by a qualified consultant. As part of the approval process of these design plans, consultation takes place with utility companies. The final engineering drawings will be made available to the neighborhood prior to the actual construction to ensure that they represent what was agreed to by the NTC. This is important to ensure that there are no surprises once construction starts. Residents also need to be aware in advance of the impacts of construction (noise, dust, potential traffic rerouting, etc.) and the anticipated construction schedule to minimize frustrations during the actual construction. Once funding is secured, permanent construction of the Level II measures can then take place by an approved contractor under an encroachment permit from the City. Twelve months after the measures have been implemented the City will again evaluate the measures to determine how individual features and a system of features affect drivers' behavior.

## REMOVAL OF PERMANENT FEATURES

Removal of a previously approved traffic management plan will require the same process be followed that was used to install the plan initially. If a 51% majority of households and businesses, based on the total number within the study area, decide later that the permanent features are not desirable, staff will present the removal request to the City Council for final approval.

If the feature conflicts with access to a new development, it will be the responsibility of the developer to modify, relocate or remove the feature. Removal in this case should be a last resort and a replacement for public benefit will be required.



## **PROGRAM REVIEW PROCESS**

The planning process itself is important to the success of the overall Neighborhood Traffic Management Program. Therefore, it must be flexible and adaptive to communities needs. After the completion of any TMP, the City may review the planning process and identify appropriate changes that would enhance and improve the process.

## **FUNDING**

Multiple requests for nearby locations may be combined by staff into a single request for a neighborhood project. If staff determines that a project will be too large for the available budget, the project may be divided into increments if practical. If a large project exceeds the budget and is not divisible, the project will be placed on the next capital fund request list for approval of budget by City Council. Staff may also seek outside funding, such as state and federal grants, for the project.

The City has determined that high aesthetic/low maintenance designs are preferred to reduce the future burden on City forces to maintain traffic management features. These types of features could, for example, be decorated with colored stones/bricks. As an alternative, they could include landscaping and irrigation systems, both of which require continuous maintenance in perpetuity. If the community desires that measures be landscaped, individuals or groups of property owners may fund the construction of landscaping and irrigation.



## GLOSSARY

**Access** – Ingress and egress movements at a property, street, or neighborhood

**Cut-Through Traffic** – Volume or percentage of traffic originating outside of the neighborhood and going to a destination outside of the neighborhood.

**Mid-block** – Any point between successive intersections along a street.

**mph** – Miles per hour

**MUTCD** – Federal Manual on Uniform Traffic Control Devices

**NARF** – Neighborhood Action Request Form

**NTC** – Neighborhood Traffic Committee

**NTMP** - Neighborhood Traffic Management Program

**O-D Survey** – Survey typically used to determine the volume or percentage of cut-through traffic on a particular street, or within a neighborhood. For example, two count stations can be set at each end of a studied street. Depending on the directional traffic volumes, one or two persons can write down the time and license plate of each vehicle accessing the count stations. By comparing the data from the two stations, it can be determined the percentage of cut-through traffic (vehicles that entered at one end of the street and exited at the other end within a short time interval without having intermediate stops).

**Speed Survey** – Survey of vehicles to determine the speeds at which motorists travel. Speed surveys can be carried out using a radar gun, or Automatic Traffic Recorders (ATRS) commonly known as count tubes.

**TMP** – Traffic Management Plan. Concept for a specific geographic study area, developed in conformity with the NTMP to address traffic management concerns of a neighborhood.

**vpd** – Vehicle per day



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## TRAFFIC MANAGEMENT MEASURES TOOLBOX

Traffic management is the combination of educational, enforcement, and physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, improve safety for non-motorized street users, and improve neighborhood livability. Public education aims at changing behaviors of drivers, pedestrians and bicyclists through enhancement of their knowledge, awareness, courtesy, and sense of responsibility. Enforcement enlists the assistance of the Police Department to focus enforcement efforts on problem areas and increase public awareness of speeding problems. Engineering includes design and implementation of roadway features and physical elements such as speed humps and street narrowing features. Of the three traffic management areas, public education and enforcement should be implemented before engineering improvements.

The following pages describe and illustrate traffic management plan measures that may be used on residential local and collector streets in Menlo Park. Not all measures that may be acceptable are desirable in all situations. For example, some measures are not acceptable for use on collector streets or on some local streets determined by the Fire District to be important emergency response routes. The determination of which measure best suits which application will be worked out between neighborhood residents, the city, and Fire District, following the guidelines and qualifying criteria described in the Neighborhood Traffic Management Program document. Many of the measures described herein may be used in combination with each other, and there are also many design variations of each measure.

Traffic management measures in this inventory are listed generally in order of increasing effectiveness at reducing the volume of shortcutting traffic and/or speeds. The least effective measures are usually passive in nature, meaning that drivers can choose whether or not to obey them. The most typical examples of passive measures are traffic signs and striping. The next level includes active measures that physically constrain the driver to certain paths or areas in the roadway. The most desirable and effective active measures are those that force drivers into horizontal or vertical movement, therefore causing drivers to reduce speed--the primary objective of traffic calming. Reduced speed generally translates into increased safety and civil driving, as well as increased travel time that, in turn, may decrease traffic volumes because drivers may abandon a slower route. Some examples of these measures are traffic circles and speed humps. The most drastic active measures are those that partially or completely block traffic movements, with dramatic effects on traffic volume and the incidence of speeding. Forced-turn channelization, median barriers, diverters, one-way closures, and full street closures are examples of this type of measure. Dramatic active measures will generally not be considered or permitted except in cases of over-riding safety concern. Furthermore, their



use may require amendments to the City's General Plan, environmental impact analysis, or other forms of detailed and lengthy investigation and approval requirements.

## **PUBLIC EDUCATION**

In addition to Engineering and Enforcement, traffic management through neighborhoods can sometimes be achieved through public education. Common driver behavioral issues include speeding within school zones, red light running, violations of stop control, and violation of pedestrian right-of-way at crosswalks. Pedestrians also jaywalk and violate drivers' right-of-way. Some bicyclists, for example, choose to ride their bicycles on sidewalks, thereby endangering pedestrians' safety.

Many public education programs are already conducted within the City of Menlo Park which includes:

- Bicycle rodeos at local schools sponsored by the Transportation Division and Police Department
- Free helmet programs sponsored by the Transportation Division and Police Department
- Bicycle safety classes sponsored by members of the Bicycle Commission
- Bike to Work Day/Week
- Bike/Walk to School Day and workshops

The following are sample of education initiatives that could be implemented.

- Media advertisements in radio, newspaper press releases and cable TV broadcasts. Other publicity efforts could occur at community events, neighborhood signing, flyers to constituents, postings at bus shelters and on buses, and online information.
- Presentations and circulation of information at neighborhoods, business groups and community organizations.
- School safety education at elementary, middle and high schools. Safety education at elementary schools could consist of classroom and field training for students, as well as circulation of educational materials for parents. The focus of these initiatives would be pedestrian and bicycle safety, safety patrol training, proper student pick-up and drop-off practices, comply with reduced speed limits in school zones, etc. Middle and high school presentations, could be undertaken by traffic safety officers, are geared towards developing in new drivers a proper



respect for traffic laws and understanding the dangers of inappropriate driving behavior.

- Neighborhood pledge program. Residents are asked to sign a pledge on safe and courteous driving. Each resident is also given a bumper sticker identifying him/her as a “pace” car driver. By setting the example for proper driving, the vehicle sets the pace or speed for other vehicles on the road by requiring cars behind the pace car to also drive within the speed limit.
- Enlisting corporate sponsorships.
- Encouraging surrounding cities and other public agencies to partner in educational initiatives.

Possible educational messages could be:

- For motorists to choose walking, bicycling, or riding transit as an alternative to driving
- For pedestrians to cross only at intersections and marked crosswalks.
- For pedestrians to step into the street only after checking of upcoming traffic including turning vehicles.
- For pedestrians to walk facing vehicular traffic along roadways that do not have sidewalks.
- For pedestrians and cyclists to wear bright colors and carry a flashlight/bicycle light when walking or cycling in the dark.
- For pedestrians to watch for entering and exiting cars at parking lots.
- For pedestrians not start crossing at signalized intersections when a flashing “DON’T WALK” is displayed.
- For drivers to slow down if they cannot see clearly because of poor lighting or weather conditions.
- For drivers to give the right-of-way for pedestrians crossings even if the crosswalk is not marked.
- For drivers to obey posted speed limits.
- For drivers to be especially attentive around schools and parks.
- For drivers to stop at red lights and stop signs.
- For cyclists to share the road with vehicular traffic and not cycle on sidewalks or against traffic.

Examples of Enforcement and Engineering measures follow. The photos and graphics are provided for the purpose of illustrating the different types of measures. They do not constitute engineering design recommended for any specific location in Menlo Park.



*(Pages 26-45 only available in hardcopy)*



**NEIGHBORHOOD ACTION REQUEST FORM**  
**Neighborhood Traffic Management Program (NTMP)**

Contact Name: \_\_\_\_\_ Organization (if applicable) \_\_\_\_\_.

Day Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_ Today's Date: \_\_\_\_\_.

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_.

Affected Area is Bounded by: \_\_\_\_\_.

Location of Concern: \_\_\_\_\_.

Description of Concerns Reported at this Location:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Suggested Change or Improvement (signs, striping, curb marking, enforcement, parking prohibition, etc.). Please refer to Levels I and II of the City's NTMP.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Location Map Attached

Sketch of Problem Area Attached

FOR STAFF USE ONLY		Date Received:	Tracking Number:
Review Action:	Forward to Engineer Review	Forward to Transportation Commission	
Action Taken:	Staff Action	Transportation Commission Action	City Council
Action Description:			
W/O Number:		Requested on:	
Applicant Notified of Outcome on:		Completed on:	

## **INSTRUCTIONS FOR COMPLETING NARF PETITION**

Staff will prepare the petition for the applicant by completing the following:

- 1 - Staff to fill in the description of concerns from NARF application.
- 2 - Staff to attach a map of the project study area and a sketch of the problem area.

NTMP applicant will complete the following:

- 1 - Make multiple copies of the petition sheet as needed.
- 2 - Circulate petitions to obtain signatures from at least 60% of households and businesses in project study area identified on the attached map
- 3 - Only one petitioner per household or business is permitted.
- 4 - Ensure that the petitioner includes their printed name, address, signature and date. Each petitioner must also initial the last column to signify they have read the entire petition and reviewed the attached map. Telephone number is optional but is requested if needed to verify petition information.
- 5- Deliver the original copy of completed petition to the City's Transportation Division at 701 Laurel Street, Menlo Park, CA 94025-3483.



**CITY OF MENLO PARK**  
**NEIGHBORHOOD ACTION REQUEST FORM PETITION**  
**Neighborhood Traffic Management Program (NTMP)**  
**Level I Traffic Management Features**

Signature Collector Name: \_\_\_\_\_ Day Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

We, the undersigned, request a Transportation Commission meeting to address the following traffic concern described below and located within the geographic area shown on the attached map.

**CITY STAFF TO INSERT DESCRIPTION OF CONCERNS FROM NARF**

	Print Name	Address	Phone (Optional)	Initial *
	Signature		Date	
1.				
2.				
3.				
4.				
5.				

\* By initialing the last column, I certify that I have read this entire petition including maps of the proposed traffic management features.

**CITY OF MENLO PARK**  
**NEIGHBORHOOD ACTION REQUEST FORM PETITION**  
**Neighborhood Traffic Management Program (NTMP)**  
**Level II Traffic Management Features**

Signature Collector Name: \_\_\_\_\_ Day Phone: \_\_\_\_\_

±

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

±

We, understand that by signing this petition that we are initiating a process that may result in significant changes to local streets. We request a Transportation Commission meeting to address the following traffic concern described below and located within the geographic area shown on the attached map.

**CITY STAFF TO INSERT DESCRIPTION OF CONCERNS FROM NARF**

	Print Name	Address	Phone (Optional)	Initial *
	Signature		Date	
1.				
2.				
3.				
4.				
5.				

\* By initialing the last column, I certify that I have read this entire petition including maps of the proposed traffic management features.

**PRIORITIZATION WORKSHEET**  
**Neighborhood Traffic Management Program (NTMP)**

This worksheet will be completed by the City of Menlo Park staff in accordance with the City’s NTMP. It will be used to prioritize the potential initiation of specific neighborhood traffic management processes. The highest scoring residential street will get the highest ranking and so forth.

Date: \_\_\_\_\_  
 Name of Neighborhood: \_\_\_\_\_  
 Limits of Study Area: \_\_\_\_\_  
 Total Estimated Score: \_\_\_\_\_

**COLLISION HISTORY:**

- 1 to 3 preventable collisions in a 3-year period = 6 points
- 4 to 5 preventable collisions in a 3-year period = 9 points
- More than 5 preventable collisions in a 3-year period = 12 points -----

**RESIDENTIAL TRAFFIC VOLUMES:**

**A Local Street**

**A Collector Street**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Less than 1,500 vpd = 0 points</li> <li>• 1,500 to 2000 vpd = 4 points</li> <li>• 2,000 to 2,500 vpd = 8 points</li> <li>• Greater than 2,500 vpd = 12 points -----</li> </ul> | <ul style="list-style-type: none"> <li>• Less than 3,000 vpd = 0 points</li> <li>• 3,000 to 3,500 vpd = 4 points</li> <li>• 3,500 to 4,000 vpd = 8 points</li> <li>• Greater than 4,000 vpd = 12 points -----</li> </ul> |
|---|--|

**TRAVEL SPEEDS:**

- 85<sup>th</sup> percentile speed > 57mph over the speed limit = 5 points
- 85<sup>th</sup> percentile speed > 10 mph over the speed limit = 10 points -----

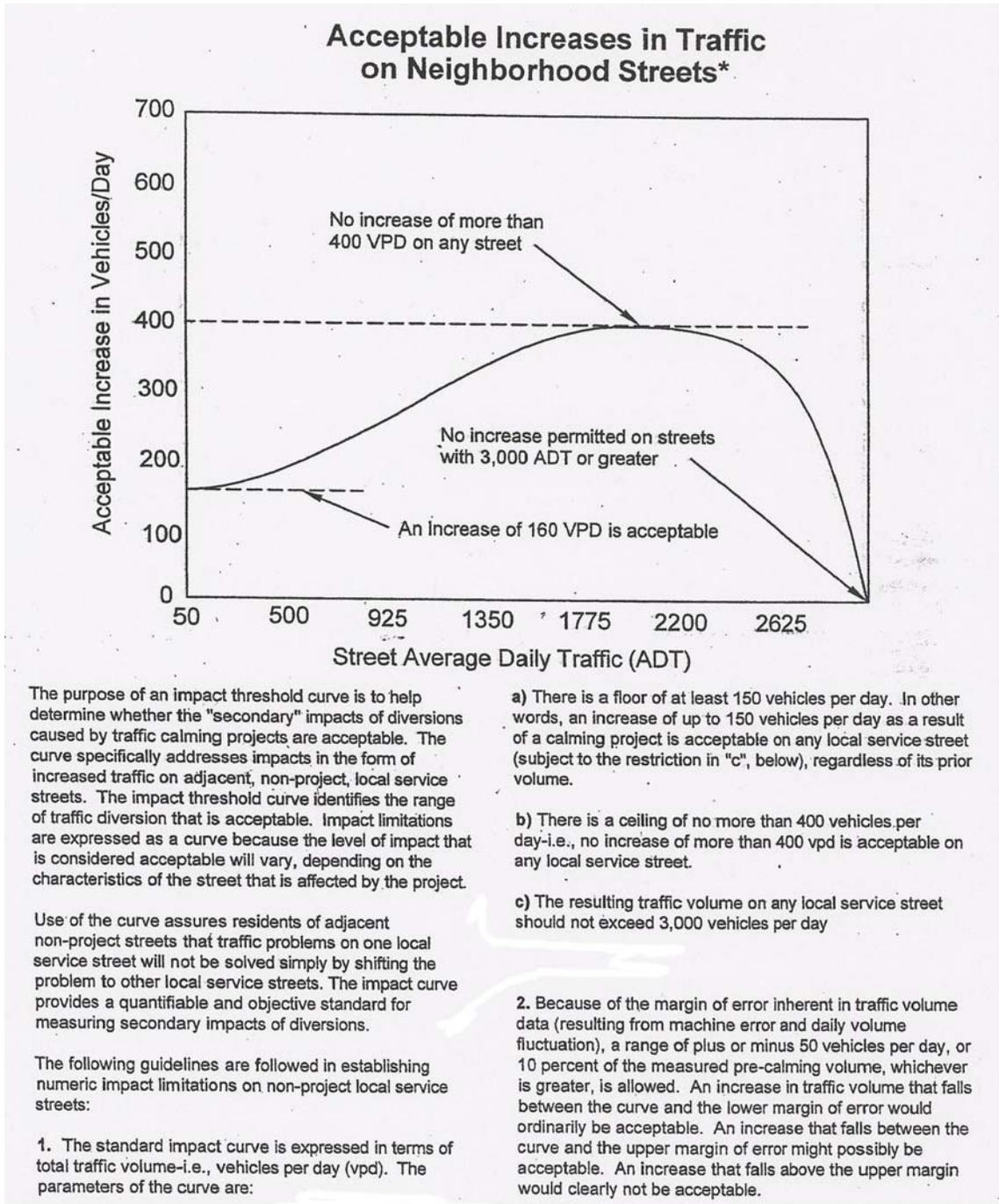
**PEDESTRIAN FACILITIES:**

- The pedestrian space is substantially usable = 0 points
- The pedestrian space needs improvement = 3 points
- There is no pedestrian space available = 6 points -----

**SCHOOLS AND ACTIVITY CENTERS:**

- The street is a primary access route to public transit = 2 points
- The street is a primary access route to an activity center = 4 points
- The street is a primary route to a school = 6 points -----

**TOTAL PROJECT POINTS**



## Portland Impact Threshold Curve

## CREDITS

### **NTMP STEERING COMMITTEE MEMBERS:**

Rhoda Alexander, Menlo Park Transportation Commission  
Don Brawner, Menlo Park Transportation Commission  
Eric Doyle, Menlo Park Transportation Commission  
David Roise, Menlo Park Bicycle Commission  
Randy Shurson, Menlo Park Fire Protection District

#### City of Menlo Park Staff:

Bruce Goitia, Menlo Park Police Department

Kent Steffens, Director of Public Works  
Jamal Rahimi, Transportation Manager  
Rene Baile, Transportation Engineer

#### Consultant:

James E. West, Kimley-Horn and Associates, Inc.



City of Belmont  
Neighborhood Traffic Calming Program

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II. ACKNOWLEDGEMENTS

CITY COUNCIL

Terri Cook, Mayor  
Eleanore Hahn, Vice Mayor  
Pamela Rianda, Councilmember  
David Warden, Councilmember  
Paul Wright, Councilmember

COMMISSIONERS

Dan Mannisto, Commissioner, Finance Commission  
Steve Singer, Commissioner, Parks & Recreation Commission

CITY STAFF

Thomas F. Lewcock, Interim City Manager  
John E. Curtis, Public Works Director  
Jim Goulart, Chief of Police  
Duncan Jones, Assistant City Engineer  
Jim Christman, Belmont Police Department

SOUTH COUNTY FIRE DEPARTMENT

Herb Jewell, Fire Chief

BELMONT-REDWOOD SHORES SCHOOL DISTRICT

Jeff Keuscher, Director of Business Services

And the Citizen Members of the  
TRAFFIC CALMING TASK FORCE

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CENTRAL

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STERLING DOWNS

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Yvonne Wodarczyk

SUNNYSLOPE

Paul Wendt

WESTERN HILLS

Larry Beitch

### III. EXECUTIVE SUMMARY

On December 14, 1999, the Belmont City Council directed the Public Works Department to form a Traffic Calming Task Force. The first Task Force meeting was held on March 9, 2000. There were a total of 7 meetings where the content of this program was discussed and workshops examined the application of traffic calming. The final two meetings on June 15, 2000 and June 29, 2000 focused on finalizing the Final Draft Neighborhood Traffic Calming Program to be ready for Planning Commission review on July 18, 2000 and City Council adoption on July 25, 2000.

#### Objectives

The objective of a Traffic Calming Program is to calm traffic, as opposed to controlling traffic. Devices such as signs, striping, pavement messages, traffic signals and police enforcement control traffic, according to laws, rules and regulations passed to legally control the conduct of drivers. Traffic calming consists of physical measures designed to influence the behavior of drivers.

The Neighborhood Traffic Calming Program deals with residential and collector streets only. The primary objective of this program is to enhance the safety and livability of Belmont's neighborhood streets. The program enables the City of Belmont to respond to neighborhood traffic issues using a defined formal process.

#### Measures

Traffic calming measures are "self-enforcing" because they influence behavior. The measures are effective because drivers instinctively comply. Traffic calming measures work 24 hours per day, 7 days per week. The new "toolbox" of physical traffic calming measures has been successful in communities around the world.

The current focus of traffic calming is to alter the physical shape of the roadway to inhibit speed. This is accomplished by vertical (such as speed humps) and horizontal (such as narrowing the street) measures which make the roadway more difficult to travel at high speed, either because of discomfort or the need to maneuver the vehicle more in order to negotiate the street.

#### Definitions

The following definitions shall be used to clarify the Neighborhood Traffic Calming Program.

- **Core Street:** The Core Street is the street where the proposed traffic calming devices are proposed or are being installed.

- Affected Area: The Affected Area is the Core Street plus any cul-de-sac that uses the Core Street as its only access and the intersecting streets within 300 feet of the centerline of the Core Street.

### Criteria

The minimum criteria for installation of traffic calming measures on the Core Street are:

- “Critical” speed in excess of 32 mph on local streets and greater than 8 mph over the posted speed on collector streets
- “The acceptable traffic volume traveling along a Core Street segment shall be calculated based upon trip generation rates for the total number of dwelling units and other land uses that are on the Core Street segment plus the land uses on any side street that must use the street segment to access the area residents’ property. The Institute of Transportation Engineers Trip Generation Manual shall be used to determine the trip generation rates for the land uses. Traffic calming will be considered if the measured traffic volumes exceed the acceptable traffic volume by 20 percent.”

### Speed

The most commonly used speed criteria for traffic calming is the “85<sup>th</sup> Percentile” or “Critical” speed, which is the speed only 15% of drivers exceed. If the 85<sup>th</sup> Percentile exceeds the speed limit, usually 25 mph on residential streets, by a set amount, traffic calming is appropriate.

The criteria followed by this program will have as its primary objective the reduction of critical speeds.

### Volume

Traffic calming installations also reduce traffic volumes by making a route less attractive as a high traffic street. By making the Core Street appear to be a neighborhood street or a pedestrian friendly street, motorists will be less inclined to use the street as a through roadway. This is accomplished by measures which add pedestrian linkages and landscaping along the roadway.

Traffic volumes are measured by Average Daily Traffic (ADT). Residential streets are designed to accommodate peak hourly volumes of traffic for all the dwelling units on the Core Street or must use the Core Street.

### Cut-Through Traffic

Both speed and volume reduction measures apply to streets with significant “cut-through” volumes. By making the Core Street take longer, or appear to handle less traffic,

“cut-through” traffic will return to the collector or arterial which was designed to accommodate the traffic volumes.

### Emergency Response Routes

Many of Belmont’s neighborhood streets are designated emergency response routes. Emergency vehicles are affected most by vertical measures, those which cause a vehicle to experience an uncomfortable vertical movement. Measures sufficient to cause discomfort to automobiles will cause a serious effect on much larger vehicles, such as fire engines, and medical emergency vehicles carrying patients.

### Impacted Areas

A traffic calming measure installed to solve a problem in one location may move the problem to another location. This is not a desirable or acceptable result. City staff will evaluate the impact of implementing traffic calming at the requested location or area on adjacent intersections, street sections or street systems.

### Speed Hump Policy

The City of Belmont passed a Speed Hump Policy on April 9, 1996 (see Appendix D). The policy prohibits speed humps on designated local emergency vehicle routes.

The Speed Hump Policy may be revisited in the future based on new technologies for vertical measures, such as speed cushions, split speed humps, speed tables and raised intersections. Revisions to this policy will require separate action by City Council in cooperation with the South County Fire Department and the Belmont Police Department.

### Priority

The City of Belmont program will initially be request driven, where priority will be based on the date of the request.

### Quality

This program recommends that the low budget designs for traffic calming measures will usually not be appropriate in Belmont. The high aesthetic/low maintenance designs should be proposed for all traffic claming measures

### Implementation Process (See Flow Chart Page 8)

When a request for traffic calming is received, staff first determines whether a simpler procedure could be used. The City will make an effort to resolve an identified traffic issue without having to embark on the traffic calming process.

### Application / Petition

A request for traffic calming must be received from a neighborhood association or by a petition signed by two-thirds (67%) percent of the affected households on each block of the Core Street.

### Study Phase

A letter is sent to all households within the Affected Area to notify residents that a project is beginning, to share the data gathered so far, and to ask if there are other traffic issues that should be addressed. Traffic data, including speeds, volumes and accident history will be routinely collected for each traffic calming request. A residents meeting will also be held to discuss the project, and determine the expectations of the proposed traffic calming program. Working groups to develop traffic calming plans will be formed.

### Survey Phase

The preferred plan and alternative(s) are mailed to Affected Area residents along with announcement of a meeting. Staff prepares a survey for residents asking if they would support undertaking a six-month trial. Two-thirds (67%) of the respondents representing at minimum of 90 percent of all of the Affected Area must support the proposed trial installation. Staff prepares an environmental assessment to help assess impacts during the trial.

### Trial Phase

Staff prepares a report to the Planning Commission in order to request approval to conduct a trial of the traffic calming plan. The recommendations of the Commission are then forwarded to the City Council for final approval. The detailed plan for the trial is then designed and constructed. The typical trial period will be six months.

### Permanent Installation

After six months, staff evaluates the results of the trial plan. Staff distributes a survey to determine if residents believe that the trial was successful and if the project should be considered for permanent installation. Support must be indicated by a super majority (67+ percent) of survey responses representing a minimum of 90 percent of the Affected Area.

Staff prepares a report to the City Council on the outcome of the trial plan. The City Staff recommends to the City Council if the trial plan should be removed, modified or made permanent. Final approval rests with the City Council. The permanent installation is designed constructed.

### Removal

Removal of a previously approved traffic calming plan will require the same process be followed that was used to install the plan initially. Traffic calming measures may also be subject to removal for various reasons, including conformity with the Americans with Disabilities Act (ADA), impacts on emergency services, accident problems, or safety problems determined by the Traffic Safety Committee.

### Funding

City staff will attempt to obtain grant funding for any trial and/or permanent traffic calming installation. However, if no grants are available, the residents will be required to pay through voluntary contribute and/or a benefit assessment district. The cost of maintaining any installed devices above and beyond normal city maintenance (i.e. curb painting, street cleaning, etc.) by City staff shall be included. Funding for permanent installations will be considered by the City Council after successful completion of trial installations. If residents desire to speed up the final construction process, the City will consider full (not partial) resident or property owner funding of a traffic calming project.

### Maintenance

The City has determined that high aesthetic/low maintenance designs are preferred to reduce the future burden on City forces to maintain traffic calming measures. These type of measures will include landscaping and irrigation systems, both of which require continuous maintenance in perpetuity.

If residents desire to speed the final approval of project funding by reducing the long term fiscal impact of the project, individual property owners, groups of property owners or a homeowners association may “adopt” the traffic calming landscaping and irrigation.

### FLOW CHART

## 1. Introduction

The City of Belmont receives numerous requests from residents for solutions to traffic issues. These often consist of requests to install stop signs at intersections to slow traffic. Most of these requests are processed through the City's Traffic Safety Committee, which is made up of staff from the Belmont Police Department, South County Fire Department and the Belmont Public Works Department. The Traffic Safety Committee is responsible for issues of traffic safety, and primarily uses standard traffic control rules and regulations to determine what traffic controls can be implemented. Among these regulations are the requirements that standard warrants be met for installation of stop signs and other traffic control measures. Normally stop signs do not meet warrants when the main issue is speed control. This has led to some frustration among Belmont residents, and a call for other solutions to traffic speeding issues.

### Definitions

The following two definitions shall be used throughout the Neighborhood Traffic Calming Program:

**Core Street:** The Core Street is the street where the proposed traffic calming devices are proposed or are being installed.

**Affected Area:** The Affected Area is the Core Street plus any cul-de-sac that uses the Core Street as its only access and the intersecting streets within 300 feet of the centerline of the Core Street.

## 2. Program Objectives

The Neighborhood Traffic Calming Program deals with residential and collector streets only. The primary objective of this program is to enhance the safety and livability of Belmont's neighborhood streets. The program enables the City of Belmont to respond to neighborhood traffic issues using a defined formal process.

The obvious objective of a Traffic Calming Program is to calm traffic, as opposed to controlling traffic. Devices such as signs, striping, pavement messages, traffic signals and police enforcement control traffic, according to laws, rules and regulations passed to legally control the conduct of drivers. Traffic calming, on the other hand, consists of physical measures which change the roadway configuration, and are designed to influence the behavior of drivers.

Traffic calming measures are also designed to inhibit aggressive driving, making drivers want to drive slower in a neighborhood. In the past, special signs such as "Children at Play", "Our Neighborhood Cares" and "Please Drive Slowly" were used to try to influence driver behavior, with little success. The new "toolbox" of physical traffic calming measures has been successful in communities around the world.

Traffic control devices require continuous enforcement, with the threat of punishment for violation, in order to be effective. Traffic calming measures are “self-enforcing”. Because they influence behavior, the measures are effective because drivers instinctively comply. Enforcement of traffic control only works when enforcement or threat of enforcement is present. Traffic calming measures work 24 hours per day, 7 days per week.

### 2.1. Travel Speed

The focus of traffic calming is to alter the physical shape of the roadway to inhibit speed. This is accomplished by vertical measures (such as speed humps) and horizontal measures (such as narrowing the street) that make the roadway more difficult to travel at high speed, either because of discomfort or the need to maneuver the vehicle more in order to negotiate the street.

There are several methods to measure speed trends for neighborhood streets. The most commonly used method is the “85<sup>th</sup> Percentile” or “Critical” speed, which is the speed that 15% of drivers exceed. Speed studies routinely use this method to determine the speed limit, therefore often “Critical” speeds do not exceed the speed limit by more than 5 mph. Traffic calming programs often use this measurement method as criteria for determining whether to implement traffic calming. If the 85<sup>th</sup> Percentile speed exceeds the speed limit, usually 25 mph on residential streets, by a set amount, traffic calming is appropriate.

Local streets have a prima facie speed limit of 25 mph. Speed limits on collector streets are set to the nearest 5 mph increment of below the “Critical” speed. This program uses a critical speed of 7 mph over the prima facie speed as the criteria for implementing traffic calming on local streets and 8 mph over the posted speed on collectors.

### 2.2. Traffic Volume

Another objective of traffic calming installations is to reduce traffic volumes by making a route less attractive as a high traffic street. By making the street appear to be a neighborhood street or a pedestrian friendly street, motorists will be less inclined to use the street as a through roadway. This is accomplished by measures which add pedestrian linkages and landscaping along the roadway.

Local streets are designed to accommodate the trips generated by the dwelling units along the particular street and all the dwelling units where the only access to their property is to travel along a particular street.

Many jurisdictions use a minimum volume threshold of 1000 vpd to determine if traffic calming is appropriate.

### 2.3. Cut-Through Traffic

Both speed and volume reduction measures apply to streets with significant “cut-through” volumes. By making the residential street take longer, or appear to handle less traffic, “cut-through” traffic will return to the collector or arterial which was designed to accommodate the traffic volumes.

It is harder to measure “cut-through” volumes because each vehicle’s origin and destination (O/D) must be determined. This is measured by several types of O/D studies, such as license plate surveys (compare plates at each end of the street), manual surveys (stop each car and ask), and post-card surveys (mail-in of post-cards handed out at check points along the route).

When evaluating “cut-through” volumes, the percentage of traffic from outside the neighborhood going to a destination outside the neighborhood is measured. The evaluation must also include whether there is an alternative route using arterial roadways which should be used. Traffic calming can then be approved to encourage use of the appropriate route.

Normally a non-neighborhood volume of 10-20% is considered “normal” for most streets. Streets where cut-throughs are a problem will usually exhibit cut-through volumes in excess of 20%. This program seeks to reduce “cut-through” volumes to below 20%.

### 2.4. Emergency Response Routes

In Belmont, accommodation of emergency response routes has a significant effect on the ability to install traffic calming measures. Many of Belmont’s neighborhood streets are also emergency response routes because Belmont does not have a clearly defined hierarchy of collector and residential streets. Many neighborhood streets connect directly to the arterial roadways, Ralston Avenue, Alameda de las Pulgas, El Camino Real and Old County Road. Therefore, many residential streets are designated emergency response routes.

Emergency vehicles are affected most by vertical measures, those which cause a vehicle to experience an uncomfortable vertical movement. Measures sufficient to cause discomfort to automobiles will cause a serious effect on much larger vehicles, such as fire engines. These measures can also have a serious effect on medical emergency vehicles carrying patients.

The end result of these increased effects on emergency vehicles is that the vehicles must slow down to negotiate the vertical measures. This in turn will increase the emergency response time. In urban portions of San Mateo County, the maximum, mandatory (i.e. contractual obligation) response time for the first-responding Paramedic-staffed fire company is 6 minutes, 59 seconds to 90% of all medical emergencies. In Belmont, San

Carlos, and the Harbor Industrial Area, the governance-adopted performance standard for emergency response is a maximum travel time for the first-arriving fire company of 5 minutes to 80% of all emergency incidents. Failure to meet these response/travel times may require the creation of an additional staffed fire company, the construction of an additional staffed fire station, or similarly costly remedies.

## 2.5. Impacted Areas

Another factor in determining where to apply traffic calming is to determine the area which has a traffic problem. Sometimes it is a single “spot” location, such as an intersection; sometimes an entire street; but it may also be a network of parallel or interconnected streets (a street system). Normally the application will determine the extent of the area impacted. However, staff will review the application to determine if a smaller or larger impacted area is appropriate. A traffic calming measure installed to solve a problem in one location may move the problem to another location. This is not a desirable or acceptable result, except when traffic is moved from residential streets to arterials, which are expected to have more traffic.

An application for traffic calming will usually request that a particular area be considered. City staff will evaluate the impact of implementing traffic calming at the requested location or area on adjacent intersections, street sections or street systems. If installation of the measure will merely move the problem, either a more comprehensive traffic calming system will be considered, or no traffic calming will be allowed. If a more comprehensive system is required to solve the problem, the larger system must meet all the requirements of this program.

In some cases the impacted area may include another jurisdiction, such as San Carlos, San Mateo, Redwood City, San Mateo County or the State of California. In those cases, every effort will be made to involve the other jurisdiction, both staff and residents, to evaluate impacts.

## 3. Policy Guidelines

### 3.1. Eligibility

When an application for traffic calming is received, it will be evaluated to determine if the impacted area is eligible for traffic calming. Eligibility includes meeting threshold criteria that determine whether traffic calming is likely to be the solution. It will also evaluate the engineering aspects to determine if there is a practical safe solution at a reasonable cost which solves the problem without creating more problems. The solution may also be modified by special considerations, especially emergency response needs.

#### 3.1.1. Criteria

- As discussed in the Objectives section above, the minimum base criteria for installation of traffic calming measures on the Core Street are:

- “Critical” speed in excess of 32 mph on local streets and greater than 8 mph over the posted speed on collector streets

“The acceptable traffic volume traveling along a Core Street segment shall be calculated based upon trip generation rates for the total number of dwelling units and other land uses that are on the street segment plus the land uses on any side street that must use the street segment to access the area residents’ property. The Institute of Transportation Engineers Trip Generation Manual shall be used to determine the trip generation rates for the land uses. Traffic calming will be considered if the measured traffic volumes exceed the acceptable traffic volume by 20 percent.”

### 3.1.2. Engineering

A focused speed and volume survey will be conducted on the Core Street when an application is received at the location of the requested traffic calming installation. A cut-through volume survey on the Core Street will only be conducted if specifically requested, or if staff believes that excessive cut-through volumes are present.

City engineers, or consultants hired by the City, will prepare an engineering study, evaluating the impacts and effectiveness of each traffic calming measure, and combinations of measures, towards solution of the particular problem. The study will evaluate the geometry of the intersections and street sections to determine where and how measures can practically be installed. The study will include a cost estimate.

The study will evaluate the ability of vehicles, including large trucks, emergency vehicles, motorcycles and bicycles to negotiate the traffic calming system. Specialized computer programs, such as AutoTurn may be used for this evaluation. The study will also evaluate travel paths for bicycles and pedestrians. The engineering study will also evaluate the potential for impacts at locations other than the location being considered.

### 3.1.3. Safety

The eligibility criteria will also study the safety of the installation. The safety study will examine all aspects of improving safety and assuring that other safety aspects are not diminished. At a minimum, the safety study will examine:

- Traffic safety, such as visibility of obstructions
- Sight distance, such as the ability to see objects in the road ahead of a vehicle and traffic at corners
- Pedestrian safety, and
- Bicycle safety

### 3.1.4. Other Considerations

#### American with Disabilities Act (ADA)

A situation could arise in which a person with a disability protected by the ADA would be denied ingress or egress to the person's place of residence because of the impact of a traffic calming measure. That person should be able to reasonably demonstrate that the measure would aggravate the protected disability. In that situation, any traffic calming plan under consideration would need to be modified to provide an unobstructed route of ingress and egress to the person's residence.

#### Speed Hump Policy

The City of Belmont passed a Speed Hump Policy on April 9, 1996 (see Appendix D) which sets specific criteria for eligibility for speed humps based on street section and grade. The policy prohibits speed humps on designated local emergency vehicle routes. This policy has been interpreted to apply to all vertical traffic calming measures, and is maintained in this program.

The Speed Hump Policy may be revisited in the future based on new technologies for vertical measures, such as speed cushions, split speed humps, speed tables and raised intersections. Revisions to this policy will require separate action by City Council in cooperation with the South County Fire Department and the Belmont Police Department.

#### Samtrans

There are several bus routes through the City of Belmont on residential streets. Impacts to Samtrans equipment fleet will also be considered.

## 3.2. Priority

The City of Belmont program will be request driven, where priority will be based on the date of the request. If more than one request is received in a short period, i.e., the same day, ranking will be used to determine priority.

### 3.2.1. Visual Concerns

Negative visual concerns should be considered in the development of a traffic calming plan, especially considering the multiplication of the effect from a series of measures when viewed from the end of the street. Likewise, a positive aesthetic will multiply into an overall neighborhood enhancement. These visual considerations should be a part of residents decision making process in requesting traffic calming measures.

#### 4. Implementation Process (See Flow Chart Page 8)

When a request for traffic calming is received, staff first determines whether a simpler procedure could be used, or whether the traffic problem is a traffic control issue, in which case it is forwarded to the Traffic Safety Committee. The Traffic Safety Committee will seek to resolve an identified traffic issue without embarking on the traffic calming process. During this decision process, the priority of the application will still be set by the original request date. See the section on staging below.

Multiple requests for locations on a street may be combined by staff into a single request for a street project. If staff determines that a project would be too large for the available budget, the project may be divided into increments if it is practical to do so. If a large project exceeds the budget and is not divisible, the project will be placed on the next Capital Improvement Plan request list for approval of budget from City Council. Staff will also seek outside funding for the project. See the funding section below.

##### 4.1. Application / Petition

Receive request and determine eligibility and ranking.

A petition signed by 67 percent of the affected households along the Core Street. A household is defined as any owned or rented living unit with its own street address, regardless of how many people live in the unit. A traffic calming request may pertain to problems of speeding, volume, “cut-through” traffic, or accidents on residential streets.

Staff will begin work on traffic calming projects according to the project’s position in the project list and the staffing available. If a request involves an unusual accident history (as defined by six or more crashes, or one fatal crash, in the prior three consecutive years), the Traffic Safety Committee will examine this history and consider if the project should be moved up on the project list regardless of the date it was received and whether or not the speed and volume criteria have been satisfied

##### 4.2. Study Phase

After receiving a request, staff collects data required to determine if the minimum eligibility criteria are met. Requests that meet the minimum criteria are placed on a project list according to the date they were received. The date of receipt is either the date of postmark, the dispatch date of an e-mail message, or the received date hand-stamped on a hand-delivered request. If the minimum criteria are not met and, if the problem can be addressed through other means, the City will take the best corrective action.

Staff will then determine the location or street segment(s) where traffic calming measures might be placed. Staff also determines whether any cross streets or adjacent parallel streets might be affected by traffic calming actions that might be taken. This larger area, consisting of the traffic calmed street, cross streets and/or adjacent parallel streets, is termed the “impacted area”.

A letter is then sent to all households within the Affected Area impacted area to notify residents that a project is beginning, to share the data gathered so far, and to set a public meeting to discuss the proposed project and expectations of the residents. Staff may add any new streets or segments to the project, based on the feedback obtained from this outreach. The standard 300-foot radius from the limits of the impacted area are also included in the public notification.

#### Collect Data

Traffic data, including speeds, volumes and accident history will be routinely collected for each traffic calming request. Additional data, possibly including a license plate survey to determine the extent of cut-through traffic, may need to be gathered at this point, depending on what other issues were raised in the initial interest survey.

#### Conduct Affected Impacted Area Meeting.

Residents of the project area are notified of the first meeting of residents within the impacted area. The purpose is to introduce the project and to identify any other traffic issues that should be addressed. The impacts of various traffic calming measures on the provision of emergency services will be specifically discussed. In addition, reasonable expectations of the outcome of the traffic calming will be discussed.

Volunteers are solicited to form a representative working group of all affected area that will meet separately to begin development of one or more traffic calming plans to address issues on the primary streets. Staff may develop one or more traffic calming concepts for presentation at this first meeting. One or more working group meetings are convened to refine the original plans and/or develop ideas for new plans. The working group continues to meet until agreement is reached on a preferred plan and one or more alternatives.

Any potential plan involving the use of vertical traffic calming measures (speed humps, speed tables, raised crosswalks, raised intersections) will take into consideration the needs of any person living in the project area who has a disability as defined in the Americans with Disabilities Act (ADA). Another meeting will be held with residents of the Affected Area to discuss the preferred plan. Minor modifications will be made to the plan.

#### 4.3. Survey Phase

Conduct survey to determine if a trial should be implemented.

Staff prepares a survey for residents that describes the traffic calming measures proposed to be placed and asks if they would support undertaking a six-month trial. How the survey is conducted is determined by the type of traffic calming project. Because some

traffic calming projects will not fit neatly into the following categories, staff might need to vary the survey procedure to best-fit special cases.

All households within the Affected Area will participate in the survey. One response is allowed per household, regardless of the number of people in the household. In order for a trial to be considered for approval, a super majority (67 percent) of survey responses representing a minimum of 90 percent of the Affected Area must indicate support for the trial.

Staff prepares an environmental assessment to help assess impacts during the trial. City Council approval for a trial is required for these projects.

If the required resident support described above is not obtained, the procedure may either return to working group meeting to select another alternative and repeat the above procedure, or the process ends at this point.

#### 4.4. Trial Phase

##### Approve Trial Installation

Staff prepares a report to the Planning Commission in order to request approval to conduct a trial of the traffic calming plan (including selection of the preferred alternative for the trial, if necessary). The Affected Area shall be notified of the meeting. The Commission listens to public testimony and discusses the proposed trial. The recommendations of the Commission are then forwarded to the City Council for final approval. If the Council does not approve the trial, the procedure may either return to working group meeting to select another alternative and repeat the above procedure, or the process will end at this point.

Design, implement and conduct approved trial.

The detailed plan for the trial is designed and either City forces construct the trial installation or bids are solicited for construction. The design effort may need to be contracted out, in which case bids would also need to be solicited for the design work. Traffic data is gathered before the trial is implemented, and at or near the end of the trial. The typical trial period will be six months.

#### 4.5. Permanent Installation

Evaluate trial results and hold third impacted area meeting.

After six months, staff evaluates the results of the trial plan. Residents of the Affected area are notified by mail of the trial results. An optional third project area meeting may be held at which the results of the trial are discussed. The trail installation will remain until the permanent measures are installed or the decision is to remove the measures.

If staff determines that the trial was clearly not successful (e.g., traffic diversion is excessive, substantial resident complaints, accidents, substantial delays to emergency services), the procedure would return to working group meetings to make modifications and repeat the above steps. If it appeared that modifications could not be developed that would resolve the problem(s), staff would recommend to the City Council that the trial be abandoned. Further information about removing traffic calming measures is included below.

Conduct survey of residents regarding results of trial.

Staff distributes a survey to determine if residents believe that the trial was successful and if the project should be considered for permanent installation. The survey area includes residents and property owners in the entire impacted area. In order for staff to consider recommending to the City Council that the project be approved for permanent installation, support must be indicated by a super majority (67+ percent) of survey responses from the affected households with a minimum response of 90 percent of the Affected Area.

Review results of trial plan and decide on permanent installation.

Staff prepares a report to the City Council on the outcome of the trial plan. Residents and property owners of the Affected Area are notified. If the minimum project area support is not obtained, or if the plan was clearly not successful, staff will recommend removal of the trial traffic calming plan.

The City Council will receive public testimony, discusses the project, and will authorize trial plan be removed, modified or made permanent. If the Council does not approve proceeding with permanent installation of the traffic calming plan, the project ends at this point and the trial installation is removed, unless Council directs that the process return to select another alternative.

Design and implement permanent plan and conduct follow-up evaluation.

The permanent installation is designed and bids are solicited for construction. The design might also need to be contracted out, in which case bids would also need to be solicited for the design work. Meetings with residents may be needed for designs of permanent measures. City Council approval is required for consultant and construction contracts exceeding a certain amount. A follow-up evaluation of the effectiveness of the plan may be conducted up to three years after permanent installation.

#### 4.6. Removal

Removal of a previously approved traffic calming plan, either of a trial before the trial period expires, or of a permanent installation after it is constructed, will require the same process be followed that was used to install the plan initially. This means that a

constructed improvement will require 67+ percent of impacted area households representing a minimum of 90 percent of the Affected Area.

Traffic calming measures may also be subject to removal at either the trial or permanent stages for various reasons, including conformity with the Americans with Disabilities Act (ADA), impacts on emergency services, accident problems, or safety problems determined by the Traffic Safety Committee. Depending on severity, all or a part of a traffic calming plan may be removed at the direction of staff for these reasons.

If traffic calming measures conflict with access to new development, it will be the responsibility of the developer to modify, relocate or remove the traffic calming measures. Removal should be a last resort, and a replacement public benefit will be required if traffic calming measures are removed.

#### 4.7. Staging

Traffic calming measures vary from simple to complex, and from inexpensive to very costly. In the implementation process for any plan, simple traffic calming measures will be tried first. When a plan is developed, stages of implementation will be included. Trial installations will show which levels work. After permanent installation, if the follow-up surveys show the initial stages are not adequate, additional stages will be added, first as trial, then as permanent, according to the above process. The priority of all stages of a plan will date back to the original request.

### 5. Traffic Management Elements

There are four traffic management elements, described here, which are used to slow traffic on residential streets and to encourage correct driving behavior. The first three are currently in use in Belmont. The fourth, traffic calming, is covered by this program.

#### 5.1. Education

Traffic speed education currently consists of three primary methods:

School Presentations – traffic safety officers conduct presentations at elementary, middle and high schools in the community. Elementary school presentations are geared towards keeping children safe, but also have an element of getting messages home to parents. Middle school and high school presentations are geared towards developing in new drivers a proper respect for traffic laws and understanding the dangers of inappropriate driving behavior.

Publicity – traffic safety programs at community events, flyers to residents, newspaper press releases and articles and cable TV broadcasts are all used to get the message to adult drivers of the dangers of speeding and other inappropriate driving behavior.

Speed Trailer – the Police Department will deploy the speed display trailer in areas where speed is a recurring problem. The trailer advises drivers how fast they are going, with a display showing the speed limit. This method is effective, but does not last when the speed trailer is removed.

### 5.2. Enforcement

Traffic enforcement duties are the primary responsibility of the Belmont Police Department. Directed Traffic Enforcement (DTE) is handled by uniformed patrol personnel who assist with traffic enforcement when not responding to other calls. DTE often results from a series of traffic complaints or from a request for Traffic Control or Traffic Calming as an early step in the process. DTE is determined either by the Police Department based on frequency of complaints or by the Traffic Safety Committee when a request is evaluated.

Traffic complaints received by the Police Department are reviewed by the Division Commander, logged for future reference and assigned to a unit for resolution. The Administrative Sergeant assigns the complaint to a uniformed officer who personally contacts the reporting party to discuss the matter and its resolution. Solutions can include education, DTE, radar speed trailer deployment, other enforcement as appropriate, or referral to the Traffic Safety Committee for traffic engineering of control or calming measures. Enforcement can result in a verbal warning or a citation, which is forwarded to the courts for disposition. Enforcement often includes elements of education and may lead to additional traffic engineering.

### 5.3. Traffic Control

Traffic control is the traditional method of controlling the speed of traffic. Traffic control consists of signs, striping, pavement markings and traffic signals. Traffic controls are authorized by state law and by local ordinance. Warrants are required for installation of regulatory traffic controls such as stop signs, speed limit signs and traffic signals. The City cannot add a stop sign, change a speed limit or add or modify a traffic signal without first conducting an engineering study to determine if warrants are met.

Traffic controls are a tool for controlling traffic speeds, but are not included in this program because they are adequately covered by standard traffic control manuals, such as the Traffic Manual (Caltrans) and the Manual of Uniform Traffic Control Devices (Federal Highway Administration).

### 5.4. Traffic Calming Measures

This program deals with the fourth element of traffic speed management, traffic calming. The toolbox of measures available for traffic calming are shown in Appendix A. Each measure has its own purpose and location on a street, or in a street system. Each application for traffic calming will evaluate the appropriateness of each measure based on

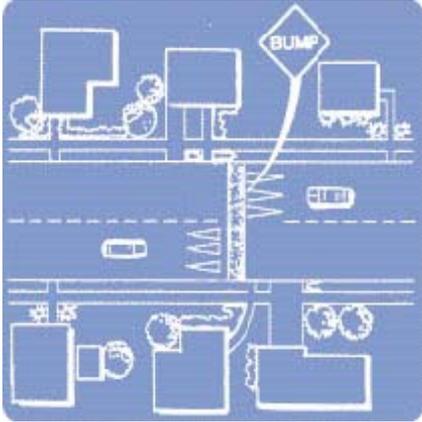
the physical nature of the street, and the current use of the street. Detailed design of each measure will follow established design guidelines used by other government agencies.

## 6. Funding

City staff will attempt to obtain grant funding for any trial and/or permanent traffic calming installation. However, if no grants are available, the residents shall be required to pay through voluntary contributions and/or a benefit assessment district. The cost of maintaining any installed device above and beyond normal City services (i.e. curb painting, street sweeping, etc.) shall be included.

If a voluntary contribution program is used, a deposit of 50 percent must be made before final design can begin, and the remaining 50 percent must be deposited before a construction contract can be advertised. Resident funding will be received only for approved traffic calming projects, with the purpose being to speed up permanent construction. Resident funding will not be used to speed up the qualification and study process or to qualify otherwise unqualified projects.

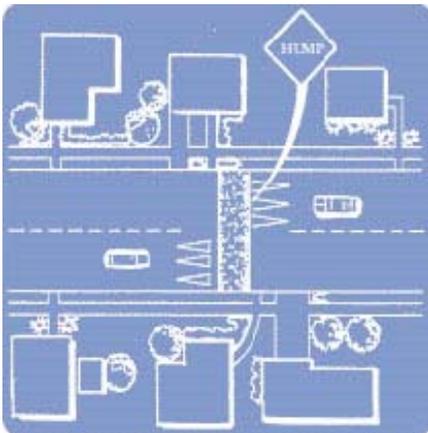
APPENDIX A – Toolbox of Traffic Calming Measures



**Speed Bump**  
*a.k.a. road bump*

Speed bumps are short and abrupt rounded raised areas placed across the road.

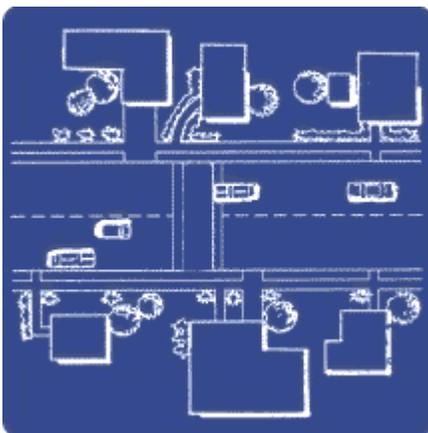
**Cost Estimate:**  
\$1,500



**Speed Hump**  
*a.k.a. road hump, undulation*

A speed hump is a longer and more rounded raised area placed across the road.

**Cost Estimate:**  
\$2,000-2,500



**Speed Tables**  
*a.k.a. trapezoidal humps, speed platforms*

Speed tables are flat-topped speed humps often constructed with a brick or other textured materials on the flat section.

**Cost Estimate:** \$2,500-\$3,000

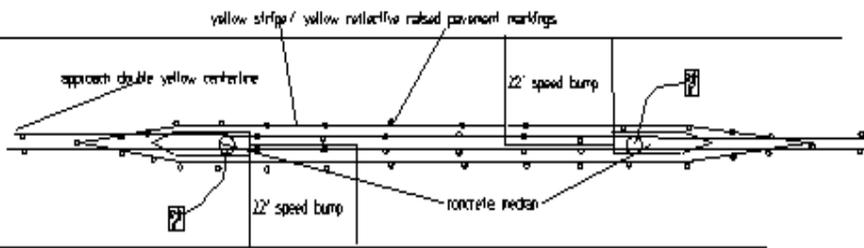


**Speed Cushions**

An improved form of speed hump which does not span the full width of the road. It has tapered edges and is wide enough to force cars to pass over at least part of the hump, while fitting within the axle width of buses and emergency vehicles.

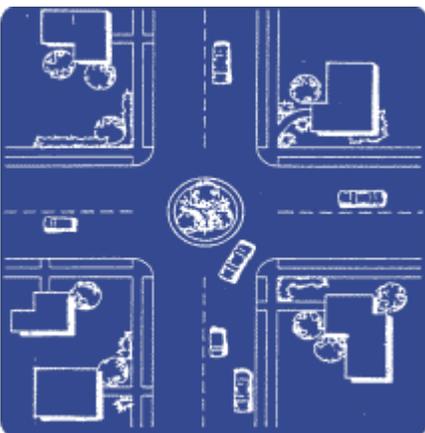
**Cost Estimate:** \$2,500-\$3,000

Split Speed Bump Plan



**Split Humps**

**Cost Estimate:**  
\$3,000

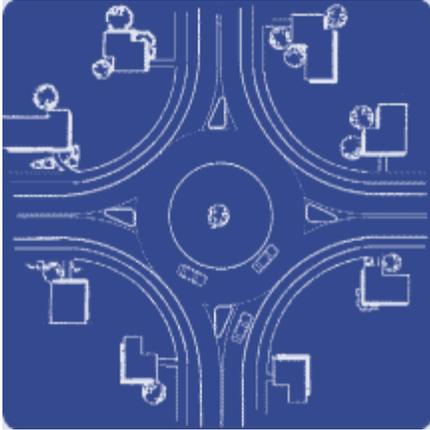


**Traffic Circles**

*a.k.a. intersection islands*

Traffic circles are islands, placed in intersections, around which traffic circulates.

**Cost Estimates:**  
\$5,000-\$8,000 Simple  
\$15,000-\$40,000 High Aesthetic/  
Low Maintenance

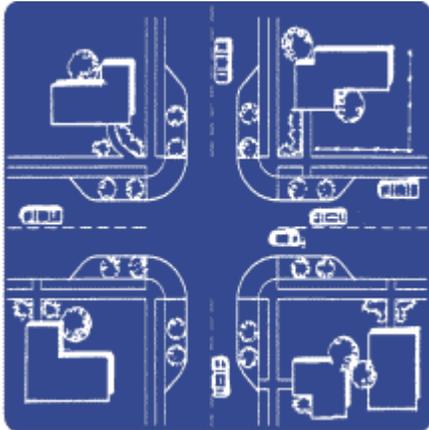


**Roundabouts**

*a.k.a. rotaries*

Roundabouts require traffic to circulate counterclockwise around a center island. Unlike traffic circles, roundabouts are used on higher volume streets to allocate rights-of-way among competing movements.

**Cost Estimate:** \$100,000 and up depending on size

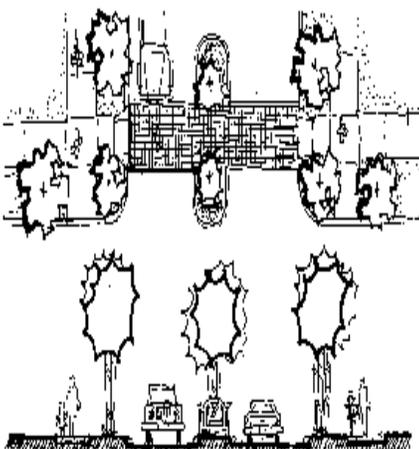


**Neck Downs**

*a.k.a. nubs, bulbouts, knuckles, intersection narrowings, corner bulges, safe crosses*

Neckdowns are curb extensions at intersections that reduce roadway width curb-to-curb.

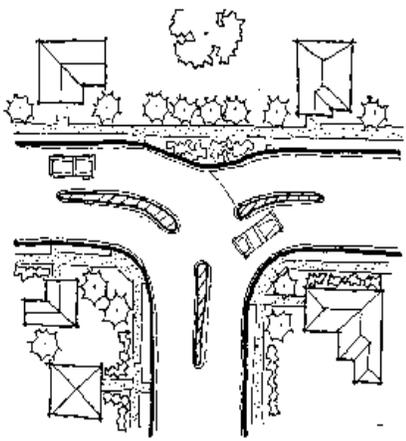
**Cost Estimate:** (set of 2)  
 \$4,000-\$5,000 simple  
 \$10,000-\$50,000 High Aesthetic/  
 Low Maintenance



**Gateways**

A special entrance feature, similar to a choker, that narrows a street at the intersection in order to reduce width of the traveled-way. Considered to be more dramatic and provide identity to a neighborhood.

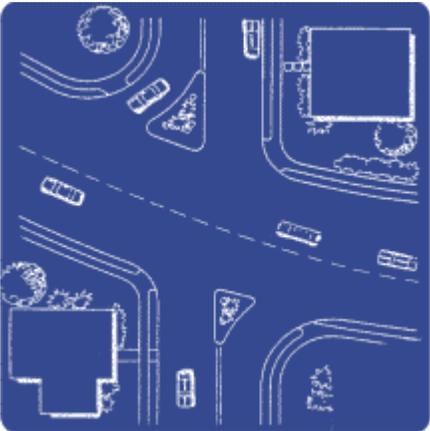
**Cost Estimate:**  
 \$2,000-\$3,000 Simple  
 \$20,000-\$50,000 High Aesthetic/  
 Low Maintenance



**Channelizers**

T-intersections are channelized so that vehicles are not traveling in a straight path. This has the effect of slowing vehicles down.

**Cost Estimate:**  
 \$10,000-\$15,000 Simple  
 \$25,000-\$100,000 High Aesthetic/Low Maintenance (depends on size)

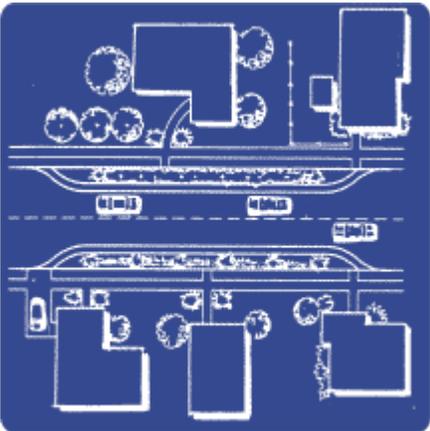




**Forced Turn Islands**  
*a.k.a. forced turn channelizations, pork chops, right turn islands*

Forced turn islands are islands on approaches to an intersection that block certain movements.

**Cost Estimate:**  
 \$4,000-\$6,000 Simple  
 \$20,000-\$30,000 High Aesthetic/Low Maintenance

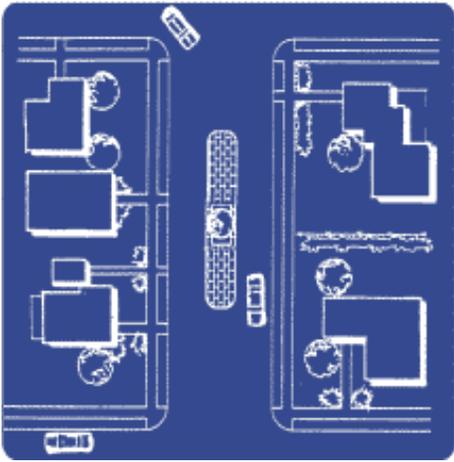




**Chokers**  
*a.k.a. pinch points, midblock narrowings, midblock yield points, constrictions*

Chokers are curb extensions or islands on one or both sides of the street that narrow the street at that location.

**Cost Estimate:**  
 \$7,000-\$10,000 Simple  
 \$20,000-\$50,000 High Aesthetic/Low Maintenance

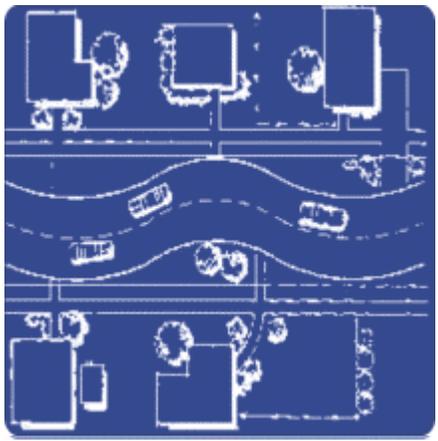




**Median Islands**  
*a.k.a. midblock medians, median slowpoints, median chokers*

Median Islands are islands located along the centerline of a street that narrow the street at that location.

**Cost Estimate:**  
 \$5,000-\$15,000 Simple  
 \$20,000-\$35,000 High  
 Aesthetic/Low Maintenance





**Chicanes**  
*a.k.a. deviations, serpentines, reversing curves, twists*

Chicanes are curb extensions or islands that alternate from one side of the street to the other, forming S-shaped curves.

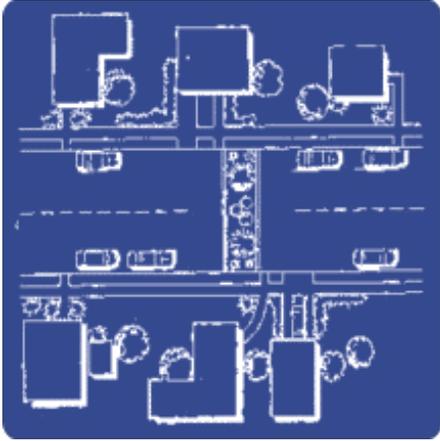
**Cost Estimates:**  
 \$14,000-\$20,000 Simple  
 \$25,000-\$50,000 High  
 Aesthetic/Low Maintenance



**Woonerf**

Designed to enhance street use by pedestrians, children, bicycles and motor vehicles by using vegetative barriers, street curves, speed bumps and varying street surface materials.

**Cost Estimates:** Varies based on size and condition of street



**Closures**

*a.k.a. cul-de-sacs, dead ends*

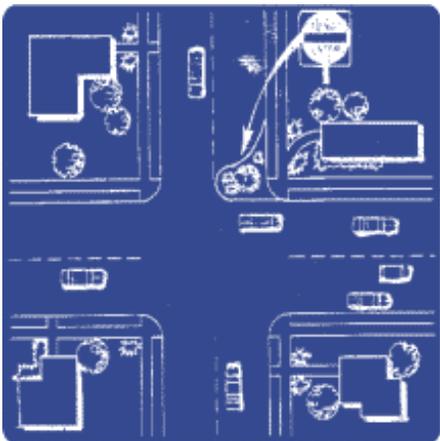
Full street closures are barriers placed across a street to completely close the street to through-traffic, usually leaving only sidewalks open.

**Cost Estimate:**

\$5,000-\$10,000 Simple

\$80,000-\$100,000 High

Aesthetic/Low Maintenance  
(i.e. Hallmark Drive)



**Half Closures**

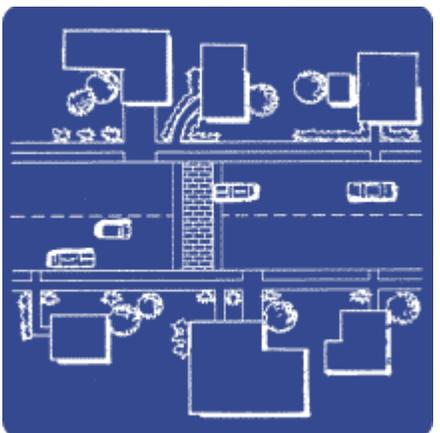
*a.k.a. partial closures, one-way closures*

Half closures are barriers that block travel in one direction for a short distance on otherwise two-way streets.

**Cost Estimates:**

\$3,000-\$5,000 Simple

\$10,000-\$15,000 High Aesthetic/  
Low Maintenance

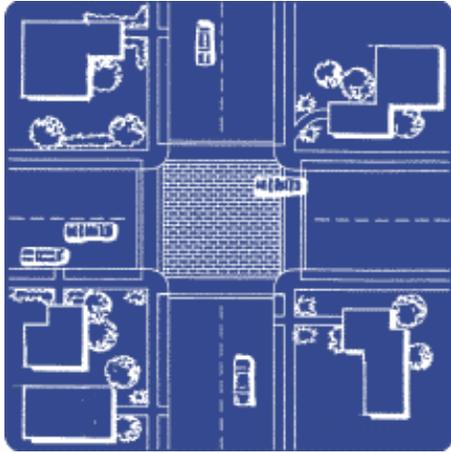


**Raised Crosswalk**

*a.k.a. raised crossings, sidewalk extensions*

Raised Crosswalks are speed tables outfitted with crosswalk markings and signage to channelize pedestrian crossings, providing pedestrians with a level street crossing.

**Cost Estimate:** \$2,500-\$3,000

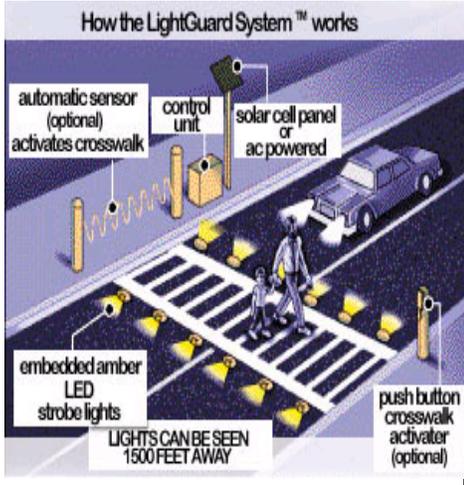


**Raised Intersection**

*a.k.a. raised junctions, intersection humps, plateaus*

Raised intersections are flat raised areas covering entire intersections, with ramps on all approaches and often with brick or other textured materials on the flat section.

**Cost Estimate:**  
\$12,500 (Sarasota, FL)

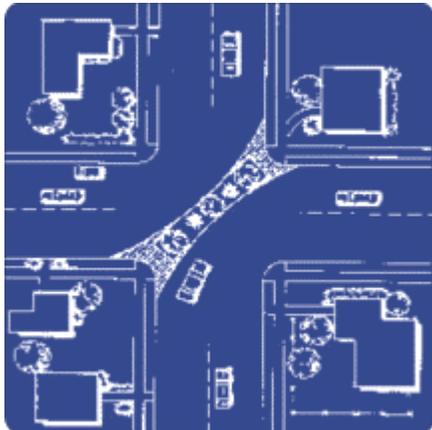


**Lighted Crosswalk**

*a.k.a. automatic crosswalk*

Strobe lights set into the pavement are activated by pedestrians warning motorists the crosswalk is in use.

**Cost Estimates:**  
\$30,000-\$40,000

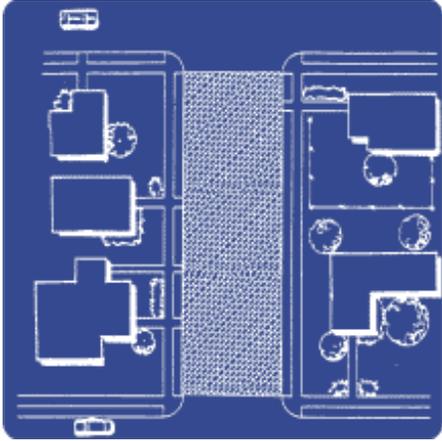


**Diverter**

*a.k.a. full diverters, diagonal road closures*

Diverter are barriers placed diagonally across an intersection, blocking through movement.

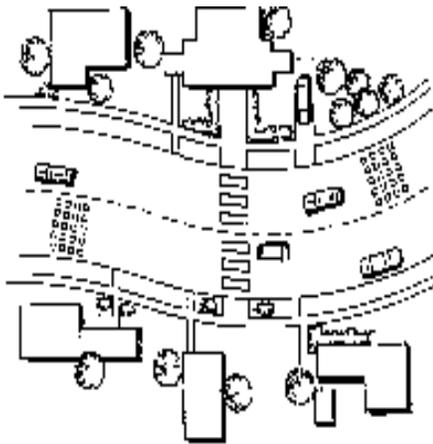
**Cost Estimate:**  
\$3,000-\$5,000 Simple  
\$40,000-\$100,000 Large High Aesthetic/Low Maintenance



**Textured Paving**

Textured Pavements, such as brick or stone surfaces, cause drivers to have a slightly bumpy ride over an extended distance, while improving the aesthetic quality of the street environment.

**Cost Estimate:**  
\$10,000-\$20,000



**Rumble Strips**  
*a.k.a. edge warnings*

Dots are glued to the pavement to create a strip that causes the vehicle to rumble as it traverses through them. This causes vehicles to slow down. Each installation costs less than \$500 for two approaches.

**Cost Estimate:**  
\$500 per series



**Offsets**  
*a.k.a. lateral shift*

Offsets move traffic from one side of the road to the other, often alternating parking.

**Cost Estimate:**  
\$1,000-\$2,000 striping  
\$2,000-\$20,000 curbing

APPENDIX B – Summary of Speed Survey Data



APPENDIX C – Petition for Traffic Calming



APPENDIX D– Speed Hump Policy



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL  
WENDÉ PROTZMAN, INTERIM CITY MANAGER**

**FROM: ROBERT BRENNAN, CHIEF OF POLICE**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: STUDY OF TRAFFIC DATA 1996 V. 2006**

#### **RECOMMENDATION:**

Review the comparison of the 1996 Traffic Enforcement Study to 2006 traffic data and provide direction to staff.

#### **BACKGROUND:**

During the October 2007 Traffic/Transportation Subcommittee meeting, a member of the public presented a traffic enforcement study from 1996. The committee requested staff do a comparison from the 1996 study to 2006 for review and bring it to Council in November.

#### **INTRODUCTION:**

Our Computer Aided Dispatch data system only has records subsequent to July of 1996. Therefore, the data below is a reflection of FY 96/97 and FY 06/07. Comparing those two periods, the Town of Atherton has experienced:

- a decrease in officers assigned solely to traffic enforcement
- a decrease in police officers
- an increase in traffic collisions
- a decrease in citations and warnings

**ANALYSIS:**

	<b>FY 96/97</b>	<b>FY 06/07</b>
Traffic Officers	2	1
Total Police Officers	25	21
Traffic Collisions	119	128
Traffic Stops (citations, written warnings, verbal warnings)	10,571	2,688

Council's actions in the 1990s to address traffic-related concerns resulted in the addition of traffic officers assigned solely to the enforcement of traffic-related laws and investigations. Though many factors can impact the number of citations written and the number of collisions reported within our community, fewer officers assigned to traffic enforcement and fewer police officers working for the Town most likely resulted in fewer traffic stops and possibly the increase of collisions.

Indeed, there was a period in the late 1990s when the Town had three police officers assigned to traffic enforcement. The reorganization of 2000 included the elimination of the Traffic Safety Program (all three of those positions) and the elimination of four police officer positions.

**CONCLUSION:**

In a comparison of FY 96/97 and FY 06/07, the number of traffic stops does not appear to impact the number of collisions that occur within the Town. The significance of fewer traffic stops from FY 96/97 to FY 06/07 may be a direct result of the number of police officers employed by the Town and the number of officers dedicated to the enforcement of traffic-related issues.

**FISCAL IMPACT:**

None.

Prepared by:

Approved:

\_\_\_\_\_  
Robert Brennan  
Chief of Police

\_\_\_\_\_  
Wendé Protzman  
City Manager



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
WENDÉ C. PROTZMAN, INTERIM CITY MANAGER**

**FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: TRAFFIC ON HOLBROOK LANE**

#### **RECOMMENDATION:**

Receive data from traffic counts made before and after signal timing changes at Marsh Road, and give direction to staff.

#### **BACKGROUND:**

Residents of Holbrook Lane complained about cut-through traffic in the morning peak period. Staff evaluated the situation and determined that traffic was detouring off Marsh Road because Marsh Road was backing up at the traffic signal at Middlefield Road. Once it backed up during the peak school period, it was unable to recover for a long time.

The Transportation Subcommittee considered this item in January 2007. The Subcommittee recommended that staff take actions to alleviate traffic that did not require Council approval, i.e., did not include signs that must be approved by Council in order to be enforced. Staff adjusted the signal timing in the a.m. peak period to provide 10 seconds additional green time for each cycle of the light and increased the gap time so the signal would not go red as quickly if drivers were not quite keeping up with the cars in front of them. Also right turn arrows were added to the Marsh Road and Northbound Middlefield Road phases.

Traffic counts on Holbrook Lane were taken in October/November 2006 before the adjustments were made. The signal modifications were completed in the summer of 2007. Traffic counts were taken again in September 2007 and again in October/November 2007. However, the count machines malfunctioned in the October/November 2007 counts; therefore, the analysis below is

based on the September 2007 counts. While this data is not as complete as the 2006 data, it is sufficient to draw conclusions. Counts can be taken again in November/December using dual machines to assure more reliable verifiable data is collected, if so directed by Council.

The Transportation Subcommittee was updated on this item at the October 2007 meeting. Staff was directed to take additional counts and to continue working with Encinal School on their traffic study. This item was then requested to be placed on the November Council agenda instead of waiting until the January Subcommittee meeting.

### **ANALYSIS:**

In 2006, the peak traffic on Holbrook Lane was present in both the 7 a.m. and 8 a.m. hours, with volumes averaging 154 vehicles in the 7 a.m. hour and 85 vehicles in the 8 a.m. hour. (Note that Daylight Savings changes time during the counts, but the counter cannot be programmed to change).

In 2007, the peak traffic on Holbrook Lane averaged 64 vehicles in the 7 a.m. hour and 20 vehicles in the 8 a.m. hour.

These traffic volumes show that the signal changes have been effective in reducing the diversion of traffic in the 7 a.m. peak period, with traffic reduced by 45%. It also shows that traffic recovers significantly with the 8 a.m. traffic reduced by 76%.

From field observations it was determined that the peak congestion at the Marsh Road/Middlefield Road intersection occurs between 7:45 a.m. and 8:15 a.m., with free-flow conditions on Middlefield Road before and after those times. Some diversion will still occur during this one-half hour peak time, because Marsh Road traffic will sometimes be unable to proceed through the signal because Middlefield Road is backed up to Marsh Road due to Menlo-Atherton High School and Encinal School bound traffic occurring at the same time as work-bound traffic to Menlo Park businesses.

Staff has requested, as a part of the currently underway Encinal School improvements traffic study, that an 8:30 a.m. start time at Encinal School be evaluated. Removing those vehicles from the congestion on Middlefield Road could help alleviate the peak traffic on Middlefield Road. Encinal School is also considering testing this revised start time next semester to see if traffic is improved. The traffic study will also evaluate the installation of a traffic signal at Encinal Avenue, and its effect on traffic at the Marsh Road and Holbrook Lane intersections. If it is shown to help with traffic flow, a joint project of Atherton, Menlo Park (from traffic impact fees from developments that impact traffic on Middlefield Road) and the Menlo Park School District can implement the traffic signal.

Menlo Park and Atherton received a Traffic Engineering Technical Assistance Program (TETAP) grant from the Metropolitan Transportation Commission (MTC) to study traffic signal coordination improvements that could be implemented in the Middlefield Road corridor from Ringwood Avenue to Marsh Road. This study evaluated the warrants for a signal at Encinal Avenue and determined that warrants are met. The study recommended that, due to the distance

between signals, Marsh Road and Encinal Avenue, if signalized, would not benefit from signal coordination.

The TETAP study also evaluated the addition of additional northbound left turn lanes on Middlefield Road at Ravenswood Road. Ravenswood Road currently operates at Level of Service (LOS) E (on a scale from A to F). Adding the lane could improve the LOS to C. Because traffic backs up the entire length of Middlefield Road from Ravenswood Road to Marsh Road during the AM peak ½ hour, this modification should help alleviate traffic congestion in the corridor, on Marsh Road, and on Holbrook Lane. The project to add the lanes will be sponsored by Menlo Park, with assistance as needed from Atherton.

Menlo Atherton High School also participated in the TETAP study to evaluate traffic circulation to the school. It was determined that an entrance to the school at Ravenswood Road would not be detrimental to the operation of the intersection, and that the addition of a second northbound left turn lane on Middlefield Road would also help the school entrance circulation.

And finally, Menlo Park and Atherton received a Regional Signal Timing Program (RTSP) grant from the MTC to retime the signals at Oak Grove Avenue, Ravenswood Avenue and Ringwood Avenue. This retiming is anticipated to improve the flow of traffic through those intersections during peak hours. This could reduce the congestion on Middlefield Road that currently backs up to Marsh Road. The signal retiming implementation is anticipated in December 2007.

### **ALTERNATIVES:**

Alternatives for consideration by the Council may include:

1. Direct staff to take no further action. This acknowledges that the signal changes have improved traffic flow on Marsh Road and reduced traffic flow on Holbrook Lane, except during the ½ hour morning school peak, and that during that ½ hour there is little that can be done locally because traffic is backed up on Middlefield Road. This acknowledges that signal retiming and other Middlefield Road improvements may improve the situation further.
2. Direct staff to continue counting traffic and either return at the December meeting or return to the Transportation Subcommittee in early January for further direction.
3. Direct staff to wait until the signal retiming is implemented and Encinal School completes their traffic study and start time change, recount at that time and return to the Transportation Subcommittee for further direction at that time.
4. Direct staff to proceed with implementing the northbound left turn at Ravenswood Road, in conjunction with Menlo Park, and to return to Council with a cost sharing agreement.
5. Direct staff to work with the Menlo Park School District and Menlo Park to install a traffic signal at Encinal Avenue, if traffic is shown to be improved, and return to Council with a cost sharing agreement.
6. Direct staff to place signs prohibiting through traffic on Holbrook Lane during the peak hours of 7-9 a.m. Enforcement of these signs could result in diversion of traffic to other streets, which then may require additional signs.

7. Direct staff to place signs prohibiting left turns from Holbrook Lane to Middlefield Road during the peak hours of 7-9 a.m.. Enforcement of these signs would avoid left turning traffic blocking the intersection and causing a backup of traffic attempting to turn right.
8. Direct staff to study extending the right turn lane on Marsh Road. This would allow right turning vehicles to bypass the left turn queue, resulting in less diversion to Holbrook Lane. This could also be accomplished by extending the Atherton Channel box culvert and widening the intersection to the south, avoiding impacts to heritage Oak trees on the north side of the road. It would also repair the channel wall for the distance of the box culvert extension. Return to either the Transportation Subcommittee or Council with traffic study and a project concept, including estimated costs.

**FISCAL IMPACT:**

Fiscal impact will depend on direction given.

Prepared by:

Approved by:

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Duncan L. Jones, P.E.  
Public Works Director

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Wendé Protzman  
Interim City Manager

Attachments: October/November 2006 Count Data  
September 2007 Count Data

Site Name            Holbrook Ave.  
 Jurisdiction         Atherton  
 Study Type          Volume (ch1)  
 Location Code       44  
 Direction            West  
 Date                 10/17/2006  
 Real Time            15:08  
 Start Date          10/18/2006  
 Start Time          12:00  
 Sample Time         00:15  
 Operator Number     1  
 Machine Number     1

Friday, November 24, 2006

HR	Channel 1					Channel 2					Channel 1 + Channel 2				
	HR	00-15	15-30	30-45	45-00	HR	00-15	15-30	30-45	45-00	HR	00-15	15-30	30-45	45-00
Begin	Total					Total					Total				
00	2	1	0	1	0										
01	2	0	0	2	0										
02	1	0	1	0	0										
03	0	0	0	0	0										
04	0	0	0	0	0										
05	1	0	0	0	1										
06	1	0	1	0	0										
07	3	1	1	1	0										
08	11	2	2	3	4										
09	12	4	3	1	4										
10	19	3	2	11	3										
11	14	3	5	3	3										
12	13	1	6	3	3										
13	23	10	4	6	3										
14	25	7	5	9	4										
15	22	5	10	4	3										
16	17	2	4	5	6										
17	21	0	11	4	6										
18	14	6	2	4	2										
19	12	4	2	4	2										
20	10	2	2	2	4										
21	10	4	3	2	1										
22	3	1	0	1	1										
23	6	1	2	2	1										
	242	Total					Total					Total			

Channel 1

AM Peak Hour Start       10:30  
 AM Peak Hour Total       22  
 AM Peak Hour Factor      50.00 %  
 PM Peak Hour Start       14:30  
 PM Peak Hour Total       28  
 PM Peak Hour Factor      70.00 %

Channel 2

AM Peak Hour Start  
 AM Peak Hour Total  
 AM Peak Hour Factor  
 PM Peak Hour Start  
 PM Peak Hour Total  
 PM Peak Hour Factor

Channel 1 + 2

AM Peak Hour Start  
 AM Peak Hour Total  
 AM Peak Hour Factor  
 PM Peak Hour Start  
 PM Peak Hour Total  
 PM Peak Hour Factor

Site Name                Holbrook Lane  
 Jurisdiction            Atherton  
 Study Type              Volume (ch1)  
 Location Code          12345  
 Direction                NA  
 Date                      9/27/2007  
 Real Time                14:03  
 Start Date               9/27/2007  
 Start Time               15:00  
 Sample Time             00:10  
 Operator Number        7  
 Machine Number        1

Friday, October 05, 2007

HR	Channel 1								Channel 2						Channel 3			
	Total	00-10	10-20	20-30	30-40	40-50	50-00		Total	00-10	10-20	20-30	30-40	40-50	50-00	Total	00-10	
00	0	0	0	0	0	0	0											
01	0	0	0	0	0	0	0											
02	0	0	0	0	0	0	0											
03	0	0	0	0	0	0	0											
04	0	0	0	0	0	0	0											
05	0	0	0	0	0	0	0											
06	2	0	1	0	0	0	1											
07	88	0	0	2	0	51	35											
08	6	4	2															
09																		
10																		
11																		
12																		
13																		
14																		
15																		
16																		
17																		
18																		
19																		
20																		
21																		
22																		
23																		
	96	Total								Total							Total	

Channel 1  
 AM Peak Hour Start        07:20  
 AM Peak Hour Total        94  
 AM Peak Hour Factor       30.72 %  
 PM Peak Hour Start  
 PM Peak Hour Total  
 PM Peak Hour Factor

Channel 2  
 AM Peak Hour Start  
 AM Peak Hour Total  
 AM Peak Hour Factor  
 PM Peak Hour Start  
 PM Peak Hour Total  
 PM Peak Hour Factor

Channel 1 + 2  
 AM Peak Hour Start  
 AM Peak Hour Total  
 AM Peak Hour Factor  
 PM Peak Hour Start  
 PM Peak Hour Total  
 PM Peak Hour Factor





## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: LANDSCAPING FOR 12 SELBY LANE, ATHERTON**

#### **RECOMMENDATION:**

Review report by Arborist Kevin Kielty pertaining to replacement landscaping following improper heritage tree removal at 12 Selby Lane. Provide direction to Staff regarding replacement landscaping and expenditure of funds for this purpose.

#### **BACKGROUND:**

On or about July 5, 2006, four pine trees and one walnut tree were damaged when their roots were cut by workers in the process of installing a wall on the property located at 12 Selby Lane. The pine trees eventually had to be removed. The survivability of the walnut tree is doubtful.

The City Council authorized a lawsuit to be filed pursuant to the provisions of Chapter 8.10 of the Atherton Municipal Code. Case No. CIV 457574 was filed in the Superior Court of California, County of San Mateo on September 12, 2006. This case was settled by written agreement dated November 8, 2006. As part of the settlement, the owner agreed to plant five 15 gallon trees to be selected from a list provided by the Town Arborist and to plant seven evergreen shrubs to be selected by the owner and to enter into an agreement to maintain these plantings.

Attached to this Staff Report as Exhibit A is a report prepared by Arborist Kevin Keilty containing recommendations regarding additional landscape mitigation that the Council may wish to approve using some or all of the funds obtained from the settlement with the 12 Selby Lane property owners. Total funds received were \$20,000.

Prepared By:

/s/ Marc Hynes

Marc G. Hynes  
City Attorney

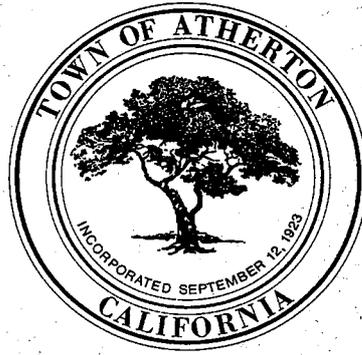
Attachment

Approved By:

\_\_\_\_\_  
Wendé C. Protzman  
Interim City Manager

**Comments on Existing  
Landscape  
and  
Landscape Recommendations**

**12 Selby Lane  
Atherton, CA**



November 7, 2007

Town of Atherton  
Attn: Marc Hynes  
91 Ashfield  
Atherton, CA

Dear Mr. Hynes,

Site: 12 Selby Lane, Atherton, CA

As requested I visited the above site for the purpose of inspecting and commenting on the newly landscaped area. Protected trees were removed at this location and replacement trees were installed.

**Assignment:**

As assigned I will provide recommendations for further landscaping at this location. The neighbors have voiced their opinions as to the future of this strip of land. The neighbors surrounding this site will be interviewed and their opinions will be considered in my recommendations.

**Site:**

The easement in question is a strip of land 200 feet long and 12 feet wide that is parallel to Cebalo Lane. A new 6 feet tall block wall was recently installed along the north east edge of the easement. 5 replacement



trees were installed in compliance with the Town of Atherton's Heritage Tree Ordinance. The replacement trees are Crape Myrtle approximately 10 feet tall with a spread of 5 feet. The trunk calipers are less than 1 inch. Existing yucca palms that have been over pruned or cut down to ground level have re-sprouted. The trees installed and the existing yuccas do not provide

screening of the new wall. Under story plants including cactus, agapanthus and raphiolepis have been installed, however the newly planted shrubs do not contribute greatly to the site. An irrigation system for the newly planted trees and shrubs has been installed.

The remainder of the property is lined with large redwoods, blue atlas cedar and incense cedar. The large trees are on the south and east portions of the property. The existing trees are 60 to 70 feet in height and provide shade to the entire property.

**Methodology:**

Letters were hand delivered or mailed to the neighbors to allow them to voice their concerns as what they feel is needed to restore the property. All of the homes on Cebalo Lane and the neighbors on each side of 12 Selby Lane were included in the mailing. I received feedback from four residents of the area and I later met with 3 of the neighbors. A trip to Boething tree land provided information as to the height, spread and cost of the species of trees that will be recommended. Advanced Tree Care provided estimates as to the cost of planting the different sized trees.

**Planting Possibilities:**

Five species were considered for planting on this site. Three species of deciduous and two species of evergreen trees were measured. The trees considered are as follows:

**Evergreen**

- Coast redwood
- Coast live oak

**Deciduous**

- Red oak
- Washington hawthorn
- Valley oak

**Coast redwood**

Fast growing, tall slender tree with thick foliage. The species makes a great screen.

Height and spread per box size

48" boxed (pictured)

Height 18'

Spread 7'

60" boxed

Height 25'

Spread 10'





**Coast live oak**

Native, dominant tree in Atherton area  
Susceptible to oak root fungus and  
water mold disease

Height and spread per box size

60" Boxed (pictured)

Height 18'

Spread 11'



**Washington Hawthorn**

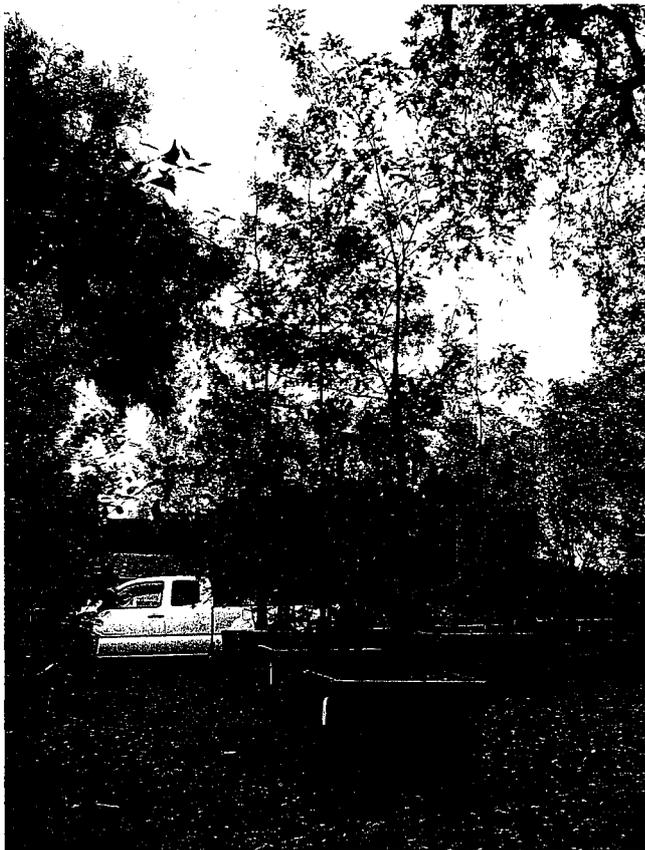
Fast growing, good screen despite  
being deciduous  
Excellent fall color, attractive fruit

Height and spread per box size

36" Boxed (pictured)

Height 16'

Spread 7'



**Red Oak 36" Boxed**

Fast growing, relatively pest free with good fall color.

Height and spread per box size

36" Boxed (Pictured)

Height 16'

Spread 7'



**Valley Oak 36" Boxed**

Native, average to slow growth rate, largest of western oaks. Fall color is poor to fair.

Height and spread per box size

36" Boxed (pictured)

Height 15'

Spread 6'

48" Boxed

Height 20'

Spread 10'

**Purchased and Installed tree prices per tree by box size**

	<b>Purchased</b>	<b>Installed</b>
36" boxed tree	\$500.00	\$1,200.00
48" boxed tree	\$1,100.00	\$2,500.00
60" boxed tree	\$2,500.00	\$5,000.00

**Summary:**

Though the replacement trees installed fulfilled the owner's legal responsibility, they did not restore the property to near its previous state. The exposure of the wall is not screened and is unsightly. The trees recommended will be of a size and species that will help provide screening of this wall and the large house. Factors such as mature height, future maintenance, light quality and the possibility of root damage will be considered. Recommendations will be made as to what is right for the location. Overall cost of the trees will not effect the recommendations.

**Recommendations:**

Install 6-36" boxed Red oaks along Cebalo lane. The replacement trees should be evenly spaced between the pillars of the wall. The 5 planted crape myrtles should be replanted in groups near the gate. The existing yuccas should be removed and the stumps ground. The newly planted shrubs can be lifted and replanted in the strip.

Red oaks will provide a good screen in the summer months and a fair screen in winter months. The deciduous trees will provide shade in the summer and light in the winter. Fall color will be good to excellent. The overall thickness of a red oak is much like the walnut that was removed. The existing irrigation will be modified to accommodate the new planting. The spacing of the 36" boxed trees will be ideal to allow the planted trees to mature to a proper size. Use of larger boxed trees will be slightly taller in height but will not greatly improve the screen. The use of larger specimens or a larger number of trees may cause the site to be over planted. Over planting may cause the installed trees to have a poor form due to irregular growth.

**Future Maintenance:**

The oaks will be fertilized with a starter fertilizer at the time of planting. The installer will be responsible for the corrective thinning of the trees and the improvements of the irrigation. Existing irrigation will be used to maintain the trees vigor. The trees will need a light corrective thinning in 3 years. The trees should be monitored for soil moisture and the possible insect infestation. Costs should not exceed \$1,000.00 per 3 year period until the trees are established. The cost of installing 6-36" boxed trees, improving irrigation systems and a 3 year maintenance program would be approximately \$9,000.00.

The information included in this report is believed to be true and based on sound arboricultural principles and practices.

Sincerely,



Kevin R. Kiely  
Interim Arborist Town of Atherton  
Certified Arborist WE#0476A





October 29, 2007

Homeowner  
Neighbors of 12 Selby Lane  
Atherton, CA

Dear Resident,

I would like to take a moment to introduce myself. My name is Kevin Kielty. I am a Certified Arborist, WE#0476A. My expertise has been requested by Marc Hynes, City Attorney for the Town of Atherton. My goal is to work together with you and the Town of Atherton to reach a resolution to the recent removal of the heritage trees located at 12 Selby Lane.

I will need to submit my recommendations by Thursday, November 8, 2007. I will be making visits to the site to inspect and evaluate the situation. I also welcome your thoughts, comments and concerns. Please feel free to contact me so I may gather your feedback. I will consult with Marc Hynes with my findings and the feedback I receive from you. The preferred method to respond would be by E-mail, other methods will be Phone or Fax. My contact information is as follows,

Kielty Arborist Services  
Kevin R. Kielty  
P.O. Box 6187  
San Mateo, CA 94403

PH 650-525-1464  
FX 650-525-1439  
E-Mail kkarbor0476@yahoo.com

Your rapid response will be greatly appreciated.

Sincerely,

Kevin R. Kielty  
Certified Arborist WE#0476A



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL  
WENDÉ C. PROTZMAN, INTERIM CITY MANAGER**

**FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: TOWN HOME IMPROVEMENTS**

#### **RECOMMENDATION:**

Staff is developing two plans for Town Home improvements. The first plan is for required improvements, the second for enhancements recommended by staff, the Park and Recreation Commission and the Facilities Committee (the Facilities Committee has not yet addressed this issue). Council to give additional direction or recommendations.

#### **BACKGROUND:**

In March of 2007, the Town Home was inspected by a professional home inspector. A report was prepared detailing required and suggested improvements to the Town Home. In August of 2007, City Manager Jim Robinson retired, necessitating normal cleaning and painting for a change of tenants, as well as providing a window of time with an empty house in which to accomplish improvements to the house. In September of 2007, the Park and Recreation Commission toured the Town Home and made recommendations regarding improvements and enhancements. A meeting of the Facilities Committee is being scheduled.

#### **ANALYSIS:**

##### Plan 1 - Necessary Improvements

The following have been determined to be the necessary improvements. Most are underway either by staff or by staff obtaining bids that will allow City Council approval of contracts:

Removal - by staff, remove debris from the house and yard (already on second dumpster full)

Clean - interior, yard, roof & gutters, wood floors

Electrical - per inspection report, by Town electrical contractor. Repair outlets and switches, master panel, lights. Also replace lights and fans where needed (most fixtures).

Seismic - per inspection report, install seismic anchors and brackets, reinforce cripple walls, etc.

Repairs - various items per inspection report, rotten wood, gutters, windows

Painting - interior and exterior walls and trim, clean & stain deck, gazebo and front door  
Restoration - restore tile and fixtures in all bathrooms, replace shower doors in master  
Flooring - replace carpeting with laminate floors (wood floors are an enhancement)  
Patio - per inspection report, remove rotted wood, fill, level concrete and resurface, fix back stairs (add handrail if not able to fix to meet code)  
Planters - by staff, fix irrigation system, add weed fabric and mulch (plants chosen by new CM)  
Trim vegetation - per inspection report remove roof overhanging branches, trim trees and shrubs  
Kitchen - replace countertop at gas cooktop, refinish island countertop, add lights, seal drafts  
Window blinds - add new mini-blinds where old plastic blinds have deteriorated  
Alarms - alarm company to recondition to make fire and intrusion alarms work

Plan 2 - Enhancements

Flooring - replace bathroom floors with appropriate tile or laminate floors  
Flooring - install wood floors in place of carpeting (instead of laminate)  
Kitchen - replace cabinets, countertops, appliances and windows, add prep sink on island  
Front walk - remove wood, fill, level concrete and resurface  
Spa Room - either remove room entirely or upgrade to standard (doors, stairs, lights, etc.)  
Attic - per inspection report, add ventilation  
Crawl space - per inspection report,  
Driveway - reseal  
Bathrooms - add vent fans to all bathrooms, replace tub with shower where window conflicts or add door to outside from yellow bath, install jacuzzi tub/shower and window in master  
Garage - fill cracks and coat floor, replace plastic mini-blinds  
Living room - add mantel to fireplace  
Dining room - replace windows with French doors either to deck, to patio or both, and/or open wall between kitchen and dining room

**FISCAL IMPACT:**

It is anticipated that Plan 1 will use most if not all of the \$100,000 budgeted for the Town Home this year. Plan 2 enhancements are itemized separately, and will have costs and priority order recommended by the Finance Committee to allow the City Council to decide how much or how little to spend.

Prepared by:

Approved by:

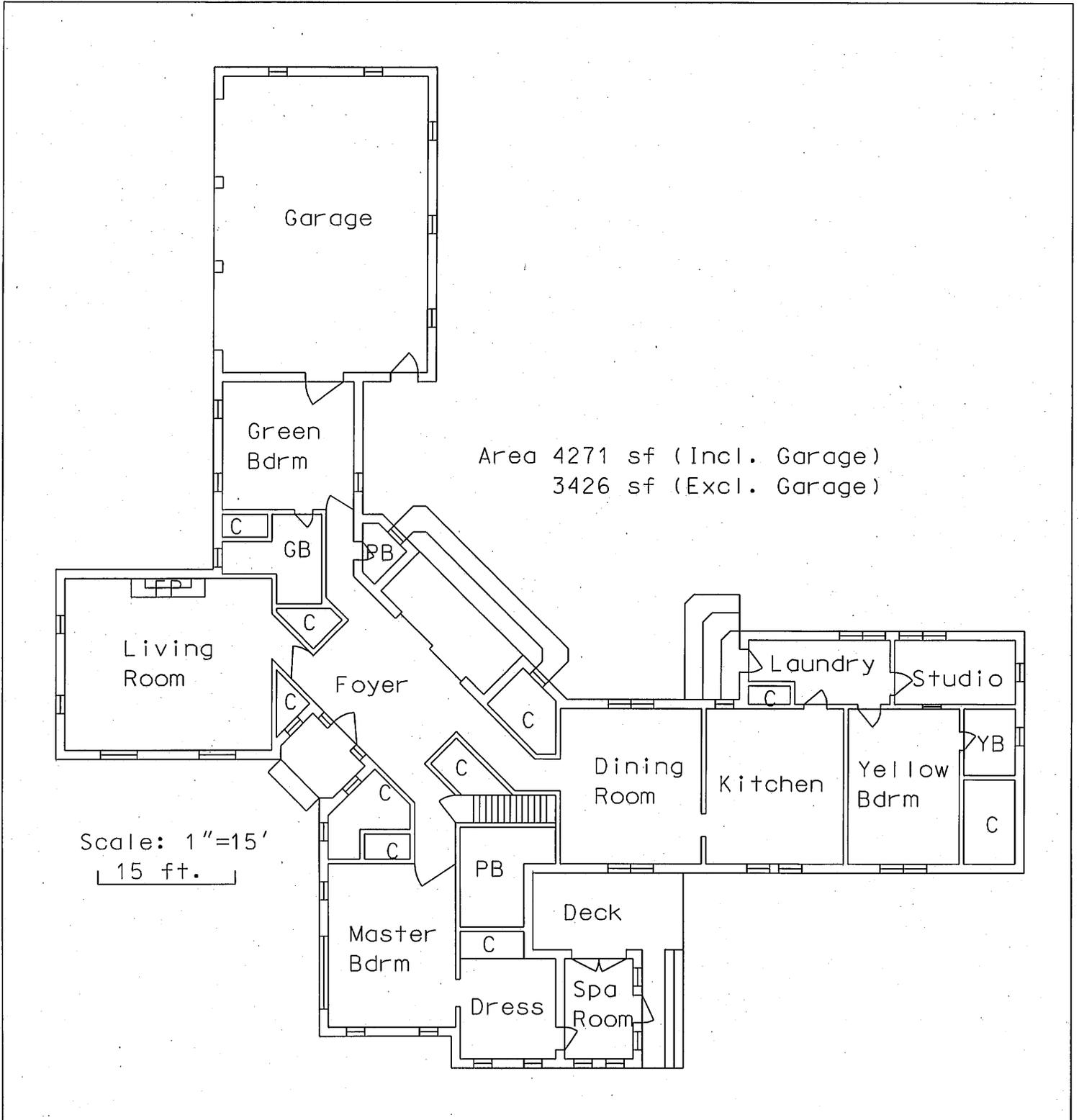
\_\_\_\_\_  
Duncan L. Jones, P.E.  
Public Works Director

\_\_\_\_\_  
Wendé C. Protzman  
Interim City Manager

Attachments: Detailed Improvement List  
Floor Plan

HOLBROOK-PALMER PARK TOWNHOUSE REPAIRS AND UPGRADES					
Plan 1 - Necessary Items					
Report	Location	Description	Repair/Upgrade	By	Cost
X	Removal	Entire house and grounds	Remove and discard benches, patio chairs, cinder blocks, BBQ, garage ceiling, garage shelving, closet shelving, old desk, trash enclosure, shed, sawhorses, misc. items in yard and on walls and ceilings, miniblinds, folding screen in m. bdrm doorway, dead plant material and weeds, crawlspace debris (report), front steps handrail, green carpet	Staff	
	Donate	Any staff member	Basketball stand and armoire	Staff	
	Donate	Town	Ping pong table	Staff	
	Cleaning	Entire house	Hire cleaning crew for top-to-bottom clean once work is done	Cleaning Contract	
	All baths	Tile	Refinish tile and grout	Bath Refinishers	
	All baths	Fixtures	Refinish fixtures to restore shine	Bath Refinishers	
	All baths	Walls and wood	Repair and repaint water damage	Paint Contract	
	Front foyer	Wallpaper	Remove and paint	Paint Contract	
X	Painting	Entire house, inside and out	Clean, patch, reseal penetrations and light fixtures, and repaint inside and out	Paint Contract	
	Front door	Outside sun damaged	Refinish	Paint Contract	
X	Garage walls and doors	Dirt and paint	Clean, patch and repaint garage walls and inside of doors (report)	Paint Contract	
X	Gazebo, deck and swing	Wood	Repair, refinish (pressure wash?) and seal	Paint Contract	
	Hot tub	Dirty, tiles coming off	Remove	Paint Contract	
X	Hot tub deck	Deteriorated/discolored	Reset deck screws, repair, refinish and seal	Paint Contract	
	Kitchen	Outside vent	Remove vent to outside behind refrigerator	Paint Contract	
	Radiator wells	Left open	Drywall, paint and match molding	Paint Contract	
X	Garage door to patio	Rotted wood, loose doorframe	Replace door and frame	Paint Contract	
X	Patio	Rotted wood, uneven concrete	Remove wood, fill with concrete, repair broken areas, level concrete, coat with Sundek	General Contract	
	Front walk	Old concrete, rotted wood	Remove wood, fill with concrete, and coat with Sundek	General contract	
X	Seismic	Seismic brackets, sill anchors, shear walls, gas connections and strapping	Install brackets between floor beams and support posts, reanchor sills, reinforce cripple walls as shear walls, add flexible gas connectors to water heater and furnace and restrap water heater	General Contract	
	Gazebo and swing	Roof lath	Replace with shade cloth	General Contract	
X	Crawl space	Ductwork, insulation, screens and plumbing	Repair for ground clearance, insulation, duct damage, vent screens and plumbing supports	General Contract	
X	Basement	Furnace	Floor clearance and flue clearance	General Contract	
	Kitchen	Counter tops	Replace stovetop countertop to match tile countertop, refinish island wood	General Contract	
	Kitchen	Windows	Replace greenhouse windows (2) with one large window down to backsplash	General contract	
	Master Bedroom	Window rusted, seal gone	Replace window panes or entire window (consider opening window to match living room)	General contract	
	All floors	Holes in floor	Seal all holes	Flooring Contract	
	Green carpet	Holes and tears	Replace carpeting with laminate flooring	Flooring Contract	
	Wood floors	Dirt and scratches	Clean and seal (if possible) or refinish	Flooring Contract	
	Bathrooms	Old style linoleum	Replace with laminate	Flooring contract	
X	Roof	Damaged/missing tiles, penetrations	Repair missing tiles, reseal penetrations	Roofing contract	
X	Gutters	Downspouts disconnect, cracks	Reconnect downspouts, repair/replace cracked and broken pieces	Roofing contract	
	Planters	Patio and around house	Fix irrigation system, place fabric and mulch	Staff	
	Master bath	Toilet seat worn	Replace seat only	Staff	
	Master bath	Shower door rusted, glass not code	Replace entire door	Staff	
	Basement door	Weather strip gone	Replace	Staff	
X	Trees	On roof	Trim trees to 5 feet above roof	Staff	
X	Roof	Leaves, debris and dirt	Clean leaves and debris	Staff	
	Smoke detectors	Missing	Add smoke detectors thruhgout	Staff	
	Door stops	Missing rubber, bent	Replace all, add where none	Staff	
	Fire and burglar alarms	Questionable working condition, no access code	Alarm company to inspect and make sure all alarms work	Alarm Contract	
X	Garage door detectors	Improperly mounted (report)	Reset to proper location, add safety decal	Electrician	
			Exchange for ungrounded outlets, install proper GFCI outlets in bath, kitchen, garage, laundry, basement (sump pump) and outdoors	Electrician	
X	Electrical outlets	Throughout house ungrounded		Electrician	
X	Electrical panel	Labels, correct box, circuits and main breaker	Label all breakers, check box defects, check kitchen circuits, check main breaker size (200 v. 150)	Electrician	
X	Light bulbs	Exposed incandescent	Replace with proper fixture or bulb	Electrician	
	Light switches	Mismatched	Replace with decora switches	Electrician	
	Light switches	Bathrooms	Instal switches to operate lights	Electrician	
	Spa room	Low light clearance	Exchange for light in room with more clearance	Electrician	
X	Gazebo	Interior light fixture	Replace	Electrician	
	Kitchen	Lighting	Down lights above sink and in ceiling, pendant lights above island	Electrician	
	Kitchen	Wiring	Rewire to code	Electrician	
	Ceiling fans	Noisy, dirty, old	Replace with new with light fixtures	Electrician	
	Lights	Old lights	Replace throughout house	Electrician/Staff	
	Front walk	Improper walkway lights	Replace with standard lights	Electrician	
	Window blinds throughout	Plastic blinds, no blinds	Replace/install new miniblinds inside windowframe	Staff	
	All baths	Small mirror and inappropriate lights	Replace with larger mirror, medicine cabinet and lights that go with room	Staff	
	Master bath	Sink faucet	Replace faucet and valves, retain handles (if appropriate)	Staff	

HOLBROOK-PALMER PARK TOWNHOUSE REPAIRS AND UPGRADES					
Plan 2 - Optional Items					
Report	Location	Description	Repair/Upgrade	By	Cost
	Kitchen	Outdated, unworkable, etc.	Remove existing counters, cabinets and appliances (except island counter and built in hutch)	Staff	
			Repair drywall	Staff	
			Replace twin ovens with large oven, small oven and microwave	Staff	
			Add 6-burner gas cooktop and range hood in place of existing cooktop, microwave and cabinets	Staff	
			Repair, replace or remove Trutone food processor in island counter	Staff	
			Replace cabinets, countertops, sink, faucet and appliances (standard overhead cabinets up to soffit)	Cabinet contract	
			Replace island top wood with granite	Cabinet Contract	
			Add a food prep sink on the island, preferably near stove, but practically above cabinet	Cabinet Contract	
	Spa door	Interior door	Replace with exterior door	General contract	
	Back door by kitchen	Plywood lower damaged	Replace with exterior door	General contract	
X	Back stairs	No handrail (report)	Add handrail if stairs not fixed by patio concrete work	General contract	
	Swing pavers	Cracked and broken	Replace with whole pavers from yard, buy new if available	Staff	
	Hall closet	Exposed vent pipe	Box in vent	General contract	
X	Garage floor	Cracks and uneven coating	Seal cracks, level uneven cracks and recoat	Paint Contract	
	Garage mini-blinds	Deteriorated plastic blinds	Replace with new or use blinds from inside (if they fit)	Staff	
	Roof	Dirt	Pressure clean roof	Staff/Roofer?	
X	Attic	Ventilation	Install vents and/or attic fan	Staff/Roofer?	
X	Driveway	Old AC	Reseal	General contract	
	All baths	No ventilation	Add vent fans with lights	General contract	
	Yellow bath	Window conflicts with shower	Replace tub with shower stall or add door to back yard	General contract	
	Living room	Firplace lacks a mantel	Add a wood mantel	General contract	
	Spa Room	Out of place	Remove spa room and deck, add concrete steps and patio	General contract	
	Dining room	Closed in	Replace windows with french doors (use spa rom doors?), open to kitchen	General contract	
	Master bath	Tub	Replace with jacuzzi tub/shower combo, with window	General contract	





## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: FOR THE MEETING OF NOVEMBER 14, 2007**

**SUBJECT: ABSENCE OF OVERCHARGES IN BUILDING PERMIT FEES  
UNIFORM BUILDING CODE TABLE 1-A/CALIFORNIA BUILDING  
CODE TABLE 1-A**

#### **RECOMMENDATION:**

Direct Staff regarding actions to recover under charges for building permit fees. An issue has arisen concerning the possible overcharge of building permit and inspection fees. As may be seen from the memorandum dated September 29, 2007, from the Building Official on the subject of charges for public services, building permit and inspection fees, it appears that the Town has not been overcharging for fees. In fact, it appears that the Town may have collected less than it was entitled to collect, although this amount may not exceed some \$30,000.00.

#### **BACKGROUND:**

The September 29, 2007, memorandum (Attachment A) shows the background behind collection for building permit and inspection fees. The Town based its collections on the 1997 Uniform Building Code, having initially adopted the schedule in 2000. It subsequently confirmed Tables in that code in 2003.

Beginning in 2001, the State of California began using the California Building Code instead of the Uniform Building Code. The Tables in the California Building Code (Table 1-A) were virtually identical with the Table utilized by the Uniform Building Code (Table 1-A) with one 50 cent difference. Table 1-A of the Uniform Building Code is attached as Attachment B. Table 1-A in the California Building Code is attached as Attachment C. The only difference occurs in projects valued at 1 million dollars and above.

It appears that Acting Building Official Mike Cully, looking at the California Building Code, which would have been understandable given his background and experience, concluded that the Town was collecting charges to which it was not entitled based upon the Table in the California Building Code. A review of the California Building Code, and particularly, Section 107.1 as set forth in Exhibit C shows that fees are assessed in accordance with the California Building Code or, as set forth in fee schedules adopted by the jurisdiction. Since the Town of Atherton had adopted fees developed under the Uniform Building Code, despite the fact that the Uniform Building Code, was superseded in every other respect by the California Building Code, the Town's actions in adopting fees per the Uniform Building Code should have continued in effect.

The Town in collecting fees from mid-October, 2006, to present in line with the California Building Code is under, rather than over the amounts what should be charged. While the discrepancies may be related to changes in Tables adopted by uniform codes, the simple fact of the matter is that the 1997 Uniform Building Code Table continues in effect. The Town has not over collected as Mr. Cully believed.

**FISCAL IMPACT:**

Dependent upon recovery of charges uncollected from mid-October, 2006, to date, reduced by costs of collection.

Prepared By:

Approved By:

/s/ Marc Hynes

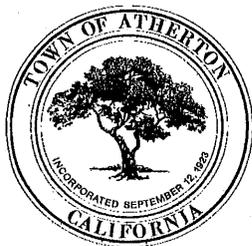
Marc G. Hynes  
City Attorney

\_\_\_\_\_  
Wendé C. Protzman  
Interim City Manager

Attachments

- |           |   |
|-----------|---|
| Exhibit A | Table 1-A Uniform Building Code         |
| Exhibit B | Table 1-A California Building Code      |
| Exhibit C | California Building Code, Section 107.1 |

ATTACHMENT A



**Town of Atherton**

91 Ashfield Road  
Atherton, California 94027  
650-752-0500  
Fax 650-688-6528

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Date: September 29, 2007

To: Wendé Protzman, Interim City Manager  
Marc Hynes, City Attorney

From: Michael C. Wasmann, Building Official

Subject: Charges for Public Services, Building Permit and Inspection Fees

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At the direction of the City Council, the Building Department has conducted in-depth studies of the receiving and calculating of building permit fees. The City Council has received reports that the building department may have been overcharging applicants for building permit fee.

Resolution No. 00-13 was adopted by the City Council of the Town of Atherton May 17, 2000. A. Building Permit and Inspection Fees: Fees calculated in accordance with Table 1-A of the 1997 Uniform Building Code, based on a valuation of new construction and of remodeling at \$250.00 per square foot.

Resolution No. 03-19 was adopted by the City Council of the Town of Atherton September 17, 2003 amending resolution No. 00-13 by modifying fees for services related to building and planning and confirming existing practice regarding building permit valuations. Building Permit Fees: In determining the permitted value of construction, the Building Department uses either a standard factor of \$250 per square foot or the actual cost of the new construction based upon contract documents provided by a homeowner. The latter approach is justified in circumstances such as gazebo, garage or similar type of structure that is not of the same complexity as a main building.

City Council staff report was prepared by John P. Johns, Finance Director, dated September 17, 2003 for the above resolution of modifying fees for services related to planning and building and confirming existing practice regarding building permit valuations. On page three, second paragraph, in order for the Building Department to meet this revenue requirement, we propose the following:

- That the City Council direct staff to calculate fees at 100 percent of the levels established in accordance with Table 1-A of the 1997 uniform building code, and

- Fees for planning related activities be established at actual costs with an initial non-refundable deposit in the amount of \$750.00 per application.

Resolution No. 07-17 was adopted by City Council of the Town of Atherton June 18, 2007 modifying fees for services related to building and planning.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA**, that fees relating to building and planning be adjusted as set forth below. All other fees authorized by prior ordinances, resolutions or minute actions by the City Council shall remain in effect:

**Building Permit and Plan Check Fees:** In determining the permitted value of new residential construction, the Building Department shall use a standard factor of \$350 per square foot for habitable space and \$250 per square foot for non-habitable space. For residential remodeling projects, the Building Department shall use a value of \$350 per square foot for habitable space or \$250 for non-habitable space. However, for residential remodeling projects, the Building Department shall have the authority to adjust the permitted value to the actual cost of such remodeling activity provided that the applicant is able to demonstrate through presentation of an executed contract with a properly licensed contractor that the actual costs of said construction activity will be substantially less than the standard values established herein.

The Building Department has been determining the permit fee since May of 2000 consistent with resolution 00-13 through resolution 07-17. During the Phase II audit report the internal audit staff recommended to implement the use of computer-based algorithms, rather than pre-printed tables to calculate permit fees due and payable. In the middle of October acting building official Michael Cully implemented an electronic fee calculation form called Omni Form. Permit fees were calculated from the **California Building Code** using Table 1-A instead of Table 1-A in the **Uniform Building Code** which would have been consistent with the current resolution. All fees up to \$1,000,000.00 are correct only after \$1,000,000.00 is there a conflict with the fee resolution. Table 1-A in the Uniform Building Code \$1,000,001.00 and up charge \$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof. California Building Code factor changed for each additional \$1,000.00 to \$3.15 which calculates to a lesser figure of \$.50

Building Department has been collecting fewer fees than required from mid October 2006 to present than required by Town resolutions. Affected projects are those valued at \$1,000,000.00 and above.

Mike Wasmann  
Building official

Attached: Resolutions: 00-13, 03-19 & 07-17  
Uniform Building Code Table 1-A and California Building Code Table 1-A  
City Council staff report prepared by John P. Johns, Finance Director

reinspection fee in accordance with Table 1-A or as set forth in the fee schedule adopted by the jurisdiction.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

**SECTION 109 — CERTIFICATE OF OCCUPANCY**

**109.1 Use and Occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.

**EXCEPTION:** Group R, Division 3 and Group U Occupancies.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

**109.2 Change in Use.** Changes in the character or use of a building shall not be made except as specified in Section 3405 of this code.

**109.3 Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy that shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.

**109.4 Temporary Certificate.** If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

**109.5 Posting.** The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

**109.6 Revocation.** The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**TABLE 1-A—BUILDING PERMIT FEES**

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge—two hours)	\$47.00 per hour <sup>1</sup>
2. Reinspection fees assessed under provisions of Section 305.8	\$47.00 per hour <sup>1</sup>
3. Inspections for which no fee is specifically indicated (minimum charge—one-half hour)	\$47.00 per hour <sup>1</sup>
4. Additional plan review required by changes, additions or revisions to plans (minimum charge—one-half hour)	\$47.00 per hour <sup>1</sup>
5. For use of outside consultants for plan checking and inspections, or both	Actual costs <sup>2</sup>

<sup>1</sup>Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

<sup>2</sup>Actual costs include administrative and overhead costs.

**ATTACHMENT C**

**TABLE 1-A**

**2001 CALIFORNIA BUILDING CODE**

**TABLE 1-A—BUILDING PERMIT FEES**

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge—two hours)	\$47.00 per hour <sup>1</sup>
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5. For use of outside consultants for plan checking and inspections, or both	Actual costs <sup>2</sup>

<sup>1</sup>Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

<sup>2</sup>Actual costs include administrative and overhead costs.

**THERE IS  
NO WRITTEN  
REPORT FOR  
ITEM NO. 28**